

# SAFE SPORT: WHAT YOU NEED TO KNOW

Safe Sport is the new norm in our sport, but confusion still exists. We clarify the law and explain how it applies to you.

BY SUE WEAKLEY

TOWARD SAFETY FOR ALL: Safe Sport law and policies aim to ensure an environment free from abuse for all athletes, especially minors



**S**afe Sport has become a part of our horsey lexicon, but it elicits very different reactions. Some consider it little more than fodder for gossip about trainers behaving badly. Others view Safe Sport as an omnipotently powerful threat to the reputations and careers of those who make their living in the equestrian world. Many have experienced a chilling effect, causing them to second-guess the impulse to give someone a leg up or a congratulatory hug.

Regardless of how you feel about it, Safe Sport is a part of our lives today as active members of a United States Equestrian Federation (US Equestrian, or USEF) affiliate, which is part of the Olympic movement.

As a USDF member, you may have completed the online Safe Sport training. When the training requirement was implemented in 2018 and took effect January 1, 2019, confusion abounded in the equestrian community: Where did the mandate come from, and why? To which sport organizations does it apply? Who has to take the training, and what consequences await if a person fails to comply?

In this article, we'll answer these and other questions, with the aim of helping you understand what your responsibilities—and rights—are as members of the equestrian community and participants in the sport.

## UGLY REVELATIONS SET CONGRESS IN MOTION

In 2016, reports began surfacing about a years-long pattern of sexual abuse of female athletes by then USA Gymnastics national team doctor Lawrence “Larry” G. Nassar. Hundreds of current and former gymnasts came forward with reports of abuse, and in 2017 Nassar pleaded guilty to charges of sexual assault, among others, and was sent to prison.

The public would later learn that abuse was prevalent in a myriad of sports. An 18-month US Senate investigation found “alarming and dysfunctional systems” that allowed emotional, physical, and sexual abuse to persist in sports including gymnastics, swimming, figure skating, taekwondo—and equestrian sports.

On February 14, 2018, S.534, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, was signed into federal law. (Read the full text at [congress.gov/bill/115th-congress/senate-bill/534](https://congress.gov/bill/115th-congress/senate-bill/534).) Congress authorized the US Center for Safe Sport—which had become the official organization for the Olympic movement when it launched on March 3, 2017—to operate as an independent entity to investigate

and resolve allegations of suspected sexual, physical, or emotional abuse of athletes, particularly minor athletes.

The US Center for SafeSport—as recognized by Congress, by the United States Olympic & Paralympic Committee (USOPC), and by the respective sports’ designated US national governing bodies (NGBs)—is the official safe-sport organization for all Olympic, Paralympic, Pan American, and Para Pan American sports in the United States. The USEF is the NGB for equestrian sport in the US. As the official USEF affiliate organization for the sport of dressage, the USDF falls under the USEF’s NGB umbrella.

## WHAT THE LAW DOES AND WHO MUST COMPLY

S.534 imposes general requirements on athletic organizations, including child-abuse-prevention training for adult members who have regular contact with minor athletes. This requirement extends to all amateur sports organizations participating in interstate or international athletic competition whose membership includes any adult who is in regular contact with minor athletes.

To comply with the requirements, the USEF requires all active members aged 18 and older with Competing memberships to complete SafeSport training. The requirement includes adult amateurs; professionals; age-appropriate juniors; and horse owners, including those who have annual, three-year, or lifetime memberships. Also required to take Safe Sport training are USEF-licensed officials, *chefs d’équipe*, staff members, board members, and competition

## SAFE SPORT AND THE USDF

**U**S Equestrian’s (USEF) Safe Sport policy imposes requirements on its affiliate organizations, of which the USDF is one. The USDF has identified certain groups that have regular contact with minor athletes and therefore are required to complete Safe Sport training in accordance with USDF policy. These groups include, but are not limited to, USDF staffers, USDF Executive Board members, members of designated USDF committees, contractors, volunteers with identified roles within USDF youth programs, USDF-certified instructors, and USDF L graduates.

Safe Sport training is not a general requirement of USDF membership, but USEF compliance is necessary when USEF membership is a prerequisite for participation in a USDF program.

The USDF website contains information about the Safe Sport Initiative as well as links to Safe Sport resources. To learn more, visit [usdf.org](https://usdf.org) and click on the Safe Sport menu item.

management. USEF also requires that all coaches, human physiotherapists, farriers, trainers, veterinarians, and select contractors who represent the organization and who are formally approved, appointed, or authorized by USEF must complete training.

The SafeSport training requirement does not apply to USEF fan members or to active USEF members under the age of 18 with Competing memberships. USEF does offer age-appropriate training to minors subject to parental consent.

The initial SafeSport training course, referred to as the Core Center for SafeSport Training, consists of

resource for any sports entity, from youth to professional, and provides consultation on prevention techniques and policies while developing best practices and educational programs focused on promoting athlete well-being and putting an end to emotional and physical abuse in sports. The Center also provides a safe, professional, and confidential place for individuals to report sexual misconduct within the US Olympic movements. In an effort to prevent further abuse, the Center also retains the authority to prohibit and/or restrict participation of those found guilty of abuse from any NGB organizations associated with the USOPC and the Olympic movement.

Whatever your thoughts about Safe Sport, it's important to understand that the federal government authorized its existence and it's here to stay. If you participate in a US Equestrian-licensed competition, you are responsible for knowing the information outlined in the US Center for SafeSport's Code and Policies and Procedures, and in USEF's Safe Sport policy. By virtue of your participation, you have expressly agreed to USEF's Safe Sport policy and the Center's code, including the applicable policies and procedures.

### SAFE SPORT: GUIDING PRINCIPLES

Misconceptions remain about the scope and rules of Safe Sport. Here, from US Equestrian's online Safe Sport Resource Center, is an overview of what it means to be Safe Sport-compliant, as well as what actions the US Center for SafeSport can and cannot take in response to a report of suspected abuse. Read this section; then test your SafeSport IQ with the true/false quiz on page 48.

US Equestrian's Safe Sport tagline reads: "Recognizing, reducing, and responding to misconduct and abuse in sports." This mission statement employs the philosophy that, as a group, we are obligated to ensure that members, especially minors, are safe while training, competing, and engaging in other activities related to their sport. Policies strive to create an atmosphere free from emotional, physical, and sexual misconduct by mandating the following:

- One-on-one interactions with minors must be observable and interruptible, with exceptions requiring written consent from a legal guardian.
- Adults must include another adult on all electronic communications with minors in connection with USEF-sanctioned activities.
- An adult may travel with a minor only if there is another adult or two other minors present, or with written consent from the minor's legal guardian.
- A working student under the age of 18 who is traveling or living with an instructor/trainer must have written consent from the working student's legal guardian to do so.
- Any actions that could be construed as child abuse, sexual misconduct, or conduct reasonably related to an underlying allegation of sexual misconduct, as well as retaliation related to an allegation of sexual misconduct, must be reported within 24 hours of learning of the event. Failure to report child abuse, including sexual abuse, is a federal crime. If you fail to report, you may be subject to sanction and criminal penalties. Regardless of when the incident occurred, you must report it.

## DON'T PLAY DETECTIVE OR VIGILANTE

If you learn of allegations or suspicions of abuse or misconduct, do not investigate or attempt to evaluate their credibility or validity. Don't confront the accused individual, question the victim, or contact others in an attempt to verify or disprove the allegation. All investigators working for the US Center for SafeSport receive training developed by the US Federal Bureau of Investigation (FBI) on how to conduct forensic interviews as well as other specialized training.

multimedia online modules that take about 90 minutes to complete. The annual SafeSport refresher courses—also mandated for the abovementioned USEF members and designated personnel—take about 30 minutes.

The US Center for SafeSport is an independent nonprofit organization. It describes its mission and authority as follows:

As the nation's designated safe-sport organization, the Center is a

- Sexual misconduct is not the only form of misconduct addressed by the Center's SafeSport code. The code also prohibits physical and emotional misconduct, including stalking, harassment, hazing, and bullying.

## SHOW ORGANIZERS HAVE SAFE SPORT RESPONSIBILITIES, TOO

If you organize USEF-licensed competitions, you are also subject to USEF's Safe Sport policy and the Center's code. The responsibilities of USEF affiliates (including the USDF), their associated organizations, and their activities include preventing a suspended or banned person from attending or participating in any activity or competition authorized by, organized by, or under the auspices of the United States Olympic & Paralympic Committee, the NGBs recognized by the USOPC (including US Equestrian), or any US Equestrian-affiliated organization. Competition licensees and management are responsible for ensuring that no banned or suspended person is on the competition grounds.

## YOUR OBLIGATION TO REPORT

USEF members also have a responsibility to recognize and report emotional, physical, and sexual misconduct at the barn or at the show. So what should you do if you witness or learn of suspected misconduct or abuse involving a minor?

**Report sexual misconduct to law enforcement and to the US Center for SafeSport.** All suspicions of child abuse or sexual misconduct with a minor must be reported both to law enforcement and to the US Center for SafeSport within 24 hours of knowledge of the incident. (A victim of child abuse or other misconduct is not required to self-report.) Knowl-

edge of criminal convictions must be reported to the Center, as well. For state-by-state law-enforcement reporting information, go to [childwelfare.gov/topics/responding/reporting](http://childwelfare.gov/topics/responding/reporting). To report to the Center, go to [uscenterforsafesport.org/report-a-concern](http://uscenterforsafesport.org/report-a-concern) or call (720) 531-0340.

Safe Sport training is not a general requirement of USDF membership, but USEF compliance is necessary when USEF membership is a prerequisite for participation in a USDF program.

### Report nonsexual misconduct.

The USEF handles all reports of nonsexual misconduct. Physical and emotional misconduct, including stalking, harassment, hazing, and bullying, must be reported to USEF. Submit a report by completing the USEF Safe Sport Incident Reporting Form ([usef.org/forms-pubs/DIGFITRWO4E/safe-sport-incident-report-form](http://usef.org/forms-pubs/DIGFITRWO4E/safe-sport-incident-report-form)) and e-mailing to [safesport@usef.org](mailto:safesport@usef.org), or by contacting a member of the USEF's Athlete Protection Team:

- Teresa Roper, Safe Sport Program Coordinator  
(859) 225-6915 or [troper@usef.org](mailto:troper@usef.org)
- Sonja S. Keating, USEF General Counsel  
(859) 225-2045 or [skeating@usef.org](mailto:skeating@usef.org)
- Emily Pratt, Director of Regulation  
(859) 225-6956 or [epratt@usef.org](mailto:epratt@usef.org)

## THE SAFESPORT CHAIN OF EVENTS

You saw or heard something you believe to be suspicious, and you reported it to the proper channel or channels. What happens next?

After the US Center for SafeSport receives a report, it conducts an initial review to determine whether it has jurisdiction over the matter as covered under the SafeSport code. If it does not, it refers the matter to the appropriate NGB. The Center has exclusive jurisdiction over reports of sexual misconduct and will address and resolve those issues. No statutes of limitations apply to reports of incidents of sexual misconduct.

The USEF has jurisdiction, and the Center has discretionary jurisdiction, to investigate and resolve allegations of nonsexual misconduct; emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment; criminal charges not involving child abuse or sexual misconduct; and any allegation that violates USEF's Minor Athlete Abuse Prevention (MAAP) policies.

If the Center does have jurisdiction, it enters a fact-finding and assessment period in which information is gathered and the involved parties are contacted.

The Center does not issue a temporary suspension for every allegation of sexual misconduct. Interim measures may be appropriate in cases in which the risk of continued participation by a respondent could be detrimental to the sport. Temporary measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, implementing measures prohibiting one-on-one interactions, and suspensions from participa-

## TAKE THE SAFE SPORT QUIZ

**B**arn gossip is rampant regarding Safe Sport, and it can be difficult to discern what's truth and what's hearsay. Take the true/false quiz below to test your SafeSport IQ. Answers are at the bottom.

1. **True or False (check one):** Trainers cannot touch students, including demonstrating proper riding position or offering a celebratory hug.  
 True  False
2. A trainer can be banned from USEF membership based on false allegations made by one disgruntled client.  
 True  False
3. A trainer can't give someone under 18 a ride home, if the trainer and the minor are alone in the vehicle.  
 True  False
4. Every person who is reported to the US Center for SafeSport is temporarily suspended until an investigation is conducted.  
 True  False
5. You've been noticing what appears to be inappropriate behavior between your trainer and a 17-year-old at your barn, but you aren't sure whether it's truly misconduct. You should report what you saw to SafeSport anyway.  
 True  False

### Answers:

1. **False.** Trainers can touch students in appropriate ways, such as adjusting leg and hand position or posture in the saddle, and can hug students in celebration or support.
2. **False.** The accused will have an opportunity to be heard by the US Center for SafeSport case investigator. This process occurs before any disciplinary action is taken. A person who falsifies information or maliciously abuses the process is subject to sanctions and potentially also to criminal and legal action.
3. **True.** An adult may travel with a minor only in the presence of another adult or two other minors, or with written consent from the minor's legal guardian.
4. **False.** Temporary suspensions are rare. More than 99% of reports do not result in temporary suspension. In equestrian sport, only 0.5% of reports have resulted in an immediate, temporary suspension.
5. **True.** All reports of child abuse, including sexual abuse, must be reported to the authorities and to the US Center for SafeSport. Failure to report suspected child abuse, including sexual abuse, involving a minor is a federal crime. (Victims of abuse are not required to self-report.)

tion in some or all aspects of sport activity. If temporary measures require monitoring or chaperoning, the respondent may be required to locate, arrange, and/or pay for some or all of those services as a condition of continued participation pending completion of the investigation. The respondent may request an interim-measure hearing at any time.

The fact-finding process may lead to one of four actions: 1) a formal resolution resulting in an investigation, 2) an informal resolution, 3) a case closure when there is insufficient information to move forward, or 4) a finding that there are no violations by the respondent. In an informal resolution, the respondent takes accountability for the action and the matter is considered resolved. The decision is final.

If a formal resolution is indicated, the case is assigned a trained investigator, who conducts interviews and gathers relevant information and evidence. The investigator then issues a report with recommendations to the Response and Resolution Office, which then reviews and issues a subsequent notice of a decision by the US Center for SafeSport. If a sanction is recommended, the respondent may request arbitration. The arbitration decision is final. The USEF enforces sanctions imposed by the Center and any interim measures, including temporary suspensions. According to the Center, as stated in US Equestrian's online Safe Sport FAQ, sanctions will be reasonable and proportionate to the code violation and surrounding circumstances with the intention of protecting participants. One or more of the following sanctions may be recommended: written warning, educational or behavioral programs, loss of privileges, probation, suspen-

sion, or other eligibility restrictions up to and including permanent ineligibility.

## SAFE SPORT MYTHS AND TRUTHS

The rollout, scope, and processes of Safe Sport have received their share of criticism, some of which has been compounded by confusion as to how much power the US Center for SafeSport holds. For instance, some critics have charged that Safe Sport policies and procedures do not give accused individuals (known as respondents) their constitutional rights of due process (a fair chance to be heard) or the chance to confront their accusers, and that respondents have no recourse against false claims.

The Fifth Amendment guarantees that the federal government cannot deprive a person of life, liberty, or property without due process when the issue pertains to criminal proceedings. The Fourteenth Amendment applies those same provisions to state governments. These rights apply to actions by the government as they pertain to the law.

In the US legal system, the right to confront an accuser applies only to criminal law. If an accuser files a civil suit, the accused doesn't have the constitutional right to confront the accuser. Therefore, outside of a criminal trial, that right doesn't exist.

The constitutional guarantees do not apply to private associations. The US Center for SafeSport is a private entity; in other words, it can't find someone guilty of a crime. It can only reprimand someone engaged in conduct that violates its rules—rules that, as you'll remember, are mandated by Congress. In the realm of equestrian sport, the most severe recourse is to restrict or prohibit

participation. Doing so may indeed lead to loss of income or reputation for someone whose career depends on participation in USEF activities, but the restriction or prohibition of participation in a voluntary membership organization is not the same as a criminal proceeding.

Before any disciplinary action is recommended, the respondent has an opportunity to learn what evidence has been gathered, to be heard by the case investigator, to provide evidence, and to submit the names of witnesses who may have factual information to corroborate his or her side of the story.

There are consequences for knowingly making a false report.

US Center for SafeSport investigators know that false accusations are possible and are trained in recognizing inconsistencies. There are consequences for knowingly making a false report, and doing so may also violate state criminal law and civil defamation laws.

## WHAT'S NEXT?

For Safe Sport to have a chance, members of sport organizations need to believe in and understand its influence. As USEF CEO Bill Moroney has acknowledged ("Inside USDF," March/April 2020; "Broadened Horizons," March/April 2020), the USEF knows that the Safe Sport program is fluid and may require modifications. In fact, the USEF Board of Directors approved updates to Safe Sport and adopted

new policies to protect minors (the USEF MAAP policies) as recently as April 2019. In June of that year, the policies went into effect via Congressional requirements mandating that the US Center for SafeSport put in place policies and procedures that limit one-on-one interactions between minor athletes and adults who are not their parents or legal guardians.

To learn more about Safe Sport, start with the USEF website ([usef.org/safesport](http://usef.org/safesport)). You'll find links to the US Center for SafeSport, with extensive resources including:

- Reporting forms and process
- 24-hour help line
- Definitions
- Core Center for SafeSport Training
- US Center for SafeSport's code, policy, and procedures
- US Center for SafeSport's Centralized Disciplinary Database
- USEF Safe Sport policy
- USEF's Safe Sport Sanctions list
- USEF's mental-health resources, including confidential professional counseling sessions available free of charge to USEF members.

*Editor's note:* This article was reviewed by the US Equestrian (USEF) Legal Department and the USEF Athlete Protection Team.



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