

SAFE SPORT POLICY



Recognizing, Reducing, and Responding to Misconduct in Sport

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I. Introduction

There are numerous reasons to engage in equestrian sport at any level, from the beginner to the Olympic athlete. Equestrians share a love for the sport and a personal bond with the horse. People often engage in equestrian sport, whether in the role of an athlete, official, staff member, or other participant, because of their love of horses and simply to have fun. In addition, equestrian sport encourages a healthy lifestyle and builds self-confidence. Unfortunately, sport can also be a high-risk environment for misconduct. All forms of misconduct are both intolerable and in direct conflict with the United States Equestrian Federation's Mission Statement, to provide access to and increase participation in equestrian sports at all levels by ensuring fairness, safety, and enjoyment.

There are six primary types of misconduct covered in this Safe Sport Policy:

- Sexual Misconduct
- Emotional Misconduct
- Physical Misconduct
- Bullying
- Harassment
- Hazing

Misconduct may damage an athlete's psychological well-being. Participants who have been mistreated may experience social embarrassment, emotional turmoil, psychological scars, loss of self-esteem, and negatively affected relationships with family and friends. Misconduct often hurts a competitor's performance and may cause him or her to drop out of sport entirely.

The U.S. Center for Safe Sport (Center) has exclusive jurisdiction over the investigation and resolution of all reports of sexual misconduct under this Safe Sport Policy. The Center has discretionary jurisdiction over the investigation and resolution of all reports of non-sexual misconduct under this Safe Sport Policy.

Suspected sexual misconduct in violation of this Safe Sport Policy must be reported to the Center at 720-524-5640 or www.safesport.org.

If the suspected misconduct is not sexual in nature, report it to USEF by submitting a USEF Incident Report Form, which can be found at www.safesport.usef.org, or contacting one of the members of the Athlete Protection Team:

Sonja S. Keating, General Counsel skeating@usef.org | 859 225 2045
Sarah Gilbert, sgilbert@usef.org | 859 225 2022
Emily Pratt, epratt@usef.org | 859 225 6956

Any inquiries about this Safe Sport Policy can be directed to safesport@usef.org or one of the members of the Athlete Protection Team above.

II. Definitions

The following definitions apply to all sections of this Safe Sport Policy:

- a. **Athlete** - Any rider, driver, handler, vaulter, or longeur who participates in any USEF Licensed Competition or USEF sanctioned event.
- b. **Child, Children, Minor, and Youth**- Anyone under the age of 18. The terms child, children, minor, and youth are used interchangeably throughout this policy.
- c. **Coach/Trainer** - Any adult who has or shares the responsibility for instructing, teaching, schooling, training, or advising an athlete or horse in the context of equestrian sport. The terms Coach and Trainer are used interchangeably throughout this policy.
- d. **Covered Individual** – Includes any Athlete, Minor, Coach, Trainer, USEF Designee, or USEF Participant as defined herein. Any individual who: (a) currently is, or was at the time of a possible Safe Sport violation, within the governance or disciplinary jurisdiction of USEF or who is seeking to be within the governance or disciplinary jurisdiction of USEF (e.g., through application for membership), (b) is an Athlete or USEF Participant that USEF or the USOC formally authorizes, approves, or appoints to a position of authority over Athletes or to have frequent contact with Athletes, or (c) USEF identifies as being within the Center’s jurisdiction.
- e. **Criminal Disposition** - Any disposition of a criminal proceeding, other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; or the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement.
- f. **Misconduct** – Conduct that results in harm, the potential for harm, or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sport: sexual misconduct, emotional misconduct, physical misconduct, bullying, harassment, and hazing.
- g. **USEF Designee** – USEF staff, USEF Licensed Officials, USEF Board Members, or any individual that USEF formally authorizes, approves, or appoints (a) to a position of authority over, or (b) to have frequent contact with any Athlete as defined above.
- h. **USEF Participant** – Any USEF Member, or non-member, who participates or attends a USEF Licensed Competition or sanctioned event. This includes team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee, or volunteer.

III. Prohibited Conduct

a. Sexual Misconduct

i. Definitions

1. **Sexual Conduct** - Contact and non-contact behaviors of a sexual nature.
2. **Contact Behaviors of a sexual nature** - Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person’s intimate body parts with any object or body part up to and including a completed or attempted penetration.
 - a. **Sexual Contact** - Sexual contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed, of a person’s intimate body

parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

b. **Sexual Intercourse** - Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue, or finger; and/or (b) contact between the mouth and the penis, vulva, or anus.

3. **Non-contact behaviors of a sexual nature** - Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking, or disseminating photographs of a sexual nature.

a. **Exploitation** - Non-contact behavior of a sexual nature includes Exploitation (taking sexual advantage of another to benefit or gratify one’s self or any person other than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking pictures, video, or audio recordings of another in a sexual act or in any other private activity, without the Consent of all involved in the activity, or (d) disseminating or threatening to disseminate pictures, video recordings or audio recordings of another person in a sexual act or any other private activity.

4. **Consent** - Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Once given, Consent can be withdrawn through clear communication. Consent does not exist if a person does not give Consent, or an Inability to Consent, or Inability to Refuse exists.

a. **Inability to Consent** - An Inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is Incapacitated.

i. **Incapacitated** - A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the “who, what, when, where, why, or how” of the sexual interaction). A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness, or involuntary physical restraint.

b. **Inability to Refuse** - An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.

i. **Coercion** - Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (a) frequency, (b) intensity, (c) isolation, and (d) duration.

ii. **Force** - The use or threat of physical force that overcomes free will or resistance.

iii. **Intimidation** – Implied threats or acts that reasonably cause a fear of harm in another.

ii. **Forms of Sexual Misconduct** – A Covered Individual shall not engage in any form of sexual misconduct, including Bullying Behaviors or Hazing of a sexual nature. Sexual misconduct offenses include:

1. Sexual Conduct (or attempts to commit the same), without Consent.
2. Sexual Conduct (or attempts to commit the same), where there is a Power Imbalance, regardless of purported Consent.
3. Sexual Harassment.
4. An Intimate Relationship involving a person in a Position of Power where a Power Imbalance exists.

a. **Intimate Relationship** – A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.

b. **Position of Power** – When one person has direct supervisory, evaluative, or other authority over another. (Examples: A person who may be in a Position of Power includes someone such as a coach, boss, employer, or medical personnel.)

c. **Power Imbalance** – A Power Imbalance may exist:

i. Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.

1. Whether someone occupies a Position of Power such that there is a Power Imbalance depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.

2. Once a Coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the Coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the Coach-Athlete relationship terminates and the Athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

ii. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength, or mental capacity.

iii. **Sexual misconduct involving Minors**: Regardless of any purported Consent, a sexual misconduct offense involving a Minor includes:

1. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is three or more years.

2. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is less than three years, but a Power Imbalance exists.

3. An Intimate Relationship (or attempt to establish the same) between a Covered Adult and a Minor where the age difference is three or more years and a Power Imbalance exists.

4. Sexual Conduct between a Covered Minor and another Minor if: (1) the age difference is three or more years, or (2) there is a Power Imbalance based on the totality of the circumstances.

iv. **Child sexual abuse** – A Covered Individual shall not engage in any behavior that constitutes child sexual abuse as defined by federal or applicable state law.

v. **Criminal Disposition** – It is a violation of this Safe Sport Policy for a Covered Individual to be convicted of or subject to a Criminal Disposition for a crime involving (a) any form of sexual misconduct or (b) a Minor.

b. Emotional Misconduct

i. **Definition** – Repeated and/or severe non-contact behavior involving (a) Verbal Acts, (b) Physical Acts, and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

ii. **Forms** – A Covered Individual shall not engage in any form of emotional misconduct. Forms of emotional misconduct include:

1. Verbal Acts – Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting; taunting a person for being too effeminate); repeatedly and excessively yelling at a particular Athlete or other participant in a manner that serves no productive training or motivational purpose.

2. Physical Acts – Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

3. Acts that Deny Attention or Support – Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

iii. **Exclusions** – Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building, or appropriate discipline.

iv. **Criminal Conduct** – Emotional Misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

c. Physical Misconduct

i. **Definition** – Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.

ii. Forms - A Covered Individual shall not engage in any form of physical misconduct. Forms of physical misconduct may include:

1. Contact violations - Punching, beating, biting, striking, choking, or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
2. Non-contact violations - Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the U.S. legal drinking age; providing illegal drugs or non-prescribed medications to another.

iii. Exclusion - Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved athlete performance. For example, hitting, punching, and kicking are well-regulated forms of contact in combat sports but have no place in swimming.

iv. Criminal Conduct - Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).

d. Bullying

i. Definition: Repeated and/or severe (a) aggressive behavior (b) among Minors, (c) that is intended or likely to hurt, control, or diminish another person emotionally, physically, or sexually.

ii. Forms - A Covered Individual shall not engage in any form of bullying. Forms of bullying include:

1. Physical - Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting, or slapping; throwing objects such as sporting equipment at another person.
2. Verbal - Teasing, ridiculing, taunting, name-calling, intimidating, or threatening to cause someone harm.
3. Social, including cyberbullying - Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate, or humiliate someone; socially excluding someone and asking others to do the same.
4. Sexual - Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.

iii. Exclusion - Rude, mean, and conflict - Conduct may not rise to the level of Bullying Behavior if it is rude, (inadvertently saying or doing something hurtful), mean, (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons, absent a Power Imbalance, who perceive they have incompatible goals.

iv. Criminal Conduct - Bullying Behavior includes any conduct described as bullying under federal or state law.

e. Harassment

i. Definition: Repeated and/or severe conduct that (a) causes fear, humiliation or annoyance; (b) offends or degrades; (c) creates a hostile environment; or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

ii. Forms - A Covered Individual shall not engage in any form of harassment. Harassment, which may be a form of Emotional, Physical, or Sexual Misconduct, includes but is not limited to:

1. Discriminatory Harassment - Conduct with the design or effect of establishing dominance, superiority, or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.
2. Stalking - Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact, surveillance, or unwanted telephone and/or other electronic contact.

a. Examples - Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work, or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects, or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

3. Sexual Harassment - Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent, or pervasive and objectively offensive that it negatively affects an individual's performance.

f. Hazing

i. Definition - Any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, humiliate, degrade, or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported Consent by the person subject to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

ii. Forms - A Covered Individual shall not engage in any form of hazing. Forms of hazing include:

1. Contact acts - Tying, taping, or otherwise physically restraining another person; beating, paddling, or other forms of physical assault.
2. Non-contact acts - Requiring or forcing the consumption of alcohol, illegal drugs, or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.
3. Sexualized acts - Actual or simulated Sexual Conduct of any nature.

iii. Criminal acts - Any act or conduct that constitutes hazing under applicable federal or state law.

g. Willfully Tolerating Misconduct

It is a violation of this Safe Sport Policy if a Covered Individual knows of misconduct in violation of this Safe Sport Policy but fails to report such misconduct.

IV. Reporting

USEF will report potentially criminal behavior to the appropriate law enforcement agency.

a. Retaliation

Retaliation is any adverse action taken by a Covered Individual against a person participating in USEF proceedings. Retaliation by a Covered Individual against a person for making an allegation, supporting a reporting party, or providing information relevant to an allegation is a serious violation of this Safe Sport Policy.

b. Reporting Sexual Misconduct – www.safesport.org

All reports of sexual misconduct and violations of this Safe Sport Policy of a sexual nature must be reported directly to the U.S. Center For Safe Sport at www.safesport.org or 720-524-5640.

All reports of sexual misconduct received by USEF will be forwarded to the Center.

No statutes of limitation apply to reports of incidents of sexual misconduct.

c. Reporting Non-Sexual Misconduct

For reporting any non-sexual misconduct, USEF will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report. Regardless of the method of reporting, it is helpful to USEF to get the following information: (1) the name of the complainant(s); (2) the type of misconduct alleged; (3) the name(s) of the alleged victim(s); and (4) the name(s) of the individual(s) alleged to have committed the misconduct.

Individuals may complete an Incident Report Form. Information on this form will include:

1. the name(s) of the complainant(s);
2. the type of misconduct alleged (including sexual misconduct, emotional misconduct, physical misconduct, bullying, harassment, and hazing);
3. the name(s) of the alleged victim(s);
4. the name(s) of the individual(s) alleged to have committed the misconduct;
5. the approximate date(s) and location(s) where the misconduct was committed;
6. the names of other individuals who might have information regarding the alleged misconduct; and
7. a summary statement of the reasons to believe that misconduct has occurred.

Except for mandatory reporting to the Center, USEF will withhold the complainant's name upon request, to the extent permitted by law. A copy of the USEF Incident Report Form can be found at www.safesport.usef.org

e. Confidentiality and Anonymous Reporting

i. Confidentiality - To the extent permitted by law, and as appropriate, USEF will handle any report it receives confidentially and discretely and will not make public the names of the complainant(s), potential victim(s), or accused person(s); however, USEF may disclose such names on a limited basis when conducting an investigation, or reporting to the Center, or reporting to law enforcement authorities.

ii. Anonymous Reporting - USEF recognizes it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made without the formality of completing an Incident Report Form:

1. by completing the Incident Report Form without including their name;
2. by expressing concerns of misconduct to USEF; or
3. by expressing concerns verbally to one of the following individuals on the Athlete Protection Team:

- a. Sonja S. Keating, General Counsel skeating@usef.org | 859. 225.2045
- b. Sarah Gilbert, sgilbert@usef.org | 859 225 2022
- c. Emily Pratt epratt@usef.org | 859 225 6956

Anonymous reporting may make it difficult to investigate or properly address allegations.

f. How Are Reports Handled

i. Suspicions or Allegations of Child Physical or Sexual Abuse Reported to Law Enforcement and/or Child Protective Services - All allegations of child physical or sexual abuse will be reported to law enforcement authorities. USEF does not attempt to evaluate the credibility or validity of child physical or sexual abuse as a condition for reporting to appropriate law enforcement authorities. As necessary, however, USEF may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

ii. Misconduct and Policy Violations - USEF will address all alleged violations of this Safe Sport Policy.

iii. Notification - Following USEF's receipt of an allegation involving Safe Sport-related misconduct, USEF may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. At USEF's discretion, and as appropriate or required by the Center, USEF may notify relevant persons, i.e., competition managers, staff members, contractors, volunteers, parents, and/or athletes of any such allegation that (a) law enforcement authorities are actively investigating; or (b) that the Center is investigating. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

V. Training and Education

All USEF Designees must successfully complete USEF approved awareness training every two (2) years concerning the different forms of misconduct prohibited by this Safe Sport Policy. USEF encourages everyone to complete the training.

VI. Criminal Background Check

All USEF Designees shall undergo a criminal background check that complies with the Fair Credit Reporting Act. Through this criminal background check, USEF will utilize reasonable efforts to ascertain criminal history. The USEF Criminal Background Check Policy assists USEF in promoting the safety and welfare of athletes.

a. Process

The Criminal Background Check Consent and Waiver Release Form must be submitted to USEF's third-party criminal background check vendor and the USEF Designee cleared before he or she may perform services for USEF. Upon submission of the Criminal Background Check Consent and Waiver Release Form, USEF will request that its vendor perform the criminal background check. As part of its criminal background check, the vendor will:

1. perform a national criminal record search;
2. perform a search of state sexual offender registries; and
3. verify a person's identification against his or her social security number or other personal identifier.

b. Criminal History

USEF will use a criminal background check agency to gather information about criminal history. The information revealed by the criminal background check may disqualify an individual from serving as a USEF Designee. Any conviction, guilty plea, plea of no contest, deferred sentence, deferred adjudication, or similar disposition of any of the following will result in disqualification.

i. Sex Offenses - All Sex Offenses regardless of time since the offense. Examples Include: child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

ii. Felony Offenses –

1. All Felony Violence Offenses - Regardless of the amount of time since the offense. Examples include murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
2. All Felony Offenses other than violence or sex within the past 10 years. Examples Include: drug offenses, theft, embezzlement, fraud, child endangerment, etc.

iii. Misdemeanors-

1. All Misdemeanor Violence offenses within the past 7 years. Examples Include: simple assault, battery, domestic violence, hit & run, etc.
2. Two or more Misdemeanor Drug and/or Alcohol Offenses within the past 7 years.
 - a. Examples Include: driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
3. Any Other Misdemeanor within the past 7 years that would be considered a potential danger to children, including any crimes involving cruelty to animals.

iv. Guilty- For the purposes of this Policy, guilty shall mean that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea, accompanied by a court finding of guilt (regardless of adjudication), or received court-directed programs in lieu of conviction.

c. Pending Court Cases

No decision will be made on a prospective USEF Designee's eligibility if he or she has a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case's pendency, USEF undertakes an independent investigation and conducts a hearing, any determination may be used to disqualify the prospective USEF Designee.

d. Full Disclosure

Each USEF Designee and prospective USEF Designee has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest, plea, or conviction is grounds for USEF Designee status revocation or restriction, regardless of when the offense is discovered. USEF Designees have the ongoing duty to disclose criminal history. USEF Designees need not disclose arrests in which charges are not filed, charges are dismissed, or the USEF Designee is acquitted; however, USEF Designees are required to disclose non-convictions involving deferred sentences, deferred adjudications, or other similar dispositions as well as accusations, arrests, indictments, or convictions of a criminal offense set out above or a criminal offense against a child.

- i. If a prospective USEF Designee (1) is accused, (2) arrested, (3) indicted, (4) enters a guilty plea, or (5) is convicted of any offense identified above during the application process, he is required to disclose such information immediately.

- ii. In the event a USEF Designee (1) is accused, (2) arrested, (3) indicted, (4) enters a guilty plea, or (5) is convicted of any offense identified above, he has an affirmative duty to disclose such information immediately to Sonja S. Keating, USEF General Counsel, at safesport@usef.org or 859-225-2045.
- iii. Any USEF Designee or prospective USEF Designee who has been banned by another national governing body, another sport organization, or the Center has an affirmative duty to disclose such information immediately to Sonja S. Keating, USEF General Counsel, at safesport@usef.org or 859-225-2045.

e. Findings

USEF's criminal background check report will return a red light or green light finding. A green light finding means that the background check vendor located no records that would disqualify the individual. A green light score, however, is not a certification of safety or permission to bypass/ ignore other screening efforts. Other disqualifying factors may exist and can be revealed through other means.

A red light finding means the criminal background check revealed criminal records that suggest the individual does not meet the criteria and is not suitable for USEF Designee status.

Individuals who are subject to disqualification under a red light finding may challenge the accuracy of the information reported by the criminal background check vendor.

Notice of findings will be provided to the USEF Legal Department.

f. Appeal to Criminal Background Check Vendor

Any disqualified individual has the right to dispute the findings of the criminal background check directly with the criminal background check vendor. A disqualified individual may not appeal the automatic disqualification or the results of the findings of the criminal background check vendor to USEF. USEF is required by this Safe Sport Policy to accept the findings of the criminal background check vendor.

Individuals disqualified are excluded from participation in any USEF licensed competition and USEF sanctioned events and/or activities as a USEF Designee unless an exemption is granted in accordance with the exemption request process below.

g. Exemption Request to USEF

Any disqualified individual has the right to seek an exemption from the USEF Exemption Panel. The individual shall demonstrate that the conviction or charge does not violate the spirit of Safe Sport and that he or she poses no risk to the sport.

In order to seek an exemption from disqualification contact Sonja S. Keating, USEF General Counsel, at safesport@usef.org or 859-225-2045 or submit an Exemption Request Form to USEF found at www.safesport.usef.org

h. Frequency of Criminal Background Checks

Criminal background checks for USEF Designees will be refreshed every two years or as otherwise required by law.

i. Other Potentially Disqualifying Factors

Even if an individual passes a criminal background check, USEF may

determine that an individual may be disqualified and prohibited from USEF Designee status if the individual has:

- i. Been held liable for civil penalties or damages involving sexual or physical abuse of a minor;
- ii. Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to, domestic order or protection;
- iii. A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors;
- iv. Resigned, been terminated, been banned, or been asked to resign from a position- paid or unpaid - due to complaint(s) of sexual or physical abuse of minors;
- v. A history of other behavior that indicates the individual may be a danger to athletes and participants; or
- vi. Failed to disclose criminal background in accordance with this Policy.

j. Review Of Disqualifiers

USEF will review its disqualifiers from time to time or as otherwise required or modified by law.

VII. Enforcement

The enforcement of this Safe Sport Policy falls under the jurisdiction of the USEF Hearing Committee, except 1. allegations of sexual misconduct, which falls under the exclusive jurisdiction of the Center; or 2. Allegations of non-sexual misconduct that the Center and USEF agree fall under the discretionary jurisdiction of the Center.

USEF shall recognize and reciprocate all penalties imposed by the Center, including lifetime bans.



usef.org

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