

Alert | Equine Industry Group



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SafeSport 2020: The Education of An Equestrian

“An investment in knowledge pays the best interest.” – Benjamin Franklin

In March 2017, the [U.S. Center for SafeSport](#) (Center) opened its doors for the first time. Under the “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017,” the Center has “the exclusive authority to respond to reports of allegations of sexual abuse and sexual misconduct within the United States Olympic & Paralympic Committee and their recognized national governing bodies (NGBs). The Center also has “discretionary” jurisdiction over non-sexual emotional and physical forms of misconduct. The NGB for equestrian sports in the United States is the U.S. Equestrian Federation (USEF), now known as US Equestrian. Should the Center decline to exercise jurisdiction over a matter falling within its discretionary authority, USEF can exercise jurisdiction to investigate and resolve the matter.

Until the Center expressly exercises jurisdiction, USEF has the authority to address allegations of misconduct by implementing all necessary and appropriate measures, including temporary suspensions from equestrian sports. After the Center assumes jurisdiction, USEF may only implement safety plans or temporary measures. While USEF does not participate in the Center’s adjudicatory process, it is required by federal law to enforce all sanctions and interim measures imposed by the Center. To this end, USEF’s website includes a “[Safe Sport Sanctions](#)” list, which identifies and provides the names of individuals sanctioned by USEF or the Center. For each sanctioned member, the list includes the last known city/state of residence, the decision date, the specific violation(s) and sanction(s) levied, and the breed/discipline involved (Dressage, Hunter, etc.).

Like most sports organizations that promulgate policies and procedures governing the conduct of their participants, SafeSport has sparked emotional debate in the equestrian community. For instance, while

some proponents argue that the Center does not go far enough to protect the interests of claimants, detractors often argue that the Center's procedures do not clearly define prohibited conduct or provide sufficient due process protections for respondents (e.g., the opportunity to be heard). Regardless of which side of the "in-gate" one stands on, proper education and training of riders, trainers, and owners in SafeSport's policies and procedures will help address common misconceptions about the organization and facilitate SafeSport's primary goal of preventing sexual, physical, and emotional abuse in Olympic and Paralympic sports.

The Center publishes an [online Code](#) that is updated annually and available to all equestrians. Among other things, the Code describes in detail: (a) categories of prohibited conduct; (b) procedures for reporting allegations of prohibited conduct to the Center; (c) procedures for investigating and resolving allegations of prohibited conduct; (d) temporary measures that can be taken by the Center and the NGB; and (e) the types of sanctions that may be imposed if prohibited conduct is found. The current Code became effective April 1, 2020.

The SafeSport Code does not set forth a statute of limitations on reporting abuse. Anyone who comes forward to report abuse will be heard, regardless of when the abuse is alleged to have happened. SafeSport's resolution proceedings are confidential, and reports of misconduct may be made anonymously. However, because an anonymous report may limit the Center's ability to investigate and respond to the complaint, the Center strongly discourages "Adult Participants" from reporting anonymously.

[USEF's adjudicatory procedure](#) for alleged non-sexual violations of SafeSport's Code is straightforward and operates on an expedited basis. USEF initiates an investigation, reviews information and materials obtained, and the Chief Executive Officer determines whether to take no further action, issue a warning letter, impose administrative penalties, or issue a charge. Following a charge, a hearing is held, after which each party has 30 days to request a re-hearing or a review. After the 30-day window has passed, the matter will be closed. The claimant and respondent are permitted to submit documentary and testimonial evidence at the hearing, and both parties are entitled to be, and indeed should be, represented by counsel.

The Center provides three methods of resolving allegations of prohibited sexual misconduct: administrative closure, informal resolution, and formal resolution. The Center may administratively close a matter in its discretion. A respondent may also, at any time before a matter is final, elect to resolve the matter by accepting responsibility for the prohibited conduct alleged. While an informal resolution is not a settlement, it does constitute a final and binding disposition of the matter. A formal resolution occurs after the Center has completed an investigation and either closes the matter or, if a violation is found, issues a decision. In that case, a respondent may request a hearing on the Center's decision. Throughout the resolution process, the claimant and respondent each have the right to consult with an attorney, and each may be accompanied by counsel at any meeting or proceeding related to the investigation, hearing, and resolution.

The Center also affords the parties an arbitration process, the details of which are set out in the Code. Arbitration may occur in two instances: (1) the Center implements a temporary measure affecting a participant's ability to participate in sport (Temporary Measures Hearing); or (2) the Center completes an investigation and renders a decision (Merits Arbitration). Both arbitration processes are similar – allowing no discovery or appeal – and emphasize expedience, with time limits governing both scenarios. The Center guarantees an arbitration hearing on temporary suspensions within 72 hours, should a respondent request one. For a Merits Arbitration, after an adverse decision has been issued, the respondent has 10 days to request a hearing before an arbitrator. Once the 10-day period has expired, the decision is no longer subject to review. For both forms of arbitration, the claimant and respondent are

entitled to present documentary and testimonial evidence and be represented by counsel. The arbitrators available to the parties will typically be chosen from among experienced attorneys and retired judges.

In addition to the Code, educational and training information concerning SafeSport can be found on the Center and USEF's websites. On [USEF's website](#), riders, trainers, and owners can access important guidance through links labeled: (a) "Safe Sport FAQs"; (b) "5 Things to Know About Safe Sport"; (c) "Safe Sport Myths & Facts"; (d) "Safe Sport Training: Step by Step Instructions"; (e) "Report Misconduct or Abuse"; (f) "Call the 24-Hour Helpline"; and (g) "Mental Health Resources." The website also contains videos entitled "Why Safe Sport Exists," "What Safe Sport Means to Members," and "Misconceptions." As of Aug. 27, 2018, USEF requires all adult members to complete a free online SafeSport training course, intended to heighten awareness of abuse and misconduct. Adult members must also take an online refresher course each year. No adult member, or any horse owned by that member, may compete in a USEF-rated event unless the member has successfully completed the training course and any applicable refresher courses.

The Center works with the NGBs in developing, updating, and modifying policies and procedures to address sexual and non-sexual forms of prohibited conduct. In April 2019, USEF's Board of Directors approved updates to SafeSport to incorporate new policies to protect minors called the "USEF Minor Athlete Abuse Prevention" (MAAP) policies. The [new policies](#) became effective on June 1, 2019, and provide both mandatory requirements and recommended best practices for one-on-one interactions between minors (under 18 years of age) and adults in equestrian sports.

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