



USA RUGBY
SAFE SPORT PROGRAM
HANDBOOK

USA RUGBY SAFE SPORT PROGRAM HANDBOOK

INTRODUCTION

USA Rugby is committed to upholding traditions of Rugby Core Values: respect, discipline, integrity, passion, and solidarity by creating a safe and positive environment for its participants. This includes both on-pitch and off-pitch safety. USA Rugby promotes its Participants' physical, emotional, and social development to foster an environment free from abuse and misconduct.

Established in 2017, the U.S. Center for SafeSport ("Center") is the independent and exclusive authority directed by Congress to prevent and respond to all forms of abuse and misconduct within the U.S. Olympic and Paralympic Movement. The Center is an independent, nonprofit 501(c)(3) organization headquartered in Denver, Colorado.

The Center receives, investigates, and responds to reports of abuse and misconduct from individuals affiliated with the U.S. Olympic and Paralympic Committee (USOPC) and its National Governing Bodies ("NGB(s).") The Center ensures the USOPC and NGBs properly apply policies and procedures to govern abuse prevention and maintains a database of individuals sanctioned from participation in their sport.

Throughout the Olympic and Paralympic Movement, the Center trains athletes, parents, coaches, volunteers, and organizations at all levels on the best practices and principles for preventing abuse in sports settings. In doing so, the Center advances its mission of making athlete well-being the center of our nation's sports culture through abuse prevention, education, and accountability.

As the National Governing Body ("NGB") for Rugby, USA Rugby works closely with the U.S. Center for SafeSport ("Center") to educate the membership, create policies designed to protect members from misconduct and abuse, and respond to and resolve allegations of misconduct when they arise.

USA Rugby has implemented a collection of policies constituting its Safe Sport Program. Those policies address certain types of abuse and misconduct; certain policies intended to reduce potential misconduct; certain policies to monitor and govern the areas where potential abuse and misconduct might occur; and certain policies pertaining to the procedures and interactions with the Center. The contents of the policies often overlap and can be read together, so the collection is aggregated in this Safe Sport Handbook ("Handbook"). Reference to the "Handbook" in any policy means any applicable provision of the USA Rugby Safe Sport Program.

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The USA Rugby Safe Sport Program is made up of the following Policies, each included in this Handbook:

- [USA Rugby Minor Athlete Abuse Prevention Policy \(“MAAPP”\)](#), which contains the prevention policies by which Adult Participants must abide when participating in any Rugby Activity. The USA Rugby MAAPP contains the following policies:
 - USA Rugby Education and Training Policy
 - Required Policies for One-on-One Interaction
 - One-on-One Meeting Policy
 - Individual Training Session Policy
 - Manual Therapy and Therapeutic Recovery and Modalities Policy
 - Exceptions to One-on-One Interaction Policies
 - Close-in-Age Exception
 - Personal Care Exception
 - Dual Relationship Exception
 - Emergency Exception
 - Locker Room and Changing Areas Policy
 - Electronic Communications Policy
 - Transportation Policy
 - Lodging and Residential Environments Policy
 - Recommended Policies for Keeping Young Athletes Safe
- USA Rugby Safe Sport Prohibited Conduct Policy
- USA Rugby Code of Conduct
- USA Rugby SafeSport Education Policy
- USA Rugby Background Check Policy
- USA Rugby Reporting Policy
- USA Rugby Response and Resolution Policy

Conduct that is prohibited or regulated by the World Rugby Laws of the Game (“Laws of the Game”) or World Rugby Regulations (“Regulations”) are not typically intended to be covered by the USA Rugby Safe Sport Program and are instead to be addressed and/or sanctioned under those Laws of the Game (including any approved modifications), Regulations, or the USA Rugby Disciplinary Process.

Questions about the USA Rugby Safe Sport Program can be emailed to the USA Rugby SafeSport Liaison at safesport@usa.rugby.

This Handbook may be revised by USA Rugby at any time. This Handbook does not constitute an implied or express contract or a legally enforceable promise or representation.

USA RUGBY SAFE SPORT PROGRAM DEFINITIONS

Capitalized words throughout this Handbook are defined in the particular policy. While this list is not intended to be exhaustive, it includes definitions commonly used throughout the Handbook for quick reference.

USA Rugby draws on terminology and acronyms from its multiple governance authorities, namely World Rugby, the Center, and USOPC. In some cases, different terms may have substantially the same meaning, which can create confusion or lead to misinterpretation. This list also includes applicable terms originating from different authorities that share similar definitions.

Adult Participant (or “**Adult**”): Any individual who is 18 years of age or older.

Center: The U.S. Center for SafeSport.

Claimant: The person who is reported to have experienced conduct that constitutes a violation of the Handbook.

Code or SafeSport Code: [The SafeSport Code for the U.S. Olympic and Paralympic Movement](#), currently in effect.

Event: is defined in the SafeSport Code as having the meaning set forth in the Victims of Child Abuse Act of 1990 (34 U.S.C. §20341) and adopted by USA Rugby for the purposes of this Handbook to include travel, lodging, practice, competition, and health or medical treatment.

Handbook: This USA Rugby Safe Sport Program Handbook. Reference to the “Handbook” in any policy contained here means any applicable provision of the USA Rugby Safe Sport Program.

Local Affiliated Organization (“LAO”): is defined by the USPOC and adopted by USA Rugby as a “regional, state, or local club or organization that is directly affiliated with an NGB or that is affiliated with an NGB by its direct affiliation with a regional or state affiliate of an NGB. A LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an NGB.” Regional and state LAOs in rugby are more commonly known as a “State Youth Rugby Organization” or “SYRO” at the Youth and High School Community level; “Conference” at the Collegiate Community level; and Geographic Union (“GU”) at the Senior Club Community level. Any LAO can also be known as a “Rugby Body.”

Minor Participant (or “Minor” or “Child”): An individual who is, or is believed by the Respondent to be, under the age of 18.

Participant: is defined in the SafeSport Code and adopted by USA Rugby as any person who is seeking to be, currently is, or was at the time of the alleged violation:

- A member of USA Rugby;
 - Membership is defined as someone who is or was registered with USA Rugby, as evidenced by an account in the USA Rugby membership platform, regardless of role.
- An employee or board member of USA Rugby;
- Within the governance or disciplinary jurisdiction of USA Rugby;
- Authorized, approved, or appointed by USA Rugby or LAO to have regular contact with or authority over Minor Athletes

Respondent: A Participant who is alleged to have violated the Code.

Rugby Activity: is defined as any event, training, meeting, travel, or operation that is organized by or under the jurisdiction of USA Rugby that involves a Participant.

Rugby Body: is defined by World Rugby and adopted by USA Rugby as a provincial union, district, state, group of Clubs, Tournament Organizer, or similar organizations, recognized by and/or affiliated directly or indirectly with a Union. Certain Rugby Bodies can be an LAO.

Third-Party Reporter: A report brought by an individual other than the Claimant is referred to as “third-party reports” and the individual bringing the report is a “third-party reporter.”

USA Rugby – Sanctioned Event: A tournament or other event held outside of regular season competition and practice that has been approved and licensed by USA Rugby. This may be operated by USA Rugby or by a third-party event organizer. If the USA Rugby Sanctioned – Event is operated by a third party, a contract will evidence the event organizer’s commitment to ensure compliance with all USA Rugby rules and regulations, including this Handbook.

USOPC: United States Olympic & Paralympic Committee

Laws of the Game: [World Rugby Laws of the Game](#)

World Rugby Regulations: The Regulations Related to the Game of Rugby. Commonly referenced World Rugby Regulations:

[World Rugby Regulation 17](#)

[World Rugby Regulation 18](#)

[World Rugby Regulation 20](#)

USA RUGBY SAFE SPORT PROGRAM

PROHIBITED CONDUCT POLICY

USA Rugby compiles with the SafeSport policies of the U.S. Center for SafeSport regarding Prohibited Conduct and incorporates by reference the related provisions of the SafeSport Code for the U.S. Center for SafeSport for the U.S. Olympic and Paralympic Movement (“SafeSport Code”) into this USA Rugby Prohibited Conduct Policy. The following broad categories of conduct are prohibited:

- Criminal Charges or Dispositions
- Child Abuse
- Sexual Misconduct
- Physical and Emotional Misconduct, including Stalking, Bullying, Hazing, and Harassment
- Other Inappropriate Conduct
- Aiding and Abetting
- Misconduct related to Reporting
- Misconduct related to the Center’s Process
- Retaliation
- Violation of the MAAPP, or other proactive policies

All USA Rugby Participants should familiarize themselves with each form of misconduct and must refrain from engaging in misconduct and/or violating any of these policies. In addition, USA Rugby adopts, as its own, the definitions regarding prohibited behavior as defined in the SafeSport Code. Any conduct defined in the SafeSport Code that is not expressly included in the USA Rugby definition of the same conduct is prohibited and shall be a violation of this Handbook. Violations of the Handbook may result in disciplinary proceedings and sanctions being imposed against any Participant involved in the violation.

Sexual Misconduct and Child Abuse

As the national governing body for Rugby in the United States, USA Rugby has adopted the policies prohibiting Sexual Misconduct and Child Abuse and defined by and as set forth in the SafeSport Code, which is found [here](#). The USA Rugby Board of Directors has determined that the USA Rugby policies prohibiting Sexual Misconduct and Child Abuse shall be the same as the applicable policies of the Center. Anyone within the jurisdiction of USA Rugby shall comply with the Sexual Misconduct and Child Abuse policies of the Center. Any violation of the Sexual Misconduct and Child Abuse policies of the Center by a Participant shall subject such person to appropriate disciplinary action by the Center and/or USA Rugby, including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

Prohibited Conduct:

It is a violation for a Participant to engage in Sexual Misconduct. The Center shall have authority and jurisdiction over the investigation and resolution of any allegations of violations by a Participant of the Sexual Misconduct policies set forth in the SafeSport Code. Sexual Misconduct offenses include, but are not limited to:

- Sexual Harassment
- Nonconsensual Sexual Contact (or attempts to commit the same)
- Nonconsensual Sexual Intercourse (or attempts to commit the same)
- Sexual Exploitation
- Exposing a Minor to Sexual Content/Imagery
- Sexual Bullying Behavior
- Sexual Hazing
- Other Inappropriate Conduct of a Sexual Nature.

Reporting:

As set forth in more detail in the USA Rugby Reporting Policy, every Adult Participant is considered a mandatory reporter.

Physical Misconduct

It is the policy of USA Rugby that its Participants shall not commit Physical Misconduct. Physical Misconduct is any intentional contact or non-contact behavior by a Participant that occurs within a contact that is reasonably related to rugby and that causes, or reasonably threatens to cause, physical harm to another person.

Examples of physical misconduct may include, without limitation:

1. **Contact violations** - Punching, beating, biting, striking, strangling 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 legal drinking age; providing illegal drugs or non-prescribed medications to another.
3. **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, and assault).

4. Exclusion - Physical Misconduct does not include professionally accepted coaching methods of skill enhancement, (i.e., methods that are reasonably designed to coach, teach, demonstrate, or improve a rugby skill), physical conditioning, team building, appropriate discipline, or improved athlete performance. Physical Misconduct also does not include conduct reasonably accepted as part of the game of rugby. In rugby, for example, Physical Misconduct does not include demonstrating or improving tackling, scum, line out, maul, or ruck techniques, nor does it include communicating with or directing participants during a game or practice by touching or moving them in a non-threatening, non-sexual manner.

Physical Misconduct also does not include conduct between opponents that occurs during or in connection with a match that is covered by the World Rugby Laws of the Game, as may be amended for certain sanctioned competitions. Such conduct should be addressed under the Laws of the Game and World Rugby Regulation 17 and 18.

Any Participant who engages in any act of Physical Misconduct that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

Emotional Misconduct

It is the policy of USA Rugby that its Participants shall not commit Emotional Misconduct. Emotional Misconduct is conduct by a Participant that occurs within a context that is reasonably related to rugby and includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, or (e) Stalking. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

1. Verbal Acts - Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.

2. Physical Acts - Repeated or severe physically aggressive behaviors, including but not limited to, 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 participation.

4. Criminal Conduct - Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).

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5. Stalking - Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to:

- a) fear for their safety,
- b) fear for the safety of a third person, or
- c) to experience substantial emotional distress.

“Course of conduct” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.

“Substantial emotional distress” means significant mental suffering or anguish.

Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

6. Exclusion - Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of rugby or conduct reasonably accepted as part of Participant’s participation.

Emotional Misconduct also does not include conduct between opponents or officials that occurs during or in connection with a match that is covered by the World Rugby Laws of the Game, as may be amended for certain sanctioned competitions. Such conduct should be addressed under the Laws of the Game and World Rugby Regulation 17 and 18.

Any Participant who engages in any act of Emotional Misconduct that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

Harassment

It is the policy of USA Rugby that its Participants shall not commit Harassment. Harassment is the repeated or severe conduct that occurs in a context that is reasonably related to rugby and that:

- a) causes fear, humiliation or annoyance,
- b) offends or degrades,
- c) creates a hostile environment (as defined above), or

- d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, 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.

Conduct may not rise to the level of Harassment if it is merely 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 who perceive they have incompatible views or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

Harassment may often involve some form of Emotional Misconduct.

Any Participant who engages in any act of Harassment that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

It is a violation of the Handbook if an Adult Participant knows or should know of Harassment but takes no action to intervene or report on behalf of the targeted Participant(s).

Hazing

It is the policy of USA Rugby that there shall be no Hazing of any Participant involved in any Rugby Activity by any other Participant.

Hazing is 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 subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate. Examples 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, 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 or food; restrictions on personal hygiene.

3. Criminal acts – Any act or conduct that constitutes hazing under applicable federal or state law.

4. Exclusion - Conduct may not rise to the level of Hazing if it is merely 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 who perceive they have incompatible views or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

Hazing may often involve some form of Emotional Misconduct.

Any Participant who engages in any act of Hazing that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

It is a violation of the Handbook if an Adult Participant knows or should know of Hazing but takes no action to intervene or report on behalf of the targeted Participant(s).

Bullying

It is the policy of USA Rugby that there shall be no Bullying of any Participant involved in any Rugby Activity by any other Participant.

Bullying is any repeated or severe behavior(s) that are (a) aggressive (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically, or sexually. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing or Harassment. Examples of bullying behavior may include, without limitation, repeated or severe:

- 1. Physical** - Hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person.
- 2. Verbal** - Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- 3. Social, including cyberbullying** - Use of 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. Criminal Conduct - Bullying Behavior includes any conduct described as bullying under federal or state law.

5. Exclusion - Conduct may not rise to the level of Bullying Behavior if it is merely 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 who perceive they have incompatible views or positions.

Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

Bullying may often involve some form of Emotional Misconduct.

Any Participant who engages in any act of Bullying that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities.

It is a violation of the Handbook if an Adult Participant knows or should know of Bullying but takes no action to intervene or report on behalf of the targeted Participant(s).

Threats

It is the policy of USA Rugby that Threats by a Participant to harm another Participant involved in any of Rugby Activity shall not be tolerated.

A threat to harm another person(s) includes any written, electronic, verbal, or physical expression of intent to physically harm or injure someone else. A threat may be communicated directly to the intended victim or communicated by or to a third party. Threatening behavior by a Participant is prohibited in any manner in connection with a Rugby Activity.

Any Participant who engages in any act of threatening behavior that occurs within a context that is reasonably related to rugby is subject to appropriate disciplinary action including but not limited to suspension, expulsion, and/or referral to law enforcement authorities. The severity, pattern (if any), and result of the threatening behavior may be considered as aggravating or mitigating factors in any disciplinary decisions.

It is a violation of the Handbook¹ if an Adult Participant knows or should know of threatening behavior but takes no action to intervene or report on behalf of the targeted Participant(s).

¹ USA Rugby Reporting Policy

Cyber Abuse

Cyber Abuse is the engaging in repeated and/or severe conduct, directed at or about another, using electronic communications, social media, or other technology, with the intent to intimidate, abuse, threaten, harass, or frighten another, or for the purpose of causing a third person(s) to intimidate, abuse, threaten, harass, or frighten another. When assessing whether a single act is sufficiently severe to constitute Cyber Abuse, considerations include but are not limited to the conduct itself, and the direct or indirect impact of the conduct.

Petty slights, minor inconveniences, and lack of good manners do not constitute Cyber Abuse unless the slights, inconveniences, or lack of manners, when taken individually or in combination and the totality of the circumstances, meet the standards set forth above.

Cyber Abuse includes, but is not limited to, doxing (or doxxing), spreading false or malicious rumors, or disseminating real or simulated explicit images without Consent.

Abuse of Process and Other Misconduct

It is a violation of the SafeSport Code and this USA Rugby Prohibited Conduct Policy for a Participant to commit misconduct related to Aiding and Abetting, Reporting, Abuse of Process, or Retaliation, when it relates to USA Rugby's or the Center's processes.

1. Aiding and Abetting – Aiding and Abetting occurs when a Participant aids, assists, facilitates, or encourages the commission of conduct prohibited by the SafeSport Code or this Handbook,² including without limitation knowingly:

- a) Allowing any person under suspension or otherwise ineligible by USA Rugby or the Center to be in any way associated with or employed by USA Rugby, any Rugby Body or LAO.³
- b) Allowing any person under suspension or otherwise ineligible by USA Rugby or the Center to participate in any Rugby Activity, to coach or instruct Participants, to serve as an administrator for a Rugby Body, or to serve in any capacity at a USA Rugby Sanctioned Event;
- c) Allowing any person who has been identified as suspended or otherwise ineligible by USA Rugby or the Center to be in any way associated with or employed by an organization affiliated with or holding itself out as affiliated with USA

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² USA Rugby Prohibited Conduct Policy

³ It may be possible for a Participant to be suspended from a certain role with USA Rugby or its affiliate, (e.g. a coach or administrator) but may still be allowed to participate in another capacity (e.g. an adult player)

2. Misconduct Related to Reporting -

- a) **Failure to Report** – Any Adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse to the Center and to law enforcement may be subject to appropriate disciplinary action by the Center and/or USA Rugby and may also be subject to state or federal penalties.
- b) **Intentionally Filing a False Allegation** – Any Participant who knowingly makes a false report shall be subject to appropriate disciplinary action by the Center and/or USA Rugby.

3. Misconduct Related to Abuse of Process – A Participant, or someone acting on behalf of a Participant, commits Abuse of Process by engaging in conduct which does, or is likely to, directly or indirectly interfere with Center’s process or USA Rugby’s process. This may include:

- a) Falsifying, distorting, or misrepresenting information, the resolution process, or an outcome;
- b) Destroying or concealing information;
- c) Attempting to discourage an individual’s proper participation in or use of, USA Rugby’s or the Center’s processes;
- d) Harassing or intimidating (verbally or physically) any person involved in USA Rugby’s or the Center’s processes;
- e) Publicly disclosing a Claimant’s identifying information;
- f) Failing to comply with a temporary measure or other sanction;
- g) Distributing or otherwise publicizing confidential materials created or produced during an investigation or arbitration, except as required by law or expressly permitted by the Center;
- h) Influencing or attempting to influence another person to commit Abuse of Process; or
- i) Having another individual or unapproved digital support (such as artificial intelligence), take any part of complete any Center-required training for them;

Any Participant who violates this provision is subject to appropriate disciplinary action.

4. Retaliation – Retaliation against anyone for engaging in the Center’s process or USA Rugby’s process, including before, during, or after an individual’s reporting or engagement in the process, is prohibited. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the in the Center’s process or USA Rugby’s process when the action is reasonably related to the report or engagement with USA Rugby or the Center. Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a violation of this Handbook or the SafeSport Code.

5. No Interference – Any Participant, or person acting on behalf of a Participant who abuses or interferes with the Center’s process or USA Rugby’s process will be subject to disciplinary action.

USA RUGBY SAFE SPORT PROGRAM

JURISDICTION

USA Rugby is committed to creating a safe and positive environment for its participants' physical, emotional, and social development and ensuring it promotes an environment free from abuse and misconduct. As part of this program, USA Rugby has implemented policies addressing certain types of abuse, misconduct, related prohibited behaviors, and certain policies intended to prevent, reduce, monitor and govern the areas where potential abuse and misconduct might occur.

As the national governing body for Rugby in the United States, USA Rugby has agreed to comply with the policies of the U.S. Center for SafeSport ("Center"). USA Rugby has delegated, in accordance with the SafeSport Authorization Act, the jurisdiction and authority to the Center to:

- Investigate all reports or allegations of sexual abuse or misconduct (as referenced in the provisions as defined in the Center Code for the U.S. Olympic and Paralympic Movement ("Code") including any appendices;
- Issue any interim suspensions or measures pending conclusion of the investigation;
- Make recommendations of sanctions or disciplinary action as a result of such investigation;
- Adjudicate such matters.

The most current Center rules, policies and procedures can be found on the Center's website at <https://uscenterforsafesport.org>.

U.S. CENTER FOR SAFESPORT JURISDICTION

Exclusive Jurisdiction

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Sexual Misconduct, including without limitation, child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
2. Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;
3. Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;
4. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process;
5. Other Inappropriate Conduct, as defined in the Code.

Discretionary Jurisdiction

The Center has discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Non-sexual Child Abuse;
2. Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;
3. Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;
4. Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;
5. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the process of the USOPC, an NGB, an LAO, or any other organization under the Center's jurisdiction.

Jurisdictional Reassessment

The Center may reassess its jurisdictional decision at any time. The USA Rugby SafeSport Liaison Officer, or their designee, may request the Center reassess its jurisdictional decision at any time.

USA Rugby Review

There shall be no appeals of any decisions adjudicated by the Center except as set forth in the Code.

USA RUGBY SAFE SPORT PROGRAM

EDUCATION AND TRAINING POLICY

**ALSO INCLUDED IN THE MINOR ATHLETE ABUSE PREVENTION
POLICY**

USA Rugby believes education is a key component of any abuse and misconduct prevention strategy. USA has adopted an Education and Training Policy in accordance with requirements from the Center. This policy is officially adopted in the [USA Rugby Minor Athlete Abuse Prevention Policy](#) (“MAAPP”). For the full terms of this policy, please review the MAAPP.

The USA Rugby Education and Training Policy requires the following Adult Participants (as defined by the MAAPP) to complete the *SafeSport® Trained Core Course*:

1. Adult Participants who has regular contact with or authority over any amateur athlete who is a minor,
2. Adult Participants who has regular contact with or authority over any amateur athlete who is a minor,
3. Adult Participants who are employees or board members of USA Rugby, or
4. Adult Participants who are employees or board members of a Local Affiliate Organization (“LAO”).

For the full terms regarding who must complete Center training and when, please review the full policy within MAAPP.

Any Adult Participant who has failed to comply with the USA Rugby Education and Training Policy requirements is not allowed to participate in any Rugby Activity.

USA RUGBY

SCREENING AND BACKGROUND CHECK POLICY

As part of its commitments to athlete and participant safety, USA Rugby has adopted a Background Check Policy in accordance with requirements of the United States Olympic & Paralympic Committee (“USOPC”). The full terms of this policy can be found in the [USA Rugby Background Check Policy](#).

Purpose of a Screening Policy

USA Rugby requires background checks to:

1. foster a safe environment at all competition and training environments sanctioned and/or overseen by USA Rugby;
2. create a safe living, training, and competition environment for athletes and other individuals associated with USA Rugby; and
3. protect persons at risk, including, but not limited to, minors and vulnerable adults.

This policy sets forth USA Rugby’s background check standards and outlines the guidelines for the use of background checks to determine eligibility for USA Rugby membership and for participation in USA Rugby programs and services.

USA Rugby Screening

No person may participate in a role requiring a background check, as defined by this policy, or have contact with athletes if they do not pass the applicable background check.

A background check shall be conducted prior to the commencement of a new role for all applicable individuals and shall be completed no less than every two (2) years thereafter with supplemental background checks in the off-years.

Background checks may be conducted more frequently as part of routine background check updates and/or if a permissible purpose (as defined by state law) has been determined.

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Applicability of Policy

This policy applies to all individuals that are eighteen (18) years of age or older in the following categories (“Applicable Individuals”):

1. All USA Rugby employees, independent contractors, and individuals that USA Rugby formally authorizes, approves, or appoints to:
 - (a) serve in a position of authority over, or
 - (b) have regular contact with athletes.This shall include but not be limited to:
 - Staff
 - Board Members
 - Coordinators
 - Coaches
 - Officials, including Match Officials, Judicial Officers, and Judicial Panelists
 - Local affiliated administrators and directors;
 - Volunteers;
 - Trainers;
 - Medical Personnel;
 - Training Partners and Guides; and
 - Other adults authorized or nominated by USA Rugby to work with athletes or other participants while at a USA Rugby Training Site or competition event to which the USA Rugby sends athletes.
2. All adult athletes and alternates selected by USA Rugby to participate on a national team or in any Delegation Event.
3. All adult athletes training at a USA Rugby Training Site, or at any Olympic & Paralympic Training Center or USOPC High Performance Training Center.
4. Assistants or personal care assistants funded by USA Rugby, have a contractual obligation with USA Rugby, are credentialed by USA Rugby, or otherwise have regular contact with USA Rugby athletes.
5. Other adults that may have contact with athletes, as determined by the Chief Executive Officer.

Each USA Rugby Training Site shall require a background check for any individual not otherwise considered above that USA Rugby formally authorizes, approves, or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes.

Individuals affiliated with the media, who are authorized or credentialed by USA Rugby to access a Training Site or attend a competition run by USA Rugby are required to undergo a criminal background check if they have unsupervised one-on-one interactions with athletes.

Contracts with third-party vendors/contractors that are in a position of authority over or in regular contact with athletes must include the background check requirements set forth in

this policy if they have unsupervised one-on-one interactions with athletes. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USA Rugby, to establish that the mandated background checks were conducted

When partnering with community organizations (i.e., YMCA, Boys and Girls Club) for events, USA Rugby shall ensure that the partnership agreement includes language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USA Rugby to establish the background checks were conducted.

Background Check Search Requirements

The following search requirements will be used for any Background Check required by policy:

1. Social Security Number validation;
2. Name and address history records;
3. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
4. Federal District Courts search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable;
5. County Criminal Records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;
6. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
7. Multiple National Watch Lists;
8. SafeSport Disciplinary Records;
9. Comprehensive International Records search for persons who have lived outside of the United States for six consecutive months in any one country, during the past seven years; and
10. Motor Vehicle Records of at least a 3-year history in the state of licensure; (only if driving is required for position).

Background screening for employees and other staff may involve higher or different standards or procedures, including those as required by law.

Supplemental Background Checks

All supplemental off-year background check screen will be conducted using at least the following search components:

1. Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico

2. Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
3. SafeSport Disciplinary Records

Disqualification or other limitations on participation

Any results that meet the criteria set below will be reported to the Chief Executive Officer as an adverse finding:

“Red Light” Finding:

1. Any felony; and
2. Any misdemeanor involving:
 - a) All sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;
 - b) Any drug related offenses;
 - c) Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
 - d) Violence against a person, force, or threat of force (including crimes involving deadly weapons and domestic violence);
 - e) Stalking, harassment, blackmail, violation of a protection order, and/or threats;
 - f) Destruction of property, including arson, vandalism, and criminal mischief; and
 - g) Animal abuse, cruelty, or neglect.
3. Any pending charges that would result in a felony or misdemeanor as stated above

Note: Any person’s participation in a USOPC event or competition will be subject to appropriate USOPC Background Checks and potentially to a USOPC Secondary Review of previously completed USA Rugby Background Checks.

USA Rugby’s independent contractor’s criminal background check will report if the search revealed an adverse finding that suggests the individual may be unsuitable to participate in USA Rugby activities. While this will be reported to USA Rugby for consideration, as outlined below, it will also be reported to the individual on whom the background check was performed.

In the event an individual feels a mistake has been made in the criminal background report, it is the individual’s responsibility to contact the professional reporting agency (as provided for in the Fair Credit Reporting Act letter the individual receives with its background check report) to resolve any issues. USA Rugby is not responsible for errors or omissions that may be reported on background checks.

In the event of an adverse finding, the Chief Executive Officer, or their designee, shall make a preliminary ruling on the disqualification or conditional status of membership or participation in USA Rugby activities. Should the finding involve the Chief Executive Officer or should the Chief Executive Officer be conflicted, the Discipline Grievance Committee shall act in his place.

The Chief Executive Officer, or his designee may, at their discretion, clear an adverse finding and permit an individual to participate in certain circumstances including, but not limited to:

1. Annulment or other legal diversion of initial charges
2. Inapplicability of adverse finding to USA Rugby background screening policy

Background Check Review

An individual who has been subject to disqualification, probationary status, or restrictions on membership following the Offense Preliminary Consideration may appeal the decision made by the Chief Executive Officer, or their designee, to the Disciplinary and Grievance Committee for a Background Check Review.

To initiate a Background Check Review, an individual must submit a written statement outlining:

1. The inapplicability of the background check policy to the specific circumstances resulting in the adverse finding; or
2. An acceptance of the applicability of the background check policy to the specific circumstances resulting in the adverse finding, but an explanation of additional information or circumstances for the committee's consideration relative to an exemption for limited or full participation in the role being pursued.

The Disciplinary and Grievance will consider the information provided by the individual seeking a Background Check Review and reach a decision regarding the ability of an individual to participate, potentially including, but not limited to, the following possible outcomes:

1. Disqualification for membership;
2. Probationary status for membership;
3. Restrictions on membership, including, but not limited to:
 - a. Prohibition from driving vehicles (including privately owned) while conducting
 - b. any membership role; and
 - c. Prohibition from being a signing officer for USA Rugby or a member non-profit organization and/or having financial oversight, including cash handling;
4. Full membership with no restrictions.

If an individual subject to disqualification, probationary status, or restrictions under this policy is permitted to participate in USA Rugby activities following an appeal under this section, the individual's access and involvement is subject to any limitations the Disciplinary and Grievance Committee, in their sole discretion, deems necessary. Any limitations placed on an individual's access and involvement permitted through a Background Check Review are final for the remainder of the current season. An individual is only permitted to seek a Background Check Review once per rugby season approximately September – August).

Full Disclosure and Ongoing Obligation

Each USA Rugby Member and prospective USA Rugby Member has the affirmative duty to disclose his or her relevant criminal history. Failing to disclose or intentionally misrepresenting an arrest, charge, plea or conviction history is grounds for USA Rugby Member revocation or restriction, regardless of when the offense is discovered.

Any USA Rugby Member or prospective USA Rugby Member who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information immediately to the USA Rugby SafeSport Liaison Officer at safesport@usa.rugby. A failure to disclose is a basis for disqualification.

The individual has an ongoing obligation, prior to the expiration of his or her background check, to inform USA Rugby if there has been any change in his or her status (e.g. criminal activity). If, prior to the expiration of the Member's background check, USA Rugby becomes aware of a potential change in status (e.g. criminal activity) either through information received from the individual, third party, the media, or otherwise, USA Rugby shall have the right to conduct additional background checks at any time, and should the findings meet the criteria outlined above, USA Rugby shall have the right to immediately deregister that individual.

Secondary Review of USA Rugby Determinations by USOPC

USA Rugby is required to notify the USOPC of any decision reached by USA Rugby which has the effect of allowing an individual covered by this USA Rugby Background Check Policy to reside, train, or compete at an Olympic Training Center or participate in a USOPC Delegation Event, despite being flagged by the background check screen for any of the below crimes:

1. Any felony involving:
 - a) Violence against a person within the previous ten (10) years;
 - b) Violent crimes involving weapons (including armed robbery and aggravated assault with a weapon) within the previous ten (10) years; and
 - c) Animal abuse, cruelty, or neglect;
2. Any felony or misdemeanor involving:

- a) All sexual crimes and criminal offenses of a sexual nature to include, but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, and any sex offender registrant (including prostitution, indecent exposure, public indecency);
- b) Drug offenses including: drug distribution, intent to distribute, manufacturing, trafficking, or sale within the previous 7 years (excluding crimes for drug use or possession); and
- d) Harm to a minor or vulnerable person, including, but not limited to: offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, providing alcohol to a minor, and DUI with a minor;

Limitations on Action

Screening Reviews Conducted in Relation to Nominations

In addition to reviews above, the results of a pre-appointment review of a candidate for a governance position may be considered by the Nominating Committee at their discretion. The Nominating Committee may not reduce, limit or constrain any of the requirements in this policy.

CEO Discretion in Requiring Background Checks

The CEO (or, the Board in a situation where the CEO is involved or conflicted) may require background check requirements beyond those mandated in this policy at their discretion and in conformance with state or federal law.

The CEO may not reduce, limit or constrain any of the requirements in this policy.

USA RUGBY SAFE SPORT PROGRAM

REPORTING POLICIES

USA Rugby encourages everyone to report suspected misconduct, while some members are explicitly required to report misconduct. Multiple avenues for reporting suspected SafeSport violations are available. The policy is intended to make possible for victims and witnesses of abuse and misconduct to come forward and report their concerns to U.S. Center for SafeSport (“Center”) and to USA Rugby.

General Requirements

It is the policy of USA Rugby that every Adult Participant (as defined by the [SafeSport Code](#)) must know their reporting requirements under the USA Rugby policies, the SafeSport Code, state law, and federal law. Lack of knowledge about reporting obligations is not a defense.

Nothing in this policy shall be construed as a requirement for a victim of any form of abuse to self-report such information.

No one should attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities. As necessary, however, a person receiving a report may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

Reporting Requirements – Child Abuse and Sexual Misconduct

1. Child Abuse Including Child Sexual Abuse – Any Adult Participant who learns of information or reasonably suspects a minor has been the victim of an incident of child abuse, including child sexual abuse, must:

- a) Immediately (and no later than 24 hours) report this information to local law enforcement; **AND**
- b) Immediately (and no later than 24 hours) report this information to the U.S. Center for SafeSport (“Center”) through the Center’s online reporting [form](#) or by phone at 833-587-7233; **AND**
- c) Comply with all other applicable reporting requirements under state law.

2. Sexual Misconduct – Any Adult Participant who learns of information or reasonably suspects an incident(s) of Sexual Misconduct (as defined by the SafeSport Code) has occurred, must immediately (and no later than 24 hours) report this information to the Center. This reporting requirement applies regardless of whether the suspected victim is an Adult or a Minor. If the Sexual Misconduct involves a Minor, then it must be reported as child abuse, as set forth above.

If received, USA Rugby will report allegations of Sexual Misconduct to the center and to law enforcement, as appropriate.

Additional considerations regarding reporting sexual abuse or misconduct include:

Grooming – Because sexual abusers “groom” children for abuse —the process used by offenders to select a child, to win the child’s trust (and the trust of the child’s parent or guardian), to manipulate the child into sexual activity and to keep the child from disclosing abuse — it is possible that an employee, volunteer, parent, or Participant may witness grooming behavior. All questions or concerns related to inappropriate, suspicious or suspected grooming behavior should be directed to the Center under this reporting procedure.

Peer-to-Peer Sexual Abuse – Approximately 1/3 of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and to the Center immediately.

3. Physical Misconduct, Emotional Misconduct, and Violations of the MAAPP – All Adult Participants are required to report to USA Rugby any incident or suspected incident of emotional and physical misconduct (including harassment, hazing, bullying, or threats) prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby. This includes all violations of USA Rugby Minor Athlete Abuse Prevention Policy.

There shall be no cost or fee to any Adult Participant who reports a potential violation of this Handbook, the MAAPPs, or the Center’s Code.

4. Criminal Dispositions – USA Rugby and all Adult Participants are required to report to the Center Criminal Charge(s) and Disposition(s) involving sexual misconduct or misconduct involving Minors. This includes reporting any Criminal Charge(s) and Disposition(s) involving sexual misconduct involving minors that are uncovered in background screening results.

5. Misconduct of the Center’s Process –Adult Participants are required to report to the Center any suspected incident(s) of:

- Aiding and Abetting
- Abuse of Process
- Retaliation

6. Failure to Report– An Adult Participant who fails to report as required may be subject to disciplinary action by the Center, USA Rugby, and/or law enforcement. Specifically an Adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse of the Center and, when appropriate, to law enforcement may be subject to disciplinary action under the Center’s resolution procedures and may also be subject to federal or state penalties.

Reporting Procedure

Reports to the Center – may be made by:

1. Completing an online report to the Center at <https://uscenterforsafesport.org/report-a-concern/> or
2. Calling the Center at 1-833-SUS-SAFE (1-833-587-7233);

Reports to USA Rugby– may be made by:

1. Completing the [USA Rugby Reporting Form](#) or
2. Emailing the USA Rugby SafeSport Liaison at safesport@usa.rugby.

As a reminder, suspicions or allegations of child physical or sexual abuse may, and in some cases must, be made directly to the Center, as well as to the appropriate law enforcement authorities. A compilation of information on when a person must make a report to law enforcement authorities can be found at:

- www.childwelfare.gov
- <https://www.childwelfare.gov/topics/systemwide/laws-policies/>
- <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

In some cases, an individual may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based, or are concerned about the potential consequences of a false report. It is critical that reporting parties not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.

Anonymous Reporting

Individuals filing a report with USA Rugby may do so anonymously. Anonymous reporting may make it difficult for USA Rugby to investigate or properly address misconduct or abuse.

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Non-interference in Center Investigations

Neither USA Rugby, nor any member or organization within USA Rugby's jurisdiction, will, in any way, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

Anti – Retaliation

Regardless of the outcome of any complaint filed with USA Rugby, it is the policy of USA Rugby to support the complainant(s) and his or her right to express concerns in good faith. USA Rugby will not allow or tolerate attempts from any individual, group, or organization to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith or otherwise participates in an investigation (e.g., a witness).

Bad-Faith Allegations

Submitting a knowingly false allegation is prohibited and may violate state and criminal civil defamation laws. Such reports will be considered a violation of this Handbook and grounds for disciplinary action.

USA RUGBY SAFE SPORT PROGRAM

RESPONSE AND RESOLUTION POLICY

In response to allegations of abuse or misconduct prohibited under the Handbook, USA Rugby will comply with the Response and Resolution Standards of the Center, as detailed throughout this Handbook. The USA Rugby SafeSport Liaison will monitor compliance with the response and resolution of reported allegations of the USA Rugby Safe Sport Program.

USA Rugby Bylaw XIII lays out the disciplinary process for suspension or other discipline of an individual, Rugby Body, or others within the jurisdiction of USA Rugby. USA Rugby incorporates World Rugby Regulations into its disciplinary process. Particularly, World Rugby Regulation 18 and Regulation 20 provide framework for the response and resolution of misconduct or abuse allegations.

The USA Rugby SafeSport Liaison, or his or her designee, is responsible to ensure the USA Rugby policies are followed. Questions can be directed to safesport@usa.rugby.

Deference to Center Jurisdiction

The U.S. Center for SafeSport has the exclusive authority to investigate and resolve alleged violations of the SafeSport Code (“Code”) involving sexual misconduct or child abuse. USA Rugby is obligated to and shall cooperate, to the extent permissible by law, with any investigation by the Center or law enforcement agency related to sexual misconduct or child abuse within the sport of rugby or otherwise. USA Rugby will not interfere with, or attempt to interfere in, or attempt to influence the outcome

Upon receipt of any allegation of a violation of the SafeSport Code and/or this Handbook, USA Rugby will review the report to determine whether USA Rugby is required to forward such report to the Center and/or law enforcement, in accordance with reporting requirements. USA Rugby will also evaluate whether such claim is one which USA Rugby will submit to the Center for consideration of exercise of discretionary jurisdiction.

How USA Rugby Responds to Requests from the Center

Upon receipt of a request from the Center, the USA Rugby SafeSport Liaison, or his or her designee, shall provide the Center with requested information within seventy-two (72) hours of receipt of such request regarding:

- The eligibility status of a Participant, as defined by the Code, and
- The existence of any USA Rugby– or LAO– imposed temporary measures or safety plans.

How USA Rugby Responds to Reports of Child Abuse or Sexual Misconduct

Pursuant to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, USA Rugby must report any suspicions of child abuse, including sexual abuse, that it becomes aware of within 24 hours to:

- Law enforcement consistent with Section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341); and
- The applicable State Law Enforcement agency; and
- The U.S. Center for SafeSport (“Center”), if the matter involves a Participant or Adult Participant.

All other Sexual Misconduct reports received by USA Rugby will be reported immediately (and no later than 24 hours) to:

- The Center; and
- The applicable State Law Enforcement agency when the allegation relates to a suspected crime.

Neither USA Rugby nor any Rugby Body/LAO, shall engage in its own investigation or disciplinary process related to any allegations or reports that are within the exclusive jurisdiction of the Center. However, USA Rugby and any Rugby Body/LAO may issue a Temporary Measure(s) which shall be effective until the Center has exercised jurisdiction over the matter and made its own determination related to Temporary Measures.

There shall be no appeals of any decisions adjudicated by the Center except as set forth in the Code.

USOPC NGB Athlete Safety Policy

USA Rugby will notify the USOPC’s Security and Athlete Safety Office of any allegation of prohibited conduct that occurred at an Olympic & Paralympic Training Center (“OPTC”) or USOPC Delegation Event and any temporary measure(s) imposed.

USA Rugby will notify the USOPC’s Security and Athlete Safety Office of any Temporary Measure(s) affecting Participants who might be or will be attending a Delegation event, have access to an OPRC, or receive a benefit and/or service from the USOPC.

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How USA Rugby Responds to Reports of Physical Misconduct, Emotional Misconduct, and Violations of the MAAPP

To the extent permissible by law, USA Rugby will investigate reports of physical misconduct, emotional misconduct, violations of the MAAPP, and other non-sexual allegations of its SafeSport Handbook and address them accordingly.

Should USA Rugby receive a report of non-sexual misconduct which, as determined by USA Rugby, rises to the level of unlawful behavior, USA Rugby will report the behavior to the appropriate law enforcement agency. USA Rugby may refrain from investigating if doing so interferes with a pending legal investigation or criminal prosecution.

Acknowledgement of Receipt

USA Rugby will promptly notify an identified reporting party of its receipt of a report. USA Rugby will also communicate that the matter is being referred to the Center, addressed by USA Rugby, or addressed by another Rugby Body/LAO as soon as such a determination is made.

Confidentiality

Any investigation and/or disciplinary proceeding must be kept confidential. Steps will be taken to ensure that the matter is properly investigated and all persons involved in the handling of the report respect the need for confidentiality. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, and except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law.

Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome to necessary parties. Participants in the hearing, including members of the judicial panel, Claimant, Respondent, any witnesses, and USA Rugby representative, should be requested and encouraged to keep the proceedings confidential, except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law. The judicial panel shall only discuss the proceedings, including testimony and other evidence presented, amongst themselves and with their professional and staff advisors and contacts, and shall deliberate among themselves to reach a decision. Complete confidentiality cannot be guaranteed, however, and hearing testimony or evidence may have to be disclosed for purposes of additional investigation, remedial or corrective action, or prevention of future misconduct, or disclosure to law enforcement or in judicial or governmental proceedings.

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Resolution Process

The timing and scope of USA Rugby's investigation will be based on the particularities of that matter at issue. USA Rugby will generally follow World Rugby Regulation 18 (Misconduct) but reserves the right to modify its processes when deemed necessary.

Parties – The parties to an investigation are USA Rugby and the Respondent. During the investigation, the Claimant and Respondent will have an opportunity to submit information and relevant evidence, to identify witnesses and to suggest question that should be posed by the investigator to each other or to any witnesses.

All parties, in particular the Claimant and Respondent, will to be provided an opportunity to participate in any investigation of any allegation. Neither Claimant nor Respondent are required to do so. If Claimant or Respondent declines to cooperate or participate, USA Rugby will make its decision based on the available evidence or may choose not to proceed if it becomes infeasible to do so. This is applicable only to alleged violations of the Handbook and is an exception to World Rugby Regulation 18.7.2 which obligates every Participant or Rugby Body to cooperate with any such investigation or hearing.

Advisors – Claimant(s) and Respondent(s) have the right to choose (at their own expense) consult with an advisor throughout the resolution process and may be accompanied by their advisor at any meeting, interview, or proceedings related to any stage of the resolution process.

Recordings – No audio or video recordings of any kind is permitting during interviews or meetings except as authorized by USA Rugby.

Initial Inquiry

When USA Rugby receives allegations of abuse or misconduct within its jurisdiction, the SafeSport Liaison, or his or her designee, will undertake an initial inquiry to determine whether to investigate the allegation. The initial inquiry will determine whether or not there is a reason to believe a violation of the Handbook has occurred and if the alleged misconduct was committed by a Participant.

If USA Rugby determines there is insufficient evidence or the allegations do not rise to the level of the SafeSport Code or the Handbook violation, the matter may be administratively closed and will not proceed to further review. That determination will be final and not appealable.

USA Rugby may also determine that the matter is more appropriate for adjudication under the USA Rugby Complaint, Grievance, and Dispute Resolution Procedure.⁴ If USA Rugby

⁴ USA Rugby Bylaws, Article XIII.

determines the matter is more appropriately addressed as an Administrative Grievance, it shall notify the Claimant and proceed under the USA Rugby Grievance Procedure.

USA Rugby Bylaw IV established roles, powers, and duties for USA Rugby's three community Councils (Youth and High School Council, Collegiate Council, Senior Club Council). Bylaw IV(k) authorizes each Council to establish, maintain, and control disciplinary issues at its community level. While Section IV(k) specifically carves out an exception for SafeSport matters, an allegation that is non-sexual in nature, may be more appropriately addressed at the community LAO level under which the alleged misconduct or abuse occurred. The USA Rugby SafeSport Liaison, or his or her designee, may delegate appropriate matters to the respective LAO for resolution under the USA Rugby Community Judicial Officer Program. The LAO shall be bound by all terms and procedures in this Handbook and shall report the resolution to the USA Rugby SafeSport Liaison.

If USA Rugby determines the matter is appropriately addressed as a violation of the USA Rugby Safe Sport Program Handbook, USA Rugby will proceed according to the procedure set out in this USA Rugby Response and Resolution Policy.

Disinterested Party

In all cases, the initial inquiry and any subsequent steps will be conducted by disinterested individuals.

Temporary Measures and Safety Plans

USA Rugby, or any appropriate LAO, may impose Temporary Measures or safety plans to ensure the well-being of any of the parties and maybe issued at any time prior to the final decision. Temporary measures are effective immediately upon notice to the Respondent(s) unless otherwise stated. Temporary measures may include, but is not limited to:

- Implementing contact limitations between the parties;
- Implementing supervision or chaperone requirements;
- Altering training schedules;
- Venue limitations;
- Provisional Suspension⁵

USA Rugby will work with the parties to identify genuine concerns for physical safety and may implement a safety plan.

Any Respondent subject to a Provisionally Suspended may demand a Hearing to appeal the Provisional Suspension under the USA Rugby Grievance Procedure. The Respondent shall email the demand to the USA Rugby SafeSport Liaison safesport@usa.rugby within ten (10)

⁵ As defined by Regulation 18.13.1

days of the Respondent's receipt of the Notice of Temporary Measures. Upon timely receipt of the demand, USA Rugby, through its SafeSport Liaison, shall convene a Hearing under the USA Rugby Complaint, Grievance, and Dispute Resolution Procedure.

The scope of the Hearing is limited to whether the Provisional Suspension is an appropriate Temporary Measure. The Hearing will be held to determine whether the Respondent(s) will continue to be subject to the Provisional Suspension. USA Rugby, or the LAO issuing the Temporary Measure, shall have the burden of proving, on the balance of probabilities (also referred to as the preponderance of the evidence) that the Provisional Suspension is an appropriate Temporary Measure. The Judicial Panel shall make its decision regarding the Provisional Suspension within 7 days of completing the Hearing. Unless and until a Judicial Panel issues a decision overturning, the Respondent will be subject to the Provisional Suspension. The substance of all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the hearing, legal counsel, and other professional advisors, witnesses, and law enforcement and other government authorities as may be required by law.

Investigation

Investigations into abuse or misconduct are conducted generally in accordance with the provisions of World Rugby Regulation 18. The USA Rugby SafeSport Liaison, or his or her designee which may be an LAO, may undertake such investigations into the incident or behavior as he or she may consider necessary including, but not limited to:

- Review the USA Rugby SafeSport Program Handbook, the USA Rugby Code of Conduct, the USA Rugby Bylaws, and all other relevant USA Rugby Policies
- Review the SafeSport Code, World Rugby Regulations, USOPC Bylaws and any other relevant policies
- Request and review documentation related to the matter
- Request and review any evidence related to the matter
- Seek to interview the Respondent.
- Seek to interview involved parties, reporter(s), and witnesses with direct knowledge of the allegations.
- Notify the Respondent that he or she will be provided the opportunity to present a response to the allegations, including evidence and the names and information of any potential witnesses with direct knowledge of the allegations.
- Notify the Claimant and/or Third-party reporter that USA Rugby is investigating the possible Handbook violation and inform them of the right to meet with the investigator and present evidence in support of the complaint along with the names and information of any potential witnesses with direct knowledge of the allegations.
- Seek evidence and take any other actions USA Rugby deems relevant to the investigation.

- Review and weigh evidence provided by a Third-party Reporter, Claimant, Respondent, witnesses with direct knowledge of the facts, or any other source, regardless of whether such evidence may not be admissible in civil or criminal proceedings. Opinion evidence, other than expert opinion evidence, shall not be considered.

The USA Rugby SafeSport Liaison or his or her designee shall Document all investigative efforts.

Upon conclusion of the investigation, USA Rugby SafeSport Liaison or his or her designee shall determine whether to offer an Informal Resolution, issue Minor Discipline, close the investigation, or bring a Misconduct Complaint.

Informal Resolution

At any time prior to a final decision, a Respondent and USA Rugby may reach an informal resolution. An Informal Resolution is final disposition of the matter and is not appealable. This disposition does not need to be kept confidential unless confidentiality is part of the informal resolution.

Upon completion of the formal investigation, the USA Rugby SafeSport Liaison may present the investigation findings to the Respondent and offer a proposed sanction as Informal Resolution. If the Respondent rejects the proposed sanction, then the USA Rugby SafeSport Liaison may proceed with a Misconduct complaint against the Respondent.

Minor Discipline

Upon completing an investigation, the USA Rugby SafeSport Liaison, or their designee, may impose discipline for violations where a reprimand, admonishment, warning, training, or other sanction may be imposed without conducting a Hearing. Minor Discipline is final disposition of the matter and is not appealable.

Closing the Investigation and Final Resolution

At any point prior to final resolution, USA Rugby may close an investigation if:

- USA Rugby could not conduct or complete the investigation;
- It is determined that USA Rugby does not, in fact, have authority or jurisdiction over the allegation;
- It is determined that the evidence collected is insufficient to support the allegation;
- It is determined that the issue has already been adjudicated.

A decision to close an investigation is unappealable. USA Rugby may reopen a case at any time.

Misconduct Complaint

If the investigation finds a potential violation of the SafeSport Code or this Handbook which could result in a suspension or expulsion, then the USA Rugby SafeSport Liaison, or his or her designee will prepare Misconduct Complaint. The Misconduct Complaint will contain the specific allegations against the Respondent should include:

- The name of the Respondent and membership information, and where applicable, their Rugby Body;
- The date(s) and place(s) of the alleged abuse or Misconduct;
- The grounds for the alleged Misconduct;
- Details of the alleged (including brief details of the evidence to be relied upon);
- Notice that a hearing will be held

The Misconduct Complaint shall be sent to the Respondent. The SafeSport Liaison, or his or her designee, will convene a Hearing.

Hearing

Hearings are generally administered and conducted in accordance with the USA Rugby Hearing Procedures contained in the USA Rugby Grievance Policy consistent with World Rugby Regulation 20 (“Regulation 20 by a Judicial Panel. The Judicial Panel has broad authority and discretion to run the hearing consistent with the matter at issue. Without violating Regulation 20, this following procedure shall be followed:

1. The Hearing shall be heard by a panel of three disinterested persons. In certain cases, Respondent may waive that right and agree to a single judicial officer.
2. In some cases, the Respondent may waive the right to a Judicial Panel in favor of a single Judicial Officer.
3. The Chair of the Judicial Panel shall disclose the identity of the Judicial Panel members to all parties participating in the hearing.
4. The Judicial Panel Chair shall hold a pre-hearing conference with the parties as soon as practicable. During the pre-hearing conference:
 - a) The Judicial Panel Chair will give an overview of the hearing process.
 - b) The Judicial Panel Chair will:
 - i. Establish a schedule for any information exchange, which may include exchanging witness lists and evidence to be presented at the hearing
 - ii. Set deadlines for submissions
 - iii. Establish any pre-hearing briefing provisions and deadlines
 - c) The Judicial Panel Chair shall determine the date and time of the hearing, which shall be such that it is practicable for all parties to attend. The hearing will be held within ninety (90) days of the last submission to the Judicial Panel without just cause for delay, unless a delay is agreed to by the parties

- d) Address questions from the parties.
5. The Respondent may submit a responding statement addressing the allegations, providing a defense, or stating a reason why the matter should not proceed within the time and in the manner established in the pre-hearing conference.
6. The Respondent may have legal representation or an advisor present throughout the proceedings at her or her own expense.
7. The Hearing shall be conducted in real-time virtually, unless the Judicial Panel determines that an in-person hearing is necessary. Respondent shall have the right to be appear personally.
8. The USA Rugby SafeSport Liaison, or the designated disciplinary officer shall have the burden of proving, on the balance of probabilities (which is sometimes also referred to as the “preponderance of the evidence,” which means “more likely than not”), that behavior or act(s) of abuse or Misconduct have occurred.
9. The Hearing will be conducted in closed and confidential manner, to the extent possible.
10. The Procedure of the Hearing officer/ Judicial Tribunal Hearing will be as follows:
- a) The chair will explain the procedure to be followed.
 - b) For cases involving Misconduct or breaches of Code of Conduct, or violations of the SafeSport Handbook:
 - i. The Charges will be read
 - ii. The Respondent will be asked to confirm if they admit that they have committed the act(s) of Misconduct, breaches of the Code of Conduct, or violations of the SafeSport Handbook for which the Respondent is charged.
 - iii. Evidence from the Respondent if they elect to give evidence, and from any witnesses to be called and heard.
 - iv. Final submissions will be heard.
11. The Judicial Panel shall issue a formal written decision, including any sanction imposed, as soon as available, but no later than 14 days after completion of the hearing. The Judicial Chair will provide the Decision to the Respondent and to USA Rugby. Subject to the appeal provisions contained below, the Judicial Decision shall be final and binding.

Sanction

If the Judicial Panel determines that Misconduct or abuse has occurred, it shall issue a sanction. Potential sanctions for violations including, without limitation:

- Probation – A specified period of time during which, should any additional violation occur, the Respondent(s) is likely to be subject to additional sanctions, including possible suspension and/or permanent ineligibility;
- Contact Limitations – A Respondent may be required to abide by limitations on who the individual may have contact with and under what circumstances for a specific period of time;
- Supervision – A Respondent may only be permitted to participate in USA Rugby sanctioned activities if another individual, often an Adult Participant, is present at all times during such activities;

- Training/Re-Training – A Respondent may be required to complete training regarding their conduct before being permitted to return to participation in any Rugby Activity;
- Suspension – A specified period of time during which a Respondent is not permitted to participate in either specific or in any Rugby Activity;
- Permanent Ineligibility – The Respondent would not be permitted in any USA Rugby sanctioned activities.
- Membership – Withdrawal of member benefits or membership.

Unless noted otherwise, nothing in this Response and Resolution Policy is intended to conflict with World Rugby Regulations, including, but not limited to, Regulation 18, and Regulation 20.

All Participants recognize and agree to be bound by the principal of universality which means that Participants who are suspended at any level of the Game (as defined by World Rugby Regulation 1) shall have their suspension recognized and applied at all levels of the Game and in the territories of all member Unions and Associations.⁶

It is the sole responsibility of a Respondent to abide by any sanction. Failure to do abide by a sanction is considered a separate and distinct violation and could subject a Respondent to new sanctions. USA Rugby may communicate sanctions to other individuals, including, but not limited to: Rugby Bodies, coaches, parents, volunteers, and athletes.

Expedited Hearings Provisions

In certain circumstances, a Hearing may proceed under an Expedited time frame. An Expedited Hearing shall be held within fourteen (14) days of the Judicial Panel's determination that an Expedited Hearing is appropriate.

The scope of an Expedited Hearing may be limited or tailored to certain matters or certain elements of a matter.

The Expedited Hearing Judicial Panel shall issue its decision within seven (7) days of completing the Hearing. The Expedited Judicial Decision shall be final and binding.

Appeals

A Respondent may appeal a suspension for a Handbook issued by a Judicial Panel in accordance with Section 11.2 of the USA Rugby Bylaws. The appealing party must issue a statement of appeal within fourteen (14) days of receipt of the Judicial Decision.

The Appeal Panel shall not conduct a de novo hearing of the facts decided by the Judicial Panel but shall apply a deferential standard of review to the Judicial Panel decision. The

⁶ World Rugby Regulation 18 Preamble C

Appeal Panel may only reverse, vacate, or modify the Judicial Panel decision if the appellant demonstrates that:

1. The decision was wrong in fact or law;
2. In the interest of justice should be overturned;
3. The sanction imposed was manifestly excessive or wrong in principle; and/or
4. The sanction imposed was manifestly inadequate.

The Appellate Panel shall be final and binding as it is the final authority in this Response and Resolution Policy.