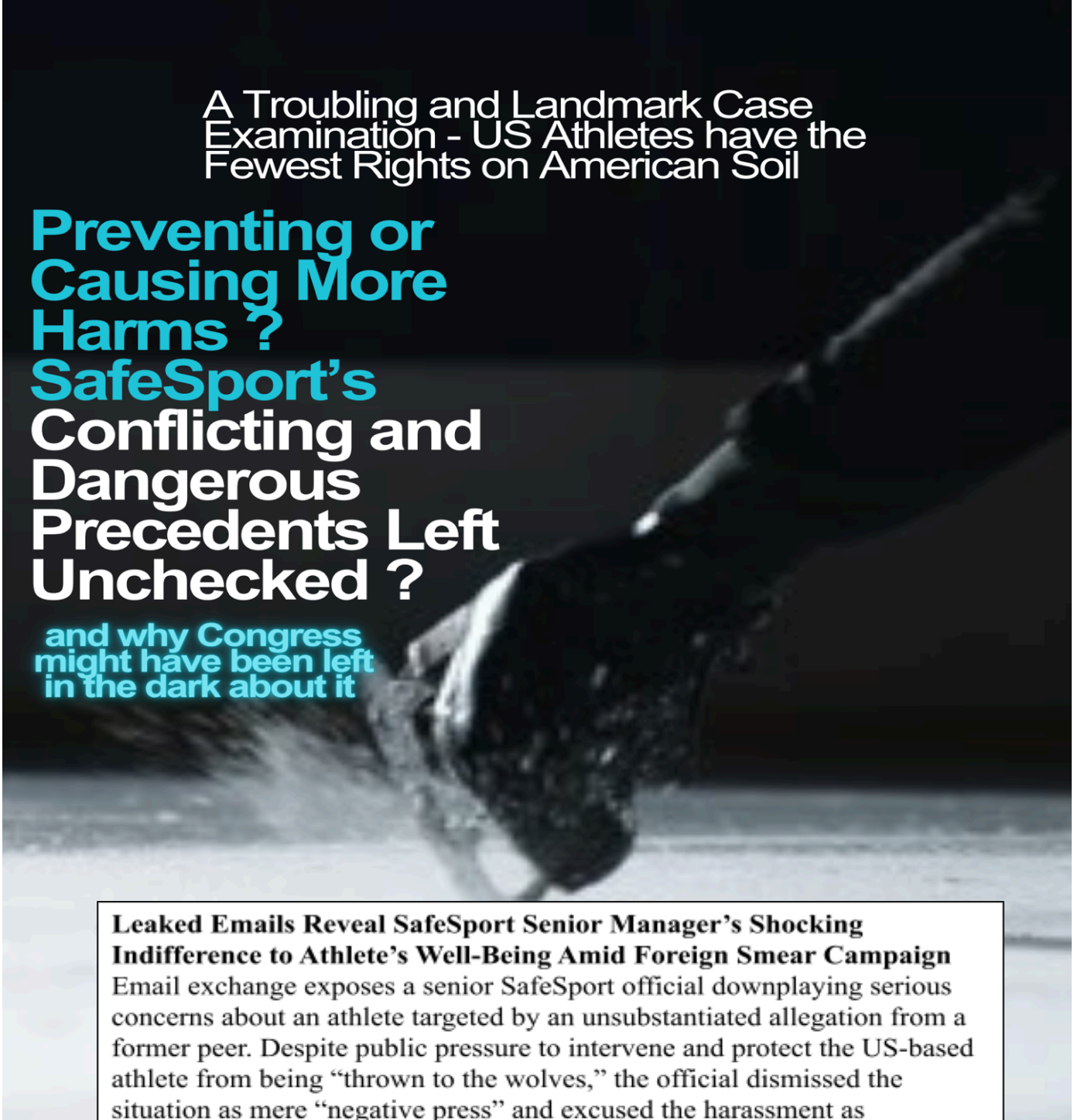




A Troubling and Landmark Case
Examination - US Athletes have the
Fewest Rights on American Soil

**Preventing or
Causing More
Harms ?
SafeSport's
Conflicting and
Dangerous
Precedents Left
Unchecked ?**

**and why Congress
might have been left
in the dark about it**

**Leaked Emails Reveal SafeSport Senior Manager's Shocking
Indifference to Athlete's Well-Being Amid Foreign Smear Campaign**

Email exchange exposes a senior SafeSport official downplaying serious concerns about an athlete targeted by an unsubstantiated allegation from a former peer. Despite public pressure to intervene and protect the US-based athlete from being "thrown to the wolves," the official dismissed the situation as mere "negative press" and excused the harassment as "exercising frees speech." No action was taken to ensure the athlete's safety or expedite protections, raising serious questions about SafeSport's

commitment to athlete welfare.

**The Unchecked Power That's Ruining Athletes' Lives: How a
Private Corporation Meant to Protect, Is Destroying Careers
with No Accountability"**

75. Defendants have been able to deprive Participants of their statutory right to a predetermination hearing since 2017 by manipulating the procedures in the SafeSport Code to avoid any adjudication of the lawfulness of the SafeSport Code procedures by a court or an arbitrator.

United States District Court for the Western District of Virginia Civil Action No: 3:24 – cv – 00030, Filed 09/13/24

A Matter of Public Interest.

On October 16, 2024, the figure skating world was stunned when a highly anticipated U.S. ice dance team abruptly withdrew from their much-awaited Senior Grand Prix debut. The shocking revelation followed swiftly—athlete Ivan Desyatov had been publicly suspended from the sport due to an allegation from a former international training peer. What ensued was not just a controversy but a firestorm of public scrutiny, fueled by aggressive public relations efforts, widespread criticism, and intense cyberbullying. Despite the profound impact on his life, career, and reputation, Ivan Desyatov has yet to be given the opportunity to present his testimony or evidence. This ongoing denial raises urgent concerns about due process, fairness, and the broader handling of allegations in amateur sports. Four months later, the allegation against him remains unsubstantiated, yet his career hangs in limbo—his voice unheard, his defense unheard. **This case underscores the critical need for transparency, accountability, and a system that upholds fundamental rights rather than bypassing them.**

Author
Mary Jane Cabatuan
This turn of events shocked the duo's fans. The thing is that Flores and Desyatov are not just a dance couple from the USA, but one of the most popular. And all thanks to social networks. Just a few details:

- Isabella's TikTok videos have garnered 8.5 million likes. The videos have crazy views: the pinned ones have three records at once - 7.9 million, 5.5 and 4.8.

- Flores has 391 thousand subscribers on the purple social network, Desyatov has 58 thousand. Two-time world champions and leaders of the US team Madison Chock and Evan Bates have more modest totals - 121 + 67.

6w Like Reply

Link to Article:
<https://sportsing.substack.com/p/the-transparency-tension-and-allure>

The Transparency, Tension, and Allure of Team USA Ice Dancers Isabella Flores and Ivan Desyatov

Am I a...fangirl?

JOCelyn JANE COX
SEP 24, 2024



10 9 1

How has one of America's most powerful private organizations, **The U.S. Centre for SafeSport** - granted authority by Congress - **found a way to circumvent due process**, leaving *amateur athletes* vulnerable to misconduct and *weaponized allegations*. This issue goes beyond a single case; it demands greater transparency, oversight, and accountability to prevent further harm. **Our goal is to present information that encourages informed decision-making and meaningful reform. We urge policymakers, journalists, and the public to scrutinize the facts, verify the evidence, and assess the situation with fairness and integrity.** Having followed this case in real time from the outset, we have formed certain reasonable hypotheses while recognizing that this remains a "he said, she said" situation—**one that warranted a prompt and thorough investigation** from the beginning. However, we urge everyone to reach their own conclusions through a careful examination of this source and all other available information. While much of the information shared comes from publicly available sources, our advocacy has recently prompted credible individuals to come forward—many choosing to remain anonymous for fear of retaliation. **Their accounts, though currently unverified, highlight the urgent need for an independent, unbiased investigation to ensure justice and due process prevail.**

Disclaimer

As citizen activists, the information and media presented is fair use. Our opinions and commentary are our own for advocacy and educational purposes.

We encourage the public to verify information provided and form their own judgement.

Screenshots presented are procured from publicly available online sites, social media platforms and public profiles.

CLICK

[TROUBLING CASE EXAMINATION](#)

To Jump to the Case Examination

“providing no due process safeguards

“Every version of the SafeSport Code has severely restricted the scope of issues on which an accused could be heard, thereby denying accused Participants any meaningful opportunity to be heard.”

“The SafeSport Code has never provided a pre-determination hearing and has always provided for a post-determination arbitration at the accused’s expense. “

**To be sure,
SafeSport
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direct oversight
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which an accused could be heard, thereby denying accused Participants any meaningful
opportunity to be heard. The SafeSport Code has never provided a pre-determination hearing and
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code has always provided for a post-determination arbitration at the accused's expense. The SafeSport
denied the right to appeal the arbitrator's decision. Despite providing no due process safeguards,
the SafeSport Code has always contained a provision that persons found in violation without a
hearing will be publicly identified on Defendant SafeSport's website.

“The rebuttal presumption is that the allegation, as presented, are true.”

The Amateur Sports Act does not cross this constitutional line. To be sure, SafeSport enjoys broad autonomy and operates without direct oversight from a federal agency. If SafeSport exercised federal rulemaking or enforcement power, that lack of

That said, SafeSport's structure and functions point to the same conclusion. Unlike USOPC, SafeSport is not even a federally chartered entity—it is a private corporation formed under Colorado state law. (Compl. ¶ 7.) Nor does the Amateur Sports Act delegate

“SafeSport's structure and functions point to the same conclusion. Unlike USOPC (United States Olympic and Paralympic Committee)SafeSport is not even a federally chartered entity – it is a **private corporation formed under Colorado state law.**”

The U.S. Center for SafeSport: A Response to the Crisis of Sexual Abuse in Amateur Sports

In 2017, the U.S. Congress established the **U.S. Center for SafeSport** to address the **widespread sexual abuse of minors in amateur sports**. This decision followed a **major scandal** that shook the American sports community, where an athletic therapist was found to have abused dozens of young gymnasts. Alarming, this abuse had been systematically ignored and mishandled by decision-makers within the gymnastics community. The creation of the Center was a **step toward addressing this failure**. The Center's mission is rooted in **aiming to prevent abuse and provide a safe environment for all athletes**. It was formed with the clear intent of **eliminating emotional, physical, and sexual abuse from the world of amateur sports**.

According to the Center's official website, its mandate is to “build a sport community where participants can work and learn together, free of emotional, physical, and sexual abuse and misconduct.”

Before the Center's Establishment

National Governing Bodies (NGBs), which oversee specific sports federations like the United States Figure Skating Federation. These organizations were granted authority under the **Ted Stevens Amateur Sports Act of 1978**, a key piece of legislation designed to protect the rights of amateur athletes. In 2018, the **Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act** was passed to operationalize the SafeSport Center and give it exclusive and independent authority to address and prevent sexual abuse to young athletes. Then, in 2020, the **Empower Olympic Athletes Act** was enacted following **the suicides of athletes facing public allegations during the Center's investigative processes**. This amendment aimed to enhance athlete safety, ensure due process rights to athletes going through the process, and promote greater accountability within the sports community.

The Role of the Ted Stevens Act – Amateur Athletes Act

The Ted Stevens Act, passed in 1978, gave the USOPC and NGBs the power to govern and protect amateur athletes, ensuring that they could participate in sports with certain protections in place. However, the Act's scope was expanded **through amendments made in 2018 and 2020** granting the U.S. Center for SafeSport the authority and operational independence. These amendments required the USOPC to **provide the Center with funding, but also allowed the Center to operate independently from the USOPC's governance**.

A New Chapter in Athlete Protection

With the establishment of the U.S. Center for SafeSport, the responsibility for protecting athletes from abuse shifted away from the organizations that had previously failed to act, bringing a new level of accountability and support for those who had been affected. The Center's role is not just to investigate and respond to allegations of abuse, but to proactively foster a culture of safety and respect in all sports.

⇒ **U.S. Centre for SafeSport Code of Ethics – last revision July 2024**



https://drive.google.com/file/d/1KKUT77RPhjHuOpTHnn1nSe4gYwu2FCpG/view?usp=share_link

When did the U.S. Center for SafeSport Become Problematic ?

Amateur Athletes Lack Key Protections Against Allegations Unlike Professionals Under U.S. SafeSport"
The right to be heard prior to loss of livelihood

A Basic Right that is Afforded to:

Professional Athletes

US Employees – including all professions that work with minor populations in positions of trust ie. Nurses, law enforcement, teachers, ect.

Athletes being accused of doping violations

**** suspensions occur in all the above, but it is their right to be heard to present their version of events and testimony prior to interim disciplinary action.**

ate,
independent of the U.S. Olympic Committee, to administer and
enforce federal law and policy regarding emotional, physical and sexual abuse in Olympic and
amateur sports. Defendant SafeSport has regulatory control over virtually anyone participating in
amateur sports in the United States, including players, coaches, administrators, referees and other
officials. Defendant SafeSport is charged with developing programs and promulgating rules
covering all facets of emotional, physical and sexual abuse in Olympic and amateur sports in the
United States. Further, the Ted Stevens Act grants Defendant SafeSport the authority to enforce
alleged rules violations
in violation.

The Ted Steven Act unconstitutionally grant to Defendant SafeSport, a private, independent, self-regulatory, non-profit corporation, the power to draft, implement, administer and enforce federal law and policy regarding emotional, physical and sexual abuse in Olympic amateur sports. Defendant SafeSport has regulatory control over virtually anyone participating in



How did we let this happen in America?

What is the “U.S. Centre for SafeSport” and Why their practices are a matter of public interest and concern?

SafeSport is arguing in U.S. courts that amateur athletes have no right to due process under its current system. As a result, athletes can have their careers and livelihoods jeopardized based on a complaint they may not have the opportunity to contest for months or even years.

The formation of SafeSport was a response to some rightly demanded changes in the movement, but it was created: *an autonomous entity with unchecked power, minimal oversight, and no accountability.* Oversight of SafeSport has been limited, primarily focused on funding issues rather than procedural fairness. *The prevailing social climate has made it difficult to critique SafeSport’s practices without being perceived as dismissive of abuse survivors.* However, this issue is not about diminishing the importance of addressing abuse—it is about ensuring that justice is served equitably for all parties involved to reduce harms by the process itself; strengthening the credibility and the integrity of the Center.

For any athlete in the U.S., this is a warning: if an allegation is made against you, you will not have the right to truly defend yourself for an extended period of time. This means losing seasons, coaching roles, sponsorships, funding, and the very foundation of your career.

After five years of relentless legal battles, athletes that have been harmed by Center’s processes have been unable to successfully hold the Center to account for its harmful and troubling processes due to constructed legal loopholes. At the heart of each case lies a fundamental question: **Do athletes have a fair opportunity to defend themselves when facing allegations?**

Right now, they don’t.

Athletes accused of violations under SafeSport often find themselves in limbo, **unable to present their testimony or exculpatory evidence for months, sometimes years.** While awaiting an arbitrator’s review, their careers are already damaged—suspensions are imposed without due process, and so-called “hearings” fail to provide a template for a real opportunity for defense. By the time they are granted a chance to present their case, their reputations, sponsorships, training opportunities, and even livelihoods may already be destroyed.

This isn’t just about a few cases; it’s about a growing pattern of injustice. SafeSport, originally designed to protect athletes, **has been weaponized in numerous instances**—used as a tool for ulterior motives rather than true justice. The lack of due process has led to **mounting miscarriages of justice**, where **athletes are presumed guilty before they’ve had the chance to defend themselves.**

This issue matters because fundamental rights and freedoms are at stake. In the American legal system, due process is a cornerstone, yet amateur athletes are being denied this protection. The consequences of these failures are dire—entire careers have been compromised before a fair hearing ever takes place.

The time to address these injustices is now. The system must be **reformed to ensure fairness, due process, and protection against wrongful allegations.** Without these changes, SafeSport will continue to **be a double-edged sword—one that, instead of ensuring justice, cuts down many innocent athletes in its path.**

This is not justice—it is a system that prioritizes swift reactions that are irreversibly damaging to hundreds of athletes that were proven to be innocent after eventually being able to defend themselves months later in a formal investigation. The SafeSport model must be reformed to ensure that all athletes—both victims and the accused—**receive fair and impartial treatment.** *Due process must be restored, oversight must be strengthened, and justice must remain the paramount objective*

⇒ Email Exchange with Senior Manager of SafeSport



<https://docs.google.com/document/d/1j94nLiOixeBNd6tIbv7ER5JQrUo3Mm-/edit?usp=sharing&ouid=105291496263840626083&rtpof=true&sd=true>

Congress amended the Amateur Athletes Act to empower the Center with operational authority. While the need for a governing body to address abuse complaints in sports and ensure thorough investigations was undeniable, the Center's structure ultimately created a powerful yet unaccountable entity—precisely the *kind of institution the Founding Fathers warned against.*

SafeSport: Ethical Concerns and Structural Flaws

SafeSport, as implemented in the U.S., has faced **significant ethical criticism due to various structural and procedural flaws.** While its mission—to protect athletes from abuse—is crucial, **its execution has raised concerns about fairness, transparency, and due process.**

1. Lack of Due Process

SafeSport operates as a **private entity**, meaning it is not bound by constitutional due process. This has led to several concerns regarding fairness in its proceedings:

- The organization **does not fully adhere to the congressional bill that grants it authority, raising legal concerns.**
- The standard of review in the SafeSport Code of Ethics until such time that a formal investigation begins months to years later, **is that the allegations are true.** This same standard of review is the criteria for the **hearing** an athlete can request to address the suspension **after** it has already been handed down.
- Accused individuals are often **publicly named and temporarily suspended before they have an opportunity to address the allegations** or provide supporting evidence in their defense.
- There is limited opportunity for cross-examination, and the burden of proof is significantly lower than in a court of law.
- Investigations often face **unreasonably prolonged delays** while **athletes remain suspended and publicly identified, leading to reputational damage, loss of funding, and psychological harm.**
- The substantial time lapse between public accusations and actual investigations **increases the risk of bias and public pressure, especially in high-profile cases. It is an invitation for a trial by media.**

2. Conflicting Missions

- The Center was established to provide a safe environment for athletes and prevent physical, emotional, and sexual abuse. However, its investigative process **has caused significant harm to many exonerated**

athletes, including many that have been unable to re-establish their athletic. This has created a system that lacks safeguards and contributes to a high degree of miscarriages of justice. Notably, **42% of cases are reportedly overturned on appeal**, highlighting significant **procedural flaws** when subjected to third-party scrutiny.

3. Integrity of Investigations

- **Complainants are permitted to publicly discuss allegations**, which often leads to **media bias, trial public opinion and reputational damage** before an investigation is completed.
- Respondents are told they are permitted to speak freely, however, then indirectly become liable for **violating Abuse of Process and Retaliations violations identified in the Code of Ethics**.
- This process allows **one-sided narratives** to dominate public discourse, exacerbating potential injustices.
- This is particularly exacerbating when accepting foreign complaints and/or in cases that are **high-profile leading to increased media attention, scrutiny and public outcries**.

4. Lack of Transparency

- SafeSport does not always disclose how it reaches its decisions, making it difficult for accused parties to understand the reasoning behind their punishment.
- **The lack of clear criteria for case evaluations** raises concerns about **arbitrary decision-making, especially in lieu of a high appeal turnover rate**.

5. Conflicts of Interest

- Despite being made independent from the U.S. Olympic & Paralympic Committee (USOPC) and National Governing Bodies (NGBs) in 2018, **SafeSport is still funded by the USOPC, the very organization it is meant to regulate**.
- This financial relationship raises concerns that SafeSport may **prioritize protecting the USOPC's image over ensuring fair investigations**.
- **Athletes must pay substantial fees** to request hearings for challenging suspensions or appealing decisions, creating a significant financial barrier to due process. This raises legitimate concerns about **financial incentives influencing the high frequency of suspensions requiring hearings and appeals**.

6. Inconsistent and Overreaching Enforcement

- Some cases result in severe punishments despite little evidence, while others with stronger evidence are dismissed or ignored.
- Coaches and athletes have been sanctioned based on anonymous or unverified complaints, raising **concerns about false accusations being weaponized**.
- **In 2022, 42% of appeals resulted in case reversals, suggesting procedural inconsistencies**.

7. Lack of Accountability

- Individuals who believe they have been **wrongfully accused or unfairly disciplined have little recourse**.
- Unlike a legal court system, **SafeSport lacks independent checks and balances** to ensure fair investigations.
- Some athletes and coaches have pursued legal action against SafeSport for defamation and wrongful punishment, **but due to its private nature, challenging its authority is difficult**.

8. Failure to Adequately Protect Athletes

- Despite aggressive enforcement in some cases, SafeSport has been **accused of failing to act in situations where actual abuse is occurring**.
- Victims have reported being retraumatized by the **organization's slow and bureaucratic process**.

Conclusion

While SafeSport was created with good intentions, **its flawed structure, lack of due process, and conflicts of interest make it an ethically questionable framework.** Critics argue that **meaningful reform** is necessary to balance athlete safety with fairness and accountability.

The Ted Stevens Act of 1978 – Amateur Athletes Act

American Games;

(7) demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in the sport for which certification is sought, or any amateur sports organization that conducts programs in the sport for which certification is sought, or both;

(8) provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate;

(9) is governed by a board of directors or other governing board whose members are selected without regard to race, color, religion, national origin, or sex, except that, in sports where there are separate male and female

Fundamental principles of Ted Stevens Act of 1978 with the most recent amendments passed to grant the U.S. Center for SafeSport Authority.



in Direct Conflict with the Center's Current Processes

Ted Stevens Amateur Athletes Act Title 36

Promote a safe environment in sport that is free from abuse of any amateur athlete, including emotional, physical and sexual abuse

2020 Amendment

Ensure **any action taken by the Center** against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, any other disciplinary action is carried out in a manner the provides **procedural due process, at a minimum,**

 The principles of due Process in natural law: The right to be heard prior to the denial of livelihood and liberty.

Ted Steven Act

Provides equal opportunity to amateur athletes with a fair notice and opportunity for a hearing to any athlete before declaring them ineligible to participate in the sport.

Confusing Representatives In Congress

**Troubling
Misrepresentation
by the Center to the
Public and
Congress**

- Center officials insist they uphold due process based on their Code of Ethics and history—***but their actions suggest the otherwise.***
- The Center's spokesman claims a post-suspension hearing allows respondents to defend themselves—***yet in reality, it appears to be nothing more than a hollow formality***

Spokesman for SafeSport -
“The SafeSport Code and the interim measure process that was communicated to him directly and which is on our website makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have been accommodated in 72 hours by rule,” Hill said. “That hearing would have been in front of an independent arbitrator. That’s such a critical part in all of this.”

Coughlin’s assertion that he was being prevented from speaking freely about the allegations against him by SafeSport “is not true,” SafeSport spokesman Dan Hill said earlier this month.

“The SafeSport Code and the interim measure process that was communicated to him directly, and which is on our website, makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have been accommodated in 72 hours by rule,” Hill said. “That hearing would have been in front of an independent arbitrator. That’s such a critical part of all of this.”

Center officials say that to “maintain its legitimacy in (the) community, the center needs to be perceived as fair: tenacious in protecting young athletes while providing due process to those who face reputation-ruining allegations that might prevent them from competing or coaching.” SafeSport defends its confidentiality policy, “which prohibits the sharing of documents related to a case, as designed to protect the privacy of everyone involved, including victims and witnesses.

Center officials say that to "maintain its legitimacy in [the] community, the center needs to be perceived as fair: tenacious in protecting young athletes while providing due process to those who face reputation-ruining allegations that might prevent them from competing or coaching." SafeSport defends its confidentiality policy, "which prohibits the sharing of documents related to a case, as designed to protect the privacy of everyone involved, including victims and witnesses."^[6]

Amateur Athletes Are Suspended and Publicly Named Before They Have a Chance to be Heard

Athletes involved in Olympic Sport are alone in being denied due process rights.

<https://drive.google.com/file/d/1Zsus1msLsTaQxfgXmLFksCDvpjqsZm0y/view?usp=sharing>

opportunity to be heard, and "procedural due process," it meant that Defendant SafeSport was required to provide procedural due process within the meaning of the Fifth Amendment to the United States Constitution.

124. In other words, Congress found that the statutory benefits granted in the Ted Stevens Act, either separately or in combination with the potential stigma and harm to a participant's name, honor, integrity and reputation as a result of identifying them on the Defendant SafeSport's public website, required the protections of due process in Defendant SafeSport's policies and procedures to deprive them of those rights.

125. When Congress grants statutory rights to individuals and directs an agency to establish a procedure affecting those rights, "it can be assumed that Congress intends that procedure to be a fair one." *Marincas v. Lewis*, 92 F.3d 195, 203 (3d Cir. 1996) (also stating doubt that Congress intended to provide a procedure that fails to provide basic due process).

"found that the statutory benefits granted in the Ted Stevens Act, either

While SafeSport plays a vital role in protecting athletes from abuse, its current framework lacks the fundamental safeguards necessary to ensure fairness. **A more transparent and balanced process—one that upholds due process rights while maintaining accountability—is essential to preventing wrongful career destruction and restoring trust in the system.**

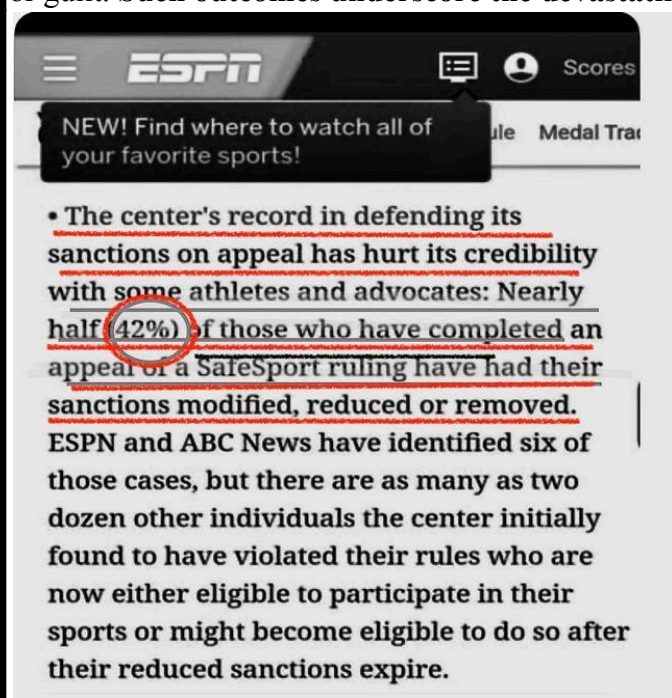
These investigations are often slow-moving, dragging on for months or even years. During this time, the accused is left in limbo—**unable to compete, train, or restore their reputation. Even if exonerated, the damage caused by prolonged public suspicion and professional exclusion can be irreversible.** The denial of due process, depriving individuals of their livelihood and personal dignity, has already led to **tragic consequences.**

In addition, the integrity and standard of review of the investigation appear to be problematic in that 42% decisions made by the Center based on their investigation are overturned on appeal when reviewed by a third party.

A hearing can only be requested **AFTER** it has been handed down, but is limited to making an argument against the suspension, rather than addressing the allegation itself. Both the hearing and the appeals come at a significant cost to the respondent, non-inclusive of the cost of legal representation.

This raises a reasonable concern about whether there is a **financial incentive** to denying respondents their rights and issuing investigation decisions that **frequently fail to withstand third-party scrutiny under the civil litigation standard of a preponderance of the evidence.** It continues to operate in conflict with the congressional bills that grant the Center its authority, however, **denies accountability and responsibility for the harms this causes as it states it is not a government organization and does not have a duty to uphold rights.**

Two athletes have taken their own lives after their reputations were irreparably damaged from the Center's processes **without an opportunity for a defense prior to being publicly shamed.** These cases were closed posthumously, leaving families and colleagues in perpetual uncertainty about the individuals' innocence or guilt. **Such outcomes underscore the devastating human cost of failing to protect due process rights.**



The screenshot shows an ESPN website interface. At the top, there's a navigation bar with the ESPN logo, a menu icon, a user profile icon, and a 'Scores' link. Below the navigation bar, there's a promotional banner that says 'NEW! Find where to watch all of your favorite sports!'. The main content area features a list item with a red dot bullet point. The text of the list item is: '• The center's record in defending its sanctions on appeal has hurt its credibility with some athletes and advocates: Nearly half (42%) of those who have completed an appeal of a SafeSport ruling have had their sanctions modified, reduced or removed. ESPN and ABC News have identified six of those cases, but there are as many as two dozen other individuals the center initially found to have violated their rules who are now either eligible to participate in their sports or might become eligible to do so after their reduced sanctions expire.' The text 'half (42%)' is circled in red.

“Nearly half 42% of those who have completed an appeal of a SafeSport ruling have had their sanctions modified, reduced or removed.”

This calls into question whether there is an investigatory bias issue as the respondent has usually been tried in the court of public opinion for months by the time they are granted the right to be heard. The integrity of the investigation has been reasonably compromised due to public influence. It appears the only safeguard against the Center's processes are an third-party appeal at a cost of \$5,200 with additional fees – non-inclusive of the cost of legal representation.

While SafeSport was created to protect athletes, its investigative system **has inadvertently created backlogs and inefficiencies that exacerbate harm rather than mitigate it.** Upholding the constitutional right to due process, as guaranteed by the Ted Stevens Act of 1978, **would not only ensure justice but also streamline dispute resolution, preventing cases from escalating into protracted and costly investigations.** Professional athletes, protected by the financial stakes in their careers, are often spared the worst of these consequences. In contrast, amateur athletes—who rely on local funding and unpaid training—are left particularly vulnerable to reputational and financial devastation.

Denying procedural fairness undermines the very principles of justice and human rights. **History has shown the perils of circumventing due process under the guise of serving the “greater good.”** While we must work to protect athletes from abuse, we must also ensure that the rights of those falsely accused are not trampled.

Justice cannot be achieved if the process itself is unjust.

True justice requires a balanced approach. We must move beyond the mistaken belief that an accusation automatically equates to guilt. Protecting victims and ensuring fairness for the accused are not mutually exclusive goals. SafeSport was created to safeguard athletes, yet its current framework has evolved into a mechanism that can destroy careers and lives without due process. Meaningful reforms are needed to restore faith in the system and ensure that justice is truly served

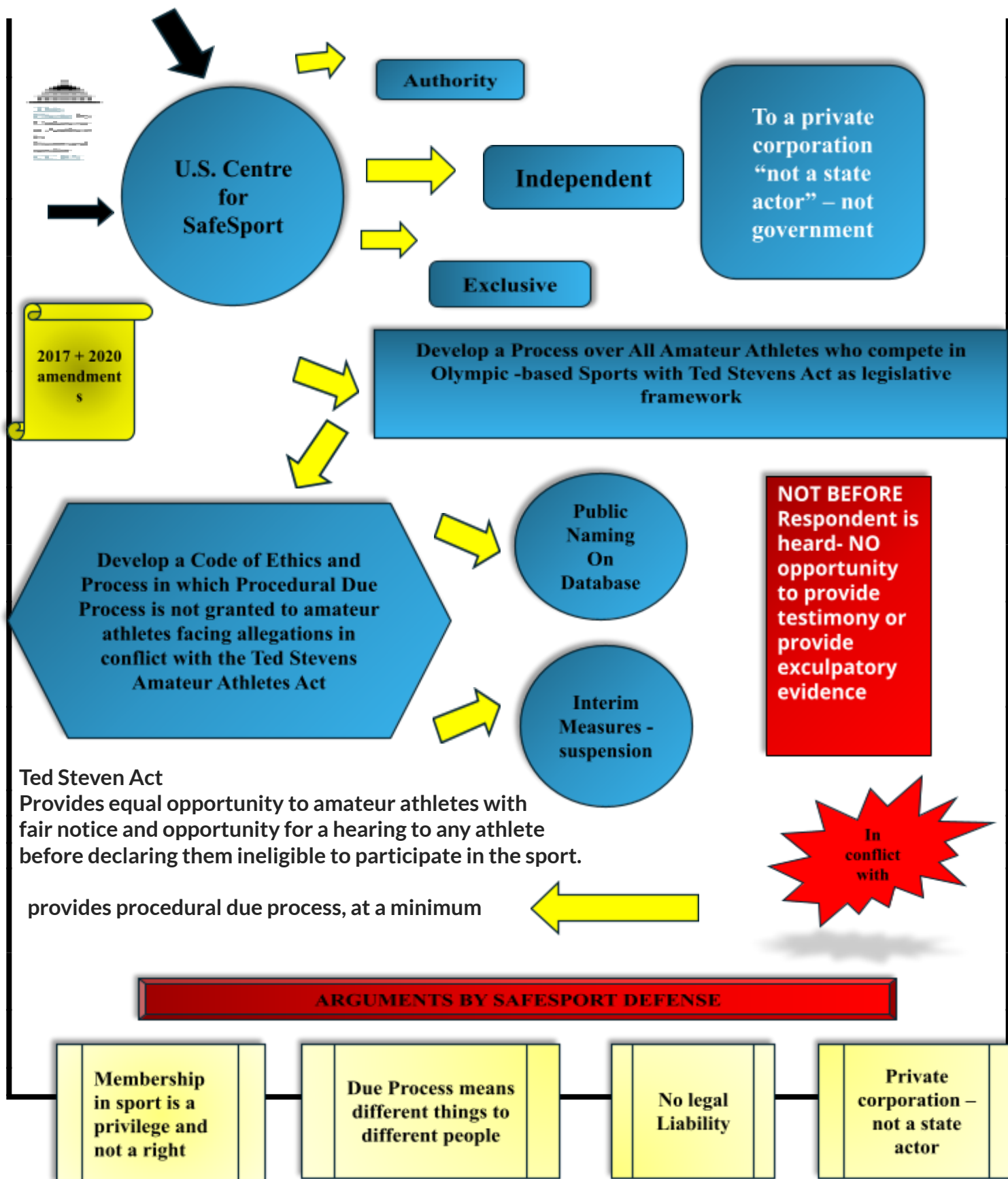
Finally, the conflict in the Ted Stevens Act is easily resolved if the Center simply affords a hearing, whether with an arbitrator or other tribunal, to an individual *before requesting that an NGB enforce its decision.* Given that the Center has the authority to issue temporary suspensions, there is no need for the Center’s decisions to be enforced prior to a merits hearing because the individual can be, if they have already not been, removed from the “field of play” pending the outcome of the hearing. The ability to impose interim suspensions completely undermines Defendants’ rationale that the nature of SafeSport cases necessitates depriving participants of a pre-determinate hearing - hearing before suspension PDH. Why this simple remedy has not been undertaken is puzzling. It would have no effect on the safety of sports participants, but it would prevent an individual from experiencing the life-altering consequences of a final decision posted on the public database (“Wall of Shame”) before being given the opportunity for a hearing.

Pre-determinate Hearing - Hearing
BEFORE issuing suspension and
publicizing name DOES NOT EXIST
IN SAFESPORT PROCESSES

VI. The ASA Provided a Private Right of Action.

“The ability to impose interim suspensions completely undermines Defendants’ rationale that the nature of SafeSport cases necessitates depriving participants of a PDH – Pre-Determinate Hearing. **Why this simple remedy has not been undertaken is puzzling.** It would have no effect on the safety of sports participants, but it would **prevent an individual from experiencing the life-altering consequences of a final decision posted on the public database (“Wall of Shame”) before being given the opportunity for a hearing.**”

Amateur
Athletes
Act – Ted
Stevens
1978



Arguments Consistently made by Defense

Legal Loopholes and no Clear Pathway for Accountability

“ A body of men holding themselves accountable to nobody ought not to be trusted by anybody.”

Thomas Payne

In court, SafeSport has defended itself as having “absolute immunity” from having its eligibility rulings subjected to judicial review.

“Membership in the Olympic and Paralympic Movement is a privilege and not a right,”

SafeSport wrote in a November motion to dismiss the Moores' lawsuit. Jul 7, 2024

Limitation on Liability

“Shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the actions arises from the execution of the responsibilities or functions described in this section”

condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

(d) LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

(2) EXCEPTION.—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

(3) REMOVAL TO FEDERAL COURT.—

(A) IN GENERAL.—Any civil action brought in a State court against the Center relating to the responsibilities of the Center under this section, section 220542, or section 220543, shall be removed, on request by the Center, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or the citizenship of the parties involved.

SafeSport Process as Outlined by Code of Ethics

Center receives complaint

Process initiated

Decision made regarding whether to implement interim measures pending formal investigation ie. Restrictions, chaperones,

The Code identified a “pre-conference hearing.” Appears to be *misleading language and irrelevant to the process*. Conflating the word “pre” as leading people to believe it constitutes the hearing that should be granted prior to suspension as per due process. Pre-hearing conference in the Code is to set up a hearing conference upon request AFTER the suspension has been handed down.

No opportunity to be heard prior to public naming and interim measure has been applied

Interim measures initiates

NO interim measures taken

Public naming with violation listed and Interim measure identified

Public naming with violation listed.

Cost \$3000.00
Standard of review: rebuttal presumption is that allegation is true.

Can request interim measure hearing – unable to provide testimony or exculpatory evidence – only to address lifting suspension

Interim measures lifted pending investigation

Months to years pass without being able to address allegation

Formal Investigation

Respondent Cleared

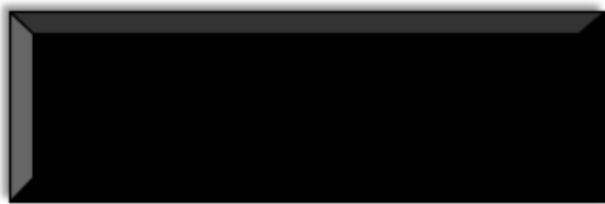
U.S. SafeSport Code of Ethics
https://drive.google.com/file/d/1KKUT77RPhjHuOpTHnn1nSe4gYwu2FCpG/view?usp=share_link

Respondent permanently sanctioned from sport

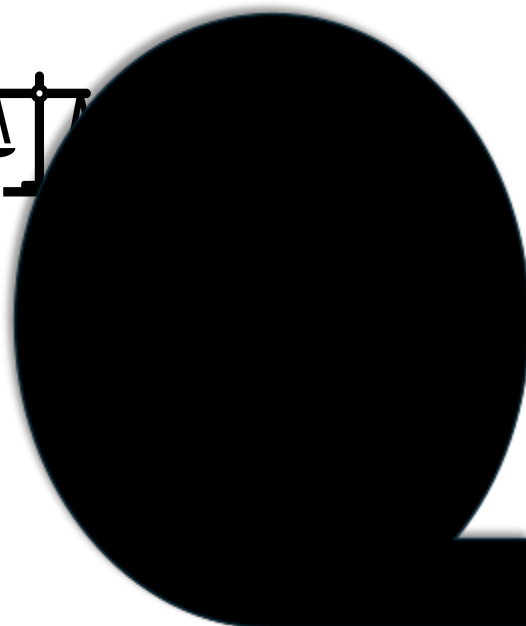
Opportunity for Appeal – request within 10 days \$5,200.00

In 2022, 42% appeal rate.

Five Years of Litigation: Court Disputes and Arbitration



c ?



**NO Opportunity *to Be Heard* PRIOR to
suspension/public naming**

Not allowed a defense – defendant's side of story.

Not allowed to present testimony

No allowed to provide exculpatory evidence

**DIRECT CONFLICT WITH TED STEVENS ACT AND
2020 AMENDEMENT WHICH MAKES CLEAR THIS
RIGHT IS TO BE AFFORDED**

Online denigration
and cyberbullying

Careers destroyed
before a chance to be
heard

Miscarriages of
justice to hundreds
of potentially
innocent athletes

Loss of career and
livelihood

Long-term
Reputational Damage

Bogs the Center
down with
complaints that
could be cleared
with a
pre-determinate
hearing

Psychological Harm

Compromises
integrity of
investigation

Reduces Abuses of
Process for foreign
complainants

Reminder of Principles of Bill that Protects Amateur Athletes Ted Stevens Act

Ted Stevens Amateur Athletes Act Title 356

Promote a safe environment in sport that is free from abuse of any amateur athlete, including emotional, physical and sexual abuse

2020 Amendment

Ensure **any action taken by the Center** against an individual under the jurisdiction of the Center, including an investigation, the imposition of sanctions, any other disciplinary action is carried out in a manner the provides **procedural due process, at a minimum,**

➡ The principles of due Process in natural law: The right to be heard prior to the denial of livelihood and liberty.

Ted Steven Act

Provides equal opportunity to amateur athletes **with a fair notice and opportunity for a hearing to any athlete before declaring them ineligible to participate in the sport.**

<https://drive.google.com/file/d/13aE9oSfhXR8QqfhUg5vC01jUWFF65b45/view?usp=sharing>

Against Arguments Made in Court by SafeSport

Defendant, SafeSport
The Defendants also seek dismissal of certain Counts on the grounds that Count "fails to state a claim" for liability against that Defendant or fails to allege any wrongful act committed by the Defendant. While these allegations would be elements of a claim for liability and damages, the Plaintiffs are not seeking that relief.
Defense has heavily relied on this argument. A loophole in which they are granted authority under a bill as a private organization - seen as troubling as this is a very problematic structure without enough oversight or accountability.
Defendant SafeSport seeks dismissal because it was not using a government power when determining eligibility, and that it does not "enforce" violations. Like the other factual defenses identified above, they are immaterial to these Counts. The factual allegations on which the declaratory judgment is sought is contained in the Counts themselves.

Finally, the Panel will not repeat why it continues to believe that Claimants case is supported by the provisions or procedural protections under the umbrella of the Olympic Charter or International Olympic Committee's Safeguard Framework discussed at length in the Panel's Order dated July 11, 2020. Attorney representing SafeSport See Exhibit C-108. Mr. Benz best explanation of why the IOC requirement that "any decision shall be grounded in and respect the principles of due process, including, in particular, the right to be heard and the right to appeal" set forth the current version of the IOC Basic Universal Principles of Good Governance of the Olympic and Sports Movement do not provide clear support for Claimants position is based upon his belief that "[d]ue [p]rocess means different things to different [people]." See Exhibit R-140; *Day 3 Transcript*, Testimony of Benz at pgs. 100-102. In explaining why the due process protections set forth in Subsection 12 of the Athletes' Rights and Responsibilities Declaration do not support Claimants position, Mr. Benz stated "it suffers from the same process of a lack of definition . . . a lack of context of what [d]ue [p]rocess means in a document that is operative in both English and French." See Exhibit 143; *Day 3 Transcript*, Testimony of Benz at pgs. 103-104. attorney for SafeSport Due to issues with displaying Exhibit C-112 during the video conference, Mr. Benz was not able to provide the Panel with an analysis or explanation for the PDH process set forth in Article 163.8 of the 1/1/20 FEI General Regulations. See *Day 3 Transcript*, Testimony of Benz at pgs. 153-161. We continue to agree that many of these protections, although some may only be aspirational, provide guidance and support

Seeks dismissal because it was not using a government power when determining eligibility, and that it doesn't "enforce" violation

SafeSport defense was asked to explain in court why there was no pre-hearing before suspension to the court, but had technical issues

"Do not provide clear support for claimants' position is based upon his believe that "due process means different things to different people."

The Legal Struggles of Athletes Sanctioned Without Due Process

Athletes who have been sanctioned from their sport without a fair process have endured years of litigation in an effort to seek justice. A significant part of this legal battle has involved attempts to hold the **United States Olympic and Paralympic Committee (USOPC)** and individual sports federations accountable. However, these efforts have been obstructed by legal complexities, including the requirement to have civil cases heard by the **American Arbitration Association (AAA)**—an often restrictive and limiting process.

Despite pursuing multiple legal avenues, courts have found themselves constrained by what has become a **legal black hole**—a system where **SafeSport**, a private corporation, wields disproportionate power over the entire U.S. sporting landscape. **SafeSport operates with no meaningful oversight, no mechanism for recourse, and no accountability for misconduct or failure to adhere to the federal congressional mandates that initially authorized its existence.**

Initially, governance of athlete safety and discipline fell under the USOPC and individual National Governing Bodies (NGBs), such as **U.S. Figure Skating**. However, SafeSport was granted **complete independence** from these organizations, effectively shielding it from external scrutiny. **As a result, every legal attempt to hold SafeSport, the USOPC, or NGBs accountable has failed.**

Judges and arbitrators acknowledge the conflicts and discrepancies between SafeSport's authority and the directives outlined in federal legislation. Yet, there remains **no clear legal pathway** to demand accountability or seek restitution for the harm caused to affected athletes. **This lack of oversight has left individuals in an unjust limbo**, reinforcing concerns about the **unchecked power SafeSport holds over American sports governance.**

That said, SafeSport's structure and functions point to the same conclusion. Unlike
USOPC, SafeSport is not even a federally chartered entity—it is a private corporation
formed under Colorado state law. (Compl. ¶ 7.) Nor does the Amateur Sports Act delegate

https://drive.google.com/file/d/1Zsus1msLsTaQxfgXmLFksCDvpjqsZm0y/view?usp=drive_link

Five years of litigation in multiple courts and arbitration association has ended in a recent dismissal filed on January 15, 25, due to the legal quagmire that is the U.S. Center for SafeSport: A private corporation that has been rendered untouchable by its construction.

James Giorgio, Estate of Robert Gage, Mitchell Steege; Eduardo Zavala Sanchez; Dylan Harries, Thomas Navarro; Thomas Serio, Claimants, v. United States Equestrian Federation, Respondent

Case Number: 10-20-0015-8031 American Arbitration Association Final Decision

In a review of the final decision, the arbitrators agree there is an issue with SafeSport's processes, however, acknowledge **there is no legal pathway or jurisdiction to address the conduct of the U.S. Center for SafeSport.**

The arbitration hearing revealed important discovery on the initial steps taken in the construction of the Center and what led to decision-making regarding removing the pre-determinate hearing, despite attorneys warning that it could make the Center liable by conflicting with Title 36 Ted Stevens Act.

SUMMARY

Our ruling is a comprehensive evaluation of a jurisdictional issue that has not been directly addressed by any prior court or administrative authority. The question asked is simple but frustrating. What administrative or judicial body has the jurisdictional authority to address a conflict between the rules and procedures of the U.S. Center for SafeSport (CSS and the SafeSport Code) and the conflicting due process protection identified in Section 220522(a)(8) and potentially Section 220541(a)(1)(H) of the Ted Stevens Olympic and Amateur Sports Act, 26 U.S.C. 220501, et seq. (the Ted Stevens Act). We note that some confusion did arise in this case because Section 220522(a)(8) was the designated subsection at issue under the Ted Stevens Act until the 2020 amendment when it was re-designated as subsection 220522(8) by Congress.

The Background Uncovered

Case Number: 10-20-0015-8031 American Arbitration Association Final Decision

PHD – Pre-Determinate Hearing

CSS – Center for SafeSport

NGB – Sports governing bodies.

USADA – United States Anti-Doping Agency

“It is undisputed that no version of the SafeSport Code dispute resolution process was ever recognized by CSS to provide an accused Olympic participant with a PDH under Section 220522 (a)(8) prior to the issuance of a Final Decision.”

documents provided to the Panel as evidence in this case, no direct mention of Section 220522 (a)(8) was included in the due process hearing discussions by the working group. *Id.*

Our expert, Mr. Benz, was involved and asked to weigh in on the legal/procedural aspects of the creation of the original SafeSport adjudicative hearing process. *Day 3 Transcript*. Testimony of Benz at pgs. 130-139. Due to potential attorney-client privilege issues with the USOPC, Mr. Benz was not able to elaborate or testify further

about his input or advice regarding this SafeSport hearing process that transitioned to the removal of the PDH in the new hearing procedures. *Id.*

However, in March 2015, Ms. Keating, Senior VP and general counsel for Respondent, wrote an email to the group leader stating her concerns that the proposed CSS hearing procedures were not providing an accused a proper hearing “expressly required” by the Ted Stevens Act. Exhibit 1 at stamped pgs. 001935; *See Day 3 Transcript*, Final Arguments at pgs. 255. Ms. Keating also made clear that the type of hearing she was referencing already in place for “anti-doping cases” provided by the USADA, Mr. Benz confirmed that a PHD system was created long before SafeSport and remains in place for an Olympic athlete accused of a doping violation by the USADA. *Day 3 Transcript*. Testimony of Benz at. Pg. 198. To this day, a PDH is still required before any permanent doping sanction is imposed by the USADA. *Id.*

However, in March 2015, Ms. Keating, Senior VP and general counsel for Respondent, wrote an email to the group leader stating her concerns that the proposed CSS hearing procedures were not providing an accused a proper hearing “expressly required” by the Ted Stevens Act

Mr. Benz confirmed that a PHD system was created long before SafeSport and remains in place for an Olympic athlete accused of a doping violation by the USADA. *Day 3 Transcript* Testimony of Benz at pg. 198. **To this day, a PDH is still required before any permanent doping sanction is imposed by the USADA.** *Id.* Under Ms. Keating’s scenario, an accused would not be given the USADA equivalent for a PDH by CSS (SafeSport) and the NGBs would be exposed to liability because they would not be in compliance with the Ted Stevens Act and “the federal court (would find) the NGB liable because the federal statute supersedes the USOPC Bylaws.” *Id.* At the time of this 2017 email exchange by Ms. Keating, the only hearing requirement under the Ted Stevens Act was the PDH required by Section 220522 (a)(8). In response, the group leader responded that the group was looking at hearing requirements in “student disciplinary proceedings in public schools . . . [along with] policy arguments arguing in favour of a shift in our {USOPC} approach to hearings in the context of sexual misconduct.” *Id.* At. Pg.stamped 001934. **Clearly Ms. Keating was predicting the scenario that Claimants have asked CSS, the USOPC and the NGBs have been able to avoid any federal court review of this very issue.**

Ms. Keating’s scenario, an accused would not be given the USADA equivalent for a PDH by CSS (SafeSport) and the NGBs would be exposed to liability because they would not be in compliance with the Ted Stevens Act and “the federal court (would find) the NGB liable because the federal statute supersedes the USOPC Bylaws.” *Id.* At the time of this 2017 email exchange by Ms. Keating, the only hearing requirement under the Ted Stevens Act was the PDH required by Section 220522 (a)(8).

The original SafeSport entity (eventually the CSS) was officially made independent from the USOPC. See Section 220503 (15) and 220541 (a) (2). Prior to the break from USOPC oversight and jurisdiction, the initial SafeSport rules and procedures addressing the hearing process for accused Olympic participants was first being promulgated for implementation under the USOPC;s control. **It was this initial set of SafeSport rules and procedures that created the conflict of law issue under Section 220522 (8).**

As emphasized by Respondent, the mandatory enforcement provisions of the SafeSport Code and Ted Stevens Act would severely limit how Respondent could fulfill its duty and exercise jurisdiction to help address claimants’ issue. Neither the Respondent nor the USOPC would be able to fulfill this fiduciary duty by addressing this conflict of law issue directly. See SafeSport Code Section VII and Section 220505 (d)(I)© of the Ted Stevens Act. As discussed by the Panel and Respondent throughout these proceedings, the

proper procedure to fulfill Respondent and/or the USOPC's fiduciary duty to address the identified conflict of law issue would require Respondent, or Respondent and the USOPC, to file a declaratory judgment action in the federal court. Without taking any position that might violate SafeSport Code Section VII and Section 220505(d)(1)© of the Ted Stevens Act, Respondent would seek a binding court declaratory judgment ruling that resolved the conflict of law issue. **Such a federal court declaratory judgment proceeding would fulfill Respondent's fiduciary duty to its Olympic participants and other members without taking direct administrative steps or internal actions that could be contrary to the SafeSport Code or the Ted Stevens Act.**

As emphasized by Respondent, the mandatory enforcement provisions of the SafeSport Code and Ted Stevens Act would severely limit how Respondent could fulfill its duty and exercise jurisdiction to help address claimants' issue.

For nearly ten years, Respondent and the USOPC have failed to take the steps necessary to address the conflict between the due process rights provided by the CSS/SafeSport Code and the PDH right identified in Section 220522 (a)(8) and potentially Section 220541 (a)(1)(H) of the Ted Stevens Act. This case only scratched the surface regarding the reasons why Respondent and the USOPC agreed to remove the longstanding right than an accused Olympic participant was afforded a pre-determination hearing under Section 220522(a)(8) when the SafeSport system was implemented after the Dr. Larry Nasser scandal in women's gymnastics. The limited evidence presented appears to indicate that the USOPC was either directly responsible or complicit in eliminating this pre-determination hearing right when the SafeSport system was created.

For nearly ten years, Respondent and the USOPC have failed to take the steps necessary to address the conflict between the due process rights provided by the CSS/SafeSport Code and the PDH right identified in Section 220522 (a)(8) and potentially Section 220541 (a)(1)(H) of the Ted Stevens Act. This case only scratched the surface regarding the reasons why Respondent and the USOPC agreed to remove the longstanding right than an accused Olympic participant was afforded a pre-determination hearing under Section 220522(a)(8) when the SafeSport system was implemented after the Dr. Larry Nasser scandal in women's gymnastics.

When Congress enacted the Ted Stevens Act 2018 Amendment to codify and create the CSS as an independent administrative entity that was independent from the USOPC, it also authorized CSS to develop policies and procedures to prevent the abuse of amateur athletes and establish mechanisms to allow the reporting, investigating and resolution of alleged sexual abuse in violation of the CSS policies and procedures. See Section 220541(a)(3), (4). The CSS policies and procedures were also to be applied as though they were incorporated in and made a part of the Ted Stevens Act [Section 220544]. See Section 220541(b). Congress also required that CSS “ensure that the mechanisms” for reporting, investigating, and resolving SafeSport allegations provide for “fair notice and an opportunity to be heard.” See Section 220541(a)(5). However, the Ted Stevens Act 2018 Amendment, left the due process PDH provision in Section 220522(8) intact and failed to specifically cross-reference, explain or otherwise merge the different wording between Section 220522(8) and Section 220541(a)(5). After the Ted Stevens Act 2018 Amendment went into effect, CSS neither changed the JAMS PDA hearing structure for those accused of a SafeSport violation nor included a PDH structure under Section 220522(8) before rendering a Final Decision against any accused Olympic participant. Day 3 Transcript, Final Arguments at pg. 265. An accused Olympic participant under the jurisdiction of CSS was still limited to a JAMS PDA after CSS completed its investigation, internal adjudication process,

American Arbitration Association, Commercial Arbitration Tribunal, Final Decision

<https://drive.google.com/file/d/1BUkgKDKgXhVI270WmwzBg6SwBSmHv0dY/view?usp=sharing>

wording between Section 220522(8) and Section 220541(a)(5). After the Ted Stevens Act 2018 Amendment went into effect, CSS neither changed the JAMS PDA hearing structure for those accused of a SafeSport violation nor included a PDH structure under Section 220522(8) before rendering a Final Decision against any accused Olympic participant. Day 3 Transcript, Final Arguments at pg. 265. An accused Olympic participant under the jurisdiction of CSS was still limited to a JAMS PDA after CSS completed its investigation, internal adjudication process,

How had SafeSport Tried to Resolve the Conflict with the Bill and the Harms Caused to Athletes – Misleading tactics

What has been the attempted work-around ?



"We offer a hearing after the suspension to address the interim measure."

**Hearing Request AFTER the suspension and public naming has been handed down
NO testimony or exculpatory evidence allowed to address allegation.**

Spokesman for SafeSport Dan Hill to Congress in 2019 in the wake of respondent's suicide

Coughlin's assertion that he was being prevented from speaking freely about the allegations against him by SafeSport "is not true," SafeSport spokesman Dan Hill said earlier this month.

"The SafeSport Code and the interim measure process that was communicated to him directly, and which is on our website, makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have been accommodated in 72 hours by rule," Hill said. "That hearing would have been in front of an independent arbitrator. That's such a critical part of all of this."

"The SafeSport Code and the Interim measure process that was communicated to him directly, and which is on our website, makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have accommodated in 72 hours by rule." "That hearing would have been in front of an independent arbitrator. That's such a critical part in all of this.

Spokesman for SafeSport appears to mislead the public regarding the details of the hearing offered to the respondent. The Devil is in the Details.

<https://www.usatoday.com/story/sports/olympics/2019/03/04/figure-skating-culture-grooming-abuse-p robe-safesport/3053528002/>

Exact Wording regarding the details of the Interim Measure - screenshots below and Code of Ethics
https://drive.google.com/file/d/1KKUT77RPhjHuOpTHnn1nSe4gYwu2FCpG/view?usp=share_link

No testimony from witnesses, including the respondent, will be allowed

Expedited proceeding are solely to address the appropriateness of the temporary measures ALREADY imposed

Cost of \$3000.00 to respondent in addition to cost of legal representation

Education Regarding Processes: Misleading and Difficult to Understand

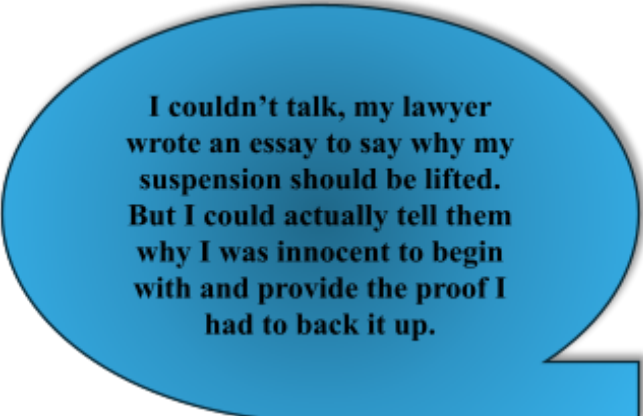
SafeSport's current system prioritizes punishment over due process. **Public suspensions are issued based on unverified testimony, stripping individuals of their reputations before they have had an opportunity to mount a defense.** When respondents request a hearing, at their cost—after already being publicly named—the burden is not on proving their innocence but merely on contesting their suspension. The original allegations are treated as established facts, with crucial evidence or witness testimony often excluded from consideration.

To make matters worse, this hearing comes at a personal cost of \$3,000, placing an undue financial burden on respondents. Meanwhile, investigations continue at a sluggish pace, leaving accused individuals in an indefinite state of professional and personal uncertainty. In some cases, their names are never fully cleared.

“Muddying the Waters”

There is no pre-hearing of any kind that takes place before public naming and suspension.

The hearing offered afterwards is not an opportunity for defense, and at a prohibitive cost to the respondent.



I couldn't talk, my lawyer wrote an essay to say why my suspension should be lifted. But I could actually tell them why I was innocent to begin with and provide the proof I had to back it up.

1. **Use of Confusing and Misleading Language, placement of a term pre-hearing conference next to due process in Table of Contents and in Code.** Pre-hearing conference irrelevant to outline – just a discussion to set up a time for the hearing to address the interim measure.
 - o Any mention of "pre-hearings" is misleading, as none actually take place before the main process. This can be verified on review of the Code.
2. **Misleading Nature of Hearings**
 - o Hearings occur only **after** suspension and public naming.
 - o They do not provide an opportunity for the accused to mount a defense. The respondent's guilt is presumed. Not allowed to address allegation with testimony, witnesses or
 - o
3. **Misrepresentation to Congress**
 - o The process was misrepresented to Congress, particularly in cases where suicides occurring among respondents.
4. **Avoiding Accountability Through Legislative Framework**
 - o The system is structured in a way that relies on legislation to avoid taking responsibility.
 - o
5. **Neglect of Emotional and Psychological Harms**
 - o Psychological and emotional harms caused by the process are overlooked.
 - o These harms are dismissed as "negative press" despite repeated concerns about cyberbullying and denigration.

shall resolve whether sufficient information exists to satisfy the Arbitrator that the Temporary Measure is reasonably appropriate to mitigate risk based on the known circumstances of the case at the time of the cases, **there shall be a rebuttable presumption that the allegations, as presented, are true.** Where the allegations involve child sexual abuse, the age of those allegations shall not be considered and are not relevant to the determination.

Coughlin's assertion that he was being prevented from speaking freely about the allegations against him by SafeSport "is not true," SafeSport spokesman Dan Hill said earlier this month.

"The SafeSport Code and the interim measure process that was communicated to him directly, and which is on our website, makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have been accommodated in 72 hours by rule," Hill said. "That hearing would have been in front of an independent arbitrator. That's such a critical part of all of this."

The Center has not asked accused for testimony or exculpatory evidence

U.S. Center for SafeSport Spokesman Dan Hill at a congress hearing – the information is quoted as providing to congress conflicts with what is presented in the SafeSport Code of Ethics and what the processes are. John Coughlin was not able to be heard before he was suspended and had his opportunities removed from him, he would not be heard to address the allegations at the hearing. He would have been in the position, like hundreds of athletes, of waiting months to years for the investigation and until that time remain removed from his sport, his livelihood and his opportunities.

"he could *provide information, evidence, speak for himself* and even ask for a hearing that would have been accommodated in 72 hours by rule"

SafeSport Code of Ethics p 43

Failure to comply with a Temporary Measure constitutes an independent violation of the Code.

B. Temporary Measures Hearings

1. Requesting a Hearing

At any time after imposition of a Temporary Measure, a Respondent may request a Temporary Measures hearing by sending a written request to the Center to Resolutions@safesport.org.¹⁸ After receiving a request for a Temporary Measures hearing, the Center will send a notice to the Respondent and the arbitration body's administrator informing them that a Temporary Measures hearing has been initiated.

Takes place AFTER interim measure/suspension and public name on database - respondent unable to provide testimony or evidence until investigation - hearing is just to make a case why the temporary measure should be lifted.

\$3000.00

2. Timing

Provide information, evidence ?

SafeSport Code of Ethics p. 45

It is misleading to mention a pre-hearing conference. In NO WAY should this be confused or conflated with a PRE-DETERMINE HEARING in line with the Amateur Sports Act. This is not a formal meeting, just setting up a time for the actual hearing ** and only after a payment of \$3000.00 ***- ONLY TAKES PLACE AFTER REQUESTING A HEARING AFTER THE SUSPENSION AND PUBLIC NAMING HAS ALREADY OCCURRED.

s. Rule 39 – Interpreting and Applying Rules

6. Procedures

a. Scope of Hearing

The Temporary Measures hearing is an expedited proceeding to solely address the appropriateness of the Temporary Measures imposed by the Center. The Temporary Measures hearing is not a hearing to resolve whether the Respondent has committed a violation or what the appropriate Sanction(s) should be if a violation is found to have occurred.

b. Pre-hearing Conference

The Arbitrator shall hold a brief pre-hearing conference to address scheduling of the Temporary Measures hearing. Any allegations that the Center failed to conform with its processes under the Code or obligations under 36 USC § 220541(a)(1)(H) must be raised at the pre-hearing conference. The process set out in XIV.15 shall apply.

no testimony or evidence allowed to defend against allegation, presumption of guilt

pertains to setting up the temporary measures hearing - only takes place AFTER suspension is in place

"No testimony from witnesses, including Respondent, will be allowed. "

present such documentary evidence as it deems necessary.

documentary evidence as to argument why measure
cord of conduct,
EVIDENCE.

e. F

**Respondent unable to address hearing “expedited proceeding to
solely address the appropriateness of the Temporary Measures**

The hearing shall consist solely of oral argument; no testimony from witnesses, including Respondent, will be allowed.

45

Revised July 31, 2024

Coughlin’s assertion that he was being prevented from speaking freely about the allegations against him by SafeSport “is not true,” SafeSport spokesman Dan Hill said earlier this month.

“The SafeSport Code and the interim measure process that was communicated to him directly, and which is on our website, makes it clear that he could provide information, evidence, speak for himself and even ask for a hearing that would have been accommodated in 72 hours by rule,” Hill said. “That hearing would have been in front of an independent arbitrator. That’s such a critical part of all of this.”

**The testimony of the
spokesman addressing the
suicide of a respondent
involved in their process - at a
Congress Hearing following -
appears to be a
misrepresentation as what is
written in the **SafeSport Code
of Ethics.****



More Seemingly Deceptive Presentation of Process

Listing **Pre-Hearing Conference** Underneath **Procedural Due Process** in **Table of Contents**. There is **NO** pre-determinate hearing or any form of a hearing that occurs prior to suspension and public naming that occurs prior to the respondent being able to address the accusation.

b.	Conflicts of Interest.....		<u>It is troubling that item</u>	52
c.	Replacing a Conflicted Arbitrator.....		<u>16 - Pre- Determinate</u>	52
12.	Vacancies.....		<u>Hearing - was placed</u>	52
13.	Submissions to and Communication with Arbitrator.....		<u>under Item 15.</u>	52
14.	Hearing Concerning Sanctions and <i>Per Se</i> Code Violations.....	<u>Item 16: Is not</u>	<u>Procedural Due Process</u>	53
a.	Scope.....	<u>a PDH (Pre-</u>	<u>Item - given that there is</u>	53
b.	Standard of Review.....	<u>Determinate</u>	<u>an upcoming federal</u>	53
c.	Briefing.....	<u>Hearing.</u>	<u>court case regarding</u>	53
d.	Oral argument.....		<u>SafeSport NOT</u>	53
e.	Decision.....		<u>incorporating a pre-</u>	53
15.	<u>Procedural Due Process</u>	<u>could be leading</u>	<u>determinate hearing</u>	53
16.	<u>Pre-Hearing Conference</u>	<u>to confusion</u>	<u>BEFORE suspension</u>	53
17.	Discovery.....		<u>and public naming. This</u>	53
			<u>could be leading to</u>	54
			<u>confusion or conflation</u>	54
			<u>with misinterpretation</u>	55
			<u>that item 16 is an actual</u>	

After the congressional hearing, President Donald Trump approved a new amendment to Title 36 in 2020 with bill 220541 explicitly requiring the Center to provide **procedural due process and the right to be heard**—to prevent harm and future tragedies to potentially innocent athletes navigating the process.



the law.

2020 amendment to incorporate due process due to suicides of respondents and hearing regarding suicides in Congress

67. In 2020, Congress passed the Empowering Olympic and Amateur Athletes Act of 2020, which amended the Ted Stevens Act in several respects.

Emphasized need to follow procedural due process at a minimum due to suicides

68. Under the 2020 Amendment, Congress added § 220541(a)(1)(h), which requires Defendant SafeSport to provide “procedural due process” to an accused Olympic Participant in every step of its investigation and resolution process.

69. Defendant SafeSport revised and/or amended the SafeSport Code effective April 15, 2019. Defendant SafeSport revised and/or amended the SafeSport Code effective April 1, 2020.



Under the 2020 Amendment, Congress added 220541 (a) (1)(h). which requires Defendant SafeSport to provide “procedural due process to an accused Olympic Participant in every step of its investigation and resolution

Defendant SafeSport revised and/or amended the SafeSport Code in 2021-2023. None of these revisions included any participation or oversight by Congress or any federal agency, or an opportunity for public comment or participation in the rule changing process.

70. Although the 2022 version of the SafeSport Code added the language from the new procedural due process provisions contained in the 2020 Amendment to the Ted Stevens Act, Defendant SafeSport did not change its procedures to provide a hearing to Participants before issuing a Final Decision.



Although the 2022 version of the SafeSport Code added the language from the new procedural due process provisions contained in the 2020 Amendment to the Ted Stevens Act, Defendant SafeSport did not change its procedures provide a hearing to Participants before issuing a Final Decision.

The system punishes first testimony or unverified evidence.

respond. When they are finally granted a hearing—after already being publicly named in a database—it’s not to prove their innocence. Instead, it’s merely to argue whether the suspension should remain in place, with the allegation itself treated as fact under SafeSport’s own rules. Crucially, key evidence or testimony addressing the allegation itself is not permitted. To make matters worse, this hearing comes at a personal cost of \$3,000.

The Need for Fairness in SafeSport Investigations

Discussing abuse, particularly sexual abuse, is a challenging but necessary conversation. The mission of the U.S. Center for SafeSport—to protect athletes from harm—is essential, and ensuring its success is in everyone’s best interest. Many of us have children who participate in Olympic-based sports, and we all want to create a safe environment for them.

At the same time, justice requires fairness for all involved. A careful, balanced approach to allegations is essential to uphold both survivor support and due process. The shift toward prioritizing belief in allegations has been well-intentioned, aiming to provide long-overdue support to victims. However, ensuring a just process for everyone means taking all allegations seriously while also allowing for thoughtful, evidence-based evaluations. Open discussion and critical thinking are vital to addressing abuse effectively. A culture that embraces nuance and multiple perspectives helps ensure that justice is achieved both for survivors seeking accountability and for those who may be wrongly accused. When investigative processes lack transparency or fairness, it not only harms the individuals involved but also weakens trust in the institutions meant to protect athletes.

The U.S. Center for SafeSport, established in 2018, has played an important role in safeguarding athletes. However, concerns have been raised about its procedures, particularly regarding due process for those accused. Critics argue that some individuals face public listing and suspension without adequate opportunity to present their defense, raising important questions about fairness and fundamental rights.

A truly just system must be built on truth, evidence, and fairness for all. Protecting athletes and ensuring accountability should never come at the expense of procedural integrity. By fostering a culture that values both survivor support and due process, we can create a system that upholds safety, fairness, and trust in sports.

In some cases, these measures can **prevent a party from pursuing his or her livelihood**, or can impact other athletes’ careers who have a coach who is the subject of a complaint and provisionally suspended. This can lead to **financial loss, loss of opportunity and reputational damage for a respondent**. While the reasoning behind implementing provisional measures is honorable in that it seeks to protect vulnerable participants while investigations or hearings are pending, the consequences can, in many cases, result in extreme prejudice to respondents and runs counter to a sacred legal principle: the presumption of innocence.

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While the reasoning behind implementing provisional measures is honorable in that it seeks to protect vulnerable participants while investigations or hearings are pending, the consequences can, in many cases, result in extreme prejudice to respondents and runs counter to a sacred legal principle: the presumption of innocence. In some cases,

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percussions of rifying any and ce prior to a sion appear to

In many of these proceedings, SafeSport investigations take several months to a year and

complaint. In many of these proceedings, Safe Sport investigations take several months to over a year and respondents are often not released from their provisional measures until the proceedings have resolved. In cases where the complaint is found to be unsubstantiated or frivolous, this can result in a real injustice to a respondent. It is therefore imperative that

respondent. It is therefore imperative that Safe Sport disputes proceed efficiently and without delay to protect the interests of the parties and ensure procedural fairness.

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[https://pure-oai.bham.ac.uk/ws/portalfiles/portal/220628815/Tak et al 2024 - Good use non-use and misuse - Safe sport reporting systems in context.pdf](https://pure-oai.bham.ac.uk/ws/portalfiles/portal/220628815/Tak%20et%20al%202024%20-%20Good%20use%20non-use%20and%20misuse%20-%20Safe%20sport%20reporting%20systems%20in%20context.pdf)

The Reality of False Allegations

Advocating for procedural fairness **DOES NOT mean being indifferent to stopping abuse.** Many of us are parents with children in amateur sports, and we all share a common goal: **protecting minors and athletes from all forms of harm.** However, the conversation has become polarized, often reducing complex issues to ideological binaries. Those who call for due process are too often **labeled "abuse apologists," silenced, and vilified.** This stifles meaningful dialogue, even when the intention is merely to acknowledge that "there are two sides to every story and **address potential unintended harms from not following due process that might run counter to the mission objective of U.S. Centre for SafeSport.**

Rooted in the principles of the U.S. Constitution and informed by historical examples of injustice, **we believe that all allegations of abuse must be met with procedural fairness and a right to be heard before individuals are declared ineligible to participate in sports.** Circumventing due process not only undermines justice but also opens the door to **false allegations, character assassination, sabotage, and the unwarranted destruction of lives and careers.** SafeSport has opened the door to complainants from **foreign competition with no jurisdiction or ability to regulate if abuse of processes occur resulting in damage to the respondent's reputation and career throughout the investigation.** What is to stop countries from taking out the competition of rival countries in World Sport and Olympic competition with a falsified piece of evidence, knowing that the respondent won't be heard prior to a suspension?

Studies estimate that 2–10% of abuse allegations may be false, for reasons ranging from mental illness to retaliation, sabotage, or jealousy. If the U.S. Center for SafeSport handles roughly **6,000 cases annually, this means 120 to 600 cases could involve false claims.** Without fair investigations, athletes risk suspension based on incomplete evidence or mere accusations, resulting in **devastating miscarriages of justice.** Months or years of delays can erode reputations, training opportunities, and entire careers—even if the allegations are ultimately disproven.

The suggestion that the discussion of false allegation is dangerous for victims of sexual violence runs counter to crucial trends in the training of professionals working in criminal justice, medicine and other specialist fields where the risks associated with poor professional decision making and work practice are

The suggestion that the discussion of false allegations is dangerous for victims of sexual violence runs counter to crucial trends in the training of professionals working in criminal justice, medicine and other specialist fields where the risks associated with poor professional decision making and work practices are widely recognised.⁶¹ For example, there exists a large literature concerning the accurate identification of cases involving child abuse and neglect in order to assist professionals in the avoidance of error.⁶² The impact of errors that give rise to false accusations has led to it being recognised as a cause of miscarriages of justice.⁶³ Indeed, exoneration data from North America suggest that false and misleading forensic evidence, official misconduct, perjury or false allegations, mistaken witness identification and false confessions are a contributory cause of wrongful convictions in sexual assault, child sexual abuse and other criminal cases.⁶⁴

The importance of developing robust working practices to minimise the risk of error also exist in other contexts. Research has examined the problem of professionals asking leading questions of child sexual abuse complainants and the danger this poses for the credibility of their evidence in legal

Indeed, exoneration data from North America suggest that false and misleading forensic evidence, official misconduct, perjury or false allegations, mistaken witness identification and false confessions are a contributory cause of wrongful convictions in sexual assault, child sexual abuse and other criminal cases.

Special

In "he-said, she-said" cases, where the evidence is often conflicting or circumstantial, it can be problematic to judge too quickly or definitively. Here's why:

1. Lack of Objective Evidence

- **These cases often rely solely on personal testimony** without corroborating proof (e.g., texts, videos, witnesses). Without additional evidence, it's difficult to determine who is telling the truth.

2. Memory and Perception Are Fallible

- **Human memory is not perfect.** People may genuinely remember events differently due to bias, stress, or time gaps, **making it hard to determine intentional deceit versus honest misinterpretation.**

3. Cognitive Biases

- Personal biases, such as preconceived notions about gender, status, or past behavior, can cloud judgment. People might be inclined to believe one party over the other based on subjective factors rather than facts.

4. Potential for False Accusations or Defamation

- While false accusations are statistically rare, they do happen. On the other hand, dismissing legitimate claims can cause further harm. **Rushing to judgment in either direction can lead to injustice.**

5. Power Dynamics & Pressure

- One party may have more social, financial, or institutional influence, affecting how their side is perceived. Without a thorough and impartial review, the less powerful person may be unfairly disbelieved.

6. Social & Legal Consequences

- Public or legal judgments without sufficient proof can ruin reputations, careers, or lives. Whether someone is falsely accused or an accuser is unjustly dismissed, the impact can be severe.

What's the Best Approach?

- **Stay neutral until evidence emerges.**
- **Listen carefully to both sides without assumption.**
- **Rely on objective facts rather than emotions or biases.**
- **Recognize the limits of personal judgment when facts are unclear.**

they receive. This means the first version of a story can shape how all subsequent versions are interpreted.

2. **Cognitive Bias** – Once someone hears a story, **they unconsciously seek information that confirms what they already believe**, rather than **considering new perspectives objectively (confirmation bias)**.
3. **Emotional Impact** – **The first storyteller has the opportunity to set the emotional tone.** If they present their version with confidence and conviction, **listeners may become emotionally invested in it.**
4. **Narrative Anchoring** – **The first version of a story becomes the "anchor" against which all other versions are compared.** Any contradictions in **later versions** can make those versions seem less reliable.
5. **Social Influence** – **If the first storyteller has authority, credibility, or social influence,** their version is more likely **to be accepted as truth.**
6. **Framing Effect** – **The way the first storyteller frames the narrative** can influence how people perceive and judge later versions.
7. **Availability Heuristic** – **The first story is often easier to recall and feels more immediate,** making it **seem more credible.**
8. **Confirmation Bias** – Once someone hears a version of the story, **they tend to favor information that supports it and dismiss contradictory details.**

This is why in disputes, criminal cases, or public narratives, getting ahead of the story can be a powerful advantage.

There are likely to be some unintended effects such as: (1) complacency, relying 'almost exclusively' on athletes' reports (Komaki and Tuakli-Wosornu 2021, p.2), rather than proactively addressing potential harms; and (2) the risk of false allegations that waste organisational time and resources, create secondary victims and undermine the capacity and legitimacy of the reporting function (Rumney and McCartan 2017, Avieli 2022)

I also want to address your comment that the prohibited conduct outlined in the SafeSport Code are "broad definitions that would encompass most interactions in one form or another." I respectfully push back on that statement. Athletes, coaches, board members, and other participants who interact with each other in appropriate ways that cause no harm at miniscule to no risk of being found in violation. This makes me think of "boys will be boys," which downplays inappropriate behavior, reinforces negative gender stereotypes, and excuses accountability for harming others. The SafeSport Code is applied to everyone equally, and the process is the same for everyone. While intentional false reporting does occasionally occur, it's rare, and if we find it has occurred, we take action against the person who weaponized SafeSport in such a way. Our investigators are trained and experienced in assessing credibility, and since we have to meet a preponderance of

disclosure. Moreover, reporting systems as policy instruments do not always operate as expected (Lascoumes and Le Galès 2007). For example, there are likely to be some unintended effects such as: (1) complacency, relying 'almost exclusively' on athletes' reports (Komaki and Tuakli-Wosornu 2021, p. 2), rather than proactively addressing potential harms; and (2) the risk of false allegations that waste organisational time and resources, create secondary victims and undermine the capacity and legitimacy of the reporting functions (Rumney and McCartan 2017, Avieli 2022).

Manager from SafeSport "While intentional false reporting does occasionally occur, it's rare, and if we find it has occurred, we take action against the person who weaponized SafeSport in such a way." In the **absence of a pre-determinate hearing BEFORE suspension, and no VALID hearing to address the allegation AFTER SUSPENSION and PUBLIC NAMING, it's months before a false allegation would be uncovered, by then loss of reputation, career, funding, sponsorship and ultimately livelihood has already occurred, and has occurred in multiple cases being tried in court. These cases are mounting.**

The cases of misuse discussed in this section are problematic in that they can cause significant harm to the nascent SafeSport protective measure. As the false allegations literature suggests, weaponizing reporting systems can create innocent secondary victims. (Rumney and McCartan 2017)

12:06

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type of safe sport reporter who actively manoeuvres around the protective measure, in addition to the well-known passive, reluctant reporter. These calculating and astute individuals – be they ethically desirable or not – might be created by the institutional conditions (i.e. the athlete pathway's incentive structure and heavy-handed safe sport approach).

The cases of misuse discussed in this section are problematic in that they can cause significant harm to the nascent safe sport protective measure. As the false allegations literature suggests, weaponising reporting systems can create innocent secondary victims (Rumney and McCartan 2017). Moreover, frequent misuse cases could potentially strengthen disbelief about reporters as seen in the false allegation cases in rape and child abuse (Rumney and McCartan 2017). Furthermore, investigators in safe sport organisations, despite intense education about

Article contents Related research

Investigation Complaints in Which the Center has no jurisdiction to Maintain the Integrity of the Investigation

• Accepting foreign Complaints

The problem is exacerbated by SafeSport's jurisdictional limitations, especially **when complaints from foreign competitors lead to public character attacks before formal investigations begin**. Such scenarios undermine SafeSport's mission to protect athletes and instead weaponize its processes, causing emotional and mental harm to the very individuals it aims to safeguard.

"Washing their hands of foreign defamation campaigns"

anagram95 • 3m
RooooooxA - 404:Page Not...

I don't think safesport has any jurisdiction over Solene considering she doesn't skate for the US and doesn't skate at a school in the US. She's not affiliated with USFS in any way so why should it matter whether she abides by USF rules

Email Received January 21/25 at 2:30 pm. From Senior Manager at SafeSport addressing foreign complainant engaged in abuse of process violations per the SafeSport Code of Ethics.

"There is no difference in our process for those inside or outside the US. Our authority is over members/participants of the US Olympic and Paralympic Movement (USOPM), and anyone who is a part of the USOPM is under our authority to be investigated. It does not matter whether someone inside or outside the US submits a report to us – we respond to all reports in a consistent manner, and there has to be enough basis in order to move a case forward and even more basis in order to impose a temporary measure/sanction. While we can only investigate those who are a part of the USOPM, those who are not a part of the USOPM can claimants, and witnesses in our process.

<https://docs.google.com/document/d/10uJGymEIEZsy7OWHdAUDN1BNjMnkoI2/edit?usp=sharing&ouid=105291496263840626083&rtopof=true&sd=true>

and Abuse of Process (IX.H) have specific definitions under the
ed by members/participants of the U

report that a member/participant has engaged in these behaviors, we
behavior is not under our authority, the person experiencing the misce
reports if the behavior reaches a criminal level and/or consult with an
civil options.

about this and they've been unable to
tell their side. They've put up with a lot
of cruelty and bullying. They can tell
their side without being subjected to
more of it. Don't blame her.

concernées n'ont réagi. Incapable de
remonter. My child, my dearle a
déposé plainte en avia.
my strength,
my blood, I will
give everything

Clément Le Foll



delphinebellanger_ #metooskating
@solenemazinaue #metoo #violence

behalf.

Is this what you were referring in dismissing public concern about global cyberbullying and relentless denigration as "free speech" and "negative press" to a US athlete that falls under your purview to safeguard ? Update: I've been notified those tweets were deleted last week. Damage already done and there is a 7-minute video scroll of them.
<https://vimeo.com/1038387386>

Delphine Bellanger
Follow

Posts Replies Media

Delphine Bellanger reposted

Pary WAKABA GP CHAM... - 6d
I feel so bad for Solene and I send her all my love and support
F'ck that man, F'ck all r'pists and abusers. I wish the worst things to happen to all of them.

Mar @Kostomalstan - 6d
YTM: enroulé nezoult

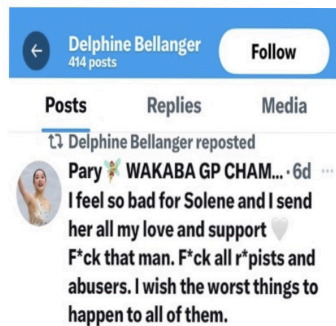
Addressing Abuse of Process

“ Was just thrown to the wolves while the Center turned their back.

There have been documented instances where complainants have leveraged public relations firms to conduct defamation campaigns against respondents. This tactic, which constitutes an abuse of process, undermines the integrity of investigations and inflicts significant reputational harm before the accused has had the opportunity to be heard.

Is this what you were referring in dismissing public concern about global cyberbullying and relentless denigration as “free speech” and “negative press” to a US athlete that falls under your purview to safeguard ? Update: I’ve been notified those tweets were deleted last week. Damage already done and there is a 7-minute video scroll of them.

<https://vimeo.com/1038387386>



“I feel so bad for Solene and I sent her all of my love and support. F*ck that man. F*ck all r*pists and abuser. I wish all the worst things to happen to all of them.

Senior Manager from SafeSport response to online denigration – up to 400 harassing posts on X (formerly Twitter) from a declared member of complainant’s team. Wide spread cyberbullying and discrimination. The Center has taken no action against this behaviour, and has not expedited the investigation in lieu of the psychological damage to the respondent.

Email exchange with senior manager

I understand that you feel you know what happened and that the Center is not handling this case in the way you feel it should be handled. Without being privy to confidential information or being a party to the investigation, it’s impossible to understand what information the Center has collected or why we make decisions we make. I know it’s difficult to watch someone you care about go through an investigative process and get negative press, and it’s commendable that

Hi, [REDACTED]

I can respond to a few of your questions/statements from a general process standpoint in order to provide more context regarding our process. As you know, we cannot address anything specific to this case.

This is a code violation under Abuse of Process - why would this behaviour be condoned by a Senior Manager and the respondent be left to hire a civil attorney ?

Section XI.S of the SafeSport Code states that claimants and respondents are able to speak freely about their experiences, the investigation, and the outcome. People have free speech, and we do not restrict their ability to exercise it. If someone chooses to go to the media, that’s their decision, and they assume all risks that come with that.

how is the integrity of the investigation maintained then ?

“Section XI.S. of the SafeSport Code states that claimants and respondents are able to speak freely about their experiences, the investigation and the outcome. People have free speech, and we do not restrict their ability to exercise it. If someone chooses to go to the media, that’s their decision, and they assume all risks that come with that.”

Addressing Abuse of Process

Despite the Center being made aware of the abuse of process through formal complaints, harassment and psychological denigration the respondent had been subjected to, the Center took no action to stop the behaviour nor expedited the investigatory process.

Included additional forms of Abuse of Process, including unreasonable pressure to compel another to participate in the Center's processes, surreptitiously recording any part of the Center's process, interfering or attempting to interfere in or influence the outcome of any Center process, and any other conduct which is likely to or does directly or indirectly abuse or interfere with the Center's process. Pgs. 23-25.

Will not enforce Abuse of Process that Complainant reasonably engages in

The additions to this section allow the Center to take a more holistic approach to the wide-ranging types of behaviors that have the potential to interfere with the Center's process. The changes also make clear that the Center need not show that the conduct actually abused the process in some meaningful way, only that the conduct was intended or likely to abuse or interfere with the Center's process.

The Abuse of Process revision identified in the Code of Ethics is a double-edged sword in the case examination in which a foreign complainant hired a public relations agency to launch a foreign smear campaign. The complainant is not under the jurisdiction of the Center therefore cannot be found in violation of the abuse of

However, if public platfo

Is it ok to use an influencer agency to sensationalize an unproven allegation of sexual abuse

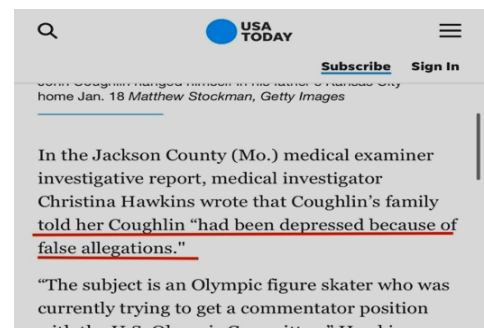
Chat GPT

No, it is not ethical to use an influencer agency to sensationalize unproven allegations of sexual abuse. Such actions can harm reputations, undermine justice, and trivialize the seriousness of such claims. Allegations should be handled responsibly through proper legal channels.

opinion, authorities, judges and juries. That's why people in some jurisdictions get away with things.

Some countries prohibit litigation by media when there is an ongoing court case or investigation. Juries and judges are prohibited from reading or knowing of the case beforehand so as not to be prejudiced. Jury members get kicked off juries or decisions are disqualified if it is found that jury members read up on the case outside of the court room or have conflict of interests. Juries are even instructed what they can or cannot do on the internet to avoid being influenced during the trial.

The Psychological Toll



The Stigmatization and dismissal of

Mental Health of respondents.

Lack of needed action and regard

Individuals facing accusations often become targets of cyberbullying, subjected to denigrating comments that cause significant psychological harm. In some cases, the impact has led to tragic consequences. The dismissive tone of a senior SafeSport manager, minimizing the damage to mental health, is particularly alarming.

A highlighted case demonstrates how the Center accepted a foreign complaint and then proceeded with delays, dismissals, and overall irresponsibility—turning a blind eye as the accused athlete became the subject of a global smear campaign. Instead of ensuring a fair and balanced investigative process, the system allowed online attacks to spiral out of control, amplifying emotional distress and reputational damage.



Contradicting SafeSport's Mission

With new cyberbullying laws emerging in Colorado and growing advocacy for mental health awareness, SafeSport's failure to address the emotional and reputational harm inflicted by its flawed procedures remains deeply concerning. This negligence not only devastates individuals but also stands in direct opposition to the organization's fundamental mission to protect and uphold fairness.

As discussions about **athlete well-being and mental health continue to gain momentum**, it is imperative that SafeSport reevaluates its approach. **Ensuring due process and mitigating collateral damage** should be a priority. Being the **target of a smear campaign** can have **serious psychological effects**, often resembling those of **prolonged psychological abuse**. The impact varies depending on factors like personality, social support, and the intensity of the campaign. **Here are the main psychological effects:**

1. Emotional Distress & Trauma

- Anxiety, fear, and paranoia (constant worry about reputation, future, or safety)
- Depression and feelings of helplessness
- Emotional exhaustion or burnout
- Increased stress levels, which can lead to physical symptoms (headaches, insomnia, digestive issues)

2. Identity and Self-Worth Issues

- Self-doubt and impostor syndrome ("Maybe I'm really the bad person they say I am")
- Loss of self-confidence and self-esteem
- Feelings of shame or guilt, even when they've done nothing wrong
- Difficulty trusting their own perception of reality (gaslighting effects)

3. Social Isolation

- **Loss of friendships or professional relationships**
- **Increased loneliness and withdrawal from social activities**
- **Fear of being judged, leading to social avoidance**
- **Being ostracized or shunned by a community or group**

4. Hypervigilance & Paranoia

- **Fear of being watched, recorded, or set up**
- **Constantly analyzing others' words and actions for hidden motives**
- **Difficulty trusting new people**

5. Cognitive Impacts

- **Difficulty concentrating or making decisions**
- **Obsessive thoughts about the smear campaign**
- **Overanalyzing past interactions to find what went wrong**
- **Mental exhaustion from constantly defending oneself**

6. Anger & Resentment

- **Feeling betrayed by people who believe the false accusations**
- **Intense frustration at being unable to control the narrative**
- **Possible desire for revenge or justice**

7. Post-Traumatic Stress Symptoms (PTSD-Like)

- **Flashbacks or intrusive thoughts about the smear campaign**
- **Avoidance of certain places or people related to the campaign**
- **Panic attacks or intense emotional reactions to triggers**

8. Career & Financial Impacts

- **Job loss or professional reputation damage can lead to financial stress**
- **Fear of being unemployable due to a damaged reputation**
- **Loss of opportunities and credibility in their field**

9. Learned Helplessness & Suicidal Ideation

- **Feeling powerless to change the situation**
- **Loss of motivation or purpose**
- **Suicidal thoughts in extreme cases, especially if the smear campaign has long-term consequence**

Victims can experience significant social isolation and feel unsafe. It can lead to emotional and physical harm, loss of self-esteem, feelings of shame and anxiety, concentration and learning difficulties.

<https://humanrights.gov.au>

Cyberbullying, Human rights and bystanders

SafeSport's unchecked authority demands immediate reforms to align with procedural due process in providing a pre-determination hearing BEFORE the initiation of a suspension and public naming. Transparency, oversight, and procedural fairness must be prioritized to protect both victims and the wrongfully accused.

The current system tightly protects all information about a complaint during an investigation except for the name of the accused. Modlin and others said they recognized the need for that protection in order to create an environment in which victims are encouraged to speak up and feel safe from retaliation when they do. The names of the accused are shared publicly to avoid a threat to other athletes during what can often be long investigations. However, Modlin said that formula creates a vacuum of information that outsiders can fill with potentially harmful speculation.

"There has to be a process that is fair," she said.
"There has to be a middle ground."

**The following positions were requested
from the Senior Manager below.**

**These general process positions were
left unanswered**



**The Senior Manager at SafeSport was respectfully asked for positions regarding these general process concerns:
No positions or clarifications after five days of e-mail exchange.**

Integrity of the Investigation: Does the U.S. Center for SafeSport maintain that these actions uphold the integrity of an active investigation? **What integrity can remain in an investigation when the athlete is publicly denigrated, judged, and effectively indicted in the court of public opinion prior to having his testimony and evidence heard ?**

Abuse of Process Allegations: Does the U.S. Center for SafeSport support or permit the complainant's alleged actions that constitute Abuse of Process under Section IX, Code H.1.a, d, g, and m? Specifically, **the complainant's translation of a French article into shared English screenshots**—verified by her PR team—that misrepresent the original content, coupled with a **French lawyer who has a conflict of interest due to their being a writer for the same publication.**

Position on Cyberbullying and Online Denigration During Investigation: Are you asserting that it is the U.S. Center for SafeSport's position to condone or enable actions by a foreign complainant and her team to incite harassment against a respondent during an active investigation? Particularly when the complainant's frequently publicized alterations to timelines strongly suggest signs of malice and a motive for harm?

Position on potential foreign interference working with the complainant's foreign PR agency in allegedly reaching out to them to issue no-contact directive the day before a defamatory article from a foreign media outlet is published, condoning the defamatory paywalled French article and misleading translation of the article distributed online.

Is Discrimination against the respondent's Russian ethnicity a factor? Was this a factor in the unprecedented suspension in that it was assumed that individuals wouldn't advocate for his rights to be upheld? The respondent is a human being and can't change where he was born and raised.

Position on verifying claims: How has the centre verified that the complainant was incapacitated? Individuals in a large group of skaters stated the witness was severely intoxicated and the respondent was left to care for her as she was left alone. Why was this left out of the narrative ? What factor is

the history of TBI as the status of generalized incapacitation if the complainant was able to compete in a highly difficult sport at an elite world level?

this pre-determination hearing right when the SafeSport system was created. Whether proper or not, the longstanding right that an accused Olympic participant was afforded a pre-determination hearing under [then] Section 220522(a)(8) was eliminated when the SafeSport system was created by the USOPC.

[SafeSport] only doubled down on this pre-determination hearing issue in 2018 when it assumed full control and responsibility for all cases involving sexual misconduct or abuse in sport. To add to the problem, [SafeSport] also used its exclusive authority to create SafeSport Rules that prevented an accused Olympic participant from legally challenging its adjudication procedure allowing [SafeSport] to issue final decisions against an accused Olympic participant before ever providing a pre-determination hearing.

The issue is whether Claimants could prevail in federal court regarding the legal conflict between the rules and procedures of [SafeSport] and the SafeSport Code and the conflicting due process protection identified in Section 220522(a)(8) and other sections of the Ted Stevens Act. As discussed in the analysis above, Claimants clearly have a valid procedural due process claim to adjudicate and this Panel agrees that Claimants could prevail when this conflict of law issue is eventually addressed in federal court.

The USOPC and [SafeSport] efforts to diminish or minimize this right to procedural due process has been set up for a rebuke by a federal court since the passage and implementation of the original version of the SafeSport Code in 2017 ... In the meantime, hundreds of accused Olympic Participants may continue to be inappropriately deprived of a legal right to a PDH in their cases.

81. Although the arbitration panel found that "hundreds of accused Olymp

- Ensure the investigation process is trauma-informed by:
 - Replacing SafeSport's arbitration process with an expert panel, which would consist of experts with training in trauma-informed care and an understanding of the sport dynamics relevant to the case; and
 - Allowing SafeSport to pursue investigations and sanctions without testimony from victims of sexual misconduct in extraordinary circumstances.

There are representatives in the senate that are questioning whether the Center's processes and use of its authority. Hopefully, this will invite more oversight and potential reform.

It appears that the Center and the representatives sponsoring an upcoming bill granting the it more funding, intendsto double down on making the process even less fair.

"Allowing SafeSport to pursue investigations and sanctions without testimony from victims of sexual misconduct in extraordinary circumstances.

10:03

times.

"If the goal is to have fewer kids participating in sports — and fewer parents volunteering to help — I can think of no more effective idea than having youth leagues micromanaged by virtue-signaling bureaucrats.

"By arguing for the centralization of the U.S. athletic structure, the Commission has done nothing less than propose a shift to the sports models of China and Russia.

"This is highly disturbing, particularly for U.S. taxpayers who funded this report, and it must be rejected.

"It is precisely the United States' rejection of centralized government and the embrace of freedom and localism that has produced the greatest athletes in the world—athletes who have been able to pursue their dreams rather than have their athletic futures determined by a centralized regime.

"Team USA's athletic success will continue if we reject the centralized government recommendations of the Commission.

commerce.senate.gov — Private

Final Email with Senior Manager at SafeSport - January 22, 25

I acknowledge your assertion that temporary measures are implemented as safety precautions during investigations. While this messaging may resonate with the public, it misrepresents critical facts and glosses over significant procedural shortcomings. The public's support is rooted in a genuine desire to protect athletes and minors from abuse. However, the Center's lack of transparency and misrepresentation of its processes is deeply troubling and unacceptable.

A temporary measure or leave is **not** a standard response to serious allegations **prior** to allowing a respondent **to be heard**, as it violates the right to a Loudermill hearing and union protections under employment law. The Fifth and Fourteenth Amendments prohibit depriving any individual of life, liberty, or property without due process of law. Loudermill hearings are specifically designed to allow public employees to present their side **BEFORE** any disciplinary action is imposed. This fundamental right applies to all professions that involve vulnerable populations, such as teachers, law enforcement and nurses, who operate under the public trust.

Amateur athletes are uniquely disadvantaged, as they are the only group denied a pre-disciplinary hearing—a right afforded even to professional athletes and those accused of doping violation. The public is likely unaware of this issue until they personally face allegations, yet they deserve to understand the vulnerabilities amateur athletes endure

The Center's claim to provide procedural due process is not only false but egregiously so. Congress, through the 2020 bill amendment *S. 2330* under the *The Amateur Sports Act*, clearly intended in writing for respondents to be afforded due process, yet your processes fail to uphold this standard. Instead, your procedures presume guilt. Public suspensions inflict irreversible harm—damaging reputations and livelihoods—before respondents have any opportunity to defend themselves. Furthermore, post-suspension hearings at the athlete's cost fail to address the investigation comprehensively, as your own code explicitly excludes testimony from respondents. This blatant denial of due process undermines the fundamental principles of fairness and justice foundational to the United States. **How is this attempt to create a work-around process and gaslight the American public on inquiry acceptable?**

The public is likely unaware of this issue until they personally face allegations, yet they deserve to understand the vulnerabilities amateur athletes endure. Their rights are often disregarded under the pretense of enforcing "safety measures," **despite the fact that true safety and procedural due process are not mutually exclusive and can coexist**. The continued **denial of this right** is indefensible and invites legal and ethical challenges that cannot be ignored.

The case of Ivan Desyatov exemplifies these systemic failures. With no prior history, no pattern of abuse, and no verifiable evidence beyond a one-sided account prior to being heard or investigated, his suspension lacks justification by any standard if the respondent is not allowed to be heard and/or provide potential exculpatory evidence. The public is right to question whether a mistranslated French article—misleadingly stating an ongoing police investigation when the original article simply stated that a complaint was filed, without the ability to investigate—was used as evidence. The article was published by a media outlet that the complainant's lawyer is a paid contributor to, further compounding the appearance of impropriety. This raises a deeply concerning question: **Does the Center accept unverified media articles as grounds for imposing unprecedented suspensions? Is this simply about optics? If so, how is this not tantamount to foreign interference? If true, this is indicative of a profound breach of ethical standards. How does this square with the mission objective of SafeSport and its commitment to safety?**

The repeated failure to transparently address these general process concerns and reasonable questions through multiple emails demonstrates a troubling lack of accountability. Procedural gaps, delays, and a refusal to engage my questions with comprehensive honesty are reasonably perceived to reflect negligence and efforts to mislead the public. The Center must take immediate steps to rectify the harm caused, expedite the investigation, and provide assurances to the public that it is committed to fairness and integrity.

What has happened to Ivan Desyatov could happen to any of our athletes, and that is nothing short of outrageous. The Center has a fundamental duty to uphold its mission, which includes safeguarding the rights of both respondents and complainants—particularly when investigating foreign complaints. To absolve the Center of any accountability for the harm caused by failing to preserve the integrity of the investigation, coupled with not taking responsibility to address multiple incidents of abuse of process and harassment - or even taking steps to expedite the investigation in lieu of it- despite being made formerly aware for the last two months, is completely unacceptable. Continuing to stonewall these concerns while neglecting your responsibility to a potentially innocent athlete under your purview is not just negligent; it is unconscionable.

With great power comes great responsibility. A transparent examination of shortcomings or procedural gaps in unprecedented cases presents a vital opportunity to improve the process, ensuring it upholds due process, fairness, and justice. while preserving the integrity of the Center.

The Center must act swiftly to address and rectify the harm caused to a potentially innocent Team USA athlete by allowing him to endure reputational damage and psychological harm through harassment. By failing to uphold the integrity of the investigation and permitting an abuse of process to continue for two months despite being aware of it, the Center has fallen short of its responsibility. The public deserves clear assurances that moving forward, the Center is committed to fairness, integrity, and transparency in all its actions. Anything less would be a betrayal of your mission and a disservice to those you claim to protect.

Athletes for Equity in Sport

Fighting for Athlete's Rights

 <https://athletesforequity.org/>

A non-profit organization dedicated to advocating for amateur athletes' rights and a fair process works with human rights lawyers who donate their time and expertise to hold the U.S. Center for SafeSport accountable. They argue that the existing processes raise serious concerns about fairness and justice.

Our mission is to ensure that any person involved in reporting or being investigated concerning disciplinary charges related to misconduct in amateur sports subject to the jurisdiction of the USOPC and its related NGBs and affiliates is afforded participation in a timely, equitable, and confidential process until final adjudication of any alleged offense(s) on the merits thereof.

We are citizens across all sports working to address necessary protocols in USOPC, NGBs and affiliates, and SafeSport that include civil liberties for all involved in the disciplinary process. We are business people, professionals, and participants who recognize the need and intent of disciplinary proceedings in sport and see the need for governing bodies in sport to respect the rights of all Americans.

After five years of litigation, a court case was dismissed on January 15, 2025, due to a recurring technicality: **SafeSport wields broad authority with little to no legal accountability for its actions.** The system appears deliberately structured to exploit legal loopholes, allowing it to bypass due process and jeopardize the careers of countless athletes.

As a result, amateur athletes remain vulnerable to potential abuses of power, while the center's reliance on legal technicalities obscures the true impact of its decisions from both the public and key decision-makers.



<https://drive.google.com/file/d/1NbYrduszgyVqWq7fo0hoK5o6cx3sjIF/view?usp=sharing>

Meanwhile, the center's spokespeople remain vague and misrepresentative about how hundreds of potentially innocent athletes have been denied the right to be heard before suffering career-ending reputational damage. The processes remain misleading and confusing. The American public is unclear about the extent to which athletes' rights can be stripped away by a private corporation that appears to be abusing its power and is negligent of the secondary impact caused by its unjust processes."

How an entity this potentially harmful to the community it was tasked to protect has been allowed to operate—unchecked—in a nation that has long stood as a pillar of rights and freedom is nothing short of a disgrace. It defies reason, betrays our principles, and demands immediate reckoning."

Current Federal litigation Pending vs SafeSport

Walker v. SafeSport, Fed Dist. Ct. NJ, No. 2:24-cv-05650 Gymnastics

Strine v. SafeSport, Fed. Dist. Ct. S. Dist. FL, No. 9:24-CV-80733, Equestrian

Navarro, et. Al. v. SafeSport, Fed. Dist. Ct., W. Dist. VA., No. 3:2024cv00030, Equestrian

Doe v. SafeSport, Fed. Dist. Ct. W. Dist. WA, No. 3:2023cv06067, Swimming

Sanderson v. SafeSport, Fed. Dist. Ct. CO, No. 1:2021cv01771, Shooting

French v. SafeSport, Fed. Dist. Ct. CO, No. 1:2024cv02138,

Bennani v. SafeSport, Fed. Dist. Ct, CO No. 1:2023cv03160, Equestrian

Moore v. SafeSport, Fed. Dist. Ct, E. Dist. MI, No. 1:2023cv11681

At least three other cases about to be filed in federal district courts in Colorado and Texas.

Current State litigation Pending vs SafeSport

USA Swimming v. SafeSport, Co. Dist. Ct., No. 24 CV 30728, Swimming

FEDERAL COMPLAINT

Case 3:24-cv-00030-RSB-JCH Document 1 Filed 04/28/24 Page 1 of 39 Pageid#:1

Dismissal of case filed January 15, 25.

What kinds of abuses of power has SafeSport committed?

As per Equity for Athletes in Sport site:

<https://athletesforequity.org/>

SafeSport behaves in ways that are fundamentally inconsistent with the standards of fairness that govern the American system of justice. The resulting abuses, although too numerous to list here, include the following:

- SafeSport has allowed itself to be weaponized against coaches and athletes by people who are motivated by professional jealousy, business disputes, divorces, or attempts to secure financial settlements. Despite ample evidence of such weaponization of the SafeSport process by those with improper motives, SafeSport has steadfastly refused to put in place appropriate safeguards and protections against it.
- At the same time, individuals who attempt to make what they believe are valid complaints to SafeSport are often never provided by SafeSport with any response; even if they do receive a response, they are frequently left without meaningful direction or recourse.
- Athletes and coaches are commonly found by SafeSport to have violated rules and are banned from their sport before they are given reasonable notice and an opportunity to defend themselves.
- After being found in violation by SafeSport, an athlete or coach is permanently banned from their sport unless they can overturn SafeSport's decision in an arbitration — in front of arbitrators who are exclusively contracted by SafeSport.
- The request for an arbitration appeal must be filed by the alleged violator within five days of SafeSport's decision and accompanied by a fee of more than \$5,000. If an athlete or coach fails to react within five days, or cannot come up with the fee, then SafeSport's decision becomes final, and the sporting ban becomes permanent.
- The accused party must also identify — and find a way to pay for — an attorney to handle the arbitration, all within five days, and all without any outside financial assistance.
- The names of athletes and coaches found by SafeSport to be in violation are published on a worldwide list of offenders as soon as SafeSport makes a decision, before the accused party has been given fair notice and an opportunity to defend themselves.
- SafeSport has found some people in violation based on allegations that are decades old and that have been disproven in courts of law.
- SafeSport often fails to provide accused athletes and coaches with fair and adequate notice of their alleged violations. It is all too common for athletes and coaches to hear from friends and associates that they have been permanently banned from their sport before they themselves have been notified by SafeSport – and long before they have been given an opportunity for a fair hearing.

Have any of the athletes or coaches who have been victimized by SafeSport complained publicly about how they were treated?

Most of those caught up in the Kafkaesque SafeSport process do not have the resources to defend themselves adequately or to take their cases to the public. Many others are afraid of the power of SafeSport and are understandably reluctant to draw attention to themselves. Still, there are brave athletes and coaches who have spoken up, and you can find some of their testimonials **here**.

Sources

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SafeSport Code of Ethics

⇒ https://drive.google.com/file/d/1KKUT77RPhjHuOpTHnn1nSe4gYwu2FCpG/view?usp=share_link

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Congressional Bills

<https://uscode.house.gov/view.xhtml?path=/prelim@title36/subtitle2/partB/chapter2205&edition=prelim> The Ted Stevens Act of 1978 with all recent amendments.

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