

# ***Temporary Measures Policy***

## **Purpose**

Being a member of U.S. Figure Skating or Learn to Skate USA® is subject to all rules and policies of U.S. Figure Skating.

Under this policy, U.S. Figure Skating may **immediately** impose Temporary Measures, as defined below, where there is a Risk.

Temporary Measures are imposed on an interim basis pending the resolution of the underlying allegations pursuant to U.S. Figure Skating's Bylaws, rules, policies, or procedures, or those of the U.S. Center for SafeSport, or to mitigate Risk.

## **Definitions**

Below is a list of defined terms used within this Policy.

- **Respondent**: An individual with allegations made against them.
- **Temporary Measure**: An interim safeguard implemented at any time pending the resolution of the underlying allegations pursuant to U.S. Figure Skating's Bylaws, rules, policies, or procedures, or those of the U.S. Center for SafeSport or to mitigate Risk. A Temporary Measure may include, but is not limited to, Membership Measures, Participation Restrictions, and Safety Plans.
- **Membership Measure**: a Temporary Measure that suspends or denies Respondent's membership with U.S. Figure Skating and/or Learn to Skate USA®.
- **Participation Restriction**: a Temporary Measure that prohibits Respondent's participation in specific U.S. Figure Skating role(s) or club or program sanctioned event(s) or activity(ies), but does not affect Respondent's membership.
- **Safety Plan**: a Temporary Measure that does not prohibit Respondent's membership or participation in a U.S. Figure Skating, club, or program sanctioned event(s) or activity(ies). A Safety Plan may include, but is not limited to, no contact directives, limiting one-on-one interactions, supervised participation, cease and desist, or other measures of a similar nature.
- **Misconduct**: allegations that Respondent (1) violated U.S. Figure Skating's Bylaws, rules, policies, or procedures; (2) violated the U.S. Center for SafeSport's Code, rules, policies, or procedures; or (3) otherwise engaged in conduct that indicates Respondent poses an actual or potential Risk for physical, emotional, reputational, or other harm to U.S. Figure Skating or Learn to Skate USA® members or volunteers, U.S. Figure Skating, or the sport of figure skating.
- **Risk**: potential harm to the physical, emotional, or psychological well-being or safety of others; to another's property; or to the reputation of U.S. Figure Skating.

## **Determination to Implement a Temporary Measure**

When determining whether to implement a Temporary Measure, the allegations made against Respondent will be presumed as true for purposes of this Policy and the following will be considered:

- A. Whether Misconduct has been alleged; and,
- B. Whether the Respondent's continued participation without restriction within U.S. Figure Skating poses a Risk.

## **Implementation of Temporary Measures**

***Safety Plans***: When U.S. Figure Skating's Director of SkateSafe®, or their appointed designee, determines that an individual may pose a Risk, the Director of SkateSafe®, or their appointed designee, may issue a Temporary Measure in the form of a Safety Plan.

*Membership Measures and Participation Restrictions:* When U.S. Figure Skating's Director of SkateSafe®, or their appointed designee, determines that an individual may pose a Risk that warrants a Membership Measure or Participation Restriction, the matter will be referred to U.S. Figure Skating General Counsel for review. General Counsel, with the concurrence of the CEO, may issue a Membership Measure or Participation Restriction.

## **Notice**

If a Temporary Measure(s) is being implemented, a Notice of the Temporary Measure(s) shall be sent to Respondent and include a description of the underlying allegations, the type of alleged Misconduct and the Temporary Measure to be implemented. If the Temporary Measure(s) includes a Membership Measure or Participation Restriction, the Respondent will also be notified of the opportunity for a Provisional Hearing, as provided below.

The Notice will be sent via email to the Respondent's email address on file with U.S. Figure Skating.

Temporary Measures shall be effective immediately, unless otherwise stated in the Notice.

If a Temporary Measure includes a Membership Measure or Participation Restriction, or if the Temporary Measure(s) applies to Respondent's interactions with a group and not one individual, a notification of the Temporary Measure(s) being implemented will be sent to club and program leadership within a 50-mile radius of Respondent's home club/program and/or the rink(s) where Respondent is known to participate. Additionally, Membership Measures will be subject to publication on U.S. Figure Skating's website.

A notification regarding the implementation of a Temporary Measures will be communicated to the U.S. Center for SafeSport if it has exercised jurisdiction for allegations of misconduct made against Respondent. Notwithstanding anything contained herein to the contrary, all Temporary Measures may be subject to disclosure..

## **Provisional Hearing**

An opportunity for a provisional hearing is available for Membership Measures and Participation Restrictions, but not for Safety Plans. Hearings will be conducted pursuant to the Ted Stevens Act as applicable.

- A. If the Temporary Measures include a Membership Measure or a Participation Restriction, then within 3 business days of transmittal of the Notice via email (or such other time as stated in the Notice), the Respondent may request a Provisional Hearing. For the sake of clarity, all other forms of Temporary Measures do not qualify for a Provisional Hearing.
- B. The scope of the Provisional Hearing is solely to address the reasonableness of the Temporary Measures imposed by U.S. Figure Skating based on the allegations. . The Provisional Hearing is not a hearing to resolve whether the Respondent has committed a violation or what the appropriate resolution should be if a violation is found to have occurred.
- C. If the Respondent timely requests a Provisional Hearing pursuant to this Temporary Measures Policy, U.S. Figure Skating shall refer the matter to a hearing Panel (defined below).
- D. Any written statements or documented information the Respondent wishes to submit for consideration by the Panel must be received by U.S. Figure Skating by the method, date and time stated in the Notice. Such information will be provided to the Panel, along with the Notice and any additional documentation previously provided to Respondent. The Hearing Panel may exclude from consideration documentation from the Respondent that is not relevant to the reasonableness or is outside of the scope of the Temporary Measure.
- E. The Provisional Hearing will be held within 10 business days after U.S. Figure Skating receives timely notice of Respondent's request for a hearing. Respondents may request an expedited hearing which shall be granted subject to availability and at the sole discretion of the Panel as defined below.
- F. A real-time hearing will be conducted at a time and place set by the Panel. Hearings shall be held by telephone, video conference, or other similar electronic means whereby all parties participating may hear each other during the hearing. The SkateSafe® Director, or their appointed designee, will communicate information about the hearing schedule to all parties. Failure of the Respondent, or their appointed designee, to appear at the hearing will result in a finding of reasonableness.

- G. The parties to the hearing will be U.S. Figure Skating and the Respondent. U.S. Figure Skating's representatives, the Respondent and/or the Respondent's representative may be present at the hearing. No other parties or witnesses will be allowed to attend or participate in the hearing except that each party has the right to be represented by an attorney or other representative of their choosing in any proceeding under this Policy. However, each party shall pay its own legal and/or representation fees in all proceedings under this Policy. No Panel shall have the authority to award attorneys' fees as part of any remedy.
- H. The hearing shall last no longer than one hour. U.S. Figure Skating and the Respondent will each have no more than 20 minutes to argue their position, and the Panel will have no more than 20 minutes to ask questions to the parties. If any party speaks out of turn or exceeds their 20-minute maximum, the Panel may choose to terminate the hearing or mute said party at their sole discretion.

## **Hearing Panel**

The Administrative Legal Group Coordinator or their appointed designee shall appoint the Hearing Panel (the "Panel") which shall consist of a total of three members of the Grievance Committee and/or SkateSafe® Committee and at least one panelist must be a 10-year athlete representative (collectively, the "Panel Members"). The Panel shall conduct the hearing according to this Policy and make a determination based upon the Standard of Review set forth below.

## **Standard of Review**

The provisional hearing is not a full hearing on the merits, and the underlying allegations of misconduct by Respondent will be presumed as true for purposes of the provisional hearing. The sole issue before the Panel is the reasonableness of the Temporary Measure(s) that are the subject of the hearing.

## **Decision of the Panel**

Following the hearing, decisions on the reasonableness of the Temporary Measure(s) shall be determined by a majority vote of the Panel. The Panel shall report its decision, with a short summary of the basis for the decision, in writing as soon as reasonably practicable after the conclusion of the hearing; provided, however, that if necessary due to time constraints, the Panel may render its decision orally or in writing without reasoning, to be followed by a full written decision. The decision of the Panel is final.

The Panel's decision shall be sent to the Parties and their representatives via email. If the Panel determines the Temporary Measures imposed are unreasonable, U.S. Figure Skating may nevertheless impose any lesser Temporary Measures on Respondent as set forth in this Policy.