

**Effective January 1, 2023**

## **Safe Play Conduct, Policies & Guidelines**

All forms of misconduct are unacceptable to the United States Tennis Association (“USTA”) and are in direct conflict with the USTA’s values and mission as the National Governing Body (“NGB”) for the sport of tennis in the United States. The USTA is committed to promoting safe and positive environments for every athlete’s development in an environment free of misconduct.

All of us have a role in creating and supporting a healthy environment for our sport. The USTA Safe Play Program is the foundation for creating a safe and fun environment for all participants. The following USTA Safe Play Policy serves as the governing document for the USTA Safe Play Program.

### **I. APPLICATION & PARTICIPANTS**

Pursuant to the USTA’s obligation as the NGB for the sport of tennis and in accordance with Section 8.7(l) of the Bylaws of the United States Olympic & Paralympic Committee (“USOPC”) (2018), the following individuals (collectively “Participants”), unless otherwise noted, are subject to these Safe Play Conduct, Policies, and Guidelines (collectively, the “Safe Play Policy”) and the SafeSport Code for the U.S. Olympic & Paralympic Movement (the “Code”):

- Any individual who is seeking to be, currently is, or was at the time of an alleged violation of the Safe Play Policy:
  - A USTA member.
  - An employee or board member of the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association.
  - Within the governance or disciplinary jurisdiction of the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association.
  - Authorized, approved or appointed by the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association to a position of authority over or to have regular contact with Minor Athletes.
- Athletes whom the USTA designates for the USADA required testing pool (RTP)

For the avoidance of doubt, Participants include individuals within the remit of the USTA National Tennis Center Incorporated and the USTA Foundation Incorporated.

This document is consistent with the Code issued by the U.S. Center for SafeSport (the “Center”) pursuant to its authority under the USOPC Bylaws and the *Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017* (the “Act”). Further, pursuant to USTA Bylaw 63 (2020), the Sexual Misconduct Policy approved by the USTA Board of Directors on March 23, 2017, Section 8.7(l) of the Bylaws of the USOPC (2019), and the Act, the Center has the exclusive authority to investigate and resolve alleged Safe Play Policy violations involving sexual misconduct (as described in Section II herein). The USTA is obligated to, and shall cooperate to the extent permissible by law, with any investigation by the Center or law enforcement agency related to sexual misconduct within the sport of tennis or otherwise. The USTA retains the authority to investigate and resolve alleged violations of the Safe Play Policy that are non-sexual in nature. However, at the USTA’s request, the Center may exercise discretionary authority to take on cases of this nature. The Code in its entirety can be found [here](#).

### **II. PROHIBITED CONDUCT**

All Participants, as defined above, must comply, in all respects, with the Code. The USTA hereby incorporates the definitions and provisions set forth in the Code. A copy can be found [here](#). For ease of reference, the categories of Prohibited Conduct (as defined in the Code) include, but are not limited to:

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- Criminal Charge or Disposition
- Child Abuse
- Sexual Misconduct
- Emotional and Physical Misconduct, including Stalking, Bullying, Hazing and Harassment
- Aiding and Abetting
- Misconduct Related to Reporting
- Misconduct Related to the Center's Process
- Other Inappropriate Conduct
- Proactive Policy Violations (as outlined in Section III below)

### III. PROACTIVE POLICIES

Proactive policies are a key component to helping reduce the risk of misconduct. Clearly outlined parameters help foster the safe and respectful environment in which athletes can thrive. These policies (known collectively as the "Proactive Policies"), effective January 1, 2022, are as follows:

- i. One-on-one interactions, including meetings and individual training sessions
- ii. Athletic training modalities, massages, and rubdowns
- iii. Locker rooms and changing areas
- iv. Social media and electronic communications
- v. Transportation
- vi. Lodging

Pursuant to the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017* (the "Act"), all NGBs must implement reasonable procedures to limit one-on-one interactions between an athlete who is a minor and an adult (who is not the minor's legal guardian) without being in an observable and interruptible distance from another adult, except under emergency circumstances. The foregoing policies are intended to facilitate the USTA in meeting its obligations under federal law. In addition, pursuant to the Center's 2022 Minor Athlete Abuse Prevention Policies, the NGB's obligations pursuant to the Act are also applicable to its Local Affiliated Organizations. **For this reason, these Proactive Policies are also applicable to the USTA's Local Affiliated Organizations, as defined by the Center, which include Sectional Associations, District Associations, and Subdivisions of Sectional Associations.**

#### A. Proactive Policies Scope & Application

The Proactive Policies apply to In-Program Contact between Adult Participants and Minor Athlete. To provide clarity on this statement and the scope of the Proactive Policies, the following terms are defined below:

An **Adult Participant** is any adult (18 years of age or older) who is also a Participant. For purposes of clarity, this includes the following adults:

- i. A USTA member
- ii. An employee or board member of the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association
- iii. Within the governance or disciplinary jurisdiction of the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association

- iv. Authorized, approved or appointed by the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association to have Regular Contact with or Authority over Minor Athletes.

A **Minor Athlete** is an athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of the USTA, a Sectional Association, a District Association or Subdivision of a Sectional Association.

**In-Program Contact** is any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete(s) related to participation in tennis. This includes during competition, practices, camps/clinics, and celebrations and award ceremonies.

**Regular Contact** is ongoing interactions during a 12-month period wherein an Adult Participant is in a role of direct and active engagement with any Minor Athlete.

**Authority** is when one person's position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person. Also see the *Power Imbalance* definition in the SafeSport Code.

In some instances, the Proactive Policies have exceptions. These exceptions are noted below:

A **Close-in-Age Exception** allows for In-Program Contact between an Adult Participant and a Minor Athlete if the Adult Participant has no authority over the Minor Athlete; and the Adult Participant is not more than four years older than the Minor Athlete. *Note: This exception is different than the close-in-age exception in the Center's SafeSport Code pertaining to misconduct (see Section VIII(D)(2) for the Code's close-in-age exception definition).*

An exception is provided for **Adult Participant Personal Care Assistants Working with a Minor Athlete**. A personal care assistant is an individual who assists an athlete who requires help with activities of daily living or in preparation for athletic participation. This support can be provided by a guide for blind or visually impaired athletes, or can include assistance with transfer, dressing, showering, medication administration, and using the restroom. When assisting a Minor Athlete, personal care assistants must be authorized by the athlete's parent/guardian and be in compliance with the USTA Safe Play Policy.

An exception is provided for **Dual Relationships**. This exception applies to certain policies in those instances where the Adult Participant has a dual role or relationship with a Minor Athlete that is outside of the tennis program. Examples of Dual Relationships include but are not limited to family members, mental health professionals, teachers, medical professionals, and family friends. The exception requires written consent of the Minor Athlete's parent/guardian at least annually.

The USTA strongly recommends that prior to providing consent as noted above, parents complete training on child abuse prevention. The Center offers free materials and training for parents at [www.safesporttrained.org](http://www.safesporttrained.org).

## B. One-on-One Interactions Policy

All one-on-one In-Program Contact between an Adult Participant and a Minor Athlete must be observable and interruptible. This means that the interaction must be able to be seen by another

individual (adult or minor) and another individual (adult or minor) must be able to stop the interaction easily. Exceptions apply in the following circumstances:

- i. When there is an emergency; or
- ii. When a Dual Relationship exists; or
- iii. When the Close-in-Age Exception applies; or
- iv. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
  - a. the Minor Athlete's parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - b. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).
- v. In other circumstances specifically addressed in this policy that allow for certain one-on-one interactions if the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) receives parent/guardian consent.

#### 1. One-on-One Training Sessions or Meetings

All one-on-one In-Program individual training sessions or meetings with Minor Athletes must be observable and interruptible and must meet the requirements set forth in the One-on-One Interactions Policy outlined in Section III(B) above. In addition, the following requirements also apply:

- i. The Adult Participant providing the one-on-one individual training session must receive advance, written consent from the Minor Athlete's parent/guardian at least annually, which can be withdrawn at any time; and
- ii. Parents/guardians must be allowed to observe the individual training session or meeting.

The following are the requirements for all meetings with a licensed mental health care professional and/or health care provider that are (1) not observable and interruptible; and (2) take place at a sanctioned event or during practices, events, competitions at locations partially or fully under the jurisdiction of or locations owned/rented/utilized by the USTA, a Sectional Association, a District Association, or a Subdivision of a Sectional Association:

- The door can be closed to protect patient privacy, but it MUST remain unlocked.
- A second adult must be present at the facility where the meeting is taking place and know that the meeting is taking place. The second adult does not need to know the Minor Athlete's identity.
- The USTA or Sectional Association or District Association or Subdivision of a Sectional Association (as appropriate) must be notified that the provider will be meeting with a Minor Athlete.
- The provider must receive consent per the local laws and the provider's ethical standards.
- Consent for treatment can be withdrawn by the Minor Athlete's parents/guardians at any time.

**2. Monitoring**

All one-on-one interactions between Minor Athletes and Adult Participants at a program, event, or facility partially or fully under the jurisdiction of the USTA, a Sectional Association, a District Association, or a Subdivision of a Sectional Association must be monitored. Monitoring includes reviewing the parent/guardian consent form, knowing that one-on-one interactions are occurring, the approximate planned duration of the interaction and randomly dropping in on one-on-one interactions. It is the responsibility of the program administrator to develop a monitoring plan.

**3. Gifting**

Gift-giving or providing special favors or privileges to a Minor Athlete is prohibited. Gifts that are equally distributed to all Minor Athletes and serve a motivational or educational purpose are permitted.

**4. Out-of-Program Contacts**

Adult Participants who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete are prohibited from interacting one-on-one with Minor Athletes in settings outside of the program (including, but not limited to, one's home) unless parent/legal guardian written consent is provided for each out-of-program contact. Parent/legal guardian written consent must be provided to the organization overseeing the program such as the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable)

**5. Physical Contact with Minor Athletes**

Physical contact with athletes, for safety, consolation and celebration, should only occur if the following criteria are observed:

- The physical contact takes place in public.
- There is no potential for physical or sexual intimacies during the physical contact.
- The physical contact is only for the skill development of the athlete, not to meet an emotional or other need of an adult.

**6. Prohibited Physical Contact**

Prohibited forms of physical contact, which must be reported immediately to the USTA ([safeplay@usta.com](mailto:safeplay@usta.com)), include, but are not limited to:

- Asking or having a Minor Athlete sit in the lap of a coach, administrator, staff member or volunteer.
- Lingering or repeated embraces of a Minor Athlete that go beyond the criteria set forth for physical contact.
- Slapping, hitting, punching, kicking or any other physical contact meant to discipline, punish or achieve compliance from a Minor Athlete.
- "Cuddling" or maintaining prolonged physical contact during any aspect of training, travel or overnight stay.

- Playful yet inappropriate contact that is not a part of regular training, (e.g., tickling or “horseplay” wrestling).
- Continued physical contact that makes a Minor Athlete obviously uncomfortable, whether expressed or not.
- Any contact that is contrary to a previously expressed personal desire for decreased or no physical contact, where such decreased contact is feasible in a competitive training environment.

**C. Athletic Training Modalities, Massages, and Rubdowns Policy**

All In-Program athletic training modalities, massages, or rubdowns of a Minor Athlete must:

- a. Be observable and interruptible; and
- b. Have another Adult Participant physically present for the athletic training modality, massage, or rubdown; and
- c. Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin or genitals are always covered; and
- d. Allow parents/guardians in the room as an observer, except for competition or training venues that limit credentialing; and
- e. Be administered by an individual licensed / certified to perform an athletic training modality, massage, or rubdown; such services cannot be performed by a Minor Athlete’s coach on the Minor Athlete regardless of the coaches’ licenses / certifications; and
- f. Have written consent from the Minor Athlete’s parents/guardians which can be obtained by either the USTA or the Sectional Association or the District Association or Subdivision of a Sectional Association (as applicable) or the provider of the services on an annual basis before providing the services. Minor Athletes or their parents/guardians can withdraw consent at any time.

**D. Locker Rooms & Changing Areas Policy**

1. Adult Participants must ensure that all one-on-one In-Program Contact with Minor Athlete(s) in a locker room, changing area, or similar space where Minor Athlete(s) are present is observable and interruptible. This means that the interaction must be able to be seen by another individual (adult or minor) and another individual (adult or minor) must be able to stop the interaction easily. Exceptions apply in the following circumstances:

- i. When there is an emergency; or
- ii. When a Dual Relationship exists (this exception does NOT apply in showers); or
- iii. When the Close-in-Age Exception applies; or
- iv. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
  - a. the Minor Athlete’s parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - b. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).

2. Locker rooms and changing areas must be monitored by the appropriate personnel responsible for hosting the tournament / event or managing the facility if the facility is under the full or partial jurisdiction of the USTA, a Sectional Association, District Association, or a Subdivision of a Sectional Association. Monitoring includes ensuring compliance with these Proactive Policies

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- and recognizing when a Minor Athlete goes to the locker room or changing area during practice and competition and, if he or she does not return in a timely fashion, checking on the Minor Athlete's whereabouts.
3. A semi-private or private place to change clothes or undress must be provided for Minor Athletes at all sanctioned events or facilities that are partially or fully under the jurisdiction of the USTA, a Sectional Association, District Association, or a Subdivision of a Sectional Association.
    - a. A semi-private area is an area that is not separate from where other individuals are changing but offers the Minor Athlete some privacy to change. For example, a bathroom stall with a door would meet this requirement. A semi-private area can also be created by a partition or drapery.
    - b. A private area is an area separated completely from anyone else changing. This area would be fully enclosed with a door, and no other individual would be able to enter without the Minor Athlete's permission. This could be a single restroom or family restroom, where the Minor Athlete can change alone and lock the door.
  4. No Adult Participant or Minor Athlete can use photographic or recording capabilities of any device in locker rooms, changing areas, or any other area designated as a place for changing clothes or undressing.
  5. Adult Participants must not change clothes or behave in a manner that intentionally or recklessly exposes their breasts, buttocks, groins, or genitals to a Minor Athlete.
  6. Adult Participants must not shower with Minor Athletes unless the Adult Participant meets the Close-in-Age Exception.
  7. Parents / guardians may request in writing that their Minor Athlete(s) not change or shower with Adult Participant(s) during In-Program Contact and such request will be honored.
  8. In limited instances, the USTA may permit recording or photography in locker rooms for commercial purposes of highlighting a sport or athletic accomplishment if:
    - a. Parent/legal guardian consent has been obtained; and
    - b. The USTA approves the specific instance of recording or photography; and
    - c. Such recording or photography is by an individual secured by the USTA; and
    - d. Two or more Adult Participants are present; and
    - e. Everyone is fully clothed.

### **E. Electronic Communications Policy**

Electronic communication includes but is not limited to phone calls, video calls, video coaching, text messaging, social media platforms (e.g., Facebook, Twitter, Instagram, WhatsApp, Snapchat, etc.), fitness applications, emails, and direct messaging.

1. All one-on-one electronic communications between an Adult Participant and a Minor Athlete must be Open and Transparent (as defined below) except:
  - a. When there is an emergency; or
  - b. When a Dual Relationship exists; or
  - c. When the Close-in-Age Exception applies; or
  - d. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
    - i. the Minor Athlete's parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - ii. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).

2. Open and Transparent means that the Adult Participant copies or includes the Minor Athlete's parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant. If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.
3. Only electronic platforms (e.g., smart phone applications, athletic applications, social media applications) that allow for Open and Transparent communication may be used to communicate with Minor Athletes.
4. All team communication or communication with more than one Minor Athlete from an Adult Participant must copy or include another Adult Participant, or the Minor Athletes' parents/guardians.
5. All electronic communication originating from an Adult Participant to a Minor Athlete must be professional in nature.
6. At any time parents/guardians can request that direct communication to Minor Athletes cease and that all communication go through the parent/guardian. All such requests will be honored except in emergency situations.
7. Electronic communications must only be sent between the hours of 6:00 a.m. and 8:00 p.m., unless emergency circumstances exist, or while traveling internationally or during competition travel.
8. The USTA and Sectional Associations monitor their social media pages and remove any posts that violate the USTA's policies and practices for appropriate behavior. The USTA or the Sectional Association (as appropriate) will inform the legal guardian of a Minor Athlete of any prohibited posts. In addition, in the event of threatening or harassing comments targeting or about an athlete or Adult Participant, the USTA may notify industry partners (e.g., coaching certification organizations, WTA, ATP Tour, ITF) and the relevant Sectional Association so that those entities may address the situation according to their policies.
9. Adult Participants, except those with a Dual Relationship or who meet the Close-in-Age Exception, are not permitted to maintain private social media connections with Minor Athletes. Such Adult Participants are not permitted to accept new personal page requests on social media platforms from athletes who are minors, unless the Adult Participant has a fan page, or the contact is deemed as celebrity contact vs. regular contact. Existing social media connections on personal pages with Minor Athletes must be discontinued.

#### **F. Transportation Policy**

1. An Adult Participant cannot transport a Minor Athlete one-on-one during In-Program travel except:
  - a. When there is an emergency; or
  - b. When a Dual Relationship exists; or
  - c. When the Close-in-Age Exception applies; or
  - d. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
    - i. the Minor Athlete's parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - ii. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).



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- e. The Adult Participant has advance, written consent to transport the Minor Athlete one-on-one which must be obtained from the Minor Athlete's parent/guardian at least annually. This consent can be withdrawn at any time.
2. An Adult Participant meets the In-Program transportation requirement if the Adult Participant is accompanied by another Adult Participant or at least two minors during the transportation.
3. Written consent from a Minor Athlete's parent/guardian is required annually for all transportation sanctioned by the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable). This consent can be withdrawn at any time.
4. *Recommendations for Parents*
  - The USTA encourages parents/legal guardians to pick up their Minor Athlete first and to drop off their Minor Athlete last in any shared or carpool travel arrangement.
  - The USTA recommends that parents/legal guardians receive education concerning child abuse prevention before providing consent for their Minor Athlete to travel alone with an Adult Participant who is the subject of these policies. Resources for parents can be found at [www.safesporttrained.org](http://www.safesporttrained.org).

**G. Lodging Policy**

1. All In-Program Contact at a hotel or lodging site between an Adult Participant and a Minor Athlete must be observable and interruptible. This means that the interaction must be able to be seen by another individual (adult or minor) and another individual (adult or minor) must be able to stop the interaction easily. Exceptions apply in the following circumstances:
  - a. When there is an emergency; or
  - b. When a Dual Relationship exists; or
  - c. When the Close-in-Age Exception applies; or
  - d. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
    - i. the Minor Athlete's parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - ii. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).
2. Written consent from the Minor Athlete's parent/guardian must be obtained for all In-Program lodging at least annually which can be withdrawn at any time
3. An Adult Participant cannot share a hotel room or otherwise sleep in the same room with a Minor Athlete except:

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- a. When a Dual Relationship exists and the Minor Athlete's parent/guardian has provided advance, written consent for the lodging arrangement prior to every instance in which the lodging arrangement will occur; or
  - b. When the Close-in-Age Exception applies and the Minor Athlete's parent/guardian has provided advance, written consent for the lodging arrangement prior to every instance in which the lodging arrangement will occur; or
  - c. If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
    - i. the Minor Athlete's parent/guardian has provided written consent to the USTA, Sectional Association, District Association, or Subdivision of a Sectional Association (as applicable) for lodging arrangement prior to every instance in which the lodging arrangement will occur; and
    - ii. the Adult Participant Personal Care Assistant has met all USTA Safe Play program requirements to be Safe Play Approved through [www.usta.com/safeplay](http://www.usta.com/safeplay).
4. Meetings are not permitted to be conducted in a hotel room.
  5. When doing room checks during In-Program lodging, the One-on-One Interaction Policy must be followed and at least two adults must be present for room checks.
  6. For all lodging authorized or funded by the USTA or Sectional Association (as applicable), the following additional requirements apply:
    - a. Adult Participants traveling with the USTA or the Sectional Association (as applicable), must agree and sign the USTA Safe Play Policy which includes this Lodging Policy at least annually.
    - b. Adult Participants that travel overnight with Minor Athlete(s) are assumed to have Authority over Minor Athlete(s) and must be in compliance with the USTA Safe Play Policy and Safe Play Approved.
  7. *Recommendations for Parents*

The USTA recommends that parents/legal guardians complete education and training concerning child abuse prevention before providing consent regarding lodging for their Minor Athlete. Resources for parents can be found here: [www.safesporttrained.org](http://www.safesporttrained.org).

## H. Violations

Violations of the Safe Play Policy, including these Proactive Policies, must be reported immediately. Please see Section VI, Reporting & Responding herein for details on how and where to report. Violations will be addressed according to the USTA Safe Play Policy. In addition, some forms of physical contact may constitute child physical or sexual abuse that must be reported immediately to appropriate law enforcement authorities and the U.S. Center for SafeSport as provided by the Code.

## IV. TRAINING & EDUCATION

The USTA requires that the following Participants complete education concerning misconduct in sport and child abuse prevention on an annual basis (every 12 months):

- Adult Participants who have regular contact with athletes who are minors

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- Adult Participants who have authority over an athlete who is a minor by the USTA, Sectional Associations and District Associations or Subdivisions of Sectional Associations
- Adult staff and board members of the USTA, Sectional Associations and District Associations or Subdivisions of Sectional Associations.
- Non-athletes whom the USTA authorizes to train, reside or work at any Olympic Training Center. Such individuals are expected to demonstrate successful completion of the safety program before accessing any Olympic Training Center.

The USTA has adopted the training and educational materials developed and provided by the Center to meet the requirements outlined above. The categories of individuals who fall within this requirement include but are not limited to those outlined below. This list will be updated at least annually on January 15 of each year:

- USTA staff, and interns
- USTA Executive Council, which includes the USTA Board of Directors, Past Presidents, Player Representatives, Presidential Appointees, and Section Delegates
- Staff and Board of Directors for Sectional Associations and District Associations or Subdivisions of Sectional Associations
- Independent contractors falling within this definition, such as athletic trainers, massage therapists, doctors working a delegation event or the US Open, and medical and physio specialists
- USTA Certified Officials
- Player Development Coaches hired for USTA Sectional camps
- Volunteer coaches for USTA Junior Team Tennis
- All Net Generation tennis providers
- Pro Circuit Tournament Directors
- USTA Junior Sanctioned Tournament Directors
- USTA Adult Sanctioned Tournament Directors
- USTA Player Development Incorporated staff and Board of Directors
- USTA National Tennis Center Incorporated staff and Board of Directors
- USTA Foundation Incorporated staff and Board of Directors
- USTA Junior Team Tennis 18-year-old athletes
- Athletes selected by the USTA for a delegation event who are at least 18 years old as of the closing ceremony of said delegation event
- The National Junior Tennis & Learning (NJTL) program staff and volunteers having regular contact with minor athletes

Education concerning misconduct in sport and child abuse prevention must be completed either (i) before regular contact with an athlete who is a minor, or (ii) within the first 45 days of beginning a new role subjecting the adult to this requirement, whichever occurs sooner.

The following training and education standard must be met to be considered compliant:

- The Center's 90-minute "SafeSport Trained Core" training module which must be completed as required above or upon an individual's current Safe Play approved status expiration.
- A refresher course will be required on an annual basis (every 12 months) effective the calendar year following the completion of the "SafeSport Trained Core" training for each of the above listed adults. Every four years, the above-listed adults will complete the SafeSport Trained Core training.

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- Medical providers including independent contractors, such as athletic trainers, doctors working a delegation event or the US Open, or medical and physio specialists can take the Health Professionals Course in lieu of the SafeSport Trained Core and are required to take the refresher courses on an annual basis as described herein.

The USTA will conduct random and periodic checks to confirm all individuals identified above have met the training and education requirement.

In those instances in which an individual does not have regular contact or authority over minor athletes, he or she will be provided with information about the USTA Safe Play Program and the Center's resources. These individuals include, but are not limited to:

- Arthur Ashe Kids' Day Volunteers
- US Open Volunteers
- Anti-Doping Chaperones during the US Open
- Billie Jean King Cup and Davis Cup Volunteers
- USTA National Campus Ambassadors
- Physicians on call at Pro Circuit Tournaments
- Volunteers engaged by a sponsor or third party to participate in a USTA event involving minors

The USTA, Sectional Associations, District Associations, and Subdivisions of Sectional Associations will communicate and offer, on an annual basis (subject to parental/guardian consent as necessary), training to minor athletes and to parents on the prevention and reporting of child abuse. These free youth and parental courses are provided by the Center and are available at [www.safesporttrained.org](http://www.safesporttrained.org).

Exemptions from this Section IV, Training & Education, may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport at [exemptions@safesport.org](mailto:exemptions@safesport.org).

The Center will work with the USTA on the appropriate accommodations for persons with disabilities and individuals with limited English proficiency to satisfy these training requirements. The USTA must provide reasonable accommodations and track any exemptions for individuals with disabilities and individuals with limited English proficiency.

## V. BACKGROUND SCREENING

The USTA requires USTA employees and individuals the USTA formally authorizes, approves or appoints to (a) serve in a position of authority over, or (b) have regular contact with athletes to complete a criminal background screen at least every two years. Background screens must be completed prior to the commencement of a new role or competition for all applicable individuals.

In addition to the individuals noted above, this also applies to the following:

- i. All athletes and alternates, training partners, and guides 18 years of age or older who are selected by the USTA to participate in national or international team, or the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games, and other international sporting events as designated by the USOPC. Individuals referenced in this subsection shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this requirement. For purposes of clarity, this does not include adult recreational participants.

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- ii. Personal care assistants that are funded, have a contractual obligation with, or are credentialed by the USTA.
- iii. All athletes and alternates, training partners, and guides 18 years of age or older that are selected by the USTA to train at any Olympic & Paralympic Training Center, or USOPC High Performance Training Center. International training partners staying less than 14 days are exempt from the process.
- iv. Assistants, or personal care assistants who are funded, have a contractual obligation with, or are credentialed by the USTA or otherwise have regular contact with USTA athletes.
- v. Individuals affiliated with the media who are authorized or credentialed by the USTA to have access to a USTA training facility or attend a competition run by the USTA and have unsupervised one-on-one interactions with athletes.
- vi. Third-party vendors/contractors that are (a) in a position of authority over; or (b) in regular contact with athletes.
- vii. Other individuals who have regular contact with athletes as determined by the USTA, in its discretion.

The categories of individuals included in this requirement are outlined below. This list will be updated at least annually on January 15 of each year:

- USTA staff who are designated as having regular contact or authority over athletes are re-screened every two years
- USTA Executive Council, which includes the USTA Board of Directors, Past Presidents, Player Representatives, Presidential Appointees, and Section Delegates
- Independent contractors falling within this definition, such as athletic trainers, massage therapists and physio specialists
- Medical doctors selected by the USTA for Delegation Events
- U.S. USTA Certified Officials (including those individuals under 18 years old)
- Player Development Coaches hired for USTA Sectional camps
- Volunteer coaches for USTA Junior Team Tennis (including those individuals under 18 years old)
- All Net Generation tennis providers (including those individuals under 18 years old)
- Pro Circuit Tournament Directors
- USTA Junior Sanctioned Tournament Directors
- USTA Adult Sanctioned Tournament Directors
- Arthur Ashe Kids' Day Volunteers (including those individuals under 18 years old)
- US Open Volunteers (including those individuals under 18 years old)
- Billie Jean King Cup and Davis Cup Volunteers (including those individuals under 18 years old)
- Anti-Doping Chaperones during the US Open
- Individuals affiliated with the media who are authorized or credentialed by the USTA to attend the US Open unless said individual will have supervised one-on-one interactions with athletes
- USTA Player Development Incorporated Staff and Board of Directors
- USTA National Tennis Center Incorporated Staff and Board of Directors
- USTA Foundation Board Incorporated Staff and Board of Directors

Screening shall be conducted by a reputable background screening firm with experience working with youth-serving organizations. The background screen process must be completed online. Sectional Associations and District Associations or Subdivisions of Sectional Associations may develop policies that go beyond the requirements described herein.

**A. Offenses Screened For**

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The offenses listed below are a sampling of what is being screened for when a background check is performed. The USTA reserves the right to consider additional crimes should it determine, in its sole discretion, that it would be in the best interest of the sport. Reportable convictions for, disclosure of convictions for, and pending dispositions for, any of the offenses listed below, or registrations will prompt a determination that a Participant does not meet the USTA Safe Play criteria.

Any background check that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, for any of the below criminal offenses will be subject to the USTA's policies and procedures to determine the individual's level of access and involvement:

1. Any felony. A felony shall refer to any criminal offense punishable by imprisonment for more than one year.
2. Any misdemeanor involving:
  - a. All sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;
  - b. Any drug related offenses;
  - c. Harm to a minor and vulnerable person, including but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
  - d. Violence against a person (including crimes involving firearms and domestic violence);
  - e. Stalking, harassment, blackmail, violation of a protection order and/or threats;
  - f. Destruction of property, including arson, vandalism, and criminal mischief; and
  - g. Animal abuse or neglect.

### **B. Motor Vehicle Reports**

In limited instances, the USTA may require a Participant be subject to a motor vehicle report check. Prior to any review of motor vehicle reports, the USTA will procure the Participant's permission.

1. For purposes of being authorized to transport people in any motor vehicle for business purposes, a record that contains the following information will be flagged and will prevent the individual from providing transportation services related to any USTA event or program:
  1. No valid driver's license (expired or lack of license);
  2. Suspended or revoked driver's license;
  3. More than two moving violations and/or accidents in the prior two years;
  4. A conviction for a major moving violation including, but not limited to: DUI/DWI, possession of an open container, any drug-related motor vehicle incident, leaving the scene of an accident, assault (in any form) by use of a motor vehicle, and reckless driving (willful or wanton disregard for safety of persons or property in any form);
  5. Pending traffic offenses; and
  6. An individual being under 25 years of age.

### **C. Full Disclosure & Ongoing Obligation**

Once a Participant has successfully met the USTA Safe Play background screen criteria, the Participant will be considered in good standing until the expiration of their background screen, as applicable; provided, however, if within that period the USTA becomes aware of any potential change in status (e.g., criminal activity) either through information received from the Participant, the media, third parties or

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otherwise, the USTA shall have the right to conduct additional background screening at any time, and should the findings meet the criteria outlined above, the USTA shall have the right to immediately withdraw the Participant's good standing status. The Participant has an ongoing obligation, prior to the expiration of his or her background screen, to inform the USTA if there has been any change in his or her status (e.g., criminal activity).

### **D. Reciprocity**

The USTA shall, to the extent it is able, enforce any suspension or other sanction issued by the Center or any other NGB against a Participant, even if arising from allegations occurring outside of USTA programs or sanctioned tournaments and events.

### **E. Findings**

Based on the above-referenced criteria, a Participant's background screen review will return with either a "green light" or "red light" finding. A green light means that the background screen provider did not locate any records suggesting that the Participant does not meet the USTA's background screen criteria. A red light finding means the criminal background check revealed criminal records which suggest the Participant does not meet the criteria.

The Center requires the USTA to report to the Center any Participant's red light determination based on a Criminal Charge or Disposition involving sexual misconduct or child abuse.

#### **1. Appeals Based on Accuracy of Background Screen Results**

If a Participant receives a red light finding based on records in which the Participant determines are inaccurate, the Participant may challenge the accuracy of the report directly with the background screen vendor. The Participant will receive information from the background screen vendor regarding that process.

#### **2. Appeals to the USTA Based on an Accurate Red Light Finding**

Participants who receive an accurate red light determination have thirty (30) days from the date of determination to request an appeal. If the Criminal Charge or Disposition involves sexual misconduct or child abuse, the appeal request must be made to the Center. The Center will provide the Participant with instructions on how to initiate an appeal pursuant to the Code. All other appeals for red light determinations not related to sexual misconduct or child abuse shall be made to the USTA's Safe Play Review Panel. Participants will receive an Adverse Action Letter with instructions on how to initiate an appeal.

The USTA Safe Play Review Panel shall be populated by up to five individuals from the USTA Safe Play Background Check Review Pool ("Review Pool") and adhere to the 20% athlete representation requirement when an athlete is the subject of the review. The Review Pool will consist of:

- USTA Chief Operating Officer & General Counsel
- Senior Director, Strategic & Business Operations
- Deputy Chief Legal Officer & Associate General Counsel
- Senior Counsel & Managing Director, Tennis Integrity
- General Counsel, USTA National Campus
- General Manager, Player Development or his or her designee (USTA Player Development matters)

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- Chief Executive of Community Tennis or his or her designee
- Athlete Representative designated by the Athletes' Advisory Council (when the Participant is an athlete)

The USTA will not consider an appeal for a conviction that results in the Participant being currently registered on any state, federal, territorial or tribal sex offender registry for any form of Sexual Misconduct. The USTA will not consider an appeal for pending criminal charge(s) or warrant(s) for arrest until the matter has been resolved and a final disposition or resolution has been issued.

To initiate an appeal for all other red light findings, the Participant must do all of the following:

- a. Provide an email with the subject line "Background Screen Appeal" to [safeplay@usta.com](mailto:safeplay@usta.com).
- b. Within that email, provide his or her full name, contact email, phone number and a brief description of the position sought.
- c. Provide a reasonable description of the grounds for disqualification and any information that might be useful for the Review Panel to know, including references and the Participant's contributions to the tennis community.

In making a final determination, the Review Panel will evaluate the circumstances surrounding the disqualifying matter, the dates in which the matter occurred and the overall impact of the matter on the relevant USTA program, event or tournament position sought. The Review Panel may take up to 14 business days to process the appeal once it is received. Notice will be provided to the Participant with the Review Panel's decision.

Should the Review Panel grant the appeal, the Participant will be required to complete a new background screen and submit a subsequent appeal (as applicable) in two (2) years from the date of the original determination by NCSI.

If the Participant disagrees with the finding of the Review Panel, he or she may appeal the decision by filing a demand for arbitration with the American Arbitration Association ("AAA") within thirty (30) days of the Review Panel's decision. A decision rendered by the AAA shall be final and binding on all parties.

In the event a similar appeal has already been conducted by another NGB and that appeal resulted in disqualification of the Participant, the USTA shall, to the extent it is able, uphold the same determination.

Questions may be directed to [safeplay@usta.com](mailto:safeplay@usta.com). Please note that only logistical questions and questions about the process will be answered. Questions concerning whether or not an appeal will be successful will not be answered until the Review Panel has made its decision.

Absent good cause shown, appeals not emailed within 30 days are barred. Individuals with a red light determination who do not appeal or do not prevail on appeal will be not be permitted to apply to the Safe Play Program for a period of two (2) years.

### **G. Secondary Review of USTA Determinations by USOPC**

The USTA is required to notify the USOPC of any decision reached by the USTA which has the effect of allowing an individual covered by this background screening requirement to reside, train or compete at an Olympic Training Center or participate in an Olympic, Paralympic, Pan American, Parapan American, Youth Olympic Games, or other international sporting events as designated by the USOPC if the individual's background check was flagged for any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty for any of the below crimes:



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Any felony involving:

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

As well as any felony or misdemeanor involving:

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

For more details regarding the USOPC's background check policy procedures, please visit [here](#).

#### **F. Other Information**

The USTA currently covers the cost of background screens for the USTA Safe Play Program. The USTA may conduct random and periodic checks to confirm all individuals identified above have met the background screen requirement.

### **VI. REPORTING & RESPONDING**

**NOTE: Nothing in this policy shall be construed to require a victim of child abuse or other misconduct to self-report.**

**No one should investigate suspicions or allegations of child abuse or other misconduct, or attempt to evaluate the credibility or validity of allegations as a condition of reporting to the appropriate authorities. The Center maintains the exclusive jurisdiction to investigate and resolve all matters of sexual misconduct within the Olympic & Paralympic Movement.**

The USTA Safe Play department administers and enforces the USTA's Safe Play Reporting & Responding Policy.

All reports made pursuant to the reporting requirements below may be made anonymously. No direct fees or other cost is involved in making a report.

#### **A. Reporting Requirements**

Please refer to the [Code](#) for definitions of all capitalized terms.

##### **1. Child Abuse including Child Sexual Abuse**

An Adult Participant, including any adult USTA member, who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must make a report within 24 hours of the suspected abuse to *both* Law Enforcement and the Center as provided below:

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a. Law Enforcement

- The agency designated by the Attorney General, consistent with the federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341); AND
- Applicable State Law Enforcement agency. Learn more about this requirement by visiting [here](#).

b. U.S. Center for SafeSport

- Through the Center’s online reporting form, [www.USCenterForSafeSport.org](http://www.USCenterForSafeSport.org).
- By phone at 833-5US-SAFE during regular business hours (Monday to Friday, 9:00 a.m. to 5:00 p.m. MT).

Reporting such conduct to the Center does not satisfy an Adult Participant’s obligation to report to law enforcement or other appropriate authorities consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341). Child Abuse includes incidents that involved a victim who is a minor at the time of the alleged incident, even if the victim is now an adult.

**2. Sexual Misconduct**

The USTA and the Center encourages *anyone* who experiences or becomes aware of an incident of Sexual Misconduct involving a Participant to report the incident immediately to the Center (and/or law enforcement if the matter involves possible criminal conduct). See Section VI(A)(1)(a) – (b) above for reporting instructions.

Adult Participants are required to promptly report suspected Sexual Misconduct directly to the Center (and/or law enforcement if the matter involves possible criminal conduct) whenever such Participants become aware of conduct that could constitute Sexual Misconduct. See Section VI(A)(1)(a) – (b) above for reporting instructions.

**3. Emotional and Physical Misconduct and Proactive Policy Violations**

Adult Participants are required to report to the USTA Emotional and Physical Misconduct (including Bullying, Stalking, Hazing and Harassment) prohibited under the Code and this Safe Play Policy. This includes all violations of the Proactive Policies.

Reports to the USTA can be made either by:

- Calling the USTA’s reporting hotline at 855-791-1345 (toll-free, within the United States, Guam, Puerto Rico and Canada)
- Emailing the USTA at [safeplay@usta.com](mailto:safeplay@usta.com), clearly describing the incident, location of incident and people involved.
- Completing and submitting a [Safe Play Misconduct Reporting form to the USTA](#). The online reporting tool and phone allow reporters to report anonymously, if they wish to keep their identities anonymous. However, anonymous reports may limit the USTA’s ability to investigate and respond to a complaint.

Should you have questions on how to report, please contact [safeplay@usta.com](mailto:safeplay@usta.com).

**4. Criminal Charges or Criminal Dispositions**

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The USTA and Adult Participants are required to report to the Center Criminal Charge(s) or a Criminal Disposition(s) involving sexual misconduct or child abuse. For the avoidance of doubt, this includes reporting any Criminal Charge(s) or Criminal Dispositions(s) involving sexual misconduct or child abuse that are contained in a background screen result. The Center reviews these matters *de novo*; any prior consideration or finding by the USTA or a Sectional Association or a District Associations or a Subdivision of a Sectional Association regarding such matters is not relevant to the Center's determination. A Participant may challenge the Center's decision as outlined in Section IX(A)(3) of the Code.

**5. Misconduct Related to the Center's Process**

Adult Participants are required to report to the Center any suspected incident(s) of the following Prohibited Conduct as defined in the SafeSport Code:

- Aiding and Abetting
- Abuse of Process
- Retaliation
- Other Inappropriate Conduct

**6. Failure to Report**

An Adult Participant who fails to report pursuant to this Section VI may be subject to disciplinary action by the Center, the USTA, and/or law enforcement. Specifically, an Adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse to the Center and, when appropriate, to law enforcement may be subject to disciplinary action under the Center's resolution procedures and may also be subject to federal or state penalties.

**B. How Reports Made to the USTA of Child Abuse or Sexual Misconduct are Handled**

Pursuant to the *Protecting Young Victims from Sexual Abuse and Safe Sport Act of 2017*, the USTA has a legal obligation, and will meet its obligation, in reporting any suspicions of child abuse, including child sexual abuse and neglect, it becomes aware of immediately and no later than within 24 hours to:

- The agency designated by the Attorney General, consistent with the federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341); and
- The applicable State Law Enforcement agency; and
- The Center, if the allegation falls within the Center's exclusive jurisdiction.

All other Sexual Misconduct reports received by the USTA will be reported immediately and no later than within 24 hours to:

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

The USTA will promptly inform an identified reporting party of its jurisdictional determination regarding a report of misconduct to the USTA, communicating that the matter either is being referred to the Center, addressed by the USTA, or otherwise. The USTA will respond to requests from the Center within 72 hours for (i) the eligibility status of a Participant; or (ii) the existence of any USTA-imposed temporary measures or safety plans.

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Pursuant to USTA Bylaw 63 (2020), the Sexual Misconduct Policy approved by the USTA Board of Directors on March 23, 2017, Section 8.7(1) of the Bylaws of the USOPC(2016), of which the USTA is a member as the NGB for the sport of tennis, the USTA provides the exclusive authority to investigate and resolve any allegation of a violation of this Safe Play Policy involving sexual misconduct or child abuse to the Center. The USTA is obligated to and shall cooperate, to the extent permissible by law, with any investigation by the Center or law enforcement agency related to sexual misconduct or child abuse or another crime within the sport of tennis or otherwise. The USTA will not interfere, or attempt to interfere in, or attempt to influence the outcome of any investigation by the Center or law enforcement. The USTA retains the authority to investigate and resolve alleged violations of the Code or violations of this Safe Play Policy that are non-sexual in nature. However, at the USTA's request, the Center may exercise the discretionary authority to take on cases of this nature.

The USTA reserves the right to suspend an individual who is the subject of an investigation by law enforcement authorities, the Center or the USTA from participation in any USTA, USTA Sectional Association or a Subdivision of a USTA Sectional Association's sanctioned tournament, event or program until said investigation has concluded.

### **C. How Reports That Are Non-Sexual in Nature Are Handled**

To the extent permissible by law, the USTA may investigate, as appropriate, non-sexual allegations of violations of the Safe Play Policy and address them accordingly. Should the USTA receive a report of non-sexual misconduct which, as determined by the USTA, rises to the level of unlawful behavior, the USTA will make a report to the proper law enforcement agency. The USTA will not conduct an investigation if said investigation in any way interferes with a pending legal investigation or criminal prosecution.

Upon receipt of a report of allegations that are non-sexual in nature, the USTA will first determine if the matter is more appropriate for the USTA Grievance & Suspension Appeal Process as outlined in USTA Bylaw 43 and 63. This includes matters related to racquet abuse, line calls and unsportsmanlike conduct. If the matter falls outside of the USTA Grievance & Suspension Appeal Process and, based on the information provided in the report, is determined to be a violation of the Safe Play Policy, the USTA will proceed with its Safe Play Resolution Process as outlined below.

Any report of allegations that are non-sexual in nature within the jurisdiction of a Sectional Association, a District Association or Subdivision of a Sectional Association (i.e. Local Affiliated Organizations as defined by the Center) may, if appropriate, be adjudicated through the respective organization's grievance and suspension appeal process. If the matter falls outside of the grievance and suspension appeal process, the organization shall have the option to resolve the matter pursuant to Section VI(D) below. If the organization chooses to resolve the matter pursuant to its grievance and suspension appeal process, the organization is required to report its determination to the USTA for record-keeping purposes.

## **D. SAFE PLAY RESOLUTION PROCESS**

### **1. Definitions**

"Claimant" is the person who alleged to have experienced conduct that constitutes a Safe Play Policy violation.

"Respondent" is a Participant who is alleged to have violated the USTA policies.

Reports brought by individuals other than the Claimant are referred to as "third-party reports," and those bringing them are "Third-party Reporters."

## **2. Procedures**

The timing and scope of the USTA's investigation will be based on the particular circumstances of the matter at issue. While applying the USTA policies consistently in similar situations is a priority, the USTA policies are flexible and will not be applied the same way in every situation. The USTA reserves the right to modify its processes as it deems necessary.

The USTA maintains an internal, confidential system for tracking reported allegations. This system reflects how allegations are responded to, where the matter is in the investigative process, and the matter's respective outcome.

### **a. Advisors**

The Claimant, Respondent and Third-Party Reporter are entitled to an advisor of their choosing to guide and accompany them throughout the investigation. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is eligible and available. The advisor may not be any one who may be called as a witness.

Each party is entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews and hearings. An advisor should help their advisee prepare for each meeting, and is expected to advise ethically, with integrity and in good faith.

An advisor may not present on behalf of their advisee in a meeting, interview or hearing. An advisor is expected to refrain from interference with the USTA's investigation and may be asked to leave any meeting if a USTA official considers the advisor to be disruptive or otherwise failing to respect the limits of the advisor role.

### **b. Recording**

No audio or video recording of any kind is permitted during meetings with USTA officials other than as authorized by the USTA. The USTA will perform all recordings as it deems necessary.

### **c. Participation**

During an investigation, the Claimant, Respondent and Third-party Reporter are permitted to provide evidence, including written statements, lists of potential witnesses and other physical or documentary evidence.

Full cooperation and participation in the investigation process is important to ensure that all relevant facts and evidence are presented to the USTA so it can determine whether a Safe Play Policy violation has occurred. If a party declines to cooperate or participate in an investigation, the USTA will make its decision based on the available evidence.

## **3. Preliminary Inquiry**

When the USTA receives notice of a matter within its jurisdiction, it will undertake a preliminary inquiry to determine whether or not there is reason to believe a Safe Play Policy violation has occurred. If, after the preliminary inquiry, the USTA concludes there is reason to believe a Safe Play Policy violation has occurred, it will initiate proceedings, which may include an informal or formal resolution. If the USTA deems that there is insufficient information to determine if there is reason to believe a USTA policy violation has occurred, it may administratively close the matter, with the option to reopen it if more information is presented in the future.

At any time prior to the USTA's final decision, the USTA has the authority to reach an informal resolution. An informal resolution is a final disposition of the matter, and the final disposition will not be confidential.

## **4. Temporary Measures and Safety Plans**

At any point before a matter is final, temporary measures or safety plans may be appropriate to ensure the safety or well-being of any of the parties. Temporary measures may include, but are not limited to,

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altering training schedules, providing chaperones, implementing contact limitations between the parties and suspensions. The USTA will work with the parties to identify genuine concerns for physical safety and may implement a safety plan for training or tournament settings.

The USTA will provide the Sectional Association to which the Claimant is a member of with a notice of temporary measures or safety plans. The Sectional Association will help implement any temporary measure and safety plans within their geographical area.

### **5. Investigation**

The USTA may take the following steps in its investigation:

- a. Notify the Claimant or Third-party Reporter that the USTA is conducting an investigation into the possible USTA policy violation and inform the Claimant or Third-party Reporter of the right to meet with the investigator and present evidence in support of the complaint along with the names and/or contact information of any potential witnesses with direct knowledge of the allegations.
- b. Seek to interview the Respondent and advise the Respondent of the nature of the allegation before making a determination. The Respondent will be provided the opportunity to present a response to the allegations, including evidence and the names and/or contact information of potential witnesses with direct knowledge of the allegations.
- c. Seek to interview witnesses with direct knowledge of the allegations.
- d. Seek evidence and take any other action as the USTA may deem relevant to the investigation.
- e. Review the evidence provided by a Third-party Reporter, Claimant, Respondent or any other source.
- f. Document all investigative efforts, including, but not limited to, interviews, receipt of relevant documentation, database searches, and review and collection of other publicly-available information (e.g., social media, public records).

### **6. Closing the Investigation & the USTA's Decision**

At any point prior to the final resolution, the USTA may close the investigation if (a) the USTA could not conduct or complete the investigation, (b) it is determined the USTA does not have authority or jurisdiction over the alleged USTA policy violation; or (c) it is determined there is no reason to believe that there has been a USTA policy violation. The USTA may, at its discretion, reopen any case closed. Upon completing the investigation, the USTA may prepare a report that sets forth the findings of fact and references of disputed facts and any credibility assessments. The USTA's report will also state whether the Respondent violated USTA policy.

Upon the USTA's decision that no further investigation is necessary, the USTA will issue a decision that (a) states whether a USTA policy violation occurred, based on the evidence, (b) the USTA policy violation and (c) the sanction to be imposed, if any. The decision will include a summary of the relevant facts, evidence relied upon and the rationale for the decision. Names of witnesses and parties will be replaced with alpha-numeric identifiers.

### **7. Notice of Decision**

The USTA will provide written notice and a copy of the decision to the Respondent, the Claimant, and relevant Sectional Association (the "Safe Play Notice of Decision") via electronic and certified mail. The Safe Play Notice of Decision will state the Respondent's opportunity to request an appeal to the USTA to challenge all or part of the decision. The decision will also include notice of the Claimant's right to

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request an appeal before the American Arbitration Association (“AAA”) to challenge the Safe Play Notice of Decision.

#### **8. Appeals**

All Claimants and Respondents have the right to request an arbitration hearing concerning the Safe Play Notice of Decision before AAA, a third-party arbitration body. To request a hearing, send an email indicating that request to the USTA at [safeplay@usta.com](mailto:safeplay@usta.com) within five (5) business days from receipt of the Safe Play Notice of Decision. Absent good cause shown, appeals not emailed within five (5) business days are barred. Upon receiving a hearing request, the USTA will initiate an arbitration with the AAA. The party who requests the hearing must pay a full deposit for all fees and expenses associated with the arbitration. If the party fails to provide the requisite deposit, then the arbitration will not proceed. If the Arbitrator denies the Safe Play Notice of Decision, the USTA will reimburse all arbitration fees and expenses paid to the arbitration body. All arbitrations must be conducted in the City of New York, New York. The AAA decision is final and binding.

#### **E. Bad-Faith Allegations**

Any individual who alleges misconduct under Safe Play that, upon review, is determined to be malicious, frivolous or made in bad faith will be a violation of Safe Play. Bad-faith reports may also be subject to criminal or civil action as well appropriate USTA sanctions.

Please be advised that this USTA Safe Play Policy is subject to change without notice at the sole discretion of the USTA.

#### **F. Prohibition of Retaliation and Malicious Reporting**

The USTA prohibits Retaliation as it relates to any provisions outlined in this Safe Play Policy. Retaliation is any adverse action or threat to take any adverse action against any person related to allegations of Prohibited Conduct, i.e. victim, witness, etc. Retaliation can occur before, during, or after the process (whether led by the USTA or by the Center) of resolving an abuse or misconduct allegations. **Maliciously or vindictively making a report of misconduct is prohibited and may violate state and federal criminal laws as well as civil defamation laws and any sanctions issued by the USTA. The USTA and the Center will consider any forms of Retaliation or malicious reporting a violation of the Safe Play Policy and the Code.**