

# USA BADMINTON RESPONSE AND RESOLUTION PROCEDURES

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## INTRODUCTION

USA Badminton is the National Governing Body (“NGB”) for the sport of badminton. The USA Badminton Safe Sport Policy (“the Policy”) establishes standards of conduct for USA Badminton Participants. The USA Badminton Response and Resolution Procedures (“the Procedures”) are drafted under the authority of USA Badminton Bylaws (“the Bylaws”).

The Procedures apply to any alleged Policy or Code Violation reported to USA Badminton. A Policy or Code Violation is defined below.

The Procedures do not apply to reported violations of the USA Badminton Code of Ethical Conduct, the USA Badminton MAAPP without alleged violations of the Policy or US Center for SafeSport Code, USA Badminton background checks or challenges arising, or grievances regarding, a Participant’s opportunity to participate under the Ted Stevens Act, in either case that are unrelated to Policy or Code Violations.

A Report filed with USA Badminton does not release the reporting party from any other legal obligation to report. Reports must also be made to relevant state and federal agencies as required by law or the Center as required by the Code.

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## GLOSSARY

Unless otherwise defined in the Procedures, terms have the meanings stated in the glossary of the Policy or the Code.

An “Admonishment” is an official, written notice and formal admonition that a Participant has violated the Code or the Policy and that more severe sanctions will result should the Participant commit other violations. An Admonishment may require the Respondent to abide by certain terms and conditions.

An “Athlete” is any person eligible for competition or participation in an Event or any Member Club Event who is not a professional member of USA Badminton or acting as an instructor or coach.

A “Child” is defined by the Code as “an individual who is, or is perceived by Respondent to be, under the age of 18.”

“Child Abuse” has the meaning established under relevant state or federal law. The federal definition of Child Abuse must be considered at all times and is defined by the Victims of Child Abuse Act of 1990. Child Abuse may also be defined by the law of the state in which the behavior occurs.

A “Claimant” is the person who is alleged to have experienced conduct that violates the Code or the Policy.

“Jurisdiction” is the ability to enforce applicable policies including without limitation USA Badminton Code of Ethical Conduct, the Bylaws, or any other policy of USA Badminton or the Center.

“Ineligible” is a restriction prohibiting participation, in any capacity, in any Event, program, activity, or competition authorized by, organized by, or under the auspices of the United States Olympic & Paralympic Committee (“the USOPC”), the NGB recognized by the USOPC, a Local Affiliated Organization as defined by the Code, or at a facility under the Jurisdiction of the same.

“Member” is anyone who has agreed to terms of membership or who has a USA Badminton membership.

“Member Club” is any club member of USA Badminton as described in the Bylaws.

A “Minor” is defined by the Code as “an individual who is, or perceived by the Respondent to be, under the age of 18.”

A “Minor Athlete” is an Amateur Athlete under 18 years of age who participates in, or has participated within the previous 12 months in, an Event, program, activity, or competition that is

part of, or is partially or fully under the Jurisdiction of USA Badminton.

A “No Contact Directive” is a restriction that prohibits communication between individuals. Communication includes, but is not limited to, contact by phone, through email or text message, via any social media application or other electronic medium, in-person interactions (verbal and non-verbal), or contact facilitated through a third party.

A “No Unsupervised Contact” restriction prohibits any and all unsupervised contact with Minor Members and any Minor at Member Clubs and USA Badminton-sanctioned events without a second Adult Participant present. The second Adult Participant may not be named as a Respondent in any open matter with USA Badminton or the Center or be in a resolution process of any matter, including but not limited to, suspension, ineligibility, probation or ongoing educational requirements. Any contact with Minor Members or any Minor at Member Clubs or a USA Badminton-sanctioned event must be observable and interruptible, as defined in the Policy, by the second Adult Participant. The second Adult Participant must be in close visual and physical proximity to see and hear interactions with these Minors at all times.

A “Participant” is any of the following: (i) a person who is seeking to be, currently is, or was a member of USA Badminton; (ii) a person who is a “Covered Individual” under the Protecting Young Victim’s Act and SafeSport Authorization Act of 2017; or (iii) any person who is a “Participant” under the Code. This includes, but is not limited to: all non-member employees of Member Clubs; all members of USA Badminton’ committees or task forces; all USA Badminton employees and Directors; and all adults, including volunteers and judges, authorized by USA Badminton or any Member of USA Badminton to interact with Athletes.

A “Permanent Ineligibility” sanction prohibits participation, in any capacity, in any Event, program, activity, or competition authorized by, organized by, or under the auspices of the USOPC, the NGB recognized by the USOPC, a Local Affiliated Organization as defined by the Code, any Paralympic Sports Organization, or at a facility under the Jurisdiction of the same. This sanction precludes any of the rights or privileges associated with membership in USA Badminton, including but not limited to, participating in any Event conducted or sanctioned by USA Badminton.

“Probation” is a period of supervision which may include required education, reporting, parent surveys, and other monitoring. Failure to complete the terms of probation or receipt of a new incident report while on probation may result in an extension of probation and an abuse of process misconduct violation.

A “Report” is notice of a Policy or Code Violation submitted to USA Badminton by email to [rachel.bui@usabadminton.org](mailto:rachel.bui@usabadminton.org), by calling (719) 413-8318, or speaking directly to a USA Badminton employee.

A “Reporting Party” is a person who files a grievance or similar Report with USA Badminton. A “Respondent” is a Participant who is alleged to have violated the Code or Policy.

A “Restrictive or Temporary Measure” is any restriction placed on an individual’s ability to participate in USA Badminton sanctioned events. A restrictive measure can include, but is not limited to, No Contact Directive, travel or lodging restrictions, schedule modifications, the issuance of a “no unsupervised contact” restriction or a suspension of membership.

A “Policy or Code Violation” is an action that constitutes one or more of the following:

1. Prohibited Conduct, as outlined in the Code.
2. Prohibited Conduct, Misconduct, or MAAPP violations of the Policy.
3. Any similar conduct violating current or previous standards promulgated by the Center or USA Badminton at the time of conduct.
- 4 Any conduct that would violate similar community standards existing at the time of the alleged conduct, including then applicable criminal or civil laws.

“Suspension” is removal from USA Badminton membership for a specified period of time. A suspended Participant may not, in any capacity, participate in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any Local Affiliated Organization, or at a facility under the Jurisdiction of the same. A suspension of USA Badminton membership prohibits contact with Member Clubs, USA Badminton-sanctioned events, or other Events or activities involving Members, regardless of any business or financial interest. This includes training, travel, lodging or treatment related to any Member Clubs, USA Badminton-sanctioned events, or other Events or activities involving Members.

A “Third-Party Reporter” is a person, other than the Claimant, who files a Report.

A “Witness” is a person who has knowledge regarding the facts underlying a reported Policy or Code Violation and presents their observation to a USA Badminton investigator or a USA Badminton Restrictive Measure or Resolution Panel.

## I. GOVERNANCE AND AUTHORITY

USA Badminton will follow all governing policies, procedures, and laws. This includes, without limitation, the Policy, the Code, other governance documents of the Center, the Bylaws, the USOPC Bylaws, the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. Sec. 220501 et seq.), the Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017, and the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020.

The Procedures do not prevent any Member Club or Participant from implementing higher safety standards or from making lawful employment-related decisions, even prior to the conclusion of any process outlined in the Procedures.

The Procedures do not prevent any person from exercising their legal rights.

The Procedures replace all previous published procedures, including the Section 15 of USA Badminton Bylaws, those contained in historical USA Badminton Bylaws. The Procedures apply to all matters arising out of Reports made on or after the effective date of the Procedures, regardless of when the incident of Prohibited Conduct occurred.

## II. U.S. CENTER FOR SAFESPORT JURISDICTION

### A. Exclusive Jurisdiction

USA Badminton must refer to the Center all allegations within the Center's Exclusive Jurisdiction, as defined by the Code. This includes, without limitation, allegations involving:

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

### B. Discretionary Jurisdiction

USA Badminton will refer to the Center any allegations over which the Center exercises Discretionary Jurisdiction, as defined in the Code.

C. USA Badminton will not interfere in, investigate, attempt to influence the outcome of the investigation, or resolve allegations within the Center's Jurisdiction.

D. USA Badminton is prohibited from discussing allegations within the Center's Jurisdiction.

Questions related to those allegations should be directed to the Center at [Resource.Advisor@SafeSport.org](mailto:Resource.Advisor@SafeSport.org) or by calling 720-727-4084.

E. USA Badminton and its Participants must enforce and comply with any Temporary Measure or Sanction imposed by the Center.

F. Appeals of any matter under the Center's Jurisdiction must be directed to the Center.

G. USA Badminton reserves all other rights and remedies, including but not limited to the right to set membership criteria and the right to impose appropriate measures, including Restrictive Measures for matters within the Center's Jurisdiction.

### III. UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE JURISDICTION

A. USA Badminton is required to abide by all applicable policies and procedures regarding athlete safety set forth by the USOPC.

B. USA Badminton must notify the USOPC's Office of Athlete Safety as soon as possible and in any case within 24 hours of learning of an allegation of Prohibited Conduct, as defined in the Code, that occurred at an Olympic & Paralympic Training Center ("OPTC") or at any third party-sponsored event in which the USOPC sends a delegation (a "Delegation Event").

C. Any temporary measure(s) imposed by USA Badminton and/or the Center in response to the allegation must be included in the required notification (as described in the following section).

D. USA Badminton must notify the USOPC's Office of Athlete Safety as soon as possible and in any case within 24 hours of imposing its own or being notified of Center-imposed sanction(s) and/or temporary measure(s), affecting Participants who USA Badminton knows, or reasonably expects, to:

1. Be nominated for or selected as a Participant to a Delegation Event,
2. Have access to an OPTC, and/or
3. Receive a benefit and/or service from the USOPC as outlined in the USOPC Athlete Safety Policy.

E. USA Badminton must notify the USOPC Office of Athlete Safety in the event of any change or removal of any such sanction and/or temporary measure(s) within 24 hours of such change by USA Badminton or being notified of a change or removal by the Center.

### IV. PARTICIPANT RIGHTS

A. A Claimant has the right to:

1. Submit a report anonymously
2. Receive notification that USA Badminton has accepted Jurisdiction
3. Consult with an advisor or an attorney
4. Choose whether or not to participate in the investigation and resolution

5. Receive notice of Restrictive or Temporary Measures imposed by USA Badminton
6. Participate in the investigation and resolution without publicly disclosing their identity or experiences, except as required by the Section 15 of the USA Badminton Bylaws
7. Receive notification of the resolution of the matter

B. A Witness has the right to:

1. Choose whether or not to participate in the investigation and resolution
2. Participate in the investigation and resolution without publicly disclosing their identity or experiences, except as required by the USA Badminton Resolution Panel Hearing Procedures
3. Consult with an advisor or an attorney

C. A Respondent has the right to:

1. Receive written Notice of Allegations
2. Consult with an advisor or an attorney
3. Have an opportunity to be heard during the investigation
4. Challenge a Temporary Measure of Suspension and be heard by a USA Badminton Ethics Committee
5. Be heard by an Ethics/Judicial Committee before being declared ineligible to participate in Amateur Athletic competition
6. Upon issuance of a Decision, a Respondent has ten (10) business days to request a hearing before an arbitrator with the American Arbitration Association

## V. IMPARTIALITY

USA Badminton Process is intended to be independent from conflicts of interest, personal bias, or undue influence from any one person or role. Members of the USA Badminton Board of Directors and employees of USA Badminton, other than the USA Badminton Safe Sport Coordinator, generally will not be involved in decisions regarding or relating to the Process or have access to the USA Badminton Safe Sport case management system, except as provided below:

A. The USA Badminton President and Chief Executive Officer, the USA Badminton Board of Directors, or members of the Executive Leadership Team, may be apprised of otherwise confidential outcomes of USA Badminton Safe Sport matters for purposes of making business decisions, determining membership eligibility, and making necessary decisions on behalf of the organization regarding process and strategy (e.g., considering whether to appeal a hearing panel decision to arbitration).

B. All USA Badminton Safe Sport matters are subject to USA Badminton Conflict of Interest Policy ([found here](#)).

C. The USA Badminton Board of Directors and Executive Leadership Team may receive anonymized or aggregated data to evaluate trends and allocate resources.

## VI. REPORT SUBMISSION AND INTAKE

### A. Submitting an incident Report

1. Anyone may report a Policy or Code Violation to USA Badminton. Reports should be submitted directly to USA Badminton through email (Rachel.Bui@usabadminton.org) or call at (719) 413-8318. Written Reports may also be submitted by mail to USA Badminton at 1 Olympic Plaza Colorado Springs, CO 80909.
2. Each Report will be treated as a confidential submission to the extent allowed by law and governing policy.
3. Reports may be made anonymously to USA Badminton. An anonymous Report may limit the response and resolution process because of the inability to confirm the reported information. Reporting parties and Claimants may participate in the investigation and resolution without publicly disclosing their identity or experiences. USA Badminton strongly encourages a Reporting Party to provide their name and contact information when reporting.
4. A Report filed with USA Badminton does not release the Reporting Party from any other legal obligation to report. Reports must also be made to relevant state and federal agencies as required by law or the Center as required by the Code.

### B. Intake

1. USA Badminton will review all Reports to determine if allegations or Circumstances:
  - a. Mandate reporting to law enforcement or child protective services;
  - b. Mandate reporting to the Center;
  - c. Are governed by the Code, the Policy, or the U.S. Center for SafeSport Minor Athlete Abuse Prevention Policies (“the MAAPP”); or
  - d. Require imposition of Restrictive Measures.
2. USA Badminton determines Jurisdiction and promptly notifies the Claimant or Reporting Party.



3. Matters involving more than one Claimant, or more than one Respondent may, in the discretion of USA Badminton, be consolidated into a single matter.

## VII. SUBSTANTIVE STANDARDS AND PROCEDURAL RIGHTS

When the alleged conduct by a Participant occurred prior to the effective date of the Policy or the Procedures, USA Badminton may apply other substantive standards in effect at the time of the conduct that are analogous to Prohibited Conduct. The Procedures apply to all matters arising out of Reports made on or after the effective date of the Procedures, regardless of when the incident of Prohibited Conduct occurred.

## VIII. RELATED PROCEEDINGS

### A. Effect of Criminal or Civil Proceedings

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the Policy or the Code, the resolution of a criminal proceeding without a conviction is not determinative of whether a violation of the Policy or the Code has occurred.

Conduct may violate the Policy or the Code even if the Respondent is not charged, prosecuted or convicted for the same underlying conduct.

### B. No Waiver of Other Legal Remedies

Participating in the Process does not extend or restrict a person's right to file charges or claims regarding the underlying allegations with any agency, law enforcement, or court.

## IX. COORDINATING WITH LAW ENFORCEMENT

USA Badminton may contact any law enforcement agency to coordinate the investigations by USA Badminton and that agency. At the request of law enforcement, USA Badminton may delay its investigation temporarily while a law enforcement agency completes its investigation.

USA Badminton will resume its investigation when notified that law enforcement has completed its investigation. USA Badminton may also provide some or all its case information, documentation, or evidence to law enforcement.

X. STATUTE OF LIMITATIONS OR OTHER TIME BARS

There are no statute of limitations or other time bars of any kind on Policy or Code Violations.

XI. MAAPP PROCEDURE

A. USA Badminton, in its discretion, may allow Reports of isolated violations of the USA Badminton MAAPP to be resolved informally by the Member Club. Any informal resolution by the Member Club must include notice to the family of the affected Minor Athlete.

XII. INVESTIGATION

The investigation process consists of a fact finding and a hearing by the Ethics/Judicial Committee, or by a panel appointed by the Ethics/Judicial Committee.

XIII. RESTRICTIVE MEASURES

A. Restrictive Measures are intended to:

1. Ensure the safety and well-being of the badminton community
2. Prevent conduct or participation detrimental to the sport or its Participants
3. Prevent escalation of a reported Policy or Code Violation
4. Restrict or monitor the participation of a Respondent

B. When imposing A Restrictive Measure, USA Badminton evaluates the appropriateness of a measure based on:

1. The allegations and the facts and circumstances of the case;
2. The need to maintain the safety or well-being of Participants or the community;  
and
3. Whether the allegations against Respondent are sufficiently serious to warrant a safety measure.

C. USA Badminton may impose Restrictive Measures at any time. A Restrictive Measure shall be effective immediately upon notice to Respondent, unless stated otherwise. Restrictive Measures will remain in effect until expressly removed by either USA

Badminton or the Center.

D. USA Badminton may impose Restrictive Measures up to and including Suspension.

E. If USA Badminton imposes a Suspension from participation in amateur athletic competition protected by the Ted Stevens Act or the USOPC Bylaws, then Respondent may appeal through a USA Badminton Restrictive Measures Panel Hearing. Respondent must request a **Restrictive Measures Panel Hearing** within five (5) business days of the imposition of a Suspension from participation by USA Badminton. Failure to request a hearing within this timeframe will be deemed a waiver by Respondent.

F. USA Badminton maintains a publicly-available List of Suspended and Restricted Persons [found here](#), and a list of Permanently Ineligible and Ineligible Members and Participants found here, of individuals who are restricted, ineligible or permanently ineligible from participating. USA Badminton will not publish names of Minors.

G. Member Clubs must enforce any Restrictive Measure imposed by USA Badminton or the Center.

1. USA Badminton will notify the Member Club of any Restrictive Measure.
2. The Member Club is responsible for enforcing the Restrictive Measure and notifying club Participants.
3. The Member Club may impose any additional measures it deems necessary.
4. USA Badminton may notify Participants of the Restrictive Measure if it has reason to believe a Member Club has failed to enforce or provide notice of the Restrictive Measure.
5. USA Badminton reserves the right to notify additional individuals on a need-to-know-basis to ensure athlete safety.

#### XIV. RESOLUTION PROCESS

A. USA Badminton may resolve a misconduct matter by:

1. Dismissing matters not governed by the Policy or the Code.
2. Administratively closing matters governed by the Policy or the Code for which there is insufficient information to determine that a violation occurred.
3. Issuing an Admonishment letter.
4. Reaching an agreed resolution with Respondent, which that may include:
  - a. Educational requirements
  - b. Parent surveys
  - c. Club audit
  - d. Self-assessment

- e. Probation with reporting requirements
- f. No contact directive
- g. Restrictive or safety measures
- h. Suspension
- i. Ineligibility
- j. any other terms agreed to by USA Badminton and the Respondent.

5. Presenting the matter to a USA Badminton Resolution Panel for matters not resolved by dismissal, administrative closure, Admonishment, or agreed resolution.

B. The outcome of a matter does not restrict, limit or impede any rights of the persons witnessing, reporting or harmed by a Policy or Code Violation, Misconduct, abuse or unethical conduct.

C. USA Badminton may give notice of the resolution terms to each Claimant, Witness, or Reporting Party.

#### XV. INELIGIBILITY AND PERMANENT INELIGIBILITY

A. Ineligibility prohibits, until further notice, participation in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or sanctioned by USA Badminton, or held at a Member Club.

B. Permanent ineligibility prohibits participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or sanctioned by USA Badminton, or held at a Member Club.

C. USA Badminton maintains a publicly-available List of Disciplined Persons [found here](#), of individuals who are restricted, ineligible or permanently ineligible from participating. USA Badminton will not publish names of Minors.

D. Member Clubs must enforce any restrictions imposed by USA Badminton or the Center.

E. USA Badminton reserves the right to notify any individual of a restrictive measure on a need-to-know-basis to ensure athlete safety.

#### XVI. ARBITRATION

A. Opportunity to Participate. USA Badminton and Respondent agree to submit to binding arbitration of any USA Badminton Resolution Panel decision involving the

opportunity to participate in amateur athletic competition. The arbitration shall be conducted before the American Arbitration Association under its Commercial Arbitration Rules. The arbitration shall be conducted before a single arbitrator as an appeal from the decision of Resolution Panel. The appeal shall be limited to the record before the Resolution Panel.

B. Arbitration may be exercised upon demand of USA Badminton or any aggrieved Amateur Athlete, coach, trainer, manager, administrator or official.