



U.S. CENTER FOR
SAFESPORT™

CHAMPION RESPECT. END ABUSE.

TITLE IX REGULATIONS AND THE SAFESPORT CODE

On May 6, 2020, the U.S. Department of Education released new Title IX federal regulations, which are scheduled to go into effect August 14, 2020. This FAQ is designed to address common questions the U.S. Center for SafeSport (the Center) has received from Olympic and non-Olympic sports organizations across the country regarding the new Title IX regulations.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” Title IX also includes a right to access education free from sexual harassment and sexual violence.

WHO DOES TITLE IX APPLY TO, AND WHERE DOES IT APPLY?

Title IX applies to all educational institutions (K-12 and college campuses), both public and private, that receive federal funds. Almost all private colleges and universities must abide by Title IX because they receive federal funding through federal financial aid programs utilized by their students. The new Title IX regulations apply to all education programs or activities in the U.S. provided by federally funded schools, whether the activity occurs on or off school property. Additionally, if an unaffiliated sports team is using facilities on a college campus, Title IX may apply under certain circumstances.

ARE COACHES MANDATORY REPORTERS OF CHILD ABUSE?

Mandatory reporters are professionals or volunteers who work with children/youth and are legally required to report any suspicion of child abuse or neglect to relevant authorities. Many coaches are mandatory reporters of child abuse under state or federal law, and ALL coaches who are participants in the Olympic & Paralympic Movement are mandatory reporters of child abuse. Since passage in 1974, the Child Abuse Prevention and Treatment Act (CAPTA) requires all 50 states to have mandatory reporting laws, which includes coaches in some states. Additionally, in February 2018, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act was passed. The Act closed many gaps across the country by extending the mandatory child abuse reporting requirements in the [Victims of Child Abuse Act of 1990](#) to coaches and other adults affiliated with national governing bodies or other amateur sports organizations to report suspected child abuse.



WHAT IS THE PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE AND SAFE SPORT AUTHORIZATION ACT?

The U.S. Center for SafeSport is designated under federal law with the authority to respond to reports of sexual misconduct within the U.S. Olympic & Paralympic Movements by passing the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. This legislation also known as S.534, designates the Center to serve as the independent national safe sport organization, with the additional responsibility for the Center to develop national policies and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes.

WHAT IS THE SAFESPORT CODE?

The SafeSport Code, administered by the Center, defines various forms of prohibited conduct, including sexual, emotional, and physical abuse and misconduct. It also establishes policies and procedures for the Center's Response & Resolution Office regarding the investigation and resolution of reported incidents. The Code applies to all Participants within the U.S. Olympic and Paralympic Movement, which includes the U.S. Olympic and Paralympic Committee, more than 50 sport national governing bodies, and five high performance management organizations. In addition to the requirement under federal law to report child abuse to law enforcement, federal law also requires all Participants to immediately report child abuse and sexual misconduct to the Center.

WHO ARE "PARTICIPANTS" AS DEFINED UNDER THE SAFESPORT CODE?

The SafeSport Code applies to millions of individuals who participate in sport within the U.S. Olympic and Paralympic Movement, including athletes, coaches, officials, trainers, medical staff, and administrators. The SafeSport Code defines these individuals (minors and adults) as "Participants" and includes members, license holders, employees, or board members of any National Governing Body (NGB), Local Affiliated Organization (LAO), High Performance Management Organization (HPMO), or the United States Olympic and Paralympic Committee. Additionally, if an individual is authorized, approved, or appointed by an NGB, LAO, HPMO, or the USOPC, to have regular contact with or authority over Minor athletes, they are considered Participants.





WHAT ARE THE REPORTING REQUIREMENT CHANGES ACCORDING TO THE NEW TITLE IX REGULATIONS?

For colleges and universities, the new Title IX regulations allow institutions to designate certain employees as confidential resources for students to discuss sexual harassment without automatically triggering a report to the institution's Title IX Coordinator. Schools have the discretion to designate a mandatory reporter in instances of adult abuse and misconduct. The new regulations only specify that schools must act following reports to the Title IX Coordinator or any official who has authority to institute corrective measures, which may include coaches. For elementary and secondary schools, the new Title IX regulations state that any employee of these schools needs to report for Title IX purposes. Institutions of higher education and campus security authorities also have reporting requirements under the Clery Act.

The most significant change related to mandatory reporting focuses on reporting abuse and misconduct of adults, not children. The new Title IX regulations do not change existing state or other federal laws regarding mandatory reporting requirements of child abuse.¹

WHAT ARE THE REPORTING REQUIREMENTS ACCORDING TO THE NCAA?

Member institutions are expected to follow reporting obligations required under Title IX and other federal and state laws. The NCAA Board of Governors recently amended its policy on Campus Sexual Violence, which will include disclosure of sexual violence investigations and discipline starting in the 2021-2022 academic year.

WHAT ARE THE REPORTING REQUIREMENTS ACCORDING TO THE SAFESPORT CODE?

An Adult Participant (*see above*) who learns of information and reasonably suspects that a child has suffered child abuse, including sexual abuse, must make a report to *both* law enforcement and the U.S. Center for SafeSport. If an Adult Participant reasonably suspects an incident of sexual misconduct has occurred, they must immediately report the incident directly to the Center, regardless of the age of the persons involved (including minors and adults).

¹For specific information on state laws go to the [Child Welfare Information Gateway](#) or the [Legal Information Institute](#).

WHAT ARE THE REPORTING RESPONSIBILITIES FOR A COACH WHO IS A MEMBER OF AN NGB AND ALSO WORKS ON A COLLEGE CAMPUS?

Under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, coaches affiliated with an NGB who suspect child abuse are required to report the suspected abuse to law enforcement. It is important to note that other state laws may also apply. Additionally, when abuse or misconduct is perpetrated by or experienced by an individual within the U.S. Olympic and Paralympic Movement, the coach is also required to report abuse and misconduct to the Center. When abuse and misconduct is perpetrated within higher education settings, the coach may also be required to report to the Title IX Coordinator and should consult their institution's policy.

HOW DO YOU KNOW IF A COACH HAS VIOLATED POLICIES OR IF THEY ARE ON THE SEX OFFENDER REGISTRY?

The Sex Offender Registration and Notification Act (SORNA) which is [Title I of the Adam Walsh Child Protection and Safety Act of 2006 \(Public Law 109-248\)](#), provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs.

The Center's [Centralized Disciplinary Database](#) is a resource designed to keep the public informed when individuals connected with the U.S. Olympic & Paralympic Movements are either subject to certain temporary restrictions pending investigation by the Center or are subject to certain sanctions after an investigation found them in violation of the [SafeSport Code](#). The database also contains certain eligibility decisions made by the National Governing Bodies (NGB), their Local Affiliated Organizations (LAO), or the U.S. Olympic & Paralympic Committee (USOPC), including those rendered prior to the establishment of the Center.

Users can search the database by Name, City, State, and/or Sport Affiliation(s). Enter as much (or as little) information as you know. Search results will include the Participant's Name, City, State, Sport Affiliation(s), Decision Date, Misconduct, and Action Taken.

No other publicly facing resources currently exist outside of the state, territory, and tribal sex offender registries or the Center's Centralized Disciplinary Database.

WHAT DOES THIS LOOK LIKE FOR YOUTH GRASSROOTS PROGRAMS (RECREATION LEAGUES) AND TRAVEL TEAMS (CLUB SPORTS)? HOW DOES THIS NEW TITLE IX CHANGE AFFECT THEM?

The new federal Title IX regulations do not change state child abuse reporting laws, nor do they change other federal laws requiring certain individuals working or volunteering for amateur sports organizations to report child abuse. Sports programs affiliated with a school or college campus should contact the Title IX Coordinator at their institution for a copy of their updated policy and protocol.

Coaches who are employed by a K-12 school must report abuse to their Title IX coordinator. Coaches who are volunteers at K-12 schools may not be considered "mandatory reporters" under Title IX or state laws but they are strongly encouraged to report any suspected abuse or neglect. Coaches can play a critical role in preventing and responding to abuse by reporting it.

DIFFERENCES BETWEEN TITLE IX & SAFESPORT CODE	TITLE IX	SAFESPORT CODE
WHO DOES IT APPLY TO?	All educational institutions (public and private K-12, vocational and college campuses) that receive federal funds	The U.S. Olympic & Paralympic Committee, National Governing Bodies, High Performance Management Organizations, and Local Affiliated Organizations
WHAT IS THE FEDERAL LAW BACKING IT?	Title IX of the Education Amendments Act of 1972	Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017
WHAT ABOUT RETALIATION?	Retaliation for reporting discrimination under Title IX is prohibited. Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures.	Retaliation against anyone for engaging in the Center's processes is prohibited and policy violations should be reported directly to the Center.
WHAT TYPES OF ABUSE NEED TO BE REPORTED?	<ul style="list-style-type: none"> • Any instance of quid pro quo sexual harassment by a school's employee • Any unwelcome conduct from a school's employee, another student or a third party that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal access to educational opportunities. • Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act). 	<ul style="list-style-type: none"> • Child abuse, including child sexual abuse • Sexual misconduct involving adult participants • Emotional and physical misconduct (including bullying, stalking, hazing, and harassment)
WHO IS A MANDATORY REPORTER?	<ul style="list-style-type: none"> • For K-12 schools all employees are mandatory reporters of child abuse and neglect • For college campuses, the institution can choose who is a mandatory reporter of adult abuse and misconduct • The new Title IX regulations do not change existing state or federal laws regarding mandatory reporting requirements of child abuse 	All Adult Participants. This includes members, license holders, employees of, or board members of a National Governing Body (NGB), Local Affiliated Organization (LAO), High Performance Management Organization (HPMO), or the United States Olympic and Paralympic Committee
HOW DO YOU FILE A REPORT?	Identify the Title IX coordinator or mandatory reporter at your school. They are responsible for taking in reports of abuse and misconduct.	You can file a report to the U.S. Center for SafeSport online at uscenterforsafesport.org/report-a-concern or by calling 720-531-0340.
JURISDICTION	Schools can investigate and adjudicate only when the person accused of abuse or harassment is a student, employee, or contractor of the institution.	The Center will investigate and adjudicate when the person alleged to violate the Code is a Participant. There are no time limitations.

HELPFUL LINKS

- Clery Center
- NCAA Guide, Addressing Sexual Assault and Interpersonal Violence: Athletic's Role in Support of Healthy and Safe Campuses
- NCAA Board of Governors Policy on Campus Sexual Violence
- Higher Education Protection Network
- Sex Offender Registration and Notification Act
- Summary of Major Provisions of the Department of Education's Title IX Final Rule
- U.S. Center for SafeSport REPORT A CONCERN
- U.S. Center for SafeSport Centralized Disciplinary Database
- U.S. Center for SafeSport, SafeSport Code
- U.S. Center for SafeSport Training

