



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Safe Sport Act

Overview, Implications for YMCAs, FAQs and Resources

OVERVIEW

Signed into law in February 2018, **new federal legislation has expanded the requirements around sexual abuse reporting and prevention policies** for organizations that arrange or sponsor youth sports competitions. The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, commonly referred to as The Safe Sport Act, was created in response to recent revelations of ongoing abuse within USA Gymnastics. **The new requirements affect organizations that arrange interstate or international amateur athletic competitions for minors, as well as the adults working with minor amateur athletes on behalf of those organizations.**

YMCA of the USA (Y-USA) recommends all YMCAs that offer youth sporting activities take steps to ensure their policies and procedures for abuse prevention and reporting align with the law. If you have specific questions about if and how the legislation applies to your YMCA, **please consult legal counsel to assist with interpreting the law and its implications for your YMCA.**

THE REQUIREMENTS

The major requirements under the law include that:

1. **All adults authorized by the organization to interact with athletes, including volunteers, are deemed mandated reporters.** All mandated reporters must report any incidents or suspected incidents of child abuse as soon as possible (**in no event later than 24 hours**) to the appropriate authorities. (Child abuse is defined as physical or mental injury, sexual abuse or exploitation, or negligent treatment.) For organizations that are sanctioned by or under the jurisdiction of National Governing Bodies, such as USA Gymnastics or USA Swimming, mandated reporters also must report to the US Center for Safe Sport. Penalties, in the form of a fine or imprisonment, are dependent on the state law and can be significant.
2. **Organizations must offer and provide consistent training** regarding prevention and reporting of sexual abuse to adults who are in contact with athletes (including volunteers). Subject to parental consent, the training must also be made available to minor members.
3. **Organizations must establish procedures to prevent abuse.** Specifically, they must establish reasonable procedures to limit one-on-one interactions between an athlete who is a minor and an adult without being in an observable and interruptible distance from another adult.
4. **Organizations must protect those making reports from retaliation.**

PROTECTING YOUTH FROM ABUSE IN THE Y

Keeping children and teens safe always has been the Y's top priority, and **YMCAs that have adopted best practices in child safety likely are meeting many of the requirements outlined by the Safe Sport Act.** Specifically, the child protection requirements of the new Child Protection and Aquatics Safety Membership Qualification, approved by member associations in 2017, require training for staff and volunteers and reporting of abuse by staff and volunteers in accordance with applicable laws. In addition, it also requires the completion of a self-assessment that helps Ys review and improve organizational policies regarding abuse prevention.

While working to meet the member qualification requirements will assist in complying with the Safe Sport Act, it is still critical that your association learn about the specific requirements of the law and take any additional steps necessary to ensure compliance.

FREQUENTLY ASKED QUESTIONS

1. Who is affected by the Safe Sport Act?

This Act applies to organizations that sponsor or arrange interstate or international amateur athletic competition for minors. This includes National Governing Bodies (NGBs) like USA Gymnastics, USA Swimming and other Olympic sports, but it also can include camps, public and private schools, collegiate sports, country clubs, community organizations and sport facilities. In addition, adults who are considered mandated reporters can be sanctioned under the laws of the state where they reside if they fail to report abuse as required.

2. What if my YMCA does not engage in interstate or international competition?

The term interstate is very broad. Even if your programs do not participate in interstate or International competitions regularly, other activities may still qualify. For example, programs with participants who live in a different state may be considered Interstate activity. Also, YMCAs that participate in Nationwide Membership may qualify. **Y-USA encourages all YMCAs that offer youth sports activities to comply with the law.** If you believe your Y would not be affected, you are encouraged to consult your legal counsel to be sure.

4. What type of training is required for my staff and volunteers?

The Act requires organizations to offer and provide consistent training to adults in regular contact with amateur athletes who are minors, and the training must address both reporting abuse and measures to prevent abuse. This would include any staff and volunteers approved to interact with youth athletes at your Y. Trainings on the topics of prevention and reporting are available from Praesidium (see RESOURCES below). If any of your Y's sports programs are governed by a National Governing Body, the US Center for Safe Sport is also developing training that your Y must use.

6. Are there additional requirements for National Governing Body Organizations and Paralympic Sports?

For any activities governed by National Governing Bodies and Paralympic sports, additional procedures and policies are required under the act. The organizations must enact oversight procedures, including regular and random audits conducted by subject matter experts, like Praesidium. Additionally, these organizations are required to report suspicions of abuse to the U.S. Center for Safe Sport, implement a standardized mechanism for reporting and enact procedures to prohibit retaliation.

7. What if some YMCA staff and volunteers are minors themselves?

The Act states that **adults** who interact with minor athletes are considered mandated reporters. It is generally accepted that the term 'adult' applies to those 18 years of age and older. However, state law can vary, so the Y-USA recommends that YMCAs consult with their legal counsel on this point. In addition, Y USA recommends that YMCAs develop policies that instruct anyone who is not a mandated reporter but is interacting with athletes to report any suspicions or incidents of abuse to a supervisor. We also recommend that volunteers and staff who are under the age of 18 be well-versed in your prevention and reporting policies and that they go through the appropriate prevention training.