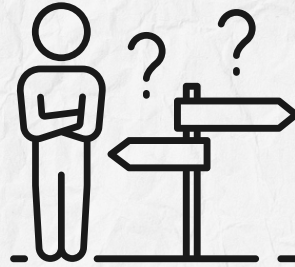


Justice Pathways for Athletes



Officially
Reporting

← **Survivor** →

Disclose to a Trusted Person
without Officially Reporting

Find Support
& Resources

Restorative
Justice

Civil
Lawsuit

Criminal
Charges

Title IX

SafeSport

Justice Pathways for Athletes

Gut Check! Ask Yourself:

- Am I disclosing to a mandated reporter? And, do I know what action steps will automatically occur once a report is made?
- Have I clarified my goals, wishes, and expectations in seeking justice?
- Have I engaged in self-care throughout this process?

Important Note:

- These pathways are not mutually exclusive.
- You are allowed to change your mind if you decide you want to report later.

Disclaimer

The information provided above does not, and is not intended to, constitute legal advice, and should not be relied upon as such. It is intended only to provide general guidance and information to the reader. Because each of the topics above are governed and affected by numerous legal issues that are often state specific, you are advised to seek independent legal counsel licensed in your jurisdiction to obtain qualified legal advice pertaining to your particular circumstances.

Justice Options for Athletes

This article uses “survivor” and “victim” interchangeably. #WeRideTogether encourages and empowers everyone to find agency in [determining how they want to identify](#).

[The Fierberg National Group](#) has a nationwide practice of representing survivors of hazing, sexual abuse, and other misconduct. Mention #WeRideTogether to receive a free consultation from the firm.

Seeking Justice

The aftermath of sexual violence can be turbulent, draining, and incredibly difficult for survivors. They may embark on a healing journey – and it may take varying amounts of time for individuals to be ready to begin that journey.

Survivors face varying extents and combinations of physical, emotional, and mental hardships on this journey and, unfortunately, may or may not receive support from their communities.

Seeking justice may be part of this journey. But justice means different things to different people. What does justice mean to you? How do you go about seeking the form of justice that feels right?

For some survivors, justice may come from a sense of personal healing, resilience, or the knowledge that they did survive. For those individuals, living well is the best justice. To do this, they may need access to mental health resources and care; we recommend visiting our [resources](#) page as a great place to start.

A more traditional or legal idea of justice may feel right for other survivors. That can include going to the police, reporting to a school or university, or reporting to SafeSport. For more information on mandated reporting, visit our [crisis resources](#) page and [mandated reporting blog post](#).

Still, for other survivors, the idea of “restorative justice” – a series of conversations between the perpetrator and the victim that center accountability, community, and repairing harm – may feel like the best fit. None of these options is inherently better than another, and survivors must be empowered to make the right choices for themselves in their own time.

To empower survivors and support their healing journeys, #WeRideTogether aims to provide education and increase awareness of the justice options survivors can pursue. The needs of each survivor and situation are different and complex.

Every path to justice has its pros, cons, and opinions surrounding it. And outcomes can objectively and subjectively vary from highly positive to lackluster to harmful. **These pathways are not mutually exclusive.** It is recommended that you consult with an attorney with trauma-sensitive expertise in these areas to help you understand your options so you can decide which legal process(es) are best for you.

Lastly, these processes can take a long time. It is important to remember that numerous resources exist to aid in the steps a survivor chooses to take and that healing and justice can be realized in a variety of ways.

The following definitions were generously provided for #WeRideTogether by [Lisa Cloutier, J.D.](#), of our partner [Fierberg National Law Group](#), with editing and additions from the #WeRideTogether team.

Disclosing to a trusted person without officially reporting

For some survivors – in fact, the statistical majority – no justice option will feel like the right fit, or factors may prevent them from pursuing justice through these channels. Less than [1 in 3 to 1 in 5](#) student victims of violence ever report, and less than [1 in 3](#) victims in the general population ever report. That is okay and completely your choice as a survivor. Still, you may want to tell someone so that you can receive support. This may be a friend, family member, or mental health professional. This is often a crucial first step in the healing process for many athletes.

If you are under 18, it is important to understand that some people are mandatory reporters. If you disclose to a mandated reporter, please understand that they will have to officially report. Mandatory reporters are required by law to report information about physical or sexual abuse or harassment to officials.

For more information on mandated reporting, visit our [crisis resources](#) page and [mandated reporting blog post](#).

Officially Reporting

The Police and Criminal Charges

One action that can be taken after misconduct occurs is to report to the police. First and foremost, if you are a mandated reporter who suspects, witnesses, or knows of child sexual abuse or misconduct, you are legally obligated to make a report to local authorities. In some states, this includes all adults. Click [here](#) to learn more. You can also report for yourself at any age.

If you have experienced physical or sexual abuse or certain types of harassment, you may wish to pursue criminal charges against the perpetrator. This process typically begins with the victim reporting to local police. In many areas, if you are reporting sexual abuse, you will be interviewed by a detective who should have been trained to work with victims of these crimes.

Ultimately, a prosecutor will decide whether to prosecute the case. That decision is often based upon the assessment of whether the claim can be proven beyond a reasonable doubt (a particularly high burden of proof relevant solely to criminal proceedings).

The central remedy in criminal proceedings is the incarceration of the wrongdoer. Additionally, some states have special funds established to compensate victims of crime for financial losses resulting from criminal misconduct. Successful prosecution may lead to the loss of employment of the perpetrator and a criminal record that may prevent the perpetrator from regaining employment with athletes and children.

Survivors should consult local law to determine when criminal proceedings must be initiated under the applicable statute of limitations. Statutes of limitations require that survivors initiate criminal charges or civil proceedings (lawsuits) within a specific period after the abuse. These are set by state law, which varies from state to state. Some states have eliminated the statute of limitations for certain sex crimes or have lookback window periods.

The criminal process can potentially proceed simultaneously with other processes, such as a civil lawsuit, SafeSport investigation, or Title IX proceeding.

Civil Lawsuit

Survivors may choose a civil lawsuit as a justice seeking option. A private [civil lawsuit](#) may be pursued for many reasons, including money damages against the perpetrator or, in certain instances, against an entity or other individuals who contributed to harming the victim through their actions or failure to act.

An award of damages is available in civil suits to compensate you for physical and mental injuries, medical expenses, lost income, emotional distress, other financial losses incurred due to the abuse, and pain and suffering. In some cases, punitive damages aimed at punishing wrongdoers are also available. So too, civil litigation can sometimes be used as leverage to compel an institution to make changes in protocols and policies necessary to protect others from harm, and credible allegations made in civil litigation often lead to the perpetrator's loss of employment.

While the civil lawsuit process can be lengthy, some cases settle with the agreement of all parties long before a trial, sometimes before a lawsuit is ever filed. Unlike the criminal process, which employs a beyond a reasonable doubt standard, civil lawsuits require a lower burden of proof, a preponderance of the evidence (the wrongdoing “more likely than not” occurred) to hold the defendant liable.

Another significant difference from criminal proceedings is that there is no prosecutor making the principal decisions: The survivor – along with their legal counsel – is in control of the central decisions, such as whether to file suit, settle, or go to trial. This can be empowering for survivors as it can be a pathway towards regaining power, control, agency, and accountability.

Statutes of limitations for civil claims are set by state law. In the wake of the #MeToo Movement, some states responded to courageous survivors coming forward by extending statutes of limitations or reopening “look back” periods for years-old cases that otherwise would be barred. All these provisions are state-specific and should be consulted as soon as possible because once they expire, the possibility of filing a civil suit disappears.

All these issues related to a civil lawsuit are complex and vary from state to state. You may wish to consult an attorney with trauma-sensitive expertise in these areas to help you understand your options so you can decide about the legal process that is best for you.

Title IX

For extended information on Title IX, please read our [Know Your Rights: Title IX](#) guide.

If you were abused or harassed by a coach, trainer, or other employee or student at any college or university, a public K-12 school, or, in many instances, a private K-12 school, you have the right to file a Title IX complaint with the educational institution.

Title IX of the Education Amendments of 1972 requires schools to respond to sex-based discrimination and harassment, including sexual assault, by promptly investigating the allegations and conducting disciplinary proceedings.

Every school that receives federal funding is required to have a Title IX coordinator and Title IX policy that explains the specific procedures and options for reporting, investigation, and resolution of a complaint. This policy should be available on the school’s website.

You are not required to have an attorney for this process, though it is a good idea. You are also permitted to have a non-attorney advisor help you with the proceedings, and some institutions

offer the assistance of faculty during this process. Some schools even reimburse attorneys for helping survivors.

Title IX proceedings initiated with an educational institution are entirely separate from the criminal, civil, and SafeSport processes, though civil lawsuits filed in court often contain allegations and claims that the requirements of Title IX apply and/or were violated. These processes can be coordinated and proceed at the same time.

Once you have made a Title IX report, schools are required to offer you supportive measures to restore or preserve your access to education and other school activities, such as school sports. They are also required to provide you with other support during the school's Title IX investigation and resolution process. In cases with serious allegations, a school may remove an accused student, coach, employee, or other, pending the outcome of the Title IX investigation. This also includes the power to issue "stay away" orders protecting survivors from ongoing harassment at school, in school-related activities, or in other circumstances within the jurisdiction of the school. The goal is to protect the survivor's educational opportunities and rights throughout the process and afterward.

If the accused individual is found responsible, the school is required to impose appropriate disciplinary measures commensurate with the severity of the violation, including expulsion or termination of employment. In addition to disciplining the perpetrator after a finding of responsibility, a school is required to take other steps to remedy the effects of the sexual assault or other sex-based discrimination on the victim. This may include a wide range of academic and other remedies specific to the situation and needs of the survivor.

SafeSport

For extended information on SafeSport, please read our [Know Your Rights: SafeSport](#) guide.

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 creates a legal framework for addressing sexual, physical, and emotional abuse, as well as hazing, harassment, and other misconduct in sports. The SafeSport Act established the U.S. Center for SafeSport as the primary authority for creating policies and procedures for preventing and reporting misconduct, conducting investigations, and disciplining perpetrators in certain sports that fall under the [US Olympic and Paralympic Committee](#) umbrella.

SafeSport covers roughly 11 million athletes in the U.S. who participate in sports like swimming, soccer, gymnastics, and equestrian. Intended to be an accessible option for athletes, SafeSport uses a lower standard of proof than the criminal justice system, meaning it is easier for a perpetrator to be found responsible.

SafeSport investigations can be grueling for survivors, and survivors are advised to consult an attorney experienced in working with athletes in SafeSport to help evaluate the case and understand the SafeSport process in more detail than this general overview can provide.

Under the SafeSport Act, adults who work with youth athletes are required to report suspected physical or sexual abuse to local authorities and the Center for SafeSport. Victims are never required to report abuse. SafeSport has specific definitions of prohibited conduct, which can be found in their [Code](#).

Anyone who is found through the SafeSport investigative process to have committed misconduct may have their participation limited, conditioned, suspended, terminated, or denied.

Restorative Justice

Restorative justice is a general term for an approach to addressing harm and resolving conflict that focuses on identifying needs and repairing harm, active accountability, centering relationships and community, and voluntary participation. Restorative justice, as practiced today, has roots in indigenous practices. It centers the need to understand and respond to the needs of each involved party and the broader community in order to collectively create a just outcome.

Because of these core principles of restorative justice and the fact that it involves communication with the perpetrator in any case of sexual harm, leading restorative justice and victim advocates state that it is very important to carefully consider whether restorative justice is appropriate or too likely to result in further harm to the survivor, and needs to be conducted by a skilled facilitator. In an instance where a child has been abused by an adult, restorative justice is likely never an appropriate alternative due to the inherent power imbalance in the situation and the nature of the harm.

In recent years, a restorative justice pathway has been instituted in some colleges and universities as an alternative to the Title IX process for certain types of harm in instances where both parties agree to the restorative justice process. If you have been harmed in the context of school sports and are interested in whether your school has a restorative justice option, please refer to your school's Title IX and other disciplinary policies or seek the advice of an attorney to help evaluate this question.

Similarly, restorative justice is starting to be integrated into the criminal justice system in some areas as either a diversion to the traditional criminal process or as an additional process alongside the criminal process, including during a prison sentence or upon reentry from prison. Some of these restorative justice programs also accept direct, voluntary self-referrals from the community.

If you are interested in whether any of these options are available in your area, you may wish to consult with an attorney. Alternatively, you may want to research the options available in your area by contacting your local district attorney's office or local police department, searching online for local community organizations focused on restorative justice, or consulting the [National Association of Community and Restorative Justice \(NACRJ\)](#) map to look for providers in your region.

No two restorative justice "circles" are identical, which some argue leads to their efficacy but makes outcomes difficult to generalize. Additionally, the restorative justice option is inappropriate or not possible for some abuse cases. This is because the responsible party must admit to harm caused and may not want to do this or be involved in this process. It can also be hard, ill-advised, or unsafe for survivors and offenders to be in the same room. Risk must be assessed in these scenarios when power imbalances and/or manipulation may be involved. And, sometimes, there are no viable community support options to match compensatory harm action steps determined in the restorative justice circles and/or resources to reduce potential recidivism.

However, for some survivors, the restorative justice process provides exactly what they want and need to heal, and the circle can provide the opportunity to confront the responsible party on the exact nature of the harm done and hear accountability and a specific plan to address the issue.

Considerations from a Trauma-Informed Perspective

There are positives and negatives to each of these options, and certain justice avenues may not be appropriate or accessible for all survivors and circumstances. Each survivor has their own prerogative for healing and seeking justice.

Often, a major consideration for survivors post misconduct or assault is considering and evaluating if their next step in healing and/or seeking justice is trauma-informed. Providers, processes, and actions can be deemed trauma-informed if they are knowledgeable of trauma and are compassionate, respectful, empowering, and mindful of the safety of trauma survivors and their specific needs.

Moreover, it is most trauma-informed for survivors to have adequate information and make their own choices in healing. This empowers survivors to better weigh the various processes and potential outcomes of each justice option and decide how they may want to proceed in accordance with their unique wishes and resources.

Important considerations may include the fact that, most often, criminal justice and the civil system do not operate in a trauma-informed manner, meaning that proceedings may be invalidating, retraumatizing, or inconclusive. These avenues are often more public and time- and

resource-intensive. On the other hand, the lesser-known restorative justice option also has its imperfections, which are essential to understand.

Again, there is no right or wrong method for seeking justice following the experience of sexual abuse or misconduct. #WeRideTogether suggests survivors reflect and evaluate their options and make decisions for themselves in accordance with what they need and are ready for with personal and professional support. We encourage you to visit the sources cited in this article, learn about the laws in your state, consult with a legal options counselor, and/or chat with a restorative justice agency near you.

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