



2017
Code of
Conduct

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OBRA Code of Conduct

I. General

The standards set forth in the OBRA Code of Conduct (Code) are mandatory and must be followed by all members, Coaches, Clubs, OBRA Employees, Independent Contractors, Officials, Promoters/ Race Directors, Team Managers and Directors, OBRA Board of Directors Members, Volunteers, and all other OBRA Licensees and Participants (collectively, “any participant held accountable by this Code”). The Code is intended to be comprehensive and easily understood, but it is not intended to be exhaustive or complete.

In some instances, the Code deal fully with the subject covered. In other cases, however, when the subject addressed is more complex, OBRA will provide additional guidance in making interpretations, determinations, and adjudications. Our Code operates in tandem with the policies and procedures of our organization, our staff and with all applicable U.S. and foreign laws and regulations. Where differences exist, because of local customs, norms, laws and regulations, we require the use of the highest standard of behavior or the most restrictive requirement which applies.

A. Membership

OBRA grants membership to individuals and groups. The membership may, therefore, be withdrawn or denied after appropriate due process by OBRA at any time where OBRA determines a member or prospective member’s conduct is inconsistent with the mission of the organization or the best interest of the sport and those who participate in it.

In order to assist all members to better serve the interests of those who participate in cycling, OBRA has adopted this Code of Conduct.

B. Sanctions

Any member or prospective member of OBRA may be sanctioned under the racing rules, fined, suspended, denied membership,

censured, placed on probation, or expelled from OBRA after being afforded the right to a hearing under section 14 of the OBRA Racing Rules, if such member violates the provisions of the OBRA Code of Conduct, set forth in Section 3 below, or aids, abets or encourages another person to violate any of the provisions of the OBRA Code of Conduct.

C. Violations

The following shall be considered violations of the OBRA Code of Conduct:

- (a) Violation of anti-doping provisions as established by the UCI, WADA, USADA or the USOC.
- (b) The illegal possession, transportation or distribution of drugs.
- (c) Violation of the UCI's Cycling Regulations 'Ban on Injections'.
- (d) Conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present for (i) any felony, (ii) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances, or (iii) any crime involving sexual misconduct.
- (e) Discrimination in violation of Section 220522(a)(8) of the Ted Stevens Olympic and Amateur Sports Act, which requires National Governing Bodies to provide an equal opportunity to amateur athletes, coaches, trainers, managers, mechanics, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, age, gender, sexual orientation, gender identification, or national origin.
- (f) Any non-consensual sexual contact or advance or other inappropriate sexually oriented behavior or action directed towards any member.
- (g) The use of illegal drugs or illegal performance enhancing techniques.
- (h) Providing alcohol or tobacco or other substances to any

participant under 21 years of age by any participant held accountable by this Code.

(i) Excessive alcoholic consumption while on OBRA business or drinking of alcohol and then driving while on OBRA business.

(j) Any act of fraud, deception, or dishonesty in connection with any OBRA-related activity.

(k) Any intentional damage to private or public property while at a cycling event, race venue, or damage to OBRA property.

(l) Any of act of misconduct that fall into the following five broad categories

- Sexual Misconduct (including sexual abuse)
- Physical Misconduct
- Emotional Misconduct
- Bullying or Threats
- Harassment (including sexual harrassment)

(m) Intentional failure of any member who is a party to or witnesses any violation(s) contained in the above stated OBRA Code of Conduct to immediately report the violation to OBRA.

D. Sexual Misconduct

Sexual misconduct involves touching and non-touching behavior that can cause physical, mental or emotional harm to an athlete or other sport participant. It also includes any act or conduct described as sexual abuse or misconduct under federal or state law (i.e. child sexual abuse). Generally, sexual misconduct can involve any of the following acts:

Examples of sexual misconduct prohibited under this policy include, without limitation:

1. Touching Offenses

- Intentional touching in a sexual manner without consent whether directly or through clothing

- Forcing a victim to engage in touching another person in a sexual manner
- Exchange of reward in sport (i.e. team placement, scores, feedback) for sexual favors
- Sexual intercourse or conduct without consent
- Sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants

2. Non-touching offenses:

- A person in a position of trust, authority and/or evaluative and supervisory control over another discussing his/her sex life with a minor or subordinate
- A person in a position of trust, authority and/or evaluative and supervisory control over another asking a minor or subordinate about his/her sex life
- Requesting or sending a nude or partial-dress photo
- Exposing any participant to pornographic material likely to cause affront or alarm
- Sending sexually explicit or suggestive electronic or written messages or photos (i.e. "sexting")
- Deliberately exposing a participant to sexual acts
- Exposing genitals under circumstances likely to cause affront or alarm
- Soliciting or requesting another person to engage in sexual conduct under circumstances in which he/she knows his/her requests or solicitation is likely to cause affront or alarm
- Sexually harassing behavior (as later defined in the harassment policy)

3. Child Sexual Abuse:

- Any sexual activity with a minor (anyone under eighteen (18) years of age). **Minors cannot consent to sexual activity with an adult, and all sexual interaction between an adult and a minor is strictly prohibited.** This includes sexual contact with a child that is accomplished by deception, manipulation, force or threat of force, regardless of the age of the participants, and all sexual interaction between an adult and child, regardless of whether there is deception or the child

understands the sexual nature of the activity.

- **Note concerning peer-to-peer child sexual abuse:** Sexual contact between minors also can be abusive. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power and/or intellectual capabilities.
- Any act or conduct described as child sexual abuse under federal or state law.

EXCEPTIONS

Coaches or persons in a position of trust, authority and/or evaluative and supervisory control over athletes should avoid nudity in the presence of athletes whenever possible; however, nudity, but not lewd activity, as it exists in a changing facility or common shower facility is not sexual misconduct.

DISCIPLINE

Upon proof of a violation of OBRA's policies regarding sexual misconduct, the offender will be subject to appropriate disciplinary action, which may include suspension or expulsion from OBRA, notification of USA Cycling, SafeSport, and referral to law enforcement authorities.

E. Physical Misconduct

Cycling involves strenuous physical activity; in practices and competition, athletes regularly push themselves to the point of exhaustion. However, any activity that physically harms an athlete – such as direct contact with coaches or teammates, disciplinary actions, or punishment –is unacceptable. Physical misconduct can extend to seemingly unrelated areas including inadequate recovery time for injuries (i.e. concussions) and forced excessive dieting. Two of the best ways to promote safe conditions are to set clear boundaries and take a team approach to monitoring athletes.

DEFINITION

Physical misconduct involves contact or non-contact behavior that can cause physical harm to an athlete or other sport participant. It also includes any act or conduct described as physical abuse or misconduct under federal or state law (i.e. child abuse, child neglect and assault). Generally physical misconduct can involve any of the following acts:

Examples of physical misconduct prohibited under this policy include, without limitation:

1. Contact Offenses

- Punching, beating, biting, striking, choking, slapping or any similar act towards any participant
- Intentionally hitting any participant with objects or sporting equipment
- Providing alcohol to an athlete under the age of 21
- Providing illegal drugs or non-prescribed medications
- Encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, following a serious injury (i.e. concussion)
- Prescribed dieting or other weight-control methods without regard for the nutritional well-being and health of the athlete

2. Non-Contact Offenses

- Isolating an athlete in a confined space (i.e. locking an athlete in locker)
- Forcing an athlete to assume a painful stance or position for no athletic purpose (i.e. requiring an athlete to kneel on a harmful surface)
- Withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep

EXCEPTIONS

Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance such as: assistance with stretching, massage by

Soigneur, Chiropractic work including Active Release Techniques (ART), bumping exercises (exercises performed during practice to build an athlete's ability to withstand "bumping" that occurs between riders during races), seat post holding, etc. If an athlete is uncomfortable, however, with any example mentioned herein, said athlete should notify his/her coach immediately.

DISCIPLINE

Upon proof of a violation of OBRA's policies regarding sexual misconduct, the offender will be subject to appropriate disciplinary action, which may include suspension or expulsion from OBRA, notification of USA Cycling, SafeSport, and referral to law enforcement authorities.

F. Emotional Misconduct

A content athlete is more likely to be successful than a harassed or abused one; safeguarding athlete development and pushing for achievement are not in opposition but are two sides of the same performance coin. Cycling provides individuals with lifelong skills, makes them physically and mentally tough, and as a result, these individuals are better equipped to deal with a multitude of challenges. The wide range of emotions athletes experience in practice and competition are normal, healthy components of cycling. However, a repeated pattern of behavior by coaches, teammates or other participants that can inflict psychological or emotional harm has no place in sport. There are no overtly physical signs of emotional or psychological abuse/misconduct, but the absence of these signs does not make it any less serious.

DEFINITION

Emotional misconduct involves a climate or pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete or other participant. Non-contact behavior includes verbal and physical acts, as well as actions that deny attention or support. Emotional misconduct must have a 'sustained' and/or 'repetitive' component or be seen as a course of conduct; it is not a single event. It also includes any act or

conduct (i.e. psychological abuse, emotional abuse, mental abuse, child abuse) described as emotional abuse or misconduct under federal or state law.

Examples of emotional misconduct prohibited by this policy include, without limitation:

1. Verbal Acts

- Verbally attacking an athlete personally (i.e. calling them worthless, fat, or disgusting)
- Repeatedly and excessively yelling at participants in a manner that serves no productive training or motivational purpose

2. Physical Acts

- Throwing sport equipment, water bottles, chairs, or other similar objects at, or in the presence of, participants
- Punching, hitting, kicking walls, windows, or other similar objects in a manner likely to intimidate other present participants

3. Acts that deny attention and support

- Ignoring an athlete for extended periods of time
- Routinely or arbitrarily excluding participants from practice

EXCEPTIONS

Emotional misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, discipline or improving athletic performance.

Constructive criticism about an athlete's performance is not emotional misconduct. Reminder: emotional misconduct must have a 'sustained' and/or 'repetitive' component or be seen as a course of conduct; it is not a single event.

DISCIPLINE

Upon proof of a violation of OBRA's policies regarding sexual misconduct, the offender will be subject to appropriate disciplinary

action, which may include suspension or expulsion from OBRA, notification of USA Cycling, SafeSport, and referral to law enforcement authorities.

G. Bullying and Threats

DEFINITION

Bullying is defined as an intentional, persistent and repeated behavior, either direct or indirect, whether verbal, physical, electronic or otherwise, conducted by one or more persons against another or others; it is aggressive behavior intended to hurt, threaten or frighten another person. It also includes any act or conduct described as bullying under federal or state law. Threats can be a single behavior that constitutes actual or potential assault, battery, harassment or intimidation.

Examples of bullying and threats prohibited by this policy include, without limitation:

1. Verbal/Emotional

- Slandering, ridiculing or maligning a person or his family
- Persistent name calling, insulting or humiliating
- Using a person as butt of jokes, abusive or offensive remarks
- Non-verbal threatening gestures that convey a threatening message

2. Physical

- Pushing, shoving, kicking, poking, tripping, or the threat of bodily harm
- Assault, or threat of physical assault
- Damage to a person's property
- Throwing athletic equipment in an attempt to intimidate

3. Cyber- Bullying

Any aforementioned examples of bullying that takes place by any electronic devices such as, but not limited to: text messaging,

emails, social networking sites, websites, online chatting, fake profiles, etc.

4. Ignoring Bullying or Threatening Behaviors

While other athletes or participants are often the perpetrators of bullying, threats or other misconduct, it is also a violation of policy if a coach or some other responsible adult knows or should know of the bullying or threats and takes no action to intervene on behalf of the targeted participant(s).

EXCEPTIONS

Bullying does not include verbal admonitions to encourage team members to train harder and push through a difficult training regimen. Also, exercises such as “bumping exercises” that serve to improve skill or athletic performance are not considered bullying or threatening.

DISCIPLINE

Upon proof of a violation of OBRA’s policies regarding sexual misconduct, the offender will be subject to appropriate disciplinary action, which may include suspension or expulsion from OBRA, notification of USA Cycling, SafeSport, and referral to law enforcement authorities.

H. Harassment

All cycling participants are entitled to respectful treatment at all times during any sport oriented activity. Respectful treatment means being treated honestly and professionally, with your unique talents and perspectives valued. A respectful environment is about more than compliance with the law; it is an environment that is free of inappropriate behaviors of all kinds and harassment because of age, mental or physical disability, marital status, race, ethnicity, culture, religion, gender, sexual orientation, or gender identity.

DEFINITION

Harassment includes any pattern of physical and/or non-physical behaviors that (i) are intended to cause fear, humiliation, or annoyance, (ii) offend or degrade, (iii) create a hostile environment, or (iv) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual participant or group based on age, mental or physical disability, marital status, race, ethnicity, culture, religion, gender, or sexual orientation; or (v) any act or conduct described as harassment under federal or state law.

Examples of harassment prohibited by this policy include, without limitation:

1. Physical Offenses

- Behaviors that include hitting, pushing, punching, beating, biting, striking, kicking, choking or slapping a participant
- Throwing at or hitting a participant with objects including sporting equipment

2. Non-Physical Offenses

- Making negative or disparaging comments about a participant's age, mental or physical disability, marital status, race, ethnicity, culture, religion, gender, sexual orientation, or gender identity
- Displaying offensive materials, gestures or symbols
- Withholding or reducing practice time and opportunities to race from an athlete based on his or her age, mental or physical disability, marital status, race, ethnicity, culture, religion, gender, sexual orientation, or gender identity

EXCEPTIONS

None

SEXUAL HARASSMENT IS ANOTHER FORM OF HARASSMENT PROHIBITED BY THIS POLICY.

DEFINITION

Sexual harassment is any unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the ability to create a hostile or offensive environment. Sexual harassment is also defined as a form of gender/sex discrimination.

Examples of sexual harassment prohibited by this policy include, without limitation:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a participant's participation in an activity; or
- Submission to or rejection of such conduct by a participant is used as the basis for decisions affecting the participant; or
- Such conduct is sufficiently severe, persistent or pervasive such that it limits a participant's ability to participate in or benefit from a cycling related program or activity or it creates a hostile or abusive environment.

2. Sexual harassment as a form of gender/sex discrimination:

Acts of verbal or physical aggression, intimidation or hostility based on sex/gender

Any conduct of a sexual nature directed by a minor participant toward an adult or by an adult toward a minor participant is presumed to be unwelcome and shall constitute sexual harassment.

While other team members are often the perpetrators of harassment or sexual harassment, it is a violation of this policy if a coach or other responsible adult knows or should know of the harassment or sexual harassment but takes no action to intervene on behalf of the targeted athlete.

EXCEPTIONS

Legitimate, non-sexual physical touching or other non-sexual conduct is not sexual harassment.

DISCIPLINE

Upon proof of a violation of OBRA's policies regarding sexual misconduct, the offender will be subject to appropriate disciplinary action, which may include suspension or expulsion from OBRA, notification of USA Cycling, SafeSport, and referral to law enforcement authorities.

I. Harassment

Perhaps one of the largest social benefits of sport is building relationships with other participants and camaraderie with teammates. Cycling brings people together, ties people by their common interests and goals and helps foster a sense of community. Participating in a team or club should not come with additional requirements that get in the way of enjoying cycling. Violence and harassment should never be involved in any rite of passage. Hazing is not tolerated by OBRA.

DEFINITION

Hazing is subjecting a participant to harassment or ridicule; especially in an initiation process. Activities that fit the definition of hazing are considered to be hazing regardless of an athlete's willingness to cooperate or participate. Hazing includes any act or conduct described as hazing under federal or state law.

Examples of hazing prohibited by this policy include, without limitation:

1. Harassment Hazing

- Verbal abuse
- Threats or implied threats
- Sexual simulations or sexual acts of any nature
- Forcing social actions (e.g., grossly inappropriate or

provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule

2. Violent Hazing

- Forced or coerced alcohol or other drug consumption
- Beating, paddling, or other forms of physical assault
- Tying, taping, or otherwise physically restraining an athlete
- Sleep deprivation, or the withholding of water and/or food

3. Ignoring Hazing

The act of ignoring hazing is also prohibited, particularly when an adult with supervisory authority ignores the misconduct.

EXCEPTIONS

Encouraging junior athletes to arrive early and set up training equipment; giving senior athletes first preference in team assignments, responsibilities, accommodations, facilities, or equipment is not considered hazing.

DISCIPLINE

Upon proof of a violation of OBRA's policies regarding hazing, the offender will be subject to appropriate disciplinary action, which may include suspension or expulsion from OBRA and referral to law enforcement authorities.

II. Misconduct and Abuse Reporting Policy

A. Background Information:

The primary intention behind OBRA's Code of Conduct is to prevent misconduct and abuse from happening, but there is no guarantee the program will be 100% effective. For times when prevention efforts aren't enough to stop occurrences of misconduct and abuse from happening, OBRA has created a reporting system that encourages individuals to report misconduct and/or abuse.

When you suspect or observe someone violating a Code of Conduct policy, it is important to report the violation immediately. Reporting can be intimidating, and sometimes it is not clear who should be notified; this policy should serve as a tool for individuals attempting to identify the appropriate authorities. OBRA has hereby adopted the following reporting policy:

B. Introduction

An effective reporting policy that results in reports of suspected abuse and misconduct, and does not in any way deter victims or witnesses from reporting abuse and misconduct, is a key element to preventing abuse and misconduct from occurring. Abusers will avoid involvement in a program where there is a likelihood that suspected abuse will be reported. When sport participants are untrained about how and when to report suspected abuse, they may feel ill-prepared, powerless and lost when it comes to responding to and reporting misconduct. By providing this guidance on when and how to report suspected misconduct, OBRA seeks to remove barriers to disclosing misconduct, including child physical and sexual abuse.

In some cases a reporter/observer may be hesitant about reporting suspected abuse for any number of reasons. It is critical the reporter/observer does not attempt to evaluate the credibility or validity of allegations, especially those allegations surrounding child physical or sexual abuse, as a condition for or prior to reporting their concerns. Determining the credibility of a person making an allegation and the validity of the facts on which an allegation is based are the responsibility of OBRA and/or law enforcement/child protection officials. The following sections address other matters that a reporter/observer may be concerned with when contemplating making a report:

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

To the extent permitted by law, and as appropriate, OBRA and its affiliates will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical or sexual abuse to the authorities.

Bad-Faith Allegations/Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a Code and/or policy violation. Any allegations that prove to be unsubstantiated and to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

A report of abuse, misconduct or policy violation that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a Code and/or policy violation and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

C. Reporting Policy

Accordingly, it is the policy of OBRA that all individuals held accountable by the Code must report (1) actual or perceived violations of the Code, (2) any violations of the Sexual Abuse, Physical Abuse, Emotional Abuse, Bullying, Threats or Harassment, and Hazing policies, and (3) suspicions or allegations of child physical or sexual abuse to OBRA's Executive Director or their designee.

Any report of misconduct or suspicions of child physical or sexual abuse will be taken seriously and handled appropriately. In such cases, every individual held accountable by the Code must also report to the appropriate law enforcement authorities. If OBRA receives a report of physical or sexual misconduct involving a minor, OBRA will make a report to the proper authorities.

Reporting Child Physical or Sexual Abuse

Child Physical or Sexual Abuse

Because sexual abusers sometimes “groom” children for abuse – the process used by offenders to select a child, to win the child’s trust (and the trust of the child’s parent or guardian), to manipulate the child into sexual activity and to keep the child from disclosing abuse – it is possible that an employee, volunteer, parent or participant may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious or suspected grooming behavior should be directed to the OBRA’s Executive Director or their designee.

Peer-to-Peer Sexual Abuse

Approximately one-third of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and to OBRA’s Executive Director or their designee immediately.

Reporting Other Misconduct and Policy Violations

If any staff member and/or volunteer receives an allegation or observes misconduct or other inappropriate behavior, such as grooming, that is not reportable to law enforcement authorities, it is the responsibility of each staff member and/or volunteer to report their observations to OBRA’s Executive Director or their designee immediately.

D. Reporting Procedure

To Whom to Report

Suspicions or allegations of child physical or sexual abuse, in most cases, must be made to the appropriate law enforcement

authorities. In order to further protect participants and OBRA programs, such reports should also be made to OBRA.

How to Report

Reports to OBRA may be made by contacting the Executive Director. Contact information can be found on the OBRA website.

- If reporting by e-mail, it is strongly encouraged that the following information be included:
- Name(s) and contact information of the reporter(s), unless reporting anonymously.
- Name(s) of the individual(s) alleged to have committed the misconduct.
- Type of misconduct alleged.
- Approximate date(s) the misconduct was committed.
- How the complainant(s) acquired the knowledge of the alleged misconduct.
- Names of other individuals who might have information regarding the alleged misconduct.
- Summary statement of the reasons to believe that misconduct has occurred.

E. How Reports Are Handled

Suspicious or Allegations of Child Physical or Sexual Abuse Reporting to Law Enforcement and/or Child Protective Services
An independent investigation can harm youth and/or interfere with the legal investigative process. Accordingly, OBRA, its affiliates, and its administrators and/or volunteers shall not attempt to evaluate the credibility or validity of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities. As necessary, however, a person receiving a report may ask a few clarifying questions of the minor or the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

Additionally, most states have mandatory reporting laws making persons holding certain positions required by law to report suspicions of sexual or physical abuse of a minor. This link will assist you in understanding your state's mandatory reporting laws.

Other Misconduct and Policy Violations

When an emotional, physical or sexual misconduct allegation is not reportable under relevant state or federal law, OBRA shall internally address and investigate those alleged policy violations and misconduct, and impose discipline where appropriate.

Likewise, violations of the policies within the Code shall be reported to OBRA to investigate, address, rectify and impose discipline where appropriate.

NOTIFICATION

Following notice of a credible allegation that results in the removal of an employee or member, OBRA may notify parents of other participants with whom the accused individual may have had contact. As appropriate, OBRA may notify its staff, members, volunteers, parents, and/or participants of any allegation of child physical or sexual abuse or other criminal behavior that (1) law enforcement authorities are actively investigating; or (2) that is being investigated internally by OBRA. Advising others of an allegation (1) should prevent the accused from participating in cycling without OBRA's knowledge and (2) could lead to additional reports of child physical or sexual abuse and other misconduct.

