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# 805 Rowing Club SafeSport Policy

## Statement of Intent

The Committee and Officers of the 805 Rowing Club are committed to providing a caring, friendly, and safe environment for all of our members so they can train in a relaxed and secure atmosphere. Behavioral misconduct (misconduct) of any kind is unacceptable at our club and is defined below. If misconduct does occur, all athletes or parents should be able to tell and know that incidents will be dealt with promptly and effectively. We are a *telling* club. This means that anyone who knows that misconduct is happening is expected to tell the Club Welfare Officer, any committee member, or appropriate authority figure.

## What is behavioral misconduct?

While the overwhelming experience of sporting activities are extremely positive, unfortunately sport can also be a high-risk environment for misconduct, including child physical and sexual abuse. Here are the six primary types of misconduct which are expanded upon further, later in the document under the section 'Further Explanations of Prohibited Conduct':

- Bullying
- Harassment
- Hazing
- Emotional Misconduct
- Physical Misconduct
- Sexual Misconduct, including Child Sexual Abuse

**Engaging in any of these listed forms of misconduct is intolerable and in direct conflict with those of the 805 Rowing Club, and those of USRowing.**

## Objectives of this policy

- All club members as defined in the constitution should have an understanding of what misconduct is and what they should do if misconduct arises.
- All committee members and coaches should know what the club policy is on misconduct, and follow it when misconduct is reported.

- As a club we take behavioral misconduct seriously. Rowers and parents, and other members, should be assured that they would be supported when misconduct is reported.
- Behavioral Misconduct will not be tolerated.

## Signs and Symptoms

A child may indicate by signs or behavior that he or she is recipient to behavioral misconduct. Adults should be aware of these possible signs and that they should investigate if a child:

- says he is being bullied or abused
- is unwilling to go to club sessions
- becomes withdrawn, anxious, lacking in confidence, or feels ill before training sessions
- comes home with clothes torn or possessions damaged has possessions go "missing"
- asks for money or starts stealing money (to pay bully) has unexplained cuts or bruises
- is frightened to say what's wrong
- gives improbable excuses for any of the above
- in more extreme cases: starts stammering
- cries themselves to sleep at night or has nightmares becomes aggressive, disruptive, or unreasonable is misconduct other children or siblings
- stops eating
- attempts or threatens suicide or runs away.

These signs and behaviors may indicate other problems, but misconduct should be considered a possibility and should be investigated.

## Procedures

1. Report misconduct incidents to the Club Welfare Officer, a member of the committee, or appropriate authority figure.
2. In cases of serious misconduct, the incidents will be referred to USRowing for advice.

3. Parents should be informed and will be asked to come in to a meeting to discuss the problem.
4. If necessary and appropriate, appropriate law enforcement authorities will be consulted.
5. The misconduct or threats of misconduct must be investigated and the behavior stopped quickly.
6. An attempt will be made to help the offender(s) change their behavior.
7. If mediation fails and the misconduct is seen to continue the club will initiate disciplinary action under the club constitution.

Club members should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate enforcement authorities.

## **Recommended club action**

If the club decides it is appropriate for them to deal with the situation they should follow the procedure outlined below.

1. Reconciliation by getting the parties together. It may be a genuine apology solves the problem.
2. If this fails or is not appropriate, a small panel (made up from Chairman, Club Welfare Officer, Secretary or committee members) should meet with the parent and child alleging misconduct to get details of the allegation. Minutes should be taken for clarity, which should be agreed by all as a true account.
3. The same 3 persons should meet with the alleged bully and parent/s (or legal guardian/s) and put the incident raised to them to answer and give their view of the allegation. Minutes should again be taken and agreed.
4. If misconduct has in their view taken place the offender should be warned and put on notice of further action i.e. temporary or permanent suspension if the misconduct continues. Consideration should be given as to whether a reconciliation meeting between parties is appropriate at this time.
5. In some cases the parent of the offender or the parent of the recipient can be asked to attend training sessions, if they are able to do so, and if appropriate. The club committee should monitor the situation for a given period to ensure the misconduct is not being repeated.
6. All coaches involved with both rowers should be made aware of the concerns and outcome of the process i.e. the warning.

In the case of adults reported to be targeting inappropriate behavior towards rowers under 18, or where there is sexual abuse between two under age parties:

1. USRowing should always be informed and will advise on action to be taken.
2. It is anticipated that in most cases where the allegation is made regarding a teacher or coach, child protection awareness training may be recommended.
3. More serious cases may be referred to the appropriate enforcement agencies, social services, and/or USRowing.
4. In compliance with California State Law, as required, cases will be reported to the appropriate authorities.
5. In cases where a coach or teacher who is employed by an outside organization is implicated the matter should be referred to USRowing and to the person's line manager or as detailed in that person's employment contract.

***Note: bullying, harassment, hazing, and certain levels of emotional and physical abuse are always prohibited, but must be handled in an appropriate manner. Sexual misconduct must always be reported to the local law enforcement authority.***

## **Prevention**

- This Behavioral Misconduct Policy shall be considered part of the written constitution of the 805 Rowing Club outlining the acceptable and proper behavior for all members.
- All rowers and parents will sign to accept the constitution upon joining the club.
- The club welfare officer will raise awareness about misconduct and why it matters, and if issues of misconduct arise in the club, will consider meeting with rowers to discuss the issue openly and constructively as appropriate.

**Note:** Cases of misconduct should be resolved with the utmost speed to avoid further distress to the victim. Some guidelines exist within the USRowing Participation Safety Handbook for timescales which in must be adhered to whenever possible.

### **A Note On Authority and Trust.**

Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. The term 'athlete' shall encompass all 'Active Members' as set forth below in the Club Constitution B. 1., including 'minors'. In interpreting this document, it is important that appropriate responses and actions are followed bearing in mind the age of the athlete

involved. However, this does not absolve misconduct, rather, in certain circumstances, it may change the response which is available to reviews and advisory panels looking into any reported occasions of misconduct.

## **REPORTING**

Although this policy and the guidelines within are designed to reduce behavioral misconduct, they can still occur. Club members shall follow the reporting procedures set forth within this document. In regards to child physical or sexual abuse, **neither The 805 Rowing Club, nor USRowing, investigate suspicions or allegations of child physical or sexual abuse, or attempt to evaluate the credibility or validity of such allegations, as a condition of reporting suspicions or allegations to the appropriate enforcement authorities.**

## **WILLFULLY TOLERATING MISCONDUCT**

IT IS A VIOLATION OF THIS BEHAVIORAL MISCONDUCT POLICY IF A CLUB MEMBER, AS DEFINED BY THE CLUB'S CONSTITUTION, KNOWS OF MISCONDUCT BUT TAKES NO ACTION TO INTERVENE ON BEHALF OF THE ATHLETE(S), PARTICIPANT(S), COACH(ES), AND/OR VOLUNTEER(S). EVERY CLUB MEMBER IS OBLIGATED UNDER THIS POLICY TO REPORT KNOWN MISCONDUCT.

## **VIOLATIONS**

VIOLATIONS OF THE BEHAVIORAL MISCONDUCT POLICY SHALL BE REPORTED PURSUANT TO OUR REPORTING PROCEDURES AS LAID OUT WITHIN THIS DOCUMENT AND WILL BE ADDRESSED UNDER OUR DISCIPLINARY RULES AND PROCEDURE.

# **ADDITIONAL POLICIES, GUIDELINES, AND EXPANDED EXPLANATIONS**

## **PHYSICAL CONTACT WITH ATHLETES**

Appropriate physical contact between athletes and coaches, staff members, contractors or volunteers is a productive and inevitable part of sport. Athletes are more likely to acquire advanced physical skills and enjoy their sport participation through appropriate physical contact. However, guidelines for appropriate physical contact reduce the potential for misconduct in sport.

## **APPROPRIATE PHYSICAL CONTACT**

The 805 Rowing club adheres to the following principles and guidelines as set forth by USRowing in regards to physical contact with our athletes.

## **Common Criteria for Appropriate Physical Contact**

Physical contact with athletes – for safety, consolation and celebration – has multiple criteria in common which make them both safe and appropriate. These include:

- The physical contact takes place in public
- There is no potential for, or actual, physical, or sexual intimacies during the physical contact
- The physical contact is for the benefit of the athlete, not to meet an emotional or other need of an adult

## **Safety**

The safety of our athletes is paramount, and in many instances, we make the athletic space safer through appropriate physical contact. Examples include:

- Spotting an athlete so that they will not be injured by a fall or piece of equipment
- Positioning an athlete's body so that they more quickly acquire an athletic skill, get a better sense of where their body is in space, or improve their balance and coordination
- Making athletes aware that they might be in harm's way because of other athletes practicing around them or because of equipment in use
- Releasing muscle cramps



## Celebration

Sports are physical by definition, and we recognize participants often express their joy of participation, competition, achievement, and victory through physical acts. We encourage these public expressions of celebration, which include:

- Greeting gestures such as high-fives, fist bumps, and brief hugs
- Congratulatory gestures such as celebratory hugs, “jump arounds”, and pats on the back for any form of athletic or personal accomplishment

## Consolation

It may be appropriate to console an emotionally distressed athlete (e.g., an athlete who has been injured or has just lost a competition). Appropriate consolation includes publicly:

- Embracing a crying athlete
- Putting an arm around an athlete while verbally engaging them in an effort to calm them down (“side hugs”)
- Lifting a fallen athlete off the dock or from a boat

## PROHIBITED PHYSICAL CONTACT

Prohibited forms of physical contact, which shall be reported immediately under our Reporting Policy include, without limitation:

- asking or having an athlete sit in the lap of a coach, administrator, staff member, or volunteer
- lingering or repeated embraces of athletes that go beyond the criteria set forth for acceptable physical contact
- slapping, hitting, punching, kicking or any other physical contact meant to discipline, punish or achieve compliance from an athlete
- “cuddling” or maintaining prolonged physical contact during any aspect of training, travel or overnight stay
- playful, yet inappropriate contact that is not a part of regular training (e.g., tickling or “horseplay” wrestling)
- continued physical contact that makes an athlete obviously uncomfortable, whether expressed or not
- any contact that is contrary to a previously expressed personal desire for decreased or no physical contact, where such decreased contact is feasible in a competitive training environment.

## VIOLATIONS

Violations of this policy must be reported to a supervisor, USRowing administrator or member of the Club's Ethics Committee, and violations will be addressed under our Disciplinary Rules and Procedure. Some forms of physical contact may constitute child physical or sexual abuse that **must be reported to appropriate law enforcement authorities.**

# ELECTRONIC AND WRITTEN COMMUNICATIONS AND SOCIAL MEDIA POLICY

## PROTOCOLS FOR ELECTRONIC AND WRITTEN COMMUNICATIONS

As part of the 805 Rowing Club's emphasis on athlete safety, all electronic communications between a coach and athlete must be professional in nature and for the purpose of communicating information about team activities and/or training.

In the case of hand written documents, a photocopy of such correspondence, however small, shall either be posted publicly for anyone to see, or, if privately sent, a copy kept and filed in a folder which is readily viewable by senior or other designated member(s). Cards which are celebratory and congratulatory in nature should be handed to the recipient and opened in public, for example, a birthday card.

**As with any communication, the content of any electronic communication should be readily available to share with the athlete's family. At the request of a parent or guardian, any email, electronic text, social media, or similar communication will copy or include the athlete's parents or guardians.**

## FACEBOOK, MYSPACE, BLOGS, AND SIMILAR SITES

Coaches may not have athletes of the 805 Rowing Club join a coach's personal social media page. Athlete members and parents can friend the official 805 Rowing Club page and coaches can communicate to athlete members through the site. All posts, messages, text, or media of any kind between coach and athlete must be professional in nature and for the purpose of communicating information about team activities or for team oriented motivational purposes and comply with the Protocols for Electronic and Written Communication.

In the case that a Coach has a product openly available on the market and there is a Facebook page dedicated to that product, the committee may review the appropriateness of allowing active members and athletes to 'like' the page. No direct posts or messaging between a coach and athlete shall take place over Facebook or other similar media, and the 'liking' of a page does not circumvent the rules and guidelines set forth by this policy.

## **TWITTER AND SIMILAR MEDIA**

Coaches and athletes may “follow” each other. Coaches cannot “re-tweet” athlete message posts without permission of the athlete. Coaches should use best judgment and professionalism in the content of their public media posting.

No direct posts or messaging between a coach and athlete shall take place over Twitter or other similar media.

## **EMAIL AND SIMILAR ELECTRONIC COMMUNICATIONS**

Athletes and coaches may use email to communicate. All email content between coach and athlete must be professional in nature and for the purpose of communicating information about team activities or training.

To protect both athlete and coach alike, all emails and other correspondence, with particular emphasis on those solely directed to an individual athlete, will have a copy sent to a specially created email account openly viewable to senior and other designated members so that no athlete and coach will communicate without a public copy being available for review. This requires both coach and athlete to CC all email correspondence to this third email account.

## **TEXTING AND SIMILAR ELECTRONIC COMMUNICATIONS**

Texting is allowed between coaches and athletes. All texts between coach and athlete must be professional and for the purpose of communicating information about team activities.

To protect both athlete and coach alike, in cases where a coach and individual athlete are communicating via texts, all communications shall be copied to a senior or other designated member. This may be a parent or legal guardian, particularly if requested as set forth above, or a third party as chosen by the committee.

## **ELECTRONIC IMAGERY AND AUDIO RECORDING**

There are many ways in which electronic imagery and audio recording (recorded materials) are used these days. This section defines use of recorded materials pertaining to training and reviewing that training, plus the use of imagery for the benefit of the Club. It also includes guidelines for all club members about inappropriate use of electronic imagery and capture.

The committee will appoint a person to govern use of Electronic Imagery and Audio Recordings if the need arises for its use to benefit the Club through fundraising, advertising, publicity, etc. All members must follow the guidelines herein.

### **Use of Electronic Imagery:**

Use of digital photos and videos of practice or competitions whether on land or water are essential tools for training. Such materials will be used primarily for training and professional review purposes and all members accept that it will happen and accept to be recorded.

Additionally, under considered review of the delegated member to govern use of Electronic Imagery and Audio Recordings, it may also be used to further the aims of the Club through advertising, fundraising, publicity, posting on the website, local or national publications and the like, so long as the athlete(s) are in public view and such imagery is both appropriate and in the best interest of the athlete and the Club. Imagery must not be contrary to any rules as outlined in this policy or USRowing's Participant Safety Handbook.

Where a coach working one-on-one with an individual athlete, the recorded footage must only be taken during the actual training session and the materials stored according to this policy's guidelines.

Social photography and video capture is also likely to occur. All members are advised to be sure that such materials show all members in public view, and that the imagery is both appropriate and does not contravene this policy or the BMP. No imagery taken in a social context may be posted to social media without permission from the Club member first. If permission is granted and then revoked, the party posting the imagery take all steps possible to remove the materials as quickly as possible.

### **Use of Audio Recordings:**

Audio Recordings are a useful tool for the Cox to help better their understanding of how their voice affects the crew and learning what to say and not say. Coxes will be encouraged to record their outings and review them with the coach. These in turn may become useful training tools for future coxes and so shall be stored, and possibly made available to non-members as a training aid. All members accept that audio recordings will happen and accept to be recorded.

### **Reviewing Materials:**

Review of training materials shall take place with no fewer than three people present, or within an office which has the door left open and is publicly accessible by other club members. If this is not possible for some reason, with prior notification to a senior

member by the coach, the review session may be recorded and a copy posted to the Club electronic storage area for senior members to review. Once recording of the session has begun, a text message must be sent and audibly acknowledged on the recording as being sent, including the time sent, to the senior or other designated member. This in turn must be kept by the senior or designated member for a time to be decided by the Committee.

### **Storage of Materials:**

Storage of recorded materials shall be on a Google Drive (or equivalent) which shall belong to the Club and shall be accessible by all members.

### **Where, When, and What Recorded Materials Are Not Appropriate:**

It is considered completely inappropriate for electronic recording devices (for imagery or audio) to be used inside changing rooms and restrooms. Any member found utilizing recording devices inside these areas shall have their membership privileges suspended pending a review by the committee. Additionally, any member using recording devices to capture or disseminate sexually lewd or explicit material shall also have their membership suspended pending a review by the committee.

## **REQUEST TO DISCONTINUE ALL ELECTRONIC COMMUNICATIONS**

The parents or guardians of a minor athlete may request, in writing, that their child not be contacted by any form of electronic communication by coaches. Such requests will be granted by the Club in writing once an alternative method of providing information pertinent to outings and training sessions has been established.

## **MISCONDUCT**

Social media and electronic communications can also be used to commit misconduct (e.g., emotional, sexual, bullying, harassment and hazing). Such communications by a member will not be tolerated and are considered violations of the Club's constitution and the USRowing Participant Safety Handbook.

## **VIOLATIONS**

Violations of the Club's Electronic and Written Communications and Social Media Policy should be reported to a senior member of the Club for evaluation. Complaints and allegations will be addressed under the Club's Disciplinary Rules and Procedures.

# DISCIPLINARY RULES AND PROCEDURE POLICY

## APPLICATION

This policy is used to address the following allegations against all club members: Violations of the Club's BMP, where the Club's actions will not undermine an ongoing legal investigation or criminal prosecution, or contravene a State or Federal law.

**The Club will not enter into an investigation that undermines a pending legal investigation or criminal prosecution.**

## DISCIPLINARY RULES

On receipt of an allegation, the Club will determine at its own discretion the appropriate steps to address the conduct based on several factors, including, but not limited to:

- (i) the age of the complainant or victim
- (ii) the age of the accused
- (iii) the nature, scope and extent of the allegations
- (iv) State and Federal legal requirements.

The Club will address allegations against an associate member under relevant organizational policies (e.g., Employment Policies and Procedures, Bylaws, and other legal guidelines). The Club's disciplinary response will depend on the nature and seriousness of the incident, and in extreme cases, misconduct will result in summary dismissal. The Club may undertake a formal investigation and hearing at its discretion. Before taking any disciplinary action, however, the Club will offer the accused an opportunity to respond. If the accused individual is a minor, the Club will contact his or her parents or guardians.

## DISCIPLINARY ACTION

Sanctions for violations of the Club's BMP will be proportionate and reasonable under the circumstances. In addition to day-to-day guidance, the Club may take the following disciplinary actions, without limitation:

- Inform the individual's direct-line supervisor or in the case of a minor, the minor's parent or guardian
- Provide the individual with guidance, redirection and instruction
- Temporary suspension from competition
- File a formal incident report

- Issue a verbal warning
- Issue a written and/or final written warning
- Implement a limited access agreement (e.g., limiting an individual's access to certain buildings, areas of training, boathouses, individuals...)
- Provide informed supervision, where at least one staff member is informed of the allegation and is instructed to supervised vigilantly the accused individual in his or her interactions with the program and/or organization
- Engage in restorative practices (i.e., creation of a respectful and safe dialogue when a misunderstanding or harm has occurred)
- Suspending or terminating employment or membership

## **ONGOING PARTICIPATION AND/OR EMPLOYMENT**

On receipt of a credible and specific allegation of child abuse or other serious misconduct (e.g., physical and sexual abuse as defined in our BMP), the Club may immediately suspend or terminate the accused individual to ensure participant safety.

## **COMPLAINANT PROTECTION**

Regardless of outcome, the Club will support the complainant(s) and his or her right to express concerns in good faith. The Club will not encourage or tolerate attempts from any individual to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith. Such actions themselves will be grounds for disciplinary action.

## **BAD FAITH ALLEGATIONS**

Any individual who alleges misconduct under the BMP that, upon review, is determined to be malicious, frivolous, or made in bad faith, will be in violation of our constitution. Bad faith reports may also be subject to criminal or civil proceedings.

## **ACCUSED PROTECTION**

Additionally, the Club will not encourage or tolerate attempts from any individual to retaliate, punish, or in any way harm any individual(s) who is accused of misconduct. Such actions themselves will be grounds for disciplinary action.

## **TIMELY AND FAIR MANNER**

Any member facing allegations which require further investigations and considerations has the right to expect a fair hearing completed in a timely manner which allows for



appropriate evidence and hearing but which does not drag on unnecessarily. The member shall be given time to prepare, and may, if they feel it appropriate, be accompanied by legal counsel. If legal counsel will be present, the hearing committee must have advanced warning so as to also have time to prepare it's own legal counsel.

If, during consideration of the facts, it is deemed that the alleged offense(s) go(es) beyond what is capable of being handled by the hearing committee, for whatever reason, the member will be informed, provided that such informing does not contravene State or Federal law.

## **INVOLVEMENT OF USROWING OR ALTERNATIVE AUTHORITY**

The Club reserves the right to call in the aid of USRowing or any alternative authority (third party), as appropriate or advised, in order to handle disciplinary action which it deems goes beyond the scope of the committee, but which falls short of requiring compliance to State or Federal law. In such an occurrence, the member under scrutiny will be informed as soon as possible of that decision, and the reasons why.

## **RIGHT TO APPEAL**

The right to appeal shall be allowed any member who's membership is terminated following an appropriate review and when aligned to the conditions set forth in C.4. and 8.B. of the constitution.

## **Further Explanations of Prohibited Conduct**

### **Bullying**

- 1) An intentional, persistent, and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate the targeted athlete(s), as a condition of membership.
- 2) Any act or conduct described as bullying under federal or state law.

#### **Exceptions:**

Bullying does not include group or team behaviors that

- (a) are meant to establish normative team behaviors
- (b) promote team cohesion, (with the notable exceptions presented in the Hazing section).

For example, bullying does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

**Examples:**

Examples of bullying prohibited by this Policy include, without limitation:

**1) Physical behaviors.** Behaviors that include

- (a) hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete
- (b) throwing at, or hitting an athlete with, objects such as sporting equipment

**2) Verbal and emotional behaviors.** Behaviors that include

- (a) teasing, ridiculing, intimidating
- (b) spreading rumors or making false statements
- (c) using electronic communications, social media or other technology to harass, frighten, intimidate, or humiliate (“cyber bullying”)

Bullying can also include:

- **Racist** racial taunts, graffiti, gestures
- **Sexual** unwanted physical contact or sexually abusive comments
- **Homophobic** because of, or focussing on the issue of sexuality
- **Verbal** name-calling, sarcasm, spreading rumors, teasing.

Bullying hurts. No one deserves to be a victim of bullying. Everybody has the right to be treated with respect. Rowers who are bullying need to learn different ways of behaving.

This club has a responsibility to respond promptly and effectively to issues of bullying.

## Harassment

1) A repeated pattern of physical and/or non-physical behaviors that:

- (a) are intended to cause fear, humiliation or annoyance
- (b) offend or degrade
- (c) create a hostile environment

- (d) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual athlete or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; or
- 2) Any act or conduct described as harassment under federal or state law

### **Exceptions**

None

### **Examples**

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

- 1) Physical offenses.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking or slapping an athlete or participant; (b) throwing at or hitting an athlete with objects including sporting equipment.
- 2) Non-physical offenses.** Behaviors that include (a) making negative or disparaging comments about an athlete's sexual orientation, gender expression, gender, disability, religion, race, skin color, national origin or ethnic traits; (b) displaying offensive materials, gestures or symbols; (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

## **Hazing**

- 1) Coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for:
  - (a) joining a group
  - (b) being socially accepted by a group's members
- 2) Any act or conduct described as hazing under federal or state law

### **Exception**

Hazing does not include group or team activities that

- (a) are meant to establish normative team behaviors or
- (b) promote team cohesion.

### **Examples**

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

- 1) requiring, forcing or otherwise requiring the consumption of alcohol or illegal drugs

- 2) tying, taping or otherwise physically restraining an athlete
- 3) sexual simulations or sexual acts of any nature
- 4) sleep deprivation, otherwise unnecessary schedule disruption or the withholding of water and/or food
- 5) social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or meant to draw ridicule
- 6) beating, paddling or other forms of physical assault
- 7) excessive training requirements focused on individuals on a team

## Emotional Misconduct

- 1) A pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete. Non-contact behaviors include:
  - (a) verbal acts
  - (b) physical acts
  - (c) acts that deny attention or support
- 2) Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect).

### Exception

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

### Examples

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

**1) Verbal Acts.** A pattern of verbal behaviors that:

- (a) attack an athlete personally (e.g., calling them worthless, fat or disgusting)
- (b) repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.

**2) Physical Acts.** A pattern of physically aggressive behaviors, such as:

- (a) throwing sport equipment, water bottles or chairs at, or in the presence of, participants

- (b) punching walls, windows or other objects

**3) Acts that Deny Attention and Support.** A pattern of:

- (a) ignoring an athlete for extended periods of time
- (b) routinely or arbitrarily excluding participants from practice

**Note: Bullying, harassment and hazing, defined above, often involve some form of emotional misconduct.**

## Physical Misconduct

- 1) Contact or non-contact conduct that results in, or reasonably threaten to, cause physical harm to an athlete or other sport participants
- 2) Any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).

### Exceptions

Physical misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports, but have no place in rowing.

### Examples

Examples of physical misconduct prohibited by this Policy include, without limitation:

**1) Contact offenses.** Behaviors that include:

- (a) punching, beating, biting, striking, choking or slapping an athlete
- (b) intentionally hitting an athlete with objects or sporting equipment
- (c) providing alcohol to an athlete under the legal drinking age (under U.S. law, regardless of location of distribution)
- (d) providing illegal drugs or non-prescribed medications to any athlete
- (e) encouraging or permitting an athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional

- (f) prescribing dieting or other weight-control methods (e.g., weigh-ins, caliper tests) without regard for the nutritional well-being and health of athlete.

**2) Non-contact offenses. Behaviors that include:**

- (a) isolating an athlete in a confined space (e.g., locking an athlete in a small space)
- (b) forcing an athlete to assume a painful stance or position for no athletic purpose (e.g. requiring an athlete to kneel on a harmful surface)
- (c) withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep

**Note: Bullying, harassment and hazing, defined below, often involve some form of physical misconduct.**

## **Sexual Misconduct**

- 1) Any touching or non-touching sexual interaction that is:
  - (a) nonconsensual or forced
  - (b) coerced or manipulated
  - (c) perpetrated in an aggressive, harassing, exploitative, or threatening manner
- 2) Any sexual interaction between an athlete and an individual with evaluative, direct, or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative
- 3) Any act or conduct described as sexual abuse or misconduct under federal or state law (e.g. sexual abuse, sexual exploitation, rape).

**Note: An imbalance of power is always assumed between a coach and an athlete.**

### **Types of Sexual Misconduct**

Types of sexual misconduct include:

- 1) sexual assault
- 2) sexual harassment
- 3) sexual abuse
- 4) any other sexual intimacies that exploit an athlete. **Minors cannot consent to sexual activity with an adult**, and all sexual interaction between an adult and a minor is strictly prohibited.

## **Exceptions**

None

## **Examples**

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

### **1) Touching offenses.** Behaviors that include:

- (a) fondling an athlete's breasts or buttocks
- (b) exchange of reward in sport (e.g., team placement, scores, feedback) for sexual favors
- (c) genital contact
- (d) sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants.

## **Comment**

**(1) Authority and Trust.** Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. Accordingly, sexual interaction or intimacies between a coach and an athlete or other participant are prohibited, regardless of age, both during coaching and during that period following coaching if an imbalance in power could jeopardize effective decision-making.

**(2) Imbalance of Power.** Factors relevant to determining whether there is an imbalance of power include, but are not limited to:

- (a) the nature and extent of the coach's supervisory, evaluative, or other authority over the athlete being coached
- (b) the actual relationship between the parties
- (c) the parties' respective roles
- (d) the nature and duration of the sexual relations or intimacies
- (e) the age of the coach
- (f) the age of the athlete or participant
- (g) and whether the coach has engaged in a pattern of sexual interaction with other athletes or participants.

**(3) Exception.** This section does not apply to a pre-existing relationship between two spouses or life partners.

- 2) Non-touching offenses. Behaviors that include:
- (a) a coach discussing his or her sex life with an athlete
  - (b) a coach asking an athlete about his or her sex life
  - (c) a coach requesting or sending a nude or partial-dress photo to athlete
  - (d) exposing athletes to pornographic material
  - (e) sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g. "sexting")
  - (f) deliberately exposing an athlete to sexual acts
  - (g) deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)
  - (h) sexual harassment; specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and:
    - a. is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this
    - b. is sufficiently severe or intense to be harassing to a reasonable person in the context.

## Child Sexual Abuse

- 1) Any sexual activity with a child where consent is not or cannot be given. 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 interactions between an adult and a 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.*
- 2) Any act or conduct described as child sexual abuse under federal or state law.

### Exception

None



**Examples**

Sexually abusive acts may include sexual penetration, sexual touching or non-contact sexual acts such as verbal acts, sexually suggestive electronic or written communications, exposure or voyeurism.