confidentiality except if there is a danger to other members of the Club. Explain your obligation to ensure that all athletes are safe, so sometimes confidentiality cannot be honored.
    - For example, if an athlete asks for a promise of confidentiality, then tells of themselves or another athlete being raped or abused, you have a duty to disclose this to the police.
    - If an athlete does not want their parents informed, this request should be honored. It is unlikely that many athletes will come forward if they know their parents will be informed.
- Validate the athlete's feelings and let them know that you will stand up for him/her throughout the incident as if you were the athlete and that it is the job of others (the Fact Finder and Ethics Panel) and not you to determine the veracity of the complaint.
- Assure the athlete that you understand that standing up to report abuse or unfairness or bullying is intimidating for a young person and you are there to support the athlete in this process.
- If the athlete comes with a parent, explain to the parent that you want to hear what happened directly from the athlete, but that the parent will have an opportunity to speak afterwards.
- Let the athlete (and his/her parent) know that you will be taking notes by filling out a complaint form or adding facts they tell you to the complaint form they bring to the meeting. Explain that what is on the complaint form will be reviewed and approved by them and that you just want to be sure all the facts of the situation are recorded.

LISTENING

- Be a good listener without any preconceptions or biases
- Allow the athlete to fully tell his or her story
- Then go back through the explanation to ask questions to clarify what happened or why the athlete is distressed

DETERMINING NEXT STEPS

- When the athlete is finished, try to articulate the problem back to the athlete in language appropriate to the age of the athlete so the athlete is able to validate that you understand what happened.
- Be able to understand that, due to the age and mental strength of the athlete, they may not be mature enough to recognize inappropriate conduct or may not know what to do when confronted with extreme personal attention or touching and may be afraid that reporting it will have a negative impact on instructional attention, her/his relationship with coaches, the support of teammates, or personal credibility. You may have to educate or reassure the athlete about right and wrong relationships with coaches.
- If appropriate, ask the athlete what he or she would like you to do to resolve the issue.
- If the parent is present and if appropriate, ask the parent how he or she thinks this issue should be resolved.
- Explain that the athlete does not have to confront the abuser at all under any circumstance because the AWA will meet with the alleged abuser if necessary, acting on the athlete's behalf.

NOTETAKING

- Use the "Athlete Complaint Form" to take notes and be sure you have an accurate record of the meeting
- Use the "Athlete Complaint Form" to record all the actions you take in response to the issue
- Have the athlete read and sign the complaint form to be sure it is accurate

RESTORING A SAFE ENVIRONMENT

- Determine if immediate action must be taken on the behalf of the athlete to ensure the athlete's safety, recognizing the imbalance of power between athlete participants and adults who are in positions of authority.
- Feel free to ask the Club President for assistance in confronting any employee who is alleged to be an abuser.
- Feel free to ask for the coach's assistance in confronting any athlete who is alleged to be an abuser or bully.
- This may mean temporary suspension of alleged athlete or coach abusers or placement of the athlete victim in a participant group where he or she will not be under the direction of or be with the alleged abuser. Ask for the Club President to take action to accomplish this.
- Generally, every effort should be made not to disadvantage the reporting athlete in restoring the safe environment or to permit the alleged abuser to remain in a situation in which other athletes might be endangered.

Pursing a Resolution without a Full Complaint Proceeding

DETERMINING IF THE AWA CAN RESOLVE THE SITUATION WITHOUT A FORMAL INVESTIGATION AND HEARING

- In minor situations only (i.e., bullying, initiation rituals not posing a physical danger to participants, etc.), the complainant (and/or parents) should be asked or may suggest whether a resolution would be acceptable in lieu of the formal complaint process.
- The incident should be investigated with discretion by the AWA who would communicate with the involved party(ies) without placing the athlete in a compromising position.
- Determine if the resolution discussed with the athlete and/or parents is a good resolution and whether it can be achieved without a formal full investigation and hearing, discussing the situation with the Club President if necessary, or, in the case of an athlete who is the alleged abuser, with that athlete's coach and parents. Resolutions are usually achievable in cases of bullying and disrespectful behaviors that are first time offenses and where athlete perpetrators might be required to apologize to their victims and participate in an education session.
- With everyone you speak with who may be involved in a resolution, the AWA should deliver a warning that any repeat of the misconduct or retaliation against victim or person who reported the violation will be termination of employment or expulsion from the Club.
- The resolution is not fair if the athlete must continue to be subjected to or be under the control of the alleged abuser and the athlete does not want to do this.
- Involve the parents or other significant individuals in the discussion and investigation only if requested by the athlete complainant.
- Resolve the issue after thorough scrutiny of all parties and in concert with the athlete and/or the Club President endeavoring to keep the athlete unidentified. If there are to be legal ramifications or the media is involved, your purpose is to protect the athlete.
- Implementing the solution should be preceded by a private conversation with the athlete (and parents if appropriate) to:
    1. reinforce what is appropriate behavior in athletics by coaches, peers, volunteers and parents;
    2. the details of the proposed solution;
    3. assure the athlete that if he/she feels uncomfortable with the actions of any person included in the remedy, the athlete should contact the AWA immediately; and

4. if necessary, discuss guidelines on how athletes should protect themselves in certain situations if abuse or retaliation is encountered (by leaving the area, contacting an adult, etc.).

When Resolution is Not Possible or Appropriate

WHEN THE SITUATION IS SERIOUS – MOVE TO FORMAL ACTION

- In the case of any situation that involves criminal behavior (rape, assault, etc.), immediately contact the police after ensuring restoration of a safe environment (by the Club removing the alleged abuser through suspension or termination of employment or club membership), asking for the help of and informing the Club President.
- Explain the complaint process to the complainant and confirm that the complaint form is complete and accurate. Determine if the name of the complainant is to remain confidential except in situations where there is a danger to others. Make sure all witnesses are identified. Make sure the complainant reads the complaint form and signs it to verify its accuracy.
- Present a completed complaint form to the Club President and ask him/her to appoint a "Fact Finder" to begin the formal process.
- At this point, the AWA passes all preliminary investigation and complaint details to the appointed "Fact Finder" and ceases involvement with regard to resolution or preliminary investigation to focus on the support needs of the athlete and his/her family.
- Supporting the needs of the athlete victim may include making sure he/she is not confronted by the abuser, retaliated against, assuring the athlete and family that action is being taken, and keeping the athlete and family fully informed through each step of the process.
- If the athlete does not wish to participate in an interview with the "Fact Finder" (accompanied by the AWA and his/her parents), the AWA should represent the athlete in a meeting with the Fact Finder. The AWA should go back to the athlete for answers to any questions that could not be answered on behalf of the complainant.

SAFE4ATHLETES

Guidelines for a Fair Fact Finding: Youth Sport Program Misconduct Complaint

These guidelines are based on principles of good investigation process as advanced in Webb, S.L. (1996) Sexual Harassment: Investigators Manual, Premiere Publishing, Ltd.

Volunteering to be Fact Finder when asked by the Club President is an important responsibility. Situations that may endanger the safety and well being of our children do arise, albeit infrequently. When they do, they must be dealt with promptly and fairly. Both the complaining party and the alleged offender need to be treated fairly. At the heart of fair treatment is an unbiased determination of the facts by an appointed Fact Finder. The following guidelines should be followed during the investigation process. First read the following club documents:

- FREQUENTLY ASKED QUESTIONS: HOW YOUR CLUB CAN CONDUCT AN OPEN AMATEUR SPORT PROGRAM THAT IS SAFE FOR ATHLETES
- MODEL POLICY: CLUB PHILOSOPHY AND POLICIES GOVERNING PROFESSIONAL COACHING CONDUCT AND THE CONDUCT OF ALL ATHLETES, EMPLOYEES AND VOLUNTEERS
- COACH, EMPLOYEE, VOLUNTEER CODE OF ETHICS AGREEMENT
- COMPLAINT FORM FOR THIS CASE
- NOTICE GIVEN TO THE PERSON ALLEGED TO HAVE ENGAGED IN MISCONDUCT OF THE SPECIFIC ALLEGATIONS

Note: If criminal conduct has potentially occurred and the situation has been reported to the police, fact-finding and an Ethics Panel hearing should move forward simultaneously and promptly. The Club should honor any police request to momentarily delay fact finding until their evidence gathering process is completed. It is assumed in such situations that the person accused of such severe misconduct was immediately suspended from employment or affiliation with the Club by the Club President in order to restore a safe environment.

The Fact Finder in consultation with the Club President should also determine whether the Club has an obligation under state law to report certain situations involving minors. This information is available online at:

http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm

STEP ONE: The "Factual Scribe" Mindset

- **Understanding the Role of the Fact Finder.** The role of the Fact Finder is two-fold: (1) to determine the facts of the situation and based on interviews with all parties, and (2) determine the credibility of those giving statements. The Fact Finder's role is to as accurately and unemotionally as possible describe what occurred through the process of interviewing all parties involved. The Fact Finder should be a good listener and recorder of facts and a good questioner to make sure that his or her understanding of what occurred is as accurate as possible.

- **Acknowledge Probable Bias.** Youth sports programs and clubs are often like close family units. Everyone has an opinion. High levels of emotion are often expressed. Rumors may abound. Everyone knows each other and may have developed feelings about individuals that are positive or negative. Even the Fact Finder may like or dislike the people involved in a complaint whether