safeathletes

HANDBOOK

LOCAL SPORT CLUB POLICIES AND PROCEDURES

…designed to provide athletes with a safe and positive environment free of abuse, bullying and harassment

Updated as of Sept 2013

Safe4Athletes is a not-for-profit organization that advocates for athlete welfare where every athlete is provided a safe and positive environment free of abuse, bullying and harassment.

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PREFACE

The purpose of this publication is to provide any local sports club with a turnkey program containing the basic policies, procedures, forms, guidelines and educational materials that will enable the club to immediately install a management system that advances athlete safety and welfare. Each document contained in this Handbook is available as a free download in Word format on the Safe4Athletes.org Web site, so it can be customized with the name of the club and appropriate club staff and contact information.

Safe4Athletes is a not-for-profit organization that advocates for athlete welfare where every athlete is provided a safe and positive environment free of abuse, bullying and harassment.

What Safe4Athletes does:

1. Advocate for and help sports organizations adopt effective policies, procedures and educational programs that prevent coach, volunteer and peer misconduct whether it is abuse (sexual, verbal, emotional or physical) bullying, harassment or other forms of inappropriate behaviors.

2. Assist sports organizations faced with situations involving abuse (sexual, verbal, emotional or physical), bullying, harassment and other forms of inappropriate conduct on how to handle these situations appropriately and act quickly to restore safe environments for athletes.

3. Provide a safe and confidential place where abused athletes, their parents or others concerned about the impact of coach/volunteer/peer misconduct can call to:
   - talk to other athletes who have been through similar situations;
   - be referred to professional counselors who can provide psychological or other assistance;
   - get advice on how to communicate with their local sports organization and national sports governing body so appropriate proceedings can be initiated to investigate, adjudicate and if necessary, remove the offending coach or sport leader from his or her position before others can be hurt; and/or
   - help their sports organizations find model policies, procedures, educational programs and advice on how to prevent and to deal with such situations.

4. Encourage and help educate all parents and athletes to be more aware of what they can do to recognize inappropriate coach/volunteer/peer behavior and understand how traumatic the effects of such experiences can be for athletes.

5. Partner with state, regional, and national sports governing associations and other national sports organizations to encourage the adoption of legislation mandating that their members adopt strong policies, procedures and educational programs regarding this issue.

Learn more about how you can help at Safe4Athletes.org.

Katherine Starr
Founder and President

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PROGRAM OVERVIEW
HOW YOUR CLUB CAN CONDUCT AN OPEN AMATEUR SPORTS PROGRAM THAT IS SAFE FOR ATHLETES

WHY?
Athlete sexual abuse and other forms of misconduct by coaches or others is a serious problem that has not been effectively confronted by local and national open amateur sports organizations. The damage to athletes who have been abused goes well beyond their inability to reach their potential as athletes. The impact is life changing. Being victimized by a trusted adult, especially in the case of sexual abuse, has a devastating and long-lasting impact ranging from lowered self-esteem, difficulty trusting others, anxiety, stress, fear, and depression to self-destructive tendencies, sexual maladjustment and substance abuse. It is commonplace for abused athletes to accept blame for the misconduct, thinking the abuse is their fault and not recognizing that it is the adult who is wrong. Some abused athletes may even involuntarily and subconsciously bond with their abuser. Clubs with policies, procedures and educational programs designed to prevent such harm are more likely to be trusted and respected by parents and less likely to be sued by victims.

PERSPECTIVE
It is very important for every club to emphasize to coaches, athletes, employees, volunteers and parents that athlete safety and welfare policies do not imply distrust and are not intended to portray coaches or others as "villains." The appropriate analogy is to liken these policies to what we all have to endure when taking an airline trip and tolerating airport security measures. We suffer these restrictions on our personal freedoms because we know that one terrorist can cause terrible harm. Similarly, athlete safety and welfare policies restrict the actions and behaviors of coaches and others in order to maximize the possibility that we will be able to protect program participants from the harm caused by one person with malicious intent.

HOW? A Safe4Athletes club commits to doing four things:

1. **ADOPT POLICIES** that (a) require criminal background checks for coaches, volunteers and others before they are permitted to work directly with children and (b) clearly define prohibited conduct in a detailed way, from poor instruction or supervision practices and bullying behaviors, to more serious allegations of professional misconduct such as sexual harassment, or physical, emotional, or sexual abuse. Coaches, employees and volunteers sign a code of conduct agreement acknowledging having read and understanding their obligation to adhere to the policy.

2. **EDUCATE CLUB COACHES, ATHLETES AND VOLUNTEERS** about these inappropriate behaviors and the existence of a club conduct policy that must be followed.

3. **APPOINT** two parents or other volunteers as **ATHLETE WELFARE ADVOCATES (AWA) TO ASSIST CLUB ATHLETES.** Athletes are often afraid of confronting more powerful coaches or even their own parents when faced with a distressing situation. The AWA distributes educational materials and invites athletes to call or email to schedule a confidential conversation if they need help handling any situation that makes them feel uncomfortable or unsafe.

4. **ESTABLISH AND IMPLEMENT THE FOLLOWING APPROPRIATE PROCEDURES** that will restore a safe environment if misconduct occurs:

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- availability of an Athlete Welfare Advocate to meet in a confidential and supportive environment to assist the athlete (and/or parents) in identifying and addressing the concern

- immediately correct any hostile environment or situation that threatens the safety and well-being of participants

- if appropriate in the case of minor transgressions, the Athlete Welfare Advocate works with the club president to resolve the situation to the satisfaction of the affected athlete (and his/her parents) or initiate a formal complaint

- in more serious situations, temporarily suspend the coach or other individual accused of misconduct for the duration of the complaint process that includes the following elements:
  - the AWA represents or accompanies the athlete who is never required to confront her/his alleged abuser
  - the accused is given notice of all charges
  - the club appoints an impartial Fact Finder to interview all parties
  - the accused receives a full hearing before and the opportunity to submit a detailed written statement to the Fact Finder
  - the Fact Finder presents the facts and recommendations, including the statements of the accused, the complainant, and all witnesses to an Ethics Panel that determines if club policy was violated and, if necessary, imposes appropriate sanctions

- the club reports any coach or volunteer determined to have committed serious misconduct and whose employment or affiliation with the club was terminated to the club's national sports governing body (NGB) with a request to revoke the individual's membership and ability to coach or be affiliated with all NGB member clubs

FREE MATERIALS

Safe4Athletes has sample policies, procedures and educational materials that clubs can use to implement a Safe4Athletes program. Downloads are free from Safe4Athletes.org.

USE OF SAFE4ATHLETES LOGO AND SAFE ENVIRONMENT STATEMENT

Clubs that adopt these policies and procedures may use the Safe4Athletes logo and the following statement on their web site and in printed materials:

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[Insert Name of Club]

POLICY

CLUB PHILOSOPHY AND POLICIES GOVERNING PROFESSIONAL COACHING CONDUCT AND THE CONDUCT OF ALL ATHLETES, EMPLOYEES AND VOLUNTEERS

1.0 Athlete Safety and Welfare. It is the responsibility of each coach, volunteer, staff member and parent associated with our Club to act in positive and respectful ways to enhance the health and well-being and increase the sport performance skills of all athletes participating in our program. We are committed to providing a safe participation environment, being fair, open and honest in our relationships with each other, acting ethically and modeling exemplary sportsmanlike conduct. The purpose of this policy is to clearly state our beliefs and expectations with regard to the instructional environment we intend to create for children and older athletes who are members of our Club.

2.0 Athlete Welfare Advocate. The Club shall appoint one male and one female volunteer parent or other volunteer to be an Athlete Welfare Advocate (AWA). The role of the AWA is to act on behalf of the athlete to ensure his/her safety and fair treatment. The AWA is not a Club representative who acts to protect the Club or its employees. The AWA is responsible for listening to any athlete (or athlete and parent) complaint or expression of concern and determining how to best address this concern in the best interest of the athlete. The AWA must always consider the imbalance of power between participants and adults (coaches and others) who are in positions of authority. In addition, there may be other athletes or team volunteers whose actions may be intimidating or threatening to younger or weaker children. The AWA is the protector of the athlete. Each AWA is required to have a criminal background check as a condition of assuming this important role.

3.0 Respect for and Confidence in Our Coaches, Staff and Volunteers. Nothing in this policy should assume anything but the fact that, generally, we hold coaches and the coaching profession in the highest possible esteem. The coach's energy, motivational gifts and expert sports instruction provided to our athletes is highly valued, admired and appreciated. The Club also appreciates the efforts of staff and other volunteers who devote countless hours and dedication to the success of our program.

4.0 Teaching Athletes about Pedophiles and Abuse. The Club recognizes that even though criminal background checks are conducted, this process is not infallible. We must protect all program participants from abusers and pedophiles by educating them about "grooming behaviors" and the other ways that such people use to silence, control or intimidate victims. The fact is that those who abuse children or convince young adults to consent to professionally unethical romantic relationships are adults known to and trusted by the athlete. This is an important purpose of this policy.

5.0 Statement of Expectations. In addition to our obligation to teach athletes about pedophiles and abusive behavior, we recognize that the sports culture too often wrongly tolerates or justifies abusive behavior in the name of developing competitive toughness. We also realize that the pressures of wanting to achieve excellence sometimes cloud good judgment and that not all coaches and others working in our program have the same training and experience as

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professional educators of children and young adults. Thus, it is important to clearly state the Club's expectations as to what constitutes a safe and positive environment.

5.1 **USOC and NGB Coaches' Ethics Code.** All paid and volunteer coaches shall be required to annually sign a statement acknowledging receipt and understanding of the USOC and NGB's Coaching Ethics Code and their obligation to comply with such codes (see Appendix A). Violations of the code may result in disciplinary action up to and including termination of employment or association with the Club. Any coach, staff member or volunteer banned from Club membership or employment due to misconduct under this policy will be reported to the national sports governing body.

5.2 **Club Code of Conduct.** All Club coaches, staff members and volunteers are also required to sign the Club *Coach, Employee, Volunteer Code of Conduct Agreement* (see Appendix A) as a condition of employment or volunteer affiliation. The Agreement requires the signatory to acknowledge:

- reading and understanding this policy, "Club Philosophy and Policies Governing Professional Coaching Conduct and the Conduct of All Athletes, Employees and Volunteers";
- obligations under state laws related to child welfare and protection;
- the obligation to report any violation of these policies to the club president whether committed by the signatory or by any other coach, employee, volunteer or athlete member of the Club; and
- the possibility of sanctions if these policies are violated.

5.3 **Personal Conduct and Responsibility**. Coaches, staff, and volunteers are to conduct their personal business so as not to bring discredit to themselves or to the Club. The following guidelines for personal conduct, while not all-inclusive, have been established:

- Act with good judgment, discretion, and integrity both on and off the job;
- Represent the Club with dedication, enthusiasm, and loyalty;
- Treat all persons with courtesy, friendliness, and respect for their personal dignity;
- Do not discriminate against any individual by reason of race, gender, creed, color, national origin, age, handicap, sexual orientation, gender identity or gender expression;
- Comply with sports governing body rules and state and federal laws;
- In the event of a conflict or disagreement with another Club employee, parent or volunteer, professionally resolve such conflict in a meeting with the other person;
- Any situation that cannot be comfortably handled by the coach or that may have Club ramifications (i.e. fan behavior, inappropriate parental interference, etc.) should be brought to the attention of the Club president;
- Be responsive to requests for interviews from media but refer matters related to Club policy to the Club president; and
- Do not text message, tweet, email, telephone, or otherwise <u>socially engage</u> individual athletes (i.e., Facebook friends, etc.). Text and email messages related to official club business such as changes in practice and competition times or locations, or travel plans, etc. are permitted.

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- Whenever possible, all Club business should be conducted through parents or if emailing all training groups or team members, such advisories should be copied to parents.
- Ethical conflicts should be avoided. For instance, while it is acceptable for a coach who has a construction business to be hired by a parent to construct a pool deck, coaches should not accept offers of employment for tutoring, baby-sitting and other personal-care services related to taking care of an athlete in the Club's program. Such relationships might be perceived by others as giving these athletes a special position resulting in favoritism by the coach.

5.4 **Safe Environment.** All coaches, other employees and volunteers shall be obligated to report any situation that endangers the health and safety of athletes, employees, volunteers, or other spectators/attendees of Club events to the Club president or Athlete Welfare Officer and act to immediately stop the activity until a safe environment can be restored.

5.5 **Evaluation.** The Club shall have evaluation procedures in place that provide for an annual performance appraisal of all paid staff and paid and volunteer coaches which shall include evaluations by athletes and parents. Such evaluations shall be administered by the Club without coaches being present. All evaluation instruments shall be jointly reviewed by the coaches and staff members and the Club president prior to their use for the purpose of ensuring that employee evaluation emphasis is on positive professional growth and improvement.

6.0 **Sexual Harassment.** Our Club strictly prohibits any coach, staff member, volunteer, parent or athlete from engaging in any form of sexual harassment that affects other employees, volunteers, parents or athletes.

6.1 **Definition.** Sexual harassment is unwanted and often persistent sexual attention and any other behavior with sexual overtones that creates a hostile work or training environment. Verbal harassment may be directed toward an individual or be comments about an individual that are intended to be or actually are overheard. Specifically, sexual harassment may include written or verbal abuse or threats with sexual overtones, physical contact, sexually graphic literature, sexual advances, demands for sexual favors, sexually oriented comments, jokes, lewd comments or sexual innuendoes, taunts about body, dress, marital status or sexuality, singling out members of one sex or those with a particular sexual orientation for ridicule or devaluing athletic performance or self-respect, sexual or homophobic graffiti, practical jokes based on sex, intimidating sexual remarks, invitations or familiarity, dismissing the contributions of members of one sex or sexual orientation in meetings or training sessions, or other condescending or patronizing behavior, physical contact such as fondling, pinching or kissing, sex-related vandalism, offensive phone calls or photos, and/or bullying on the basis of sex. Sexual harassment also includes all forms of sexual violence such as sexual assault, sexual battery, rape and sexual coercion, which will be referred to authorities as criminal matters.

6.2 **Zero Tolerance.** Sexual harassment by any individual involved in Club activities shall not

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be tolerated. If observed, employees, parents, athletes and volunteers shall immediately act to ask the person to stop such behavior and report such behavior to their respective supervisors or the Club president. Individuals engaging in sexual harassment shall be subject to immediate termination of employment or association with the Club.

6.3 **Confidentiality.** All sexual harassment complaints (see section 13.0 below) remain confidential unless such confidentiality affects the ability of the Club to maintain a safe environment. No punitive or retaliatory action will be taken against anyone who submits a sexual harassment or other complaint.

7.0 **Zero Tolerance of Hazing, Initiation Rituals, Bullying and Physical Punishment.** "Hazing" and inappropriate team initiation or bonding activities are defined as any actions, whether physical, verbal, mental, emotional or psychological, which subject another person, voluntarily or involuntarily, to any outcome that has the intended or unintended effect of abusing, mistreating, degrading, humiliating, harassing, or intimidating the person, or which may in any fashion compromise the inherent dignity of the person, for the purpose of association with, or induction to, a particular group or team or to control someone younger, weaker or with less power with the intent of harm. Such activities are strictly prohibited, whether initiated by athletes, coaches, staff members, volunteers or parents. The Club is committed to the preservation of civil rights and a safe and non-threatening environment. Athletes should only be asked to engage in activities that are constructive, educational, inspirational, and contributory to intellectual and personal development.

7.1 **Prohibited "Hazing" Behaviors**. Following are examples of, but not limited to, prohibited actions and behaviors constituting hazing, initiation rituals or physical punishment. Forcing, requiring or pressuring an individual to engage, endure or participate in any of the following activities:

- Consumption of alcohol or other drugs
- Ingestion of any substance
- Shaving any part of the body
- Any activity that is illegal, perverse, publicly indecent or contrary to the individual's genuine moral beliefs
- Tampering with or damaging property
- Dietary restrictions of any kind unrelated to healthy nutrition
- Deprivation of sleep and waking up/disturbing individuals during normal sleep hours
- Creation of excessive fatigue unrelated to normal training expectations and activities
- Calisthenics or any type of physically abusive exercise unrelated to normal training
- Paddling, whipping, beating or physical abuse of any kind
- Forced performance of public stunts or buffoonery
- Forced tattooing or branding
- Road trips, kidnapping, drop-offs, or any other such unplanned activities
- Work projects without the participation of the full team membership as planned community service or club service activity
- Assigned or endorsed pranks, such as borrowing or stealing items, painting property or objects, or harassing other individuals or groups

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- Subjecting a member to cruel and unusual psychological conditions
- Wearing of apparel in public which is conspicuous, not normally in good taste, or designed to humiliate the individual(s) wearing it
- Morally degrading or humiliating games or activities
- Verbal or cruel harassment, including yelling and screaming
- Line-ups, kangaroo courts or any interrogation not consistent with the legitimate testing for information about the purposes and history of the team
- Sexual rituals, assaults and/or required nudity
- Collective behavior such as marching that has no relationship to sport training or performance
- Activities that promote or encourage the violation of state laws or Club policies
- Requiring new members to "greet" initiated members
- Requiring the answering of phones or doors with songs, chants, or riddles
- Requiring yelling or screaming upon entering or leaving a facility
- Deception or threat contrived to convince the new member that he/she will not be permitted to join
- Mentally abusive or demeaning behavior

7.2 Bullying Definition. Bullying occurs when there is an imbalance of power and the person who is older, larger, stronger, or more aggressive uses his or her power to control or harm someone in a weaker position. The person bullying has the intent or goal to cause harm (i.e., the act is not accidental) and the action is usually repetitious.

7.2.1 Types of Prohibited Bullying Behaviors. Bullying can take many forms. Examples include but are not limited to: name-calling, teasing, socially spreading rumors, purposely leaving people out of groups by telling them or others they are unwanted, breaking up friendships by threatening others or spreading rumors about a friend, or physically hitting, punching, or shoving a person.

7.2.2 Cyberbullying Prohibited. Using the Internet, email, texting, mobile phones, social media or other digital technologies to do harm to others is bullying and also prohibited.

8.0 Instructional Safety. The Club shall employ coaches who have the necessary credentials and experience to safely and efficiently teach the skills and strategies included in their sport and establish practice environments that minimize the potential for physical harm. Coaches are responsible for conforming to the highest levels of athlete care. Coaches are responsible for ensuring that paid or volunteer assistant coaches working under their supervision uphold the same instructional standards.

8.1 Background Checks. All paid and volunteer coaches, the Athlete Welfare Advocate, and other staff or volunteers working directly with children or young adult participants are required to have criminal background checks and employment and non-profit service reference checks (the most recent three jobs or non-profit organization affiliations) as a condition of employment or affiliation. Any individual convicted of, pleading guilty or no contest to, receiving a deferred sentence for, or currently being charged with any felony, offense involving the use, distribution, or possession of illegal or performance-

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enhancing drugs or substances, any crime involving sexual misconduct or any criminal offense against a minor shall not be employed or affiliated with the club.

8.2 **Professional Development.** All coaches shall continue to advance their knowledge related to coaching excellence and safety considerations.

8.3 **Safety Alerts.** Coaches are required to stay up-to-date on all safety alerts that are publicly announced by equipment manufacturers, sport governing bodies, or any other organization associated with the conduct of their sport. Safety alerts must be brought to the attention of facility operators, parents, athletes and other staff members as appropriate.

8.4 **Adherence to Physician's Instructions and Proper Actions in the Case of Injury.** Coaches are obligated to follow the instructions of a medical physician with regard to return to competition or practice following injury, including any restrictions related to training limitations of injured athletes. In the case of injury or suspected injury during practice or competition (i.e., concussion, unusual respiratory distress, etc.) coaches are expected to immediately remove the athlete from practice or competition to seek first aid, medical treatment and/or medical evaluation by a certified professional.

8.5 **Distribution of Fluids, Drugs and Supplements.** Coaches, volunteers and other employees are prohibited from dispensing or recommending for the improvement of health or performance, any drug, medication, vitamin, nutritional, or ergogenic aid or other ingestible solid or liquid supplement purported to improve health or performance to any athlete. Further, coaches, volunteers, and employees are prohibited from distributing to any athlete any prescription or over-the-counter medicines, including aspirins, cold medicines, etc. Water should never be withheld from any athlete. Any distribution of such substances or withholding fluids is grounds for immediate termination of employment. Any athlete with a medical problem should be referred to a licensed physician or allied health professional.

8.6 **Acceptable Physical Activities.** Coaches are expected to require that athletes take part in instructional, competitive or conditioning physical activities during practices or contests that are relevant to the sport and meet conditioning and safety guidelines established by sports medicine authorities. Such activities should be based on the coach's training, educational background and experience. Any new techniques for which training or certification does not exist, must be prefaced by reasonable external consultation or review by experts and must not impose danger, risk or harm to participants that would normally not be encountered by participation in that sport.

8.7 **Physical Abuse or Inappropriate Touching During Instruction.** Physical abuse of athletes is expressly prohibited. Coaches should be aware that physical abuse can take many forms including inappropriate or frequent unnecessary touching. Some of the more common forms of physical abuse include when a coach:

- requires or suggests that an athlete perform a physical act that has no relevance to the sport and that is intended to cause embarrassment, be degrading or punish;

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- forces an athlete into training and/or competition that exceeds the capacity of his/her immature and growing body;
- attempts to control an athlete's weight or menstrual cycle;
- requires or suggests that an athlete continue to perform a physical act, whether it is relevant to the sport or not, that compromises established conditioning and safety guidelines;
- places an athlete in a situation where he/she is mismatched physically with an opposing athlete causing the possibility of physical harm or the athlete is clearly unable to perform a physical activity safely or effectively without harm;
- fails to stop an activity where an athlete is clearly being subjected to physical harm;
- roughly yanks an athlete into a position on the court or field

It is good instructional practice to ask the athlete in advance if it is "ok" to touch them in order to put a body part in the right mechanical position. An occasional "high five" or a pat on the head or back to acknowledge a celebratory performance is generally acceptable unless the athlete feels uncomfortable for any reason.

8.8 **Responsibility to Act.** Whenever a coach or supervising staff member observes a potentially unsafe situation, it is the coach's or staff member's responsibility to immediately discontinue the activity and restore a safe environment. Situations involving sexual harassment, hazing, bullying or other activities defined under this policy must be immediately addressed.

8.9 **Responding to Athlete Questions.** Coaches are expected to be responsive to respectful athlete questions regarding the purpose and intended impact of training and instructional activities. Athletes should be fully educated about the nature of their sport education experience.

8.10 **Open and Observable Instructional Environments.** Practice, instruction, meeting and competition environments shall (a) be staffed by two adults (i.e., coach and volunteer parent, coach and staff, two coaches, etc.), (b) open to observation by parents and (c) be conducted in open and observable environments private, or one-on-one situations, should be avoided unless they are open and observable. Common sense should be used to move a meeting to an open and observable location if the meeting inadvertently begins in private.

8.11 **Supervision of Locker Rooms, Shower Rooms and Toilet Areas.** No athlete is permitted to use a locker room, shower room or toilet area that is open to the general public without a same-sex coach or other adult supervisor in the area, or, if during a practice or competition, without a teammate accompanying the athlete while in the area. Athletes shall be instructed about the "buddy system" and cautioned to leave and immediately report concerns related to strangers in these areas. For facilities not open to the public, prior to the start of program activities coaches shall walk-through the areas to ensure that no unauthorized individuals are present. Then, only athletes may use these areas with the exception of parents who are allowed to help small children or children with disabilities get dressed. All athletes using these areas shall be educated regarding respectful behavior and the prohibition of use of cell phones or other recording devices, bullying, hazing, or unsafe activities (e.g., running on wet floors, etc.). All coaches and

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supervisors shall be educated regarding respectful monitoring (e.g., not directly observing athletes changing or using toilet or shower facilities).

8.12 **Travel to Practice and Competition.** Travel arrangements by coaches or parents shall ensure that no coach or parent is traveling alone with a child with the exception of a parent's own child. If commercial transportation services are not being used, coaches or parents providing transportation must be insured, utilize a well-maintained vehicle, possess a valid driver's license for the vehicle being used, comply with all state laws and shall only transport athletes for which the club has on file a permission form permitting travel using private vehicles. Detailed itineraries shall be provided to all parents and athletes for competition travel including contact information for coaches and hotels, a detailed schedule regard departure and return times, and times and locations of competitions. Mixed gender team travel shall include at least one adult of each gender as coaches or supervisors. A buddy system shall be used for all activities with no athlete permitted to leave the group alone. Prior to departure for any competition, coaches are required to review all travel and safety policies and the obligation of athletes, coaches and other adult supervisors to immediately report any situation that could endanger the safety of anyone in the travel party.

8.13 **Hotel Accommodations.** Athletes shall be assigned to rooms with one or more same-sex roommates and will never stay alone with an adult except for that athlete's parent. Hotels shall be asked to block all pay per view channels and provide team meeting spaces. Coaches are required to establish and enforce curfew policies via bed checks. Team meetings shall not occur in hotel rooms. All athletes shall be asked to communicate with their parents on a daily basis during competition trips and coaches shall be expected to assist in such communication. The club does not permit one athlete and one coach to travel together without a third party. Coaches who are also athletes shall be assigned to room with another coach if their responsibilities are primarily coaching and supervision.

9.0 Coach Responsibility for Positive Instructional Environment

9.1 **Equal Treatment.** Coaches are expected to treat all athletes equally. Coaches are prohibited from socializing with individual athletes (see 10.2 and section 11), singling out a player through excessive negative interactions, or ignoring individual players as punishment or to communicate disfavor. Coaches should avoid situations in which they are alone with any athlete. Coaches should encourage participation of all athletes and must never devalue any athlete's role on the team, his/her potential for success, or an individual's personal worth. Coaches are prohibited from discriminating against any athlete or group of athletes based on race, religion, age, disability, gender, sexual orientation, gender identity or gender expression.

9.2 **Team Success and Failure.** It is paramount that coaches recognize that the successes and failures of athletes and teams are a result of multiple factors including athlete skill, collaborative effort and effective training by coaches. Coaches are prohibited from placing the blame for team failure on any one athlete or group of athletes. Coaches should never deflect the responsibility for failure completely away from the coaching

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staff. Analysis of success and failure should be confined to critiques of skill execution, strategy, consistency of effort and other objective elements of performance.

9.3 **Proper Error Correction.** Coaches are expected to correct inefficient performance of skills and strategies by athletes. Error correction should always be targeted at the actual physical performance or the effectiveness of the decisions made. Coaches shall not use error correction in ways that target personal attributes or characteristics of the athletes including but not limited to such comments as alleging that the athlete is being too weak, too lazy or too fat. Error correction must be free from profanity or personally degrading language.

9.4 **Use of Peer Pressure.** Captains and other athlete team leaders are often given responsibilities to "set the bar" for teammates by demonstrating intensity in practice and games, positive energy and an unwavering level of commitment to team principles. The positive purpose of such captain leadership is to create an athlete-driven system of motivation and support that becomes contagious throughout the team. At times, however, delegation of high levels of control to captains can create unreasonable peer pressure that could become a conduit of abuse characterized by athlete control through intimidation. Coaches are responsible for educating captains and other athlete leaders about their appropriate roles and monitoring the level of peer pressure that is being imposed. Coaches are prohibited from encouraging or allowing athlete team leaders to require activities outside of practice or levying sanctions or punishments in any way.

9.5 **Social Isolation.** Compared to many other activities, participating on a sports team or sport training program requires an inordinate time commitment. Daily practices, contests and the time spent traveling to and from contest sites can often prohibit athletes from taking part in other social activities with peers and family. When these regular sport time commitments are added to the common practice of extending sports seasons through championship play, athletes also playing together on school teams, and the encouragement to engage in year around training programs, the result may be an environment of social isolation where the vast majority of an athlete's interactions are with teammates and coaches. Despite the fact that athletes voluntarily elect to participate in our Club program, coaches should not exacerbate this potential for social isolation. Therefore, coaches are prohibited from: (1) requiring (or implying that penalty will be imposed) that athletes spend even more time outside of Club activities practicing skills, watching film, lifting weights, etc.; (2) requiring (or implying that penalty will be imposed) that athletes eat together, live together or socialize outside of team planned activities; and (3) stating (or implying that penalty will be imposed) that an athlete's status on the team or playing time is in jeopardy if that athlete participates in a family, non-sport, or different sport activity or if athletes do not participate at all in the off-season.

10.0 **Inappropriate Professional Conduct.** Coaches, staff members, volunteers, or others who have authority over or provide professional services to athletes must exhibit the highest standards of impartiality and professional treatment and are prohibited from engaging in inappropriate conduct with athletes.

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10.1 General Physical Bodily Contact. Coaches, other staff and volunteers may not have any physical bodily contact with athletes outside of the practice or contest environment. Within the practice or contest environment, coaches may not have any physical bodily contact with athletes except under the following conditions: (1) when the coach asks for permission first to touch an athlete for the purpose of correcting physical form or placing a body part in a correct mechanical position; (2) giving a congratulatory "high five" or pat on the head or back to congratulate an athlete for a good performance; or (3) "spotting" or any protective coaching intended to reduce the risk of practicing or performing a skill that may cause harm with such "spotting" techniques explained to athletes beforehand. In general, if anyone touches an athlete, they should ask the athlete's permission before doing so.

10.2 Sexual, Intimate, or Romantic Relationships. Having a sexual, intimate, romantic or similar close personal relationship with individuals over which a person has an instructional or service responsibility, even if a consensual relationship between adults, creates the appearance or actuality of favoritism and special treatment, which is professionally unethical and expressly prohibited. Examples of other professionally inappropriate and prohibited behaviors include but are not limited to:

- Coaches performing back rubs or massage on an athlete even if the coach is a licensed allied health professional (must be performed by a non-coach who is a licensed allied health professional hired for this specific purpose and approved by the Club)
- Kissing
- Touching an athlete for instructional/mechanical instructional corrections without prior consent
- Commenting on athletes' or employees' bodies or appearance in a sexual manner
- Commenting on bodily changes and attire of the athlete that is unrelated to the athlete's athletic performance.
- Exchanging or giving gifts
- Romantic communications
- Showing obscene or suggestive photos
- Videotaping or photographing athletes or employees in revealing or suggestive poses
- Discussing/writing about sexual topics unrelated to work responsibilities of employees
- Making sexual jokes, sexual gestures, and innuendos or engaging in inappropriate sexually oriented banter (e.g. discussion of dating behavior)
- Sharing sexual exploits or marital difficulties
- Intentionally invading the athlete's or another employee's or volunteer's privacy during non-working hours or outside of regularly scheduled practice and competition
- Using e-mail, text-messaging, instant messaging, or other social media to discuss sexual topics with athletes or employees

Such unprofessional behaviors or sexual or romantic personal relationships undermine the trust in the coach or employee and belief that the athlete will be treated impartially. Employees or volunteers engaging in such unethical conduct shall be subject to immediate termination of employment or affiliation with the Club. Athletes, coaches,

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staff or volunteers with knowledge of the occurrence of such conduct shall be expected to immediately inform the Club president or Athlete Welfare Advocate.

10.3 **Emotional or Verbal Abuse.** Coaches and athletes constantly engage in verbal interactions. It is the coach's responsibility to use such interactions for instructional and motivational purposes. Emotional or verbal abuse of athletes is expressly prohibited and can take many forms, such as when a coach: (1) excessively, in comparison to treatment of other athletes, singles out an athlete through negative interactions; (2) uses profanity or degrading language; (3) personalizes error correction; (4) devalues a player's role on the team, potential for success or value as a person; (5) constantly blames the team or groups of players for failures; (6) places athletes under consistent pressure to perform at unrealistically high standards given the athlete's development status; and (7) when a coach isolates a player by ignoring him or her. Coaches must make every effort to avoid such conduct. Coaches should immediately call a halt to any bullying or emotional verbal abuse undertaken by any athlete toward another while in the coach's presence. Coaches should refrain from and disallow their athletes from engaging in verbal discourse that denigrates others.

11.0 **Coach-Athlete Relationships.** Coach-athlete relationships can be extremely powerful. Coaches and athletes spend an inordinate amount of time together in an activity that can be intense and emotional. There is always the danger that the relationship between a coach and an athlete may cross the line from mentor-mentee to one that is based on total control, dependence and/or romance. It is the coach's full responsibility to maintain an appropriate professional teacher/student relationship with each and every athlete regardless of whether the athlete is an adult and can legally consent to entering into a dating, romantic or sexual relationship with the coach. The coach must maintain an unbiased position, demonstrating no appearance or actuality of favoritism toward any one or several athletes.

11.1 **Control and Dependence.** The nature of participating on a sports team demands a certain amount of inter-team dependence and discipline. It is the coaches' responsibility to establish a team environment and ethos that maximizes cooperative effort and performance without compromising basic individual rights. There must be appropriate times in which athletes are free to question and discuss and the coach to respond with explanations. A coach's system of discipline should at all times be reasonable and professional. Care must be taken to avoid creating an atmosphere based on fear, intimidation and total compliance. Such systems of control are antithetical to the learning environment. Team environments should be a balance between positive, nurturing and supportive and highly organized, disciplined and efficient.

11.2 **Romantic, Dating or Sexual Relationships.** A coach may never enter into any romantic, dating or sexual relationship with an athlete while that athlete is participating in our Club program, and for two years after cessation or termination of coaching that athlete in any program within or outside the Club, even if that athlete is not currently engaged in participating in the sport. The two-year prohibition is based on the belief that public confidence in the Club program will be undermined by the appearance or actuality of intimate relationships with former athletes. A coach who engages in such activity even following this two-year period still bears the burden of demonstrating there has been no

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exploitation of the coach-athlete relationship if faced with allegations of impropriety. This prohibition and obligation to demonstrate no exploitation is consistent with the United States Olympic Committee Coaching Ethics Code.

11.3 **Social Prohibitions.** Coaches are teachers first and foremost and have a significant responsibility to maintain a mentor-mentee relationship with athletes. Therefore, coaches are prohibited from: (1) engaging in a dependent friendship with any athlete; (2) regularly socializing with an athlete or a group of athletes outside of organized team social activities; and (3) having a romantic, dating or sexual relationship with an athlete.

11.4 **Prohibited Parent Requests.** Parents and athletes should never ask a coach to drive a Club participant home or to any other site after an event. If emergency transportation needs to be arranged, another parent should be contacted. This policy does not prohibit a coach from participating as a driver in normal club group transportation arrangements to and from practice and competition sites. Similarly, parents should avoid inviting coaches to dinners, family gatherings or non-team social events. As much as we like and appreciate our coaches, special treatment and benefits could be perceived by others as buying special treatment for Club participants. However, it is appropriate for coaches to be invited to attend events when the entire team is invited (i.e., weddings, etc.).

12.0 **Possible Sanctions.** The Club has the right to impose the following or other appropriate sanctions on individuals or groups who violate Club policy:

- Warning
- Reprimand
- Probation with or without conditions
- Requirements for restitution
- Conditions intended to encourage personal rehabilitation
- Suspension for a definite period of time or until fact-finding a determination by the Ethics Panel is completed
- Report to police and possible criminal prosecution
- Termination from employment or affiliation with the Club

The Club reserves the right to enforce immediate sanctions for violation of zero-tolerance policies at the Club's discretion or for the purpose of restoring a safe environment. Coaches or other staff determined to be involved in or who condone such zero-tolerance activities shall be subject to immediate sanctions such as suspension of employment and/or affiliation with the Club pending completion of the complaint process.

13.0 **Complaint Process**. The Club recognizes how difficult it may be for an athlete or parent to report a coach or staff/volunteer offense because of fear of retaliation against the athlete or his/her family or subjecting a young athlete to an adversarial or hostile examination process. Similarly, coaches and staff must be assured of notice of allegations, a fair hearing and protection from frivolous complaints. Thus, the following mechanisms have been put in place to establish an appropriate fact-finding and hearing process to be utilized for any complaint.

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13.1 Meeting with the Athlete Welfare Advocate (AWA). Whenever an athlete is distressed about any situation, the athlete (and/or his/her parents) is encouraged to meet with the Club's Athlete Welfare Advocate to discuss the situation. The AWA shall not be a member of the Board of Directors. The AWA must hold an independent position of acting for and on behalf of the athlete. The athlete shall not be required to confront an alleged abuser. If asked, the AWA will represent or accompany the athlete in any meetings with the Fact Finder or others. The AWA will help the athlete (a) complete a complaint form (see Appendix B) if the decision is made to pursue a formal complaint process and (b) respond to any inquiries from the Fact Finder (see 13.7).

13.1.1 Report to Police. Alleged criminal conduct shall be immediately reported to the proper authorities as required by state law.

13.1.2 Confidentiality. If the athlete requests confidentiality, including a request not to inform the athlete's parents, such request shall be honored. The Club recognizes that any policy requiring automatic disclosure to parents may prevent the athlete asking for assistance.

13.1.3 Keep Club President Informed. The AWA should keep the Club President informed of pending situations while maintaining promises of confidentiality and should seek the assistance of the Club President in acting to restore a safe environment.

13.2 Written Complaint. Complaints must be in writing and detailed rather than generalized in nature (see required Club complaint form – Appendix B). The complaint form must be signed by the athlete but the signed copy of the form may be retained in the confidential file of the AWA. Part II of the Complaint Form – the detailed facts of the situation shall be made available to the Fact Finder and any person accused of misconduct. The AWA may represent the athlete in the complaint process. Note: a written complaint form may not be necessary for minor complaints that are easily resolved by the AWA to the satisfaction of the complainant and his/her parents (see 13.2.1 below) but, in such cases, the AWA shall be responsible for putting a record of the situation and resolution in the employee's personnel file.

13.2.1 Resolution without Hearing. If the AWA and the complainant agree that the complaint can be resolved to the satisfaction of the complainant and the person accused without further action, such effort to negotiate a resolution may be initiated by the AWA on behalf of the complainant. If a resolution is agreed up by both the complainant and the person accused of misconduct, it must be recorded in writing and signed by both parties. The AWA may ask the Club President to assist in this process, such as in any case where the resolution includes a warning or any formal action against the person alleged to engage in misconduct. In such cases, formal written record of such action shall be placed in the employment file of the person alleged of the misconduct.

13.2.2 No Resolution. If the allegation is denied, a resolution is not agreed upon, a resolution is not appropriate, or if the alleged offense falls within the zero

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tolerance or serious inappropriate or unprofessional conduct (i.e., sexual harassment, sexual abuse, prohibited coach-athlete relationships, etc.) the complaint shall proceed directly to the fact-finding and ethics panel process.

13.2.2.1 Option for NGB Investigation in Lieu of Club Investigation. The complainant may choose to file or be required to file his or her complaint directly with the NGB in lieu of the club complaint resolution process in cases of serious misconduct. The Club should check with the NGB regarding reporting requirements. If the complainant is not required to file the complaint with the NGB, the option to file directly with the NGB is recommended under the following conditions:

- the Club has acted to restore a safe environment by temporarily suspending the employment or club affiliation of the person alleged to have engaged in serious misconduct until the complaint process is completed
- the individual alleged to have engaged in misconduct is a member of the NGB
- the alleged misconduct is of such a serious nature that the remedy sought is permanent revocation or suspension for a time certain of NGB membership of the accused individual (banned from coaching) or other appropriate sanction
- the NGB has a code of conduct that prohibits the alleged misconduct
- the NGB has an athlete protection officer and complaint process that has been utilized to deal with member misconduct complaints
- the NGB investigation and hearing process is conducted by telephone, thereby removing the possibility of the complainant having an in-person confrontation with the alleged abuser

The complainant may also wish to file directly with the NGB if the complainant believes that there is conflict of interest at the local level that makes it difficult for the local club process to be impartial.

13.2.3 Potentially Criminal Conduct or Severe Misconduct. All potentially criminal conduct shall be immediately reported to the police. The person accused of such severe misconduct shall be immediately suspended from employment or affiliation with the Club until the complaint process is completed. Club fact-finding and ethics panel administrative proceedings should move forward simultaneously with criminal proceedings and begin promptly as soon as authorities have completed their initial gathering of evidence.

13.2.4 Standards for Administrative Decisions. It should be noted that taking action against an employee or member regarding violation of Club policy requires a lower standard of proof than is required in criminal cases that might result in incarceration of the offending party. Administrative decisions regarding minor or serious violations of policy simply require the Club President to believe that, more likely than not, the policy was violated. Thus, the Club President can act to suspend the employee before the completion of a fact-finding process and such action, if determined by the Club President to be necessary, should be taken to

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protect participants. Similarly, the decision of the Ethics Panel is a determination of whether the members believe that, more likely than not, Club policy was violated. These decisions do not require the higher criminal decision standard of "beyond a reasonable doubt."

13.2.5 Departure of the Person Alleged to have Engaged in Misconduct. In the case of any severe misconduct, if the person committing the misconduct is immediately terminated or, in the case of an athlete or volunteer, dismissed from the Club, and there is no denial of the misconduct:

a. Potentially criminal conduct shall still be reported to the police; and
b. In the case of any coach or other individual who is an NGB member, the NGB shall be asked to investigate the case in lieu of the club per 13.2.2.1 above OR full fact-finding shall be conducted by the Club and the Ethics Panel shall make and record a formal decision. The Club decision in the case of the latter shall be communicated to the NGB with a request for the NGB to revoke NGB membership privileges.

13.3 Prohibition of Retaliation. There shall be zero tolerance (i.e., immediate termination of employment or affiliation with the Club) for retaliation engaged in by any coach, employee, volunteer or athlete against any person submitting a complaint. This includes any retaliation by friends, parents, or spouse of the person alleged to have engaged in misconduct.

13.4 Immediate Action to Restore Safe Environment. If the complaint alleges a dangerous or hostile environment, the Club President and/or Athlete Welfare Advocate shall act immediately to restore a safe environment while the complaint process takes place (i.e., temporary suspension of the accused athlete or coach).

13.5 Confidentiality. If the athlete, or parent of a minor athlete, reporting harassment or other serious transgression, asks that the reporting athlete's or victim's name not be disclosed to the person accused, all reasonable steps to investigate and respond to the complaint consistent with the athlete's request shall be taken as long as doing so does not prevent the Club from responding effectively to serious misconduct (i.e., sexual harassment, hazing and preventing harm to others).

13.6 Notice to Person Alleged to Engage in Misconduct. The Club President shall advise the person alleged to have engaged in misconduct, verbally or in writing, that (1) he/she is alleged to have violated Club policy, (2) the specifics of the allegation contained in Part II of the complaint form (but not the identity of the person reporting the violation if confidentiality has been requested and can be honored), (3) that the Club complaint process will be followed, including the possible imposition of sanctions (i.e., appointment of a Fact Finder and decision by Ethics Panel), and (4) contact with and/or retaliation against the complainant shall not be tolerated, with immediate termination of employment and/or Club affiliation imposed if retaliation does occur. See Appendix C for a sample notice. The person alleged to have engaged in misconduct shall also be asked to indicate any witnesses to the situation who should be interviewed.

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13.7 **Fact Finding.** The Club President and the Athlete Welfare Advocate(s) shall agree on the assignment of a non-member of the board to conduct fact finding to verify and determine the full facts of the complaint. If the Club President has an ethics conflict (perceives self to be close to the coach/employee or influential in his/her hiring, or child being coached by the coach, etc.), another member of the Board shall be asked to participate in this appointment process. The USOC Athlete Protection Officer should be contacted to ask whether a volunteer attorney "investigator" can be provided to the Club at no cost, as part of the USOC Safe Sport initiative. The designated Fact Finder shall interview the complainant, the person accused, and any other individuals involved in or witnessing the situation.

13.7.1 **Interviewee Verification of Statements Given.** Following the interview of each principal and witness, the Fact Finder shall have that person sign the Fact Finder's summary of the interview to verify the accuracy of the statements recorded.

13.7.2 **Right to Submit a Written Statement.** The person alleged to have engaged in misconduct (and his/her attorney or other representative) shall have the opportunity to submit a written statement directly to the Ethics Panel in addition to the Fact Finder's summary of the interview.

13.7.3 **Report to Ethics Panel.** The Fact Finder shall prepare a report summarizing the case, attaching the written complaint and signed statements of interviewees and any written statement submitted by the accused. Because the Fact Finder is the only person interviewing all principals, the Fact Finder may comment on the credibility of individuals who were interviewed. The Fact Finder shall also make a recommendation to the Ethics Panel, supported by the attached statements, as to whether the alleged activity probably occurred. The Fact Finder may or may not recommend sanctions.

13.7.4 **Confidentiality.** The Fact Finder shall not communicate his/her findings to any persons other than the Ethics Panel and should not discuss the case with anyone prior to the Ethics Panel meeting.

13.8 **Ethics Panel.** The Ethics Panel shall determine whether Club policy has been violated on the basis of the report of the Fact Finder.

13.8.1 **Composition of Ethics Panel.** The Club president shall oversee the Ethics Panel appointment process. One current or former club member shall be appointed by the complainant and one current of former club member shall be appointed by the person alleged to have engaged in misconduct. These two members shall agree on a third member who shall Chair the Ethics Panel. The panel chair shall be responsible for working with the Fact Finder and other panel members to schedule the Ethics Panel meeting.

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13.8.2 No Interference. The complainant and person accused shall be instructed by the Club President not to contact members of the Ethics Panel prior to their meeting to determine the outcome of the complaint.

13.8.3 Process. The Ethics Panel shall receive the Fact Finder's written report at least 24 hours prior to the meeting of the Panel. The panel shall meet with the Fact Finder to ask questions related clarification of the report.

13.8.4 Credibility of Interviewees. The Ethics Panel shall not make judgments related to the credibility of the principals or witnesses interviewed by the Fact Finder because that is the function of the Fact Finder, who is the only person directly communicating with all principals and witnesses and therefore in the best position to make such determinations. The Fact Finder's determination of credibility may be a key determinant in the case. The following rules apply:

1. If there is a disagreement between the complainant's view and the alleged abuser's view, and the Fact Finder has reason to make a credibility determination, the Hearing Panel must accept this determination as "fact" unless the Panel believes that the Fact Finder has not made an impartial determination (i.e., has reached a conclusion that is wholly inconsistent with the facts or one that has been influenced by fraud, corruption or misconduct). If the Ethics Panel rejects the Fact Finder's credibility determination, no credibility determination is made and the decision rests solely on the facts presented.
2. It is acceptable for the Fact Finder to conclude that she/he cannot make a credibility determination, in which case the Ethics Panel, who has not interviewed all witnesses, cannot make a credibility determination. Thus the Ethics Panel decision shall rest solely on the facts.

13.8.5 Decision. In a session without the Fact Finder, the three panelists shall make the following decisions: (1) whether it is more likely than not that a violation of Club policy has occurred, and (2) if a violation has occurred, what sanctions should be levied against the person who violated policy. The panel shall make its decision based on a "preponderance of evidence" standard (i.e., that the allegations are more likely to be true than not). More specifically, the panel may determine any of the following decisions:

13.8.5.1 Complete Exoneration. The allegations may be determined to be false and not supported by the facts. In such case, the hearing record with a copy of the decision shall be filed in the employee's file. No sanctions are levied. Complainant and alleged person are informed of the decision. If the complainant is an athlete, the athlete may appeal the Club's decision to the NGB. The Club shall notify the NGB of the allegation and the finding in the case of any serious misconduct.

13.8.5.2 No Determination. The Panel may decide that there is insufficient evidence to make a determination. In such case, the hearing record with a copy of the decision shall be filed in the employee's file.

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Conditions or warnings regarding future behaviors may be levied but no other sanctions are levied. Complainant and alleged person are informed of the decision. If the complainant is an athlete, the athlete may appeal the Club's decision to the NGB. The Club shall notify the NGB of the allegation and the finding in the case of any serious misconduct.

13.8.5.3 Allegations Supported and Minor Sanctions Levied. Some or all of the allegations are found to be supported by the facts. Minor sanctions are levied such as:

- Warning
- Reprimand
- Probation with or without conditions
- Requirements for restitution
- Conditions intended to encourage personal rehabilitation
- Suspension

The complainant and alleged person are informed of the decision. If the complainant is an athlete, the athlete may appeal the Club's decision to the national sport governing body. The Club shall notify the NGB of the allegation and the finding in the case of any serious misconduct.

13.8.5.4 Allegations Supported and Major Sanctions Levied. Some or all of the allegations are found to be supported by the facts and major sanctions that include termination of employment and expulsion from Club membership are imposed. The individual shall be included on the Club "banned" list of individuals permanently excluded from membership, employment, or further association with the Club. The Club's decision is final. The Club shall notify the NGB of the allegation and the finding and make a formal request to have the individual permanently expelled from membership in the NGB. The individual determined to have engaged in misconduct has a right to appeal any national sport governing body decision to revoke his/her national association membership. However, the Club shall not interpret any NGB membership decision as invalidating the Club Ethics Panel decision or sanctions, including termination of employment or expulsion from the club.

13.8.6 Communication of the Panel Decision to Others. The accused person, the complainant (through the Athlete Welfare Advocate), the Athlete Welfare Advocate and the Club President shall receive oral and written notice of the decision of the Ethics Panel.

13.8.7 Athlete's Right to Appeal. In the case of any decision that exonerates or applies minor sanctions to the person alleged of misconduct, an athlete complainant has the right to appeal the Club's decision to the national sport governing body. This avenue of appeal is established recognizing that in the case of many highly

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successful coaches, Club members are reticent about losing a high performing asset, despite the implications for athlete safety. Recognizing this potential conflict of interest, the Club shall honor the decision of the national sport governing body with regard to the athlete's appeal.

14.0 Education and Awareness

14.1 Distribution of Policy. A copy of this policy shall be distributed to all coaches, staff, volunteers and parents along with a copy of "What Every Athlete Should Know.". Any questions that may arise during education sessions or raised by employees or members of the Club's Board of Directors or other advisory boards regarding the purpose of Safe4Athletes policies or educational materials should be addressed to Info@Safe4Athletes.org and will be answered promptly.

14.2 Parent Education. The Club President and Athlete Welfare Advocate shall conduct an education program for parents at the beginning of each season, which shall include distribution of a copy of this policy and "What Every Parent Should Know."

14.3 Athlete Education. Educating athletes about the contents of this policy is a dual responsibility. The Athlete Welfare Advocate together with the coaching staff shall be responsible for reviewing the "What Every Athlete Should Know" education publication at the beginning of each season. Every parent shall also be asked to do this with their child in the home setting.

14.4 Athlete Welfare Advocate. The Club shall provide each parent and athlete with information on how to confidentially contact the Athlete Welfare Advocate. Such information shall appear on the "What Every Athlete Should Know" educational publication.

14.5 Staff Meeting. The Club President shall conduct a meeting of all paid coaches, staff, and volunteers at the beginning of each season to review this policy and "What Every Athlete Should Know." All paid coaches, staff and volunteers shall be reminded of their duty to report any prohibited or perceived to be unsafe activity or environment and that individuals who have knowledge of prohibited or unsafe activities occurring and who do not report such activity, or who do not cooperate in the fact finding process, or who provide false or misleading information during the fact-finding process, may be subject to sanctions.

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APPENDIX A

[Insert Name of Sport Club}
COACH, EMPLOYEE, VOLUNTEER CODE OF CONDUCT AGREEMENT

Coach/Employee/Volunteer Name (PRINT): _____

Position Title (PRINT)_____ Date: _____

NOTE: It is a Club requirement and condition of employment or volunteer affiliation for all coaches, employees and volunteers to sign this document.

By signing below, I am attesting that:

- I have read, understand and agree to comply with the "*Club Philosophy and Policies Governing Professional Coaching Conduct and the Conduct of All Athletes, Employees and Volunteers*";
- I have been informed of and understand my obligations under state laws related to child welfare and protection;
- If I am involved in the coaching, teaching or other programs involving athlete participants, I am obligated to comply with the USOC and NGB Coaching Ethics Code. I have read, understand and agree to comply with these codes;
- I have asked for and received clarification about any policies I did not understand;
- I understand that failure to comply with any of these policies may result in sanctions or in my termination of employment as a coach or employee or my affiliation with the Club as a volunteer;
- I understand that these policies cannot address every possible situation that presents itself and they do not eliminate the expectation of good judgment and professional behavior at all times; and
- I understand that I am required to report any violation of these policies to the Club President whether committed by myself or by any other coach, employee, volunteer or athlete member of the Club

_____ _____

Signature of Coach, Employee, Volunteer *Date*

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APPENDIX B

[Insert Name of Club]
MODEL ATHLETE COMPLAINT FORM

INSTRUCTIONS: To file a formal complaint, please fill out this form completely and submit it to the Athlete Welfare Advocate of our Club. If you need help completing the form, or want to discuss the issue before completing the complaint form, please contact either of our Athlete Welfare Advocates for a meeting:

Contact information:

Mary Doe, 444-444-4444
John Doe, 444-444-4432

Please know that the information you submit will be held in confidence until you meet with the Athlete Welfare Advocate to discuss the process that will be followed to investigate and resolve the situation. The athlete should feel free to invite his/her parents to attend this meeting. Or, the athlete may prefer to have this meeting before discussing the situation with his/her parents. Or, for any athlete under the age of 18, the athlete's parent/guardian may complete this form. Please note that the athlete will never be required to confront the person accused. ***Upon request, the Club will keep the name of the athlete confidential, except when in doing so results in a danger to other athletes.***

PART I: Person(s) Submitting the Complaint

Person completing this form_____

Check One: ___ I am the athlete ___Athlete's parent/guardian ___Athlete Welfare Advocate___Other

1. Athlete's Name: _____

2. Athlete's Address: _____

3. Athlete's Telephone # _____

4. If you wish to have your parent(s), guardian(s), or another person attend a meeting with the Athlete Welfare Advocate, please provide the following information:

   Name: _____

   Address: _____

   Telephone # _____Relationship_____

Part II: The Complaint

5. Please describe the circumstances causing your complaint (give specific factual details, times, location, and name all individuals involved or who witnessed the situation).

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6. What was the date of the circumstances causing your complaint? _____

7. Explain how you have been harmed by this circumstance.

8. Please describe any efforts you have made to resolve your complaint informally and the responses to your efforts.

Date	With Whom Did You Communicate?	Describe Conversation

9. (OPTIONAL) Please describe the outcome or remedy you seek for this complaint.

Signature of Person Submitting Report_____

Signature of Athlete Welfare Advocate _____

Date Filed_____

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APPENDIX C

Sample Letter: Notice to Person Alleged to Engage in Misconduct

Following is a sample memo from the Club President to the person alleged to have engaged in misconduct, when it has been determined that resolution of the complaint to the satisfaction of the complainant is either not possible or inappropriate. Insert appropriate information as noted and send with a copy of the Club policy. A copy should be given to the Athlete Welfare Advocate and the complainant.

DATE: [*Insert date*]

TO: [*Insert name of person alleged to have engaged in misconduct*]

FROM: [*Insert name of club president],* Club President

RE: **NOTICE OF ALLEGED VIOLATION OF CLUB CONDUCT POLICY**

Please be advised that the Club has received a formal complaint alleging that you have violated the Club conduct policy (see attached). It has been reported that you may have violated Section [*insert number of paragraph in the policy that describes the violation*]. Specifically, the following conduct was reported:

[*insert the information contained in Part II of the complaint form*]

The Club complaint process will be followed in dealing with this report (see Section 13 of the attached policy), including the possible imposition of sanctions.

[*Insert name of Fact Finder*] has been appointed to be the Fact Finder for this case. [*He/She*] will contact you shortly to provide you with the opportunity to (1) respond to this report, (2) make a full statement in a hearing regarding the facts of this situation, and (3) identify any individuals who may have directly witnessed this situation and who should be interviewed by the Fact Finder.

Please be informed that you are not permitted to contact the complainant or suspected complainant or any witness or other Club member concerning this situation. The complainant has been informed of this same obligation. Any repeat of the alleged conduct or retaliation against the complainant or suspected complainant or team members shall not be tolerated, with immediate termination of employment and/or Club affiliation imposed if such conduct or retaliation does occur.

The person making this complaint has also be asked to indicate any witnesses to the situation who should be interviewed.

[If the situation is so serious as to require suspension of the individual until the complaint has been resolved, add the following paragraph.]
This report is sufficiently serious for the Club to have decided that it is in the best interest of the Club for your association with the Club to be suspended pending the outcome of the decision of the Ethics Panel concerning this matter. Please understand that this suspension in no way presumes that the complaint is accurate.

Thank you for your attention to this notice and these requests.

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GUIDELINES: THE ATHLETE WELFARE ADVOCATE (AWA)

You are an important person for any athlete who needs help thinking through and talking about a distressful situation. Our club cares about the safety and welfare of all participants and hopes that any athlete who may be the victim of abuse -- whether it is sexual, bullying, harassment or other improper misconduct by a coach, peer, parent, volunteer or staff member -- feels safe enough to contact you. The athlete should feel as though they have come to a person who will provide athlete-centered, supportive help. With this athlete assistance focus in mind, the AWA must be open to gaining the confidence of the athlete and developing a trusting relationship that will encourage factual, honest, and open dialogue. Keep in mind that you are **the advocate for the athlete** and your purpose is to hear the concern and then act on behalf of the athlete by working with others in the club to develop a resolution.

Feel free to call or email Safe4Athletes (855-723 3422 toll free or info@Safe4Athletes.org) to discuss the best way to handle certain situations or if you have questions about good process.

What Kind of a Person is the Athlete Welfare Advocate?

- A person who genuinely cares about children and young adults and enjoys helping them think through situations that cause them concern
- A good "listener"
- Someone who understands the need to support and validate a child's feelings and perceptions
- An individual who will act in ways that will make athletes feel confident that someone cares, that they will be heard, and treated fairly

Overview of Club Policies and the Complaint Process

Key to performing Athlete Welfare Advocate duties is thoroughly familiarizing yourself with the Club's athlete protection policies and the complaint process. Review the following 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

Initial Meeting with the Athlete (or the athlete and his/her parents)

WHERE DO YOU MEET?

- Provide a safe and confidential environment away from the abuser or other members of the Club
- Pick an environment that makes the athlete feel comfortable

PRELIMINARY COMMENTS

- Reinforce for the athlete that your actions and discussions are confidential and will not be relayed without the consent of the athlete. This includes not reporting to parents if requested by the athlete.
- Abused athletes or athletes reporting the abuse of another athlete frequently ask for an assurance of confidentiality. Explain that you will be able to honor the request for

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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

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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

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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.

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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

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or negative. Even the Fact Finder may like or dislike the people involved in a complaint whether they are coaches or athletes. The Fact Finder may also be worried about the reputation of the Club. All of these concerns must be set aside. Thus, it is important for the Fact Finder to acknowledge and be committed to overcoming his/her own preexisting bias about the people involved, duty to the Club, and to the highest possible extent, disregard emotional reactions and outbursts. Remaining calm, open-minded and impartial is essential. The Fact Finder has a duty to make his or her best effort to determine the truth.

- **Acknowledge Powerful Position of Coach or Adult Over Participants.** The hierarchy of authority in the program usually puts the coach at the top of the power pyramid. An athlete or parent might fear or at least automatically defer to the coach's judgment. Or, the coach may be so good or so respected, that parents and investigators may feel that the coach will leave the club if issues are raised about his or her misconduct. The Fact Finder should remind himself/herself that protection of the athlete and ensuring a safe environment is both a Club responsibility and an important obligation to parents. This may require the Fact Finder to remind persons interviewed that they must overcome these natural fears and inclinations and truthfully express exactly what occurred.

- **Preexisting Concepts about Coach Conduct.** The sport culture often accepts aggressive behavior by coaches as an expression of enthusiasm. So it is important to distinguish between acceptable behavior by "teachers" and media popularized versions of winning coaches who may yell at or physically abuse players. Yelling to demean or demoralize in a personal way is very different than yelling to communicate across a distance, loudly instructing to overcome the noise of a sport environment, or encouraging an athlete to produce his or her best effort. Swearing is never acceptable. Name-calling to demean is never acceptable. Yanking, pushing, constant touching, or hitting an athlete is never acceptable. These kinds of facts and descriptions cannot be ignored or accepted. They must be accurately described. Touching an athlete in a manner that makes them feel uncomfortable is never acceptable. It is good instructional practice and Club policy for a coach to ask the athlete in advance if it is "ok" to touch them in order to put a body part in the right mechanical position. "Spotting" or any protective coaching that would otherwise put an athlete at risk for injury is always acceptable but spotting techniques should always be explained to athletes. An occasional "high five" or a pat on the head or back to acknowledge a celebratory performance is generally acceptable unless the athlete feels uncomfortable for any reason. Think of acceptable behavior of a teacher in a classroom. This is the standard.

- **Preexisting Concepts about Complainant.** Remember that misconduct can never be excused because of the condition of the complainant (drinking, drug use, etc.). Neither can misconduct be excused on the basis of consent (i.e., consensual relationships between adults) or the complainant asking for or approaching a coach or other volunteer to engage in any activity defined by Club policy to be misconduct.

- **Don't Share Your Findings With Others.** Keep all information on the situation and all of your factual findings and impressions to yourself. Don't respond to other members of the Club who are curious about what you found out. The Fact Finder should only share written information with the appointed Ethics Panel.

STEP TWO: BEFORE BEGINNING INTERVIEWS

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- **Review the Complaint Form.** Insist on the submission of a written complaint signed by an identified individual or the Athlete Welfare Advocate representing the individual. It is permitted for the individual to remain anonymous to the Fact Finder and the Ethics Panel but not to the Athlete Welfare Advocate who should keep the original complaint in a confidential file.

- **Review the Notice to the Person Alleged to Have Engaged in Misconduct.** Review the notice to be sure the person alleged received full notice of the specifics that appear in Part II of the complaint form.

- **Speak to Staff Members Who Initially Received the Complaint.** Usually the complaint is submitted to a staff member, coach, or Athlete Welfare Advocate who is not the Fact Finder. Review the complaint form with that person to see if there is anything else that should be noted. This staff member should not be either the complainant or the coach/person alleged to have engaged in misconduct.

- **Get Contact Information.** Be sure to get phone numbers and emails for all the people who need to be interviewed.

- **Identify an Appropriate Interview Site.** Identify an interview location that, if possible, is away from the club and appropriate for a private conversation.

- **Schedule the Interviews.** Schedule a one-on-one meeting with (1) the complainant, (2) the person alleged to have engaged in misconduct, and, (3) individually, each person who observed the alleged misconduct.

- **Recording/Note Taking.** Accurate information is the Fact Finder's most critical responsibility. Whether the information is recorded via handwritten notes or initially via a tape recorder that is later used to make a written record, the Fact Finder needs to gather paper and pencil and/or a recorder with fresh batteries in order to be prepared. Whenever possible, try to use exact quotes and descriptions of the person interviewed. Always inform the person interviewed that the interview is being recorded.

- **Preparing Questions.** Imagine how difficult it might be for someone who has been embarrassed or sexually abused to tell his or her story. Preparing questions prior to the interview will help ensure that only one meeting is necessary. Some basic questions are:
    - What happened? Tell me about the problem.
    - Who was involved?
    - When did the incident take place?
    - Can you give me a specific example? This should be a question after any "general" statement by an interviewee, such as "He is always touching me," or, "He shows up at my house every morning when I go out for my morning run," or "She always makes me feel worthless," or "She always swears at us."
    - Where did it take place?
    - Are there any written documents, emails, text messages, Facebook messages or other social media communications that exist related to this situation. If so, ask for copies.
    - How did it make you feel?
    - Was the employee's ability to work or athlete's ability to participate affected?
    - Were there any witnesses?
    - Is there any documentation in addition to the formal complaint form?

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- Was this an isolated incident or a pattern of behavior? Did this happen to anyone else?

The complaint form may indicate other questions that should be asked. The Fact Finder should never be hesitant to ask for clarity, by saying something like, "I don't understand. Can you help me by explaining that again."

STEP THREE: CONDUCTING THE INDIVIDUAL INTERVIEWS

- **Introductory Comments for Each Interview**
  - Thank the person you are interviewing for coming.
  - Explain that you have been assigned to be the official Fact Finder for the club in a situation that might be unacceptable conduct. That your role is just to ask questions, listen and take notes. There is no other agenda.
  - Explain that you expect the person to be truthful and accurate. That it is important to focus on facts and not opinion.
  - Explain that the sports club or program treats such complaints with a commitment to fairly investigate the situation and take action if necessary to ensure that athletes and employees are participating or working in a safe environment that protects their well being.
  - Express the fact that you have not prejudged whether the formal complaint is accurate or whether any alleged conduct violated Club policy because that is the function of the Ethics Panel – not the Fact Finder. Explain that you are obligated to be impartial.
  - Explain that it is simply the Fact Finder's responsibility to accurately record what persons interviewed describe as having occurred and to assemble that information for the Ethics Panel to make a judgment.
  - Explain that it is important that the Fact Finder take notes or record the interview so notes can be prepared later that accurately express what the interviewee has said.
  - Explain that the person interviewed will be asked to review the Fact Finder's final notes about what was stated during the interview and to sign such notes indicating that comments were accurately represented.
  - Ask whether the interviewee has any questions before starting the interview.

- **Complainant Interview – should be the first meeting**
  - If the complainant is an athlete, speak to the Athlete Welfare Advocate to be sure the athlete is willing to be interviewed. In extreme cases, the interview may need to be with the Athlete Welfare Advocate alone or with the athlete's permission, his or her parent, representing the athlete. If the athlete is available for an interview, the athlete should be asked if he/she wants a parent and/or the Athlete Welfare Advocate to accompany the athlete and provide moral support. However, if the athlete is present, the parent and AWA should be instructed to allow the athlete to speak and tell his or her own story.
  - In addition to the basic questions, review all the facts that are in the written complaint and confirm that they are accurate.
  - Ask whether there is anything else the athletes wishes to say.
  - If the athlete's name is to be held in confidence, assure the athlete that his/her name will not be in any written report. However, the athlete must be informed that confidentiality cannot be honored if information received needs to be released in order

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to protect other athletes from being endangered, or if the athlete reveals that he/she intends to hurt himself/herself or others.
    - Restate the facts as you recorded them and ask the athlete to verify that your understanding is accurate and to sign your written summary.
    - Explain to the athlete and parent the process that will occur from interview through the Ethics Panel decision.
    - Confirm that the athlete or employee feels safe and has not experienced retaliation. If retaliation is reported, the Club President should be asked to address the situation immediately. Restoring a safe environment is not the Fact Finder's responsibility.
    - Remind the complainant not to discuss the situation or interview with others and to allow the fair process to continue. If asked about the situation, his/her response should be "I've been asked not to discuss this situation in order to protect the rights and privacy of everyone involved."
    - If you have any concerns about the credibility of the complainant, be sure to write this down along with why you have this concern.

- **Person Alleged to Have Engaged in Misconduct – should be the second meeting**
    - If the alleged abuser wants an attorney or friend to be present, this is okay, but a one-on-one private conversation is preferred.
    - If the alleged abuser or his/her attorney asks to confront the complainant, explain that this is not permitted under Club policy.
    - You may have to explain the allegation of inappropriate behavior to the employee or athlete, especially if it appears there is little question that the behavior occurred and the alleged abuser says he or she doesn't understand why it is wrong or that the complainant misconstrued his or her intentions.
    - In addition to the basic questions, review all the facts that are in the written complaint and confirm that they are accurate.
    - Ask if there were any witnesses to the situation.
    - Save your toughest questions for the end because asking them at the beginning might cause the interviewee to become defensive.
    - Ask whether there is anything else the person wishes to say.
    - Restate the facts as you recorded them and ask the person to verify that your understanding is accurate by signing your summary.
    - Explain that the alleged abuser may submit a separate written statement from the Fact Finder report of the intervie that will become part of the written record, if they wish, and that you would be happy to receive such statement by a date certain.
    - Explain the complaint process that will occur from interview through the Ethics Panel decision. If you can, give an estimate of how long the process will take.
    - Remind the alleged abuser not to discuss the situation or interview with others associated with the club and to allow the fair process to continue. If asked about the situation, his/her response should be "I've been asked not to discuss the situation in order to protect the rights and privacy of everyone involved."
    - Remind the alleged abuser not to contact the complainant, engage in any form of retaliation, or encourage others to mistreat the complainant and that there will be zero tolerance for such retaliation (i.e., termination of employment).
    - Invite the person to call the Fact Finder if they think of anything they forgot or have additional questions.

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- If you have any concerns about the credibility of the alleged abuser, be sure to write this down along with why you have this concern.

- **Witness Interviews**
  - Confirm that the person being interviewed observed the alleged misconduct.
  - If the witness is anxious or fearful about being involved in the situation, ask if he or she would mind talking about why they are fearful, explaining that everyone is expected to do their part in maintaining a safe participation environment and understanding what happened is critical to treating the complainant and the person accused fairly.
  - Be patient and reassuring. Remind the witness that he/she is not being asked to judge whether what happened is right or wrong, simply to clarify and accurately describe what happened.
  - Ask whether there is anything else the person wishes to say.
  - Restate the facts as you recorded them and ask the person to verify that your understanding is accurate and to sign your summary.
  - Explain the complaint process that will occur from interview through the Ethics Panel decision. If you can, give an estimate of how long the process will take.
  - Remind the witness not to discuss the situation or interview with others associated with the club and to allow the fair process to continue. If asked about the situation, his/her response should be "I've been asked not to discuss it in order to protect the rights and privacy of everyone involved."
  - Invite the person to call if they think of anything they forgot or have additional questions.
  - If you have any concerns about the credibility of the witness, be sure to write this down along with why you have this concern.

STEP FOUR: SUBMITTING YOUR FACT FINDING REPORT TO THE ETHICS PANEL

- **Cover Memo.** Write a short cover memo to the Hearing Panel, completing the following information:
  - Who is the complainant – name and position
  - Who is the alleged abuser – name and position
  - Short summary of the complaint – and refer to Appendix A which should be a copy of the formal complaint
  - Date you were assigned to be the Fact Finder
  - For each interview, give date and who was interviewed and a short summary of what facts you discovered – attach your actual notes from each interview as Appendices
  - If the alleged abuser submitted a separate written statement, attach the statement as an appendix

- **Recommendations**
  - Mention any concerns you have regarding the credibility of any interviewee if you feel that your position of having interviewed everyone gives you insight into determining such credibility. In other words, if there are conflicting statements, you may state who you believe and why.
  - State what you believe to have occurred.
  - Offer to meet with the panel at the beginning of the hearing process to answer any questions related to your interviews

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- If you believe the misconduct occurred, you may or may not recommend appropriate sanctions

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Guidelines for the Ethics Panel: Judging a Misconduct Complaint

Being a member of the Ethics Panel if asked 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. Our Club has a complaint processing procedure which is detailed in Section 13 of "*Club Philosophy and Policies Governing Professional Coaching Conduct and the Conduct of all Athletes, Employees and Volunteers.*" You should familiarize yourself with this document.

HOW THE ETHICS PANEL IS SELECTED

- The Club President oversee the Ethics Panel appointment process.
- One current or former club member shall be appointed by the complainant and one current of former Xlub member shall be appointed by the person alleged to have engaged in misconduct.
- These two members shall agree on a third member who shall Chair the Ethics Panel and who should be as impartial as possible.
- The panel chair shall be responsible for working with the Fact Finder and other panel members to schedule the Ethics Panel meeting.

WHAT THE ETHICS PANEL DOES

- Review (1) the complaint form, (2) the Fact Finder's reports of interviews with all witnesses, the complainant, and the person alleged to have engaged in misconduct and (3) any full statement submitted by the individual alleged to have engaged in misconduct.
- Review the Fact Finder's summary report of the facts of the case and recommendations which may include an opinion on the credibility of all persons interviewed
- Determines whether the conduct occurred and whether it violated Club policy
- If policy was violated, determine the sanction to be imposed

TIPS: EXAMINING THE FACT FINDER'S REPORT

- Were there any inconsistencies or parts of the complaint, explanation of the person accused, or observations of witnesses that didn't make sense?
- Examine each person's description of the event. How did the recollection of facts differ? Were there significant differences?
- Did each person's version of events make sense? Did any description seem implausible or farfetched?
- Was there any corroborating, supporting, or confirming facts?
- Did the person accused admit anything during the interview?
- Did the person accused specifically deny anything?
- Was the alleged abuser's version of the facts different from anyone else's version?
- Did the alleged abuser's version of the situation conflict with any of the documentation collected?
- Are there other things that the alleged abuser has said or done in other situations that make you believe that more likely than not the alleged behaviors actually took place

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THE ETHICS PANEL MEETING WITH THE FACT FINDER

- At the beginning of the Ethics Panel meeting to consider the complaint, the Fact Finder appears before the panel to answer any questions about his or her report
- The Ethics Panel is obligated to accept the opinion of the Fact Finder regarding the assessment of the credibility of each person interviewed as "fact" unless the Panel disagrees with the reasons for the Fact Finder's conclusions or believes that the Fact Finder has not been impartial. In such case, the Panel shall not determine the credibility of any principal or witness and shall accept the statements of all parties on their face.
- The Ethics panel is not obligated to accept the recommendations of the Fact Finder.

MAKING DECISIONS (without the Fact Finder present)

1. Did the misconduct occur?

- Remember, the panel must simply determine whether the probability of occurrence is more likely than not. This is not a court of law which requires a higher standard (i.e., beyond a reasonable doubt).
- Also remember that the perceptions of the complainant and the alleged abuser are irrelevant. The question addressed by the panel is "How would a reasonable person in the same or similar circumstances perceive the conduct and whether the conduct is addressed by Club policy?"
- Supervisors should be held to a higher standards of conduct than their employees; coaches should be held to higher standards of conduct than athletes.
- If there is a question of whether the complainant has some responsibility for communicating that the abuser's behavior is unwelcome, caution should be exercised in coming to this conclusion. The complainant's power position vis-a-vis the abuser must be considered. Also, the more severe the conduct, such as forced fondling or attempted rape, the less responsibility on the part of the complainant to object. The milder the conduct, such as jokes or teasing, the more responsibility the complainant has to speak up. The age of the complainant should also be considered.
- Caution should be exercised concerning the acceptance of misconduct explained as acceptable in the sport culture. The sport culture often accepts aggressive behavior by coaches as an expression of enthusiasm. So it is important to distinguish between acceptable behavior by "teachers" and media popularized versions of winning coaches who may yell at or physically abuse players. Yelling to demean or demoralize in a personal way is very different than yelling to communicate across a distance, loudly instructing to overcome the noise of a sport environment, or encouraging an athlete to produce his or her best effort. Swearing is never acceptable. Name-calling to demean is never acceptable. Yanking, pushing, constant touching, or hitting an athlete is never acceptable. These kinds of facts and descriptions cannot be ignored or accepted. They must be accurately described. Touching an athlete in a manner which makes them feel uncomfortable is never acceptable. It is good instructional practice and Club policy for a coach to ask the athlete in advance if it is "ok" to touch them in order to put a body part in the right mechanical position. "Spotting" or any protective coaching that would otherwise put an athlete at risk for injury is always acceptable but spotting techniques should always be explained to athletes. An occasional "high five" or a pat on the head or back to acknowledge a celebratory performance is generally acceptable unless the athlete feels uncomfortable for any reason. Think of acceptable behavior of a teacher in a classroom. This is the standard.
- Caution should also be exercised regarding judgment of complainant behavior. Remember that misconduct can never be excused because of the condition of the complainant (drinking, drug

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use, etc.). Neither can misconduct be excused on the basis of consent (i.e., consensual relationships between adults) or the complainant asking for or approaching a coach or other volunteer to engage in any activity defined by Club policy to be misconduct.

- It may be helpful to adopt the following decision-making system. Each member of the panel, should choose from among the following alternatives for each alleged incident of misconduct:
  1. Yes, I believe the behavior did occur as reported by the complainant;
  2. No, I believe the behavior did not occur as reported by the complainant;
  3. I believe that in all probability, the behavior did occur as reported by the complainant;
  4. I believe that in all probability, the behavior did not occur as reported by the complainant;
  5. I am not able to determine whether the behavior either did or did not occur as reported by the complainant;

  Share your answer with other members of the panel and the reason why you chose it, citing as many facts as you can. Determine whether the panel can agree on <u>either</u> 1 or 3. If so, the decision should be to support the complainant's version. If the panel agrees on <u>either</u> 2, 4, or 5, the decision should be not to support the complainant's version.

Continue if the misconduct was found to have occurred….

2. How severe was the offense?

It may be helpful to adopt the following decision-making system with regard to the severity of the misconduct. If there was more than one incident of misconduct, rate each one separately. Each member of the panel should choose from among the following levels of severity of misconduct:

Severe

1. Behavior was deliberate and repeated and caused severe physical or mental trauma to the complainant; or was deliberate, not repeated, but caused severe physical or mental trauma to the complainant, or was a vicious racial or sexual slur
2. Behavior was criminal – sex with a minor, rape, sexual battery, sexual coercion
3. Sexual harassment or violence
4. Any "serious" misconduct (see below) that is repeated – second offense

Serious

1. Hazing, initiation ritual, bullying, physical punishment intending to cause harm – 1st offense
2. Physical abuse during instruction – 1st offense
3. Misconduct in violation of prohibitions against romantic or sexual relationships with a consenting adult – 1st offense
4. Any moderate misconduct (see below) that is repeated – 2nd offense
5. False complaint – 1st offense

Moderate

1. Non-repeated offensive verbal harassment or bullying committed accidentally or without intent to harm – 1st offense
2. Non-repeated verbal or emotional abuse – 1st offense

Mild

1. Unintentional, single offense, first offense, minimal harm to complainant
2. Behavior overheard or seen but not directed at victim

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3. **What is the appropriate sanction?**
   - Review the written complaint and the Fact Finder's report to determine if the complainant suggested an appropriate complaint resolution.
   - Sanctions can and should be immediately applied by the Club President at the time of misconduct in the case of severe misconduct; in which case the hearing panel would review the sanction. Always remember that maintaining a safe environment for participants is the primary responsibility.
   - Consider the effect of the misconduct on the complainant. Was the athlete or employee embarrassed, humiliated, physically injured, demoted, etc.?
   - Consider the continuing effect of the complainant's exposure or association with the alleged abuser. If part of the solution is to separate the complainant and the alleged abuser (changing practice times or groups, etc.), the complainant should never be disadvantaged in doing so. Rather, the alleged abuser should be moved. If there is no way that the complainant can avoid continued association with the abuser and the misconduct was severe or serious, consideration must be given to expulsion of the abuser from the club or termination of employment. Continued suffering by the victim, including removal from friends in a training group, is not a fair resolution.
   - Consider imposing conditions to encourage personal rehabilitation, especially in cases of athlete misconduct (i.e., giving a talk about how hurtful bullying is to a younger team, etc.)
   - Sometimes, the panel might find that the complaint is false or malicious. In such cases an action against the complainant should definitely be considered.
   - Consider the range of sanctions and work hard to match the penalty to the offense:
     - Warning
     - Reprimand
     - Probation with or without conditions
     - Requirements for restitution
     - Conditions intended to encourage personal rehabilitation
     - Suspension for a definite period of time
     - Potential criminal prosecution
     - Termination from employment or affiliation with the Club
   - It may be helpful to consider the following system of sanctions based on the severity of the misconduct. If there was more than one incidence of misconduct, consider elevating the sanction. The following is only a sample approach to thinking about sanctions that should always be matched to severity of the offense, whether it was intentional, considering factors such as age, maturity, and position of trust of the people involved, whether there is a history of past offenses, and other appropriate considerations.

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Severity of Offense (see 2.0 typology above)	Coach/Employee/Volunteer Sanction	Athlete
Severe	Termination of employment/affiliation If possibly criminal, report to police	Expulsion from membership If possibly criminal, report to police
Serious	Suspension of employment/affiliation Letter of reprimand in file Warning: 2nd offense=termination False complaint Apology to complainant	Suspension from membership Warning: 2nd offense=expulsion False complaint Apology to complainant
Moderate	Probation Letter of reprimand in file Warning: 2nd offense=suspension of Termination Apology to complainant	Probation Warning: 2nd offense=suspension or expulsion Apology to complainant
Mild	Warning – apology to victim	Warning – apology to victim

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TO THE SPORT CLUB: The following educational document was designed for distribution to athletes by a sports club or program for the purpose of (1) emphasizing to all athletes that the club considers athlete safety a top priority, (2) educating athletes about issues of coach and other sport leader conduct, (3) providing information about the Club's Athlete Welfare Advocates. It should be customized with information on how to contact the Club's Athlete Welfare Advocates (see last page). Parents are also given a copy of this document and should be asked to review it with their child. The AWA should also have a private meeting (no coaches or staff) with all athletes to distribute and review this document, introduce the AWA to the athletes, invite them to contact the AWA if they have any concerns, and to answer athlete questions about prohibited behaviors or other concerns.

WHAT EVERY ATHLETE SHOULD KNOW ABOUT PERSONAL SAFETY

Because everyone associated with our club cares about your safety and well-being!

It is important that an athlete "respect" their coaches, teammates, staff and volunteers, but sometimes, they may act in ways that can be harmful and hurtful to young athletes.

It is important for every athlete to understand what is **unacceptable** behavior and when to reach out to an adult to ask for help and guidance.

Everyone needs to help to make sure our Club is a safe and positive environment free of abuse, bullying and harassment.

An adult has volunteered to be our Club's **Athlete Welfare Advocate (AWA).**

What does the AWA do?

- The AWA is available to any athlete who is concerned about the conduct of coaches, staff, volunteers or other athletes and wants to talk about what to do.
- Any conversation you have with the Athlete Welfare Advocate (AWA) will be ***confidential*** – **the AWA will not tell your parents or the person you are worried about unless you give the AWA permission to do so OR there is a danger that harm would occur to others or you.**
- **The AWA is there to talk to others adults or athletes for you.** YOU DO NOT HAVE TO CONFRONT A COACH OR ANOTHER ATHLETE WHO MAY BE CAUSING YOU CONCERN.
- If you need to talk about a situation and get it straight in your head before even thinking about making a complaint, the AWA can help you think about it.

When should I contact the AWA?

- Whenever something happens that **doesn't feel right** to "you," it is important that you speak up and talk to your AWA. See the list below.
- The AWA understands that sometimes athletes are worried that if they complain about a situation with a coach or an adult, the coach will no longer like you or give you good instruction.

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Or, you may think your teammates will get mad at you. **Don't be afraid to speak up! Our Club requires respectful conduct.**

- **Prohibited behavior – please tell the AWA if any of the following happens to you:**

No Bullying, Emotional or Verbal Abuse Allowed!

- When an adult or another athlete who is bigger, stronger or older tries to make you do something wrong, makes you feel worthless or makes fun of you in order to embarrass you or make you feel bad
- When someone yells at you, calls you names or swears at you
- When someone pushes, shoves, punches, pinches or hurts you in any way
- When someone tries to make you feel like you are a bad person
- When someone repeatedly attempts to control your personal or social life

No Sexual Abuse!

- Sexual contact, sexual attention, and any other behavior with sexual overtones that make you uncomfortable and you do not want to have happen
- Sex jokes, sexual cartoons or photos
- If someone touches you inappropriately, tries to pinch, fondle or kiss you
- Someone talking to you about sex, asking you to have sex, asking you to touch them or kiss them
- Someone talks about your body or your dress or calls you "hot"
- Emails, text messages or uses social media to talk about sex or suggest sexual things or send sexual photos
- If anyone tries to hurt you sexually or forces you to touch them

No Hazing, Initiation Rituals, or Physical Punishment!

- No team is allowed to have an initiation ritual or make you think that you have to do something embarrassing to be accepted on the team
- Activities that ARE NOT ALLOWED:
  - pressuring you to drink alcohol, take drugs, or eat or drink something you don't want to
    - giving you any substance for the purpose of improving performance
    - making you shave of any part of the body or take off clothes or show body parts
    - making you dress up and look silly
    - forcing you to do 100 sit-ups or run laps or do hard physical activity as punishment
    - asking you to perform a physical activity that is clearly beyond your ability and may cause injury

No Romantic or Dating Relationships with Coaches!

- Your coach must treat every athlete equally and should not be spending time alone with any athlete
- The coach is your teacher and romantic relationships are NOT OK

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Physical Contact!

- **A coach must always ask for permission prior to any touching of an athlete. The following situations are generally accepted unless "you" the athlete feels uncomfortable:**
  - when the coaches asks for permission to put a body part in a correct mechanical position or correct physical form;
  - a "high five" or pat on the head or back when congratulating an athlete for a good performance;
  - "spotting" or any protective coaching intended to reduce the risk of practicing or performing a skill that may cause harm with "spotting" techniques explained to the athletes beforehand;
- In general, if a coach or anyone else touching you makes you feel uncomfortable for any reason, it is okay for you to ask the person to stop and such physical contact must stop immediately no matter what the reason. **IF IT FEELS WRONG, IT IS WRONG!**

If you are unsure about any situation that makes you feel uncomfortable, please call either of the Club's Athlete Welfare Advocates to help you through the situation. A confidential meeting will be arranged away from the Club.

Mary Smith	***John Smith***
(XXX) XXX-XXXX	***(XXX) XXX-XXXX***
Mary.Smith@gmail.com	***John.Smith@gmail.com***

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TO THE SPORT CLUB: The following educational document was designed for distribution to parents by a sports club or program for the purposes of (1) emphasizing to all parents that the Club considers athlete safety a top priority, (2) educating parents about issues of coach and other sport leader conduct, (3) providing information about the Club's Athlete Welfare Advocates. It should be customized with information on how to contact the Club's Athlete Welfare Advocates (see last page). The parent should also receive a copy of the "Club Philosophy and Policies Governing Professional Coaching Conduct and the Conduct of all Athletes, Employees and Volunteers" and "What Every Athlete Should Know About Personal Safety."

WHAT EVERY PARENT SHOULD KNOW ABOUT ATHLETE SAFETY

Because everyone associated with our club cares about athlete safety and well-being!

Attached please find a copy of an important club policy, "*Club Philosophy and Policies Governing Professional Coaching Conduct and the Conduct of all Athletes, Employees and Volunteers.*" The purpose of this policy is to define in a very clear way inappropriate coach, sport leader and athlete participant conduct and the Club's commitment to protect the safety and well-being of athletes. The policy defines important terms and concepts such as bully, hazing, initiation rituals, physical punishment, sexual harassment, verbal and emotional abuse, etc. Please let us know if you have any questions.

We also ask that you read "*What Every Athlete Should Know About Personal Safety*" and discuss this education piece with your child.

While it may be uncomfortable to read about athlete abuse, sexual harassment, and other forms of unacceptable behavior, it is very important for the Club and all parents to educate our children about these critical safety issues. We need you to emphasize to your children that any conduct that makes the child uncomfortable should be discussed with you or the Club's Athlete Welfare Advocate (AWA). The AWA is our athlete safety officer.

Despite the fact that criminal background and previous employment reference checks are conducted on all of the Club's employees and volunteers who work with children, these background checks often do not reveal previous misconduct, especially if a previous employer simply fired the employee without contacting the police or if the behavior fell short of criminal conduct but crossed the line of professionally appropriate conduct.

We must all be vigilant guardians of our children.

Abuse of an athlete can take many forms, ranging from failing to act to prevent harm when a dangerous situation is recognized in a sports environment to sexual violence such as when a coach rapes an athlete, with many subtle and not so subtle forms of mistreatment in between. As we learned from recent media coverage of coach pedophiles in respected university programs and private sports clubs, even the most trusted adults may not be what they appear to be. Sexual abuse is almost always by a person known to the athlete who takes advantage of a position of power, is older, or bigger, or intentionally and successfully manipulates an immature or naïve athlete into what appears to be a consensual situation.

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How You Can Help

1. **Review "What Every Athlete Should Know About Personal Safety" with your child**. Emphasize the following points:
   - The vast majority of athletes do not find it easy to disclose their concerns. Many are afraid of being criticized by teammates.
   - Many athletes will not question a coach's behavior because they believe they will not receive instructional attention or be selected for a team or performance group.
   - Some athletes are afraid of being criticized by parents because they think their parents will suggest that they have to be stronger and not complain. While you should encourage your child to speak to you, you should also emphasize that they can go directly to the Club's Athlete Welfare Advocate, even without telling you. Fear of your reaction should not affect your child's decision to ask for help.
   - Explain that the sport environment sometimes contributes to an expectation of athlete "toughness" and, as a result, the sport culture urges that we tolerate abusive coaches thinking that it is acceptable behavior for coaches to "push" athletes using almost any means to do their best. Emphasize that this is not acceptable.
   - Explain that while our culture often accepts coach use of profanity, physically pulling athletes into position and other behaviors, these actions would never be tolerated of teachers in a classroom setting.

   Talk to your children regarding all inappropriate or abusive behaviors and what they should do if they observe or are subjected to such behaviors.

2. **Be a Vigilant Guardian.** In sport club settings, many parents almost blindingly allow the coach carte blanche in the handling of athletes. You must be the guardian of your children, holding coaches to the same standards as any teacher.

3. **Take any Reports of Mistreatment from your Child Seriously**. Don't respond by telling your child to be "tougher." Find out the specifics of what occurred. Talk to the Club's Athlete Welfare Advocate if necessary.

4. **Keep An Eye Out for Abuse and Bullying Indicators.** There are other indicators of abuse that parents and sport leaders need to be sensitive to such as:
   - Unexplained or recurring injuries such as cuts and bruises situated in areas of the child's body that are not normally prone to injury.
   - Physical injury where the explanation given is inconsistent.
   - Unexplained changes in behavior such as a child becoming withdrawn, quiet, aggressive or verbally violent.
   - Inappropriate sexual awareness and/or behaving in a sexualized manner.
   - Disordered eating behaviors such as the athlete overeating or showing a loss of appetite.
   - Excessive weight loss or weight gain for no obvious reason.
   - Physical appearance becomes unkempt.
   - The athlete becomes withdrawn and isolated from the team and seems unable to make friends.
   - The athlete begins to display a distrust of adults.

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- The athlete begins to exhibit behavioral changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, emotionally up and down, reluctant to go to school, training or sports club.
- A drop in performance at school or in the sport.
- Physical signs such as stomachaches, headaches, difficulty in sleeping, bed-wetting, scratching and bruising, damaged clothes and bingeing, for example, on food, cigarettes or alcohol.
- A shortage of money or frequent loss of possessions.

This is not an exhaustive list of indicators and the presence of an indicator cannot be seen to be definitive proof that an athlete is being abused. But your response to such indicators should be further investigation of the possibility that abuse is occurring.

Understand What Our Club Does to Help Prevent Abuse

Please know that the Club is also doing all it can to ensure the safety of your child:

- All coaches, volunteers, and staff undergo criminal background checks and previous employer reference checks before they are hired and allowed to work with children.
- The Club's written policies (1) clearly define coach misconduct, (2) prohibit romantic or other nonprofessional relationships between coaches and athletes, (3) define and prohibit emotional, verbal, and physical abuse, bullying, hazing, initiation rituals, and (4) prohibit all forms of sexual harassment, abuse, and violence.
- Our Club has education sessions for athletes to help them identify inappropriate behaviors and the process to be used to report such behaviors.
- Our Club has an independent "athlete welfare advocate" who athletes know they can go to in complete confidence to help them address concerns.
- Our Club conducts education sessions for coaches, staff and volunteers regarding professional behavior and prohibited behaviors that they must stop if observed by anyone.

Understand Why Confidentiality so Important in the Case of an Abused Athlete?

- Research shows that it may take 15-20 years for an abused person to feel safe enough to speak about the traumatic experience. Thus, every effort must be made to educate young athletes (1) about what constitutes abuse, (2) that abuse is not their fault, and (3) that a safe place exists for them to discuss a traumatic or distressing experience and get help.
- Molesters of children cultivate the silence of the victim through clear instructions to keep the relationship or misconduct secret, making the athlete think he/she will be:
  - embarrassed by disclosure;
  - will be punished by parents;
  - blamed by those in authority who think the coach is more important than the athlete;
  - dismissed from the team;
  - rejected by teammates; or
  - hurt by the withdrawal of benefits (instructional attention, team selection, etc.)
- Most children will not seek the help of the AWA if they think their parents will be immediately informed. Don't take this need for confidentiality personally. The important consideration is that your child feel that there is a safe place to ask for help in thinking through a situation that makes him or her feel uncomfortable.

A Place for Parents to Go For More Help or Information

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Safe4Athletes. Go to Safe4Athletes.org or call Safe4Athletes at 1-855-SAFE4AA (855-723 3422) (toll free**).** Safe4Athletes is a not-for-profit organization that advocates for athlete welfare where every athlete is provided a safe and positive environment free of sexual abuse, bullying and harassment. Parents should feel free to contact Safe4Athletes for more information.

What Safe4Athletes does:

1. Advocates for and helps sports organizations adopt effective policies, procedures and educational programs that prevent coach, volunteer and peer misconduct whether it be sexual, bullying, harassment or other forms of inappropriate behaviors.

2. Assists sports organizations faced with situations involving sexual misconduct, bullying, harassment and other forms of inappropriate conduct on how to handle these situations appropriately and act quickly to restore safe environments for athletes.

3. Is a safe and confidential place where abused athletes, their parents, or others concerned about the impact of coach/volunteer/peer misconduct can call to:
   - talk to other athletes who have been through similar situations;
   - be referred to professional counselors who can provide psychological or other assistance;
   - get advice on how to communicate with their sport organization so appropriate proceedings can be initiated to investigate, adjudicate, and if necessary, remove the offending coach or sport leader from his or her position before others can be hurt; and/or
   - help their sport organizations find model policies, procedures and programs and advice on how to prevent and to deal with such situations.

4. Encourages and helps educate all parents and athletes to be more aware of what they can do to recognize inappropriate coach/volunteer/peer behavior and understand how traumatic the effects of such experiences can be for athletes.

5. Partners with state, regional and national sport governing associations and other national sport organizations to encourage the adoption of legislation mandating that their members adopt strong policies, procedures, and educational programs regarding this issue.

Contact Your Club ATHLETE WELFARE ADVOCATE

If you are unsure about any situation that makes you or your child feel uncomfortable, please call either of the Club's Athlete Welfare Advocates to help you think through the situation and what should be done. *Mary Smith, (XXX) XXX-XXXX, Mary.Smith@gmail.com OR John Smith (XXX) XXX-XXXX, John.Smith@gmail.com*

We care about the safety and well-being of all of our athletes. We must all be vigilant guardians of our children.

Some of the information obtained contained in this paper was adapted from two primary resources "Definitions of Abuse" as published in Wavepower, Loughborough, Leicestershire, UK: British Amateur Swimming Association, May, 2009 and WomenSport International's brochure on "Sexual Harassment and Abuse in Sport" retrieved on October 14, 2011 from http://www.sportsbiz.bz/womensportinternational/taskforces/harassment_brochure.htm

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FREQUENTLY ASKED QUESTIONS (FAQ)
ABOUT SAFE4ATHLETES MODEL POLICIES AND PROCEDURES

NOTE: The responses contained in these FAQs are for information and educational purposes only and do not constitute legal advice. The Club should consult legal counsel for advice related to risk for litigation or other legal questions. Additional questions are invited and answers are posted on Safe4Athletes.org.

1. Why should your club adopt Safe4Athletes or similar child safety and welfare policies and procedures?

- Parents want to know that a sports program is safe for their children. Having specific policies that address these issues will increase parent trust and confidence in club leadership, coaches, or ownership.
- Athletes can concentrate on their sports, without second-guessing their "gut feeling" that someone's behavior isn't right.
- Clear rules and a fair process reduce the Club's risk from lawsuits that may be filed by dismissed coaches or the abused victim or her/his family.
- Many national sport governing bodies (NGB) do not yet require their Club members to have comprehensive athlete protection policies, and if they do, these policies may not address bullying or coach/peer athlete conduct that falls short of criminal behavior.
- Even when NGBs have processes that are applicable in cases of athlete sexual abuse, reporting and investigation procedures take a considerable amount of time and because the NGB is not the employer, the NGB in not in a position to address immediate suspension of an employee in the case of serious misconduct.
- The local Club is responsible for the safety of its program participants and is obligated to take immediate action to remedy a hostile environment.

2. Why, from a "protection from harm" perspective, is it important for a local club to have policies defining prohibited behaviors, misconduct, etc.?

- Coach/athlete abuse is a foreseeable risk of harm to participants, and as such, the Club has the responsibility to protect athletes against the occurrence of such harm.
- The failure to have policies or prevention systems is, in itself, an action by the Club to take no action. In other words and for example, if sued by the victim or her/his family, a court would most likely say "The athlete was harmed by the Club's failure to exercise reasonable care on behalf of the athlete by failing to adopt and administer policies that would have prevented the abuse suffered."

3. What is the Club's risk re: a coach who is terminated for misconduct, suing the club?

- Legal counsel should be consulted with regard to specific legal advice with regard to risk for litigation. However, in general, with <u>proper policies and procedures</u> in place, the Club's liability should be limited to the cost of dismissing frivolous lawsuits which should be covered by the Club's insurance policy.
- Proper procedures are:
  1. Any coach's or other employee's contract should include a provision that the club and the coach agree to abide by the USOC's and NGB's Coaching Code of Ethics and the Club's policies and procedures on professional coaching and employee conduct. The employment

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agreement should also contain a clear statement that failure to adhere to the Club's professional conduct policy is grounds for dismissal.

2. Coaches, staff, and volunteers should sign a statement that they have received a copy of the Club's policies and procedures and understand that failure to follow them may be cause for termination of employment or dismissal from the Club.
3. The Club should formally adopt Safe4Athletes or similar recommended model policies and procedures for handling allegations of abuse or misconduct under those policies. These policies include fair processes and a listing of possible sanctions and should be distributed to all parents, coaches, employees, and volunteers.
4. The Club should conduct criminal background checks and should confer with all previous employer references before new employees and volunteers are permitted to work with program participants.

- Without proper procedures in place, if harm occurs to a participant and the Club is brought to court, the Club's actions will be subjected to a scrupulous review and compared to a standard that the court may create on its own. Most likely, the standard defined by the court will be one the Club does not meet, since it doesn't have a policy.

4. Should the sports club keep a list of coaches and other employees banned for misconduct or other reasons and post this on its web site or distribute to parents?

YES….

- Such a list should be maintained and posted on the Club web site for the protection of future Club participants. State laws should always be reviewed with regard to limitations to responses related to reference check of former coaches and employees. Such a list illustrates to new employees and Club participants that the Club does not condone violation of misconduct rules.
- Such a list MUST include the name of the person AND the reason for dismissal. The Club cannot be held liable for defamation if it makes a true statement. For instance, "Coach X was dismissed for violations of the Club's policy prohibiting sexual harassment," or "Coach X was dismissed for violations of the Club's ethics policy related to theft of Club funds." Defamation occurs when "false" information is communicated to someone else or no information is communicated and the "banned" list implies misconduct when misconduct may not have occurred.
- This Club list is in addition to the national sport governing body (NGB) membership ineligibility list that prohibits banned coaches from coaching in all NGB member clubs. The Club should report its employment action to the NGB and encourage the NGB to initiate actions to revoke the coach's NGB membership. The NGB could be held liable if it knows of a coach's misconduct and fails to act within its jurisdiction. Remember that the NGB can only act to revoke the membership of its own members. If the offending coach or employee was not a member of the NGB, the NGB cannot take action.

5. Should the Club wait for the NGB to process a coach misconduct case before it takes action?

- The Club cannot allow an unsafe situation to continue for any time period. The Club must act immediately to restore a safe participation environment, even if it means suspending the coach until an investigation is completed. Only the Club can take employment action.
- In cases of serious misconduct in which the Club has acted to immediately suspend the coach, consideration should be given to asking the NGB to undertake investigation and adjudication of the complaint in lieu of the Club process. The Club should also determine whether its NGB requires such action. Even though the NGB investigation and process might take longer than

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the Club process, the NGB has the power to revoke the coach's membership and may be able to prevent the coach from being employed by all NGB member clubs.

- Safe4Athletes recommends that the complainant determine whether to file his or her complaint directly with the NGB in lieu of the club complaint resolution process and that this option is recommended under the following conditions:
  - the Club has acted to restore a safe environment by temporarily suspending the employment or Club affiliation of the person alleged to have engaged in serious misconduct until the complaint process is completed
  - the individual alleged to have engaged in misconduct is a member of the NGB
  - the alleged misconduct is of such a serious nature that the remedy sought is permanent revocation of NGB membership of the accused individual (banned from coaching)
  - the NGB has a code of conduct that prohibits the alleged misconduct
  - the NGB has an athlete protection officer and complaint process that has been utilized to deal with member misconduct complaints
  - the NGB investigation and hearing process is conducted by telephone, thereby removing the possibility of the complainant having an in-person confrontation with the alleged abuser
  - if the complainant believes that there is conflict of interest at the local level that makes it difficult for the local Club process to be impartial

6. What if the NGB in our sport has a weaker policy compared to Safe4Athletes model documents?

- It is not uncommon for an NGB to have a very poor policy or no policy at all. For instance, there are NGBs that allow romantic relationships between a coach and a participant who can legally consent (in most states that's 16!). Yet, it is unethical for any teacher to have a relationship with his or her students or employees to have romantic relationships with other employees they supervise.
- It is important to understand that NGB policy only establishes a "floor" or minimum position. Clubs can and should define higher ethical ground and are always permitted to have higher standards.
- We believe that the Safe4Athletes model policies are the kind of comprehensive policies that parents want clubs to put in place to protect their children.

7. Should a sports club have insurance that covers sexual harassment and other forms of coach misconduct?

YES…

- The Club should consult with an insurance broker to determine adequate insurance coverage limits and to make sure sexual harassment coverage is included in addition to general liability coverage and coverage of its board of directors and committees that make ethics decisions.
- For instance, recent litigation revealed that insurance policies required and/or provided by a club's national sport governing body did not cover situations involving sexual abuse, was inadequate regarding coverage of the victim's medical expenses, and/or was inadequate regarding coverage of the Club's legal expenses.

8. Are there additional costs associated with running a Safe4Athletes program ?

- There are no costs associated with downloading Safe4Athletes.org free model policies and forms or educational materials.

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    - Safe4Athletes also offers free materials that help parents, Fact Finders and Athlete Welfare Advocates be more effective.
    - Safe4Athletes' website contains links to other web sites and organizations that offer educational programming, counseling for athletes who have been victims of misconduct, or information about other athlete safety and welfare resources.
- Safe4Athletes fully supports the USOC's model *Coaching Ethics Code* which is available for free. This well-considered and constructed policy will help clubs create a safe sport environment and can be retrieved at:
  http://usacoaching.org/resources/Coaching%20Ethics%20Code_new.pdf
- The cost of doing an employee or volunteer criminal background check should be an existing Club expense.
    - For positions in demand, this cost can be passed on to employees following their selection, as a condition of final hiring.
    - For volunteers and others, the cost averages from $20 to $40 per investigation with as low a cost as $8 to $10 for a local police department check to up to $100 where finger printing is also conducted. The finger printing option is the best type of check to use and is recommended by Safe4Athletes.
    - A criminal background check should never replace checking the references of any prospect employee or volunteer who is expected to spend significant time supervising the activities of children.
- It is the Safe4Athletes position that a criminal background check alone is NOT an adequate screen for identification of abusive coaches or pedophiles. After victimization, most abused athletes need emotional healing and do not immediately press criminal charges. In many cases, the coach leaves quickly and quietly. Only a thorough reference check by a volunteer parent or committee in addition to the criminal background check may uncover the true reasons for a coach's prior dismissal from the previous club.
- There is a minimal cost involved in duplicating the policy and educational materials for distribution.
- There is an assumption that the Club will be able to obtain a volunteer parent or other community member who will be willing to serve as the club's "Athlete Welfare Advocate" or as the "Fact Finder" who investigates a complaint. Training materials are available at Safe4Athletes.org to help these individuals perform their responsibilities.
    - Local community colleges often run courses in child welfare supervision if the athlete welfare advocate is interested in becoming credentialed in this area. Or, a graduate student, faculty member trained in child welfare counseling, local licensed counseling professional, or school counselor may volunteer for this important role.
    - Local law firms are required to offer pro bono community service. Such firms may agree to provide an attorney to perform the fact finder role in cases of serious misconduct.

9. What are the responsibilities of the "athlete welfare advocate" (AWA)?

- **Advocate for the Athlete**. The role of the AWA is to be an athlete welfare and safety advocate, not a person whose role is to protect the club or its employees. The AWA is responsible for listening to any athlete complaint or expression of concern and determining how to best address this concern in the best interest of the athlete. The role of the AWA is to act on behalf of the athlete to ensure the athlete's safety, always considering the imbalance of power between participants and adults (coaches and others) who are in positions of authority. In

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addition, there may be other athletes or team volunteers whose actions may be intimidating or threatening to younger or weaker children.

- **Child-Friendly, Victim-Friendly Listener**. The AWA should be someone who understands "child friendly" communication and is approachable.
- **Confidant**. If the athlete wishes to have his or her name kept confidential, then only the AWA knows his/her identity, and the AWA represents the athlete in any meetings with the Fact Finder.
- **Independent**. In order to maintain a position of independence, the AWA should not be a member of the board of directors of the Club or serve the Club in any other capacity.
- **Two Recommended**. Giving athletes a choice of a person they are most comfortable in speaking with about sensitive topics is important. The Club should consider having both a male and female AWA.
- **Seeking a Social Worker or Counselor.** The Club should consider approaching local school district or college counselors, or licensed professional counselors, or social workers who might be interested in volunteering for this position.

10. Why is the position of "athlete welfare advocate" (AWA) important?

While most coaches are highly ethical, it is important to remember that the AWA position is critical to protect athletes from the one coach or employee who may be an abuser or pedophile. Thus, coaches and others should not be overly sensitive to the following comments. They are not intended to portray coaches and others as "villains."

- **Amateur Sports Club Participants Lack Legal Protections Found in Schools**. The experiences of children outside the home are protected when they are in school. Schools have trained educators and counselors. Federal laws like Title IX require educational institutions to have people and processes that address hostile environments and sexual harassment. In addition, many school programs must adhere to state laws that prohibit bullying, hazing, and other potentially dangerous behaviors. However, these very specific federal and state laws rarely extend to the protection of children in voluntary private after school programs conducted by 501(c)(3) organizations or private clubs owned by coaches. Unless a coach's conduct amounts to criminal conduct (a hurdle that club sports should not depend upon), there are no laws requiring prevention efforts and oversight.
- **"Listen to Your Coach."** In sport programs, the coach's authority is often considered sacrosanct, with athletes and their parents often expected to blindly support coach decisions related to training, discipline, and supervision of athletes. It is very difficult for athletes to question a coach's conduct, even to their family support systems.
- **Other Adults Do Not Observe the Coach Regularly**. Often, while the sports club may have a board of directors, these volunteers do not observe, dictate policy, or otherwise interfere with the conduct of the sport program, which is left to the total control of coaches. Or, if the program is privately owned by a coach, there may be no parental oversight.
- **Older Athletes Can Be Abusers Too**. The power relationships in sport programs are loaded in favor of coaches, adults and older and bigger athletes, who through immaturity, lack of professionalism, or dangerous intent, may use the power of their position to take advantage of or endanger the well-being of younger, less experienced or smaller athletes.
- **Athletes Don't Know Appropriate Boundaries**. An athlete may not be old enough or mature enough to recognize inappropriate coach conduct. Abusers of children are artful in their cultivation of child compliance with their requests.

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- **Athletes May Be Afraid of Consequences of Disclosure**. An athlete may be afraid that reporting coach misconduct fearing such a complaint will have a negative impact such as:
  - the coach continuing to provide unbiased instructional attention
  - selection as a team member or starter
  - the support of teammates, or
  - personal credibility.
- **The AWA Can Validate the Feelings of the Victim**. An abused athlete needs someone to validate his or her feelings. Even athletes who are over 18 years of age and capable of being consenting adults may not know what to do when confronted with a coach who lavishes him or her with personal attention, physical touching, or even expressions of love.
- **If a Formal Complaint is Filed, the AWA Supports the Athlete throughout the Process**. An adult is needed to stand up for the child throughout a complaint and fact finding process that will undoubtedly be intimidating for a young person.
- **Protecting the Coach**. The involvement of the AWA can protect the ethical coach. Conversations with athletes and parents can put appropriate training practices, disciplinary measures, and comments in perspective before they are blown out of proportion.

11. Who helps the "athlete welfare advocate" (AWA)? What if people have an interest in serving in this role but don't feel confident that they can do it?

- **USOC Director of Ethics and Safe Sport**. There is help and support for those who serve in this role. The United States Olympic Committee has a full-time employee, the Director of Ethics and Safe Sport, who is available for consultation. USA Swimming, a national sport governing association, has an Athlete Protection Officer, who serves a similar role for members of USA Swimming. Other NGBs may have employees assigned to serve in similar athlete protection roles.
- **Safe4Athletes.org.** The AWA can call Safe4Athletes or access Safe4Athletes educational materials developed to help the AWA.

12. Why is the role of "Fact Finder" important in the complaint process?

- **Credibility of Those Interviewed**. The Fact Finder is the person designated to interview the complainant, the person alleged to engage in misconduct and any witnesses and to determine the credibility of each person's statements. The Fact Finder's determination of credibility may be a key determinant in the case. The following rules apply:
  3. If there is a disagreement between the complainant's view and the alleged abuser's view, and the Fact Finder has reason to make a credibility determination, the Hearing Panel must accept this determination as "fact" unless the Panel believes that the Fact Finder has not made an impartial determination (i.e., has reached a conclusion that is wholly inconsistent with the facts or one that has been influenced by fraud, corruption or misconduct). If the Ethics Panel rejects the Fact Finder's credibility determination, no credibility determination is made and the decision rests solely on the facts presented.
  4. It is acceptable for the Fact Finder to conclude that she/he cannot make a credibility determination, in which case the Ethics Panel, who has not interviewed all witnesses, cannot make a credibility determination
- **Impartiality**. 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

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they are coaches or athletes. So it is important for the Fact Finder to acknowledge and be committed to overcoming his or her own preexisting bias about the people involved to the highest possible extent.

- **Sensitivity to Power Imbalance**. The hierarchy of authority in the program usually puts the coach at the top of the power pyramid. An athlete or parent might fear or at least automatically defer to the coach's judgment. Or, the coach may be so good or so respected, that parents and investigators may feel that the coach will leave the club if issues are raised about his or her misconduct. The Fact Finder should remind himself/herself that protection of the athlete and ensuring a safe environment is both a club responsibility and an important obligation to parents. This may require the Fact Finder to remind persons interviewed that they must overcome these natural fears and inclinations and truthfully express exactly what occurred.
- **Preexisting Concepts about Coach Conduct.** The sport culture often accepts aggressive behavior by coaches as an expression of enthusiasm. So it is important to distinguish between acceptable behavior by "teachers" and media popularized versions of winning coaches who routinely yell at physically abuse athletes. Yelling to demean or demoralize in a personal way is very different than yelling to communicate across a distance, loudly instructing to overcome the noise of a sport environment, or encouraging an athlete to produce his or her best effort. Swearing is never acceptable. Name-calling to demean is never acceptable. Under no circumstances should an athlete be subjected to rough yanking, assault or inappropriate touching. An occasional "high five" or a pat on the head or back to acknowledge a celebratory performance is generally acceptable unless the athlete feels uncomfortable for any reason. For instance, it is good instructional practice to ask the athlete in advance if it is "ok" to touch them in order to help them get into the right mechanical position. Thus, accurate and detailed descriptions of specific behaviors are essential and there should be no automatic acceptance of coach behavior.
- **Seeking Expert Volunteers**. Lawyers are professionally obligated to engage in pro bono (free) community service. The Club should consider approaching local law firms to see if they would ask firm attorneys to volunteer for duty as Fact Finders in cases of serious misconduct.

13. Who helps the "Fact Finder"? What if people have an interest in serving in this role but don't feel confident that they can do it?

- The Fact Finder can call Safe4Athletes or access Safe4Athletes.org educational materials developed to help conduct an investigation.
- The Fact Finder can call the USOC or NGB Athlete Protection Officer to ask for advice or assistance.

14. There are many private clubs and sport instructional programs and leagues that are owned by coaches or other individuals. In these privately owned commercial clubs, there is no Board of Directors consisting of parents or others who can play the oversight and protection role recommended by Safe4Athletes. What about these organizations?

- There is nothing to prohibit a responsible private Club owner who may also be a coach from establishing a parent advisory board and adopting the policies and procedures recommended by Safe4Athletes. This Parents Advisory Board would be responsible for designating a Club President and Athlete Welfare Advocate. The Club owner would be responsible for ratifying the decision of the Ethics Panel.

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- If the Club owner is the person alleged to have engaged in misconduct and refuses to accept the decision of the Ethics Panel or allow the complaint process to occur, the Parent Advisory Board should initiate a complaint procedure with the NGB.
- Adoption of such policies should be perceived by parent customers as a benefit of enrolling their children in a program committed to maintaining a safe athlete environment.
- Similarly, in sport programs sponsored by institutional agencies like Boys' and Girls' Clubs, YWCAs, etc., there are boards of directors who might not be parents but whose members can serve in these roles. The policy should be adjusted to use the correct titles of these groups.

15. Do Club complaint procedures have to conform to the strict "due process" provisions of the Ted Stevens Olympic and Amateur Sports Act (ASA)– such as the right to confront your accuser and engage in adversarial or hostile questioning of the accuser?

NO….

- Only the NGB and the USOC are obligated to ASA due process standards because even if the Club terminates the coach's employment, this does not prevent the coach from being employed by another club or being a national team coach. Thus, the conditions for application of Amateur Sport Act strict interpretation of due process do not exist. The Club must do what is right to protect itself and its participants.
- The due process provisions under the Safe4Athletes model policy conform to the requirements of administrative rather than criminal law or the ASA.
- If the NGB acts to ban the coach from membership in the NGB and therefore access to coaching in protected competitions, the NGB must give the coach these Amateur Sport Act mandated due process rights.
- The NGB cannot tell the Club that a terminated coach must be rehired.
- The Safe4Athletes recommended procedures ensure that the victim of abuse does not have to directly confront his/her accuser or participate in hostile or adversarial questioning by the accuser or the accuser's attorney. This common sense protection of young athletes is both necessary and sensible and may not be provided by the NGB.
- The Safe4Athletes recommended "fair process" includes the following requirements that balance the interest of the accused and the accuser:
    - that notice be given to the accused person of the alleged misconduct;
    - an impartial Fact Finder interviews all principals and witnesses to the alleged misconduct;
    - the accused person receives a hearing before the Fact Finder;
    - the accused individual has the right to submit a full written statement to the Ethics Panel, the group that determines whether the Club policy has been violated. This statement is in addition to any report of the Fact Finder.
    - The members of the Ethics panel are appointed in a balanced manner with the accused selecting one member, the complainant selecting another and these two agreeing on the third member.

16. Do Club athletes dismissed from the Club or coaches or other employees dismissed from the Club for misconduct have any right to appeal to the NGB/USOC and the arbitration provisions of the Amateur Sports Act?

No…. any action by a local club to dismiss a participant or employee does not prevent that individual from competing for or being employed by another team or club program. Therefore the

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Club's action does not deny access to amateur competition in that sport or any of the protected competitions governed by the Amateur Sports Act.

17. Why is the Safe4Athletes model policy so detailed with regard to prohibited behaviors? Should it be modified to be more positive?

- One of challenges that had to be addressed was clear communication of acceptable versus unacceptable behavior. So many behaviors popularized in the athletics culture and accepted by coaches, volunteers, athletes and parents, are simply not acceptable as professionally appropriate conduct.
- If a coach or other employee's job is on the line, or an athlete's continued membership in the club is at risk, they deserve to know precisely what behaviors fall into the zero tolerance and prohibited categories.
- The policy is also an educational tool. We know that athletes, parents, and others don't always know what appropriate conduct is and, as a result, decide to tolerate the behavior rather than be subjected to the embarrassment of admitting they don't know whether the conduct is right or wrong.

18. Can our Club use the Safe4Athletes policies and procedures even if the Club chooses to modify them?

- Yes, the Club is free to adopt whatever policies and procedures it deems appropriate. However, if Safe4Athletes policies and procedures are changed without Safe4Athletes approving the modification, the Club is not permitted to represent to the public that ***"Our Club has adopted Safe4Athletes policies and procedures which are designed to provide our athletes with a safe and positive environment free of sexual abuse, bullying and sexual harassment."***
- Safe4Athletes encourages Clubs to call Safe4Athletes regarding proposed policy modifications.

19. Why is the issue of confidentiality so important in the case of an abused athlete?

- Research shows that it may take 15-20 years for an abused person to feel safe enough to speak about the traumatic experience. Thus, every effort must be made to educate young athletes (1) about what constitutes abuse, (2) that abuse is not their fault, and (3) that a safe place exists for them to discuss a traumatic or distressing experience and get help.
- Molesters of children cultivate the silence of the victim through clear instructions to keep the relationship or misconduct secret, making the athlete think he/she will be:
  - embarrassed by disclosure;
  - punished by parents;
  - blamed by those in authority who think the coach is more important than the athlete;
  - dismissed from the team;
  - rejected by teammates; or
  - hurt by the withdrawal of benefits (instructional attention, team selection, etc.)
- Most children will <u>not</u> seek the help of the AWA if they think their parents will be immediately informed.

20. What size club is going to be able to support a Board of Directors, two Athlete Welfare Advocates, a Fact Finder, and an Ethics panel? Background checks on all of them will get expensive for the coach-owned clubs. Let's put it this way, my club has 70 members, is a small coach-owned club and I have trouble getting my parents to be "timers" at meets.

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- A small Club may decide to have only one Athlete Welfare Advocate.
- The Fact Finder and Ethics Panel are only put together when they are needed and usually to deal with situations involving serious misconduct. The Club always has the option to choose to use the NGB investigation and adjudication process if one is available (see Question 5 above and Section 13.2.2.1 of the Safe4Athletes Model Policy.
- In the case of a small coach-owned club, the Parents Advisory Board could be as small as three parents.
- Criminal background checks are only recommended for the AWA and coaches or others who have direct contact with athletes. Background checks are not required for the Fact Finder or members of the Ethics Panel.
- Distributing the model policy, "*What Every Parent Should Know"* and *"What Every Athlete Should Know*" to all parents and having a meeting to review these documents gives the Club president (or coach in the case of a coach-owned club) an opportunity to express the importance of parent involvement.

21. Educating athletes and parents on policy at the beginning of each season invites athletes and parents to come "whining." The already busy coach may have another job, family, etc., and is not going to want to spend the time to do all of this each year. Burdening the coaches and taking them away from coaching is cumbersome. Not to mention the cost in time and money to duplicate and distribute educational materials and educate everyone involved.

- While all of these points may be true, the alternative is not educating athletes, employees and parents about athlete safety and increasing the chances that a pedophile will harm club participants, coaches and athletes will abuse others with no effective mechanism established to confront such harm, or that athletes will be fearful about coming forward to report abuse.
- Airport security measures are expensive and time-consuming. It took time (and many discarded bottles of water and toiletries) for airport travelers to be educated about what was acceptable to pack in their carry-ons. We are now educated and no longer joke about guns or behave in questionable ways when we are on airplanes. We accept and tolerate such processes because we want to minimize the possibility of a terrorist hurting us. Does not the safety of our children require that we accept new and probably inconvenient responsibilities?

22. The Fact Finder is the only finder of credibility. If the Fact Finder has an agenda against the coach, the Fact Finder might have or has too much power. Who represents the coach?

- The coach is always permitted to have an attorney or another person as his/her advocate.
- There is a built-in check and balance with regard to an unbiased Fact Finder. In 13.8.4 of the model policy specifies the circumstances in which the Ethics Panel may not accept the Fact Finder's determination of credibility: if **"**…the Panel believes that the Fact Finder has not made an impartial determination (i.e., has reached a conclusion that is wholly inconsistent with the facts or one that has been influenced by fraud, corruption or misconduct). If the Ethics Panel rejects the Fact Finder's credibility determination, no credibility determination is made and the decision rests solely on the facts presented."

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23. **Once a Club puts these policies in place, the risk in liability for the Club if one of these links (AWA, Fact Finder, etc.) doesn't do their job or does not perform according to the standards put forth will be held liable. This could open the Club up for more liability.**
    - The Club is always liable if it does something wrong under the law. That is why it is always important for the Club to have liability insurance, directors and officers liability insurance, and to be sure insurance coverage includes sexual harassment on the part of club employees and the decision-making of the Ethics Panel and other governance committees appointed by the Board.
    - Safe4Athletes believes that educating athletes, employees, volunteers, and parents and having clear policies and procedures in place to deal with those situations that put the Club at higher legal risk, ultimately results in lowering the Club's exposure to lawsuits that have merit. However, the Club should seek the opinion of legal counsel if it has questions regarding such legal liability.

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