

## **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](http://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 is 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 proper policies and procedures 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

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

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.

- 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](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

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.

- **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

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](http://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.

- 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



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 not 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.**

- 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.”

**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.