

Conshohocken Rowing Center Sexual Harassment and Child Abuse Prevention Policy

Conshohocken Rowing Center is committed to a professional environment where all individuals are treated with respect and dignity and are free from discriminatory or harassing behavior based on race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity, national origin, ancestry, age, disability, genetic information, marital status, domestic partnership or civil union status, veteran status, or any other basis protected by law; where employees, volunteers and program participants, without fear of personal or professional retaliation, may raise a complaint about alleged discrimination, harassment and/or retaliation and receive a prompt and appropriate response; and where program participants, including minors, can learn and engage with CRC Employees in a manner that is safe and conducive to appropriate professional boundaries.

CRC is also committed to the prevention of child abuse and neglect as defined by Pennsylvania Child Protective Services Law, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act (SafeSport) and this Policy. This Policy is designed to protect minors and those involved in amateur athletics from sexual or other forms of abuse and comply with all federal and state laws and regulations regarding the prevention, identification, and reporting of child abuse and neglect.

I. SCOPE

This Policy applies to all employees, volunteers, and applicants for employment of CRC. Employees are also subject to the U.S. Center for SafeSport Code and applicable policies and procedures.¹

For the purposes of this Policy, the term Employee includes volunteers and applicants for employment.

The term Program Participants refers to adult or minor athletes who participate in CRC recreational or competitive rowing programs.

The term Minor or Child refers to an individual under 18 years of age.

II. EMPLOYMENT CRITERIA

CRC is an Equal Opportunity Employer and makes employment decisions on the basis of merit. CRC's goal is to attract, hire, develop, retain and promote the most qualified personnel for all positions without regard to race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), sexual orientation, gender identity, national origin, ancestry, age, disability, genetic information, marital status, domestic partnership or civil union status, veteran status, or any other basis protected by law. CRC has adopted and will continue to follow lawful policies and practices in all aspects of employment, including recruiting, hiring, evaluation, promotion,

¹ <http://safesport.rassmantech.webfactional.com/response-and-resolution/policies-and-procedures/>.

training, discipline, compensation, and termination. All unlawful discrimination and harassment is prohibited and will result in discipline, up to and including termination of employment.

A. BACKGROUND CLEARANCES

All CRC employees who have direct contact with minors are required to obtain the following clearances:

- FBI Background Check (fingerprint-based federal criminal history submitted to the FBI through the Pennsylvania State Police or an authorized agent of the Pennsylvania State Police)
- Pennsylvania Criminal Background Check (report of criminal history from the Pennsylvania State Police)
- Pennsylvania Child Abuse History (from the Department of Human Services)

Employment is conditioned upon proof of the required background clearances. Employees must renew all clearances annually.

Employees who have direct contact with minors include those individuals who are responsible for the welfare of a child; provide or have the possibility of providing care, supervision, guidance or control of children; have routine interactions with children; or have contact with a child or children that is regular, ongoing and integral to their responsibilities. In terms of the duration and frequency of contact, routine contact is described as ten (10) or more hours or five (5) or more distinct contacts in the course of a twelve-month period.

B. MANDATORY DISCLOSURE

A CRC Employee who is arrested (in any jurisdiction) or named as perpetrator in a founded or indicated report of child abuse through child protective services is required to disclose the arrest or child protective services finding to the Executive Director within 72 hours of the arrest.

Similarly, a CRC Employee who is terminated, resigns, or otherwise separates from another child-serving organization on the basis of, or while an investigation is pending regarding, sexual misconduct is required to disclose the separation to the Executive Director within 72 hours of the employment action.

C. EDUCATION AND TRAINING

CRC requires that Employees who have direct contact with minors complete two forms of training in the identification and prevention of child abuse and neglect through:

- 1) U.S. Center for SafeSport: <http://safesport.rassmantech.webfactional.com/training-and-education/training-and-education-services/> (90-minute online course); and,
- 2) Commonwealth of Pennsylvania-approved mandatory reporter training. This training may be completed online through one of the three trainings available at <http://keepkidssafe.pa.gov/resources/training/index.htm>, through training provided

by CRC, or by providing verification that this training has been completed through the Employee's full-time employer (if not CRC).

Training is required before the Employee is able to have contact with minors, and SafeSport refresher training must be completed annually.

D. PROFESSIONAL REFERENCES

Each applicant for employment must provide CRC with a list of and contact information for all current or former employers, volunteer organizations, or community organizations where the applicant had direct contact with children. Direct contact with children is defined as the possibility of care, supervision, guidance or control of children or routine interaction with children. The applicant must provide a waiver which permits the current or former employer or organization to release information to CRC related to the questions below:

1. Was the applicant the subject of an abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency or child protective services agency (unless the investigation resulted in a finding that the allegations were false)?
2. Was the applicant disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from employment while allegations of abuse or sexual misconduct were pending or under investigation or due to adjudication or findings of abuse or sexual misconduct?
3. Has the applicant had a license, professional license or certificate suspended, surrendered or revoked while allegations of abuse or sexual misconduct were pending or under investigation or due to an adjudication or findings of abuse or sexual misconduct?

The applicant must also provide written responses to the questions below:

1. Have you ever been accused of, investigated, or disciplined (including suspended, expelled, dismissed or terminated, nonrenewed, asked to resign) for misconduct at a prior educational institution or employer, either as a student or employee?

For purposes of this question, the term "misconduct" means any conduct that violated policies of the institution or employer, including, without limitation, sexual harassment and other forms of discrimination and harassment, sexual misconduct or abuse, or other inappropriate behavior.

You should answer "yes" to this question if you were accused of, or investigated for, misconduct, and voluntarily withdrew, resigned, separated or departed from the institution or employer, even if you did so prior to a final determination.

2. Have you ever had a license, professional license or certificate suspended, surrendered or revoked while allegations of misconduct were pending or under investigation, or due to an adjudication or findings of misconduct?

If the applicant answers yes to either question, the applicant must provide additional details, including a description of the misconduct, the name of the institution or employer, and the outcome of the case, including whether the applicant withdrew or departed with allegations pending, or whether the case was finally resolved, as well as the final determination and discipline (if any).

CRC reserves the right to deny or terminate employment based on an applicant's failure to comply with this provision or in the event that adverse information is obtained from these responses and professional references.

E. ATTESTATION

All Employees are required as a condition of employment to review this Policy, sign and attest that they have read the Policy, understand its contents and will adhere to the Policy provisions. All newly hired employees must do so prior to the commencement of employment.

III. MANDATORY REPORTING OF CHILD ABUSE AND SEXUAL MISCONDUCT

All CRC Employees are required to report suspected Child Abuse and Prohibited Conduct, as defined in Section V, below, under Pennsylvania child protective services law and SafeSport. The reporting requirements vary, as outlined below. In all instances, the employee must also report the suspected misconduct to the Executive Director.

A. DUTY TO REPORT SUSPECTED CHILD ABUSE TO PA CHILDLINE

All CRC Employees, including administrators, instructors, coaches, independent contractors, and volunteers are considered Mandated Reporters under Pennsylvania state law.

CRC Employees and volunteers have a legal duty to report suspected child abuse or neglect of a child to ChildLine when:

1. The Employee comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service;
2. The Employee is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, or other entity that is directly responsible for the care, supervision, guidance or training of the child;
3. Any person makes a specific disclosure to the Employee that an identifiable child is the victim of child abuse or neglect; or
4. An individual 14 years of age or older makes a specific disclosure to the Employee that the individual has committed child abuse or neglect.

The duty to report is triggered by reasonable cause to suspect that a child under the age of 18 is a victim of child abuse or neglect, regardless of whether the alleged abuser is a parent or guardian, a CRC Employee, another adult, or an individual whose identity or role is unknown. Child abuse or neglect may be committed by any individual, including a parent, caregiver, teacher, coach,

employee, team member, or other individual in the child's life. The duty to report exists regardless of the role the potential perpetrator plays in the child's life.

Reasonable cause may be based on the Employee's own observations or knowledge, or on information shared with the Employee by the child or any other individual. Reasonable cause to suspect is a very low threshold. It does not require proof, nor actual evidence, and the Employee should not seek to investigate the information. Reasonable cause may exist regardless of whether the date of abuse, the specific nature of the act, or the identity of the perpetrator is known. When in doubt about whether to make a report, the Employee should always err on the side of reporting the conduct of concern.

1. HOW TO REPORT TO CHILDLINE

An Employee who has reasonable cause to suspect that a child is the victim of child abuse or neglect must take the following actions:

1. If the child is in immediate danger, call 911.
2. Immediately make a report of the suspected child abuse or neglect by:
 - a. Calling Pennsylvania's ChildLine (a 24-hour toll free telephone reporting system operated by the Pennsylvania Department of Human Services) at 800-932-0313; or,
 - b. Filing a written report at www.compass.state.pa.us/cwis. The written report shall include: the names and addresses of the child, the child's parents and any other person responsible for the child's welfare; where the suspected abuse occurred; the age and sex of each subject of the report; the nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or any sibling of the child; the name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual; family composition; the source of the report; the name, telephone number and e-mail of the person making the report; the actions taken by the person making the report; and, any other information required by Federal or state law or regulations.

An oral report to ChildLine must be made within 24 hours, and must be followed by a written report at www.compass.state.pa.us/cwis within 48 hours of the call. A written report does not need to be followed by a call to ChildLine.

2. HOW TO REPORT CHILD ABUSE WITHIN CRC

After contacting ChildLine, the Employee must:

- Immediately notify the Executive Director. If unable to reach the Executive Director, the Employee should notify the Associate Executive Director.
- Document all information received by the Employee, including any observations by or disclosures made to the Employee. The documentation should include factual

observations, not statements of personal opinion or speculation. The documentation should also include the circumstances and timing of the ChildLine report, including the name and ID number of the ChildLine operator.

- Provide a copy of the written report to the Executive Director.

The Executive Director can assist an Employee in making a report, but the Employee is not required to notify the Executive Director *before* making the report to ChildLine.

The Executive Director will confirm with ChildLine that the suspected abuse has been reported and inquire whether the report has been accepted by child protective services and/or referred to law enforcement. The Executive Director will facilitate the cooperation of CRC with external agencies.

3. PROTECTION FOR GOOD FAITH REPORTING

Under Pennsylvania law, a person who makes a good faith report of suspected child abuse or neglect (whether required to or not), cooperates or participates in an investigation, or testifies in any proceeding, has immunity from civil and criminal liability. Employees are also protected from employment discrimination for making a good faith report of suspected child abuse.

4. FAILURE TO REPORT

Under Pennsylvania law, a Mandated Reporter who willfully fails to report a case of suspected child abuse or neglect or to make a referral to the appropriate authorities commits an offense up to the level of a felony of the third degree. Mandated Reporters who negligently, recklessly, or willfully fail to report suspected child abuse or neglect may also be subject to disciplinary action by CRC, up to and including dismissal.

Additionally, anyone impeding or obstructing an investigation into suspected child abuse or neglect, or retaliating against anyone involved in the reporting or investigation of suspected child abuse or neglect may be in violation of Pennsylvania law or otherwise subject to disciplinary action by CRC.

B. DUTY TO REPORT PROHIBITED CONDUCT TO SAFE SPORT

In addition to ensuring a report to ChildLine, and pursuant to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, the Executive Director must notify both SafeSport and law enforcement within 24 hours of learning of Prohibited Conduct.

- To notify Safe Sport, the Executive Director can either visit the website at <http://safesport.rassmantech.webfactional.com/report-a-concern/> and fill out the online form or call SafeSport at (720) 531-0340 (Monday through Friday, 9 a.m. to 5 p.m. MT).
- To notify law enforcement, dial 911.

Pursuant to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act, failure to report to SafeSport and law enforcement within 24 hours of learning of the child abuse is punishable by imprisonment of up to one year.

C. ADDITIONAL NOTIFICATIONS

Following notification of ChildLine, law enforcement and SafeSport, the Executive Director must do the following:

1. Immediately notify the Board of Directors;
2. Immediately notify the appropriate representative for the Borough of Conshohocken, the Malvern Preparatory School, or the Haverford School; and
3. Document the date, time, and name of the representative with which the Executive Director or CRC communicated at every outreach (SafeSport, law enforcement, and ChildLine).

D. CONFIDENTIALITY AND PRIVACY

CRC recognizes that given the nature of Employees' interactions with children and their families, parents, other employees, or children may choose to share sensitive information. Employees should seek to keep such information in confidence where possible, but the Employee cannot keep information pertaining to potential child abuse or Prohibited Conduct confidential.

All Employees involved in the reporting process must maintain professionalism and respect the privacy of the individuals involved. With the exception of external reporting obligations, Employees with information about suspected abuse should not discuss the abuse with any persons who are not directly involved or designated by the Executive Director.

IV. INVESTIGATION AND RESPONSE TO REPORTS OF CHILD ABUSE OR PROHIBITED CONDUCT UNDER THIS POLICY

After all external reporting obligations have been satisfied, the Executive Director or designee will oversee the investigation and resolution of any report under this Policy. Reports of Prohibited Conduct will be investigated promptly and fairly. The Executive Director will determine the manner of investigation. Investigations will be tailored to the circumstances of each report, and may include interviewing the parties and witnesses, collecting relevant documents, such as electronic communications, and other relevant information. Investigations will be conducted in a neutral and impartial manner by an individual with appropriate training or experience. The investigation may be conducted by a CRC employee or an external professional. CRC will seek to maintain the privacy of the individuals throughout the investigative process to the extent practicable and consistent with the need to undertake a thorough and complete investigation.

Upon receipt of a report involving a minor athlete as a complainant, CRC will promptly notify the complainant's parent or guardian of the report.

CRC may take interim remedial steps to support the complainant or provide for the safety and well-being of the complainant, Program Participants, or Employees. Those interim steps may include facilitating access to supportive resources for a complainant, adjusting work schedules, restricting a respondent's interactions with other Program Participants or Employees, prohibiting a respondent from being present on CRC property, placing a respondent on administrative leave, or other steps tailored to the facts of the reported conduct and the goals of this Policy.

With respect to matters reported to child protective services, law enforcement, or the U.S. Center for SafeSport, CRC will coordinate any investigation with child protective services and/or local law enforcement to assure that the CRC's review does not interfere with the integrity of any external reviews, to the extent possible.

By law, SafeSport has jurisdiction to investigate and resolve complaints of Prohibited Conduct involving Employees, consistent with their published investigation protocols available at: <https://uscenterforsafesport.org/wp-content/uploads/2019/06/Response-and-Resolution-Process-2.pdf>. In the event SafeSport declines to conduct an investigation and resolve a complaint consistent with its investigation protocols, the report will be addressed by CRC.

Upon completion of the investigation, if CRC concludes that an Employee has engaged in Prohibited Conduct in violation of this Policy, the Employee will be subject to appropriate corrective action, including oral or written reprimand, performance improvement plan, referral to counseling, suspension, and/or termination of employment. CRC may also engage in long term remedial measures as appropriate and tailored to the facts of the reported conduct.

V. PROHIBITED CONDUCT

It is a violation of this Policy and the SafeSport Code for the U.S. Olympic and Paralympic Movements (the Code)² for an Employee to engage in or tolerate: (1) Prohibited Conduct, as outlined below; (2) any conduct that would violate any current or previous U.S. Center for SafeSport standards analogous to Prohibited Conduct that existed at the time of the alleged conduct; or (3) any conduct that would violate community standards analogous to Prohibited Conduct that existed at the time of the alleged conduct, including then applicable criminal and/or civil laws.

A. CHILD ABUSE

Under Pennsylvania law, child abuse includes intentionally, knowingly or recklessly, through action or inaction, doing the following:

1. Causing or creating a reasonable likelihood of bodily injury to a child through any recent³ act or failure to act;
2. Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act;

² <https://uscenterforsafesport.org/wp-content/uploads/2019/05/2019-SafeSport-Code-04.15.19-Hyperlinked.pdf>

³ Recent means within two years.

3. Causing the death of the child through any act or failure to act;
4. Causing or creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act;
5. Causing serious physical neglect of a child (repeated, prolonged or egregious failure to supervise a child in a matter consistent with the child's age and abilities, or the failure to provide a child with adequate essentials, including food, shelter or medical care);
6. Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act;
7. Engaging a child in a severe form of trafficking in persons or sex trafficking; or
8. Engaging in any of the following recent acts, even if they do not result in injury:
 - a. Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child;
 - b. Unreasonably restraining or confining a child, based on consideration of the method, location or the duration of the restraint or confinement;
 - c. Forcefully shaking, slapping or striking a child under one year of age;
 - d. Interfering with the breathing of a child;
 - e. Causing a child to be present during the operation of a methamphetamine laboratory;
 - f. Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known, is a registered sex offender or sexually violent predator.

Under Pennsylvania state law, a child is defined as an individual under the age of 18 years old.

B. SEXUAL MISCONDUCT

It is a violation of this Policy and the Code for an Employee to engage in Sexual Misconduct. Sexual Misconduct offenses include, but are not limited to:

1. SEXUAL OR GENDER-BASED HARASSMENT

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) and/or (b), below, are present. Sexual harassment includes harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts

of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) and/or (b), below, are present.

a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in events, sports programs and/or activities; or when submission to or rejection of such conduct is used as the basis for sporting decisions affecting the individual (often referred to as "quid pro quo" harassment); or

b. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, and/or pervasive such that it interferes with, limits, or deprives any individual of the opportunity to participate in any program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. Whether a hostile environment exists depends on the totality of known circumstances, including, but not limited to:

- i. The frequency, nature, and severity of the conduct;
- i. Whether the conduct was physically threatening;
- ii. The effect of the conduct on the Claimant's mental or emotional state;
- iii. Whether the conduct was directed at more than one person;
- iv. Whether the conduct arose in the context of other discriminatory conduct;
- v. Whether the conduct unreasonably interfered with any person's educational or work
- vi. performance and/or sport programs or activities; and
- vii. Whether the conduct implicates concerns related to protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual contact without consent, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

2. SEXUAL CONTACT OR SEXUAL INTERCOURSE WITH PROGRAM PARTICIPANTS

It is a violation of this Policy for an Employee to engage in Sexual Contact or Sexual Intercourse with program participants, regardless of their age:

- Sexual Contact includes kissing and intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Employee, or someone else with or on any of these body parts.
- Sexual Intercourse is any penetration, however slight, with any object or body part (as described below), by a person upon another person. Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object,

tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

3. NON-CONSENSUAL SEXUAL CONTACT

It is a violation of this Policy and the Code for an Employee to engage in Sexual Contact without Consent. Sexual Contact is any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person. Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Employee, or someone else with or on any of these body parts.

a) CONSENT

Consent is (a) informed (knowing), (b) voluntary (freely given), (c) active (not passive). Consent must be demonstrated by clear words or actions, indicating that a person who is legally and functionally competent has indicated permission to engage in mutually agreed-upon sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior Consent does not imply Consent to future sexual activity. Once given, Consent can be withdrawn through clear communication. Consent cannot be obtained: (a) by force, (b) by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was Incapacitated, (c) from someone who lacks legal capacity, (d) where a Power Imbalance exists.

b) FORCE

Force includes (i) the use of physical violence, (ii) threats, (iii) intimidation, and (iv) coercion:

- (i) Physical violence means that a person is exerting control over another person using physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.
- (ii) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to cause a person sporting harm.
- (iii) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- (iv) Coercion is the use of an unreasonable amount of pressure to gain intimate and/or sexual access. Coercion is more than an effort to persuade, entice, or

attract another person to engage in sexual activity. When a person makes clear their decision not to participate in a form of Sexual Contact or Sexual Intercourse, their decision to stop, or their decision not to go beyond a certain sexual interaction, continued pressure can be coercive. Whether conduct is coercive depends on: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

c) INCAPACITATION

Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated because of consuming alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies from person to person and is evaluated under the specific circumstances of a matter. A Respondent's being impaired by alcohol or other drugs is not a defense to any violation of the Code. The Consent construct can also be applied to other forms of non-sexual conduct, such as hazing or other forms of Physical and/or Emotional Misconduct.

4. NONCONSENSUAL SEXUAL INTERCOURSE

It is a violation of this Policy and the Code for an Employee to engage in Sexual Intercourse without Consent. Sexual intercourse is any penetration, however slight, with any object or body part (as described below), by a person upon another person. Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

5. SEXUAL EXPLOITATION

It is a violation of this Policy and the Code for an Employee to engage in Sexual Exploitation. Sexual Exploitation occurs when an Employee purposely or knowingly:

- a) Allows third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images) without consent of all parties involved in the sexual activity.
- b) Records or photographs private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without Consent of all parties in the recording or photo.

- c) Engages in voyeurism (e.g., watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed.
- d) Disseminates, shows or posts images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without prior Consent of the person depicted in the images.
- e) Intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge.
- f) Engages in prostituting or trafficking another person

6. BULLYING, HAZING, OR OTHER INAPPROPRIATE CONDUCT OF A SEXUAL NATURE

It is a violation of this Policy and the Code to engage in bullying, hazing, and other inappropriate conduct of a sexual nature, as further defined in the corresponding sections below.

C. EMOTIONAL AND PHYSICAL MISCONDUCT

It is a violation of this Policy and the Code to engage in emotional and/or physical misconduct, when that misconduct occurs within a context that is reasonably related to sport, which includes, without limitation:

1. EMOTIONAL MISCONDUCT

Emotional Misconduct includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, and/or (e) Stalking. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

- a) Verbal Acts: Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- b) Physical Acts: Repeated and/or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- c) Acts that Deny Attention or Support: Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding an athlete from practice.
- d) Criminal Conduct: Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect).

- e) Stalking: Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) the safety of a third person, or (iii) to experience substantial emotional distress.

“Course of conduct” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.

“Substantial emotional distress” means significant mental suffering or anguish. Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

- f) Exclusion: Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved Athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of an Employee’s participation.

2. PHYSICAL MISCONDUCT

Physical Misconduct is any intentional contact or noncontact behavior that causes, or reasonably threatens to cause, physical harm to another person. Examples of physical misconduct may include, without limitation:

- a) Contact violations: Punching, beating, biting, striking, choking or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
- b) Non-contact violations: Isolating a person in a confined space, such as locking an athlete in a small space; forcing an athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.
- c) Criminal Conduct: Physical Misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).
- d) Exclusion: Physical Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance. For example, hitting, punching and kicking are well regulated forms of contact in combat sports, but have no place in

rowing. Physical Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of the participation.

3. BULLYING BEHAVIORS

Repeated and/or severe behavior(s) that are (a) aggressive (b) directed at a minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically or sexually. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing and/or Harassment. Examples of bullying behavior may include, without limitation, repeated and/or severe:

- a) Physical Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping, or throwing objects (such as sporting equipment) at another person.
- b) Verbal Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- c) Social, including cyberbullying use of rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.
- d) Sexual Ridiculing or taunting based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.
- e) Criminal Conduct Bullying Behavior includes any conduct described as bullying under federal or state law.
- f) Exclusion Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

4. HAZING

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported consent by the person subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Examples of Hazing include:

- a) Contact acts: Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.
- b) Non-contact acts: Requiring or forcing the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.
- c) Sexualized acts: Actual or simulated conduct of a sexual nature.
- d) Criminal acts: Any act or conduct that constitutes hazing under applicable federal or state law.
- e) Exclusion: Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

5. HARASSMENT

Repeated and/or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment (as defined above), or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

D. AIDING AND ABETTING

Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Prohibited Conduct of another. Aiding and Abetting also includes, without limitation, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by the U.S. Center for SafeSport to be in any way associated with or employed by an organization affiliated with or holding itself out as affiliated with a National Governing Body (NGB), Local Affiliated Organizations (LAO), the United States Olympic Committee (USOC) or the Olympic Movements;
2. Allowing any person who has been identified as suspended or otherwise ineligible by the U.S. Center for SafeSport to coach or instruct athletes;
3. Allowing any person who has been identified as ineligible by the U.S. Center for SafeSport to have ownership interest in a facility, an organization, or its related entities, if that facility/organization/related entity is affiliated with or holds itself out as affiliated with an NGB, LAO, USOC or the Olympic Movements.
4. Providing any coaching-related advice or service to an athlete who has been identified as suspended or otherwise ineligible by the U.S. Center for SafeSport.
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by the U.S. Center for SafeSport. In addition, an Employee also violates this Policy if someone acts on behalf of the CRC to engage in Aiding or Abetting, or if the guardian, family member, or advisor of an Employee, including minor Employees, engages in Aiding or Abetting.

E. MISCONDUCT RELATED TO REPORTING

1. FAILURE TO REPORT UNDER THE CODE

An Employee who fails to report actual or suspected Sexual Misconduct or Child Abuse as required under the Code may be subject to disciplinary action under this Policy, under federal or state law, and under the Center's resolution procedures.

The obligation to report is broader than reporting a pending charge or criminal arrest of an Employee; it requires reporting to the U.S. Center for SafeSport any conduct which, if true, would constitute Sexual Misconduct and/or Child Abuse. The obligation to report to the Center is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information of which an Employee becomes aware, including the names of witnesses, third-party reporters, and the victim.

The obligation to report includes personally identifying information of a potential victim to the extent known at the time of the report, as well as a duty to reasonably supplement the report as to identifying information learned at a later time.

Employees should not investigate or attempt to evaluate the credibility or validity of allegations involving Sexual Misconduct and/or Child Abuse. Employees making a good faith report are not required to prove the reports are true before reporting.

2. INTENTIONALLY FILING A FALSE ALLEGATION

In addition to constituting misconduct, filing a knowingly false allegation that an Employee engaged in Prohibited Conduct may violate state criminal law and civil defamation laws. Any person making a knowingly false allegation in a matter over which the U.S. Center for SafeSport exercises jurisdiction shall be subject to disciplinary action by the U.S. Center for SafeSport.

An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a policy violation.

F. MISCONDUCT RELATED TO THE U.S. CENTER FOR SAFESPORT'S PROCESS

The behaviors identified below constitute Prohibited Conduct and may give rise to a sanction. In addition, an Employee also violates the U.S. Center for SafeSport if someone acts on behalf of the Employee and engages in any of the following Prohibited Conduct, including an advisor, or the guardian, or family member of a minor Employee. In such a case, the Employee and/or, if the party acting on behalf of the Employee is also an Employee, that person, may be sanctioned.

1. ABUSE OF PROCESS

An Employee, or someone acting on behalf of an Employee, violates this Policy by directly or indirectly abusing or interfering with the U.S. Center for SafeSport process by: (a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome; (b) destroying or concealing information; (c) attempting to discourage an individual's proper participation in or use of, the U.S. Center for SafeSport's processes; (d) harassing or intimidating (verbally or physically) any person involved in the Center's processes before, during, and/or following proceedings (including up to, through, and after any review by an arbitrator); (e) publicly disclosing a victim's identifying information; (f) failing to comply with a temporary measure or other sanction; (g) distributing or otherwise publicizing materials created or produced during an investigation or Arbitration as a part of the U.S. Center for SafeSport's policies or procedures, except as required by law or as expressly permitted by the U.S. Center for SafeSport; or (h) influencing or attempting to influence another person to commit abuse of process.

2. RETALIATION

Retaliation against anyone for engaging in the resolution process of the U.S. Center for SafeSport's processes is prohibited. An Employee, someone acting on behalf of an Employee, an NGB, LAO, the USOC or any organization subject to the U.S. Center for SafeSport Code shall not take an adverse action against any person for making a good faith report of a possible Prohibited Conduct to the U.S. Center for SafeSport or other relevant organization as identified herein or for participating in any process under this Policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the U.S. Center

for SafeSport’s processes when the action is reasonably related to the report or engagement with the U.S. Center for SafeSport. Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.

In addition, CRC prohibits its Employees from retaliating against a person who makes a good faith report of Prohibited Conduct. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.

G. OTHER INAPPROPRIATE CONDUCT

1. INTIMATE RELATIONSHIP

An Employee violates this Policy by engaging in an intimate or romantic relationship where a Power Imbalance exists. An Intimate or Romantic relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties’ emotional connectedness, the exchange of gifts, ongoing physical and/or intimate contact and/or sexual activity, identity as a couple, the sharing of sensitive personal information, and/or intimate knowledge about each other’s lives outside the sport relationship.

A Power Imbalance may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties’ respective roles; the nature and duration of the relationship; the age of the parties involved; whether there is an aggressor; whether there is a significant disparity in age, size, strength, or mental capacity. Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship (regardless of age) and is presumed to continue for minor athletes after the coach-athlete relationship terminates until the athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

2. EXPOSING A MINOR TO IMAGERY

An Employee violates this Policy by intentionally exposing a minor to imagery of a sexual nature. This provision does not exclude the possibility that similar behavior between adults could constitute Sexual Harassment, as defined in the Policy.

3. INTENTIONAL EXPOSURE OF PRIVATE AREAS

An Employee violates this Policy by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an adult where there is a Power Imbalance, or to a minor.

4. INAPPROPRIATE PHYSICAL CONTACT

An Employee violates this Policy by engaging in inappropriate physical contact with an Employee or athlete where there is a Power Imbalance. Such inappropriate contact includes, but is not limited to, intentionally: touching, slapping, or otherwise contacting the buttocks or genitals of an Employee or athlete; excessively touching or hugging an Employee or athlete; or, kissing an Employee or athlete.

H. BOUNDARY VIOLATIONS

Employees may be found in violation of this Policy for failing to follow the Professional Boundaries and Guidelines for Interactions with Minors detailed in this Policy.

VI. GUIDELINES FOR INTERACTIONS WITH MINORS: MAINTAINING PROFESSIONAL BOUNDARIES

A. ONE-ON-ONE INTERACTIONS WITH MINORS

The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between minors and adults, programs reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a minor. Policies concerning one-on-one interactions protect minors while allowing for these beneficial relationships.

1. OBSERVABLE AND INTERRUPTIBLE

One-on-one interactions between a minor athlete and an Employee or Applicable Adult⁴ of CRC (who is not the minor's legal guardian) are permitted if they occur at an observable and interruptible distance by another adult. One-on-one interactions between minor athletes and an Employee (who is not the minor's legal guardian) are prohibited, except in the circumstances described in subpart C of this section and under emergency circumstances.

2. MEETINGS

Meetings between Employees and minor athletes may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.

⁴ An Applicable Adult includes: 1) Adult members of CRC; 2) Adult members who have regular contact with amateur athletes who are minors; 3) Any adult authorized by CRC to have regular contact with or authority over an amateur athlete who is a minor; and 4) Adult staff and board members of CRC.

If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, it will occur in an office that has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

3. MEETINGS WITH MENTAL HEALTH CARE PROFESSIONALS AND HEALTH CARE PROVIDERS

If a mental health care professional and/or health care provider meets with minor athletes at CRC, a closed-door meeting may be permitted to protect patient privacy provided that: (1) the door remains unlocked; (2) another adult is present at the facility; (3) the other adult is advised that a closed-door meeting is occurring; and (4) written legal guardian consent is obtained in advance by the mental health care professional and/or health care provider, with a copy provided to CRC.

4. INDIVIDUAL TRAINING SESSIONS

Individual training sessions between Employees and minor athletes are permitted at CRC if the training session is observable and interruptible by another adult. It is the responsibility of the Employee to obtain the written permission of the minor's legal guardian in advance of the individual training session if the individual training session is not observable and interruptible by another adult. Permission for individual training sessions must be obtained at least every six months. Parents, guardians, and other caretakers must be allowed to observe the training session.

5. MONITORING

When one-on-one interactions between Employees and minor athletes occur, CRC will monitor these interactions. Monitoring includes: knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the one-on-one.

6. OUT-OF-PROGRAM CONTACTS

Employees are prohibited from interacting one-on-one with unrelated minor athletes in settings outside of the program that are not observable and interruptible (including, but not limited to, one's home and individual transportation), unless parent/legal guardian consent is provided for each out-of-program contact. Nonetheless, such arrangements are strongly discouraged.

B. MASSAGES AND RUBDOWNS/ATHLETIC TRAINING

Written consent by a legal guardian shall be provided before providing each massage or rubdown/athletic training modality on a minor athlete. Parents must be permitted to be in the room as an observer.

C. LOCKER ROOMS AND CHANGING AREAS

1. USE OF RECORDING DEVICES

Use of any device's (including a cell phone's) recording capabilities, including voice recording, still cameras and video cameras in locker rooms, changing areas, or similar spaces in a locker room or changing areas is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by the CRC and two or more adult Employees are present.

Under no circumstances shall an unrelated Employee intentionally expose his or her breasts, buttocks, groin, or genitals to a minor athlete.

2. ONE-ON-ONE INTERACTIONS

Except for athletes on the same team, at no time are unrelated Employees permitted to be alone with a minor athlete in a locker room or changing area except under emergency circumstances. If CRC is using a facility that only has a single locker room or changing area, separate times for use by Employees will be designated.

3. MONITORING

CRC regularly and randomly monitors the use of locker rooms and changing areas at facilities to ensure compliance with these policies.

D. SOCIAL MEDIA & ELECTRONIC COMMUNICATIONS

1. CONTENT

All electronic communication originating from Employees to minor athletes must be professional in nature.

2. OPEN AND TRANSPARENT

Absent emergency circumstances, if an Employee with authority over minor athletes needs to communicate directly with a minor athlete via electronic communications (including social media), another Employee or the minor's legal guardian will be copied. If a minor athlete communicates to the Employee (with authority over the minor athlete) privately first, the Employee should respond to the minor athlete with a copy to another Employee or the minor's legal guardian. When an Employee with authority over minor athletes communicates electronically to the entire team, the Employee will copy another adult. Minor athletes may "friend" the organization's official page.

3. REQUESTS TO DISCONTINUE

Legal guardians may request in writing that their minor athlete not be contacted through any form of electronic communication by the organization or by the Employee subject to this Policy. CRC will abide by any such request that their minor athlete not be contacted via electronic communication, absent emergency circumstances.

4. HOURS

Electronic communications will generally only be sent between the hours of 8:00 a.m. and 8:00 p.m., unless emergency circumstances exist, or while traveling internationally or during competition travel.

5. MONITORING

The CRC monitors its social media pages and removes any posts that violate the its policies and practices for appropriate behavior. CRC will inform the legal guardian of a minor athlete of any prohibited posts, as well as the CRC's administrator.

6. PROHIBITED ELECTRONIC COMMUNICATIONS

Employees with authority over minor athletes are not permitted to maintain private social media connections with unrelated minor athletes and such Employees are not permitted to accept new personal page requests on social media platforms from athletes who are minors, unless the Employee has a fan page, or the contact is deemed as celebrity contact vs. regular contact. Existing social media connections on personal pages with minor athletes shall be discontinued.

E. LOCAL TRAVEL

1. TRANSPORTATION

Employees who are not also acting as a legal guardian, shall not ride in a vehicle alone with an unrelated minor athlete, absent emergency circumstances, and must have at least two minor athletes or another adult at all times, unless otherwise agreed to in writing by the minor athlete's parent/legal guardian in advance of each local travel.

CRC encourages parents/legal guardians to pick up their minor athlete first and drop off their minor athlete last in any shared or carpool travel arrangement.

F. TEAM TRAVEL

1. TEAM/COMPETITION TRAVEL

When only one Employee and one minor athlete travel to a competition, the minor athlete must have his/her legal guardian's written permission in advance and for each competition to travel alone with the Employee.

2. HOTEL ROOMS

Employees shall not share a hotel room or other sleeping arrangement with a minor athlete (unless the Employee is the legal guardian, sibling, or is otherwise related to the minor athlete).

3. MEETINGS

Meetings shall be conducted consistent with the organization's Policy for one-on-one interactions (i.e., any such meeting shall be observable and interruptible).

- a. Employees who travel with the organization must successfully pass a criminal background check and other screening requirements consistent with the organization's policies.
- c. During team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership (two Employees should be present) and observable and interruptible environments should be maintained.
- d. Meetings should not be conducted in a hotel room.

VII. AFFIRMATION OF REVIEW OF POLICY

I attest that I have read the above Policy, and I understand the contents of this document, and I will follow these requirements in my interactions with minors.

Printed name

Signature Date