

EAST BAY ROWING CLUB



AND

OAKLAND TECH ROWING CLUB



SAFE SPORT HANDBOOK

TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| I. TRAINING AND EDUCATION | 1 |
| II. APPLICANT SCREENING | 1 |
| A. EDUCATION ABOUT EBRC'S PROTECTION POLICIES..... | 1 |
| B. WRITTEN APPLICATIONS | 2 |
| C. PERSONAL INTERVIEW | 2 |
| D. REFERENCES | 2 |
| E. RELEASE | 2 |
| III. CRIMINAL BACKGROUND CHECK POLICY | 2 |
| A. PROCESS | 3 |
| B. POTENTIALLY DISQUALIFYING FACTORS | 3 |
| C. FINDINGS | 4 |
| D. APPEAL TO CRIMINAL BACKGROUND CHECK VENDOR..... | 4 |
| E. FREQUENCY OF CRIMINAL BACKGROUND CHECKS..... | 5 |
| F. AFFIRMATIVE DUTY TO DISCLOSE | 5 |
| G. OTHER POTENTIALLY DISQUALIFYING FACTORS | 5 |
| H. REVIEW OF DISQUALIFIERS | 5 |
| I. RECORDS | 5 |
| IV. ATHLETE PROTECTION POLICY | 6 |
| A. COMMITMENT TO SAFETY | 6 |
| B. PROHIBITED CONDUCT..... | 7 |
| C. WILLFULLY TOLERATING MISCONDUCT | 13 |
| D. REPORTING..... | 13 |
| E. VIOLATIONS..... | 13 |

| | |
|---|----|
| V. SUPERVISION OF ATHLETES AND PARTICIPANTS | 13 |
| A. APPROPRIATE ONE-ON-ONE INTERACTIONS | 13 |
| B. PROHIBITED ONE-ON-ONE INTERACTIONS | 14 |
| VI. PHYSICAL CONTACT WITH ATHLETES | 15 |
| A. APPROPRIATE PHYSICAL CONTACT | 15 |
| B. PROHIBITED PHYSICAL CONTACT | 16 |
| C. VIOLATIONS | 16 |
| VII. ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA POLICY..... | 17 |
| A. FACEBOOK, MYSPACE, BLOGS, AND SIMILAR SITES..... | 17 |
| B. TWITTER, INSTANT MESSAGING AND SIMILAR MEDIA..... | 17 |
| C. EMAIL AND SIMILAR ELECTRONIC COMMUNICATIONS..... | 17 |
| D. TEXTING AND SIMILAR ELECTRONIC COMMUNICATIONS | 17 |
| E. ELECTRONIC IMAGERY | 17 |
| F. REQUEST TO DISCONTINUE ALL ELECTRONIC COMMUNICATIONS OR IMAGERY | 17 |
| G. MISCONDUCT | 18 |
| H. VIOLATIONS..... | 18 |
| VIII. LOCKER ROOMS AND CHANGING AREAS..... | 19 |
| A. FACILITIES | 19 |
| B. MONITORING | 19 |
| C. USE OF CELL PHONES AND OTHER MOBILE RECORDING DEVICES | 19 |
| IX. TRAVEL..... | 20 |
| A. LOCAL AND TEAM TRAVEL | 20 |
| B. TRAVEL NOTIFICATION | 21 |
| C. MIXED-GENDER AND MIXED-AGE TRAVEL..... | 21 |
| D. COACH AND STAFF RESPONSIBILITIES..... | 22 |

| | | |
|-------|--|----|
| E. | CHAPERONE RESPONSIBILITIES | 23 |
| X. | REPORTING POLICY..... | 24 |
| A. | REPORTING POLICY | 24 |
| B. | REPORTING PROCEDURE..... | 25 |
| C. | CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS | 26 |
| D. | HOW REPORTS ARE HANDLED | 26 |
| E. | NOTIFICATION | 27 |
| XI. | DISCIPLINARY RULES AND PROCEDURE..... | 28 |
| A. | APPLICATION | 28 |
| B. | DISCIPLINARY RULES..... | 28 |
| C. | DISCIPLINARY PROCEDURE..... | 28 |
| D. | DISCIPLINARY ACTION | 28 |
| E. | ONGOING EMPLOYMENT OR PARTICIPATION | 29 |
| F. | COMPLAINANT PROTECTION | 29 |
| G. | BAD-FAITH ALLEGATIONS..... | 29 |
| XII. | INVESTIGATION AND ADJUDICATION— <i>FOR</i> RESOLVING ALLEGATIONS UNDER THE TED STEVENS ACT | 30 |
| A. | SUSPENSION BEFORE FINAL RESOLUTION | 30 |
| B. | INVESTIGATION | 31 |
| C. | HEARING..... | 31 |
| D. | APPEAL | 34 |
| XIII. | MONITORING EBRC’S STRATEGY..... | 35 |
| A. | MONITORING COMPLIANCE WITH POLICIES AND PROCEDURES..... | 35 |
| B. | MONITORING METHODS..... | 35 |
| C. | RESPONDING TO INTERACTIONS..... | 35 |
| D. | REPORTING..... | 35 |

I. TRAINING AND EDUCATION

The policies and procedures of East Bay Rowing Club and its youth program, Oakland Tech Rowing Club, (jointly referred to as EBRC) require coaches and volunteers to report abuse, misconduct, and violations of this Participant Safety Handbook. To do so, coaches and volunteers (volunteer coaches, parent chaperones, referees, and other volunteers) should have a basic understanding of sexual abusers, as well as “grooming,” the most common strategy offenders use to seduce their victims. Using a combination of attention, affection and gifts, offenders select a child, win the child’s trust (and the trust of the child’s parent or guardian), manipulate the child into sexual activity, and keep the child from disclosing abuse.

Accordingly, coaches and volunteers are required to complete an awareness training concerning misconduct in sport before performing services for EBRC. Misconduct in sport includes:

- Bullying
- Harassment
- Hazing
- Emotional misconduct
- Physical misconduct, and
- Sexual misconduct, including child sexual abuse

Coaches and volunteers must successfully complete the training, including passing the quiz.

Any coach or volunteer who is required to take awareness training will take athlete awareness training every two (2) years. Initial training must be completed within the first 30 days after the coach or volunteer begins to work with EBRC athletes. A coach or volunteer who can demonstrate that he or she has completed similar training within the 18 months before beginning to work with EBRC may complete the EBRC training at any time within the first year after beginning to work with EBRC athletes.

II. APPLICANT SCREENING

Coaches and volunteers must consent to, and pass, a formal applicant screening process before performing services for EBRC.

Elements of our screening process include, as applicable, successful completion of an application, interview, reference check, and criminal background check.

A. EDUCATION ABOUT EBRC’S PROTECTION POLICIES

To deter applicants who may be at risk of abusing athletes or participants from applying for positions, EBRC educates its applicants about its protection policies and offers applicants an early opt-out by:

- Requiring awareness training before placement and before working with athletes and participants

- Informing applicants about our policies and procedures for prevention
- Asking applicants to review and agree to our policies and procedures before proceeding with the process
- Requiring applicants to sign a document acknowledging review of our policies and procedures

B. WRITTEN APPLICATIONS

Each applicant for a position will complete an application form that includes personal identifying information, authorization to conduct the appropriate background and criminal checks, and the applicant’s signature.

The written application will:

- Ask about previous work and volunteer experiences
- Ask questions intended to elicit information concerning high-risk behaviors
- Provide a written authorization to check personal references and to perform a criminal background check, including a waiver and release
- Ask open-ended questions that encourage broad answers
- Use disclosure statements to ask applicants about previous criminal arrests or convictions for sexual offenses, violence against youth ,and other violent criminal offenses or felonies

C. PERSONAL INTERVIEW

Appropriate staff will interview applicants whose experience and credentials are considered a fit for available positions. During this interview, EBRC will ask questions to encourage discussion, clarify responses and expand on the applicant’s answers to questions from the written application.

D. REFERENCES

EBRC will communicate with all references provided by applicants, either by phone or in writing. The references will be asked specific questions regarding the applicant’s professional experiences, demeanor, and appropriateness for involvement with minor athletes and participants.

E. RELEASE

Each applicant will also provide a signed release, consistent with federal, state, and local laws regulating employment practices, that allows references to speak freely about the applicant’s qualifications without fear of reprisal and authorizing EBRC to obtain information concerning an applicant’s past employment, volunteer experience, and information provided by the applicant during the screening process (*i.e.*, written application and personal interview).

III. CRIMINAL BACKGROUND CHECK POLICY

All applicants will be asked to undergo a criminal background check that complies with the Fair Credit Reporting Act, the California Investigative Consumer Reporting Agencies Act, and the California Labor Code **before** providing services for EBRC. Through this criminal background check, EBRC will make reasonable efforts to ascertain past criminal history of an applicant. A past criminal history will not necessarily disqualify an applicant from employment or the ability to provide volunteer services.

A. PROCESS

The Criminal Background Check Consent and Waiver Release form must be submitted and the applicant cleared before he or she may perform services for EBRC.

On receipt of the Criminal Background Check Consent and Waiver Release form, EBRC will request that a third party perform the criminal background check. As part of its criminal background check, to the extent permitted by applicable law, EBRC will request, at a minimum and without limitation,

- (1) a national search of State criminal repositories;
- (2) a search of State sexual offender registries; and
- (3) a verification of the applicant's identification against his or her social security number or other personal identifier.

B. POTENTIALLY DISQUALIFYING FACTORS

Criminal History

EBRC will use a criminal background check to gather information about an applicant's prior criminal history. The information revealed by the criminal background check may disqualify an applicant from serving as a coach, contractor, or volunteer.

Information that could disqualify an applicant includes, but is not limited to, arrests if the matter is still pending, pleas of no contest, and criminal convictions—especially if the underlying criminal behavior involved sex or violence.

Pending Court Cases

No decision will be made on an individual's eligibility for work as a new coach, contractor and/or volunteer if they have a pending arrest or court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case's pendency, the organization undertakes an independent investigation and conducts a hearing, any determination may be used to disqualify the individual.

Full Disclosure

Each applicant has the affirmative duty to disclose his or her criminal history, to the maximum extent permitted under applicable law. Applicants will have no duty to disclose information regarding: an arrest that did not lead to a conviction; information regarding any referral to or participation in a criminal diversion program; information concerning any conviction that has been judicially dismissed or sealed pursuant to law; or convictions for marijuana use or possession for personal use, if the conviction is more than two years old. Failing to disclose or intentionally misrepresenting an arrest plea or conviction history in an application or any other information provided by an applicant during the screening process may result in discipline up to and including: immediate termination of employment; revocation or restriction of membership or volunteer privileges, regardless of when the offense is discovered.

- If an applicant (1) is arrested, (2) pleads guilty or no contest or (3) is convicted of a crime other than a traffic offense during the screening process, the applicant is required to disclose such information immediately.

- If a person is serving as a coach, contractor, or volunteer and (1) is arrested, (2) pleads guilty or no contest or (3) is convicted after the completion of the screening process, he or she has an affirmative duty to disclose such information immediately to his or her supervisor or EBRC administrator.
- **Any applicant who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification for potential applicants.**

C. FINDINGS

Notice of findings will be provided to:

- (1) The EBRC Coaching Committee and Board of Directors;
- (2) The applicant or coach; and
- (3) Other designated individuals, where necessary to protect the safety of minors.

EBRC'S criminal background check report will return a "red light" or "green light" score. A green light score means that the background check vendor located no records that would disqualify the applicant. A green light score, however, is not a certification of safety or permission to bypass or ignore other screening efforts. Other disqualifying factors may exist, and can be revealed through an interview, reference checks, or a completed application.

Note: A "green light" finding does not mean that an individual is safe to work with children. Instead a "green light" indicates that no criminal history was found that would disqualify the individual from working with children.

A **red light** finding means the criminal background check revealed criminal records that suggest the applicant does not meet EBRC's criteria and is not suitable for organization employment or volunteer assignment.

Individuals who are subject to disqualification under a "red light" finding may challenge the accuracy of the reported information reported by the criminal background check vendor.

D. APPEAL TO CRIMINAL BACKGROUND CHECK VENDOR

Any disqualified individual has the right to dispute the findings of the criminal background check directly with the EBRC's approved Criminal Background Check Vendor. A disqualified individual may not appeal the automatic disqualification or the results of the findings of the criminal background check vendor to EBRC. EBRC is required by this policy to accept the findings of the approved criminal background check vendor.

Individuals automatically disqualified are excluded from participation in any EBRC sanctioned events or activities.

E. FREQUENCY OF CRIMINAL BACKGROUND CHECKS

Criminal background checks will be refreshed every two years or as otherwise required by law, for coaches and volunteers who are 18 years of age or older and perform services for EBRC.

F. AFFIRMATIVE DUTY TO DISCLOSE

If, during the course of employment or participation in EBRC's program, a coach or volunteer is accused, arrested, indicted, or convicted of a criminal offense against a child, the coach or volunteer *must immediately give written notice* to an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.

G. OTHER POTENTIALLY DISQUALIFYING FACTORS

Even if an applicant passes a criminal background check, other factors may disqualify an applicant. An individual may be disqualified and prohibited from providing services for EBRC if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor;
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to domestic order or protection;
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors;
- Resigned, been terminated or been asked to resign from a position - paid or unpaid - due to complaint(s) of sexual or physical abuse of minors;
- A history of other behavior that indicates they may be a danger to participants in EBRC; or
- Not met the job requirements.

H. REVIEW OF DISQUALIFIERS

EBRC will review its disqualifying factors every two years or as otherwise required or modified by law.

I. RECORDS

Records of applications and employment will be maintained for a period of 5 years after the applicant or employee is no longer providing services to EBRC, or as otherwise indicated by applicable law.

IV. ATHLETE PROTECTION POLICY

A. COMMITMENT TO SAFETY

Overview

If any coach or volunteer observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each coach and volunteer to immediately report his or her observations to an immediate supervisor, EBRC's Program Director, EBRC's Head Coach, a member of EBRC Coaching Committee, or a member of EBRC'S Board of Directors.

EBRC is committed to creating a safe and positive environment for athletes' physical, emotional, and social development and to ensuring that it promotes an environment free of misconduct.

Coaches and volunteers should not attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse before reporting the allegations to appropriate law enforcement authorities.

Instead, each coach and volunteer must immediately report suspicions or allegations of child physical or sexual abuse to an immediate supervisor, EBRC's Program Director, EBRC's Head Coach, a member of EBRC Coaching Committee, or a member of EBRC'S Board of Directors. Complaints and allegations will be addressed under EBRC'S Disciplinary Rules and Procedure, set forth in Section XI of this Handbook.

EBRC recognizes that the process for training and motivating athletes will vary with each coach and athlete, but it is nevertheless important for everyone involved in sport to support the use of motivational and training methods that avoid misconduct.

Application

This Policy applies to

- Coaches and volunteers
- EBRC'S athletes and participants
- Parents of Oakland Tech Rowing Club athletes

Coaches, volunteers, athletes, and participants shall refrain from all forms of misconduct, including:

- Bullying
- Harassment
- Hazing
- Emotional misconduct
- Physical misconduct
- Sexual misconduct, including child sexual abuse.

B. PROHIBITED CONDUCT

Child Sexual Abuse

- (1) Any sexual activity with a child where consent is not or cannot be given. This includes sexual contact with a child that is accomplished by deception, manipulation, force, or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Note concerning peer-to-peer child sexual abuse: Sexual contact between minors also can be abusive. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and whether there is an imbalance of power or intellectual capabilities.

- (2) Any act or conduct described as child sexual abuse under federal or State law.

Exception

None

Examples

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

Emotional Misconduct

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

Exception

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

Examples

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

- (1) **Verbal Acts.** A pattern of verbal behaviors that (a) attack an athlete personally (e.g., calling them worthless, fat, or disgusting) or (b) repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.
- (2) **Physical Acts.** A pattern of physically aggressive behaviors, such as (a) throwing sport equipment, water bottles or chairs at, or in the presence of, participants; or (b) punching walls, windows, or other objects.
- (3) **Acts that Deny Attention and Support.** A pattern of (a) ignoring an athlete for extended periods of time or (b) routinely or arbitrarily excluding participants from practice or competition.

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

Physical Misconduct

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

Exceptions

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

Examples

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

- (1) **Contact offenses.** Behaviors that include:
 - (a) punching, beating, biting, striking, choking, or slapping an athlete;
 - (b) intentionally hitting an athlete with objects or sporting equipment;
 - (c) providing alcohol to an athlete under the legal drinking age (under U.S. law);
 - (d) providing illegal drugs or non-prescribed medications to any athlete;

- (e) encouraging or permitting an athlete to return to play pre-maturely following a serious injury (*e.g.*, a concussion) and without the clearance of a medical professional;
 - (f) prescribing dieting or other weight-control methods (*e.g.*, weigh-ins, caliper tests) without regard for the nutritional well-being and health of athlete.
- (2) **Non-contact offenses.** Behaviors that include:
- (a) isolating an athlete in a confined space (*e.g.*, locking an athlete in a small space);
 - (b) forcing an athlete to assume a painful stance or position for no athletic purpose (*e.g.* requiring an athlete to kneel on a harmful surface);
 - (c) withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep.

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

Sexual Misconduct

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

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

Types of Sexual Misconduct

Types of sexual misconduct include:

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

Exceptions

None

Examples

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

- (1) **Touching offenses.** Behaviors that include:

- (a) fondling an athlete's breasts or buttocks
 - (b) exchange of reward in sport (e.g., boat and seat placement, boat assignment in competition, feedback) for sexual favors
 - (c) genital contact
 - (d) sexual relations or intimacies between persons in a position of trust, authority, or evaluative and supervisory control over athletes or other sport participants.
- (2) **Non-touching offenses.** Behaviors that include:
- (a) a coach discussing his or her sex life with an athlete
 - (b) a coach asking an athlete about his or her sex life
 - (c) coach requesting or sending a nude or partial-dress photo to athlete
 - (d) exposing athletes to pornographic material
 - (e) sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g. "sexting")
 - (f) deliberately exposing an athlete to sexual acts
 - (g) deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)
 - (h) sexual harassment; specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and
 - a. is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this
 - b. is sufficiently severe or intense to be harassing to a reasonable person in the context.

Comment

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

(2) Imbalance of Power. Factors relevant to determining whether there is an imbalance of power include, but are not limited to: (a) the nature and extent of the coach's supervisory, evaluative or other authority over the athlete being coached; (b) the actual relationship between the parties; (c) the parties' respective roles; (d) the nature and duration of the sexual relations or intimacies; (e) the age of the coach; (f) the age of the athlete or participant; (g) and whether the coach has engaged in a pattern of sexual interaction with other athletes or participants.

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

Bullying

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

Exceptions

Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion.

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

Examples

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

- (1) **Physical behaviors.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete; (b) throwing at, or hitting an athlete with, objects such as sporting equipment.
- (2) **Verbal and emotional behaviors.** Behaviors that include (a) teasing, ridiculing, intimidating; (b) spreading rumors or making false statements; or (c) using electronic communications, social media, or other technology to harass, frighten, intimidate, or humiliate (“cyber bullying”).

Harassment

- (1) A repeated pattern of physical and/or non-physical behaviors that (a) are intended to cause fear, humiliation, or annoyance, (b) offend or degrade, (c) create a hostile environment or (d) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual athlete or group based on the athlete’s: gender, race, color, ethnicity, national origin, culture, religion, sexual orientation, gender identity, gender expression, mental or physical disability; close association with a member of a protected class; perceived membership in a protected class; or any other characteristic protected under State or federal law; or
- (2) Any act or conduct described as harassment under federal or State law.

Exceptions

None

Examples

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

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

Hazing

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

Exception

Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

Examples

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

- (1) forcing or otherwise requiring the consumption of alcohol or illegal drugs;
- (2) tying, taping (except for appropriate taping to care for or prevent injury), or otherwise physically restraining an athlete;
- (3) sexual simulations or sexual acts of any nature;
- (4) sleep deprivation, unnecessary schedule disruption, or the withholding of water or food;
- (5) social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or meant to draw ridicule;
- (6) beating, paddling, or other forms of physical assault; or,

- (7) excessive training requirements focused on individuals on a team.

Comment: Activities that fit the definition of hazing are considered to be hazing regardless of an athlete's willingness to cooperate or participate.

C. WILLFULLY TOLERATING MISCONDUCT

It is a violation of this Athlete Protection Policy if a coach or volunteer knows of misconduct, but takes no action to intervene on behalf of the athlete(s), participant(s), coach, or volunteer.

D. REPORTING

Although these policies are designed to reduce child sexual abuse and other misconduct, it can still occur. Coaches, volunteers, and participants of EBRC shall follow the reporting procedures set forth in EBRC'S Reporting Policy, which is set forth in Section X of this Handbook. **EBRC does not investigate suspicions or allegations of child physical or sexual abuse, or attempt to evaluate the credibility or validity of such allegations, as a condition of reporting suspicions or allegations to the appropriate law enforcement authorities.**

E. VIOLATIONS

Violations of the Athlete Protection Policy shall be reported pursuant to our Reporting Policy and will be addressed under our Disciplinary Rules and Procedure, which are set forth in Sections X and XI of this Handbook.

V. SUPERVISION OF ATHLETES AND PARTICIPANTS

During training and competition, EBRC strives to create two-deep leadership and minimize one-to-one interactions to create a safe training environment and to protect athletes and participants.

A. APPROPRIATE ONE-ON-ONE INTERACTIONS

Individual Meetings

An individual meeting may be necessary to address an athlete's concerns, training program, or competition schedule. Under these circumstances, coaches, coaches, or volunteers are to observe the following guidelines:

- Any individual meeting should occur when others are present and where interactions can be easily observed
- Where possible, an individual meeting should take place in a publicly visible and open area, such as the corner of a gym or pool deck

- If an individual meeting is to take place in an office, the door should remain unlocked and open
- If a closed-door meeting is necessary, the coach or volunteer must inform another coach or volunteer and ensure the door remains unlocked

Individual Training Sessions

An individual training session with an athlete or participant may also be desired or necessary. Under these circumstances, written permission of a minor athlete's parents or guardians is required before the individual training session begins. EBRC encourages parents and guardians to attend the training session.

B. PROHIBITED ONE-ON-ONE INTERACTIONS

Except as set forth above, minor athletes and participants will not be left unattended or unsupervised during EBRC activities and EBRC coaches and volunteers are prohibited from being alone with an individual athlete or participant in any room or building.

VI. PHYSICAL CONTACT WITH ATHLETES

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

A. APPROPRIATE PHYSICAL CONTACT

EBRC adheres to the following principles and guidelines in regards to physical contact with our athletes:

Common Criteria for Appropriate Physical Contact

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

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

Safety

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

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

Celebration

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

- greeting gestures such as high-fives, fist bumps, and brief hugs
- congratulatory gestures such as celebratory hugs, "jump-arounds," and pats on the back for any form of athletic or personal accomplishment

Consolation

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

- embracing a crying athlete
- putting an arm around an athlete while verbally engaging them in an effort to calm them down (“side hugs”)
- lifting a fallen athlete off the playing surface and “dusting them off” to encourage them to continue competition

B. PROHIBITED PHYSICAL CONTACT

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

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

C. VIOLATIONS

Violations of this policy must be reported to an immediate supervisor, EBRC’s Program Director, a member of EBRC’s Coaching Committee, or a member of the EBRC Board of Directors. Violations will be addressed under our Disciplinary Rules and Procedure. Some forms of physical contact may constitute child physical or sexual abuse that **must be reported to appropriate law enforcement authorities.**

VII. ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA POLICY

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

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

A. FACEBOOK, MYSPACE, BLOGS, AND SIMILAR SITES

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

B. TWITTER, INSTANT MESSAGING AND SIMILAR MEDIA

Coaches and athletes may "follow" each other. Coaches cannot "re-tweet" athlete message posts. All posts between coach and athlete must be for the purpose of communicating information about team activities.

C. EMAIL AND SIMILAR ELECTRONIC COMMUNICATIONS

Athletes and coaches may use email to communicate. All email content between coach and athlete must be professional in nature and for the purpose of communicating information about team activities. Where the coach is a staff member or volunteer, email from a coach to any athlete should come from the club website email center (the coach's return email address will contain "@EastBayRowing.com").

D. TEXTING AND SIMILAR ELECTRONIC COMMUNICATIONS

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

E. ELECTRONIC IMAGERY

From time to time, digital photos, videos of practice or competition, and other publicly obtainable images of the athlete – individually or in groups – may be taken. These photos or videos may be submitted to local, state, or national publications, used in EBRC videos, posted on EBRC or EBRC associated websites, or offered to the EBRC families seasonally on disc or other electronic form. It is the default policy of EBRC to allow such practices as long as the athlete or athletes are in public view and such imagery is both appropriate and in the best interest of the athlete and the EBRC. Imagery must not be contrary to any rules as outlined in EBRC's Participant Safety Handbook.

F. REQUEST TO DISCONTINUE ALL ELECTRONIC COMMUNICATIONS OR IMAGERY

Any athlete or the parents or guardians of a minor athlete may request in writing that photographs or videos of the athlete not be used for any purpose other than review with the coach.

G. MISCONDUCT

Social media and electronic communications can also be used to commit misconduct (e.g., emotional, sexual, bullying, harassment, and hazing). Such communications by coaches, staff, volunteers, administrators, officials, parents, or athletes will not be tolerated and are considered violations of our Participant Safety Handbook.

H. VIOLATIONS

Violations of EBRC's Electronic Communications and Social Media Policy should be reported to your immediate supervisor, reported to an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors. Complaints and allegations will be addressed under EBRC's Disciplinary Rules and Procedure, which are set forth in Section XI of this Handbook.

VIII. LOCKER ROOMS AND CHANGING AREAS

The following guidelines are designed to maintain personal privacy as well as to reduce the risk of misconduct in locker rooms and changing areas.

A. FACILITIES

The following is a description of our practice and competition facilities to allow athletes and their families to plan their use:

We practice at:

Jack London Aquatic Center
115 Embarcadero East, Oakland, CA 94606

This location has limited use of locker rooms and changing areas available to EBRC athletes immediately after following certain practices. Locker rooms and changing areas may not be available for home competitions. Athletes are expected to come dressed for competitions and to change and shower at home.

When we travel for competition the facilities may differ from location to location. We will work with the host team to provide as much information about the locker room and changing areas as early as possible, and post that information as soon as it's available.

B. MONITORING

EBRC locker rooms and changing areas are not directly or regularly monitored. While constant monitoring inside of locker rooms and changing areas might be the most effective way to prevent problems, we understand that this would likely make athletes uncomfortable and may even place our staff at risk for unwarranted suspicion.

When locker rooms and changing areas are available to youth athletes, we conduct periodic sweeps of the locker rooms and changing areas. Doors shall be left open when adequate privacy is still possible. Coaches or volunteers conduct sweeps, with women checking on female-designated areas and men checking on male-designated areas.

C. USE OF CELL PHONES AND OTHER MOBILE RECORDING DEVICES

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras, and video cameras increase the risk for different forms of misconduct in locker rooms and changing areas. As a result, **THERE WILL BE NO USE OF A DEVICE'S RECORDING CAPABILITIES IN THE LOCKER ROOMS OR CHANGING AREAS.**

Violations of this policy will be addressed under the Disciplinary Rules and Procedure, which are set forth in Section XI of this Handbook, and may result in the sanctions as set forth therein, including temporary suspension from competition.

IX. TRAVEL

Travel will be a standard aspect of our competitive season and EBRC has established policies to guide our travel, minimize one-on-one interactions, and reduce the risk of misconduct. Adherence to these travel guidelines will increase athlete safety and improve the competitive experience while keeping travel a fun and enjoyable experience.

A. LOCAL AND TEAM TRAVEL

We distinguish between travel to training, practice, and local competition (“local travel”), and team travel involving a coordinated overnight stay (“team travel”).

Local Travel

Local travel occurs when EBRC does not sponsor, coordinate, or arrange for travel. For local travel, athletes or their parents/guardians (for minor athletes) are responsible for making all travel arrangements. In these instances it is the responsibility of the athlete or their parents/guardians (for minor athletes) to ensure the person transporting the athlete maintains all safety and legal requirements, including, but not limited to, a valid driver’s license, proper insurance, well maintained vehicle, and compliance with all State laws.

In an effort to minimize one-on-one interactions, EBRC coaches or volunteers, who are not also acting as a parent, should not drive alone with an unrelated athlete and should only drive with at least two other athletes or another adult at all times, unless otherwise agreed to in writing by the athlete’s parent or guardian in advance of travel. In any case where a coach or volunteer is involved in the athlete’s local travel, a parental release is required in advance. Efforts must be made to ensure that staff and volunteers are not alone with an athlete or participant, by, *e.g.*, picking the athletes up in groups.

Coaches and volunteers who are also an athlete’s guardian may provide shared transportation for any athlete(s). We encourage guardians to pick up their athlete first and drop off their athlete last in any shared or carpool travel arrangement. We also recommend completing a shared travel declaration form signed by the parents/guardians of any minor athlete who is being transported as part of such a carpool arrangement.

Team Travel

Team travel is overnight travel that occurs when EBRC sponsors, coordinates, or arranges for travel so that our teams can compete locally, regionally, nationally, or internationally. Because of the greater distances, coaches, staff, volunteers, and chaperones will often travel with the athletes. However, no coach or

volunteer will engage in team travel without the proper safety requirements in place, including valid drivers' licenses, proper insurance, well-maintained vehicles, and compliance with all State laws.

EBRC makes efforts to provide adequate supervision through coaches and other adult chaperones.

For team travel, hotels and air travel will be booked in advance by EBRC. Athletes will share rooms, with 2-4 athletes assigned per room depending on accommodations. EBRC will also notify hotel management should any special arrangements be warranted. For instance, we will ask hotels to block pay per view channels and we will request an additional large room or suite so that our members and athletes may socialize as a group. Meetings do not occur in hotel rooms, and we will use a public space or reserve a separate space for adults and athletes to socialize.

We encourage family members who wish to stay in the team hotel to do so. If family members do not stay in the team hotel, we encourage all athletes to call parents and guardians regularly and allow for any unscheduled calls by either the athlete or parent/guardian.

B. TRAVEL NOTIFICATION

When possible, EBRC will provide reasonable advance notice before team travel. Notice will include the dates, location, and duration of competition. Travel notice will also include designated team hotels for overnight stays as well as a contact person within EBRC. This individual will be the point of contact to confirm your intention to travel and to help with travel details.

EBRC will post specific travel itineraries when they become available. These will include a more detailed, hour-by-hour itinerary as well as contact information for team travel chaperones.

C. MIXED-GENDER AND MIXED-AGE TRAVEL

EBRC is made up of male and female athletes across various ages. Athletes will only share a room with other athletes of the same sex and age group. Athletes will also be grouped by age and sex for the purposes of assigning an appropriate chaperone. We will make every effort to provide these groups at least one chaperone of the same sex. However, we rely on parents to serve as chaperones and may be limited in providing this match.

Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete (unless the coach is the parent, guardian, sibling, or spouse of that particular athlete). Where an adult is registered both as a coach and an athlete member of EBRC, and is functioning primarily as a coach, he or she may share sleeping arrangements with another registered coach.

D. COACH AND STAFF RESPONSIBILITIES

During team travel, coaches and volunteers will help athletes, fellow coaches, and volunteers adhere to policy guidelines, including, without limitation, the Travel Policy, Locker Rooms and Changing Areas Policy and Reporting Policy.

If a coach or volunteer transports an athlete or other organization member in their private car for team travel, a copy of the coach's or volunteer's valid driver's license is required.

When not practicing, training, competing, or preparing for competition, coaches and staff will monitor the activities of athletes, fellow coaches, and staff during team travel. Coaches and staff will:

- a. prepare athletes for team travel and make athletes aware of all expectations. Supplemental information will be given to parents/guardians of athletes who are considered inexperienced travelers, new, or relatively new to team travel, or who are under the age of 14
- b. familiarize themselves with all travel itineraries and schedules before the initiation of team travel
- c. conform to, and monitor for others' adherence, the Athlete Protection Policy and all policies during team travel
- d. encourage minor athletes to participate in regular, at least daily, scheduled communications with their parents/guardians
- e. help athletes be on time for all team commitments (as possible)
- f. assist with team travel logistical needs (as possible)
- g. support chaperones and/or participate in the monitoring of athletes for adherence to curfew restrictions set based on age and competition schedule as listed in travel itinerary
- h. ensure athletes are complying with hotel room restrictions based on gender or age bracket requirements
- i. make certain that athletes are not alone in a hotel room with any adult apart from a family member; this includes coaches, staff, and chaperones
- j. not use drugs or alcohol in the presence of minors or be under the influence of alcohol or drugs while performing their coaching duties
- k. immediately report any concerns about physical or sexual abuse, misconduct, or policy violations
- l. notify parents before taking any disciplinary action against a minor athlete if the athlete is traveling without his or her parents.

E. CHAPERONE RESPONSIBILITIES

Chaperones accompany team travel to ensure that the athletes, coaches, staff, and volunteers adhere to EBRC's policy guidelines. While these include the travel policy, it also includes all other relevant policies contained in EBRC's Participant Safety Handbook.

If a chaperone has not undergone a criminal background check and EBRC's awareness training, the chaperone will not be permitted to have any one-on-one interactions with athletes or other youth participants. If a chaperone has undergone a criminal background check and awareness training, he or she may have appropriate one-on-one interactions as outlined in EBRC's Participant Safety Handbook.

If a chaperone will be operating a private car for team travel, a copy of the chaperone's valid driver's license is required.

Chaperones will monitor the activities of all coaches, volunteers, and athletes during team travel. Specifically, chaperones will:

- a. familiarize themselves with all travel itineraries and schedules before team travel
- b. monitor for adherences to EBRC policies during team travel
- c. encourage minor athletes to participate in regular, at least daily, scheduled communications with their parents/guardians
- d. help athletes be on time for all team commitments (as possible)
- e. assist coaches, staff and other volunteers with team travel logistical needs (as possible)
- f. monitor athletes for adherence to curfew restrictions set based on age and competition schedule as listed in travel itinerary
- g. ensure athletes comply with hotel room restrictions based on gender or age bracket requirements
- h. not use drugs or alcohol in the presence of minors or be under the influence of alcohol or drugs while performing their chaperone duties
- i. make certain that athletes are not alone in a hotel room with any adult apart from a family member; this includes coaches, staff and chaperones
- j. immediately report any concerns about sexual and physical abuse, misconduct or policy violations to a EBRC administrator or a member of EBRC's Coaching Committee.

X. REPORTING POLICY

A. REPORTING POLICY

Every EBRC coach and volunteer must report:

- (1) violations of the Participant Safety Handbook,
- (2) misconduct as defined in EBRC's Athlete Protection Policy, and
- (3) suspicions or allegations of child physical or sexual abuse.

As a matter of policy, EBRC does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

Reporting Child Physical or Sexual Abuse

Child Physical or Sexual Abuse

Coaches and volunteers at EBRC are required to report any suspicions or allegations of child sexual abuse by a colleague or co-worker to: an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors. Where applicable, suspicions or allegations of child sexual abuse must also be reported to **appropriate law enforcement authorities**.

Grooming

Because sexual abusers "groom" children for abuse – the process used by offenders to select a child, to win the child's trust (and the trust of the child's parent or guardian), to manipulate the child into sexual activity, and to keep the child from disclosing abuse – it is possible that a coach or volunteer may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious, or suspected grooming behavior should be directed to: an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.

Peer-to-Peer Sexual Abuse

Approximately one-third of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on several factors, including the existence of an aggressor, the age difference between the children, and whether there is an imbalance of power or intellectual capabilities. **If you have any concerns that an interaction between children may constitute sexual abuse, immediately report it to the appropriate law enforcement authorities and an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.**

Reporting Misconduct and Policy Violations

If any coach or volunteer receives an allegation or observes misconduct or other inappropriate behavior, such as grooming, that is not reportable to the appropriate law enforcement authorities, it is the responsibility of each coach or volunteer to report their observations to: an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.

EBRC also encourages member parents, athletes and other sport participants to communicate violations of EBRC's Participant Safety Handbook and/or allegations and suspicions of child physical and sexual abuse to EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors. Where applicable, parents may also report to the appropriate law enforcement authorities.

B. REPORTING PROCEDURE

To Whom to Report

Coaches and volunteers may report to any supervisor with whom they are comfortable sharing their concerns, EBRC's Program Director, any member of EBRC's Coaching Committee, or any member of the EBRC Board of Directors, or EBRC administrator.

A coach or volunteer may, and in many cases must, report any allegation of child physical or sexual abuse to relevant law enforcement authorities.

How to Report

EBRC will take a report in the way that is most comfortable for the person initiating a report including an anonymous, in-person, verbal, or written report. Regardless of how you choose to report, it is helpful to EBRC for individuals to provide, at a minimum, (1) the name of the complainant(s); (2) the type of misconduct alleged and the name(s) of the individual(s) alleged to have committed the misconduct.

Incident Reporting

Individuals reporting child physical or sexual abuse or other misconduct may complete an Incident Report Form. Information on this form will include:

- 1) the name(s) of the complainant(s)
- 2) the type of misconduct alleged
- 3) the name(s) of the individual(s) alleged to have committed the misconduct
- 4) the approximate dates the misconduct was committed
- 5) the names of other individuals who might have information regarding the alleged misconduct
- 6) a summary statement of the reasons to believe that misconduct has occurred

EBRC will withhold the complainant's name on request, to the extent permitted by law.

A copy of EBRC'S Incident Report Form can be found in the back of this Handbook, online at www.eastbayrowingclub.org, and in a notebook on the boathouse, on the shelf with other forms.

C. CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS

Confidentiality

To the extent permitted by law, and as appropriate, EBRC will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator, or the people who made a report of child physical and sexual abuse to the authorities.

Anonymous Reporting

EBRC recognizes it can be difficult for an athlete, teammate, friend, or family member to report an allegation of misconduct and EBRC strives to remove as many barriers to reporting as possible. **Anonymous reports may be made without the formality of completing an Incident Report Form:**

- by completing the Incident Report Form without including their name
- by expressing concerns verbally to EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.
- through email, texts, or notes left for EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.

However, anonymous reporting may make it difficult for EBRC to investigate or properly address allegations.

All suspicions of child physical or sexual abuse will be reported to the appropriate law enforcement authorities.

"Whistleblower" Protection

Regardless of outcome, EBRC will support the complainant(s) and his or her right to express concerns in good faith. EBRC will not encourage, allow, or tolerate attempts from any individual to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of our Participant Safety Handbook and grounds for disciplinary action.

Bad-Faith Allegations

A report of abuse, misconduct, or policy violations that is malicious, frivolous, or made in bad faith is prohibited. Such reports will be considered a violation of our Participant Safety Handbook and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous, or bad-faith report may also be subject to civil or criminal proceedings.

D. HOW REPORTS ARE HANDLED

Suspicious or Allegations of Child Physical or Sexual Abuse

Reporting to Law Enforcement and/or Child Protective Services

An independent investigation can harm youth or interfere with the legal investigative process. EBRC, its coaches and its volunteers **do not attempt to evaluate the credibility or validity of child physical or sexual**

abuse as a condition for reporting to appropriate law enforcement authorities. As necessary, however, EBRC may ask a few clarifying questions of the minor or person making the report to adequately report the suspicion or allegation to law enforcement authorities.

Immediate Suspension or Termination

When an allegation of child physical or sexual abuse is made against a coach, youth, or volunteer, EBRC may immediately remove that individual from contact with any children in the program until the allegation has been investigated by an official agency. As necessary, EBRC may suspend or change the assignment of a coach or volunteer.

In those cases where the Ted Stevens Olympic and Amateur Act of 1978 (Ted Stevens Act) may apply, the accused individual will be offered a hearing. A hearing under the Ted Stevens Act will not necessarily affect EBRC's ability immediately to suspend or to terminate the accused individual from employment or performing services for organization.

A coach or volunteer's failure to report *immediately* to a supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors is a violation of this policy and may result in discipline, up to and including termination of employment or dismissal of a volunteer.

Misconduct and Policy Violations

EBRC addresses internally alleged policy violations and misconduct – bullying, harassment, hazing, emotional, physical, and sexual – that are not reportable under relevant State or federal law. Coaches and volunteers must report policy violations and misconduct to an immediate supervisor, EBRC's Program Director, a member of EBRC's Coaching Committee, or a member of the EBRC Board of Directors.

EBRC may also investigate allegations of child physical or sexual abuse that are reportable, if such investigation does not interfere with any ongoing criminal investigation or prosecution for abuse. Such allegations may include:

- Emotional abuse
- Abuse reported outside the relevant statutes of limitation
- Allegations of abuse that were reported to authorities, but: (a) legal authorities did not press criminal charges; (b) criminal charges were filed, but not pursued to trial; or (c) the alleged offender was acquitted at trial

E. NOTIFICATION

Following EBRC's notice of a credible allegation that results in the removal of an employee, coach, or other volunteer, EBRC may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. In EBRC's discretion, as appropriate, and after consultation with counsel, EBRC may notify its coaches, volunteers, parents, or athletes of any allegation of child physical or sexual abuse or other criminal behavior that (1) law enforcement authorities are actively investigating; or (2) that EBRC is investigating internally. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

XI. DISCIPLINARY RULES AND PROCEDURE

While EBRC endeavors to provide support and guidance to participants on a day-to-day basis, it is also important for EBRC to have a formal procedure for disciplinary action to address alleged violations of its policies and other inappropriate behaviors, which is consistent with EBRC's Bylaws.

A. APPLICATION

This Policy is used to address the following allegations against coaches, athletes, participants and/or volunteers:

- Violations of EBRC's policies; or
- Child abuse (emotional, physical, or sexual) that does not involve an ongoing legal investigation or criminal prosecution.

EBRC will not investigate an allegation of child physical or sexual abuse if it undermines or interferes with a pending legal investigation or criminal prosecution.

B. DISCIPLINARY RULES

EBRC recognizes that there are varying levels of misconduct. For example, physical and sexual misconduct are serious violations that may result in immediate dismissal. In contrast, a youth participant who tells a single sexually risqué joke constitutes less serious misconduct and depending on the circumstances, might be dealt with more appropriately through dialogue and a verbal warning. In all cases, EBRC's disciplinary procedures and actions will be proportionate, reasonable, and applied fairly and equally.

C. DISCIPLINARY PROCEDURE

On receipt of an allegation, EBRC will determine in its discretion the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope, and extent of the allegations.

C

EBRC will address allegations against a coach or volunteer under its Code of Conduct.

EBRC's disciplinary response will depend on the nature and seriousness of the incident and in extreme cases, misconduct will result in immediate summary dismissal, provided that the accused individual shall be advised of their right to a hearing, if any. If the accused individual is a minor, EBRC will contact his or her parents or guardians.

D. DISCIPLINARY ACTION

Sanctions for violations of the Participant Safety Handbook will be proportionate and reasonable under the circumstances. In addition to day-to-day guidance, the EBRC may take the following disciplinary actions, without limitation:

- Inform the individual's direct-line supervisor or, in the case of a youth participant, the youth's parent or guardian

- Provide the individual with guidance, redirection, and instruction
- Temporary suspension from competition
- File a formal incident report
- Issue a verbal warning
- Issue a written or final written warning
- Implement a limited access agreement (e.g., limiting an individual's access to certain buildings or to youth)
- Provide informed supervision, where at least one coach is informed of the allegation and is instructed to supervise the accused participant or stakeholder vigilantly in his or her interactions with the program and organization
- Engage in restorative practices, *i.e.*, creation of a respectful and safe dialogue when a misunderstanding or harm has occurred
- Suspend or terminate employment or membership

E. ONGOING EMPLOYMENT OR PARTICIPATION

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

F. COMPLAINANT PROTECTION

Regardless of outcome, EBRC will support the complainant and his or her right to express concerns in good faith. EBRC will not encourage or tolerate attempts to retaliate, punish or in any way harm any individual who reports a concern in good faith. Such actions will result in appropriate disciplinary action, up to and including immediate termination of employment or revocation of ability to participate in any EBRC program.

G. BAD-FAITH ALLEGATIONS

Any individual who alleges misconduct under the Participant Safety Handbook that, upon review, is determined to be malicious, frivolous, or made in bad faith will be a violation of our Participant Safety Handbook. Bad-faith allegations may also be subject to criminal or civil proceedings.

XII. INVESTIGATION AND ADJUDICATION—FOR RESOLVING ALLEGATIONS UNDER THE TED STEVENS ACT

EBRC utilizes this Investigation and Adjudication procedure to resolve those allegations that are governed by the Ted Stevens Act. A hearing under the Ted Stevens Act will not necessarily affect EBRC'S ability to suspend or to terminate an accused individual *immediately*.

On receipt of:

- (1) an allegation of misconduct, as defined in EBRC'S Athlete Protection Policy, that does not involve child physical or sexual abuse
- (2) an adverse employment determination by a local club for emotional, physical, or sexual misconduct as set forth in EBRC'S Athlete Protection Policy

EBRC shall determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope, and extent of the allegations. Such steps may include, without limitation:

- The collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual
- Formal investigation and hearing
- Retention of legal counsel or investigation services to investigate, make a recommendation as to whether a violation of the relevant policy has occurred, or a recommendation as to the appropriate sanction, as may be requested by the EBRC Board of Directors

Where serious allegations of misconduct are at issue (*e.g.*, physical and sexual misconduct as defined in our Athlete Protection Policy), EBRC may elect in its discretion to undertake a full investigation and hearing before determining the appropriate disciplinary action. **This investigation or hearing will in no way interfere with an ongoing criminal investigation or prosecution.**

A. SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint or employment/membership decision by a local member club indicates that an individual's continued employment, membership, or participation poses a risk of ongoing physical or emotional harm, EBRC may wish to suspend the accused individual pending final resolution of the complaint to eliminate any danger to an athlete, sport participant, or other individual. In such instances, EBRC will provide the individual with notice and offer her or him an opportunity to contest the suspension.

EBRC may suspend the accused individual where there is a reasonable belief that the individual has committed emotional, physical, or sexual misconduct. Evidence which may be found sufficient to support a reasonable belief includes, at a minimum:

- the suspension or termination of employment or membership by one of organization's member clubs
- an Incident Report Form with specific and credible information
- other legal documentation or report supporting a reasonable belief that the individual has committed emotional, physical or sexual misconduct, including abuse of a child (*e.g.*, a criminal indictment).

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of the EBRC.

Any suspension before final resolution may be appealed to EBRC Board of Directors at the written request of the accused individual within 15 days of the suspension.

B. INVESTIGATION

As appropriate, and at its discretion, EBRC may institute a formal investigation and hearing procedure to address serious allegations of misconduct (*e.g.*, physical and sexual misconduct). However, EBRC anticipates that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of behavior that warrant significant sanctions.

Accordingly, EBRC anticipates that this disciplinary procedure will be used rarely.

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- a) Receive written notice of the report or complaint, including a statement of allegations
- b) Present relevant information to the investigator or investigators
- c) Retain legal counsel, at his or her own expense

C. HEARING

Procedural Safeguards

In every case where a hearing is warranted pursuant to this Policy, an adjudication shall be conducted that shall in all cases comply with EBRC'S bylaws. The adjudication shall further conform to the provisions and principles set out hereafter. However, deviations in one or more of the procedural safeguards are permitted, provided the following conditions are satisfied:

- a) The individual is informed of the allegations and evidence brought against him or her

- b) The individual is given a reasonable opportunity to respond to the allegations brought forward
- c) The individual may be represented by legal counsel at his or her expense
- d) The EBRC Coaching Committee member(s) who make the determination are free of conflicts of interests and render an unbiased decision
- e) There is a right to appeal the EBRC Coaching Committee's decision

Preliminary Determination

On receipt of a disclosure or additional information made pursuant to this Policy, if the EBRC Coaching Committee is satisfied, in the exercise of its discretion, that there is a sufficient reasonable, reliable, and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, the Coaching Committee shall notify the EBRC Board of Directors.

Notice

The accused individual will be notified of a specific date and time to ensure that he or she is available for the hearing. Unless the EBRC Coaching Committee requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

Timing

The EBRC Coaching Committee shall have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the EBRC Coaching Committee may render an expedited determination.

Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the EBRC Coaching Committee to consider. The EBRC Coaching Committee may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The EBRC Coaching Committee may also consider a local club's employment determination as evidence to be considered.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the EBRC Coaching Committee.

The EBRC Coaching Committee may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

Findings and Sanctions

The EBRC Coaching Committee has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The EBRC Coaching Committee will communicate its finding to the individual. The EBRC Coaching Committee may impose sanctions on the individual in its findings.

Any sanctions imposed by the EBRC Coaching Committee against the individual must be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the EBRC Coaching Committee deciding each complaint. In imposing a sanction, the EBRC Coaching Committee shall consider:

- a) The legitimate interest of EBRC in providing a safe environment for its participants
- b) The seriousness of the offense or act
- c) The age of the accused individual and alleged victim when the offense or act occurred
- d) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- e) The effect on EBRC'S reputation
- f) Whether the individual poses an ongoing concern for the safety of EBRC's athletes and participants
- g) Any other information that, in the determination of the EBRC Coaching Committee, bears on the appropriate sanction

Sanctions may range from a warning and a reprimand to suspension from sport involvement with the EBRC for a period of time. Suspensions from sport involvement with EBRC may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from the EBRC.

For the purposes of this Policy, a suspension from sport involvement shall mean that the individual may not participate in any capacity or in any role in the business, events, or activities of EBRC or its affiliated members for the duration of the period of suspension.

Confidentiality

The conduct of the hearing will be private. If the EBRC Coaching Committee determines that the individual has violated policy, it may publish its decision or a brief summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the EBRC Coaching Committee's decision will not be disclosed until an appellate decision has been made.

If the EBRC Coaching Committee determines the accused individual did not violate the relevant policy, the EBRC Coaching Committee will publish a summary only at the individual's written request.

D. APPEAL

If the individual disagrees with the finding or sanction of the EBRC Coaching Committee and wishes to appeal, he or she may file an appeal with the EBRC Board of Directors within 15 days of EBRC'S finding. On appeal, the EBRC Board of Directors will address the merits of EBRC'S decision *de novo*, and not the process that was utilized. A decision rendered by the EBRC Board of Directors shall be final and binding on all parties.

XIII. MONITORING EBRC'S STRATEGY

By monitoring the interactions among staff, volunteers, athletes, and other, EBRC works to prevent, recognize, and respond to inappropriate and harmful behaviors as set forth in our Participant Safety Handbook, while reinforcing appropriate behaviors.

A. MONITORING COMPLIANCE WITH POLICIES AND PROCEDURES

EBRC monitors for compliance with its policies and procedures, including without limitation its Awareness Training, Travel, Locker Room and Changing Areas, and Physical Contact Policies.

B. MONITORING METHODS

EBRC utilizes multiple monitoring methods to observe how individuals are interacting, including without limitation (1) formal supervision, including regular evaluations; and (2) informal supervision, including regular and random observation (e.g., roving and checking interactions throughout practices), and (3) maintaining frequent contact with coaches, volunteer and athletes who interact off-site.

C. RESPONDING TO INTERACTIONS

While EBRC has a formal reporting policy, coaches and volunteers should be prepared to respond immediately to inappropriate or harmful behavior, potential risk situations, and potential boundary violations.

Coaches and volunteers will redirect inappropriate behaviors to promote positive behaviors, confront inappropriate or harmful behaviors, and report behaviors if necessary.

D. REPORTING

Coaches and volunteers are required to report policy violations, misconduct and physical and sexual abuse consistent with EBRC's Reporting Policy. **EBRC does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to appropriate law enforcement authorities**