

# CLRA Athlete Protection Policy

## *Participant Safety Handbook*

SafeSport | WHERE YOUR GAME PLAN STARTS

*Last Updated: December,*

## TRAINING AND EDUCATION

Our policies and procedures require volunteers to report abuse, misconduct and violations of its Participant Safety Handbook. To do so, volunteers (volunteer coaches, parent chaperones, referees, 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, volunteers must complete an awareness training concerning misconduct in sport before performing services for CHAUTAUQUA LAKE ROWING ASSOCIATION, INC. Misconduct in sport includes:

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

Volunteers must successfully complete the online training and the quiz after the test.

Those volunteers who are required to take awareness training will take athlete awareness training every two (2) years, or no more than 30 day(s) before they have contact with athletes.

## APPLICANT SCREENING

Volunteers and/or contractors must consent to, and pass, a formal applicant screening process before performing services for Chautauqua Lake Rowing Association, Inc., herein referred to as CLRA.

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

### EDUCATION ABOUT CLRA'S PROTECTION POLICIES

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

- Requiring awareness training before placement and/or before working with athletes and participants
- Informing applicants about our policies and procedures relevant to 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

## CRIMINAL BACKGROUND CHECK POLICY

All applicants will be asked to undergo a criminal background check that complies with the Fair Credit Reporting Act **before** providing services for CLRA. Through this criminal background check, CLRA will utilize reasonable efforts to ascertain past criminal history of an applicant.

### 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 CLRA.

On receipt of the Criminal Background Check Consent and Waiver Release form, the CLRA will request that its vendor perform the criminal background check. As part of its criminal background check, CLRA will, at a minimum and without limitation,

- (1) perform a national search of state criminal repositories;
- (2) perform a search of state sexual offender registries; and
- (3) verify a person's identification against his or her social security number or other personal identifier.

## POTENTIALLY DISQUALIFYING FACTORS

### Criminal History

CLRA 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 volunteer and/or contractor.

Information that could disqualify an applicant includes, but is not limited to, arrests, 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 staff member, contractor and/or volunteer if they have a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case's pendency, the Chautauqua Lake Rowing Association, Inc. 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. 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 is grounds for employment, volunteer and/or membership revocation or restriction, regardless of when the offense is discovered.

- If an applicant (1) is arrested, (2) pleas 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.
- In the event a person is serving as a staff member, contractor or volunteer and (1) is arrested, (2) pleas 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 CLRA 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.**

### FINDINGS

Notice of findings will be provided to:

- (1) The designated contact of CLRA that submitted the application;
- (2) The CLRA Board of Directors

CHAUTAUQUA LAKE ROWING ASSOCIATION, INC.'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/ignore other screening efforts. Other disqualifying factors may exist, and can be revealed through reference checks and 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 which suggest the applicant “does not meet the criteria” and is not suitable for organization 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.

#### **APPEAL TO CRIMINAL BACKGROUND CHECK VENDOR**

Any disqualified individual has the right to dispute the findings of the criminal background check directly with the CLRA’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 the CLRA. The CLRA is required by the policy to accept the findings of the approved criminal background check vendor.

Individuals automatically disqualified are excluded from participation in any CLRA sanctioned events and/or activities.

#### **FREQUENCY OF CRIMINAL BACKGROUND CHECKS**

Criminal background checks for CLRA will be refreshed annually or as otherwise required by law, for staff members and/or volunteers who are 18 years of age or older and perform services for CLRA.

#### **AFFIRMATIVE DUTY TO DISCLOSE**

If, during the course of employment or participation in CLRA’s program, a volunteer is accused, arrested, indicted or convicted of a criminal offense against a child, it is the duty and responsibility of the staff member or volunteer to notify the Board of Directors.

#### **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 CLRA 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 CLRA; or
- Not met the job requirements

### **REVIEW OF DISQUALIFIERS**

CLRA will review its disqualifiers every two years or as otherwise required or modified by law.

### **RECORDS**

Records are secured onsite for a period indicated by applicable law or until the applicant is no longer affiliated with CLRA, whichever date is later.

Work with legal counsel to determine the impact of applicable statutes of limitation on record-keeping.

## ATHLETE PROTECTION POLICY

### COMMITMENT TO SAFETY

#### Overview

In the event that any volunteer observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each volunteer to immediately report his or her observations to the Board of Directors.

CLRA 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.

**Volunteers should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities.**

Instead, it is the responsibility of each volunteer to immediately report suspicions or allegations of child physical or sexual abuse to the Board of Directors. Complaints and allegations will be addressed under CLRA'S Disciplinary Rules and Procedure.

CLRA 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

- Volunteers
- CLRA'S athletes and participants Parents – not subject to background screening, however, are subject to mandatory reporting requirements.

Staff members, volunteers, athletes and participants shall refrain from all forms of misconduct, which include:

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

## 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/or whether there is an imbalance of power and/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.

***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 swimming.

### ***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., team placement, scores, feedback) for sexual favors
- (c) genital contact
- (d) sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants.

#### **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.

**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.

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

**(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.

### **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 gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; 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 expression, disability, religion, skin color, or ethnic traits; (b) displaying offensive materials, gestures, or symbols; (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

## **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) requiring, forcing or otherwise requiring the consumption of alcohol or illegal drugs
- (2) tying, taping or otherwise physically restraining an athlete
- (3) sexual simulations or sexual acts of any nature
- (4) sleep deprivation, otherwise unnecessary schedule disruption or the withholding of water and/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
- (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.

## **WILLFULLY TOLERATING MISCONDUCT**

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

## **REPORTING**

Although these policies are designed to reduce child sexual abuse and other misconduct, it can still occur. Volunteers and participants of CLRA shall follow the reporting procedures set forth in CLRA'S Reporting Policy. **CLRA 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.**

## **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.

## **SUPERVISION OF ATHLETES AND PARTICIPANTS**

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

### **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 and/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, staff member and/or volunteer must inform another coach, staff member and/or volunteer and ensure the door remains unlocked

#### **Individual Training Sessions**

An individual training session(s) 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 in advance of the individual training session(s), and CLRA encourages parents and guardians to attend the training session.

### **PROHIBITED ONE-ON-ONE INTERACTIONS**

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



## PHYSICAL CONTACT WITH ATHLETES

### What

Policy describes the purpose and limits of appropriate physical contact between athletes and other relevant participants and identifies the person and/or entity to whom unacceptable forms of physical contact should be reported.

### Why

In almost all sports, coaching an athlete requires some amount and type of physical contact. Such contact may be with parts of the body that, in a non-sport context, may be inappropriate (e.g., positioning an athlete's leg or torso, or spotting an athlete to ensure they will not be injured by a fall). Physical contact is also natural and appropriate when celebrating victories and achievement or consoling athletes after a loss or injury.

Physical contact policies provide all CLRA members with clarity and guidance for contact with athletes. These policies provide athletes with safer training conditions to perform and to receive the benefits of sport.

### Elements

- ☐ Encourages appropriate physical contact with athletes
- ☐ Describes when it may be appropriate to make physical contact with athletes, including examples
- ☐ Lists criteria for appropriate/inappropriate physical contact
- ☐ Lists prohibited physical contact
- ☐ Lists reportable forms of prohibited physical contact with athletes
- ☐ States that some prohibited physical contact may require a report to the appropriate law enforcement authorities
- ☐ Identifies person and/or entity to whom unacceptable forms of physical contact should be reported
- ☐ States that all members will honor an expressed personal desire for decreased or no physical contact, where such decreased contact is feasible in the relevant training and competition environment

## **PHYSICAL CONTACT WITH ATHLETES**

Appropriate physical contact between athletes and coaches, staff members, contractors 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.

### **APPROPRIATE PHYSICAL CONTACT**

CLRA 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

### 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, 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 expressed or not
- 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.

### VIOLATIONS

Violations of this policy must be reported to a supervisor, CLRA administrator, or member of the Participant Safety Committee and 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.**

## REPORTING POLICY

Consult with legal counsel when developing a reporting policy to determine what law(s) govern your reporting responsibilities and to ensure that your reporting policy complies with state and federal law.

### REPORTING POLICY

Every CLRA staff member and/or volunteer must report:

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

**As a matter of policy, CLRA 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*

Staff members and/or volunteers at CLRA are required to report suspicions or allegations of child sexual abuse to one or more of the following:

- (1) their immediate supervisor, unless the immediate supervisor is involved in the alleged incident,
- (2) a CLRA administrator,
- (3) a member of CLRA's Participant Safety Committee, and
- (4) where applicable, **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 staff member and/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, a CLRA administrator or a member of the CLRA Participant Safety Committee.

### ***Peer-to-Peer Sexual Abuse***

Approximately 1/3 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 the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. **If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and a CLRA supervisor, a CLRA administrator or a member of CLRA's Participant Safety Committee immediately.**

### **Reporting Misconduct and Policy Violations**

If any staff member and/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 staff member and/or volunteer to report their observations to:

- (1) their immediate supervisor,
- (2) a CLRA administrator or
- (3) a member of CLRA's Participant Safety Committee.

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

## **REPORTING PROCEDURE**

### **To Whom to Report**

Staff members and volunteers may report to any supervisor or CLRA administrator with whom they are comfortable sharing their concerns. You may also report to any member of its Participant Safety Committee, which includes the following three designated Incident Review Officials (IROs):

- NAME/TITLE/CONTACT INFORMATION
- NAME/TITLE/CONTACT INFORMATION
- NAME/TITLE/CONTACT INFORMATION

A staff member and/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**

CLRA 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 CLRA 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.

### **Reporting Form**

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

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

A copy of CLRA'S Reporting Form can be found at: CLRA Boathouse, 18 Jones & Gifford Avenue, Jamestown, NY.

See Part 2, Sample Forms and Documents for a Sample Reporting Form

### **CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS**

#### **Confidentiality**

To the extent permitted by law, and as appropriate, CLRA 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.

Work with legal counsel to ensure that your organization's confidentiality policy is consistent with relevant state and federal statutes.

#### **Anonymous Reporting**

CLRA recognizes it can be difficult for an athlete, teammate, friend or family member to report an allegation of misconduct and 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 Reporting Form without including their name
- by expressing concerns verbally to a CLRA administrator or a member of CLRA's Participant Safety Committee
- through email, texts or notes left for a CLRA administrator or a member of CLRA's Participant Safety Committee.

**However, anonymous reporting may make it difficult for CLRA 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, CLRA will support the complainant(s) and his or her right to express concerns in good faith. CLRA will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow 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.

## **HOW REPORTS ARE HANDLED**

### **Suspensions or Allegations of Child Physical or Sexual Abuse**

#### ***Reporting to Law Enforcement and/or Child Protective Services***

An independent investigation can harm youth and/or interfere with the legal investigative process. CLRA, its staff members and/or 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, CLRA 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.

For mandatory reporting laws, visit [www.childwelfare.gov](http://www.childwelfare.gov).

#### ***Immediate Suspension or Termination***

When an allegation of child physical or sexual abuse is made against a staff member, youth and/or volunteer, CLRA 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, CLRA may suspend or change the assignment of a staff member and/or volunteer.

In those cases where the Ted Stevens Act may apply, the accused individual will be offered a hearing. A hearing under the Ted Stevens Act will not necessarily affect CLRA’s ability to immediately suspend or terminate the accused individual from employment or performing services for organization.

A staff member or volunteer’s failure to report to a supervisor, a CLRA administrator or member of the Participant Safety Committee is a violation of this policy and grounds for termination of a staff member and/or dismissal of a volunteer.

Consult an attorney to be certain that your employment actions are consistent with relevant law.

### **Misconduct and Policy Violations**

CLRA addresses internally alleged policy violations and misconduct – bullying, harassment, hazing, emotional, physical and sexual – that are not reportable under relevant state or federal law. Staff members and/or volunteer must report policy violations and misconduct to an immediate supervisor, CLRA administrator or member of CLRA's Participant Safety Committee.

CLRA 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

### **NOTIFICATION**

Following CLRA's notice of a credible allegation that results in the removal of an employee, coach or other volunteer, CLRA may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. In CLRA's discretion, as appropriate, and after consultation with counsel, CLRA may notify its staff members, contractors, volunteers, parents, and/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 CLRA is investigating internally. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.



## **DISCIPLINARY RULES AND PROCEDURE—*for* CLRA**

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

### **APPLICATION**

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

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

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

### **DISCIPLINARY RULES**

CLRA 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, CLRA's disciplinary procedures and actions will be proportionate, reasonable and applied fairly and equally.

### **DISCIPLINARY PROCEDURE**

On receipt of an allegation, CLRA 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.

CLRA will address allegations against a staff member and/or volunteer under its Employment Policies and Procedures, Bylaws and Constitution.

CLRA'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 the accused individual is a minor, CLRA will contact his or her parents or guardians.

## **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 CLRA 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 and/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 staff member is informed of the allegation and is instructed to vigilantly supervise the accused participant or stakeholder in his or her interactions with the program and/or 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

## **ONGOING EMPLOYMENT AND/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), CLRA may immediately suspend or terminate the accused individual to ensure participant safety.

## **COMPLAINANT PROTECTION**

Regardless of outcome, CLRA will support the complainant(s) and his or her right to express concerns in good faith. CLRA will not encourage or tolerate attempts to retaliate, punish or in any way harm any individual(s) who report(s) a concern in good faith. Such actions will be grounds for disciplinary action.

## **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.

## INVESTIGATION AND ADJUDICATION—*for* RESOLVING ALLEGATIONS

CLRA utilizes an Investigation and Adjudication procedure to resolve allegations. A hearing will not necessarily affect CLRA'S ability to immediately suspend or terminate an accused individual.

On receipt of:

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

CLRA 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 and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction

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

### SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint or employment/membership decision by a local member CLRA indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, CLRA 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, CLRA will provide the individual with notice and offer her/him an opportunity to contest the suspension.

CLRA 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 CLRAs
- 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 CLRA.

Any suspension before final resolution may be appealed to APPEAL BODY at the written request of the accused individual within XX days of the suspension.

Work with counsel to ensure your employment practices comply with state and federal laws, your bylaws and the Ted Stevens Act as applicable.

## INVESTIGATION

As appropriate, and at its discretion, CLRA may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, CLRA 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, CLRA 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(s)
- c) Legal counsel, at his or her own expense

## 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 CLRA'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 panel 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 panel's decision

**Preliminary Determination**

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the Incident Review Official is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel.

**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 Review Panel 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 Review Panel 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 Review Panel 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 Panel to consider. The Panel 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 Panel may also consider a local CLRA'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 Review Panel.

The Review Panel 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 Panel 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 Panel will communicate its finding to the individual. The Panel may impose sanctions on the individual in its findings.

Any sanctions imposed by the Panel 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 panel deciding each complaint. In imposing a sanction, the Review Panel shall consider:

- a) The legitimate interest of CLRA 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 the CLRA'S reputation
- f) Whether the individual poses an ongoing concern for the safety of CLRA's athletes and participants
- g) Any other information, which in the determination of the Panel, bears on the appropriate sanction

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

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 the relevant organization or its affiliated members for the duration of the period of suspension.

## **Confidentiality**

The conduct of the hearing WILL be private. If the Panel 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.

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

Consult with counsel before making any such report public.

## REPORTING FORM

*Source: USA Swimming*

ORGANIZATION strongly encourages the reporting of misconduct. ORGANIZATION appreciates your willingness to report inappropriate behavior.

**This section is about the individual you are reporting. Please provide as much information as possible.**

1. Name of Individual you are reporting (First & Last):

Comments:

2. Age or Approximate Age:

3. Gender

☐ Male ☐ Female

4. Address (City, State required):

5. Position(s) this individual holds or held:

- ☐ Head Coach
- ☐ Assistant Coach
- ☐ CLRA Employee
- ☐ Volunteer
- ☐ Official
- ☐ Other / Not sure

6. CLRA where individual works and/or volunteers or worked/volunteered previously:

Comments:

**This section asks questions about the incident or incidents you are reporting. Please provide as much specific information as you are able.**

7. Type of Offense (i.e. what happened?)

8. Where did the incident or incidents take place? (City, State and any other available location information)

□

Comments:

9. Please Describe what happened: (Including... Who, What, When, Where)

□ □ □ □ □

Comments:

**This section is for information about the victim or victims. If you are the victim and wish to remain anonymous, you may do so. In that case, please enter only your age, city, state, and CLRA affiliation.**

10. Name:

□

Comments:

11. Age (or approximate age):

\_\_\_\_\_

Comments:

□

12. CLRA affiliation (if any):

Comments:

13. Contact phone number (Note, if this person is under 18, please provide contact information for his/her parent or guardian):

□

14. Contact Email address (if this individual is under 18, please provide contact information for parent or guardian):

\_\_\_\_\_



15. Gender

☐ Male

☐ Female

**Your Information:** You may remain anonymous if you wish. However, providing your information is vastly helpful to a swift and effective investigation. A person reporting alleged misconduct should not fear any retribution and/or consequence when filing a report he or she believes to be true.

16. Name:

17. Phone Number:

18. Email Address:

19. CLRA Affiliation (if any):

20. Relationship to victim (if any):

☐ Self

☐ Parent/Guardian

☐ Other family member

☐ Friend or acquaintance

☐ CLRA member, coach or volunteer

☐ Other or prefer not to say

### Other Information

21. If you have any other information that you feel would be helpful to an investigation of the alleged offense you have reported, please enter it here:

**INCIDENT REPORT FORM**

<b>Incident:</b>	
<b>Reported By:</b>	
<b>Date:</b>	
<b>Individuals (s) Involved:</b>	

<b>Investigated By:</b>	
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<b>Location of Incident:</b>	
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<b>Summary of Complaint:</b>	
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**INCIDENT REPORT FORM**

<b>Statements Provided By:</b>	
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<b>Conclusion:</b>	
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<b>Recommendation:</b>	
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**ACTION TAKEN:**

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