

**USA BASKETBALL**  
**ATHLETE AND PARTICIPANT- SAFETY & PROTECTION**  
**HANDBOOK**

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## INTRODUCTION

USA Basketball, like other members of the U.S. Olympic and Paralympic Movement, is committed to creating and maintaining a sport community where all those who participate can work and learn together in an atmosphere free from all forms of emotional, physical and sexual misconduct. Every member of USA Basketball's community plays an important role in creating conditions that protect the physical and emotional well-being of its participants. The safety of its participants is of paramount importance to USA Basketball and this USA Basketball Participant Safety and Protection Handbook (the "Handbook") allows USAB to uphold its commitment to creating the safest possible environment for participation in basketball.

To aid in promoting open dialogue, training and resources about misconduct in sport, and the safety and well-being of all participants, USA Basketball has adopted the SafeSport Code for the U.S. Olympic and Paralympic Movement (the "Code") and its appendices (collectively, the "Code") issued by the U.S. Center for SafeSport's Response and Resolution Office ("Office"). To the extent any USA Basketball rule, practice, policy or procedure, ("USAB rule") is inconsistent with the Code, rules, policies or procedures of the U.S. Center for SafeSport, such USA Basketball rule is hereby superseded.

Individuals within USA Basketball's jurisdiction and/or disciplinary authority are responsible for knowing the information, policies, and procedures outlined in this Handbook, Code, and their related policies. Those subject to USA Basketball's jurisdiction and/or disciplinary authority as defined in this Handbook, are subject to the rules, policies, and procedures of the U.S. Center for SafeSport (the "Center") and shall submit, without reservation or condition, to the jurisdiction of the U.S. Center of SafeSport for the resolution of any alleged violation of the Center's rules, policies and procedures, or the Code. Ignorance of any rule or regulation is not a defense to a violation or alleged violation of any USA Basketball rule, regulation, policy or procedure.

**For the avoidance of doubt, a violation of any of the Code or any of the Center's rules, policies and procedures, will be considered a *per se* violation of this Handbook. USA Basketball will mirror and enforce any decision and/or sanction imposed by the Center.**

USA Basketball, the Center, and the Office reserve the right to make changes to the Handbook and Code, respectively, and other related rules, policies, and procedures, as necessary. Once posted online, changes are effective immediately unless otherwise noted.

Through education, resources, training, and adherence to the rules, policies, and procedures contained in the Code and this Handbook, we will help those who participate in USA Basketball's programs prevent, recognize, reduce and respond to misconduct in basketball and in sport.

## MISSION

USA Basketball's Athlete and Participant Safety and Protection Program supports USA Basketball's mission by adhering to the following departmental mission:

To promote, sustain and encourage institutional accountability for the health, safety, and well-being of all USA Basketball participants.

## CORE VALUES

USA Basketball's Athlete and Participant Safety & Protection Program abides by the following core values which underlie our work and help us to fulfill our mission:

### **Safety & Protection:**

We are committing to safeguarding participants from all forms of misconduct and make their health and well-being an organizational priority.

### **Teamwork**

Each participant is a necessary and valued member of USA Basketball's pledge to protect the health, safety, and well-being of all participants and we work as a collaborative unit to achieve our mission and goals.

### **Integrity**

We abide by moral and ethical principles, including honesty, fairness and respect to achieve our mission and shared goals.

### **Accountability**

We, the organization, its leadership and participants, hold ourselves accountable for the protection of our participants and for the prevention of misconduct. We count it as a duty and our paramount responsibility to protect our participants and sport from all forms of misconduct and abuse.

## ABOUT

### **United States Olympic Committee**

The United States Olympic Committee (“U.S. Olympic Committee” or “USOC”) serves as both the National Olympic Committee and National Paralympic Committee for the United States. The Ted Stevens Olympic and Amateur Sports Act appointed the USOC as the coordinating body for all Olympic-related athletic activity in the United States. The USOC oversees the recognition of National Governing Bodies (NGBs) and promulgates policies and procedures that NGBs are required to abide by. The USOC’s bylaws require USA Basketball to comply with the policies and procedures of the USOC and the USOC-designated independent safe sport entity, the U.S. Center for SafeSport. In addition, USA Basketball must maintain an effective athlete safety policy program of its own, and the Handbook assists USA Basketball in meeting that obligation.

Additional information regarding the U.S. Olympic Committee can be found at [www.teamusa.org](http://www.teamusa.org).

### **U.S. Center for SafeSport**

The U.S. Center for SafeSport is an independent nonprofit committed to ending all forms of abuse in sport. The Center provides services to sport entities on abuse prevention techniques, policies and programs and provides a safe, professional and confidential place for individuals to report sexual abuse within the U.S. Olympic and Paralympic Movements. Federal law authorizes the Center to develop training, policies and procedures for implementation by national governing bodies or Paralympic sports organizations to prevent abuse, including emotional, physical and sexual abuse of any amateur athlete. The U.S. Olympic Committee has also entrusted the Center with the authority to respond to reports of sexual misconduct within the U.S. Olympic and Paralympic Movements.

Additional information regarding the Center can be found at [www.safesport.org](http://www.safesport.org).

### **USA Basketball**

USA Basketball (“USAB”) is the national governing body for men’s and women’s basketball in the United States. As the recognized governing body for basketball in the United States by the International Basketball Federation (“FIBA”) and the United States Olympic Committee, USA Basketball is responsible for the selection, training, and fielding of USA teams that compete in FIBA sponsored international basketball competitions, and the development of basketball initiatives that address player development, coach education, licensing and safety in the United States. Supporting the health and safety of its participants remains a key element and driving principle of USA Basketball’s role as the national governing body for basketball in the United States.

## USA Basketball National Teams

USA Basketball's Men's, Women's and 3x3 teams compete on behalf of the United States in various international competitions including the Olympics, FIBA Basketball World Cups, FIBA Americas Championships, the Nike Hoop Summit and Youth Olympic games among other competitions. A commitment to athlete safety is a cornerstone of our National Teams' programs and compliance with all protocols and directives is imperative to ensure success.

## USA Basketball Youth Development

The USA Basketball Youth Development division is tasked with the development of youth basketball initiatives that address player development, coach education and most importantly, safety, while promoting, growing, and elevating the game. Current youth initiatives include coach licensing and education, organization, youth clinics and the U.S. Open Basketball Championships. The division's flagship coach licensing program is focused on developing an inclusive basketball community of educated coaches and administrators while ensuring the safety of those with whom they may interact.

## **Additional Resources**

[Ted Stevens Olympic and Amateur Sports Act](#)

[SafeSport Authorization Act \(2018\)](#)

[IOC Framework for Safeguarding Athletes and Other Participants from Harassment and Abuse in Sport](#)

[IOC Consensus Statement on Sexual Harassment & Abuse in Sport](#)

## SECTION I: APPLICATION AND IMPORTANT DEFINITIONS

### APPLICATION

USA Basketball is required to abide by the policies and procedures of the USOC and the USOC-designated independent safe sport entity, the US Center for SafeSport (the “Center”). USA Basketball’s compliance with the requirement to implement and maintain an effective athlete safety program is demonstrated in this Handbook.

This section details USA Basketball’s obligations to its athletes and participants, those subject to its policies and procedures, and how they are related to one another. This section also addresses the following:

#### **Online, Email, Cellular or Other Electronic Media or Digital Conduct**

The Handbook may be applied to behavior conducted online or distributed electronically using email, text messages or any other electronic medium. This includes without limitation blogs, web postings, chats and social networking sites.

#### **Age and Competitive Level Irrelevant**

Except as specifically noted, this Handbook applies without respect to age or competitive level.

#### **Other Remedies**

The Handbook does not replace:

1. The *Code*;
2. The Ted Stevens Olympic and Amateur Sports Act;
3. The employment practices of USA Basketball or other relevant organizations; or
4. Applicable federal or state law

The Handbook does not extend or restrict a person’s right to file charges or claims with any other agency, law enforcement or court. Individuals are encouraged to ensure their rights have not expired through these other avenues.

#### *Relevant Participant Definitions*

1. USAB Designated Athlete: A Prospective Athlete, Active Athlete or Amateur Athlete as defined herein.
  - a. Active Athlete: Any individual who has represented the United States in the Olympic Games, the Pan American Games or the World Championships [i.e. World Cup] within the preceding ten years, or who is currently on a USA Basketball National Team or in a USA Basketball National Team Program.

- b. Amateur Athlete: An athlete who is eligible under FIBA rules to compete in international amateur athletic competitions conducted under FIBA auspices, or as otherwise defined by the Ted Stevens Olympic and Amateur Sports Act.
  - c. Prospective Athlete: Any individual who has been identified by USA Basketball or is under consideration to participate as a member of USA Basketball’s National Team Program.
2. Covered Individual:
- a. A “Covered Individual” is any individual who:
    - i. Is currently, or was at the time of a possible violation of this Handbook, the *Code*, or other rules or regulations of the Center, within or was seeking to be within the governance or disciplinary jurisdiction of USA Basketball (e.g. through application for a coach license);
    - ii. Is an athlete or non-athlete participant that USA Basketball formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes; or
    - iii. USA Basketball has identified as being within the U.S. Center for SafeSport’s Jurisdiction (see chart in subsection f below).
  - b. Covered Adult: A Covered Individual who is 18 years of age or older.
  - c. Covered Minor: A Covered Individual who is under the age of 18.
  - d. Participating Adult: As defined in the USA Basketball Minor Athlete Abuse Prevention Policies.
  - e. Minor or child: An individual under the age of eighteen.
  - f. USA Basketball has designated the following individuals as Covered Individuals:

<b>USA BASKETBALL COVERED INDIVIDUALS</b>	
Staff	National Team Chaperones
Board Members	USA Basketball Coach Licensees and Pending Applicants
National Team Coaches	Athletes USAB designates for the USADA Required Testing Pool (RTP)
Support Staff, Volunteers and Contractors For an Event	Any Other Individual Participating in the Activities or Affairs of USA Basketball

- 3. Reporting Party: In proceedings under the *Code* or Handbook, the person alleging a violation of the *Code* or this Handbook.
- 4. Responding Party: In proceedings under the *Code* or Handbook, the person who is alleged to have violate the *Code* or this Handbook.

5. Third-Party Reporter: A person who reports or discloses a possible violation of the *Code* or Handbook, if not the Reporting Party.
6. Third-Party Reports: Reports or disclosure of a possible violation of the *Code* or Handbook brought by a person other than a Reporting Party.
7. Alleged Victim: In the proceedings under the *Code* or Handbook, the person who is alleged to have been the victim of a violation of the *Code* or this Handbook.

## **Prohibited Conduct**

This Handbook prohibits and defines misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct, and has adopted and utilizes the terms, definitions and conceptions found in the *Code* and its appendices, where applicable.

For the avoidance of doubt, “Prohibited Conduct” shall be defined as conduct prohibited by the *Code*, this Handbook, or applicable USOC policies (i.e. NGB Athlete Safety Policy) regarding misconduct, including bullying, hazing, harassment, emotional misconduct, physical misconduct and sexual misconduct.

Any violation of the policies contained in the *Code* or applicable USOC policies shall also be a violation of this Handbook.

### *Relevant Conduct Definitions*

USA Basketball applies the same definitions as are contained in the *Code* in this Handbook, and the *Code*'s definitions control. The following definitions are select examples from the *Code*, reprinted here for ease of use with this Handbook. For a full list of the definitions from the *Code*, see the *Code* at [[Code Online](#)] or the Glossary in this Handbook.

1. Bullying Behavior: Repeated and/or severe aggressive behavior among minors that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.
2. Consent: Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.
3. Emotional Misconduct: Repeated and/or severe non-contact behavior involving: (a) Verbal Acts, (b) Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.
4. Grooming: The process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor and occurs through direct, in-person and/or online contact.

5. **Harassment:** Repeated and/or severe conduct that: (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability, or (e) any act or conduct described as harassment under federal or state law.
6. **Hazing:** Any conduct that subjects another person, whether physically, mentally emotionally or psychologically, to anything that may endanger, abuse, humiliate, degraded or intimidate the person as a condition of joining or being socially accepted by a group, team or organization.
7. **Intimate Relationship:** A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, and/or knowledge about each other's lives outside the sport relationship.
8. **Physical Misconduct:** Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.
9. **Position of Power:** When one person has direct supervisory, evaluative or other authority over another.
10. **Sexual Conduct:** Contact and non-contact behaviors of a sexual nature.
11. **Violation:** Conduct by a Covered Individual that violates: (a) the *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous USA Basketball or USOC standards concerning the type of conduct prohibited in the *Code*; (c) any current USOC standards concerning the type of conduct prohibited in the *Code*; (d) this Handbook; or (e) other standards accepted at the time of conduct analogous to prohibited conduct in the *Code* or this Handbook.

### **Exclusive Authority-Sexual Misconduct**

The U.S. Center for SafeSport has the exclusive authority to investigate and resolve conduct involving: (a) sexual misconduct; and (b) prohibited conduct under the *Code* that is reasonably related to the underlying allegation of sexual misconduct.

*Exclusive Authority* means: (a) only the Center will investigate and manage any related arbitration involving sexual misconduct; and (b) USA Basketball will not conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided and in instances where the Center does not take jurisdiction.

## **Discretionary Authority**

*Discretionary Authority* means that on the written request of USA Basketball or the USOC, the Center may, in its discretion, accept authority over alleged violations of any prohibited conduct under the *Code*.

For purposes of these policies, and the subsection regarding Prohibited Conduct, the U.S. Center for SafeSport shall retain exclusive and discretionary jurisdiction as set out in the *Code* over all Covered Individuals. However, USA Basketball shall address those matters which fall outside the Center's jurisdiction, in accordance with USA Basketball policies and procedures, including this Handbook. Covered Individuals shall be subject to the jurisdiction, policies and procedures contained in the *Code* and this Handbook.

## SECTION II: USA BASKETBALL MISCONDUCT PREVENTION POLICIES

USA Basketball is committed to creating a healthy and safe environment for its athletes and participants, free from abuse and misconduct. As part of this commitment, USA Basketball has implemented policies that are targeted to address and intended to reduce, certain forms of abuse and misconduct in our programs. Our Core Values of Safety and Protection, Teamwork, Integrity, and Accountability govern the following USA Basketball Misconduct Prevention Policies:

- Sexual Misconduct Policy
- Physical Misconduct Policy
- Emotional Misconduct and Harassment Policy
- Hazing Policy
- Bullying Policy
- Locker Room Policy
- Social Media, Mobile and Electronic Communications Policy
- Travel Policy

All USA Basketball participants, including coaches, athletes, and staff, should familiarize themselves with these policies and each form of misconduct. Participants should understand that violation of these policies whether during or outside of the representation of USA Basketball may subject the violator to penalties up to and including permanent ineligibility.

USA Basketball strongly encourages its constituent members to adopt similar policies, which are intended to provide and promote an environment free from misconduct and abuse.

Should anyone participating in the activities or affairs of USA Basketball observe behavior which violates one or more of the policies contained in this Handbook or the *Code*, including suspected physical or sexual abuse, such person is responsible to **immediately** report their observations to a USA Basketball representative and, where required, law enforcement authorities and the Center.

Additional information regarding reporting concerns of misconduct and abuse may be found in Section VII of this Handbook. Reporting parties should not attempt to evaluate the credibility or validity of allegations before reporting to USA Basketball, law enforcement, or the Center.

USA Basketball has zero tolerance for abuse and misconduct and responds to allegations of abuse or misconduct in accordance with the policies and procedures detailed in Section VIII of this Handbook.

## **A. SEXUAL MISCONDUCT POLICY**

### **Jurisdiction and U.S. Center for SafeSport**

The U.S. Center for SafeSport retains exclusive jurisdiction<sup>1</sup> over all allegations of sexual misconduct and/or child abuse. Any allegation of sexual misconduct or child abuse must be reported to the U.S. Center for SafeSport and in some instances law enforcement. Any allegation of sexual misconduct or child abuse should also be reported to USA Basketball's SafeSport Director for documentary purposes.

Any violation of the *Code* shall be deemed a *per se* violation of this policy. Without limiting the information contained in this policy, any act or conduct described as sexual abuse, sexual misconduct, or child sexual abuse under applicable federal or state law constitutes a *per se* violation of this Policy. A dismissal of a charge under federal or state law shall not automatically relieve an individual from a determination of a violation under this policy.

### **Application and Terminology**

Sexual Misconduct committed by any Covered Individual is expressly prohibited by this USA Basketball Sexual Misconduct Policy. As noted above, any violation of the *Code's* policies or procedures concerning sexual misconduct shall be considered a *per se* violation of this policy.

Generally, Sexual misconduct offenses include:

- A. Sexual Conduct, or attempts to commit the same, without Consent.
- B. Sexual Conduct, or attempts to commit the same, where there is a Power Imbalance regardless of purported Consent.
- C. Sexual Harassment.
- D. An Intimate Relationship involving a person in a Position of Power where a Power Imbalance exists.

#### ***Sexual Misconduct Involving Minors***

Regardless of any purported Consent, a sexual misconduct offense involving a Minor includes:

- A. Sexual Conduct, or attempt to commit the same, between a Covered Adult and a Minor where the age difference is three or more years.
- B. Sexual Conduct, or attempt to commit the same, between a Covered Adult and a Minor where the age difference is less than three (3) years, but a Power Imbalance exists.

<sup>1</sup> Exclusive jurisdiction means the exclusive authority to investigate, resolve and/or issue sanctions for prohibited conduct unless referred back to USA Basketball by the Center.

- C. An Intimate Relationship, or attempt to establish the same, between a Covered Adult and a Minor where the age difference is three (3) or more years and a Power Imbalance exists.
- D. Sexual Conduct between a Covered Minor and another Minor if:
  - a. The age difference between the two is three or more years; or
  - b. There is a Power Imbalance based on the totality of the circumstances.

A Covered Individual shall not engage in any behavior that constitutes child abuse as defined by federal or applicable state law. It is a violation of the *Code* and this Handbook for a Covered Individual to be convicted of or subject to a Criminal Disposition for crimes involving behaviors amounting to Sexual Misconduct or child abuse.

Additionally, a Covered Individual shall not engage in any other form of sexual misconduct, including Bullying Behaviors or Hazing of a sexual nature.

### *Terminology*

1. Sexual Misconduct: Any unwelcome or unwanted sexual conduct committed without consent or by force, intimidation, coercion or manipulation.
2. Sexual Conduct: Contact and non-contact behaviors of a sexual nature.
3. Contact Behaviors of a Sexual Nature: Any intentional bodily contact of a sexual nature, however, slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.
  - a. Sexual Contact: Sexual contact is (i) any intentional bodily contact, however slight, whether clothed or unclothed, of a person's intimate body parts (primarily their genital area, groin, inner thigh, buttock or breast) with any object or body part; and/or (ii) any other intentional bodily contact committed in a sexual manner.
  - b. Sexual Intercourse: Sexual intercourse is (i) a completed or attempted penetration of the vulva or anus by a penis object, tongue or finger; and/or (ii) contact between the mouth and the penis, vulva or anus.
4. Non-Contact Behaviors of a Sexual Nature: Non-Contact behaviors of a sexual nature include (i) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (ii) sexual comments; (iii) sexually explicit photographs; and/or (iv) filming taking or disseminating of a sexual nature.
  - a. Exploitation → Non-contact behavior of a sexual nature includes Exploitation, taking sexual advantage of another to benefit or gratify one's self or any other person other than the person or person's being exploited. Exploitation includes, but is not limited to:
    - i. Voyeurism or spying on persons engaged in intimate or sexual behavior
    - ii. Exposing one's genitals or inducing another person to expose his or her genitals without Consent

- iii. Taking pictures or video or audio recordings of another in a sexual act or in any other private activity, without the Consent of all involved in the activity, or
  - iv. Disseminating or threatening to disseminate pictures, video recordings or audio recordings of another person in a sexual act or any other private activity.
- 5. **Sexual Harassment:** Conduct by a Covered Individual toward an athlete or other non-employee non-athlete participant that includes:
  - a. Sexual advances, requests for sexual favors or other verbal or physical behaviors of a sexual nature; or
  - b. Is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.
- 6. **Consent:** Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent to any one form of sexual activity does not automatically imply consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. **Once given, Consent can be withdrawn through clear communication. Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.**
  - a. **Inability to Consent:** An Inability Consent exists when Consent cannot be given because the person (i) lacks legal capacity or (ii) is Incapacitated.
    - i. Incapacitated: A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the "whom what, when where, why or how of the sexual interaction). A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.
  - b. **Inability to Refuse:** An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation or creating or misusing a Power Imbalance.
    - i. Coercion: Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (1) frequency, (2) intensity, (3) isolation, and (4) duration.
    - ii. Force: The use or threat of physical force that overcomes free will or resistance.
    - iii. Intimidation: Implied threats or acts that reasonably cause a fear of harm in another.
- 7. **Position of Power:** When one person who has direct, supervisory, evaluative or other authority over another.
  - a. Example: A person who may be in a Position of Power includes someone such as a coach, boss, employer, or medical personnel.

## 8. Power Imbalance

- a. A Power Imbalance may exist where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance. Whether someone occupies a Position of Power such that there is a Power Imbalance depends on several factors including:
    1. The nature and extent of the supervisory evaluative, or other authority over the person;
    2. The actual relationship between the parties;
    3. The parties' respective roles;
    4. The nature and duration of the relationship;
    5. The age of the adult; and
    6. The age of the people involved
  - ii. **Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship**, regardless of age, and is presumed to continue for Minor athletes after the coach-athlete relationship terminates and until the athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).
  - b. A Power Imbalance may also exist, based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.
9. Intimate Relationship: A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances including:
- a. Regular contact and/or interactions outside of or unrelated to the sport relationship, whether electronically or in person;
  - b. The parties' emotional connectedness;
  - c. The exchange of gifts;
  - d. Ongoing physical contact and/or Sexual Conduct;
    - i. Identity as a couple;
    - ii. The sharing of sensitive personal information; and/or
    - iii. Knowledge about each other's life outside the sport relationship.

### *Practical Application*

Sexual misconduct may include prohibited behaviors including, without limitation, an adult discussing his or her sex life with a minor, an adult asking a minor about his or her sex life, an adult requesting or sending nude or partial dress photo(s) to a minor, an adult exposing minors to pornographic material, an adult sending minors sexually explicit electronic messages or photos (e.g. sexting), an adult deliberately exposing a minor to sexual acts, or an adult deliberately exposing a minor to inappropriate nudity. These behaviors may also constitute sexual misconduct between or among adults or other Covered Individuals.

Romantic or sexual relationships, which began during or incident to the sport relationship, between minor athletes or other USA Basketball participants and those individuals who: (i) have direct supervisory or evaluative control, or (ii) are in a position of power and trust over the minor athlete or participant, also constitutes prohibited sexual misconduct. Except in circumstances where no Power Imbalance exists, coaches have this direct supervisory or evaluative control and are in a Position of Power and trust over those athletes or participants they coach.

The prohibition on Intimate Relationships does not include those relationships where it can be demonstrated that there is no Power Imbalance. For example, the prohibition does not apply to a pre-existing relationship between two spouses or life-partners.

Neither Consent of a minor to Sexual Contact, mistake as to the athlete's age, nor the fact that the Sexual Contact did not take place at a USA Basketball competition or event are defenses to an allegation of sexual abuse or misconduct.

### **Procedure and Temporary Measures**

#### **Decisions by the U.S. Center for SafeSport**

USA Basketball will mirror and enforce any decision rendered by the U.S. Center for SafeSport, whether temporary or final.

#### **Before the Center Takes Jurisdiction**

Before the U.S. Center for SafeSport has accepted jurisdiction, USA Basketball may implement temporary measures, up to and including suspension.

#### **After the Center Takes Jurisdiction**

After the U.S. Center for SafeSport has accepted jurisdiction, and prior to any final decision, USA Basketball may implement temporary measures excluding suspension. Nothing in this section prevents USA Basketball from enforcing a temporary suspension issued by the U.S. Center for SafeSport.

In the event that the Center does not take jurisdiction, for any reason, USA Basketball may assume jurisdiction and will proceed under this Handbook and its other applicable rules, policies, and procedures.

## B. PHYSICAL MISCONDUCT POLICY

Any activity that physically harms an athlete, such as direct contact with coaches or teammates, disciplinary actions or punishment, is unacceptable. Physical misconduct can extend to seemingly unrelated areas including inadequate recovery times for injuries and diet. USA Basketball seeks to promote safe conditions for participation by setting clear boundaries and taking a team approach to monitoring athletes and participants.

Physical Misconduct committed by any Covered Individual is expressly prohibited by this USA Basketball Physical Misconduct Policy. As noted above, any violation of the Code's policies or procedures concerning physical misconduct shall be considered a *per se* violation of this policy.

Without limiting the information contained in this policy, any act or conduct described as physical abuse, physical misconduct, or child abuse under applicable federal or state law constitutes a *per se* violation of this policy. A dismissal of a charge under federal or state law shall not automatically relieve an individual from a determination of a violation under this policy.

### **Application and Terminology**

Physical Misconduct is any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person. Physical misconduct also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury.

Forms of Physical Misconduct include, but are not limited to:

- **Contact Violations**
  - Punching, beating biting, striking, choking or slapping another
  - Intentionally hitting another with objects or sports equipment
  - Encouraging or knowingly permitting an athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional
- **Non-Contact Violations**
  - Isolating a person in a confined space, such as locking an athlete in a small space
  - Forcing an athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface)
  - Withholding recommending against, or denying adequate hydration, nutrition, medical attention or sleep
  - Providing alcohol to a person under the U.S. legal drinking age
  - Providing illegal drugs or non-prescribed medications to another
- **Criminal Conduct**
  - Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. assault)

## Exclusions

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

## **C. EMOTIONAL MISCONDUCT AND HARASSMENT POLICY**

USA Basketball's Emotional Misconduct and Harassment Policy encompasses a variety of prohibited conduct and behavior including but not limited to: Emotional Misconduct, Harassment, and Stalking. Behavior tantamount to bullying, committed by an adult is properly addressed under this policy or USA Basketball's Hazing policy. A dismissal of charge under federal or state law shall not automatically relieve an individual from a determination of a violation under this policy.

While often other individuals may be the perpetrators of emotional misconduct, harassment or sexual harassment, it is a violation of this Policy if a coach or other Covered Adult knows or should know of the Emotional Misconduct or Harassment but takes no action to intervene on behalf of the targeted individual(s).

Bullying, threats, and hazing, as defined in other USA Basketball Misconduct policies, often involve some form of Emotional Misconduct.

### **Application and Terminology**

#### **Emotional Misconduct**

Repeated and/or severe non-contact behavior involving:

- (a) Verbal Acts,
- (b) Physical Acts, and/or
- (c) Acts that Deny Attention or Support.

Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior. Emotional misconduct also includes any act (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) or conduct that can be described as emotional abuse under federal or state law.

#### **Verbal Acts**

Verbal Assault that repeatedly attacks someone personally (e.g. calling a person worthless, fat or disgusting, taunting a person for being too effeminate) or repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

#### **Physical Acts**

Physically aggressive behaviors such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

## **Acts that Deny Attention or Support**

Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

### **Harassment:**

Repeated and/or severe conduct that:

- (a) Causes fear, humiliation or annoyance
- (b) Offends or degrades,
- (c) Creates a hostile environment,
- (d) Reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on age, gender sexual orientation, gender expression, gender identity, race, ethnicity culture, religion, national origin, or mental or physical disability, or
- (e) Any act or conduct described as harassment under federal or state law.

Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

Harassment may be a form of Emotional, Physical or Sexual Misconduct, and includes but is not limited to:

### **Discriminatory Harassment**

Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

### **Sexual Harassment**

Conduct by a Covered Adult toward an athlete or other non-employee, or non-athlete participant that includes:

- (a) Sexual advances, request for sexual favors, or other verbal or physical behaviors of a sexual nature; or
- (b) Is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

Unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the individual(s) being harassed are the same sex, and it is immaterial whether the individual resists or submits to the harasser when:

- (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a participant's participation in any activity; or
- (b) Submission to or rejection of such conduct by a participant is used as the basis for decisions affecting the participant; or
- (c) Such conduct is sufficiently severe, persistent or pervasive that it limits a participant's ability to participate in or benefit from a basketball-related program or activity, or creates a hostile/abusive environment.

Acts of verbal or physical aggression intimidation or hostility based on sex, but not involving conduct of a sexual nature may also constitute sexual harassment.

Please note, that Sexual Harassment may also be addressed under USA Basketball's Sexual Misconduct Policy or may be covered by the *Code*.

### **Stalking:**

Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

Stalking involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact, surveillance or unwanted in-person contact, surveillance or unwanted telephone and/or other electronic contact.

Stalking behaviors include without limitation:

- (a) Following a person, appearing at a person's home, class, work or practice;
- (b) Frequent phone calls, emails, or text messages;
- (c) Continuing to contact a person after receiving requests to stop;
- (d) Leaving unwanted written messages, objects or gifts;
- (e) Vandalizing a person's property;
- (f) Threatening, intimidating or intrusive behavior; and
- (g) Violating a lawful order preventing contact with a person.

### **Exclusions**

Emotional Misconduct **does not** include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building or appropriate discipline.

## D. HAZING POLICY

Hazing often begins as seemingly benign behavior but can become a serious issue if allowed to continue. Hazing conduct is typically an activity that serves as a condition for joining a group or being socially accepted by a group's members. Since hazing often occurs amongst peers, coaches, staff and other Covered Adults can send a strong anti-hazing message by creating an environment that encourages athletes, to raise concerns or share information. USA Basketball seeks to create an environment that discourages hazing and holds those who participate accountable. USA Basketball strongly encourages the adoption and use of this policy, in connection with other policies and procedures contained in this Handbook, as best practices by Coach Licensees and the organizations with which they are affiliated.

Violations of the policy may include Hazing behavior or instances of Hazing committed by USAB Designated Athletes, Coaches or other individuals whom USAB deems to be Covered Individuals, or the failure to report instances of hazing by the aforementioned individuals. It is immaterial whether hazing occurred during a USA Basketball event.

It shall also be a violation of this policy if a coach or other Covered Adult knows or should know of the hazing but takes no action to intervene. Additionally, convictions, pleas of nolo contendere, and deferred agreements under state or federal law for hazing will be considered to be a *per se* violation of this policy. A dismissal of a charge under federal or state law shall not automatically relieve an individual from a determination of a violation under this policy.

### **Application and Terminology**

#### **Hazing**

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate a person as a condition of joining or being socially accepted by a group, team or organization.

Purported consent by the person subject to hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Forms of Hazing include, but are not limited to:

- Contact Acts, including, but not limited to:
  - Physical restraint of another person, including tying or taping
  - Beating
  - Paddling
  - Other forms of physical assault
- Non-Contact Acts, including, but not limited to:
  - Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to illicit a negative physiological response

- This may include participation in binge drinking and drinking games
  - Personal servitude
  - Requiring social actions or public displays that are illegal or meant to draw ridicule
    - Could include wearing inappropriate or provocative clothing or public nudity for example
  - Excessive training requirements demanded of only particular individuals that serve no reasonable or productive training purposes
  - Prolonged deprivation of sleep, food or drink
  - Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed in excess of the usual amounts for human consumption
  - Forced consumption of any substance not generally intended for human consumption
  - Otherwise unnecessary schedule disruptions
  - Restrictions on personal hygiene
- Sexualized Acts
  - Actual or simulated Sexual Conduct of any nature
- Criminal Acts
  - Any act or conduct that constitutes hazing under applicable federal or state law

## **Exclusions**

Hazing shall not include group or team activities that are reasonably designed to establish normative team behaviors or promote team cohesion, so long as such activities do not have reasonable potential to cause emotional or physical distress to any participant.

## E. BULLYING POLICY

USA Basketball supports an environment for participation that is conducive to the enjoyment of the sport; Bullying Behavior seeks to disrupt that environment and is expressly prohibited. Actions that demean or intimidate athletes, either physically or emotionally, can affect performance and team cohesion. This policy seeks to promote consistency of approach, and emphasize teamwork and mutual support, to aid in the creation of a climate which enforces the notion that all forms of Bullying Behavior are unacceptable.

Bullying-like behaviors among adults are addressed under other forms of misconduct such as Hazing and Harassment.

### Application and Terminology

#### **Bullying Behavior**

Repeated and/or severe aggressive behavior among Minors, that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.

Forms of Bullying Behavior include, but are not limited to:

- Physical, including, but not limited to:
  - Hitting
  - Pushing
  - Punching
  - Beating
  - Biting
  - Striking
  - Kicking
  - Choking
  - Spitting or Slapping
  - Throwing objects such as sporting equipment at another person
- Verbal, including, but not limited to:
  - Teasing
  - Ridiculing
  - Taunting
  - Name-Calling
  - Intimidating or threatening to cause someone harm
- Social, including cyberbullying, including, but not limited to:
  - Using rumors or false statements about someone to diminish that person's reputation
  - Using electronic communications, social media or other technology to harass, frighten, intimidate, or humiliate someone
  - Socially excluding someone and asking others to do the same
- Sexual, including, but not limited to:

- Teasing, ridiculing or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g. taunting someone for being too effeminate)
- Teasing someone about their looks or behavior as it relates to sexual attractiveness.
- Threats, including but not limited to:
  - Any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone else, whether communicated directly to the intended victim or communicated to a third party.
- Criminal Conduct
  - Bullying Behavior includes any conduct described as bullying under federal or state law.

### **Exclusions | Rude, Mean and Conflict Distinguished**

Conduct may not rise to the level of Bullying Behavior if it is:

- Rude: Inadvertently saying or doing something hurtful
- Mean: Purposefully saying or doing something hurtful, but not as a pattern of behavior
- Or, arising from conflict or struggle between persons, absent a Power Imbalance, who perceive they have incompatible goals.

Bullying also does not include group or team behavior designed to establish normative behavior or promote team cohesion. For example, bullying does not include verbal admonitions to encourage team members to train harder or push through a difficult training regimen.

## F. LOCKER ROOM POLICY

Locker room and changing area settings may create an environment where extra diligence is required due to athletes being in various stages of dress and undress, and because they are often less supervised than at other times. Athlete-to-athlete problems, such as sexual abuse, bullying, harassment, or hazing, often occur when a coach or other responsible adult is not in a position to observe – this is especially true in locker rooms. Adherence to this locker room policy enhances privacy and reduces the likelihood of misconduct.

Additional requirements, including regarding limiting one-on-one interactions in locker rooms, as required under federal law, may be found in **Section IV: USA Basketball Minor Protection Policies**.

USA Basketball strongly encourages the adoption and use of this policy, in connection with other policies and procedures contained in this Handbook, as best practices by Coach Licensees and the organizations with which they are affiliated.

### **Locker Room Supervision**

During USA Basketball team events or activities involving Minor athletes, and when reasonably practicable, USA Basketball shall provide at least one Covered Adult who shall be present to monitor the locker room during all team events to ensure that only coaches, athletes, and approved team personnel (including, without limitation, support staff and other volunteers) are permitted in the locker room (or other changing area) and to supervise the conduct in the locker room.

During USA Basketball team events or activities, any individual meetings between a Minor athlete and a coach or other Covered Adult in a locker room shall require that a second Covered Adult be present. The Covered Adult designated to monitor and supervise the locker room shall have been screened in accordance with the Background Screening and Program and Protocols found in Section IV of this Handbook.

Further, Covered Adults must also secure the locker room appropriately during times when minor participants are on the court.

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras, and video cameras increase the risk for some forms of abuse or misconduct. Accordingly, the use of a mobile device's recording capabilities in the locker room or changing areas is not permitted at any USA Basketball event, provided that it may be acceptable to take photographs or recordings in a locker room in such unique circumstances as a victory celebration or team party, where all persons in the locker room are appropriately dressed and have been advised that photographs or recordings are being taken.

While the requirements contained in this Locker Room Policy are required for USA Basketball team events or activities involving Minor athletes, this policy is strongly

recommended for all USA Basketball events or activities regardless of whether Minor athletes are involved or participating.

## **G. SOCIAL MEDIA, MOBILE AND ELECTRONIC COMMUNICATIONS POLICY**

As part of USA Basketball's emphasis on athlete and participant safety, communications involving athletes should be appropriate, productive, and transparent. Effective communication concerning travel, practice or game schedules, and administrative issues among coaches, administrators, players and their families is critical.

However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of mobile and electronic communications can result in misconduct. Adherence to this Social Media, Mobile and Electronic Communications Policy helps reduce these risks.

All electronic communication between a Covered Individual and an athlete, including email, text messaging and the use of social media, should be professional in nature and generally used for the purpose of communicating information about team activities or other basketball-related content.

Professional communication between Covered Individuals and athletes is subjective and depends on the facts and circumstances, however, professional communication is generally limited to information submitted for the purpose communicating information about team activities or team-oriented motivational purposes.

Covered Individuals must follow common sense guidelines regarding the volume and time of day of any electronic communication with athletes. Where possible, electronic communication in accordance with this policy should be conducted during business hours, with additional consideration given to the recipient's time zone.

Additional requirements, including those regarding limiting one-on-one interactions with regard to Social Media, Mobile, and Electronic Communications, as required under federal law, may be found in **Section III: USA Basketball Minor Abuse Protection Policies**.

### **Abuse and Misconduct**

Social media and other means of electronic communication can be used to commit abuse and misconduct (e.g., Emotional and Sexual Misconduct, Bullying, Harassment, and Hazing). Such communications by anyone participating in the activities or affairs of USA Basketball will not be tolerated and are considered violations of this Handbook.

## H. TRAVEL POLICY

A significant portion of sports participation involves overnight travel for teams to games and tournaments. Athletes are most vulnerable to abuse or misconduct during travel, particularly overnight stays. This includes a greater risk of player to player misconduct. During travel, players may be away from their families and support networks, and the setting – unfamiliar locker rooms, automobiles, and hotel rooms – is less structured and less familiar.

This Travel Policy provides guidelines so that care is taken to minimize one-on-one interactions between athletes and Covered Individuals while traveling. Further, the policy directs how athletes will be supervised between and during travel to and from practice and competitions. Adherence to this Travel Policy helps to reduce the opportunities for misconduct.

Additional requirements, including those regarding limiting one-on-one interactions for Local and Team Travel, as required under federal law, may be found in **Section III: USA Basketball Minor Protection Policies**.

USA Basketball strongly encourages the adoption and use of this policy, in connection with other policies and procedures contained in this Handbook, as best practices by Coach Licensees and the organizations with which they are affiliated.

The following policies should be in effect for all USA Basketball National Team program travel involving athletes, when reasonably practicable:

- Regardless of gender, no USA Basketball staff member or other Covered Individual may share a hotel room or other sleeping arrangement with an athlete, unless such individual is the parent, guardian, sibling or is otherwise related to the player, or is another player of the same gender, per below.
- Players should share rooms with other players of the same gender, with the appropriate number of players assigned per room depending on accommodations.
- Individual meetings between a player and a coach, trainer, or other Covered Individual should not occur in hotel sleeping rooms unless the door to the room remains open.
- USA Basketball should provide same-sex chaperones for any international National Team travel, as well as domestic travel, as necessary.
- Regular monitoring and curfew checks should be made of each athlete's room.
- No USA Basketball staff member or other Covered Individual should drive alone with an unrelated minor player, unless emergency circumstances require it.
- No USA Basketball staff member or other Covered Individual should engage in team travel without the proper safety requirements in place and on record,

including valid drivers' licenses, automobile liability insurance as required by applicable state law, a vehicle in safe working order, and compliance with all state laws.

- All USA Basketball staff members and Covered Individuals travelling with a team should be familiar with the *Code* and this Handbook to monitor compliance with all athlete and participant protection policies.
- No USA Basketball staff member or other Covered Individual should be impaired by alcohol or drugs while performing their respective duties.
- All players should be encouraged to make regular check-in phone calls to parents, and team personnel (including, without limitation, support staff and other volunteers) should allow unscheduled check-in phone calls initiated by either the player or their parent(s) or legal guardian(s).
- The team should make every effort to accommodate reasonable parental requests when a minor is away from home without a parent.
- Specific travel itineraries should be distributed to parents when they are available and will include a detailed itinerary as well as contact information for all team personnel (including, without limitation, support staff and other volunteers) and chaperones.

## **SECTION III: USA BASKETBALL MINOR ATHLETE ABUSE PREVENTION POLICIES**

The following policies are required by federal law and the U.S. Center for SafeSport. USA Basketball has established these minor athlete abuse prevention policies to protect minor athletes participating in our programs and limit one-on-one interactions, as set forth in federal law.

These following policies shall, at a minimum, be applicable to USA Basketball's National Team Programs comprised of minor athletes and are strongly suggested for use and inclusion at Youth and Sport Development Events (e.g. Open Court) and adoption by USA Basketball's organizational members and coach licensees. These policies are designed to be used in conjunction with USA Basketball's Policies regarding Locker Rooms, Social Media, Mobile and Electronic Communications and Travel; however, these minor athlete abuse prevention policies shall govern in the event of a material conflict.

### Minor Athletes Who Become Adult Athletes

With the exception of athletes who are members of the same team, Minor Athletes who reach the age of majority (i.e. 18 years of age) must adhere to the provisions found in the Minor Athlete Prevention Policies when interacting with minor athletes who are 14 years of age or younger.

Minor Athletes who reach the age of majority and then obtain a position of authority that presents a power imbalance, such as becoming a coach or official, must also comply with these prevention policies regardless of the age of the minor athletes with whom they will interact.

Information regarding Education and Training requirements for minor athletes can be found in **Section V: Education and Awareness Training**.

### *Terminology*

1. Electronic Communication: A general term that embraces all kinds of computer-mediated communication in which individuals may exchange messages, files, photos or like items electronically, either individually or in groups.
  - a. Methods, Mediums and Examples of Electronic Communication
    - i. Facebook, Blogs and Similar Sites
    - ii. Twitter, Instagram, Instant Messaging, and Similar Media
    - iii. Email and Similar Electronic Communications
    - iv. Text Messages, WhatsApp, and Similar Methods of Electronic Communications
2. Jurisdiction: For these purposes shall mean under USA Basketball's authority or control. When referencing a facility under USA Basketball's jurisdiction, it shall

mean a facility owned or leased by USAB and/or any facility that provides USA Basketball the exclusive ability to control or restrict access or entry.

3. Minor Athlete: An amateur athlete, as defined under federal law and/or USA Basketball governing documents, who is under the age of 18 (i.e. USA Basketball National Team minor athlete or prospective athlete).
4. Applicable Adult: Adults authorized by USA Basketball to have regular contact with or authority over a minor athlete and includes without limitation USA Basketball Staff and Board Members.

### **USA Basketball Minor Athlete Abuse Prevention Policies**

1. One-on-One Interactions
2. Massages and Rubdowns
3. Locker Rooms and Changing areas
4. Social Media and Electronic Communications
5. Local Travel
6. Team Travel

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

The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, the risk of child abuse, particularly child sexual abuse, can be reduced. However, one-on-one time with a trusted adult is also healthy and valuable part of participation in athletics. USA Basketball understands and emphasizes that policies concerning one-on-one interactions assists our organization protect minor athletes while allowing beneficial relationships to thrive.

Regular contact with Minor Athlete(s) shall be defined as:

1. Recurring, repeated, or periodic contact between an Applicable Adult and Minor Athletes(s); OR
2. A person with supervisory or decision-making authority over a Participating Adult who has recurring, repeated or periodic contact with Minor Athlete(s).

### **Application**

This policy shall apply to the following individuals:

1. Participating Adults at a facility under the jurisdiction of USA Basketball
2. An adult authorized by USA Basketball to have regular contact with or authority over a Minor Athlete, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for Minor Athletes
  - e. Medical Staff
  - f. Contractors and/or Vendors who have regular contact with minor athletes (e.g. Mentors, Court Monitors, Registration Desk, Long-Term Photographers)
3. USA Basketball Staff and Board Members

Collectively, "Applicable Adult" for the purposes of this policy.

### **Observable and Interruptible**

1. One-on-one interactions between a Minor Athlete and an Applicable Adult, who is not the Minor Athlete's parent or legal guardian, are only permitted if the interaction occurs at an observable and interruptible distance by another adult.
2. Isolated, one-on-one interactions between a Minor Athlete and a Participating Adult, who is not the Minor Athlete's parent or legal guardian, are expressly prohibited, except under emergency circumstances or as otherwise described in this policy.

## **Meetings**

Meetings between Applicable Adults and Minor Athletes should only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed and at an interruptible distance from another adult.

If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, meetings should occur in an office with windows, and the windows, blinds, and or/curtains must remain open for the duration of the meeting.

A closed-door meeting may be permitted to protect patient privacy if a mental health care professional or healthcare provider meets with a Minor Athlete at a facility under the jurisdiction of USA Basketball, only under the following conditions:

1. The door must remain unlocked;
2. Another Applicable Adult must be present at the facility;
3. The other Applicable Adult must be advised that a closed-door meeting is occurring; and
4. Written consent by the minor athlete's parent or legal guardian must be obtained by the mental health care professional or health care provider, and submitted to USA Basketball, prior to the provision of services.

It is strongly encouraged that the name and contact information of the other Applicable Adult be provided to the Minor Athlete and their Parent or Legal Guardian, when a closed-door meeting with a mental health care professional or healthcare provider occurs.

Individual training session between Applicable Adults and Minor Athletes at a facility under the jurisdiction and control of USA Basketball are only permitted if the training session is observable and interruptible by another adult.

The Applicable Adult performing the individual training session must obtain the written permission of the minor athlete's parent or legal guardian prior to the individual training session. Permission for individual training sessions at a facility under the jurisdiction of USA Basketball shall be obtained at least every six (6) months.

The Applicable Adult must provide a copy of any written permission obtained to USA Basketball upon request. Written permission should at a minimum contain the date the permission was granted, the name of the Minor Athlete, Names of the Minor Athlete's Parents or Legal Guardians, location where the individual training session is to occur, and clear assent to the training session by the Parent or Guardian.

Parents, guardians and other caretakers must also be allowed to observe the training session. Prevention of a parent's or guardian's ability to observe an individual training session is expressly prohibited and shall constitute a violation of this policy.

When determining whether an adult is present or located at an interruptible distance for purposes of this policy, an adult should generally be another Applicable Adult or the Minor Athlete's Parent or Legal Guardian.

### **Monitoring**

USA Basketball will make every reasonable effort to monitor one-on-one interactions between Applicable Adults and Minor Athletes that occur at facilities under its jurisdiction. Monitoring includes: knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and observations of the one-on-one interaction performed at random.

## **MASSAGES AND RUBDOWNS**

### **Application**

This policy shall apply to the following individuals:

1. Adults at a facility under the jurisdiction of USA Basketball
2. An adult authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for minor athletes
  - e. Medical Staff
  - f. Event Staff
  - g. Contractors and/or Vendors who have regular contact with minor athletes
3. USA Basketball Staff and Board Members

### **Licensed, Certified Professional**

Any massage or rubdown performed by an adult on a minor athlete at a facility under USA Basketball's jurisdiction, and at USA Basketball-organized and directed training events or competitions, is expressly prohibited unless that adult is a licensed massage therapist.

Any massage or rubdown of a minor athlete performed at a facility under USA Basketball's jurisdiction, or at a USA Basketball-organized and directed training event or competition, must be conducted in an open and interruptible location and with at least one other adult present. A massage or rubdown of a minor athlete must never be done with only the minor athlete and licensed massage therapist present.

A coach shall not perform a rubdown or massage of an athlete under any circumstances, even if that coach is a licensed massage therapist.

### **Consent**

Where possible, written consent by a minor athlete's parent or legal guardian shall be provided before the provision of a massage or rubdown to a minor athlete.

A minor athlete's parent or legal guardian must be permitted to be in the room as an observer.

## **LOCKER ROOMS, REST ROOMS, AND CHANGING AREAS**

Athletes (especially minors) are particularly vulnerable in locker rooms and changing areas due to various stages of dress or undress and because athletes are less supervised than at many other times. Athlete-to-athlete problems, such as child sexual abuse and bullying, harassment, and hazing, often occur when coaches or staff members are not monitoring athletes. This is especially true in locker rooms. Adherence to locker room and changing policies enhances privacy and reduces the likelihood of misconduct.

As a part of USA Basketball's commitment to safety, USAB has provided this policy to address locker room activities between minors, minors and adults, adults being alone with individual minors in locker rooms and changing areas, unapproved or non-related adults having unsupervised access to minor athletes and inappropriate behavior among adults and minor athletes alike in locker rooms, rest rooms and changing areas.

### **Application**

This policy shall apply to the following individuals:

1. Adults at a facility under the jurisdiction of USA Basketball
2. An adult authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for minor athletes
  - e. Medical Staff
  - f. Event Staff
  - g. Contractors and/or Vendors who have regular contact with minor athletes
3. USA Basketball Staff and Board Members

### **Use of Recording Devices**

Use of any devices, including a cell phones, recording capabilities, including voice recording, still cameras, and video cameras in locker rooms, rest rooms, changing areas, or similar spaces at a facility under USA Basketball's jurisdiction is expressly prohibited.

Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by USA Basketball and two or more adults are present.

### **Undress**

Under no circumstances shall any unrelated adult at a facility under USA Basketball's jurisdiction be undressed, disrobed or partially/fully nude, or where private body parts are exposed, in front of minor athletes.

## **Meetings and Isolated One-on-One Interactions**

Meetings between a minor athlete and a coach or other Participating Adult in a locker room or changing facility are expressly prohibited unless the meeting occurs in the presence of another Participating Adult and/or the minor athlete's parent or legal guardian.

At no time are unrelated adults permitted to be alone with a minor in a locker room, rest room, or changing area when at a facility under USA Basketball's jurisdiction, except under emergency circumstances.

If USA Basketball is using a facility that only provides access to a single set of locker rooms or changing facilities, then USA Basketball will designate specific times for use by Adults, if any.

## **Monitoring**

USA Basketball Staff shall designate a monitor or monitors, to both regularly and randomly monitor the use of locker rooms, rest rooms, and changing areas at facilities under USA Basketball's jurisdiction to ensure compliance with these policies

Monitors will be used to minimize the risk of bullying and hazing, and to ensure that minors are not left unattended in locker rooms, rest rooms, and/or changing areas.

Adults should make every effort to recognize when an athlete goes to the locker room or changing area during practice and competition, and if they do not return in a timely fashion, should check on the athlete's whereabouts.

## **Non-Exclusive Facility**

If USA Basketball uses a facility not under its jurisdiction (e.g. for training, competition, or similar events) and the facility is used by multiple organizations or people unaffiliated with USAB, adults authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, and USA Basketball Staff and Board Members, are nonetheless required to adhere to the rules set forth in this policy.

Additionally, USA Basketball will make every effort to conduct a scan of the physical space it is using and determine if/which areas require additional adult supervision and provide additional supervision at times where it is deemed necessary to ensure the safety of USA Basketball's participants.

## **Parents and Legal Guardians**

Parents and legal guardians are discouraged from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex

parent or guardian. If this is necessary, parents or guardians should let a coach or other USA Basketball National Team Staff Member know before entering the locker room or changing area.

## **SOCIAL MEDIA & ELECTRONIC COMMUNICATIONS**

### **Application**

This policy shall apply to the following individuals who shall be known collectively as “Participating Adult” or “Participating Adults”:

1. An adult authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for minor athletes
  - e. Medical Staff
  - f. Event Staff
  - g. Contractors and/or Vendors who have regular contact with minor athletes
2. USA Basketball Staff and Board Members

### **Content**

All electronic communication originating from Participating Adults to minor athletes must be professional in nature. Professional communication between Participating Adults and amateur athletes is subjective and depends on the facts and circumstances, however, professional communication is generally limited to information submitted for the purpose communicating information about team activities or team-oriented motivational purposes.

Any electronic communication between Participating Adults and minor athletes must be observant of healthy and appropriate boundaries. The dissemination of sexually explicit, offensive or otherwise inappropriate communications is expressly prohibited and could be deemed a violation of USA Basketball’s Policies governing misconduct.

As with any communication, the content of any electronic communication should be readily available to share with the athlete’s family, USA Basketball or an affiliate organization (i.e. USOC).

### **Open and Transparent**

If a Participating Adult needs to communicate directly with a minor amateur athlete via any form of electronic communication, another Participating Adult and/or the minor’s parent or legal guardian must be copied.

If a minor amateur athlete communicates to the Participating Adult privately first, the Participating Adult should respond to the minor amateur athlete and copy (i.e. cc) another Participating Adult and/or the minor athlete’s parent(s) or legal guardian(s).

Communication submitted electronically to a team comprised of minor athletes by USA Basketball or a Participating Adult, shall also include one or more additional Participating Adults.

Minor athletes may “friend” USA Basketball’s Official Pages on any electronic medium, however they are prohibited from adding the personal pages of Participating Adults. Accordingly, Participating Adults should refrain from accepting “friend requests” or “follow requests” from minor athletes.

### **Prohibited Electronic Communications**

Private electronic communications between Participating Adults and minor athletes is expressly prohibited, except under emergency circumstances.

Private electronic communications may include but are not limited to direct messages, email, or text messages between a Participating Adult and minor athlete via any electronic medium. For the avoidance of doubt, private communications shall mean any electronic communication that contains one or more minor athletes and only one (1) Participating Adult.

Participating Adults are prohibited from sending private electronic messages, including photos via Snapchat or Instagram to a minor athlete.

Participating Adults may not maintain social media connections with Minor Athletes and may not accept new personal page requests on social media platforms from minor athletes. Existing social media connections with minor athletes must be discontinued.

Participating Adults are strongly encouraged to set their social media pages to private settings.

Where possible, electronic communication in accordance with this policy should be conducted during business hours, with additional consideration given to the recipient’s time zone.

### **Requests to Copy or Discontinue**

Parents or legal guardians may request in writing (email sufficient) prior to the start of any USA Basketball event, training camp, or competition that the minor athlete is designated to participate, that the minor athlete may be contacted via electronic communication so long as the minor athlete’s parent or legal guardian is copied.

At any time, the parent(s) or legal guardian(s) of a minor athlete, may request in writing (email sufficient) that their minor athlete not be contacted through any form of electronic communication by USA Basketball or by USA Basketball’s Participating Adults.

USA Basketball shall abide by any such request by a minor athlete's parent or legal guardian regarding contact via electronic communication, absent emergency circumstances.

However, USA Basketball shall inform the minor athlete's parent(s) or legal guardian(s), at a reasonable time thereafter, if emergency circumstances arise which required communication with the minor athlete. Information provided to the minor athlete's parent(s) or legal guardian(s) shall include the emergency circumstances which prompted the communication and the contents of the communication, so long as it is not privileged and does not pose a significant security risk.

### **Misconduct**

Social media and electronic communications can also be used to commit misconduct which is prohibited by USA Basketball's policies (e.g., emotional, sexual, bullying, harassment, and hazing). Such communications by Covered Individuals, Participating Adults, officials, parents or minor athletes will not be tolerated and may be considered violations of our Handbook.

## **LOCAL TRAVEL**

Local travel consists of travel to training, practice and competition that occurs locally and does not include coordinated overnight stay(s). Typically, USA Basketball does not participate in Local Travel, which is generally contemplated for those National Governing Bodies (NGBs) that have local affiliate organizations (LAOs); however, use of this policy is strongly suggested for USA Basketball National Member Organizations who follow a similar organizational model.

### **Application**

This policy shall apply to the following individuals who shall be known collectively as “Participating Adult” or “Participating Adults”:

1. An adult authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for minor athletes
  - e. Medical Staff
  - f. Event Staff
  - g. Contractors and/or Vendors who have regular contact with minor athletes
2. USA Basketball Staff and Board Members

### **Transportation**

Absent emergency circumstances, Participating Adults who are not also acting as a parent or legal guardian, may not drive alone with an unrelated minor athlete and should only drive with at least two other minor athletes or another adult, preferably a Participating Adult, unless otherwise agreed to in writing by the minor athlete’s parent or legal guardian in advance of travel. Participating Adults who travel with USA Basketball teams must successfully pass a criminal background check and comply with all other applicable USA Basketball rules, policies, and procedures.

Parents and legal guardians are strongly encouraged to receive child abuse prevention education before providing consent for their minor athlete to travel alone with a Participating Adult.

In any shared or carpool arrangement, parents and legal guardians are encouraged to pick up their minor athlete first and drop off their minor athlete last.

## **TEAM TRAVEL**

Team Travel consists of travel to a training, practice, competition or other team activity that is planned and supervised by USA Basketball. Team Travel often consists of an overnight stay coordinated by USA Basketball; however, a coordinated overnight stay is not necessary in order for this policy to be applicable.

### **Application**

This policy shall apply to the following individuals who shall be known collectively as “Participating Adult” or “Participating Adults”:

1. An adult authorized by USA Basketball to have regular contact with or authority over an amateur athlete who is a minor, which shall include without limitation:
  - a. National Team Coaches
  - b. National Team Support Staff
  - c. National Team Volunteers
  - d. Those acting as chaperones for minor athletes
  - e. Medical Staff
  - f. Event Staff
  - g. Contractors and/or Vendors who have regular contact with minor athletes
2. USA Basketball Staff and Board Members

### **Team Competition and Travel**

When only one Participating Adult and one minor athlete travel to a competition, the minor athlete must have his or her parent or legal guardian’s written permission in advance, and for each competition, to travel alone with the Participating Adult.

The Participating Adult must be named in writing and any change in the Participating Adult traveling with the minor athlete, absent an emergency, will require the completion of new written permission by the minor athlete’s parent or legal guardian.

Parents or legal guardians are strongly encouraged to receive child abuse prevention education before providing consent for the minor athlete to travel alone with a Participating Adult.

### **Coach and Staff Responsibilities**

During team travel, coaches and staff members (USA Basketball Staff and National Team Support Staff) will help minor athletes, fellow coaches, and staff members adhere to policy guidelines, including without limitation, the Travel Policy, Locker Rooms and Changing Areas Policy and policies governing reporting misconduct.

When not practicing, training, competing, or preparing for competition, coaches and staff should be mindful and aware of the activities of minor athletes, fellow coaches and staff during team travel.

Coaches and Staff should:

1. Prepare minor athletes for team travel and make minor athletes aware of all expectations;
2. Familiarize themselves with all travel itineraries and schedules before the initiation of team travel;
3. Conform to, and monitor for others' adherence to, all relevant policies during team travel;
4. Encourage minor athletes to participate in regular communications with their parent(s) or legal guardian(s);
5. Make certain that minor athletes are not alone in a hotel room or like sleeping quarters with any adult apart from a family member; this includes coaches, staff and chaperones;
6. Immediately report any concerns about physical or sexual abuse, misconduct, or policy violations to the appropriate authorities; and
7. Where circumstances allow, notify a minor athlete's parent(s) or legal guardian(s) before taking any disciplinary action against a minor athlete if the athlete is traveling without his or her parent(s) or legal guardian(s).

### **Safety Requirements**

Participating Adults who are authorized by USA Basketball to transport minor athletes must not engage in team travel without a valid drivers' license, proper insurance, compliance with all state laws, and use of well-maintained vehicles. Participating Adults who travel with USA Basketball teams must successfully pass a criminal background check and comply with all other applicable USA Basketball rules, policies, and procedures.

Individuals with one or more alcohol-related charges or convictions within the previous five years shall not be authorized to transport minor athletes.

USA Basketball will evaluate all minor athlete team travel to determine appropriate adult-to-athlete ratios to ensure adequate supervision is provided.

### **Hotel Rooms**

Participating Adults are prohibited from sharing a hotel room or other sleeping arrangement with a minor athlete, unless the Participating Adult is the minor athlete's parent, legal guardian, sibling, or is otherwise related to the minor athlete.

### **Meetings**

Meeting shall be conducted in accordance with USA Basketball's policy regarding one-on-one interactions. However, for the avoidance of doubt, any meeting arranged during Team Competition or Travel must be observable and interruptible.

Meetings conducted in hotel rooms or sleeping quarters (e.g. dorm room at Olympic Training Center or like facility) of Participating Adults or Minor Athletes are prohibited.

### **Monitoring**

When performing room checks, attending team meetings and/or other USA Basketball organized activities, during team travel, two-deep leadership and observable and interruptible environments, where practicable, will be maintained.

During room checks, designated Participating Adults should not enter the room of the Minor Athlete or Minor Athlete(s), unless reasonably necessary.

## **SECTION IV: BACKGROUND SCREENING PROGRAM AND PROTOCOLS**

USA Basketball's Screening Policy includes criteria for which a person may be disqualified prohibited from serving as a USA Basketball Board member, Committee Member or Covered Individual that USA Basketball authorizes, approves, or appoints to a position of authority over athletes or to have frequent contact with athletes ("Designees").

Under this policy, USA Basketball will not authorize or sanction any USA Basketball Board member, Committee member, Designee (including coaching or support staff for any USA Basketball National team, select team, or camp/clinic) unless that person consents to be screened **and** passes a criminal background screen conducted by USA Basketball. All USA Basketball staff members, including interns, will also be subject to criminal background screens, conducted in accordance with USA Basketball employment policies and related law.

### **USA Basketball Screening**

Submission to and successful completion of a criminal background screening is a requirement for participation in USA Basketball's programs and activities for Designees. Background Screening through USA Basketball's approved background screening vendor (Verified Volunteers) must be successfully completed before contact with Athletes beings, and in any event within the first thirty (30) days of beginning their respective role with USA Basketball. Rescreening of Designees shall be conducted every two (2) years.

In accordance with the above USA Basketball requires, and shall conduct, criminal background checks for Designees.

For the avoidance of doubt, Designees include the following individuals:

- National Team Managers and Support Staff
- National Team Locker Room Monitors
- National Team Travel Chaperones
- USA Basketball Committee Members
- Medical Staff
- U.S. Open Championships, Open Court, and Coach Clinic Volunteers and Operators
- Officials
- Contractors and Vendors who have regular contact with athletes
- Any non-athlete individual that USA Basketball or the USOC authorizes to train, stay, or work at an Olympic Training Center ("OTC")

These background check requirements also to any Designee under 18 years of age, including Coach Licensees and Pending Applicants.

### **Disqualification from Service**

The following shall serve as a basis under which a Designee, as noted above, will be disqualified or prohibited from service to or on behalf of (i.e. representative capacity) USA Basketball (“Automatic Disqualifiers”):

- Convictions of, deferred sentences and adjudications for, pleas of guilty or no contest, and pending charges for any of the following crimes\*:
  - i. Any felony involving:
    - a. Murder or homicide where intent is an element.
    - b. Sex crimes involving violence, lack of consent, or inability to consent, including rape and sexual assault.
    - c. Sex crimes involving a minor
    - d. Child endangerment, neglect, or abuse.
  - ii. Any misdemeanor involving:
    - a. Sex crimes involving violence, lack of consent, or inability to consent, including rape and sexual assault.
    - b. Sex crimes involving a minor.
- In addition to the criteria listed above, the following additional criteria shall also serve as a basis under which a person will be disqualified or prohibited from serving as a USA Basketball board member, Committee member, or other Designee:
  - i. Being adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
  - ii. Being subject to any court order involving any sexual abuse or physical abuse of a person, including but not limited to a domestic order of protection
  - iii. Being currently subject to sanction, whether permanent or temporary, by the U.S. Center for SafeSport, another national governing body, or USA Basketball.
  - iv. Having resigned, been terminated, or been asked to resign from a position whether paid or unpaid, due to complaint(s) of sexual or physical abuse.

The following shall serve as a basis under which a Designee, as noted above, may be disqualified or prohibited from service to or on behalf of (i.e. representative capacity) USA Basketball (“Potential Disqualifiers”)\*:

\* For purposes of this Screening Policy, diversion agreements are considered pending charges unless and until the agreement is fulfilled and the charges are dismissed

- Convictions of, deferred sentences and adjudications pleas of guilty or no contest, and pending charges for any of the following:
  - i. Any felony (or any crime punishable by confinement greater than one year).
  - ii. Any lesser crime involving force or threat of force against a person.
  - iii. Any lesser crime of a sexual nature, or in which sexual relations is an element or classified as a sexual offense, including but not limited to prostitution, pornography, indecent exposure, and sex offender registrants.
  - iv. Any lesser crime involving controlled substances.
  - v. Any lesser crime involving harm to a person including but not limited to child endangerment, neglect or abuse.
  - vi. Any lesser crime involving cruelty to animals.
  
- In addition to the criteria above, the following additional criteria shall also serve as a basis under which a person may be disqualified or prohibited from serving as a USA Basketball Board member, Committee member, or other Designee:
  - i. Having had their parental rights terminated.
  - ii. Having a history with another organization (volunteer, employment, etc.) of complaints of sexual or physical abuse or harassment of a person.
  - iii. Having previously been subject to any sanction, whether temporary or permanent, by the U.S. Center for SafeSport.
  - iv. Multiple alcohol-related offenses within the previous three years.

Designees who are subject to disqualification as a result of their background screening results, may challenge the accuracy of the information with USA Basketball's criminal background check vendor.

### **USA Basketball Exemption Panel**

Additionally, any disqualified Designee has the right to seek an exemption from a Potential Disqualifier from the USA Basketball Exemption Panel. In order to successfully obtain an exemption, the Designee must demonstrate that the conviction or charge does not violate the spirit of USA Basketball's Athlete and Participant Safety and Protection Program, and that they pose no risk to the sport and its athletes.

A Designee disqualified on the basis of an Automatic Disqualifier may not seek an exemption from the USA Basketball Exemption Panel and may only challenge the accuracy of the information with the USA Basketball's criminal background check vendor.

A request for exemption from disqualification may be submitted to [SafeSport@usabsketball.com](mailto:SafeSport@usabsketball.com) by the disqualified Designee.

## *Conflict of Interest*

### **Coach Licensees and Pending Coach Applicants**

Information regarding disqualifying criteria and appeal procedures for USA Basketball Coach Licensees and Pending Coach Licensee Applicants may be found here: [Coach Licensee Disqualification Criteria](#).

### **Tracking and Compliance**

USA Basketball will track compliance with Background Screening for Covered Individuals designated by this policy and will also complete periodic checks for compliance.

At a minimum, prior to and within sixty days after the completion of a USA Basketball event or competition, USA Basketball's SafeSport Director shall conduct an audit of all Covered Individual's completion of Background Screening for compliance, and will provide relevant department personnel and USA Basketball Staff documentation of their findings, and directives if necessary.

## **SECTION V: EDUCATION AND AWARENESS TRAINING**

Education is a key component of any abuse and misconduct prevention strategy. Awareness training provides relevant participants with information necessary to provide effective oversight, minimize the opportunities for Physical and Sexual Misconduct, in addition to other types of misconduct, and respond to concerns and allegations surrounding the safety of USA Basketball's athletes and participants.

USA Basketball's policies and procedures require USA Basketball staff members and specified Covered Individuals to report abuse, misconduct, and violations of this Handbook concerning Athlete and participant safety (see Section VI, Reporting of Concerns of Abuse).

To do so, all Covered Individuals and participants should have a basic understanding of sexual abuse and misconduct and the strategies that offenders use to target their victims. For example, often using a combination of attention, affection and gifts, offenders target a victim, win the victim's trust (and the trust of victim's caregiver(s)), manipulate the victim into sexual activity, and keep the victim from disclosing abuse.

This Policy defines training requirements for certain USA Basketball Covered Individuals as well as minor athletes.

### **Core Center for SafeSport Training:**

Education and training concerning child abuse prevention and the key elements of USA Basketball's Athlete and Participant Safety Program is a requirement for participation in USA Basketball's programs and activities. "Core Center for SafeSport Training," the U.S. Center for SafeSport's online training, must be successfully completed before contact with Athletes begins, and in any event within the first 30 days of individuals beginning their respective role with USA Basketball.

The following individuals and categories of individuals are required to successfully complete the Core Center for SafeSport Training:

1. Covered Individuals that USA Basketball formally authorizes, approves or appoints to:
  - a. A position of authority over, or
  - b. To have frequent contact with athletes
2. USA Basketball Staff and Board Members
3. USA Basketball Coach License Applicants and Pending Applicants
4. Any other individual participating in the activities or affairs of USA Basketball, as designated by USA Basketball.

For the avoidance, of doubt the following categories of Covered Individuals participating in USA Basketball's activities or programs must complete Core Center for SafeSport Training:

- National Team Managers and Support Staff
- National Team Locker Room Monitors
- National Team Travel Chaperones
- USA Basketball Committee Members
- Medical Staff
- U.S. Open Championships, Open Court, and Coach Clinic Volunteers and Operators
- Officials
- Contractors and Vendors who have regular contact with Athletes
- Any non-athlete individual that USA Basketball or the USOC authorizes to train, stay, or work at an Olympic Training Center

To educate Covered Individuals regarding Sexual Misconduct, Physical Misconduct, and other types of abuse and misconduct, the training:

- Describes what constitutes, and potential effects of, physical and sexual abuse
- Describes what constitutes, and potential effects of, all forms of abuse and misconduct (emotional, physical, and sexual; bullying, harassment, and hazing)
- Identifies risk opportunities for physical and sexual abuse
- Addresses common myths about offenders
- Outlines patterns, behaviors, and methods of operation of sexual predators
- Identifies risk opportunities for abuse and misconduct in sport
- Identifies policies, practices, and procedures to recognize, reduce, and report misconduct

Core SafeSport Training consists of the following interactive online courses (three 30-minute courses):

1. Sexual Misconduct Awareness Education
2. Mandatory Reporting
3. Emotional and Physical Misconduct

### Refresher Training:

The Center's online training courses designated as "refresher" courses ("Refresher Training") must be successfully completed on an annual basis by those required to complete Core Center for SafeSport training. USA Basketball will require and enforce the Refresher Training requirement once available and in accordance with designated timelines provided by the U.S. Center for SafeSport.

Refresher Training should only be completed by those Covered Individuals who have previously completed the Core SafeSport Training and should complete the following course: Refresher 1: Recognizing and Reporting Misconduct (one 30 -minute course).

### Training Access

A custom link for USA Basketball Covered Individuals will be provided via email from an authorized USA Basketball representative, so that Covered Individuals can register on [safesport.org](https://safesport.org). Coach Licensees and Pending Applicants can access Core SafeSport Training through the USA Basketball Community website.

Individuals who have already created an account in the safesport.org system, should sign in at [SafeSport Sign-In Link](#). Users may receive an error message if their email address has already been used when trying to create a new account.

If a user does not remember their password, they should click on the forgot password link and reset their password. Users who choose to create a new account instead of signing in to their existing account will be required to take the Core SafeSport Training again.

### Other Entities

If an individual has completed Core SafeSport Training or Refresher Training through another entity, verification of completion (e.g. U.S. Center for SafeSport Trained Certificate) must be submitted to USA Basketball's SafeSport Director for approval prior to participation.

USA Basketball reserves the right to, in its sole discretion, determine whether verification submitted by a Covered Individual is sufficient. If the verification submitted is deemed insufficient, the Covered Individual will be required to successfully complete Core SafeSport Training through USA Basketball's approved access link.

### **Minor Athlete Training Requirements**

In accordance with federal law and the U.S. Center for SafeSport, USA Basketball will offer abuse prevention training to Minor USAB Designated Athletes with parental consent. Parental consent shall include a Minor USAB Designated Athlete's parent or guardian. USA Basketball will offer such training once available and in accordance with designated timelines provided by the U.S. Center for SafeSport.

USA Basketball will track its offering of training and documentation for auditing purposes, in accordance with federal law, shall include:

1. A description of the training provided
2. The date(s) the training was provided
3. The number of, and age ranges of the Minor Athletes who attended the training.

### **Tracking and Compliance**

USA Basketball will track compliance with Core SafeSport and Refresher Training and complete periodic checks for compliance.

At a minimum, prior to and within sixty days after the completion of a USA Basketball, event or competition, USA Basketball's SafeSport Director shall conduct an audit of all covered individual's completion of SafeSport training for compliance and provide relevant department personnel and USA Basketball Staff documentation of their findings.

## SECTION VI: REPORTING CONCERNS OF MISCONDUCT AND ABUSE

USA Basketball's policy concerning reporting concerns of misconduct and abuse, encourages reports of suspected misconduct and abuse, does not in any way deter victims or witnesses from reporting abuse and misconduct, and is a key element to helping prevent abuse and misconduct from occurring.

By providing this guidance on when and how to report suspected misconduct, USA Basketball seeks to remove barriers to disclosing misconduct, including child physical and sexual abuse.

### THIS POLICY CONTAINS:

1. The **Reporting Policy**, which describes who must report violations or suspicions of potential or actual abuse or misconduct.
2. The **Reporting Procedure**, which includes:
  - To Whom to Report
  - How to Report to USA Basketball;
  - Anonymous Reporting;
  - "Whistleblower" Protection; and
  - Bad Faith Allegations.
- **How Reports are Handled.**
- **Notification to parents and other participants.**

### REPORTING POLICY

It is the policy of USA Basketball that Covered Individuals must report the following to the appropriate USA Basketball representative (as set forth below):

1. Suspicions or Allegations of Child Physical or Sexual Abuse
2. Actual or Perceived Violations of this Handbook's Policies, including those concerning Sexual Misconduct, Physical Misconduct, Emotional Misconduct and Harassment, Bullying, and Hazing
3. Other Actual or Perceived Violations of this Handbook or the Code of Conduct
4. Actual or Perceived Violations of the *Code* or other rules, policies, or procedures of the U.S. Center for SafeSport

If USA Basketball receives a report of Physical or Sexual Misconduct involving a minor, USA Basketball shall make a report to the proper law enforcement authorities. However, this may not absolve the original reporter of his or her duty to report Physical or Sexual Misconduct involving a minor to law enforcement authorities. Many states have reporting requirements, and individuals should determine whether they have a personal obligation to report to law enforcement authorities.

## **U.S. Center for SafeSport**

The U.S. Center for SafeSport has the exclusive authority to investigate and resolve conduct involving: (a) sexual misconduct; and (b) prohibited conduct under the *Code* that is reasonably related to the underlying allegation of sexual misconduct. Exclusive authority means: (a) only the U.S. Center for SafeSport will investigate and manage any related arbitration involving sexual misconduct; and (b) neither USA Basketball nor the USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided in the *Code*.

Covered Individuals are required to report to the U.S. Center for SafeSport any conduct of which they become aware that could constitute: (a) Sexual Misconduct; (b) misconduct that is reasonably related to the underlying allegations of Sexual Misconduct; or (c) retaliation related to an allegation of sexual misconduct.

More information regarding the requirements of the U.S. Center for SafeSport can be found at: <https://safesport.org>.

## **Concerns Regarding Reporting**

In some cases, an individual may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based or are concerned about the potential consequences of a false report.

It is critical that reporting parties do not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.

Additional considerations regarding reporting sexual abuse or misconduct may include:

### *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 an individual participating in the activities or affairs of USA Basketball 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 USA Basketball and/or the U.S. Center for SafeSport.

### *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 USA Basketball immediately.

## REPORTING PROCEDURE

### **To Whom to Report**

All reports of violations of any of the USA Basketball's policies contained in this Handbook or any violations of the *Code* shall be made to USA Basketball, and/or to the U.S. Center for SafeSport, if applicable.

### **Local Authorities**

Please contact your local authorities if you have a reasonable suspicion that child abuse or neglect has occurred. All reports of child abuse or sexual assault of a minor must also be reported to local authorities. Reports of abuse not involving a minor may also be reported to local authorities. More information regarding submitting reports to local authorities may be found here: [Reporting to Local Authorities](#)

### **Reports to USA Basketball**

Reports to USA Basketball may be made by emailing [SafeSport@usabasketball.com](mailto:SafeSport@usabasketball.com), calling 719-590-4800, or via USA Basketball's Online Reporting form found here: [USA Basketball's Misconduct Reporting Form](#)

USA Basketball 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. If reporting by email, **it is strongly encouraged that the following information be included:**

- 1) the name(s) and contact information 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 name(s) of the alleged victim(s);
- 5) the approximate dates the misconduct was committed;
- 6) the names of other individuals who might have information regarding the alleged misconduct;
- 7) a summary statement of the reasons to believe that misconduct has occurred

## **Reports to the U.S. Center for SafeSport**

Reports may also, and in some cases must, be made directly to the U.S. Center for SafeSport here: [U.S. Center for SafeSport Reporting Form](#)

## **Anonymous Reporting**

USA Basketball 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.

Reports to either USA Basketball or the U.S. Center for SafeSport may be made anonymously. No direct fees or other costs are associated with making a report of suspected or alleged misconduct.

## **“Whistleblower” Protection**

Regardless of outcome, it is the policy of USA Basketball to support the complainant(s) and his or her right to express concerns in good faith. USA Basketball will not encourage, allow or tolerate attempts from any individual, group or organization 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 this Handbook and shall be grounds for disciplinary action. However, this “Whistleblower” protection is not intended to shield complainants from discipline for engaging in other misconduct, including retaliation.

## **Bad-Faith Allegations**

Submitting a knowingly false allegation is prohibited and may violate state and criminal civil defamation laws. Such reports will be considered a violation of this Handbook and grounds for disciplinary action.

## HOW REPORTS ARE HANDLED

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

USA Basketball shall not attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities.

As necessary, however, a USA Basketball Staff Member or other Covered Individual receiving a report may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities, the U.S. Center for SafeSport or USA Basketball's Director of SafeSport.

USA Basketball will also forward reports of child physical or sexual abuse to the U.S. Center for SafeSport.

### **Other Misconduct and Policy Violations**

When a violation of this Handbook or other allegation of misconduct is reported, USA Basketball may initiate an investigation into the alleged misconduct and potential policy violation(s) and may seek disciplinary action in accordance with its policies and procedures.

Alternatively, USA Basketball may seek discretionary jurisdiction from the U.S. Center for SafeSport for investigation and/or adjudication under the Center's policies and procedures.

## NOTIFICATION

Upon receipt of a credible allegation involving SafeSport-related misconduct, USA Basketball may notify its staff members, Board members, certain Covered Individuals, Designees, the U.S. Center for SafeSport, and/or parents of any allegation that law enforcement authorities and/or USA Basketball are actively investigating, as appropriate.

## **SECTION VII: RESPONDING TO ALLEGATIONS OF ABUSE AND OTHER MISCONDUCT**

In response to allegations of abuse or misconduct, the following procedures and guidelines shall apply. By following these procedures, USA Basketball can provide a fair and reasonable process for handling reports of abuse by members.

**In this policy on Responding to Abuse and Other Misconduct is:**

- USA Basketball's procedures to investigate and conduct appropriate disciplinary proceedings following reports of suspicions or allegations of abuse or misconduct, or, in appropriate cases, to refer such matters to the U.S. Center for Safe Sport and/or law enforcement;
- The importance of maintaining confidentiality with respect to the complaint, complainant, victim, accused, and other information related to the report and incident(s) until "notice" is given about a suspension or the outcome of any proceeding(s);
- The circumstances in which an emergency hearing is appropriate and the procedures following an emergency suspension; and
- A general summary of the procedures for a full hearing, including sanctions that may be issued by a Hearing Panel.

### **INVESTIGATION AND/OR DISCIPLINARY PROCEEDINGS**

Upon a report or other notice of credible information or allegations that a person who may be subject to the jurisdiction of USA Basketball: (1) may have engaged in actual or suspected child physical or sexual abuse; (2) may have violated any of the Sexual Misconduct, Physical Misconduct, Emotional Misconduct and Harassment , or Hazing Policies; or (3) may have violated any of the provisions of this Handbook or the *Code*, USA Basketball shall conduct an investigation and/or disciplinary proceedings, where applicable, to determine the appropriate discipline that may be imposed.

Notice or allegations which involve misconduct within the exclusive jurisdiction of the U.S. Center for SafeSport, specifically: (a) sexual misconduct; (b) misconduct that is reasonably related to the underlying allegations of sexual misconduct; or (c) retaliation related to an allegation of sexual misconduct, USA Basketball shall refer the matter to the U.S. Center for SafeSport. USA Basketball will also report matters involving child abuse or neglect to the U.S. Center for SafeSport.

Any investigation shall be overseen by USA Basketball's Participant and Athlete Safety Response Team (PART). PART shall be comprised of the following individuals: USA Basketball's SafeSport Director, USA Basketball's Chief Financial Officer, and one (1) or more USA Basketball Staff Members as designated by the CEO or their representative.

**Notwithstanding the foregoing, if USA Basketball receives a report of physical or sexual misconduct involving a minor, USA Basketball will make a report to the proper law enforcement authorities. USA Basketball will generally comply with reasonable written requests from law enforcement to suspend or refrain from investigating Handbook violations, pending law enforcement investigation(s) or action, to the extent such requests would not impede USA Basketball from protecting the health and safety of its participants. Further, USA Basketball shall not conduct any investigation or hearing procedure in response to allegations of child physical or sexual abuse, pursuant to the Center's exclusive jurisdiction, unless and as directed by the Center.**

USA Basketball recognizes that there are varying levels of misconduct. In all cases, USA Basketball's disciplinary procedures and actions shall be proportionate and reasonable; provided, however, that USA Basketball shall mirror and enforce any sanction or decision levied by the Center, whether permanent or temporary.

Similarly, depending on the nature of the incident reported, an investigation may or may not be conducted, and the extent of that investigation may likewise vary. Some cases may require extensive interviews, while others may, on their face, may require no investigation and a simple warning.

**However, USA Basketball will address any allegations of misconduct and impose discipline against its staff members in accordance with its employment policies and procedures and other documents governing the employment.**

### **IMPORTANCE OF CONFIDENTIALITY**

The substance of any investigation and/or disciplinary proceedings must be kept confidential until a final decision has been rendered, to the greatest extent possible. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, and except as requested by law enforcement or child protection authorities or the Center. Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome.

Participants in the hearing, including the Hearing Panel, alleged offender, USA Basketball representative, victim, and any witnesses, may be asked to keep the proceedings confidential, except as requested by law enforcement or child protection authorities or the Center. The hearing panel shall only discuss the proceedings, including testimony and other evidence presented, amongst themselves and shall deliberate among themselves to reach a decision.

## **EMERGENCY HEARINGS**

Upon receipt of a credible and reasonably substantiated allegation of misconduct and when such allegation suggests that the accused individual's continued participation with USA Basketball poses a risk of ongoing harm to athlete(s) or other participants, PART may submit a grievance and request for emergency hearing to USA Basketball's SafeSport Hearing Panel, after determining appropriate temporary measures in accordance with USA Basketball's policies and procedures concerning the same.

USA Basketball's SafeSport Hearing Panel shall include at least 20% athlete representation, as required by the USOC, to determine whether to uphold the temporary measures suggested by PART be upheld pending the outcome of a full hearing before the Hearing Panel.

A panel of three from the SafeSport Hearing Panel shall be convened, which Panel shall include at least 20% athlete representation, as required by the USOC. If an emergency hearing is ordered, the Hearing Panel shall conduct the hearing and publish its results within twenty-one (21) days. Until such time as the Hearing Panel makes a decision, the substance of all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the hearing and the witnesses.

For the purposes of this Policy, a suspension from involvement in USA Basketball 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 activities or affairs of USA Basketball.

## **FULL HEARINGS**

It is recognized that not all discipline necessarily requires a hearing. There may be discipline imposed for minor violations where a reprimand, training or other sanction may be imposed, and a hearing would not be necessary. However, in cases where USA Basketball seeks to suspend or otherwise limit an individual's opportunity to participate in the activities or affairs of USA Basketball, USA Basketball shall provide notice to such individual of the allegations made and offer such individual a hearing on the allegations. If the individual chooses a hearing, a panel of three from the SafeSport Hearing Panel will conduct a hearing to determine whether the accused individual violated provisions of this Handbook, including its Sexual Misconduct, Physical Misconduct, Emotional Misconduct and Harassment, Bullying, and/or Hazing Policies. The Panel shall include at least 20% athlete representation, as required by the USOC

The accused individual shall have the right to: (1) receive written notice of the allegations, including a statement of the allegations; (2) present relevant information to the Hearing Panel; and (3) be represented by legal counsel (at the party's own expense).

In connection with any hearing the accused individual must be given a reasonable opportunity to respond to the allegations brought forward. This may or may not include cross examination of the victim.

A hearing date shall be scheduled no more than 90 days and no fewer than 30 days after notice has been issued, unless modified, as appropriate, by the Hearing Panel, or at the request of either party and as approved in the discretion of the Hearing Panel.

Notice of the allegation and hearing shall be provided via certified mail, return receipt requested, and email, to the individual's address and email address on file with USA Basketball. The individual shall have ten (10) days to respond, either accepting the proposed sanction, or requesting a hearing.

The hearing shall be closed and confidential, to the extent possible, other than for notification of the outcome.

## **FINDINGS AND SANCTIONS**

The Hearing Panel has the discretion to impose sanctions on the accused individual if it finds that the accused individual has violated this Handbook, including its Sexual Misconduct, Physical Misconduct, Emotional Misconduct and Harassment, Bullying, and/ or Hazing Policies based on a preponderance of the evidence.

The Hearing Panel will communicate its findings in writing to the parties. Any sanctions imposed by the Hearing Panel must be proportionate and reasonable, relative to the findings and conclusions of the panel as to what has occurred. The decision regarding the appropriate disciplinary action shall be up to the Hearing Panel deciding each complaint. Appropriate discipline may range from a warning and a reprimand to suspension from involvement in USA Basketball for a period of time or permanently.

Either party shall have a right to appeal the Hearing Panel's decision. A notice of appeal, which shall include the basis of the party's appeal, and a \$300 filing fee must be delivered to the Board of Directors within ten (10) days of the issuance of the written decision from the Hearing Panel.

For appeals of decisions of USA Basketball's SafeSport Hearing Panel, the Board of Directors shall appoint a panel of three from its members for the SafeSport Appeal Panel, which Panel shall include at least 20% athlete representation, as required by the USOC.

Any appeal shall take place "on the papers," meaning that the SafeSport Appeal Panel shall consider only the record and documents from the hearing below, and the appeal briefs of the parties.

The appellee shall have the opportunity to file a response, and the appellant a reply. In total, three briefs (the appeal, the response, and the reply) shall be submitted to the SafeSport Appeal panel, along with the record below.

USA Basketball will mirror and enforce any sanction by the U.S. Center for Safe Sport, whether permanent or temporary. Sanctions imposed by the Center shall be appealed against the Center, pursuant to the Center's policies and procedures, and not through the appeal procedures detailed above.

## **CONFLICT OF INTEREST**

Allegations of abuse or misconduct that fall outside of the jurisdiction of the U.S. Center for SafeSport shall be reviewed in accordance with the procedures outlined in this section. Investigations, disciplinary proceedings, and grievance procedures shall be materially free of bias and conflicts of interest.

Members of PART and USA Basketball's Hearing Panel shall not individually or on behalf of any family member, employer or other entity, engage in any interest, activity, ownership, employment, whether direct or indirect, paid or unpaid, which conflicts or appears to conflict with their responsibility to render a determination regarding a Covered Individual's fitness for participation. PART and Hearing Panel members should notify USA Basketball in writing, before engaging in any activity that creates a potential conflict of interest. Panel members must recuse themselves upon discovery of any potential conflict of interest, whether potential or realized.

Covered Individuals who are subject to disciplinary action, except in the case of an Emergency Hearing, where immediate action is needed to ensure the safety and well-being of participants, may object to the composition of the Hearing Panel or the disciplinary action imposed on the basis of conflict of interest or bias. The Covered Individual must submit their objection at least ten (10) days prior to any disciplinary hearing and no later than ten (10) days after any decision is rendered. Any objection must contain: (1) the conflict of interest or bias alleged; (2) the individual(s) with alleged conflict of interest or bias; and (3) Covered Individual's election to continue with hearing despite conflict of interest, dismiss individual with alleged conflict of interest and continue with hearing, or request review by disinterested individual.

Covered Individuals may not object to disciplinary action imposed if an objection on the basis of conflict of interest or bias was submitted prior to their respective disciplinary hearing. However, Covered Individuals reserve all rights and remedies available to them at law and in equity.

## GLOSSARY

The following terms, as used in this Handbook, the *Code* and Appendices A and B of the *Code*, have the following meaning:

1. **Athlete:** An individual recognized as an athlete by an NGB under its bylaws, rules, regulations, guidelines or other governing documents.
2. **Bullying Behavior:** Repeated and/or severe (a) aggressive behavior (b) among Minors, (c) that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.
  - 2.1. **Forms:**
    - 2.1.1. **Physical:** Hitting, pushing punching, biting, striking, kicking, choking, spitting or slapping; throwing objects such as sporting equipment at another person.
    - 2.1.2. **Verbal:** Teasing, ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
    - 2.1.3. **Social, including cyberbullying:** Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.
    - 2.1.4. **Sexual:** Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate),

or teasing someone about their looks or behavior as it relates to sexual attractiveness.

- 2.2. **Rude, mean and conflict-distinguished:** Conduct may not rise to the level of Bullying Behavior if it is rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of behavior), or arising from conflict or struggle between persons, absent a Power Imbalance, who perceive they have incompatible goals.
- 2.3. **Criminal Conduct:** Bullying Behavior includes any conduct described as bullying under federal or state law.
3. **Consent:** Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Once given, Consent can be withdrawn through clear communication. Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.
  - 3.1. **Inability to Consent:** An inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is Incapacitated.

- 3.1.1. **Incapacitated:** A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the “who, what when, where why or how” of the sexual interaction). A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.
- 3.1.2. **Inability to Refuse:** An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.
- 3.1.2.1. **Coercion:** Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (a) frequency, (b) intensity, (c) isolation and (d) duration.
- 3.1.2.2. **Force:** The use or threat of physical force that overcomes free will or resistance.
- 3.1.2.3. **Intimidation:** Implied threats or acts that reasonable cause a fear of harm in another.
4. **Covered Adult:** A Covered Individual who is 18 years of age or older.
5. **Covered Individual:** Any individual who: (a) currently is or was at the time of a possible violation of the Code, within the governance or disciplinary jurisdiction of an NGB or who is seeking to be within the governance or disciplinary jurisdiction of an NGB (e.g., through application for membership), (b) is an Athlete or non-athlete Participant that an NGB or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) an NGB identifies as being within the Office’s jurisdiction.
6. **Covered Minor:** A Covered Individual who is under the age of 18.
7. **Criminal Disposition:** Any disposition of a criminal proceeding other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of a warrant for arrest or any pending charges.
8. **Electronic Communication:** A general term that embraces all kinds of computer-mediated communication in which individuals may exchange messages, files, photos, or like items electronically, either individually or in groups. Methods, mediums and examples of electronic communication include:
- 8.1. Facebook, Blogs and Similar Sites
  - 8.2. Twitter, Instagram, Instant Messaging and Similar Media
  - 8.3. Email and Similar Electronic Communications
  - 8.4. Text Messages, WhatsApp, and Similar Methods of Electronic Communications.
9. **Emotional Misconduct:** Repeated and/or severe non-contact behavior involving (a) Verbal Acts, (b)

Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behaviors.

9.1. **Verbal Acts:** Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

9.2. **Physical Acts:** Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

9.3. **Acts that Deny Attention or Support:** Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

9.4. **Exclusions:** Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building or appropriate discipline.

9.5. **Criminal Conduct:** Emotional misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

10. **Grooming:** Describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor.

Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him or her. Grooming occurs through direct, in-person and/or online contact.

11. **Harassment:** Repeated and/or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

11.1. **Forms:** Harassment, which may be a form of Emotional, Physical or Sexual Misconduct, includes but is not limited to:

11.1.1. **Discriminatory Harassment:**

Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

11.1.2. **Stalking:** Conduct directed at a specific person that would cause a

reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact surveillance or unwanted telephone and/or electronic contact.

11.1.3. **Examples:** Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

11.2. **Sexual Harassment:** Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

12. **Hazing:** Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team or organization. Purported Consent by

the person subject to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate. Examples of Hazing Include:

12.1. **Contact Acts:** Tying, taping or otherwise physically restraining another person; beating paddling or other forms of physical assault.

12.2. **Non-Contact Acts:** Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.

12.3. **Sexualized Acts:** Actual or simulated Sexual Conduct of any nature.

12.4. **Criminal Acts:** Any act or conduct that constitutes hazing under applicable federal or state law.

13. **Intimate Relationship:** A close personal relationship exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness the

- exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.
14. **Jurisdiction:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, under USA Basketball's authority or control. When referencing a facility under USA Basketball's jurisdiction it shall mean a facility owned or leased by USAB and/or any facility that provides USA Basketball the exclusive ability to control or restrict access or entry.
  15. **Local Affiliated Organization (LAO):** A regional, state or local club or organization that is directly affiliated with an NGB such as a regional affiliate or a local club, or that is affiliated with an NGB by virtue of its direct affiliation with a regional affiliate or organization.
  16. **Minor or child:** An individual under the Age of eighteen.
  17. **Minor Athlete:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, an amateur athlete, as defined under federal law and/or USA Basketball governing documents, who is under the age of 18 (i.e. USA basketball National Team minor athlete or prospective athlete).
  18. **National Governing Body (NGB):** A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the United States Olympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220529. When the USOC manages and governs a Paralympic sport, the USOC falls within this definition.
  19. **Non-athlete Participant:** Any coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee or volunteer who participates.
  20. **Participating Adult:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, Adults authorized by USA Basketball to have regular contact with or authority over a minor athlete and includes without limitation USA Basketball Staff and Board Members. documents, who is under the age of 18 (i.e. USA basketball National Team minor athlete or prospective athlete).
  21. **Physical Misconduct:** Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person. Examples of physical misconduct may include without limitation:
    - 21.1. **Contact violations:** Punching, beating, biting, striking, choking, or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
    - 21.2. **Non-Contact violations:** Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the U.S. legal drinking age; providing illegal drugs or non-prescribed medications to another.

- 21.3. **Criminal conduct:** Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).
- 21.4. **Exclusion:** Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building appropriate discipline or improved athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports but have no place in swimming.
22. **Position of Power:** When one person has direct supervisor, evaluative or other authority over another.
- 22.1. **Examples:** A person who may be in a Position of Power includes someone such as a coach, boss, employer or medical personnel.
23. **Power Imbalance:** A Power Imbalance may exist:
- 23.1. Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.
- 23.1.1. Whether someone occupies a Position of Power such that there is a Power Imbalance, depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.
- 23.1.2. Once a coach-Athlete relationship is established a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates and the Athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g. a relationship between two spouses or life partners that preceded the sport relationship).
- 23.2. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.
24. **Reporting Party:** In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person alleging a violation of the *Code*.
25. **Responding Party:** In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person who is alleged to have violated the *Code*.
26. **SafeSport Code Violation (Violation):** Conduct by a Covered Individual that violates (a) [the] *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous LAO, NGB or USOC standards concerning the type of conduct prohibited in [the] *Code*; or (c) other standards accepted at the time of conduct analogous to prohibited conduct in [the] *Code*.
27. **Sexual Conduct:** Contact and non-contact behaviors of a sexual nature.

27.1. **Contact behaviors of a sexual nature:** Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.

27.1.1.1. **Sexual Contact:** Sexual Contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed of a person's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

27.1.1.2. **Sexual Intercourse:** Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue or finger; and/or (b) contact between the mouth and the penis, vulva or anus.

27.2. **Non-contact behaviors of a sexual nature:** Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking, or disseminating photographs of a sexual nature.

27.2.1. **Exploitation**

27.2.1.1. Non-contact behavior of a sexual nature includes exploitation (taking sexual advantage of another to benefit or gratify one's self or any person other

than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking pictures or video or audio recordings of another in a sexual act or in any other private activity without the Consent of all involved in the activity, or (d) disseminating or threatening to disseminate pictures video recordings or audio recordings of another person in a sexual act or any other private activity.

**28. Third-party Reporter:** A person who reports or discloses a possible violation of the *Code*, if not the Reporting Party.

**29. Third-party Reports:** Reports or disclosures of a possible violation of the *Code* brought by a person other than a Reporting Party.

**30. USAB Designated Athlete:** A Prospective Athlete, Active Athlete or Amateur Athlete as defined herein.

**30.1. Active Athlete:** Any individual who as represented the United States in the Olympic Games, the Pan American Games or the World Championships [i.e. World Cup] within the preceding ten years, or who is currently on a USA Basketball National Team or in a USA Basketball National Team program.

**30.2. Amateur Athlete:** An athlete who is eligible under FIBA rules to compete in international amateur athletic competitions conducted under

FIBA auspices, or as otherwise defined by the  
Ted Stevens Olympic and Amateur Sports Act.

30.2.1. **Prospective Athlete:** any individual  
who has been identified by USA Basketball or  
is under consideration to participate as a  
member of USA Basketball's National Team  
Program.