

## **USFS & DEFSC ATHLETE PROTECTION POLICY**

### **COMMITMENT TO SAFETY**

#### **Overview**

DEFSC is committed to creating a safe and positive environment for athletes' physical, emotional and social development and to ensuring that it promotes an environment free of misconduct. Members should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities. Instead, it is the responsibility of each member to immediately report suspicions or allegations of child physical or sexual abuse to the appropriate people as laid out in DEFSC's Reporting Policy.

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

#### **Application**

This Policy applies to all DEFSC club members, parents, coaches, volunteers, and participants.

Club members, parents, coaches, volunteers, and participants shall refrain from all forms of misconduct, which include:

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

### **PROHIBITED CONDUCT**

#### **Bullying and Threats**

Bullying is the use of coercion to obtain control over another person or to be habitually cruel to another person. Bullying involves an intentional, persistent or repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying behavior is prohibited in any manner in connection

with all U.S. Figure Skating sanctioned activities and events.

Examples of bullying prohibited by this policy include, without limitation, physical behaviors, such as punching, kicking or choking an athlete; and verbal and emotional behaviors, such as, the use of electronic communications (i.e., “cyber bullying”), to harass, frighten, degrade, intimidate or humiliate.

While other members are often the perpetrators of bullying, it is a violation of this policy if a coach or other responsible adult knows or should know of the bullying behavior but takes no action to intervene on behalf of the targeted participant(s).

A threat to harm others is defined as any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone. A threat may be communicated directly to the intended victim or communicated to a third party.

### **Harassment**

Harassment includes any pattern of physical and/or non-physical behaviors that (a) are intended to cause fear, humiliation, or annoyance, (b) offend or degrade, (c) create a hostile environment, or (d) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual participant or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability.

Harassment also includes creation of an environment through behavior or course of conduct that is insulting, intimidating, humiliating, demeaning or offensive. Harassment usually occurs when one person engages in abusive behavior or asserts unwarranted power or authority over another, whether intended or not. It includes, for example, name-calling, taunts, threats, belittling, unwelcome advances and requests for sexual acts, as well as undue threats to perform or succeed. Harassment includes child abuse.

Sexual Harassment is a form of harassment prohibited by this policy. It shall be a violation for any member, coach, official, director, employee, parent or volunteer, to harass a participant(s) through conduct or communications of a sexual nature or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

Unwelcome sexual advances, requests for sexual acts, or other verbal, nonverbal or physical conduct of a sexual nature may constitute sexual harassment, even if the harasser and the participant being harassed are the same sex and whether or not the participant resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a participant’s participation in any activity; or
2. Submission to or rejection of such conduct by a participant is used as the basis for decisions affecting the participant; or

3. Such conduct is sufficiently severe, persistent or pervasive such that it limits a participant's ability to participate in or benefit from a program or activity or it creates a hostile or abusive environment.

Any conduct of a sexual nature directed by a minor toward an adult or by an adult to a minor is presumed to be unwelcome and shall constitute sexual harassment. 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. Legitimate non-sexual touching or other non-sexual conduct is not sexual harassment.

It is also a violation of this policy if a coach or other responsible adult knows or should know of the harassment or sexual harassment but takes no action to intervene on behalf of the targeted participant(s).

### **Hazing**

Hazing includes any conduct that is intimidating, humiliating, offensive, or physically harmful. The hazing conduct is typically an activity that serves as a condition for joining a group or being socially accepted by a group's members.

Examples of hazing prohibited by this policy include, without limitation, requiring or forcing (including through peer pressure) the consumption of alcohol or illegal drugs; tying, taping, or physically restraining a participant; sexual simulations or sexual acts of any nature; sleep deprivation, or the withholding of water and/or food; social actions or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; beating paddling, or other forms of physical assault.

Activities that fit the definition of hazing are considered to be hazing regardless of a person's willingness to cooperate or participate.

Hazing does not include group or team activities that are meant 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.

It is also a violation of this policy if a coach or other responsible adult knows or should know of the hazing but takes no action to intervene on behalf of the targeted participant(s).

### **Emotional Misconduct**

Emotional misconduct involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a participant. These behaviors may include verbal acts, physical acts, or acts that deny attention or support.

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

**Verbal Acts:**

A pattern of verbal behaviors that attack a participant personally (e.g., calling them worthless, fat, or disgusting) or repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.

**Physical Acts:**

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

**Acts that Deny Attention or Support:**

A pattern of ignoring a participant for extended periods of time or routinely or arbitrarily excluding participant from practice.

Emotional misconduct does not include generally accepted and age-appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline or improving athletic performance.

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

**Physical Misconduct**

Physical contact in sport is inherent in instruction and training. Appropriate physical contact has three elements:

1. The physical contact takes place in public.
2. There is no potential for, or actual, physical or sexual intimacies during the physical contact.
3. The physical contact is for the benefit of the athlete, not to meet an emotional or other need of an adult.

Physical misconduct means physical contact with a participant that intentionally causes or has the potential to cause the participant to sustain bodily harm or personal injury.

Physical misconduct also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury. Physical misconduct may also include intentionally hitting or threatening to hit an athlete with objects or sports equipment.

In addition to physical contact or the threat of physical contact with a participant, physical abuse also includes the providing of alcohol to a participant under the age of 21 and the providing of illegal drugs or non-prescribed medications to any participant.

It also includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, and assault).

Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance.

Without limiting the above, any act or conduct described as physical abuse or misconduct under applicable federal or state law constitutes physical abuse under this policy.

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

1. Contact offenses:
  - a. punching, beating, biting, striking, choking or slapping an athlete;
  - b. intentionally hitting an athlete with objects or sporting equipment;
  - c. providing alcohol to an athlete under the legal drinking age (under U.S. law);
  - d. providing illegal drugs or non-prescribed medications to any athlete;
  - e. encouraging or permitting an athlete to return to play prematurely or without the clearance of a medical professional, after a serious injury (e.g., a concussion);
  - f. prescribing dieting or other weight-control methods (e.g., public weigh-ins, caliper tests for humiliation purposes). *For further information please consult the U.S. Figure Skating Policy on Athlete Health and Well-Being.*
2. Non-contact offenses:
  - a. isolating an athlete in a confined space (e.g., locking an athlete in a small space);
  - b. forcing an athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface);
  - c. withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep.

It is critical for clubs, programs, coaches, staff members, volunteers, and parents to report suspicions or allegations of physical misconduct to the proper officials and appropriate law enforcement officials. Please see DEFSC Reporting Policy for more information.

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

### **Sexual Misconduct Including Child Sexual Abuse**

For the purposes of this Policy, a child is someone under the age of 18.

Sexual misconduct involves any touching or non-touching sexual interaction that is non-consensual or forced, coerced or manipulated, or perpetrated in an aggressive, harassing, exploitative or threatening manner. It also includes any sexual interaction between an athlete and an individual with evaluative, direct, or indirect authority which is considered an imbalance of power. Last, any act or conduct described as sexual abuse or misconduct under federal or state law (e.g., sexual abuse, sexual exploitation, rape) qualifies as sexual misconduct.

*Notes:*

*An imbalance of power is always assumed between an athlete, regardless of age, and an adult in a position of authority (such as a coach, official, director, employee, parent, or volunteer).*

*Minors cannot consent to sexual activity with an adult. All sexual interaction between an adult and a minor is strictly prohibited.*

Sexual abuse of a minor occurs when an adult coach, official, director, employee, parent, or volunteer touches a minor for the purpose of sexual arousal or gratification of the minor or the coach, official, director, employee, parent, or volunteer. Sexual abuse of a minor also occurs when a minor touches a coach, official, director, employee, parent, or volunteer for the sexual arousal or sexual gratification of either the minor or coach, official, director, employee, parent, or volunteer; even if the touching occurs at the request or with the consent of the coach, official, director, employee, parent, or volunteer.

**Authority and Trust:**

Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. However, in some circumstances in regard to adult skaters, this assumption is rebuttable.

**Imbalance of Power:**

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

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

Sexual contact between children also can be abusive if there is a significant disparity in age, development, or size that renders the younger child incapable of giving informed consent; if there is the existence of an aggressor; or where there is an imbalance of power and/or intellectual capabilities. The sexually abusive acts may include sexual penetration, sexual touching or non-contact sexual acts such as exposure or voyeurism.

Neither consent of the minor to the sexual contact, mistake as to the participant's age, nor the fact that the sexual contact did not take place at a U.S. Figure Skating function are defenses to a complaint of sexual abuse. Sexual abuse may also occur between adults or to an adult. Sexual abuse includes sexual interactions that are non-consensual or accomplished by force or threat of force, or coerced or manipulated, regardless of the age of the participants.

Sexual abuse may also include non-touching offenses, such as sexually harassing behaviors, an adult discussing his/her sex life with a minor, an adult asking a minor about his/her sex life, an adult requesting or sending nude or partial dress photo to minor; exposing minors to pornographic material, sending minors sexually explicit electronic messages or photos (e.g. "sexting"), deliberately exposing a minor to sexual acts, or deliberately exposing a minor to inappropriate nudity.

Without limiting the above, any act or conduct described as sexual abuse, sexual misconduct or child sexual abuse under applicable federal or state law constitutes sexual abuse under this policy.

#### Examples of Sexual Misconduct

##### Touching offenses

- Fondling an athlete's breasts or buttocks
- Exchange of reward in sport (e.g., team placement, scores, feedback, free lessons/ice time, etc.) for sexual acts
- Genital contact – whether or not either party is clothed
- Sexual relations or intimacies between participants in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants

## Non-touching offenses

- Sexually-oriented comments, jokes or innuendo made to or about an athlete, or other sexually harassing behavior
- Discussing his or her sex life with an athlete
- Asking an athlete about his or her sex life
- Requesting or sending a nude or partial-dress photo to athlete
- Exposing athletes to pornographic material
- Sending athletes sexually-explicit or suggestive electronic or written messages or photos (e.g., “sexting”)
- Deliberately exposing an athlete to sexual acts
- Deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)
- Sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature

These guidelines do not apply to a pre-existing relationship between spouses or life partners.

It is critical for clubs, programs, coaches, staff members, volunteers and parents to report suspicions or allegations of sexual misconduct to U.S. Figure Skating and appropriate law enforcement officials. Please see DEFSC Reporting Policy for more information.

## **“Grooming” behaviors**

Offenders typically control their victims through a systematic process called “grooming” or seduction. Many offenders exploit a child’s vulnerabilities using a combination of tactics to gain the victim’s trust, lower inhibitions, and gain cooperation and “consent.” Since the initial stages of the grooming process can occur in public or group settings, offenders also take care to groom the community, which makes it easier to gain the trust of staff and administrators. The grooming process has six steps:

1. Targeting the victim – An offender will identify a child and determine his or her vulnerabilities.
2. Gaining trust – Through watching and gathering information about the child, an offender will become acquainted with his or her needs.
3. Filling a need – Offenders will often lavish gifts, extra attention, and affection to forge a bond with their victims.



4. Isolating the child – By developing a special relationship with the child, an offender creates situations in which he or she is alone with the child.
5. Sexualizing the relationship – An offender will desensitize a child by talking to, taking photos of and even creating situations in which both the offender and victim are touching or naked. The adult then uses a child's curiosity and feelings of stimulation to engage in sexual activity.
6. Maintaining control – To ensure the child's continued participation and silence, offenders can use secrecy and blame as well as other tactics. Victims sometimes continue the relationship out of fear or shame at the thought of having to tell someone about the abuse.

Since interactions between a predator and child can occur in sport settings around other people, coaches, staff members or volunteers are well positioned to witness grooming behavior. Therefore, it is critical for all members of the sport community to be on the alert for policy violations, suspicious behavior, or other signals that an individual might be a sexual predator. Offenders will use tickling, wrestling, horseplay, photography and giving gifts to push the boundaries of what's acceptable and form connections with their victims.

All questions or concerns related to inappropriate, suspicious or suspected grooming behavior should be directed to the appropriate persons within DEFSC or U.S. Figure Skating (USFS).

## **WILLFULLY TOLERATING MISCONDUCT**

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

## **VIOLATIONS**

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