



# SAFESPORT POLICY HANDBOOK

*Approved by the US Sailing Board of Directors 05/13/2019*

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# COMPONENTS OF THE SAFESPORT PROGRAM





## Introduction

US Sailing's mission is to provide leadership, integrity and advancement for the sport of sailing. The organization achieves this mission through a wide range of programs and events that ensure a level playing field for all sailors as well as a safe environment in which to play. At US Sailing, we envision a future where everyone has an opportunity to sail and enjoy a lifetime of rewarding experiences both on and off the water. US Sailing has a zero tolerance policy for the types of misconduct described on page 6.

Public Law 115-126, Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, took effect in February 2018. The law amends two federal statutes: the Victims of Child Abuse Act of 1990 and the Amateur Sports Act of 1978.

The amendment to the Victims of Child Abuse Act of 1990 requires certain adults who interact with athletes at facilities under the jurisdiction of a national governing body (NGB) such as US Sailing to report suspected child abuse, including sexual abuse, within 24 hours. An adult who fails to report suspected child sexual abuse is subject to criminal penalties. The law also amends certain civil remedy provisions, including the statute of limitations.

The amendment to the Amateur Sports Act of 1978 designates the United States Center for SafeSport as the independent national safe sport organization, with the responsibility for developing training and policies to prevent the emotional, physical and sexual abuse of amateur athletes.

### Prevention Training

National governing bodies and Paralympic sports organizations must provide consistent child abuse prevention training to adult members who are in regular contact with amateur athletes who are minors and, with parental consent, to members who are minors.

### Prevention Policies

Federal law authorizes the Center to develop policies and procedures for national governing bodies or Paralympic sports organizations to prevent abuse, including emotional, physical, and sexual abuse, of any athlete. NGBs and Paralympic sports organizations must implement reasonable procedures to ensure that one-on-one interactions between minor

amateur athletes and adults do not take place out of sight of other adults, except under emergency circumstances.

The US Sailing SafeSport Handbook includes seven policies that are intended to prevent situations where misconduct can go unnoticed:

- One on one interaction policy
- Massage and rubdown policy
- Locker room policy
- Social media and electronic communications policy
- Local travel policy
- Team travel policy
- Housing and host family policy

Sports can be a high-risk environment for misconduct, including physical, emotional and sexual abuse. All forms of misconduct are intolerable and in direct conflict with the values of US Sailing. This handbook identifies seven primary types of misconduct:

- Sexual misconduct, including child sexual abuse
- Physical misconduct
- Emotional misconduct
- Bullying or threats
- Harassment
- Hazing
- Aiding and abetting

Misconduct can damage an athlete's physical and psychological well-being. Participants who have been mistreated may experience social embarrassment, emotional turmoil, psychological scars, loss of self-esteem and damage to their relationships with family, friends and the sport. Misconduct often hurts a participant's competitive performance and may cause them to drop out of the sport entirely.

## How To Use this Handbook

Items in ***bold italics*** are defined terms -- see definitions on page 8.

This handbook details the policies that apply to all US Sailing members and ***Member Organizations***. It includes information about:

- available resources and required SafeSport training of US Sailing and Member Organization employees, volunteers, administrators, coaches, parents and athletes to recognize and prevent situations in which potential abuse can occur
- US Sailing's **Background Screening Policy**
- procedures for **Reporting** suspected abuse or misconduct (including protection from retaliation or repercussions for such reporting)

- how US Sailing and its Member Organizations will **Respond** to allegations of abuse and misconduct
- how US Sailing and its Member Organizations will **Monitor and Supervise** this program to ensure its effectiveness

US Sailing is committed to fostering a fun, healthy and safe environment for all sailor athletes. We must all recognize that the safety of athletes lies with every person involved in the sport and is not the sole responsibility of any single individual at the local, regional or national level.

This handbook and US Sailing's policies are intended to raise awareness about the possibility of misconduct in our sport, promote open dialogue and provide training and resources for prevention. We encourage members to use the policies, practices and tools in this handbook to ensure athlete safety at the local level.

Conduct that is prohibited by *The Racing Rules of Sailing* (such as conduct that is unsportsmanlike or a breach of good manners, unethical behavior, or conduct that may bring the sport into disrepute) is not covered by the SafeSport Program policies. Instead, it should be addressed under *The Racing Rules of Sailing*.

### ***US Sailing SafeSport Guiding Principles***

1. US Sailing believes in an environment free from misconduct and abuse.
2. US Sailing believes that all members share a collective responsibility to protect our sailors.
3. US Sailing provides training for all members and covered individuals to increase awareness and understanding of participant protection policies and best practices.
4. US Sailing implements policies and procedures to prevent misconduct and abuse in our sport.
5. US Sailing provides a process for members to recognize, respond to and report any SafeSport issues that arise.
6. US Sailing will treat all allegations of abuse or concerns regarding athlete safety seriously and will respond as prescribed by US Sailing policies, Bylaws and Regulations, and US Center for SafeSport requirements (including the Minor Athlete Abuse Prevention Policies and background screens).

# SECTION I

## Definitions

The following terms and phrases shall have the meaning ascribed to them below wherever used in this SafeSport Handbook.

***Applicable Adults:***

1. Adult members of US Sailing or a Member Organization who have regular contact with amateur athletes who are minors.
2. Any adult authorized by US Sailing or a Member Organization to have regular contact with or authority over an amateur athlete who is a minor, and
3. Adult staff and board members of US Sailing or a Member Organization (with the exception of adult staff and board members at a Member Organization who have no contact with or authority over minor athletes.

***Covered Participant:*** a participant under US Sailing’s jurisdiction who is required to comply with the US Sailing SafeSport Policies

***Jurisdiction:*** Partial or full authority over.

***Jurisdiction Over Covered Participants:*** the jurisdiction of the **USCSS** pursuant to the USOC National SafeSport Policy, which applies to (collectively, “Covered Participants”):

1. Any individual who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of US Sailing, and/or who is seeking to be within the governance or disciplinary jurisdiction of US Sailing, for example through application for membership
2. All individuals, both athletes and non-athletes, whom US Sailing or the USOC formally authorizes, approves or appoints:
  - (i) to a position of authority over athletes or
  - (ii) to have frequent contact with athletes
3. Additional individuals US Sailing identifies as being within US Sailing’s jurisdiction

***“Knows or should know”*** refers to a responsible adult who has knowledge of certain prohibited activities or conduct or, had that adult been properly performing their responsibilities, would have had knowledge of the prohibited activities or conduct.

***LSO:*** Local Sailing Organization

***MAAPP:*** Minor Athlete Abuse Prevention Policies

***Member Organizations:*** individually and collectively, all sailing organizations with active US sailing membership including, but not limited to, yacht clubs, sailing clubs, community sailing organizations, affiliated organizations, accredited programs, schools and regional

sailing associations. This also includes any organization that hosts a property or event that US Sailing sanctions, including championships, Junior Olympic Festivals, training programs, clinics and courses.

**NGB:** National Governing Body for a sport, in this document US Sailing

**Organizing Authority:** the organization that is ultimately responsible for the event or championship.

**Parent:** any parent or legal guardian

**Participant:** any member of US Sailing or a Member Organization of US Sailing, and further, any person who has regular, routine or frequent and direct access to youth sailing activities

**Regular Contact:** US Sailing defines regular contact as frequent and direct contact.

**Responsible adult:** a person within a Member Organization who has either been assigned to or has assumed certain duties associated with youth sailing within a local program or for a team that falls under SafeSport Policies.

**SafeSport Training:** the US Center for SafeSport's "Core Center for SafeSport Training"

**USCSS:** US Center for SafeSport

**USCSS Policies & Procedures:** those procedures adopted by the USSCS for the US Olympic and Paralympic Movement's sport National Governing Bodies, which may be found at [www.safesport.org/response-resolution/policies](http://www.safesport.org/response-resolution/policies)

**USOC:** United States Olympic Committee

## SECTION II

### US Sailing SafeSport Policies

US Sailing is committed to providing a safe and positive environment for its participants' physical, emotional and social development and promoting an environment free from abuse and misconduct.

To meet its obligations under federal law and comply with the Minor Athlete Abuse Prevention Policies (**MAAPP**), US Sailing has implemented policies and procedures intended to reduce, monitor and govern the situations where potential abuse and misconduct may occur. These policies fall into several areas:

1. Education and training
2. Prevention
3. Background screening
4. Reporting
5. Responding to Reports
6. Monitoring and Supervision of SafeSport Policy Implementation

All US Sailing members and **Member Organizations** shall familiarize themselves with US Sailing SafeSport policies, particularly the education and training policies, descriptions of each form of misconduct or abuse, and prevention policies. In addition, they shall refrain from engaging in misconduct and/or violating any of these policies. Ignorance of policies is not an excuse for failing to comply.

Any **Covered Participant** under these policies and/or the rules of the U.S. Center for SafeSport is subject to the rules, policies, and procedures of the U.S. Center for SafeSport and shall submit, without reservation or condition, to the jurisdiction of the U.S. Center for SafeSport for the resolution of any alleged violations of those rules, policies, or procedures, as they may be amended from time to time. Under US Sailing's Safety Policy, if **SafeSport Training** and/or background screening is required for a person assuming a role on the **Covered Participant** List, then that required training and/or screening will be completed before contact with athletes begins and, in any event, within 45 days of assuming that role.

If any US Sailing employee, contractor, team member, event volunteer, or **Covered Participant** observes policy violations, inappropriate behaviors, suspected physical or sexual abuse, or any other type of misconduct in its programs, he or she is personally responsible for immediately reporting his or her observations to the appropriate contact described in Section VI of this Handbook concerning Reporting.

**All reports of sexual misconduct or abuse must be reported to the US Center for SafeSport.** Other forms of misconduct should be reported to the US Sailing SafeSport contact listed on the US Sailing SafeSport web page. In addition to reporting to **USCSS** or US Sailing, such persons also must report suspected child physical or sexual abuse to

appropriate local or state law enforcement authorities when required under this Policy and/or under applicable law. If you or someone you know is reporting an alleged violation, you or they 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.

*US Sailing has **ZERO TOLERANCE** for abuse and misconduct. Responding to an allegation of abuse or misconduct is described in Section VII of this handbook.*

## SECTION III

### Education and Training Policies

Education is a key component of any abuse and misconduct prevention strategy. Awareness training provides individuals with information necessary to more effectively monitor their organization, minimize opportunities for physical and sexual abuse and other types of misconduct, and respond to concerns. It is also a strong public statement that the organization places a priority on the safety of its participants, particularly minor athletes.

US Sailing's Athlete Safety Policy requires everyone on its **Covered Participant** List, including but not limited to the Board of Directors, adult staff, contractors, event volunteers and other adults who have regular contact with or authority over a minor amateur athlete, to complete **SafeSport Training** and to report abuse, misconduct, and violations of its safety policies (see Section VI, Reporting of Concerns of Abuse).

**Covered Participants** should have a basic understanding of sexual abuse and the strategies that offenders use to groom their victims. Using a combination of attention, affection and gifts, offenders select a victim, win their trust (and in many cases, the trust of the athlete's caregiver or "gatekeeper"), manipulate the victim into sexual activity, and then keep the athlete from disclosing abuse.

It is the policy of US Sailing that those individuals at a **Member Organization** who:

- (1) have regular, routine or frequent contact with or authority over minor athletes (e.g., staff, coaches, team managers, regatta officials, etc.)
- (2) are responsible for enforcing abuse and misconduct policies
- (3) are in managerial or supervisory roles and
- (4) are new and current employees, and/or volunteers

shall complete **SafeSport Training**.

### US Center for SafeSport Training Courses

The US Center for SafeSport's **SafeSport Training** provides the required child abuse prevention training mandated by federal law.

#### SafeSport Training

Adult members of US Sailing, US Sailing Member Organizations, and nonmember volunteers who have regular contact with or authority over minors -are required to complete **SafeSport Training**:

- Before regular contact with a minor amateur athlete begins; or
- Within the first 45 days of beginning a new role subjecting the adult to this policy, whichever occurs first.

*Training other than the Core Center for SafeSport Training does not satisfy this policy.* US Sailing or a member organization may provide training in addition to **SafeSport Training**. However, if an organization provides additional training, it shall not refer to any other such training as “**SafeSport Training**.”

**SafeSport Training** consists of three topics:

1. Sexual Misconduct Awareness Education - Understand the core concepts behind creating a safe and positive sport environment and learn how to identify and prevent sexual misconduct and abuse.
2. Emotional and Physical Misconduct - Learn how to recognize, respond to and prevent various forms of misconduct including bullying, hazing and harassment and physical and emotional abuse.
3. Mandatory Reporting: Understanding Your Responsibilities - Understand the legal requirements for reporting a concern about abuse and how the reporting process works.

US Sailing has adopted the U.S. Center for SafeSport training course, which consists of a series of online training videos -- the core training that takes approximately 90 minute and refresher courses that take approximately 30 minutes -- and are available at no cost to all US Sailing members.

Persons taking the **SafeSport Training** will be asked to enter their US Sailing member ID when they register so that completion can be verified and associated with their membership profile. When training is completed, a “SafeSport Trained” Certificate is available for download and completion will be automatically integrated into the US Sailing database and linked to the member’s US Sailing member ID.

### **Refresher Course**

A refresher course is required on an annual basis effective the calendar year following the completion of **SafeSport Training**.

US Sailing will automatically notify Participants before the due date for a refresher course or other **SafeSport Training** via email to the primary email provided by the Participant. Failure to receive this notification does not excuse a **Covered Participant** from completing the required training.

### **Minor Athlete Training**

US Sailing shall, subject to parental consent, annually provide training to members who are minors regarding prevention and reporting of child abuse. US Sailing shall track:

- A description of the training
- The date the training was provided, and

- A description of how the training was provided

## Adults Required to Complete Mandatory SafeSport Training

The following Participants shall complete **SafeSport Training**:

*(Upon completion of initial **SafeSport Training**, any **Covered Participant** may satisfy the ongoing training requirement by completing the refresher course annually.)*

- A. US Sailing Program Administrators (Required): US Sailing program leaders, administrators, staff, board members, and others who are primarily and directly responsible for administering US Sailing programs at the national level. These representatives must be fully versed in US Sailing's SafeSport Policy and possess the information necessary to more effectively monitor the organization, minimize opportunities for abuse and other misconduct, and respond to concerns.
- B. Coaches (Required): Coaches are adults who typically have the most contact with minor athletes. All coaches employed by US Sailing, either staff or contractor, for training clinics, camps or events shall complete **SafeSport Training** prior to that coach's participation in a US Sailing program.
- C. Master Trainers, Instructor Trainers, adult Instructors and adult Counselors (Required for all MITs, ITs, all Certified Instructors, and Instructor Candidates prior to taking an instructor course): All Instructors and applicants for Instructor certification are required to take **SafeSport Training**. Current **SafeSport Training** is required for a certification to be valid.
- D. Officials (Required for Officials at any event where US Sailing is the **Organizing Authority**, for new certification applicants at any level, and upon renewal of race official recertification): Officials at events for which US Sailing is the Organizing Authority or US Sailing sanctioned events who have regular contact with athletes/sailors. All race officials (race officers, judges, umpires and classifiers) 18 years and older shall complete **SafeSport Training** as a condition of certification. Current **SafeSport Training** is required for a certification to be valid.
- E. Other Volunteers and Employees in regular contact with or in position of authority over minor athletes (Required): All volunteers and employees involved with US Sailing Championships or national programs who have regular contact with or authority over minor athletes shall complete **SafeSport Training** as a condition of appointment before they interact with minor athletes. Volunteers and employees who have less regular, non-routine or infrequent access to minor participants are strongly encouraged to complete **SafeSport Training**.
- F. **Member Organizations**: All **member organizations** of US Sailing shall assess which categories of volunteers and employees within their programs have regular, routine or

frequent contact with or authority over minor athletes. These individuals are required to complete the **SafeSport Training** course as a minimum condition of appointment. Programs should plan early so that volunteers have adequate time to complete the training before they interact with minor athletes.

Any US Sailing member volunteer or employee who is required to or desires to take **SafeSport Training** may complete the training at no cost. Any non-member may inquire with his/her Member Organization about SafeSport Training access.

### **Adults Strongly Encouraged to Complete Mandatory SafeSport Training**

The following participants are strongly encouraged to complete **SafeSport Training**:

**Parents** : Parent education is one of the keys to keeping a program safe from abuse and misconduct. Parents can assist by helping avoid situations in which misconduct can occur, by being aware of the signs and symptoms of abuse, and by reporting suspected abuse. Parents and participants will be made aware of US Sailing's SafeSport Policy through the US Sailing website, emails and other social media and electronic channels, and other suitable means. Free parent training is available on the SafeSport website.

*Certain jurisdictions in the United States have mandatory training and testing that may apply to those who work or volunteer with athletes, particularly youth participants. If state-mandated training and testing is in place, then the training and testing shall be consistent with relevant standards of care and legislation. This training is not a substitute for SafeSport Training.*

Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims and survivors of abuse. Requests may be made directly to the U.S. Center for SafeSport ([ngbservices@safesport.org](mailto:ngbservices@safesport.org)) or to US Sailing.

The Center will work with US Sailing regarding appropriate accommodations for persons with disabilities to satisfy the training requirements herein.

### **How to Access SafeSport Training:**

All US Sailing members can take the training for free at [safesport.ussailing.org](https://safesport.ussailing.org).

A **Covered Participant** who is not a US Sailing member can take the training for free. Please contact US Sailing for information on how to access the training.

## SECTION IV

### Minor Athlete Abuse Prevention Policy

These policies address the following situations and set forth boundaries for appropriate conduct to reduce the risks of potential abuse:

- One-on-one interactions, including meetings and individual training sessions
- Massages, rubdowns and other athletic training modalities
- Locker rooms and changing areas
- Social media and electronic communications
- Local travel
- Team travel
- Housing and host family situations

These policies shall apply to the following categories of individuals, collectively referred to as **Applicable Adults**:

1. Adult members of US Sailing at a facility that is under the jurisdiction of US Sailing:
2. Adult members of US Sailing who have regular contact with athletes who are minors
3. Any adult authorized by a US Sailing to have regular contact with or authority over an athlete who is a minor, and
4. Adult staff and board members of US Sailing.

#### 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 18 must adhere to the provisions found in the **Minor Athlete Abuse Prevention Policies** when interacting with minor athletes under 15 years of age.

Minor Athletes who reach the age of 18 and then obtain a position of authority that presents a power imbalance, such as a coach or official, must also comply with these prevention policies regardless of the age of the minor athletes with whom they will interact.

#### Required Policies for One-On-One Interactions

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

#### Interactions Must Be Observable and Interruptible

One-on-one interactions between a minor athlete and an **Applicable Adult** (who is not the minor's legal guardian) at a facility under US Sailing's jurisdiction are permitted only if they occur at an observable and interruptible distance by another adult.

Exceptions to this policy include:

- emergency circumstances
- If a mental health care professional and/or health care provider meets with minor athletes at a facility under US Sailing's jurisdiction, a closed-door meeting is permitted to protect patient privacy provided that:
  - (1) the door remains unlocked
  - (2) another adult is present at the facility
  - (3) the other adult is advised that a closed-door meeting is occurring, and
  - (4) written consent is obtained in advance by the mental health care professional and/or health care provider from the minor's legal guardian.

## Meetings

Meetings between **Applicable Adults** and minor athletes at a facility under US Sailing's jurisdiction may occur only 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 at a facility under US Sailing's jurisdiction, the door to the office must remain unlocked and open. If available, the meeting must occur in an office that has windows, and the windows, blinds, and/or curtains shall remain open during the meeting.

## Individual Training Sessions

Individual training sessions between **Applicable Adults** and minor athletes are permitted at a facility under US Sailing's jurisdiction if the training session is observable and interruptible by another adult. It is the responsibility of the **Applicable Adult** to obtain the written permission of the minor's legal guardian in advance of the individual training session if the individual training session is not observable and interruptible by another adult. Permission for individual training sessions must be obtained at least every six months. **Parents**, guardians, and other caretakers must be allowed to observe the training session.

## Monitoring

When one-on-one interactions between **Applicable Adults** and minor athletes occur at a facility under US Sailing's jurisdiction, **Applicable Adults** will monitor these interactions. Monitoring includes knowing that the one-on-one interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the one-on-one interaction.

## Out-of-program contacts

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

## Massages, Rubdowns and Other Athletic Training Modalities

### Massage, rubdown or other athletic training modality

Any massage, rubdown or other athletic training modality performed at a facility or a training or competition venue must be conducted in an open and interruptible location. Any massage of a minor athlete must be done with at least one other adult present.

### Written consent

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

## Locker Rooms and Changing Areas

### Non-exclusive facility

If US Sailing uses a facility not fully under its jurisdiction for training, competition or similar events, and the facility is used by multiple constituents, **Applicable Adults** in categories 1 through 4 above are nonetheless required to adhere to the rules set forth herein.

### Use of recording devices

Video or audio recording with a cell phone, video or still camera or any other recording device in locker rooms, changing areas, or similar spaces is prohibited at a facility under US Sailing's jurisdiction. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved in advance by US Sailing or the **LSO** and at least two **Applicable Adults** are present.

### Undress

Under no circumstances shall an unrelated **Applicable Adult** at a facility under US Sailing's jurisdiction intentionally expose his or her breasts, buttocks, groin, or genitals to a minor athlete.

## One-on-one interactions

Except for athletes on the same team, at no time are unrelated **Applicable Adults** permitted to be alone with a minor athlete in a locker room or changing area when at a facility under US Sailing's jurisdiction, except under emergency circumstances.

If US Sailing is using a facility that only has a single locker room or changing area, we will designate separate times for use by **Applicable Adults**, if any.

## Monitoring

US Sailing will regularly and randomly monitor the use of locker rooms and changing areas at facilities under its jurisdiction to ensure compliance with these policies.

## Other Recommendations

To minimize the risk of bullying and hazing, US Sailing's policy is to ensure that minor athletes are not left unsupervised in locker rooms and changing areas.

**Applicable Adults** must make every effort to be aware of when a minor athlete goes to the locker room or changing area during practice and competition and, if they do not return in a timely fashion, check on the minor's whereabouts.

US Sailing strongly discourages **Parents** from entering locker rooms and changing areas except when absolutely necessary. In those instances, only a same-sex parent should enter the locker room or changing area when other minor athletes are changing. If this is necessary, parents must inform a coach or administrator about this in advance.

## Social Media and Electronic Communication Policy

***Communication with all athletes and participants should be appropriate, productive and transparent.***

US Sailing strongly recommends that **member organizations** implement a Social Media and Electronic Communications Policy.

Communication concerning team travel, practice or competition schedules and administrative issues among coaches, administrators and sailors and their families is critical. However, the use of electronic communication increases the possibility of impropriety and misunderstanding and provides potential offenders with unsupervised and potentially inappropriate access to participants and the opportunity for misconduct.

## Social Media and Electronic Communication Policy

- All electronic communication from **Applicable Adults** to minor athletes must be professional in nature, such as for the purpose of communicating about team or program activities.
- Other than in emergency circumstances, if an **Applicable Adult** with authority over minor athletes needs to communicate directly with a minor athlete via electronic communication, another **Applicable Adult** or the minor's legal guardian must be copied.
- If a minor athlete communicates to the **Applicable Adult** privately first, the adult should respond to the minor athlete with a copy to another **Applicable Adult** or the minor's legal guardian.
- When an **Applicable Adult** with authority over minor athletes communicates electronically to the entire team, the adult must copy another adult.
- Minor athletes may "friend" the organization's official page.

## Request to Discontinue All Electronic Communications

**Parents** may request in writing that their minor athlete not be contacted through any form of electronic communication by the organization or by the **Applicable Adults** subject to this policy. The organization will abide by any such request except in emergency circumstances.

## Other Recommendations Concerning Electronic Communications

### Hours

Electronic communications should generally be sent only between the hours of 8:00 am and 8:00 pm, except in an emergency or while traveling internationally or during competition travel.

### Monitoring

The organization should monitor its social media pages and remove any post that violates its policies and practices for appropriate behavior. The organization will inform the legal guardian of a minor athlete and the organization's administrator of any prohibited posts.

## Prohibited electronic communications

**Applicable Adults** with authority over minor athletes shall not maintain private social media connections with unrelated minor athletes. Such **Applicable Adults** shall not accept new personal page requests on social media platforms from minor athletes unless the **Applicable Adult** has a fan page, or the contact is deemed as celebrity contact vs. regular contact. Existing social media connections on personal pages with minor athletes shall be discontinued.

## Travel Policy Guidelines

US Sailing **member organizations** are strongly encouraged to implement a travel policy. A travel policy provides guidelines to minimize unobserved one-on-one interactions between persons in a position of authority and minor athletes while traveling. Further, the policy directs how minor participants will be supervised during travel to and from practice and competitions. Adherence to travel policies helps to reduce the opportunities for misconduct.

Different policies should apply to local travel to and from local practices and events and to longer-distance travel that involves overnight stays.

**Local Travel: travel to training, practice and competition that occurs locally and does not include coordinated overnight stays**

### Transportation

**Applicable Adults** who are not also acting as a legal guardian shall not ride in a vehicle alone with an unrelated minor athlete except in emergency circumstances and must be accompanied by at least two minor athletes or another adult at all times unless otherwise agreed to in writing by the minor athlete's **Parent** in advance of each local travel.

It may be necessary in some emergency circumstances for an **Applicable Adult** to drive alone with an unrelated minor participant. However, efforts should be made to minimize these occurrences and to avoid any situations that could lead to allegations of misconduct.

### Shared or Carpool Travel Arrangement

US Sailing encourages **Parents** to pick up their own minor athlete first and drop off their minor athlete last in any shared or carpool travel arrangement.

**Parents** are encouraged to receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with an **Applicable Adult** who is subject to these policies.

It is the responsibility of the **Parents** to ensure that the person transporting the minor athlete maintains the proper safety and legal requirements including, but not limited to, a valid driver's license, automobile liability insurance, a vehicle in safe working order, and compliance with applicable state laws.

**Team Travel: travel to competition or other team activity that US Sailing or the LSO plans and supervises**

## Team/competition travel

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

## Hotel rooms

**Applicable Adults** shall not share a hotel room or other sleeping arrangement with a minor athlete unless the **Applicable Adult** is the legal guardian, sibling, or otherwise related to the minor athlete. However, a **Parent** may consent to such an arrangement in advance and in writing. Further, a **Parent** may consent in advance and in writing to the minor athlete sharing a hotel room or other sleeping arrangement with an adult athlete.

## Meetings

Meetings shall be conducted consistent with the organization's policy for one-on-one interactions, including that any such meeting shall be observable and interruptible.

## Other Recommendations

Team travel policies must be signed and agreed to by all minor athletes, **Parent**, and **Applicable Adults** traveling with the organization.

**Applicable Adults** who travel with the organization must successfully pass a criminal background check and other screening requirements consistent with the organization's policies.

During team travel, when doing room checks, attending team meetings and other activities, two-deep leadership (two **Applicable Adults** present) and observable and interruptible interactions should be maintained at all times.

Meetings should not be conducted in hotel rooms.

**Parents** should receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with an **Applicable Adult** who is subject to these policies.

Participants should share rooms only with other participants of the same gender, with the appropriate number of participants assigned per room.

In all cases involving travel, **Parents** have the right to transport their minor participant(s) and have the minor participant(s) stay in their hotel room.

The team will make every effort to accommodate reasonable parental requests when a child is away from home without a parent.

No coach or staff member shall be under the influence of drugs or alcohol while performing their coaching and/or staff duties.

If disciplinary action against a participant is required while the participant is traveling without his or her parents, the **Parent** will be notified before any action is taken, except when immediate action is necessary, and then as soon as possible thereafter.

Additional policies concerning safety, behavior, financial guidelines are also recommended, as is the development of a travel code of conduct.

## Housing and Host Family Policy

US Sailing recognizes that some minor athletes do travel away from home and parents to sail in events or training camps. In those circumstances, an organization or team may arrange for the sailor to live with a host family. While this is a cost-conscious and supportive housing option, having youth sailors live outside their own homes increases the risk for abuse or misconduct to occur.

Organizations and teams that arrange for sailors to live with host families at events under US Sailing's jurisdiction shall have written policies and procedures in place to govern the arrangement. All housing policies and procedures shall meet the following requirements:

- All adults living in the household of the host family shall be screened in accordance with the US Sailing Background Screening Policy prior to the sailor moving in with the host family.
- All adults living in the household of the host family shall have completed training in compliance with the **SafeSport Training** prior to the sailor moving in with the host family.
- US Sailing recommends that no fewer than 2 minor athletes of the same gender be housed with a host family. It is strongly recommended that minor athletes of mixed gender be housed in separate homes, unless they are siblings from the same family. Exceptions can be made to house a single minor athlete with a host family but only with the prior agreement of the **Parent**, the housing coordinator, and the host family.
- Host families, the sailor(s) and sailor's **Parents** shall all sign an agreement/waiver with the organization and/ or team that they will comply with the rules and regulations for the housing arrangement and the US Sailing SafeSport Policies.
  - There should be a housing coordinator who shall be responsible for overseeing compliance with the Housing/Host Family Policy and all other US Sailing SafeSport Policies.
  - There shall be a mandatory curfew for all housed sailors. The host family may impose an earlier curfew.
  - Sailors shall agree to comply with the house rules of the host families.

- Sailors shall not stay overnight at any other home when being housed with a host family except with the permission of the sailor's **Parents** and advance notification to the host family and housing coordinator.

## Types of Misconduct

Misconduct covered by US Sailing's SafeSport policies may take one or more of the following forms:

- Sexual misconduct
- Physical misconduct
- Emotional misconduct
- Bullying, threats and harassment
- Hazing
- Aiding and Abetting

## Sexual Misconduct

It is the policy of US Sailing that sexual misconduct or abuse of any participant involved in any of its programs, whether such participant is an adult or a minor, an employee, volunteer, independent contractor or another participant is strictly prohibited.

Sexual abuse of a minor by an adult occurs when an adult touches a minor for the purpose of causing the sexual arousal or gratification of either the minor or the adult. Sexual abuse of a minor also occurs when the minor touches an adult for the sexual arousal or sexual gratification of either the minor or the adult, if the touching occurs at the request or with the consent of the adult.

Sexual contact between or among minors also can be abusive if there is a significant disparity in age, development or size, if there is the existence of an aggressor, or where there exists 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.

Minors cannot consent to sexual activity with an adult, and all sexual interaction between an adult and a minor is strictly prohibited. Neither purported consent to the sexual contact by the minor, mistake as to the participant's age, nor the fact that the sexual contact did not take place at a sailing function are defenses to a complaint of sexual abuse. Child sexual abuse includes all sexual interaction between an adult and a child, regardless of whether there is deception or if the child understands the sexual nature of the activity.

Sexual abuse may also include non-touching offenses, such as: sexually harassing behaviors; an adult discussing his/her sex life with a minor or subordinate; an adult asking a minor or subordinate about his/her sex life; an adult requesting or sending nude or partial dress photos to a 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.

Sexual abuse or misconduct may also occur between adults or to an adult. Sexual abuse includes sexual interactions that are nonconsensual or accomplished by force or threat of force, or coerced or manipulated, regardless of the age of the participants.

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.

## **Physical Misconduct**

It is the policy of US Sailing that physical misconduct or abuse of any participant involved in any of its programs by any employee, volunteer, independent contract, support staff or other participant is strictly prohibited.

Physical misconduct occurs when physical contact with a participant 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 perceived or actual threat of immediate bodily harm or personal injury. Physical misconduct may also include intentionally hitting or threatening to hit a participant with objects or equipment.

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

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

Physical misconduct does not include physical contact that is reasonably designed to coach, teach, demonstrate or improve a sailing skill, including physical conditioning, team building and appropriate discipline. Permitted physical conduct may include communicating with or directing participants during a race or practice by touching or moving them in a non-threatening, non-sexual manner.

## **Emotional Misconduct**

It is the policy of US Sailing that emotional misconduct or abuse of any participant involved in any of its programs by an employee, volunteer, independent contractor or other participant is strictly prohibited.

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, but are not limited to: *a pattern of* verbal behaviors that attack a participant (e.g., calling them worthless, fat or disgusting); repeated and excessive yelling at a participant or participants in a manner that serves no productive motivational purpose; physically aggressive behavior (e.g., throwing equipment, water bottles or chairs at participants, punching walls, windows or other objects) and acts that deny attention and support, such as ignoring a participant for extended periods of time or routinely or arbitrarily excluding participants from practice or training.

Constructive criticism about a participant's performance is not emotional abuse or misconduct. Furthermore, emotional abuse does not include generally accepted and age-appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline, or improving athletic performance.

Emotional abuse does not include conduct between opponents or officials that occurs during or connected with a practice or race that is covered by *The Racing Rules of Sailing*. Such conduct should be addressed under *The Racing Rules of Sailing*.

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

## **Bullying, Threats and Harassment**

US Sailing supports an environment for participation in sailing that is free from threats, harassment and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying, harassing or threatening behavior are regarded as unacceptable.

***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 physical acts or gestures. Bullying in any manner is prohibited in connection with all US Sailing sanctioned activities or events.

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

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

COACHES MUST NOT USE BULLYING BEHAVIOR TOWARDS THEIR ATHLETES.

***A threat to harm others is defined as any written, verbal, physical or electronic expression of intent to physically or emotionally injure or harm someone else.***

A threat may be communicated directly to the intended victim or communicated to a third party. Threatening behavior in any manner is prohibited in connection with US Sailing sanctioned activities or events.

***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.***

Examples of harassment prohibited by this Policy include, without limitation, such non-physical offenses as:

(a) making negative or disparaging comments about a participant’s gender, sexual orientation, gender expression, mental or physical disability, race, religion, skin color, ethnic traits or other legally protected grounds;

(b) displaying offensive materials, gestures or symbols; and

(c) withholding or reducing practice or sailing time to a participant based on his/her sexual orientation, gender expression (not to include prohibitions on participation when eligibility is based on gender), disability, religion, skin color, ethnic traits or any legally protected grounds.

***Sexual harassment is a form of harassment prohibited by this policy.***

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 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 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 that it limits a participant's ability to partake in or benefit from a sailing-related 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.

While other team members may be the perpetrators of harassment or sexual harassment, a coach or other responsible adult who knows or should know of the harassment or sexual harassment but takes no action to intervene on behalf of the targeted participant(s) violates this policy.

It shall be a violation for any employee, volunteer, independent contractor or other participant to harass a participant(s) through conduct or communications of a sexual nature, or to retaliate against anyone who reports sexual harassment or participates in a harassment investigation.

US Sailing shall investigate all indications, informal reports and formal grievances of harassment or sexual harassment by any employee, volunteer, independent contractor or other participant and take appropriate corrective action. Corrective action includes taking all reasonable steps to end the harassment, to prevent harassment from recurring and to prevent retaliation against anyone who reports harassment or sexual harassment or participates in a harassment investigation.

## Hazing

It is the policy of US Sailing that hazing of any participant involved in any of its programs by any employee, volunteer, independent contractor, support staff or other participant is strictly prohibited.

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

Examples of hazing prohibited include, but are not limited to: 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 or food; beating, paddling or other forms of physical assault; social actions such as grossly inappropriate or provocative clothing, or public displays such as public nudity, that are illegal or intended to draw ridicule.

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 club 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. Examples of activities that do not constitute hazing include directing or allowing a younger participant to pick up or fill water bottles or giving older sailors first preference to team assignments, responsibilities, accommodations, facilities or equipment.

While other team members are often the perpetrators of hazing towards their teammates, a coach or other responsible adult who participates, or knows or should know of the hazing but takes no action to intervene on behalf of the targeted participant(s) violates this policy.

Hazing includes any act or conduct described as hazing under federal or state law.

## Aiding and Abetting

Aiding and abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of prohibited conduct by a **Participant**. Aiding and abetting also includes, without limitation, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by the **USCSS** to be in any way associated with or employed by an organization affiliated with or holding itself out as affiliated with US Sailing, a **LSO**, the **USOC** or the US Olympic or Paralympic Movement
2. Allowing any person who has been identified as suspended or otherwise ineligible by the **USCSS** to coach or instruct **Participants**

3. Allowing any person who has been identified as suspended or otherwise ineligible by the **USCSS** to have ownership interest in a facility, an organization, or its related entities, if that facility, organization or related entity is affiliated with or holds itself out as affiliated with US Sailing, a **LSO**, **USOC** or the US Olympic or Paralympic Movement
4. Providing any coaching-related advice or service to an athlete who is suspended or otherwise ineligible
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by the **USCSS**

In addition, a **Participant** also violates SafeSport Policy if someone acts on behalf of the **Participant** to engage in aiding or abetting, or if the guardian, family member, or advisor of a **Participant**, including minor participants, engages in aiding or abetting.

## SECTION V

### Background Screening Policy

*[The following section will be updated when the Responsible Sport Organization Background Check Policy is approved by the USOC.]*

In 2005, the US Sailing Training Department implemented a background screening policy for Instructor Trainers and Master Trainers. The Olympic Department began a formal background screening program in 2007 for staff and coaches who worked with elite teams at Olympics, Paralympic, and Pan American Games competitions. **SafeSport Training** was also included for this group around this same time as required by USOC for the coaches, managers and support staff of these international travel teams.

In 2010, US Sailing began requiring background checks for any coach that was hired by US Sailing to work at any US Sailing National Championships for youth sailors. This policy was expanded to include coaches hired by US Sailing who work with any athlete. US Sailing will not authorize or accept any staff or coach who has routine access to any athlete unless that person consents to be screened and passes a comprehensive screen by US Sailing's approved background screen vendor. This policy was followed by a requirement for SafeSport training by coaches beginning in 2013 at our National Youth Championship. This policy was expanded to include all coaches hired by US Sailing to work with any athlete.

US Sailing strongly encourages each member organization to have a background screening policy in place to provide a safe environment for its sailors.

#### Purposes of a Screening Policy:

- Protect US Sailing national and development teams from known offenders.
- Deter offenders who have not been caught from joining US Sailing programs because the program has a known policy against abuse.
- Help protect US Sailing, its member organizations, and their respective employees and subcontractors from liability that could arise from allowing a previous offender to have access to participants.
- Background screenings are a "risk management tool" to help reduce potential sexual abuse/molestation claims by identifying and eliminating individuals who might pose a threat from the group to whom the insurance company is providing coverage.
- Help protect US Sailing and member organizations from state and federal precedents that associations can be held generally liable for sexual misconduct or abuse that can, in some way, be connected to their sanctioned events.

## Current US Sailing Screening and Education Policies:

Currently, US Sailing conducts screening and requires education of its employees, Board of Directors, Olympic Sailing Committee, select volunteers, coaches and independent contractors as follows (All non-USA citizens will require an international criminal background screening when applying for any position stated below.):

- All members of the US Sailing Board of Directors upon appointment, and then every 2 years;
- All members of the Olympic Sailing Committee upon appointment, and then every 2 years;
- All US Sailing employees shall be screened as a condition of their employment and then shall be rescreened every two (2) years;
- All coaches, instructors and other staff for any US Sailing national or development team, select team camps or Championship events and clinics shall be screened as a condition of being selected for such position or shall have been screened by US Sailing within the past two (2) years.
- Coaches hired by US Sailing for specific events and teams.
- All US Sailing Instructor Trainers, Master Instructor Trainers shall be screened and complete SafeSport Training for recertification.
- Adult members of the following teams shall complete SafeSport training and a background check before contact with minor athletes and in any case within 45 days of being named to the team. Members of the team who reach their 18th birthday shall complete SafeSport training and background check no more than 45 days after their 18th birthday.
  - Olympic Games Team
  - Pan American Games Team
  - Youth Olympic Games Team

**NOTE:** All host clubs/venues for US Sailing Championships or sanctioned events whose staff and volunteers will have regular, routine or frequent access to or supervision over athletes and minor participants are encouraged to implement a screening and education policy as a condition of being selected for hosting. All local and state regulations shall be followed.

## SECTION VI

### Reporting Concerns of Abuse and Misconduct

An effective reporting policy that results in the filing of reports of suspected abuse and misconduct and does not in any way deter victims or witnesses from reporting abuse and misconduct is a key element to preventing abuse and misconduct. Potential abusers will avoid involvement in a program where there is a likelihood that suspected abuse will be reported. When sport stakeholders are untrained about how and when to report suspected abuse, they may feel ill-prepared, powerless and lost when it comes to responding to and reporting misconduct. By providing this guidance on when and how to report suspected misconduct, US Sailing seeks to remove barriers to disclosing misconduct, including child physical and sexual abuse.

**The US Center for SafeSport has jurisdiction over all claims of sexual misconduct or abuse.**

Any person who is a **Covered Participant** under these policies and/or the rules of the U.S. Center for SafeSport is subject to the rules, policies and procedures of the U.S. Center for SafeSport and will submit, without reservation or condition, to the jurisdiction of the U.S. Center for SafeSport for the resolution of any alleged violation of those rules, policies or procedures, as they may be amended from time to time.

**All reports of sexual misconduct or abuse shall be made directly to the US Center for SafeSport. Additionally, any claim of sexual misconduct or abuse of a minor shall be reported to the appropriate law enforcement authorities within 24 hours.**

**Claims of non-sexual misconduct or abuse shall be made directly to US Sailing.**

#### Reporting Policy

It is the policy of US Sailing that every employee or volunteer of any US Sailing member organization must report actual or perceived violations of the US Sailing SafeSport Policy to the appropriate SafeSport representatives.

**Any case involving sexual misconduct must be reported to the US Center for SafeSport.** Additionally, in cases involving suspicions or allegations of child physical or sexual misconduct, a report must be made to the appropriate law enforcement authorities within 24 hours of becoming aware of a suspected incident. Any report of misconduct or suspicions of child physical and sexual misconduct will be taken seriously and handled appropriately. If US Sailing receives a report of physical or sexual misconduct involving a minor, US Sailing will make a report to the proper authorities and in the case of sexual misconduct to the **USCSS**.

In some cases, an employee, volunteer, or **Covered Participant** may be hesitant about reporting suspected misconduct because they:

- are unsure about the credibility of the person making the allegations
- are unsure about the credibility of the facts on which the allegations are based or
- are concerned about the potential consequences of a false report.

It is critical that employees and/or volunteers do not attempt to evaluate the credibility or validity of child physical or sexual misconduct allegations as a condition for or prior to reporting their concerns. Investigation should be left to the appropriate authority.

### Reporting Child Physical or Sexual Abuse

Because sexual abusers “groom” children for abuse – a process used by offenders to select a child, to win the child’s trust and the trust of his or her parents, to manipulate the child into sexual activity and to keep the child from disclosing abuse – it is possible that an employee, volunteer, **Parent** or participant may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate or suspicious behavior or suspected grooming behavior should be directed to the **USCSS**. If you suspect sexual misconduct involving a minor, you must report it to law enforcement and to the **USCSS**.

### Peer-to-Peer Sexual Misconduct

Peer-to-peer sexual misconduct may occur between participants of any age, including athlete-to-athlete, coach-to-athlete or official-to-athlete. Some child sexual misconduct occurs at the hands of other children, and **Covered Participants** have an obligation to report peer-to-peer child sexual misconduct. Whether or not a sexual interaction between children constitutes child sexual misconduct depends on certain factors which may include the existence of an aggressor, the age difference between the children, and whether there is an imbalance of power or intellectual capabilities. If you have any concerns that an interaction between children may constitute sexual misconduct, report it to the appropriate law enforcement authorities and to the **USCSS**.

### Reporting Procedure

Suspicion or allegations of sexual misconduct must be reported directly to the **USCSS**. Suspicion or allegations of child physical or sexual abuse must be reported to the appropriate law enforcement authorities and the **USCSS**. You may also report it to US Sailing. Further information about when a person must make a report to law enforcement authorities can be found at:

[www.childwelfare.gov](http://www.childwelfare.gov)

[www.childwelfare.gov/systemwide/laws\\_policies/statutes/manda.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm)

[www.childwelfare.gov/systemwide/laws\\_policies/state/](http://www.childwelfare.gov/systemwide/laws_policies/state/)

<https://www.childwelfare.gov/pubPDFs/manda.pdf>

All reports of violations of any of the US Sailing SafeSport policies other than sexual misconduct or child abuse shall be made to US Sailing.

In some instances, a victim or complainant may feel more comfortable reporting to their local club administrator. Any report to a local club administrator shall be forwarded by that administrator to US Sailing or the US Center for SafeSport. If the report alleges sexual misconduct involving a minor, it must be reported to law enforcement and the **USCSS**. If a report is filed with US Sailing, US Sailing may refer a report to the **USCSS** for initial action, investigation and/or discipline.

### **US Center for SafeSport Reporting Channels**

Phone: 1-720-531-0340

[Electronic Reporting](#)

### **US Sailing Reporting Channels:**

Email: [safesport@ussailing.org](mailto:safesport@ussailing.org)

Phone: 1- 401-342-7966

[Online Reporting Form](#)

### **Responding to Misconduct**

US Sailing recognizes that there are varying levels of misconduct. For example, physical and sexual misconduct are serious violations that may result in immediate suspension or dismissal. In contrast, a participant telling a single risqué joke constitutes less serious misconduct, and depending on the circumstances, might be dealt with more appropriately through dialogue and a verbal warning. Appropriate action should always consider the necessity of protecting participants from further abuse.

Adults have a responsibility to protect the athletes in their care, especially minors. Athletes, particularly children, rely on the coaches, administrators and other adults around them to keep them safe.

The information below will assist any person in a position of authority in knowing how to respond if they observe a possible boundary violation, policy violation or suspicious or inappropriate interactions:

#### **1. Interrupt the action and speak directly to the person involved.**

Try to begin the conversation with something positive, and then describe the actions you've seen that concern you and suggest what should be done. Interrupting doesn't mean you are accusing anyone of molesting an athlete. You are just making sure that everyone follows the rules that keep athletes safe.

#### **2. Always respond quickly if you witness or become aware of red-flag behavior.**

An athlete's safety may be in jeopardy and a delay in action could allow abuse to occur. Red-flag behaviors (for example, adults exhibiting poor boundary behavior such as texting

athletes frequently, buying gifts, etc.) could lead to abuse or misconduct. That means you need to respond right away, no matter how busy you are.

### **3. Share your concerns with the head coach, team manager, or management.**

*If you see something, say something.* If you don't speak up, the situation could become more serious. Tell your supervisor exactly what you've observed. Arrange a time when you can speak with leadership privately and without distractions. Share your observations and concerns with as much detail as you can and explain why you are concerned and what you would like to see changed.

### **4. Thoroughly document what you learned and what actions you took in response.**

This is especially important for those in leadership positions. Documentation can be crucial if you must later prove that you exercised due diligence in acting on a report of inappropriate or suspicious behavior. Use the situation to strengthen training, monitoring and supervision, and to enhance your policies. Red flag incidents can teach a great deal. Use the situation to ask: "How did this happen?" as well as "What did we do well?" Perhaps your organization will determine that coaches need more training on how to supervise athletes, or that host families need more guidance on setting boundaries with young athletes. Don't let an incident go by without learning something from it.

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

An independent investigation by coach, administrator or observer can harm a child or athlete and interfere with the legal investigative process. Accordingly, US Sailing, its **Member Organizations** and their administrators, employees and volunteers 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, and in the case of sexual misconduct reporting to the **USCSS**. However, a person initially receiving a report may ask a few clarifying questions of the minor or person reporting the incident so they are able to adequately report the suspicion or allegation to law enforcement authorities.

## **Immediate Suspension or Termination**

When an allegation of physical or sexual abuse is made against an employee, volunteer, independent contractor or other participant, US Sailing and/or the **LSO** may administer an interim measure pursuant to the SafeSport Code until the allegation has been investigated by an official agency. However, all members will be afforded a hearing in accordance with US Sailing Bylaw 702 prior to permanent or provisional suspension. This shall apply whether or not the allegation involves an incident during a sailing program or event.

See the procedures and description of US Sailing Regulations 13 and 15 in Section VII below.

## Other Misconduct and Policy Violations

When a bullying, harassment, hazing, emotional, physical, or other abuse allegation is not reportable under relevant state or federal law, the local program or US Sailing shall address and investigate the alleged policy violations or misconduct and impose discipline where appropriate.

Likewise, violations of US Sailing's Electronic Communications Policy and Travel Policy shall be reported to US Sailing to address, rectify and impose discipline where appropriate.

## Follow Up Reports to US Sailing

All local programs shall promptly notify the US Sailing SafeSport Contact of the results of any investigations, hearings or other proceedings within their program that involve violations of the US Sailing SafeSport Policies or this SafeSport Handbook.

## Notification

Following notice of a credible allegation that results in the removal of an employee, volunteer, independent contractor or other participant, US Sailing or the **LSO** may need to consider the circumstances in which it will notify **Parents** of other participants with whom the accused individual may have had contact.

As appropriate, US Sailing and/or the **LSO** may notify its staff members, volunteers, **Parents**, and participants of any allegation of athlete physical or sexual abuse or other criminal behavior that:

- (1) law enforcement authorities are actively investigating or
- (2) is being investigated internally by US Sailing and/or the **LSO**

Advising others of an allegation may lead to additional reports of other misconduct.

If the organization decides that it is advisable to notify staff, volunteers, **Parents** or participants of an allegation, it is important to stick to known facts and avoid elaboration or speculation in order to protect the possible victims, the alleged perpetrator and the organization.

## SECTION VII

### **Responding to Abuse or Misconduct**

In response to allegations of abuse or misconduct, the US Sailing Bylaws and Regulations that are applicable to suspensions and disciplinary proceedings shall apply. Those Bylaws are found in Part VII of the US Sailing Bylaws and Regulations 13 and 15.

Regulation 15 provides for a disciplinary process that must be followed in disciplining of a member, team, organization or others within the jurisdiction of US Sailing. By following the procedures of Regulation 15, US Sailing can provide a fair and reasonable process for handling reports of misconduct by members.

#### **Key Considerations When Responding to Reports of Misconduct:**

When responding to a report of misconduct of abuse, it is essential to keep in mind:

- the obligation of US Sailing to investigate and conduct appropriate disciplinary proceedings following reports of suspicions or allegations of abuse or misconduct;
- 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” must be given about a suspension or the outcome of any proceedings;
- the circumstances in which an immediate or “summary” suspension is appropriate and the procedures following a summary suspension;

#### **Importance of Confidentiality**

Any investigation or disciplinary proceedings must be kept confidential. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, except as requested by law enforcement or child protection authorities. An investigator shall not be required to provide a copy of the investigator’s report or notes to any party unless required by law.

Hearings should be closed and confidential, to the extent possible, except for notification of the outcome. Participants in the hearing, including the hearing committee, complainant, victim and witnesses, should be requested and encouraged to keep the proceedings confidential, except as requested by law enforcement or child protection authorities. The hearing panel shall not discuss the testimony with anyone and shall deliberate only among themselves until they reach a final resolution of the complaint, except as requested by law enforcement or child protection authorities.

## **Whistleblower Protection**

Regardless of whether the allegations are proven, US Sailing will support complainants and their right to express concerns in good faith. US Sailing will not, and **LSOs** must not, encourage, permit or tolerate attempts from any individual to retaliate, punish or in any way harm any person who reports a concern in good faith. Such actions against a complainant may be grounds for disciplinary action.

## SECTION VIII

### Monitoring and Supervision of SafeSport

US Sailing monitors and ensures that all aspects of the SafeSport Policy are followed and continually improved so that they result in a safe environment at US Sailing Championship events. It also strongly encourages all of its member organizations to follow similar SafeSport policies and procedures in their programs and events.

Monitoring and supervision of the SafeSport program occurs at different levels at US Sailing:

#### **US Sailing Staff and Contracted Coaches**

The Head Coach or team manager, if applicable, for each team or event shall be responsible for monitoring the team and ensuring that the conduct of the team complies with US Sailing's SafeSport Policies.

US Sailing recognizes that that a Head Coach or Team Manager may not always be personally responsible for the direct supervision of each of the above areas and may delegate responsibility to team personnel for certain activities to other properly screened adults, but as the primary supervisor of the team, the Head Coach shall be responsible for delegating as necessary to result in compliance.

#### **National Level**

US Sailing shall monitor compliance with its SafeSport Policy.

US Sailing shall provide guidance to member organizations regarding SafeSport Policy and encourage them to implement SafeSport policy on a local level.

US Sailing shall promptly address any reports of abuse and misconduct and make all such reports as required under US Sailing's SafeSport Policy or applicable law and shall monitor and advise member organizations to help ensure all such reports are made.

#### **Member Organizations**

Member organizations and their administrators shall monitor their programs to ensure compliance with SafeSport policies. In particular, they must ensure that coaches, officials, program administrators, support staff and other program volunteers and employees who will have routine access to all athletes, including minor participants, have completed the training in accordance with SafeSport guidelines prior to such persons' starting date or otherwise having access to participants.

Member organizations and clubs should promptly address any reports of abuse or misconduct and make all reports that are required under the SafeSport Policy or applicable law.