



DULUTH ROWING CLUB SAFE SPORT POLICY MANUAL

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## INTRODUCTION AND USE OF THIS POLICY

**DULUTH ROWING CLUB** is committed to creating and supporting an environment and a culture free from misconduct. The welfare of all individuals involved with our Member Organization is paramount. Behavior and actions that constitute misconduct will not be tolerated.

There are a lot of reasons to play sport – at any level. A life-long activity, people often play sport to have fun and spend time with friends. Sport also encourages a healthy lifestyle, builds self-confidence; athletes also do better off the field. They learn goal-setting, teamwork and time management skills. Athletes are less likely to use cigarettes, drugs and alcohol; youth athletes have higher graduation rates and are more likely to attend college.

Unfortunately, sport can also be a high-risk environment for misconduct, including physical and sexual abuse. Here, we identify six primary types of misconduct:

- Bullying
- Harassment
- Hazing
- Emotional Misconduct
- Physical Misconduct
- Sexual Misconduct, including Child Sexual Abuse

Misconduct may damage an athlete's psychological well-being; athletes who have been mistreated experience social embarrassment, emotional turmoil, psychological scars, loss of self-esteem and negative impacts on family, friends and the sport. Misconduct often hurts an athlete's competitive performance and may cause them to drop out of sport entirely.

All forms of misconduct are intolerable and in direct conflict with the values of **DULUTH ROWING CLUB**.

In the event that one observes inappropriate behaviors (i.e. policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each individual to immediately report their observations to a supervisor or board member. Where possible and appropriate, everyone should be prepared to respond immediately to inappropriate or harmful behavior, potential risk situations and potential boundary violations by redirecting inappropriate behaviors to promote positive behaviors, confront inappropriate or harmful behaviors, and report behaviors when necessary.

This policy applies to **DULUTH ROWING CLUB** employees, individual members, Board members, volunteers, parent chaperones, and anyone in contact with athletes. Policy violations, misconduct and physical and sexual abuse must be reported consistent with the Reporting Policy as described herein. **DULUTH ROWING CLUB does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to appropriate law enforcement authorities and the U.S. Center for SafeSport.**

As a member organization, **DULUTH ROWING CLUB** is in alignment with USRowing as the national governing body of rowing under the U.S. Olympic and Paralympic Committee ("USOPC"). **DULUTH ROWING CLUB** is grateful to USRowing and the USOPC for their contributions to the Safe Sport initiative and dedication to promoting safe training environments in sport. This policy is based on the template provided by USRowing in complete support of the governing body's policies and best practices.

**DULUTH ROWING CLUB** is committed to improving the development and safety of athletes and participants involved in rowing.

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law 115-126) took effect in February 2018 (“**SafeSport Act**”). The SafeSport Act designated the United States Center for SafeSport (the “**Center**”) as the official safe sport organization for all Olympic, Paralympic, Pan American, and Para Pan American sports in the United States. In an effort to prevent the emotional, physical and sexual abuse of amateur athletes, the SafeSport Act requires national governing bodies and Paralympic sports organizations to implement both prevention training and prevention policies.

As a member organization of the U.S. Olympic & Paralympic Committee (“**USOPC**”), USRowing, its employees, contractors, volunteers, officials, board members, committee members and other designees, members and organizational members (collectively, “**Participants**”) are required to comply with the U.S. Center for SafeSport Code of the U.S. and Paralympic Movement (the “**Code**”), including its reporting requirements, available here:

<https://uscenterforsafesport.org/wp-content/uploads/2020/03/2020-SafeSport-Code-04.01.20.pdf>

The Code serves as benchmark by which the Center or USRowing evaluates whether a Code violation has occurred. For violations that fall within the Center’s jurisdiction, the Center will determine resolutions and sanctions in connection with the violation. USRowing will process Code violations that occur outside the Center’s jurisdiction pursuant to the procedures outlined in the sections below.

The Code outlines prohibited conduct relating to the following categories for all Participants (hereinafter defined):

- Criminal Charges or Dispositions
- Child Abuse
- Bullying
- Harassment
- Hazing
- Sexual Misconduct
- Emotional Misconduct
- Physical Misconduct
- Aiding and Abetting
- Misconduct Related to Reporting
- Misconduct Related to the Center’s Process
- Other Inappropriate Conduct
- Violation of the Minor Athlete Abuse Prevention Policies (“**MAAPP**”)

Participants in regular contact with Minor Athletes (hereinafter defined) must abide by USRowing’s MAAPP contained below.

Pursuant to the SafeSport Act as implemented by the Code, and USRowing’s Bylaws, the Center has exclusive jurisdiction over all issues involving Sexual Misconduct and Child Abuse (hereinafter defined). Such issues are to be reported directly to the Center *and* appropriate local authorities. Such reports to the Center should be made through the reporting form found here: <https://uscenterforsafesport.org/report-a-concern/>

While non-sexual misconduct issues may be reported directly to the Center, USRowing encourages initial reporting of such matters to **DULUTH ROWING CLUB** using the internal reporting processes. If, following review by the **DULUTH ROWING CLUB**, the issue remains unresolved or is not susceptible to resolution at the Member Organization level, it may be reported to USRowing using the USRowing reporting form found here:

[https://usrowing.org/sports/2018/4/13/18827\\_132107104230772015.aspx](https://usrowing.org/sports/2018/4/13/18827_132107104230772015.aspx)

## I. DEFINITIONS

The definitions below apply to all sections of this Policy. Where definitions are not included herein, but are contained in the SafeSport Code, the SafeSport Code definitions are adopted as if they are fully set forth herein:

- **Adult or adult** – Any individual 18 years of age or older.
- **Adult Participant** – Any adult (18 years or older) who is:
  - A member or license holder of USRowing or its Member Organizations
  - An employee or board member of USRowing or its Member Organizations
  - Within the governance or disciplinary jurisdiction of USRowing or its Member Organizations
  - Authorized, approved, or appointed by USRowing or its Member Organizationsto have regular contact with or authority over Minor Athletes. This may include volunteers, medical staff, trainers, chaperones, monitors, contract personnel, bus/van drivers, officials, adult athletes, staff, board members, and any other individual who meets the Adult Participant definition.
  - An adult athlete
- **Adult Participant Personal Care Assistant (PCA)**– An Adult Participant who assists an athlete requiring help with activities of daily living (**ADL**) and preparation for athletic participation. This support can be provided by a Guide for Blind or visually impaired athletes or can include assistance with transfer, dressing, showering, medication administration, and toileting. Personal Care Assistants are different for every athlete and should be individualized to fit their specific needs. When assisting a Minor Athlete, Adult Participant PCAs must be authorized by the athlete’s parent/guardian.
- **Amateur Athlete:** An athlete who meets the eligibility standards established by the National Governing Body or paralympic sports organization for the sport in which the athlete competes.
- **Athlete** – Any rower who participates in any USRowing licensed competition or USRowing sanctioned event.
- **Authority** – When one person’s position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person.
- **Center** – The U.S. Center for Safe Sport.
- **Close-In-Age-Exception** – An exception applicable to certain policies when an Adult Participant does not have authority over a Minor Athlete and is not more than four years older than the Minor Athlete (e.g., a 19-year-old and a 16-year-old). Note: this exception only applies within the prevention policies and not regarding conduct defined in the SafeSport Code.
- **Child, Children, Minor, and Youth** – An individual who is, or is believed by the Respondent to be, under the age of 18. The terms child, children, minor and youth are used interchangeably throughout this policy.
- **Child Abuse** – The term “child abuse” has the meaning set forth in Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) or any applicable state law.
- **Claimant** – The person who is alleged to have experienced conduct that constitutes a Code violation, or a violation of this Policy.
- **Coach** – Any adult who has or shares the responsibility for instructing, teaching, training, or advising an athlete in the context of rowing.
- **Code** – The policies and procedures adopted by the Center for the U.S. Olympic and Paralympic Movement’s National Governing bodies, which can be found at <https://www.uscenterforsafesport.org>.

- **Criminal Charge or Disposition** – Means that a Participant (a) is or has been subject to any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, including, but not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an “Alford” or “Kennedy” plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement; (b) is subject to a pending criminal charge(s) or warrant(s) for arrest. Criminal Charges may be evaluated by USRowing upon the original charges, amended charges, or those to which a plea was entered.
- **Dual Relationship** – An exception applicable to certain policies when an Adult Participant has a dual role or relationship with a Minor Athlete and the Minor Athlete’s parent/guardian has provided written consent at least annually authorizing the exception.
- **Event** – USRowing sanctioned or organized travel, lodging, practice, competition, health or medical treatment, and the meaning set forth in the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341).
- **Facility** – Any facility (including docks, gyms, or other locations used by a team or rowing organization), when at such time the Facility is either owned or being leased, rented or used by USRowing or Member Organization.
- **Interaction with Athletes** – Contact in association with any USRowing licensed or sanctioned activity or Event.
- **In-Program-Contact** – Any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete(s) related to participation in sport. Examples of In-Program Contact include, but are not limited to:
  - Competition
  - Practices
  - Camps/clinics
  - Training/instructional sessions
  - Pre/post game meals or outings
  - Team travel
  - Review of game film
  - Team- or sport-related relationship building activities
  - Celebrations
  - Award ceremonies
  - Banquets
  - Team or sport-related fundraising or community service
  - Sport education
  - Competition site visits
- **Local Affiliated Organization (LAO)** - A regional, state, or local club or organization that is directly affiliated with an NGB or that is affiliated with an NGB by its direct affiliation with a regional or state affiliate of said NGB. LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an NGB (see Member Organization definition below).
- **Member Organization** – A rowing organization with active USRowing organizational membership. This also includes any organization that hosts a property or event that USRowing sanctions, including competitions, training programs, clinics and courses.
- **Minor Athlete** – is an amateur athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of USRowing or its Member Organizations.
- **National Governing Body (NGB)** – A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the U.S. Olympic &

Paralympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501, et seq. This definition shall also apply to the USOPC, or other sports entity approved by the USOPC, when they have assumed responsibility for the management or governance of a sport included on the program of the Olympic, Paralympic, or Pan-American Games.

- **Paralympic Sport Organization (PSO)** – An amateur sports organization recognized and certified as an NGB by the USOPC.
- **Partial or Full Jurisdiction** – Includes any sanctioned Event (including all travel and lodging in connection with the event) by the NGB, PSO, USOPC, or LAO, or any facility that the NGB, PSO, USOPC, or LAO owns, leases, or rents for practice, training or competition.
- **Participant** – Any individual who: (a) currently is, or was at the time of a possible SafeSport violation, within the governance or disciplinary jurisdiction of USRowing, (b) is an Athlete or USRowing Designee, (c) a participant or attendee of a USRowing licensed competition or sanctioned event, including team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee, or volunteer, or (d) USRowing employees, contractors, volunteers, officials, board and committee members and other designees, members and organizational members.
- **Power Imbalance** – A Power Imbalance may exist where, based on the totality of the circumstances one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties’ respective roles; the nature and duration of the relationship; the age of the parties involved; where there is an aggressor; whether there is a significant disparity in age, size, strength, or mental capacity. Once a Coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the Coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the Coach-Athlete relationship terminates until the Athlete reaches 20 years of age. A Power Imbalance may exist, but it is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).
- **Regular Contact** – Ongoing interactions during a 12-month period wherein an Adult Participant is in a role of direct and active engagement with any Minor Athlete(s). NOTE: NGBs, PSOs, and the USOPC must submit/include categories of members/individuals that fall under the definition including specific volunteer designations.
- **Respondent** – A Participant who is alleged to have violated the Code or this Policy.
- **Sexual Misconduct** – Offenses (further described in Section IV of this Policy including, but not limited to:
  - Sexual or gender-related harassment
  - Non-consensual sexual contact (or attempts to commit the same)
  - Non-consensual sexual intercourse (or attempts to commit the same)
  - Sexual exploitation
  - Bullying or hazing, or other inappropriate conduct of a sexual nature
- **Third-Party Reporter** – Individual other than the Claimant bringing reports (“third-party report”) under this Policy.
- **U.S. Olympic & Paralympic Committee (USOPC)** – A federally chartered nonprofit corporation that serves as the National Olympic Committee and National Paralympic Committee for the United States.
- **USRowing Designee** – USRowing Staff, USRowing Licensed Officials, USRowing Board members, USRowing National Team Coaches and Technical Advisors, USRowing Trainers, Athletes selected by USRowing to select the United States, or any other individual that USRowing formally authorizes, approves, or appoints to (a) serve in a position of authority over, or (b) have regular contact with any Athlete.

## II. MINOR ATHLETE ABUSE PREVENTION POLICIES (MAAPP)

The U.S. Center for SafeSport is committed to building a sports community where participants can work and learn together in an atmosphere free of emotional, physical, and sexual misconduct. USRowing supports this mission and is committed to ensuring our competition and training environments are free from abuse. The **DULUTH ROWING CLUB** set of policies is for keeping young athletes safe.

### A. AUTHORITY: PREVENTION TRAINING AND POLICIES

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 authorizes the Center to develop training and policies to prevent abuse—including physical, emotional, and sexual abuse—within the U.S. Olympic & Paralympic Movement. 36 U.S.C. § 220542(a)(1). Federal law requires that, at a minimum, national governing bodies and Paralympic sports organizations *must offer and give consistent training related to the prevention of child abuse: (1) to all adult members who are in regular contact with amateur athletes who are minors and (2) subject to parental consent, to members who are minors.* 36 U.S.C. § 220542(a)(2)(E). Federal law requires that these policies contain reasonable procedures to limit unobservable and uninterrupted one-on-one interactions between an amateur athlete, who is a minor, and an adult, who is not the minor’s legal guardian, at facilities under the jurisdiction of organizations within the U.S. Olympic & Paralympic Movement. 36 U.S.C. § 220542(a)(2)(C).

#### What is the MAAPP?

To that end, the Center has developed the Minor Athlete Abuse Prevention Policies (MAAPP). The MAAPP is a collection of proactive prevention and training policies for the U.S. Olympic & Paralympic Movement. It has three primary components:

1. An Education & Training Policy that requires training for certain Adult Participants within the Olympic & Paralympic Movement;
2. Required Prevention Policies, focused on limiting one-on-one interactions between Adult Participants and Minor Athletes, that Organizations within the Olympic & Paralympic Movement must implement to prevent abuse;
3. Recommended Prevention Policies.

The Center developed the MAAPP to assist National Governing Bodies (NGBs), Paralympic Sport Organizations (PSOs), Local Affiliated Organizations, Member Organizations (LAOs), the U.S. Olympic & Paralympic Committee (USOPC), and other individuals to whom these policies apply in meeting their obligations under federal law (*note: implementing these policies does not guarantee that an organization or individual fully complies with federal law or all applicable legal obligations*). These Organizations should share these policies with all Participants and with parents/guardians of minor athletes. Those implementing these policies should consider the physical and cognitive needs of all athletes.

The MAAPP focuses on just two important aspects of a much larger comprehensive abuse prevention strategy. These policies address training requirements and limiting one-on-one interactions between adults and minor athletes. These policies are intended to be enforceable and reasonable, acknowledging, for example, that when a 17-year-old athlete turns 18, they become an adult athlete, and a complete prohibition of one-on-one interactions may not be necessary or practical. Additionally, there may be other instances when one-on-one interactions could occur, and in those cases, these policies provide strategies so parents/guardians can provide informed consent if they choose to allow a permitted interaction.

**The Center recommends that parents first complete training on abuse prevention to be informed about potential boundary violations and concerns before consenting to the interaction.**

While the MAAPP will help organizations implement these policies to greatly improve minor athlete safety, in no way can they guarantee athlete safety in all circumstances, especially when the policies are not fully implemented, followed, or monitored. These policies are not comprehensive of all prevention strategies, nor are they intended to be. These policies should be implemented alongside the [SafeSport Code \(refer to sections III-VII of this policy\)](#). Additionally, other resources are available that may assist organizations in improving athlete safety<sup>1</sup>.

### **How Does the Center Ensure Compliance with the MAAPP?**

Federal law requires the Center to conduct regular and random audits of the NGBs to ensure compliance with these policies. 36 U.S.C. § 220542(a)(2)(E). More specific organizational compliance requirements can be found in Part II. Additionally, it is the responsibility of the USOPC and each NGB, MEMBER ORGANIZATION, and Adult Participant to comply with the MAAPP. The aforementioned Organizations can act in their respective programs for violations of the MAAPP by Adult Participants. Adult Participants also have an independent responsibility to comply with these MAAPP provisions. Violations of these provisions can result in sanctions under the SafeSport Code.

### **Is the MAAPP Different from the SafeSport Code?**

Yes. The [SafeSport Code](#) works alongside the MAAPP to prevent abuse. The MAAPP includes proactive prevention policies for organizations and individuals, while the SafeSport Code contains misconduct policies for individuals. However, violations of the MAAPP can violate the SafeSport Code, and violators can be sanctioned.

## **SCOPE**

### **The MAAPP Applies to “In-Program Contact” Within the Olympic & Paralympic Movement**

The MAAPP is required for the U.S. Olympic & Paralympic Committee (USOPC), National Governing Bodies (NGB), Local Affiliated Organizations (LAO), and Paralympic Sport Organizations (PSO) within the Olympic & Paralympic Movement (each an “Organization”).

Some policies impose requirements on USRowing and **DULUTH ROWING CLUB** at sanctioned events and facilities partially or fully under USRowing’s jurisdiction. For example, USRowing and **DULUTH ROWING CLUB** must monitor locker rooms at their facilities and sanctioned events. Other policies impose certain requirements on Adult Participants under USRowing’s jurisdiction when the Adult Participant is having “In-Program Contact.” For example, Adult Participants cannot have one-on-one electronic communications with Minor Athletes that they coach.

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<sup>1</sup> Saul, J., & Audage, N.C. (2007). [Preventing Child Sexual Abuse Within Youth-Servicing Organization: Getting Started on Policies and Procedures](#). Atlanta, GA: Centers for Disease Control and Prevention; Canadian Centre for Child Protection. (2014). [Child Sexual Abuse: It Is Your Business](#). Winnipeg, Manitoba: Canadian Centre for Child Protection; The Australian Royal Commission Into Institutional Responses to Child Sexual Abuse. (2017). [Final Report](#).



## Does the MAAPP Have Any Exceptions?

Yes. The MAAPP was written with certain appropriate exceptions in mind. Exceptions are addressed in each policy and include:

### 1. A Close-in-Age Exception

This exception applies to certain policies and allows for In-Program Contact between an Adult Participant and a Minor Athlete if:

- a. The Adult Participant has no authority over the Minor Athlete; and
- b. The Adult Participant is not more than four years older than the Minor Athlete.

**Note: This exception is different than the close-in-age exception in the [SafeSport Code](#) pertaining to misconduct.**

### 2. Exceptions for Adult Participant Personal Care Assistants Working with a Minor Athlete

### 3. Exceptions for Dual Relationships

This exception applies to certain policies when the Adult Participant has a dual role or relationship with a Minor Athlete. The exception requires written consent of the Minor Athlete's parent/guardian at least annually.

Many of the exceptions require parent/guardian consent. The Center recommends parents take training on child abuse prevention before providing consent under these policies. The Center offers a free Parent Course at [www.athletesafety.org](http://www.athletesafety.org).

## Am I required to take SafeSport Training?

All Adult Participants, including those within the Olympic & Paralympic Movement who have (i) regular contact with Minor Athletes, (ii) authority over Minor Athletes, or (iii) are employees or board members of **DULUTH ROWING CLUB** as well as (iv) adult athletes are required to take training. The specific training requirements can be found in Part I and **DULUTH ROWING CLUB** shall implement policies and procedures sufficient to comply with federal requirements.

## B. REPORTING VIOLATIONS

Violations of these MAAPP policies can be reported to USRowing by submitting a USRowing Incident Report Form, which can be found at [https://usrowing.org/sports/2018/4/13/18827\\_132107104230772015.aspx](https://usrowing.org/sports/2018/4/13/18827_132107104230772015.aspx), or by contacting the members of the Safe Sport Protection Team at: [USRowingSafeSport@usrowing.org](mailto:USRowingSafeSport@usrowing.org), (609) 751-0713.

## C. MAAPP PROVISIONS

### PART ONE: EDUCATION AND TRAINING POLICY

#### A. Mandatory Child Abuse Prevention Training for Adult Participants

##### 1. Adult Participants Required to Complete Training

- a. The following Adult Participants must complete the *SafeSport Trained* Core either through the Center's online training or the Center's approved, in-person training:

- i. Adult Participants who have regular contact with any amateur athlete(s) who is a minor;
  - ii. Adult Participants who have authority over any amateur athlete(s) who is a minor;
  - iii. Adult Participants who are an employee or board member of USRowing or a Member Organization.
  - iv. Adult Participants who are adult athletes and individual members of USRowing and/or a USRowing Member Organization.
- b. Adult Participants who are medical providers for USRowing are required to take training under Section (a) can take the Health Professionals Course in lieu of the *SafeSport Trained Core*.

**Specific to USRowing and DULUTH ROWING CLUB, the above Adult Participants include the following:**

**USRowing:**

- Adult members who have regular contact with amateur athletes who are minors
- Adult athletes
- Any adult authorized by USRowing to have regular contact with or authority over an amateur athlete including:
  - Licensed Officials and Referees
  - Coaches
  - Physical Therapists, Masseurs & Healthcare Providers
- USRowing Adult staff, interns and Board of Directors.  
(Collectively “**USRowing Adults**”)

**Member Organizations:**

- Adult members at **DULUTH ROWING CLUB** who have regular contact with amateur athletes who are minors
- Adult athletes
- An adult authorized by **DULUTH ROWING CLUB** to have regular contact with or authority over an amateur athlete who is a minor
- Adult staff, interns, and board members of **DULUTH ROWING CLUB**  
(Collectively “**Required Adults**”)

2. Timing of Training

Adult Participants must complete this training:

- a. Before regular contact with an amateur athlete who is a minor begins; **and**
- b. Within the first 45 days of either initial membership or upon beginning a new role subjecting the adult to this policy.

3. Refresher Training

The above listed Adult Participants must complete a refresher course on an annual basis, beginning the calendar year after completing the *SafeSport Trained Core*. Every four years, Adult Participants will complete the *SafeSport Trained Core* training. Medical providers can take the Health Professionals Course in lieu of the *SafeSport Trained Core* and are required to take the refresher courses on an annual basis if they meet the criteria for A (1).

**B. Minor Athlete Training Must Be Offered**

1. **DULUTH ROWING CLUB**, on an annual basis, must offer and, subject to parental consent, give training to Minor Athletes on the prevention and reporting of child abuse.
2. The Center offers youth courses, located at [www.athletesafety.org](http://www.athletesafety.org), that meet this requirement.

### C. Parent Training Must Be Offered

1. **DULUTH ROWING CLUB**, on an annual basis, must offer training to parents on the prevention and reporting of child abuse.
2. The Center offers a parent course, located at [www.athletesafety.org](http://www.athletesafety.org), that meets this requirement.

### D. Optional Training

1. Adult Participants serving in a volunteer capacity and are not athletes, who will not have regular contact with or authority over Minor Athletes, should take the Center's brief Volunteer Course (or *SafeSport Trained Core*) before engaging or interacting with any Minor Athlete(s).
2. **DULUTH ROWING CLUB** may provide training *in addition to* the *SafeSport Trained Core*, although they cannot refer to this training as "SafeSport" training. **Training other than the SafeSport Trained Core or Refresher does not satisfy this policy.**
3. Parents of Minor Athletes are provided free online access to the Center's parent course and are encouraged to take the training.

### E. Exemptions and Accommodations

1. Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport at [exemptions@safesport.org](mailto:exemptions@safesport.org).
2. The Center will work with **DULUTH ROWING CLUB** on appropriate accommodations for persons with disabilities and individuals with limited English proficiency to satisfy these training requirements. **DULUTH ROWING CLUB** must provide reasonable accommodations and track any exemptions for individuals with disabilities and individuals with limited English proficiency.

## PART TWO: REQUIRED PREVENTION POLICIES

The following athlete abuse prevention policies go into effect January 1, 2022:

- One-on-one interactions (USRowing is required to establish reasonable procedures to limit on-on-one interactions, as set forth in federal law.)
- Meetings and training sessions
- Massages and rubdowns/athletic training modalities
- Areas where athletes change clothes.

- Social media and electronic communications
- Transportation
- Lodging

### **PART THREE: REQUIRED POLICIES FOR ONE-ON-ONE INTERACTIONS**

The majority of child sexual abuse is perpetuated 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 concerning one-on-one interactions must protect children while allowing for these beneficial relationships.

#### **A. ONE-ON-ONE INTERACTIONS**

##### **1. Observable and Interruptible**

- All one-on-one In-Program Contact between an Adult Participant and a Minor Athlete must be observable and interruptible, except in emergency circumstances.
- The exceptions below may apply to specific policies, and if the exceptions apply, they are listed in the policy. These exceptions also apply to all one-on-one In-Program Contact not specifically addressed in other policies:
  - i. When a Dual Relationship exists; or
  - ii. When the Close-in-Age Exception applies; or
  - iii. If a Minor Athlete needs a Personal Care Assistant, and:
    - (1) the Minor Athlete's parent/guardian has provided written consent to USRowing or the Member Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - (3) the Adult Participant Personal Care Assistant has complied with the USRowing's background screening policy; or
  - iv. In other circumstances specifically addressed in this policy that allow for certain one-on-one interactions if USRowing or the Member Organization receives parent/ guardian consent.

#### **B. MEETINGS AND TRAINING SESSIONS**

##### **1. Observable and Interruptible**

Adult Participants must follow the one-on-one interaction policy in all meetings and training sessions where Minor Athlete(s) are present.

##### **2. Individual Training Sessions**

- a. One-on-one, In-Program, individual training sessions must be observable and interruptible except if:
  - i. A Dual Relationship exists; or
  - ii. The Close-in-Age Exception applies; or
  - iii. A Minor Athlete needs a Personal Care Assistant, and:

- (1) the Minor Athlete’s parent/guardian has provided written consent to USRowing or the Member Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - (3) the Adult Participant Personal Care Assistant has complied with USRowing’s background screening policy.
  - b. The Adult Participant providing the individual training session must receive advance, written consent from the Minor Athlete’s parent/guardian at least annually, which can be withdrawn at any time; and
  - c. Parents/guardians must be allowed to observe the individual training session.
3. Meetings with licensed mental health care professionals and health care providers (other than athletic trainers<sup>2</sup>)
- If a licensed mental health care professional or licensed health care provider meets one-on-one with a Minor Athlete at a sanctioned event or a facility, which is partially or fully under USRowing or Member Organization’s jurisdiction, the meeting must be observable and interruptible except:
- a. If the door remains unlocked; and
  - b. Another adult is present at the facility and notified that a meeting is occurring, although the Minor Athlete’s identity needs not be disclosed; and
  - c. USRowing is notified that the provider will be meeting with a Minor Athlete; and
  - d. The provider obtains consent consistent with applicable laws and ethical standards, which can be withdrawn at any time.

4. Recommended Best Practices

- a. Monitoring: If a permitted meeting or training session takes place between an Adult Participant(s) and a Minor Athlete(s) at a facility partially or fully under USRowing or Member Organization’s jurisdiction, another Adult Participant will monitor each meeting or training session. Monitoring includes reviewing the parent/guardian consent form, knowing that the meeting or training session is occurring, knowing the approximate planned duration of the meeting or training session, and dropping in on the meeting or training session.
- b. Parent Training: Parents/guardians receive the U.S. Center for SafeSport’s education and training on child abuse prevention before providing consent for their Minor Athlete to have a meeting or training session with an Adult Participant subject to these policies.

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<sup>2</sup> Athletic trainers who are covered under these policies must follow the “Athletic Training Modalities, Massages, and Rubdowns” policy.

**C. MESSAGES AND RUBDOWNS/ATHLETIC TRAINING MODALITIES (ALL HEALTHCARE PROVISION)**

1. Athletic training modality, massage, or rubdown

All In-Program athletic training modalities, massages, or rubdowns of a Minor Athlete must:

- a. Be observable and interruptible; and
- b. Have another Adult Participant physically present for the athletic training modality, massage, or rubdown; and
- c. Have documented consent as explained in subsection (2) below; and
- d. Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin, or genitals are always covered; and
- e. Allow parents/guardians in the room as an observer, except for competition or training venues that limit credentialing.

2. Consent

- a. Providers of athletic training modalities, massages, and rubdowns or USRowing/Member Organization, when applicable, must obtain consent at least annually from Minor Athletes' parents/guardians before providing any athletic training modalities, massages, or rubdowns.
- b. Minor Athletes or their parents/guardians can withdraw consent at any time.

3. Recommended Best Practices

- a. USRowing recommends the following components: USRowing recommends obtaining the annual written consent from a legal guardian with respect to each practitioner providing massage or rubdown/athletic training modality to a minor athlete.
- b. Parents/guardians receive the U.S. Center for SafeSport education and training on child abuse prevention before providing consent for their Minor Athlete to receive an athletic training modality, massage, or rubdown.
- c. The provider should narrate the steps in the massage, rubdown, or athletic training modality before taking them, seeking assent of the Minor Athlete throughout the process.
- d. When possible, techniques should be used to reduce physical touch of Minor Athletes.
- e. Only licensed providers should administer a massage, rubdown, or athletic training modality.
- f. Coaches, regardless of whether they are licensed massage therapists, should not massage Minor Athletes.
- g. Keep treatment room at a suitable temperature where possible (fans or heaters may be required).
- h. Practitioners should seek to ensure they never place themselves between the athlete and the door.

**D. AREAS WHERE ATHLETES CHANGE (may include, but are not limited to, locker rooms, the boathouse, and restrooms)**

1. Observable and Interruptible

Adult Participants must ensure that all one-on-one In-Program Contact with Minor Athlete(s) in a locker room, changing area, or similar space where Minor Athlete(s) are present is observable and interruptible, except if:

- a. A Dual Relationship exists; or
- b. The Close-in-Age Exception applies; or
- c. A Minor Athlete needs a Personal Care Assistant and:
  - i. the Minor Athlete's parent/guardian has provided written consent to **DULUTH ROWING CLUB** for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - ii. the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
  - iii. the Adult Participant Personal Care Assistant has complied with the USRowing's background screening policy.

2. Conduct in Locker Rooms, Changing Areas, and Similar Spaces

- a. No Adult Participant or Minor Athlete can use the photographic or recording capabilities of any device in locker rooms, changing areas, or any other area designated as a place for changing clothes or undressing.
- b. Adult Participants must not change clothes or behave in a manner that intentionally or recklessly exposes their breasts, buttocks, groins, or genitals to a Minor Athlete.
- c. Adult Participants must not shower with Minor Athletes unless:
  - i. The Adult Participant meets the Close-in-Age Exception; or
  - ii. The shower is part of a pre- or post-activity rinse while wearing swimwear.
- d. Parents/guardians may request in writing that their Minor Athlete(s) not change or shower with Adult Participant(s) during In-Program Contact. USRowing, Member Organizations, and the Adult Participant(s) must abide by this request.

3. Media and Championship Celebrations in Locker Rooms

**DULUTH ROWING CLUB** may permit recording or photography in locker rooms for the purpose of highlighting a sport or athletic accomplishment if:

- a. Parent/legal guardian consent has been obtained; and
- b. **DULUTH ROWING CLUB** approves the specific instance of recording or photography; and
- c. Two or more Adult Participants are present; and
- d. Everyone is fully clothed.

4. Personal Care Assistants

Adult Participant Personal Care Assistants are permitted to be with and assist Minor Athlete(s) in locker rooms, changing areas, and similar spaces where other Minor Athletes are present, if they meet the requirements in subsection (1)(c) above.

5. Availability and Monitoring of Locker Rooms, Changing Areas, and Similar Spaces

- a. **DULUTH ROWING CLUB** must provide a private or semi-private place for Minor Athletes that need to change clothes or undress at sanctioned events or facilities partially or fully under the USRowing or **DULUTH ROWING CLUB**'s jurisdiction.
  - b. **DULUTH ROWING CLUB** must monitor the use of locker rooms, changing areas, and similar spaces to ensure compliance with these policies at sanctioned events or facilities partially or fully under the USRowing or **DULUTH ROWING CLUB**'s jurisdiction.
6. Recommended Best Practices
- a. Adult Participants should make every effort to recognize when a minor athlete goes to a locker room or changing area during practice and competition and, if they do not return in a timely fashion, check on the minor athlete's whereabouts.
  - b. Parents should not enter locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent when other minor athletes are changing in the same locker room or changing area. If this is necessary, parents should let a coach or administrator know about this in advance.

## E. ELECTRONIC COMMUNICATIONS

### 1. Open and Transparent

- a. All one-on-one electronic communications between an Adult Participant and a Minor Athlete must be Open and Transparent except:
  - i. When a Dual Relationship exists; or
  - ii. When the Close-in-Age Exception applies; or
  - iii. If a Minor Athlete needs a Personal Care Assistant and:
    - (1) the Minor Athlete's parent/guardian has provided written consent to USRowing or the Member Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - (3) the Adult Participant Personal Care Assistant has complied with USRowing's background screening policy.
- b. Open and Transparent means that the Adult Participant copies or includes the Minor Athlete's parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant.
  - If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.
- c. Only platforms that allow for Open and Transparent communication may be used to communicate with Minor Athletes.

### 2. Team Communication

When an Adult Participant communicates electronically to the entire team or any number of Minor Athletes on the team, the Adult Participant must copy or include another Adult Participant or the Minor Athletes' parents/guardians.



3. Content

All electronic communication originating from an Adult Participant(s) to a Minor Athlete(s) must be professional in nature unless an exception in (1)(a) exists.

4. Requests to discontinue

Parents/guardians may request in writing that the Organization or an Adult Participant subject to this policy not contact their Minor Athlete through any form of electronic communication. **DULUTH ROWING CLUB** and the Adult Participant must abide by any request to discontinue, absent emergency circumstances.

5. Recommended Best Practices

- a. USRowing recommends the following components:
- b. Hours: Electronic communications should generally only be sent between the hours of 8:00 a.m. and 8:00 p.m., unless emergency circumstances exist, or while traveling internationally or during competition travel.
- c. Social Media Connections: Adult Participants, except those with a Dual Relationship or who meet the Close-in-Age Exception, are not permitted to maintain private social media connections with Minor Athletes and should discontinue existing social media connections with Minor Athletes.

**F. TRANSPORTATION**

1. Transportation

- a. An Adult Participant cannot transport a Minor Athlete one-on-one during In-Program travel, except if:
  - i. A Dual Relationship exists; or
  - ii. The Close-in-Age Exception applies; or
  - iii. A Minor Athlete needs a Personal Care Assistant and:
    - (1) The Minor Athlete's parent/guardian has provided written consent to USRowing or the Member Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
    - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - (3) the Adult Participant Personal Care Assistant has complied with USRowing's background screening policy; or
  - iv. The Adult Participant has advance, written consent to transport the Minor Athlete one-on-one obtained at least annually from the Minor Athlete's parent/guardian.
- b. Minor Athlete(s) or their parent/guardian can withdraw consent at any time.
- c. An Adult Participant meets the In-Program transportation requirements if the Adult Participant is accompanied by another Adult Participant or at least two minors.
- d. Written consent from a Minor Athlete's parent/guardian is required for all transportation sanctioned by USRowing or **DULUTH ROWING CLUB** at least annually.

## G. LODGING

### 1. Hotel Rooms and Other Sleeping Arrangements

- a. All In-Program Contact at a hotel or lodging site between an Adult Participant and a Minor Athlete must be observable and interruptible, and an Adult Participant cannot share a hotel room or otherwise sleep in the same room with a Minor Athlete(s), except if:
  - i. A Dual Relationship Exists, and the Minor Athlete's parent/guardian has provided **DULUTH ROWING CLUB** with advance, written consent for the lodging arrangement;
  - ii. The Close-in-Age Exception applies, and the Minor Athlete's parent/guardian has provided **DULUTH ROWING CLUB** with advance, written consent for the lodging arrangement; or
  - iii. The Minor Athlete needs a Personal Care Assistant, and:
    - (1) The Minor Athlete's parent/guardian has provided advance, written consent to **DULUTH ROWING CLUB** for the Adult Participant Personal Care Assistant to work with the Minor Athlete and for the lodging arrangement;
    - (2) The Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
    - (3) The Adult Participant Personal Care Assistant has complied with USRowing's background screening policy.
- b. Written consent from a Minor Athlete's parent/guardian must be obtained for all In-Program lodging at least annually.

### 2. Monitoring or Room Checks During In-Program Travel

If USRowing, **DULUTH ROWING CLUB**, or team performs room checks during In-Program lodging, the one-on-one interaction policy must be followed and at least two adults must be present for the room checks.

### 3. Additional Requirements for Lodging Authorized or Funded by the Organization

- a. Adult Participants traveling with **DULUTH ROWING CLUB** must, at least annually, agree to and sign the lodging policy of **DULUTH ROWING CLUB**.
- b. Adult Participants that travel overnight with Minor Athlete(s) are deemed to have Authority over Minor Athlete(s) and thus must comply with the USRowing's Education & Training Policy.

## H. ADDITIONAL RECOMMENDED POLICIES FOR KEEPING YOUNG ATHLETES SAFE

1. Out-of-Program Contact: Adult Participants, who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete, should not have out-of-program contact with Minor Athlete(s) without legal/parent guardian consent, even if the out-of-program contact is not one-on-one.
2. Gifting:
  - a. Adult Participants, who do not meet the Close-in-Age Exception nor have a Dual Relationship with a Minor Athlete, should not give personal gifts to Minor Athlete(s).
  - b. Gifts that are equally distributed to all athletes and serve a motivational or education purpose are permitted.

3. Photography/Video
  - a. Photographs or videos of athletes may only be taken in public view and must observe generally accepted standards of decency.
  - b. Adult Participants should not publicly share or post photos or videos of Minor Athlete(s) if the Adult Participant has not obtained the Parent/Guardian and Minor Athlete's consent.

#### **PART FOUR: ORGANIZATIONAL REQUIREMENTS FOR EDUCATION & TRAINING AND PREVENTION POLICIES**

**DULUTH ROWING CLUB** must implement proactive policies designed to prevent abuse. These organizational requirements are described below.

##### **A. Organizational Requirements for Education & Training**

1. **DULUTH ROWING CLUB** must track whether Adult Participants under its jurisdiction complete the required training listed in Part I. USRowing highly recommends **DULUTH ROWING CLUB** also track whether Adult Participants under their jurisdiction complete the required training listed in Part I.
2. **DULUTH ROWING CLUB** must, on an annual basis, offer and, subject to parental consent, give training to Minor Athletes on the prevention and reporting of child abuse.
  - a. For training to Minor Athletes, **DULUTH ROWING CLUB** must track a description of the training and how the training was offered and provided to Minor Athletes.
  - b. USRowing is not required to track individual course completions of Minor Athletes.
3. **DULUTH ROWING CLUB** must, on an annual basis, offer training to parents on the prevention and reporting of child abuse.

##### **B. Required Prevention Policies and Implementation**

1. USRowing must develop minor athlete abuse prevention policies that contain the mandatory components of the Center's model policies in Part III. These model policies cover:
  - a. One-on-one interactions
  - b. Meetings and training sessions
  - c. Athletic training modalities, massages, and rubdowns
  - d. Locker rooms and changing areas
  - e. Electronic communications
  - f. Transportation
  - g. Lodging
2. The policies must be approved by the Center as described in subsection (C) below. The policies may include the recommended components in Part III and the recommended policies in Part IV. Given the uniqueness of each sport, however, some recommended components or policies may not be feasible or appropriate. An Organization may choose to implement stricter standards than the model policies.

3. USRowing must also require that **DULUTH ROWING CLUB** implement these policies.
4. **DULUTH ROWING CLUB** must implement these policies for all In-Program Contact.
  - a. At sanctioned events and facilities partially or fully under its jurisdiction, the organization must take steps to ensure the policies are implemented and followed.
  - b. For In-Program Contact that occurs outside USRowing’s sanctioned event or facilities, implementing these policies means:
    - i. Communicating the policies to individuals under its jurisdiction;
    - ii. Establishing a reporting mechanism for violations of the policies;
    - iii. Investigating and enforcing violations of the policies.
5. **DULUTH ROWING CLUB** must have a reporting mechanism to accept reports that an Adult Participant is violating USRowing’s minor athlete abuse prevention policies. **DULUTH ROWING CLUB** must appropriately investigate and resolve any reports received, unless the violation is reported to the Center and it exercises jurisdiction over the report. This requirement is in addition to requirements to report abuse under the SafeSport Code.

### C. Policy Approval and Submission Process

1. Member Organizations are encouraged to incorporate the MAAPP into their individual Safe Sport Policies. Member Organizations are also permitted to independently adopt policies that enhance or further the athlete protections set forth in the MAAPP, but are prohibited from adopting any policies that are, in the judgment of USRowing, less protective of athletes than the MAAPP. Further, should there exist any conflict between the MAAPP and the provisions of a Member Organization’s athlete protection policies, the MAAPP will take priority over any such conflicting policy.

## III. JURISDICTION

### A. EXCLUSIVE JURISDICTION

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

- Sexual Misconduct, including, without limitation, child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct
- Criminal Charges involving Child Abuse or Sexual Misconduct
- Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct
- Aiding and Abetting, when it relates to the Center’s process
- Misconduct Related to the Center’s Process
- Other Inappropriate Conduct, as defined in the Code.

## B. DISCRETIONARY JURISDICTION

**DULUTH ROWING CLUB** has jurisdiction, USRowing and the Center has discretionary jurisdiction, to investigate and resolve allegations that a Participant engaged in one or more of the following:

- Non-sexual Child Abuse
- Emotional and physical misconduct, including stalking, bullying behaviors, hazing and harassment
- Criminal Charges not involving Child Abuse or Sexual Misconduct
- USRowing Minor Athlete Abuse Prevention Policies (MAAPP) or other similar Proactive Policy violations.

USRowing has the authority and jurisdiction to investigate and address any allegations of violations of this Policy and/or the Code that are not within the Center's exclusive jurisdiction, *provided that*, in the event that the Center does exercise its jurisdiction, USRowing, and/or **DULUTH ROWING CLUB** shall no longer exercise jurisdiction over the matter.

## IV. PROHIBITED CONDUCT

### A. GENERALLY

All Participants are bound by and must comply with this Policy as well as the Code. Participants are responsible for knowing the information outlined herein, and in the Code, and by virtue of being a Participant, have expressly agreed to this Policy and the Code, including the applicable policies and procedures.

Participation in **DULUTH ROWING CLUB** activities is a privilege, not a right. Such participation may be limited, conditioned, suspended, terminated, or denied if a Participant's conduct is or was inconsistent with the Code, this Policy, and/or the best interests of the sport of rowing and those who participate in it.

It is a violation of this Policy for a Participant to engage in or tolerate: (i) Prohibited Conduct; (ii) any conduct that would violate any current or previous standards analogous to Prohibited Conduct that existed at the time of the alleged conduct; or (iii) any conduct that would violate community standards analogous to Prohibited Conduct that existed at the time of the alleged conduct, including then-applicable criminal and/or civil laws.

**DULUTH ROWING CLUB** formally adopts the definitions of Prohibited Conduct contained in the Code and set forth below. Any changes to the Code's categories and definitions of misconduct are immediately adopted by USRowing and effective upon the Center's publication of them unless otherwise noted.

Prohibited Conduct includes:

- Criminal Charge or Disposition
- Child Abuse
- Sexual Misconduct
- Emotional and Physical Misconduct, including Stalking, Bullying, Hazing, and Harassment
- Aiding and Abetting

- Misconduct Related to Reporting
- Other Inappropriate Conduct
- Violation of USRowing MAAPP

All Participants must familiarize themselves with each form of misconduct and the policies herein and in the Code and must refrain from engaging in misconduct and/or violating any of these policies.

## **B. CRIMINAL CHARGE OR DISPOSITION**

It is a violation of this Policy for a Participant to have a Criminal Charge or Disposition. Criminal Conduct is relevant to an individual's fitness to participate in sport. The age of a Criminal Charge or Disposition is not relevant to whether a violation of this Policy occurred but may be considered for sanctioning purposes.

**Sex Offender Registry:** A Participant who is currently on any state, federal, territorial, or tribal sex offender registry is ineligible to be a Participant.

## **C. SEXUAL MISCONDUCT AND CHILD ABUSE**

**DULUTH ROWING CLUB** and USRowing apply the same policies prohibiting Sexual Misconduct and Child Abuse as the applicable policies of the Code, which can be found here:

<https://www.uscenterforsafesport.org>. All persons within the jurisdiction of **DULUTH ROWING CLUB** and USRowing shall comply with the Sexual Misconduct and Child Abuse policies of the Code. Any violation of the Sexual Misconduct or Child Abuse policies of the Code by a Participant shall subject such person to appropriate disciplinary action by the Center and/or USRowing, including, but not limited to, suspension, permanent suspension, and/or referral to law enforcement authorities.

**Prohibited Conduct and Jurisdiction:** The Center shall have authority and jurisdiction over the investigation and resolution of any allegations of violations by any Participant of the Sexual Misconduct policies set forth in the Code, which prohibit sexual behavior involving minors by any adult Participant and in some cases between minors, including without limitation, (as such terms are defined in the Code):

- Sexual or Gender-related Harassment
- Non-consensual Sexual Contact
- Non-consensual Sexual Intercourse
- Sexual Exploitation
- Bullying or Hazing or Other Inappropriate Conduct of a sexual nature, including:
  - An adult Participant engaging in an intimate or romantic relationship where a Power Imbalance exists.
  - An Adult Participant exposing a minor to imagery of a sexual nature
  - An Adult Participant intentionally exposing private areas, or inducing another to do so, to an adult where there is a Power Imbalance, or to a minor, or
  - An Adult Participant engaging in inappropriate physical contact with a Participant where a Power Imbalance exists.

The Center shall also have exclusive jurisdiction to investigate and resolve allegations that a Participant has a Criminal Charge or Disposition involving Child Abuse or Sexual Misconduct.

The Center shall also have authority and exclusive jurisdiction over any conduct described in the Code as Aiding and Abetting when it relates to the Center's Process, Misconduct Related to Reporting where the

underlying allegation involves Child Abuse or Sexual Misconduct (including failing to report to the Center and intentionally filing a false allegation), and Misconduct Related to the Center's Process (including an abuse of process and retaliation). The behaviors or conduct prohibited by the Code may be found here: <https://www.uscenterforsafesport.org>.

The Center shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of USRowing SafeSport policies other than Sexual Misconduct (e.g., Physical Misconduct, Bullying, Locker Room Policy, etc.) where such conduct is reasonably related to and accompanies a report or allegations involving Sexual Misconduct.

Notwithstanding the forgoing, prior to the Center expressly exercising such jurisdiction, USRowing and **DULUTH ROWING CLUB** retain the authority to address any allegations of sexual abuse or misconduct on a temporary basis, including through issuance of summary suspension over a credibly accused Participant.

Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary suspension, discipline, or other measures previously imposed by USRowing or **DULUTH ROWING CLUB** will be automatically and immediately adopted by the Center as its own, will be applicable throughout the Center's jurisdiction, and will remain in effect unless and until the Center modifies those measures. Once the Center exercises jurisdiction over particular allegations regarding a particular Participant, neither USRowing nor **DULUTH ROWING CLUB** may issue a new suspension in response to those allegations. However, USRowing and **DULUTH ROWING CLUB** may put in place any necessary safety plan(s) or interim measure(s) short of those measures that may deny or threaten to deny a Participant's opportunity to participate.

#### **D. EMOTIONAL AND PHYSICAL MISCONDUCT**

It is a violation of this Policy for a Participant to engage in Emotional or Physical Misconduct, when that misconduct is reasonably related to sport, which includes, without limitation:

- Emotional Misconduct
- Physical Misconduct
- Bullying Behaviors
- Hazing
- Harassment
- Threats

##### **1. Emotional Misconduct**

Emotional Misconduct includes: (i) Verbal Acts, (ii) Physical Acts, (iii) Acts that Deny Attention or Support, (iv) Criminal Conduct, and/or (v) Stalking. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

- a. **Verbal Acts:** Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- b. **Physical Acts:** Repeated and/or severe aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- c. **Acts that Deny Attention or Support:** Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Participant from practice.

- d. **Criminal Conduct:** Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).
- e. **Stalking:** Stalking when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) the safety of a third person, or (iii) to experience substantial emotional distress.  
 “Course of conduct” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property.  
 “Substantial emotional distress” means significant mental suffering or anguish.  
 Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
- f. **Exclusion:** Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved Athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of Participant’s participation.

## 2. Physical Misconduct

Physical Misconduct is any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person.

Examples of Physical Misconduct may include, without limitation:

- a. **Contact Violations:** Punching, beating, biting, striking, strangling or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
- b. **Non-Contact violations:** Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.
- c. **Criminal Conduct:** Physical Misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).
- d. **Exclusion:** Physical Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building appropriate discipline, or improved Athlete performance. For example, hitting, punching, and kicking are well-regulated forms of contact in combat sports but have no place in rowing. Physical Misconduct also does not include conduct reasonably accepted as part of sport and/or conduct reasonably accepted as part of Participants participation.

## 3. Bullying Behavior

Repeated and/or severe behavior(s) that are (i) aggressive, (ii) directed at a Minor, and (iii) intended or likely to hurt, control, or diminish the Minor emotionally, physically or sexually. Bullying-like behaviors directed at adults are addressed under forms of misconduct, such as Hazing and/or Harassment.

Examples of Bullying Behavior may include, without limitation, repeated and/or severe:

- a. **Physical:** Hitting, pushing, punching, beating, biting, striking, kicking, strangling, spitting or slapping, or throwing objects (such as sporting equipment) at another person.
- b. **Verbal:** Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- c. **Social Media, Including Cyberbullying:** Use of rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.
- d. **Criminal Conduct:** Bullying Behavior includes any conduct described as bullying under federal or state law.
- e. **Exclusion:** Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

#### 4. Hazing

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported Consent by the person subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Examples of Hazing include:

- a. **Contact Acts:** Tying, taping, or otherwise physically restraining another person; beating, paddling or other forms of physical assault.
- b. **Non-Contact Acts:** Requiring or forcing the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.
- c. **Criminal Acts:** Any act or conduct that constitutes hazing under applicable federal or state law.
- d. **Exclusion:** Conduct may not rise to the level of hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

#### 5. Harassment

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

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as a part of a pattern of

behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

#### **6. Threats**

A Participant violates this Policy by threatening to harm another Participant. A threat to harm others includes any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone else. A threat may be communicated directly to the intended victim or communicated to a third party. Threatening behavior by a Participant is prohibited in any manner in connection with any USRowing-sanctioned activities or events.

### **E. AIDING AND ABETTING**

Aiding and Abetting occurs when one aids, assists, facilitates, promotes, or encourages the commission of Prohibited Conduct by a Participant, including but not limited to, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by USRowing to be in any way associated with or employed by a Member Organization or organization affiliated with or holding itself out as affiliated with USRowing, an NGB, LAO, Member Organization, the USOPC, or the Olympic & Paralympic Movement;
2. Allowing any person who has been identified as suspended or otherwise ineligible by USRowing to coach or instruct Participants;
3. Allowing any person who has been identified as ineligible by USRowing to have ownership interest in a facility, an organization, or its related entities, if that facility/organization/related entity is affiliated with or holds itself out as affiliated with an NGB, LAO, Member Organization, USOPC or the Olympic & Paralympic Movement.
4. Providing any coaching-related advice or service to an Athlete who has been identified as suspended or otherwise ineligible by USRowing.
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by USRowing.

In addition, a Participant also violates this 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.

### **F. INTENTIONALLY FILING A FALSE ALLEGATION**

Any person making a knowingly false allegation in a matter over which USRowing has jurisdiction shall be subject to disciplinary action by USRowing.

1. An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur.
2. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a violation.

### **G. MINOR ATHLETE ABUSE PREVENTION POLICIES/ PROACTIVE POLICIES**

It is a violation of this Policy for a Participant to violate any provision of the MAAPP or other proactive policies adopted by USRowing (hereinafter set forth). Proactive policies set standards for professional

boundaries, minimize the appearance of impropriety, and have the effect of preventing boundary violations and prohibiting grooming tactics.<sup>3</sup>

## H. WILLFUL TOLERANCE

A Participant violates this Policy by willfully tolerating any form of Prohibited Misconduct, when there is a Power Imbalance between that Participant and the individual(s) who are being subjected to the Prohibited Conduct.

## V. REPORTING

This Policy is designed to reduce misconduct and abuse, but it can still occur. **DULUTH ROWING CLUB** and USRowing do 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. Participants shall follow the reporting procedures set forth in the reporting policy below.

### A. RETALIATION

Retaliation is any adverse action taken by a Participant against a person participating in USRowing proceedings.

Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in USRowing's processes and proceedings when the action is reasonably related to the report or engagement with USRowing. Retaliation may be present even where there is a finding that no violation occurred.

Retaliation does not include good-faith action lawfully pursued in response to report of a USRowing Policy violation.

### B. REPORTING SEXUAL MISCONDUCT

All reports of Sexual Misconduct must be reported directly to the Center at [www.uscenterforsafesport.org](http://www.uscenterforsafesport.org) or (720)-531-0340. No statutes of limitation apply to reports of incidents of Sexual Misconduct. All such reports received by **DULUTH ROWING CLUB** or USRowing will be forwarded to the Center. Reporting such conduct to the Center does not satisfy an Adult Participant's obligation to report to law enforcement or other appropriate authorities consistent with federal law.

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<sup>3</sup> "Grooming" describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor. Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him/her. Grooming occurs through direct, in-person and/or online contact.

## C. REPORTING NON-SEXUAL MISCONDUCT

For reporting any non-sexual misconduct, **DULUTH ROWING CLUB** or USRowing will take a report in the way that is most comfortable for the person initiating the report including an anonymous, in-person, verbal, or written report. Regardless of the method of reporting, it is helpful to USRowing to get the following information:

- The name of the Claimant(s)
- The type of misconduct alleged
- The name(s) of the alleged victims(s)
- The name(s) of the individual(s) alleged to have committed the misconduct.

Individuals may report non-sexual misconduct, including violations of the Minor Athletes Abuse Prevention Policies, to **DULUTH ROWING CLUB** or USRowing by completing an Incident Report Form. Required information on this form will include:

- The name(s) of the Claimant(s)
- The type of misconduct alleged
- The name(s) of the individual(s) alleged to have committed the misconduct
- The approximate date(s) and location(s) where the misconduct was committed
- The names of other individuals who might have information regarding the alleged misconduct
- A summary statement of the reasons to believe that misconduct has occurred.

Except for mandatory reporting to the authorities and the Center, USRowing will withhold the Claimant's name upon request, to the extent permitted by law. A copy of the USRowing Incident Report form can be found here: [https://usrowing.org/sports/2018/4/13/18827\\_132107104230772015.aspx](https://usrowing.org/sports/2018/4/13/18827_132107104230772015.aspx).

## D. CONFIDENTIALITY AND ANONYMOUS REPORTING

1. **Confidentiality** – To the extent permitted by law, and as appropriate, **DULUTH ROWING CLUB** will handle any report it receives confidentially and discretely and will not make public the names of the Claimant(s), potential victim(s), or accused person(s); however, **DULUTH ROWING CLUB** may disclose such names on a limited basis when conducting an investigation, or reporting to the Center, or reporting to law enforcement authorities.
2. **Anonymous Reporting** – **DULUTH ROWING CLUB** recognizes that it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made without the formality of completing an Incident Report Form by:
  - a. Completing (without including a name) an Incident Report Form found here [https://usrowing.org/sports/2018/4/13/18827\\_132107104230772015.aspx](https://usrowing.org/sports/2018/4/13/18827_132107104230772015.aspx)
  - b. Expressing concerns of misconduct to USRowing directly
  - c. Expressing concerns to the Safe Sport Protection Team at [USRowingSafeSport@usrowing.org](mailto:USRowingSafeSport@usrowing.org)

## E. HOW REPORTS ARE HANDLED

1. **Suspicious or Allegations of Child Physical or Sexual Abuse Reported to Law Enforcement and/or Child Protected Services** – All allegations of child physical or sexual abuse will be reported to law enforcement authorities and the Center. **DULUTH ROWING CLUB** does not attempt to evaluate the credibility or validity of child physical or sexual abuse as a condition for reporting to

appropriate law enforcement authorities. As necessary, however, **DULUTH ROWING CLUB** may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

2. **Misconduct and Policy Violations-** **DULUTH ROWING CLUB** will address all alleged violations of this Policy.
3. **Notification-** Following **DULUTH ROWING CLUB**'s receipt of an allegation involving SafeSport-related prohibited conduct, **DULUTH ROWING CLUB** may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. At **DULUTH ROWING CLUB**'s discretion, and as appropriate or required by the Center, **DULUTH ROWING CLUB** may notify relevant persons, i.e., competition managers, staff managers, contractors, volunteers, parents, and/or athletes of any such allegation that (a) law enforcement authorities are actively investigating; or (b) that the Center is investigating. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other prohibited conduct.

## **VI. RESPONDING TO ABUSE OR MISCONDUCT**

**DULUTH ROWING CLUB** will not enter into an investigation that undermines a pending legal investigation. This Policy addresses **DULUTH ROWING CLUB**'s disciplinary role where there is: (i) an allegation of misconduct, as defined in this Policy, that does not involve child abuse or sexual abuse, or (ii) an adverse employment determination by a local club for emotional, physical or sexual misconduct as set forth in this Policy.

### **A. DISCIPLINARY RULES**

On receipt of an allegation, **DULUTH ROWING CLUB** will determine in its discretion the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant, (ii) the age of the respondent, and (iii) the nature, scope and extent of the allegations.

**DULUTH ROWING CLUB** will address allegations against a staff member and/or volunteer under relevant organizational policies.

**DULUTH ROWING CLUB**'s disciplinary response will depend on the nature and seriousness of the incident, and in extreme cases, misconduct will result in summary dismissal. USRowing may undertake a formal investigation and hearing at its discretion. Before taking any disciplinary action, however, **DULUTH ROWING CLUB** will offer the respondent an opportunity to be heard. If the respondent is a minor, **DULUTH ROWING CLUB** will first contact his or her parents or guardians.

### **B. DISCIPLINARY ACTION**

Sanctions for violations of the Policy will be proportionate and reasonable under the circumstances. USRowing may take the following disciplinary actions, without limitation:

- Inform the Respondent's direct supervisor, or, in the case of a minor, the minor's parent or guardian
- Provide the Respondent with guidance, redirection and instruction
- File a formal incident report
- Issue a verbal warning
- Issue a written warning

- Limit an individual's access to certain buildings, boathouses, competitions or people
- Provide informed supervision, where at least one staff member is informed of the allegation and is instructed to supervise the respondent
- Engage in restorative and educational practices
- Suspend or terminate employment or membership

#### **C. ONGOING EMPLOYMENT AND/OR PARTICIPATION**

Upon receipt of a credible and specific allegation of child abuse, serious misconduct or any other violation of this Policy, USRowing may immediately suspend or terminate the Respondent's membership or employment as a means to ensure participant safety.

#### **D. COMPLAINANT PROTECTION**

Regardless of outcome, **DULUTH ROWING CLUB** will support the Complainant and his or her right to express concerns. **DULUTH ROWING CLUB** will not encourage or tolerate attempts from any individual to retaliate, punish, or in any way harm any individual who reports a concern in good faith. Any action to the contrary will be considered a violation of this Policy and grounds for disciplinary action by **DULUTH ROWING CLUB**.

#### **E. BAD-FAITH ALLEGATIONS**

Any allegation of misconduct under this Policy that is determined to be frivolous, fraudulent or otherwise made in bad faith, will be considered a violation of the Policy itself. Such reports may also be subject to criminal prosecution and/or civil proceedings.

### **VII. INVESTIGATION AND ADJUDICATION OF REPORTS OF ABUSE OR MISCONDUCT**

#### **A. INVESTIGATIONS**

As appropriate, and at its discretion, **DULUTH ROWING CLUB** may institute formal investigations and hearings to address serious allegations of misconduct under this Policy. Such investigations will be undertaken to address only the most serious allegations and patterns of behavior that may warrant significant sanctions.

Where an investigation under this Policy is conducted by **DULUTH ROWING CLUB**, the Respondent, Claimant, and/or accused shall have the right to:

- Receive written notice of the report or complaint, including a statement of the allegations (reacted as appropriate)
- Present relevant information to the investigator(s)
- Legal counsel, at his or her own expense

## B. HEARINGS

The accused individual will be offered a hearing. A hearing will not necessarily affect **DULUTH ROWING CLUB**'s ability to immediately suspend or terminate the accused individual from employment or performing services for the organization.

An employee, member or volunteer's failure to report to a supervisor, a **DULUTH ROWING CLUB** administrator or member of the Participant Safety Committee is a violation of this policy and grounds for termination of an employee and/or dismissal of a volunteer, and/or revocation of Member Organization membership.

## VIII. BACKGROUND CHECKS

USRowing and **DULUTH ROWING CLUB** uses a background check process in its support of its commitment to athlete safety. This process is also required by the USOPC. **Any Adult Participant who is in a position of authority over athletes of any age or any Adult Participant who has regular contact with youth athletes is required to complete a background check every two years and to annually complete the on-line SafeSport training course or SafeSport training refresher course, provided by the Center.** This includes employees, coaches, referees, volunteers, board members, staff, administrators, and any other non-athlete member.

The applicable Adult Participants shall undergo a background check that complies with the Fair Credit Reporting Act. Through this background check, **DULUTH ROWING CLUB** will utilize reasonable efforts to ascertain criminal history. This **DULUTH ROWING CLUB** Background Check Policy assists **DULUTH ROWING CLUB** in promoting the safety and welfare of its athletes.

The background check must be completed before regular contact with any Minor, or upon beginning a new role subjecting the adult to this Policy.

**DULUTH ROWING CLUB** requires background checks in accordance with the USOPC Responsible Member Organization Policy. Background checks must be refreshed every two years.

Employees, contractors and volunteers that have routine contact with athletes must consent to, and pass, a screening process before performing services for **DULUTH ROWING CLUB**.

Elements of our screening process include, as applicable, successful completion of an in-person interview, criminal background check, and training.

### **EDUCATION ABOUT DULUTH ROWING CLUB'S PROTECTION POLICIES**

To deter persons who may be at risk of abusing athletes or participants from taking on positions of employment or volunteering opportunities, **DULUTH ROWING CLUB** educates those parties about its protection policies and offers an early opt-out by:

- Requiring awareness training before working with athletes and participants
- Informing individuals about our policies and procedures relevant to prevention.
- Requiring individuals to sign a document acknowledging review of our policies and procedures

### **PERSONAL INTERVIEW**

Appropriate individuals responsible for overseeing Mrmbrrt organization athletics will interview applicants whose experience and credentials are considered a fit for available positions (staff and volunteer). During this interview, they will engage in a conversation including open-ended questions to encourage discussion and understanding of previous relevant experiences as well as expectations for the organization.

### **RELEASE**

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

### **REFERENCES**

Employment applicants have references contacted (either by phone or in writing) and asked specific questions regarding the applicant's professional experiences, demeanor and appropriateness for involvement with athletes and participants.

### **A. PROCESS**

The Background Check Consent and Waiver Release Form must be submitted to USRowing's third-party background check vendor and the designee must be cleared before he or she may perform services for **DULUTH ROWING CLUB**. Upon submission of the Background Check Consent and Waiver Release Form, USRowing will request that its vendor perform the background check. As part of its background check, the vendor will run a full background screen that includes at least the following search components below.

## 1. Full Background Check

- Social Security Number validation (or suitable identification verification process as determined by background check vendor)
- Name and address history records
- Two independent multi-jurisdictional criminal database searches covering 50 states plus Washington DC, Guam, and Puerto Rico
- Federal District Courts search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable
- County criminal records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched
- National Sex Offender Registry database search of all available states, plus Washington DC, Guam, and Puerto Rico
- Multiple national watch lists
- Comprehensive international records search of U.S. citizens who have lived outside the United States for six consecutive months in any one country, during the past seven years
- Motor vehicle records of at least a 3-year history in the state of licensure; (if driving is required for position)

## 2. Supplemental Background Check. A supplemental off-year background check screen will be conducted using at least the following search components:

- Multi-jurisdictional criminal database covering 50 states plus Washington DC, Guam, and Puerto Rico
- Sex offender registry database searches of all available states, plus Washington DC, Guam, and Puerto Rico; and
- SafeSport disciplinary records.

## B. CRIMINAL HISTORY

Any background check that results in a report of a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, for any of the below criminal offenses will be subject to USRowing's policies and procedures to determine the individual's level of access and involvement:

- Any felony
- Any misdemeanor involving:
  - All sexual crimes, criminal offenses of a sexual nature to include but not limited to: rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant
- Any drug related offenses
- Harm to a minor and vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor
- Violence against a person (including crimes involving firearms and domestic violence)
- Stalking, harassment, blackmail, violation of a protection order and/or threats
- Destruction of property, including arson, vandalism, and criminal mischief
- Animal abuse or neglect

### **C. FULL DISCLOSURE**

Each Participant and prospective Participant has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest, plea, or conviction is grounds for Participant status revocation or restriction, regardless of when the offense is discovered. Participants have the ongoing duty to disclose criminal history. Participants need not disclose arrest in which charges are not filed, charges are dismissed, or the Participant is acquitted; however, Participants are required to disclose non-convictions involving deferred sentences, deferred adjudications, or other similar dispositions as well as accusations, arrests, indictments, or convictions of a criminal offense set out above or a criminal offense against a child.

- If a prospective Participant has been or (1) is accused, (2) arrested, (3) charged, (4) indicted, (5) has an adjudication other than not guilty, or (5) is convicted of any offense identified above during the application process, he is required to disclose such information immediately.
- In the event a Participant has been or is (1) is accused, (2) arrested, (3) charged, (4) indicted, (5) has an adjudication other than not guilty, or (5) is convicted of any offense identified above during the application process, he is required to disclose such information immediately to the USRowing Safe Sport Protection Team.
- Any Participant or prospective Participant who has been banned by another NGB, another sport organization, or the Center has an affirmative duty to disclose such information immediately to the USRowing Safe Sport Protection Team.

### **D. FINDINGS**

Notice of findings will be provided to:

- (1) The designated contact of **DULUTH ROWING CLUB** that submitted the application;
- (2) Club President or Treasurer, when necessary;
- (3) Other designated individuals, where necessary to protect the safety of minors.

USRowing's criminal background check report will return a "red light" or "green light" finding. A green light finding means that the background check vendor located no records that would disqualify the individual. A green light score, however, is not a certification of safety or permission to bypass/ ignore other screening efforts. Other disqualifying factors may exist and can be revealed through other means. A red light finding means the criminal background check revealed criminal records that suggest the individual does not meet the criteria and is not suitable for Participant status. Individuals who are subject to disqualification under a red light finding may challenge the accuracy of the information reported by the criminal background check vendor.

### **E. APPEALS TO BACKGROUND CHECK VENDOR**

Any disqualified individual has the right to dispute the findings of the criminal background check directly with the criminal background check vendor. A disqualified individual may not appeal the automatic disqualification or the results of the findings of the criminal background check vendor to USRowing. USRowing is required by this Policy to accept the findings of the criminal background check vendor. Individuals disqualified are excluded from participation in any USRowing licensed competition and USRowing sanctioned events and/or activities as a Participant unless an exemption is granted in accordance with the exemption request process below.

### **F. EXEMPTION REQUESTS TO USROWING**

Any disqualified individual has the right to seek an exemption from the USRowing Ethics Committee. The individual shall, within 30 days from the date he or she was notified of disqualification, file a written

appeal to the Chief Executive Officer of USRowing to demonstrate that the conviction or charge does not violate the spirit of SafeSport and that he or she poses no risk to the sport.

Within 30 days of the receipt of the appeal being submitted, a hearing panel will be assembled to hear the appeal. The Ethics Committee Chair shall appoint three members of that Committee to serve as the group, which will hear the appeal (the "**Hearing Panel**"). The Chair of the Ethics Committee may appoint himself/herself to the Hearing Panel. The appointment of the three-member Hearing Panel will include the designation of a Chair of the Panel. An athlete member of the Ethics Committee will be included on the Hearing Panel.

The Hearing Panel shall decide the appeal with majority vote. The Panel may choose to uphold the "red light" determination from the third-party provider, or, if warranted by the circumstances may overturn the decision and render a "green light" for the background check. In the case of an overturned "red light," the membership record will be noted as such and will be subject to continuous review. Any decision rendered by the Hearing Panel is considered final and binding on all parties.

## **G. FREQUENCY**

Criminal background checks for Participants will be refreshed every two years or as otherwise required by law.

## **H. OTHER POTENTIALLY DISQUALIFYING FACTORS**

Even if an individual passes a criminal background check, USRowing may determine that an individual may be disqualified and prohibited from Participant status. Disqualification may occur if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to, domestic order or protection
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors
- Resigned, been terminated, been banned, or been asked to resign from a position- paid or unpaid - due to complaint(s) of sexual or physical abuse of minors
- A history of other behavior that indicates the individual may be a danger to athletes and participants
- Failed to disclose background in accordance with this Policy

## **I. REVIEW OF DISQUALIFIERS**

USRowing will review its disqualifiers from time to time or as otherwise required or modified by law.

## **IX. ENFORCEMENT**

The enforcement of this Policy falls under the jurisdiction of the USRowing Disciplinary Committee, except:

- Allegations of sexual misconduct, which falls under the exclusive jurisdiction of the Center; and
- Allegations of non-sexual misconduct that the Center takes discretionary jurisdiction over.

USRowing shall recognize and enforce all penalties imposed by the Center, including lifetime bans. Temporary suspensions apply to the suspended person, but not to the suspended person's business. Final and non-appealable suspensions and bans apply to the person and any rowing-related business the suspended or ban person owns.