



## **USCSA ABUSE AND MOLESTATION PREVENTION POLICY**

**VERSION 4.1**

**ADOPTED: JANUARY 5, 2023**

*The Safe Sport Act of 2017, and subsequent updates, mandates new safety requirements that aim to protect youth athletes through abuse prevention training and mandated reporting. National Governing Bodies are required to follow the protocols established by the Safe Sport Act. The USCSA has adopted the following policies.*

*To be in compliance the USCSA will implement additional training requirements on all adult coaches (paid or volunteer, acting in any coaching capacity), volunteers, officials and organizational leadership\* affiliated with the organization.*

*\*organizational leadership shall consist of the following: USCSA Board of Directors; USCSA elected officers; USCSA appointed leadership; USCSA Conference & Division Coordinators; USCSA committee members and USCSA paid contractors.*

### **Section One**

#### **Criminal Background Checks**

We will select a criminal background check vendor that will run background checks and will assist in interpreting results and is in compliance with state and federal laws.

Our criminal background check vendor will, at a minimum, run a national database check that pulls criminal records (not limited to just sexual offender records) from state and county databases. In addition, we may or may not choose to pay extra to purchase the following enhancements from the vendor: social security # verification, address trace, manual local county courthouse check based on intelligent choice of countries and national sexual offender registry check.

All adult coaches (paid or volunteer, acting in any coaching capacity), volunteers, officials and organizational leadership (collectively identified as "Agent" hereafter) with regular access to USCSA members shall have their background checked for acceptability prior to initial assignment of duties. Thereafter, a subsequent background check should be run every year.

The Membership Committee shall name an individual as the USCSA Conduct Official and the Board of Directors shall approve the individual. The Conduct Official, in conjunction with the Membership Committee, shall be responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third party background check vendors on all issues related to our criminal background check program. The Conduct Official and **the Membership Committee** should maintain the confidentiality of all information to protect against possible claims of slander or libel. The Conduct Official should work with third party vendors for assistance in interpreting background check results and to protect against possible claims under the Fair Credit Reporting Act, First Offender Act,



and all other state and federal laws protecting those who undergo criminal background checks. **The results of all criminal background checks and appeals will be kept confidential.**

### **Administration of Criminal Background Checks**

1. Disqualification Criteria: To make sure that all agents are treated fairly and consistently, the USCSA shall use the following disqualification criteria:
  1. Individual agents found to be guilty of the following crimes should be disqualified as an agent as outlined below.
    1. Ever found to be guilty of:
      1. All sex offenses including child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.
      2. All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc
    2. Found to be guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
    3. Found to be guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.
    4. Found to be guilty of multiple offenses within the past 5 years of misdemeanor drug and alcohol offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
    5. Any other misdemeanor within the past 5 years that would be considered a potential danger to members or is directly related to the functions of the agent including contributing to the delinquency of a minor, providing alcohol to a minor, theft (if a volunteer is handling funds), etc.

Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court's finding of guilt, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of "nolle prosequi."

*Should any of the pending charges described above be uncovered, or should any of the above charges be brought against an applicant during the season, **the applicant should be suspended from serving until the charges have been cleared or dropped and the Conduct Official has approved reinstatement.***

**Agent Applications:** Prior to the running of any criminal background check, the applicant will complete an online application form giving his or her consent to the running of such check. The information obtained in the agent application/consent form as well as the results of criminal background checks should be held in strict confidence to protect the confidentiality of the information. Such information will be contained within the SportsEngine interface and only accessible by SportsEngine employees and the USCSA Registration System managers. Confidential information should not be disclosed outside of the USCSA and should only be shared within the USCSA with those on a "need to know" basis.



However, under certain circumstances, the USCSA may have a legal duty to disclose certain types of information to government agencies or law enforcement.

**Run Criminal Background Check:** Upon completing the Official/Coach/Volunteer Registration form for the USCSA, the applicant's information is automatically and electronically passed to a third party for criminal background screening. Personal Identifiable Information necessary to complete the background check (e.g. SSN) is not visible to USCSA or its members.

**Appeals Process:** Agents disqualified due to an unsatisfactory criminal background check may appeal by notifying the Conduct Official in writing. Such appeals shall be heard by the USCSA Membership Committee. The appeals committee will decide whether to uphold the decision of the Conduct Official. As a compromise, the appeals committee may decide to reassign the applicant to a more appropriate position or to place the candidate under a probationary period at the committee's discretion.

The written appeal should include:

- Full name and address of the appellant (person making the appeal);
- Full name and address of any person making the request for an appeal on behalf of the appellant;
- The grounds for the appeal providing a detailed explanation of the appellant's objections to the decision, setting out any additional facts or factual errors in the decision;
- The particulars relevant to the appeal, describing any background fact relating to the appeal, including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what you want the Board to do); and
- The signature of the appellant and/or the appellant's representative, and the date of the appeal.

## **Section Two**

### **Policies to Protect Against Misconduct**

All agents will need to complete the **Abuse Preventions Systems** training prior to regular contact with members. This training meets the requirements of the Safe Sport Act of 2017 and this training will be required to be taken annually. This training will be incorporated into the online registration system. If an agent has taken an approved SafeSport training outside the USCSA and can provide documentation of the training, the APS requirement can be waived by the Conduct Official.

The following policies should be communicated to all agents:

- All forms of abuse including sexual, physical, emotional, harassment, bullying, and hazing are prohibited.
- Prohibited sexual abuse physical acts include genital contact whether or not either party is clothed; fondling of a participant's breast or buttocks; sexual penetration; sexual assault, exchange of a reward in sport for sexual favors; lingering or repeated embrace that goes beyond acceptable physical touch; tickling, wrestling, or massage; and continued physical contact that makes a participant uncomfortable.
- Prohibited sexual abuse verbal acts include making sexually oriented comments, jokes and innuendo; agents discussing his or her sex life with participant; asking about a participant's sex



life; requesting or sending a nude or partial dress photo; exposing participants to pornographic material; voyeurism; and sexting with a participant.

- Any type of grooming behavior is prohibited (see Section Three on “Recognizing Grooming”)
- Prohibited forms of physical abuse include punching, beating, biting, striking, choking, slapping, or intentionally hitting a participant with objects or sports equipment; providing alcohol to a participant under legal drinking age; providing illegal drugs or non-prescribed medications to any participant; encouraging or permitting a participant to return to play after injury or sickness prematurely without clearance of a medical professional; prescribing dieting or other weight control methods for humiliation purposes; isolating a participant in a confined space; forcing participant to assume a painful stance or position for no athletic purpose; withholding, or denying adequate hydration, nutrition medical attention, or sleep.
- Prohibited emotional abuse includes a pattern of verbally attacking a participant personally such as calling them worthless, fat or disgusting; physically aggressive behaviors such as throwing or hitting objects; and ignoring a participant for extended periods of time or excluding them from practice.
- Bullying includes an intentional, persistent, or repeated pattern of committing or willfully tolerating (e.g., agents not preventing) physical, nonphysical, or cyber bullying behaviors that are intended to cause fear, humiliation, physical harm in an attempt to socially exclude, diminish, or isolate another person emotionally, physically, or sexually. It is often not the agent, but instead, other participants who are the perpetrators of bullying. However, it is a violation if the agent knows or should have known of the bullying behavior but takes no action to intervene on behalf of the targeted participants.
- Prohibited hazing includes any contact which is intimidating, humiliating, offensive or physically harmful. Hazing typically is an activity that serves as a condition for joining a team of being socially accepted by team members.
- Two deep leadership is required where two adults (e.g., any combination of agents or parents) should be present at all times so that a minor participant can't be isolated with a single unrelated adult, except in the case of an emergency.
- All electronic communications including email, texting, social media, etc. between the agent and a minor participant should be limited strictly to the legitimate activities of the organization.
- Any overnight travel exposure should prohibit adults spending the night in the same room as an unrelated minor participant; require grouping of participants of the same sex and age group in rooms; and provide adequate oversight with a same-sex chaperone for each group.
- Take off/pick up of athletes by agents should be strongly discouraged because of the difficulty in limiting one-on-one contact.

### **Section Three**

#### **Recognizing Grooming**

Grooming is the process of which sexual predators pave the way for sexual abuse by gradually gaining the trust of and conditioning of minors, parents, and administrators.

The steps in the grooming process are as follows, including but not limited to:

- Identify a vulnerable child whose needs are not being met such as lack of attention by parents, lack of spending money, etc.
- Fill the missing needs of the child by providing attention, transportation, help with homework, special favors, confiding in secrets, spending money, gifts, etc. to create a "special bond".



- Gain trust of family by spending a disproportionate amount of time with them.
- Isolate the victim to create one on one opportunities.
- Gradually use boundary invasions that start off with inappropriate electronic communications and photo sharing, tickling, wrestling, massages, alcohol, drugs, pornography, etc. that lead to nudity and sexual activity.
- Maintain control and silence with threats of fear and shame.

#### **Section Four** **Reporting Requirements**

Adult coaches, volunteers, officials, and organizational leadership affiliated with the organization are required to report suspected incidents within 24 hours to the appropriate authorities.

Any suspected misconduct must also be reported to the appropriate Conference or Division Coordinator. If the Conference or Division Coordinator is the subject of suspected misconduct, then it shall be reported to the Managing Director.

The organization will establish a confidential mechanism for communication for members to report suspected incidents.

#### **Section Five** **Dealing with Abuse/Molestation Incidents and Other Misconduct Violations**

Instruct all agents and parents to report all concerns, complaints, allegations, and policy violations to the Conduct Official within 24 hours. If the Conduct Official is the alleged abuser, the report should be made to any member of the USCSA National Office Committee (Current President, Executive Vice President, Treasurer, or Active Past President). The Conduct Official should immediately perform an investigation with the results brought to the attention of the Board of Directors. The investigation should include a gathering of all pertinent facts in a fair, respectful, and confidential manner including an interview with both the accuser and accused.

After the investigation, the Conduct Official should determine if the alleged acts were appropriate, but unappreciated; inappropriate, but not illegal; or illegal. If the Conduct Official has reasonable cause to believe that child sexual or physical abuse has occurred, law enforcement should be immediately notified within 24 hours. At that point, the Conduct Official should immediately cease all investigation and let law enforcement do its job. The suspected Agent should be suspended pending the outcome of the investigation.

Agents may be required by state and federal law to independently and directly report to law enforcement, within 24 hours, any suspicions of child sexual or physical abuse and may have criminal and civil liability for failure to do so. All persons reporting suspected cases should be given immunity from civil lawsuits if acting in good faith.

Short of an illegal act, the Board should decide the appropriate action and can perform additional follow up investigation. Depending on the nature of the act, the Board may decide to give an oral or written reprimand, suspend, or terminate the agent.



The organization is prohibited from retaliating in any way against an agent who makes a good faith report of a suspicion of any form of misconduct.

**Non-compliance**

Any Agent not abiding by any Section of the above policy shall not be granted membership and/or may have their membership revoked by the Membership Committee at any time.

**Annual Review**

The Membership Committee will review the above policy on an annual basis. They will make any necessary changes in conjunction with necessary committees.

**No Waiver of Discretion**

Nothing in this program shall be construed as a waiver or limitation of the league discretion to disqualify an applicant for an employment or volunteer position, when in the sole opinion of the Board, such disqualification is in the best interest of the league or its program participants.

**Distribution/Acknowledgement/Documentation**

A hard or electronic copy of this risk management program should be distributed to each administrator and agent prior to the start of every season. Each should acknowledge in writing (wet or electronic signature) that they have received and carefully reviewed the entire program. The league should maintain documentation on an annual basis of the risk management plan that was distributed as well as the administrator and agent acknowledgements.