



# **Austin Rowing Club**

## **Safe Sport Policy**

### **2020/2021**

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## **Austin Rowing Club – Athlete Protection Policy**

In conjunction and with the help of USRowing, Austin Rowing Club has adopted the following Athlete Protection Policies as they relate specifically to Austin Rowing Club run activities.

All forms of misconduct are intolerable and in direct conflict with the ideals of Austin Rowing Club. 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 him or her to drop out of sport entirely. Austin Rowing Club is committed to improving the development and safety of athletes and participants involved in our sport.

The policy shall apply to (1) Austin Rowing Club employees; (2) athletes that Austin Rowing Club designates for participation in any Austin Rowing Club registered or branded event; and (3) individuals Austin Rowing Club formally authorizes, approves, or appoints (a) to a position of authority over or (b) to have frequent contact with athletes.

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

### **I. Prohibited Conduct**

This policy identifies, defines, and prohibits the following misconduct:

- Bullying
- Hazing
- Harassment (including sexual harassment)
- Emotional Misconduct
- Physical Misconduct
- Sexual Misconduct (including child sexual abuse)

Prohibited misconduct shall include, without limitation, romantic or sexual relationships, which began during the sport relationship, between athletes or other participants and those individuals (i) with direct supervisory or evaluative control or (ii) in a position of power and trust over the athlete or other

participant. Except in circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes or participants they coach.

The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated that there is no imbalance of power. For example, this prohibition does not apply to a pre-existing relationship between two spouses or life partners. For factors that may be relevant to determining whether an imbalance of power exists, consult the United States Olympic Committee's Athlete Protection Policy.

(1) Any touching or non-touching sexual interaction that is (a) nonconsensual or forced, (b) coerced or manipulated, or (c) perpetrated in an aggressive, harassing, exploitative, or threatening manner;

(2) Any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative; or

(3) Any act or conduct described as sexual abuse or misconduct under federal or state law (e.g., sexual abuse, sexual exploitation, rape).

Note: An imbalance of power is always assumed between a coach and an athlete.

## **A. Sexual Misconduct**

Types of sexual misconduct include:

(1) Sexual assault,

(2) Sexual harassment,

(3) Sexual abuse, or

(4) Any other sexual intimacies that exploit an athlete. Minors cannot consent to sexual activity with an adult, and all sexual interaction between an adult and a minor is strictly prohibited.

Exceptions: None

Examples of sexual misconduct prohibited under this Policy include, without limitation:

### **1. Touching offenses. Behaviors that include:**

(a) Fondling an athlete's breasts or buttocks;

(b) Exchange of reward in sport (e.g., team placement, scores, feedback) for sexual favors;

(c) Genital contact; and

(d) Sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants.

Comment: Authority and Trust. Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. Accordingly, sexual interaction or intimacies between a coach and an athlete or other participant are prohibited, regardless of age, both during coaching and during that period following coaching if an imbalance in power could jeopardize effective decision-making.

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

Exception: This section does not apply to a pre-existing relationship between two spouses or life partners.

## **2. Non-touching offenses. Behaviors that include:**

(a) A coach discussing his or her sex life with an athlete;

(b) A coach asking an athlete about his or her sex life;

(c) A coach requesting or sending a nude or partial-dress photo to athlete;

(d) Exposing athletes to pornographic material;

(e) Sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g. "sexting");

(f) Deliberately exposing an athlete to sexual acts;

(g) Deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared); and

(h) Sexual harassment, specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and (1) is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this or (2) is sufficiently severe or intense to be harassing to a reasonable person in the context.

### 3. Child sexual abuse. Behaviors that include:

(a) Any sexual activity with a child where consent is not or cannot be given. This includes sexual contact with a child that is accomplished by deception, manipulation, force, or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Note concerning peer-to-peer child sexual abuse: Sexual contact between minors also can be abusive. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power and/or intellectual capabilities.

(b) Any act or conduct described as child sexual abuse under federal or state law.

Exception: None

Examples: Sexually abusive acts may include sexual penetration, sexual touching, or non-contact sexual acts, such as verbal acts, sexually suggestive electronic or written communications, exposure, or voyeurism.

### B. Emotional Misconduct

(1) A pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete. Non-contact behaviors include:

(a) Verbal acts;

(b) Physical acts; and

(c) Acts that deny attention or support; or

(2) Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).

Exception: Emotional misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, discipline, or improving athletic performance.

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

#### 1. Verbal Acts.

A pattern of verbal behaviors that (a) attack an athlete personally (e.g., calling them worthless, fat, or disgusting) or (b) repeatedly and excessively yelling at a

particular participant or participants in a manner that serves no productive training or motivational purpose.

## **2. Physical Acts.**

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

## **3. Acts that Deny Attention and Support**

A pattern of (a) ignoring an athlete for extended periods of time or (b) routinely or arbitrarily excluding participants from practice.

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

## **C. Physical Misconduct**

(1) Contact or non-contact conduct that results in, or reasonably threaten to, cause physical harm to an athlete or other sport participants; or

(2) Any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, and assault).

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

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

### **1. Contact offenses. Behaviors that include:**

- (a) Punching, beating, biting, striking, choking, or slapping an athlete;
- (b) Intentionally hitting an athlete with objects or sporting equipment;
- (c) Providing alcohol to an athlete under the legal drinking age (under U.S. law, regardless of location of distribution);
- (d) Providing illegal drugs or non-prescribed medications to any athlete;
- (e) Encouraging or permitting an athlete to return to sport pre-maturely following a serious injury (e.g., a concussion) and without the clearance of a medical professional; or

(f) Prescribing dieting or other weight-control methods (e.g., weigh-ins, caliper tests) without regard for the nutritional well being and health of athlete.

**2. Non-contact offenses. Behaviors that include:**

(a) Isolating an athlete in a confined space (e.g., locking an athlete in a small space);

(b) Forcing an athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); or

(c) Withholding, recommending against or denying adequate hydration, nutrition, medical attention, or sleep.

**D. Bullying**

(1) An intentional, persistent and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate the targeted athlete(s), as a condition of membership; or

(2) Any act or conduct described as bullying under federal or state law

Exceptions: Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion. For example, bullying does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

Examples of bullying prohibited by this Policy include, without limitation:

**1. Physical behaviors. Behaviors that include:**

(a) Hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete; or

(b) Throwing at, or hitting an athlete with, objects, such as sporting equipment.

**2. Verbal and emotional behaviors. Behaviors that include:**

(a) Teasing, ridiculing, intimidating;

(b) Spreading rumors or making false statements; or

(c) Using electronic communications, social media, or other technology to harass, frighten, intimidate, or humiliate (“cyber bullying”).

## E. Harassment

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

(2) Any act or conduct described as harassment under federal or state law.

Exceptions: None

Examples of harassment prohibited by this Policy include, without limitation:

### 1. Physical offenses. Behaviors that include:

(a) Hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete or participant; or

(b) Throwing at or hitting an athlete with objects including sporting equipment.

### 2. Non-physical offenses. Behaviors that include:

(a) Making negative or disparaging comments about an athlete's sexual orientation, gender expression, gender, disability, religion, race, skin color, national origin or ethnic traits;

(b) Displaying offensive materials, gestures or symbols; or

(c) Withholding or reducing playing time to an athlete based on his or her sexual orientation.

## F. Hazing

(1) Coercing, requiring, forcing, or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group's members; or

(2) Any act or conduct described as hazing under federal or state law.

Exception: Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

Examples of hazing prohibited by this Policy include, without limitation:

1. Requiring, forcing, or otherwise requiring the consumption of alcohol or illegal drugs.
2. Tying, taping, or otherwise physically restraining an athlete.
3. Sexual simulations or sexual acts of any nature.
4. Sleep deprivation, otherwise unnecessary schedule disruption, or the withholding of water and/or food.
5. Social actions (e.g., grossly inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule.
6. Beating, paddling, or other forms of physical assault.
7. Excessive training requirements focused on individuals on a team.

## **II. Supervision of Athletes and Participants**

### **A. One-on-one Interactions**

During training and competition, one-to-one interactions should be minimized to create a safe training environment and to protect athletes and participants.

#### **1. Appropriate one-on-one interactions**

##### *a) Individual Meetings*

An individual meeting may be necessary to address an athlete's concerns, training program or competition schedule. Under these circumstances, coaches, staff members and volunteers are to observe the following guidelines.

- Any individual meeting should occur when others are present and where interactions can be easily observed.
- Where possible, an individual meeting should take place in a publicly visible and open area, such as the corner of a boathouse or rowing dock.
- If an individual meeting is to take place in an office, the door should remain unlocked and open.
- If a closed-door meeting is necessary, the coach, staff member, and/or volunteer must inform another coach, staff member, and/or volunteer and ensure the door remains unlocked.

**b) *Individual Training Sessions***

An individual training session(s) with an athlete or participant may also be desired or necessary. Under these circumstances, written permission of a minor athlete's parents or guardians is required in advance of the individual training session(s), and Austin Rowing Club encourages parents and guardians to attend the training session.

**2. Prohibited one-on-one interactions**

Except as set forth above, minor athletes and participants will not be left unattended or unsupervised during Austin Rowing Club activities, including being left alone on shore during water practice time, and Austin Rowing Club coaches, staff members and/or volunteers are prohibited from being alone with an individual athlete or participant in any room or building.

However, minor athletes and participants may be placed in one-to-one interaction in a coaching launch during an on-the-water practice session. During this period, the launch should remain in visible and audible contact with the crews on the water.

**B. Physical contact with athletes**

Appropriate physical contact between athletes and coaches, staff members, contractors or volunteers is a productive and inevitable part of sport. Athletes are more likely to acquire advanced physical skills and enjoy their sport participation through appropriate physical contact. However, guidelines for appropriate physical contact reduce the potential for misconduct in sport.

**1. Appropriate physical contact**

Physical contact with athletes – for safety, consolation, and celebration – has multiple criteria in common which make them both safe and appropriate. These include:

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

**a) *Safety***

The safety of our athletes is paramount, and in many instances, we make the athletic space safer through appropriate physical contact. Examples include:

- Spotting an athlete so that they will not be injured by a fall or piece of equipment;
- Positioning an athlete's body so that they more quickly acquire an athletic skill, get a better sense of where their body is in space, or improve their balance and coordination;
- Making athletes aware that they might be in harm's way because of other athletes practicing around them or because of equipment in use; and
- Releasing muscle cramps.

*b) Celebration*

Sports are physical by definition, and we recognize participants often express their joy of participation, competition, achievement, and victory through physical acts. We encourage these public expressions of celebration, which include:

- Greeting gestures, such as high-fives, fist bumps, and brief hugs; and
- Congratulatory gestures such as celebratory hugs, "jump-arounds," and pats on the back for any form of athletic or personal accomplishment.

*c) Consolation*

It may be appropriate to console an emotionally distressed athlete (e.g., an athlete who has been injured or has just lost a competition). Appropriate consolation includes publicly:

- Embracing a crying athlete;
- Putting an arm around an athlete while verbally engaging them in an effort to calm them down ("side hugs"); and
- Lifting a fallen athlete off the dock.

**2. Prohibited physical contact**

Prohibited forms of physical contact, which shall be reported immediately under our Reporting Policy include, without limitation:

- Asking or having an athlete sit in the lap of a coach, administrator, staff member, or volunteer;
- Lingering or repeated embraces of athletes that go beyond the criteria set forth for acceptable physical contact;

- Slapping, hitting, punching, kicking, or any other physical contact meant to discipline, punish, or achieve compliance from an athlete;
- “Cuddling” or maintaining prolonged physical contact during any aspect of training, travel, or overnight stay;
- Playful, yet inappropriate contact that is not a part of regular training (e.g., tickling or “horseplay” wrestling);
- Continued physical contact that makes an athlete obviously uncomfortable, whether expressed or not; and
- Any contact that is contrary to a previously expressed personal desire for decreased or no physical contact, where such decreased contact is feasible in a competitive training environment.

### **C. Electronic communications and social media**

As part of Austin Rowing Club’s emphasis on athlete safety, all electronic communications between a coach and athlete must be professional in nature and for the purpose of communicating information about team activities.

As with any communication, the content of any electronic communication should be readily available to share with a minor athlete’s family. At the request of a parent or guardian, any email, electronic text, social media, or similar communication will copy or include a minor athlete’s parents or guardians.

The parents or guardians of a minor athlete may request, in writing, that their child not be contacted by any form of electronic communication by coaches, including the communication of photography or videography of that athlete’s imagery. Such requests will be granted by Austin Rowing Club in writing.

Social media and electronic communications can also be used to commit misconduct (e.g., emotional, sexual, bullying, harassment and hazing). Such communications by coaches, staff, volunteers, administrators, officials, parents or athletes will not be tolerated and are considered violations of our Participant Safety Handbook.

#### **1. Email and similar electronic communications**

Athletes and coaches may use email to communicate. All email content between coach and athlete must be professional in nature and for the purpose of communicating information about team activities.

Where the coach is a staff member, email from a coach to any athlete should come from the Austin Rowing Club email service (the coach's return email address will contain "@Austin Rowing Club.org").

## **2. Texting and similar electronic communications**

Texting is allowed between coaches and athletes. All texts between coach and athlete must be professional and for the purpose of communicating information about team activities.

## **D. Travel**

Travel will be a standard aspect of our competitive season. Austin Rowing Club has established policies to guide travel, minimize one-on-one interactions, and reduce the risk of misconduct. Adherence to these travel guidelines will increase athlete safety and improve the competitive experience while keeping travel a fun and enjoyable experience.

### **1. Local Travel**

Local travel occurs when Austin Rowing Club does not sponsor, coordinate, or arrange for travel. For local travel, athletes or their parents/guardians (for minor athletes) are responsible for making all travel arrangements. In these instances, it is the responsibility of the athlete or their parents/guardians (for minor athletes) to ensure the person transporting the athlete maintains all safety and legal requirements, including, but not limited to, a valid driver's license, proper insurance, well maintained vehicle, and compliance with all state laws.

In an effort to minimize one-on-one interactions, Austin Rowing Club staff members, coaches, and/or volunteers, who are not also acting as a parent, should not drive alone with an unrelated minor athlete and should only drive with at least two other minor athletes or another adult at all times, unless otherwise agreed to in writing by the minor athlete's parent or guardian in advance of travel. In any case where a staff member and/or volunteer is involved in the minor athlete's local travel, a parental release is required in advance. Efforts must be made to ensure that staff and/or volunteers are not alone with a minor athlete or minor participant, by, e.g., picking the athletes up in groups.

Coaches, staff members and volunteers who also are an athlete's guardian may provide shared transportation for any athlete(s). We encourage guardians to pick up their athlete first and drop off their athlete last in any shared or carpool travel arrangement. We also recommend completing a shared travel declaration form signed by the parents/guardians of any minor athlete who is being transported as part of such a carpool arrangement.

## 2. Team Travel

Team travel is overnight travel that occurs when Austin Rowing Club sponsors, coordinates, or arranges for travel so that our teams can train or compete locally, regionally, nationally, or internationally. Because of the greater distances, coaches, staff, volunteers, and chaperones will often travel with the athletes.

However, no coach, staff member or volunteer will engage in team travel without the proper safety requirements in place, including valid drivers' licenses, proper insurance, well-maintained vehicles, and compliance with all state laws.

Austin Rowing Club makes efforts to provide adequate supervision through coaches and other adult chaperones on teams with junior athletes. Austin Rowing Club policy dictates a maximum ratio of nine junior athletes to one chaperone on trips and away camps.

For team travel, hotels and air travel will be booked in advance by Austin Rowing Club. Athletes will share rooms, with 2-4 athletes assigned per room depending on accommodations. Austin Rowing Club will notify hotel management should any special arrangements be warranted. For instance, we will ask hotels to block pay per view channels and remove minibars. Meetings do not occur in hotel rooms, and we will reserve a separate space for coaches and athletes to socialize.

Athletes will only share a room with other athletes of the same sex and age group. Athletes will be grouped by age and sex for the purposes of assigning an appropriate chaperone. We will make every effort to provide these groups at least one chaperone of the same sex.

Please note that regardless of the location of the event, Austin Rowing Club policies on providing alcohol to minors follows the U.S. state law of Texas, and parents are expected to adhere to this policy, especially when staying near or with the team. No parent should provide alcohol to minors during Austin Rowing Club Team Travel. Violations of this policy will be addressed under the Disciplinary Rules and Procedure and may result in the sanctions as set forth therein, including temporary suspension from competition.

Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete (unless the coach is the parent, guardian, sibling, or spouse of that particular athlete). Where an adult is registered both as a coach and an athlete member of an Austin Rowing Club team or camp, and is functioning primarily as a coach, he or she may share sleeping arrangements with another registered coach.

*a) Coach and staff responsibilities*

During team travel, coaches and staff members will help athletes; fellow coaches and staff members adhere to policy guidelines.

If a coach or staff member transports an athlete or other organization member in their private car or a vehicle rented or owned by Austin Rowing Club for team travel, a copy of the coach's or staff member's valid driver's license, vehicle registration, and proof of insurance is required.

When not practicing, training, competing or preparing for competition, coaches and staff will monitor the activities of athletes, fellow coaches and staff during team travel. Coaches and staff will:

- a. Prepare athletes for team travel and make athletes aware of all expectations;
- b. Familiarize themselves with all travel itineraries and schedules before the initiation of team travel;
- c. Conform to, and monitor for others' adherence to, this Policy and all policies during team travel;
- d. Encourage minor athletes to participate in regular, at least daily, scheduled communications with their parents/guardians;
- e. Help athletes be on time for all team commitments (as possible);
- f. Assist with team travel logistical needs (as possible);
- g. Support chaperones and/or participates in the monitoring of athletes for adherence to curfew restrictions set based on age and competition schedule;
- h. Ensure athletes are complying with hotel room restrictions based on gender or age bracket requirements;
- i. Make certain that athletes are not alone in a hotel room with any adult apart from a family member; this includes coaches, staff, and chaperones;
- j. Not use drugs or alcohol in the presence of minors or be under the influence of alcohol or drugs while performing their coaching duties;
- k. Immediately report any concerns about physical or sexual abuse, misconduct, or policy violations; and
- l. notify parents before taking any disciplinary action against a minor athlete if the athlete is traveling without his or her parents.

*b) Chaperone responsibilities*

Chaperones accompany team travel to ensure that the athletes, coaches, staff, and volunteers adhere to the Austin Rowing Club's policy guidelines. While these include the travel policy, it also includes all other relevant policies contained in Austin Rowing Club's Participant Safety Handbook.

If a chaperone has not undergone a criminal background check and Austin Rowing Club's awareness training, the chaperone will not be permitted to have any one-on-one interactions with athletes or other youth participants. If a chaperone has undergone a criminal background check and awareness training, he or she may have appropriate one-on-one interactions as outlined in this Policy.

If a chaperone will be operating a private car for team travel, a copy of the chaperone's valid driver's license, vehicle registration, and proof of insurance is required.

Chaperones will monitor the activities of all coaches, staff members, volunteers, and athletes during team travel. Specifically, chaperones will:

- a. Familiarize themselves with all travel itineraries and schedules before team travel;
- b. Monitor for adherences to club policies during team travel;
- c. Encourage minor athletes to participate in regular, at least daily, scheduled communications with their parents/guardians;
- d. Help athletes be on time for all team commitments (as possible);
- e. Assist coaches, staff, and other volunteers with team travel logistical needs (as possible);
- f. Monitor athletes for adherence to curfew restrictions set based on age and competition schedule;
- g. Ensure athletes comply with hotel room restrictions based on gender or age bracket requirements;
- h. Not use drugs or alcohol in the presence of minors or be under the influence of alcohol or drugs while performing their chaperone duties;
- i. Make certain that athletes are not alone in a hotel room with any adult apart from a family member; this includes coaches, staff, and chaperones; and

j. Immediately report any concerns about sexual and physical abuse, misconduct, or policy violations to a Austin Rowing Club administrator or a member of Austin Rowing Club's Ethics Committee.

### **III. Criminal Background Checks**

Austin Rowing Club shall require criminal background checks for those individuals it formally authorizes, approves or appoints (a) to a position of authority over or (b) to have frequent contact with athletes. For purposes of clarification, Austin Rowing Club is considered to formally authorize, approve, or appoint an individual in instances where Austin Rowing Club has control over the appointment process.

#### **A. Applicant Screening**

Staff members, contractors and volunteers must consent to, and pass, a formal applicant screening process before performing services for Austin Rowing Club. Elements of the Club's screening process include, as applicable, successful completion of an application, interview, reference check, and criminal background check.

To deter applicants who may be at risk of abusing athletes or participants from applying for positions, Austin Rowing Club educates its applicants about its protection policies and offers applicants an early opt-out by:

- Requiring awareness training before working with athletes and participants;
- Informing applicants about our policies and procedures relevant to prevention;
- Asking applicants to review and agree to our policies and procedures before proceeding with the process; and
- Requiring applicants to sign a document acknowledging review of our policies and procedures.

#### **B. Written Applications**

Each applicant for a position will complete an application form consisting of personal, identifying information and a general release with applicant's signature.

The written application will:

- Ask about previous work and volunteer experiences;
- Ask questions intended to elicit information concerning high-risk behaviors;

- Provide a written release for contacting personal references and performing a criminal background check, including an indemnification clause;
- Ask open-ended questions that encourage broad answers; and
- Use disclosure statements to ask applicants about previous criminal arrests or convictions for sexual offenses, violence against youth, and other violent criminal offenses or felonies.

### **C. Personal Interview**

For employee applicants, appropriate staff will interview employee applicants whose experience and credentials are considered a fit for available positions.

During this interview, Austin Rowing Club will ask questions to encourage discussion, clarify responses, and expand on the applicant's answers to questions from the written application.

### **D. References**

References of applicants will be contacted (either by phone or in writing) and asked specific questions regarding the applicant's professional experiences, demeanor, and appropriateness for involvement with minor athletes and participants.

### **E. Release**

Each applicant also will provide a signed release, consistent with federal and Texas laws regulating employment practices, that allows references to speak freely about the applicant's qualifications without fear of reprisal and authorizing Austin 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).

### **F. Criminal Background Check Policy**

All applicants (staff and volunteer as defined herein) will be asked to undergo a criminal background check that complies with the Fair Credit Reporting Act and any applicable state law before providing services for Austin Rowing Club. Through this criminal background check, Austin Rowing Club will utilize reasonable efforts to ascertain past criminal history of an applicant.

## **1. Process**

The Criminal Background Check Consent and Waiver Release form must be submitted and the applicant cleared by the third party provider before he or she may perform services for Austin Rowing Club. Upon expressing an interest in applying, the applicant's name will be provided to the third party provider.

Austin Rowing Club will request that its vendor will provide the applicant with the Criminal Background Check Consent and Waiver Release form, and perform the criminal background check. As part of its criminal background check, Austin Rowing Club will, at a minimum and without limitation,

- (1) Perform a national search of state criminal repositories;
- (2) Perform a search of state sexual offender registries; and
- (3) Verify a person's identification against his or her social security number or other personal identifier.

## **2. Potentially Disqualifying Factors**

### ***a) Criminal History***

Austin Rowing Club will use a criminal background check to gather information about an applicant's prior criminal history. The information revealed by the criminal background check may disqualify an applicant from serving as a staff member, contractor, or volunteer. Information that could disqualify an applicant includes, but is not limited to, pleas of no contest and criminal convictions—especially if the underlying criminal behavior involved sex or violence.

### ***b) Pending Court Cases***

No affirmative decision will be made on an individual's eligibility for work as a new staff member, contractor, or volunteer if there is a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case's pendency, the organization undertakes an independent investigation and conducts a hearing, any determination may be used to determine the eligibility of the individual.

### ***c) Full Disclosure***

Each applicant has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest plea or conviction history in an application or any other information provided by an applicant during the screening process is grounds for employment, volunteer, and/or

membership revocation or restriction, regardless of when the offense is discovered.

- If an applicant (1) is arrested, (2) pleas, or (3) is convicted of a crime other than a traffic offense during the screening process, the applicant is required to disclose such information immediately.
- In the event a person is serving as a staff member, contractor, or volunteer and (1) is arrested, (2) pleas, or (3) is convicted after the completion of the screening process, he or she has an affirmative duty to disclose such information immediately to his or her supervisor or Austin Rowing Club administrator.
- Any applicant who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification for potential applicants.

### **3. Findings**

Notice of findings will be provided to designated staff contact at Austin Rowing Club who administers applications and the chair of the Board Ethics Committee.

Austin Rowing Club's criminal background check report will return a "red light" or "green light" score. A green light score means that the background check vendor located no records that would disqualify the applicant. 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 an interview, reference checks, and a completed application.

A red light finding means the criminal background check revealed criminal records that suggest the applicant "does not meet the criteria" and is not suitable for organization employment or volunteer assignment.

Individuals who are subject to disqualification under a "red light" finding may challenge the accuracy of the reported information reported by the criminal background check vendor.

### **4. Appeal of Criminal Background Result**

Should an applicant wish to contest the content of a record provided to the applicant as part of the Austin Rowing Club background search, the applicant may seek an appeal of the record with the third party provider pursuant to the Fair Credit Reporting Act or applicable state law.

Employment: Austin Rowing Club may use the determinations provided by the third party provider, in accordance with the Austin Rowing Club Employee

Handbook, as well as applicable Federal and State Law, to determine a staff member's or contractor's eligibility for employment with Austin Rowing Club.

Participation: Austin Rowing Club may use the determinations provided by the third party provider, in accordance with the Austin Rowing Club Internal Policies and this policy, to determine an individual's eligibility for participation in any Austin Rowing Club sanctioned events and/or activities.

Should a volunteer contest a Austin Rowing Club decision to deny participation based upon a "Red Light" finding resulting from the background search, the volunteer has the right to appeal the decision pursuant to the Austin Rowing Club Internal Policies and this policy.

## **5. Frequency of Criminal Background Checks**

Criminal background checks will be refreshed every two years, or as otherwise required by law, for staff members and/or volunteers who are 18 years of age or older and perform services for Austin Rowing Club.

## **G. Affirmative Duty of Disclosure**

If, during the course of employment or participation in Austin Rowing Club's program, a staff member or volunteer is accused, arrested, indicted, or convicted of a criminal offense against a child, it is the duty and responsibility of the staff member to notify an immediate supervisor, or in the case of a volunteer, to notify the Austin Rowing Club Board of Directors President or Austin Rowing Club Board Ethics Committee Chair.

## **H. Other Potentially Disqualifying Factors**

Even if an applicant passes a criminal background check, other factors may disqualify an applicant. An individual may be disqualified and prohibited from providing services for Austin Rowing Club 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, a domestic order or protection;
- A history with another organization (employee, volunteer, etc.) of complaints of sexual or physical abuse of minors;
- Resigned, been terminated, 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 they may be a danger to participants in Austin Rowing Club; or
- Not met the job requirements.

### **I. Review of Disqualifiers**

Austin Rowing Club will review its disqualifiers every two years or as otherwise required or modified by law.

### **J. Records**

Austin Rowing Club secures records for a period indicated by applicable law or until the applicant is no longer affiliated with Austin Rowing Club, whichever date is later.

## **IV. Education & Training**

Austin Rowing Club shall require education and training concerning the key elements of the Club's safety program for those individuals it formally authorizes, approves, or appoints (a) to a position of authority over or (b) to have frequent contact with athletes and/or members.

Austin Rowing Club policies and procedures require mandatory reporting of abuse, misconduct, and violations of this policy by the following groups in their respective roles:

Austin Rowing Club administrative staff members;

Austin Rowing Club employed coaches;

Austin Rowing Club volunteers (including volunteer coaches);

Austin Rowing Club Board of Directors;

Austin Rowing Club committee members.

To do so, staff members (coaches, administrative, contracted) and/or volunteers (volunteer coaches, board members, and committee members) should have a basic understanding of sexual abusers, as well as "grooming," the most common strategy offenders use to seduce their victims. Using a combination of attention, affection, and gifts, offenders select a child, win the child's trust (and the trust of the child's parent or guardian), manipulate the child into sexual activity, and keep the child from disclosing abuse.

Accordingly, staff members and volunteers shall complete awareness training concerning misconduct in sport before performing services for Austin Rowing Club. Misconduct in sport includes:

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

Staff members and volunteers must successfully complete the training and quiz after the test. USRowing has partnered with the USOC to provide training free of charge through:

<http://training.safesport.org>

Password: xxxx

Those staff members and volunteers who are required to take awareness training will take athlete awareness training every two (2) years, the first training to commence no more than 30 day(s) before they have contact with athletes.

## **V. Reporting**

In the event that any staff member observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each staff member to immediately report his or her observations to an immediate supervisor, the Executive Director, or the Austin Rowing Club Board of Directors President.

In the event that any volunteer observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse or misconduct, it is the personal responsibility of each volunteer to immediately report his or her observations.

Staff members and volunteers should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities. Instead, it is the responsibility of each staff member or volunteer to immediately report suspicions or allegations of child physical or sexual abuse to an immediate supervisor, the Executive Director, or the Austin Rowing Club Board of Directors President. Complaints and

allegations will be addressed under USRowing's Disciplinary Rules and Procedure.

### **A. Willfully tolerating misconduct**

It is a violation of this policy if a staff member and/or volunteer knows of misconduct, but takes no action to intervene on behalf of the athlete(s), participant(s), staff member, and/or volunteer. Every staff member and/or volunteer is obligated under this policy to report known misconduct.

### **B. Reporting**

Although these policies are designed to reduce child sexual abuse and other misconduct, it can still occur. Staff members, and volunteers of Austin Rowing Club shall follow the reporting procedures set forth in herein. Austin 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 of reporting suspicions or allegations to the appropriate law enforcement authorities.

Staff members and volunteers are required to report policy violations, misconduct and physical and sexual abuse consistent with Austin Rowing Club's Reporting Policy. Austin 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.

Texas law requires anyone with knowledge of suspected child abuse or neglect to report it to the appropriate authorities. This mandatory reporting applies to all individuals and is not limited to teachers or health care professionals. The law even extends to individuals whose personal communications may be otherwise privileged, such as attorneys, clergy members, and health care professionals. Therefore, all Austin Rowing Club employees should be familiar with Texas law pertaining to reporting suspected child abuse or neglect.

Section 261.101 of the Texas Family Code mandates that anyone who suspects child abuse or neglect must report it immediately. The report may be made to (1) any local or state law enforcement agency; or (2) the Department of Family and Protective Services.

All persons are required to make the report immediately, and individuals who are licensed or certified by the state or who work for an agency or facility licensed or certified by the state and have contact with children as a result of

their normal duties, such as teachers, nurses, doctors, and day-care employees, must report the abuse or neglect within 48 hours.

Texas law broadly defines "abuse" and "neglect" so that every action in which a child's physical or mental health or welfare has been or may be adversely affected is potentially covered. The statute explicitly excludes an accident or reasonable discipline by a parent or guardian that does not expose the child to a substantial risk of harm. However, if there is a question whether conduct constitutes "abuse" or "neglect" always err on the side of the child's safety and report the incident.

A person acting in good faith who reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability. Failure to report suspected child abuse or neglect is a Class A Misdemeanor, punishable by imprisonment of up to one year and/or a fine of up to \$4,000. Merely reporting the incident to your supervisor or manager is insufficient.

If an employee or volunteer suspects abuse or neglect has taken place, they must immediately make a report to the Austin Police Department at 311. If there is an immediate threat, call 911.

### **C. Violations**

Every Austin Rowing Club staff member and/or volunteer must report:

- (1) Violations of this policy,
- (2) Misconduct as defined in USRowing's Athlete Protection Policy, and
- (3) Suspicions or allegations of child physical or sexual abuse.

#### ***a) Child Physical or Sexual Abuse***

Staff members at Austin Rowing Club are required to report suspicions or allegations of child sexual abuse by a colleague or co-worker, to:

- (1) the Austin Rowing Club Board of Directors President,
- (2) the Austin Rowing Club Executive Director, or
- (2) a member of Austin Rowing Club's Ethics Committee, and
- (3) where applicable, appropriate law enforcement authorities.

Volunteers at Austin Rowing Club are required to report suspicions or allegations of child sexual abuse by a colleague, Austin Rowing Club staff member, or Austin Rowing Club member, to:

- (1) the Austin Rowing Club Board of Directors President, or

- (2) a member of Austin Rowing Club's Ethics Committee, and
- (3) where applicable, appropriate law enforcement authorities.

**b) *Grooming***

Because sexual abusers “groom” children for abuse – the process used by offenders to select a child, to win the child’s trust (and the trust of the child’s parent or guardian), to manipulate the child into sexual activity and to keep the child from disclosing abuse – it is possible that a staff member and/or volunteer may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious or suspected grooming behavior should be directed to an immediate supervisor, Austin Rowing Club administrator or member of the Austin Rowing Club Ethics Committee.

**c) *Peer-to-Peer Sexual Abuse***

Approximately 1/3 of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer to peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and a Austin Rowing Club supervisor, Austin Rowing Club administrator or member of Austin Rowing Club’s Ethics Committee immediately.

**D. Reporting Misconduct and Policy Violations**

If any staff member and/or volunteer receives an allegation or observes misconduct or other inappropriate behavior, such as grooming, that is not reportable to the appropriate law enforcement authorities, it is the responsibility of each staff member and/or volunteer to report their observations to:

- (1) Their immediate supervisor,
- (2) A Austin Rowing Club administrator or
- (3) A member of Austin Rowing Club’s Ethics Committee.

Austin Rowing Club also encourages member parents, athletes and other sport participants to communicate violations of Austin Rowing Club’s Participant Safety Handbook and/or allegations and suspicions of child physical and sexual abuse to a Austin Rowing Club administrator or member of Austin Rowing Club’s Ethics Committee.

Where applicable, parents may also report to the appropriate law enforcement authorities.

### **1. To Whom to Report**

Staff members and volunteers may report to any Austin Rowing Club supervisor or Austin Rowing Club administrator with whom they are comfortable sharing their concerns. You also may report to any member of its Ethics Committee. A staff member and/or volunteer may, and in many cases must, report any allegation of child physical or sexual abuse to relevant law enforcement authorities.

### **2. How to Report**

Austin Rowing Club will take a report in the way that is most comfortable for the person initiating a report including an anonymous, in-person, verbal or written report. Regardless of how you choose to report, it is helpful to Austin Rowing Club for individuals to provide, at a minimum, (1) the name of the complainant(s); (2) the type of misconduct alleged and the name(s) of the individual(s) alleged to have committed the misconduct.

## **E. Confidentiality, anonymous reporting, and bad-faith allegations**

### **1. Confidentiality**

To the extent permitted by law, and as appropriate, Austin Rowing Club will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical and sexual abuse to the authorities.

### **2. Anonymous Reporting**

Austin Rowing Club recognizes it can be difficult for an athlete, teammate, friend or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made without the formality of completing an Incident Report Form:

- By completing the Reporting Form without including their name
- By expressing concerns verbally to a Austin Rowing Club administrator or a member of Austin Rowing Club's Ethics Committee

- Through email, or letter directed to a Austin Rowing Club administrator or a member of Austin Rowing Club’s Ethics Committee.

However, anonymous reporting may make it difficult for Austin Rowing Club to investigate or properly address allegations.

All suspicions of child physical or sexual abuse will be reported to the appropriate law enforcement authorities.

### **3. “Whistleblower” Protection**

Regardless of outcome, Austin Rowing Club will support the complainant(s) and his or her right to express concerns in good faith. Austin Rowing Club will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of our Participant Safety Handbook and grounds for disciplinary action.

### **4. Bad-Faith Allegations**

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of our Participant Safety Handbook and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

## **F. How reports are handled**

An independent investigation can harm youth and/or interfere with the legal investigative process. As such, Austin Rowing Club, its staff members and/or volunteers do 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, Austin Rowing Club may ask a few clarifying questions of the minor or person making the report to adequately report the suspicion or allegation to law enforcement authorities.

When an allegation of child physical or sexual abuse is made against a staff member, youth and/or volunteer, Austin Rowing Club may immediately remove that individual from contact with any children in the program until the allegation has been investigated by an official agency. As necessary, the Austin Rowing Club CEO may suspend or change the assignment of a staff member and/or volunteer without a hearing.

A staff member or volunteer’s failure to report to a supervisor, a Austin Rowing Club administrator or member of the Ethics Committee is a violation of this

policy and grounds for termination of a staff member and/or dismissal of a volunteer.

Austin Rowing Club addresses internally alleged policy violations and misconduct – bullying, harassment, hazing, emotional, physical and sexual – that are not reportable under relevant state or federal law. Staff members and volunteers must report policy violations and misconduct to an immediate supervisor, Austin Rowing Club administrator or member of the Ethics Committee.

Austin Rowing Club may also investigate allegations of child physical or sexual abuse that are reportable, if such investigation does not interfere with any ongoing criminal investigation or prosecution for abuse. Such allegations may include:

- Emotional abuse;
- Abuse reported outside the relevant statutes of limitation; and
- Allegations of abuse that were reported to authorities, but: (a) legal authorities did not press criminal charges; (b) criminal charges were filed, but not pursued to trial; or (c) the alleged offender was acquitted at trial.

## **G. Notification**

Following Austin Rowing Club's notice of a credible allegation that results in the removal of an employee, coach or other volunteer, Austin Rowing Club may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. In Austin Rowing Club's discretion, as appropriate, and after consultation with counsel, Austin Rowing Club may notify its staff members, contractors, volunteers, parents, and/or athletes of any allegation of child physical or sexual abuse or other criminal behavior that (1) law enforcement authorities are actively investigating; or (2) that Austin Rowing Club is investigating internally. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

## **H. Responding to interactions**

While Austin Rowing Club has a formal reporting policy, staff members, and volunteers should be prepared to respond immediately to inappropriate or harmful behavior, potential risk situations and potential boundary violations.

Staff members and volunteers will redirect inappropriate behaviors to promote positive behaviors, confront inappropriate or harmful behaviors, and report behaviors if necessary.

## VI. ENFORCEMENT

Austin Rowing Club shall have a grievance process, which is materially free of bias and conflicts of interest, to address allegations of misconduct following the report or complaint of misconduct, which has not been adjudicated under a criminal background check. The grievance process, whether by policy or operation of law, shall include the opportunity for review by a disinterested individual or body. Austin Rowing Club will not enter into an investigation that undermines a pending legal investigation or criminal prosecution.

On receipt of an allegation, Austin 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 or victim, (ii) the age of the accused, and (iii) the nature, scope, and extent of the allegations. Such steps may include, without limitation:

- The collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident, or the accused individual;
- Formal investigation and hearing; and
- Retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction.

Austin Rowing Club will address allegations against a staff member and/or volunteer under relevant organizational policies (e.g., Employment Policies and Procedures, and Bylaws).

Austin 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. Austin Rowing Club may undertake a formal investigation and hearing at its discretion. Before taking any disciplinary action, however, Austin Rowing Club will offer the accused an opportunity to respond.

If the accused individual is a minor, Austin Rowing Club will contact his or her parents or guardians.

## **A. Disciplinary action**

Sanctions for violations of this policy will be proportionate and reasonable under the circumstances. In addition to day-to-day guidance, Austin Rowing Club may take the following disciplinary actions, without limitation:

- Inform the individual's direct-line supervisor or in the case of a minor, the minor's parent or guardian;
- Provide the individual with guidance, redirection and instruction;
- Temporary suspension from competition and/or participation;
- File a formal incident report;
- Issue a verbal warning;
- Issue a written and/or final written warning;
- Implement a limited access agreement (e.g., limiting an individual's access to areas of the boathouse or to youth);
- Provide informed supervision, where at least one staff member is informed of the allegation and is instructed to supervise vigilantly the accused individual in his or her interactions with the program and/or organization;
- Engage in restorative practices (i.e., creation of a respectful and safe dialogue when a misunderstanding or harm has occurred); or
- Suspend or terminating employment or membership.

## **B. Ongoing employment and/or participation**

On receipt of a credible and specific allegation of child abuse or other serious misconduct (e.g., physical and sexual abuse as defined in this policy), Austin Rowing Club may immediately suspend or terminate the accused individual to ensure participant safety.

## **C. Complainant protection**

Regardless of outcome, Austin Rowing Club will support the complainant(s) and his or her right to express concerns in good faith. Austin Rowing Club will not encourage or tolerate attempts from any individual to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith. Such actions themselves will be grounds for disciplinary action.

## **D. Bad-faith allegations**

Any individual who alleges misconduct under this policy that, upon review, is determined to be malicious, frivolous, or made in bad faith will be a violation of this policy. Bad-faith reports may also be subject to criminal or civil proceedings.

## **E. Suspension before final resolution**

If the reported complaint or employment/membership decision by Austin Rowing Club indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, Austin Rowing Club may wish to suspend the accused individual pending final resolution of the complaint to eliminate any danger to an athlete, sport participant or other individual. In such instances, Austin Rowing Club will provide the individual with notice and offer her/him an opportunity to contest the suspension.

Austin Rowing Club may suspend the accused individual where there is a reasonable belief that the individual has committed emotional, physical, or sexual misconduct. Evidence that may be found sufficient to support a reasonable belief includes, at a minimum:

- An Incident Report Form with specific and credible information; or
- Other legal documentation or report supporting a reasonable belief that the individual has committed emotional, physical, or sexual misconduct, including abuse of a child (e.g., a criminal indictment).

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of Austin Rowing Club.

Any suspension before final resolution may be appealed to the Austin Rowing Club Board of Directors at the written request of the accused individual within 10 days of the suspension.

## **F. Investigation**

As appropriate, and at its discretion, Austin Rowing Club may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct).

However, Austin Rowing Club anticipates that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of

behavior that warrant significant sanctions. Accordingly, Austin Rowing Club anticipates that this disciplinary procedure will be used rarely.

If an investigation is conducted, the complainant, victim, and accused individual shall have the right to:

- a) Receive written notice of the report or complaint, including a statement of allegations;
- b) Present relevant information to the investigator(s); and
- c) Legal counsel, at his or her own expense.

## **G. Hearing**

### **1. Procedural Safeguards**

In every case where a hearing is warranted pursuant to this policy, adjudication shall be conducted that shall conform to the provisions and principles set out hereafter. However, deviations in one or more of the procedural safeguards are permitted, provided the following conditions are satisfied:

- a) The individual is informed of the allegations and evidence brought against him or her in writing by Austin Rowing Club;
- b) The individual is given a reasonable opportunity to respond to the allegations brought forward;
- c) The individual may be represented by legal counsel at his or her expense;
- d) The panel member(s) who make the determination are free of conflicts of interests and render an unbiased decision; and
- e) There is a right to appeal the panel's decision.

### **2. Preliminary Determination**

On receipt of a disclosure and/or additional information made pursuant to this policy, if the Austin Rowing Club President is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable, and persuasive evidence to support the complaint alleging emotional, physical, or sexual misconduct, he or she shall notify the Austin Rowing Club Grievance Panel by filing a petition.

### **3. Notice**

The accused individual will be notified of a specific date and time to ensure that he or she is available for the hearing. Unless the Grievance Panel requires the

individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

#### **4. Timing**

The Grievance Panel shall have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the Grievance Panel may render an expedited determination.

#### **5. Evidence**

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Panel to consider. The Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Grievance Panel.

The Grievance Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

#### **6. Findings and Sanctions**

The Panel has the discretion to impose sanctions on the individual if it finds, based on a preponderance of the evidence that emotional, physical, or sexual misconduct has occurred. The Panel will communicate its finding to the individual.

Any sanctions imposed by the Panel against the individual must be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Grievance Panel shall consider:

- a) The legitimate interest of Austin Rowing Club in providing a safe environment for its participants;

- b) The seriousness of the offense or act;
- c) The age of the accused individual and alleged victim when the offense or act occurred;
- d) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct;
- e) The effect on the Austin Rowing Club's reputation;
- f) Whether the individual poses an ongoing concern for the safety of Austin Rowing Club's athletes and participants; and
- g) Any other information, which in the determination of the Panel, bears on the appropriate sanction.

Sanctions may range from a warning and a reprimand to suspension from sport involvement with Austin Rowing Club for a period of time. Suspensions from sport involvement with Austin Rowing Club may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from Austin Rowing Club.

For the purposes of this policy, a suspension from sport involvement shall mean that the individual may not participate in any capacity or in any role in the business, events, or activities of Austin Rowing Club for the duration of the period of suspension.

## **7. Confidentiality**

The conduct of the hearing will be private. If the Panel determines that the individual has violated policy, it may publish its decision or a brief summary of its decision, unless the accused is a minor.

However, if the individual appeals, the summary of the panel's decision will not be disclosed until an appellate decision has been made.

If the Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

## **H. Appeal**

If the individual disagrees with the finding or sanction of the panel and wishes to appeal, he or she may file an appeal with the Austin Rowing Club Board of Directors within 10 days of the Panel's finding. On appeal, the Austin Rowing Club Board of Directors will address the merits of the decision de novo, and not the process that was utilized. A decision rendered by the Austin Rowing Club Board of Directors shall be final and binding on all parties.

## **I. Monitoring compliance with policies and procedures**

By monitoring the interactions among staff, volunteers, athletes, and others, Austin Rowing Club works to prevent, recognize, and respond to inappropriate and harmful behaviors as set forth in our Participant Safety Handbook, while reinforcing appropriate behaviors.

### **1. Monitoring Methods**

Austin Rowing Club utilizes multiple monitoring methods to observe how individuals are interacting, including without limitation (1) formal supervision, including regular evaluations; (2) informal supervision, including regular and random observation (e.g., roving and checking interactions throughout practices); and (3) maintaining frequent contact with staff members, volunteer and athletes who interact off-site.