

2017 Durham Boat Club

PARTICIPANT SAFESPORT HANDBOOK/GUIDELINES

INTRODUCTION

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; they have higher graduation rates and are more likely to attend college.

Unfortunately, sport can also be a high-risk environment for misconduct, including child 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

All forms of misconduct are intolerable and in direct conflict with the ideals of Durham Boat Club (DBC).

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.

DBC is committed to improving the development, safety of athletes and participants involved in sport.

DEFINITIONS

Child, children, minor and youth

- Anyone under the age of 18.
- Here, "child," "children," "minor" and "youth" are used interchangeably.¹

Child physical abuse

- Non-accidental trauma or physical injury caused by contact behaviors, such as punching, beating, kicking, biting, burning or otherwise harming a child. Child physical abuse may also include non-contact physical misconduct as described in the Athlete Protection Policy.
- Legal definitions vary by state. To find guidelines concerning your state, visit the Child Welfare Information Gateway (www.childwelfare.gov).

Child sexual abuse

- Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. This includes sexual contact with a minor that is accomplished by deception; manipulation, force or threat of force regardless of whether there is deception or the child understands the sexual nature of the activity. Sexual contact between minors can also be abusive if there is a significant imbalance of power or disparity in age, development or size, such that one child is the aggressor. The sexually abusive acts may include sexual penetration; sexual touching or non-contact sexual acts such as verbal acts, sexually suggestive written or electronic communications, exposure or voyeurism.²
- Legal definitions vary by state. To find guidelines concerning your state, visit the Child Welfare Information Gateway (www.childwelfare.gov).

Misconduct

Conduct which results in harm, the potential for harm or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sport: emotional, physical and sexual misconduct, bullying, harassment and hazing.

Participants

Participants are minors who participate in a sport activity through **DBC** (e.g., athletes, officials or referees).

Participant Safety Handbook

A set of guidelines related to **DBC's** strategy for recognizing, reducing, and responding to child sexual abuse and other misconduct in sport.

TRAINING AND EDUCATION

DBC policies and procedures require staff members and/or volunteers to report abuse, misconduct and violations of its Participant Policy. To do so, staff members (coaches, riggers, admin, support staff at boathouses) and/or volunteers (volunteer coaches, parent chaperones, referees, other volunteers) 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, offender's 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/or volunteers complete an awareness training concerning misconduct in sport before performing services for **DBC**. Misconduct in sport includes:

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

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

APPLICANT SCREENING

Staff members, contractors and/or volunteers must consent to, and pass, a formal applicant screening process before performing services for **DBC**.

Elements of our screening process include, as applicable, successful completion of an application, interview, reference check and criminal background check.

EDUCATION ABOUT DBC'S PROTECTION POLICIES

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

- Requiring awareness training before placement and/or 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
- Requiring applicants to sign a document acknowledging review of our policies and procedures

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 illicit 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
- 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

PERSONAL INTERVIEW

Appropriate staff will interview applicants whose experience and credentials are considered a fit for available positions. During this interview, **DBC** will ask questions to encourage discussion, clarify responses and expand on the applicant's answers to questions from the written application.

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.

RELEASE

Each applicant will also 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 **DBC** 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).

CRIMINAL BACKGROUND CHECK POLICY

All applicants will be asked to undergo a criminal background check that complies with the Fair Credit Reporting Act **before** providing services for **DBC**. Through this criminal background check, **DBC** will utilize reasonable efforts to ascertain past criminal history of an applicant.

PROCESS

The Criminal Background Check Consent and Waiver Release form must be submitted and the applicant cleared before he or she may perform services for **DBC**.

On receipt of the Criminal Background Check Consent and Waiver Release form, the **DBC** will request that its vendor perform the criminal background check. As part of its criminal background check, **DBC** 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.

POTENTIALLY DISQUALIFYING FACTORS

Criminal History

DBC 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 and/or volunteer.

Information that could disqualify an applicant includes, but is not limited to, arrests, pleas of no contest and criminal convictions—especially if the underlying criminal behavior involved sex or violence.

Pending Court Cases

No decision will be made on an individual's eligibility for work as a new staff member, contractor and/or volunteer if they have 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 disqualify the individual.

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 **DBC** 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.**

FINDINGS

Notice of findings will be provided to:

- (1) The designated contact of [TITLE/ **DBC**] that submitted the application;
- (2) [OTHER DESIGNATED AUTHORITY/ **DBC**, WHERE RELEVANT];
- (3) [OTHER DESIGNATED INDIVIDUALS, WHERE NECESSARY TO PROTECT THE SAFETY OF MINORS]

ORGANIZATION'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 **green light** finding does not mean that an individual is safe to work with children. Instead a **green light** indicates that no criminal history was found that would disqualify the individual from working with children.

A **red light** finding means the criminal background check revealed criminal records, which 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.

APPEAL TO ORGANIZATION

If an individual receives a red light finding and wants to contest **DBC’s** decision not to accept his or her application based on the red light finding, the individual may request a hearing before **DBC’s** Review Panel.

The Review Panel will communicate its finding to the individual. If the individual disagrees with the finding of the Review Panel, he or she may request an appeal. A decision rendered as a result of the appeal shall be final and binding on all parties.

DISCRETION

If any discretion is exercised in the application of this policy, it shall be exercised in a uniform manner so that substantially similar convictions and circumstances result in substantially similar treatment of applicants.

FREQUENCY OF CRIMINAL BACKGROUND CHECKS

Criminal background checks will be refreshed every 5 years or as otherwise required by law, for staff members and/or volunteers who are 18 years of age or older and hired coaches for **DBC**.

AFFIRMATIVE DUTY TO DISCLOSE

If, during the course of employment or participation in **DBC’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 or volunteer to notify an immediate supervisor, a **DBC** administrator or a member of **DBC’s** Participant Safety Committee.

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 **DBC** 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 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 at **DBC**;
or
- Not met the job requirements

REVIEW OF DISQUALIFIERS

DBC will review its disqualifiers every two years or as otherwise required or modified by law.

RECORDS

Records are secured onsite for a period indicated by applicable law or until the applicant is no longer affiliated with **DBC**, whichever date is later.

ATHLETE PROTECTION POLICY

COMMITMENT TO SAFETY

Overview

In the event that any staff member or volunteer observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each staff member and volunteer to immediately report his or her observations to an immediate supervisor, a **DBC**.

DBC is committed to creating a safe and positive environment for athletes' physical, emotional and social development and to ensuring that it promotes an environment free of misconduct.

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 and volunteers to immediately report suspicions or allegations of child physical or sexual abuse to an immediate supervisor, **DBC** administrator. Complaints and allegations will be addressed under **DBC's** disciplinary rules state herein.

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

motivational and training methods that avoid misconduct.

Application

This Policy applies to

- **DBC** staff members and volunteers; parents; boosters
- **DBC** athletes and participants

Staff members, volunteers, athletes, parents, and other participants shall refrain from all forms of misconduct, which include:

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

PROHIBITED CONDUCT

Child Sexual Abuse

- (1) 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.*

- (2) 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.

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
- c. Acts that deny attention or support

- (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

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.

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, 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 swimming.

Examples

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);
 - (d) Providing illegal drugs or non-prescribed medications to any athlete;
 - (e) Encouraging or permitting an athlete to return to play pre-maturely following a serious injury (e.g., a concussion) and without the clearance of a medical professional;
 - (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);
 - (c) Withholding, recommending against or denying adequate hydration, nutrition, medical attention or sleep.

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

Sexual Misconduct

- (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.

Types of 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

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
 - (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.

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

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
- (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

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; (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”).

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

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; (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, disability, religion, skin color, or ethnic traits; (b) displaying offensive materials, gestures, or symbols; (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

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

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

WILLFULLY TOLERATING MISCONDUCT

It is a violation of this Athlete Protection 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.

REPORTING

Although these policies are designed to reduce child sexual abuse and other misconduct, it can still occur. Staff members, volunteers and participants of **DBC** shall follow the reporting procedures set forth in **DBC's** Reporting Policy. **DBC 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.**

VIOLATIONS

Violations of the Athlete Protection Policy shall be reported pursuant to our Reporting Policy and will be addressed under our Disciplinary Rules and Procedure.

SUPERVISION OF ATHLETES AND PARTICIPANTS

During training and competition, **DBC** strives to create two-deep leadership and minimize one-to-one interactions to create a safe training environment and to protect athletes and participants.

APPROPRIATE ONE-ON-ONE INTERACTIONS

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/or 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 gym or pool deck
- 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

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 **DBC** encourages parents and guardians to attend the training session.

PROHIBITED ONE-ON-ONE INTERACTIONS

Except as set forth above, minor athletes and participants will not be left unattended or unsupervised during **DBC** activities and **DBC** coaches, staff members and/or volunteers are prohibited from being alone with an individual athlete or participant in any room or building.

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.

APPROPRIATE PHYSICAL CONTACT

DBC adheres to the following principles and guidelines in regards to physical contact with our athletes:

Common Criteria for 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
- The physical contact is for the benefit of the athlete, not to meet an emotional or other need of an adult

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
- Releasing muscle cramps

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
- Congratulatory gestures such as celebratory hugs, “jump-arounds” and pats on the back for any form of athletic or personal accomplishment

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”)
- Lifting a fallen athlete off the playing surface and “dusting them off” to encourage them to continue competition

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
- 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.

VIOLATIONS

Violations of this policy must be reported to a supervisor, **DBC** administrator, or member of the Participant Safety Committee and violations will be addressed herein. Some forms of physical contact may constitute child physical or sexual abuse that **must be reported to appropriate law enforcement authorities.**

ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA POLICY

As part of **DBC'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. (i.e., purpose of communicating information about sculling technique critique and/or pictures /force measurement data feedback, upcoming workout, scheduling of upcoming workouts, Team events, Regattas, etc.

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

FACEBOOK, MYSPACE, BLOGS AND SIMILAR SITES

Coaches may not have athletes of **DBC's** Team join a personal social media page. Athlete members and parents can friend the official **DBC's** Team page and coaches can communicate to athlete members through the site. All posts, messages, text, or media of any kind between coach and athlete must be professional in nature and for the purpose of communicating information about team activities or for team-oriented motivational purposes.

TWITTER, INSTANT MESSAGING AND SIMILAR MEDIA

Coaches and athletes may "follow" each other. Coaches cannot "re-tweet" athlete message posts. All posts between athletes shall be related to team activities.

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 and/or volunteer, email from a coach to any athlete should come from the **DBC** website email center (the coach's return email address will contain "**@durhamboat.com**").

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.

ELECTRONIC IMAGERY

From time to time, digital photos, videos of practice or competition, and other publicly obtainable images of the athlete – individually or in groups – may be taken. These photos and/or videos may be submitted to local, state or national publications, used in **DBC** videos, posted on **DBC** or **DBC** associated websites/social media sites, or offered to the **DBC** families. It is the default policy of **DBC** to allow such practices as long such imagery is both appropriate and in the best interest of the athlete and **DBC**.

REQUEST TO DISCONTINUE ALL ELECTRONIC COMMUNICATIONS OR IMAGERY

The parents or guardians of an athlete may request in writing that in the future their child not

be contacted by any form of electronic communication by coaches (photography or videography).

MISCONDUCT

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 Policy.

VIOLATIONS

Violations of **DBC's** Electronic Communications and Social Media Policy should be reported to your immediate supervisor, a **DBC** administrator or a member of **DBC's** Participant Safety Committee for evaluation. Complaints and allegations will be addressed under **DBC's** Disciplinary Rules and Procedure.

LOCKER ROOMS AND CHANGING AREAS

The following guidelines are designed to maintain personal privacy as well as to reduce the risk of misconduct in locker rooms and changing areas.

FACILITIES

The following is a description of our practice and competition facilities to allow athletes and their families to plan their use:

We practice at: **Durham Boat Club Tank Room** and the adjacent **Lamprey River**.

These locations have a men's and ladies bathroom that can be used for changing facilities. Athletes should expect to shower at home, however.

We have no home races.

When we travel for competition the facilities may differ from location to location. We will work with the host team to provide as much information about the locker room and changing areas as early as possible, and post that information as soon as it's available.

MONITORING

Coaches and staff make every effort to recognize when an athlete goes to the locker room or changing area during practice and competition and, if they do not return in a timely fashion, we will check on the athlete's whereabouts.

We discourage parents from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent. If this is necessary, parents should let the coach or administrator know about this in advance.

If an athlete needs assistance with his or her uniform or gear (for example, a child under the age of eight), or an athlete's disability warrants assistance, then we ask that parents let the coach or an administrator know beforehand that he or she will be helping the athlete.

MIXED-GENDER TEAMS

If the team consists of both male and female athlete, both female and male privacy rights must be given consideration and appropriate arrangements made. Where possible, **DBC** has the male and female athletes dress/undress in separate locker rooms and then convene in a single dressing room before the game or team meeting. Once the game is finished, the players may come to one locker room and then the male and female players proceed to their separate dressing rooms to undress and shower (separately), if available. If separate locker rooms are not available, then the athletes will take turns using the locker room to change.

USE OF CELL PHONES AND OTHER MOBILE RECORDING DEVICES

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras and video cameras increase the risk for different forms of misconduct in locker rooms and changing areas. As a result, **THERE WILL BE NO USE OF A DEVICE'S RECORDING CAPABILITIES IN THE LOCKER ROOMS OR CHANGING AREAS.**

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.

TRAVEL

Travel will be a standard aspect of our competitive season and **DBC** has established policies to guide our 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.

LOCAL AND TEAM TRAVEL

We distinguish between travel to training, practice and local competition ("local travel"), and team travel involving a coordinated overnight stay ("team travel").

Local Travel

Local travel occurs when **DBC** 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, **DBC** staff members, coaches and/or volunteers, who are not also acting as a parent, should not drive alone with an unrelated athlete and should only drive with at least two other athletes or another adult at all times, unless otherwise agreed to in writing by the athlete's parent or guardian in advance of travel. In any case where a staff member and/or volunteer is involved in the 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 an athlete or participant, by, e.g., picking the athletes up in groups.

Coaches, staff members and volunteers who are also 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.

Team Travel

Team travel is overnight travel that occurs when **DBC** sponsors, coordinates or arranges for travel so that our teams can 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.

DBC makes efforts to provide adequate supervision through coaches and other adult chaperones.

For team travel, hotels and air travel will be booked in advance by **DBC**. Athletes will share rooms, with 2-4 athletes assigned per room depending on accommodations. **DBC** will also notify hotel management should any special arrangements be warranted. For instance, we will ask hotels to block pay per view channels and we will request an additional large room or suite so that our members and athletes may socialize as a group. Meetings do not occur in hotel rooms, and we will reserve a separate space for adults and athletes to socialize.

We encourage family members who wish to stay in the team hotel to do so. If family members do not stay in the team hotel, we encourage all athletes to call parents and guardians regularly and allow for any unscheduled calls by either the athlete or parent/guardian.

INDIVIDUAL TRAVEL [for SPORT INVOLVING INDIVIDUAL COMPETITION AND TRAVEL]

The nature of our sport and competition structure means that individual athletes may sometimes need to travel overnight without other athletes. Under these circumstances, we encourage minimizing one-on-one time between a coach and athlete by:

1. Traveling with an additional coach or chaperone
2. Inviting parents/guardians to travel with their athlete (for athletes under age 18)

For individual travel, we attempt to provide alternative guidelines. Depending on the nature of the travel and competition, these guidelines may include:

1. Compressing the travel schedule to reduce the number of nights athletes are away from home
2. Providing regular organizational check-in phone calls to the traveling athlete and coach

3. Encouraging more frequent and unscheduled check-in phone calls initiated by parents/guardians (for minor athletes)
4. Complying with reasonable parental requests when a child is a way from home without a guardian

When only one athlete and one coach travel to a competition, *the athlete must have his or her parents' or legal guardian's written permission in advance to travel alone with the coach.*

TRAVEL NOTIFICATION

When possible, **DBC** will provide reasonable advance notice before team travel. Notice will include the dates, location and duration of competition. Travel notice will also include designated team hotels for overnight stays as well as a contact person within **DBC**. This individual will be the point of contact to confirm your intention to travel and to help with travel details.

DBC will post specific travel itineraries when they become available. These will include a more detailed, hour-by-hour itinerary as well as contact information for team travel chaperones.

MIXED-GENDER AND MIXED-AGE TRAVEL

DBC is made up of male and female athletes across various ages. Athletes will only share a room with other athletes of the same sex and age group. Athletes will also 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. However, we rely on parents to serve as chaperones and may be limited in providing this match.

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 **DBC**, and is functioning primarily as a coach, he or she may share sleeping arrangements with another registered coach.

COACH AND STAFF RESPONSIBILITIES

During team travel, coaches and staff members will help athletes, fellow coaches and staff members adhere to policy guidelines, including, without limitation, the Travel Policy, Locker Rooms and Changing Areas Policy and Reporting Policy.

If a coach or staff member transports an athlete or other organization member in their private car for team travel, a copy of the coach's or staff member's valid driver's license 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. Supplemental information will be given to parents/guardians of athletes who are

- considered inexperienced travelers, new or relatively new to team travel, or who are under the age of 14
- b. Familiarize themselves with all travel itineraries and schedules before the initiation of team travel
 - c. Conform to, and monitor for others' adherence, the Athlete Protection 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 participate in the monitoring of athletes for adherence to curfew restrictions set based on age and competition schedule as listed in travel itinerary
 - 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
 - l. Notify parents before taking any disciplinary action against a minor athlete if the athlete is traveling without his or her parents.

CHAPERONE RESPONSIBILITIES

Chaperones accompany team travel to ensure that the athletes, coaches, staff, and volunteers adhere to the **DBC's** herein policy guidelines. While these include the travel policy,

If a chaperone has not undergone a criminal background check and **DBC'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 **DBC's** Policy stated herein.

If a chaperone will be operating a private car for team travel, a copy of the chaperone's valid driver's license 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 **DBC** 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 as listed in travel itinerary
- 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
- j. Immediately report any concerns about sexual and physical abuse, misconduct or policy violations to a **DBC** administrator.

REPORTING POLICY

Every **DBC** staff member and/or volunteer must report:

- (1) Violations of the Participant Safety Handbook,
- (2) Misconduct as defined in **DBC's** herein, and
- (3) Suspicions or allegations of child physical or sexual abuse.

As a matter of policy, DBC 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 the appropriate law enforcement authorities.

Reporting Child Physical or Sexual Abuse

Child Physical or Sexual Abuse

Staff members and/or volunteers at **DBC** are required to report suspicions or allegations of child sexual abuse by a colleague or co-worker, to:

- (1) Their immediate supervisor,
- (2) A **DBC** administrator, and
- (3) Where applicable, **appropriate law enforcement authorities.**

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, a **DBC** administrator.

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 DBC supervisor, a DBC administrator.**

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 or
- (2) A **DBC** administrator.

DBC also encourages member parents, athletes and other sport participants to communicate violations of **DBC's** Participant Safety Handbook and/or allegations and suspicions of child physical and sexual abuse to a **DBC** administrator. Where applicable, parents may also report to the appropriate law enforcement authorities.

REPORTING PROCEDURE

To Whom to Report

Staff members and volunteers may report to any supervisor or **DBC** administrator with whom they are comfortable sharing their concerns.

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.

How to Report

DBC 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 **DBC** 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.

Reporting Form

Individuals reporting child physical or sexual abuse or other misconduct may complete an Incident Report Form. Information on this form will include:

- 1) The name(s) of the complainant(s)

- 2) The type of misconduct alleged
- 3) The name(s) of the individual(s) alleged to have committed the misconduct
- 4) The approximate dates the misconduct was committed
- 5) The names of other individuals who might have information regarding the alleged misconduct
- 6) A summary statement of the reasons to believe that misconduct has occurred

DBC will withhold the complainant's name on request, to the extent permitted by law.

CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS

Confidentiality

To the extent permitted by law, and as appropriate, **DBC** 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.

Anonymous Reporting

DBC 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 **DBC** administrator.
- Through email, texts or notes left for a **DBC**.

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

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

"Whistleblower" Protection

Regardless of outcome, **DBC** will support the complainant(s) and his or her right to express concerns in good faith. **DBC** 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 our Policy and grounds for disciplinary action.

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 Safety Policy 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.

HOW REPORTS ARE HANDLED

Suspensions or Allegations of Child Physical or Sexual Abuse

Reporting to Law Enforcement and/or Child Protective Services

An independent investigation can harm youth and/or interfere with the legal investigative process. **DBC**, 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, **DBC** 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.

For mandatory reporting laws, visit www.childwelfare.gov.

Immediate Suspension or Termination

When an allegation of child physical or sexual abuse is made against a staff member, youth and/or volunteer, **DBC** 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, **DBC** may suspend or change the assignment of a staff member and/or volunteer.

In those cases where the Ted Stevens Act may apply, the accused individual will be offered a hearing. A hearing under the Ted Stevens Act will not necessarily affect **DBC's** ability to immediately suspend or terminate the accused individual from employment or performing services for organization.

A staff member or volunteer's failure to report to a supervisor, a **DBC** administrator is a violation of this policy and grounds for termination of a staff member and/or dismissal of a volunteer.

Misconduct and Policy Violations

DBC 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/or volunteer must report policy violations and misconduct to an immediate supervisor, **DBC** administrator.

DBC 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
- 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

NOTIFICATION

Following **DBC's** notice of a credible allegation that results in the removal of an employee, coach or other volunteer, **DBC** may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. In **DBC's** discretion, as appropriate, and after consultation with counsel, **DBC** 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 **DBC** is investigating internally. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

DISCIPLINARY RULES AND PROCEDURE

While **DBC** endeavors to provide support and guidance to participants on a day-to-day basis, it is also important for **DBC** to have a formal procedure for disciplinary action to address alleged violations of its policies and other inappropriate behaviors.

APPLICATION

This Policy is used to address the following allegations against staff members, athletes, participants and/or volunteers:

- Violations of **DBC's** policies; and/or
- Child abuse (emotional, physical or sexual) that does not involve an ongoing legal investigation or criminal prosecution.

DBC will not investigate an allegation of child physical or sexual abuse if it undermines or interferes with a pending legal investigation or criminal prosecution.

DISCIPLINARY RULES

DBC recognizes that there are varying levels of misconduct. For example, physical and sexual misconduct are serious violations that may result in immediate dismissal. In contrast, a youth participant who tells a single sexually risqué joke constitutes less serious misconduct and depending on the circumstances, might be dealt with more appropriately through dialogue and a verbal warning. In all cases, **DBC's** disciplinary procedures and actions will be proportionate, reasonable and applied fairly and equally.

DISCIPLINARY PROCEDURE

On receipt of an allegation, **DBC** 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.

DBC will address allegations against a staff member and/or volunteer under its Employment Policies and Procedures, Bylaws and Constitution.

DBC's disciplinary response will depend on the nature and seriousness of the incident and in extreme cases, misconduct will result in immediate summary dismissal, provided that the accused individual shall be advised of their right to a hearing. If the accused individual is a

minor, **DBC** will contact his or her parents or guardians.

DISCIPLINARY ACTION

Sanctions for violations of the Participant Safety Handbook will be proportionate and reasonable under the circumstances. In addition to day-to-day guidance, the **DBC** may take the following disciplinary actions, without limitation:

- Inform the individual's direct-line supervisor or, in the case of a youth participant, the youth's parent or guardian
- Provide the individual with guidance, redirection and instruction
- Temporary suspension from competition
- 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 certain buildings or to youth)
- Provide informed supervision, where at least one staff member is informed of the allegation and is instructed to vigilantly supervise the accused participant or stakeholder 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
- Suspend or terminate employment or membership

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 our Athlete Protection Policy), **DBC** may immediately suspend or terminate the accused individual to ensure participant safety.

COMPLAINANT PROTECTION

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

BAD-FAITH ALLEGATIONS

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

INVESTIGATION AND ADJUDICATION—*for* RESOLVING ALLEGATIONS UNDER THE TED STEVENS ACT

DBC utilizes this Investigation and Adjudication procedure to resolve those allegations that are governed by the Ted Stevens Act. A hearing under the Ted Stevens Act will not necessarily

affect **DBC's** ability to immediately suspend or terminate an accused individual.

On receipt of:

- (1) An allegation of misconduct, as defined in **DBC's** Policy that does not involve child physical or sexual abuse
- (2) An adverse employment determination by a local **DBC** for emotional, physical or sexual misconduct as set forth in **DBC's** Policy

DBC shall determine 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
- 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

Where serious allegations of misconduct are at issue (e.g., physical and sexual misconduct as defined in our Athlete Protection Policy), **DBC** may elect in its discretion to undertake a full investigation and hearing before determining the appropriate disciplinary action. **This investigation and/or hearing will in no way interfere with an ongoing criminal investigation or prosecution.**

SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint or employment/membership decision by a local member **DBC** indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, **DBC** 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, **DBC** will provide the individual with notice and offer her/him an opportunity to contest the suspension.

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

- The suspension or termination of employment or membership by one of organization's member **DBCs**
- An Incident Report Form with specific and credible information
- 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 the **DBC**.

Any suspension before final resolution may be appealed to the **DBC** Board at the written request of the accused individual within 30 days of the suspension.

INVESTIGATION

As appropriate, and at its discretion, **DBC** may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, **DBC** 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, DBC 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)
- c) Legal counsel, at his or her own expense

HEARING

Procedural Safeguards

In every case where a hearing is warranted pursuant to this Policy, an adjudication shall be conducted that shall in all cases comply with **DBC's** Policy. The adjudication shall further 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
- 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
- e) There is a right to appeal the panel's decision

Preliminary Determination

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the Incident Review Official 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 Review Panel.

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 Review 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.

Timing

The Review 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 Review Panel may render an expedited determination.

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. The Panel may also consider a local **DBC's** employment determination as evidence to be considered.

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 Review Panel.

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

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. The Panel may impose sanctions on the individual in its findings.

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 Review Panel shall consider:

- a) The legitimate interest of **DBC** 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 **DBC's** reputation
 - f) Whether the individual poses an ongoing concern for the safety of **DBC's** athletes and participants
 - 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 the **DBC** for a period of time. Suspensions from sport involvement with **DBC** may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from the **DBC**

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 the relevant organization or its affiliated members for the duration of the period of suspension.

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

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 **DBC** Board within 30 days of **DBC's** finding. On appeal, the **DBC** Board will address the merits of the **DBC** decision *de novo*, and not the process that was utilized. A decision rendered by the **DBC** Board shall be final and binding on all parties.

MONITORING YOUR STRATEGY

By monitoring the interactions among staff, volunteers, athletes, and other, **DBC** works to prevent, recognize and respond to inappropriate and harmful behaviors as set forth in our Safety Policy, while reinforcing appropriate behaviors.

MONITORING COMPLIANCE WITH POLICIES AND PROCEDURES

DBC monitors for compliance with its policies and procedures, including without limitation its Awareness Training, Travel, Locker Room and Changing Areas, and Physical Contact Policies.

MONITORING METHODS

DBC utilizes multiple monitoring methods to observe how individuals are interacting, including without limitation (1) formal supervision, including regular evaluations; and (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.

RESPONDING TO INTERACTIONS

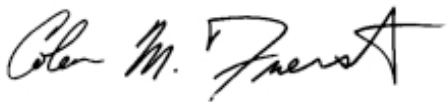
While **DBC** has a formal reporting policy, staff members and volunteers should be prepared to respond immediately to inappropriate or harmful behavior, potential risk situations and potential boundary violations.

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

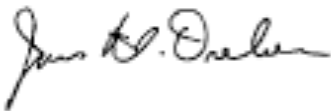
REPORTING

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

Approved by all members of the Durham Boat Club Board



01/11/17



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