

**FCST ATHLETE PROTECTION  
SAFESPORT POLICY HANDBOOK**

*Recognizing, Reducing and Responding to Misconduct in Sport*

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## **INTRODUCTION**

FIRST COLONY SWIM TEAM encourages a healthy lifestyle and builds self-confidence. Through FIRST COLONY SWIM TEAM, many people have experienced transformative fitness gains.

Unfortunately, sport, including FIRST COLONY SWIM TEAM, can also be a high-risk environment for misconduct. All forms of misconduct are intolerable and in direct conflict with FIRST COLONY SWIM TEAM ideals.

There are six primary types of misconduct covered in this Safe Sport Policy Handbook for the purpose of athlete protection:

- Sexual Misconduct
- Physical Misconduct
- Emotional Misconduct
- Bullying
- Harassment
- Hazing

Misconduct may damage an athlete's psychological well-being. Athletes who have been mistreated may experience social embarrassment, emotional turmoil, psychological scars, and loss of self-esteem, and their relationships with family and friends can be negatively affected. Misconduct often hurts an athlete's competitive performance and may cause him or her to drop out of sport entirely.

Any inquiries about the policies contained in this Safe Sport Policy Handbook should be directed to the FIRST COLONY SWIM TEAM Coach Development Senior Manager.

## **DEFINITIONS**

This section defines key words and concepts used throughout this Safe Sport Policy Handbook. The definitions set forth are intended to be universal in nature; however, some definitions vary by state. For example, the legal definition of “child abuse” is determined by each individual state. Guidelines concerning specific states may be found by visiting the Child Welfare Information Gateway [www.childwelfare.gov](http://www.childwelfare.gov).

### **Athlete:**

- Any competitor or participant that competes or participates in any FIRST COLONY SWIM TEAM licensed competition or FIRST COLONY SWIM TEAM sanctioned event.

### **Child, children, minor and youth:**

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

### **Coach**

- Any adult that has or shares the responsibility for instructing, teaching, training, or advising an athlete in the context of FIRST COLONY SWIM TEAM.

### **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: sexual misconduct, physical misconduct, emotional misconduct, harassment, hazing, and bullying.

### **FIRST COLONY SWIM TEAM Designee:**

- FIRST COLONY SWIM TEAM staff, FIRST COLONY SWIM TEAM Licensed Officials, FIRST COLONY SWIM TEAM Board Members, and any individual that FIRST COLONY SWIM TEAM formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with any athlete, including coaches.

# **POLICY 1: TRAINING AND EDUCATION**

All FIRST COLONY SWIM TEAM Designees must successfully complete awareness training concerning misconduct in sport. Misconduct in sport includes:

- Sexual Misconduct
- Physical Misconduct
- Emotional Misconduct
- Bullying
- Harassment
- Hazing

The training provides a basic understanding of the six types of misconduct.

FIRST COLONY SWIM TEAM Designees are required to successfully complete a FIRST COLONY SWIM TEAM -approved awareness program every two years.

# **POLICY 2:**

## **CRIMINAL BACKGROUND CHECK**

All FIRST COLONY SWIM TEAM Designees, ages 18 and up, shall undergo a criminal background check that complies with the Fair Credit Reporting Act. Through this criminal background check, FIRST COLONY SWIM TEAM will utilize reasonable efforts to ascertain past criminal history. The FIRST COLONY SWIM TEAM Criminal Background Check policy assists FIRST COLONY SWIM TEAM in promoting the safety and welfare of athletes.

### **PROCESS**

The Criminal Background Check Consent and Waiver Release form must be submitted to FIRST COLONY SWIM TEAM's criminal background check vendor and every FIRST COLONY SWIM TEAM Designee must be cleared before he or she may perform services for FIRST COLONY SWIM TEAM. Upon receipt of the Criminal Background Check Consent and Waiver Release form from a FIRST COLONY SWIM TEAM Designee or prospective FIRST COLONY SWIM TEAM Designee, FIRST COLONY SWIM TEAM will request that its vendor perform the criminal background check. As part of its criminal background check, FIRST COLONY SWIM TEAM will:

- (1) verify a person's identification against his or her social security number or other personal identifier;
- (2) perform a national criminal record search; and
- (3) perform a national sexual offender registries search.

### **POTENTIALLY DISQUALIFYING INFORMATION**

#### **Criminal History**

FIRST COLONY SWIM TEAM will use a criminal background check vendor to gather information about each FIRST COLONY SWIM TEAM Designee and prospective FIRST COLONY SWIM TEAM Designee's prior criminal history. The information revealed by the criminal background check may disqualify an individual from serving as a FIRST COLONY SWIM TEAM Designee. Any conviction, guilty plea, plea of no contest, deferred sentence, deferred adjudication or similar disposition of any of the following will result in disqualification:

1. Felony Crimes.<sup>1</sup>
  - a. Any felony crime involving violence against a person regardless of the amount of time since the offense.
  - b. Any felony crime of a sexual nature or classified as a sex offense regardless of the amount of time since the offense.
  - c. Any other felony crime within the past ten (10) years.
  - d. Any pending felony charge.
  - e. If a felony crime charge is pled down and the crime for which the defendant ultimately was convicted is not a felony as defined above, then it is not a felony for purposes of this policy.

<sup>1</sup> A felony crime is any crime punishable by greater than one year in jail or prison (whether or not a sentence greater than one year in prison or jail is imposed), regardless of how characterized by a jurisdiction. This includes crimes punished by a range, alternate sentencing, or indeterminate sentencing, where the outer range is greater than one year.

## 2. Misdemeanor Crimes.<sup>2</sup>

- a. Any misdemeanor crime involving violence against a person.
- b. Any misdemeanor crime of a sexual nature or classified as a sex offense including but not limited to crimes of a sexual nature such as prostitution, pornography, indecent exposure, and crimes in which sexual relations is an element regardless of the amount of time since the offense.
- c. Any two or more misdemeanor crimes involving controlled substances and/or alcohol within the past seven (7) years.
- d. Any other misdemeanor crime involving harm to a minor.

Criminal offenses include “Attempted Crimes” in the above classifications.

### **Pending Court Cases**

No decision will be made on a FIRST COLONY SWIM TEAM Designee’s or prospective FIRST COLONY SWIM TEAM Designee’s eligibility if he or she has a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case’s pendency, FIRST COLONY SWIM TEAM undertakes an independent investigation and conducts a hearing, any determination may be used to disqualify the FIRST COLONY SWIM TEAM Designee or prospective FIRST COLONY SWIM TEAM Designee.

### **Full Disclosure**

Each FIRST COLONY SWIM TEAM Designee and prospective FIRST COLONY SWIM TEAM Designee has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest, plea or conviction history is grounds for FIRST COLONY SWIM TEAM Designee status revocation or restriction, regardless of when the offense is discovered. FIRST COLONY SWIM TEAM Designees need not disclose arrests in which charges were not filed, charges were dismissed or the FIRST COLONY SWIM TEAM Designee was acquitted; however, FIRST COLONY SWIM TEAM Designees are required to disclose “non-convictions” involving deferred sentences, deferred adjudications or other similar dispositions.

- If a prospective FIRST COLONY SWIM TEAM Designee (1) is arrested, (2) enters a guilty plea or (3) is convicted of a crime other than a traffic offense during the application process, he is required to disclose such information immediately.
- FIRST COLONY SWIM TEAM Designees have the ongoing duty to disclose criminal history. In the event a FIRST COLONY SWIM TEAM Designee (1) is arrested, (2) enters a guilty plea or (3) is convicted of a criminal offense other than a traffic offense, he or she has an affirmative duty to disclose such information immediately to the FIRST COLONY SWIM TEAM Senior Governance Affairs and Human Resources Manager.
- Any FIRST COLONY SWIM TEAM Designee or prospective FIRST COLONY SWIM TEAM Designee 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.

### **FINDINGS**

Notice of findings will be provided to the Coach Development Senior Manager by the background screen vendor when it has completed the criminal background check report.



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<sup>2</sup> Misdemeanor crimes exclude civil motor vehicle infractions, violations and the like.

FIRST COLONY SWIM TEAM's criminal background check report will return a "red light" or "green light" finding. A green light finding means that the background check vendor located no records that would disqualify the individual. A green light score, however, is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist and can be revealed through other means.

A red light finding means the criminal background check revealed criminal records which suggest the individual "does not meet the criteria" and is not suitable for FIRST COLONY SWIM TEAM Designee status.

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 CRIMINAL BACKGROUND CHECK VENDOR**

Any disqualified individual has the right to dispute the findings of the criminal background check directly with FIRST COLONY SWIM TEAM's approved criminal background check vendor. A disqualified individual may not appeal the automatic disqualification or the results of the findings of the criminal background check vendor to FIRST COLONY SWIM TEAM. FIRST COLONY SWIM TEAM is required by this Criminal Background Check policy to accept the findings of the criminal background check vendor.

Individuals subject to disqualification are excluded from participation as a FIRST COLONY SWIM TEAM Designee and remain subject to further actions by T in accordance with the T Code of Ethics and Conduct.

### **EXEMPTION REQUEST TO FIRST COLONY SWIM TEAM**

Any disqualified individual has the right to seek an exemption from disqualification if his or her disqualifier falls under the misdemeanor crime categories defined in 2.a and 2.b, except in cases in which the victim(s) was a minor or an athlete, or 2.c, above. No exemption shall be available to disqualified individuals whose disqualifying misdemeanor crime under 2.a or 2.d occurred within the prior two (2) years. The individual shall demonstrate that the conviction or charge does not violate the spirit of safe sport and that he or she poses no risk to the sport.

In order to file an appeal to the FIRST COLONY SWIM TEAM SafeSport Hearing and Appeals Committee, please complete the online appeals form and submit to the Coach Development Senior Manager.

### **FREQUENCY OF CRIMINAL BACKGROUND CHECKS**

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

### **AFFIRMATIVE DUTY TO DISCLOSE**

If a FIRST COLONY SWIM TEAM Designee is accused, arrested, indicted or convicted of a criminal offense set out above or other criminal offense against a child, it is the duty and responsibility of the FIRST COLONY SWIM TEAM Designee to immediately disclose this information to the FIRST COLONY SWIM TEAM Coach Development Senior Manager.

### **OTHER POTENTIALLY DISQUALIFYING FACTORS**

Even if an individual passes a criminal background check, FIRST COLONY SWIM TEAM may determine that an individual may be disqualified and prohibited from FIRST COLONY SWIM TEAM Designee status 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; or
- 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.

### **REVIEW OF DISQUALIFIERS**

FIRST COLONY SWIM TEAM will review its disqualifying factors from time to time or as otherwise required or modified by law.

# **POLICY 3:**

## **ATHLETE PROTECTION POLICY**

### **COMMITMENT TO SAFETY**

#### **Overview**

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

In the event that any FIRST COLONY SWIM TEAM member either (i) observes misconduct as defined in this Safe Sport Policy Handbook or (ii) has reported to him or her allegations of misconduct as defined in this Safe Sport Policy Handbook, it is the personal responsibility of the individual to immediately report this to the FIRST COLONY SWIM TEAM Senior Governance Affairs and Human Resources Manager. The FIRST COLONY SWIM TEAM member should not attempt to evaluate the credibility or validity of the allegations as a condition for reporting to FIRST COLONY SWIM TEAM. When potential criminal behavior has been reported to FIRST COLONY SWIM TEAM, FIRST COLONY SWIM TEAM shall report such allegation(s) to law enforcement authorities. Complaints and allegations will be addressed under the FIRST COLONY SWIM TEAM Enforcement Policy set out below.

#### **Application**

This Athlete Protection Policy applies to all FIRST COLONY SWIM TEAM members.

FIRST COLONY SWIM TEAM members shall refrain from and are prohibited from engaging in all forms of prohibited conduct and misconduct, which include:

- Sexual Misconduct
- Physical Misconduct
- Emotional Misconduct
- Bullying
- Harassment
- Hazing

### **PROHIBITED CONDUCT**

#### **Sexual Misconduct**

Sexual misconduct is defined as:

- (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;
- (3) 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) are 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; or
- (4) 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 Athlete Protection 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 intended to provide sexual gratification;
  - (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.

- (2) **Non-touching offenses.** Behaviors that include:
- (a) discussing one’s sex life with an athlete;
  - (b) asking an athlete about his or her sex life;
  - (c) requesting or sending a nude or partial-dress photo to an 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 or recklessly exposing an athlete to sexual acts;
  - (g) deliberately or recklessly 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; or
    - b. is sufficiently severe or intense to be harassing to a reasonable person in the context.

## **Child Sexual Abuse**

Child sexual abuse is defined as:

- (1) Any sexual activity with a child. Minors cannot consent to sexual activity with an adult, and any sexual interaction between an adult and a minor is strictly prohibited. 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.

## **Physical Misconduct**

Physical misconduct is defined as:

- (1) Contact or non-contact conduct that results in, or reasonably threatens to, cause physical harm to an athlete or other sport participants
- (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 generally-accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance.

### ***Examples***

Examples of physical misconduct prohibited by this Athlete Protection 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 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, addressed below, often involve some form of physical misconduct.***

## **Emotional Misconduct**

Emotional misconduct is defined as:

- (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. threats, intimidation, stalking).

### ***Exception***

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

### ***Examples***

Examples of emotional misconduct prohibited by this Athlete Protection Policy include, without limitation:

- (1) **Verbal Acts.** (a) A pattern of verbal behaviors that attack an athlete personally in a degrading or belittling manner or (b) repeatedly and excessively yelling at a particular athlete or athletes 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) A pattern of ignoring an athlete for extended periods of time or (b) routinely or arbitrarily excluding participants from practice.

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

## **Bullying**

Bullying is defined as:

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

### ***Exceptions***

Bullying does not include group or team behaviors that are reasonably designed to (a) establish normative team behaviors, or (b) promote team cohesion.

### ***Examples***

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

- (1) **Physical behaviors.** Patterns of behavior 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.** Patterns of behavior 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 (i.e., cyber bullying).

## **Harassment**

Harassment is defined as:

- (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 Athlete Protection Policy include, without limitation:

- (1) **Physical offenses.** Patterns of behavior 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.** Patterns of behavior 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; or (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

## **Hazing**

Hazing is defined as:

- (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 are reasonably designed to (a) establish normative team

behaviors or (b) promote team cohesion.

### ***Examples***

Examples of hazing prohibited by this Athlete Protection 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.

**Comment:** Activities that fit the definition of hazing are considered to be hazing regardless of an athlete's willingness to cooperate or participate.

### **WILLFULLY TOLERATING MISCONDUCT**

It is a violation of this Athlete Protection Policy if a FIRST COLONY SWIM TEAM member knows of misconduct in violation of this Policy, but fails to report such misconduct to the FIRST COLONY SWIM TEAM Coach Development Senior Manager.

### **VIOLATIONS**

Violations of the Athlete Protection Policy shall be reported pursuant to the Reporting Policy and will be subject to penalties by the FIRST COLONY SWIM TEAM Hearing and Appeals Committee.

# **POLICY 4: REPORTING**

**FIRST COLONY SWIM TEAM members shall report any misconduct as defined in FIRST COLONY SWIM TEAM Athlete Protection Policy or this Safe Sport Policy Handbook that he or she observes or that has been reported to him or her to the FIRST COLONY SWIM TEAM Development Senior Manager in addition to law enforcement as required by any state or federal reporting requirements.**

## **“Whistleblower” Protection**

Regardless of whether the allegation(s) is proven, FIRST COLONY SWIM TEAM will support the complainant(s) and his or her right to express concerns in good faith. FIRST COLONY SWIM TEAM will not encourage, allow 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 against a complainant may be grounds for disciplinary action.

## **Bad-Faith Allegations**

Submitting a knowingly false allegation is prohibited and may violate state criminal law and civil defamation laws. Such reports will be considered a violation of FIRST COLONY SWIM TEAM Safe Sport Policy Handbook and may be subject to penalty by FIRST COLONY SWIM TEAM’s SafeSport Hearing and Appeals Committee.

## **Additional Considerations Regarding Reporting Sexual Misconduct**

### ***Grooming***

Because sexual abusers often “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 FIRST COLONY SWIM TEAM member 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 the FIRST COLONY SWIM TEAM’s Safesport Hearing and Appeals Committee.

### ***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 FIRST COLONY SWIM TEAM Coach Development Senior Manager.

## **REPORTING PROCEDURE**

### **To Whom to Report**

All reports must go to the FIRST COLONY SWIM TEAM Coach Development Senior Manager. In some cases state and federal law imposes a duty to report any allegation of child physical or sexual abuse to relevant law enforcement authorities.

### **How to Report**

FIRST COLONY SWIM TEAM 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 the method of reporting, it is helpful to FIRST COLONY SWIM TEAM to get the following information: (1) the name of the complainant(s); (2) the type of misconduct alleged; (3) the name(s) of the alleged victim(s); and (4) the name(s) of the individual(s) alleged to have committed the misconduct.

Individuals 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 alleged victim(s)
- 4) the name(s) of the individual(s) alleged to have committed the misconduct
- 5) the approximate dates the misconduct was committed
- 6) the names of other individuals who might have information regarding the alleged misconduct
- 7) a summary statement of the reasons to believe that misconduct has occurred

A copy of the FIRST COLONY SWIM TEAM Reporting Form can be found at: [https://www.team.org/- FIRST COLONY SWIM TEAM/T-for-Me/Athlete-Resources/SafeSport](https://www.team.org/-FIRST-COLONNY-SWIM-TEAM/T-for-Me/Athlete-Resources/SafeSport)

## **CONFIDENTIALITY AND ANONYMOUS REPORTING**

### **Confidentiality**

To the extent permitted by law, and as appropriate, FIRST COLONY SWIM TEAM will handle any report it receives confidentially and discretely and will not make public the names of the complaint(s), potential victim(s), or accused perpetrator(s); however, FIRST COLONY SWIM TEAM may disclose such names on a limited basis when conducting an investigation or reporting to law enforcement authorities.

### **Anonymous Reporting**

FIRST COLONY SWIM TEAM recognizes it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made without the formality of completing an Incident Report Form:

- by completing the Reporting Form without including their name; or
- by expressing concerns verbally to the FIRST COLONY SWIM TEAM Coach Development Senior

Manager.

Anonymous reporting may make it difficult for FIRST COLONY SWIM TEAM to investigate or properly address allegations.

## **HOW REPORTS ARE HANDLED**

### **Suspicious or Allegations of Child Physical or Sexual Abuse**

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

FIRST COLONY SWIM TEAM reports all allegations of child physical or sexual abuse to law enforcement authorities. FIRST COLONY SWIM TEAM does not attempt to evaluate the credibility or validity of child physical or sexual abuse as a condition for reporting to appropriate law enforcement authorities. As necessary, however, FIRST COLONY SWIM TEAM may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

\* For mandatory reporting laws, visit [www.childwelfare.gov](http://www.childwelfare.gov).

#### **Misconduct and Policy Violations**

FIRST COLONY SWIM TEAM addresses alleged Safe Sport Policy Handbook violations and misconduct, including Athlete Protection Policy violations, that are not reportable, punishable, and/or prosecuted under relevant state or federal law.

FIRST COLONY SWIM TEAM 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:

- 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; or (b) criminal charges were filed, but not pursued to trial.

## **INVESTIGATION**

Following FIRST COLONY SWIM TEAM's receipt of an allegation of Safe Sport Policy violations or misconduct, including Athlete Protection Policy violations, FIRST COLONY SWIM TEAM may investigate the allegation.

## **NOTIFICATION**

Following FIRST COLONY SWIM TEAM's receipt of a credible allegation involving Safe Sport-related misconduct, FIRST COLONY SWIM TEAM may consider the circumstances in which it will notify other parents of athletes with whom the accused individual may have had contact. In FIRST COLONY SWIM TEAM's discretion, and as appropriate, FIRST COLONY SWIM TEAM may notify relevant staff members, contractors, volunteers, parents, and/or athletes of any such allegation that (1) law enforcement authorities are actively investigating; or (2) that FIRST COLONY SWIM TEAM is investigating. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

# **POLICY 5**

## **ENFORCEMENT**

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The enforcement of the policies contained in this Safe Sport Policy Handbook fall under the jurisdiction of the FIRST COLONY SWIM TEAM Board of Hearings and Appeals. As such, Article XV of the FIRST COLONY SWIM TEAM Bylaws govern the enforcement phase and set forth the penalties that may be imposed for any violation of this Safe Sport Policy Handbook, subject to any departures deemed reasonable and necessary by the FIRST COLONY SWIM TEAM SafeSport Hearing and Appeals Committee.

Neither civil nor criminal statutes of limitation apply to reports of cases of sexual abuse under the jurisdiction of the FIRST COLONY SWIM TEAM SafeSport Hearing and Appeals Committee.