

ARTICLE 304

CODE OF CONDUCT

304.1 The mission of USA Swimming is to encourage participation and the pursuit of excellence in all aspects of swimming. USA Swimming grants the privilege of membership to individuals and organizations committed to that mission. The privilege of membership may, therefore, be withdrawn or denied by USA Swimming at any time where USA Swimming determines that a member or prospective member's conduct is inconsistent with the mission of the organization or the best interest of the sport and those who participate in it.

In order to assist all members to better serve the interests of those who participate in swimming, USA Swimming has adopted this Code of Conduct.

304.2 Any member, former member, or prospective member of USA Swimming is subject to the jurisdiction of the Board of Review. Any member, former member, or prospective member of USA Swimming may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, fined or expelled from USA Swimming for life if such person violates the provisions of the USA Swimming Code of Conduct, set forth in 304.3, or aids, abets or encourages another person to violate any of the provisions of the USA Swimming Code of Conduct. USA Swimming shall initiate an investigation of any former member of USA Swimming when a report required under 306.1 is received.

304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

Measures to be adjudicated by the USA Swimming National Board of Review

- .1 Violation of the right to compete provisions set forth in Article 301.
- .2 Discrimination in violation of the Amateur Sports Act which requires that USA Swimming

must provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in the sport of swimming. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.

- .3 Violation of any of the Athlete Protection Policies set forth in Article 305.
- .4 Violation of any of the Sexual Misconduct Reporting Requirements set forth in Article 306 or the Prohibitions against Retaliation for Good Faith Reporting of Abuse set forth in Article 307.

- .5 Conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges, for (i) any felony or (ii) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances.
6. The sale or distribution of illegal drugs or the illegal sale or distribution of any substance listed on FINA's recognized list of banned substances.
- .7 The use of illegal drugs in the presence of an athlete, by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over, that athlete.
- .8 The providing of alcohol to an athlete by a coach, official, trainer, manager or any other person where the athlete is under the legal age allowed to consume or purchase alcohol in the state where the alcohol is provided.
- .9 The abuse of alcohol in the presence of an athlete under the age of eighteen (18), by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over that athlete.
- .10 For any USA Swimming member club or coach to knowingly:
 - A allow any person who has been sanctioned with a membership suspension by the Center for SafeSport or USA Swimming to coach or instruct any of its athlete members,
 - B aid or abet coaching or instruction of athletes by any person who has been sanctioned with a membership suspension by the Center for SafeSport or USA Swimming or
 - C allow any person who has been sanctioned with a membership suspension by the Center for SafeSport or USA Swimming to have an ownership interest in such USA Swimming club or its related entities.

Measures to be adjudicated by the USA Swimming Zone Boards of Review

- .11 Any act of fraud, deception or dishonesty in connection with any USA Swimming-related activity.
- .12 Any non-consensual physical contact, obscene language or gesture, or other threatening language or conduct directed towards any meet official and which is related to any decision made by such official in connection with a USA Swimming sanctioned competition.
- .13 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:
 - A Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming, or
 - B Placed in or on any item that is sold.

In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

304.3

- .14 Violation of any team misconduct rule as established by the USOC, USA Swimming, any Zone or LSC team authority.
- .15 Any other material and intentional act, conduct or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.

Measure to be adjudicated by the U.S. Anti-Doping Agency

- .16 Violation of the anti-doping provisions set forth in 303.3.

Measure to be adjudicated by the U.S. Center for SafeSport

- .17 Violation of the SafeSport Code. [See page 192]



**SAFESPORT CODE FOR THE U.S. OLYMPIC AND
PARALYMPIC MOVEMENT**

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SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

Effective March 3, 2017

The U.S. Olympic and Paralympic Movement is committed to creating and maintaining a sport community where all persons who participate in sport programs and activities can work and learn together in an atmosphere free of all forms of emotional, physical and sexual misconduct. The U.S. Center for SafeSport's Response and Resolution Office (Office) has issued this *SafeSport Code for the U.S. Olympic and Paralympic Movement (Code)* and its appendices (collectively, *Code*) pursuant to the Center's authority under the United States Olympic Committee's (USOC) Bylaws.

Individuals within the Office's jurisdiction are responsible for knowing the information, policies and procedures outlined in this *Code* and its related policies. The Office reserves the right to make changes to this document as necessary. Once posted online, changes are effective immediately unless otherwise noted.

I. INTRODUCTION

A. Application

The *Code* applies to Covered Individuals, as defined below.

B. Online, email, cellular or other electronic media or digital conduct

The *Code* may be applied to behavior conducted online or distributed electronically using email, text messages or any other electronic medium. This includes without limitation blogs, web postings, chats and social networking sites.

C. Age and competitive level irrelevant

Except as specifically noted, the *Code* applies without respect to age or competitive level.

D. Other remedies

1. The *Code* does not replace:
 - a. the Ted Stevens Olympic and Amateur Sports Act;
 - b. the employment practices of any relevant organization; or
 - c. applicable federal or state law.
2. The *Code* does not extend or restrict a person's right to file charges or claims with any other agency, law enforcement or court. Individuals are encouraged to ensure their rights have not expired through these other avenues.

II. DEFINITIONS

The following terms, as used in the *Code* and Appendices A and B, shall have the following meaning:

A. Athlete

An individual recognized as an athlete by an NGB under its bylaws, rules, regulations, guidelines or other governing documents.

B. Bullying Behavior

Repeated and/or severe (a) aggressive behavior (b) among Minors,¹ (c) that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.

1. Forms

a. Physical

Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping; throwing objects such as sporting equipment at another person.

b. Verbal

Teasing, ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.

c. Social, including cyberbullying

Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.

d. Sexual

Teasing, ridiculing or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.

2. Rude, mean and conflict—distinguished

Conduct may not rise to the level of Bullying Behavior if it is rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons, absent a Power Imbalance, who perceive they have incompatible goals.

3. Criminal conduct

Bullying Behavior includes any conduct described as bullying under federal or state law.

C. Consent

Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Once given, Consent can be withdrawn through clear communication.

Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.

¹ Bullying-like behaviors among adults are addressed under other forms of misconduct such as Hazing and Harassment.

1. Inability to Consent

An Inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is Incapacitated.

a. Incapacitated

A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the "who, what, when, where, why or how" of the sexual interaction).

A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.

2. Inability to Refuse

An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.

a. Coercion

Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (a) frequency, (b) intensity, (c) isolation and (d) duration.

b. Force

The use or threat of physical force that overcomes free will or resistance.

c. Intimidation

Implied threats or acts that reasonably cause a fear of harm in another.

D. Covered Adult

A Covered Individual who is 18 years of age or older.

E. Covered Individual

Any individual who: (a) currently is, or was at the time of a possible violation of the *Code*, within the governance or disciplinary jurisdiction of an NGB or who is seeking to be within the governance or disciplinary jurisdiction of an NGB (e.g., through application for membership), (b) is an Athlete or Non-athlete Participant that an NGB or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) an NGB identifies as being within the Office's jurisdiction.

F. Covered Minor

A Covered Individual who is under the age of 18.

G. Criminal Disposition

Any disposition of a criminal proceeding, other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; or the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement.

H. Emotional Misconduct

Repeated and/or severe non-contact behavior involving (a) Verbal Acts, (b) Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

1. Verbal Acts

Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting; taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

2. Physical Acts

Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

3. Acts that Deny Attention or Support

Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

4. Exclusions

Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building or appropriate discipline.

5. Criminal conduct

Emotional Misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

I. Harassment

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

1. Forms

Harassment, which may be a form of Emotional, Physical or Sexual Misconduct, includes but is not limited to:

a. Discriminatory Harassment

Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

b. Stalking

Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact, surveillance or unwanted telephone and/or other electronic contact.

i. Examples

Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

c. Sexual Harassment

Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

J. Hazing

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

1. Examples

Examples of Hazing include:

a. Contact acts

Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.

b. Non-contact acts

Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.

c. Sexualized acts

Actual or simulated Sexual Conduct of any nature.

2. Criminal acts

Any act or conduct that constitutes hazing under applicable federal or state law.

K. Intimate Relationship

A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.

L. Local Affiliated Organization (LAO)

A regional, state or local club or organization that is directly affiliated with an NGB, such as a regional affiliate or a local club, or that is affiliated with an NGB by virtue of its direct affiliation with a regional affiliate or organization.

M. Minor

An individual under the age of eighteen.

N. National Governing Body (NGB)

A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the United States Olympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220529. When the USOC manages and governs a Paralympic sport, the USOC falls within this definition.

O. Non-athlete Participant

Any coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee or volunteer who participates.

P. Physical Misconduct

Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.

1. Examples

Examples of physical misconduct may include, without limitation:

a. Contact violations

Punching, beating, biting, striking, choking or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.

b. Non-contact violations

Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding,

recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the U.S. legal drinking age; providing illegal drugs or non-prescribed medications to another.

2. Criminal conduct

Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).

3. Exclusion

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

Q. Position of Power

When one person has direct supervisory, evaluative or other authority over another.

1. Examples

A person who may be in a Position of Power includes someone such as a coach, boss, employer or medical personnel.

R. Power Imbalance

A Power Imbalance may exist:

1. Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.
 - a. Whether someone occupies a Position of Power such that there is a Power Imbalance depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.
 - b. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates and the Athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).
2. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.

S. Reporting Party

In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person alleging a violation of the *Code*.

T. Responding Party

In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person who is alleged to have violated the *Code*.

U. SafeSport Code Violation (Violation)

Conduct by a Covered Individual that violates (a) this *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous LAO, NGB or USOC standards concerning the type of conduct prohibited in this *Code*; or (c) other standards accepted at the time of conduct analogous to prohibited conduct in this *Code*.

V. Sexual Conduct

Contact and non-contact behaviors of a sexual nature.

1. Contact behaviors of a sexual nature

Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.

a. Sexual Contact

Sexual contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed, of a person's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

b. Sexual Intercourse

Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue or finger; and/or (b) contact between the mouth and the penis, vulva or anus.

2. Non-contact behaviors of a sexual nature

Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking or disseminating photographs of a sexual nature.

a. Exploitation

Non-contact behavior of a sexual nature includes Exploitation (taking sexual advantage of another to benefit or gratify one's self or any person other than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking pictures or video or audio recordings of another in a sexual act or in any other private activity, without the Consent of all involved in the activity, or (d) disseminating or threatening to disseminate pictures, video recordings or audio recordings of another person in a sexual act or any other private activity.

W. Third-party Reporter

A person who reports or discloses a possible violation of the *Code*, if not the Reporting Party.

X. Third-party Reports

Reports or disclosures of a possible violation of the *Code* brought by a person other than a Reporting Party.

III. PROHIBITED CONDUCT

A. Sexual misconduct

1. Generally

Sexual misconduct offenses include:

- a. Sexual Conduct (or attempts to commit the same), without Consent.
- b. Sexual Conduct (or attempts to commit the same), where there is a Power Imbalance, regardless of purported Consent.
- c. Sexual Harassment.
- d. An Intimate Relationship involving a person in a Position of Power where a Power Imbalance exists.

2. Sexual misconduct involving Minors

Regardless of any purported Consent, a sexual misconduct offense involving a Minor includes:

- a. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is three or more years.
- b. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is less than three years, but a Power Imbalance exists.
- c. An Intimate Relationship (or attempt to establish the same) between a Covered Adult and a Minor where the age difference is three or more years and a Power Imbalance exists.
- d. Sexual Conduct between a Covered Minor and another Minor if: (1) the age difference is three or more years, or (2) there is a Power Imbalance based on the totality of the circumstances.

3. Child sexual abuse

A Covered Individual shall not engage in any behavior that constitutes child sexual abuse as defined by federal or applicable state law.

4. Criminal Disposition

It is a violation of the *Code* for a Covered Individual to be convicted of or subject to a Criminal Disposition for a crime involving (a) any form of sexual misconduct or (b) a Minor.

5. Other

A Covered Individual shall not engage in any other form of sexual misconduct, including Bullying Behaviors or Hazing of a sexual nature.

B. Other misconduct

1. Emotional or Physical Misconduct

A Covered Individual shall not engage in Emotional or Physical Misconduct. Emotional or Physical Misconduct may include Bullying Behaviors, Hazing or Harassment.

2. Proactive policies

An LAO, NGB or the USOC may adopt proactive policies that apply to Covered Individuals and set standards for professional boundaries, minimize the appearance of

impropriety and have the effect of preventing boundary violations and prohibiting grooming tactics.² Tailored to a specific sport, context, legal structure or constituency, such policies may address overnight travel rules (e.g., preventing unrelated Covered Adults and Minors from sharing rooms under specified circumstances), massages and rubdowns, social media and electronic communications, photography, locker rooms, one-on-one meetings and gifting. If a Covered Individual violates a proactive policy established by the Covered Individual's LAO, NGB or the USOC, it shall also be a violation of the *Code*.

C. Retaliation

Retaliation is any adverse action taken by a Covered Individual against a person participating in the Office's proceedings. Retaliation by a Covered Individual against a person for making an allegation, supporting a Reporting Party or providing information relevant to an allegation is a serious violation of the *Code*.³

IV. ENFORCEMENT AUTHORITY

A. Exclusive authority—sexual misconduct

The Office has the exclusive authority to investigate and resolve conduct involving (a) sexual misconduct; and (b) prohibited conduct under the *Code* that is reasonably related to the underlying allegation of sexual misconduct. Exclusive authority means (a) only the Office will investigate and manage any related arbitration involving sexual misconduct; and (b) neither the NGB nor the USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided. See Appendices A and B.

B. Discretionary authority

On the written request of the NGB or USOC, the Office may, in its discretion, accept authority over alleged violations of any prohibited conduct under the *Code*.

V. REPORTING

A. Sexual misconduct

1. Conduct by a Covered Individual that could constitute sexual misconduct should be reported to the Office as set forth in the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* (Appendix A).
2. **If an allegation involves child abuse or neglect, the matter should also be referred to the appropriate legal authorities.**

² "Grooming" describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor. Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him/her. Grooming occurs through direct, in-person and/or online contact.

³ Because the Office's authority is limited to direct or indirect actions by a Covered Individual, the power to address retaliatory discrimination or harassment is likewise limited. The Office does not have any control or authority over the conduct of others outside its jurisdiction and does not have any control or authority over the employment status of Covered Individuals. "

B. Other misconduct

1. Emotional and Physical Misconduct

Conduct by a Covered Individual that could constitute Emotional or Physical Misconduct under the *Code*, including Bullying Behaviors, Hazing and Harassment, should be reported to the relevant, promulgating organization.

2. Proactive policies

Conduct by a Covered Individual that could violate a proactive policy should be reported to the relevant, promulgating organization. If the relevant, promulgating organization is an LAO, the LAO should also report a possible violation of a proactive policy to its NGB. The NGB, in turn, should report the matter to the Office.

C. Retaliation

1. Sexual misconduct

Retaliation related to an allegation of sexual misconduct should be reported to the Office.

2. Other misconduct

Retaliation related to an allegation of other misconduct — Emotional Misconduct, Physical Misconduct, Bullying Behaviors, Hazing, Harassment or proactive policies — should be reported to the relevant, promulgating organization.