

**Bullying, Hazing, Harassment and Discrimination
Policy and Procedure
Board Approved: 04/28/2020**

Objective:

Sun Prairie Swim, Inc. (SPS) is committed to providing a safe, positive swimming environment for all athletes. The expectation is that everyone will treat each other with respect and consideration. Actions such as bullying, hazing, harassment, and discrimination create an atmosphere of fear and intimidation, detract from a safe environment, and may lead to more serious violence. Therefore, all types of bullying, hazing, harassment, and discrimination are prohibited by or to any SPS member, including athletes, applicable adults, board member, coach or volunteer.

This policy applies to all Athletes, Parents and Guardians of SPS

And “Applicable Adults” as defined by USA Center for Safe Sports:

1. All USA Swimming non-athlete members and adult athlete members;
2. Participating non-members (e.g., meet marshals, meet computer operators, timers, chaperones, etc.);
3. SPS adult staff and board members; and
4. Any other adult authorized to have regular contact with or authority over minor athletes.

1. Definitions & Conditions

A. Bullying: The USA Swimming Code of Conduct prohibits bullying. Generally, bullying is the use of aggression, whether intentional or not, which hurts another person. Bullying results in pain and distress. The USA Swimming Code of Conduct defines bullying in 304.3.7. Bullying subject to this policy is the severe or repeated use by one or more USA Swimming members of oral, written, electronic or other technological expression, image, sound, data or intelligence of any nature (regardless of the method of transmission), or a physical act or gesture, or any combination thereof, directed at any other member that to a reasonably objective person has the effect of:

1. causing physical or emotional harm to the other member or damage to the other member's property whether during a swim activity or during personal time
2. placing the other member in reasonable fear of harm to himself/herself/themself or of damage to his/her property whether during a swim activity or during personal time;

3. creating a hostile environment for the other member at any USA Swimming activity;

4. infringing on the rights of the other member at any USA Swimming activity; or

5. materially and substantially disrupting the training process or the orderly operation of any USA Swimming activity (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member club or LSC).

B. Sexually Motivated Bullying: Bullying situations which include acts such as an individual snapping another's suit, making sexual jokes, peeping in the locker rooms, simulating sexual acts etc.

C. Cyber-bullying: bullying of a member that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms, and social websites (e.g., Snapchat, Instagram, Facebook, etc.).

D. Hazing: as any intentional or reckless act which endangers the physical health or safety of an athlete/member, or is meant to induce pain or humiliation, or that results in property damage or theft and is directed against another athlete(s)/member, for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, class, club or team regardless of athlete's willingness to participate.

E. Harassment: a course of conduct, which serves no legitimate purpose, and is intended to intimidate or harass the target athlete/member.

F. Discrimination: treating an individual differently due to that individual's age, sex, race, religion/demonstration of belief or non-belief, pregnancy/maternity, sexual orientation, gender identification, disability (including, but not limited to: physical, mental, emotional or learning), or any other basis protected by state or federal law.

G. Member, or SPS Member: shall refer to any minor or adult athlete, applicable adult, board member, coach, or volunteer for the team.

2. Prohibited Circumstances: Bullying, hazing, harassment and discrimination of any athlete(s) or SPS member(s) is expressly prohibited by SPS in the following settings and/or circumstances:

A. During any program or activity conducted by or sponsored in whole or in part by SPS.

B. While being transported on a SPS provided bus or any other transportation provided by the team.

C. Accessed, created, expressed, or communicated using any electronic devices including computers, cell phones, ipads or other equipment provided by SPS, or devices made available during SPS activities including, but not limited to practice, meets, special events, or travel.

D. Accessed, created, expressed, communicated, sent, shared, or passed on through any type of technology or personal electronic device while at any SPS activities, including, but not limited to practice, meets, special events, or travel.

E. Any type of threat indicated to be carried out at a SPS event. This includes threats made outside of practice/meet events that communicate intent to be carried out during any program or activity, or on SPS provided transportation.

F. While SPS cannot assume liability for incidents that occur at times or locations not defined above, an athlete, parent/guardian, coach or witness may lodge a complaint under this policy against an athlete or Applicable Adult regardless of the location of the act/threat, and the team leadership will provide assistance and intervention as deemed appropriate, which may include parent/guardian contact and/or referral to law enforcement.

3. Coaches and SPS leadership need not wait for substantial interference with SPS activities (including but not limited to practice, meets, special events, or travel), the creation of a threatening environment, or the disruption of the operation to occur. Coaches and SPS leadership may intervene and/or discipline athletes/SPS members when it is reasonably foreseeable that bullying, hazing, harassment and discrimination poses a credible threat of creating such interference, threats, or disruption.

4. All coaches and SPS leadership must be aware of the signs of bullying, hazing, harassment and discrimination, and intervene promptly and firmly against it in accordance with this policy.

5. Any person who believes that an athlete or Applicable Adult has been the subject of bullying, hazing, harassment or discrimination shall promptly report the matter to the SPS coaches or SPS leadership. Reports of bullying or hazing may be made verbally or in writing and may be made confidentially. All reports of bullying or hazing shall be taken seriously, treated fairly and promptly, and thoroughly investigated in accordance with the below procedure. The incident will be documented. There shall be no retaliation against any person who makes a report under this policy. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

6. SPS Coaches and leadership shall take all appropriate and necessary action to eliminate bullying, hazing, harassment and discrimination up to and including disciplinary action against the offenders and/or involvement of law enforcement.

7. SPS Board shall inform athletes, parents/guardians and Applicable Adults at least annually, that bullying, hazing, harassment and discrimination will not be tolerated. Such notice shall be by annual distribution of the SPS Handbook.

8. Managing Complaints:

A. Reporting Procedure: (preliminary report)

1. An individual who feels that they have been bullied, harassed, hazed or discriminated against is encouraged to do one or more of the following things:

- a. Minor athletes should talk to their parents;
- b. Talk to a Club Coach, Board Member, or other designated individual;
- c. Write a letter or email to the Club Coach, Board Member, or other designated individual;
- d. Make a report to the USA Swimming Safe Sport staff.

2. Witnesses of bullying, hazing, discrimination or harassment must report such instances to the SPS Board Member, Coach or other designated individual.

3. When a SPS board member, coach or other designated individual is made aware of bullying, hazing, harassment or discrimination, a preliminary report shall be made to the full SPS Board.

4. Depending upon the nature, severity, and ages of individuals involved, the incident may need to be reported to local law enforcement.

B. There is no express time limit for initiating a complaint under this procedure, but every effort should be made to bring the complaint to the attention of the appropriate club leadership/Applicable Adult as soon as possible to make sure that memories are fresh and behavior can be accurately recalled and the bullying, hazing, harassing or discriminatory behavior can be stopped as soon as possible.

9. Procedure to Stop Bullying, Hazing, Harassment and Discrimination: If bullying, hazing, harassment or discrimination is occurring during team-related activities, **stop it on the spot** using the following steps:

- A. Intervene immediately. Get the help of an adult if possible.
- B. Separate the individuals involved.
- C. Make sure everyone is safe.
- D. Meet any immediate medical or mental health needs.
- E. Stay calm. Reassure the individuals involved, including bystanders.
- F. Model respectful behavior during the intervention.

10. Managing an Investigation

A. The SPS Board will delegate an individual or team who shall interview all impacted individuals and collect relevant information as necessary to determine the facts and the seriousness of the incident(s). Parents and/or guardians of each minor athlete involved in the bullying, hazing, harassment, or discrimination will be notified prior to the conclusion of the investigation. SPS Board and/or its delegate shall maintain the confidentiality of the report and any related records to the extent required by law.

1. Gather the facts
 - a. Keep all the involved individuals separate.
 - b. Obtain relevant information from all involved individuals and witnesses.
 - c. Listen without blaming.
 - d. Refrain from using words such as bullying/hazing/harassment/discrimination while conducting the investigation. The use of open ended questions is preferred.
2. Determine if the incident was a violation of this policy.

11. Full Report Upon Investigation

A. The results of the investigation shall be reported to all members of the SPS Board and other relevant coaching staff.

B. Depending upon the nature, severity, and ages of individuals involved, a report of the incident to local law enforcement may be required.

C. The parents/guardians of minor athletes involved shall be notified of the results of the investigation.

D. The SPS Board or delegated representative shall meet with the targeted individual and parent/guardian if the athlete is a minor, to understand their wishes and explain the next steps.

E. The SPS Board or delegated representative shall meet with the aggressor and parent/guardian if the athlete is a minor, to discuss the situation and determine a consequence.

12. Consequences

A. Safety Plan: In the event the SPS Board or delegated representative determine that the action or inactions of the aggressor(s) can be dealt with informally, while maintaining the safety of the victim(s), a safety plan will be developed using the SPS safety planning form.

1. Develop a Safety Plan

- a. Ask the individual to describe the problematic behavior and the impact such behavior has on the other individuals and teammates.
- b. Identify the individual's motivation and find out what made him/her act out in this manner.
- c. Explain the behavioral expectations for the individuals to remain on the team.
- d. Identify specific risks and help the individuals control his/her behavior.
- e. Demonstrate respect for individuals, and express belief in the aggressor individual's ability to control their behavior. It is very important throughout the development of the safety plan that the thoughts and feelings of both the aggressor and the targeted individual are considered. Responsibility and accountability are key components to supervision. Using statements of thoughts, feelings and lessons that have been learned when completing a safety plan are more effective and helps increase accountability.
- f. Expectations and consequences should be clear and realistic.

B. In the event more defined disciplinary actions must be taken, the disciplinary action will occur in accordance with the SPS Disciplinary Action Policy.

C. In the event of egregious or aggravated violations, the Board or President may escalate the consequence to tailor it to the conduct, rather than following the anticipated series of consequences.

D. In the event of an aggravated or egregious violation while at a team event that is causing a disturbance at the event, the most senior executive/board member, or if none present then the coach, may demand that the violating individual immediately leave the event. In the event an individual refuses to cooperate, the executive/board member or coach shall contact local authorities to address the disturbance. Final decision for suspension/expulsion will be the decision of the SPS Board. Infractions deemed aggravated or egregious may result in the athlete or individual being expelled from the team.¹

E. If offenses are deemed unlawful, then the proper authorities will be contacted.

13. Copies of the final report regarding actions taken shall be distributed to all affected individuals as decided by the SPS Board or delegated representative. All results will be retained by the SPS Board.

¹ Example of an aggravated or egregious infraction: Altercation with coach, official, parent, or swimmer, act which is a violation of the law, etc.