



**USA RUGBY  
SAFESPORT PROGRAM HANDBOOK**

**Updated – March 2020**

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## **Introduction**

USA Rugby's primary role is to provide members and participants with a safe and fun environment to play rugby. Our commitment to player welfare is paramount to this goal.

This SafeSport Program Handbook includes the various policies adopted by USA Rugby that apply to:

- All USA Rugby board, staff, interns and contractors
- All Applicable Adults, as described in the MAAPP requirements
- Certified coaches and match officials
- USA Rugby operational and governance committee members
- Registered members of USA Rugby
- USA Rugby training and education certification workforce
- Contracted medical personnel at USA Rugby sanctioned events
- Contracted medical personnel relating to USA Rugby national teams
- Volunteers acting on behalf of the USA Rugby at USA Rugby sanctioned events
- Volunteers acting on behalf of USA Rugby in conjunction with national teams
- Other individuals that USA Rugby formally approves or appoints on an ad hoc or interim basis to a position of authority over or who has frequent contact with athletes
- All Adult Athletes that have regular contact with and/or authority over minor athletes

This Handbook provides information on The U.S. Center for SafeSport (“USCSS”), and USCSS Response and Resolution Office (“Office”), Prohibited Behaviors, as well as USA Rugby’s Education and Awareness Training requirements; Screening and Background Check Program; the procedures for any person to report suspected abuse or misconduct (including protections from any retaliation or repercussions for such reporting); and the procedures and means by which USA Rugby responds to allegations of abuse and misconduct.

Through our partnership with the SafeSport Program, USA Rugby is committed to creating the safest possible environment for participation in USA Rugby. This Handbook will also reference the Minor Athlete Abuse Prevention Policies, which all Applicable Adults are expected to adhere in any event where Minor Participants are present.

This Handbook may be revised by USA Rugby at any time. This Handbook does not constitute an implied or express contract or a legally enforceable promise or representation.

## **Section I -- USA Rugby SafeSport Policies, Definitions and Prohibited Behaviors**

USA Rugby is committed to creating a safe and positive environment for its participants’ physical, emotional, and social development and ensuring it promotes an environment free from abuse and misconduct. As part of this program, USA Rugby and The U.S. Center of SafeSport (“USCSS”) have implemented policies addressing certain types of abuse, misconduct, related prohibited behaviors, and certain policies intended to prevent, reduce, monitor and govern the areas where potential abuse and misconduct might occur.

As the national governing body for Rugby in the United States, USA Rugby, to enhance SafeSport practices and resolve SafeSport violations, has agreed to comply with the SafeSport policies of the

USCSS, and has delegated the jurisdiction and discretionary authority to USSCS Response and Resolution Office (“Office”) to:

- Investigate all reports or allegations of sexual abuse or misconduct (as referenced in the provisions as defined in the USSCS Code for the U.S. Olympic and Paralympic Movement (“Code”) including its appendices;
- Issue any interim suspensions or measures pending conclusion of the investigation;
- Make recommendations of sanctions or disciplinary action as a result of such investigation;
- Adjudicate such matters.

For the most current SafeSport rules, policies and procedures, go to [www.safesport.org](http://www.safesport.org)

### **USSCS Code for the U.S. Olympic and Paralympic Movement**

The Code policies below address the following types of abuse, misconduct and related prohibited Behaviors, and set forth boundaries for appropriate and inappropriate conduct:

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

All USA Rugby members should familiarize themselves with each form of misconduct and refrain from engaging in misconduct and/or violating any of these policies.

### **Code Enforcement Authority**

#### **A. Exclusive authority—sexual misconduct**

The Office of SafeSport has the discretionary 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 (c) violations to the MAAPP requirements. Exclusive authority means (a) only the Office will investigate and manage any related arbitration involving sexual misconduct; and (b) neither the USA Rugby nor the USOPC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided. See the Code, Appendices A and B.

#### **B. Discretionary authority**

On the written request of the USA Rugby or USOPC, the Office may, in its discretion, accept authority over alleged violations of any prohibited conduct (see below) under the Code.

### **Definitions and Prohibited Behaviors**

USA Rugby has adopted the following US Center for SafeSport definitions and prohibits the following behaviors: Bullying, Emotional Misconduct, Harassment, Hazing, and Physical Misconduct which are defined in the SafeSport Code for the US Olympic and Paralympic Movement Section II.

USA Rugby has also adopted the US Center for SafeSport MAAPP requirements to aid in the prevention of misconduct. The MAAPP requirements can be found at: <http://usarugbysafesport.com/> under the US Center for SafeSport policy section.

Any alleged infraction of these definitions or *Other USA Rugby SafeSport Policies* will be considered a potential violation of USA Rugby's SafeSport Handbook and will be subject to the policies and procedures outlined in sections IV and V of this Handbook.

## **Bullying**

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

### **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.

## **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.

### **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.

### **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.

### **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.

## **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.

### **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.

### **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 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.

## 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.

**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.

## **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.

## **Sexual Misconduct**

Sexual misconduct is defined in SafeSport Code for the U.S. Olympic and Paralympic Movement Section III as:

### **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.

## **Other Definitions**

Complete definitions can be found in the Code, Section II for the following:

- Sexual Conduct
- Criminal Conduct
- Position of Power
- Power Imbalance
- Intimate Relationships
- Consent and inability to Consent
- Third Party Reporter

## **Reporting:**

See also Section IV (below)

### **A. Sexual misconduct**

1. Conduct by a Covered Individual that could constitute sexual misconduct should be reported to the Office per the SafeSport Practices & Procedures for the U.S. Olympic & Paralympic Movement (Appendix A, Section II). [safesport.org/report-a-concern](https://safesport.org/report-a-concern).
2. If an allegation involves child abuse or neglect, the matter should also be referred to the appropriate legal authorities immediately.
3. If an allegation involves alleged criminal behavior by persons of any age on persons of any age, the matter should also be referred to the appropriate legal authorities immediately.

### **B. Other misconduct**

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 the athletes or participants they coach.

### **C. MAAPP Violations**

Behavior that violates the USCSS Minor Athlete Abuse Prevention Policies should be reported to the Office either directly through the USCSS reporting form, or through the USA Rugby Reporting Form.

### **D. Retaliation**

#### **1. Sexual misconduct**

Retaliation related to an allegation of sexual misconduct should be reported to the Office. [safesport.org/report-a-concern](https://safesport.org/report-a-concern)

#### **2. Other misconduct**

Retaliation related to an allegation of other misconduct—Emotional Misconduct, Physical Misconduct, Bullying, Hazing, and Harassment should be reported to USA Rugby at [usarugbysafesport.com/](https://usarugbysafesport.com/) or to the USA Rugby SafeSport Liaison, Charlotte Garbisch [at cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or (720) 508-8037.

**In addition to reporting within USA Rugby, such persons must also report suspected child physical or sexual abuse, or any criminal behavior to appropriate law enforcement authorities when required under applicable law.**

## **Other USA Rugby SafeSport Policies**

### **Locker Room Policy**

Locker room and changing area settings may create an environment where extra diligence is required due to athletes being in various stages of dress/undress and because they are often less supervised than at other times. Athlete-to-athlete problems, such as sexual abuse, bullying, harassment or hazing, often occur when a coach or other responsible adult is not in a position to observe —this is especially true in locker rooms. Adherence to a locker room policy enhances privacy and reduces the likelihood of misconduct.

### **Locker Room Supervision**

For USA Rugby events or activities involving minors, and when reasonably practicable, USA Rugby shall provide at least one responsible screened, Safesport trained and activity related Applicable Adult be present to monitor the locker room during all team events to ensure that only coaches, athletes, and approved team personnel are permitted in the locker room (or other changing area) and to supervise the conduct in the locker room. Any individual meetings between a minor participant and a coach or other adult in a locker room shall require that a second responsible adult be present. The responsible adult that monitors and supervises the locker room shall have been screened in compliance with Section III of this Handbook. At no time should an Applicable Adult undress in the presence of a minor athlete. This includes any intentional exposure of his or her breasts, buttocks, groin, or genitals.

Further, responsible adults must also secure the locker room appropriately during times when minor participants are on the field.

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras, and video cameras increase the risk for some forms of abuse or misconduct. As a result, the use of a mobile device's recording capabilities in the locker rooms is not permitted at any USA Rugby event, provided that it may be acceptable to take photographs or recordings in a locker room in such unique circumstances as a victory celebration, team party, etc., where all persons in the locker room are appropriately dressed and have been advised that photographs or recordings are being taken.

\*In any case when minors are involved, please refer to the MAAPP policy and follow the guidelines

outlined in that policy. Any circumstance involving minors is subject to the MAAPP.

### **Social Media, Mobile and Electronic Communications Policy**

As part of USA Rugby's emphasis on participant safety, communications involving our minor participants should be appropriate, activity related, productive, and transparent. Effective communication concerning travel, practice or game schedules, and administrative issues among coaches, administrators, players and their families is critical. However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of mobile and electronic communications can result in misconduct. Adherence to the Social Media, Mobile and Electronic Communications Policy helps reduce these risks.

All electronic communication between an Applicable Adult and a minor participant, including email, text messaging and the use of social media, must be for the purpose of communicating information about team activities or other rugby-related content. Applicable Adults must follow the MAAPP guidelines regarding the volume and time of day of any allowed electronic communication with minor players

### **Abuse and Misconduct**

Social media and other means of electronic communication can be used to commit abuse and misconduct (e.g., emotional and sexual misconduct, bullying, harassment, and hazing). Such communications by anyone participating in the activities or affairs of USA Rugby will not be tolerated and are considered violations of USA Rugby's SafeSport Program.

### **Travel Policy**

A significant portion of sports participation involves overnight travel for youth teams to games and tournaments. Minor participants are most vulnerable to abuse or misconduct during travel, particularly overnight stays. This includes a greater risk of player to player misconduct. During travel, players may be away from their families and support networks, and the setting — unfamiliar locker rooms, automobiles, and hotel rooms — is less structured and less familiar. This Travel Policy provides guidelines so that care is taken to minimize one-on-one interactions between minors and Applicable Adults while traveling. Further, the policy directs how minor participants will be supervised between and during travel to and from practice and competitions. Adherence to this Travel Policy helps to reduce the opportunities for misconduct. Please note that if any guideline below that contradicts the MAAPP, Applicable adults and participants should defer to the MAAPP guidelines.

The following policies should be in effect for all USA Rugby National Team program travel that involves minor participants when reasonably practicable:

- Regardless of gender, no USA Rugby Applicable Adult should share a hotel room or other sleeping arrangement with a minor participant (unless such individual is the parent, guardian/sibling of the player).
- Players should share rooms with other players of the same gender, with the appropriate number of players assigned per room depending on accommodations.
- Individual meetings between a player and a coach, trainer, or other Applicable Adult should not occur in hotel sleeping rooms unless the door to the room remains open.
- All one on one meetings should be observable and interruptible.
- Regular monitoring and curfew checks should be made of each athlete's room.
- No USA Rugby Applicable Adult should drive alone with an unrelated minor participant.

- No USA Rugby Applicable Adult should engage in team travel without the proper safety requirements in place and on record, including valid drivers' licenses, automobile liability insurance as required by applicable state law, a vehicle in safe working order, and compliance with all state laws.
- All USA Rugby Applicable Adults travelling with a team should be familiar with the SafeSport Program Handbook to monitor compliance with all SafeSport Code and MAAPP Policies.
- No USA Rugby Applicable Adult should be impaired by alcohol or drugs while performing their respective duties.
- All players should be encouraged to make regular check-in phone calls to parents, and team personnel should allow unscheduled check-in phone calls initiated by either the player or parents. The team should make every effort to accommodate reasonable parental requests when a minor is away from home without a parent.
- Specific travel itineraries should be distributed to parents when they are available and will include a detailed itinerary as well as contact information for all team personnel and chaperones.

In addition to the policies outlined above, USA Rugby encourages its Applicable Adults, participants and local clubs to implement the following policies, as applicable:

- Team officials should obtain a signed liability release and/or indemnification form for each athlete.
- Team officials should carry a signed medical consent or authorization to treat form for each athlete.
- Curfews should be established by the team each day of the trip.
- Team members and staff traveling with the team should attend all team functions, including meetings, practices, meals, etc. unless otherwise excused or instructed by the head coach or his/her designee. The directions and decisions of coaches/chaperones are final.
- Athletes are expected to remain with the team at all times during the trip. Athletes are not to leave the competition venue, hotel, restaurant or any other place at which the team has gathered without the permission of the coach or chaperone.
- When visiting public places such as shopping malls, movie theatres, etc., athletes should stay in groups of no fewer than three persons. Aged 12 and under athletes should be accompanied by a chaperone.
- The head coach or his/her designee should make a written report of travel policy violations to the appropriate club leadership and the parent or legal guardian of any affected minor athlete.
- Any additional policies regarding maintaining participant safety and engaging in respectful behavior.

Conduct by a Covered Individual that could constitute any other type of behavior under the Code, including MAAPP policy violations, Bullying Behaviors, Hazing and Harassment, Emotional Misconduct and Physical Misconduct should be reported to USA Rugby at [usarugbysafesport.com/](http://usarugbysafesport.com/) or to the USA Rugby SafeSport Liason, Charlotte Garbisch at [cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or 720-508-8037

## **Section II — Education and Awareness Training**

Education is a key component of any abuse and misconduct prevention strategy. Awareness training provides relevant participants with information necessary to more effectively monitor their organization, minimize the opportunities for physical and sexual abuse and other types of misconduct, and respond to concerns. It is also a strong public statement that the organization places a priority on the safety of its participants.

USA Rugby's policies and procedures require USA Rugby Designees to report abuse, misconduct, and violations of its safety policies and adopted definitions (see above). To do so, Designees should have a basic understanding of sexual abuse and misconduct and the strategies that offenders use to target their victims. Often, using a combination of attention, affection and gifts, offenders target a victim, win the victim's trust (and the trust of victim's caregiver(s)), manipulate the victim into sexual activity, and keep the victim from disclosing abuse.

It is the policy of USA Rugby that before having contact with participants of any age, those coaches, referees, administrator or volunteers who (1) have direct contact with or supervision over participants; (2) are responsible for enforcing child abuse and misconduct policies; or (3) are in managerial or supervisory roles of a USA Rugby program, shall complete appropriate training about child physical and sexual abuse and other types of abuse and misconduct involving participants of any age. This includes all USA Rugby Applicable Adults that will have routine access to minor participants, including but not limited to age grade and National Team managers, locker room monitors, and any travel chaperons.

USA Rugby requires current SafeSport training and certification of the following individuals:

1. All registered coaches, including head and assistant coaches
2. All registered referees and Supporting Match Officials
3. All registered executives and administrators
4. All medical contractors working with any USA Rugby national team, or national championship event; regardless of USA Rugby membership
5. All Volunteers at international matches and tournaments or national championship events with oversight/interaction with teams or groups of volunteers.
6. All USA Rugby board, staff, contractors, interns and members of governing committees
7. All Adult athletes that have regular contact with and/or authority over minor athletes

USA Rugby will house the records of certifications in its membership database, and periodically check applicable members and participants for completion of the training. Furthermore, training must be kept up to date by successfully completing the Center's Safesport training modules every 2 years, as well as completing the annual refresher course in order to maintain compliance with USA Rugby's membership requirements.

To prevent child physical and sexual abuse and any other abuse and misconduct involving participants of any age, the training shall:

- Describe what constitutes, and potential effects of, child physical and sexual abuse
- Describe what constitutes, and potential effects of, all forms of abuse and misconduct (emotional, physical, and sexual; bullying, harassment, and hazing)
- Identify risk opportunities for child physical and sexual abuse  
Address common myths about offenders
- Outline patterns, behaviors, and methods of operation of sexual predators
- Identify risk opportunities for abuse and misconduct in sport  
Identify policies, practices, and procedures to recognize, reduce, and report misconduct

Included in the approved courses that fulfill the sexual abuse and misconduct prevention education and awareness training are:

**US Olympic and Paralympic Committee:** SafeSport - Required for all above listed participants  
**National Federation of State High School Associations:** Bullying, Hazing and Inappropriate Behaviors - Acceptable for High School Varsity Coaches only

### **Section III ----- Screening and Background Check Program**

#### **Purposes of a Screening Policy:**

- Protect USA Rugby participants from known offenders.
- Protect USA Rugby's reputation as a sport where participants are safe from abuse.
- Help protect USA Rugby from liability that could arise from allowing a previous offender to have access to participants, both minor and adult.

USA Rugby's Screening Policy includes set criteria for which a person may be disqualified and prohibited from serving as a USA Rugby Designee. Under the policy, USA Rugby will not authorize or sanction any USA Rugby Designee unless that person consents to be screened and passes a criminal background screen conducted by USA Rugby. All USA Rugby employed staff members are subject to criminal background screens and disclosure requirements in accordance with USA Rugby personnel policies and related law (in the event of conflict between such personnel policies and this Section III, the personnel policies shall govern).

#### **USA Rugby Screening**

USA Rugby shall conduct screening of its Designees as follows:

- All USA Rugby Board members shall be screened upon their election or appointment to the position and then shall be re-screened every two (2) years.
- All member coaches, referees and match officials, staff and contractors, and any other individual that USA Rugby formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes, shall be screened every two (2) years.
- USA Rugby maintains compliance on background checks through its automated process within the membership registration system. Additional checks to be performed upon a report of an issue or to confirm compliance.

As used in this Section, the term "conviction" means that a person was found guilty following a trial, entered a guilty plea or a no contest plea or was subjected to a deferred judgment or a deferred sentence, regardless of whether the plea of guilty was later removed following

successful completion of a probation or similar period.

If an individual subject to criminal history background screening is the subject of a conviction or a currently pending charge of any of the following offenses, the individual shall be disqualified from service or participation in any USA Rugby event or activity unless the disqualification is removed by USA Rugby as provided herein:

**Disqualifiers**

- Any sexual offense
- Any offense against a Child
- Any felony (in the past 10 years)
- Any misdemeanor involving violence (in the past 7 years)
- Two or more misdemeanor drug or alcohol-related offenses (in the past 7 years)

Any misdemeanor that would be considered a potential danger to children or may indicate lack of integrity or character (in the past 5 years)

USA Rugby's independent contractor's criminal background check will report if the search revealed a disqualifying criminal record that suggests the individual may be unsuitable to be a USA Rugby Designee. USA Rugby staff members may be subject to additional procedures and requirements for criminal background checks under USA Rugby's personnel policies. Background screening for employed and other staff may involve higher or different standards or procedures, as required by law.

In the event a Designee feels a mistake has been made in the criminal background report, it is the Designee's responsibility to contact the professional reporting agency (as provided for in the Fair Credit Reporting Act letter the Designee receives with its background check report) to resolve any issues. USA Rugby is not responsible for errors or omissions that may be reported on background checks.

In the event the Designee wishes to challenge the screening decision, he/she is afforded the rights to file a grievance as indicated in section 12 of the By-Laws of USA Rugby. The USA [Rugby By-Laws can be found here: www.usa.rugby](http://www.usa.rugby)

**Full Disclosure**

Each USA Rugby Designee and prospective USA Rugby Designee has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest, charge, plea or conviction history is grounds for USA Rugby Designee status revocation or restriction, regardless of when the offense is discovered. USA Rugby Designees need not disclose arrests in which charges were not filed, charges were dismissed or the USA Rugby Designee was acquitted; however, USA Rugby Designees are required to disclose offenses resulting in deferred sentences, deferred adjudications or other similar dispositions. Again, procedures for USA Rugby employed and other staff may vary depending on special concerns relating to employment and applicable legal requirements.

If a prospective USA Rugby Designee (1) is arrested or charged, (2) enters a guilty plea or (3) is convicted of a crime other than a traffic offense during the application process, or if a

criminal proceeding is pending at any time during the application process, he or she is required to disclose such information immediately.

USA Rugby Designees have the ongoing duty to disclose criminal history. In the event a USA Rugby Designee (1) is arrested or charged, (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 USA Rugby at [usarugbysafesport.com/](http://usarugbysafesport.com/) or to the USA Rugby [SafeSport Liaison, Charlotte Garbisch](mailto:cgarbisch@usa.rugby) at [cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or (720) 508-8037.

Any USA Rugby Designee or prospective USA Rugby Designee who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information immediately to the USA Rugby SafeSport Liaison Officer, Charlotte Garbisch at [cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or (720) 508-8037. A failure to disclose is a basis for disqualification

## **Section IV---Reporting of Concerns of Abuse**

An effective reporting policy encourages reports of suspected abuse and misconduct, does not in any way deter victims or witnesses from reporting abuse and misconduct, and is a key element to helping prevent abuse and misconduct from occurring. Potential abusers are more likely to avoid involvement in a program where there is a policy and program against abuse, training, and a mechanism for reporting abuse. When sport stakeholders are untrained about how and when to report suspected abuse, they may feel ill-prepared, powerless and lost when it comes to responding to and reporting misconduct. By providing this guidance on when and how to report suspected misconduct, USA Rugby seeks to remove barriers to disclosing misconduct, including child physical and sexual abuse.

### **This Section IV contains:**

- The Reporting Policy, which describes who must report violations or suspicions of potential or actual abuse or misconduct.
- The Reporting Procedure, which includes:
  - To Whom to Report (USA Rugby and/or The Office)
  - How to Report to USA Rugby;
  - Anonymous Reporting;
  - “Whistleblower” Protection; and
  - Bad Faith Allegations.
  - How Reports are Handled.
  - Notification to others, including parents of other participants.

### **Reporting Policy**

It is the policy of USA Rugby that USA Rugby Applicable Adults must report to the Office and/or The USA Rugby SafeSport Liaison Office (as set forth above): (1) suspicions or allegations of child physical or sexual abuse, (2) actual or perceived violations of the Physical Misconduct, Emotional Misconduct, Bullying, Hazing, Harassment definitions, and (3) actual or perceived violations of the USA Rugby SafeSport Program Handbook or MAAPP requirements. If USA Rugby receives a report of physical or sexual misconduct,

USA Rugby will make a report to the proper law enforcement authorities, as well as the to USCSS Response and Resolution Office.

In some case's an individual may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based, or are concerned about the potential consequences of a false report. It is critical that reporting parties not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.

### **Additional considerations regarding reporting sexual abuse or misconduct include:**

#### **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 an individual participating in the activities or affairs of USA Rugby 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 USA Rugby under this reporting procedure.

#### **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 to USA Rugby immediately.

### **Reporting Procedure**

#### **To Whom to Report**

All reports of violations of any of the USA Rugby or USCSS definitions and policies or any violations of this SafeSport Program Handbook or MAAPP requirements shall be made to USA Rugby at [usarugbysafesport.com/](http://usarugbysafesport.com/) or to the USA Rugby SafeSport Liaison, Charlotte Garbsich at [cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or (720) 508-8037. Additionally, suspicions or allegations of child physical or sexual abuse may, and in some cases must, be made to the appropriate law enforcement authorities. A compilation of information on when a person must make a report to law enforcement authorities can be found at:

- [www.childwelfare.gov](http://www.childwelfare.gov)
- [http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/mandate.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/mandate.cfm)
- [http://www.childwelfare.gov/systemwide/laws\\_policies/state/](http://www.childwelfare.gov/systemwide/laws_policies/state/)

#### **How to Report to USA Rugby**

Reports to USA Rugby can be submitted at [usarugbysafesport.com/](http://usarugbysafesport.com/) or to the USA Rugby SafeSport Liaison, Charlotte Garbsich at [cgarbisch@usa.rugby](mailto:cgarbisch@usa.rugby) or 720-508-8037.

USA Rugby 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. If reporting by email, **it is strongly encouraged that the following information be included:**

- the name(s) and contact information of the complainant(s)
- the type of misconduct alleged
- the name(s) of the individual(s) alleged to have committed the misconduct
- the name(s) of the alleged victim(s)
- the approximate dates the misconduct was committed
- the names of other individuals who might have information regarding the alleged misconduct
- a summary statement of the reasons to believe that misconduct has occurred

### **Anonymous Reporting**

Anonymous reporting may make it difficult for USA Rugby to investigate or properly address misconduct or abuse. However, USA Rugby 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.

### **“Whistleblower” Protection**

Regardless of outcome, it is the policy of USA Rugby to support the complainant(s) and his or her right to express concerns in good faith. USA Rugby will not encourage, allow or tolerate attempts from any individual, group or organization to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of the USA Rugby’s SafeSport Program and grounds for disciplinary action. However, this “Whistleblower” protection is not intended to shield complainants from discipline for engaging in other misconduct.

### **Bad-Faith Allegations**

Submitting a knowingly false allegation is prohibited and may violate state and criminal civil defamation laws. Such reports will be considered a violation of the USA Rugby SafeSport Program and grounds for disciplinary action.

### **How Reports Are Handled**

Suspicious or Allegations of Child Physical or Sexual Misconduct

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

USA Rugby shall not attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities. As necessary, however, a person receiving a report may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

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

When a SafeSport-related allegation is reported, the USA Rugby SafeSport Liaison Officer, subject to the authority of the USCSS, shall initiate an investigation into the alleged misconduct and potential policy violation(s) and may seek disciplinary

action, as provided for in Section V below.

### **Notification**

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

## **Section V --- Responding to Abuse and Other Misconduct**

In response to allegations of abuse or misconduct, the following procedures and guidelines shall apply. With these procedures, USA Rugby strives to provide a fair and reasonable process for handling reports of abuse by members.

### **This Section addresses:**

- Investigation and disciplinary proceedings following reports of suspicions or allegations of abuse or misconduct;
- Confidentiality with respect to the complaint, complainant, victim, accused, and other information related to the report and incident(s) until notice is given about a suspension or the outcome of any proceeding(s);
- The circumstances in which an emergency hearing is appropriate and the procedures following an emergency suspension; and
- A general summary of the procedures for a full hearing, including sanctions that may be issued by the Disciplinary Committee.

### **Requirements for Investigation or Disciplinary Procedures**

Upon a report or other notice of credible information or allegations that a person who may be subject to the jurisdiction of USA Rugby (1) may have engaged in actual or suspected child physical or sexual abuse; (2) may have violated any of the Sexual Misconduct policies, the report will be forwarded to the Safesport Office which has exclusive authority to investigate.

Upon a report or other notice of credible information or allegations that a person who may be subject to the jurisdiction of USA Rugby may have engaged in Physical Misconduct, Emotional Misconduct, Bullying, Harassment, or Hazing, USA Rugby will conduct an investigation and/or disciplinary proceedings to determine the appropriate discipline that may be imposed upon a covered individual. Any investigation shall be conducted by the USA Rugby SafeSport Liaison Officer or his/her designee.

Notwithstanding the foregoing, if USA Rugby receives a report of physical or sexual misconduct, USA Rugby will make a report to the proper law enforcement authorities in accordance with law. Further, USA Rugby shall not conduct any investigation or hearing procedure in response to allegations of child physical or sexual abuse if it in

any way interferes with a pending legal investigation or criminal prosecution.

### **Importance of Confidentiality**

USA Rugby strives to keep the substance of any investigation and/or disciplinary proceedings as confidential as possible until a final decision has been rendered. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, and except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law. Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome. Participants in the hearing, including members of the Disciplinary Committee, alleged offender, USA Rugby representative, victim, and any witnesses, are directed to keep the proceedings confidential, except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law. The Disciplinary Committee shall only discuss the proceedings, including testimony and other evidence presented, amongst themselves and with their professional and staff advisors and contacts, and shall deliberate among themselves to reach a decision. Complete confidentiality cannot be guaranteed, however, and hearing testimony or evidence may have to be disclosed for purposes of additional investigation, remedial or corrective action, or prevention of future misconduct, or disclosure to law enforcement or in judicial or governmental proceedings.

### **Emergency Hearings**

Upon receipt of a credible and reasonably substantiated allegation of misconduct and when such allegation suggests that the accused individual's continued participation with USA Rugby poses a risk of ongoing harm to athlete(s), USA Rugby, through its SafeSport Liaison Officer, may convene an emergency hearing of the Disciplinary Committee to determine whether the accused individual should be suspended from participation pending the outcome of a full hearing on the merits before the USA Rugby Disciplinary Committee. If an emergency hearing is ordered, the Disciplinary Committee shall conduct the hearing and publish its results within twenty-one (21) days. Until such time as the Disciplinary Committee makes a decision, the substance of all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the hearing, legal counsel and other professional advisors, witnesses, and law enforcement and other government authorities as may be required by law.

For the purposes of this Policy, a suspension from involvement in USA Rugby 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 activities or affairs of USA Rugby.

### **Full Hearings**

It is recognized that not all discipline necessarily requires a hearing. The SafeSport Liaison Officer may impose discipline for minor violations where a reprimand, training or other sanction may be imposed and a hearing would not be necessary. However, in cases where USA Rugby seeks to suspend or otherwise limit an individual's opportunity to participate in the activities or affairs of USA Rugby, USA Rugby shall provide notice to such individual of the allegations made and offer such individual a hearing on the allegations.

The accused individual shall have the right to (1) receive written notice of the report or complaint, including a statement of the allegations; (2) present relevant information to the Disciplinary Committee; and (3) be represented by legal counsel (at the party's own expense).

In connection with any hearing the accused individual must be given a reasonable opportunity to respond to the allegations brought forward. This may or may not include cross examination of the victim in the discretion of the Safesport Liaison Officer.

A hearing date shall be scheduled no more than 60 days and no fewer than 45 days after notice has been issued.

Notice of the allegation and hearing shall be provided via electronic mail, to the individual's email address on file with USA Rugby. The Disciplinary Committee may proceed in the accused individual's absence provided adequate notice has been provided.

The hearing shall be closed and confidential, to the greatest extent possible, other than for notification of the outcome, and as otherwise described herein. The hearing may be held remotely.

### **Findings and Sanctions**

The Disciplinary Committee has the discretion to impose sanctions on the accused individual if it finds that a preponderance of the evidence indicates that the accused individual has violated the USA Rugby SafeSport Program Handbook, including its Sexual Misconduct, Physical Abuse, Emotional Abuse, Bullying, Threats and Harassment, or Hazing Policies.

The Disciplinary Committee will communicate its findings in writing to the parties. The Disciplinary Committee strives to impose any sanctions in a manner that is proportionate and reasonable, relative to the findings and conclusions of the panel as to what has occurred. The decision regarding any disciplinary action shall be up to the Disciplinary Committee deciding each complaint. Discipline may range from a warning and a reprimand to suspension from involvement in USA Rugby for a period of time or permanently.

USA Rugby's By-Laws describe the process and procedures followed to file a Grievance or appeal any decision resulting from this policy. Please reference By-Laws Article XII, Rights of Grievance.

