

## **USA FENCING SAFESPORT POLICY**

### **April 15, 2019 Update**

As a member National Governing Body of the United States Olympic Committee (“USOC”), and pursuant to federal law, USA Fencing is required to adhere to the rules and regulations of the USOC and of the U.S. Center for Safe Sport (the “Center”), which has promulgated its “SafeSport Code for the US Olympic and Paralympic Movement” (the “Code”). Pursuant to USA Fencing’s Bylaws as amended effective July 31, 2017, the Code superseded and replaced the USA Fencing SafeSport Policy.

Effective April 15, 2019, the U.S. Center for SafeSport issued a revised Code, which can be found [here](#) and supersedes and replaces previous versions of the Code.

### **June 3, 2019 Update**

Minor Athlete Abuse Prevention Policy replaces Proactive Policies

***Effective January 1, 2019***

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 misconduct. As a member National Governing Body of the United States Olympic Committee (“USOC”), and pursuant to federal law, USA Fencing is required to adhere to the rules and regulations of the USOC and of the U.S. Center for Safe Sport (the “Center”), which has promulgated its “SafeSport Code for the US Olympic and Paralympic Movement” (the “Code”). Pursuant to USA Fencing’s Bylaws as amended effective July 31, 2017, the Code superseded and replaced the USA Fencing SafeSport Policy, which has been amended and restated as set forth herein (the “Policy”).

The six primary types of misconduct remain as follows:

- Sexual Misconduct, including Child Sexual Abuse
- Emotional Misconduct
- Physical Misconduct
- Bullying
- Harassment
- Hazing

The Center now has the *exclusive* authority to investigate and resolve reports of (a) Sexual Misconduct, and (b) prohibited conduct that is reasonably related to the underlying allegation of Sexual Misconduct. Exclusive authority means (a) the Center will investigate such reports and manage any related hearing or arbitration; and (b) USA Fencing will not conduct its own investigation or disciplinary proceeding with respect to such reports, except as otherwise provided.

On written request of USA Fencing, the Center may, in its discretion, accept authority over one or more reports of *any* kind of conduct prohibited under the *Code*, in which event the Center’s jurisdiction over such alleged violations shall be exclusive.

USA Fencing retains jurisdiction over alleged misconduct that is not within the Center’s exclusive jurisdiction.

Reports of Sexual Misconduct may be made directly to the Center. They may also be made to USA Fencing, which will forward them to the Center for investigation and appropriate action, and will also report them to law enforcement as necessary or appropriate. Other kinds of alleged or suspected misconduct should be reported to USA Fencing as provided herein.

Individuals within the jurisdiction of USA Fencing are responsible for knowing the information, policies and procedures outlined in this Policy and the *Code*, both of which may be amended from time to time. Once posted online, changes are effective immediately unless otherwise noted.

**I. INTRODUCTION**

**A. Application**

This Policy and the Code apply to all Covered Individuals, as defined below, all of whom submit to the jurisdiction, policies and procedures of the Center, and of USA Fencing, as the case may be.

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

This Policy 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, this Policy applies without respect to age or competitive level.

**D. Other remedies**

1. This Policy 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. This Policy does not extend or restrict a person's right to file charges or claims with any other agency, law enforcement, court or arbitral body. Individuals are encouraged to ensure their rights have not expired through these other avenues.

## II. DEFINITIONS

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

### A. Athlete

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

### B. Bullying Behavior

Repeated and/or severe (a) aggressive behavior (b) among Minors,<sup>1</sup> (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

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

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. 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 this Policy, within the governance or disciplinary jurisdiction of USA Fencing or who is seeking to be within the governance or disciplinary jurisdiction of USA Fencing (e.g., through application for membership), (b) is an Athlete or Non-athlete Participant that USA Fencing or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) USA Fencing identifies as being within the Center’s jurisdiction. Without limiting the generality of this definition, “Covered Individuals” include, at a minimum:

- (1) USA Fencing employees;
- (2) USA Fencing members
- (3) Athletes USA Fencing designates for the USADA required testing pool (RTP);
- (4) Volunteers;
- (5) Contractors;
- (6) Medical staff/trainers;
- (7) Additional individuals USA Fencing identifies as being within its or the Center’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; the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of a warrant for arrest or any pending charges.

## **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.

- **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. Minor**

An individual under the age of eighteen.

**M. 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.

**N. Non-athlete Participant**

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

**O. 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.

**P. 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.

**Q. 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.

**R. Reporting Party**

The person alleging a violation of this Policy or the Code, as the case may be..

**S. Responding Party**

The person who is alleged to have violated this Policy or the Code, as the case may be.

**T. SafeSport Violation (Violation)**

Conduct by a Covered Individual that violates (a) this Policy or the Code the Code (b) any previous USA Fencing or USOC standards concerning the type of conduct prohibited in this Policy or the *Code*; or (c) other standards accepted at the time of conduct analogous to prohibited conduct in this Policy or the *Code*.

**V. Sexual Conduct**

**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 this Policy or the *Code*, if not the Reporting Party.

**X. Third-party Reports**

Reports or disclosures of a possible violation of this Policy or 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 this Policy for a Covered Individual to be convicted of or subject to a Criminal Disposition.

**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. Non-Sexual Misconduct**

A Covered Individual shall not engage in non-sexual Emotional or Physical Misconduct, Bullying, Hazing or Harassment.

## **2. Proactive policies**

USA Fencing or the Center 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.<sup>2</sup> 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 USA Fencing or the USOC, it shall also be a violation of this Policy.

### **C. Retaliation**

Retaliation is any adverse action taken by a Covered Individual against a person participating in the Center's or USA Fencing'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 this Policy and the Code.

### **D. Willful Toleration**

In addition to failing to report misconduct as discussed herein, it is also considered a violation of this Policy to willfully tolerate misconduct of any kind.

## **IV. ENFORCEMENT AUTHORITY**

### **A. Exclusive authority of the Center—sexual misconduct**

The Center has the exclusive authority to investigate and resolve allegations involving (a) sexual misconduct; and (b) prohibited conduct that is reasonably related to the underlying allegation of sexual misconduct. Exclusive authority means (a) the Center alone will investigate and manage any related arbitration involving sexual misconduct; and (b) neither USA Fencing 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 of the Center**

On the written request of USA Fencing or USOC, the Center may, in its discretion, accept authority over alleged violations of any conduct prohibited under this Policy. Upon such acceptance, the Center's authority over those allegations becomes exclusive.

### **C. Authority of USA Fencing**

USA Fencing has authority to investigate and resolve allegations of misconduct that do not fall within the exclusive authority of the Center.

## **V. REPORTING – WHAT TO REPORT, AND TO WHOM**

Every Covered Individual *shall* report:

1. Observed violations of this Policy and the Code,
2. Observations or allegations of child physical or sexual abuse.

Every constituent *may* report: suspected or alleged violations of this Policy or the Code, including suspicions of child physical or sexual abuse.

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<sup>2</sup> 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.

## **A. Sexual misconduct**

1. Conduct by a Covered Individual that could constitute sexual misconduct should be reported to the Center as set forth in the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* (Appendix A to the Code). USA Fencing will also accept reports of Sexual Misconduct and pass them along to the Center.
2. If an allegation involves child abuse or neglect, the matter should also be referred to the appropriate legal authorities.

## **B. Other misconduct**

### **1. Emotional and Physical Misconduct**

Conduct by a Covered Individual that could constitute Emotional or Physical Misconduct under this Policy, including Bullying Behaviors, Hazing and Harassment, should be reported to USA Fencing.

### **2. Proactive Policies**

Conduct by a Covered Individual that could violate a proactive policy should be reported to the Center or USA Fencing, whichever has promulgated the relevant policy. USA Fencing, in turn, should report the matter to the Center.

## **C. Retaliation**

### **1. Sexual misconduct**

Retaliation related to an allegation of sexual misconduct should be reported to the Center. If reported to USA Fencing, then USA Fencing shall report the alleged retaliation to the Center.

### **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 USA Fencing.

## **VI. REPORTING – HOW TO REPORT**

USA Fencing will take a report in the way that is most comfortable for the person initiating a report including an anonymous, in-person, verbal or written report. Regardless of how you choose to report, it is helpful to USA Fencing for individuals to provide, at a minimum, (1) the name of the complainant(s); (2) the type of misconduct alleged and (3) the name(s) of the individual(s) alleged to have committed the misconduct.

### **A. SafeSport Coordinator**

Individuals reporting observed, alleged or suspected misconduct may call, mail, fax or email USA Fencing's SafeSport Coordinator, whose name and contact information can be found at <http://www.usafencing.org/>. The SafeSport Coordinator may request that the reporting person submit a Reporting Form, described below.

### **B. Reporting Form**

Individuals reporting observed, alleged or suspected misconduct may complete an Incident Report Form, which can be found at <http://www.usafencing.org/>. Information on this form includes:

- 1) The name(s) of the complainant(s)
- 2) The type of misconduct alleged
- 3) The name(s) of the individual(s) alleged to have committed the misconduct
- 4) The approximate dates the misconduct was committed
- 5) The names of other individuals who might have information regarding the alleged misconduct

- 6) A summary statement of the reasons to believe that misconduct has occurred

## **VII. CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS**

### **1. Confidentiality**

To the extent permitted by law, and as otherwise appropriate, USA Fencing will keep confidential the Reporting Party's on his or her request. USA Fencing will not make public the names of alleged victims, the Responding Party, or any person who made a report of sexual abuse to the authorities. However USA Fencing, will, following a finding of misconduct that results in a temporary or permanent suspension of membership of the Responding Party, notify the Center, USOC, other NGBs, and USA Fencing clubs and divisions, of such suspension, and publicize the suspension on USA Fencing's website.

### **2. Anonymous Reporting**

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

- By completing the Reporting Form without including their name
- By expressing concerns verbally
- Through email, texts or notes.

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

All reported suspicions of child physical or sexual abuse will be reported to the appropriate law enforcement authorities, if sufficient information is provided.

### **3. Retaliation**

Any allegations of retaliation should be reported using the same process as for reporting an initial concern.

### **4. Bad-Faith Allegations**

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of this policy and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

## **VIII. RESPONDING TO REPORTS OF ALLEGATIONS**

### **A. Allegations of Misconduct Other Than Child Physical or Sexual Abuse**

On receipt of an allegation of misconduct, as defined in USA Fencing's Safe Sport Policy, that does not involve child physical or sexual abuse, USA Fencing shall determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope and extent of the allegations. Such steps may include, without limitation:

- The collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual
- Formal investigation and hearing

- Retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction

## **B. Procedures**

### **1. Suspension Before Final Resolution**

If the reported complaint indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, USA Fencing may wish to suspend the accused individual pending final resolution of the complaint to eliminate any danger to an athlete, sport participant or other individual. In such instances, USA Fencing will provide the individual with notice and offer her/him an opportunity to contest the suspension.

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

- the suspension or termination of employment or membership by a national governing body or other sport organization
- an Incident Report Form with specific and credible information
- other legal documentation or report supporting a reasonable belief that the individual has committed emotional, physical or sexual misconduct, including abuse of a child (e.g., a criminal indictment).

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of USA Fencing.

Any suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused individual within 14 days of the suspension.

### **2. Investigation**

As appropriate, and at its discretion, USA Fencing may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, USA Fencing anticipates that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of behavior that warrant significant sanctions. Accordingly, USA Fencing anticipates that this disciplinary procedure will be used rarely.

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- a) Receive written notice of the report or complaint, including a statement of allegations
- b) Present relevant information to the investigator(s)
- c) Legal counsel, at his or her own expense

### **3. Procedural Safeguards**

In every case where a hearing is warranted pursuant to this Policy, an adjudication shall be conducted that shall in

all cases comply with USA Fencing's bylaws. The adjudication shall further conform to the provisions and principles set out hereafter. However, deviations in one or more of the procedural safeguards are permitted, provided the following conditions are satisfied:

- a) The individual is informed of the allegations and evidence brought against him or her
- b) The individual is given a reasonable opportunity to respond to the allegations brought forward
- c) The individual may be represented by legal counsel at his or her expense
- d) The panel member(s) who make the determination are free of conflicts of interests and render an unbiased decision
- e) There is a right to appeal the panel's decision.

#### **4. Preliminary Determination**

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the Athlete Protection Officer is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Executive Director who, in consultation with the General Counsel, shall constitute a Disciplinary Panel pursuant to Section 16.2(a) of the Athlete Handbook, subject to the approval of the Board of Directors pursuant to the Bylaws. The Disciplinary Panel will include at least one member of USA Fencing's Legal Resource Group.

#### **5. Notice**

The accused individual will be notified of a specific date and time to ensure that he or she is available for the hearing. Unless the Disciplinary Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

#### **6. Timing**

The Disciplinary Panel shall have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the Disciplinary Panel may render an expedited determination.

#### **7. Evidence**

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Panel to consider. The Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The Panel may also consider another organization's determination as evidence to be considered.

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to

relevant information collected during the investigation and before the report was transmitted to the Disciplinary Panel.

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

## **8. Findings and Sanctions**

The Panel has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The Panel will communicate its finding to the individual. The Panel may impose sanctions on the individual in its findings.

Any sanctions imposed by the Panel against the individual must be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Disciplinary Panel shall consider:

- a) The legitimate interest of USA Fencing in providing a safe environment for its participants
- b) The seriousness of the offense or act
- c) The age of the accused individual and alleged victim when the offense or act occurred
- d) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- e) Whether the individual poses an ongoing concern for the safety of USA Fencing's athletes and participants
- f) Any other information, which in the determination of the Panel, bears on the appropriate sanction

Sanctions may range from a warning and a reprimand to suspension from sport involvement with USA Fencing for a period of time. Suspensions from sport involvement with USA Fencing may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from USOC activities and facilities.

For the purposes of this Policy, a suspension from sport involvement shall mean that, for the duration of the period of the suspension, the accused individual may not participate in any capacity or in any role in any business, events, or activities conducted or sanctioned by USA Fencing or by any Member Club or Affiliate Club. No Member Club or Affiliate Club shall affiliate itself with any individual suspended from sport involvement or allow such individual to participate in any capacity in any of its business, events, or activities.

In the event that the allegation is made against an athlete, the Panel will communicate its findings to the Disciplinary Panel as set forth in USA Fencing's Olympic Training Center Access Protocol for a determination concerning continued access to an OTC.

## **9. Confidentiality**

The conduct of the hearing will be private. If the Panel determines that the individual has violated policy, it may publish its decision or a brief summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the panel's decision will not be disclosed until an appellate decision has been made.

If the Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

### **C. APPEAL**

If the individual disagrees with the finding or sanction of the Panel and wishes to appeal, he or she may file an appeal with the AAA within 14 days of USA Fencing's finding. A decision rendered by the AAA shall be final and binding on all parties.

## **IX. USA FENCING SCREENING AND BACKGROUND CHECK PROGRAM**

### **A. Screening and Background Check Program**

The purposes of USA Fencing's Background Check Program are as follows:

- Protect USA Fencing athletes and participants from known offenders so that such known offenders do not have access to USA Fencing members in connection with USA Fencing sanctioned events or activities.
- Deter offenders that have not been caught from joining USA Fencing programs.
- Protect USA Fencing's reputation as a sport where participants are protected against abuse.
- Help protect USA Fencing, USA Fencing Clubs and their respective employees and volunteers from liability that could arise from allowing a previous offender to have access to athletes and participants.

#### **1. USA Fencing Screening Policies**

USA Fencing's policy includes set criteria for which a person may be disqualified and prohibited from serving as an employee or volunteer of USA Fencing or USA Fencing Clubs. Under the policy, USA Fencing will not authorize or sanction any employee or volunteer who has routine access to athletes and participants unless that person consents to be screened and passes a criminal background screen conducted by USA Fencing through the Coach (formerly Professional), +Coach Upgrade or +CheckEd (formerly +Professional) Member programs.

USA Fencing shall conduct screening of its employees, member volunteers and independent contractors as follows:

- All members of the USA Fencing Board of Directors, each member of a USA Fencing committee/task force and division officers shall be screened through the Coach (formerly Professional), +Coach Upgrade or +CheckEd (formerly +Professional) Member programs upon their election or appointment to the position and then shall be re-screened every two (2) years.
- All USA Fencing employees shall be screened as a condition of their employment and then shall be re-screened every two (2) years.
- All coaches, instructors and other staff for any USA Fencing National Team event shall be screened as a condition of being selected for such position or shall have been screened by USA Fencing within the past two (2) years.
- All individuals who are acting as coaches or instructors of athletes or participants at USA Fencing clubs, their events or activities, or at USA Fencing sanctioned events or activities, shall be screened through the Coach (formerly Professional) Member, or +Coach Upgrade, Member programs.
- All persons acting as officials or administrative personnel at USA Fencing sanctioned events shall be screened through the Coach (formerly Professional), +Coach or +CheckEd (formerly +Professional) Member programs.
- All volunteers at USA Fencing sanctioned events who will have frequent contact with athletes and participants shall be screened through the Coach (formerly Professional), +Coach or +CheckEd (formerly +Professional) Member programs program.

## **2. USA Fencing Club Screening Policies**

As a condition of its affiliation with USA Fencing, each Member and Affiliate Club must be in compliance with the requirements set forth below:

All Club employees and independent contractors, including but not limited to coaches and instructors, must be USA Fencing Coach (formerly Professional), +Coach Upgrade or +CheckEd (formerly +Professional) Members prior to such individuals having access to athletes and participants

In addition, all Club owners, directors, managers, and program administrators, and all other affiliated persons having frequent contact with athletes or participants at the Club or its events or activities, must be USA Fencing Coach (formerly Professional), +Coach Upgrade or +CheckEd (formerly +Professional) Members.

An approved screen of Club personnel through those programs shall be valid for two years. All previously screened persons must be re-screened every two (2) years.

## **3. USA Fencing Criminal Background Check Disqualification Criteria**

Automatic Disqualifiers ("Red Light"): Convictions of, disclosure of convictions of, and pending dispositions for any of the following crimes will prompt a determination that an applicant "does not meet" the criminal background screening criteria and a red light determination will be issued:

- a. Any felony (any crime punishable by confinement greater than one year)
  - i. Defined on the basis of exposure to the offense for which the defendant was convicted, pled guilty, or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
  - ii. Defined by all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range >one year.
- b. Any lesser crime involving force or threat of force against a person
- c. Any lesser crime in which sexual relations is an element, including "victimless" crimes of a sexual nature (including pornography).
- d. Any lesser crime involving controlled substances (not paraphernalia or alcohol).
- e. Any crime involving cruelty to animals
- f. Any Sex Offender Registrant
- g. Any lesser crime involving harm to a minor

#### **4. USA Fencing Background Check Appeal Procedures**

All appeals of "red light" or "adverse action letter" background checks shall be referred to the Safe Sport Coordinator (SSC) for initial evaluation, and when appropriate, for further action in accordance with USA Fencing policies and procedures. In the discharge of these duties, the SSC shall be free to consult with the Chief Executive Officer, the President, USAF legal counsel and such other USAF officers, officials and experts as he or she deems appropriate. The SSC shall be appointed by the President, after consultation with the Executive Director and with the approval of the Board. If the SSC is the subject of the complaint, the President shall serve the functions assigned by this policy to the SSC.

Any member of the USAF or applicant for USAF membership who is denied admission or appointment to any position on the basis of a "red light" background check or an "adverse action letter" predicated on the results of a background check shall have a right to seek review of that decision in accordance with the procedures here specified.

1. Should any individual receive a "red light" finding or an "adverse action letter" based on a USAF required background check and wish to contest any resulting USAF decision to deny his or her application for membership or to deny him or her any USAF position or appointment, that individual has a right to a review of the denial. The person who seeks review is referred to herein as "the appellant." The appellant may act on his or her own behalf during the appeal or may be assisted by a representative.
2. Unless otherwise notified by the USAF that a shorter period is required because of nomination deadlines dictated by the USAF, the USOC, the FIE or by prevailing circumstances, the appellant shall have 10 business days from the date that he or she is informed of the decision from which the appeal is being taken to notify the Executive Director or the Safe Sport Coordinator (SSC) of the appeal. If the appeal is made to the Executive Director, it shall be promptly referred by him to the Safe Sport Coordinator.

3. Upon receipt of an appeal, the SSC shall request from the appellant written consent for his or her complete background check findings to be provided to the SSC and, if the appeal progresses that far, to the Board of Directors. Failure of the appellant to provide that consent within a reasonable time, as determined by the SSC, shall result in dismissal of the appeal and a waiver of the appellant's right to seek review of the decision in question.
4. The SSC shall review any evidence and argument submitted by the appellant or on his or her behalf and shall undertake such additional investigation as the SSC believes necessary to make an initial determination of the merits of the appeal. Upon reaching that determination, the SSC shall inform the appellant thereof and shall ascertain from the appellant whether he or she wishes to proceed to a hearing by the Board of Directors.
5. If the appellant wishes to proceed, the SSC shall so inform the President and Secretary of the Board of Directors and shall forward to them, his field in the matter, including (a) all statements, documents and other evidence obtained by him, including the background check findings; (b) the arguments and evidence submitted by the appellant or on his behalf, and (c) the SSC's recommendation whether the decision being appealed should be upheld or overruled and the reasons underlying that recommendation.
6. Upon receipt of the appeal, the President and Secretary shall place the matter on the agenda of the Board of Directors for consideration as expeditiously as practical in light of other business demanding its time and attention, being mindful of how the passage of time may affect the efficacy of its final decision in the matter. If the Board has previously provided for the hearing of background check appeals by a committee of the Board, and has constituted and populated such a committee, then the President and Secretary shall refer the matter and provide the file to that committee.
7. The Board (or the designated committee in its stead) shall review the file and conduct a hearing at which it shall take such additional evidence and argument as the appellant, the SSC and officers and officials of the USAF may choose to present. The decision shall be reversed if a majority of the members of the Board (or of the designated committee) present and voting concludes either (a) by a preponderance of the evidence that the background check results were based on erroneous information; or (b) that to a reasonable degree of certainty the applicant does not pose a danger to the individuals with whom he or she is expected to come into contact by virtue of the class of membership, the position or the appointment that was denied on the basis of the "red light" or "adverse action letter."
8. The Executive Director shall communicate the results of the appeal to the appellant with copies to the President, SSC, legal counsel and any other person or organization necessary to effect any change in the appellant's status resulting from the decision on appeal.
9. If the appellant disagrees with the outcome of the appeal, he or she may file a demand for arbitration with the American Arbitration Association as provided in the Bylaws. The award obtained in the arbitration shall be final and binding on all parties.
10. The intentional submission of false information or evidence in connection with any proceeding provided herein shall be grounds for disciplinary action in accordance with USAF disciplinary procedures.

## **X. USA Fencing and U.S. Center for SafeSport Minor Athlete Abuse Prevention Policy**

The U.S. Center for SafeSport (the Center) and USA Fencing are committed to building a sport community where participants can work and learn together in an atmosphere free of emotional, physical, and sexual misconduct.

### **Authority: prevention training and policies**

Federal law authorizes the Center to address the risk of emotional, physical, and sexual abuse of amateur athletes in the U.S. Olympic and Paralympic Movements. See [Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017](#).

#### Prevention Training

Federal law authorizes the Center to develop training to prevent abuse, including emotional, physical, and sexual abuse, of any amateur athlete. At a minimum, USA Fencing *must offer and give this training related to the prevention of child abuse to: (1) adult members who are in regular contact with amateur athletes who are minors and (2) subject to parental consent, to members who are minors.*

#### Prevention Policies

Federal law also authorizes the Center to develop policies and procedures for implementation by USA Fencing to prevent abuse, including emotional, physical, and sexual abuse, of any amateur athlete. As a part of these policies and procedures, USA Fencing *must implement reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility that is either partially or fully under the jurisdiction of USA Fencing or any of its divisions or member clubs without being in an observable and interruptible distance from another adult, except under emergency circumstances.*

### **Application and implementation**

The U.S. Olympic Committee and national governing bodies (collectively, “Covered Organizations”), including USA Fencing, are required to follow these Minor Athlete Abuse Prevention Policies that have been developed by the Center. USA Fencing is responsible for implementing and monitoring compliance with these policies.

## **TERMINOLOGY**

**Covered Organizations:** The U.S. Olympic Committee and a national governing body.

**Jurisdiction:** Authority or control.

**Local Affiliated Organization (LAO):** A regional, state, or local club or organization that is directly affiliated with a NGB or that is affiliated with a NGB by its direct affiliation with a regional or state affiliate of a NGB. A LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of a NGB.

**Minor, child or minor athlete:** An amateur athlete under 18 years of age.

**National Governing Body (NGB):** An amateur sports organization affiliated with a sport included on the program of the Olympic, Paralympic, or Pan-American Games, which is also recognized by the United States Olympic Committee (USOC) pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220529. This definition shall also apply to the USOC, or other sports entity approved by the USOC, when they have assumed responsibility for the management and/or governance of a sport included on the program of the Olympic, Paralympic, or Pan-American Games.

## **PART I**

### **EDUCATION & TRAINING POLICY**

#### **A. Adults Required to Complete Mandatory Training**

The following adults at USA Fencing or any of its divisions or member clubs shall complete training concerning child abuse prevention:

- Adult members at USA Fencing or any of its divisions or member clubs who have regular contact with amateur athletes who are minors
- An adult authorized by USA Fencing or any of its divisions or member clubs to have regular contact with or authority over an amateur athlete who is a minor
- Adult staff and board members of USA Fencing or any of its divisions or member clubs.

To satisfy the training obligations, USA Fencing shall adhere to parts A.1, A.2, and B, below, of this Education & Training Policy. The Center's "Core Center for SafeSport Training" provides the required child abuse prevention training mandated by federal law.

##### 1. Core Center for SafeSport Training

The above listed adults are required to complete training concerning child abuse prevention. No later than March 23, 2019, the above listed adults at USA Fencing who are not currently in good standing with their NGB due to failure to complete required training must complete the U.S. Center for SafeSport's Core Center for SafeSport Training (i.e., the Center's online training or the Center's approved in-person training).

- Before regular contact with an amateur athlete who is a minor begins; or
- Within the first 45 days of initial membership, or upon beginning a new role subjecting the adult to this policy.

*Training other than the Core Center for SafeSport Training does not satisfy this policy.* USA Fencing or any of its divisions or member clubs may provide training *in addition* to the Core Center for SafeSport Training. However, if an organization provides additional training, it shall not refer to such training as "SafeSport" Training.

##### 2. Refresher Course(s)

A refresher course is required on an annual basis (e.g., membership year) effective the calendar year following the completion of the Core Center for SafeSport Training for each of the above listed adults at USA Fencing. Policies, procedures and/or communications to said adults concerning refresher course requirements must be updated by September 1, 2019.

#### **B. Minor Athletes**

USA Fencing shall, subject to parental consent, annually offer and give training to members who are minors regarding prevention and reporting of child abuse. USA Fencing shall track:

- A description of the training(s);
- The date the training(s) was offered and given; and
- A description of how the training(s) was offered and given.

#### **C. Exemptions**

Exemptions from this Education & Training Policy may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport, [nghservices@safesport.org](mailto:nghservices@safesport.org), or to USA Fencing.

The Center will work with USA Fencing regarding appropriate accommodations for persons with disabilities to satisfy the training requirements herein.

## **PART II**

### **REQUIRED PREVENTION POLICIES**

USA Fencing is required to implement the following athlete prevention policies:

- A. One-on-One Interactions, including meetings and individual training sessions: Covered Organizations are required to establish reasonable procedures to limit one-on-one interactions, as set forth in federal law.
- B. Medical Treatment
- C. Locker rooms and changing areas
- D. Social media and electronic communications
- E. Local travel
- F. Team travel.

These policies shall apply to:

- 1) Adult (age 18 or older) USA Fencing members at any facility that is either partially or fully under the jurisdiction of USA Fencing or any of its divisions or member clubs;
- 2) Adult USA Fencing members who have regular contact with amateur athletes who are minors;
- 3) Adults authorized by USA Fencing or any of its divisions or member clubs to have regular contact with or authority over an amateur athlete who is a minor; and
- 4) Adult staff and board members of USA Fencing.  
("Applicable Adults")

Minor athletes who become adult athletes

- With the exception of athletes who are members of the same team, minor Athletes who reach the age of majority (i.e. 18 years of age) must adhere to the provisions found in the Minor Athlete Abuse Prevention Policies when interacting on a regular basis with minor athletes who are 14 years of age or younger.
- Minor Athletes who reach the age of majority and then obtain a position of authority that presents a power imbalance, such as becoming a coach or official, must also comply with these prevention policies regardless of the age of the minor athletes with whom they will interact.

#### **A. ONE-ON-ONE INTERACTIONS**

The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, programs reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a child. Policies concerning one-on-one interactions protect children while allowing for these beneficial relationships.

1. Observable and Interruptible:
  - One-on-one interactions between a minor athlete and an Applicable Adult (who is not the minor's legal guardian) at a facility that is either partially or fully under the jurisdiction of USA Fencing or any of its divisions or member clubs are permitted if they occur at an observable and interruptible distance by another adult unless meeting with a Mental Health Care Professional and/or Health Care Provider (see 3 below) or under emergency circumstances.
2. Meetings

- Meetings between Applicable Adults and minor athletes at a facility partially or fully under the jurisdiction of USA Fencing or any of its divisions or member clubs may only occur if another adult is present, except under emergency circumstances. Such meetings must occur where interactions can be easily observed by, and at an interruptible distance from, another adult.
- If a one-on-one meeting takes place in an office at a facility under the jurisdiction of USA Fencing or any of its divisions or member clubs, the door to the office must remain unlocked and open. If available, it will occur in an office that has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

3. Meetings with mental health care professionals and health care providers

If a mental health care professional and/or health care provider meets with minor athletes at a facility partially or fully under the jurisdiction of USA Fencing or any of its divisions or member clubs, a closed-door meeting may be permitted to protect patient privacy provided that: (1) the door remains unlocked; (2) another adult is present at the facility; (3) the other adult is advised that a closed-door meeting is occurring; and (4) written legal guardian consent is obtained in advance by the mental health care professional and/or health care provider, with a copy provided to USA Fencing or the relevant division or member club, as the case may be.

4. Individual training sessions

Individual training sessions between Applicable Adults and minor athletes are permitted at a facility under the jurisdiction of USA Fencing or any of its divisions or member clubs if the training session is observable and interruptible by another adult. It is the responsibility of the Applicable Adult to obtain the written permission of the minor athlete's legal guardian in advance of the individual training session **if** the individual training session will not be observable and interruptible by another adult. Such written permission for such individual training sessions must be obtained at least every six months. Parents, guardians, and other caretakers must be allowed to observe all training sessions of their related minor athletes.

## **B. MEDICAL TREATMENT**

- 1) Only Applicable Adults (as defined above) who hold a current license or certification as a healthcare provider (such as MD, DO, DC, certified athletic trainer (ATC), physical or occupational therapist (PT, OT) or massage therapist (LMT, CMT)) may provide medical treatment to USA Fencing members at events or activities conducted or sanctioned by USA Fencing or its divisions or member clubs. "Treatment" includes but is not limited to: manual therapy, therapeutic modalities, splinting, taping, massage and emergency response care.
- 2) Persons who do not meet the licensure and/or certification requirements set forth above shall not, at any time or place, provide Treatment to USA Fencing members, in connection with any competition, club, camp or training activity conducted or sanctioned by USA Fencing or its divisions or member clubs. Organizers of any such competition, club, camp or training activity, including but not limited to owners or managers of USA Fencing member clubs, shall not authorize or knowingly allow Treatments to be given, except in accordance with this Policy.
- 3) At a minimum, individuals receiving Treatment will wear athletic shorts, and females will also wear a bra or top. In all cases, individuals will be appropriately draped during any Treatment.
- 4) It is recommended that all Treatments, with the exception of rubdowns and massage (see below), be conducted in an observable and interruptible public area. When this is not possible at least one individual age 18 or older, in addition to the person administering Treatment, must be present to observe.

- 5) Any massage or rubdown of a minor athlete performed at a facility or a training or competition venue must be conducted in an open and interruptible location and must be performed with at least one other adult present to observe.
- 6) Nothing in this Policy on Medical Treatments shall prohibit minor Treatments of athletes (such as rubdown or application of band-aids) by related persons (such as a family member, coach or teammate) in exigent circumstances (such as to alleviate a muscle cramp, abrasion or blister) in a public setting when a person designated in Section 1 of this Section B is not immediately available. Any such massage must be conducted in an open area in the presence and view of other individuals age 18 or older.

## **C LOCKER ROOMS AND CHANGING AREAS**

### 1. Non-exclusive facility

This policy applies to all USA Fencing members, including but not limited to Applicable Adults and minor athletes, at any competition, club, camp, training or other activity conducted or sanctioned by USA Fencing or its divisions or member clubs, whether or not the facility is under the exclusive jurisdiction of USA Fencing or one of its divisions or member clubs (e.g., training, camp or competition venues), or is also used by non-fencing constituents.

### 2. Use of recording devices

Use of any device's (including a cell phone's) recording capabilities, including voice recording, still cameras and video cameras in locker rooms, restrooms, changing areas, or similar spaces is prohibited. Exceptions may be made for media and championship celebrations, provided that such exceptions are approved by USA Fencing or the relevant division or member club, and two or more Applicable Adults are present.

### 3. Undress

Under no circumstances shall an Applicable Adult at a Club facility under our organization's jurisdiction intentionally display his or her breasts, buttocks, groin, or genitals to an unrelated minor athlete.

### 4. One-on-one interactions

- Except for athletes on the same team, at no time are unrelated Applicable Adults permitted to be alone with a minor athlete in a locker room or changing area, except under emergency circumstances.
- If there are instances in which an Applicable Adult and a minor athlete may be in a single locker room or changing area alone at the same time, separate times will be designated for use by Applicable Adults, if any, to ensure an Applicable Adult is not alone with a minor athlete.

### 5. Monitoring

All USA Fencing members, clubs and divisions shall, in conducting any competition, club, camp, training or other activity subject to these policies, regularly and randomly monitor the use of locker rooms and changing areas to ensure compliance.

## **D. SOCIAL MEDIA & ELECTRONIC COMMUNICATION**

### 1. Content

All electronic communications from Applicable Adults to unrelated minor athletes, over whom they have authority, must be professional in nature.

## 2. Open and transparent

- Absent emergency circumstances, if an Applicable Adult having authority over minor athletes wishes to communicate directly with such minor athlete via electronic means (including social media), then he or she must copy another Applicable Adult or the minor's parent(s) or legal guardian on all such communications.
- If a minor athlete initiates private electronic communication with an Applicable Adult who has authority over the minor athlete, then, on any response and follow-up communication, the Applicable Adult must copy to another Applicable Adult or the minor's parent(s) or legal guardian.
- When an Applicable Adult having authority over a group of minor athletes communicates electronically to the group or any number thereof, then said Applicable Adult must copy another Applicable Adult.
- Nothing herein shall prohibit minor athletes from joining, following or "friending" the official page of USA Fencing or any affiliated organization or Applicable Adult, nor shall it prohibit or restrict any affiliated organization or Affiliated Adult from posting otherwise appropriate messages or information to the entire membership or following of the page.

## 3. Requests to discontinue

Any parent or legal guardian of a minor athlete may request in writing that his or her minor athlete not be contacted through any form of electronic communication by any organization or Applicable Adult subject to this policy. The relevant organization or Applicable Adult, as the case may be, must abide by any such request, absent emergency circumstances.

## 4. Monitoring

Each organization and Applicable Adult subject to these policies shall monitor his, her or its social media pages and remove any posts that violate USA Fencing's policies, practices or codes of conduct.

## **E. LOCAL TRAVEL**

Local travel consists of travel to training, practice, competition or other fencing-related activity that occurs within driving distance and does not include related overnight stay(s).

Except in an emergency, an Applicable Adult shall not travel locally, alone with an unrelated minor athlete, i.e., one for whom the adult is not a parent or legal guardian. In addition to the unrelated minor, the Applicable Adult and unrelated minor must be accompanied by at least one other minor athlete or another adult at all times, unless otherwise agreed to in writing by the unrelated minor athlete's parent/legal guardian in advance of each local travel. The parent waiver can be in the form of text, email or written document.

- In traveling locally with one or more minor athletes, Applicable Adults shall abide by the above policies on one-on-one interactions, medical treatment, locker rooms and changing, and electronic communications.
- Applicable Adults who travel locally with unrelated minor athletes must first successfully pass the screening and training (e.g., Safe Sport) requirements required by the policies of USA Fencing.
- Parents/legal guardians must receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with an Applicable Adult who is subject to these policies.

## **F. OVERNIGHT AND TEAM TRAVEL**

Overnight travel consists of travel to training, practice, camp, competition or other fencing-related activity that includes overnight stay(s).

Except in an emergency, an Applicable Adult shall not travel overnight, alone with an unrelated minor athlete, i.e., one for whom the adult is not a parent or legal guardian. In addition to the unrelated minor, the Applicable Adult and unrelated minor must be accompanied by at least one other minor athlete or another adult at all times, unless otherwise agreed to in writing by the unrelated minor athlete's parent/legal guardian in advance of each overnight and team travel. The parent waiver can be in the form of text, email or written document, transmitted in advance of each such overnight travel. Parents/legal guardians must receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with an Applicable Adult who is subject to these policies

1. Hotel rooms

Applicable Adults shall not share a hotel room or other sleeping quarters with an unrelated minor athlete (unless the Applicable Adult is a parent, legal guardian, sibling, or other family member of the minor athlete).

2. Other interactions

In traveling overnight with one or more minor athletes, Applicable Adults shall abide by the above policies on one-on-one interactions, medical treatment, locker rooms and changing, and electronic communications.

3. Club or team travel

Applicable Adults who travel overnight with minor athletes in conjunction with a USA Fencing affiliated club, team or other organization must first successfully pass the screening and training (e.g., Safe Sport) requirements of USA Fencing and the relevant club or team.



# USA FENCING SAFESPORT ABUSE/ MISCONDUCT REPORTING FORM

## Reporting Abuse and Misconduct

USA Fencing 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.

USA Fencing requires reporting of physical, sexual or other misconduct by any member and strongly encourages reporting of any concerns relating to SafeSport.

USA Fencing appreciates your willingness to report inappropriate behavior. By submitting this form, you are giving permission to USA Fencing's SafeSport Program staff to contact you. Reports of sexual abuse or misconduct will be forwarded to the U.S. Center for SafeSport.

You may remain anonymous if you wish. However, where appropriate, the investigative process may require further input and anonymous reporting may make it difficult for USA Fencing and / or the U.S. Center for Safesport to move forward with an investigation.

A report of abuse, misconduct or policy violation that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of USA Fencing's SafeSport policies and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

\* Must be completed

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## Respondent

The respondent is the participant who is alleged to have violated the [U.S. Center for SafeSport Code/USA Fencing SafeSport Policy](#).

***Provide as much information as possible about the person you are reporting.***

First Name \* \_\_\_\_\_

Last Name \* \_\_\_\_\_

Position or Role \* \_\_\_\_\_

Age or Approximate Age \* \_\_\_\_\_

Gender (check one)\*  Male  Female

Club Affiliation \_\_\_\_\_

Position(s) this individual holds or held (check or insert all that apply):

Head Coach

Assistant Coach

Athlete

Official

Staff / Volunteer

Other \_\_\_\_\_

**ALLEGED MISCONDUCT INFORMATION**

*Please provide as much specific information as you are able.*

Type of Misconduct (check or insert all that apply) \*

- Bullying                       Emotional                       Harassment                       Physical misconduct
- Hazing                       Code of Conduct    Other \_\_\_\_\_
- Sexual (report will be forwarded to the U.S. Center for SafeSport)
- Minor Athlete Abuse Prevention Policy (One-on-One Interactions, Medical Treatment, Local Travel, Team Travel, Social Media/ E-Communication, Locker Room/Changing Areas)

Location(s) where the incident(s) took place: \* \_\_\_\_\_  
City, state, specific location, etc. or "Unknown."

Date(s) or Approximate Date(s) of Misconduct: \* \_\_\_\_\_

Description of Alleged Misconduct: \* Please include as much detail as possible (use separate sheet if necessary)

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**CLAIMANT**

**Claimant is the person alleged to have experienced conduct that constitutes a Code violation. Please identify the claimant below. If you wish the claimant to remain anonymous (whether yourself or someone else), then please enter the name as *Anonymous*. You may also be unaware of who the claimant is. In this case, please enter, "*Unknown*."**

First Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Last Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Age or Approximate Age \* \_\_\_\_\_

Gender:             Male                       Female

Additional Information:

**Fill this section out if additional claimants are involved.**

First Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Last Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Age or Approximate Age \* \_\_\_\_\_

Gender:       Male       Female

Additional Information: (use separate sheet if necessary)

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**YOUR NAME AND RELATIONSHIP TO CLAIMANT(S)**

**At your option, you may identify yourself and your relationship to the claimant. Alternatively, you may remain anonymous if you wish. However, where appropriate, the investigative process may require further input, and therefore anonymous reporting may make it difficult for USA Fencing to move forward with an investigation.**

First Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Last Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

Relationship to claimant:

- |  |   |
|--|---|
| <input type="checkbox"/> Self                | <input type="checkbox"/> Parent/Guardian        |
| <input type="checkbox"/> Other Family Member | <input type="checkbox"/> Friend or Acquaintance |
| <input type="checkbox"/> Club Member         | <input type="checkbox"/> Coach or Volunteer     |
| <input type="checkbox"/> Prefer Not to Say   | Other _____                                     |

## INDIVIDUAL(S) WHO MAY HAVE ADDITIONAL INFORMATION

List anyone who may be able to provide *additional information* regarding the alleged offense. We will not identify you when we contact these individuals.

First Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Last Name (or *Anonymous* or *Unknown*):\* \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

Relationship to claimant:

- |  |   |
|--|---|
| <input type="checkbox"/> Self                | <input type="checkbox"/> Parent/Guardian        |
| <input type="checkbox"/> Other Family Member | <input type="checkbox"/> Friend or Acquaintance |
| <input type="checkbox"/> Club Member         | <input type="checkbox"/> Coach or Volunteer     |
| <input type="checkbox"/> Prefer Not to Say   | Other _____                                     |

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## ADDITIONAL INFORMATION

Please provide any other information that you feel would be helpful to an investigation of the alleged violation you have reported.