

Approved by the GDRA Board on 12 May 2021

Greater Dayton Rowing Association (GDRA) SafeSport Policy

The purpose of the SafeSport program is to build a community where participants can work and learn together free of emotional, physical and sexual abuse and misconduct.

GDRA and its members, guests, employees, volunteers, and parents of youth athletes (hereinafter collectively referred to as “participants”) will comply with all rules and regulations as established by the US Center for SafeSport and USRowing.

The USRowing SafeSport program addresses six areas of misconduct: sexual misconduct (including child sexual abuse and/or grooming behaviors), emotional misconduct, physical misconduct, bullying, hazing, and harassment. Participants shall refrain from all forms of misconduct (including the above) and report any instances of misconduct. Nothing contained in this policy is intended to supersede, replace, or otherwise abrogate the USOC bylaws or the Ted Stevens Act.

Additional information on SafeSport requirements can be found at:

<https://uscenterforsafesport.org/>

<https://usrowing.org>

(as of 2 May 2021, the specific link was: <https://usrowing.org/sports/2016/6/1/safesport.aspx>)

While GDRA takes every reasonable precaution, as outlined in this policy, it is an organization run by volunteers, and parents are ultimately responsible for the safety of their children.

For the purposes of this policy, the following definitions apply:

Instructor

For the purposes of this policy, an instructor is a person acting in a role where he or she is responsible for helping others learn or improve their rowing technique and/or fitness. An instructor does not have authority over athletes to dictate which crews they row in or their access to facilities, equipment, and training. For example, someone teaching Learn to Row or providing instruction during club coached rows is considered an Instructor.

Youth instructor

For the purposes of this policy, a Youth Instructor is an instructor who is providing instruction to a minor.

Coach

For purposes of this policy, a coach is a person in a position of authority over an athlete that creates an inherent imbalance of power. In addition to providing rowing instruction, a coach also controls regatta participation and access to equipment, facilities, and training. Where there is ambiguity, the GDRA Board will determine if someone qualifies as a Coach, for the purposes of this policy.

GDRA SafeSport Officer

The GDRA Board will appoint a SafeSport Officer.

The Safe Sport Officer will be responsible for:

- Tracking training of personnel requiring training
- Track the currency of background checks
- Reporting any SafeSport concerns to the board

Training

GDRA Board members, youth instructors, coaches, parents of youth athletes, and youth athletes must successfully complete the SafeSport Training. The training must be completed every two years.

The training required is the online SafeSport™ Trained 90-minute core course (for individuals) available at (as of 2 May 2021):

<https://safesporttrained.org/>

Follow the instructions and use the enrollment key found at:

<https://usrowing.org/sports/2016/6/1/safesport.aspx>

The training is free for USRowing members.

Background Checks

GDRA will conduct background checks using the National Center for Safety Initiatives service provided through USRowing. Youth Instructors and Coaches must consent to a background check before performing services for GDRA. GDRA will use a criminal background check to gather information about an applicant's prior criminal history. The information revealed by the criminal background check may disqualify an applicant from serving as a Coach or Youth Instructor. Coaches and Youth Instructors have the affirmative duty to disclose personal criminal history. Any applicant who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. Any disqualified individual has the right to dispute the findings of the criminal background check directly with the Criminal Background Check vendor.

Criminal background checks will be refreshed every 2 years or as otherwise required by law, for Youth Instructors and Coaches who are 18 years of age or older and perform services for GDRA.

The GDRA SafeSport Officer will track the currency of background checks.

Reporting, Investigations, Hearings, and Appeals

Reporting

In the event that any participant observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each member and volunteer to immediately report his or her observations to the GDRA President. If the allegation involves the GDRA President, the report may be made to a member of the GDRA Board. An Incident Report Form is included in this policy to aid in reporting. Upon receipt of a report, the individual that receives the report will notify all the GDRA Board members within 24 hours.

Participants should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities. GDRA does not investigate suspicions or allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

Handling of Reports

Unless he/she is the subject of the allegation, the GDRA President will manage GDRA's response in accordance with the disciplinary procedures described in the GDRA rules. If appropriate, GDRA will report and refer the incident to law enforcement authorities and/or the US Center for SafeSport.

On receipt of an allegation, GDRA will determine in its discretion 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.

GDRA's disciplinary response will depend on the nature and seriousness of the incident in accordance with the disciplinary procedures described in the GDRA rules. If the accused individual is a minor, GDRA will contact his or her parents or guardians. The disciplinary board will decide on the appropriate response to each case based on the allegations and evidence. Options available to the board include (but are not limited to) suspension or termination of membership and/or referral to law enforcement or the US Center for SafeSport.

Investigation

As appropriate, and at its discretion, GDRA may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct) as described in the GDRA rules. However, GDRA 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, GDRA 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

Hearing

If the Disciplinary Board determines it is warranted, it may hold a hearing to determine the appropriate response to allegations of misconduct.

Procedural Safeguards

In every case where the Disciplinary Board determines a hearing is warranted pursuant to this Policy, an adjudication shall be conducted that shall in all cases comply with GDRA's bylaws and rules. 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

Preliminary Determination

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the Disciplinary Board is satisfied, in the exercise of their discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, the board will schedule a hearing and/or take appropriate action in accordance with this Policy.

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 Board requires the individual to attend the hearing in person, the individual may appear by video or 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.

Timing

The Disciplinary Board 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 Board may render an expedited determination.

Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Disciplinary Board to consider. The Disciplinary Board 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 Disciplinary Board may also consider its employment 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 Board.

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

Findings and Sanctions

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

Any sanctions imposed by the Disciplinary Board 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 Disciplinary Board deciding each complaint. In imposing a sanction, the Disciplinary Board shall consider:

- a) The legitimate interest of GDRA 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) The effect on GDRA'S reputation
- f) Whether the individual poses an ongoing concern for the safety of GDRA's athletes and participants
- g) 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 the GDRA for a period of time. Suspensions from sport involvement with GDRA may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from the GDRA.

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

Confidentiality

The Disciplinary Board will determine if the conduct of the hearing will or will not be private. If the Disciplinary Board 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.

Appeal

The appeal body shall be the GDRA Board of Trustees. 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 GDRA Board within 14 days of the Disciplinary Board's finding. On appeal, the GDRA Board will address the merits of the Disciplinary Board's decision *de novo*, and not the process that was utilized. A decision rendered by the GDRA Board shall be final and binding on all parties.

PROHIBITED CONDUCT

Child Sexual Abuse

- (1) Any sexual activity with a child where consent is not or cannot be given. This includes sexual contact with a child that is accomplished by deception, manipulation, force or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Note concerning peer-to-peer child sexual abuse: Sexual contact between minors also can be abusive. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power and/or intellectual capabilities.

- (2) Any act or conduct described as child sexual abuse under federal or state law.

Exception

None

Examples

Sexually abusive acts may include sexual penetration, sexual touching or non-contact sexual acts such as verbal acts, sexually suggestive electronic or written communications, exposure or voyeurism.

Emotional Misconduct

- (1) A pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete. Non-contact behaviors include:
 - a. verbal acts
 - b. physical acts
 - c. acts that deny attention or support
- (2) Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect).

Exception

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

Examples

Examples of emotional misconduct prohibited by this policy include, without limitation:

- (1) **Verbal Acts.** A pattern of verbal behaviors that (a) attack an athlete personally (e.g., calling them worthless, fat or disgusting) or (b) repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.
- (2) **Physical Acts.** A pattern of physically aggressive behaviors, such as (a) throwing sport equipment, water bottles or chairs at, or in the presence of, participants; or (b) punching walls, windows or

other objects.

- (3) **Acts that Deny Attention and Support.** A pattern of (a) ignoring an athlete for extended periods of time or (b) routinely or arbitrarily excluding participants from practice.

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

Physical Misconduct

- (1) Contact or non-contact conduct that results in, or reasonably threaten to, cause physical harm to an athlete or other sport participants; or
- (2) Any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).

Exceptions

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

Examples

Examples of physical misconduct prohibited by this Policy include, without limitation:

- (1) **Contact offenses.** Behaviors that include:
 - (a) punching, beating, biting, striking, choking or slapping an athlete;
 - (b) intentionally hitting an athlete with objects or sporting equipment;
 - (c) providing alcohol to an athlete under the legal drinking age (under U.S. law);
 - (d) providing illegal drugs or non-prescribed medications to any athlete;
 - (e) encouraging or permitting an athlete to return to play pre-maturely following a serious injury (e.g., a concussion) and without the clearance of a medical professional;
 - (f) prescribing dieting or other weight-control methods (e.g., weigh-ins, caliper tests) without regard for the nutritional well-being and health of athlete.
- (2) **Non-contact offenses.** Behaviors that include:
 - (a) isolating an athlete in a confined space (e.g., locking an athlete in a small space);
 - (b) forcing an athlete to assume a painful stance or position for no athletic purpose (e.g. requiring an athlete to kneel on a harmful surface);
 - (c) withholding, recommending against or denying adequate hydration, nutrition, medical attention or sleep.

Note: Bullying, harassment and hazing, defined below, often involve some form of physical misconduct.

Sexual Misconduct

- (1) Any touching or non-touching sexual interaction that is (a) nonconsensual or forced, (b) coerced

or manipulated, or (c) perpetrated in an aggressive, harassing, exploitative or threatening manner;

- (2) Any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative; or
- (3) Any act or conduct described as sexual abuse or misconduct under federal or state law (e.g. sexual abuse, sexual exploitation, rape)

Note: An imbalance of power is always assumed between a coach and an athlete.

Types of Sexual Misconduct

Types of sexual misconduct include:

- (1) sexual assault,
- (2) sexual harassment,
- (3) sexual abuse, or
- (4) any other sexual intimacies that exploit an athlete. **Minors cannot consent to sexual activity with an adult**, and all sexual interaction between an adult and a minor is strictly prohibited.

Exceptions

None

Examples

Examples of sexual misconduct prohibited under this Policy include, without limitation:

- (1) **Touching offenses.** Behaviors that include:
 - (a) fondling an athlete's breasts or buttocks
 - (b) exchange of reward in sport (e.g., team placement, scores, feedback) for sexual favors
 - (c) genital contact
 - (d) sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sport participants.

Comment

(1) **Authority and Trust.** Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. Accordingly, sexual interaction or intimacies between a coach and an athlete or other participant are prohibited, regardless of age, both during coaching and during that period following coaching if an imbalance in power could jeopardize effective decision-making.

Imbalance of Power. Factors relevant to determining whether there is an imbalance of power include, but are not limited to: (a) the nature and extent of the coach's supervisory, evaluative or other authority over the athlete being coached; (b) the actual relationship between the parties; (c) the parties' respective roles; (d) the nature and duration of the sexual relations or intimacies; (e) the age of the coach; (f) the age of the athlete or participant; (g) and whether the coach has engaged in a pattern of sexual interaction with other athletes or participants.

(2) **Exception.** This section does not apply to a pre-existing relationship between two spouses or life partners.

(2) **Non-touching offenses.** Behaviors that include:

- (a) a coach discussing his or her sex life with an athlete
- (b) a coach asking an athlete about his or her sex life
- (c) coach requesting or sending a nude or partial-dress photo to athlete
- (d) exposing athletes to pornographic material
- (e) sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g. "sexting")
- (f) deliberately exposing an athlete to sexual acts
- (g) deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)
- (h) sexual harassment; specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and
 - a. is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this
 - b. is sufficiently severe or intense to be harassing to a reasonable person in the context.

Bullying

- (1) An intentional, persistent and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate the targeted athlete(s), as a condition of membership
- (2) Any act or conduct described as bullying under federal or state law

Exceptions

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

For example, bullying does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

Examples

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

- (1) **Physical behaviors.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete; (b) throwing at, or hitting an athlete with, objects such as sporting equipment.
- (2) **Verbal and emotional behaviors.** Behaviors that include (a) teasing, ridiculing, intimidating; (b) spreading rumors or making false statements; or (c) using electronic communications, social media, or other technology to harass, frighten, intimidate or humiliate (“cyber bullying”).

Harassment

- (1) A repeated pattern of physical and/or non-physical behaviors that (a) are intended to cause fear, humiliation or annoyance, (b) offend or degrade, (c) create a hostile environment or (d) reflect discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; or
- (2) Any act or conduct described as harassment under federal or state law

Exceptions

None

Examples

Examples of harassment prohibited by this Policy include, without limitation:

- (1) **Physical offenses.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking or slapping an athlete or participant; (b) throwing at or hitting an athlete with objects including sporting equipment.
- (2) **Non-physical offenses.** Behaviors that include (a) making negative or disparaging comments about an athlete’s sexual orientation, gender expression, disability, religion, skin color, or ethnic traits; (b) displaying offensive materials, gestures, or symbols; (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

Hazing

- (1) Coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group’s members; or

- (2) Any act or conduct described as hazing under federal or state law

Exception

Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

Examples

Examples of hazing prohibited by this Policy include, without limitation:

- (1) requiring, forcing or otherwise requiring the consumption of alcohol or illegal drugs
- (2) tying, taping or otherwise physically restraining an athlete
- (3) sexual simulations or sexual acts of any nature
- (4) sleep deprivation, otherwise unnecessary schedule disruption or the withholding of water and/or food
- (5) social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or meant to draw ridicule
- (6) beating, paddling or other forms of physical assault
- (7) excessive training requirements focused on individuals on a team

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

GDRA Incident Report Form

(Can be submitted to <gdra-trustees@googlegroups.com> or GDRA SafeSport Officer.)

Incident:	
Reported by:	
Contact Information:	
Date Reported:	

Date of Incident:	
Location of Incident:	
Individual(s) Involved:	
Description of Incident/Complaint:	