



# ATHLETE SAFETY POLICY

## Policy Requirements

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## **INTRODUCTION**

This policy was developed to meet the requirements set forth by Public Law 115-126 *Protecting Young Victims for Sexual Abuse and Safe Sport Authorization Act of 2017* (the "SafeSport Act"). The Alliance Fastpitch Athlete Safety Policy sets the standard for all clients to implement as their own policy where one does not exist.

The Alliance Fastpitch has a zero-tolerance policy for abuse and misconduct. All participants in the Alliance Fastpitch community must play an active role in creating an environment free from emotional, physical, or sexual abuse. In that regard, the policy set forth was developed to help all participants detect and report abuse, respond to it and prevent future occurrences. This policy includes six (6) key components: Prohibited Conduct, Mandatory Reporting, Background Screening, Education and Training, Limiting One on-One Interactions (Minor Athlete Abuse Prevention Policies) and Enforcement.

## **ADULT PARTICIPANTS, MINOR ATHLETES, AND POLICY EXCEPTIONS**

This policy uses the term "Adult Participants" to refer to those adults (aged 18 years and older) to whom these policies apply. Adult Participants are required to follow all policies included in The Alliance Fastpitch's Athlete Safety Policy. Adult participants are defined as any adult (18 years of age or older) who is:

1. A member or license holder of a National Governing Body (NGB), Paralympic Sport Organization (PSO), Local Affiliate Organization (LAO), or United States Olympic and Paralympic Committee (USOPC);
2. An employee or board member of an NGB, PSO, LAO, or USOPC.
3. Within the governance or disciplinary jurisdiction of an NGB, PSO, LAO, or USOPC; or
4. Authorized, approved, or appointed by an NGB, PSO, LAO, or USOPC to have regular contact with or authority over Minor Athletes.
5. Any member, employee, board member or authorized approved or appointed individual of an amateur sport organization outside of the Olympic Movement with regular contact or authority over Minor Athletes.

The Alliance Fastpitch defines Adult Participants as:

1. Organization Board Members, Officers, and Directors
2. Organization Employees and Independent Contractors
3. Coaches and Trainers
4. Team Managers and Club Administrators
5. Tournament Directors
6. Athletic Trainers
7. eSports Moderators

Further, Adult Participants with a dual role or relationship with a minor creates an exception to certain policies set forth within this document. A "Dual Relationship" exception exists when:

- An Adult Participant has a dual role or relationship with a Minor Athlete. The exception requires written consent of the Minor Athlete's parent/guardian at least annually. Many of the exceptions require parent/guardian consent.

- Examples of a dual role relationship can include, but is not limited to:

1. Adult Participant who is a Parent/Guardian of a minor athlete
2. Adult Participant who is an Aunt/Uncle of a minor athlete; or
3. Adult Participant who is a family friend of a minor athlete.

"In Program" contact includes sanctioned events and facilities, but it also applies more broadly to sport related interactions, and is defined as:

- Any contact (including communications, interactions, or activities) between an Adult Participant and any Minor Athlete(s) related to participation in sport.

Examples of in-program contact include, but are not limited to competition, practices, camps/clinics, training/instructional sessions, pre/post game meals or outings, team travel, review of game film, team or sport-related relationship building activities, celebrations, award ceremonies, banquets, team- or sport related fundraising or community service, sport education, or competition site visits.

## **PROHIBITED CONDUCT**

It should be noted that all defined Adult Participants and Minor Athletes of The Alliance Fastpitch's programming are subject to specific prohibited conduct as outlined below. Prohibited behaviors include harassment, sexual harassment, racial, religious, or national origin harassment, child sex abuse, sexual misconduct, emotional misconduct, physical misconduct, bullying and hazing. All Adult Participants have an obligation to cooperate in any investigation of a complaint of misconduct, including providing all information concerning the complaint. Failure to do so may be a direct violation of this policy. Any violation of this Prohibited Conduct Policy by Adult Participants or Minor Athletes may subject the individual to disciplinary action and The Alliance Fastpitch prohibits any retaliation against individuals making good faith reports of misconduct, including potential violations of this Prohibited Conduct Policy by Adult Participants for Minor Athletes.

### **Harassment**

Repeated and/or severe conduct that causes fear, humiliation, or annoyance, offends, or degrades, creates a hostile environment, or reflects discriminatory bias in an attempt to establish dominance,

superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or any act or conduct described as harassment under federal or state law.

### **Sexual Harassment**

Any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise. Sexual harassment can also include harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

### **Racial, Religious or National Origin Harassment**

Includes any verbal, written or physical act in which race, religion, or national origin is used or implied in a manner which makes a reasonable person uncomfortable in the environment. Examples include but are not limited to jokes, which include reference to race, religion, or national origin, the display of objects or pictures which adversely reflect on a person's race, religion, or national origin, or use of pejorative or demeaning language regarding a person's race, religion, or national origin.

### **Child Sexual Abuse**

Any sexual activity with a child is prohibited. 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.

### **Sexual Misconduct**

Any sexual interaction between an athlete and an individual with evaluative, direct, or indirect authority is prohibited. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative. This section does not apply to a pre-existing relationship between two spouses or life partners.

### **Emotional Misconduct**

A pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to another person. Non-contact behaviors include verbal acts, physical acts, or acts that deny attention or support; or any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect). Emotional misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athletic performance.

### **Physical Misconduct**

Is defined as contact or non-contact conduct that results in, or reasonably threatens to, cause physical

harm to another person; or any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault). Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athletic performance. For example, hitting and punching are well regulated forms of contact in combat sports but have no place in soccer.

## **Bullying**

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

## **Hazing**

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

## **MANDATORY REPORTING**

All Adult Participants of The Alliance Fastpitch are mandatory reporters of any known or suspected child abuse. All reports must be made to the appropriate law enforcement authorities within 24 hours; the abuse does not need to be confirmed. Adult Participants should never seek to conduct their own investigations.

The Alliance Fastpitch does not tolerate retaliation of any kind. Any Adult Participant or Minor Athlete who makes a good faith report will not be subject to retaliation, including harassment, as a result of making a report. The SafeSport Act of 2017 also includes qualified immunity for good faith reports. The obligation to report is not always satisfied by making an initial report and an Adult Participant is required to report supplemental information of which he/she becomes aware that may be relevant in a pending investigation.

As The Alliance Fastpitch is now required to have a mechanism for all individuals (adults and minors) to report abuse (not just abuse in sexual nature as abuse can be defined as any of the prohibited behaviors outlined above under Prohibited Conduct), all are encouraged to utilize the "Report An Incident" feature with the Alliance Fastpitch digital compliance platform. Regardless of the method for reporting any known or suspected child abuse, all Adult Participants of The Alliance Fastpitch are also required to report the information to The Alliance Fastpitch.

## **BACKGROUND CHECKS**

The Alliance Fastpitch's Background Check Policy is in place to set forth requirements pertaining to appropriate background screening. This Background Check Policy does not apply to individuals under

18 years of age. All Adult Participants shall be known collectively as “Adult Applicant” for the purposes of this Background Check Policy.

Every Adult Applicant is required to apply for a background check every year by using the Alliance Fastpitch digital compliance platform by the earlier of 1) prior to regular contact with a Minor Athletes; or 2) within the first 45 days of the Adult Applicant taking on the role giving them access to Minor Athletes. Adult Athletes are subject to a different background check as described in the complete The Alliance Fastpitch Background Check Policy.

A comprehensive background check, including a national search, national sex offender search (50 states plus U.S. territories) and 7-year county of residence criminal record and/or state criminal record repository search will be conducted on every Adult Applicant submitted every seasonal year. In addition, all Adult Applicants should be vetted against The Alliance Fastpitch’s suspension database, and the SafeSport Centralized Disciplinary Database. The complete The Alliance Fastpitch Background Check Policy is available upon request.

## **EDUCATION & TRAINING**

The following Adult Participants must complete The Alliance Fastpitch Abuse Prevention Training through the Alliance Fastpitch digital compliance platform:

- Adult Participants who have regular contact with any amateur athlete(s) who is a minor;
- Adult Participants who have authority over any amateur athlete(s) who is a minor; or
- Adult Participants who are an employee or board member of The Alliance Fastpitch or its direct and indirect members.

Adult Participants must complete this training:

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

## **REQUIRED POLICIES FOR ONE-ON-ONE INTERACTIONS**

The Alliance Fastpitch recognizes that youth-adult relationships can be healthy and valuable for development. Policies on one-on-one interactions protect children while allowing for these beneficial relationships. As child sexual abuse is often perpetrated in isolated, one-on-one situations, it is critical that organizations limit such interactions between youth and adults and implement programs that reduce the risk of sexual abuse.

### **ONE-ON-ONE INTERACTIONS**

#### ***Observable and Interruptible***

All one-on-one In-Program Contact between an Adult Participant and a Minor Athlete must be observable and interruptible, except in emergency circumstances. The exceptions below may apply to specific

policies, and if the exceptions apply, they are listed in the policy. These exceptions also apply to all one-on-one In-Program Contact not specifically addressed in other policies:

- When a Dual Relationship exists; or
- When the Close-in-Age Exception applies; or
- If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to the Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
  - (3) the Adult Participant Personal Care Assistant has complied with the Alliance Fastpitch's screening policy; or
- In other circumstances specifically addressed in this policy that allow for certain one-on-one interactions if OS receives parent/ guardian consent.

## **MEETINGS AND TRAINING SESSIONS**

### ***Observable and Interruptible***

Adult Participants must follow the one-on-one interaction policy in all meetings and training sessions where Minor Athlete(s) are present.

### ***Individual Training Sessions***

One-on-one, In-Program, individual training sessions must be observable and interruptible except if:

- A Dual Relationship exists; or
- The Close-in-Age Exception applies; or
- If a Minor Athlete needs a Personal Care Assistant, and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to the Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
  - (3) the Adult Participant Personal Care Assistant has complied with the Alliance Fastpitch's screening policy.

The Adult Participant providing the individual training session must receive advance, written consent from the Minor Athlete's parent/guardian at least annually, which can be withdrawn at any time; and parents/guardians must be allowed to observe the individual training session.

### ***Meetings with Licensed Mental Health Care Professionals and Health Care Providers (Other Than Athletic Trainers)***

If a licensed mental health care professional or licensed health care provider meets one-on-one with a Minor Athlete at a sanctioned event or a facility, which is partially or fully under The Alliance

Fastpitch's jurisdiction, the meeting must be observable and interruptible except:

- If the door remains unlocked; and
- Another adult is present at the facility and notified that a meeting is occurring, although the Minor Athlete's identity needs not be disclosed; and
- The Alliance Fastpitch is notified that the provider will be meeting with a Minor Athlete; and
- The provider obtains consent consistent with applicable laws and ethical standards, which can be withdrawn at any time.

## **ATHLETIC TRAINING MODALITIES, MESSAGES, AND RUBDOWNS**

### ***Athletic Training Modality, Massage, or Rubdown***

All In-Program athletic training modalities, massages, or rubdowns of a Minor Athlete must:

- Be observable and interruptible; and
- Have another Adult Participant physically present for the athletic training modality, massage, or rubdown; and
- Have documented consent as explained in subsection (2) below; and
- Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin, or genitals are always covered; and
- Allow parents/guardians in the room as an observer, except for competition or training venues that limit credentialing.

### **Consent**

Consent must be obtained at least annually from Minor Athletes' parents guardians before providing any athletic training modalities, massages, or rubdowns. Minor Athletes or their parents/guardians can withdraw consent at any time.

## **LOCKER ROOMS AND CHANGING AREAS**

### ***Observable and Interruptible***

Adult Participants must ensure that all In-Program Contact with Minor Athlete(s) in a locker room, changing area, or similar space where Minor Athlete(s) are present is observable and interruptible, except if:

- A Dual Relationship exists; or
- The Close-in-Age Exception applies; or
- If a Minor Athlete needs an Adult Participant Personal Care Assistant, and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to the Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - (2)



the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and

- (3) the Adult Participant Personal Care Assistant has complied with the Alliance Fastpitch's screening policy.

### ***Conduct in Locker Rooms, Changing Areas, and Similar Spaces***

No Adult Participant or Minor Athlete can use the photographic or recording capabilities of any device in locker rooms, changing areas, or any other area designated as a place for changing clothes or undressing.

- Adult Participants must not change clothes or behave in a manner that intentionally or recklessly exposes their breasts, buttocks, groins, or genitals to a Minor Athlete.
- Adult Participants must not shower with Minor Athletes unless:
  - The Adult Participant meets the Close-in-Age Exception; or
  - The shower is part of a pre- or post-activity rinse while wearing swimwear.

Parents/guardians may request in writing that their Minor Athlete(s) not change or shower with Adult Participant(s) during In-Program Contact. The Alliance Fastpitch and the Adult Participant(s) shall abide by this request.

### ***Media and Championship Celebrations in Locker Rooms***

The Alliance Fastpitch may permit recording or photography in locker rooms for the purpose of highlighting a sport or athletic accomplishment if:

- Parent/legal guardian consent has been obtained; and
- The Alliance Fastpitch approves the specific instance of recording or photography; and
- Two (2) or more Adult Participants are present; and
- Everyone is fully clothed.

### ***Personal Care Assistants***

Adult Participant Personal Care Assistants are permitted to be with and assist Minor Athlete(s) in locker rooms, changing areas, and similar spaces where other Minor Athletes are present, if they meet the requirements above.

### ***Availability and Monitoring of Locker Rooms, Changing Areas, and Similar Spaces***

The Alliance Fastpitch will provide a private or semi-private place for Minor Athletes that need to change clothes or undress at sanctioned events or facilities partially or fully under The Alliance Fastpitch's jurisdiction.

The Alliance Fastpitch will monitor the use of locker rooms, changing areas, and similar spaces to ensure compliance with these policies at sanctioned events or facilities partially or fully under The Alliance Fastpitch's jurisdiction.

## **ELECTRONIC COMMUNICATIONS**

### ***Open and Transparent***

**All one-on-one electronic communications between an Adult Participant and a Minor Athlete must be Open and Transparent except:**

- When a Dual Relationship exists; or
- When the Close-in-Age Exception applies; or
- If a Minor Athlete needs a Personal Care Assistant, and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to the Organization for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and
  - (2) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and
  - (3) the Adult Participant Personal Care Assistant has complied with The Alliance Fastpitch's screening policy.

Open and Transparent means that the Adult Participant copies or includes the Minor Athlete's parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant.

If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.

Only platforms that allow for Open and Transparent communication may be used to communicate with Minor Athletes.

### ***Team Communication***

When an Adult Participant communicates electronically to the entire team or any number of Minor Athletes on the team, the Adult Participant must copy or include another Adult Participant or the Minor Athletes' parents/guardians.

### ***Content***

All electronic communication originating from an Adult Participant(s) to a Minor Athlete(s) must be professional in nature unless an aforementioned exception exists.

### ***Requests to Discontinue***

Parents/guardians may request in writing that the Organization or an Adult Participant subject to this policy not contact their Minor Athlete through any form of electronic communication. The Organization and the Adult Participant must abide by any request to discontinue, absent emergency circumstances.

## **TRANSPORTATION**

### ***Transportation***

**An Adult Participant cannot transport a Minor Athlete one-on-one during In-Program travel, except if:**

- A Dual Relationship exists; or
- The Close-in-Age Exception applies;
- The Adult Participant has advance, written consent to transport the Minor Athlete one-on-one obtained at least annually from the Minor Athlete's parent/guardian.

Minor Athlete(s) or their parent/guardian can withdraw consent at any time.

An Adult Participant meets the In-Program transportation requirements if the Adult Participant is accompanied by another Adult Participant or at least two minors.

Written consent from a Minor Athlete's parent/guardian is required for all transportation sanctioned by The Alliance Fastpitch at least annually.

## **LODGING**

### *Hotel Rooms and Other Sleeping Arrangements*

All In-Program Contact at a hotel or lodging site between an Adult Participant and a Minor Athlete must be observable and interruptible, and an Adult Participant cannot share a hotel room or otherwise sleep in the same room with a Minor Athlete(s), except if:

- A Dual Relationship Exists, and the Minor Athlete's parent/guardian has provided the Organization with advance, written consent for the lodging arrangement.
- The Close-in-Age Exception applies, and the Minor Athlete's parent/guardian has provided The Alliance Fastpitch with advance, written consent for the lodging arrangement; or

Written consent from a Minor Athlete's parent/guardian must be obtained for all In-Program lodging at least annually.

### *Monitoring or Room Checks During In-Program Travel*

If the Organization or team performs room checks during In-Program lodging, the one-on-one interaction policy must be followed and at least two (2) adults must be present for the room checks.

### *Additional Requirements for Lodging Authorized or Funded by The Alliance Fastpitch*

Adult Participants traveling with The Alliance Fastpitch must agree to and sign the lodging policy at least annually.

Adult Participants that travel overnight with Minor Athlete(s) are assumed to have Authority over Minor Athlete(s) and thus must comply with the Education & Training Policy.

## **ENFORCEMENT**

The Alliance Fastpitch's Policy on Enforcement is set forth to establish procedures for monitoring and enforcing compliance with The Alliance Fastpitch's Athlete Safety Policy, as well as to establish an

appropriate grievance process to address allegations of misconduct following the report or complaint of misconduct.

The Alliance Fastpitch takes all reports of potential violations of this Athlete Safety Policy seriously and is committed to confidentiality and investigation of allegations.

The Alliance Fastpitch reserves the right to, either directly or through a contracted third-party service provider, survey, audit, require certifications of compliance with, or otherwise review compliance with The Alliance Fastpitch's Athlete Safety Policy. All violations of the Policy will be subject to the current The Alliance Fastpitch Disciplinary and Appeals Process.

The decision of the Alliance Fastpitch Executive Committee shall be final and binding on all parties. The individual has the right to appeal a final decision rendered by The Alliance Fastpitch's process for violations of the Alliance Fastpitch Athlete Safety Policy, excluding those decisions rendered pertaining to the Background Screening Policy of the Alliance Fastpitch Athlete Safety Policy, which is outlined in the Alliance Fastpitch Disciplinary and Appeals Process (policy is available upon request).