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USA Para Powerlifting Sexual Misconduct Policy

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USA PARA POWERLIFTING/LOGAN UNIVERISTY

Contents

Purpose 2

Development of Policy 2

Policy statement 3

Policy 4

 Physical, emotional, and sexual misconduct 4

 Definitions 4

 Additional prohibited misconduct 7

 Criminal background Checks 7

 Education and Training 7

 Procedures for Reporting a Complaint 8

 Reporting 8

 Filing a complaint 8

 Procedures for Disciplinary Action in Cases of Alleged Misconduct Offense 9

Additional terms 0

Attachment A 1

 Criminal Background Checks 1

Purpose

To establish a policy related to USA Para Powerlifting (USAPP) at its designated High Performance Management Organization (HPMO), Logan University (Logan) commitment to ensuring a safe environment for athlete participation.

Development of Policy

In line with the USOC/US Paralympic SafeSport movement. USAPP in conjunction with its HPMO developed the following policy to (a) main compliance with current policies and best practices and (b) ensure the safety of all current and future athletes, coaches, staff, referee and volunteers of the sport.

This document was collaboratively developed among the members of USAPP administration at Logan, USAPP's Athlete Representative, and USAPP's High Performance Manager as well as resources provided to USAPP administration from other National Governing Bodies (NGB) and HPMO for various US Paralympic Sports. Table 1 provides the details of the collaboration.

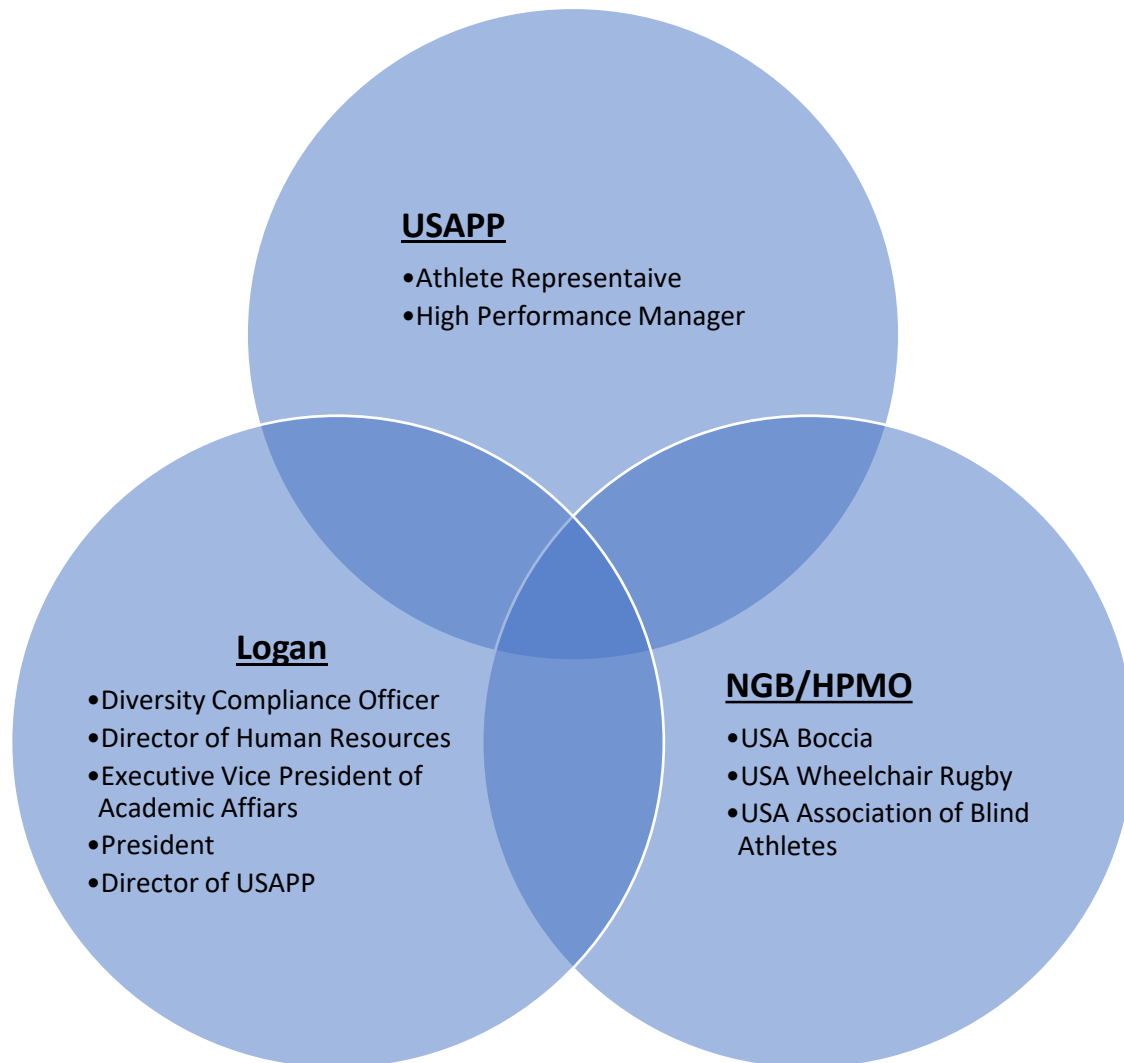


Figure 1: Resources included in creating USAPP’s Misconduct Policy

Policy statement

USAPP is committed to the safety and well-being of all athletes and others who participate in their programs. By creating a safe and positive environment that is free of misconduct to include Sexual and gender-based misconduct, including harassment (including sexual), bullying, hazing, emotional misconduct, physical misconduct, and sexual misconduct (sexual violence, sexual exploitation, intimate partner violence, and stalking). The aforementioned will be considered violations of USAPP’s Misconduct Policy. USAPP athletes and staff have a right to be free from misconduct. All members of the USAPP community must conduct themselves in a way that does not infringe upon the rights and safety of others. All members of the USAPP community are protected by this policy regardless of their gender, gender identity, gender expression, sexual orientation or any other identifier. USAPP extends its roles as membership organization as a single sport organization under the United States Olympic Committee

(USOC)/United States (US) Paralympic committee umbrella. This policy supports the SafeSport Code for the US Olympic and Paralympic Movements.

Along with this commitment, USAPP/Logan establishes the following policy that applies to their employees, contractual staff, coaches, referees, volunteers, and athlete participants.

Policy

Physical, emotional, and sexual misconduct

USAPP prohibits the crimes of physical, emotional and sexual misconduct. Programs are in place at Logan such as mandatory diversity training and Title IX training to ensure all staff and athletes are aware of our policy and trained as a measure of prevention. USAPP will respond promptly and effectively to reports of sexual assault, domestic violence, dating violence and stalking. Appropriate actions will be taken to prevent, correct and to discipline behavior that violates this policy. If a member of our community is victim to any of these crimes, USAPP will also work to support, remedy and connect the victim to community resources.

Definitions

Harassment

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 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
- (e) Any act or conduct described as harassment under federal or state law.

Specific definition of sexual harassment provided under sexual misconduct definitions.

Bullying

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; or

Any act or conduct described as bullying under federal or state law.

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; or

Any act or conduct described as hazing under federal or state law.

Emotional misconduct

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.

Any act or conduct as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).

Physical misconduct

Contact or non-contact that results in, or reasonably threatens to, cause physical harm to an athlete or other sports participants; or

Any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).

Sexual misconduct

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition
 - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
 - b. Dating violence does not include acts covered under the definition of domestic violence

Domestic Violence

A felony or misdemeanor crime of violence committed

- i. By a current or former spouse or intimate partner of the victim
- ii. By a person with whom the victim shares a child in common
- iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner
- iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is *"any sexual act directed against another person, without the consent of the victim, including instance where the victim is incapable of giving consent."*

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- i. Fear for the person's safety or the safety of others or
- ii. Suffer substantial emotional distress. For the purposes of this definition-
 - a. Courses of conduct means two or more acts, including but not limited to acts which stalker direct, indirectly, or through third parties by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consent

Is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no;" a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know, or reasonably should know, to be incapacitated constitutes sexual misconduct.

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

Additional details regarding each type of misconduct described above can be found in the SafeSport Code for the U.S. Olympic and Paralympic Movement (www.safesport.org)

Additional prohibited misconduct

Additionally, prohibited misconduct shall include, without limitation, the following:

- Romantic or sexual relationships, which began during the sports relationship, between athletes and or other participants and those individuals
 - with direct supervisory or evaluative control, or
 - are in a position of power and trust over the athlete or other participant.
- Except in circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes or participants they coach.

The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated there is no imbalance of power.

- For example, this prohibition does not apply to a pre-existing relationship between two spouses or life partners.

Criminal background Checks

USAPP/Logan shall require criminal background checks, at least every year, for all employed and contracted staff and volunteers who are in a position over or have frequent contact with athlete participants which includes applicable employees, contractual staff, coaches, and referees who have direct supervision over athletes. USAPP/Logan will accept current and favorable background checks from the National Center for Safety Initiatives (NCSI) and other reputable background check organizations. Logan's current background check policy (as it related to actions needed for results of background checks) will be enforced (Attachment A).

Education and Training

Effective with the issuance of this policy, USAPP/Logan shall require education and training concerning the key elements of this athlete safety policy and the USOC SafeSport program for applicable employees, contractual staff, coaches, and referees who have direct supervision over

athletes. Training will include review of this policy document and completion of USOC SafeSport training per the standards set forth by USOC/US Paralympics. This policy also extends to any non-athlete USAPP authorizes to train or attend USAPP sanctioned/approved events/competitions/camps. Individuals will be required to demonstrate successful completion of USOC SafeSport Training before being granted access to attending USAPP sanctioned/approved events/competitions/camps. This policy document, a link to access USOC SafeSport training will be posted in a prominent location on the USAPP page on Logan's website.

Procedures for Reporting a Complaint

The following are the procedures an athlete or should follow for addressing a complaint of physical, emotional, and sexual misconduct.

Reporting

The following is the recommended reporting structure

- Athletes are encouraged to contact USAPP's Athlete Representative
 - In the event the Athlete representative is a part of the complaint the athlete is encourage to contact the Director is USAPP
 - In the event the Director of USAPP and the Athlete Representative are both apart of the complaint athlete is encouraged to contact Logan's Director of Human Resources

Additional reporting recommendations

- Individual is encouraged to call someone who can help and support them, such as a friend or relative and/or the police (911) if appropriate.
- If an individual observes or otherwise becomes aware of any of these behaviors, safely intervene to prevent the occurrence from taking place. If this is not possible is not possible the individual is strongly encouraged immediately report what he/she has observed and to contact the police (911) if applicable to the situation.

Filing a complaint

Athletes are encouraged to contact the current USAPP Athlete Representative, Director of USAPP and/or Logan's Director of Human Resources should he/she have a complaint related to the physical, emotional, and sexual misconduct items outline in this document. Once reported to the USAPP Athletes Representative the appropriate chain of events (outlined in the next section of this document) will be initiated.

- A formal complaint is not required to initiate an investigation. Any physical, emotional, and/or sexual misconduct policy violation that becomes known by a mandated reported or USAPP staff member will be investigated.
 - A mandated reporter/responsible employee is defined as any USAPP staff member who has the authority to take action to redress misconduct and

harassment or has the duty to report misconduct and harassment to appropriate official(s)

- A complainant is also encouraged to file a report with the appropriate law enforcement agency by dialing 911 is applicable to the situation. The USAPP Athlete Representative, Director of USAPP and/or Logan's Director of Human Resources can assist with notification of law enforcement, if desired by the complainant. A complainant may simultaneously pursue criminal and USAPP processes, but also has the right to decline to notify law enforcement.
- Once a complaint is made, formal or informal, the staff of USAPP will be informed (as needed) to ensure the individual is not placed in any situations that will cause them to feel threatened or unsafe.

Procedures for Disciplinary Action in Cases of Alleged Misconduct Offense

Investigating a Complaint

- Upon receipt of a complaint against a USAPP member (the "Respondent"), USAPP Athlete Representative is to report the matter to the Director of USAPP. The Director of USAPP, or his/her respective designee, along with the Athlete Representative, may conduct an investigation or, at his/her discretion, request that an independent investigative agent conduct such an investigation. Hereafter, references to "Investigator" will be taken to mean the Director of USAPP and the Athlete Representative, or the independent investigative agent, as the case may be. The Investigator will commence an investigation within seven business days of notification (see Figure 2). **Anonymous reports may be made verbally or in writing.**
 - In the event the USAPP Athlete Representative and the Director of USAPP are apart of the Reporting Party complaint, the role of the Investigator will fall on Logan's current Director of Human Resources.
- During the investigation, both the "Reporting Party" and "Respondent" will be interviewed. Additional witnesses to support the statements of both parties may also be interviewed. Prior to the completion of the investigation, each party will have the chance to review their statements to ensure accuracy.
- Upon completion of the investigation, a written report will be filed. The report will describe in detail the relevant facts and circumstances concerning the complaint and may include statements from both the "Reporting Party" and the "Respondent". The investigative report may also include any witness statements, police reports, emails, text messages, video or other evidence to support statements.
- At any point before, during, or after the investigation the USAPP administration may determine that interim or remedial measures, directed at the parties, witnesses, or a broader USAPP population, are necessary and appropriate to prevent and/or respond to physical, emotional, and sexual misconduct. Depending on the specific nature of the

allegation, such measures may include, but are not limited to implementation of a no-contact order, counseling services, and accommodations, etc.

Adjudicating a Complaint

- The Director of USAPP and the Athlete Representative will assign the complaint to a Hearing Officer, who is charged with reviewing the case to determine whether there was a violation of the Misconduct Policy.
 - The hearing officer will be a third-party individual and in most cases this task will be delegated to Logan's current Director of Human Resources.
 - In the event Logan's current Director of Human Resources takes on the role of the Investigator, he/she will be given the authority to assign the Hearing Officer.
- Both the reporting party and responding party will have opportunity to meet with the Hearing Officer. During this meeting the Hearing Officer may ask follow up questions based on information in the investigative report. The parties will also have opportunity to share any relevant information with the Hearing Officer. Both parties will have opportunity to be accompanied to the hearing with an individual "advisor".
 - The role of the advisor is to provide support.
 - USAPP does not restrict the right of the reporting party or respondent to choose their advisor.
 - This "advisor" may consult and interact privately with the individual during the hearing, but may not perform any function in the process other than advising the individual
- Based upon the information provided in the hearings, investigative report, and any consultation with appropriate resources, the Hearing Officer will make a determination of responsibility using the preponderance of the evidence standard. This standard is whether an event was more likely than not to have occurred.
- If a party is determined to be responsible for a Misconduct Policy violation, the Hearing Officer with consultation from USAPP administration may impose sanctions, up to and including suspension and/or dismissal from USAPP affiliations including by not limited to the following
 - All World Para Powerlifting (WPP) sanctioned/recognized events/camps/competitions that USAPP is scheduled to participate
 - All USOC/US Paralympic sanctioned/recognized events/camps/competition specific to USAPP
 - All USAPP sanctioned/recognized development events/camps/competitions
- Each party will receive written notification of the determination of the hearing process, including any imposed sanctions
- Absent special circumstances, the investigation and hearing process will be completed within 60 days, since the notice of violation was received.

Appealing a Decision

- Either party may appeal the decision, by submitting a written request to the Director of USAPP and the Athlete Representative. Appeals must be received within 7 days from when the notice of decision was sent to the parties.
- Appeals will be received only if there is a claim that
 1. There was a material deviation from the stated USAPP/Logan policy and procedures in the investigative and hearing process.
 2. There is new and relevant information that has the potential to change the outcome of the case that was not available during the investigation.
- Each party will receive written notification of the appeal
- If there is grounds for an appeal, the case will be reviewed by an Appeal Board.
 - If the Appeal Board upholds an initial decision of responsible, the sanctions imposed will go into effect.
 - If the Appeal Board overturns the initial decision of responsible to not responsible, imposed sanctions will be rescinded.
 - If the Appeal Board overturns the initial decision of not responsible to responsible, the Appeal Board may determine sanctions.
 - The decision of the Appeal Board is final.
- Both parties will be notified in writing in regards to the final decision of the Appeal Board and any sanctions.

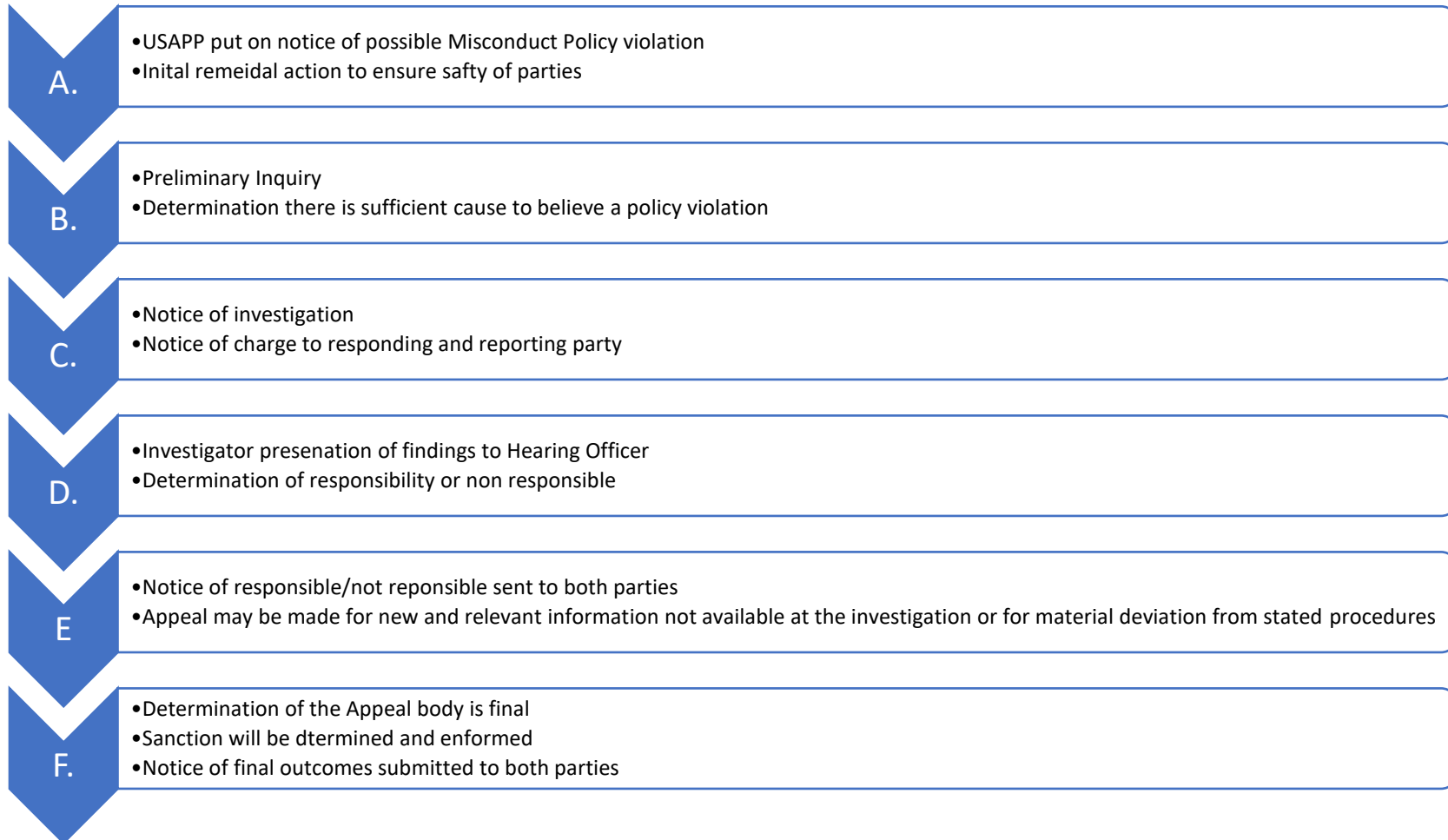


Figure 2: USAPP Grievance Process Model

Additional terms

This policy may be amended from time to time by the USOC/US Paralympics. Additionally, USAPP/Logan shall be guided by the principle that the health, safety and well-being of our athletes are fundamental elements of our managerial responsibility.

USAPP/Logan understands that failure to meet the minimum standards as set forth by this policy may result in disciplinary action by the USOC/US Paralympics including, without limitation:

- USAPP loss of status as a USOC/US Paralympic Single Sport Organization
- Logan loss of status as a USOC/US Paralympic HPMO for USAPP

Additionally, an individual who has committed a SafeSport violation who receives USOC/US Paralympic and/or Logan benefits may, at the discretion, lose those benefits. Benefits that may be lost or restricted may include, but are not limited to the following as the sport grows and continues to develop:

- Athlete support payments
- Tuition grants
- Elite athlete health insurance
- Athlete marketing programs
- Athlete service centers career assistance programs
- Media services
- USOC workshops, conferences and summits
- Personal development programs
- Sports medicine and performance services
- Sports coaching and education programs.

Additionally, individuals may lose opportunities to participate in or be associated with the U.S. delegation at a Delegation Event and any other competition or event as determined by the USOC/US Paralympic.

For guidance and questions regarding the Code please contact the U.S. Center for SafeSport (www.safesport.org).

Attachment A

Criminal Background Checks

It is a privilege for Logan University (Logan) house and be the governing body of USA Para Powerlifting (USAPP). To ensure the safety and well-being of all athletes and participations, background checks will be required of all staff, volunteers, and coaches that are to come into regular contact with the athletes. It is therefore important that staff, volunteers, and coaches within our program have current background checks prior to having contact with athletes and more frequently if required by a the USOC/US Paralympic sponsored events. Results of background checks will be made available to staff, volunteers, and coaches and to the necessary Logan staff and administration. Individuals considering applying to the Logan USAPP sponsored programs) should be aware that, based on certain criminal convictions, some affiliates may not accept a staff, volunteers, and coaches for assignment or may rescind a previous acceptance. In such an event, and depending on the circumstances, the staff, volunteers, and coaches may be unable to participate in the event. Depending on the nature of the event and how it affects the status and progression of the team, staff, volunteers, and coaches who are unable to participate in these events may be subject to dismissal from USAPP which is governed by Logan. In addition, certain criminal convictions may result in the denial of the credentials needed to participate. Prospective staff, volunteers, and coaches who are concerned about a criminal conviction are urged to contact the relevant state and/or federal agencies to inquire whether their criminal record may adversely affect the issuance of the credentials needed to participate.

Background checks are completed prior to entering the specific Pathway of Development or prior to employment. Staff, volunteers, and coaches with any criminal conviction or guilty pleas for the following shall not participate Logan USAPP events:

1. Rape
2. Criminal deviate conduct
3. Exploitation of an endangered adult or a child
4. Failure to report battery, neglect or exploitation of an endangered adult or a child
5. Theft, if the person's conviction for theft occurred less than 10 years before the date of submission by the person of an application for the criminal background check for the purposes
6. Conviction of any crime which requires registration with any state or national sexual offender registry
7. Aggravated murder
8. Murder
9. Voluntary manslaughter
10. Felonious assault
11. Kidnapping
12. Sexual battery
13. Aggravated arson
14. Aggravated robbery
15. Aggravated burglary

Any misdemeanor or felony drug law conviction leading to ineligibility must be documented with an explanation as to why it makes the staff, volunteers, and coaches ineligible. These will be reviewed and concerned on a case by case basis. Questions about the criminal background check process may be directed to the Director of USAPP.