

# The Cleveland Foundry

## SAFE SPORT POLICY

### **INTRODUCTION**

In conjunction and with the help of US Rowing, The Cleveland Foundry (hereinafter referred to as "The Foundry") has adopted the following SafeSport policies. The policies contained in this handbook are internal and meant as a guide for activities sponsored by The Foundry, particularly any programs involving youth participants.

This handbook will identify and address six primary types of misconduct, including: bullying, harassment, hazing, emotional misconduct, physical misconduct, and sexual misconduct. All forms of misconduct are intolerable and in direct conflict with the US Rowing ideals and those of The Foundry. The Foundry is committed to ensuring the safety of its members, coaches, and volunteers.

### **SECTION 1: TRAINING AND EDUCATION**

The Foundry's policies and procedures require coaches and/or volunteers to report abuse, misconduct and violations of its athlete safety program. To do so, coaches and volunteers should have a basic understanding of sexual abusers, as well as "grooming," the most common strategy offenders use to seduce their victims. Using a combination of attention, affection and gifts, offenders select a child, win the child's trust (and the trust of the child's parent or guardian), manipulate the child into sexual activity, and keep the child from disclosing abuse.

Accordingly, coaches and volunteers involved in all programs associated with The Foundry must complete an awareness training concerning misconduct in sport before performing services for The Foundry. Misconduct in sport includes:

- Bullying
- Harassment
- Hazing
- Emotional misconduct
- Physical misconduct, and
  
- Sexual misconduct, including child sexual abuse

Coaches and volunteers involved in club-sponsored youth programs must successfully complete the online training module and corresponding tests at: <http://training.teamusa.org/store/details/1>

The course is free, but the site requires registration. When creating an account, select "USA Rowing" from the drop down menu when prompted to select an organization and enter membership number 11214 (The Foundry).

Those coaches and volunteers who are required to take awareness training will take athlete awareness training every two (2) years, or no more than 30 day(s) before they have contact with athletes.

## **SECTION 2: BACKGROUND SCREENING**

### **CRIMINAL BACKGROUND CHECK POLICY**

All coaches and volunteers regularly involved in club-sponsored youth programs will be asked to undergo a criminal background check that complies with the Fair Credit Reporting Act before providing services for The Foundry. Through this criminal background check, The Foundry will utilize reasonable efforts to ascertain past criminal history of any potential coach or volunteer. The Foundry will absorb the costs associated with the Criminal Background Check.

### **PROCESS**

The Criminal Background Check Consent and Waiver Release form must be submitted, and the coach or volunteer cleared before he or she may perform services for The Foundry. On receipt of the Criminal Background Check Consent and Waiver Release form, The Foundry will request that its vendor perform the criminal background check. As part of its criminal background check, The Foundry will, at a minimum and without limitation,

1. perform a national search of state criminal repositories;
2. perform a search of state sexual offender registries; and
3. verify a person's identification against his or her social security number or other personal identifier.

### **POTENTIALLY DISQUALIFYING FACTORS**

#### *Criminal History*

The Foundry will use a criminal background check to gather information about a coach's or volunteer's prior criminal history. The information revealed by the criminal background check may disqualify that individual from serving as a coach, contractor and/or volunteer. Information that could disqualify an individual includes, but is not limited to, arrests, pleas of no contest, and criminal convictions.

#### *Pending Court Cases*

No decision will be made on an individual's eligibility for work as a new coach, contractor and/or volunteer if they have a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however,

during the case's pendency, the organization undertakes an independent investigation, any determination may be used to disqualify the individual.

#### *Full Disclosure*

Each potential coach or volunteer involved in programs affiliated with The Foundry has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest plea or conviction history is grounds for employment, volunteer, and/or membership revocation or restriction, regardless of when the offense is discovered.

#### FINDINGS

The criminal background check report will return a "red light" or "green light" score. A green light score means that the background check vendor located no records that would disqualify the individual. A green light score, however, is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist, and can be revealed through an interview, reference checks, or other relevant means.

A red light finding means the criminal background check revealed criminal records which suggest the individual "does not meet the criteria" and is not suitable to provide services, with or without compensation, to The Foundry.

Individuals who are subject to disqualification under a "red light" finding may challenge the accuracy of the reported information by either (1) appealing to The Foundry Board of Directors or (2) appealing to the criminal background check vendor.

#### FREQUENCY OF CRIMINAL BACKGROUND CHECKS

Criminal background checks will be refreshed as required by law and/or at the discretion of The Foundry Board of Directors and/or coordinator for coaches and/or volunteers who are 18 years of age or older and perform services for programs affiliated with The Foundry.

#### AFFIRMATIVE DUTY TO DISCLOSE

If, during the course of participation in The Foundry's youth program, a coach or volunteer is accused, arrested, indicted or convicted of a criminal offense against a child, it is the duty and responsibility of the coach or volunteer to disclose such information immediately to The Foundry Executive Director and/or the Board of Directors.

## OTHER POTENTIALLY DISQUALIFYING FACTORS

Even if an individual passes a criminal background check, other factors may warrant disqualification. An individual may be disqualified and prohibited from providing services for The Foundry if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to domestic order or protection
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors
- Resigned, been terminated or been asked to resign from a position – paid or unpaid – due to complaint(s) of sexual or physical abuse of minors
- A history of other behavior that indicates they may be a danger to The Foundry members; or
- Not met the job requirements

## SECTION 3: ATHLETE PROTECTION POLICY

### COMMITMENT TO SAFETY

In the event that any coach or volunteer observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or misconduct, it is the personal responsibility of each coach and volunteer to immediately report his or her observations to a member of The Foundry Executive Director.

Coaches and volunteers 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. Instead, it is the responsibility of each coach and volunteer to immediately report suspicions or allegations of child physical or sexual abuse to a member of The Foundry Executive Director.

Coaches, volunteers, and members shall refrain from all forms of misconduct, which include:

- Bullying
- Harassment
- Hazing
- Emotional misconduct
- Physical misconduct
- Sexual misconduct, including child sexual abuse

### PROHIBITED CONDUCT

1. 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

3. Exceptions: Bullying does not include supervised 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.

## 2. 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

## 3. 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

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

## 4. 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:

1. verbal acts
2. physical acts
3. acts that deny attention or support
4. Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect).

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

#### 5. 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).
3. Exceptions: Physical misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improving athlete performance.

#### 6. 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)
4. Note: An imbalance of power is always assumed between a coach and an athlete.

## 7. 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.
2. Any act or conduct described as child sexual abuse under federal or state law.

### WILLFULLY TOLERATING MISCONDUCT

It is a violation of this SafeSport Policy and The Foundry's Code of Conduct if a coach and/or volunteer knows of misconduct, but takes no action to intervene on behalf of the athlete(s), participant(s), coach, and/or volunteer.

### **SECTION 4: REPORTING POLICY**

Every The Foundry member, volunteer, affiliate, and/or coach must report:

- violations of the Safety Manual and/or Foundry Policy
- misconduct as defined in this SafeSport
- suspicions or allegations of child physical or sexual abuse

As a matter of policy, The Foundry 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.

### TO WHOM TO REPORT

Any athlete, affiliate, members, volunteers, and/or coach affiliated with any Foundry program or Team-in-Residence may report to any Foundry staff member or Board of Directors representative.

In addition, all allegations of child physical or sexual abuse must be reported to relevant law enforcement authorities.

### HOW TO REPORT

A report will be taken in the way that is most comfortable for the person initiating a report including an anonymous, in-person, verbal, or written report. Regardless of the chosen method of reporting, it is helpful for individuals to provide, at a minimum,

(1) the name of the complainant(s); (2) the type of misconduct alleged and the name(s) of the individual(s) alleged to have committed the misconduct.<sup>9</sup>

### REPORTING FORM

Individuals reporting child physical or sexual abuse or other misconduct may complete an Incident Report Form. A copy of this form can be found in the staff offices or in the rear of the Big House.

### CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD-FAITH ALLEGATIONS

#### *Confidentiality*

To the extent permitted by law, and as appropriate, The Foundry will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator, or the people who made a report of child physical and sexual abuse to the authorities.

#### *Anonymous Reporting*

The Foundry 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. 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 to any Foundry staff member or member of The Foundry Board of Directors
- through email, texts, or notes left for any Foundry staff member or member of The Foundry Board of Directors

All suspicions of child physical or sexual abuse will be reported to the appropriate law enforcement authorities.

#### *"Whistleblower" Protection*

Regardless of outcome, The Foundry will support the complainant(s) and his or her right to express concerns in good faith. The Foundry will not encourage, allow, or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of this SafeSport Policy, our Safety Manual and grounds for disciplinary action.

### *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 SafeSport Policy, our Safety Manual 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.

## **SECTION 5: INVESTIGATION AND ENFORCEMENT**

The Foundry utilizes this Investigation and Enforcement procedure to resolve those allegations that are governed by the Ted Stevens Act. A hearing under the Ted Stevens Act will not necessarily affect The Foundry's ability to immediately suspend or terminate an accused individual. As appropriate, and at its discretion, The Foundry may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, The Foundry anticipates that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of behavior that warrant significant sanctions.

The Foundry staff and/or The Foundry Board of Directors has the discretion to impose sanctions on the individual if it finds, based on a preponderance of evidence, that emotional, physical, or sexual misconduct has occurred and may impose sanctions on the individual based on its findings.

Sanctions may range from a warning and reprimand to suspension from involvement with The Foundry for a period of time. Suspensions from involvement with The Foundry may be temporary or permanent. The most severe sanction possible to impose is permanent suspension from involvement and expulsion from The Foundry.

## **SECTION 6: APPEAL**

If the individual disagrees with the finding or sanction of The Foundry staff and/or The Foundry Board of Directors, he or she may file an appeal with an independent arbitrator within 30 days of the finding. On appeal, the arbitrator will address the merits of The Foundry's decision *de novo*, and not the process that was utilized. A decision rendered by the arbitrator shall be final and binding on all parties.

Revised 2022.1.27