

Gainesville Area Rowing Athlete Safety Program

Purpose: This program is designed to meet the requirements of the U.S. Rowing athlete safety program in accordance with the directive issued by U.S. Rowing and required to be adopted no later than December 31, 2014.

[continued]

Definitions

a. Bullying

i. Definition

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

ii. Exceptions

1. Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion.
2. For example, bullying does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

iii. Examples

1. Examples of bullying prohibited by this Policy include, without limitation:
 - a. 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.

- b. 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”).

b. Hazing

i. Definition

- 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

ii. Exception

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

iii. Examples

- 1. Examples of hazing prohibited by this Policy include, without limitation:
 - a. requiring, forcing or otherwise requiring the consumption of alcohol or illegal drugs

- b. tying, taping or otherwise physically restraining an athlete
- c. sexual simulations or sexual acts of any nature
- d. sleep deprivation, otherwise unnecessary schedule disruption or the withholding of water and/or food
- e. social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or meant to draw ridicule
- f. beating, paddling or other forms of physical assault
- g. excessive training requirements focused on individuals on a team

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

c. Harassment (including sexual harassment)

i. Definition

- 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

ii. Exceptions: None

iii. Examples

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

- a. 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.
- b. 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.

d. Emotional Misconduct

i. Definition

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).
- ii. Exception
 - 1. Emotional misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, discipline or improving athletic performance.
- iii. Examples
 - 1. Examples of emotional misconduct prohibited by this policy include, without limitation:
 - a. 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.
 - b. 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.
 - c. 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.

- iv. Bullying, harassment, and hazing, defined elsewhere, often involve some form of emotional misconduct.

e. Physical Misconduct

i. Definition

- 1. Contact or non-contact conduct that results in, or reasonably threatens 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).

ii. Exceptions

- 1. 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 swimming.

iii. Examples

- 1. Examples of physical misconduct prohibited by this Policy include, without limitation:
 - a. Contact offenses. Behaviors that include:
 - i. punching, beating, biting, striking, choking or slapping an athlete;

- ii. intentionally hitting an athlete with objects or sporting equipment;
- iii. providing alcohol to an athlete under the legal drinking age (under U.S. law);
- iv. providing illegal drugs or non-prescribed medications to any athlete;
- v. 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;
- vi. prescribing dieting or other weight-control methods (e.g., weigh-ins, caliper tests) without regard for the nutritional well-being and health of athlete.

b. Non--contact offenses. Behaviors that include:

- i. isolating an athlete in a confined space (e.g., locking an athlete in a small space);
- ii. 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);
- iii. withholding, recommending against or denying adequate hydration, nutrition, medical attention or sleep.

- iv. Bullying, harassment and hazing, defined elsewhere herein, often involve some form of physical misconduct.

f. Sexual Misconduct

i. Definition

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. Types of sexual misconduct include:
 - a. sexual assault,
 - b. sexual harassment,
 - c. sexual abuse, or
 - d. 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.

ii. Exceptions: None

- iii. Examples of sexual misconduct prohibited 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.
 - 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
 - i. is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this
 - ii. is sufficiently severe or intense to be harassing to a reasonable person in the context.
- iv. Prohibited sexual misconduct shall include, without limitation:
 - 1. Romantic or sexual relationships, which began during the sport relationship, between athletes or other participants and those individuals (i) with direct supervisory or evaluative control, or (ii) 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.
 - 2. Exception.
 - a. The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated that there is no imbalance of power.
 - b. This prohibition does not apply to a pre-existing relationship between two spouses or life partners.

- c. This prohibition does not apply to relationships between GAR masters members over 21 years of age and GAR coaches.

3. Comments

- a. 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.
- b. 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.

Athlete Safety Program

1. Prohibited conduct.

a. The following conduct is prohibited:

- i. Bullying
- ii. Hazing
- iii. Harassment (including sexual harassment)
- iv. Emotional Misconduct
- v. Physical Misconduct
- vi. Sexual Misconduct (including sexual abuse)

b. The prohibited conduct restrictions apply to (1) GAR employees, if any; (2) GAR athletes; (3) individuals GAR formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes, and (4) GAR members and volunteers.

2. Criminal Background Checks

a. Criminal background checks shall be performed for those individuals GAR formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes. For purposes of clarification, GAR is considered to formally authorize, approve or appoint an individual in instances where GAR has control over the appointment process.

b. GAR chaperones and other GAR volunteers shall not be in a position of authority over athletes. The only persons with authority over team athletes are the team coaches.

c. Criminal background checks shall be performed in accordance with section 943.0438, Florida Statutes, and as otherwise required by Florida law.

3. Education and Training

a. Beginning January 1, 2015, GAR shall offer education and training concerning the key elements of this safety program for those individuals it formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.

b. GAR chaperones and other GAR volunteers shall not be in a position of authority over athletes. The only persons with authority over team athletes are the team coaches.

4. Reporting Misconduct.

a. Any violation of this policy shall be reported to the Head Coach and to the GAR President. In addition, violations of this policy may also be reported to any member of the GAR Executive Committee.

b. Misconduct that is a violation of State or Federal law shall be immediately reported to appropriate law enforcement authorities.

5. Enforcement.

a. Any athlete may file a grievance.

b. The grievance shall be:

i. In writing; and

- ii. Sent to all members of the Executive Committee, except those members against which an allegation is made.
- c. The Executive Committee shall schedule a meeting and give the complainant an opportunity to be heard.
- d. The meeting shall only be open to the Executive Committee, the complainant(s) and the accused(s). Witnesses shall be sequestered outside of the meeting area, except during their testimony.
- e. Executive Committee members who are biased or have a conflict of interest shall recuse themselves from participating on the Executive Committee while it considers the grievance.
- f. Both the complainant(s) and accused(s) shall have the opportunity to present witnesses and other evidence.
- g. All questions of witnesses shall come from the Chair of the Executive Committee.