

# ADAPTIVE SPORTS NEW ENGLAND

## ATHLETE SAFETY POLICY

### Policy Statement

Adaptive Sports New England (ASNE) is committed to the safety and well-being of all athletes and others who participate in our programs. This Policy is designed to create a safe and positive environment that is free of misconduct, which includes but is not limited to bullying, hazing, harassment (including sexual harassment), emotional misconduct and physical misconduct. A sample of prohibited conduct is listed in Section 3 of this document. The specific definitions that will be applied are attached at Appendix A. Additional details regarding each type of misconduct can be found in the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic movement ([www.safesport.org](http://www.safesport.org)). This policy supports the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movement. ASNE is designated by the U.S. Olympic Committee (USOC) as a Paralympic Sport Club.

Along with this commitment, ASNE establishes the following policy that applies to our employees, contractual staff, coaches, guides, volunteers, interns and athletes.

### 1. Criminal Background Checks:

ASNE shall conduct criminal background checks for all employed and contracted staff and volunteers who are in a position over, or have frequent contact with, participants. This includes applicable employees, contractual staff, coaches, guides, volunteers and interns who have direct and/or unsupervised access to athletes. The background checks will be conducted at least every two years however, ASNE reserves the right to conduct such background checks at greater frequency in its sole discretion.

### 2. Education and Training:

Effective with the issuance of this policy, ASNE shall require education and training concerning the key elements of this Policy and the U.S. Center for SafeSport program for applicable employees, contractual staff, coaches, guides, volunteers and interns who have direct and/or unsupervised access to athletes. Training will include, at a minimum, a review of this Policy and proof of successful completion of the U.S. Center for SafeSport training.

### 3. Prohibited Conduct:

Certain conduct is not acceptable in any ASNE-sponsored or facilitated event. A non-exhaustive list of that conduct can be found below, and more complete definitions are located in Exhibit A. Importantly, in interpreting each of these forms of prohibited conduct, ASNE assumes there is always an imbalance of power between a coach and an athlete.

Bullying

Hazing

Harassment (including Sexual Harassment)

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Emotional Abuse or Misconduct  
Physical Misconduct  
Sexual Misconduct  
Inappropriate Romantic or Sexual Relationships  
Other Forms of Misconduct.

Additional details regarding each type of misconduct can be found in Exhibit A, as well as in the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movement ([www.safesport.org](http://www.safesport.org)). Again, please note that this is not an exhaustive listing of the various forms of prohibited conduct and ASNE reserves the right to prohibit any form of conduct that is detrimental to its participants.

#### 4. Reporting:

Any individual who wishes to file a complaint or accusation of misconduct against any ASNE employee or affiliate, must do so in writing and direct it to the ASNE Ethics Officer who can be contacted at directly via e-mail at [ethics.officer@adaptivesportsne.org](mailto:ethics.officer@adaptivesportsne.org). ASNE also trains its staff to follow mandatory reporting obligations to local law enforcement authorities or other child service authorities, i.e., the Massachusetts Department of Children, Youth, and Families. Reports of abuse not involving a minor will also typically be reported to local authorities.

#### 5. Report Review:

Once a report is made pursuant to Section 4 of this Policy, the Ethics Officer will review the report to determine if it implicates this Policy. If it does, the Ethics Officer will follow the steps outlined in Appendix B of this document.

In cases where the Ted Stevens Act applies, ASNE will comply with the Act's requirements.

#### 6. Additional Terms of This Policy:

ASNE shall be guided by the principle that the health, safety and well-being of athletes affiliated with ASNE are fundamental elements of our managerial responsibility.

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Acknowledgement and Agreement

I have read the Adaptive Sports New England Athlete Safety Policy and agree to the terms stated within this document.

Signed

Printed Name

Date

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### Appendix A – Sample list of Prohibited Conduct

Prohibited conduct includes, but is not limited to, the following:

#### 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) and/or other individual(s)/group(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. In Massachusetts, the relevant law is Massachusetts General Laws Chapter 269, Sections 17-18.

#### Harassment (Including Sexual 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 in an attempt to establish dominance, superiority or power over a targeted athlete(s) and/or other individual(s)/group(s) based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; or  
Any act or conduct described as harassment 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(s) and/or other individual(s)/group(s). Non-contact behaviors include verbal acts and 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). Please note that, in Massachusetts, ASNE is a mandated reporter under Massachusetts General Law Chapter 119, Section 51A.

#### Physical Misconduct

Contact or non-contact that results in, or reasonably threatens to, cause physical harm to an athlete(s) and/or other individual(s)/group(s); or

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

### **Sexual Misconduct**

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;

Any sexual interaction between an athlete(s) and/or other individual(s)/group(s) 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

Any act or conduct described as sexual abuse or misconduct under federal or state law (e.g., sexual abuse, sexual exploitation, rape).

### **Inappropriate Romantic or Sexual Relationships**

Romantic or sexual relationships that began during the athletic relationship between an athlete and/or other individual/group and those individual(s) (i) with direct supervisory or evaluative control, or (ii) who are in a position of power and trust over the athlete or other individual/group are inappropriate. There is assumed to be an imbalance of power between athletes/participants and coaches/volunteers unless it can be demonstrated that the situation fits a limited circumstance where there is no imbalance of power. For example, this prohibition would not apply to a pre-existing relationship between two spouses or life partners if one chooses to participate in an ASNE program and the other is a volunteer or coach.

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### Appendix B – Report Review Process

Once a report is made pursuant to Section 4 of this Policy, the Ethics Officer will review the report to determine if it implicates this Policy. If it does, the Ethics Officer will take the following steps:

The Ethics Officer will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the ASNE community that warrants issuance of an immediate warning to other participants, a stay-away directive for any persons or any other interim protections, including, but not limited to placing an employee, volunteer or intern on leave, or restricting any individual from other privileges prior to completing an investigation. During the interim action, ASNE reserves the rights to prohibit the responding party from entering ASNE offices or attending any ASNE program or event. The failure of an individual to comply with an interim restriction is a separate violation of this Policy and may lead to additional disciplinary action. The decision to impose interim restrictions will typically be communicated by the Ethics Officer to the individual and will be effective immediately.

In appropriate circumstances, the Ethics Officer will notify the reporting party about the right to report and/or decline to report the matter to the appropriate local law enforcement or child services authorities if the conduct is potentially criminal in nature. (This decision will not impact ASNE's independent reporting obligations or its decision to independently investigate the matter.)

Either a reporting party or a responding party may request an informal resolution of a complaint rather than a formal investigation by contacting the Ethics Officer in writing. The Ethics Officer, in consultation with legal counsel, may determine that an informal resolution is appropriate, and will inform all parties of such decision in writing. If informal resolution is appropriate, the Ethics Officer will typically facilitate a dialogue with the parties in an attempt to reach a resolution. The allegation will be deemed resolved when the parties expressly agree to an outcome that is acceptable to them which is approved by the Ethics Officer. The informal resolution process will be conducted in accordance with procedures specified by the Ethics Officer, as determined in his/her sole discretion. An informal resolution will typically not be appropriate if the behavior in question is systemic or if it may be criminal in nature.

Absent an informal resolution, which may be accepted in whole or in part, the Ethics Officer may also initiate a formal investigation at any time that he/she deems appropriate in his or her sole discretion. The Ethics Officer may investigate the allegations independently and/or may designate an external investigator(s) to conduct a prompt, fair and impartial investigation of the reported conduct and report back to the Ethics Officer regarding the investigative findings. The report will include the investigators' determination of whether the conduct likely occurred using the preponderance of evidence standard.

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The parties have the opportunity (and are expected) to provide the investigator(s) with the identification of potential witnesses who have specific information about the reported conduct and with whom they would like the investigator(s) to speak. The parties also have the opportunity (and are expected) to provide the investigator(s) with any documentation or other items they would like to be considered. All information must be presented to the investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. The investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the parties can provide relevant information to the investigation.

Upon reviewing the investigators' findings, the Ethics Officer will either affirm the investigators' finding or ask for additional information to be conducted. The Ethics Officer will then provide a written notification to the President and the Board, which will include the determination and any recommended sanctions. The Ethics Officer will then inform the Parties of the (i) outcome of the disciplinary proceeding and (ii) sanctions (if any) within a reasonable time period.

In cases where the Ted Stevens Act applies, ASNE will comply with the Act's requirements.