



# ATHLETE SAFETY POLICY

(August 2022)

## 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 from Sexual Abuse and Safe Sport Authorization Act of 2017* (the "SafeSport Act").

FCA has a zero-tolerance policy for abuse and misconduct. All participants in the FCA 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 any adult who is 18 years of age or older. This is to whom these policies apply. Adult Participants are required to follow all policies included in FCA's Athlete Safety Policy.

FCA defines Adult Participants as:

1. FCA staff and volunteers
3. Coaches, officials and referees
4. Team managers and club administrators
5. Tournament directors
6. Athletic trainers
7. Adult athletes - rostered athletes who are 18 years of age or older and participating on teams with "Minor Athletes" as described below.

Many aspects of this policy are issued to protect Minor Athletes who participate in FCA's programming. A Minor Athlete is an amateur athlete under 18 years of age.

A Minor Coaches is any coach participating in an FCA program who is under 18 years of age.

"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 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.

There are exceptions for Adult Participant Personal Care Assistants (PCAs) working with a Minor Athlete. A PCA is an individual who assists an athlete who requires help with the activities of daily living or in

preparation for athletic participation. This support can be provided by a guide for blind or visually impaired athletes, or it can include assistance with transfer, dressing, showering, medication administration and using the restroom. When assisting a Minor Athlete, PCAs must be authorized by the athlete's parent/guardian. For a PCA to be considered an Adult Participant, the PCA must have regular contact with additional Minor Athlete(s) besides the Minor Athlete for whom they provide care, or the PCA must be hired by FCA or a member organization. In these circumstances, the following requirements must be met before a PCA exception will be granted:

1. The Minor Athlete's parent/guardian must provide written consent to FCA or the member organization for the PCA to provide care/work with the Minor Athlete.
2. The PCA must complete the required training as defined in the Education & Training Policy.
3. The PCA must meet all screening requirements of FCA or the member organization.

Further, Adult Participants with a dual role or relationship with a minor create 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:
  - Adult Participant who is a parent/guardian of a Minor Athlete.
  - Adult Participant who is a grandparent/aunt/uncle of a Minor Athlete.
  - Adult Participant who is a family friend of a Minor Athlete.

## **PROHIBITED CONDUCT**

It should be noted that all defined Adult Participants and Minor Athletes of FCA'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 FCA Athlete Safety Policy by Adult Participants or Minor Athletes may subject the individual to disciplinary action, and FCA prohibits any retaliation against individuals making good faith reports of misconduct, including potential violations of this policy by Adult Participants for Minor Athletes.

### **Harassment**

Repeated and/or severe conduct that causes fear, humiliation or annoyance; conduct that offends, 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, or National Origin Harassment**

Includes any verbal, written or physical act in which race, 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 or national origin; the display of objects or pictures which adversely reflect on a person's race or national origin; or use of pejorative or demeaning language regarding a person's race or national origin.

## **Child Sexual Abuse**

Any sexual activity with a Minor Athlete (under 18 years of age) 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**

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 FCA 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.

FCA 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 FCA 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 FCA digital compliance platform. Regardless of the method for reporting any known or suspected child abuse, all Adult Participants of FCA are also required to report the information to FCA.

## **BACKGROUND CHECKS**

FCA'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.

Any athlete, referee, coach, or otherwise, who is under 18 years of age and who is participating in FCA sanctioned activities and competitions, will be known as a "Minor Athlete" for the purposes of this Background Check Policy.

Every Adult Applicant is required to apply for a background check every two (2) years by using the FCA digital compliance platform prior to contact with minors.

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 two (2) seasonal years. In addition, all Adult Applicants should be vetted against FCA's suspension database, and the SafeSport Centralized Disciplinary Database. The complete FCA Background Check Policy is available upon request.

## **EDUCATION & TRAINING**

The following Adult Participants must complete the FCA Abuse Prevention Training through the FCA 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.

- Adult Participants who are employees or board members of FCA or its direct and indirect members.
- Minors who are participating as coaches (Minor Coaches).
- Adult Participants must complete this training before regular contact with an amateur athlete(s) who is a minor begins.

## **Parent Training**

FCA strongly encourages all parents/guardians of Minor Athletes to review the FCA Safe Sport Policies.

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

FCA 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.
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the Adult Participant PCA to work with the Minor Athlete.
  - (2) the Adult Participant PCA has complied with the Education & Training Policy.
  - (3) the Adult Participant PCA has complied with FCA's screening policy.
- In other circumstances specifically addressed in this policy that allow for certain one-on-one interactions if FCA 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
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the

- Adult Participant PCA to work with the Minor Athlete.
- (2) the Adult Participant PCA has complied with the Education & Training Policy.
- (3) the Adult Participant PCA has complied with FCA'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 FCA's jurisdiction, the meeting must be observable and interruptible except:

- If the door remains unlocked.
- Another adult is present at the facility and notified that a meeting is occurring, although the Minor Athlete's identity needs not be disclosed.
- FCA is notified that the provider will be meeting with a Minor Athlete.
- 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.
- Have another Adult Participant physically present for the athletic training modality, massage or rubdown.
- Have documented consent (as explained below).
- Be performed with the Minor Athlete fully or partially clothed, ensuring that the breasts, buttocks, groin and genitals are always covered.
- Allow parents/guardians in the room as observers, except for competition or training venues that limit credentialing.

### ***Consent***

Consent must be obtained at least annually from the Minor Athlete's parent/guardian 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
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the



- Adult Participant PCA to work with the Minor Athlete.
- (2) the Adult Participant PCA has complied with the Education & Training Policy.
- (3) the Adult Participant PCA has complied with FCA'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 shower is part of a pre or post-activity rinse and they are 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. FCA and the Adult Participant(s) shall abide by this request.

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

FCA 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.
- FCA approves the specific instance of recording or photography and two or more Adult Participants are present.
- Everyone is fully clothed.

### ***Personal Care Assistants (PCAs)***

Adult Participant PCAs 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***

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

FCA 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 FCA'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
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the Adult Participant PCA to work with the Minor Athlete.
  - (2) the Adult Participant PCA has complied with the Education & Training Policy.

- (3) the Adult Participant PCA has complied with FCA'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. For example, email and text messages offer Open and Transparent communication since other people can easily be added to a conversation, as opposed to private direct messages on social media platforms.

### *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 FCA or an Adult Participant subject to this policy not contact their Minor Athlete through any form of electronic communication. FCA 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
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the Adult Participant PCA to work with the Minor Athlete.
  - (2) the Adult Participant PCA has complied with the Education & Training Policy.
  - (3) the Adult Participant PCA has complied with FCA's screening policy.
  - (4) 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 parents/guardians 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 (2) minors.

Written consent from a Minor Athlete's parent/guardian is required for all transportation sanctioned by

FCA 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 FCA with advance, written consent for the lodging arrangement.
- If a Minor Athlete needs an Adult Participant Personal Care Assistant (PCA), and:
  - (1) the Minor Athlete's parent/guardian has provided written consent to FCA for the Adult Participant PCA to work with the Minor Athlete.
  - (2) the Adult Participant PCA has complied with the Education & Training Policy.
  - (3) the Adult Participant PCA has complied with FCA's screening policy.

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 FCA or the 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 FCA*

Adult Participants traveling with FCA 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**

FCA's policy on enforcement is set forth to establish procedures for monitoring and enforcing compliance with FCA'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.

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

FCA 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 FCA's Athlete Safety Policy. The decision of the FCA shall be final and binding on all parties.