

# USA CHEER SAFESPORT CODE

USA Cheer is committed to creating a safe and positive environment for its participants' physical, emotional, and social development and ensuring it promotes an environment free from abuse and misconduct. As part of this program, USA Cheer has implemented policies addressing certain types of abuse and misconduct, as well as certain policies intended to reduce, monitor and govern the areas where potential abuse and misconduct might occur.

The policies herein set forth some of the boundaries for appropriate and inappropriate conduct.

Included in this document are policies that address types of abuse and misconduct:

- Sexual Abuse and Misconduct
- Physical Abuse and Misconduct
- Emotional Abuse and Misconduct
- Bullying, Threats and Harassment
- Hazing

Also included in this document are the following minor abuse prevention policies to reduce the risks of potential abuse:

- One-on-one Interactions
- Sexual Abuse and Prevention
- Electronic Communications
- Addressing Bullying
- Travel
- Billet | Housing
- Locker Rooms, Restrooms & Changing Rooms

All USA Cheer Members shall familiarize themselves with each form of misconduct and shall refrain from engaging in misconduct and/or violating any of these policies.

In the event that any of USA Cheer's Members, employees or volunteers observe inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or any other type of abuse or misconduct, it is the personal responsibility of each such person to immediately report their observations. USA Cheer, USA Cheer Members, and all "Covered Individuals" (as defined in the Sexual Abuse and Misconduct Policy) are required to promptly report any alleged violations of the Sexual Abuse and Misconduct Policy.

In addition to reporting within USA Cheer, such persons must also report suspected child physical or sexual abuse to appropriate law enforcement authorities WITHIN A 24-HOUR PERIOD when required under this Policy and/ or under applicable law. Employees 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.

USA Cheer has ZERO TOLERANCE for abuse and misconduct.

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## SEXUAL ABUSE & MISCONDUCT POLICY

USA Cheer has determined that USA Cheer's policies prohibiting sexual abuse and misconduct shall be the same as the applicable policies of the [U.S. Center for SafeSport \(USCSS\)](#).

Furthermore, all persons within the jurisdiction of USA Cheer shall comply with the sexual abuse and misconduct policies of the USCSS. All terms not defined herein shall have the meaning set forth in the USCSS Policies & Procedures.

Any violation of the sexual abuse and misconduct policies by a Covered Individual (outlined below) shall subject such person to appropriate disciplinary action, including but not limited to suspension, permanent suspension, and/or referral to law enforcement authorities.

### Jurisdiction Over Covered Individuals Pursuant to the SafeSport Policy

The jurisdiction of the USCSS applies to (collectively, "Covered Individuals"):

1. Any individual who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of USA Cheer, and/or who is seeking to be within the governance or disciplinary jurisdiction of USA Cheer, for example through application for membership;
2. All individuals, both athletes and non-athletes, USA Cheer formally authorizes, approves or appoints (i) to a position of authority over athletes or (ii) to have frequent contact with athletes; and
3. Additional individuals USA Cheer identifies as being within the code's jurisdiction.

USA Cheer has determined that Covered Individuals within USA Cheer and its programs includes:

1. Those persons registered with USA Cheer as Registered Members.
2. All persons serving as a member of USA Cheer's Board of Directors, on a national or regional level committee or board, or in any other similar positions appointed by USA Cheer.
3. All USA Cheer national staff.
4. Any person that is hired, elected or appointed by USA Cheer.

### Reporting Obligations

In addition to any legal obligation of an entity or person to report sexual abuse or misconduct to law enforcement authorities, all Covered Individuals are required to promptly report any alleged violations of the Sexual Abuse and Misconduct Policy to USA Cheer. A Covered Individual's failure to report may subject such person to disciplinary action.

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The duty to report to USA Cheer and USA Cheer's jurisdiction to investigate shall not supersede any local, state, or federal reporting requirements or jurisdiction, and shall not affect or impair the ability of any party that reports to USA Cheer from also reporting to the appropriate local, state or federal authorities.

## **Prohibited Conduct and Jurisdiction**

USA Cheer or their designee shall have authority and jurisdiction over the investigation and resolution of any allegations of violations by any Covered Individual of those policies set forth in the USCSS Policies & Procedures, which prohibit sexual behavior involving minors by an adult Covered Individual and in some cases between minors, sexual exploitation, non-consensual sexual conduct, or non-consensual sexual acts, sexual or romantic relationship involving an imbalance of power, sexual harassment and related criminal dispositions.

The behaviors or conduct prohibited by the USCSS Policies & Procedures may be found at USCSS Policies. Coaches should refrain from touching body parts that could be perceived as invasive or inappropriate, even for corrective measures.

Appropriate spotting does not constitute sexual misconduct. It is understood that spotting is a necessary physical interaction between coaches and athletes. Infrequent, accidental touching of an athlete during spotting that could be perceived as invasive or inappropriate should not be misconstrued as sexual misconduct. To avoid that perception, coaches need to stay highly trained on proper spotting techniques and should acknowledge the occurrence if an accidental touch does occur. Administrators are encouraged to put in place a process of documentation of such accidental touches. Diligent oversight on the part of Administrators will allow for the tracking a pattern of misconduct, should one exist.

USA Cheer or their designee shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of USA Cheer SafeSport policies described herein and prohibiting physical misconduct, emotional misconduct, bullying, threats, hazing, and harassment where such conduct is reasonably related to and accompanies a report or allegations involving sexual misconduct.

USA Cheer or their designee shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of:

1. A Covered Individual's failure to report a violation required to be reported under the Policies & Procedures,
2. Bad faith reporting of an allegation within the jurisdiction of USA Cheer,
3. Retaliation against any participant in the proceedings under the jurisdiction of USA Cheer, and
4. Abuse of process in the proceedings under the jurisdiction of USA Cheer, all as further defined in the Policies & Procedures.

## **PHYSICAL ABUSE AND MISCONDUCT POLICY**

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It is the policy of USA Cheer that there shall be no physical abuse of any participant involved in any of its Member Programs by any employee, volunteer, independent contractor (including choreographers and guest coaches or clinicians) or other participant.

Physical abuse means physical contact with a participant that intentionally causes or has the potential to cause the participant to sustain bodily harm or personal injury. Physical abuse also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury. Physical abuse may also include intentionally hitting or threatening to hit an athlete with objects or sports equipment.

In addition to physical contact or the threat of physical contact of a participant, physical abuse also includes the providing of alcohol to a participant under the age of consent and the providing of illegal drugs or non-prescribed medications to any participant.

Without limiting the above, any act or conduct described as physical abuse or misconduct under applicable federal or state law constitutes physical abuse under this Policy.

Physical abuse does not include physical contact that is reasonably designed to coach, teach, demonstrate or improve a skill associated to cheer or dance, including physical conditioning, team building and appropriate discipline. Permitted physical conduct may include, but is not necessarily limited to, physical touch that is non-threatening, non-sexual in manner with the purpose of training and direction.

Any USA Cheer member who engages in any act of physical abuse is subject to appropriate disciplinary action including but not limited to suspension, permanent suspension, and/or referral to law enforcement authorities.

## **EMOTIONAL ABUSE AND MISCONDUCT POLICY**

It is the policy of USA Cheer that there shall be no emotional abuse of any participant involved in any of its Member Programs by an employee, volunteer, independent contractor or other participant. Emotional abuse involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a participant. These behaviors may include verbal acts, physical acts or acts that deny attention or support.

Examples of emotional abuse prohibited by this Policy include, without limitation: a pattern of

1. Verbal behaviors that:
  - a. attack a participant 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 motivational purpose;
2. Physically aggressive behaviors, such as
  - a. throwing sport equipment, water bottles, or chairs at or near participants; or
  - b. punching walls, windows, or other objects; and
3. Acts that deny attention and support, such as ignoring a participant for extended periods of time, or routinely or arbitrarily excluding participants from practice or training.

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While a single incident of any of the above behaviors may be inappropriate and justify a review and/or disciplinary or other action by USA Cheer or any of its Member Programs, such behaviors would typically not constitute emotional abuse unless a pattern of such conduct had occurred.

Constructive criticism about an athlete's performance is not emotional abuse or misconduct. Further, emotional abuse does not include generally-accepted and age appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline, or improving athletic performance.

A USA Cheer member who engages in any act of emotional abuse is subject to appropriate disciplinary action including but not limited to suspension, permanent suspension, and/or referral to law enforcement authorities.

Note: Bullying, threats, harassment, and hazing, defined in the next section, often involve some form of emotional misconduct.

## **BULLYING, THREATS & HARASSMENT POLICY**

USA Cheer supports an environment that is free from threats, harassment, and any type of bullying behavior. The purpose of this Policy is to promote consistency of approach and to help create a climate in which all types of bullying, harassing or threatening behavior are regarded as unacceptable.

### **Bullying**

Bullying is the use of coercion to obtain control over another person or to be habitually cruel to another person. Bullying involves an intentional, persistent or repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying behavior is prohibited in any manner in connection with any USA Cheer sanctioned activities or events.

Examples of bullying prohibited by this Policy include, without limitation, physical behaviors, including punching, kicking or choking; and verbal and emotional behaviors, including, the use of electronic communications (i.e., "cyber bullying"), to harass, frighten, degrade, intimidate or humiliate. Bullying does not include group or team behaviors that are reasonably designed to establish normative team behaviors or promote team cohesion.

### **Threats**

A threat to harm others is defined as any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone else. A threat may be communicated directly to the intended victim or communicated to a third party. Threatening behavior is prohibited in any manner in connection with any USA Cheer sanctioned activities or events.

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Any USA Cheer participant or parent of a participant who engages in any act of threatening or harassing behavior is subject to appropriate disciplinary action including but not limited to

suspension, permanent suspension, and/or referral to law enforcement authorities. The severity and pattern, if any, of the threatening behavior and/or result shall be taken into consideration when disciplinary decisions are made.

## **Harassment**

Harassment includes any 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 participant or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability.

Examples of harassment prohibited by this Policy include, without limitation such non-physical offenses as (a) making negative or disparaging comments about a participant's gender, sexual orientation, gender expression, mental or physical disability, race, religion, skin color, ethnic traits or other legally protected grounds; (b) displaying offensive materials, gestures, or symbols; and (c) withholding or reducing practice or playing time to a participant based on his/her sexual orientation, gender expression (not to include prohibitions on participation when eligibility is based on gender), disability, religion, skin color, ethnic traits or any legally protected grounds

Sexual harassment is a type of harassment covered under the USCSS Policies and Procedures

While other team members are often the perpetrators of harassment, it is a violation of this Policy if a coach or other responsible adult knows or should know of the harassment but takes no action to intervene on behalf of the targeted participant(s).

A USA Cheer participant or parent of a participant who engages in any act of harassing behavior is subject to appropriate disciplinary action, including but not limited to, suspension, permanent suspension, and/or referral to law enforcement authorities. The severity and pattern, if any, of the harassing behavior and/or result shall be taken into consideration when disciplinary decisions are made.

## **Hazing**

There shall be no hazing of any participant involved in any of USA Cheer's Member Programs by any employee, volunteer, independent contractor or other participant.

Hazing includes any conduct which is intimidating, humiliating, offensive, or physically harmful. The hazing conduct is typically an activity that serves as a condition for joining a group or being socially accepted by a group's members.

Examples of hazing prohibited by this Policy include, without limitation, requiring or forcing (including through peer pressure) the consumption of alcohol or illegal drugs; tying, taping, or physically restraining a participant; sexual simulations or sexual acts of any nature; sleep deprivation, or the withholding of water and/or food; social actions (e.g. grossly inappropriate or provocative clothing) or

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public displays (e.g. public nudity) that are illegal or meant to draw ridicule; beating, paddling, or other forms of physical assault, and verbal abuse or threats or implied threats.

Hazing includes any act or conduct described as hazing under federal or state law. Activities that fit the definition of hazing are considered to be hazing regardless of a person's willingness to cooperate or participate.

Hazing does not include group or team activities that are meant to establish normative team behaviors, or promote team cohesion, so long as such activities do not have reasonable potential to cause emotional or physical distress to any participant.

While other team members are often the perpetrators of hazing toward their teammates, it is a violation of this Policy if a coach or other responsible adult knows or should know of the hazing but takes no action to intervene on behalf of the targeted participant(s).

A USA Cheer participant or parent of a participant who violates this Hazing Policy is subject to appropriate disciplinary action, including but not limited to, suspension, permanent suspension and/or referral to law enforcement authorities.