

# USA Gymnastics Participant Welfare Policy

Updated December, 2012

Consistent with the mission of USA Gymnastics,<sup>1</sup> the welfare of gymnastics participants, especially minors, is of paramount concern. When any member, participant, coach, official, volunteer or staff member is subjected to abuse, whether physical or sexual, it undermines the mission of USA Gymnastics and is inconsistent with the best interests of the sport of gymnastics and of the athletes USA Gymnastics serves.

***USA Gymnastics is committed to promoting a safe environment for its members, participants, coaches, officials, volunteers and staff in all gymnastics disciplines.*** While there are limits to what USA Gymnastics can do, e.g., at the local level because USA Gymnastics does not own, operate or otherwise control gyms or gymnastics clubs, USA Gymnastics has adopted this policy to set forth the efforts it will undertake to promote a safe gymnastics environment, both solely and in partnership with other necessary parties, including member clubs, registered businesses, parents, athletes and the gymnastics community.

- (1) Definition of Abuse. Abuse, including child abuse, is defined in various sources, such as state statutes, case law, sports organization and professional association codes of conduct and training manuals, corporate and business workplace documents and human rights commission materials. USA Gymnastics has not adopted any specific definition of abuse; rather, it has chosen to defer to such general sources and definitions for reference and application, depending upon the circumstances. Nonetheless, in general, the following conduct may be considered abusive:
  - (a) Physical Abuse.
    - (i) Any physical contact with a participant that intentionally causes or is likely to cause the participant to sustain bodily harm or personal injury, including without limitation, striking, hitting, kicking, biting, shaking, shoving, forcing an athlete to train or compete when seriously injured or mandating excessive exercise as a form of punishment;
    - (ii) Any physical contact with a participant that intentionally creates or is likely to create a threat of bodily harm or personal injury;
    - (iii) Giving alcohol or inappropriate drugs to a participant; or
    - (iv) Any violation of applicable law involving physical contact, or that is specifically designed to protect minors.

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<sup>1</sup> The mission of USA Gymnastics is to encourage participation and the pursuit of excellence in all aspects of gymnastics.

Physical contact that is reasonably intended to coach, teach or demonstrate a gymnastics skill or to prevent or lessen injury (e.g., spotting, catching) does not constitute physical abuse. Infrequent, non-intentional physical contact, particularly contact which arises out of an error or a misjudgment on the part of the gymnast, participant or coach, does not constitute physical abuse.

(b) Sexual Abuse.

- (i) Rape, incest, fondling, exhibitionism or sexual exploitation;
- (ii) Any form of sexual contact or inappropriate touching, unwanted physical contact, unwelcome advances or requests for sexual favors;
- (iii) Any form of wanton or obscene gesturing, lewd remarks or indecent exposure;
- (iv) Sexual abuse of a minor includes, without limitation:
  - Touching a minor participant for the purpose of causing the sexual arousal or gratification of either person; or
  - A minor participant touching any person, if the touching occurs at the request of or with the consent of such other person, for the sexual arousal or gratification of either person;
- (v) Neither consent of the participant to the sexual abuse or contact, mistake as to the participant's age, nor the fact that the sexual abuse or contact did not take place at or in conjunction with a gymnastics function is a defense to a complaint of sexual abuse;
- (vi) Sexual abuse also includes sexual misconduct described in the Code of Ethics, including, but not limited to:
  - Soliciting or engaging in sexual relations with a minor;
  - Engaging in any behavior that utilizes the influence of a member's position as coach, judge, official or administrator to encourage sexual relations with an athlete or participant; or
  - Engaging in sexual harassment by making unwelcome advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, where such conduct creates an intimidating, hostile or offensive environment; or
- (vii) Any violation of applicable law directly or indirectly involving or related to sexual misconduct or child abuse, or that is specifically designed to protect minors.

- (2) Legal Reporting Requirements. USA Gymnastics will follow applicable law in reporting abusive situations to the proper authorities. If, in USA Gymnastics' reasonable and good faith judgment, reporting to the proper authorities is necessary to protect a person from the possibility of further abuse, it may make such report even if not compelled by law to do so.

- (3) Reporting Suspected Abuse. Any person who reasonably and in good faith believes a member of USA Gymnastics has abused another person, whether physical or sexual, such person may notify the USA Gymnastics National Office pursuant to Articles 9 and/or 10 of the USA Gymnastics Bylaws.
- (a) Telephone Inquiries. At least two USA Gymnastics staff members, one of each gender, shall be trained to receive telephone inquiries regarding abuse. The staff members shall:
- (i) Inform the caller that a written and signed complaint must be received for USA Gymnastics to initiate its grievance procedures against a member of USA Gymnastics pursuant to Articles 9 and/or 10 of the USA Gymnastics Bylaws and offer to provide a copy of the grievance procedures to the caller;
  - (ii) Advise the caller that USA Gymnastics may be legally obligated to report the allegations to the proper authorities even if no complaint is filed pursuant to Articles 9 and/or 10;
  - (iii) Encourage that the victim(s) seek professional help, if appropriate;
  - (iv) Prepare a written summary detailing the call and submit it to the Executive Office;
    - The Executive Office will determine, with the assistance of legal counsel if necessary, whether USA Gymnastics has a legal reporting requirement based upon the inquiry and act accordingly;
    - Written summaries will be filed and indexed by the alleged perpetrator and will become a part of any applicable misconduct / grievance file.
- (4) Implementation of the Misconduct/Grievance Procedures. At least two USA Gymnastics staff members, one of each gender, shall be trained in the proper implementation of the member misconduct and grievance procedures contained in the USA Gymnastics Bylaws.
- (a) One of the trained staff members will be designated to implement the procedures for each complaint;
- (b) The designated staff member will determine whether the accused is a member of USA Gymnastics;
- (i) If the accused is a member of USA Gymnastics, the matter should proceed in accordance with the existing applicable policy;
  - (ii) If the accused is not a member of USA Gymnastics, the staff member should notify the complaining party of the inability of USA Gymnastics to pursue the matter internally, as a courtesy to the complaining party;

- (c) If not already completed, the Executive Office will determine, with the assistance of legal counsel if necessary, whether USA Gymnastics has a legal reporting requirement based upon the complaint and act accordingly;
  - (d) The designated staff member will “shepherd” the complaint through the process set forth in the USA Gymnastics Bylaws.
- (5) Confidentiality. Because of legal reporting requirements, USA Gymnastics cannot guarantee confidentiality in misconduct/grievance matters. However, USA Gymnastics will treat such matters with as much confidentiality as is possible under the circumstances and with the sensitivity they deserve.
- (6) Criminal Background Checks of Individual Members. As a condition to being granted the privilege of membership in USA Gymnastics, individuals applying for professional membership must submit to a criminal background check which is consistent with USA Gymnastics’ “Background Screening Policy.” Individuals given a “Green Light” consistent with that policy will not be denied the privilege of membership in USA Gymnastics, provided all other criteria for that category of membership are met. Individuals given a “Red Light” consistent with that policy may be denied the privilege of membership in USA Gymnastics.

USA Gymnastics will continually monitor and review the individuals that are subject to criminal background searches, with the primary goal being to safeguard athletes and other participants with proactive measures while conforming to legal norms and industry best practices.

- (7) Athlete Member Advisement. Upon obtaining membership in USA Gymnastics, an enclosure will be mailed with the Athlete Membership Card advising athlete members of his/her role in maintaining the athlete’s own safety and USA Gymnastics’ limited role in local gymnastics clubs, gyms, events and activities.
- (8) Registered Businesses and Member Clubs. As a condition to being granted the privilege of membership in USA Gymnastics as a Registered Business or Member Club, a club/business must agree to and comply with the following requirements for the entirety of the club’s/business’ membership period, certification of which must be made annually:
- (a) Have a policy consistent with USA Gymnastics’ Participant Welfare Policy that affirms the club’s/business’ commitment to the welfare of gymnastics participants in its organization and includes, at minimum, a description of conduct that will not be tolerated, standards of behavior for its staff/volunteers that promote participant welfare, and a process for receiving and handling complaints regarding conduct that violates its policy.

- (b) Certify that no persons permanently ineligible for USA Gymnastics membership and no persons listed on a federal or state sex-offender registry are or will be associated with the club/business or its activities in any way.
  - (c) Maintain current commercial general liability insurance that includes at a minimum, participant liability and participant accident medical insurances.
  - (d) Employ at least one staff member who is 18 years of age or older and holds a current Professional or safety-certified Instructor membership in USA Gymnastics.
  - (e) Have a mission statement consistent with USA Gymnastics' mission to encourage participation and the pursuit of excellence in all aspects of gymnastics.
- (9) Recommendations to Gymnastics Clubs/Businesses. USA Gymnastics does not operate gymnastics clubs, but rather gymnastics clubs/businesses are operated independently at the local level. USA Gymnastics respects the autonomy of local clubs/businesses to operate as they deem appropriate. Even though USA Gymnastics does not and cannot control the activities or operations of local clubs/businesses, it invites local clubs/businesses to join with USA Gymnastics in taking affirmative steps beyond those described in Section 8 above to promote a safe environment for all gymnastics participants, such as by:
- (a) Adopting "standards of behavior" for staff and volunteers working directly with minors to foster a safe gymnastics environment and to prevent abusive situations, and by training staff and volunteers to implement such standards;
  - (b) Implementing a thorough hiring process including, for example, reference and criminal background checks;
  - (c) Encouraging parents to become as active as reasonably possible in his/her child's gymnastics activities; and
  - (d) Otherwise implementing policies and procedures to lessen the likelihood that an abusive situation could develop.
- (10) Event Sanctions. As a condition to being granted a USA Gymnastics sanction for an event, the applicant must certify that no persons permanently ineligible for USA Gymnastics membership, and no persons listed on a federal or state sex-offender registry, will be associated with the event in any capacity, including, but not limited to, volunteers and meet support personnel. Sanctioned events may only be hosted by Registered Businesses or Member Clubs.
- (11) Advertising. As a condition to being permitted by USA Gymnastics to advertise in its publications, on its web site or through other USA Gymnastics media, advertisers must certify that no persons permanently ineligible for USA Gymnastics membership are or will be associated with the advertiser's gymnastics-related activities or the position, activity, or event it intends to publicize.

- (12) Hiring/Training of USA Gymnastics Staff/Volunteers.
- (a) USA Gymnastics staff members must submit to a criminal background check consistent with USA Gymnastics' "Background Screening Policy." Individuals not given a "Green Light" consistent with that policy prior to their employment may not be hired. Individuals not given a "Green Light" on any subsequent criminal background check may be subject to dismissal. USA Gymnastics shall also check at least two (2) references for each applicant who, if hired, would regularly work directly with minors.
  - (b) All USA Gymnastics staff members will be informed about the Participant Welfare Policy, which is included as an appendix in the *Employee Policies & Procedures Handbook*, and made aware of its importance to our members and our organization.
  - (c) The members of the USA Gymnastics Board of Directors must submit to a criminal background check consistent with the Background Screening Policy. Individuals not given a "Green Light" consistent with that policy may be subject to removal.
- (13) Standards of Behavior. To promote a safe gymnastics environment for USA Gymnastics' activities and events and to lessen the likelihood that an abusive situation could develop, participants must adhere to the following USA Gymnastics Standards of Behavior:
- (a) Avoid Being Alone with a Minor. Gymnastics is a sport that lends itself to one-on-one situations between a coach and a gymnast. Avoid being alone with a child or any group of children in a private setting (e.g., locker room, bathroom, office, vehicle or residence), and avoid being alone with a child or any group of children in any place that is inappropriate to the coach-athlete relationship. When a one-on-one situation is necessary, such as private coaching lessons or conversations, conduct the activity within the view of another adult.
  - (b) Physical Contact. Gymnastics is a sport that creates opportunities for physical contact between a coach and a gymnast. Physical contact is acceptable when it is reasonably intended to coach, teach or demonstrate a gymnastics skill or to prevent or lessen injury (e.g., spotting, catching). However, care should be taken to ensure that such contact is not invasive of sensitive areas of the body.
  - (c) Parental Monitoring. Parents are encouraged to become as active as reasonably possible in monitoring the activity/event.
- (14) Education of the Gymnastics Community. USA Gymnastics will provide or cause to be provided education for members of the gymnastics community geared toward promoting a safe gymnastics environment as follows:
- (a) Through a designated section of its website with the content being updated as necessary;

- (b) Through each of its magazine publications with at least one article per year;
  - (c) At each National and Regional Congress through a live presentation available to Congress attendees;
  - (d) Online or electronically through the safety/risk management certification or other USA Gymnastics University courses;
  - (e) Through brochures and/or posters available to members and Member Clubs/Registered Businesses;
  - (f) At least annually in designated athlete meetings;
  - (g) At least annually to designated athletes' parents;
  - (h) In its publications such as the *Safety/Risk Management Handbook* and the *Rules and Policies*.
- (15) Professional Development. Professional and Instructor members of USA Gymnastics should strive to increase their level of proficiency and skill by remaining current on safety, health and training developments relevant to the sport and by seeking advice and counsel of colleagues and experts whenever such consultation is in the best interests of the athlete.
- (16) Communication. USA Gymnastics will consistently communicate:
- (a) Its mission and that physical and sexual abuse are inconsistent with its mission and the best interest of the sport of gymnastics and its participants;
  - (b) Its commitment to and work toward a safe environment for all gymnastics participants.
- (17) Document Retention. USA Gymnastics will permanently retain misconduct / grievance files and materials.
- (18) Policy Review. This policy shall be reviewed at least annually and updated as necessary.