

US LACROSSE YOUTH ATHLETE SAFETY AND PROTECTION POLICY

(established 06/15/2013; revised 10/10/2019)

I. INTRODUCTION AND APPLICATION

US Lacrosse believes that every athlete and participant deserves a safe and fun lacrosse experience and is committed to supporting a positive environment that is free of misconduct and abuse. The following policy sets forth standards and responsibilities to achieve this outcome.

The US Lacrosse Standard for Athlete Safety and Protection applies to all Covered Individuals and Participants as defined below. Unless specifically noted, this Policy applies without respect to age (except as noted) or competitive level and is applied to behavior conducted outside of on-field play, including electronic communication and distribution.

The following policy is not intended to and does not replace the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, the employment practices of any relevant organization, or applicable federal or state laws. This policy also does not restrict an individual's right to file charges or claims with another agency, including law enforcement or court.

Please be aware that this policy is not meant to cover on-field conduct that is governed by rules of play or inappropriate behavior or misconduct that occurs between two adults (age 18 and up).

All US Lacrosse members are responsible for familiarizing themselves with this policy and shall conduct themselves in a manner that is representative of US Lacrosse's mission and values.

II. DEFINITIONS

The following terms are used in the US Lacrosse Standard for Athlete Safety and Protection policy, and shall have the following meaning for the purpose of this policy:

Child, Minor, or Youth

Any individual under the age of 18 years.

Covered Individual

Any individual (minor or adult) who:

- (1) Currently is, or was at the time of a possible US Lacrosse Standard for Athlete Safety policy violation, a member of US Lacrosse, and/or who is seeking to be a member of US Lacrosse, for example, through application for membership;
- (2) Is an adult athlete or non-athlete, who US Lacrosse authorizes, appoints, or approves to a position of authority over youth athletes or has frequent contact with youth athletes;

- (3) Additional individuals who US Lacrosse identifies as being within US Lacrosse's jurisdiction

Additionally, Covered Individuals within US Lacrosse include:

- (i.) Those persons registered with US Lacrosse as Coach or Official Members and the Volunteer category
- (ii.) All persons serving as a member of US Lacrosse's Board of Directors, on a committee or subcommittee, or in any other similar position appointed by US Lacrosse
- (iii.) All coaches, officials, volunteers, or staff (i.e., trainers and physicians) for any of US Lacrosse's National Teams, camps, or national level programs.
- (iv.) All US Lacrosse staff

Participant

Those who engage in the sport activity of lacrosse, a particular club, team, or organization. A participant can include an athlete, coach, and official, as well as a volunteer who regularly engages with a club, team, school, or youth serving organization. A participant can be an adult or a minor.

Local Lacrosse Organization (LLO)

For the purpose of this policy, an LLO is defined as a regional, state, or local lacrosse program, club, or organization that requires US Lacrosse membership for its coaches, athletes, and/or officials.

Criterion Offenses

The current US Lacrosse background screening criterion offenses reflect those recommended by the National Council for Youth Sports (NCYS) Guidelines, the FBI PROTECT Act, and the National Center for Missing and Exploited Children. These criterion offenses include:

- (1) Any felony (any crime punishable by confinement greater than one year)
 - a. Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
 - b. Defined as all crimes punishable by greater than one year in jail or prior, regardless of how characterized by jurisdiction. If range, alternate sentencing, or indeterminate sentencing, outer range > one year.
- (2) Any lesser crime involving force of threat of force against a person
- (3) Any lesser crime in which sexual relations is an element, including "victimless" crimes of a sexual nature (including pornography)
- (4) Any lesser crime involving controlled substances (not paraphernalia or alcohol)
- (5) Any lesser crime involving cruelty to animals
- (6) Any sex offender registrant
- (7) Any lesser crime involving harm to minors

Power Imbalance

A power imbalance may exist where, based upon the totality of the circumstances, one individual has supervisory, evaluative, or authority over another. Once a coach-athlete

relationship is established, a power imbalance is presumed to exist through the coach-athlete relationship (regardless of age) and is presumed to continue for minors after the coach-athlete relationship terminates and until the minor athlete reaches 20 years of age. A power imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

Child Abuse and Neglect (including Child Sexual Abuse)

As set forth in The Federal Child Abuse Prevention and Treatment Act (CAPTA), (42. U.S.C.A §5106g), and amended and reauthorized by the CAPTA Reauthorization Act of 2010 or any applicable local or state law.

CAPTA defines child abuse and neglect as any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

Child sexual abuse can be defined as the employment, use, persuasion, inducement, enticement, or coercion of any minor to engage in, or assist any other person in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction or such conduct; or the rape, and in cases of a caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of minors or incest with minors.

Please be aware that federal legislation sets the minimum standards for definitions of child abuse and neglect for states; each state provides its own definition within civil and criminal statutes. For individual state statutes, please visit Child Welfare Information Gateway's State Statutes Search page at:

https://www.childwelfare.gov/systemwide/laws_policies/state/

Emotional Abuse and Misconduct

Involves a *pattern* of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm. Non-contact behavior includes verbal and physical acts that deny attention or support. Emotional abuse and misconduct also includes any act or conduct under federal or state law (e.g., child abuse and neglect). It does not include professionally accepted coaching methods such as skill enhancement, team building, or improved athlete performance.

Bullying Behavior

Repeated and/or *severe* behavior(s) that are aggressive, directed at a minor, and intended or likely to hurt, control, or diminish the minor emotionally, physically, or sexually. Bullying behaviors may include, without limitation, physical, verbal, social (including cyber bullying), sexual and criminal conduct (conduct described as bullying under federal or state law), and exclusion.

Hazing

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a conditioning of joining or being socially accepted by a group, team, or organization. Purported Consent by the person subjected to hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Harassment

Repeated and/or *severe* conduct that (a) causes fears, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, natural origin, or mental or physical disability; or (e) any act or contact described as harassment under federal or state law. Whether conduct is harassing is dependent on the totality of the circumstances, including nature, frequency, intensity, location, context, and duration of the behavior.

Physical Abuse and Misconduct

Physical abuse is any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person outside the context of the game. Physical abuse may also include intentionally hitting or threatening to hit an athlete with objects or sports equipment, or knowingly permitting an athlete to return to play prematurely after a serious injury without clearance from a medical professional. It also includes any act or conduct described as physical abuse or misconduct under federal or state laws (e.g., child abuse, child neglect, assault). It does not include professionally accepted coaching methods such as skill enhancement, physical conditioning, team building, and improved athlete performance or conduct between opponents that occurs during the play of game.

Sexual Misconduct

Sexual misconduct is any contact or non-contact sexual interaction that is non-consensual or forced, coerced or manipulated, or perpetrated in an aggressive, harassing, exploitive, or threatening manner. It also includes any act or conduct under federal or state law (e.g. sexual abuse, sexual exploitation, rape).

Mandated Reporter

A mandated reporter is an individual who is required by law to report reasonable suspicion of abuse or neglect to the appropriate authorities (law enforcement and Child Protective Services). All states designate certain professionals as Mandated Reporters – some states may designate by law that all citizens are mandated reporters.

III. REPORTING REQUIREMENTS AND PROCEDURES

Under Federal Law and US Lacrosse policy, all US Lacrosse Employees, National Team Staff and Volunteers, and adult Participants are **Mandatory Reporters**. Individuals that fall under any of these designated roles are required to immediately report any suspicions or allegations of child abuse or neglect, including child sexual abuse, to law enforcement

and child protective services. Furthermore, under US Lacrosse policy, an online US Lacrosse Abuse Prevention Report (uslacrosse.org/abusepreventionreport) must also be completed and submitted to US Lacrosse.

US Lacrosse and its Abuse Prevention Program does not investigate suspicions or allegations of child abuse or neglect, including child sexual abuse, or attempt to evaluate the credibility or validity of such allegations. LLOs or Covered Individuals must not investigate either; if there are concerns of child abuse or neglect, they should file a report with Law Enforcement and Child Protective Services and fully cooperate with any criminal or civil investigations conducted by either authority.

Please note that nothing in this policy shall be construed to require a victim of child abuse or other misconduct to self-report. No one should investigate allegations as a condition of reporting to Law Enforcement, Child Protective Services, or US Lacrosse.

Violations of this policy that do not involve a suspicion or allegation of child abuse or neglect should be reported to the program administrator or designated athlete safety coach of the LLO. Following any local or state laws and the program's policies, a determination for a Participant's ongoing involvement with the program should be based on the nature and frequency of the violation. If the conduct requires that the Participant be removed from contact with youth Participants, a report can be made to the US Lacrosse Abuse Prevention Program Manager by electronic or telephone communication. US Lacrosse will evaluate the Participant's fitness for membership, and may initiate the US Lacrosse Membership Appeals Process, to determine if suspension or termination of membership is required. Removal from an LLO does not automatically terminate an individual's US Lacrosse Membership. Conversely, a member of US Lacrosse may be excluded from a particular LLO or organizational activities if their membership is suspended or terminated.

If the individual being reported is not currently a US Lacrosse member, the US Lacrosse Abuse Prevention Program Manager, in accordance with the [US Lacrosse Membership Suspension and Termination Policy](#), will determine if this individual may be banned from applying for membership in the future.

LLOs should develop specific guidelines and procedures to implement reporting requirements that align with their local and state mandated reporting laws.

If assistance is needed in determining where to report, please visit [Childhelp's Find Your Local Child Protective Services Phone Number](#) or call the **Childhelp National Child Abuse Hotline 1-800-422-4453**.

IV. DISCLOSURE AND FITNESS FOR MEMBERSHIP

Any individual who is submitting for a background screening shall truthfully and fully disclose any and all information in their US Lacrosse application or renewal form regarding convictions, arrests or pending investigations, if any, that may exist for those

criterion offenses as using the criteria for fitness and guidelines established by the National Council of Youth Sports (NCYS).

Failure to make a full, candid, truthful disclosure may serve as a basis for the suspension or termination of US Lacrosse membership. Where the Covered Individual has been found to be ineligible or unqualified for US Lacrosse membership, they will be disqualified from US Lacrosse membership. In the event there is inconclusive information or disposition of a criterion offense, or a pending review by US Lacrosse, an active membership may be suspended until the issue is resolved.

During the initial application and annual membership renewal, agreement with the Standard for Athlete Protection and Safety, along with the disclosure of convictions, arrests, or pending investigations that may exist for the criterion offenses as defined in this policy, shall be required. Non-agreement or failure to disclose shall be grounds for suspension or termination of US Lacrosse membership.

V. PROHIBITED CONDUCT

US Lacrosse requires the highest standard of integrity to ensure that misconduct and abuse does not occur at any level. The privilege of participation with US Lacrosse may be limited, conditioned, suspended, terminated, or denied if a covered individual's conduct was or is determined to be inconsistent with this policy, the best interest of US Lacrosse, and the sport.

Prohibited conduct includes:

- Child Abuse and Neglect (including child sexual abuse)
- Criminal Charges or Dispositions
- Sexual Misconduct
- Emotional Misconduct
- Bullying, Hazing, and Harassment
- Physical Misconduct
- Misconduct Related to Reporting
- Other Inappropriate Conduct

Any Covered Individual found to be engaging in prohibited conduct could face immediate disciplinary action, including but not limited to suspension or termination of US Lacrosse membership, and/or a referral to the appropriate authorities (Law Enforcement, Child Protective Services, etc.)

CHILD ABUSE AND NEGLECT

Covered Individuals shall not engage in, aid in (whether directly or indirectly), or have any civil or criminal charges related to Child Abuse and Neglect, including Child Sexual Abuse, as defined under applicable federal and state laws and US Lacrosse policy. This also includes the production and/or dissemination of materials (including digital content) of minors that is sexual in nature.

CRIMINAL CHARGES AND DISPOSITIONS

Criminal conduct is relevant to an individual's ability to participate in sport. The age of a criminal charge or disposition is not relevant to whether a violation of this policy occurred, but may be considered for sanctioning purposes.

It is a violation of this policy for a Covered Individual to be subject to any disposition or resolution of a criminal proceeding involving any of the listed criterion offenses (see Section II for the list of criterion offenses) other than an adjudication of not guilty, including but not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement.

SEXUAL MISCONDUCT

US Lacrosse has zero tolerance for any sexual behavior involving any minors. In some cases, sexual misconduct occurs between minors. Sexual misconduct occurring between minors is also prohibited under US Lacrosse policy and applicable federal and state laws.

All applicable reporting requirements under applicable federal and state laws and US Lacrosse policy should be followed for any suspicions or allegations of sexual misconduct involving a minor.

EMOTIONAL ABUSE AND MISCONDUCT

Covered Individuals should not engage in or perpetuate any forms of emotional abuse and misconduct.

Examples of emotional abuse prohibited by this Policy include, without limitation: a *pattern* of (a) verbal behaviors that (i) personally attack a covered individual and/or minor or (ii) repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive motivational purpose; (b) physically aggressive behaviors, such as (i) throwing sports equipment, chairs, or other items at or near participants or (ii) punching walls, windows, or other objects; and (c) acts that deny attention or support, such as ignoring or isolating a participant for extended periods of time.

A single incident of any of the above behaviors may be considered inappropriate and justify review and/or disciplinary action by US Lacrosse, although would not typically be considered emotional abuse unless a pattern of such conduct had occurred.

Criticism given in a constructive manner is not emotional abuse or misconduct. Emotional abuse and misconduct does not include professionally accepted and age appropriate coaching methods for skill enhancement, physical conditioning, motivation, team building, or improving athletic performance. Emotional Abuse and misconduct also

does not include conduct between opponents or Covered Individuals within the play of game. Such conduct should be referred to the local lacrosse program or organization.

Please note that bullying, threats, harassment, and hazing often involve some form of emotional misconduct.

BULLYING, HAZING, HARASSMENT

Covered Individual should not engage in any bullying, hazing, or harassing behaviors (as defined in Section II) or perpetuate such behavior.

Conduct may not rise to the level of bullying, hazing, harassment, or a threat if it is simply rude (inadvertently saying or doing something hurtful), mean (purposefully saying something hurtful, but not as a pattern of behavior), or arising from conflict or struggle between persons who perceive they have differing views and/or positions. Bullying, Hazing, and Harassment do not include professionally accepted coaching methods for skill enhancement, physical conditioning, team building, appropriate discipline, or improved athlete performance.

Please be aware that bullying, hazing, and harassment can also be perpetrated between minors, and it is a violation of this policy for a Covered Individual to be aware of bullying, hazing, and harassment and take no intervening action on behalf of the targeted minor(s).

PHYSICAL MISCONDUCT

Covered Individuals should not engage in or perpetuate any forms of physical misconduct, including physical abuse.

Physical abuse and misconduct, as defined in Section II, does not include physical contact that professionally accepted methods such as skill enhancement, physical conditioning, team building, or improving athlete performance. For example, simulation of game contact is considered appropriate physical contact, provided it is not done with overpowering force that would otherwise be penalized in a game.

Physical abuse also does not include conduct between opponents that occurs during or within play of game.

MISCONDUCT RELATED TO REPORTING

Under federal law (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017) and US Lacrosse Policy, individuals designated as **Mandated Reporters**, are required to report any suspected or alleged child abuse and neglect, including child sexual abuse be reported to the appropriate authorities (*both* Law Enforcement and Child Protective Services) immediately. Further, US Lacrosse policy requires that an Abuse Prevention report (uslacrosse.org/abusepreventionreport) be filed with the US Lacrosse Abuse Prevention Program. Failure to report to comply can result in disciplinary action under US Lacrosse and civil or criminal charges under applicable Federal and State laws.

In addition, filing a knowingly false allegation that an individual engaged in prohibited conduct is a violation of US Lacrosse policy and may violate state criminal law and civil defamation law. Any person knowingly making a false allegation shall be subject to disciplinary action by US Lacrosse.

Please note that a false allegation is different than an unsubstantiated allegation. An unsubstantiated allegation means that there is insufficient supporting evidence to determine whether or not an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a policy violation.

US Lacrosse also prohibits retaliation against anyone for engaging in US Lacrosse's Abuse Prevention Program's reporting and responding process. A Covered Individual, someone acting on behalf of the Covered Individual, or any other participants subject to US Lacrosse policy shall not take any adverse actions against a person for making a good faith report of possibly policy violations. Retaliatory behavior includes, without limitation, threats, intimidation, harassment, or any other form of conduct that would discourage a person from engaging or participating in US Lacrosse's processes. Retaliation can be present even when there is a finding that no violation of US Lacrosse policies occurred.

OTHER INAPPROPRIATE CONDUCT

Inappropriate conduct includes:

- (a) Intimate or Romantic relationships where a power imbalance exists. An Intimate or Romantic relationship is a close personal relationship, other than a familial relationship, exists independently and outside of the sport relationship. Whether or not a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of the sport relationship (electronically or in person), the parties' emotional connectedness, exchanging of gifts, ongoing physical and/or intimate contact and/or sexual activity, identity as a couple, the sharing of sensitive personal information, and/or intimate knowledge about each other's lives.
- (b) Exposing minors to imagery of a sexual nature.
- (c) Intentional exposure of private areas, including the unintentional or intentional exposure of breasts, buttocks, groin, genitals, or coercion of another to do so to an adult where there is a power imbalance, or to a minor.
- (d) Inappropriate physical contact with an unrelated minor, including:
 - i. Touching, slapping, or otherwise contacting the buttocks or genitals
 - ii. Excessively touching or hugging a participant
 - iii. Kissing

VI. ONE-ON-ONE INTERACTIONS

There may be situations that are appropriate for one-on-one interactions with minor athletes or participants. For example, an individual meeting may be necessary to address a minor athlete's concerns, goals, or academic performance. However, under these circumstances the following guidelines must be observed:

- (1) Any individual meeting should occur when another adult is present and where interactions can be easily observed and interrupted.
- (2) Where possible, the individual meeting must take place in a publicly visible and open area, such as the corner of the gym or on the sidelines.
- (3) If an individual meeting is to take place in an office, the door should remain unlocked and open, and in the presence of another adult
- (4) If a closed door meeting is necessary, the coach, staff member and/or volunteer must inform another coach, staff member and/or volunteer and ensure the door remains unlocked and windows, curtains, or blinds remain open. The secondary adult is to remain on premises while the meeting is occurring.

Individual training with an athlete or participant may also be desired or necessary. US Lacrosse requires a second adult to be present and strongly encourages a parent or guardian to be present during individual training session(s). In certain circumstances where the parent or guardian cannot be present, written permission from a minor athlete's parent or guardian should be obtained prior to initiation of the individual training.

Minor athletes and participants should not be left unattended or unsupervised during team activities. Covered Individuals and other adults are prohibited from being alone with an unrelated individual minor athlete or participant in any indoor or outdoor area, including personal vehicles and locker rooms, unless under emergent circumstances.

Covered Individuals should not be interacting one-on-one with (unrelated) minor athletes in settings outside of the program (including, but not limited to, one's home, restaurants, and individual transportation), unless parent or legal guardian consent is provided in written form for each out-of-program contact. US Lacrosse nonetheless discourages such arrangements.

VII. REQUIRED BACKGROUND SCREENINGS AND ONLINE ABUSE PREVENTION TRAINING

Individuals filling specified positions and roles under US Lacrosse, as listed in the [US Lacrosse Background Screening and Training Policy](#), are required to submit for a confidential criminal background screening to be conducted by the National Center for Safety Initiatives, LLC (NCSI) on behalf of US Lacrosse.

After completion of the criminal background screening, NCSI will provide one of two possible determinations:

- (1) Green Light – “*meets the criteria*”, utilized where an applicant and/or Covered Individual has no sourced criterion offenses
- (2) Red Light – “*does not meet the criteria*,” utilized where applicant has sourced criterion offenses

Those who receive a Red Light Determination will have their membership status suspended and are required to complete the US Lacrosse Membership Appeals Process. Failure to complete the Membership Appeals Process will result in termination of

membership status and all associated benefits, including the ability to participate or coach in US Lacrosse sanctioned events and/or programs.

Please be aware that additional background screening criteria may be utilized dependent on the position or role being fulfilled.

Those identified in the US Lacrosse Background Screening and Training policy, including applicants for US Lacrosse Coach Membership, are also required to complete US Lacrosse approved online abuse prevention training.

Failure to complete the required background screening and online abuse training requirements will result in the suspension or termination of US Lacrosse Membership

VII. ABUSE PREVENTION PROGRAM MEMBERSHIP APPEALS

The intent of the appeal process is for limited relief to be available for situations where an action or offense may have been relatively minor, given current and similar laws, or occurred significantly in the past. In other cases, facts pertinent to the decision to take action may not have been available at the time of the decision. The intent is that the new information may have altered the original determination. In recognition of this, a process has been developed for appeals and possible reinstatement.

The appeals process is available for Covered Individuals who are subject to suspension of their US Lacrosse Membership as a result of a Red Light Determination *or* US Lacrosse Abuse Prevention Program report. US Lacrosse reserves the right to determine, at its sole discretion, whether any particular facts or circumstances justify disciplinary action, including termination of membership and all associated benefits. US Lacrosse membership is a privilege, and continued membership requires compliance at all times with the standards and policies.

RED LIGHT DETERMINATION – NOTIFICATION TO MEMBER

For those who have received a Red Light Determination due to a sourced criterion offense on their background screening, an Adverse Action Letter by e-mail from the National Center for Safety Initiatives, LLC (NSCI) on behalf of US Lacrosse.

SAFESPORT REPORT – NOTIFICATION TO MEMBER

For Covered Individuals who are found to be participating in inappropriate, prohibited conduct, the US Lacrosse Abuse Prevention Manager will provide notification through the Appeal of Temporary Suspension of Membership letter sent by e-mail.

MEMBERSHIP APPEALS PROCESS OVERVIEW

To initiate an appeal, the Covered Individual must submit a formal letter of appeal and two (2) letters of recommendation to the US Lacrosse Abuse Prevention Program Manager within twenty (20) days of the issuance date of their Adverse Action letter or the notification provided by the Abuse Prevention Program Manager. Further information, including requirements for documents to be submitted, can be found at uslacrosse.org/membership-appeals.

The Covered Individual has the burden of proving by clear and convincing evidence the conduct or behavior in question could not pose any current or future risk to youth athletes or other participants and could not affect the mission and reputation of US Lacrosse. US Lacrosse and its Membership Appeals Committee reserve the right to request any information or documentation that will assist in making an informed decision regarding a Covered Individual's appeal or terminate the membership at any time during the appeals process.

If an appeal is granted, the Covered Individual's membership and all associated benefits will be reinstated to active. If an appeal is not successful, the Covered Individual's membership and all associated benefits will be terminated immediately. The US Lacrosse Abuse Prevention Program Manager will provide a Final Determination notification to the Covered Individual by both e-mail and mail.