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## USA Dance Policy on SafeSport and Harassment

USA Dance being a United States Olympic and Paralympic Committee USOPC designated, Recognized Sport Organization, to the extent appropriate, abides by the policies and procedures of the USOPC and the USOPC-designated independent safe sport entity, the US Center for SafeSport (the “SafeSport Entity”). In addition, USA Dance will maintain an effective athlete safety program. This athlete safety program includes, at a minimum, the following components, all of which are published on the USA Dance web site: [www.usadance.org](http://www.usadance.org)

- Prohibited conduct – defined in this policy
- Criminal background checks – annually for all individuals who are:
  - (1) in a position of control over and/or
  - (2) who have frequent contact with athletes (the “Subject Group”)
  - (3) and, as defined later in this policy
- Education and training
- Reporting – mandatory reporting to USA Dance for policy violations
- Enforcement – there is a mechanism to enforce

This policy sets out these obligations and how they are related to one another. Although SafeSport and the amendments to the Victims of Child Abuse Act of 1990 and the Amateur Sports Act of 1978 (the Ted Stevens Olympic and Amateur Sports Act) as signed into law on February 14, 2018, are intended to protect amateur athletes, this policy applies, to the extent relevant, to all members of USA Dance. For example, all members need not have a criminal background check however, no member should be subject to harassment or abuse of any kind.

### ***Applies to:***

This policy applies to USA Dance Board members, employees, individuals who USA Dance formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes, such as, officials and other contractors while on contract with USA Dance, coaches at USA Dance Team Training Camps, and any associate or affiliate member of USA Dance that sponsors or arranges national or international amateur athletic competitions.

### ***Introduction:***

- This policy may be applied to behavior conducted on-line or distributed electronically using email, text messages or any other electronic medium. This includes without limitation blogs, web postings, chats and social networking sites.
- This policy applies without respect to age or competitive level except where specifically noted.
- This policy does not replace:
  - The Ted Stevens Olympic and Amateur Act
  - USA Dance’s employment practices or policies; or
  - Applicable federal or state law.
- This policy does not extend or restrict a person’s right to file charges or claims with any



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other agency, law enforcement or court. Individuals are encouraged to ensure their rights have not expired through these other avenues.

***Definitions:***

To properly understand, implement and enforce this policy, it is imperative that one is familiar with these definitions. The following terms as used in this policy have the following definitions:

- A. Athlete  
Any individual recognized as an athlete by USA Dance under its bylaws rules, regulations, guidelines or other governing documents.
- B. Bullying Behavior  
Repeated and/or severe aggressive behavior among minors, that is intended or likely to hurt, control or diminish another person emotionally, physically, or sexually.
  - 1. Form
    - a. Physical  
Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping; throwing objects such as sporting equipment at another person.
    - b. Verbal  
Continued or consistent teasing, ridiculing, taunting, name-calling, intimidating or threatening to cause someone harm.
    - c. Social, including cyber bullying  
Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone or asking others to do the same.
    - d. Sexual  
Teasing ridiculing or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.
  - 2. Rude, mean and conflict-distinguished  
Conduct may not rise to the level of Bullying Behavior if it is rude (inadvertently saying or doing something hurtful), mean (purposely saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons, absent a Power Imbalance, who perceived they have incompatible goals.
  - 3. Criminal conduct  
Bullying Behavior includes any conduct described as bullying under federal or state law.
- C. Consent  
Freely given agreement by all people involved. As it relates to sexual conduct, consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consents to any one form of sexual activity are not automatically implied



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consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Once given, consent can be withdrawn through a clear communication.

Consent does not exist if a person does not give Consent, or has an Inability to Consent or Inability to Refuse exists.

1. Inability to consent

a. An inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is incapacitated.

2. Incapacitated

a. A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e. to understand the “who, what, when, where, why, or how” of the sexual interaction).

A person may be incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.

3. Inability to Refuse

An inability to refuse exists when the effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.

a. Coercion

Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors considered together: (a) frequency (b) intensity, (c) isolation and (d) duration.

b. Force

The use or threat of physical force that overcomes free will or resistance.

c. Intimidation

Implied threats or acts that reasonably cause a fear of harm in another.

D. Covered Adult

A Covered Individual who is 18 years of age or older.

E. Covered Individual

Any individual who: (a) currently is, or was at the time of the possible violation of this policy, within the governance or disciplinary jurisdiction of USA Dance or who is seeking to be within that governance or disciplinary jurisdiction of USA dance (through application for membership) (b) is an athlete or non-athlete participant that USA Dance or the USOPC formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes or (c) USA Dance identifies as being within its jurisdiction.



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F. Covered Minor

A Covered individual who is under the age of 18.

G. Criminal Disposition

Any disposition of a criminal proceeding, other than an adjudication of not guilty, including an adjudication of guilt or admission to criminal violation; a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding to a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of a warrant for arrest or any pending charges.

H. Emotional Misconduct

Repeated and/or severe non-contact behavior involving (a) Verbal Acts, (b) Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

1. Verbal Acts

Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting; taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

2. Physical Acts

Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

3. Acts That Deny Attention or Support

Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

4. Exclusions

Emotional Misconduct does not include professionally accepted and age appropriate coaching methods for skill and performance enhancement, physical conditioning, teambuilding or appropriate discipline.

5. Criminal conduct

Emotional Misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

I. Harassment

Repeated and/or severe conduct that (a) causes fear, 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 athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state



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law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

1. Forms

Harassment, which may be a form of Emotional, Physical or Sexual Misconduct, includes but is not limited to:

a. Discriminatory Harassment

Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

b. Stalking

Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct, which includes two or more, acts, involving persistent and frequent unwanted in-person contact, surveillance or unwanted telephone and/or other electronic contact.

i. Examples

Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

c. Sexual Harassment

Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

J. 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 condition of joining or being socially accepted by a group, team or organization. Purported Consent by the person subject to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

1. Examples

Examples of Hazing include:

a. Contact acts

Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.

b. Non-contact acts



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Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restriction on personal hygiene.

- c. Sexual acts  
Actual or simulated Sexual Conduct of any nature.
2. Criminal Acts  
Any act or conduct that constitutes hazing under applicable federal or state law.
- K. Intimate Relationship  
A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.
- L. Local Affiliated Organization (LAO)  
A regional, state or local club or organization that is directly affiliated with USA Dance, such as regional affiliate or local chapter, or that is affiliated with USA Dance by virtue of its direct affiliation with a regional affiliate or organization.
- M. Minor  
An individual under the age of eighteen.
- N. Non-athlete Participant  
Any coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee or volunteer who participates.
- O. Physical Misconduct  
Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.
  1. Examples  
Examples of physical misconduct may include, without limitations:
    - a. Contact violations  
Punching, beating, biting, striking, choking or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.



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- b. Non-contact violations  
Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the U.S - legal drinking age; providing illegal drugs or non-prescribed medications to another.
- 2. Criminal conduct  
Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).
- 3. Exclusion  
Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports but have no place in dancing.
- P. Position of Power  
When one person has direct supervisory, evaluative or other authority over another.
  - 1. Examples  
A person who may be in a Position of Power includes someone such as a coach, boss, employer or medical personnel.
- Q. Power Imbalance  
A power Imbalance is presumed to exist:
  - 1. Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.
    - a. Whether someone occupies a Position of Power such that there is a Power Imbalance depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.
    - b. Once a coach-Athlete relationship is established, a Power Imbalance is presumed. A Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates and the 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).
  - 2. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.
- R. Reporting Party  
The person alleging a violation of this policy.
- S. Responding Party



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The person who is alleged to have violated this policy.

T. Sexual Conduct

Contact and non-contact behaviors of a sexual nature.

1. Contact behaviors of a sexual nature

Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.

a. Sexual Contact

Sexual contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed, of a person's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

b. Sexual Intercourse

Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue or finger; and/or (b) contact between the mouth and the penis, vulva or anus.

2. Non-contact behaviors of a sexual nature

Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, and exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking or disseminating photographs of a sexual nature.

a. Exploitation

Non-contact behavior of a sexual nature includes Exploitation (taking sexual advantage of another to benefit or gratify one's self or any person other than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking pictures or video or audio recordings of another in a sexual act or in any other private activity, without the Consent of all involved in the activity or (d) disseminating or threatening to disseminate pictures, video recording or audio recordings of another person in a sexual act or any other private activity.

U. Third-party Reporter

A person who reports or discloses a possible violation of this policy, if not the Reporting Party.

V. Third-party Reports

Reports or disclosures of a possible violation of this policy brought by a person other than a Reporting Party.

***Prohibited Conduct***

A. Sexual misconduct

1. Generally

Sexual misconduct offenses include:



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- a. Sexual Conduct (or attempts to commit the same), without consent.
  - b. Sexual Conduct (or attempts to commit the same), where there is a Power Imbalance, regardless of purported Consent.
  - c. Sexual Harassment
  - d. An Intimate Relationship involving a person in a Position of Power where a Power Imbalance exists.
2. Sexual misconduct involving Minors  
Regardless of any purported Consent, a sexual misconduct offense involving a Minor includes:
- a. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is three or more years,
  - b. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is less than three years, but a Power Imbalance exists.
  - c. An Intimate Relationship (or attempt to establish the same) between a Covered Adult and a Minor where the age difference is three or more years and a Power Imbalance exists.
  - d. Sexual Conduct between a Covered Minor and another Minor if: (1) the age difference is three or more years, or (2) there is a Power Imbalance based on the totality of the circumstances.
3. Child sexual abuse  
A Covered Individual shall not engage in any behavior that constitutes child sexual abuse as defined by federal or applicable state law.
4. Criminal Disposition  
It is a violation of USA Dance policy for a Covered Individual to be convicted of or subject to a Criminal Disposition.
5. A Covered Individual shall not engage in any other form of sexual misconduct, including Bullying Behaviors or Hazing of a sexual nature.
- B. Other Misconduct
1. Emotional or Physical Misconduct  
A Covered Individual shall not engage in Emotional or Physical Misconduct. Emotional or Physical Misconduct may include Bullying, Hazing or Harassment.
- C. Retaliation  
Retaliation is any adverse action taken by a Covered Individual against a person participating in an investigation. Retaliation by a Covered Individual against a person for making an allegation or for supporting a Reporting Party by providing information relevant to an allegation is a serious policy violation.

### ***Policy***

- 1) It is the policy of USA Dance that a Covered Individual, an associate or affiliate USA Dance member organization must not engage in Prohibited Conduct, including Sexual Misconduct, Physical Misconduct, Bullying, Hazing, Harassment, or Emotional/Verbal Misconduct as defined in the in this policy and the SafeSport Code.



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- 2) The following behavior by a Covered Individual, an associate or affiliate USA Dance member organization, may be considered misconduct as defined in this policy and the SafeSport Code: Abuse of Process, Failure to Report, Intentionally Making a False Report or Retaliation. Any such conduct following the resolution of a matter is final, is a violation of this policy and/or the SafeSport Code.
- 3) Criminal Background Checks are required for those individuals who USA Dance formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes. This includes but is not limited to, those individuals under contract with USA Dance such officials, coaches at USA Dance Team Training Camps, and any associate or affiliate member of USA Dance that sponsors or arranges national or international amateur athletic competitions. Individuals must provide proof of a Criminal Background Check from an approved provider as selected by USA Dance. The expenses associated with these annual checks are the responsibility of the individual.
- 4) Education and Training  
Individuals who USA Dance formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes, are required to participate in SafeSport Education every two years. This includes but is not limited to, those individuals under contract with USA Dance such officials, coaches at USA Dance Team Training Camps, and any associate or affiliate member of USA Dance that sponsors or arranges national or international amateur athletic competitions. Follow this link to the required education:  
<http://www.usadance.org/safesport>.
- 5) Reporting  
Individuals aware of violations or suspected violations of this policy are required to report to one of the following:  
For Calls within the US: 855-444-6011  
For Calls outside the US: 646-291-8999

#### When to report.

- The following is intended to provide guidelines for reporting. If in any situation, you are uncertain of making a report, the safest approach is to report.
- A report can be made to a woman or man, follow the prompts when calling in
- If one has a reasonable suspicion of child sexual abuse, you may be legally required to report to USA Dance AND law enforcement.
- Report if a minor shares knowledge of child sexual abuse
- Report if a minor discloses a friend has been abused.
- It doesn't matter how long ago the alleged abuse or behavior occurred – REPORT
- You may be legally required to report within 24 hours if you have a “reasonable suspicion or belief” of child sexual abuse.
- Never contact a minor's parents or guardian in these situations, leave that to law enforcement.
- Report only what you have been told.
- Do not ask leading questions.



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- Ask the individual to be as specific as possible.
  - Ask the ‘who, when, what’ questions.
  - Report only what you have been told.
  - Do not ask leading questions.
  - Ask the individual to be as specific as possible.
  - Your job is not to investigate. It is only to report.
  - Concerning behaviors may be reportable behaviors.
  - If you observe concerning behaviors – report.
  - If a minor shares with you, any of the following – REPORT
    - There has been texting or emailing of sexual photos or images.
    - The minor has received the same.
    - The minor feels inappropriate touching has occurred.
    - The minor feels she or he is being or has been propositioned.
- 6) The Board of Directors may initiate actions against an individual accused of violating this policy, including restricting the individual from participating in USA Dance activities, prior to the completion of an investigation. These actions are intended to protect USA Dance members and the accused.
- 7) The USA Dance Ethics Committee will conduct investigations of alleged policy violations. When there is an active police investigation the Ethics Committee investigation may be delayed until the police investigation or court proceedings are complete. Due to the potential sensitivity of these investigations, findings will initially be reported to the Executive Committee before discussions and disposition at the Board of Directors.
- 8) Individuals found in violation of this policy will be sanctioned. This may include loss of all privileges within USA Dance, suspension of USA Dance membership for a determined period of time or other sanctions that are appropriate to the policy violation. These decisions will be made at the Board of Directors and are final. Documents relating to the violation report, investigation and conclusion will be retained permanently and posted on the USA Dance website.

***Approved by:*** Board of Directors

***Effective Date:*** July 30, 2018

***Revised Date:*** October 26, 2020

***Next Review Date:*** August 1, 2020

***Contact Person or Position:*** Senior Vice-President