



# USA RUGBY

## SAFESPORT PROGRAM HANDBOOK

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## INTRODUCTION

USA Rugby's primary role is to provide members and participants with a safe and fun environment to play rugby. Our commitment to player welfare is paramount to this goal.

This SafeSport Program Handbook includes the various policies adopted by USA Rugby that apply to:

- All USA Rugby board, staff, interns and contractors
- All Adult Participants, as described in the MAAPP requirements
- Certified coaches and match officials
- USA Rugby operational and governance committee members
- All registered members of USA Rugby
- USA Rugby training and education certification workforce
- Contracted medical personnel at USA Rugby sanctioned events
- Contracted medical personnel relating to USA Rugby national teams
- Volunteers acting on behalf of the USA Rugby at USA Rugby sanctioned events
- Volunteers acting on behalf of USA Rugby in conjunction with national teams
- Other individuals that USA Rugby formally approves or appoints on an ad hoc or interim basis to a position of authority over or who has frequent contact with athletes
- All Adult Athletes that have regular contact with and/or authority over minor athletes

This Handbook provides information on The U.S. Center for SafeSport ("Center"), Prohibited Behaviors, as well as USA Rugby's Education and Awareness Training requirements; Screening and Background Check Program; the procedures for any person to report suspected abuse or misconduct (including protections from any retaliation or repercussions for such reporting); and the procedures and means by which USA Rugby responds to allegations of abuse and misconduct.

USA Rugby is committed to creating the safest possible environment for participation in USA Rugby. This Handbook will also reference the Minor Athlete Abuse Prevention Policies, policies developed by the Center which all Adult Participants are expected to adhere in any event where Minor Participants are present.

This Handbook may be revised by USA Rugby at any time. This Handbook does not constitute an implied or express contract or a legally enforceable promise or representation.

## SECTION I: USA RUGBY SAFESPORT POLICIES, DEFINITIONS AND PROHIBITED BEHAVIORS

USA Rugby 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 Rugby and the Center have implemented policies addressing certain types of abuse, misconduct, related prohibited behaviors, and certain policies intended to prevent, reduce, monitor and govern the areas where potential abuse and misconduct might occur.

As the national governing body for Rugby in the United States, USA Rugby, to enhance SafeSport practices and resolve SafeSport violations, has agreed to comply with the SafeSport policies of the Center, and has delegated, in accordance with the SafeSport Authorization Act, the jurisdiction and authority to the Center to:

- Investigate all reports or allegations of sexual abuse or misconduct (as referenced in the provisions as defined in the Center Code for the U.S. Olympic and Paralympic Movement ("Code") including its appendices;
- Issue any interim suspensions or measures pending conclusion of the investigation;
- Make recommendations of sanctions or disciplinary action as a result of such investigation;
- Adjudicate such matters.

For the most current Center rules, policies and procedures, go to:

[www.uscenterforsafesport.org](http://www.uscenterforsafesport.org)

### U.S. CENTER FOR SAFESPORT JURISDICTION

#### **Exclusive Jurisdiction**

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Sexual Misconduct, including without limitation, child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
2. Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;
3. Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;

4. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process;
5. Other Inappropriate Conduct, as defined in the Code.

### **Discretionary Jurisdiction**

The Center has discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Non-sexual Child Abuse;
2. Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;
3. Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;
4. Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;
5. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the process of the USOPC, an NGB, an LAO, or any other organization under the Center's jurisdiction.

### **Jurisdictional Reassessment**

The Center may reassess its jurisdictional decision at any time. USA Ruby, the SafeSport Liaison Officer, or their designee, may request the Center reassess its jurisdictional decision at any time.

## **DEFINITIONS AND PROHIBITED BEHAVIOR**

### **Center Code for the U.S. Olympic and Paralympic Movement**

The Center Code policies below address the following types of abuse, misconduct and related prohibited behaviors, and set forth boundaries for appropriate and inappropriate conduct:

- a) Bullying Behavior
- b) Emotional Misconduct
- c) Harassment
- d) Hazing
- e) Physical Misconduct
- f) Sexual Misconduct

All USA Rugby members should familiarize themselves with each form of misconduct and refrain from engaging in misconduct and/or violating any of these policies. In addition, USA Rugby adopts, as its own, the definitions regarding prohibited behavior as defined in the Center Code, and as may be amended from time to time. If a conflict should arise between the definitions included in this Handbook and the Code, the definitions included within the Code at the time of any incident shall take precedence.

## **Bullying**

Repeated or severe behavior(s) that are (a) aggressive (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically, or sexually. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing or Harassment. Examples of bullying behavior may include, without limitation, repeated or severe:

- a) Physical - Hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person.
- b) Verbal - Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- c) Social, including cyberbullying - Use of 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 and asking others to do the same.
- d) Criminal Conduct - Bullying Behavior includes any conduct described as bullying under federal or state law.
- e) Exclusion - Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

## **Emotional Misconduct**

Emotional Misconduct includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, or (e) Stalking. Emotional Misconduct is

determined by the objective behaviors, not whether harm is intended or results from the behavior.

- a) Verbal Acts - Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- b) Physical Acts - Repeated or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- c) Acts that Deny Attention or Support - Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Participant from participation.
- d) Criminal Conduct - Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).
- e) Stalking - Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) fear for the safety of a third person, or (iii) to experience substantial emotional distress. "Course of conduct" means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. "Substantial emotional distress" means significant mental suffering or anguish. Stalking also includes "cyber-stalking," wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
- f) Exclusion - Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved Athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant's participation.

## **Harassment**

Repeated or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment (as defined above), 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, national origin, or



mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

### **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 subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

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 - Requiring or forcing the consumption of alcohol, illegal drugs or other substances, 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 or food; restrictions on personal hygiene.
- c) Criminal acts – Any act or conduct that constitutes hazing under applicable federal or state law.
- d) Exclusion - Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Hazing does not include professionally

accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

### **Physical Misconduct**

Physical Misconduct is any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person.

Examples of physical misconduct may include, without limitation:

- a) Contact violations - Punching, beating, biting, striking, strangling 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.
- 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 legal drinking age; providing illegal drugs or non-prescribed medications to another.
- c) 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, and assault).
- d) 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 swimming. Physical Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant's participation.

### **Sexual Misconduct**

It is a violation for a Participant to engage in Sexual Misconduct. Sexual Misconduct offenses include, but are not limited to:

- 1. Sexual Harassment
- 2. Nonconsensual Sexual Contact (or attempts to commit the same)

3. Nonconsensual Sexual Intercourse (or attempts to commit the same)
4. Sexual Exploitation
5. Exposing a Minor to Sexual Content/Imagery
6. Sexual Bullying Behavior
7. Sexual Hazing
8. Other Inappropriate Conduct of a Sexual Nature.

1. Sexual Harassment - Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) or (b) below are present:

Sexual Harassment also includes harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) or (b), below, are present:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in Events, sports programs or activities; or when submission to or rejection of such conduct is used as the basis for sporting decisions affecting the individual (often referred to as "quid pro quo" harassment); or

- b. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive such that it interferes with, limits, or deprives any individual of the opportunity to participate in any program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

Whether a hostile environment exists depends on the totality of known circumstances, including, but not limited to:

- i. The frequency, nature, and severity of the conduct;
- ii. Whether the conduct was physically threatening;
- iii. The effect of the conduct on the Claimant's mental or emotional state;
- iv. Whether the conduct was directed at more than one person;

- v. Whether the conduct arose in the context of other discriminatory conduct;
- vi. Whether the conduct unreasonably interfered with any person's educational or work performance or sport programs or activities; and
- vii. Whether the conduct implicates concerns related to protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual contact without Consent, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

2. Nonconsensual Sexual Contact - It is a violation for a Participant to engage in Sexual Contact without Consent.

Sexual Contact is any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Participant, or someone else with or on any of these body parts.

3. Nonconsensual Sexual Intercourse - It is a violation for a Participant to engage in Sexual Intercourse without Consent.

Sexual intercourse is any penetration, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any

contact, no matter how slight, between the mouth of one person and the genitalia of another person.

4. Sexual Exploitation - It is a violation for a Participant to engage in Sexual Exploitation. Sexual Exploitation occurs when a Participant purposely or knowingly:
  - a. Allows third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images) without Consent of all parties involved in the sexual activity.
  - b. Records or photographs private sexual activity or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without Consent of all parties in the recording or photo.
  - c. Engages in voyeurism (e.g., watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed.
  - d. Disseminates, shows or posts images of private sexual activity or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without prior Consent of the person depicted in the images.
  - e. Intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge.
  - f. Engages in solicitation of prostitution, or prostituting or trafficking another person.
5. Exposing a Minor to Sexual Content/Imagery - An Adult Participant violates this Handbook by intentionally exposing a Minor to content or imagery of a sexual nature, including but not limited to, pornography, sexual comment(s), sexual gestures, or sexual situation(s).

This provision does not exclude the possibility that similar behavior between adults could constitute other Sexual Misconduct.

6. Sexual Bullying Behavior - Repeated or severe behavior(s) of a sexual nature that are (a) aggressive, (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically, or sexually. Sexual Bullying-like Behaviors directed at adults are addressed under other forms of misconduct, such as Sexual Hazing or Sexual Harassment.

Sexual Bullying Behavior also includes bullying behavior related to gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature.

Examples of Sexual Bullying Behavior may include, without limitation, ridiculing or taunting that is sexual in nature or based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.

Conduct may not rise to the level of Sexual Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

7. Sexual Hazing - Any conduct of a sexual nature 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.

Sexual Hazing also includes hazing related to gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature.

Purported Consent by the person subjected to Sexual Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Conduct may not rise to the level of Sexual Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

8. Other Inappropriate Conduct of a Sexual Nature - It is a violation for a Participant to engage in any Other Inappropriate Conduct of a sexual nature, as further defined in this Handbook or the Code.

### **Other Misconduct & Participant Responsibility**

The behavior included in this Handbook is not an exhaustive list of behavior that may be considered a violation. It is also a violation of this Handbook for a Participant to engage in behavior which would be deemed a violation of the Code, as amended from time to time. It also a violation of this Handbook to engage in behavior identified and defined in other Sections of this Handbook. It is the duty of every Participant to be aware of behavior which may be deemed a violation.

### **Other USA Rugby SafeSport Policies**

#### **Locker Room Policy**

Locker room and changing area settings may create an environment where extra diligence is required due to athletes being in various stages of dress/undress and because they are often less supervised than at other times. Athlete-to-athlete problems, such as sexual abuse, bullying, harassment or hazing, often occur when a coach or other responsible adult is not in a position to observe —this is especially true in locker rooms. Adherence to a locker room policy enhances privacy and reduces the likelihood of misconduct.

#### **Locker Room Supervision**

For USA Rugby events or activities involving minors, and when reasonably practicable, USA Rugby shall provide at least one responsible screened, SafeSport trained and activity related Applicable Adult be present to monitor the locker room during all team events to ensure that only coaches, athletes, and approved team personnel are permitted in the locker room (or other changing area) and to supervise the conduct in the locker room. Any individual meetings between a minor participant and a coach or other adult in a locker room shall require that a second responsible adult be present. The responsible adult that monitors and supervises the locker room shall have been screened in compliance with Section III of this Handbook. At no time should an Applicable Adult undress in the presence of a minor athlete. This includes any intentional exposure of his or her breasts, buttocks, groin, or genitals.

Further, responsible adults must also secure the locker room appropriately during times when minor participants are on the field.

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras, and video cameras increase the risk for some forms of abuse or misconduct. As a result, the use of a mobile device's recording capabilities in the locker rooms is not permitted at any USA Rugby event, provided that it may be acceptable to take photographs or recordings in a locker room in such unique circumstances as a victory celebration, team party, etc., where all persons in the locker room are appropriately dressed and have been advised that photographs or recordings are being taken.

\*In any case when minors are involved, please refer to the MAAPP policy and follow the guidelines outlined in that policy. Any circumstance involving minors is subject to the MAAPP.

### **Social Media, Mobile and Electronic Communications Policy**

As part of USA Rugby's emphasis on participant safety, communications involving our minor participants should be appropriate, activity related, productive, and transparent. Effective communication concerning travel, practice or game schedules, and administrative issues among coaches, administrators, players and their families is critical. However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to participants. The improper use of mobile and electronic communications can result in misconduct. Adherence to the Social Media, Mobile and Electronic Communications Policy helps reduce these risks.

All electronic communication between an Applicable Adult and a minor participant, including email, text messaging and the use of social media, must be for the purpose of communicating information about team activities or other rugby-related content. Applicable Adults must follow the MAAPP guidelines regarding the volume and time of day of any allowed electronic communication with minor players

### **Abuse and Misconduct**

Social media and other means of electronic communication can be used to commit abuse and misconduct (e.g., emotional and sexual misconduct, bullying, harassment, and hazing). Such communications by anyone participating in the activities or affairs of USA Rugby will not be tolerated and are considered violations of USA Rugby's SafeSport Program.



## Travel Policy

A significant portion of sports participation involves overnight travel for youth teams to games and tournaments. Minor participants are most vulnerable to abuse or misconduct during travel, particularly overnight stays. This includes a greater risk of player to player misconduct. During travel, players may be away from their families and support networks, and the setting - unfamiliar locker rooms, automobiles, and hotel rooms - is less structured and less familiar. This Travel Policy provides guidelines so that care is taken to minimize one-on-one interactions between minors and Applicable Adults while traveling. Further, the policy directs how minor participants will be supervised between and during travel to and from practice and competitions. Adherence to this Travel Policy helps to reduce the opportunities for misconduct. Please note that if any guideline below that contradicts the MAAPP, applicable adults and participants should defer to the MAAPP guidelines.

The following policies should be in effect for all USA Rugby National Team program travel that involves minor participants when reasonably practicable:

- Regardless of gender, no USA Rugby Applicable Adult should share a hotel room or other sleeping arrangement with a minor participant (unless such individual is the parent, guardian/ sibling of the player).
- Players should share rooms with other players of the same gender, with the appropriate number of players assigned per room depending on accommodations.
- Individual meetings between a player and a coach, trainer, or other Applicable Adult should not occur in hotel sleeping rooms unless the door to the room remains open. All one on one meetings should be observable and interruptible.
- Regular monitoring and curfew checks should be made of each athlete's room. No USA Rugby Applicable Adult should drive alone with an unrelated minor participant.
- No USA Rugby Applicable Adult should engage in team travel without the proper safety requirements in place and on record, including valid drivers' licenses, automobile liability insurance as required by applicable state law, a vehicle in safe working order, and compliance with all state laws.
- All USA Rugby Applicable Adults travelling with a team should be familiar with the SafeSport Program Handbook to monitor compliance with all SafeSport Code and MAAPP Policies.
- No USA Rugby Applicable Adult should be impaired by alcohol or drugs while performing their respective duties.

- All players should be encouraged to make regular check-in phone calls to parents, and team personnel should allow unscheduled check-in phone calls initiated by either the player or parents.
- The team should make every effort to accommodate reasonable parental requests when a minor is away from home without a parent.
- Specific travel itineraries should be distributed to parents when they are available and will include a detailed itinerary as well as contact information for all team personnel and chaperones.

In addition to the policies outlined above, USA Rugby encourages its Applicable Adults, participants and local clubs to implement the following policies, as applicable:

- Team officials should obtain a signed liability release and/or indemnification form for each athlete.
- Team officials should carry a signed medical consent or authorization to treat form for each athlete.
- Curfews should be established by the team each day of the trip.
- Team members and staff traveling with the team should attend all team functions, including meetings, practices, meals, etc. unless otherwise excused or instructed by the head coach or his/her designee. The directions and decisions of coaches/chaperones are final.
- Athletes are expected to remain with the team at all times during the trip.
- Athletes are not to leave the competition venue, hotel, restaurant or any other place at which the team has gathered without the permission of the coach or chaperone.
- When visiting public places such as shopping malls, movie theatres, etc., athletes should stay in groups of no fewer than three persons. Aged 12 and under athletes should be accompanied by a chaperone.
- The head coach or his/her designee should make a written report of travel policy violations to the appropriate club leadership and the parent or legal guardian of any affected minor athlete.
- Any additional policies regarding maintaining participant safety and engaging in respectful behavior.

Conduct by a an Adult Participant that could constitute any other type of behavior under the Code, including MAAPP policy violations, Bullying Behaviors, Hazing and Harassment, Emotional Misconduct and Physical Misconduct should be reported to USA Rugby at [usarugbysafesport.com/](http://usarugbysafesport.com/) or to the USA Rugby SafeSport Liaison, Johnathan Atkeison [jatkeison@usa.rugby](mailto:jatkeison@usa.rugby) or 720-263-2433.

## SECTION II: EDUCATION AND TRAINING POLICY & MINOR ATHLETE ABUSE PREVENTION POLICIES

USA Rugby has adopted an Education and Training Policy and Minor Athlete Abuse Prevention Policies (“MAAPPs”) in accordance with requirements from the Center. These policies are officially adopted herein via reference. The policies may be accessed at <https://usa.rugby/safesport>.

The USA Rugby Education and Training Policy requires any Adult Participant who has regular contact with any amateur athlete who is a minor, has authority over any amateur athlete who is a minor, or who is an employee or board member of USA Rugby or an Local Affiliate Organization to complete training. For the full terms regarding who must complete Center training and when, please review the full policy within USA Rugby’s MAAPPs.

The USA Rugby MAAPPs outline policies regarding one-on-one interactions and other prevention policies Adult Participants must abide by when participating in USA Rugby activities. The following are the individual sections covered by the USA Rugby MAAPPs:

1. One-on-One Interaction Policy
2. Meetings & Training Sessions Policy
3. Athletic Training Modalities, Massages, and Rubdowns Policy
4. Lock Rooms and Changing Areas Policy
5. Electronic Communications Policy
6. Transportation Policy
7. Lodging Policy

For the full terms of these policies, please review the USA Rugby MAAPPs.

### **Violations of the MAAPP**

Any individual found to have violated the Education and Training Policy or the MAAPPs will be considered to have violated this Handbook and be subject to the provisions herein.

## **SECTION III: SCREENING AND BACKGROUND CHECK PROGRAM**

### **Purpose of a Screening Policy**

USA Rugby is committed to the safety of athletes and participants involved in sport. USA Rugby requires background checks in order to (a) foster a safe environment at all competition and training environments sanctioned and/or overseen by USA Rugby; (b) create a safe living, training, and competition environment for athletes and other individuals associated with USA Rugby; and (c) protect persons at risk, including, but not limited to, minors and vulnerable adults. This policy sets forth USA Rugby's background check standards and outlines the guidelines for the use of background checks to determine eligibility for USA Rugby membership and for participation in USA Rugby programs and services.

For purposes of this policy, the term adult shall mean any person eighteen (18) years of age or older.

### **USA Rugby Screening**

No person may participate in a role requiring a background check, as defined by this policy, or have contact with athletes if they do not pass the applicable background check.

A background check shall be conducted prior to the commencement of a new role for all applicable individuals and shall be completed no less than every two (2) years thereafter with supplemental background checks in the off-years.

Background checks may be conducted more frequently as part of routine background check updates and/or if a permissible purpose (as defined by state law) has been determined.

### **Applicability of Policy**

This policy applies to:

1. Any person enrolled in an annual membership category of Match Official, Volunteer/Admin or Coach with USA Rugby;
2. All USA Rugby Staff;
3. All adult athletes selected to participate in any Delegation Events to which the USOPC sends athletes;
4. All individuals that USA Rugby formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes. This shall include, but is not limited to, staff, officials, coaches, board members, coordinators, local affiliated administrator/directors, trainers, independent contractors, volunteers, training partners, guides and medical personnel, and other individuals authorized or nominated by USA Rugby to work with athletes or other participants while at a USA Rugby Training Site or competition event to which the USA Rugby sends athletes;
5. All adult athletes, assistants and/or personal care assistants training at Olympic and Paralympic Training Centers

6. Other adults that may have contact with athletes, as determined by the Chief Operating Officer.
7. Individuals affiliated with the media, who are authorized or credentialed by USA Rugby to access a Training Site or attend a competition ran by USA Rugby are required to undergo a criminal background check if they have unsupervised one-on-one interactions with athletes.
8. Contracts with third-party vendors/contractors that are (a) in a position of authority over or (b) in regular contact with athletes must include the background check requirements set forth in this policy if they have unsupervised one-on-one interactions with athletes. The contracts shall also specify that certification must be provided by the vendor/contractor upon request by USA Rugby, to establish that the mandated background checks were conducted.
9. When partnering with community organizations (i.e., YMCA, Boys and Girls Club) for events, USA Rugby shall ensure that the partnership agreement includes language regarding background check requirements. The agreements shall also specify that certification must be provided by the community organization upon request by USA Rugby, to establish that the mandated background checks were conducted.

### **Background Check Search Requirements**

The following search requirements will be used for any Background Check called for in this policy:

1. Social Security Number validation;
2. Name and address history records;
3. Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
4. Federal District Courts search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable;
5. County Criminal Records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;
6. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
7. Multiple National Watch Lists;
8. SafeSport Disciplinary Records;
9. Comprehensive International Records search for persons who have lived outside of the United States for six consecutive months in any one country, during the past seven years; and
10. Motor Vehicle Records of at least a 3-year history in the state of licensure; (only if driving is required for position).

Background screening for employees and other staff may involve higher or different standards or procedures, including those as required by law.

### **Supplemental Background Checks**

All supplemental off-year background check screen will be conducted using at least the following search components:

1. Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico
2. Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
3. SafeSport Disciplinary Records

### **Disqualification or other limitations on participation**

Any results that meet the criteria set below will be reported to the Chief Operating Officer as an adverse finding:

1. Any felony; and
2. Any misdemeanor involving:
  - a. All sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;
  - b. Any drug related offenses;
  - c. Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
  - d. Violence against a person, force, or threat of force (including crimes involving deadly weapons and domestic violence);
  - e. Stalking, harassment, blackmail, violation of a protection order, and/or threats;
  - f. Destruction of property, including arson, vandalism, and criminal mischief; and
  - g. Animal abuse, cruelty, or neglect.
3. Any pending charges that would result in a felony or misdemeanor as stated above.

*Note: Any person's participation in a USOPC event or competition will be subject to appropriate USOPC Background Checks and potentially to a USOPC Secondary Review of previously completed USA Rugby Background Checks.*

USA Rugby's independent contractor's criminal background check will report if the search revealed an adverse finding that suggests the individual may be unsuitable to participate in USA Rugby activities. While this will be reported to USA Rugby for consideration, as outlined below, it will also be reported to the individual on whom the background check was performed. USA Rugby staff members may be subject to additional procedures and requirements for criminal background checks under USA Rugby's personnel policies.

In the event a Designee feels a mistake has been made in the criminal background report, it is the Designee's responsibility to contact the professional reporting agency (as provided for in the Fair Credit Reporting Act letter the Designee receives with its background check report) to resolve any issues. USA Rugby is not responsible for errors or omissions that may be reported on background checks.

### **Offense Preliminary Consideration**

In the event of an adverse finding, the Chief Operating Officer, or their designee, shall make a preliminary ruling on the disqualification or conditional status of membership or participation in USA Rugby activities. Should the finding involve the Chief Operating Officer or if the Chief Operating Officer is conflicted, in keeping with the Conflict of Interest Policy, the Discipline & Grievance Committee or a designee of the Chief Operating Officer who is not conflicted shall act in their place.

The Chief Operating Officer, or their designee may, at their discretion, clear an adverse finding and permit an individual to participate in certain circumstances including, but not limited to:

- 1) Annulment or other legal diversion of initial charges
- 2) Inapplicability of adverse finding to USA Rugby background screening policy

### **Background Check Review**

An individual who has been subject to disqualification, probationary status, or restrictions on membership following the Offense Preliminary Consideration may appeal the decision made by the Chief Operating Officer, or their designee, to the Disciplinary & Grievance Committee for a Background Check Review.

In order to submit a Background Check Review, an individual must submit a document outlining either:

- 1) The inapplicability of the background check policy to the specific circumstances resulting in the adverse finding; or
- 2) An acceptance of the applicability of the background check policy to the specific circumstances resulting in the adverse finding, but an explanation of additional information or circumstances for the committee's consideration relative to an exemption for limited or full participation in the role being pursued.

The Disciplinary & Grievance will consider the information provided by the individual seeking a Background Check Review and reach a decision regarding the ability of an individual to participate, potentially including, but not limited to, the following possible outcomes:

1. Disqualification for membership;
2. Probationary status for membership;
3. Restrictions on membership, including, but not limited to:
  - a. Prohibition from driving vehicles (including privately owned) while conducting any membership role; and
  - b. Prohibition from being a signing officer for USA Rugby or a member non-profit organization and/or having financial oversight, including cash handling;
4. Full membership with no restrictions.

If an individual subject to disqualification, probationary status, or restrictions under this policy is permitted to participate in USA Rugby activities following an appeal under this section, the individual's access and involvement is subject to any limitations the Disciplinary & Grievance Committee, in their sole discretion, deems necessary. Any limitations placed on an individual's access and involvement permitted through a Background Check Review are final for the remainder of the current season. An individual is only permitted to seek a Background Check Review once per rugby season (approximately August – July).

### **Full Disclosure**

Each USA Rugby Designee and prospective USA Rugby Designee has the affirmative duty to disclose his or her relevant (as noted herein) criminal history that has not been annulled. Failing to disclose or intentionally misrepresenting an arrest, charge, plea or conviction history is grounds for USA Rugby Designee status revocation or restriction, regardless of when the offense is discovered. USA Rugby Designees need not disclose arrests in which charges were not filed, charges were dismissed or the USA Rugby Designee was acquitted; however, USA Rugby Designees are required to disclose offenses resulting in deferred sentences, deferred adjudications or other similar dispositions which have not been annulled. Again, procedures for USA Rugby employed and other staff may vary depending on special concerns relating to employment and applicable legal requirements.

Any USA Rugby Designee or prospective USA Rugby Designee who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information immediately to the USA Rugby SafeSport Liaison Officer at [jatkeison@usa.rugby](mailto:jatkeison@usa.rugby) or (720) 263-2433-8037. A failure to disclose is a basis for disqualification.

### **Limitations on Action**

#### **Screening Reviews Conducted in Relation to Nominations**



In addition to reviews above, the results of a pre-appointment review of a candidate for a governance position may be considered by the Nominating Committee at their discretion. The Nominating Committee may not reduce, limit or constrain any of the requirements in this policy.

### **CEO Discretion in Requiring Background Checks**

The CEO (or, the Board in a situation where the CEO is involved or conflicted) may require background check requirements beyond those mandated in this policy at their discretion and in conformance with state or federal law.

The CEO may not reduce, limit or constrain any of the requirements in this policy.

## SECTION IV: REPORTING OF CONCERNS OF ABUSE

In order to effectuate the policies contained within this Handbook, and other policies as provided by USA Rugby, the below reporting policy has been developed. The policy is intended to make possible for victims and witnesses of abuse and misconduct to come forward and report their concerns to USA Rugby. This reporting policy is established in conjunction with other policies contained within: 1) this Handbook; 2) Center Policies; 3) other USA Rugby Policies; 4) and otherwise, aimed at helping to educate participants and outline behaviors that are considered abuse and misconduct.

### **This Section IV contains:**

- The Reporting Policy, which describes who must report violations or suspicions of potential or actual abuse or misconduct.
- The Reporting Procedure, which includes:
  - To Whom to Report (USA Rugby and/or the Center and/or Appropriate Law Enforcement);
  - Non-interference in Center Investigations;
  - How to Report to USA Rugby;
  - Anonymous Reporting;
  - “Whistleblower” Protection and Retaliation;
  - Bad Faith Allegations;
  - How Reports are Handled;
  - Acknowledgement of Receipt.

### Reporting Policy

It is the policy of USA Rugby that all Adult Participants are subject to the following mandatory reporting requirements.

1. Child Abuse – Any Adult Participant who learns of information or reasonably suspects a minor has been the victim of an incident of child abuse, including child sexual abuse, must:
  - a. Immediately report this information to local law enforcement; **AND**
  - b. Immediately report this information to the U.S. Center for SafeSport (“Center”); **AND**
  - c. Comply with all other applicable reporting requirements under state law.
2. Bullying – Any Adult Participant who learns of information or reasonably suspects an incident of bullying prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.
3. Emotional Misconduct – Any Adult Participant who learns of information or reasonably suspects an incident of emotional misconduct prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.

4. Harassment – Any Adult Participant who learns of information or reasonably suspects an incident of harassment prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.
5. Hazing – Any Adult Participant who learns of information or reasonably suspects an incident of hazing prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.
6. Physical Misconduct – Any Adult Participant who learns of information or reasonably suspects an incident of physical misconduct prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.
7. Sexual Misconduct – Any Adult Participants who learns of information or reasonably suspects an incident of sexual misconduct (other than child sexual abuse) prohibited under the Code or this Handbook has occurred must report it to the Center or USA Rugby.
8. MAAPP – Any Adult Participant who learns of information or reasonably suspects a violation of the MAAPPs or any other proactive policy has occurred must report it to the Center or USA Rugby.

The above reporting requirements are the responsibility of each Adult Participant to know and abide by. Unless otherwise informed by the SafeSport Liaison Officer or their designee, Adult Participants must report violations even if they believe another Adult Participant has already reported the violation.

Nothing in this policy shall be construed as a requirement for a victim of any form of abuse to self-report such information.

There shall be no cost or fee to any Adult Participant who reports a potential violation of this Handbook, the MAAPPs, or the Center's Code.

In some cases an individual may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based, or are concerned about the potential consequences of a false report. It is critical that reporting parties not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.

**Additional considerations regarding reporting sexual abuse or misconduct include:**  
**Grooming**

Because sexual abusers “groom” children for abuse —the process used by offenders to select a child, to win the child's trust (and the trust of the child's parent or guardian), to manipulate the child into sexual activity and to keep the child from disclosing abuse — it is possible that an individual participating in the activities or affairs of USA Rugby may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious or suspected grooming behavior should be directed to the Center under this reporting procedure.

## **Peer-to-Peer Sexual Abuse**

Approximately 1/3 of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and to the Center immediately.

### **Reporting Procedure**

#### **To Whom to Report**

All reports of violations of any of the USA Rugby or Center definitions and policies or any violations of this SafeSport Program Handbook or MAAPPs shall be made to any or all of the following locations:

1. Directly to the Center through their online reporting form available at <http://www.uscenterforsafesport.org/report-a-concern> or via phone at 1-833-SUS-SAFE (587-7233);
2. Directly to USA Rugby at [usarugbysafesport.com](http://usarugbysafesport.com);
3. To the USA Rugby SafeSport Liaison at [jatkeison@usa.rugby](mailto:jatkeison@usa.rugby) or 720-263-2433.

As a reminder, suspicions or allegations of child physical or sexual abuse may, and in some cases must, be made directly to the Center, as well as to the appropriate law enforcement authorities. A compilation of information on when a person must make a report to law enforcement authorities can be found at:

- [www.childwelfare.gov](http://www.childwelfare.gov)
- <https://www.childwelfare.gov/topics/systemwide/laws-policies/>
- <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

USA Rugby will take a report in the way that is most comfortable for the person initiating a report including an in-person, verbal, or written report. If reporting to USA Rugby directly, an individual can send an email to the USA Rugby SafeSport Liaison Officer at [jatkeison@usa.rugby](mailto:jatkeison@usa.rugby) or may call the USA Rugby SafeSport Liaison Officer at 720-263-2433. If reporting by email, **it is strongly encouraged that the following information be included:**

- the name(s) and contact information of the complainant(s)
- the type of misconduct alleged
- the name(s) of the individual(s) alleged to have committed the misconduct
- the name(s) of the alleged victim(s)
- the approximate dates the misconduct was committed
- the names of other individuals who might have information regarding the alleged misconduct
- a summary statement of the reasons to believe that misconduct has occurred
- whether a report, if required under this policy, has been made to law enforcement, including which law enforcement agency to whom it was made

USA Rugby shall not attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities. As necessary, however, a person receiving a report may ask a few clarifying questions of the person making the report to adequately report the suspicion or allegation to law enforcement authorities.

In addition, USA Rugby, upon receipt of a report under the Center's Exclusive Jurisdiction as defined by law and above, will refer the allegation to the Center immediately, no later than 24 hours after initial receipt.

### **Non-interference in Center Investigations**

Neither USA Rugby, nor any member or organization within USA Rugby's jurisdiction, will, in any way, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

### **Anonymous Reporting**

Individuals filing a report with USA Rugby may do so anonymously. Anonymous reporting may make it difficult for USA Rugby to investigate or properly address misconduct or abuse. However, USA Rugby recognizes it can be difficult for an athlete, teammate, friend, or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible.

### **"Whistleblower" Protection & Retaliation Prohibition**

Regardless of the outcome of any complaint filed with USA Rugby, it is the policy of USA Rugby to support the complainant(s) and his or her right to express concerns in good faith. USA Rugby will not allow or tolerate attempts from any individual, group, or organization to take negative actions against any individual(s) who reports a concern in good faith. Any attempt to retaliate

against an individual who files a complaint with USA Rugby will be considered a violation of USA Rugby policy and grounds for disciplinary action.

Retaliation for purposes of this Handbook is defined as any adverse action taken against a person participating, or perceived to be participating, in USA Rugby or Center proceedings. Retaliation may be considered to have occurred at any time before, during, or after the process for responding to complaints takes place. Retaliation includes, but is not limited to, threatening, intimidating, harassing, coercing, or any other action that would discourage a reasonable person from participating in USA Rugby or Center proceedings.

In addition to the above definition, retaliation is defined in 18 USC 220501 (11) as: “retaliation” means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with:

- A. The Center;
- B. A coach, trainer, manager, administrator, or official associated with the corporation;
- C. The Attorney General;
- D. A Federal or State law enforcement authority;
- E. The Equal Employment Opportunity Commission; or
- F. Congress.

If an individual takes action which may be considered retaliation as defined above, USA Rugby will investigate such action as a separate and distinct potential violation of these policies. An individual is subject to potential sanction, in accordance with this Handbook, if they are determined to have committed retaliation.

### **Bad-Faith Allegations**

Submitting a knowingly false allegation is prohibited and may violate state and criminal civil defamation laws. Such reports will be considered a violation of this Handbook and grounds for disciplinary action.

A knowingly false allegation is different from an unsubstantiated allegation. A knowingly false accusation requires that the individual making the report know the events being reported did not occur. An unsubstantiated allegation is one for which there is insufficient supporting evidence to determine whether such an allegation is true or false. Absent clear misconduct, reporting an unsubstantiated allegation is not a violation of this Handbook and is not grounds for disciplinary action.

### **Acknowledgement of Receipt**

Upon receipt of any allegation involving possible misconduct, USA Rugby will review the report to determine whether USA Rugby is required to forward such report to the Center and/or law enforcement, in accordance with reporting requirements. USA Rugby will also evaluate whether such

claim is one which USA Rugby will submit to the Center for consideration of exercise of discretionary jurisdiction. If the report is not one which USA Rugby determines is to be submitted to the Center, either as required under the Center's exclusive jurisdiction or for possible exercise of discretionary jurisdiction, USA Rugby will begin a preliminary inquiry. USA Rugby will notify the individual filing the report, if the report was not made anonymously, acknowledgement of receipt of the report, as well as the determination whether it was to be submitted to the Center as soon as such a determination is made.

## **SECTION V: RESPONDING TO ABUSE AND OTHER MISCONDUCT**

In response to allegations of abuse or misconduct, the following procedures and guidelines shall apply. With these procedures, USA Rugby strives to provide a fair and reasonable process for handling reports of abuse by members. The procedures and guidelines herein may be amended at any time by agreement between USA Rugby and the Respondent(s).

### **This Section addresses:**

- Confidentiality;
- Investigation;
- Notice of Allegations
- Temporary Measures;
- Emergency Hearings; and
- Disciplinary Proceedings and Sanctions;

### **Confidentiality**

In the course of responding to reports of abuse and other misconduct by members, all steps will be taken to ensure that the matter is properly investigated and all persons involved in the handling of the report respect the need for confidentiality. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, and except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law. Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome to necessary parties. Participants in the hearing, including members of the Disciplinary Committee, Respondent, USA Rugby representative, Claimant/victim, and any witnesses, are directed to keep the proceedings confidential, except as requested by law enforcement or child protection authorities or as otherwise required or authorized by law. The Disciplinary Committee shall only discuss the proceedings, including testimony and other evidence presented, amongst themselves and with their professional and staff advisors and contacts, and shall deliberate among themselves to reach a decision. Complete confidentiality cannot be guaranteed, however, and hearing testimony or evidence may have to be disclosed for purposes of additional investigation, remedial or corrective action, or prevention of future misconduct, or disclosure to law enforcement or in judicial or governmental proceedings.

### **Investigations**

Upon direct receipt of an allegation which is not submitted by USA Rugby to the Center, or receipt of a referral from the Center of an allegation over which they do not exercise jurisdiction and send to USA Rugby for review, USA Rugby will begin its investigation procedure. The USA Rugby SafeSport Liaison, or their designee, will begin any investigation by first performing preliminary inquiry to corroborate or



gather supporting evidence to permit a determination of if a full investigation can and should be conducted.

Upon a decision by the USA Rugby SafeSport Liaison, or their designee, to proceed with a full investigation into an allegation, USA Rugby will provide a Notice of Allegation(s) to the Respondent(s). A Notice of Allegation(s) will provide the Respondent(s) with initial information to put the Respondent(s) on notice regarding the general nature of the allegations, upon which USA Rugby is proceeding with an investigation. All parties, in particular the Claimant(s) and Respondent(s), are to be provided an opportunity to participate in a full investigation of any allegation, including by providing contact information for individuals who may have information pertinent to the investigation.

### **Temporary Measures**

At any time during the investigation process, after a Notice of Allegations is provided to the Respondent(s), the USA Rugby SafeSport Liaison, or their designee, may choose to put in place a Temporary Measure(s). Such a Temporary Measure(s) is considered effective immediately upon notice to the Respondent(s), unless otherwise stated. A Temporary Measure(s) may include, but is not limited to: contact limitations, supervision requirements, altered schedules, venue limitations, and suspension. The Respondent(s), upon formal request in writing (including via email) to the USA Rugby SafeSport Liaison, or their designee, may demand an Emergency Hearing to review any Temporary Measure(s) put in place. Upon receipt of such a formal request, the USA Rugby SafeSport Liaison, or their designee, is required to follow the procedures for an Emergency Hearing listed in the section by the same name. See the Emergency Hearing section for when and how an Emergency Hearing is expected to be held.

A Temporary Measure(s) put in place that is either upheld during an Emergency Hearing or which is not taken to an Emergency Hearing by the Respondent is considered effective until the earlier of written notice provided by the USA Rugby SafeSport Liaison, or their designee, removing such Temporary Measure(s) or completion of a Full Hearing. USA Rugby may provide a notice regarding a Temporary Measure(s) to all parties deemed necessary by the USA Rugby SafeSport Liaison, or their designee, including, but not limited to: club officials, coaches, parents, and athletes.

Under extreme circumstances, the USA Rugby SafeSport Liaison, or their designee, may put in place a Temporary Measure(s) immediately upon receipt of an allegation. Such a Temporary Measure(s) will be put

in place only if the claims included in a report received by USA Rugby indicate an immediate and substantial risk of harm to the safety and well-being of USA Rugby members.

### **Emergency Hearings**

At the request of a Respondent(s) subject to a Temporary Measure(s), USA Rugby, through its SafeSport Liaison Officer or their designee, shall convene an Emergency Hearing of the Disciplinary Committee. An Emergency Hearing must be held within 14 days of a request being formally made in writing, including by email, by a Respondent(s) subject to a Temporary Measure(s), unless the 14-day requirement is waived by the Respondent(s). The Emergency Hearing will be held to determine whether the Respondent(s) will continue to be subject to any Temporary Measure(s). The scope of an Emergency Hearing is limited to the question of the appropriateness of any Temporary Measure(s). The Disciplinary Committee shall make their decision regarding the Temporary Measure(s) within 7 days of completing the Emergency Hearing. Until such time as the Disciplinary Committee makes a decision, the substance of all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the hearing, legal counsel and other professional advisors, witnesses, and law enforcement and other government authorities as may be required by law.

In advance of an Emergency Hearing, a Respondent(s) may request additional information not contained in the Notice of Allegation(s). The USA Rugby SafeSport Liaison Officer, or their designee, will determine, in their discretion, the type and quantity of information that is reasonable to share with the Respondent(s). The USA Rugby SafeSport Liaison Officer, or their designee, will share such information with the Respondent(s) no later than 48 hours in advance of an Emergency Hearing.

A Respondent(s) is entitled to seek an Emergency Hearing only once for any Temporary Measure(s) put in place. If multiple Temporary Measures are put in place at one time, a Respondent(s) may only seek one Emergency Hearing for consideration of all of the Temporary Measures.

Once an Emergency Hearing has been held regarding a Temporary Measure(s), a Respondent(s) is not entitled to any additional hearing regarding modification of the Temporary Measure(s), as determined by the original Emergency Hearing, unless a Temporary Measure(s) is amended by the USA Rugby SafeSport Liaison Officer, or their designee. An amendment to a Temporary Measure(s) made subsequent to an Emergency Hearing by the USA Rugby SafeSport Liaison Officer, or their designee, may only occur if additional evidence has been gathered during an investigation.

### **Disciplinary Proceedings & Sanctions**

An investigation may be concluded for any number of reasons, including, but not limited to:

- Informal Resolution – At any time during an investigation, a Respondent(s) and the USA Rugby SafeSport Liaison, or their designee, may reach an agreement regarding any sanction(s) the Respondent(s) will be subject to. If a Respondent(s) agrees to an Informal Resolution, the Respondent(s) automatically waives the right to a Full Hearing in front of the Disciplinary Committee.
- Minor Discipline – Upon completing an investigation, the USA Rugby SafeSport Liaison, or their designee, may impose discipline for violations where a reprimand, training, or other sanction may be imposed without conducting a Full Hearing. An individual subject to Minor Discipline has the right to appeal such a sanction. This appeal would follow the procedures established above for Emergency Hearings regarding Temporary Measure(s).
- Full Hearing – Upon completing an investigation, if the USA Rugby SafeSport Liaison, or their designee, determines a Respondent(s) has violated USA Rugby policies in such a manner for which a suspension or other limitation on an individual's ability to participate in the activities or affairs of USA Rugby may be appropriate, a Full Hearing in front of the Disciplinary Committee shall be held.
- Case Closure – Upon completing an investigation, the USA Rugby SafeSport Liaison, or their designee, may close the case being reviewed due to an inability to establish a possible violation of USA Rugby policy by the Respondent(s).

If a Full Hearing is deemed necessary, the following procedure shall be followed.

- The Respondent(s) will receive written notice that a hearing is to be held and offered an opportunity to present dates and times the individual would be available for the hearing;
- A hearing date will be set within 30 days of notice to the Respondent(s) regarding the need for a hearing, unless such time frame is waived by the Respondent(s);
- The USA Rugby SafeSport Liaison, or their designee, will furnish to the Respondent(s) a written report which outlines the claim(s) against the Respondent(s), information gathered during the investigation, and the sanction being pursued;
- The Respondent(s) will be entitled to present relevant information to the Disciplinary Committee during the hearing;
- The Respondent(s) will be entitled to be represented by legal counsel during the hearing, at the Respondent's own expense;
- The hearing will be conducted in closed and confidential manner, to the extent possible; and
- A formal written decision of the Disciplinary Committee will be provided to the Respondent(s) as soon as available, but no later than 14 days after completion of the hearing.

Nothing in this section is intended to conflict with Regulations put forth by World Rugby, including, but not limited to: Regulation 18, Misconduct and Code of Conduct; and Regulation 20, Disciplinary and Judicial Matters. At all times USA Rugby will comply with the Regulations put forth by World Rugby.

The Respondent(s), in accordance with the right to present relevant information during the hearing, may be entitled to ask questions of the Claimant(s). Whether and the extent such questioning may be permitted is at the sole discretion of the USA Rugby SafeSport Liaison, or their designee, including any limitations which may be placed on the ability of a Respondent(s) to ask questions of the Claimant(s).

A Respondent(s), upon conclusion of a Full Hearing and decision by the Disciplinary Committee, may be subject to any number of sanctions, including, but not limited to:

- Probation – A specified period of time during which, should any additional violation occur, the Respondent(s) is likely to be subject to additional sanctions, including possible suspension and/or permanent ineligibility;
- Contact Limitations – A Respondent(s) may be required to abide by limitations on who the individual may have contact with and under what circumstances for a specific period of time;
- Supervision – A Respondent(s) may only be permitted to participate in USA Rugby sanctioned activities if another individual, often an adult, is present at all times during such activities;
- Training/Re-Training – A Respondent(s) may be required to complete training regarding their conduct before being permitted to return to participation in USA Rugby sanctioned activities;
- Suspension – A specified period of time during which a Respondent(s) is not permitted to participate in either specific or all USA Rugby sanctioned activities;
- Permanent Ineligibility – The Respondent(s) would not be permitted in any USA Rugby sanctioned activities.

It is the sole responsibility of a Respondent(s) to abide by any sanction. Failure to do abide by a sanction is considered a separate and distinct violation, and could subject a Respondent(s) to new sanctions. In order to effectuate sanctions USA Rugby may communicate sanctions to other individuals, including, but not limited to: USA Rugby club board and staff, coaches, parents, volunteers, and athletes.

If a Respondent(s) believes the hearing procedures outlined in this section have not been followed, or some other procedural error has been made, the Respondent(s) may file a Grievance in accordance with USA Rugby's By-Laws Article XII, Rights of Grievance.