



## CHALLENGED ATHLETES FOUNDATION ATHLETE SAFETY POLICY

### **PURPOSE**

To establish a Challenged Athletes Foundation (“CAF”) policy that assures a safe environment for athlete and non-athlete members who participate in CAF programs, activities, and events.

### **POLICY STATEMENT**

CAF is committed to the safety and well-being of all athletes and Persons of Authority (as defined under POLICY DEFINITIONS) who take part in CAF programs, activities, and events. To support this commitment, this Athlete Safety Policy (“Policy”) has been created to ensure that CAF is compliant with the current standards on this subject established by the United States Olympic & Paralympic Committee (“USOPC”) through the U.S. Center for SafeSport<sup>1</sup>, by helping to maintain an environment free of emotional, physical and/or sexual misconduct and abuse, and ensuring effective and prompt action upon CAF receiving notice of any alleged violations of this Policy.

This Policy is broken out into the following sections: (1) Preliminary Background Screening; (2) Education and Training; (3) Prohibited Conduct; (4) How To Reporting An Alleged Policy Violation; (5) Alleged Policy Violation Investigation And Enforcement; and (6) Policy Definitions. Also included as addendums, and considered to be incorporated into this Policy, are: (a) rules and guidance concerning interactions between Persons of Authority s and CAF athletes in specific situations; and (b) review procedures to be followed.

Before interacting with any CAF athlete, all Persons of Authority s must do the following: (i) carefully review and agree in writing to strictly follow this Policy; (ii) pass an initial background screening performed by CAF or appointed third-party; and (iii) complete athlete safety training as described in this Policy and to the satisfaction of CAF. Failure to follow this Policy or to be found by CAF to be in violation of any provision herein, may result in immediate expulsion from CAF, and from working with any CAF athlete or Person of Authority, as well as reporting by CAF to appropriate law enforcement authorities. Any questions about this Policy should be sent to [HR@challengedathletes.org](mailto:HR@challengedathletes.org). CAF reserves the right to amend this Policy from time-to-time.

#### **1. PRELIMINARY BACKGROUND SCREENING**

Prior to any Person of Authority interacting directly, or having close contact, with a CAF athlete, CAF shall require such Person of Authority to subject themselves to appropriate background screening including, but not limited to, a national criminal background check. In order to adequately perform the background check, a Person of Authority may be required to provide personally identifiable information such as their date of birth, social security number, address, and the like. CAF may further utilize third-party vendors to assist in any portion, or all, of the background check such as the National Center for Safety Initiatives (NCSI) <https://solutions.ncsisafe.com/#home-banner>.

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<sup>1</sup> See <https://uscenterforsafesport.org>.



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Information revealed through a background check may disqualify a Person of Authority from interacting with any CAF athlete, and CAF reserves the right, in its sole discretion, to make such decision which shall be considered final.

Any Person of Authority who: (a) has been disqualified or declared by another sport organization to be temporarily or permanently ineligible, or (b) after a background check, has been arrested, enters a guilty plea, or is convicted of a criminal offense (other than a traffic offense), is required to self-disclose this information to CAF prior to the beginning of any background check. Additionally, any Person of Authority who appears within the U.S. Center for SafeSport's, or USOPC's, disciplinary records as temporarily or permanently ineligible shall automatically be recognized by CAF as ineligible to work with CAF athletes.

At CAF's sole discretion, CAF volunteers who provide support but do not engage in frequent or close contact with CAF athletes may not be required to complete a preliminary background screening, and, in such event, their involvement with CAF programs, activities and events will be limited to support roles such as set-up, tear down of event materials, labor support, trash pick-up, administrative help, etc.

### **2. EDUCATION AND TRAINING**

Prior to interacting with any CAF athlete (and as further required in CAF's discretion), each Person of Authority must participate and complete education and training concerning the subject of this Policy and its terms and conditions. Such training shall also include completion of the U.S. Center for SafeSport's online training course (which can be found at <https://uscenterforsafesport.org/training-and-education/training-and-education-services/>), or other CAF-approved in-person training.

Person of Authority will be required to demonstrate successful completion of training prior to being allowed to interact with any CAF athlete, and CAF reserves the right to require any Person of Authority, at any time, to complete additional training, or repeat training to the satisfaction of CAF.

Additionally, CAF will establish best practices and procedures for Persons of Authority that will be included in communications prior to assigning that individual to complete a background check. These policies will include best practices intended to minimize potential risk to individuals participating in CAF programs and will be included as an addendum to this policy.

### **3. PROHIBITED CONDUCT**

The following constitutes "Prohibited Conduct" under this Policy and which may result in disciplinary actions taken by CAF including, but not limited to, reporting to law enforcement authorities:

- (a) Any act or omission by a Person of Authority to a CAF athlete that would constitute any of the following as defined within this Policy: (i) Bullying; (ii) Hazing; (iii) Harassment (including sexual harassment); (iv) Emotional Misconduct; (v) Physical Misconduct; and/or (vi) Sexual Misconduct (including child sexual abuse)
- (b) Romantic or sexual relationships, which began during the sports relationship, between athletes and or other Persons of Authority and those individuals (i) with direct supervisory or evaluative



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control, or (ii) are in a position of power and trust over the athlete or other participants. Except in circumstances in which no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes or participants they coach. The prohibition of romantic or sexual relationships does not include those relationships where it can be demonstrated there is no imbalance of power. For example, this prohibition shall not apply to a pre-existing relationship between two spouses or life partners.

- (c) Aiding and abetting another's conduct described in sub-section (a) or (b) above.
- (d) Failing to promptly report conduct described in sub-section (a) or (b) above.
- (e) Intentionally filing a false allegation of misconduct generally described in this section.

In considering whether any of the listed Prohibited Conduct above occurred, it is presumed that there exists an imbalance of power between a Person of Authority and CAF athlete. Additional detail about each type of misconduct can be found in the U.S. Center for SafeSport Training Manual at (<https://uscenterforsafesport.org>)

#### 4. HOW TO REPORT AN ALLEGED POLICY VIOLATION

Anyone who has knowledge of, or suspects, acts involving Prohibited Conduct described herein should promptly report such conduct and, in instances of suspected misconduct under this Policy of a Minor, any Person of Authority over the age of 18 is obligated to promptly report such conduct. Any suspected Prohibited Conduct shall be reported as follows.

Claims involving suspected Bullying, Hazing, Harassment, Emotional Misconduct, Physical Misconduct and/or Sexual Misconduct

- Promptly report to CAF by any means provided below
  - Email: [HR@challengedathletes.org](mailto:HR@challengedathletes.org)
  - Phone: 858.210.3501
- In any case of suspected Physical Misconduct or Sexual Misconduct law enforcement should also be contacted immediately. In any case of the same suspected acts and where the alleged victim is a Minor, a report **MUST** also **immediately** be made to **local law enforcement**.

Some additional important information about reporting misconduct:

- Reports to CAF may be made anonymously; however, to assist in investigation, they will be encouraged to be made with the identity of the accuser and reporter being identified.
- Misconduct under this Policy should be reported, regardless of when it occurred. And failure to promptly report suspected misconduct involving a Minor may constitute a violation of federal law.



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- CAF does not tolerate retaliation of any kind against a reporter, and no individual who makes a good faith report will be subject to retaliation or harassment as a result of making a report.
- a reporter's job is simply to report the allegation to the appropriate authorities listed above. A reporter should **not** evaluate the credibility of the allegation, gather additional information, or investigate the matter.
- CAF reserves the right to notify parents/legal guardians of Minors involved in any report.
- Any report of Prohibited Conduct that is malicious, frivolous or made in bad faith, is prohibited. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.
- Reports submitted will be brought to the attention of CAF administration to determine the next steps in investigating the reported claim. An incident report will be completed to document the claim.

### 5. ALLEGED POLICY VIOLATION INVESTIGATION AND ENFORCEMENT

CAF takes all reports of potential violations of this Policy seriously, and will investigate any and all reports as generally described herein. Those involved in any investigation may include, but not be limited to, CAF management, CAF's outside legal counsel, law enforcement, and other third-party investigatory bodies involved in athlete safety (e.g., USOPC), or otherwise considered by CAF to be appropriately involved (collectively, "Investigators").

The following rules shall be followed when investigating a reported violation of this Policy:

- (a) The investigation process for potential Policy violations will be materially free of bias and conflicts of interest. The investigation process will include the opportunity for review by disinterested and unbiased fact finders, and a right to appeal.
- (b) Investigators shall be free to conduct fact finding including, but not limited, to conduct interviews of the accused and other individuals who may have knowledge of the alleged misconduct.
- (c) Any report involving suspected Physical Misconduct or Sexual Misconduct of a Minor will be **immediately** reported by CAF to law enforcement. Moreover, Investigators will cooperate with law enforcement as instructed and may delay its own investigation if requested to do so by law enforcement.
- (d) Before any investigation is concluded, CAF shall have a right to impose temporary measures against the accused that may include, but not be limited to, suspending participation in any programs, events, or activities with CAF and/or CAF athletes.
- (e) Should Investigators conclude that there is insufficient evidence to support a finding that the accused violating the Policy, they may administratively close the matter. Any such matter,



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however, may be reopened at a later date upon the discovery of additional evidence or for further investigation.

- (f) Should Investigators conclude that an alleged violation of any provision of the Policy is supported by the facts uncovered, the accused who is alleged to have violated the Policy will receive written notification in the form of an “Adverse Action Letter” from CAF (or CAF-appointed third-party). An Adverse Action Letter may include a temporary or permanent disqualification, a suspension, a removal from future assignments, or other remedial action (e.g. probation) that impacts participation in CAF activities, events and programs and any contact with CAF athletes. Notwithstanding the foregoing, CAF reserves the right to require additional training (e.g., SafeSport-certified training) on the part of any Person of Authority at any time.
- (g) The accused has the right to an appeal hearing before an “Appeal Committee” comprised of three (3) individuals who may be part of CAF and/or a CAF-appointed third-party. The Adverse Action Letter will include instructions on how to appeal the decision. The accused shall have ten (10) calendar days from the receipt of the Adverse Action Letter to submit an appeal in writing to the Appeal Committee. The accused forfeits all rights to appeal if a written request of appeal is not received within the allotted time period.
- (h) The appeal hearing date will be established at the discretion Appeal Committee, and the accused may send materials to Appeal Committee to be reviewed before his or her appeal hearing date. Any such materials must be received by the Appeal Committee five (5) business days before his or her hearing date. Following the hearing, the Appeal Committee shall convene and vote in a private session on whether to affirm or reverse (in whole or in part) the decision made in the Adverse Action Letter. Any decision by the Appeal Committee shall be communicated in writing to the accused and CAF Management no later than ten (10) business days from the date of the hearing.
- (i) Regardless of the outcome of any appeal, the CAF Board of Directors shall have the authority to determine if the accused should be permitted to participate further in CAF programs, activities and/or events, and any such decision by the CAF Board of Directors shall be final and not appealable.
- (j) CAF may report the outcome of any investigation to third-parties involved in athlete safety (e.g., USOPC)

In cases where the Ted Stevens Act applies, USABA will comply with the Act’s requirements.

### 6. POLICY DEFINITIONS

Unless otherwise defined within this Policy, the terms below shall have the following meaning.

- (a) “Bullying” shall mean (i) an intentional, persistent and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate



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the targeted athlete(s), as a condition of membership; or (ii) any act or conduct described as bullying under federal or state law.

- (b) “CAF Athlete” shall mean any individual with a physical disability that has received or currently receives support through Challenged Athletes Foundation via grants, programming, or mentorship.
- (c) “CAF Staff” shall mean individuals employed on a full-time and part-time basis and designated as CAF Staff by the Human Resources Department at CAF. This designation extends to members of the CAF Board of Directors, who may be employed by CAF or serve in this role on a voluntary basis.
- (d) “Coaches and Athlete Mentors” shall mean individuals who provide coaching and mentoring services to the benefit of CAF athletes. Coaches and Athlete Mentors may be contracted for this specific purpose and/or may be members of another organization that partners with CAF for the purpose of providing instruction at a CAF activity, program or event.
- (e) “Emotional Misconduct” shall mean (i) pattern of deliberate, non-contact behavior (e.g., verbal acts, physical acts, acts that deny attention or support) that has the potential to cause emotional or psychological harm to an athlete, or (ii) any act or conduct as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).
- (f) “Harassment” shall mean (i) a repeated pattern of physical, sexual, and/or non-physical behaviors that (1) are intended to cause fear, humiliation or annoyance, (2) offend or degrade, (3) create a hostile environment, or (4) reflect discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; or (ii) any act or conduct described as harassment under federal or state law.
- (g) “Hazing” shall mean (i) coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group’s members; or (ii) any act or conduct described as hazing under federal or state law.
- (h) “Minor” shall mean any individual under the age of 18 years.
- (i) “Person(s) of Authority” shall mean, collectively, CAF Staff, CAF Coaches and Athlete Mentors, and Select Volunteers
- (j) “Physical Misconduct” shall mean (i) contact or non-contact that results in, or reasonably threatens to, cause physical harm to an athlete or other sports participants; or (ii) any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).
- (k) “Select Volunteers” shall mean individuals that are in frequent, direct contact with a CAF athlete and/or support coaching efforts, administrative or other regular roles at CAF headquarters and thus may be viewed as an authority figure by a CAF athlete. This designation does not extend to



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volunteers that are not in frequent direct contact with CAF athletes, and who assist in CAF programs in a manner that supports planning, preparation, and execution of said programs.

- (1) “Sexual Misconduct” shall mean (i) any touching or non-touching sexual interaction that is (1) nonconsensual or forced, (2) coerced or manipulated, or (3) perpetrated in an aggressive, harassing, exploitative or threatening manner; (ii) any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority, as such relationships involve an imbalance of power and are likely to impair judgment or be exploitative; or (iii) any act or conduct described as sexual abuse or misconduct under federal or state law (e.g., sexual abuse, sexual exploitation, rape).



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## Addendum 1

### Rules and Guidance For Interactions Between Persons of Authority and CAF Athletes In Specific Situations

#### I. One-on-One Interactions Between CAF Athlete and Persons of Authority

- a. One-on-one interactions between a CAF athlete and a Person of Authority (who is not the athlete's legal guardian) in a program under CAF supervision are permissible if they occur at an observable and interruptible distance by another adult.
- b. Other one-on-one interactions between a CAF athlete and a Person of Authority (who is not the athlete's legal guardian) in a program under CAF supervision are prohibited, except in the following circumstances:
  - i. If a one-on-one meeting takes place in an office, the door to the office must remain unlocked and open. If available, the meeting will occur in an office that has windows, with the windows, blinds and/or curtains remaining open during the meeting.
  - ii. Individual training sessions between Persons of Authority and CAF athletes are permitted if the training is observable and interruptible by another adult. It is the responsibility of the Person of Authority to obtain written permission of the CAF athlete's legal guardian (if the CAF athlete is a Minor) if the training session is not observable and interruptible by another adult. Permission must be obtained prior to initiation of training activities and be on file with CAF. Parents, guardians, and other caretakers must be allowed to observe the training session.
- c. When one-on-one interactions between Persons of Authority and CAF athletes occur, additional Persons of Authority will monitor these interactions. This includes - knowledge that the interaction is occurring, the approximate planned duration of the interaction, and randomly dropping in on the interaction.
- d. Persons of Authority are prohibited from interacting one-on-one with unrelated minor athletes in settings outside of CAF programming that are not observable and interruptible, unless the parent/legal guardian's consent is provided for such interactions.
- e. If, in the course of CAF programming, a situation arises in which a CAF athlete must be accompanied to a location away from an event or activity; i.e. – assistance to restroom facilities, gathering items from a vehicle, etc. – the CAF athlete will be accompanied by two (2) Persons of Authority if the destination is out of sight of other Persons of Authority.



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### II. Massages and Rubdowns/Athletic Training Modalities

These services will not be provided by Persons of Authority in the course of any CAF programming. Any request for such services will be politely declined and referred to the CAF athlete's parent/legal guardian.

### III. Locker Rooms and Changing Areas

If CAF programs require the use of a facility not fully under its jurisdiction (a camp/clinic/event setting away from CAF Headquarters) and the facility is used by multiple constituents, Persons of Authority are required to adhere to the following rules.

- a. Use of any device's recording capabilities (including mobile phones), including voice recording, still camera and video camera in locker rooms, changing areas, or similar spaces is prohibited.
- b. Under no circumstances shall a Person of Authority at any CAF program intentionally expose his or her breasts, groin, buttocks, or genitals to a minor athlete.
- c. At no time are unrelated adults or Persons of Authority permitted to be alone with a minor athlete in a locker room or changing area, except in emergency situations.
- d. If CAF is using a facility that only has a single locker room or changing area, CAF will designate a separate time for use by Persons of Authority, if any.
- e. Persons of Authority will make every effort to recognize when a CAF athlete goes to the locker room or changing area during programs and, if they do not return in a timely fashion, will check on the CAF athlete's whereabouts.
- f. CAF will discourage parents of CAF athletes from entering locker rooms and changing areas except in cases where their assistance is truly necessary, i.e. – to assist a CAF athlete with bowel and bladder evacuation issues due to medical necessity. In those instances, it should only be the same-sex parent when other CAF athletes are changing in the same locker room or changing area. If this is necessary, parents must inform a CAF Staff member in advance.

### IV. Social Media and Electronic Communication

All electronic communication originating from Persons of Authority to CAF athletes, **in the course of and in support of CAF programs**, must be professional in nature.

Due to the prevalence of interaction via social media between CAF Staff and members of its athlete community, the following policies apply only to CAF programs in which Persons of Authority



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will provide instruction or perform coaching duties, thus creating the potential for a perceived power imbalance.

- a. Absent emergency circumstances, if a Person of Authority with supervision over CAF athletes needs to communicate directly with a CAF athlete via electronic communications (including social media), another Person of Authority or the CAF Athlete’s legal guardian (if a Minor) will be copied. To ensure transparency, Persons of Authority will use group message platforms to communicate with CAF athletes in the course of CAF programs and include other Persons of Authority in the group text.
- b. If a CAF athlete communicates to a Person of Authority (with authority over that CAF athlete) privately first, said Person of Authority should respond to the CAF athlete with a copy to another Person of Authority or the CAF’s legal guardian (if a Minor).
- c. When a Person of Authority with authority over CAF athletes communicates electronically with all members of the “team” or participants in a CAF program, said Person of Authority will copy another adult Person of Authority.
- d. CAF athletes may “friend, follow, or like” CAF’s official social media platforms.
- e. Legal guardians of a CAF athlete may request in writing that their CAF athlete not be contacted through any form of electronic communication by CAF or by Persons of Authority. CAF will abide by any such requests that the CAF athlete not be contacted via electronic communication, absent emergency circumstances.
- f. Electronic communication will be sent between the hours of 8 am and 9 pm (local time), unless emergency circumstances exist.
- g. CAF will monitor its social media pages and remove any post that violates our policies and practices for appropriate behavior.
- h. CAF will inform the legal guardian of a CAF athlete of any prohibited posts made by or about the CAF athlete.

### **V. Local Travel (CAF Camp/Clinic Travel & Transportation Policy)**

- a. Persons of Authority who are not also acting as a legal guardian, shall not ride in a vehicle alone with a CAF athlete, absent emergency circumstances, and must have at least two CAF athletes or another adult in the vehicle at all times, unless otherwise agreed to in writing by the CAF athlete’s parent/guardian in advance of each local travel (camp/clinic program travel).

### **VI. Team Travel (CAF Camp/Clinic Travel & Lodging Policy)**



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- a. When only one Person of Authority and CAF athlete travel to/from a CAF camp/clinic venue or to/from the airport, the CAF athlete must have his/her guardian's written permission in advance and for each camp/clinic registration.
- b. Persons of Authority shall not share a hotel room or other sleeping arrangements with a CAF athlete (unless the Person of Authority is the legal guardian, sibling, or is otherwise related to the CAF athlete). However, a parent/legal guardian may consent to such an arrangement in writing. Furthermore, a parent/legal guardian may consent in advance and in writing to the CAF athlete sharing a hotel room or other sleeping arrangement with another adult CAF athlete.
  - i. In situations where a dormitory arrangement is secured by CAF for a camp/clinic lodging solution, a Person of Authority may occupy a room in the same dormitory/apartment that is separate from the CAF athlete(s) under his/her supervision. Such an arrangement must have the written consent of the CAF athlete's parent/legal guardian, in advance, and for each camp/clinic in which this arrangement is applicable.
- c. Meetings and group educational/training sessions must be observable and interruptible and will be held in a space with open windows and/or open and unlocked doors for the duration of the meeting/training session.
- d. When performing room checks, attending meetings, and/or other activities, two-deep leadership (2 Persons of Authority) and observable and interruptible environments should be maintained.
- e. Meetings should not be conducted in a hotel room or sleeping quarters of Persons of Authority or CAF athletes.