

USA CHEER ATHLETE PROTECTION CODE

USA Cheer 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 Cheer has implemented policies, including this Athlete Protection Code (the "Policy") and its Minor Athlete Abuse Prevention Policies ("MAAPP") addressing certain types of abuse and misconduct, as well as certain policies intended to reduce, monitor and govern the areas where potential abuse and misconduct might occur.

The policies herein set forth some of the boundaries for appropriate and inappropriate conduct and are applicable to all "Covered Individuals," as defined below.

All Covered Individuals should familiarize themselves with each form of misconduct and shall refrain from engaging in misconduct and/or violating this Policy. USA Cheer also provides training and education regarding misconduct, as discussed in more detail in the USA Cheer MAAPP.

USA Cheer or its designee shall have authority and jurisdiction over the investigation and resolution of any reports or allegations of violations of this Policy by any Covered Individual.

While USA Cheer does not run or operate any cheer or STUNT leagues or clubs, nor sanctions any cheer or STUNT leagues or clubs, we do recommend that individual leagues and clubs adopt prohibited conduct policies similar this Policy and/or the U.S. Center for SafeSport ("USCSS") SafeSport Code (the "USCSS Code").

DEFINITIONS

Prohibited Misconduct

Included in this document are policies that prohibit and define types of misconduct, all of which are "Prohibited Misconduct":

- Child Abuse
- Sexual Misconduct
- Physical Misconduct
- Emotional Misconduct
- Bullying, Harassment, and Hazing
- Other Inappropriate Misconduct
- Additional Misconduct

For the avoidance of doubt, "Prohibited Misconduct" shall, in addition to the misconduct described in this Policy, include the above categories of misconduct prohibited by the USCSS Code. However, where the Code prohibits misconduct by "Participants," that term shall be understood to include "Covered Individuals" as defined in this Policy.

Covered Individuals

Covered Individuals are prohibited from engaging in Prohibited Misconduct.

“Covered Individuals,” as used in this Policy, includes any individual who is seeking to be, currently is, or was at the time of any alleged Policy violation:

- a. An individual member of USA Cheer;
- b. An employee or board member of USA Cheer;
- c. Within the governance or disciplinary jurisdiction of USA Cheer;
- d. Authorized, approved, or appointed by USA Cheer to have regular contact with or authority over minor athletes; or
- e. Any other individual who formally agrees that they are bound by this Policy.

An “Adult Covered Individual” is a Covered Individual age 18 or older.

Minor

A “Minor” is an individual under the age of 18.

REPORTING

General requirements

Adult Covered Individuals must know their reporting requirements under this Policy, state law, and federal law. Lack of knowledge about a reporting obligation is not a defense.

Nothing in this Policy shall be construed to require a victim of child abuse or other misconduct to self-report.

No one should investigate suspicions or allegations of child abuse or other Prohibited Misconduct, or attempt to evaluate the credibility or validity of allegations as a condition of reporting to USA Cheer or to appropriate authorities.

The reporting requirements under this section are an individual obligation of each Adult Covered Individual. Reporting to a supervisor or administrator does not relieve an Adult Participant of the obligations to report as specified under this section. Adult Participants must report even if they believe someone else has already reported.

Reports to USA Cheer can be made:

- a. Through the reporting system available at <https://usacheer.org/safesport/safesport-reporting>
- b. Through email at safesport@usacheer.org

Child Abuse

An Adult Covered Individual who learns of information or reasonably suspects that a child has suffered an incident of child abuse, including but not limited to physical or sexual abuse, must immediately:

- a. Make a report to law enforcement or child services, as required by law¹
AND
- b. Make a report to USA Cheer

Reporting to USA Cheer alone is not sufficient. You must report to both USA Cheer and to law enforcement or child services, as required by law.

Child abuse includes incidents that involved a victim who is a Minor at the time of the alleged incident, even if the victim is now an adult.

Covered Individuals are encouraged to also make a report to the organization overseeing an alleged perpetrator's cheer program, if applicable.

Other Prohibited Misconduct

An Adult Covered Individual who learns of information or reasonably suspects that an incident(s) of Prohibited Misconduct has occurred (other than Child Abuse, covered above), must immediately report the incident(s) directly to USA Cheer.

Covered Individuals are encouraged to also make a report to the organization overseeing an alleged perpetrator's cheer program, if applicable.

Failure to Report

A Covered Individual's failure to report as required under this Policy is a violation of this Policy and may subject such person to disciplinary action.

CHILD ABUSE POLICY

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in child abuse, as defined herein. Child abuse includes any conduct defined as child abuse under the USCSS Code or under state or federal law.

SEXUAL MISCONDUCT POLICY

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in sexual misconduct, as defined herein.

Covered Individuals are prohibited from committing sexual misconduct, including as set forth in the USCSS Code, which prohibits, among other things, sexual abuse, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual exploitation, exposing a minor to sexual content/imagery, sexual bullying behavior, sexual hazing, and other inappropriate conduct of a sexual nature. The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

PHYSICAL MISCONDUCT POLICY

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in physical misconduct, as defined herein. Covered Individuals are prohibited from committing physical misconduct, including as set forth in the USCSS Code, which prohibits, within a context that is reasonably related to

¹ Information about state reporting requirements is available at <https://www.childwelfare.gov/topics/responding/reporting>

sport, physical misconduct in the form of contact violations, noncontact violations, and criminal conduct. The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

Physical misconduct includes physical contact with a participant that intentionally causes or has the potential to cause the participant to sustain bodily harm or personal injury. Physical misconduct also includes physical contact with a participant that intentionally creates a threat of immediate bodily harm or personal injury. Physical misconduct may also include intentionally hitting or threatening to hit an athlete with objects or sports equipment.

EMOTIONAL ABUSE AND MISCONDUCT POLICY

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in emotion misconduct, as defined herein. Covered individuals are prohibited from committing emotional misconduct, including as set forth in the USCSS Code, which prohibits, within a context that is reasonably related to sport, emotional misconduct in the form of verbal acts, physical acts, acts that deny attention or support, criminal conduct, and stalking. The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

Emotional misconduct includes a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a participant. These behaviors may include verbal acts, physical acts or acts that deny attention or support.

Examples of emotional abuse or misconduct prohibited by this Policy include, without limitation: a pattern of

1. Verbal behaviors that:
 - a. attack a participant personally (e.g., calling them worthless, fat, or disgusting); or
 - b. repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive motivational purpose;
2. Physically aggressive behaviors, such as
 - a. throwing sport equipment, water bottles, or chairs at or near participants; or
 - b. punching walls, windows, or other objects; and
3. Acts that deny attention and support, such as ignoring a participant for extended periods of time, or routinely or arbitrarily excluding participants from practice or training.

BULLYING, HARASSMENT, & HAZING POLICY

USA Cheer supports an environment that is free from bullying, harassment, and hazing. The purpose of this Policy is to promote consistency of approach and to help create a climate in which all types of bullying, harassing or threatening behavior are regarded as unacceptable.

Bullying

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in bullying, as defined herein. Covered Individuals are prohibited from committing bullying, including as set forth in the USCSS Code, which prohibits, within a context that is reasonably related to sport, bullying directed at a Minor in the form of physical acts, verbal acts, social acts including cyberbullying, and criminal conduct. The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

Bullying behavior is 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.

Petty slights, minor inconveniences, and lack of good manners do not constitute Bullying Behavior unless the slights, inconveniences, or lack of manners, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth above.

Harassment

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in harassment, as defined herein. Covered Individuals are prohibited from committing harassment, including as set forth in the USCSS Code. The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

Harassment includes repeated or severe conduct that is intended or likely to: (a) cause fear, humiliation, or annoyance, (b) offend or degrade, (c) create a hostile environment, or (d) reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual participant or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability.

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

Petty slights, minor inconveniences, and lack of good manners do not constitute harassment unless the slights, inconveniences, or lack of manners, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth above.

Hazing

It is the policy of USA Cheer that Covered Individuals are prohibited from engaging in hazing, as defined herein. Covered Individuals are prohibited from committing hazing, including as set forth in the USCSS Code, which prohibits, within a context that is reasonably related to sport, hazing in the form of contact acts, noncontact acts, and criminal acts.

The behaviors or conduct prohibited by the USCSS Code may be found [HERE](#).

Hazing includes any conduct that is intended or likely to subject 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.

OTHER INAPPROPRIATE MISCONDUCT POLICY

It is the policy of USA Cheer that Covered Individuals shall not engage in other inappropriate misconduct, specifically an intimate relationship, intentional exposure of private eras, or inappropriate physical contact, as those terms are defined in the USCSS Code.

ADDITIONAL MISCONDUCT

USA Cheer or their designee shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of the following additional misconduct under this Policy:

1. A Covered Individual's failure to report a violation as required under this Policy;
2. Retaliation against any reporting party or other participant in the investigation, response, and/or resolution process of USA Cheer;
3. Abuse of process in the proceedings under the jurisdiction of USA Cheer, including but not limited to attempting to discourage an individual's participation in USA Cheer's investigation, response, and resolution process; destroying or concealing information; falsifying or distorting information; violating confidentiality requirements; or failing to comply with temporary measures or final sanctions;
4. Bad faith reporting of a violation of this Policy;
5. Willful tolerance of Prohibited Misconduct under this Policy where there is a power imbalance between the Covered Individual and the individual who is being subjected to Prohibited Misconduct;
6. **Violation of USA Cheer's Minor Athlete Abuse Prevention Policies ("MAAPP");**
7. Any other misconduct prohibited by this Policy.

Sanctions

Any USA Cheer Covered Individual who violates this Policy is subject to appropriate disciplinary action including but not limited to suspension or permanent suspension of membership in USA Cheer.

Temporary Measures

Any USA Cheer Covered Individual alleged to have violated this Policy may be subject to temporary suspension of membership or other temporary measures pending the outcome of any investigation.

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