

# USA CHEER SAFE SPORT 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 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.

In addition to the policies in this USA Cheer Safe Sport Code ("Policy"), each Covered Individual (as defined below) agrees to abide and be bound by the U.S. Center for SafeSport ("USCSS") SafeSport Code for the U.S. Olympic and Paralympic Movement (collectively, the "Code"), as it may be amended from time to time, available [HERE](#).

For the avoidance of doubt, a violation the Code or any of USSS's rules, policies, and procedures, will be considered a violation of this Policy. USA Cheer will mirror and enforce any sanction or measures imposed by USSS, whether interim, temporary, or permanent.

The policies herein set forth some of the boundaries for appropriate and inappropriate conduct and are applicable to all "Covered Individuals," which includes without limitation all USA Cheer Members, among others.

## **Prohibited Misconduct**

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

- Sexual Abuse and Misconduct
- Physical Abuse and Misconduct
- Emotional Abuse and Misconduct
- Bullying, Threats and Harassment
- Hazing

For the avoidance of doubt, "Prohibited Misconduct" shall, in addition to the misconduct described in this Policy, include conduct prohibited by the Code. However, where the Code prohibits misconduct against "Participants," that term shall be understood to include "Protected Individuals" as defined in this Policy. Further, the prohibited misconduct of Aiding and Abetting, Misconduct Related to Reporting, Misconduct Related to the Center's Process, and Retaliation, shall also be understood to be prohibited misconduct in connection with USA Cheer's processes.

For the further avoidance of doubt, this means that USA Cheer members may not allow any person who has been identified as suspended or otherwise ineligible by the Center or USA Cheer to coach or instruct Protected Individuals.

## **Covered Individuals**

Covered Individuals are prohibited from engaging in Prohibited Misconduct.

“Covered Individuals,” as used in this Policy, shall include any individuals who are Participants as that term is defined in the Code, as well as:

Any individual who is seeking to be, currently is, or was at the time of any alleged Policy violation:

- a. A member or license holder of USA Cheer, other than a “Fan Member” who is not otherwise a Covered Individual;
- b. An employee or board member of USA Cheer, or an individual on a national, regional, or local level committee or board of USA Cheer, or in any other similar positions appointed by 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.

## **Protected Individuals**

This Policy prohibits Prohibited Misconduct toward the following individuals (“Protected Individuals”):

- “Covered Individuals,” as defined in this Policy
- “Participants” as defined in the Code
- USA Cheer members
- Any individual against whom, under the terms of this Policy, Prohibited Misconduct is prohibited
- Any individual against whom, under the terms of the Code, Prohibited Misconduct is prohibited
- “Minor Athletes” as such term is defined in USA Cheer’s Minor Athlete Abuse Prevention Policies (“MAAPP”), available [HERE](#)
- Any adult athletes in the direct supervision of a Covered Individual

All USA Cheer members shall familiarize themselves with each form of misconduct and shall refrain from engaging in misconduct and/or violating any of these policies. USA Cheer provides training and education regarding misconduct, as discussed in more detail in the USA Cheer MAAPP.

USA Cheer has ZERO TOLERANCE for abuse and misconduct.

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

## **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](mailto: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  
**AND**
- b. Make a report to USA Cheer  
**AND**
- c. Comply with any other applicable reporting requirements under state law.<sup>1</sup>

Reporting to USA Cheer alone is not sufficient. You must report to both USA Cheer and to law enforcement, and comply with any other applicable state or federal laws.

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.

### **Other Prohibited Misconduct**

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

### **Failure to Report**

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

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

## **SEXUAL ABUSE & MISCONDUCT POLICY**

USA Cheer has determined that USA Cheer's policies prohibiting sexual abuse and misconduct shall be the same as the applicable policies of the [U.S. Center for SafeSport \(USCSS\)](#). Note that any reference to "the Center" regarding eligibility lists includes the USA Cheer, USASF, and any other organization's public ineligibility lists.

Furthermore, all persons within the jurisdiction of USA Cheer shall comply with the sexual abuse and misconduct policies of the USCSS. All terms not defined herein shall have the meaning set forth in the USCSS SafeSport Code of the U.S. Olympic and Paralympic Movement (Code).

Any violation of the sexual abuse and misconduct policies by a Covered Individual (outlined below) shall subject such person to appropriate disciplinary action, including but not limited to suspension or permanent suspension of membership in USA Cheer.

### **Prohibited Misconduct**

Covered Individuals are prohibited from committing sexual abuse or misconduct, including as set forth in the Code, which prohibits, among other things, sexual behavior involving minors by an Adult Covered Individual and in some cases between minors, sexual exploitation, non-consensual sexual conduct, or non-consensual sexual acts, sexual or romantic relationship involving an imbalance of power, sexual harassment and related criminal dispositions.

The behaviors or conduct prohibited by the Code may be found [HERE](#). Coaches should refrain from touching body parts that could be perceived as invasive or inappropriate, even for corrective measures.

Appropriate spotting does not constitute sexual misconduct. It is understood that spotting is a necessary physical interaction between coaches and athletes. Infrequent, accidental touching of an athlete during spotting that could be perceived as invasive or inappropriate should not be misconstrued as sexual misconduct. To avoid that perception, coaches need to stay highly trained on proper spotting techniques and should acknowledge the occurrence if an accidental touch does occur. Administrators are encouraged to put in place a process of documentation of such accidental touches. Diligent oversight on the part of Administrators will allow for the tracking a pattern of misconduct, should one exist.

## **PHYSICAL ABUSE AND MISCONDUCT POLICY**

It is the policy of USA Cheer that there shall be no physical abuse or misconduct toward any participant involved in any of its programs or Member Programs by any Covered Individual, including but not limited to, an employee, volunteer, independent contractor (including choreographers and guest coaches or clinicians) or other participant.

Physical abuse or misconduct includes any conduct defined as physical abuse or misconduct under the Code.

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.

In addition to physical contact or the threat of physical contact of a participant, physical misconduct also includes the providing of alcohol to a participant under the age of consent and the providing of illegal drugs or non-prescribed medications to any participant.

Without limiting the above, any act or conduct described as physical abuse or misconduct under applicable federal or state law constitutes physical abuse or misconduct under this Policy.

Physical abuse or misconduct does not include physical contact that is reasonably designed to coach, teach, demonstrate, or improve a skill associated to cheer or dance, including physical conditioning, team building and appropriate discipline. Permitted physical conduct may include, but is not necessarily limited to, physical touch that is non-threatening, non-sexual in manner with the purpose of training and direction.

Any USA Cheer Covered Individual who engages in any act of physical abuse is subject to appropriate disciplinary action including but not limited to suspension or permanent suspension of membership in USA Cheer.

#### **EMOTIONAL ABUSE AND MISCONDUCT POLICY**

It is the policy of USA Cheer that there shall be no emotional abuse or misconduct toward any participant involved in any of its programs or Member Programs by any Covered Individual, including but not limited to, an employee, volunteer, independent contractor or other participant. Emotional abuse or misconduct includes any conduct defined as physical abuse or misconduct under the Code.

Emotional misconduct involves 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.

While a single incident of any of the above behaviors may be inappropriate and justify a review and/or disciplinary or other action by USA Cheer or any of its Member Programs, such behaviors would typically not constitute emotional abuse unless a pattern of such conduct had occurred.

Constructive criticism about an athlete's performance is not emotional abuse or misconduct. Further, emotional abuse does not include generally-accepted and age appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline, or improving athletic performance.

A USA Cheer Covered Individual who engages in any act of emotional abuse or misconduct is subject to appropriate disciplinary action including but not limited to suspension or permanent suspension of membership in USA Cheer.

Note: Bullying, threats, harassment, and hazing, defined in the next section, often involve some form of emotional misconduct.

## **BULLYING, THREATS, HARASSMENT, & HAZING POLICY**

USA Cheer supports an environment that is free from threats, harassment, and any type of bullying behavior. 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.

In addition to the below, USA Cheer prohibits bullying, threats, harassment, and hazing as defined in the Code and applicable here.

### **Bullying**

Bullying is the use of coercion to obtain control over another person or to be habitually cruel to another person. Bullying involves an intentional, persistent, or repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended to cause fear, humiliation, or physical harm in an attempt to socially exclude, diminish, or isolate another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying behavior is prohibited in any manner in connection with any USA Cheer sanctioned activities or events.

Examples of bullying prohibited by this Policy include, without limitation, physical behaviors, including punching, kicking, or choking; and verbal and emotional behaviors, including, the use of electronic communications (i.e., "cyber bullying"), to harass, frighten, degrade, intimidate or humiliate. Bullying does not include group or team behaviors that are reasonably designed to establish normative team behaviors or promote team cohesion.

### **Threats**

A threat to harm others is defined as any written, verbal, physical or electronically transmitted expression of intent to physically injure or harm someone else. A threat may be communicated directly to the intended victim or communicated to a third party. Threatening behavior is prohibited in any manner in connection with any USA Cheer sanctioned activities or events.

Any USA Cheer participant or parent of a participant who engages in any act of threatening or harassing behavior is subject to appropriate disciplinary action including but not limited to

suspension, permanent suspension, and/or referral to law enforcement authorities. The severity and pattern, if any, of the threatening behavior and/or result shall be taken into consideration when disciplinary decisions are made.

### **Harassment**

Harassment includes any pattern of physical and/ or non-physical behaviors that (a) are intended to 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.

Examples of harassment prohibited by this Policy include, without limitation such non-physical offenses as (a) making negative or disparaging comments about a participant's gender, sexual orientation, gender expression, mental or physical disability, race, religion, skin color, ethnic traits or other legally protected grounds; (b) displaying offensive materials, gestures, or symbols; and (c) withholding or reducing practice or playing time to a participant based on his/her sexual orientation, gender expression (not to include prohibitions on participation when eligibility is based on gender), disability, religion, skin color, ethnic traits or any legally protected grounds

Sexual harassment is a type of harassment covered under the Code and this Policy.

While other team members are often the perpetrators of harassment, it is a violation of this Policy if a coach or other responsible adult knows or should know of the harassment but takes no action to intervene on behalf of the targeted participant(s).

A USA Cheer Covered Individual who engages in any act of harassing behavior is subject to appropriate disciplinary action, including but not limited to suspension or permanent suspension of membership in USA Cheer. The severity and pattern, if any, of the harassing behavior and/or result shall be taken into consideration when disciplinary decisions are made.

### **Hazing**

There shall be no hazing of any participant involved in any of USA Cheer's Member Programs by any employee, volunteer, independent contractor, or other participant.

Hazing includes any conduct which is intimidating, humiliating, offensive, or physically harmful. The hazing conduct is typically an activity that serves as a condition for joining a group or being socially accepted by a group's members.

Examples of hazing prohibited by this Policy include, without limitation, requiring or forcing (including through peer pressure) the consumption of alcohol or illegal drugs; tying, taping, or physically restraining a participant; sexual simulations or sexual acts of any nature; sleep deprivation, or the withholding of water and/or food; social actions (e.g. grossly inappropriate or provocative clothing) or

public displays (e.g. public nudity) that are illegal or meant to draw ridicule; beating, paddling, or other forms of physical assault, and verbal abuse or threats or implied threats.

Hazing includes any act or conduct described as hazing under federal or state law. Activities that fit the definition of hazing are considered to be hazing regardless of a person's willingness to cooperate or participate.

Hazing does not include group or team activities that are meant to establish normative team behaviors, or promote team cohesion, so long as such activities do not have reasonable potential to cause emotional or physical distress to any participant.

While other team members are often the perpetrators of hazing toward their teammates, it is a violation of this Policy if a coach or other responsible adult knows or should know of the hazing but takes no action to intervene on behalf of the targeted participant(s).

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

#### **Other Misconduct**

USA Cheer or their designee shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of:

1. A Covered Individual's failure to report a violation required to be reported under this Policy,
2. Retaliation against any participant in the proceedings under the jurisdiction of USA Cheer,
3. Abuse of process in the proceedings under the jurisdiction of USA Cheer, and
4. Bad faith reporting of an allegation within the jurisdiction of USA Cheer.
5. Any other misconduct prohibited by the Code or this Policy.

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