

Blue Ridge Adaptive Snow Sports, Inc.

SPORT PROTECTION POLICY

COMMITMENT TO SAFETY

OVERVIEW

Blue Ridge Adaptive Snow Sports, Inc. (BRASS)

is committed to creating a safe and positive environment for *Athletes'* physical, emotional, and social development. We are ensuring that we promote an environment free of misconduct. **BRASS** recognizes that the process for training and motivating *Athletes* will vary with each instructor/coach. Everyone involved in sports needs to use motivational and training methods to avoid misconduct.

This *Sport Protection Policy* applies to *Covered Individuals*, **BRASS Athletes**, and other **BRASS Participants**.

PROHIBITED CONDUCT

This section of the *Handbook* sets forth expectations for *Participants* related to emotional, physical, and sexual misconduct in sport, including bullying, hazing, and harassment.

The privilege of participation with **BRASS** may be limited, conditioned, suspended, terminated, or denied if *a Participant's* conduct is or was inconsistent with this *Handbook* and/or the best interest of sport and those who participate in it.

It is a violation of the *Handbook* and this *Policy* for a *Participant* to engage in or tolerate: (1) **Prohibited Conduct**, as outlined in this *Policy*; (2) any conduct that would violate any current or previous policies, procedures, and training to prevent abuse and misconduct of the *U.S. Center for SafeSport* (the "*Center*"), **BRASS**, or member organization standards analogous to **Prohibited Conduct** that existed at the time of the alleged conduct; or (3) any conduct that would violate community standards analogous to **Prohibited Conduct** that existed at the time of the alleged conduct, including then applicable criminal and/or civil laws.

Prohibited Conduct also includes:

- A. Child Abuse
- B. Sexual Misconduct
- C. Emotional and Physical Misconduct, including Stalking, Bullying, Hazing, and Harassment
- D. Aiding and Abetting
- E. Misconduct Related to Reporting
- F. Other Inappropriate Conduct

A. Child Abuse

It is a violation of this *Policy* for a *Participant* to engage in **Child Abuse**.

B. Sexual Misconduct

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

1. Sexual or Gender-related Harassment
2. Non-consensual Sexual Contact (or attempts to commit the same)
3. Non-consensual Sexual Intercourse (or attempts to commit the same)
4. Sexual Exploitation
5. Bullying or hazing, or other inappropriate conduct of a sexual nature.

1. Sexual or Gender-related 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) and/or (b), below, are present. Sexual harassment 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) and/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, and/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, and/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 and/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 of this Policy 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 of this Policy 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 of this Policy 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 and/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 and/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 prostituting or trafficking another person.

5. Bullying, Hazing, or Other Inappropriate Conduct of a Sexual Nature.

It is a violation of this Policy for a Participant to engage in bullying, hazing, and other inappropriate conduct of a sexual nature, as further defined in the corresponding sections below.

C. Emotional and Physical Misconduct

It is a Handbook violation for a Participant to engage in emotional and/or physical misconduct, when that misconduct occurs within a context that is reasonably related to sport, which includes, without limitation:

1. Emotional Misconduct
2. Physical Misconduct
3. Bullying Behaviors
4. Hazing
5. Harassment.

1. Emotional Misconduct

Emotional Misconduct includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, and/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 and/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 practice.

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) 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 and/or conduct reasonably accepted as part of the **Participant’s** participation.

2. Physical Misconduct

Physical Misconduct is any intentional contact or noncontact 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, choking, or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an **Athlete** to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.

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, 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 and/or conduct reasonably accepted as part of the **Participant's** participation.

3. Bullying Behavior

Repeated and/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 and/or Harassment.

Examples of bullying behavior may include, without limitation, repeated and/or severe:

a. Physical

Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping, 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. Sexual

Ridiculing or taunting 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.

e. Criminal Conduct

Bullying Behavior includes any conduct described as bullying under federal or state law.

f. 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 and/or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved **Athlete** performance.

4. 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 and/or food; restrictions on personal hygiene.

c. Sexualized acts

Actual or simulated conduct of a sexual nature.

d. Criminal acts

Any act or conduct that constitutes hazing under applicable federal or state law.

e. 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 and/or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

5. Harassment

Repeated and/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 the 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 and/or positions.

Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

D. Aiding and Abetting

Aiding and Abetting is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Prohibited Conduct by a Participant. Aiding and Abetting also includes, without limitation, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by BRASS to be in any way associated with or employed by an organization affiliated with or holding itself out as affiliated with BRASS;
2. Allowing any person who has been identified as suspended or otherwise ineligible by BRASS to coach or instruct Participants;
3. Allowing any person who has been identified as ineligible by BRASS to have ownership interest in a facility, an organization, or its related entities, if that facility/organization/related entity is affiliated with or holds itself out as affiliated with BRASS.
4. Providing any coaching-related advice or service to an Athlete who has been identified as suspended or otherwise ineligible by BRASS;
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by BRASS. In addition, a Participant also violates this Policy if someone acts on behalf of the Participant to engage in Aiding or Abetting, or if the guardian, family member, or Advisor of a Participant, including Minor Participants, engages in Aiding or Abetting.

E. Misconduct Related to Reporting

1. Failure to Report

An adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse to BRASS and, when appropriate, to law enforcement may be subject to disciplinary action under BRASS's resolution procedures and may also be subject to federal or state penalties.

- a. The obligation to report is broader than reporting a pending charge or criminal arrest of a Participant; it requires reporting to BRASS, and law enforcement if applicable, any conduct which, if

true, would constitute Sexual Misconduct and/or Child Abuse. The obligation to report to BRASS is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information of which an adult Participant becomes aware, including the names of witnesses, third-party reporters, and Claimants.

b. The obligation to report includes personally identifying information of a potential Claimant to the extent known at the time of the report, as well as a duty to reasonably supplement the report as to identifying information learned at a later time.

c. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Sexual Misconduct and/or Child Abuse. Participants making a good faith report are not required to prove the reports are true before reporting.

2. Intentionally Filing a False Allegation

In addition to constituting misconduct, filing a knowingly false allegation that a Participant engaged in Prohibited Conduct may violate state criminal law and civil defamation laws. Any person making a knowingly false allegation in a matter over which BRASS exercises jurisdiction shall be subject to disciplinary action by BRASS.

a. An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur.

b. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a Handbook violation.

3. Retaliation

Retaliation against anyone for engaging in BRASS's processes is prohibited. A Participant, someone acting on behalf of a Participant, a Move United Member Organization, BRASS, or anyone subject to the Handbook, shall not take an adverse action against any person for making a good faith report of a possible Handbook violation to BRASS or other relevant organization as identified herein or for participating in any process under this Handbook

Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging or participating in BRASS's processes when the action is reasonably related to the report or engagement with BRASS. Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Handbook violation.

F. Other Inappropriate Conduct

1. Intimate Relationship

An adult Participant violates this Policy by engaging in an intimate or romantic relationship where a Power Imbalance exists. An Intimate or Romantic Relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical and/or intimate contact and/or

sexual activity, identity as a couple, the sharing of sensitive personal information, and/or intimate knowledge about each other's lives outside the sport relationship.

2. Exposing a Minor to Imagery

An adult **Participant** violates this **Policy** by intentionally exposing a **Minor** to imagery of a sexual nature. This provision does not exclude the possibility that similar behavior between adults could constitute **Sexual Harassment**, as defined in this **Policy**.

3. Intentional Exposure of Private Areas

An adult **Participant** violates this **Policy** by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an adult where there is a **Power Imbalance**, or to a **Minor**.

4. Inappropriate Physical Contact

An adult **Participant** violates this **Policy** by engaging in inappropriate physical contact with a **Participant** where there is a **Power Imbalance**. Such inappropriate contact includes, but is not limited to, intentionally:

- a. touching, slapping, or otherwise contacting the buttocks or genitals of a **Participant**;
- b. excessively touching or hugging a **Participant**;
- c. kissing a **Participant**.

5. Sex Offender Registry

A **Participant** who is currently on any state, federal, territorial, or tribal sex offender registry is ineligible to participate with **BRASS** in any capacity.

VIOLATIONS

Violations of the **Sport Protection Policy** shall be reported pursuant to **BRASS's Reporting Policy** and will be addressed under its **Disciplinary Rules and Procedure**.

