



Noblesville Youth Baseball

Sexual Abuse Misconduct Prevention & Crisis Management Policy

Summary

Noblesville Youth Baseball (NYB) prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any organization-related activity. NYB provides procedures for employees, volunteers, board members or any other victims of sexual abuse or misconduct to report such acts. Those suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including employment or membership termination, and criminally prosecuted. No employee, volunteer, board member or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

All sporting organizations which make provisions for children and young people must ensure that:

- The welfare of the child is paramount;
- All children, whatever their age, culture, disability, gender, language, racial origin religious beliefs and/or sexual identity have the right to protection from abuse;
- All suspicions and allegations of abuse and poor practice will be taken seriously and responded to swiftly and appropriately;
- All staff (paid/unpaid) working in sport have a responsibility to report concerns to the appropriate officer

Policy

POLICY STATEMENT

NYB seeks to provide a safe and secure environment for the children who participate in our programs and activities. By implementing the below practices, our goal is to protect the children of the NYB from incidents of misconduct or inappropriate behavior while also protecting our staff and volunteers (workers) from false accusations.

BACKGROUND

In 2018, Congress enacted a new Federal law, The “Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017” (“Safe Sport Act”), which specifically requires applicable amateur sports organizations which are not part of national governing bodies to:

1. **Duty to Report Child Abuse by Covered Individuals:** A covered individual is any adult authorized by an applicable amateur sports organization to interact with a minor or amateur athlete. Covered individuals must report suspicions of child abuse, including sexual abuse, within 24 hours to law enforcement. Failure to report may be a criminal violation under state and federal law.
2. **Limit One-On-One Interaction with Minors –** Must establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor’s legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except in emergency circumstances.
3. **Training for Adults and Minors –** Must offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons.
4. **Prohibit Retaliation –** Must prohibit retaliation against any individual who makes a report required under the Safe Sport Act.

DEFINITIONS

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all the following persons – employees, volunteers or other third-parties. Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone’s neck or shoulders and/or pulling against another’s body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars or objects.

- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Participant: Any athlete or non-athlete participant who participates in any tryouts, practices, drills, instructional sessions, competitions, camps, clinics, tournaments, or non-sport outings including travel, lodging, and health or medical treatment sponsored by the organization.

Child, Children, Minor, and Youth: Anyone under the age of 18. These terms are used interchangeably throughout this program.

Coach: Any adult who has or shares the responsibility for instructing, teaching, schooling, training, or advising athletes of the organization.

Misconduct: Behavior that results in harm, the potential for harm, or the imminent threat of harm. Age is irrelevant to misconduct.

Organization: The sports organization that has adopted this misconduct risk management program.

Staff Member: Any paid or unpaid member providing service to the organization including but not limited to officers, directors, administrators, coaches, assistant coaches, trainers, and team parents

TYPES OF MISCONDUCT AND EXAMPLES

Sexual Misconduct, including Child Sexual Abuse

Sexual misconduct is defined as:

- Any sexual interaction, whether non-touching or touching, that is forced or perpetrated in an exploitative, harassing, aggressive, or threatening manner.
- Any sexual interaction between a participant and an individual with direct, indirect, or evaluative authority. Such relationships usually involve power imbalance; disparity in age, development, size, or intellectual capabilities; the existence of an aggressor; and are likely to impair judgment or be exploitative.
- Any conduct or acts defined under state or federal law as sexual abuse or misconduct. Sexual misconduct can be between adults, between adults and minors, or between minors. Minors don't have the legal capacity to consent to sexual activity with an adult, so any sexual interaction between a minor and adult is strictly prohibited.

Types of sexual misconduct include:

- Sexual assault
- Sexual harassment
- Sexual abuse
- Any other equal intimacies that exploit an athlete

Touching offenses include:

- Fondling a participant's breasts or buttocks;
- Providing a sports-related reward (ex: playing time, position, lessons, award, praise) in exchange for sexual favors;
- Sexual penetration and sexual touching;
- Genital contact whether or not either party is clothed
- Any intimacies or sexual relations between a staff member and participant when the staff member is in a position of authority, trust, control, or evaluative decision making over the participant.

Permissible Physical Contact

Some level of physical contact between a coach and a participant may be appropriate, such as in instruction, celebration, or consolation of a distraught participant who has been injured or after losing a competition.

Appropriate physical contact in training and instruction consists of the following elements:

- The physical contact takes place in public.
- There is no potential for or actual, physical, or sexual intimacies during the physical contact.
- The physical contact is for the benefit of the participant and not to meet an emotional or other need of an adult.
- Physical contact should be appropriate for the development of a sport skills
- Permission from the player/participant should be sought
- Player/participants should be congratulated or comforted in public not in an isolated setting

Prohibited forms of physical contact include:

- Lingering or repeated embrace that goes beyond acceptable physical touch.

- Tickling, horseplay, or wrestling.
- Continued physical contact that makes a participant uncomfortable.

Non-touching offenses include:

- Making innuendos, comments, or jokes of a sexual nature about a participant or other behavior that is sexually harassing.
- A staff member referencing his or her sexual activities with a participant.
- Questioning a participant about his or her sexual activities.
- A staff member requesting or sending a revealing or nude photo to a participant.
- Exposing participants to pornographic material.
- Voyeurism
- Sending participants communications or photos, whether electronic (e.g. sexting) or otherwise, of a sexually suggestive or explicit nature.
- Intentionally exposing a participant to sexual acts.
- Intentionally exposing a participant to nudity (exception for shared changing areas or locker rooms).
- Non-verbal or verbal communication of a sexual nature; physical advances; or sexual solicitation

Grooming

Grooming is an intentional and effective strategy that sexual predators use to set up and prepare victims, parents, and staff to gain a position of trust and lower their defenses, which assists in the perpetration of misconduct. The steps taken in the grooming or seduction process are:

- Identify a child and determine his or her vulnerable areas (ex: being misunderstood, lack of attention from parents, lack of spending money, absent parents, etc.)
- Through careful observation of the target, determine their needs to fill what is missing.
- Fill the needs to create a special bond and to gain their trust. Examples are providing gifts and spending money, helping with homework, providing transportation, special consideration on the team such as more playing time, special attention, sharing secrets, etc.
- Spend a disproportionate amount of time with the family to gain their trust.
- Isolate the victim from their peers to create situations where they are alone.
- Gradually introduce sexual interplay that may start with conversations of a sexual nature (in person, texting, and social media), providing alcohol and drugs to lower inhibitions, watching pornography,

sharing nude photos, tickling, horseplay, massages, and other boundary invasions that lead to sexual touching and nudity.

- Maintaining control and silence to continue and keep the sexual abuse hidden.
- Use shame or fear as motivating factors to continue the relationship.

Staff and parents who understand the grooming process and the policies that are meant to prevent it through education are likely to identify it and notify the Executive Director or a board member of suspicious behavior.

One-on-One Interactions

It is best practice that two adults (ex: any combination of coach(es)), volunteer(s), parent(s) should be present so that a minor cannot be isolated one on one with an unrelated adult. This also helps to protect the staff member from false accusations.

Reporting Child Sexual and Child Physical Abuse

Any NYB board member, coach, commissioner, staff member or contractor who has a reasonable suspicion of child sexual abuse or child physical abuse committed by another board member, coach, commissioner, staff member or contractor or participant, must within 24 hours:

- 1) Notify law enforcement authorities as required by state and federal law; and
- 2) Notify the Executive Director and the NYB President.

Failure to report may be a criminal violation under state and federal law.

Once notified, the NYB President should separately report such allegations to the appropriate law enforcement authorities as required by state and federal law. Failure to report such misconduct may be a violation under state and/or federal law. An attorney should be consulted prior to reporting for advice on currently applicable state and federal law.

Participants and parents are also encouraged to report any reasonable suspicions of child sexual and child physical abuse to the Executive Director and the NYB President.

Resources for assistance with state and federal reporting requirements:

- Child Welfare Information Gateway: www.childwelfare.gov
- Mandatory Reporters of Child Abuse and Neglect
http://www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm
- State Statute Search: http://www.childwelfare.gov/systemwide/laws_policies/state/

After Reporting to Law Enforcement

After a report of reasonable suspicion of misconduct to law enforcement has been made, whether for reasons of child sexual abuse, child physical abuse, or other illegal reportable misconduct, the NYB President and Executive Director should take the following actions:

- Do not engage in any internal investigations or attempt to investigate the credibility of any such allegation. An independent investigation may interfere with the investigation of law enforcement. Allow law enforcement to conduct its own investigation. However, the NYB President and Executive Director may ask a few clarifying questions of the complainant or minor(s) involved to adequately report the suspicion to law enforcement.
- To the extent permitted by law and appropriate, all parties involved should protect the names and confidentiality of the complainant (if requested), the accused, and the victims.
- Immediately remove the accused NYB member, staff member, volunteer, or contractor from his/her duties. No disciplinary hearing is required, and the accused has no right to defend himself/herself at this point because the safety and wellbeing of the participant is of utmost importance. The Executive Director may simply notify the accused staff member that he/she is no longer eligible to participate in the organization's activities, including permission on NYB's property.
- After consulting with legal counsel, the NYB President and Executive Director may decide at their discretion to inform other NYB members of any child sexual abuse or child physical abuse allegations that law enforcement is actively investigating, in an effort to find out if there may be other cases of child abuse that should also be reported to law enforcement.
- Once the investigation by law enforcement has concluded, the Executive Board may reconvene to determine whether the accused can be reinstated or reassigned. Even if the investigation is inconclusive, the Executive Board may use its discretion in deciding on reinstatement or reassignment.

Contact Information

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