



The Sword Conservatory, Inc.  
**Conduct Risk Management Program**

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**Approval and Adoption of this Program**

The original version of the Conduct Risk Management Program was approved by the Board of Directors on September 16, 2018, and went into effect on January 16, 2019.

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# Purpose

The purpose of this risk management program is to reduce and/or prevent the occurrences of misconduct in our Classes and Events, as well as to reduce the liability potential for the sports Organization. Misconduct can negatively impact all Participants, family, friends, the Organization, and the sport as a whole.

Specifically, our Organization will implement policies in the following areas to address all types of misconduct and to set forth boundaries of appropriate and inappropriate conduct: sexual misconduct, including child abuse; grooming behavior; physical misconduct (including safety-related actions or inactions); emotional misconduct; bullying; harassment; hazing; social media and electronic communications; locker rooms and changing areas; travel; reporting misconduct; screening Volunteers; and monitoring for compliance.

This program will serve as awareness education training for all of our Volunteers, who will be required to educate themselves on all forms of misconduct and to refrain from engaging in such misconduct, in violation of the policies herein.

# Definitions

**Participant:** Anyone who is part of, or interacts with, the Organization at a class or event. This includes Organizational Participants, and Public Participants. Participants can be adults or minors.

**Organizational Participant:** Anyone who is part of the Organization, either as a Volunteer or a Student. Organizational Participants can be adults or minors.

**Public Participant:** Anyone who interacts with the Organization, but is not part of the Organization (i.e. is not a Student or Volunteer). Public Participants can be adults or minors.

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

**Instructor / Assistant Instructor:** Volunteers authorized by the Organization to instruct, teach, school, train, or advise Students of the Organization. Instructors are always adults. Assistant Instructors can be adults or minors.

**Misconduct:** Behavior that results in harm, the potential for harm, or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sports: sexual (including grooming behavior), physical, emotional, bullying, harassment, and hazing.

**Organization:** The Sword Conservatory, Inc., which has adopted this misconduct risk management program.

**Conduct Officer and/or Conduct Committee:** The officer or a committee appointed by the Organization that manages any and all allegations of misconduct and policy violations. The Conduct Officer and Conduct Committee report to the Board of Directors.

**Student:** Anyone who attends a class sponsored by the Organization. Students can be adults or minors.

**Training:** Includes all drills, sparring, and demonstrations whether in class or public.

**Volunteers:** Unpaid personnel who donate their time and labor to the Organization, including but not limited to Board members, Instructors, Assistant Instructors, and Demonstrators. Volunteers can be adults or minors.

**Volunteer Drivers:** Volunteers authorized by the Organization to transport persons and/or equipment on behalf of the Organization.

**Demonstrator:** A Volunteer who demonstrates at events. Demonstrators can be adults or minors.

**The Organization:** The Sword Conservatory, Inc.

## **Communications to Parents of Minors**

All parents and/or guardians of minor Students and/or Volunteers should be provided with a document which summarizes the Conduct Risk Management Program.

## **Equipment and Sparring Safety Policy**

Many of the activities that TSC teaches are forms of combat sports, so even with the best of safety requirements, injuries will still happen. These policies – in combination with individual good judgement - are adopted to help to mitigate such events.

The safe use of equipment is of paramount importance to the establishment of a safe training and demonstration environment, both for Volunteers and for bystanders. The following applies to all TSC activities including but not limited to classes, demonstrations, lectures, workshops, appearances.

- **Approved Equipment:** Only approved weapons, armor, or equipment may be utilized in Training/Demonstration areas.
- **Equipment Approval:** Unapproved equipment may be utilized as part of an organized and controlled effort to test such weapons, armor, and/or equipment.
- **Hazardous Items:** Sharp, bladed, projectile (including by gunpowder or other chemical accelerants, and by mechanical means such as a bow), and/or explosive items are prohibited.
  - Possession and use of sharp tools (such as a utility knife) is allowed when appropriate but must be safely stored when not in use.
  - There must be no Hazardous Items present on any person or in a training / demonstration area (i.e. classroom, demonstration ring, etc.) during training, demonstration, or while Participants or other members of the public are present.

- **Safe Use:** Weapons, armor, and equipment must always be used in a safe and appropriate manner by those who are approved to use said weapons, armor, or equipment. For example, sparring with steel weapons may only be done by personnel who have been trained, are properly equipped to do so, and are in an environment which is safe for such activity.
- **Control:** Weapon/strike control appropriate to the situation must always be used. I.e. attacks must be performed with an amount of force that safely achieves the drill/demonstration objective. If a technique cannot be done safely in a particular circumstance, then it should not be attempted.
- **First Aid:** An appropriately-stocked first aid kit must be readily-accessible at each event where hands-on training, demonstrations, and/or any other activities will be conducted which could result in injury. For example, a lecture would not require the presence of a first aid kit, but one in which participants will be learning stance and stepping would.

## **Types of Misconduct**

The following six types of misconduct are prohibited by the Organization:

1. Sexual misconduct
2. Physical misconduct
3. Emotional misconduct
4. Bullying
5. Harassment
6. Hazing

## **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, and as a result, 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 a Participant

## 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 Volunteer and Participant when the Volunteer is in a position of authority, trust, control, or evaluative decision making over the Participant.

## Permissible Physical Contact:

Some level of physical contact between an Instructor/Assistant Instructor 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.

## 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 Volunteer referencing his or her sexual activities with a Participant.
- Questioning a Participant about his or her sexual activities.
- A Volunteer 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.

THE FOLLOWING ARE NOT DEFENSES UNDER ANY CIRCUMSTANCES TO AN ALLEGATION OF SEXUAL MISCONDUCT: THE CONSENT OF A MINOR, MISTAKING THE AGE OF A PARTICIPANT, OR THAT THE INTERACTION DID NOT OCCUR DURING A SANCTIONED EVENT OF THE ORGANIZATION.

## Peer-to-Peer Child Sexual Misconduct

Approximately one-third of all cases of sexual abuse are child peer-to-peer. Whether or not sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance in power and/or intellectual capabilities. Allegations or suspicions of peer-to-peer child sexual abuse must be reported to the Conduct Officer or a Board member.

## Recognizing Grooming

Grooming is an intentional and effective strategy that sexual predators use to set up and prepare victims, parents, and Volunteers 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.

IF YOU SUSPECT THAT THE GROOMING PROCESS BEING USED, NOTIFY THE CONDUCT OFFICER OR A BOARD MEMBER OF THE SUSPICIOUS BEHAVIOR.

## One-on-One Interactions

Two-Deep Leadership: Two adults (ex: any combination of adult Volunteer(s), adult Student(s), and/or parent(s)) should be present at all times so that a Student (particularly a minor Student) cannot be isolated one-on-one with an unrelated adult. This not only protects minors, it also helps to protect Volunteers from false accusations.

Individual Meetings: An individual meeting to address a Participant's concerns may be necessary on occasion. During such meetings, the following guidelines should be observed:

- Any individual meeting should occur when others are present and where interactions can be easily observed.

- Where possible, an individual meeting should take place in a publicly visible and open area, such as in the lobby of a building.
- If the meeting takes place in an office or a locker room, the door should remain unlocked and open.
- If a closed-door meeting is necessary, the Volunteer should inform another Volunteer and ensure the door remains unlocked.

Individual Training Sessions: When necessary or requested, parent/guardian written consent should be obtained and a parent/guardian encouraged to attend.

Classes with Low Attendance: Sometimes classes are attended by very few students and no other Volunteers or parents are available to prevent a prolonged one-on-one situation. In such cases, the following guidelines should be observed:

- If the Instructor has reason to believe that this may be the situation, he/she should encourage parents to remain in the classroom, referencing the Organization's Two-Deep Leadership policy.
- The Instructor may, at his/her discretion, request that an employee of the facility where the class is taking place observe the class or regularly check in on the class.
- The Instructor may, at his/her discretion, cancel class and move Students to a safe public area (e.g. a lobby). The Instructor still has responsibility to supervise the Students through the end of the scheduled class time.

Prohibited One-on-One Interactions: Except as provided above with regard to individual meetings, individual training, or emergency situations, any one-on-one interaction between an adult and a Participant should be avoided. A possible exception may occur if a minor is stranded and the adult must be present so that the minor will not be left unattended or unsupervised. In such cases, the adult and minor should remain in the open until another adult arrives.

## Classroom Interactions

Open Door Policy: Whenever possible and allowed by the facility, doors to classrooms must be safely propped open. Classroom doors must never be locked, barred, or obstructed. Visibility into the classroom should be maximized as much as is practical.

## Event Interactions

Access to the Organization's Event Area: At most events, the Organization is provided with an event area which is designated exclusively for the use of the Organization. Per the Organization's Safety Policy, this event area is delineated and steps are taken by the Organization's Volunteers to ensure that only authorized personnel access it. Upon signing the appropriate Waiver, Public Participants (mostly minors) are granted temporary access to the Organization's event area specifically to participate in a particular activity. During this time, they are escorted by Volunteers. In addition to Public Participants who are minors, there are frequently minor Volunteers present in the Organization's event area as well. Given this, unescorted, unlimited access to the Organization's event area constitutes, "repeated access to youth". Thus, it is this Organization's policy that only Volunteers be provided unescorted, unlimited access to the Organization's event area.

Non-Volunteer parents who need to enter the Organization's area to attend to their child, may do so WITH a signed Waiver. The parent should make their intents known to the Volunteers who control



access to the event area, so that appropriate directions can be given about where to go and not go. Parents are kindly requested to make their visit brief.

## Interactions Outside of Classes and Events

**Dating:** A consensual romantic or sexual relationship between a Volunteer and an Organizational Participant (i.e. Student or other Volunteer) over whom the Volunteer has supervision (e.g. as an instructor, in a role of organizational oversight, or other position of authority) may undermine the integrity of the Organization, adversely affect the environment for the Organizational Participant in the relationship, and for other Organizational Participants. The risks associated with relationships of this sort include conflicts of interest, perceptions of undue advantage, the potential for abuse of the inherent power differential, accusations of sexual harassment, or worse.

**THEREFORE, THIS ORGANIZATION'S POLICY IS THAT NO VOLUNTEER SHALL SUPERVISE AN ORGANIZATIONAL PARTICIPANT WITH WHOM THE VOLUNTEER HAS A CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIP.**

Volunteers should avoid supervising any Organizational Participant with whom the Volunteer has had a romantic or sexual relationship in the past. Volunteers also should avoid entering into a romantic or sexual relationship with any Organizational Participant over whom the Volunteer reasonably expects to exercise supervisory authority in the future.

**Socializing:** Adult Volunteers should avoid socializing with unrelated minor Participants outside of classes and events.

## Physical Misconduct

Physical misconduct does not include physical contact that is a professionally-accepted coaching method for teaching skill enhancement, physical conditioning, team building or appropriate discipline.

### Physical misconduct includes:

- Intentional physical contact or threat of such that causes or has the potential to cause personal injury or bodily harm to the Participant.
- Intentional disregard for safety practices, policies, or direction, which causes or has the potential to cause, personal injury or bodily harm to one's self or to another Participant.
- Any act or conduct described as physical abuse under state or federal law, such as assault, child neglect, and child abuse.

### Examples of prohibited physical misconduct:

#### Contact offenses:

- Intentionally utilizing unapproved weapons, armor, or equipment in Training (except as part of an organized and controlled effort to test such weapons, armor, or equipment).
- Intentionally utilizing weapons, armor, or equipment in an unsafe or inappropriate manner. E.g. sparring with a steel weapon against someone who is obviously not equipped to do so.
- Intentionally failing to utilize control appropriate to the Training situation. E.g. striking with force in excess of what is required and/or in a way that is unsafe.
- Beating, biting, choking, or slapping a Participant
- Intentionally striking a Participant outside of the context of Training

- Providing alcohol to a Participant who is under the legal drinking age
- Providing non-prescription or illegal drugs to any Participant
- Encouraging or permitting a Participant to return to training or demonstration after an injury (e.g. concussion) or sickness prematurely or without clearance from a medical professional
- Prescribing diet or other weight control methods for humiliation purposes and without regard for the health of the Participant (e.g. public weigh-ins or caliper tests)

#### Non-contact offenses:

- Isolating a Participant in a confined space (e.g. locking a Participant in a confined space)
- Forcing a Participant to assume a painful stance or position for no athletic purpose (e.g. requiring the Participant to kneel on a hard surface)
- Withholding, recommending against or denying adequate hydration, nutrition, medical attention, or sleep

## **Emotional Misconduct**

Emotional misconduct involves a pattern of intentional, noncontact behavior that causes or has the potential to cause psychological or emotional harm to a Participant. Physical acts, verbal acts, or acts that deny support or attention are included in these behaviors.

#### Examples of prohibited emotional misconduct:

- **Verbal Acts:** A pattern of verbal behaviors that personally attack a Participant (e.g. calling them disgusting, worthless, or fat) or repeatedly screaming at Participants in a way that does not serve a legitimate motivational or training purpose.
- **Physical Acts:** A pattern of physically aggressive behaviors, such as throwing or punching sports equipment or other objects in the presence of Participants.
- **Acts that Deny Support or Attention:** A pattern of ignoring or excluding a Participant during practice or team discussions for an extended period of time.

Emotional misconduct does not include generally-accepted and age-appropriate coaching methods of skill enhancement, physical conditioning, motivation, team building, appropriate discipline or improving athletic performance. Note that a single incident such as a verbal outburst may be inappropriate but does not constitute emotional misconduct, which requires a pattern of harmful behaviors over time.

## **Bullying**

Bullying involves an intentional and repeated pattern of committing or intentionally allowing or not preventing behaviors that are intended to cause physical harm, fear or humiliation in an effort to socially isolate, diminish or exclude another Participant physically, emotionally, or sexually.

Bullying can occur through verbal, written or electronic communications or by means of a physical gesture or act.

Examples of prohibited bullying behavior:

**Physical:** Hitting, pushing, punching, striking, or kicking outside of the context of training; beating, biting, choking, spitting, or slapping; throwing objects such as sports equipment at another Participant; intentional use of excessive force during training.

**Verbal:** Teasing, ridiculing, taunting, name-calling, or intimidating, or threatening to cause someone harm.

**Social, including Cyberbullying:** Using electronic communication, social media or similar to harass, frighten, intimidate, or humiliate someone; using rumors or false statements about someone to diminish that person's reputation; socially excluding someone and asking others to do the same.

**Sexual:** Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.

It is often not the adult Volunteers, but other minor Participants who perpetrate bullying. However, it is a violation if a Volunteer knows or should have known of bullying behavior but takes no action to intervene on behalf of the targeted Participant(s).

A Participant or parent/guardian who participates in any act of bullying is subject to appropriate disciplinary action including but not limited to suspension, permanent ban, and referral to law enforcement authorities.

### **Difference Between Mean, Rude, and Bullying Behavior**

Mean is defined as purposefully saying or doing something to hurt someone very infrequently. Rude is defined as inadvertently saying or doing something that hurts someone else. Bullying is defined as intentionally aggressive behavior repeated over time that involves an imbalance of power. Mean or rude conduct does not rise to the level of bullying absent the imbalance of power, but may otherwise be a code of conduct violations and treated as such.

Bullying does not include group or team behaviors to encourage a culture of team unity and/or harder training effort.

## **Harassment**

Harassment is a pattern of physical or nonphysical behaviors that cause annoyance, fear or humiliation; degrade or offend; reflect a discriminatory bias; or create a hostile environment for the purpose of creating superiority, dominance, or power over an individual Participant or Participants based on gender, gender identity, gender expression, sexual orientation, ethnicity, race, culture, national origin, race, or physical or mental disability. It also includes any conduct or acts defined as harassment under state or federal law.

Examples of prohibited harassment:

Name calling, taunts, threats, belittling, stalking, unwelcome advances and requests for sexual acts, as well as undue threats to perform or succeed.

Sexual harassment is conduct towards a Participant that includes sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature and is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

# Hazing

Hazing includes any behavior which is physically harmful, humiliating, intimidating, or offensive. Hazing typically is an initiation activity that is a precondition for being socially accepted or joining a team. It also includes any act that is described as hazing under federal or state law.

Examples of hazing include:

- Using force or peer pressure to require the consumption of alcoholic beverages or illegal drugs
- Restraining a person through tying or taping
- Requiring simulations of acts of a sexual nature.
- Depriving one of sleep
- Withholding water and/or food
- Requiring public actions that are illegal, embarrassing, or socially unacceptable (e.g. public nudity)
- Paddling, branding, beating or other forms of physical assault
- Requiring excessive training

**Hazing occurs even when the Participant agrees to cooperate.**

## Social Media

### **Social Media and Electronic Communications**

Electronic communications and social media interactions between the Organization/Volunteers and Participants and their parents/guardians is essential with regard to activities, schedules, and administrative issues. Furthermore, social media touting the positive aspects of the Organization should be encouraged. However, the potential for misconduct exists including sexual abuse, emotional abuse, bullying, harassment, and hazing.

### **Social Media, including, Facebook, Twitter, Instagram, Snapchat, etc.**

The Organization may create an official social media account which may connect with Volunteers, Participants, and parents/guardians for the purpose of official Organization communications about activities, motivation, team building, and answering posts from Volunteers, Participants, and parents/guardians.

**Volunteers and minor Participants should not connect on social media outside of the Organization's official social media account.**

### **Email, Texts, and Instant Messaging**

A Volunteer and minor Participant may communicate via email, text, or instant message if the communication is about official Organization activities. **A parent/guardian of minor Participants should be copied on all such communications sent by a Volunteer.**



## **Digital Photos and Videos**

Organizations frequently publish photos and videos of activities on their website and social media accounts, and transmit via email to various media outlets. Before publishing a photo or video of any Participant, the Organization should obtain an image release agreement signed by the parent/guardian. Also, all photos and videos should be taken in public view and should be appropriate and in the best interest of the Participant and the Organization.

The Organization as a whole and Volunteers individually should immediately honor any request from parent/guardian to discontinue all digital communications or imagery with a minor Participant, without any repercussions.

Violations of the Organization's electronic communications and social media policy should be reported to the Conduct Officer or a Board member for appropriate disciplinary action including but not limited to suspension, permanent suspension, and/or referral to law enforcement.

## **Locker Rooms and Changing Areas**

Organizational Participants are particularly vulnerable to misconduct including bullying, harassment, and hazing in locker rooms/changing areas due to various stages of undress and less direct supervision.

The Organization's policy is to avoid situations where minor Organizational Participants must use common changing areas or locker rooms. When changing is necessary where facilities are not available – such as at an Event which takes place in a field or woods – every effort will be made to create a private changing area within the Organization's area. This area – when in use - is exempted from the "open door" policy. However, the "Two-Deep Leadership" policy still applies when the changing area is in use: two adult Volunteers should be posted outside the changing area to ensure that privacy is not violated.

## **Events and Travel**

### **Policies for transportation to/from classes:**

Transportation of personnel to/from classes is not planned or supervised by the Organization. Each individual and (when applicable) their parent/guardian is responsible for making travel arrangements to/from classes. When an Organizational Participant provides transportation for others, it is not authorized by the Organization and is a matter between the parties involved and (when applicable) their parent / guardian.

### **General Policies:**

- Volunteers must not leave a child unattended during a Class or Event.
- While Minor Volunteers are welcome to participate in events, the Organization does not provide chaperones and does not take responsibility for minors'
  - transportation



- lodging
- chaperoning
- Parents/guardians who want their children to volunteer at Events must either attend as Volunteers, or designate another adult Volunteer as responsible for their volunteer children.
- Staff should not release children to anyone other than an authorized parent, guardian or other authorized adult.
  - When a parent/guardian wants to authorize another adult to take custody of his/her child, the parent/guardian must provide advance written permission to the Organization.
  - This permission must include the individual's
    - Full name
    - Contact information (cell phone and address)

## **Policies for transportation to/from local events:**

Local events are those which can be driven to/from without requiring an overnight stay. The guidelines for travel to/from local events are as follows:

- Only Volunteers and other persons who have a completed Waiver on file may be transported by the Organization.
- Only Volunteers who have been authorized by the Organization as Volunteer Drivers may transport approved persons.
- Volunteer Drivers should have a valid driver's license, meet state insurance requirements, and operate a well-maintained vehicle in accordance with state laws.
- Volunteer drivers should not ride alone with an unrelated minor. There should either be at least two other minors or another adult in the vehicle at all times unless otherwise agreed to in writing by the parent/guardian of the minor.
- Volunteer drivers who are also the parents/guardians of a minor Organizational Participant may provide shared transportation but should always pick up their own child first and drop him/her off last.

## **Policies for travel which require overnight stays:**

- The Organization does not provide transportation or lodging for minors.
- All Volunteer Drivers should have a valid driver's license, meet state insurance requirements, and operate a well-maintained vehicle in accordance with state laws.
- All adults must be approved Volunteers. I.e. acceptable background checks and training are current.

## **Volunteer Responsibilities**

- Follow all policies on preventing misconduct.
- Immediately report any violation or misconduct policy to Conduct Officer or a Board member.
- No Volunteer may volunteer with illegal drugs (or their metabolites) or alcohol in his or her bodily system.
  - The only exception to this rule is that Volunteers may engage in moderate consumption of alcohol that may be served and/or consumed as part of an authorized Organization social or business event.

- "Illegal drug" means any drug that is not legally obtainable or that is legally obtainable but has not been legally obtained. It includes prescription drugs not being used for prescribed purposes or by the person to whom it is prescribed or in prescribed amounts. It also includes any substance a person holds out to another as an illegal drug.

IT IS A VIOLATION WHEN A VOLUNTEER KNOWS OF PROHIBITED MISCONDUCT BUT TAKES NO ACTION TO INTERVENE TO PROTECT PARTICIPANTS, BE THEY ADULTS, MINORS, VOLUNTEERS, STUDENTS, OR PUBLIC PARTICIPANTS.

IT IS ALSO A VIOLATION TO OBSERVE ILLEGAL AND PROHIBITED MISCONDUCT AND NOT REPORT IT IN A TIMELY MANNER TO THE APPROPRIATE ENTITY OR LAW ENFORCEMENT AUTHORITIES.

## **Reporting and Responding to Injury, Misconduct, and Policy Violations**

### **How to Report All Injury, Misconduct, and Policy Violations to the Organization**

Reports of all misconduct made to a Conduct Officer or to any Board member may be made orally or in writing.

The information required is:

- The name of person(s) making the report.
- The type of misconduct alleged and/or nature of the injury.
- The name(s) of the accused who allegedly engaged in the misconduct.
- The name(s) of those who were the victim(s).
- The approximate dates of misconduct.
- The class or event where the alleged misconduct and/or injury took place. Include specific location information as appropriate.
- Any other relevant information.

### **Reporting Child Sexual or Child Physical Abuse**

Any adult Volunteer who has a reasonable suspicion of child sexual abuse or child physical abuse, whether committed by a Volunteer, Student, or Public Participant, must within 24 hours:

- 1) notify law enforcement authorities as required by state and federal law
- 2) notify the Conduct Officer or a Board member.

The Conduct Officer or a Board member 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. Those making such reports may have civil and criminal immunity as long as the report was made in good faith.

Students and parents are also encouraged to report any reasonable suspicions of child sexual and child physical abuse to the Conduct Officer or a Board member.

Resources for assistance with state and federal reporting requirements:

- SafeSport: <https://safesport.org/>
- State Statute Search: [http://www.childwelfare.gov/systemwide/laws\\_policies/state/](http://www.childwelfare.gov/systemwide/laws_policies/state/)
- Wake County Child Protective Services (law enforcement)  
919-212-7990 (English)  
919-212-7963 (Spanish)

## After Reporting Child Sexual or Child Physical Abuse 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 Conduct Officer and/or Conduct Committee 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 Conduct Officer or Conduct Committee member 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, the Conduct Officer, Conduct Committee, and/or a board member should protect the names and confidentiality of the complainant (if requested), the accused, and the victims.
- Immediately remove the accused Volunteer from his/her duties. No 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 Conduct Officer may simply notify the accused Volunteer that he/she is no longer eligible to participate in the Organization's activities.
- After consulting with legal counsel, the Conduct Officer or Conduct Committee may decide at their discretion to inform other Volunteers, parents, and Participants 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.
- Board Members, Instructors, Assistant Instructors, and other personnel who hold positions within the Organization are not to comment on the allegation or police investigation until it has been concluded.
- Once the investigation by law enforcement has concluded, the Conduct Committee may reconvene to determine whether or not the accused can be reinstated or reassigned. Even if the investigation is inconclusive, the Conduct Committee may use its discretion in deciding on reinstatement or reassignment.

# Reporting Emotional Abuse, Bullying, Harassment, Hazing, or Grooming Behavior

Any Participant or parent who has a reasonable suspicion of emotional abuse, bullying, harassment, hazing, or grooming behavior should report within 24 hours such misconduct to the Conduct Officer or a Board member. Depending on the severity and nature of the allegations, the Conduct Officer and/or Conduct Committee should determine whether to immediately report such allegation within 24 hours to the appropriate law enforcement authorities as required by state or federal law.

## Responding to Reports which are not reportable to law enforcement

Upon receiving a report of injury, misconduct, or policy violation that is not reportable to law enforcement under state or federal law, the Conduct Officer and/or Conduct Committee should inform the Board, investigate, take appropriate action, and document their activities.

Factors to be considered in an investigation include the age of the alleged victim, the age of the alleged perpetrator, and the extent, nature, and scope of the allegations. Before taking any disciplinary action, the accused should have an opportunity to present his/her defense. If the accused is a minor, his or her Instructor(s) and parents should be notified in advance. The operator(s) of facilities, festivals, or events where the alleged misconduct took place should be notified.

The confidentiality of the complaint, complainant, victim, and accused should be protected by the Organization until the outcome of the proceedings is finalized. Notice should be given about any sanction. The investigator should not discuss the ongoing investigation with anyone other than for the purposes of gathering information related to the investigation unless requested otherwise by law enforcement or child protective services. Likewise, those taking part in the hearing should be requested to keep all information confidential unless requested by law enforcement or child protective services.

Sanctions applied should be appropriate and reasonable under the circumstances.

Sanctions that may be applied against a Volunteer:

- Referral to law enforcement authorities if a crime is believed to have been committed
- Dismissal in the event of extreme cases
- Temporary suspension.
- Reassignment of duties.
- Formal warning.
- Place under the supervision of another Vendor.

Sanctions that may be applied against a Participant:

- Revocation of membership or participation.
- Suspension of membership or participation.
- Prohibition against future participation.
- Verbal/written warning.
- Provided additional education and guidance.



In the case of an injury, the Conduct Officer will contact the victim for the purpose of determining whether a Notice Of Claim should be submitted to the organization's insurance company. The Conduct Officer will work with the insurance company and the victim as needed to collect, document, and submit additional claim information, as per the insurance company's process.

## **Whistleblower Protection and Bad Faith Allegation**

Whistleblowers who report misconduct suspicions in good faith should be protected against any retaliation, punishment, and other harm regardless of the outcome of any investigation. To allow otherwise would defeat the purpose of the Conduct Risk Management Program. Anyone who retaliates is subject to disciplinary action.

Likewise, complainants who act in bad faith in making malicious or frivolous allegations are subject to civil and criminal actions and disciplinary action by the Organization.

## **Dealing with the Media**

In the event of media inquiries involving an allegation of misconduct, a single Board member or attorney should be appointed as the sole media contact and any comment should be based on the following principles:

- The Organization has notified the proper law enforcement authorities.
- The Organization is following its internal policies and procedures regarding the allegation(s).
- The privacy of all involved individuals should be respected and protected throughout the proceedings.
- The identity of any accused perpetrator should not be disclosed unless 1) law enforcement is actively investigating and the name is a matter of public record; 2) law enforcement believes that the accusation is likely valid; and 3) the Organization has taken action to sanction or remove the alleged perpetrator.

## **Volunteer Requirements**

The Organization will select a criminal background check vendor that will run background checks and will assist in interpreting results in compliance with state and federal laws.

The criminal background check vendor should, at a minimum, run a national database check that pulls criminal records (not limited to just sexual offender records) from state and county databases. In addition, the Organization may or may not choose to pay extra to purchase the following enhancements from the vendor: social security number verification, address trace, manual local county courthouse check based on intelligent choice of counties and national sexual offender registry check.



In order to be allowed to volunteer for the Organization in a capacity which will provide repeated access to youth, adult applicants must:

- Submit a completed Volunteer Application
- Undergo an initial background check
  - The Organization is to repeat every two years thereafter.
- Complete awareness training and provide proof thereof to the Organization
  - The Volunteer is to repeat every two years thereafter.
- Review and sign the Organization's Conduct Risk Management policy and provide said to the Organization
  - The Volunteer is to repeat every two years thereafter.
- Review and sign the Organization's Waiver and Release of Liability and provide said to the Organization
  - The Volunteer is to repeat every two years thereafter.
- Additionally, all volunteers - regardless of access to youth - must:
  - Review the Volunteer Handbook and agree to abide by it by signing the Acknowledgement of Receipt.
  - The Volunteer is to repeat every two years thereafter.

*Note: Certain employees or independent contractors from outside the Organization may have access to youth. An example would be a janitor employed by the facility owner. Steps should be taken to make sure that a background check has been run on these individuals by their employer.*

The Conduct Officer should be responsible for implementing, monitoring, taking corrective action, disqualifying unfit candidates, and working with third-party background check vendors on all issues related to the criminal background check program. The Conduct Officer should maintain confidentiality to protect against possible claims of slander or libel. The Conduct Officer should work with third-party vendors for assistance in interpreting background check results and to protect against possible claims under the Fair Credit Reporting Act, First Offender Act, and all other state and federal laws protecting those who undergo criminal background checks.

## **Administration of Criminal Background Checks**

### **Disqualification Criteria:**

To make sure that all Volunteers and applicants are treated fairly and consistently, the following disqualification criteria should be used:

Individuals found to be guilty of the following crimes are disqualified from all positions within the Organization as outlined below.

- All sex offenses including child molestation, rape, sexual assault, sexual battery, prostitution, solicitation, indecent exposure, etc.
- All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
- Found guilty within the past 10 years of all felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
- Found to be guilty within the past 7 years of all misdemeanor violence offenses including simple assault, battery, domestic violence, hit & run, etc.
- Found guilty within the past 5 years of misdemeanor drug and alcohol offenses (or multiple offenses in the past 10 years) including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

- Any other misdemeanor within the past 5 years that would be considered a potential danger to children or is directly related to the functions of the Volunteer, including contributing to the delinquency of a minor, providing alcohol to a minor, theft (if the Volunteer is handling funds), etc.

Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of *nolle prosequi*.

Should any of the pending charges described above be uncovered, or should any of the above charges be brought against an applicant, the applicant should be suspended from serving until the charges are cleared or dropped and the Conduct Officer approves reinstatement.

### Volunteer Applications:

Prior to the running of any criminal background check, the applicant should complete a Volunteer application form giving his or her consent to the running of such check. This form must include a question about the existence of any prior criminal convictions. A "yes" answer must require a detailed explanation including the type of offense, locations, and dates.

The application form should be provided by the third-party criminal background check vendor. The vendor's legal department can take on the risk of ensuring that the form complies with the state and federal laws, which change frequently.

The information obtained in the Volunteer application/consent form, as well as the results of criminal background checks, should be held in strict confidence to protect the confidentiality of the information. It should be kept in a secure location with access by the Conduct Officer or Conduct Committee only. Confidential information should not be disclosed outside of the Organization and should only be shared within the Organization on a need-to-know basis. However, under certain circumstances, the Organization may have a legal duty to disclose certain types of information to government agencies or law enforcement.

### Run Criminal Background Check:

After collecting the Volunteer application/consent forms, the Conduct Officer should verify that they are complete and legible. Next, the applications or information therein should be forwarded to the selected criminal background vendor.

### Results:

The results from the criminal background check vendor should be received by the Conduct Officer. The Conduct Officer may need the assistance of the vendor in interpreting the results against the predetermined disqualification criteria. In addition, the Conduct Officer should ask the vendor about any applicable first-offender acts in a particular state that may disallow the use of the results in making a disqualification decision. All disqualified applicants should be provided with the following documents:

- 1) Fair Credit Reporting Act: Summary of Rights
- 2) Letter of disqualification
- 3) Copy of the criminal background check results.

The vendor should advise if there are any other requirements under state or federal law.

## Appeals Process:

Volunteers and applicants disqualified due to an unsatisfactory criminal background check should be given a right to appeal if they notify the Conduct Officer in writing. Such appeals should be heard by a three-person Conduct Committee. The Conduct Committee should decide whether to uphold the decision of the Conduct Officer. As a compromise, the Conduct Committee may decide to reassign the Volunteer/applicant to a more appropriate position or to place the Volunteer/applicant under a probationary period. The results of all criminal background checks and appeals should be kept confidential.

The written appeal should include:

- Full name and address of the appellant
- Full name and address of any person making the request for an appeal on behalf of the appellant
- The grounds for the appeal, providing a detailed explanation of the appellant's objections to the decision, additional facts, or factual errors in the decision;
- The relevant particulars to the appeal, providing any background facts relating to the appeal, including how the appellant is affected by the decision and a detailed description of the requested relief (i.e. what appellant wants the Conduct Committee to do)
- The signature of the appellant or the appellant's representative, and the date of the appeal.

## **Monitoring and Supervision Compliance**

The Organization and its Conduct Officer and Conduct Committee should monitor and supervise the implementation and compliance of the Conduct Risk Management Program as follows:

- Require all Volunteers to review the Conduct Risk Management Program document and agree to abide by its guidelines and requirements.
- Require all Volunteers having repeated access to youth to undergo and pass a criminal background check.
- Promptly address any reports of child abuse or other misconduct and take appropriate action.
- Observe and periodically spot check compliance with interactions at classes, events and social media.
- Stay in touch with Volunteers, Students, and parents to learn of any potential instances of misconduct.

## **No Waiver of Discretion**

Nothing in this program shall be construed as a waiver or limitation of the Organization's discretion to disqualify an applicant for an employment or volunteer position, when in the sole opinion of the Board, such disqualification is in the best interest of the Organization or its Participants.

# Distribution/Acknowledgment/Documentation

A hard or electronic copy of this Conduct Risk Management Program must be distributed to each applicant and to Volunteers thereafter as per the renewal cadence described above. Each Volunteer should acknowledge in writing (print or electronic signature) that they have received and carefully reviewed the Conduct Risk Management Program, that they will refrain from engaging in misconduct and will comply with the policies within this program. The Organization should maintain documentation that the program document was distributed, and Volunteer agreement signatures collected.

## Sources

- Sadler & Company Resources.
  - SafeSport Child Abuse and Other Misconduct Risk Management Plan for Non-NGB Organizations © 2018 Sadler & Company, Inc. All Rights Reserved. Revised 05/2018
  - U.S. Center For SafeSport; SafeSport Code For the U.S. Olympic And Paralympic Movement; 12-28-2017
  - U.S. Center For SafeSport; Practices And Procedures; 3-3-2017
  - SafeSport Program Handbook; U.S. Figure Skating; 1-1-2018
  - USA Basketball SafeSport Program Handbook; 11-9-2017
  - Model Youth Football Safe Sport Policy; USA Football; 2-20-2015
- <http://www.bu.edu/policies/employment/consensual-relationships-with-students/>

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK,  
ACKNOWLEDGEMENT AND SIGNATURE PAGE TO FOLLOW]**

# Acknowledgement

I have read and been informed about the content, requirements, and expectations of the Conduct Risk Management Program for all Volunteers at The Sword Conservatory, Inc. I have received a copy of the Program and agree to abide by the policy guidelines as a condition of being a Volunteer at The Sword Conservatory, Inc.

I understand that if I have questions, at any time, regarding the Conduct Risk Management Program, I will consult with the Conduct Officer or a Board Member.

**Please read the Conduct Risk Management Program carefully to ensure that you understand the policy before signing this document.**

Volunteer Signature: \_\_\_\_\_

Volunteer Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

