# Safe Sport Policy

Revised: August 2025

# INTRODUCTION

NYWAY's mission is to improve both the quality and opportunity of participation for developing New York State Wrestlers. We are here to promote a developmental wrestling system that enables New York State Wrestling to prosper in participation and competitive success at all levels.

This Safe Sport Handbook addresses sexual and non-sexual misconduct in all of New York Wrestling Association for Youth programs as determined under the SafeSport Code for the U.S. Center for SafeSport (the "SafeSport Code"), and additional policies of NYWAY. Also included in this Handbook: (1) the available resources and required training of New York Wrestling Association for Youth, and its Member Programs and all Participants on recognizing and reducing circumstances for potential misconduct to occur; (2) information on New York Wrestling Association for Youth Screening and Background Check Program; (3) the availability and procedures for any person to Report suspected abuse or misconduct ; (4) the procedures and means by which New York Wrestling Association for Youth and its Member Programs should respond to allegations of abuse and misconduct; and (5) how New York Wrestling Association for Youth and its sanctioned clubs will monitor and supervise this program to help ensure its effectiveness.

New York Wrestling Association for Youth is committed to creating the safest possible environment for participation in wrestling. We pledge to protect, support, and empower our athletes through this Safe Sport Program. **Participation in New York Wrestling Association for Youth is a privilege, not a right. New York Wrestling Association for Youth grants the privilege of membership to individuals and Member Programs committed to its mission and values. The privilege of membership may, therefore, be withdrawn or denied by NYWAY at any time where the organization determines that a member or prospective member's conduct is inconsistent with the mission of the organization, its policies or the best interest of the sport and those who participate in it.**

*We encourage parents to become as active as possible in their child's local chartered club, and sanctioned events. As parents become more involved, the less likely it is for misconduct and abusive situations to develop.*

Questions about the New York Wrestling Association for Youth Safe Sport Program, or reports concerning possible violations of the Safe Sport Program Policies, may be delivered to New York Wrestling Association for Youth Director of Safe Sport by emailing to. Reports to the USCSS may be reported by (1) completing an online report to the USCSS at **https://www.safesport.org/report-a-concern**, or by (2) calling 720-524-5640.

NYWAY President
Adam Burgos

# DEFINITIONS AND INTERPRETATION

The following terms and phrases shall have the meaning ascribed to them below wherever used in this Safe Sport Handbook. Definitions in the U.S. Center for SafeSport Code are adopted for any terms not defined herein:

**"Athlete"** shall mean an individual who is listed as an athlete in New York Wrestling Association for Youth's membership database at all relevant times.

**"Applicable Adult"** shall have the meaning ascribed in relevant parts of Section II.

**Covered Organizations**: New York Wrestling Association for Youth and all sanctioned clubs.

**"knows or should know"** is used in certain sections of this Handbook with reference to a responsible adult that has knowledge of certain prohibited activities or conduct or, had that adult been properly performing their responsibilities, would have had knowledge of the prohibited activities or conduct.

**"Participant" (**formally Covered Individual**)** shall collectively mean:

1. Any individual who is seeking to be, currently is,[1] or was at the time of the alleged Code violation:

New York Wrestling Association for Youth has determined that "Participant" within New York Wrestling Association for Youth Safe Sport Policy also includes:

- All persons serving as a member of New York Wrestling Association for Youth's Board of Directors, on a national level council, committee or section, or in any other similar positions appointed by New York Wrestling Association for Youth.
- Any other Adult that is authorized or appointed by New York Wrestling Association for Youth, or a Member Program, to a) a position of authority over Athletes, or, b) to have regular contact with Minor Athletes, including but not limited to, vendors, media, and volunteer staff.
- The parent or legal guardian of a Minor Athlete who completes their minor athlete's registration.

**Jurisdiction**: Authority or control

**Minor Athlete (includes child or minor):** An amateur Athlete under 18 years of age.

**"Member Programs"** means and includes (individually and collectively, as the context requires) all New York Wrestling Association for Youth State Associations, chartered clubs, and sanctioned events.

**"Parent"** shall mean and refer to a parent and/or guardian, as appropriate.

"**Regular Contact**": Meaningful or direct contact which would be considered frequent, repeated, or consistent. It is relevant to assess both the nature of the action and the position of the parties involved. By way of example, but not by limitation, a volunteer at a scoring table would not be considered to have 'regular contact'; whereas a locker room monitor would be considered to have regular contact with a Minor Athlete. Volunteers who only have incidental and observable contact with Minor Athletes at events are not considered to have regular contact.

**"Responsible adult"** shall mean and refer to a person within a Member Program that has either been assigned or has assumed certain duties within a local chartered club or for a particular team regarding Covered Minors.

**"State Association"** shall mean and refer to those State Associations described in Article IX of New York Wrestling Association for Youth Bylaws.

**"NYWAY"** New York Wrestling Association for Youth

**"USCSS"** shall mean and refer to the U.S. Center for SafeSport.

**"USCSS Policies & Procedures"** shall mean and refer to collectively those certain procedures adopted by the USCSS for the U.S. Olympic and Paralympic Movement's National Governing Bodies including but not limited to U.S. Center for SafeSport Code; SafeSport Practices and Procedures; and Supplemental Rules; together with all amendments to any of these documents.

# SECTION I
# NEW YORK WRESTLING ASSOCIATION for YOUTH SAFE SPORT POLICY

New York Wrestling Association for Youth ("NYWAY") is committed to protecting, supporting and empowering all athletes, coaches, officials, and volunteers. All training, practice, and competitions should be free of misconduct, abuse, or harassment in any form. NYWAY advocates training and education to help build a strong self-image among athletes. Athletes with a strong self-image may be less likely targets for misconduct, abuse or harassment; similarly, they may be less likely to engage in misconduct or to abuse, harass, bully, or haze others around them. All forms of misconduct referred to below shall be intolerable and in direct conflict with NYWAY .

As a sport organization NYWAY and Participants within our State are required to comply with the SafeSport Code including the related SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (the "SafeSport Practices and Procedures") and the Supplemental Rules for U.S. Olympic and Paralympic SafeSport Arbitrations (the "Supplemental Rules"), collectively referred to hereafter as "USCSS Policies and Procedures". The USCSS Policies and Procedures, as any shall be amended in the future, are adopted and incorporated into this Safe Sport Policy of NYWAY by this cross-reference. NYWAY may institute policies for hearings on Non-Sexual Misconduct that may vary from the SafeSport Practices and Procedures and its Supplemental Rules.

The SafeSport Code serves as the benchmark (minimum standards) by which NYWAY determines whether a Safe Sport Policy violation has occurred. NYWAY may place higher standards of conduct on its Participants. All Participants and Applicable Adults must observe and adhere to the provisions of all applicable Codes of Conduct and this Safe Sport Policy. A violation of an applicable Code of Conduct may be investigated and adjudicated as a part of a SafeSport violation, or separately.

As the national governing body (NGB) for wrestling in the United States, NYWAY has delegated the jurisdiction and authority to the U.S. Center for SafeSport to investigate and adjudicate all reports or allegations of Sexual Abuse, Child Abuse, or Sexual Misconduct.

In the event that any Participant observes inappropriate behaviors (i.e., policy violations), suspected physical or sexual abuse, or any other type of abuse or misconduct*, it is the personal responsibility of each such person to immediately report their observations to the appropriate person* as described in Section V of this Handbook.

NYWAY has **ZERO TOLERANCE** for abuse and misconduct as set forth herein. How New York Wrestling Association for Youth and its Member Programs/Clubs respond to an allegation of abuse or misconduct is described in Section VI of this Handbook.

It is a violation of the Code for a Participant to engage in or tolerate: (1) Prohibited Conduct, as outlined in the Code; (2) any conduct that would violate any current or previous U.S. Center for SafeSport, NGB, or LAO 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. All capitalized terms not defined herein shall have the meaning set forth in the SafeSport Code.

Prohibited Conduct includes:

A. Criminal Charges or Dispositions
B. Child Abuse
C. Sexual Misconduct
D. Emotional and Physical Misconduct, including Stalking, Bullying, Hazing, and Harassment
E. Aiding and Abetting
F. Misconduct Related to Reporting
G. Misconduct Related to the Center's Process
H. Other Inappropriate Conduct
I. Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

Each category is defined in the SafeSport Code .

## A. CRIMINAL CHARGES OR DISPOSITIONS

The New York Wrestling Association for Youth Board of Directors has determined that NYWAY's policies prohibiting Criminal Charges or Dispositions shall be the same as the SafeSport Code.

## B. CHILD ABUSE

It is a violation of the SafeSport Code to engage in Child Abuse.

## C. SEXUAL MISCONDUCT

The New York Wrestling Association for Youth of Directors has determined that NYWAY's policies prohibiting Sexual Abuse and Misconduct shall be the same as the SafeSport Code. All capitalized terms not defined herein shall have the meaning set forth in the SafeSport Code.

The USCSS shall have authority and jurisdiction over the investigation and resolution of allegations of misconduct by any Participant of those policies set forth in the SafeSport Code, which prohibit Sexual Misconduct involving minors by an adult Participant 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 are set forth in the SafeSport Code and incorporated herein by reference.

The USCSS shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of the NYWAY Safe Sport policies described below and prohibiting physical misconduct, emotional misconduct, bullying, threats, hazing, and harassment *where such conduct is reasonably related to and accompanies a report or allegations involving Sexual Misconduct.*

A decision concerning a SafeSport violation adjudicated by USCSS shall not be reviewable through the NYWAY Safe Sport Policy or the internal grievance procedures of NYWAY.

### Reporting Obligations

Participants are required to promptly report any alleged violations of the Sexual Abuse and Misconduct Policy to either the USCSS or to NYWAY as set forth in Section V below.

**In addition to reporting to New York Wrestling Association for Youth or to the USCSS, such persons must also report suspected child physical or sexual abuse to appropriate law enforcement authorities when required under this Policy and/or under applicable law. Employees**

**and volunteers should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for reporting to appropriate law enforcement authorities.**

Reports to the USCSS may be reported by (1) completing an online report to the USCSS at **https:// www.safesport.org/report-a-concern**, or by (2) calling **720-524-5640**. Reports to the USCSS shall be handled according to the USCSS Policies & Procedures.

## D. EMOTIONAL AND PHYSICAL MISCONDUCT, INCLUDING STALKING, BULLYING, HAZING, AND HARASSMENT

It is the policy of NYWAY that there shall be no Emotional or Physical Misconduct, including Stalking, Bullying, Hazing and Harassment, as defined in the SafeSport Code in any practices, tournaments, or other sanctioned events of New York Wrestling Association for Youth or its Member Programs.

### 1. Physical Misconduct:

Includes, but is not limited to, any intentional contact or non-contact behavior that causes or reasonably threatens to cause physical harm to another person. Physical Misconduct also includes physical contact with another person that intentionally creates a threat of immediate bodily harm or personal injury (including emotional harm). Physical Misconduct may also include intentionally hitting or threatening to hit an Athlete directly or with objects or equipment. Physical Misconduct may constitute Child Abuse under State or Federal Laws which require mandatory reporting.

Physical Misconduct does not include conduct between opponents that occurs during or in connection with a match that is covered by the NYWAY Rules and Procedures.

Appropriate physical contact between athletes and coaches, staff members, contractors or volunteers is a productive and inevitable part of a contact sport such as wrestling. Athletes are more likely to acquire advanced physical skills and enjoy their sport participation through appropriate physical contact. However, guidelines for appropriate physical contact reduce the potential for misconduct in sport.

Physical Misconduct does not include physical contact that is reasonably designed to coach, teach, demonstrate or improve wrestling skills, including physical conditioning, team building and appropriate discipline. Permitted physical conduct may include, but is not necessarily limited to, demonstrating wrestling skills, and communicating with or directing athletes during the course of a match or practice by touching or moving them in a non-threatening, non-sexual manner.

#### Appropriate Physical Contact

NYWAY adheres to the following principles and guidelines in regard to physical contact with our athletes:

Physical contact with athletes – *for safety, consolation and celebration* – has multiple criteria in common which make them both safe and appropriate. These include:

a. the physical contact takes place in public
b. there is no potential for actual contact of an unclothed intimate body part during the physical activity
c. the physical contact is for the benefit of the athlete, not to meet an emotional or other need of an adult

### Safety

The safety of our athletes is paramount, and in many instances, we make the athletic space safer through appropriate physical contact. Examples of coaching physical contact include:

- showing/demonstrating proper technique to a wrestler
- positioning an athlete's body so that they more quickly acquire an athletic skill, get a better sense of where their body is in space, or improve their balance and coordination
- making athletes aware that they might be in harm's way because of other athletes practicing around them or because of equipment in use
- releasing muscle cramps under the Massaging, Icing and Taping protocol below

### Celebration

Sports are physical by definition and we recognize participants often express their joy of participation, competition, achievement and victory through physical acts. We encourage these public expressions of celebration, which include high-fives, fist bumps, and brief "side hugs"; congratulatory gestures such as celebratory hugs, "jump-arounds" and pats on the back.

### Consolation

It may be appropriate to console an emotionally distressed athlete (e.g., an athlete who has been injured or has just lost a competition), including embracing a crying athlete or putting an arm around an athlete while verbally engaging them in an effort to calm them down ("side hugs").

### Prohibited Physical Contact

Prohibited forms of physical contact, includes, without limitation:

- Asking or having an athlete sit in the lap of a coach, administrator, staff member or volunteer
- Lingering or repeated embraces of athletes that go beyond the criteria set forth for acceptable physical contact
- Slapping, hitting, punching, kicking or any other physical contact meant to discipline, punish or achieve compliance from an athlete
- "Cuddling" or maintaining prolonged physical contact during any aspect of training, travel or overnight stay
- Playful, yet inappropriate contact that is not a part of regular training, (e.g., tickling or "horseplay" wrestling)
- Continued physical contact that makes an athlete obviously uncomfortable, whether expressed or not
- Any contact contrary to a previously expressed personal desire for decreased or no physical contact, where such decreased contact is feasible in a competitive or training environment

## 2. Emotional Misconduct

It is the policy of NYWAY that there shall be no Emotional Misconduct, as defined in the SafeSport Code, of any person by a Participant involved in any of its Member Programs, or sanctioned events. Emotional Misconduct involves repeated and/or severe 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 Misconduct prohibited by this Policy include, without limitation: (a) **verbal behaviors** that (i) attacks another personally (e.g., cursing, calling them worthless, fat, or disgusting); or (ii) excessively yelling, insulting, demeaning, or cursing at a particular person(s)

in a manner that serves no productive motivational purpose; (b) **physically aggressive behaviors,** such as (i) striking an individual (ii) throwing sport equipment, water bottles, or chairs at or near participants; or (iii) punching walls, windows, or other objects; and (c) **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 NYWAY or any of its Member Programs, such behaviors would typically not constitute Emotional Misconduct unless a pattern of such conduct had occurred. However, such behavior may violate the Coaches Code of Conduct and subject a coach to appropriate discipline.

*Constructive* criticism about an athlete's performance is not emotional abuse or misconduct. Further, 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. However, a coach is subject to the Coach's Code of Conduct. Emotional Misconduct also does not include conduct between opponents or officials that occurs during or in connection with a match that is covered by the Rules. Such conduct should be addressed under the Rules.

## 3. Bullying, Threats, Harassment, and Hazing

NYWAY supports an environment for participation in wrestling conducive to the enjoyment of wrestling that is free from threats, harassment, hazing, and any type of bullying behavior.

**a.** Bullying is defined in the SafeSport Code 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 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 is usually between minors, but in some cases the conduct defined under the SafeSport Code may be applied with adult actions in conjunction with an allegation of Harassment or Hazing.

Bullying does not include group or team behaviors that are reasonably designed to establish healthy normative team behaviors or promote team cohesion. Bullying also does not include unnecessary roughness or conduct between opponents that occurs during or in connection with a match that is covered by the Rules. Such conduct should be addressed under the Rules.

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

**b.** 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 by a Participant is prohibited in any manner.

**c.** Harassment is defined in the SafeSport Code includes repeated and/or severe conduct 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 or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability.

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 NYWAY participant who engages in any act of harassing behavior is subject to appropriate disciplinary action. The severity and pattern, if any, of the harassing behavior and/or result shall be taken into consideration when disciplinary decisions are made.

**d.** There shall be no Hazing, defined in the SafeSport Code, by any Participant. 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 an athlete's willingness to cooperate or participate.

Hazing does not include group or team activities that are meant to establish healthy 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. Examples of activities that do not constitute hazing include directing or allowing a younger participant to clean up after practice or bring or fill water bottles, or giving older athletes first preference in team assignments, responsibilities, accommodations, facilities, or equipment.

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).

## E. 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, and further defined in the SafeSport Code. In addition, a Participant also violates the Code 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. Parents must not allow their child to be coached by a Participant under sanction by NYWAY; your child may suffer consequences for your actions'.

## F. MISCONDUCT RELATED TO REPORTING

Any person making a knowingly false allegation in a matter over which the Center or NYWAY exercises jurisdiction shall be subject to disciplinary action by the Center and/or NYWAY. SafeSport Code .

## G. MISCONDUCT RELATED TO THE CENTER'S/NYWAY PROCESS

Retaliation against anyone for engaging in the USCSS or NYWAY processes under the SafeSport Code is prohibited. SafeSport Code .

## H. OTHER INAPPROPRIATE CONDUCT

Intimate Relationships, Exposing a Minor to Imagery, Intentional Exposure of Private Areas, and Inappropriate Physical Contact are prohibited. SafeSport Code .

## I. VIOLATION OF MINOR ATHLETE ABUSE PREVENTION POLICES

**It is prohibited to violate any terms of NYWAY's Minor Abuse Prevention Policies in Section II.**

The USCSS shall also have authority and jurisdiction over the investigation and resolution of reports or allegations of (i) a Participant's failure to report a violation required to be reported under the USCSS Policies & Procedures, (ii) bad faith reporting of an allegation within the jurisdiction of the USCSS, (iii) retaliation against any participant in the proceedings under the jurisdiction of the USCSS, and (iv) abuse of process in the proceedings under the jurisdiction of the USCSS, all as further defined in the USCSS Policies & Procedures.

**NYWAY encourages parents to become as active as possible in their child's local chartered club, and sanctioned events. As parents become more involved, the less likely it is for misconduct and abusive situations to develop.**

# SECTION II
# NEW YORK WRESTLING ASSOCIATION for YOUTH MINOR ATHLETE ABUSE PREVENTION POLICIES

As a part of this Safe Sport Handbook (including all USCSS Policies and Procedures), NGB's and Paralympic sports organizations must implement *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 an NGB or Paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances*.

"Applicable Adults" as defined under each policy are subject to the Education and Awareness Training Policy in Section III of this Safe Sport Program Handbook.

In addition, with the exception of athletes who are members of the same team, Minor Athletes who reach the age of majority (i.e. 18 years of age) must adhere to the provisions found in the Minor Athlete Abuse Prevention Policies when interacting with Minor Athletes who are 14 years of age or younger.

Minor Athletes who reach the age of majority and then obtain a position of authority that presents a power imbalance, such as becoming a coach or official, must also comply with these prevention policies regardless of the age of the Minor Athletes with whom they will interact.

An Applicable Adult or parent of a Minor Athlete who violates any of these Minor Athlete Abuse Prevention Policies violates the SafeSport Code and is subject to appropriate disciplinary action including but not limited to suspension, permanent suspension and/or referral to law enforcement authorities. Infractions of Minor Athlete Abuse Prevention Policies should be reported to the appropriate person as described in Section V of this Handbook.

## A. ONE ON ONE POLICY

Most of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, programs reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a child. The following Minor Athlete Abuse Prevention Policies protect children while allowing for these beneficial relationships.

This One on One policy shall apply to the following individuals, collectively "Applicable Adult" for the purposes of this policy:

1) Adult members at a facility that is either partially or fully under the jurisdiction of New York Wrestling Association for Youth
2) Adult members who have regular contact with amateur athletes who are minors;
3) Any adult authorized by a New York Wrestling Association for Youth to have regular contact with or authority over an amateur athlete who is a minor; and
4) Adult staff and board members of New York Wrestling Association for Youth

To further protect NYWAY Minor Athletes, as well as our coaches, officials, volunteers, and staff, no Applicable Adult should allow him/herself to be alone with a Minor Athlete or with any group

of Minor Athletes in a private setting during or while they are participating in sanctioned activities of NYWAY, its state associations, or its member clubs. *However, an individual meeting may be necessary to address an athlete's concerns, training program, or competition schedule.* Under those circumstances, Applicable Adults are to observe the following guidelines:

Observable and interruptible:

One-on-one interactions between a Minor Athlete and an Applicable Adult (who is not the minor's legal guardian) at a facility partially or fully under our jurisdiction are permitted only if they occur at an observable and interruptible distance by another adult, except in the circumstances described in subparts c and d of this section, or under emergency circumstances.

Meetings

Meetings between Applicable Adults and Minor Athletes at a facility partially or fully under our jurisdiction may only occur if another adult is present, or where interactions can be easily observed and at an interruptible distance by another adult (except under emergency circumstances).

If a one-on-one meeting takes place in an office at a facility partially or fully under our jurisdiction, the door to the office must remain unlocked and open. If available, it will occur in an office that has windows, with the windows, blinds, and/or curtains remaining open during the meeting.

Meetings with mental health care professionals and health care providers If a mental health care professional and/or health care provider meets with Minor Athletes at a facility partially or fully under our jurisdiction, a closed-door meeting may be permitted to protect patient privacy provided that: (1) the door remains unlocked; (2) another adult is present at the facility; (3) the other adult is advised that a closed-door meeting is occurring; and (4) written legal guardian consent is obtained in advance by the mental health care professional and/or health care provider, with a copy provided to our organization.

Individual training sessions

Individual training sessions between Applicable Adults and Minor Athletes are permitted at a facility partially or fully under our jurisdiction if the training session is observable and interruptible by another adult. It is the responsibility of the Applicable Adult to obtain the written permission of the minor's legal guardian in advance of the individual training session if the individual training session is not observable and interruptible by another adult. Permission for individual training sessions must be obtained at least every six months. Parents, guardians, and other caretakers must be allowed to observe the training session.

### One on One Interaction Best Practices

1) Applicable Adults should take all reasonable precautions to avoid being alone with an individual Minor Athlete, unless the adult is the minor's legal guardian or a personal care assistant (except under exigent circumstances).
2) New York Wrestling Association for Youth and Member Programs understand that a coach and staff members may interact one-on-one with unrelated Minor Athletes in settings outside the training/competition environment. Part of coaching a Minor Athlete involves mentoring in regard to New York Wrestling Association for Youth's core values, which goes beyond wrestling technique. However, New York Wrestling Association for Youth is cognizant that such interactions can be used by predators to groom a Minor Athlete. Therefore, such interactions must include specific written parental/guardian

consent (absent emergency situations) for any interactions outside the training environment.

3) Minor Athletes may not reside with an unrelated coach, staff member and/or volunteer, nor may a coach, staff member and/or volunteer reside with a Minor Athlete's family that participates in a New York Wrestling Association for Youth or Member Program without written parental consent.

## B. ELECTRONIC COMMUNICATION POLICIES

As part of New York Wrestling Association for Youth's emphasis on safety, communications involving any Minor Athlete, should be appropriate, productive, and transparent. Effective communication concerning travel, practice or tournament schedules, and administrative issues among coaches, administrators, athletes and their families is critical. However, the use of mobile devices, web-based applications, social media, and other forms of electronic communications increases the possibility for improprieties and misunderstandings and also provides potential offenders with unsupervised and potentially inappropriate access to Minor Athletes.

This policy shall apply to:

1) Adult members who have regular contact with amateur athletes who are minors;
2) Any adult authorized by a New York Wrestling Association for Youth to have regular contact with or authority over an amateur athlete who is a minor; and
3) Adult staff and board members at a New York Wrestling Association for Youth.

(Collectively "Applicable Adult" for the purposes of this electronic communications policy).

All electronic communication between an Applicable Adult and athlete should be for the purpose of communicating information about team activities or athlete performance. Electronic communications should generally only be sent between the hours of 8AM and 9PM, unless emergency circumstances exist, or while travelling internationally or during competition.

All content between Applicable Adult and athletes should be readily available and in a form that could be shared with the public or families of the athlete or Applicable Adult. Any email, text, social media, or similar communication to a Minor Athlete must also copy or include the Athlete's parents or another Applicable Adult (except in exigent circumstances as may be reasonably necessary). New York Wrestling Association for Youth Programs will monitor its social media pages and remove any posts that violate New York Wrestling Association for Youth's policies and practices for appropriate behavior.

The Member Program will inform the legal guardian of a Minor Athlete of any prohibited posts, as well as the organization's administrator.

### Social Media

Applicable Adults are prohibited from having Minor Athletes joined to or connected through their personal Facebook page or any other similar social media application. To facilitate communication, an official organization or team page may be set up and athletes and parents may join (i.e., "friend") the official organization or team page and Applicable Adult can communicate to athletes through that site (in accordance with all One on One Policies). All electronic communication of any kind between Applicable Adult and athlete, including use of social media, must be non-personal in nature and be for the purpose of communicating information about team activities or for team oriented motivational purposes.

Applicable Adults and athletes may "follow" each other on public Twitter and/or similar public media. Applicable Adult cannot "re-tweet" athlete message posts. Applicable Adult and Minor

Athletes are not permitted to direct message each other on Twitter and similar platforms regarding personal matters which would constitute a violation of the SafeSport Code. All posts between coach and Minor Athlete must be for the purpose of communicating information about team activities, or athlete performance.

### Email, Text Messaging and Similar Electronic Communications

Applicable Adults and athletes may use email and text messaging to communicate. All email and text message content between Applicable Adults and athletes must be professional in nature and be for the purpose of communicating information about team activities or athlete performance. Emails and text messages from an Applicable Adult to any Minor Athlete must include a copy to the Minor Athlete's parent(s) or another Applicable Adult (except in exigent circumstances as may be reasonably necessary). Where possible, all Applicable Adults should be provided and use the organization web site email center (the coach's return email address will contain "@organization.com") for all communications with the team, athletes, and athlete's parents.

### Request to Discontinue Communications

Following receipt of a written request by the parents of a Minor Athlete that their child not be contacted through any form of electronic communication by Applicable Adults in the program, the Member Program, team, coaches and administrators shall immediately comply with such request without any repercussions for such request.

### Abuse and Misconduct

Social media and other means of electronic communication can be used to commit abuse and misconduct (e.g., emotional, sexual, bullying, harassment, and hazing). Such communications by any Applicable Adult will not be tolerated and are considered violations of New York Wrestling Association for Youth's Safe Sport Program. If a Minor Athlete initiates communication to an Applicable Adult privately, said Applicable Adult should respond to the Minor Athlete with a copy to another Applicable Adult or minor's legal guardian; and should indicate to the Minor Athlete that private communications are not permitted.

## C. MASSAGING, ICING, AND TRAINING MODALITY POLICY

Any massage or rubdown/athletic training modality performed at a facility or a training or competition venue must be conducted in an open and interruptible location. Any massage of a Minor Athlete must be done with at least one other adult present and must never be done with only the Minor Athlete and the person performing the massage or rubdown/athletic training modality in the room.

This policy shall apply to:

1) Adult members at a facility that is either partially or fully under the jurisdiction of New York Wrestling Association for Youth
2) Adult members who have regular contact with amateur athletes who are minors;
3) Any adult authorized by New York Wrestling Association for Youth to have regular contact with or authority over an amateur athlete who is a minor; and
4) Adult staff and board members of New York Wrestling

Association for Youth. (Collectively "Applicable Adult" for the

purposes of this policy.)

## D. LOCKER ROOM POLICY

Athlete-to-athlete problems, such as sexual abuse, bullying, harassment or hazing, often occur when a coach or other responsible adult is not able to observe – this is especially true in locker rooms. Adherence to a locker room policy enhances privacy and significantly reduces the likelihood of misconduct. Proper supervision of the locker room areas also helps ensure that Minor Athlete's that may have suffered an injury during a game or practice have an adult present to confer with regarding such injury.

This policy shall apply to:

1) Adult members at a facility that is either partially or fully under the jurisdiction of New York Wrestling Association for Youth.
2) Adult members who have regular contact with amateur athletes who are minors.
3) Any adult authorized by New York Wrestling Association for Youth to have regular contact with or authority over an amateur athlete who is a minor; and
4) Adult staff and board members of New York Wrestling Association for Youth.

(Collectively "Applicable Adult" for purposes of this policy.)

If our organization uses a facility not fully under our jurisdiction (for, e.g., training or competition or similar events) and the facility is used by multiple constituents, Applicable Adults in categories 1 through 4 are nonetheless required to adhere to the rules set forth herein.

Except for athletes on the same team, at no time are unrelated Applicable Adults permitted to be alone with a Minor Athlete in a locker room or changing area when at a facility under our partial or full jurisdiction, except under emergency circumstances.

If our organization is using a facility that only has a single locker room or changing area, we will designate separate times for use by Applicable Adults, if any.

**Locker Room Supervision**

It is the policy of New York Wrestling Association for Youth that all New York Wrestling Association for Youth Member Programs must have at least two Applicable Adults present monitoring the locker room during all team events to assure that only coaches, athletes, approved team personnel and family members are permitted in the locker room and to supervise the conduct in the locker room. Acceptable locker room monitoring should include having a locker room monitor in the immediate vicinity just outside the locker room (close proximity to the door so that the monitor can sufficiently hear inside the locker room); and regular and random monitoring of locker rooms/changing areas at facilities under our jurisdiction to ensure compliance with these policies. Except in emergency situations, it is required that there be two monitors, both of which have been background screened and Safe Sport trained, when monitoring inside a locker room. All monitors shall be of the same sex as the athletes in the locker room. A local chartered club may impose or follow stricter monitoring requirements.

Any individual meetings between a Minor Athlete and an Applicable Adult in a locker room shall require that a second Applicable Adult is present.

The Applicable Adults that monitor and supervise the locker room shall have completed SafeSport Training in compliance with Section III **and** completed a background check in compliance with Section IV of this Handbook. *All Member Programs are responsible to work with their teams and coaches to adequately ensure that locker room monitors are in place at all appropriate times.*

The use of any device (cell phone or camera) with recording capabilities in the locker rooms is not permitted at any New York Wrestling Association for Youth practice or sanctioned event, provided that it may be acceptable to take photographs or recordings in a locker room in such unique circumstances as a victory celebration, team party, etc., where all persons in the locker room are appropriately dressed and have been advised that photographs or recordings are being taken. Coaches or Club Directors shall be responsible to convey this information to parents and adults present.

All local chartered clubs shall publish locker room policies to the parents of all Minor Athletes that are specific to the facilities they regularly use. The Member Program's policies shall include the program's (a) practices for supervising and monitoring locker rooms and changing areas; (b) permission or lack of permission for parents to be in the locker rooms; (c) prohibited conduct, including at least all forms of abuse and misconduct prohibited by Wrestling; and (d) specific policies regarding the use of mobile electronic devices and phones and prohibiting the use of a device's recording capabilities. A sample locker room policy form may be found in Appendix D.

For each team, the coach and/or team administrators shall be responsible for compliance with the locker room supervision requirements of this Policy. A coach and/or team administrator that fails to take appropriate steps to ensure the Locker Room Policy is adhered to, and any other Applicable Adult, or parent of a Minor Athlete, who otherwise violates this Policy is subject to appropriate disciplinary action.

### Co-Ed Locker Rooms

As a sport in which youth teams can often include both male and female athletes, special circumstances may exist that can increase the chance of abuse or misconduct. If the team consists of both male and female athletes, both female and male privacy rights must be given consideration and appropriate arrangements made. It is not acceptable under New York Wrestling Association for Youth's Safe Sport Policy for persons to be observing the opposite gender while they dress or undress. There are a variety of ways to comply with the above tenets, and what works may depend on the locker rooms that are available at a facility. Where possible, the male and female athletes should undress/dress in separate locker rooms and then convene in a single dressing room prior to the match or team meeting. Once the match is finished, the athletes may come to one locker room and then the male and female athletes proceed to their separate dressing rooms to undress and shower (separately), if available. If separate locker rooms are not available, then the genders may take turns using the locker room to change and then leave before the other gender changes. When separate locker rooms are used, both locker rooms must be properly monitored. Where possible, when both male and female athletes are together in the locker room, there should be at least two Applicable Adults in the locker room that have been properly screened in compliance with New York Wrestling Association for Youth Background Screening Policy.

### Coaches/Adults in Locker Rooms

Under no circumstances shall an unrelated Applicable Adult expose his or her breasts, buttocks, groin, or genitals to a Minor Athlete. A member (including an adult athlete) acting in a coaching role shall not shower with Minor Athletes.

To minimize the risk of bullying and hazing, our organization uses locker room monitors to ensure that Minor Athletes are not left unsupervised in locker rooms and changing areas.

Applicable Adults shall make every effort to recognize when a Minor Athlete goes to the locker room or changing area during practice and competition and, if they do not return in a timely fashion, will check on the Minor Athlete's whereabouts.

We discourage parents from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent when other Minor Athletes are changing in the same locker room or changing area. If this is necessary, parents should let a coach or administrator know about this in advance.

## E. TRAVEL POLICY

Minors are most vulnerable to abuse or misconduct during travel, particularly overnight stays. This includes a greater risk of minor-to-minor misconduct. During travel, athletes may be away from their families and support networks, and the setting – unfamiliar locker rooms, automobiles, and hotel rooms – is less structured and less familiar. A travel policy provides guidelines so that care is taken to minimize one-on-one interactions between minors and adults while traveling. Further, the policy directs how Minor Athletes will be supervised between and during travel to and from practice and competitions. Adherence to travel policies helps to reduce the opportunities for misconduct.

Each New York Wrestling Association for Youth Member Program shall have a team travel policy applicable to youth teams that is published and provided to all athletes, parents, coaches and other adults that are travelling with the team. It is strongly recommended that a signature by each adult acknowledging receipt of and agreeing to the travel policy be obtained by the Member Program. Some travel involves only local travel to and from local practices, games and events, while other travel involves overnight stays. Different policies should apply to these two types of travel.

This policy shall apply to:

1) Adult members who have regular contact with amateur athletes who are minors.
2) Any adult authorized by a New York Wrestling Association for Youth to have regular contact with or authority over an amateur athlete who is a minor; and
3) Adult staff and board members at a New York Wrestling Association for Youth.

(Collectively "Applicable Adult" for the purposes of this travel policy.)

**TRAVEL POLICY REQUIREMENTS**:

**Local Travel: Any travel where an overnight stay is not required**

- Any Applicable Adult, who are not also acting as a parent, should avoid driving alone with an unrelated Minor Athlete and should only drive with at least two other athletes or another adult at all times, unless otherwise agreed to in writing by the minor's parent (or in emergency situations as reasonably necessary). It is recognized that in some limited instances it will be unavoidable for an employee, coach or volunteer to drive alone with an unrelated Minor Athlete (reasonable emergency situations). However, efforts should be made to minimize these occurrences and to mitigate any circumstances that could lead to allegations of abuse or misconduct.
- Applicable Adults who are also an athlete's parent or guardian may provide shared transportation for other athlete(s) when transporting their athlete. Best practice is that they pick up their athlete first and drop off their athlete last.

### Organization/Team Travel: Any travel where an overnight stay planned/supervised by club

- Regardless of gender, a Applicable Adult shall not share a hotel room or other sleeping arrangement with a Minor Athlete unless the Applicable Adult is the parent, guardian or sibling of the athlete or unless the parent or guardian of the Minor Athlete is also sharing the same hotel room (e.g., two adults, one or both of whom is a Applicable Adult, and their children, share a hotel room). Family members who wish to stay in the team hotel shall be permitted and encouraged to do so.
- A parent consent for any Minor Athlete that will travel without his or her parents. All One-on-One policies shall apply to Team Travel.
- The local chartered club shall provide adequate supervision through Applicable Adults and other adult chaperones. If a team is composed of both male and female athletes, then it is recommended that chaperones are arranged of the same gender athlete.
- Athletes should share rooms with other athletes of the same gender, with the appropriate number of athletes assigned per room depending on accommodations.
- Regular monitoring and curfew checks should be made of each room by at least two properly screened adults.
- The team personnel shall ask hotels to block adult pay per view channels.
- Individual meetings between an athlete and Applicable Adult may not occur in hotel sleeping rooms.
- All athletes shall be permitted to make regular check in phone calls to parents. Team personnel shall allow for any unscheduled check in phone calls initiated by either the athlete or parents.
- The team shall make every effort to accommodate reasonable parental requests when a child is away from home without a parent.
- Specific travel itineraries will be distributed to parents when they are available and will include a detailed itinerary as well as contact information for all team personnel and chaperones.
- If disciplinary action against an athlete is required while the athlete is traveling without his/her parents, reasonable attempts to notify the athlete's parents will be made before any action is taken.
- No Applicable Adult or chaperone shall at any time be under the influence of alcohol or drugs while performing their coaching and/or chaperoning duties (shall have two 'designated adult chaperones', who will not be consuming alcohol).
- In all cases involving travel, parents have the right to transport their Minor Athlete and have the Minor Athlete stay in their hotel room.

Upon proof of a violation of New York Wrestling Association for Youth's policies regarding travel, the offender will be subject to appropriate disciplinary action

# SECTION III
# EDUCATION AND AWARENESS TRAINING

Education is a key component of any abuse and misconduct prevention strategy. Awareness training provides everyone, including Participants and Applicable Adults, with information necessary to more effectively monitor their organization, minimize the opportunities for Physical and Sexual Misconduct and other types of abuse, and respond to concerns. Protecting and empowering our athletes is of paramount concern to NYWAY. *With education comes knowledge, and knowledge empowers an athlete and others to identify misconduct and feel safe to report.*

Participants and Applicable Adults should have a basic understanding of sexual abuse and the strategies that offenders use to seduce/groom their victims. Using a combination of attention, affection and gifts, offenders select a victim, win their trust (and the trust of child's caregiver or "gatekeeper"), manipulate the victim into sexual activity, and keep the child from disclosing abuse.

It is the policy of NYWAY that all Adult Participants and Applicable Adults shall complete appropriate Minor Athlete Abuse Prevention Training as required by USCSS https://www.safesport.org/what-we-do. Applicable Adults and Participants shall complete said training:

- Before regular contact with an amateur athlete who is a minor begins; or
- Within the first 45 days of initial membership, or upon beginning a new role subjecting the adult to this policy.

NYWAY's provides the following clarification on expectations and responsibility:

A. Local Chartered Club: The club's directors and board members, are the representatives that are primarily responsible for administering and supervising NYWAY programs at the local level. These representatives must be fully versed in NYWAY's Safe Sport Program and possess the information necessary to more effectively monitor their organization, minimize the opportunities for child physical and sexual abuse and other types of misconduct, and respond to concerns. Each local chartered club registering Minor Athletes shall require that those adults in managerial or supervisory roles of such program shall have completed the online SafeSport Training (www.safesport.org). NYWAY has adopted the USCSS SafeSport training materials, which include a series of online training videos that are available for the training of local chartered club leaders, administrators, board members, and Minor Athletes. A "refresher" course shall be taken every year thereafter by any Applicable Adult or Participant that has previously completed the initial course.

   Within 30 days of the date a local club files for its Charter for the current season, and before any Applicable Adult or Participant has any interaction with a Minor Athlete, each President of a Chartered Club shall attest and confirm with its State Association Safe Sport Coordinator that those persons in managerial or supervisory roles of each local chartered club registering youth athletes in their State have completed the training.

B. Coaches: All coaches shall be required to complete USCSS SafeSport training before any regular contact with an Athlete. Upon completion of the initial training course, a coach

must satisfy the additional training requirement by completing the SafeSport "refresher" course every year thereafter in compliance with policies of USCSS.

C. Officials: All officials eighteen (18) years and older (as of September 1st of the year of registration) shall complete the SafeSport Training program prior to any officiating. Upon completion of the initial training course, an official must satisfy the additional training requirement by completing the SafeSport "refresher" course every year thereafter. The State Affiliate Safe Sport Coordinator shall strive to ensure all officials working at any sanctioned event in their state are up to date on their SafeSport training.

D. Other Volunteers/Employees: All volunteers and employees in NYWAY Member Programs that will have regular contact with, or supervision over Minor Athletes, and all persons in a supervisory position of a NYWAY Member Program, shall be required to complete the SafeSport Training Program; and shall complete the annual refresher course after their initial training.

Volunteers and employees that have less than regular access to Minor Athletes are strongly encouraged to complete the SafeSport Training. Programs should plan early so that volunteers have adequate time to complete the training before assuming duties.

A. Minor Athletes/Parents: **Each chartered club shall, subject to parental consent, annually offer and give training to members who are minors regarding prevention and reporting of child abuse. Each club shall track**:

1. Description of the training offered.
2. The date the training was offered and given; and
3. A description of how the training was offered and given.

Parent education is one of the keys to keeping a program safe from abuse and misconduct. Parents can assist by helping avoid situations in which misconduct can occur, by being aware of the signs and symptoms of abuse, and by reporting suspected abuse. Additionally, NYWAY Member Programs will notify all parents about the availability of a SafeSport "parent" training video that is available to all parents *(please note that that parent training course does not satisfy the training requirement for coaches, officials or other volunteers or administrators)*

Each NYWAY State Association shall have a Safe Sport Coordinator (Appendix C) whose duties will include: assisting New York Wrestling Association for Youth in the promotion/education of Safe Sport Policy in their state; monitoring the training of local chartered club administrators and others within the State Association; serving as the State Association's initial contact for persons reporting suspected abuse, misconduct or other violations; compiling information on disciplinary issues within their State; and, when appropriate, reporting such information to NYWAY.

NYWAY's policies and procedures require Participants and Applicable Adults to report abuse, misconduct, and violations of its Safe Sport Policy (see Section V, Reporting of Concerns of Abuse).

# SECTION IV
# SCREENING AND BACKGROUND CHECK PROGRAM

**Purposes of a Screening Policy**

Protect NYWAY Participants from known offenders so that such known offenders do not have access to NYWAY members.

Deter offenders that have not been caught from joining NYWAY's programs because the program has a known background screen policy and Safe Sport Program targeted against abuse.

Help create an environment where parents and athletes can feel safe engaging in the sport of wrestling

**Background Information**

As most are aware, New York Wrestling Association ("NYWAY") implemented a voluntary background screening procedure in 2013 and will implement a mandatory background screening program in the 2013/2014 membership year, and thereafter, for all head club coaches, officials, Executive & Board of Directors, Volunteers and Travel Team Coaches. Those individuals involved with this process are very familiar with the reasons background screening was implemented. For others the question might be asked is "why does NYWAY do background screening in the first place"? There are two primary reasons:

The first relates to responsibility. NYWAY and its clubs not only have a professional and moral responsibility to provide a "safe" environment for its members during sanctioned activities, but also a legal responsibility. As parents we all want to know that when our children are under the supervision of another adult, the organization has taken reasonable steps to determine that those individuals are worthy of the responsibility to coach, officiate or chaperone minors. Under the policy, NYWAY will not authorize or sanction any employee or volunteer who has regular, routine or frequent access to Minor Athletes, or is authorized to be in a position of authority over any athlete, unless and until that person consents to be screened and passes a criminal background screen conducted by NYWAY.

Implementing both a background screening policy and this Safe Sport Program, will be beneficial to all NYWAY Members regarding insurance coverage that is both complete and affordable.

According to a recent report, sexual abuse claims have increased over 200% in the past seven years. Additional statistics speak to the unfortunate rise in abuse:

- 1 in 5 girls and 1 in 20 boys is a victim of child sexual abuse.
- Self-report studies show that 20% of adult females and 5-10% of adult males recall a childhood sexual assault or sexual abuse incident.
- During a one-year period in the U.S., 16% of youth ages 14 to 17 had been sexually victimized.
- Over the course of their lifetime, 28% of U.S. youth ages 14 to 17 had been sexually victimized.
- Children are most vulnerable to sexual assault between the ages of 7 and 13.

There are many theories as to the reasons, but the fact of this increase has caused all insurance carriers to reduce or eliminate sexual abuse/molestation coverage from their policies, especially

the policies covering activities where there is close interaction between minors and adults. In an effort to continue to provide this most important coverage, insurance companies turned to the process of background screening as a "risk management tool" to help reduce potential sexual abuse/molestation claims by identifying and eliminating individuals that might pose a threat from the group they are insuring. So, it could become the case that without mandatory background screening in place, the insurance carriers may not offer any coverage to NYWAY for sexual abuse/molestation claims.

In 2013, the NYWAY Board of Directors approved a resolution endorsing a requirement for mandatory background screening on all NYWAY member coaches, officials, and the volunteers of state association national and regional teams. Presently, NYWAY has a Safe Sport Policy in place, and mandatory background screening in an extension of that policy. NYWAY is requiring the implementation of a background screening program for the purpose of determining eligibility for NYWAY member coaches, officials and state association national or regional team volunteer members, and anyone who is authorized to be in a position of authority over athletes. Background screening has been implemented by NYWAY to promote a safe and supportive environment in which youth athletes can pursue their athletic goals. These background checks are also designed to provide an environment where parents of children can feel good about allowing their child to participate in wrestling activities. Please note that the screening is not intended to serve as a pre-employment background screening program, nor can screening guarantee that incidents of abuse may occur. The cost for the background screen required by NYWAY is presently $27.50. This fee will be paid by NYWAY to a third-party vendor as determined by the Board (the Provider) at the time that he/she goes online to initiate a background screen. All other club coaches and volunteer coaches must be paid by the participant.

**Program Guidelines**

The background screening performed on the members is based on the members' name, date of birth, address history and social security number.

The program is designed to:

1) Protect the confidentiality of information and the privacy of NYWAY members.

2) Review members and prospective members screening on the screening criteria established by NYWAY.

3) Provide those members who have been screened with an opportunity to challenge incorrect information found in the screening process before a result is forwarded to NYWAY.

4) Allow individuals in the case of a failed result, based on the NYWAY screening criteria and any action in those instances where the screening results produce disqualifiers to membership, to have the negative results forwarded to NYWAY's Director of State for additional investigation.

NYWAY Screening Required

NYWAY shall conduct screening of individuals as follows:

All members of the NYWAY Board of Directors, and each member of a NYWAY committee and Travel Team Coaches shall be screened upon their election or appointment to the position and then shall be re-screened every membership year.

All NYWAY employees shall be screened as a condition of their employment and then shall be re-screened every membership year.

All coaches, clinicians, officials, vendors, media, medical providers, and other staff for any NYWAY sanctioned events.

Athletes as required by the USOC guidelines.

All sanctioned national and other tournament site host volunteers that will have direct access to Minor Athletes shall be screened as a condition of being selected for such position or shall have been screened by NYWAY within the current membership year.

All Member Program events sanctioned under NYWAY shall ensure that all coaches, clinicians, officials, and anyone authorized to be in a position of authority over athletes have completed a background screening prior to interactions with athletes.

**Screening Criteria for Membership Eligibility**

The screening criteria that will be utilized to evaluate background screens are as follows, and shall disqualify any individual mentioned above, and for which this policy applies, from being a member of NYWAY, and shall disqualify said individual from participating in any NYWAY event or activity:

Conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges, for (i) any crime involving sexual misconduct, (ii) any crimes of abuse against children, (iii) any crimes involving firearms, and (iv) any offense involving distribution or intent to distribute illegal drugs or substances,

(v) felonious assaults or batteries (vi) any requirement to register as a sex offender of any type.

Any individual's background check shall only be valid for two consecutive NYWAY recognized membership years, beginning with the membership year in which the individual successfully completes a background check.

However, NYWAY reserves the right to require additional background screenings at any time.

**Options for Failed Background Screen**

If the applicant does not meet NYWAY's background screening criteria, the applicant will receive an email notification from the Vendor indicating that he/she does not meet the criteria and the reason. NYWAY's Executive Director or designee will also receive a copy of this email. The email will state that the applicant has 5 business days to respond to the email and if he/she fails to respond the Vendor will consider it as an automatic withdraw and will update NYWAY web-based interface to reflect as such. NYWAY's Executive Director or designee will be provided with a reason for this withdrawal. Additionally, in this notification email, the applicant is required to log into his/her account at the Vendor and follow the instruction outlined in his/her account and resolve the issue with his/her screen. The applicant will be offered the following three options to resolve his/her screening results: 1) withdraw his/her application from the screening process; 2) dispute the accuracy of the search report; or 3) request a waiver acknowledging the results of the search and requesting an appeal to NYWAY's Background Check Review Committee.

However, if the research reveals that the applicant does not meet the NYWAY background screening criteria, the results will be forward to NYWAY's Executive Director or designee. The Vendor will send the applicant another email informing the applicant that he/she fails to meet the NYWAY background screening criteria.

The applicant will have 5 business days to respond to this email and if he/she fails to respond, The Vendor will consider it an automatic withdraw and will update the NYWAY web-based interface to reflect as such. Also, in this email, the applicant will be asked to log into his/her account at the

Vendor and follow the instruction outlined in his/her account and resolve the issue with his/her screen.

Additionally, the applicant is offered the following two options in this email to resolve his/her screening results: 1) withdraw his/her application from the screening, in which case The Vendor will update NYWAY web-based interface to show that applicant has withdrawn his/her screening application; or 2) request a waiver acknowledging the results of the search and requesting an appeal to a NYWAY Background Check Review Committee.

The NYWAY Background Check Review Committee shall be composed of two members selected approved by the NYWAY President, two NYWAY Board members as selected by the NYWAY President, one active athlete member selected by the NYWAY President and the NYWAY Executive Director or designee. The President shall designate the chairperson of the committee and an alternate chairperson.

**NYWAY web-based interface to display approved or declined. The Background Check Review Committee shall not know the identity of the individual in question during the appeal process. The decision rendered by the Background Check Review Committee on any appeal shall be final without further appeal. Information Management and Exchange**

This program places the responsibility for information management and retention on the screening provider. Except in those few instances where an applicant's background screen returns information that makes him or her ineligible for membership or provides reason to suspend or terminate his/her membership, and he/she then chooses to appeal the membership decision, NYWAY will not be privy to or store the information returned in an applicant's background screen.

In all cases above, the information regarding a member's status on the web-based interface shall only be accessible by the NYWAY Executive Director or his/her designee(s).

# SECTION V
# REPORTING OF CONCERNS OF ABUSE

An effective reporting policy that encourages reports of suspected abuse and misconduct is a key element to preventing abuse and misconduct. Potential abusers will avoid involvement in a program where there is a likelihood that suspected abuse will be reported. By providing this guidance on when and how to report suspected misconduct, NYWAY seeks to remove barriers to disclosing misconduct, including child physical and sexual abuse.

Approximately 1/3 of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse depends on several factors that appropriate authorities will determine. If you have any concerns that an interaction between children may constitute sexual abuse, report it to the appropriate law enforcement authorities and to NYWAY or the State Association Safe Sport Coordinator immediately, and if appropriate or required, to the USCSS.

Be aware that because sexual abusers "groom" children for abuse – the process used by offenders to select a child, to win the child's trust (and the trust of the child's parent or guardian), to manipulate the child into sexual activity and to keep the child from disclosing abuse – it is possible that an employee, volunteer, parent or participant may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious or suspected sexual grooming behavior should be directed to NYWAY, the State Association Safe Sport Coordinator and/or appropriate law enforcement authorities, and if appropriate or required, to the USCSS.

## A. REPORTING POLICY

It is the policy of NYWAY that every Participant of any NWAY Member Program **must report** (1) actual or perceived violations of the NYWAY Safe Sport Policy, (2) any violations of the Sexual Abuse, Physical Abuse, Emotional Abuse, Bullying, Threats or Harassment, or Hazing Policies, and (3) suspicions or allegations of child physical or sexual abuse to USCSS or NYWAY representatives. Additionally, in all cases involving suspicions or allegations of child physical or sexual abuse, every Participant of a NYWAY Member Program must also report to the appropriate law enforcement.

A Participant's failure to report may subject such person to disciplinary action by the USCSS and/or NYWAY.

In some cases, an employee or volunteer may be hesitant about reporting suspected abuse because they are unsure about the credibility of the person making the allegation, are unsure about the credibility or validity of the facts on which the allegations are based or are concerned about the potential consequences of a false report. It is critical that employees and/or volunteers should not attempt to evaluate the credibility or validity of child physical or sexual abuse allegations as a condition for or prior to reporting their concerns.

### Reporting Other Misconduct and Policy Violations

If any staff member and/or volunteer of NYWAY, a Member Program receives an allegation or observes misconduct or other inappropriate behavior (such as grooming, *that is not reportable to the appropriate law enforcement authorities;* or violations of Codes of Conduct) it

is the responsibility of each staff member and/or volunteer to report their observations to NYWAY or the State Association Safe Sport Coordinator immediately.

NYWAY strongly encourages parents, athletes and other participants to communicate violations of the NYWAY Safe Sport Program Handbook and/or allegations and suspicions of misconduct to NYWAY or the State Association Safe Sport Coordinator immediately.

## B. REPORTING PROCEDURE

### HOW AND TO WHOM TO REPORT

Suspicions or allegations of child physical or sexual abuse may, **and in many cases must,** be made to the appropriate law enforcement authorities. In order to further protect NYWAY programs and participants, such reports should also be made to NYWAY and/or the applicable State Association Safe Sport Coordinator. A compilation of information on when a person must make a report to law enforcement authorities can be found at:

- www.childwelfare.gov
- www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm
- www.childwelfare.gov/topics/systemwide/laws-policies/state/

Further, all Participants are required to promptly report any alleged violations of the Sexual Abuse and Misconduct Policy to either the USCSS or to NYWAY. Upon receipt of any report of allegations of violations by a Participant of the Sexual Abuse and Misconduct Policy, NYWAY shall promptly report such information to the USCSS.

All reports of Non-Sexual violations of any of the NYWAY Safe Sport policies or any violations of this Safe Sport Program Handbook shall be made to NYWAY and/or to the applicable State Association Safe Sport Coordinator.

In some instances, a victim or claimant may feel more comfortable reporting to their local chartered club administrator. Any reports to a local chartered club administrator shall be forwarded by that administrator to NYWAY. Depending on the circumstances, NYWAY or the State Association Safe Sport Coordinator may refer that report to the local chartered club administrator for initial action, investigation and/or discipline.

### HOW TO REPORT TO USCSS

Reports to the USCSS may be reported by (1) completing an online report to the USCSS at **https:// www.safesport.org/report-a-concern**, or by (2) calling **720-524-5640**. Reports to the USCSS shall be handled according to the USCSS Policies & Procedures.

### HOW TO REPORT TO NYWAY

Reports to New York Wrestling Association for Youth may be made by: (1) clicking on the "Report to New York Wrestling Association for Youth" link on New York Wrestling Association for Youth Safe Sport Program webpage, (2) emailing to **nywaypresident@gmail.com**. Reports to New York Wrestling Association for Youth are initially handled by the New York Wrestling Association for Youth Director of Safe Sport and/or Legal Counsel.

The NYWAY Safe Sport webpage contains contact information for each State Association Safe Sport Coordinator, and reports may also be directed to the SafeSport Coordinator for the applicable State Association.

NYWAY and its State Associations will take a report in the way that is most comfortable for the person initiating a report, including an anonymous, in-person, verbal or written report. If reporting by email or use of the Reporting Form on the SafeSport Program webpage, **it is strongly encouraged that the following information be included:**

1. The name(s) and contact information of the claimant(s).
2. The type of misconduct alleged.
3. The name(s) of the individual(s) alleged to have committed the misconduct.
4. The approximate dates the misconduct was committed.
5. The names of other individuals who might have information regarding the alleged misconduct.
6. A summary statement of the reasons to believe that misconduct has occurred.

**CONFIDENTIALITY**

To the extent permitted by law, and as appropriate, NYWAY and all NYWAY Member Programs shall on request from the claimant keep the claimant's name confidential, not make public the names of potential claimants, the responding party, or the people who made a report of child physical and sexual abuse to the authorities.

**ANONYMOUS REPORTING**

NYWAY recognizes it can be difficult for an athlete, teammate, friend or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. **Anonymous reports may be made without the formality of completing a Report Form**:

- By completing the Reporting Form without including their name.
- By expressing concerns verbally to NYWAY, the State Association Safe Sport Coordinator or to their local chartered club administrator.
- Through email to NYWAY at **nywaypresident@gmail.com** or to the USCSS. Anonymous reporting may make it more difficult for NYWAY or the State Association to investigate or properly address misconduct or abuse.

**"WHISTLEBLOWER" PROTECTION**

Regardless of outcome, it is the policy of NYWAY and all NYWAY Member Programs to support the claimant(s) and his or her right to express concerns in good faith. Neither NYWAY nor any NYWAY Member Program will encourage, allow or tolerate attempts from any individual, group or organization to retaliate, punish, or in any way harm any individual(s) who reports a concern in good faith or otherwise participates in an investigation (e.g., a witness). Such actions against a claimant, witness or other claimant will be considered a violation of the NYWAY Safe Sport Program and grounds for disciplinary action and may also be subject to civil or criminal proceedings.

**BAD-FAITH/FALSE ALLEGATIONS**

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 the Center exercises jurisdiction shall be subject to disciplinary action by the Center.

### CONFLICTS OF INTEREST

Any person or organization that may have a conflict of interest because they are named in a complaint, are a witness to an allegation, are closely affiliated with the person accused of misconduct, or who may have other potential bias, are considered to have a conflict of interest in the investigation or outcome of the complaint, and shall be recused from participating in an investigation or other disciplinary process. The investigation and hearing process shall be handled by persons that are reasonably disinterested and impartial to the matter and all other persons and the program involved.

## C. HOW REPORTS ARE HANDLED

### SUSPICIONS OR ALLEGATIONS OF CHILD PHYSICAL OR SEXUAL ABUSE

Reporting to Law Enforcement and/or Child Protective Services

NYWAY, its Member Programs and their administrators, employees and/or volunteers shall not attempt to evaluate the credibility or validity of allegations of child physical or sexual abuse as a condition for or prior to reporting to appropriate law enforcement authorities. As necessary, however, a person receiving a report may ask a few clarifying questions of the minor or person making the report to adequately report the suspicion or allegation to law enforcement authorities.

**Additionally, most states have mandatory reporting laws making persons holdings certain positions required by law to report suspicions of sexual or physical abuse of a minor. For mandatory reporting laws, see:**

- www.childwelfare.gov
- www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm
- www.childwelfare.gov/topics/systemwide/laws-policies/state/

### Reporting to the USCSS

In the event that NYWAY or any NYWAY Member Program receives a report involving sexual abuse or misconduct, NYWAY, its State Associations and chartered clubs shall immediately report and refer such matter to the USCSS. An employee's, member's or volunteer's failure to report in compliance with this Safe Sport Policy is a violation of this policy and grounds for disciplinary action, including but not limited to termination of an employee and/or dismissal of a volunteer.

### IMMEDIATE SUSPENSION OR TERMINATION

When an allegation of child physical or sexual abuse is made against an employee, member, volunteer, coach, independent contractor and/or other participant, NYWAY and its Member Programs may immediately suspend the responding party (i.e., a summary or interim suspension) and/or immediately remove that individual from contact with any children in the program until the allegation has been investigated by an official agency. This shall apply whether the allegation involves an incident during a wrestling practice, tournament or event.

The responding party shall be offered an Interim Hearing. Please refer to Section VI of this Handbook on Responding to Abuse and Other Misconduct for more information on imposing discipline and hearing requirements.

## FOLLOW-UP REPORTS TO THE STATE ASSOCIATION AND NEW YORK WRESTLING ASSOCIATION FOR YOUTH

All local chartered clubs shall promptly notify the applicable State Association Safe Sport Coordinator of the results of any investigations, hearings or other proceedings within their program that involve violations of the NYWAY Safe Sport Policies, Codes of Conduct or this Safe Sport Handbook.

Each State Association Safe Sport Coordinator shall promptly notify NYWAY of the results of any investigations, hearings or other proceedings within their Member Program that involve violations of the NYWAY Safe Sport Policies or this Safe Sport Handbook.

## NOTIFICATION

Following notice of a credible allegation that results in the removal of a Participant, NYWAY, the Member Program may consider the circumstances in which it will notify parents of other participants with whom the responding party may have had contact. As appropriate, NYWAY, its Member Programs may notify its staff members, volunteers, parents, and/or participants of any allegation of child physical or sexual abuse or other criminal behavior that (1) law enforcement authorities are actively investigating; or (2) is being investigated internally by NYWAY, it's Member Programs; or (3) has been referred to the USCSS. Advising others of an allegation may lead to additional reports of child physical or sexual abuse and other misconduct.

# SECTION VI
# RESPONDING TO ABUSE AND OTHER MISCONDUCT

In response to allegations of abuse or misconduct, the Policies and Procedures below shall apply. By following the procedures outlined herein, and in the NYWAY policies adopted by the Board, NYWAY Member Programs can provide a fair and reasonable process for handling reports of abuse.

**This Section covers:**

- The general procedures of the USCSS to investigate and resolve allegations of violations by Covered Individuals of the Sexual Abuse and Misconduct Policy.
- The obligation of NYWAY Member Programs to investigate and conduct appropriate disciplinary proceedings following reports of suspicions or allegations of non-sexual abuse or misconduct.
- The importance of maintaining confidentiality with respect to the complaint, claimant, victim, accused and other information related to the report and incident(s) until "notice" must be given about a suspension or the outcome of any proceedings.
- The circumstances in which an immediate Interim Suspension is appropriate and the procedures following a summary suspension.
- A general summary of the procedures for a hearing; and
- Factors and considerations that should be incorporated into findings and sanctions that are issued by a hearing panel.

## A. INVESTIGATION AND RESOLUTION OF ALLEGATIONS BY USCSS

Upon a report of an allegation of a violation by a Participant of the Sexual Abuse and Misconduct Policy, New York Wrestling Association for Youth or Member Program shall promptly report such information to the USCSS, and the USCSS shall have jurisdiction and authority to investigate such allegations or report, to issue any interim suspension or measures pending conclusion of the investigation, to make recommendations of sanctions or disciplinary action as a result of such investigation, and to adjudicate such matter according to the USCSS Policies & Procedures.

New York Wrestling Association for Youth and its Member Programs may issue an Interim Suspension under its Safe Sport Policy which shall be effective until such time as USCSS has exercised jurisdiction over the matter and decided related to a person's eligibility pending the USCSS's investigation and adjudication process. See Appendix B for procedures on Interim Suspension.

Upon the issuance by USCSS of any interim suspension or other measures, or any other suspension or other sanction issued by USCSS after conclusion of the adjudicative process or by agreement with the person subject to suspension or other sanction, New York Wrestling Association for Youth and its Member Programs shall enforce such suspension, measures or other sanction throughout New York Wrestling Association for Youth programs. New York Wrestling Association for Youth and its Member Programs shall enforce any suspension or other sanction issued by the USCSS even if arising from allegations outside of New York Wrestling Association for Youth programs.

## B. INVESTIGATION AND RESOLUTION OF NON-SEXUAL MISCONDUCT BY NYWAY OR MEMBER PROGRAMS

Upon a report or other notice of credible information or allegations that a person who is subject to the jurisdiction of NYWAY or one of its Member Programs (1) may have violated any of the Non-sexual provisions of the NYWAY Safe Sport Program Handbook, or (2) violated any of the Physical Abuse, Emotional Abuse, Bullying, Threats and Harassment, or Hazing Policies, or, 3) violated a Code of Conduct, NYWAY, or its Member Programs shall conduct an investigation and/or disciplinary proceedings to determine the appropriate discipline that may be imposed.

NYWAY recognizes that there are varying levels of misconduct. For example, Physical and Sexual Misconduct are serious violations that may result in immediate suspension or dismissal. In contrast, a youth participant who tells a single risqué joke constitutes less serious misconduct and depending on the circumstances, might be dealt with more appropriately through dialogue and a verbal warning. Appropriate action should always consider the necessity of protecting Minor Athletes from further abuse. In all cases, NYWAY's and its Member Programs' disciplinary procedures and actions shall be proportionate, reasonable and applied fairly and equally.

When a State Association or Member Program undertakes investigation, hearings, or sanctions they shall follow all Policies and Procedures of the Safe Sport Handbook applicable to NYWAY. Any investigation or hearing panel authorized by a State Association or Member Program shall be reasonably free of bias.

All local chartered clubs shall report to the applicable State Association Safe Sport Coordinator the results of any investigations, hearings or other proceedings within their program that involve violations of the NYWAY Safe Sport Policies or this Safe Sport Handbook. In each instance where a State Association has referred a matter to a local chartered club for investigation or disciplinary proceedings, the State Association Safe Sport Coordinator shall monitor the proceedings and provide appropriate guidance to help ensure the local chartered club investigates and/or conducts disciplinary proceedings, as appropriate. It is important for the Member Program to ensure that those investigating a complaint or on a hearing panel shall be reasonably disinterested and impartial from the victim, claimant, the person that is the subject of the investigation or hearing, and the program involved. Hearings shall be conducted under the procedures set forth in Appendix A.

Each State Association Safe Sport Coordinator shall compile information and results of disciplinary proceedings within their jurisdiction and report such information to NYWAY on a regular basis.

### Notice to Respondents

NYWAY will do everything it can to maintain the confidentiality of Claimants while balancing the Respondents due process hereunder. All members of NYWAY by virtue of the privilege of being a member agree to "notice" of any allegations, sanctions, and decisions may be made by email, text, or any other form of writing to their address listed on their membership profile. It shall be the responsibility of each member to keep their contact information up to date on the NYWAY profile.

### Interim Suspension

Interim suspension is intended for those situations where it appears appropriate to maintain the safety or well-being of the Reporting Party, Athletes, or other Non-athlete Participants; or the allegations against the Responding Party are sufficiently serious that the Responding Party's continued participation could be detrimental to the values of New York Wrestling Association for Youth. When such a risk exists, NYWAY, or the applicable Member Program, should immediately suspend the responding party pending final resolution of the complaint or any legal proceedings. In such instances, the NYWAY program shall provide the individual with notice and offer her/him an opportunity to contest the interim suspension.

An interim suspension is thus appropriate when there is a reasonable belief that the allegations of emotional, physical or Sexual Misconduct occurred. Evidence which may be found sufficient to support a reasonable belief shall be determined utilizing the Standard for Review in Appendix B.

For the purposes of this Policy, an interim suspension from involvement in wrestling programs shall mean that for the duration of the period of suspension, the responding party may not participate in any capacity or in any role in the business, events, or activities of any Member Program.

Pursuant to the Hearing Procedures in Appendix B (except when such matter is subject to jurisdiction and authority of the USCSS), the suspended individual, at the time of notice of the interim suspension, shall be provided with notice of the right to request a hearing. Ordinarily, New York Wrestling Association for Youth requires that the suspended individual must request a hearing in writing within 7 days of being notified of the suspension. However, it is recognized that during the pendency of a criminal investigation or other legal proceeding the suspended individual may not want to or may be unable to appear at an administrative proceeding to contest a suspension, and so it is appropriate that when an active criminal investigation or legal proceeding is ongoing, the 7 day period to request a hearing should be stayed until 72 hours following the conclusion of the criminal investigation, criminal proceeding or other legal proceeding.

Delaying any hearing of a person subject to a summary suspension until after the conclusion of a criminal or legal proceeding is also consistent with NYWAY's policy that it will not enter into an investigation that may interfere with a pending legal investigation or criminal prosecution.

An Interim Suspension Hearing shall be in accordance with Appendix B attached.

## C. REPORT

A final Investigation Report will be prepared that sets forth the investigator's findings of fact and may make a recommendation as to whether the Code has been violated. This report will be shared with the Claimant(s) and Respondent(s) upon issuance of a Decision. The Investigation Report is considered confidential.

The Director of Safe Sport (or State Safe Sport Coordinator) will review the investigator's findings of facts and determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that Respondent violated the Code. If there is a finding that the Respondent violated the Code, the Decision will note the violation and identify an appropriate sanction(s). The Claimant and Respondent will be notified of the Decision. Such Notice of Decision will set forth any violation(s) of the Code, as supported by the rationale set forth in the Decision and Investigation Report Respondent; and the rationale for any sanction(s) imposed. The Decision

is considered confidential; the sanction(s) (if applicable) imposed against the Responding Party shall be made public.

## D. METHODS OF RESOLUTION

Prior to the completion of the investigation, NYWAY, at its discretion, may administratively close a matter. This may be done as a result of insufficient evidence, a Claimant(s) who elects not to participate in the resolution process, or other factors as determined by NYWAY. Any decision of NYWAY to not take further action is not appealable. NYWAY may, upon receipt of new information or evidence, reopen the matter for further investigation.

A Respondent may, at any time before a matter is final, elect to resolve allegations of Prohibited Conduct by accepting responsibility for a policy violation. A Participant's doing so provides for the opportunity to informally resolve the matter, and NYWAY will determine the appropriate sanction. A Participant who wishes to challenge New York Wrestling Association for Youth's sanction may request an appeal hearing concerning the sanction only. An informal resolution is not a settlement but does constitute a final and binding disposition of the matter. The outcome and/or sanctions of an informal resolution may be published by New York Wrestling Association for Youth.

A Formal Resolution occurs after NYWAY has completed an investigation and either closes the matter or, if a violation is found, issues its Decision. A Respondent may request an Appeal of the NYWAY's Decision, a Claimant may not appeal.

## E. IMPORTANCE OF CONFIDENTIALITY

Any investigation and/or disciplinary proceedings must be kept confidential. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, except as requested by law enforcement or child protection authorities. An investigator shall not be required to provide a copy of the investigator's report or notes to any party unless required by law.

Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome. Participants in the hearing, including the hearing committee, claimant, victim, and witnesses (if any are permitted), should be requested and encouraged to keep the proceedings confidential, except as requested by law enforcement or child protection authorities. The hearing panel shall not discuss the testimony with anyone and shall deliberate among themselves until final resolution of the complaint, except as requested by law enforcement or child protection authorities.

### Hearings

**Exhibit A sets forth the hearing procedure applicable to proceedings following an appeal of any violation decisions under this Safe Sport Policy (other than violations that are subject to the jurisdiction and authority of the USCSS).**

It is recognized that not all disciplinary action requires a hearing. There may be discipline imposed for minor violations where a reprimand, training or other sanction may be imposed and where a hearing would not be necessary. However, in cases where NYWAY or a NYWAY Club Member Program seeks to suspend or otherwise discipline a party, the governing body shall offer the party the right to a hearing, and the hearing shall occur in accordance with Appendix A (and hearing policies and procedures of the Membership Committee) and within the time periods required thereunder.

The claimant, victim and responding party shall have the right to receive written notice of the report or complaint, including a statement of the allegations, to present relevant information to the hearing panel and any investigator, and to be represented by legal counsel (at the party's own expense). Counsel for any party to a hearing shall be allowed to advise his/her client in the hearing but may be limited in other activities as the panel in its reasonable assessment may determine.

In connection with any hearing the responding party must be given a reasonable opportunity to respond to the allegations brought forward. This may or may not include cross examination of the victim or claimant. In circumstances where the claimant or victim is a minor, it may be appropriate for the person that conducted the investigation that led to the hearing to provide testimony on the victim's behalf, or that the investigator's or fact finder's report substitute for the minor's testimony.

The conduct of the hearing shall be in accordance with Appendix A.

The hearing panel may proceed in the responding party's absence if it cannot locate the individual or if the individual declines to attend the hearing.

The conduct of the hearing should be closed and confidential, to the extent possible, other than for notification of the outcome.

## F. FINDINGS AND SANCTIONS

The hearing panel has the discretion to impose sanctions on the Participant if it finds based on a preponderance of the evidence that any violations of the NYWAY Safe Sport Program Handbook or the Code have occurred.

The hearing panel will communicate its finding to the Participant. Its findings shall describe the facts that support any sanctions it concludes are necessary along with a statement of the rule(s) and/or policy/policies that were found to have been violated by the individual. The panel may impose sanctions on the individual in its findings. Any sanctions imposed by the panel must be proportionate and reasonable, relative to the findings and conclusions of the panel as to what has occurred. The decision regarding the appropriate disciplinary action shall be up to the panel deciding each complaint. In imposing discipline, the panel shall consider:

1. The legitimate interest of NYWAY, the applicable Member Program in providing a safe environment for its participants.
2. The seriousness of the offense or act and impact on the victim.
3. The age of the responding party and alleged victim when the offense or act occurred.
4. Any information produced by the responding party, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct.
5. Whether the individual poses an ongoing concern for the safety of participants in New York Wrestling Association for Youth, the applicable Member Program.
6. Any other information, which in the determination of the panel, bears on the appropriate sanction.

Appropriate disciplines may range from a warning and a reprimand to suspension from involvement in NYWAY Club Member Programs for a period of time, or may in some cases be

permanent, and may involve a term of probationary conditions upon completion of an imposed suspension.

The Safe Sport Program is intended to address and respond to misconduct, and any sanctions or discipline should be directed to specific misconduct. While participants and their families may have financial or contractual disputes with programs, a Safe Sport investigation or hearing regarding allegations of violations of Safe Sport policies shall not consider or address any liability or responsibility in a financial or contractual dispute.

As it is recognized that a local chartered club's suspension is only effective with respect to that local chartered club, and a State Association's suspension is only effective with respect to that State, NYWAY's Bylaws provide that a local chartered club that desires that a suspension extend throughout the State Association may request that the State Association recognize and enforce the suspension throughout the State, and the State Association may request that NYWAY recognize and enforce the suspension throughout NYWAY and all other Member Programs.

A Responding Party has a right to appeal the decision of a panel. The Executive Committee, or a panel of at least 3 Executive Committee or Ethics and Membership members (who did not hear the original matter) at the President's sole discretion, shall conduct any such appeal hearing pursuant to procedures in Appendix A. A Statement of Appeal must be delivered to the Executive Director of NYWAY within fourteen (14) days of the date the decision was emailed or texted to the Claimant by the hearing panel. The Statement of Appeal shall state with specificity the basis for the Respondent's position that the hearing panel is in error. While the claimant and/or victim have the right to participate in the appeal hearing process and provide evidence and argument to the hearing panel, a claimant or victim does not have the right to appeal a disciplinary decision.

# SECTION VII
# MONITORING AND SUPERVISION THE PROGRAM

The Monitoring and Supervision aspect of NYWAY's Safe Sport Program describes how it's Member Programs monitor, supervise and ensure that the other aspects of the Safe Sport Program (i.e., implementation and enforcement of policies, training requirements, screening requirements, responding, reporting and adjudication procedures, etc.) are being followed, and how they may be improved, so that they result in a safe environment for the participants.

Monitoring and supervision must occur at different levels within NYWAY:

## A. TRAVEL TEAM COACHES

1. The head coach for each team shall be responsible for monitoring his or her team so that locker rooms are being properly supervised in accordance with the Locker Room Policy, that the team's travel is conducted in accordance with the Travel Policy, that all team electronic communications are in accordance with the Electronic Communications Policy, and the One on One Policy is adhered to by all coaches.
2. It is recognized that the head coach may not be personally responsible for direct supervision of each of the above areas at all times and may delegate responsibility to team personnel for certain activities or to other properly screened adults, but as the primary supervisor of the team, the head coach shall be responsible for delegating duties as necessary to result in compliance.

## B. SANCTIONED CLUBS

1. Local chartered clubs and their administrators shall monitor their program and enforce compliance of its team with the Locker Room Policy, the Travel Policy, the One on One Policy, and the Electronic Communications Policy.
2. Local chartered clubs shall monitor their volunteers/staff so that their coaches, officials, program administrators, and other program volunteers and employees that will have regular contact with Minor Athletes, have completed the required training in accordance with the Education and Awareness Training Policy. Further, the local chartered clubs shall assist New York Wrestling Association for Youth in the ongoing education of parents and athletes regarding Safe Sport.
3. Local chartered clubs shall promptly address any reports of abuse and misconduct and make all such reports as are required under the New York Wrestling Association for Youth Safe Sport Program or applicable law.
4. Local chartered clubs shall at least annually report and provide information as required or requested to the applicable State Association and/or State Association Safe Sport Coordinator on the local chartered club's compliance with the NYWAY Safe Sport Program.

## C. STATE ASSOCIATIONS

1. State Associations shall have Safe Sport Coordinator (position description attached as Appendix C) responsible for monitoring compliance with the NYWAY Safe Sport Program in all Member Programs of its State.
2. State Associations shall monitor Local Chartered Clubs to ensure that all clubs require that all of its personnel that will have regular contact with Minor Athletes have completed the required training in accordance with the Education and Awareness Training Policy.
3. State Associations shall require that all of its board members and staff have received all required training and have been screened as a condition of holding that position.
4. State Associations shall promptly address any reports of abuse and misconduct and make all such reports as are required under the NYWAY Safe Sport Program or applicable law and shall monitor and supervise the Local chartered clubs to help ensure all such reports are made.
5. On or before September 1st of each season (commencing with the 2024-2025 season), State Associations shall require and receive from each Local Chartered Club a certification of the program's compliance with the NYWAY Safe Sport Program. NYWAY shall provide the form of certificate by Local Chartered Clubs.

## D. NATIONAL LEVEL

1. NYWAY shall monitor compliance with the NYWAY Safe Sport Program in all Member Programs.
2. NYWAY shall require that all national personnel, including members of the Board of Directors, Councils and Committees and national office staff have received all required training and have been screened as a condition of holding that position.
3. New York Wrestling Association for Youth shall promptly address any reports of abuse and misconduct and make all such reports as are required under the NYWAY Safe Sport Program or applicable law and shall monitor and supervise the State Associations to help ensure all such reports are made.

# APPENDIX A
## NYWAY DISPUTE RESOLUTION PROCEDURES

### SECTION 1

INTRODUCTION

The following Hearing Procedures ("Procedures") apply to appeals/complaints that are filed with NYWAY and fall within the jurisdiction of the Ethics and Membership Committee ("Committee"). Further, should a State Association or Member Program undertake any hearing related to a Safe Sport Policy violation, or Code of Conduct violation, it shall follow as reasonably possible the procedures herein. Every person, by becoming a member in New York Wrestling Association for Youth or participating in any NYWAY functions, sanctioned events, or activities, agrees to be bound by these Procedures.

### SECTION 2

JURISDICTION

The Committee shall have jurisdiction over appeals/complaints as granted under the NYWAY Bylaws and Safe Sport Policy, and to hear an appeal by a Responding Party with whom NYWAY has acted regarding a violation of the Safe Sport Policy, or Code of Conduct violation. A person by virtue of his/her membership in NYWAY, affiliation or participation at any time in New York Wrestling Association for Youth or sanctioned event, agrees to be bound and abide by these Procedures in lieu of any court of competent jurisdiction. Failure of a Member to follow the Procedures herein shall subject the non-complying member to costs and expenses of NYWAY to an outside action; further, such non-complying member shall be subject to immediate summary suspension of their membership in New York Wrestling Association for Youth.

Notwithstanding any provision to the contrary, **the Committee shall not exercise jurisdiction over the following matters**:

§2.1 The final decision of an official during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the official) shall not be reviewable through, or the subject of, these complaint procedures unless the decision is the product of fraud, corruption, clear partiality or other flagrant misconduct of the official. For purposes of this Section, the term "official" shall include any individual with discretion to make field of play decisions.

§2.2 The Committee shall not have any jurisdiction to adjudicate any complaint that falls within the exclusive jurisdiction of the United States Anti-Doping Agency or the doping rules of United World Wrestling.

§2.3 The Committee shall not have jurisdiction to adjudicate any complaint that falls within the exclusive jurisdiction of the U.S. Center for Safe Sport.

§2.4 The Committee shall not have jurisdiction to adjudicate any dispute concerning the eligibility of an athlete to compete as set forth in Article XI and XII of NYWAY Bylaws. A dispute does not concern "eligibility to compete" merely because a sanction imposed by the Committee may disqualify and individual from competing in wrestling competitions.

### SECTION 3

APPEALS/COMPLAINTS

A timely filed appeal/complaint alleging: 1) a request for a hearing filed by a Responding Party sanctioned by NYWAY, or 2) a violation NYWAY Safe Sport Policy, or such other rules, policies, or regulations ("Violation") within the purview of the Committee shall:

§3.1 Set forth a complete statement in clear and concise language of: 1) the grounds for disputing the decision of NYWAY to impose sanctions, or 2) the conduct (or omission) that is alleged to constitute a Violation(s), and 3) a list of witnesses or other individuals who may have knowledge concerning the subject of the appeal/complaint(s), with contact information for each witness to include names, telephone number, email, and address; and

§3.2 Identify: 1) the deficiency of the decision by NYWAY to impose sanctions on the Responding Party, or 2) the specific policy, rule, or regulation of NYWAY that the Responding Party alleges has been violated, if any; and

§3.3 Be signed by the person filing the complaint or the Responding Party who requests a hearing, who shall expressly attest to its validity by signing the following statement: "I hereby attest the foregoing factual allegations are true and complete, to the best of my knowledge, information and belief, and I understand and acknowledge that filing a false grievance is itself a violation of the NYWAY rule"; and

§3.4 Provide a telephone number and sufficient contact information for the Responding Party or the Responding Party's counsel or legal representative (such as a parent or guardian) to permit the exchange of information in written or electronic form (address or e-mail), together with such contact information as the Responding Party may have for each person who is identified in the grievance under subsection 3.1 above.

§3.5 Be accompanied by a fee of $250, except in cases of complaint(s) filed by 1) NYWAY, 2) a complaint filed under the Safe Sport Policy, and 3) in cases in which the Committee decides that the imposition of the filing fee would create an undue hardship on the Responding Party; and

§ 3.6 Be filed with the Director of Safe Sport for NYWAY. A complaint shall be deemed filed when it satisfies the requirements set out above is received by the Director of Safe Sport.

§3.7 The Executive Director or his/her designee may file a complaint on behalf of New York Wrestling Association for Youth.

**SECTION 4**

APPEAL/COMPLAINT DISTRIBUTION

Upon receipt of an Appeal/Complaint, it shall be distributed and served as follows:

§4.1 Upon receipt, the Director of Safe Sport shall forward the Appeal/Complaint to the Chair of the Committee.

§4.2 The Committee Chair, or his/her designee, shall perform an initial review of materials provided with the Appeal/Complaint to ensure that the Appeal/Complaint is complete and within the jurisdiction of the Committee. If the Appeal/Complaint is materially incomplete, the Chair or designee shall notify the Responding Party/ of any deficiency, after which notice the Claimant shall have seven days to correct the deficiencies or the Appeal/Complaint shall be dismissed. If

the Appeal/Complaint is outside the jurisdiction of the Committee, the Chair shall so notify the Director of Safe Sport.

§4.3 After determining that an Appeal/Complaint is complete, the Chair shall serve the Appeal/Complaint on the additional parties, if any, by email or by certified mail at the address listed in New York Wrestling Association for Youth's files or at such other address as the Appeal/Complaint may identify. The additional parties shall have fourteen days from the date of mailing of the Appeal/Complaint to file a written response. The Chair may shorten the time for a response where expedited handling of the Appeal/Complaint is warranted.

§4.4 The Chair shall appoint a Hearing Panel of at least 3 (at least 20% of whom shall be an athlete satisfying the requirements of Section 8.8.2 of the USOC Bylaws). Hearing Panel members may be (but are not required to be) members of the Committee. All Hearing Panel members shall be reasonably impartial and shall be free of any actual or apparent conflict of interest. Hearings shall be conducted in accordance with the rules set out below.

## SECTION 5

HEARINGS OVERVIEW

§5.1 Upon receipt of Appeal/Complaint and a response (if any), the Chair may conduct a preliminary conference during which the Panel shall impose dates for (a) any hearing the Panel deems necessary, (b) the exchange of all exhibits to be used as evidence, (c) the identification of witnesses, their contact information, and a brief statement as to the subject matter of their testimony, and (d) submission of hearing briefs if desired by the Panel; and (e) any other matters that the Panel deems appropriate.

§5.2 The Panel may impose such sanctions as it may deem advisable for the failure of any party to comply with the procedural orders of the Panel.

§5.3 A hearing before the Hearing Panel may be held in person or telephonically. Any witness who testifies must be sworn upon that witness's oath to testify truthfully. Where appropriate in the reasonable determination of the Hearing Panel Chair, the hearing may be conducted in part through written means and in part by testimony and oral argument, except that the Hearing Panel shall not consider any written or oral evidence that the opposing party has not been given an opportunity to rebut.

§5.4 The Claimant(s), the Respondent(s) and any other person participating in a hearing conducted by a Hearing Panel shall be entitled to be advised by counsel of their choice at the party's own expense. However, counsel may not speak on behalf of the Responding Party, question witnesses, or address the Panel.

§5.5 Judicial and evidentiary rules regarding admissibility of evidence shall not apply to the Hearing Panel, except that the Hearing Panel shall respect all lawful claims of privilege based on Colorado law.

§5.6 Any hearing, or a part thereof, shall be open to members of the Hearing Panel, any attorney advising the Hearing Panel Chair, the Claimant(s), the Respondent(s), any other real party in interest, their counsel (in an advisory capacity only) and any witnesses except that the Hearing Panel shall exclude from the hearing any witnesses who have not testified if so requested by any party.

§5.7 The Hearing Panel Chair may, in the interests of justice and the sport of wrestling, direct the participants to keep the proceedings and the decision confidential and all or parts of

the record of the hearing to be kept confidential by the Hearing Panel and New York Wrestling Association for Youth except such public sanctions as may be imposed.

§5.8 The **Burden of Proof** in order to impose suspension, termination, or other discipline shall be the *Preponderance of the Evidence* (*more likely true than not true*) that the Responding Party violated a rule, code of conduct, or policy. NYWAY shall have the burden of proof in any action it seeks to take regarding alleged violations of the US Center for SafeSport Code, Rules and Procedures, NWYAY Sport Policy, By-laws, or other policies or codes of conduct.

## SECTION 6

CONDUCT OF HEARING AND ISSUANCE OF DECISION

§6.1 Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities of traditional courtroom procedures.

§6.2 The hearing may proceed in the absence of any party who fails to be available at the duly noticed time and the hearing may proceed to judgment despite that person's absence. If the Hearing Panel Chair determines that in the interests of justice and the sport of wrestling the hearing cannot proceed without the absent party, the Hearing Panel Chair may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be considered by the Hearing Panel in reaching its decision, and the Hearing Panel may impose reasonable conditions on the missing party for continuation of the hearing.

§6.3 The hearing shall be conducted in the following manner, and the Hearing Panel may set reasonable time limits for each portion of the hearing:

§6.3.1 The Hearing Panel Chair shall open the hearing and conduct such preliminary matters as may be necessary.

§6.3.2 Each party shall have the opportunity to make a brief opening statement, Responding Party firs, then NYWAY's designee.

§6.3.3 The Responding Party shall call each of its witnesses for examination, which witnesses shall be sworn upon his/her oath, substantially as follows: "I do hereby swear or affirm under penalties of perjury that the testimony I give shall be true and complete." In lieu of formal examination, the witnesses may make a statement after being sworn. Upon completion of each witness's examination or statement, the opposing party may cross-examine the witness. The Hearing Panel Chair shall have the power to limit the cross examination as may be necessary to avoid the introduction of irrelevant evidence, to protect against harassment or intimidation of any witness, or to avoid repetitive testimony, except that the Chair may not completely bar the cross-examination of any witness. The Responding Party shall then have the opportunity to conduct re-direct examination and any witness shall have the opportunity to make a concluding statement limited to the issues that were raised in cross-examination. No further examination or statements shall be permitted except as the Hearing Panel Chair may permit in his/her discretion.

§6.3.4 Following conclusion of the presentation of witnesses or witness statements by the Responding Party, NYWAY shall have the opportunity to present witnesses in the same manner as above.

§6.3.5 Following conclusion of the presentation of evidence, each side shall be permitted to give closing argument. The Hearing Panel Chair shall decide on the time limits for such closing arguments. Responding Party shall proceed first, with NYWAY following thereafter.

§6.3.6 The Hearing Panel members may question any witness presented by the parties. The Chair of the Hearing Panel shall direct the order of such questioning and any follow-up questions by the parties.

§6.3.7 Within twenty-one days following completion of the hearing, the Hearing Panel shall transmit to the Chair of the Committee a written decision, finding, and recommendation, and shall complete the hearing information form utilized by New York Wrestling Association for Youth.

§6.3.8 No failure to satisfy these requirements shall serve to invalidate any decision orto deprive the Hearing Panel of jurisdiction over the Appeal/Complaint.

§6.4 The Committee Chair shall communicate its final decision to the Director of Safe Sport and to the Responding Party. The Committee Chair may adopt and confirm a recommendation of the Hearing Panel without further explanation, but the Committee Chair shall provide an explanation of any decision not to accept the recommendation of the Hearing Panel in enough detail to permit meaningful appellate review.

## SECTION 7

SANCTIONS

A Hearing Panel, after conducting such investigation or hearings as they may determine to be necessary, may recommend imposition of any of the following sanctions or resolutions:

§7.1 Dismiss the Appeal/Complaint with or without permission to re-file;

§7.2 Uphold the decision of NYWAY;

§7.3 Modify the sanctions imposed by NYWAY;

§7.4 Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision; and

§7.5 Terminate, deny, grant, suspend or restore membership in NYWAY for a definite or indefinite period of time, with or without terms of probation, or expel any member of NYWAY, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board Member, coordinator, chair or member of any committee or sub-committee;

§7.6 Assess actual costs (exclusive of attorney fees) to the prevailing party or refund any filing fee paid by the prevailing party; and

§7.7 Assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the circumstances.

## SECTION 8

APPEALS

The decision of the Hearing Panel may be appealed to:

1) The Executive Committee. The President shall empanel a group of 3 members of the Executive Committee or Ethics and Membership Committee, or athletes on any Standing Committee (who did not hear the initial matter). A minimum of one of the panels shall be an athlete. An administrative fee of $500 paid by the Appellant shall accompany any appeal to the Executive Committee; or

2) To the American Arbitration Association, at the Appellants sole cost. In either event, no appellant shall have the right to a hearing de novo. The decision of the Executive Committee panel or AAA shall be final.

Likewise, the decision of a State Association or Member Program following these procedures for a violation of Safe Sport Policy, may be appealed to the Ethics and Membership Committee with an administrative fee of $500 paid by the Appellant. In these cases, the decision of the Ethics and Membership Committee shall be final.

The standard on appeal shall be whether the decision of the Hearing Panel constitutes an abuse of discretion (plain error).

Any appeal shall be filed within 14 days after issuance of the decision if by email, and if by US Mail an additional 3 days shall be allotted. The notice of appeal shall be served on the Director of Safe Sport NYWAY, or by filing with AAA with a copy to the Director of Safe Sport New York Wrestling for Youth and must be received within the allotted time period. Service can be made by email or US Mail.

# APPENDIX B
# INTERIM OR SUMMARY SANCTIONS HEARING

If the NYWAY seeks or imposes interim measures or sanctions, it will offer an opportunity for a hearing on the imposition of such sanctions. Interim Measures by NYWAY or USCSS shall become effective immediately. The following *Rules* govern interim measures/sanctions hearings.

**Rule 1.**

**Notice to the Responding Party**

In all interim measure's cases, including suspension of membership, the Responding Party will receive notice (by last known email, physical address, or text) of the opportunity for a hearing.

**Rule 2**

**Appeal**

A Responding Party may appeal Interim Measures at any time within 7 days of the date the notice was emailed, texted or the date of the letter notice. Requests should be made by email to the Director of Safe Sport, snywaypresident@gmail.com. The date of the notice shall be included in calculating the 7-day period.

**Rule 3**

**Hearing Officer**

If the NYWAY imposes interim sanctions the Chair of the Ethics and Membership Committee, or such other person appointed by the Executive Director, shall conduct the interim measures appeals hearing. Said hearing may be by telephone or video conference.

**Rule 4**

**Procedures**

The interim measures hearing is an expedited proceeding to quickly resolve whether sufficient evidence exists to satisfy the Hearing Officer that the interim measures determined by NYWAY are appropriate on the information and circumstances in the allegations or evidence received up to the date of the hearing; and any evidence submitted by the Responding Party to rebut the presumption of truthfulness stated below..

In all cases, there is a rebuttable presumption that the allegations, as presented, are true.

The interim measures hearing is not intended to be the hearing necessary to finally resolve whether the Responding Party has committed a Violation or what the appropriate sanctions should be if a Violation is found to have occurred. Except in exceptional circumstances, the interim measures hearing will last no longer than two hours.

The hearing procedures for interim measures hearings shall be an informal format. Only the Hearing Officer shall ask questions of the Reporting and Responding Party, or other witnesses. Parties may submit whatever materials they deem appropriate for the Hearing Officer to consider.

**Rule 5**

**Scope**

The interim measures hearing will not be a hearing on the merits and is limited to determining if there is reasonable cause to impose the interim measures/sanctions, or to hear evidence to rebut the presumption that all allegations, as presented, are true.

**Rule 6**

**Standard of review**

To impose/confirm interim measures, the Hearing Officer must find based on the information presented, that: (i) the interim measure is appropriate based on the allegations and facts and circumstances of the case as they appear to the Hearing Officer; (ii) the interim measure is appropriate to maintain the safety or well-being of the Reporting Party, Athletes, or other Non-athlete Participants; or (iii) the allegations against the Responding Party are sufficiently serious that the Responding Party's continued participation in the sport could be detrimental to the values of NYWAY.

**Rule 7**

**Decision**

The Hearing Officer may approve, reject, or modify the interim measures imposed or proposed by NYWAY. The Hearing Officer shall issue a decision regarding the NYWAY's interim measures either orally at the conclusion of the interim measures hearing, with a written order to follow, or, by a written reasoned decision issued within 24 hours of the close of the interim measures hearing. The decision shall be given no weight in the hearing of the case in chief.

**Rule 8**

**No appeal**

Neither NYWAY nor the Responding Party may appeal the Hearing Officer's decision on an Interim Suspension. The denial of the requested relief shall not, however, prejudice the NYWAY's right to seek interim measures in the same case in the future.

**Rule 9**

**Final hearing expedited if interim measures imposed**

If interim measures are imposed, then the time for the full hearing, if requested by the Responding Party, will be expedited to the extent feasible.

# APPENDIX C
# STATE ASSOCIATION SAFE SPORT COORDINATOR

## General Description

The State Association Safe Sport Coordinator will be responsible for the implementation and coordination of the New York Wrestling Association for Youth Safe Sport Program within their state and local clubs. The officer will serve as the liaison for the NYWAY Safe Sport Program and work within their state and local clubs to facilitate implementation of all aspects of the Safe Sport Program.

The Coordinator must be a current member (club board member is preferred) of NYWAY in good standing.

## Responsibilities and Duties

The Safe Sport Coordinator will:

1. Complete the required Safe Sport training and be compliant with all other refresher courses and other training mandated by USCSS and NYWAY. Be fully versed on all matters within the New York Wrestling Association for Youth Safe Sport Handbook.
2. Serve as the primary contact for NYWAY regarding the Safe Sport Program and oversee the implementation of effective educational programs for all chartered clubs, participants, their parents/guardians and coaches, and additional parties as may be required by NYWAY.
3. Oversee the State Association and local chartered clubs have properly approved and implemented NYWAY Safe Sport Policies and Education.
4. Verify all coaches participating in all Member Programs of its State are compliant with Safe Sport and Background Screening under NYWAY policies.
5. Understand the reporting structure and refer all reports of a violation of the Safe Sport Policies directly to the appropriate parties at New York Wrestling Association for Youth, Center for SafeSport, and local child protection and/or law enforcement.
6. Participate in workshops/webinars as provided by NYWAY, collect and share information about the Safe Sport program and disseminate information on best practices.
7. Perform other functions as necessary in the fulfillment of NYWAY's continuing efforts to foster safe, healthy and positive environments for its athletes and members.

# APPENDIX D
# NYWAY SAMPLE LOCKER ROOM POLICY

NYWAY requires that all local programs publish their locker room policies to the parents of all Minor Athletes. The policies should be specific to the facilities they regularly use. The policy below is a sample only but may be modified by the local program to meet its specific needs and facilities. The local program's policies shall include the program's (a) practices for supervising and monitoring locker rooms and changing areas; (b) permission or lack of permission for parents to be in the locker rooms; (c) prohibited conduct, including at least all forms of abuse and misconduct prohibited by New York Wrestling Association for Youth; and (d) specific policies regarding the use of mobile electronic devices and phones and prohibiting the use of a device's recording capabilities.

**NEW YORK WRESTLING ASSOCIATION for YOUTH's Locker Room Policy**

In addition to the development of our wrestlers and their enjoyment of the sport, the safety and protection of our athletes is central to [PROGRAM's] goals. NYWAY adheres to NYWAY's SafeSport Program as a means to help protect its participants from physical abuse, sexual abuse and other types of misconduct, including emotional abuse, bullying, threats, harassment and hazing. To help prevent abuse or misconduct from occurring in our locker rooms, NYWAY has adopted the following locker room policy. This policy is designed to maintain personal privacy as well as to reduce the risk of misconduct in locker rooms.

Application

This policy shall apply to:

1) Adult members at a facility that is either partially or fully under the jurisdiction of a Covered Organization;
2) Adult members who have regular contact with amateur athletes who are minors;
3) Any adult authorized by NYWAY to have regular contact with or authority over an amateur athlete who is a minor; and
4) Adult staff and board members of NYWAY and or NYWAY Club Member.

(Collectively "Applicable Adult" for purposes of this policy.)

At [NAME OF FACILITY] there are [number (#)] of locker rooms available for our program's use. Each of the locker rooms [has its own restroom [and shower area]/shares a restroom [and shower area] with one or more locker rooms]. [if program uses multiple facilities, the same information should be included for each facility] Some teams in our program may also occasionally or regularly travel to wrestle at other facilities, and those locker rooms, rest rooms and shower facilities will vary from location to location. [PROGRAM's] team organizers will attempt to provide information on the locker room facilities in advance of events. At facilities for which you are unfamiliar, parents should plan to have extra time and some flexibility in deciding for their child to dress, undress and shower if desired.

**Locker Room Monitoring**

Our club will conduct direct and regular monitoring of locker room areas. Our monitoring uses a "two deep" process where two adults are present (each of which has been background screened and Safe Sport trained). All monitors shall be of the same sex as the athletes in the locker room. We conduct a sweep of the locker rooms and changing areas before wrestlers arrive, and if the

coaches are not inside the locker rooms, either a coach or voluntary locker room monitors (each of which has been screened) will be posted directly outside of the locker rooms and changing areas during periods of use, and leave the doors open only when adequate privacy is still possible, so that only participants (coaches and wrestlers), approved team personnel and family members are permitted in the locker room. Applicable Adults will also secure the locker room appropriately during times when the team is on the mat.

Except for athletes on the same team, at no time are unrelated Applicable Adults permitted to be alone with a Minor Athlete in a locker room or changing area when at a facility under our partial or full jurisdiction, except under emergency circumstances.

If our organization is using a facility that only has a single locker room or changing area, we will designate separate times for use by Applicable Adults, if any.

**Parents in Locker Rooms**

We discourage parents from entering locker rooms and changing areas unless it is truly necessary. In those instances, it should only be a same-sex parent when other Minor Athletes are changing in the same locker room or changing area. If this is necessary, parents should let a coach or administrator know about this in advance.

**Mixed Gender Teams**

Some of our teams consist of both male, female, and transgender wrestlers. It is important that the privacy rights of all of our wrestlers are given consideration and appropriate arrangements made. Where possible, NYWAY will have the male, female, and transgender wrestlers dress/undress in separate locker rooms and then convene in a single locker room before the game or team meeting. Once the game or practice is finished, the wrestlers may come to one locker room for a team meeting and then the male, female, and transgender wrestlers proceed to their separate locker rooms to undress and shower, if available. If separate locker rooms are not available, then the wrestlers will take turns using the locker room to change. Weunderstand that these arrangements may require that wrestlers arrive earlier or leave later to dress but believe that this is the most reasonable way to accommodate and respect all wrestlers. Minor Athletes shall be assigned to the locker room by birth gender if a separate accommodation is not available for transgender.

**Coaches**

Under no circumstances shall an unrelated Applicable Adult expose his or her breasts, buttocks, groin, or genitals to a Minor Athlete.

**Cell Phones and Other Mobile Recording Devices**

Cell phones and other mobile devices with recording capabilities, including voice recording, still cameras and video cameras, are not permitted to be used in the locker rooms. If phones or other mobile devices must be used, they should be taken outside of the locker room. [it may be permissible to have team manager collect phones].

**Prohibited Conduct and Reporting**

NYWAY prohibits all types of physical abuse, sexual abuse, emotional abuse, bullying, threats, harassment and hazing, all as described in the New York Wrestling Association for Youth Safe Sport Handbook. Member Programs, participants, employees or volunteers in NYWAY may be subject to disciplinary action for violation of these locker room policies or for engaging in any misconduct or abuse or that violates the New York Wrestling Association for Youth SafeSport Policies. Reports of any actual or suspected violations may be reported to nywaypresident@gmail.com