

# **Tucson Youth Football & Spirit Federation SEXUAL ABUSE AND MOLESTATION PREVENTION POLICY**

## **I. BACKGROUND AND PURPOSE**

Tucson Youth Football and Spirit Federation (“TYFSF”) is committed to providing a safe and healthy environment for participants to grow and mature as athletes. In recent memory, incidents of child abuse and child sexual abuse have been reported or uncovered at an alarming rate. Child abuse and child sexual abuse inflict incalculable harm on victimized young persons. In addition, organizations that sponsor events that result in some form of child abuse or child sexual abuse are often subject to litigation and massive, crippling liability. TYFSF seeks to prevent the occurrence of child abuse and/or child sexual abuse; primarily, to protect the well-being of minors in its care and, secondarily, to continue to provide young athletes with a venue in which they can excel.

The main purpose of this policy is to protect young persons from any form of abuse and prevent harm. Additionally, the purpose of this policy is to reduce the liability risk, related negative publicity, expense, and trauma that TYFSF and its participants could experience in the event of an incident of abuse.

This policy highlights the essentials of education, prevention, and volunteer screening. The intent of this policy is not to be all-encompassing, but, instead, to provide a framework that TYFSF can effectively implement with its limited resources and time. This policy does not address all possibilities or contingencies. If you have questions or concerns that are not addressed herein, please contact the Conduct Officer.

## **II. DEFINITIONS**

**Abuse:** Arizona law defines abuse as the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is cause by the acts or omissions of any individual having care, custody, and control of a child. Abuse also includes, among other things, inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation, incest, or child prostitution, unreasonable confinement. A.R.S. § 8-201(2).

**Physical Abuse:** Physical abuse includes the infliction or allowing the infliction of a physical injury to a child. Further, physical injury is the impairment of a physical condition and includes, without limitation, skin bruises, non-accidental cuts or abrasions, pressure sores, bleeding, burns (including water, rope or rug burn), soft tissue swelling, bald patches where hair has been pulled out, bite demarcations, and welts. Physical abuse also includes inflicting or allowing the impairment of bodily function (e.g. prohibiting a child from using a restroom).

**Sexual Abuse:** The National Center for Child Abuse and Child Neglect defines sexual abuse as the involvement of dependent, developmentally immature children, and/or adolescents in sexual activities that they do not fully comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles. Further, sexual abuse is any act intended to stimulate a child sexually, or to use a child for the sexual stimulation either of the perpetrator or another person.

**Arizona law provides the following definitions for sexual offenses against children:**

**Sexual abuse:** “A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.” A.R.S. § 13-1404.

**Sexual conduct with a minor:** “A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.” A.R.S. § 13-1405.

**Sexual assault:** “A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. A.R.S. § 13-1406.

**Molestation of a child:** “A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.” A.R.S. § 13-1410.

**Conduct Official:** The person at TYFSF who is appointed by the Executive Board to administer this policy. The Conduct Official is primarily responsible for education, reviewing Volunteer Applications, checking references, if any, conducting criminal background checks, conducting investigations on allegations of abuse, acting as liaison to local law enforcement, etc.

**Volunteer:** Individuals who perform the various functions entailed in the running of TYFSF without pay including officers and directors, committee personnel, coaches, managers, umpires, scorekeepers, concession workers, etc.

**Criminal Background Check (CBC):** CBCs provide, among other things, misdemeanor and felony information (including sex offenses) that TYFSF many want to take into account in the volunteer screening process.

### III. PROHIBITIONS/DUTIES RELATING TO THE PREVENTION OF CHILD ABUSE

**Limit One-On-One Contact:** No activities shall take place involving one-on-one contact between one minor and one non-related volunteer. Instead, a "buddy system" is required, where one minor, one adult, and one other person (minor or adult) should always be present during practices, games, carpooling, special events, or any other function sponsored by or related to the operations of TYFSF.

**Limitation on Sleepovers:** Any sleepover involving TYFSF participants or volunteers that relates to or is connected in any way to a TYFSF sponsored activity may occur only if at least one responsible, supervising adult is present in the dwelling. Additionally, sleepovers involving only one minor and one non-related adult are strictly prohibited.

**Touch:** Touch is acceptable only if it is "respectful and appropriate." All touch that is of a sexual nature or otherwise inappropriate or taboo is strictly prohibited. Use common sense when applying this prohibition.

**Verbal Conduct Policy:** Inappropriate comments of a sexual nature and/or suggestive jokes are prohibited. Additionally, comments that are abusive are strictly prohibited.

**Take Home/Pick-Up:** Take home/pick-up of minors by volunteers is discouraged due to the difficulty in limiting one-on-one contact (remember the "buddy system") and the potential liability relating to injuries while in transport. Parent(s)/legal guardian(s) should provide transportation for their own children to and from scheduled events. TYFSF will clearly outline the expected start and end times for all events and communicate this to all parent(s)/legal guardian(s). Parent(s)/legal guardian(s) must be instructed to make back-up plans in the event they cannot provide transportation. If parent(s)/legal guardian(s) cannot provide transportation, they must communicate to TYFSF the name of the person(s) who are authorized to pick up the child.

**Abuse Prohibition:** All forms of sexual, physical, verbal, and emotional abuse, whether or not explicitly defined herein, are strictly prohibited. Further, any interactions with minors that are prohibited by law are strictly prohibited hereunder.

**Name Distribution:** The distribution of directories/rosters with names, phone numbers, addresses, and pictures of minors or volunteers is limited to persons who "need to know" only.

**Duty to Report:** Arizona law requires that any TYFSF volunteer who *reasonably* believes that a minor is or has been the victim of physical injury, abuse, sexual abuse, neglect, other harmful circumstance that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history, if any, as being accidental in nature, or who reasonably believes that there has been a denial or deprivation or necessary medical treatment or nourishment, *must immediately report or cause a report to be made* to law enforcement officers (the police and Child Protective Services), except if the report concerns a person who does not have care, custody, or control of the minor, the report shall be made to a peace officer (police) only. See e.g. A.R.S. § 13-3620.

A person who makes or causes a report to be made has no duty to prove the suspected harm. Once a person reasonably believes that abuse has occurred, s/he must report it immediately. Do not conduct your own investigation beyond that which is necessary to obtain a reasonable belief of abuse. You may reach the police by dialing 911. You may reach Child Protective Services by dialing 1-888-SOS-CHILD (1-888-767-2445).

A person who, in good faith, makes a report or provides information relating to the well-being of a child is immune from civil or criminal liability, unless such person has been charged with, or is suspected of, the abuse or neglect in question. A.R.S. § 13-3620(J).

A person acting with malice who either knowingly or intentionally makes a false report of child abuse and neglect or who coerces another person to make a false report may be guilty of a crime. A person who knowingly or intentionally falsely accuses another of maliciously making a false report of child abuse and neglect may also be guilty of a crime.

#### **IV. EXAMPLES OF ABUSE/MOLESTATION**

**Emotional Abuse:** examples include yelling or making the following statements or similar:

- You're stupid;
- You're an idiot;
- You're an embarrassment; and
- You're not worth the uniform you play in; etc.

**Physical Abuse:** besides the obvious examples of a coach hitting, kicking, throwing equipment, or shaking a player, watch out for the following:

- Behaviors seem violent versus disciplinary;
- Training practices become abusive;
- Fighting is encouraged or ignored;
- Illegal moves, often associated with injuries are encouraged;
- Coaches teach improper techniques or encourage conduct which violates safety rules;
- Coaches allow participants to become physically or verbally abusive; and
- Behaviors result in injuries to participants; etc.

**Sexual Abuse:** an adult may not improperly sexualize touch by, for example, fondling instead of hugging (where appropriate and with permission), kissing, or seductive stroking of various body parts. On the other hand, touching is permitted when a participant needs comfort, reassurance, or support – e.g., an encouraging pat on the back or arm on the shoulder of a participant (vice-versa) conveying camaraderie are acceptable. Appropriate touch is respectful of a person's personal boundaries and comfort level, public (done in front of others and not secretly), and nurturing/encouraging (not sexualized). Be alert for the following, which may be indicative of sexual abuse:

- Misuse of power and authority;
- Misuse of love and affection;
- Manipulation or tricks:
  - \* *This is love;*
  - \* *This is what you need to be a part of the team; or*
  - \* *This is what we do for initiation.*
- Grooming: desensitization that begins with appropriate touch, then the touch changes. Examples:
  - \* *You liked the touch before;*
  - \* *What's wrong? Don't you trust me? or*
  - \* *courting (gifts, time, inordinate attention);*
  - \* *romancing (talking of love or attraction);*
  - \* *line (you're special, I don't usually do this sort of thing, you're so mature, you're so attractive); or*
  - \* *secrets (this is our special secret, others wouldn't understand, you or I would get in trouble)*

## V. WARNING SIGNS OF ABUSE/MOLESTATION

With some forms of abuse, there may be physical indicators (e.g., bruises, welts, broken bones, burns, ) or with sexual abuse (e.g., venereal diseases, genital swelling/soreness, difficulty sitting or walking, pain or itching when urinating or defecating, stomach aches, pain/itching in genital area, and frequent unexplained sore throats). But, often, the effects of sexual abuse are less obvious. For example, sudden shifts in behavior or attitudes when an outgoing child suddenly builds a protected, closed wall, a generally happy child becomes aggressive and angry, or a trusting child becomes fearful. In sports, this abuse can manifest itself through loss of interest, the participant wanting to drop out of sports, or a sudden decline in ability or functions.

Please note that no indicators or symptoms are absolute. Many of these could be indicators of problems other than abuse. However, if signs are apparent, consider them to be a red flag and remember that some signs are ambiguous. Children may respond in different ways and some may show no signs at all. Some indicators include:

- Disclosure by child. Most children will not simply say they have been abused, but instead, may hint at it;
- Observations, complaints, concerns, or allegations about volunteers;
- Attitudes/behaviors expressed on the part of an adult that may be associated with inappropriate or abusive behavior (racist, poor sense of athlete development, raging temper, extremely controlling, jealous, hypersensitive, poor sexual boundaries, bullying, intimidating manner, unrealistic or inappropriate training practices and risks, etc.)

- Unexplained/unlikely explanation of injuries;
- Extreme fear of a volunteer;
- Extreme low self-esteem, self-worth;
- A participant's attachment to a coach/staff to the point of isolation from others;
- A coach/staff with an interest beyond what is usual, special interest in a child (time, gifts, attention, obsession, unrealistic expectations, etc.)
- A child's desire to drop out without a clear explanation or without one that makes sense;
- A child that misses a lot of practices or games with suspicious explanations or excuses, etc.

Despite increased sensitivity to abuse, there is still a tendency to blame the victims instead of holding the person(s) accountable who:

- lost his/her temper;
- got a little out of control;
- were just having a dispute;
- misinterpreted the touch;
- is really a "wonderful" person;
- an important or well-respect person; etc.

Listen to what the minor is saying. The safety of minors is TYFSF's primary concern.

## VI. ALLEGATIONS OF ABUSE/MOLESTATION AND OTHER POLICY VIOLATIONS

**Point of Contact:** The Conduct Official is the appropriate person to whom all reports of child abuse/molestation must be reported. In the event that the Conduct Official is the alleged abuser/molester, the report should be made to the President of his/her member organization and to the President of TYFSF.

**Assessing the Seriousness of the Situation:** It is useful to differentiate between:

Concern: When the person just needs to be heard and have some information clarified.

Complaint: When the person needs you to listen and may or may not want action taken if they feel you listened.

Allegation: Clarify if the allegation is:

- appropriate, but unappreciated act;
- inappropriate act, but not illegal act;
- illegal act that needs to be reported to law enforcement.

Disclosure: When the person tells you that abuse occurred or based on their actions gives you reason to believe abuse has occurred.

The Conduct Official must take the appropriate action depending on where the situation falls in the above mentioned categories.

**Information Gathering:** Upon receipt of information of child/sexual abuse or of a policy violation, the Conduct Official must gather all pertinent facts in a fair, respectful, and confidential manner and review the same with both the accuser and accused (at this stage, the identity of an accuser should not be disclosed to the accused). All such reports must be brought to the attention of the Executive Board.

If the Conduct Official reasonably believes that abuse or some other illegal act has occurred s/he must immediately report it to law enforcement. Once reported, the Conduct Official should not investigate further, as this is the sole duty of law enforcement authorities and further investigation could result in liability for TYFSF.

**Suspension/Termination:** The findings of the Conduct Official must be reported to the Executive Board and all proceedings relating to such a report must be confidential. If the alleged abuser or policy violator admits to the conduct, the Board may impose whatever consequences it deems appropriate in its sole and absolute discretion. If the alleged abuser or policy violator denies the conduct, the Board can conduct further investigation as it deems necessary, except when reasonable cause of abuse exists and there is a report to law enforcement.

**Remember,** alleged abuse or violations may range from inappropriate, but not illegal behavior, to clear cut abuse.

**Suspension:** Less egregious inappropriate conduct on the part of the volunteer will result in a written reprimand. If more than two written reprimands are received by a volunteer in a three year period, this will result in the permanent disqualification of the volunteer. Slightly more egregious conduct, which is determined in the sole and absolute discretion of the Board, will result in both a written reprimand and suspension. Upon the second suspension in a three year time, the volunteer is disqualified.

**Disqualification:** All volunteers are subject to immediate termination based on the disqualification criteria outlined below.

## **VII. VOLUNTEER SCREENING**

**Volunteer Application and Consent/Release Form:** The attached document entitled “Volunteer Application” must be completed, signed, and submitted before a person may be considered for volunteering with TYFSF.

All TYFSF volunteers must complete the “Volunteer Application,” which includes a release/authorization that permits TYFSF to conduct CBCs as necessary. Refusal to provide a

completed “Volunteer Application” (together with the CBC release/authorization and Level One Fingerprint Clearance Card) will result in immediate dismissal/disqualification from TYFSF, even if the person has been allowed to volunteer in the past without providing this information. The Conduct Official will review all such applications, will order CBCs, may conduct a follow-up interview to clarify questions, and will decide whether or not the candidate is suited for interaction with minors based on this and any other relevant information.

**Criteria for Exclusion:** TYFSF, in its sole and absolute discretion, may disqualify any volunteer or applicant for any reason not illegal. A person is *automatically* disqualified and prohibited from serving as a volunteer if s/he has been found guilty of any of the crimes listed below (or substantially similar) or is facing charges for the crimes listed below (or substantially similar). “Guilty” as used herein means that individual was found guilty following a trial, entered a plea of guilty or *nolo contendere*, entered a no contest plea accompanied by a court’s finding of guilt, regardless of whether there was an adjudication of guilt (conviction), or a withholding of guilt, or the record has been expunged.

### **Offenses Requiring Automatic, Permanent Disqualification**

#### **Violent Crimes & Serious Crimes Against A Person**

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|---|--|
| 1. Aggravated Robbery with Firearm            | 17. Kidnapping   |
| 2. Armed Robbery                              | 18. Murder (in any degree)                             |
| 3. Arson                                      | 19. Possession of Explosives                           |
| 4. Attempted Murder                           | 20. Preventing a 911 Call                              |
| 5. Blackmail                                  | 21. Terrorism  |
| 6. Child Abandonment                          | 22. Reckless Homicide                                  |
| 7. Child Abduction                            | 23. Stalking   |
| 8. Child Pornography                          | 24. Solicitation for Murder                            |
| 9. Cruelty to Animals                         | 25. Tampering with Food or Drugs                       |
| 10. Endangering the Life or Health of a Child | 26. Threatening Public Officials                       |
| 11. Exploitation of a Child                   | 27. Treason  |
| 12. Extortion                                 | 28. Unlawful Restraint                                 |
| 13. Harboring a Runaway                       | 29. Vehicular Carjacking                               |
| 14. Hate Crime                                | 30. Vehicular Endangerment                             |
| 15. Home Invasion                             | 31. Violation of Order of Protection/Restraining Order |
| 16. Hit and Run Causing Injury or Death       |  |

#### **Sex Offenses**

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|---------------------------------|--|
| 1. Bigamy                       | 7. Distribution/Sale of Pornography to a Minor |
| 2. Bestiality                   | 8. Incest                                      |
| 3. Child Pornography            | 9. Indecent Solicitation of a Child            |
| 4. Sexual Abuse                 | 10. Keeping a Place of Prostitution            |
| 5. Sexual Assault               | 11. Lewd and Lascivious Behavior               |
| 6. Criminal Transmission of HIV |  |



12. Pandering
13. Pimping
14. Prostitution
15. Public Indecency

16. Sex with a Minor
17. Sexual Exploitation of a Child
18. Solicitation of a Sexual Act

#### Substance Abuse Crimes

1. Criminal Drug Conspiracy
2. Distribution of Alcohol to Minors
3. Possession of Illegal Substances
4. Sale or Manufacture of Illegal Substances
5. Sale of Alcohol to a Minor

#### Miscellaneous Crimes

1. Concealing or Aiding a Fugitive
2. Identity Theft
3. Impersonating a Law Enforcement Officer
4. Perjury

For more information on the screening process, see the TYFSF Volunteer Screening Policy, which is incorporated herein by this reference. The criteria set forth above are not exhaustive. TYFSF may deem a person unsuited to volunteer for any reason not illegal. Other crimes, charges, or activities that may indicate that a person is unqualified to work with minors may be taken into account.

**Appeals:** Persons who are deemed unsuited for interaction with minors will be notified in writing. Such persons will be provided information relating to the possibility of appeal or reconsideration.

**Acknowledgment of Training:** All volunteers must read this TYFSF Sexual Abuse and Molestation Prevention Policy and must agree to abide by its rules, regulations, and prohibitions

### **VIII. CONCLUSION**

This policy is intended to protect minors and protect the ability of TYFSF to operate without incident. Remember, if you suspect inappropriate or illegal conduct is occurring, report it immediately, and err on the side of being overly cautious. Should you have any questions or concerns relating to this policy, please contact the Conduct Officer.