

MCLEAN YOUTH SOCCER

POLICY NUMBER: 118

POLICY TOPIC: **Anti-Harassment and Anti-Bullying Policy**

A. Overview

McLean Youth Soccer (“MYS”) maintains several policies that are intended to protect employees and others from unlawful harassment and to protect members of the MYS community from other forms of prohibited conduct, including bullying. This Policy is intended to work in conjunction with those policies to provide an overall framework for MYS’s anti-harassment and anti-bullying initiatives.

B. Applicable Policies

The following policies include prohibitions on discrimination, harassment, and/or bullying:

- Equal Employment Opportunity and Anti-Discrimination (part of MYS Employee Handbook)
- Sexual and Other Unlawful Harassment (part of MYS Employee Handbook)
- Player Code of Conduct, Policy 110
- Coach Code of Conduct, Policy 113
- Parent/Guardian Code of Conduct, Policy 117

For employees: Applicable protections are set out in the:

- Employee Handbook in Section 7, Equal Employment Opportunity and Anti-Discrimination, and Section 8, Sexual and Other Unlawful Harassment.
- Codes of Conduct for Players, Coaches and Parents/Guardians (Policies 110, 113, and 117) which, among other things, prohibit players, coaches, and parents/guardians from engaging in harassment, intimidation, and bullying (including cyberbullying) of coaches and staff members.

For players: Applicable protections are set out in the:

- Player Code of Conduct, Policy 110, which, among other things, requires players to treat their teammates with respect and explains that disrespectful behavior, including bullying, is cause for dismissal from MYS.

- Coach Code of Conduct, Policy 113, which, among other things, prohibits coaches from engaging in harassment, intimidation, and bullying (including cyberbullying) of players.
- Parent/Guardian Code of Conduct, Policy 117, which, among other things, prohibits parents from engaging in harassment, intimidation, and bullying (including cyberbullying) of players.

For other members of the MYS community, including, but not limited to, MYS Board members, parents, officials, and other teams: Applicable protections are set out in the:

- Player Code of Conduct, Policy 110, which, among other things, requires players to show respect for the authority of the referee, to treat the coach with respect, to show good sportsmanship, to recognize that the opposing team are opponents and not enemies, and to ensure parents and fans understand that inappropriate and unsportsmanlike behavior is not permitted.
- Coach Code of Conduct, Policy 113, which, among other things, prohibits coaches from engaging in harassment, intimidation, and bullying (including cyberbullying) directed at the opposing team, any coach, parent, MYS board member, officials, or any other sports attendee.
- Parent/Guardian Code of Conduct, Policy 117, which, among other things, prohibits parents and guardians from engaging in harassment, intimidation, and bullying (including cyberbullying) directed at any coach, parent, MYS board member, officials, or any other sports attendee.

C. Prohibited Conduct

The following types of conduct are prohibited under this Policy and under the policies identified above:

1. Sexual Harassment and Other Forms of Harassment

MYS expressly prohibits discriminatory treatment, including harassment, of employees and players, in compliance with applicable anti-discrimination laws. Employees should consult the MYS Employee Handbook, Section 8, Sexual and Other Unlawful Harassment, for further information.

Harassment is a form of unlawful discrimination. It consists of unwelcome conduct, based on an individual's protected class, that has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating, hostile or offensive environment. Protected class refers to characteristics, such as race, sex, disability status, and so forth, which are protected under the anti-discrimination laws.

Sexual harassment is a form of unlawful discrimination and consists of either:

- Unwelcome sexual conduct, where submission to the conduct is made explicitly a term or condition of an individual's employment or membership status or a basis of decisions regarding that individual's employment or membership; or
- Unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an individual's performance by creating an intimidating, hostile or offensive environment.

The following are examples of prohibited conduct:

- Verbal conduct, including epithets, derogatory comments or slurs, negative stereotyping, and jokes or teasing about another person's protected status
- Visual and/or written conduct, such as the circulation, sharing, or posting of written or graphic materials that show hostility toward an individual because of the person's protected status, including derogatory gestures, posters, photographs, calendars, cartoons, drawings, websites, emails, text messages, GIFs, memes, or voicemail messages
- Physically harassing conduct, including assault, unwanted touching, or blocking normal movement

In evaluating whether the conduct satisfies the definition of sexual harassment, we will consider whether effective consent cannot be given to an encounter because of lack of consent, sexual exploitation, or the use of Coercion, Force, Intimidation or a Power Imbalance, as defined below.

- *Coercion: Pressure to engage in sexual misconduct.*
- *Force: The use or threat of physical force that overcomes free will or resistance.*
- *Intimidation: Implied threats or acts that reasonably cause fear of harm in another.*
- *Power Imbalance: Where one person is in a "Position of Power" such that, based on the totality of the circumstances, there is a Power Imbalance. Whether someone occupies a "Position of Power" depends on several factors, including the nature and extent of the supervisory authority over the person, the actual relationship between the parties, the parties' respective roles, the nature and duration of the relationship, and the age of the people involved, both presently and at the time of the relationship's conception. Once an employee-employer or coach-player relationship is established, a Power Imbalance is presumed regardless of age. Any romantic or sexual relationship or interaction between MYS Personnel with other MYS Personnel in a supervisory authority (direct or indirect), including a coach, involves a Power Imbalance.*

In evaluating whether the conduct creates an unlawful hostile environment, we will consider the totality of the circumstances. For the offending conduct to create an unlawful hostile environment, it needs to be sufficiently severe or pervasive. MYS prohibits harassing conduct in any form, regardless of whether it rises to the level of a legal violation.

2. Intimidation and Bullying

MYS expressly prohibits players, coaches, MYS Board members, volunteers, and parents from engaging in intimidation and bullying toward players, employees, MYS Board members, and others, including cyberbullying.

Bullying involves intentionally committing or willfully tolerating physical or non-physical behaviors that are intended, or have the reasonable potential, to cause fear, intimidation, humiliation, or physical harm in an attempt to socially exclude, diminish, isolate, or otherwise abuse or harm the targeted person.

- Intimidation is a form of bullying. It includes implied threats or acts that reasonably cause fear of harm in another. Hazing is another type of bullying. Hazing is any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades, or risks emotional and/or physical harm, regardless of the person's willingness to participate.

Cyberbullying includes, but is not limited to, harassing, teasing, humiliating, intimidating, threatening, or terrorizing by way of any technological tool, such as sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital picture or images, or Web site postings (including blogs).

Bullying does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion, as long as those activities are not otherwise prohibited under the above definition.

Intimidation and bullying may take the following forms:

Emotional Misconduct: Emotional misconduct is defined as deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to another person. Non-contact behaviors include verbal, physical, or other acts that deny attention or support to or degrade, demean, belittle, insult, sabotage, threaten, humiliate, berate, and/or single out, ignore, isolate or reject an individual, as well as any or conduct described as emotional abuse or misconduct under federal or state law. Emotional misconduct may include excessive shouting or personal verbal attacks or making derogatory comments about someone's body image, appearance, or weight. Emotional misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improving athletic performance.

Physical Misconduct: Physical misconduct is defined as conduct that results in, or reasonably threatens to cause, physical harm to another person; or any act or conduct described as physical abuse or misconduct under federal or state law (e.g., assault). Examples of physical misconduct include beating, punching, slapping, or striking; denying hydration, medical attention, or nutrition; and encouraging or knowingly permitting an injured athlete to return to practicing or playing without clearance by a medical professional or other appropriate authority. Physical misconduct does not

include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improving athletic performance.

E. Procedures for Reports, Investigations, and Corrective Action

1. Reporting Concerns

MYS strongly encourages anyone with information concerning an actual or potential policy violation to immediately report their concerns to MYS, whether the matter relates to conduct they are the subject of, that they learn of, that they have reason to believe has occurred, or that they have witnessed.

Supervisors are required to report promptly all complaints or reports of misconduct (including incidents of workplace discrimination, harassment, or bullying that they experience, witness, or receive information about, whether or not otherwise reported as formal complaints) and all other potential violations of this Policy.

- *An MYS Supervisor is any individual affiliated with MYS who has the authority to direct, evaluate, hire, fire, suspend, lay off, promote, assign, reward, or discipline other MYS Personnel, or to address their grievances, or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The term "Supervisor" generally includes the Executive Director, Technical Directors, Age Group Directors, Age Group Managers, and ECNL Managers, provided their duties are consistent with those described in this definition. For purposes of this Policy, whether paid or volunteer, MYS coaches and assistant coaches shall be deemed to be Supervisors.*

This Policy does not restrict or otherwise supersede any requirements to report complaints or potential violations to law enforcement and/or the U.S. Center for SafeSport, as appropriate.

To promote our goal of creating an environment free of harassment and bullying, we have created the role of MYS Ombudsman. As outlined below, the MYS Ombudsman will be a resource for anyone who seeks to report potential policy violations. The Ombudsman is responsible for promptly transmitting any such concerns to the Executive Director, or, if the conduct of the Executive Director is at issue, to the MYS Board. The MYS Ombudsman will not share information regarding these concerns with any other individuals unless on a need-to-know basis or as otherwise required by MYS policy or law. Any individual designated by MYS to serve as Ombudsman will have no other current affiliation with MYS. Such individual will not be a current employee, volunteer, or board member of MYS and, in addition, will not have family members who are currently affiliated with or play for MYS.

Policy violations should be reported as follows:

- *Violations of the Sexual and Other Unlawful Harassment Policy (included in the Employee Handbook):* Employees should report a violation to their direct supervisor, the Executive Director, or any other member of MYS management.
- *Violations of the Player Code of Conduct, Policy 110:* Violations should be reported to a Coach, the Executive Director, or the MYS Ombudsman.
- *Violations of the Coach Code of Conduct, Policy 113:* Violations should be reported to the Executive Director or the MYS Ombudsman.
- *Violations of the Parent/Guardian Code of Conduct, Policy 117:* Violations should be reported to the Executive Director or the MYS Ombudsman.

The Executive Director may be contacted at: executivedirector@mcleansoccer.org or 703-635-4147 or P.O. Box 724, McLean, VA 22101.

The MYS Ombudsman may be contacted at ombudsman@mcleansoccer.org or P.O. Box 724, McLean, VA 22101.

2. Investigation and Redressing Concerns

MYS will promptly investigate reported violations and take appropriate action consistent with the provisions of the policy at issue.

NOTE: All MYS Personnel must cooperate fully in investigations. Cooperation includes providing comprehensive and truthful information and documents when requested by MYS or its agents. Cooperation also includes providing MYS with access to personal devices or computers that have been used for MYS work purposes or that are reasonably believed to contain evidence relevant to the investigation when requested by MYS or its agents to aid in the investigation of a complaint. Failure to cooperate with an investigation may lead to disciplinary action by MYS.

The following are the procedures and remedies that apply, depending on the policy violation:

For reported violations of the Sexual and Other Unlawful Harassment Policy: Any investigations will be conducted in a confidential manner but will necessarily involve sharing information to investigate the concerns and take appropriate action. If a violation is found to have occurred, MYS will take appropriate corrective action, up to and including termination of employment.

For reported violations of Player Code of Conduct, Policy 110: Coaches have discretion to determine disciplinary actions for violations, up to and including suspension from practices and games. Repeated or egregious violations shall result in disciplinary action by the Disciplinary Committee, up to and including, without limitation, expulsion from MYS. All decisions by the Disciplinary Committee are final and may not be appealed. The Disciplinary Committee shall consist of at least three, but no more than five members, to be designated by the Executive Director as needed.

For reported violations of Coach Code of Conduct, Policy 113: Any investigations will be conducted in a confidential manner but will necessarily involve sharing information to investigate the concerns and take appropriate action. If a violation is found to have occurred, MYS will take appropriate corrective action, up to and including termination of employment.

For reported violations of Parent/Guardian Code of Conduct, Policy 117: Coaches are required to promptly address any policy violations and to inform the Executive Director of the violation and the actions taken by the coach to address the violation. Coaches have the absolute authority, in their sole discretion, to issue verbal warnings and/or eject any player or parent/guardian from any game or match if the player or parent/guardian violates the code. In addition, as appropriate, the Executive Director, the MYS Board, or any individual delegated by the Executive Director or MYS Board, will investigate an observed or reported violation, including speaking with the person accused of the violation to give that person a chance to respond. Upon the conclusion of the investigation, the Executive Director will determine the appropriate penalty and may consult with the MYS Board in doing so. Penalties will be based on the nature and severity of the violation and may include one or more of the following: verbal warning, written warning, suspension of one or more games in duration and/or expulsion from MYS. All decisions of the Executive Director are final and cannot be appealed.

NOTE: This Policy is not designed or intended to limit MYS's authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definitions of unlawful harassment or of bullying set out above.

3. Supervisory Responsibilities

In addition to reporting policy violations, Supervisors are also responsible for:

- Implementing this Policy, which includes, but is not limited to, taking steps to prevent harassment, bullying, retaliation, and any other misconduct set forth in the policies referenced above.
- Ensuring that all MYS Personnel under their supervision have knowledge of and understand their responsibilities under this Policy.
- Taking and/or assisting in prompt corrective action when necessary to ensure compliance with this Policy.
- Conducting themselves, at all times, in a manner consistent with this Policy.

Any failure by an MYS Supervisor to meet these responsibilities will lead to disciplinary action, up to and including termination of employment.

D. Retaliation

MYS prohibits reprisal or retaliation against anyone for:

- Filing a good faith report of a policy violation.

- Supporting or assisting, in good faith, someone else in pursuing a report or in an investigation.
- Filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by MYS, SafeSport, MYS-affiliated leagues, and organizations, or any governmental agency.

The procedures and remedies for addressing policy violations, set forth above, also apply to retaliation concerns.

Approved by the MYS Board of Directors on May 18, 2023