

REFEREES' COMMISSION POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

Scope

This Policy does not expand the personal jurisdiction of the Referees' Commission (RC), which deals solely with adjudicating breaches of its Code of Ethics and this Policy by a referee. All other complaints will be referred to the appropriate body having jurisdiction over such complaints, e.g. USA Fencing Board of Directors, USA Fencing Ethics Committee, its Safe Sport Officer or the Center for Safe Sport. Alleged violations within the purview of the RC will be handled according to the procedures for adjudicating ethical violations.

Policy Prohibiting Discrimination and Harassment

Referees have the right to a work environment free from discrimination and harassment because of sex, sexual orientation, race, age, religion, ethnic origin, disability, or any other protected status. Statements or conduct by referees or persons supervising referees of a discriminatory nature will not be condoned or tolerated. Discrimination or harassment — whether the alleged conduct is engaged in by fellow referees, supervisors, employees, athletes, spectators, vendors, clients, coaches or any other persons with whom the referee comes in contact during the course of employment with USA Fencing — should be reported immediately. Reports can be made to any member of the USA Fencing Referees' Commission, the Executive Director of USA Fencing, its Safe Sport Officer or any member its Board.

Policy Prohibiting Sexual Harassment

The purpose of this statement of policy is to stress the importance of the Referees' Commission policy prohibiting sexual harassment in the workplace, elaborate on what types of conduct are considered sexual harassment, and reiterate the duty of each referee to make every effort to prevent such prohibited practices by refraining from improper conduct and by reporting any observed improper conduct of this type. No act of sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature can be condoned or tolerated. Any report of improper conduct of a sexual nature made to the USA Fencing Referees' Commission, the Executive Director of USA Fencing, its Safe Sport Officer or any member its Board will be submitted by the recipient to the Center for Safe Sport. Referees may also report any incidents directly to the Center for Safe Sport.

Sexual harassment includes, but is not limited to, the following conduct:

1. Any act or solicitation of "quid pro quo" sexual behavior, in which a supervisor, or other employee/contracted personnel with the power or

authority to grant or withhold employment benefits, demands sexual favors in exchange for employment benefits.

2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which have the purpose or effect of creating a “hostile working environment.”
3. Examples of sexual harassment include, but are not limited to, the following workplace conduct:
 - (a) Explicit or implicit demands for sexual favors in return for job benefits.
 - (b) Unwelcome letters, telephone calls, other electronic communications such as emails, instant messaging or text messaging, or distribution or display of materials of a sexual nature.
 - (c) Physical assaults or unwelcome touching of a sexual nature.
 - (d) Unwelcome and deliberate touching, leaning over, cornering, or pinching.
 - (e) Unwelcome sexually suggestive looks or gestures.
 - (f) Unwelcome pressure for sexual favors or dates.
 - (g) Unwelcome sexual teasing, jokes, remarks, insults, or questions. Please be mindful of the rights and sensitivities of others — comments not intended as harassment, and not perceived as such by the person to whom they are directed, may be offensive and unwelcome to another person who overhears them.
 - (h) According preferential treatment to those who grant sexual favors, or unfavorable treatment to those who refuse to submit to or reject requests for sexual favors.
4. The victim does not have to be the person toward whom the unwelcome sexual conduct is directed, but may be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of a referee, or conduct of a sexual nature toward a referee that is not unwelcome to such referee, may create for another referee an intimidating, hostile, or offensive working environment.

Procedure and Responsibilities for Reporting Sexual or Other Unlawful Harassment

1. It is the *duty and obligation* of all referees to report conduct that they believe to be discrimination or harassment because of race, age, religion, ethnic origin, or any other protected status or sexual harassment. Witnessing referees and victims should report such harassment regardless

of who engages in the alleged conduct or who is the object of it. Such conduct should be reported to any member of the Referee's Commission, the witness or victim's immediate supervisor at a USA Fencing event, the Executive Director of USFA Fencing, its Safe Sport Officer, or any member of its Board. Sexual harassment may also be reported directly to the US Center for Safe Sport. Any report of a form of discrimination or improper harassment other than that of a sexual nature will be investigated and, if substantiated, appropriate corrective action will be taken against the violator. Sexual harassment reports received by USA Fencing personnel must be referred to the US Center for Safe Sport. It is a violation of this policy for a referee to have knowledge of prohibited discrimination or harassment and not report it.

2. The Referees' Commission and Title VII of the Civil Rights Act of 1964 prohibit retaliation for reporting or otherwise opposing any form of employment discrimination or harassment, including sexual harassment, or for filing a complaint, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing regarding any form of employment discrimination or harassment, including sexual harassment. The Referees' Commission will take appropriate measures to ensure that no such retaliation occurs and to punish any retaliation that takes place.

3. The Referees' Commission recognizes the importance of confidentiality in handling inquiries or investigations of sexual harassment or other forms of unlawful harassment. The Referees' Commission will respect the privacy and confidentiality of individuals reporting or accused of harassment to the extent reasonably possible. The parties to a complaint, e.g., the alleged victim and the person allegedly engaging in prohibited conduct, are expected to maintain confidentiality. In addition, witnesses who are asked about or participate in an investigation about allegations of harassment are expected to maintain confidentiality about such investigation. These policies exist to protect the privacy and due process rights of the accused and the victims, and not to cover up allegations of wrongdoing. Remedial action taken on substantiated accusations may be made public once disciplinary procedures have run their course. Sanctions may also include private actions, such as letters of admonition or probation.

If a referee has any questions about the Referees' Commission policy regarding sexual harassment or other forms of unlawful harassment in the workplace, please contact the any member of the Referees' Commission.

These policies are mandatory for all USA Fencing Referees. Compliance with these policies will assure that the work environment for referees at USA Fencing will be free of

harassment or other inappropriate conduct, and that all referees will continue to be treated with mutual respect and consideration.