

Minot Soccer Association
Adult League:
Code of Sexual Conduct Policies

MSA Sexual Conduct Policy

POLICY STATEMENT

Minot Soccer Association (hereinafter “MSA”) is committed to maintaining cooperative work, training and sports environments in which there exists mutual respect for all athletes, coaches, referees and other officials, and for all MSA directors, officers, employees and volunteers. MSA is committed to creating a safe and positive environment for its athletes and participants involved in sport, free of misconduct. Engaging in misconduct, which is contrary to MSA policy of equal employment and sports opportunity without regard to age, sex, sexual orientation, citizenship, religion, race, disability or national or ethnic origin, will not be tolerated within MSA.

For purposes of this Sexual Conduct Policy (the “Policy”), misconduct is identified as the following misconduct:

- Sexual misconduct (including child sexual abuse)

PROHIBITED CONDUCT

It is a violation of MSA policy for any director, officer, employee, volunteer, member, or athlete to engage in any form of misconduct as identified by this Policy, including harassment of any kind based on age, sex, sexual orientation, citizenship, religion, race, disability, or national or ethnic origin. It is a violation of MSA policy for any such person to engage in any such conduct towards any person participating in any event, training camp or competition conducted or sanctioned by MSA. It is also a violation of MSA policy to retaliate against any person for raising an allegation of misconduct or for filing a complaint alleging any such action.

Definition of Sexual Misconduct

Sexual misconduct involves:

- Any touching or non-touching sexual intercourse that is:
 - Nonconsensual or forced,
 - Coerced or manipulated, or
 - Perpetrated in an aggressive, harassing, exploitive or threatening manner.
- Any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitive.

- Any act or conduct described as sexual abuse, sexual assault, or misconduct under federal or state law of North Dakota (e.g., sexual abuse, sexual exploitation, rape).

Examples Sexual Misconduct

Types of Sexual Misconduct prohibited by this Policy include:

- Sexual assault
- Sexual harassment
- Sexual abuse
- Any other sexual intimacies that exploit another athlete. **Minors cannot consent to sexual activity with an adult**, and all sexual interaction between an adult and a minor is strictly prohibited.

Examples of sexual misconduct include but are not limited to the following:

- Touching offenses. Behaviors that include:
 - Fondling an athlete's breast or buttocks
 - Exchange of reward in sport (e.g., team placement, scores, feedback) for sexual favors
 - Genital contact
 - Sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or other sports participants
- Non-touching offenses. Behaviors that include:
 - A coach, referee, or other athlete discussing his or her sex life with another athlete
 - A coach, referee, or other athlete asking another coach, referee, or athlete about his or her sex life
 - A coach, referee, or other athlete requesting or sending a nude or partial-dress photo to other coaches, referees, or athletes
 - Exposing athletes, coaches, or referees to pornographic material
 - Sending other coaches, referees, or athletes sexually explicit or suggesting electronic or written messages or photos (e.g., "sexting")
 - Deliberately exposing other coaches, referees, or athletes to sexual acts
 - Deliberately exposing other coaches, referees, or athletes to nudity (except in situations where locker room and changing areas are shared)
 - Sexual harassment; specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and:
 - Is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this
 - Is sufficiently severe or intense to be harassing to a reasonable person in the context

Definition of Sexual Abuse of a Minor

Sexual abuse of a minor is defined as any touching or non-touching or sexual harassment of, or sexual interaction with, a minor and any act of conduct described as child sexual abuse or misconduct under federal or state laws. Sexual abuse of a minor includes any sexual activity with a minor where the consent is not or cannot be given, regardless whether there is or is not deception, use of force or threats. Neither consent of the minor to the sexual contact, mistake as to the minor's age, nor the fact that the sexual contact did not take place at an MSA Event or program or MSA offices or facilities are defenses to a complaint of sexual abuse.

Examples of Sexual Abuse of a Minor

Sexually abusive acts may include:

- Sexual penetration
- Sexual touching
- Non-contact sexual acts such as:
 - Verbal acts
 - Sexually suggesting electronic or written communications
 - Exposure
 - Voyeurism

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other oral and written communications or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment, or participation at any MSA Event
- Submission to or rejection of such conduct by an individual is used as a basis for any decision affecting the employment at or appointment by MSA, or participation at any MSA Event by such individual
- Such conduct has the purpose or effect of interfering with an individual's work, sport performance or participation in MSA activities or any MSA Event or creates an intimidating, hostile or abusive work, training or sports environment

Examples of Sexual Harassment

Examples of Sexual harassment include but are not limited to the following:

- Sexual comments, teasing or jokes, graphic or sexually suggestive gestures, sexual slurs, demeaning statements about an individual's attire or body
- Sexual assault or non-consensual sexual relations
- Non-contact sexual acts such as verbal acts, sexually suggestive electronic or written communications, exposure or voyeurism

SCREENING

Any employee, volunteer, instructor, coach, judge, administrator, athlete or member who has routine access to minors within an MSA Event or club activity must sign under penalty of perjury a “Member Protection Declaration” form. person serving in such capacity at a MSA Event or club activity who has, or is expected or planned to have, interactions with minors in the course of their duties is considered to have routine access. Any athlete who has or is expected or planned to play a soccer game against minors is considered to have routine access. MSA will not authorize or sanction in any MSA Event or program any person who has routine access to minors who refuses to sign the “Member Protection Declaration”. A person may be disqualified and prohibited from serving as an employee, director, volunteer, coach, judge, trainer, or manager of minors, or an athlete playing against minor athletes if the person has:

- Been convicted (including crimes the record of which has been expunged and pleas of “no contest”) of a crime of child abuse, sexual abuse of a minor or adult, physical abuse, causing a child’s death, neglect of a child, murder, manslaughter, felony assault, any assault against a minor, kidnapping, arson, criminal sexual conduct, prostitution related crimes or controlled substance crimes, sex trafficking.
- Being adjudged liable for civil penalties or damages involving sexual or physical abuse of minors or adults.
- Being subject to any court order involving any sexual abuse or physical abuse of a minor or adult, including but not limited to domestic order or protection.
- Had their parental rights terminated.
- A history with another organization (volunteer, employment, etc.) of complaints of child sexual abuse or other sexual misconduct, or physical abuse of minors or adults.
- Resigned, or been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse
- Has a history of other behavior that indicates they may be a danger to children in MSA or participating in MSA Events or programs.
- Has been declared a sex offender in any applicable federal or state jurisdiction.
- Is listed on any federal or state sexual offender list or registry.

WILLFULLY TOLERATING MISCONDUCT

Willfully tolerating misconduct is unacceptable and a violation of this Policy. It is a violation of this Policy if a party knows of misconduct but takes no action to report it.

FALSE AND MALICIOUS ACCUSATIONS

Any person who makes a false, frivolous or malicious complaint of misconduct (as contrasted with complaints which, even if erroneous, are made in good faith) will be subject to disciplinary action. Depending on the nature of the allegation, a person making a false, frivolous or malicious report may also be subject to civil or criminal proceedings.

REPORTING, COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

Every person who is subject to this Policy must report violations of this policy and suspicions or allegations of misconduct. Such reports may be made by contacting any of the following: any MSA officer or director, any MSA Board member, any Team Captain or Team Manager, any referee and, where applicable, **appropriate law enforcement authorities**.

MSA recognizes that it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. **Anonymous reports may be made verbally or in writing.**

All alleged violations of this Policy will be submitted to an independent investigator selected by the MSA Board. The independent investigator shall complete an investigation and submit a report within a reasonable time, but no more than six (6) months.

The independent investigator shall interview all relevant witnesses. The independent investigator shall prepare a report and submit to the MSA board. The report shall consist of summary of all witnesses' statements and applicable law involved. The report shall not include an opinion on whether there was a violation. Nor will the report include if discipline is warranted. The MSA Board shall determine after reviewing the report if a violation occurred and any appropriate discipline if determined to be a violation. The MSA Board can seek the opinion of the independent investigator. Such discipline may include immediate termination of employment, immediate dismissal from an MSA training camp, event or program, or team, being precluded from participating at MSA sanctioned events or other competitions and being sent home at such person's own expense.