

UNITED SOCCER LEAGUES ANTI-HARASSMENT POLICY

I. Introduction

This Anti-Harassment Policy (this “**Policy**”) is applicable to the USL Championship, USL League One, and Super League (collectively, “**USL**” or the “**League**”), each of their member clubs (each, a “**Club**”), and each of their respective owners, officers, directors, agents, employees or any and all other Persons engaged or appointed by them or having actual or apparent authority to act on their behalf, which, in the case of a Club, specifically includes its coaches and players (each a “**Covered Person**” and, collectively, “**Covered Personnel**”).

The principles set out in this Policy are intended to apply to any work-related context. Work-related contexts include, but are not limited to, matches, training, conferences, work functions, social events, meetings, and business trips without regard to whether the location is a League Facility, Club Facility, or offsite.

Harassment does not have any legitimate workplace function. The League and Clubs are committed to providing a safe environment for all Covered Personnel and preventing abusive conduct in any form. This Policy is intended to ensure that all Covered Personnel are able to work and to perform their duties without being subjected to any form of harassment, and the USL will not tolerate harassment or victimization under any circumstances. Clubs are required to adopt policies consistent with and in furtherance of this Policy. In the event of any conflict between this Policy and a Club policy, the provisions of this Policy will control.

The USL strongly encourages any Covered Person who feels that they have been harassed to take action, by making it clear that such behavior is unwelcome and offensive; alternatively, or in addition, follow the procedures for reporting the behavior.

Questions about this Policy may be directed to USL’s safeguarding department by emailing Safeguarding@USLSoccer.com.

II. Non-Exclusive Policy

This Policy may be enforced by USL against the Clubs and any Covered Person. This Policy may also be enforced by any Club against any Covered Person employed by it or otherwise under its control. However, Clubs may also have their own, separate policies, rules, regulations, processes, and procedures to address the reporting and prevention of harassment and other prohibited conduct (collectively, “**Club Policies**”). This Policy is intended to coexist with the Club Policies and not to replace or modify them in any way. Any Covered Person who feels that they have been a victim of harassment (or have witnessed or been informed of any type of harassment), should report the matter to both the USL pursuant to this Policy (as set forth in Section VI) as well as to their employer or pursuant to any applicable Club Policies.

III. Players Covered Under a Collective Bargaining Agreement

This Policy is intended to work in conjunction with, and not to replace, amend, or modify any terms or conditions of employment stated in any collective bargaining agreement. Wherever terms of this Policy differ from the terms expressed in the applicable collective bargaining

agreement, Covered Personnel should refer to the specific terms of the collective bargaining agreement, which will control.

IV. All Unlawful Harassment Prohibited

This Policy strictly prohibits unlawful harassment by USL, the Clubs, or any Covered Personnel because of race, religion, creed, national origin, ancestry, sex (including, but not limited to, pregnancy), gender (including, but not limited to, sexual orientation, gender identity, and status as a transgender or transsexual individual), age, physical or mental disability, citizenship, genetic information, past, current, or prospective service in the uniformed services, or any other characteristic protected under applicable federal, state, or local law.

V. Prohibited Conduct

This Section V contains policies prohibiting the following types of conduct: Sexual Misconduct, Physical Misconduct, Emotional Misconduct, Bullying, Harassment, Hazing, and Aiding and Abetting, and Other Misconduct.

A. Sexual Misconduct

Covered Personnel may not engage in (1) Sexual Harassment; (2) Sexual Exploitation; or (3) Bullying, Hazing, or Other Inappropriate Conduct of a Sexual Nature, as further described below. Sexual misconduct may occur between persons of all genders and sexual orientations and is not limited to instances of opposite-sex misconduct.

- **Sexual Harassment.** It is a violation of this Policy for Covered Personnel to engage in Sexual Harassment. “Sexual Harassment” means any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, where: (a) submission to the conduct is explicitly or implicitly made a term or condition of employment, standing in sport, participation in Events, programs, or activities; (b) submission to the conduct is otherwise used as the basis for sporting decisions; or (c) the conduct creates a Hostile Environment. Sexual Harassment includes harassment related to gender, sexual orientation, gender identity, or gender expression. It may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.
- **Sexual Exploitation.** It is a violation of this Policy for Covered Personnel to engage in Sexual Exploitation. “Sexual Exploitation” occurs when Covered Personnel purposely or knowingly: (a) allow third parties to observe private sexual activity from a hidden location (*e.g.*, closet) or through electronic means (*e.g.*, Skype or live-streaming of images) without Consent of all parties involved in the sexual activity; (b) record or photograph private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts, or buttocks) without Consent of all parties in the recording or photo; (c) engage in voyeurism (*e.g.*, watching private sexual activity or viewing another person’s intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed; (d) disseminate, show, share,

forward or post images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without prior Consent of the person depicted in the images for any reason whatsoever; (e) intentionally expose another person to a sexually transmitted infection or virus without that person's knowledge; or (f) engage in prostituting or trafficking another person.

- **Bullying, Hazing, or Other Inappropriate Conduct of a Sexual Nature.** It is a violation of this Policy for Covered Personnel to engage in bullying, hazing, and other inappropriate conduct of a sexual nature, as further defined in Sections V.D, V.F, and V.H.

B. Physical Misconduct

Covered Personnel may not engage in Physical Misconduct. “Physical Misconduct” means any intentional contact or noncontact behavior that causes, or reasonably threatens to cause, physical harm to another person. Examples of Physical Misconduct may include, without limitation:

- **Contact Violations** – *e.g.*, punching, beating, biting, striking, choking, or slapping another; intentionally hitting another with objects, such as sporting equipment; or encouraging or knowingly permitting a Player to return to play prematurely following a serious injury (*e.g.*, a concussion) and without the clearance of a medical professional.
- **Non-Contact Violations** – *e.g.*, isolating a person in a confined space, such as locking them in a small space; forcing another to assume a painful stance or position for no athletic purpose (*e.g.*, requiring them to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep; providing alcohol to a person under the legal drinking age; or providing illegal drugs or non-prescribed medications to another.
- **Criminal Conduct** – *e.g.*, any act or conduct described as physical abuse or misconduct under federal or state law (*e.g.*, assault, battery, kidnapping and false imprisonment).

C. Emotional Misconduct

Covered Personnel may not engage in Emotional Misconduct. Emotional Misconduct may include, without limitation, (1) verbal acts, (2) physical acts, (3) acts that deny attention or support, (4) criminal conduct, and/or (5) stalking, as further described below. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

- **Verbal acts** – *e.g.*, repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- **Physical acts** – *e.g.*, repeated and/or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles, or chairs at or in the presence of others or punching walls, windows, or other objects.

- **Acts that deny attention or support** – *e.g.*, ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Player from practice.
- **Criminal conduct** means any act or conduct described as emotional abuse or misconduct under federal or state law.
- **Stalking**, which occurs when a person purposefully engages in a Course of Conduct directed at a specific person, and Knows or Should Know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) the safety of a third person, or (iii) experience significant mental suffering or anguish. Stalking includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

D. Bullying

Covered Personnel may not engage in Bullying. “Bullying” means repeated and/or severe behavior(s) that are (a) aggressive; (b) directed at another Covered Person; and (c) intended or likely to hurt, control, or diminish the individual emotionally, physically, sexually, socially or professionally.

Examples of bullying behavior may include, without limitation, repeated and/or severe:

- **Physical Bullying** – *e.g.*, pushing, punching, beating, biting, striking, kicking, choking, spitting, or slapping, or throwing objects (such as sporting equipment) at another person.
- **Verbal Bullying** – *e.g.*, ridiculing, taunting, name-calling, or intimidating or threatening to cause someone harm.
- **Social Bullying** – *e.g.*, cyberbullying, use of rumors or false statements about someone to diminish that person’s reputation or professional standing; using electronic communications, social media, or other technology to harass, frighten, intimidate, or humiliate someone; or socially excluding someone and asking others to do the same.
- **Sexual Bullying** – *e.g.*, ridiculing or taunting based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.
- **Criminal Conduct** – Bullying includes any conduct described as bullying under federal or state law.

Conduct may not rise to the level of Bullying if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions.

E. Harassment

Covered Personnel may not engage in Harassment. “Harassment” means repeated and/or severe conduct that (a) causes fear, humiliation, or annoyance, (b) offends or degrades, (c) creates a Hostile Environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority, or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, mental or physical disability and/or any other protected characteristic under federal or state anti-discrimination laws; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions.

F. Hazing

Covered Personnel may not engage in Hazing. “Hazing” is any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, humiliate, degrade, or intimidate the person as a condition of joining or being socially and/or professionally accepted by a group, team, or organization. Purported Consent by the person subjected to Hazing is not a defense, regardless of the person’s perceived willingness to cooperate or participate. Examples of Hazing include:

- **Contact acts** – *e.g.*, tying, taping, or otherwise physically restraining another person; or beating, paddling, or other forms of physical assault.
- **Non-contact acts** – *e.g.*, requiring or forcing the consumption of alcohol, illegal drugs, or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (*e.g.*, wearing inappropriate or provocative clothing) or public displays (*e.g.*, public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; or restrictions on personal hygiene.
- **Sexualized acts** – *e.g.*, actual or simulated conduct of a sexual nature.
- **Criminal acts** – *i.e.*, any act or conduct that constitutes hazing under applicable federal or state law.

Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views and/or positions.

G. Aiding and Abetting.

Covered Personnel may not affirmatively assist, support or encourage another Covered Person to engage in any conduct prohibited by this Policy.

H. Other Inappropriate Conduct

In addition to the foregoing prohibitions, Covered Personnel may not engage in the following types of inappropriate conduct:

- **Intimate or Romantic Relationship** – A Covered Person may not engage in an Intimate or Romantic Relationship with a Player where a Power Imbalance exists. An “Intimate or Romantic Relationship” is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is an Intimate or Romantic Relationship is based on the totality of the circumstances, including: (a) regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), (b) the parties’ emotional connectedness, (c) the exchange of gifts, (d) ongoing physical and/or intimate contact and/or sexual activity, (e) identity as a couple, (f) the sharing of sensitive personal information, and/or (g) intimate knowledge about each other’s lives outside the sport relationship.

Aside from intimate and romantic relationships with players, other intimate and romantic relationships which may occur between Covered Personnel within an office setting are not covered by this policy; however, such relationships may be subject to individual Club Policies.

- **Intentional Exposure** – Covered Personnel may not intentionally expose his or her breasts, buttocks, groin, or genitals, or induce another to do so.
- **Inappropriate Physical Contact** – Covered Personnel may not engage in inappropriate physical contact with an individual. Such inappropriate contact includes, but is not limited to, intentionally (a) touching, slapping, or otherwise contacting the breasts, buttocks or genitals; (b) excessively touching or hugging; or (c) kissing.

I. Power Imbalance

Where a Power Imbalance exists, it is a violation of this Policy for the individual in the position of power to utilize their status, position, or power in a way to manipulate, coerce, sanction or intimidate another individual. Where a Power Imbalance exists, this factor may also be used when assessing the other forms of prohibited conduct listed in Sections V.A through V.H.

- A “Power Imbalance” means that one person has supervisory, evaluative, financial or other authority over another, based on the totality of the circumstances, including but not limited to: the nature and extent of the supervisory, evaluative, financial or other 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 parties involved.

VI. Reporting

The USL champions a culture of compliance, safety, and respect. As a part of this Policy, the USL encourages open communication in which all Covered Personnel feel empowered to report concerns that violate this policy.

A. Reporting to the U.S. Center for SafeSport (the “Center”)

The U.S Center for SafeSport (the "Center") has exclusive jurisdiction over allegations of Sexual Misconduct (irrespective of age), suspected Child Abuse and other misconduct involving Players who are Minors. All reports of this nature must be reported to the Center, by visiting www.safesport.org and selecting the “Report a Concern” link, or by calling the Center at (720) 531-0340.

B. Reporting to USL

Any Covered Person who feels that they are a victim of harassment or have witnessed or been informed of any type of harassment, including, should immediately report the matter to their employer (pursuant to any Club Policies, if applicable) as well as to the USL.

To support Covered Personnel in making a report, the USL has contracted with i-Sight, an independent service provider specializing in secure and anonymous Whistle-blower Hotline and web-based reporting services. This hotline will enable an individual to anonymously report a suspected violation by phone (888) 896-4835 or via the “Report a Concern” link on USL’s Safeguarding Webpage (<https://www.uslsoccer.com/safespace>).

For the avoidance of doubt, in the event the USL receives a report that implicates a reporting obligation to the Center and/or law enforcement, the USL will make the report directly and/or work with you to make the report.

The identity of any individual submitting a report in good faith will be fully handled discreetly and confidentially as possible, unless doing so does not comply with applicable law or prevents a full and effective investigation of the report. To the greatest extent possible, all personnel responsible for responding to such reports will maintain the confidentiality of the individual and the matters relating to the report.

Any Covered Person who is found, after appropriate investigation, to have engaged in a violation of this Policy will be subject to appropriate disciplinary action (which, if being enforced by an employer, may be up to and including termination of employment).

C. Reporting to U.S. Soccer

Covered Personnel are also welcome to report a violation of this policy to U.S. Soccer via their online reporting process: www.usoccer.com/integrity-hotline or by calling (312) 528-7004.

D. Intentionally Filing a False Allegation

In addition to constituting misconduct, filing a knowingly false allegation that Personnel engaged in Prohibited Conduct may violate state criminal law and civil defamation, slander and other tort laws. Any person making a knowingly false allegation shall be subject to disciplinary

action by USL.

An allegation is false if the events reported did not occur, and the person making the report knows or should have known that the events did not occur.

A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a Code violation.

E. No Retaliation

This Policy prohibits any form of discipline, reprisal, intimidation, or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim, or cooperating in related investigations. Any Covered Person who believes that they have been retaliated against for making or assisting in the investigation of a complaint should contact the USL in accordance with the reporting mechanism outlined above.

VII. Violations of This Policy

Any Covered Person, regardless of position or title, whom USL determines has subjected an individual to harassment or retaliation in violation of this Policy, will be subject to discipline. Disciplinary sanctions issued by the USL can include (without limitation) suspensions, fines, mandatory education and exclusion from League activities.

In addition, and independent of any finding by the USL, the Club may make its own determination in accordance with its internal Club Policies, discipline for which may include termination of employment.

APPENDIX 1

DEFINITIONS

1. “**Bullying**” has the meaning set forth in Section V.D.
2. “**Club**” has the meaning set forth in the Preamble.
3. “**Club Policies**” has the meaning set forth in the Preamble.
4. “**Coercion**” means the use of an unreasonable amount of pressure to gain intimate and/or sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear their decision not to participate in a form of Sexual Contact or Sexual Intercourse, their decision to stop, or their decision not to go beyond a certain sexual interaction, continued pressure can be coercive. Whether conduct is coercive depends on: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.
5. “**Consent**” is (a) informed (knowing), (b) voluntary (freely given), and (c) active (not passive). Consent must be demonstrated by clear words or actions, indicating that a person who is legally and functionally competent has indicated permission to engage in mutually agreed-upon sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior Consent does not imply Consent to future sexual activity. Once given, Consent can be withdrawn through clear communication. Consent cannot be obtained: (a) by Force, (b) by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was Incapacitated, (c) from someone who lacks Legal Capacity, or (d) where a Power Imbalance exists.
6. “**Course of Conduct**” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property;
7. “**Covered Person**” has the meaning set forth in the Preamble.
8. “**Covered Personnel**” has the meaning set forth in the Preamble.
9. “**Emotional Misconduct**” has the meaning set forth in Section V.C.
10. “**Facility**” shall mean any facility, when at such time the Facility is either owned or being leased, rented, or used by USL or a USL Club.
11. “**Force**” means influencing a person to take an action or omission through (a) the use of Physical Violence, (b) Threats, (c) Intimidation, or (d) Coercion.
12. “**Harassment**” has the meaning set forth in Section V.E

13. **“Hazing”** has the meaning set forth in Section V.F.

14. **“Hostile Environment”** means conduct that is, both subjectively and objectively, sufficiently severe, persistent, and/or pervasive as to interfere with, limit, or deprive any individual of the opportunity to participate in any program or activity. Whether a Hostile Environment exists depends on the totality of known circumstances, including, but not limited to: (1) the frequency, nature, and severity of the conduct; (2) whether the conduct was physically threatening; (3) the effect of the conduct on the victim’s mental or emotional state; (4) whether the conduct was directed at more than one person; (5) whether the conduct arose in the context of other discriminatory conduct; (6) whether the conduct unreasonably interfered with any person’s educational or work performance and/or sport programs or activities; and (7) whether the conduct implicates concerns related to protected speech. A Hostile Environment can be created by persistent or pervasive conduct or by a single or isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a Hostile Environment, particularly if the conduct is physical. A single incident of sexual contact without Consent, for example, may be sufficiently severe to constitute a Hostile Environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a Hostile Environment.

15. **“Incapacitation”** means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated because of consuming alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies from person to person and is evaluated under the specific circumstances of a matter. A Personnel’s being impaired by alcohol or other drugs is not a defense to any violation of this Policy.

16. **“Intimate or Romantic Relationship”** has the meaning set forth in Section V.H.

17. **“Intimidation”** means menacing or causing reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (*e.g.*, by blocking access to an exit).

18. **“League”** has the meaning set forth in the Preamble.

19. **“Physical Misconduct”** has the meaning set forth in Section V.B.

20. **“Physical Violence”** means the exertion of control over another person using physical force (*e.g.*, by hitting, punching, slapping, kicking, restraining, choking, or brandishing or using a weapon).

21. **“Player”** means a player who participates on a Club.

22. **“Policy”** has the meaning set forth in the Preamble.

23. “**Power Imbalance**” has the meaning set forth in Section V.I.

24. “**Sexual Contact**” means any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person. Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves or another person with or on any of these body parts.

25. “**Sexual Exploitation**” has the meaning set forth in Section V.A.

26. “**Sexual Harassment**” has the meaning set forth in Section V.A.

27. “**Sexual Intercourse**” is any penetration, however slight, with any object or body part (as described below), by a person upon another person. Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

28. “**Threats**” means words or actions that would compel a reasonable person to engage in unwanted sexual activity (*e.g.*, threats of physical/sporting harm or revealing private information).

29. “**USL**” has the meaning set forth in the preamble.