

# USA GYMNASTICS

## UNDERSTANDING RETALIATION

### WHAT IS RETALIATION?

Retaliation is prohibited conduct and considered a violation of the USAG Safety and Response Policy (the “Policy”) and the Safety and Response Code for the U.S. Olympic and Paralympic Movement (the “Code”).

Retaliation occurs when a participant, or someone acting on behalf of a participant, takes any adverse action, or threatens to take any adverse action, against any person related to allegations of misconduct or participation in USAG’s or the U.S. Center for SafeSport’s (“the Center”) process. Participation can include:

- Filing a report with USAG, the Center, law enforcement, or child protective services
- Speaking with or filing a report with a club owner, employee of a club, or other participant, such as a meet director
- Speaking with an investigator or being contacted by an investigator
- Being named as a witness or providing witness testimony
- Participating in a hearing panel or investigation

When a participant learns that a report of misconduct has been made, or might be made, the participant cannot interfere in the process of reporting, or with participation in USAG’s or the Center’s process. Such behavior is considered abuse of process and is a violation the Policy and the Code.

When a participant learns that a report of misconduct has been made or might be made, the participant cannot seek to punish or take revenge against the reporter, claimant, or a witness. Such behavior is considered retaliation and is a violation of the Policy and the Code.

### ALL PARTICIPANTS HAVE A RIGHT TO REPORT

All participants have the right to report allegations of misconduct or a violation of the Policy or the Code. The report must be made in good faith, not knowingly false, and allege misconduct or a violation of policy by a participant.

### ACTIONS THAT CONSITUTE RETALIATION

Retaliatory acts, or attempts to retaliate, are acts against any participant who has reported in good faith, who has assisted, is expected to participate, refuses to participate, or has participated in any manner, in an investigation or grievance process pursuant to the Policy or the Code, or who otherwise supports the report, are prohibited.

Retaliation is not only harmful to the person who experiences it, but can have a negative impact on USAG’s or the Center’s process by creating a fear of reporting.

Retaliation includes acts that intimidate, threaten, coerce, or harass.

#### Retaliatory acts can include:

- Posting on social media that the reporting party or claimant is a liar
- Telling others the reporting party or claimant is behind on their club fees and trying to avoid paying
- Refusing to allow an athlete to advance a level, for which the athlete is otherwise qualified, after a parent makes a report to a club owner
- Referring to an athlete claimant as a “baby,” “not tough enough,” “a whiner,” or other demeaning term following a report of misconduct
- Encouraging the parent group to shun a parent that is believed to have reported misconduct
- Threatening to interfere with college admission or scholarships if an athlete reports misconduct
- Encouraging teammates to shun or bully an athlete for making a report
- Calling other clubs or coaches to dissuade them from accepting an athlete who reported misconduct because the athlete or his parents are “trouble makers”
- Blacklisting a coach from getting another job by telling other clubs that the coach made a report
- Telling a person who made a report “If you don’t like it here you can leave.”



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### COMMITMENT TO PREVENTION OF RETALIATION

It can be difficult to report misconduct. For some, it can be traumatic. Many people will contact a trusted coach or the club owner to file a complaint. Some will call USAG for guidance and support. Regardless of the method, individuals should feel supported when reporting.

A complaint is not required to take a certain form to constitute protected activity under the Policy or the Code. A formal, written or submitted report, or an informal, verbal report are both protected.

Club management should avoid discouraging reporting and should instead establish club policies making reporting an easy and confidential process.

### HOW CAN A CLUB COMMIT TO A RETALIATION-FREE ENVIRONMENT?

To proactively foster an organizational culture in which raising concerns about safety and misconduct are encouraged, club owners can lead by listening to, acknowledging, and responding to concerns as they arise.

Club owners should establish procedures that enable employees, parents, and athletes to report concerns confidentially and anonymously, provide for fair and transparent evaluation of concerns raised, offer a timely response to reports, and ensure a fair and effective resolution of concerns. Reporting channels can include helplines, anonymous reporting through email boxes or websites, or reporting to a trusted club official.

#### Additional measures can include:

- Require training on retaliation for all employees and allow for open discussion
- Protect the confidentiality or anonymity of those who report and for USAG's or the Center's process
- Provide employees clear and accessible instructions on how to report concerns both at the club level and to USAG or the Center. Explain to employees their right to report and which allegations they are mandated to report.
- Ensure the club does not restrict or discourage employees from reporting allegations to law enforcement, the government or other appropriate regulatory and oversight agencies.

staff. Firing an employee or removing an athlete from the club is a business decision so long as it is not in response to, or in attempt to prevent, a report of misconduct. Clubs are encouraged to follow regular business practices including documentation of meetings and reasons for firing or dismissal. If a misconduct report has been filed, or may be filed, the club is encouraged to reach out immediately to USAG for guidance.

**Q: A parent has made a complaint that the club was unable to resolve to their satisfaction and we have made the decision to ask the athlete to leave the program. The parent has now threatened to report. What should I do?**

A: Any decision to remove an athlete from the club should follow the club's policy on separation and accompany that decision with documentation of meetings and the reason for separation. In the event the parent does contact USAG or file a report, the documentation will demonstrate the reasons for the removal and the efforts the club took to resolve the situation.

**Q: I'm in the middle of a misconduct matter with a parent and the atmosphere at the club has become contentious because the parent has started involving other parents and athletes. How can I handle this without retaliating against the parent?**

A: Clubs have the right to set rules that ensure a safe environment for staff and athletes. This includes setting guidelines on appropriate behavior in the viewing area and at meets, maintaining confidentiality of those involved in USAG's or the Center's process, and appropriate social media behavior. A claimant may publicly discuss the incident, their participation in the process, or the outcome of the process.

**Q: Can I ask a family to leave after a misconduct report has been resolved?**

A: It is retaliation to remove an athlete from the program for making a report or participating in USAG's or the Center's process. If there is a violation of club policies or the parties involved cannot come to a mutual agreement to move forward, then it is acceptable to ask the athlete to leave. USAG encourages clubs to work to find a mutual agreement and to maintain all documentation for the decision.

**Q: Can I tell another club or coach that an athlete or parent has made a report?**

A: No. It is abuse of process and retaliation to inform other clubs or coaches that a person has participated in USAG's or the Center's process.

### RETALIATION FAQ FOR CLUB OWNERS

**Q: What should I do if I need to fire an employee or ask an athlete to leave my program, but am afraid of being accused of retaliation?**

A: Club owners and management have a responsibility to maintain a safe environment for athletes and

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### RETALIATION FAQ FOR PARENTS

**Q: I've decided to remove my child from his current club and seek other clubs for him to train. Can a club or coach call a prospective club and tell them I made a report?**

A: No. It is considered abuse of process and retaliation to inform other clubs or coaches that a person has participated in USAG or the Center's process.

**Q: Can my child be kicked out of her club for making a report?**

A: It is retaliation to remove an athlete from her club for making a report or participating in USAG's or the Center's process. If there is a violation of club policies or the parties involved cannot come to a mutual agreement to move forward, then it is acceptable to ask the athlete to leave. USAG encourages clubs to work to find a mutual agreement and to maintain all documentation for the decision.

**Q: What should I do if a coach starts to treat my child differently because I made a report on my child's behalf?**

A: Treating a child in a negative way after a report is retaliation and should be reported to USAG or the Center.

**Q: I made a report to the club owner before I made a report to USAG and afterward my child was removed from the club. Can USAG require the club to take my child back?**

A: Member clubs are private businesses and as such, business decisions are at their discretion. USAG cannot require a club to accept an athlete. However, USAG takes retaliation seriously as a violation the Policy and the Code. If you have been retaliated against for making a good faith report or participating in USAG's or the Center's process, please report the retaliation to USAG or the Center.

