

Minor Athlete Abuse Prevention Policies

Introduction

The Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Act) was signed into law on February 14, 2018, and became effective immediately. This Act primarily applies to National Governing Bodies (NGB) and their member organizations. However, it also applies to non-NGB amateur sport organizations. Amateur sport organizations include any not-for-profit corporation, association or other group organized in the United States that sponsors or arranges an amateur athletic competition, and includes teams, leagues, camps, sports facilities, tournament hosts, churches, and schools that participate in interstate or international amateur athletic competitions, and whose membership includes any adult who is in regular contact with an amateur athlete who is a minor. While some equestrian sport organizations have taken the position that they do not fall within the definition of an amateur sport organization, most commentators believe that the courts will conclude that the Act applies to all amateur sport organizations that engage in interstate competitions and, even if the Act does not apply, it establishes the standard of care to which all sports organizations will be held, should they be sued for negligence. Consequently, EDRA began taking steps to comply with the Act in 2018.

In 2024 the United States Equestrian Federation (USEF) and the US Center for SafeSport (USCSS) revised their Minor Athlete Abuse Prevention Policies (MAAPP). The USEF Policy can be found and downloaded from <https://www.usef.org/safe-sport/maapp> and the USCSS policy can be found and downloaded from <https://maapp.uscenterforsafesport.org/#:~:text=The%20Minor%20Athlete%20Abuse%20Prevention%20Policies%20%28MAAPP%29%20limits,and%20sport%20settings%20that%20prevent%20abuse%20and%20misconduct.>

The intent of EDRA's Minor Athlete Abuse Prevention Policies is to adhere to the principles covered in the USEF policy. Should a conflict between various documents exist, the EDRA policy will prevail until such time as the Board formally adopts a revision.

What is directly required of non-NGB sports organization under the Act? First the sports organization must enact policies that require any adult who is authorized by the organization to interact with a minor athlete at an amateur sport organization event (including travel, lodging, practice, and competition) to report suspicions of child abuse including sex abuse, within 24 hours to the appropriate law enforcement agencies. Second, the sports organization must establish reasonable procedures to limit one-on-one interactions between minor amateur athletes and a single adult. Third, the organization must offer and provide proactive consistent training on the prevention of abuse (including emotional and physical abuse, harassment, and bullying) to:

- a) adult members who are in contact with minor amateur athletes, and
- b) with parental consent, minor members.

Finally, the organization must prohibit retaliation for any individual making a claim or report.

Assuming that the Act is applicable to organizations like EDRA, failure to comply is considered negligence per se and an easy win for a claimant. Moreover, under the Act, the claimant may bring a civil lawsuit and can recover actual damages or liquidated damages in the amount of \$150,000 and the costs of the action including reasonable attorney's fees. The court may also allow punitive damages.

The following policies and protocols have been adopted in order to meet EDRA's minimal obligations as an amateur sport organization. This document will be distributed electronically on an annual basis to all EDRA members. EDRA will retain a record of those individuals receiving the document. Receipt of the document is considered acknowledgment that the EDRA member received the policy, that they read and acknowledge the EDRA policies, and if required, completed applicable training.

Both USCSS and USEF recommend that parents first complete training on abuse prevention to be informed about potential boundary violations and concerns before consenting to activities outlined in our policy.

Part 1: Terminology

It is important EDRA members have a consistent understanding of words commonly used in the Act and by governing bodies involved in overseeing compliance with the Act. EDRA provides these definitions to help members develop this consistent vocabulary as it pertains to our compliance.

Athlete: Any rider or member who participates in an EDRA endorsed competition or offering held in conjunction with an EDRA endorsed event (e.g., ride-and-tie) is considered an athlete for the purpose of this policy.

Consent: Consent is considered permission or agreement. Relative to the policies described in this document, consent must be demonstrated by clear words or actions and must be given by a person who is considered legally and functionally competent to consent. It must be:

- Informed (knowing),
- Voluntary (freely given), and
- Active (not passive).

Exception for Dual Relationship Contacts: This exception allows for one-on-one In-Program Contact when the Adult Participant has a relationship with a Minor Athlete that is outside of the sport program. This exception requires written consent of the Minor Athlete's parent/guardian. Parents are urged to take training on child abuse prevention before providing consent to this exception. Free training for parents can be found at safesporttrained.org.

Exception for Contact in an Emergency: This exception applies to required prevention policies where an Adult Participant must violate a MAAPP requirement(s) due to an emergency. Adult Participants must carefully consider whether specific circumstances meet the threshold of "emergency." Adult Participants must document emergency situations.

Minor: Anyone under the age of 18 years, or under 18 years as of January 1.

Regular Contact: Neither the federal statute, nor the U.S. Center for SafeSport define the term "regular contact." Therefore, determining "regular contact" should be determined through a process of risk analysis:

- Is the person in a position of authority over a minor?
- Is the person likely to be in a chaperone or sponsor in a one-on-one situation with the minor?
- Is the person going to have reoccurring contact with the minor to an extent where they could develop a trusting relationship that would create an environment where any type of misconduct or abuse could take place?

If the answer to anyone of these questions is yes, then the individual is deemed to be in a position of regular contact with the minor.

Misconduct: Behavior through actions or communication that results in harm, the potential for harm, or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct: emotional misconduct, physical misconduct, sexual misconduct, harassment, hazing, and bullying.

Emotional Misconduct: Unacceptable or improper behavior can take many forms. Emotional misconduct is a type of abuse and includes, but is not limited to:

- Verbal acts such as telling a participant that they are stupid, fat, disgusting, an embarrassment, for the purpose of humiliating, degrading, and criticizing the individual in a demeaning fashion.
- Physical acts such as throwing objects or punching a wall in anger for the purpose of dominating and/or controlling the individual.

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- Withholding support or attention such as ignoring or excluding an athlete for a prolonged period of time, thus isolating the individual as a form of emotional abandonment or neglect.

Physical Misconduct: Unacceptable or improper behavior can take many forms. Physical misconduct is a type of abuse and includes, but is not limited to:

- Punching, beating, biting, striking, choking, or slapping
- Intentionally hitting a participant with objects or sports equipment
- Intentionally withholding nutrition or hydration
- Encouraging or allowing minor participants to become physically or verbally abusive
- Providing alcohol to a participant who is under the legal drinking age
- Providing prescription drugs or illegal drugs to a participant

Sexual Misconduct: Unacceptable or improper behavior can take many forms. Sexual misconduct is a type of abuse and includes, but is not limited to:

- Rape, physical assault, sexual battery
- Sexual penetration
- Unwanted physical sexual contact
- Unwelcome sexually explicit or offensive verbal communication
- Verbal sexual harassment
- Sexual attention toward a minor whether touching nor not touching
- Any intentional exposure, voyeurism, or sharing of pornographic material with a minor
- Any discussions, innuendo, comment, or jokes of a sexual nature with a minor
- Peer-to-peer sexual misconduct between minors

Harassment: Harassment is unwelcome behavior whose actions, communication, or behavior mocks, demeans, disparages, or ridicules another. It includes, but is not limited to a repeated pattern of physical and/or non-physical behaviors that are intended to cause:

- Fear, humiliation, or annoyance
- Offend or degrade
- Create a hostile environment
- Reflect discriminatory bias in an attempt to establish dominance, superiority, or power over an individual based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression, or mental or physical disability

Hazing: Hazing is the imposition of often humiliating tasks as part of an initiation which recklessly endangers the mental or physical health or safety of a participant. It includes but is not limited to:

- Physical assault and battery such as paddling, beating, branding, etc.
- Deprivation of hydration, food, sleep, etc.
- Forced consumption of illegal drugs or alcoholic beverages
- Restraining through locking in a confined space, taping, or tying
- Forced public actions that embarrass or are illegal or socially unacceptable.

Bullying: Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance. Examples of bullying include but are not limited to:

- Physical acts such as hitting, pushing, beating, choking, spitting, slapping, and/or throwing objects at another participant.
- Verbal acts such as threatening harm, intimidating, teasing, name calling, and/or ridiculing another participant.
- Cyberbullying acts through electronic communications or social media to humiliate, harass, spread false rumors, and/or to exclude a participant and/or asks others to do the same.

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- Sexual related taunting, teasing, ridiculing – often based on gender traits, sexual orientation, or sexual attractiveness.

Part Two: Minor Athlete Protection Policy

All forms of misconduct are intolerable and in direct conflict with the EDRA ideal. EDRA members shall refrain from all forms of misconduct including emotional misconduct, physical misconduct, sexual misconduct, bullying, harassment, and hazing.

Part Three: Reporting Protocols

1. EDRA members must report any misconduct as defined in the EDRA Minor Athlete Protection Policy that he/she observes or receives via report from others to the EDRA President within 24 hours. EDRA will immediately report allegations of physical abuse or sexual abuse of a minor to law enforcement without making any attempt to evaluate the credibility or validity of the allegations.
2. EDRA will not encourage, allow, or tolerate attempts from any individual to retaliate, punish, or in any way harm an individual who reports a concern in good faith or otherwise participates in an investigation.
3. To the extent permitted by law, EDRA will treat all reports of possible misconduct confidentially unless state or federal law requires that EDRA make a report to law enforcement.
4. Submitting a knowingly false allegation is prohibited and may violate state criminal law and civil defamation laws.
5. Because sexual abusers often groom children for abuse using a methodical approach that includes gaining trust, filling a need, isolating the minor, sexualizing the relationship, and maintaining control (e.g., keeping the minor from disclosing abuse) it is possible that an EDRA member may witness behavior intended to groom a child for sexual abuse. All questions or concerns related to inappropriate, suspicious, or suspected grooming behavior should be reported to the EDRA President within 24 hours.
6. EDRA will make every effort to ensure that those named in a misconduct complaint or are too closely associated with those involved in the complaint, will not be part of the investigative effort.
7. Reports may be made in any manner desired by the complainant (verbal or written). Regardless of how the complaint is made the following information should be disclosed if known:
 - a) The name of the complainant,
 - b) The type of misconduct alleged,
 - c) The name of the of the alleged victim,
 - d) The names of the individuals alleged to have committed the misconduct,
 - e) The approximate dates and locations where the misconduct was committed,
 - f) A summary statement of the reasons the complainant believes that misconduct has occurred,
 - g) Additional supporting facts, and
 - h) The names of additional individuals who may have information regarding the alleged misconduct.

Part Four: Investigation and Enforcement

Allegations of physical abuse or sexual abuse of a minor shall be investigated by law enforcement. The findings of law enforcement are considered final and the EDRA President, in consultation with the Board of Directors (Board), has sole discretion to impose sanctions on the individual based on those findings.

For allegations of misconduct other than physical abuse or sexual abuse of a minor the EDRA President, in consultation with the Board, may either conduct a formal hearing into the allegations or undertake an informal investigation into the allegations. EDRA anticipates that a formal hearing will be required only for the most serious forms of misconduct. If based on a preponderance of the evidence, it is found that misconduct has occurred the EDRA President, in consultation with the Board has sole discretion to impose sanctions on the individual.

Sanctions may range from a warning and reprimand to suspension from involvement with EDRA for a period of time. Suspension may be temporary or permanent. The most severe sanction possible is permanent suspension and expulsion from EDRA. If the individual disagrees with the sanction imposed by EDRA, he/she may appeal to an independent arbitrator at his/her own cost.

Part Five: Education and Training

1. Adults Required to Complete Mandatory Training

Collectively, the groups listed below are considered “Required Adults” and shall complete the U.S. Center for SafeSport’s Core Center for SafeSport Training on child abuse prevention:

- a) Adult members who have regular contact with amateur athletes who are minors including those who sponsor minors during EDRA endorsed events.
- b) Any adult who has regular contact with or authority over an amateur athlete, including:
 - Ride Managers,
 - Stewards,
 - EDRA Board members and Officers
 - Committee members and task force members where minors are expected to be present.

2. Core Center for SafeSport Training

Required Adults shall complete the U.S. Center for SafeSport’s Core Center for SafeSport Training at the earlier of the following:

- a) Before regular contact with a minor athlete begins; or
- b) Before authorized contact with a minor athlete begins; or
- c) Within the first 30 days of beginning a role subjecting the adult to this policy.

SafeSport Training is available online at <https://safesporttrained.org/#/public-dashboard> and no other training method meets the requirements of this policy.

3. Refresher Course(s)

A refresher course is required on an annual basis.

4. Minor Athletes

EDRA shall, subject to parental consent, pay for minor athlete members to take the SafeSport Training. Training shall be offered to said minor athletes on an annual basis.

5. Exceptions

Exemptions from this Education and Training Policy may be made on a case-by-case basis for victims/survivors. Requests should be made in writing directly to the EDRA Board of Directors.

6. Optional Training

Adult Participants serving in a volunteer capacity, and all EDRA members who will not have regular contact with or authority over minor athletes, are urged to take the Center’s brief Volunteer Course (or SafeSport® Trained Core Course) before engaging or interacting with any amateur athlete(s) who is a minor.

Part Six: One-on-One Interactions

The following minor athlete prevention policy is applicable to all Required Adults.

1. Permitted Interactions

- a) While at EDRA endorsed or sponsored events, one-on-one interactions between minor athletes and a Required Adult who is not the minor’s athletes’ parent(s) or legal guardian are permitted when:

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- At an observable and interruptible distance from another adult.
- Under emergency circumstances (e.g., an injured horse or rider out on the course requires a single adult to escort the minor to ride camp).
- Electronically (including social media), provided that the requirements set forth in Permitted Interactions c) are followed.
- When written parent/legal guardian consent is provided for the minor to participate in a sponsored capacity during the competition.

Wherever possible, keeping a physical distance from the minor athlete is recommended to help ensure there can be no allegation of inappropriate physical contact. If physical contact is required (e.g., helping a minor child mount) the minor athlete's permission must be sought and the contact should be in full view of others. If words of admonishment are required, seeking a third-party witness is recommended.

- b) While outside of EDRA endorsed or sponsored events (e.g., training rides, traveling to and from EDRA events), one-on-one interactions between minor athletes and a Required Adult who is not the minor's parent(s) or legal guardian are permitted if it occurs:
- At an observable and interruptible distance from another adult.
 - Under emergency circumstances.
 - Electronically (including social media) provided that the requirements set forth in Permitted Interactions c) are followed.
 - When written parent/legal guardian consent is provided for each contact.
- c) Electronic Communication (including social media) must be open and transparent
- All one-on-one electronic communication between an Adult Participant and a Minor Athlete must be Open and Transparent unless one of the following exceptions applies:
 - Exception for Emergency; or
 - Exception for Dual Relationship; or
 - Exception for Close-in-Age; or
 - Exception for Personal Care Assistant, and: (1.) the Minor Athlete's parent/guardian has provided written consent for the Adult Participant Personal Care Assistant to work with the Minor Athlete; and (2.) the Adult Participant Personal Care Assistant has complied with the Education & Training Policy; and (3.) the Adult Participant Personal Care Assistant has complied with the USEF Background Check Policy, if applicable.
 - Open and Transparent means that the Adult Participant copies or includes the Minor Athlete's parent/guardian, another adult family member of the Minor Athlete, or another Adult Participant on every communication.
 - If a Minor Athlete communicates with the Adult Participant first, the Adult Participant must follow this policy if the Adult Participant responds.
 - Only platforms that allow for Open and Transparent communication may be used to communicate with Minor Athletes.
 - A minor athlete's parent(s) or legal guardian may request in writing that their minor athlete not be contacted through any form of electronic communication by a named Required Adult subject to this policy. The request shall be forwarded to the EDRA President who will take immediate action to inform the named Required Adult to cease all electronic communication with the minor athlete.
 - Electronic communication should generally only be sent between the hours of 8:00 a.m. and 8:00 p.m., unless emergency circumstances exist or while engaged in competition travel.
 - Required Adults should not maintain private social media connections with unrelated minor athletes and should not accept new personal page requests on social media platforms from minor athletes.
- d) Local Travel/Overnight Arrangements

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- Required Adults who are not also acting as a legal guardian, shall not ride in a vehicle alone with an unrelated minor athlete, absent emergency circumstances, and must have at least two minor athletes or another adult in the vehicle at all times, unless otherwise agreed to in writing by the minor athlete's parent(s) or legal guardian. Written permission must be obtained in advance of each local travel. In emergency situations verbal permission should be sought if possible.
 - Required Adults who are not also acting as a legal guardian, shall not share sleeping arrangements with a minor athlete unless the minor athlete's parent(s) or legal guardian have consented to such an arrangement in advance and in writing.
 - EDRA encourages parent(s) and legal guardians to receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with a Required Adult who is subject to these policies.
- e) Sponsoring Minor Athletes at EDRA Rides
All minors participating in an EDRA competition must ride with an adult sponsor unless all requirements in the General Rules are met allowing a child between the ages of 14 and 17 to ride unaccompanied.

Unless otherwise agreed to in writing by the minor athlete's parent(s) or legal guardian, minor athletes are to be sponsored by two SafeSport trained sponsors during an EDRA competition. Parent(s)/legal guardians may agree to one or more of the following sponsorships:

- Permission for the minor to be sponsored by one SafeSport trained adult and one adult who is not SafeSport trained,
- Permission for the minor to be sponsored by two adults, neither of whom are SafeSport trained,
- Permission for the minor to be sponsored by a single SafeSport trained adult, and/or
- Permission for the minor to be sponsored by a single adult who is not SafeSport trained.
- Permission for the minor to be sponsored by a single adult, but only those listed on the child's ride entry registration form.
- Permission for the minor age 14 to 17 to compete unaccompanied when all General Rule requirements are documented, verified, and approved.

If not indicated on the ride entry registration, written permission will be sought out and placed in the Steward records for that event. If written permission is not feasible, the Ride Manager should attempt to secure verbal permission and notes of the conversation should be placed in the Steward records for the event. If permission cannot be obtained, at the Ride Manager's discretion, the minor may not be allowed to compete in the event if two SafeSport trained adult sponsors are not available to sponsor the minor athlete.