

## SECTION I: APPLICATION AND IMPORTANT DEFINITIONS

### APPLICATION

USA Basketball is required to abide by the policies and procedures of the USOC and the USOC-designated independent safe sport entity, the US Center for SafeSport (the “Center”). USA Basketball’s compliance with the requirement to implement and maintain an effective athlete safety program is demonstrated in this Handbook.

This section details USA Basketball’s obligations to its athletes and participants, those subject to its policies and procedures, and how they are related to one another. This section also addresses the following:

#### **Online, Email, Cellular or Other Electronic Media or Digital Conduct**

The Handbook may be applied to behavior conducted online or distributed electronically using email, text messages or any other electronic medium. This includes without limitation blogs, web postings, chats and social networking sites.

#### **Age and Competitive Level Irrelevant**

Except as specifically noted, this Handbook applies without respect to age or competitive level.

#### **Other Remedies**

The Handbook does not replace:

1. The *Code*;
2. The Ted Stevens Olympic and Amateur Sports Act;
3. The employment practices of USA Basketball or other relevant organizations; or
4. Applicable federal or state law

The Handbook does not extend or restrict a person’s right to file charges or claims with any other agency, law enforcement or court. Individuals are encouraged to ensure their rights have not expired through these other avenues.

#### *Relevant Participant Definitions*

1. **USAB Designated Athlete:** A Prospective Athlete, Active Athlete or Amateur Athlete as defined herein.
  - a. **Active Athlete:** Any individual who has represented the United States in the Olympic Games, the Pan American Games or the World Championships [i.e. World Cup] within the preceding ten years, or who is currently on a USA Basketball National Team or in a USA Basketball National Team Program.

- b. Amateur Athlete: An athlete who is eligible under FIBA rules to compete in international amateur athletic competitions conducted under FIBA auspices, or as otherwise defined by the Ted Stevens Olympic and Amateur Sports Act.
  - c. Prospective Athlete: Any individual who has been identified by USA Basketball or is under consideration to participate as a member of USA Basketball’s National Team Program.
2. Covered Individual:
- a. A “Covered Individual” is any individual who:
    - i. Is currently, or was at the time of a possible violation of this Handbook, the *Code*, or other rules or regulations of the Center, within or was seeking to be within the governance or disciplinary jurisdiction of USA Basketball (e.g. through application for a coach license);
    - ii. Is an athlete or non-athlete participant that USA Basketball formally authorizes, approves or appoints to a position of authority over athletes or to have frequent contact with athletes; or
    - iii. USA Basketball has identified as being within the U.S. Center for SafeSport’s Jurisdiction (see chart in subsection f below).
  - b. Covered Adult: A Covered Individual who is 18 years of age or older.
  - c. Covered Minor: A Covered Individual who is under the age of 18.
  - d. Participating Adult: As defined in the USA Basketball Minor Athlete Abuse Prevention Policies.
  - e. Minor or child: An individual under the age of eighteen.
  - f. USA Basketball has designated the following individuals as Covered Individuals:

<b>USA BASKETBALL COVERED INDIVIDUALS</b>	
Staff	National Team Chaperones
Board Members	USA Basketball Coach Licensees and Pending Applicants
National Team Coaches	Athletes USAB designates for the USADA Required Testing Pool (RTP)
Support Staff, Volunteers and Contractors For an Event	Any Other Individual Participating in the Activities or Affairs of USA Basketball

- 3. Reporting Party: In proceedings under the *Code* or Handbook, the person alleging a violation of the *Code* or this Handbook.
- 4. Responding Party: In proceedings under the *Code* or Handbook, the person who is alleged to have violate the *Code* or this Handbook.

5. Third-Party Reporter: A person who reports or discloses a possible violation of the *Code* or Handbook, if not the Reporting Party.
6. Third-Party Reports: Reports or disclosure of a possible violation of the *Code* or Handbook brought by a person other than a Reporting Party.
7. Alleged Victim: In the proceedings under the *Code* or Handbook, the person who is alleged to have been the victim of a violation of the *Code* or this Handbook.

## **Prohibited Conduct**

This Handbook prohibits and defines misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct, and has adopted and utilizes the terms, definitions and conceptions found in the *Code* and its appendices, where applicable.

For the avoidance of doubt, “Prohibited Conduct” shall be defined as conduct prohibited by the *Code*, this Handbook, or applicable USOC policies (i.e. NGB Athlete Safety Policy) regarding misconduct, including bullying, hazing, harassment, emotional misconduct, physical misconduct and sexual misconduct.

Any violation of the policies contained in the *Code* or applicable USOC policies shall also be a violation of this Handbook.

### *Relevant Conduct Definitions*

USA Basketball applies the same definitions as are contained in the *Code* in this Handbook, and the *Code*'s definitions control. The following definitions are select examples from the *Code*, reprinted here for ease of use with this Handbook. For a full list of the definitions from the *Code*, see the *Code* at [[Code Online](#)] or the Glossary in this Handbook.

1. Bullying Behavior: Repeated and/or severe aggressive behavior among minors that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.
2. Consent: Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.
3. Emotional Misconduct: Repeated and/or severe non-contact behavior involving: (a) Verbal Acts, (b) Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.
4. Grooming: The process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor and occurs through direct, in-person and/or online contact.

5. Harassment: 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 over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability, or (e) any act or conduct described as harassment under federal or state law.
6. Hazing: Any conduct that subjects another person, whether physically, mentally emotionally or psychologically, to anything that may endanger, abuse, humiliate, degraded or intimidate the person as a condition of joining or being socially accepted by a group, team or organization.
7. Intimate Relationship: A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, and/or knowledge about each other's lives outside the sport relationship.
8. Physical Misconduct: Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.
9. Position of Power: When one person has direct supervisory, evaluative or other authority over another.
10. Sexual Conduct: Contact and non-contact behaviors of a sexual nature.
11. Violation: Conduct by a Covered Individual that violates: (a) the *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous USA Basketball or USOC standards concerning the type of conduct prohibited in the *Code*; (c) any current USOC standards concerning the type of conduct prohibited in the *Code*; (d) this Handbook; or (e) other standards accepted at the time of conduct analogous to prohibited conduct in the *Code* or this Handbook.

### **Exclusive Authority-Sexual Misconduct**

The U.S. Center for SafeSport has the exclusive authority to investigate and resolve conduct involving: (a) sexual misconduct; and (b) prohibited conduct under the *Code* that is reasonably related to the underlying allegation of sexual misconduct.

*Exclusive Authority* means: (a) only the Center will investigate and manage any related arbitration involving sexual misconduct; and (b) USA Basketball will not conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided and in instances where the Center does not take jurisdiction.

## **Discretionary Authority**

*Discretionary Authority* means that on the written request of USA Basketball or the USOC, the Center may, in its discretion, accept authority over alleged violations of any prohibited conduct under the *Code*.

For purposes of these policies, and the subsection regarding Prohibited Conduct, the U.S. Center for SafeSport shall retain exclusive and discretionary jurisdiction as set out in the *Code* over all Covered Individuals. However, USA Basketball shall address those matters which fall outside the Center's jurisdiction, in accordance with USA Basketball policies and procedures, including this Handbook. Covered Individuals shall be subject to the jurisdiction, policies and procedures contained in the *Code* and this Handbook.