

## GLOSSARY

The following terms, as used in this Handbook, the *Code* and Appendices A and B of the *Code*, have the following meaning:

1. **Athlete:** An individual recognized as an athlete by an NGB under its bylaws, rules, regulations, guidelines or other governing documents.
2. **Bullying Behavior:** Repeated and/or severe (a) aggressive behavior (b) among Minors, (c) that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.

### 2.1. Forms:

- 2.1.1. **Physical:** Hitting, pushing punching, biting, striking, kicking, choking, spitting or slapping; throwing objects such as sporting equipment at another person.
- 2.1.2. **Verbal:** Teasing, ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.
- 2.1.3. **Social, including cyberbullying:** Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.
- 2.1.4. **Sexual:** Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate),

or teasing someone about their looks or behavior as it relates to sexual attractiveness.

### 2.2. **Rude, mean and conflict-distinguished:**

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

### 2.3. **Criminal Conduct:** Bullying Behavior includes any conduct described as bullying under federal or state law.

3. **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 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 Once given, Consent can be withdrawn through clear communication.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 does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.

### 3.1. **Inability to Consent:** An inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is Incapacitated.

- 3.1.1. **Incapacitated:** A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the “who, what when, where why or how” of the sexual interaction). A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.
- 3.1.2. **Inability to Refuse:** An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.
- 3.1.2.1. **Coercion:** Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (a) frequency, (b) intensity, (c) isolation and (d) duration.
- 3.1.2.2. **Force:** The use or threat of physical force that overcomes free will or resistance.
- 3.1.2.3. **Intimidation:** Implied threats or acts that reasonable cause a fear of harm in another.
4. **Covered Adult:** A Covered Individual who is 18 years of age or older.
5. **Covered Individual:** Any individual who: (a) currently is or was at the time of a possible violation of the Code, within the governance or disciplinary jurisdiction of an NGB or who is seeking to be within the governance or disciplinary jurisdiction of an NGB (e.g., through application for membership), (b) is an Athlete or non-athlete Participant that an NGB or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) an NGB identifies as being within the Office’s jurisdiction.
6. **Covered Minor:** A Covered Individual who is under the age of 18.
7. **Criminal Disposition:** Any disposition of a criminal proceeding other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of a warrant for arrest or any pending charges.
8. **Electronic Communication:** A general term that embraces all kinds of computer-mediated communication in which individuals may exchange messages, files, photos, or like items electronically, either individually or in groups. Methods, mediums and examples of electronic communication include:
- 8.1. Facebook, Blogs and Similar Sites
- 8.2. Twitter, Instagram, Instant Messaging and Similar Media
- 8.3. Email and Similar Electronic Communications
- 8.4. Text Messages, WhatsApp, and Similar Methods of Electronic Communications.
9. **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 behaviors.

9.1. **Verbal Acts:** Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

9.2. **Physical Acts:** Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

9.3. **Acts that Deny Attention or Support:** Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

9.4. **Exclusions:** Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building or appropriate discipline.

9.5. **Criminal Conduct:** Emotional misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

10. **Grooming:** Describes 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.

Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him or her. Grooming occurs through direct, in-person and/or online contact.

11. **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 or power 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. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

11.1. **Forms:** Harassment, which may be a form of Emotional, Physical or Sexual Misconduct, includes but is not limited to:

11.1.1. **Discriminatory Harassment:** Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

11.1.2. **Stalking:** Conduct directed at a specific person that would cause a

reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact surveillance or unwanted telephone and/or electronic contact.

11.1.3. **Examples:** Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

11.2. **Sexual Harassment:** Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

12. **Hazing:** 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 accepted by a group, team or organization. Purported Consent by

the person subject to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate. Examples of Hazing Include:

12.1. **Contact Acts:** Tying, taping or otherwise physically restraining another person; beating paddling or other forms of physical assault.

12.2. **Non-Contact Acts:** Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, 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; restrictions on personal hygiene.

12.3. **Sexualized Acts:** Actual or simulated Sexual Conduct of any nature.

12.4. **Criminal Acts:** Any act or conduct that constitutes hazing under applicable federal or state law.

13. **Intimate Relationship:** A close personal relationship 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, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.
14. **Jurisdiction:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, under USA Basketball's authority or control. When referencing a facility under USA Basketball's jurisdiction it shall mean a facility owned or leased by USAB and/or any facility that provides USA Basketball the exclusive ability to control or restrict access or entry.
  15. **Local Affiliated Organization (LAO):** A regional, state or local club or organization that is directly affiliated with an NGB such as a regional affiliate or a local club, or that is affiliated with an NGB by virtue of its direct affiliation with a regional affiliate or organization.
  16. **Minor or child:** An individual under the Age of eighteen.
  17. **Minor Athlete:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, an amateur athlete, as defined under federal law and/or USA Basketball governing documents, who is under the age of 18 (i.e. USA basketball National Team minor athlete or prospective athlete).
  18. **National Governing Body (NGB):** A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the United States Olympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220529. When the USOC manages and governs a Paralympic sport, the USOC falls within this definition.
  19. **Non-athlete Participant:** Any coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee or volunteer who participates.
  20. **Participating Adult:** As defined in the USA Basketball Minor Athlete Abuse Prevention Policies, Adults authorized by USA Basketball to have regular contact with or authority over a minor athlete and includes without limitation USA Basketball Staff and Board Members. documents, who is under the age of 18 (i.e. USA basketball National Team minor athlete or prospective athlete).
  21. **Physical Misconduct:** Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person. Examples of physical misconduct may include without limitation:
    - 21.1. **Contact violations:** Punching, beating, biting, striking, choking, or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.
    - 21.2. **Non-Contact violations:** Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete 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 U.S. legal drinking age; providing illegal drugs or non-prescribed medications to another.

- 21.3. **Criminal conduct:** Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).
- 21.4. **Exclusion:** Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building appropriate discipline or improved athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports but have no place in swimming.
22. **Position of Power:** When one person has direct supervisor, evaluative or other authority over another.
- 22.1. **Examples:** A person who may be in a Position of Power includes someone such as a coach, boss, employer or medical personnel.
23. **Power Imbalance:** A Power Imbalance may exist:
- 23.1. Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.
- 23.1.1. Whether someone occupies a Position of Power such that there is a Power Imbalance, depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.
- 23.1.2. Once a coach-Athlete relationship is established a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates and the Athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g. a relationship between two spouses or life partners that preceded the sport relationship).
- 23.2. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.
24. **Reporting Party:** In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person alleging a violation of the *Code*.
25. **Responding Party:** In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person who is alleged to have violated the *Code*.
26. **SafeSport Code Violation (Violation):** Conduct by a Covered Individual that violates (a) [the] *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous LAO, NGB or USOC standards concerning the type of conduct prohibited in [the] *Code*; or (c) other standards accepted at the time of conduct analogous to prohibited conduct in [the] *Code*.
27. **Sexual Conduct:** Contact and non-contact behaviors of a sexual nature.

27.1. **Contact behaviors of a sexual nature:** Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.

27.1.1.1. **Sexual Contact:** Sexual Contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed of a person's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

27.1.1.2. **Sexual Intercourse:** Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue or finger; and/or (b) contact between the mouth and the penis, vulva or anus.

27.2. **Non-contact behaviors of a sexual nature:** Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking, or disseminating photographs of a sexual nature.

27.2.1. **Exploitation**

27.2.1.1. Non-contact behavior of a sexual nature includes exploitation (taking sexual advantage of another to benefit or gratify one's self or any person other

than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking pictures or video or audio recordings of another in a sexual act or in any other private activity without the Consent of all involved in the activity, or (d) disseminating or threatening to disseminate pictures video recordings or audio recordings of another person in a sexual act or any other private activity.

28. **Third-party Reporter:** A person who reports or discloses a possible violation of the *Code*, if not the Reporting Party.

29. **Third-party Reports:** Reports or disclosures of a possible violation of the *Code* brought by a person other than a Reporting Party.

30. **USAB Designated Athlete:** A Prospective Athlete, Active Athlete or Amateur Athlete as defined herein.

30.1. **Active Athlete:** Any individual who as 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.

30.2. **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.

30.2.1. **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.