



USGA SAFEGUARDING PROGRAM

Prohibited Conduct

Effective September 20, 2024

It is a violation of the USGA Safeguarding Program Policy for an Adult Participant or other individuals subject to the USGA Safeguarding Program, such as other minor athletes (“Covered Persons”) to engage in or tolerate any of the prohibited conduct as set forth below (“Prohibited Conduct”). Participation in USGA Events, programs or activities may be limited, conditioned, suspended, terminated, or denied if an Adult Participant’s or other individual’s conduct is or was inconsistent with the USGA Safeguarding Program or the best interest of sport and those who participate in it.

Prohibited Conduct includes:

- Child Abuse
- Sexual Misconduct
- Emotional and Physical Misconduct
- Criminal Charges or Dispositions
- Aiding and Abetting
- Violation of the Prevention Policies
- Misconduct Relating to Reporting
- Misconduct Relating to Safeguarding Processes
- Retaliation

A. Child Abuse

The term “Child Abuse” has the meaning established under relevant state or federal law. The federal definition of Child Abuse is defined by Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) (“Victims of Child Abuse Act”). Abuse may also be defined by the law of the state in which the behavior occurs.



The Victims of Child Abuse Act defines Child Abuse and other relevant terms as follows:

1. "Child abuse" means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child;
2. "Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising or serious bodily harm;
3. "Mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response or cognition;
4. "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
5. "Sexually explicit conduct" refers to actual or simulated sexual conduct, such as sexual intercourse, as further described in the Victims of Child Abuse Act;
6. "exploitation" means child pornography or child prostitution;
7. "Negligent treatment" means the failure to provide, for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child.

B. Sexual Misconduct

Sexual misconduct includes the following types of offenses:

1. Sexual Contact with a minor

Sexual Contact is 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 someone else with or on any of these body parts.

2. *Sexual or Gender-related Harassment*

Sexual or Gender-related Harassment is any unwelcome physical or verbal conduct or any written or visual communication directed at an individual or group of individuals because of that individual's or group's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, when the conditions outlined in (a), (b), or (c), below, are present:

- a. Submission to such conduct or communication is made, either explicitly or implicitly, a term or condition of any person's employment, education, standing in sport, or participation in Events, sports programs, or activities;
- b. Submission to, objection to, or rejection of such conduct or communication is used as the basis for employment, education, or sporting decisions affecting the individual; or
- c. Such conduct or communication creates a hostile environment. A "hostile environment" exists when the conduct or communication does or is likely to interfere with, limit, or deprive any individual of the opportunity to participate in any employment, education, or Event, sports program, or activity. Conduct or communications must be deemed a hostile environment from both a subjective and an objective perspective. Whether a hostile environment exists depends on the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior.

3. *Non-Consensual Sexual Contact*

Non-Consensual Sexual Contact is Sexual Contact (as defined above) without Consent.



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. Once given, consent can be withdrawn through clear words or actions. Consent cannot be obtained: (a) by force, (b) by taking advantage of the incapacitation of another, when 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) when a Power Imbalance exists.

4. *Non-Consensual Sexual Intercourse*

Non-consensual Sexual Intercourse is Sexual Intercourse without Consent (as defined above).

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.

5. *Sexual Exploitation*

Sexual Exploitation occurs when an individual purposely or knowingly, or attempts or threatens to:

- 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 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, or post content depicting private sexual activity or a person's intimate parts (genitalia, groin, breasts, or buttocks) without prior consent of the person depicted, referenced, or involved in the content;
- e. Expose another person to a sexually transmitted infection or virus without that person's knowledge;
- f. Engage in solicitation of prostitution, or prostituting or trafficking another person; or
- g. Require a third party to visually observe or listen to any of the conduct described in subsections a-f above.

6. *Bullying Behavior or Hazing of a sexual nature*

See below definitions for Bullying Behavior and Hazing.

7. *Other inappropriate conduct of a sexual nature, including:*

- a. engaging in an intimate relationship when a Power Imbalance exists;
- b. intentionally exposing a minor to imagery of a sexual nature;
- c. intentionally exposing or inducing another to expose breast, buttocks, groin or genitals to a minor, or to an adult where this a Power Imbalance;
- d. engaging in inappropriate physical contact where there is a Power Imbalance, including but not limited to, intentionally, (i) touching, slapping, or otherwise contacting the buttocks; (ii) excessively touching or hugging; or (iii) kissing.

C. Emotional and Physical Misconduct

1. *Emotional Misconduct*

Emotional Misconduct involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete. Noncontact behavior includes verbal and physical acts, as well as actions that deny attention or support.

Emotional Misconduct includes, but is not limited to:

- a. Verbal acts that repeatedly and excessively attack someone personally in a manner that serves no productive training or motivational purpose;
- b. Acts that humiliate or degrade;



- c. Physical acts that are repeated and/or severe, but do not make physical contact such as throwing items toward another person, throwing items down to create fear, or hitting walls near another person;
- d. Mocking or making critical comments about a person's body shape, size or physical appearance;
- e. Statements that attack someone based on race, gender, national origin, sexual orientation, gender identity, religion, or disability;
- f. Acts that deny attention or support by ignoring or isolating a person for extended periods of time, including routine or arbitrary exclusion from practice/ training;
- g. Stalking;
- h. Any similar act prohibited by law.

2. *Physical Misconduct*

Physical Misconduct is any intentional contact or non-contact behavior that causes or reasonably threatens to cause physical harm to another person. This includes the following:

- a. Contact violations
 - Physical contact with another person by body or object, such as punching, beating, biting, striking, strangling, or slapping another; intentionally hitting another with objects, such as sporting equipment; or
 - Encouraging or knowingly permitting an athlete to return to training prematurely following a serious injury and without clearance of a medical professional.
- b. Non-contact violations
 - Confinement or isolation of an athlete in a confined space;
 - Forcing an athlete to assume a painful stance or position for no athletic purpose;
 - Withholding or denying adequate hydration, nutrition, medical attention, food or sleep; or
 - Illegal provision of drugs or alcohol
 - Conditioning that is against professionally acceptable standards for the age and/or physical development of the athlete. Examples of



conditioning against professionally acceptable standards include but are not limited to: (i) using conditioning as retaliation; (ii) conditioning against medical advice; or (iii) conditioning that induces fear and undue stress.

c. Other similar acts prohibited by law

3. *Bullying Behavior*

Bullying Behavior is repeated and/or severe behavior(s) of any kind that are (a) aggressive, (b) directed at a minor, and (c) intended or likely to hurt, control, or diminish the minor emotionally, physically or sexually. Bullying behavior directed at adults are address under other forms of misconduct (e.g., Hazing or Harassment).

Petty slights, minor inconveniences, and lack of good manners do not constitute Bullying Behavior unless, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth above.

Bullying Behavior may include, without limitation, repeated or severe:

- physical conduct, such as hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person;
- verbal conduct, such as ridiculing, taunting, name-calling, or intimidating or threatening to cause someone harm;
- social conduct, including cyberbullying, such as use of 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; or
- conduct described as bullying under federal or applicable state law.

4. *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 accepted by a group, team, or organization.

5. *Harassment*

Harassment is repeated or severe conduct that is intended or likely to:

- a. Cause fear, humiliation, or annoyance;
- b. Offend or degrade;
- c. Create a hostile environment (as defined above);
- d. Reflect a 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, 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. Petty slights, minor inconveniences, and lack of good manners do not constitute Harassment unless, when taken individually or in combination and under the totality of the circumstances, meet the standards set forth above.

D. Criminal Charges and Dispositions

It is a per se violation for a Covered Person to (a) be subject to a Criminal Charge analogous to Prohibited Conduct or (b) to have or been subject to a Criminal Disposition analogous to Prohibited Conduct. When assessing whether a Criminal Charge or Disposition is analogous to Prohibited Conduct, USGA may rely upon the underlying allegations, original charges, amended charges, or those to which a plea was entered.

Criminal Charge includes (1) being arrested and presently subject to bond obligations or conditional release, (2) any pending criminal charge(s), or (3) active warrant(s) for arrest.

Criminal Disposition is any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, including, but not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a



lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement.

E. Aiding and Abetting

Aiding and Abetting includes:

1. Knowingly facilitating, promoting or encouraging the commission of Prohibited Conduct by a Covered Person;
2. Knowingly facilitating, promoting or encouraging a violation of any restrictive measure placed on participation by the USGA, including without limitation, suspension, ineligibility, interim measures, restrictions imposed by USGA, or similar measures is prohibited. This includes association or affiliation with a USGA Event, program or activity, or coaching or providing coaching-related services to members of a USGA Team.

F. Violation of the Prevention Policies

It is a violation of the USGA Safeguarding Program for an Adult Participant to violate any provision of the Prevention Policies. The Prevention Policies set standards for professional boundaries, minimize the appearance of impropriety, and have the effect of setting boundaries to prevent boundary violations and prohibiting grooming.

G. Misconduct Relating to Reporting

1. Failure to Report

The USGA Reporting Policy sets forth the mandatory reporting obligations of Adult Participants. This includes the requirement that Child Abuse and Sexual Misconduct involving criminal conduct, which must be reported to applicable law enforcement pursuant to relevant federal and state law. Other types of Prohibited Conduct must be reported to USGA. Failure to report these matters is deemed misconduct and a violation of the USGA Safeguarding Program.



2. *Intentionally Filing a False Allegation*

Any person making a knowingly false report shall be subject to disciplinary action by the USGA. A report is false if it is proven that the events reported did not occur and the person made the report knowing the reported events did not occur. A “false report” does not include a report where supporting evidence is insufficient to determine if the reported events are true or false. Absent demonstrable misconduct, an unsubstantiated report alone is not grounds for a USGA Safeguarding Program violation. Any good faith report of Child Abuse is not considered a false report.

H. Misconduct Relating to Safeguarding Processes

It is deemed misconduct to engage in conduct which does, or is likely to, directly or indirectly abuse or interfere with USGA Safeguarding processes, including the following:

1. falsifying, distorting or misrepresenting information, the resolution process or an outcome;
2. destroying or concealing information;
3. attempting to discourage an individual’s proper participation in or use of the USGA Safeguarding Program processes;
4. harassing or intimidating (verbally or physically) any person involved in the USGA Safeguarding Program processes before, during and/or following proceedings;
5. publicly disclosing a Claimant’s identifying information;
6. failing to comply with a temporary measure or other sanction;
7. distributing or otherwise publicizing materials created or produced during an investigation, appeal or arbitration as a part of these policies or procedures, except as required by law or as expressly permitted by the USGA;
8. influencing or attempting to influence another person to commit abuse of or interference in process; or
9. interfering in, attempting to interfere in, or attempting to influence the outcome of any USGA Safeguarding investigation or process.



I. Retaliation

It is misconduct under this USGA Safeguarding Program to retaliate or attempt to retaliate against another person. Retaliation is any adverse or discriminatory action or threat to take any adverse or discriminatory action against any person related to allegations of Prohibited Conduct or involvement in any activity related to the reporting or investigative processes of the USGA Safeguarding Program.

Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Code violation.