



Conflict Management and Conflict Resolution Guide

Table of Contents

I	Introduction	3-5
II	Conflict Management and Conflict Resolution Information	6
	• Conflict Management	7-8
	• Conflict Management Behaviors	9-10
	• Conflict Resolution	10-13
III	Board of Directors, Volunteers and Member Information	14
	• Prospective Club Volunteer Information Sheet	15
	• Board Members Creed	16
	• Club Board Member Agreement	17
	• Ethical Behavior and Conflict of Interest	18-23
	• Responsibilities of a Board Member	24-26
	• Volunteer Protection Act of 1997-Volunteer Immunity Status	27
	• Coaches Code of Ethics, Standards and Conduct	28-29
	• Club Directors and Officers Liability Program FAQs	30-32
	• Policy Statement on Harassment and Abuse	33-35
IV	References	36

The information contained in this Guide is provided as general information for consideration, use and application by USFS Clubs. However, it is not provided, nor may it be relied upon, as legal advice. State and local laws apply and should be consulted with respect to particular situations and circumstances.

Introduction

I

Introduction

In an effort to encourage clubs to address conflict at the local level before utilizing the U.S. Figure Skating grievance procedures, U.S. Figure Skating has put together the following document to assist clubs in this regard. Below you will find the applicable legislation passed at the 2003 Governing Council and suggested wording to be inserted into your club's bylaws.

A. Membership rules

To amend MR 4.03 as follows to become effective September 1, 2004:

The constitution and bylaws of a club should be in a form similar to the constitution and bylaws approved by the USFSA for member clubs, including a conflict resolution process, or in such form...

To amend MR 6.03 as follows to become effective September 1, 2004:

Maintain a duly adopted constitution and/or bylaws which contains suitable provision for the election of officers and directors, a conflict resolution process and the conduct of its affairs...[balance is unchanged]

Suggested wording for club bylaws:

B. Article: Conflict Resolution

If any club member(s) has a complaint against another member(s) for an infraction of any bylaw or rule other than skating rules, they may file such a complaint in writing to the club board of directors. Such complaints will be investigated according to the adopted club's conflict resolution policy.

Each club has the flexibility to create and adopt their own conflict resolution policy. This U.S. Figure Skating Conflict Management document is designed to serve as a guide and inspiration in the development of your own plan.

C. U.S. Figure Skating Bylaw Amendments

To add more detailed requirements and a filing fee to grievance statements described in **ARTICLE XXVII – Grievance and Disciplinary proceedings Suspension, Expulsion and Loss of Membership Privileges, Section 3 Grievance and Disciplinary Proceedings**, (a) *Grievance Proceedings*, (iii) *Filing a Grievance Statement*: as follows:

8. a statement certifying that attempts to resolve this matter have been made and were unsuccessful. The statement shall include a description of the specific actions the Grievant has taken to attempt to resolve the matter under USFSA rules; and
9. the action the Grievant wishes taken.

The Grievance Statement may be accompanied by supporting documentation that shall be considered a part of the Grievance Statement.

A filing fee in the amount of \$125.00 shall be paid to the USFSA at the time the Grievance is filed. In the event the Grievance is not accepted, the filing fee shall be refunded.

To refine the disciplinary process described in **ARTICLE XXVII – Grievance and Disciplinary proceedings Suspension, Expulsion and Loss of Membership Privileges, Section 3 Grievance and Disciplinary Proceedings (b) Disciplinary Proceedings as follows:**

(b) Disciplinary Proceedings:

- (i) *Scope:* A vice president, by referral to the chair of the Ethics Committee, or the chair of the Grievance Committee pursuant to 3(a)(iv)(2), may initiate disciplinary proceedings as to any matter arising under GR 1.02, GR 1.03, or GR 1.04.
- (ii) *Review:* Upon referral of the matter by a vice president, or the chair of the Grievance Committee, the chair of Ethics Committee shall have thirty (30) days to review the matter.
 1. If the chair of the Ethics Committee determines that further proceedings are not warranted, the chair of the Ethics Committee shall in writing so advise the person warranted, the chair of the Ethics Committee shall in writing so advise the person initiating the disciplinary proceeding and the person(s), if any, who filed the complaint or grievance.
 2. If the chair of the Ethics Committee determines that further proceedings are warranted, the chair of the Ethics Committee shall in writing so advise the person initiating the disciplinary proceeding and indicate either (A) that such person or the person(s), if any, who filed the complaint or grievance may file a Grievance Statement (in which case the person who files the Grievance Statement shall be the “Grievant”) or (B) alternatively, and at the discretion of the chair of the Ethics Committee, that the chair of the Ethics Committee has decided to file a Grievance Statement (in which case the USFSA shall be the “Grievant” with the chair of the Ethics Committee acting on behalf of the USFSA). The Grievance Statement shall contain the following:
 1. the name of the party filing the Grievance Statement;
 2. the name of the member or member club against which the action is brought; the named member or member club will be the “Respondent”; [the remainder is unchanged]

Conflict Management and Conflict Resolution Information

II

Conflict Management

Conflict is a natural part of life. Dealing with it in an effective and meaningful way is the main difference between a healthy relationship and an unhealthy one. This principle is no different when talking about nonprofit boards. While conflict can be difficult and uncomfortable, the end result after collaborating or compromising is usually a better decision. Boards who get along all the time and have no conflict are necessarily not the most effective boards. At the same time, boards embroiled in conflict typically are not effective..

Before beginning to discuss conflict resolution, we must first agree that we need to accept two principles.

1. To commit to a decision making process that always keeps the best interests of the organization in mind.
2. When disagreement occurs, learn to respectfully disagree.

One key to any club or organization is having a unifying vision that everyone involved buys into. Next, the club should spend the time to create a mission statement that articulates the vision. It is the responsibility of the club board to educate everyone on the club and the interested public about this mission. Finally, clubs need to be certain to recruit board members who not only understand the mission, but those who are also committed to supporting the mission. This, unfortunately, is where most problems begin. Ninety-eight percent of the people who sit on boards have good intentions and are all “trainable.” But the other two percent are usually the problem and can be the most destructive members of the team. This two percent can be characterized as serving for the “power or authority” that they feel comes from the position. They usually have hidden agendas and unfortunately cause 98 percent of the problems and consume 98 percent of the board’s time. This is the chief reason to have a clear process for dealing with these caustic people and the conflict that comes along with them. If ignored and not dealt with, this type of conflict can destroy a club.

Conflict resolution is a positive process whereby individuals resolve issues in an informal or formal atmosphere, or where issues are resolved as part of the ongoing interaction between individuals. Having good communication is imperative for your club board to positively work through normal day to day conflicts and ultimately be able to avoid any formal grievances or conflict resolution.

We have assembled the following materials to assist clubs in “board building,” preventing conflict of interest, and dealing effectively with conflict.

Keep in mind that a good club learns to turn conflict into healthy interactions that move the organization forward in a spirit of cooperation and collaboration.

An ounce of prevention is worth a pound of cure ...

By establishing solid policies and procedures that can prevent conflicts of interests and tools to deal with conflict when it occurs, you are one step ahead of the game. Most clubs don't take a proactive approach and don't take the time to put policies in place on these issues until they are already embroiled in controversy. In this section, we will provide some tools for your club that at best, will be useful in preventing serious conflict; and at worst, give you some fallback documentation to deal with the most negative situations that arise from serious conflict.

Defining Conflict

Defining conflict and understanding why it occurs is the first step to preventing it or learning how to handle it.

Some typical definitions or types of conflict include:

- Differences of opinion
- Disagreements on how to handle issues
- Complaints about performance or direction
- Financial disagreements
- Criticism of behaviors or attitudes
- Fighting with one another
- A test or challenge to power or position
- A threat out of our control
- Communication breakdown
- People (board and club members) taking action contrary to the directives or mission

Exercise

Go through the above list with your board. Talk about these types of conflict and how you currently deal with these situations when they arise. Is there a better way to deal with these situations? Keep in mind that conflict is not bad in and of itself. Having disagreements and healthy discussion is a good thing and helps boards make stronger and wiser decisions.

Key point

Many of the above conflicts can be attributed to the lack of vision and perhaps a weak or old mission for the organization. Is it time to revisit the purpose of your club and more clearly define your mission?

Conflict Management Behaviors

The following behaviors can be useful in helping the board or members effectively deal with conflict. While these behaviors appear to be common sense, common sense is usually lacking when there is a conflict. It might sound trite, but putting yourself in the other person shoes and adopting the golden rule of “Do unto others ...” makes a whole lot of common sense, too.

- **Use “I” statements.** Let the other party know how you feel when the conflict is occurring as well as your reaction to the conflict. Also let the other person know which of your rights you feel is being ignored in the conflict. **Example:** *“I don’t like when you don’t follow through on your assigned tasks. It makes it difficult for me to do my job if yours isn’t getting done. This behavior is not considerate to me or my time.”*
- **Be assertive, not aggressive.** Speak about your feelings and your reactions. Keep the statements focused on how **you** are behaving, thinking, and feeling rather than on how the other is acting. Try to take the emotions out of it and focus on the issue or behavior that has caused the conflict.
- **Speak calmly, coolly and rationally.** In this way you will be listened to, and you will be able to maintain better control of yourself. Otherwise the other person may take on a defensive attitude.
- **Avoid blaming.** This will keep the communication flow going. It encourages understanding and empathy. It recognizes that for a conflict to exist there must be at least two parties who are adversely affected by the conflict.
- **Create an atmosphere of cooperation.** In an attempt to create an environment of cooperation after a conflict, all parties involved must feel that they are being listened to and understood; that their rights are being respected. They must feel the desire to work things out and a commitment to the process of working out the problems.
- **Be willing to forgive.** Forgiveness is a powerful tool. You have a chance for personal growth by forgiving others for their part in the conflict. At times, this is the only way to resolve a conflict.
- **Be willing to forget.** Once you have “resolved” a conflict and felt like you were listened to and understood, then “let go” of the conflict. Once you have implemented an agreed resolution, put aside the conflict. Put it behind you, move on and don’t bring it up in future discussions. In fact, you should have written proof of the resolution.
- **Be honest.** In resolving a conflict it is imperative that you be honest with yourself and others about your feelings, and reactions to the conflict and to the

resolutions. If you are feeling uncomfortable with the outcome and it makes you feel “it is the way others wanted it to be,” then this resolution is a false one and will undoubtedly recur. You gain nothing by being dishonest in the management of conflict. You waste the time and energy of the board and end up feeling failure rather than growth.

- **Focus on people’s perceptions and how they are feeling rather than the content.** Effective listening and responding are key elements in the productive resolution of conflict. Listen for the feelings and emotions of those involved and reflect them with understanding and acknowledgement. This creates an atmosphere of cooperation and active listening. It reduces defensiveness and it focuses on the process involved rather than on the issues. Once the person feels listened to, clarify the issues and eliminate extraneous items.
- **Show respect for yourself and others.** You will gain more in resolving a conflict by showing respect (honey), than by showing disrespect (vinegar). If you are on the receiving end of disrespect, remove yourself as soon as possible. When things have cooled down, then the discussion can continue in a more respectful manner. If you lose your cool and become disrespectful, stop as soon as you can by either being quiet or removing yourself. Maintaining a respectful atmosphere is essential in resolving conflict.
- **Be willing to apologize or admit a mistake.** It is necessary to admit to one’s mistake and to apologize for one’s behavior before a stalemate in conflict resolution can be overcome. It takes courage, character and fortitude to admit an error or lack of judgement; an uncalled for action; disrespectful behavior; or a lack of concern or understanding. Stronger relationships can result when such willingness is exhibited.
- **Be willing to compromise.** If you cling to your position as the only one to be considered, you are closing out the other person or position. To succeed in resolving conflict, all parties must feel like they have gained in the resolution. In order to resolve a conflict where the opposing parties are at opposite extremes on an issue, there is a need to come to the middle if all are to experience a “winning” posture. Only through compromise can each be a winner in conflict resolution. Without compromise, you have either given in and lost or have gotten your way and lost. Ideally, all parties should feel they have won.

Conflict Resolution

When your club gets embroiled in a controversy that cannot be dealt with by **managing** conflict, learning to **resolve** conflict is the next step. It is our goal to provide you with some effective tools to resolve the conflict in an effective way. With the recent passing of the legislation asking clubs to add a section on conflict resolution, U.S. Figure Skating is now requesting that clubs attempt to resolve conflict at the club level prior to bringing a grievance to the U.S. Figure Skating Grievance Committee.

Steps for resolving conflict

At this stage, it is advisable to create and involve a person or a small group of objective, uninvolved people. This “review” panel will perform the tasks of gathering information and then ultimately seeing the resolution through with the involved parties.

The following five steps will take you through the process of resolving the conflict. If at the end of the five steps you have not adequately put the issue to rest, you must go through the troubleshooting phase and attempt the process again before considering the issue “unresolved” and in need of mediation.

Step 1: Clarify the conflict. “What’s the problem?”

- What is the conflict?
- What are the issues involved in the conflict?
- Who are the people involved in the conflict?
- When did the conflict arise and how long has it existed?
- Is the conflict real, accurate or exaggerated?
- How important is it to solve the conflict?
- What would happen if the conflict is not resolved?

Step 2: Interview the parties involved. “What’s your side of the story?”

- Take time to formally gather information from those involved.
- Remember to keep emotions calm and focus on the issues.
- What do the parties involved want to see happen?
- What is best for the club?
- What would the board like to see happen?
- Summarize these findings in a detailed report.

Step 3: Identify the solutions. “What are the alternatives?”

- Identify several possible solutions to the problem.
- Come up with ways to implement the solutions.
- What are the outcomes of each solution?
- Resolve the conflict collaboratively rather than adversarial (see shift diagram following Step 6)
- Narrow the solutions and come up with the top priority resolution.

Step 4: Select the appropriate solution. “Here’s what we are going to do.”

- Determine the best solutions for all involved.
- Allow parties to examine the top resolutions
- Educate parties and get agreement to participate in the process.
- Bring parties together and narrow the solution to a jointly agreed upon and owned solution.

- Get parties to commit to implement the resolution and set a specific date to meet and review the resolution.

Step 5: Follow through and evaluate the solution. “How did the process and the resolution work?”

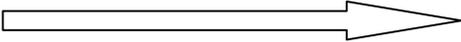
- Create a written report to document all that transpired throughout the process.
- File the report and keep on file for a period of 10 years.
- Have a follow-up meeting with all involved to touch base and make certain the conflict has been resolved.
- Celebrate and let parties know that they have collaboratively worked through a problem and the solution or action taken allows the board to focus it’s attention to fulfilling it’s mission.

Step 6: We have an impasse and no resolution was reached. “Now what are we going to do?”

Troubleshooting:

- Determine that you have the right “objective” people involved in the resolution process.
- Go back to the beginning and attempt to work through the process again. In other words, be sure that the people mediating are not part of the problem. Also be sure that all the people involved in the conflict are interviewed and part of the process.
- Seek the advice of the membership liaison in your area.
- As a last resort, consult the U.S. Figure Skating Grievance Committee chair.

This chart demonstrates the paradigm shift we strive for in resolving conflict. On the left side of the chart, you see the adversarial position. This side represents the ultimate win/lose scenario and is not at all what we are striving for. Somewhere in the middle lies compromise, and ultimately, what we are striving for is a collaborative approach to resolution that results in a win/win situation for all involved.

The shift is from the Adversarial on the left to Collaborative on the right	
	
Adversarial	Collaborative
Positions	Interests
Win / Lose I win! You lose!	Win / Win Both our needs are satisfied
This or That We both can't be satisfied	This and That Both our interests can be met
Right / Wrong My way is right and yours is wrong	Different We each have different perceptions of this issue
Defensive / Aggressive I am not safe and must defend myself or attack you	Empathic / Assertive I understand what you want I also have needs
Judgment / Blaming You caused this mess and must be punished	Curiosity / Compassion What are you feeling I am prepared to listen
You vs. Me We are enemies	You & I vs. the Problem We have a common problem which needs to be solved
Dividing the (limited) Pie I must get as much as possible or I won't have enough	Expanding the Pie Finding new opportunities and possibilities
Power Over Domination - I must prove I am stronger than you are	Empowerment I get stronger by making you stronger

This chart was used with permission from Morrie Sacks, Collaborative Divorce Lawyer, Vancouver BC., <http://www.collaborativedivorce.ca/>

Board of Directors, Volunteers and Member Information

III

The laws of the state where a nonprofit organization is incorporated will typically prescribe standards of conduct and other requirements pertaining to the duties and responsibilities of directors and officers. In addition, the Internal Revenue Code and regulations promulgated thereunder contain important provisions applicable to governance and financial management decisions of nonprofit organizations that have received recognition of tax-exempt status.

**U.S. Figure Skating
Prospective Club Volunteer Information Sheet**

Club Name: _____
Member Name: _____
Address: _____
City, State, Zip: _____
Telephone: Day _____ Evening _____
E-mail: _____

Please check off special skills or areas of expertise:

- | | |
|--|---|
| <input type="checkbox"/> Fundraising | <input type="checkbox"/> Marketing/Public Relations |
| <input type="checkbox"/> Technology | <input type="checkbox"/> Personnel/Human Resources |
| <input type="checkbox"/> Finances | <input type="checkbox"/> Business |
| <input type="checkbox"/> Legal | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Social/Event Planning | |

Professional background:

- | | |
|--|---|
| <input type="checkbox"/> For-profit business | <input type="checkbox"/> Nonprofit organization |
| <input type="checkbox"/> Government | <input type="checkbox"/> Other: _____ |

Family information: (please tell us a little bit about you and your family)

Other affiliations:

Other board service:

Other pertinent information:

Board Members Creed

1. I will know and understand the mission of (your club).
2. I will unconditionally support the mission and my fellow board members.
3. If I disagree I will do so respectfully and seek consensus on all issues.
4. I will check personal agendas at the door of every board meeting.
5. I will sign the board member agreement, the ethical behavior, and conflict of interest forms.
6. I will abstain from voting on issues that present a conflict or even a perceived conflict of interest.
7. I commit to all the duties of my position.
8. I will act in good faith and in a manner that I believe to be in the best interest of the club.

Above all, I will remember the focus of all of my efforts, decisions and time is to make skating a great experience for all involved.

U. S. Figure Skating Club Board Member Agreement

As a board member of the club I am fully committed and dedicated to the mission and have pledged to carry out this mission. I understand that my duties and responsibilities include the following:

- 1.** I promise to be fiscally responsible, with other board members, for this organization. I will make myself aware and knowledgeable regarding our budget and finances and will take an active part in reviewing, approving, and monitoring the budget and fundraising to meet the goals of our club.
- 2.** I understand my legal responsibilities for the club and those of my fellow board members. I am responsible for knowing and overseeing the implementation of policies and programs.
- 3.** I accept the bylaws and operating principles and understand that I am morally responsible for the health and well-being of this club.
- 4.** I will actively engage in fundraising for this organization. These may include individual solicitation, undertaking special events, and the like. I am making a good faith agreement to do my best and to raise as much money as I can.
- 5.** I will actively promote the club in a positive manner.

- 6.** I will act in good faith and in a manner that I believe to be in the best interest of the club.
- 7.** I promise to treat my fellow board members and other club members with respect and when conflict occurs, I promise to respectfully disagree and work for a compromise that is in the best interest of the club.
- 8.** I will attend board meetings, be available for phone consultation, and serve on at least one club committee. If I am not able to meet my obligations as a board member, I will offer my resignation.
- 9.** In signing this document, I understand that no quotas are being set and that no rigid standards of measurement and achievement are being formed. Every board member is making a statement of faith about every other board member. We trust each other to carry out the above agreements to the best of our ability.

Board Member _____

Date _____

Board Chair _____

Date _____

U. S. FIGURE SKATING ASSOCIATION PRINCIPLES OF ETHICAL BEHAVIOR AND CONFLICT OF INTEREST

Those who choose to serve the United States Figure Skating Association (U.S. Figure Skating), whether as volunteers or paid professionals, are held to the highest standards of conduct. U.S. Figure Skating is the national governing body (NGB) of the sport of figure skating and represents our sport to the U.S. Olympic Committee. What may be considered acceptable conduct in some businesses may be inappropriate in Olympic service.

Those who serve U.S. Figure Skating must do so without personal gain, must avoid any institutional loss or embarrassment, and must behave in such a way that the organization's trust and public confidence are enhanced. It is important to avoid any real conflict of interest as well as to avoid even the appearance of a conflict of interest.

While no set of guidelines can guarantee acceptable behavior, the general principles that guide behavior in this area are disclosure, physical absence and nonparticipation in the decision making process where personal or family gain is a possibility, and a commitment to honor the confidentiality of organizational information.

U.S. Figure Skating is not directly comparable to most businesses and in many ways is not comparable to many other sports national governing bodies. One of the purposes of this statement is to provide certain standards that are directly applicable to U.S. Figure Skating and its particular form of governance.

In U.S. Figure Skating, a conflict of interest can arise either as a "representational" conflict of interest or as an "individual" conflict of interest. A representational conflict of interest may arise if you are a representative of another entity (e.g., a U.S. Figure Skating member club, the PSA, or a USOC committee member) and you are concurrently a delegate to Governing Council, a member of the Executive Committee, a member of the U.S. Figure Skating Board of Directors, or serve on U.S. Figure Skating committees. For example, if you are a representative of a U.S. Figure Skating member club and at the same time a member of the U.S. Figure Skating Board of Directors, and an issue comes before the Board of Directors that affects your club financially, you have a representational conflict of interest. As a further example, if you are a member of a U.S. Figure Skating committee and are concurrently a member of a committee of another organization (e.g., PSA or USOC) that is considering proposals or activities that are not favorable to U.S. Figure Skating and its policies, you have a representational conflict of interest. When a representational conflict of interest arises, you must make that conflict of interest known to the chair, and must excuse yourself from participation in the discussion of the issue under consideration unless the chair asks you to remain in the meeting to provide needed information. You must not, of course, vote on a matter in which you have a representational conflict of interest.

An individual conflict of interest will arise when an issue comes before a committee, the Board of Directors or Governing Council that directly affects either you, individually, or directly affects someone in your family, individually. For example, if the Board of Directors is considering your appointment as a judge, referee, or other official (or the appointment of someone in your immediate family), then you must leave the meeting room and you must not participate in the discussion of the subject and must not vote on the issue.

It will not be considered an individual conflict of interest if the issue under consideration affects a class of individuals (e.g., judges) and you happen to be included in that class of individuals, unless the class of individuals is so small that it must reasonably be concluded that the matter under consideration is intended to affect you individually.

In addition, as an officer, director, committee chair, employee, volunteer or member of U.S. Figure Skating, you must:

1. Strive to ensure that U.S. Figure Skating adheres to all applicable rules, regulations and policies of federal, state and local government, and national and international sport governing bodies with which the association is affiliated.
2. Refrain from using U.S. Figure Skating properties, services, opportunities, authority, and influence for private benefit.
3. Devote yourself and U.S. Figure Skating to conduct which, in letter and spirit, is lawful, honest, dependable and fair.
4. Conduct yourself in ways that promote the aims and enhance the reputation of U.S. Figure Skating and figure skating.
5. Place the interests of U.S. Figure Skating ahead of local and personal interests in figure skating.
6. Give prudent consideration to issues affecting U.S. Figure Skating, taking into account established U.S. Figure Skating policies and precedents, the need for confidentiality regarding proprietary and sensitive information, and the legal, financial and administrative effect of proposed actions.
7. Guard confidential information acquired by virtue of your position or employment with U.S. Figure Skating and never permit such information to be used for any person's private gain.
8. Fully inform responsible U.S. Figure Skating officials in a timely documented form of matters about which those officials may be unaware, including not only business opportunities, policy alternatives, and organizational needs, but also any actions, no matter who is responsible for those actions, which are contrary to policy or are damaging to U.S. Figure Skating, or which are unethical or unlawful.

9. Assist U.S. Figure Skating's employees, volunteers, and directors to create and maintain an effectively functioning organization, always respecting the responsibility and authority of those to whom implementation of U.S. Figure Skating policies and goals has been entrusted.
10. Provide a full, constructive and timely reply in the form required to requests from U.S. Figure Skating officials for information and decisions.
11. Neither give nor receive gifts, loans or favors that tend to influence you in the discharge of your duties, except those of nominal value exchanged in the normal course of business.
 - A. The trading of pins and mementos is accepted conduct.
 - B. Invitations from sports, media, or other organizations to attend sports and social events of more than nominal value may be accepted if they are part of open and generally accepted practices, serve to promote the best interest of U.S. Figure Skating, would not embarrass the individual or U.S. Figure Skating if publicly disclosed and do not compromise the objectivity or integrity of the recipient or donor.
 - C. Gifts and favors of more than \$100 value should not ordinarily be accepted, but if the circumstances render it awkward to refuse such a gift the donor should be thanked and told that the gift is being accepted on behalf of, and will be delivered to, U.S. Figure Skating.
12. Disclose the nature and extent of an actual or potential conflict of interest when it occurs in the evaluation of an issue and must abide by the guidelines pertaining to a representational conflict of interest and an individual conflict of interest.
13. Complete a conflict of interest form if you are included in the group of individuals required to do so.
 - A. The completion of this form is a prerequisite for participation with U.S. Figure Skating.
 - B. Annually, the internal auditor, working with the Ethics Committee, shall send to each appropriate person a disclosure statement form concerning the conflict of interest policy. These forms are to be completed and returned to the internal auditor and will then be available only to the president, executive director, legal counsel (when necessary) and the Ethics Committee.
 - C. The Ethics Committee will review these disclosures and will maintain the information so revealed in confidence. Each individual should openly and forthrightly identify any areas that represent a potential conflict of interest. Individuals will contact the chair of the Ethics Committee to update or amend their disclosure forms as circumstances change.

- D. Each individual will disclose all of the directorships and officer positions held in for-profit or not-for-profit organizations, as well as any consulting and employment relationships in any concern with which you have reason to believe U.S. Figure Skating does business or from which U.S. Figure Skating will secure goods or services, and which you have reason to believe may be affected by your actions on behalf of U.S. Figure Skating. Individual or family ownership in business ventures where more than five percent of the total value of the company is owned or where more than 10 percent of the outstanding shares are owned, requires disclosure.
 - E. Each individual will also disclose family relationships in which you or your immediate family are employed by or render services to any outside concern that does business with U.S. Figure Skating. "Family" is defined to include spouse, children, parents, brothers and sisters.
 - F. Each individual will also disclose any confidential information of U.S. Figure Skating that has been used or disclosed for any purpose other than to carry out your duties.
14. Exhibit honesty, loyalty, candor and professional competence in your relationships with U.S. Figure Skating and with each other.
- A. Travel is a significant cost of conducting the association's business. Those who travel at the expense of U.S. Figure Skating have the responsibility to adhere to U.S. Figure Skating policies and to assist in reducing costs associated with travel.
 - B. Accurate and reliable records are of critical importance to the association. Individuals must ensure the accuracy of all U.S. Figure Skating accounts, reports, bills, invoices, records, and correspondence. U.S. Figure Skating documents or information from records may not be released to anyone outside the association without the consent of the Board of Directors.
 - C. U.S. Figure Skating employees shall report only true and actual numbers of hours worked by them. Reporting, charging or shifting costs to inappropriate contracts or budget accounts is prohibited.
15. Make every reasonable effort to avoid the appearance of conflict of interest and unethical behavior. Appearance can be as damaging to U.S. Figure Skating as actual violations.

This statement sets both general principles and certain specific standards. Where specific standards are set forth, you must abide by those standards.

CONFLICT OF INTEREST DISCLOSURE FORM

Pursuant to U.S. Figure Skating's Code of Ethics, I hereby disclose that I or members of my immediate family have the following affiliations or interest and have taken part in the following transactions that, when considered in conjunction with my position with or relation to U.S. Figure Skating, might be required to be disclosed pursuant to U.S. Figure Skating's Principles of Ethical Behavior and Conflict of Interest. Check "NONE" where applicable.

Gifts, Loans and Favors	<p>You may not request or receive gifts, loans or favors that tend to influence you in the discharge of your duties with U.S. Figure Skating. This rule does not apply in the case of an occasional nominal gift of insignificant value in the normal course of business.</p> <p>Identify any gifts, loans or favors described above that you have received.</p>	NONE
Confidential Information	Identify any confidential information pertaining to the U.S. Figure Skating, its officers or officials that you have used or disclosed for any purpose other than to carry out your duties and obligations to U.S. Figure Skating.	NONE
Incompatible Employment	Identify any circumstances in which you or your immediate family is an employee, partner, officer or owner of a business entity that renders services to or does business with U.S. Figure Skating.	NONE
Outside Interests	Identify any business in which you are or any member of your immediate family holds an ownership in a closely-held business entity (including a sole proprietorship, corporation, limited liability company or partnership) or a 5% or greater interest in a public company that does business with U.S. Figure Skating.	NONE
Interest Acquired	Identify any interest you have acquired in any contract or transaction at a time you believe or had reason to believe that such interest would be affected by any action of U.S. Figure Skating.	NONE
Other Conflicts	<p>A conflict of interest can be considered to exist in any instance where your actions or activities on behalf of U.S. Figure Skating also involve obtaining an improper gain or advantage or involve an adverse effect on U.S. Figure Skating interest, or in instances where your actions are improperly influenced by another person.</p> <p>Identify any such circumstances that give rise to a possible conflict of interest you may have in your service to U.S. Figure Skating.</p>	NONE

Both sides of this form must be signed for it to be valid.

I hereby agree to report to the chair of the U.S. Figure Skating Ethics Committee any future conflicts of interest if any other conflicts develop before completion of my next conflict of interest form.

Full Name (Print or Type)	U.S. Figure Skating Member Number	Position
Signature	Date	

**U. S. FIGURE SKATING
PRINCIPLES OF ETHICAL BEHAVIOR AND CONFLICT OF INTEREST
CERTIFICATION FOR DIRECTORS, EMPLOYEES AND OTHER AGENTS OF
U.S. FIGURE SKATING**

I, _____, certify that I have read and understand the Principles of Ethical Behavior and Conflict of Interest of the United States Figure Skating Association, (U.S. Figure Skating). I agree to comply with the Principles and affirm that, to the best of my knowledge and belief, I am not involved in any activity and have no interest that conflicts or suggests a potential conflict with the best interest of U.S. Figure Skating; except as follows (if none, so state):

I also agree, during the term of my tenure with U.S. Figure Skating, to report to the chair of the U.S. Figure Skating Ethics Committee promptly any future situation that involves or might appear to involve me in any conflict with the best interest of U.S. Figure Skating.

Signature

Date

DUE DATE:

Responsibilities of a Board Member

Individually, and as a group, members of a nonprofit (501c3) Board of Directors are legally and morally responsible for the activities of organization. As a general rule, Board Members are solely responsible for determining the association's policies.

Responsibilities are generally categorized into three areas:

Planning: One of the primary responsibilities of the board is to establish goals and objectives that support the association's mission statement. Careful consideration of all the factors is essential in developing strong plans. It is generally accepted that the responsibility of administering these plans will rest with the national office.

Directing: Through its leadership skills, specific objectives and effective communication skills, a Board should be able to guide the association and supervise the overall objectives in a successful manner. There is a five-part plan, which assists in this goal:

- **Determine the tasks to achieve the set goals**
- **Conduct research and evaluate information received**
- **Determine the tools required to obtain the objectives**
- **Set standards, budgets and timeframes**
- **Prepare clear and effective instructions for success**

Financial Management: Each member of the Board should be able to understand basic financial reports, statements and future projections. The legal responsibility for the association's financial success, its ability to pay debt and support athlete programs is the responsibility of the Board. Financial matters are typically assigned to the executive director and their chief financial officer or controller, but the ultimate responsibility for financial stability rests with the board. The board has an obligation to the association's members to maintain the financial integrity of the organization. In this regard, there are four obligations, which the board owes to the organization:

- **Oversee the development of the organization's budget and monitor the execution of the budget**
- **Provide support in the effort to raise sponsorship revenue and ensure that adequate funds are raised which support the organization**
- **Review and analyze the property of investments**
- **Ensure financial accountability**

BOARD MEMBER RESPONSIBILITIES

(Standards of Conduct)

Duty of Loyalty

Conflict of Interest
Duty of Fairness
Association Opportunity
Confidentiality

Duty of Care

Good Faith
Diligence and Care
Ordinarily Prudent Person
Under Similar Circumstances

Duty of Attention

Attendance
Review of Information
Critical Analysis
Monitor Delegations

Nonprofit sports organizations require two governing parties to operate successfully:

- The executive director and staff
- The Board of Directors

The executive director's responsibility is to give input to the Board of Directors so the board is able to make informed decisions regarding the direction of the organization. In addition, the executive director takes direction from the board in implementing policies, procedures and directions which guide the organization in fulfilling the needs associated with the management of a sports organization and their daily operations.

The principal role of the board of directors of a nonprofit sports organization is to maintain the financial integrity of the organization, provide the necessary resources to accomplish the set goals, and comply with all legal requirements which the organization is required to adhere to.

Legal duties of the board members are distinct and vital to the success of the organization:

Duty of Loyalty:

When an individual decides to become a member of a sports organization board, they are expected to make the interest of the organization take precedent over any personal interests they may have. Board members should not use their association with the organization as a means for personal profit, gain or other advantages.

Conflict of Interest: If a board member determines that there is a personal interest in an organization, contract or other organization which the association is involved, or indirectly involved, the board member **must** disclose the existence of the relationship, and describe the nature which could result in the conflict.

Duty of Fairness: When there are conflicting interests, the board member **must** determine that fairness obligations are recognized and satisfied. This applies to all Board members, regardless of conflict of interest.

Association Opportunities: When an opportunity for the benefit of the organization comes to the attention of a board member, in the capacity of being a board member, and as a result of being a board member, and the opportunity is relevant to the organization's present or prospective business activities, the board member must first present the opportunity to the board, and its relevance to the organization. The board must evaluate and determine the viability of the opportunity and then make decisions relevant to the benefit to the organization.

Confidentially: Board members should treat all matters relating to the organization as confidential until such time as the information is determined to be information available to the general public. The presumption of confidentiality should apply to all current information concerning the board and any organization activity.

Duty of Care:

Any member of a nonprofit organization in a position of authority as a board member owes the organization a duty of care, which includes acts of "good faith", which includes diligence and care. The standard would be to evaluate the same care which an "ordinarily, prudent person", in a like position would exercise the same control under similar circumstances. Board members are responsible for implementing reasonable policies to promote appropriate organizational conduct, and the organization needs to readily be able to identify conduct unbecoming to the organization and/or Board.

Good Faith: The board member needs to act honestly or in an honest manner. A board member relying on information, which is known to be untrue, would not be considered as acting in good faith.

Diligence and Care: The board member owes a duty of attention to the organization and their activities and concerns.

Ordinarily Prudent Person: The board member owes the organization a duty to make decisions based upon the attributes of common sense, practical wisdom and informed decisions. The individual is considered one who has experience similar to that of an average person.

Under Similar Circumstance: The board member will need to recognize his/her role may vary depending upon factors such as the size, complexity and location of the activities of the organization. Additionally, depending on the special experience or background of the board member, they may be placed in a position of greater responsibility with respect to a particular matter or situation.

Duty of Attention:

Generally, a board member will have a responsibility to actively participate in directing the organization's activities by:

Attendance: The Board member will be expected to attend all board meetings.

Review of Information: Board members should be provided appropriate information regarding each issue to be discussed prior to the meeting to enable them to fully evaluate the issues at hand.

Critical Analysis: The board member is expected to review the information distributed prior to meetings.

Monitor Delegations: It is expected that the board will delegate to others (including board committees or individual directors), some tasks or duties; however, there is a responsibility to monitor such delegated activities. The extent of monitoring will vary depending upon what has been delegated and to whom. Receipt of periodic reports will usually be sufficient.

Volunteer Protection Act of 1997

Findings and Purpose:

- The willingness of volunteers to offer their services is deterred by the potential for liability actions against them.
- Many nonprofit organizations have seen a withdrawal of volunteers from boards of directors and service in other capacities due to being adversely affected by service to these boards.
- The contributions of these organizations to communities is diminished, resulting in fewer and higher cost programs, which would be obtainable if volunteers were participating.
- Protect of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation.
- Due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance to cover their activities.
- Clarifying and limiting the liability risk assumed by volunteers is appropriate to offset the problems created by legitimate fears of volunteers about frivolous, arbitrary or capricious lawsuits.

Limitation of Liability for Volunteers:

- The volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization at the time of the act or omission.
- If appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization.
- The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.
- The harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft or other vehicle for which the State required the operator or the owner of the vehicle, craft or vessel to possess an operator license and/or maintain insurance.

Exceptions to Limitations on Liability:

- The act shall not apply: if the misconduct constitutes a crime of violence for which the defendant has been convicted in any court.
- The misconduct constitutes a hate crime.
- The misconduct involves a sexual offense for which the defendant has been convicted in any court.
- The defendant has been found to have violated a Federal or State civil rights law.
- The misconduct occurred when the defendant was under the influence of intoxicating alcohol or any drug at the time of the incident.

Many states have enacted volunteer immunity and Good Samaritan laws that are intended to benefit persons who volunteer their services in assistance to others. Please consult your local laws for additional information.

U.S. Figure Skating

Coaches Code of Ethics, Standards and Conduct

MISSION STATEMENT: To provide a standardized guideline of ethics, standards and conduct to ensure the quality, integrity and moral environment of the U.S. Figure Skating.

PURPOSE: This information is intended to provide both the general principles and the decision rules to cover most situations encountered by coaches and instructors. It has, as its primary goal, the welfare and protections of the individuals and groups with whom coaches work. This is also designed to provide a common set of values. It is the individual responsibility of each coach to aspire to the highest possible standards of conduct. Coaches should respect and protect human civil rights, and should not knowingly participate in or condone unfair discriminatory practices. Above all, coaches of young people can have great influence on developing athletes who are reliant on these coaches for the basic instruction and guidance necessary to reach the top levels. Coaches can have tremendous power over these athletes in their quest to the top. This power must not be abused. Therefore, we have set forth these codes of ethics and conduct to guide our coaches and protect our athletes for the mutual benefit of all concerned.

GENERAL PRINCIPLES:

- **Competence:** Coaches strive to maintain high standards of excellence in their work. They recognize the boundaries of their particular competencies and the limitations of their expertise. They provide only those services and use only those techniques for which they are qualified by education, training and/or experience. In those areas, where recognized professional standards, do not yet exist, coaches exercise careful judgment and take appropriate precautions to protect the welfare of those with whom they work. They maintain knowledge or relevant scientific and professional information related to the services they render, and they recognize the need for ongoing education. Coaches make appropriate use of scientific, professional, technical and administrative resources.
- **Integrity:** Coaches seek to promote integrity in the practice of coaches. Coaches are honest, fair and respectful of others. In describing or reporting their qualifications, services, products, or fees, they do not make statements that are false, misleading or deceptive. Coaches strive to be aware of their own belief systems, values, needs and limitations and the effect of these on their work. To the extent feasible, they attempt to clarify for relevant parties, the roles they are performing and to function appropriately in accordance with those roles. Coaches avoid improper and potentially harmful dual relationships.
- **Professional Responsibility:** Coaches uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and adapt their methods to the needs of different athletes. Coaches consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interest of their athletes, or other recipients of their services. Coaches moral standards and conduct are personal matters to the same degree as is true for any other person, except when the coaches conduct may compromise their responsibilities or reduce the public's trust in coaching. Coaches are concerned about the ethical compliance of their colleagues' conduct. When appropriate, they consult with their colleagues in order to prevent or avoid unethical conduct.
- **Respect for Participants and Dignity:** Coaches respect the fundamental rights, dignity and worth of all participants. Coaches are aware of cultural, individual and role differences, including those due to age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language and socioeconomic status. Coaches try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone unfair discriminatory practices.
- **Concern for Others Welfare:** Coaches seek to contribute to the welfare of those with whom they interact. In their actions, coaches consider the welfare and rights of their athletes and other participants. When conflicts occur among coaches obligations or concerns, they

attempt to resolve these conflicts and to perform their roles in a responsible fashion that avoids or minimizes harm. Coaches are sensitive to differences in power between themselves and others, and they do not exploit nor mislead other people during or after their relationship.

- **Responsible Coaching:** Coaches are aware of their ethical responsibility to the community and the society in which they work and live. They apply and make public their knowledge of sport in order to contribute to human welfare. Coaches try to avoid misuse of their work. Coaches comply with the law and encourage the development of law and policies that serve the interest of sport or activity. The coach shall strive to serve as a leader and model in the development of appropriate conduct for the athlete both within and beyond the U.S. Figure Skating setting. The coach shall strive to use strategies in practice and competition and that are designed to encourage play within the letter and spirit of the rules. The coach shall strive to keep the concepts of winning and losing in proper perspective. The coach shall strive to enforce policies and rules with fairness, consistency and an appreciation for individual differences.

ETHICAL STANDARDS:

- **Competence:** Coaches should not undertake these duties until they have first obtained the proper training, study and advise that they are competent to do so.
- **Maintaining Expertise:** Coaches should maintain a level of experience through continued education and experience and shall strive to acquire additional education and experience through sources available to them.
- **Respecting Others:** Coaches shall respect the rights of others values, opinions and beliefs even if they differ from their own.
- **Nondiscrimination:** Coaches should not engage in discrimination based upon age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, socioeconomic status, or any other basis as proscribed by law.
- **Sexual Harassment:** Coaches do not, under any circumstances, engage in sexual harassment which includes solicitation, physical advances, verbal or non-verbal conduct which is sexual in nature and will respond to complaints of such a nature to respondents with dignity and respect.
- **Personal Problems or Conflicts:** Coaches have a responsibility to be aware if there are personal problems or conflicts, which may affect their ability to work with athletes. They should also be able to identify problems affecting their athletes, which could potentially create situations that place their athletes in harm or danger of injury, and take the appropriate steps to remove the athlete from this environment.

COACHES CODE OF CONDUCT:

- Obey and abide by all U.S. Figure Skating published rules, regulations and procedures.
- Maintain exemplary standards of personal conduct.
- Obey all State, National and International Laws.
- Do not use alcohol, illegal drugs or substances, which could impair your ability or judgment as a coach.
- Refrain from using any profane or abusive language.
- Accept no gratuities or gifts from athlete members.
- Refrain from fraternization with athletes.
- No sexual harassment or sexual misconduct with any athlete.
- Teach and support the athletes fairly and equitably.
- Do not discriminate against any athlete.

I understand that as a U.S. Figure Skating coach, I have assumed certain responsibilities to prepare, develop and be an advocate and role model for U.S. Figure Skating. I agree to the "Coaches Code of Conduct," have read the "Coaches Code of Conduct" and understand what is expected of me.

Signature

Printed Name

Date

U.S. Figure Skating Club Directors and Officers Liability Program

1. Why should our club purchase this insurance?

Directors and Officers Liability coverage provides protection for the club for allegations of “Bad Decisions” or “Wrongful Acts.” The General Liability coverage provided to the clubs through the U.S. Figure Skating provides coverage for allegations of negligence, which result in bodily injury to a skater or property damage to property. The Directors and Officers coverage acts as wrap around policy to provide protection for issues NOT related to bodily injury or property damage.

2. What are some examples of claims, which would be covered under Directors and Officers Liability coverage?

Claims of discrimination, such as age, race, sex or handicap would be considered under this policy. If the club decides to dismiss a pro/coach for any of these reasons and the coach decides to sue the club, coverage should be triggered. Failure to enforce rules or bylaws have been potential claims. Decisions beyond the authority of the board granted in the bylaws of the clubs have also been potential claims. Failure to properly manage the financial affairs of the club may also be potential claims. Wrongful dismissal, rejection or suspension of club personnel, coaches or skaters have also become potential claims and general failure to conduct your due diligence as a board member are issues which are generally covered by this insurance.

3. Are my legal fees covered?

Yes, legal fees are covered. However, we must first be notified of the potential claim, and the insurance company must approve selection of legal counsel before any legal fees are covered.

4. Who is covered under this insurance?

The club as an entity is covered, as well as all directors, officers, employees and volunteers.

5. What is the limit of insurance?

The policy provides a limit of \$1,000,000. This limit includes all defense costs. Higher limits are available, up to \$5,000,000, but are individually underwritten and rated by the insurance company.

6. How much does this insurance cost?

The insurance is priced based upon the annual revenue of the club. For instance, if the annual club revenue is between zero and \$1,000,000, the annual premium would be \$550. For clubs with revenue over \$1,000,000, the annual premium is \$1,650.

7. What is the policy deductible?

There is no deductible. All defense and indemnification is paid on a first dollar expense.

8. How do I apply for coverage?

You complete the application, and send that along with a current list of your Board of Directors, a copy of your club by-laws and current financial information which may include an audited financial statement, an income tax return or an Annual Budget. All items must be sent to ESIX at 1899 Powers Ferry Road, Suite 375, Atlanta, GA 30339.

9. When is my insurance effective?

Your insurance is effective the date that ESIX receives your application and accompanying documentation along with your check for the full annual premium. The policy term is April 1 through April 1, so applications received after October 1 will receive a 25% discount until the following April 1.

10. What is not covered or excluded on the policy?

There are several exclusions to the policy. These exclusions are better defined under the packet of information provided for the coverage.

11. How can I receive a packet of information including the application?

Simply leave your name, the name of your club and the mailing address or fax number you would like this sent to. Please speak slowly and clearly, and the information will be sent to you within 48 hours.

12. If I have any additional questions, how can those be answered?

Please leave your name, telephone number, area you are calling from (i.e. East Coast, West Coast, Midwest), the best time to contact you and your call will be returned within 48 hours.

U.S. Figure Skating 2003 Directors and Officers Liability Program

We are pleased to introduce a Directors and Officers Liability Program which includes Employment Practices Liability for the affiliated clubs of the U.S. Figure Skating.

Our insurance carrier, Great American, is issuing a Master Policy to cover all U.S. Figure Skating Clubs that purchase this coverage. Each club will be a named insured under this master contract yet still have its own limits of liability.

A policy will be issued to the club with a list of named insureds as evidence of Director and Officers and Employment Practices Liability.

This policy is effective April 1, 2003, and any clubs who renew previous coverage with AIG after 10/1/03 will receive a 25% reduction in costs.

Suits of the types covered by this policy continue to increase. The premiums offered by Great American are modest compared to other Directors and Officers policy premiums that we have seen. Current premiums are being fueled by 9-11 in addition to D&O suits against major corporations such as Arthur Anderson, Enron and others. Great American offers U.S. Figure Skating clubs superior coverage with very competitive pricing.

We hope that the majority of our clubs will participate in this new program. If you have not purchased this type of insurance in the past, we encourage you to take advantage of this opportunity. You will be filling a major gap in your insurance program by purchasing this coverage for 2003.

Why Purchase Directors and Officers? (D&O) Why Purchase Employment Practices? (EPL)

Nonprofit organizations, regardless of size and nature of business, may face a variety of employment practices claims, such as wrongful termination, harassment, discrimination, misrepresentation, the failure to employ or promote employees, and other such allegations. Additionally, members of nonprofit organizations are susceptible to lawsuits that allege a wide range of offenses, including:

- _ Antitrust activity
- _ Copyright and/or patent infringement
- _ Unfair credentialing/disciplinary/peer review
- _ Failure to deliver services

Our nonprofit ExecPro® policy includes the following benefits:

_ **Duty to Defend**- We have contracted with a group of experienced D&O attorneys, located throughout the country, to defend our insurers in the event of a D&O claim. In doing so, we spare our insurers the responsibility and hassle of hiring attorneys and managing the litigation. On occasion, the insurer will allow the insured to select its own defense counsel, an allowance not common to the industry as a whole.

_ **Defense Expenses are in Addition to the Limit of Liability**- When the Insurer assumes the Duty to Defend a claim, the expenses associated with defending a claim will not diminish the limit of liability.

_ **All Past, Present and Future Directors, Officers, Trustees, and Employees are Covered** - Volunteers, staff members, executive board members, and committee members are named as insurers.

_ **Entity Coverage** - Coverage for the organization itself and nonprofit subsidiaries is automatically included.

_ **Broad Definition of Claim** - Our definition of claim includes written demands and administrative proceedings, such as those before the Equal Employment Opportunity Commission (EEOC).

_ **Free 90-day Discovery Period** - The insured is granted an automatic, 90-day discovery period if the insurer cancels or does not renew their policy for any reason other than non-payment of premium.

_ **Employment Practices Liability (EPL)** - The ExecPro® policy not only protects against claims alleging wrongful termination, harassment, or discrimination as many other policies do, but also covers claims alleging misrepresentation, failure to employ or promote, wrongful discipline, deprivation of career opportunities, failure to grant tenure, negligent evaluation, retaliation, adequate policies and procedures, mental anguish, emotional distress, invasion of privacy, libel, slander, and more.

1117 Perimeter Center
West Suite N 400
Atlanta, GA 30339
Phone: 770-512-5000

**Directors & Officers Liability Program
(Including Employment Practices Liability)
for Clubs of U.S. Figure Skating
EFFECTIVE: APRIL 1, 2003 – APRIL 1,**





U.S. Figure Skating Policy Statement on Harassment and Abuse

U.S. Figure Skating strives to provide a safe environment for its members and to protect the opportunity of its members to participate in our sport in an atmosphere that is free of harassment and abusive practices. The association will not tolerate or condone any form of harassment or abuse of any of its members including coaches, officials, directors, employees, parents, athletes, and volunteers - or any other persons - while they are participating in or preparing for a figure skating activity or event conducted under the auspices of the U.S.F.S.

Definitions

1. Harassment

Harassment is defined in various sources such as case law, state legislation, sports organization and professional association codes of conduct and training manuals, corporation and workplace documents, and human rights commission materials. The U.S.F.S. has not adopted any specific definition of harassment, choosing instead to defer to such general sources and definitions for reference and application, depending upon the circumstances. The following, however, presents a general overview.

- a. Behavior: Any improper or inappropriate comment, action, or gesture directed toward a person or group that is related to race, ethnicity, national origin, religion, age, gender, sexual orientation, disability, or other personal characteristics.
- b. Environment: Creation of an environment through behavior or course of conduct that is insulting, intimidating, humiliating, demeaning, or offensive.

Harassment usually occurs when one person engages in abusive behavior or asserts unwarranted power or authority over another, whether intended or not. It includes, for example, name-calling, taunts, threats, belittling, unwelcome advances and requests for sexual favors, as well as undue pressure to perform or succeed. Harassment does include child abuse.

2. Child Abuse

A legal definition of child abuse exists in each state, which the U.S.F.S. will adopt for purposes of enforcing this policy. A child is someone under the age of 18 or who has not attained the age of legal majority in the state in which he or she resides.

It can include physical contact - or the threat of it - that intentionally causes bodily harm or injury to a child. This includes, for example, hitting, shaking, kicking, shoving a skater into a barrier, etc., as well as forcing an individual to skate when he or she is injured, or mandating excessive exercise as a form of punishment.

It can include touching for the purpose of causing sexual arousal or gratification that involves a child, or forcing a child to pose for or watch pornographic materials. This includes, for example, rape, incest, fondling, exhibitionism, and sexual exploitation.

It can include chronic attacks on a child's self-esteem. This includes, for example, such psychologically destructive behavior as ridiculing, screaming at or swearing at, racism, threatening, stalking, hazing, and isolating.

It can include chronic inattention to a child's basic needs by someone responsible for the child's welfare. This includes, for example, improper supervision, not providing adequate food or rest, inadequate medical or dental care, and unsafe equipment or facilities.

Procedures for Reporting Child Abuse

1. Contact a Local Child Protection Agency

- a. **Mandated Reporters:** A key legal protection for children and youth across the United States is the requirement that, following special training in the identification and reporting of child abuse, people involved in certain occupations must report suspected child abuse to a local law enforcement agency or local public child welfare agency or both, depending on state law. These mandatory reporter occupations include health practitioners, teachers, social workers, psychologists, clergy, firefighters, police officers, day camp administrators and youth organization and youth recreation program employees and coaches, among others, as prescribed by state law.

Therefore, if mandated reporters observe abuse or suspect abuse of a young skater, they are required by law to report it immediately. Mandated reporters may be U.S.F.S. team physicians, sport psychologists, or certain rink employees. They are not required to disclose the fact that they made such a report to the parent or guardian, nor are they supposed to investigate the situation. They will obtain only enough information to report a "reasonable suspicion." The reporters' identity is confidential and will only be disclosed between cross-reporting child protection agencies.

- b. **Other Observers:** If any form of child abuse is observed or suspected by a non-mandated reporter, that person should immediately telephone either a local law enforcement or a public child welfare agency and make a report. (If more than one child protection agency exists, many states require that they cross-report.) Some communities provide a child abuse hotline for this purpose.

Even if observers are unsure as to whether or not an action, incident, or situation meets their state's legal definition of child abuse, they should report it. Child safety must be the most important consideration. To encourage this, the reporter's identity is always kept confidential.

The local child protection agency is then responsible for assessing the matter and conducting any investigation. That agency is also responsible for informing the reporter as to what determination it made and what actions it took as a result of its evaluation.

Observers should not attempt to handle the situation themselves or investigate the circumstances. Instead, they must report the matter to their local child protection agency.

Procedures for Reporting Harassment

Harassment, as defined herein, between or among U.S.F.S. members, shall be reported to the Chair of the Ethics or Grievance Committee as soon as is practicably possible, per ECR 2.00 and GCR 2.00.

Depending on the nature and/or severity of the harassment, the reporter may also choose to contact a local law enforcement agency or seek assistance from a local or state human rights commission.

Violations of Harassment and Abuse Policy

Any person in violation of this policy statement will be subject to disciplinary action in accordance with Article XXVII, Section 3 of the U.S.F.S. Bylaws.

Any person convicted of child abuse in a court of law shall be permanently banned from membership in the U.S.F.S. and from participation in U.S.F.S. programs and activities, in accordance with the association's Code of Ethics.

Retaliations or Threats of Reprisal

Retaliation or threats of reprisal against an individual for filing a complaint under this policy or for participating or assisting in any procedure under this policy will be considered harassment for the purpose of this policy.

Condemnation or Groundless Allegations

If a person in authority knows or should reasonably have known that harassment or abuse may have occurred and fails to report it or take appropriate action as set out in this policy statement, that person may be subject to disciplinary action per Article XXVII, Section 3, of the U.S.F.S. Bylaws.

Further, any person who makes groundless allegations or complaints of abuse or harassment may be subject to disciplinary action per Article XXVII, Section 3, of the U.S.F.S. Bylaws.

Cjb

IV **References**

- Much of this guide was adapted by the work of James J. Messina, Ph.D. and Constance M. Messina, Ph.D. We appreciate their wiliness to allow U.S. Figure Skating to use their work.
jjmess@tampabay.rr.com Phone (813) 631-5176
- The Adversarial and Collaborative chart was used with permission from Morrie Sacks, Collaborative Divorce Lawyer, Vancouver BC.,
<http://www.collaborativedivorce.ca/>