**Policy on Sexual Harassment**

**A. INTRODUCTION**

USA Surfing is committed to maintaining an environment where all USA Surfing members, while participating in USA Surfing activities, enjoy a safe and supportive environment, free of harassment and exploitation. Every USA Surfing member should be aware that the USA Surfing is strongly opposed to sexual harassment and that such behavior is prohibited by USA Surfing policy. Sexual harassment and abuse damage both individual and organizational health. All USA Surfing members share the responsibility to identify and prevent sexual harassment and to develop a culture of dignity and respect in sport. The USA Surfing will respond promptly to reports of sexual harassment and will take appropriate action to correct, and, if necessary, to discipline behavior that violates this policy.

**B. SEXUAL HARASSMENT**

This policy is intended as a guideline only for circumstances under which conduct may or may not constitute sexual harassment. Any such determination made by the USA Surfing is not intended to constitute a determination that sexual harassment has occurred pursuant to federal or state common laws or statutes but instead only that the USA Surfing’s policy has been violated.

Pursuant to this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a member’s athletic performance, competition, or training, unreasonably interferes with a member’s athletic performance, competition, or training, or creates an intimidating, hostile or offensive performing, competing, or training environment. In the interest of preventing sexual harassment, the USA Surfing will respond and evaluate reports of any such alleged conduct.

Sexual harassment may include incidents between any members of the USA Surfing community, including coaches, athletes, officials, and volunteers. Sexual harassment may occur in hierarchical relationships or between peers, or between persons of the same sex or opposite sex. Some examples of sexually inappropriate or offensive conduct include:

(1) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;

(2) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;

* (3)  Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
* (4)  The display of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or  photographs; and

(5) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials)

In determining whether the reported conduct constitutes sexual harassment under this policy, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

This policy covers unwelcome conduct of a sexual nature. Harassment that is not sexual in nature but is based on gender is also prohibited by the USA Surfing Code of Conduct and USA Surfing Bylaws. While discrimination based on these factors may be distinguished from sexual harassment, this type of discrimination may contribute to the creation of a hostile performing, competing, training, or learning environment. Thus, in determining whether a hostile environment due to sexual harassment exists, USA Surfing may take into account acts of discrimination based on gender.

**C. RETALIATION**

This policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation or resolution of a sexual harassment report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to athletic performance, competition, or training.

**D. DISSEMINATION OF THE POLICY**

As part of the USA Surfing’s commitment to providing a harassment-free performing, competing, and training environment, this policy shall be disseminated widely to the USA Surfing community through publications, websites, and other appropriate channels of communication.

**E. REPORTS OF SEXUAL HARASSMENT**

Any USA Surfing member who believes conduct that may constitute sexual harassment under this policy has occurred has a responsibility to report the situation as soon as possible. The report or complaint should be made to the President of that member’s Local Club. In the event that the reporting or complaining member is an independent individual member, the report or complaint should be made to the local Key Volunteer or local Division Office. Alternatively, any USA Surfing member who believes conduct that may constitute sexual harassment under this policy has occurred may report the situation directly to the office of USA Surfing’s Legal Counsel in San Clemente, California.

At the local level, upon receipt of any report or complaint of conduct that may constitute sexual harassment, the President of the Local Club, local Key Volunteer or local Division Office shall forward any such report or complaint to the office of USA Surfing’s legal counsel in San Clemente, California. Upon receipt of any report or complaint by the office of USA Surfing’s Legal Counsel, USA Surfing membership of the alleged harasser may be immediately suspended while an investigation is conducted.

Members are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

Complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible by, or at the direction of, the office of USA Surfing’s Legal Counsel. An investigation should be completed within thirty (30) days of receiving a complaint and a report written of the investigation findings. The office of USA Surfing’s Legal Counsel shall determine the appropriate response to any complaint of sexual harassment, which response may include early resolution and/or targeted training or educational programs.

Upon completion of the investigation and report, the office of USA Surfing’s legal counsel may reinstate the alleged harasser’s USA Surfing membership.

**F. DISCIPLINARY ACTION**

Any member of the USA Surfing community who is found to have engaged in sexual harassment in violation of this policy is subject to appropriate disciplinary action, up to and including termination or permanent banishment from all USA Surfing activities, including from volunteering or participating on behalf of the organization. Generally, disciplinary action will be recommended when the harassing conduct is sufficiently severe, persistent, or pervasive that is alters or limits the opportunity to participate in and benefit from USA Surfing membership. Any member disciplined under this policy with termination or permanent banishment from all USA Surfing activities shall have a right to appeal said discipline pursuant to the provisions of Article 13 of the USA Surfing Bylaws.

**Underage Screening Requirements**

USA Surfing coaches or judges/officials under the age of 18 are subject to special requirements relative to background screening. Prospective USA Surfing coaches or judges/officials under 18 need to secure two written references from individuals who would believe that you would not pose any undue risk to participants of USA Surfing programs. Such references must be provided by individuals who are:

1. not your legal guardian
2. not related to you
3. are at least 18 years old

These references must be received by the USA Surfing within 10 days of membership registration. Letters of recommendation may be submitted by email by the original author to membership@usasurfing.org, by fax to 949.203.6258, or by mail to the address indicated below.

USA Surfing Member Services 1001 Avenida Pico, Suite C229 San Clemente, CA 92693

Upon receipt and approval of references, USA Surfing will activate membership. Members will then be removed from "pending" status and will be able to print a membership card from their My USA Surfing account.

***NOTE:*** *Failure to provide the required recommendations within 10 days of membership processing will result in inactivation of your membership. Memberships will remain on inactive status until the* USA Surfing *receives the required documents.*