

The Zephyr Cove Tennis Club Foundation

Sexual Abuse and Misconduct Prevention Policy

The Zephyr Cove Tennis Club Foundation (“Foundation”) prohibits and does not tolerate sexual abuse or misconduct during any organization-related activity. The Foundation provides procedures for employees, volunteers, board members or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination of employment or membership, as well as criminally prosecuted. No employee, volunteer, board member or other person, regardless of his or her title or position has the authority to commit or allow sexual abuse or misconduct.

Definitions and Examples

The following definitions or examples of sexual abuse, misconduct or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – any sexual activity, involvement, or attempt of sexual contact with a person who is a minor (under 18 years old) where consent is not or cannot be given.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone’s neck or shoulders, and/or pulling against another’s body or clothes.
- Material such as pornographic or sexually explicit images, posters, calendars, or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications or messages (e.g. email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.
- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one’s work performance or ability to do the job or creates an intimidating, hostile, or offensive environment.
- Direct or implied threats that submission to sexual advances will be a condition of employment or affiliation with the organization.

Reporting Procedure

Immediately report suspected sexual abuse or misconduct to any Foundation Board of Directors member and as follows:

1. Child Abuse

An Adult Participant, including any adult USTA member, who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must make a report within 24 hours of the suspected abuse to both Law Enforcement and the Center as provided below:

a. Law Enforcement

- The agency designated by the Attorney General, consistent with the federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341); AND
- Applicable State Law Enforcement agency. Learn more about this requirement by visiting [here](#).

b. U.S. Center for SafeSport

- Through the Center's online reporting form, <https://uscenterforsafesport.org/report-a-concern/>
- By phone at 833-5US-SAFE during regular business hours (Monday to Friday, 9:00 a.m. to 5:00 p.m. MT)

The Center accepts all reports of sexual abuse and child abuse within the U.S. Olympic and Paralympic Movement. Report at <https://uscenterforsafesport.org/report-a-concern/> if you have reasonable suspicion of sexual misconduct or harassment, child abuse (including child sexual abuse), or intimate relationships involving an imbalance of power.

Reporting such conduct to the Center does not satisfy an Adult Participant's obligation to report to law enforcement or other appropriate authorities consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341).

2. Sexual Misconduct

The USTA and the Center encourages anyone who experiences or becomes aware of an incident of sexual misconduct involving a Participant to report the incident immediately to the Center (and/or law enforcement if the matter involves possible criminal conduct).

Adult Participants must promptly report possible Sexual Misconduct directly to the Center (and/or law enforcement if the matter involves possible criminal conduct) whenever such Participants become aware of conduct that could constitute Sexual Misconduct. See Section A(1)(a)-(b) above for reporting instructions.

3. Emotional and Physical Misconduct and Proactive Policy Violations

Adult Participants are required to report to the USTA emotional and physical misconduct (including bullying, stalking, hazing and harassment) prohibited under the Code and the USTA Safe Play Policy. This includes all violations of the Proactive Policies.

Reports to the USTA can be made either by:

- Calling the USTA's reporting hotline at 855-791-1345 (toll-free, within the United States, Guam, Puerto Rico and Canada)

- Emailing the USTA at safeplay@usta.com, clearly describing the incident, location of incident and people involved.
- Completing and submitting a Safe Play Misconduct Reporting form to the USTA at <https://secure.ethicspoint.com/domain/media/en/gui/38699/index.html>.
- The online reporting tool and phone allow reporters to report anonymously, if they wish to keep their identities anonymous. However, anonymous reports may limit the USTA's ability to investigate and respond to a complaint.

The Center also accepts reports of emotional and physical misconduct (including but not limited to bullying, hazing, stalking, and harassment) within the U.S. Olympic and Paralympic Movement. Reports can be made to the U.S. Center for SafeSport at www.uscenterforsafesport.org/report-a-concern or by calling 833-5US-SAFE (Monday to Friday, 9:00 am to 5:00 pm MT).

Should you need to contact someone immediately or have questions on how to report, please contact safeplay@usta.com.

It is not required to directly confront the person who is the source of the report, question or complaint before notifying any of the individuals listed. The Foundation will take every reasonable measure to ensure that those named in complaint of misconduct, or are too closely associated with those involved in the complaint will not be part of the investigative team.

Anti-retaliation and False Allegations

The Foundation prohibits retaliation made against any employee, volunteer, board member, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false or malicious accusations of sexual abuse or misconduct can have serious consequences for those who are wrongly accused. The Foundation prohibits making false or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or membership and criminal prosecution.

Investigation and Follow-up

The Foundation will take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly, and equitably investigate whether misconduct has taken place. The organization may utilize an outside third party to conduct an investigation of misconduct. The Foundation will cooperate fully with any investigation conducted by law enforcement or other regulatory/protective services agencies. The Foundation will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

Employee and Worker Screening and Selection

As part of its sexual abuse and misconduct prevention program, the Foundation is committed to maintaining a diligent screening program for prospective and existing employees, volunteers and others that may have interaction with those employed by, associating with or serviced by the Foundation. The Foundation may utilize a variety of methods of screening and selection, including but not limited to applications, personal interviews, criminal background checks and personal and professional references.

Supervision of Youth

To provide a safe environment for minors, the Foundation strives that a minimum of two adult workers supervise or be in attendance with minors during organization-related activities that are not easily observable by others. If individual meetings with a minor must be held in an office, keep the door open. Only conduct closed door meetings when another adult is put on notice of the meeting and the door remains unlocked.