

STYSA Prohibited Conduct Policy

Adopted by the STYSA Executive Committee: May 16, 2018

This Policy applies to all South Texas Youth Soccer Association (STYSA) Board of Director members and employees and extends to all of our operations. This Policy also applies to conduct by any subcontractor, supplier, customer or third party and their employees in their dealings with STYSA employees.

South Texas Youth Soccer Association is committed to maintaining a work environment that is free from all forms of discrimination, including harassment, on the basis of any legally protected status. Accordingly, STYSA does not permit any form of unlawful harassment, discrimination or intimidation against its employees by anyone, including managers, supervisors, co-workers, executives, directors, officers, other employees, vendors, clients, customers or third parties. Protected status includes race, color, age, religion, marital status, sex, ancestry, national origin, citizenship, veteran's status, pregnancy, disability, sexual orientation, protected activity, or any other characteristic protected by federal, state or local law. The policy also prohibits harassment on the basis of the protected status of an individual's relatives, friends or associates.

STYSA is also committed to maintaining a work environment that is free from all forms of child sexual abuse, sexual misconduct, bullying and hazing.

Any violation of this Policy by an employee may subject the employee to disciplinary action. Appropriate action also will be taken against any subcontractor, supplier, or customer found in violation of this Policy.

Prohibited Conduct:

Harassment

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status. STYSA will not tolerate harassing conduct that affects tangible job benefits, that unreasonably interferes with an individual's work performance, or safety, or that creates an intimidating, hostile, or offensive working environment.

Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status.

Prohibited conduct can also include jokes, kidding, or teasing about another person's protected status. While harassing conduct is unlawful only if it affects tangible job benefits and/or interferes unreasonably with work performance and creates an abusive or hostile work environment, this Policy forbids harassing conduct even when it does not rise to the level of a violation of law.

Sexual Harassment

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting that individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance and creating an intimidating, hostile, or offensive working environment.

Sexual harassment may involve individuals of the same or different gender. It may also occur between individuals of any employment status.

Examples of conduct which may constitute sexual harassment and are prohibited by this Policy include, but are not limited to

- unnecessary touching, patting, hugging, pinching, or brushing against a person's body;
- staring, ogling, leering, or whistling at a person;
- continued or repeated verbal abuse of a sexual nature;
- sexually explicit statements, sexual flirtations, advances, propositions, subtle pressure for sexual activity, comments, questions, jokes, or anecdotes;
- graphic or degrading comments about a person's clothing, body or sexual activity;
- sexually suggestive objects, cartoons, posters, calendars, or pictures in the workplace;
- suggestive or obscene letters, notes or invitations;
- harassing use of electronic mail, electronic or instant messaging, or telephone communication systems; or
- other physical or verbal conduct of a sexual nature.

STYSA prohibits managers and supervisors from threatening or insinuating, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's wages, assigned duties, advancement, evaluation, shifts, career development, or any other condition of employment.

Racial, Religious, or National Origin Harassment

Racial, religious, or national origin harassment deserves special mention as well, and is expressly prohibited by STYSA. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner which would make a reasonable employee uncomfortable in the work environment or which would interfere with the employee's ability to perform the job. Examples of race, religious or national origin harassment may include, but are not limited to:

- jokes, which include reference to race, religion, or national origin;
- the display or use of objects or pictures which adversely reflect on a person's race, religion, or national origin; or
- use of pejorative or demeaning language regarding a person's race, religion, or national origin.

Child Sexual Abuse

Any sexual activity with a child is prohibited. This includes sexual contact with a child that is accomplished by deception, manipulation, force or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity.

Sexual Misconduct

Any sexual interaction between an employee and an individual with evaluative, direct or indirect authority is prohibited. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative. This section does not apply to a pre-existing relationship between two spouses or life partners.

Bullying

Intentional, persistent and repeated pattern of committing or willfully tolerating physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate the targeted athlete(s), as a condition of membership are prohibited. Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion.

Hazing

Coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group's members are prohibited. Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

Procedures for Complaints, Investigations and Corrective Action

All employees are responsible to help assure that we avoid misconduct. No one is exempt from this Policy. STYSA cannot act to eliminate misconduct unless it has notice of the conduct. Furthermore, STYSA Board of Directors and employees are responsible to help assure that the work environment, on or off-premises, is free from harassment. All Board members and employees have an obligation to promptly report any and all allegedly harassing conduct they are the subject of, that they learn of, or that they witness. Our Policy provides for immediate notice of problems to the persons designated in this Policy so that we may address and resolve any problems as quickly as possible.

A Board member or employee must report the harassing conduct to either:

- The person to whom you report (supervisor or manager);
- Department Head;
- STYSA Legal Counsel;
- The Executive Director; or
- STYSA President.

If the employee feels uncomfortable going to his or her supervisor with the complaint, he/she must report the matter to any other member of management as designated above.

This Policy does not require reporting the misconduct to any individual who is creating the harassment or discrimination.

All complaints and reports will be promptly investigated. All Board members and employees have an obligation to cooperate in any investigation of a complaint of misconduct, including providing any and all information concerning the complaint. Failure to do so may be a violation of this Policy. In determining whether an individual's alleged conduct constitutes a violation of the Policy, the investigator will impartially look at the totality of the circumstances, which includes the nature of the misconduct and the context in which it is alleged.

If an investigation confirms that a violation of the Policy has occurred, STYSA will take prompt corrective measures. These measures may include, but are not limited to, an oral or written warning or reprimand, counseling, suspension, or discharge of the employee engaging in such misconduct. Such disciplinary actions will be noted in the employee's personnel file.

STYSA's Prohibited Conduct Policy offers its employees greater protection from harassment than does the law. Consequently, employees who are found to have violated STYSA's Prohibited Conduct Policy shall be subject to corrective action, discipline or termination, even in cases where applicable laws may not have been violated and without regard to whether the conduct constitutes a violation of the law.

An employee wishing to file a complaint outside STYSA may contact either the Equal Employment Opportunity Commission or the fair employment agency in Texas.

Confidentiality

Complaints of harassment, investigation of complaints of harassment, and any corrective action taken in response will be kept confidential, except as disclosure is necessary to perform STYSA's investigation, and to inform the alleged victim of harassment of the outcome of any investigation.

No Retaliation

STYSA prohibits reprisal or retaliation against a board member or employee for filing a good faith complaint of harassment, for supporting or assisting, in good faith, another Board member or employee in pursuing a complaint or in assisting in the investigation of a complaint. Board members and employees must report incidents of retaliation on the same basis as they are to report incidents of harassment. STYSA will not retaliate or discriminate against any employee for exercising, in good faith, any rights under this Policy. Retaliation is a violation of this Policy.

False Claims

Investigations of good faith claims may properly result in findings that include violations of the policy, no violation of the Policy, or inconclusive findings. However, any board member or employee who falsely claims sexual misconduct or provides false information in an investigation will be subject to disciplinary action, up to and including discharge.

Training and Education

All STYSA Board members and employees must successfully complete the SafeSport training or Refresher courses every two (2) years. The SafeSport training can be accessed at <https://safesport.org/training>.

Sexual Abuse or Misconduct

The investigation and adjudication of matters involving allegations or reports of sexual abuse or misconduct, or other violations of this Prohibited Conduct Policy that involve prohibited conduct that is reasonably related to and accompanies an alleged violation involving sexualized behavior by Covered Individuals are subject to the jurisdiction of the United States Center for Safe Sport (“USCSS”) in accordance with the requirements of the USOC and as set forth in the USSS Bylaws or other USSS governing documents. “Covered Individuals” are those athletes who directly register with STYSA and U.S. Soccer (not including professional athletes playing with a professional league sanctioned by U.S. Soccer) and those who are appointed or authorized by STYSA to oversee those athletes; this would include coaches, administrators, medical personnel and the like. Rules and procedures to be followed by STYSA in dealing with allegations or reports of sexual abuse or misconduct, and the enforcement of discipline or other sanctions issued by the USSS, are set forth in the applicable SafeSport policies and disciplinary procedures of the USSS, U.S. Soccer, and/or STYSA.