

**AboveTheBarGym.com**

1001 S. Egret Bay Blvd. #202

League City, TX 77573

(832) 932-1466

Above the Bar Gymnastics Academy Gymnastics Participant Welfare Policy*

Consistent with the mission of Above the Bar Gymnastics Academy** and USA Gymnastics*** the welfare of gymnastics participants, especially the children we serve, is of the highest concern. When any member, participant, coach, official, volunteer or staff member is subjected to abuse, whether physical or sexual, it undermines the mission of Above the Bar and USA Gymnastics and is inconsistent with the best interests of the sport of gymnastics and of the athletes we serve.

We are committed to promoting a safe environment for its members, participants, coaches, officials, volunteers and staff in all gymnastics disciplines. While there are limits to what we can do as the owners and operators of Above the Bar Gymnastics Academy, we have adopted this policy to set forth the efforts that we will undertake to promote a safe gymnastics environment, both solely and in partnership with our parents, athletes and the gymnastics community.

1. Definition of Abuse. Abuse, including child abuse, is defined in various sources, such as state statutes, case law, sports organization and professional association codes of conduct and training manuals, corporate and business workplace documents and human rights commission materials. Above the Bar and USA Gymnastics have not adopted any specific definition of abuse; rather, it has chosen to defer to such general sources and definitions for reference and application, depending upon the circumstances. Nonetheless, in general, the following conduct may be considered abusive:
 - a. Physical Abuse.
 - i. Any physical contact with a participant that intentionally causes or is likely to cause the participant to sustain bodily harm or personal injury, including without limitation, striking, hitting, kicking, biting, shaking, shoving, forcing an athlete to train or compete when seriously injured or mandating excessive exercise as a form of punishment;
 - ii. Any physical contact with a participant that intentionally creates or is likely to create a threat of bodily harm or personal injury;
 - iii. Giving alcohol or inappropriate drugs to a participant; or
 - iv. Any violation of applicable law involving physical contact, or that is specifically designed to protect minors.

Physical contact that is reasonably intended to coach, teach or demonstrate a gymnastics skill or to prevent or lessen injury (e.g., spotting, catching) does not constitute physical abuse. Infrequent, non-intentional physical contact, particularly contact which arises out of an error or a misjudgment on the part of the gymnast, participant or coach, does not constitute physical abuse.

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- b. Sexual Abuse.
- i. Rape, incest, fondling, exhibitionism or sexual exploitation;
 - ii. Any form of sexual contact or inappropriate touching, unwanted physical contact, unwelcome advances or requests for sexual favors;
 - iii. Any form of wanton or obscene gesturing, lewd remarks or indecent exposure;
 - iv. Sexual abuse of a minor includes, without limitation:
 - Touching a minor participant for the purpose of causing the sexual arousal or gratification of either person; or
 - A minor participant touching any person, if the touching occurs at the request of or with the consent of such other person, for the sexual arousal or gratification of either person;
 - v. Neither consent of the participant to the sexual abuse or contact, mistake as to the participant's age, nor the fact that the sexual abuse or contact did not take place at or in conjunction with a gymnastics function is a defense to a complaint of sexual abuse;
 - vi. Sexual abuse also includes sexual misconduct described in the USA Gymnastics Code of Ethics, including, but not limited to:
 - Soliciting or engaging in sexual relations with a minor;
 - Engaging in any behavior that utilizes the influence of a member's position as coach, judge, official or administrator to encourage sexual relations with an athlete or participant; or
 - Engaging in sexual harassment by making unwelcome advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, where such conduct creates an intimidating, hostile or offensive environment; or
 - vii. Any violation of applicable law directly or indirectly involving or related to sexual misconduct or child abuse, or that is specifically designed to protect minors.
2. Legal Reporting Requirements. Above the Bar Gymnastics Academy will follow applicable law in reporting abusive situations to the proper authorities. If, in our reasonable and good faith judgment, reporting to the proper authorities is necessary to protect a person from the possibility of further abuse, it may make such report even if not compelled by law to do so.
3. Reporting Suspected Abuse. Any person who reasonably and in good faith believes a member of Above the Bar Gymnastics Academy has abused another person, whether physical or sexual, must notify the management team of Above the Bar Gymnastics Academy. The management team includes Kayvin Palacio, Yvonne Pabon, Ellen Snook and Scott Flechsig. If none of these persons are available, leave a message with the front office staff and one of the management team will get back with the complainant as soon as possible. The management team, with the assistance of legal counsel if necessary, will determine whether Above the Bar has a legal reporting requirement based upon the



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complaint and act accordingly. Reporting may include local authorities and USA Gymnastics.

4. Confidentiality. Because of legal reporting requirements, Above the Bar Gymnastics Academy cannot guarantee confidentiality in misconduct/grievance matters. However, we will treat such matters with as much confidentiality as is possible under the circumstances and with the sensitivity they deserve.
5. Hiring/Training of Above the Bar Gymnastics Academy Staff/Volunteers.
 - a. As a condition of working or volunteering at Above the Bar Gymnastics Academy, individuals applying must submit to a criminal background check. Additionally, team coaches will undergo an additional criminal background check which is consistent with USA Gymnastics' "Background Screening Policy." Individuals that do not pass these background checks will not be allowed to work for or volunteer at Above the Bar Gymnastics Academy.

Above the Bar will continually monitor and review the individuals that are subject to criminal background searches, with the primary goal being to safeguard athletes and other participants with proactive measures while conforming to legal norms and industry best practices.

- b. All Above the Bar Gymnastics Academy staff and volunteers will be informed about the Participant Welfare Policy, which is included as an appendix in the *Employee Policies & Procedures Handbook*, and made aware of its importance to our members and our organization.
6. Member Advisement. Upon enrolling as a member of Above the Bar Gymnastics Academy, the parents of athletes will be informed that a copy of this welfare policy is available for their review on our website or a copy can be provided. The parents will be advised of their role in helping us to maintain the safety of the athlete's by promptly reporting any concerns to the management staff.
7. Standards of Behavior. To promote a safe gymnastics environment for Above the Bar Gymnastics Academy and events and to lessen the likelihood that an abusive situation could develop, participants must adhere to the following Standards of Behavior:
 - a. Avoid Being Alone with a Minor. Gymnastics is a sport that lends itself to one-on-one situations between a coach and a gymnast. Avoid being alone with a child or any group of children in a private setting (e.g., locker room, bathroom, office, vehicle or residence), and avoid being alone with a child or any group of children in any place that is inappropriate to the coach-athlete relationship. When a one-on-one situation is necessary, such as private coaching lessons or conversations, conduct the activity within the view of another adult.
 - b. Physical Contact. Gymnastics is a sport that creates opportunities for physical contact between a coach and a gymnast. Physical contact is acceptable when it is reasonably intended to coach, teach or demonstrate a gymnastics skill or to prevent or lessen injury (e.g., spotting, catching). However, care should be taken to ensure that such contact is not invasive of sensitive areas of the body.



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- c. Parental Monitoring. Parents are encouraged to become as active as reasonably possible in monitoring the activity/event.
8. Professional Development. Professional and Instructor members of USA Gymnastics should strive to increase their level of proficiency and skill by remaining current on safety, health and training developments relevant to the sport and by seeking advice and counsel of colleagues and experts whenever such consultation is in the best interests of the athlete. Above the Bar Gymnastics Academy will provide or cause to be provided education for staff members geared toward promoting a safe gymnastics environment.
9. Communication. Above the Bar Gymnastics Academy will consistently communicate:
 - a. Its mission and that physical and sexual abuse are inconsistent with its mission and the best interest of the sport of gymnastics and its participants;
 - b. Its commitment to and work toward a safe environment for all gymnastics participants.
10. Document Retention. Above the Bar will permanently retain misconduct / grievance files and materials.
11. Policy Review. This policy shall be reviewed at least annually and updated as necessary.

** Adopted from the USA Gymnastics Participant Welfare Policy*

*** The mission of Above the Bar Gymnastics Academy is to provide a safe, caring environment where children can develop fitness, confidence, and self-esteem through gymnastics and sportsmanship so that they can to become the best they can be in whatever they pursue...to be champions in life!*

**** The mission of USA Gymnastics is to encourage participation and the pursuit of excellence in all aspects of gymnastics.*