

PARAGON NATIONAL TRAINING CENTER CODE OF CONDUCT POLICY

Paragon National Training Center, LLC, a Maryland limited liability company (the "Gym") is committed to promoting a safe environment for its members, participants, coaches, officials, volunteers and staff in all gymnastics disciplines and expects its employees, coaches, staff and volunteers to conduct their duties and activities according to the highest ethical standards of conduct and to comply with all applicable laws.

- 1. Scope.** This Code of Conduct (the "Code") applies to every employee, coach, staff and volunteer of the Gym.

- 2. Abuse.** The Gym has "zero tolerance" for abuse, including inappropriate behavior and sexual misconduct, and prohibits abuse in its programs, activities and events. The Gym has 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, abuse includes, but is not limited to, the following conduct:
 - 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.

- 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:
 - v.** Touching a minor participant for the purpose of causing the sexual arousal or gratification of either person; or
 - i.** 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;
 - vi.** 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;
 - vii.** Sexual abuse also includes sexual misconduct described in the USA Gymnastics Code of Ethical Conduct, including, but not limited to:
 - i.** Soliciting or engaging in sexual relations with a minor;

- ii. 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
 - iii. 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
 - viii. 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.
- 3. **Standards of Behavior.** To promote a safe gymnastics environment for the Gym's activities and events, and to lessen the likelihood of an abusive situation, the Gym's employees, coaches, staff and volunteers must adhere to the following Standards of Behavior, as well as, sound teaching and training.
 - a. **Avoid Being Alone with Minor.** Gym personnel will never be alone with a child; a parent or legal guardian of the child is required to be present at all times. This includes all travel situations, before and after classes and workouts, "private" lessons, etc. All interactions (practices, workouts, competitions, lessons, classes, meetings, etc.) with a child shall be observable and interruptible at all times. Out-of-program contact with athletes or participants, such as babysitting, tutoring and ride giving, is prohibited.
 - b. **Physical Contact.** Care should be taken to ensure that such physical contact is not invasive of sensitive areas of the body. 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). Lap-sitting, tickling, back rubs, wrestling and other incidents of body contact that are inconsistent with the coach-athlete relationship are prohibited. Hugs from the front are prohibited; however, a hug from the side, "fist-pump", or similar conduct is not prohibited.
 - c. **Social Media.** Electronic and social media communications (including but not limited to Facebook, Twitter, YouTube, Tumblr, Instagram, Snapchat, texts, emails, blogs and web postings), with athletes is strictly prohibited. Coaches, staff, volunteers and administrators shall not 'friend' or 'follow' any participants or his/her parent, nor allow friending, following or the equivalent from a participant or parent on any personal social media account. Participants and parents may only engage with an official Gym page or account.
 - d. **Parental Monitoring.** Children may only be picked up from the Gym by a parent/legal guardian or other person designated by a parent or legal guardian. Parents/legal guardians are encouraged to become as active as reasonably possible in the activity/event.
- 4. **Witnessing Misconduct.** If Gym employees, coaches, staff and volunteers should witness any type of abuse or misconduct occurring, he/she should interrupt or disrupt the conduct using reasonable action under the circumstances.
- 5. **Reporting Misconduct.** All Gym employees, coaches, staff and volunteers must report potential violations of the Code and suspicions or allegations of physical or sexual abuse. Reports should be made as soon as reasonably possible.
 - a. **To Whom Reports Should be Made.** Reports should be made to Kevin Preston. The Gym will follow applicable law in reporting abusive situations to law enforcement authorities. The Gym does not investigate suspicions or allegations of

physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities. Failure to make a report when the law requires one can be a crime itself, so the Gym personnel should consult counsel promptly and consider such matters with the utmost seriousness. The Gym coach, staff or volunteer's failure to make a report will also be considered grounds for disciplinary action. If, in the Gym's reasonable and good faith judgment, reporting to the proper authorities is necessary to protect a person from the possibility of further misconduct or abuse, it may make such report even if not compelled by law to do so. The Gym will consider whether it is appropriate or necessary to make a report to USA Gymnastics pursuant to Article 10 of USA Gymnastics' Bylaws with respect to such conduct.

b. How to Report. Kevin Preston will take a report in the way that is most comfortable for the person initiating a report, including oral or written, over the phone, via email or in person. It is helpful for reporting individuals to provide, at a minimum, (1) the name of the complainant; (2) the name of the individual alleged to have committed the misconduct; (3) the type of misconduct alleged; (4) when and where the alleged misconduct occurred; (5) the names of other individuals who might have information regarding the alleged misconduct; and (6) a summary statement of the reasons to believe that misconduct has occurred. Anonymous reporting is permitted. Anonymous reporters should bear in mind that anonymous reporting may make it difficult for the Gym to investigate and properly address allegations.

c. How Reports are Handled. When an allegation of physical or sexual abuse is made against the Gym personnel or volunteer, the Gym may immediately remove that individual from contact with any children in the program or suspend or change the assignment of that individual, as may be necessary, until the allegation has been investigated (by the proper authorities and/or the Gym). With respect to any alleged violation of the Code that does not require reporting to the proper authorities, the Gym will conduct an internal investigation. Each investigation will be driven by the facts of the conduct being investigated, and therefore the steps taken in each investigation may not be alike. Any investigation and action taken with respect thereto will be documented. If a report alleges conduct that requires reporting to the proper authorities (*i.e.*, abuse), the Gym may consult legal counsel regarding whether the Gym's conducting a simultaneous internal investigation is appropriate or necessary. In situations where the proper authorities do not press criminal charges or pursue charges to trial, or where the alleged offender is acquitted at trial, the Gym still may investigate the alleged conduct to determine whether there was any violation of the Gym's safe environment/athlete protection-related policies and take action accordingly, including, but not limited to, termination. The Gym will consult legal counsel about whether it will notify other parents of athletes when a report has been made against Gym personnel or volunteers.

6. Enforcement. Any violation of the Code could result in progressive discipline up to and including immediate termination irrespective of any criminal charges that may be pursued.

7. Miscellaneous.

a. Consulting Legal Counsel. The Gym may consult legal counsel with respect to any report made to the Gym pursuant to this policy. The Gym may also consult legal counsel with respect to (1) its or its personnel/volunteers' legal reporting requirements; (2) investigating any report made to the Gym pursuant to this policy; or (3) any employment action that may be taken with respect to any violation of this Code.

- b. Confidentiality.** To the extent permitted by law, as appropriate, and to the extent possible, the Gym will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical and sexual abuse to the authorities.

- c. "Whistleblower" Protection.** Regardless of outcome, the Gym will support the complainant(s) and his or her right to express concerns in good faith. The Gym will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any complainant(s) who reports a concern in good faith. Such actions against a complainant will be considered grounds for disciplinary action.

- d. Bad Faith Allegations.** A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith is prohibited and will be considered grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad faith report may also be subject to civil or criminal proceedings.

- e. Display.** A copy of this policy shall be placed in the front desk reception area and employee notification area, and posted on the Gym's website and social media pages/accounts, along with the incident report form.

**CODE OF CONDUCT
ACKNOWLEDGEMENT**

_____, have received a copy of the Paragon National Training Center Code of Conduct do hereby acknowledge I have read and understand all the terms of this Code and understand what is expected of me and do agree to comply with the terms contained therein.

Date

Signature

Print Name