

# EFSL Code of Conduct

In general, the European Forces Swim League will follow the US Center for Safe Sport and the USA Swimming Code of Conduct and guidelines for athlete protection.

The goal for this Code of Conduct is to set a good example of respect and sportsmanship for coaches, athletes, board members, parents, and spectators to follow:

- Act and dress with professionalism and dignity in a manner suitable to his/her position.
- Respect officials and meet organizers and their judgment, and abide by the rules of the event.
- Treat opposing coaches, participants, and spectators with respect.
- Instruct participants in sportsmanship and demand that they display good sportsmanship.
- Coach in a positive manner and do not use derogatory comments or abusive language.
- Win with humility and lose with dignity.
- Treat every athlete fairly, justly, impartially, intelligently, and with sensitivity.
- Always place the well-being, health, and safety of swimmers above all other considerations, including developing performance.
- Continue to seek and maintain their own professional development in all areas in relation to working with children.
- Always maintain a professional separation between coach and athlete.

Any member, former member, or prospective member of the EFSL (swimmers and adults) are subject to this code of conduct and their membership may be denied or withdrawn if the EFSL Executive Board determines that their conduct is inconsistent with the mission of the organization and those who participate in the league.

## ATHLETE PROTECTION POLICIES

All coaches and board members are required to maintain active SafeSport Training Certification or an equivalent Athlete Protection training as detailed in the EFSL Bylaws, Appendix 1.

The following policies related to Athlete Protection are mandatory components of the Code of Conduct and apply to all adults and swimmers.

The following behaviors and activities are not permitted, will not be tolerated, and are grounds for sanctioning and/or immediate dismissal from the league:

1. **Bullying Behavior** - Repeated and/or severe aggressive behavior among, between, or directed at athletes, coaches, board members, volunteers, or parents, that is intended or likely to hurt, control, or diminish another person emotionally, physically, or sexually will not be tolerated.

- A. **Forms:**
    - a. **Physical** - Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping; throwing objects, such as sporting equipment, at another person.
    - b. **Verbal** - Teasing, ridiculing, taunting, name-calling, or intimidating or threatening to cause someone harm.
    - c. **Social, including cyberbullying** - Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media, or other technology to harass, frighten, intimidate, or humiliate someone; socially excluding someone and asking others to do the same.
    - d. **Sexual** - Teasing, ridiculing, or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.
  - B. **Rude, Mean, Conduct—Distinguished Exclusions** - Conduct may not rise to the level of “bullying behavior” if it is rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or from conflict or struggle between persons, absent a power imbalance, who perceive they have incompatible goals.
2. **Emotional Misconduct** - Repeated and/or severe non-contact behavior involving verbal acts, physical acts, and/or acts that deny attention or support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.
- A. **Verbal Acts** - Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat, or disgusting; taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.
  - B. **Physical Acts** - Physically aggressive behaviors, such as throwing sport equipment, water bottles, or chairs at or in the presence of others; punching walls, windows, or other objects.
  - C. **Acts that Deny Attention or Support** - Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.
  - D. **Criminal Conduct** - Includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.
  - E. **Exclusions** - Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team-building, or appropriate discipline.

3. **Hazing** - Any conduct that subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, humiliate, degrade, or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported consent by the person subject to hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Examples of hazing include:

- A. **Contact acts** - Tying, taping, or otherwise physically restraining another person; beating, paddling, or other forms of physical assault.
- B. **Non-contact** - Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.
- C. **Sexualized acts** - Actual or simulated sexual conduct of any nature.
- D. **Criminal acts** - Any act or conduct that constitutes hazing under applicable federal or state law.

#### 4. **Sexual Misconduct**

- A. **General sexual misconduct** offenses include:
  - a. Sexual conduct (or attempts to commit the same), without consent.
  - b. Sexual conduct (or attempts to commit the same), where there is a power imbalance, regardless of purported consent.
  - c. Sexual harassment.
  - d. An intimate relationship involving a person in a position of power where a power imbalance exists.
- B. **Sexual misconduct involving minors** - Regardless of any purported consent, a sexual misconduct offense involving a minor includes:
  - a. Sexual conduct (or attempt to commit the same) between an adult and a minor where the age difference is three or more years.
  - b. Sexual conduct (or attempt to commit the same) between an adult and a minor where the age difference is less than three years, but a power imbalance exists.
  - c. An intimate relationship (or attempt to establish the same) between an adult and a minor where the age difference is three or more years and a power imbalance exists. (An intimate relationship is defined as: a close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the

circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or sexual conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.)

- d. Sexual conduct between a minor and another minor if: (1) the age difference is three or more years, and/or (2) there is a power imbalance based on the totality of the circumstances.
  - C. **Child sexual abuse** - A covered individual shall not engage in any behavior that constitutes child sexual abuse as defined by federal or applicable state law.
  - D. **Criminal Disposition** - It is a violation of the Code for any covered member to be convicted of or subject to a criminal disposition for a crime involving (a) any form of sexual misconduct or (b) a minor.
  - E. **Other** - A covered individual shall not engage in any other form of sexual misconduct, including bullying behaviors or hazing of a sexual nature.
5. **Inappropriate touching** - inappropriate touching between an athlete and an adult coach or board member is prohibited, including, but not limited to, excessive touching, hugging, kissing, sexually-oriented behavior, sexually stimulating or otherwise inappropriate games, and having an athlete sit on a non-family member adult's lap.
  6. **Rubdown or Massage** - Any rubdown or massage performed on an athlete by any adult coach or board member, excluding the spouse, parent, guardian, sibling, or personal assistant of such athlete, is prohibited unless such adult is a licensed massage therapist or other certified professional.
  7. **Recording devices in private areas** - Use of audio or visual recording devices, including a cell phone camera, is not allowed in changing areas, rest rooms, or locker rooms.
  8. **Coach/athlete shared rooms** - Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete unless the coach is the parent, guardian, sibling, or spouse of that particular athlete, without written permission from the athlete's parent or guardian
  9. **Harassment** - Repeated and/or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

- A. **Forms of harassment**, which may be a form of emotional, physical, or sexual misconduct, include, but are not limited to:
- a. **Discriminatory Harassment** - Conduct with the design or effect of establishing dominance, superiority, or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.
  - b. **Stalking** - Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact, surveillance or unwanted telephone and/or other electronic contact.  
Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work, or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects, or gifts; vandalizing a person's property; threatening, intimidating, or intrusive behavior; and violating a lawful order preventing contact with a person.
  - c. **Sexual Harassment** - Conduct by an adult toward an athlete or other adult that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive, and objectively offensive that it negatively affects an individual's performance.
10. **Drugs and Illegal Substances** - The following shall be considered a Code of Conduct violation:
- A. The sale or distribution of illegal drugs or the illegal sale or distribution of any substance listed on FINA's recognized list of banned substances.
  - B. The use of illegal drugs in the presence of an athlete, by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over, that athlete.
  - C. The providing of alcohol to an athlete by a coach, official, trainer, manager or any other person where the athlete is under the legal age allowed to consume or purchase alcohol in the location where the alcohol is provided.
  - D. The abuse of alcohol in the presence of an athlete under the age of eighteen (18), by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over that athlete.
11. **Discrimination** - The EFSL provides an equal opportunity to athletes, coaches, and all members to participate in the league. Discrimination against any member or participant based upon age, gender, race, ethnicity, culture, religion, sexual orientation, gender

expression, gender identity, genetics, mental or physical disability or any status protected by federal, state or local law, where applicable, is prohibited.

## REPORTING

It is every member's responsibility to promptly report any incident regarding misconduct by a member. Reporting must occur when an individual has firsthand knowledge of misconduct or where specific and credible information has been received from a victim or knowledgeable third party. Various state laws may also require reporting to law enforcement or to a designated child protection agency. Reports may be made to a meet referee, the EFSL Head Official, or to an EFSL Executive Board member.

During a meet, the meet referee is the primary responsible party to address violations. They will take immediate steps to remove the individual(s) from the situation and stop the behavior. If necessary, they can remove the offending party from the meet or facility.

Any incident at a meet handled by the meet referee should be documented and shared in writing with an email to the league Head Official. The EFSL Head Official shall inform the Executive Board of all incidents to allow for further action and to document continued or habitual behaviors by individuals which the league board needs to address.

## MECHANISMS FOR DISCIPLINE AND SANCTIONING

EFSL members (coaches, board members, swimmers, parents, etc.) will be barred from serving in their roles and participating in EFSL functions if there is:

- A. A conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges, for (a) any felony or (b) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances.
- B. A sanction with a membership suspension by the Center for SafeSport or USA Swimming to coach or instruct any of its athlete members.
- C. Any non-consensual physical contact, obscene language or gesture, or other threatening language or conduct directed towards any meet official, swimmer, other coach, or board members.

Any member of the EFSL may be denied membership, censured, sanctioned, placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, or be expelled from the EFSL for life if such person violates the provisions of the EFSL Code of Conduct, or aids, abets or encourages another person to violate any of the provisions of the Code of Conduct.

Meet referees will use their best judgment to address issues at the time of their occurrence. The meet referee's options for discipline include, but are not limited to:

1. Remove an adult from their position in the meet (timer, coach, official, etc.)
2. Remove a swimmer from an area of the pool or team area where poor behavior is occurring.
3. Remove a swimmer or adult from the meet or facility entirely.
4. Remove a team from the meet.

The EFSL Executive Board, after receiving written documentation of violations of the Code of Conduct and reviewing all relevant evidence, has options for discipline which can include but are not limited to:

1. Sanction a swimmer or adult from attending one or more meets, including championship meets.
2. Prohibit an adult from serving in any official capacity or volunteer role during a number of meets or for the season (timer, marshal, official, coach, etc.).
3. Remove an adult member from the League Council or Executive Board.
4. Prohibit a team from attending one or more meets, and/or a championship meet.
5. Remove a swimmer or adult member from the organization.

## REFERENCES

<https://uscenterforsafesport.org/>

<https://www.usaswimming.org/safe-sport>

<https://www.usaswimming.org/about-usas/governance/rules-policies>