

# PART THREE

## RIGHTS, PRIVILEGES, CODE OF CONDUCT

### ARTICLE 301 MEMBER RIGHTS

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**301.1** Except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may deny or threaten to deny any eligible swimmer, coach, trainer, manager, official or administrator the opportunity to participate in any international swimming competition approved by USA Swimming, if selected by USA Swimming or one of its members. In addition, except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may censor or otherwise penalize subsequent to the event any swimmer, coach, trainer, manager, official or administrator for having participated in any such international swimming competition approved by USA Swimming.

**301.2** An educational institution which a swimmer is attending at the time of such international competition may deny the swimmer the opportunity to participate only if said educational institution reasonably determines that such participation would either:

- .1 Prevent the swimmer from meeting the academic requirements which are applicable to all students who participate in the swimmer's particular course of study.
- .2 Jeopardize the swimmer's or the educational institution's performance in the established program in the particular sport in which the swimmer competes, provided that the international competition occurs during the scheduled competitive season of the educational institution.

**301.3** Any swimmer, coach, trainer, manager, official or administrator who alleges that he or she has been denied or is about to be denied, by a person or an organization affiliated with USA Swimming, a right as set forth in 301.1, shall immediately inform the President/CEO, who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay. Such steps shall include, but shall not be limited to, advising the Secretary General of the U.S. Olympic & Paralympic Committee, and submitting the matter for binding arbitration with an arbitral organization designated by the USOPC.

**301.4** Whenever a swimmer, or party acting on a swimmer's behalf, informs the President/CEO of an alleged violation of the swimmer's right to participation as set forth in 301.1, the President/CEO (or his/her designee) shall review all the related evidence of the case and make a report, with a preliminary recommendation, to the National Board of Review within thirty (30) days, or sooner if the situation requires. The Board of Review shall review the case and the preliminary recommendation of the President/CEO (or his/her designee) and take whatever action it deems appropriate. Any of the parties involved in the action who are dissatisfied with the decision of the National Board of Review may appeal said decision under the provisions of Policy 26.0 of the USA Swimming Operating Policy Manual, specifically the section entitled "Appeal."

## ARTICLE 302

### ATHLETE REGISTRATION

#### 302.1 REGISTRATION

1. **Athlete Members** — All swimmers practicing with a member club or competing in events sanctioned by USA Swimming must be registered as athlete members of USA Swimming. Athlete members must meet the rules of eligibility contained in Article 303. No swimmer alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute the allegations relating to possible ineligibility, pursuant to Policy 26.0 of the USA Swimming Operating Policy Manual.
2. **Competition Category** — At the time of membership registration, an athlete shall state a competition category of male or female for the purpose of athlete swimming eligibility, competition, selection and records. Any athlete wishing to change his or her competition category may apply to do so following the procedures outlined in the current USA Swimming Operating Policy Manual. An athlete's competition category shall be referred to as "gender" within the Rulebook.

**302.2 APPLICATION/RENEWAL** — Athlete membership applications and payment as set forth in Article 2.7 of the Corporate Bylaws shall be submitted to the Registration Chair of the LSC or USA Swimming. The Registration Chair may designate deputy registrars to accept applications on behalf of the Chair and forward for approval.

**302.3 FALSE REGISTRATION** — If a swimmer who is not properly registered with USA Swimming competes in a sanctioned competition, the host LSC may impose a fine of up to \$100.00 per event against the individual, member coach or member club submitting the entry.

## ARTICLE 303

### ELIGIBILITY

**303.1** It shall be the responsibility of all USA Swimming members to comply with the rules and regulations of USA Swimming and the Rules, Constitution and Bureau decisions of World Aquatics, as well as to avoid acting in any manner which brings disrepute upon USA Swimming or upon the sport of swimming.

**303.2** Except as provided for in 203.9, only athlete members of USA Swimming are eligible to compete.

**303.3** As a member National Governing Body of the United States Olympic & Paralympic Committee (USOPC), and as a member Federation of World Aquatics, USA Swimming is obligated to adhere to the anti-doping rules of the USOPC and World Aquatics. In addition, USOPC Bylaw Chapter XXIII, Section 2(G) provides that, as a condition of membership in the USOPC, each National Governing Body shall comply with the procedures pertaining to drug testing and adjudication of related doping offenses of the independent anti-doping organization designated by the USOPC to conduct drug testing. The USOPC has designated the United States Anti-Doping Agency ("USADA") as that organization. The current anti-doping rules of the USOPC, World Aquatics and USADA are available at the offices of USA Swimming or online at the following websites:

|                |                                                                  |
|----------------|------------------------------------------------------------------|
| WADA           | <a href="http://www.wada-ama.org">www.wada-ama.org</a>           |
| World Aquatics | <a href="http://www.worldaquatics.com">www.worldaquatics.com</a> |
| USOPC          | <a href="http://www.teamusa.org">www.teamusa.org</a>             |
| USADA          | <a href="http://www.usada.org">www.usada.org</a>                 |

As a condition of membership in USA Swimming, it is the duty of each individual member, including athletes, athlete support personnel, and other persons, to comply with all anti-doping rules of the World Anti-Doping Agency (WADA), World Aquatics, USOPC, and USADA, including the USOPC National Anti-Doping Policy, the USADA Protocol for Doping Policy, and all other policies and rules adopted by WADA, World Aquatics, the USOPC, and USADA. Athlete members agree to submit, without reservation or condition, to in-competition and out-of-competition doping controls conducted by either World Aquatics or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspensions. If it is determined that an individual member may have committed a doping violation, the member agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of World Aquatics, if applicable or referred by USADA.

**303.4** A swimmer shall cease to be eligible to compete in events conducted by USA Swimming or its LSCs, or by any World Aquatics Federation, while under suspension or if expelled by USA Swimming for violations of this Part Three.

**303.5** No Individual Member or Group Member of USA Swimming shall coach, train or provide swimming-related advice or service to any swimmer who is serving a period of ineligibility or provisional suspension for an anti-doping rule violation. In accordance with policies and procedures in the USA Swimming Operating Policy Manual, Coaches and Group Members are required to report any non-member of USA Swimming ranked in the top 100 in the world who participates in team activities.

**303.6** If a swimmer is required to forfeit any medals, points or prizes earned at an event on account of an anti-doping rule violation, then any compensation paid by USA Swimming to the swimmer's coach(es) on account of that swimmer's result shall also be forfeited and shall be returned to USA Swimming.

**303.7** A swimmer may be registered for USA Swimming and Masters Swimming at the same time. Membership in U.S. Masters Swimming does not imply or presume membership in USA Swimming.

**303.8** A swimmer declared ineligible for any reason may be reinstated pursuant to the provisions of Policy 26.0 of the USA Swimming Operating Policy Manual, specifically the section entitled "Authority of the NBOR".

## ARTICLE 304 CODE OF CONDUCT

**304.1** The mission of USA Swimming is to encourage participation and the pursuit of excellence in all aspects of swimming. USA Swimming grants the privilege of membership to individuals and organizations committed to that mission. The privilege of membership may, therefore, be withdrawn or denied by USA Swimming at any time where USA Swimming determines that a member or prospective member's conduct is inconsistent with the mission of the organization or the best interest of the sport and those who participate in it.

In order to assist all members to better serve the interests of those who participate in swimming, USA Swimming has adopted this Code of Conduct.

**304.2** Any member, former member, or prospective member of USA Swimming is subject to the jurisdiction of the Board of Review. Any member, former member, or prospective member of USA Swimming may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, fined or expelled from USA Swimming for life if such person violates the provisions of the USA Swimming Code of Conduct, set forth in 304.3, or aids, abets or encourages another person to violate any of the provisions of the USA Swimming Code of Conduct. USA Swimming shall initiate an investigation of any former member of USA Swimming when a report required under 306.1 is received.

**304.3** The following shall be considered violations of the USA Swimming Code of Conduct:

***Measures to be adjudicated by the USA Swimming National Board of Review***

- .1 Violation of the right to compete provisions set forth in Article 301.
- .2 Discrimination in violation of the Amateur Sports Act which requires that USA Swimming must provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in the sport of swimming. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, gender identity, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.
- .3 Repeated violation of any of the Minor Athlete Abuse Prevention Policies [see page 91].
- .4 Any violation of the World Aquatics Rules on the Prevention of Manipulation of Competition as found in the current World Aquatics Manual, including (i) betting; (ii) manipulating competitions; (iii) corrupt conduct; (iv) misuse of inside information; (v) failure to report; and (vi) failure to cooperate.
- .5 The sale or distribution of illegal drugs or the illegal sale or distribution of any substance listed on World Aquatics' recognized list of banned substances.
- .6 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.
- .7 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 state where the alcohol is provided.
- .8 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.
- .9 Any act of fraud, deception or dishonesty in connection with any USA Swimming-related activity.
- .10 Any non-consensual physical contact, obscene language or gesture, or other threatening language or conduct directed towards any meet official and which is related to any decision made by such official in connection with a USA Swimming sanctioned competition.
- .11 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim

club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:

- A Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming; or
- B Placed in or on any item that is sold.

In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

- .12 Any other material and intentional act, conduct or omission not provided for above, which is detrimental to USA Swimming, an LSC or the sport of swimming.

***Measure to be adjudicated by the U.S. Anti-Doping Agency***

- .13 Violation of the anti-doping provisions set forth in 303.3.

***Measure to be adjudicated by the U.S. Center for SafeSport***

- .14 Violation of the SafeSport Code. [See [www.usaswimming.org/code](http://www.usaswimming.org/code)]

## ARTICLE 305

### MINOR ATHLETE ABUSE PREVENTION POLICIES

**305.1** Clubs shall establish their own action plans for implementing the Minor Athlete Abuse Prevention Policies.

**305.2** Clubs shall establish their own anti-bullying policy. USA Swimming shall provide a model policy as an example, which shall serve as the default for any club that fails to establish its own policy. Club anti-bullying policies should be reviewed and agreed to annually by all athletes, parents, coaches and other non-athlete members of the club.

**305.3** Clubs shall establish their own photography policy. USA Swimming shall provide a model policy as a template, which shall serve as the minimum policy for all clubs. Club photography policies shall be reviewed and agreed to annually by all athletes, parents, coaches and other non-athlete members of the club.

## ARTICLE 306

### CHILD ABUSE REPORTING REQUIREMENTS

**306.1** Pursuant to federal law, it is every member's responsibility to immediately (i.e., within 24 hours) report any incident of child abuse, including physical or sexual abuse, to law enforcement and the U.S. Center for SafeSport. 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. A report to the U.S. Center for SafeSport may be made via telephone at

## **306.1**

720-531-0340 or online at [www.uscenterforsafesport.org/report-a-concern](http://www.uscenterforsafesport.org/report-a-concern). Various state laws may also require reporting to law enforcement or to a designated child protection agency.

**306.2** Filing a knowingly false allegation of child abuse and sexual misconduct is prohibited and may violate state criminal law and civil defamation laws. Any person making a knowingly false allegation of sexual misconduct shall be subject to disciplinary action by USA Swimming.

**306.3** Neither civil nor criminal statutes of limitation apply to reports of cases of sexual abuse.

## **ARTICLE 307**

### **PROHIBITIONS AGAINST RETALIATION FOR GOOD FAITH REPORTING OF ABUSE**

**307.1** No Member shall retaliate against any individual who has made a good faith report under 306.1 or 304.3.14.

**307.2** For the purposes of 307.1, there shall be a rebuttable presumption that any adverse action regarding the employment, membership, or other material rights of an individual who has made a good faith report under 306.1 or 304.3.14 within 90 days of a report is retaliatory. An adverse action includes, without limitation: discharge or termination; demotion or reduction in compensation for services; or the removal of or from, or restrictions on, access to facilities, team activities or team membership privileges.

# PART FOUR

## HEARINGS AND APPEALS

### ARTICLE 401 FULL FAITH AND CREDIT

**401.1 DECISION FINAL** — Except as otherwise provided in Article Nine of the Constitution of the United States Olympic & Paralympic Committee and in its Bylaws with respect to binding arbitration in disputes involving the rights of certain individuals to participate in competition, the final decision of the National Board of Review shall be final in all cases, subject to the right of appeal to the Board of Directors as provided in the USA Swimming Operating Policy Manual.

**401.2 ENFORCEMENT** — Final decisions rendered by the National Board of Review and the U.S. Center for SafeSport shall, when applicable, be recognized and fully enforced in all Zones and LSCs of USA Swimming.

