



**NEW
ENGLAND
SWIMMING**

New England Swimming Anti-Recruiting Policy

Active recruiting - the solicitation of an athlete of one USA Swimming member club by another USA Swimming member club - is contrary to the best interests of New England Swimming and its athlete members.

USA Swimming member clubs within New England Swimming shall be prohibited from directly or indirectly soliciting or encouraging an athlete of another USA Swimming member club to leave his or her existing member club to join the soliciting club. This anti-recruiting policy shall prohibit a USA Swimming member club officer, employee, or coach from directly or indirectly initiating contact with an athlete from another USA Swimming member club in New England Swimming, or the athlete's family, with the intent that the athlete join the soliciting club.

For any new USA Swimming club, conduct in violation of this rule in the year prior to becoming a USA Swimming Club may result in the sanctions provided herein.

The intent of this anti-recruiting policy is to prevent organized and club-sanctioned efforts to persuade a member of one USA Swimming member club to leave his or her member club to join the other member club. It is not the intent of this anti-recruiting policy to prevent athletes or parents of athletes of one USA Swimming member club from initiating contact with coaches, officials or athletes of another member club for the purpose of inquiring about joining the other member club. Once such contact is initiated, the restrictions of this anti-recruiting policy shall not apply to any contact with that athlete or family by that member club. Nor is it the intent of this anti-recruiting policy to prevent athletes or parents of athletes from different clubs from discussing any aspect of their respective USA Swimming member clubs, or incidental contact, such as may occur at a competition when a coach, parent, or athlete of one club offers to congratulate an athlete from another club. However, any such activities which are shown to have been promoted, encouraged or facilitated by a USA Swimming member club officer, employee or coach with the intent of recruiting shall be in violation of this anti-recruiting policy and subject the member club and/or its coach to the sanctions of this anti-recruiting policy.

Nothing in this anti-recruiting policy shall prevent a USA Swimming member club from conducting self-promotional activities such as advertising, team tryouts or camps for the purpose of recruiting athletes, as long as there is no direct solicitation of athletes of another member club.

Violation of this anti-recruiting policy may be reported to the Admin Review Board which, upon review of the complaint, may forward to the National Board of Review to hear. Any USA Swimming member club or USA Swimming member coach found to have violated this anti-recruiting policy may be suspended from USA Swimming/New England Swimming for up to one year for a first offense and for up to two years for a second or subsequent offense. Suspension of a member coach for a violation of this anti-recruiting policy shall prohibit that coach from being on deck for any USA Swimming competition sanctioned or approved by New England Swimming

during the period of suspension. Suspension of a USA Swimming member club for a violation of this anti-recruiting policy shall not prohibit the registration of the club, athletes or coaches, but shall prohibit the member club from competing as a team in USA Swimming competition sanctioned or approved by New England Swimming, including all championship competition during the period of suspension. Athletes registered with any such suspended club may compete in any USA Swimming competition sanctioned or approved by New England Swimming, but may do so only as an unattached athlete.

This policy is in addition to the requirements of USA Swimming. Please refer to the Code of Conduct printed in the USA Swimming Rules and Regulations, sections 304.1, 304.2 and 304.3.13.

The USAS Code of Conduct Article 304.3.13 defines recruiting as:

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.

Since many parents and swimmers do not closely read the USAS Rule Book and might not review the Code of Conduct, it is in your best interest to help them to understand what you and they can and cannot do. Ignorance of the rules is not a good defense. Ask yourself this question: If someone on my team is out there trying to recruit swimmers from another team, who is likely to be named on the complaint and held responsible? Know and follow the rules.

Make sure your team knows, understands, and follows the rules. It is important to note that when a complaint results in a hearing, the burden of proof is on the Petitioner, the standard of proof is a preponderance of the evidence (i.e., more likely than not), and the decision of the hearing panel need not be unanimous.