

SWIMMER CODE OF CONDUCT

The mission of New York Sharks Aquatics (“NYSA”) is to be a recognized USA Swim Team that teaches and trains all levels of our community swimmers, emphasizing individual progress, team unity and family participation. Our motto is: “Take pride in how far you have come. Have faith in how far you can go.” NYSA grants the *privilege* of membership to swimmers who embrace and are committed to NYSA’s mission. This privilege may be revoked by NYSA if it determines that a member has acted in a manner inconsistent with the mission of NYSA or that interferes with how far a teammate can go, including in the case of inappropriate behavior that damages the reputation of NYSA or its coaches or that is harmful or disrespectful to a teammate, coach, official, spectator, meet volunteer, competitor or parent.

In order to codify the behaviors and principles that all NYSA members are required to demonstrate and uphold, and to set forth a clear and consistent framework for investigating alleged incidents of misbehavior and punishing infractions, NYSA has adopted this Code of Conduct.

Scope

This Code of Conduct applies to all registered members of NYSA (“Swimmers”) and governs their conduct only during NYSA-sponsored or USA Swimming-sanctioned events, including practice sessions, dryland conditioning sessions, training trips, competitions, fundraising activities, team functions and any event that a Swimmer attends as a representative of NYSA. In the case of the Eastern Zone Championships and any other competition or event that requires a Swimmer to travel, lodge or dine with fellow swimmers, this Code of Conduct will apply at all times when the Swimmer is under the care of the coaches or chaperones.

This Code of Conduct does not apply to texts, emails or social media posts unless their subject matter clearly relates to an NYSA-sponsored or a USA Swimming-sanctioned event or, in the case of the posting or sharing of a photograph or video, the photograph or video relates to, or was taken or recorded during, an NYSA-sponsored or a USA-Swimming sanctioned event. Additionally, this Code of Conduct does not apply to interactions among Swimmers in social settings, including carpool travel, informal group meals before or after competitions, birthday parties, barbecues or similar get-togethers.

Administration

This Code of Conduct will be administered by the NYSA coaching staff. The coaches have full authority and discretion to interpret and enforce this Code of Conduct. However, only the NYSA head coach has the authority to suspend a Swimmer or to revoke a Swimmer’s membership.

General Principles of Appropriate Behavior

Swimmers are expected to act maturely, exhibit the highest standard of sportsmanship, treat teammates, coaches, officials, spectators, meet volunteers, competitors and parents with dignity and respect and not interfere with the effort of any teammate to maximize her or his potential as a swimmer. To ensure adherence to this Code of Conduct, Swimmers should at all times project an encouraging and positive attitude and, quite simply, (1) keep their hands to themselves, (2) respect the privacy of other people and their belongings, and (3) avoid negative comments about another Swimmer’s appearance, physical attributes, performance, or personal or family life (in other words, follow the adage: “if you don’t have anything nice to say, don’t say it at all”).

Prohibited Conduct

The following behavior is prohibited and will be considered in violation of this Code of Conduct:

Category 1 Offenses

1. The use or possession of alcohol or tobacco products at NYSA Sponsored Events.
2. The use, possession or sale/distribution of any controlled or illegal substance at NYSA Sponsored Events
3. The possession of any weapon at NYSA Sponsored Events
4. Theft at NYSA Sponsored Events.

Category 2 Offenses

1. Bullying (as defined on Exhibit I to this Code of Conduct)
2. Humiliating someone by making mocking or critical comments about her or his body shape or size (*i.e.*, body shaming)
3. Non-consensual, inappropriate touching of another individual
4. Engaging in a physical altercation (*i.e.*, fighting)
5. Use of profane or sexually explicit language or images
6. Verbal or physical abuse of a coach, meet volunteer or official
7. Non-consensual use of another's equipment or other personal belongings
8. Vandalism
9. Knowingly making a false allegation of a violation of this Code of Conduct
10. Other inappropriate behavior that damages the reputation of NYSA or its coaches or that interferes with the performance or development of a teammate

Penalties

In addition to the discretion of the NYSA coaches to pull a Swimmer from practice or scratch a Swimmer from an event, violations of this Code of Conduct will be subject to the following penalties:

Category 1 Offenses

Occurrence 1: Dismissal from NYSA

Category 2 Offenses

Occurrence 1: Warning and meeting among the Swimmer, coach and parent(s). A probation period of no-tolerance determined by the coach may be instituted. Depending on severity, possible suspension from training sessions followed with a probation period may be instituted. Any Category 2 Offenses during this probation period will result in suspension from training sessions, meets and other team functions for a period determined by the coaching staff.

Occurrence 2: Suspension from training sessions, meets and other team functions for a period to be determined by the coaching staff. Depending on severity, possible dismissal from NYSA

Occurrence 3: Dismissal from NYSA

For purposes of counting the number of occurrences of violations, at the discretion of the NYSA head coach, a Swimmer's record may be reset at the end of a season or otherwise after the passage of time.

Procedures for Investigating Alleged Violations

All Swimmers and parents are encouraged to report to an NYSA coach any alleged violation of this Code of Conduct. Indeed, it is the responsibility of a Swimmer or parent to report any serious behavioral issue that they witness or learn about. That being said, not all mean-spirited or off-color actions or comments will implicate this Code of Conduct. Because of the seriousness with which alleged violations of this Code of Conduct will be taken and the distraction that an investigation can present, Swimmers and their parents should be careful not to elevate to the coaches isolated matters that are minor or frivolous.

All alleged violations of this Code of Conduct will be taken seriously by the NYSA coaches and investigated discreetly. Swimmers and parents who report alleged violations will have the full support and backing of the coaching staff. In particular, coaches will seek to preserve the anonymity of the person reporting the alleged violation and seek to keep the matter confidential. However, depending on the facts and circumstances of the incident and the nature of the investigation that is required, it may not be possible to maintain full anonymity and confidentiality.

Following a report of an alleged violation of this Code of Conduct, a coach will make a preliminary determination as to whether the alleged incident, if true, would fall within the scope of this Code of Conduct. If a determination is made that this Code of Conduct does apply, then the coaching staff will investigate the allegation, which will include an interview of the Swimmer who allegedly committed the infraction, the person who reported the incident and, to the extent such people can be identified and are accessible to the coaches, the alleged victims and witnesses.

The coaches will report the findings of an investigation to both the person who reported the incident and the alleged violator. If an investigation leads the coaching staff to conclude that a violation of this Code of Conduct has occurred, then the coaches will determine the appropriate penalty, using the framework set forth above. In adjudicating Category 2 offenses, coaches will take into account such factors as the coaches may deem relevant under the circumstances, which may include whether the violator acted with intent, the severity of the misconduct, the impact of or fall-out from the incident, whether provocation existed and other unique facts or circumstances.

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I acknowledge that I have read and understand this Code of Conduct and pledge that I will comply with this Code of Conduct. I understand that if I violate this Code of Conduct, I will be subject to penalties, which may include a suspension or dismissal from NYSA.

Name of Swimmer: _____

Signature of Swimmer: _____

I acknowledge that I have read and understand this Code of Conduct and that I have discussed it with my daughter(s) or son(s) who are members of NYSA. I understand that if my daughter or son violates this Code of Conduct, she or he will be subject to penalties, which may include a suspension or dismissal from NYSA.

Name of Parent: _____

Signature of Parent: _____

EXHIBIT I

Definition of Bullying

“Bullying” means the severe or repeated use of oral, written, electronic or other technological expression, image, sound, data or intelligence of any nature (regardless of the method of transmission), or a physical act or gesture, or any combination thereof, directed at any other person that to a reasonably objective person has the effect of:

- (i) causing physical or emotional harm to another person or damage to another person’s property;
- (ii) placing another person in reasonable fear of harm to herself or himself or damage to her or his property;
- (iii) creating a hostile environment at any NYSA- sponsored or USA Swimming-sanctioned event;
- (iv) infringing on the rights of the others at any NYSA- sponsored or USA Swimming-sanctioned event; or
- (v) materially and substantially disrupting training, competition or the orderly operation of any other NYSA-sponsored or USA Swimming-sanctioned event