



USA Swimming's Safe Sport Initiative at SwimMAC

Reviewed June 2021

Safe Sport refers to the initiative to have all member clubs of USA Swimming provide a safe and positive environment for all members. SwimMAC takes this initiative very seriously and adheres to both a SwimMAC Code of Conduct for all members, parents/guardians, staff, coaches and volunteers of SwimMAC Carolina as well as the USA Swimming Code of Conduct. SwimMAC reserves the right to terminate any relationship with an athlete or a non-athlete members, or other persons affiliated with SwimMAC Carolina, based on any violations of the SwimMAC Carolina or USA Swimming Codes of Conduct.

USA Swimming implemented a Code of Conduct in the late 1990s. Any 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 if such member violates the provisions of the USA Swimming Code of Conduct.

The sections of the USA Swimming Code of Conduct listed below *apply specifically to the Safe Sport* initiative. These sections specifically address issues of legal action concerning members, bullying, sexual misconduct or advance, athlete-specific protection, and travel policies to protect members. These sections are referenced in SwimMAC Carolina's Code of Conduct and apply to all members, parents/guardians, staff, coaches and volunteers of SwimMAC Carolina.

ARTICLE 304.3 [From the USA Swimming Code of Conduct]

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

304.3.4

Violation of any of the Athlete Protection Policies set forth in Article 305

304.3.5

Violation of any of the Sexual Misconduct Reporting Requirements set forth in Article 306.

304.3.6

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 (i) any felony, (ii) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances, (iii) any crime involving sexual misconduct, or (iv) any criminal offense against a minor.

304.3.7 Bullying is prohibited.

For these purposes, the term "bullying" shall mean, regardless of when or where it may occur, the severe or repeated use by one or more USA Swimming members ("Members") of an 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 Member that to a reasonably objective person has the effect of: (i) causing physical or emotional harm to the other Member or damage to the other Member's property; (ii) placing the other Member in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creating a hostile environment for the other Member at any USA Swimming activity; (iv)

infringing on the rights of the other Member at any USA Swimming activity; or (v) materially and substantially disrupting the training process or the orderly operation of any USA Swimming activity (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member club or LSC).

Please see the SwimMAC Carolina Action Plan to Address Bullying for more information.

304.3.8

Any inappropriate sexual conduct or advance, or other oral, written, visual, or physical conduct of a sexual nature directed towards an athlete by (i) a coach member or other non-athlete member, or (ii) any other adult participating in any capacity whatsoever in the activities of USA Swimming (whether such adult is a member or not). Any act of sexual harassment, including without limitation unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in connection with or incidental to a USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming (whether such person is a member or not) directed toward any member or other person participating in the affairs or activities of USA Swimming.

ARTICLE 305 Athlete Protection Policies

The following policies related to Athlete Protection are mandatory components of the USA Swimming Code of Conduct:

305.1

Inappropriate touching between an athlete and an adult non-athlete member or Participating Non-Member (as defined in 401.1) 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.

305.2

Any rubdown or massage performed on an athlete by any adult member or Participating Non-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. Any rubdown or massage performed at a swim venue by a licensed professional must be conducted in open/public locations and must never be done with only the athlete and licensed massage therapist in the room. Even if a coach is a licensed massage therapist, the coach shall not perform a rubdown or massage of an athlete under any circumstances.

305.3

Use of audio or visual recording devices, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms.

305.4

Employees and volunteers of USA Swimming, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties and individuals with any ownership interest in a member club must be non-athlete members of USA Swimming and satisfactorily complete criminal background checks as required by USA Swimming. This does not apply to volunteers such as timers, marshals, computer operators, etc. who only have limited contact with athletes during a meet.

305.5 Travel

305.5.1

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.

305.5.2

Team managers and chaperones must be non-athlete members of USA Swimming and have successfully passed a USA Swimming-required criminal background check.

305.5.3

When only one athlete and one coach travel to a competition, the athlete must have his/her parent's (or legal guardian's) written permission in advance to travel alone with the coach.

305.5.4

Clubs and LSCs shall develop their own travel policies. USA Swimming will provide a model club travel policy as an example. Club travel policies must be signed and agreed to by all athletes, parents, coaches and other adults traveling with the club.

**Please refer to the SwimMAC Carolina Code of Conduct and Travel Policies for additional information.*

ARTICLE 306 Sexual Misconduct Reporting Requirements

306.1

It is every member's responsibility to promptly report any incident regarding sexual misconduct by a member as described in Article 304.3.8 to USA Swimming's Director of Safe Sport. 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.

306.2

No member shall retaliate against any individual who has made a good faith report under 306.1.

306.3

False reporting of sexual misconduct made in bad faith is prohibited.

306.4

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