

USA SWIMMING

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 The privilege of membership may, therefore, be withdrawn or denied by USA Swimming at any time where USA Swimming determines that a member or prospective member's conduct is inconsistent with the mission of the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]

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 nonathlete 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 720-531-0340 or online at 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.