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usaswimming.org

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Clubs of USA Swimming,

There is nothing more important to USA Swimming than the safety and well-being of its athletes, and this month, the USA Swimming House of Delegates passed important legislation to expand and augment our existing safeguards and input new programming that will help keep our sport as safe and healthy as it can be.

This mailing includes information to assist your club in understanding and implementing new policies around athlete protection. In the enclosed packet, you will find:

- A comprehensive list of the new policies and guidelines set forth by the Board of Directors and approved by the House of Delegates;
- a screen shot and navigation instructions to the new section of our website dedicated to athlete protection; and
- a flier for the Athlete Protection Program that you can reproduce and distribute to your members.

It is important to note that this will be an evolutionary process. This is not the end of our work or efforts on this important topic. Rather, we will continually audit our efforts and identify opportunities for improvement.

USA Swimming has a long history of taking action on member safety. From coaches' safety training, to racing start certification, to implementation of the background screening requirement, USA Swimming is continually seeking ways to foster safe and positive environments for its members across the nation.

Our response to sexual misconduct is no different. Over the past 12 months, USA Swimming, its Board of Directors, a special task force and several outside experts have spent countless hours on research, meetings, discussion and planning to put together what we believe is the best possible program for USA Swimming's 300,000 members.

Several groups have been instrumental in this work, and their efforts significant. Some of the work that has been done is:

- The Youth Protection Task Force, appointed last September, recommended policies and guidelines;
- The USA Swimming Board of Directors passed numerous initiatives over three meetings;
- Independent experts at the Child Welfare League of America (CWLA), the oldest and largest organization completely dedicated to child welfare, and Nadell Investigation Services, nationally-recognized experts on background screening, consulted with USA Swimming on its efforts and programming being recommended this week;
- Staff and legal counsel evaluated the policies of all Olympic sports organizations, the USOC and other youth organizations;
- Leaders on this issue have accepted input from other swimming nations;
- USA Swimming members and the American Swim Coaches' Association;

There has been incredible depth of study that has gone into this important legislation, and we ask that you review the enclosed materials carefully and communicate the new policies and guidelines to your coaches, athletes, volunteers, and parents.

Thank you for your close attention to this important information.

Sincerely,

Bruce Stratton
President

Jim Wood
Past President

Susan Woessner
Athlete Protection Officer



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Protecting Athletes

We believe that the experience of children and young athletes in all organized sports should be guided by what is best for the safe and healthy development of the young person. Young athletes who participate in organized sports activities have a unique opportunity for learning. In working with each child, it is essential that we are mindful of their physical, emotional, and developmental needs. We must also be particularly diligent in recognizing the unique vulnerabilities that are an inherent part of childhood. It is the responsibility of all adults to not only recognize these vulnerabilities, but to develop the knowledge and skills needed to create and maintain a safe and child-centered sports environment.

We recognize the important role that USA Swimming plays in providing leadership and creating an organizational culture that is focused on the safety and wellbeing of young people. The protection of children requires that all adults work together to support young athletes. As the child's first and enduring resource for safety, parents and guardians play a critical role in athlete protection. When parents participate they are able to help educate other adults about the needs of the child, and help prepare the child to participate in sports programs in a way that promotes safety, enjoyment, and learning.

Adults, including coaches, officials, staff, facility workers, volunteers, chaperones, and others who interact with children, are in also positions of great trust and influence. The ability to use this position of trust to support the well-being of children is critical. The overwhelming majority of these adults fulfill their roles in a positive and responsible manner. Nonetheless, we must also understand that a few adults may seek to use the trust and authority that comes with their access and status to take advantage of a child.

USA Swimming strives to continually improve the programs and services it offers to its members and among these some of the most important relate to the safeguards for protecting young athletes. Because we aspire to foster safe and positive environments within all our member clubs, we believe it is especially important to provide our member adult leaders with policies and best practice guidelines that help define elements of appropriate behavior and conduct.



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Policies and Best Practice Guidelines for Athlete Protection

In order to provide a positive experience and a safe environment for athletes, all non-athlete adult members of USA Swimming should maintain professionalism and avoid any appearance of impropriety in their relationships with athletes. Coaches, in particular, should recognize the influence, power and position of trust they have with athletes and should use these only in an athlete's best interest.

This document provides specific mandatory policies and best practice guidelines that are strongly recommended.

Policies

The following Policies from the USA Swimming Code of Conduct are mandatory for all USA Swimming members.

Article 304

USA Swimming 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 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, 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.

The following policies in the USA Swimming Code of Conduct Article 304 specifically pertain to Athlete Protection:

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

304.3.5 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.

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

304.3.7 Any sexual conduct, advance, or other inappropriate sexual oriented behavior or action 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 affairs or activities of USA Swimming (whether such adult is a member or not). Any nonconsensual physical sexual conduct, or pattern of other sexual harassment in connection 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.



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- 304.3.12 Physical abuse of an athlete by any person who, in the context of swimming, is in a position of authority over that athlete.
- 304.3.17 Any other material and intentional act, conduct, or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, an LSC, or the sport of swimming .

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

**Article 305
Athlete Protection Policies**

- 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, 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
- A 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).
 - B Team managers and chaperones must be members of USA Swimming and have successfully passed a USA Swimming-administered criminal background check.
 - C When only one athlete and one coach travel to a competition, the athlete must have his/her parents' (or legal guardian's) written permission in advance to travel alone with the coach.
 - D 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.



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The following policies related to sexual misconduct reporting are mandatory components of the USA Swimming Code of Conduct:

**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 304.3.7 to USA Swimming's Athlete Protection Officer. 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.

You can report one of three ways to the USA Swimming Athlete Protection Officer, Susan Woessner:

- 1) Online at www.usaswimming.org/report
- 2) Via email to swoessner@usaswimming.org
- 3) Via phone at **(719) 866-3589**



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Best Practice Guidelines

The following Best Practice Guidelines are strongly recommended for all USA Swimming members.

1. Parents should be encouraged to appropriately support their children's swimming experience.
2. All swimming practices should be open to observation by parents.
3. Two-deep Leadership: One coach member and at least one other adult who is not in the water should be present at all practices and other sanctioned club activities whenever at least one athlete is present. Clubs and coaches should evaluate their seasonal plans and map out how to best accomplish this strongly recommended guideline.
4. Open and Observable Environment: An open and observable environment should be maintained for all interactions between adults and athletes. Private, or one-on-one situations, should be avoided unless they are open and observable. Common sense should be used to move a meeting to an open and observable location if the meeting inadvertently begins in private.
5. Coaches should not invite or have an athlete(s) to their home without the permission of the athlete's parents (or legal guardian).
6. During team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership and open and observable environments should be maintained.
7. Athletes should not ride in a coach's vehicle without another adult present who is the same gender as the athlete, unless prior parental permission is obtained.
8. During overnight team travel, if athletes are paired with other athletes they should be of the same gender and similar age. Chaperones and/or team managers would ideally stay in nearby rooms.
9. When only one athlete and one coach travel to a competition, at the competition the coach and athlete should attempt to establish a "buddy" club to associate with during the competition and when away from the venue.
10. Where a chaperone or team manager is included, the chaperone(s) or team manager(s) should be of the same gender as the athletes and written consent should be given by the athletes' parents (or legal guardian).
11. Communications between non-athlete adult members and athletes should not include any topic or language that is sexual or inappropriate in nature.
12. Non-athlete adult members should respect the privacy of athletes in situations such as changing of clothes, showering, etc. Non-athlete adult members should protect their own privacy in similar situations.
13. Relationships of a peer-to-peer nature with any athletes should be avoided. For example, coaches should avoid sharing their own personal problems with athletes.
14. Coaches and other non-athlete adult members should avoid horseplay and roughhousing with athletes.



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15. When a coach touches an athlete as part of instruction, the coach should do so in direct view of others and inform the athlete of what he/she is doing prior to the initial contact. Touching athletes should be minimized outside the boundaries of what is considered normal instruction. Appropriate interaction would include high fives, fist bumps, side-to-side hugs and handshakes.
16. Coaches should not initiate contact with or accept supervisory responsibility for athletes outside club programs and activities.
17. Coaches should not engage in sexual intimacies with a former athlete for at least two years after the cessation or termination of professional services.

Because sexual intimacies with a former athlete are frequently harmful to the athlete, and because such intimacies undermine public confidence in the coaching profession and thereby deter the public's use of needed services, coaches should not engage in sexual intimacies with former athletes even after a two-year interval except in the most unusual circumstances. The coach who engages in such activity after the two years following cessation or termination of the coach-athlete relationship bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including:

1. The amount of time that has passed since the coach-athlete relationship terminated;
2. The circumstances of termination;
3. The athlete's personal history;
4. The athlete's current mental status;
5. The likelihood of adverse impact on the athlete and others; and
6. Any statements or actions made by the coach during the course of the athlete-coach relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the athlete or coach.
7. Both the athlete and the coach must be 18 years of age or older.

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Athlete Protection on the Website

USA Swimming is committed to fostering a safe and positive environment for all of its 300,000 members. To this end, we have created a section of our website dedicated to athlete protection. This section has information on policies & guidelines, reporting and education. You can access it directly by typing www.usaswimming.org/protect in your browser.

It's also very easy to find under our navigation. To help you find this page, please see the below instructions.

1. Click on **MEMBER RESOURCES** at the top of the website.



2. On the resulting drop-down menu, click "ATHLETE PROTECTION"



3. You may bookmark the page, or go directly to it in the future by typing in www.usaswimming.org/protect.