

June 17, 2019

Dear USA Swimming Board of Directors and Staff Members,

As swim parents, athletes, coaches, officials, and local leaders in swimming, we appreciate the time and effort spent to improve athlete protection and are grateful to be part of an organization that leads the way in the effort. We take athlete protection seriously and work diligently to learn about and promote this cause. However, as individuals and a governing body, we have serious concerns with the recently passed USA Swimming Minor Athlete Abuse Prevention Policy (MAAPP.) Why? Because some restrictions in the policy will severely decrease volunteer participation and actually decrease athlete safety.

Specific policy elements requiring consideration for change include Travel, Social Media and Electronic Communication, Locker Rooms and Changing Areas and finally the general tone. All of these go beyond the Center for Safe Sport's policy and are within the power of USA Swimming to change. Additionally, we are concerned that some aspects of the locker room section are unworkable at many of our facilities.

We believe the USA Swimming MAAPP as now written has the potential to work contrary to the intent by putting limitations that significantly impede the very institution it apparently is trying to protect. USA Swimming is a volunteer-dependant organization. The vast majority of volunteers at the team and LSC levels are parents of athletes. Some of the content and tone of the USA Swimming MAAPP puts a wedge between parent volunteers and the organization. It pushes away the very people the institution needs to thrive.

One way to prevent abuse is to limit access and opportunity of perpetrators to children. It appears this is the focus of the MAAPP. However, the problem of child abuse is grave, pervasive, and resistant to change. Prevention deserves a multi-faceted approach. In addition to decreasing access and opportunity, the organization would do well to encourage the presence of adults who are willing and able to intervene in questionable situations. Unfortunately, this overly-restrictive policy creates a void of background checked, Athlete Protection Trained adults and parents in high-risk places where others have access to athletes. **Surely something can be done to reduce the risk of a child's exposure to abuse while at the same time ensuring the safeguards that good supervision provides. Good supervision needs to be part of the strategy as well as reducing the risk. Additionally, we ask USA Swimming to change some of the policy measures which currently penalize parents who choose to step up and volunteer in the sport.**

How are volunteer parents penalized under the USA Swimming MAAPP?

- They no longer have a say in certain group travel situations. For example, the policy overtly addresses "Local" and "Team" Travel. However, for Non-Athlete member and participating non-member parents of athletes, it overreaches into "Family" or "Group" travel too.
- It also dictates social media choices and restroom use for these individuals and families.

We recognize the need for specific, clear and consistent rules. However, holding all adult Non-Athlete members, and participating non-members to the same standard of separation as paid professionals will not work. The majority of non-coach, non-athlete members are parents of athletes in the sport. Why not harness their innate desire to help keep kids safe instead of confining them to extremely restricted interaction with the athletes? They are not the enemy. In fact, we believe the Non-Athlete members of USA Swimming, including Coach Members, are the very people who must shoulder the lions' share of athlete protection. Like it or not, they are where the athletes are. Yes, some are perpetrators. We believe in limiting the access and opportunity

of perpetrators to children and prosecuting those who abuse to the fullest extent of the law. However, the majority of USA Swimming's Non-Athlete members are the army of Safe Sport volunteers we want and need around our youth. We believe that with some changes, MAAPP can address both.

We recommend USA Swimming relook at the following points in their MAAPP and consider making these changes:

- TRAVEL

- **“Unrelated non-athlete Applicable Adults must not share a hotel room, other sleeping arrangement or overnight lodging location with an athlete.”**

- Suggested alternative: Stick with the Center for Safe Sport wording, rather than making this point more restrictive. *“[Unrelated] Applicable Adults shall not share a hotel room or other sleeping arrangement with a minor athlete. However, a parent/legal guardian may consent to such an arrangement in advance and in writing.”*
 - USA Swimming could exclude Coach Members from this option to maintain consistency with former policy, but it would allow Non-Athlete member parents needed flexibility. For example, parent officials at travel meets often need to travel with another family or group. They help to take care of the officials' athlete's needs when the official can't because of officiating duties.
 - If desired, USA Swimming could add the Center's phrase that *“Parents/legal guardians receive education concerning child abuse prevention before providing consent for their minor athlete to travel alone with an Applicable Adult who is subject to these policies.”*
 - Vacation rental homes: The use of these for away meets help make the sport more affordable. Because financial resources are on the line, it is highly unlikely their use will stop. But rather than being secured for team travel, families will join together and use them. But no background checked and Athlete Protection Trained Non-Athlete member adults can be there because of USA Swimming's MAAPP. Who does that leave with the athletes? Is this situation really considered safer? Or is it simply easier to defend in the case of a lawsuit against the organization?
 - We have found the use of “House Rules” very helpful, and parent groups seeking to make this form of housing safer for all have eagerly received them. (This was well before MAAPP came out.) The rules agreement clearly specified acceptable behavior for all using the house. It also listed any restrictions. All who stayed at the house signed the agreement. It wasn't monitored by teams -- because it wasn't team travel. But the families who went, including Non-Athlete member parents, readily accepted this option.
 - This experience shows that people are very concerned about safety and willing to take steps to promote it, especially when the steps are deemed reasonable and actionable.
- If USA Swimming does not allow the use of vacation rentals by Non-Athlete member parents, the organization sends a message to their biggest group of volunteers, including most local leaders: If a group of families from your team opt for a vacation rental home to attend an away meet, either your child can't stay with his/her friends OR you can't stay with your child there. So either your kids

can't stay with their friends, or you will need to pay extra for lodging. Really? The only other acceptable option under MAAPP is that everyone in the group has to spend more money and get hotel accommodations. At what point does the cost of volunteering become too high? Under MAAPP it's easier and cheaper to do competition travel if you are NOT a Non-Athlete member of USA Swimming.

- SOCIAL MEDIA AND ELECTRONIC COMMUNICATION

- **"...the minor athlete's legal guardian must be copied."**

- Suggested alternative: Stick with the Center for Safe Sport's wording: "*another Applicable Adult or the minor's legal guardian will be copied.*"

- **"Electronic communications must only be sent between the hours of 8:00 am and 8:00 pm, unless emergency circumstances, or during competition travel."**

- Suggested alternative: Revert to the wording in the Center for Safe Sport policy, "*Electronic communications will generally only be sent between the hours of 8:00 am and 8:00 pm, unless emergency circumstances exist, or while traveling internationally or during competition travel*" and make this a RECOMMENDED component like in the Center's policy.
- Suggested alternative: Insert the words "or leadership" in between "competition" and "travel" above to allow communication with athlete reps during convention and other leadership travel.
- Another alternative: Allow for electronic communication up to 9 or 10 pm for those over a specified age and until 8 pm for those younger.

- Something to consider: Boards and committees are required to have at least 20% athlete representation. Most local board and committee members work full-time and have families. Athletes have morning and afternoon practice as well as school and other activities. As a result, email communication often takes place outside of the allowed hours.

- Requiring Non-Athlete parents to **discontinue "existing social media connections with minor athletes"** infringes on some parenting styles. Some experts recommend parents follow their children's friends on social media -- not in creepy, vocal kinds of ways, but simply to have a better idea of what is going on in their child's world. Under the USA Swimming MAAPP as now written, Non-Athlete and participating non-member parents are forbidden to do this with their children's swim friends. Again, parents are given the reason to ask, "At what point does the cost of Non-Athlete membership and volunteer service to my club, LSC or USA Swimming become too high?"

- Suggested alternatives:

- *Preferred*: Make this only applicable to coaches and staff (paid professionals as opposed to volunteer parents.)
- *Another option*: Make this a recommended rather than required component, like in the Center's MAAPP.

- According to USA Swimming, Applicable Adults include adult athletes who have authority over other athletes. It has been made clear that this includes Junior Coaches. Consider making it clear about other athletes in leadership roles including team captains and athlete reps serving on LSC or club board of directors and committees.

- One of the strong points of USA Swimming is the rising leadership and athlete voice of our youth. Many high school seniors turn 18 sometime during their senior year, some very early. How many will want to continue on the leadership path within USA Swimming

if subjected to the Social Media and Electronic Communication restrictions of MAAPP? Because of the time commitment the sport requires, most of their friends are swimmers! Yet, as written the USA Swimming MAAPP requires them to copy a parent on electronic communication and social media direct contact with their school-age peers?!? Do we really expect them to only communicate with their swim team friends between the hours of 8 am and 8 pm and discontinue social media connections with their friends who are still minors? Again, we give our top leaders the reason to ask, "At what point does the cost of volunteering for this organization become too high?"

- Suggested Alternative: Allow athletes who are 19 years of age or younger certain social media and electronic communication exemptions. There is precedence within the organization to consider this group "Age Group" athletes. The Western Zone Senior Championships, an Age Group meet, allows athletes within this age group to compete. This was done specifically to allow high school-age athletes with early birthdays to still compete.

- LOCKER ROOMS AND CHANGING AREAS

- Undress

- In USA Swimming, legal men's swimsuits do not cover their breasts. The wording in the "undress" section needs to be changed.
- Also, consider this: Recently a local LSC leader and Non-Athlete member of USA Swimming was caught in a MAAPP dilemma. While at a family reunion that included time at a local pool, he found himself unable to swim with his grandkids because of concerns about MAAPP. It just so happened that another family which included a known USA Swimming athlete happened to be at the resort pool at the same time. Ultimately, the grandpa decided he would swim with his family because it was before the MAAPP implementation deadline. Some may say his interpretation went too far. However, the current language in MAAPP does not set limitations, scope or clear guidelines for consistent interpretation. It is disconcerting that volunteer leaders feel this organizational overreach into their family lives.
- Suggested alternative: Rework the wording. The uniform for our sport is different than others.

- **"Legal guardians are discouraged from entering locker rooms and changing areas. If a legal guardian does enter a locker room or changing area, it must only be a same-sex legal guardian and the legal guardian should notify a coach or administrator in advance."**

- This point has set many people in our area aflame. Previous to MAAPP, it had become increasingly hard to get Meet Marshalls, and now this point seems to have added fuel to the fire. Additionally, parents feel indignant that they cannot enter the locker room without a coach or administrator notification, yet the public can be in there with their kids without restriction.
- Suggested alternatives: Rework the wording. Consider tweaking it so it not only restricts perpetrators but also recognizes the helpful role parents can play in monitoring this risky space as well as protecting and helping children. We hope that changed wording will help make this a positive mandatory component of the policy. However, it may be necessary to switch this point to a "recommended" component, like the Center's policy.

- See below for additional recommendations on the Locker Room and Changing Areas section

- OVERALL TONE

- Use the word "parent" more often

- The word “parent” is only used once in the USA Swimming MAAPP. It comes when requiring them to sign an acknowledgment to agree to the policy. However, it is used 13 times in the Center’s policy.
 - Include short, educating descriptions of why the policy is needed
 - For example, the Center’s policy includes a paragraph before the Required Policies for One-on-One Interactions that reads: *The majority of child sexual abuse is perpetrated in isolated, one-on-one situations. By reducing such interactions between children and adults, programs reduce the risk of child sexual abuse. However, one-on-one time with trusted adults is also healthy and valuable for a child. Policies concerning one-on-one interactions protect children while allowing for these beneficial relationships.*
 - Many are more likely to understand and more fully agree with the policy if given a glimpse of the “big picture.” If “both sides” of the path we need to follow aren’t identified and explained, it can be easy to stray too far to one side. In this example, one “side of the path” is the need to restrict perpetrators. The other is the need to continue healthy one-on-one time with trusted adults. Both are vital to the health and well-being of children.
 - Consider this: According to the policy, everyone in the organization will be reviewing it annually. Many will take Athlete Protection Training or Education courses, but not all. Using the policy to educate in brief doses is one more way to get important information out to the membership and parents. Doing so allows them to read not only policies but also receive a bit of prevention training at the same time.
 - Unfortunately, as now written the USA Swimming MAAPP gives many the impression it was written by a bunch of attorneys trying to protect the organization, rather than people trying to come together to protect children.

In addition to the above recommendations, we also ask USA Swimming take the following to the Center for Safe Sport and negotiate a change.

- LOCKER ROOMS AND CHANGING AREAS
 - **“If the organization is using a facility that only has a single locker room or changing area, separate times for use by Applicable Adults must be designated.”**
 - Why it doesn’t work as written:
 - “MUST” leaves no other options. At some facilities, the single locker room or changing area also contains the only restrooms. At meets, officials and other volunteers may rotate shifts. Shifts may not line up with the time designated for restroom use. Additionally, coaches do not always have control over when they can use the restroom. They are being paid to watch athletes compete and therefore must be on deck when their athletes are in the water. As a result, they may not be able to take advantage of “designated” times. Swimmers may also be hurt by this policy if they don’t have access to restrooms when needed or locker rooms to change into a competition suit. Operational Risk is working hard to encourage kids not to pee in the pool. However, this policy may encourage just the opposite.
 - Some facilities are open to the public. Therefore, those who are sitting in the stands and “the public” can access the locker room restrooms anytime. Once again, it’s hard to feel like
 - a. Our athletes are safer with this policy, and

- b. The volunteers and paid professionals who are giving more to the sport are not being penalized.

We're confident that with further study and discussion, the USA Swimming MAAPP can be modified so it not only prevents minor athlete abuse by restricting access and opportunity to those who would harm children but also preserves the rights of parents and keeps USA Swimming a great organization for which to volunteer. Thank you for your time and careful attention to this important matter. We highly value children as well as the sport and appreciate the care you give to protecting and promoting both.



Sincerely,

The Utah Swimming Board of Directors and Staff

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