**USA SWIMMING CODE OF CONDUCT**

**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withdrawn or denied by USA Swimming at any time where USA Swimming determines that a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:

.1 Violation of the right to compete provisions set forth in Article 301.
.2 Violation of the anti-doping provisions set forth in 303.3.
.3 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, genetics, mental or physical disability, or any
other status protected by federal, state or local law, where applicable, is prohibited.
.4 Violation of any of the Athlete Protection Policies set forth in Article 305.
.5 Violation of any of the Sexual Misconduct Reporting Requirements set forth in Article 306 or
the Prohibitions Against Retaliation for Good Faith Reporting of Abuse set forth in Article 307.
.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.

.7 A Any inappropriate sexual conduct or advance, or other inappropriate oral, written,
visual, or physical conduct of a sexual nature at any time, past or present, directed
towards an athlete or any person under the age of eighteen (18) 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).
B Any act of sexual harassment, including without limitation unwelcome sexual advances,
requests for sexual favors, and other inappropriate oral, written, visual, 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.
C A romantic or sexual relationship, even if it is a consensual relationship between adults,
which began during the swimming relationship, between athletes and those individuals
(i) having direct supervisory or evaluative control, or (ii) who are in a position of power
and trust over the athlete. Except in circumstances where no imbalance of power
exists, coaches have this direct supervisory or evaluative control and are in a position
of power and trust over those athletes they coach. The prohibition on romantic or sexual
relationships does not include those relationships where it can be demonstrated
that there is no imbalance of power. For example, this prohibition does not apply to a
relationship between two spouses or life partners which existed prior to the swimming
relationship. For factors that may be relevant to determining whether an imbalance of
power exists, consult the USOC’s Safe Sport Policies at www.teamusa.org/Footer/
Legal/Governance-Documents.
D Any peer-to-peer sexual abuse. For the purposes of the Code of Conduct, the term
“peer-to-peer sexual abuse” shall mean any unwelcome physical conduct of a sexual
nature directed towards a minor athlete by another minor athlete.

.8 The sale or distribution of illegal drugs or the illegal sale or distribution of any substance
listed on FINA's recognized list of banned substances.
.9 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.
.10 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.
.11 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.
.12 Abuse

A Physical abuse of an athlete by any person who, in the context of swimming, is in a
position of authority over that athlete. “Physical abuse” is defined as a non-accidental injury and/or an injury primarily caused by the gross negligence on the part of the person
in a position of authority over the athlete.
B Bullying of an athlete by a coach member or other non-athlete member who is in a
position of authority over that athlete.

.13 Bullying of a member or Participating Non-Member of USA Swimming by a non-athlete
member. Allegations of Bullying of an athlete member by a coach member shall be investigated
under 304.3.12. Bullying of an athlete member of USA Swimming by another athlete
member shall not be considered a Code of Conduct violation, except in the most egregious
and flagrant situation, but is nevertheless a serious matter to be handled by the applicable
club(s) pursuant to its anti-bullying plan required under 305.6.
.14 For any USA Swimming member club or coach to knowingly:

A allow any person who has been placed on the USA Swimming list of “Individuals Permanently
Suspended or Ineligible” to coach or instruct any of its athlete members,
B aid or abet coaching or instruction of athletes by any person who has been placed on
the USA Swimming list of “Individuals Permanently Suspended or Ineligible,” or
C allow any person who has been placed on the USA Swimming list of “Individuals Permanently
Suspended or Ineligible” to have an ownership interest in such USA Swimming
club or its related entities.

.15 Any act of fraud, deception or dishonesty in connection with any USA Swimming-related
activity.
.16 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.
.17 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'sparent 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.

.18 Violation of any team misconduct rule as established by the USOC, USA Swimming, any
Zone or LSC team authority.
.19 Any other material and intentional act, conduct or omission not provided for above, which is
detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.