



Safe Kids Athlete Protection Policy

Introduction

The Marin Swim League (MSL) 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. To that end the MSL has adopted the Safe Kids Athlete Protection Policy as set forth herein.

Young athletes who participate in organized sports activities have a unique opportunity for learning. In working with children, 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 recognizes 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 Marin Swim League 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.

The MSL 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.

In order to provide a positive experience and a safe environment for athletes, coaches, volunteers, officials and all non-athlete adult members of the MSL 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 safe environment will actively promote one free of child abuse and sexual misconduct. MSL will make all reasonable efforts to ensure that its member swim teams comply with the ***Safe Kids Athlete Protection Policy*** and the MSL Code of Conduct to ensure that every adult involved in coaching/training will abide by those best practice standards.

The MSL and its member teams will make every reasonable effort to exclude any adult with a legally documented history of child abuse/molestation or any other conviction or record that would bring unnecessary risk to the health and safety of the participants of this organization.

The MSL's member teams or designated representative will perform a criminal background check on every adult person applying for a position of a swim coach or assistant coach within our member organizations. The MSL will confirm and record that all background checks have been completed. An individual's background check report is required to be completed before the start of each season of coaching for an MSL team, and every year thereafter.

The MSL will take appropriate action on all allegations of child abuse and/or sexual misconduct. All allegations will be reported immediately to the authorities for investigation and the MSL and its representatives will cooperate fully with any such investigation.

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

Mandatory Policies

The following policies for Athlete Protection are mandatory for all members of the MSL and are a part of the MSL Code of Conduct as set forth in MSL Rule 31:

MSL RULE 31. Code of Conduct [Revised 1/22/14].

Any member or prospective member of MSL swimming may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time, fined or expelled if such member violates the provisions of the MSL Code of Conduct, set forth below (the "Code of Conduct") or aids, abets or encourages another person to violate any of the provisions of the Code of Conduct.

The following shall be considered violations of the MSL Code of Conduct:

1. **Discrimination is Prohibited.** Discrimination against any athletes, coaches, trainers, managers, administrators, volunteers, and officials on the basis of race, color, religion, age, gender, sexual orientation, disability, or natural origin.

2. Bullying is prohibited. For the purposes of the Code of Conduct, the term “Bullying” shall mean, regardless of when or where it may occur, the severe or repeated use by one or more MSL swimmers, coaches, officials, volunteers, or parents, (“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 a swimmer that to a reasonably objective person has the effect of: (i) causing physical or emotional harm to the swimmer or damage to the other swimmer’s property; (ii) placing the swimmer in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creating a hostile environment for the swimmer at any MSL activity; (iv) infringing on the rights of the swimmer at any MSL activity; or (v) materially and substantially disrupting the training process or the orderly operation of any swimmer (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member team). The MSL Board shall investigate allegations of Bullying of an athlete by a coach or an official, and all other allegations shall be investigated by the team board of the person accused of Bullying.

3. Sexual Misconduct.
 - a. Any inappropriate sexual conduct or advance, or other inappropriate oral, written, visual, or physical conduct of a sexual nature directed towards an athlete by (i) a coach or (ii) any other adult participating in any capacity whatsoever in the activities of MSL swimming.

 - 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 MSL swimming related activity by any person participating in the affairs or activities of the MSL directed toward any member or other person participating in the affairs or activities of the MSL.

4. Protection of Swimmers.
 - a. Inappropriate touching between a swimmer and an adult coach, official, volunteer, or parent, 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.

 - b. Any rubdown or massage performed on an athlete by an adult coach, official, volunteer, or parent, 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.

- c. Use of audio or visual recording devices, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms.
 - d. Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with a swimmer unless the coach is the parent, guardian, sibling, or spouse of that particular athlete.
 - e. Chaperones on overnight trips must have successfully passed criminal background check.
 - f. 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.
 - g. All coaches must successfully pass a criminal background check prior to the commencement of each season
 - h. It is every an adult coach, official, volunteer, or parent's responsibility to promptly report any incident regarding sexual misconduct as described under this Code of Conduct to the president of the swimmer's team or the Vice President of the MSL Board. 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.
 - i. No member shall retaliate against any individual who has made a good faith report under 31.g;
 - ii. Neither civil nor criminal statutes of limitation apply to reports of cases of sexual abuse.
5. Criminal Conduct. Conviction of, imposition of a deferred sentence for, or any plea of guilty or no content 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, or (iii) any crime involving sexual misconduct.
6. Illegal Drugs. The use of illegal drugs in the presence of 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.
7. Provision of Alcohol. 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. Abuse of Alcohol. The abuse of alcohol in the presence of an athlete under the age of 18, by a coach, official, trainer of, or a person who is in a position of authority over that athlete.
9. Physical Abuse. 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. Bullying of an athlete by a coach member or other non-athlete member who is in a position of authority over that athlete.
10. Acts of Dishonesty. Any act of fraud, deception or dishonesty in connection with any MSL related activity.
11. Conduct Toward Officials. 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 an MSL swimming event.
12. Solicitation of Swimmers. Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a Team, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an swimmer who is already a member of a Team to leave that Team, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the Team from the President of the swimmer's existing Team, or contact is initiated by the swimmer, the swimmer'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 any MSL Team, 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, officer, volunteer, representative or employee of a Team, or against any such Team, or any combination thereof, as appropriate. [Rev. 2/2010]

13. Other Prohibited Conduct. Any other material and intentional act, conduct or omission not provided for above, which is detrimental to the image or reputation of the MSL or the sport of swimming.

Best Practice Guidelines

In addition to the Mandatory Policies and MSL Rules discussed above, the following Best Practice Guidelines are strongly recommended for all Marin Swim League member teams:

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. 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.
7. 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.
8. 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.
9. 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).
10. Communications between non-athlete adult members and athletes should not include any topic, language, or visual image that is sexual or inappropriate in nature.
11. 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.

12. 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.

13. Coaches and other non-athlete adult members should avoid horseplay and roughhousing with athletes.

14. 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.

15. Coaches should not initiate contact with or accept supervisory responsibility for athletes outside club programs and activities.

16. 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.

Acknowledgements

Coaches Acknowledgement: By signing this statement I, do hereby acknowledge that I have read and agree to abide by the ***Safe Kids Athlete Protection Policy and MSL Rules including without limitation the Code of Conduct set forth in MSL Rule 31.*** I further acknowledge that my failure to adhere to this program policy may result in my exclusion from coaching in the Marin Swim League.

Head Coach Signature: _____

Head Coach's Name (Printed): _____

Team Name: _____

Date Signed: _____

Assistant Coach Signature: _____

Assistant Coach's Name (Printed): _____

Team Name: _____

Date Signed: _____

Assistant Coach Signature: _____

Assistant Coach's Name (Printed): _____

Team Name: _____

Date Signed: _____

Team Acknowledgement. By signing this statement I certify that as President of the MSL Swim Team set forth below said team has adopted this ***Safe Kids Athlete Protection Policy*** for the upcoming MSL season and have incorporated these protections into the team's swimming program guidelines, including without limitation the ***Code of Conduct set forth in MSL Rule 31.*** I further certify that our team leadership, including our team board members have reviewed

Team President Signature: _____

Team President's Name (Printed): _____

Team Name: _____

Date Signed: _____

PLEASE NOTE: THE ACKNOWLEDGMENTS SHOULD BE RETURNED TO THE VICE PRESIDENT OF THE MSL PRIOR TO THE FIRST DAY OF PRACTICE FOR THE SEASON.