

SBA POLICY ON REPORTING MISCONDUCT

USA Swimming Code of Conduct Articles 305-307 detail Athlete Protections and Reporting Procedures. SBA takes seriously any reports of misconduct on the part of any SBA representative (swimmer, coach, parent, spectator). Should you see or are the recipient of misconduct, please take the following steps:

1. Swimmer - Talk to your parents, club coach, or board member
2. Parents – Phone/Email the club coach or board member to discuss incident or concerns
3. Make a report to the USA Swimming Safe Sport staff.

There is no defined time limit for reporting misconduct; however, realize every effort should be made to notify the appropriate club leadership as soon as possible to ensure the situation can be addressed quickly and steps taken to remedy the misconduct.

ARTICLE 305

Types of misconduct described in Article 305 include but are not limited to:

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 and conducted in open/public locations. Coaches, even if licensed massage therapists, shall not rubdown or massage athlete under any circumstances.

305.3 Use of audio or visual recording devices, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms [or from behind the starting blocks during practices and swim meets].

ARTICLE 306

Article 306 details the reporting requirements for any sexual misconduct. SBA adopts these reporting guidelines for reporting any type of misconduct (sexual or otherwise).

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 Director of Safe

Sport. 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 Filing a knowingly false allegation of 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

Additionally, **Article 307** prohibits retaliation for any good faith in reporting suspected or observed abuse.

307.1 No Member shall retaliate against any individual who has made a good faith report under 306.1 or 304.3.12.

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 304.3.12 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.