



Declaration of Non-Recruitment

I, _____, state the following facts:

(Name(s) of parent/legal guardians)

1. I am the mother/father of the following Victor Swim Club swimmer(s):

_____, _____, _____

2. My children have been members of the Victor Swim Club since: _____
3. Prior to joining the Victor Swim Club, my children were previous members of _____, from _____ through _____.
4. This Declaration is being executed to confirm that I have read the attached: Part Three – the Rights, Privileges, Code of Conduct section of the USA Swimming Rules and regulations.
5. I have specifically reviewed and understood section 304.3 (17) regarding recruitment of swimmers by any coach or employee of a USA swim club.
6. Neither I nor my children were ever approached by any coach, athlete, employee, officer, or representative of Victor Swim Club, Inc.
7. I do not have, nor ever had personal knowledge of any representatives of Victor Swim Club, Inc. engaging in recruitment of swimmers from another swim club.
8. I became aware of Victor Swim Club, Inc. through _____, the team, general USA Swimming, or Niagara LSC web site.

I declare under penalty of perjury that the foregoing is true and correct.

(Name of parent /legal guardian)

(Signature of parent/legal guardian)

Date Executed: _____

PART THREE

RIGHTS, PRIVILEGES, CODE OF CONDUCT

ARTICLE 301 MEMBER RIGHTS

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301.1 Except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may deny or threaten to deny any eligible swimmer, coach, trainer, manager, official or administrator the opportunity to participate in any international swimming competition approved by USA Swimming, if selected by USA Swimming or one of its members. In addition, except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may censor or otherwise penalize subsequent to the event any swimmer, coach, trainer, manager, official or administrator for having participated in any such international swimming competition approved by USA Swimming.

301.2 An educational institution which a swimmer is attending at the time of such international competition may deny the swimmer the opportunity to participate only if said educational institution reasonably determines that such participation would either:

- .1 Prevent the swimmer from meeting the academic requirements which are applicable to all students who participate in the swimmer's particular course of study.
- .2 Jeopardize the swimmer's or the educational institution's performance in the established program in the particular sport in which the swimmer competes, provided that the international competition occurs during the scheduled competitive season of the educational institution.

301.3 Any swimmer, coach, trainer, manager, official or administrator who alleges that he or she has been denied or is about to be denied, by a person or an organization affiliated with USA Swimming, a right as set forth in 301.1, shall immediately inform the Executive Director, who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay. Such steps shall include, but shall not be limited to, advising the Secretary General of the U.S. Olympic Committee, and submitting the matter to the American Arbitration Association for binding arbitration.

301.4 Whenever a swimmer, or party acting on a swimmer's behalf, informs the Executive Director of an alleged violation of the swimmer's right to participation as set forth in 301.1, the Executive Director shall review all the related evidence of the case and make a report, with a preliminary recommendation, to the National Board of Review within thirty (30) days, or sooner if the situation requires. The Board of Review shall review the case and the preliminary recommendation of the Executive Director and take whatever action it deems appropriate. Any of the parties involved in the action who are dissatisfied with the decision of the National Board of Review may appeal said decision under the provisions set forth in Article 409.

ARTICLE 302

ATHLETE REGISTRATION

302.1 REGISTRATION — All swimmers practicing with a member club or competing in events sanctioned by USA Swimming must be registered as athlete members of USA Swimming. Athlete members must meet the rules of eligibility contained in Article 303. No swimmer alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute the allegations relating to possible ineligibility, pursuant to Part Four.

302.2 MEMBERSHIP — Athlete membership will consist of an annual membership, an outreach membership, a seasonal membership, or a single-meet open water membership.

- .1 **Annual Membership** — Membership is for a calendar year. Non-members applying for membership on or after September 1 will be issued a membership card valid through December 31 of the following year.
- .2 **Outreach Membership** — Annual membership with specially reduced fees. Each LSC House of Delegates shall determine how athletes qualify for outreach membership.
- .3 **Individual Seasonal Membership** — At the option of the LSC, membership may be offered for one or two periods of not more than 150 days per period within a registration year. Seasonal membership may also be offered for an unspecified but continuous period of not more than 150 days commencing on the date of registration. Seasonal membership is not valid for competition at or above the Zone Championship level.
- .4 **Single-Meet Open Water Membership** — At the option of the LSC, membership may be offered for the specific date(s) of an open water competition(s). The swimmer must compete unattached. Single-meet membership is not valid for competition at or above the Zone Championship meet.

302.3 APPLICATION/RENEWAL — Athlete membership applications and payment as set forth in 502.7 shall be submitted to the Registration Chair of the LSC. The Registration Chair may designate deputy registrars to accept applications on behalf of the Chair and forward for approval.

302.4 FALSE REGISTRATION — A host LSC may impose a fine of up to \$100.00 per event against a member coach or a member club submitting a meet entry which indicates a swimmer is registered with USA Swimming when that swimmer or the listed club is not properly registered. The host LSC will be entitled to any fines imposed.

ARTICLE 303

ELIGIBILITY

303.1 It shall be the responsibility of all USA Swimming members to comply with the rules and regulations of USA Swimming and the Rules, Constitution and Bureau decisions of FINA, as well as to avoid acting in any manner which brings disrepute upon USA Swimming or upon the sport of swimming.

303.2 Except as provided for in 203.9, only athlete members of USA Swimming are eligible to compete.

303.3 As a member National Governing Body of the United States Olympic Committee (USOC), and as a member Federation of Federation Internationale de Natation (FINA), USA Swimming is obligated to adhere to the anti-doping rules of the USOC and FINA. In addition, USOC Bylaw Chapter XXIII, Section 2(G) provides that, as a condition of membership in the USOC, each National Governing body shall comply with the procedures pertaining to drug testing and adjudication of related doping offenses of the independent anti-doping organization designated by the USOC to conduct drug testing. The USOC has designated the United States Anti-Doping Agency ("USADA") as that organization. The current anti-doping rules of the USOC, FINA and USADA are available at the offices of USA Swimming or on line at the following websites:

WADA	www.wada-ama.org
FINA	www.fina.org
USOC	www.usoc.org
USADA	www.usada.org

As a condition of membership in USA Swimming, it is the responsibility of each athlete member of USA Swimming to comply with the anti-doping rules of FINA, USOC and USADA and to submit, without reservation or condition, to in-competition and out-of-competition doping controls conducted by either FINA or USADA. (Out-of-competition doping controls by USADA may take place at USA Swimming elite-level camps, training sessions at USOC facilities, or with no advance notice any time for athletes designated by USA Swimming and USADA for inclusion in USA Swimming's no advance notice testing pool.)

Pursuant to USOC Bylaw Chapter XXIII, Section 2(G), the management of positive and elevated test results for USA Swimming athletes has become the responsibility of USADA. Any inconsistent provisions elsewhere in USA Swimming rules are hereby superseded. USA Swimming will, without further process, enforce and publish any sanction communicated to USA Swimming by USADA resulting from adjudication of a doping control under the USADA Protocol for Olympic Movement Testing.

303.4 A swimmer shall cease to be eligible to compete in events conducted by USA Swimming or its LSCs, or by any FINA Federation, while under suspension or if expelled by USA Swimming for violations of this Part Three.

303.5 No Individual Member or Group Member of USA Swimming shall coach, train or provide swimming-related advice or service to any swimmer who is serving a period of ineligibility or provisional suspension for an anti-doping rule violation.

303.6 If a swimmer is required to forfeit any medals, points or prizes earned at an event on account of an anti-doping rule violation, then any compensation paid by USA Swimming to the

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swimmer's coach(es) on account of that swimmer's result shall also be forfeited and shall be returned to USA Swimming.

303.7 A swimmer may be registered for USA Swimming and Masters Swimming at the same time. Membership in U.S. Masters Swimming does not imply or presume membership in USA Swimming.

303.8 A swimmer declared ineligible for any reason may be reinstated pursuant to the provisions of Article 404.

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.

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- 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'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 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.

ARTICLE 305

ATHLETE PROTECTION POLICIES

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

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 devices, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms.

305.4 Employees and volunteers of USA Swimming, Zones, 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. Any individual who is banned, currently suspended or ineligible for membership is prohibited from serving as a timer, marshal, or computer operator, or otherwise being on deck at any time in connection with a USA Swimming activity.

305.5 Travel

- .1 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.
- .2 Team managers and chaperones must be members of USA Swimming and have successfully passed a USA Swimming-required criminal background check.
- .3 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.
- .4 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.

305.6 Clubs shall establish their own action plans for implementing USA Swimming's anti-bullying policy. USA Swimming shall provide a model plan as an example which shall serve as the default for any club that fails to establish its own plan. Club anti-bullying plans must be reviewed and agreed to annually by all athletes, parents, coaches and other non-athlete members of the club.

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305.7 Clubs shall establish their own electronic communication/social media policy. USA Swimming shall provide a model policy as an example, which shall serve as the default for any club that fails to establish its own policy. Club electronic communication policies should be reviewed and agreed to annually by all athletes, parents, coaches and other non-athlete members of the club.

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 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

PROHIBITIONS AGAINST RETALIATION FOR GOOD FAITH REPORTING OF 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.