



## USA Diving, Inc. Code of Conduct

### GENERAL CONDUCT

#### 30.1 Applicability.

- (a) All members of the Corporation shall abide by this Subpart D, Code of Conduct. Membership in the Corporation is a privilege and not a right. Adherence to this Code of Conduct is an obligation of membership.
- (b) Nothing in this part, Articles 30, 31, 32, 33, and 34, shall be construed to create liability on the part of the Corporation for any injury or damage suffered or claimed to be suffered by any person, whether or not involved in activities described herein, and whether or not arising from a violation of provision contained herein. The contents of the specified Articles do not create a duty on the part of the Corporation to supervise its members or others for the benefit of any individual. The purpose of these Articles is limited to the establishment and enforcement of this Code of Conduct solely for the benefit of the Corporation. No other person or entity is an intended beneficiary hereof, except to the limited extent necessary to support standing as a Complainant in the administrative remedies provided for herein.

#### 30.2 Acceptance.

- (a) By applying for membership in the Corporation, an individual or club accepts and agrees to abide by this Code of Conduct as a condition of membership.
- (b) In the case of athletes or others who have not yet attained an age of legal majority, an individual's parent or legal guardian accepts and agrees to abide by this Code of Conduct on behalf of themselves and the individual as a condition of membership.

#### 30.3 Adherence to Domestic Law.

- (a) All members of the Corporation are expected to adhere to federal, state, and local laws, and to avoid acting in any manner that would bring disrepute upon the sport and/or the Corporation and are grounds for discipline.
- (b) Certain legal actions against a member or applicant constitute grounds for immediate action by the Corporation, including but not limited to:
  - (i) A felony conviction within the United States may be sufficient reason for the rejection of a membership application or revocation of membership.
  - (ii) A felony indictment or other formal charge of a crime within the United States may be sufficient reason for immediate rejection of a membership application or suspension from involvement in the business of the Corporation until the conclusion of litigation.
  - (iii) Suspension, revocation, rejection, or expulsion by a National Governing Body under the USOC is grounds for rejection, revocation, suspension or ejection from the Corporation.
  - (iv) Any rejection, revocation, or suspension authorized by (b)(i)(ii) or

- (v) Is effective upon notice by the CEO or his/her designee to the member or applicant. Such actions may be appealed to the National Board of Review in accordance with the procedures established in Subpart C of these Bylaws.

### **30.4 Other Prohibited Behavior.**

- (a) **Violent Crimes.** Violent crimes or acts that involve the abuse or exploitation of children are unacceptable. A criminal history (past, present or pending) of violent crime or abuse or exploitation of children is cause for denial, suspension or revocation of membership without regard to any limitations period otherwise set forth in these Bylaws.
- (b) **Drugs and Alcohol.**
  - (i) Members shall not use or provide alcohol or drugs in excess or in violation of local, state or federal laws. Prescribed drugs and controlled substances shall not be used other than as prescribed by a doctor.
  - (ii) Any member who is visibly under the influence of alcohol or drugs while at a USA Diving event shall be considered in violation of this Code of Conduct.
  - (iii) Although some states may have laws legalizing the use of marijuana for personal or recreational use, marijuana is still illegal under federal law. Athletes must comply with the World Anti-Doping Code and United States Anti-Doping Agency and shall not commit doping violations. Marijuana and cannabinoids appear on WADA's Prohibited List for in-competition use.
- (c) **Abusive Misconduct.**
  - (i) The Corporation, as a member of the United States Olympic movement, is committed to promoting the development and safety of athletes and participants involved in sport. Sport can be a high-risk environment for abusive misconduct, including child physical and sexual abuse. While child physical and sexual abuse is one type of abusive misconduct, it is important to remember that this policy covers many inappropriate behaviors that may not involve children at all. This policy applies regardless of the age or sex of the individuals involved in abusive conduct.
  - (ii) Types of Abusive Misconduct:
    - (A) Sexual Misconduct, including Sexual Abuse;
    - (B) Emotional Misconduct;
    - (C) Physical Misconduct;
    - (D) Bullying, including Cyberbullying;
    - (E) Harassment;
    - (F) Hazing.

### **ALL FORMS OF ABUSIVE MISCONDUCT ARE INTOLERABLE AND IN DIRECT CONFLICT WITH THE OLYMPIC IDEALS.**

The Corporation's Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyberbullying is attached to these Bylaws as *Bylaw Appendix A* and is incorporated herein by reference. Violations of this policy constitute acts of abusive misconduct.

- (d) Any other negligent act, conduct or omission not expressly provided for herein, and which is detrimental to the image or reputation of the Corporation, its members or the sport of diving.
- (e) **Definitions.**
  - (i) **Abusive Misconduct.** Abusive misconduct is willful or grossly negligent conduct

which results or is likely to result in harm, the potential for harm or the imminent threat of harm, including the significant physical, mental or emotional impairment of health. Except as expressly noted below, age is irrelevant to abusive misconduct. Without limitation, there are six primary types of abusive misconduct in sport: emotional, physical and/or sexual misconduct, bullying, harassment and hazing.

- (ii) **Child, children, minor and youth.** Child, children, minor and youth is anyone 18 years of age or under, or age 19 if still in high school. The terms, “child,” “children,” “minor” and “youth” are used interchangeably. For the purposes of this Article, a person 18 years of age or under, or age 19 if still in high school, is a child without regard to the age of consent or majority in any jurisdiction.
- (iii) **Participants.** Participants are persons who participate in a sport activity through a club or organization (e.g., athletes, officials or referees or anyone performing tasks in connection with a sport activity).
- (iv) **Members.** For the purposes of this Code of Conduct, Members are those persons and entities described in 21.1(c) of these *Bylaws*. Although included for purposes of this Subpart C and Subpart D, applicants, former but not current members and others not holding current membership in the Corporation shall not be considered Members for any other purpose under these *Bylaws*.
- (f) **Discrimination Based on Race, Religion, National Origin, Disability, Sexual Orientation or Gender.** In accordance with 1.7, which asserts that all activities of the Corporation are to be conducted without regard to race, religion, national origin, disability, sexual orientation, gender or other legally protected status; any discriminatory act or acts that create an impermissible hostile environment for other members are violations of this Code of Conduct.
- (g) **Indiscreet or Destructive Behavior.** Indiscreet or destructive behavior will not be tolerated. Vandalism, malicious mischief (willfully stealing or causing damage to the personal or real property of another), disorderly conduct (acting in such a manner as to disrupt an event or activity of the Corporation) are examples of indiscreet or destructive behavior.

### **30.5 Additional Athlete Protection Policies.**

The following Code of Conduct provisions are specifically related to Athlete Protection:

- (a) Inappropriate touching by or between members is prohibited. Inappropriate touching includes, but is not limited to, excessive physical contact, e.g., touching, kissing, hugging, sexually oriented or stimulating acts;
- (b) Any rubdown or massage performed on an athlete by any adult, teammate or other athlete, must be conducted in open/public locations and must include a third party’s presence. This should include but not be limited to competition venues and practice/training facilities. If treatment is to be administered in hotels or other rooming accommodations, it must be administered by a licensed physician, licensed massage therapist or physical therapist with the doors open and a third party’s presence. In all situations, the third party should be over the age of 18. When at all possible, the third party should be of the same gender as the individual receiving treatment.
- (c) Use of audio or visual recording devices, including technology such as a cell phone camera

- or technology not yet created, is not allowed in changing areas, rest rooms or locker rooms;
- (d) Travel.
    - (i) Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete unless the coach is a relative or member of a relative's household.
    - (ii) When only one minor 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.

### **30.6 Reporting Violations.**

- (a) It is every member's responsibility to promptly report to the Corporation's Safe Sport Coordinator any incident regarding an act of Abusive Misconduct or violation by a member, as described in Articles 30 through 33 of this Code of Conduct. Reporting must occur when an individual has firsthand knowledge of misconduct or a violation 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.
- (b) No member shall retaliate against any individual who has made a good faith report under section (a) above.
- (c) Filing a knowingly false allegation of misconduct or violation is prohibited and may violate state criminal laws and civil defamation laws. Any member making a knowingly false allegation of abusive misconduct shall be subject to disciplinary action by the Corporation.
- (d) Notwithstanding anything to the contrary contained elsewhere in this Section and in Article 30 the rules of the U.S. Center for Safe Sport for reporting of Safe Sport violations as listed in Section 30.4(c)(ii) are applicable for reporting violations of misconduct. Rules of the U.S. Center for Safe Sport may be found at [www.safesport.org](http://www.safesport.org).
- (e) The reporting requirements detailed in this section do not negate the reporting obligations of a person serving in a mandatory reporter position otherwise specified by law or professional requirements (for example, mental health providers, law enforcement).

### **30.7 Reporting.**

- (a) A violation of this Code of Conduct may be reported by filing a Complaint with the Board of Review as provided in Subpart C or by filing a report with the Corporation. Except as provided in 30.6(d), reports of abuse or sexual misconduct shall be made to the Corporation's Safe Sport Coordinator.
- (b) If a report of abusive misconduct involving a minor is made to the Corporation, the Corporation will take such reports and forward them to the appropriate abuse or child protection state authority.

### **30.8 Penalties.**

Penalties for violations of the provisions of this Article 30 shall be assessed in accordance with Article 34 of this subpart and Subpart C of these Bylaws.

## **ARTICLE 31 – SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR COACHES**

### **31.1 Objective.**

The reputation of the sport and Corporation is determined by the degree of respect with which the coach interacts with the public that the coach serves. This public consists of fellow coaches, athletes, administrators, media and the public in general. The intent of this Supplemental Standards of Ethical Conduct for Coaches is to define the parameters of that interaction, and to provide a means for requiring adherence to the component of this Code of Conduct. Compliance with the Coaches' Code of Conduct depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion, and finally, when necessary, and as a last resort, upon enforcement through disciplinary proceedings. All Coach Members specifically agree to comply with this Coaches' Code of Conduct and confirm acceptance of the general Code of Conduct in accord with 30.2 above.

### **31.2 Personal Conduct.**

- (a) The integrity of the sport of diving is imperative. Coaches shall respect and teach the dignity of the sport, its officials and competitors, the clubs, teams and organizations they represent; the rules, regulations, and policies governing those organizations. Coaches shall thoroughly educate themselves with the Safe Sport Policy and must conduct themselves in accordance with that policy. Coaches shall also educate athletes, parents and volunteers of and about the importance of the Safe Sport Policy in the conduct of the sport of diving. Additionally, Coaches should familiarize themselves with the Corporation's Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyberbullying (*Bylaws Appendix A*).
- (b) A Head Coach is responsible for and shall take reasonable steps to ensure that all coaches under him/her comply with this Supplemental Standards of Ethical Conduct for Coaches, whether or not such coaches are members of the Corporation. Athlete members of the Corporation shall be coached by or in the immediate presence of a Coach Member of the Corporation.
- (c) A coach shall wear appropriate attire to complement the integrity and professionalism of the sport of diving. When necessary a coach shall be sensitive to national sponsors and the apparel provided for specified events and special occasions.
- (d) In the sport of diving, coaches are regularly called upon to serve as judges and referees. A Coach Member of the Corporation shall conduct herself/himself in an honest and unbiased manner basing the coach's judgment solely upon the technical skills and aesthetics of the performance as provided for in the rules of competition.
- (e) All professional communication shall be conducted in an honest, open manner consistent with the best interest of the sport and the Corporation. Integrity is a basic part of coaching, whether financial or dealing with events, entries, athletes, parents, and administrators. A Coach Member's communication should be accurate at all times to the best of the coach's knowledge and belief.
- (f) A Coach Member shall not use or provide alcohol or drugs in excess or in violation of local, state or federal laws. Prescribed drugs and controlled substances shall not be used other than as prescribed by a doctor. A legal conviction for illegal possession or sale of any controlled substance shall be a per se violation of this provision.
- (g) A Coach Member shall comply with the provision of Article 30 of this Code.
- (h) A Coach Member shall check with the Corporation's web site to determine whether persons

associating with the club or Coach Member are on the Corporation's Banned/Suspended List. No person on the Corporation's Banned/Suspended List may be associated in any capacity with any member club or program operated by a member.

### **31.3 Coaches' Recruiting.**

In all matters regarding the changing of organizational affiliation of athletes, the initiation of the discussion of such change shall be by the athlete or the athlete's legal guardian and not by the Coach Member or anyone acting on behalf of the coach.

### **31.4 Coach to Athlete.**

- (a) A Coach Member will always make decisions based on the best interest of the athlete.
- (b) A Coach Member shall not engage in sexual relations with a minor.
- (c) A Coach Member shall not otherwise engage in sexual misconduct. Sexual misconduct consists of any behavior that utilizes the influence of the coaching position to encourage inappropriate intimacy between coach and athlete.
- (d) A coach of a collegiate athlete shall not engage in sexual relations with any collegiate athlete they coach, regardless of the athlete's age.
- (e) A Coach Member shall not provide, encourage, or engage in the use of controlled substances or abuse alcohol with an athlete.

### **31.5 Enforcement Procedures.**

- (a) Enforcement of this Code of Conduct shall be by means of the procedures described in Subpart C of these Bylaws.
- (b) Notwithstanding the provisions of 21.1(d)(2)(a), any Board of Review Hearing Panel selected for consideration of a breach of this Code of Conduct shall have five members at least two of whom are Coach Members in good standing in the Corporation.

## **ARTICLE 32 – SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR OFFICERS AND DIRECTORS**

### **32.1 Basic Obligation.**

Service as an officer or director within the Corporation is a position of trust. Each officer and director has a responsibility to the Corporation and its members to place the welfare of the organization above private gain. To ensure that every member of the Corporation can have complete confidence in the integrity of the Corporation, each officer and director shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the general standards of conduct established in Article 30.

### **32.2 General Principles.**

The following general principles apply to every Corporation officer and director. In situations not covered by the standards set forth below, officers and directors shall apply the principles set forth in this section in determining whether their conduct is proper.

- (a) Officers and directors shall not hold financial interests that conflict with the conscientious performance of duty.
- (b) Officers and directors shall not engage in financial transactions using nonpublic information or allow the improper use of such information to further any private interest.

- (c) Officers and directors shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities with the Corporation or whose interests may be substantially affected by the performance or nonperformance of the officer's or director's duties.
- (d) Officers, directors, and committee chairs shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Corporation.
- (e) Officers and directors shall not use their Corporation posts for private gain.
- (f) Officers and directors shall act impartially and not give preferential treatment to any private organization or individual.
- (g) Officers and directors shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, sexual orientation, age, or handicap.
- (h) Officers and directors shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this article. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

### 32.3 Disqualifying Financial Interests.

- (a) **General restrictions.** Officers and directors are prohibited from participating personally and substantially in an official capacity in any particular matter in which the officer or director or any person whose interests are imputed to that officer or director has a financial interest.
- (b) **Definitions.** For purposes of this section, the following definitions shall apply:
  - (i) *Direct and predictable effect.*
    - (A) A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.
    - (B) A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.
  - (ii) *Imputed interests.* For the purposes of this article, the financial interest of the following persons will serve to disqualify an officer or director to the same extent as if they were the officer or director own interest:
    - (A) The officer's or director's spouse;
    - (B) The officer's or director's child or parent;
    - (C) The officer's or director's general partner;
    - (D) An organization or entity in which the officer or director serves as officer, director, trustee, general partner, or employee; and
    - (E) A person with whom the officer or director is negotiating for or has an arrangement concerning prospective employment.

## **ARTICLE 33 – CONDUCT DURING INTERNATIONAL EVENTS OR TRAINING ACTIVITIES IN PREPARATION FOR INTERNATIONAL EVENTS CONDUCTED BY THE CORPORATION.**

(This Article applies to all events in which athletes from the Corporation and one or more additional federation members of FINA participate, and includes all travel, camps, competition, social and other activities that take place during the event (from the date of final Team selection and assembly through the date of the completion of the event and disbanding of the Team, either at the conclusion of the event if the event is domestically held, or return of the Team to the United States if held abroad.)

(This Article also applies to any domestic event which prepares athletes for international competition, including synchronized diving training camps, national team camps, partners training at the other's facility in synchronized diving, selection camps.)

### **33.1 Applicability.**

- (a) All members involved in the preparation and performance of athletes in international competition and the athletes will abide by this Code of Conduct. This includes the Team Leader, coaches (official and unofficial), athletes, trainers, massage therapists, psychologists and other members identified by the Team Leader as participants. Although not part of the Team, Corporation members, employees or contractors traveling with and/or staying with the Team are subject to this Code of Conduct during the time they are with the Team or any member of the Team. (e.g. If traveling with the Team to and/or from the competition this Code of Conduct would apply during travel only, if traveling separately but staying with the Team this Code of Conduct would apply during the stay at the hotel only.)
- (b) The determination of the status of any person shall be made without regard to whether such person's travel, room and board, or other expenses are being paid, in whole or in part, by the Corporation or from other sources. For all purposes in this Article 33 the group defined by sections (a) above shall be referred to as the "Team."
- (c) Notwithstanding the foregoing, it is recognized that a Team Leader, coach or staff member may have official duties as a representative of the Corporation and it may be necessary for such person to attend meetings or other functions and participate in activities that would otherwise result in a violation of this Code of Conduct.
- (d) All Team Members (Team Leader, athletes, coaches and staff) shall timely comply and cooperate with all legitimate logistic (e.g. interviews, laundry, meals, transportation) requests and directions from the National Office Staff. Team Members shall also immediately inform the Corporation of any event or condition which may preclude or interfere with the member's participation. A failure to comply with this provision may result in a loss of position, expense reimbursement or other sanction at the discretion of the CEO and/or constitute grounds for a complaint to the National Board of Review.

### **33.2 Acceptance.**

- (a) All participating Team Members will accept the guidelines, duties, and responsibilities of their respective positions.
- (b) The Corporation may designate a specific individual as the "Team Leader" who will be the person in charge and responsible for the enforcement of this Code of Conduct and reporting



violations thereof while the Team is assembled. In the event that a specific Team Leader is not appointed, the head coach or another staff member shall be designated by the Corporation or, if not, by the coaches in attendance as the person-in-charge of the trip prior to departure and shall perform the duties of Team Leader under this Article 33 including enforcement and reporting.

- (c) This Code of Conduct must be signed when an individual is named to a Team for an event, trip or other corporate function, prior to travel being purchased. In the case of Junior athletes, a parent or legal guardian also must sign. The provisions of the Code of Conduct take effect on the date and time when travel to the meet is initiated and continue in force until the date and time on which travel is completed.
- (d) A team leader may modify this Code of Conduct in real time, based on local circumstances, at an event, provided those modifications are within the spirit and intent of this Code of Conduct.

### **33.3 Team Meetings.**

- (a) All members of the staff will meet as soon as possible to discuss Team policies and be sure all staff members have a common understanding of the expected standards of conduct before meeting with the athletes.
- (b) As soon as possible after the staff meeting, a full Team meeting should take place. The Team Leader must ensure that:
  - (i) This Code of Conduct is thoroughly reviewed with all participants;
  - (ii) Per diem is distributed to athletes and staff if applicable;
  - (iii) Team Captain(s) is/are elected;
  - (iv) Training times are set for upcoming days as far in advance as possible;
  - (v) All Team Members are aware they must:
    - (A) Train together unless excused by the Team Leader;
    - (B) Wear USA-identifying clothing to all training and competition sessions; and
    - (C) Attend mandatory team meetings called by the Team Leader and/or Head Coach.
  - (vi) Team Members will attend each competitive session unless excused by the Team Leader;
  - (vii) The Team Captain(s) is/are assigned responsibility for organizing the Team in the stands so members can sit and cheer together; and
  - (viii) At the Corporation's expense, attend an educational or recreational Team function to see and learn about the area.

### **33.4 Official Uniform.**

- (a) All Team Members will wear and/or use the official equipment and uniform supplied exclusively at all International competitions within the United States except for the athletes' swimsuits. Outside the United States the uniform is only required in the competition venue.
- (b) When traveling, the dress code will be dictated and communicated, in advance, by the Team Leader.

### **33.5 Adherence to Foreign Laws.**

Team Members are reminded that laws of most countries are significantly different from the laws of the United States. U.S. citizenship does not grant immunity to the laws of a foreign nation when a guest of that nation. Violating laws of a foreign nation can result in significant detriment to an individual. Most foreign nations do not grant the individual, whether a citizen or guest, the

personal rights to which U.S. citizens are accustomed. The Corporation may not be able to render assistance in the event a Team Member is taken into custody. Generally, the exercise of good behavior, common sense and “good neighbor” principles will be sufficient to avoid unwanted incidents. Team members must adhere to both American and foreign laws. When there is a conflict between the two, team members will adhere to the more stringent of the two laws.

### **33.6 Curfew.**

The Team Leader will set the curfew for all members of the Team.

### **33.7 Prohibited Behavior.**

- (a) **Alcohol restrictions.** The abuse of alcohol is prohibited and is a violation of this Code of Conduct. Additionally, any member acting as a participant or spectator at a USA Diving event visibly under the influence of alcohol will be considered in violation of this Code of Conduct.
  - (i) While at a competition there will be a “No Alcohol” policy for all athletes, until they finish their competition. Once finished, permission may be granted to athletes of drinking age in the United States, by the Team Leader, but at NO time will an athlete of drinking age be in the company of those that are not, while consuming alcohol.
  - (ii) At no time will a coach or staff member consume alcohol in front of an athlete member, regardless of age.
- (b) **Drug restrictions.** Use of drugs other than those prescribed by a physician or approved by a staff member is prohibited. Team Members are reminded of the consequences that could result from prosecution of a drug-related offense in a foreign country. FINA rules also prohibit the use of specified drugs.
- (c) **Tobacco restrictions.** Smoking or use of tobacco products in public while on a Team trip is unacceptable.
- (d) **Indiscreet or Destructive behavior.** Indiscreet or destructive behavior, including, but not limited to indiscreet sexual behavior, is prohibited and will not be tolerated. Every effort should be made to avoid “guilt by association” with such activities.
- (e) **Hazing.** Any form of hazing as well as so-called “initiations” that include unwanted or uninvited touching of one person by another, or activity that humiliates or demeans another person, with or without that person’s consent, shall be deemed to be indiscreet and destructive behavior and is specifically classified as a Level III violation under 34.3. Every effort should be made to avoid “guilt by association” with such activities. The Corporation’s Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyberbullying is incorporated herein by reference.
- (f) **Medicines.** The distribution by a Team Member other than the authorized medical staff of any prescription to another Team Member is prohibited and is a violation of this Code of Conduct; provided that a parent or guardian of a Team Member under the age of 18 may provide the Team Leader with such member’s medication(s) for delivery to the Team Member as prescribed by a physician.
- (g) **Minors.** Unless authorized in writing by the minor Team Member’s parent or legal guardian delivered to the Corporation prior to the commencement of the trip, and added to the Team Leader notebook, at no time will the Team Leader leave the charge of any minor Team Member to any adult athlete Team Member regardless of how responsible the Team Leader may feel the adult athlete Team Member or minor athlete Team Member is. Additionally,

at no time whatsoever will a minor athlete Team Member or group of minor athlete Team Members be left in their own charge, except when in their hotel room.

- (h) **Personal activities.** Participation in activities with family or friends when those activities conflict with Team training, Team functions, or attendance at competitive sessions is not permitted.
- (i) **Team Dinners, banquets and other social occasions.** A “No Alcohol” policy will be in effect during any type of designated or impromptu Team function or socials, except those defined in 33.1(c).

### **33.8 Family Members or Friends.**

- (a) Family members or friends of a Team Member who accompany a Team to an International event will have no voice in Team matters and should not interfere in any way with Team activities, unless that person is designated as an official Team member. Violators of this provision will not be permitted to travel with an International team in the future.
- (b) At the discretion of the Team Leader, a Team Member or coach, may spend time with his/her family as long as that time spent does not impact the Team Members, training, Team responsibilities or Team functions.

### **33.9 Reports.**

All Team Members (staff and athletes) on the return trip must complete a debriefing survey. All surveys should then be forwarded to the Corporation’s National Office for review by the appropriate committee for analysis and recommendation of any necessary action.

### **33.10 FAILURE TO REPORT VIOLATION.**

Any Team Leader who fails to report a Code violation is also in violation of this Code of Conduct and subject to its penalties.

### **33.11 Team Member Agreement for Corporation Events and Competition.**

*I hereby agree to abide by the rules of conduct set forth in Article 33 above, and acknowledge that, should I violate any provision contained in Article 33, I will be subject to disciplinary action as set forth in Article 34, including, but not necessarily limited to, suspension from future domestic and international trips sponsored by the Corporation, loss of financial support, or expulsion from the Corporation.*

Date Signature of Team Member

Competition Signature of Athlete's Parent or Legal Guardian

## **ARTICLE 34 - PENALTIES FOR VIOLATIONS OF THE CODE OF CONDUCT**

### **34. 1 Introduction.**

The presumptive penalties set forth in 34.2 through 34.6 shall be presumed to be correct for violations of the provisions of Article 33, Conduct during International Events or Training Activities Conducted by the Corporation (including but not limited to the Corporation’s teams for international competition and trips taken therefore). The severity of the conduct or behavior for specific cases of wrongful conduct or violations, will define the penalty imposed. A Hearing Panel may, but is not required to, set forth its findings and reasons for any deviation. Any party may

appeal a deviation, and the Board of Review shall have appellate jurisdiction over any deviation from the presumptive penalties.

- (a) Level I and II Penalties are specific to behavior for International Events and should be imposed by the Team Leader as soon as the infraction is discovered. The remainder of the penalties may be applied to any violations of this Code of Conduct by the Vice Chair, Competitive Excellence and the Vice Chair, Administration, or by either of them with the approval of the Chair of the Board of Directors or the CEO. No suspension may be imposed without providing an opportunity for a hearing.
- (b) The imposition of any sanctions or penalties by a Hearing Panel or the Board of Review (or arbitrator) in no way limits the right of the Corporation to pursue legal remedies in civil or criminal court.

### **34.2 Level I Penalty.**

- (a) For all international competitions, the Team Member will be given a curfew for the remainder of the trip to which the athlete will have to adhere. The Team Leader will send a formal letter to the CEO with a copy to the Vice Chair, Competitive Excellence. The letter will be filed with the CEO and the Vice Chair, Competitive Excellence as a first offense.
- (b) If for any reason the athlete is found away from her/his room in violation of the curfew imposed pursuant to subparagraph (a) above, that violation will be considered a second offense and will earn a Level II Penalty; and, a formal letter detailing the nature of the offense and the penalty imposed shall accompany that athlete on the athlete's subsequent trip, at which point they would begin at Second Offense for any further violations.

### **34.3 Level II Penalty.**

A formal letter will be sent to the CEO, CCE and Board of Directors of the Corporation by the Vice Chair, Competitive Excellence setting forth the violation and penalties imposed. At the first available time following the conclusion of the trip the Team Member, his or her coach, and the CCE will have a conference telephone call to discuss the violation and steps that may be taken to prevent another violation. If a Team Member or coach refuses to participate or refuses to agree to reasonable times, then the Vice Chair, Competitive Excellence shall set the date and time for the telephone conference, provide notice to all concerned and the Team Member and coach shall be bound by any decisions made.

- (a) A Team Member must select:
  - (i) To forfeit the next international trip for which he/she is selected or qualified, or
  - (ii) To personally pay all of the expenses and costs of the trip in advance and will receive no per diem. These sanctions are in addition to the steps required as the result of the telephone conference under (a) above.

### **34.4 Level III Penalty.**

- (a) Any Team Member in violation will be suspended from all international competition for six months and will forfeit any current and/or future financial support for the term of the suspension. Suspension will begin at the time the Corporation notifies the Team Member.
- (b) For a Team Member under the age of 18, the Team Member will be sent home immediately from the competition at the parents' expense. If not possible, the Team Member will be benched for the remainder of the meet and placed under such curfew as the Team Leader shall determine. Notwithstanding the provisions of subparagraph (a) above, a Team Member under the age of 18 will also not be eligible for the next international age group meet for

which he/she qualifies.

#### **34.5 Level IV Penalty.**

A violation will result in disqualification from acting as a coach, instructor or in any other non-athlete capacity at any Corporation-sponsored camp, clinic, or domestic or international competition for one year.

#### **34.6 Level V Penalty.**

A violation will result in a suspension from all national and international competition for one year.

#### **34.7 Level VI Penalty.**

The penalties set forth in 23.2 of these Bylaws are applicable to all members of the Corporation for violations of this Code of Conduct.

- (a) Successive violations of the same provisions of this Code of Conduct are cumulative and may lead to a more severe level of penalty. A single act may lead to the violation of more than one provision of this Code of Conduct and, therefore, the assessment of more than one level of penalty. Where violation of multiple provisions of this Code of Conduct include suspension for a period of time, it is the presumption that the suspensions will be served concurrently, not consecutively, unless it is determined that the acts warranting the suspension are of such a nature that application of consecutive suspensions is warranted (for example -- intentional acts, acts of theft or dishonesty, drug or weapon possessions in violation of law or policy of the Corporation, violence or abusive misconduct).

#### **34.8 Additional Actions to Address Unethical Behavior.**

- (a) Without regard to the institution of a Board of Review proceeding, in response to either a formal complaint or circumstances that create the appearance of impropriety, the CEO or the Chair of the Board of Directors, may issue:
  - (i) A letter reminding the offending member of the requirements of this Code of Conduct;
  - (ii) A private letter of reprimand;
  - (iii) A letter of reprimand with a requirement of corrective action;
  - (iv) A public letter of censure; or
  - (v) The CEO or the Chair of the Board of Directors may request that the Board of Directors issue a private reprimand or public censure.

Any of the actions listed above may be taken in addition to the sanctions provided in 23.2. A Respondent may appeal any sanction under this section to the Board of Review