

APPENDIX Q

ATHLETE SAFETY POLICY (Revised by Board of Directors – January 30, 2022)

Amendments to this Appendix Q are the responsibility of the Board of Directors.

INTRODUCTION

USA Artistic Swimming (“USAAS”) is committed to providing a safe environment for its members, athletes, coaches, officials, volunteers and employees. USAAS advocates building strong self-images among youth participants, strives to promote good sportsmanship throughout the organization, and encourages qualities of mutual respect, courtesy, and tolerance. When any member, athlete, coach, official, volunteer or employee is subjected to physical, sexual, emotional or verbal abuse or harassment, it undermines the mission and values of USAAS.

USAAS, as a recognized National Governing Body (“NGB”) by the United States Olympic and Paralympic Committee (“USOPC”), is under the jurisdiction of the U.S. Center for SafeSport and subject to the U.S. Center SafeSport Code for the Olympic and Paralympic Movement. The U.S. Center for SafeSport, the USOPC and federal legislation all promote policies and procedures to safeguard amateur athletes and this policy reinforces those principles by providing specific application for USAAS.

The USAAS Athlete Safety Policy (Appendix Q) and the USAAS Minor Athlete Abuse Prevention Policy (“MAAPP”) work in concert to forward the organization’s commitment to the prevention and education efforts aimed at creating an environment free of emotional, physical and sexual misconduct and abuse, and to ensure effective and prompt resolution upon the allegation of misconduct and/or abuse.

The U.S. Center for SafeSport has the exclusive authority to investigate and resolve conduct involving (a) sexual misconduct and (b) Prohibited Conduct, as defined in Article 4 below, that is reasonably related to the underlying allegation of sexual misconduct. The U.S. Center for SafeSport also has discretionary authority over other alleged violations of any Prohibited Conduct under the U.S. Center SafeSport Code as well as alleged violations of the MAAPP. USAAS and its Participants (as defined in Section 1.01 A below) shall not interfere in, attempt to interfere in, or attempt to influence the outcome of any U.S. Center for SafeSport investigation, USOPC investigation and/or the investigation by law enforcement.

This Appendix Q, in addition to other USAAS policies, are included in the [USA Artistic Swimming Rulebook](#).

Nothing contained in this Appendix Q is intended to supersede, replace, or otherwise invalidate the Ted Stevens Olympic and Amateur Sports Act, or the U.S. Center SafeSport Code for the U.S. Olympic and Paralympic Movement and/or any applicable federal and state laws on the mandatory reporting of child abuse or sexual misconduct.

ARTICLE 1

1.01 Participants:

- A. This Appendix Q applies to those individuals defined as Participants by the U.S. Center SafeSport Code. Specifically, this Appendix Q applies to the following individuals (“Participants”):
1. USAAS Employees;
 2. Members of the Board of Directors;
 3. Contractors;

4. All National Team Coaches, contractors, chaperones, and volunteers who have regular contact with, and/or authority over, athletes;
 5. All National Talent, Olympic Development and Elite Camp Coaches, contractors, chaperones, and volunteers who have regular contact with, and/or authority over, athletes;
 6. All National Team athletes currently listed in the U.S. Anti-Doping Agency (“USADA”) Registered Testing Pool;
 7. All Athletes (eighteen [18] years of age and older) who practice or compete with minor age athletes;
 8. All members (eighteen [18] years of age and older) serving on all USAAS committees, subcommittees and boards;
 9. All USAAS Member Club board members, employees, contract coaches, chaperones, support staff, and volunteers who have regular contact with, and/or authority over, athletes. This includes, but is not limited to, Dance, Acrobatics, Flexibility, Swimming Staff, etc. at any national or local training facility);
 10. All officials (Levels 1 through FINA “A” & Emeritus);
 11. All staff, including coaches, managers, chaperones and adults who have regular contact with, and/or authority over, athletes while traveling with athletes to national, regional and local events or for the Club Option, Private Invitation, or International Club Exchange (“ICE”) Programs. Excludes adults traveling only as fans;
 12. All Life and Professional members who have regular contact with, and/or authority over, athletes or are eighteen (18) years of age or older and train with minor age athletes.
- B. Exception: In limited circumstances, USAAS may determine an individual(s) otherwise meeting the definition of Participant in Section 1.01 A above, will not be deemed to be a Participant(s).**

1.02 Dual Jurisdiction: A USAAS Participant may also be identified as a USOPC Participant (at a USOPC Sponsored or Delegation Event) and subject to the USOPC Athlete Safety Policy and other applicable policies of the USOPC.

ARTICLE 2

2.01 **Jurisdiction:**

- A. Coverage:** For the purposes of this Appendix Q, USAAS shall have jurisdiction to investigate and resolve allegations of Prohibited Conduct, as defined in Article 4 below, that are not within the U.S. Center for SafeSport’s jurisdiction (exclusive and discretionary) and that are not related to a matter wherein the USOPC asserts jurisdiction.
- B. Relevant Organizational Policies:** Allegations against USAAS employees may be addressed through the USAAS’s employment policies and procedures and may also be addressed according to Appendix Q. In addition, USAAS may address violations of this Appendix Q by all Participants under other relevant organizational policies (i.e., USAAS Code of Ethics, Appendix P).

ARTICLE 3

3.01 **Prevention Policies:**

- A. Minor Athlete Abuse Prevention Policies:** USAAS recognizes additional safeguards are paramount to the wellbeing of minor athletes. As such, USAAS has formally adopted MAAPP and all USAAS Participants are subject to its requirements. The MAAPP policy can be found at <https://www.teamusa.org/usa-artistic-swimming/safesport>.

- B. Education and Training:** USAAS requires that all Adult Participants remain current with the required training outlined in Part I of the MAAPP. This includes, but is not limited to, the following:
1. **SafeSport Trained Core Course:** Required for all Adult Participants:
 - a. before regular contact with an athlete and within the first forty-five (45) days of either initial membership; or
 - b. upon beginning a new role subjecting the individual to the MAAPP; and
 - c. every fourth (4th) year.

Exception: Adult Participants who are recognized by USAAS as USAAS medical providers may elect to take the Health Professionals Course in lieu of the SafeSport Trained Core Course.
 2. **Refresher Training:** Required for all Adult Participants on an annual basis, beginning the calendar year after completing the SafeSport Trained Core Course as required in 3.01 B.1 above.
 3. **Minor Training:** USAAS will, on an annual basis and subject to parental consent, offer and provide training to Participants who are minors, on the prevention and reporting of child abuse.
 4. **Parent Training:** USAAS will, on an annual basis, offer and provide training to parents of minors, on the prevention and reporting of child abuse. USAAS shall track:
 - a. a description of the training(s);
 - b. the date the training(s) was offered and provided; and
 - c. a description of how the training(s) was offered and provided.
- C. Exemption for Survivor:** Exemptions from the education and training requirements may be made on a case-by-case basis for victims/survivors. Request may be made directly to the U.S. Center for SafeSport, via email at exemptions@safesport.org, or to USAAS Athlete Safety Manager via email at USAASsafesport@usaartisticswim.org.
- D. Modifications:** USAAS will work with individuals with disabilities and individuals with limited English proficiency on a case-by-case basis to satisfy these education and training requirements.
- E. Tracking Requirements:** USAAS will track all education and training requirements and perform periodic checks to ensure compliance with this Appendix Q.

ARTICLE 4

4.01 **Prohibited Conduct:**

USAAS will not accept or tolerate misconduct in any form by, or directed toward, any USAAS Participant, parent, spectator or other person while participating in or preparing for activities or events conducted under the protection and support of USAAS. Participants are prohibited from engaging in conduct (or failing to report such conduct and/or abuse) identified in this Section 4.01 as Prohibited Conduct.

- A. Violations of the U.S. Center SafeSport Code:** USAAS adopts and incorporates herein the definitions of Prohibited Conduct, as defined in the U.S. Center SafeSport Code.
- B. Violation of MAAPP:** Participants are prohibited from violating MAAPP.
- C. Violation of USAAS' Process:** Participants are prohibited from engaging in Prohibited Conduct as it relates to USAAS processes such as, but not limited to, failing to make a required report in accordance with this Appendix Q, as well as the Whistleblower and Anti-Retaliation Policy (Appendix S).

ARTICLE 5

5.01 **Reporting Allegations of Prohibited Conduct:**

USAAS recognizes it may be difficult for an athlete, teammate, co-worker, friend or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. The reporter's critical role is simply to report the allegation to the appropriate entity(ies). It is not the reporter's responsibility to evaluate the credibility of the

allegation, gather additional information or investigate the incident. Individuals needing assistance with reporting or having questions about appropriate reporting protocol should contact the USAAS Athlete Safety Manager.

5.02 Mandatory Reporter Designation: Adult Participants are mandatory reporters and must report suspicions or allegations of Prohibited Conduct as directed in Section 5.03 below.

5.03 Reporting Protocol:

A. Reporting Sexual Misconduct and Child Abuse: Allegations of child abuse, including physical or sexual abuse, or neglect, must be reported to law enforcement and the U.S. Center for SafeSport immediately (within twenty-four [24] hours). Other allegations of sexual misconduct **must be reported to the U.S. Center for SafeSport.**

1. U.S. Center for SafeSport:

Phone: (720) 531-0340

Reporting: <https://uscenterforsafesport.org/report-a-concern/>

2. Law Enforcement:

If an Adult Participant learns of information and reasonably suspects that a minor has suffered an incident of child abuse (to include neglect, physical, emotional, and sexual abuse) they **must** report this to law enforcement (or in some states child protective services) **and** the U.S. Center for SafeSport **immediately (within twenty-four [24] hours)**. Filing a report with the U.S. Center for SafeSport does not satisfy the reporting requirement to law enforcement. Information on reporting to law enforcement/child protective services can be found at: <https://www.childwelfare.gov/topics/responding/reporting/how/>.

Adult Participants shall comply with any applicable state laws on the mandatory reporting of child abuse or sexual misconduct.

- Individuals reporting to law enforcement are encouraged to request, retain and provide to the U.S. Center for SafeSport, the applicable case identification number, investigator name and/or contact information, if available.

B. Reporting Emotional, Physical, other Prohibited Conduct and MAAPP Violations:

1. Adult Participants should promptly report allegations of emotional, physical or other Prohibited Conduct and allegations of MAAPP violations by providing as much relevant information as possible (i.e., reporting parties name and contact information, alleged misconduct/concern, date of incident, location of incident, individuals involved and their roles, ages and contact information, if known, including potential bystanders/witnesses) and send any relevant documentation to USAAS:

Phone: (719) 866-2219

Email: USAASsafesport@usaartisticswim.org

In Person: USAAS Athlete Safety Manager

2. If an allegation of sexual misconduct or child abuse is received by the USAAS Athlete Safety Manager, the matter will be referred to the appropriate law enforcement or child protective entity and the U.S. Center for SafeSport immediately (within twenty-four [24] hours).

3. Nothing precludes an individual from reporting emotional, physical and/or other Prohibited Conduct or violations of MAAPP to the U.S. Center for SafeSport. If the reporter has a specific concern, such as a conflict of interest, the individual is encouraged to note their concern on the incident report form. If the U.S. Center for SafeSport does not assume jurisdiction, it has a process to route the allegation to the appropriate entity for review, response and resolution.

C. Survivor Exception: Nothing in this Appendix Q requires a victim/survivor of child abuse or other misconduct to self-report.

- D. **Anonymous Reporting:** Reports may be made anonymously. However, it does not mean that the underlying information will be protected; reporting anonymously may limit USAAS' ability to investigate and respond to a report.
- E. **Fees:** No direct fees or other costs are involved in making a report.
- F. **Escalation of Reports:** If an individual feels USAAS has failed to act upon the information reported, not managed the matter appropriately or feels there is an inherent conflict of interest in reporting the matter to the USAAS Athlete Safety Manager, the individual may escalate these concerns to the USAAS Executive Director. If an individual feels that there is a conflict of interest in reporting the matter to the USAAS Executive Director or that the USAAS Executive Director has been unresponsive to their inquiry, the individual may escalate the matter to the USAAS President.

5.04 Whistleblower Protection: Regardless of outcome, USAAS will support the reporting party and their right to express concerns in good faith. USAAS will not encourage, allow, or tolerate attempts from any individual or group of individuals to retaliate, punish, allow or in any way harm any Protected Individual(s) who reports a concern in good faith. This applies to the complainant and other Protected Individuals before, during, and after the process of resolving an abuse or misconduct allegation whether led by USAAS, U.S. Center for SafeSport or USOPC. Such actions will be considered a violation of the USAAS Whistleblower and Anti-Retaliation Policy (Appendix S).

ARTICLE 6

6.01 Response and Resolution:

Refer to USAAS Administrative Rule Article 24.

- A. The U.S. Center for SafeSport has the exclusive authority to investigate and resolve conduct involving sexual misconduct, child abuse and Prohibited Conduct under the U.S. Center SafeSport Code that is reasonably related to the underlying allegation under its exclusive authority. Exclusive authority means only the U.S. Center for SafeSport will investigate and manage any related resolution or arbitration involving sexual misconduct or child abuse, and USAAS will not conduct its own investigation or arbitration with respect to possible sexual misconduct or child abuse, except as otherwise provided.
- B. USAAS will promptly inform an identified reporting party of its jurisdictional determination by communicating that the matter is being:
- referred to the U.S. Center for SafeSport;
 - addressed by USAAS;
 - referred to the USOPC, law enforcement; and/or
 - referred to a local affiliated organization.
- C. USAAS will promptly and thoroughly investigate any and all allegations of misconduct (except for reports of sexual misconduct or child abuse as outlined in Section 6.01 A above) in matters that are within its jurisdiction. On the written request of USAAS or the USOPC, the U.S. Center for SafeSport may, in its discretion, accept authority over alleged violations of any Prohibited Conduct under the U.S. Center SafeSport Code. If the U.S. Center for SafeSport accepts jurisdiction over a matter, then that matter shall fall under its exclusive authority.
- D. If USAAS determines that any Participant (as defined in Section 1.01 A above) has engaged in any Prohibited Conduct, the Participant will be subject to appropriate disciplinary action, up to and including immediate termination of any contractual relationship, decertification or expulsion from the membership of the organization.
- E. USAAS cannot guarantee complete confidentiality of complaints. However, USAAS shall strive to ensure that all complaints are handled in a manner that, to the greatest degree possible, protects the rights of all parties.
- F. When necessary and appropriate, this information shall be communicated to the appropriate authorities for investigation and should be reviewed by appropriate officials, whose response shall include timely notification of such allegations to the alleged offender.

- G. Any Participant accused of a violation of the U.S. Center SafeSport Code or this Athlete Safety Policy may be temporarily suspended at any time by the Executive Director, in consultation with the USAAS President, until or while the matter is investigated and resolved. A Participant may apply to have a suspension lifted or, if applicable, to be reinstated within the organization, according to USAAS Administrative Rules, Article 24, Section 24.07 B. Reinstatement is not a right, and no assurance is made that the Participant will be reinstated to their former position.
- H. Any Participant or member organization that fails to appropriately report, who makes a false report, or who threatens retaliation or reprisal against an individual for reporting Prohibited Conduct will be subject to discipline or other action as may be within the jurisdiction of USAAS.
- I. USAAS will reflect and enforce any sanction, whether temporary or permanent, imposed on a Participant by the U.S. Center for SafeSport or the USOPC.

ARTICLE 7

7.01 Background Check Policies and Disqualification from Service:

In an effort to further foster a safe environment, USAAS is subject to, and will fully comply with, the USOPC’s Responsible Sport Organization Background Check Policy (“USOPC RSO Policy”). As such, USAAS requires criminal background screening as follows.

It is the policy of USAAS that it will not authorize or sanction the participation of any individual who has regular contact with, and/or authority over, athletes, if the individual refuses to consent to a background check by USAAS before they are allowed to have access to athletes in USAAS programs that it directly controls. Further, it is the policy of USAAS, that it will require its affiliates to adopt this policy as a condition of their affiliation with USAAS. Background checks listed herein may also be applied to Appendix P.

A. Background checks are required for all USAAS Participants listed in Section 1.01 A above. Parental consent is required for minors under eighteen (18) years of age.

- B. USAAS requires background checks be completed by the earlier of:
 1. before contact with athlete(s) begins; or
 2. within the first forty-five (45) days of initial membership or upon beginning a new role subjecting the individual to this policy.

Full background checks are valid for two (2) years. A supplemental background check will be conducted in the off years utilizing the supplemental background check search components identified in the USOPC RSO Policy. USAAS recommends reapplying prior to the expiration of the current background check.

- C. Criminal offenses that will trigger a “Red Light” report through the USAAS approved background check company, National Center for Safety Initiatives (“NCSI”), are as follows:

1. National Council of Youth Sports (“NCYS”) Standards
2. USOPC Standards

Both of these standards can be found in their entirety on the USAAS website at <https://www.teamusa.org/usa-artistic-swimming/resources/safesport>.

- D. Consistent with USAAS Background Red Light Procedure, the USAAS Ethics Committee will review and assess all background check reports flagged as a “Red Light” and will determine the eligibility and right to participate of any individual who has received a “Red Light” background check report. The USAAS Background Red Light policy can be found at: <https://www.teamusa.org/usa-artistic-swimming/resources/safesport>.

1. Any individual with an offense that triggers a “Red Light” report shall receive directions on how to question or challenge the report from NCSI.
2. If the individual fails to contact NCSI, that individual’s background check report will be finalized and the results will be provided to USAAS.

- E. Individuals subject to background checks under this section have an affirmative duty to disclose their criminal history to USAAS. Failing to disclose or intentionally misrepresent an arrest, pending charge, conviction, admission of guilt, a plea to the

charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication or similar arrangement, is grounds for disciplinary action, regardless of when the offense is discovered or occurred. An individual also has an affirmative duty to disclose a pending outcome, confirmed violation, suspension or other sanction stemming from any SafeSport-related matter. In such an event, the individual must notify USAAS in writing and within twenty-four (24) hours.

- F. In addition to the above, any individual, club or Association who has been party to, or has knowledge of, any degrading, hazing or initiation rite, without reporting it or taking action, shall be subject to suspension from participating, or holding office with any Team, club or Association that is a member of, or affiliated with, USAAS.

ARTICLE 8

8.01 Compliance:

- A. USAAS tracks Participants' compliance to its Athlete Safety Policy on a periodic basis.
- B. All Participants who are not compliant with education and training and Background Check requirements will hold a suspended membership until all requirements are completed.

8.02 USOPC's NGB Athlete Safety Policy: Full compliance with the USOPC's NGB Athlete Safety Policy is required, including but not limited to, the following notification requirements:

- A. Compliance with the USOPC's NGB Athlete Safety Policy, Section 3.2: USAAS will notify the USOPC's Security and Athlete Safety Office as soon as possible (within twenty-four (24) hours) after learning of an allegation of Prohibited Conduct that occurred at an Olympic and Paralympic Training Center ("OPTC"), a USOPC Sponsored Event, or at any third-party sponsored event to which the USOPC sends a delegation ("USOPC Delegation Event"). Any temporary measure(s) imposed by USAAS and/or the U.S. Center for SafeSport in response to an allegation must be included in the required notification.
- B. Compliance with the USOPC's NGB Athlete Safety Policy, Section 3.3: USAAS will notify the USOPC's Security and Athlete Safety Office as soon as possible (within twenty-four (24) hours) of imposing its own or being notified of a U.S. Center for SafeSport imposed sanction(s) and/or temporary measure(s), affecting Participants who the USAAS knows, or reasonably expects, to:
- be nominated for or selected as a Participant to a USOPC Delegation Event;
 - be a Participant at a USOPC Sponsored Event;
 - have access to an OPTC; and/or
 - receive a benefit and/or service from the USOPC as outlined in the USOPC Athlete Safety Policy.

The USOPC Athlete Safety policy can be found at <https://www.teamusa.org/team-usa-athlete-services/safe-sport>