

# APPENDIX P

## CODE OF ETHICS

Amendments to this Appendix P are the responsibility of the USAAS Board of Directors.

### INTRODUCTION

USA Artistic Swimming (“USAAS”) is recognized by the United States Olympic and Paralympic Committee (“USOPC”) as the National Governing Body (“NGB”) for the sport of artistic swimming and by World Aquatics (“AQUA”, formerly known as the Federation Internationale de Natation “FINA”) as a constituent member of United States Aquatic Sports (“USAS”) for participation in the Olympic Games.

The mission of USAAS is to lead in the advancement of artistic swimming by empowering athletes to achieve competitive success, uniting our community and inspiring our members to pursue lifelong excellence and involvement in the sport.

USAAS is inspired by the following ideals in all sport contexts. Our values guide our behaviors:

- Excellence through consistently high standards and expectations.
- Creativity through imaginative and bold action.
- Integrity through honesty and respect for fair play.
- Teamwork through coordinated effort to utilize individual capabilities.
- Empowerment through personal and institutional responsibility.

USAAS grants the privilege of membership and/or affiliation with USAAS to individuals and organizations committed to its mission. The privilege of membership and/or affiliation with USAAS may, therefore, be withdrawn by USAAS at any time where USAAS determines that a member's conduct is inconsistent with the mission of the organization or the best interest of the sport and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 artistic swimming, USAAS has adopted this Code of Ethics (Appendix P). The Code of Ethics is not intended to establish a set of rules that will, by inclusion or exclusion, prescribe the appropriate behavior for USAAS members in every aspect of their participation in the sport. Rather, the Code of Ethics offers general principles to guide the conduct, and the judicious appraisal of conduct, of all USAAS members (including employees and agents of USAAS) in situations that have ethical implications.

The Code of Ethics cannot further ethical conduct in the sport of artistic swimming; that can only come from the personal commitment of the participants in the sport to behave ethically. The Code of Ethics is offered to guide and to affirm the will of all of USAAS members to safeguard the best interests of the sport by acting ethically at all times.

### ARTICLE 1

#### ELEMENTS OF THE CODE OF ETHICS

**1.01 Protected Individual(s):** This Appendix P applies to the following individuals (“Protected Individual(s)”):

- A. USAAS Employees;
- B. Members of the USAAS Board of Directors (“Board of Directors”);

- C. USAAS Members;
- D. USAAS Committee Members;
- E. Volunteers;
- F. Contractors; and
- G. Associated Individuals.

**Note:** Applicable to USAAS Athlete Representatives serving in one (or more) of the above-mentioned categories.

## 1.02 Participant Obligations:

- A. Protected Individuals shall:
  - 1. Comply with the Athlete Safety Policy (Appendix Q).
  - 2. Comply with 36 U.S. Code Section 220524(a)(10) of the Ted Stevens Olympic and Amateur Sports Act (“Act”) that “prohibits any individual who is an employee, member or contractor of USAAS from assisting a member or former member in obtaining a new job (except for the routine transmission of administrative and personnel files) if the individual knows that the member or former member:
    - a. violated the policies or procedures of the U.S. Center for SafeSport related to sexual misconduct and/or;
    - b. was convicted of a crime involving sexual misconduct with a minor in violation of applicable law or the policies or procedures of the U.S. Center for SafeSport.”
  - 3. Comply with all anti-doping rules of the:
    - World Anti-Doping Agency (“WADA”);
    - AQUA;
    - USOPC including, but not limited to, the USOPC National Anti-Doping Policy, the U.S. Anti-Doping Agency (“USADA”), including the USADA Protocol for Olympic and Paralympic Movement Testing (“USADA Protocol”) and all other policies and rules adopted by WADA, AQUA, USOPC and USADA.
  - 4. Submit to drug testing. Athlete Protected Individuals agree to submit to drug testing by AQUA and/or USADA (or their designees) at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make the Athlete Protected Individuals subject to penalties including, but not limited to, disqualification and suspension. If it is determined that an Athlete Protected Individual may have committed a doping violation, the Athlete Protected Individual agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of AQUA, if applicable, or referred by USADA.
- B. Protected Individuals are obligated to support the mission and values of the organization. It is inconsistent with this obligation for any Protected Individual to:
  - 1. Fail to follow the safety guidelines established by USAAS or otherwise knowingly subject a Protected Individual to unreasonable physical or emotional risk.
  - 2. Engage in conduct that is unfair including, in particular, attempting to injure, disable or intentionally interfere with the preparation of an Athlete Protected Individual.
  - 3. Engage in conduct that is abusive toward another Protected Individual. USAAS recognizes that the process for training and motivating Athlete Protected Individuals will vary with each coach and each athlete. It is nevertheless incumbent on everyone involved in the sport to support the development and use of motivational and training methods that avoid conduct that is abusive.

4. Discriminate in the provision of resources or opportunities to any Protected Individual or prospective member on the basis of race, ethnicity, culture, religion, sex (including gender identity, sexual orientation or pregnancy), age, family status, socio-economic status, geographical location, nationality, body shape, beliefs, mental or physical ability or other defining characteristics. Refer to Appendix T.
5. Attempt to intimidate, embarrass or improperly influence any Protected Individual responsible for judging or administering a competition.
6. Engage in business practices directed toward another Protected Individual which are determined by a court or other similar adjudicatory body to be unethical, illegal or a breach of contract.
7. Fail to comply with the following:
  - The Act;
  - USOPC By-Laws, Policies and Procedures;
  - USAAS Code, Policies and Procedures;
  - State and Federal Laws;
  - U.S. Center for SafeSport Policies and Procedures;
  - USADA Policies and Procedures; and
  - The Olympic Movement Code on the Prevention of the Manipulation of Competitions.

### **1.03 Participation:**

Any USAAS activity or event should be open to any Protected Individual properly qualified under the rules of that activity or event, and every Protected Individual participating in a USAAS activity or event has an obligation to participate to the best of their abilities. It is inconsistent with this obligation for any Protected Individual to:

- A. Restrict the ability of a Protected Individual to qualify for or participate in competition because of the Protected Individual's association with a particular organization or individual or because of that Protected Individual's race, ethnicity, culture, religion, sex (including gender identity, sexual orientation or pregnancy), age, family status, socio-economic status, geographical location, nationality, body shape, beliefs, mental or physical ability, or other defining characteristics.
- B. Participate as a judge, coach, athlete or administrator in any activity where that judge, coach or athlete is inadequately prepared, unable to participate or fails to participate to the best of their ability.
- C. Engage in behavior which is so disorderly or inappropriate as to interfere with the orderly conduct of the activity or other Protected Individuals' participation in, or enjoyment of, the activity.
- D. Restrict the ability of a Protected Individual to protest social injustice in a peaceful and respectful manner (that does not bring physical harm to property or others) at an event.

### **1.04 Responsibility:**

Protected Individuals have a responsibility to the sport of artistic swimming and the rules and regulations that govern it. It is inconsistent with this obligation for any Protected Individual to:

- A. Knowingly misrepresent the policies or actions of USAAS or its authorized representatives.
- B. Fail to follow the established procedures for challenging a competitive result, contesting a Team selection decision, complaining about the conduct of another Protected Individual or attempting to reverse a policy adopted by USAAS.
- C. Breach the duty to maintain appropriately established confidences of USAAS or its Protected Individuals.

- D. Misrepresent oneself as someone else when engaging in training or testing, whether in person or on-line.

### **1.05 Communication:**

Protected Individuals have a duty to communicate honestly and openly with the organization and its Protected Individuals. It is inconsistent with this obligation for any Protected Individual to:

- A. Misrepresent competitive achievements, professional qualifications, education, experience, eligibility, criminal record or affiliations.
- B. Knowingly disseminate false or misleading information about another Protected Individual.
- C. Withhold from Athlete Protected Individuals information or resources likely to enhance the Athlete Protected Individuals' enjoyment of the sport or reduce their risk of injury or illness.
- D. Fail to consult with or inform fully the Athlete Protected Individual or the Athlete Protected Individual's parents about opportunities made available to the Athlete Protected Individual involving competitions, commercial activities or recognition.
- E. Misrepresent the nature or extent of an injury in order to decline an invitation to participate in or withdraw from a competition assignment, training camp or other similar activity.
- F. Misrepresent the nature or extent of an injury in order to participate in (or cause an Athlete Protected Individual to participate in) a competition, training camp or other similar activity when such participation is inconsistent with the appropriate medical response to the injury.
- G. Misuse social media and/or digital platforms to the detriment of another Protected Individual.

### **1.06 Alcohol and Drug Abuse:**

Protected Individuals shall ensure that the sport is conducted in an environment free of drug or alcohol abuse. It is inconsistent with this obligation for any Protected Individual to:

- A. Use or provide to a third party any drug proscribed by applicable federal, state or municipal law.
- B. Assist or condone any competing Athlete Protected Individual's use of a drug banned by the:
  - International Olympic Committee ("IOC");
  - WADA;
  - AQUA;
  - USADA;
  - USAAS; or
  - National Collegiate Athletic Association ("NCAA"), or,in the case of Athlete Protected Individuals, to use such drugs or refuse to submit to properly conducted drug tests administered by one of those organizations.
- C. Provide alcohol to, or condone the use of alcohol by, minors, abuse alcohol in the presence of Athlete Protected Individuals or at USAAS activities or, in the case of Athlete Protected Individuals, consume alcoholic beverages while a minor.
  - **Note:** Reporting allegations of Prohibited Conduct as defined in the Athlete Safety Policy (Appendix Q) should follow the reporting requirements and procedures as outlined in Appendix Q. Athlete Safety violations may be reported anonymously and must be reported within twenty-four (24) hours after the participant becomes aware of the facts giving rise to the concern.

### **1.07 Criminal Conduct:**

Protected Individuals are expected to comply with all applicable criminal codes. This obligation is violated by any Protected Individual who has been convicted of or has entered a plea of guilty or no contest to a criminal charge or indictment involving sexual misconduct, child abuse or conduct that is a violation of a law specifically designed to protect minors. Depending on the nature of the crime, this obligation may be violated by any Protected Individual who has been convicted of or has entered a plea of guilty or no contest to any felony charge or indictment involving conduct other than that specifically described above.

- **Note:** Reporting allegations of Prohibited Conduct as defined in the Athlete Safety Policy (Appendix Q) should follow the reporting requirements and procedures as outlined in Appendix Q. Athlete Safety violations may be reported anonymously and must be reported within twenty-four (24) hours after the participant becomes aware of the facts giving rise to the concern.

### **1.08 Sexual Misconduct:**

Non-athlete Protected Individuals must protect the integrity of the sport and the interests of the Athlete Protected Individuals they serve by avoiding sexual relationships with Athlete Protected Individuals.

- **Note:** Reporting allegations of Prohibited Conduct as defined in the Athlete Safety Policy (Appendix Q) should follow the reporting requirements and procedures as outlined in Appendix Q. Athlete Safety violations may be reported anonymously and must be reported within twenty-four (24) hours after the participant becomes aware of the facts giving rise to the concern.

### **1.09 Conflict of Interest:**

Protected Individuals are responsible for disclosing both actual and perceived conflicts of interest in the conduct of business on behalf of the organization.

### **1.10 Confidentiality:**

Protected Individuals are responsible to retain the confidentiality in the conduct of business on behalf of the organization.

## **ARTICLE 2**

### **ENFORCEMENT OF THE CODE OF ETHICS**

**2.01** Compliance with the Code of Ethics depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peers, and, when necessary, upon enforcement through disciplinary action.

Any individual who believes that a Protected Individual has failed to meet their obligations under the Code of Ethics is, under all but the most egregious circumstances, encouraged to first address that concern directly to that Protected Individual. If that action does not result in a satisfactory resolution, the Protected Individual shall file a grievance with the USAAS Executive Director (“Executive Director”) (ceo@usaartisticswim.org), or with the USAAS President (“President”) (president@usaartisticswim.org), who shall process the grievance in accordance with the USAAS Grievance Procedures (Appendix K).

- A. When a grievance is determined to be the authority of the USAAS Ethics Committee, the USAAS Ethics Committee may, upon review of the grievance:
  1. Determine that the grievance does not merit further action; or
  2. Inform the Executive Director, President and/or Board of Directors that the grievance should be referred to another USAAS committee, Local Artistic Swimming Committee (“LASC”) or Zone Artistic Swimming Committee (“Zone”) Review Board for action; or

3. Begin an investigation by opening a case file.
- B. Upon review of the USAAS Ethics Committee’s report and recommendation, the Executive Director, President and Board of Directors shall determine the final outcome and decision of the grievance.

## **2.02 No Retaliation:**

- A. 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 a grievance. Such actions will be considered a violation of the USAAS Whistleblower and Anti-Retaliation Policy (Appendix S).
- B. Pursuant to Section 220501(b)(11) of the Act, “any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including, but not limited to, removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a Protected Individual as a result of any communication including, but not limited to, the filing of a formal complaint by the Protected Individual, or a parent or legal guardian of the Protected Individual, relating to the allegation of physical abuse, sexual harassment and/or sexual misconduct, or emotional abuse, or other reported alleged violation with:
  - the U.S. Center for SafeSport;
  - a coach, trainer, manager, administrator or official associated with USAAS;
  - the U.S. Attorney General;
  - a Federal or State law enforcement authority;
  - the Equal Employment Opportunity Commission; or
  - Congress.”
- C. USAAS may not retaliate against an employee or contractor with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights including, but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments.
- D. No action, or threat of action, shall be taken against an Athlete Protected Individual as a reprisal for disclosing information to, or seeking assistance from, the USOPC Office of the Athlete Ombuds as outlined in Section 220509(b)(5) of the Act.

## **2.03 Points of Contact and Resources:**

- A. Protected Individuals in need of further information, guidance and/or the enforcement thereof, in relation to this Appendix P, may contact the Executive Director at:

**Phone:** (719) 866-2219

**Email:** ceo@usaartisticswim.org

- B. In addition, the USOPC Ethics and Compliance team may serve as a secondary resource for questions or concerns regarding this Appendix P. The USOPC Ethics and Compliance team may be contacted at:

**USOPC Integrity Hotline:** (877) 404-9935

**USOPC Integrity Portal:** <https://usopc.ethicspoint.com>

- C. **USOPC Athlete Ombuds Assistance:**

The USOPC Athlete Ombuds (“Athlete Ombuds”) provides cost-free, independent and confidential advice regarding athlete rights; resolving disputes or grievances; and any

sport rule, policy, or process, including USAAS-athlete agreements, codes of conduct or Team selection procedures. The Athlete Ombuds can also help athletes connect with legal counsel or mental health resources, if needed. The Athlete Ombuds may be contacted at:

**Phone:** (719) 866-5000

**Email:** [ombudsman@usaathlete.org](mailto:ombudsman@usaathlete.org)

**Website:** [www.usathlete.org](http://www.usathlete.org)