

Report of the Sexual Misconduct Task Force

PVS Board Meeting

December 13, 2010

On November 18, 2010 a steering committee meeting of the Sexual Misconduct Task Force was held to review possible content and the manner in which educational modules can be prepared and made available to all member clubs and their coaches through the PVS website and otherwise. Attending the meeting were Art Davis, Chair, David Deitch member, and General Chair of PVS Greg York. The initial focus of the modules would be to cover “best practices.”

USAS through club development has just released a document on model travel policies, for clubs to adopt, which incorporates athlete protection guidelines.

Clubs should keep in mind provisions that relate to insurance benefits that flow from membership in USAS including coverage for allegations of sexual misconduct. Thus while best practices guidelines may often focus on the interaction between the coach, in that individual role, and the athlete and avoiding problems, the following should also be considered.

[This focuses on coaches who are paid as independent contractors. You may end up with a variety of problems if you so choose. First you would have to have internal policies dealing with oversight and who is responsible for interaction with the athletes and you would need to convey that accurately to parents when they register their kids. So if you are trying to save a few dollars on taxes and other costs with this decision you need to play out what would happen if a sexual misconduct allegation or other allegation involving liability is made involving that coach.]

In order for USA Swimming Insurance coverage to be in full force and effect for a team, all three of the following conditions must be met:

1. The club is a member in good standing of USA Swimming.
2. All participants swimming for the club are athlete members of USA Swimming.
3. All coaches are coach members of USA Swimming with current certifications, education and background checks. Any type of coaching, including, but not limited to, swimming and dry land training, must be provided by a registered USA Swimming member coach. USA Swimming provides no insurance coverage for an individual or entity which provides services on a fee for service basis. This means that if you are treating your coaches as independent contractors (rather than as employees) they must be insured for negligence/liability on their own—and you should ask for proof of that-- or you could have a problem if an allegation is made against that coach because at the least the USAS insurance policy won't pay to defend.

In other words, if PVS clubs have any concerns about the cost of defending a sexual misconduct allegation, should it happen, you are wise to ensure that you meet ALL the above conditions of coverage (which covers up to \$100,000 per incident limited to \$250,000 total annually) at all times. If you want to treat some coaches as contractors you should pay them enough so they can afford business liability coverage on their own!!

Respectfully submitted, Art Davis Chair, Sexual Misconduct Task Force