



CLUB DEVELOPMENT

usaswimming.org

Dear Coach,

1. Important Drug Control Information!
2. Is your team logo trademarked?
3. Club Excellence Deadline.
4. Chuck W on Diversity and USA Swimming
5. Time to sign up for the 4th Annual Build a Pool Conference
6. Article from Nov. 2007 Athletic Business magazine on coach suing parents for defamation
7. Free booklet on Performance reviews (downloadable document)
8. AEA Teaching Schedule for 2008.

Please note that the 2008 List of Prohibited Substances goes into effect January 1, 2008. See the advisory from USADA (below) that summarizes the changes.

Coaches, please have your athletes **check the status of all medications** before they take them! This can be done at www.usantidoping.org/dro or 1-800-233-0393.

The 2008 Guide to Prohibited Substances can be downloaded here:
http://www.usantidoping.org/files/active/what/usada_guide.pdf

The 2008 Wallet Card can be downloaded here: http://www.usantidoping.org/files/active/what/wallet_card.pdf

ATHLETE ADVISORY (US ANTI-DOPING AGENCY)

The World Anti-Doping Agency (WADA) has published the 2008 Prohibited List. For a full copy of the 2008 Prohibited List, visit the USADA Web site at www.usada.org/go/prohibitedlist.

KEY CHANGES FOR 2008

SUBSTANCES AND METHODS PROHIBITED AT ALL TIMES

(IN- AND OUT-OF-COMPETITION)

S1. Anabolic Agents

Anabolic Steroids: An athlete will have a signature pattern of steroids that occur in the urine and that will be fairly consistent over time. WADA, International Federations and National Anti-Doping Organizations are now starting to monitor the pattern (or profile) of steroids in the urine of individual athletes. These profiles will change in an athlete with use of anabolic steroids and certain other performance-enhancing substances and the changes can be used to create a suspicion of doping. The 2008 Prohibited List requires that any unusual pattern in a steroid screen be reported as an "atypical" result rather than as an "adverse analytical finding." The changes to allow this type of reporting have been made under the Anabolic Agents section of the 2008 Prohibited List. A laboratory will still report an adverse analytical finding for an anabolic agent when the presence of an anabolic agent is proven by laboratory testing.

Other Anabolic Agents: The Selective Androgen Receptor Modulators (SARMs) are prohibited under this section. Members of this new family of non-steroidal substances can be designed to be anabolic and have the potential to be used in doping.

S4. Hormone Antagonists and Modulators

The title of the S4 category, formerly “Agents with Anti-Estrogenic Activity” has been changed to “Hormone Antagonists and Modulators.”

Myostatin is a hormone normally produced by the body that controls (limits) muscle size – blocking the myostatin allows increased muscle size. Agents that will block (or reduce) the effect of the myostatin and thus allow additional muscle development have been added to the 2008 Prohibited List as substances in this category.

M2. Chemical and Physical Manipulation

The use of intravenous (IV) infusions continues to be prohibited; according to the 2008 Prohibited List an IV infusion may be administered only in “an acute medical situation” and must be followed immediately by the submission of a retroactive Therapeutic Use Exemption (TUE) to document the need for the infusion. This means that IV infusions may only be used for emergency medical situations and must be followed by the TUE submission to the proper authority.

SUBSTANCES PROHIBITED IN PARTICULAR SPORTS

P2. Beta-blockers

The International Federation for Powerboating (UIM) has added beta-blockers to the list of substances prohibited in-competition. The UIM believes these drugs can be used to enhance performance in Powerboating.

Propecia, Proscar (finasteride) and Avodart (dutasteride) are prohibited as masking agents for androgenic steroids. These alpha reductase inhibitors are now considered Specified Substances and have been added to that list.

IMPORTANT POINTS TO REMEMBER

1. Beta-2 agonists are prohibited both in- and out-of-competition. There are four beta-2 agonists that may be used by inhalation following the submission of an Abbreviated Therapeutic Use Exemption (TUE) - salbutamol, salmeterol, formoterol, and terbutaline. Albuterol (salbutamol) concentrations greater than 1000 ng/mL in the urine will result in an adverse analytical finding even if an Abbreviated TUE has been filed.
2. Glucocorticosteroids used as dermal (topical, iontophoresis, phonophoresis), eye drops, ear drops, nasal sprays and mouth (buccal) treatments are permitted and do not require an Abbreviated TUE.
3. Insulin use requires the submission of a Standard TUE.
4. Certain International Federations (IFs) have requirements for Abbreviated TUEs that are beyond the WADA Code requirements. Check the rules of your IF to determine any specific requirements that apply.
5. Use of gaseous (bottled) oxygen is prohibited.
6. The substances listed in the 2008 Monitoring List are not prohibited and their presence in the body will not result in a doping violation.

IT'S A JUNGLE OUT THERE

Over the past 15 to 20 years there has been a resurgence of interest in herbs as supplements and as medications. A common advertising approach is to claim that supplements are “all natural”, with the implication that “all natural” herbs

are inherently better than many other more common fruits and vegetables that are somehow not “all natural.” The “all natural” description may be true; however, the implication that the products are safe and beneficial may be far from the truth. For example, cashew nuts may be considered all natural; however, the tree (*Anacardium occidentale*) producing the cashew nut belongs to the same plant family as poison ivy, poison oak and poison sumac and coats the nut with a toxic oily substance. The toxin is removed during processing and roasting to allow the safe sale and use of cashews.

When one is walking through a meadow or a field filled with green plants and flowers there is a feeling of quiet and peacefulness. That may be the sense for the human, depending on the insects that inhabit the area; however, the truth is that “it is a jungle out there” as the plants and insects compete to survive. As a result of that competition, many of the substances produced by plants are to protect against predatory insects and disease. The toxic substances produced may, at the same time, protect that plant against you as a consumer and be lethally toxic or toxic to certain organs of man. The message is that you, as a consumer of herbal supplements, need to educate yourself, not by relying on the promotional materials from the company selling the product, but by checking sources of information that can point out the many substances that are known to be included in supplements and that may, in fact, damage the health of a consumer.

A message from National Team Head Coach and General Manager Mark Schubert

We received this information from Dr. Scott Rodeo, Chair of the USA Swimming Sports Medicine Committee. This is a good reminder of a warning we have all heard before. It is a powerful example of why we need to be vigilant with these types of products and remember that athletes are held to the rule of strict liability, meaning you are responsible for ensuring that no prohibited substance enters your system.

Please read the following article carefully.

Steroids found in mainstream dietary supplements.

According to *USA Today*, a study conducted by HFL Ltd. and the non-profit supplement testing agency Informed Choice found that 13 (25 percent) of 52 dietary supplements purchased from various retailers in the United States contained small amounts of steroids, and 6 (11.5 percent) contained banned stimulants. Researchers refused to disclose brand names or points of sale for the tested supplements, but stated that the majority were popular, randomly selected brands. The study divided products into 10 categories, including “weight loss,” “muscle builder,” “energy drink,” and “testosterone booster.” Among the testosterone boosters, six of nine products (67 percent) were found to contain steroids and/or stimulants as contaminants. For more information:

<http://abcnews.go.com/Health/story?id=3956728&page=1>

A PDF file of the complete report can be downloaded at:

<http://www.usatoday.com/sports/hfl-supplement-research-report.pdf>

Sincerely,



Mark E. Schubert
National Team Head Coach & General Manager

A US coach ordered custom swim caps from a company in Australia. Weeks later he received an email from US Customs that his team logo on the caps was too close to an existing trademarked logo of a US corporation. The caps

were seized and destroyed. The email further stated that the cap company in Australia would be fined for trademark infringement. One lesson from this story? Get your team logo trademarked.

Guy Edson

American Swimming Coaches Association

A deadline reminder and some new information regarding the Club Excellence program ... the application deadline for the 2008 program is January 12.

One of the requirements for this year's CE program is that each club that applies must achieve Level 1 of the Club Recognition program in order to be included in the 2008 rankings.

Here's the new information. Clubs do not need to complete Level 1 prior to the January 12 application deadline.

In order to encourage teams to progress as far as possible through the Club Recognition program, we are going to give them until March 9, 2008 to fulfill the Level 1 Club Recognition requirement. March 9 is the date that we plan to announce the 2008 rankings. In order to be included in the rankings announced on that date, clubs must have achieved Level 1 in the Club Recognition program.

Chuck Wielgus on USA Swimming and Diversity:

http://diversityspectrum.com/index.php?option=com_content&task=view&id=1971&Itemid=2388

4th Annual Build a Pool Conference

Conference Dates:

Wednesday, April 9th (optional schools-included in price, but limited registration)

Thursday April 10th through Saturday April 12th, 2008

[Click here for 4th Annual Build a Pool Conference Brochure to obtain full conference details.](#)

Conference registration fee:

On or before February 15th, 2008:\$235.00 per person

After February 15th, 2008 : \$285.00 per person

Conference will be limited to the first 200 paid registrations

[Click here for more general information and to register for the conference.](#)

Interesting video from 60 Minutes: The Millenials.

http://www.cbsnews.com/sections/i_video/main500251.shtml?id=3486473n

Fighting Words

By: John T. Wolohan
November 2007

Summary: A former high school coach may be able to sue his parental tormentors for defamation. Go to any youth sporting event today and you will probably see, in addition to the athletes, a group of parents hovering around the sidelines and team benches. While the majority of these parents are well meaning and can provide a much-needed helping hand to the coaches, some are there to either challenge coaches' decisions regarding playing time or question referees' calls.



Abusive behavior by spectators that has entered the collective consciousness — and the court system — has largely involved physical violence. Verbal abuse of coaches and officials, on the

other hand, has gone relatively unnoticed by the media, the courts and state legislatures. Although at least 22 states currently have laws protecting coaches and officials from physical assault, not a single state offers any kind of redress for verbal abuse, and coaches and officials usually are forced to simply ignore it. However, one recent case got so out of hand that it led to multiple school board hearings, a firing and, finally, an ongoing defamation lawsuit.

At issue in *O'Connor v. Burningham* [2007 UT 58; 2007 Utah LEXIS 139] was the verbal abuse heaped on Michael O'Connor (pictured) beginning in the fall of 2003, when he was the girls' basketball coach at Lehi (Utah) High School. It was then that Michelle Harrison, one of the elite basketball players in the country, enrolled at Lehi, spurring a group of parents to launch a persistent and multifaceted campaign of complaints against O'Connor — apparently because they were upset with the attention and playing time Harrison received at the expense of their own daughters.

In an attempt to have O'Connor removed from his coaching duties, the parents took their grievances to the school principal and other school administrators. Not only did they allege that O'Connor extended preferential treatment to Harrison, they also criticized his coaching demeanor and accused him of misusing school money.

School administrators determined that O'Connor had done nothing wrong. Dissatisfied, the parents took their complaints to a school board meeting in the summer of 2004. O'Connor was dismissed as coach a few months later.

The parents' words on the field and in public meetings that led to his dismissal prompted O'Connor to sue them for defamation. In order to succeed under the theory of defamation, O'Connor would have to prove that the statements made by the parents: a) were false, b) were made to a third party, and c) caused him to

suffer some loss of reputation or other damages.

In support of this claim, O'Connor argued that the parents, jealous of Harrison or upset over their children's relative dearth of playing time, made false allegations to the school board against him that damaged his professional reputation and cost him his coaching job. The parents, meanwhile, argued that their statements were protected under the First Amendment of the United States Constitution.

The U.S. Supreme Court in *New York Times Co. v. Sullivan* [376 U.S. 254 (1964)], citing the First Amendment, established the rule that a public official cannot recover damages under defamation law unless he or she is able to prove that the statements made against him or her were made with "actual malice." Actual malice requires that the person making the statements actually knows that they are false, or are made without regard to whether the statements are false or not. O'Connor qualified as a public official, the parents argued, because of his position as head basketball coach.

The district court, citing *New York Times Co. v. Sullivan*, agreed that O'Connor was a public official. Since O'Connor was unable to show that the statements directed against him were made with actual malice, the court dismissed his lawsuit.

On appeal, the one question before the Supreme Court of Utah was whether O'Connor was in fact a public official, and if so, what the proper relationship was between the parents' First Amendment right of freedom of speech and his right to protect his reputation from defamatory statements.

While the Supreme Court of Utah reviewed *New York Times Co. v. Sullivan*, the court concluded that the decision does not actually make it very clear who is and who is not a public official. Looking for guidance, the court turned to another U.S. Supreme Court decision [*Rosenblatt v. Baer*, 383 U.S. 75 (1966)], which held that a public official exists when "a position in government has such apparent importance that the public has an independent interest in the qualifications and performance of the person who holds it, beyond the general public interest in the qualifications and performance of all government employees."

Using this definition, the Supreme Court of Utah held that O'Connor, or any high school coach, was not endowed with such apparent importance. In support of this finding, the court stated that the constitutional standard for "public official" set down in *Rosenblatt v. Baer* limits the designation to those persons whose scope of responsibilities are likely to influence matters of public policy in the civil realm (as distinguished from the cultural, educational or sports realms). Public officials are individuals in whom the authority to make policy affecting life, liberty or property has been vested, and it was clear, the court held, that O'Connor had no such apparent importance.

In addition, the court held that the apparent importance of a government position sufficient to propel an employee into "public official" status has nothing to do with the level of passion or interest that the official might ignite in a segment of the public. Therefore, even though the parents were able to present evidence that high school athletics has claimed an ever more prominent position in the arena of entertainment and popular culture, the court refused to elevate high school coaches to the status of public officials.

The Utah Supreme Court thus sent the case back to the district court, which will now have to determine whether the parents' statements were defamatory.

While it is too early to determine the impact of the court's decision, it is important for a couple of reasons. First, it sends a clear message that high school coaches, even in today's world of expanded

coverage of high school sports on television, in newspapers and on the Internet, are still private individuals who retain all their rights to recover damages under defamation law.

Second, while parents retain the right to go before school administrators and school boards to seek removal of a coach, the decision might help temper their statements, especially in cases that don't involve allegations of negligence and abuse. Considering the difficulty many schools and youth sports organizations have in finding and retaining competent coaches and officials, if nothing else the case may cause some parents to think twice before publicly waging a campaign to remove a coach for something as minor as playing time — and some administrators to think twice before firing a coach in such a circumstance. Attorney **John T. Wolohan** (jwolohan@ithaca.edu) is a professor of sports law and chair of the Sport Management & Media department at Ithaca College.



*Attend an AEA Hosted Weekend
Updated 12/17/2007*

This Calendar is updated monthly so please check for the most current calendar of events at the AEA website under the calendar menu, then select weekend events for AEA events scheduled.

Select the event you wish to attend and register Online & Save or print off the registration form from the website for the event you wish to attend.

Register Online & Save! (available January 2008)

AEA Members FREE OFFER - Receive the AEA AFP Practical Applications DVD FREE when registering for the AFP Review and exam at the same location and by the Early Bird Date.

Save Even More! AEA Members that register Online for the AEA Online Prep Course, the hands-on AEA AFP Review and the examination qualify for an additional \$25.00 discount.

[When / Where](#)

[Featured Presenter](#)

MARCH

Illinois, Carbondale
Louisiana, Metairie
Maryland, Baltimore
Massachusetts, Watertown
New York, Jefferson Valley
Ohio, Cincinnati
South Carolina, Myrtle Beach

Monique Acton
Teresa Triche
Mark Grevelding
Judi Powers
Seth Snider-Copley
Laurie Denomme
Mark Grevelding

APRIL

Arkansas, Cabot
Connecticut, Bristol
Illinois, Joliet
Michigan, Kalamazoo
North Carolina, Rocky Mount
Texas, Austin
Utah, American Fork
Virginia, Midlothian
Wisconsin, Brookfield

Mark Grevelding
MaryBeth Marotto
Sandy Stoub
Suzy Levi
TBA
Terri Mitchell
Kimberly Huff
Judi Powers
Laurie Denomme

MAY

FLORIDA, ORLANDO

IAFC 2008 - Various

JUNE

Pennsylvania, Plymouth
Meeting
Tennessee, Franklin

Rise Stein
Marti Boutin

SEPTEMBER

California, Sacramento
Massachusetts, Boston
Nebraska, Omaha

Regional Conference - Various
Regional Conference - Various
TBA

OCTOBER

Minnesota, Eagan
Utah, Bountiful

TBA
TBA

NOVEMBER

California, San Diego
Pennsylvania, Allentown
Washington, Seattle

Regional Conference - Various
TBA
Regional Conference - Various

Need More Information?

Email Shana at shana@aeawave.com or call toll free 888.232.9283, ext. 217
For in-depth information and specific event details, please visit the AEA
website, www.aeawave.com

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Peter C. Clark

Sport Development Consultant

USA Swimming
719-866-3561 (direct line)
719-330-0743 (cell)

Check out USA Swimming's new Club Recognition program. Follow the blueprint to develop a strong, stable, financially sound and athletically productive organization. See www.usaswimming.org/ClubRecognition