

Appendix B:

PROPOSED ADDITIONS TO THE USA-SWIMMING POLICIES & PROCEDURES MANUAL

*Updated with recommendations from 5/12/18 Board Meeting

***SECTION 27: ATHLETE INCLUSION PROCEDURES (Proposed NEW section)**

All eligible athletes will have the opportunity to participate in swimming in a manner that is consistent with their gender identity and expression. Should a situation arise regarding an athlete's intent to change competition category to one consistent with their gender identity, an athlete may seek eligibility review for participation in the different competition category, through the procedures set forth below.

27.1 Process to change competition category – Applicant Intake Procedure

STEP 1: Contact USA Swimming with request (Phone: 719-866-4578, or Email: inclusion@usaswimming.org)

STEP 2: USA Swimming intake process interview

STEP 3: Required documentation provided to USA Swimming

STEP 4: Eligibility Review Panel reviews request with established criteria

STEP 5: Panel decision will be communicated in writing, and in person when possible, to athlete/parent/coach.

STEP 6: Administrative change initiated in SWIMS

STEP 7: Compete in new category*

*Limit: 2 changes per year

*All eligibility rules apply for meets selection, NAG, etc.

*Elite athletes who may qualify for high-level or international meets must also refer to the guidelines provided by USADA, WADA, FINA, and IOC, regarding drug testing, qualifications, and other rules.

.1 Notification to USA-Swimming. The athlete, or someone on the athlete's behalf, shall contact USA Swimming at any time, indicating the athlete has a consistent gender identity different than the competition category in which the athlete was registered, and desires to participate in competition in a manner consistent with their gender identity. This is a formal process and can take up to 2 weeks from the time all required paperwork is submitted.

.2 USA Swimming intake process interview gathers information regarding the request and provides the member with required paperwork to complete and return. Please email all paperwork to inclusion@usaswimming.org.

.3 Required documentation provided by applicant. The written request to change competition category must include the following:

- 1) Name of person making the request
- 2) Relationship of requester to the member seeking the change
- 3) Athlete's USA Swimming ID number
- 4) Athlete's first, last, middle name as it currently appears in SWIMS
- 5) Current contact info: email, phone number
- 6) LSC, Team Contact Info (Team's Head Coach)
- 7) Athlete's Coach (if different from head coach)
- 8) The specific request, written out for clarity: example:
 - a) "My daughter's name in SWIMS is the following: First: Henry, Middle: John, Last: Smith"
 - b) "Her gender listed is: M. Please change to the following: First: Jane, Middle: blank, Last: Smith"
 - c) "Please Change competition gender to F."
- 9) Completed Statement of Review - Athlete Support Plan
 - a) NOTE: USA Swimming will assist and facilitate the provision of resources and training for any member seeking assistance regarding gender identity and expression procedures and requirements.
- 10) Letter of support from a health-care professional who has treated or is treating the applicant. This can include:

- a) Licensed Medical provider (family physician, endocrinologist, pediatrician, etc.)
 - b) Licensed Mental health professional (psychiatrist, psychologist or licensed mental health professional such as school counselor, etc.)
- 11) Any other pertinent documentation or information which the applicant believes to be relevant and appropriate.

.4 Eligibility Review Panel reviews request. Once the required paperwork is received, it will be sent to a panel for review. Supporting documentation may be required if determined necessary by the review panel. The eligibility panel will have 1 week to provide a recommendation to USA Swimming staff. A written determination of the applicant's eligibility to participate in a new competition category will be provided by the intake staff member.

27.2 Eligibility Review Panel

.1 Panel members must include:

- 1) Safe Sport National Committee member
- 2) Diversity & Inclusion National Committee member
- 3) R&R National Committee Chair
- 4) Medical professional

.2 Medical Eligibility criteria: Medical professional defined as a board certified, licensed provider, preferably familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care

.3 Athlete Support Plan: Document intended to aid the applicant and family in exploration and discussion of their category change request. A signed Statement of Review of the ASP must be received.

27.3 Final Determination of Review. When there is sufficient documentation and confirmation, the Eligibility Review Panel will affirm the athlete's eligibility to participate in a new competition category. This eligibility is granted and binding for the duration of the athlete's participation in swimming. All discussion and documentation will be kept confidential, unless the applicant makes a specific request. If a change in competition category is denied by the Eligibility Review Panel, an athlete may seek recourse with the National Eligibility Appeal Panel.

27.4 National Eligibility Appeal Panel (NEAP) The National Eligibility Appeal Panel will handle all gender-related eligibility protests from any USA Swimming member, including non-athlete members.

.1 Panel Original and Exclusive Jurisdiction Any athlete denied a category change by the Eligibility Review Panel may file an appeal with the National Eligibility Appeal Panel. Any USA swimming member may lodge a protest for gender eligibility concerns arising from an approved competition category change.

.2 Panel Authority: Falls under the current USA Swimming President and CEO or his/her designee

.3 Panel contributors must include 5 individuals, appointed by the USA Swimming Board Chair

- 1) Rules and Regulations - National Committee Chair (same individual from initial Eligibility Panel)
- 2) Medical Professional (same professional from initial Eligibility Panel)
- 3) Medical Professional (outside consultant)
- 4) Safe Sport - National Committee coach or athlete member*
- 5) Diversity & Inclusion - National Committee coach or athlete member*

*There must be one coach and one athlete represented on the NEAP

.4 Medical Eligibility criteria: Medical Professional is defined as a board certified, licensed provider, preferably familiar with the World Professional Association for Transgender Health (WPATH) Standards of Care

27.5 Procedure for filing Protests or Appeals with National Eligibility Appeal Panel (NEAP)

- STEP 1: Petition is filed in writing to the Rules and Regulations National Committee Chair
- STEP 2: NEAP conducts investigation (organized by the Rules and Regulations Chair)
- STEP 3: NEAP completes investigation which may include a possible in-person hearing
- STEP 4: NEAP report and decision will be communicated in writing, and in person when possible, to athlete/parent/coach within 14 business days of filing
- STEP 5: Any necessary administrative changes are completed in SWIMS (race results, category change, etc.) within 5 business days of NEAP decision

27.6 Final Determination of NEAP Review. When there is sufficient documentation and confirmation, the National Eligibility Appeals Panel will affirm or deny the protest filed. This ruling is granted and binding for the duration of the athlete's participation in swimming. All discussion and documentation will be kept confidential, unless the applicant makes a specific request.

SECTION 22: SWIMS MANUAL (already exists – see redline addition below)

5.0 SWIMMING RECORDS

World Records and USA Swimming Records (including American and United States Open Records, National Age Group (NAG) Records, Zone Records, and LSC Records) must comply with the requirements stipulated under the Rules for Timing Records section of the Technical Rules portion of the USA Swimming Rules and Regulations. USA Swimming record applications shall be submitted to USA Swimming and shall be approved by the Times and Recognition Committee.

- 5.1. Applications for all USA Swimming records shall be posted on the USA Swimming website.
- 5.2. Applications and all required paperwork for American and United States Open Records must be submitted within 14 days of performance. An American Record may be established only by United States citizens eligible to compete under and achieving an official time in accordance with USA Swimming rules. Records may be established in or outside of the United States.
- 5.3. Applications and all required paperwork for NAG records must be submitted within 30 days of performance.
- 5.4. Specific requirements for Zone records and LSC records will be set by the appropriate Zone or LSC
- 5.5. **A Record will be recognized in the competition category in which it was earned.**