

USA Swimming Athlete Partnership Agreement
September 2022 – June 2023
Policy Manual





APA Contacts

General APA Questions

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USA Swimming Staff Contacts

<https://www.usaswimming.org/meet-the-team/national-team>

For all staff contacts: (719) 866-4578

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Wendy Bartlett, Manager, Athlete Marketing wbartlett@usaswimming.org

Athlete Partnership Review Committee -Training/Competition

Bruce Gemmell Steering Committee Chair
Tony Ervin USOPC Athletes Advisory Council Representative
Ashley Twichell Wall USOPC Athletes Advisory Council Representative (alternate)

Athlete Partnership Review Committee – Marketing

TBD Board of Directors Representative (appointed by the Chairman of the Board)
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Tony Ervin USOPC Athletes Advisory Council Representative
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Taxes

As indicated by the USOPC about direct athlete support (including stipends): “Please be aware that all USOPC grants, except Tuition Grants, will be reported to the IRS and are subject to federal and state income tax. Since no taxes are being withheld by the USOPC, you may have a tax liability at the time you file your tax return and you may want to consider setting aside some funds for this purpose. The USOPC is not offering tax advice, but recipients of USOPC funding and benefits are advised to retain their own tax professionals to receive guidance regarding tax implications.”



September 2022 – June 2023 Athlete Partnership Agreement Qualifying Criteria Individual Olympic events

- **To be eligible for the Athlete Partnership Agreement athletes must:**
 - Have reached the age of 18 years
 - Have exhausted or given up his/her NCAA eligibility
 - Meet the criteria established below.

- **To be eligible for funding athletes must:**
 - Be named to the current year USA Swimming National Team. Criteria can be found at www.usaswimming.org.
 - The athlete must be eligible to represent, and intend to represent, the U.S. in international competition.
 - The top 28 athletes of each gender will receive Athlete Stipends.
 - Athletes who are named to the 2022-2023 National Team and are ranked 1st in their respective event(s) will receive athlete stipends.
 - Athletes who are named to the 2022-2023 National Team and are ranked 2nd, 3rd or 4th in the 100 and 200 free will receive athlete stipends.
 - If all athletes listed above have qualified for funding, and less than 28 athletes per gender meet the above requirements, athletes who are on the 2022-2023 National Team will be ranked according to their percentage faster than the [FINA A Time Standard for the 2022 FINA World Championships](#).
 - This percentage will be calculated by subtracting the swimmer's National Team Time in an Event from the "A" Time Standard in that same Event, then dividing the difference by the "A" Time Standard in that Event. Calculations will be carried to the one-thousandth of a percent (i.e., x.xxx%).
 - For example, if the "A" Time standard in the 100-meter freestyle is :60 seconds and Swimmer #1's National Team ranked time in the 100-meter Freestyle is :54 seconds, then Swimmer #1 has swum 6 seconds faster than the "A" Time Standard in the 100-meter Freestyle. Using the formula described above (60 seconds minus 54 seconds, divided by 60 seconds) Swimmer #1's Percentage faster than the "A" Time Standard would be 10%. If the "A" Time Standard in the 200-meter Freestyle is 2 minutes, and Swimmer #2's National Team ranked time in the 200-meter Freestyle is 1:54, then Swimmer #2 has swum 6 seconds faster than the "A" Time Standard in the 200-meter Freestyle. Using the formula described above (120 seconds minus 114 seconds, divided by 120 seconds) that swimmer's Percentage faster than the "A" Time Standard would be 5%.

Swimmer #1's Percentage faster than the "A" Time Standard (10%) would be considered higher than Swimmer #2's Percentage faster than the "A" Time Standard (5%).

If a swimmer's National Team ranked time in an Event is slower than the "A" Time Standard for that same Event, their percentages will be negative. Using the same example above, if Swimmer #1's National Team ranked time in the 100-meter Freestyle is 1:06, their percentage faster than the "A" standard would be -10% (60 seconds minus 66 seconds equals negative 6 seconds negative 6 seconds divided by 60 seconds equals -10%). If Swimmer #2's National Team ranked time in the 200-meter Freestyle is 2:06 their percentage faster than the "A" standard would be -5% (120 seconds minus 126 seconds equals negative 6 seconds; negative 6 seconds divided by 120 seconds equals -5%). In this case, Swimmer #2's Percentage faster than the "A" Time Standard (-5%) is faster than Swimmer #1's Percentage faster than the "A" Time Standard (-10%).

- This process will continue until 28 men and 28 women have qualified for Athlete Stipends.
 - In the event there is a tie for the 28th position, both athletes will receive support.
- Athletes may only receive funding in one discipline (Pool or Open Water).



Athlete Partnership Eligibility Form

Name: _____

Please check one:

_____ I am a professional athlete and certify that I have exhausted my NCAA eligibility and am eligible to receive the monthly stipend established in the Athlete Partnership Agreement. I understand that I am responsible for paying taxes on all funds that I receive. I understand the important implications listed below that accompany the acceptance of these funds.

_____ I am a professional athlete and certify that I have relinquished any future NCAA eligibility and am eligible to receive the monthly stipend established in the Athlete Partnership Agreement. I understand that I am responsible for paying taxes on all funds I receive. I understand the important implications listed below that accompany the acceptance of these funds.

_____ I decline the opportunity to sign the Athlete Partnership Agreement. I understand that I will receive the monthly stipend for qualified athletes at the reduced rate. I understand that I am responsible for paying taxes on all funds that I receive. I understand the important implications listed below that accompany the acceptance of these funds.

All funds will be reported to the IRS and are subject to federal and state income tax. Since no taxes are withheld, you may have a tax liability at the time you file your tax return; if you anticipate such a liability, you should consider setting aside some funds for this purpose.

Athlete's Signature: _____ Date: _____

Please return via email to USA Swimming National Team Division, Attention Stacy Michael-Miller.



Administrative Deadlines*

APA Requirement:

- *Maintain current USA Swimming membership including all Background Screen and Athlete Protection Training requirements*
- *will comply with all applicable rules and requirements of FINA, WADA, USADA, and the U.S. Center for SafeSport, including without limitation, doping control rules, guidelines and deadlines*
- *Comply with deadlines for forms, information requests, etc. as required by USA Swimming*
- ***Not complying with deadlines may result in a delay on payment of the athlete's monthly stipend.***

Doping Control

These deadlines are established to ensure that all athletes are in compliance with FINA and USADA deadlines.

Quarterly Whereabouts Filings

October - December 2022 Whereabouts Filing Due

September 23, 2022

Competition and Training Travel Updates

Doping Control updates for the following events must be submitted to USADA prior to travel to the event and be submitted in the template provided by USA Swimming if provided for that event.

Open Water Races

FINA Champions Series

FINA 10K World Cup Series

Travel to Olympic and Paralympic Training Centers

USA Swimming National Team/International Team trips

All appearances (including non-USA Swimming appearances)

Toyota U.S. Open

FINA World Cup Series

National Team Camps

APA Appearances

Mare Nostrum

Personal travel

Forms Required to Receive APA Stipend

1. 2022 Athlete Designee Form **due** when APA contract is signed.*
2. 2022 W-9 form **due** when APA contract is signed.*
3. 2022 Direct Deposit form **due** when APA contract is signed. *

*If nothing has changed with the account information currently on file, no w9 form/direct deposit form, is required. The Director, National Team Support and Services will confirm with the athlete.

The USOPC requires all athletes receiving Direct Athlete Support to submit an Athlete Designee form each year. USA Swimming is then responsible for providing the USOPC with a list each month confirming who is eligible to receive payment for the next month. USA Swimming shall work with the USOPC to make every effort to have the funds deposited on or before the 5th of every month during the Term.

Onboarding Videos

View two (2) National Team onboarding videos and answer questions about each as provided by the Director, National Team Support and Services.

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2023 Competition Requirements

Unless excused in advance and in writing by USA Swimming due to injury or other circumstances, Athlete shall compete in the following events:

- (i) Two full days at two (2) 2023 TYR Pro Swim Series competitions
- (ii) 2023 Phillips 66 National Championships /International Team Trials, June 27-July 1, 2023

Athlete Training and Competition Calendar - REQUIRED

Direct Athlete Support Requirement: Submit an Athlete Training and Competition calendar. Due to Stacy Michael-Miller (smichael@usaswimming.org) at USA Swimming on September 15, 2022 and a progress report due on January 25, 2023.

Athlete:

Coach:

Date:

Summary:

Provide a brief summary of your commitment to training and competition in the prescribed time period (September 2022-June 2023). Discuss any factors that may impact training and competition in this time period.

Calendar

Include competitions (international and domestic), camps, time off, school commitments, social engagements (weddings, reunions, graduations, etc), work commitments, appearances, travel dates, USADA doping control filing dates, etc.

Commitment Declaration:

We, the swimmer and coach, agree to adhere to the calendar provided for the purpose of Direct Athlete Support, and to develop and maintain a level of fitness and health in the swimmer that will enable him/her to perform at a high level. In the event the swimmer becomes injured or ill to the extent which they cannot practice or compete but demonstrates a continued commitment to fitness and rehabilitation, the athlete must inform USA Swimming in writing and USA Swimming will not withhold funding or other support.

Athlete Signature: _____ **Date** _____

Coach Signature: _____ **Date** _____

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Menu of Appearances

APA Requirement: Athletes have two appearances to complete for the September 2022 – June 2023 APA contract period. Each appearance is a commitment up to 4 hours. Appearances can be defined in multiple ways to provide the most flexibility to the athlete. A full schedule will be created with timelines and a sign-up form for athletes to designate their participation on a first come, first serve basis. This is NOT exhaustive but provides examples to show the options. Athletes are able to pick any option between September 2022 – June 2023, and both sides would jointly approve. Athletes should work with the USA Swimming’s Manager, Athlete Marketing to identify appearances at least 30 days in advance in an effort to prevent past or near-term appearances. USA Swimming would also become a promotional partner to help support these events (see PR Support below).

Guiding Principles:

Understanding that athletes are involved in a wide variety of philanthropic opportunities, the “spirit” is to ask that the athlete appearances achieve the following:

- Support the values and mission of USA Swimming
- Encourage kids to take up swimming as a healthy and positive activity
- Directly promotes swimming and the healthy lifestyle that the sport represents
- Provide the best opportunity to attract positive media attention (ex. traditional or social)
- Be a positive representative of our sport
- Athlete is the key focus of the promotional activity
- Athlete has not already been compensated or otherwise obligated to perform the appearance

Potential Appearance Opportunities to include: (In-Person or Virtual)

- *Charity Participation:*
 - Participation in USA Swimming Foundation events or camps
 - Athlete create his/her own charity event/promotion (See guiding principles above)
- *Events/Speaking Opportunities:*
 - Autograph signing at Pro Swim Series meets, National Championships and/or U.S. Open
 - Pre-event promotions to drive awareness of events
 - Philips 66 National Championships/ International Team Trials
 - Olympic Trials ticket sales
 - TYR Pro Swim Series
 - Toyota U.S. Open
 - Coaching clinics and workshop & leadership events guest speaker
 - National Diversity Camp guest speaker
 - Safe Sport promotion
 - Select camp guest speaker
 - Swimposium speaker appearance or photo shoot to promote USA Swimming’s grow the sport initiatives
 - Appearance to promote USA Swimming’s New Member initiatives and other USA Swimming marketing programs
 - USA Swimming Productions

- **Community Relations:**
 - USA Swimming organized school, military or hospital visits around events or camps
 - USA Swimming organized surprise visits or clinics for member swim teams or inner-city clubs
- **Social Media:**

Athlete agrees to participate in two (2) USA Swimming social media campaigns. “Participation” will be defined as any/all of the following:

 - Tweets
 - Instagram posts

Specific responsibilities for each campaign will be outlined in the initial request from USA Swimming. Participation will be at zero cost to USA Swimming.

APA Appearance Request Form

If an athlete is approached to do a non-sponsored/non-paid event community event, please send the details of the appearance in the form below to Wendy Bartlett. USA Swimming will review the opportunity and let you know if it's an acceptable appearance. You must submit the appearance form at least two weeks in advance so we have time to promote it to the community. Past appearances will not count towards your requirements.

1. Event Name:
2. Short Description of event:
3. Is this event sponsored by anyone?
4. Event Website (If applicable):
5. Date:
6. Time Commitment: (up to 4 hours based on athlete contract)
7. Location:
8. Responsibilities of athlete (i.e. – motivational talk, autographs, photo, etc.):
9. Event Contact's Name:
10. Email:
11. Phone:
12. Do you need autograph cards?
13. How many do you need?
14. Where would you like the cards mailed?

Corporate Partner Networking:

USA Swimming will make best efforts to introduce athletes to corporate partners through networking events such as the following:

- Meet and greet with donors or corporate partners
- Receptions with donors or corporate partners
- Sponsor workshops

Public Relations Support:

For items selected on the menu above, USA Swimming will provide promotional resources to help increase publicity for the athlete and his/her appearance. When an athlete selects an appearance from above and it's considered mutually newsworthy from both parties, we will work together to promote these efforts.

USA Swimming will provide the following:

- *Media Coverage:* USA Swimming will endeavor to work with the athlete to garner media coverage in their local market for the event.
- *Social Media:* USA Swimming will selectively use posts to highlight the event and the athlete's experience during their upcoming appearance in an effort to build both fan bases. A member of USA Swimming communications staff will reach out to the athlete prior to the appearance to provide additional guidance on maximizing exposures through social media platforms.

Athlete will provide the following:

- *Quote:* Athlete will send a quote (2-3 sentences) about the upcoming event to the USA Swimming communications staff via email or by phone at least three (3) days prior to event.
- *Social Media:* It is recommended to post a minimum of three (3) dedicated posts on your social channels to help promote your activity in the community (Twitter, Facebook, Instagram, etc.). The recommended times is one (1) before the event, one (1) during the event and one (1) after the event. In the real-time posts, please include photos and mention @USASwimming when possible.

Travel Reimbursements for Appearances:

Athletes will receive reasonable travel reimbursements for all appearances, not surrounding a major competition. If you are competing at a major competition and receiving a National Team travel reimbursement, you will not receive additional travel reimbursements for the appearance. Please see below some general guidelines on how you will be reimbursed for appearances. Please do not hesitate to ask prior to the appearance how you will be reimbursed.

- Local Appearance:
 - Local appearances to be considered as within 3 hours of your residence
 - Mileage or Cab fare to/from appearance
 - Parking and/or Tolls
 - Meal reimbursement to be determined based on length of appearance
- Non-Local / Out-of-State Appearance:
 - Non-Local appearance to be considered as 3+ hours from your residence
 - Flight to be booked through USA Swimming travel agency
 - If you decide to drive, you will be reimbursed up to the average cost of the flight (Mileage/Tolls/Parking)
 - Rental car
 - Cab fares to/from airport or appearance
 - Meals
 - Hotel
 - Incidentals
- Appearance at a Major Competition:
 - If you are receiving the National Team or Phillips 66 travel reimbursement for competing, you will not receive additional travel reimbursements for the appearance
 - If you are not competing and decide to participate in an appearance surrounding a major competition, you will be reimbursed similar to a local or non-local / out-of-state appearance



Athlete Partnership Agreement Checklist

Not complying with deadlines may result in a delay on payment of the athlete's monthly stipend.

I have completed the following:

- Submitted my signed APA contract to Stacy (smichael@usaswimming.org) - Due September 15, 2022
- Submitted my Athlete Training and Competition Calendar to Stacy by September 15, 2022
- Submitted my 2022 Athlete Designee form to USOPC
- Updated my W9/Direct Deposit information if not currently on file with USOPC or any updates were needed
- Confirmed my 2022 USA Swimming membership, and my Background Screen and Athlete Protection Training requirements, are up to date
- Participated in at least two (2) APA appearances (supporting the USA Swimming Foundation or USA Swimming)
- Submitted my October - December 2022 Whereabouts Filing Due September 23, 2022
- Attended two (2) 2023 TYR Pro Swim Series meets and competed in two full days of the competition
- Attended the 2023 Phillips 66 National Championships /International Team Trials, June 27-July 1, 2023
- Watched and answered questions about two onboarding videos as provided by the Director, National Team Support and Services

To Do:

- Schedule my appearance with Wendy Bartlett wbartlett@usaswimming.org to be completed by June 30, 2023
- Enter the 2023 Phillips 66 National Championships /International Team Trials, June 27-July 1, 2023
- Submit my Doping Control updates prior to travel to the competitions and events listed in the APA Policy Manual, and any changes to the quarterly schedule I submit to USADA.

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Dispute Resolution

The National Team Division will track compliance with all aspects of the APA. If either party disputes compliance or finds the other party in breach, the following steps will be taken:

Athlete Fails to Deliver Benefits to USA Swimming

1. Complaints from the NGB must be made in writing to the Managing Director, National Team and the USA Swimming USOPC AAC Representative and shall detail the alleged violations by the athlete. The Managing Director, National Team shall forward a copy of the complaint to the Athlete.
2. The athlete will have fifteen (15) days to respond, in writing, to the complaint.
3. All complaints will be referred to the appropriate Athlete Partnership Review Committee for review and resolution. The Athlete Partnership Review Committee may request any additional information from the parties that it believes is necessary to reach a decision on the matter submitted. The Athlete Partnership Review Committee may, but is not required, to hold a hearing on the subject matter of the complaint.
4. The Managing Director, National Team will create a complete report of the meeting including remedial actions taken, penalties imposed, and deadlines established. The report will be signed by and distributed to all parties. It will be retained on file by the National Team.
5. The Managing Director, National Team will monitor that the parties fulfill the stipulations and obligations detailed in the Dispute Resolution Report, and provided that athlete complies with those stipulations and obligations, funding will be reinstated if it was withheld.

Appeals Process

1. If the athlete or the NGB disagrees with the findings of the Athlete Partnership Review Committee, an appeal may be made to the USA Swimming Board of Directors. The Board of Directors will be provided with all materials submitted and may, but shall not be obligated to, hold a hearing on the subject matter of the complaint.
2. Appeals from the USA Swimming Board of Directors may be made to the American Arbitration Association using the Commercial Arbitration Rules of the AAA.

Athlete Partnership Review Committee -Training/Competition

Bruce Gemmell	Steering Committee Chair
Tony Ervin	USOPC Athletes Advisory Council Representative
Ashley Twichell Wall	USOPC Athletes Advisory Council Representative (alternate)

Athlete Partnership Review Committee – Marketing

TBD	Board of Directors Representative (appointed by the Chairman of the Board)
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Tony Ervin	USOPC Athletes Advisory Council Representative
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**In the event of a conflict of interest, the President of USA Swimming shall appoint one or more alternates*

Accountability

The Managing Director, National Team will keep records on all dispute resolution proceedings.

USA Swimming Fails to Deliver Athlete Benefits

In the event that the NGB fails to deliver services or funding as agreed upon in the Athlete Partnership Plan, the following steps will be taken:

1. Athlete shall file a written report detailing USA Swimming's alleged failure to deliver services or funding. The Complaint shall be sent to the Managing Director, National Team and the Athlete's Advisory Committee Chairperson.
2. USA Swimming will have fifteen (15) days to respond, in writing, to the complaint.
3. All complaints will be referred to the appropriate Athlete Partnership Review Committee for review and resolution. The Athlete Partnership Review Committee may request any additional information from the parties that it believes is necessary to reach a decision on the matter submitted. The Athlete Partnership Review Committee may, but is not required, to hold a hearing on the subject matter of the complaint.
4. Managing Director, National Team shall notify the athlete, USA Swimming and appropriate Athlete Partnership Review Committee in writing of the decision, including any plan to correct default.
5. USA Swimming shall correct any defaults as required by the order and the Managing Director, National Team shall notify the athlete and Athlete Partnership Review Committee when such cures have been implemented.

Appeals Process

1. If USA Swimming fails to correct any default identified in the order, athlete has right to terminate partnership without penalty.
2. If the athlete or the NGB disagree with the findings of the Athlete Partnership Review Committee, an appeal may be made to the USA Swimming Board of Directors. The Board of Directors will be provided with all materials submitted and may, but shall not be obligated to, hold a hearing on the subject matter of the complaint.
3. Appeals from the USA Swimming Board of Directors may be made to the American Arbitration Association using the Commercial Arbitration Rules of the AAA.

Accountability

The Managing Director, National Team will keep records on all dispute resolution proceedings.

Other Partnership Violations

Suspension from National Team for any reason will result in suspension from the Athlete Partnership Plan and its funding and services. However, suspension from the Athlete Partnership Plan will not, in and of itself, result in suspension from the National Team; any possible suspension shall be addressed through the appropriate rules.

Doping Violation: Services/funding will be suspended in the event of a doping violation according to the rules of the anti-doping authority handling the testing and USOPC National Anti-Doping Policy.

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Safe Sport: Services/funding could also be suspended in the event of a violation, or an alleged violation, of the SafeSport Code for the Olympic and Paralympic Movement, as determined or imposed by the U.S. Center for SafeSport or USA Swimming.

Morality Clause Violation:

The following shall be considered violations of the Athlete Partnership Agreement. If the athlete:

- fails to conduct him/herself with due regard to public conventions and morals;
- or engages in any situation or occurrence including, but not limited to, the use of illegal drugs or prohibited substances;
- or otherwise brings him/herself into public disrepute, contempt, scandal, or ridicule,

Penalties may include withheld funding, loss of services, or removal from the program and shall be imposed by the Managing Director, National Team. Athlete may challenge the imposition of penalties according to the “Athlete Fails to Deliver Benefits to USA Swimming” section above.

Failure to meet required deadlines or deadlines: Not complying with deadlines may result in a delay on payment of the athlete’s monthly stipend.

Injury or condition preventing training:

Unless otherwise agreed by USA Swimming in writing, Athlete shall train for peak swimming performance at key national and international events held during the Term. Athlete’s training shall be in accordance with his/her Athlete Training and competition calendar. Athletes must be actively training at an elite level, and competing at an elite level in due course after that, to receive USA Swimming athlete assistance funding. In the event Athlete incurs an injury or condition, physical or otherwise, USA Swimming may request and athlete shall authorize, a treating physician or provider to verify to USA Swimming (i) the injury or condition for which the physical or provider is treating athlete; (ii) that in the physician or provider’s professional opinion that Athlete cannot train for peak swimming performance at key national and international events held during the Term; (iii) that Athlete continues to benefit from the treatment or care of the physician or provider; and (iv) the estimated time frame in which Athlete is expected to return to training for peak swimming performance at key national and international events.