

**USA SWIMMING
ATHLETE SELECTION PROCEDURES
2015 PAN AMERICAN GAMES
OPEN WATER
OCTOBER 28, 2014**

DEFINED TERMS

DEFINITIONS – The following common definitions shall apply to this Team Selection Procedure:

- A. Competition. The “Competition” means the swimming 10K Marathon at the 2015 Pan American Games.
- B. Available Swimmer. "Available Swimmer" means a swimmer who (i) qualifies for the Team in an Event according to this Procedure and remains available through the Pan American Games; (ii) satisfies all the FINA, World Anti-Doping Agency (WADA), United States Anti-Doping Agency (USADA), PASO, USOC and USA Swimming applicable eligibility requirements; (iii) indicates that he/she will accept the invitation to become a member of the Team when that invitation is offered by USA Swimming; (iv) continues to train for peak swimming performance through the completion of the 2015 Pan American Games; and (v) agrees to swim in the Competition for which he or she qualifies. If a swimmer does not satisfy these requirements, then he or she is not considered an Available Swimmer.
- C. Head Coach. Unless otherwise indicated, "Head Coach" refers to the head coach of the 2015 Open Water Pan American Games Team.
- F. National Team Director. "National Team Director" refers to the USA Swimming National Team Director, or his designee.
- G. Nominate/Nominated/ Nomination to the Team.
"Nominate/Nominated/ Nomination to the Team" refers to the Team nominated by USA Swimming to the USOC on May 15, 2015.
- H. Qualifying Competition. The “Qualifying Competition” means the 2015 USA Swimming 10K Open Water National Championships/World Championship Trials scheduled for April 24, 2015 in Miromar Lakes, Florida.
- J. Team. "Team" means the 2015 Pan American Games Team accepted by the USOC at a time TBA plus any changes or replacements pursuant to these Selection Procedures.

1. SELECTION SYSTEM

- 1.1. Provide the minimum eligibility requirements for an athlete to be considered for nomination to the Team:

1.1.1. Nationality/Passport requirements:

An athlete must (a) be a national of the United States at the time of nomination, and (b) be eligible to represent the United States in the Pan American Games. Athlete must also hold a valid U.S. Passport that will not expire for six months after the conclusion of the Games.

1.1.2. Minimum Pan American Sport Organization (PASO) standards for participation.

Any competitor in the Pan American Games must be a national of the country of the National Olympic Committee (NOC) which is entering such competitor. For additional information regarding an athlete who is a national of two or more countries, has changed his or her nationality or acquired a new nationality, refer to the PASO Statutes (Article XXII, Sections 4 and 5).

1.1.3. Minimum FINA and PASO standards for participation:

Athletes must be at least 14 years of age, anytime during the calendar year, for all FINA Open Water Swimming events.

1.1.4. Other requirements (if any):

- a. Be a registered athlete member of USA Swimming in good standing;
- b. Qualify to compete in the Qualifying Competition, as provided in these Selection Procedures, and then qualify for a spot in the Pan American Games at the Qualifying Competition;
- c. Sign and abide by the USA Swimming competition forms (see attachment A);
- d. Conform to all USA Swimming policies and protocols regarding team preparation and participation; and

- e. Sign and abide by the United States Olympic Committee (USOC) code of conduct, general release forms, and any other applicable documents as requested by the USOC.

1.2. Tryout Events:

- 1.2.1. Provide the event names, dates and locations of all trials, events and camps to be used as part of the selection process.

- a. Pan American Games Team qualification is at the Qualifying Competition .

- 1.2.2. Provide event names, dates, locations and description of how athletes qualify for the trials, events and camps listed above in 1.2.1. (if any).

- a. Eligibility for Qualifying Competition. In order to qualify for the Qualifying Competition, athletes must have achieved one of the following qualifying standards:

1. Finished in the top 10 at the 2014 10K Open Water Championships in Castaic, CA, June 13, 2014 or;
2. Finished in the top 15 in a 2014-15 FINA 10K World Cup race, dates posted at fina.org or;
3. Achieved the following pool time standard(s) between July 1, 2014 and the entry deadline for the Qualifying Competition, April 14, 2015.

	800 LCM	1500 LCM	1000 SCY	1650 SCY
Women	8:58.069	17:10.09	9:57.59	16:36.19
Men	8:23.59	15:55.49	9:14.19	15:28.09

- 1.3. Provide a comprehensive, step-by-step description of the method that explains how athletes will go through the selection process to become Team nominees (include maximum Team size)

1.3.1. Qualifying for the Pan American Games:

- 1.3.1.1. Team Size. The maximum allowable U.S. Team size is two (2) men and two (2) women. The actual Team size will be determined once

these Selection Procedures have been implemented. For purposes of these Selection Procedures, the men's and women's components of the Team will be considered separately.

1.3.1.2. Selection. The following process has been established to select the competitors for the Competition at the Pan American Games:

1.3.1.2.1. The parameters of Section 1.3.1.4 of these Selection Procedures will be applied, and anyone who is ineligible to swim in the Pan American Games under the terms and conditions of Section 1.3.1.4 of these Selection Procedures will not be considered an Available Swimmer for purposes of applying the procedures set forth below for selection to the Team.

1.3.1.2.2. The top two (2) U.S. male and top two (2) U.S. female Available Swimmers in the Qualifying Competition will be offered to swim the 10K at the Pan American Games. The third (3rd) best finishing Available Swimmer in the 10K at the Qualifying Competition will be a replacement/ alternate for the 10K race at the Pan American Games, if illness, injury, disqualification, or removal from the Team occurs to one of the top two Available Swimmers. The next best finishing Available Swimmer(s) will serve as replacements, based on their order of finish at the Qualifying Competition. All selections to be made under this paragraph are subject to the limitation set forth in Section 1.3.1.3 of these Selection Procedures.

1.3.1.3. Limit on Eligibility. Notwithstanding the process set forth above, under no circumstances will a swimmer be eligible for selection if the swimmer finishes more than 10 minutes behind the First Place Finisher at the Qualifying Competition.

1.3.1.4. Limitation on Athletes Who Swim at The World Championships. To ensure that USA Swimming selects the best possible team for the most important FINA event of the year (the World Championships) and which is the 2016 Olympic Games Qualifier, a swimmer who has qualified to swim in the World Championships in the 10K, as described in Section II.B.1 of the World Championships Selection Procedures, and who has accepted the invitation to swim in the World Championships must swim in the 10K event at the World Championships and may not swim at the Pan American Games (pool and open water competitions), and likewise may not swim at the World University Games (pool and open water competitions).

- 1.3.1.4.1. Anyone who has qualified for the World Championships team in the 5K event (as described in Section II.B.2 of the World Championships Selection Procedures) but not in the 10K event at the World Championships, and who has accepted the invitation to swim in the World Championships, must compete at the World Championships in the 5K. Such a swimmer may compete in the World University Games (Pool or Open Water) or the Pan American Games (Open Water only), provided that he or she (i) duly qualifies for the World University Games or the Pan American Games under the applicable selection procedures, and (ii) competes at the World Championships. Because the World University Games and the Pan American Games will be held at approximately the same time, a swimmer may not compete in both of these competitions.
- 1.3.1.4.2. Additionally, anyone who has qualified for the World Championships team in the 25K event only (as described in Section II.B.1 of the World Championships Selection Procedures) and not in the 10K event or the 5K event at the World Championships, may choose to compete in the World Championships in the 25K. Such a swimmer may also compete in the World University Games (Pool or Open Water) or the Pan American Games (Open Water only), provided the he or she duly qualifies for the World University Games or the Pan American Games under the applicable selection procedures. Because the World University Games and the Pan American Games will be held at approximately the same time, a swimmer may not compete in both of these competitions.
- 1.3.1.5. Tie-Breakers. In the instance where there is tie between two Available Swimmers at the Qualifying Competition, the following methods will be used to break the tie:
 - 1.3.1.5.1. If there is a two-way tie for first place, both Available Swimmers will be considered the top two Available Swimmers in the Qualifying Competition;
 - 1.3.1.5.2. If there is a three-way (or more) tie for first place, or if a tie occurs for any place, then the Available Swimmer(s) with the best finish(es) at the Qualifying Competition in the 5K events will win the tie-breaker and be Nominated to the Team. If only one of the Available Swimmers in the tie attended the 2015 USA Swimming Open Water National Championships and competed in the 5K,

then that Available Swimmer will win the tie-breaker and be Nominated to the Team.;

- 1.3.1.5.3. If this does not break the tie, the Available Swimmer(s) with the highest world ranking(s) in the 1500 meter freestyle for the men and the 800 meter freestyle for the women, based on World Rankings January 1, 2014-April 1, 2015 on FINA.org, will win the tie-breaker and be Nominated to the Team.

2. DISCRETIONARY SELECTION (if applicable)

- 2.1. Provide rationale for utilizing discretionary selection (if any):
N/A
- 2.2. List the discretionary criteria and explain how they will be used (if any):
N/A
- 2.3. Provide the name of the committee that will be responsible for making discretionary selections, along with a complete list of the members' titles currently serving on the committee:
 - 2.3.1. Specify the process that will be used to identify and handle any potential conflicts of interest involving a member of the committee.

N/A

3. REMOVAL OF ATHLETES

- 3.1. Prior to acceptance of nominations by the USOC, the USA Swimming has jurisdiction over potential nominees.

An athlete who is to be nominated to the Team by the USA Swimming may be removed as a nominee for any of the following reasons, as determined by USA Swimming:

- 3.1.1. Voluntary withdrawal. Athlete must submit a written letter to the USA Swimming Executive Director.
- 3.1.2. Injury or illness as certified by a physician (or medical staff) approved by the USA Swimming. If an athlete refuses verification of his/her illness or injury by a physician (or medical staff) approved by the USA Swimming, his/her injury will be assumed to be disabling and he/she may be removed.

- 3.1.3. Violation of the USA Swimming's Code of Conduct (Attachment A).
- 3.1.4. An athlete may be removed if the National Team Director, in consultation with the Head Coaches, the USA Swimming Olympic International Operations Committee (OIOC) Chairman and the USA Swimming Athletes' Executive Vice President, determine that the swimmer is unable or unwilling to maintain a training regimen that is necessary for peak performance at the 2015 Pan American Games (see National Team Commitment Declaration, which is included in Attachment A).
- 3.1.5. Any swimmer may be dismissed from the Team at any time if (i) the swimmer violates any of the applicable FINA, USOC, IOC, PASO, WADA, USADA, USA Swimming or other rules and regulations applicable to the Team or its members, including without limitation applicable Codes of Conduct or Honor Codes.
- 3.1.6. If a swimmer is alleged to have committed an anti-doping rule violation, that swimmer shall remain on the Team (or remain eligible to be Nominated to the Team) until: a) the swimmer is provisionally suspended or declared ineligible after a hearing conducted pursuant to the U.S. Anti-Doping Agency Protocol for Olympic Movement Testing or by FINA; b) the swimmer voluntarily accepts a provisional suspension or sanction of ineligibility; or c) the swimmer voluntarily withdraws from the Team or relinquishes eligibility to be Nominated to the Team.
- 3.1.7. An athlete who is removed from the Team pursuant to the provision explained in 3.1.6. has the right to a hearing per the USA Swimming Bylaws (Part Four of the USA Swimming Rules and Regulations) and the USOC's Bylaws, Section 9.
- 3.2. Once an athlete nomination is accepted by the USOC, the USOC has jurisdiction over the Team, at which time, in addition to any applicable USA Swimming Code of Conduct, the USOC's Code of Conduct and Grievance Procedures apply. The USOC's Code of Conduct and Grievance Procedures can be found at:
<http://www.teamusa.org/For-Athletes/Athlete-Ombudsman/Games-Info>
- 3.3. An athlete may be removed as a nominee to the Team or from the Team for an adjudicated violation of IOC, PASO, IPC, WADA, IF, USADA and/or USOC anti-doping protocol, policies and procedures, as applicable.

4. REPLACEMENT OF ATHLETES

4.1. Describe the selection and approval process for determining replacement athlete(s) should a vacancy occur:

4.1.1. prior to submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

For each gender, athletes will be replaced in order of place finish from the Qualifying Competition.

4.1.2. after submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

If, for any reason, a position on the Team becomes vacant during or after the Qualifying Competition, the vacancy may be filled only if and as allowed by PASO. If allowed, the vacant positions will be filled in order of place finish from the Qualifying Competition.

5. SUPPORTING DOCUMENTS

USA Swimming will retain the approved Selection Procedures and all supporting documents, including scouting or evaluation forms, etc., and data from the selection process for six months past the date of the Closing Ceremony of the Games.

6. REQUIRED DOCUMENTS

In addition to the USOC Code of Conduct, the following documents are required to be signed by an athlete as a condition of nomination to the Pan American Games and are included as attachments:

USA Swimming Competition Forms (Attachment A)

7. PUBLICITY/DISTRIBUTION OF PROCEDURES

The USOC approved Selection Procedures (complete and unaltered) will be posted/published by the USA Swimming in the following locations:

7.1. NGB Web site: www.usaswimming.org

These procedures will be posted as soon as possible, but not more than five business days following notice of approval by the USOC.

7.2. Other:

The procedures will be emailed to athletes and their personal coaches upon entry in the Qualifying Competition. The Procedures will be made available at the Qualifying Competition General Meeting to be held on April 23, 2015.

8. DATE OF NOMINATION

The Nomination of Athletes form, including replacements, will be announced to all athletes and submitted to the USOC on or before:

May 15, 2015

9. MANDATORY TRAINING AND/OR COMPETITION

Specify the location, schedule and duration of mandatory training and/or competition:

<u>Event</u>	<u>Date</u>	<u>Site</u>
Assembly & Training	July 7, 2015	USA
Training	July 8-10, 2015	Canada
Competition	July 11 (W), 12 (M), 2015	Canada
Return Home	July 13, 2015	

Schedule subject to change

10. ANTI-DOPING REQUIREMENTS

Athletes must adhere to all IOC, IPC, PASO, WADA, IF, USADA and USOC anti-doping protocols, policies and procedures, as applicable. This includes participation in Out-of-Competition Testing as required by the IOC, IPC, PASO, WADA, IF, USADA and USOC Rules, as applicable.

11. DEVELOPMENT OF SELECTION PROCEDURES

The following committee/group (include names and titles) was responsible for creating these Selection Procedures:

Frank Busch, National Team Director, USA Swimming
Lindsay Mintenko, National Team Managing Director, USA Swimming

Bryce Elser, Open Water Program Manager, USA Swimming
Peter Vanderkaay, AAC representative, USA Swimming

12. NGB/HPMO BYLAWS AND GRIEVANCE PROCEDURES

The USA Swimming Bylaws and Grievance Procedures can be found at:
www.usaswimming.org

The USA Swimming Bylaws and Grievance Procedures can be found in the USA Swimming rule book and at www.usaswimming.org

13. INTERNATIONAL DISCLAIMER

These procedures are based on IOC, IPC, PASO, as applicable, and/or FINA rules and regulations as presently known and understood. Any change in the selection procedures caused by a change in IOC, IPC, PASO, as applicable, and/or FINA rules and regulations will be distributed to the affected athletes immediately. The selection criteria are based on the latest information available to USA Swimming. However, the selections are always subject to unforeseen, intervening circumstances, and realistically may not have accounted for every possible contingency.

If any force of nature, or force majeure, should cause the alteration or cancellation of any of the selection events listed in this document, these selection procedures will be revised, pursuant to their resubmission to the USOC.

14. PRIORITY OF WRITTEN PROCEDURES

The terms and conditions of these written Selection Procedures shall take priority over any verbal explanation, clarification or interpretation of the Selection Procedures, and an athlete relies on a verbal explanation, clarification or interpretation of these Selection Procedures at his or her sole risk. Any request or question that would involve a formal clarification or interpretation of these Selection Procedures, or that would address an issue not otherwise covered in these Selection Procedures, should be submitted to Lindsay Mintenko at USA Swimming in writing, and the response to such request by USA Swimming must be provided in writing and must be published promptly on the USA Swimming website. Any change to these Selection Procedures must first be approved by the USOC.

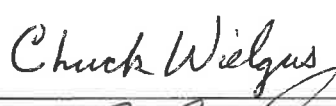


15. ATHLETE OMBUDSMAN

Athletes who have questions regarding their opportunity to compete that are not answered by USA Swimming may contact the USOC Athlete Ombudsman, by:

- Telephone at (719) 866-5000
- Toll-free telephone at (888) ATHLETE (1-888-284-5383) <http://www.teamusa.org/For-Athletes/Athlete-Ombudsman.aspx>

16. NGB/HPMO SIGNATURES

I certify that I have read and understand the standards/criteria set by our IF and/or CF (PAG/PPAG only) and incorporated those standards/criteria into our Selection Procedures. I further certify that the information provided herein regarding Athlete Selection Procedures represents the method approved by USA Swimming.

Position	Print Name	Signature	Date
NGB/HPMO President or CEO/Executive Director	Chuck Wielgus		2/27/15
Nat. Team Director	Frank Busch		3-5-15
USOC Athletes' Advisory Council Representative*	Peter Vanderkaay		2-13-15

* If the USOC AAC Representative has delegated authority to the Alternate AAC Representative to sign the Selection Procedures, attach a letter from the AAC Representative indicating the reason he/she has delegated authority.

* Signature by the Athlete Representative constitutes that he/she has read and understands the Selection Procedures. If the Athlete Representative reads and does not agree with the Athlete Selection Procedures being submitted by the NGB/HPMO, he/she may submit those reasons in writing to his/her Sport Performance Team.

* If, for some reason, a sport does not have an elected USOC AAC Representative, the NGB/HPMO must designate an athlete from that sport to review and sign the Selection Procedures.

ATTACHMENT A
USA Swimming Competition Forms

USA Swimming National Team
HONOR CODE

As a member of the USA Swimming National Team (USAS NT)
I _____, understand and will comply with the following
guidelines as set forth by USA Swimming and the Olympic International
Operations Committee regulations.

1. The possession or use of alcohol, tobacco products or controlled substances by any athlete or staff member of the USAS NT is prohibited throughout the duration of the trip (until the team has officially disbanded).
2. Curfews established by the staff will be adhered to each day of the training camp and at the competition.
3. Team members and staff will attend all team functions including meetings, practices, exhibitions, press conferences, competitions, etc., unless otherwise excused or instructed by the head coach or National Team Director or National Team Managing Director.
4. To ensure the propriety of the athletes and to protect the staff, there will be no male athletes in female athlete's rooms, and no female athletes in male athlete's rooms. There will be a team room provided for relaxation and recreation whenever possible.
5. Team members and staff will comply with USA Swimming and United States Olympic Committee uniform requirements. Details of this policy will be further explained at the beginning of the training camp or competition.
6. Team members and staff will refrain from any illegal or inappropriate behavior that would detract from a positive image of the USAS NT or be detrimental to its performance objectives.
7. Team members will display proper respect and sportsmanship toward coaches, officials, administrators, fellow competitors and the public.
8. USA Swimming will negotiate the rights of access to the USAS NT. Once an organization has negotiated these rights with USA Swimming, the following shall occur:

- a. In the not-for-profit mode, National Team members and staff will comply with the USA Swimming request. These are considered to be promotion opportunities for the sport of swimming, to include but not limited to exhibition and promotional appearances. Any request for team or staff appearances will have the prior approval of the head coach or National Team Director/National Team Managing Director.
 - b. In the for-profit mode, USA Swimming will have negotiated a set fee to include all members of the team and staff. All members will be asked if they wish to participate under these terms and financial arrangements. They may then: 1) Decline to participate, 2) Negotiate a higher fee directly with the for-profit organization; 3) Participate at the scale set by USA Swimming. Coaches, managers and athletes will all be included under these terms.
9. Any additional guidelines for the USAS NT will be established as needed by the National Team Director & General Manager/National Team Managing Director.

IMPLEMENTATION:

1. All team and staff are apprised in writing of this policy. Signature of this document constitutes unconditional agreement to comply with Honor Code of the USAS NT.
2. An evaluation system will be established to determine if all aspects of the policy have been followed by team and staff members.
3. Failure to comply with the Honor Code as set forth in this document for the USAS NT may result in disciplinary action under the provisions of Section 8, USA Swimming-OIOC Policy Manual.

Such discipline may include, but may not be limited to: 1) Dismissal from the team and immediate return home; 2) Disqualification from one or more events, or all events of competition; 3) Disqualification from future USA Swimming and international competition; 4) Financial penalties.

Any appeal following any disciplinary action shall be in accordance with Part Four of USA Swimming Rules and Regulations.

Name:

Event:

Signature: _____ **Date:** _____

**USA Swimming
Authorizations, Waiver and Release Form**

Competition, activity or event: _____

General Acknowledgement & Acceptance

I, _____, hereby acknowledge that all information and signatures on this form are applicable to my participation in this USA Swimming activity and I agree to abide by the regulations specified in these documents and in the Rules and Regulations of USA Swimming for the management and conduct of the USA Swimming Program.

Oath of Eligibility

I declare that I am eligible and in good standing with regulations laid down by USA Swimming, the International Federation for Amateur Swimming (FINA), and the International Olympic Committee (IOC). I also declare I am not under suspension or disciplinary action imposed for use of illegal drugs or other athlete regulation infractions. I agree to sign additional documents to this effect when required to do so by USA Swimming or the local organizing committee.

I certify that, to the best of my knowledge and belief, I am in good physical condition and have no disease or injury that would impair my performance in this activity and agree that while a participant in this activity, I will keep myself in top physical condition and retain my eligibility status.

Doping

I understand that it is the policy of USA Swimming to discourage and prevent the use of prohibited doping substances and prohibited doping methods. The FINA Anti-Doping Rules are available online and from USA Swimming. I know that I should call the USADA Drug Reference Line (1-800-233-0393) or check at the Drug Reference Online (www.usantidoping.org/dro) to check the status of all medications and substances I am currently using, and to satisfy any questions or concerns that I may have about medications and prohibited substances and methods.

I do not currently engage in, nor do I intend to use any prohibited substances and methods. I acknowledge that the use of prohibited substances or prohibited methods may subject me to disqualification and other sanctions imposed by USADA, FINA or IOC.

Drug Testing

I understand that testing organizations (USADA, FINA, WADA, etc.) will conduct drug

testing on athletes during and outside of competition. By registering for this competition, I hereby consent to and authorize the testing organizations (USADA, FINA, WADA, etc.) to test me for prohibited substances and prohibited methods at any time. I further acknowledge and agree that my refusal to participate in a drug test may subject me to disqualification and sanctions, the same as if I had tested positive for a prohibited substance.

I hereby authorize USA Swimming to include the results of any drug testing of me in the published statistics for drug testing and to include my name in the list of athletes who have been

drug tested, which USA Swimming publishes on their website. In the event I refuse to submit to a drug test or a drug test has a positive result, I recognize that I am subject to the adjudication processes established by the US Anti-Doping Agency (USADA) and FINA, because of my refusal or positive test.

Authorization & Event Promotion

I agree to be filmed and photographed by the official photographer(s) and network(s) of USA Swimming under the conditions authorized by USA Swimming and give USA Swimming and the event organizers the right to use my name, picture, likeness, and biographical information before, during and after the period of my participation in these activities to promote the event and the sport of swimming for non-commercial purposes.

I understand and agree not to use or authorize use of pictures of myself in the uniforms and equipment provided by USA Swimming for the purpose of trade, without the consent of USA Swimming. I agree not to use medals or photos, portraits or film of myself with the medals, which I receive for my performance, for the purpose of trade. Furthermore, it is agreed that I shall return these uniforms and equipment, bearing USA Swimming logos and marks, if and when requested.

(1)

(2) Authorization for Medical Services

I hereby give consent for USA Swimming to provide or obtain for me medical care and treatment and emergency medical services for any injuries arising from my participation in this activity. Additionally, I hereby agree that, in the event I elect to obtain any of these services or treatments from any sources other than that provided or obtained by USA Swimming, I shall accept full and complete responsibility.

I further authorize release of any medical information necessary to process a claim for accident/medical payment insurance for an injury or illness incurred while I am participating as a member of the USA Swimming delegation in this activity.

Risk of Serious Injury:

I understand and appreciate that my participation in the sport of swimming carries a risk of serious injury, including permanent paralysis or death. I voluntarily and knowingly recognize, accept and assume this risk.

WAIVER & RELEASE

In consideration of allowing me to participate in this activity, I hereby release and hold harmless USA Swimming, members of its board of directors, and its officers, employees, members, volunteers, other participants, and agents (collectively, the "Released Parties"), of and from, and do discharge and waive, any and all claims, demands, losses, damages, and liabilities that I may have or sustain with respect to any and all damage and/or injury, of any type, arising out of my participation in this USA Swimming activity.

Participant's Signature: _____

Participant's Name: _____ Date: _____

Parent/Guardian's Signature on behalf of participant (if under 18): _____

Relationship: _____

Parent/Guardian Name (please print): _____ Date: _____

(If applicant is under 18 years of age, the parent(s) or guardian(s) must execute the following additional waiver and release.)

Waiver and Release – Parents'/Guardians' Rights

In consideration of allowing my child or the minor for whom I act as a guardian ("Minor Participant") to participate in this activity, I hereby release and hold harmless the Released Parties (as described above), of and from, and do discharge and waive, any and all claims, demands, losses, damages, and liabilities that I may have or sustain with respect to any and all damage and/or injury, of any type, arising from Minor Participant's participation in this activity.

Indemnification by Parent/Guardian

The undersigned parent/guardian further agrees to indemnify, save and hold harmless the Released Parties from any and all claims, demands, losses, damages

and liabilities for indemnities, contribution or otherwise with respect to any damage and/or injury, of any type, arising from Minor Participant's participation in this activity.

Parent/Guardian Signature: _____ Relationship: _____

Parent/Guardian Name (please print): _____ Date: _____

**USA NATIONAL TEAM
2015 OPEN WATER PAN AMERICAN GAMES TEAM
COMMITMENT DECLARATION**

I agree to fully commit to a comprehensive training program designed for peak performance in the 2015 Open Water Pan American Games.

If for any reason I become unable to fulfill this commitment, I will immediately notify the National Team Director. I understand that I may be withdrawn from the team if circumstances interfere with my preparation for peak performance.

Athlete's Printed Name

Athlete's Signature

Parent Signature (if under 18)

Date

Coach's Signature (witness)

USA Swimming Code of Conduct
PART THREE: RIGHTS, PRIVILEGES, CODE OF CONDUCT

ARTICLE 301 MEMBER RIGHTS

301.1 Except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may deny or threaten to deny any eligible amateur swimmer, coach, trainer, manager, official or administrator the opportunity to participate in any international swimming competition approved by USA Swimming, if selected by USA Swimming or one of its members. In addition, except as provided in 301.2, no individual or organizational member of USA Swimming, nor any organization affiliated with USA Swimming, may censor or otherwise penalize subsequent to the event any swimmer, coach, trainer, manager, official or administrator for having participated in any such international swimming competition approved by USA Swimming.

301.2 An educational institution which a swimmer is attending at the time of such international competition may deny the swimmer the opportunity to participate only if said educational institution reasonably determines that such participation would either:

- .1 Prevent the swimmer from meeting the academic requirements which are applicable to all students who participate in the swimmer's particular course of study.
- .2 Jeopardize the swimmer's or the educational institution's performance in the established program in the particular sport in which the swimmer competes, provided that the international competition occurs during the scheduled competitive season of the educational institution.

301.3 Any swimmer, coach, trainer, manager, official or administrator who alleges that he or she has been denied or is about to be denied, by a person or an organization affiliated with USA Swimming, a right as set forth in 301.1, shall immediately inform the Executive Director, who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay. Such steps shall include, but shall not be limited to, advising the Secretary General of the U.S. Olympic Committee, and submitting the matter to the American Arbitration Association for binding arbitration.

301.4 Whenever a swimmer, or party acting on his/her behalf, informs the Executive Director of an alleged violation of the swimmer's right to participation as set forth in 301.1, the Executive Director shall review all the related evidence of the

case and make a report, with a preliminary recommendation, to the National Board of Review within thirty (30) days, or sooner if the situation requires. The Board of Review shall review the case and the preliminary recommendation of the Executive Director and take whatever action it deems appropriate. Any of the parties involved in the action who are dissatisfied with the decision of the National Board of Review may appeal said decision under the provisions set forth in 408.1.

ARTICLE 302 ATHLETE REGISTRATION

302.1 REGISTRATION — All swimmers competing in events sanctioned by USA Swimming must be registered as athlete members of USA Swimming. Athlete members must meet the

rules of eligibility contained in Article 303. No swimmer alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute the allegations relating to his/her possible ineligibility, pursuant to Parts Four and/or Six.

302.2 MEMBERSHIP — Athlete membership will consist of an annual membership, an outreach membership, a seasonal membership, or a single-meet open water membership.

- .1 Annual membership — Membership is for a calendar year. Non-members applying for membership on or after September 1 will be issued a membership card valid through December 31 of the following year.
- .2 Outreach membership — Annual Membership with specially-reduced fees.
- .3 Individual seasonal membership — At the option of the LSC, membership may be offered for one or two periods of not more than 150 days per period within a registration year. Seasonal membership may also be offered for an unspecified but continuous period of not more than 150 days commencing on the date of registration. Seasonal membership is not valid for competition at or above the Zone Championship level.
- .4 Single-Meet Open Water Membership – At the option of the LSC, membership may be offered for the specific date(s) of an open water competition(s). The athlete must compete unattached. Single-meet membership is not valid for competition at or above the Zone Championship meet.

302.3 APPLICATION/RENEWAL — Athlete membership applications and payment as set forth in 502.5 shall be submitted to the registration chair of the LSC

who, upon approval, shall issue a membership card. The registration chair may designate deputy registrars to accept applications on behalf of the chair and forward for approval.

302.4 FALSE REGISTRATION — A host LSC may impose a fine of up to \$100.00 per event against a member coach or a member club submitting a meet entry which indicates a swimmer is registered with USA Swimming when that swimmer or the listed club is not properly registered. The host LSC will be entitled to any fines imposed.

ARTICLE 303 ELIGIBILITY

303.1 It shall be the responsibility of all USA Swimming members to comply with the rules and regulations of USA Swimming and the Rules, Constitution and Bureau decisions of FINA, as well as to avoid acting in any manner which brings disrepute upon USA Swimming or upon the sport of swimming.

303.2 Except as provided for in Section 203.9, only athlete members of USA Swimming are eligible to compete.

303.3 As a member National Governing Body of the United States Olympic Committee (USOC), and as a member Federation of Federation Internationale de Natation Amateur (FINA), USA Swimming is obligated to adhere to the anti-doping rules of the USOC and FINA. In addition, USOC Bylaw Chapter XXIII, Section 2(G) provides that, as a condition of membership in the

USOC, each National Governing body shall comply with the procedures pertaining to drug testing and adjudication of related doping offenses of the independent anti-doping organization designated by the USOC to conduct drug testing. The USOC has designated the United States Anti- Doping Agency (“USADA”) as that organization. The current anti-doping rules of the USOC, FINA and USADA are available at the offices of USA Swimming or on line at the following websites: FINA www.fina.org USOC www.usoc.org USADA www.usantidoping.org As a condition of membership in USA Swimming, it is the responsibility of each athlete member of USA Swimming to comply with the anti-doping rules of the FINA, USOC and USADA and to submit, without reservation or condition, to in-competition and out-of-competition doping controls conducted by either the FINA or USADA. (Out-of-competition doping controls by USADA may take place at USA Swimming elite-level camps, training sessions at USOC facilities, or with no advance notice any time for athletes designated by USA Swimming and USADA for inclusion in USA Swimming’s no advance notice testing pool.) Pursuant to USOC Bylaw Chapter XXIII, Section 2(G), the management of positive and elevated test results for USA Swimming athletes has become the responsibility of USADA. Any

inconsistent provisions elsewhere in USA Swimming rules are hereby superseded. USA Swimming will, without further process, enforce and publish any sanction communicated to USA Swimming by USADA resulting from adjudication of a doping control under the USADA Protocol for Olympic Movement Testing.

303.4 A swimmer shall cease to be eligible to compete in events conducted by USA Swimming or its LSCs, or by any FINA Federation, while under suspension or if expelled by USA Swimming for violations of this Part Three.

303.5 A swimmer may be registered for USA Swimming and Masters Swimming at the same time. Membership in U.S. Masters Swimming does not imply or presume membership in USA Swimming.

303.6 A swimmer declared ineligible for any reason may be reinstated pursuant to the provisions of Article 404.

ARTICLE 304 CODE OF CONDUCT

304.1 The mission of USA Swimming is to encourage participation and the pursuit of excellence in all aspects of swimming. USA Swimming grants the privilege of membership to individuals and organizations committed to that mission. The privilege of membership may, therefore, be withdrawn or denied by USA Swimming at any time where USA Swimming determines that a member or prospective 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 swimming, USA Swimming has adopted this Code of Conduct.

304.2 Any member or prospective member of USA Swimming may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, fined or expelled from USA Swimming if such member violates the provisions of the USA Swimming Code of Conduct, set forth in 304.3, or aids, abets or encourages another person to violate any of the provisions of the USA Swimming Code of Conduct.

304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

- .1 Violation of the right to compete provisions set forth in Article 301.
- .2 Violation of the anti-doping provisions set forth in 303.3.

- .3 Discrimination in violation of the Amateur Sports Act which requires that USA Swimming must provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in the sport of swimming. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.
- .4 Violation of any of the Athlete Protection Policies set forth in Article 305
- .5 Violation of any of the Sexual Misconduct Reporting Requirements set forth in Article 306 or the Prohibitions Against Retaliation for Good Faith Reporting of Abuse set forth in Article 307.
- .6 Conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges, for (i) any felony, (ii) any offense involving use, possession, distribution or intent to distribute illegal drugs or substances, (iii) any crime involving sexual misconduct, or (iv) any criminal offense against a minor.
- .7 Bullying is prohibited. For the purposes of the Code of Conduct, the term "Bullying" shall mean, regardless of when or where it may occur, the severe or repeated use by one or more USA Swimming members ("Members") of an oral, written, electronic or other technological expression, image, sound, data or intelligence of any nature (regardless of the method of transmission), or a physical act or gesture, or any combination thereof, directed at any other Member that to a reasonably objective person has the effect of: (i) causing physical or emotional harm to the other Member or damage to the other Member's property; (ii) placing the other Member in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creating a hostile environment for the other Member at any USA Swimming activity; (iv) infringing on the rights of the other Member at any USA Swimming activity; or (v) materially and substantially disrupting the training process or the orderly operation of any USA Swimming activity (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member club or LSC). Allegations of Bullying of an athlete by a coach shall be investigated under 304.3.13.
- .8 A. Any inappropriate sexual conduct or advance, or other inappropriate oral, written, visual, or physical conduct of a sexual nature at any time, past

or present, directed towards an athlete or any person under the age of eighteen (18) by (i) a coach member or other non-athlete member, or (ii) any other adult participating in any capacity whatsoever in the activities of USA Swimming (whether such adult is a member or not).

B. Any act of sexual harassment, including without limitation unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written, visual, or physical conduct of a sexual nature in connection with or incidental to a USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming (whether such person is a member or not) directed toward any member or other person participating in the affairs or activities of USA Swimming.

C. A romantic or sexual relationship, even if it is a consensual relationship between adults, which began during the swimming relationship, between athletes and those individuals (i) having direct supervisory or evaluative control, or (ii) who are in a position of power and trust over the athlete. Except in circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes they coach. The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated that there is no imbalance of power. For example, this prohibition does not apply to a relationship between two spouses or life partners which existed prior to the swimming relationship. For factors that may be relevant to determining whether an imbalance of power exists, consult the USOC's Safe Sport Policies at www.teamusa.org/Footer/Legal/Governance-Documents.

D. Any peer-to-peer sexual abuse. For the purposes of the Code of Conduct, the term "peer-to-peer sexual abuse" shall mean any unwelcome physical conduct of a sexual nature directed towards a minor athlete by another minor athlete.

- .9 The sale or distribution of illegal drugs or the illegal sale or distribution of any substance listed on FINA's recognized list of banned substances.
- .10 The use of illegal drugs in the presence of an athlete, by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over, that athlete.
- .11 The providing of alcohol to an athlete by a coach, official, trainer, manager or any other person where the athlete is under the legal age allowed to consume or purchase alcohol in the state where the alcohol is provided.

- .12 The abuse of alcohol in the presence of an athlete under the age of eighteen (18), by a coach, official, trainer, or a person who, in the context of swimming, is in a position of authority over that athlete.
- .13 Abuse A Physical abuse of an athlete by any person who, in the context of swimming, is in a position of authority over that athlete. "Physical abuse" is defined as a non-accidental injury and/or an injury primarily caused by the gross negligence on the part of the person in a position of authority over the athlete. B Bullying of an athlete by a coach member or other non-athlete member who is in a position of authority over that athlete.
- .14 For any USA Swimming member club or coach to knowingly: A allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible" to coach or instruct any of its athlete members, B aid or abet coaching or instruction of athletes by any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible," or C allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible" to have an ownership interest in such USA Swimming club or its related entities.
- .15 Any act of fraud, deception or dishonesty in connection with any USA Swimming-related activity.
- .16 Any non-consensual physical contact, obscene language or gesture, or other threatening language or conduct directed towards any meet official and which is related to any decision made by such official in connection with a USA Swimming sanctioned competition.
- .17 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is: A Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming, or B Placed in or on any item that is sold. In

the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

- .18 Violation of any team misconduct rule as established by the USOC, USA Swimming, any Zone or LSC team authority.
- .19 Any other material and intentional act, conduct or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.

USA Swimming National Team NATIONAL TEAM PROTOCOL

1. Swimmers are expected to stay focused on swimming fast and minimize walking, sunbathing, sightseeing, etc. until they have finished their last event.
2. All swimmers are required to attend each finals session through the last awards ceremony, unless excused by the Head Coach or National Team Director /National Team Managing Director.
3. When not preparing for their own events, swimmers are expected to remain in the team area to support their teammates.
4. Team Uniform Caps as prescribed by the National Team Director must be worn during competition, which must be approved by FINA and USA Swimming. All technical gear must be approved by FINA and USA Swimming.
5. It is expected that swimmers represent their country with the same aggressive determination in the consolation final as in the championship final. Unless excused by the National Team Director or the Head Coach, swimmers may not scratch from a consolation final.
6. When applicable, USOC issued dress sweats must be worn when receiving an award or during USOC organized press conferences. ARENA sweats and/or USA Swimming issued apparel must be worn at all other times on deck or during official team functions. (Athletes may wear the apparel of their choice during their personal time.)
7. No hats or head coverings should be worn when receiving awards.
8. All team members will be expected to demonstrate proper respect for the American flag and the national anthem.
9. After a swimmer has swum his/her last event, attendance at all remaining sessions (including preliminaries) is required.

Name: _____

Signature: _____

Date: _____