

USA Swimming Athlete Partnership Agreement 2015 Policy Manual





APA Contacts

General APA Questions

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Tim Liebhold* Athlete's Executive Committee Chair

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USA Swimming Staff Contacts

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For all staff contacts: (719) 866-4578

Lindsay Mintenko National Team Managing Director
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Athlete Partnership Review Committee -Training/Competition

Brandon Drawz OIOC and Steering Chairperson
Kicker Vencill National Team Athlete Representative

Athlete Partnership Review Committee – Marketing

Jay Thomas Board of Directors Representative (appointed by the President)
David Berkoff* Board of Directors Representative (appointed by the President)
Tim Liebhold* Athlete's Executive Committee Chair

*will be updated after elections at convention in September



2015 Athlete Partnership Agreement Qualifying Criteria

The Athlete Partnership Agreement will be offered to athletes who:

- Are actively training and competing;
- Are 18 years of age and older;
- Have exhausted or given up their NCAA eligibility;
- Have been named to the 2014-2015 USA Swimming National Team (see NT Qualifying Criteria) and;

Pool:

- Athletes must be ranked in the Top 12 in the world rankings in an individual Olympic event based on the FINA.org September 2, 2014 world rankings **
- USA Swimming monthly assistance will be offered to a maximum of 56 total athletes who meet the above criteria. The 56 athletes will be made up 52 athletes (maximum of 26 men and 26 women) from pool swimming and 4 athletes (maximum of 2 men and 2 women) from open water swimming. Only athletes who qualify will receive funding.
- In the event that there are more than 26 male or 26 female pool athletes, the 26 athletes with the highest world ranking in an individual Olympic event will be offered monthly assistance.
- In the event of a tie, a tie breaker will occur.
 - The athlete with the highest world ranking in a second Olympic event based on the FINA.org September 2, 2014 world rankings will receive funding. This process will continue until there is an athlete with a higher world ranking.
- Eligible athletes who decline the Athlete Partnership Agreement will remain on the monthly stipend (\$1750/month).

USA Swimming National Team Qualifying Criteria

Pool: Athletes with the top 6 fastest times, in individual Olympic Events only from the combined results of the 2014 Phillips 66/ USA Swimming National Championships and the 2014 Pan Pacific Championships. Times from Prelims, Semi-Finals and Finals (A, B and C) only will be used and relay lead offs, time trials, intermediate splits, and swim offs will not be included.

**World Rankings must be achieved at a sanctioned USA Swimming or FINA competition. World Ranking and National Team Ranking must be achieved in the same Event. Relay lead offs, time trials, intermediate splits and swim offs will not be included.



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 am an amateur athlete with NCAA eligibility remaining and understand that I will receive the monthly stipend for NCAA athletes established in the Athlete Partnership Agreement. I understand that I am responsible for paying taxes on all funds that I receive. I understand that I am advised to check with my college compliance officer and/or the NCAA, along with my High School Federation, to ensure that acceptance of these funds will not jeopardize my NCAA eligibility and to confirm what requirements are in place for documenting the use 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.

_____ I am currently not actively training and competing (as outlined in the qualifying criteria) and decline the opportunity to sign the Athlete Partnership Agreement and the monthly stipend.

All athletes must be actively training and competing to receive any athlete assistance 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 to USA Swimming National Team Division, Attention Lindsay Mintenko.
Fax number 719-866-4877**



Administrative Deadlines*

Failure to meet administrative deadlines will result in financial penalty of \$50 for every business day past deadline. Athlete fines will be donated to the USA Swimming Foundation. (Athlete fines will cease after the athlete reaches a \$300 fine per deadline. At this time all funds from USA Swimming will be held until athlete has met administrative guidelines.)

APA Requirement:

- *Maintain current USA Swimming membership*
- *Comply with FINA, IOC, WADA, USADA Doping Control Program requirements and deadlines*
- *Comply with deadlines for forms, information requests, etc. as required by USA Swimming*
- ***Not complying with deadlines may result in financial penalty.***

Doping Control

These deadlines are established by USA Swimming National Team Staff to ensure that all athletes are in compliance with FINA and USADA deadlines.

Quarterly Whereabouts Filings

October- December 2014 Whereabouts Filing Due	September 30, 2014
January-March 2015 Whereabouts Filing Due	December 31, 2014
April - June 2015 Whereabouts Filing Due	March 31, 2015
July-September 2015 Whereabouts Filing Due	June 30, 2015

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.

Arena Grand Prix Series meets
 Phillips 66 National Championships
 AT&T Winter National Championships
 U.S. Open
 FINA World Cup Series
 FINA 10K World Cup Series
 National Team Camps
 Travel to Olympic Training Centers
 USA Swimming National Team/ International Team trips
 APA Appearances

Forms Required to Receive APA Stipend

1. 2015 Athlete Designee Form **due** by December 15, 2014.
2. 2014 W-9 form **due** when APA contract is signed.
3. 2014 Direct Deposit form **due** when APA contract is signed. (If nothing has changed with the account information currently on file, no form is required to be submitted. The National Team Athlete Services Manager will confirm with the athlete).

The USOC requires all athletes receiving Direct Athlete Support to submit an Athlete Designee form each year. USA Swimming is then responsible for providing the USOC with a designation list each month confirming who is eligible to receive payment for the next month. USA Swimming will submit this form to the USOC every month to facilitate payment for the next month at the earliest possible date.



Athlete Seasonal Plan Guidelines

APA Requirement: Submit an Athlete Seasonal Plan developed in collaboration with the athlete's personal coach. All seasonal plans are due to Lindsay Mintenko (lmintenko@usaswimming.org) at USA Swimming on September 8, 2014.

Goals

Goals need to be specific. Include world rankings, times, and placement at that year's international competition. Goals that include "I want to make the team" will not be considered.

- 2016 Ultimate Goal: Define your ultimate performance goal for the 2016 Olympic Games.
- 2015 Performance Goal

Strengths, Weaknesses and Opportunities for Improvement

Describe your current strengths and weaknesses. Identify opportunities for improvement and potential threats to success. These may be any combination of physical, mental, financial, social, educational, or competitive factors.

- *Strengths*: personal characteristic or current situation that contributes to your success
- *Weaknesses*: personal characteristic or current situation that you know you can improve on
- *Opportunities for Improvement*: something that may become available to you or that you have yet to take advantage of
- *Threats*: challenges that you will need to overcome to reach your ultimate goal

Objectives

List five objectives that will contribute to achieving your 2016 Ultimate Goal. List a sixth objective that details how USA Swimming can help you reach your 2016 Ultimate Goal. The sixth objective cannot be financial in nature.

- Objectives should be specific and directly relate to your 2016 Ultimate Goal. Examples: improving core strength, perfecting start or relay take off, mental training, kick outs. "Working harder" or "adding a workout" are not acceptable.
- Describe how the objective relates to your 2016 Ultimate Goal.

Calendar

Provide a detailed calendar of events that you will participate in during the 2014-15 season that will contribute to achieving your ultimate goal. Keep in mind you must compete at the 2015 Phillips 66/USA Swimming National Championships, or represent USA Swimming in International competition which the athletes has qualified and a minimum of three Arena Grand Prix Series events and/ or FINA 10K World Cup events.

The calendar must be an accurate representation of your time commitments: include camps, time off, social engagements (weddings, reunions, graduations), work engagements, travel dates, USADA doping control filing dates, education related commitments, etc.

The calendar will be submitted to Jake Grosser help schedule appearances; however, the goal sheet will not be shared.

Commitment Declaration: Insert this statement at the end of your seasonal plan. Both the athlete and the coach must sign and date the commitment declaration:

We, the swimmer and coach, agree to adhere to the Athlete Partnership Agreement 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, USA Swimming will not withhold funding or other support.



Athlete Seasonal Plan Progress Report - REQUIRED

APA Requirement: Submit two Athlete Seasonal Plan progress reports. Progress reports are due to Lindsay Mintenko (lmintenko@usaswimming.org) at USA Swimming on December 8, 2014 and April 13, 2015.

Athlete:

Coach:

Date:

Goals:

Objectives

Discuss progress toward each specific objective since submitting your original Athlete Seasonal Plan. Include any challenges in achieving objectives or how objectives may have changed since submitting your original Athlete Seasonal Plan. List any new objectives.

Summary of Progress

Provide a brief summary of your commitment to training and competition in the prescribed time period. Discuss any factors or changes that may impact training and competition in the next three months.

Calendar

Update the calendar submitted in the fall. Include competitions, camps, time off, social engagements (weddings, reunions, graduations, etc), work commitments, sponsor commitments, appearances, travel dates, USADA doping control filing dates, education related commitments, etc.

Keep in mind you must compete in the 2015 ConocoPhillips/ USA Swimming National Championships or represent USA Swimming in International competition which the athlete has qualified and a minimum of three Arena Grand Prix Series.

Commitment Declaration:

We, the swimmer and coach, agree to adhere to the Athlete Partnership Agreement 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, USA Swimming will not withhold funding or other support.

Athlete Signature: _____ **Date** _____

Coach Signature: _____ **Date** _____



Athlete Partnership Additional Event Requirements

Golden Goggles Attendance

APA athletes will be required to attend the annual Golden Goggle awards each year ***if they are invited***. The Golden Goggles take place in November each year and the athlete will know in advance if they are required to participate.



2014-2015 USA Swimming Grand Prix Series

APA Requirement: *Compete in at least **two full days (prelims and finals)** of three 2014-2015 USA Swimming Grand Prix Series meets.*

2014-2015 National Team members will receive a \$600 travel reimbursement for each Grand Prix Series meet they attend. **Athlete must compete in at least two full days** of the meet in order to receive the reimbursement. Athletes can also contact the meet host directly for additional travel funds. This should be done as far in advance as possible.

Grand Prix schedule can be found on the USA Swimming National Team Quad Plan at usaswimming.org



Menu of Appearances

APA Requirement: 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 two options annually, and both sides would jointly approve. Athletes should work with the Marketing Manager 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:

- **Charity Participation:**
Participation in USA Swimming Foundation’s Make a Splash events or camps
 - Athlete create his/her own charity event/promotion (See guiding principles above)
- **Events/Speaking Opportunities:**
 - Accept awards in person at the United States Aquatic Sports Banquet
 - Autograph signing at Nationals and/or Short Course Nationals
 - Pre-event promotions to drive awareness of events
 - Nationals
 - Olympic Trials ticket sales
 - Short Course Nationals
 - Regional Coaches Conference speaker – choice of 16 different conferences throughout year
 - Diversity camp guest speaker – 1 per year
 - Select camp guest speaker – 1 per year
 - Swimposium speaker – choice of 8 different conferences throughout year
 - Appearance or photo shoot to promote America’s Swim Team campaign encouraging kids to join a swim club
 - Appearance to promote USA Swimming’s New Member Welcome Kit, Deck Pass mobile app, SwimToday, and other USA Swimming marketing programs
- **Community Relations:**

- USA Swimming organized school 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
 - Facebook posts
 - Instagram posts
 - Google+ Hangouts
 - Vine videos

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

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:

- *Press Release:* Will send a press release to local community a 1-2 days before event. A member of the USA Swimming communications staff will reach out to athlete 3-5 days prior to event to get a quote (2-3 sentences) about the upcoming appearance.
- *Social Media:* USA Swimming will retweet and share all posts athletes make about their upcoming appearance in an effort to build both fan bases. A member of the USA Swimming communications staff will reach out to the athlete 2-3 days prior to the appearance to provide additional instructions on maximizing exposure through social media platforms.
- *Exposure:* The USA Swimming communications staff will look for media coverage of the appearance and promote on all USA Swimming channels.

Athlete will provide the following:

- *Quote:* Athlete will send a quote (2-3 sentences) to the USA Swimming communications staff via email or by phone at least 3 days prior to event.
- *Social Media:* We recommend a minimum of 3 dedicated posts on your social channels to help promote your activity in the community (Twitter, Facebook, Instagram, Vine, etc.). The recommended times is 1 before event, 1 during event and 1 after event. In the real-time posts, please include photos along with the #SwimToday hashtag and mention @USA_Swimming 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 stipend, 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 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

Failure to meet administrative deadlines will result in financial penalty of \$50 for every business day past deadline. Funds will be disbursed to athletes' charity of choice. (Athlete fines will cease after the athlete reaches a \$300 fine per deadline. At this time all funds from USA Swimming will be held until athlete has met administrative guidelines.)

I have completed the following:

1. Submitted contract, USOC forms, Athlete Seasonal Plan: Due September 8, 2014...
2. Submitted new Athlete Designee forms for USOC, Due December 15, 2014.....
3. Submitted my Athlete Seasonal Plan Progress report to Lindsay Mintenko by December, 8, 2014.....
4. Submitted my Athlete Seasonal Plan Progress report to Lindsay Mintenko by April, 13, 2015.....
5. Attended two (2) full days of three (3) Grand Prix Series meets.....
6. Participated in at least two (2) APA appearances.....
7. Submitted my October- December Whereabouts Filing Due September 30, 2014.....
8. Submitted my January- March 2015 Whereabouts Filing Due December 31, 2014...
9. Submitted my April- June 2015 Whereabouts Filing Due March 31, 2015...
10. Submitted my July-September 2015 Whereabouts Filing Due, June 30, 2015...

To Do:

- Schedule my appearances with Jake Grosser, jgrosser@usaswimming.org, to be completed by (date): _____
- Sign up for 3 Grand Prix Series meets
 1. _____
 2. _____
 3. _____
- Submit my Doping Control updates prior to travel to the competitions and events listed in the APA Policy Manual
- Enter the 2015 Phillips66/ USA Swimming National Championships



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 National Team Managing Director and Athlete's Executive Committee Chair and shall detail the alleged violations by the athlete. The National Team Managing Director 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 National Team Managing Director 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 National Team Managing Director 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.

Composition of Athlete Partnership Review Committee -Training/Competition*

Brandon Drawz	OIOC and Steering Chairperson
Kicker Vencill	National Team Athlete Representative

Composition of Athlete Partnership Review Committee – Marketing*

Jay Thomas	Board of Directors Representative (appointed by the President)
David Berkoff*	Board of Directors Representative (appointed by the President)
Tim Liebhold	Athlete’s Executive Committee Chair

**In the event of a conflict of interest, the President of USA Swimming shall appoint one or more alternates*

**will be updated after USAS convention in September*

Accountability

The National Team Managing Director 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 National Team Managing Director and the Athlete’s Executive 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. National Team Managing Director 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 National Team Managing Director 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 National Team Managing Director 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.

Morality Clause Violation:

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

- fails to conduct himself 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 himself 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 National Team Managing Director. 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: Failure to meet administrative deadlines will result in financial penalty of \$50 for every business day past deadline. Funds will be given to the USA Swimming Foundation. (Athlete fines will cease after the athlete reaches a \$300 fine per deadline. At this time all funds from USA Swimming will be held until athlete has met administrative guidelines.)