

USA Swimming Athlete Partnership Agreement

2019 Policy Manual





APA Contacts

General APA Questions

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USA Swimming Staff Contacts

[Usaswimming.org/apa](http://usaswimming.org/apa)

For all staff contacts: (719) 866-4578

Stacy Michael-Miller, National Team Support and Services Director
Wendy Bartlett, Membership Marketing Manager

smichael@usaswimming.org
wbartlett@usaswimming.org

Athlete Partnership Review Committee -Training/Competition

Jim Wood	Steering Committee Chair
TBD	National Team Athlete Representative

Athlete Partnership Review Committee – Marketing

TBD	Board of Directors Representative (appointed by the President)
TBD	Board of Directors Representative (appointed by the President)
TBD	Athlete's Executive Committee Chair



2019 Athlete Partnership Agreement Qualifying Criteria

The Athlete Partnership Agreement will be offered to athletes who:

- Athletes must meet the following criteria to be eligible:
 - be actively training and competing
 - provide a training and competition calendar and progress reports signed by their coach
 - be named to the current year National Team
 - criteria may be found here:
https://www.usaswimming.org/docs/default-source/national-teamdocuments/selections/2018-2019-national-team-selection_update.pdf
 - have a top 8 or top 16 World Ranking at FINA.org in the same event for which they are named to the National Team
 - World Rankings will be taken from FINA.org at 8 a.m. Mountain Time (MT) on the date designated in the National Team selection criteria
 - Only individual Olympic events only will be considered, non-Olympic events will not be considered under any circumstances
 - No relay lead-offs, time trials, swim-offs or intermediate splits will be considered under any circumstances



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 Stacy Michael-Miller.

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Administrative Deadlines*

Failure to meet administrative deadlines will result in financial penalty of \$50 for every business day past deadline (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 will 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 2018 Whereabouts Filing Due	September 30, 2018
January-March 2019 Whereabouts Filing Due	December 31, 2018
April - June 2019 Whereabouts Filing Due	March 31, 2019
July-September 2019 Whereabouts Filing Due	June 30, 2019

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.

Pro Swim Series meets	USA Swimming National Championships
Winter National Championships	FINA World Cup Series
FINA 10K World Cup Series	National Team Camps
Travel to Olympic Training Centers	APA Appearances
USA Swimming National Team/International Team trips	

Forms Required to Receive APA Stipend

1. 2019 Athlete Designee Form **due** by December 19, 2018.
2. 2019 W-9 form **due** when APA contract is signed.
3. 2019 Direct Deposit form **due** when APA contract is signed. (If nothing has changed with the account information currently on file, no w9 form, or direct deposit form, is required to be submitted. The National Team Support and Services Director 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 list each month confirming who is eligible to receive payment for the next month. USA Swimming will submit this to the USOC every month to facilitate payment for the next month by the last Friday of the month.

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Athlete Training and Competition Calendar Guidelines

APA Requirement: *Submit an Athlete Training and Competition calendar developed in collaboration with the athlete's personal coach. All training and competition calendars are due to Stacy Michael-Miller at USA Swimming on September 21, 2018.*

Summary

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

Provide an updated and detailed calendar of events that you will participate in during the 2018-19 season that will contribute to achieving your ultimate goal. Keep in mind you must compete at the 2019 USA Swimming National Championships, or International Event for which you have been selected to represent the United States, and a minimum of three Pro Swim Series events.

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

The calendar will be shared with Wendy Bartlett to help schedule appearances.

Commitment Declaration: Insert this statement at the end of your training and competition calendar. 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, the athlete must inform USA Swimming in writing and USA Swimming will not withhold funding or other support.



Athlete Training and competition calendar Progress Report - REQUIRED

APA Requirement: Submit two Athlete Training and Competition calendar progress reports. Progress reports are due to Stacy Michael-Miller (smichael@usaswimming.org) at USA Swimming on January 25, 2019 and May 1, 2019.

Athlete:

Coach:

Date:

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 December. Include competitions (international and domestic), 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 2019 USA Swimming National Championships, or International Competition representing the United States for which you have been selected, and a minimum of three Pro Swim Series meets.

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, 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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2019 USA Swimming TYR Pro Swim Series

Dates, Locations, and Format information will be distributed as soon as the information is made available.

Athletes must attend three TYR Pro Swim Series meets.

Athletes will be required to compete in at least two full days (prelims and finals) of the TYR Pro Swim Series meets.

Once the schedule is made available it can be found on the USA Swimming National Team Quad Plan at usaswimming.org.

Appearance fees:

Appearance fees are for Individual Olympic Events only

Professional Athletes will receive a one-time appearance fee based on their World Ranking per TYR Pro Swim Series meet (not per individual Olympic Event) if they meet the following criteria:

- Have a World Ranking of 1-8 or 9-16 as of the designated date of the previous year
- Compete in the required amount of days for the competition format
- Compete in at least one "A" final at that competition
- Complete the required Professional Athlete Registration Module.
- Promotion of the Event. Examples include but not limited to: Media Day, Social Media Promotions, Autograph Sessions, Swim Clinic
- Distance swimmers who compete in timed final events will receive the bonus based on a top 8 finish in the 800/1500 free.

Prize Money:

TYR Pro Swim Series prize money for all individual Olympic events:

- 1st - \$1500
- 2nd - \$1000
- 3rd - \$500



Menu of Appearances

APA Requirement: Athletes have two appearances to complete for the APA season. 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 two options annually, and both sides would jointly approve. Athletes should work with the USA Swimming Membership 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 events or camps – 1 per year
 - 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 Pro Swim Series meets, National Championships and/or Short Course Nationals Championships
 - Pre-event promotions to drive awareness of events
 - National Championships
 - Olympic Trials ticket sales
 - Short Course National Championships
 - Regional Coaches Conference speaker – choice of 16 different conferences throughout year
 - Diversity camp guest speaker – 1 per year
 - Safe Sport promotion – 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 SwimToday campaign encouraging kids to join a swim club

- Appearance to promote USA Swimming's New Member Welcome Kit, Deck Pass, SwimToday, and other USA Swimming marketing programs
- USA Swimming Productions
 - Off the Blocks episode
- *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

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 3 days prior to event.
- *Social Media:* It is recommended to post a minimum of 3 dedicated posts on your social channels to help promote your activity in the community (Twitter, Facebook, Instagram, etc.). The recommended times is 1 before the event, 1 during the event and 1 after the 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 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

Failure to meet administrative deadlines will result in financial penalty of \$50 for every business day past deadline. (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 Training and competition calendar: Due September 21, 2018... ☐
2. Submitted new Athlete Designee forms for USOC, Due December 19, 2018..... ☐
3. Submitted my Athlete Training and Competition Calendar Progress report to Stacy Michael-Miller by January 25, 2019 and May 1, 2019 ... ☐
4. Attended the required days of three (3) Pro Swim Series meets... ☐
5. Participated in at least two (2) APA appearances..... ☐
6. Submitted my October – December 2018 Whereabouts Filing Due September 30, 2018.. ☐
7. Submitted my January- March 2019 Whereabouts Filing Due December 31, 2018... ☐
8. Submitted my April- June 2019 Whereabouts Filing Due March 31, 2019... ☐
9. Submitted my July-September 2019 Whereabouts Filing Due, June 30, 2019... ☐

To Do:

- Schedule my appearances with Wendy Bartlett wbartlett@usaswimming.org to be completed by (date): _____
- Sign up for 3 TYR Pro Swim Series meets
 1. _____ 3. _____
 2. _____
- Submit my Doping Control updates prior to travel to the competitions and events listed in the APA Policy Manual
- Enter the 2019 USA Swimming National Championships/or International competition representing the United States for which you are selected

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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 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.

Athlete Partnership Review Committee -Training/Competition

Jim Wood	Steering Committee Chair
TBD	National Team Athlete Rep

Athlete Partnership Review Committee – Marketing

TBD	Board of Directors Representative (appointed by the President)
TBD	Board of Directors Representative (appointed by the President)
TBD	Athlete's Executive Committee Chair

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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 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.

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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. 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.