

USA Swimming
ATHLETE SELECTION PROCEDURES
2023 World Aquatics Championships- Open Water

DEFINITIONS

- Available Swimmer. "Available Swimmer" means a swimmer who (i) qualifies to be Selected to the Team in an Event according to these Selection Procedures and has complied with all eligibility requirements set forth in Sections 1.1-1.2 of these Selection Procedures; (ii) is at least 14 years old as of December 31, 2023; (iii) certifies to USA Swimming that he/she remains available to swim through the completion of the Championships; and (iv) indicates in writing that he/she will accept the invitation from USA Swimming to be Selected to the Team within 48 hours of the Qualifying Competition from which he/she was offered an invitation to be Selected to the Team, and to swim in the Event for which he/she qualifies in the Championships (except as otherwise provided herein); failure to accept by this deadline will be considered a decline of the invitation and the swimmer will no longer be considered an Available Swimmer. If a swimmer does not satisfy these requirements, then he/she is not considered an Available Swimmer.
- Championships. "Championships" refers to the 2023 World Aquatics Championships, which will be conducted in Fukuoka, Japan, on July 15-20, 2023.
- Director, National Team Open Water. "Director, National Team Open Water" refers to the USA Swimming Director, National Team Open Water, or his/her designee.
- Event(s). "Event(s)" refers to those 5K and 10K events contested at the Championships for each gender.
- Head Coach. Unless otherwise indicated, "Head Coach" refers to the head coach of the Team.
- Italy Open Water World Cup. "Italy Open Water World Cup" means the 10K Event at the 2023 World Aquatics Open Water Swimming World Cup, held May 20-21, 2023, in Golfo Aranci, Italy.
- Managing Director, National Team. "Managing Director, National Team" refers to the USA Swimming Managing Director, National Team, or his/her designee.
- Qualifying Competitions. "Qualifying Competitions" mean the 10K Open Water Nationals and the Italy Open Water World Cup.
- Select/Selected/Selection to the Team. "Select/Selected/Selection the Team" refers to the Team selected by USA Swimming on or before May 30, 2023, plus any replacements that may be added to the Team pursuant to Section 4.
- Team. "Team" means the Championships team Selected on or before May 30, 2023, plus any changes or replacements made pursuant to these Selection Procedures.

- 10K Open Water Nationals. “10K Open Water Nationals” means the 10K Event at the 2023 USA Swimming Open Water National Championships, held Friday, April 21, 2023, in Sarasota, Florida.

1. SELECTION SYSTEM

1.1. The minimum eligibility requirements for an athlete to be considered for Selection to the Team:

1.1.1 In order to be considered for Selection to the Team, an athlete must, at the beginning of the applicable Qualifying Competitions and at the time of Selection to the Team:

- (a) be a registered athlete member of USA Swimming in good standing;
- (b) be a citizen of the United States; and
- (c) be eligible to represent the United States in international competition.

To be considered for Selection to the Team, an athlete must, at the time of Selection to the Team, be an Available Swimmer.

1.1.2 Nationality/Passport requirements:

Athlete must hold a valid U.S. passport as of May 30, 2023 that will not expire until February 2024.

1.1.3 Minimum International Federation (IF) standards for participation:

- (a) All athletes Selected to the Team must meet the eligibility requirements set forth by World Aquatics. For additional information regarding World Aquatics’ athlete eligibility, please refer the World Aquatics General Rules (GR 2).

1.1.4 Other requirements (if any):

- (a) Sign and return to USA Swimming by May 30, 2023, at 11:59 p.m. MST and abide by the USA Swimming applicable competition forms for 2023 (forms will be available prior to Selection).
- (b) Comply with all applicable rules and requirements of World Aquatics, the U.S. Olympic & Paralympic Committee (USOPC), the International Olympic Committee (IOC), the World Anti-Doping Agency (WADA), the U.S. Anti-Doping Agency (USADA), the U.S. Center for SafeSport, and USA Swimming, including without limitation USA Swimming policies and protocols regarding Team preparation and participation, through the Championships.

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:

Qualifying Competitions.

1.2.2 Provide event names, dates, locations, and description of how athletes qualify for the Qualifying Competitions above in 1.2.1 (if any):

To qualify for the 10K Open Water Nationals, an athlete must achieve an applicable time standard between January 1, 2022 and the entry deadline for the respective competition. The applicable time standards can be found at: www.usaswimming.org, or meet the criteria established by USA Swimming in the 2023 USA Swimming Open Water Domestic Selections Policy (www.usaswimming.org/docs/default-source/open-water-resources/open-water-selection/2023-usa-swimming-domestic-selections.pdf).

To qualify for the Italy Open Water World Cup, an athlete must meet the criteria established in the USA Swimming World Aquatics Open Water Swimming World Cup Series Policy (<https://www.usaswimming.org/docs/default-source/open-water-resources/open-water-selection>).

1.3 Comprehensive Selection Process:

This Section 1.3 sets forth the steps by which Available Swimmers will be Selected to the Team. Although USA Swimming may announce during the Qualifying Competitions that athletes have “made the Team” or “qualified for the Team,” any such announcement is informal and subject to change. The process of determining who is eligible to be Selected to the Team will take place on or before May 30, 2023, after completion of the 10K Open Water Nationals and the Italy Open Water World Cup. The results from the application of these Selection Procedures will be announced on or before June 2, 2023, although USA Swimming retains the right to make changes to the results to address withdrawals, vacancies, and applicable World Aquatics invitations through the entry deadline (time and date TBD).

1.3.1 Team Size.

The maximum allowable Team size is 4 men and 4 women total. However, only a maximum of 2 men and 2 women will be Selected to the Team in each Event at the Championships (i.e., 2 swimmers per gender in the 5K and 10K, respectively). The actual Team size will be determined once these Selection Procedures are implemented. For purposes of these Selection Procedures, the men's and women's components of the Team will be considered separately. USA Swimming is under no obligation to Select to the Team a full team of 4 athletes in each, or either, gender. Transgender athletes shall compete at the Championships consistent with USA Swimming, IOC, World Aquatics, USOPC, and Championships' Organizing Committee policies and criteria.

1.3.2 Qualifying Competitions. Performances at the 10K Open Water Nationals and the Italy Open Water World Cup will be used to determine the Team by using the priority system in Section 1.3.4.

1.3.3 [Intentionally Left Blank]

1.3.4 Application of Priorities for Team Selection. These Priorities will be applied on or before May 30, 2023, after completion of the 10K Open Water Nationals and the

Italy Open Water World Cup. Athletes not qualifying via one of these priorities will not be eligible to be Selected to the Team, unless they are subsequently added to the Team as a replacement according to the process in Section 4. If, after applying the priorities below, as well as the procedures in Sections 1.3.5 and 1.3.6, there are fewer than 4 men or 4 women, or both, on the Team, then USA Swimming will not field a full Team, unless the Team is filled as a result of adding one or more replacements as provided in Section 4.

Priority #1. The best finishing Available Swimmer from the 10K Open Water Nationals will be Selected to compete in the 5K and 10K Events at the Championships. However, Available Swimmers Selected under Priority #1 must agree to swim at least the 10K at the Championships; if an Available Swimmer declines to swim the 10K, they will not be Selected to the Team under Priority #1 and they are no longer an Available Swimmer. Should an Available Swimmer decline to swim the 5K at the Championships, then that Available Swimmer will no longer be considered an Available Swimmer for the 5K at the Championships.

Priority #2. The best finishing Available Swimmer at the Italy Open Water World Cup will be Selected to compete in the 5K and 10K Events at the Championships. However, Available Swimmers Selected under Priority #2 must agree to swim at least the 10K at the Championships; if an Available Swimmer declines to swim the 10K, they will not be Selected to the Team under Priority #2 and they are no longer an Available Swimmer. Should an Available Swimmer decline to swim the 5K at the Championships, then that Available Swimmer will no longer be considered an Available Swimmer for the 5K at the Championships.

Priority #3. Should there be any vacancies in the 5K Event at the Championships after implementing Priorities #1 and #2, the second best finishing Available Swimmer from the Italy Open Water World Cup will be Selected to compete in the 5K Event at the Championships.

Priority #4. Priority #4 will only be implemented if the Italy Open Water World Cup is cancelled and USA Swimming cannot find a replacement race. Under Priority #4, USA Swimming will Select the next best finishing Available Swimmer from the 10K Open Water Nationals, who will have the opportunity to compete in any remaining open Events at the Championships. This process will continue until all Events are filled.

1.3.5 Breaking a Tie.

- (a) If there is a tie between two or more Available Swimmers in the 10K Open Water Nationals, the Available Swimmer with the fastest Long Course 1500-Meter Freestyle time between the time period of January 1, 2022 and April 21, 2023 as reflected in USA Swimming's SWIMS database by 11:59 PM MT on April 21, 2023 (<https://www.usaswimming.org/times>), will be considered the winner of the tiebreaker. If this does not break a tie, the tie will be broken by random draw.
- (b) If there is a tie between two or more Available Swimmers in the Italy Open Water World Cup, the Available Swimmer with the fastest Long Course 1500-Meter Freestyle time between the time period of January 1, 2022 and May 21, 2023 as reflected in USA Swimming's SWIMS database by 11:59 PM MT on May 21, 2023

(<https://www.usaswimming.org/times>), will be considered the winner of the tiebreaker. If this does not break a tie, the tie will be broken by random draw.

Announcement. Those officially Selected to the Team will be announced on or before June 2, 2023, after completion of the Qualifying Competitions.

1.3.6 Selection of Swimmers for Events.

- (a) Available Swimmers Selected to the Team under Priority #1 will have the opportunity to compete in the in the 5K and 10K Events at the Championships. However, Available Swimmers Selected under Priority #1 must agree to swim at least the 10K at the Championships. An Available Swimmer who is Selected to compete through Priority #1 will no longer be considered an Available Swimmer, i.e., an Available Swimmer that accepts or declines the 5K and/or 10K under Priority #1 is no longer an Available Swimmer under the remaining Priorities and will not swim those Events at the Championships.
- (b) Available Swimmers Selected to the Team under Priorities #2 and #3 (and Priority #4, only if implemented) will have the option to swim any of the remaining open Events at Championships (but must swim at least one Event at the Championships). However, Available Swimmers Selected under Priority #2 must agree to swim at least the 10K at the Championships.
- (c) If there is a vacancy in an Event(s) that arises on or after June 2, 2023, the replacement process in Section 4 will be used to fill the vacancy in that Event(s).

2 DISCRETIONARY SELECTION

2.1 Provide rationale for utilizing discretionary selection (if any):

All swimmers who are Selected to the Team shall be eligible for selection to relays to be held at the Championships. Those swimmers who are selected by USA Swimming to the 2023 World Aquatics Championships (Pool) are also eligible for selection to relays to be held at the Championships. The Director, National Team Open Water shall select the athletes for each relay conducted at the Championships, with the advice and consent of the Head Coach. In selecting the relay teams, the Director, National Team Open Water shall consider all available relevant information, including but not limited to, and in no particular order, each Team member's respective Qualifying Competition performances, past relay performances, Championships performances, personal best performances, Championships Event schedules, individual workload, other recent results and performances, consistency of performances, fatigue, health, fitness levels, training preparation, scientific evaluation, attitude, and team chemistry.

2.2 Specify the process that will be used to identify and handle any potential conflicts of interest involving a member of the committee.

The Director, National Team Open Water (or his/her designee) will be responsible for relay selection, with the advice and consent of the Head Coaches and Assistant Coaches. Should the Director, National Team Open Water have a conflict of interest, as determined by USA Swimming's Ethics Committee, his/her designee will be responsible for relay selection, with the advice and consent of the Head Coaches and Assistant Coaches. All involved in relay selection must comply with USA Swimming's

Statement of Ethics and Conflict of Interest Policy, to include completing and submitting a disclosure form for review by the Ethics Committee.

Anyone involved in relay selection who has an actual, possible, or perceived conflict of interest must disclose to the Ethics Committee, prior to the start of the relay selection process. The Ethics Committee may determine that this individual must disclose the conflict to the others involved in relay selection and/or recuse him/herself from selection and/or voting. A conflict of interest exists when a personal, family, financial, professional, club, team, or business interest of the person poses a direct or indirect relationship, connection, or affiliation, past or present, with an athlete in contention for relay selection that could compromise the individual's ability to participate in selection in an unbiased manner.

For example, if it is determined that an individual must recuse him/herself from voting, the Ethics Committee may still find that if he/she has relevant and necessary information with respect to athlete performance, for example a national team coach or high performance director, he/she may, if requested by the others involved in relay selection, still provide such information, so long as it is provided in a fair and unbiased manner and the individual with the conflict does not vote. The individual must not otherwise influence others in selection.

Additionally, any person (including any potentially impacted athlete or coach of a potentially impacted athlete) with a good faith belief that an individual involved in selection has a conflict of interest should report the alleged conflict of interest to the Ethics Committee. Reports may be made anonymously. No individual involved in selection shall retaliate in any way against a person who, in good faith, reports an alleged conflict of interest.

3 REMOVAL OF ATHLETES

- 3.1 USA Swimming has jurisdiction over potential selectees. An athlete who is to be Selected to the Team by USA Swimming may be removed as a selectee for any of the following reasons, as determined by the National Team Open Water Director, the Managing Director, National Team, and the USA Swimming Athletes' Advisory Council (AAC) Chair:
 - 3.1.1 Voluntary withdrawal. An athlete may choose to voluntarily withdraw from the Team. An athlete choosing to voluntarily withdraw from the Team, or from consideration for the Team must do so in writing and is strongly encouraged to submit a written letter to the Director, National Team Open Water and the Managing Director, National Team by June 2, 2023. Athletes who withdraw from the Team in the 10K Event must withdraw from all other Events at the Championships.
 - 3.1.2 Injury or illness as certified by a physician (or medical staff) approved by USA Swimming. USA Swimming may remove an athlete who has an injury or illness, as certified by the approved the approved physician, that is likely to keep the athlete from competing at peak levels in the Championships. If an athlete refuses verification of his/her illness or injury by the approved Team physician assigned to the sport of swimming (or medical staff), his/her injury will be assumed to keep him/her from competing at peak levels at the Championships, and he/she may be removed.

- 3.1.3 Failure to maintain necessary training regimen. An athlete may be removed if the Director, National Team Open Water, in consultation with the Head Coach, the Managing Director, National Team, the USA Swimming National Team Steering Committee Chairperson, and the Chair of the USA Swimming AAC, determine that the swimmer is unable or unwilling to maintain a training regimen that is necessary for peak performance at the Championships. (See Participation and Commitment Agreement, which will be provided prior to June 2, 2023). If any of these individuals involved in the decision has a conflict of interest, they will not be part of the decision-making.
- 3.1.4 Any swimmer may be dismissed from the Team at any time if the swimmer violates any of the applicable World Aquatics, USA Swimming, or other rules and regulations applicable to the Team or its members, including without limitation applicable Codes of Conduct or Team Rules. In the event there is a violation and the swimmer is to be dismissed from the Team, upon request of the swimmer, there will be an emergency hearing held before USA Swimming's National Board of Review within 24 hours of the violation (or as soon as possible thereafter) to determine whether the proposed dismissal or other discipline is warranted.
- 3.1.5 If an athlete is alleged to have committed an anti-doping rule violation, that swimmer shall remain on the Team (or remain eligible to be Selected to the Team) until: (i) the swimmer is provisionally suspended or declared ineligible after a hearing conducted pursuant to the U.S. Anti-Doping Agency Protocol or by World Aquatics; (ii) the swimmer voluntarily accepts a provisional suspension or sanction of ineligibility; or (iii) the swimmer voluntarily withdraws from the Team or relinquishes eligibility to be Selected to the Team.
- 3.1.6 If an athlete is alleged to have committed a violation of the SafeSport Code for the U.S. Olympic and Paralympic Movements (the "SafeSport Code"), that athlete shall remain on the Team (or remain eligible to be Selected to the Team) until: (i) the athlete is provisionally suspended or declared ineligible after a hearing conducted pursuant to the SafeSport Code; (ii) the athlete voluntarily accepts a provisional suspension or sanction of ineligibility; or (iii) the athlete voluntarily withdraws from the Team or relinquishes eligibility to be Selected to the Team.

An athlete who is to be removed from the Team or an Event or from eligibility to be Selected to the Team, pursuant to these provisions, has the right to a hearing per the USA Swimming Bylaws (usaswimming.org), the USOPC's Bylaws, Section 9, the applicable anti-doping code/protocol, or the SafeSport Code before such removal or declaration of ineligibility.

- 3.2 An athlete may be removed as a nominee to the Team or from the Team for an adjudicated violation of IOC, WADA, World Aquatics, USADA, and/or USOPC anti-doping protocol, policies, and procedures, as applicable or an adjudicated violation of the SafeSport Code.

4 REPLACEMENT OF ATHLETES

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

The pool of potential replacement athletes includes those individuals who meet the criteria in this Section 4.

- 4.1.1. Prior to submission of Entries by Name to the Local Organizing Committee (Time and Date TBD).

If the Team is not full (fewer than two athletes in an Event as listed in Section 1.3.1) after a swimmer declines a position in an Event for any reason, or Event positions otherwise become vacant, then the vacancy in any such Event(s) shall be filled by the next best finishing Available Swimmer from the Italy Open Water World Cup not already on the Team (or instead the next best Available Swimmer under Priority #4, if Priority #4 is implemented). This process shall continue until two men and two women are Selected to each Event.

- 4.1.2. After submission of Entries by Name to the Organizing Committee:

5. After Entries by Name have been submitted to the Local Organizing Committee (time and date TBD), USA Swimming will attempt to fill any vacancy in only the 10K Event with best finishing Available Swimmer from the Italy Open Water World Cup (or instead the next best Available Swimmer under Priority #4, if Priority #4 is implemented) not already on the Team, but there are no guarantees that USA Swimming will be successful in doing so. If World Aquatics does not accept the late entry, USA Swimming will attempt to fill the vacancy in any Event(s) by an Available Swimmer already on the Team.

6. 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 Championships.

7. PUBLICITY/DISTRIBUTION OF PROCEDURES

The Selection Procedures (complete and unaltered) will be posted/published by USA Swimming on its website.

8. DATE OF SELECTION

The Selection of Athletes will take place on or before May 30, 2023.

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>
Depart U.S.A.	July 3	Various Airports
Training	July 4-14	Singapore
Competition	July 15-20	Fukuoka, Japan
Return Home	July 21	Fukuoka, Japan

*Dates and locations are subject to change

10. ANTI-DOPING REQUIREMENTS

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

11. USA SWIMMING BYLAWS AND GRIEVANCE PROCEDURES

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

12. DISCLAIMER

These Selection Procedures are based on World Aquatics rules and regulations, as applicable and as presently known and understood. Any change in the Selection Procedures caused by a change in World Aquatics rules and regulations will be distributed to the affected athletes immediately. The Selection Procedures are based on the latest information available to USA Swimming. However, the Selection Procedures are always subject to unforeseen, intervening circumstances, and realistically may not have accounted for every possible contingency.

If circumstances cause the alteration or cancellation of any of the Qualifying Competitions listed in this document, these Selection Procedures will be revised.

Specifically, with regards to the Italy Open Water World Cup, should this event be cancelled or postponed so that it will not be completed on or before June 2, 2023, USA Swimming will not Select any Available Swimmers under Priorities #2 and #3. USA Swimming will attempt to assign a replacement race for Priorities #2 and #3, but there are no guarantees that USA Swimming will be able to do so. USA Swimming will make an announcement regarding a replacement event no later than two weeks from the date that the Italy Open Water World Cup cancellation or postponement is announced. USA Swimming is under no obligation to find a replacement event for the Italy Open Water World Cup. If a replacement race is held, these Selection Procedures will be updated no fewer than 45 days prior to the replacement event and USA Swimming will directly notify all Open Water National Team and Open Water National Junior Team athletes and coaches of the change.

Should the event cancellation or postponement occur on or after June 2, 2023, or if USA Swimming is unable to find a replacement race, USA Swimming will not assign a replacement race for Priorities #2 and #3 and will instead implement Priority #4. Priority #4 will only be implemented in this scenario.

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/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 the Director, National Team Open Water in writing by no later than March 25, 2023, and the response to such request by USA Swimming must be provided in writing and, where appropriate, must be published promptly on the USA Swimming website.

An athlete who is Selected to the Team by virtue of an error or oversight by USA Swimming may be removed from the Team at any time.

13. SELECTION PROCEDURE APPROVAL COMMITTEE

12.1 Conflicts of Interest

Individuals involved in the creation and enforcement of these Selection Procedures are subject to USA Swimming’s Statement of Ethics and Conflict of Interest Policy (the “Conflict of Interest Policy”). Pursuant to the Conflict of Interest Policy, these individuals must submit annual Disclosure Statements to USA Swimming’s Ethics Committee for review and direction on avoidance and mitigation of any conflicts. Any actual, potential, or perceived conflicts of interest identified in the creation or enforcement of these Selection Procedures should be reported to USA Swimming’s Ethics Committee, pursuant to the Conflict of Interest Policy.



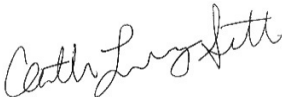
12.2 Retaliation

No individual who raises concerns or asks questions about these Selection Procedures or files a grievance and/or reports a conflict of interest regarding these Selection Procedures shall suffer retaliation, as prohibited by USA Swimming’s Whistleblower and Anti-Retaliation Policy (the “Anti-Retaliation Policy”). Any claims of retaliation should be reported to USA Swimming’s Ethics Committee, pursuant to the Anti-Retaliation Policy. This protection against retaliation includes protection for seeking advice from the Athlete Ombuds Office.

Athlete Ombuds Office Contact Information
 Phone: 719-866-5000
 Email: ombudsman@usathlete.org Website: usathlete.org

12.3 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
President & CEO	Tim Hinchey		3.8.2023
Director, Open Water National Team	Bryce Elser		3.8.2023
USA Swimming AAC Chair	Caitlin L. Smith		3.38.2023