

USA Swimming Athlete Partnership Agreement

January - June 2021 Policy Manual





APA Contacts

General APA Questions

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USA Swimming Staff Contacts

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

For all staff contacts: (719) 866-4578

Stacy Michael-Miller, Director, National Team Support and Services smichael@usaswimming.org
Wendy Bartlett, Manager, Athlete Marketing wbartlett@usaswimming.org

Athlete Partnership Review Committee -Training/Competition

Bruce Gemmell Steering Committee Chair
Natalie Coughlin Hall USOPC Athletes Advisory Council Representative
Tony Ervin USOPC Athletes Advisory Council Representative (alternate)

Athlete Partnership Review Committee – Marketing

TBD Board of Directors Representative (appointed by the Chairman of the Board)
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Natalie Coughlin Hall USOPC Athletes Advisory Council Representative
Tony Ervin USOPC Athletes Advisory Council Representative (alternate)



January-June 2021 Athlete Partnership Agreement Qualifying Criteria

- **Athletes must meet the following criteria to be eligible:**
 - Have exhausted or relinquished NCAA eligibility
 - Be actively training and competing
 - Provide a training and competition calendar signed by their coach
 - Be named to the current year National Team
 - criteria may be found here:
 - <https://www.usaswimming.org/meet-the-team/national-team>
Go to 2020-2021 National Team Selection Procedures
 - athletes who are named to the 2020-2021 National Team after August 18 are not eligible for Direct Athlete Support or to sign the Athlete Partnership Agreement.
 - Have a designated World Ranking (1-16) and be named to the National Team in the same event for pool swimming.
 - All World Rankings referenced in the Athlete Stipend criteria will be taken from www.usaswimming.org/Home/times/data-hub/worldrankings-powered-by-usa-swimming.
 - World Rankings will be taken at 8 a.m. Mountain Time (MT) on March 25, 2020 including times from January 1, 2019- March 17, 2020.
 - 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, performances from mixed gender heats, or intermediate splits will be considered under any circumstances.
 - Athletes may only receive funding in one discipline (Pool or Open Water).
 - Athletes will be ranked to reach 52 athletes in an Individual Olympic Event
 - Should there be more than 52 athletes who qualify, the following criteria will be used:
 - Athletes will be ranked based on World Rankings powered by USA Swimming.
 - Athletes will be ranked in their highest world ranking until 52 athletes are reached, once 52 athletes are reached, they will receive tier 1 funding.
 - Athletes who are ranked in the Top 16 in the world, but outside the top 52 will still receive funding, however, at a tier 2 rate.
 - Exception: all athletes (even if there are more than 52 athletes) who received funding for the 2019-2020 season (funding period ending July 31, 2020) will receive funding at the same tier level that they received during that time period, even if they fall outside of the top 52 ranked athletes.
 - a. If an athlete's ranking moves him/her up a tier level they will receive funding for the higher tier.



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*

APA Requirement:

- *Maintain current USA Swimming membership including all Background Screen and Athlete Protection Training requirements*
- *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 a delay on payment of the athlete's monthly stipend.***

Doping Control

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

Quarterly Whereabouts Filings

April-June 2021 Whereabouts Filing Due

March 15, 2021

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.

USA Swimming National Championships

U.S. Olympic Team Trials, Swimming

TYR Pro Swim Series meets

FINA Champions Series

FINA 10K World Cup Series

Travel to Olympic Training Centers

USA Swimming National Team/International Team trips

Toyota U.S. Open

FINA World Cup Series

National Team Camps

APA Appearances

ISL competitions

Forms Required to Receive APA Stipend

1. 2021 Athlete Designee Form **due** by December 31, 2020.
2. 2021 -9 form **due** when APA contract is signed.*
3. 2021 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 USOPC requires all athletes receiving Direct Athlete Support to submit an Athlete Designee form each year. USA Swimming is then responsible for providing the USOPC with a list each month confirming who is eligible to receive payment for the next month. USA Swimming shall work with the USOPC to make every effort to have the funds deposited on or before the 5th of every month during the Term.

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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 8, 2021 and May 1, 2021.

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 2020 U.S. Olympic Team Trials, Swimming held in 2021 and a minimum of two TYR Pro Swim Series events.

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** _____



2021 USA Swimming TYR Pro Swim Series

Athletes must attend two TYR Pro Swim Series meets based on the format requirements listed below.

For 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.

Appearance fees:

Appearance fees are for Individual Olympic Events only

Professional Athletes are eligible for appearance fees if they meet the established criteria.

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:

- Compete in two full days of the competition.
- Athlete finishes in the top-8 in the aggregate results across all sites in any event
- Athlete must complete the Professional Athlete Education Module for that event (information will be distributed via email from the Support and Services Director.)
- Having met all of the established requirements above, a one-time appearance fee will be distributed to professional athletes who have achieved the following World Ranking in an individual Olympic event from January 1, 2019-March 17, 2020 (excluding relay lead-offs, time trials, swim-offs, performance from mixed gender heats, and intermediate splits) or have been named to the current year National Team at the rate listed below:

- World Ranking 1-8 / Gold Level Funding in Open Water: \$1,000
- World Ranking 9-16 / Silver Level Funding in Open Water: \$500
- World Ranking 17-32: \$300
- Member of the 2020-2021 National Team: \$300



Menu of Appearances

APA Requirement: *Athletes have two appearances to complete for the January – June 2021 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 between January - June 2021, and both sides would jointly approve. Athletes should work with the USA Swimming's Manager of Athlete Marketing to identify appearances at least 30 days in advance in an effort to prevent past or near-term appearances. USA Swimming would also become a promotional partner to help support these events (see PR Support below).*

Guiding Principles:

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

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

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

- *Charity Participation:*
 - Participation in USA Swimming Foundation events or camps
 - Athlete create his/her own charity event/promotion (See guiding principles above)
- *Events/Speaking Opportunities:*
 - Accept awards in person at the United States Aquatic Sports Banquet
 - Autograph signing at Pro Swim Series meets, National Championships and/or U.S. Open
 - Pre-event promotions to drive awareness of events
 - National Championships
 - Olympic Trials ticket sales
 - TYR Pro Swim Series
 - Toyota U.S. Open
 - Regional Coaches Conference speaker
 - Diversity camp guest speaker
 - We Lead guest speaker
 - Safe Sport promotion
 - Select camp guest speaker
 - Swimposium speaker Appearance or photo shoot to promote USA Swimming's grow the sport initiatives

- Appearance to promote USA Swimming's New Member Welcome Kit, Deck Pass and other USA Swimming marketing programs
- USA Swimming Productions – i.e. Off the Blocks episode
- **Community Relations:**
 - USA Swimming organized school, military or hospital visits around events or camps
 - USA Swimming organized surprise visits or clinics for member swim teams or inner-city clubs
- **Social Media:**

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

 - Tweets
 - Instagram posts

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

APA Appearance Request Form

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

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

Corporate Partner Networking:

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

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

Public Relations Support:

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

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USA Swimming will provide the following:

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

Athlete will provide the following:

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

Travel Reimbursements for Appearances:

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

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



Athlete Partnership Agreement Checklist

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

I have completed the following:

1. Submitted contract to Stacy (smichael@usaswimming.org)...Due December 31, 2020...
2. Submitted new Athlete Designee form for USOPC...Due December 31, 2020.....
3. Registered for 2021 USA Swimming Membership by December 31, 2020...
4. Submitted my Athlete Training and Competition Calendar Progress report to Stacy Michael-Miller by January 8, 2021 and May 1, 2021 ...
5. Attended the required days of two (2) TYR Pro Swim Series meets.....
6. Participated in at least two (2) APA appearances (one supporting the USA Swimming Foundation or USA Swimming)...
7. Submitted my April-June 2021 Whereabouts Filing Due April 15, 2021...

To Do:

- Schedule my appearances with Wendy Bartlett wbartlett@usaswimming.org to be completed by (date): _____
- Submit my Doping Control whereabouts filings.
- Submit my Doping Control updates prior to travel to the competitions and events listed in the APA Policy Manual
- Enter the 2020 U.S. Olympic Team Trials, Swimming held in 2021

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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 the USA Swimming USOPC AAC Representative 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

Bruce Gemmell	Steering Committee Chair
Natalie Coughlin Hall	USOPC Athletes Advisory Council Representative
Tony Ervin	USOPC Athletes Advisory Council Representative (alternate)

Athlete Partnership Review Committee – Marketing

TBD	Board of Directors Representative (appointed by the Chairman of the Board)
TBD	Board of Directors Representative (appointed by the Chairman of the Board)
Natalie Coughlin Hall	USOPC Athletes Advisory Council Representative
Tony Ervin	USOPC Athletes Advisory Council Representative (alternate)

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

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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 and USOPC National Anti-Doping Policy.

Morality Clause Violation:

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

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