

**USA SWIMMING**  
**RULES & REGULATIONS COMMITTEE**

**ACTIONS TAKEN ON 2022 PROPOSED LEGISLATION  
BY USA SWIMMING HOUSE OF DELEGATES**

*Prepared by Derek Paul (Chair),*

*Herb Schwab (Secretary)*

*September 24, 2022*

**USA SWIMMING**  
**RULES & REGULATIONS COMMITTEE**  
**ACTIONS TAKEN ON PROPOSED**  
**AMENDMENTS TO RULES AND REGULATIONS**

R-1	ADOPTED	Effective Immediately
-----	---------	-----------------------

**Location:** Page 15: OFFICIAL GLOSSARY

**2-YEAR ATHLETE** – an athlete who has been actively engaged in 24 months prior to election/selection in a USA Swimming-sanctioned competition (as defined by the USA Swimming Athletes' Advisory Council and approved by the USA Swimming Athlete Representation Working Group [as defined in the USOPC Bylaws]), which may include events that categorize entrants in age restricted classifications.

R-2	ADOPTED	Effective January 1, 2023
-----	---------	---------------------------

**Location:** Page 35: 102.10.3 Officials

**102.10**

.3 With the exception of development, intra-squad and dual meets, there ~~should~~ shall not be fewer than the following officiating positions filled or approved by the LSC in authority for all swim meets and time trials. Officials other than the Referee and Administrative Official may act in more than one officiating capacity only when sufficient qualified officials are not available, but no one may simultaneously time and judge the order of finish. An LSC House of Delegates may establish additional minimum requirements.

- 1 Referee
- 1 Starter
- 3 Timers per lane (one minimum if automatic equipment with touchpads is used)
- 1 Clerk of Course (if applicable)
- 1 Place Judge (2 are preferred)
- 2 Stroke Judges and 2 Turn Judges or 2 Stroke and Turn Judges
- Relay Take-off Judges (if applicable)
- 1 Administrative Official
- 1 Announcer (if applicable)
- Timing Equipment Operators (as needed)
- 2 Marshal(s) (number determined by LSC), with at least one of each gender

R-3	ADOPTED	Effective January 1, 2023
-----	---------	---------------------------

**Location:** Page 35: 102.10.4 Officials

**102.10**

.4 At development, dual and intra-squad meets, there shall be no fewer than the following officiating positions filled or approved by the LSC in authority for all swim meets and time trials.

- 1 Referee, who may also act as a stroke and turn judge
- 1 Starter
- 1 Other Stroke and Turn Judge
- 1 Announcer (if applicable)
- 3 Timers per lane (one minimum if automatic equipment with touchpads is used)
- 1 Administrative Official
- 1 Place Judge
- Relay Take-off Judges (if applicable)

Timing Equipment Operators (as needed)  
2 Marshal(s) (number determined by LSC), with at least one of each gender

R-4	ADOPTED	Effective Immediately
-----	---------	-----------------------

**Location:** Page 38: 102.16 Recorder of Records

~~102.16 RECORDER OF RECORDS~~— Shall obtain from the Administrative Official all times made in each event, including preliminaries and finals, shall have proper application forms and shall duly process all record claims as set forth in Article 104.

R-5	DEFEATED
-----	----------

**Location:** Page 52: 103.23 (new) Start Lights

103.23 /NC/ START LIGHTS – For swimmers who are deaf or hard of hearing, a starting light shall be placed within the swimmer's lane boundaries at the starting platform to be visible to the swimmer on the platform.

R-6	ADOPTED	Effective Immediately
-----	---------	-----------------------

**Location:** Pages 53-56: Article 104 Rules for Swimming Records

## ARTICLE 104 RULES FOR SWIMMING RECORDS

### 104.1 WORLD RECORDS

.1 [No changes]

.2 All claims shall be sent by ~~facsimile transmission~~ immediately following the performance to USA Swimming the National Headquarters. Supporting evidence must be filed on official FINA World Record application forms, which must be submitted to the Executive Director of FINA in the National Headquarters within 14 24 days after the following performance. Responsibility for this filing shall rest with the ~~meet recorder of records, official scorer, or LSC Records Chair~~ Meet and/or Administrative Referee.

### 104.2 USA SWIMMING RECORDS

#### .1 General Requirements and Conditions for Records

A. [No changes]

B Record times registered by automatic equipment shall be ~~submitted~~ in hundredths of a second (two decimal places). If first place times are tied to a hundredth of a second, the results shall be declared to be a tie and the record shall be shared by each swimmer.

C No record shall be considered ~~which is applied for by or through~~ that results from a meet sanctioned by a conference, league, LSC, allied member, or organizational member whose rules governing performance do not conform to Parts One, Two and Seven of USA Swimming Rules & Regulations unless such swim is observed in accordance with 202.8.

~~**Exception:** When such rules do not conform to these rules but performance by the swimmer is claimed to conform to them, application may be made to the President/CEO (or his/her designee), for consideration. Such application must be supported by documentary or other evidence of performance as may be requested.~~

D For LSC and local records only, unless prohibited by the LSC, the Referee, if requested, for the purposes of recording record attempts at an initial distance for an individual event or for the lead-off leg of a relay, may for any lane:

(1) Permit the use of the ~~split function of digital manual watches where all three official lane timers on the lane are using digital watches with split functions~~ split times recorded by a fully automatic timing system, or

(2) Assign three (3) additional official timers to the lane to time the record attempt.

**Note:** Performances in this category require the swimmer(s) to complete the full distance of the scheduled event in compliance with applicable rules including a legal finish at the initial distance.

E-F [No changes]

## .2 American and United States Open Records

A-B [No changes]

### C Special Requirements and Conditions

(1) Lead-off legs/initial distances of mixed gender relays shall not count for American or U.S. Open records.

(2) American Records established outside of the United States shall be applied for on official record application forms. When an American Record results from a World Record performance outside the United States, it shall be accepted as such upon formal approval by FINA without further certification.

(3) When a record is claimed, an official record application form shall be filled out, signed by the designated officials, and transmitted to USA Swimming Headquarters with all supporting data, including official meet results and official measurement of the lane(s) the primary printout tape for the automatic timing equipment, within 14 days after the performance. Record applications will not be accepted unless certification of course length accompanies them.

#### ~~(4) Pool Certification~~

~~(a) Record applications will not be accepted unless certification of course length accompanies them or is on file with USA Swimming.~~

~~(b) Pool certification shall be reported on the standard form available from the President/CEO.~~

~~(c) Certification data need only be filed once unless structural changes have occurred since original certification.~~

#### ~~(45) Pool Measurement~~

~~[(a) – (b)] No changes~~

~~(c) Where a moveable bulkhead is used, course measurement of the lane in which the record was set must be confirmed at the conclusion of the session during which the time was achieved and submitted by the meet referee to USA Swimming.~~

~~(56) Pending records claims properly documented and approved by the Times & Recognition Committee Chair (or his/her designee) shall be approved upon approval by USA Swimming and shall be declared effective immediately.~~

~~(67) American and United States Open Records established at the USA Swimming National Championships, the U.S. Open, any World Cup event sponsored by USA Swimming, and at events conducted by FINA, shall, upon receipt of final official results, and proper completion of pool certification, and approval by the Times & Recognition Committee Chair (or his/her designee) be declared effective immediately unless a faster claim is pending.~~

~~(8) Record claims not previously accepted and declared effective under (6) and (7) above shall be considered by the Program & Events Coordinator (or his/her designee) for recommendation and acceptance. Applications ruled incomplete may be reconsidered by the Times & Recognition Committee Chair (or his/her designee) and final action recommended to the Board of Directors.~~

~~(79) Swimmers who establish a record shall be presented with a certificate signed by the Board Chair of USA Swimming and the President/CEO (or his/her designee).~~

### .3 National Age Group Records

#### A Requirements

- (1) [No changes]
- (2) Times ~~submitted for~~ uploaded that are Age Group records must comply with all the requirements of the National Age Group Recognition Program as listed in 205.9.

**B Reporting** — When an listed Age Group record is reported ~~bettered~~, an official Age Group Record Application Form (~~provided by Headquarters to the LSC and~~ posted on the USA Swimming website) shall be filled out, signed by the designated officials, and transmitted along with proper completion of pool measurement within thirty (30) days. ~~The swimmer's representative shall be responsible for initiating the record validation and reporting procedures established by the Times & Recognition Committee Chair (or his/her designee).~~

**C Recognition** — Upon confirmation of a National Age Group Record by USA Swimming including receipt of the record application and proper completion of pool measurement, a certificate of record achievement will be sent to all swimmers and members of relays whose time meets or better the current National Age Group Record.

(.4 -.5) [No changes]

R-7	WITHDRAWN
-----	-----------

**Location:** Page 58: 105.3 Figure 1 Deaf or Hard of Hearing

#### Figure 1: FORWARD START

A-D [No changes]

E. Turn palm up and slowly raise the arm overhead – signal to “stand up”

R-8	ADOPTED	Effective Immediately
-----	---------	-----------------------

**Location:** Page 58: 105.3 Figure 1 Deaf or Hard of Hearing

#### Figure 1: FORWARD START

A [No changes]

B. Arm overhead – “long whistle” – swimmer steps onto starting block

C-D [No changes]

E. Arm raised overhead with palm up (at any time after C. [“Take Your Mark”] and prior to D. [starting signal] – swimmer released from “take your mark” command)

R-9	WITHDRAWN
-----	-----------

**Location:** Page 58: 105.3 Figure 2 Deaf or Hard of Hearing

#### Figure 2: BACKSTROKE START

A-E [No changes]

F. Turn palm up and slowly raise the arm overhead – signal to “relax”

R-10	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 58: 105.3 Figure 2 Deaf or Hard of Hearing

**Figure 2: BACKSTROKE START**

A. [No changes]

B. Arm overhead – “long whistle” – swimmer enters water; drop arm to side while swimmer enters water

C-E [No changes]

F. Arm raised overhead with palm up (at any time after D. [“Take Your Mark”] and prior to E. [starting signal] – swimmer released from “take your mark” command)

R-11	DEFEATED
------	----------

**Location:** Page 58: 105.3.1 Deaf or Hard of Hearing

**105.3 DEAF OR HARD OF HEARING**

.1 Swimmers who are deaf or hard of hearing require a visual starting signal, i.e., a strobe light and/or Starter’s arm signals. ~~The Referee may reassign lanes within the swimmer’s heat, i.e., exchanging one lane for another, so that the strobe light or Starter’s arm signal can more readily be seen by the swimmer who is deaf or hard of hearing.~~ Standard Starter’s arm signals are shown in Figures 1 and 2. A recall rope is required in the event of a recall, provided the meet host is notified by the entry deadline that a swimmer who is deaf or hard of hearing will be participating.

R-12	DEFEATED
------	----------

**Location:** Page 58: 105.3.3 Deaf or Hard of Hearing

**105.3.1-.2** [No changes]

.3 When a swimmer who is deaf or hard of hearing is entered in a meet, the arm signals described in 105.3 shall be implemented by the Starter during the entire event in which the swimmer who is deaf or hard of hearing is entered.

R-13	DEFEATED
------	----------

**Location:** Page 58: 105.3.4 Deaf or Hard of Hearing

**105.3.1-.2** [No changes]

.4 Personal Assistant – A Personal Assistant as specified by Article 105.1.3C may be positioned on the pool deck, in a position determined together by the Meet Referee and the swimmer who is deaf or hard of hearing for the purpose of conveying all or part of the start commands or communicating other directions. This shall not take the place of the Starter completing the hand signals at the Start end of the pool.

R-14	DEFEATED
------	----------

**Location:** Page 59: 105.5.2 Physical Disabilities

**105.5 PHYSICAL DISABILITIES**

.1 [No changes]

.2 **Stroke/Kick** – In judging the stroke or kick of a swimmer with a physical disability, the Referee and Stroke & Turn Judge should follow the general rule that: if a part of the body is absent or cannot be used, it is not judged; a necessary stroke or kick accommodation may be applied by the meet referee if it is used during the stroke or kick, it should be judged in accordance with

the USA Swimming Rules & Regulations. All other body parts shall be judged in accordance with the USA Swimming Rules & Regulations.

Judgments should be made based on the actual rule – not on the swimmer’s technique. For example, the breaststroke of a swimmer with one arm or leg shorter than the other, may have a non-symmetrical stroke or kick, but as long as the arm or leg action is simultaneous, it would meet that portion of the rule. No flotation devices should be permitted.

.3-.4 [No changes]

R-15	WITHDRAWN
------	-----------

**Location:** Page 62: 202.4 Requirements for Sanction

**202.4.1-.10** [No changes]

.11 No sanction for domestic competition will be issued without a written quality control system that has been approved by the U.S. Center for SafeSport. USA Swimming shall provide a model written quality control system approved by the U.S. Center for SafeSport, which shall serve as the default for any meet host that fails to establish its own written quality control system.

.12 **A-N** [No changes]

O. The following statement: “A quality control system has been implemented to ensure that individuals who are ineligible for participation are unable to participate in this competition. This includes, without limitation, individuals listed on the U.S. Center for SafeSport’s Centralized Disciplinary Database, USA Swimming’s List of Individuals Permanently Suspended or Ineligible for Membership, USA Swimming’s List of Individuals Suspended or Ineligible – Specific Date, and all adult members (defined by the SafeSport Code for the Olympic and Paralympic Movement as 18 years and over) of USA Swimming who have not completed athlete protection education as required by the U.S. Center for SafeSport.”

*[re-number remaining]*

R-16	ADOPTED	Effective January 1, 2023
------	---------	---------------------------

**Location:** Page 63: 202.4.11 Requirements for Sanction

**202.4.11**

**A-M** [No changes]

N. A description of the medical supervision (e.g., lifeguards, EMT, AED device, etc.) available to athletes participating in the meet.

*[re-number remaining]*

R-17	ADOPTED/AMENDED	Effective Immediately
------	-----------------	-----------------------

**Location:** Page 69: 203.3 Representation

**203.3** For a swimmer to represent a USA Swimming club in a competitive event, ~~one hundred twenty (120) sixty (60)~~ consecutive days must have elapsed before the swimmer is permitted to represent any other USA Swimming club in USA Swimming open competition. The ~~420~~60-day count shall begin on the day following the last date the athlete represented a USA Swimming club in open competition.

R-18	ADOPTED/AMENDED	Effective Immediately
------	-----------------	-----------------------

**Location:** Page 70: 203.9.2 Representation

### 203.9

.1 [No changes]

.2 A swimmer who has competed for an organization within a foreign federation must provide official documentation from that federation confirming his/her last day representing that organization in competition. ~~Sixty One hundred twenty (120)~~(60) consecutive days must elapse after a swimmer represents any organization before he/she can represent a USA Swimming club. If documentation is not provided at the time of registration, the ~~sixty one hundred and twenty (120)~~(60) days will commence from the date of registration. Foreign swimmers who are competing for a secondary school, college or university shall be automatically released, in accordance with 203.4.

R-19	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 78: Article 207.6.2 Qualifying Time Standards

### 207.6 QUALIFYING TIME STANDARDS

[.1] No Changes

.2 The Senior Development Committee shall develop, ~~one (1) year~~ ten (10) months in advance, the qualifying time standards for all National Championship/U.S. Open Championships, Junior National Championships, and Futures Championships. Once approved by the committee, time standards will be announced and made available to the membership. Qualifying time standards shall be specified in hundredths of a second, with nine one-hundredths being the constant.

R-20	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Pages 93-101: Articles 401.1-410.5 Hearings and Appeals

## **PART FOUR HEARINGS AND APPEALS**

### **ARTICLE 401 GENERAL**

~~401.1 As a voluntary membership organization, where membership is a privilege and not a right, USA Swimming and the U.S. Center for SafeSport may censure, enjoin, place on probation, suspend for a definite or indefinite period of time with or without terms of probation, fine, or expel any member of USA Swimming, including any athlete, coach, manager, official, and member of any committee, as well as any person participating in any capacity in the affairs and/or attending activities of USA Swimming, the Zones or LSCs, whether such person is a member of USA Swimming or not (a "Participating Non-Member"), who has violated any of its rules or regulations, or who aids, abets, and encourages another to violate any of its rules or regulations, or who has acted in a manner which brings disrepute upon USA Swimming, the Zone, the LSC or the sport of swimming. USA Swimming may also conduct hearings on any matter affecting USA Swimming as the National Governing Body for swimming. For the purposes of Part Four, the term "days" shall mean calendar days; in the event that an applicable time period ends on a Saturday, Sunday, or any other day which is a national holiday on which United States Postal Service regular postal delivery is not available (collectively, a "Non-Business Day"), such time period shall be extended to the next day which is not a Non-Business Day.~~

### **ARTICLE 402 BOARD OF REVIEW MEMBERSHIP**

~~402.1 — NATIONAL BOARD OF REVIEW —~~ The Chair and one or more Vice Chair(s) of the National Board of Review shall be appointed by the Board Chair, with the advice of the Secretary & General Counsel. The term of the Chair and Vice Chair(s) shall



~~be two years with a limit of five (5) full terms each may serve. Each case submitted to the National Board of Review shall be assigned by the Chair of the National Board of Review to a panel consisting of members of the National Board of Review Committee, unless conflicts or other reasons require panel members who are not members of such Committee. Each hearing panel shall consist of not fewer than three (3) members and not more than five (5) members, with a sufficient number of eligible athlete representatives so as to satisfy the requirement that such athletes constitute one-third (33.3%) of the hearing panel, to hear and decide the case. The appointment of any member to a hearing panel who is not a member of the National Board of Review Committee shall be confirmed by the Board Chair and the Secretary & General Counsel.~~

## **ARTICLE 403 JURISDICTION**

### **403.1 — JURISDICTION OF THE NATIONAL BOARD OF REVIEW**

- ~~.1 — **Original and Exclusive Jurisdiction** — The National Board of Review has original and exclusive jurisdiction to hear:
  - A — Any complaint involving athletes or other members of USA Swimming from more than one Zone and/or one or more Participating Non-Members either residing within more than one Zone (if more than one Participating Non-Member) or within a different Zone from the athlete(s) or other USA Swimming member(s); or
  - B — Any complaint involving athletes or other members, or Participating Non-Members, during a national or international event; or
  - C — Any complaint under 304.3.1 through 304.3.12 against any member of USA Swimming, including any athlete, coach, manager, official, member of any committee, or a Participating Non-Member; or
  - D — Any complaint initiated by USA Swimming, which shall be prosecuted by and may be appealed by the President/CEO; or
  - E — Any complaint under 304.3.14 that is not heard pursuant to the U.S. Center for SafeSport's SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement.
  - F — Any appeal initiated pursuant to adverse action taken by the USA Swimming Board of Directors against an LSC for alleged violations of an LSC Affiliation Agreement.
  - G — Any appeal initiated pursuant to adverse action taken against an athlete for alleged violations of the applicable USA Swimming Honor Code.~~
- ~~.2 — **Discretionary Jurisdiction**
  - A — Upon a majority vote of the USA Swimming Board of Directors, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this Article 403 when, in its sole discretion, the best interests of USA Swimming shall be served thereby, or when compliance with regular USA Swimming or Zone procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties.
  - B — If discretionary jurisdiction is so assigned, the National Board of Review shall comply in every instance with all requirements of procedural due process as set forth in these Rules and Regulations. The National Board of Review may set such procedural time limitations as it may deem necessary in order to reach a decision, which shall do justice to the affected parties under particular circumstances.
  - C — The National Board of Review may assess fees and costs against any party other than USA Swimming or any Committee thereof.~~

### **403.2 — JURISDICTION OF THE U.S. CENTER FOR SAFESPORT**

- ~~.1 — **Original and Exclusive Jurisdiction** — The U.S. Center for SafeSport has original and exclusive jurisdiction to hear any complaint under 304.3.14 against any member of USA Swimming, including any athlete, coach, manager, official, member of any committee, or a Participating Non-Member, involving (a) sexual misconduct; or (b) any other prohibited conduct that is reasonably related to an underlying allegation of sexual misconduct.~~
- ~~.2 — **Discretionary Jurisdiction** — The U.S. Center for SafeSport has discretionary jurisdiction to hear any complaint under 304.3.3 upon a request made by USA Swimming.~~
- ~~.3 — **U.S. Center for SafeSport Practices and Procedures** — For any matter heard pursuant to 403.2, the U.S. Center for SafeSport's *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* shall apply.~~

## **ARTICLE 404 AUTHORITY OF BOARD OF REVIEW**

### **404.1 — NATIONAL BOARD OF REVIEW** — The National Board of Review shall have the power and authority to do the following:

- ~~.1 — Impose and enforce penalties for any violation of the rules and regulations, administrative or technical, of USA Swimming;~~
- ~~.2 — Determine the eligibility and right to compete of any athlete;~~

- ~~.3 — Vacate, modify, sustain, reverse or stay any decision or order properly submitted on appeal, or remand the matter for further action;~~
- ~~.4 — Investigate any election impropriety or cause for removal of a national officer or national committee member and take corrective action;~~
- ~~.5 — Interpret any provision of the rules and regulations of USA Swimming with the exception of the technical rules (Parts One and Seven);~~
- ~~.6 — Review any revocation, suspension, reinstatement of membership or challenge the granting or denial of membership; and~~
- ~~.7 — Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the Board.~~

## **ARTICLE 405**

### **PROCEDURES FOR FILING AND INVESTIGATION OF NATIONAL BOARD OF REVIEW COMPLAINTS**

~~**405.1 — FILING COMPLAINTS** — All complaints within the exclusive jurisdiction of the National Board of Review as set out in 403.1.1A through E above shall set forth the allegations and be filed with the President/CEO of USA Swimming (or his/her designee), who shall promptly perform an initial inquiry and, as appropriate, initiate an investigation of the matter as set forth below.~~

#### ~~**405.2 — INVESTIGATION OF COMPLAINTS**~~

- ~~.1 — In those matters occurring during the course of an international meet, the National Team Steering Chair (or his/her designee) shall make the investigation and report.~~
- ~~.2 — In those matters occurring during the course of a national or regional event, the Program & Events Coordinator (or his/her designee) shall make the investigation and report.~~
- ~~.3 — In those matters involving allegations of physical abuse of an athlete by a coach, a committee of three coaches appointed by the Board Chair of USA Swimming shall make a determination with such investigative assistance by the President/CEO (or his/her designee) as the committee may request and report as to whether the coach's conduct is outside the customary and acceptable bounds of coaching. In the event such matters are referred to and heard by the U.S. Center for SafeSport, the U.S. Center for SafeSport's SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement shall apply.~~
- ~~.4 — In all other matters, the President/CEO (or his/her designee) shall make the investigation and report.~~

~~**405.3 — DISPOSITION AFTER INVESTIGATION** — After the initial investigation has been completed, the President/CEO (or his/her designee) may decide to initiate a complaint in the name of USA Swimming by filing the complaint with the Chair of the National Board of Review and requesting that a hearing on the complaint be conducted. Any decision of the President/CEO (or his/her designee) not to forward a complaint to the National Board of Review shall be reviewed by the Board Chair of USA Swimming for a final decision. The President/CEO (or his/her designee) may also seek an emergency hearing as set forth in 405.4 below. If the President/CEO (or his/her designee) does not decide to initiate a complaint in the name of USA Swimming, then the President/CEO (or his/her designee) may (i) cause further investigation to be conducted into the alleged violations; (ii) seek to mediate the complaint; or (iii) advise the complaining party that, while USA Swimming will not initiate a complaint in its own name, the complaining party may still file his/her complaint directly with the Chair of the National Board of Review. If the complaining party chooses to go forward with the complaint, the Chair of the National Board of Review may then decide to either assign the matter for hearing or dismiss the complaint.~~

~~**405.4 — EMERGENCY HEARING** — After the initial investigation has been completed and upon the request of the President/CEO (or his/her designee) in accordance with 405.3 above, the Chair of the National Board of Review may order an emergency hearing before the National Board of Review to determine if the member should be suspended pending the outcome of a full hearing before the National Board of Review. If an emergency hearing is ordered, the National Board of Review shall conduct the hearing and publish its results within twenty one (21) days. Until such time as the National Board of Review makes a decision, all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the review and witnesses.~~

## **ARTICLE 406**

### **NATIONAL BOARD OF REVIEW HEARINGS AND PROCEDURES**

~~**406.1 — PETITION** — Matters under the original jurisdiction of the National Board of Review shall be instituted by a written complaint served upon the President/CEO (or his/her designee). An investigation of the matter shall be conducted in accordance~~

with Article 405. If the results of the investigation warrant referring the case to a National Board of Review, the President/CEO (or his/her designee) shall send a Petition together with the results of the investigation to the Chair of the National Board of Review.

**406.2 — NOTICE OF HEARING** — The Chair shall set a hearing date, which shall be not less than forty five (45) nor more than sixty (60) days from the date of issuance of the Notice of Hearing. The Notice of Hearing shall include the following:

- .1 — The name of the Respondent(s);
- .2 — A statement of charges, which shall be set forth in sufficient detail to give the Respondent(s) reasonable notice of the charges and the facts supporting the charges;
- .3 — The name of the Petitioner(s);
- .4 — The date the Response is due;
- .5 — The date, time and place (or the fact that the hearing shall be conducted by conference call) of the hearing;
- .6 — The names of the members of the National Board of Review Panel;
- .7 — The possible penalties;
- .8 — The right of appeal and the time limit to file for an appeal; and
- .9 — Any other general information, including the right to be represented by counsel, to have witnesses testify, and to submit any and all evidence which is relevant to the issues.

**406.3 — RESPONSE** — The Chair shall deliver the Notice of Hearing, together with a copy of the Petition received by the President/CEO (or his/her designee) to the Respondent(s) and a copy of the Notice of Hearing to the Petitioner(s). The Respondent(s) shall have thirty (30) days from the date of issuance to submit a written Response to the charges. The Response shall be delivered to the Chair, the President/CEO of USA Swimming (or his/her designee) and the Petitioner(s) or its counsel.

**406.4 — REPLY** — The Petitioner(s) shall have ten (10) days from the date of delivery of the Response to submit a written Reply. The Reply shall be delivered to the Chair, the President/CEO of USA Swimming (or his/her designee) and the Respondent(s).

**406.5 — TIME LIMITS** — Upon showing of good cause, the Chair may decrease or increase the time limits for any of the foregoing.

#### **406.6 — HEARING**

- .1 — For hearings conducted other than through the receipt of written statements, the National Board of Review shall cause a recording or transcription to be made of the proceedings.
- .2 — The hearing may proceed in the absence of any party who fails to be available at the appointed time and judgment shall not be reached merely because of the person's absence. If the National Board of Review determines that the hearing cannot proceed without the absent party, the National Board of Review may adjourn the hearing and reschedule it for such time as the absent party can be present.
- .3 — The hearing shall be opened by the recording of the place, time and date of the hearing, and the presence of the National Board of Review panel members, parties, counsel, if any, and any other witnesses or observers.
- .4 — Each party may then present an opening statement setting forth generally the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence.
- .5 — Petitioner may then present his/her claims, proofs, and witnesses, who shall be subject to cross-examination by the other party. Respondent may then present his/her claims, proofs, and witnesses, who shall also be subject to cross-examination by the other party.
- .6 — Petitioner(s) may then be allowed an opportunity to rebut any testimony or evidence presented by the Respondent(s) after the Respondent's presentation.
- .7 — The National Board of Review panel may question any person at any time. The National Board of Review panel has the discretion to vary these procedures, but shall afford all parties a full and equal opportunity to present any material or relevant evidence.
- .8 — Upon the request of either party or the determination of the National Board of Review panel, the hearing may be closed or the witnesses sequestered.

**406.7 — DECISION** — A decision may be rendered by the National Board of Review panel at the time of the hearing and reduced to writing within five (5) days in which event a written decision shall be delivered to the parties within seven (7) days after the hearing. Otherwise, the National Board of Review panel shall reach a decision as soon as administratively practicable (but not more than twenty one (21) days after the conclusion of the hearing) and shall deliver the written decision within seven (7) days thereafter. The written decision shall set forth the right of appeal.

~~406.8 — STAY — The National Board of Review shall have the authority to stay the enforcement of its decision during the time allowed for appeal, with the decision going into effect automatically if no appeal is perfected during the allowable period.~~

~~406.9 — DELIVERY — The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications may be by electronic mail or other means, as directed by the Chair of the National Board of Review. For purposes of a National Board of Review proceeding, notice is sufficiently given for documents that are to be transmitted by overnight delivery when they are placed with an overnight carrier and directed to the last address on file with USA Swimming. Notice is sufficiently given for documents that may be transmitted by electronic mail if directed to the electronic mail address on file with USA Swimming or provided in the course of the proceedings.~~

#### **ARTICLE 407** **APPEAL FROM NATIONAL BOARD OF REVIEW TO BOARD OF DIRECTORS**

##### **407.1 — PROCEDURE**

- ~~.1 — Any real party in interest, including any officer of USA Swimming or the President/CEO (or his/her designee), may appeal any decision of the National Board of Review as follows: A Matters heard by the National Board of Review pursuant to its original jurisdiction, heard *de novo* or heard pursuant to its discretionary jurisdiction, may be appealed to the Board of Directors within thirty (30) days of the date of the issuing of its written decision.~~
- ~~.2 — The Petition on appeal is to be served upon the President/CEO (or his/her designee), as well as the other party(ies) to the National Board of Review proceeding, and shall be accompanied by a \$250 filing fee payable to USA Swimming.~~
- ~~.3 — The Petition shall set forth the grounds for appeal, including both factual and legal allegations of error in any earlier proceeding.~~
- ~~.4 — Unless the Board of Directors by majority vote decides otherwise, the review by the Board of Directors shall be on the basis of the record and written briefs and shall not be a *de novo* hearing. The Secretary & General Counsel may establish a hearing panel consisting of at least five (5) members (all of whom must be members of the Board of Directors and at least one-third (33.3%) of whom must be 10 Year Athlete representatives) to hear any appeal, including appeals conducted as *de novo* hearings. The decision of the hearing panel shall be final with the same force and effect as if the full Board of Directors heard the matter.~~
- ~~.5 — The USA Swimming Board of Directors may assess fees and costs against the losing party.~~

#### **ARTICLE 408** **CONFIDENTIALITY**

~~408.1 — Hearings conducted before the National Board of Review or the Board of Directors regarding alleged Code of Conduct violations shall be closed to the public.~~

~~408.2 — All investigations conducted by the President/CEO (or his/her designee) regarding alleged Code of Conduct violations and all proceedings before the National Board of Review and the Board of Directors regarding alleged Code of Conduct violations shall be and remain confidential until the National Board of Review, or Board of Directors if an appeal is filed, has rendered its final decision, except:~~

- ~~.1 — Information that is necessary to disclose in the course of an investigation to witnesses and other appropriate parties;~~
- ~~.2 — Information disclosed pursuant to subpoena or court order;~~
- ~~.3 — Information disclosed to complaining parties or victims;~~
- ~~.4 — Information disclosed by USA Swimming in response to disclosures by other parties or witnesses in the proceeding; and~~
- ~~.5 — Information disclosed to law enforcement.~~

~~For the purposes of this Article 408.2, a decision shall be considered final when either: (i) the National Board of Review has rendered its final decision and the 30 day appeal period has run without an appeal being filed; or (ii) a party has appealed the decision of the National Board of Review to the Board of Directors and the Board of Directors has rendered its final decision on such appeal.~~

~~408.3 — USA Swimming shall also disclose information, including, but not limited to, the initiation of a National Board of Review proceeding and its outcome, to a member club, LSC or Zone where an employee or volunteer of such club, LSC or Zone has been alleged in a complaint to have violated the Code of Conduct.~~

~~408.4 — A redacted summary of each final Decision of the National Board of Review and Board of Directors that includes a finding of a violation of the Code of Conduct may be published at the discretion of USA Swimming.~~

**ARTICLE 4091**  
**FULL FAITH AND CREDIT**

**4091.1 DECISION FINAL** — Except as otherwise provided in Article Nine of the Constitution of the United States Olympic & Paralympic Committee and in its Bylaws with respect to binding arbitration in disputes involving the rights of certain individuals to participate in competition, the final decision of the National Board of Review shall be final in all cases, subject to the right of appeal to the Board of Directors as provided herein in the USA Swimming Operating Policy Manual.

**4091.2 ENFORCEMENT** — Final decisions rendered by the National Board of Review and the U.S. Center for SafeSport shall, when applicable, be recognized and fully enforced in all Zones and LSCs of USA Swimming.

**ARTICLE 410**  
**STANDARDS OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW AND APPELLATE BODIES**

**410.1 STANDARDS OF CONDUCT** — Members (the “Review Members”) of the National Board of Review panels and the Board of Directors appeals panels (collectively, the “Review Board”) shall:

- .1 Uphold the integrity and independence of the respective Review Board;
- .2 Avoid any impropriety or the appearance of impropriety in connection with service as a Review Member and swimming-related activities generally; and
- .3 Perform the duties of a Review Member impartially and diligently.

**410.2 GROUNDS FOR RECUSAL** — Review Members shall recuse themselves from participating in any matter pending before their respective Review Board:

- .1 In which their impartiality might reasonably be questioned;
  - .2 Where they have a personal bias or prejudice concerning a party in the pending matter or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Review Member or known generally to a substantial portion of the membership of the respective LSC, the Zone or USA Swimming);
  - .3 Where they or a member of their family are a party or are likely to be a material witness in the pending matter;
  - .4 Where they or a member of their family have an interest that could be substantially affected by the outcome of the proceeding;
- or
- .5 Where they or a member of their family have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.

**410.3 RECUSAL BY MEMBER** — Review Members shall recuse themselves as soon as they become aware of facts that give rise to the duty to do so by giving notice to the National Board of Review Chair, or in the case of the Chair of the National Board of Review or Board of Directors appeal panel members, to the Secretary & General Counsel, as applicable.

**410.4 RECUSAL/DISQUALIFICATION REQUESTED BY PARTY** — By written notice to the Chair of the respective Review Board or to the Secretary & General Counsel, in the case of Board of Directors appeal panel members (respectively, the “Review Board Chair”), any party may request that a Review Member recuse himself/herself or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification with specificity. Such notice shall be given at least fourteen (14) days prior to the scheduled date of the hearing on such matter or, if the party sustains the burden of proving good cause for the lateness of the notice, as soon as reasonably possible after discovery of the reason for the need for recusal. The named Review Member shall reach a decision on the matter and notify the Review Board Chair of that decision within seven (7) days of receipt of the party's notice. If the member's decision is not in favor of 2022 Rules & Regulations 101 **410.4** recusal, then the Review Board Chair may, if appropriate, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted as scheduled and, unless it is a hearing before the Board of Directors, the party giving the notice may appeal the disqualification decision, together with the hearing decision, pursuant to Article 407.

**410.5 SUBSTITUTION FOR RECUSED OR DISQUALIFIED MEMBER** — In the event of a recusal or a disqualification, a substitute Review Member shall be appointed in the same manner as the original Review Members were appointed. 410.

**Location:** Page 103: Article 501.1.1(B) Operating Committees

**501.1 OPERATING COMMITTEES  
.1 ATHLETES' ADVISORY COUNCIL**

[A] No changes

B The Chair shall be elected from among the voting members of the AAC by its voting members.

R-22	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 104: Article 501.1.2(A)(2) Operating Committees

**501.1 OPERATING COMMITTEES**

[.1] No Changes

**.2 COACH ADVISORY COUNCIL**

[A(1)] No Changes

(2) Six (6) 10-Year Athlete representatives and/or 10-Year+ Athlete representatives appointed by the AAC. At least 50% of the athletes must meet the requirements of 10-Year Athlete representatives.

R-23	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 105: Article 501.1.4(A)(5) Operating Committees

**501.1 OPERATING COMMITTEES**

[.1-.3] No Changes

**.2 NATIONAL TEAM STEERING COMMITTEE**

[A(1)-(4)] No Changes

(5) The Chair of the Senior Development Committee (or his/her designee selected from the voting members of the Senior Development Committee), and the Chair of the Sports Medicine Committee shall be ex-officio members of the Committee with voice but no vote. The Committee may name additional ex-officio members.

R-24	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 104: Article 501.1.2(A)(2) Operating Committees

**501.1 OPERATING COMMITTEES**

[.1-.6] No Changes

**.7 SELECTION PROCEDURE APPROVAL COMMITTEE**

(A) The Selection Procedure Approval Committee shall consist of the following: (i) the President/CEO; (ii) the National Team Managing Director; (iii) the AAC Chair, who must meet the requirements of a 10-Year Athlete representative, or their respective designees. The AAC Chair's designee must also meet the requirements of a 10-Year Athlete representative.

R-25	ADOPTED	Effective January 1, 2023
------	---------	---------------------------

**Location:** 4.1 Members – Required LSC Bylaws Template  
6.3 Eligibility – Required LSC Bylaws Template

ARTICLE 4  
HOUSE OF DELEGATES

4.1 MEMBERS - The House of Delegates of XXSI shall consist of the Group Member Representatives, the Board of Directors Members, *certain committee chairs and coordinators*<sup>1</sup>, the Non-Athlete At-Large House Members, and the Athlete At-Large House Members appointed or elected [select one].

.1 GROUP MEMBER REPRESENTATIVES<sup>2</sup> - Each Group Member in good standing shall appoint from its membership a Group Member Representatives *and one or more alternates for each*. The appointment shall be in writing, addressed to the Secretary of XXSI and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw *one or more of its Group Member Representatives or one or more of its alternates* and substitute a new Group Member Representatives or new alternates by written notice, addressed to the Secretary of XXSI and signed by the chief executive officer or secretary of the appointing Group Member. The representatives of any Group Member are ~~not~~ required to be Individual Members of ~~XXSI or USA Swimming~~.

6.3 ELIGIBILITY - Only Individual Members of ~~XXSI and USA Swimming~~ in good standing with XXSI and USA Swimming shall be eligible to hold office and must maintain their eligibility throughout their term of office.

R-26	ADOPTED	Effective Immediately
------	---------	-----------------------

Location: Page 12: Corporate Bylaws 6.1

ARTICLE 6  
HOUSE OF DELEGATES

**6.1 MEMBERS** – the following shall be the voting members of the House of Delegates  
[1-.12] no changes

.13 A sufficient number of 10-Year Athletes and 10-Year+ Athletes whose voting power shall constitute one-third (33.3%) of the total House of Delegates and shall include the voting members of the AAC, the 10-Year Athlete members of the AEC, and the 10-Year Athlete members of the Board of Directors. This may be achieved by actual votes or by weighted voting. A minimum of twenty percent (20%) must be 10-Year Athlete representatives and the remainder may be 10-Year+ Athlete representatives; any weighted voting must preserve these proportions. At least half (50%) of these athlete members of the House of Delegates must have obtained 10-Year Athlete or 10-Year+ Athlete representative eligibility through competing at an event that, at the time of election/selection, is on a USOPC Delegation Event program.

HK-1	ADOPTED	Effective Immediately
------	---------	-----------------------

Location: Page 41: 102.23.2 Protests

**102.23 PROTESTS**

.1 [No changes]

~~.2 Protests regarding an athlete's competition category may only be heard by the National Eligibility Appeal Panel as outlined in the current USA Swimming Operating Policy Manual. A protest shall not prohibit the athlete from competing in his or her stated competition category until such time as the National Eligibility Appeal Panel has issued a decision.~~

<sup>1</sup> The LSC may add all, none, or specific chairs/coordinators or other members to the House of Delegates.

<sup>2</sup> The LSC may vary the number of representatives accorded Group Members, either by absolute number or by a formula determining the number that is based on the number of swimmers registered to the Group Member relative to the number of swimmers registered in the LSC. The LSC may deny Affiliated Group Members or Seasonal Club Members the right to be represented. The LSC may designate categories of its voting delegates, such as athlete, coach, non-coach.

[re-number remaining]

HK-2	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 17: Official Glossary  
Page 61: 201.1.2 Competitive Classes  
Page 74: 205.8.1 LSC Age Group Championship Meets

~~**Junior Olympic** – a type of Age Group competition conducted by Zones and LSCs~~

**201.1 COMPETITIVE CLASSIFICATIONS** – Swimming shall be conducted under the following classifications and participation is open to athletes from any country subject to further pertinent regulations in these rules and elsewhere.

.1 [No changes]

~~**.2 Age Group/Junior Olympic** – All athlete members of USA Swimming eighteen (18) years old and younger grouped by ages. Where a program for swimmers ages eight (8) and under is conducted, it shall be for developmental purposes only and shall be subject to LSC procedures.~~

.3-.4 [No changes]

#### **205.8 LSC AGE GROUP CHAMPIONSHIP MEETS**

.1 LSC Age Group/~~Junior Olympic~~ meets shall be in conformance with the contractual obligations of USA Swimming, including the time periods, format and number, sponsorship identification and publicity requirements that may be in effect at the time, and about which the LSC shall be notified.

.2-.5 [No changes]

HK-3	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 63: 202.4.11M Requirements for Sanction

**202.4 REQUIREMENTS FOR SANCTION** – Sanctions are issued, withheld or withdrawn in accordance with the following regulations:

.1-.11L [No changes]

.11(M) The following statement: “All ~~applicable~~ adults participating in or associated with this meet acknowledge that they are subject to the provisions of the USA Swimming Minor Athlete Abuse Prevention Policy (“MAAPP”), and that they understand that compliance with the MAAPP policy is a condition of participation in the conduct of this competition.”

.11N-.16 [No changes]

HK-4	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 64: 202.4.13 Requirements for Sanction

**202.4 REQUIREMENTS FOR SANCTION** – Sanctions are issued, withheld or withdrawn in accordance with the following regulations:

.1-.12 [No changes]



.13 ~~The s~~Sanction fees shall be ~~as~~ established by the LSC; except those for national and international meets which shall be established by the USA Swimming ~~Board of Directors~~ President/CEO.

HK-5	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 75: 206.1.2 Awarding USA Swimming Championships and International Competitions

**206.1 GENERAL** – USA Swimming Championships shall be conducted annually.

.1 [No changes]

.2 A long course National Championship meet shall be conducted every summer, except when there is a Trials Class meet in the summer and that Trials Class meet is not in accordance with 206.4.2 (at the traditional time at the end of summer). The end of summer meet during those summers shall be called the ~~U.S. Open~~ USA Swimming Summer Championship.

.3 [No changes]

HK-6	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 84: 207.12.2D Awards

**207.12 AWARDS**

.1-.2C [No changes]

D. The ~~Genee~~ Phillips 66 Performance of the Meet Award shall be presented at each USA Swimming National Championships. The recipient of this award shall be chosen by representatives of the media who are present at the meet.

HK-7	ADOPTED	Effective Immediately
------	---------	-----------------------

**Location:** Page 88: 302.1.2B Athlete Registration

**302.1.2 Competition Category**

A [No changes]

~~B Protests regarding an athlete's competition category shall not prohibit the athlete from competing in the stated competition category. An athlete may swim under protest until such time as heard by the National Eligibility Appeal Panel as outlined in the current USA Swimming Operating Policy Manual.~~

**RESOLUTION OF THE HOUSE OF DELEGATES TO  
INCREASE THE NATIONAL FEE FOR A SEASONAL MEMBERSHIP  
Effective September 1, 2023**

Resolution to Increase the Fee for the Seasonal Membership Category

Whereas, USA Swimming has established a Seasonal Membership category of Individual Membership.

Whereas, the national fee for the Seasonal Membership category is \$30.

Whereas, the USA Swimming Board of Directors recommends the national fee for the Seasonal Membership be set at \$40.

Now, therefore, be it resolved that the USA Swimming House of Delegates approves a national membership fee of \$40 for the Seasonal Membership category effective for the 2024 membership year.