

PART TWO

ADMINISTRATIVE RULES

(Effective January 1, 2019)

ARTICLE 20

ELIGIBILITY

- 20.01 Eligibility:** Except for a Masters member (see USSS Rules, MS 1.1), an athlete is eligible to compete in competitions of the Corporation (USSS) unless competitive synchronized swimming is their sole occupation or business on which they are financially dependent for living.
- 20.02 Membership:** To be eligible to compete, an athlete must be a member of the Corporation in one of the following categories:
- A. **Competitive Athlete:** An athlete who participates and competes in:
 - 1. Competitions including those that qualify for advancement to another competition, USSS Synchro camps or Trials.
 - 2. U.S. National Championships and international programs and events.
See Appendix C.
 - B. **Athlete:** An athlete who participates and competes in:
 - 1. Local activities including but not limited to shows, clinics and camps. The athlete may compete in non-qualifying competitions such as an invitational.
 - 2. Collegiate competitions, not including the U.S. Collegiate Championship.
See Appendix C.
 - C. **Trial Athlete:** An athlete who only participates in club activities for a maximum period of 30 days. See Appendix C.
- 20.03 Financial Advantage:** Any athlete considering college eligibility shall consult the NCAA rules for requirements.
- 20.04 Suspension:** A member shall cease to be eligible to participate in events conducted by the Corporation or its LSSCs, or any FINA Member Federation, while under suspension or expulsion by the Corporation. See Appendix Q.
- 20.05 Reinstatement:** An athlete declared ineligible may be reinstated in accordance with Article 24 of the Administrative Rules. A member suspended in accordance with Appendix Q may be reinstated in accordance with Article 24 of the Administrative Rules.
- 20.06 Foreign Athletes:** Foreign athletes may be members of the Corporation and may represent a club of the Corporation, provided that a Foreign athlete may not represent a country and a club at the same time. Foreign athletes cannot compete in National Team Trials.

ARTICLE 21

ATHLETE AFFILIATION

- 21.01 Affiliation and Transfers:** For an athlete to represent a synchronized swimming club, the club must be a member of the Corporation. See USSS Code, Article 1, Section 1.02 A.
- A. An athlete may represent any club that is a member of the Corporation, without regard to residency.
 - B. An athlete may compete in the Championships of only one (1) LSSC, Region, and Zone each year.
 - C. An athlete representing one (1) club may also represent a junior or senior high school, a college, or a university.
 - D. To transfer representation from one (1) club to another, an athlete must serve one hundred and twenty (120) consecutive days without having represented any club in competition. The athlete must complete and submit to the USSS National Office a fee and transfer form indicating the date of last competition in an affiliated status. This rule shall not apply to athletes who transfer from a junior/senior high school, college or

university program to a club program after their respective seasons are completed. See Appendix J.

- E. The requirement in Section 21.01 D above is waived when the club with whom the athlete is affiliated has dissolved.

21.02 Unaffiliated Athletes: An unaffiliated athlete is a member of the Corporation who represents no club. Unaffiliated athletes shall be identified in competition with the LSSC or place of residence in which registered. Example: J. Doe, Unaffiliated (Middle Atlantic), or J. Doe, Unaffiliated (Philadelphia, Pa.).

ARTICLE 22

MEMBERS' RIGHTS

22.01 Rights: Except as provided in Section 22.02 below, no individual or group member of the Corporation may deny or threaten to deny any eligible member (athlete, coach, trainer, manager, administrator or official) the opportunity to participate in any international synchronized swimming competition approved by the Corporation, if selected by the Corporation or one (1) of its members. In addition, except as provided in Section 22.02 below, no individual or group member of the Corporation may censure or otherwise penalize subsequent to the event, any member (athlete, coach, trainer, manager, administrator, or official) for having participated in any such international synchronized swimming competition approved by the Corporation.

22.02 Educational Institution: An educational institution which a member (athlete, coach, trainer, manager, administrator, or official) is attending at the time of such international competition may deny the member the opportunity to participate only if said educational institution reasonably determines that such participation would either:

- A. Prevent the member from meeting the academic requirements that are applicable to all students who participate in the member's particular course of study.
- B. Jeopardize the member's or the educational institution's performance in the established sports program in the particular sport in which the member competes, provided that the international competition occurs during the scheduled competitive season of the educational institution.

22.03 Investigation: Any member (athlete, coach, trainer, manager, administrator, or official) who alleges to have been denied, or is about to be denied, by an individual or a group affiliated with the Corporation, a right as set forth in Section 22.01 above, shall immediately inform the Executive Director, who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay. Such steps shall include, but not be limited to, advising the CEO of the USOC.

22.04 Recommendation: Whenever a member (athlete, coach, trainer, manager, administrator, or official), or party acting on the member's behalf, informs the Executive Director of an alleged violation of the member's right to participation as set forth in Section 22.01 above, the Executive Director shall review all the related evidence of the case and make a report, with a preliminary recommendation, to the National Board of Review within 30 days or sooner if the situation requires. The National Board of Review shall review the case and the preliminary recommendation of the Executive Director and take whatever action it deems appropriate. Any of the parties involved in the action of the National Board of Review who are dissatisfied with the decision may appeal said decision under the provisions set forth in Article 24 of the Administrative Rules.

ARTICLE 23

GENERAL PROVISIONS

- 23.01 Waiver of the Administrative Rules:** A request to waive application of the Administrative Rules Articles 20, 21, and 25 must be made in writing and addressed to the President of the Corporation. The President shall consider granting a request for a waiver of the Administrative Rules when:
- A. The application of the Rule will create an unfair situation, or
 - B. Waiver of the Rule will promote the development of the program.
- 23.02 Code of Ethics:** The Board of Directors shall adopt a written code of ethics. The code may be amended from time to time by the Board of Directors, as it may deem advisable. See Appendix P.
- 23.03 Athlete Safety Policy:** The Board of Directors shall adopt a written athlete safety policy. The policy may be amended from time to time by the Board of Directors, as it may deem advisable. See Appendix Q.
- 23.04 United States Anti-Doping Obligations:** It is the duty of athletes in the registered testing pool (RTP) of USSS to comply with all anti-doping rules of FINA, the U.S. Anti-Doping Agency (USADA), and the USOC including the USADA Protocol for Olympic and Paralympic Movement Testing (USADA Protocol) and all other policies and rules adopted by FINA, USADA, and the USOC National Anti-Doping Policy. RTP Athletes agree to submit to drug testing by FINA and/or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension. If it is determined that a RTP Athlete may have committed a doping violation, the RTP Athlete agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of FINA and/or USSS, if applicable or referred by USADA.
- 23.05 Discipline:** As hereinafter set forth, the Corporation may censure, suspend for a definite or indefinite period of time, expel, or impose other appropriate sanctions upon any member of the Corporation, including any athlete, coach, trainer, manager, administrator, official, member of any committee, or any person participating in any capacity whatsoever in the affairs of the Corporation, but only after a hearing has been conducted before a panel of either an LSSC Review Board or the National Board of Review, whichever is appropriate as determined by Article 24 of the Administrative Rules, that such panel has determined, in accordance with the procedures set forth in Article 24, that such person has violated a rule of the Corporation or has acted in a manner which brings disrepute upon the Corporation or upon synchronized swimming.

ARTICLE 24

PROCEEDINGS AND APPEALS

- 24.01 Jurisdiction of the LSSC:** For those matters requiring disciplinary action solely within the territorial jurisdiction of an LSSC, a hearing shall be conducted by the Review Board. See Appendix A, Section 7.0g. The decision of the Review Board shall be final in all cases, subject only to appeal by a real party in interest to the National Board of Review pursuant to Section 24.07 below, except that the Review Board may recommend to the National Board of Review that a person's membership in the Corporation be suspended or revoked, but cannot suspend or revoke the person's membership. A petition to the National Board of Review must be filed with the Executive Director of the Corporation within 15 days after receipt of written notice of the decision of the Review Board.

24.02 Jurisdiction of the Corporation: For those matters where members of the Corporation from more than one (1) LSSC are involved, or where the LSSC Review Board has recommended as discipline either suspension or expulsion from membership in the Corporation, or in matters involving such persons during a national or international athletic event, or in all controversies to which the Corporation is a party, the hearing shall be conducted by the National Board of Review. The decision of the National Board of Review shall be final in all cases, subject only to appeal by a real party in interest to the USOC in accordance with the USOC By-Laws. A hearing regarding any denial or threatened denial of a National Team member's (athlete, coach, trainer, manager, administrator, or official) right to participate shall be conducted by the National Board of Review.

24.03 National Board of Review: The National Board of Review shall be comprised of the General Counsel of the Corporation, all associate counsel, one (1) Athlete Representative from each Zone, elected by the Athletes Committee, who meets the requirements of Section 7.06 A of the USSS Code, and such other members as may be appointed by the President, to include at least two (2) additional members from each Zone. To hear a particular matter, the President shall designate a panel of three (3) or five (5) disinterested members, one (1) of whom shall be an Athlete Representative, to hear and decide the case. The General Counsel or other attorney shall chair the hearing, but shall not have a vote on the panel.

24.04 Authority of the National Board of Review: In addition to the disciplinary procedures set forth in this Article 24, the National Board of Review has the authority to:

- A. Interpret any provision of the rules and regulations of the Corporation, with the exception of the Technical and Figure Rules.
- B. Determine the eligibility and right to participate of any athlete, coach, trainer, manager, administrator, or official.
- C. Review any recommendation of an LSSC Review Board that a person's membership in the Corporation be suspended or revoked, and recommend to the Corporation's Board of Directors that the person's membership be suspended or revoked.
- D. Investigate any election impropriety and take corrective action.
- E. Vacate, modify, sustain or reverse any decision or order properly submitted for review, or remand for further action.
- F. Reinstate any member's eligibility, subject to ratification by no less than 2/3 vote of the Board of Directors of the Corporation.

24.05 Designation of Complaints:

A. The following kinds of complaints may be filed with USSS:

1. Administrative Grievance: USSS, or any member of USSS, may file a complaint pertaining to any matter within the cognizance of USSS, including but not limited to any alleged violation of or grievance concerning:
 - a. Any USSS rule or policy or procedure;
 - b. Any USSS program or service;
 - c. Any provision of USSS's Administrative Rules; or
 - d. Any provision of the Ted Stevens Olympic and Amateur Sports Act relating to USSS's recognition as a National Governing Body.
2. Disciplinary Proceeding: USSS or any member of USSS may file a complaint against another member of USSS, or former member of USSS if the action occurred while the individual was a member, regarding any alleged violation of USSS's Code of Ethics (Appendix P), Athlete Safety Policy (Appendix O), or any other rule or policy relating to conduct.
3. Right to Participate: Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in a USSS sanctioned competition or protected competition.

24.06 Procedures:

- A.** Any violation or complaint filed pursuant to Article 22 or 23 of the Administrative Rules, Code of Ethics (Appendix P), Athlete Safety Policy (Appendix O), Article 7 of

the LSSC By-Laws (Appendix A) or Article 7 of the Zone By-Laws (Appendix B) shall be in writing and signed under oath by the individual or chief executive officer of the group or organization making the complaint (Exception: violations or complaints filed pursuant to Article 23.03 may be anonymous.). It shall be filed with the LSSC Administrative Chair or the Executive Director, dependent on the jurisdiction required as defined in Section 24.01 and 24.02 above, by certified mail within 10 days of the incident. It shall set forth the factual allegations in numbered paragraphs, each paragraph containing a single factual allegation, and shall contain at a minimum the following:

- Names and addresses of the parties;
- Jurisdictional basis of the violation or complaint;
- Supporting evidence or documentation forming the basis of the violation or complaint; and
- The relief sought.

1. Expedited Procedures: Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Review Board is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the Review Board is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

- B. The person charged (respondent) shall be notified in writing, sent to the last known address by certified mail, return receipt requested, of the charges in detail, or of the circumstances which require answer, explanation or clarification, as well as the penalties which may ensue if such charges are proved. The notice shall set a date and time of hearing, not less than 30 days nor more than 60 days after the date of service of this notice, and shall advise the respondent of the right to have counsel or other representative at the hearing. The respondent shall have the opportunity to file with the Chair of the appropriate review panel a written answer to all the charges set forth in the notice. Such answers as well as all papers and documentary evidence shall be filed with the Chair by certified mail, with a copy served at the same time by certified mail on all parties, no later than 10 days prior to the date set for the hearing.
- C. The rules of evidence shall not be strictly enforced; instead, rules of evidence generally accepted in administrative proceedings shall be applicable in the hearing. The real parties in interest shall be given a reasonable opportunity to present relevant oral or written evidence and to cross-examine witnesses. Witnesses appearing at the hearing shall be identified by the parties prior to the hearing. The proceedings may be recorded and a transcript made available to each interested party upon request and payment therefore.
- D. A written decision of the review panel shall be rendered within 24 hours of the conclusion of the hearing, setting forth the reasons therefore. The decision shall be based solely upon the record, which includes the testimony of the witnesses and other documentation submitted prior to or at the hearing. The decision shall also contain notice of the procedures available to the parties for appeal of the decision.

24.07 Appeals: Any member of the Corporation aggrieved by any action or decision of the Board of Governors, Board of Directors, an Officer or a committee of the Corporation, or any real party in interest entitled to appeal a decision of an LSSC Review Board, may appeal such action or decision to the National Board of Review by serving a petition for review upon the Executive Director within 15 days of the incident or written decision by certified mail, accompanied by a \$50.00 filing fee payable to the Corporation (Exception: no fees are required for appeals of decisions regarding the Athlete Safety Policy, Article 23.03 above). The fee shall be returned if the petition is upheld, but forfeited if it is rejected or abandoned.

- A. The petition must be in writing, signed under oath by the individual or the chief executive officer of the group or organization making such petition and shall set forth the factual allegations in numbered paragraphs, each paragraph containing a single factual allegation, and shall contain, at a minimum, the following:
- Names and addresses of the parties;

- Jurisdictional basis of the petition;
 - Efforts made to exhaust available remedies, or if such remedies have not been exhausted, the grounds upon which the petitioner alleges that exhaustion would result in unnecessary delay;
 - The alleged grounds of noncompliance;
 - Supporting evidence or documentation forming the basis of the petition; and
 - The relief sought.
- B. The Executive Director shall send a copy of the petition for review to the respondent by certified mail immediately upon receipt. Within 30 days following filing of the petition, the respondent shall file a written response to the petition with the Executive Director by certified mail with a copy served at the same time by certified mail on all parties. The petitioner may within 10 days following receipt of a copy of the response file a written rebuttal with the Executive Director by certified mail with a copy served at the same time by certified mail on all parties.
- C. The Executive Director shall see that copies of all filings are sent to the designated members of the National Board of Review panel by certified mail.
- D. Any party to the appeal shall be entitled, upon written request, to a hearing before the National Board of Review; otherwise all evidence may be submitted to the National Board of Review in writing. Such a request must be received by the Executive Director by certified mail within 30 days of the filing of the petition. In the event a hearing is held pursuant to this section, the procedures set forth in Section 24.06 B and C above, shall apply. A final and binding decision shall be recorded within 75 days from the date of filing of the petition by a majority of the National Board of Review panel, based upon the record, as defined in Section 24.06 C above. Decisions of the National Board of Review panel shall not be reopened for consideration except upon showing of sufficient cause to the Chair of the National Board of Review panel. Any motion for reconsideration must be filed within 10 days of the date of decision.

24.08 National Board of Review Decision Appeals: The decision of the National Board of Review shall be final in all cases except those involving suspension or revocation of membership in the Corporation, subject only to appeal by a real party in interest to the USOC in accordance with the USOC By-Laws.

ARTICLE 25

SANCTIONS

- 25.01 Jurisdiction:** Any event (including all competitions, exhibitions, clinics, or entertainment of any kind) where athlete members of more than one group member of the Corporation compete, exhibit, demonstrate, or display synchronized swimming talents or techniques, must be sanctioned by the Corporation.
- 25.02 Requirements:** Sanctions are issued, withheld or withdrawn in accordance with the following:
- A. **Sanctions to Member Organizations:** Member organizations shall pay sanction fees for their events in accordance with Appendix C. Any income derived from such events must be used for the further promotion of amateur sports, for an approved charity, or for the general welfare of the promoting organization as a whole.
 - B. **Sanctions for Commercial Events:** The USSS National Office may agree to sanction events that are conducted solely for the profit or the advertising value to be derived therefrom. The sanction fee for such events shall be agreed upon between the event organizer and the USSS National Office.
 - C. Sanctions are not transferable. Any attempt to transfer a sanction that has been issued shall make such sanction void for all purposes. The Corporation may deny further sanctions to any organization that has attempted to transfer a sanction.

- D. No further sanction shall be issued to any organization which has failed to fulfill expense obligations to athletes or to give prizes as stated on its entry blank. The foregoing sentence shall be set forth in every sanction granted.
- E. No sanction shall be issued for any event where the word “Olympic”, or any derivative thereof, is used in any manner in connection with said event unless consent is obtained from the USOC.
- F. All sanctions must be approved by the designated representative of the Corporation. The Corporation shall maintain a record of all sanctions issued, and shall provide confirmation of such sanction to the applicant and to the designated representative of the appropriate LSSC.

25.03 Conditions: All events requiring a sanction according to Section 25.01 above are subject to the following:

- A. No entry shall be accepted, nor shall an athlete be allowed to compete or exhibit at any event, unless the athlete is a member of the Corporation or, if applicable, a member of a Foreign Federation. See USSS Code, Article 1, Section 1.03.
- B. All promotional materials and entry forms must bear the logo adopted by the Corporation for use by sanctioned events, and must conspicuously bear the statement: “Sanctioned by United States Synchronized Swimming, Inc.” and include the address of the Corporation’s National Office and the sanction number.
- C. Announcements and entry forms of sanctioned competitions must state that no entries shall be accepted unless the athlete is a member of the Corporation or, if applicable, a member of a Foreign Federation. See USSS Code, Article 1, Section 1.03.
- D. The membership number of each entrant must accompany the entry form and the affiliation must be displayed before or after the athlete’s name on the program.

25.04 International Events: All international competitions within the United States must be sanctioned by the Corporation. A sanction may not be denied unless the conditions of this Article 25 are not followed or unless there is clear and convincing evidence that holding or sponsoring the event would be detrimental to the best interests of the sport. All invitations to Foreign athletes to compete in the United States must be extended by the Corporation. Sanction fees for international events shall be established by the Board of Directors.

25.05 Travel Permits:

- A. In accordance with FINA Rule GR 3.2, approval for members of the Corporation must be obtained from the Corporation, through the USSS National Office, before any such member of the Corporation may compete or participate in any synchronized swimming activity, event or exhibition outside the United States. The Corporation may not deny any member of the Corporation the right to compete or participate abroad unless there is clear and convincing evidence that allowing such participation would be detrimental to the best interests of the Corporation or synchronized swimming in the United States. See the Club Option Policy set forth in Appendix F.
- B. The Corporation shall advise members and others requesting foreign travel of the requirements for approval in accordance with federal law and the USOC By-Laws.
- C. No individual, club or other team may wear or use the letters “USA” or any other designation which suggests they may be part of a National Team representing the United States without the express written approval of the Corporation.

25.06 National Teams:

- A. Only the Corporation, through the High Performance Director, may designate National Teams of the Corporation for international competitions. National Teams shall be selected in accordance with procedures recommended by the High Performance Director, adopted by the Board of Directors, and set forth in Appendix E.
- B. When the High Performance Director determines that a National Team cannot be selected, but the United States should be represented in international competition, it shall defer a recommendation to the International Relations Review Subcommittee, in accordance with the Club Option Policy adopted by the International Relations Committee and set forth in Appendix F.