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January 19, 2009

To: LSC General Chairs  
LSC Officials Chairs  
USA Swimming Registered Coaches  
USA Swimming Registered Officials  
USA Swimming Registered Clubs  
USA Swimming Board of Directors  
USA Swimming Rules & Regulations Committee

From: Bruce W. Stratton, Chair, USA Swimming Rules & Regulations Committee

Subject: Interpretation of USA Swimming Rules & Regulations Article 102.9.1 (Swimwear)

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At its last meeting, the USA Swimming House of Delegates adopted an amendment to its rule on swimwear design. The amended rule, which will become effective May 15, 2009, reads as follows:

102.9 Swimwear

.1 Design

- A Swimsuits worn for all 12 & under age group defined competition shall not cover the neck, extend past the shoulder, nor past the knee.
- B Swimsuits worn for competition must be non-transparent and conform to the current concept of the appropriate.
- C The Referee shall have the authority to bar offenders from the competition until they comply with the rule.

USA Swimming has always worked hard to be inclusive and to promote diversity within our sport. Further, the Ted Stevens Olympic and Amateur Sports Act, the USOC Bylaws and USA Swimming's own Bylaws prohibit discrimination on the basis of religion.

Rule 102.9 was clearly not intended to be discriminatory. Rather, the purpose of the amendment was to address the impact on the sport of requiring young athletes to buy very expensive high performance suits in order to feel like they are competing on a level playing field. While the rule was never intended to discriminate, it could certainly be viewed as having a discriminatory effect on swimmers whose religious beliefs require them to cover more of their bodies than is permitted by the newly amended rule.

It has also come to our attention that there may be some athletes whose medical conditions require them to avoid direct sunlight exposure to their skin. The amended rule was also not intended to prohibit these athletes from competing because they cannot adequately cover their skin as a result of the amended rule.

In order to rectify these unintended consequences, and pursuant to Article 506.4.4 of our Bylaws which grants the Rules & Regulations Committee, or its designee, the sole authority to interpret Part One of the USA Swimming Rules and Regulations, the following interpretation is being issued.

Interpretation of USA Swimming Rules & Regulations Article 102.9.1 (Swimwear)

January 19, 2009

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An exemption to Article 102.9.1 may be granted, on a case by case basis, to a swimmer who:

1. Based upon the swimmer's stated religious beliefs, is required to wear a suit that covers more of the swimmer's body than is permitted under this Rule; or
2. Whose medical condition requires more of the swimmer's body to be covered than permitted under this Rule.

This exemption does not extend to the use of any swimwear that has ever been promoted by its manufacturer as providing a performance advantage, or has otherwise been described as providing a technological advantage. This exemption applies to both USA Swimming's Rule and to any comparable rule adopted by any LSC and takes precedence over any determination by any member of an LSC.

All requests for any exemption must be submitted to the Chair of the USA Swimming Rules & Regulations Committee, or his/her designee. The request must be communicated in writing, including the use of e-mail, at least ten (10) days in advance of any competition for which the exemption is sought. The request must include:

1. The swimmer's name, registration number and the name of LSC in which the swimmer is registered;
2. A statement explaining that the exemption is made necessary by the swimmer's religious principles or for medical reasons;
3. A representation by the swimmer that the exemption is being sought for religious reasons and not to increase performance or, in the case of a medical reason, a written statement from a physician specifying the requirement to have parts of the body covered that are not permitted under this Article; and
4. A photo or description of the swimsuit the swimmer proposes to wear so the Rules Chair can evaluate whether any technological advantage has been advertised or documented for the suit.

The Rules Chair will then advise the swimmer and the appropriate LSC officials chair whether the exemption has been granted. The Rules Chair shall have the authority to grant the exemption on a permanent basis in his/her sole discretion. The decision of the Rules Chair can be appealed only to the entire Rules & Regulations Committee whose decision shall be final and binding on all parties.

**IT WILL BE THE RESPONSIBILITY OF THE SWIMMER TO PROVIDE A COPY OF THE WAIVER TO THE REFEREE OF ANY MEET IN WHICH THE SWIMMER WISHES TO PARTICIPATE.**

Any questions regarding this interpretation may be addressed to the Chair of the Rules & Regulations Committee.



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Bruce W. Stratton, Chair  
USA Swimming Rules & Regulations Committee