

Proposed Amendment to Section 7 of the MCSL Rules  
General – Eligibility of a Swimmer to Participate on a Team

Submitted By: MCSL Board

Purpose – The purpose of this amendment is twofold:

1. To specifically address the provision of financial inducements to USA Swimming Registered Swimmers, not provided to non-USA Swimming registered swimmers, as a banned activity.
2. To address concerns over the increased level of swimmer movement within teams, absent a change of family residence, that is impacting stability and competitive fairness within the league.

Proposed Amendments (two options):

1. Option 1 – Requires **Board Approval** for all team transfers that do not fall within Section 7(g) of the proposal. Section 7(g) exempts team transfers resulting from (a) family change of residence; (b) families transferring to a pool for which they have been on a waiting list; (c) swimmers that did not swim A meets the prior year; and (d) swimmers whose prior team has withdrawn from MCSL, from the Board Approval requirement. This is similar to the MCSL rules that were in place from the late 1980's until 2008 when the current rules were put in place. The rule also requires the Board to publish a document that identifies the issues the Board will consider in rendering its decisions.
2. Option 2 – Requires **Loss of MCSL "A" Meet Eligibility for One Year** for all transfers that do not qualify as permitted transfers under Section 7(g) - same as above. A similar rule, governing team transfers, was in place until the late 1980's when the initial Board Approval rules were adopted.

Board Consideration and Position – In drafting the attached Options the Board sought the input of the MCSL Coaches Advisory Committee as well as several other coaches that do not sit on the committee. The Boards view is that one of the two options needs to be adopted but does not take a position as to which of the two options should be chosen.

## Option 1- Board Approval Required

### 7. GENERAL – ELIGIBILITY OF A SWIMMER TO PARTICIPATE ON A TEAM

- a) Purpose – To maintain a stable and equitable environment for team competition, it is expected that swimmers and their families will not seek to, nor be encouraged to, change MCSL teams unless the family moves residences. The MCSL’s eligibility rules are established with this expectation in mind, recognizing that an individual’s opportunity to participate with a particular team must be appropriately balanced against MCSL’s legitimate interest in maintaining stability and competitive fairness within the league.
- b) Pool Membership - Each swim team member must be a member of the pool for which the swimmer competes.
- c) Type of Membership - Each swim team member’s pool membership must be of the same type and on the same terms as a pool membership available to a non-swim team member.
- d) **USA Swimming Registered Swimmers - MCSL teams shall not provide USA Swimming registered swimmers, either direct or indirect, financial inducements that are not provided to any other non-USA Swimming registered swimmers. Direct financial inducements include, but may not be limited to, reductions of MCSL pool or swim team membership/program fees. Indirect financial inducements include, but may not be limited to, reductions of any pool or swim team membership/program fees associated with the USA Swimming team (or affiliated organization) for which the swimmer participates that are contingent upon the swimmer’s participation on an affiliated MCSL Swim team.**
- e) Swim Team Members Employed at a Pool - A swim team member may not compete for a pool at which the member is employed unless the member is also a member of the pool. If the member competed in “A” meets, including Dual meets, Divisional Relay Carnival or Divisional Championships, for a different MCSL pool in the previous season, the members parent or guardian must apply to change teams (Section 7(h) of the MSL rules) and must also be a member of the new pool.
- f) Montgomery Village - Eligibility of swimmers competing for pools in Montgomery Village shall be determined by geographic boundaries set and amended from time to time by the MCSL Rules Committee in conjunction with the team representatives of the Montgomery Village pools.
- g) **Team Transfers – No Prior Board Approval Required**
  - i) **Change of Family Residence - A swimmer may change pool membership and MCSL team when the swimmer’s family moves residences. The swimmer has up to two years from the time of the move to make this change. A swimmer may not change teams during the swim season without the permission of the Rules Committee.**
  - ii) **Waiting List – A new swimmer who applies for membership in an MCSL pool and is put on a waiting list may join and swim for another MCSL pool until membership in the waiting-list pool is obtained. Once the membership in the waiting list pool is obtained, the swimmer may join and swim for that pool’s team with no loss of eligibility. However, the swimmer may not change teams during the swim season without permission of the Rules Committee.**

## Option 1- Board Approval Required

### 7. GENERAL – ELIGIBILITY OF A SWIMMER TO PARTICIPATE ON A TEAM

- iii) Swimmer Did Not Swim “A” Meets the Prior Season - If a swimmer did not participate in any MCSL “A” meets in the season immediately prior to the season for which the swimmer desires to make a change in team, the swimmer may transfer to another MCSL team without applying for approval from the Rules Committee.
- iv) Withdrawal of Team from MCSL –If a swimmer’s team chooses to withdraw from the MCSL, the swimmer may transfer to another MCSL team without applying to the Rules Committee or sitting out a season. The swimmer must become a member of the new pool before the swimmer can compete for that pool.
- h) Team Transfers – Board Approval Required
  - i) Application Process - If a swimmer’s parent or guardian believes it is necessary for the swimmer to change MCSL teams and the family has **not made a change of residence or met the other conditions of Section 7(g)**, the parent or guardian must submit an application, to the Rules Committee chairman, requesting to change MCSL teams.
    - 1) The application must identify the circumstances requiring the change and must be signed by the parent or guardian.
    - 2) **Applications will not be accepted earlier than March 15th or later than May 1st of the year for which the change is sought.**
    - 3) For each application received, the Rules Committee chairman will notify the team representatives of both the swimmers current team and the MCSL team to which the swimmer is requesting to join.
  - ii) Issues to be Considered by the Rules Committee in Rendering its Decisions - The Rules Committee, in its sole discretion, may deny the application for change in team if it has evidence of recruitment or if it deems the transfer to negatively affect the MCSL’s legitimate interest in maintaining stability and competitive fairness within the league.
    - 1) In order that families and teams have an understanding of the various issues that will be considered by the Rules Committee in granting or denying a request to change teams, the Rules Committee will post a document on the MCSL website that will identify issues the committee will consider during its deliberation.
  - iii) Final Ruling Date - The Rules Committee will approve or disapprove all applications no later than May 15th. If the transfer is approved, the swimmer must become a member of the new pool before the swimmer can compete for that pool.
  - iv) Denial of Transfer Request - If a transfer is denied or if a swimmer fails to apply, the swimmer may either continue to compete for their current MCSL team or may transfer to the team to which the transfer was denied but, in the case of a transfer, the swimmer will not be eligible to participate in “A” meets, including Dual meets, Divisional Relay Carnival or Divisional Championships, for their new team during the first season after the transfer occurs.
  - v) Rules Committee Transfer Decisions are Final – Any transfer decision by the Rules Committee under this section of the MCSL rules is deemed to be final and not subject to protest.

## Option 1- Board Approval Required

### 7. GENERAL – ELIGIBILITY OF A SWIMMER TO PARTICIPATE ON A TEAM

- i) Recruitment – Consistent with Sections 1(a) and 7(a) of the MCSL rules, MCSL teams, including team representatives and coaches, shall not encourage swimmers and their families to change MCSL teams. Notwithstanding the above, recruitment shall not be deemed to have occurred if a swimmer transfers teams under conditions set forth in Section 7(g) of the MCSL Rules.
- j) **Team Notification to the Board - Team Representatives shall provide the Rules Committee a listing of all new swim team members that swam for another MCSL team the prior season. The initial listing must be submitted no later than June 15<sup>th</sup> with updates provided, as needed.**

Option 1 – Board Approval Required  
Issues to be Considered by the MCSL Rules Committee in Rendering Team Transfer Request  
Decisions

- Background
  - MCSL was founded and organized as a league promoting team competition at the local community/neighborhood level. To this end it is MCSL's desire that swimmers compete for their local community/neighborhood pool and the swimmer and family not seek to change pools unless there is a change of residence.
  - MCSL recognizes that since its inception the county population and number of public and private pools have grown exponentially and as a result families and swimmers have numerous options when choosing a summer pool, including options that are not proximate to their residence. It is not MCSL's intent to place a geographic limit on a family's options with respect to which summer pool or MCSL swim team they choose. However, once a family has established membership at a local pool and a swimmer has begun competing for an MCSL swim team, it is MCSL's strong preference that the swimmer continues to compete for that team unless the family changes residence.
  - MCSL recognizes that circumstances arise that may necessitate a family to request approval from the league for a change of team and the league has granted the Rules Committee the responsibility and authority to rule on such requests under the conditions specified under Section 7(h) of the MCSL Rules.
  - MCSL strives to foster team competition within a fair and equitable environment and the Board has the mandate to maintain stability and competitive fairness within the league.
- Circumstances to be assessed by the Rules Committee in granting or denying team transfer requests include, but are not limited to, the following:
  - Has there been a significant change in family circumstance that requires a change in team and does the new team alleviate the problem?
  - If the swimmer requests a transfer to a team that is not proximate to the swimmer's residence or day care provider, why is the request being made?
  - Is there any evidence that the swimmer and family was recruited or incentivized to change teams?
  - Will the swimmers transfer significantly strengthen, either individually or in conjunction with other requested transfers, the team for which the swimmer desires to transfer into?
  - Are there multiple requests to transfer into the same team and/or is there a history of transfer requests into the same team that might give rise to concerns that recruitment is taking place?

Option 1 – Board Approval Required  
Issues to be Considered by the MCSL Rules Committee in Rendering Team Transfer Request  
Decisions

- Rules Committee Decision Process
  - Given MCSL's mandate with respect to maintaining a fair and stable competitive environment, transfer requests will not only be reviewed on their own merits but will also be reviewed in conjunction with other requests to transfer into the same team.
  - The Rules Committee will rule on all transfer requests on or about May 15th.
  - All transfer request decisions are final and not subject to protest.

## Option 2 – Loss of MCSL “A” Meet Eligibility for One Year

### 7. GENERAL – ELIGIBILITY OF A SWIMMER TO PARTICIPATE ON A TEAM

- a) Purpose – To maintain a stable and equitable environment for team competition, it is expected that swimmers and their families will not seek to, nor be encouraged to, change MCSL teams unless the family moves residences. The MCSL’s eligibility rules are established with this expectation in mind, recognizing that an individual’s opportunity to participate with a particular team must be appropriately balanced against MCSL’s legitimate interest in maintaining stability and competitive fairness within the league.
- b) Pool Membership - Each swim team member must be a member of the pool for which the swimmer competes.
- c) Type of Membership - Each swim team member’s pool membership must be of the same type and on the same terms as a pool membership available to a non-swim team member.
- d) USA Swimming Registered Swimmers - MCSL teams shall not provide USA Swimming registered swimmers, either direct or indirect, financial inducements that are not provided to any other non-USA Swimming registered swimmers. Direct financial inducements include, but may not be limited to, reductions of MCSL pool or swim team membership/program fees. Indirect financial inducements include, but may not be limited to, reductions of any pool or swim team membership/program fees associated with the USA Swimming team (or affiliated organization) for which the swimmer participates that are contingent upon the swimmer’s participation on an affiliated MCSL Swim team.
- e) Swim Team Members Employed at a Pool - A swim team member may not compete for a pool at which the member is employed unless the member is also a member of the pool.
- f) Montgomery Village - Eligibility of swimmers competing for pools in Montgomery Village shall be determined by geographic boundaries set and amended from time to time by the MCSL Rules Committee in conjunction with the team representatives of the Montgomery Village pools.
- g) Team Transfers – No loss of MCSL “A” Meet Eligibility
  - i) Change of Family Residence - A swimmer may change pool membership and MCSL team when the swimmer’s family moves residences. The swimmer has up to two years from the time of the move to make this change. A swimmer may not change teams during the swim season without the permission of the Rules Committee.
  - ii) Waiting List – A new swimmer who applies for membership in an MCSL pool and is put on a waiting list may join and swim for another MCSL pool until membership in the waiting-list pool is obtained. Once the membership in the waiting list pool is obtained, the swimmer may join and swim for that pool’s team with no loss of eligibility. However, the swimmer may not change teams during the swim season without permission of the Rules Committee.
  - iii) Swimmer Did Not Swim “A” Meets the Prior Season - If a swimmer did not participate in any MCSL “A” meets in the season immediately prior to the season for which the swimmer desires to make a change in team, the swimmer may transfer to another MCSL team without loss of MCSL eligibility.

## Option 2 – Loss of MCSL “A” Meet Eligibility for One Year

### 7. GENERAL – ELIGIBILITY OF A SWIMMER TO PARTICIPATE ON A TEAM

- iv) Withdrawal of Team from MCSL –If a swimmer’s team chooses to withdraw from the MCSL, the swimmer may transfer to another MCSL team without loss of MCSL eligibility. The swimmer must become a member of the new pool before the swimmer can compete for that pool.
- h) Team Transfers – Loss of MCSL “A” Meet Eligibility for One Year
  - i) Swimmers who want to transfer from their current MCSL team to another MCSL team and are not eligible to transfer under the conditions set forth in Section 7(g) above may still transfer teams but the swimmer will not be eligible to participate in “A” meets, including Dual meets, Divisional Relay Carnival or Divisional Championships, for their new team during the first season after the transfer occurs.
  - i) Recruitment – Consistent with Sections 1(a) and 7(a) of the MCSL rules, MCSL teams, including team representatives and coaches, shall not encourage swimmers and their families to change MCSL teams. Notwithstanding the above, recruitment shall not be deemed to have occurred if a swimmer transfers teams under conditions set forth in Section 7(g) of the MCSL Rules.
  - j) Team Notification to the Board - Team Representatives shall provide the Rules Committee a listing of all new swim team members that swam for another MCSL team the prior season. The initial listing must be submitted no later than June 15<sup>th</sup> with updates provided, as needed.