



Eligibility Protest Juries and Technical Protest Juries at National Championships

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In this article, I will address the use of juries at National Championship meets under rules 207.11.4 (Eligibility Protects) and 207.11.5 (Technical Rules Protests). In a companion article (Meet Jury Use Under Rule 102.22), I address the use of Meet Juries under rule 102.22.

First, Rule 207.11 states that this section specifically relates to the conduct of the National Championships and Open Water Championships. The specific meets subject to this rule include the U.S. Open (207.2), USA Swimming National Championships and Open Water Championships (207.3), USA Swimming Junior National Championships and Junior National Open Water Championships (207.4), and Trials Class Meets such as the selection meets for the World Championships and Olympic Games (207.5). Unless included in the meet announcement, they do not apply to Futures, TYR Pro Series, Speedo Sectional, Zone, LSC, or other championship-type meets. For these latter type meets, see rules 204 and 205.

With respect to the selection of juries, the Program & Events Coordinator or designee appoints the members of the juries. In many cases, the Meet Referee will fulfill this role as the designee. In performing this duty, I have sought out members who have been on the national deck and who have the respect of their peers. Although I have never had a protest regarding a decision by a jury, I don't want my first one to have someone who has not been involved in our sport at that level of meet. The weight of the potential decision could be quite heavy, especially if you are deciding where a potential Olympian can compete.

Eligibility Protest

1. Composition: Three persons in attendance at the meet, consisting of a swimmer, a coach and an official. I normally try to select a person who is going to be at the meet the whole time.
2. When: Prior to the start of the meet, because they may need to consider protests pertaining to the eligibility of any swimmer to compete or to represent an organization.
3. Exceptions: Per the USA Swimming Operating Policy Manual, only USA Swimming may challenge an athlete's competition category (men's category or women's category).
4. Process.
 - a. Form and Fee. All protests made prior to or during the championships shall be submitted to the Eligibility Jury on a form prescribed by USA Swimming and accompanied by a \$50 fee, which is returned if the appeal is upheld.
 - b. Hearing. Protests shall be heard by the jury and, if possible, decisions rendered before the start of events on the day in which the protested swimmer competes, but not later than the last night of the championships. Both the party lodging the protest and the party or parties charged shall be given the opportunity to be heard. Whether

they decide to avail themselves of this opportunity is up to them. See below for some thoughts on the hearing process.

- c. Right to compete if there is no immediate decision. Until the Eligibility Jury renders a decision, the swimmer may compete under protest. An announcement to this effect shall be made prior to the race. The results of any race conducted under protest shall not be announced, nor prizes awarded, nor points scored until the jury has determined if and how their decision may affect the final scoring or awards.

So you are at a meet using these rules and a protest is lodged against a swimmer. No immediate decision is reached and the swimmer competes in preliminaries and qualifies for finals. What do you do? Nothing. Until the protest is decided, the swimmer is able to compete. It does show the importance of having the jury promptly hear the matter and make a decision.

Also, how do you announce that the race is under protest? Is it made before that event or the heat in the event? Is it made by the Announcer over the sound system or the Starter before the start of the first heat? What is meant by the word race, heat or event? The glossary may provide some insight. It defines "event" as follows: *"EVENT — any race or series of races in a given stroke and/or distance. For competitive limits, one event is inclusive of preliminary heat(s) plus its related final(s), or one timed final, or one time trial."* The rule is quite on this issue as to the type of announcement. So, race seems to mean heat. Thus, I don't see any reason to shout it from the rooftops and would likely have the Starter make a simple announcement while the heat in the water is finishing without identifying the swimmer who is swimming under protest.

- d. Appeal. The decision of the jury may be appealed by either party to the National Board of Review, pursuant to Policy 26.0 of the USA Swimming Operating Policy Manual. Protests submitted after the last day of the championships shall be submitted directly to the National Board of Review and not to the jury.

The key to any eligibility protest is promptness. It also means you want to select members who will be at the meet the entire time and who have the maturity and experience to make a potentially difficult decision.

Technical Protests

As mentioned in the companion article (Meet Jury Use Under Rule 102.22), the Technical Jury cannot adjudicate judgment decisions by deck officials, which can only be considered by the Referee under 102.11 and 102.22.1.

1. Composition. The Program & Events Coordinator or designee shall appoint a Technical Jury, which is to be composed of at least one swimmer, at least one coach, and at least one, but not more than three other persons. So, unlike the Eligibility Jury, the Technical Jury can have three to five members and at least one is a swimmer and another is a coach. Officials are not mentioned, but they also are not excluded. It also does not say the other members even need to be a coach, swimmer or official or a USA Swimming member for that matter. I guess it could be a mom or dad in the stands, but the time-honored practice suggests that this jury is normally made up of three persons: a swimmer, a coach, and an official.
2. When: Again, similar to the Eligibility Jury, this jury is to be appointed prior to the start of the meet.

3. Process: The protest must be in writing (even a napkin will do) and must involve a technical rule, except disqualifications due to judgment decisions by the deck officials. The protest must be given to the Meet Referee within 30 minutes of the protested act or occurrence. Notice there is no fee associated with this type of protest.
4. Decision. The Meet Referee makes the initial decision.
5. Appeals. Decisions of the Meet Referee regarding these protests may be appealed to the Technical Jury, whose decision must be made the day of the protest and shall be final. There is no appeal above the technical jury.

So, as I mentioned in the “Meet Jury Use Under Rule 102.22” article, some of the things that may fall under this section could include protest related to the facilities, the race course, results (judgment decisions regarding times or timing equipment are not covered by 102.22.1), score, points awarded, or interpretation of the rules.

How Does a Jury Perform Its Duties?

The Meet Referee should facilitate the process.

1. Find a quiet spot, preferably off the deck.
2. Allow the protester to present their case.
3. If there is an opposing view, allow them to present their side.
4. If they need interpretation of the rules, ask the Meet or Deck Referee for assistance.
5. Deliberate.
6. Let all concerned know the jury’s decision and the effect it has on the situation.
7. Ask the jury not to discuss their deliberations publicly.

Hopefully, you will never have a protest while on the national deck, but if you do, then you now have a head start on what to do.