

SPORT 

Swimmers sue federation for ‘killing Olympic dream’

Strugnell and Hayes-Hill were sent home after being found guilty through a disciplinary action in their absence

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Laura Strugnell, left, and Jessica Hayes-Hill at the 2023 world championships in Fukuoka, Japan, where they competed in the technical and free duet routines. Artistic swimming used to be known as synchronised swimming.

Image: Anton Geyser/Gallo Images

Two athletes are suing Swimming South Africa (SSA) for R7.2m over a bungled disciplinary process that scuppered their dream of competing in the artistic swimming event at the Paris Olympics.

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Laura Strugnell, a veteran of Tokyo 2020, and Jessica Hayes-Hill had been selected to compete in the discipline — previously known as synchronised swimming — at the world championships in Doha in February to try win a spot in the duet routine at the Games in Paris.

But the two were sent home without taking part after being found guilty on a vaguely worded charge at a disciplinary action staged in their absence.

They had the disciplinary ruling overturned on appeal, where the process was described as “substantively” unfair. A copy of that judgment is among the papers filed at the high court in Johannesburg this week.

The women want SSA to compensate them for nearly R1m they say they spent to prepare for the world championships in Doha; to pay them R1m for “emotional distress, mental anguish and reputational damage”; and to pay them R5.2m to prepare for future world championships and the 2028 Olympics in Los Angeles, arguing their premature Doha exit cost them potential sponsorships..



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According to the particulars of claim, Strugnell and Hayes-Hill were summoned by a WhatsApp message to a disciplinary hearing on February 1, the day before their first duet competition in Doha. The message, which arrived at 1.26pm, told them the disciplinary hearing would start at 3.15pm, less than two hours later.

The charge presented was “deceitful actioning of training protocol without management approval”, with no further details provided.

The Sunday Times understands one of Strugnell and Hayes-Hill's coaches in Doha was not accredited, and they needed to make special arrangements with the team management to meet her.

Strugnell and Hayes-Hill had also been instructed to take part in a team event, where a hastily assembled South African outfit of eight had no chance of qualifying for the Games. Training for that also ate into their duet preparation time.

At the hearing, the swimmers raised the issue of having received inadequate notice and the apparent lack of "essential facts" supporting the charge. They requested legal representation, and asked why the matter could not be postponed until after they had returned to South Africa, especially since they were competing the next day.



It is clear from the evidence that has been presented that the disciplinary meeting was not procedurally and substantively fair, and that the sanctions that were imposed were imposed incorrectly

One of the coaches conducting the hearing told the swimmers disciplinary meetings must be held on the same day as the alleged offences, but agreed to a short adjournment saying "they would need to take advice and would revert".

The next day, Strugnell and Hayes-Hill said they were informed "a decision had been made by [SSA] in the plaintiffs' absence and without a disciplinary hearing, that the plaintiffs had been withdrawn from all events, accreditation revoked and that the plaintiffs would be sent home on the first flight the following morning". "The sanction was issued by [SSA] without following due and proper process as prescribed by or in the disciplinary protocol."

The duo said they received no written reasons for the action against them.

The panel that heard the appeal in late June ruled in favour of the swimmers, pointing out SSA had failed to offer evidence to counter their version of events. A request by SSA CEO Shaun Adriaanse for a postponement to call witnesses was denied because the federation had had "sufficient opportunity and time to have its witnesses present", considering the appeal was lodged on February 16.

"It is clear from the evidence that has been presented that the disciplinary meeting was not procedurally and substantively fair, and that the sanctions

that were imposed were imposed incorrectly. [SSA] failed to comply with the SSA disciplinary protocol in every material respect,” the judgment read, adding that protocol also required guilty parties be given the opportunity to present aggravating factors.

“Furthermore a party is entitled to be provided with reasons when found guilty.”



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The panel also said the 109-minute notice period for the disciplinary matter was “not reasonable”, the charge was vague and the requests by Strugnell and Hayes-Hill to have legal representation and have the matter heard at a later date were not unreasonable.

Strugnell and Hayes-Hill, who ended 28th at the 2023 world championships in Fukuoka, were on track to qualify for the Paris Olympics, according to the standards set out by World Aquatics.

A few months before the world championships in Qatar, however, SSA announced it had raised the entry standards for diving, open-water swimming, water polo and artistic swimming, demanding the duo finish 20th or better in Doha to be eligible for Olympic selection.

The duo had sacrificed much for their Olympic dream, with Hayes-Hill quitting her job in Durban in 2022 to relocate to Cape Town to train with Strugnell, a swimming teacher who, in an interview with the Sunday Times last year, estimated she could have bought a house with what she had spent on her Games ambitions.

SSA president Alan Fritz defended the sanction against the duo at the time. Adriaanse said on Friday he was unable to comment because he had not seen the court documents.

SSA had a turnover of R30.6m in 2022, with R13m coming from membership and competition fees, R4.4m from a Lotto grant, R4m from government, R1m from a sponsorship from swimsuit manufacturer Arena and R7m from World Aquatics, of which R5.6m was earmarked for the high performance centre in Franschhoek.

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