

USA SWIMMING
RULES & REGULATIONS COMMITTEE
PROPOSED
AMENDMENTS TO 2018 RULES AND REGULATIONS

No.	Description	Location	Recommendation
R-1	To support a sport culture of inclusion and diversity, while assuring a fair competitive environment and seeking a national directive that does not permit modification at the local level	Glossary (new), 102.23.2 (new), 302.1.2 (new) & 304.3.2	Postponed Recommendation
R-2	To establish definition of age for postponed meets	102.7.4 A & B (new)	Not Yet Reviewed
R-3	To ban the use of technical suits by 12 & under swimmers	102.8.1 F (1) & (2) (new)	Postponed Recommendation
R-4	To include cannabinoids as a prohibited advertised product	102.8.3 C (1)	Approval
R-5	To comply with current practices for swimwear disqualifications	102.8.1 F & 102.22.3 (new)	Not Yet Reviewed
R-6	To ensure safety of athletes, officials, coaches and spectators at all USA Swimming sanctioned events. Naming a Meet Safety Director will put meet safety planning into the sanctioning process as well as during the meet	102.10 (new), 202.4.9, .9 A (new), B (new) & 202.5.5	Not Yet Reviewed
R-7	To prohibit the use of backstroke ledges by swimmers that have not been certified for racing starts	103.2.2 & 202.4.10 D	Approval
R-8	To provide host clubs and LSCs the ability to include sponsorship from alcohol brands for non-swimming competition functions and to allow alcohol brands to include sponsorship for specific senior level competitions	103.12 & 207.1	Approval
R-9	To ensure when backstroke ledges are used that all lanes will have ledges and that all ledges will be identical	103.15.5 (new)	Not Yet Reviewed
R-10	To comply with FINA requirements for Backstroke Turn Indicators	103.16.2	Approval
R-11	To clarify required consent from USA Swimming as the word "Paralympic" has the same protections and usage guidelines within the United States as the word "Olympic"	202.4.5	Approval
R-12	To address the potential safety and safe sport concerns involving the growing use of drones at sporting events	202.6.6 G (new)	Approval
R-13	To allow an LSC the ability to ban the use of technical suits by 12 & under swimmers provided such policy has been adopted by the LSC's House of Delegates	205.10.2 (new)	Approval
R-14	To comply with FINA's new rules on the Prevention of the Manipulation of Competitions	304.3.5 (new)	Approval
R-15	To clarify the standard used to determine a club's eligibility to request reassignment to a different LSC as some clubs use multiple facilities and/or PO Boxes making mailing addresses insufficient to reflect the true location of the club	604.1	Approval
R-16	To amend voting requirements by the Houses of Delegates for changes in LSC affiliation by a club member	604.1	Postponed Recommendation
R-17	To change the voting requirement for approval by the House of Delegates to simple majorities for changes in LSC territory	604.2	Postponed Recommendation
R-18	To simplify the overall process of merging two LSCs and to model that process after the private sector where Boards of two corporations approve merging the corporations and then get concurrence from a majority of the stockholders	604.4 (new)	Postponed Recommendation
R-19	To enable LSCs to set themselves up to operate effectively by making the Required LSC Bylaws shorter and less complex	Required LSC Bylaws Template	Approval

No.	Description	Location	Recommendation
HK-1	To comply with FINA race course dimensional tolerance requirements	103.3.1 C	Not Yet Reviewed
HK-2	To allow LSCs to accept electronic transfer requests should an LSC want to go paperless	203.5	Approval
HK-3	To reflect The National Team Managing Director's current title	Various	Approval
HK-4	To reflect current title for the World University Games	207.11.6 F	Approval
HK-5	Membership is defined in the Corporate Bylaws and may only be amended by the Board of Directors. Thus it is being removed from Part 3.	302.2.1 thru .5	Approval

USA SWIMMING
RULES & REGULATIONS COMMITTEE
PROPOSED
AMENDMENTS TO RULES AND REGULATIONS

R-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 14 – (new) **Official Glossary**
Page 38 – (new) **102.23 Protests**
Page 92 – (new) **302.1 Registration**
Page 94 – **304.3 Code of Conduct**

Proposed by: Board of Directors

Purpose: To support a sport culture of inclusion and diversity, while assuring a fair competitive environment and seeking a national directive that does not permit modification at the local level (as local and state laws often differ by region).

Recommendation: *The Rules and Regulations Committee has postponed a recommendation pending further clarification from proposer.*

OFFICIAL GLOSSARY

COMPETITION CATEGORY – Stated as male or female for the purpose of athlete swimming eligibility, competition, selection and records. An athlete's stated competition category shall be referred to as "gender".

102.23 PROTESTS

.1 Protests against the judgment decisions of starters, stroke, turn, place and relay take-off judges can only be considered by the Referee and the Referee's decision shall be final.

.2 Protests regarding an athlete's competition category may only be heard by the National Eligibility Protest Panel as outlined in the current USA Swimming Policy Manual. A protest shall not prohibit the athlete from competing in his or her stated competition category until such time as the National Eligibility Protest Panel has issued a decision.

[re-number remaining]

.6 With the exception of a competition category protest, the official results of any protested race shall not be announced, the affected awards shall not be given, and points scored shall not be allocated until the protest is resolved or is withdrawn in writing.

302.1 REGISTRATION

.1 **Athlete Members** – All swimmers practicing with a member club or competing in events sanctioned by USA Swimming must be registered as athlete members of USA Swimming. Athlete members must meet the rules of eligibility contained in Article 303. No swimmer alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute the allegations relating to possible ineligibility, pursuant to Part Four.

.2 **Competition Category**

A At the time of membership registration, an athlete shall state during registration a competition category as defined as of male or female for the purpose of athlete swimming eligibility, competition, selection and records. Any athlete wishing to change his or her competition category may apply to do so following the procedures outlined in the current USA Swimming Policy Manual. An athlete's competition category shall be referred to as "gender" within the rulebook.

B Protests lodged regarding an athlete's competition category shall not prohibit the athlete from competing in the stated competition category. An athlete may swim under protest until such time as heard by the National Eligibility Protest Panel as outlined in the current USA Swimming Policy Manual.

304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

Measures to be adjudicated by the USA Swimming National Board of Review

.1 Violation of the right to compete provisions set forth in Article 301.

.2 Discrimination in violation of the Amateur Sports Act which requires that USA Swimming must provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in the sport of swimming. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or

participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, gender identity, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.

.3-.17 [no changes]

R-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 29 – (new) **102.7 Postponements and Changes in Program**

Proposed by: Rules & Regulations Committee

Purpose: To establish definition of age for postponed meets.

Recommendation: *The Rules and Regulations Committee has not yet reviewed this proposal.*

Effective Date: Immediately

102.7 POSTPONEMENTS AND CHANGES IN PROGRAM

.1-.3 [no changes]

.4 Postponement or Cancellation

- A If, prior to its commencement, unusual or severe weather or other conditions preclude the possibility of safely and effectively conducting a meet or an event, the meet committee may cancel or postpone it. Meets postponed to a start date within fourteen (14) days from the original start date shall define age as the first day of the original meet. Meets postponed to a dates more than fourteen (14) days from the original start date shall define age as the first day of the rescheduled meet.
- B If, after commencement, conditions preclude the possibility of safely and effectively conducting a meet or an event, the meet committee may cancel or postpone. If postponed to continue within fourteen (14) days of the date of postponement, age of the swimmers shall not change. If postponed to continue at a date beyond fourteen (14) days of the date of postponement, age of the swimmers shall change to the first day of the rescheduled events.

R-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 30 – (new) **102.8 Swimwear**

Proposed by: Age Group Development Committee

Purpose: To ban the use of technical suits by 12 & under swimmers.

Recommendation: *The Rules and Regulations Committee has postponed a recommendation pending further clarification from proposer.*

Effective Date: September 1, 2020

102.8 SWIMWEAR

.1 Design

A – E [no changes]

F No Technical Suits may be worn by any 12 & Under USA Swimming athlete member in competition at any Sanctioned, Approved or Observed meet.

(1) Exceptions to the foregoing restriction are only for a meet in USA Swimming's Championship Series (i.e. Sectionals, Futures, Junior Nationals, Pro Swim Series, US Open, National Championships, and Olympic Trials) or YMCA National Championships.

(2) A Technical Suit is one that has the following components:

- a. Any male or female suit with any bonded or taped seams is defined as a technical suit regardless of its fabric or silhouette; or
- b. Any male or female suit with woven fabric extending to the knee or mid-thigh is defined as a technical suit regardless of the type seams: bonded, taped or sewn. (Note: A woven suit with sewn seams and in a male brief or female regular cut not to the knees is not defined as a technical suit and is not restricted.)

81 [re-letter remaining]

R-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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82 **Location:** Page 30 – **102.8 Swimwear**

83 **Proposed by:** Board of Directors

84 **Purpose:** To include cannabinoids as a prohibited advertised product.

85 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

86 **102.8 SWIMWEAR**

87 .1-.2 [no changes]

88 **.3 Advertising**

89 A-B [no changes]

90 C Advertising for the following shall not be allowed:

- 91 (1) Products involving tobacco, cannabinoids, alcohol or pharmaceuticals containing substances banned under IOC or FINA
- 92 rules;
- 93 (2) Political statements; and
- 94 (3) Any products or services that would be counter to the values of the sport or bring disrepute to USA Swimming.

R-5	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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95 **Location:** Page 30 – **102.8 Swimwear**

96 Page 37 – (new) **102.22 Disqualification**

97 **Proposed by:** Rules & Regulations Committee

98 **Purpose:** To comply with current practices for swimwear disqualifications.

99 **Recommendation:** *The Rules and Regulations Committee has not yet reviewed this proposal.*

100 **102.8 SWIMWEAR**

101 **.1 Design**

102 A-E [no changes]

103 ~~F The Referee shall have authority to bar offenders from the competition until they comply with the rule.~~

104 **102.22 DISQUALIFICATIONS**

105 .1 A disqualification can be made only by the official within whose jurisdiction the infraction has been committed. Except for the Relay

106 Take-off Judges when dual confirmation relay take-off judging, as provided in 102.13.6B, is used, the Referee, Stroke, Turn, or

107 Relay Take-off Judge upon observing an infraction, shall immediately raise one hand overhead. If the official does not do so, there

108 shall be no disqualification unless the meet is being conducted under FINA procedures.

109 .2 The Referee or designated official making a disqualification shall make every reasonable effort to seek out the swimmer or his/her

110 coach and inform him/her as to the reason for the disqualification. Failure to notify does not negate the disqualification.

111 .3 For swimwear disqualifications, refer to 102.8.1.

112 [re-number remaining]

113

R-6	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 114 **Location:** Page 32 – (new) **102.10 Meet Safety Director**
 115 Page 60 – **202.4 Requirements for Sanction**
 116 Page 62 – **202.5 Conditions for Sanction**
- 117 **Proposed by:** Operational Risk Committee
- 118 **Purpose:** To ensure safety of athletes, officials, coaches and spectators at all USA Swimming sanctioned events. Naming a
 119 Meet Safety Director will put meet safety planning into the sanctioning process as well as during the meet.
- 120 **Recommendation:** *The Rules and Regulations Committee has postponed a recommendation pending further clarification from*
 121 *proposer.*
- 122 **102.10 MEET SAFETY DIRECTOR** — Shall be appointed by the meet host at time of sanctioning, shall be a USA Swimming member,
 123 and shall be present during the meet to ensure compliance with USA Swimming Operational Risk Manual safety policies. The meet
 124 referee and/or the meet director may not serve as the safety director.
- 125 [re-number remaining]
- 126 **202.4 REQUIREMENTS FOR SANCTION** — Sanctions are issued, withheld or withdrawn in accordance with the following
 127 regulations:
- 128 .1-.8 [no changes]
- 129 .9 The following clause will appear on all sanction application forms and on all forms upon which official sanctions are granted: "In
 130 granting this sanction it is understood and agreed that USA Swimming shall be free from any liabilities or claims for damages arising
 131 by reason of injuries to anyone during the conduct of the event." information shall be on all sanction application forms and on all
 132 forms upon which official sanctions are granted.
- 133 A "In granting this sanction it is understood and agreed that USA Swimming shall be free from any liabilities or claims for
 134 damages arising by reason of injuries to anyone during the conduct of the event."
- 135 B Designated spaces for applicant to provide names of:
 136 Meet Director
 137 Meet Referee
 138 Meet Safety Director
- 139 **202.5 CONDITIONS OF SANCTION** — Any event for which a sanction is required according to 202.1 is subject to the following
 140 conditions:
- 141 .1-.4 [no changes]
- 142 .5 All referees, starters, administrative officials, chief judges and stroke and turn judges, serving in an official capacity in a sanctioned
 143 event, must be non-athlete members of USA Swimming or members of other FINA-member organizations. All meet directors and meet
 144 safety directors for meets sanctioned by USA Swimming must be members of USA Swimming. Except for coaches accompanying
 145 athletes participating under the provisions of 202.9 or USA Swimming's "open border" policy, all persons acting in any coaching capacity
 146 in a sanctioned event must be coach members of USA Swimming.
- 147 .6-.10 [no changes]

R-7	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 148 **Location:** Page 45 – **103.2 Water Depth**
 149 Page 60 – **Requirements for Sanction**
- 150 **Proposed by:** Rules & Regulations Committee
- 151 **Purpose:** To prohibit the use of backstroke ledges by swimmers that have not been certified for racing starts.
- 152 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 153 **Effective Date:** Immediately
- 154 **103.2 WATER DEPTH**
- 155 .1 **/NC/ 2 meters (6 feet 7 inches) deep throughout the course.**

.2 /M/ Teaching Racing Starts — Minimum water depth for teaching all racing starts, prior to certification, in any setting from any height starting blocks, from backstroke ledges or from the deck shall be 6 feet (1.84 meters) measured for a distance of 3 feet 3-1/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from the end wall. Teaching racing starts shall only take place under the direct supervision of a USA Swimming member coach and shall include:

- A All racing start instruction until a swimmer has been certified by his or her USA Swimming member coach as proficient in performing a racing start, and
- B Subsequent to certification, instruction which seeks to alter a swimmer's basic technique in performing a racing start.

Prior to certification, all racing starts must take place from a position in the water, and without use of the backstroke ledge, regardless of pool depth. Subsequent to certification, practicing of racing starts may take place in water depth of four (4) feet (1.22 meters) and deeper.

[no changes]

202.4 REQUIREMENTS FOR SANCTION — Sanctions are issued, withheld or withdrawn in accordance with the following regulations:

.1-.9 [no changes]

.10 Application for sanction must be accompanied by a copy of the complete meet announcement which must include the following:

- A A statement of the nature of prizes to be awarded.
- B A complete schedule of lanes and times for all warm-up procedures which must be adhered to by all participants.
- C Information about water depth measured for a distance of 3 feet 3-1/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.
- D The following statement: "Any swimmer entered in the meet must be certified by a USA Swimming member-coach as being proficient in performing a racing start or must start each race from within the water without the use of the backstroke ledge. When unaccompanied by a member-coach, it is the responsibility of the swimmer or the swimmer's legal guardian to ensure compliance with this requirement."

[no changes]

R-8	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 47 – **103.12 Alcoholic Beverages**
Page 74 – **207.1 USA Swimming Championships**

Proposed by: Board of Directors

Purpose: To provide host clubs and LSCs the ability to include sponsorship from alcohol brands for non-swimming competition functions (e.g. fundraisers) and to allow alcohol brands to include sponsorship for specific senior level competitions.

Recommendation: *The Rules and Regulations Committee recommends approval.*

103.12 /M/ ALCOHOLIC BEVERAGES — Alcoholic beverages or the recognition of alcohol sponsors are prohibited in all areas of the venue. Exceptions to this provision include USA Swimming National Championships, Trials class meets, U.S. Open Championships, Open Water Championships and the Pro Series events or other events approved by may be made only with the approval of the USA Swimming Board of Directors staff Chief Marketing Officer.

ARTICLE 207

USA SWIMMING CHAMPIONSHIPS

207.1 GENERAL — USA Swimming may conduct USA Swimming National Championships, Trials class meets, U.S. Open Championships, and Open Water Championships. The designation of each of these championships shall include the name of the national sponsor, if any, for that meet. Additional sponsorship may be requested for the host club or the host LSCs provided the sponsorship is in accordance with USA Swimming Policy Manual and approved in writing by the Chief Marketing Officer.

R-9	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 196 **Location:** Page 48 – (new) **103.15 Backstroke Ledge**
- 197 **Proposed by:** Rules & Regulations Committee
- 198 **Purpose:** To ensure when backstroke ledges are used that all lanes will have ledges and that all ledges will be identical.
- 199 **Recommendation:** *The Rules and Regulations Committee has not yet reviewed this proposal.*
- 200 **103.15 BACKSTROKE LEDGE** — The backstroke ledge shall conform to FINA's specifications when used in competition as follows:
- 201 .1 /M/ The ledge may be adjustable to 4 centimeters above or 4 centimeters below the water level.
- 202 .2 /M/ The ledge shall be a minimum of 65 centimeters in length.
- 203 .3 /M/ The ledge must be 8 centimeters in height, 2 centimeters at the width with 10 degrees of slope.
- 204 .4 /M/ The ledge may not be used in water depth less than 4 feet (1.22 meters).
- 205 .5 /M/ Should backstroke ledges be used, identical ledges shall be provided for all lanes.

R-10	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 206 **Location:** Page 48 – **103.16 /M/ Floating Lane Dividers**
- 207 **Proposed by:** Rules & Regulations Committee
- 208 **Purpose:** To comply with FINA requirements for Backstroke Turn Indicators.
- 209 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 210 **103.16 /M/ FLOATING LANE DIVIDERS**
- 211 .1 [no changes]
- 212 .2 Dividers shall consist of contiguous floats having a minimum diameter of 5 centimeters (2 inches) to a maximum diameter of 15
- 213 centimeters (6 inches). The color of the floats extending from the walls the distance of 5 meters for long course and short course
- 214 meters and 15 feet for short course yards shall be distinct from the rest of the floats. Distinctive colored floats, or markers extending
- 215 around the full circumference of the floats, shall be placed at 15-meters (49 feet 2-1/2 inches) from each end wall in both short
- 216 course and long course pools. A fixed mark shall be placed on any wall or the deck adjacent to an outside lane to correctly align the
- 217 15-meter buoys for judging underwater starts/turn distances. The mark on the wall or deck will be considered the default marking for
- 218 officiating purposes. Additionally, in long course pools, a distinctive warning line or lane markers may be placed at a distance of 13
- 219 meters from each end wall. Damaged or broken floats shall be removed and/or replaced, to the extent possible.

R-11	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 220 **Location:** Page 60 – **202.4 Requirements for Sanction**
- 221 Page 63 – **202.6 Requirements for Approval**
- 222 **Proposed by:** Disability Committee
- 223 **Purpose:** To clarify required consent from USA Swimming for the word "Paralympic" which has the same protections and usage
- 224 guidelines within the United States as the word "Olympic".
- 225 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 226 **202.4 REQUIREMENTS FOR SANCTION** — Sanctions are issued, withheld or withdrawn in accordance with the following
- 227 regulations:
- 228 .1-.4 [no changes]
- 229 .5 No sanction will be granted for any event for which the word "Olympic", the word "Paralympic" or any derivative thereof, is used in
- 230 any manner in connection with said event unless consent is obtained from USA Swimming.
- 231 **202.6 REQUIREMENTS FOR APPROVAL** — Approval of competition may be issued, withheld or withdrawn by an LSC in

232 accordance with the following regulations:

233 .1-.12 [no changes]

234 .13 No approval will be granted for any competition if the word "Olympic," "Paralympic," "World," "National," "United States of America"
235 or any derivative thereof is used in any manner in connection with such competition unless consent for such usage is obtained from
236 USA Swimming.

R-12	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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237 **Location:** Page 63 – **202.6 Requirements for Approval**

238 **Proposed by:** Rules & Regulations Committee

239 **Purpose:** To address the potential safety and safe sport concerns involving the growing use of drones at sporting events.

240 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

241 **202.6 REQUIREMENTS FOR APPROVAL** — Approval of competition may be issued, withheld or withdrawn by an LSC in accordance
242 with the following regulations:

243 .1-.5 [no changes]

244 .6 Written application for approval shall be made not later than the period established by the LSC prior to the competition. The LSC
245 may establish a fee for processing such applications. Application for approval shall be accompanied by the meet announcement
246 which shall include the following:

247 A-F [no changes]

248 G The following statement: "Operation of a drone, or any other flying apparatus, is prohibited over the venue (pools,
249 athlete/coach areas, spectator areas and open-ceiling locker rooms) any time athletes, coaches, officials and/or spectators are
250 present."

251 Exceptions may be granted with prior written approval by the Program & Events Committee Chair or designee.

R-13	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
This item will be withdrawn if R-3 is adopted.							

252 **Location:** Page 73 – (new) **205.10 Swimwear in Age Group Competition**

253 **Proposed by:** Rules & Regulations Committee

254 **Purpose:** To allow an LSC the ability to ban the use of technical suits by 12 & under swimmers provided such policy has been
255 adopted by the LSC's House of Delegates.

256 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

257 **Effective Date:** Immediately

258 **205.10 SWIMWEAR IN AGE GROUP COMPETITION**

259 .1 For age group competitions, it is permissible for the swimmer to wear a single set of garments underneath his or her competition
260 swimsuit for modesty and/or privacy reasons.

261 .2 An LSC may prohibit the use of technical suits by 12 & under swimmers provided such prohibition has been adopted by the LSC's
262 House of Delegates.

R-14	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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263 **Location:** Page 94 – **304.3 Code of Conduct**

264 **Proposed by:** Rules & Regulations Committee

265 **Purpose:** To comply with FINA's new rules on the Prevention of the Manipulation of Competitions.

266 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

Measures to be adjudicated by the USA Swimming National Board of Review

- .1 Violation of the right to compete provisions set forth in Article 301.
- .2 Discrimination in violation of the Amateur Sports Act which requires that USA Swimming must provide an equal opportunity to athletes, coaches, trainers, managers, administrators, and officials to participate in the sport of swimming. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.
- .3 Violation of any of the Athlete Protection Policies set forth in Article 305.
- .4 Violation of any of the Sexual Misconduct Reporting Requirements set forth in Article 306 or the Prohibitions against Retaliation for Good Faith Reporting of Abuse set forth in Article 307.
- .5 Any violation of the FINA Rules on the Prevention of Manipulation of Competition as found in the current FINA Manual, including (i) betting; (ii) manipulating competitions; (iii) corrupt conduct; (iv) misuse of inside information; (v) failure to report; and (vi) failure to cooperate.

[re-number remaining]

R-15	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 170 – **604.1 Change in LSC Affiliation by a Club Member**

Proposed by: Registration/Membership Committee

Purpose: To clarify the standard used to determine a club's eligibility to request reassignment to a different LSC as some clubs use multiple facilities and/or PO Boxes making mailing addresses insufficient to reflect the true location of the club.

Recommendation: *The Rules and Regulations Committee recommends approval.*

604.1 CHANGE IN LSC AFFILIATION BY A CLUB MEMBER — A change of a Member Club from one LSC to another LSC which is contiguous and where no other Member Club geographically (as determined by the club's primary training facility location or mailing address) intervenes between the changing club and the new LSC boundary must be approved by a two-thirds (2/3) vote of each of the LSCs. Club approval of change in affiliation shall be in accord with the rules of the Member Club and shall be duly certified by the Member Club's president and secretary. Such transfer shall become effective ninety (90) days after receipt of a written notice of approval from the Chair of the Rules & Regulations Committee who shall notify USA Swimming National Office.

R-16	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 170 – **604.1 Change in LSC Affiliation by a Club Member**

Proposed by: Jim Patterson – Immediate Past General Chair (Central California Swimming) & Registration/Membership Committee Member

Purpose: To amend voting requirements by the Houses of Delegates for changes in LSC affiliation by a club member.

Recommendation: *The Rules and Regulations Committee has referred the proposal to the LSC Development Committee for comment.*

604.1 CHANGE IN LSC AFFILIATION BY A CLUB MEMBER — A change of a Member Club from one LSC to another LSC which is contiguous and where no other Member Club geographically (as determined by the club's training facility location or mailing address) intervenes between the changing club and the new LSC boundary must be approved by a two-thirds (2/3) majority vote of each of the LSCs' House of Delegates. Club approval of change in affiliation shall be in accord with the rules of the Member Club and shall be duly certified by the Member Club's president and secretary. Such transfer shall become effective ninety (90) days after receipt of a written notice of approval from the Chair of the Rules & Regulations Committee who shall notify USA Swimming National Office.

R-17	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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Location: Page 171 – **604.2 Change in LSC Territory**

Proposed by: Jim Patterson – Immediate Past General Chair (Central California Swimming) & Registration/Membership Committee Member

307 **Purpose:** To change the voting requirement for approval by the House of Delegates to simple majorities for changes in LSC
308 territory.

309 **Recommendation:** *The Rules and Regulations Committee has referred the proposal to the LSC Development Committee for comment.*

310 **604.2 CHANGE IN LSC TERRITORY** — If two-thirds (2/3) of the number of clubs in a contiguous area within an LSC wish to affiliate with
311 a neighboring and contiguous LSC, and should the House of Delegates of each LSC by a ~~two-thirds (2/3)~~ majority vote of the members
312 present approve the change, the change in territorial jurisdiction shall include all Club Members in the contiguous area and shall become
313 effective no sooner than sixty (60) days following the receipt by the Chair of the USA Swimming Rules & Regulations Committee of
314 satisfactory evidence of the various votes required. Club Member approval of change in affiliation shall be in accord with the rules of the
315 Club Member and shall be duly certified by the Club Member's president and secretary.

R-18	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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316 **Location:** Page 171 – (new) **604.4 Change in LSC Affiliation by a Club Member**

317 **Proposed by:** Jim Patterson – Immediate Past General Chair (Central California Swimming) & Registration/Membership Committee
318 Member

319 **Purpose:** To simplify the overall process of merging two LSCs and to model that process after the private sector where Boards
320 of two corporations approve merging the corporations and then get concurrence from a majority of the stockholders.

321 **Recommendation:** *The Rules and Regulations Committee has referred the proposal to the LSC Development Committee for comment.*

322 **604.4 MERGING TWO LSCs** – If the Boards of Directors of two (2) LSCs that share a common geographical border agree in principle to
323 merge their two LSCs into a single new LSC, and should the House of Delegates of each LSC by a majority vote of the members present
324 approve the merger, then the merger shall become effective no sooner than sixty (60) days following the receipt by the Chair of the USA
325 Swimming Rules & Regulations Committee of satisfactory evidence of the various votes required.

R-19	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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326 **Location:** **Required LSC Bylaws Template**

327 **Proposed by:** Board of Directors

328 **Purpose:** To enable LSCs to set themselves up to operate effectively by making the Required LSC Bylaws shorter and less
329 complex.

330 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

331 **Compliance Date:** LSCs have from now until January 1, 2020 to submit new Bylaws

332 **Due to the complexity of the proposal, the proposal is presented in its final format for clarity. The proposal in legislative format**
333 **can be found on USA Swimming's website in the same location as the legislative package.**

334 SUMMARY OF CHANGES TO REQUIRED LSC BYLAWS

335 **In General: Simple and Flexible**

- 336 • Revised Article Numbering
- 337 • Removed redundant language
- 338 • Removed language in conflict with the USA Swimming Rule Book or the Corporate Bylaws
- 339 • Removed language to LSC Policies & Procedures for greater flexibility
- 340 • Moved boxed instructions to endnotes
- 341 • Organized HOD, BOD, Division and Committee Articles rationally

342 **Article 1 - NAME, OBJECTIVE, ETC.**

- 343 • Added compliance with future agreements between USA Swimming and LSC

344 **Article 2 - MEMBERSHIP**

- 345 • Removed redundant language
- 346 • Removed language in conflict with the USA Swimming Rule Book or the Corporate Bylaws

347 **Article 3 - DUES AND FEES**

- 348 • Removed redundant language
349 • Removed language in conflict with the USA Swimming Rule Book or the Corporate Bylaws

350 **Article 4 - HOUSE OF DELEGATES**

- 351 • Nominating Committee moved to Committee article
352 • Moved the athlete election process to Article 6
353 • Moved Order of Business to LSC P & P

354 **Article 5 - BOARD OF DIRECTORS**

- 355 • Made Safety an optional Board position. If not a Board position, it becomes a mandated standing committees/coordinator
356 • Changed Finance Vice-Chair to a mandated Board position
357 • Secretary and/or Treasurer may be non-voting Board positions filled by staff, if permitted under the state of incorporation
358 • Moved Executive Committee to Article 7 as optional committee
359 • Moved Order of Business to LSC P&P

360 **Article 6 - OFFICERS AND DIRECTORS**

- 361 • Clarified the list of officers, directors and committee chairs
362 • Provided options for election of athlete representatives, coach representatives and other directors
363 • Terms of all Board members are determined by the LSC and may be from one year to four years
364 • Only the General Chair and Vice-Chairs may not be exempted from term limits
365 • Term limits may be added for service on the Board of Directors
366 • Moved job descriptions to LSC P&P

367 **Article 7 - DIVISIONS, COMMITTEES AND COORDINATORS**

- 368 • Simplified divisional structure
369 • Moved details of divisional structure to LSC P&P
370 • Listed only standing committees; other committee details moved to LSC P&P
371 • Mandate creation of a Governance Committee
372 • Provided options for either a Governance Committee or separate Governance & Nominating Committees
373 • Moved Order of Business to LSC P&P

374 **Article 8 - ANNUAL AUDIT, REPORTS AND REMITTANCES**

- 375 • Consolidated under one general statement applicable to all articles

376 **Old 609 - MEMBERS BILL OF RIGHTS**

- 377 • Removed as redundant

378 **Old 610 - ADMINISTRATIVE REVIEW BOARD**

- 379 • Moved to end of bylaws for flexibility as optional Article 13

380 **Article 9 (old 611) - ORGANIZATION, AMENDMENT OF BYLAWS, DISSOLUTION**

- 381 • No substantive changes

382 **Article 10 - (old 612) - INDEMNIFICATION**

- 383 • No substantive changes

384 **Article 11 - (old 613) - PARLIAMENTARY AUTHORITY**

- 385 • Consolidated under one general statement applicable to all articles

386 **Article 12 - (old 615) - MISCELLANEOUS**

- 387 • Simplified

388 **Article 13 - (old 610) - ADMINISTRATIVE REVIEW BOARD**

- 389 • No substantive changes

390 **Article 14 (old 616) - CONVENTION AND DEFINITIONS**

- 391 • Removed redundant and unneeded definitions

392 **Old 614 - PERMANENT OFFICE AND STAFF**

- 393 • Removed as unnecessary

Generally, those items in italics represent optional wording. Foot notes may be read by hovering over the foot note number. Foot notes provide additional options, limitations, or information.

To the extent these required bylaws conflict with applicable law, applicable law prevails .

REQUIRED LSC BYLAWS

ARTICLE 1

NAME, OBJECTIVES, TERRITORY AND JURISDICTION

- 1.1 NAME - The name of the corporation shall be [insert full name of LSC] Swimming, Inc. (XXSI).¹
- 1.2 OBJECTIVES - The objectives and primary purpose of XXSI shall be the education, instruction and training of individuals to develop and improve their capabilities in the sport of swimming. XXSI shall promote swimming for the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and procedures of FINA, USA Swimming, and XXSI and its *Articles/Certificate* [select one] of Incorporation.
- 1.3 GEOGRAPHIC TERRITORY - The geographic territory of XXSI is as set forth in Article 603 of the USA Swimming Rules and Regulations. *XXSI shall be divided into regions as listed in the XXSI Policies and Procedures.*²
- 1.4 JURISDICTION - XXSI shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USA Swimming to conduct swimming programs consistent with XXSI's objectives and those of USA Swimming and to sanction, approve, observe and oversee competitive swimming events within the Territory and to conduct competitive swimming events within the Territory, its Region and its Zone (as those terms are defined in Part Six of the USA Swimming Rules and Regulations). XXSI shall discharge faithfully its duties and obligations as a Local Swimming Committee of USA Swimming in accordance with these Bylaws, the USA Swimming Rules and Regulations and all applicable policies and procedures.
- 1.5 COMPLIANCE WITH USA SWIMMING AGREEMENTS - XXSI shall comply with all agreements between XXSI and USA Swimming.

ARTICLE 2

MEMBERSHIP

- 2.1 MEMBERS - The membership of XXSI shall consist of the clubs, organizations and individuals who have registered with XXSI as set forth in the USA Swimming Corporate Bylaws, *including the optional categories of seasonal athlete membership, seasonal club membership, flex membership, and single event open water athlete membership.*³
- .1 MEMBERS - A Member's status is subject to the Member's continued satisfaction of the criteria for membership and compliance with the Member's responsibilities under these Bylaws, the USA Swimming Rules and Regulations, the rules, regulations, policies, procedures and code of conduct of XXSI and USA Swimming.
- .2 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in XXSI and USA Swimming is a privilege and shall not be interpreted as a right. Membership may be terminated by the Zone Board of Review, the National Board of Review, or the U.S. Center for SafeSport in accordance with Part Four of the USA Swimming Rules and Regulations.
- 2.2 MEMBERS' RESPONSIBILITIES
- .1 COMPLIANCE - Each Group and Individual Member shall abide by the codes of conduct and ethics, policies, procedures, rules and regulations adopted by USA Swimming and XXSI, including its obligations and responsibilities set forth in these Bylaws.
- .2 RESPONSIBILITY FOR INFRACTIONS - A Group Member or Individual Member, as defined in USA Swimming Rules and Regulations, may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA Swimming or XXSI, including its responsibilities as

¹ Substitute the LSC code assigned in Article 603 of the USA Swimming Rulebook for "XX."

² Wherever *Policies and Procedures* is listed throughout this document, the LSC should replace with the appropriately titled document for that context (such as LSC Rules and Regulations, Board Policy Manual, etc.).

³ If the LSC offers optional membership categories, list as appropriate.

set forth in these Bylaws.

ARTICLE 3
DUES AND FEES

- 3.1 MEMBERSHIP FEES - Membership fees shall be as established in the USA Swimming Corporate Bylaws. Local fees, as permitted, shall be as established by the XXSI *House of Delegates or Board of Directors* [select one].
- 3.2 SANCTION, APPROVAL AND OTHER FEES
- .1 SANCTION AND APPROVAL FEES - The XXSI *House of Delegates or Board of Directors* [select one] shall establish reasonable fees, procedures, and documentation required of an applicant for a sanction or approval for, or observation of, a swimming competition to be conducted within the Territory.
- .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the XXSI *House of Delegates or Board of Directors* [select one] may establish a reasonable service charge consistent with the nature of the event.
- .3 PAYMENT - Each applicant for a sanction, approval or observation shall submit with its application the fees and any service charges specified by XXSI. If any of the sanction or approval fees or service charges are due at a time following the submission for sanction or approval, the applicant shall promptly pay those fees or service charges to XXSI when due in accordance with XXSI's fee schedule.
- .4 FINES - The XXSI *House of Delegates or Board of Directors* [select one] may establish fines for noncompliance with policies adopted by the XXSI House of Delegates and/or the Board of Directors.
- 3.3 FAILURE TO PAY - Membership rights may be suspended in accordance with the USA Swimming Corporate Bylaws (Delinquent Dues and Fees).

ARTICLE 4
HOUSE OF DELEGATES

- 4.1 MEMBERS - The House of Delegates of XXSI shall consist of the Group Member Representatives, the Board of Director Members, *the committee chairs and coordinators*⁴, the Non-Athlete At-Large House Members, and Athlete At-Large House Members *appointed or elected* [select one].
- .1 GROUP MEMBER REPRESENTATIVES⁵ - Each Group Member in good standing shall appoint from its membership *a* Group Member Representatives *and one or more alternates for each*. The appointment shall be in writing, addressed to the Secretary of XXSI and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw *one or more of* its Group Member Representatives or *one or more of* its alternates and substitute *a* new Group Member Representatives or new alternates by written notice, addressed to the Secretary of XXSI and signed by the chief executive officer or secretary of the appointing Group Member. The representatives of any Group Member are not required to be Individual Members of XXSI or USA Swimming.
- .2 BOARD OF DIRECTORS - Board of Director Members as designated in Section 5.⁶
- .3 NON-ATHLETE AT-LARGE HOUSE MEMBERS - Up to *ten (10)* non-athlete members of the House of Delegates may be appointed as At-Large House Members by the General Chair with the advice and consent of the Board of Directors. At-Large House Members shall hold office from the date of appointment through the conclusion of the annual meeting of the House of Delegates following such appointment or until their successors are appointed to the House of Delegates.
- .4 ATHLETE AT-LARGE HOUSE MEMBERS - A sufficient number of athletes to ensure that Athlete

⁴ The LSC may add all, none, or specific chairs/coordinators or other members to the House of Delegates.

⁵ The LSC may vary the number of representatives accorded Group Members, either by absolute number or by a formula determining the number that is based on the number of swimmers registered to the Group Member relative to the number of swimmers registered in the LSC. The LSC may deny Affiliated Group Members or Seasonal Club Members the right to be represented. The LSC may designate categories of its voting delegates, such as athlete, coach, non-coach.

⁶ If Ex-officio members listed in Section 5.3 are not members of the House of Delegates, list those exceptions here.

- 478 Members constitute at least 20% of the voting membership of the House of Delegates shall be *elected by the*
479 *Athletes Committee or appointed by the General Chair with advice and consent of the Board of Directors or*
480 *elected by the House of Delegates* [select one of the options] and shall hold office from the date of
481 *appointment or election* [select one] through the conclusion of the annual meeting of the House of Delegates
482 following such *appointment or election* [select one] or until their successors are *appointed or elected* [select
483 one] to the House of Delegates.
- 484 .5 *OTHER MEMBERS* - [List other members as defined in 4.1] *shall serve as members of XXSI House of*
485 *Delegates.*
- 486 4.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be elected or appointed as at-large
487 members of the House of Delegates.
- 488 4.3 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in House of Delegates meetings may only
489 have one vote regardless of the number of positions held by such member.
- 490 4.4 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of members of the House of
491 Delegates and of individuals shall be as follows:
- 492 .1 GROUP MEMBER REPRESENTATIVES, BOARD MEMBERS, AT-LARGE HOUSE MEMBERS *AND*
493 *OTHER MEMBERS* - Each of the Group Member Representatives⁷, the Board Members, the At-Large House
494 Members *and other members* shall have both voice and vote in meetings of the House of Delegates.
- 495 .2 INDIVIDUALS - Individuals who are not members of the House of Delegates may attend open meetings of
496 the House of Delegates and its committees and be heard at the discretion of the presiding officer.
- 497 4.5 DUTIES AND POWERS - The House of Delegates shall oversee the establishment of policies, procedures and
498 programs. In addition to the duties and powers prescribed in the USA Swimming Rules and Regulations, USA
499 Swimming Corporate Bylaws, or elsewhere in these Bylaws, the House of Delegates shall:
- 500 .1 Elect the officers, *Athlete Representatives, Coach Representative(s), At-Large Board Members, and*
501 *members of the Administrative Review Board, and the committee chairs and coordinators* listed in Articles 6
502 and 7;
- 503 .2 *Elect alternates to the USA Swimming House of Delegates in accordance with the USA Swimming*
504 *Corporate Bylaws;*
- 505 .3 *Elect the members of the Nominating and/or Governance Committee;*
- 506 .4 Review, modify and adopt the annual budget of XXSI recommended by the Board of Directors;
- 507 .5 Call regular and special meetings of the House of Delegates;
- 508 .6 Ratify or prospectively modify or rescind policy and program established by the Board of Directors, except
509 any action or authorization by the Board of Directors with respect to contracts or upon which any person
510 may have relied shall not be modified or rescinded;
- 511 .7 Establish joint administrative committees, or undertake joint activities with other sports organizations where
512 deemed helpful or necessary by XXSI;
- 513 .8 Amend the Bylaws of XXSI in accordance with Section 9.3; and
- 514 .9 Remove from office any persons elected by the House of Delegates (Board Members, *members of the*
515 *Administrative Review Board*, or committee chairs or coordinators) who have failed to attend to their official
516 duties or member responsibilities or have done so improperly, or who would be subject to penalty by the
517 Zone Board of Review for any of the reasons set forth in Article 404.1.3 of USA Swimming Rules and
518 Regulations. However, no such individual may be removed without receiving thirty (30) days' written
519 notice by the Secretary or other officer designated by the House of Delegates specifying the alleged
520 deficiency in the performance of the member's responsibilities or specific official duties or other reason and

⁷ *An LSC may deny the Group Member Representatives of Affiliated Group Members or Seasonal Club Members the right to vote. This can be accomplished with the addition of the following clause after "Group Member Representatives" and before the comma: "(other than those of Affiliated Group Members.)"*

- 521 an opportunity to respond in writing within twenty (20) days to such allegations.
- 522 4.6 ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of Delegates of XXSI shall be held in
523 the *spring, summer, fall, winter* [select one]. Regular meetings of the House of Delegates may be held *in accordance*
524 *with a schedule adopted by the House of Delegates or the Board of Directors*⁸.
- 525 4.7 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the
526 General Chair. Should the Board of Directors or the General Chair fail to call the annual or scheduled regular
527 meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by
528 a petition signed by at least *five (5)* group members of the House of Delegates.
- 529 4.8 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall take place at a site within the
530 Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of
531 the House of Delegates.
- 532 4.9 OPEN MEETINGS/CLOSED SESSIONS - House of Delegates meetings shall be open to all members of XXSI.
533 Issues pertaining to personnel, disciplinary action, legal, tax or similar affairs of XXSI shall be deliberated and
534 decided in a closed session which only House of Delegates members may attend. By a majority vote, the House of
535 Delegates may decide to go into closed session on any matter deserving of confidential treatment or of personal
536 concern to any member of the House of Delegates.
- 537 4.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and voting.⁹
- 538 4.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and
539 other propositions coming before the House of Delegates shall be determined by a majority vote.
- 540 4.12 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be permitted.
- 541 4.13 NOTICES
- 542 .1 TIME - Not less than *twenty (20)* days' written notice shall be given to each member of the House of
543 Delegates for any annual, regular or special meeting of the House of Delegates. See Section 14.1.3 for the
544 various permitted means of notice.
- 545 .2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings of the
546 House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If an
547 expected purpose is the amendment of the Bylaws, a copy of the proposed amendment shall be included in
548 the notice. Failure to have included in the notice any germane amendments subsequently adopted by the
549 House of Delegates at the noticed meeting shall not be the basis for any claim that the amendments as so
550 adopted are invalid.

551 ARTICLE 5
552 BOARD OF DIRECTORS

- 553 5.1 MEMBERS - The Board of Directors shall consist of the following officers, committee chairs, *coordinators* and
554 representatives of XXSI, together with those additional members designated in Sections 5.2 and 5.3:¹⁰
- 555 .1 General Chair
556 .2 Administrative Vice-Chair
557 .3 Finance Vice-Chair
558 .4 Coach Representative(s)
559 .5 Athlete Representatives (2)
560 .6 Secretary¹¹

⁸ *An LSC may specify a specific schedule here.*

⁹ *An LSC may vary this provision to provide a higher quorum of either general or limited applicability, but this is not generally recommended.*

¹⁰ *Each LSC may add to this list other positions in accordance with its needs, but may not remove any of the listed positions. Typical positions on many Boards include: Officials Chair, Registration/Membership Coordinator, Technical Planning Chair, Diversity Chair, Disability Chair, Safety Chair/Coordinator, and Non-Athletes At-Large.*

¹¹ *If permitted under the laws of the state of incorporation, a staff member may serve as Secretary with voice but no vote.*

- 561 .7 Treasurer¹²
562 .8 Senior Vice-Chair¹³
563 .9 Age Group Vice-Chair¹⁴
564 .10 Safe Sport Chair/Coordinator
565 .11 At-Large Athlete Board Members [as needed]
- 566 5.2 AT-LARGE BOARD MEMBERS - *The House of Delegates may specify [insert a number] At-Large positions.¹⁵ Any*
567 *reduction in the number of At-Large Board Members shall not take effect until the terms of office of the incumbents*
568 *expire or become vacant¹⁶. [Specify when and how at-large Board members are selected.] Additionally, a sufficient*
569 *number of athlete members shall be elected or appointed [select one] as At-Large Board Members such that athletes*
570 *constitute at least twenty percent (20%) of the voting membership of the Board of Directors at any given time (taking*
571 *into account the Athlete Representatives). The Athlete At-Large Board Members shall meet the same requirements*
572 *and be elected at the same time and place as the Athlete Representatives set forth in Section 6.2.1. All At-Large*
573 *Board Members shall hold office from the date of their election or appointment through the conclusion of the second*
574 *annual meeting of the House of Delegates following such election or appointment, or until their successors are elected*
575 *or appointed.*
- 576 5.3 EX-OFFICIO MEMBERS - *The following persons shall be ex-officio members of the Board of Directors [list*
577 *members].¹⁷*
- 578 5.4 LIMITATIONS -
- 579 .1 No more than [insert a number] Members of any Group Member shall serve on the Board of Directors at any
580 time. This limitation shall be applied separately as to Athlete Members and Non-Athlete Members.¹⁸
- 581 .2 No employee of XXSI may serve as a voting member of the Board of Directors.
- 582 5.5 VOICE AND VOTING RIGHTS OF BOARD MEMBERS - The voice and voting rights of Board Members and
583 individuals shall be as follows:
- 584 .1 BOARD MEMBERS - Each Board Member (*other than the ex-officio members*) shall have both voice and vote in
585 meetings of the Board of Directors and its committees.
- 586 .2 EX-OFFICIO BOARD MEMBERS - *Unless entitled to vote under another provision of these Bylaws, the ex-officio*
587 *members shall have voice but no vote in meetings of the Board of Directors and its committees.*
- 588 .3 GENERAL - Anyone may attend open meetings of the Board of Directors and its committees and be heard at the
589 discretion of the presiding officer.
- 590 5.6 DUTIES AND POWERS¹⁹ - The Board of Directors shall act for XXSI and the House of Delegates during the
591 intervals between meetings of the House of Delegates, except that it shall not remove a Board Member, *an*
592 *Administrative Review Board member*, or other person not appointed by the Board of Directors or amend these
593 Bylaws. Any actions taken are subject to the exercise by the House of Delegates of its powers of ratification or

¹² *If permitted under the laws of the state of incorporation, a staff member may serve as Treasurer with voice but no vote.*

¹³ *Program Operations Vice-Chair may be substituted.*

¹⁴ *Program Development Vice-Chair may be substituted.*

¹⁵ *The number of At-large Board positions may not exceed a number equal to or greater than half of the voting members of the Board.*

¹⁶ *The House of Delegates may create classes of At-Large Board Members, such as an At-Large Board membership to be held by a Coach Member or representatives of the division of XXSI.*

¹⁷ *An LSC may include the provisions for ex-officio members of the Board of Directors such as the Immediate Past General Chair.*

¹⁸ *Although not recommended, this provision may be omitted if desired. Alternatively, or in addition to the club affiliation limitation, an LSC may impose a limitation based on geography. In order to preserve continuity across the LSCs, if an LSC elects to omit this provision, the Section number and heading should remain with the addition of the following commentary: "This Section is reserved for future use."*

¹⁹ *This list of duties and powers may be expanded by an LSC, but not contracted. However, an LSC may add a provision that the Board of Directors may not override policy or program established by the House of Delegates either (a) at all or (b) unless the vote reflects a two-thirds or greater majority. In addition, the LSC may not expand the Board's duties and powers to include removal of persons not appointed by the Board.*

prospective modification or rescission. In addition to the powers and duties prescribed in the USA Swimming Rules and Regulations or elsewhere in these Bylaws, the Board of Directors shall have the power and it shall be its duty to:

- .1 Establish and direct policies, procedures and programs for XXSI;
 - .2 Oversee the conduct by the officers *and staff* of XXSI of the day-to-day management of the affairs of XXSI;
 - .3 *Elect Athlete At-Large Board Members if they are not elected in a timely fashion;*
 - .4 Provide advice and consent to appointments proposed by the General Chair as required under these Bylaws *or the XXSI Policies and Procedures*;
 - .5 Cause the preparation and presentation to the House of Delegates of the annual budget of XXSI and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
 - .6 Approve the annual review/audit;
 - .7 Call regular or special meetings of the Board of Directors or the House of Delegates;
 - .8 Retain such independent contractors and employ such persons as the Board shall determine are necessary or appropriate to conduct the affairs of XXSI;
 - .9 Appoint other officers, agents, or committees *or coordinators*, to hold office for the terms specified. These appointees shall have the authority and perform the duties as provided in these Bylaws, *the XXSI Policies and Procedures* or as may be provided in the resolutions appointing them, including any powers of the Board of Directors as may be specified, except as may be inconsistent with any other provision of these Bylaws. To the extent not provided elsewhere in these Bylaws, the Board of Directors may delegate to any officer, agent, or committee *or coordinator* the power to appoint any such subordinate officers, agents, or committees *or coordinators* and to prescribe their respective terms of office, authorities and duties; and
 - .10 Remove from office any Board Members, committee chairs, or committee members or coordinators of XXSI who were appointed/elected by the Board and who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Zone Board of Review for any of the reasons set forth in Part Four of the USA Swimming Rules and Regulations. However, no At-Large Board Member, or committee chair or coordinator may be removed without receiving the thirty (30) days' written notice specifying the alleged deficiency in the performance of the member's responsibilities or specific official duties or other reasons and an opportunity to respond in writing within twenty (20) days to such allegations.
- 5.7 MEETINGS - Board of Directors meetings shall be open. Matters relating to personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated and decided in a closed session which only Board Members are entitled to attend. By a majority vote on a motion of a question of privilege, the Board of Directors may decide to go into closed session on any matter deserving of confidential treatment or of personal concern to any member of the Board of Directors.
- 5.8 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Directors may participate in meetings of the Board of Directors through conference equipment by means of which all persons participating in the meeting can hear each other at the same time. *Participation by such means shall constitute presence at a meeting.*
- 5.9 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in accordance with a schedule adopted by the Board of Directors.
- 5.10 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the General Chair. Should the Board of Directors or the General Chair fail to call regular meetings or should a special meeting be appropriate or helpful, a meeting of the Board of Directors shall be called at the written request of any three (3) Board Members.
- 5.11 QUORUM - A quorum of the Board of Directors shall consist of a majority of the voting members.
- 5.12 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the Board of Directors shall be determined by a majority vote. *A motion, order or other proposal the effect of which is to override policy or program established by the House of Delegates shall be*

*determined by a two-thirds vote after at least fourteen (14) days' written notice.*²⁰

5.13 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors shall not be permitted.

5.14 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if all the Board Members entitled to vote consent to the action in writing and the written consents are filed with the records of the respective meetings. These consents shall be treated for all purposes as votes taken at a meeting.

5.15 MAIL/EMAIL VOTE - Any action which may be taken at any regular or special meeting of the Board of Directors, except elections, or removals of appointed Board members, committee chairs and members, may be taken without a meeting. If an action is to be taken without a meeting, the Secretary, by first class mail, postage prepaid, or email, shall distribute a ballot to every Board Member entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the period specified in Section 5.16) within which to return the ballot to the Secretary. Action by ballot shall be valid only when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

5.16 NOTICES -

.1 TIME - Not less than *six (6)* days' written notice shall be given to each Board Member for any annual, regular or special meeting of the Board of Directors. (See Section 14.1.3 for the permitted means of notice.)

.2 INFORMATION - The notice of a meeting shall contain the time, date and site and in the case of special meetings, the expected purpose.

ARTICLE 6 OFFICERS AND DIRECTORS

6.1 OFFICERS - The officers shall be as listed herein and shall be elected by the House of Delegates at its annual meeting²¹.

- .1 General Chair
- .2 Administrative Vice-Chair
- .3 Finance Vice-Chair
- .4 Senior Vice-Chair²²
- .5 Age Group Vice-Chair²³
- .6 Secretary²⁴
- .7 Treasurer²⁵

6.2 OTHER DIRECTORS

Two provisions are offered concerning the method of selection of the Athlete Representatives to the Board of Directors. Select one and delete the other.

.1 ATHLETE REPRESENTATIVES -

Provision A: Two (2) Athlete Representatives shall be elected, one each year for a two-year term, or until their

²⁰ *An LSC may omit the italicized sentence or modify it to remove or reduce the length of the notice required or prohibit the Board from overriding policy established by the House of Delegates.*

²¹ *It is recommended that approximately half of the elected positions be elected in odd-numbered and half in even-numbered years using two-year terms of office. This section may be further varied to allow for other terms of office. If staggered, the election year for each office should be specified adjacent to each position listed in 6.1.1 thru 6.1.7.*

²² *Program Operations Vice-Chair may be substituted.*

²³ *Program Development Vice-Chair may be substituted.*

²⁴ *If permitted under the laws of the state of incorporation, a staff member may serve in the position of secretary with voice but no vote and should be indicated in adjacent parentheses that the position is filled by staff and not elected by HOD.*

²⁵ *If permitted under the laws of the state of incorporation, a staff member may serve in the position of treasurer with voice but no vote and should be indicated in adjacent parentheses that the position is filled by staff and not elected by HOD.*

678 respective successors are elected. At the time of election, the Athlete Representative must (a) be an athlete
679 member in good standing; (b) be at least a sophomore in high school or at least 16 years of age, (c) be currently
680 competing, or have competed within the three (3) immediately preceding years, in the program of swimming
681 conducted by XXSI or another LSC; and (d) have his or her place of permanent residence in the Territory and
682 expect to reside therein throughout at least the first half of the term (other than periods of enrollment in an
683 institution of higher education). The balloting shall take place via electronic vote²⁶ and/or at a meeting called
684 for that purpose by the Senior Athlete Representative or the *Athletes Committee*, or failing that, at a time and in
685 a manner designated by the Board of Directors. At least *twenty (20)* days' written notice of the election shall be
686 given to all clubs. The Athlete Representatives elected shall be determined by a majority of the [define the
687 athlete voting members who elect the Athlete Representatives].

688 *Provision B:* Two (2) Athlete Representatives shall be elected by the House of Delegates, one each year, for a
689 two-year term or until their respective successors are elected. At the time of election, the Athlete
690 Representative must (a) be an athlete member in good standing; (b) be at least a sophomore in high school or
691 at least 16 years of age, (c) be currently competing, or have competed within the three (3) immediately
692 preceding years, in the program of swimming conducted by XXSI or another LSC; and (d) have his or her
693 place of permanent residence in the Territory and expect to reside therein throughout at least the first half of
694 the term (other than periods of enrollment in an institution of higher education).

695 Two provisions are offered concerning the method of selection of the Coach Representatives to the Board of Directors. Select
696 one and delete the other.

697 .2 COACH REPRESENTATIVE(S)

698 *Provision A:* One (1) Coach Representatives shall be elected, *in even years* for a two-year term, or until a
699 successor is elected.²⁷ The election of the Coach Representatives shall be conducted via electronic vote²⁸
700 and/or at a meeting called for that purpose by the *Senior Coach Representative*, the *Coaches Committee* or the
701 Board of Directors, and determined by a majority of the Coach Members in good standing present and voting
702 or, failing that, at a time and place and in a manner designated by the Board of Directors. At least *twenty (20)*
703 days' written notice of the election shall be given to all clubs.

704 *Provision B:* One (1) Coach Representatives shall be elected, *in even years* for a two-year term, or until a
705 successor is elected.²⁹ The election of the Coach Representatives shall be conducted at the annual meeting of
706 the House of Delegates and determined by a majority vote of the members of the House of Delegates present
707 and voting, or, failing that, at a time and place and in a manner designated by the Board of Directors.

708 .3 COMMITTEE CHAIRS/COORDINATORS/AT-LARGE BOARD MEMBERS³⁰

709 A. *The following committee chairs/coordinators/at-large Board members shall be elected by the House of*
710 *Delegates: [List as appropriate]*

711 B. *The following committee chairs /coordinators/ at-large Board members shall be elected as follows: [List*
712 *as appropriate]*

713 EXAMPLES:

714 (1) *The Officials Chair shall be elected by the Officials Committee in accordance with XXSI Policies*
715 *and Procedures.*

716 (2) *At-Large Board members shall be elected by the regions they represent in accordance with the*
717 *rules of each region or the XXSI Policies and Procedures.*

718 (3) *The Athlete At-Large Board members shall be elected by the athletes at the same time as the*

²⁶ Delete the electronic vote option if not permitted under the LSC state law of incorporation.

²⁷ LSCs may substitute this language "Two (2) Coach Representatives shall be elected, one each year for a two-year term, or until their respective successors are elected."

²⁸ Delete the electronic vote option if not permitted under the LSC state law of incorporation.

²⁹ LSCs may substitute this language "Two (2) Coach Representatives shall be elected, one each year for a two-year term, or until their respective successors are elected."

³⁰ An LSC may choose the methods of selection for all non-officer Board positions. The Athlete & Coach Representatives must be selected in accordance with provisions A or B. Any single-person position, other than General Chair, that has been listed as a chair should be changed to "coordinator".

Athlete Representatives.

C. *The following committee chairs/coordinators/ at-large Board members shall be appointed by the General Chair with advice and consent of the Board of Directors:* [List as appropriate]

- 6.3 ELIGIBILITY - Only Individual Members of XXSI in good standing shall be eligible to hold office and must maintain their eligibility throughout their term of office.
- 6.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in Board of Directors meetings may only have one vote, regardless of the number of positions held by such Member.
- 6.5 OFFICES SPLIT OR COMBINED -
- .1 OFFICE HELD BY TWO PERSONS - Any office other than General Chair, Finance Vice-Chair and Treasurer, may be held jointly by two Individual Members. Two individuals who are sharing an office shall share one vote.
- .2 OFFICES COMBINED - Any office other than General Chair may be combined with any other office except that the offices of Finance Vice-Chair and Treasurer may not be combined.
- 6.6 TERMS OF OFFICE -
- .1 TERM OF OFFICE - The terms of office of all members of the Board of Directors shall be [insert a number] years.³¹
- .2 COMMENCEMENT OF TERM - Each person elected or appointed to a position shall assume office upon election or appointment and shall serve until a successor is chosen.³²
- .3 CONSECUTIVE TERMS LIMITATION - *Except for the Secretary and Treasurer*, no Individual Member who has served two successive terms shall be eligible for re-election or appointment to the same position until a lapse of one term. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of this successive terms limitation.³³
- 6.7 DUTIES - The duties of the officers and other Board Members shall be to attend and participate in all meetings of the House of Delegates and the Board of Directors and as defined in these Bylaws, the XXSI Policies and Procedures, and applicable state laws.
- 6.8 RESIGNATIONS - Any officer may resign by submitting a written resignation to the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- 6.9 VACANCIES AND INCAPACITIES -
- .1 OFFICE OF GENERAL CHAIR - In the event of a vacancy in the office of General Chair, or of the General Chair's temporary or permanent incapacity, the Administrative Vice-Chair shall become the acting General Chair until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chair, or until the General Chair ceases to suffer from any temporary incapacity. While serving as acting General Chair, the Administrative Vice-Chair shall vacate the office of Administrative Vice-Chair, except in the case of the General Chair's temporary incapacity. If the General Chair is to be absent from the Territory, the General Chair may, but is not obligated to, designate the Administrative Vice-Chair as acting General Chair for the duration of the absence.
- .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES OR ANY POSITION ELECTED - In the event of a vacancy or of the permanent incapacity of a person holding the office of Athlete Representative or

³¹ *The term of office shall not exceed 4 years.*

³² *An LSC may vary this to provide that the officers shall assume their duties upon the start of the fiscal year of XXSI, a date corresponding to the end or beginning of the competitive season cycle, or another convenient date specified herein. If a date is specified, then "is chosen" should be deleted and replaced with "takes office."*

³³ *An LSC may include all, some, or none of the Board Members listed in italics or add other Board Members. No exception may be made for the terms of office of the General Chair or the Vice-Chairs. Consecutive term limits may also be established for service on the Board of Directors, with the exception of the person ascending to the office of the General Chair.*

Coach Representative, or person who has been elected, the General Chair may appoint, with the advice and consent of the Board of Directors, an eligible member to serve the remainder of the term of office or until the respective body shall elect a successor.

- .3 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates with the advice and consent of the electing body. The determination as to when the General Chair is temporarily incapacitated shall be made, where the circumstances permit, by the General Chair and otherwise shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

6.10 REMOVAL OF DIRECTORS - Directors may be removed in accordance with 4.5.9 and 5.6.10 of these Bylaws.

6.11 OFFICERS' POWERS GENERALLY -

- .1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - *The General Chair, Administrative Vice-Chair, Senior Vice-Chair, Age Group Vice-Chair and Finance Vice-Chair* each may sign and execute in the name of XXSI deeds, mortgages, bonds, contracts, agreements or other instruments duly authorized by the XXSI Policies and Procedures, the Board of Directors or the House of Delegates, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to another officer or agent, expressly requires two or more signatures or is required by law to be otherwise executed. Additional signing authority may be provided by standing resolutions of the Board of Directors or the House of Delegates.³⁴

- .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform other duties as prescribed *in the XXSI Policies and Procedures* or by the House of Delegates, the Board of Directors, the General Chair, the respective division chair, the delegating officer, or these Bylaws.

- .3 DELEGATION - Officers of XXSI may delegate any portion of their powers or duties to an individual or a committee, except that neither the Finance Vice-Chair nor the Treasurer may delegate duties to the other without the consent of the Board of Directors. In addition, the authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other than by the Board of Directors. *Except as otherwise provided in these Bylaws and with the consent of the Board of Directors or Personnel Committee*, [select one] *any officer may delegate any portion of that officer's powers or duties to the paid staff of XXSI*. A delegation of powers or duties shall not relieve the delegating officer of the ultimate responsibility to see that these duties and obligations are properly executed or fulfilled.

6.12 DEPOSITORIES AND BANKING AUTHORITY -

- .1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of XXSI shall be deposited to its credit in the banks, trust companies, other depositories or custodians, investment companies or investment management companies as the Board of Directors determines.

- .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer of money, and all notes or other evidences of indebtedness issued in the name of XXSI shall be signed by the General Chair, the Treasurer or other officer or officers or agent or agents of XXSI, and in the manner, as shall be determined by *the Finance Vice-Chair, the Finance Committee* or the Board of Directors.

ARTICLE 7

DIVISIONS, COMMITTEES AND COORDINATORS

7.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS
- The divisions of XXSI shall each be chaired as indicated below with respective duties, jurisdiction and responsibilities described in the XXSI Policies and Procedures.³⁵

- .1 ADMINISTRATIVE DIVISION - Administrative Vice-Chair

³⁴ *The number of officers empowered to sign in the name of the LSC may be changed as deemed appropriate or as mandated by applicable laws and regulations of the state of incorporation or its Articles/Certificate of Incorporation.*

³⁵ *LSCs are authorized to establish additional divisions to align with their programming needs.*

- 801 .2 AGE GROUP DIVISION - Age Group Vice-Chair³⁶
802 .3 SENIOR DIVISION - Senior Vice-Chair³⁷
803 .4 FINANCE DIVISION - Finance Vice-Chair
804 .5 ATHLETES DIVISION - Senior Athlete Representative
805 .6 COACHES DIVISION - Senior Coach Representative
- 806 7.2 ELECTED, EX OFFICIO AND APPOINTED CHAIRS AND COORDINATORS
- 807 .1 ELECTED CHAIRS AND COORDINATORS - Committee chairs and coordinators who are not Board
808 members, but are elected by the House of Delegates, a committee or division, are as follows: [list members]
- 809 .2 EX-OFFICIO CHAIR - Certain other committee chairs are designated ex-officio by virtue of an office
810 currently held.
- 811 .3 APPOINTED CHAIRS AND COORDINATORS - The chairs of all other committees and all other
812 coordinators shall be appointed by the General Chair with the advice and consent of the Board of Directors
813 and the respective division chair. The appointed committee chair or coordinator shall assume office upon
814 appointment or the date designated by the General Chair and shall serve until a successor is appointed and
815 assumes office.
- 816 7.3 COMMITTEES - In addition to the standing committees listed herein, the Board of Directors and the House of
817 Delegates are each authorized to establish additional committees to meet programming needs.³⁸ Except as otherwise
818 provided in these Bylaws or the XXSI Policies and Procedures, members of each committee shall be appointed by
819 the General Chair with the advice and consent of the respective division chair and the chair of the committee.
820 Athlete members of each committee shall be appointed by the General Chair with the advice of the Senior Athlete
821 Representative. Athlete membership shall constitute at least twenty percent (20%) of the voting membership of
822 every committee. The division chair shall be an ex-officio member, with voice and vote, of each committee within
823 the respective division.
- 824 7.4 STANDING COMMITTEES & COORDINATORS
- 825 .1 ATHLETES COMMITTEE -
- 826 A. CHAIR - The Senior Athlete Representative or his/her designee shall be the chair of the committee.
- 827 B. MEMBERS - The Athletes Committee shall consist of the Athlete Representatives, the Athlete At-Large
828 Board members *and* [include any additional athlete members].
- 829 C. DUTIES - The Athletes' Committee shall have general charge of the business and affairs of the Athletes
830 of XXSI, and shall undertake such activities (a) delegated to it by the Board of Directors or the General
831 Chair or (b) undertaken by the Committee as being in the best interests of the Athlete Members, XXSI,
832 USA Swimming and the sport of swimming
- 833 .2 FINANCE COMMITTEE -
- 834 A. CHAIR - The chair shall be the Finance Vice-Chair.
- 835
- 836 B. MEMBERS - The members of the Finance Committee shall be the Finance Vice-Chair, the Treasurer,
837 [include additional defined members] and a sufficient number of athletes so as to constitute at least twenty
838 percent (20%) of the voting membership of the Committee.
- 839
- 840 C. DUTIES -
- 841 (1) To develop, establish where so authorized, or recommend to the Board of Directors, and supervise
842 the execution of policy regarding the investment of XXSI's working capital, funded reserves and
843 endowment funds, within the guidelines, if any, established by the Board of Directors or the House
844 of Delegates. The Finance Committee shall also regularly review XXSI's equipment needs (both

³⁶ Program Development may be substituted for Age Group (Division and Vice-Chair).

³⁷ Program Operations may be substituted for Senior (Division and Vice-Chair).

³⁸ These committees must be defined as standing committees in these Bylaws or as operational committees in the XXSI Policy and Procedures.

- operational and office) and the various methods available to finance the acquisition of any needed equipment and make a determination and recommendation of the best financing method.
- (2) To conduct a review or audit or recommend an independent auditor to conduct the required annual review or audit of the books of XXSI.³⁹ If conducted internally, a minimum of three (3) committee members with a sufficient number of athletes to constitute at least 20% of the voting membership, must conduct the review or audit. The Treasurer cannot be a member of the group performing the audit, but can be present to provide clarification, information and answer questions.
- (3) To submit the review or audit and other reports and make recommendations to the Board of Directors with regard thereto.
- (4) To consult with the officers, committee chairs and coordinators and prepare and present a proposed budget for consideration and approval by the Board of Directors and the House of Delegates. The officers, committee chairs and coordinators shall provide promptly such financial information (current and projected) and budget proposals as the Finance Committee may request.⁴⁰ The proposed budget may contain alternatives.
- (5) To complete and submit any state and local reports and filings.

Two provisions are offered with respect to Governance or Nominating Committees. Select one and delete the other.

Provision A (combined Governance & Nominating Committee)

.3 GOVERNANCE COMMITTEE -

- A. CHAIR - The chair shall be elected annually by the Governance Committee from among its own members.

Two options are offered concerning the method of selection of the Governance Committee members. Select one and delete the other.

B. *Option 1* MEMBERS -

The Governance Committee members shall be appointed by the General Chair with advice and consent of the Board of Directors. The Committee shall be comprised of [list the number in factors of 3 or 4, in alignment with the term of office] with a sufficient number of athletes so as to constitute at least twenty percent (20%) of the voting membership of the Committee. Each member shall serve a *three or four-year* [select one] term, staggered so that *one-third (1/3) or one-fourth (1/4)* [select one to coincide with factor selected above] of such members are appointed each year. No more than one-half (1/2) of the Governance Committee members shall be members of the XXSI Board of Directors at any given time. After completion of two consecutive terms, members are not eligible for re-appointment to the Governance Committee until after a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of the successive term limitation. In no case shall the General Chair serve on the Governance Committee.

³⁹ These duties may be assigned to a separate Audit Committee, which must be defined as a standing committee in these Bylaws.

⁴⁰ These duties may be assigned to a separate Budget Committee, which must be defined as a standing committee in these Bylaws.

Option 2 MEMBERS –

The Governance Committee shall be elected by the House of Delegates and shall be comprised of at least [insert a number] members, with a sufficient number of athletes so as to constitute at least twenty percent (20%) of the voting membership of the Committee. No more than one half of the Committee shall be members of the XXSI Board of Directors. If any member of the Governance Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates. In no case shall the General Chair serve on the Governance Committee. Members shall serve two-year terms, staggered so that approximately one-half of the members are elected each year. After completion of three consecutive terms, members are not eligible to be elected or appointed to the Governance Committee until after a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of the successive term limitation.

- C. QUORUM - When making nominations, a quorum for any meeting of the Governance Committee shall consist of a majority of its voting members. For all other meetings, a quorum shall consist of those members present and voting.

D. DUTIES

- (1) To assist in periodic evaluation of the mission and vision statements and the Bylaws of XXSI;
- (2) To aid in the development of operating policies regarding conflict of interest (Board and staff), document retention, ethics, whistle-blower, procurement, contract review, grievance and other employment-related practices, etc.;
- (3) To aid in the development of personnel practices procedure including job descriptions and annual review of staff;
- (4) To ensure that the Board's focus remains on the strategic plan;
- (5) To aid in the development of expectations and processes for accountability of Board members;
- (6) To develop criteria for the qualities and required characteristics of Board officers;
- (7) To lead Board succession planning by assessing current and anticipated needs for Board composition and identifying and recruiting potential Board members;
- (8) To nominate Board members, *Administrative Review Board members, and other coordinator or chair positions to be elected by the House of Delegates* consistent with the matrix of skills, demographics, and talents needed;
- (9) To publish the slate of candidates to the XXSI membership at least *twenty (20)* days prior to the election. Additional nominations may be made from the floor of the House of Delegates by voting members of the House of Delegates;
- (10) To design and implement Board orientation and an ongoing program of Board education and development; and
- (11) To lead periodic assessment of the Board's performance (as a whole and of individual members) and make recommendations to enhance Board effectiveness.

Provision B (separate Governance & Nominating Committees)

.3 NOMINATING COMMITTEE -

- A. CHAIR - The Chair shall be elected annually by the Nominating Committee from among its own members.

- B. MEMBERS - The House of Delegates shall annually elect at least [insert a number] individuals to the Nominating Committee to serve a one-year term, with a sufficient number of athletes so as to constitute at least twenty percent (20%) of the voting membership of the Committee. Terms shall commence at the conclusion of the meeting at which members were elected and end when their successors assume office. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates. No individual shall be eligible to serve more than six (6) consecutive years on the Nominating Committee until after a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of the successive term limitation. In no case shall the General Chair serve on the Nominating Committee.

C. QUORUM - A quorum for any meeting of the Nominating Committee shall consist of a majority of its voting members.

D. DUTIES –

- (1) To nominate Board members, *Administrative Review Board members, and other coordinator or chair positions* to be elected by the House of Delegates consistent with the matrix of skills, demographics, and talents needed.
- (2) To publish the slate of candidates to the XXSI membership at least *twenty (20)* days prior to the election. Additional nominations may be made from the floor of the House of Delegates by voting members of the House of Delegates.

.4 GOVERNANCE COMMITTEE -

A. CHAIR - The Chair shall be elected annually by the Governance Committee from among its own members.

B. MEMBERS - The Governance Committee members shall be appointed by the General Chair with advice and consent of the Board of Directors. The Committee shall be comprised of at least [insert a number] members with a sufficient number of athletes so as to constitute at least twenty percent (20%) of the voting membership of the Committee. Each member shall serve a *three or four-year* [select one] term. Terms shall be staggered such that approximately *one-third (1/3) or one-fourth (1/4)* [select one to coincide with term selected above] of members are appointed each year.

C. DUTIES– It shall be the duty of the Governance Committee to:

- (1) Assist in periodic evaluation of the mission and vision statements and the Bylaws of XXSI;
- (2) Aid in the development of operating policies regarding conflict of interest (Board and staff), document retention, ethics, whistle-blower, procurement, contract review, grievance and other employment-related practices, etc.;
- (3) Aid in the development of personnel practices procedure including job descriptions and annual review of staff;
- (4) Assist in shaping the Board’s agenda based on the strategic plan;
- (5) Aid in the development of expectations and processes for accountability of Board members;
- (6) Develop criteria for the qualities and required characteristics of Board officers;
- (7) Lead Board succession planning by working with the Nominating Committee to assess current and anticipated needs for Board composition;
- (8) Design and implement Board orientation and an ongoing program of Board education and development; and
- (9) Lead periodic assessment of the Board’s performance (as a whole and of individual members) and make recommendations to enhance Board effectiveness.

.4⁴¹ SAFETY COMMITTEE/COORDINATOR⁴²

A. CHAIR - *The chair shall be the Safety Committee Chair.*

B. MEMBERS - *The Committee shall be comprised of the Safety Committee Chair, at least [insert a number]⁴³ members with a sufficient number of athletes so as to constitute at least twenty percent (20%) of the voting membership of the Committee.*

C. DUTIES - The duties shall be as outlined in the XXSI Policies and Procedures.

.5 EXECUTIVE COMMITTEE⁴⁴

⁴¹ Number accordingly.

⁴² *If a Safety Coordinator is a Board member, it should not be included in this section. Otherwise, the committee (chair, members, and duties) must be listed here. If a coordinator but not a Board member, the position and duties must be listed here.*

⁴³ *The LSC may define specific positions (such as a coach or, official) as members.*

⁴⁴ *Existence of an LSC Executive Committee is optional. An LSC may add additional members to an Executive Committee, while maintaining 20% athlete representation. The resulting size at some point defeats the purpose of having an Executive Committee which can be quickly assembled to deal with urgent matters. A high quorum requirement may have the same practical effect.*

- 971 A. AUTHORITY AND POWER - The Executive Committee shall have the authority and power to act for
972 the Board of Directors and XXSI between meetings of the Board and the House of Delegates. Limitations
973 to the authority and power of the Executive Committee shall be determined by the Board of Directors and
974 included in the XXSI Policies and Procedures.
- 975 B. MEMBERS - The members of the Executive Committee shall be the
- 976 (1) General Chair, who shall act as chair,
977 (2) Administrative Vice-Chair,
978 (3) Senior Vice-Chair⁴⁵
979 (4) Age Group Vice-Chair⁴⁶
980 (5) Secretary,
981 (6) Finance Vice-Chair,
982 (7) *Senior* Coach Representative,
983 (8) Senior Athlete Representative, and
984 (9) Junior Athlete Representative.
- 985 C. MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held at any time or place
986 within the Territory when called by the General Chair or any three (3) members of the Committee with a
987 minimum of *five (5)* days' notice required.
- 988 D. QUORUM - A quorum of the Executive Committee shall consist of a majority of the members of the
989 Committee.
- 990 E. REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special meeting of the
991 Board of Directors, the Executive Committee shall make a report of its activities since the last Board of
992 Director's meeting for ratification or prospective modification or rescission, provided, however, that any
993 action of the Executive Committee upon which a third party may have relied (*e.g.*, by signing, or
994 authorizing the signing of a contract) may not be modified or rescinded by the Board of Directors or the
995 House of Delegates.
- 996 7.5 DUTIES OF CHAIRS AND COORDINATORS GENERALLY - The duties of the General Chair, the division
997 chairs, committee chairs, and coordinators (in addition to those provided elsewhere in these Bylaws) shall be as
998 follows:
- 999 .1 Preside at all meetings of the respective division, committee or subcommittee;
- 1000 .2 See that all duties and responsibilities of the *coordinator or* the respective division, committee or
1001 sub-committee in his or her charge are properly and promptly carried out;
- 1002 .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and responsibilities of
1003 the *coordinator or* division or committee, respectively;
- 1004 .4 Communicate with the General Chair, respective division, *coordinator*, committee or subcommittee members
1005 and the *staff or Secretary* [select one] to keep them fully informed;
- 1006 .5 Appoint a member as secretary of the committee or subcommittee charged with taking minutes of each
1007 meeting and forward reports or minutes of all meetings to the *staff or Secretary* [select one]; and
- 1008 .6 Perform the other specific duties listed in XXSI's Policies and Procedures or as may be delegated by the
1009 General Chair, the respective division chair or committee chair, the Board of Directors or the House of
1010 Delegates.
- 1011 7.6 DUTIES OF COMMITTEES GENERALLY - Except as otherwise provided in these Bylaws, the duties of the
1012 committees shall be prescribed by the XXSI Policies and Procedures.
- 1013 7.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of committees or sub-committees of XXSI
1014 shall be held as determined by the respective Vice-chairs or committee or sub-committee chair.
- 1015 7.8 OPEN MEETING/CLOSED SESSIONS - Meetings of committees and sub-committees, other than a Personnel

⁴⁵ *Program Operations Vice-Chair may be substituted.*

⁴⁶ *Program Development Vice-Chair may be substituted.*

Committee meeting, shall be open to all members of XXSI. Matters relating to personnel, disciplinary action, legal, taxation and similar affairs shall be deliberated and decided in a closed session which only the respective members are entitled to attend. By a majority vote, a committee or sub-committee may decide to go into closed session on any matter deserving of confidential treatment or of personal concern to any member of the committee or sub-committee.

7.9 VOICE AND VOTING RIGHTS OF COMMITTEE MEMBERS - Each Committee member shall have both voice and vote in their respective meetings.

7.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of a committee may be taken without a meeting if all the committee members entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings. These consents shall be treated for all purposes as a vote taken at a meeting.

7.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any committee may participate in a meeting of the committee or through conference equipment by means of which all persons participating in the meeting can hear each other at the same time. *Participation by such means shall constitute presence at a meeting.*

7.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action establishing a committee, a quorum of any committee shall consist of those members present.

7.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before a committee shall be determined by a majority vote.

7.14 PROXY VOTE - Voting by proxy in any meeting of a committee shall not be permitted.

7.15 NOTICES

.1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action establishing a committee, not less than *five (5) days*' written notice shall be given for any meeting of a committee.

.2 INFORMATION - The notice of a meeting shall contain the time, date, and site.

7.16 RESIGNATIONS - Any committee chair or member or coordinator may resign by submitting a written resignation to the General Chair or the Board of Directors specifying an effective date of the resignation. If such date is not specified, the resignation shall take effect upon the appointment of a successor.

7.17 VACANCIES - The determination of when the position of an appointed committee chair, committee member or a coordinator becomes vacant or the person becomes incapacitated, if not made by the person, shall be within the discretion of the Board of Directors. In the event of a vacancy or permanent incapacity, the General Chair, with the advice and consent of the Board of Directors and the respective division chair, shall appoint a successor to serve until the conclusion of the incumbent's term. A temporary incapacity may be left unfilled at the discretion of the General Chair or an appointment may be made for the duration of the temporary incapacity.

7.18 DELEGATION - With the consent of the Board of Directors or the respective division chair, a committee chair or a coordinator may delegate a portion of their powers or duties to another officer of XXSI, or to another committee, subcommittee, or coordinator, or with the consent of the Board of Directors *and the Personnel Committee*, to the paid staff of XXSI. Notwithstanding any delegation, the ultimate responsibility for the delegated duties and obligations shall remain with the delegator.

7.19 APPLICATION TO COMMITTEES AND ADMINISTRATIVE REVIEW BOARD - Sections 7.5 through 7.18 shall apply to all committees, unless otherwise provided in these Bylaws, in the resolution creating the committee *or in the XXSI Policies and Procedures. These provisions shall also apply to Administrative Review Board meetings but shall not apply to its hearings or deliberations.*

ARTICLE 8 ANNUAL AUDIT, REPORTS AND REMITTANCES

XXSI shall submit any reports and remittances required by the USA Swimming Corporate Bylaws, by the USA Swimming Board of Directors, the President/CEO of USA Swimming or by any agreement between XXSI and USA Swimming. Reports required to be submitted to USA Swimming by XXSI include annual financial and federal tax reports and the annual audit or review.

ARTICLE 9
ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION

- 9.1 NON-PROFIT AND CHARITABLE PURPOSES - XXSI is organized exclusively for charitable and educational purposes and for the purpose of fostering national or international amateur sports competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of these Bylaws, XXSI shall not, except to an insubstantial degree, (1) engage in any activities or exercise any powers that are not in furtherance of the purposes and objectives of XXSI or (2) engage in any activities not permitted to be carried on by: (A) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.
- 9.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of XXSI are irrevocably dedicated to the purposes set forth in Sections 1.2 and 9.1 of these Bylaws. No part of the net earnings, properties or assets of XXSI shall inure to the benefit of any private person or any member, officer or director of XXSI.
- 9.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA Swimming may be amended at any meeting of the XXSI House of Delegates by a two-thirds (2/3) vote of the members present and voting. Amendments so approved shall not take effect until reviewed and approved by the USA Swimming Rules and Regulations Committee. Changes to Required LSC Bylaws shall be effective on the date established in the amending USA Swimming legislation.
- 9.4 DISSOLUTION - XXSI may be dissolved only upon a two-thirds (2/3) vote of all the voting members of the House of Delegates. Upon dissolution, the net assets of XXSI shall not inure to the benefit of any private individual, unincorporated organization or corporation, including any member, officer or director of XXSI, but shall be distributed to USA Swimming, to be used exclusively for educational or charitable purposes. If USA Swimming, is not then in existence, or is not then a corporation which is exempt under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, the net assets of XXSI shall be distributed to a corporation or other organization meeting those criteria and designated by the House of Delegates at the time of dissolution, to be used exclusively for educational or charitable purposes.

ARTICLE 10
INDEMNIFICATION⁴⁷

- 10.1 INDEMNITY - XXSI shall indemnify, protect and defend, in the manner and to the full extent permitted by law, any Indemnified Person in respect of any threatened, pending or completed action, suit or proceeding, whether or not by or in the right of XXSI, and whether civil, criminal, administrative, investigative or otherwise, by reason of the fact that the Indemnified Person bears or bore one or more of the relationships to XXSI specified in Section 10.3 and was acting or failing to act in one or more of those capacities or reasonably believed that to be the case. Where specifically required by law, this indemnification shall be made only as authorized in the specific case upon a determination, in the manner provided by law, that indemnification of the Indemnified Person is proper in the circumstances. XXSI may, to the full extent permitted by law, purchase additional insurance to that provided by USA Swimming, and maintain insurance on behalf of any Indemnified Person against any liability that could be asserted against the Indemnified Person.
- 10.2 EXCLUSION - The indemnification provided by this Article 10, shall not apply to any Indemnified Party whose otherwise indemnified conduct is finally determined to have been in bad faith, self-dealing, gross negligence, wanton and willful disregard of applicable laws, rules and regulations, of the USA Swimming Rules and Regulations, of the USA Swimming Code of Conduct or these Bylaws or who is convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Zone Board of Review, the National Board of Review, or the U.S. Center for SafeSport to have committed actions which would be the basis for such a conviction and, in each case, the

⁴⁷ *The wording of this Article may be changed to comply with applicable laws and regulations in the jurisdiction of incorporation, but the substance of this Article is mandatory. In certain jurisdictions, this provision may need to be added to Articles/Certification of Incorporation. Advice of an attorney in such jurisdiction should be sought in connection with the adoption or modification of this Article. A copy of such advice and notice of the corresponding changes to this Article shall be furnished to USA Swimming Rules and Regulations Committee. The indemnity provided by this Article is or may be broader than the insurance presently provided by USA Swimming to the LSCs.*

otherwise indemnifiable conduct (or failure to act) was, or was directly related to, the predicate acts of the conviction or finding.

10.3 INDEMNIFIED PERSONS - As used in this Article 10, "Indemnified Person" shall mean any person who is or was a Board Member, [Administrative Review Board member], Group Member Representative, officer, official, coach, committee chair or member, coordinator, volunteer, employee or agent of XXSI, or is or was serving at the direct request of XXSI as a director, officer, Group Member Representative, meet director, official, coach, committee chair or member, coordinator, volunteer, employee or agent of another person or entity involved with the sport of swimming.

10.4 EXTENT OF INDEMNITY - To the full extent permitted by law, the indemnification provided in this Article shall include expenses (including attorneys' fees, disbursements and expenses), judgments, fines, penalties and amounts paid in settlement, and, except as limited by applicable laws, these expenses shall be paid by XXSI in advance of the final disposition of such action, suit or proceeding. If doubt exists as to the applicability of an exclusion to XXSI's obligation to indemnify, XXSI may require an undertaking from the Indemnified Person obliging him to repay such sums if it is subsequently determined that an exclusion is applicable. In the case of any person engaged in the sport of swimming for compensation or other gain, if XXSI determines that there is reasonable doubt as to such person's ability to make any repayment, XXSI shall not be obligated to make any payments in advance of the final determination. This indemnification shall not be deemed to limit the right of XXSI to indemnify any other person for any such expenses to the full extent permitted by law, nor shall it be deemed exclusive of any other rights to which any Indemnified Person may be entitled under any agreement, vote of members or disinterested directors or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office.

10.5 SUCCESSORS, ETC. - The indemnification provided by this Article shall continue as to an Indemnified Person who has died or been determined to be legally incompetent and shall apply for the benefit of the successors, guardians, conservators, heirs, executors, administrators and trustees of the Indemnified Person.

ARTICLE 11 PARLIAMENTARY AUTHORITY

ROBERT'S RULES - Robert's Rules of Order Newly Revised shall govern XXSI and any of its constituent or component parts, committees, etc., in the conduct of meetings in all cases to which they apply and in which they are not inconsistent with these Bylaws and any special rules of order XXSI, the House of Delegates, the Board of Directors or its divisions, committees, etc., may adopt.

ARTICLE 12 MISCELLANEOUS

12.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a change in the law of the *State or Commonwealth* of [insert the name of the state of incorporation] become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.

12.2 FISCAL YEAR - The fiscal year of XXSI shall end on the last day of [fill in the ending month].

12.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that XXSI shall have and continue to have the status of an organization which is exempt from federal income taxation under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, respectively. Similarly, it is intended that XXSI shall have that or similar status under the applicable state and local laws as will exempt it from taxation to the maximum extent possible to the extent not contrary to applicable federal requirements. These Bylaws shall be interpreted accordingly.

ARTICLE 13 ADMINISTRATIVE REVIEW BOARD⁴⁸

⁴⁸ Each LSC may (but is not required to) adopt the following Article to allow the LSC to internally handle administrative matters which do not rise to the level of a Code of Conduct violation. LSCs which do not adopt this Article should retain the Article 13 numbering and note: "[Intentionally Deleted.]" where the Article title would otherwise be.

- 1152 13.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming
1153 under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998,
1154 both federal laws. These laws require USA Swimming to establish and maintain provisions for the swift and equitable
1155 resolution of all disputes involving any of its members. This Article, together with Section 602.2 and Part Four of the
1156 USA Swimming Rules and Regulations, are intended to provide a mechanism for resolving in an orderly and fair way
1157 all manner and kinds of disputes that may arise among its members in connection with the sport of swimming.
1158 Accordingly, XXSI has established the Administrative Review Board to hear complaints and appeals regarding
1159 administrative matters within XXSI which do not rise to the level of Code of Conduct violations and are not appeals
1160 of sanction decisions. The Administrative Review Board shall have no jurisdiction to hear complaints regarding
1161 conduct that may violate the USA Swimming Code of Conduct or otherwise violate the policies, procedures, rules
1162 and regulations adopted by USA Swimming, or conduct that may bring USA Swimming, XXSI or the sport of
1163 swimming into disrepute. This Article, together with Part Four of the USA Swimming Rules and Regulations, is
1164 intended to provide a fair hearing before a group of independent and impartial people. This Article and Part Four of
1165 the Rules shall be construed accordingly.
- 1166 13.2 ADMINISTRATIVE REVIEW BOARD ORGANIZATION -
- 1167 .1 Establishment - The Administrative Review Board of XXSI shall be independent and impartial.
- 1168 .2 Members - The Administrative Review Board shall have at least [insert a number] regular members⁴⁹, with a
1169 sufficient number of athlete members to constitute at least 20% of the voting membership. At least three
1170 members of the Administrative Review Board shall hear each case, with a sufficient number of athlete
1171 members to constitute at least twenty percent (20%) of its membership. No hearing shall proceed without the
1172 required athlete representation. The House of Delegates may increase the number of regular *or alternate*
1173 members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of
1174 regular *or alternate* members upon the expiration of the term of office of any incumbent members.
- 1175 .3 Election; Term of Office; Eligibility -
- 1176 A. Election - The House of Delegates shall biennially elect regular *and alternate* members of the
1177 Administrative Review Board:
- 1178 B. Term of Office - The term of office shall be two (2) years. Each member *and alternate member* shall
1179 assume office upon election and shall serve until a successor takes office.
- 1180 C. Eligibility - Each regular *and alternate* member of the Administrative Review Board shall be an
1181 Individual Member of XXSI and USA Swimming. In no case shall members of the Board of Directors
1182 serve on the Administrative Review Board.
- 1183 .4 Chair Elected by Board; Other Officers - The Chair of the Administrative Review Board (the “Chair”) who
1184 must be a regular member, shall be elected biennially by a majority vote of the regular members of the
1185 Administrative Review Board. The Chair shall biennially appoint a Vice-Chair and a Secretary of the
1186 Administrative Review Board, each of whom must be regular members.
- 1187 .5 Meetings - The Administrative Review Board shall meet for administrative purposes as necessary, to elect the
1188 Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve
1189 the purposes of the Administrative Review Board and efficiently exercise its duties and powers. Other
1190 meetings may be called by the Chair or any two regular members. When meeting for administrative purposes,
1191 Section 7.19 shall apply to the Administrative Review Board.
- 1192 .6 Participation Through Communications Equipment - Members of the Administrative Review Board may
1193 participate in a meeting or hearing of the Administrative Review Board, and any hearing may be conducted, in
1194 whole or in part, through conference telephone or similar equipment by means of which all persons
1195 participating in the meeting can hear each other at the same time. Participation by these means shall constitute
1196 presence in person at such a meeting or hearing.
- 1197 .7 Quorum - A quorum for any administrative meeting of the Administrative Review Board shall be fifty percent
1198 (50%) of its regular members.
- 1199 .8 Resignations - Any regular *or alternate* member of the Administrative Review Board may resign by

⁴⁹ *The Administrative Review Board must have at least three (3) regular members. Alternate members may be elected.*

- 1200 submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying an
1201 effective date of the resignation. In the absence of a specified effective date, any such resignation shall take
1202 effect upon the appointment or election of a successor.
- 1203 .9 Determination of Vacancy or Incapacity - The determination of when an office becomes vacant or an officer
1204 becomes incapacitated shall be in accordance with 6.9.
- 1205 .10 Substitutions for Member - In the event that a regular member of the Administrative Review Board is unable
1206 or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular
1207 circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair,
1208 the Vice-Chair; or failing that, the General Chair) shall appoint an alternate *member* to act in the regular
1209 member's place in respect of that circumstance.
- 1210 13.3 GENERAL -
- 1211 .1 Administrative Powers - The Administrative Review Board shall have the powers and the duty to:
- 1212 A. administer and conduct the affairs and achieve the purposes of the Administrative Review Board,
1213 B. establish policies, procedures and guidelines,
1214 C. elect the Chair,
1215 D. call regular or special meetings of the Administrative Review Board,
1216 E. retain attorneys, agents and independent contractors and employ those persons which the
1217 Administrative Review Board may determine are appropriate, necessary or helpful in the administration
1218 and conduct of its affairs, and
1219 F. take such action as may otherwise be appropriate, necessary or helpful in the administration and
1220 conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- 1221 .2 Rule Making Powers - The Administrative Review Board shall have the power and the duty to promulgate
1222 reasonable rules and procedures consistent with the corporation laws of XXSI with respect to any matter within
1223 its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules
1224 and procedures shall have the same force and effect as if they had been adopted as part of these Bylaws.
- 1225 .3 Exercise of Powers and Decisions - Except for authority and power granted to the Chair, the exercise of the
1226 authority and powers of the Administrative Review Board and the decision of matters which are the subject of a
1227 hearing shall be decided by a majority vote of the Administrative Review Board. The views of any dissenters
1228 shall be included in the record of the proceeding if requested by the dissenters. The exercise of the
1229 Administrative Review Board's authority and power shall be solely in its discretion and the interests of justice
1230 and the sport of swimming.
- 1231 .4 Timeliness of Petition - The Administrative Review Board need not exercise its jurisdiction with respect to a
1232 complaint the subject matter of which occurred, or concerns or is founded on events which occurred, more than
1233 ninety (90) days prior to the date the complaint is received. A determination not to exercise its jurisdiction as a
1234 result of the untimeliness of a complaint may be made by the Chair alone and may be the subject of a request
1235 for rehearing and, thereafter, appeal to the Zone Board of Review pursuant to Part Four of the USA Swimming
1236 Rules and Regulations.

1237 ARTICLE 14
1238 CONVENTIONS AND DEFINITIONS

- 1239 14.1 CONVENTIONS -
- 1240 .1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title shall include the
1241 corresponding masculine, feminine and neuter forms. The words "include", "includes" and "including" shall
1242 be deemed to be followed by the phrase "without limitation". The singular shall include the plural and the
1243 plural shall include the singular as the context may require. Where the context permits, the term "or" shall be
1244 interpreted as though it were "and/or". Captions have been used for convenience only and shall not be used in
1245 interpreting the Bylaws.
- 1246 .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when appearing alone shall refer
1247 to XXSI positions and not to USA Swimming or another organization.
- 1248 .3 NOTICE DEEMED GIVEN; LAST KNOWN ADDRESS -

- 1249 A. Notice by Mail - Notice given and other writings delivered by first class mail, postage prepaid, and
1250 addressed to the last known address shall be deemed given or delivered upon the postmark date for all
1251 purposes under these Bylaws.
- 1252 B. Notice by Email - Notice given and writings delivered by electronic mail to the last known email
1253 address shall be deemed given or delivered for all purposes under these Bylaws.
- 1254 C. Last Known Mail or Email Address - For all purposes under these Bylaws, the last known mail or email
1255 address of a member of XXSI shall be the mail or email address on file with XXSI or in SWIMS.
- 1256 .4 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time
1257 period (days or hours) shall not be included but the last period shall be included.
1258
- 1259 .5 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any meeting held under the
1260 authority of these Bylaws shall be considered to have been waived if a member attends or participates in the
1261 meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity,
1262 raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a
1263 Group Member Representative, then the relevant Group Member shall be treated as having waived the
1264 untimely or insufficient notice to the same extent.
- 1265 14.2 DEFINITIONS⁵⁰ - When used in these Bylaws, the following terms shall have the meanings indicated in this Section,
1266 and the definitions of such terms are equally applicable both to the singular and plural forms.
- 1267 .1 ARTICLE - a principal subdivision of these Bylaws.
- 1268 .2 *[ARTICLES OR CERTIFICATE]* OF INCORPORATION - the document filed with [insert the title of the
1269 office and the state in which the document was filed; usually the Secretary of State] pursuant to which XXSI
1270 was formed.
- 1271 .3 ATHLETE REPRESENTATIVE - an Athlete Member elected to represent athletes in the House of Delegates
1272 and on the Board of Directors.
- 1273 .4 BOARD MEMBER - a member of the Board of Directors, including the At-Large Board Members.
- 1274 .5 BOARD OF DIRECTORS - the Board of Directors of XXSI.
- 1275 .6 BYLAWS - these bylaws as adopted and amended from time to time by, and in effect for, XXSI.
- 1276 .7 COACH REPRESENTATIVE - a Coach Member elected to represent the coaches in the House of Delegates
1277 and on the Board of Directors.
- 1278 .8 FINA - the Federation Internationale de Natation, the international governing body for the sport of swimming.
- 1279 .9 GROUP MEMBER REPRESENTATIVE - an individual appointed to represent a Group Member in the
1280 House of Delegates.
- 1281 .10 HOUSE OF DELEGATES - the House of Delegates of XXSI as established by Article 4 of these Bylaws.
- 1282 .11 *IMMEDIATE PAST GENERAL CHAIR* - the individual who is the immediate past General Chair of XXSI.
- 1283 .12 IRS CODE - the current United States Internal Revenue Code.
- 1284 .13 LOCAL SWIMMING COMMITTEE / LSC - XXSI as defined by the USA Swimming Corporate Bylaws.
- 1285 .14 MEMBER - a Group Member or an Individual Member.
- 1286 .15 NATIONAL BOARD OF REVIEW - the National Board of Review of USA Swimming established pursuant
1287 to Part Four of the USA Swimming Rules and Regulations. Where the context requires, a reference to the
1288 National Board of Review shall include a reference to the USA Swimming Board of Directors when that body
1289 is acting upon an appeal from the National Board of Review.
- 1290 .16 POLICIES AND PROCEDURES - the principles, rules, and guidelines of XXSI, as amended and adopted by
1291 the Board of Directors or the House of Delegates.

⁵⁰ Subsections should be properly alphabetized and numbered within the list of definitions.

- 1292 .17 SECTION - a subdivision of the Articles of these Bylaws.
- 1293 .18 TERRITORY - the geographic territory over which XXSI has jurisdiction as a Local Swimming Committee.
- 1294 .19 USA SWIMMING - USA Swimming, Inc., a Colorado nonprofit corporation which is the national governing
1295 body for the United States for the sport of swimming.
- 1296 .20 XXSI - the *[state of incorporation]* not-for-profit corporation to which these Bylaws pertain.
- 1297 .21 ZONE BOARD OF REVIEW - the Board of Review of the Zone in which XXSI is located, which Zone Board
1298 of Review is established pursuant to Part Four of the USA Swimming Rules and Regulations. Where the
1299 context requires, a reference to the Zone Board of Review shall include a reference to the National Board of
1300 Review when that body is acting upon an appeal from the Zone Board of Review.

HK-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1301 **Location:** Page 46 – **103.3 Racing Course Dimensions**
- 1302 **Proposed by:** Rules & Regulations Committee
- 1303 **Purpose:** To comply with FINA race course dimensional tolerance requirements
- 1304 **Recommendation:** *The Rules and Regulations Committee has not yet reviewed this proposal.*
- 1305 **103.3 RACING COURSE DIMENSIONS**
- 1306 .1 /M/ Length.
- 1307 A Long Course: 50.00 meters (164 feet and 1/2 inch).
- 1308 B Short Course: 25.00 yards or 25.00 meters (82 feet and 1/4 inch).
- 1309 C Dimensional Tolerance: Against the required length, a tolerance of plus (+) ~~0.03 meters (1 and 3/16ths of an inch)~~ 0.02 meters
1310 (25/32nds of an inch) in a vertical plane extending 0.3 meters (12 inches) above and 0.8 meters (2 feet, 7-1/2 inches) below
1311 the surface of the water at all points of both end walls.
- 1312 D-F *[no changes]*

HK-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1313 **Location:** Page 68 – **203.5 Representation**
- 1314 **Proposed by:** Registration/Membership Committee
- 1315 **Purpose:** To allow LSCs to accept electronic transfer requests should an LSC want to go paperless.
- 1316 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 1317 **203.5** When transferring between LSCs or clubs within the same LSC, the swimmer shall submit a completed transfer ~~form~~ request in
1318 accordance with USA Swimming/LSC procedures. LSCs may not establish procedures for transfers which effectively deny a swimmer
1319 the right to transfer from one LSC or club to another.

HK-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1320 **Location:** Page 74 – **206.3 Awards of Events**
 1321 Page 74 – **206.4 Dates**
 1322 Page 74 – **207.2 USA Swimming U.S. Open Championships**
 1323 Page 75 – **207.5 Trials Class Meets**
 1324 Page 75 – **207.6 Qualifying Time Standards**
 1325 Page 77 – **207.10 Programs**
 1326 Page 131 – **506.9 National Team Steering Committee**
 1327 Page 159 – **513.1 Operating Committees**

1328 **Proposed by:** Rules & Regulations Committee

1329 **Purpose:** To reflect the National Team Director's current title.

1330 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1331 The National Team Director title shall amend to National Team Managing Director.

1332 *Note: Various housekeeping changes throughout the Rule Book to correct title is considered to be part of this legislation.*

HK-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1333 **Location:** Page 78 – **207.11 Administrative Conduct of USA Swimming Championships**

1334 **Proposed by:** Rules & Regulations Committee

1335 **Purpose:** To reflect current title of the World University Games.

1336 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1337 **207.11 ADMINISTRATIVE CONDUCT OF USA SWIMMING CHAMPIONSHIPS** — The administrative rules for the conduct of the
 1338 National Championships and Open Water Championships are specified herein. Additional rules for Open Water Championships are
 1339 listed in Article 704.

1340 .1-.5 [no changes]

1341 **.6 Scratch Procedures**

1342 A-E [no changes]

1343 F Notwithstanding the provisions of 207.11.6, the scratch procedures for a selection meet for the United States teams for the
 1344 Olympic Games, the FINA World Championships, the Pan Pacific Championships, the Pan American Games or the World
 1345 Student University Games shall be established by the National Team Steering Committee and the Program & Events
 1346 Committee Chair or designee.

HK-5	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1347 **Location:** Page 92 – **302.2 Membership**

1348 **Proposed by:** Rules & Regulations Committee

1349 **Purpose:** Membership is defined in the Corporate Bylaws and may only be amended by the Board of Directors. Thus it is being
 1350 removed from Part 3.

1351 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1352 ~~**302.2 MEMBERSHIP** — Athlete membership will consist of an annual membership, an out-reach membership, a seasonal membership,~~
 1353 ~~or a single meet open water membership.~~

1354 ~~**.1 Annual Membership** — Membership is for a calendar year. Non-members applying for membership on or after September 1 will be~~
 1355 ~~issued a membership valid through December 31 of the following year.~~

- 1356 ~~2. **Flex Membership** [effective September 1, 2018] — At the option of the LSC, flex member- ships may be offered for the same period~~
1357 ~~of time as an Annual Membership. Those with Flex memberships are eligible to compete in only two sanctioned competitions per~~
1358 ~~registration year. Flex members are permitted to transition to the Annual membership category within the same calendar year, paying~~
1359 ~~the difference between the cost of the Flex membership and the Annual membership. Flex membership is not valid for competition at~~
1360 ~~or above the LSC Championship level.—~~
- 1361 ~~3. **Outreach Membership** — Annual membership with specially reduced fees. Each LSC House of Delegates shall determine how~~
1362 ~~athletes qualify for outreach membership.—~~
- 1363 ~~4. **Seasonal Membership** — At the option of the LSC, membership may be offered for one or two periods of not more than 150 days~~
1364 ~~per period within a registration year. Seasonal membership may also be offered for an unspecified but continuous period of not more~~
1365 ~~than 150 days commencing on the date of registration. Seasonal membership is not valid for competition at or above the Zone~~
1366 ~~Championship level.—~~
- 1367 ~~5. **Single-Meet Open Water Membership** — At the option of the LSC, membership may be offered for the specific date(s) of an open~~
1368 ~~water competition(s). The swimmer must compete unattached. Single-meet membership is not valid for competition at or above the~~
1369 ~~Zone Championship meet.—~~
- 1370 [re-number remaining]