

USA SWIMMING
RULES & REGULATIONS COMMITTEE
PROPOSED
AMENDMENTS TO 2013 RULES AND REGULATIONS

No.	Description	Location	Recommendation
R-1	Clarify definition of "closed competition"	Glossary	Approval
R-2	Define "Administrative Official," "Administrative Referee" and "Meet Referee"	Glossary	Approval
R-3	Define "notice"	Glossary	Not yet reviewed
R-4	Allow for alternates into multiple bonus heats under certain conditions	102.5.6	Approval
R-5	Clarify administrative official	102.10.3 and .4 102.14	Approval
R-6	Allow an LSC to sanction a competition held by one of its member clubs in another LSC when it is held within 25 miles of the LSC boundary.	202.1	No Recommendation
R-7	Change sanctioning jurisdiction to that of the LSC of the meet host, not the LSC in whose geographical boundaries the meet will be held. <i>(withdrawn if R-6 is adopted)</i>	202.1	Rejection
R-8	Establish an appeal process for those whose requests for sanction/approval are denied by an LSC	202.1; 202.2 and .3	Referred back to the Task Force
R-9	Revise Sectional requirements and guidelines	204.9	No Recommendation
R-10	Codify current process for Board of Review jurisdiction	304.2	Approval
R-11	Update discrimination prohibitions in Code of Conduct	304.3.3	Referred back for clarification
R-12	Comply with Minimum Standards for Safe Sport mandated by the USOC	304.3.8	Approval, subject to findings of Safe Sport Committee
R-13	Add sexual abuse by a minor athlete as a violation of Code of Conduct	304.3.8	Approval
R-14	Enforcement of the Banned List	304.3.14 (new)	Approval
R-15	Replace LSC Boards of Review with Zone Boards of Review	Part 4; Required LSC Bylaws (610)	Approval
R-16	Establish National Board of Review Committee from which all hearing panels will be selected	402.2; 506.1; 506.12 (new)	Approval
R-17	Change from annual meeting to biennial meeting of House of Delegates	Various	Rejection
R-18	Alter the way LSC delegates to House of Delegates are selected	507.1.3 & .7 & .9	Rejection
R-19	Provide LSCs better instructions regarding the requirement to have their current Bylaws on file with USA Swimming	602.1 Required LSC Bylaws (Intro)	Approval
R-20	Prohibit General Chair from serving on the Nominating Committee	Required LSC Bylaws (604)	Approval
R-21	Prohibit General Chair from serving on the LSC Board of Review	Required LSC Bylaws (610)	Approval
R-22	Creation of LSC Administrative Review Board <i>(withdrawn if R-15 is not adopted)</i>	Required LSC Bylaws (610)	Not yet reviewed
R-23	Procedures for Zone Boards of Review <i>(withdrawn if R-15 is not adopted)</i>	Required Zone Board of Review Procedures (new)	Approval

Proposed Amendments to Rules & Regulations
 June 2013

HK-1	Include Chief Judge certification	102.10.2	Approval
HK-2	Bring Recirculation System rule into compliance with state laws.	103.6	Not yet reviewed
HK-3	Reflect the relationship between LSCs and USA Swimming	202.1 601.1	Approval
HK-4	Re-order requirements and conditions of sanction	202.2 and .3	Approval
HK-5	Re-order requirements for approval	202.4	Approval
HK-6	Clarify that swim-a-thons are licensed by the USA Swimming Foundation	202.7	Approval
HK-7	Change "Safety Education Committee" to "Operational Risk Committee"	Various	Approval
RES 1	Resolution to change convention days to Wednesday through Sunday		
RES 2	Dues Increase		

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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2 Location: Page 12 - Official Glossary

3 Proposed by: Registration & Membership Committee

4 Purpose: To clarify definition of Closed Competition.

5 Recommendation: *The Rules & Regulations Committee recommends approval.*

6 ~~CLOSED COMPETITION~~ — ~~competition exclusively among members of a single club, or among two or more USA Swimming~~
7 ~~member clubs within an organization or group formed for the specific purpose of such competition or series of competitions~~
8 ~~that are open only to members of that group or organization. Examples of this would include YMCA clubs and leagues~~
9 ~~consisting of a limited number of USA Swimming clubs within an LSC. It does not include groups or organizations such as an~~
10 ~~LSC, Zone, Region, or Section within USA Swimming.~~

11 **CLOSED COMPETITION**

- 12 • Competition exclusively among members of a single club
 - 13 • Competition or series of competitions within an independent organization open only to members of that organization,
14 such as:
 - 15 ◦ YMCA competition,
 - 16 ◦ Summer league competition
 - 17 ◦ Conference competition.
 - 18 • Closed competition does not include representing a group within USA Swimming at a competition such as LSC, Zone,
19 Region or Section.
- 20
21

R-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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22 Location: Page 12 - Official Glossary

23 Proposed by: Rules & Regulations Committee

24 Purpose: There has been confusion about the meaning of the terms Administrative Official, Administrative Referee and
25 Meet Referee. Each term is used in our rules without an adequate description or definition.

26 Recommendation: *The Rules & Regulations Committee recommends approval.*

27 **ADMINISTRATIVE OFFICIAL** – an official responsible for the duties set forth in Article 102.

28
29 **ADMINISTRATIVE REFEREE** – an official certified as a Referee and knowledgeable of the Technical Rules in Part One and/or
30 Part Seven and the Administrative Rules of Competition in Part Two and/or Part Seven, who fulfills the duties of the
31 Administrative Official at a meet.

32
33 **DECK REFEREE** - a referee in charge of the competition of a session at the meet.

34
35 **MEET REFEREE or REFEREE** – a referee in charge of the entire competition. The Meet Referee may also act as a deck
36 referee during the meet.

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R-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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38 Location: Page 12 - Official Glossary

39 Proposed by: Rules & Regulations Committee

40 Purpose: To clarify what constitutes notice.

41 Recommendation: *The Rules & Regulations Committee has not yet reviewed this item.*

42 **NOTICE** – A written communication informing, announcing, notifying or warning about a scheduled meeting of a committee,
43 board or other governing body or group, or other fact or occurrence, required to be made by law, bylaw, rule or regulation.
44 To be considered to be written, the communication must be addressed, using the last known address on file with the LSC or
45 in SWIMS, to the intended or required recipient(s) and delivered by hand, first class mail, overnight or second day delivery by
46 a national delivery service, facsimile transmission, electronic mail or text message.

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R-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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48 Location: Page 24 - 102.5 Seeding, Lane Assignments, Swim-Offs, and Order of Heats

49 Proposed by: Jim Sheehan, Vice President of Program Operations

50 Purpose: There are times when more than one “bonus” heat is part of an evening’s schedule of finals. Since those
51 bonus heats normally do not score points, do not provide for any prize money, do not serve as a method of
52 being selected for a “team” nor provide any other recognition other than the opportunity to swim another
53 race, the alternates should be able to be inserted into the next “bonus” heat to be swum as long as the
54 slower “bonus” heats have swum.

55 Recommendation: *The Rules & Regulations Committee recommends approval.*

56 **102.5 SEEDING, LANE ASSIGNMENTS, SWIM-OFFS, AND ORDER OF HEATS**

57 **.6 Order of Heats**

58 A **Preliminary Heats and Timed Finals** — The normal order of heats may be reversed by swimming the fastest heats
59 first. Women’s and men’s heats may be alternated.

60 B **Finals** — The order of heats during the finals of a preliminaries and finals meet may be reversed, with the B and C
61 (consolation and bonus) heats, if any, swum following the A (final) heat. In the event of scratches, the empty lanes may
62 be filled by moving the swimmers up in order from the slower heats and by using the available alternates in the slowest
63 heat without reseeding the heats. For heats other than team selection finals where athletes are not provided any
64 recognition other than the opportunity to swim (e.g., scoring points, earning prize money, etc.) alternates may be
65 inserted into empty lanes in any heat regardless of order swum.

66 C The order of heats shall be stated in the meet announcement.

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R-5	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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68 Location: Page 29 - 102.10 Officials

69 Page 32 - 102.14 Administrative Official/Referee

70 Proposed by: Rules & Regulations Committee

71 Purpose: Seek to minimize confusion about what constitutes an administrative official.

72 Recommendation: *The Rules & Regulations Committee recommends approval.*

73 **102.10 OFFICIALS**

74 .3 For all swimming meets or time trials except dual meets there should ~~not~~ be no fewer than the following officiating positions
75 filled or approved by the LSC in authority. Officials other than the Referee and Administrative Official may act in more than
76 one officiating capacity only when sufficient qualified officials are not available, but no one may simultaneously time and
77 judge the order of finish. An LSC House of Delegates may establish additional minimum requirements.

- 78 1 Referee
- 79 1 Starter
- 80 3 Timers per lane (one minimum if automatic equipment with touchpads is used)
- 81 1 Clerk of Course (if applicable)
- 82 1 Place Judge (2 are preferred)
- 83 2 Stroke Judges and 2 Turn Judges or 2 Stroke & Turn Judges
- 84 Relay Take-off Judges (if applicable)
- 85 1 Administrative Official/~~Referee~~
- 86 1 Announcer
- 87 Timing Equipment Operators (as needed)
- 88 Marshal(s) (number determined by the LSC)
- 89

90 .4 Minimum Number of Officials Required for Dual Meets

- 91 1 Referee, who may also act as a stroke and turn judge
- 92 1 Starter
- 93 1 Other stroke and turn judge (may be the Starter)
- 94 1 Announcer
- 95 3 Timers ~~for each~~ per lane (one minimum if automatic timing equipment with touchpads is used)
- 96 1 Administrative Official/~~Referee~~
- 97 1 Place Judge
- 98 Relay take-off judges (if applicable)
- 99 Timing Equipment Operators (as needed)
- 100 Marshal(s) (number determined by the LSC)
- 101

102 102.14 ADMINISTRATIVE OFFICIAL/~~REFEREE~~

103 *No further changes, except to adjust Table of Contents*

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R-6	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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105 Location: Page 57 - 202.1 Jurisdiction

106 Proposed by: Southeastern Swimming LSC

107 Purpose: This legislation permits a club to utilize its own LSC sanctioning procedures in order to host a meet at a
108 facility which is in close proximity to the club, but just happens to be located in an adjacent LSC, less than an
109 average commute away. There is a safeguard against the sanctioning LSC over-extending its reach by (1)
110 requiring that the facility be within 25 miles of the sanctioning LSC's boundary, and (2) only allowing such a
111 sanction to be issued to a club from said LSC.

112 Recommendation: *The Rules & Regulations Committee makes no recommendation.*

113 Effective Date: May 1, 2014

114 **202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States and as a Federation
115 member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international
116 swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC), as the administrative arm of
117 USA Swimming, is authorized to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and
118 entertainment involving competitive swimming within its geographical boundaries. Furthermore, each LSC may issue a sanction
119 or approval to any individual USA Swimming group members under its authority as designated in Part Six for any swimming
120 competition and benefits, exhibitions, clinics and entertainment involving competitive swimming held within 25 miles of the

121 boundary of said LSC. Additional requirements/conditions for sanction or approval, other than those listed in 202.2, 202.3 and
122 202.4, may be established by a vote of the LSC House of Delegates in accordance with LSC Bylaws.

R-7	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
This item will be withdrawn if R-6 is adopted.							

123 Location: Page 57 - 202.1 Jurisdiction

124 Proposed by: Southeastern Swimming LSC

125 Purpose: A USA Swimming member club is responsible to and reports to its own LSC in all matters except when it
126 wishes to put on a meet in a pool that happens to be located in another LSC's geographical area. In some
127 instances, this is a matter of less than five miles from the LSC border. Additional requirements for sanctions
128 or approvals of swimming competitions may be established by an LSC, but under the current rules a club
129 from another LSC may be required to follow rules which it has no ability to voice an opinion or vote on, as the
130 club does not belong to the House of Delegates of the sanctioning LSC. The home LSC is put in the position
131 of supervising an event which it did not sanction in the first place.

132 Recommendation: *The Rules & Regulations Committee recommends rejection because such a change would likely result in*
133 *chaos and create disharmony among LSCs.*

134 Effective Date: May 1, 2014

135 **202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States and as a Federation
136 member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international
137 swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC), as the administrative arm of
138 USA Swimming, is authorized to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and
139 entertainment involving competitive swimming ~~within its geographical boundaries.~~ to individual USA Swimming group members
140 under its authority as designated in Part Six. ~~In the absence of involvement of a USA Swimming group member, the approval~~
141 ~~shall be issued by the LSC within which geographical boundaries an event shall be held.~~ Additional requirements/conditions for
142 sanction or approval, other than those listed in 202.2, 202.3 and 202.4, may be established by a vote of the LSC House of
143 Delegates in accordance with LSC Bylaws.

R-8	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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145 Location: Page 57 - 202.1 Jurisdiction
146 Page 57 - 202.2 (new) Sanction and Approval Procedure
147 Page 57 - 202.3 (new) Procedure for Appeal

148 Proposed by: The President's Sanction Review Task Force and the Board of Directors

149 Purpose: To establish an appeal process for a host whose request for sanction or approval is denied by an LSC. An
150 appeals process will allow for review of denials to make certain such denials are not limiting competitive
151 opportunities for athletes.

152 Recommendation: *The Rules & Regulations Committee referred this back to the Task Force for some clarifications.*

153 **202.2 SANCTION AND APPROVAL PROCEDURE**

154 .1 An LSC shall establish submission deadlines for sanction or approval applications and shall publish such deadlines along
155 with relevant instructions and forms.

156 .2 LSCs shall establish and publish policies regarding applications submitted after published deadlines citing relevant fees and
157 penalties.

158 .3 If an application is denied, the LSC shall provide written notification within ten days to the applicant of the reasons for the

159 denial and of the appeals process.

160 **202.3 PROCEDURE FOR APPEAL** - An applicant whose application has been denied by an LSC shall have the right to appeal
161 the denial to the Zone Sanction Appeal Panel.

162 .1 Each Zone shall establish a Zone Sanction Appeal Panel

163 A Each Zone shall designate a group of coaches, referees and athletes available to serve on an Appeal Panel.

164 B A petitioner may file an appeal with the Senior Zone Director within five days of receiving notification of denial by an
165 LSC.

166 C When an appeal is filed, the Zone Directors shall notify the LSC and appoint a panel made up of a coach, referee and
167 athlete, each from a different LSC and none from the petitioner's LSC

168 .2 The Zone Sanction Appeal Panel is authorized to direct the LSC to issue the sanction or approval. The Panel's decision
169 shall be final.

170 *Re-number remaining*

171 **202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States and as a Federation
172 member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international
173 swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC), as the administrative arm of
174 USA Swimming, is authorized to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and
175 entertainment involving competitive swimming within its geographical boundaries. Additional requirements/conditions for
176 sanction or approval, other than those listed in ~~202.2, 202.3 and 202.4~~ Article 202 may be established by a vote of the LSC
177 House of Delegates in accordance with LSC Bylaws.

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R-9	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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179 **Location:** Page 66 - 204.9 Sectional Championships

180 **Proposed by:** Senior Development Committee

181 **Purpose:** USA Swimming Sectional Meets have been in existence for over a decade, but the landscape has changed
182 as Junior Nationals have been re-introduced, and the needs of LSCs have changed. The Senior
183 Development Committee (SDC) defines the intent of the Sectional Meets to be a stepping stone for all
184 National-level meets with the primary purpose being to qualify swimmers for the Junior National meets. In
185 order to provide a base level of uniformity across Sectional competitions in all four Zones, the SDC aims to
186 offer professional, manageable sized meets.

187 **Recommendation:** *The Rules & Regulations Committee makes no recommendation.*

188 **204.9 SECTIONAL CHAMPIONSHIPS**

189 .1 Each Zone shall designate its Sections.

190 .2 ~~Dates of Sectional Championships shall be determined by each Section.~~ The Senior Development Committee will set
191 nationwide time standards for Sectionals. Individual Sections may have standards that are slower than these national
192 standards but not faster.

193 .3 The goal size for the Sectional Meet is 700 athletes. If 800 or more athletes enter a given meet, the Zone shall either: (a)
194 tighten the time standards, (but not faster than the standards established by the Senior Development Committee); or (b)
195 split the meet into two meets for the following year. For meets held in two courses, the goal size of the meet is 1000
196 athletes. If 1100 or more athletes enter a given meet, the Zone shall either (a) tighten the time standards (but not faster
197 than the standards established by the Senior Development Committee), or (b) split the meet into two meets for the following
198 year.

199 .4 Sectional meets shall use Online Meet Entry, via USA Swimming. The number of Sectional meets in each Zone is
200 determined by the number of athletes that entered Sectional meets via Online Meet Entry for the meet the previous year.

201 *[re-number remaining]*

- 202 .5 USA Swimming shall provide a bid form, financial and operating agreements and all other documents related to the
 203 responsibilities of the meet host and conduct of the event. Each Section shall notify the Zone Directors of bid winners for the
 204 following year's meets by the close of the annual meeting of USA Swimming's House of Delegates.
- 205 .6 There shall be at least two (2) Spring and one (1) Summer Sectional meets in each Zone.
- 206 A Summer Sectional
- 207 (1) The Summer Sectional shall be a Long Course Meet.
- 208 (2) The Summer Sectional Meet shall be no more than 3.5 days long, and shall conclude between 8 and 22 days
 209 prior to the U.S. Open or Junior Nationals, whichever comes first.
- 210 (3) The Summer Sectional Meet shall have one 18-and-under final heat.
- 211 B Spring Sectional
- 212 (1) The Spring Sectional Meet shall be no more than 3.5 days long. The dates may vary according to the needs of
 213 each Zone.
- 214 (2) The Spring Sectional meet shall have one 18-and-under final heat.
- 215 .7 There shall be not more than sixteen (16) Spring and sixteen (16) Summer meets.
- 216 .8 Sectional Championship dates and sites shall be selected by the Sections and approved by the respective Zone Directors.
- 217 .9 The meet format shall be determined by the Section in accordance with the requirements listed here.
- 218 .10 Sectional Championships shall be scored.
- 219 ~~.9 Time standards for Sectional meets shall be established by each Section, to accommodate no fewer than 400 participants.~~
 220 ~~shall be established by each Section, to accommodate no fewer than 400 participants.~~

R-10	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 222 **Location:** Page 96 - 304.2 Code of Conduct
- 223 **Proposed by:** David Berkoff
- 224 **Purpose:** To codify the process that is currently followed and establish the protocol for dealing with complaints about a
 225 former member.
- 226 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

227 304.2 Any member, former member, or prospective member of USA Swimming is subject to the jurisdiction of the Board of
 228 Review. Any member, former member, or prospective member of USA Swimming may be denied membership, censured,
 229 placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, fined or expelled from
 230 USA Swimming for life if such person member violates the provisions of the USA Swimming Code of Conduct, set forth in 304.3,
 231 or aids, abets or encourages another person to violate any of the provisions of the USA Swimming Code of Conduct. USA
 232 Swimming shall initiate an investigation of any former member of USA Swimming when a report required under 306.1 is
 233 received.

R-11	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 236 **Location:** Page 96 - 304.3 Code of Conduct
- 237 **Proposed by:** Diversity and Inclusion Committee
- 238 **Purpose:** To update language to comply with guidelines established by the USOC, align with the already established
 239 and approved mission statement of the USA Swimming Diversity and Inclusion Committee, and expand the
 240 groups protected from discrimination.
- 241 **Recommendation:** *The Rules and Regulations Committee has referred this item back to the Diversity & Inclusion Committee for*

242 *clarification.*

243 **Effective Date:** Immediately

244 **304.3** The following shall be considered violations of the USA Swimming Code of Conduct:

245 .3 Discrimination in violation of ~~any part of the USA Swimming Rules and Regulations~~ or the Amateur Sports Act which
246 requires that USA Swimming must provide: "an equal opportunity to amateur athletes; coaches, trainers, managers,
247 administrators, and officials to participate in amateur athletic competition, ~~without discrimination on the basis of race,~~
248 ~~color, religion, age, gender, or national origin~~ Amateur athletes should be allowed to fully participate and compete to the
249 extent allowed by the Rules and Regulations of USA Swimming. Discrimination against any member or participant on the
250 basis of age, race, sex, color, religion, national origin, disability, veteran status, sexual orientation, gender identity or
251 expression, genetics i or any other status protected by federal, state or local law, where applicable, is prohibited.

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253	R-12	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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254 **Location:** Page 96 - **304.3** Code of Conduct

255 **Proposed by:** Safe Sport Committee

256 **Purpose:** To comply with the Minimum Standards for Safe Sport mandated by the USOC; if not adopted by an NGB by
257 12/31/2013, the NGB risks losing USOC high performance funding. USA Swimming meets or exceeds all of
258 the Safe Sport Minimum Standards except the one regarding athlete-coach romantic or sexual relationships
259 which began during the sport relationship and involves an imbalance of power.

260 **Recommendation:** *The Rules and Regulations Committee recommends approval, subject to an investigation by the Safe Sport*
261 *Committee regarding the minimum standards set by the USOC.*

262 **Effective Date:** Immediately

263 **304.3** The following shall be considered violations of the USA Swimming Code of Conduct:

264 .8 A [unchanged]

265 B [unchanged]

266 C Romantic or sexual relationships, even if it is a consensual relationship between adults, which began during the
267 swimming relationship, between athletes or other participants and those individuals (i) having direct supervisory or
268 evaluative control, or (ii) who are in a position of power and trust over the athlete or other participant. Except in
269 circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are
270 in a position of power and trust over those athletes or participants they coach. The prohibition on romantic or sexual
271 relationships does not include those relationships where it can be demonstrated that there is no imbalance of power.
272 For example, this prohibition does not apply to a relationship between two spouses or life partners which existed prior
273 to the swimming relationship. For factors that may be relevant to determining whether an imbalance of power exists,
274 consult the USOC's Athlete Protection Policy.
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276	R-13	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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277 **Location:** Page 97 - **304** Code of Conduct

278 **Proposed by:** Safe Sport Committee

279 **Purpose:** To add sexual abuse by a minor athlete against another minor athlete as a violation of the Code of Conduct.

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

281 **Effective Date:** Immediately

282 304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

283 .1-7 [No changes]

284 .8 A Any inappropriate sexual conduct or advance, or other inappropriate oral, written, visual, or physical conduct of a
285 sexual nature directed towards an athlete by (i) a coach member or other non-athlete member, or (ii) any other adult
286 participating in any capacity whatsoever in the activities of USA Swimming (whether such adult is a member or not).

287 B Any act of sexual harassment, including without limitation unwelcome sexual advances, requests for sexual favors,
288 and other inappropriate oral, written, visual, or physical conduct of a sexual nature in connection with or incidental to a
289 USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming (whether such
290 person is a member or not) directed toward any member or other person participating in the affairs or activities of USA
291 Swimming.

292 C Any peer-to-peer sexual abuse. For the purposes of the Code of Conduct, the term "peer-to-peer sexual abuse" shall
293 mean any unwelcome physical conduct of a sexual nature directed towards a minor athlete by another minor athlete.

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R-14	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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295 Location: Page 96 – 304.3 Code of Conduct

296 Proposed by: David Berkoff, Paris Jacobs, Tim Bauer, Stu Hixon, Mary Jo Swalley, Robert Broyles, Brandon Drawz, Dave
297 Anderson, Ben Britten

298 Purpose: Enforcement of the USA Swimming list of Individuals Permanently Suspended or Ineligible ("Banned List").
299 Persons currently listed on the USA Swimming Banned List are attempting to work with USA Swimming
300 athlete members and/or their families and/or USA Swimming member clubs. Proper protection of USA
301 Swimming athlete members includes enforcement of the Banned List and the prohibition against banned
302 coaches working with USA Swimming members. Enforcement should include disciplinary action against any
303 USA Swimming member club or coach who facilitates or aids and abets a person on the Banned List to be
304 involved in any USA Swimming activities, including the coaching of current USA Swimming athlete members.

305 Recommendation: *The Rules & Regulations Committee recommends approval.*

306 304.3 The following shall be considered violations of the USA Swimming Code of Conduct:

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308 [.1 -.13 No changes]

309 .14 For any USA Swimming member club or coach to

310 A allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible"
311 to coach or instruct any of its athlete members,

312

313 B aid or abet coaching or instruction of athletes by any person who has been placed on the USA Swimming list of
314 "Individuals Permanently Suspended or Ineligible," or

315

316 C allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible"
317 to have an ownership interest in such USA Swimming club or its related entities.

318 [re-number current .14 and remaining subsections]

319 [Note: Section citations in 403.1, 403.2, and 406.1 will be revised as necessary after the Convention so that this new item falls under NBOR
320 jurisdiction.]

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R-15	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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322 Location: Page 101-116 - Part Four – Hearings and Appeals
323 Required LSC Bylaws

324 Proposed by: The President’s Board of Review Task Force and Board of Directors

325 Purpose: To convert LSC Boards of Review into Zone Boards of Review in order to provide better efficiency in the
326 administration of justice, more consistent decisions and better trained BOR members. Zone Boards of
327 Review would be allowed to set up smaller, regional BORs within the respective Zone, if necessary, simply
328 by its assignment of cases.

329 Recommendation: *The Rules & Regulations Committee recommends approval.*

330 Effective Date: January 1, 2015

331 PART FOUR
332 HEARINGS AND APPEALS
333 ARTICLE 401
334 GENERAL

335 401.1 As a voluntary membership organization, where membership is a privilege and not a right, USA Swimming and its LSCs
336 Zones (as provided in Part Six) may censure, enjoin, place on probation, suspend for a definite or indefinite period of time with or
337 without terms of probation, fine, or expel any member of USA Swimming, including any athlete, coach, manager, official, and
338 member of any committee, as well as any person participating in any capacity in the affairs and/or attending activities of USA
339 Swimming, the Zones or its LSCs, whether such person is a member of USA Swimming or not (a “Participating Non-Member”),
340 who has violated any of its rules or regulations, or who aids, abets, and encourages another to violate any of its rules or
341 regulations, or who has acted in a manner which brings disrepute upon USA Swimming, the Zone, the LSC or the sport of
342 swimming. USA Swimming may also conduct hearings on any matter affecting USA Swimming as the National Governing Body
343 for swimming. For the purposes of Part Four, the term “days” shall mean calendar days; in the event that an applicable time
344 period ends on a Saturday, Sunday, or any other day which is a national holiday on which United States Postal Service regular
345 postal delivery is not available (collectively, a “Non-Business Day”), such time period shall be extended to the next day which is
346 not a Non-Business Day.

347 ARTICLE 402
348 BOARD OF REVIEW MEMBERSHIP

349 402.1 ZONE LSC BOARD OF REVIEW — The selection and composition of the membership of the Zone LSC Board of Review
350 shall be governed by the Required LSC Bylaws Zone Board of Review Procedures.

351 402.2 NATIONAL BOARD OF REVIEW — [no change]

352
353 ARTICLE 403
354 JURISDICTION

355 403.1 JURISDICTION OF THE LSC ZONE BOARD OF REVIEW — In matters involving a member or members of only one LSC
356 Zone, matters arising in regional or zone competition and any complaint alleging violations of 304.3.14 through 304.3.18
357 inclusive of the USA Swimming Code of Conduct involving one or more members or prospective members of the LSC Zone,
358 and/or one or more Participating Non-Members, and not brought by USA Swimming, shall be filed directly with the LSC
359 respective Zone. Any appeal of the LSC Zone Board of Review’s decision shall be made to the National Board of Review
360 pursuant to Article 408 hereof.

361 The resolution of any dispute regarding jurisdiction of the LSC Zone or the National Board of Review with regard to a particular
362 case shall be determined by the Chair of the National Board of Review, which resolution shall be binding on all parties and non-
363 appealable.

364 403.2 JURISDICTION OF THE NATIONAL BOARD OF REVIEW

365 .1 Original and Exclusive Jurisdiction — The National Board of Review has original and exclusive jurisdiction to hear:

- 366 A Any complaint involving athletes or other members of USA Swimming from more than one LSC Zone and/or one or more
367 Participating Non-Members either residing within more than one LSC Zone (if more than one Participating Non-Member)
368 or within a different LSC Zone from the athlete(s) or other USA Swimming member(s); or
- 369 B Any complaint involving athletes or other members, or Participating Non-Members, during a national or international
370 event; or
- 371 C Any complaint under 304.3.1 through 304.3.13 against any member of USA Swimming, including any athlete, coach,
372 manager, official, member of any committee, or a Participating Non-Member; or
- 373 D Any complaint initiated by USA Swimming, which shall be prosecuted by and may be appealed by the Executive Director.

374 **.2 Discretionary Jurisdiction**

- 375 A Upon a majority vote of the USA Swimming Board of Directors or its Executive Committee, the National Board of Review
376 may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this Article 403
377 when, in its sole discretion, the best interests of USA Swimming shall be served thereby, or when compliance with
378 regular USA Swimming or LSC Zone procedures would not be likely to produce a sufficiently early decision to do justice
379 to the affected parties.
- 380 B If discretionary jurisdiction is so assigned, the National Board of Review shall comply in every instance with all
381 requirements of procedural due process as set forth in these Rules and Regulations. The National Board of Review may
382 set such procedural time limitations as it may deem necessary in order to reach a decision, which shall do justice to the
383 affected parties under particular circumstances.
- 384 C The National Board of Review may assess fees and costs against any party other than USA Swimming or any
385 Committee thereof.

386 **ARTICLE 404**
387 **AUTHORITY OF BOARDS OF REVIEW**

388 **404.1 LSC ZONE BOARD OF REVIEW** — The LSC Zone Board of Review shall have the following power and authority

- 389 **.1 Remedies and Penalties** — The LSC Zone Board of Review, after conducting such hearings as it may determine to be
390 necessary or helpful, may, among other remedies, with regard to a party named in the Notice of Hearing and Petition:
- 391 A Dismiss the Petition with or without permission to refile;
- 392 B Censure or fine a party;
- 393 C Establish a period of probation, with or without conditions;
- 394 D Prohibit or mandate future actions, inaction or conduct;
- 395 E Determine the results of, or require a rerun of, any election held by the LSC Zone or any constituent element thereof;
- 396 F Vacate, modify, sustain, reverse, remand or stay any decision or order of: ~~the a~~ House of Delegates, Board of Directors,
397 officer, division or committee, or coordinator of ~~the a~~ LSC within the Zone, ~~or a smaller panel of the LSC Board of~~
398 ~~Review;~~
- 399 G With the exception of the technical rules (Part One), interpret any provision of (i) the Rules and Regulations of USA
400 Swimming (to the extent not preempted by FINA or USA Swimming Rules and Regulations); (ii) the USA Swimming
401 Code of Conduct, the Required LSC Bylaws, other policies, rules, regulations and procedures of USA Swimming, ~~or the~~
402 Zone or the LSC; and (iii) the Amateur Sports Act and other applicable laws, rules and regulations; as well as adjudicate
403 alleged inconsistencies and claims of supremacy and invalidity with respect to the foregoing;
- 404 H Deny, grant, suspend or restore the eligibility or right to compete of an athlete member of the LSC Zone and USA
405 Swimming;
- 406 I Deny, grant, suspend or restore membership in the respective LSC and USA Swimming for a definite or indefinite period
407 of time, with or without terms of probation, or expel any Group Member or Individual Member of the respective LSC and
408 USA Swimming, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board
409 Member, House of Delegates representative of a Group Member, coordinator, chair or member of any committee or
410 sub-committee;
- 411 J Prohibit for a definite or indefinite period of time the participation by a Participating Non-Member in the affairs or
412 activities of USA Swimming, the Zone, the respective LSC, its Group Members or other LSCs and their Group Members;
- 413 K Assess costs, including any filing fee and attorneys' fees and expenses, to the prevailing party or refund any filing fee

- 414 paid by the prevailing party (except as otherwise set forth below);
415 L Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the
416 Board; and
417 M Assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the
418 circumstances.
- 419 .2 **Preliminary Hearing and Temporary Orders** — In appropriate cases, the LSC Zone Board of Review, after an initial
420 investigation and/or a preliminary hearing, may make in its discretion temporary orders for the good of the sport of swimming.
421 The temporary order may encompass any remedy or order permissible in a final decision and may include, by way of
422 example, suspending membership, granting the right to participate or coach in a competition, permitting a swimmer to
423 compete subject to protest, or offering or ordering the parties to attempt to resolve their differences pursuant to mediation or
424 other alternative dispute resolution mechanisms prior to any hearing before the LSC Zone Board of Review. These orders
425 may be made effective pending full hearings by the LSC Zone Board of Review or the conclusion of administrative or judicial
426 proceedings of other bodies addressing the same or similar issues or on other terms as determined by the LSC Zone Board
427 of Review.
- 428 .3 **Grounds for Imposition** — The LSC Zone Board of Review may fashion remedies and orders and impose penalties with
429 respect to any Group or Individual Member of the LSC Zone, or Participating Non-Member residing within the LSC Zone (1)
430 who has violated any of the regulations, rules, policies or procedures of the LSC, Zone, USA Swimming or FINA, including
431 any of the responsibilities of membership set forth in the Required LSC Bylaws, (2) who aids, abets, instigates or encourages
432 another to violate any of such regulations, rules or policies, (3) who is responsible for any such violation by another, or (4)
433 who has acted in a manner which has brought, or may bring, into disrepute the LSC, the Zone, USA Swimming or the sport
434 of swimming.

435 404.2 NATIONAL BOARD OF REVIEW — [no change]

436 ARTICLE 405 - [no change]

ARTICLE 406

LSC ZONE BOARD OF REVIEW HEARINGS AND PROCEDURES 406.1 FILING COMPLAINTS

439 406.1 FILING COMPLAINTS

- 440 .1 **Commencement of Action** — Any request for hearing is begun by the filing of a Petition submitted to the Chair of the LSC
441 Zone Board of Review (if submitted to the respective LSC General Chair, a Zone Director or the Zone Secretary, the Petition
442 is not defective, but the allowable period of time for the Notice shall not commence until the Petition is received by the Chair
443 of the Zone Board) consisting of a written statement setting forth a description of the action, inaction or conduct that is
444 believed to have been improper or incorrect, and the name of the person or group believed to have acted improperly or the
445 circumstances believed to require answers, explanation or clarification. The Petition shall be accompanied by any filing fee
446 due under the Required Zone Board of Review Procedures LSC Bylaws or by an application for waiver of the fee.
- 447 .2 **Review of Petition** — The Chair may review, dismiss or suggest modifications to any Petition to assure that the Petition
448 sets forth a cause of action under these rules. Any dismissal by the Chair may be reviewed by ~~the full LSC~~ a Zone Board
449 of Review panel upon request of the Petitioner(s).

450 406.2 HEARINGS

- 451 .1 **Hearings Conducted by Chair or Presiding Officer** — Hearings of the LSC Zone Board of Review shall be conducted by
452 the Chair of the LSC Zone Board of Review or a Presiding Officer designated by the Chair.
- 453 .2 **Hearing by Panel** — The LSC Zone Board of Review ~~shall~~ may, in the discretion of the Chair, conduct hearings ~~either~~
454 ~~before the full LSC Board of Review or before panels of its members, provided that in any event each panel shall consist of~~
455 ~~between three (3) and five (5) members, one of which whom shall be an athlete member. A panel shall have all of the powers~~
456 ~~of the LSC Board of Review solely with respect to matter(s) assigned to it by the Chair.~~
- 457 .3 **Quorum of Panel** — ~~At least three (3) members~~ A majority of a designated panel, one of which shall be an athlete member,
458 ~~must be present at any initial hearing before the panel. The full LSC Board of Review, including at least twenty percent (20%)~~
459 ~~athlete members, must be present at any hearing.~~ No hearing may be conducted without the presence of at least 20% ath-
460 ~~lete members on the hearing panel.~~
- 461 .4 **Permissible Hearing Formats** — A hearing before the LSC Zone Board of Review may be conducted through the receipt of
462 the procedural documents and other written statements or a hearing at which the parties may appear in person or by means

463 of video telephonic conference call and testimony may be taken and other forms of pertinent information presented in
464 addition to oral argument by the parties or their counsel, as reasonably determined by the Chair or Presiding Officer. Where
465 appropriate in the reasonable determination of the Chair or the Presiding Officer, the hearing may be conducted in part
466 through written means and in part by testimony and oral argument.

467 .5 **Right to Counsel** — The Petitioner(s), the Respondent(s) and any other person participating in a hearing conducted by the
468 LSC Zone Board of Review shall be entitled to be represented by counsel of their choice at their own expense.

469 .6 **Rules of Evidence** — Judicial rules regarding admissibility of evidence shall not apply to the LSC Zone Board of Review.
470 Thus, hearsay, letters, affidavits, news media articles and reports, etc., as well as direct testimony taken from witnesses
471 present at a hearing, are all admissible to the extent the Presiding Officer is satisfied as to the relevance and non-repetitive
472 nature of the evidence. To be relevant, such evidence need only tend to assist resolution of a fact in issue in the hearing.
473 The LSC Zone Board of Review should not hear evidence protected by the attorney-client privilege or by a Constitutional
474 claim against self-incrimination. Other claims of privilege, however, should not generally be entertained except in
475 extraordinary circumstances. Proper weight shall be given to each type of evidence considering the source and other
476 common sense factors.

477 .7 **Open/Closed Hearings** — Any hearing, or a part thereof, shall be open to members of the LSC Zone Board of Review
478 hearing panel, the Presiding Officer, any attorney advising the Presiding Officer, the Petitioner(s), the Respondent(s), any
479 other real party in interest, their counsel and any witnesses at the request of any of the parties, but shall otherwise be closed
480 to the public. The Chair may, however, at the request of a party, sequester witnesses, in the interests of justice and the sport
481 of swimming, close a hearing, or any part thereof, to the public. If a hearing is closed, the The LSC Zone Board of Review
482 may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record
483 of the hearing to be kept confidential by the respective LSC, Zone and USA Swimming.

484 .8 **Accelerated Hearing Schedule** — Except for emergency hearings, covered in ~~406.4.2~~ 406.3.2, the Chair, or the Presiding
485 Officer for the hearing, may order, with the agreement of all parties, an accelerated hearing schedule in the interest of justice
486 and the sport of swimming.

487 **406.3 REHEARINGS**

488 ~~.1 **Circumstances Permitting Rehearing Body** — At the request of the Petitioner(s), the Respondent(s) or any other real~~
489 ~~party in interest, any matter which was decided by a Board of Review consisting of less than seven (7) members, may be~~
490 ~~reheard by the full LSC Board of Review (or, if the LSC Board of Review is larger than seven (7) members, by a panel of at~~
491 ~~least seven (7) members designated by the Chair in his/her discretion, at least two (2) members of which must be athlete~~
492 ~~members). Members of the initial hearing panel may be members of the rehearing panel.~~

493 ~~.2 **Right to a Rehearing; Discretion of Chair** — A rehearing shall be granted as a matter of right in instances in which the~~
494 ~~original panel consisted of fewer than six (6) members and the decision was not unanimous, and in the discretion of the~~
495 ~~Chair in all other instances.~~

496 ~~.3 **Time within which a Rehearing may be Requested** — The Petitioner(s), Respondent(s) or other real party in interest may~~
497 ~~request, within fourteen (14) days of the date of receipt of the initial written decision, that the decision of a LSC Board of~~
498 ~~Review panel be reheard by the full LSC Board of Review.~~

499 ~~.4 **Failure to Request a Rehearing** — A person may not appeal a decision of a Board of Review panel without first making a~~
500 ~~timely request for a rehearing.~~

501 ~~.5 **Decision of Chair on Request; Notice of Rehearing**~~

502 ~~A **Discretionary Rehearings** — With respect to requests for a rehearing that are discretionary, the Chair, in the same~~
503 ~~manner in which decisions are rendered, shall either grant or deny the request within fourteen (14) days of his/her receipt~~
504 ~~of the request.~~

505 ~~B **Non-Discretionary Rehearings** — With respect to requests for a rehearing that are as a matter of right, the Chair, within~~
506 ~~fourteen (14) days of his/her receipt of the request, shall schedule a rehearing.~~

507 ~~C **Rehearing Notice; Effect of Inaction** — The Chair shall notify all parties to the initial hearing of the rehearing, its time and~~
508 ~~date and the method by which the rehearing will be conducted. If the Chair does not take action within fourteen (14) days~~
509 ~~of his/her receipt of the request, the decision of the panel shall be considered final and any of the parties may appeal the~~
510 ~~decision to the National Board of Review.~~

511 ~~.6 **De Novo or On the Record Hearing** — In the discretion of the Chair or the Presiding Officer, the panel may conduct an~~
512 ~~entirely new hearing on the merits or may make its decision based on the record created by the initial panel, supplemented~~

513 by whatever written briefs or oral argument is scheduled by the Chair or the Presiding Officer. The record shall include the
514 Petition, the Notice of Hearing, the Response, the Reply, any temporary orders or partial decisions made and the Decision,
515 together with any additional briefs and written evidence filed by the parties. To the extent applicable, the procedures for a
516 formal hearing shall apply to a rehearing. [re-number remaining]

517 **406.3 HEARING PROCEDURES** — The procedures to be followed in connection with all hearings of the LSC Zone Board of
518 Review shall be as follows

519 **.1 Formal Hearing**

520 A **Notice of Hearing** — Each Respondent(s) shall be given a written Notice of Hearing in accordance with the form
521 prescribed by the National Board of Review Committee attached to the Required LSC Bylaws, as amended from time to
522 time by the Chair of the National Board of Review. The Notice of Hearing shall be sent to each Respondent's last known
523 address by reputable overnight delivery service. If the Respondent(s) is the LSC Zone or an officer, Board Member,
524 committee or sub-committee chairman or coordinator, or an official, the Notice of Hearing shall be also given to the
525 ~~General Chair~~ Zone Directors and the Zone Secretary at the LSC's Zone's office, if any. The Notice of Hearing shall be
526 given as soon as practical following the conclusion of any preliminary investigation made by or on behalf of the LSC Zone
527 Board of Review, but in no event later than twenty (20) days after the receipt of the Petition by the Chair.

528 The form of Notice of Hearing shall include:

- 529 (1) a statement in reasonable detail of the charges against each Respondent, or of the circumstances that are believed
530 to require answers, explanation or clarification. A copy of the Petition, if any, received by the LSC Zone Board of
531 Review shall be attached to the Notice of Hearing;
- 532 (2) a statement that the Respondent(s) has the right to have counsel of his/her own choice to represent him/her, at
533 his/her own expense, at any hearing;
- 534 (3) a description of the type of hearing to be held. In the case of an in-person hearing, the Notice of Hearing shall
535 request each Respondent to appear before the LSC Zone Board of Review with counsel and witnesses, if any;
- 536 (4) a date, time and location at which the hearing will be held. The date of the hearing shall be not less than thirty (30)
537 days nor more than sixty (60) days after the date of transmission of the Notice;
- 538 (5) a request that each Respondent answer in writing all of the charges set forth in the Notice of Hearing. The Notice of
539 Hearing shall state that this Response is to be delivered at least fourteen (14) days prior to the date of the hearing,
540 to the Presiding Officer designated in the Notice, at the specified address, with a copy to the Petitioner(s) and
541 its/their counsel, if any, and anyone else specified in the Notice of Hearing at the addresses designated; and
- 542 (6) a statement of the right of appeal (~~including the right, if any, to a rehearing~~) in the event the decision is rendered
543 against the Respondent(s).

544 B **Response by Respondent(s)** — Each Respondent's Response to the Notice and Petition shall be in writing and
545 delivered to the Presiding Officer designated in the Notice of Hearing, at least fourteen (14) days prior to the date of the
546 hearing, with a copy delivered to the Petitioner(s) and his/her counsel and anyone else specified in the Notice of Hearing
547 at the addresses designated in the Notice.

548 C **Reply by Petitioner(s)** — The Petitioner(s) may, but is not required to, offer a rebuttal to each Respondent's Response.
549 Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the Notice of Hearing, at least seven
550 (7) days prior to the date of the hearing, with copies to each Respondent and his/her counsel and to anyone else spec-
551 ified in the Notice of Hearing at the addresses designated in the Notice.

552 **D Conduct of Hearing**

553 (1) **Generally.** Hearings shall be conducted fairly and in an orderly fashion, but without responsible for keeping the
554 parties and their counsel, if any, focused on the issues at hand and the necessary elements of proof and for
555 enforcing the rule that no one may speak who has not been recognized by the Presiding Officer. For hearings con-
556 ducted other than entirely through the receipt of written statements, the LSC Zone Board of Review shall cause a
557 credible recording or transcription to be made of the hearing. No record of the deliberations of the LSC Zone Board
558 of Review need be kept and, if kept, shall not be available to anyone other than the members of the LSC Zone
559 Board of Review, the Presiding Officer and counsel to the LSC Zone Board of Review.

560 (2) **Absence of a Party.** The hearing may proceed in the absence of any party who fails to be available at the
561 appointed time and the hearing may proceed to judgment despite that person's absence. If the Presiding Officer
562 determines that in the interests of justice and the sport of swimming the hearing cannot proceed without the absent
563 party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the absent party can be
564 present. Any subsequent absence may be taken into account by the LSC Zone Board of Review in reaching its

- 565 decision.
- 566 (3) **Sequence.** The hearing shall be opened by the recording of the place, time and date of the hearing and the
567 presence of the members of the LSC Zone Board of Review, the parties, counsel, if any, and any other witnesses
568 or observers. Each party (Petitioner(s) first, Respondent(s) second) may then present a brief opening statement
569 setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the
570 presentation of evidence. The Petitioner's claims, evidence and witnesses shall be presented. The Respondent(s)'s
571 defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the
572 Petitioner(s) may then be allowed to rebut any testimony or evidence presented by the Respondent(s) after the
573 Respondent(s)'s initial presentation. In the discretion of the Presiding Officer, the Respondent(s) may be permitted
574 to rebut any testimony or evidence presented by the Petitioner(s) during the Petitioner's rebuttal presentation.
575 Finally, each party (in the same order) shall be entitled to make a brief summation of that party's case.
- 576 (4) **Rules of Evidence; Witnesses' Testimony.** The rules of evidence governing the hearing are set forth in 406.2.6
577 above. Each witness may present testimony initially either in the form of questions and answers between the
578 witness and counsel or in uninterrupted narrative. The Presiding Officer and the members of the LSC Zone Board
579 of Review may question any person at any time during the hearing. Thus, for example, in an exercise of discretion,
580 the Presiding Officer could call a witness who has not yet been called or whom no party intended to call and
581 propound questions to, or elicit narrative testimony from, that witness. Witnesses shall be subject to cross
582 examination by the other party and to questioning by the Presiding Officer and members of the LSC Zone Board of
583 Review. All parties will be expected to be available for questioning by the LSC Zone Board of Review, whether or
584 not they may have given other testimony at the hearing.
- 585 (5) **Oath.** All witnesses shall be sworn using an oath substantially as follows: "I swear or affirm that the evidence I
586 provide shall be the truth, the whole truth and nothing but the truth." A material violation of this oath may be
587 considered a violation of 304.3.14 of the Code of Conduct as "dishonesty in connection with any USA Swimming-
588 related activity."
- 589 (6) **Variance of Procedures.** The Presiding Officer shall have wide discretion to vary these procedures in the interests
590 of justice, the sport of swimming and efficiency, but in doing so shall afford all parties a full and substantially equal
591 opportunity to present any material or relevant evidence. A hearing may be adjourned by the Presiding Officer at
592 the request of a party or on the Presiding Officer's initiative where an adjournment will serve the interests of
593 fairness, justice and the sport of swimming. If a hearing is adjourned, the continuance shall be scheduled for any
594 early date of mutual convenience, but in the discretion of the Presiding Officer. Justice and the sport of swimming
595 ordinarily will be best served by an expeditious resumption and conclusion to the hearing.
- 596 E **Decision of LSC Zone Board of Review** — The decision of the LSC Zone Board of Review may be rendered at the
597 time of the hearing and, if not so rendered, as soon as possible thereafter and in no event more than fourteen (14) days
598 after the conclusion of the hearing. The decision shall include findings of facts and a statement of remedies ordered or
599 penalties imposed, if any, and a statement setting forth the rights of the parties to appeal the decision. The decision shall
600 be in writing, or in case of a decision rendered at the hearing, reduced to writing promptly, and delivered to the
601 Petitioner(s), Respondent(s), their respective counsel, any other party to the proceeding, and the General Chair and the
602 Secretary of the respective LSC(s) and the Executive Director of USA Swimming.
- 603 .2 **Emergency Hearing**
- 604 A **Reasons for Emergency Hearing** — When compliance with the formal hearing procedures would be likely not to
605 produce a sufficiently early decision to provide justice to the affected parties or to be in the best interest of the sport of
606 swimming, the LSC Zone Board of Review is authorized to summarily hear and decide any matter relating to a scheduled
607 competition or other matter of similar urgency.
- 608 B **Notice of Emergency Hearing** — Each Respondent shall be given notice of such an emergency hearing as time and
609 circumstances may reasonably dictate. The notice may be oral or in writing, and shall substantially comply with the notice
610 requirements set forth in these rules as the emergent nature of the issue permits.
- 611 C **Conduct of Emergency Hearing** — The hearing may be conducted at any location likely to contribute to expeditious
612 resolution of the Petition, including the site of a swimming competition, but in any event under such circumstances so as
613 to fairly protect the right of procedural due process of the Respondent(s) and confidentiality of the process. All or some of
614 the participants in the hearing may participate by telephone conference equipment. If at least three (3) ~~regular or~~
615 ~~alternate~~ members of the LSC Zone Board of Review are not available due to time constraints, the Chair of the LSC
616 Zone Board of Review ~~and the General Chair, or their respective designees, are~~ is each authorized to appoint one or
617 more Individual Members to serve on as the LSC Zone Board of Review solely for the purpose of conducting this
618 emergency hearing. The hearing shall substantially comply with the hearing procedures set forth above insofar as the

- 619 emergent nature of the hearing permits. No hearing may be conducted without the presence of an athlete member.
- 620 D **Decision of LSC Zone Board of Review** — The decision of the LSC Zone Board of Review shall be rendered at the
621 time of the hearing or as soon as possible thereafter in keeping with the ~~emergent~~ emergency circumstances. The
622 decision shall include findings of facts and a statement of remedies ordered, if any, and a statement of the right to
623 request a subsequent formal hearing. The decision shall be in writing, or in case of a decision rendered orally at the
624 hearing, reduced to writing within fourteen (14) days thereafter and delivered to the Petitioner(s), the Respondent(s),
625 their counsel, any other real party in interest to the proceeding, the Chair of the LSC Zone Board of Review, and the
626 General Chair and the Secretary of the respective LSC, the Secretary of the Zone, and the Executive Director of USA
627 Swimming.
- 628 E **Right to a Subsequent Formal Hearing** — If either the Petitioner(s) or the Respondent(s) shall deliver to the Chair of
629 the LSC Zone Board of Review a written request for a further hearing within fourteen (14) days of the date of receipt of
630 the written decision resulting from the emergency hearing, a formal hearing shall be held as a new proceeding in
631 accordance with this section, as though the emergency hearing had not taken place. Failure to make this request in a
632 timely manner shall preclude the aggrieved party from making any further appeal.
- 633 .3 **Stay of Decision Pending Appeal** — The LSC Zone Board of Review shall have the authority and discretion, but not the
634 duty, to stay its decision, in whole or in part, subject to specified conditions, during the time allowed to demand a further
635 hearing after an emergency hearing, ~~a rehearing~~ or to appeal to the National Board of Review, with the decision going into
636 effect automatically if those conditions occur or if no demand or appeal is filed during the allowable period or at such time as
637 a perfected appeal is terminated without the decision being modified by the appellate authority.
- 638 .4 **Extensions of Time** — The time within which the Notice of Hearing must be transmitted may not be extended without the
639 consent of the Petitioner(s) or the USA Swimming General Counsel.
- 640 .5 **Method of Delivery** — The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-prevailing
641 party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications may be by
642 electronic mail or other means, as directed by the Chair of the LSC Zone Board of Review.
- 643 .6 **Severability** — Nothing in these Rules is intended to override applicable state corporation law. In the event the corporation
644 laws of the state of incorporation of ~~any~~ a Respondent's LSC (or if there are more than one Respondent and not all reside
645 within one LSC, the state of incorporation of the LSC where the majority in number of Respondents reside) LSC specifically
646 prohibit conduct herein required, the LSC Zone may so notify the Chair of the Rules and Regulations Committee and may
647 request a waiver, review or modification of any rule or provision herein. In the event that any provision of these Rules is
648 rendered impermissible or illegal by a court of competent jurisdiction, that provision and all remaining provisions shall, where
649 possible, remain in full force and effect in all locations outside the subject matter jurisdiction of the court rendering such
650 opinion.

651 ARTICLE 407 - [No changes]

652 ARTICLE 408

653 APPEAL FROM LSC ZONE BOARD OF REVIEW TO NATIONAL BOARD OF REVIEW 408.1 PROCEDURE

654 408.1 PROCEDURE

- 655 .1 ~~In accordance with 406.3.4, a person may not appeal a decision of a LSC Board of Review panel which consisted of fewer~~
656 ~~than seven (7) members without first making a timely request for a rehearing by the full LSC Board of Review.~~ Every appeal
657 to the National Board of Review shall be instituted by a Petition served upon the Executive Director, as well as the other
658 party(ies) to the LSC Zone Board of Review proceeding, and shall be accompanied by a \$250 non-refundable filing fee
659 payable to USA Swimming. Any appeal must be filed within thirty (30) days from the postmark date of the written Decision of
660 the LSC Zone Board of Review. The Petition on appeal shall set forth the grounds for appeal, citing factual and legal issues
661 in as much detail as possible.
- 662 .2 The Executive Director shall send a copy of the Petition on appeal to the Chair of the National Board of Review immediately
663 upon receipt. The Appellee(s) shall within thirty (30) days following receipt of the Petition file a written Response. The
664 Appellant may within ten (10) days following receipt of a copy of the Response file a written Reply. The Response and the
665 Reply shall be filed with the Executive Director, the opposing party(ies) and the Chair. The Chair may decrease or increase
666 the time limits for any of the foregoing upon request of either party and if circumstances should warrant it.
- 667 .3 A final and binding decision shall be rendered as soon as administratively practicable (not more than twenty-one (21) days)
668 after the final hearing by a majority of the hearing panel based on the record submitted on appeal and on evidence submitted

- 669 at such hearing as may be required by the panel. A written decision shall be sent to all parties. The National Board of Review
670 may assess costs against any party other than USA Swimming.
- 671 .4 Petitions once reviewed and decided shall not be reopened for consideration by the National Board of Review, except by
672 direction of the Board of Directors of USA Swimming, or upon showing of sufficient cause to the Chair of the National Board
673 of Review.
- 674 .5 The President and the Chair of the National Board of Review shall each have the power and authority, acting alone, to deny
675 or reject an appeal when, in their respective judgment, the appeal is without merit or was not filed by a real party in interest,
676 or lacks the necessary specificity for proper review.
- 677 .6 An appeal to the National Board of Review shall be on the basis of the record and written briefs filed with it, unless the
678 National Board of Review shall in its discretion order a *de novo* hearing. In the event the National Board of Review orders a
679 *de novo* hearing, the hearing procedure shall be as set forth in Article 407.

680 **ARTICLE 409**
681 **APPEAL FROM NATIONAL BOARD OF REVIEW TO BOARD OF DIRECTORS**

682 **409.1 PROCEDURE**

- 683 .1 Any real party in interest, including any officer of USA Swimming or the Executive Director, may appeal any decision of the
684 National Board of Review as follows:
- 685 A Matters heard by the National Board of Review pursuant to its original jurisdiction, heard *de novo* or heard pursuant to its
686 discretionary jurisdiction, may be appealed to the Board of Directors within thirty (30) days of the date of the issuing of its
687 written decision.
- 688 B Matters heard by the National Board of Review on appeal from an ~~LSC~~ a Zone Board of Review, other than any matter
689 included in 409.1.1A, shall be heard only upon the granting of a petition from a real party in interest. Unless a majority of
690 the President, General Counsel and the Athlete's Vice President (or their respective designees) shall determine, based
691 upon the record below, that an appeal shall have sufficient merit and be of such general application as to justify an
692 appeal to the Board of Directors, the petition shall be denied and the matter shall be final, with no further appeal allowed.
- 693 .2 The Petition on appeal is to be served upon the Executive Director, as well as the other party(ies) to the National Board of
694 Review proceeding, and shall be accompanied by a \$250 filing fee payable to USA Swimming.
- 695 .3 The Petition shall set forth the grounds for appeal, including both factual and legal allegations of error in any earlier
696 proceeding.
- 697 .4 Unless the Board of Directors by majority vote decides otherwise, the review by the Board of Directors shall be on the basis
698 of the record and written briefs and shall not be a *de novo* hearing. The General Counsel may establish a hearing panel
699 consisting of at least five (5) members (all of whom must be members of the Board of Directors and at least 20% of whom
700 must be athlete members) to hear any appeal, including appeals conducted as *de novo* hearings. The decision of the hearing
701 panel shall be final with the same force and effect as if the full Board of Directors heard the matter.
- 702 .5 USA Swimming Board of Directors may assess fees and costs against the losing party.

703 **ARTICLE 410**
704 **CONFIDENTIALITY**

705 **410.1** Hearings conducted before the National Board of Review or the Board of Directors regarding alleged Code of Conduct
706 violations shall be closed to the public.

707 **410.2** All proceedings before the National Board of Review or the Board of Directors regarding alleged Code of Conduct
708 violations shall be and remain confidential until the National Board of Review or Board of Directors has rendered its final
709 decision, except:

- 710 .1 Information that is necessary to disclose in the course of an investigation to witnesses and other appropriate parties;
711 .2 Information disclosed pursuant to subpoena or court order;
712 .3 Information disclosed to complaining parties or victims; and
713 .4 Information disclosed by USA Swimming in response to disclosures by other parties or witnesses in the proceeding.

714 **410.3** USA Swimming shall also disclose information to a member club or ~~LSC~~ Zone where an employee or volunteer of such

715 club or LSC Zone has been alleged in a complaint to have violated the Code of Conduct.

716 **410.4** A redacted summary of each final Decision of the National Board of Review and Board of Directors that includes a
717 finding of a violation of the Code of Conduct may be published at the discretion of USA Swimming.

718 **ARTICLE 411**
719 **FULL FAITH AND CREDIT**

720 **411.1 DECISION FINAL** — Except as otherwise provided in Article Nine of the Constitution of the United States Olympic
721 Committee and in ~~Chapter Nine~~ of its Bylaws with respect to binding arbitration in disputes involving the rights of certain
722 individuals to participate in competition, the final decision of the LSC Zone Board of Review shall be final in all cases, subject to
723 the right of appeal to the National Board of Review as provided herein.

724 **411.2 ENFORCEMENT** — Final decisions rendered by the LSC Zone Board of Review and the National Board of Review shall,
725 when applicable, be recognized and fully enforced in all other Zones and LSCs of USA Swimming.

726 **ARTICLE 412**
727 **STANDARDS OF CONDUCT FOR MEMBERS OF BOARDS**
728 **OF REVIEW AND APPELLATE BODIES**

729 **412.1 STANDARDS OF CONDUCT** — Members (the "Review Members") of LSC Zone and National Board of Review panels
730 and the Board of Directors appeals panels (collectively, the "Review Board") shall:

- 731 .1 Uphold the integrity and independence of the respective Review Board;
- 732 .2 Avoid any impropriety or the appearance of impropriety in connection with service as a Review Member and swimming-
733 related activities generally; and
- 734 .3 Perform the duties of a Review Member impartially and diligently.
- 735 **412.2 GROUNDS FOR RECUSAL** — Review Members shall recuse themselves from participating in any matter pending before
736 their respective Review Board:
- 737 .1 In which their impartiality might reasonably be questioned;
- 738 .2 Where they have a personal bias or prejudice concerning a party in the pending matter or have personal knowledge of
739 disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Review Member or known
740 generally to a substantial portion of the membership of the respective LSC, the Zone or USA Swimming);
- 741 .3 Where they or a member of their family are a party or are likely to be a material witness in the pending matter;
- 742 .4 Where they or a member of their family have an interest that could be substantially affected by the outcome of the
743 proceeding; or
- 744 .5 Where they or a member of their family have served or are serving as counsel in the pending matter or are members of a law
745 firm that served or is serving as counsel in the pending matter.

746 **412.3 RECUSAL BY MEMBER** — Review Members shall recuse themselves as soon as they become aware of facts that give
747 rise to the duty to do so by giving notice to the LSC Zone Board of Review Chair, the National Board of Review Chair, or in the
748 case of the Chair of the National Board of Review or Board of Directors appeal panel members, to the General Counsel, as
749 applicable.

750 **412.4 RECUSAL/DISQUALIFICATION REQUESTED BY PARTY** — By written notice to the Chair of the respective Review
751 Board or to the General Counsel, in the case of Board of Director appeal panel members (respectively, the "Review Board
752 Chair"), any party may request that a Review Member recuse himself/herself or be disqualified from serving on the pending
753 matter stating the reasons for recusal or disqualification with specificity. Such notice shall be given at least fourteen (14) days
754 prior to the scheduled date of the hearing on such matter or, if the party sustains the burden of proving good cause for the
755 lateness of the notice, as soon as reasonably possible after discovery of the reason for the need for recusal. The named Review
756 Member shall reach a decision on the matter and notify the Review Board Chair of that decision within seven (7) days of receipt
757 of the party's notice. If the member's decision is not in favor of recusal, then the Review Board Chair may, if appropriate,
758 disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted as
759 scheduled and, unless it is a hearing before the Board of Directors, the party giving the notice may appeal the disqualification
760 decision, together with the hearing decision, pursuant to Article 408 and 409.

761 412.5 **SUBSTITUTION FOR RECUSED OR DISQUALIFIED MEMBER** — In the event of a recusal or a disqualification, a
762 substitute Review Member shall be appointed in the same manner as the original Review Members were appointed.

763

764 *Delete current wording in Article 610 (Board of Review Organization) of Required LSC Bylaws:*

765

766

767

768

ARTICLE 610
BOARD OF REVIEW ORGANIZATION
[Intentionally Deleted.]

769 610.1 — ~~INTRODUCTION~~ USA Swimming was organized as the National Governing Body for the sport of swimming under the
770 Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws.
771 These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all
772 disputes involving any of its members. This Article, together with Section 602.2 and the USA Swimming Rules and
773 Regulations, are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof and a
774 mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in
775 connection with the sport of swimming. Accordingly, XXSI has established the Board of Review (the "Board") to hear
776 complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport
777 of swimming in the Territory, conduct that may violate the USA Swimming Code of Conduct or otherwise violate the
778 policies, procedures, rules and regulations adopted by USA Swimming or XXSI, or conduct that may bring USA
779 Swimming, XXSI or the sport of swimming into disrepute. This Article, together with Part Four of the USA Swimming
780 Rules and Regulations, is intended to provide a uniform method of appeal from any decision, act or failure to act to which a
781 member of XXSI or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an
782 opportunity for a fair hearing before a group of independent and impartial people. This Article and Part Four of the Rules
783 shall be construed accordingly.

784 610.2 — ~~BOARD OF REVIEW ORGANIZATION~~

785 — 1 — ~~ESTABLISHMENT~~ The Board of Review of XXSI shall be independent and impartial.

786 — 2 — ~~MEMBERS~~ The Board of Review shall have *at least five (5) regular members and at least three (3) alternate*
787 *members*. The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members
788 to constitute at least twenty percent (20%) of its membership. The House of Delegates may increase the number of
789 *regular or alternate* members by resolution but subsequent to the adoption of these Bylaws may only decrease the
790 number of *regular or alternate* members upon the expiration of the term of office of any incumbent members.
791 When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a
792 sufficient number of athlete members so as to constitute at least twenty percent (20%) of the hearing panel. No
793 hearing shall proceed without the required athlete representation.
794

An LSC that anticipates its Board of Review will routinely and regularly conduct hearings by panels of three will be best served by a Board of Review of at least nine regular members and five alternate members. In all but the smallest of LSCs, a Board of Review of seven members and four alternates is recommended for LSCs that believe the more ideal nine and five is impractical or unnecessary. An LSC may increase the number of regular members, but may not decrease the number to fewer than five. The proportionality between members elected in odd and even numbered years shall be maintained. The alternates would be available to serve in the place of regular members who are unable or unwilling to serve in a particular case or when a regular member becomes incapacitated, dies or resigns. The LSC must determine the appropriate number of alternate members or, if alternate members are not to be used, omit the references to alternate members throughout this Article and elsewhere. An LSC may delete the second sentence and the two appearances of the phrase "at least" from the first sentence, if it desires that a change in number of members or alternate members will require a Bylaw amendment. The lower limits of five (5) regular and three (3) alternate members and the protection for incumbents would apply to any subsequent amendment to this provision.

795

796 3 — ELECTION; TERM OF OFFICE; ELIGIBILITY—

797
798 A. — Election The House of Delegates shall ~~||annually| or |biennially|~~ elect *regular and alternate* members of
799 the Board of Review: ~~Two regular and two alternate~~ members shall be elected in even numbered years
800 and ~~three regular and one alternate~~ members in odd numbered years.

The numbers to be elected and the provision for alternate members must correspond to the choices made in the preceding Section. This provision may be modified to accommodate staggered quadrennial terms of office: "Two shall be elected in the years of the Summer Olympics and three in the years of the Winter Olympics." If the office of alternate member is used, corresponding provision must be made for them. One year terms of office for the Board of Review are not permitted because such a short term is an undue reduction in the independence of the members of the Board of Review.

801 B. — Term of Office The term of office shall be ~~||two| or |four|~~ years. Each member ~~and alternate member~~
802 shall assume office ~~upon election~~¹ and shall serve until a successor is ~~chosen~~².

An LSC may designate the term of office to be either two or four years and the choice must correspond to that made in the preceding two Sections. ⁽¹⁾An LSC may vary this to provide that the members may assume their duties upon the start of the fiscal year of XXSI, a date corresponding to the competitive season or another convenient date specified herein. ⁽²⁾If a date is specified then "is chosen" should be deleted and replaced with "takes office".

803 C. — Eligibility Each *regular and alternate* member of the Board of Review shall be an Individual Member of
804 XXSI and USA Swimming. In no case shall elected members of the Board of Directors constitute a majority
805 of the Board of Review.

806 .4 — CHAIR ELECTED BY BOARD; OTHER OFFICERS The Chair of the Board of Review (the "Chair") who must be a regular
807 member, shall be elected ~~||annually| or |biennially|~~ by a majority vote of the *regular* members of the Board of
808 Review. The Chair shall ~~||annually| or |biennially|~~ appoint a Vice Chair and a Secretary of the Board of Review,
809 each of whom must be regular members. The Chair may appoint a Presiding Officer, who must be a regular
810 member of the Board, to preside over one or more pending cases.

811 .5 — MEETINGS The Board of Review shall meet for administrative purposes as necessary, to elect the Chair, to adopt
812 rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the
813 Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the Chair or any
814 three *regular* members. When meeting for administrative purposes, those provisions of Article 607 that are
815 specified in Section 607.20 shall apply to the Board of Review.

816 .6 — PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT Members of the Board of Review may participate in a
817 meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part, through
818 conference telephone or similar equipment by means of which all persons participating in the meeting can hear
819 each other at the same time. Participation by these means shall constitute presence in person at such a meeting or
820 hearing.

821 .7 — QUORUM A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its *regular*
822 members, including athlete members.

823 .8 — RESIGNATIONS Any *regular or alternate* member of the Board of Review may resign by orally advising the Chair or
824 by submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying an effective
825 date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the
826 appointment or election of a successor.

827 .9 — INCAPACITIES AND VACANCIES Determination of Vacancy or Incapacity In the event of a vacancy in the office of the
828 Chair, , a Presiding Officer of any panel or other members of the Board of Review, the LSC shall have in place
829 reasonable written and published rules consistent with the laws of the state of incorporation of the LSC to
830 determine when such membership on the Board of Review becomes vacant or a Chair, Presiding Officer or

831 member becomes incapacitated. The determination as to when the Chair is temporarily incapacitated shall be
832 made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board of
833 Review, subject to any subsequent action of the House of Delegates.

834 ~~.10~~ ~~SUBSTITUTIONS FOR MEMBERS~~ In the event that a member of the Board of Review or a Presiding Officer is unable
835 or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular
836 circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the
837 Vice Chair, or failing that, the General Chair) shall appoint another *regular* member or *one of the alternate*
838 *members* or, if none of the *alternate or regular* members is available, a disinterested Individual Member to act in
839 the member's place and stead in respect of that circumstance.

840 ~~.11~~ ~~ADVICE; ATTORNEY AS PRESIDING OFFICER~~

841 A. ~~Legal and Other Advice~~ Where appropriate or helpful, the Chair or Presiding Officer may consult the USA
842 Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the
843 Bylaws Subcommittee or an attorney (who need not be a member of XXSI, USA Swimming or the Board of
844 Review) retained by the Board of Review or the Chair regarding any issue raised by a proceeding.

845 B. ~~Attorney as Presiding Officer~~ The Board of Review or the Chair may retain an attorney (who need not be a
846 member of XXSI, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where
847 it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may not participate in
848 the deliberations of the Board of Review or the designated panel or have a vote.

849 C. ~~Attorney's Fees and Expenses~~ Prior to retaining an attorney on any basis requiring the payment of fees to
850 the attorney (the payment of expenses to an attorney providing services at no charge (*pro bono publico*)
851 shall not be considered as a payment of fees for this purpose), the Chair or the Presiding Officer shall
852 consult with the General Chair and the USA Swimming General Counsel. The Treasurer is authorized and
853 directed to pay any fee and expenses charged by the attorney and approved by the Chair.

854 ~~610.3~~ ~~GENERAL~~

855 ~~1~~ ~~ADMINISTRATIVE POWERS~~ The Board of Review shall have the powers and the duty to:

856 A. ~~administer and conduct the affairs and achieve the purposes of the Board of Review,~~

857 B. ~~establish policies, procedures and guidelines,~~

858 C. ~~elect the Chair,~~

859 D. ~~elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for~~
860 ~~terms, and to have the powers and duties, specified,~~

861 E. ~~call regular or special meetings of the Board of Review,~~

862 F. ~~retain attorneys, agents and independent contractors and employ those persons which the Board of Review~~
863 ~~may determine are appropriate, necessary or helpful in the administration and conduct of its affairs (see~~
864 ~~Section 610.2.11C) and~~

865 G. ~~take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of~~
866 ~~its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.~~

867 ~~.2~~ ~~RULE MAKING POWERS~~ The Board of Review shall have the power and the duty to promulgate reasonable rules
868 and procedures consistent with the corporation laws of the LSC with respect to any matter within its jurisdiction or
869 appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules and procedures shall
870 have the same force and effect as if they had been adopted as part of these Bylaws.

871 ~~.3 EXERCISE OF POWERS AND DECISIONS~~ Except for authority and power granted to the Chair or the Presiding Officer,
872 the exercise of the authority and powers of the Board of Review and the decision of matters which are the subject
873 of a hearing shall be decided by a majority vote of the panel, the rehearing panel or the *regular* membership of the
874 Board of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the
875 dissenters. The exercise of the Board of Review's authority and power shall lie solely in its discretion and the
876 interests of justice and the sport of swimming. However, the Board of Review shall exercise its power in response
877 to a timely Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the Chair or
878 Presiding Officer to dismiss a Petition with permission to refile for a stated period. In connection with any
879 preliminary investigation, the Chair or Presiding Officer may offer the services of a Board of Review member to act
880 as a mediator or similar positions under other alternative dispute resolution mechanisms.

881 ~~.4 TIMELINESS OF PETITION~~ The Board of Review need not exercise its jurisdiction with respect to a Petition the
882 subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days
883 prior to the date the Petition is received (as determined under Article 406.1 of the USA Swimming Rules and
884 Regulations). A determination not to exercise its jurisdiction as a result of the untimeliness of a Petition may be
885 made by the Chair alone and may be the subject of a request for rehearing and, thereafter, appeal to the National
886 Board of Review pursuant to Article 408 of the USA Swimming Rules and Regulations.

887 ~~.5 FILING FEES~~ The Board of Directors or the House of Delegates may impose a schedule of generally applicable
888 fees to be collected at the time a Petition, Request for a Rehearing or Request for Formal Hearing following an
889 Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon written request, the Board of
890 Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a
891 case by case basis.

892

893

R-16	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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894 Location: Page 101 - 402.2 National Board of Review
895 Page 124 - 506.1 Committees and Coordinators
896 Page 129 - 506.12 National Board of Review Committee (new)

897 Proposed by: President's Board of Review Task Force and the Board of Directors

898 Purpose: To allow for a permanent committee from which National Board of Review hearing panels would be selected,
899 as well as the position of Vice Chair(s) of the NBOR.

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

901 Effective Date: Immediately

902 **402.2 NATIONAL BOARD OF REVIEW** – The Chair and one or more Vice Chair(s) of the National Board of Review shall be
903 appointed by the President, with the advice of the General Counsel, and confirmed by the Executive Committee. The term of the
904 Chair and Vice Chair(s) shall be two years with ~~no a limit of five (5) full terms on the number of terms the Chair each~~ may serve.
905 Each case submitted to the National Board of Review shall be assigned by the Chair of the National Board of Review to a panel
906 consisting of members of the National Board of Review Committee, unless conflicts or other reasons require panel members who
907 are not members of such Committee. Each hearing panel shall consist of no less than three (3) members and no more than five
908 (5) members, one of whom shall be an athlete member, to hear and decide the case. The appointment of ~~the any members to a~~
909 hearing panel who is not a member of the National Board of Review Committee of each Board of Review panel hearing a case
910 shall be confirmed by the President and the General Counsel.

911 **506.1 Committees and Coordinators**
912 *[1-9 no changes]*

913 .10 The following shall be responsible to the Secretary: Chairman, National Board of Review Committee.

914
915 **506.12 NATIONAL BOARD OF REVIEW COMMITTEE**

916 .1 Membership: The National Board of Review Committee shall consist of such number of members as the President may deem

917 appropriate from time to time; such members shall be appointed by the President, with the advice of the Secretary and
918 General Counsel, who shall serve as an ex-officio member with voice but no vote. At least twenty percent (20%) of the
919 voting membership of the National Board of Review Committee shall be athlete members. The Chair and Vice Chair(s) of
920 the National Board of Review shall serve as the Chair and Vice Chair(s), respectively, of the National Board of Review
921 Committee.

922 .2 The term of the Chair, Vice Chair(s) and other members of the National Board of Review Committee shall be two years with
923 a limit of five (5) full terms each may serve.

924 .3 The National Board of Review Committee shall provide trained and experienced panel members to hear and resolve matters,
925 questions and disputes involving USA Swimming, the Local Swimming Committees, and/or the membership, in accordance
926 with Part Four of the Rules and Regulations, as well as set operating policy and procedures for the National Board of
927 Review.

928

R-17	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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929 **Location:** Page 66 – 204.9 Sectional Championships
930 Page 119 - 503.1 Officers
931 Page 120 - 503.6 Term of Office
932 Page 124 - 506.1 Committees and Coordinators
933 Page 126 - 506.3 Olympic International Operations Committee
934 Page 130 - 507.2 Meetings
935 Page 131 - 508.2 General Financial Procedures
936 Page 132 - 509.4 Suspension of LSC Voting
937 Page 133 - 511.2 Amendments Proposed
938 Page 145 - 604.3 Formation of a New LSC
939 Page 146 - 605.4 Change in Zone Alignment

940 **Proposed by:** Governance Committee

941 **Purpose:** 1. As USA Swimming has matured as an organization, the nature of its governance meetings has
942 changed. Meetings of the House of Delegates have become shorter and routine. As a result, meetings
943 of the House of Delegates need not be held each year. This legislation provides for an every-other-year
944 meeting of the House of Delegates in even numbered years.

2. At the same time, an annual gathering of 500+ swimming representatives – providing for an increased
945 sense of community, an opportunity to share ideas, and a chance learn together in workshops and other
946 educational sessions – is clearly one of our strengths. Continuing and expanding educational, training,
947 team building, and certification opportunities in odd numbered years, while not needing legislation, is an
948 integral part of this recommendation. The vision here is to expand on what is currently offered, both in
949 terms of numbers and types of sessions, but also in terms of the targeted audience, expanding beyond
950 just those interested in attending business meetings.
951

952 **Recommendation:** *The Rules and Regulations Committee recommends rejection because no compelling reasons for change*
953 *are provided, yet there are things that will be lost under a new system, such as annual approval of the budget*
954 *by the House of Delegates, timely handling of rule changes, ability of members to speak at the House of*
955 *Delegates, and problems in the LSCS regarding determination of funding in odd-years.*

956 **Effective Date:** January 1, 2015

957 204.9 SECTIONAL CHAMPIONSHIPS

958 .3 USA Swimming shall provide a bid form, financial and operating agreements and all other documents related to the
959 responsibilities of the meet host and conduct of the event. Each Section shall notify the Zone Directors of bid winners for the
960 following year's meets by the close of the ~~annual meeting~~ convention of USA Swimming's ~~House of Delegates~~.

961 503.1 OFFICERS — All USA Swimming officers, except the Secretary and the Athletes Vice President, shall be elected by the

962 House of Delegates at ~~annual~~ meetings held in even-numbered years.

963
964 **503.6 TERM OF OFFICE** — The elected officers shall hold office for two years or until their successors are elected and qualified.
965 Their term of office shall commence at the close of the ~~annual~~ meeting of the House of Delegates at which they are elected. *[No*
966 *further change to paragraph]*

967
968 **506.1 COMMITTEES AND COORDINATORS**

969 .1 Standing committees of USA Swimming shall be as listed in this Article.

970 .2 Except for those individuals who qualify for their positions under some other provision of Article 506:

971 A Non-athlete committee members shall serve four year terms.

972 B Non-athlete committee members' terms shall be staggered so that one-fourth of all non-athlete members are appointed
973 each year by the President following the annual ~~meeting of the Corporation~~ convention.

974 .3 Unless otherwise specified in these Bylaws, the President shall appoint all committee chairmen for one year terms.

975
976 **506.3 OLYMPIC INTERNATIONAL OPERATIONS COMMITTEE**

977 .1 The Olympic International Operations Committee shall be formed at the ~~annual~~ meeting of the House of Delegates in the
978 year ~~preceding of~~ the Olympic Games and the terms of the newly elected members shall commence on the day following
979 ~~the that meeting, conclusion of the Olympic Games and end the last day of the next Olympic Games.~~

980 .2 *[no change]*

981 .3 Organizations entitled to appoint members to the Committee shall submit the names of their appointees in writing to the
982 national office at least thirty (30) days prior to the first official meeting of the quadrennium at the ~~annual~~ meeting of the
983 House of Delegates...*[no further change]*

984
985 *Governance Committee Note: In addition to the Olympic International Operations Committee, there are several committees*
986 *described in the By-Laws. Those sections are NOT shown here as there is no change to the manner in which appointments are*
987 *made. In addition, for all standing committees not listed in these By-Laws, the Policy Manual should be reviewed by the Board of*
988 *Directors to determine if any changes should be made.*

989
990 **507.2 MEETINGS**

991 .1 The ~~annual~~ biennial meeting of the House of Delegates shall be held in even-numbered years, at any date, time, and place,
992 as may be fixed in the notice of such meeting.

993
994 **508.2 GENERAL FINANCIAL PROCEDURES** — The Treasurer shall supervise the preparation of the USA Swimming annual
995 budget by the Executive Director and staff and shall be responsible for presenting such budgets to the Board of Directors for
996 approval each year and to the House of Delegates for ~~adoption at the USA Swimming annual meeting~~ approval in even
997 numbered years. The Treasurer shall prepare a ~~annual~~ financial report to be presented to the House of Delegates ~~at the annual~~
998 ~~meeting~~.

999
1000 **509.4 SUSPENSION OF LSC VOTING** — Should an LSC not be current, including extensions, with its financial reporting
1001 requirements to USA Swimming as of 45 days prior to the ~~annual~~ meeting of the USA Swimming House of Delegates...*[no*
1002 *further change]*

1003
1004 **511.2 AMENDMENTS PROPOSED**

1005 .3 **Last Date for Proposal** — Every proposed amendment shall be submitted to the chairman of the Rules & Regulations
1006 Committee no later than the May 15 preceding ~~the an annual~~ meeting of the USA Swimming House of Delegates.

1007
1008 **604.3 FORMATION OF A NEW LSC**

1009 .2 The USA Swimming Rules and Regulations Committee shall make a recommendation to the USA Swimming House of
1010 Delegates at the next ~~annual~~ meeting for its approval or disapproval.

1011
1012 **605.4 CHANGE IN ZONE ALIGNMENT** — If an LSC by a two-thirds (2/3) vote of the members present at a meeting of the LSC
1013 House of Delegates approves a change moving the LSC from one Zone to another, and if both Zones approve of the change by

1014 majority vote of the LSCs in each Zone, that change shall become effective at the close of the next USA Swimming annual
1015 meeting at which the USA Swimming House of Delegates shall approve the change.

1016

R-18	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1017 **Location:** Page 129 - 507.1 Organization

1018 **Proposed by:** Governance Committee

1019 **Purpose:** 1. The first part of this legislation alters how LSC delegates are selected to the USA Swimming House of
1020 Delegates. The intent is not to significantly change current practice, where most smaller LSCs do not
1021 send a full complement of delegates and larger LSCs obtain additional delegates through committee
1022 selection and additional appointments, but to provide an objective means, based on numbers of
1023 registered athletes, for LSC delegates to be apportioned.

1024 2. The second part of this legislation provides for direct selection of a limited number of delegates
1025 (anticipated to be between 30 and 35) by clubs. The criterion is objective (using the Club Excellence
1026 program results) and age group based (as the Club Excellence program uses only the results of athletes
1027 18 and under in its tabulations). Representation in our House of Delegates is provided through a wide
1028 range of means – LSC selection, athlete selection, international position, House of Delegates election,
1029 committee assignment, result of group membership, and presidential appointment. Yet, the very places
1030 where coaches and athletes work together on a daily basis to produce the performances of which we
1031 are justifiably proud – from 10 & under standards to state champions to national age group rankings to
1032 national champions to Olympic medalists – do not currently have a direct means of representation.

1033 **Recommendation:** *The Rules and Regulations Committee recommends rejection because no compelling reasons for change*
1034 *are cited. There are concerns that giving clubs votes is contrary to representative government, that all LSCs*
1035 *will be forced to develop new provisions to their Bylaws in a short period of time, and that the omission of the*
1036 *Age Group and Senior Chairs and/or Coach Representative as delegates would not be in the best interest of*
1037 *the organization. No evidence has been presented here that failure of any LSC to send a full complement of*
1038 *delegates to convention has created problems for the House of Delegates.*

1039 **Effective Date:** January 1, 2014

1040 507.1 ORGANIZATION

1041
1042 ~~3. The following from each LSC shall be members of the USA Swimming House of Delegates: the chairman of its~~
1043 ~~Administrative, Senior, and Age Group divisions; the athletes' representative to the LSC; the coaches' representative to the~~
1044 ~~LSC; and its General Chair. Each LSC will be permitted to name the following members of the USA Swimming House of~~
1045 ~~Delegates: the General Chair, the athlete representative and two (2) At-Large members selected according to LSC rules.~~
1046 ~~For every additional 3,000 year-round athlete members beyond 2,000 year-round athlete members, each LSC will be~~
1047 ~~permitted to name one (1) additional at-large member, up to a maximum of 5 additional members. Each LSC with the~~
1048 ~~maximum of 5 additional members must appoint at least one (1) athlete from those additional members. The number of~~
1049 ~~registered athletes will be as of August 31 of the prior calendar year. An alternate for each of the delegates may also be~~
1050 ~~elected. Information that may be of assistance to the House of Delegates at its next meeting shall be provided in a~~
1051 ~~conspicuous place on the website.~~

1052
1053 .7 The President shall be empowered to appoint up to ten percent (10%) of the total membership as members of the House of
1054 Delegates. ~~One fourth (1/4) of all those appointed shall be appointed in equal numbers from members, other than athletes,~~
1055 ~~of the five (5) LSCs having the largest number of registered athletes as of August 31 of the prior calendar year.~~

1057 *Governance Committee Note: The changes proposed in .3 above provide for larger LSCs receiving more votes, rendering*
1058 *unnecessary the prior requirement that one fourth of the Presidential appointments come from the 5 largest LSCs. It should also*
1059 *be noted that .2 (not shown here) which provides for athlete representation includes a provision to ensure for 20% athlete*
1060 *representation.*

1061
1062 .9 In each LSC, the single highest ranking club as determined by the Club Excellence Awards shall be permitted to name a
1063 member of the House of Delegates, provided the club has been named a Gold or Silver Medal club. If no club in an LSC
1064 has achieved Gold or Silver status, this provision shall not apply.

1065

R-19	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1066 **Location:** Page 139 - 602.1 LSC Bylaws
1067 **Required LSC Bylaws - Introduction**

1068 **Proposed by:** LSC Development Committee

1069 **Purpose:** LSCs are required to submit a current copy of their bylaws to USA Swimming within 60 days of amendment:
1070 As we know, amendments occur at the annual HOD (convention) on a regular basis. Many, if not most,
1071 LSCs do not submit their governing document on the same regular basis, as required. The current LSC
1072 Required By-laws template was introduced in the mid-1990's, before electronic communication was the
1073 industry standard. At the time, an LSC printed a current copy of their bylaws and placed it in an envelope
1074 addressed to One Olympic Plaza. This is no longer the case. Electronic communication is the preferred
1075 method of transmission, but we have no reception point.

1076 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

1077 602.1 USA Swimming House of Delegates has approved and amended Required LSC Bylaws, which each LSC, within the
1078 flexibility granted in the Required LSC Bylaws, is required to adopt. USA Swimming House of Delegates shall retain the
1079 authority over these Required LSC Bylaws, including the right to amend in accordance with Article 511 of USA Swimming
1080 Rules and Regulations. Amendments to the Required LSC Bylaws by the USA Swimming House of Delegates are given
1081 automatic effect as of the effective date of legislation with respect to an LSC's Bylaws. LSCs are required to update their
1082 bylaws and send a copy to bylaws@usaswimming.org within 60 days of the effective date of any changes to the Required
1083 LSC Bylaws adopted by the USA Swimming HOD or the LSC HOD.

1084
1085

REQUIRED LSC BYLAWS

1086 (AS EACH LSC IS REQUIRED TO ADOPT PURSUANT TO ARTICLE 602 OF USA SWIMMING RULES AND REGULATIONS)

1087

1088 [no changes until the last paragraph]

1089
1090 If amendments to the Bylaws are adopted by an LSC or if amendments to Required LSC Bylaws by the USA Swimming House of
1091 Delegates are given automatic effect with respect to an LSC's Bylaws, the amendments shall be published within sixty (60) days
1092 and made available to all members of the LSC with a copy being sent to USA Swimming at bylaws@usaswimming.org.

1093

1094	R-20	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1095 **Location:** Required LSC Bylaws 604.8.1

1096 **Proposed by:** Rules and Regulations Committee

1097 **Purpose:** To prohibit the General Chair from serving on the Nominating Committee for the LSC House of Delegates.

1098 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1099 **Effective Date:** January 1, 2014

1100 **604.8 Nominating Committee**

1101 .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall comprise not fewer than five (5)
1102 Individual Members. The Nominating Committee members shall be elected biennially by the House of Delegates and will
1103 serve until their successors are elected. If the House of Delegates does not act in a timely fashion the Board of Directors

1104 shall elect a Nominating Committee to serve until their successors are elected. A number greater than five (5) may be
1105 designated from time to time by either the House of Delegates or the Board of Directors. Each Nominating Committee
1106 member shall be a member of the House of Delegates and no more than two (two-fifths if there are more than five (5)
1107 members of the Nominating Committee) shall be Board Members or Executive Committee members. Section 606.3 shall
1108 apply to members of the Nominating Committee but service as the immediate past General Chair shall not be counted for
1109 that purpose. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its
1110 affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until
1111 the next meeting of the House of Delegates. In no case shall the General Chair serve on the Nominating Committee.

1112
1113

R-21	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1114 Location: Required LSC Bylaws 610.2.3
1115 Proposed by: Rules and Regulations Committee
1116 Purpose: To prohibit the General Chair from serving on the LSC Board of Review.
1117 Recommendation: *The Rules and Regulations Committee recommends approval.*
1118 Effective Date: Immediately.

1119 **610.2 Board of Review Organization**

1120 **.3 Election; Term of Office; Eligibility**

1121 *[A & B – No changes]*

1122 C. Eligibility- Each member of the Board of Review shall be an Individual Member of XXSI and USA Swimming. In no case
1123 shall the General Chair ~~shall~~ serve on the Board of Review or ~~shall~~ elected members of the Board of Directors constitute a
1124 majority of the Board of Review.

1125

R-22	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
This item will be considered only if R-15 is adopted.							

1126 Location: Required LSC Bylaws Article 610
1127 Proposed by: Rules and Regulations Committee
1128 Purpose: If R-15 is passed, this would replace Article 610 of the Required LSC Bylaws and allow an LSC to have a
1129 hearing body to deal with LSC administrative matters such as the enforcement of or appeals from the
1130 assessment of meet fines, bad checks, etc. This article would be optional for LSCs and will be in italics when
1131 incorporated into the Required LSC Bylaws template.

1132 Recommendation: *The Rules and Regulations Committee has not yet reviewed this item.*

1133 Effective Date: January 1, 2015
1134

<p><i>COMMENTARY NOTE: Each LSC may 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 610 numbering and note: "[Intentionally Deleted.]" where the Article title would otherwise be.</i></p>

1135
1136
1137 **ARTICLE 610**
1138 **ADMINISTRATIVE REVIEW BOARD**
1139

1140 610.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the

1141 Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws.
1142 These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all
1143 disputes involving any of its members. This Article, together with Section 602.2 and Part Four of the USA Swimming
1144 Rules and Regulations, are intended to provide a mechanism for resolving in an orderly and fair way all manner and kinds
1145 of disputes that may arise among its members in connection with the sport of swimming. Accordingly, XXSI has
1146 established the Administrative Review Board to hear complaints and appeals regarding administrative matters within the
1147 LSC. The Administrative Review Board shall have no jurisdiction to hear complaints regarding conduct that may violate the
1148 USA Swimming Code of Conduct or otherwise violate the policies, procedures, rules and regulations adopted by USA
1149 Swimming, or conduct that may bring USA Swimming, XXSI or the sport of swimming into disrepute. This Article, together
1150 with Part Four of the USA Swimming Rules and Regulations, is intended to provide a fair hearing before a group of
1151 independent and impartial people. This Article and Part Four of the Rules shall be construed accordingly.
1152

1153 610.2 ADMINISTRATIVE REVIEW BOARD ORGANIZATION -

1154

1155 .1 ESTABLISHMENT - The Administrative Review Board of XXSI shall be independent and impartial.
1156

1157 .2 MEMBERS - The Administrative Review Board shall have at least three (3) regular members, at least one of whom
1158 shall be an athlete member, and at least one alternate member. At least three members of the Administrative
1159 Review Board shall hear each case, with a sufficient number of athlete members to constitute at least twenty
1160 percent (20%) of its membership. No hearing shall proceed without the required athlete representation. The House
1161 of Delegates may increase the number of regular or alternate members by resolution but subsequent to the
1162 adoption of these Bylaws may only decrease the number of regular or alternate members upon the expiration of
1163 the term of office of any incumbent members.
1164

1165 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -
1166

1167 A. Election - The House of Delegates shall biennially elect regular and alternate members of the
1168 Administrative Review Board:

1169 B. Term of Office - The term of office shall be two (2) years. Each member and alternate member shall
1170 assume office upon election and shall serve until a successor takes office.
1171

1172 C. Eligibility - Each regular and alternate member of the Administrative Review Board shall be an Individual
1173 Member of XXSI and USA Swimming. In no case shall elected members of the Board of Directors serve on
1174 the Administrative Review Board.
1175

1176 .4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Administrative Review Board (the "Chair") who must
1177 be a regular member, shall be elected biennially by a majority vote of the regular members of the Administrative
1178 Review Board. The Chair shall biennially appoint a Vice Chair and a Secretary of the Administrative Review
1179 Board, each of whom must be regular members.
1180

1181 .5 MEETINGS - The Administrative Review Board shall meet for administrative purposes as necessary, to elect the
1182 Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the
1183 purposes of the Administrative Review Board and efficiently exercise its duties and powers. Other meetings may
1184 be called by the Chair or any two regular members. When meeting for administrative purposes, those provisions
1185 of Article 607 that are specified in Section 607.20 shall apply to the Administrative Review Board.
1186

1187 .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Administrative Review Board may
1188 participate in a meeting or hearing of the Administrative Review Board, and any hearing may be conducted, in
1189 whole or in part, through conference telephone or similar equipment by means of which all persons participating in
1190 the meeting can hear each other at the same time. Participation by these means shall constitute presence in
1191 person at such a meeting or hearing.
1192

1193 .7 QUORUM - A quorum for any administrative meeting of the Administrative Review Board shall be fifty percent (50%)
1194

- 1195 of its regular members.
- 1196
- 1197 .8 RESIGNATIONS - Any regular or alternate member of the Administrative Review Board may resign by orally advising
- 1198 the Chair or by submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying
- 1199 an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take
- 1200 effect upon the appointment or election of a successor.
- 1201
- 1202 .9 INCAPACITIES AND VACANCIES - Determination of Vacancy or Incapacity - In the event of a vacancy in the office of
- 1203 the Chair, or other members of the Administrative Review Board, the LSC shall have in place reasonable written
- 1204 and published rules consistent with the laws of the state of incorporation of the LSC to determine when such
- 1205 membership on the Administrative Review Board becomes vacant or a Chair or member becomes
- 1206 incapacitated. The determination as to when the Chair is temporarily incapacitated shall be made, where the
- 1207 circumstances permit, by the Chair and otherwise shall be within the discretion of the Administrative Review
- 1208 Board, subject to any subsequent action of the Board of Directors.
- 1209
- 1210 .10 SUBSTITUTIONS FOR MEMBER - In the event that a regular member of the Administrative Review Board is unable or
- 1211 unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance,
- 1212 the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice Chair; or
- 1213 failing that, the General Chair) shall appoint the alternate member or, if the alternate member is not available, a
- 1214 disinterested Individual Member to act in the regular member's place and stead in respect of that circumstance.
- 1215
- 1216 .11 LEGAL ADVICE - Where appropriate or helpful, the Chair may consult the USA Swimming General Counsel, the
- 1217 Chair of the USA Swimming Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who
- 1218 need not be a member of XXSI, USA Swimming or the Administrative Review Board) retained by the
- 1219 Administrative Review Board or the Chair regarding any issue raised by a proceeding.
- 1220
- 1221 610.3 GENERAL -
- 1222
- 1223 .1 ADMINISTRATIVE POWERS - The Administrative Review Board shall have the powers and the duty to:
- 1224
- 1225 A. administer and conduct the affairs and achieve the purposes of the Administrative Review Board,
- 1226 B. establish policies, procedures and guidelines,
- 1227 C. elect the Chair,
- 1228 D. call regular or special meetings of the Administrative Review Board,
- 1229 E. retain attorneys, agents and independent contractors and employ those persons which the Administrative
- 1230 Review Board may determine are appropriate, necessary or helpful in the administration and conduct of its
- 1231 affairs, and
- 1232 F. take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of
- 1233 its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- 1234
- 1235 .2 RULE MAKING POWERS - The Administrative Review Board shall have the power and the duty to promulgate
- 1236 reasonable rules and procedures consistent with the corporation laws of the LSC with respect to any matter within
- 1237 its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules and
- 1238 procedures shall have the same force and effect as if they had been adopted as part of these Bylaws.
- 1239
- 1240 .3 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair, the exercise of the
- 1241 authority and powers of the Administrative Review Board and the decision of matters which are the subject of a
- 1242 hearing shall be decided by a majority vote of the Administrative Review Board. The views of any dissenters shall
- 1243 be included in the record of the proceeding if requested by the dissenters. The exercise of the Administrative
- 1244 Review Board's authority and power shall lie solely in its discretion and the interests of justice and the sport of
- 1245 swimming.
- 1246
- 1247 .4 TIMELINESS OF PETITION - The Administrative Review Board need not exercise its jurisdiction with respect to a
- 1248 complaint the subject matter of which occurred, or concerns or is founded on events which occurred, more than

1249 ninety (90) days prior to the date the complaint is received. A determination not to exercise its jurisdiction as a
1250 result of the untimeliness of a complaint may be made by the Chair alone and may be the subject of a request for
1251 rehearing and, thereafter, appeal to the Zone Board of Review pursuant to Part Four of the USA Swimming Rules
1252 and Regulations.

1253

R-23	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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This item will be considered only if R-15 is adopted.

1254 Location: Required Zone Board of Review Procedures (new)

1255 Proposed by: Board of Review Task Force

1256 Purpose: If R-15 is adopted, to provide applicable procedures for the Zone Boards of Review.

1257 Recommendation: *The Rules & Regulations Committee recommends approval.*

1258 Effective Date: January 1, 2015

1259 REQUIRED ZONE BOARD OF REVIEW PROCEDURES
1260 [Insert Zone Name] ZONE BOARD OF REVIEW PROCEDURES

1261 1. INTRODUCTION - USA Swimming, Inc. ("USA Swimming") was organized as the National Governing Body for the
1262 sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur
1263 Sports Act of 1998, both federal laws. These laws require USA Swimming to establish and maintain provisions for the
1264 swift and equitable resolution of all disputes involving any of its members. These Procedures, together with Section
1265 602.2 of the Required LSC Bylaws, and the USA Swimming Rules and Regulations, are intended to provide a clear
1266 statement of member responsibilities, liabilities for infractions thereof and a mechanism for resolving in an orderly and
1267 fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming.
1268 Accordingly, USA Swimming requires each Zone to establish a Zone Board of Review to hear complaints, protests and
1269 appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the
1270 Zone, conduct that may violate the USA Swimming Code of Conduct or otherwise violate the policies, procedures, rules
1271 and regulations adopted by USA Swimming or the Zone, or conduct that may bring USA Swimming, the Zone, the
1272 respective LSC or the sport of swimming into disrepute. These Procedures, together with Part Four of the USA
1273 Swimming Rules and Regulations, are intended to provide a uniform method of appeal from any decision, act or failure
1274 to act to which a member of the Zone or, where the conduct occurred in the Zone, another Zone (or LSC within another
1275 Zone) takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial
1276 people. These Procedures and Part Four of the Rules shall be construed accordingly.

1277 2. BOARD OF REVIEW ORGANIZATION-

1278 .1 ESTABLISHMENT - The Zone Board of Review of the Zone shall be independent and impartial.

1279 .2 MEMBERS - The Zone Board of Review shall have at least twenty-five (25) regular members comprised of at least
1280 (2) members from each LSC within the Zone. The Zone Board of Review, and any panel hearing a case, shall
1281 have a sufficient number of athlete members to constitute at least twenty percent (20%) of its membership. The
1282 Zone may increase the number of Zone Board of Review members by resolution but may only decrease the
1283 number of members upon the expiration of the term of office of any incumbent members. No hearing shall
1284 proceed without the required athlete representation.

1285 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -

1286 A. Election - At its annual meeting each year, the Zone shall elect the number of members of the Zone Board of
1287 Review required by Section 2.3B below.

1288 B. Term of Office- The term of office for Zone Board of Review members shall be three (3) years. Terms shall
1289 be staggered so that approximately one-third (1/3) of the membership on the Zone Board of Review shall
1290 expire each year. Each member shall assume office immediately upon election and shall serve until a
1291 successor takes office.

- 1292 C. Eligibility- Each member of the Zone Board of Review shall be an Individual Member of the Zone and USA
1293 Swimming. In no case shall a Zone Director serve on the Zone Board of Review.
- 1294 .4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Zone Board of Review (the "Chair") who must be a
1295 regular member, shall be elected biennially by a majority vote of the members of the Zone Board of Review. The
1296 Chair shall biennially appoint a Vice Chair and a Secretary of the Zone Board of Review, each of whom must be
1297 regular members.
- 1298 .5 MEETINGS - The Zone Board of Review shall meet for administrative purposes at least once biennially, to elect the
1299 Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the
1300 purposes of the Zone Board of Review and efficiently exercise its duties and powers. Other meetings may be
1301 called by the Chair or any three (3) regular members. When meeting for administrative purposes, those
1302 provisions that are specified in Section 607.18 of the Required LSC Bylaws shall apply to the Zone Board of
1303 Review.
- 1304 .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Zone Board of Review may participate in
1305 a meeting or hearing of the Zone Board of Review, and any hearing may be conducted, in whole or in part,
1306 through conference telephone, video conferencing or similar equipment by means of which all persons
1307 participating in the meeting can hear each other at the same time. Participation by these means shall constitute
1308 presence in person at such a meeting or hearing.
- 1309 .7 QUORUM- A quorum for any administrative meeting of the Zone Board of Review shall be fifty percent (50%) of its
1310 regular members, including athlete members.
- 1311 .8 RESIGNATIONS - Any member of the Zone Board of Review may resign by orally advising the Chair or by
1312 submitting a written resignation to the Chair, the Zone Directors or the Zone Secretary specifying an effective date
1313 of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the
1314 appointment or election of a successor.
- 1315 .9 INCAPACITIES AND VACANCIES- Determination of Vacancy or Incapacity -
- 1316 A. Office of Chair - In the event of a vacancy in the office of the Chair, or of the Chair's temporary or permanent
1317 incapacity, the Vice Chair shall become the Acting Chair until an election can be held at a meeting of the
1318 Zone Board of Review to fill the remaining term, if any, of the former Chair, or until the Chair ceases to suffer
1319 from any temporary incapacity. If the Chair is going to be absent from the Zone, the Chair may, but is not
1320 obligated to, designate the Vice Chair as Acting Chair for the duration of the absence.
- 1321 B. Presiding Officer - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the
1322 Chair shall appoint another member of the Zone Board of Review or an attorney to serve until the completion
1323 of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no
1324 impact on those pending hearings other than delay for the benefit of the new Presiding Officer. The Chair or
1325 the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the
1326 sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the Chair shall have
1327 discretion regarding appointment of a new Presiding Officer, a delay of the hearing or such other order as
1328 may serve the interests of fairness, justice and the sport of swimming.
- 1329 C. Other Members - In the event of a death, resignation or permanent incapacity of a member of the Zone
1330 Board of Review, the Zone Directors shall appoint an Individual Member, with the advice and consent of the
1331 Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the
1332 House of Delegates. In the event of a temporary incapacity, the Chair shall designate another member to act
1333 for the incapacitated member for the duration of the incapacity. If there are no members available to serve,
1334 the General Chair, with the advice and consent of the Board of Directors, shall appoint one or more Individual
1335 Members to serve as alternate members to serve until the next regularly scheduled meeting of the House of
1336 Delegates.
- 1337 D. Determination of Vacancy or Incapacity - The determination of when a position on the Zone Board of Review
1338 becomes vacant or a member becomes incapacitated shall be within the discretion of the Zone Board of
1339 Review. The determination as to when the Chair is temporarily incapacitated shall be made, where the
1340 circumstances permit, by the Chair and otherwise shall be within the discretion of the Zone Board of Review.

- 1341 .10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Zone Board of Review or a Presiding Officer is
1342 unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular
1343 circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the
1344 Vice Chair; or failing that, the Zone Directors shall appoint another member or, if none of the other members is
1345 available, a disinterested Individual Member to act in the member's place and stead in respect of that
1346 circumstance.
- 1347 .11 ADVICE; ATTORNEY AS PRESIDING OFFICER -
- 1348 A. Legal and Other Advice - Where appropriate or helpful, the Chair or Presiding Officer may consult the USA
1349 Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the Bylaws
1350 Subcommittee or an attorney (who need not be a member of the Zone, USA Swimming or the Zone Board of
1351 Review) retained by the Zone Board of Review or the Chair regarding any issue raised by a proceeding.
- 1352 B. Attorney as Presiding Officer - The Zone Board of Review or the Chair may retain an attorney (who need not
1353 be a member of the Zone, USA Swimming or the Zone Board of Review) to act as Presiding Officer at any
1354 hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may not
1355 participate in the deliberations of the Zone Board of Review or have a vote.
- 1356 C. Attorney's Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees to
1357 the attorney (the payment of expenses to an attorney providing services at no charge (*pro bono publico*) shall
1358 not be considered as a payment of fees for this purpose), the Chair or the Presiding Officer shall consult with
1359 the Zone Directors and the USA Swimming General Counsel. The Zone Secretary is authorized and directed
1360 to pay any fee and expenses charged by the attorney and approved by the Chair.
- 1361 -.3. GENERAL -
- 1362 .1 ADMINISTRATIVE POWERS - The Zone Board of Review shall have the powers and the duty to:
- 1363 A. administer and conduct the affairs and achieve the purposes of the Zone Board of Review,
- 1364 B. establish policies, procedures and guidelines,
- 1365 C. elect the Chair in accordance with Section 2.4,
- 1366 D. elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for
1367 terms, and to have the powers and duties, specified,
- 1368 E. call regular or special meetings of the Zone Board of Review,
- 1369 F. retain attorneys, agents and independent contractors and employ those persons which the Zone Board of
1370 Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs,
1371 and
- 1372 G. take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of
1373 its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- 1374 .2 RULE MAKING POWERS - The Zone Board of Review shall have the power and the duty to promulgate reasonable
1375 rules and procedures, consistent with the Corporation laws applicable to the Zone or of the respective LSC(s),
1376 with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and
1377 conduct of its affairs.
- 1378 .3 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair or the Presiding Officer,
1379 the exercise of the authority and powers of the Zone Board of Review and the decision of matters which are the
1380 subject of a hearing shall be decided by a majority vote of the panel or the regular membership of the Zone Board
1381 of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the
1382 dissenters. The exercise of the Zone Board of Review's authority and power shall lie solely in its discretion and
1383 the interests of justice and the sport of swimming. However, the Zone Board of Review shall exercise its power in
1384 response to a timely Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the
1385 Chair or Presiding Officer to dismiss a Petition with permission to refile for a stated period. In connection with any
1386 preliminary investigation, the Chair or Presiding Officer may offer the services of a Board of Review member or an

- 1387 individual Member designated for such purposes by the Board of Review or the respective LSC, to act as a
 1388 mediator or similar positions under other alternative dispute resolution mechanisms.
- 1389 .4 TIMELINESS OF PETITION - The Zone Board of Review need not exercise its jurisdiction with respect to a Petition the
 1390 subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days
 1391 prior to the date the Petition is received (as determined under Article 406.1 of the USA Swimming Rules and
 1392 Regulations). A determination not to exercise its jurisdiction as a result of the untimeliness of a Petition may be
 1393 the subject of an appeal to the National Board of Review pursuant to Article 408 of the USA Swimming Rules and
 1394 Regulations.
- 1395 .5 FILING FEES - The Zone may impose a schedule of generally applicable fees to be collected at the time a Petition,
 1396 or Request for Formal Hearing following an Emergency Hearing is filed with the Zone Board of Review. If, on its
 1397 own initiative or upon written request, the Zone Board of Review determines it to be in the interest of justice and
 1398 the sport of swimming, the filing fee may be waived on a case-by-case basis.
 1399

HOUSEKEEPING

HK-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1403 **Location:** Page 29 - 102.10 Officials
- 1404 **Proposed by:** Rules & Regulations Committee
- 1405 **Purpose:** To correct an oversight.
- 1406 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

102.10 OFFICIALS

- 1408 .1 [No change]
- 1409 .2 All officials acting in the capacity of Referee, Starter, Chief Judge, Administrative Official, or Stroke and/or Turn Judge at a
 1410 swimming meet shall be certified in such position by their LSC prior to being assigned to officiate in that capacity. *[no further*
 1411 *change.]*

HK-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1413 **Location:** Page 46 – 103.6 Overflow Recirculation System
- 1414 **Proposed by:** Rules & Regulations Committee and the Operational Risk Committee
- 1415 **Purpose:** To bring the rule into conformity with state laws.
- 1416 **Recommendation:** *The Rules & Regulations Committee has not yet reviewed this item.*

- 1417 **103.6 /M/ OVERFLOW RECIRCULATION SYSTEM** — The pool water recirculation and overflow system shall maintain water
 1418 level in line with the overflow rim of the pool gutters without creating appreciable current or water turbulence and shall maintain
 1419 smooth and calm water surface during competition. ~~The pool recirculation system shall be turned off if, in the opinion of the~~
 1420 ~~Referee, the water movement interferes with the conduct of competition.~~

HK-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1423 **Location:** Page 57 – 202.1 Jurisdiction
 1424 Page 139 601 General
- 1425 **Proposed by:** Rules and Regulations Committee

1426 **Purpose:** To more accurately reflect the relationship between LSCs and USA Swimming.

1427 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1428 **Effective Date:** Immediately

1429 **202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States and as a Federation
1430 member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international
1431 swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC) ~~as the administrative arm of~~
1432 ~~USA Swimming, is has been~~ authorized by USA Swimming to issue the sanction or approval for all swimming competition and
1433 benefits, exhibitions, clinics and entertainment involving competitive swimming within its geographical boundaries.

1434 **601.1** The Local Swimming Committee (LSC) is ~~an administrative division of USA Swimming with a separate and~~
1435 ~~independent corporation to whom USA Swimming has delegated~~ certain governing and supervisory responsibilities within the
1436 geographic boundaries designated by USA Swimming. *[no further changes]*

1437

1438	HK-4 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1439 **Location:** Page 57 - **202.2 Requirements for Sanction**
1440 Page 59 - **202. 3 Conditions of Sanction**

1441 **Proposed by:** Rules and Regulations Committee

1442 **Purpose:** To list all meet announcement requirements in one place and to delete outdated items.

1443 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

1444 **202.2 REQUIREMENTS FOR SANCTION** — Sanctions are issued, withheld or withdrawn in accordance with the following
1445 regulations:

1446 .1 Sanctions may be issued only to USA Swimming group members or LSCs and their subdivisions.

1447 .2 No sanction for domestic competition will be issued to any organization or person whose interest in swimming competition is
1448 purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom.
1449 Any income derived from sanctioned events must be used for the further promotion of swimming, for an approved charity, or
1450 for the general welfare of the promoting organization as a whole.

1451 .3 Sanctions issued to one organization cannot be transferred to another. Any sanction so transferred shall be void for all
1452 purposes, and the LSC is empowered to deny further sanctions to any organization violating this provision.

1453 .4 No further sanction shall be given to any organization which has failed to satisfy expense obligations to athletes or to
1454 award prizes as stated in its meet announcement until the obligations are satisfied or the prizes awarded.

1455 .5 No sanction will be granted for any event for which the word "Olympic," or any derivative thereof, is used in any manner in
1456 connection with said event unless consent is obtained from USA Swimming.

1457 .6 Applicants for sanction of an open water competition shall complete the application approved by USA Swimming. Before
1458 an open water competition is sanctioned by the LSC, the LSC sanction officer shall submit the completed sanction packet
1459 to USA Swimming for review and approval.

1460 .7 All sanctions must be signed by a designated member of the LSC, and a record thereof must be retained.

1461 .8 The following clause will appear on all sanction application forms and on all forms upon which official sanctions are
1462 granted: in granting this sanction it is understood and agreed that USA Swimming shall be free from any liabilities or claims
1463 for damages arising by reason of injuries to anyone during the conduct of the event."

1464 .9 Application for sanction must be accompanied by a copy of the complete meet announcement which must include the
1465 following: including a statement of the nature of prizes to be awarded.

1466 A A statement of the nature of prizes to be awarded.

1467 B A complete schedule of lanes and times for all warm-up procedures which must be adhered to by all participants.

1468 C Information about water depth measured for a distance of 3 feet 31/2 inches (1.0 meter) to 16 feet 5 inches (5.0

- 1469 meters) from both end walls.
- 1470 D The following statement: "Any swimmer entered in the meet must be certified by a USA Swimming member-coach as
1471 being proficient in performing a racing start or must start each race from within the water. When unaccompanied by a
1472 member-coach, it is the responsibility of the swimmer or the swimmer's legal guardian to ensure compliance with this
1473 requirement."
- 1474 E A statement that no swimmer will be permitted to compete unless the swimmer is a member as provided in Article
1475 302.
- 1476 F A statement indicating whether on-deck registration will be permitted and under what conditions.
- 1477 G One of the following two statements:
- 1478 (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file
1479 with USA Swimming; or
- 1480 (2) The competition course has not been certified in accordance with 104.2.2C(4).
- 1481 H The following statement: "Use of audio or visual recording devices, including a cell phone, is not permitted in changing
1482 areas, rest rooms or locker rooms."
- 1483 I The following statement: "Except where venue facilities require otherwise, changing into or out of swimsuits other than
1484 in locker rooms or other designated areas is not appropriate and is strongly discouraged." The host club and/or the
1485 LSC may change the last two words in this statement to "prohibited".
- 1486 J The following statement: "Held under the sanction of USA Swimming."
- 1487 K The following statement: "it is understood and agreed that USA Swimming shall be free from any liabilities or claims
1488 for damages arising by reason of injuries to anyone during the conduct of the event."
- 1489 ~~.10 Application for sanction must be accompanied by a complete schedule of lanes and times for all warm up procedures~~
1490 ~~which must be adhered to by all participants. These must be distributed with meet announcement, posted throughout the~~
1491 ~~pool area, announced periodically and on a regular basis, before and during a meet, and are to be monitored jointly by the~~
1492 ~~Meet Director and the Meet Referee or their special designees.. [re-number remaining]~~
- 1493 .10 The issuing LSC shall receive the following information regarding finances from every organization receiving a sanction
1494 except for events sponsored by USA Swimming:
- 1495 A The LSC shall also require the organization to which a sanction has been granted to file, within 45 days after the event,
1496 a financial statement setting forth all receipts and disbursements in connection with the sanctioned event.
- 1497 B The LSC may at any time require the organization to furnish, within 15 days after written request, all receipts and
1498 vouchers relating to the sanctioned event.
- 1499 C No sanction to hold any athletic event of any kind shall thereafter be issued to an organization who has failed or refused
1500 to file with the LSC any statement or affidavit required under any subdivision of this section, until the statement or
1501 affidavit is filed, or until such time as the LSC may determine.
- 1502 .11 The sanction fee shall be as established by the LSC; those for national and international meets shall be established by the
1503 USA Swimming Board of Directors.
- 1504 .12 For the sole purpose of improving competitive swimming, and with the written approval of the USA Swimming Rules &
1505 Regulations Committee, an LSC may sanction events or meets for which waivers of specific provisions of Parts One, Two,
1506 or Seven of USA Swimming Rules and Regulations have been granted for limited periods and under specified conditions.
- 1507 .13 LSCs may develop special administrative standards and conditions to encourage athletes with disabilities to participate in
1508 their meets. Such conditions shall be included in the meet information announcement.
- 1509 .14 If an event is to be contested in more than one LSC's or country's jurisdiction, the application for sanction shall be
1510 submitted to the LSC in which the event begins. The sanctioning LSC shall notify the other LSC(s) and/or the governing
1511 body of the other country in which the event is being contested of details of the event.
- 1512 **202.3. CONDITIONS OF SANCTION** — Any event for which a sanction is required according to 202.1 is subject to the
1513 following conditions:
- 1514 .1 No swimmer who is not a member as provided in Article 302 will be allowed to compete or participate except as provided
1515 under 202.6 or USA Swimming's "open border" policy included in its Registration Manual.
- 1516 .2 At a sanctioned competitive event, USA Swimming athlete members must be under the supervision of a USA Swimming

1517 member coach during warm-up, competition, and warm-down. Swimmers participating under the provisions of 202.6 or
1518 USA Swimming's "open border" policy must be under the supervision of their own coach or a USA Swimming member
1519 coach. The Meet Director or Meet Referee may assist the swimmer in making arrangements for such supervision, but it is
1520 the swimmer's responsibility to make such arrangements prior to the start of the meet.

1521 .3 All referees, starters, administrative officials, chief judges and stroke and turn judges, serving in an official capacity in a
1522 sanctioned event, must be non-athlete members of USA Swimming or members of other FINA-member organizations. All
1523 meet directors for meets sanctioned by USA Swimming must be members of USA Swimming. Except for coaches
1524 accompanying athletes participating under the provisions of 202.6 or USA Swimming's "open border" policy, all persons
1525 acting in any coaching capacity in a sanctioned event must be coach members of USA Swimming.

1526 ~~.4 Meet Announcement~~

1527 ~~A The meet announcement shall include the following statement: "Any swimmer entered in the meet must be certified by~~
1528 ~~a USA Swimming member coach as being proficient in performing a racing start or must start each race from within~~
1529 ~~the water. When unaccompanied by a member coach, it is the responsibility of the swimmer or the swimmer's legal~~
1530 ~~guardian to ensure compliance with this requirement."~~

1531 ~~B Announcements and entry blanks of sanctioned events must state that no swimmer will be permitted to compete~~
1532 ~~unless the swimmer is a member as provided in Article 302. The announcements and entry blanks must state whether~~
1533 ~~on deck registration will be permitted and under what conditions.~~

1534 ~~C The meet announcement must include one of the following two statements:~~

1535 ~~— (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file~~
1536 ~~with USA Swimming; or~~

1537 ~~— (2) The competition course has not been certified in accordance with 104.2.2C(4).~~

1538 ~~D The meet announcement shall include information about water depth measured for a distance of 3 feet 31/2 inches~~
1539 ~~(1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.~~

1540 ~~E The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a~~
1541 ~~cell phone, is not permitted in changing areas, rest rooms or locker rooms."~~

1542 ~~F The meet announcement shall include the following statement: "Except where venue facilities require otherwise,~~
1543 ~~changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is~~
1544 ~~strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited.~~

1545 ~~.54 The membership (registration) number of each swimmer must be presented prior to or at the time of the event, and his/her~~
1546 ~~affiliation must be printed before or after his/her name on the program.~~

1547 ~~.65 Entry blanks, advertising and the program must bear conspicuously the statement: "Held under the sanction of USA~~
1548 ~~Swimming."~~

1549 ~~.76 Conduct of the sanctioned event shall conform in every respect to all technical and administrative rules of USA Swimming.~~

1550 ~~.7 Warm-up procedures and schedule must be posted throughout the pool area, announced on a regular basis before and~~
1551 ~~during warm-up, and are to be monitored jointly by the Meet Director and the Meet Referee or their designees.~~

1552 ~~.8 All organizations which have received a sanction for any meet where prizes are stated on entry blanks shall be required to~~
1553 ~~send to the LSC, before the date of the meet, a copy of the entry blank, and must state the value of the prizes to be given~~
1554 ~~for each event.~~

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1556	HK-5 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1557 Location: Page 60 - 202.4 Requirements for Approval

1558 Proposed by: Rules and Regulations Committee

1559 Purpose: To list all meet announcement requirements in one place, delete outdated items, and make consistent with
1560 format of 202.2.

1561 Recommendation: *The Rules and Regulations Committee recommends approval.*

1562 **202.4 REQUIREMENTS FOR APPROVAL** — Approval of competition may be issued, withheld or withdrawn by an LSC in
1563 accordance with the following regulations:

- 1564 .1 Approvals may be issued to non-member clubs/organizations for meets conducted in accordance with USA Swimming
1565 technical rules.
- 1566 .2 Applicants for approval of an open water competition shall complete the application approved by USA Swimming. Before
1567 an open water competition is approved by the LSC, the LSC sanction officer shall submit the completed sanction/approval
1568 packet to USA Swimming for review and approval.
- 1569 .3 Approvals may be issued to member clubs for closed competition (such as YMCAs) conducted in accordance with USA
1570 Swimming technical rules.
- 1571 .4 Approvals may be issued to member clubs for open competition conducted in accordance with USA Swimming technical
1572 rules if that competition has been specifically approved by the USA Swimming Program Operations Vice-President or
1573 his/her designee.
- 1574 .5 Both USA Swimming athlete members and non-USA Swimming athlete participants may compete in an approved meet.
- 1575 .6 Written application for approval shall be made not later than the period established by the LSC prior to the competition. The
1576 LSC may establish a fee for processing such applications. Application for approval shall be accompanied by the complete
1577 meet announcement or event information which shall include the following: and a statement of the nature and value of
1578 prizes to be awarded. ~~Payment of a fee or expenses to the assigned USA Swimming officials shall not be a requirement~~
1579 for approval.
- 1580 A A statement of the nature of prizes to be awarded.
- 1581 B 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
1582 meters) from both end walls.
- 1583 B The following statement: "In granting this approval it is understood and agreed that USA Swimming shall be free and
1584 held harmless from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of
1585 the event."
- 1586 C One of the following two statements:
- 1587 (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on
1588 file with USA Swimming; or
- 1589 (2) The competition course has not been certified in accordance with 104.2.2C(4).
- 1590 D The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a
1591 cell phone, is not permitted in changing areas, rest rooms or locker rooms."
- 1592 E The meet announcement shall include the following statement: "Except where venue facilities require otherwise,
1593 changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is
1594 strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited."
- 1595 .7 Payment of a fee or expenses to the assigned USA Swimming officials shall not be a requirement for approval.
- 1596 ~~.7~~ No competition shall be approved unless a sufficient number of USA Swimming officials, certified by the LSC at a minimum
1597 of Stroke and Turn level, are present to observe and certify that the conduct of competition and all times achieved in such
1598 competition were in conformance with the following all applicable USA Swimming technical rules including, but not limited
1599 to, the following:
- 1600 A Article 101 (all) Start, individual stroke and relay rules
1601 or Article 105 (Disability)
1602 or Article 701 (Open Water)
- 1603 B 102.2.2 & 3 Entry limit per day
- 1604 C 102.8.1 A, B, C, D and E Swimwear restrictions
- 1605 D 102.10 Officials
- 1606 E 102.24 Timing Rules
- 1607 F 103.2.3, 103.3.1, 103.4 Minimum standards for facilities
1608 103.13 and 103.15

- 1609 or Article 702 (Open Water)
- 1610 .89 The organization requesting approval shall permit USA Swimming officials to be on the deck at both ends of the course
1611 where they can properly view strokes and turns.
- 1612 .910 No approval for domestic competition will be issued to any organization or person whose interest in swimming competition
1613 is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived
1614 therefrom. Any income derived from approved events must be used for the further promotion of swimming, for an approved
1615 charity, or for the general welfare of the promoting organization as a whole.
- 1616 .4011 Approvals issued to one organization cannot be transferred to another. Any approval so transferred shall be void for all
1617 purposes, and the LSC may deny further approval to any organization violating this provision.
- 1618 .4112 No further approval shall be given to any organization which has failed to satisfy expense obligations to swimmers or to
1619 award prizes as stated on its ~~entry blank~~ or meet announcement until the obligations are satisfied or the prizes awarded.
- 1620 .4213 No approval will be granted for any competition if the word "Olympic," "World," "National," "United States of America" or
1621 any derivative thereof is used in any manner in connection with such competition unless consent for such usage is
1622 obtained from USA Swimming.
- 1623 .4314 The following clause will appear on all approval application forms and on all forms upon which official approvals are
1624 granted: "In granting this approval it is understood and agreed that USA Swimming shall be free and held harmless from
1625 any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of the event."
- 1626 ~~.14 Meet Announcement~~
- 1627 A ~~The meet announcement must include one of the following two statements:~~
- 1628 (1) ~~The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file~~
1629 ~~with USA Swimming; or~~
- 1630 (2) ~~The competition course has not been certified in accordance with 104.2.2C(4)~~
- 1631 B ~~The meet announcement shall include information about water depth measured for a distance of 3 feet 31/2 inches (1.0~~
1632 ~~meter) to 16 feet 5 inches (5.0 meters) from both end walls.~~
- 1633 C ~~The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a~~
1634 ~~cell phone, is not permitted in changing areas, rest rooms or locker rooms."~~
- 1635 D ~~The meet announcement shall include the following statement: "Except where venue facilities require otherwise,~~
1636 ~~changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is strongly~~
1637 ~~discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited."~~
- 1638 .15 Complete meet results shall be submitted to the LSC within a period of time established by the LSC.
- 1639 .16 All approvals must be signed by an authorized representative of the LSC and a record thereof kept by the LSC.
- 1640 .17 Approval may be withheld or withdrawn by the LSC if the competition was not conducted in accordance with the above
1641 requirements.
- 1642 .18 If an event is to be contested in more than one LSC's or country's jurisdiction, the application for approval shall be
1643 submitted to the LSC in which the event begins. The LSC granting the approval shall notify the other LSC(s) and/or the
1644 governing body of the other country in which the event is being contested of details of the event.

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HK-6	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1646 Location: Page 64 - 202.7 Swim-a-thons
- 1647 Proposed by: Rules & Regulations Committee
- 1648 Purpose: To align with current policy.
- 1649 Recommendation: *The Rules & Regulations Committee recommends approval.*

1650 **202.7 SWIM-A-THONS** — All Swim-a-thon events are held under the ~~exclusive jurisdiction~~ license of the USA Swimming
1651 Foundation and must conform to rules and regulations established by USA Swimming. The participants may or may not be
1652 members of USA Swimming. Each LSC is responsible for the monitoring of each Swim-a-thon event held within its

1653 geographical boundaries, including the taking of that action pursuant to the provisions of Article 401 as may be necessary to
1654 discipline any violation of USA Swimming Rules and Regulations.

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1656	HK-7	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1657 Location: Page 122 – 504.9 Authority
1658 Page 136 – Appendix 5A

1659 Proposed by: Rules and Regulations Committee

1660 Purpose: To change the name of the Safety Education Committee to be consistent with The Policy Manual.

1661 Recommendation: *The Rules and Regulations Committee recommends approval.*

1662 **504.9 AUTHORITY** — The USA Swimming Board of Directors shall have the authority to act for the USA Swimming House of
1663 Delegates between meetings of the House, except that it cannot amend the Rules and Regulations. The Board shall have the
1664 emergency power to adopt, revoke and amend any rule or regulation in the Rules and Regulations if the Board with the advice
1665 and consent of the ~~Safety Education~~ Operational Risk Committee, the Rules & Regulations Committee and legal counsel, shall
1666 determine that safety considerations so require. A technical rule which is also a FINA rule, may not be revoked or amended. An
1667 action taken under this emergency provision shall be effective until the next meeting of the House of Delegates. The President
1668 shall make a fully detailed report including findings of fact to the entire membership of the House of Delegates (as last certified)
1669 within thirty (30) days of the action taken.

1670 Appendix 5A

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1672	Jennifer Ridge
1673	Safety Education <u>Operational Risk</u>

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**RESOLUTION
REGARDING CHANGING CONVENTION DAYS
FROM WEDNESDAY THROUGH SATURDAY TO SUNDAY THROUGH WEDNESDAY**

507.2 MEETINGS

- .1 The annual meeting of the House of Delegates shall be held at any date, time, and place, as may be fixed in the notice of such meeting.
- .8 Resolutions of a legislative nature presented to the House of Delegates shall be subject to the same process as set forth for Amendments in Article 511.

Governance Committee Note: No legislation is required as the days of the week for the convention are not specified in the By-Laws. This resolution approving a change in the days of the week will be presented to the House of Delegates for its consideration. It is not clear to the Governance Committee whether or not this resolution would be considered legislative in nature by the Rules & Regulations Committee. The Governance Committee, taking a conservative approach and being fully transparent with its recommendations, offers the following resolution to effect a change in the days of the week.

RESOLUTION

Whereas, USA Swimming has always sought a wide range of opinions and backgrounds in its House of Delegates,
Whereas, many collegiate coaches, who would otherwise be able to participate in the House of Delegates, are unable to do so, as a result of university work requirements during the college football and recruiting seasons,
Whereas, USA Swimming would benefit from the insight and experience of collegiate coaches in the House of Delegates, and
Whereas, USA Swimming has and will continue to communicate with its sister aquatic organizations regarding the scheduling of its meetings,
Therefore, be it resolved, that USA Swimming hold its meetings of the House of Delegates in a Sunday-Wednesday format, effective with its meeting in (year TBD).

**RESOLUTION
REGARDING USA SWIMMING DUES INCREASE**

WHEREAS, we desire that the United States continue to be recognized as the #1 swimming nation in the world; and
WHEREAS, USA Swimming desires to continue to be recognized as being among the flagship National Governing Bodies in the U.S. Olympic Committee's family of sports; and
WHEREAS, the current membership dues schedule for athlete and non-athlete members increases by \$1 per year and expires at the of the 2014 membership year; and
WHEREAS, membership dues have been the major funding source for USA Swimming's successful efforts over the past decade to meet the objectives of *Building the Base, Promoting the Sport, and Achieving Sustained Competitive Success in International Competition*; and
WHEREAS, USA Swimming's plans for the future seek to continue *Building the Base, Promoting the Sport, and Achieving Sustained Competitive Success in International Competition*; and

1727 **WHEREAS**, USA Swimming also seeks to continue the expansion of its Safe Sport education, training, complaint
1728 reporting, and adjudication processes to ensure that our sport is doing everything possible to protect its athlete members;

1729
1730 **WHEREAS**, the USA Swimming Board of Directors has approved the proposal to increase membership dues for
1731 athlete and non-athlete members by \$2 per year for a period of ten (10) years beginning with the 2015 membership year.

1732
1733 **NOW, THEREFORE, BE IT RESOLVED THAT** the USA Swimming House of Delegates approve a dues increase of
1734 \$2 per year for a period of ten (10) years beginning with the 2015 membership year.