


**Fall House of Delegates Meeting
Sunday, October 10, 2010**

Monroe Community College, Rochester

[Driving Directions](#) - Campus Map 

Officials - Clinic Director's Workshop 9:00 - 11:00 - Building 8 - Room 100

Club and Membership Registration Workshop at 10:00 - 12:00 - Room 300

1. Welcome
2. Impact of the new Athlete Protection Policies and Procedures
3. Completing the Club and Organization Registration Form
4. Completing the Non-athlete registration forms for each non-athlete
5. Review Coach's certification requirements
6. Electronic Athlete registration
7. Do's and Don'ts
8. Open Discussion
9. Lunch

Coaches Meeting at 10:00 - 12:00 Building 8 - Room 200

1. Rick Aronberg - Junior Coaches' Rep

- Working Together (Cohesiveness between all coaches/teams)
- More emphasis on Zone Team
- Attending more meets
- Need better education for all coaches - ASCA, etc.
- Keep coaches up to date w/certs on website

2. Adam Zaczowski - Age Group Chair

- Zone Team - Coaching; Initial commitments this weekend for coaches for the spring/summer meets.

3. Tim Dubois - Tech Planning Chair

- Age group program changes this year --IMXtreme awards program
- New Club Strengthening initiatives, "The Kingston Project"

4. Marci Callan - General Chair

- Brief review on reimbursement

5. Ryan Callan - Senior Coaches' Rep

- Taking advantage of Open Water swimming opportunities

6. Open Discussion

Athletes Meeting at 11:00 - 12:00 - Building 8 - Room 100

HOD Registration beginning at 12:00 - A currently valid membership card must be presented to receive voting credentials.

Fall House of Delegates Meeting at 1:00 Building 8 - Room 300

Contributing to a House of Delegates Discussion

In the hopes of an efficient and productive meeting!

Once the previous speaker has finished and you have been acknowledged by the General Chairman...


- Stand up, introduce yourself, and state the name of the swim club you are representing.
- Speak clearly and concisely.
- Stay on subject and avoid personal attacks.
- State your motion or idea affirmatively:

“I feel that we should...,” rather than “I feel that we should not...”.

- Most importantly:


Be certain that you **have a thorough understanding of the topic at hand before speaking**, in order to avoid erroneous discussion!

Roll Call

Reading, correction and adoption of minutes of previous meeting: 

Reports of officers

General Chairman:

Eastern Zone Meeting and Director's Report: 

Administrative Vice-Chairman: 


Senior Group Vice-Chairman:

Age Group Vice-Chairman:

Finance Vice-Chairman:

Technical Planning: 

Coach Representative Report: Senior - Junior -

Athlete Representatives Report: 

Safety Report: 


Treasurer's Report: [to be distributed at the meeting](#)

Membership - Current Club Statistics: 

Membership - Athlete Registrations Graph: 

Secretaries Report:

Reports of committees and coordinators

Officials: 

Legislation / By-Laws:  - Redline copy of our Bylaws 

Disability:

Diversity:

Scholarship: 


Board of Review:

National Times Verification: 

Communications:

Records Report: Individual SCY - Relay SCY Individual LCM-

Unfinished (old) business**New business**

- 1. New Club Strengthening Program**
- 2. Approval of Budget for Fiscal Year 2011** 
- 3. Niagara Elections for the Nominating Committee**

The Nominating Committee shall be comprised of not fewer than five Individual Members (a number greater than five may be designated from time to time by either the House of Delegates or the Nominating Committee) elected annually by the House of Delegates at each fall meeting preceding the spring meeting at which elections are held (or by the Board of Directors if the House of Delegates does not act in a timely fashion) to serve until their successors are elected. Each member shall be a member of the House of Delegates and no more than two (two-fifths (2/5ths) if there are more than five members of the Nominating Committee) shall be Executive Committee members. Section 606.5.3 (consecutive terms limitation) shall apply to members of the Nominating Committee. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chairman, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates.

- 4. Meet Calendar approval for April 2011 - August 2011** 
- 5. Award Presentations**

2010 Niagara ConocoPhillips Outstanding Service Award

Resolutions and orders**Adjournment**

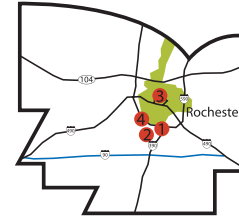
To reach the MCC Brighton Campus from:

- The West (Buffalo) Take Thruway 90 east to exit 46; take 390 north to exit 16, the second East Henrietta Rd. (Rt. 15A) exit; turn left and continue south on 15A for about 1/2 mile to the main campus entrance.
- The East (Syracuse) Take Thruway 90 west to exit 46 and proceed as above.
- South (Geneseo) Take 390 north to exit 16 - the second East Henrietta Road exit and proceed as above.
Brockport/Spencerport Take Route 531 east to 490 east and then to 390 south; take exit 16B (East Henrietta Rd. - Rt. 15A); turn right and proceed for about 1/2 mile to the main campus.

Monroe Community College

Brighton Campus

1. Main Campus
1000 East Henrietta Road,
Rochester, New York 14623,
2. Applied Technologies Center
2485 West Henrietta Rd
Rochester, New York 14623,
3. Damon City Campus
228 East Main Street
Rochester, New York 14604
4. Public Safety Training Facility
1190 Scottsville Road
Rochester, New York 14624



Damon City Campus



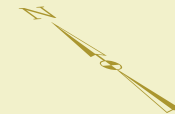
Applied Technologies Center



Public Safety Training Facility

Finding your way at MCC

- | | | | |
|------------------------------------|---|---|---|
| 1. Administration | 8. South Faculty Tower | 22. Child Care Center | 53. Canal Hall (<i>Opening Fall 2007</i>) |
| 2. LeRoy V. Good Library | 9. The Gleason Hall of Science & Technology | 23. Applied Technologies Center | ● Student Parking |
| 3. R. Thomas Flynn Campus Center | 10. Samuel J. Stabins
Physical Education Complex | 50. - 53. Alice Holloway Young Commons
(Residence Halls) | ■ Employee/Faculty Parking |
| 4. Communication/Theater | 11. Learning Centers | 51. Alexander Hall | ◆ Reserved Residence Parking |
| 5. North Faculty Tower | 12. Fine Arts | 52. Pioneer Hall | ★ Direct Public Safety Phones |
| 6. Registration/Financial Services | 21. Facilities/Purchasing/Receiving | | ♿ Accessible Parking |
| 7. Sciences | | | |



**Eastern Zone Meeting
Dallas, Texas
September 16, 2010**

Meeting was called to order at 7:03 pm by JoAnn Faucett

A moment of silence was observed for all current and past members of the Eastern Zone who have passed away.

In attendance were:

Adirondack: JoAnn Faucett, Carolyn Manor, Jerry Adams, Olivia Samson, Emily Whitaker

Allegheny Mountain: Paul Seiferth, Todd Clark, Pete Barry, Jacinta Batista, Mathew Schaefer, Laura Hartman, Jamy Pfister, T. J. Barry

Connecticut: Haley Smith, Cooper Kearns, Christine Pelham, Judy Snow, Chris Hug, Ellen Johnston

Maine: No attendees

Maryland: Tom Yetter, Jamie Cahn, Jeff Schrivener, Pat Kaplan, Bill Kikner, Raymond Brown

Metro: Monique Grayson, Mary Fleckenstein, George Rhein, Corrine Cody, Don Wagner, John McIlhargy

MidAtlantic: Jon Larson, Eric Posegay, Casey Coble, Fred Killian, Cecil Gordon, Clifton Gordon, Matthew Sprang, George Breen, Dick Shoulberg, Patric Mills, Deb McCarthy, Mike Gobrecht, Cherita Centilucci, Brad Bowser, Michael Seip

New England: Laura Matuszak, Jamie Bloom, Tim Thompson, Tim Murphy, Priscilla Davis, Carol Healey, Andy Disco, Niko Fantakis, Sarah Conklin, Tim Murphy, Scott Wilshire

New Jersey: Eric Fucito, Tristan Formon, Jim Wood, Bill Deatly, Stephanie Crofton, Bud Zimbault, Greg Eggert, Jim O'Neill, Jim Sheehan, Stephanie Roizu, Libby Dizzic, Ed Miller, Tom Speedling, Mohamed Abelaal

Niagara: Adam Zaczowski, Tim Dubois, Jim Bowen, Barb Pardis, Chris Garman, Marci Callan, Mellissa Holloway, Shawn Parkhurst

Potomac Valley: Greg York, Paris Jacobs, Riley Eaton, Marga Dalizu, Miriam Lynch, Bill Marlin, Bill Stephens, John Hirschmann, Kurt Thiel, C.J. Fiala, John Ertter, Linda Klopfenstein, Art Lopez, Tim Husson, Bob Vincent, Ward Foley, Arvydas Barzdukas, Teri Marlin

Virginia: Mary Turner, Lee Gibbs, Michael Downs, Brian Jupfern, Terry Randolph, David Strider, Michael Sell, Travis Kerner

USA Swimming: Peter Clark, Sue Anderson, Jim Wood

Request for the approval of the Agenda. Motion made, seconded and passed.

Report of the Secretary: Boots Hall

The minutes of the meeting of May 2010 in Ft. Lauderdale have been on the website. Are there any corrections or additions to the minutes? Seeing none, a motion was made and seconded to accept the minutes. Passed.

Financial Report: Treasurer Boots Hall

As of September 1, 2010 we have \$5,939.23 in the Eastern Zone account at USA Swimming. This includes \$250 early dues payments from two LSCs. We owe Marlins Swimming approximately \$270 for the Summer Zone meet which will be paid as soon as we get the Financial Report for the meet. Treasurer thanked the LSCs for prompt payment this year for the Zone Dues which are due in September. Last year ALL LSCs had paid by December. Reminder that dues are due again in September for the 2010-2011 season. I want to thank the five LSCs that had already paid their dues by the start of Convention. The major expense for the coming year will be the ordering of zone pins which are given to the winning teams at the two zone meets. My supply of these is almost out.

Motion was made and seconded to accept Financial Report. Passed

Disability Swimming Committee: Several LSC from the Eastern Zone have athletes who have been awarded Disability Awards. They were handed out to the appropriate LSCs, whom were asked to present them within your LSC.

The Candidates for the USA Swimming BOD each introduced themselves.

Eastern Zone Diversity Select Camp: In November 2009, USA-Swimming held a diversity summit in Colorado Springs. This past summer Mid Atlantic ran a Diversity camp. Mid Atlantic is now interested in hosting a Diversity Select Camp at LaSalle University June 16-18, 2011. They are asking for the support of the Eastern Zone. Each LSC will be able to select 2 athletes, a coach and a Diversity Liaison. They will include a Parent track, Coach track and Athlete track. They are hoping to really get each LSC on board with Inclusion/Diversity issues. PVS has already expressed their interest and their support.

IMX Games/AG Chairs EZ – Eric Fucito

Thanks to Peter Clark, Pete Barry and Paris Jacobs for help to organize an AG conference call to discuss developments in the Eastern Zone.

They are looking for way to motivate the 15 & over swimmers at the Zones level. They are still doing research and will report back in May 2011. If anyone has ideas, please let Eric or Paris know as they will be meeting again over the next couple of months.

AG Development is pushing the IMX games and would really like the entire EZ to make this event a priority. All LSC's are asked to put the information on your schedule so all teams have the opportunity to participate. There was also discussion of flipping this meet every other year; so on even years the meet will be held in the November time frame, while in odd years it will be in February.

Last Sept a goal was set to increase the number of Scholastic All Americans in the Eastern Zone by 20% by the year 2012. We are currently (without all information in yet) up by 16 %. There is one athlete from the EZ with a perfect score of 4.0. All LSC's are asked to promote the Scholastic All American program. The EZ has 3 LSC in the top 10 of the country (MD, NJ and MA).

A question regarding the IMX meet was asked: Is the format for the IMX meet staying the same or changing?, Answer: Although it was discussed it will mostly remain the same for now; however we are working on possible new formats. Eric is now the liaison and will work with the meet host to establish the format and will get the MA out as soon as possible.

Goal: Outreach athletes and volunteers see report.

Peter Clark, Eastern Zone Consultant for Sport Development: Build, Promote and Achieve. That is what this is all about. He has found that these three words are always at the heart of everyone's desires as he travels around the Zone. Thanks JoAnn, Marci and Pete for all of their hard work for the Eastern Zone. Keep in mind that to everyone you touch you are their leader. Leadership skills are very important; each of us has a responsibility to be the best we can be and to be a leader. Also thanks to all of the EZ officials, GC and head coaches for being great leaders of the Zone. The EZ is full of Character, there are 6 gold clubs, 12 silver, 26 bronze clubs in the EZ. Five LSCs have completed or started the LEAP programs. 7 club excellence. Peter stated that he is interested in scheduling 12 club leadership classes (board review, best practices) one in each LSC.

Peter did a short exercise with the group. He said, "When I say Horizon...what immediately comes to your mind?" As he went around the room, everyone had a different answer. His response was just when you thought you have communicated you have not even started, as each person understands and interprets information differently. It is important to communicate effectively and often.

Assignment: Coaches, you must meet with your parents, get to know them, educate them. General Chairs get to know your demographics and understand the swimmers, coaches and families in your LSC.

Finally, please read the legislation package being presented and be sure you understand everything. Go into the HOD meeting prepared. The information being presented is too important to your job, your life and your livelihood.

JoAnn thanked Peter and reminded the body that Peter is a great resource available to everyone in the Zone.

Zone Directors Report: JoAnn Faucett and Marci Callan:

- 1) Louise Limerick unexpectedly passed away July 29, 2010. She ran VA Swimming for over 20 years, Lifetime member of USA-S and also an official. EZ and VA swimming will miss her. A donation was made in her name to the Humane Society.
- 2) EZ LEAP: The program is going well. We do have some LSCs that are overdue with their completion of Leap Level 1. Adirondack (AD) Due 2011 Allegheny Mountain (AM) Past due 6/30/10, submitted 40 of the 45 required points. Connecticut (CT) Due 2/28/11, they are working on it presently. Maine (ME) Due 6/30/12. Maryland (MD) Completed Leap Level 1 and Level 2. Metro (MR) Completed Leap Level 1. Middle Atlantic (MA) Completed Leap Level 1. New England (NE) Completed Leap Level 1. New Jersey (NJ) Due 2/29/12. Niagara (NI) Completed Leap Level 1. Potomac Valley (PV) Past Due 2/28/10, submitted 40 of the 45 required points. Virginia (VA) Completed Leap Level 1.
- 3) General LSC LEAP Information: 2 LSCs granted Leap Level 2, 11 LSCs granted Leap Level 1, 4 LSCs in process for Leap Level 1, 2 LSCs in process for LEAP Level 2, 9 LSCs are tardy (several more than 4 months).
- 4) Election year for: USA-S BOD 2010 President (Bruce Stratton, John Wilson) Treasure (Thomas Hasz) Administration Vice President (Clark Hammond, Allan Meier, Mary Jo Swalley) Program Development Vice President (Jeff Gudman, John Kinney) Program Operations Vice President (James Sheehan) Technical Vice President (David Berkoff, Richard Shoulberg). EZ 2010 Election: EZ Director-Coach (Marci Callan) Athlete Rep (ending term Haley Smith) Secretary/Treasurer (Boots Hall) Age Group Development Committee member- Non-coach (Paris Jacobs).
- 5) National Age Group Records: Since convention 2009 to June 6, 2010 Short Course-29 female records (11 different athletes) and 22 male (9 different athletes) individual records were broken. Total of 51 individual records. 19 short course relay records broken, 15 female and 4 male relays. Grand total of 70 records broken. Long Course-7 female (4 different athletes) and 6 male (5 individual athletes) individual records broken. Total of 13 individual records, 8 long course relay records (3 female and 5 male), total of 21 records broken. NAG records 70 SC and 21 LC. World and National Records none. Jr Pan Pacifics a total of 36 meet records were broken, many by Team USA, all without high tech suits.
- 6) Master Swimming: Membership up 5.5% the first 6 months compared to 2009. The down side to date, 40% of the 2009 has failed to renew in 2010 and 1/2 of the 40% are under 40 years old. The 2nd annual SWIMFEST was held in June in San Diego with 65 Masters Coaches representing 10,700 members in attendance. USMS has entered YouTube, Facebook, Twitter, and LinkedIn web sites. (2 new servers have installed to protect the IT technology). The new USMS headquarters is in full operation in Sarasota FL.

- 7) NCAA: Beginning 2010-2011 season all of NCAA divisions will be using USA-S SWIMS Database and Online Meet Entry. This expanded relationship between NCAA and USA-S has streamline all NCAA data and championship selection information into one centralized location, SWIMS. D1 Championships Sites: 2011: Women University of Texas (Austin), Men University of Minnesota, 2012: Woman Auburn University (Alabama), Men Aquatic Center of King County (Federal Way, Washington) 2013: Women Indiana University-Purdue University (Indianapolis) Men Same site.
- 8) 7,237,454 times loaded into SWIMS this year. Grand total SWIMS database is 49,205 meets, 625,537 swimmers, 44,253,705 times since 1975 and 2010. USA-S will be the keeper for all world swims by adding 3 NCAA Divisions and FINA. 6334 meets loaded into SWIMS, 700 observed meets, 27 approved meets. 248,335 swimmers had at least one time in this database this year. (Observed: no USA-S requirement except 2 certified officials on the deck, e.g. high school, NCAA etc. Approved: no USA-S membership required, conducted under USA-S technical rules with all USA-S certified officials. Sanctioned: everyone is a USA-S member, run under USA-S technical rules with all certified officials.
- 9) Officials Committee: Held the 1st Open Water Clinic at Long Beach in conjunction with our Open Water Nationals. A standard outlines for swimposium presentations to promote consistency around the country. All N3 evaluators will have to attend one of the training sessions to continue as or become an N3 evaluator. There are 110 N3 final evaluators in the US, last year there were 148 Qualifying Meets. OTS: out of 59 LSCs, there are 44 that use meet OTS and 38 Cert OTS. The web testing sub-committee implemented the 2010 rule book changes in May. National meet shirts being worked on so they can be worn at other meets. At the Pan Pacific Championships 31 officials were from the US. At Jr Pan Pacs USA-S sent 5 officials for the pool and 2 officials for the open water competition. Women in Officiating WIO, conference calls have been held on a regular basis with a select committee including myself (JoAnn). The purpose to identify opportunities to eliminate hurdles for women to be more involved in swim officiating at all levels. WIO initiative continues to grow with one to one interviews with ½ dozen LSC officials chairs. Additional surveys are being planned. The Officials Committee will continue to work with Diversity Committee (Cecil Gordon chair) to support opportunities for minority participation in swim officiating. On-line Testing April 15th de-activated and May 1st activated.
- 10) Disability Swimming: Coaches have been interviewed with a goal of learning about coaches' educational needs. Also a summary of results will focus on ways in which LSCs do or could promote inclusion of swimmers with a disability. An ad hoc group of volunteers to discuss inclusion in open water competition has also been put together.
- 11) There will be a workshop of General Chairs, Admin Vice Chair and Zone Directors in Oct 28-31, 2010 at the Olympic Training Center (OTC) in Co Spr.
- 12) Club Development Committee: main focus continues to be the Club Recognition Program. New projects include re-starting the online coaches' clinic and a release of a technique video for all clubs.
- 13) Over 1500 athletes have made Scholastic All American SAA in the 2009-2010 time period, up from 2% from the previous year. The pool eligible athletes between 15-18 is 67,125, the 2.25% qualified for SAA.
- 14) All time top 100 times has been update to include all competitions swum this summer and are post on the USA-S web site.
- 15) YMCA: collaborative efforts with Make a Splash is presently going on. To date the Y's have approx 2700 facilities in the US, a very similar to the numbers in USA-S. USA-S and a 6 group YMCA group met in a 2 day planned conclave in Co Sri May 1 & 2 to discuss and share understanding of USA-S membership benefits for YMCA nationwide. YMCA LC National will be held at Georgia Tech in 2011.
- 16) Year round athletes for Aug 2010 286,885, year round clubs 2747, non-athlete 30,548.
- 17) Fall regional coach clinics and online clinics: Clinic fall sites, Oct 1-3 Northbrook, Ill, Oct 1-2 Naperville, Ill, Oct 8-10, Denver, Co, Oct 15-17 Springfield, Ill, Nov 19-21 Houston, Texas, TBD Hartford, Ct. Online coach clinics education via twice monthly webinars presented by USA-S and ASCA. Next clinic Sept 29, 2010 " Start the Year Right: Get Parents on Your Team". New DVD should be out end of Oct mailed to all clubs.
- 18) Open Water Swimming in the US is becoming a great success. We are now 4-5 swimmers deep in major competitions. Coaches present at the Sr Development Committee meeting believe because the 10k has been added to the Olympic events, this is making a significant difference in the interest level of open water swimming.
- 19) Sr Development Committee Meeting: discussion Jr National Meet was to large, recommendation is to have A and B flights which will be automatic at four hours. Suit checks at Jr's, process were questioned, recommendation were made to streamline the process. Cut times for Nationals and Sr Nationals will be cut 1/10 per 50. Olympic trials cut times are posted. 852 swimmers have already qualified, 1220 qualified at the last trials in Omaha. Club Excellence was discussed, comments were generated concerning Center of Excellence and post grad centers receiving grant \$ indicating that they a significant impact on 18 under. The goal of the program is an even competitive field.
- 20) Child Welfare League (CWL) of America: Questions that were brought up were background checks for chaperones for our zone meets, and Lifetime Members being exempt from background checks.

Motion to pass the directors report seconded and passed.

Report of Officials Chair: Jamy Pfister

This past summer we had two Zone meet that created a problem for the host clubs. I was not in a position to help contract a Meet Referee for either meet since the host clubs waited until the spring meeting to request any help. I was out of the area with family matters for the next 10 weeks and then involved with three major swim meets. At the last minute both host of the zone meet and the Speedo meet were able to get a referee. I have not had a report from either of the referees, but I assume the LSC will give a report of the meet.

For the 2011 Spring Region I and Region II Speedo Series Meets we have Meet Referees. Both of these meets are QM N3 meet for certification purposes for the Officials. The application for each meet is on the EZ website. I am looking for a Head Starter who would like to do mentoring and or evaluations for the spring zone meet. For the Region I Speedo Series Meet, Michael Downs (VA) will be the Meet Referee. He, John Lee and Wayne Shulby will be the evaluators for the meet as well as being assigned to work the meet. For the Region II meet our Meet Referee is Cecil Gordon (MA). Cecil has Joel Black who will be the Evaluator for the meet. I will also be at the Region II meet and will assist Joel as he has asked for an assistant.

I have passed out the N2 – N3 certification list for the EZ. If there are any corrections, please send me the information and I will forward the corrected list to each LSC. This is the information I received this past August.

We had several of our officials assigned at the National Meets this summer including the Junior Pan Pacs in Hawaii. If each LSC will send me the list of official who worked the National Championship meets in Irvine and Hawaii I will publish the list and send to the LSC Chairs for publication. This is information I want to share with the LSCs.

I am passing out the list (one for each LSC) of the N2/N3 officials. If there are any changes because they were assigned on the National Championship deck this past year then please send me the information and I will correct my list and resend it to the LSC Chairs. Thank you.

Requesting a Meet Ref for the Eastern Zone meet, scheduled for Easter Weekend 2011.

Respectfully submitted,

Jamy Pfister

Motion to pass Officials Chair report, second and passed.

Technical Planning Report: Pete Barry. Full Report Attached

- Reminders SC yards Zones individual events \$5, \$12 relay.
- Sectionals North Region goes North, South Region goes south, each can do their own cuts
- If something comes up please send any issues to Pete so he can be prepared, this will avoid having to set up a meeting last minutes.
- Zone 13 & over distance meets will have to look at tighten up times, boys outnumber the girls. All times will be looked at and tightened. He will get the up soon. All 50 10 heats, 100 7 heats, 200 5 heats, 400+ 4 heats (for both LC meets Zone and Super Sectionals)
- Thanks to Bill Marlin for pulling off the Zone meet this summer in running the meet with all the storms.
- Max QTs will be posted soon. Meter times 2010 LC Junior times
- North teams meet
- Motion for the 2011 season Zone meets scored by age group and by team and awards the top 3 LSC for each age group. (top 3 LSC teams in 10 & Under), then the top LSC overall. Seconded
 - Concerned to start in 2011 because the spring host has already begun the planning.
 - Came out of AG Conference call, due to complaints due to smaller teams not getting enough recognition.
 - Amendments – 2011 LC meet (for the spring it will be up to the host)
 - Motion Beginning with LC 2011 Zone scoring age at zone 9-10, 11-12, 13-14, 15 & 0 with awards.
 - Amendment to gender specific age groups, seconded. Failed
 - Amendment: add the words “or recognition” so there don’t have to be a physical awards, seconded
 - Motion to accept amendment be accepted by acclamation, seconded and passed
 - Original motion with amendment passed

Motion to pass the Technical planning, seconded and passed.

Eastern Zone Athlete Representative: Haley Smith

- The athletes have met and outlined what their responsibilities are and how they can be made better here at Convention and at home within our LSC. Many athletes attended an outreach clinic in Arlington, TX and would like all athletes and LSCs to participate in more outreach clinics as working with the young swimmers is very rewarding.
- Elections for the Zone athlete representative coordinator will be held tomorrow. Any athlete who has been to 2 or more conventions will be eligible to run for the position.

Motion to pass the athlete representatives report, seconded and passed.

Zone Championship Report: Bud Rinbault:

- **August Super Sectional** meet; A bid has been received from Team Pittsburgh to run the summer Super Sectional meet. Team Representatives reported that the University of Pitt is 99% sure it will work. It was also noted that the pool has recently been renovated. The meet is scheduled for the first weekend in August (4-7, 2011).
Motion to accept Team Pitt as host, seconded and passed.
- **LC Age Group Zones:** No one has expressed an interest or submitting a bid at this time.
- **Motion to give the Zone Championship Director the authority to accept a bid if it comes at a later date, seconded and passed.**

National Rules Committee Report: None

Elections:

Director Coach: Marci Callan the incumbent and Bill Marlin who was nominated from the floor. Motion to close the nominations, seconded and passed.

Secretary/Treasurer: Boots Hall, seeing that no one else is interested in the position, motion to close the nominations, seconded and passed. **Motion to accept Boots as the Secretary/Treasurer by acclimation, seconded and approved.**

AG planning Non Coach: Paris Jacobs, seeing that no one else is interested in the position. Motion to close the nominations, seconded and approved. **Motion to accept Paris as the Age Group Planning Non-Coach by acclimation, seconded and approved.**

Zone Director Coach: Both nominees, Bill Marlin (PVS) and Marci Callan (NI) gave brief bios.

Results: Marci has been re-elected. **Motion to destroy ballots, seconded and approved.**

Old Business:

Eastern Zone May Meeting: in Ft. Lauderdale May 7, Niagara will be running it with help from Mid Atlantic, Paris Jacobs and Greg Eggert, NJ and Metro, Mary Fleckenstein.

Technical Planning Committee Meeting to be scheduled while in Ft. Lauderdale

New Business. No new business.

Motion to adjourn was made at 8:44. Seconded and Passed. Meeting adjourned.

Technical Planning Committee Meeting

September 15, 2010

Called to Order 6:00pm

Review of May minutes: Pete listed the highlights from the May meeting. Jerry Adams motioned to approve the minutes as presented. Brad Bowser seconded

Pete stated he called for the Tech meeting from information received from Marci Callan, to make sure LSC's understood the upcoming changes voted on at the May Meeting

Old Business:

Pete asked if there were any meet QT's that needed to be adjusted. There were concerns about the number of swimmers in the 13 and older zone events 400m and longer. Jerry A stated the distance events seemed to be larger than normal at the zone meet. Jerry said there were 60 men in the 800m free and 40 in the women's 800m free. Pete will look at all of the times for the LCM Zone and sectional meets. He will have statistical information and present it to the zone at the spring meeting.

Pete asked if there were any other issues from the LCM meets that should be addressed. Bill Marlin stated the air quality of the super sectional meet was awful. Brad Bowser questioned the qualifying time standards for SCY spring sectionals and expressed concern that they should be the same. Pete stated that in the past each region established their own entry times. It was suggested that north might want to consider loosening the times to be the same as south region. This might help entice more entries for the north.

Jerry Adams asked if the zone meets will only have the Olympic events swum at finals, in relationship to the 13 and older distance events. Pete stated the mistake slipped past him on the meet announcement. He also stated the need for the zone to revisit the concept on the meet announcement template. One will be presented at the spring technical meeting.

New Business:

Pete stated that Eric Fucito would be speaking at the eastern zone HOD about the age group chair conference call.

Pete explained how the south sectional meet got awarded to VA. At the end May meeting VA was sure they could get the new VT pool in Christiansburg. As soon as Pete returned home VA was able to get the VT pool contracted on the dates for the meet. Since there were no other bids at the May meeting, the Eastern Zone Directors, Technical Chairman, and Championship Meet Chairman awarded the meet to VA.

Pete stated we need bids at the Eastern Zone HOD for the following meets:

LCM Age Group Zone Championships August 10 – 13th

Super Sectionals Meets needs a date picked and host

Marci Callan asked if there were any entry time issues at the LCM zone meet. Bill and Mary stated there were none. It was suggested that for the spring zone meet that the times get a recon ran against the entry times.

Meeting adjourned at 6:28pm

Submitted Respectfully, Jamy Pfister 9/16/2010

LSC	NAME	QM MEET	Head SR Meet Ref	Evaluator - code F - Final, I - initial,
AD	Faucett, JoAnn	N2		All
AM	Pfister, Jamy	N3	Meet Ref	STN3-N3F,CJ-N3;N3F,SR-N3,N3I,DR-N3,N3F, AR-N3,N3F
	Zaleski, Carol	N3	Head STR/ Meet Ref	STN3-N3F,CJ-N3;N3F,SR-N3,N3F,DR-N3,N3F, AR-N3,N3F
CT	Repass, Bill	N2 /N3	Head Starter	ST-NE, CJ-N3;N3I,SR-N3;N3F
MD	Cahn, Jamie	N3	Meet Ref	ST-N3;N3F, CJ-N3;N3F, SRN2;N2, DR-N3,N3I, AR-N2,N2
	Dobry, Rob	N2		ST-N3;N3, CJ-N3;N3I, DR-N2;N2, AR-N2,N2
	John Lee	N2/N3	Head Starter	ST-N3;N3F, CJN2;N2, SR-N3;N3F, DR-N3;N2
	Johnson, Robert	N2/N3		ST-N3;N3F, CJ-N3;N3I, SRN2;N2, DR-N2,N2, AR-N3,N2
	Jorgensen, Jeff	N2		ST-N3;N3, CJ-N2, SR-N2, DR-N2, AR-N2
	LaGow, Peter	N2 N3	Meet Ref	ST-N3;N3F,CJ-N3; N3I, SR-N2, DR-N3, AR-N3
	Lottes Linda Sue	N2/N3		ST-N3;N3F, CJ-N3;N3F,SR-N3;N2, DR-N3;N3I, AR-N2;N2
	Lottes, Steve	N2/N3		ST-N3;N3F, CJ-N3;N3F, SR-N3;N2, DR-N3;N3I
	Pulley, Chris	N3		ST-N3;N3F, CJ-N3;N3F, SR-N3;N2, DR-N3;N2
	Smith-Jones, Annie	N2		ST-N3;N3, CJ-N3, DR-N2, AR-N2
	Wepasnik, Denise	N2/N3	Head Starter	ST-N3;N3F, CJ-N3;N2, SR-N3;N3F, DR-N2;N2
MA	Gordon, Cecil	N3	Meet Ref	ST-N3;N3F, CJ-N3;N3F, SR-N3;N3I, DR-N3;N2
	Killian, Fred	N2	Meet Ref	ALL
NE	Ching, Frank	N3	Head STR/ Meet Ref	ST-N3;N3F, CJ-N3;N3F, SR-N3;N3F, DR-N3-N3F, AR-N3;N3F
	Maker, Paul	N3	Head STR/ Meet Ref	ST-NE-N3F, CJ-N3;N3F, SR-N3;N3F, DR-N3;N3F
	Memont, Paul	N3	Head STR/ Meet Ref	ST-N3;N3F, CJ-N3;N3F, SR-N3;N3F, DR-N3;N3F
NJ	Lever, Ann	N2	Head Starter	ST-NE;N3F, CJ-3;N3F, SR-N3;N3F, DR-N2;N2, AR-N2;N2
	O'Neil, Jim	N2/N3		ST-N3;N3F, CJ-N3;N2, SR-N3-N3I, DR-N3;N2
PV	Sheehan, Jim	N3	Head STR/ Meet Ref	ST-N3;N3F, CJ-N3;N3F, SR-N3;N3F, DR-N3;N3F, AR-N3;N3F
	Hall, Boots	N2/N3		ST-N3;N3F, CJ-N3;N3F, SR-N2;N2, DR-N3;N3I, AR-N2-N2
	Hirschmann, John	N2/N3		ST-N3;N3F, CJ-N3;N3F, SR-N2;N2, DR-N3;N3I, AR-N2-N2
	Husson, Tim	N2		All
	Neil, Jack	N2/N3		ST-N3, CJ-N3;N3I, SR-N3, DR-N3, AR-N2
	Whalen, Ronald	N2/N3		ST-N3;N3F, CJ-N3;N2, SR-N2;N2, DR-N3, AR-N2;N2
VA	Downs, Michael	N3	Meet Ref	ST-N3;N3F, CJ-N3;N3F, SR-N3;N3I,DR-N3;N2, AR-N3,N3I
	Gibbs, Lee	N2		ST-N3;N3F, CJ-N3;N3I, SR-N2;N2, DR-N2;N2

No Evaluators for Maine, Metro and Niagara LSCs. This list is current as of 9, 14, 2010.

Administrative Vice-Chairman Report

Sept. 1, 2010-Sept. 30, 2010

Meet Reports Received	6	
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Meet Reports Outstanding	0	Meet Reports Late (30 days)	0
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Niagara Surcharges Received	\$7,493.00	
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Niagar Surcharges Outstanding	\$0	
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Sanctions Issued	4 (Rich)	12 (Myself)	
Approvals Issued	0		
Observed Swims	1 (Rich)	Championships	1 (Rich) 5 (Myself) Invitationals 0

Sanctions Denied	1	
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Sanctions Pending	0	
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Sanction Fees Received	\$425	(\$150) 2011 LC LSC Bids
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Sanction Fees to be Refunded	\$0	
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Submitted By: _____

Brad K. Boyle

Date: _____

Niagara Swimming, Inc.

Niagara Swimming Technical Planning Committee Committee Chair semi-annual report to the HOD, October 2010

In 2010, we have placed a major focus on long-term program development and those efforts continue from the last report. This report will cover those efforts and the recent results of the 2010 Long Course season

2010 Long Course Report

Performance – Our Long Course performances were fairly steady and even with results from 2009. They still lag behind our SCY performances but that is consistent with past years. We have considerable challenges to overcome as it relates to LC swimming in our LSC (see below), but we must continue efforts to improve in this area.

Meets/Participation – The number of Niagara LSC LC swims this season increased from last year; there were 12 opportunities (open competitive meets not including the SuperSectional meet), vs. 15 in 2009. We had 20,653 LC splashes in Niagara Vs. ~18,000 in 2009. The increase is entirely due to the 3000 “imported” swims that occurred with EZ Speedo SuperSectional Meet being held in Niagara this year (it was not last year). Our “effective” total was about 17,500 LSC swims, which is very close to last year’s totals. We has 3 less opportunities than 2009, so the meets we hosted were actually larger, which is not a bad thing.

Our LSC continues to be very unbalanced in our distribution of LC swims with only 4500/15500 (or 29%) being held outside the Buffalo area. Buffalo continues to be very well served for LC swimming and we need to continue efforts to encourage LC swimming in the rest of the LSC. We recorded about 7000 SCY swims during the summer in over 20 meets (mostly in the underserved LC areas). This is reflective of the lack of usable LC facilities outside Buffalo, forcing clubs to get their competitive opportunities in SCY venues. Not much we can do about that except to encourage more 50 Meter facilities.

Super Circuit – In our second year of the SC program, we recorded 2275 LC swims in 6 meets. That is comparable to the 2247 swims (5 meets) in 2009. The meets themselves were smaller then last year, but they do represent almost half of the LC swims outside of the Buffalo area so they are important. We will continue this program through the 2011 LC Season.

2011 Long Term Outlook for our LSC

Last year, Technical Planning took a multi-pronged approach to long-term LSC success, focusing on both the WET-SIDE and DRY-SIDE aspects of our sport. This is a short review of the results of the last year, and a look forward to where we are going.

WET-SIDE (performance & participation)

Performance – The long-term focus for the LSC is to continue to broaden our Age Group participation in events and meets. This will ultimately serve to improve the overall

Niagara Swimming, Inc.

development of our younger swimmers, which will in time “trickle-up” as those swimmers age into the older and senior levels as better “rounded” swimmers with a solid developmental base. Our main focus in this effort is IMX participation. Technical Planning made a big “verbal pitch” last year as we reached out to our coaches and asked them to assist us and we really had some nice advances. In 2008-2009, we had 396 separate swimmers (out of 6543 or 5%) complete the IMX Circuit. This year, will little more then coach-to-coach encouragement, we had 470 swimmer (out of 6543 or 7.5%). Those are very good increases. Most encouraging was the fact that 400 of those 470 (85%) were under the age of 14.

To formalize this effort and offer more support from the LSC level, Technical Planning has teamed up with the incoming Age Group Chair (Adam Zaczkowski) to develop an IMXtreme Awards Program. This program will replace the Go The Distance and Versatile Swimmer program that are no longer support by USA Swimming.

See [APPENDIX I](#) for IMXtreme Awards Program.

DRY-SIDE (Administration and club health)

Technical Planning made large push for club strengthening and program development as we have become convinced that sustained performance at the LSC level is contingent on the overall strength of our individual member clubs. Much of our focus went into club strengthening programs designed to improve our “institutional performance”, which in turn better serve our developing athletes.

Club Recognition – The biggest program developed last year was the USA Swimming Club Recognition support program. The LSC offered \$400 for each level a team progressed over the course of the year. 12 teams took advantage of the program and we had 18 “Level Ups”. Some teams “leveled up” more then one level last year as well. Currently, our LSC has 18.66% participation in the program (up from 5.3%). Solid growth for one year and we WILL CONTINUE this program this year in hopes are moving towards a 2011 goal of 25%-30% (20-24 team in the program).

See [APPENDIX II](#) for the full 2010 Club Recognition Program report.

Additional efforts will continue in Club Strengthening in 2011 and into the future as the LSC continues to push this initiative. Technical Planning is currently working with the Finance Chair (John Kingston) on a long-term reinvestment program that will demonstrate our commitment to club strengthening.

Respectfully submitted

Timothy J. Dubois.
Technical Planning Chair

Attached;

Appendix I – New IMXtreme Program

Appendix II – Full 2010 Club Recognition report to BoD (9/12/10)

Appendix I – IMX Award Program

2010-2011 Niagara IMX Award Program

Adam Zaczkowski, Age Group Chair and Tim Dubois, Technical planning Chair have collaborated to create and implement the following programmatic changes for our Age Group swim program for the upcoming 2010-2011 season. This program will run until August 2012 and then be reviewed for continuation.

Program Overview & Background:

For many years, Niagara has run two programs designed specifically to reward Age Group swimmers. They are the Niagara LSC “Versatile Swimmer” and “Go the Distance” programs. While successful in the past, United States Swimming no longer supports these programs. USA Swimming has shifted their main Age Group emphasis to the IMXtreme Program. IMXtreme results are tracked by USA Swimming and updated through SWIMS automatically and swimmers are ranked according to score. Because, it is automated, it eliminates the paperwork and volunteer hours needed to track swimmer progress that was associated with the two past programs.

We will, starting with the 2010-2011 SCY season, eliminate the “Versatile Swimmer” and “Go the Distance” programs, and replace them with a USA Swimming IMXtreme Awards Program that would reward Niagara Swimmers aged 14 and under for completion of the USA Swimming supported IMXtreme circuit. This program will be a 2-year pilot program that will be reviewed for continuation in the summer of 2012.

Proposed Reward/Award:

Niagara LSC will provide an award to EVERY 14 & under swimmer registered within the Niagara LSC that completes the IMXtreme circuit of events during each USA Swimming year (Sept-Aug). The award will be a 1.5” custom Niagara IMX pin and a custom Niagara IMX water bottle. A swimmer can only receive one IMX award per registration year.

The awards will be distributed at 2-3 periods during the year. Once at the IMX meet in February that complete the circuit at the meet and then again in Mid-April, to correspond with the completion of the SC season (and many teams Spring Awards banquets). There will be a final Late-august distribution (after the LCM season). The awards will be distributed to the member clubs, along with list of completers from that club, so that they can distribute them to their swimmers as they best see fit (such as formal awards presentation at team banquets or informal deck ceremonies at the pool).

Niagara District Program numbers:

Niagara Swimming, Inc.

In the 2009-2010 year, there were 400 14 & Under Niagara swimmers that completed the IMX circuit. These numbers are growing annually. For several years, Technical Planning and Deb Burke (the previous Age Group Chair) have been heavily promoting this program and encouraging member clubs to get their Age Group swimmers into the IMXtreme program. It is also one of the “major” award considerations for an upcoming Niagara Grant initiative.

We feel that this new program will best support these efforts and encourage our Age Group swimmers into the program and reward them for completion. As an added benefit, since USA Swimming tracks the results, there will be no application process and no paperwork. Awards will be automatic once USA-Swimming acknowledges IMX completion in the SWIMS database.

Costs associated with the program

This is a RELACEMENT program that substitutes budgeted expenses associated with the old “Versatile Swimmer” and “Go the Distance” programs with the new IMXtreme Award Program. We have recently negotiated a “sponsorship agreement” with Hasty awards (our current awards vendor), which will include a 2-year supply (1000 custom IMX pins & 1000 Water bottles), at a discounted rate. This supply would also provide for substantial growth during the program term.

Based on historical numbers, the program will have a net savings of approximately \$250-\$300 per year over its duration (2-years) then the combined 3-year actual costs associated with the “Versatile Swimmer” and “Go the Distance” programs. As this is a replacement program for existing money already budgeted for programs that will be discontinued with the implementation of the IMX program, there are no budgetary implications with this programmatic change.

In Conclusion

It is our hope that our member clubs and swimmers will continue to embrace USA Swimming’s most prominent Age Group swimming program (IMXtreme) and we feel that our Niagara program will best support this effort from an LSC level.

Respectfully;

Timothy Dubois, Technical Planning Chair

Adam Zaczkowski, Age Group Chair

Timothy Dubois, Technical Planning Chair
Adam Zaczkowski, Age Group Chair

Appendix II - Tech Planning Report to BoD 9-12-10

Technical Planning Program Report

Club Recognition Program

In August of 2009, the Technical Planning Committee determined that the health of our LSC member clubs was declining and we partially attributed that with Niagara's poor participation in USA-S Club Recognition program. At the time, we only had 5.33% of Niagara clubs participating in the program. We initiated a Long-term initiative to improve our LSC's participation statistics.

Due to the favorable financial health of the LSC, we determined that the best way to initially encourage participation was to offer a cash reimbursement program that offered a \$400 reimbursement for any increase in level from a clubs current Club Recognition status. Clubs with no status would receive \$400 for reaching their initial level as well. We budgeted \$4000 of LSC money for this project and had a goal of 10 "level-up" awards over the course of the year, with a total of 5-6 "new clubs involved, which would raise our LSC participation stats to over 10%.

This was a 1-year pilot program. Here are the results as of August 15, 2010.

Club Recognition Participation as of August 2009;

Level 1	Level 2	Level 3	Level 4
FAST		STAR	
TTSC			
UNAC			

4 Clubs (of 75 – 5.33%), 3 Level 1, 1 Level 3.

Current Club Recognition Participation as of August 2011;

Level 1	Level 2	Level 3	Level 4
UNAC	RHSC	STAR	FAST
GISC		TTSC	
GOST		LCAT	
WEBS			
PACK			
DWSC			
JETS			
RAYS			
TWST			

Niagara Swimming, Inc.

14 Clubs (of 75 – 18.66%), 9 Level 1, 1 Level 2, 3 Level 3, 1 level 4.
(5 – Buffalo teams, 4 Rochester teams, 2 Syracuse teams, and 3 So. Tier teams)

Program Submissions for Reimbursement (\$400 per level).

Level 1	Level 2	Level 3	Level 4
GISC	FAST	TTSC	FAST
GOST	TTSC	LCAT	
WEBS	LCAT		
PACK	RHSC		
DWSC			
JETS			
RAYS			
TWST			
RHSC			
LCAT			

Clubs in **RED** submitted for more than 1 level this year.

PROGRAM COSTS:

10 New Level 1 submissions (at \$400 per) = \$4000

8 “Level-up” submission (at \$400 per) = \$3200

Total Cost = \$7200

The cost is justified alone by our significantly increased presence in this important USA-S program itself, and this increased participation strengthened 12 LSC programs that choose to participate. We still need to move toward 30-40% participation as an LSC, but we are significantly better positioned from where we were last year.

MOVING FORWARD:

Instead of a straight cash reimbursement, we would like to transition this program to one where LSC monies are tied to participation in other LSC program. The Maryland LSC’s Grant Program would be a good example of this how other LSC’s promote Club Recognition participation

Respectfully submitted,
Timothy J. Dubois

Athlete's Report
Niagara Swimming LSC Fall House of Delegates Meeting
October 10, 2010

We both began our first term as athlete's representative by attending the United States Aquatic Sports convention in Dallas, Texas. The convention was an interesting experience, and it was very exciting to see the inner workings of United States swimming. Seeing the way the national boards are run and how other LSCs are run gives perspective about some of the things we are doing well on, along with what we may need to fix.

We mainly talked about athlete protection, and how we can assure the athletes safety. It is very important that a safe environment can be created for the athletes to train and compete in. Many amendments to the rules and regulations were passed to prevent any situations in which an athlete could be in danger. We will be talking with the club athlete representatives to make sure that they do their part in preventing a situation that could be dangerous for them or put their coach in a precarious position.

Among the other meetings we attended was a discussion about swimming in college where college swimmers and coaches were available to answer questions and we also attended a meeting about internet safety. We can share what we learned with the athlete reps at the athlete's meeting. Melissa attended the Outreach Clinic.

The Outreach Clinic was a fun way to not only see what USA Swimming is like as an athlete, but also as a coach – to be able to give advice and watch the progress of others. The Clinic gave us representatives a chance to work with younger, less-experienced kids, and share what we know as swimmers to help them in their development. USA Swimming is planning to hold many more Outreach Clinics all over the country to not only help developing swimmers, but to give children a chance to learn to swim in the first place. It is a goal of USA Swimming to decrease drowning rates in the US and make the sport an activity that people can participate in for the rest of their lives.

In addition to the convention items above we plan to discuss the following at the athlete meeting:

- What they thought about the LC season and any ideas they have to make the meets better.
- The elimination of the Go the Distance and Versatile Swimmer awards and addition of the IMXtreme award for 14&under swimmers.
 - o Ask them to encourage participation
 - o Do they want to see something for the 15-18 age group?
- Find ways for swimmers to feel connected to the LSC and to other swimmers
 - o email list, facebook group, etc.
- Zones and Open Water meet participation

Respectfully submitted

Melissa Holloway
Senior Representative

Chris Garman
Junior Representative

Safety Committee
Barbara Paradis, Chair

2010 Mid- Year End Accident Report for NI LSC

- There were 416 Report of Occurrences reported to USA Swimming
- Niagara LSC submitted 14

Where Accidents Occurred

8 in water
1 on deck
1 bleachers
2 outside venue
1 locker room
1 on blocks

Breakdown by Age

3 ages 1-8
2 ages 9-10
5 ages 11-12
2 ages 13-14
1 ages 15-18
1 ages over 19

When Accidents Occurred

4 practice/water
1 practice/dryland
4 meet competition
2 meet warm-up
2 before practice
1 water/warm-down

Nature of Injury

6 head/neck
2 hand/arm
3 ENMT
1 leg/foot
2 torso

If you are a Coach, Official or Athlete and would like to be on the Safety
Committee e-mail me at- bjpswim@aol.com

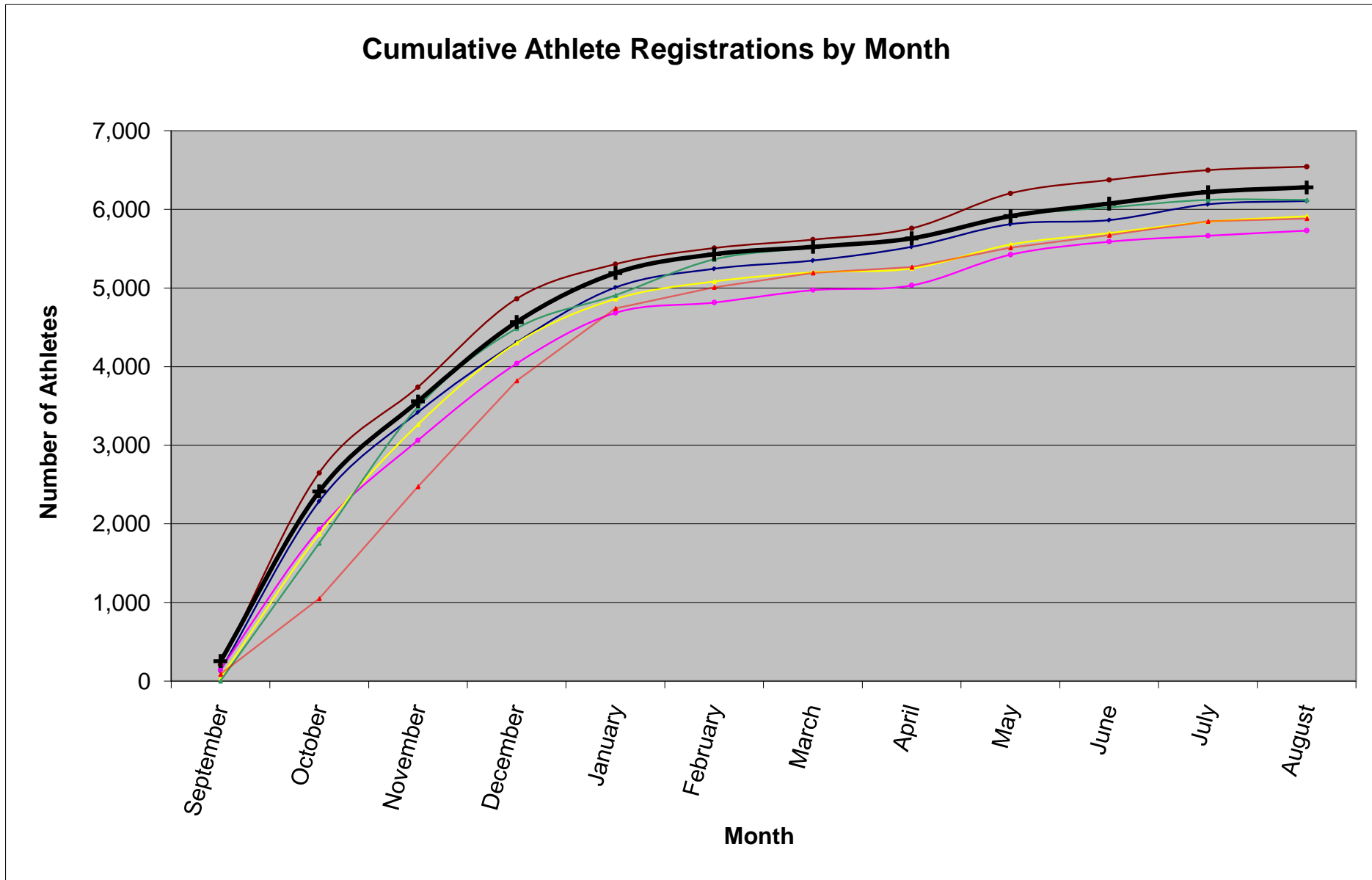
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<i>Club</i>	<i>Athletes</i>	<i>Season 1</i>	<i>Season 2</i>	<i>Individual Season</i>	<i>Single Meet</i>	<i>Other NA</i>	<i>Coaches</i>	<i>Officials</i>	<i>Total</i>
AAAC	29	0	0	0	0	0	3	0	32
AMST	25	0	0	0	0	0	2	0	27
BEST	43	0	0	0	0	2	1	0	46
BSSC	84	0	0	0	0	3	4	1	92
CAGO	86	0	0	0	0	2	2	1	91
CAQY	133	0	0	0	0	2	6	0	141
CAST	9	0	0	0	0	0	2	0	11
CATO	31	0	0	0	0	2	3	0	36
CLSC	175	0	0	0	0	2	4	2	183
CORY	21	0	0	0	0	3	1	0	25
CSCI	73	0	0	0	0	4	4	5	86
CSST	33	0	0	0	0	4	2	0	39
CVSC	87	0	0	0	0	1	4	0	92
CYRR	77	0	0	0	0	2	6	0	85
DWSC	217	0	0	0	0	2	7	13	239
EAST	169	0	0	0	0	2	10	4	185
EDEN	118	0	0	0	0	9	2	4	133
EMAC	74	0	0	0	0	2	3	1	79
FALC	106	0	0	0	0	1	4	0	111
FAST	216	0	0	0	0	5	7	13	241
FKVL	28	0	0	0	0	5	3	1	37
GGST	72	0	0	0	0	3	3	2	79
GISC	64	0	0	0	0	0	8	1	73
GOST	118	0	0	0	0	1	7	2	128
GRAT	51	0	0	0	0	2	6	1	60
GRSC	87	0	0	0	0	4	7	6	104
GVST	52	0	0	0	0	2	3	0	57
GWST	12	0	0	0	0	1	1	0	14
HAMB	58	0	0	0	0	4	3	2	67
HAST	67	0	0	0	0	2	3	6	78
HHSC	67	0	0	0	0	0	4	5	76
HHTA	81	0	0	0	0	0	3	0	84
IRON	101	0	0	0	0	7	3	6	117
ITAC	24	0	0	0	0	0	3	0	27
JETS	113	0	0	0	0	1	7	7	128
KVAC	50	0	0	0	0	2	8	3	62
LCAT	68	0	0	0	0	0	2	7	77
LETC	43	0	0	0	0	0	4	0	47

<i>Club</i>	<i>Athletes</i>	<i>Season 1</i>	<i>Season 2</i>	<i>Individual Season</i>	<i>Single Meet</i>	<i>Other NA</i>	<i>Coaches</i>	<i>Officials</i>	<i>Total</i>
LOCK	33	0	0	0	0	1	1	0	35
LPSC	21	0	0	0	0	0	1	0	22
MERC	83	0	0	0	0	4	3	1	91
METS	64	0	0	0	0	1	6	3	74
NEWW	61	0	0	0	0	0	5	0	66
NTAQ	76	0	0	0	0	2	1	1	80
NTSS	37	0	0	0	0	0	2	0	39
OLSC	94	0	0	0	0	6	5	4	109
PACK	149	0	0	0	0	3	8	8	168
PMSC	43	0	0	0	0	0	3	0	46
QUIK	7	0	0	0	0	1	2	0	10
RAYS	112	0	0	0	0	5	6	2	125
RHSC	128	0	0	0	0	1	6	11	146
ROCH	1	0	0	0	0	0	1	0	2
RRST	42	0	0	0	0	4	3	6	55
SAAC	45	0	0	0	0	1	4	0	50
SDSC	70	0	0	0	0	4	5	9	87
SEAS	111	0	0	0	0	5	5	11	132
SEYS	11	0	0	0	0	0	2	0	13
SHAQ	75	0	0	0	0	3	4	6	87
SKAN	74	0	0	0	0	5	3	2	84
STAR	441	0	0	0	0	10	17	32	500
STSC	95	0	0	0	0	1	4	0	100
SWAT	63	0	0	0	0	2	4	2	70
SYCH	67	0	0	0	0	0	3	0	70
SYRU	2	0	0	0	0	0	2	0	4
TTAC	69	0	0	0	0	7	4	2	82
TTSC	234	0	0	0	0	4	10	18	266
TWST	189	0	0	0	0	7	8	7	211
UN	69	0	0	0	1	10	9	14	102
UNAC	91	0	0	0	0	4	6	3	104
VEST	81	0	0	0	0	3	8	2	94
VICT	136	0	0	0	0	6	5	5	152
WAAC	114	0	0	0	0	1	4	2	120
WEBS	81	0	0	0	0	2	7	7	97
WPSC	64	0	0	0	0	1	3	1	69
WSCS	87	0	0	0	0	1	4	1	93
WWSC	88	0	0	0	0	0	5	0	93

<i>Club</i>	<i>Athletes</i>	<i>Season 1</i>	<i>Season 2</i>	<i>Individual Season</i>	<i>Single Meet</i>	<i>Other NA</i>	<i>Coaches</i>	<i>Officials</i>	<i>Total</i>
Total	6270	0	0	0	1	187	334	253	7037

	<u>September</u>	<u>October</u>	<u>November</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>
2010	255	2413	3558	4567	5190	5429	5522	5631	5913	6072	6219	6279
2009	208	2650	3740	4863	5303	5508	5615	5759	6204	6374	6499	6543
2008	132	2285	3418	4310	5006	5244	5349	5523	5811	5863	6064	6106
2007	148	1931	3064	4041	4685	4816	4974	5034	5425	5590	5666	5731
2006	39	1868	3264	4303	4862	5084	5200	5250	5554	5700	5844	5914
2005	1	1753	3485	4485	4907	5364	5510	5621	5913	6024	6120	6120
2004	88	1050	2475	3821	4739	5009	5192	5265	5513	5672	5848	5884
2009	23%	-9%	-5%	-6%	-2%	-1%	-2%	-2%	-5%	-5%	-4%	-4%
2008	93%	6%	4%	6%	4%	4%	3%	2%	2%	4%	3%	3%
2007	72%	25%	16%	13%	11%	13%	11%	12%	9%	9%	10%	10%
2006	554%	29%	9%	6%	7%	7%	6%	7%	6%	7%	6%	6%
2005	25400%	38%	2%	2%	6%	1%	0%	0%	0%	1%	2%	3%
2004	190%	130%	44%	20%	10%	8%	6%	7%	7%	7%	6%	7%
	September	October	November	December	January	February	March	April	May	June	July	August



Date: October 10, 2010

Re: Fall Report

This Fall brings a bit of confusion due to the new legislation passed at the September Convention. I have been told to "sit tight". Do fill out your registration forms as usual. When the background check and athlete protection portion of the legislation which effects the officials is in place I will be notified in plenty of time to have all of the officials on board without too much confusion.

We have conducted two large clinics prior to the HOD meeting and will continue to do so through the swim season. If you are in need of a clinic, please check the Niagara Web site for postings. The area clinic directors, their e-mail and phone numbers are listed on the Niagara Web site under "Officials" on the left of the page. If you have any questions, please feel free to drop me an e-mail sseiler826@aol.com or give me a call any time. 1-716-741-8908

Respectfully submitted by,

Sue Seiler

Officials' Chair

Bylaws report to the Niagara House of Delegates

At prior meetings, Niagara Swimming's House of Delegates approved four amendments to the Bylaws, three of them directed at achieving 20% athlete representation in the governance of our LSC as required by USA Swimming. By way of overview:

- On April 24, 2010, the House of Delegates approved an amendment achieving 20% athlete representation in the House of Delegates by requiring each club to be represented by both a "qualifying athlete" representative and a non-athlete representative.
- Also on April 24, 2010, the House of Delegates approved an amendment achieving 20% athlete representation on Niagara's Board of Directors by calling for the General Chair to appoint "qualifying athletes" to the Board with the advice and consent of the rest of the Board (essentially codifying recent practice).
- On October 4, 2009, the House of Delegates approved an amendment exempting athletes from Niagara's Bylaws that prevents more than three individuals from the same club from serving on the Board of Directors simultaneously, on the basis that this was a restriction on an athlete's rights that was inconsistent with USA Swimming's goal of maximizing athlete participation
- On May 2, 2009 the House of Delegates approved an amendment making the Officials Chairman a member of Niagara's House of Delegates.

(As a reminder to the House of Delegates, "qualifying athlete" means essentially the same thing as eligibility to be an elected Athlete Representative under Niagara's Bylaws: member in good standing; at least 16 or a sophomore in high school; currently or recently active in the sport; and a resident of Niagara.)

All four of these Bylaws amendments required approval of USA Swimming's Rules & Regulations Committee in accordance with Rule 602.7. That approval was issued on August 24, 2010 (see PDF letter from USA Swimming attached as "Bylaws Approval -Niagara"). Accordingly, those four amendments are now in effect.

I also want to make the House of Delegates aware that I have edited our Bylaws to conform Article 610 (relating to the Board of Review) to the USA Swimming template as mandated by USA Swimming in 2007. These revisions were extensive in number, but not so much in their substance. Basically they took all of the BOR procedure out of LSC bylaws and put them in the Rules instead. Of course, there is now also a 20% athlete representation requirement for boards of review, too.

In the process of making those changes to Article 610, I discovered other minor, non-substantive variances from the required USA Swimming template. (For example, where our Bylaws once referred to the "USA Swimming Code," the template now requires them to refer to the "USA Swimming Rules and Regulations," that being the new name of the "Code.")

In case anyone is interested, I am attaching a redline copy of our Bylaws showing all of these other changes (Article 610 and correcting the other variances) to conform to the required USA Swimming template. (See "Niagara Swimming Bylaws Revisions Highlighted 9-22-10.")

I am happy to answer any questions about these revisions.

Gary

AMENDED AND RESTATED BYLAWS OF NIAGARA SWIMMING, INC.

(Approved by the House of Delegates 11/10/96 and USA Swimming, Inc. 2/12/97)

(Revised October 2004, October 2006, April 2008, May 2009, October 2009 and April 2010)

ARTICLE 601

NAME, OBJECTIVES, TERRITORY AND JURISDICTION

- 601.1 NAME - The name of the corporation shall be Niagara Swimming, Inc. (hereinafter sometimes referred to as "NI").
- 601.2 OBJECTIVES - The objectives and primary purpose of NI shall be the education, instruction and training of individuals to develop and improve their capabilities in the sport of swimming. NI shall promote swimming for the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and procedures of FINA, USA Swimming, Inc. ("USA Swimming"), and NI and its Certificate of Incorporation.
- 601.3 GEOGRAPHIC TERRITORY - The geographic territory of NI ("Territory") is that portion of New York State west of, and including, Oswego, Onondaga, Cortland and Broome Counties.
- 601.4 JURISDICTION - NI shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USA Swimming to conduct swimming programs consistent with NI's objectives and those of USA Swimming and to sanction, approve, oversee and conduct competitive swimming events within its Territory, and its Region and Zone (as those terms are defined in Appendix 6-B, Zone Alignment and Appendix 6-C, Regional Alignment). NI shall discharge faithfully its duties and obligations as a Local Swimming Committee of USA Swimming in accordance with these Bylaws, the USA Swimming Code Rules and Regulations and all applicable policies and procedures.

ARTICLE 602

MEMBERSHIP

- 602.1 MEMBERS - The membership of NI shall consist of the following:
- .1 GROUP MEMBERS - Group Members are organizations operating in the Territory which have, upon application, been granted membership in USA Swimming and NI and paid the fees established by USA Swimming and NI pursuant to Article 603 (dues and fees). An organization may be denied membership by the Registration Coordinator or the Board of Directors for any reason for which a Group Membership could be terminated, subject to appeal to the Board of Review. An organization's status as a Group Member is subject to compliance with its responsibilities under these Bylaws, the USA Swimming Code Rules and Regulations, and the rules, regulations, policies, procedures and codes of conduct and ethics of NI and USA Swimming, and may be terminated by a decision of the Board of Review or the National Board of Review. Except for Affiliated Group Members, Group Members in good standing shall be entitled to participate in the program of swimming conducted by NI, and competitions sanctioned or approved by USA Swimming, in accordance with Section 609.2 (club members' bill of rights).

- A Club Members - A Club Member is an organization which is in good standing as a Group Member of NI and USA Swimming, has athletes and coaches, and participates in the sport of swimming. All athletes and coaches of the organization must be Individual Members in good standing of NI and USA Swimming.
 - B Affiliated Group Members - An Affiliated Group Member is an organization which supports the sport of swimming and the objectives and programs of NI and USA Swimming, which is in good standing as a Group Member of NI and USA Swimming, but which does not have athletes and coaches all of whom are Individual Members of NI and USA Swimming.
- .2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the sport of swimming in the Territory who have, upon registration, been granted membership in USA Swimming and NI and paid the dues established by USA Swimming and NI pursuant to Article 603. An individual may be denied membership by the Registration Coordinator for any reason for which an Individual Membership could be terminated, subject to appeal to the Board of Review. An individual's status as an Individual Member is subject to the Individual Member's compliance with the individual's responsibilities under these Bylaws, the USA Swimming ~~Code~~[Rules and Regulations](#), the rules, regulations, policies, procedures and codes of conduct and ethics of NI and USA Swimming and may be terminated by a decision of the Board of Review or the National Board of Review. Except for Life Members, Individual Members in good standing shall be entitled to participate in the program of swimming conducted by NI, and competitions sanctioned or approved by USA Swimming, in accordance with Section 609.1 (individual members bill of rights).
- A Athlete Members - An Athlete Member is an individual who participates or competes in the sport of swimming and is in good standing as an Individual Member of NI and USA Swimming.
 - B Coach Members - A Coach Member is an individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by NI and/or USA Swimming and who is in good standing as an Individual Member of NI and USA Swimming. Any individual desiring to act in any coaching capacity at any competition sanctioned by NI or USA Swimming must be a Coach Member in good standing of NI and USA Swimming.
 - C Active Individual Members - An Active Individual Member is an individual other than a Coach Member or an Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, officer, coordinator or committee chairman or member of NI or a Group Member Representative or alternate and any other individual desiring to participate in the sport of swimming and who is in good standing as an Individual Member of USA Swimming and NI.
 - D Life Members - A Life Member is an individual who is a life member of USA Swimming and who resides, formerly resided or participated in the sport of swimming in the Territory and who is in good standing as a member of NI and USA Swimming.
- .3 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in NI and USA Swimming is a privilege and shall not be interpreted as a right. Membership may be terminated by the Board of Review or the National Board of Review for any violation of a member's responsibilities under Section 602.2, for any of the reasons set forth in ~~Section 610.4.5.C,~~[Article 404.1.3 of the USA Swimming Rules and Regulations](#) or for any other reason determined by the Board of Review or National Board of Review to be in the best interests of the sport of swimming, USA Swimming or NI.

602.2 MEMBERS' RESPONSIBILITIES

- .1 COMPLIANCE - Each Group and Individual Member shall abide by the policies, procedures, rules and regulations adopted by USA Swimming and NI, including code of conduct and ethics, its responsibilities set forth in these Bylaws. Each Group and Individual Member shall not take or allow to be taken, any action, or conspire with or instigate any other person to take or allow to be taken, any action which could bring the sport of swimming, NI or USA Swimming into disrepute. By applying for and accepting membership in NI and USA Swimming, each Individual Member agrees to so abide and represents, except to the extent disclosed to NI and USA Swimming, that he or she has never been convicted of a crime involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or to have been found by a Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction and that she or he has never acted in a manner which may bring into disrepute NI, USA Swimming or the sport of swimming.
- .2 RESPONSIBILITY FOR INFRACTIONS - A Group Member may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA Swimming or NI, including its responsibilities as set forth in these Bylaws. Infractions include those committed by its members, representatives, officials, coaches or athletes who are competing as representatives of the Group Member or who are competing with the Group Member as unattached swimmers. Also included are infractions committed by a person instigated by the Group Member or with whom the Group Member through any of those individuals conspired. Any Individual Member may be held responsible for any infractions committed or that were allowed to happen by the Individual Member. Also included are infractions committed by a person instigated by the Individual Member or with whom the Individual Member conspired.
- .3 CLUB SAFETY COORDINATOR - Each Club Member shall appoint an Active Individual Member to be a Club Safety Coordinator. The Club Safety Coordinator shall be responsible for disseminating safety education information received from USA Swimming and NI to the Club Member's athletes, coaches and other members and shall make recommendations to the Club Member concerning safety policy and its implementation. The Club Safety Coordinator shall timely make any reports requested by NI's Safety Committee Chairman.

ARTICLE 603 DUES AND FEES

- 603.1 CLUB MEMBERS - Every Club Member shall pay an annual fee, consisting of a national club fee established by USA Swimming and a local club fee established by the Board of Directors of NI, together with any other charges, fees, etc. as may be established by the Board of Directors of NI from time to time.
- 603.2 AFFILIATED GROUP MEMBERS - The Board of Directors shall establish from time to time the annual dues and any other charges, fees, etc., for Affiliated Group Members.
- 603.3 ATHLETES - Each Athlete Member shall pay an annual fee, consisting of a national fee established by USA Swimming and a local fee established by NI.
- 603.4 COACHES - Each Coach Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by the Board of Directors of NI, together with any other charges, fees, etc. as may be established by the Board of Directors of NI from time to time.
- 603.5 ACTIVE INDIVIDUAL MEMBERS - Each Active Individual Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by the Board of Directors of NI, together with any other charges, fees, etc. as may be established by the Board of Directors of NI.

603.6 LIFE MEMBERS - The Board of Directors shall establish the annual dues and any other charges, fees, etc., for Life Members, if any.

603.7 SANCTION, APPROVAL AND OTHER FEES

- .1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish reasonable fees, procedures, and documentation required of an applicant for a sanction or approval for a swimming competition to be conducted within the Territory.
- .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the Board of Directors may establish a reasonable service charge consistent with the nature of the event. For example, the service charge may be a flat amount, an amount related to the number of events swum, the number of individual swims or the number of athletes entered, the cost of equipment and pool time provided, a percentage of receipts or profits, or a combination of one or more of these other bases.
- .3 PAYMENT - Each applicant for a sanction or approval shall submit with its application the fees and any service charges specified by NI. If any of the sanction or approval fees or service charges are due at a time following the submission for sanction or approval, the applicant shall promptly pay those fees or service charges to NI when due in accordance with NI's fee schedule.

603.8 FAILURE TO PAY

- .1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure of a Group Member, Coach Member or Active Individual Member to pay dues, fees, service charges, fines or penalties imposed by NI or USA Swimming, within the time prescribed, as evidenced by a final decision of the Board of Review or the National Board of Review or by a court of law, shall preclude the delinquent member from (a) participating in events sanctioned or approved by USA Swimming through NI or any other LSC, (b) participating in any capacity in the affairs of USA Swimming, NI or any other LSC, or (c) serving as a Club Safety Coordinator, Group Member Representative, coach, manager, official, trainer or in any other capacity with any Club Member or with any group member of any other LSC.
- .2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member to satisfy his or her financial obligations to USA Swimming, NI or their former LSCs, within the time prescribed, as evidenced by a final decision of the Board of Review, the National Board of Review or by a court of law, shall preclude the delinquent member from (a) competing in any competition sanctioned by USA Swimming through NI or any other LSC, (b) obtaining an OVC or other reportable time in respect of events swum at any USA Swimming approved or observed meet, (c) participating in any capacity in the affairs of USA Swimming, NI or any other LSC, or (d) practicing, exercising or otherwise participating in the activities of any Group Member or any group member of any other LSC.
- .3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member has secured a final court judgment or final Board of Review or National Board of Review decision against an Individual Member for non-payment of financial obligations owed to the Club Member, then until the decision or judgment is satisfied the Individual Member shall not (a) compete in any competition sanctioned by USA Swimming through NI or any other LSC, (b) obtain an OVC or other reportable time in events swum at any USA Swimming approved or observed meet, (c) participate in any capacity in the affairs of USA Swimming, NI or any other LSC, or (d) practice, exercise or otherwise participate in the activities of any Group Member or any group member of any other LSC.
- .4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured and brought to the attention of NI final court judgment or a final Board of Review or National Board of Review decision against a Club Member for non-payment of financial obligations (such a refund of

training fees), then until the decision or judgment is satisfied, the delinquent or offending Club Member shall be precluded from (a) participating in events sanctioned or approved by USA Swimming through NI or any other LSC, and (b) participating in any capacity in the affairs of USA Swimming, NI or any other LSC, including being represented in the House of Delegates by its Group Member Representative.

- .5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued failure to pay, within a reasonable period of time, as determined by the Board of Directors, the House of Delegates, the Board of Review or the National Board of Review shall be cause for termination of membership.

ARTICLE 604 HOUSE OF DELEGATES

604.1 MEMBERS - The House of Delegates of NI shall consist of the Group Member Representatives, the Athlete Representatives, the Coach Representatives, the Officials' Chairman, the Board Members designated in Section 605.1, and the At-Large House Members.

- .1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall appoint from its membership one Athlete and one Non-Athlete Group Member Representative and one or more alternates to the House of Delegates. The Group Member's Athlete Representative must (a) be an Athlete Member in good standing; (b) be at least sixteen (16) years of age or at least a sophomore in high school; (c) be currently competing, or have competed during the three (3) immediately preceding years, in the program of swimming conducted by NI or another LSC; and (d) reside in the Territory. Such appointment shall be evidenced by presentation of appropriate documentation at the House of Delegates.

- .2 ATHLETE REPRESENTATIVES -

A Two Athlete Representatives shall be elected, one each year for a two year term, or until their respective successors are elected. At the time of election, the Athlete Representative must be (a) an Athlete Member in good standing; (b) a sophomore in high school; (c) have been and currently be competing during the three immediately preceding years in the program of swimming conducted by NI or another LSC; and (d) residing in the Territory and expecting to reside therein throughout his or her term.

B The election of Athlete Representatives shall be conducted annually in the following manner: The Executive Committee shall fix and announce via NI's website or other generally available alternate manner the respective dates by which nominations for the office of the Athlete Representative whose term is expiring shall be submitted (the "Nomination Date") and ballots shall be cast (the "Election Date"). To be eligible for election, Athlete Members who are otherwise eligible in accordance with Section 604.1.1.2A shall submit their names and a statement concerning their qualifications and objectives to the Senior Vice-Chairman not later than the Nomination Date. If the Nomination Date falls on or before the spring meeting of the House of Delegates, nominees shall have the opportunity to address the House of Delegates at such meeting concerning their interest in the position. Promptly after the Nomination Date, copies of the written statements of the eligible candidates and a ballot shall be posted by the Senior Vice-Chairman on NI's website or otherwise generally made available in an alternate manner designated by the Executive Committee. Each Club Member shall be entitled to one vote, to be cast as determined in accordance with the policies and practices of such Club Member. Ballots are to be returned by the Club Member to the Senior Vice-Chairman and received by the Election Date. Ballots shall be tabulated by the Senior Vice-Chairman and the candidate receiving the most votes of all votes cast shall be elected (even if not a majority). The results of such election shall be announced, and the new Athlete Representative shall take office, forthwith.

- .3 COACH REPRESENTATIVES - Two Coach Representatives shall be elected, one each year for a two year term, or until a successor is elected. The election of the Coach Representatives shall be conducted during NI's spring meeting, at a meeting timely called by the Senior Coach Representative or the Board of Directors, and determined by a majority of the Coach Members in good standing present and voting or, failing that, at a time and place and in a manner designated by the Board of Directors.
 - .4 OFFICIALS' CHAIRMAN - An Officials' Chairman shall be elected for a two year term, or until a successor is elected. The election of the Officials' Chairman shall be conducted during a meeting of the officials following NI's spring meeting and determined by majority vote of officials in good standing present and voting.
- 604.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be elected or appointed members of, to be heard at or to vote at the House of Delegates in any capacity. Members of the House of Delegates must maintain their status as Individual Members in good standing throughout their terms of office.
- 604.3 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of members of the House of Delegates shall be as follows:
- .1 GROUP MEMBER REPRESENTATIVES, BOARD MEMBERS, THE OFFICIALS' CHAIRMAN, THE ATHLETE REPRESENTATIVES AND THE COACH REPRESENTATIVES - Each of the Group Member Representatives, the Board Members, the Officials' Chairman, the Athlete Representatives and the Coach Representatives shall have both voice and one vote each in meetings of the House of Delegates.
 - .2 INDIVIDUAL MEMBERS - Individual Members, unless entitled to vote under another provision of these Bylaws, shall have voice but no vote in meetings of the House of Delegates.
- 604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the affairs of NI and the establishment of policies, procedures and programs. In addition to the duties and powers prescribed in the USA Swimming ~~Code~~[Rules and Regulations](#) or elsewhere in these Bylaws, the House of Delegates shall:
- .1 Elect the officers and regular and alternate members of the Board of Review and the committee chairmen and coordinators listed in Section 606.1 in accordance with Sections 606.2 through 606.5;
 - .2 Elect the members of the Nominating Committee;
 - .3 Receive the recommendation of the Board of Directors, review, and adopt the annual budget of NI;
 - .4 Call regular and special meetings of the House of Delegates;
 - .5 Ratify or prospectively modify or rescind policies and programs established by the Board of Directors (any action or authorization by the Board of Directors with respect to contracts or upon which a third party may have relied shall not be modified or rescinded);
 - .6 Establish joint administrative committees, or undertake joint activities, with other sports organizations where deemed helpful or necessary by NI;
 - .7 Establish by resolution one or more committees of its members. The committees shall have the powers and duties specified in the resolution, which may include delegation of one or more of the

powers and duties of the House of Delegates other than the powers to amend these Bylaws or remove Board Members and other elected officers;

- .8 Amend the Bylaws of NI in accordance with Section 611.3; and
 - .9 Remove from office any Board Members, members of the Board of Review, committee chairmen or members or coordinators who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in ~~Section 610.4.5~~[Article 410 of USA Swimming Rules and Regulations](#). However, no Board Member, Board of Review member or elected committee chairman or coordinator may be removed except upon not less than thirty (30) days written notice by NI specifying the alleged deficiency in the performance of member responsibilities or specific official duties or other reason. All notices and proceedings under this section shall be prepared, served and processed utilizing the procedures for a formal hearing pursuant to ~~Section 610.6.1~~[Article 406 of the USA Swimming Rules and Regulations](#) to the extent applicable. Should the Board Member, Board of Review member or elected committee chairman or coordinator contest the alleged deficiency or other reason alleged in the notice, the House of Delegates may hold a hearing at which the defendant shall have the same rights as if the hearing were to be conducted by the Board of Review pursuant to ~~Article 610~~[Part Four of the USA Swimming Rules and Regulations](#).
- 604.5 ANNUAL AND REGULAR MEETINGS - Meetings of the House of Delegates of NI shall be held semi-annually at such time and place as designated by the Board of Directors in accordance with Section 604.7. One such meeting shall be denominated the “fall meeting” and shall be held no later than November 15 of each year; the other such meeting shall be denominated the “spring meeting” and shall be held no later than June 15 of each year. Other regular meetings of the House of Delegates shall be held in accordance with a schedule adopted by the House of Delegates or the Board of Directors.
- 604.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chairman. Should the Board of Directors or the General Chairman fail to call the spring or regularly scheduled meetings or should a special meeting be appropriate, a meeting of the House of Delegates may be called by a petition signed by at least five members of the House of Delegates, or by any three elected officers of NI.
- 604.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall be held within the Territory. The Board of Directors shall determine by resolution the location and time of all meetings of the House of Delegates.
- 604.8 NOMINATING COMMITTEE -
- .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall be comprised of not fewer than five Individual Members (a number greater than five may be designated from time to time by either the House of Delegates or the Nominating Committee) elected annually by the House of Delegates at each fall meeting preceding the spring meeting at which elections are held (or by the Board of Directors if the House of Delegates does not act in a timely fashion) to serve until their successors are elected. Each member shall be a member of the House of Delegates and no more than two (two-fifths (2/5ths) if there are more than five members of the Nominating Committee) shall be Executive Committee members. Section 606.5.3 (consecutive terms limitation) shall apply to members of the Nominating Committee. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chairman, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates.
 - .2 CHAIRMAN ELECTED BY NOMINATING COMMITTEE - The Chairman of the Nominating Committee shall be elected annually by a majority vote of the members of the Nominating Committee present at a meeting called promptly after the members are elected or appointed.

- .3 DUTIES OF NOMINATING COMMITTEE - A slate of candidates for election as the officers, or committee chairmen or coordinators specified in Section 606.1, and the members of the Board of Review to be elected at the next spring meeting shall be prepared by the Nominating Committee. The Nominating Committee may in its discretion nominate a slate of one person for each position to be filled or may nominate more than one candidate for one or more of the positions. The Nominating Committee shall also nominate a slate of candidates for the Nominating Committee to be elected at each fall meeting before the spring meeting of the House of Delegates at which elections are to be held.
- .4 PUBLICATION OF NOMINATIONS - Nominations by the Nominating Committee shall be published by distributing a slate of candidates together with the positions for which they have been nominated to each member of the House of Delegates and to each Group Member not less than twenty (20) calendar days prior to the election (this notice may be combined with the notice of such meeting pursuant to Section 604.14.1 where convenient). See Section 616.1.5 for the methods which may be used for the distribution.
- .5 ADDITIONAL NOMINATIONS - Additional nominations may be made from the floor of the House of Delegates by any member of the House of Delegates eligible to vote.
- .6 MEETINGS AND NOTICES - Meetings of the Nominating Committee shall be held at any time or place within the Territory when called by the Chairman or any three members of the committee with a minimum of six days notice required. Pertinent provisions of Sections 607.5 through 607.10 and Section 616.1.5 also shall apply to the Nominating Committee's meetings and notices.
- .7 QUORUM - A quorum for any meeting of the Nominating Committee shall consist of not fewer than four members. The committee shall act by a majority vote of its members voting in any meeting at which a quorum is present.

604.9 MEETINGS OPEN; EXECUTIVE SESSIONS -

- .1 HOUSE OF DELEGATES - House of Delegates meetings shall be open to all members of NI and USA Swimming. Issues pertaining to personnel, disciplinary action, legal, tax or similar affairs of NI shall be deliberated and decided in a closed executive session which only House of Delegates members may attend. By a majority vote on a motion of a question of privilege, the House of Delegates may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the House.
- .2 HOUSE OF DELEGATES COMMITTEES - All meetings and deliberations of the Nominating Committee shall be conducted in executive session. All meetings of any other committees established by the House of Delegates shall be open to all members of NI and USA Swimming except to the extent allowed by the resolution of the House of Delegates creating the committee or by the Parliamentary Authority.

604.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and voting.

604.11 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be permitted.

604.12 MAIL VOTE - Any action which may be taken at any regular or special meeting of the House of Delegates, except elections, removals of elected officers and amendments of these Bylaws, may be taken without a meeting. If an action is taken without a meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written ballot to every member of the House of Delegates entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the period specified in Section 604.14.1) within which to return the ballot to the Secretary. Action by written ballot shall be valid only

when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

604.13 ORDER OF BUSINESS - At all meetings of the House of Delegates the following shall be included in the order of business to the extent applicable. The order in which the various subjects are taken up may be varied.

- Roll Call
- Reading, correction and adoption of minutes of previous meeting
- Reports of officers
- Reports of committees and coordinators
- Presentation and approval of the annual budget
- Presentation and approval of the annual audit pursuant to Section 608.5, when applicable
- Unfinished (old) business
- Elections
- New business
- Resolutions and orders
- Adjournment

604.14 NOTICES

- .1 TIME - Not less than twenty (20) days written notice shall be given to each member of the House of Delegates and each Group Member for any regular or special meeting of the House of Delegates. See Section 616.1.5 for the various permitted forms of notice.
- .2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings of the House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If an expected purpose is the amendment of the Bylaws, a copy of the proposed amendment should be included in the notice. Failure to include in the notice amendments subsequently adopted by the House of Delegates including germane and non-germane subjects shall not deprive the House of Delegates of its power to amend the Bylaws at any meeting.

ARTICLE 605 BOARD OF DIRECTORS

605.1 MEMBERS - The Board of Directors of NI shall consist of the following elected officers, committee chairmen, coordinators and representatives of NI, and a sufficient number of athlete members to constitute at least 20% athlete voting membership of the Board of Directors:

- .1 General Chairman
- .2 Administrative Vice-Chairman
- .3 Senior Vice-Chairman
- .4 Age Group Vice-Chairman
- .5 Finance Vice-Chairman
- .6 Secretary
- .7 Treasurer
- .8 The Coach Representatives
- .9 The Athlete Representatives
- .10 Safety Committee Chairman
- .11 Technical Planning Committee Chairman
- .12 Membership/Registration Coordinator
- .13 Webmaster (provided he or she is a volunteer)
- .14 Not less than three or more than five additional members appointed by the General Chairman, with the advice of the foregoing members of the Board of Directors, from among the athlete members, and the non-officer Chairman and coordinators appointed pursuant to Section 607.2. The

appointed athlete members must (a) be Athlete Members in good standing; (b) be at least sixteen (16) years of age or at least a sophomore in high school; (c) be currently competing, or have competed during the three (3) immediately preceding years, in the program of swimming conducted by NI or another LSC; and (d) reside in the Territory.

605.2 [This Section is reserved for future use.]

[605.3](#) [\[This Section is reserved for future use.\]](#)

[605.4](#) ~~605.3~~—LIMITATIONS - No more than three members, including coaches, of any Club Member or Affiliated Group Member shall be elected or appointed to, and serving on, the Board of Directors at any time. This limitation does not apply to the Athlete's Representatives.

[605.5](#) [\[This Section is reserved for future use.\]](#)

[605.6](#) ~~605.4~~—DUTIES AND POWERS - The Board of Directors shall act for NI and the House of Delegates during the intervals between meetings of the House of Delegates (subject to the exercise by the House of Delegates of its powers of ratification or prospective modification or rescission), except that it shall not remove a Board Member, [a Board of Review member or other person elected by the House of Delegates](#), or amend these Bylaws. In addition to the powers and duties prescribed in the USA Swimming ~~Code~~[Rules and Regulations](#) or elsewhere in these Bylaws, the Board shall have the power and it shall be its duty to:

- .1 Establish and direct policies, procedures and programs for NI;
- .2 Oversee the conduct by the officers and staff of NI of the day-to-day management of the affairs of NI;
- .3 Provide advice and consent to certain appointments proposed by the General Chairman [as required under these Bylaws or NI's Policies and Procedures Manual](#);
- .4 Cause the preparation and presentation to the House of Delegates of the annual budget of NI and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
- .5 Receive presentation of the annual audit report pursuant to Section 608.5 and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
- .6 Call regular or special meetings of the Board of Directors or the House of Delegates;
- .7 Retain such independent contractors and employ such persons as the Board shall determine are necessary or appropriate to conduct the affairs of NI;
- .8 Appoint other officers, agents, or committees or coordinators, to hold office for the terms specified. These parties shall have the authority and perform the duties as provided in these Bylaws or as may be provided in the resolutions appointing them, including any powers of the Board of Directors as may be specified, except as may be inconsistent with any other provision of these Bylaws. To the extent not provided elsewhere in these Bylaws, the Board of Directors may delegate to any officer, agent, or committee or coordinator the power to appoint any such subordinate officers, agents, or committees or coordinators and to prescribe their respective terms of office, authorities and duties; and
- .9 Remove from office any officers, committee chairmen, or committee members or coordinators of NI who were not elected by the House of Delegates and who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in ~~Section 610.4.5.C~~[Article 404.1.3 of the](#)

[USA Swimming Rules and Regulations](#). No officer or committee chairman or coordinator may be removed without receiving the thirty (30) days written notice specifying the alleged deficiency in the performance of the member's responsibilities under these Bylaws, the member's official duties or other reasons. All notices and proceedings under this section shall be prepared, served and processed utilizing the procedures for a formal hearing pursuant to ~~Section 610.6~~[Article 406 of the USA Swimming Rules and Regulations](#) to the extent applicable. Should the officer, committee chairman, or committee member or coordinator contest the alleged deficiency or other reason set forth in the notice, the Board of Directors shall hold a hearing at which the member shall have the same procedural rights as if the hearing were to be conducted by the Board of Review pursuant to ~~Article 610~~[Part Four of the USA Swimming Rules and Regulations](#).

[605.7](#) ~~605.5~~ EXECUTIVE COMMITTEE -

- .1 AUTHORITY AND POWER - The Executive Committee shall have the authority and power to act for the Board of Directors and NI between meetings of the Board and the House of Delegates.
- .2 MEMBERS - The members of the Executive Committee shall be the General Chairman, Administrative Vice-Chairman, Senior Vice-Chairman, Age Group Vice-Chairman, Finance Vice-Chairman, Treasurer, the Athlete Representatives, the Coach Representatives, Membership/Registration Coordinator, Technical Planning Committee Chairman, the Webmaster (if a member of the Board pursuant to Section 605.1) and Secretary.
- .3 MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held at any time or place within the Territory when called by the General Chairman or any three members of the committee with a minimum of three days notice required. Pertinent provisions of Sections 607.5 through 607.10 and Section 616.1.5 shall apply to the Executive Committee meetings and notices.
- .4 QUORUM - A quorum of the Executive Committee shall consist of four members of the committee.
- .5 REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special meeting of the Board of Directors the Executive Committee shall make a report of its activities since the last Board of Director's meeting for ratification or prospective modification or rescission, provided, however, that any action of the Executive Committee upon which a third party may have relied (*e.g.*, by signing, or authorizing the signing of a contract) may not be modified or rescinded by the Board of Directors or the House of Delegates.

[605.8](#) ~~605.6~~ OPEN MEETINGS; EXECUTIVE SESSIONS - Board of Directors and Executive Committee meetings shall be open to all members of NI and USA Swimming. Matters relating to personnel, disciplinary action, legal, tax or similar affairs shall be deliberated and decided in a closed executive session which only Board Members or Executive Committee members, respectively, are entitled to attend. By a majority vote on a motion of a question of privilege, the Board of Directors or the Executive Committee may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the Board of Directors or the Executive Committee.

[605.9](#) ~~605.7~~ PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Directors or the Executive Committee may participate in meetings of the Board of Directors or the Executive Committee through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

[605.10](#) ~~605.8~~ REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in accordance with a schedule adopted by the Board of Directors.

[605.11](#) ~~605.9~~ SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the General Chairman. Should the Board of Directors or the General Chairman fail to call regular meetings or should a

special meeting be appropriate, a meeting of the Board of Directors shall be called at the written request of any three Board Members.

605.12 ~~605.10~~ QUORUM - A quorum of the Board of Directors shall consist of a majority of the members.

605.13 VOTING – Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the Board of Directors shall be determined by a majority vote.

605.14 ~~605.11~~ PROXY VOTE - Voting by proxy in any meeting of the Board of Directors or the Executive Committee shall not be permitted.

605.15 ~~605.12~~ ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of the Board of Directors or the Executive Committee may be taken without a meeting if all the Board Members or Executive Committee members entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings of the Board of Directors or the Executive Committee. These consents shall be treated for all purposes as votes taken at a meeting.

605.16 ~~605.13~~ MAIL VOTE - Any action which may be taken at any regular or special meeting of the Board of Directors, except elections, advice and consent to the General Chairman’s appointments, or removals of officers, committee chairmen and members, may be taken without a meeting. If an action is to be taken without a meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written ballot to every Board Member entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the period specified in Section ~~605.15~~605.17) within which to return the ballot to the Secretary. Action by written ballot shall be valid only when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

605.17 ~~605.14~~ NOTICES -

- .1 TIME - Not less than six days notice shall be given to each Board Member for any regular or special meeting of the Board of Directors. Separate notices need not be given for regular meetings that are designated in these Bylaws or otherwise scheduled well in advance. (See Section 616.1.5 for the various permitted forms of notice and the consequences thereof.)
- .2 INFORMATION - The notice of a meeting shall contain the time, date and site, and in the case of special meetings, the expected purpose, which may be general.

605.18 ~~605.15~~ ORDER OF BUSINESS - At all meetings of the Board of Directors the following shall be included in the order of business to the extent applicable. The order in which subjects are taken up may be varied.

Roll Call
Reading, correction and adoption of minutes
Report of Executive Committee
Reports of officers
Reports of committees and coordinators
Presentation of the annual budget and adoption of recommendation to the House of Delegates
Presentation of the annual audit report pursuant to Section 608.5 and adoption of its recommendation to the House of Delegates
Advice and Consent to Appointments
Unfinished (old) business
New business
Approval of applications for Group Membership and Affiliated Individual Membership
Resolutions and orders
Adjournment

ARTICLE 606 OFFICERS

- 606.1 ELECTED OFFICERS AND COMMITTEE CHAIRMEN - The officers and committee chairmen and coordinators who shall be elected by the House of Delegates are:
- .1 General Chairman
 - .2 Administrative Vice-Chairman
 - .3 Finance Vice-Chairman
 - .4 Senior Vice-Chairman
 - .5 Age Group Vice-Chairman
 - .6 Secretary
 - .7 Treasurer
 - .8 Technical Planning Chairman
 - .9 Membership/Registration Coordinator
- 606.2 ELECTIONS - The House of Delegates, at its spring meeting, shall elect the General Chairman, the Senior Vice-Chairman, the Finance Vice-Chairman, the Membership/Registration Coordinator, and the Secretary in odd-numbered years, and the Administrative Vice-Chairman, the Age Group Vice-Chairman, the Treasurer and the Technical Planning Chairman in even-numbered years.
- 606.3 ELIGIBILITY - Only Individual Members in good standing shall be eligible to hold office and must maintain their eligibility throughout their term of office.
- 606.4 DOUBLE VOTE PROHIBITED - An Individual Member of NI entitled to vote in the House of Delegates by virtue of holding a position in NI may not also vote as a Group Member Representative.
- 606.5 TERMS OF OFFICE -
- .1 TERM OF OFFICE - The terms of office of all elected members of the Board of Directors shall be two years.
 - .2 COMMENCEMENT OF TERM - Each person elected by the Board of Directors to a position shall assume office on the next September 1 following such election and shall serve until a successor takes office.
 - .3 CONSECUTIVE TERMS LIMITATION - Except for the Treasurer and the Membership/Registration Coordinator, no Individual Member who has been elected by the House of Delegates and served four successive years shall be eligible for re-election to the same position until a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of the successive terms limitation of the preceding sentence.
- 606.6 DUTIES AND POWERS - The duties and powers of the officers and other Board Members shall be to attend and participate in all meetings of the House of Delegates and the Board of Directors and as follows:
- .1 GENERAL CHAIRMAN: ~~—~~ - - The General Chairman shall oversee and have general charge of the management, business, operations, affairs and property of NI, and general supervision over its officers and agents; shall call meetings when and where deemed necessary; shall preside at all meetings; and, except as otherwise provided in these Bylaws and with the advice and consent of the Board of Directors, shall appoint committee chairmen for standing and special committees as may be necessary to permit NI to effectively, efficiently and economically conduct its affairs. The General Chairman shall report to the Board of Directors all matters within the General Chairman's knowledge that in the interest of NI the Board of Directors should consider.

- .2 ~~SECRETARY:--~~ - The Secretary, or a delegate, shall be responsible for keeping a record of all meetings of the House of Delegates and Board of Directors, conducting official correspondence, issuing meeting and other notices and making such reports to USA Swimming as are required by Article 608 of these Bylaws and shall perform the other duties incidental to the office of Secretary. The Secretary, or a delegate, shall be custodian of the records and any seal of NI, and, as required by law, attest the execution of, and cause such seal to be affixed to, all duly authorized instruments. The Secretary shall cause to be kept at NI's permanent office copies of all minutes, official correspondence, meeting and other notices, any other records of NI and any NI corporate seal.
- .3 ~~TREASURER:--~~ The Treasurer shall be the principal receiving and disbursing officer of NI. Except as otherwise directed by the Finance Vice-Chairman, the Finance Committee or the Board of Directors, the Treasurer shall receive all moneys, incomes, fees and other receipts of NI and pay all bills, salaries, expenses and other disbursements approved by an authorized officer, committee Chairman, Coordinator, the Finance Vice-Chairman, the Finance Committee, the Board of Directors or the House of Delegates or required to be paid pursuant to Section 610.3.12. When authorized by the Board of Directors, income and expenses may be received and paid by a division, officer, or committee or coordinator, provided that such division, officer or committee promptly submits to the Treasurer an itemized report, duly attested by the division, officer, or committee Chairman or coordinator and either within the approved budget of such division, officer, or committee or coordinator or authorized by the Board of Directors or the House of Delegates. The Treasurer shall be a member of the Finance Committee but may not be its Chairman. The Treasurer shall issue a monthly report listing the current budget variances by line item, all receipts, all expenditures and the current fund and account balances for the preceding month and for the fiscal year to date, together with such other items as the Finance Vice-Chairman, the Finance Committee, the General Chairman or the Board of Directors may direct. The Treasurer shall:
- A have charge of and supervision over and be responsible for the funds, moneys, securities and other financial instruments of NI;
 - B cause the moneys, securities and other financial instruments of NI to be deposited in the name and to the credit of NI in such institutions as shall be designated in accordance with Section 606.10 or to be otherwise invested as the Finance Vice-Chairman, the Finance Committee or the Board of Directors may direct;
 - C cause to be appropriately segregated and accounted for any endowment funds, scholarship or award funds and any similar special purpose funds or accounts;
 - D cause the funds of NI to be disbursed by checks or drafts, automated debits or wire transfers upon the authorized depositories of NI, and obtain and preserve proper vouchers for all moneys disbursed;
 - E cause to be kept in the safe-keeping of the Treasurer correct books of account and other financial records of all its affairs and transactions and such duplicate books of account as the Board of Directors, the Finance Vice-Chairman, the Finance Committee or the Treasurer shall determine. The Treasurer's custody of the books and records shall be as a fiduciary for NI and custody and the fiduciary state shall end when the Treasurer leaves office and passes them on to the successor Treasurer.
 - F upon request and at reasonable hours cause such books or duplicates thereof to be exhibited to any member of the Board of Directors and upon application and at reasonable hours cause the monthly financial reports and the annual audited financial statement to be exhibited to any member of NI or USA Swimming;

- G cause NI to be in compliance with the requirements of Section 608.4 (public availability of certain information);
 - H have the power to require from the officers, committee Chairmen, coordinators, staff or agents of NI reports, vouchers or statements giving such information as the Treasurer may determine to be appropriate or helpful with respect to any and all financial transactions of NI;
 - I cause the preparation and timely filing of all required federal, state and local tax returns, and other financial and tax reports with the applicable government official, and forward a copy of the annual financial statement and audit report (if applicable) and any federal tax return to the Secretary for submission to the Board of Directors and USA Swimming national headquarters in accordance with Sections 608.2 and 608.3;
 - J have the power to appoint one or more assistant treasurers and delegate to them one or more of the Treasury functions, or parts thereof; and
 - K in general, perform all the other duties incident to the corporate treasury function.
4. ADMINISTRATIVE VICE-CHAIRMAN: ~~—~~ — The Administrative Vice-Chairman shall conduct meetings in the absence of the General Chairman and, at the request of the General Chairman or in the event of the disability of the General Chairman, shall perform all of the duties of the General Chairman, and when so acting shall have all of the powers of the General Chairman. (See Section 606.8 (vacancies).) The Administrative Vice-Chairman shall chair, and have general charge of the business, affairs and property of the division that administers NI business and affairs. The Administrative Vice-Chairman shall aid in the development of policy and the coordination of the activities of the officers and committees within the division internally and with other divisions, committees, etc. The Administrative Vice-Chairman shall be responsible for the creation and maintenance of NI's Policies and Procedures Manual.
5. SENIOR VICE-CHAIRMAN: ~~—~~ — The Senior Vice-Chairman shall chair and have general charge of the affairs and property of the Division that develops and conducts the senior swimming program of NI. The Senior Vice-Chairman serves a liaison to the Athlete Representatives and the Athletes Committee, and shall be responsible to see that the Athlete Representatives elections are held in accordance with these Bylaws.
6. AGE GROUP VICE-CHAIRMAN: ~~—~~ — The Age Group Vice-Chairman shall chair and have general charge of the affairs and property of the Division that develops and conducts the age group swimming program of NI.
7. FINANCE VICE-CHAIRMAN: ~~—~~ — The Finance Vice-Chairman is the chief financial officer of NI. The Finance Vice-Chairman shall chair and have general charge of the affairs and property of the division that includes the Treasury function, the development and implementation of an investment program for NI's working capital, funded reserves and endowment funds and the development and implementation of a marketing and fund-raising plan for NI. The Finance Vice-Chairman shall prepare an annual budget for NI's operations and present the budget for approval by the Board of Directors and the House of Delegates. In addition, the Finance Vice-Chairman shall cause to be conducted the audit required pursuant to Section 608.5 and shall review, or shall cause to be reviewed, the annual audit report and recommend acceptance and appropriate action, if any, with regard thereto by the Board of Directors and the House of Delegates. The Finance Vice-Chairman is responsible for the adequacy of NI's system of internal financial and accounting controls. The Finance Vice-Chairman is the chairman of the Finance and Budget Committees and a member of the Personnel Committee. Together with the Treasurer, the Finance Vice-Chairman is ultimately responsible for NI's compliance with Section 608.4 (public availability of certain information).

- .8 ATHLETE REPRESENTATIVES: ~~---~~ - The Athlete Representatives shall serve as the liaison between the athletes who are members of NI and the Board of Directors and House of Delegates. The Senior Athlete Representative shall chair the Athletes' Committee.
- .9 COACH REPRESENTATIVES: ~~---~~ - The Coach Representatives shall serve as a liaison between the coaches who are members of NI and the Board of Directors and House of Delegates. The Senior Coach Representative shall chair the Coaches' Committee.
- .10 OFFICIALS' CHAIRMAN: ~~---~~ - The Officials' Chairman, or the Officials' Chairman's designee, shall serve as a liaison between the officials who are members of NI, the Board of Directors and the House of Delegates.
- .11 DELEGATES TO USA SWIMMING HOUSE OF DELEGATES -
- A Officer and Representative Delegates - It shall be the duty and privilege of the General Chairman, the Administrative Vice-Chairman, the Age Group Vice-Chairman, the Senior Vice-Chairman, the Senior Athlete Representative and the Senior Coach Representative to attend the USA Swimming fall meeting as representatives of NI and voting delegates to the USA Swimming House of Delegates.
- B Officer Delegate Alternates - If any of the officer delegates is unable to attend, then the General Chairman, with the advice and consent of the Board of Directors, shall appoint alternates who shall attend the USA Swimming fall meeting as delegates representing NI.
- C Athlete Representative Alternates - If an athlete delegate is unable to attend, the Athlete Representative next most senior in term of office shall attend. If seniority cannot be established or there remain no additional Athlete Representatives or alternates able to attend, then the General Chairman, with the advice and consent of the Board of Directors, shall designate one or more Athlete Members to attend as a representative of NI.
- D Coach Representative Alternates - If the Senior Coach Representative is unable to attend the USA Swimming fall meeting, then the other Coach Representative shall attend, and if neither Coach Representative is able to attend, then the General Chairman, with the advice and consent of the Board of Directors, shall designate a Coach Member to attend as a representative of NI.

606.7 RESIGNATIONS - Any officer may resign by submitting a written resignation to the General Chairman or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

606.8 VACANCIES -

- .1 OFFICE OF GENERAL CHAIRMAN - In the event of a vacancy in the office of General Chairman, or of the General Chairman's temporary or permanent incapacity, the Administrative Vice-Chairman shall become the Acting General Chairman until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chairman, or until the General Chairman ceases to suffer from any temporary incapacity. While serving as Acting General Chairman, the Administrative Vice-Chairman shall vacate the office of Administrative Vice-Chairman, except in the case of the General Chairman's temporary incapacity. If the General Chairman is to be absent from the Territory, the General Chairman may, but is not obligated to, designate the Administrative Vice-Chairman as Acting General Chairman for the duration of the absence.
- .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy in the office of Athlete Representative or Coach Representative, or of the permanent incapacity of the person

holding the office of Athlete Representative or Coach Representative, the General Chairman may appoint, with the advice and consent of the Board of Directors, an Athlete Member or a Coach Member to serve the remainder of the term of office or until the House of Delegates or Coaches shall elect a successor.

- .3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the person holding, any office other than General Chairman, Athletes Representative, Coaches Representative or member of the Board of Review, the General Chairman shall appoint a successor, with the advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the General Chairman may designate, with the advice and consent of the Board of Directors, a person to act for the incapacitated officer for the duration of the incapacity.
- .4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates. The determination as to when the General Chairman is temporarily incapacitated shall be made, where the circumstances permit, by the General Chairman and otherwise shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

606.9 OFFICERS' POWERS GENERALLY -

- .1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - The General Chairman, Administrative Vice-Chairman, and Finance Vice-Chairman each may sign and execute in the name of NI deeds, mortgages, bonds, contracts, agreements or other instruments duly authorized by the NI Policies and Procedures Manual, the Board of Directors or the House of Delegates, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to another officer or agent, expressly requires two or more signatures or is required by law to be otherwise executed. Additional signing authority may be provided by standing resolutions of the Board of Directors or the House of Delegates.
- .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform other duties as may be prescribed in NI's Policies and Procedures Manual or by the House of Delegates, the Board of Directors, the General Chairman, the respective division Vice-Chairman, the delegating officer or these Bylaws. The division Vice-Chairmen shall have the additional duties and powers set forth in Section 607.1 and 607.5.
- .3 DELEGATION - Any officer of NI may delegate any portion of his powers or duties to another Individual Member of NI or to a committee composed of Individual Members, except that neither the Finance Vice-Chairman nor the Treasurer may delegate duties to the other without the consent of the Board of Directors. In addition, the authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other than by the Board of Directors. A delegation of powers or duties shall not relieve the officer of the ultimate responsibility to see that these duties and obligations are properly executed or fulfilled.
- .4 ASSISTANT AND DEPUTY OFFICERS - The House of Delegates or the Board of Directors may by resolution or NI's Policies and Procedures Manual create the office of deputy to one or more of the elected officers. The resolution or the Policies and Procedures Manual shall define the duties and powers of the respective deputies, which may include the power to act for the officer when the officer is out of the Territory or temporarily incapacitated. The elected officers may appoint one or more assistant officers and define their respective duties.

606.10 DEPOSITORIES AND BANKING AUTHORITY -

- .1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of NI shall be deposited to its credit in the banks, trust companies, other depositories or custodians, investment companies or investment management companies as the Board of Directors may select, or as may be selected by the Finance Committee or any officer or officers or agent or agents authorized to do so by the Board of Directors. Endorsements for deposit to the credit of NI in any of its duly authorized depositories shall be made in the manner determined by the Finance Vice-Chairman, the Finance Committee or the Board of Directors. All funds of NI not otherwise employed shall be maintained in the banks, trust companies, other depositories or custodians, investment companies or investment management companies designated by the Finance Vice-Chairman, the Finance Committee, the Board of Directors or any officer or officers or agent or agents authorized to do so by the Board of Directors.
- .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer of money, and all notes or other evidences of indebtedness issued in the name of NI, shall be signed by the General Chairman or the Treasurer, or by such other officer or officers or agent or agents of NI as shall be determined by the Finance Vice-Chairman, the Finance Committee or the Board of Directors.

ARTICLE 607 DIVISIONS, COMMITTEES AND COORDINATORS

607.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS - The seven divisions of NI shall each be chaired by a Vice-Chairman, the Officials' Chairman, the Senior Athletes Representative, or the Senior Coaches Representative, whose respective powers, duties, jurisdiction and responsibilities are described in Section 606.6. Under each division Vice-Chairman there are officers, committees, coordinators and direct responsibilities as follows:

.1 ADMINISTRATIVE DIVISION - Administrative Vice-Chairman

- House of Delegates Meetings
- Bylaws/Legislation/Rules
- Equipment (including computers)
- Insurance
- Legal (General Counsel, if applicable)
- Meet Sanctions
- Membership/Registration
- Overswims
- Public Relations
- Publications/Newsletter/Website
- Policies and Procedures Manual
- Records/Top 16
- Secretary
- Special Events

.2 AGE GROUP DIVISION - Age Group Vice-Chairman

- Adaptive Swimming
- Age Group
- Camps/Clinics
- Meet Evaluations
- Meet Management (NI designated meets)
- Meet Sponsorships (NI designated meets)
- Technical Planning

Time Standards
Zone Team

.3 SENIOR DIVISION - Senior Vice-Chairman

Awards and Scholarships
Camps/Clinics
Meet Evaluations
Meet Management (NI designated meets)
Meet Sponsorship (NI designated meets)
Safety

.4 FINANCE DIVISION - Finance Vice-Chairman

Audit
Budget
Finance
Marketing/Sponsorship
Merchandising
Swim-a-thon
Treasurer
Tax

.5 ATHLETES DIVISION - Senior Athlete Representative

Athlete Representatives
Athletes Committee

.6 COACHES DIVISION - Senior Coach Representative

Coach Representatives
Coaches Committee

.7 OFFICIALS' DIVISION - Officials' Chairman

Officials' Committee
Section representatives identified as Eastern (Syracuse Area), Southern Tier, Rochester Area and the Buffalo Area

607.2 NON-OFFICER CHAIRMEN AND THEIR COMMITTEES; COORDINATORS

.1 ELECTED AND APPOINTED NON-OFFICER CHAIRMEN AND COORDINATORS -

A Elected Chairmen and Coordinators - Pursuant to Section 606.1 (elected officers and committee Chairmen), certain non-officer committee Chairmen and coordinators are elected by the House of Delegates. Their eligibility, terms of office, etc. are established in Sections 606.2 (elections), 606.3 (eligibility) and 606.5 (terms of office). The elected non-officer committee Chairmen and coordinators of NI are:

- (1) Membership/Registration Coordinator; and
- (2) the Technical Planning Committee Chairman.

- B Ex-officio Chairman - Pursuant to Section 607.3 (members and ex-office members of standing committees), certain other committee Chairmen are designated ex-officio by virtue of an office currently held.

- C Appointed Chairmen and Coordinators - The Safety Committee Chairman and the Chairmen of all other standing committees and all other coordinators shall be appointed by the General Chairman with the advice and consent of the Board of Directors and the respective division Vice-Chairman. The appointed standing committee Chairman or coordinator shall assume office upon appointment or, if later, the date designated by the General Chairman, and shall serve until sixty (60) days after the next election of a General Chairman or, if later, until a successor is appointed and assumes office.

.2 DUTIES AND POWERS OF NON-OFFICER CHAIRMEN AND COORDINATORS -

- A Membership/Registration Coordinator - The Membership/Registration Coordinator shall be responsible for the registration of Group and Individual Members and shall make the reports required by Section 608.6 (membership and registration reports), together with such additional reports as may be required by USA Swimming, the Board of Directors or the Administrative Vice-Chairman.
- B Officials Chairman - The Officials Chairman shall chair the Officials Committee which shall be responsible for recruiting, training, certifying and supervising officials for NI. The Officials Chairman shall be a referee certified by NI and each member of the Officials Committee shall be a certified official of NI.
- C Safety Committee Chairman - The Safety Committee Chairman shall be responsible for coordinating safety enhancement and training opportunities as needed and for the dissemination of USA Swimming safety education information to all Group Members, athletes, coaches and officials of NI. The Safety Committee shall develop safety education programs and policies for NI and make recommendations regarding same, and the implementation thereof, to the Senior Vice-Chairman, the Administrative Vice-Chairman and the Board of Directors. The Safety Committee Chairman shall make the reports required pursuant to Section 608.7 (safety reports).
- D Technical Planning Chairman - The Technical Planning Chairman shall chair, and have general charge of the business, affairs and property of the Technical Planning Committee, which is responsible for long-range planning regarding the swimming programs conducted by NI, program development, the continuing review and development of the NI philosophy and for advising other committees and divisions regarding the implementation of that philosophy in the context of NI's swimming programs.
- E Athletes Committee Chairman - The Senior Athlete Representative shall chair and have general charge of the business, affairs and property of the Athletes Committee, which shall be responsible for the publication of an athletes' newsletter and shall undertake such other activities (a) delegated to it by the Board of Directors or the General Chairman, or (b) undertaken by the Committee as being in the best interests of the Athlete Members, NI, USA Swimming and the sport of swimming.
- F Coaches Committee Chairman - The Senior Coach Representative shall chair and have general charge of the business, affairs and property of the Coaches Committee, which shall undertake such activities (a) delegated to it by the Board of Directors or the General Chairman, or (b) undertaken by the committee as being in the best interests of the Coach Members, NI and the sport of swimming.
- G Disability/Diversity Committee Chairman - The Disability/Diversity Committee Chairman shall chair and have general charge of the business, affairs and property of the Disability/Diversity Committee, which shall undertake such activities (a) delegated to it by the Board of Directors or General Chairman, or (b) undertaken by the Committee as being in the best interests of the affected Athlete Members, NI, USA Swimming and the sport of swimming. In light of the scope of the Disability/Diversity Committee's charge, the General Chairman may appoint Co-Chairmen thereof.

607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES - Except as otherwise provided in these Bylaws or by the Board of Directors, members of each standing committee shall be appointed by the General Chairman with the advice and consent of the respective division Vice-Chairman and the Chairman of the committee. The division Vice-Chairman shall be an ex-officio member (with voice and vote) of each standing committee within the respective division. The ex-officio members and other designated members of certain standing committees shall be as follows:

- .1 ATHLETES COMMITTEE - The Athletes Committee shall consist of the Athlete Representatives and at least three other Athlete Members. The Senior Athlete Representative or the Athletes Committee shall determine the number of additional Athlete Members. The Senior Athlete Representative is the Chairman of the committee.
- .2 AUDIT COMMITTEE - The members of the Audit Committee shall be the Finance Vice-Chairman, who shall serve as Chairman, and not less than two other members appointed by the Board of Directors (other than the Treasurer).
- .3 BUDGET COMMITTEE - The members of the Budget Committee shall be the General Chairman, the Finance Vice-Chairman, who shall serve as Chairman, the Treasurer, the Administrative Vice-Chairman, the Senior Athlete Representative, the Senior Coach Representative, the Age Group Vice-Chairman and the Senior Vice-Chairman.
- .4 COACHES COMMITTEE - The members of the Coaches Committee shall consist of the Coach Representatives and such additional Coach Members as may be determined by the Coach Representatives. The Senior Coach Representative is the Chairman of the committee.
- .5 FINANCE COMMITTEE - The members of the Finance Committee shall be the General Chairman, the Finance Vice-Chairman, who shall serve as Chairman, the Administrative Vice-Chairman and the Treasurer.
- .6 OFFICIALS COMMITTEE - The members of the Officials Committee shall be the Officials Chairman, who shall serve as Chairman, and at least two other members each of whom shall be a certified official of NI.
- .7 SAFETY COMMITTEE - The members of the Safety Committee shall be the Safety Committee Chairman, who shall serve as the Chairman, and five additional members; one shall be an NI certified official, one shall be a Coach Member, one shall be an Athlete Member and two shall be Club Safety Coordinators.
- .8 TECHNICAL PLANNING COMMITTEE - The members of the Technical Planning Committee shall be the Technical Planning Committee Chairman, who shall serve as Chairman, the General Chairman, the Administrative Vice-Chairman, the Senior Vice-Chairman, the Age Group Vice-Chairman, the Coach Representatives, the Athlete Representatives and at least six additional members of whom at least fifty percent (50%) shall be Coach Members.
- .9 BYLAWS/LEGISLATION/RULES COMMITTEE - The members of the Bylaws/Legislation/Rules Committee shall be the Bylaws/Legislation/Rules Committee Chairman, who shall serve as its Chairman, and not less than two other members who shall be appointed by the Board of Directors.
- .10 DISABILITY/DIVERSITY COMMITTEE – The members of the Disability/Diversity Committee shall be the Disability/Diversity Committee Chairman or Co-Chairmen, who shall serve as the Chairman (or Co-Chairmen), and at least four additional members, of which at least one shall be an Athlete Member and three shall be Coach Members or Active Individual Members. To the extent reasonably practicable, the composition of the Disability/Diversity Committee shall include residents of each of NI’s four regions (namely, Buffalo, Rochester, Syracuse and the Southern Tier).

The General Chairman or the respective division Vice-Chairman may appoint the specified additional members and any other members deemed appropriate or necessary for any of the foregoing standing committees, except the Athletes and Coaches Committees.

607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS -

- .1 AUDIT COMMITTEE - The Audit Committee is authorized to, and it shall be its duty to, (a) conduct an annual examination or review of NI's financial statements, or (b) annually recommend an independent auditor to the Board of Directors to review NI's financial statements, review and negotiate the services to be performed by the independent auditor, receive and review the audit and other reports submitted by the independent auditor, and (c) submit the audit or its report and make recommendations to the Board of Directors with regard thereto.
- .2 BUDGET COMMITTEE - The Budget Committee is authorized and obligated to consult with the officers, committee chairmen and coordinators and prepare and present a proposed budget for consideration and approval by the Board of Directors and the House of Delegates. The officers, committee chairmen and coordinators shall provide promptly such financial information (current and projected) and budget proposals as the Budget Committee may request. The proposed budget may contain alternatives.
- .3 FINANCE COMMITTEE - The Finance Committee is authorized and obligated to develop, establish where so authorized or recommend to the Board of Directors and supervise the execution of policy regarding the investment of NI's working capital and capital reserves, within the guidelines, if any, established by the Board of Directors or the House of Delegates. The Finance Committee shall also regularly review NI's equipment needs (both operational and office) and the various methods available to finance the acquisition of any needed equipment, make a determination of the best financing method for NI and make recommendations to the Budget Committee and the Board of Directors.
- .4 MEMBERSHIP/REGISTRATION COORDINATOR - The Membership/Registration Coordinator is authorized and obligated to conduct the registration of Group and Individual Members and supervise the transmission of registration information to USA Swimming and assist in the preparation of the reports required by Section 608.6 (membership and registration reports), together with such additional reports as may be requested by USA Swimming, the Board of Directors or the Administrative Vice-Chairman.
- .5 OFFICIALS COMMITTEE - The Officials Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify and supervise officials for NI and such other activities as may be necessary or helpful in maintaining a roster of qualified, well-trained and experienced officials of the highest caliber.
- .6 SAFETY COMMITTEE - The Safety Committee shall be responsible for coordinating safety enhancement and training opportunities as needed and for the dissemination of USA Swimming safety education information to all Group Members, athletes, coaches and officials of NI. The Safety Committee shall develop safety education programs and policies for NI and make recommendations regarding them and their implementation to the applicable division Vice-Chairman and the Board of Directors. When approved by the Board of Directors, the Safety Committee shall be responsible for the coordination of their implementation by the Club Members. The Safety Committee Chairman, with the assistance of the committee members, shall prepare and transmit the reports required pursuant to Section 608.7.
- .7 TECHNICAL PLANNING COMMITTEE - The Technical Planning Committee is responsible for developing and coordinating an overall swimming program for all levels of swimming in NI, including Age Group and Senior programs, and for long-range planning for the swimming programs conducted by NI.
- .8 BYLAWS/LEGISLATION/RULES COMMITTEE - The Bylaws/Legislation/Rules Committee shall be responsible for review and recommendation as to any changes proposed to these Bylaws, the NI Certificate of Incorporation or other corporate documents, and rules, policies and procedures of NI, particularly as to (a) form, (b) consistency with existing Bylaws, corporate documents and

rules, policies and procedures of both NI and USA Swimming, and (c) integration of such proposals into existing documents. This committee shall assist the Administrative Vice-Chairman in maintaining any Policies and Procedures Manual for NI.

- .9 DISABILITY/DIVERSITY COMMITTEE – The Disability/Diversity Committee shall be responsible for developing, coordinating, enhancing and implementing swimming programs for the disabled and economically disadvantaged populations in NI.

607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY - The duties and powers of the General Chairman, the Chairman of each division, committee or subcommittee (in addition to those provided elsewhere in these Bylaws) and, where applicable, of the General Chairman and coordinators shall be as follows:

- .1 Preside at all meetings of the respective division, committee or subcommittee;
- .2 See that all duties and responsibilities of the coordinator or the respective division, committee or sub-committee in his charge are properly and promptly carried out;
- .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and responsibilities of the coordinator or division or committee, respectively;
- .4 Communicate with the respective division, coordinator, committee or subcommittee members to keep them fully informed;
- .5 Keep the General Chairman, the respective division Vice-Chairman or committee Chairman and the Secretary informed of the respective coordinator, division, committee or subcommittee actions and recommendations;
- .6 Appoint a member as Secretary of the division, committee or subcommittee charged with taking minutes of each meeting and forward reports or minutes of all meetings to the Secretary;
- .7 Refer to the Board of Directors any recommendation for action which would establish or change policies or programs for NI, except as otherwise provided in these Bylaws or by the Board of Directors; and
- .8 Perform the other specific duties listed in NI's Policies and Procedures Manual or as may be delegated by the General Chairman, the respective division Vice-Chairman or committee Chairman, the Board of Directors or the House of Delegates.

607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY - Except as otherwise provided in these Bylaws, the duties and powers of the standing committees and coordinators shall be prescribed by NI's Policies and Procedures Manual, the House of Delegates, the Board of Directors, the General Chairman or the respective division Vice-Chairman. Except as otherwise provided in the Bylaws, the duties and powers of any other committees and subcommittees shall be prescribed by NI's Policies and Procedures Manual, the House of Delegates, the Board of Directors or the officer, coordinator or Chairman pursuant to whose powers such committee or subcommittee was created.

607.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of divisions, committees or subcommittees of NI shall be held as determined by the respective Vice-Chairmen or committee or subcommittee Chairman. In addition meetings may be called where applicable by the division Vice-Chairman, or committee Chairman or coordinator pursuant to whose authority a committee or sub-committee was established.

- 607.8 MEETINGS OPEN; EXECUTIVE SESSIONS - Meetings of divisions, committees and sub-committees shall be open to all members of NI and USA Swimming. Matters relating to personnel, disciplinary action, legal, taxes and similar affairs shall be deliberated and decided in a closed executive session which only members are entitled to attend. By a majority vote on a motion of a question of privilege, a division, committee or sub-committee may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the division, committee or sub-committee.
- 607.9 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of a division, committee or sub-committee may be taken without a meeting if all the division, committee or sub-committee members entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings. These consents shall be treated for all purposes as a vote taken at a meeting.
- 607.10 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any division, committee or sub-committee may participate in a meeting of the division, committee or sub-committee through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.
- 607.11 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action establishing a committee or subcommittee, a quorum of any committee or subcommittee shall consist of those members present of the committee or subcommittee.
- 607.12 PROXY VOTE - Voting by proxy in any meeting of a division, committee or sub-committee of NI shall not be permitted.
- 607.13 NOTICES
- .1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action establishing a committee or sub-committee, not less than forty-eight (48) hours notice in the case of notice given by telephone, and six days notice in all other cases, shall be given for any meeting of a division, committee or sub-committee of NI. Separate notices need not be given for regular meetings that are scheduled well in advance. (See Section 616.1.5 for the various forms of notice.)
- .2 INFORMATION - The notice of a meeting shall contain the time, date and site.
- 607.14 ORDER OF BUSINESS - At all meetings conducted under the authority of this Article, the following shall be included in the order of business to the extent applicable; the order in which subjects are taken up may be varied:
- Roll Call
 - Reading, correction and adoption of minutes
 - Reports of coordinators, committees and subcommittees
 - Unfinished (old) business
 - New business
 - Resolutions and orders
 - Adjournment
- 607.15 RESIGNATIONS - Any committee or subcommittee chairman or member or coordinator may resign by submitting a written resignation to the General Chairman or Board of Directors specifying an effective date of the resignation. If such date is not specified, the resignation shall take effect upon the appointment of a successor.

- 607.16 VACANCIES - The determination of when the position of an appointed committee or subcommittee chairman's, committee member's or a coordinator's position becomes vacant or the person becomes incapacitated, if not made by the person, shall be within the discretion of the Board of Directors. (See Section 606.8 (vacancies) for rules applicable to elected committee chairmen and coordinators.) In the event of a vacancy or permanent incapacity the General Chairman, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the conclusion of the incumbent's term. A temporary incapacity may be left unfilled at the discretion of the General Chairman or an appointment may be made for the duration of the temporary incapacity.
- 607.17 DELEGATION - With the consent of the Board of Directors or the respective division Vice-Chairman, a committee or subcommittee Chairman or a coordinator may delegate a portion of their powers or duties to another officer of NI, or to another committee, subcommittee or coordinator. Notwithstanding any delegation, the ultimate responsibility for the delegated duties and obligations shall remain with the delegator.
- 607.18 APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF REVIEW - Sections 607.5 through 607.14 shall apply to the Executive Committee, the Nominating Committee and any other committee of the Board of Directors or the House of Delegates, unless otherwise provided in these Bylaws, in the resolution creating the committee or in the NI Policies and Procedures Manual. These provisions shall also apply to Board of Review meetings, but shall not apply to its hearings or deliberations.

ARTICLE 608 ANNUAL AUDIT, REPORTS AND REMITTANCES

- 608.1 MINUTES - The Secretary shall, within thirty (30) days after each meeting of the Board of Directors and the House of Delegates, transmit a copy of the minutes of the meeting to each member thereof and to USA Swimming national headquarters.
- 608.2 FINANCIAL AND FEDERAL TAX REPORTS - The Secretary shall forward to USA Swimming national headquarters a copy of the annual closing Balance Sheet and Statement of Income and Expense for the preceding fiscal year following completion of the audit of the accounts and internal financial controls and procedures of NI and the report thereon prepared in accordance with Section 608.5, within fifteen (15) days of receipt of the audit report and shall advise USA Swimming national headquarters within thirty (30) days following acceptance by the House of Delegates, if the same is presented for acceptance in such fashion. Copies of any corresponding federal income tax return required to be filed by the IRS Code and any state or local tax returns filed on behalf of NI shall be included with the annual audit report sent to USA Swimming national headquarters.
- 608.3 STATE AND LOCAL REPORTS AND FILINGS - The Secretary shall cause to be made all reports and non-tax filings and shall requisition from the Treasurer checks with which to pay any applicable fees required by its state of incorporation and by any other state or municipality in which it operates.
- 608.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION - NI shall cause to be made available, at a reasonable location and time determined by NI, to any member requesting to see a copy of NI's federal income tax and information returns for each of the last three years, and a copy of the materials submitted by USA Swimming to include NI in USA Swimming's group exemption ruling as required pursuant to IRS Code section 6104 and any similar requirements of applicable state or local laws.
- 608.5 ANNUAL AUDIT - An annual audit of the accounts, books and records of NI shall be completed no later than the end of the third month following the end of its fiscal year. The audit shall be conducted by (i) an independent auditor who shall be a certified public accountant, or (ii) the audit committee. The audit shall cover any federal, state or local income tax return that NI is required to file under the IRS Code or applicable provisions of state or local law, rules or regulations, the Balance Sheet, the Statement of Income and Expenses, check register and bank statements, income receipts, expense vouchers, budgets and such other records as is deemed appropriate. At the conclusion of the audit a report shall be prepared, shall be

signed by the independent auditor (CPA) or all of the members of the audit committee and the Treasurer, and shall state that the financial records and reports of NI have been examined and fairly represent the financial condition of NI as of the date of the Balance Sheet and for the fiscal period of the Statement of Income and Expense, subject to (i) any qualifications that are consistent with generally accepted auditing practices, if certified by an independent auditor, or (ii) the committee's knowledge, information and belief, if certified by an audit committee.

608.6 MEMBERSHIP AND REGISTRATION REPORTS - The Membership/Registration Coordinator shall forward in a timely manner all required reports to the Executive Director of USA Swimming. This report shall be accompanied by a remittance of the appropriate membership and registration fees due to USA Swimming. The Membership/Registration Coordinator shall make periodic summary reports to the Administrative Vice-Chairman, the Board of Directors and the House of Delegates.

608.7 SAFETY REPORTS -

.1 INCIDENT/OCCURRENCE REPORTS - An occurrence report providing all of the information requested by applicable USA Swimming form report should be completed at the time of the occurrence by the meet director, officer, coach or club officer with copies to USA Swimming national headquarters, the Safety Committee Chairman and the Administrative Vice-Chairman and the Secretary.

.2 REPORTS OF INJURIES - The Safety Committee Chairman shall present a report concerning swimming-related injuries within the Territory at each House of Delegates and Board of Directors meeting.

A House of Delegates Reports - The report to the House of Delegates shall be written and shall provide in summary form the pertinent information including whether the injured party is a member of NI and USA Swimming, the location of the occurrence and a brief description of the incident the resulting injury and the emergency-care steps taken, together with any recommendation for action by NI and its members to reduce the likelihood of a re-occurrence. The written report shall include a review of the pertinent statistical information provided by USA Swimming national headquarters. The Safety Committee Chairman is responsible for distribution of this report to each Club Safety Coordinator. A copy of each House of Delegates report shall also be sent to the USA Swimming national headquarters.

B Form of Report - The report to the Board of Directors may be highly summary addressing primarily any recommendation for action by NI and its members.

.3 ~~SAFETY EDUCATION~~[SAFETY EDUCATION](#) - The Safety Committee Chairman is responsible disseminating safety information flowing from USA Swimming Headquarters and exploring safety education opportunities and developing a safety education program tailored to NI and its members and Territory.

608.8 MAILING ADDRESS - NI shall notify in writing USA Swimming national headquarters of any change in its regular mailing address within 14 days of the change.

608.9 REPORTS GENERALLY - NI shall make all reports and remittances to USA Swimming as specified in the USA Swimming ~~Code~~[Rules and Regulations](#) or by the National Board of Directors or National House of Delegates, in such a manner and on such written forms as shall be reasonably determined by USA Swimming national headquarters. The General Chairman, the Registration/Membership Coordinator, the Secretary, the Finance Vice-Chairman and the Treasurer are collectively responsible for seeing that all required reports and remittances are made.

ARTICLE 609 MEMBERS' BILL OF RIGHTS

- 609.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS - NI, in furtherance of Article 301 of the USA Swimming Code Rules and Regulations, shall respect and protect the right of every Individual Member who is eligible under Corporation, USA Swimming and FINA rules and regulations to participate in any competition as an athlete, coach, trainer, manager, meet director or other official, so long as the competition is conducted in compliance with Corporation, USA Swimming and FINA requirements. Before any Individual Member is denied the right to participate in a competition, the individual shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Individual Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.
- 609.2 CLUB MEMBERS' BILL OF RIGHTS - NI shall respect and protect the right of every Club Member which is eligible under Corporation, USA Swimming and FINA rules and regulations to participate in any competition through its athletes, coaches, trainers, managers, meet directors and other officials, so long as the competition is conducted in compliance with Corporation, USA Swimming and FINA requirements. Before any Club Member is denied the right to participate in a competition, the Club Member shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Club Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

ARTICLE 610 BOARD OF REVIEW, ~~HEARINGS AND RIGHT OF APPEAL~~ ORGANIZATION

- 610.1 INTRODUCTION – USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, ~~as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both~~ federal ~~law. That law requires~~laws. ~~These laws require~~ USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section 602.2 (members' responsibilities) and Article 609 (members' bill of rights), and the USA Swimming ~~Code of Ethics~~Rules and Regulations, are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof and a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, NI has established the Board of Review (the "Board") to hear complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the Territory, conduct that may violate the USA Swimming ~~Code Rules and Regulations~~ of ~~Ethics~~Conduct or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or NI, or conduct that may bring USA Swimming, NI or the sport of swimming into disrepute. This Article, ~~together with Part Four of the USA Swimming Rules and Regulations~~, is intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of NI or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people.

~~610.2 DEFINITIONS FOR ARTICLE 610 – When used in this Article 610, the following terms shall have the meanings indicated in this Section and the definitions of such terms are equally applicable both to the singular and plural forms thereof:~~

- ~~.1 “Answer” shall mean the written response to a Notice and Protest filed in accordance with Section 610.6.1.C.~~
- ~~.2 “Chairman” when standing by itself shall mean the Chairman of the Board of Review.~~

- ~~.3 “Notice” shall mean the writing addressed to the Respondent advising him that he has been named a respondent in a Protest and served in accordance with Section 610.2.3. The Notice sets the hearing date and procedures and establishes the schedule to be followed leading to the hearing.~~
- ~~.4 “Presiding Officer” shall mean the Chairman or another member of the Board of Review designated by the Chairman to preside at a particular hearing or hearings. Where applicable the term shall include an attorney so designated pursuant to Section 610.3.12.B.~~
- ~~.5 “Protest” shall mean a written complaint filed in accordance with Section 610.6.1.A by a Group Member or an applicant for such status, or an Individual Member or applicant for such status or, with regard to conduct occurring in the Territory, a member of another LSC, against another member of NI or a constituent element, officer or agent. The Protest may relate an applicant’s having been denied membership in NI or a member’s alleged infraction against its responsibilities under Section 602.2 or about a decision or action by someone acting under the authority of NI or USA Swimming or, with regard to conduct in the Territory, another LSC.~~
- ~~.6 “Protestor” shall mean the Individual Member or Group Member that has filed a Protest with the Board of Review.~~
- ~~.7 “Rebuttal” shall mean the written response to an Answer by a Protestor filed in accordance with Section 610.6.1.D.~~
- ~~.8 “Respondent” shall mean the person against whom a Protest has been filed with the Board of Review or who may be affected by a decision of the Board of Review regarding the Protest.~~
- ~~.9 “Vice Chairman” when used by itself shall mean the Vice Chairman of the Board of Review. This Article and Part Four of the Rules shall be construed accordingly.~~

610.2 ~~610.3~~ BOARD OF REVIEW ORGANIZATION -

- .1 ESTABLISHMENT - The Board of Review of NI shall be independent and impartial.
- .2 MEMBERS - The Board of Review shall have at least five (5) regular members and at least three (3) alternate members. The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least 20% of its membership. The House of Delegates may increase the number of regular or alternate members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of regular or alternate members upon the expiration of the term of office of any incumbent members. When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a sufficient number of athlete members so as to constitute at least 20% of the hearing panel. No hearing shall proceed without the required athlete representation.
- .3 ELECTION; ~~Eligibility~~; TERMS OF OFFICE; ELIGIBILITY -
- A Election - The House of Delegates shall annually elect ~~members~~regular and alternate members of the Board of Review: Two regular and two alternate members shall be elected in even-numbered years and three regular and one alternate members in odd-numbered years.
- B Term of Office - The term of office shall be two years. Each member and alternate member shall assume office on ~~the~~ September 1 following election and shall serve until a successor takes office.

- C Eligibility - Each regular and alternate member of the Board of Review shall be ~~a member~~an Individual Member of NI and USA Swimming. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review.
- 4 ~~DESIGNATION OF CHAIRMAN~~CHAIR ELECTED BY BOARD; OTHER OFFICERS - The ~~Chairman~~Chair of the Board of Review (the "Chair"), who must be a regular member, shall be elected annually by a majority vote of the regular members of the Board of Review. The ~~Board Chairman~~Chair shall annually appoint a Vice-~~Chairman~~Chair and a Secretary of the Board of Review, each of whom must be regular members. The Chair may appoint a Presiding Officer, who must be a regular member of the Board, to preside over one or more pending cases.
- 5 MEETINGS - The Board of Review shall meet for administrative purposes ~~at least once annually~~as necessary to elect the Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the ~~Chairman~~Chair or any three regular members. When meeting for administrative purposes, so much of Article 607 as is provided in Section 607.18 shall apply to the Board of Review.
- 6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Review may participate in a meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.
- 7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its regular members, including athlete members. ~~— (The rule prescribed in Section 610.5.1.C governs the quorum for hearings conducted by the Board of Review.)~~
- 8 RESIGNATIONS - Any regular or alternate member of the Board of Review may resign by orally advising the Chair or by submitting a written resignation to the ~~Chairman~~Chair, the General ~~Chairman~~Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- 9 INCAPACITIES AND VACANCIES ~~—~~ Determination of Vacancy or Incapacity
- ~~A — Office of Chairman — In the event of a vacancy in the office of the Chairman, or of the Chairman's temporary or permanent incapacity, the Vice Chairman shall become the Acting Chairman until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former Chairman, or until the Chairman ceases to suffer from any temporary incapacity. If the Chairman is going to be absent from the Territory, the Chairman may, but is not obligated to, designate the Vice Chairman as Acting Chairman for the duration of the absence.~~
- ~~B — Other Members — In the event of a death, resignation or permanent incapacity of a member of the Board of Review or a Presiding Officer, the Chairman shall appoint an alternate member, or, failing that, the General Chairman shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the Chairman shall designate another member or an alternate member to act for the incapacitated member for the duration of the incapacity. If there are no alternate members available to serve, the General Chairman, with the advice and consent of the Board of Directors, shall appoint one or more alternate members to serve until the next regularly scheduled meeting of the House of Delegates.~~

~~C — Determination of Vacancy or Incapacity — The determination of when a~~In the event of a vacancy in the office of the Chair, a Presiding Officer of any panel or other members of the Board of Review, the LSC shall have in place reasonable written and published rules consistent with the laws of the state of incorporation of the LSC to determine when such membership on the Board of Review becomes vacant or a Chair, Presiding Officer or member becomes incapacitated ~~shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates.~~ The determination as to when the ChairmanChair is temporarily incapacitated shall be made, where the circumstances permit, by the ChairmanChair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action byof the House of Delegates.

.10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the ChairmanChair (or, if the person so unable or unwilling to act or recused or disqualified is the ChairmanChair, the Vice-ChairmanChair, or failing that, the General ChairmanChair) shall appoint another regular member or one of the alternate members or, if none of the alternate or regular members is available, a disinterested Individual Member to act in his or her place and stead in respect of that circumstance.

~~.11 — EXTENSIONS OF TIME — The time by which any act is required to be taken pursuant to this Article 610 may be extended or foreshortened by the Chairman, or the Presiding Officer for a particular hearing, for good cause. A party's request for an extension of time prior to the time established without regard to the requested extension will be accorded greater deference than a request made later. (A single exception to this rule is provided in Section 610.6.4.) The time, date and location of any hearing may be changed by the Chairman or the Presiding Officer for a particular hearing on his own initiative, as required by the interests of the Board of Review or in the interests of justice.~~

.11 ~~.12~~ ADVICE; ATTORNEY AS ~~Hearing~~PRESIDING OFFICER -

A Legal and Other Advice - Where appropriate or helpful, the ChairmanChair or Presiding Officer may consult the USA Swimming General Counsel, any memberthe Chair of the USA Swimming ~~Counselors Committee, the Chairmen of the USA Swimming Legislation,~~ Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of NI, USA Swimming or the Board of Review) retained by the Board of Review or the ChairmanChair regarding any issue raised by a proceeding.

B Attorney as Presiding Officer - The Board of Review or the ChairmanChair may retain an attorney (who need not be a member of NI, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. TheA Presiding Officer, who is not a Board of Review member, may participate in the deliberations of the Board of Review or the designated panel ~~but shall not count in determining the existence of a quorum and shall not~~or have a vote.

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

~~.13 — Code of Conduct for Members of Board of Review; Recusal—~~

~~A — Code of Conduct — Members of the Board of Review shall:~~

- ~~(1) uphold the integrity and independence of the Board of Review;~~
- ~~(2) avoid any impropriety and even the appearance of impropriety in connection with service as a Board of Review member and swimming-related activities generally; and~~
- ~~(3) perform the duties of Board of Review membership impartially and diligently.~~

~~B Grounds for Recusal Members of the Board of Review shall recuse themselves from participating in any matter pending before the Board of Review:~~

- ~~(1) in which their impartiality might reasonably be questioned;~~
- ~~(2) where they have a personal bias or prejudice concerning a party or have personal knowledge of disputed evidentiary facts concerning the pending matter;~~
- ~~(3) where they or a member of their household are a party or are likely to be a material witness in the pending matter;~~
- ~~(4) where they or a member of their household have an interest that could be substantially affected by the outcome of the proceeding; or~~
- ~~(5) where they or a member of their household have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.~~

~~C Recusal by Member Members shall recuse themselves as soon as they become aware of facts that give rise to the duty to do so by giving notice to the Chairman, or in the case of the Chairman, the Vice Chairman.~~

~~D Recusal/Disqualification Requested by Party By written notice to the Presiding Officer or the Chairman, or, in the case in which the Chairman is the subject of the notice, the Vice Chairman, any party may request that the members recuse themselves or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification. Such notice shall be given at least ten (10) Business Days prior to the scheduled date of the hearing on such matter or later if the party sustains the burden of proving good cause of the lateness of the notice. The affected member shall reach a decision on the matter and notify the Chairman or the Vice Chairman of that decision within five Business Days of receipt of the party's notice. If the member's decision is not in favor of recusal, then the Chairman or the Vice Chairman may, but is not required to, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted and the party giving the notice may appeal the disqualification decision pursuant to Section 610.5.2.~~

~~E Substitution for Recused or Disqualified Member In the event of a recusal or a disqualification, a substitute shall be appointed pursuant to Section 610.3.10.~~

610.3 ~~610.4~~ GENERAL JURISDICTION -

- ~~.1 INVESTIGATIVE AND JUDICIAL POWER The Board of Review may investigate and conduct hearings, make and publish decisions and orders with regard to any matter affecting NI, its status or conduct as a Local Swimming Committee or the administration of the sport of swimming in the Territory which involves (A) NI and (1) a member or members of NI, or (2) a member or members of another LSC solely with respect to conduct or events within the Territory, or (B) only a member or members of NI, or (C), with respect to conduct or events without the Territory, (1) NI and a~~

~~member or members of NI or (2) only a member or members of NI. The Board of Review shall exercise its power in response to a timely Protest filed with it. The jurisdiction of the Board of Review is limited in the case of matters described in sections 401.3 and 401.6 of the USA Swimming Code and may be further limited to the extent provided in an order issued pursuant to section 401.9 of the USA Swimming Code.~~ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:

- A administer and conduct the affairs and achieve the purposes of the Board of Review.
- B establish policies, procedures and guidelines.
- C elect the Chair in accordance with Section 610.2.4.
- D elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for terms, and to have the powers and duties, specified.
- E call regular or special meetings of the Board of Review.
- F retain attorneys, agents and independent contractors and employ those persons which the Board of Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs (see 610.2.11C), and
- G take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.

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

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

.4 ~~.3~~-TIMELINESS OF PROTEST PETITION - The Board of Review need not exercise its jurisdiction with respect to a ~~Protest~~Petition the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the ProtestPetition is received (as determined under Section 610.10), ~~or in the case of subject matter that relates to a conviction, or actions which could be the basis of a conviction, for a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, more than five years prior to that date~~Part Four of the Rules). A determination not to exercise its jurisdiction as a result of the untimeliness of a ~~Protest~~Petition may be made by the Chair alone and may be the subject of a request for rehearing

and, thereafter, appeal to the National Board of Review pursuant to [Section 610.9-Part Four of the Rules](#).

5 ~~4~~-FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of generally applicable fees to be ~~determined and~~ collected at the time a ~~Protest~~[Petition, Request for a Rehearing or Request for Formal Hearing following an Emergency Hearing](#) is filed with the Board of Review. If, on its own initiative or upon written request, the Board of Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.

~~.5 Power of Board to Devise Remedies and Impose Penalties~~

~~A Remedies and Penalties~~ The Board of Review, after conducting such hearings as it may determine to be necessary or helpful, may, among other remedies:

- ~~(1) censure or fine;~~
- ~~(2) establish a period of probation;~~
- ~~(3) prohibit or mandate future actions, inaction or conduct;~~
- ~~(4) determine the results of, or require a rerun of, any election held by NI or any constituent element thereof;~~
- ~~(5) vacate, modify, sustain, reverse or stay any decision or order of the House of Delegates, the Board of Directors, any officer, division or committee, coordinator or official of NI;~~
- ~~(6) interpret any provision of the USA Swimming Code, the USA Swimming Code of Ethics or these Bylaws and confirm or invalidate any portion of these Bylaws as being inconsistent with the USA Swimming Code;~~
- ~~(7) deny, grant, suspend or restore the eligibility or right to compete of an Athlete Member of NI and USA Swimming;~~
- ~~(8) deny, grant, suspend or restore membership in NI and USA Swimming for a definite or indefinite period of time, with or without terms of probation, or expel any Group Member or Individual Member of NI and USA Swimming, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board Member, House of Delegates representative of a Group Member, coordinator or chairman or member of any committee or sub-committee;~~
- ~~(9) prohibit for a definite or indefinite period of time the participation by a non-member volunteer or other person in any capacity whatsoever in the affairs of NI or its Group Members;~~
- ~~(10) assess costs, including any filing fee and attorneys fees and expenses, to the prevailing party or refund any filing fee paid by the prevailing party; and~~
- ~~(11) any combination of any of the foregoing or any other remedies deemed appropriate in the circumstances.~~

~~B Preliminary Hearing and Temporary Orders~~ In appropriate cases, the Board of Review, after an initial investigation and/or a preliminary hearing, may make in its discretion temporary orders for the good of the sport of swimming. The temporary order may

~~encompass any remedy or order permissible in a final decision and may include, by way of example, suspending membership, granting the right to participate or coach in a competition or permitting an athlete to swim subject to protest. These orders may be made effective pending full hearings by the Board of Review or the conclusion of administrative or judicial proceedings of other bodies addressing the same or similar issues or on other terms as determined by the Board of Review. Instances in which such temporary orders might be made include cases in which a member has been indicted or otherwise formally charged with or accused of committing a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, a violation of a law specifically designed to protect minors or similar offenses. Temporary orders may not be separately appealed prior to the decision being issued in the proceeding unless the Chairman or the Chairman of the National Board of Review in their discretion grant permission to an aggrieved party to appeal the temporary orders prior to the final decision in the matter.~~

~~C — Grounds (Reasons) for Imposition — The Board of Review may fashion remedies and orders and impose penalties with respect to any member or non member volunteer of NI (12) who has violated any of the regulations, rules, policies or procedures of NI, USA Swimming or FINA, including any of the responsibilities of membership set forth in Section 602.2, (13) who aids, abets, instigates or encourages another to violate any of such regulations, rules or policies, (14) who is responsible for any such violation by another under Section 602.2.2, (15) who has been convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Board of Review to have committed actions which would be the basis for a conviction, or (16) who has acted in a manner which have brought, or may bring, into disrepute NI, USA Swimming or the sport of swimming.~~

~~D — Power to Impose Conditional Remedies and Penalties, Etc. — The Board of Review may stay its decision, in whole or in part, subject to specified conditions, with the decision taking effect automatically if such conditions occur.~~

~~610.5 — HEARINGS AND REHEARINGS GENERALLY —~~

~~.1 — HEARINGS —~~

~~A — Hearings Conducted by Chairman, Etc. — Hearings of the Board of Review shall be conducted by the Chairman or a Presiding Officer designated by the Chairman.~~

~~B — Hearing by Panel — The Board of Review may, in the discretion of the Chairman, conduct hearings either before the full Board of Review or before panels of its members, provided that in any event each panel shall consist of at least three members, at least 20% of whom shall be athletes. A panel shall have all of the powers of the Board of Review solely with respect to matter(s) assigned to it by the Chairman.~~

~~C — Quorum of Panel — At least three members of a designated panel (or of the full Board of Review) must be present at any initial hearing before the panel and the lesser of the full regular membership or seven regular members must be present at any rehearing.~~

~~D — Hearing Formats — A hearing before the Board of Review may be conducted through the receipt of written statements, communications equipment described in Section 610.3.6 or an in-person hearing at which the parties may appear in person and testimony may be taken and other forms of pertinent information presented in addition to oral argument by the parties or their counsel, as determined by the Chairman or Presiding Officer.~~

~~E — Right to Counsel — The Protestor, the Respondent and any other person participating in a hearing conducted by the Board of Review shall be entitled to be represented by counsel of their choice at their own expense.~~

~~F — Rules of Evidence — Judicial rules regarding admissibility of evidence shall not apply to the Board of Review. Thus, hearsay, letters, affidavits, news media articles and reports, etc., as well as direct testimony taken from witnesses present at a hearing, are all admissible to the extent the Presiding Officer is satisfied as to the relevance and non-repetitive nature of the evidence. Similarly, claims of privilege (other than attorney-client and, in the discretion of the Presiding Officer, self-incrimination) shall not be entertained by the Board of Review, except in extraordinary circumstances. Proper weight shall be given to each type of evidence considering the source and other common sense factors.~~

~~2 — REHEARINGS —~~

~~A — Circumstances Permitting; Rehearing Body — At the request of the Protestor, the Respondent or any other interested party, any matter which was decided by a panel of less than seven members may be reheard by the full Board of Review (or, if the Board of Review is larger than seven members, by a panel of at least seven members designated by the Chairman in his discretion). Members of the initial hearing panel may be members of the rehearing panel.~~

~~B — Right to a Rehearing; Discretion of Chairman — A rehearing shall be granted as a matter of right in instances in which the original panel consisted of less than seven members and the decision was not unanimous and at the discretion of the Chairman in all other instances.~~

~~C — Time within which a Rehearing may be Requested — The Protestor, each Respondent or other party may request, within ten (10) Business Days of the date of receipt of the initial written decision, that the decision of a Board of Review panel be reheard.~~

~~D — Failure to Request a Rehearing — A person may not appeal a decision of a panel of less than seven members pursuant to Section 610.9 without first making a timely request for a rehearing.~~

~~E — Decision of Chairman on Request; Notice of Rehearing —~~

~~(1) — Discretionary Rehearings — With respect to requests for a rehearing that are discretionary, the Chairman, in the same manner in which decisions are rendered, shall either grant or deny the request within ten (10) Business Days of the receipt of the request.~~

~~(2) — Non-Discretionary Rehearings — With respect to requests for a rehearing that are not discretionary, within ten (10) Business Days of the receipt of the request, the Chairman shall schedule a rehearing.~~

~~(3) — Rehearing Notice; Effect of Inaction — In either case, the Chairman shall notify all parties to the initial hearing of the rehearing, its time and date and the method by which the rehearing will be conducted. If the Chairman does not take action within ten (10) Business Days, the decision of the panel shall be considered final and any of the parties may appeal the decision in accordance with Section 610.9.~~

~~F — Fresh Start Hearing or On the Record Rehearing — The rehearing panel at the discretion of the Chairman may conduct an entirely new hearing or may make its decision based on the~~

~~record created by the initial panel supplemented by whatever written memoranda or oral argument may be requested by the Chairman. The record shall include the Protest, the Notice of Charges, the Answer, the Rebuttal, any temporary orders or partial decisions made and the Notice of Decision, together with any additional memoranda and written evidence filed by the parties. To the extent applicable, the procedures applicable to a formal hearing shall apply to a rehearing.~~

~~.3 — CLOSED HEARINGS — Any hearing, or a part thereof, shall be closed to everyone except members of the Board of Review, the Presiding Officer, an attorney advising the Presiding Officer, the Protestor, the Respondent, any other party, their counsel and any witnesses at the request of any of the parties and may be closed at the discretion of the Chairman or the Presiding Officer as being in the best interests of justice and the sport of swimming. If a hearing is closed, the Board of Review may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by NI and USA Swimming.~~

~~.4 — EXTENSIONS OF TIME — The general rule regarding extensions of time within which any act is required to be taken pursuant to this Article 610 appears in Section 610.3.11.~~

~~.5 — ACCELERATED HEARING SCHEDULE — With the agreement of all parties to a hearing, the Chairman, or the Presiding Officer for the hearing, may order an accelerated hearing schedule in the interest of justice and the sport of swimming.~~

~~610.6 — HEARING PROCEDURES — The procedures to be followed in connection with all hearings shall be as follows:~~

~~.1 — Formal Hearing —~~

~~A — Protest — The Protestor shall submit to the Chairman of the Board of Review (if submitted to the General Chairman the statement is not defective, but the allowable period of time for the Notice shall not commence until the statement is received by the Chairman) a written statement setting forth a description of the action, inaction or conduct that is believed to have been improper or incorrect, and the name of the person or group believed to have acted improperly or the circumstances believed to require answers, explanation or clarification. This written statement becomes the Protest under Section 610.2.5. The Protest shall be accompanied by any filing fee due under Section 610.4.4 or by an application for waiver of the fee.~~

~~B — Notice — Each Respondent shall be given a written notice of the Protest. This written notice becomes the Notice under Section 610.2.3. The Notice shall be sent to each Respondent's last known address (determined in accordance with the provisions of Section 610.10) by certified or express mail, return receipt requested, by overnight delivery, signature required, or by personal service. If the Respondent is NI or an officer, Board Member, committee or sub-committee chairman or coordinator or an official, the Notice shall be given to the General Chairman and the Administrative Vice Chairman and NI's office as well. The Notice shall be given as soon as practical following the conclusion of any preliminary investigation made by the Board of Review, but in no event later than fourteen (14) Business Days (twenty (20) Business Days if advice is sought under Section 610.3.12.A) after the receipt of the Protest by the Chairman. The form of Notice (an example of which is to be found in Appendix B to these Bylaws) shall include:~~

~~(1) —~~

~~a statement in reasonable detail of the charges against each Respondent, or of the circumstances that are believed to require answers, explanation or clarification. A copy of the Protest received by the Board of Review, if any, shall be attached to the Notice;~~

~~(2) a statement that each Respondent has the right to have counsel of his own choice to represent him, at his own expense, at any hearing;~~

~~(3) a description of the type of hearing to be afforded. In the case of an in-person hearing, the Notice shall request each Respondent to appear before the Board of Review with counsel and witnesses, if any;~~

~~(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) days nor more than sixty (60) days after the date of transmission of the Notice;~~

~~(5) a request that each Respondent answer in writing all of the charges set forth in the Notice. The Notice shall state that this answer is to be delivered at least ten (10) Business Days prior to the date of the hearing, to the Presiding Officer designated in the Notice, at the specified address, with a copy to the Protestor and the Protestor's counsel, if any, and anyone else specified in the Notice at the addresses designated in the Notice with delivery in accordance with Section 610.10.2; and~~

~~(6) a statement of the right of appellate review (including the right, if any, to a rehearing) in the event the decision is rendered against the Respondent.~~

~~C Answer by Respondent Each Respondent's response to the Notice and Protest shall be in writing and delivered to the Presiding Officer designated in the Notice, at least ten (10) Business Days prior to the date of the hearing, with a copy to the Protestor and his counsel and anyone else specified in the Notice at the addresses designated in the Notice. This written statement becomes the Answer under Section 610.2.1. The Answer shall be delivered in accordance with Section 610.10.2.~~

~~D Rebuttal by Protestor The Protestor may, but is not required to, offer a rebuttal to the Respondent's Answer. Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the Notice, at least five Business Days prior to the date of the hearing, with copies to each Respondent and his counsel at the addresses specified in the Answer and to anyone else specified in the Notice at the addresses designated in the Notice. This written statement becomes the Rebuttal under Section 610.2.7. The Rebuttal shall be delivered in accordance with Section 610.10.2.~~

~~E Conduct of Hearing~~

~~(1) Generally Hearings shall be conducted in an orderly fashion, but without regard for the formalities of traditional court room procedures. The hearing shall be conducted in a manner conducive to the establishment of the truth and the interests of fairness, justice and the sport of swimming. The Presiding Officer is responsible for keeping the parties and their counsel, if any, focused on the issues at hand and the necessary elements of proof and for enforcing the ordinal rule that no one may speak who has not been recognized by the Presiding Officer. For hearings conducted other than entirely through the receipt of written statements, the Board of Review shall cause a recording or transcription to be made of the hearing. No record of the deliberations of the Board of Review need be kept and, if kept, shall not be available to anyone other~~

~~than the members of the Board of Review, the Presiding Officer and counsel to the Board of Review.~~

~~(2) Absence of a Party—The hearing may proceed in the absence of any party who fails to be available at the appointed time and judgment shall not be reached merely because of that person's absence. If the Presiding Officer determines that in the interests of justice and the sport of swimming, the hearing cannot proceed without the absent party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the Board of Review in reaching its decision.~~

~~(3) Sequence—The hearing shall be opened by the recording of the place, time and date of the hearing and the presence of the members of the Board of Review, the parties, counsel, if any, and any other witnesses or observers. Each party (Protestor first, Respondent second) may then present a brief opening statement setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence. The Protestor's claims, evidence and witnesses shall be presented. The Respondent's defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the Protestor may then be allowed to rebut any testimony or evidence presented by the Respondent after the Respondent's initial presentation. In the discretion of the Presiding Officer, the Respondent may be permitted to rebut any testimony or evidence presented by the Protestor during the Protestor's rebuttal presentation. Finally, each party (in the same order) shall be entitled to make a brief summation of that party's case.~~

~~(4) Rules of Evidence; Witnesses' Testimony—The rules of evidence governing the hearing are set forth in Section 610.5.1.F. Each witness may present testimony initially either in the form of questions and answers between the witness and counsel or in uninterrupted narrative. The Presiding Officer and the members of the Board of Review may question any person at any time during the hearing. Thus, for example, in an exercise of discretion, the Presiding Officer could call a witness who has not yet been called or whom no party intended to call and propound questions to, or elicit narrative testimony from, that witness. Witnesses shall be subject to cross examination by the other party and to questioning by the Presiding Officer and members of the Board of Review. All parties will be expected to be available for questioning by the Board of Review, whether or not they may have given other testimony at the hearing.~~

~~(5) Variance of Procedures—The Presiding Officer shall have wide discretion to vary these procedures in the interests of justice, the sport of swimming and efficiency, but in doing so shall afford all parties a full and substantially equal opportunity to present any material or relevant proofs. A hearing may be adjourned by the Presiding Officer at the request of a party or on the Presiding Officer's initiative where an adjournment will serve the interests of fairness, justice and the sport of swimming. If a hearing is adjourned, the continuance shall be scheduled for any early date of mutual convenience, but in the discretion of the Presiding Officer. Justice and the sport of swimming ordinarily will be best served by an expeditious resumption and conclusion to the hearing.~~

~~F Decision of Board of Review—The decision of the Board of Review may be rendered at the time of the hearing and, if not so rendered, as soon as possible thereafter and in no event more than ten (10) Business Days after the conclusion of the hearing. The decision shall include findings of facts and a statement of remedies ordered or penalties imposed, if any, and a statement setting forth the rights of the parties to appeal the decision. The~~

~~decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing promptly, and delivered to the Protestor, each Respondent, their respective counsel, any other party to the proceeding, the General Chairman and the Secretary of NI, the Chairman of the National Board of Review and the General Counsel of USA Swimming in accordance with Section 610.10.2.~~

~~.2 EMERGENCY HEARING~~

- ~~A Reasons for Emergency Hearing—When compliance with the formal hearing procedures would be likely not to produce a sufficiently early decision to provide justice to the affected parties or to be in the best interest of the sport of swimming, the Board of Review is authorized to summarily hear and decide any matter relating to a scheduled competition or other matter of similar urgency.~~
- ~~B Notice of Emergency Hearing—Each Respondent shall be given such notice of the hearing as time and circumstances may reasonably dictate. The notice may be oral or in writing, and shall substantially comply with the notice requirements set forth in Section 610.2.3 insofar as the emergent nature of the issue permits.~~
- ~~C Conduct of Emergency Hearing—The hearing may be conducted at any location likely to contribute to expeditious resolution of the Protest, including the site of a swimming competition, but in any event under such circumstances so as to fairly protect the right of procedural due process of the Respondent. All or some of the participants in the hearing may participate by telephone conference equipment. If at least three regular or alternate members of the Board of Review are not available due to time constraints, the Chairman, the Vice chairman or the General Chairman are authorized to appoint one or more Individual Members to serve as the Board of Review solely for the purpose of conducting this emergency hearing. The hearing shall substantially comply with the hearing procedures set forth in Section in so far as the emergent nature of the hearing permits.~~
- ~~D Decision of Board of Review—The decision of the Board of Review shall be rendered at the time of the hearing or as soon as possible thereafter in keeping with the emergent circumstances. The decision shall include findings of facts and a statement of remedies ordered, if any, and a statement of the right to request a subsequent formal hearing. The decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing within ten (10) Business Days thereafter and delivered to the Protestor, the Respondent, their counsel, any other parties to the proceeding, the Chairman, the General Chairman and the Secretary of NI, the Chairman of the National Board of Review and the General Counsel of USA Swimming in accordance with Section 610.10.2.~~
- ~~E Right to a Subsequent Formal Hearing—If either the Protestor or the Respondent shall deliver to the Chairman a written request for a further hearing within ten (10) Business Days of the date of receipt of the written decision resulting from the emergency hearing, a formal hearing shall be held as a new proceeding in accordance with Section 610.6.1, as though the emergency hearing had not taken place. Failure to make this request in a timely manner shall preclude the aggrieved party from perfecting an appeal pursuant to Section 610.9.~~

~~.3 STAY OF DECISION PENDING APPEAL~~

~~The Board of Review shall have the authority and discretion, but not the duty, to stay its decision, in whole or in part, subject to specified conditions, during the time allowed to demand a further hearing after an emergency hearing, a rehearing or to appeal pursuant to Section 610.9, with the decision going into effect automatically if such conditions occur~~

~~or if no demand or appeal is perfected during the allowable period or at such time as a perfected appeal is terminated without the decision being modified by the appellate authority.~~

~~.4 — EXTENSIONS OF TIME — The general rule regarding extensions of time within which any act is required to be taken pursuant to this Article 610 appears in Section 610.3.11. Nevertheless, the time within which the Notice required by Section 610.2.3 must be transmitted may not be extended without the consent of the Protestor or the USA Swimming General Counsel.~~

~~610.7 — FINALITY OF BOARD OF REVIEW DECISIONS — Except as otherwise provided in this Article 610 with regard to rehearings, appeals emergency hearings, the decision of the Board of Review shall be final in all cases.~~

~~610.8 — FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS — Final decisions of the Board of Review of another Local Swimming Committee or the National Board of Review shall, when applicable, be recognized and fully enforced by NI.~~

~~610.9 — APPEAL FROM BOARD OF REVIEW DECISIONS — Except to the extent that any appeal is precluded pursuant to Sections 610.5.2.D or 610.6.2.E, any person, including the Protestor and the Respondent, having an actual, direct interest in any matter decided by the Board of Review under this Article may appeal the decision to the National Board of Review. An appeal must be taken within thirty (30) Business Days from the date of the written notice of the decision of the Board of Review. The appeal to the National Board of Review must be in writing, timely filed with the USA Swimming Executive Director and accompanied by the appellate filing fee established by USA Swimming. Upon timely request to the Chairman of the National Board of Review and upon a showing of good cause, the time for appeal from the decision of the Board of Review may be extended.~~

~~610.10 — NOTICE TO HEARING PARTICIPANTS AND DETERMINATIONS OF TIMELINESS~~

~~.1 — NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF NI —~~

~~A — Members Generally — In each case, where notices or other hearing related documents are to be delivered to a member of NI, it shall be sufficient to deliver the notice or other document to the member's last known address in accordance with Section 616.1.5.~~

~~B — Minors — In the case of notices directed to NI members less than eighteen (18) years of age on the date of the alleged infraction (determined by reference to the member's latest registration application), a second copy shall be sent by registered mail with delivery restricted to the child's parent or guardian at the same address or such other address as can reasonably be ascertained.~~

~~.2 — METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS — With the exception of the Notice (see Section 610.1), all documents transmitted pursuant to this Article 610 shall be transmitted to each of the parties, their respective counsel, if any, the Presiding Officer and anyone else specified in the Notice. Documents shall be delivered to the persons specified at the addresses specified in the Notice or later documents or as determined in accordance with Section 610.10. Documents may be delivered by any of the following methods of service: by certified or express mail, return receipt requested, by overnight delivery, signature required, by electronic mail or facsimile transmission with receipt of the transmission confirmed orally or by personal service.~~

~~.3 — DETERMINATION OF TIMELINESS — The rules provided in Section 616.1.5 shall apply in the determination of the timeliness of any notice or other action under this Article 610.~~

ARTICLE 611 ORGANIZATION AND DISSOLUTION

- 611.1 NON-PROFIT AND CHARITABLE PURPOSES - As stated in Section 601.2, NI is organized exclusively for charitable and educational purposes and for the purpose of fostering national or international amateur sports competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of these Bylaws, NI shall not, except to an insubstantial degree, (a) engage in any activities or exercise any powers that are not in furtherance of the purposes and objectives of NI or (b) engage in any activities not permitted to be carried on by: (1) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or (2) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.
- 611.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of NI are irrevocably dedicated to the purposes set forth in Sections 601.2 and 611.1 of these Bylaws. No part of the net earnings, properties or assets of NI shall inure to the benefit of any private person or any member, officer or director of NI.
- 611.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA Swimming may be amended at any meeting of the House of Delegates by a two-thirds (2/3rds) vote of the members present and voting, so long as at least thirty (30) days' written notice, containing the text of the proposed amendment, is given to all members of the House of Delegates. In the event that such notice is not given, no amendment shall be adopted except by a nine-tenths (9/10ths) vote of the members present and voting. ~~Within These Bylaws shall be deemed amended~~ ninety (90) days after the conclusion of any ~~fall~~ annual meeting of USA Swimming at which the corresponding provisions of Part Six of the USA Swimming ~~Code of Rules and Regulations~~ are amended (or such later effective date established in the amending USA Swimming legislation), ~~the Bylaws/Legislation/Rules Committee shall conduct a review of such amendments and of to~~ the extent that such amendment affects a provision required to be included herein or is itself required to be included herein, ~~and shall recommend to the House of Delegates, at its next meeting, the approval of such amendments to these Bylaws as shall be required by the USA Swimming amendments,~~ unless NI shall have requested permission of the USA Swimming ~~Legislation~~ Rules and Regulations Committee not to have such amendment ~~be required~~ take effect with respect to these Bylaws. ~~Any such amendments to these Bylaws shall not be subject to the thirty (30) day notice otherwise required herein and shall be passed by a majority vote of the members present and voting.~~
- 611.4 DISSOLUTION - NI may be dissolved only upon a two-thirds (2/3rds) majority vote of all the voting members of the House of Delegates. Upon dissolution, the net assets of NI shall not inure to the benefit of any private individual, unincorporated organization or corporation, including any member, officer or director of NI, but shall be distributed to United States Swimming, Inc., to be used exclusively for educational or charitable purposes. If United States Swimming, Inc., is not then in existence, or is not then a corporation which is exempt under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, the net assets of NI shall be distributed to a corporation or other organization meeting those criteria and designated by the House of Delegates at the time of dissolution, to be used exclusively for educational or charitable purposes.

ARTICLE 612 INDEMNIFICATION

- 612.1 INDEMNITY - NI shall indemnify, protect and defend, in the manner and to the full extent permitted by law, any Indemnified Person in respect of any threatened, pending or completed action, suit or proceeding, whether or not by or in the right of NI, and whether civil, criminal, administrative, investigative or otherwise, by reason of the fact that the Indemnified Person bears or bore one or more of the relationships to NI specified in Section 612.3 and was acting or failing to act in one or more of those capacities or reasonably believed that to be the case. Where specifically required by law, this indemnification shall be made only as authorized in the specific case upon a determination, in the manner provided by law, that indemnification of the Indemnified Person is proper in the circumstances. NI may, to the full extent

permitted by law, purchase and maintain insurance on behalf of any Indemnified Person against any liability that could be asserted against the Indemnified Person.

- 612.2 EXCLUSION - The indemnification provided by this Article 612, shall not apply to any Indemnified Party whose otherwise indemnified conduct is finally determined to have been in bad faith, self-dealing, gross negligence, wanton and willful disregard of applicable laws, rules and regulations, of the USA Swimming ~~Code~~Rules and Regulations, of the USA Swimming Code of ~~Ethics~~Conduct or these Bylaws or who is convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction.
- 612.3 INDEMNIFIED PERSONS - As used in this Article 612, "Indemnified Person" shall mean any person who is or was a Board Member, Board of Review Chairman, Vice-Chairman, Presiding Officer or member, Group Member Representative, officer, official, coach, committee chairman or member, coordinator, volunteer, employee or agent of NI, or is or was serving at the direct request of NI as a director, officer, Group Member Representative, meet director, official, coach, committee chairman or member, coordinator, volunteer, employee or agent of another person or entity involved with the sport of swimming.
- 612.4 EXTENT OF INDEMNITY - To the full extent permitted by law, the indemnification provided in this Article shall include expenses (including attorneys' fees, disbursements and expenses), judgments, fines, penalties and amounts paid in settlement, and, except as limited by applicable laws, these expenses shall be paid by NI in advance of the final disposition of such action, suit or proceeding. If doubt exists as to the applicability of an exclusion to NI's obligation to indemnify, NI may require an undertaking from the Indemnified Person obliging him to repay such sums if it is subsequently determined that an exclusion is applicable. In the case of any person engaged in the sport of swimming for compensation or other gain, if NI determines that there is reasonable doubt as to such person's ability to make any repayment, NI shall not be obligated to make any payments in advance of the final determination. This indemnification shall not be deemed to limit the right of NI to indemnify any other person for any such expenses to the full extent permitted by law, nor shall it be deemed exclusive of any other rights to which any Indemnified Person may be entitled under any agreement, vote of members or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office.
- 612.5 SUCCESSORS, ETC. - The indemnification provided by this Article shall continue as to an Indemnified Person who has died or been determined to be legally incompetent and shall apply to the successors, guardians, conservators, heirs, executors, administrators and trustees of the Indemnified Person.

ARTICLE 613 PARLIAMENTARY AUTHORITY

- 613.1 ROBERT'S RULES - The rules in the then current edition of Robert's Rules of Order Newly Revised shall govern NI and any of its parts, committees, etc., in the conduct of meetings in all cases to which they apply and in which they are not inconsistent with these Bylaws and any special rule of order NI or the applicable part, committee, etc., may adopt.
- 613.2 VOICE AND VOTE - Where in these Bylaws an individual Member is described as having voice but not the right to vote, that individual Member may participate in debate and ask pertinent questions in the discretion of the presiding officer, but may not make or second motions, orders of other proposals.
- 613.3 [This Section reserved for future use.]

ARTICLE 614
[RESERVED FOR FUTURE USE]

ARTICLE 615
MISCELLANEOUS

- 615.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a change in the law of the State of New York become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.
- 615.2 FISCAL YEAR - The fiscal year of NI shall end on August 31 of each year.
- 615.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that NI shall have and continue to have the status of an organization which is exempt from federal income taxation under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, respectively. Similarly, it is intended that NI shall have such status under the applicable state and local laws as will exempt it from taxation to the maximum extent possible to the extent not contrary to applicable federal requirements. These Bylaws shall be interpreted accordingly.
- 615.4 NI SEAL - The NI corporate seal shall be circular in form and shall bear the name of NI and words and figures denoting its organization under the laws of the State of New York and the year thereof and otherwise shall be in such form as may be required the laws of the State or as shall be approved from time to time by the Board of Directors.

ARTICLE 616
DEFINITIONS AND RULES OF INTERPRETATION

- 616.1 RULES OF INTERPRETATION -
- .1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title shall include the corresponding masculine, feminine and neuter forms. The words “include”, “includes” and “including” shall be deemed to be followed by the phrase “without limitation”. The singular shall include the plural and the plural shall include the singular as the context may require. Where the context permits, the term “or” shall be interpreted as though it were “and/or”. Captions have been used for convenience only and shall not be used in interpreting the Bylaws.
 - .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when standing by itself shall refer to NI positions and not to USA Swimming or another organization.
 - .3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of interpretation applicable to these Bylaws is set forth in Section 615.3.
 - .4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610 - Article 610 shall be interpreted generously in order to achieve the intent expressed in Section 610.1.
 - .5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS -
 - A Notice by Mail - Notice given and other writings delivered by first class mail, postage prepaid, and addressed to the last address shown on the records of NI shall be deemed given or delivered upon the postmark date.

- B Notice by Fax or E-mail - Notice given and writings delivered by facsimile or electronic mail shall be deemed given or delivered upon oral, telephonic, electronic or written confirmation of recipient.
 - C Notice by Telephone - Notice given by telephone shall be deemed given only when actually transmitted to the person entitled thereto. (Thus, for example, a message left on an answering machine or similar equipment or with a person other than the intended recipient shall not be notice given prior to the actual receipt by the intended recipient.)
 - D Last Known Address - The last known address of a member of NI shall be the address given in the latest application for registration or membership in NI and USA Swimming filed with the Membership/Registration Coordinator; or the address given in a written notice of change of residence filed with that coordinator. In all other cases, the records maintained by the Secretary of NI shall be used to ascertain the last known address.
- .6 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.
- .7 WAIVER OF NOTICE - Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group Member Representative, then the relevant Group Member shall be treated as having waived the untimely or insufficient notice to the same extent.
- 616.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the meanings indicated in this Section, and the definitions of such terms are equally applicable both to the singular and plural forms thereof. Where a cross reference to another Section of the Bylaws appears, the definition is qualified by the more complete definition found in that Section. Additional definitions applicable solely to Article 610 are set forth in Section 610.2. An additional definition applicable solely to Article 612 is set forth in Section 612.3:
- .1 “Active Individual Member” shall mean an individual other than a Coach Member *or* an Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer or committee chairman or member, coordinator, or a Group Member Representative or alternate and any other individual actively participating in the affairs of NI or the sport of swimming and who is in good standing as an Individual Member of NI and USA Swimming. (See Section 602.1.2.A.)
 - .2 “Affiliated Group Member” shall mean any organization which supports the sport of swimming and the objectives and programs of NI and USA Swimming, but which does not have Athlete Members and Coach Members, which is in good standing as a Group Member of NI and USA Swimming, and which is neither a Club Member of NI. (See Section 602.1.1.B.)
 - .3 “Affiliated Group Member Representative” shall mean the individual appointed to represent an Affiliated Group Member in the House of Delegates pursuant to Section 604.1.1.
 - .4 “Affiliated Individual Member” shall mean any individual interested in the objectives and programs of NI who resides, formerly resided or participated in the sport of swimming in the Territory, who is in good standing as a member of NI and USA Swimming and who is not an Active Individual, Athlete or Coach Member. (See Section 602.1.2.D.)
 - .5 “Article” shall mean the principle subdivisions of these Bylaws.

- .6 “Certificate of Incorporation” shall mean the document filed with the Secretary of State of the State of New York pursuant to which NI was formed.
- .7 “At-Large Board Member” shall mean those Board Members, if any, designated as such. (See Section 605.2.)
- .8 “At-Large House Member” shall mean the Individual Members, if any, appointed by the General Chairman to be members of the House of Delegates. (See Section 604.1.2.)
- .9 “Athlete Member” shall mean any individual who competes or has competed during any part of the three immediately preceding years in the sport of swimming and is in good standing as an Individual Member of NI and USA Swimming. (See Section 602.1.2.A.)
- .10 “Athlete Representative” shall mean the Athlete Member elected to represent athletes in the House of Delegates and on the Board of Directors pursuant to Section 604.1.3.
- .11 “Board Member” shall mean a member of the Board of Directors, including the At-Large Board Members.
- .12 “Board of Directors” shall mean the Board of Directors of NI.
- .13 “Board of Review” shall mean the investigative and judicial body of NI established pursuant to Section 610.3.
- .14 “Business Day” shall mean a calendar day which is not a Saturday, a Sunday or a legal federal or state holiday anywhere within the Territory.
- .15 “Bylaws” shall mean these bylaws as adopted by, and in effect for, NI.
- .16 “Club” shall mean an organization that has athletes and coaches engaged in the sport of swimming.
- .17 “Club Member” shall mean any organization, which is in good standing as a Group Member of NI and USA Swimming and has athletes and coaches and participates in the sport of swimming. All athletes and coaches of the organization must be Individual Members in good standing with NI and USA Swimming. (See Section 602.1.1.A.)
- .18 “Club Member Representative” shall mean the individual appointed to represent a Club Member in the House of Delegates pursuant to Section 604.1.1.
- .19 “Club Safety Coordinator” shall mean the Active Individual Member designated by each Club Member to serve as its liaison with NI and USA Swimming concerning safety matters. (See Section 602.2.3.)
- .20 “Coach Member” shall mean any individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by NI and/or USA Swimming and who is in good standing as a member of NI and USA Swimming. (See Section 604.1.4.)
- .21 “Coach Representative” shall mean the Coach Member elected to represent the coaches in the House of Delegates and the Board of Directors. (Section 604.1.4.)
- .22 “Executive Committee” shall mean the committee of the Board of Directors, which may act for the Board of Directors between meetings. (See Section 605.6.)

- .23 “FINA” shall mean the Federation Internationale de Natation Amateur, the international governing body for the sport of swimming.
- .24 “Group Members” shall mean Club Members and Affiliated Group Members.
- .25 “Group Member Representative” shall mean the individual appointed to represent a Group Member in the House of Delegates pursuant to Section 604.1.1. A Group Member Representative shall be an Individual Member in good standing currently registered through such Group Member.
- .26 “House of Delegates” shall mean the House of Delegates of NI as established by Article 604 of these Bylaws.
- .27 “Immediate Past General Chairman” shall mean the individual who is the immediate past General Chairman of NI, except when that person became immediate past General Chairman by virtue of the House of Delegates taking action pursuant to Section 604.4.10, the Board of Directors taking action pursuant to Section 605.5.12 or the House of Delegates failing to reelect that person to another term. The Immediate Past General Chairman shall serve for the duration of the successor General Chairman’s term. If the office of Immediate Past General Chairman becomes vacant for any reason, including the exception set forth in the initial sentence of this definition, it shall not be filled by appointment or election, but shall remain vacant until another individual becomes Immediate Past General Chairman.
- .28 “Individual Members” shall mean Athlete Members, Coach Members, Active Individual Members, and Life Members.
- .29 “IRS Code” shall mean the United States Internal Revenue Code of 1986, as amended from time to time, or the corresponding provision of any future United States internal revenue law, and shall, where applicable, also include a reference to the Treasury Regulations issued thereunder.
- .30 “Life Member” shall mean any individual who is a life member of USA Swimming and who resides, formerly resided or participated in the sport of swimming in the Territory and who is in good standing as a member of NI and USA Swimming. (See Section 602.1.2.F.)
- .31 “Local Swimming Committee” or “LSC” shall have the meaning ascribed thereto in the USA Swimming [Code Rules and Regulations](#). NI is a Local Swimming Committee.
- .32 “Member” shall mean a Group Member or an Individual Member.
- .33 “National Board of Review” shall mean the Board of Review of USA Swimming established pursuant to Part Four of the USA Swimming [Code Rules and Regulations](#). Where the context requires, a reference to the National Board of Review shall include a reference to the USA Swimming Board of Directors when that body is acting upon an appeal from the National Board of Review.
- .34 “NI” shall mean Niagara Swimming, Inc., the New York not-for-profit corporation to which these Bylaws pertain.
- .35 “NI Office” shall mean the permanent office of NI, if any, maintained in accordance with Article 614.
- .36 “Nominating Committee” shall mean the committee of the House of Delegates charged with nominating candidates for elective offices of NI. (See Section 604.8.)

- .37 “Policies and Procedures Manual” shall mean the policies and procedures manual of NI, as amended, adopted by the Board of Directors or the House of Delegates. If NI does not have a Policies and Procedure Manual, then the reference shall mean the relevant meeting minutes, orders and resolutions of NI.
- .38 “Parliamentary Authority” shall mean the authority and any special rules of order designated in Article 613.
- .39 “Section” shall mean the subdivisions of the Articles of these Bylaws.
- .40 “Senior Athlete Representative” shall mean the Athlete Representative senior in term of office or, in cases where there are more than two Athlete Representatives, the Athlete Representative designated pursuant to Section 604.1.3.
- .41 “Senior Coach Representative” shall mean the Coach Representative senior in term of office. (See Section 604.1.4.)
- .42 “Standing Committee” shall mean a committee of NI listed in Sections 607.1, 607.2 or 607.3.
- .43 “Territory” shall mean the geographic territory over which NI has jurisdiction as a Local Swimming Committee. (See Section 601.3.)
- .44 “USA Swimming” shall mean ~~USA~~[United States](#) Swimming, Inc., ~~an Ohio~~[Colorado](#) not-for-profit corporation which is the national governing body for the United States for the sport of swimming.
- .45 “USA Swimming Board of Directors” shall mean the Board of Directors of USA Swimming.
- .46 “USA Swimming ~~Code~~[Rules and Regulations](#)” shall mean the ~~code of~~[published](#) rules and regulations, as adopted and amended by USA Swimming.
- .47 “USA Swimming House of Delegates” shall mean the House of Delegates of USA Swimming.
- .48 [“USA Swimming Rules and Regulations Committee” shall mean the Rules and Regulations Committee of USA Swimming created pursuant to 506.5 of Part Five of the USA Swimming Rules and Regulations.](#)

APPENDICES TO THE LSC BYLAWS

APPENDIX A

QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES

INTRODUCTION

The form of the LSC Bylaws was substantially revised by USA Swimming in September of 1995 and again in September 2008; however, the basic structure used for resolving disputes has not materially changed. Members (and non-members) of USA Swimming who disagree with a decision or an action of taken by a meet official or any other LSC officer or who have a swimming-related dispute with another member may appeal those decisions, or may submit those disputes, for resolution to the LSC Board of Review (formerly, the Review Section). The Board of Review is responsible for resolving these disputes quickly, fairly and with *due process*.

The purpose of this Appendix is to help with the details of preparing and filing complaints and appeals, and handling a Petition as a Board of Review member. Violation and interpretations of the Rules and Regulations of USA Swimming (the "Rules") and the Bylaws of the LSC can have serious consequences or involve relatively minor matters. The consequences can range from being barred from membership due to inappropriate recruiting to whether a club should be penalized for being slow in distributing final meet results. Yet, to the people involved, each dispute, each incident is just as important as the other.

Because serious matters are being handled by the Board of Review, several sections of Article 610 of the Bylaws were relocated to Part Four of the Rules, thus making them more accessible to the membership. Many of the sections may appear to be written in "legalese," but that was done to insure that--as much as possible--they would be interpreted uniformly, consistently and correctly. While the language may be technical, the ideas behind the Board of Review provisions are simple and basic. Anyone with a problem should receive a fair, impartial hearing and have the problem resolved promptly and with *due process*.

The rules and procedures set forth in Article 610 of the LSC Bylaws and Part Four of the Rules are meant to provide:

- a quick and effective remedy for the Petitioner and the Respondent;
- a hearing by objective unbiased persons, at first a panel of the elected members of the Board of Review, consisting of between three (3) and five (5) members, including at least one athlete member (Article 406.2.2 of the Rules);
- several levels of appeal are provided; from the initial Board of Review panel to a rehearing by all the members of the Board of Review (or at least seven (7) members) (Article 406.3.1 of the Rules) with at least twenty percent (20%) athlete representation; and an appeal of the decision to the National Board of Review (Article 408 of the Rules); all the way to an appeal to the United States Olympic Committee under its Constitution in cases where an athlete is denied the right to compete in international competition.

COMMON QUESTIONS ABOUT COMPLAINTS AND THE BOARD OF REVIEW PROCESS WHAT IS DUE PROCESS?

Procedural due process is the administration of applicable rules and regulations so that no member is denied his or her legal rights and the application of those rules and regulations in conformance with the fundamental and accepted legal principles. It is the way you would want to be treated if you were charged with misconduct. It includes:

- Notice, in writing, if at all possible, of the specific things that you are being charged with doing or not doing;
- The opportunity to defend yourself against the charges and the right to cross-examine witnesses against you;
- A reasonable amount of time to prepare and present your position;
- The right to have an attorney represent you, if you wish;
- A hearing before disinterested, fair and knowledgeable persons at a time and under circumstances that give everyone a full and fair opportunity to present their position;
- Notice of how to appeal from a decision that you feel is wrong.

WHAT KIND OF COMPLAINTS CAN BE DECIDED BY THE LSC BOARD OF REVIEW?

The responsibility of the LSC Board of Review is broad but does not cover every possible dispute that might come up. Article 403.1 of the Rules provides the list of the kinds of complaints that must go directly to the LSC Board of Review. For example, if a decision is made which affects your ability to compete in swim meets or how you place in swim meets and you think the decision is wrong you may appeal to the Board of Review. If you are prevented from participating in the administration of the sport of swimming or being an official you may appeal to the Board of Review. If a decision is made by the LSC that affects your ability to coach swimmers you may appeal to the Board of Review. However, there are some matters that should be submitted directly to the National Board of Review. See Article 403.1 and 403.2 of the Rules to determine where your complaint should go. Remember that the LSC Board of Review does not involve itself in disputes involving the administration of individual clubs unless it affects the ability of members to participate in competition.

WHAT KIND OF COMPLAINTS WILL BE DECIDED BY THE NATIONAL BOARD OF REVIEW?

Article 403.2 of the Rules lists the kinds of complaints that must, or in some cases, may go directly to the National Board of Review. They include most matters where members of more than one LSC are involved; matters which come up at a regional, national or international swimming competition; matters involving sexual misconduct, and matters in which the National Board of Review determines that a fair hearing will not be held quickly enough at the LSC Board of Review level to do justice to the affected parties.

HOW DO I CONDUCT A BOARD OF REVIEW HEARING?

The LSC Bylaws and Part Four of the Rules have \ sections that explain hearing procedures. Article 406 of the Rules provides a detailed outline of the steps to be taken and procedures to be used when a Petition is filed. The purpose of the Article remains the same as before, *i.e.*, to give **due process** to **any** individual or **any** entity, club or organization participating in **any** activity of any kind of the LSC or USA Swimming - not just athletes, but coaches, officers, committee chairmen and members, officials, clubs, volunteers and all classes of members as well.

The process can be summarized as follows:

A. _____ The Petitioner must provide a written Petition to the Chair of the Board of Review setting forth Petitioner's complaint against Respondent(s). (See Article 406.1 of the Rules.) [If the LSC has a filing fee, this should be noted here.] (Check to see if your LSC has an office that will transmit the Petition to the Chair of the Board of Review and follow up to find out when the Chair actually received the Petition.)

B. The Chair of the Board of Review *may* appoint someone to investigate or mediate to see if the dispute can be resolved without a formal hearing. It is not unusual to have disputes cleared up when an impartial party listens to both sides and tries to mediate a dispute. This kind of informal resolution is to be encouraged; however, the investigating party should not also serve on the Board of Review panel hearing the case.

C. A written Notice of Hearing must be prepared by the Board of Review Chair and delivered to the Respondent or its counsel. (See Article 406.4.1A of the Rules and the suggested form of Notice of Hearing which is attached hereto as Appendix B.)

D. A written response to the Petition may be filed by each Respondent. (See Article 406.4.1B of the Rules.)

E. Petitioner may file a written Reply to Respondent's Response. (See Article 406.4.1C of the Rules.)

F. A hearing must be scheduled by the Chair to take place no less than thirty (30) days and no longer than sixty (60) from the date the Chair of the Board of Review transmits the Notice of Hearing.

G. A hearing shall then be held (if **everyone** involved agrees the Petition can be considered based only upon the written statements that have been submitted without a formal hearing where witnesses are heard; otherwise, the parties must be allowed the opportunity to present evidence and witnesses and otherwise be heard at the hearing). Use common sense in conducting the hearing. (See Article 406.4.1D of the Rules.) Make all parties feel that they have a fair chance to state their position, present evidence and witnesses, cross-examine the other side's witnesses and that the Board has an open mind as it listens to their position. In all events please **give the athlete the benefit of the doubt!**

H. The Board of Review must decide the matter within fourteen (14) days after the conclusion of the hearing. (If time is not critical, it may be advantageous to delay the decision for a few days after the hearing to give full consideration to all the facts presented in a hearing rather than making a ruling immediately upon conclusion of the hearing.)

I. The Board must send copies of its decision to all Petitioners and Respondents (or their respective counsel) and to the LSC General Chair and Secretary. (See Article 406.4.1E of the Rules.)

J. In the Board's decision, the parties must be given a statement telling them what they must do to request a rehearing before the full Board of Review (if applicable) or to appeal the Board of Review's decision and how long they have to appeal.

THE MEET DIRECTOR JUST TOLD ME THAT MY SWIMMER'S PROOF OF TIME IS NOT ADEQUATE AND THE SWIMMER WON'T BE IN THE EVENT LATER THIS MORNING. THE MEET DIRECTOR IS WRONG AND WE CANT WAIT FOR A HEARING FROM THE BOARD OF REVIEW. WHAT DO I DO?

First, you should review the meet information to see if it provides for any kind of appeal such as the Eligibility Jury provided for at the National Championships. (Article 207.12.4 of the Rules.) If you still believe your swimmer is being improperly kept out of the meet you should ask for an emergency hearing from the Board of Review. The Bylaws give the Board of Review a great deal of flexibility in handling emergency situations. Get on the telephone to the Chair of the Board of Review or the LSC General Chair and make arrangements to set up an emergency hearing under Article 406.4.2 of the Rules.

The Federal law which created National Sports Governing Bodies such as USA Swimming states that an athlete cannot be suspended from competition, *even temporarily*, without the opportunity for a hearing.

Members of the Board of Review should keep in mind their responsibility to conduct emergency hearings whenever they are at a swim meet and should alert the Meet Manager of their presence. The Chair of the Board of Review should always make arrangements in advance to see that a panel can be available at championship meets.

A meeting at the swim meet or an exchange of information by telephone, email, and fax can be arranged to permit a timely decision even if the athlete must compete under protest. (See Section 102.11 of the Rules.)

After the meet is concluded, a full formal hearing may be conducted at the request of the Petitioner or the Respondent.

HOW LONG DO I HAVE TO APPEAL A DECISION OF THE LSC BOARD OF REVIEW TO THE NATIONAL BOARD OF REVIEW?

An appeal must be taken within thirty (30) days from the date of receipt of the written Decision of the LSC Board of Review.

APPENDIX B

SAMPLE LSC NOTICE OF HEARING (Form may, and should, be modified to fit the actual circumstances)

NOTICE OF HEARING

TO:

[INSERT RESPONDENT'S NAME(S) AND MAILING ADDRESSES(ES)]

SUBJECT:

You are charged with having committed the following acts [or with having failed to act in circumstances] which are detrimental to the objectives, programs or ideals of USA Swimming and which tend to bring disrepute upon the sport of swimming:

[Insert details of charge; may be a summary if Petition is unnecessarily lengthy.]

This charge is based upon a Petition that was filed by

[Insert Petitioner's name(s).] Attached is a copy of the Petition tiled with the XX Swimming Board of Review.

ANSWER:

You are requested to file an answer in writing to these charges with the Presiding Officer of the Board of Review whose mailing address is [Insert Name and Address of the Chair of the Board of Review or other person designated as the Presiding Officer in this case]

and to

[Insert Petitioner's name(s) and address(es) or that of its counsel, if so requested.]

at least ten (10) days prior to the date of hearing that is set in this Notice of Hearing. The hearing will proceed whether or not you file this reply.

HEARING DATE, TIME AND PLACE:

The initial date set for the formal hearing is (insert date, time and place of hearing) or to such other date, time or place as the Presiding Officer continues, adjourns or reschedules the hearing. You are requested to appear at that time with counsel and any witnesses. [This part would need to be rephrased if the proceeding were to be conducted entirely in writing or in writing with only oral argument at a hearing.]

HEARING AUTHORITY:

The power and authority of the XX Swimming Board of Review is established, and this hearing shall be held pursuant to Part Four of the Rules and Regulations of USA Swimming and Article 610 of the Bylaws of XX Swimming, Inc. A copy of Article 610 is enclosed for your information.

HEARING BODY:

The hearing body will be the following [three (3), four (4), or five (5)] member panel of the Board of Review of XX Swimming, [insert names of members of the Board of Review designated to serve on this panel] or such other persons as are appointed pursuant to the Bylaws of XX Swimming, Inc. and the Rules of USA Swimming. [This should be rephrased if the initial panel is the full Board of Review.]

POSSIBLE PENALTIES:

The Petitioner has requested that (here insert what the Petitioner has asked for). In addition the Board of Review, pursuant to Article 404.1.1 of the Rules of USA Swimming, has a broad range of sanctions, penalties and suspensions that it may impose on you if it believes that such are appropriate either in addition to or in lieu of those that the Petitioner is seeking.

APPEAL:

If you are dissatisfied with the decision of the Board of Review, you must file a request for a rehearing before the full Board of Review within fourteen (14) days of your receipt of the decision, unless the initial panel was the full Board of Review or had at least seven (7) members. The request must be filed with the Chair of the Board of Review [here give name and address]. [If your LSC has imposed a filing fee applicable to a request for a rehearing, this should be noted here.] Your request must be granted if the decision was rendered by a panel of six (6) or fewer members and the decision was not unanimous. Otherwise the Board of Review may either grant or deny a rehearing in its discretion. If the decision is not subject to a request for a rehearing, a rehearing request is denied or the decision is affirmed on a rehearing, an appeal may be made to the National Board of Review. The appeal must be tiled with the USA Swimming Executive Director along with a filing fee of 5250.00 within thirty (30) days after the postmark date of written Decision of the Board of Review. (Article 408.1.1 of the Rules.) The address of the USA Swimming Executive Director is USA Swimming, Inc., 1 Olympic Plaza, Colorado Springs, CO 80909-5770.

GENERAL INFORMATION:

You are entitled to be represented by counsel at your own cost, or by such other representative as you may choose, to have witnesses testify in your behalf, to question witnesses testifying at the hearing and to submit any and all evidence in your defense, including hearsay and documentary evidence, so long as it is relevant to the issues. You are entitled to ask that the hearing date be reasonably rescheduled so that you may attend, secure witnesses or otherwise respond. Please direct all questions or correspondence to Chair of the Board of Review of XX Swimming, Inc., [insert name] at [insert mailing address].

Dated (Insert date on which notice is mailed)

Signed:

Chair of the Board of Review

[If the notice is signed by the designated Presiding Officer, the title line should be changed accordingly.]

Document comparison by Workshare on Thursday, September 23, 2010 10:19:56 AM

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Description	#414850v2<worksite> - Niagara Swimming Inc. BYLAWS 2010 (3)
Rendering set	standard no moves

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	215
Deletions	230
Moved from	0
Moved to	0
Style change	0
Format changed	7
Total changes	452

Scholarship Committee

This year, the Scholarship Committee received a record of 23 applications. Niagara LSC awarded 8 scholarships to the following recipients:

Niagara LSC Swimming Scholarships

Phil Aronica	STAR	University at Buffalo
James Sundquist	STAR	Boston University
Jennifer Bentley	STAR	College of William and Mary
Marissa Dressel	TTSC	University of Vermont
Erin O'Brien	LCAT	Geneseo College

Andrew Wilson Memorial Scholarship

Lauren Marchese	STAR	Cornell
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Ruth Whelehan Memorial Scholarship

Will Brophy	FAST	Harvard
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Scholarship in Honor of Frances Klier

Allison Gielowski	TTSC	Northeastern
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The 2011 Scholarship application will be posted on the Niagara web-site in January 2011. The Chair of the committee must receive the completed application by May 1, 2011.

Barbara Paradis, Chair
Kristen Cashill- Smith
Sherry Cook
Martha Keating
John Marchese

National Times Verification

For the period May 1, 2010 - September 1, 2010, we had a very similar number of meets and times loaded into the USA Swimming SWIMS database as we did in 2009. The Actual Numbers are as follows:

	Meets	Individual Times	Relay Times
2010	36	27,395	585
2009	34	27,287	784

If you have any questions, please don't hesitate to contact me.

Bob Matlack
National Cut Times
bmatlack@verizon.net

**Niagara Swimming, Inc
Budget for Fiscal Year 2011**

	2010 Budget	2010 Actual		2011 Budget
Income:			Income:	
Awards	6,000.00	6,476.93	Awards	6,000.00
Registration Fees (Net)	70,000.00	70,698.50	Registration Fees (Net)	70,000.00
Meet Sanction Fees	3,000.00	4,600.00	Meet Sanction Fees	3,000.00
Surcharge Fees	37,000.00	71,061.10	Surcharge Fees	46,000.00
LSC Hosted Meet Revenue	25,000.00	24,601.50	LSC Hosted Meet Revenue	25,000.00
Zone Team Participant Fees	30,000.00	24,314.00	Zone Team Participant Fees	28,000.00
Interest	1,000.00	69.33	Interest	0.00
Miscellaneous	<u>3,000.00</u>	<u>2,100.00</u>	Miscellaneous	<u>2,000.00</u>
Total Income	175,000.00	203,921.36	Total Income	180,000.00
Expenses:			Expenses:	
Awards	10,000.00	9,015.82	Administrative Expenses	40,000.00
Club Strengthening	15,000.00	13,072.03	Awards	10,000.00
Committees & Administrative	39,500.00	41,254.21	Club Strengthening	74,500.00
Scholarship	4,000.00	4,000.00	Grant Program	15,000.00
LSC Hosted/Supported Meets	22,000.00	30,556.27	LSC Hosted/Supported Meets	25,000.00
Swimmer Travel	42,000.00	19,133.33	Scholarship	5,000.00
Zone Teams	<u>42,500.00</u>	<u>37,573.26</u>	Zone Teams	<u>40,500.00</u>
Total Expenses	175,000.00	154,604.92	Total Expenses	210,000.00
Income / Loss	<u>0.00</u>	<u>49,316.44</u>	Income / Loss	<u>-30,000.00</u>
			Transfer from Reserves	30,000.00

Income

Awards - Fees received from host clubs of Niagara LSC meets
 Registration Fees - Portion of USA Registration fee that is retained by LSC (\$10 / Athlete and \$30 / Club)
 Meet Sanction Fees - Per schedule in Policies and Procedures
 Surcharge Fees - Per schedule in Policies and Procedures
 LSC Hosted Meet Revenue - Revenue received by NI as meet host (for 2011 - NI Classic and Open Water Meet)
 Zone Team Participant Fees - Fees charged to Zone Team participants
 Interest - Interest from savings
 Miscellaneous - Money received from Leagues and fines paid to NI

Expenses

Administrative Expenses - Costs of maintaining the administrative aspects of the LSC
 Awards - Award purchases
 Club Strengthening - Athlete travel, club clinic, club recognition, coach training, Hytek, Outreach
 Grant Program - Per Grant Program guidance
 LSC Hosted/Supported Meets - Costs associated with NI hosted meets and LC Super Circuit assistance
 Scholarship - Scholarships awarded by Scholarship Committee
 Zone Team - Costs associated with the Zone Teams (note offset paid by participants, see Income)

Niagara Swimming Meet Calendar for April - August 2011

Date	Host	Type	Site	Meet Director
April 30	Niagara	House of Delegates Meeting	Monroe Community College	Marci Callan
May 13 - 15	TTSC	TTSC 2011 LC Invitational	Town of Tonawanda AFC	Tim Bennet
May 21	RHSC	LC Super Circuit #1-Rochester Area	TBA	Tim Dubois
June 3 - 5	STAR	2011 LC Age Group Meet	Erie Community College	Brad Boyle
June 11	RHSC	LC Super Circuit #2-Rochester Area	TBA	Tim Dubois
June 18	DWSC	LC Super Circuit #1-Syracuse Area	Burnett Park	Mark Schmitt
June 19	WPSC	3rd Annual Open Water Meet	Dorchester Park	Jerry Roberts
June 24 - 26	STAR	2011 LC Age Group Meet	Erie Community College	Brad Boyle
July 7 - 10	Niagara	Niagara Classic	University at Buffalo	Rodney Champagne
July 15 - 17	UNAC	38th Annual Sertoma Summer Invitational	Johnson Memorial Park	Donna Striley
July 24	Niagara	Niagara LSC Open Water Championships	TBA	Tim Dubois
July 29 - 31 ***	SEAS	Niagara LSC LC JO Championships	Brockport	Rodney Champagne
July 29 - 31 ***	STAR	Niagara LSC LC JO Championships	Erie Community College	Brad Boyle
August 2 - 6		Conoco Phillips National Championships	TBA	
August 4 - 7	STAR	Eastern Zone Super Sectional	Erie Community College	Brad Boyle
August 5 - 6	FAST	Niagara Short Course "Sizzler"	TBA	Marci Callan
August 9 - 13		Speedo Junior National Championships	TBA	
August 10 - 13		Eastern Zone All Star Meet	TBA	
August 12 - 13	TTSC	2011 End of Summer SCY Swim For Time	Town of Tonawanda AFC	Tim Bennet
August 14		Eastern Zone Open Water Championships	TBA	

*** Competing Bids - to be resolved at HOD

Calendar subject to approval by the Niagara House of Delegates

September 13, 2010

Niagara Swimming Meet Calendar for April - August 2011

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