BYLAWS OF THE SOUTHEASTERN LOCAL MASTERS SWIMMING COMMITTEE

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(Effective Date, _____)

Article I. DEFINITION

Section 1.01 OBJECTIVES : The objective of the SOUTHEASTERN Local Masters Swimming Committee (LMSC) shall be to promote and develop swimming for the benefit of swimmers of all abilities eighteen (18) years of age and older, in accordance with the standards, and under the rules prescribed, by the United States Masters Swimming, Inc. (USMS) and the SOUTHEASTERN LMSC.

(a) The LMSC shall exist to:

(i) Serve USMS members and clubs within the geography of the LMSC

(ii) Approve event sanctions

(iii) Submit event results to the USMS meet results database

(iv) Encourage facilities to update the USMS Places to Swim directory

(v) Maintain an LMSC website

(vi) Distribute an LMSC newsletter

(vii) Provide camps, clinics and educational programs for members and coaches within the LMSC

(viii) Send delegates to the USMS annual meeting.

Section 1.02 NAME and TERRITORY : The name of this committee shall be the SOUTHEASTERN Local Masters Swimming Committee (LMSC). The geographic boundaries of this Local Masters Swimming Committee shall include all the states of Alabama and Tennessee. In the state of Florida, the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay, and that part of Jackson and Calhoun Counties west of the Apalachicola River.

Section 1.03 JURISDICTION : The LMSC shall have jurisdiction over the sport of Masters Swimming as has been delegated to it by USMS.

Section 1.04 ORGANIZATION : This organization shall be organized as a tax-exempt association under the rules of the United States Code 501 for the mutual benefit of its members.

Article II. MEMBERSHIP

Section 2.01 COMPOSITION-The LMSC membership shall consist of the following classes:

(a) Club Membership – Note: The words “club” & “team” are sometimes used interchangeably and are indicative of the same membership/representation class within the LMSC.

(i) A club is defined by USMS as those swim organizations which have registered with USMS and are in good standing with both USMS and the LMSC and which have athletes registered to represent said organization in the sport of Masters Swimming.

(ii) A club is an organization which conducts a program in Masters Swimming or is composed of persons joined together in support of Masters Swimming or some aspect thereof. A club may consist of several Workout Groups (see definition of class, following).

(iii) No individual may be a member of more than one club at the same time. USMS and SOUTHEASTERN LMSC rules shall apply to members changing club registration.

(iv) Each club shall appoint a representative to be the primary point of communication with the LMSC Board of Directors on behalf of the club. Such appointment shall be in writing, duly certified by the chief executive officer, or Secretary, of the appointing club. The appointed member may withdraw his/her representation by written notice addressed to the LMSC Registration Chair and signed by the member club's Chief Executive or Secretary. Substitute representatives may be submitted in the same manner.

(v) Each club will be eligible to have individual members compete as a unit in competitions outside the SOUTHEASTERN LMSC.

(b) Workout Group Membership – Note: The terms "workout group" & "chapter" are sometimes used interchangeably and are indicative of the same membership/representation class within the LMSC.

(i) A workout group is defined by USMS as a subordinate organization (subgroup) of a USMS-registered club. Clubs may have multiple workout groups within a large geographical area and utilize several pool locations. Different workout groups designate who swims where, as an example. Workout Groups receive the same benefits that separately registered clubs receive. Workout groups must remain in good standing with USMS and the LMSC and have athletes registered to represent said organization in the sport of Masters Swimming.

(ii) No individual may be a member of more than one workout group at the same time. USMS and SOUTHEASTERN LMSC rules governing procedures for a member changing club registration shall apply to members changing workout group registration.

(iii) Each workout group shall appoint a representative to be the primary point of communication with the LMSC Board of Directors on behalf of the workout group. Such appointment shall be in writing, duly certified by the chief executive officer, or Secretary, of the appointing workout group. The appointed member may withdraw his/her representation by written notice addressed to the LMSC Registration Chair and signed by the member workout group's Chief Executive or Secretary. Substitute representatives may be submitted in the same manner.

(iv) Each workout group will be eligible to have individual members compete as a unit in competitions <u>outside</u> the SOUTHEASTERN LMSC. <u>Within</u> the LMSC, workout group members can compete under their registered workout group against other workout groups.

(c) Individual Membership - Each individual who is an athlete, coach, official, administrator, or other person who is interested in the purposes and programs of the LMSC.

(i) Individual Members must register annually with USMS through the LMSC Registrar and pay the required membership/application fee to the LMSC and shall include the fee payable to USMS.

(ii) Members must specify an affiliation within the LMSC as:

a) Unattached

b) A member of a club

c) A member of a workout group affiliated with a club

(iii) Each individual member shall receive an electronic USMS membership card certifying his/her membership, and may attend all general meetings of the LMSC. Any member may request a paper copy of his/her membership card from the LMSC Registrar.

Section 2.02 ELIGIBILITY – Any active member in good standing with USMS is eligible to participate and align their membership within the SOUTHEASTERN LMSC, regardless of their geographic residence.

Section 2.03 RESPONSIBILITIES

(a) Duties and Powers of Members:

(i) Elect officers.

(ii) Ratify or rescind policies and programs established by the Board of Directors.

(iii) Amend the Bylaws of the LMSC

(b) Conduct – Every member of the LMSC shall abide by the Bylaws, and any Rules, Regulations and Policies of the LMSC and USMS.

Article III. OFFICERS - EXECUTIVE COMMITTEE

Section 3.01 COMPOSITION – The Executive Committee shall consist of the following officers of the LMSC:

(a) LMSC Chair

(b) Vice Chair

(c) Secretary

(d) Registration Chair

(e) Treasurer

(f) Depending on the needs of the LMSC, the Secretary position may be combined with any other Officer or Board of Directors position. No other elected members of the Executive Committee shall hold multiple roles within the LMSC Board of Directors. If acting in multiple roles, any individual is only permitted a single vote on issues pertaining to the LMSC.

Section 3.02 ELIGIBILITY – only current registered members of the SOUTHEASTERN LMSC are eligible to hold office.

Section 3.03 TERM OF OFFICE - Each officer shall serve for a term of two (2) years, or until a successor is chosen. There is no limit to the number of terms an officer may serve.

Section 3.04 ELECTION – Officers to serve on the Executive Committee shall be elected by the general membership of the LMSC.

(a) A Nominations Committee of three members representing the geographical diversity of the LMSC will be responsible for submitting nominations to serve as LMSC officers. The Chair of the Nominations Committee will be appointed by the LMSC Chair.

(b) Nominations shall be solicited from the general membership through email or other effective means established by LMSC policy and evaluated by the Nominations Committee prior to consideration for election.

(c) The Nomination Committee shall distribute to the membership a slate of candidates eligible and capable of discharging the duties associated with each position as officer within the LMSC, and broadly representative of the LMSC in terms of geography.

(d) Elections will be conducted electronically, with all members of the LMSC eligible to vote for all officers. Provision for write-in candidates will be provided. The election shall be conducted by the Registrar using a web-based method that limits each LMSC member to a single vote for each office. The Nomination Committee will report election results to the Registrar, who will confirm and transmit the results to the LMSC Chair, whose responsibility it will be to communicate results to the LMSC membership through email or other effective means established by LMSC policy.

(e) When elections are deemed final by the Nominations Committee, the new officer(s)' term shall commence the Monday following the announcement of the election results by the LMSC Chair and shall last until the next annual meeting or time period during which officer elections are conducted, not less than a period of two years.

Section 3.05 RESPONSIBILITIES – The LMSC Board of Directors may designate other duties as needed from time to time. Primary duties and powers of officers are as follows:

(a) LMSC Chair - The LMSC Chair shall be responsible for the day-to-day management of the business affairs of the LMSC. He/she shall call meetings when and where deemed necessary and shall preside at all meetings. He/she shall appoint committee chairs and, where necessary, members of both standing and special committees that may be necessary to fulfill the duties and responsibilities of the LMSC, all with the advice and consent of the Board of Directors.

(b) Vice Chair – The Vice Chair will serve to assist the LMSC Chair in the LMSC Chair's duties, and fulfill those duties in the event that the LMSC Chair is unavailable due to absence or unable to serve due to issues of health, eligibility, or other reasons that require the Vice Chair to provide necessary leadership.

(c) Secretary -The Secretary shall be responsible for keeping a record of all meetings, preparing official correspondences, issuing meeting notices, and keeping minutes of all meetings.

The Secretary shall also make official reports available to the national office as required by the USMS Rule Book.

(d) Registration Chair -The Registration Chair shall process individual and club applications for membership to USMS and LMSC along with any received donations. He/she shall also keep accurate records of said individual and club registrations, and make reports to the Secretary and Treasurer as required by LMSC policy.

Note: the Secretary and Registration Chair (commonly referred to as the Registrar) may or may not be the same individual, depending on the needs of the LMSC at the time.

(e) Treasurer -The Treasurer shall be responsible for preparing the annual budget for review and approval by the Chair and Board of Directors. The Treasurer shall receive all monies and pay bills approved by the Board of Directors or authorized by the budget approved by the Board of Directors. The Treasurer shall maintain all financial records, including for bank and checking accounts, and shall be responsible for making timely reports (at least annually) to the Board of Directors.

(f) Convention Delegate(s) - The Executive Committee shall have first right of refusal (with priority given to any member also serving on a national committee) to serve as delegate(s) attending and participating in the USMS National Convention as representatives of the LMSC. The Delegate(s) shall prepare a convention report to be distributed to the LMSC general membership following the convention.

(g) Should any member of the Executive Committee be unable to attend the national convention, the LMSC Chair may select another member of the Board of Directors to attend in his/her place and represent the LMSC as a delegate. If no member of the Board of Directors is able to attend the national convention, the LMSC Chair may select a delegate from among the LMSC membership.

Section 3.06 REMOVAL – A member of the Executive Committee can be removed from office, for cause, by a majority vote of the Board of Directors. Action to remove from office a member of the Executive Committee may be taken by independent action by the Board of Directors. The Board of Directors must hold such a vote if presented with a written petition of twenty (20) SOUTHEASTERN LMSC members representing at least three different clubs in good standing.

Section 3.07 VACANCIES created for whatever reason, in any office, may be filled by appointment of the LMSC Chair, with the advice and consent of the Board of Directors. In the event that the LMSC Chair position becomes vacant, the Vice Chair will assume all duties as LMSC Chair for the unexpired term of the previous incumbent, and for this period of time the office of Vice Chair will remain vacant.

Article IV. MANAGEMENT – BOARD OF DIRECTORS

Section 4.01 COMPOSITION -The LMSC Board of Directors shall consist of:

(a) Each Executive Committee member of the LMSC.

(b) All appointed chairs of the LMSC defined in Article V.

Section 4.02 ELIGIBILITY - current registered members in good standing of the SOUTHEASTERN LMSC are eligible to serve on the Board of Directors. Exceptions to this may be made with approval of the Executive Committee and remaining members of the Board of Directors.

Section 4.03 RESPONSIBILITIES

(a) Duties and Powers -The Board of Directors shall act for the LMSC and its members during the interval between membership meetings, subject to the approval and ratification of the membership.

(b) The Board of Directors shall have the power and duty to:

(i) Establish programs and policies (subject to ratification by the general membership).

(ii) Establish the Review Committee when and where deemed necessary, for evaluation and resolution of LMSC issues as brought forth by the membership.

(iii) Review and adopt the annual budget of the LMSC prior to the beginning of each fiscal year.

(iv) Call regular and special meetings of the LMSC Board of Directors.

(v) Lend direction or advice where needed or sought by LMSC membership or the LMSC Executive Committee.

(vi) The Board of Directors shall <u>not</u> have the power to amend these Bylaws, a power reserved for the general membership.

(c) Conflict of Interest – No member of the Board shall participate in any discussion or vote on any matter in which he or she or a member of his or her immediate family has a potential conflict of interest due to having material economic involvement regarding the matter being discussed. When such a situation presents itself, the Board Member must announce his or her potential conflict, disqualify him/herself, and be excused from participation in discussion on the matter involved. The LMSC Chair is expected to make inquiry if such conflict appears to exist and the Board Member has not made it known.

<u>Article V.</u> COMMITTEES AND COMMITTEE CHAIRS

Section 5.01 STANDING COMMITTEES - The following standing committees should exist within the LMSC at all times. In practice, these committees may consist of a single Chair who is responsible for the work described below.

(a) Competition Committee -The Competition Committee shall oversee competitive swimming programs to insure that LMSC program offerings are consistent with USMS and LMSC objectives, rules, and policies. The Competition Committee shall process applications for meet sanctions (pool, open water, and other events), and make suggestions for how to improve swimming competitions to the Board of Directors. The Chair of the Competition Committee is commonly known as the Sanctions Chair

(b) Top 10/Records Committee -The Top 10/Records Committee shall maintain LMSC records based on the final meet results and prepare a list of swimmers for National Top 10 consideration. The Chair of the Top 10/Records Committee is commonly known as the Top 10 Chair

(c) Newsletter Committee -The Newsletter Committee shall be responsible for gathering information pertinent to the LMSC members and publishing a periodical to be sent to all clubs and individual members

(d) Website Committee -The Website Committee shall be responsible for maintaining the LMSC website

(e) Fitness Committee – The Fitness Committee shall be responsible for communicating to LMSC members current information related to fitness, exercise, technique, injury avoidance, and nutrition. Such communications will appear regularly in the LMSC Newsletter and as postings on the LMSC website

(f) Coaches Committee – The Coaches Committee shall be responsible for maintaining open communication with coaches of Masters teams within the LMSC, communicate to all coaches information on coaching clinics, contribute material to the LMSC Newsletter highlighting the work of coaches within our LMSC, and in other ways promote excellence in coaching within our LMSC

(g) Open Water – The Open Water Committee will work to encourage participation of Masters swimmers in open water swimming within our LMSC

(h) Officials Committee – The Officials Committee will work with meet directors help identify qualified officials to work sanctioned and recognized swim competitions in our LMSC and will in other ways work to ensure high quality officiating at all such competitions

Section 5.02 SPECIAL COMMITTEES

(a) Nominations Committee - The Nominations Committee shall be responsible for soliciting nominations every two years for all officers of the LMSC and for participating in the election process as described elsewhere in these Bylaws. The Nominations Committee will be made up of three members representing different geographic regions of our LMSC to help ensure that nominations also are representative of the LMSC as a whole. The Chair and the other two members of the Nominations Committee will be appointed by the LMSC Chair upon approval of the Executive Committee.

(b) Review Committee – Should the need arise to address an issue at the LMSC governance level, the LMSC Board of Directors may select a Review Committee comprised of no less than five (5) members to address grievances or other issues that cannot be effectively addressed by the Executive Committee or the Board of Directors. Its hearings may be conducted by an attorney at law retained by the Committee for that purpose. The Review Committee need not be a standing committee of the LMSC and appointment of said committee shall expire upon completion of the review process.

Section 5.03 CHAIRS OF COMMITTEES

(a) Eligibility – Committee Chairs should be chosen from a variety of different organizations within the LMSC to encourage wide representation. Current registered members of the SOUTHEASTERN LMSC shall be eligible for appointment. Exceptions to this may be made with approval of the Executive Committee and remaining members of the Board of Directors.

(b) Appointment - The chairs of committees shall be appointed by the LMSC Chair with the advice and consent of the Executive Committee.

(c) Duties - All Chairs are responsible for communicating with the Board of Directors on all actions and activities and each year and, at a time specified by LMSC policy, submit to the LMSC Chair a brief annual report summarizing what has been accomplished.

Section 5.04 MEMBERS OF COMMITTEES

(a) Composition - The number of members serving on each committee shall be determined by the Chair of each committee with the advice and consent of the LMSC Chair.

(b) Appointment - Members of all committees shall be recommended by the Committee Chair and appointed by the LMSC Chair with the advice and consent of the Executive Committee.

(c) Duties -The duties of the members of committees is to carry out agreed upon tasks and remain in communication with the committee.

Article VI. LMSC MEETINGS

Section 6.01 ANNUAL- An annual meeting of the LMSC membership shall be held no later than December 1 of each year.

Section 6.02 SPECIAL- Should the need for a special meeting of the LMSC membership arise, the LMSC Chair is responsible for calling such a meeting. If sufficient need for a special meeting of the LMSC membership exists but the Chair does not call such a meeting in a timely fashion, such a meeting may be called by any four (4) members of the Board of Directors.

Section 6.03 NOTICES

(a) Time -A minimum thirty (30) day notice shall be given for any annual or special meeting called by the Chair or Board of Directors.

(b) Information -The notice of a meeting shall contain the time, date, site, and proposed agenda of such meeting.

(c) For special meetings, the purpose of such a meeting shall also be given.

(d) Address -The notice shall be sent to the last address (physical and/or electronic) given to the Secretary/Registration Chair of each organization's representative and/or each individually registered member of the LMSC.

Section 6.04 ORDER OF BUSINESS- At all LMSC membership meetings and meetings of the Board of Directors, the following shall be the order of business:

(a) Roll call (Board of Directors only).

(b) Reading, correction, and adoption of minutes from the last meeting.

(c) Reports of officers.

(d) Reports of committees.

(e) Unfinished business.

(f) Elections (where appropriate).

(g) New business.

(h) Resolution and Orders.

(i) Adjournment.

Section 6.05 QUORUM – A quorum at all meetings shall consist of those present and eligible to vote.

Section 6.06 RULES OF ORDER – At all meetings, the current Robert's Rules of Order shall serve as guidelines for parliamentary procedures

Section 6.07 DOCUMENTATION – The Secretary shall take minutes of all meetings of the Executive Committee and make these available to the LMSC membership on the LMSC website

Article VII. CONDITIONS OF COMPETITION

Section 7.01 GENERAL -The conditions of competition in any swimming event and the rules governing it shall be those established by USMS.

Article VIII. CHAMPIONSHIPS

Section 8.01 GENERAL -Swimming championships, when conducted, shall be held in accordance with the rules of the USMS for conduct of championships, as described in the USMS Rule Book.

Section 8.02 DEFINITION - A championship event is defined as a competition designated as such by the Competition Committee (Sanctions Chair), upon recommendation of the LMSC Chair and a majority vote of the Board of Directors.

Section 8.03 TIMING - Championship meets conducted in short-course yards, long-course meters, or short-course meters shall be conducted over a minimum two-day period in which a complete order of events for Masters Competition shall be offered. It is the aim of the LMSC to offer a championship meet for each recognized course as well as for at least one open water championship event each year.

Article IX. DUES AND FEES

Section 9.01 ATHLETE REGISTRATION – Each member, or each swimming organization on his/her behalf, shall pay to the Registration Chair an annual fee established by the LMSC, an amount which shall include the annual fees established by USMS.

Section 9.02 COST OF DELEGATE(S) MEETING – The LMSC shall reimburse expenses to the LMSC-appointed delegate(s) that attend the USMS national convention.

(a) Receipts for any reimbursable transactions, along with the completed reimbursement request form signed by the Responsible Committee Chair, LMSC Chair or Vice-Chair, shall be presented to Treasurer before any monies will be distributed.

(b) Please refer to the "Qualified Reimbursable Expenses" document for details on what costs are reimbursable. Expenses that qualify for reimbursement include, but may not be limited to:

(i) Airfare

(ii) Ground transportation to and from the airport to the hotel

(iii) The national convention registration fee

(iv) Hotel at convention rates

(v) Daily food allowance not to exceed $40 (not to include alcohol)

(vi) If the convention is within 4hrs driving distance, the LMSC shall reimburse delegate the legally appropriate rate for non-profit mileage

Article X. REPORTS AND REMITTANCE

Section 10.01 ANNUAL REPORTS – The LMSC Chair shall be responsible for sending a complete record of the annual meeting of the LMSC and any special called meetings as well as an audited report of all financial accounts to the USMS National Office within ninety (90) days following the end of the year.

The LMSC Chair will be responsible for obtaining the above-referenced minutes and reports from the Secretary and Treasurer, respectively.

The audit of accounts is to be signed by a Certified Public Accountant or by three members of the Board of Directors.

Section 10.02 MEMBERSHIP REPORTS- The LMSC Chair or designee shall verify each month the report listing all individuals and clubs, including addresses, who have joined the LMSC and USMS the previous month. This report shall be accompanied by the appropriate USMS fees.

Section 10.03 GENERAL-The LMSC shall make such other reports and remittances to the USMS as specified in its Code or by the National Board of Directors or Board of Governors. The LMSC Chair, Secretary, and Treasurer shall be responsible for seeing that all required reports are made in a timely manner.

Article XI. PARTICIPATION

Section 11.01 PARTICIPATION – The LMSC, in accordance with the rules of the USMS, shall respect, and protect, the opportunity of every eligible individual to participate in USMS administrative activities and sanctioned or recognized events. All shall be conducted in compliance with all local, state, and national laws, and within the rules outlined in the USMS Rule Book and applicable international requirements.

Article XII. MISCELLANEOUS

Section 12.01 AMENDMENTS - Any provision of these bylaws not expressly governed by USMS may be amended at any meeting of the general membership of the LMSC by a two-thirds (2/3) majority vote of the members present and voting. At least thirty (30) days notice of any proposed amendment shall be given to every registered member of the LMSC.

Section 12.02 FISCAL YEAR – The fiscal year of the LMSC shall correspond to the calendar year.

Section 12.03 ADDRESS - The LMSC shall submit a permanent mailing address for use by the National Headquarters. This address shall be the mailing address of the current general Chair.

Section 12.04 MAIL/EMAIL VOTE – Both the general membership of the LMSC and the Board of Directors may vote by mail or email on any matter except amendment of the Bylaws, which must take place at a called meeting of the general membership. This provision allowing mail or email voting specifically includes elections of officers. The form and manner of voting on all decisions other than amendment of the Bylaws will be determined by the Board of Directors consistent with written policies approved by the general membership of the LMSC.

Section 12.05 INDEMNIFICATION – The LMSC shall indemnify and save harmless any individual against the expense of any action, suit of proceedings in which they are made a part by reason of being or having been a Board of Director, Officer of duly authorized agent of the LMSC, except in relation as to matters to which they shall be adjudged in such action, suit or proceedings to be liable for gross negligence or willful misconduct in the performance of their duties. This right shall extend to all such persons, their successors, heirs and legal representatives.

Article XIII. DISSOLUTION

Section 13.01 Upon dissolution, the net assets of the LMSC shall not inure to the benefit of any private individual or corporation, but shall be distributed to United States Masters Swimming, Inc. to be used exclusively for educational or charitable purposes. If USMS is no longer in existences or is not a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code and to which contributions, bequests, and gifts are deductible under Section 170(c)(2), 2055 (a)(2) and 2522 (a)(2) thereof, such assets shall be distributed to a corporation, to be used exclusively for educational or charitable purposes.

Article XIV. GRIEVANCE & REVIEW PROCEDURES

Section 14.01 REVIEW COMMITTEE – The LMSC Board of Directors may select a Review Committee comprised of no less than five (5) members to address other issues that cannot be effectively addressed by the Executive Committee or the Board of Directors. Its hearings may be conducted by an attorney at law retained by the Committee for that purpose.

If the attorney is not a member of the USMS, he/she shall have no vote. The Chair of the Review Committee shall be elected by members of the Committee. A quorum for any hearing conducted by the Review Committee shall be fifty percent (50%) of its membership but in no event less than three (3) members.

(a) General Jurisdiction – The Review Committee may conduct hearings on any matter affecting USMS and the LMSC and arising within the geographical boundaries of the SOUTHEASTERN LMSC and involving only members of SOUTHEASTERN LMSC.

(b) Appeal - The decision of the Review Committee shall be final in all cases, subject only to appeal to the Board of Directors of the LMSC at the option of the applicant, and thereafter to the USMS National Board of Directors.

(c) Notice to Athletes - In each case, where notice is sent to a registered entity, it is sufficient to mail the notice addressed to the affected individual or club at the last address (physical or electronic) given on his/her application for registration to the Registration Chair.

Section 14.02 GRIEVANCES - Whereas the SOUTHEASTERN LMSC (the LMSC) has determined that a written grievance procedure is needed to implement the policies of United States Masters Swimming (USMS) as expressed in the Rules of USMS concerning member rights and standards of conduct under Part 4 thereof (hereinafter "Part 4"), the following grievance procedure is adopted by the Southeastern LMSC:

(a) Grounds for grievances - Any individual member of the LMSC and/or any Club member of the LMSC may bring a complaint on any matter for which grievances may be heard under Part 4. Specifically, complaints may be brought alleging unsporting conduct, defined in Part 4 as:

(i) Violation of the opportunity to participate, as set forth in Part 4.

(ii) Discrimination in violation of Article 5 of the Rules of USMS.

(iii) Any act of fraud, deception or dishonesty in connection with any USMS related activity.

(iv) Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event.

(v) Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

(b) Notifying parties of a Grievance – Complainant shall create a document, in writing, to clearly document the issue at hand. The complaint shall be directed to the LMSC Chair, who will initiate the process of forming a Review Committee. In the event that the LMSC Chair is a direct party in the grievance, the Vice-Chair will assume responsibility for forming the Review Committee. In the event that the Vice-Chair is also a direct party in the grievance, the Board of Directors will pick one individual to form the Review. The compliant document shall include the following information:

(i) Clear identification of the person or entity making the complaint;

(ii) Clear identification of the person or entity against whom the complaint is made;

(iii) A concise statement of the behavior or circumstance involved; and

(iv) Signature and name of the person responsible for making the complaint.

(c) Upon receipt of a complaint, the Chair of the Review Committee shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Part 4 and involves a person or entity which is part of the LMSC. If the Chair determines that the complaint does not meet such criteria, the Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Chair of the LMSC. The parties to any controversy shall be:

(i) the USMS member or entity that makes the complaint,

(ii) the USMS member or entity that is the subject of a complaint, and, if appropriate,

(iii) the LMSC.

(iv) If the Chair of the Review Committee does not dismiss the complaint, this Chair shall transmit a copy of the grievance to all other parties involved.

a) In the event there are multiple parties or varying interests, any interested person may ask the Chair of the Review Committee to, or the Chair may of his/her own volition, realign the parties according to their interest in the matter.

b) The party or parties who are the subject of the grievance shall have the right to make a written reply, which shall consist of a written and signed statement challenging the complaint. This statement shall be made within twenty (20) days from the date the Chair of the Review Committee transmitted the complaint to the party or parties who are the subject of the grievance.

c) If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Chair of the Review Committee may proceed to mediation under this section, or to a hearing under the following section.

(v) If no party who is the subject of a complaint makes a reply, then the Chair of the Review Committee may act on the complaint as filed, or may take evidence or information from any source. The Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be written and transmitted to the parties and to the LMSC Chair.

1) The Chair of the Review Committee shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Part 4. The Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

(d) MEDIATION OR RESOLUTION BY THE CHAIR OF THE REVIEW COMMITTEE - After all parties have transmitted written statements to the Chair of the Review Committee, or if the time for same has passed without a statement being transmitted, the Chair shall attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Chair. If mediation is successful, the agreement shall take written form, be signed by the parties, and transmitted to the LMSC Chair. Methods of medication may include, without limitation:

(i) in-person contact,

(ii) telephone contact, or

(iii) communication by writing or e-mail.

(e) HEARING PROCEDURE - If no agreement can be reached via mediation, the Chair of the Review Committee shall convene a hearing with other members of the Review Committee to resolve the controversy.

(i) The Chair of the Review Committee shall preside over the hearing and give counsel to the Committee concerning procedural matters and USMS rules, but shall vote only in the event of a tie vote.

(ii) The Review Committee shall take into account such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the Committee deems it necessary to hear testimony, then the Chair may appoint one member to take such evidence and report to the Committee. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.

(iii) Upon completion of presentation of evidence, the Review Committee shall, by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be transmitted in written form to all parties and the LMSC Chair. If the Committee does not dismiss the complaint, it may deny membership in the LMSC, censure, place on probation, suspend, fine or expel from LMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Part 4.

(iv) Upon rendering of a final decision, the Chair of the Review Committee shall notify all parties in writing of their right to appeal to the National Board of Review under Part 4. The LMSC may stay the imposition of any penalty pending appeal to the National Board of Review.