



1 Olympic Plaza  
Colorado Springs, CO  
80909-5770  
o 719.866.4578  
f 719.866.4669  
usaswimming.org

**Bruce W. Stratton**  
398 S. 9<sup>th</sup> Street, Suite 290  
Boise, ID  
83702-6066  
bruce@strattoncpa.com  
208.376.1135 h  
208.336.4953 o  
208.342.8962 f

October 3, 2008

To: LSC Permanent Offices  
LSC General Chairs

Re: Legislation Passed by the House of Delegates

---

Attached for you information is a summary of the actions taken by USA Swimming House of Delegates during its meeting on September 27, 2008, along with the actual legislation in its final form as passed by the House of Delegates.

A few of the more significant changes, especially as they relate to LSCs, are as follows:

1. Swimwear restrictions were put in place for those competing in 12 & under age group defined competitions (Item R-4, effective May 15, 2009).
2. Meet information of sanctioned or approved competitions must state whether the pool has been certified in accordance with Article 104.2.2C(4) (Item R-13, effective May 15, 2009 with respect to 104.2 and January 1, 2009 with respect to 202.3, 202.4 and 206.2).
3. Part 4 of the Rule Book has been rewritten to include LSC Hearings and Appeals and Part 6 has been rewritten to include important information previously written only in the LSC Model Bylaws. (Items TF-1 through TF-8T, effective January 1, 2009).

If you have any questions regarding this, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce W. Stratton". The signature is stylized and somewhat cursive.

Bruce W. Stratton  
Chair, Rules and Regulations Committee



Member, U.S. Olympic Committee

# AMMENDMENTS TO 2008 USA SWIMMING RULES & REGULATIONS

Actions by the USA Swimming House of Delegates  
September 27, 2008

	DESCRIPTION	LOCATION	ACTION
R-1	Substitute FINA wording for deliberate delay at the start	101.1.5	ADOPTED
R-2	Remove rule regarding long distance pool swimming from Open Water section and place in blue section	101.8 (new) 701.2.3	ADOPTED
R-3	Clarifies event limitations when prelims and finals are on different days	102.2.5 (new)	ADOPTED
R-4	Restriction on swimwear for Age Group competitors (to keep the cost down)	102.9.1	ADOPTED/AMENDED
R-5	Allow Referee to act as Starter; expand conditions of sanction to allow for contingencies	102.12.3 102.12.4 202.3.7	DEFEATED
R-6	Modifications made by a Referee under Article 105 at one meet do not set precedent	102.13.8	ADOPTED
R-7	Limits required information on a DQ slip to event, heat, lane, and infraction	102.15.3-.4	ADOPTED
R-8	Allow for 10 lanes to be used at Nationals	103.3.2A	ADOPTED
R-9	Clarifies language regarding lane lines	103.13.2	ADOPTED/AMENDED
R-10	Stresses pace clocks should be available in all warm-up areas; deletes obsolete language	103.17	ADOPTED
R-11	Allows for observed swims to be eligible for records	104.2.1C	ADOPTED
R-12	Must be able to represent the USA in international competition in order to set American record	104.2.2A	ADOPTED
R-13	Change pool measurement procedures to expand and update the database of pool certifications	104.2.1G 104.2.2C 202.3.5 202.4.11 206.2	ADOPTED/AMENDED
R-14	Update language to reflect current terminology regarding cognitive and visual disabilities	105.1.1 105.2.1-.2	ADOPTED
R-15	Coach/athlete must request specific modifications under Article 105	105.1.2A-B	ADOPTED
R-16	To clearly state that an athlete with a disability may not use aids for buoyancy or speed	105.1.3 105.5.2	ADOPTED
R-17	To discontinue mandated use of IPC ID cards at USA Swimming competitions	105.1.4	ADOPTED
R-18	To diagram the signal that indicates short whistles to the deaf	105.3	ADOPTED
R-19	Clarifies language regarding cognitive disability modifications	105.4	ADOPTED
R-20	Update and clarify language regarding physical disabilities modifications	105.5.1A-E	ADOPTED

R-21	Before an LSC may impose additional requirements and/or conditions of sanction/approval , those requirements or conditions must be approved by the LSC's House of Delegates .	202.1	ADOPTED
R-22	Provide for short course Junior Nationals	207.4.1	ADOPTED
R-23	Limit approvals to non-member clubs/organizations only unless otherwise approved by USA Swimming Board of Directors	202.4.1	WITHDRAWN
R-24	To clarify 120-day rule relative to closed competition	203.3	ADOPTED
R-25	Allow Zones to offer a Zone Senior Championships	205.7(new)	ADOPTED
R-26	Provide for scoring when 10 lanes are used at Nationals	207.12.9C	ADOPTED
R-27	Provide for awards for top 10 finishers in timed final events when 10 lanes are used at Nationals	207.13.2A	ADOPTED
R- 28	Include names of awards (ind. high point & meet performance)	207.13.2A-D	ADOPTED
R-29	To change from Top 25 Combined Team Awards to Top 10	207.13.1	ADOPTED
R-30	Extend sexual misconduct provisions to include all members	304.3.5	ADOPTED/AMENDED
R-31	Expansion of Code of Conduct recruiting provision	304.3.13	ADOPTED
R-32	Clarification of Code of Conduct	304.3.15	ADOPTED
R-33	Clarification of Code of Conduct	304.3.15	ADOPTED
R-34	Adds illegal use of photography, video-taping, etc. of certain USA Swimming meets and events as a violation of Code of Conduct	304.3.11 (new)	WITHDRAWN
R-35	Requires that members of a club's board of directors hold individual memberships to USA Swimming	502.2.1C (new)	WITHDRAWN
R-36	Clarifies that an LSC may not impose additional membership requirements for clubs or individuals	502.2.1C (new) 502.3.5 (new)	REFERRED BACK TO RULES AND REGULATIONS COM.
R-37	Clarification that all coaches must satisfy membership requirements, not just club coaches	502.4.3 502.4.5	ADOPTED
R-38	Permits President to appoint a representative to serve on the Investment Committee in his/her stead.	506.5.1	ADOPTED
R-39	Changes requirement that athletes on Steering be former National Team members rather than Olympians	506.9	ADOPTED
R-40	Requires each LSC to complete LSC evaluation each quad	509.4 (new)	WITHDRAWN
R-41	Delete obsolete records from Rule Book and rules regarding obsolete events	702.1 703.1-.2 Records	APPROVAL
R-42	Prohibits Board of Directors from overriding a policy, program, or rule established by the HOD	LSC Model Bylaws 605.6/605.13	DEFEATED
R-43	Under certain conditions, mandate minimum age of 18 years for members of LSC Board of Review	LSC Model Bylaws 610.3.3C	DEFEATED
HK-1	Update language regarding Age Group Recognition; housekeep reporting requirements	104.2.1H(3) 104.2.3B	ADOPTED

HK-2	Delete obsolete language regarding members of Operations Committee	507.2.7	ADOPTED
HK-3	Correct reference regarding amendments	507.2.9	ADOPTED
HK-4	Reminder that some procedures for Open Water Championships are included in Article 207	704	ADOPTED
TF-1	Incorporate Article 610-T (Hearings & Appeals) from LSC Bylaws into Part Four of Rules & Regulations	Part Four of Rules & Regs	ADOPTED
TF-2	Reorganize Part Six of Rules & Regulations to incorporate important information heretofore included only in the appendices of the LSC Model Bylaws	Part Six of Rules & Regs	ADOPTED
TF-3T	Provides an introduction to the LSC Model Bylaws	LSC Model Bylaws	ADOPTED
TF-4T	Expands on instructions for LSC Model Bylaws	LSC Model Bylaws	ADOPTED
TF-5T	Eliminates much of 610-T from LSC Model Bylaws for inclusion in Rule Book	610 of LSC Model Bylaws	ADOPTED
TF-6T	Eliminates Tables of Concordance	Part 6-B of LSC Model Bylaws	ADOPTED
TF-7T	Eliminates Part 6-C of LSC Model Bylaws for inclusion elsewhere or because parts are outdated	Part 6-C of LSC Model Bylaws	ADOPTED
TF-8T	Eliminates Part 7 of LSC Model Bylaws for inclusion elsewhere or because parts are outdated	Part 7 of LSC Model Bylaws	ADOPTED

AMMENDMENTS TO USA SWIMMING RULES AND REGULATIONS  
ADOPTED BY USA SWIMMING HOUSE OF DELEGATES  
SEPTEMBER 27, 2008

R-1 ADOPTED Effective May 15, 2009
------------------------------------

**101.1 Starts**

**.1-4** *no change*

**.5 Deliberate Delay or Misconduct**

A ~~Any swimmer who delays the start by entering the water or by willfully or deliberately disobeying a command to step on the blocks or to take a starting position, or for any other misconduct taking place at the start, may be disqualified from the event by the Starter with the concurrence of the Referee. The Starter shall report a swimmer to the Referee for delaying the start, for willfully disobeying an order or for any other misconduct taking place at the start, but only the Referee may disqualify a swimmer for such delay, willful disobedience or misconduct.~~

*No further changes*

R-2 ADOPTED Effective May 15, 2009
------------------------------------

**101.8 Long Distance Swimming – Pool Event**

.1 Events 5000Y/5000M or greater conducted in a pool will be subject the following special rules:

A It is permissible for a swimmer to leave the water for brief periods because of pool safety and health considerations. When re-entering the water the swimmer shall resume the event commencing with the last completed length using an in-water start with a push off the wall. A dive re-entry is not permitted.

B The swimmer's time includes the period the swimmer is out of the pool.

**701.2 Rules**

~~.3 In long distance pool events over three miles, it is permissible for a swimmer to leave the water for brief periods because of safety and health considerations. When re-entering the water the swimmer shall resume the event commencing with the last complete length using an in-water start with a push off the wall. A dive entry is not permitted.~~

*Re-number .4 – through .7*

## 102.2 ENTRIES - GENERAL RULES

- .1 *No change*
- .2 In a preliminaries and finals meet a swimmer may compete in not more than three (3) individual events per day.
- .3 In a timed finals meet a swimmer may compete in not more than five (5) individual events per day.
- .4 If, due to conditions beyond the meet officials' control (e.g., a thunderstorm), an event or events are postponed to a subsequent day of the meet, such postponed events shall not be included in the above events-per-day limitations.
- .5 *(new)* In a meet where finals for an event(s) are scheduled to be contested on a day subsequent to preliminaries for that event(s), that finals event(s) shall not be counted in the daily event limitation.
- .5 6 In a meet where a combination of preliminary and final events and timed finals are scheduled, a swimmer may compete in not more than three (3) individual events per day, unless entered exclusively in timed final events that day.
- .6 7 The above limitations on individual events apply regardless of the classification mixture or if separate meets or time trials are being conducted. These, and additional limitations on entries which may be established by the LSC's sanction or approval, shall be clearly stated in the meet announcement.

*No further changes except re-numbering*

**Purpose:** One of USA Swimming's purposes is to promote swimming as a sport and fitness activity for swimmers of all ages and as a lifelong activity. Swimming has long been readily available at a relatively low entry cost, which promotes and encourages participation at any age. The rule to limit certain swimsuits for 12 and under athletes is important to USA Swimming's objective of continuing to make swimming a sport and fitness activity of relatively low entry cost for the youngest of its competitors.

## 102.9 SWIMWEAR

### .1 Design

A Swimsuits worn for all 12 & under age group defined competition shall not cover the neck, extend past the shoulder, nor past the knee.

~~AB~~ The swimsuits worn for competition must be non-transparent and conform to the current concept of the appropriate.

- C The Referee shall have authority to bar offenders from the competition until they comply with ~~this~~ the rule.

R-6 ADOPTED Effective May 15, 2009

### 102.13 Referee

- .1-.7 *no change*
- .8 May modify any rule for a competitive swimmer who has a disability. Any such modification shall be in accordance with Article 105 of the USA Swimming Rules and Regulations, shall affect only the current meet, and does not set precedent.

*No further change*

R-7 ADOPTED Effective May 15, 2009

### 102.15 JUDGES — Shall have jurisdiction over the swimmers immediately after the race has begun.

- .1 *No change*
- .2 *No change*
- .3 **Stroke Judge** — Shall operate on both sides of the pool, preferably walking abreast of the swimmers during all strokes except freestyle, during which events they may leave poolside, at the Referee's discretion; shall ensure that the rules relating to the style of swimming designated for the event are being observed; and shall report any violations to the Referee on signed slips detailing the event, the heat number, the lane number, ~~the swimmer's name~~ and the infraction.
- .4 **Turn Judge** — Shall operate on both ends of the pool; shall ensure that when turning or finishing the swimmer complies with the turning and finishing rules applicable to the stroke used; and shall report any violations to the Referee on signed slips detailing the event, the heat number, lane number, ~~the swimmer's name~~ and infraction observed.
- .5 *No change*

R-8 ADOPTED Effective May 15, 2009

### 103.3 RACING COURSE DIMENSIONS

- .2 Width
- A /NC/ Eight or ten lanes, minimum width of 2.5 meters (8 feet, 2 ½ inches), from center line to center line of the lane dividers, with approximately 0.45 meters (1 foot, 6 inches) of additional open water outside lanes 1 and 8 (or 10). Program Operations may waive this requirement for National Championships.

R-9 ADOPTED/AMENDED Effective May 15, 2009

### 103.13 /M/ Floating Lane Dividers

- .2 Dividers shall consist of contiguous floats having a minimum diameter of 5 centimeters (2 inches) to a maximum diameter of 15 centimeters (6 inches). The color of the floats extending from the walls the distance of 5 meters for long course and short course meters and 15 feet for short course yards shall be distinct from the rest of the floats. Distinctive colored floats, or markers extending around the full circumference of the floats, shall be placed at 15-meters (49' 2 ½ inches) from each end wall in both short course and long course pools. Additionally, in long course pools, a distinctive warning line or lane markers may be placed at a distance of 13 meters from each end wall. ~~There shall be no exposed cables accessible to swimmers within the length of the racing course and the cable take-up spools and ratchet mechanisms shall be completely concealed with durable flexible covers. Damaged or broken floats shall be removed and/or replaced, to the extent possible.~~

R-10 ADOPTED Effective May 15, 2009

**103.17 /LSC/ PACE CLOCKS** — There shall be at least two large accurate timing devices or clocks, preferably located one on each side of the course, clearly visible to all swimmers in all warm-up/warm-down areas. Dial type clocks shall be at least 3 feet in diameter with a sweep second and minute hands. If digital readout clocks are provided, minimum size of the digits shall be 6 inches.

R-11 ADOPTED Effective May 15, 2009

### 104.2 USA SWIMMING RECORDS

#### .1 General Requirements and Conditions for Records

- A The official time for establishing specific records must be achieved and determined in accordance with 102.16.
- B Record times registered by automatic equipment shall be submitted in hundredths of a second (two decimal places). If first place times are tied to a hundredth of a second, the results shall be declared to be a tie and the record shall be shared by each swimmer.
- C No record shall be considered which is applied for by or through a conference, league, LSC, allied member, or organizational member whose rules governing performance do not conform to Parts 1, ~~and 2~~ and 7 of USA Swimming Rules and Regulations unless such swim is observed in accordance with Article 202.5.

*No further change*

R-12 ADOPTED Effective May 15, 2009

### 104.2 USA Swimming Records

#### .2 American and United States Open Records



A Classification

- (1) American – May be established only by United States citizens who are also U.S. Sports Citizens eligible to compete under and who achieving achieve an official time in accordance with USA Swimming rules.

R-13 ADOPTED/AMENDED Changes to 104.2 Effective May 15, 2009

Changes to 202.3, 202.4, and 206.2 are effective January 1, 2009

## 104.2 USA SWIMMING RECORDS

### .1 General Requirements and Conditions for Records

A-F *no change*

- ~~G—When established in a course utilizing one or more movable bulkheads for endwalls, the length of each lane must be measured in accordance with 104.2.2C(4)(e).—~~

*Re-number remaining*

### .2 American and United States Open Records

C Special Requirements and Conditions

#### (4) Pool measurement

- (a) The ~~exact~~ length of the course shall be measured and certified (signed and sealed) by a steel tape or other acceptable measuring device- surveyor or other qualified professional licensed in the State or jurisdiction where the facility is located. Such measurements shall be stated in feet and inches and fractions of an inch, or in meters and centimeters. ~~, must be attested to by an accredited surveyor or engineer.~~
- (b) *no change*
- (c) Where a movable bulkhead is used, course measurements of ~~each~~ the lane in which the record was set must be confirmed at the conclusion of the session during which time was achieved.

### 202.3. Conditions of Sanction —

*Insert new paragraph:*

.5 The meet announcement must include one of the following two statements:

A The competition course has been certified in accordance with 104.2.2C(4) . The copy of such certification is on file with USA Swimming.

or

B The competition course has not been certified in accordance with 104.2.2(C).

*Renumber subsequent paragraphs accordingly*

### 202.4. Requirements for Approval —

*Insert new paragraph:*

.11 The meet announcement must include one of the following two statements:

A The competition course has been certified in accordance with 104.2.2C(4) . The copy of such certification is on file with USA Swimming.

or

B The competition course has not been certified in accordance with 104.2.2C(4) .

*Renumber subsequent paragraphs accordingly*

## **206.2 Facilities**

*Insert new paragraph:*

.2 Facilities awarded USA Swimming Championships and international competition must have been certified in accordance with 104.2.2C(4). A copy of such certification must be on file with USA Swimming. For pools with a movable bulkhead, the facilities host shall, prior to each session of competition, examine the bulkhead and shall confirm to the meet Referee that the bulkhead is stable, straight and properly positioned and anchored.

*Renumber next paragraph .3*

R-14 ADOPTED Effective May 15, 2009
-------------------------------------

## **105.1 GENERAL**

.1 **Authority** — The USA Swimming Rules & Regulations grant the Referee the authority to modify the rules for the swimmer with a disability. Disability is defined as a permanent physical or ~~mental impairment~~ cognitive disability that substantially limits one or more major life activities. This section contains guidelines and suggestions for making such modifications.

## **105.2 BLIND AND ~~VISUALLY IMPAIRED~~-VISION LOSS**

.1 **Start** — With an audible starting system, no modification is usually required for a swimmer who is blind or visually impaired swimmer has vision loss. ~~They~~ A swimmer may, however, require assistance getting to and on the block. Should ~~they~~ the swimmer feel insecure starting from the block or deck, an in-the-water start ~~may be~~ is allowed.

.2 **Turns and Finishes** — A swimmer who is blind or visually impaired swimmer has vision loss is permitted to have a “tapper”, which is a pole with a soft-tipped end. The swimmer is tapped with the “tapper” as notification of turns and the finish. Sound devices shall not be used. It is the swimmer’s responsibility to provide the tapper(s) and operator(s), who shall be positioned within the confines of the swimmer’s lane at the ends of the pool.

.3 **Relay Take-Offs** — A physical touch may be required to signal the relay swimmer when his/her teammate has touched the wall. The specific method may be tailored to the swimmer’s preference so long as it does not aid the swimmer’s take-off or interfere with the timing.

R-15 ADOPTED Effective May 15, 2009
-------------------------------------

## **105.1 GENERAL**

### **.2 Responsibilities**

- A Athlete — The athlete (or the athlete’s coach) is responsible for notifying the Referee, prior to the competition, of any disability of the athlete and of the requested modification. The swimmer/coach shall provide any assistant(s) or equipment (tappers, deck mats, etc.) if required.
- B Referee — The Referee’s responsibilities include:
- (1) ~~Inquiring regarding the athlete’s needs and~~ Determining what if the requested modifications will be required are appropriate and can be met.
  - (2) Instructing the Starter and Stroke & Turn officials as to the accommodations to be made for that swimmer.

R-16 ADOPTED Effective May 15, 2009

### 105.1 GENERAL

- .3 **Modifications** — Aids to buoyancy or speed are not allowed (see 102.10.10). Some of the modifications which the Referee may make to accommodate the athlete with a disability are:
- (1) A change in starting position.
  - (2) Reassignment of lanes within a heat, e.g., exchanging Lanes 2 and 7.
  - (3) Allowing the athlete’s assistant(s) on the deck ~~or in the water~~ to assist with a start. Other allowable modifications are further described in this section under the type of disability.

### 105.5 PHYSICAL DISABILITIES

#### .2 **Stroke/Kick** – *no change to first paragraph*

Judgments should be made based on the actual rule — not on the swimmer’s technique. For example, the breaststroke swimmer with one arm or leg shorter than the other, may have a non-symmetrical stroke or kick, but as long as the arm or leg action is simultaneous, it would meet that portion of the rule. ~~No flotation devices should be permitted.~~

R-17 ADOPTED Effective May 15, 2009

### 105.1 GENERAL

- ~~.4 **Use of ID Card for Swimmers with a Disability** — All swimmers with a disability, who have an International Paralympic Committee authorized classification, will be issued an ID card listing their specific International Paralympic Committee swimming rule exceptions on the reverse of the card. Swimmers shall be judged under these specific exceptions.~~

### 105.3 DEAF AND HARD OF HEARING

- .1 Deaf and hard of hearing swimmers require a visual starting signal, i.e., a strobe light and/or Starter's arm signals. The Referee may reassign lanes within the swimmer's heat, i.e., exchanging one lane for another, so that the strobe light or Starter's arm signal can more readily be seen by the deaf or hard of hearing swimmer. Standard Starter's arm signals are shown in Figure 1. A false start rope is required in the event of a recall.
- .2 **Strobe light location** — The Starter shall advise the swimmers about the location of the strobe light and the light shall be located where the swimmers can clearly see it for the start. For backstroke starts, the light should be positioned so that the swimmers don't have to turn their heads to look backwards.

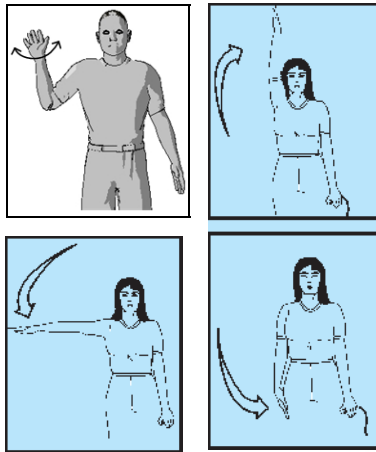


FIGURE 1

1. Twist hand at chin level – short whistles
2. Arm overhead — swimmer steps onto starting block
3. Arm moves to shoulder level — signal to “take your mark”
4. Arm moves to side of body — starting signal

**105.4 MENTALLY IMPAIRED COGNITIVELY DISABLED** — ~~A deck or in the water start is allowable and the~~ A swimmer may be permitted to have an assistant on the deck when necessary. No other specific rule modifications are required other than patience and clarity in communicating instructions.

### 105.5 PHYSICAL DISABILITIES

- .1 **Start** — Swimmers with physical disabilities:
  - A May take longer to assume their starting position;
  - B ~~May not be able to hold onto the starting grips or gutter~~ have difficulty holding the starting platform or pool end for a start;
  - C May need assistance ~~on~~ from someone on the deck or from in the water to maintain a starting position;

- D ~~May need to assume use~~ a modified starting position on the blocks, deck, gutter or in the water ~~in order to maintain their balance.~~
- E Shall use a forward start ~~F~~for freestyle, breaststroke and butterfly, ~~a forward start (facing the course) shall be used.~~ The Referee, however, may allow modifications such as the following:
- (1) The swimmer may start from a sitting position on the block or on the deck;
  - (2) The swimmer may assume a starting position in the water, with or without assistance;
  - (3) If the swimmer cannot use a hand and/or foot to maintain contact with the wall, some other part of the body may be used.
  - (4) For breaststroke and butterfly, after the start and after each turn, a swimmer who is unable to push off with the leg(s) may perform one arm stroke that need not be simultaneous or on the horizontal plane ~~asymmetrical stroke~~ to attain the breast position.

R-21 ADOPTED Effective January 1, 2009

**202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States and as a Federation member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC), as the administrative arm of USA Swimming, is authorized to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and entertainment involving competitive swimming within its geographical boundaries. Additional requirements/conditions for sanction or approval, other than those listed in 202.2, 202.3 and 202.4, may be established by a vote of the LSC House of Delegates in accordance with LSC Bylaws. Sanction is not required for closed competition which is restricted to members of a single Group Member of USA Swimming, although it may be issued by the LSC upon proper application.

R-22 ADOPTED Effective January 1, 2009

**207.4 USA SWIMMING JUNIOR NATIONAL CHAMPIONSHIPS** – The USA Swimming Junior National Championships ~~meet~~ shall be governed and conducted by Program Operations.

- .1 The Junior National Championships will be swum long course during the summer season and short course during the winter season. The dates and place of competition will be determined by the Senior Development Committee. The meets should be scheduled to be held after the summer National Championships/U.S. Open and after the winter National Championships respectively.

R- 24 ADOPTED Effective January 1, 2009

**203.3** For a swimmer to represent a USA Swimming club in a competitive event, one hundred twenty (120) consecutive days must have elapsed without the swimmer having represented any other USA Swimming club in USA Swimming competition. This 120-day rule does not apply to representation in closed competition even if it is sanctioned or approved by the LSC.

R-25 ADOPTED Effective January 1, 2009

**(NEW) 205.7 ZONE SENIOR PROGRAM**

Each zone may offer one Zone Senior Championship meet at the end of every summer, to be held either during the week of the National Championships or the week of the Junior National Championships. The competition will be governed by the zone.

.1 The competition is for athletes 15 years and older as of the first day of the meet.

.2 Athletes at this meet will represent their clubs or swim unattached.

*Renumber remaining.*

R-26 ADOPTED Effective January 1, 2009

**207.12 Administrative Conduct of USA Swimming Championships**

**.9 Scoring**

- C Scoring at the USA Swimming National Championships will be on a sixteen (16) place basis. Individual events: 20, 17, 16, 15, 14, 13, 12, 11, 9, 7, 6, 5, 4, 3, 2, 1. When a 10-lane pool is used for finals at the National Championships, the scoring shall be on a twenty (20) place basis with the values for individual events as follows: 24, 21, 20, 19, 18, 17, 16, 15, 14, 13, 11, 9, 8, 7, 6, 5, 4, 3, 2, 1. Relay events receive double these point values.

R-27 ADOPTED Effective January 1, 2009

**207.13 AWARDS**

**.2 Individual and Relay Awards**

- A Medals shall be awarded to all place winners in the A (championship) final and to the top eight (8) place winners in timed final events of any USA Swimming championship. When 10 lanes are used at a USA Swimming championship, the top ten (10) place winners in timed final events will receive medals.

R-28 ADOPTED Effective immediately

**207.13 AWARDS**

**.2 Individual and Relay Awards**

- A Medals shall be awarded to all place winners in the A (championship) final and to the top eight (8) place winners in timed final events of any USA Swimming National championship.

- B First-place medal to be awarded to the 18 & under swimmer placing highest in each individual event at each USA Swimming National Championship. If no 18-and-under swimmer scores in the A, B, or C finals, the highest placing 18-and-under swimmer from preliminaries will be recognized as the National 18-and-under Champion for that event.
- C In each USA Swimming National Championship meet ~~a championship gold medal and/or appropriate award~~ the Robert J. Kiphuth High Point Award shall be awarded to the man and woman swimmer scoring the greatest number of points in individual events.
- D The Conoco Phillips Performance of the Meet Award shall be presented at each USA Swimming National Championship. The recipient of this award shall be chosen by representatives of the media who are present at the meet.

R-29 ADOPTED Effective January 1, 2009
--

## 207.13 AWARDS

### .1 Team Awards

*As listed- no change*

Men's & Women's Combined Team Top ~~25~~ 10 (third through ~~twenty fifth~~ tenth)

R-30 ADOPTED/AMENDED Effective immediately
--

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

- .5 Any ~~sexual conduct, or advance or other~~ inappropriate sexually oriented behavior or action directed towards an athlete member by a ~~coach official, trainer or~~ any other adult person participating in any capacity whatsoever in the affairs or activities of USA Swimming or its LSCs (whether such adult is a member or not) who, in the context of swimming, is in a position of authority over that athlete. Any nonconsensual physical sexual conduct, or pattern of unwelcome advances or other sexual harassment in connection with or incidental to a USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming or its LSCs (whether such person is a member or not) directed toward any member or other person participating in the affairs or activities of USA Swimming or its LSCs.

R-31 ADOPTED Effective January 1, 2009
--

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

- .13 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to ~~compete for or become a member of the swim~~ leave that club with which the acting party is affiliated, unless the acting party receives prior written approval to recruit or encourage the athlete to change

affiliation from the coach of designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:

- A Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming, or
- B Placed in or on any item that is sold.

In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

R-32 ADOPTED Effective January 1, 2009

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

- .1-.14 *no change*
- .15 Any other act, conduct or omission not provided for in 304.3.1 through 304.3.11 above, which is detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.

R-33 ADOPTED (MODIFIED TO ALIGN WITH R-32) Effective January 1, 2009

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

- .1-.14 *no change*
- .15 Any other material and intentional act, conduct or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.

R-37 ADOPTED Effective January 1, 2009

#### **502.4 Privileges and Responsibilities of Membership**

- .1 *No Change*
- .2 *No Change*
- .3 ~~All~~ Anyone who coaches athletes at a USA Swimming practice or competition coaches of USA Swimming clubs, including seasonal clubs, shall must be join USA Swimming as a coach members of USA Swimming and shall must have satisfactorily completed safety training and background screening required by USA Swimming.
- .4 *No change*



- .5 ~~Anyone~~ All coaches of USA Swimming clubs, including seasonal clubs, who registers for the first time as a coach member, shall complete coaches education required by USA Swimming prior to receiving ~~their~~ his/her coach membership for the second year.

*No further change*

R-38 ADOPTED Effective January 1, 2009
--

### **506.5 Investment Committee**

- .1 There shall be an Investment Committee of five (5) persons. Two (2) of the members shall be the President, or the President's duly appointed representative, and Treasurer.

*No further change.*

R-39 ADOPTED Effective January 1, 2009
--

### **506.9 The Steering Committee**

- .1 Membership (*no change*)
- A (*no change*)
  - B Two athletes selected by the Athletes Committee, one female/one male/ both former USA Olympic Team **National Team** members; and
  - C (*no change*)

*No further changes.*

R-41 ADOPTED Effective January 1, 2009
--

### **702.1 THE COURSE**

- ~~.4 Quarter mile (440 yards) straightaway shall be delineated by a cable with floats stretched between two stationary pylons or platforms fixed in the water. The distance between the anchoring points shall be plus or minus six inches, measured from the outer edge of the turning point with a minimum of five meters between the turning point and any obstruction.~~

**703.1** Because of differences in courses, currents and other physical factors, records for open water events are not maintained ~~except in the four mile event swum on a quarter mile straightaway course~~. For long distance events swum in a pool, records are maintained as U. S. Open Records.

**703.2** Open Water and Long Distance U.S. Open individual and team records for men and women may only be achieved in a sanctioned or approved event and will be maintained as indicated below:

- .1 Time/Distance Events:
  - A One-Hour Swim (25 Yard Pool)
  - B 12 and 24-Hour Swim (50M Pool)
- .2 Set Distances:
  - ~~A Four Miles (Quarter mile open water straightaway course)~~
  - ~~BA~~ Five-Mile increments (5,10, 15 miles etc., ~~including the official marathon distance of 26 miles 385 yards~~) (25 yard Pool).
  - ~~CB~~ Five kilometer increments (5,10, 15....50....100 Kilometers) (50 meter pool)
  - ~~DC~~ Age Group 1000-2000-3000 Yard (25 yard pool)
  - ~~ED~~ Senior – 5000 Yard (25 yard pool)

AMERICAN LONG DISTANCE SWIMMING RECORDS  
EVENT

~~Qtr Mile Straightaway~~  
~~(Four Mile)~~  
~~Marathon~~  
~~26 Miles 385 Yds.~~

TEAM EVENTS

~~Qtr Mile Straightaway~~  
~~(3 x Four Miles)~~

HK-1 ADOPTED Effective May 15, 2009
-------------------------------------

## 104.2 USA SWIMMING RECORDS

- .1 General Requirements and Conditions for Records
  - A-G *no change*
  - H (1) – (2) *no change*
  - (3) Record attempts against time are not acceptable for ~~16 Best Times~~ NAG Recognition Times or age group records.
- .2 *No change*
- .3 National Age Group Records
  - A *No change*
  - B **Reporting** – When a listed Age Group record is bettered, an official Age Group Record Application Form (provided by Headquarters to the LSC and posted on the USA Swimming web site) shall be filled out, signed by the designated officials, and ~~mailed~~ transmitted

within thirty (30) days. The athlete or the athlete's representative shall be responsible for initiating the record validation and reporting procedures established by the Vice President of Program Operations or designee.

HK-2 ADOPTED Effective January 1, 2009

**507.2 Meetings**

.1 -.6 No change

.7 Meetings of the divisions listed in Article 507.1.1 shall be held in conjunction with the annual meeting of the House of Delegates and at such other times as the vice presidents of the respective divisions determine. The notice of provisions of Article 507.2.3 are applicable to meetings of the divisions. ~~Members of the House of Delegates shall be deemed to be members of any Operations Committee, except the Olympic International Operations Committee.~~

*No further change*

HK-3 ADOPTED Effective January 1, 2009

507.2 Meetings

.1 - .8 No change

.9 Resolutions of a legislative nature presented to the House of Delegates shall be subject to the same process as set forth for Amendments in Article ~~540~~ 511.

HK-4 ADOPTED Effective January 1, 2009

**Article 704  
USA Swimming Open Water National Championship**

See sections 207.1, 207.3, 207.6, 207.8, 207.10, 207.12 for additional rules pertaining to Open Water National Championships.

## LEGISLATION RESULTING FROM RE-WRITE OF LSC MODEL BY-LAWS

TF-1 ADOPTED Effective January 1, 2009

### PART FOUR HEARINGS AND APPEALS

#### ARTICLE 401

##### GENERAL

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

#### ARTICLE 402 NATIONAL BOARD OF REVIEW MEMBERSHIP

402.1 LSC BOARD OF REVIEW - The selection and composition of the membership of the LSC Board of Review shall be governed by the Required LSC Bylaws.

402.42 NATIONAL BOARD OF REVIEW - The Chairman of the National Board of Review shall be appointed by the President and confirmed by the Executive Committee. ~~A committee, consisting of the President, the General Counsel and the Chairman of the National Board of Review shall appoint other members of the National Board of Review.~~ The term of the Chairman shall be two (2) years with no limit on the number of terms the Chairman may serve. Each case submitted to the National Board of Review shall be assigned by the Chairman of the National Board of Review to a panel of no less than three (3) members and no more than five (5) members, one of whom shall be an athlete ~~representative~~ member, to hear and decide the case. The appointment of the members of each National Board of Review panel hearing a case shall be confirmed by the President and the General Counsel.

#### ARTICLE 403 JURISDICTION

403.1 JURISDICTION OF THE LSC BOARD OF REVIEW - In matters involving a member or members of only one LSC, matters arising in regional or zone competition and any complaint alleging violations of ~~Articles~~ Sections 304.3.11 through 304.3.15 inclusive of the USA Swimming Code of Conduct involving one or more members or prospective members of ~~one~~ the LSC, and/or one or more Participating Non-Members, and not brought by USA Swimming, shall be filed directly with the LSC. ~~The procedures and rules to be followed for hearing shall be as set forth under the LSC Board of Review provisions in the LSC Bylaws. Any appeal of the LSC Board of Review's decision shall be made to the National Board of Review pursuant to Article 407 hereof.~~ Any appeal of the LSC Board of Review's decision shall be made to the National Board of Review pursuant to Article 408 hereof.

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

#### **403.2 JURISDICTION OF USA SWIMMING-THE NATIONAL BOARD OF REVIEW**

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

- A Any complaint ~~involving where~~ athletes or other members of USA Swimming from more than one LSC, and/or one or more Participating Non-Members either residing within more than one LSC (if more than one Participating Non-Member) or within a different LSC from the athlete(s) or other USA Swimming member(s) are involved; or
- B Any complaint involving athletes or other members, or Participating Non-Members, during a national or international event; or
- C Any complaint under ~~Articles Sections~~ 304.3.1 through 304.3.10 against any member of USA Swimming, including any athlete, coach, manager, official, and member of any committee, or a Participating Non-Member or any person participating in any capacity whatsoever in the affair of USA Swimming; or
- D Any complaint initiated by USA Swimming, which shall be prosecuted by and may be appealed by the Executive Director.

.2 **Discretionary Jurisdiction**

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

### **ARTICLE 404 AUTHORITY OF ~~THE~~ BOARDS OF REVIEW**

**404.1 LSC BOARD OF REVIEW** - The LSC Board of Review shall have the following power and authority; ~~set forth in the Bylaws of the LSC and the USA Swimming Rules and Regulations.~~

.1 **Remedies and Penalties** - The LSC Board of Review, after conducting such hearings as it may determine to be necessary or helpful, may, among other remedies, with regard to a party named in the Notice of Hearing and Petition;

- A dismiss the ~~Protest~~ Petition with or without permission to refile;
- B censure or fine a party;
- C establish a period of probation, with or without conditions;
- D prohibit or mandate future actions, inaction or conduct;
- E determine the results of, or require a rerun of, any election held by the LSC or any constituent element thereof;

- F vacate, modify, sustain, reverse, remand or stay any decision or order of: the House of Delegates, Board of Directors, officer, division or committee, or coordinator of the LSC, or a smaller panel of the LSC Board of Review;
  - G with the exception of the technical rules (Part One), interpret any provision of (i) the rules and regulations of USA Swimming (to the extent not pre-empted by FINA or USA Swimming Rules and Regulations)~~(except for Part One)~~; (ii) the USA Swimming Code of ~~Ethics-Conduct~~, the Required LSC Bylaws, other policies, rules, regulations and procedures of USA Swimming or the LSC; and (iii) the Amateur Sports Act of 1978, the Ted Stevens Olympic and Amateur Sports Act of 1998, and other applicable laws, rules and regulations; as well as adjudicate alleged inconsistencies and claims of supremacy and invalidity with respect to the foregoing;
  - H deny, grant, suspend or restore the eligibility or right to compete of an athlete member of the LSC and USA Swimming;
  - I deny, grant, suspend or restore membership in the LSC 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 the LSC 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, chairman or member of any committee or sub-committee;
  - J prohibit for a definite or indefinite period of time the participation by a Participating Non-Member ~~non-member volunteer or any other person in any capacity whatsoever~~ in the affairs or activities of USA Swimming, the LSC, its Group Members or other LSCs and their Group Members;
  - K 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 (except as otherwise set forth below);
  - L issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the Board; and
  - M assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the circumstances.
- .2 **Preliminary Hearing and Temporary Orders** - In appropriate cases, the LSC 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, permitting an athlete to compete subject to protest, or offering or ordering the parties to attempt to resolve their differences pursuant to mediation or other alternative dispute resolution mechanisms prior to any hearing before the LSC Board of Review. These orders may be made effective pending full hearings by the LSC 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 LSC Board of Review.
- .3 **Grounds for Imposition** The LSC Board of Review may fashion remedies and orders and impose penalties with respect to any Group or Individual Member of the LSC, Participating Non-Member ~~non-member volunteer~~ ~~of residing within the LSC, or of a Group Member, or any other person attending or participating in LSC activities or affairs~~, (1) who has violated any of the regulations, rules, policies or procedures of the LSC, USA Swimming or FINA, including any of the responsibilities of membership set forth in the Required LSC Bylaws, (2) who aids, abets, instigates or encourages another to violate any of such regulations, rules or policies, (3) who is responsible for any such violation by another, or (4) who has acted in a manner which has brought, or may bring, into disrepute the LSC, USA Swimming or the sport of swimming.

**404.2 The NATIONAL BOARD OF REVIEW** - The National Board of Review shall have the following power and authority:

- .1 Impose and enforce penalties for any violation of the rules and regulations, administrative or technical, of USA Swimming;
- .2 Determine the eligibility and right to compete of any athlete;

- .3 Vacate, modify, sustain, reverse or stay any decision or order properly submitted on appeal, or remand the matter for further action;
- .4 Investigate any election impropriety or cause for removal of a national officer or national committee member and take corrective action;
- .5 Interpret any provision of the rules and regulations of USA Swimming with the exception of the technical rules (Part One);
- .6 Review any revocation, suspension, reinstatement of membership or challenge the granting or denial of membership; and
- .7 Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the Board.; ~~and.~~
- ~~.8 Reinstatement to amateur status. (Note: This relates only to USA Swimming domestic competition and NOT international competition. It must be read in light of current FINA rules on re-qualification.)~~

**ARTICLE 405**  
**PROCEDURES FOR FILING AND INVESTIGATION OF**  
**NATIONAL BOARD OF REVIEW COMPLAINTS**

**405.1 FILING COMPLAINTS** – All complaints within the exclusive jurisdiction of the National Board of Review under as set out in Article Sections 403.2.1A through D above shall set forth the allegations and be filed with the Executive Director of USA Swimming, who shall promptly initiate an investigation of the matter as set forth below.

**405.2 INVESTIGATION OF COMPLAINTS**

- .1 In those matters occurring during the course of an international meet the Olympic International Operations Committee Coordinator or his/her designee shall make the investigation and report;
- .2 In those matters occurring during the course of a national or regional event the Vice President of Program Operations or his/her designee shall make the investigation and report;
- .3 In those matters involving an alleged violation of Article 304.3.10 by a coach, a committee of three coaches appointed by the President of USA Swimming shall make the investigation and report;
- .4 In all other matters the Executive Director or his/her designee shall make the investigation and report.

**405.3 DISPOSITION OF INVESTIGATION** - After the initial investigation is completed, the President of USA Swimming may decide to either (i) cause further investigation into the alleged violations to be conducted; (ii) seek to mediate the complaint; or (iii) take interim action as set forth below. Either the President or ~~Chairman~~ of the National Board of Review may then decide to assign the matter to the National Board of Review for hearing or jointly decide to dismiss the complaint.

**405.4 EMERGENCY HEARING** - After the initial investigation, ~~depending on the severity of the alleged misconduct,~~ the President or the Chair of the National Board of Review may order an emergency hearing before the National Board of Review to determine if the member should be suspended pending the outcome of a full hearing before the National Board of Review. If an emergency hearing is ordered, the National Board of Review shall conduct the hearing and publish its results within twenty-one (21) days. Until such time as the National Board of Review makes a decision all proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the review and witnesses.

**ARTICLE 406**  
**LSC BOARD OF REVIEW HEARINGS AND PROCEDURES**

**406.1 FILING COMPLAINTS**

- .1 **Commencement of Action** - ~~The Protestor shall submit~~ Any request for hearing is begun by the filing of a Petition submitted to the Chair of the LSC Board of Review (if submitted to the General Chair the Petition is not defective, but the allowable period of time for the Notice shall not commence until the Petition is received by the Chair) consisting of 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. ~~The Protest Petition~~ shall be accompanied by any filing fee due under the Required LSC Bylaws or by an application for waiver of the fee.
- .2 **Review of Petition** - The Chair may review, dismiss or suggest modifications to any Petition to assure that the Petition sets forth a cause of action under these rules. Any dismissal by the Chair may be reviewed by the full LSC Board of Review upon request of the Petitioner(s).

#### 406.2 HEARINGS

- .1 **Hearings Conducted by Chair or Presiding Officer** - Hearings of the LSC Board of Review shall be conducted by the Chair of the LSC Board of Review or a Presiding Officer designated by the Chair.
- .2 **Hearing by Panel** - The LSC Board of Review may, in the discretion of the Chair, conduct hearings either before the full LSC Board of Review or before panels of its members, provided that in any event each panel shall consist of ~~at least between~~ three (3) and five (5) members, one of which shall be an athlete member. A panel shall have all of the powers of the LSC Board of Review solely with respect to matter(s) assigned to it by the Chair.
- .3 **Quorum of Panel** - At least three (3) members of a designated panel, one of which shall be an athlete member, must be present at any initial hearing before the panel. The full LSC Board of Review, including at least twenty percent (20%) athlete members, must be present at any rehearing. No hearing may be conducted without the presence of an athlete member.
- .4 **Permissible Hearing Formats** - A hearing before the LSC Board of Review may be conducted through the receipt of the procedural documents and other written statements or a hearing at which the parties may appear in person or by means of telephonic conference call and testimony may be taken and other forms of pertinent information presented in addition to oral argument by the parties or their counsel, as reasonably determined by the Chair or Presiding Officer. Where appropriate in the reasonable determination of the Chair or the Presiding Officer, the hearing may be conducted in part through written means and in part by testimony and oral argument.
- .5 **Right to Counsel** - ~~The Protestor-Petitioner(s),~~ the Respondent(s) and any other person participating in a hearing conducted by the LSC Board of Review shall be entitled to be represented by counsel of their choice at their own expense.
- .6 **Rules of Evidence** - Judicial rules regarding admissibility of evidence shall not apply to the LSC 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. To be relevant, such evidence need only tend to assist resolution of a fact in issue in the hearing. The LSC Board of Review should not hear evidence protected by the attorney-client privilege or by a Constitutional claim against self-incrimination. Other claims of privilege, however, should not generally be entertained except in extraordinary circumstances. Proper weight shall be given to each type of evidence considering the source and other common sense factors.
- .7 **Open/Closed Hearings** - Any hearing, or a part thereof, shall be open to members of the LSC Board of Review, the Presiding Officer, any attorney advising the Presiding Officer, the Petitioner(s), the Respondent(s), any other real party in interest, their counsel and any witnesses at the request of any of the parties. The Chair may, however, in the interests of justice and the sport of swimming, close a hearing, or any part thereof, to the public. If a hearing is closed, the LSC 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 the LSC and USA Swimming.



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

#### 406.3 REHEARINGS

- .1 **Circumstances Permitting; Rehearing Body** - At the request of the Petitioner(s), the Respondent(s) or any other real party in interest, any matter which was decided by a Board of Review panel consisting of less than seven (7) members, may be reheard by the full LSC Board of Review (or, if the LSC Board of Review is larger than seven (7) members, by a panel of at least seven (7) members designated by the Chair in his/her discretion, at least two (2) members of which must be athlete members). Members of the initial hearing panel may be members of the rehearing panel.
- .2 **Right to a Rehearing; Discretion of Chair** - A rehearing shall be granted as a matter of right in instances in which the original panel consisted of ~~less fewer than seven-six (6)~~ members and the decision was not unanimous, and in the discretion of the Chair in all other instances.
- .3 **Time within which a Rehearing may be Requested** - The Petitioner(s), Respondent(s) or other real party in interest may request, within ~~ten (10) Business Days~~ fourteen (14) days of the date of receipt of the initial written decision, that the decision of a LSC Board of Review panel be reheard by the full LSC Board of Review.
- .4 **Failure to Request a Rehearing** - A person may not appeal a decision of a Board of Review panel ~~of less than six (6) members~~ without first making a timely request for a rehearing.
- .5 **Decision of Chair on Request; Notice of Rehearing**
- A Discretionary Rehearings - With respect to requests for a rehearing that are discretionary, the Chair, in the same manner in which decisions are rendered, shall either grant or deny the request within ~~ten (10) Business Days~~ fourteen (14) days of his/her receipt of the request.
- B Non-Discretionary Rehearings - With respect to requests for a rehearing that are as a matter of right, the Chair, within ~~ten (10) Business Days~~ fourteen (14) days of his/her receipt of the request, shall schedule a rehearing.
- C Rehearing Notice; Affect of Inaction - The Chair 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 Chair does not take action within ~~ten (10) Business Days~~ fourteen (14) days of his/her receipt of the request, the decision of the panel shall be considered final and any of the parties may appeal the decision to the National Board of Review.
- .6 **De Novo or On the Record Hearing** - In the discretion of the Chair or the Presiding Officer, the panel may conduct an entirely new hearing on the merits or may make its decision based on the record created by the initial panel, supplemented by whatever written briefs or oral argument is scheduled by the Chair or the Presiding Officer. The record shall include the Petition, the Notice of Hearing, the Response, the Reply, any temporary orders or partial decisions made and the Decision, together with any additional briefs and written evidence filed by the parties. To the extent applicable, the procedures for a formal hearing shall apply to a rehearing.

**406.4 HEARING PROCEDURES** - The procedures to be followed in connection with all hearings of the LSC Board of Review shall be as follows:

##### .1 Formal Hearing

- A Notice of Hearing.- Each Respondent(s) shall be given a written Notice of Hearing in accordance with the form attached to the Required LSC Bylaws, as amended from time to time by the Chair of the National Board of Review. The Notice of Hearing shall be sent to each Respondent's last known address by reputable overnight delivery service. If the Respondent(s) is the LSC or an officer, Board Member, committee or sub-committee chairman or coordinator, or an official, the Notice of Hearing shall be also given to the General Chair and the Secretary at the LSC's office, if any. The Notice of Hearing shall be given as soon as practical following the conclusion of any preliminary investigation made by or on behalf of the LSC Board of

Review, but in no event later than ~~fourteen (14) Business Days~~ twenty (20) days after the receipt of the Petition by the Chair.

The form of Notice of Hearing 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 Petition received by the LSC Board of Review, if any, shall be attached to the Notice of Hearing;
  - (2) a statement that the Respondent(s) has the right to have counsel of his/her own choice to represent him/her, at his/her own expense, at any hearing;
  - (3) a description of the type of hearing to be held. In the case of an in-person hearing, the Notice of Hearing shall request each Respondent to appear before the LSC 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 of Hearing. The Notice of Hearing shall state that this Response is to be delivered at least ~~ten (10) Business Days~~ fourteen (14) 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 Petitioner(s) and its/their counsel, if any, and anyone else specified in the Notice of Hearing at the addresses designated; and
  - (6) a statement of the right of ~~appellate review-appeal~~ (including the right, if any, to a rehearing) in the event the decision is rendered against the Respondent(s).
- B Response by Respondent(s) - Each Respondent's Response to the Notice and Petition shall be in writing and delivered to the Presiding Officer designated in the Notice of Hearing, at least ~~ten (10) Business Days~~ fourteen (14) days prior to the date of the hearing, with a copy delivered to the Petitioner(s) and his/her counsel and anyone else specified in the Notice of Hearing at the addresses designated in the Notice.
- C ~~Rebuttal-Reply~~ by Petitioner(s) - The Petitioner(s) may, but is not required to, offer a rebuttal to each Respondent's Response. Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the Notice of Hearing, at least ~~five (5) Business Days~~ seven (7) days prior to the date of the hearing, with copies to each Respondent and his/her counsel and to anyone else specified in the Notice of Hearing at the addresses designated in the Notice.
- D Conduct of Hearing
- (1) Generally. Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities of traditional courtroom procedures. 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 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 LSC Board of Review shall cause a credible recording or transcription to be made of the hearing. No record of the deliberations of the LSC Board of Review need be kept and, if kept, shall not be available to anyone other than the members of the LSC Board of Review, the Presiding Officer and counsel to the LSC 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 LSC 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 LSC Board of Review, the parties, counsel, if any, and any

other witnesses or observers. Each party (Petitioner(s) first, Respondent(s) 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 Petitioner's claims, evidence and witnesses shall be presented. The Respondent(s)'s defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the Petitioner(s) may then be allowed to rebut any testimony or evidence presented by the Respondent(s) after the Respondent(s)'s initial presentation. In the discretion of the Presiding Officer, the Respondent(s) may be permitted to rebut any testimony or evidence presented by the Petitioner(s) during the Petitioner'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 406.2.6 above. 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 LSC 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 LSC Board of Review. All parties will be expected to be available for questioning by the LSC Board of Review, whether or not they may have given other testimony at the hearing.
- (5) Oath. All witnesses shall be sworn using an oath substantially as follows: "I swear or affirm that the evidence I provide shall be the truth, the whole truth and nothing but the truth." A material violation of this oath may be considered a violation of Section 304.3.11 of the Code of Conduct as "dishonesty in connection with any USA Swimming-related activity."
- (6) 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 evidence. 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.

- E Decision of LSC Board of Review - The decision of the LSC 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~~ fourteen (14) 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 Petitioner(s), Respondent(s), their respective counsel, any other party to the proceeding, and the General Chair and the Secretary of the LSC; ~~the Chair of the National Board of Review and the General Counsel of USA Swimming in accordance with Section 0.~~

## **.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 LSC 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 notice of such an emergency 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 these rules 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 Petition, 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(s) and confidentiality of the process. All or some of the participants in the hearing may participate by telephone conference equipment. If at least three (3) regular or alternate members of the LSC Board of Review are not available due to time constraints, the Chair of the LSC Board of Review and the General Chair, or their respective designees, are each authorized to appoint one or more Individual Members to serve as the LSC Board of Review solely for the purpose of conducting this emergency hearing. The hearing shall substantially comply with the hearing procedures set forth above insofar as the emergent nature of the hearing permits. No hearing may be conducted without the presence of an athlete member.
- D Decision of LSC Board of Review - The decision of the LSC 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 orally at the hearing, reduced to writing within ~~ten (10) Business Days~~ fourteen (14) days thereafter and delivered to the Petitioner(s), the Respondent(s), their counsel, any other real party in interest to the proceeding, the Chair of the LSC Board of Review, and the General Chair and the Secretary of the LSC ; ~~the Chair of the National Board of Review and the General Counsel of USA Swimming in accordance with Section 0.~~
- E Right to a Subsequent Formal Hearing - If either the Petitioner(s) or the Respondent(s) shall deliver to the Chair of the LSC Board of Review a written request for a further hearing within ~~ten (10) Business Days~~ fourteen (14) 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 this section, as though the emergency hearing had not taken place. Failure to make this request in a timely manner shall preclude the aggrieved party from making any further appeal.
- .3 **Stay of Decision Pending Appeal** - The LSC 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 to the National Board of Review, with the decision going into effect automatically if those conditions occur or if no demand or appeal is filed 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 time within which the Notice of Hearing must be transmitted may not be extended without the consent of the Petitioner(s) or the USA Swimming General Counsel.
- .5 **Method of Delivery** - The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications may be by electronic mail or other means, as directed by the Chair of the LSC Board of Review.
- .6 **Severability** - Nothing in these Rules is intended to override applicable state corporation law. In the event the corporation laws of the state of incorporation of any LSC specifically prohibit conduct herein required, the LSC may so notify the Chair of the Rules Committee and may request a waiver, review or modification of any rule or provision herein. In the event that any provision of these Rules is rendered impermissible or illegal by a court of competent jurisdiction, that provision and all remaining provisions shall, where possible, remain in full force and effect in all locations outside the subject matter jurisdiction of the court rendering such opinion.

## ARTICLE 407

### NATIONAL BOARD OF REVIEW HEARINGS AND PROCEDURES

**407.1 PETITION** - Matters under the original jurisdiction of the National Board of Review shall be instituted by a written complaint (the "Petition") served upon the Executive Director. An investigation of the matter ~~will~~ shall be conducted in accordance with Article 405. If the results of the investigation warrant referring the case to a National

Board of Review, the Executive Director shall send a copy of the ~~written complaint~~ Petition together with the results of the investigation to the ~~Chairman~~ of the National Board of Review.

**407.2 NOTICE OF HEARING** - The ~~Chairman will~~ shall set a hearing date, which shall be not less than ~~fifty (50) forty-five (45)~~ nor more than ~~seventy-five (75) sixty (60)~~ calendar days from the date of ~~mailing~~ issuance of the Notice of Hearing. The Notice of Hearing ~~will~~ shall include the following:

- .1 The name of the Respondent(s);
- .2 A ~~written~~ statement of charges, which ~~will~~ shall be set forth in sufficient detail to give the Respondent(s) sufficient reasonable notice of the charges and the facts supporting the charges;
- .3 The name of the Petitioner(s);
- .4 The date the Response is due;
- .5 The date, time and place (or the fact that the hearing shall be conducted by conference call) of the hearing;
- .6 The names of the members of the National Board of Review panel;
- .7 The possible penalties;
- .8 The right of appeal and the time limit to file for an appeal; and
- .9 Any other general information, including the right to be represented by counsel, to have witnesses testify, and to submit any and all evidence which is relevant to the issues.

**407.3 RESPONSE** - The ~~Chairman will mail~~ shall deliver the Notice of Hearing, together with a copy of the ~~written Complaint~~ Petition received by the Executive Director to the Respondent(s) and a copy of the Notice of Hearing to the Petitioner(s) ~~parties~~. The Respondent(s) shall have thirty (30) ~~calendar~~ days from the date of ~~mailing~~ issuance to submit a written Response to the charges. The Response shall be ~~mailed~~ delivered to the ~~Chairman, the Executive Director of USA Swimming (or his/her designee)~~ and the Petitioner(s) or its counsel.

**407.4 REPLY** - The Petitioner(s) shall have ten (10) ~~calendar~~ days from the date of ~~mailing~~ delivery of the Response to submit a written Reply. The Reply shall be ~~mailed~~ delivered to the ~~Chairman, the Executive Director of USA Swimming (or his/her designee)~~ and the Respondent(s).

**407.5 TIME LIMITS** - Upon showing of good cause, the ~~Chairman~~ may decrease or increase the time limits for any of the foregoing.

#### **407.6 HEARING**

- .1 For hearings conducted other than through the receipt of written statements, the National Board of Review shall cause a recording or transcription to be made of the proceedings.
- .2 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 the person's absence. If the National Board of Review determines that the hearing cannot proceed without the absent party, the National Board of Review may adjourn the hearing and reschedule it for such time as the absent party can be present.
- .3 The hearing shall be opened by the recording of the place, time and date of the hearing, and the presence of the National Board of Review panel members, parties, counsel, if any, and any other witnesses or observers.
- .4 Each party may then present an opening statement setting forth generally the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence.
- .5 Petitioner(s) may then present his/her claims, proofs, and witnesses, who shall be subject to cross-examination by the other party. Respondent(s) may then present his/her claims, proofs, and witnesses, who shall also be subject to cross-examination by the other party.

- .6 Petitioner(s) may then be allowed an opportunity to rebut any testimony or evidence presented by the Respondent(s) after the Respondent's presentation.
- .7 The National Board of Review panel may question any person at any time. The National Board of Review panel has the discretion to vary these procedures, but shall afford all parties a full and equal opportunity to present any material or relevant ~~proofs~~ evidence.
- .8 Upon the request of either party or the determination of the National Board of Review panel, the hearing may be closed or the witnesses sequestered.

**407.7 DECISION** - A decision may be rendered by the National Board of Review panel at the time of the hearing and reduced to writing within five (5) days ~~three (3) business days~~ in which event a written decision ~~will shall be mailed delivered~~ to the parties within five (5) business days ~~seven (7) days~~ after the hearing. Otherwise, the National Board of Review panel shall reach a decision as soon as administratively practicable (but not more than twenty-one (21) ~~fifteen (15) business days~~ after the conclusion of the hearing) and shall ~~mail deliver~~ the written decision within five (5) business days ~~seven (7) days~~ thereafter. The written decision shall set forth the right of appeal.

**407.8 STAY** - The National Board of Review shall have the authority to stay the enforcement of its decision during the time allowed for appeal, with the decision going into effect automatically if no appeal is perfected during the allowable period.

**407.9 DELIVERY** - ~~All mailing shall be by (a) United States certified mail, postage prepaid, return receipt requested or (b) overnight express delivery. The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications may be by electronic mail or other means, as directed by the Chair of the National Board of Review.~~

## **ARTICLE 407 408**

### **APPEAL FROM**

#### **LSC BOARD OF REVIEW TO NATIONAL BOARD OF REVIEW**

##### **407.1 PROCEDURE**

- .1 Every appeal to the National Board of Review shall be instituted by a Petition served upon the Executive Director, as well as the other party(ies) to the LSC Board of Review proceeding and shall be accompanied by a \$250 non-refundable filing fee payable to USA Swimming. The Petition on appeal shall set forth the grounds for appeal, citing factual and legal issues in as much detail as possible.
- .2 The Executive Director shall send a copy of the Petition on appeal to the ~~Respondent and Chairman~~ of the National Board of Review immediately upon receipt. The Appellee(s) Respondent shall within thirty (30) days following receipt of the Petition file a written Response. ~~with the Executive Director, the Petitioner Appellant and the Chairman.~~ The Petitioner Appellant may within ten (10) days following receipt of a copy of the Response file a written Reply. The ~~written~~ Response and the ~~written~~ Reply shall be filed with the Executive Director, the opposing party(ies) and the ~~Chairman~~. The ~~Chairman~~ may decrease or increase the time limits for any of the foregoing upon request of either party and if circumstances should warrant it.
- .3 A final and binding decision shall be rendered as soon as administratively practicable (not more than fifteen (15) business days ~~twenty-one (21) days~~) after the final hearing by a majority of the ~~acting~~ hearing panel based on the record submitted on appeal and on evidence submitted at such hearing as may be required by the panel. A written decision shall be sent to all parties. The National Board of Review may, ~~in cases where USA Swimming is not a party,~~ assess costs against any party other than USA Swimming.

4. Petitions once reviewed and decided shall not be reopened for consideration by the National Board of Review, except by direction of the Board of Directors of USA Swimming, or upon showing of sufficient cause to the ~~Chairman~~ of the National Board of Review.
5. The President and the ~~Chairman~~ of the National Board of Review shall each have the power and authority, acting alone, to deny or reject an appeal when, in their respective judgment, the appeal is without merit or was not filed by a real party in interest, or lacks the necessary specificity for proper review.
6. ~~The An~~ appeal to the National Board of Review shall be on the basis of the record and written briefs filed with it, unless the National Board of Review shall ~~at~~ in its discretion order a *de novo* hearing. In the event the National Board of Review orders a *de novo* hearing, the hearing procedure shall be as set forth in Article 407.

#### **ARTICLE 408 409**

#### **APPEAL FROM NATIONAL BOARD OF REVIEW TO BOARD OF DIRECTORS**

##### **4089.1 PROCEDURE**

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

#### **ARTICLE 409 410**

#### **FULL FAITH AND CREDIT**

~~409-1410.1~~ **DECISION FINAL** - Except as otherwise provided in Article Nine of the Constitution of the United States Olympic Committee and in Chapter Nine of its bylaws with respect to binding arbitration in disputes involving the rights of certain individuals to participate in competition, the final decision of the LSC Board of Review shall be final in all cases, subject to the right of appeal to the National Board of Review as provided herein.

~~409-2410.2~~ **ENFORCEMENT** - Final decisions rendered by ~~any~~ the LSC Board of Review and the National Board of Review shall, when applicable, be recognized and fully enforced in all other LSCs of USA Swimming.

## ARTICLE 410 411

### STANDARDS OF CONDUCT FOR MEMBERS OF NATIONAL BOARDS OF REVIEW AND APPELLATE BODIES

**4101.1 STANDARDS OF CONDUCT** – Members (~~the “Review Members”~~) of LSC and National Board of Review panels and the Board of Directors appeals panels (~~collectively~~-respectively, the “Review Members Board”) shall:

- 1 Uphold the integrity and independence of the respective Review Board ~~National Board of Review or Appellate Body~~;
- 2 Avoid any impropriety or the appearance of impropriety in connection with service as a Review Member and swimming-related activities generally; and
- 3 Perform the duties of a Review Member impartially and diligently.

**4101.2 GROUNDS FOR RECUSAL** – Review Members shall recuse themselves from participating in any matter pending before ~~the National Board of Review or Board of Directors~~ their respective Review Board:

- 1 In which their impartiality might reasonably be questioned;
- 2 Where they have a personal bias or prejudice concerning a party in the pending matter or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Review Member or known generally to a substantial portion of the membership of the LSC or USA Swimming);
- 3 Where they or a member of their family are a party or are likely to be a material witness in the pending matter;
- 4 Where they or a member of their family have an interest that could be substantially affected by the outcome of the proceeding; or
- 5 Where they or a member of their family have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.

**4101.3 RECUSAL BY MEMBER** – Review 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 LSC Board of Review Chair, the National Board of Review ~~Chairman~~, or in the case of the ~~Chairman~~ of the National Board of Review or Board of Directors appeal panel members, to the General Counsel, as applicable.

**4101.4 RECUSAL/DISQUALIFICATION REQUESTED BY PARTY** – By written notice to the ~~Presiding Officer~~ Chair of the respective Review Board panel ~~or the National Board of Review Chairman~~ to the General Counsel, in the case of Board of Director appeal panel members (respectively, the “Review Board Chair”) any party may request that a Review Member recuse himself/herself or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification with specificity. Such notice shall be given at least ~~ten (10) Business Days~~ fourteen (14) days prior to the scheduled date of the hearing on such matter or, if the party sustains the burden of proving good cause for the lateness of the notice, as soon as reasonably possible after discovery of the reason for the need for recusal. The named Review Member shall reach a decision on the matter and notify the ~~National Board of Review Board Chairman or the General Counsel~~ of that decision within ~~five (5) Business Days~~ seven (7) days of receipt of the party's notice. If the member's decision is not in favor of recusal, then the Review Board Chairman or the General Counsel may, if appropriate, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted as scheduled and, ~~if it is a hearing before the National Board of Review~~ unless it is a hearing before the Board of Directors, the party giving the notice may appeal the disqualification decision, together with the hearing decision, pursuant to Articles 408 and 409.

**4101.5 SUBSTITUTION FOR RECUSED OR DISQUALIFIED MEMBER** – In the event of a recusal or a disqualification, a substitute Review Member shall be appointed in the same manner as the original Review Members were appointed.



**PART SIX**  
**BYLAWS**  
**~~OF THE LOCAL SWIMMING COMMITTEE~~**  
**LOCAL SWIMMING COMMITTEES, ZONES AND REGIONS**

**ARTICLE 601**

**GENERAL**

**601.1** The Local Swimming Committee (LSC) is an administrative division of USA Swimming with certain governing and supervisory responsibilities within the geographic boundaries designated by USA Swimming. Each LSC shall have jurisdiction over the sport of swimming as delegated to it in ~~other Parts of~~ the USA Swimming Rules and Regulations to conduct swimming programs consistent with the policies and procedures of USA Swimming and to sanction, approve, observe, oversee and conduct on behalf of USA Swimming competitive swimming events within the LSC boundaries.

**601.2** ~~Note: It is intended that the~~ Each LSC shall continue to have the status of ~~qualifies under USA Swimming's group exemption as a tax-exempt an organization which is exempt from the federal income taxation under the provisions of described in Section 501(c)(3) of the U.S. Internal Revenue Code and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under as an organization described in Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, of the U.S. Internal Revenue Code that may accept contributions, bequests, and gifts deductible for federal income and estate and gift tax purposes, respectively.~~

**ARTICLE 602**

**LSC BYLAWS**

**602.1** ~~The USA Swimming House of Delegates has approved and amended a model set of~~ Required LSC Bylaws which each LSC, within the flexibility granted in ~~these~~ the Required LSC Bylaws, is required to adopt. ~~The USA Swimming House of Delegates retains its~~ shall retain the authority over these Required LSC Bylaws, including ~~in accordance with Article 510~~ the right to amend in accordance with Article 511 of USA Swimming Rules and Regulations. Amendments to the Required LSC Bylaws by the USA Swimming House of Delegates are given automatic effect as of the effective date of legislation with respect to an LSC's Bylaws.

**602.2** ~~The model~~ Required LSC Bylaws are available from the USA Swimming National Office and on the USA Swimming website. Bylaws of the individual LSCs are available directly from the LSC or the USA Swimming National Office.

**602.3** The LSC Bylaws shall be construed and all powers and activities of the LSC shall be limited accordingly to be consistent with the LSC legal status stated in Article 601. ~~Notwithstanding any provision of these bylaws, the LSCs shall not carry on any activities not permitted to be carried on by an organization having such status. If incorporated, the Articles of Incorporation of the LSC shall also effect the purposes of this clause.~~

**602.4** The LSC Bylaws shall conform to and include the requirements and shall comply with the laws of the jurisdiction within which the LSC is incorporated.

**602.5** See Article 509 for LSC financial reporting requirements.

602.6 Current bylaws of each LSC shall be on file with the USA Swimming National Office.

602.7 **USA Swimming Rules and Regulations Committee Jurisdiction Over LSC Bylaws** - This Article grants jurisdiction to the USA Swimming Rules and Regulations Committee relating to the Required LSC Bylaws.

- 1 **Jurisdiction of the Rules and Regulations Committee** - The USA Swimming Rules and Regulations Committee is authorized and directed to assume jurisdiction over (a) changes to the mandatory portions of the Required LSC Bylaws, (b) approval of the use of certain alternative provisions set forth in Required LSC Bylaws, (c) review and approval of all Bylaws adopted by the LSCs and (d) review and approval of all subsequent amendments to the Bylaws by an LSC and related matters. The USA Swimming Rules and Regulations Committee may adopt rules and procedures to govern the invocation and exercise of this jurisdiction which may be appropriate and helpful and in the best interests of the sport of swimming.
- 2 **Request for Approval** - An LSC may request permission to change mandatory provisions of the Required LSC Bylaws or request an approval as required in Required LSC Bylaws in a written application conforming to the rules and procedures adopted by the USA Swimming Rules and Regulations Committee. The request shall be addressed to the Chair of the USA Swimming Rules and Regulations Committee. The approval power of the USA Swimming Rules and Regulations Committee over requested changes to mandatory parts of the Bylaws shall be applied generously where an LSC demonstrates a need for the changes.
- 3 **Action by Committee** - The changes may be approved or disapproved in their entirety, or the USA Swimming Rules and Regulations Committee may modify the requested change as appears to be in the best interests of swimming. The USA Swimming Rules and Regulations Committee may adopt reasonable rules and procedures regarding the form and content of the application for permission, its deliberations and decisions.
- 4 **Deadline for Decision** - The USA Swimming Rules and Regulations Committee shall make its determination within forty-five (45) days of receipt by its Chair of the request; failing which, the request shall be deemed to have been approved unless the Chair shall certify that more than ten approvals are pending at the end of that period.
- 5 **Appeal of Decisions** - An LSC may appeal a decision of any USA Swimming Rules and Regulations Subcommittee to the full Rules and Regulations Committee. An LSC may appeal a decision of the USA Swimming Rules and Regulations Committee to the USA Swimming Board of Directors.

602.8 Amendments to the LSC Bylaws must be submitted to the USA Swimming Rules and Regulations Committee in accordance with this Article 602. Once the amendments have been approved, the LSC shall forward the amended Bylaws to the USA Swimming National Office.

**APPENDIX 6-A**

**LSC REGISTRATION CODES**

**APPENDIX 6-B**

**ZONE ALIGNMENT**

**APPENDIX 6-C**

**REGIONAL ALIGNMENT**

**APPENDIX 6-D**

**ARTICLE 603**

**DESCRIPTION OF LSC BOUNDARIES**  
**NAMES AND JURISDICTIONAL BOUNDARIES**

603.1 Each LSC shall include in its name the designation which appears below in boldfaced type followed by the word "Swimming" and the appropriate indicator of corporate status as set forth in the respective Articles/Certificate of Incorporation.

**603.2** The geographical areas or boundaries for the Local Swimming Committees shall be as indicated below. The two letter Registration Codes are shown in parenthesis:

**Adirondack (AD)** - That portion of New York State east of the counties of Oswego, Onondaga, Cortland and Broome; and north of the counties of Sullivan, Orange and Dutchess.

**Alaska (AK)** - State of Alaska.

**Allegheny Mountain (AM)** - That portion of the Commonwealth of Pennsylvania west of the counties of Potter, Clinton, Centre, Huntingdon and Bedford; the counties of Hancock, Brook, Ohio and Marshall in the State of West Virginia; and the counties of Columbiana, Jefferson and Belmont in the State of Ohio.

**Arkansas (AR)** - State of Arkansas, and Bowie County; in the State of Texas.

**Arizona (AZ)** - State of Arizona.

**Border (BD)** - In the State of Texas, the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell and Crockett.

**Central California (CC)** - In the State of California, the counties of Merced, Mariposa, Mono, Madera, Fresno, Kings, Tulare, Kern and Inyo; excluding the City of Bishop and the community of Mammoth Lakes.

**Colorado (CO)** - State of Colorado.

**Connecticut (CT)** - State of Connecticut.

**Florida (FL)** - That portion of the State of Florida east of Apalachicola River and including Gulf County, except for the counties of Palm Beach, Broward, Miami-Dade, Monroe and the part of Hendry east of Route 833.

**Florida Gold Coast (FG)** - In the State of Florida, the counties of Palm Beach, Broward, Miami-Dade, Monroe, and the part of Hendry east of Route 833.

**Georgia (GA)** - State of Georgia, and Chambers and Russell counties in the State of Alabama.

**Gulf (GU)** - That portion of the State of Texas bounded on the north by and including the counties of Shelby, Nacogdoches, Angelina, Houston, Leon and Robertson; and on the west by, and including, the counties of Brazos, Grimes, Waller, Fort Bend, Wharton, Colorado and Matagorda.

**Hawaiian (HI)** - State of Hawaii.

**Illinois (IL)** - State of Illinois, except for the counties of Calhoun, Greene, Jersey, Madison, St. Claire, Monroe, Jackson and Vermillion.

**Indiana (IN)** - State of Indiana, except Floyd and Clark counties, and including Vermillion County; in the State of Illinois.

**Inland Empire (IE)** - That portion of the State of Idaho north of and including Idaho County; and that portion of the State of Washington east of and including the counties of Okanogan, Chelan, Kittitas, Yakima, and the part of Klickitat east of Highway 97 and including the City of Goldendale; and the Oregon counties of Umatilla, Union and Wallowa.

**Iowa (IA)** - State of Iowa, except the counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Pottawattamie, Mills, Montgomery, Freemont and Page.

**Kentucky (KY)** - Commonwealth of Kentucky except for the counties of Campbell, Kenton and Boone; and including Floyd and Clark counties in the State of Indiana.

**Lake Erie (LE)** - In the State of Ohio, the counties of Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Wayne, Summit, Lake, Geauga, Portage, Stark, Tuscarawas, Ashtabula, Trumbull and Mahoning.

**Louisiana (LA)** - State of Louisiana.

**Maine (ME)** - State of Maine.

**Maryland (MD)** - State of Maryland, except Montgomery and Prince George's counties.

**Metropolitan (MR)** - That portion of the State of New York State south of and including the counties of Sullivan, Orange and Dutchess.

**Michigan (MI)** - State of Michigan.

**Middle Atlantic (MA)** - The portion of the State of New Jersey south of Mercer and Monmouth counties; the State of Delaware; and that portion of the Commonwealth of Pennsylvania east of and including the counties of Potter, Clinton, Centre, Huntingdon and Bedford.

**Midwestern (MW)** - State of Nebraska, except the counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden and Deuel; and including the counties of Lyon, Osceola, Sioux, ~~O'Brien~~ O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Pottawattamie, Mills, Montgomery, Fremont and Page in the State of Iowa.

**Minnesota (MN)** - State of Minnesota, except for Polk and Pennington counties; and including the counties of St. Croix, Dunn and Pierce in the State of Wisconsin.

**Mississippi (MS)** - State of Mississippi.

**Missouri Valley (MV)** - In the State of Missouri, the counties west of and including Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian and Taney; the State of Kansas; Texas County; in the State of Oklahoma; and Hansford County; in the State of Texas.

**Montana (MT)** - State of Montana, except Dawson and Wibaux counties.

**New England (NE)** - The states of New Hampshire, Vermont, Massachusetts and Rhode Island.

**New Jersey (NJ)** - That portion of the State of New Jersey north of and including Mercer and Monmouth counties.

**New Mexico (NM)** - State of New Mexico.

**Niagara (NI)** - That portion of the State of New York west of and including the counties of Oswego, Onondaga, Cortland and Broome.

**North Carolina (NC)** - State of North Carolina, except the counties of Pasquotank, Camden, and Currituck.

**North Dakota (ND)** - State of North Dakota, Dawson and Wibaux counties in the State of Montana, and Polk and Pennington counties in the State of Minnesota.

**North Texas (NT)** - That portion of the State of Texas east of the counties of Hardeman, Foard, Knox, Haskell, Jones, Callahan, Brown, Mills and Lampasas; and north of the counties of Bell, Milam, Robertson, Leon, Houston, Angelina, Nacogdoches and Shelby; and excluding Bowie County.

**Ohio (OH)** - State of Ohio, except the counties of Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Wayne, Summit, Lake, Geauga, Portage, Stark, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson, Belmont, Washington and Lawrence; and including the counties of Campbell, Kenton and Boone in the Commonwealth of Kentucky.

**Oklahoma (OK)** - State of Oklahoma, except Texas County.

**Oregon (OR)** - State of Oregon, except for the counties of Malheur, Umatilla, Union, and Wallowa County; and in the State of Washington, the counties of Cowlitz, Clark, Skamania and the part of Klickitat west of Highway 97, excluding the City of Goldendale.

**Ozark (OZ)** - That portion of the State of Missouri east of and including the counties of Scotland, Knox, Shelby, Monroe, Ralls, Pike, Montgomery, Osage, Miller, Camden, Dallas, Webster, Douglas and Ozark; and the counties of Calhoun, Greene, Jersey, Madison, St. Clair, Monroe and Jackson in the State of Illinois.

**Pacific (PC)** - In the State of Nevada, the counties of Lyon, Douglas, Carson City, Storey, and the part of Washoe lying south of the northerly boundary of the Pyramid Lake Indian Reservation; and in the State of California, the counties of Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, Contra Costa, San Francisco, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, Tuolumne and Alpine, and the parts of: Solano and

Sacramento counties south of Highway 12, including the communities of Vallejo and Benicia and excluding the communities of Fairfield, Suisun City and Rio Vista; San Joaquin County south and west of the line created by Highway 12 to Interstate 5 to Eight Mile Road to Highway 99 to Highway 4, including the City of Stockton; ~~counties of~~ Stanislaus and Calaveras ~~counties~~ south of Highway 4; El Dorado County east of Highway 89; and the City of Bishop in Inyo County and the community of Mammoth Lakes in Mono County.

The Solano Community College pool in Solano County and any pool between Eight Mile Road and Hammer Lane in San Joaquin County shall be available for the use of the Pacific Swimming and Sierra Nevada Swimming LSCs and their respective ~~member clubs~~ ~~members~~, and both LSCs may sanction swimming events ~~in~~ ~~at~~ these pools under their own rules and regulations.

**Pacific Northwest (PN)** - That portion of the State of Washington west of the counties of Okanogan, Chelan, Kittitas and Yakima; north of Skamania County; and north and west of Cowlitz County.

**Potomac Valley (PV)** - ~~The District of Columbia;~~ Montgomery and Prince George's counties in the State of Maryland; ~~the District of Columbia;~~ and Arlington and Fairfax counties and the cities of Alexandria, Fairfax and Falls Church in the Commonwealth of Virginia.

**San Diego-Imperial (SI)** - San Diego and Imperial counties in the State of California.

**Sierra Nevada (SN)** - In the State of Nevada, the counties of Humboldt, Pershing, Churchill, Mineral, Lander and the part of Washoe lying north of the northerly boundary of the Pyramid Lake Indian Reservation; and in the State of California, the counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Yolo and Amador; and the parts of: Solano and Sacramento counties north of Highway 12, including the communities of Fairfield, Suisun City and Rio Vista and excluding the communities of Vallejo and Benicia; San Joaquin County north and east of the line created by Highway 12 to Interstate 5 to Eight Mile Road to Highway 99 to Highway 4, excluding the City of Stockton; Stanislaus and Calaveras counties north of Highway 4; and El Dorado County west of Highway 89.

The Solano Community College pool in Solano County and any pool between Eight Mile Road and Hammer Lane in San Joaquin County shall be available for the use of Pacific Swimming and Sierra Nevada Swimming LSCs and their respective ~~club~~ ~~members~~ clubs, and both LSCs may sanction swimming events ~~at~~ ~~in~~ these pools under their own rules and regulations.

**Snake River (SR)** - That portion of the State of Idaho south of Idaho County, the counties of Elko, White Pine and Eureka in the State of Nevada; and Malheur County; in the State of Oregon.

**South Carolina (SC)** - State of South Carolina.

**South Dakota (SD)** - State of South Dakota.

**South Texas (ST)** - That portion of the State of Texas bounded on the west by and including the counties of Val Verde, Sutton and Schleicher; on the north by and including the counties of Menard, Mason, Llano, Burnet, Lampasas and Bell; and on the east by and including the counties of Milam, Burleson, Washington, Austin, Fayette, Lavaca, Jackson and Calhoun.

**Southeastern (SE)** - State of Tennessee; the State of Alabama, except Chambers and Russell counties; and that portion of the State of Florida west of the Apalachicola River, excluding Gulf County.

**Southern California (CA)** - In the State of California, the counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange and Riverside; and in the State of Nevada, the counties of Clark, Lincoln, Nye and Esmeralda.

**Utah (UT)** - State of Utah.

**Virginia (VA)** - Commonwealth of Virginia, except the counties of Arlington and Fairfax ~~counties~~ and the cities of Alexandria, Fairfax and Falls Church; and including the counties of Pasquotank, Camden and Currituck in the State of North Carolina.

**West Texas (WT)** - That portion of the State of Texas bounded on the south by and including the counties of Reeves, Pecos, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch and San Saba; on the west by the

State of New Mexico and by and including Loving and Winkler counties; on the north by Hansford County and the State of Oklahoma; and on the east by the State of Oklahoma, and by and including the counties of Hardeman, Foard, Knox, Haskell, Jones, Callahan, Brown and Mills.

**West Virginia (WV)** - State of West Virginia, except the counties of Hancock, Brook, Ohio and Marshall; and including Lawrence and Washington counties in the State of Ohio.

**Wisconsin (WI)** - State of Wisconsin, except the counties of St. Croix, Dunn and Pierce.

**Wyoming (WY)** - State of Wyoming; and the counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden and Deuel in the State of Nebraska.

**APPENDIX 6-E**  
**ARTICLE 604**  
**LSC REDISTRICTING PROCEDURES**

**604.1 Change in LSC Club Affiliation by a Club Member.** ~~If a club wishes to change from one LSC to another LSC which is contiguous and where no other club geographically intervenes, and if by two thirds (2/3) vote the House of Delegates of each LSC approves, such transfer shall be effective ninety (90) days after receipt of written notice by the national headquarters. Club approval of change in affiliation shall be a majority vote of its General Membership at a regular club meeting or at a special meeting called for that purpose; the vote is to be duly certified by the club's president.~~ If A change of a Member Club from one LSC to another LSC which is contiguous and where no other Member Club geographically (as determined by the club's training facility location or mailing address) intervenes between the changing club and the new LSC boundary must be approved by a 2/3 vote of each of the LSCs. Club approval of change in affiliation shall be in accord with the rules of the Member Club and shall be duly certified by the Member Club's president and secretary. Such transfer shall become effective 90 days after receipt of a written notice of approval from the Chair of the Rules and Regulations Committee who shall notify USA Swimming National Office.

**604.2 Change in LSC Territory.** If two-thirds (2/3) of the number of clubs in a contiguous area within an LSC wish to affiliate with a neighboring and contiguous LSC, and should the House of Delegates of each LSC by a two-thirds (2/3) vote of ~~the those members present and voting in a regular or special meeting of each, or by mail vote by a majority of those members of each House of Delegates eligible to vote,~~ approve the change, the change in territorial jurisdiction shall include all Club Members in the contiguous clubs in the area and shall become effective at ~~the commencement of the next succeeding~~ fiscal year of USA Swimming following that in which the Chair of the USA Swimming Rules and Regulations Committee receives satisfactory evidence of the various votes required. Club Member approval of change in affiliation shall be in accord with the rules of the Club Member and shall be a majority vote of its General Membership at a regular club meeting or at a special meeting called for that purpose; the vote is to be duly certified by the club's Club Member's president and secretary.

**604.3 Formation of a new LSC**

- .1 If two thirds (2/3) of the number of Club Members ~~clubs~~ in a contiguous area within an LSC wish to form a new and independent LSC, and should the House of Delegates of the LSC, by a two-thirds (2/3) vote of ~~the those members present and voting in a regular or special meeting or by mail vote by a majority of those members eligible to vote,~~ approve the change, the proposed formation of the new LSC shall be submitted to the ~~Chairman~~ of the USA Swimming Rules and Regulations Committee. Such request must be received by the ~~Chairman~~ prior to April 1.
- .2 The USA Swimming Rules and Regulations Committee shall make a recommendation to the USA Swimming House of Delegates at the next annual meeting for its approval or disapproval. Should approval be granted, the formation of the new LSC shall become effective ~~at the commencement of the month following the meeting or October 1, whichever is earlier.~~ as of the first day of the fiscal year of the old LSC following such approval, unless an earlier date is agreed to by the Board of Directors of the existing LSC. Club Member approval of ~~the change in affiliation~~ creation of the new LSC shall be ~~a majority vote of its General Membership at a regular club meeting or at a special meeting called for that purpose; the vote is to~~

~~be in accordance with the rules of the Club Member and shall be duly certified by the Club Member's club's president and secretary. Should approval be granted, the formation of the new LSC shall become effective at commencement of the next succeeding fiscal year of USA Swimming.~~ The change shall include all clubs in the specified contiguous area.

- ~~3~~ At the time of the effective date the net assets of the ~~existing old~~ LSC (after payment of or provision for all debts) shall be divided with the new LSC in ratio proportion to the number of registered athletes ~~in~~ within each LSC ~~territory~~ as of the August 31st closest to the effective date of the preceding calendar year.
- ~~4~~ During the period of time between ~~the date on which that when~~ the new LSC is approved by the USA Swimming House of Delegates and January 1 of the following year the effective date of the new LSC, the USA Swimming President shall promptly appoint a governing ad hoc committee of no ~~less~~ fewer than seven (7) members from among USA Swimming members of the new LSC, including one athlete and one coach, to be charged with the responsibility of (a) notifying all clubs within the new LSC to elect at least one delegate and an alternate to the new LSC House of Delegates; (b) scheduling and ~~noticing~~ notifying in writing about the place, date and time of a meeting of the new LSC House of Delegates as soon as conveniently possible after ~~January 1 the effective date;~~ (c) providing an agenda for the first meeting to permit the orderly election of officers and directors, adoption of Bylaws and appointment of committees and their respective chairmen; and (d) attending to such other matters as may be necessary to permit the new LSC to become a fully functioning administrative unit of USA Swimming.
- ~~4~~ **Change in Zone Affiliation.** *Text relocated to Article 605.4.*
- ~~5~~ **Change in Regional Alignment.** *Text relocated to Article 606.2.*
- ~~6~~ **Review.** *Text relocated to Article 607.*

## ARTICLE 605 ZONES

**605.1** For administrative purposes, the LSCs shall be combined into contiguous zones as follows:

**Eastern Zone** - Adirondack, Allegheny Mountain, Connecticut, Maine, Maryland, Metropolitan, Middle Atlantic, New England, New Jersey, Niagara, Potomac Valley, Virginia.

**Southern Zone** - Border, Florida, Florida Gold Coast, Georgia, Gulf, Kentucky, Louisiana, Mississippi, North Carolina, North Texas, South Carolina, South Texas, Southeastern, West Texas, West Virginia.

**Central Zone** - Arkansas, Illinois, Indiana, Iowa, Lake Erie, Michigan, Midwestern, Minnesota, Missouri Valley, North Dakota, Ohio, Oklahoma, Ozark, South Dakota, Wisconsin.

**Western Zone** - Alaska, Arizona, Central California, Colorado, Hawaii, Inland Empire, Montana, New Mexico, Oregon, Pacific, Pacific Northwest, San Diego-Imperial, Sierra Nevada, Snake River, Southern California, Utah, Wyoming.

**605.2** Zone Directors - See Article 504.2 for election of the Zone Directors.

**605.3** Zone Meet Administration - The Zone Age Group ~~Junior Olympic~~ Championship Meet shall be conducted and administered by the Zone ~~Championship Committee.~~ ~~(See USA Swimming Policies and Procedures for Zone Committee.)~~

**605.4** Change in Zone Affiliation Alignment - If an LSC, by a two-thirds (2/3) vote of ~~those the~~ members present ~~and voting~~ at a regular or special meeting of the LSC House of Delegates ~~or by mail vote of a majority of those members eligible to vote,~~ approves a change moving the LSC from one Zone to another, and if both Zones approve of the change by a majority vote of the LSCs in each Zone, that change shall become effective at the close of the next USA Swimming annual meeting ~~unless that change is rejected by either of the two Zones involved at which the USA Swimming House of Delegates shall approve the change.~~ Prior to the vote of the House of Delegates, the USA Swimming Rules and Regulations Committee shall make a recommendation as to approval or disapproval of the proposed change.

**ARTICLE 606**  
**REGIONAL ALIGNMENT COMPETITION**

**606.1 Regional Competition -** In order to reduce the travel distances for athletes and to provide equitable quality competition the LSCs may make arrangements to compete on a regional basis, as follows:

**Region 1** — ~~Adirondack, Connecticut, Maine, Metropolitan, New England, New Jersey, Niagara~~

**Region 2** — ~~Allegheny Mountain, Maryland, Middle Atlantic, Potomac Valley, Virginia~~

**Region 3** — ~~Georgia, North Carolina, South Carolina, Southeastern~~

**Region 4** — ~~Florida, Florida Gold Coast~~

**Region 5** — ~~Hawaii~~

**Region 6** — ~~Illinois, Indiana, Kentucky, Lake Erie, Michigan, Ohio, West Virginia~~

**Region 7** — ~~Iowa, Midwestern, Minnesota, Wisconsin~~

**Region 8** — ~~Arkansas, Missouri Valley, Oklahoma, Ozark~~

**Region 9** — ~~Gulf, Louisiana, Mississippi, North Texas, South Texas, West Texas~~

**Region 10** — ~~Arizona, Border, Colorado, New Mexico, Utah~~

**Region 11** — ~~North Dakota, South Dakota, Wyoming~~

**Region 12** — ~~Inland Empire, Montana, Oregon, Pacific Northwest, Snake River~~

**Region 13** — ~~Central California, Pacific, San Diego Imperial, Sierra Nevada, Southern California~~

**Region 14** — ~~Alaska~~

~~**Change in Regional Alignment** — If an LSC, by a two-thirds (2/3) vote of those members present and voting at a regular or special meeting of the LSC House of Delegates or by a mail vote of the majority of those members eligible to vote, approves a change moving the LSC from one region to another region contiguous to the LSC that change shall become effective at the close of the next USA Swimming annual meeting upon approval of a majority of the USA Swimming House of Delegates present and voting.~~

**ARTICLE 607**  
**APPEALS AND REVIEW**

~~.6 **Review.** Should the House of Delegates of any LSC mentioned in subsections (1), (2), or (3), or any Zone mentioned in subsection (4), or a region mentioned in subsection (5), disapprove the proposed changes, the proponents must submit the matter to the Rules & Regulations Committee.~~

**607.1 Petition to the USA Swimming Rules and Regulations Committee** — Any House of Delegates of any LSC or any member of USA Swimming may petition the USA Swimming Rules and Regulations Committee with respect to any proposed changes referenced in Articles 604 and 605 above. Such appeal must be submitted at least one hundred (100) days prior to the next regular or special meeting of the USA Swimming House of Delegates.

**607.2** In any case in which an LSC House of Delegates or a Zone fails to approve or agree to a requested change, the proponents of the change may petition the USA Swimming Rules and Regulations Committee to investigate and determine whether the change should be allowed notwithstanding the failure of the LSC or Zone to approve. Such appeal must be submitted at least one hundred (100) days prior to the next regular or special meeting of the USA Swimming House of Delegates.

**607.2** Submission to the Committee shall be in writing; shall contain the name of the proponent(s), the name(s) of the club(s) involved, a record of vote(s) taken at any level certified in writing by an appropriate officer; and shall contain a summary of the rationale for the proposed change(s).



**607.3** The Rules and Regulations Committee shall ~~study~~ investigate the matter and hold a public hearing thereon at the time of the next annual meeting of the USA Swimming House of Delegates. The Committee shall then make recommendations to the House for its final determination.

~~**Note:** Redistricting procedures are the responsibility of the Rules & Regulations Committee.~~

AMMENDMENTS TO LSC MODEL BYLAWS  
ADOPTED BY USA SWIMMING HOUSE OF DELEGATES  
SEPTEMBER 27, 2008

TF-3T ADOPTED Effective January 1, 2009
---

\*\* \*\*\*\*

**PART SIX**  
**BYLAWS, RULES AND REGULATIONS FOR**  
**THE LOCAL SWIMMING COMMITTEES**

~~**PART SIX A**~~

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

~~**FORM OF BYLAWS TO BE ADOPTED BY**~~  
~~**THE LOCAL SWIMMING COMMITTEE**~~

\*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\*\*\*

The USA Swimming Rules and Regulations Committee has jurisdiction over (a) changes to the mandatory portions of the Required LSC Bylaws, (b) approval of the use of certain alternative provisions set forth in the Required LSC Bylaws, (c) review and approval of all Bylaws adopted by the LSCs and (d) review and approval of all subsequent amendments to the Bylaws and related matters.

Except for modifications and changes necessary to comply with federal, state and local laws and regulations, the form and content of the Bylaws comprising the Required LSC Bylaws are mandatory for all LSCs. The Required LSC Bylaws and the guidelines provided allow each LSC the flexibility to design an organizational structure that suits its needs and institutional culture. Where no guidelines are given with respect to an italicized portion, the LSC may make any modification it deems appropriate or omit the portion altogether. A few guidelines permit limited modifications of certain non-italicized provisions. An LSC may request permission to change mandatory provisions of the Required LSC Bylaws or request a required approval in a written application conforming to the rules and procedures adopted by the USA Swimming Rules and Regulations Committee. The request shall be addressed to the Chair of the USA Swimming Rules and Regulations Committee.

All changes to Bylaws of an LSC (those allowed in the guidelines and/or those that deviate from the mandatory) must be approved by the Rules and Regulations Committee in accordance with Article 611 of the Required LSC Bylaws. It is intended that the approval power of the USA Swimming Rules and Regulations Committee over requested changes to mandatory parts of the Required LSC Bylaws shall be applied generously where an LSC demonstrates a need for the changes. The current version of an LSC's Bylaws shall be on file with USA Swimming Headquarters.

The LSC may renumber Sections and Articles or add additional Sections or Articles. To the extent possible additions and deletions should not substantially alter the numbering scheme of the Required LSC Bylaws for consistency.

The references to a Policies and Procedures Manual in the Required LSC Bylaws do not and are not intended to require an LSC to create and maintain such a manual. However, USA Swimming recommends adopting and maintaining such a manual and consequently suggests that an LSC not presently having a Policies and Procedures Manual leave the references in its Bylaws for future use.

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

MEANING OF GRAPHICS USED IN ~~PART SIX A~~ REQUIRED LSC BYLAWS TEMPLATE:

*Text printed in italics and enclosed in a box is a guideline and pertains to a specific provision(s). Generally it will be the provision immediately preceding the guideline box. In some cases, however, it will refer to a group of provisions either preceding or following the guideline box. The text may also explain choices presented in a provision or give criteria for omitting or altering italicized text in the body of a provision. Finally, other guidelines permit certain modifications to the referenced provision in order to allow for organizational flexibility.*

*Text printed in italics may be changed or omitted in accordance with the applicable guidelines or, absent guidelines, as the LSC desires.*

*Italicized material within square brackets [ ], together with the brackets is designed to be replaced with the information specified within the brackets.*

*Text printed in bold italics between pairs of vertical lines // separated by an "or" represents a choice that must be made. The choice must be made ~~as~~ between the choices presented without variation, unless an applicable guideline permits other choices. Except for choices and as the context may require, where no guidelines are given with respect to an italicized portion, the LSC may make any modification it deems appropriate or omit the portion altogether. A few guidelines permit limited modifications of certain non-italicized provisions.*

~~Additional guidelines and occasions for flexibility are provided in Part Six C of the USA Swimming Rules and Regulations. Capitalized terms used in the guidelines generally have the same meanings as in Part Six A. A few terms used in the guidelines that are not defined in Part Six A are defined in Part Six C.~~

ARTICLE 610

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

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 a federal laws. ~~That~~ These laws requires 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 0 and Article 0, and the USA Swimming Rules and Regulations ~~of Ethics~~ 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, XXSI 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 of ~~Ethics~~ Conduct or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or XXSI, or conduct that may bring USA Swimming, XXSI 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 XXSI 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. This Article and Part Four of the Rules shall be construed accordingly.

~~610.2 DEFINITIONS FOR ARTICLE 0 - deleted in its entirety as no longer necessary~~

610-3.2 BOARD OF REVIEW ORGANIZATION -

- .1 ESTABLISHMENT - The Board of Review of XXSI 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.

*An LSC that anticipates its Board of Review will routinely and regularly conduct hearings by panels of three will be best served by a Board of Review of at least nine regular members and five alternate members. In all but the smallest of LSCs, a Board of Review of seven members and four alternates is recommended for LSCs that believe the more ideal nine and five is impractical or unnecessary. An LSC may increase the number of regular members, but may not decrease the number to fewer than five. The proportionality between members elected in odd- and even-numbered years shall be maintained. The alternates would be available to serve in the place of regular members who are unable or unwilling to serve in a particular case or when a regular member becomes incapacitated, dies or resigns. The LSC must determine the appropriate number of alternate members or, if alternate members are not to be used, omit the references to alternate members throughout this Article and in Section 0. An LSC may delete the second sentence and the two appearances of the phrase "at least" from the first sentence, if it desires that a change in number of members or alternate members will require a Bylaw amendment. The lower limits of five (5) regular and three (3) alternate members and the protection for incumbents would apply to any subsequent amendment to this provision.*

- .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -
  - A Election - The House of Delegates shall *[/annually/ or /biennially/]* elect *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.

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

- B Term of Office - The term of office shall be *[/two/ or /four/]* years. Each member *and alternate member* shall assume office *upon election*<sup>1</sup> and shall serve until a successor *is chosen*<sup>2</sup>.

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

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

- 4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Board of Review (the "Chair"), who must be a regular member, shall be elected ~~/annually/ or /biennially/~~ by a majority vote of the regular members of the Board of Review. The Chair shall ~~/annually/ or /biennially/~~ appoint a Vice-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 as necessary, ~~at least once /annually/ or /biennially/~~ 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 Chair or any three *regular* members. When meeting for administrative purposes, those provisions of Article 0 that are specified in Section 0 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 0 governs the quorum for hearings and rehearings 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 Chair, the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- 9 INCAPACITIES AND VACANCIES - Determination of Vacancy or Incapacity -
- A ~~Office of Chair~~ - 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. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action of the House of Delegates, or of the Chair's temporary or permanent incapacity, the Vice-Chair shall become the Acting Chair until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former Chair, or until the Chair ceases to suffer from any temporary incapacity. If the Chair is going to be absent from the Territory, the Chair may, but is not obligated to, designate the Vice-Chair as Acting Chair for the duration of the absence. ~~(remaining text in this section no longer necessary)~~
- B ~~Presiding Officer~~ - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the Chair shall appoint another member, an alternate member or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings or rehearings other than delay for the benefit of the new Presiding Officer. The Chair or the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the Chair shall have discretion regarding appointment of a new Presiding Officer, a delay of the hearing or rehearing or such other order as may serve the interests of fairness, justice and the sport of swimming.
- C ~~Other Members~~ - In the event of a death, resignation or permanent incapacity of a member of the Board of Review, ~~the Chair shall appoint an alternate member, or, failing that, the~~

~~General Chair shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the Chair 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 Chair, with the advice and consent of the Board of Directors, shall appoint one or more Individual Members to serve as alternate members to serve until the next regularly scheduled meeting of the House of Delegates.~~

~~D Determination of Vacancy or Incapacity - The determination of when a membership on the Board of Review becomes vacant or a 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 Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action by 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 Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice-Chair; or failing that, the General Chair) 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 the member's 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 0 may be extended or foreshortened by the Chair, or the Presiding Officer for a particular hearing, for good cause. (A single exception to this rule is provided in Section 0.) 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. The time, date and location of any hearing may be changed by the Chair or the Presiding Officer for a particular hearing on his or her own initiative, as required by the interests of the Board of Review or in the interests of justice.~~

~~.12~~ 1 ADVICE; ATTORNEY AS PRESIDING OFFICER -

A Legal and Other Advice - Where appropriate or helpful, the Chair or Presiding Officer may consult the USA Swimming General Counsel, ~~any member of the USA Swimming Counsellors 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 XXSI, USA Swimming or the Board of Review) retained by the Board of Review or the Chair regarding any issue raised by a proceeding.

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

C Attorney'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 Chair or the Presiding Officer shall consult with the General Chair 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 Chair.

~~.13~~ (same content as Article 411 of Rules and Regulations)

610-4.3 GENERAL JURISDICTION -

- .1 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 0,
  - 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 other 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 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 state of incorporation of the LSC with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such The 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 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may investigate and conduct hearings, make and publish decisions and orders with regard to any matter affecting XXSI, its status or conduct as a Local Swimming Committee or the administration of the sport of swimming in the Territory which involves:~~

- ~~A XXSI and (1) a member or members of XXSI or (2) a member or members of another LSC solely with respect to conduct or events occurring within the Territory or a combination of persons described in clauses (1) and (2), or~~
- ~~B only a member or members of XXSI, or~~
- ~~C with respect to conduct or events occurring outside the Territory, (1) XXSI and a member or members of XXSI or (2) only a member or members of XXSI.~~

~~The jurisdiction of the Board of Review is limited in the case of matters described in sections 401.1, 403.1 and 403.2.1 of the USA Swimming Rules and Regulations (with regard to the original and exclusive jurisdiction of the National Board of Review) and may be further limited to the extent provided in an order issued pursuant to section 403.2.2 of the USA Swimming Rules and Regulations (pertaining to certain discretionary jurisdiction of the National Board of Review).~~

- .43 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 ~~be~~ 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 Protest Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the Chair or Presiding Officer to dismiss a Protest 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.

~~.54~~ 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 Protest Petition is received (as determined under Section 0), ~~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 (5) years prior to that date.~~ 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 0.

.6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of generally applicable fees to be 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.

~~.7~~ *(moved to Article 404.1 of Rules and Regulations, except 610.4.7(D) which was deleted as redundant)*

~~610.5~~ *(moved to Article 406.2 of Rules and Regulations)*

~~610.6~~ *(moved to Article 406.4 of Rules and Regulations; )*

~~610.7~~ *(moved to Article 410.1 of Rules and Regulations)*

~~610.8~~ *(moved to Article 410.2 of Rules and Regulations)*

~~610.9~~ *(moved to Article 408.1 of Rules and Regulations)*

~~610.10~~ NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND DETERMINATIONS OF TIMELINESS

~~.1~~ NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF XXSI

~~A~~ XXSI Members Generally - In each case, where notices or other hearing related documents are to be delivered to a member of XXSI, it shall be sufficient to deliver the notice or other document to the member's last known address in accordance with Section 0.

~~B~~ Minors - In the case of notices directed to XXSI 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~~ *(moved to Article 406.5 of Rules and Regulations)*

~~.3~~ DETERMINATIONS OF TIMELINESS - The rules provided in Section 0 shall apply in the determination of the timeliness of any notice or other action under this Article 0.

TF-6T ADOPTED Effective January 1, 2009
---

## TABLE OF CONCORDANCE

### TABLE TWO: NEW LSC BYLAWS TO FORMER LSC BYLAWS

Delete this section in its entirety

Renumber subsequent sections.



PART SIX-C

LEGISLATION PERTAINING TO THE FORM OF BYLAWS  
TO BE ADOPTED BY THE LOCAL SWIMMING COMMITTEES;  
SUNSET AND HOUSEKEEPING PROVISIONS

ARTICLE 6000

PROVISIONS RELATING TO ADOPTION OF THE BYLAWS

- 6001 ~~AIDS TO THE STUDY AND ADOPTION OF THE LSC BYLAWS – Tables of Concordance between the new and former bylaws (Part Six-B) are provided to aid in the study of the new Bylaws and to help the LSC adopt the best version of the new Bylaws. Within thirty (30) days of the date upon which this revised Part Six is adopted by the USA Swimming House of Delegates, each Local Swimming Committee (LSC) shall receive from USA Swimming national headquarters two printed copies of Parts Six and Seven, including the Bylaws and Appendices, and one copy of the same material on a 3.5" IBM compatible diskette in Word Perfect (version 5.1) format. The font employed is Times New Roman.~~
- 6002 *(moved to introduction of LSC Required Bylaws)*
- 6003 *(moved to introduction of LSC Required Bylaws)*
- 6004 *(moved to introduction of LSC Required Bylaws)*
- 6005 *(moved to introduction of LSC Required Bylaws)*
- 6006 *(moved to introduction of LSC Required Bylaws; remainder moved to 602.7.2 of the Rule Book)*
- 6007 *(moved to introduction of LSC Required Bylaws)*
- 6008 ~~SUBSTITUTIONS FOR THE TERM XXSI – The term "XXSI" must be changed to one of the following: the actual initials of the LSC (for example, "PSI" for Pacific Swimming, Inc. or "LESI" for Lake Erie Swimming, Inc.) or the full or partial name (for example "Ohio Swimming"). A corresponding change must be made to the definitions in Section 0 in order to maintain their alphabetical order.~~
- 6009 ~~ADOPTION OF BYLAWS BY LSCS – Prior to adopting the Bylaws, each LSC should consider its needs, the way in which it presently functions and areas in which change could improve the operation of its organization. Then the consideration should be expanded to include the mandatory provisions of the Bylaws, each of the choices presented, the elective modifications to the Bylaws and any desired supplementary provisions to the Bylaws. The adopted Bylaws shall reflect in writing the LSC's determination of each choice offered by the Bylaws subject to the guidelines, the applicable elective provisions, any permitted or approved variations and any additional provisions needed to make the Bylaws serve the needs of that LSC. In addition, the LSC should check to see that its [Articles/Certificate] of Incorporation consistent with the Bylaws as they are to be adopted, particularly with regard to Articles 611 and 612. The adopted Bylaws shall reflect the elimination of all guidelines, braces, brackets and vertical lines and the conversion to regular type of italics in text included in the Bylaws.~~
- 6010 ~~DEADLINE FOR ADOPTION BY LSCS – Each LSC shall adopt its version of the Bylaws no later than the last regularly scheduled LSC House of Delegates meeting which is after December 31, 1995 and before December 31, 1996 and submit the adopted Bylaws to the Chair of the USA Swimming Rules and Regulations Committee for review and approval. See Article 6200. If an LSC does not adopt the Bylaws within the time provided, the USA Swimming General Counsel shall impose upon the LSC the mandatory provisions of the Bylaws and such other provisions as may appear to be in the best interests of the LSC and the sport of swimming.~~

- ~~6011 DELAYED EFFECTIVE DATE PERMITTED—The LSC may adopt the Bylaws with an effective date later than the date of adoption, provided that such effective date shall not be later than the last date on which the LSC is permitted to adopt the Bylaws (see Section 0 above).~~
- ~~6012 TRANSITION PERIOD PROVISIONS—If the LSC adopts provisions that conflict with or eliminate positions, duties, responsibilities or terms of office of incumbent officers; other members of the Board of Directors; Athlete, Coach or Group Member Representatives; or committee chairmen or members or coordinators, such officers, Board Members, Representatives, chairmen or members or coordinators shall serve until the expiration of their terms, although they may assume new titles, duties and responsibilities where appropriate. In adopting the Bylaws, the LSCs shall adopt appropriate transition provisions to align the incoming officers' terms of office with the expiration of the incumbent officers' terms. Any such transition provisions, together with provision for any permitted delayed effective date shall be set forth in writing in the LSC House of Delegates resolution adopting the Bylaws. A copy of the adopting resolution shall be sent to the General Counsel of USA Swimming together with the written copy of the Bylaws referred to above. Pending revision of the other Parts of the USA Swimming Rules and Regulations to coordinate those Parts with Parts Six and Seven, any conflicts or inconsistencies shall be resolved in favor of the Parts Six and Seven.~~
- ~~6013 AVAILABILITY OF BYLAWS; COPIES PROVIDED TO USA SWIMMING—The adopted Bylaws shall be printed and made available upon request to any member of the LSC and other interested parties with a copy being sent to the USA Swimming General Counsel. Promptly after adoption by the LSC, a copy of the LSC's Bylaws on a 3.5" diskette (in Word Perfect (version 5.1 or higher) or another format which in the judgment of the USA Swimming Executive Director is fully compatible with Word Perfect) shall be sent to each of the Executive Director of USA Swimming and the Chair of the USA Swimming Rules and Regulations Committee. In addition a printed copy and a copy of the LSC's Bylaws marked to show deletions and additions to the form set forth in Part Six A (a so-called black-lined copy) shall be sent to the Chair of the USA Swimming Rules and Regulations Committee.~~
- ~~6014 PART SIX AND LSC BYLAWS AVAILABLE ON USA SWIMMING BULLETIN BOARD—The entirety of Parts Six and Seven and the LSC Bylaws as adopted by each LSC shall be made available on the USA Swimming electronic bulletin board in a file that will permit viewing, downloading and word or topic searching within ten (10) days of their receipt by the USA Swimming Executive Director.~~
- ~~6015 PORTIONS NOT PART OF BYLAWS—The Part Six designations, captions, *italicized* portions and choices omitted, commentary and guidelines and all of Part Six B, Part Six C and Part Seven are part of the USA Swimming Rules and Regulations but are not part of the LSC Bylaws.~~

#### ARTICLE 6100

#### SUNSET PROVISIONS

- ~~6101 SUNSET PROVISIONS GENERALLY—This Article contains sunset determinations applicable to Part Six provisions that become obsolete with the passage of time. This Article shall cease to have any force or effect from and after the last sunset provision takes effect and shall cease to be part of the USA Swimming Rules and Regulations at such time and the following Article of this Part Six D shall be correspondingly renumbered.~~
- ~~6102 SUNSET OF ADOPTION DEADLINE; SUBSEQUENT AMENDMENTS—With the printing of the USA Swimming Rules and Regulations following the date upon which the last LSC shall have adopted Bylaws which comply with this Part Six, the existing Section 0 of Part Six C shall be deleted and the Section shall be revised to read as follows:~~

~~0 AMENDMENTS TO THE BYLAWS; PUBLICATION ETC.—If amendments to the Bylaws shall be adopted by an LSC or if amendments to Part Six A by the USA Swimming House of Delegates which are given automatic effect with respect to an LSC's Bylaws under Section 0 (LSCs which could not adopt Section 0, shall adopt any such amendments at the next meeting of the LSC House of Delegates that is more than thirty (30) days after the adoption by the USA Swimming House of Delegates), the amendments shall be published within sixty (60) days and made available to all members of the LSC and other interested parties with copies being sent to the USA Swimming General Counsel and the~~

~~USA Swimming Rules and Regulations Committee Chair. Promptly after publication, a copy of the LSC's Bylaws, restated to reflect the amendments on a 3.5" diskette (in Word Perfect (version 5.1 or higher) or another format which is fully compatible with Word Perfect) shall be sent to each of the Executive Director of USA Swimming and the Chair of the USA Swimming Rules and Regulations Committee. The LSC Bylaws as so amended by an LSC shall be available on the USA Swimming electronic bulletin board in a file which will permit viewing, downloading and word or topic searching within ten (10) days of their receipt by the Executive Director.~~

- ~~6103 SUNSET OF DELAYED EFFECTIVENESS PROVISIONS — Section 0 of Part Six C shall be deleted in the third printing of the USA Swimming Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.~~
- ~~6104 SUNSET OF TRANSITION PROVISIONS — Section 0 of Part Six C shall be deleted in the third printing of the USA Swimming Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.~~
- ~~6105 SUNSET OF CONCORDANCE TABLES — Section 0 of this Part Six C and Part Six B shall be deleted in the third printing of the USA Swimming Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.~~
- ~~6106 RENUMBERING OF NOT PART PROVISION — The Section initially numbered 0 shall be successively renumbered as the preceding paragraphs are deleted in accord with this Article.~~

#### ARTICLE 6200

#### ~~USA SWIMMING RULES AND REGULATIONS COMMITTEE JURISDICTION OVER LSC BYLAWS~~

~~6201 (same as 602.7 of Rules and Regulations)~~

~~6202 (same as 602.7.1 of Rules and Regulations)~~

~~6203 SUBCOMMITTEE AUTHORIZED; CHAIR; MEMBERS — The USA Swimming Rules and Regulations Committee is hereby authorized and directed to establish a standing sub-committee to exercise the entire jurisdiction conferred by this Article. All of the members of the sub-committee need not be members of the USA Swimming Rules and Regulations Committee, but its chairman shall be a member. The chairman and members of the subcommittee shall be appointed annually by the Chair of the USA Swimming Rules and Regulations Committee.~~

~~6204 (same as 602.7.2 of Rules and Regulations)~~

~~6205 ADVICE OF OTHERS — In appropriate cases the Chair of the USA Swimming Rules and Regulations Committee may consult any elected or appointed officer, or committee chairman or member, of USA Swimming, any staff member of USA Swimming and such other persons as may seem appropriate or helpful.~~

~~6206 (same as 602.7.3 of Rules and Regulations)~~

~~6207 (same as 602.7.4 of Rules and Regulations)~~

~~6208 (same as 602.7.5 of Rules and Regulations)~~

~~6209 CHANGES TO WORD PROCESSING SOFTWARE AND FORMATS — After December 31, 1996, the USA Swimming Executive Director, with the consent of the USA Swimming General Counsel, by notice published in **Splash!**, included in a mailing to the LSC General Chairmen and broadcast to all electronic mail users on the USA Swimming electronic bulletin board, may change the Part Six C references to Word Perfect (version 5.1 or higher) to another version or to an entirely different piece of software. In that event in the next printing of the USA Swimming Rules and Regulations, those references in Part Six C shall be changed accordingly.~~

**PART 7**

**Other Rules and Regulations Pertaining to the Local Swimming Committees**

**Article 701**

**LOCAL SWIMMING COMMITTEES**

~~701.1~~ *(moved to 601.1 of Rules and Regulations)*

~~701.2~~ *(moved to Article 603 of Rules and Regulations)*

~~701.3~~ *(moved to Article 603 of Rules and Regulations)*

**ARTICLE 702**

**REDISTRICTING**

~~702.1 RULES AND REGULATIONS COMMITTEE EMPOWERED~~ — The USA Swimming Rules and Regulations Committee is granted the jurisdiction, the power and the duty to conduct such investigations, hold such hearings, deliberate in either open or closed sessions and render decisions in the best interests of the sport of swimming with regard to the affiliation of club members with LSCs, any change in LSC territory (whether by agreement of the affected clubs and LSCs or not), the formation of a new LSC or a change in Zone or Regional alignment. Where a vote is involved, the USA Swimming Rules and Regulations Committee may establish rules and procedures and hear challenges to the vote and determine the outcome.

~~702.2~~ *(same as 604.1 of Rules and Regulations)*

~~702.3~~ *(same as 607.1 and 607.2 of Rules and Regulations)*

~~702.4~~ *(same as 604.2 of Rules and Regulations)*

~~702.5~~ *(same as 604.3 of Rules and Regulations)*

~~702.6~~ *(same as 605.4 of Rules and Regulations)*

~~702.7~~ *(same as 606.1 in Rules and Regulations)*

**ARTICLE 703**

**ZONE ALIGNMENT**

~~703.1~~ *(same as 605.1 of Rules and Regulations)*

~~703.2~~ *(same as 605.3 of Rules and Regulations)*

~~703.3~~ *(same as 605.1 of Rules and Regulations)*

**ARTICLE 704**

**REGIONAL ALIGNMENT**

~~704.1~~ *Moved to 606.1 in Rules and Regulations where some of this was eliminated)*

~~704.2~~ *Moved to 606.1 in Rules and Regulations where some of this was eliminated)*