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June 25, 2008

To: Members of the House of Delegates

Re: Proposed Amendments to Rules and Regulations

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Attached are proposed amendments to our Rules and Regulations that will be considered during the House of Delegates meeting on Saturday, September 27, 2008, in Atlanta, Georgia. They have been reviewed by the Rules & Regulations Committee during its meeting in May 2008 and each item includes the Committee's tentative recommendations. The Committee will reconsider each item during its regularly scheduled meeting at convention and at that time will finalize its recommendation to the House of Delegates on each item.

In addition to the normal legislation items marked as either R-# or HK-#, there are additional legislation items being put forth as the result of a Rules Committee Task Force formed to review the LSC Bylaws Template. The items from the Task Force are all labeled as TF items, with those items affecting the Rule Book marked as TF-1 and TF-2, and those items affecting the LSC Bylaws Template as TF-3T through TF-8T. The legislation reflects the following general recommendations from the Task Force:

1. Move provisions relating to LSC Boards of Review from the LSC Bylaws Template to Part Four of the Rule Book where they will be more conspicuous and safeguarded from LSCs inadvertently amending required provisions. (TF-1 and TF-5T)
2. Update and reorganize Part Six to include important information from the LSC Bylaws Template. (TF-2)
3. Provide some additional clarity in the LSC Bylaws Template and delete portions that are no longer needed. (TF-3T, TF-4T, TF-6T through TF-8T)

Please note that the legislation from the Task Force will not require LSCs to amend their existing Bylaws. Most proposals are simply moving items from the LSC Bylaws Template to the Rule Book and deleting portions of the LSC Bylaws Template that are no longer needed. The Task Force and the Rules & Regulations Committee believe the changes will provide more flexibility to LSCs with respect to their Bylaws and will provide needed clarity regarding LSC Boards of Review and the process for amending LSC Bylaws.

You are encouraged to review the attached information prior to arriving at the Convention. If you have questions regarding any of the proposed amendments, please direct any questions to the person listed as making the proposal, or to any member of the Rules and Regulations Committee

Sincerely,

Bruce W. Stratton  
Chair, Rules & Regulations Committee



# USA SWIMMING

## RULES & REGULATIONS COMMITTEE

### PROPOSED

### AMENDMENTS TO 2008 RULES AND REGULATIONS

No.	Description	Location	Recommendation
R-1	Substitute FINA wording for deliberate delay at the start	101.1.5	Approval
R-2	Remove rule regarding long distance pool swimming from Open Water section and place in blue section	101.8 (new) 701.2.3	Approval
R-3	Clarifies event limitations when prelims and finals are on different days	102.2.5 (new)	Approval
R-4	Restriction on swimwear for Age Group competitors (to keep the cost down)	102.9.1	Rejection
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	Rejection
R-6	Modifications made by a Referee under Article 105 at one meet do not set precedent	102.13.8	Approval
R-7	Limits required information on a DQ slip to event, heat, lane, and infraction	102.15.3-.4	Approval
R-8	Allow for 10 lanes to be used at Nationals	103.3.2A	Rejection
R-9	Clarifies language regarding lane lines	103.13.2	Approval
R-10	Stresses pace clocks should be available during warm-up; deletes obsolete language	103.17	Approval
R-11	Allows for observed swims to be eligible for records	104.2.1C	Approval
R-12	Must be able to represent the USA in international competition in order to set American record	104.2.2A	Approval
R-13	Alter pool measurement procedures	104.2.2C 104.2.3B	Referred back to Committee
R-14	Update language to reflect current terminology regarding cognitive and visual disabilities	105.1.1 105.2.1-.2	Approval
R-15	Coach/athlete must request specific modifications under Article 105	105.1.2A-B	Approval
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	Approval
R-17	To discontinue mandated use of IPC ID cards at USA Swimming competitions	105.1.4	Approval
R-18	To diagram the signal that indicates short whistles to the deaf	105.3	Approval
R-19	Clarifies language regarding cognitive disability modifications	105.4	Approval
R-20	Update and clarify language regarding physical disabilities modifications	105.5.1A-E	Approval
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	Approval
R-22	Provide for short course Junior Nationals	207.4.1	Approval
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	Approval
R-25	Allow Zones to offer a Zone Senior Championships	205.7(new)	Approval
R-26	Provide for scoring when 10 lanes are used at Nationals	207.12.9C	Approval
R-27	Provide for awards for top 10 finishers in timed final events when 10 lanes are used at Nationals	207.13.2A	Approval
R-28	Include names of awards (ind. high point & meet performance)	207.13.2A-D	Approval

R-29	Explanation of NAG Recognition Times	Appendix 2-B	Approval
R-30	Extend sexual misconduct provisions to include all members	304.3.5	Approval
R-31	Expansion of Code of Conduct recruiting provision	304.3.13	Approval
R-32	Clarification of Code of Conduct	304.3.15	Approval
R-33	Clarification of Code of Conduct	304.3.15	Referred back to Committee
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)	Referred back to Board of Directors
R-35	Requires that members of a club's board of directors hold individual memberships to USA Swimming	502.2.1C (new)	No recommendation
R-36	Clarifies that an LSC may not impose additional membership requirements for clubs or individuals	502.2.1C (new) 502.3.5 (new)	Approval
R-37	Clarification that all coaches must satisfy membership requirements, not just club coaches	502.4.3 502.4.5	Approval
R-38	Permits President to appoint a representative to serve on the Investment Committee in his/her stead.	506.5.1	Approval
R-39	Requires each LSC to complete LSC evaluation each quad	509.4 (new)	Postponed
R-40	Delete obsolete records from Rule Book and rules regarding obsolete events	702.1 703.1-.2 Records	Approval
R-41	Mandate minimum age of 18 years for members of LSC Board of Review	LSC Model Bylaws 610.3.3C	Referred back to Maker

HK-1	Update language regarding Age Group Recognition; housekeep reporting requirements	104.2.1H(3) 104.2.3B	Approval
HK-2	Delete obsolete language regarding members of Operations Committee	507.2.7	Approval
HK-3	Correct reference regarding amendments	507.2.9	Approval
HK-4	Reminder that some procedures for Open Water Championships are included in Article 207	704	Approval

TF-1	Incorporate Article 610-T (Hearings & Appeals) from LSC Bylaws into Part Four of Rules & Regulations	Part Four of Rules & Regs	Approval
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	Approval
TF-3T	Provides an introduction to the LSC Model Bylaws	LSC Model Bylaws	Approval
TF-4T	Expands on instructions for LSC Model Bylaws	LSC Model Bylaws	Approval
TF-5T	Eliminates much of 610-T from LSC Model Bylaws for inclusion in Rule Book	610 of LSC Model Bylaws	Approval
TF-6T	Eliminates Tables of Concordance	Part 6-B of LSC Model Bylaws	Approval
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	Approval
TF-8T	Eliminates Part 7 of LSC Model Bylaws for inclusion elsewhere or because parts are outdated	Part 7 of LSC Model Bylaws	Approval

## USA SWIMMING RULES & REGULATIONS COMMITTEE

### PROPOSED AMENDMENTS TO 2008 USA SWIMMING RULES & REGULATIONS

R-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1  
2 **Location:** Page 17 Article 101.1 Starts  
3  
4 **Proposed by:** George Bare, Lake Erie Swimming  
5  
6 **Purpose:** Jurisdiction for making a call of this nature sometimes lies solely with the Referee, other  
7 times, such a call requires dual confirmation. In either case, the Referee has primary  
8 jurisdiction, not the Starter. FINA's language is being substituted.  
9  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

#### 10 **101.1 Starts**

11 **.1-4** *no change*

#### 12 **.5 Deliberate Delay or Misconduct**

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

19 *No further changes*

R-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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21 **Location:** Page 21 Article 101.8 (New) Long Distance Swimming  
22 Page 132 Article 701.2 Rules  
23  
24 **Proposed by:** Dale Petranec, Middle Atlantic Swimming  
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26 **Purpose:** This rule is intended to give guidelines for allowable physiological relief during long  
27 distance swimming pool events. This change would be in conjunction with the deletion of  
28 rule 701.2.3 which should be removed from the open water section of the rule book since it  
29 deals with pool events.  
30  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

#### 31 **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*

R-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 23 102.2 Entries – General Rules

**Proposed by:** Julie Bare, Rules & Regulations Committee

**Purpose:** As more and more meet formats separate by one or more days the finals for events from the preliminaries for those events (i.e., finals for day 1's events are on day 2, along with preliminary events for day 2), language clarifying daily event limitations is needed.

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

### 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*

R-4 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 28 102.9 Swimwear

**Proposed by:** Age Group Development Committee

**Purpose:** To restrict, but not omit, the use of the “High Tech” competition suits in an effort to keep the sport cost effective at the age group level as well as promote the value of teaching technical development over technical advancements at an early age.

**Recommendation:** *The Rules & Regulations Committee recommends rejection because (1) athletes should be able to wear caps, suits, goggles of their choice for best performance; (2) it should be a level playing field under the Amateur Sports Act where athletes of all ages compete for National Team spots;(3) the genie is out of the bottle – other 18 & unders in the world will swim in whatever suit, cap, goggle swimwear a coach deems best; (4) wearing or not wearing a suit will not improve technique instruction by coaches; (5) the cost will come down, meanwhile no one is forced to buy/wear the suit; (6)USA Swimming should be encouraging hero worship – “Be like Mike” – and if they want to buy a suit to look like Mike, they should be allowed.*

## 102.9 SWIMWEAR

### 85 .1 Design

86 A The swimsuits worn for competition must be non-transparent and conform to the current concept of the appropriate. The  
87 Referee shall have authority to bar offenders from competition until they comply with this rule.

88  
89 B The swimsuits worn for all age group defined competition shall not extend past the top of the shoulder  
90 nor further down the leg than the top of the knee cap. If a meet has a senior category, an age group  
91 competitor swimming in the senior category shall be allowed to wear the suit.  
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R-5 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 30 Article 102.12 Officials  
Page 57 Article 202.3 Conditions of Sanction

**Proposed by:** Bill Vargo, Florida Swimming

**Purpose:** The suggested changes result from an inequitable situation where a USA Swimming sanction can be withdrawn (with loss of benefits, insurance and times, in addition to swimmer costs) from a USA Swimming meet, or part of a meet, if there is not a certified Referee and certified Starter (plus one other official) on each competition pool, while “observed” swims will be recognized where the only requirement for official presence is two USA Swimming certified Stroke and Turn officials “to verify compliance of the swim ....”. It is possible that such swims are conducted without benefit of suitably qualified Deck Referees and Starters. Similar possibilities may exist at “Approved” Meets although compliance with the USA Swimming Technical rules, including starts, is a requirement. It should be noted that 102.12.3 is not included in the list of rules that should be complied with for “Approved” meets, although some mechanism for dual confirmation of false starts would be required to comply with 101. While it is generally accepted that it is desirable to

112 have dual confirmation of false starts at all meets, situations can occur, even with the best of  
113 planning, where an unpredictable shortage of starters can jeopardize the sanction for a meet  
114 that is imminent or underway. It is not in the best interest of our sport if this condition  
115 results in alienation of swimmers and those who support them. It is suggested that deviation  
116 from the requirement of a Referee and Starter, for any reason, bear a heavy penalty to  
117 discourage abuse. However such a penalty should not be inflicted on the swimmers.  
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**Recommendation:** *The Rules & Regulations Committee recommends rejection because other remedies are available, such as an uncertified trainee in the starter role.*

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120 **102.12 Officials**

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122 .3 For all swimming meets or time trials except dual meets there should not be fewer than the following  
123 officiating positions filled or approved by the LSC in authority. Officials other than the Referee may act in  
124 more than one officiating capacity only when sufficient qualified officials are not available, but no one may  
125 simultaneously time and judge the order of finish. Subject to the provisions of 202.3.7, the Referee, if  
126 qualified as a Starter may act in both capacities.

- 127 1 Referee (required at all meets)  
128 1 Starter  
129 *No further change*

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131 .4 **Minimum Number of Officials Required for Dual Meets**

- 132 1 Referee, who may also act as a Stroke and Turn Judge or, subject to the provisions of 202.3.7,  
133 Starter.  
134 *No further change*

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136 **202.3. CONDITIONS OF SANCTION** — Any event for which a sanction is required according to 202.1 is  
137 subject to the following conditions:

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139 .7 Conduct of the sanctioned event shall conform in every respect to all technical and administrative rules of  
140 USA Swimming.

141 A In the event that a meet, or portion of a meet (session or session in one or more courses in a meet where  
142 more than one course is used), there are not sufficient certified Starters for a Referee and Starter to be  
143 assigned to each course for each session, in accordance with 102.12.3, the sanction will remain valid if:

- 144 (1) there is one certified Referee, who if certified may also act as Starter, on duty at each course in  
145 each session. The Referee shall not perform any other duties while acting as Referee and Starter on  
146 that course;  
147 (2) there are at least two other certified Stroke and Turn Judges per course in addition to the certified  
148 Referee; and  
149 (3) notice is given to all coaches and swimmers at the meet, immediately prior to a deficient session,  
150 that single confirmation of false starts will be in effect for all courses where a certified Referee is  
151 also acting as Starter.

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153 B If these conditions cannot be satisfied, all coaches and swimmers at the meet shall be advised by the  
154 Meet Administrator and Meet Referee before a deficient session commences that: "The sanction for all  
155 or part of the meet will be withdrawn and that any times achieved will not go into the SWIMs database."

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157 C LSC's may impose penalties on the host club for sessions of meets where Referees have to also  
158 simultaneously act as Starters and may assess additional penalties, including refund of meet fees and  
159 payment of lost LSC surcharges, for meets where sanctions are withdrawn.

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R-6 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 31 Article 102.13 Referee

**Proposed by:** Disability Committee

**Purpose:** Swimmers with disabilities (and their parents) have asked whether they need to make requests for accommodations at each meet in which the athlete participates, and some have requested a permanent judgment about accommodations to be offered to the athlete. This proposal infers that a request for accommodations must indeed be made at each meet because Referees should not be expected to know how other Referees have ruled on a particular situation when faced with the need for a potential rule modification; they are expected only to apply their common sense when applying Article 105. Additionally, disability characteristics and associated need for accommodations may change over time. Finally, the Disability Swimming Committee wishes to emphasize that athletes may not appeal to the LSC or headquarters if they are unhappy with a Referee's decision.

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

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179 **102.13 Referee**

180 .1-7 *no change*

181 .8 May modify any rule for a competitive swimmer who has a disability. Any such modification shall be in accordance  
182 with Article 105 of the USA Swimming Rules and Regulations, shall affect only the current meet, and does not set  
183 precedent.

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185 *No further change*

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R-7 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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189 **Location:** Page 33 102.15 Judges

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191 **Proposed by:** Julie Bare, Rules & Regulations Committee

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193 **Purpose:** In many cases, officials making disqualifications do not know the swimmer's name, only  
194 the event number, heat number, lane and infraction. Such information should be deemed  
195 sufficient when the official turns in a disqualification slip.

196

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

197 **102.15 JUDGES** — Shall have jurisdiction over the swimmers immediately after the race has begun.

198 .1 *No change*

199 .2 *No change*

200 .3 **Stroke Judge** — Shall operate on both sides of the pool, preferably walking abreast of the swimmers  
201 during all strokes except freestyle, during which events they may leave poolside, at the Referee's  
202 discretion; shall ensure that the rules relating to the style of swimming designated for the event are being observed; and

203 shall report any violations to the Referee on signed slips detailing the event, the heat number, the lane  
204 number, ~~the swimmer's name~~ and the infraction.

205 .4 **Turn Judge** — Shall operate on both ends of the pool; shall ensure that when turning or finishing the  
206 swimmer complies with the turning and finishing rules applicable to the stroke used; and shall report any violations to  
207 the Referee on signed slips detailing the event, the heat number, lane number, ~~the swimmer's name~~ and infraction  
208 observed.

209 .5 *No change*

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R-8 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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212 **Location:** Page 41 Article 103.3 Racing Course Dimensions

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214 **Proposed by:** Senior Development Committee

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216 **Purpose:** To modify the language to allow for 10 lanes to be used at National Championships, should  
217 the facility be able to accommodate this.

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219 **Recommendation:** *The Rules & Regulations Committee recommends rejection as unnecessary.*

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### 220 103.3 RACING COURSE DIMENSIONS

221 .2 Width

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223 A /NC/ Eight lanes, minimum width of 2.5 meters (8 feet, 2 ½ inches), from center line to center line  
224 of the lane dividers, with approximately 0.45 meters (1 foot, 6 inches) of additional open water  
225 outside lanes 1 and 8. Program Operations may waive this requirement for National  
226 Championships. Ten lanes may also be used for National Championships, and if this is the case, the  
227 requirement of additional water outside lanes 1 and 10 may be waived.

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R-9 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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231 **Location:** Page 44 103.13 Floating Lane Dividers

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233 **Proposed by:** Bruce Stratton, Chair of Rules & Regulations Committee

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235 **Purpose:** To clarify the language and make it consistent with the FINA requirements.

236

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

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### 238 103.13 /M/ Floating Lane Dividers

239 .2 Dividers shall consist of contiguous floats having a minimum diameter of 5 centimeters (2 inches) to a maximum diameter  
240 of 15 centimeters (6 inches). The color of the floats extending from the walls the distance of 5 meters for long course and short  
241 course meters and 15 feet for short course yards shall be distinct from the rest of the floats. Distinctive colored floats, or  
242 markers extending around the full circumference of the floats, shall be placed at 15-meters (49' 2 ½ inches) from each end  
243 wall in both short course and long course pools. Additionally, in long course pools, a distinctive warning line or lane markers  
244 may be placed at a distance of 13 meters from each end wall. ~~There shall be no exposed cables accessible to swimmers within~~  
245 ~~the length of the racing course and the cable take-up spools and ratchet mechanisms shall be completely concealed with durable~~  
246 ~~flexible covers. Damaged or broken floats shall be removed and replaced.~~

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R-10 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 45 103.17 Pace Clocks

**Proposed by:** Julie Bare, Rules & Regulations Committee

**Purpose:** To stress that pace clocks must be available during warm-up and to eliminate language that technology has made obsolete..

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

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**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 during warm-up. ~~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 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 46 104.2 USA Swimming Records

**Proposed by:** Julie Bare, Rules & Regulations Committee

**Purpose:** Observed swims performed according to USA Swimming rules should be eligible for records; Open Water should be considered as well.

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

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## 104.2 USA SWIMMING RECORDS

273

### .1 General Requirements and Conditions for Records

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A The official time for establishing specific records must be achieved and determined in accordance with 102.16.

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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.

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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.

282

*No further change*

R-12	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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284 **Location:** Page 46 Article 104.2 USA Swimming Records  
285  
286 **Proposed by:** International Relations Committee  
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288 **Purpose:** The International Relations Committee feels strongly that only U.S. citizen athletes who are  
289 able to represent the U.S. in international competition should be permitted to hold American  
290 records.  
291  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

292

293 **104.2 USA Swimming Records**

294 **.2 American and United States Open Records**

295 A Classification

296 (1) American – May be established only by United States citizens who are also U.S. Sports  
297 Citizens eligible to compete under and who achieving achieve an official time in  
298 accordance with USA Swimming rules.  
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R-13	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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302 **Location:** Page 46 Article 104.2 USA Swimming Records  
303  
304 **Proposed by:** Pat Lunsford, Vice President of Program Operations, on behalf of the Pool Measurement  
305 Task Force  
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307 **Purpose:** The purpose of the change to pool measurement procedures is to expand and update the  
308 database of pool certifications which will be accessible to all National Governing Bodies  
309 and to provide an economically feasible procedure for reporting National Age Group  
310 Records.  
311  
**Recommendation:** *The Rules & Regulations Committee has referred this item back to committee.*

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313 **104.2 USA Swimming Records**

314 **.2 American and United States Open Records**

315 C **Special Requirements and Conditions**

316 (1) Records established outside of the United States shall be applied for on official record application forms. When an  
317 American record results from a world record performance outside the United States, it shall be accepted as such upon  
318 formal approval by the FINA without further certification.

319 (2) When a record is claimed, an official record application form shall be filled out, signed by the designated officials,  
320 and transmitted to Headquarters with all supporting data, including official meet results and the primary printout tape

321 from the automatic timing equipment, within 14 days after the performance.

322 **(3) Pool Certification**

323 (a) Record applications will not be accepted unless certification of course length accompanies them ~~or~~ and is on file with  
324 USA Swimming.

325 (b) (new) LSCs shall be required to have fixed wall pools where A level competition and above is  
326 sanctioned, measured and recorded according to stated USA Swimming and FINA guidelines no  
327 later than 09-01-2010.

328 (c) (new) Initially, pools with moveable bulkheads where A level competition and above is  
329 sanctioned, shall be measured in all possible yard and meter configurations and certification of  
330 course length kept on file with USA Swimming. The certification report will also confirm the  
331 bulkhead is stable, unbowed, and properly positioned. Any appearance other than what is stated  
332 shall require the bulkhead to be re-measured and recorded with USA swimming.

333 If a bulkhead has been moved prior to a U.S. Open competition or above, the pool shall be  
334 measured prior to competition. Prior to A level and above competitions, the meet host and/or  
335 referee shall daily examine the bulkhead and visually confirm that it is stable, unbowed, and  
336 properly positioned.

337 *Re-letter remaining*

338 **(4) Pool Measurement**

339 (a) For American and United States Open records, the exact length of the course lane, measured  
340 by a steel tape or other acceptable measuring device in feet and inches and fractions of an inch,  
341 or in meters and centimeters, must be attested to by ~~an accredited surveyor or engineer~~ a referee  
342 or LSC authority. If the measurement is short of the required sanctioned length, an accredited  
343 surveyor or engineer shall be summoned and all criteria according to stated USA Swimming and  
344 FINA guidelines shall apply.

345 NOTE: For a World Record in a metric course, measurements shall be conducted according to  
346 FINA procedures.

347 (b) A statement of the conditions under which the course was measured must be included.

348 (c) Where a moveable bulkhead is used, course measurement of ~~each~~ the lane in which the record  
349 was set must be confirmed at the conclusion of the session during which the time was achieved.

350 **.3 National Age Group Records**

351 **B Reporting** - When a listed Age Group record is bettered, an official Age Group Record Application  
352 Form (provided by Headquarters to the LSC) shall be filled out, signed by the designated officials, and  
353 mailed within thirty (30) days. The athlete or the athlete's representative shall be responsible for  
354 initiating the record validation and reporting procedures established by the Vice President of Program  
355 Operations or designee.

356 (1) National Age Group records do not require measurement if the facility is pre-certified and on file  
357 with USA Swimming. In facilities not certified and on file, the lane measurement shall occur after a  
358 National Age Group performance in accordance with 104.2.2C(4).

359 .7 Other National Governing Bodies shall have access to the database with USA Swimming for recording pool  
360 measurement results. Duplication of measurement procedures will not be required in a pool that is on file  
361 with USA Swimming and meets the stated requirements.

362

R-14	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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363

364 **Location:** Page 51 Article 105.1 General  
365 Page 51 Article 105.2 Blind and Visually Impaired

366  
367 **Proposed by:** Disability Committee

368  
369 **Purpose:** Housekeeping to reflect current terminology (the word “impaired” should be deleted  
370 because of unnecessary negative connotation). An in-water start remains an option for any  
371 swimmer at any time.

372

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

373 **105.1 GENERAL**

374 .1 **Authority** — The USA Swimming Rules & Regulations grant the Referee the authority to modify the rules for the  
375 swimmer with a disability. Disability is defined as a permanent physical or ~~mental impairment~~ cognitive disability that  
376 substantially limits one or more major life activities. This section contains guidelines and suggestions for making such  
377 modifications.

378 **105.2 BLIND AND VISUALLY IMPAIRED VISION LOSS**

379 .1 **Start** — With an audible starting system, no modification is usually required for a swimmer who is blind or visually  
380 impaired swimmer has vision loss. ~~They~~ A swimmer may, however, require assistance getting to and on the block. Should  
381 ~~they~~ the swimmer feel insecure starting from the block or deck, an in-the-water start ~~may be~~ is allowed.

382 .2 **Turns and Finishes** — A swimmer who is blind or visually impaired swimmer has vision loss is permitted to have a  
383 “tapper”, which is a pole with a soft-tipped end. The swimmer is tapped with the “tapper” as notification of turns and the  
384 finish. Sound devices shall not be used. It is the swimmer’s responsibility to provide the tapper(s) and operator(s), who shall be  
385 positioned within the confines of the swimmer’s lane at the ends of the pool.

386 .3 **Relay Take-Offs** — A physical touch may be required to signal the relay swimmer when his/her teammate has touched the wall.  
387 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  
388 with the timing.

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R-15	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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391

392 **Location:** Page 51 Article 105.1 General

393

394 **Proposed by:** Disability Committee

395

396 **Purpose:** The Americans with Disabilities Act requires “reasonable accommodations.” During  
397 several years of experience implementing Article 105, USA Swimming has learned that it is  
398 unreasonable to expect the Referee to thoroughly understand disability, to evaluate medical  
399 evidence or Paralympic classification data, or to determine necessary accommodations. The  
400 purpose of this rule proposal is to place responsibility for specifying requested  
401 modifications on the athlete/athlete’s coach rather than the Referee. The Referee should

402 neither inquire nor select the modification – rather s/he should respond to a particular  
403 request from the athlete/athlete’s coach (not a parent).  
404

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

405 **105.1 GENERAL**

406 **.2 Responsibilities**

407 A Athlete — The athlete (or the athlete’s coach) is responsible for notifying the Referee, prior to the competition, of any  
408 disability of the athlete and of the requested modification. The swimmer/coach shall provide any assistant(s) or equipment  
409 (tappers, deck mats, etc.) if required.

410 B Referee — The Referee’s responsibilities include:

- 411 (1) ~~Inquiring regarding the athlete’s needs and determining what if the requested modifications will be required are~~  
412 appropriate and can be met.  
413 (2) Instructing the Starter and Stroke & Turn officials as to the accommodations to be made for that swimmer.  
414

R-16	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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415  
416 **Location:** **Page 51 Article 105.1 General**  
417 **Page 52 Article 105.5 Physical Disabilities**  
418

419 **Proposed by:** **Disability Committee**  
420

421 **Purpose:** To clearly state that an athlete with a disability may not use aids for buoyancy or speed. The  
422 redundancy to Article 102.10.10 is desired because of frequent requests to use assistive  
423 devices (e.g., paddle for partial hand amputation, fin on the intact leg for leg amputation)  
424 during competition, and also to emphasize that flotation (e.g., neoprene prosthetic socks)  
425 may not be used. The Americans with Disabilities Act helps to assure opportunity to  
426 participate, not accommodations that provide an advantage to persons with disabilities.  
427 Another purpose is to delete the provision that permits an assistant in the water.  
428

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

429 **105.1 GENERAL**

430 **.3 Modifications** — Aids to buoyancy or speed are not allowed (see 102.10.10). Some of the modifications  
431 which the Referee may make to accommodate the athlete with a disability are:

- 432 (1) A change in starting position.  
433 (2) Reassignment of lanes within a heat, e.g., exchanging Lanes 2 and 7.  
434 (3) Allowing the athlete’s assistant(s) on the deck ~~or in the water~~ to assist with a start. Other allowable  
435 modifications are further described in this section under the type of disability.

436 **105.5 PHYSICAL DISABILITIES**

437 **.2 Stroke/Kick** – *no change to first paragraph*

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

442

R-17 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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443

444

**Location:** Page 51 Article 105.1 General

445

446

**Proposed by:** Disability Committee

447

448

**Purpose:** USA Swimming Referees are not expected to be knowledgeable about Paralympic Committee classifications and rules exceptions; rather they are expected to exercise common sense when applying Article 105. Also, on a practical note, many Paralympic-classified swimmers do not have ID cards.

449

450

451

452

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

453

### 105.1 GENERAL

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457

~~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.~~

458

R-18 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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459

460

**Location:** Page 52 Article 105.3 Deaf and Hard of Hearing

461

462

**Proposed by:** Disability Committee

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464

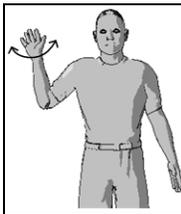
**Purpose:** To provide a figure showing the “hand-wave/siren” signal for short whistles.

465

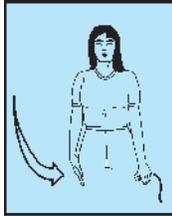
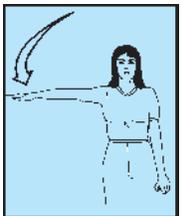
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

#### 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 backstroke.



**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

R-19 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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466  
467 **Location:** Page 52 Article 105.4 Mentally Impaired  
468  
469 **Proposed by:** Disability Committee  
470  
471 **Purpose:** Clarify language (the word “impaired” should be deleted because of unnecessary negative  
472 connotation).  
473  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

474  
475 **105.4 MENTALLY IMPAIRED COGNITIVELY DISABLED** — ~~A deck or in the water start is allowable and the A~~  
476 swimmer may be permitted to have an assistant on the deck when necessary. No other specific rule modifications are required  
477 other than patience and clarity in communicating instructions.  
478  
479

R-20 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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480  
481 **Location:** Page 52 Article 105.5 Physical Disabilities  
482  
483 **Proposed by:** Disability Committee  
484  
485 **Purpose:** Clarify possible modifications; delete provision that permits an assistant in the water; use  
486 International Paralympic language in 105.5.1E(4) for clarity.  
487  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

488  
489 **105.5 PHYSICAL DISABILITIES**  
490 .1 **Start** — Swimmers with physical disabilities:  
491 A May take longer to assume their starting position;  
492 B ~~May not be able to hold onto the starting grips or gutter~~ have difficulty holding the starting platform or  
493 pool end for a start;  
494 C May need assistance ~~on~~ from someone on the deck ~~or from in the water~~ to maintain a starting position;  
495 D May ~~need to assume use~~ use a modified starting position on the blocks, deck, ~~gutter~~ or in the water in order  
496 to maintain their balance.  
497 E Shall use a forward start ~~F~~ for freestyle, breaststroke and butterfly, ~~a forward start (facing the course)~~  
498 ~~shall be used.~~ The Referee, however, may allow modifications such as the following:

- 499 (1) The swimmer may start from a sitting position on the block or on the deck;  
500 (2) The swimmer may assume a starting position in the water, with or without assistance;  
501 (3) If the swimmer cannot use a hand and/or foot to maintain contact with the wall, some other part of  
502 the body may be used.  
503 (4) For breaststroke and butterfly, after the start and after each turn, a swimmer who is unable to push  
504 off with the leg(s) may perform one arm stroke that need not be simultaneous or on the horizontal  
505 plane asymmetrical stroke to attain the breast position.

R-21	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 506  
507 **Location:** Page 55 Article 202.1 Jurisdiction  
508  
509 **Proposed by:** Rules and Regulations Committee  
510  
511 **Purpose:** To state clearly in the Rule Book what has been the published interpretation of the issuance  
512 of sanctions and approvals: that an LSC may impose additional requirements and/or  
513 conditions for sanctions or approvals only if those requirements/conditions have been  
514 approved by its House of Delegates.  
515  
516 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
517

518 **202.1 JURISDICTION** — As the National Governing Body for competitive swimming in the United States  
519 and as a Federation member of FINA, USA Swimming has the sole and exclusive authority to sanction or  
520 approve domestic and international swimming competition conducted within its jurisdiction. Each Local  
521 Swimming Committee (LSC), as the administrative arm of USA Swimming, is authorized to issue the sanction  
522 or approval for all swimming competition and benefits, exhibitions, clinics and entertainment involving  
523 competitive swimming within its geographical boundaries. Additional requirements/conditions for sanction or  
524 approval, other than those listed in 202.2, 202.3 and 202.4, may be established by a majority vote of the LSC  
525 House of Delegates. Sanction is not required for closed competition which is restricted to members of a single  
526 Group Member of USA Swimming, although it may be issued by the LSC upon proper application.  
527  
528

R-22	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 529  
530 **Location:** Page 68 Article 207.4 USA Swimming Junior national Championships  
531  
532 **Proposed by:** Senior Development Committee  
533  
534 **Purpose:** To update language in the rulebook to reflect the addition of the short course yards Junior  
535 National Championships, to be held the week after the Nationals in December.  
536  
537 **Recommendation:** *The Rules & Regulations Committee recommends approval*  
538  
539 **207.4 USA SWIMMING JUNIOR NATIONAL CHAMPIONSHIPS** – The USA Swimming Junior National  
540 Championships ~~meet~~ shall be governed and conducted by Program Operations.  
541  
542 .1 The Junior National Championships will be swum long course during the summer season and short course

543 during the winter season. The dates and place of competition will be determined by the Senior  
544 Development Committee. The meets should be scheduled to be held after the summer National  
545 Championships/U.S. Open and after the winter National Championships respectively.  
546  
547

R-23 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
<b>This item is withdrawn unless there is objection from the House of Delegates.</b>						

548  
549 **Location:** Page 57 Article 202.4 Requirements for Approval

550  
551 **Proposed by:** Rules and Regulations Committee

552  
553 **Purpose:** To close a loophole being used as a membership dodge.

554  
555 **202.4 REQUIREMENTS FOR APPROVAL** – Approval of competition may be issued, withheld or withdrawn by an  
556 LSC in accordance with the following regulations:

557 .1 Approvals may be issued to ~~either USA Swimming member clubs and LSCs or~~ non-member clubs or  
558 organizations for meets conducted in accordance with USA Swimming technical rules. LSCs may issue  
559 approvals to USA Swimming member clubs/LSCs for closed competitions only. LSCs may issue approvals  
560 to member clubs/LSCs for other competitions only with the approval of the USA Swimming Board of  
561 Directors or its designee.  
562  
563

R- 24 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
<b>Subject to 90% approval.</b>						

564  
565 **Location:** Page 61 Article 203 Representation

566  
567 **Proposed by:** Rules & Regulations Committee

568  
569 **Purpose:** To clarify closed competition as it relates to representation

570  
571 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
572

573 **203.3** For a swimmer to represent a USA Swimming club in a competitive event, one hundred twenty (120)  
574 consecutive days must have elapsed without the swimmer having represented any other USA Swimming club in  
575 USA Swimming competition. This 120-day rule does not apply to representation in closed competition even if it  
576 is sanctioned or approved by the LSC.  
577  
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R-25 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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579  
580 **Location:** Page 65 205.7 (New) Zone Senior Program

581  
582 **Proposed by:** Senior Development Committee

583  
584 **Purpose:** To modify language in the rulebook to allow zones to offer a Zone Senior Championships  
585 each summer.  
586

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

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**(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 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 74 Article 207.12.9 Administrative Conduct of USA Swimming Championships Scoring

**Proposed by:** Senior Development Committee

**Purpose:** To provide a scoring method when 10 lanes are used for National Championships.

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

**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 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 74 Article 207.13 Awards

**Proposed by:** Senior Development Committee

**Purpose:** To provide medals to all 10 “A” finalists when the meet is held in a 10-lane pool.

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

**207.13 AWARDS**

- .2 Individual and Relay Awards

628  
629  
630  
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632

633 A Medals shall be awarded to all place winners in the A (championship) final and  
634 to the top eight (8) place winners in timed final events of any USA Swimming championship.  
635 When 10 lanes are used at a USA Swimming championship, the top ten (10) place winners in  
636 timed final events will receive medals.  
637  
638

R-28 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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639  
640 **Location:** Page 74 Article 207.13 Awards  
641  
642 **Proposed by:** Ellaine Cox, Awards Committee Chair  
643 John Wilson, Vice President of Administration  
644  
645 **Purpose:** In 1981 the AAU transferred to United States Swimming, Inc. securities that constituted the  
646 direct funding of the Robert J. Kiphuth Award. The Kiphuth Award is the men's and  
647 women's high point award that is presented at our National Championships. These awards  
648 are a gold medal with the likeness of Mr. Kiphuth which is then attached to a silver tray.  
649 The Robert J. Kiphuth Award is not currently named in our Rulebook and the fear is that  
650 over time we might forget that it is a named award and that it has been funded.  
651 The Conoco Phillips Performance of the Meet Award has been presented at our National  
652 Championships for as long as Phillips has been a supporter of USA Swimming. Again we  
653 don't want an award to be lost just because it isn't in the rule book.  
654  
655  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*

**Effective Date: Immediately**

## 207.13 AWARDS

### .2 Individual and Relay Awards

656  
657  
658  
659  
660  
661 A Medals shall be awarded to all place winners in the A (championship) final and to the top eight (8) place  
662 winners in timed final events of any USA Swimming National championship.  
663  
664 B First-place medal to be awarded to the 18 & under swimmer placing highest in each individual event at  
665 each USA Swimming National Championship. If no 18-and-under swimmer scores in the A, B, or C  
666 finals, the highest placing 18-and-under swimmer from preliminaries will be recognized as the National  
667 18-and-under Champion for that event.  
668  
669 C In each USA Swimming National Championship meet ~~a championship gold medal and/or appropriate~~  
670 ~~award~~ the Robert J. Kiphuth High Point Award shall be awarded to the man and woman swimmer  
671 scoring the greatest number of points in individual events.  
672  
673 D The Conoco Phillips Performance of the Meet Award shall be presented at each USA Swimming  
674 National Championship. The recipient of this award shall be chosen by representatives of the media who  
675 are present at the meet.  
676

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R-29	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 80 Appendix 2-B

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**Proposed by:** Suzanne Heath, Times & Recognition Committee Chair

682

683

**Purpose:** Clarification

684

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

#### APPENDIX 2-B

##### 2007-2008 National Age Group Recognition Times

**These times are the 10<sup>th</sup> fastest time in each single age group from the previous year.**

*Note: next year the dates will become 2008-2009 and charts will be updated. The National Age Group Motivational Times will be updated as well and will be for the years 2008-2012.*

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R-30	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 90 Article 304 Code of Conduct

688

689

**Proposed by:** Governance Committee

690

691

**Purpose:** To extend the sexual misconduct provisions to include all members and not just athletes.

692

693

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

694

695

#### TO BE EFFECTIVE UPON PASSAGE

696

697

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

698

699

.5 Any sexual conduct, ~~or~~ advance or other inappropriate sexually oriented behavior or action directed towards an athlete by (i) a coach ~~member~~, (ii) a non-athlete member, ~~official, trainer~~ or (iii) 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.

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R-31	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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710

**Location:** Page 90 Article 304 Code of Conduct

711

712

**Proposed by:** Governance Committee and LSC Development Committee

713  
714 **Purpose:** To reinforce the message, that recruiting, other than that which is general in nature is an  
715 action which may result in a board of review. At times it appears LSCs are reluctant to  
716 enforce the Code of Conduct with respect to perceived or real recruiting violations.  
717 Although individuals may make the contact, the responsibility is also with the club. Adding  
718 the language reinforces the message as well as educating the national House of Delegates.

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

719  
720 **304.3** The following shall be considered violations of the USA Swimming Code of Conduct:

721  
722 .13 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or  
723 employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an  
724 athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a  
725 member of a USA Swimming member swim club to ~~compete for or become a member of the swim~~  
726 leave that club with which the acting party is affiliated, unless the acting party receives prior written  
727 approval to recruit or encourage the athlete to change affiliation from the ~~coach of designated club~~  
728 representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the  
729 athlete, the athlete's parent or authorized representative. General advertising includes any information  
730 that is:

731  
732 A Distributed to an identifiable general population where there is a reasonable expectation that the  
733 majority of that population are not current members of USA Swimming, or

734  
735 B Placed in or on any item that is sold.

736  
737 In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer,  
738 volunteer, representative or employee of a swim club, or against any such club, or any combination  
739 thereof, as appropriate.

740  
741

R-32	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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742  
743 **Location:** **Page 90 Article 304 Code of Conduct**

744  
745 **Proposed by:** Governance Committee

746  
747 **Purpose:** To include all provisions of the Code of Conduct

748  
749 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

750 **304.3** The following shall be considered violations of the USA Swimming Code of Conduct:

751  
752 .1-14 *no change*

753  
754 .15 Any other act, conduct or omission not provided for in ~~304.3.1 through 304.3.11~~ above, which is  
755 detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.

756

757

R-33	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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758

759

**Location:** Page 90 Article 304 Code of Conduct

760

761

**Proposed by:** Governance Committee

762

763

**Purpose:** To elaborate on the behavior which is detrimental to the sport of swimming.

764

**Recommendation:** *The Rules & Regulations Committee has referred this item back to committee.*

765

766

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

767

768

.1-.14 *no change*

769

770

.15 Any other act, conduct or omission not provided for in 304.3.1 through 304.3.11 above, which is detrimental in any material respect to the image or reputation of USA Swimming, a LSC or the sport of swimming.

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R-34	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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775

776

**Location:** Page 90 Article 304 Code of Conduct  
Page 93 Article 403 Jurisdiction

777

778

779

**Proposed by:** USA Swimming Board of Directors

780

781

**Purpose:** To establish prohibitions for photographing, video taping and making other audio visual recordings during certain USA Swimming designated meets and events for commercial purposes.

782

783

784

**Recommendation:** *The Rules & Regulations Committee has referred this item back to the Board of Directors.*

785

**TO BE EFFECTIVE UPON PASSAGE.**

786

787

788

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

789

790

.11(new) Photographing, video taping and making other audio/visual recordings during certain USA Swimming designated meets and events for commercial non-personal use, and broadcasting, publishing and disseminating the product for any and all commercial purposes;

791

792

793

*Renumber existing Articles*

794

795

796

ARTICLE 403  
JURISDICTION

797

798

799

**403.1 JURISDICTION OF THE LSC** - In matters involving ..... Articles 304.3.14~~2~~ through 304.3.15~~6~~ inclusive ..... Articles 407 hereof.

800

801

802

**403.2 Jurisdiction of USA Swimming**

803  
804 **.1 Original and Exclusive Jurisdiction** – The national Board of Review has original and exclusive  
805 jurisdiction to hear:

806  
807 C Any complaint under Articles 304.3.1 through 304.3.10~~1~~ .....USA Swimming; or  
808  
809

R-35	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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810  
811 **Location:** Page 102 502.2 Group Membership  
812

813 **Proposed by:** Club Development Committee with support of LSC Development Committee  
814

815 **Purpose:** Club Development believes that club board members should be USA Swimming members  
816 as a good governance and good business practice. The legislation would ensure that board  
817 members are subject to the Code of Conduct and are covered by USA Swimming insurance.  
818

819 **Recommendation:** *The Rules & Regulations Committee makes no recommendation, believing this requirement*  
820 *to be unenforceable.*  
821

822 **502.2 Group Membership**

823  
824 .1 Club Membership

825  
826 A-B *no change*

827  
828 C All members of USA Swimming Club Boards of Directors, except those clubs owned by institutions  
829 such as the YMCA and universities, must hold an USA Swimming individual membership pursuant to  
830 the provisions of this Article.  
831  
832

R-36	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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833  
834 **Location:** Page 102 502.2 Group Membership and 502.3 Individual Membership  
835

836 **Proposed by:** Michael Lawrence on behalf of the LSC Bylaws Task Force  
837

838 **Purpose:** To clarify that LSCs may not add additional requirements for membership beyond those  
839 described in Article 502.  
840

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

842 **502.2 Group Membership**

843 .1 Club Membership

844 A Club membership is for a calendar year. A club applying for membership on or after September 1 will  
845 receive membership valid through December 31 of the following year.

846 B An LSC may provide for a seasonal club membership for the period established by the LSC pursuant to  
847 Article 302.2.3. Seasonal clubs may not compete at or above the Zone Championship level.

- 848 C An LSC shall not impose additional requirements for Club Membership.  
849 .2 Organizational Membership  
850 A The Board of Directors may establish classes of organizational membership.  
851 B Any organization which is interested in competitive swimming, on either the national, state, or local  
852 level, may join USA Swimming.

853 **502.3 Individual Membership**

- 854 .1 Any individual may join USA Swimming as a member.  
855 .2 Athlete members who register with an LSC and USA Swimming are eligible for swimming competition. An  
856 athlete member shall not be registered in more than one LSC simultaneously.  
857 .3 Non-athlete membership consists of three classes: individual, family, and life.  
858 .4 Each class of membership (except life membership, seasonal membership and single-meet open water  
859 membership) is for a calendar year period. Individuals applying for calendar year membership on or after  
860 September 1 will receive membership credentials through the following year.  
861 .5 An LSC shall not impose additional requirements for Individual Membership.  
862  
863

R-37 ACTION:      Adopted    Defeated    Adopted/Amended    Tabled    Postponed    Pulled
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864 **Location:**                      **Page 102    502.4 Privileges and Responsibilities of Membership**

865  
866 **Proposed by:**                  Julie Bare, Rules & Regulations Committee

867  
868 **Purpose:**                          To clarify that all coaches must satisfy membership requirements, not just club coaches.  
869  
870

871 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
872

873 **502.4 Privileges and Responsibilities of Membership**

- 874 .1 *No Change*  
875 .2 *No Change*  
876 .3 ~~All Anyone who coaches athletes at a USA Swimming practice or competition coaches of USA Swimming~~  
877 ~~clubs, including seasonal clubs, shall must be join USA Swimming as a coach members of USA~~  
878 ~~Swimming and shall must have~~ satisfactorily completed safety training and background screening required  
879 by USA Swimming.  
880 .4 *No Change*  
881 .5 ~~Anyone All coaches of USA Swimming clubs, including seasonal clubs,~~ who registers for the first time as  
882 a coach member, shall complete coaches education required by USA Swimming prior to receiving ~~their~~  
883 his/her coach membership for the second year.

884 *No further change*  
885  
886

R-38	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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887  
888 **Location:** **Page 110 Article 506.5 Investment Committee**  
889  
890 **Proposed by:** Jim Wood, President. USA Swimming  
891  
892 **Purpose:** To permit the President to appoint a representative to serve on the Investment Committee in  
893 the place and stead of the President.  
894  
**Recommendation:** *The Rules & Regulations Committee recommends approval.*  
895  
**506.5 Investment Committee**  
896  
897  
898 .1 There shall be an Investment Committee of five (5) persons. Two (2) of the members shall be the  
899 President, or the President's duly appointed representative, and Treasurer.  
900  
901 *No further change.*  
902

R-39	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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903  
904 **Location:** **Page 115 509 LSC Reporting Requirements**  
905  
906 **Proposed by:** LSC Development Committee  
907  
908 **Purpose:** The 2009-2012 quadrennial business plan for USA Swimming includes increasing the  
909 effectiveness of LSCs. This requires an evaluation currently being developed by the LSC  
910 Development Committee in order to meet this goal.  
911  
912 **Recommendation:** *The Rules & Regulations Committee has postponed action on this item until the LSC*  
913 *evaluation is ready.*  
914  
915 **509.4 Evaluation Requirements** During each Olympic Quadrennial, every LSC shall complete the USA  
916 Swimming LSC Evaluation as outlined in the Policies and Procedures Manual.  
917  
918

R-40	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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919  
920 **Location:** **Page 137 Article 702.1 The Course**  
921 **Page 138 Article 703 Records**  
922 **Page 160 American Long Distance Swimming Records**  
923  
924 **Proposed by:** Dale Petranec. Middle Atlantic  
925  
926 **Purpose:** The Quarter-mile Straightaway (Four Mile) Championship and 26 Mile Marathon have not  
927 been contested for a number of years, and should be eliminated from the rules and records  
928 section of the Rule Book as they are now obsolete.  
929  
930 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

931 **702.1 THE COURSE**

932 ~~.4 Quarter mile (440 yards) straightaway shall be delineated by a cable with floats stretched between~~  
933 ~~two stationary pylons or platforms fixed in the water. The distance between the anchoring points~~  
934 ~~shall be plus or minus six inches, measured from the outer edge of the turning point with a~~  
935 ~~minimum of five meters between the turning point and any obstruction.~~

936  
937 **703.1** Because of differences in courses, currents and other physical factors, records for open water events are  
938 not maintained ~~except in the four mile event swum on a quarter mile straightaway course~~. For long distance  
939 events swum in a pool, records are maintained as U. S. Open Records.

940  
941 **703.2** Open Water and Long Distance U.S. Open individual and team records for men and women may only  
942 be achieved in a sanctioned or approved event and will be maintained as indicated below:

- 943
- 944 .1 Time/Distance Events:
  - 945 A One-Hour Swim (25 Yard Pool)
  - 946 B 12 and 24-Hour Swim (50M Pool)
- 947 .2 Set Distances:
  - 948 ~~A Four Miles (Quarter mile open water straightaway course) renumber remaining from B-E to A-D~~
  - 949 A Five-Mile increments (5,10, 15 miles etc., ~~including the official marathon distance of 26 miles 385~~  
950 ~~yards~~) (25 yard Pool).
  - 951 B Five kilometer increments (5,10, 15....50....100 Kilometers) (50 meter pool)
  - 952 C Age Group 1000-2000-3000 Yard (25 yard pool)
  - 953 D Senior – 5000 Yard (25 yard pool)

954 AMERICAN LONG DISTANCE SWIMMING RECORDS

955 EVENT

- 956 ~~Qtr Mile Straightaway~~
- 957 ~~(Four Mile)~~
- 958 ~~Marathon~~
- 959 ~~26 Miles 385 Yds.~~

960 TEAM EVENTS

- 961 ~~Qtr Mile Straightaway~~
- 962 ~~(3 x Four Miles)~~

R-41 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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966  
967 **Location:** LSC Model Bylaws Article 610.3 Board of Review Organization

968  
969 **Proposed by:** John Leonard, member of Olympic International Operations Committee

970  
971 **Purpose:** Very often the subject matter of a Board of Review is sensitive in nature. It is not that  
972 someone over or under the age of 18 years is more or less likely to disclose privileged  
973 information. The problem lies in who can be held responsible for their actions. The  
974 disclosure can cause irreparable damage to an individual’s reputation, standing, or  
975 employment. Anyone under the age of majority cannot be held responsible for such  
976 actions. The rights of the parties involved need to be protected as well. The age limitation  
977 must be a standard for coaches, officials, athletes and volunteers.

978  
979 **Recommendation:** *The Rules & Regulations Committee has referred this item back to the maker.*  
980

981 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -

982 C Eligibility - Each *regular and alternate* member of the Board of Review shall be a Individual Member of  
983 XXSI and USA Swimming. All members of a Board of Review must be at least 18 years of age. In no  
984 case shall elected members of the Board of Directors constitute a majority of the Board of Review.

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## HOUSEKEEPING ITEMS

HK-1 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 46 Article 104.2 USA Swimming Records

**Proposed by:** Suzanne Heath, Times & Recognition Committee Chair

**Purpose:** Top 16 has been replaced with the Age Group Recognition Program; miscellaneous housekeeping.

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

997  
998  
999

### 104.2 USA SWIMMING RECORDS

1000 .1 General Requirements and Conditions for Records

1001  
1002

A-G *no change*

1003 H (1) – (2) *no change*

1004 (3) Record attempts against time are not acceptable for ~~16 Best Times~~ NAG Recognition  
1005 Times or age group records.

1006 .2 *No change*

1007 .3 National Age Group Records

1008 A *No change*

1009 B **Reporting** – When a listed Age Group record is bettered, an official Age Group Record  
1010 Application Form (provided by Headquarters to the LSC and posted on the USA Swimming web  
1011 site) shall be filled out, signed by the designated officials, and ~~mailed~~ transmitted within thirty  
1012 (30) days. The athlete or the athlete’s representative shall be responsible for initiating the record  
1013 validation and reporting procedures established by the Vice President of Program Operations or  
1014 designee.  
1015

HK-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1016  
1017 **Location:** Page 114 507.2 Meetings  
1018  
1019 **Proposed by:** Julie Bare, Rules & Regulations Committee  
1020  
1021 **Purpose:** To delete obsolete language.  
1022  
1023 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
1024  
1025 **507.2 Meetings**  
1026 .1 -.6 No change  
1027 .7 Meetings of the divisions listed in Article 507.1.1 shall be held in conjunction with the annual meeting of  
1028 the House of Delegates and at such other times as the vice presidents of the respective divisions  
1029 determine. The notice of provisions of Article 507.2.3 are applicable to meetings of the divisions.  
1030 ~~Members of the House of Delegates shall be deemed to be members of any Operations Committee,~~  
1031 ~~except the Olympic International Operations Committee.~~  
1032 *No further change*

HK-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1034  
1035 **Location:** Page 114 507.2 Meetings  
1036  
1037 **Proposed by:** Julie Bare, Rules & Regulations Committee  
1038  
1039 **Purpose:** Housekeeping.  
1040  
1041 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
1042  
1043 507.2 Meetings  
1044 .1 - .8 No change  
1045 .9 Resolutions of a legislative nature presented to the House of Delegates shall be subject to the same process  
1046 as set forth for Amendments in Article ~~510~~ 511.  
1047  
1048

HK-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1049  
1050 **Location:** Page 138 Article 703 Records  
1051 Page 160 American Long Distance Swimming Records  
1052  
1053 **Proposed by:** Jay Thomas, Rules and Regulations Committee  
1054  
1055 **Purpose:** To emphasize that procedures regarding Open Water Championships are included in Article  
1056 207; Part 7 includes only those items that are additional or different from those listed  
1057 elsewhere in the Rule Book.

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

**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.

**USA SWIMMING RULES & REGULATIONS COMMITTEE**

**PROPOSED AMENDMENTS TO  
2008 USA SWIMMING RULES & REGULATIONS**

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

TF-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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**Location:** Page 93 Part Four Hearings and Appeals

**Proposed by:** John Morse, on behalf of the LSC Bylaws Task Force

**Purpose:** All LSC Boards of Review should be operating under uniform rules and procedures. Since the LSC Bylaws are not readily available to every member, it is suggested that this important section be taken out of the LSC Bylaws and placed into the mainstream by locating it in the Rule Book. Such placement also safeguards against an LSC inadvertently amending these required provisions and thus operating illegally for a period of time until such illegal amendment is discovered after litigation brings it to everyone’s attention. Changes other than relocations from the LSC Bylaws are intended to reflect current practice.

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

Shaded items indicate they were relocated from the LSC Model Bylaws.

**RULE  
BOOK**

**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.

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**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.

~~**402.12 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.

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

81 **404.1 LSC BOARD OF REVIEW** - The LSC Board of Review shall have the following power and authority: set forth in  
82 the Bylaws of the LSC and the USA Swimming Rules and Regulations.

83 .1 (from 610.3 of LSC Bylaws) **Remedies and Penalties** - The LSC Board of Review, after conducting such hearings as it  
84 may determine to be necessary or helpful, may, among other remedies, with regard to a party named in the Notice of  
85 Hearing and Petition:

- 86 A dismiss the ~~Protest~~ Petition with or without permission to refile;
- 87 B censure or fine a party;
- 88 C establish a period of probation, with or without conditions;
- 89 D prohibit or mandate future actions, inaction or conduct;
- 90 E determine the results of, or require a rerun of, any election held by the LSC or any constituent element thereof;
- 91 F vacate, modify, sustain, reverse, remand or stay any decision or order of: the House of Delegates, Board of Directors,  
92 officer, division or committee, or coordinator of the LSC, or a smaller panel of the LSC Board of Review;
- 93 G with the exception of the technical rules (Part One), interpret any provision of (i) the rules and regulations of USA  
94 Swimming (to the extent not pre-empted by FINA or USA Swimming Rules and Regulations)~~(except for Part~~  
95 ~~One)~~; (ii) the USA Swimming Code of ~~Ethics-Conduct~~, the Required LSC Bylaws, other policies, rules, regulations  
96 and procedures of USA Swimming or the LSC; and (iii) the Amateur Sports Act of 1978, the Ted Stevens Olympic  
97 and Amateur Sports Act of 1998, and other applicable laws, rules and regulations; as well as adjudicate alleged  
98 inconsistencies and claims of supremacy and invalidity with respect to the foregoing;
- 99 H deny, grant, suspend or restore the eligibility or right to compete of an athlete member of the LSC and USA  
100 Swimming;
- 101 I deny, grant, suspend or restore membership in the LSC and USA Swimming for a definite or indefinite period of  
102 time, with or without terms of probation, or expel any Group Member or Individual Member of the LSC and USA  
103 Swimming, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board  
104 Member, House of Delegates representative of a Group Member, coordinator, chairman or member of any committee  
105 or sub-committee;
- 106 J prohibit for a definite or indefinite period of time the participation by a Participating Non-Member ~~non member~~  
107 ~~volunteer or any other person in any capacity whatsoever~~ in the affairs or activities of USA Swimming, the LSC, its  
108 Group Members or other LSCs and their Group Members;
- 109 K assess costs, including any filing fee and attorneys' fees and expenses, to the prevailing party or refund any filing fee  
110 paid by the prevailing party (except as otherwise set forth below);
- 111 L issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the  
112 Board; and
- 113 M assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the  
114 circumstances.

115 .2 (from 610.3 of LSC Bylaws) **Preliminary Hearing and Temporary Orders** - In appropriate cases, the LSC Board of  
116 Review, after an initial investigation and/or a preliminary hearing, may make in its discretion temporary orders for the  
117 good of the sport of swimming. The temporary order may encompass any remedy or order permissible in a final decision  
118 and may include, by way of example, suspending membership, granting the right to participate or coach in a competition,  
119 permitting an athlete to compete subject to protest, or offering or ordering the parties to attempt to resolve their  
120 differences pursuant to mediation or other alternative dispute resolution mechanisms prior to any hearing before the LSC  
121 Board of Review. These orders may be made effective pending full hearings by the LSC Board of Review or the  
122 conclusion of administrative or judicial proceedings of other bodies addressing the same or similar issues or on other  
123 terms as determined by the LSC Board of Review.

124 .3 (from 610.3 of LSC Bylaws) **Grounds for Imposition** The LSC Board of Review may fashion remedies and orders and  
125 impose penalties with respect to any Group or Individual Member of the LSC, Participating Non-Member ~~non member~~  
126 ~~volunteer~~ of residing within the LSC, ~~or of a Group Member, or any other person attending or participating in LSC~~

127 activities or affairs, (1) who has violated any of the regulations, rules, policies or procedures of the LSC, USA Swimming  
128 or FINA, including any of the responsibilities of membership set forth in the Required LSC Bylaws, (2) who aids, abets,  
129 instigates or encourages another to violate any of such regulations, rules or policies, (3) who is responsible for any such  
130 violation by another, or (4) who has acted in a manner which has brought, or may bring, into disrepute the LSC, USA  
131 Swimming or the sport of swimming.

132 **404.2 The National Board of Review** - The National Board of Review shall have the following power and authority:

- 133 .1 Impose and enforce penalties for any violation of the rules and regulations, administrative or technical, of USA  
134 Swimming;
- 135 .2 Determine the eligibility and right to compete of any athlete;
- 136 .3 Vacate, modify, sustain, reverse or stay any decision or order properly submitted on appeal, or remand the matter for  
137 further action;
- 138 .4 Investigate any election impropriety or cause for removal of a national officer or national committee member and take  
139 corrective action;
- 140 .5 Interpret any provision of the rules and regulations of USA Swimming with the exception of the technical rules (Part  
141 One);
- 142 .6 Review any revocation, suspension, reinstatement of membership or challenge the granting or denial of membership; and
- 143 .7 Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the Board; and  
144 and.
- 145 ~~.8 Reinstatement any athlete to amateur status. (Note: This relates only to USA Swimming domestic competition and NOT  
146 international competition. It must be read in light of current FINA rules on re-qualification.)~~

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

150 **405.1 FILING COMPLAINTS** – All complaints within the exclusive jurisdiction of the National Board of Review ~~under as~~  
151 ~~set out in Article Sections~~ 403.2.1A through D above shall set forth the allegations and be filed with the Executive Director  
152 of USA Swimming, who shall promptly initiate an investigation of the matter as set forth below.

153 **405.2 INVESTIGATION OF COMPLAINTS**

- 154 .1 In those matters occurring during the course of an international meet the Olympic International Operations Committee  
155 Coordinator or his/her designee shall make the investigation and report;
- 156 .2 In those matters occurring during the course of a national or regional event the Vice President of Program Operations or  
157 his/her designee shall make the investigation and report;
- 158 .3 In those matters involving an alleged violation of Article 304.3.10 by a coach, a committee of three coaches appointed by  
159 the President of USA Swimming shall make the investigation and report;
- 160 .4 In all other matters the Executive Director or his/her designee shall make the investigation and report.

161 **405.3 DISPOSITION OF INVESTIGATION** - After the initial investigation is completed, the President of USA  
162 Swimming may decide to either (i) cause further investigation into the alleged violations to be conducted; (ii) seek to mediate  
163 the complaint; or (iii) take interim action as set forth below. Either the President or ~~Chairman~~ of the National Board of  
164 Review may then decide to assign the matter to the National Board of Review for hearing or jointly decide to dismiss the  
165 complaint.

166 **405.4 EMERGENCY HEARING** - After the initial investigation, ~~depending on the severity of the alleged misconduct,~~ the  
167 President or the Chair of the National Board of Review may order an emergency hearing before the National Board of  
168 Review to determine if the member should be suspended pending the outcome of a full hearing before the National Board of  
169 Review. If an emergency hearing is ordered, the National Board of Review shall conduct the hearing and publish its results  
170 within twenty-one (21) days. Until such time as the National Board of Review makes a decision all proceedings shall be  
171 confidential and not subject to disclosure to anyone other than the parties to the review and witnesses.

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

**406.1 FILING COMPLAINTS**

1. *(from 610.6 of LSC Bylaws)* **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 (from 610.5 of LSC Bylaws) 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.

221 **406.3 (from 610.5 of LSC Bylaws) REHEARINGS**

222 **.1 Circumstances Permitting; Rehearing Body** - At the request of the Petitioner(s), the Respondent(s) or any other real  
223 party in interest, any matter which was decided by a Board of Review panel consisting of less than seven (7) members,  
224 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  
225 panel of at least seven (7) members designated by the Chair in his/her discretion, at least two (2) members of which must  
226 be athlete members). Members of the initial hearing panel may be members of the rehearing panel.

227 **.2 Right to a Rehearing; Discretion of Chair** - A rehearing shall be granted as a matter of right in instances in which the  
228 original panel consisted of less than ~~seven~~ six (6) members and the decision was not unanimous, and in the discretion of  
229 the Chair in all other instances.

230 **.3 Time within which a Rehearing may be Requested** - The Petitioner(s), Respondent(s) or other real party in interest may  
231 request, within ~~ten (10) Business Days~~ fourteen (14) days of the date of receipt of the initial written decision, that the  
232 decision of a LSC Board of Review panel be reheard by the full LSC Board of Review.

233 **.4 Failure to Request a Rehearing** - A person may not appeal a decision of a Board of Review panel ~~of less than six (6)~~  
234 ~~members~~ without first making a timely request for a rehearing.

235 **.5 Decision of Chair on Request; Notice of Rehearing**

236 A Discretionary Rehearings - With respect to requests for a rehearing that are discretionary, the Chair, in the same  
237 manner in which decisions are rendered, shall either grant or deny the request within ~~ten (10) Business Days~~ fourteen  
238 (14) days of his/her receipt of the request.

239 B Non-Discretionary Rehearings - With respect to requests for a rehearing that are as a matter of right, the Chair, within  
240 ~~ten (10) Business Days~~ fourteen (14) days of his/her receipt of the request, shall schedule a rehearing.

241 C Rehearing Notice; Affect of Inaction - The Chair shall notify all parties to the initial hearing of the rehearing, its time  
242 and date and the method by which the rehearing will be conducted. If the Chair does not take action within ~~ten (10)~~  
243 ~~Business Days~~ fourteen (14) days of his/her receipt of the request, the decision of the panel shall be considered final  
244 and any of the parties may appeal the decision to the National Board of Review.

245 **.6 De Novo or On the Record Hearing** - In the discretion of the Chair or the Presiding Officer, the panel may conduct an  
246 entirely new hearing on the merits or may make its decision based on the record created by the initial panel, supplemented  
247 by whatever written briefs or oral argument is scheduled by the Chair or the Presiding Officer. The record shall include  
248 the Petition, the Notice of Hearing, the Response, the Reply, any temporary orders or partial decisions made and the  
249 Decision, together with any additional briefs and written evidence filed by the parties. To the extent applicable, the  
250 procedures for a formal hearing shall apply to a rehearing.

251 **406.4 (from 610.6 of LSC Bylaws) HEARING PROCEDURES** - The procedures to be followed in connection with all  
252 hearings of the LSC Board of Review shall be as follows:

253 **.1 Formal Hearing**

254 A Notice of Hearing.- Each Respondent(s) shall be given a written Notice of Hearing in accordance with the form  
255 attached to the Required LSC Bylaws, as amended from time to time by the Chair of the National Board of Review.  
256 The Notice of Hearing shall be sent to each Respondent's last known address by reputable overnight delivery service.  
257 If the Respondent(s) is the LSC or an officer, Board Member, committee or sub-committee chairman or coordinator,  
258 or an official, the Notice of Hearing shall be also given to the General Chair and the Secretary at the LSC's office, if  
259 any. The Notice of Hearing shall be given as soon as practical following the conclusion of any preliminary  
260 investigation made by or on behalf of the LSC Board of Review, but in no event later than ~~fourteen (14) Business~~  
261 ~~Days~~ twenty (20) days after the receipt of the Petition by the Chair.

262 The form of Notice of Hearing shall include:

263 (1) a statement in reasonable detail of the charges against each Respondent, or of the circumstances that are  
264 believed to require answers, explanation or clarification. A copy of the Petition received by the LSC Board of  
265 Review, if any, shall be attached to the Notice of Hearing;

266 (2) a statement that the Respondent(s) has the right to have counsel of his/her own choice to represent him/her, at  
267 his/her own expense, at any hearing;

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

- 270 (4) a date, time and location at which the hearing will be held. The date of the hearing shall be not less than  
271 thirty (30) days nor more than sixty (60) days after the date of transmission of the Notice;
- 272 (5) a request that each Respondent answer in writing all of the charges set forth in the Notice of Hearing. The  
273 Notice of Hearing shall state that this Response is to be delivered at least ~~ten (10) Business Days~~ fourteen  
274 (14) days prior to the date of the hearing, to the Presiding Officer designated in the Notice, at the specified  
275 address, with a copy to the Petitioner(s) and its/their counsel, if any, and anyone else specified in the Notice  
276 of Hearing at the addresses designated; and
- 277 (6) a statement of the right of ~~appellate review appeal~~ (including the right, if any, to a rehearing) in the event the  
278 decision is rendered against the Respondent(s).
- 279 B Response by Respondent(s) - Each Respondent's Response to the Notice and Petition shall be in writing and  
280 delivered to the Presiding Officer designated in the Notice of Hearing, at least ~~ten (10) Business Days~~ fourteen (14)  
281 days prior to the date of the hearing, with a copy delivered to the Petitioner(s) and his/her counsel and anyone else  
282 specified in the Notice of Hearing at the addresses designated in the Notice.
- 283 C ~~Rebuttal Reply~~ by Petitioner(s) - The Petitioner(s) may, but is not required to, offer a rebuttal to each Respondent's  
284 Response. Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the Notice of  
285 Hearing, at least ~~five (5) Business Days~~ seven (7) days prior to the date of the hearing, with copies to each  
286 Respondent and his/her counsel and to anyone else specified in the Notice of Hearing at the addresses designated in  
287 the Notice.
- 288 D Conduct of Hearing
- 289 (1) Generally. Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities  
290 of traditional courtroom procedures. The Presiding Officer is responsible for keeping the parties and their  
291 counsel, if any, focused on the issues at hand and the necessary elements of proof and for enforcing the rule  
292 that no one may speak who has not been recognized by the Presiding Officer. For hearings conducted other  
293 than entirely through the receipt of written statements, the LSC Board of Review shall cause a credible  
294 recording or transcription to be made of the hearing. No record of the deliberations of the LSC Board of  
295 Review need be kept and, if kept, shall not be available to anyone other than the members of the LSC Board  
296 of Review, the Presiding Officer and counsel to the LSC Board of Review.
- 297 (2) Absence of a Party. The hearing may proceed in the absence of any party who fails to be available at the  
298 appointed time and judgment shall not be reached merely because of that person's absence. If the Presiding  
299 Officer determines that in the interests of justice and the sport of swimming the hearing cannot proceed  
300 without the absent party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the  
301 absent party can be present. Any subsequent absence may be taken into account by the LSC Board of Review  
302 in reaching its decision.
- 303 (3) Sequence. The hearing shall be opened by the recording of the place, time and date of the hearing and the  
304 presence of the members of the LSC Board of Review, the parties, counsel, if any, and any other witnesses or  
305 observers. Each party (Petitioner(s) first, Respondent(s) second) may then present a brief opening statement  
306 setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the  
307 presentation of evidence. The Petitioner's claims, evidence and witnesses shall be presented. The  
308 Respondent(s)'s defenses, claims, evidence and witnesses shall then be presented. In the discretion of the  
309 Presiding Officer, the Petitioner(s) may then be allowed to rebut any testimony or evidence presented by the  
310 Respondent(s) after the Respondent(s)'s initial presentation. In the discretion of the Presiding Officer, the  
311 Respondent(s) may be permitted to rebut any testimony or evidence presented by the Petitioner(s) during the  
312 Petitioner's rebuttal presentation. Finally, each party (in the same order) shall be entitled to make a brief  
313 summation of that party's case.
- 314 (4) Rules of Evidence; Witnesses' Testimony. The rules of evidence governing the hearing are set forth in  
315 Section 406.2.6 above. Each witness may present testimony initially either in the form of questions and  
316 answers between the witness and counsel or in uninterrupted narrative. The Presiding Officer and the  
317 members of the LSC Board of Review may question any person at any time during the hearing. Thus, for  
318 example, in an exercise of discretion, the Presiding Officer could call a witness who has not yet been called or  
319 whom no party intended to call and propound questions to, or elicit narrative testimony from, that witness.  
320 Witnesses shall be subject to cross examination by the other party and to questioning by the Presiding Officer  
321 and members of the LSC Board of Review. All parties will be expected to be available for questioning by the  
322 LSC Board of Review, whether or not they may have given other testimony at the hearing.

323 (5) Oath. All witnesses shall be sworn using an oath substantially as follows: "I swear or affirm that the  
324 evidence I provide shall be the truth, the whole truth and nothing but the truth." A material violation of this  
325 oath may be considered a violation of Section 304.3.11 of the Code of Conduct as "dishonesty in connection  
326 with any USA Swimming-related activity."

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

335 E Decision of LSC Board of Review - The decision of the LSC Board of Review may be rendered at the time of the  
336 hearing and, if not so rendered, as soon as possible thereafter and in no event more than ~~ten (10) Business Days~~  
337 fourteen (14) days after the conclusion of the hearing. The decision shall include findings of facts and a statement of  
338 remedies ordered or penalties imposed, if any, and a statement setting forth the rights of the parties to appeal the  
339 decision. The decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing  
340 promptly, and delivered to the Petitioner(s), Respondent(s), their respective counsel, any other party to the  
341 proceeding, and the General Chair and the Secretary of the LSC, ~~the Chair of the National Board of Review and the~~  
342 ~~General Counsel of USA Swimming in accordance with Section 0.~~

## 343 .2 Emergency Hearing

344 A Reasons for Emergency Hearing - When compliance with the formal hearing procedures would be likely not to  
345 produce a sufficiently early decision to provide justice to the affected parties or to be in the best interest of the sport  
346 of swimming, the LSC Board of Review is authorized to summarily hear and decide any matter relating to a  
347 scheduled competition or other matter of similar urgency.

348 B Notice of Emergency Hearing - Each Respondent shall be given notice of such an emergency hearing as time and  
349 circumstances may reasonably dictate. The notice may be oral or in writing, and shall substantially comply with the  
350 notice requirements set forth in these rules as the emergent nature of the issue permits.

351 C Conduct of Emergency Hearing - The hearing may be conducted at any location likely to contribute to expeditious  
352 resolution of the Petition, including the site of a swimming competition, but in any event under such circumstances  
353 so as to fairly protect the right of procedural due process of the Respondent(s) and confidentiality of the process.  
354 All or some of the participants in the hearing may participate by telephone conference equipment. If at least three  
355 (3) regular or alternate members of the LSC Board of Review are not available due to time constraints, the Chair of  
356 the LSC Board of Review and the General Chair, or their respective designees, are each authorized to appoint one  
357 or more Individual Members to serve as the LSC Board of Review solely for the purpose of conducting this  
358 emergency hearing. The hearing shall substantially comply with the hearing procedures set forth above insofar as  
359 the emergent nature of the hearing permits. No hearing may be conducted without the presence of an athlete  
360 member.

361 D Decision of LSC Board of Review - The decision of the LSC Board of Review shall be rendered at the time of the  
362 hearing or as soon as possible thereafter in keeping with the emergent circumstances. The decision shall include  
363 findings of facts and a statement of remedies ordered, if any, and a statement of the right to request a subsequent  
364 formal hearing. The decision shall be in writing, or in case of a decision rendered orally at the hearing, reduced to  
365 writing within ~~ten (10) Business Days~~ fourteen (14) days thereafter and delivered to the Petitioner(s), the  
366 Respondent(s), their counsel, any other real party in interest to the proceeding, the Chair of the LSC Board of  
367 Review, and the General Chair and the Secretary of the LSC, ~~the Chair of the National Board of Review and the~~  
368 ~~General Counsel of USA Swimming in accordance with Section 0.~~

369 E Right to a Subsequent Formal Hearing - If either the Petitioner(s) or the Respondent(s) shall deliver to the Chair of  
370 the LSC Board of Review a written request for a further hearing within ~~ten (10) Business Days~~ fourteen (14) days of  
371 the date of receipt of the written decision resulting from the emergency hearing, a formal hearing shall be held as a  
372 new proceeding in accordance with this section, as though the emergency hearing had not taken place. Failure to  
373 make this request in a timely manner shall preclude the aggrieved party from making any further appeal.

- 374 .3 **Stay of Decision Pending Appeal** - The LSC Board of Review shall have the authority and discretion, but not the duty, to  
375 stay its decision, in whole or in part, subject to specified conditions, during the time allowed to demand a further hearing  
376 after an emergency hearing, a rehearing or to appeal to the National Board of Review, with the decision going into effect  
377 automatically if those conditions occur or if no demand or appeal is filed during the allowable period or at such time as a  
378 perfected appeal is terminated without the decision being modified by the appellate authority.
- 379 .4 **Extensions of Time** - The time within which the Notice of Hearing must be transmitted may not be extended without the  
380 consent of the Petitioner(s) or the USA Swimming General Counsel.
- 381 .5 **Method of Delivery** - The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-  
382 prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications  
383 may be by electronic mail or other means, as directed by the Chair of the LSC Board of Review.
- 384 .6 **Severability** - Nothing in these Rules is intended to override applicable state corporation law. In the event the  
385 corporation laws of the state of incorporation of any LSC specifically prohibit conduct herein required, the LSC may so  
386 notify the Chair of the Rules Committee and may request a waiver, review or modification of any rule or provision herein.  
387 In the event that any provision of these Rules is rendered impermissible or illegal by a court of competent jurisdiction,  
388 that provision and all remaining provisions shall, where possible, remain in full force and effect in all locations outside the  
389 subject matter jurisdiction of the court rendering such opinion.

## 390 **ARTICLE 407**

### 391 **NATIONAL BOARD OF REVIEW HEARINGS AND PROCEDURES**

392 **407.1 PETITION** - Matters under the original jurisdiction of the National Board of Review shall be instituted by a written  
393 complaint (the "Petition") served upon the Executive Director. An investigation of the matter ~~will~~ shall be conducted in  
394 accordance with Article 405. If the results of the investigation warrant referring the case to a National Board of Review, the  
395 Executive Director shall send a copy of the ~~written complaint~~ Petition together with the results of the investigation to the  
396 ~~Chairman~~ of the National Board of Review.

397 **407.2 NOTICE OF HEARING** - The ~~Chairman will~~ shall set a hearing date, which shall be not less than ~~fifty (50)~~ forty-  
398 five (45) nor more than ~~seventy five (75)~~ sixty (60) ~~calendar~~ days from the date of mailing issuance of the Notice of Hearing.  
399 The Notice of Hearing ~~will~~ shall include the following:

- 400 .1 The name of the Respondent(s);
- 401 .2 A ~~written~~ statement of charges, which ~~will~~ shall be set forth in sufficient detail to give the Respondent(s) ~~sufficient~~  
402 reasonable notice of the charges and the facts supporting the charges;
- 403 .3 The name of the Petitioner(s);
- 404 .4 The date the Response is due;
- 405 .5 The date, time and place (or the fact that the hearing shall be conducted by conference call) of the hearing;
- 406 .6 The names of the members of the National Board of Review panel;
- 407 .7 The possible penalties;
- 408 .8 The right of appeal and the time limit to file for an appeal; and
- 409 .9 Any other general information, including the right to be represented by counsel, to have witnesses testify, and to  
410 submit any and all evidence which is relevant to the issues.

411 **407.3 RESPONSE** - The ~~Chairman will~~ shall ~~mail~~ deliver the Notice of Hearing, together with a copy of the ~~written~~  
412 ~~Complaint~~ Petition received by the Executive Director to the Respondent(s) and a copy of the Notice of Hearing to the  
413 Petitioner(s) ~~parties~~. The Respondent(s) shall have thirty (30) ~~calendar~~ days from the date of mailing issuance to submit a  
414 written Response to the charges. The Response shall be mailed delivered to the ~~Chairman~~, the Executive Director of USA  
415 Swimming (or his/her designee) and the Petitioner(s) or its counsel.

416 **407.4 REPLY** - The Petitioner(s) shall have ten (10) ~~calendar~~ days from the date of mailing delivery of the Response to  
417 submit a written Reply. The Reply shall be mailed delivered to the ~~Chairman~~, the Executive Director of USA Swimming (or  
418 his/her designee) and the Respondent(s).

419 **407.5 TIME LIMITS** - Upon showing of good cause, the Chairman may decrease or increase the time limits for any of  
420 the foregoing.

421 **407.6 HEARING**

422 .1 For hearings conducted other than through the receipt of written statements, the National Board of Review shall  
423 cause a recording or transcription to be made of the proceedings.

424 .2 The hearing may proceed in the absence of any party who fails to be available at the appointed time and judgment  
425 shall not be reached merely because of the person's absence. If the National Board of Review determines that the  
426 hearing cannot proceed without the absent party, the National Board of Review may adjourn the hearing and  
427 reschedule it for such time as the absent party can be present.

428 .3 The hearing shall be opened by the recording of the place, time and date of the hearing, and the presence of the  
429 National Board of Review panel members, parties, counsel, if any, and any other witnesses or observers.

430 .4 Each party may then present an opening statement setting forth generally the party's view of the issues in dispute, the  
431 relief sought and what they hope to prove by the presentation of evidence.

432 .5 Petitioner(s) may then present his/her claims, proofs, and witnesses, who shall be subject to cross-examination by the  
433 other party. Respondent(s) may then present his/her claims, proofs, and witnesses, who shall also be subject to cross-  
434 examination by the other party.

435 .6 Petitioner(s) may then be allowed an opportunity to rebut any testimony or evidence presented by the Respondent(s)  
436 after the Respondent's presentation.

437 .7 The National Board of Review panel may question any person at any time. The National Board of Review panel has  
438 the discretion to vary these procedures, but shall afford all parties a full and equal opportunity to present any material  
439 or relevant ~~proofs~~ evidence.

440 .8 Upon the request of either party or the determination of the National Board of Review panel, the hearing may be  
441 closed or the witnesses sequestered.

442 **407.7 DECISION** - A decision may be rendered by the National Board of Review panel at the time of the hearing and  
443 reduced to writing within ~~five (5) days~~ three (3) business days in which event a written decision ~~will~~ shall be ~~mailed~~  
444 delivered to the parties within ~~five (5) business days~~ seven (7) days after the hearing. Otherwise, the National Board of  
445 Review panel shall reach a decision as soon as administratively practicable (but not more than twenty-one (21) fifteen (15)  
446 business days after the conclusion of the hearing) and shall ~~mail~~ deliver the written decision within ~~five (5) business days~~  
447 seven (7) days thereafter. The written decision shall set forth the right of appeal.

448 **407.8 STAY** - The National Board of Review shall have the authority to stay the enforcement of its decision during the  
449 time allowed for appeal, with the decision going into effect automatically if no appeal is perfected during the allowable  
450 period.

451 **407.9 DELIVERY** - ~~All mailing shall be by (a) United States certified mail, postage prepaid, return receipt requested or~~  
452 ~~(b) overnight express delivery. The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-~~  
453 prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications  
454 may be by electronic mail or other means, as directed by the Chair of the National Board of Review.

455

456

**ARTICLE 407 408**

457

**APPEAL FROM**

458

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

459 **4078.1 PROCEDURE**

460 .1 Every appeal to the National Board of Review shall be instituted by a Petition served upon the Executive Director, as  
461 well as the other party(ies) to the LSC Board of Review proceeding and shall be accompanied by a \$250 non-refundable  
462 filing fee payable to USA Swimming. The Petition on appeal shall set forth the grounds for appeal, citing factual and  
463 legal issues in as much detail as possible.

- 464 .2 The Executive Director shall send a copy of the Petition on appeal to the ~~Respondent and Chairman~~ of the National  
 465 Board of Review immediately upon receipt. The ~~Appellee(s) Respondent~~ shall within ~~thirty (30)~~ days following receipt  
 466 of the Petition file a written Response. ~~with the Executive Director, the Petitioner Appellant and the Chairman.~~ The  
 467 ~~Petitioner Appellant~~ may within ~~ten (10)~~ days following receipt of a copy of the Response file a written Reply. The  
 468 ~~written~~ Response and the ~~written~~ Reply shall be filed with the Executive Director, the opposing party(ies) and the  
 469 ~~Chairman~~. The ~~Chairman~~ may decrease or increase the time limits for any of the foregoing upon request of either party  
 470 and if circumstances should warrant it.
- 471 .3 A final and binding decision shall be rendered as soon as administratively practicable (not more than ~~fifteen (15)~~  
 472 ~~business days~~ twenty-one (21) days) after the final hearing by a majority of the ~~acting~~ hearing panel based on the record  
 473 submitted on appeal and on evidence submitted at such hearing as may be required by the panel. A written decision shall  
 474 be sent to all parties. The National Board of Review may, ~~in cases where USA Swimming is not a party,~~ assess costs  
 475 against any party other than USA Swimming.
- 476 .4 Petitions once reviewed and decided shall not be reopened for consideration by the National Board of Review, except by  
 477 direction of the Board of Directors of USA Swimming, or upon showing of sufficient cause to the ~~Chairman~~ of the  
 478 National Board of Review.
- 479 .5 The President and the ~~Chairman~~ of the National Board of Review shall each have the power and authority, acting alone,  
 480 to deny or reject an appeal when, in their respective judgment, the appeal is without merit or was not filed by a real party  
 481 in interest, or lacks the necessary specificity for proper review.
- 482 .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  
 483 the National Board of Review shall ~~at~~ in its discretion order a *de novo* hearing. In the event the National Board of  
 484 Review orders a *de novo* hearing, the hearing procedure shall be as set forth in Article 407.

485 **ARTICLE ~~408~~ 409**

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

487 **408.1 PROCEDURE**

- 488 .1 Any real party in interest, including any officer of the Corporation or the Executive Director, may appeal any decision of  
 489 the National Board of Review as follows:
- 490 A Matters heard by the National Board of Review pursuant to its original jurisdiction, heard *de novo* or heard pursuant to  
 491 its discretionary jurisdiction, may be appealed to the Board of Directors within thirty (30) days of the date of the  
 492 mailing issuing of its written decision.
- 493 B Matters heard by the National Board of Review on appeal from an LSC Board of Review, other than any matter  
 494 included in 409.1.1 A, shall be heard only upon the granting of a petition from a real party in interest. Unless a  
 495 majority of the President, General Counsel and the Athlete's Vice President (or their respective designees) shall  
 496 determine, based upon the record below, that an appeal ~~will~~ shall have sufficient merit and be of such general  
 497 application as to justify an appeal to the Board of Directors, the petition shall be denied and the matter shall be final,  
 498 with no further appeal allowed.
- 499 .2 The Petition on appeal is to be served upon the Executive Director, as well as the other party(ies) to the National Board  
 500 of Review proceeding and shall be accompanied by a \$250 filing fee payable to USA Swimming.
- 501 .3 The Petition shall set forth the grounds for appeal, including both factual and legal allegations of error in any earlier  
 502 proceeding.
- 503 .4 Unless the Board of Directors by majority vote decides otherwise, the review by the Board of Directors shall be on the  
 504 basis of the record and written briefs and shall not be a *de novo* hearing. The ~~Board of Directors, or its authorized~~  
 505 ~~representative,~~ General Counsel may establish a hearing panel consisting of at least five (5) members (all of whom must  
 506 be members of the Board of Directors) to hear any appeal, including appeals conducted as *de novo* hearings. The decision  
 507 of the hearing panel shall be final with the same force and effect as if the full Board of Directors heard the matter.
- 508 .5 USA Swimming Board of Directors may, ~~in cases where USA Swimming is not a party,~~ assess fees and costs against the  
 509 losing party.

510 **ARTICLE ~~409~~ 410**

511 **FULL FAITH AND CREDIT**

512 ~~409.1410.1~~ (from 610.7 of LSC Bylaws) **DECISION FINAL** - Except as otherwise provided in Article Nine of the  
513 Constitution of the United States Olympic Committee and in Chapter Nine of its bylaws with respect to binding arbitration  
514 in disputes involving the rights of certain individuals to participate in competition, the final decision of the LSC Board of  
515 Review shall be final in all cases, subject to the right of appeal to the National Board of Review as provided herein.

516 ~~409.2410.2~~ (from 610.8 of LSC Bylaws) **ENFORCEMENT** - Final decisions rendered by ~~any~~ the LSC Board of Review  
517 and the National Board of Review shall, when applicable, be recognized and fully enforced in all other LSCs of USA  
518 Swimming.

## 519 **ARTICLE 410 411**

### 520 **STANDARDS OF CONDUCT FOR MEMBERS OF NATIONAL BOARDS** 521 **OF REVIEW AND APPELLATE BODIES**

522 **4101.1 STANDARDS OF CONDUCT** – Members (the “Review Members”) of LSC and National Board of Review panels  
523 and the Board of Directors appeals panels (~~collectively~~ respectively, the “Review Members Board”) shall:

- 524 .1 Uphold the integrity and independence of the respective Review Board National Board of Review or Appellate Body;  
525 .2 Avoid any impropriety or the appearance of impropriety in connection with service as a Review Member and  
526 swimming-related activities generally; and  
527 .3 Perform the duties of a Review Member impartially and diligently.

528 **4101.2 GROUNDS FOR RECUSAL** – Review Members shall recuse themselves from participating in any matter pending  
529 before ~~the National Board of Review or Board of Directors~~ their respective Review Board:

- 530 .1 In which their impartiality might reasonably be questioned;  
531 .2 Where they have a personal bias or prejudice concerning a party in the pending matter or have personal knowledge of  
532 disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Review Member or  
533 known generally to a substantial portion of the membership of the LSC or USA Swimming);  
534 .3 Where they or a member of their family are a party or are likely to be a material witness in the pending matter;  
535 .4 Where they or a member of their family have an interest that could be substantially affected by the outcome of the  
536 proceeding; or  
537 .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  
538 law firm that served or is serving as counsel in the pending matter.

539 **4101.3 RECUSAL BY MEMBER** – Review Members shall recuse themselves as soon as they become aware of facts that  
540 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  
541 in the case of the Chairman of the National Board of Review or Board of Directors appeal panel members, to the General  
542 Counsel, as applicable.

543 **4101.4 RECUSAL/DISQUALIFICATION REQUESTED BY PARTY** – By written notice to the ~~Presiding Officer Chair~~  
544 of the respective Review Board panel or the National Board of Review Chairman to the General Counsel, in the case of  
545 Board of Director appeal panel members (respectively, the “Review Board Chair”) any party may request that a Review  
546 Member recuse himself/herself or be disqualified from serving on the pending matter stating the reasons for recusal or  
547 disqualification with specificity. Such notice shall be given at least ~~ten (10) Business Days~~ fourteen (14) days prior to the  
548 scheduled date of the hearing on such matter or, if the party sustains the burden of proving good cause for the lateness of the  
549 notice, as soon as reasonably possible after discovery of the reason for the need for recusal. The named Review Member shall  
550 reach a decision on the matter and notify the ~~National Board of Review Board Chairman or the General Counsel~~ of that  
551 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  
552 of recusal, then the Review Board Chairman or the General Counsel may, if appropriate, disqualify the member from  
553 participating in the pending matter. If there is no disqualification, the hearing shall be conducted as scheduled and, ~~if it is a~~  
554 ~~hearing before the National Board of Review unless it is a hearing before the Board of Directors,~~ the party giving the notice  
555 may appeal the disqualification decision, together with the hearing decision, pursuant to Articles 408 and 409.

556 **41015 SUBSTITUTION FOR RECUSED OR DISQUALIFIED MEMBER** – In the event of a recusal or a  
557 disqualification, a substitute Review Member shall be appointed in the same manner as the original Review Members were  
558 appointed.

559

560

TF-2 ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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561

562 **Location:** Page 123 Part Six Bylaws of the Local Swimming Committee

563

564 **Proposed by:** Arvydas Barzdukas, on behalf of the LSC Bylaws Task Force

565

566 **Purpose:** Much of the relevant text in the model LSC Bylaws is located in appendices that few are aware even  
567 exist, let alone read. The re-write strives to eliminate those appendices and re-locate the information to  
568 where more people will see it. The current proposal seeks to move some of that language into the Rule  
569 Book and reorganize Part Six.

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

570

571

<b>RULE BOOK</b>
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572

573

574

575

576

**PART SIX**

**BYLAWS**

**OF THE LOCAL SWIMMING COMMITTEE**

**LOCAL SWIMMING COMMITTEES, ZONES AND REGIONS**

**ARTICLE 601**

**GENERAL**

577 **601.1** *(from 701.1 of LSC Bylaws)* The Local Swimming Committee (LSC) is an administrative division of USA Swimming  
578 with certain governing and supervisory responsibilities within the geographic boundaries designated by USA Swimming.  
579 Each LSC shall have jurisdiction over the sport of swimming as delegated to it in ~~other Parts~~ of the USA Swimming Rules  
580 and Regulations to conduct swimming programs consistent with the policies and procedures of USA Swimming and to  
581 sanction, approve, observe, oversee and conduct on behalf of USA Swimming competitive swimming events within the LSC  
582 boundaries.

583 **601.2** *(relocated from Part 6 of Rules and Regulations)* ~~Note: It is intended that the Pursuant to the LSC shall continue to~~  
584 ~~have the status of USA Swimming under the provisions of an organization which is exempt from the federal income taxation~~  
585 ~~under the provisions of~~ Section 501(c)(3) of the U.S. Internal Revenue Code, LSCs are exempt from federal income taxation  
586 ~~and to which~~ contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under Sections  
587 170(c)(2), 2055(a)(2) and 2522(a)(2) ~~thereof~~, respectively.

588

**ARTICLE 602**

589

**LSC BYLAWS**

590 **602.1** *(relocated from Part 6 of Rules and Regulations)* ~~The~~ USA Swimming House of Delegates has approved and amended  
591 ~~a model set of~~ Required LSC Bylaws which each LSC, within the flexibility granted in ~~these~~ the Required LSC Bylaws, is  
592 required to adopt. ~~The~~ USA Swimming House of Delegates ~~retains its~~ shall retain the authority over these Required LSC  
593 Bylaws, including in accordance with Article 510 the right to amend in accordance with Article 511 of USA Swimming  
594 Rules and Regulations. Amendments to the Required LSC Bylaws by the USA Swimming House of Delegates are given  
595 automatic effect as of the effective date of legislation with respect to an LSC's Bylaws.

596 **602.2** *(relocated from Part 6 of Rules and Regulations)* ~~The model-~~ Required LSC Bylaws are available from the USA  
597 Swimming National Office and on the USA Swimming website. Bylaws of the individual LSCs are available directly from  
598 the LSC or the USA Swimming National Office.

599 **602.3** *(relocated from Part 6 of Rules and Regulations)* The LSC Bylaws shall be construed and all powers and activities of  
600 the LSC shall be limited accordingly to be consistent with the LSC legal status stated in Article 601. ~~Notwithstanding any~~  
601 ~~provision of these bylaws, the LSCs shall not carry on any activities not permitted to be carried on by an organization having~~  
602 ~~such status. If incorporated, the Articles of Incorporation of the LSC shall also effect the purposes of this clause.~~

603 **602.4** The LSC Bylaws shall conform to and include the requirements and shall comply with the laws of the jurisdiction  
604 within which the LSC is incorporated.

605 **602.5** See Article 509 for LSC financial reporting requirements.

606 **602.6** Current bylaws of each LSC shall be on file with the USA Swimming National Office.

607 **602.7** *(from 6201 of LSC Bylaws)* **USA Swimming Rules and Regulations Committee Jurisdiction Over LSC Bylaws -**  
608 This Article grants jurisdiction to the USA Swimming Rules and Regulations Committee relating to the Required LSC  
609 Bylaws.

610 **.1** *(from 6202 of LSC Bylaws)* **Jurisdiction of the Rules and Regulations Committee** - The USA Swimming Rules and  
611 Regulations Committee is authorized and directed to assume jurisdiction over (a) changes to the mandatory portions  
612 of the Required LSC Bylaws, (b) approval of the use of certain alternative provisions set forth in Required LSC  
613 Bylaws, (c) review and approval of all Bylaws adopted by the LSCs and (d) review and approval of all subsequent  
614 amendments to the Bylaws by an LSC and related matters. The USA Swimming Rules and Regulations Committee  
615 may adopt rules and procedures to govern the invocation and exercise of this jurisdiction which may be appropriate  
616 and helpful and in the best interests of the sport of swimming.

617 **.2** *(from 6204 and 6006 of LSC Bylaws)* **Request for Approval** - An LSC may request permission to change mandatory  
618 provisions of the Required LSC Bylaws or request an approval as required in Required LSC Bylaws in a written  
619 application conforming to the rules and procedures adopted by the USA Swimming Rules and Regulations  
620 Committee. The request shall be addressed to the Chair of the USA Swimming Rules and Regulations Committee.  
621 The approval power of the USA Swimming Rules and Regulations Committee over requested changes to mandatory  
622 parts of the Bylaws shall be applied generously where an LSC demonstrates a need for the changes.

623 **.3** *(from 6206 of LSC Bylaws)* **Action by Committee** - The changes may be approved or disapproved in their entirety, or  
624 the USA Swimming Rules and Regulations Committee may modify the requested change as appears to be in the best  
625 interests of swimming. The USA Swimming Rules and Regulations Committee may adopt reasonable rules and  
626 procedures regarding the form and content of the application for permission, its deliberations and decisions.

627 **.4** *(from 6207 of LSC Bylaws)* **Deadline for Decision** - The USA Swimming Rules and Regulations Committee shall  
628 make its determination within forty-five (45) days of receipt by its Chair of the request; failing which, the request  
629 shall be deemed to have been approved unless the Chair shall certify that more than ten approvals are pending at the  
630 end of that period.

631 **.5** *(from 6207 of LSC Bylaws)* **Appeal of Decisions** - An LSC may appeal a decision of any USA Swimming Rules and  
632 Regulations Subcommittee to the full Rules and Regulations Committee. An LSC may appeal a decision of the USA  
633 Swimming Rules and Regulations Committee to the USA Swimming Board of Directors.

634 **602.8** Amendments to the LSC Bylaws must be submitted to the USA Swimming Rules and Regulations Committee in  
635 accordance with this Article 602. Once the amendments have been approved, the LSC shall forward the amended Bylaws to  
636 the USA Swimming National Office.

637 **APPENDIX 6-A**

638 **LSC REGISTRATION CODES** *(Relocated to Article 603 of Rules and Regulations)*

639 **APPENDIX 6-B**

640 **ZONE ALIGNMENT** *(Relocated to Article 605 of Rules and Regulations)*

641 **APPENDIX 6-C**

642 **REGIONAL ALIGNMENT** *(Relocated to Article 606 of Rules and Regulations)*

643 **APPENDIX 6-D**

644 **ARTICLE 603**

645  
646

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

647 **603.1** *(from 701.2 of LSC Bylaws)* Each LSC shall include in its name the designation which appears below in boldfaced  
648 type followed by the word "Swimming" and the appropriate indicator of corporate status as set forth in the respective  
649 Articles/Certificate of Incorporation.

650 **603.2** *(from 701.2 and 701.3 of LSC Bylaws)* The geographical areas or boundaries for the Local Swimming Committees  
651 shall be as indicated below. The two letter Registration Codes are shown in parenthesis:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 689 **Maryland (MD)** - State of Maryland, except Montgomery and Prince George's counties.
- 690 **Metropolitan (MR)** - That portion of the State of New York State south of and including the counties of Sullivan, Orange  
691 and Dutchess.
- 692 **Michigan (MI)** - State of Michigan.
- 693 **Middle Atlantic (MA)** - The portion of the State of New Jersey south of Mercer and Monmouth counties; the State of  
694 Delaware; and that portion of the Commonwealth of Pennsylvania east of and including the counties of Potter, Clinton,  
695 Centre, Huntingdon and Bedford.
- 696 **Midwestern (MW)** - State of Nebraska, except the counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte,  
697 Morrill, Cheyenne, Sheridan, Garden and Deuel; and including the counties of Lyon, Osceola, Sioux, ~~O'Brien~~ O'Brien,  
698 Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Pottawattamie, Mills, Montgomery, Fremont  
699 and Page in the State of Iowa.
- 700 **Minnesota (MN)** - State of Minnesota, except for Polk and Pennington counties; and including the counties of St. Croix,  
701 Dunn and Pierce in the State of Wisconsin.
- 702 **Mississippi (MS)** - State of Mississippi.
- 703 **Missouri Valley (MV)** - In the State of Missouri, the counties west of and including Schuyler, Adair, Macon, Randolph,  
704 Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian and Taney; the State of Kansas;  
705 Texas County; in the State of Oklahoma; and Hansford County; in the State of Texas.
- 706 **Montana (MT)** - State of Montana, except Dawson and Wibaux counties.
- 707 **New England (NE)** - The states of New Hampshire, Vermont, Massachusetts and Rhode Island.
- 708 **New Jersey (NJ)** - That portion of the State of New Jersey north of and including Mercer and Monmouth counties.
- 709 **New Mexico (NM)** - State of New Mexico.
- 710 **Niagara (NI)** - That portion of the State of New York west of and including the counties of Oswego, Onondaga, Cortland  
711 and Broome.
- 712 **North Carolina (NC)** - State of North Carolina, except the counties of Pasquotank, Camden, and Currituck.
- 713 **North Dakota (ND)** - State of North Dakota, Dawson and Wibaux counties in the State of Montana, and Polk and  
714 Pennington counties in the State of Minnesota.
- 715 **North Texas (NT)** - That portion of the State of Texas east of the counties of Hardeman, Foard, Knox, Haskell, Jones,  
716 Callahan, Brown, Mills and Lampasas; and north of the counties of Bell, Milam, Robertson, Leon, Houston, Angelina,  
717 Nacogdoches and Shelby; and excluding Bowie County.
- 718 **Ohio (OH)** - State of Ohio, except the counties of Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga,  
719 Medina, Wayne, Summit, Lake, Geauga, Portage, Stark, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana,  
720 Jefferson, Belmont, Washington and Lawrence; and including the counties of Campbell, Kenton and Boone in the  
721 Commonwealth of Kentucky.
- 722 **Oklahoma (OK)** - State of Oklahoma, except Texas County.
- 723 **Oregon (OR)** - State of Oregon, except for the counties of Malheur, Umatilla, Union, and Wallowa County; and in the State  
724 of Washington, the counties of Cowlitz, Clark, Skamania and the part of Klickitat west of Highway 97, excluding the City of  
725 Goldendale.
- 726 **Ozark (OZ)** - That portion of the State of Missouri east of and including the counties of Scotland, Knox, Shelby, Monroe,  
727 Ralls, Pike, Montgomery, Osage, Miller, Camden, Dallas, Webster, Douglas and Ozark; and the counties of Calhoun, Greene,  
728 Jersey, Madison, St. Clair, Monroe and Jackson in the State of Illinois.
- 729 **Pacific (PC)** - In the State of Nevada, the counties of Lyon, Douglas, Carson City, Storey, and the part of Washoe lying  
730 south of the northerly boundary of the Pyramid Lake Indian Reservation; and in the State of California, the counties of Del  
731 Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, Contra Costa, San Francisco, Alameda, San Mateo, Santa Clara,  
732 Santa Cruz, San Benito, Monterey, Tuolumne and Alpine, and the parts of: Solano and Sacramento counties south of  
733 Highway 12, including the communities of Vallejo and Benicia and excluding the communities of Fairfield, Suisun City and  
734 Rio Vista; San Joaquin County south and west of the line created by Highway 12 to Interstate 5 to Eight Mile Road to  
735 Highway 99 to Highway 4, including the City of Stockton; counties of Stanislaus and Calaveras counties south of Highway 4;

736 El Dorado County east of Highway 89; and the City of Bishop in Inyo County and the community of Mammoth Lakes in  
737 Mono County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

775 **West Texas (WT)** - That portion of the State of Texas bounded on the south by and including the counties of Reeves, Pecos,  
776 Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch and San Saba; on the west by the State of New Mexico and by  
777 and including Loving and Winkler counties; on the north by Hansford County and the State of Oklahoma; and on the east by  
778 the State of Oklahoma, and by and including the counties of Hardeman, Foard, Knox, Haskell, Jones, Callahan, Brown and  
779 Mills.

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

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

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

785 **APPENDIX 6-E**

786 **ARTICLE 604**

787 **LSC REDISTRICTING PROCEDURES**

788

789 **604.1 Change in LSC Club Affiliation by a Club Member.** ~~If a club wishes to change from one LSC to another LSC~~  
790 ~~which is contiguous and where no other club geographically intervenes, and if by two thirds (2/3) vote the House of~~  
791 ~~Delegates of each LSC approves, such transfer shall be effective ninety (90) days after receipt of written notice by the~~  
792 ~~national headquarters. Club approval of change in affiliation shall be a majority vote of its General Membership at a regular~~  
793 ~~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~~  
794 ~~change of a Member Club from one LSC to another LSC which is contiguous and where no other Member Club~~  
795 ~~geographically (as determined by the club's training facility location or mailing address) intervenes between the changing~~  
796 ~~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~~  
797 ~~shall be in accord with the rules of the Member Club and shall be duly certified by the Member Club's president and~~  
798 ~~secretary. Such transfer shall become effective 90 days after receipt of a written notice of approval from the Chair of the~~  
799 ~~Rules and Regulations Committee who shall notify USA Swimming National Office.~~

800 **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  
801 affiliate with a neighboring and contiguous LSC, and should the House of Delegates of each LSC by a two-thirds (2/3) vote  
802 of ~~the those members present and voting in a regular or special meeting of each, or by mail vote by a majority of those~~  
803 ~~members of each House of Delegates eligible to vote, approve the change, the change in territorial jurisdiction shall include~~  
804 ~~all Club Members in the contiguous clubs in the area and shall become effective at the commencement of the next~~  
805 ~~succeeding fiscal year of USA Swimming following that in which the Chair of the USA Swimming Rules and Regulations~~  
806 ~~Committee receives satisfactory evidence of the various votes required. Club Member approval of change in affiliation shall~~  
807 ~~be in accord with the rules of the Club Member and shall be a majority vote of its General Membership at a regular club~~  
808 ~~meeting or at a special meeting called for that purpose; the vote is to be duly certified by the club's Club Member's~~  
809 ~~president and secretary.~~

810 **604.3 Formation of a new LSC**

811 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  
812 independent LSC, and should the House of Delegates of the LSC, by a two-thirds (2/3) vote of ~~the those members~~  
813 ~~present and voting in a regular or special meeting or by mail vote by a majority of those members eligible to vote,~~  
814 approve the change, the proposed formation of the new LSC shall be submitted to the ~~Chairman~~ of the USA Swimming  
815 Rules and Regulations Committee. Such request must be received by the ~~Chairman~~ prior to April 1.

816 2 The USA Swimming Rules and Regulations Committee shall make a recommendation to the USA Swimming House  
817 of Delegates at the next annual meeting for its approval or disapproval. Should approval be granted, the formation of  
818 the new LSC shall become effective ~~at the commencement of the month following the meeting or October 1,~~  
819 ~~whichever is earlier, as of the first day of the fiscal year of the old LSC following such approval, unless an earlier date~~  
820 ~~is agreed to by the Board of Directors of the existing LSC. Club Member approval of the change in affiliation~~  
821 ~~creation of the new LSC shall be a majority vote of its General Membership at a regular club meeting or at a special~~  
822 ~~meeting called for that purpose; the vote is to be in accordance with the rules of the Club Member and shall be duly~~  
823 ~~certified by the Club Member's club's president and secretary. Should approval be granted, the formation of the new~~  
824 ~~LSC shall become effective at commencement of the next succeeding fiscal year of USA Swimming. The change shall~~  
825 include all clubs in the specified contiguous area.

826 3 At the time of the effective date the net assets of the existing old LSC (after payment of or provision for all debts)  
827 shall be divided with the new LSC in ratio proportion to the number of registered athletes ~~in within~~ each LSC ~~territory~~  
828 as of the August 31st closest to the effective date of the preceding calendar year.

829 4 During the period of time between ~~the date on which that when~~ the new LSC is approved by the USA Swimming House  
830 of Delegates and ~~January 1 of the following year~~ the effective date of the new LSC, the USA Swimming President shall  
831 promptly appoint a governing ad hoc committee of no ~~less fewer~~ than seven (7) members from among USA Swimming  
832 members of the new LSC, including one athlete and one coach, to be charged with the responsibility of (a) notifying all  
833 clubs within the new LSC to elect at least one delegate and an alternate to the new LSC House of Delegates; (b)  
834 scheduling and ~~noticing~~ notifying in writing about the place, date and time of a meeting of the new LSC House of

835 Delegates as soon as conveniently possible after ~~January 1~~ the effective date; (c) providing an agenda for the first  
836 meeting to permit the orderly election of officers and directors, adoption of Bylaws and appointment of committees and  
837 their respective chairmen; and (d) attending to such other matters as may be necessary to permit the new LSC to become  
838 a fully functioning administrative unit of USA Swimming.

839 ~~.4~~ ~~Change in Zone Affiliation.~~ *Text relocated to Article 605.4.*

840 ~~.5~~ ~~Change in Regional Alignment.~~ *Text relocated to Article 606.2.*

841 ~~.6~~ ~~Review.~~ *Text relocated to Article 607.*

842 **ARTICLE 605**  
843 **ZONES**

844 **605.1** For administrative purposes, the LSCs shall be combined into contiguous zones as follows:

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

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

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

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

853 **605.2** Zone Directors - See Article 504.2 for election of the Zone Directors.

854 **605.3** Zone Meet Administration - The Zone Age Group ~~Junior Olympic~~ Championship Meet shall be conducted and  
855 administered by the Zone ~~Championship Committee.~~ *(See USA Swimming Policies and Procedures for Zone Committee.)*

856 **605.4** Change in Zone Affiliation Alignment - If an LSC, by a two-thirds (2/3) vote of ~~those~~ the members present ~~and~~  
857 ~~voting~~ at a ~~regular or special~~ meeting of the LSC House of Delegates ~~or by mail vote of a majority of those members~~  
858 ~~eligible to vote,~~ approves a change moving the LSC from one Zone to another, and if both Zones approve of the change by  
859 a majority vote of the LSCs in each Zone, that change shall become effective at the close of the next USA Swimming  
860 annual meeting ~~unless that change is rejected by either of the two Zones involved at which the USA Swimming House of~~  
861 Delegates shall approve the change. Prior to the vote of the House of Delegates, the USA Swimming Rules and  
862 Regulations Committee shall make a recommendation as to approval or disapproval of the proposed change.

863 **ARTICLE 606**  
864 **REGIONAL ALIGNMENT COMPETITION**

865 **606.1** Regional Competition - In order to reduce ~~the~~ travel distances for athletes and to provide equitable quality  
866 competition the LSCs may make arrangements to compete on a regional basis, as follows:

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

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

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

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

871 **Region 5** — Hawaii

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

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

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

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

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

- 877 **Region 11**—North Dakota, South Dakota, Wyoming
- 878 **Region 12**—Inland Empire, Montana, Oregon, Pacific Northwest, Snake River
- 879 **Region 13**—Central California, Pacific, San Diego Imperial, Sierra Nevada, Southern California
- 880 **Region 14**—Alaska

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

886 **ARTICLE 607**  
 887 **APPEALS AND REVIEW**

888 ~~.6 **Review.** Should the House of Delegates of any LSC mentioned in subsections (1), (2), or (3), or any Zone mentioned in~~  
 889 ~~subsection (4), or a region mentioned in subsection (5), disapprove the proposed changes, the proponents must submit the~~  
 890 ~~matter to the Rules & Regulations Committee.~~

891 **607.1** *(from 702.2 of LSC Bylaws)* **Petition to the USA Swimming Rules and Regulations Committee**—Any House of  
 892 Delegates of any LSC or any member of USA Swimming may petition the USA Swimming Rules and Regulations  
 893 Committee with respect to any proposed changes referenced in Articles 604 and 605 above. Such appeal must be submitted  
 894 at least one hundred (100) days prior to the next regular or special meeting of the USA Swimming House of Delegates.

895 **607.2** *(from 702.2 of LSC Bylaws)* In any case in which an LSC House of Delegates or a Zone fails to approve or agree to a  
 896 requested change, the proponents of the change may petition the USA Swimming Rules and Regulations Committee to  
 897 investigate and determine whether the change should be allowed notwithstanding the failure of the LSC or Zone to approve.  
 898 Such appeal must be submitted at least one hundred (100) days prior to the next regular or special meeting of the USA  
 899 Swimming House of Delegates.

900 **607.2** Submission to the Committee shall be in writing; shall contain the name of the proponent(s), the name(s) of the  
 901 club(s) involved, a record of vote(s) taken at any level certified in writing by an appropriate officer; and shall contain a  
 902 summary of the rationale for the proposed change(s).

903 **607.3** The Rules and Regulations Committee shall ~~study~~ investigate the matter and hold a public hearing thereon at the time  
 904 of the next annual meeting of the USA Swimming House of Delegates. The Committee shall then make recommendations  
 905 to the House for its final determination.

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

TF-3T ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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908

909 **Location:** LSC Bylaws Template Title Page

910

911 **Proposed by:** Jamy Pfister, on behalf of the LSC Bylaws Task Force

912

913 **Purpose:** To create an introduction to the LSC Bylaws which will provide language that emphasizes these  
914 Bylaws are required for every LSC. References to Part 6 and Part 6-A, etc. are being deleted so as not  
915 to be confused with Part 6 of Rules and Regulations, henceforth referring to this document as  
916 "Required LSC Bylaws." This introduction also seeks to clarify procedures an LSC must follow when  
917 seeking to amend its Bylaws.

918  
919 This introduction was created using existing content from Article 6000 of the LSC Bylaws.

920  
921 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

922

923 \*\*

924 **LSC BYLAWS**  
925  
926 **TEMPLATE**  
927

924 **PART SIX**  
925 **BYLAWS, RULES AND REGULATIONS FOR**  
926 **THE LOCAL SWIMMING COMMITTEES**  
927 **PART SIX A**

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

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

932 \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\* \*\*\*\*

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

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

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

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

952 The references to a Policies and Procedures Manual in the Required LSC Bylaws do not and are not intended to require an LSC to  
953 create and maintain such a manual. However, USA Swimming recommends adopting and maintaining such a manual and

954 consequently suggests that an LSC not presently having a Policies and Procedures Manual leave the references in its Bylaws for  
955 future use.

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

959

TF-4T ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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960

961 **Location:** LSC Bylaws Template Part 6-A Meaning of Graphics Used in Part Six-A

962

963 **Proposed by:** Jamy Pfister on behalf of the LSC Bylaws Task Force

964

965 **Purpose:** Provide clarification of the graphics contained in the LSC Bylaws template. It will be inserted  
966 immediately following the text proposed in TF-3T.

967

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

969

<b>LSC BYLAWS</b>
<b>TEMPLATE</b>

970

971

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

973

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

979

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

982

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

985

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

991

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

995

996



*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.*

1031

1032 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -

1033 A Election - The House of Delegates shall ~~/annually/ or /biennially/~~ elect *regular and alternate*  
1034 members of the Board of Review: *Two regular and two alternate* members shall be elected in even-  
1035 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.*

1036

1037 B Term of Office - The term of office shall be ~~/two/ or /four/~~ years. Each member *and alternate member*  
1038 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".*

1039

1040 C Eligibility - Each *regular and alternate* member of the Board of Review shall be a Individual Member  
1041 of XXSI and USA Swimming. In no case shall elected members of the Board of Directors constitute a  
1042 majority of the Board of Review.

1043 .4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Board of Review (the "Chair"), who must be  
1044 a regular member, shall be elected ~~/annually/ or /biennially/~~ by a majority vote of the regular members of the  
1045 Board of Review. The Chair shall ~~/annually/ or /biennially/~~ appoint a Vice-Chair and a Secretary of the  
1046 Board of Review, each of whom must be regular members. The Chair may appoint a Presiding Officer, who  
1047 must be a regular member of the Board, to preside over one or more pending cases.

1048 .5 MEETINGS - The Board of Review shall meet for administrative purposes as necessary, at least once  
1049 ~~/annually/ or /biennially/~~ to elect the Chair, to adopt rules and procedures and to conduct other business as  
1050 may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties  
1051 and powers. Other meetings may be called by the Chair or any three *regular* members. When meeting for  
1052 administrative purposes, those provisions of Article 0 that are specified in Section 0 shall apply to the Board  
1053 of Review.

1054 .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Review may participate  
1055 in a meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part,  
1056 through conference telephone or similar equipment by means of which all persons participating in the meeting  
1057 can hear each other at the same time. Participation by these means shall constitute presence in person at such  
1058 a meeting or hearing.

1059 .7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of  
1060 its *regular* members, including athlete members. (The rule prescribed in Section 0 governs the quorum for  
1061 hearings and rehearings conducted by the Board of Review.)

1062 .8 RESIGNATIONS - Any *regular or alternate* member of the Board of Review may resign by orally advising the  
1063 Chair or by submitting a written resignation to the Chair, the General Chair or the Board of Directors

1064 specifying an effective date of the resignation. In the absence of a specified effective date, any such  
1065 resignation shall take effect upon the appointment or election of a successor.

1066 .9 INCAPACITIES AND VACANCIES - Determination of Vacancy or Incapacity -

1067 A ~~Office of Chair~~ In the event of a vacancy in the office of the Chair, a Presiding Officer of any panel or  
1068 other members of the Board of Review, the LSC shall have in place reasonable written and published  
1069 rules consistent with the laws of the state of incorporation of the LSC to determine when such  
1070 membership on the Board of Review becomes vacant or a Chair, Presiding Officer or member becomes  
1071 incapacitated. The determination as to when the Chair is temporarily incapacitated shall be made,  
1072 where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board  
1073 of Review, subject to any subsequent action of the House of Delegates, or of the Chair's temporary or  
1074 permanent incapacity, the Vice Chair shall become the Acting Chair until an election can be held at a  
1075 meeting of the Board of Review to fill the remaining term, if any, of the former Chair, or until the Chair  
1076 ceases to suffer from any temporary incapacity. If the Chair is going to be absent from the Territory,  
1077 the Chair may, but is not obligated to, designate the Vice Chair as Acting Chair for the duration of the  
1078 absence. *(remaining text in this section no longer necessary)*

1079 B ~~Presiding Officer~~ In the event of the death, resignation or permanent incapacity of a Presiding Officer,  
1080 the Chair shall appoint another member, an alternate member or an attorney to serve until the  
1081 completion of the hearings assigned to that Presiding Officer. Generally that event and appointment  
1082 should have no impact on those pending hearings or rehearings other than delay for the benefit of the  
1083 new Presiding Officer. The Chair or the new Presiding Officer may make such other orders as are in  
1084 the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a  
1085 Presiding Officer, the Chair shall have discretion regarding appointment of a new Presiding Officer, a  
1086 delay of the hearing or rehearing or such other order as may serve the interests of fairness, justice and  
1087 the sport of swimming.

1088 C ~~Other Members~~ In the event of a death, resignation or permanent incapacity of a member of the Board  
1089 of Review, ~~the Chair shall appoint an alternate member, or, failing that, the General Chair shall~~  
1090 ~~appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a~~  
1091 ~~Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the~~  
1092 ~~event of a temporary incapacity, the Chair shall designate another member or an alternate member to~~  
1093 ~~act for the incapacitated member for the duration of the incapacity. If there are no alternate members~~  
1094 ~~available to serve, the General Chair, with the advice and consent of the Board of Directors, shall~~  
1095 ~~appoint one or more Individual Members to serve as alternate members to serve until the next regularly~~  
1096 ~~scheduled meeting of the House of Delegates.~~

1097 D ~~Determination of Vacancy or Incapacity~~ The determination of when a membership on the Board of  
1098 Review becomes vacant or a member becomes incapacitated shall be within the discretion of the Board  
1099 of Review, subject to any subsequent action by the House of Delegates. The determination as to when  
1100 the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and  
1101 otherwise shall be within the discretion of the Board of Review, subject to any subsequent action by the  
1102 House of Delegates.

1103 .10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a Presiding Officer is  
1104 unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any  
1105 particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is  
1106 the Chair, the Vice-Chair; or failing that, the General Chair) shall appoint another *regular* member *or one of*  
1107 *the alternate members* or, if none of the *alternate or regular* members is available, a disinterested Individual  
1108 Member to act in the member's place and stead in respect of that circumstance.

1109 .11 ~~EXTENSIONS OF TIME~~ The time by which any act is required to be taken pursuant to this Article 0 may be  
1110 extended or foreshortened by the Chair, or the Presiding Officer for a particular hearing, for good cause. ~~(A~~  
1111 ~~single exception to this rule is provided in Section 0.)~~ A party's request for an extension of time prior to the  
1112 time established without regard to the requested extension will be accorded greater deference than a request  
1113 made later. The time, date and location of any hearing may be changed by the Chair or the Presiding Officer  
1114 for a particular hearing on his or her own initiative, as required by the interests of the Board of Review or in  
1115 the interests of justice. *(Extension of Time is now covered in Article 406.4 of Rules and Regulations.)*

1116 .121 ~~ADVICE; ATTORNEY AS PRESIDING OFFICER~~ -

- 1117 A Legal and Other Advice - Where appropriate or helpful, the Chair or Presiding Officer may consult the  
 1118 USA Swimming General Counsel, ~~any member of the USA Swimming Counsellors Committee~~, the  
 1119 Chairmen of the USA Swimming ~~Legislation~~, Rules or Officials Committees or of the Bylaws  
 1120 Subcommittee or an attorney (who need not be a member of XXSI, USA Swimming or the Board of  
 1121 Review) retained by the Board of Review or the Chair regarding any issue raised by a proceeding.
- 1122 B Attorney as Presiding Officer - The Board of Review or the Chair may retain an attorney (who need not  
 1123 be a member of XXSI, USA Swimming or the Board of Review) to act as Presiding Officer at any  
 1124 hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member  
 1125 may not participate in the deliberations of the Board of Review or the designated panel ~~but shall not be~~  
 1126 ~~counted in determining the existence of a quorum and shall not~~ or have a vote.
- 1127 C Attorney's Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees  
 1128 to the attorney (the payment of expenses to an attorney providing services at no charge (*pro bono*  
 1129 *publico*) shall not be considered as a payment of fees for this purpose), the Chair or the Presiding  
 1130 Officer shall consult with the General Chair and the USA Swimming General Counsel. The Treasurer  
 1131 is authorized and directed to pay any fee and expenses charged by the attorney and approved by the  
 1132 Chair.

1133 ~~13~~ (same content as Article 411 of Rules and Regulations)

1134 610.4.3 GENERAL JURISDICTION -

- 1135 .1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:
- 1136 A administer and conduct the affairs and achieve the purposes of the Board of Review,
- 1137 B establish policies, procedures and guidelines,
- 1138 C elect the Chair in accordance with Section 0,
- 1139 D elect or provide for the appointment of other officers, agents, committees or coordinators to hold office  
 1140 for terms, and to have the powers and duties, specified,
- 1141 E call regular or special meetings of the Board of Review,
- 1142 F retain attorneys, agents and independent contractors and employ those persons which the Board of  
 1143 Review may determine are appropriate, necessary or helpful in the administration and conduct of its  
 1144 affairs (see 610.2.11C) and
- 1145 G take such other action as may ~~otherwise~~ be appropriate, necessary or helpful in the administration and  
 1146 conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and  
 1147 powers.
- 1148 .2 RULE MAKING POWERS - The Board of Review shall have the power and the duty to promulgate reasonable  
 1149 rules and procedures consistent with the corporation laws of the state of incorporation of the LSC with respect  
 1150 to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of  
 1151 its affairs. ~~Such~~ The rules and procedures ~~adopted by the Board of Review~~ shall have the same force and  
 1152 effect as if they had been adopted as part of these Bylaws.
- 1153 ~~.3 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may investigate and conduct hearings, make~~  
 1154 ~~and publish decisions and orders with regard to any matter affecting XXSI, its status or conduct as a Local~~  
 1155 ~~Swimming Committee or the administration of the sport of swimming in the Territory which involves:~~
- 1156 A ~~XXSI and (1) a member or members of XXSI or (2) a member or members of another LSC solely with~~  
 1157 ~~respect to conduct or events occurring within the Territory or a combination of persons described in~~  
 1158 ~~clauses (1) and (2), or~~
- 1159 B ~~only a member or members of XXSI, or~~
- 1160 C ~~with respect to conduct or events occurring outside the Territory, (1) XXSI and a member or members~~  
 1161 ~~of XXSI or (2) only a member or members of XXSI.~~

1162 The jurisdiction of the Board of Review is limited in the case of matters described in sections 401.1, 403.1 and  
 1163 403.2.1 of the USA Swimming Rules and Regulations (with regard to the original and exclusive jurisdiction of the  
 1164 National Board of Review) and may be further limited to the extent provided in an order issued pursuant to section

1165 403.2.2 of the USA Swimming Rules and Regulations (pertaining to certain discretionary jurisdiction of the  
1166 National Board of Review).

1167 .43 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair or the Presiding  
1168 Officer, the exercise of the authority and powers of the Board of Review and the decision of matters which  
1169 are the subject of a hearing shall be decided by a majority vote of the panel, the rehearing panel or the *regular*  
1170 membership of the Board of Review. The views of any dissenters shall be included in the record of the  
1171 proceeding if requested by the dissenters. The exercise of the Board of Review's authority and power shall  
1172 ~~be lie~~ solely in its discretion and the interests of justice and the sport of swimming. However, the Board of  
1173 Review shall exercise its power in response to a timely Protest Petition filed with it, subject, in appropriate  
1174 circumstances, to the power and discretion of the Chair or Presiding Officer to dismiss a Protest Petition with  
1175 permission to refile for a stated period. In connection with any preliminary investigation, the Chair or  
1176 Presiding Officer may offer the services of a Board of Review member to act as a mediator or similar  
1177 positions under other alternative dispute resolution mechanisms.

1178 .54 TIMELINESS OF PROTEST PETITION - The Board of Review need not exercise its jurisdiction with respect to a  
1179 Protest Petition the subject matter of which occurred, or concerns or is founded on events which occurred,  
1180 more than ninety (90) days prior to the date the Protest Petition is received (as determined under Section 0), ~~or~~  
1181 ~~in the case of subject matter that relates to a conviction, or actions which could be the basis of a conviction,~~  
1182 ~~for a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse,~~  
1183 ~~violation of a law specifically designed to protect minors or similar offenses, more than five (5) years prior to~~  
1184 ~~that date.~~ A determination not to exercise its jurisdiction as a result of the untimeliness of a Protest Petition  
1185 may be made by the Chair alone and may be the subject of a request for rehearing and, thereafter, appeal to  
1186 the National Board of Review pursuant to Section 0.

1187 .6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of generally  
1188 applicable fees to be collected at the time a Protest Petition, Request for a Rehearing or Request for Formal  
1189 Hearing following an Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon  
1190 written request, the Board of Review determines it to be in the interest of justice and the sport of swimming,  
1191 the filing fee may be waived on a case-by-case basis.

1192 .7 *(moved to Article 404.1 of Rules and Regulations, except 610.4.7(D) which was deleted as redundant)*

1193 ~~610.5~~ *(moved to Article 406.2 of Rules and Regulations)*

1194 ~~610.6~~ *(moved to Article 406.4 of Rules and Regulations; )*

1195 ~~610.7~~ *(moved to Article 410.1 of Rules and Regulations)*

1196 ~~610.8~~ *(moved to Article 410.2 of Rules and Regulations)*

1197 ~~610.9~~ *(moved to Article 408.1 of Rules and Regulations)*

1198 ~~610.10 NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND DETERMINATIONS OF~~  
1199 ~~TIMELINESS~~

1200 .1 ~~NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF XXSI~~

1201 A ~~XXSI Members Generally~~ In each case, where notices or other hearing related documents are to be  
1202 delivered to a member of XXSI, it shall be sufficient to deliver the notice or other document to the  
1203 member's last known address in accordance with Section 0.

1204 B ~~Minors~~ In the case of notices directed to XXSI members less than eighteen (18) years of age on the  
1205 date of the alleged infraction (determined by reference to the member's latest registration application), a  
1206 second copy shall be sent by registered mail with delivery restricted to the child's parent or guardian at  
1207 the same address or such other address as can reasonably be ascertained.

1208 .2 *(moved to Article 406.5 of Rules and Regulations)*

1209 .3 ~~DETERMINATIONS OF TIMELINESS~~ The rules provided in Section 0 shall apply in the determination of the  
1210 timeliness of any notice or other action under this Article 0.

1211

TF-6T ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

1212  
1213 **Location:** LSC Bylaws Template Part 6-B Tables of Concordance  
1214  
1215 **Proposed by:** Michael Lawrence on behalf of the LSC Bylaws Task Force  
1216  
1217 **Purpose:** To sunset provisions that are no longer necessary.  
1218  
1219 **Recommendation:** *The Rules & Regulations Committee recommends approval.*

TABLE OF CONCORDANCE

TABLE TWO: NEW LSC BYLAWS TO FORMER LSC BYLAWS

1222 Delete this section in its entirety – should have been sun-setted years ago.

1224 *Renumber subsequent sections.*

LSC BYLAWS  
TEMPLATE

TF-7T ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

1226  
1227 **Location:** LSC Bylaws Template Part 6-C Legislation Pertaining to the Form of Bylaws  
1228  
1229 **Proposed by:** Jamy Pfister, on behalf of the LSC Bylaws Task Force  
1230  
1231 **Purpose:** To sunset provisions that are no longer necessary and relocate others to where the membership is more  
1232 likely to see them. Unless noted that an item is being moved, the item is being deleted as no longer  
1233 necessary.  
1234  
1235 **Recommendation:** *The Rules & Regulations Committee recommends approval.*  
1236

PART SIX C

LSC BYLAWS  
TEMPLATE

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

1244 6001 ~~AIDS TO THE STUDY AND ADOPTION OF THE LSC BYLAWS—Tables of Concordance between the new and former bylaws~~  
1245 ~~(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~~  
1246 ~~Bylaws. Within thirty (30) days of the date upon which this revised Part Six is adopted by the USA Swimming House~~  
1247 ~~of Delegates, each Local Swimming Committee (LSC) shall receive from USA Swimming national headquarters two~~  
1248 ~~printed copies of Parts Six and Seven, including the Bylaws and Appendices, and one copy of the same material on a~~  
1249 ~~3.5" IBM compatible diskette in Word Perfect (version 5.1) format. The font employed is Times New Roman.~~

1250 6002 *(moved to introduction of LSC Required Bylaws)*

1251 6003 *(moved to introduction of LSC Required Bylaws)*

1252 6004 *(moved to introduction of LSC Required Bylaws)*

1253 6005 *(moved to introduction of LSC Required Bylaws)*

1254 6006 *(moved to introduction of LSC Required Bylaws; remainder moved to 602.7.2 of the Rule Book)*

1255 6007 *(moved to introduction of LSC Required Bylaws)*

- 1256 6008 ~~SUBSTITUTIONS FOR THE TERM XXSI—The term "XXSI" must be changed to one of the following: the actual initials~~  
1257 ~~of the LSC (for example, "PSI" for Pacific Swimming, Inc. or "LESI" for Lake Erie Swimming, Inc.) or the full or~~  
1258 ~~partial name (for example "Ohio Swimming"). A corresponding change must be made to the definitions in Section 0~~  
1259 ~~in order to maintain their alphabetical order.~~
- 1260 6009 ~~ADOPTION OF BYLAWS BY LSCS—Prior to adopting the Bylaws, each LSC should consider its needs, the way in which~~  
1261 ~~it presently functions and areas in which change could improve the operation of its organization.—Then the~~  
1262 ~~consideration should be expanded to include the mandatory provisions of the Bylaws, each of the choices presented,~~  
1263 ~~the elective modifications to the Bylaws and any desired supplementary provisions to the Bylaws.—The adopted~~  
1264 ~~Bylaws shall reflect in writing the LSC's determination of each choice offered by the Bylaws subject to the guidelines,~~  
1265 ~~the applicable elective provisions, any permitted or approved variations and any additional provisions needed to make~~  
1266 ~~the Bylaws serve the needs of that LSC.—In addition, the LSC should check to see that its [Articles/Certificate] of~~  
1267 ~~Incorporation consistent with the Bylaws as they are to be adopted, particularly with regard to Articles 611 and 612.~~  
1268 ~~The adopted Bylaws shall reflect the elimination of all guidelines, braces, brackets and vertical lines and the~~  
1269 ~~conversion to regular type of italics in text included in the Bylaws.~~
- 1270 6010 ~~DEADLINE FOR ADOPTION BY LSCS—Each LSC shall adopt its version of the Bylaws no later than the last regularly~~  
1271 ~~scheduled LSC House of Delegates meeting which is after December 31, 1995 and before December 31, 1996 and~~  
1272 ~~submit the adopted Bylaws to the Chair of the USA Swimming Rules and Regulations Committee for review and~~  
1273 ~~approval. See Article 6200. If an LSC does not adopt the Bylaws within the time provided, the USA Swimming~~  
1274 ~~General Counsel shall impose upon the LSC the mandatory provisions of the Bylaws and such other provisions as may~~  
1275 ~~appear to be in the best interests of the LSC and the sport of swimming.~~
- 1276 6011 ~~DELAYED EFFECTIVE DATE PERMITTED—The LSC may adopt the Bylaws with an effective date later than the date of~~  
1277 ~~adoption, provided that such effective date shall not be later than the last date on which the LSC is permitted to adopt~~  
1278 ~~the Bylaws (see Section 0 above).~~
- 1279 6012 ~~TRANSITION PERIOD PROVISIONS—If the LSC adopts provisions that conflict with or eliminate positions, duties,~~  
1280 ~~responsibilities or terms of office of incumbent officers; other members of the Board of Directors; Athlete, Coach or~~  
1281 ~~Group Member Representatives; or committee chairmen or members or coordinators, such officers, Board Members,~~  
1282 ~~Representatives, chairmen or members or coordinators shall serve until the expiration of their terms, although they~~  
1283 ~~may assume new titles, duties and responsibilities where appropriate.—In adopting the Bylaws, the LSCs shall adopt~~  
1284 ~~appropriate transition provisions to align the incoming officers' terms of office with the expiration of the incumbent~~  
1285 ~~officers' terms.—Any such transition provisions, together with provision for any permitted delayed effective date shall~~  
1286 ~~be set forth in writing in the LSC House of Delegates resolution adopting the Bylaws.—A copy of the adopting~~  
1287 ~~resolution shall be sent to the General Counsel of USA Swimming together with the written copy of the Bylaws~~  
1288 ~~referred to above.—Pending revision of the other Parts of the USA Swimming Rules and Regulations to coordinate~~  
1289 ~~those Parts with Parts Six and Seven, any conflicts or inconsistencies shall be resolved in favor of the Parts Six and~~  
1290 ~~Seven.~~
- 1291 6013 ~~AVAILABILITY OF BYLAWS; COPIES PROVIDED TO USA SWIMMING—The adopted Bylaws shall be printed and made~~  
1292 ~~available upon request to any member of the LSC and other interested parties with a copy being sent to the USA~~  
1293 ~~Swimming General Counsel.—Promptly after adoption by the LSC, a copy of the LSC's Bylaws on a 3.5" diskette (in~~  
1294 ~~Word Perfect (version 5.1 or higher) or another format which in the judgment of the USA Swimming Executive~~  
1295 ~~Director is fully compatible with Word Perfect) shall be sent to each of the Executive Director of USA Swimming and~~  
1296 ~~the Chair of the USA Swimming Rules and Regulations Committee.—In addition a printed copy and a copy of the~~  
1297 ~~LSC's Bylaws marked to show deletions and additions to the form set forth in Part Six A (a so called black lined copy)~~  
1298 ~~shall be sent to the Chair of the USA Swimming Rules and Regulations Committee.~~
- 1299 6014 ~~PART SIX AND LSC BYLAWS AVAILABLE ON USA SWIMMING BULLETIN BOARD—The entirety of Parts Six and Seven~~  
1300 ~~and the LSC Bylaws as adopted by each LSC shall be made available on the USA Swimming electronic bulletin board~~  
1301 ~~in a file that will permit viewing, downloading and word or topic searching within ten (10) days of their receipt by the~~  
1302 ~~USA Swimming Executive Director.~~
- 1303 6015 ~~PORTIONS NOT PART OF BYLAWS—The Part Six designations, captions, *italicized* portions and choices omitted,~~  
1304 ~~commentary and guidelines and all of Part Six B, Part Six C and Part Seven are part of the USA Swimming Rules and~~  
1305 ~~Regulations but are not part of the LSC Bylaws.~~

1306  
1307

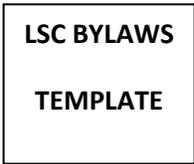
ARTICLE 6100  
SUNSET PROVISIONS



1356 an entirely different piece of software. In that event in the next printing of the USA Swimming Rules and  
1357 Regulations, those references in Part Six C shall be changed accordingly.  
1358

TF-8T ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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1359  
1360 **Location:** LSC Bylaws Template Part 7 Other Rules and Regulations Pertaining to the Local Swimming  
1361 Committees  
1362  
1363 **Proposed by:** Arvydas Barzdukas on behalf of the LSC Bylaws Task Force  
1364  
1365 **Purpose:** To sunset provisions that are no longer necessary and move relevant text to the Rule Book. Unless  
1366 noted that an item is being moved, the item is being deleted because it is no longer necessary.  
1367  
1368 **Recommendation:** *The Rules & Regulations Committee recommends approval.*



1369 **PART 7**  
1370 ~~Other Rules and Regulations Pertaining to the Local Swimming Committees~~  
1371 ~~Article 701~~  
1372 **LOCAL SWIMMING COMMITTEES**

1373 ~~701.1~~ *(moved to 601.1 of Rules and Regulations)*  
1374 ~~701.2~~ *(moved to Article 603 of Rules and Regulations)*  
1375 ~~701.3~~ *(moved to Article 603 of Rules and Regulations)*

1376 **ARTICLE 702**  
1377 **REDISTRICTING**

1378 ~~702.1 RULES AND REGULATIONS COMMITTEE EMPOWERED~~ The USA Swimming Rules and Regulations Committee is  
1379 granted the jurisdiction, the power and the duty to conduct such investigations, hold such hearings, deliberate in either  
1380 open or closed sessions and render decisions in the best interests of the sport of swimming with regard to the  
1381 affiliation of club members with LSCs, any change in LSC territory (whether by agreement of the affected clubs and  
1382 LSCs or not), the formation of a new LSC or a change in Zone or Regional alignment. Where a vote is involved, the  
1383 USA Swimming Rules and Regulations Committee may establish rules and procedures and hear challenges to the vote  
1384 and determine the outcome.

1385 ~~702.2~~ *(same as 604.1 of Rules and Regulations)*  
1386 ~~702.3~~ *(same as 607.1 and 607.2 of Rules and Regulations)*  
1387 ~~702.4~~ *(same as 604.2 of Rules and Regulations)*  
1388 ~~702.5~~ *(same as 604.3 of Rules and Regulations)*  
1389 ~~702.6~~ *(same as 605.4 of Rules and Regulations)*  
1390 ~~702.7~~ *(same as 606.1 in Rules and Regulations)*

1391  
1392 **ARTICLE 703**  
1393 **ZONE ALIGNMENT**

1394 ~~703.1~~ *(same as 605.1 of Rules and Regulations)*  
1395 ~~703.2~~ *(same as 605.3 of Rules and Regulations)*  
1396 ~~703.3~~ *(same as 605.1 of Rules and Regulations)*

1397

~~ARTICLE 704~~

1398

~~REGIONAL ALIGNMENT~~

1399 ~~704.1 Moved to 606.1 in Rules and Regulations where some of this was eliminated)~~

1400 ~~704.2 Moved to 606.1 in Rules and Regulations where some of this was eliminated)~~

1401

1402

1403