

**BYLAWS OF
VIRGINIA SWIMMING, INC.**

**As Amended by the
VSI House of Delegates
at its Meeting on June 14, 1997**

**REVISED BY THE
VSI HOUSE OF DELEGATES
at its Meetings on February 20, 2000,
October 10, 2004, October 1, 2006, and
October 7, 2007**

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ARTICLE 601

NAME, OBJECTIVES, TERRITORY AND JURISDICTION

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- 601.1 NAME - The name of the corporation shall be Virginia Swimming, Inc. (VSI).
- 601.2 OBJECTIVES - The objectives and primary purpose of the VSI shall be the education, instruction and training of individuals to develop and improve their capabilities in the sport of swimming. VSI shall promote swimming for the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and procedures of FINA, USA Swimming, and VSI and its Articles of Incorporation and these Bylaws.
- 601.3 GEOGRAPHIC TERRITORY - The geographic Territory of VSI is the Commonwealth of Virginia, except the Counties of Arlington and Fairfax and Cities of Alexandria and Fall Church; and in the State of North Carolina, the Counties of Camden, Currituck, and Pasquotank as well as the team OBX in Dare County. The territory within the boundaries of VSI may be subdivided for administrative or competitive purposes. Such subdivisions may be defined by individual assignment of Club Members or by drawing geographic boundaries.
- 601.4 JURISDICTION - VSI shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USA Swimming to conduct swimming programs consistent with VSI's objectives and those of USA Swimming and to sanction, approve, observe and oversee competitive swimming events within the Territory and to conduct competitive swimming events within the Territory, its Region and its Zone (as those terms are defined in Sections 703.3 and 704.2). VSI shall discharge faithfully its duties and obligations as a Local Swimming Committee of USA Swimming in accordance with these Bylaws, the USA Swimming ~~Rules and Regulations Code a~~ and all applicable policies and procedures.

ARTICLE 602

MEMBERSHIP

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- 602.1 MEMBERS - The membership of VSI shall consist of the following:
- .1 GROUP MEMBERS - Group Members are organizations operating in the Territory which have, upon application, been granted membership in USA Swimming and VSI and paid the fees established by USA Swimming and VSI pursuant to Article 603. An organization may be denied membership by the Membership/Registration Administrator or the Board of Directors for failure to satisfy the criteria for membership or for any reason for which a Group Membership could be terminated. Any denial of membership may be appealed to the Board of Review. An organization's status as a Group Member is subject to its continued satisfaction of the criteria for membership and compliance with its responsibilities under these Bylaws, the USA ~~Swimming Code~~ ~~Rules and Regulations~~, the rules, regulations, policies, procedures and codes of conduct and ethics of VSI and USA Swimming and may be terminated by a decision of the Board of Review or the National Board of Review. Except for Affiliated Group Members, Group Members in good standing shall be entitled to participate in the program of swimming

1 conducted by VSI, and competitions sanctioned or approved by USA Swimming, in
2 accordance with Section 609.2.

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4 A. Club Members - A Club Member is an organization which is in good standing as a
5 Group Member of VSI and USA Swimming, has athletes and coaches and
6 participates in the sport of swimming. All athletes and coaches of the organization
7 must be Individual Members in good standing of VSI and USA Swimming.

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9 B. **Affiliated Group Members** - An Affiliated Group member is an organization
10 which supports the sport of swimming and the objectives and programs of VSI
11 and USA- Swimming, which is in good standing as a Group Member of VSI and
12 VSI and USA-Swimming, but which does not have athletes or coaches who are
13 all individual members of VSI or USA Swimming.

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15 C. Seasonal Club Members - A Seasonal Club Member is an organization which has
16 joined VSI and USA Swimming for one or two periods not longer than 150 days
17 each in a registration year and is in good standing as a Group Member of VSI and
18 USA Swimming. All Seasonal Club Member coaches must be Coach Members in
19 good standing of VSI and USA Swimming. All athlete members of seasonal clubs
20 must be Seasonal Athlete or Athlete Members in good standing of VSI and USA
21 Swimming.

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23 .2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the sport of
24 swimming in the Territory who have, upon registration, been granted membership in
25 USA Swimming and VSI and paid the dues established by USA Swimming and VSI
26 pursuant to Article 603. An individual may be denied membership by the
27 Membership/Registration ~~Administrator~~Coordinator or by the Board of Directors for
28 failure to satisfy the criteria for membership or for any reason for which an Individual
29 Membership could be terminated. Any denial of membership may be appealed to the
30 Board of Review. An individual's status as an Individual Member is subject to the
31 Individual Member's continued satisfaction of the criteria for membership and
32 compliance with the individual's responsibilities under these Bylaws, the USA
33 Swimming Code, the rules, regulations, policies, procedures and codes of conduct and
34 ethics of VSI and USA Swimming and may be terminated by a decision of the Board of
35 Review or the National Board of Review. **Except for Affiliated Individual Members and**
36 **Life Members**, Individual Members in good standing shall be entitled to participate in
37 the program of swimming conducted by VSI, and competitions sanctioned or approved
38 by USA Swimming, in accordance with Section 609.1.

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40 A Athlete Members - An Athlete Member is an individual who participates or
41 competes in the sport of swimming and is in good standing as an Individual
42 Member of VSI and USA Swimming.

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44 B Coach Members - A Coach Member is an individual, whether or not affiliated with
45 a Group Member, who has satisfactorily completed all safety and other training
46 required by VSI and/or USA Swimming and who is in good standing as an
47 Individual Member of VSI and USA Swimming. Any individual desiring to act in
48 any coaching capacity at any competition sanctioned by USA Swimming must be
49 a Coach Member in good standing of VSI and USA Swimming.

- C Active Individual Members - An Active Individual Member is an individual other than a Coach Member or an Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer, coordinator or committee chairman or committee member of VSI or a Group Member Representative or alternate and any other individual desiring to participate in the sport of swimming and who is in good standing as an Individual Member of USA Swimming and VSI.
- D Seasonal Athlete Members - A Seasonal Athlete Member is an individual who participates or competes in the sport of swimming and has joined for one or two periods of time not longer than 150 days each in a registration year and is in good standing as an Individual Member of VSI and USA Swimming.
- E. Affiliated Individual Members- An Affiliated Individual Member is an individual interested in the objectives and programs of VSI who resides, formerly resided, or formerly participated in the sport of swimming in the Territory and who is in good standing as an Individual Member of VSI and USA Swimming.
- F. Life Members – A Life Member is an individual who is a life member of USA Swimming and who resides, formerly resided, or participated in the sport of swimming in the Territory and who is in good standing as a member of VSI and USA Swimming.

.3 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in VSI and USA Swimming is a privilege and shall not be interpreted as a right. Membership (including Life Membership) may be terminated by the Board of Review or the National Board of Review for any violation of a member's responsibilities under ~~Section 602.2~~ Article 410 of the USA Swimming Rules and Regulations, for any of the reasons set forth in Section 610.4.7.C or for any other reason determined by the Board of Review or National Board of Review to be in the best interests of the sport of swimming, USA Swimming or VSI.

602.2 MEMBERS' RESPONSIBILITIES

.1 COMPLIANCE - Each Group and Individual Member shall abide by the codes of conduct and ethics, policies, procedures, rules and regulations adopted by USA Swimming and VSI, including its obligations and responsibilities set forth in these Bylaws. Each Group and Individual Member shall not take or allow to be taken, any action, or conspire with or instigate any other person to take or allow to be taken, any action which could bring the sport of swimming, VSI or USA Swimming into disrepute. By applying for and accepting membership in VSI and USA Swimming, each Individual Member agrees to so abide and represents, except to the extent disclosed to VSI and USA Swimming, that he or she has never been convicted of a crime involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors, or similar offenses, or to have been found by a Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction and that she or he has never acted in a manner which might bring into disrepute VSI, USA Swimming or the sport of swimming.

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- .2 RESPONSIBILITY FOR INFRACTIONS - A Group Member may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA Swimming or VSI, including its responsibilities as set forth in these Bylaws. Infractions of a Group Member include those committed or allowed to happen by its members, representatives, officials or coaches or by athletes who are competing as representatives of the Group Member or who are competing with the Group Member as unattached swimmers. Also included are infractions committed or allowed to happen by a person instigated by the Group Member or with whom the Group Member through any of those individuals conspired. Any Individual Member may be held responsible for any infractions committed or that were allowed to happen by the Individual Member. Also included are infractions committed or allowed to happen by a person instigated by the Individual Member or with whom the Individual Member conspired.
- .3 CLUB SAFETY COORDINATOR - Each Club Member shall appoint an ~~Individual Member~~ Active Individual Member to be a Club Safety Coordinator. The Club Safety Coordinator shall be responsible for disseminating safety education information received from USA Swimming and VSI to the Club Member's athletes, coaches and other members and shall make recommendations to the Club Member concerning safety policy and its implementation. The Club Safety Coordinator shall make any reports requested by VSI's Safety ~~Chairman~~ Chair.

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ARTICLE 603 DUES AND FEES

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- 603.1 CLUB MEMBERS - Every Club Member and Seasonal Club Member shall pay an annual or seasonal fee, respectively, consisting of a national club fee established by USA Swimming and a local club fee established by VSI, together with any other charges, fees, etc. as may be established by VSI.
- 603.2 AFFILIATED GROUP MEMBERS - The Board of Directors shall establish the annual membership fees and any other charges, fees, etc for Affiliated Group Members.
- 603.3 ATHLETES - Each Athlete Member and Seasonal Athlete Member shall pay an annual or seasonal fee, respectively, consisting of a national fee established by USA Swimming and a local fee established by VSI.
- 603.4.3 COACHES - Each Coach Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by VSI, together with any other charges, fees, etc. as may be established by VSI.
- 603.5.4 ACTIVE INDIVIDUAL MEMBERS - Each Active Individual Member shall pay an annual fee consisting of a national fee established by USA Swimming and a local fee established by VSI, together with any other charges, fees, etc. as may be established by VSI.
- 603.6 AFFILIATED INDIVIDUAL MEMBERS – the Board of Directors shall establish the annual membership fees and any other charges / fees etc. for Affiliated Individual Members.

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2 603.7 LIFE MEMBERS – The Board of Directors shall establish the annual or other membership
3 fees, if any, and any other charges, etc. for Life Members.
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5 603.85 SANCTION, APPROVAL AND OTHER FEES
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- 7 .1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish reasonable
8 fees, procedures, and documentation required of an applicant for a sanction or approval
9 for, or observation of, a swimming competition to be conducted within the Territory.
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11 .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the Board
12 of Directors may establish a reasonable service charge consistent with the nature of the
13 event. For example, the service charge may be a flat amount, an amount related to the
14 number of events swum, the number of individual swims, the number of athletes entered,
15 the cost of equipment and pool time provided, a percentage of receipts or profits or a
16 combination of one or more of these or other bases.
17
18 .3 PAYMENT - Each applicant for a sanction, approval or observation shall submit with its
19 application the fees and any service charges specified by VSI. If any of the sanction or
20 approval fees or service charges are due at a time following the submission for sanction
21 or approval, the applicant shall promptly pay those fees or service charges to VSI when
22 due in accordance with VSI's fee schedule.
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24 603.96 FAILURE TO PAY
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- 26 .1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure of a
27 Group Member, Coach Member or Active Individual Member to pay dues, fees, service
28 charges, fines or penalties imposed by VSI or USA Swimming, within the time
29 prescribed, as evidenced by a final decision of the Board of Review or the National
30 Board of Review or by a court of law, shall preclude the delinquent member from (a)
31 participating in events sanctioned or approved by USA Swimming, (b) participating in
32 any capacity in the affairs of USA Swimming, VSI or any other LSC or (c) serving as a
33 Club Safety Coordinator, Group Member Representative, coach, manager, official,
34 trainer or in any other capacity with any Club Member or Seasonal Club Member or
35 with any group member of any other LSC.
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37 .2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member or Seasonal
38 Athlete Member to satisfy any financial obligations to USA Swimming, VSI or their
39 former LSCs, within the time prescribed, as evidenced by a final decision of the Board
40 of Review, the National Board of Review or by a court of law, shall preclude the
41 delinquent member from (a) competing in any competition sanctioned by USA
42 Swimming, (b) obtaining an OVC or other reportable time achieved in events swum at
43 any USA Swimming sanctioned, approved or observed meet, (c) participating in any
44 capacity in the affairs of USA Swimming, VSI or any other LSC or (d) practicing,
45 exercising or otherwise participating in the activities of any Group Member or any group
46 member of any other LSC.
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48 .3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member or a Seasonal Club Member has
49 secured a final court judgment or final Board of Review or National Board of Review

1 decision against an Individual Member for non-payment of financial obligations owed to
2 the Club Member, then until the decision or judgment is satisfied, the Individual
3 Member shall not (a) compete in any competition sanctioned by USA Swimming, (b)
4 obtain an OVC or other reportable time in events swum at any USA Swimming
5 approved or observed meet, (c) participate in any capacity in the affairs of USA
6 Swimming, VSI or any other LSC or (d) practice, exercise or otherwise participate in the
7 activities of any Group Member or any group member of any other LSC.
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9 .4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured a final court
10 judgment or a final Board of Review or National Board of Review decision against a
11 Club Member for non-payment of financial obligations (such as a refund of training
12 fees) to the Individual Member, then until the decision or judgment is satisfied, the
13 delinquent or offending Club Member shall be precluded from (a) participating in events
14 sanctioned or approved by USA Swimming and (b) participating in any capacity in the
15 affairs of USA Swimming, VSI or any other LSC, including being represented in the
16 House of Delegates by its Group Member Representative.
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18 .5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued failure to
19 pay, within a reasonable period of time, as determined by the Board of Directors, the
20 House of Delegates, the Board of Review or the National Board of Review shall be
21 cause for termination of membership.
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24 **ARTICLE 604**

25 **HOUSE OF DELEGATES**

26
27 604.1 MEMBERS - The House of Delegates of VSI shall consist of the Group Member
28 Representatives, the Athlete Representatives, the Coach Representatives, the Board Members
29 designated in Section 0, and the At-Large House Members.
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31 .1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall
32 appoint from its membership four (4) Group Member Representatives and four (4)
33 alternates. At least one of the Group Member Representatives shall be an Athlete
34 Member at least fourteen (14) years of age. Only another Athlete Member meeting the
35 same qualifications may serve as an alternate for the Group Member Athlete
36 Representative. The appointment shall be in writing, addressed to the Secretary of VSI
37 and duly certified by the chief executive officer or secretary of the appointing Group
38 Member. The appointing Group Member may withdraw one or more of its Group
39 Member Representatives or one or more of its alternates and substitute new Group
40 Member Representatives or new alternates by written notice, addressed to the Secretary
41 of VSI and signed by the chief executive officer or secretary of the appointing Group
42 Member.
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44 .2 AT-LARGE HOUSE MEMBERS - Up to ten (10) at-large members of the House of
45 Delegates may be appointed by the General ~~Chairman~~Chair with the advice and consent
46 of the Board of Directors. The At-Large House Members shall hold office from the date
47 of appointment through the conclusion of the annual meeting of the House of Delegates

1 following such appointment or until their successors are appointed to the House of
2 Delegates.

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5 .3 ~~AT-LARGE~~ ATHLETE REPRESENTATIVES - Two (2) ~~At-Large~~ Athlete Representatives
6 shall be elected, one each year for a two-year term, or until their respective successors
7 are elected. At the time of election, an ~~At-Large~~ Athlete Representative must (a) be an
8 Athlete Member or a Seasonal Athlete Member in good standing; (b) be at least sixteen
9 (16) years of age or at least a sophomore in high school; (c) be currently competing, or
10 have competed during the three (3) immediately preceding years, in the program of
11 swimming conducted by VSI or another LSC; and (d) reside in the Territory and expect
12 to reside therein throughout at least the first half of the term. The election of ~~At-Large~~
13 Athlete Representatives shall be conducted annually during VSI's short course senior
14 swimming championship, or other regularly scheduled meet designated by the Board of
15 Directors. The balloting shall take place at a meeting called for that purpose by the
16 Athlete's Committee ~~Senior Vice Chairman~~, or failing that, at a time and in a manner
17 designated by the Board of Directors. The ~~At-Large~~ Athlete Representatives elected
18 shall be determined by a majority of the Athlete Members in good standing present and
19 voting who are thirteen (13) years of age or older..

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22 .4 ~~AT-LARGE~~ COACH REPRESENTATIVES - Two (2) ~~At-Large~~ Coach Representatives shall
23 be elected, one each year for a two-year term, or until their respective successors are
24 elected. (Terms of office will be staggered.) The election of the Coach Representative
25 shall be conducted annually during VSI's short course age group swimming
26 championship, under the supervision of the Administrative Vice ~~Chairman~~ Chair or,
27 failing that, at a time and place and in a manner designated by the Board of Directors.
28 Voting may be in person or by absentee ballot, and the election shall be determined by a
29 majority of the ballots cast by Coach Members in good standing.

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32 604.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be elected or
33 appointed members of, to be heard at or to vote at the House of Delegates in any capacity.
34 Members of the House of Delegates must maintain their status as Individual Members in good
35 standing throughout their terms of office.

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37 604.3 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of members of
38 the House of Delegates and of Individual Members shall be as follows:

39
40 .1 GROUP MEMBER REPRESENTATIVES, BOARD MEMBERS, ~~THE AT-LARGE~~ ATHLETE
41 REPRESENTATIVES, THE ~~AT-LARGE~~ COACH REPRESENTATIVES AND AT-LARGE HOUSE
42 MEMBERS - Each of the Group Member Representatives, the Board Members, the ~~At-~~
43 ~~Large~~ Athlete Representatives, the ~~At-Large~~ Coach Representatives and the At-Large
44 House Members shall have both voice and one vote each in meetings of the House of
45 Delegates.

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47 .2 AFFILIATED GROUP MEMBER REPRESENTATIVES: Group Member representatives of
48 Affiliated Group Members, unless entitled to vote under another provision of these

1 Bylaws, shall have voice but no vote in meetings of the House of Delegates and its
2 committees.

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4 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the House of
5 Delegates may attend open meetings of the House of Delegates and its committees and
6 be heard in the discretion of the presiding officer. Unless entitled to vote under another
7 provision of these Bylaws, Individual Members shall have no vote in meetings of the
8 House of Delegates.

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10 604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the
11 affairs of VSI and the establishment of policies, procedures and programs. In addition to the
12 duties and powers prescribed in the USA Swimming Code or elsewhere in these Bylaws, the
13 House of Delegates shall:

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15 .1 Elect the officers, members of the Board of Review and the committee chairmen listed in
16 Section 606.1 in accordance with Sections 606.2 through 606.5;
17
18 .2 Elect alternates to the USA Swimming House of Delegates in accordance with
19 section 502.2 of the USA Swimming Code (see also Section 606.6.9.B);
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21 .3 ~~Elect members to the Nominating Committee~~
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23 .4 Review, modify and adopt the annual budget of VSI recommended by the Board of
24 Directors;
25
26 .5.4 Ratify or prospectively modify or rescind policy and program established by the Board
27 of Directors, except any action or authorization by the Board of Directors with respect to
28 contracts or upon which any person may have relied shall not be modified or rescinded;
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30 .6 Establish joint administrative committees, or undertake joint activities with sports
31 organizations, where deemed helpful or necessary by VSI.
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33 .7 Establish by the VSI Policies and Procedures Manual , one or more committees of its
34 members. The committees shall have the powers and duties specified in the VSI
35 Policies and Procedures Manual, which may include delegation of one or more powers
36 and duties of the House of Delegates, other than the powers to amend these ByLaws or
37 remove Board Members and other elected officers.
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39 .8.5 Amend the Bylaws of VSI in accordance with Section 611.3; ~~and~~
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41 .9.6 Remove from office any Board Members, members of the Board of Review, or
42 committee chairmen, ~~or~~ members, or coordinators who have failed to attend to their
43 official duties or member responsibilities or have done so improperly, or who would be
44 subject to penalty by the Board of Review for any of the reasons set forth in Section
45 610.4.7.C. However, no Board Member, Board of Review member or elected
46 committee chairman ~~man~~ or coordinator may be removed except upon not less than thirty
47 (30) days written notice by the Secretary or other officer designated by the House of
48 Delegates specifying the alleged deficiency in the performance of member
49 responsibilities or specific official duties or other reason. All notices and proceedings

1 under this section shall be prepared, served and processed utilizing the procedures for a
2 formal hearing pursuant to [Article 406 of the USA Swimming Rules and](#)
3 [Regulations](#)~~Section 610.6.1~~ to the extent applicable. Should the Board Member, Board
4 of Review member or elected committee chair~~man~~ or [coordinator](#) contest the alleged
5 deficiency or other reason alleged in the notice, the House of Delegates shall hold a
6 hearing at which the defendant shall have the same rights as if the hearing were to be
7 conducted by the Board of Review pursuant to [Part Four of the USA Swimming Rules](#)
8 [and Regulations](#)~~Article 610~~.

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10 604.5 ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of Delegates of
11 VSI shall be held in the months of April or May of each year. At least once during each year
12 regular meetings of the House of Delegates shall be held, normally in October or in
13 accordance with a schedule adopted by the House of Delegates or the Board of Directors.
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16 604.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the
17 Board of Directors or the General ~~Chairman~~[Chair](#). Should the Board of Directors or the
18 General ~~Chairman~~[Chair](#) fail to call the annual or scheduled regular meetings or should a
19 special meeting be appropriate or helpful, a meeting of the House of Delegates may be called
20 by a petition signed by members of the House of Delegates ~~representing at least five (5) Group~~
21 ~~Members~~. Such meetings shall be called within three (3) weeks of receipt of the petition with
22 proper notice of the meeting being given.
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24 604.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall be take
25 place at a site within the Territory. The House of Delegates or the Board of Directors shall
26 determine the location and time of all meetings of the House of Delegates.
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28 604.8 NOMINATING COMMITTEE
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30 .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall
31 comprise not fewer than five (5) Individual Members. The Nominating Committee
32 members shall ~~will~~ be elected biennially by the [House of Delegates](#) ~~Board of Directors~~
33 and will serve until their successors are elected. [If the House of Delegates does not act](#)
34 [in a timely fashion the Board of Directors shall elect a Nominating Committee to serve](#)
35 [until their successors are elected](#). A number greater than five (5) may be designated
36 from time to time by either the House of Delegates or the Board of Directors. Each
37 Nominating Committee member shall be a member of the House of Delegates and no
38 more than two (two-fifths if there are more than five (5) members of the Nominating
39 Committee) shall be Board Members or [Executive Committee members](#). Section
40 606.5.3 shall apply to members of the Nominating Committee [but service as the](#)
41 [immediate past General Chair shall not be counted for that purpose](#). If any member of
42 the Nominating Committee resigns or otherwise becomes unable to participate in its
43 affairs, the General ~~Chairman~~[Chair](#), with the advice and consent of the Board of
44 Directors, shall appoint a successor to serve until the next [meeting of the House of](#)
45 [Delegates](#)~~election~~.

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47 .2 ~~CHAIRMAN~~[CHAIR](#) ELECTED BY NOMINATING COMMITTEE - The ~~Chairman~~[Chair](#) of the
48 Nominating Committee shall be elected biennially by a majority vote of the members of

1 the Nominating Committee present at a meeting called promptly after the members are
2 elected or appointed.

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4 .3 DUTIES OF NOMINATING COMMITTEE - A slate of candidates for election as the officers
5 or committee chairs~~men~~ specified in Section 606.1 and the members of the Board of
6 Review to be elected at the next annual meeting shall be prepared by the Nominating
7 Committee. The Nominating Committee may in its discretion nominate a slate of one
8 person for each position to be filled or may nominate more than one candidate for one or
9 more of the positions.

10
11 .4 PUBLICATION OF NOMINATIONS - Nominations by the Nominating Committee shall be
12 published by distributing a slate of candidates together with the positions for which they
13 have been nominated to each member of the House of Delegates and to each Group
14 Member not less than twenty (20) calendar days prior to the election. This notice may
15 be combined with the notice of the meeting pursuant to Section 604.14.1 where
16 convenient. See Section 616.1.5 for the methods which may be used for the distribution.

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18 .5 ADDITIONAL NOMINATIONS - Additional nominations may be made from the floor of the
19 House of Delegates by any member of the House of Delegates eligible to vote.

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21 .6 MEETINGS AND NOTICES - Meetings of the Nominating Committee shall take place at a
22 site within the Territory when called by the ~~Chairman~~Chair or any three members of the
23 Committee with a minimum of six (6) days notice required. Pertinent provisions of
24 Sections 607.5 through 607.10 and Section 616.1.5 also shall apply to the Nominating
25 Committee's meetings and notices.

26
27 .7 QUORUM - A quorum for any meeting of the Nominating Committee shall consist of not
28 fewer than ~~four (4)~~~~5ths of the~~ members. The committee shall act by a majority vote of
29 its members voting in any meeting at which a quorum is present.

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31 604.9 MEETINGS OPEN; EXECUTIVE SESSIONS -

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33 .1 HOUSE OF DELEGATES - House of Delegates meetings shall be open to all members of
34 VSI and USA Swimming. Issues pertaining to personnel, disciplinary action, legal, tax
35 or similar affairs of VSI shall be deliberated and decided in a closed executive session
36 which only House of Delegates members may attend. By a majority vote on a motion of
37 a question of privilege, the House of Delegates may decide to go into executive session
38 on any matter deserving of confidential treatment or of personal concern to any member
39 of the House.

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41 .2 HOUSE OF DELEGATES COMMITTEES - All meetings and deliberations of the Nominating
42 Committee shall be conducted in executive (closed) session. Meetings of all other
43 committees established by the House of Delegates shall be open to all members of VSI
44 and USA Swimming unless otherwise provided by the House of Delegates resolution
45 creating the committee or by a vote of the committee as provided by the rules of the
46 Parliamentary Authority.

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48 604.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and
49 voting ~~provided that representatives are present from all VSI administrative subdivisions.~~

- 1
2 604.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all
3 motions, orders and other propositions coming before the House of Delegates shall be
4 determined by a majority vote. A motion or order calling for the removal of a member of the
5 Board of Review pursuant to Section 604.4.6 shall be determined by a two-thirds vote after at
6 least thirty (30) days notice. See also Section 611.3 regarding amendment of these Bylaws.
7
- 8 604.12 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be
9 permitted.
10
- 11 604.13 MAIL VOTE – Any action which may be taken at any regular or special meeting of the
12 House of Delegates, except elections, removals of Board Members, members of the Board of
13 Review, elected committee chairmen or coordinators and amendments of these Bylaws, may
14 be taken without a meeting. If an action is taken without a meeting, the Secretary, by First
15 Class Mail, postage prepaid, shall distribute a written ballot to every member of the House of
16 Delegates entitled to vote on the matter. The Ballot shall set forth the proposed action,
17 provide an opportunity to specify approval, or disapproval, and provided a reasonable time
18 (but in no event less than the period specified in Section 604.15) within which to return the
19 ballot to the Secretary. Action by written ballot shall be valid only when the number of votes
20 cast in favor of the proposed action within the time period specified constitutes a majority of
21 the votes entitled to be cast.
22
- 23 604.14 ORDER OF BUSINESS - At all meetings of the House of Delegates the following shall be
24 included in the order of business to the extent applicable. The order in which the various
25 subjects are taken up may be varied.
26
- 27 Roll Call
 - 28 Reading, correction and adoption of minutes of previous meeting
 - 29 Presentation and approval of the annual budget
 - 30 Presentation and approval of the annual audit pursuant to Section 0, when applicable
 - 31 Unfinished (old) business
 - 32 Elections
 - 33 New business
 - 34 Reports of officers
 - 35 Reports of committees and coordinators
 - 36 Resolutions and orders
 - 37 Adjournment

1
2 604.14 NOTICES
3

- 4 .1 TIME - Not less than twenty (20) days written notice shall be given to each member of
5 the House of Delegates and each Group Member for any annual, regular or special
6 meeting of the House of Delegates, and not less than thirty (30) days written notice shall
7 be given to each member of the House of Delegates of any proposed amendment of the
8 Bylaws or Policies. Not less than forty (40) days written notice shall be given to the
9 General ~~Chairman~~Chair and Secretary of proposed Bylaw and Policy amendments that
10 do not originate from the Board of Directors. The General ~~Chairman~~Chair shall submit
11 any proposals received to the Board of Directors for Review, and the Secretary shall give
12 thirty (30) written notice to each member of the House of Delegates. See Section
13 616.1.5 for the various permitted forms of notice.
14
- 15 .2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special
16 meetings of the House of Delegates, the expected purpose (which may be general) of the
17 meeting shall be stated. If an expected purpose is the amendment of the Bylaws, a copy
18 of the proposed amendment shall be included in the notice. Failure to have included in
19 the notice any germane amendments subsequently adopted by the House of Delegates at
20 the noticed meeting shall not be the basis for any claim that the amendments as so
21 adopted are invalid.
22
23

24 **ARTICLE 605**
25 **BOARD OF DIRECTORS**

26
27 605.1 MEMBERS - The Board of Directors shall consist of the following officers, committee chairs,
28 coordinators and representatives of VSI, together with those additional members designated in
29 Sections 605.2 and 605.3:
30

- 31 .1 General Chair
32 .2 Administrative Vice-chair
33 .3 Senior Vice-chair
34 .4 Age Group Vice-chair
35 .5 Secretary
36 .6 Treasurer
37 .7 ~~At Large~~ Coach Representatives (2)
38 .8 ~~At Large~~ Athlete Representatives (2)
39 .9 Membership/Registration ~~Coordinator~~Administrator
40 .10 Technical Planning Chair
41 .11 At-Large Board Members
42 .12 ~~The Immediate Past General Chair of VSI~~Ex-Officio Board Members
43 ~~.13 Safety Chair~~
44 ~~.14 Standing Committee Chairs and Coordinators including:~~
45 ~~Disability Swimming Coordinator~~
46 ~~.14 Finance/Audit Chair~~
47 ~~Equipment Committee Chair~~
48 ~~.15 Officials Chair~~

- ~~Open Water Coordinator~~
- ~~NTV Coordinator~~
- ~~Records/Tabulation Coordinator~~
- ~~.16 Rules/Legislation Chair~~
- ~~Zone Team Manager~~
- ~~Diversity Coordinator~~
- ~~Camps & Clinics Coordinator~~
- ~~Club Development Coordinator~~

.18 Appointed Athlete Members

605.2 **APPOINTED BOARD MEMBERS – AT LARGE BOARD MEMBERS** ~~The General Chair shall appoint with the advice of the Senior and Junior At Large Athlete Representatives sufficient athlete members to the Board as At Large Board Members such that athletes comprise no less than twenty percent (20%) of the voting membership of the Board. In addition, the Board of Directors may have up to three (3) non-athlete At Large Board Members appointed by the General Chair with the advice and consent of the Board of Directors provided that the 20% ratio of athlete members is preserved.~~

.1 Athlete Members - With the advice of the Senior and Junior Athlete Representatives The General Chair shall appoint sufficient athlete members to the Board such that athlete representation on the Board comprises no less than twenty percent (20%) of the voting membership.

.2 At-Large Members: The General Chair with the advice and consent of the Board of Directors may appoint up to five (5) additional non-athlete members. Diversity, Disability, and Times/Recognition Coordinators shall be among those appointed as At-Large Board members.

605.3 **EX-OFFICIO MEMBERS** – The following person(s) should be a ex-officio member(s) of the Board of Directors during the time period in which they meet the defined status:

- .1 The Immediate Past General Chair of VSI, if the Individual Member is in good standing.
- .2 Members of the USA Swimming Board of Directors who are Individual Members in good standing.
- .3 USA Swimming Committee Chairpersons who are Individual Members in good standing.

605.4 **LIMITATIONS** - ~~This Section is reserved for future use.~~ No more than three (3) members or coaches of any Club Member or Affiliated Group member should serve on the Board of Directors at any time. This limitation should be applied separately as to athlete members and to other individual members.

605.45 **VOICE AND VOTING RIGHTS OF BOARD MEMBERS** - The voice and voting rights of Board Members and Individual Members shall be as follows:

- .1 **BOARD MEMBERS** - Each Board Member, other than ex-officio members (See Sections 605.2 and 605.3) and At-Large Board Members, shall have both voice and vote in meetings of the Board of Directors and its committees.

1 .2 NON-VOTING BOARD MEMBERS: - Unless entitled to vote under another provision of
2 these Bylaws, the ex-officio members and the At-Large Board Members shall have
3 voice but no vote in meetings of the Board of Directors and its committees.
4

5 .3 INDIVIDUAL MEMBERS - Individual Members who are not Board Members may attend
6 open meetings of the Board of Directors and its committees and be heard in the
7 discretion of the presiding officer. Unless entitled to vote under another provision of
8 these Bylaws, Individual Members shall have no vote in meetings of the Board of
9 Directors or its committees.
10

11 605.65 DUTIES AND POWERS - The Board of Directors shall act for VSI and the House of
12 Delegates during the intervals between meetings of the House of Delegates, subject to the
13 exercise by the House of Delegates of its powers of ratification or prospective modification or
14 rescission, except that it shall not remove a Board Member, a Board of Review member or
15 other person elected by the House of Delegates or amend these Bylaws. In addition to the
16 powers and duties prescribed in the USA Swimming Rules and Regulations Code or elsewhere
17 in these Bylaws, the Board of Directors shall have the power and it shall be its duty to:
18

19 .1 Establish and direct policies, procedures and programs for VSI;

20 .2 Oversee the conduct by the officers and staff of VSI of the day-to-day management of
21 the affairs of VSI;
22

23 .3 Appoint additional Athlete Members and At-Large Board Members.
24

25 .4 Provide advice and consent to appointments proposed by the General ChairmanChair
26 that require advice and consent under these Bylaws or the VSI Policies and Procedures
27 Manual;
28

29 .54 Cause the preparation and presentation to the House of Delegates of the annual budget of
30 VSI and make a recommendation to the House of Delegates concerning the approval or
31 disapproval thereof;
32

33 .65 Receive presentation of the annual audit report pursuant to Section 0 and make a
34 recommendation to the House of Delegates concerning the approval or disapproval
35 thereof;
36

37 .76 Call regular or special meetings of the Board of Directors or the House of Delegates;
38

39 .87 Admit eligible prospective Group Members and Affiliated Individual Members;
40

41 .98 Retain such independent contractors and employ such persons as the Board shall
42 determine are necessary or appropriate to conduct the affairs of VSI;
43

44 .10-9 Appoint other officers, agents, committees or coordinators, to hold office for the terms
45 specified. These appointees shall have the authority and perform the duties as provided
46 in these Bylaws, the VSI Policies and Procedures Manual or as may be provided in the
47 resolutions appointing them, including any powers of the Board of Directors as may be
48 specified, except as may be inconsistent with any other provision of these Bylaws. To
49

1 the extent not provided elsewhere in these Bylaws, the Board of Directors may delegate
2 to any officer, agent, committee or coordinator the power to appoint any such
3 subordinate officers, agents, committees or coordinators and to prescribe their respective
4 terms of office, authorities and duties; and
5

- 6 .110 Remove from office any officers, committee chairmen, committee members or
7 coordinators of VSI who were not elected by the House of Delegates and who have
8 failed to attend to their official duties or member responsibilities or have done so
9 improperly, or who would be subject to penalty by the Board of Review for any of the
10 reasons set forth in Article 410 of USA Swimming Rules and Regulations. ~~Section~~
11 ~~610.4.7.C.~~ No officer, At-Large Board member, or committee ~~chairman~~ chair or
12 coordinator may be removed without receiving the thirty (30) days written notice
13 specifying the alleged deficiency in the performance of the member's responsibilities
14 under these Bylaws, the member's official duties or other reasons. All notices and
15 proceedings under this section shall be prepared, served and processed utilizing the
16 procedures for a formal hearing pursuant to Article 410 of USA Swimming Rules and
17 Regulations. ~~Section 610.6.1~~ to the extent applicable. Should the officer, At-Large Board
18 member, committee ~~chairman~~ chair, committee member or coordinator contest the
19 alleged deficiency or other reason set forth in the notice, the Board of Directors shall
20 hold a hearing at which the member shall have the same procedural rights as if the
21 hearing were to be conducted by the Board of Review pursuant to Article 410 of USA
22 Swimming Rules and Regulations. ~~Article 610.~~
23

24 605.76 EXECUTIVE COMMITTEE -
25

- 26 .1 AUTHORITY AND POWER - The Executive Committee shall have the authority and power
27 to act for the Board of Directors and the House of Delegates and VSI between meetings
28 of the Board and the House of Delegates.
29
- 30 .2 MEMBERS - The members of the Executive Committee shall be the General
31 ~~Chairman~~ Chair, who shall act as chairman, Administrative Vice-~~chairman~~ Chair, Senior
32 Vice-~~chairman~~ Chair, Age Group Vice-~~chairman~~ Chair, Secretary, Treasurer, Senior
33 Athlete Representative, Coach Representative, and Membership/Registration
34 Coordinator ~~Administrator~~.
35
- 36 .3 MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held at any time
37 or place within the Territory when called by the General ~~Chairman~~ Chair or any three (3)
38 members of the Committee with a minimum of three (3) days notice required. Pertinent
39 provisions of Sections 607.5 through 607.10 and Section 616.15 shall apply to the
40 Executive Committee meetings and notices.
41
- 42 .4 QUORUM - A quorum of the Executive Committee shall consist of ~~four (4) five-(5)~~
43 members of the Committee.
44
- 45 .5 REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special meeting of
46 the Board of Directors the Executive Committee shall make a report of its activities since
47 the last Board of Director's meeting for ratification or prospective modification or
48 rescission, provided, however, that any action of the Executive Committee upon which a

1 third party may have relied (e.g., by signing, or authorizing the signing of a contract)
2 may not be modified or rescinded by the Board of Directors or the House of Delegates.
3

4 605.87 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Board of Directors and Executive
5 Committee meetings shall be open to all members of VSI and USA Swimming. Matters
6 relating to personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated
7 and decided in a closed executive session which only Board Members or Executive
8 Committee members, respectively, are entitled to attend. By a majority vote on a motion of a
9 question of privilege the Board of Directors or the Executive Committee may decide to go into
10 executive session on any matter deserving of confidential treatment or of personal concern to
11 any Board of Directors member or the Executive Committee.
12

13 605.98 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the
14 Board of Directors or the Executive Committee may participate in meetings of the Board of
15 Directors or the Executive Committee through conference telephone or similar equipment by
16 means of which all persons participating in the meeting can hear each other at the same time.
17 Participation by such means shall constitute presence in person at a meeting.
18

19 605.109 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in
20 accordance with a schedule adopted by the Board of Directors.
21

22 605.110 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the
23 General ChairmanChair. Should the Board of Directors or the General ChairmanChair fail to
24 call regular meetings or should a special meeting be appropriate or helpful, a meeting of the
25 Board of Directors shall be called at the written request of any three (3) Board Members.
26

27 605.124 QUORUM - A quorum of the Board of Directors shall consist of those members present and
28 voting.
29

30 605.132 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all
31 motions, orders and other propositions coming before the Board of Directors shall be
32 determined by a majority vote. A motion, order, or other proposal the effect of which is to
33 override policy or program established by the House of Delegates, shall be determined by a
34 two-thirds vote after at least fourteen (14) days notice.
35

36 605.143 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors or the Executive
37 Committee shall not be permitted.
38

39 605.15 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting
40 of the Board of Directors or the Executive Committee may be taken without a meeting if all
41 the Board Members or Executive Committee entitled to vote consent to the action in writing
42 and the written consents are filed with the records of the respective meetings. These consents
43 shall be treated for all purposes as votes taken at a meeting.
44

45 605.16 MAIL VOTE - Any action which may be taken at any regular or special meeting of the Board
46 of Directors, except elections, advice and consent to the General Chair's appointments, or
47 removals of officers, committee chairmen and members, may be taken without a meeting. If
48 an action is to be taken without a meeting, the Secretary, by first class mail, postage prepaid,
49 shall distribute a written ballot to every Board Member entitled to vote on the matter. The

1 ballot shall set forth the proposed action, provide an opportunity to specify approval or
2 disapproval, and provide a reasonable time (but in no event less than the period specified in
3 Section 605.12), within which to return the ballot to the Secretary. Action by written ballot
4 shall be valid only when the number of votes cast in favor of the proposed action within the
5 time period specified constitutes a majority of the votes entitled to be cast.
6

7 605.174NOTICES -
8

- 9 .1 TIME - Not less than ~~six (6) fifteen (15)~~ days notice shall be given to each Board
10 Member for any annual, regular or special meeting of the Board of Directors. Separate
11 notices need not be given for regular meetings that are designated in these Bylaws or
12 otherwise scheduled and noticed well in advance. (See Section 616.1.5 for the various
13 permitted forms of notice and the consequences thereof.)
14
15 .2 INFORMATION - The notice of a meeting shall contain the time, date and site and in the
16 case of special meetings, the expected purpose, which may be general.
17

18 605.185ORDER OF BUSINESS - At all meetings of the Board of Directors the following shall be
19 included in the order of business to the extent applicable. The order in which subjects are
20 taken up may be varied.
21

- 22 Roll Call
23 Reading, correction and adoption of minutes
24 Report of Executive Committee
25 Reports of officers
26 Reports of committees and coordinators
27 Presentation of the annual budget and adoption of recommendation to the House of
28 Delegates
29 Presentation of the annual audit report pursuant to Section 608.5 and adoption of its
30 recommendation to the House of Delegates
31 Advice and Consent to Appointments
32 Unfinished (old) business
33 New business
34 Approval of applications for Group Membership
35 Elections
36 Resolutions and orders
37 Adjournment
38
39

40 **ARTICLE 606**
41 **OFFICERS**
42

43 606.1 ELECTED OFFICERS AND COMMITTEE CHAIRMEN: The officers, committee chairsmen
44 and coordinators who shall be elected by the House of Delegates are:

- 45 .1 General Chairman
46
47 .2 Administrative Vice-chairmanChair
48
49 .3 Senior Vice-chairmanChair

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- .4 Age Group Vice-~~chairman~~Chair
- .5 Secretary
- .6 Treasurer
- .7 Technical Planning Chair~~man~~
- .8 Membership/Registration ~~Coordinator~~Administrator

606.2 ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chairman, the Administrative Vice-~~chairman~~Chair, the Secretary, the Senior-Vice Chair~~man~~, the Age Group Vice-~~chairman~~Chair, the Treasurer, the Technical Planning Chair~~man~~, the Membership/Registration ~~Administrator~~Coordinator, and the members of the Board of Review in odd-numbered years.

606.3 ELIGIBILITY - Only Individual Members in good standing shall be eligible to hold office and must maintain their eligibility throughout their term of office.

606.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in the House of Delegates by virtue of holding a position in VSI may not also vote as a Group Member Representative in the House of Delegates.

606.5 OFFICES COMBINED OR SPLIT –

- .1 OFFICE HELD BY TWO PERSONS: Any office other than General Chair, Finance Vice-Chair, and Treasurer, may be held jointly by two individual members. This may be accomplished by the Nominating Committee nominating two individual members to serve as co-officers or by the House of Delegates electing two at the time of the election. In the case of Administrative Vice Chair, the House of Delegates at the time of the election shall designate one to be the successor to the General Chair, if no such designation is made, then the person with the longer tenure in such office shall serve as the successor.
- .2 OFFICES COMBINED: Any office other than General Chair may be combined with any other office. This may be accomplished by the Nominating Committee nominating a single Individual Member to serve simultaneously as two officers or by the House of Delegates so electing at the time of the election.

606.6 TERMS OF OFFICE -~~e~~

- .1 TERM OF OFFICE - The terms of office of all elected members of the Board of Directors shall be two years.
- .2 COMMENCEMENT OF TERM - Each person elected to a position shall assume office on September 1 and shall serve until a successor takes office.
- .3 CONSECUTIVE TERMS LIMITATION - Except for the Secretary, Technical Planning Chair~~man~~, the Treasurer, and the Membership/Registration ~~Coordinator~~Administrator, no Individual Member who has been elected by the House of Delegates and served four successive years shall be eligible for re-election to the same position until a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of this successive terms limitation.

1 606.76 DUTIES AND POWERS - The duties and powers of the officers and other Board Members
2 shall be to attend and participate in all meetings of the House of Delegates and the Board of
3 Directors and as follows:
4

5 .1 GENERAL CHAIRMAN: The General Chairman shall oversee and have general charge of
6 the management, business, operations, affairs and property of VSI, and general
7 supervision over its officers and agents; shall call meetings when and where deemed
8 necessary; shall preside at all meetings; and, except as otherwise provided in these
9 Bylaws and with the advice and consent of the Board of Directors, shall appoint
10 committee chairmen and members for standing and special committees or coordinators
11 as may be necessary to permit VSI to effectively, efficiently and economically conduct
12 its affairs. The General Chairman shall report to the Board of Directors all matters
13 within the General Chairman's knowledge that the Board of Directors should consider in
14 the best interests of VSI.
15

16 .2 SECRETARY: The Secretary, or a delegate, shall be responsible for keeping a record of
17 all meetings of the House of Delegates and Board of Directors, conducting official
18 correspondence, issuing meeting and other notices and making such reports to USA
19 Swimming as are required by Article 608 of these Bylaws and shall perform the other
20 duties incidental to the office of Secretary. The Secretary or staff of VSI's permanent
21 office shall be custodian of the records and seal of VSI, and attest the execution of all
22 duly authorized instruments. The Secretary shall cause to be kept at VSI's permanent
23 office ~~in the safe-keeping of the Secretary~~ copies of all minutes, official
24 correspondence, meeting and other notices, and any other records of VSI. The
25 Secretary's custody of the minute books and other records shall be as a fiduciary for VSI
26 and shall end when the Secretary leaves office and shall pass them on to the successor
27 Secretary.
28

29 .3 TREASURER: The Treasurer shall be the principal receiving and disbursing officer of
30 VSI. Except as otherwise directed by the Finance Chair ~~Budget~~ and Finance Committee
31 or the Board of Directors, the Treasurer shall receive all moneys, incomes, fees and other
32 receipts of VSI and pay all bills, salaries, expenses and other disbursements approved by
33 an authorized officer, committee chairman, coordinator, the Budget and Finance
34 Committee, the Board of Directors or the House of Delegates, or required to be paid
35 pursuant to Section 610.3.12. When authorized by the Board of Directors, income and
36 expenses may be received and paid by a division, officer, committee or coordinator,
37 provided that the division, officer, committee or coordinator promptly submits to the
38 Treasurer an itemized report, duly attested by the division, officer, committee chairman
39 or coordinator and either within the approved budget of such division, officer, committee
40 or coordinator, or authorized by the Board of Directors or the House of Delegates. The
41 Treasurer shall be a member of the Budget and Finance Committee but may not be its
42 chairman. The Treasurer shall issue a monthly report listing the current budget variances
43 by line item, all receipts, all expenditures and the current fund and account balances for
44 the month and the preceding month and for the fiscal year to date, together with such
45 other items as the Budget and Finance Committee, the General ChairmanChair or the
46 Board of Directors may direct. The Treasurer shall also provide current monthly bank
47 account statements to the General ChairmanChair. The Treasurer shall:
48

- 1 A have charge of and supervision over and be responsible for the funds, moneys,
2 securities and other financial instruments of VSI;
3
4 B cause the moneys, securities and other financial instruments of VSI to be deposited
5 in the name and to the credit of VSI in such institutions as shall be designated in
6 accordance with Section 606.10 or to be otherwise invested as the Budget and
7 Finance Committee or the Board of Directors may direct;
8
9 C cause to be appropriately segregated and accounted for any endowment funds,
10 scholarship or award funds and any similar special purpose funds or accounts;
11
12 D cause the funds of VSI to be disbursed by checks or drafts, automated debits or
13 wire transfers upon the authorized depositories of VSI, and obtain and preserve
14 proper vouchers for all moneys disbursed;
15
16 E cause to be kept at VSI's permanent office ~~in the safe keeping of the Treasurer~~
17 correct books of account and other financial records of all its affairs and
18 transactions and such duplicate books of account as the Board of Directors, the
19 Budget and Finance Committee or the Treasurer shall determine. The Treasurer's
20 custody of the books and records shall be as a fiduciary for VSI and custody and
21 fiduciary state shall end when the Treasurer leaves office and passes them on to
22 the successor Treasurer;
23
24 F upon request and at reasonable hours cause such books or duplicates thereof to be
25 exhibited to any member of the Board of Directors and upon application and at
26 reasonable hours cause the monthly financial reports and the annual audited
27 financial statement to be exhibited to any member of VSI or USA Swimming;
28
29 G cause VSI to be in compliance with the requirements of Section 608.4;
30
31 H have the power to require from the officers, committee chair~~men~~, coordinators, or
32 agents of VSI reports or statements giving such information as the Treasurer may
33 determine to be appropriate or helpful with respect to any and all financial
34 transactions of VSI;
35
36 I make the books and records available and otherwise fully cooperate with those
37 conducting the annual audit of accounts of VSI and cause the preparation and
38 timely filing of all required federal, state and local tax returns, and other financial
39 and tax reports with the applicable government official, and forward a copy of the
40 annual financial statement and audit report and any federal tax return to the
41 Secretary for submission to the Board of Directors and USA Swimming national
42 headquarters in accordance with Sections 608.2 and 608.3;
43
44 J have the power to appoint one or more assistant treasurers and delegate to them
45 one or more of the Treasury functions, or parts thereof, and in general, perform all
46 the other duties incident to the corporate treasury function.
47
48 .4 ADMINISTRATIVE VICE-CHAIR~~MAN~~: The Administrative Vice-~~chairman~~Chair
49 shall conduct meetings in the absence of the General Chair~~man~~ and, at the request of the

1 General Chair~~man~~ or in the event of the disability of the General Chair~~man~~Chair, shall
2 perform all of the duties of the General Chair~~man~~Chair, and when so acting shall have
3 all of the powers of the General Chair~~man~~Chair. (See Section 606.8.) The
4 Administrative Vice-~~chairman~~Chair shall chair, and have general charge of the business,
5 affairs and property of the division that administers VSI business and affairs. The
6 Administrative Vice-~~chairman~~Chair shall aid in the development of policy and the
7 coordination of the activities of the officers and committees within the division internally
8 and with other divisions, committees and coordinators. The Administrative Division
9 shall be responsible for the creation and maintenance of VSI's Policies and Procedures
10 Manual. The Administrative Vice-~~chairman~~Chair shall be responsible to see that the
11 Coach Representative elections are held in accordance with these Bylaws.
12

13 .5 SENIOR VICE-~~CHAIRMAN~~CHAIR: The Senior Vice-~~chairman~~Chair shall chair and have
14 general charge of the affairs and property of the Division or Committee that develops
15 and conducts the senior swimming program of VSI including meet management for all
16 senior swimming meets sponsored by VSI. The Senior Vice-~~chairman~~Chair serves a
17 liaison to the Athlete Representatives and shall be responsible to see that the Athlete
18 Representatives elections are held in accordance with these Bylaws.
19

20 .6 AGE GROUP VICE-~~CHAIRMAN~~CHAIR: The Age Group Vice-~~chairman~~Chair shall chair
21 and have general charge of the affairs and property of the Division or Committee that
22 develops and conducts the age group swimming program of VSI including meet
23 management for all age group swimming meets sponsored by VSI.
24

25 .7 ATHLETE REPRESENTATIVES: The Athlete Representatives shall serve as the liaison
26 between the athletes who are members of VSI and the Board of Directors and House of
27 Delegates. The Senior Athlete Representative shall chair the Athlete Committee.
28

29 .8 COACH REPRESENTATIVE: The Coach Representative shall serve as a liaison between
30 the coaches who are members of VSI and the Board of Directors and House of
31 Delegates. The Senior Coach Representative shall chair the Coaches' Committee.
32

33 .9 AT-LARGE BOARD MEMBERS: In addition to their inherent powers and duties as
34 members of the Board of Directors, the At-Large Board Members shall have such
35 powers and duties as may be delegated to them by the VSI Policies and Procedures
36 Manual, the General Chair, the Board of Directors, or the House of Delegates.
37

38 .10 VSI DELEGATES TO USA SWIMMING HOUSE OF DELEGATES -
39

40 A Officer and Representative Delegates - It shall be the duty and privilege of the
41 General Chair~~man~~Chair, the Administrative Vice-~~Chairman~~Chair, the Age Group
42 Vice-~~chairman~~Chair, the Senior Vice-~~chairman~~Chair, the Senior Athlete
43 Representative and the Coach Representative to attend the USA Swimming annual
44 meeting as representatives of VSI and voting delegates to the USA Swimming
45 House of Delegates.
46

47 B Officer Delegate Alternates - If any of the officer delegates is unable to attend,
48 their elected alternates, if any, shall attend in their places. In the event that there
49 are no elected alternates or the elected alternates are unable to attend, then the

1 General ~~Chairman~~Chair, with the advice and consent of the Board of Directors,
2 shall appoint alternates who shall attend the USA Swimming annual meeting as
3 delegates representing VSI.
4

5 C Athlete Representative Alternates - If an athlete delegate is unable to attend, ~~the~~
6 ~~Athlete Representative next most senior in term of office shall attend. If seniority~~
7 ~~cannot be established or there remains no additional Athlete Representatives or~~
8 ~~alternates able to attend, then~~ the General ~~Chairman~~Chair, with the advice and
9 consent of the Board of Directors, shall designate one or more Athlete Members to
10 attend as a representative of VSI.
11

12 D Coach Representative Alternates - If the Coach Representative is unable to attend
13 the USA Swimming annual meeting, then the ~~other Coach Representative shall~~
14 ~~attend~~~~elect~~~~alternate shall attend~~, and if neither the Coach Representative or the
15 alternate is able to attend, then the General ~~Chairman~~Chair, with the advice and
16 consent of the Board of Directors, shall designate a Coach Member to attend as a
17 representative of VSI.
18

19 606.87 RESIGNATIONS - Any officer may resign by orally advising the General ~~Chairman~~Chair or
20 by submitting a written resignation to the Board of Directors specifying an effective date of the
21 resignation. In the absence of a specified effective date, any such resignation shall take effect
22 upon the appointment or election of a successor.
23

24 606.98 VACANCIES AND INCAPACITIES -
25

26 .1 OFFICE OF GENERAL ~~CHAIRMAN~~CHAIR - In the event of a vacancy in the office of
27 General ~~Chairman~~Chair, or of the General ~~Chairman~~Chair's temporary or permanent
28 incapacity, the Administrative Vice-~~chairman~~Chair shall become the Acting General
29 ~~Chairman~~Chair until an election can be held at the next meeting of the House of
30 Delegates to fill the remaining term, if any, of the former General ~~Chairman~~Chair, or
31 until the General ~~Chairman~~Chair ceases to suffer from any temporary incapacity. While
32 serving as Acting General ~~Chairman~~Chair, the Administrative Vice-~~chairman~~Chair shall
33 vacate the office of Administrative Vice-~~chairman~~Chair, except in the case of the
34 General ~~Chairman~~Chair's temporary incapacity. If the General ~~Chairman~~Chair is to be
35 absent from the Territory, the General ~~Chairman~~Chair may, but is not obligated to,
36 designate the Administrative Vice-~~chairman~~Chair as Acting General ~~Chairman~~Chair for
37 the duration of the absence.
38

39 .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy in the
40 office of Athlete Representative or Coach Representative, or of the permanent incapacity
41 of a person holding the office of Athlete Representative or Coach Representative, the
42 General ~~Chairman~~Chair may appoint, with the advice and consent of the Board of
43 Directors, an Athlete Member or a Coach Member, as the case may be, to serve the
44 remainder of the term of office or until the Athlete Members or the Coach Members, as
45 the case may be, shall elect a successor.
46

47 .3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the person
48 holding, any office other than General ~~Chairman~~Chair, Athlete Representative, Coach
49 Representative or member of the Board of Review, the General ~~Chairman~~Chair shall

1 appoint a successor, with the advice and consent of the Board of Directors, to serve until
2 the next regularly scheduled meeting of the House of Delegates. In the event of a
3 temporary incapacity, the General ~~Chairman~~Chair may designate, with the advice and
4 consent of the Board of Directors, an Individual Member to act for the incapacitated
5 officer for the duration of the incapacity.
6

- 7 .4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office
8 becomes vacant or an officer becomes incapacitated shall be within the discretion of the
9 Board of Directors or the House of Delegates or in the case of an Athlete
10 Representative or Coach Representative, the advice and consent of the Athletes
11 Committee or the Coaches Committee, respectively. The determination as to when the
12 General ~~Chairman~~Chair is temporarily incapacitated shall be made, where the
13 circumstances permit, by the General ~~Chairman~~Chair and otherwise shall be within the
14 discretion of the Board of Directors, subject to any subsequent action by the House of
15 Delegates.
16

17 606.109 OFFICERS' POWERS GENERALLY -
18

- 19 .1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - The General ~~Chairman~~Chair,
20 Administrative Vice-~~chairman~~Chair, Age Group Vice-~~chairman~~Chair, Senior Vice-
21 ~~chairman~~Chair and Treasurer each may sign and execute in the name of VSI deeds,
22 mortgages, bonds, contracts, agreements or other instruments duly authorized by the VSI
23 Policies and Procedures Manual, the Board of Directors or the House of Delegates,
24 except in cases where the signing and execution thereof shall be expressly delegated by
25 the Board of Directors to another officer or agent, expressly requires two or more
26 signatures or is required by law to be otherwise executed. Additional signing authority
27 may be provided by standing resolutions of the Board of Directors or the House of
28 Delegates.
29
- 30 .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform
31 other duties as may be prescribed in VSI's Policies and Procedures Manual or by the
32 House of Delegates, the Board of Directors, the General ~~Chairman~~Chair, the respective
33 division Vice-~~chairman~~Chair, the delegating officer or these Bylaws. The division Vice-
34 chairmen shall have the additional duties and powers set forth in Section 607.1 and
35 607.5.
36
- 37 .3 DELEGATION - Officers of VSI may delegate any portion of their powers or duties to
38 another Individual Member or to a committee composed of Individual Members. In
39 addition, the authority to sign checks, drafts, orders of withdrawal or wire transfers shall
40 not be delegated other than by the Board of Directors. A delegation of powers or duties
41 shall not relieve the delegating officer of the ultimate responsibility to see that these
42 duties and obligations are properly executed or fulfilled.
43
- 44 .4 ASSISTANT AND DEPUTY OFFICERS - The House of Delegates or the Board of Directors
45 may by resolution or VSI's Policies and Procedures Manual create the office of
46 Deputy to one or more of the elected officials. The resolution or Policy / Procedure of
47 VSI will define the method of election or appointment and will delineate the duties
48 and powers of the respective deputies, which may include the power to act for the
49 officer when she/he is out of the Territory or temporarily incapacitated.

1
2 606.11 DEPOSITORIES AND BANKING AUTHORITY €
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- 4 .1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of VSI shall be deposited to
5 its credit in the banks, trust companies, other depositories or custodians, investment
6 companies or investment management companies as the Board of Directors may select,
7 or as may be selected by the ~~Budget and~~ Finance Committee or any officer or officers or
8 agent or agents authorized to do so by the Board of Directors. Endorsements for deposit
9 to the credit of VSI in any of its duly authorized depositories shall be made in the
10 manner determined by the ~~Budget and~~ Finance Committee or the Board of Directors.
11 All funds of VSI not otherwise employed shall be maintained in the banks, trust
12 companies, other depositories or custodians, investment companies or investment
13 management companies designated by the ~~Budget and~~ Finance Committee, the Board of
14 Directors or any officer or officers or agent or agents authorized to do so by the Board of
15 Directors.
16
17 .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer
18 of money, and all notes or other evidences of indebtedness issued in the name of VSI
19 shall be signed by the General ~~Chairman~~Chair, the Treasurer or other officer or officers
20 or agent or agents of VSI, and in the manner, as shall be determined by the Budget and
21 Finance Committee or the Board of Directors.
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ARTICLE 607

DIVISIONS, COMMITTEES AND COORDINATORS

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

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48
- .1 ADMINISTRATIVE DIVISION - Administrative Vice-~~chairman~~Chair
- Awards Banquet (Coordinator)
 - Bylaws/Legislation (Coordinator)
 - Computer Technology
 - ~~Disability Swimming (Coordinator)~~
 - Equipment Committee (Standing Committee)
 - Elections
 - Finance Committee (Standing Committee)
 - Insurance
 - Meet Sanctions
 - Membership/Registration
 - Officials ~~Committee and Rules Committee~~ (Standing Committee)
 - ~~NTVs (Coordinator)~~ Personnel Committee (Standing Committee)
 - Public Relations
 - Publications/Newsletter
 - Policies and Procedures Manual (Coordinator)
 - ~~Records/Top 16 Tabulation (Coordinator)~~ Safety Committee (Standing Committee)
 - Secretary
 - Special Events
 - Swim-a-thon (Coordinator)
 - Times and Recognition Coordinator
 - Treasurer
 - Webmaster
- .2 AGE GROUP DIVISION - Age Group Vice-~~chairman~~Chair
- Disability Swimming (Coordinator)
 - Age Group Committee (Standing Committee)
 - Age Group Program
 - Age Group Time Standards
 - All Star Meet Committee (Standing Committee)
 - Camps/Clinics
 - Meet Management for VSI Sponsored Age Group Meets
 - Zone Team Committee (Team Manager and Standing Committee)

1 .2 DUTIES AND POWERS OF NON-OFFICER CHAIRMEN AND COORDINATORS -

- 2
- 3 A Membership/Registration Administrator - The Membership/Registration
- 4 Administrator shall be responsible for the registration of Group and Individual
- 5 Members and the transmission of registration information to USA Swimming and
- 6 shall make the reports required by Section 608.6, together with such additional
- 7 reports as may be required by USA Swimming, the Board of Directors or the
- 8 General ~~Chairman~~Chair.
- 9
- 10 B Technical Planning ~~Chairman~~Chair - The Technical Planning ~~Chairman~~Chair shall
- 11 chair, and have general charge of the business, affairs and property of the
- 12 Technical Planning Committee, which is responsible for long-range planning
- 13 regarding the swimming programs conducted by VSI, the continuing review and
- 14 development of the VSI philosophy and for advising other committees and
- 15 divisions regarding the implementation of that philosophy in the context of VSI's
- 16 swimming programs.
- 17
- 18 C Officials Chair - The Officials Chair shall chair the Officials Committee which is
- 19 responsible for recruiting, training, certifying, and supervising officials for VSI.
- 20 The Officials Chair shall be a referee certified by VSI and each member of the
- 21 Officials Committee shall be a certified official of VSI.
- 22
- 23 D. Safety Coordinator- The Safety Coordinator shall be responsible for
- 24 coordinating safety enhancement and training opportunities as needed, and for
- 25 the dissemination of USA Swimming safety education information to all Group
- 26 Members, athletes, coaches, and officials of VSI. The Safety Coordinator shall
- 27 develop safety education programs and policies for VSI and make
- 28 recommendations regarding same, and the implementation thereof, to the Senior
- 29 Chair, Admin Vice Chair, and the Board of Directors. The Safety Coordinator
- 30 shall make the reports required pursuant to Section 608.7.
- 31
- 32 E. Athletes Committee Chair – The Senior Athlete Representative shall chair and
- 33 have general charge of the business, affairs, and property of the Athletes
- 34 Committee, which shall be responsible for the publication of an athlete's
- 35 newsletter and shall undertake such other activities delegated to it by the Board
- 36 of Directors or the General Chair.
- 37
- 38 F. Coaches Committee Chair: The Senior Coach Representative shall chair and
- 39 have general charge of the business, affairs, and property of the Coaches'
- 40 committee, which shall undertake such activities delegated to it by the Board of
- 41 Directors or the General Chair.
- 42

43 607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES - Except as

44 otherwise provided in these Bylaws or by the Board of Directors, members of each standing

45 committee shall be appointed by the General ~~Chairman~~Chair with the advice and consent of the

46 respective division vice-~~chairman~~chair and the ~~chairman~~chair of the committee. The division

47 vice-~~chairman~~chair shall be an ex-officio member (with voice and vote) of each standing

48 committee within the respective division. The ex-officio members and other designated

49 members of certain standing committees shall be as follows:

1
2 .1 ATHLETES COMMITTEE – the Athletes Committee shall consist of the Senior ~~At-~~
3 ~~Large~~ Athlete Representative who shall serve as chair, the Junior ~~At Large~~ Athlete
4 Representative, and the Group Member Athlete Representatives appointed by each
5 Group Member pursuant to Section 604.1.1.
6

7 ~~.2 AUDIT COMMITTEE – The Audit Committee shall consist of at least three (3)~~
8 ~~members appointed by the General Chairman with the advice and consent of the~~
9 ~~Board of Directors. The Treasurer shall not serve on the Audit Committee.~~
10

11 .3 ~~BUDGET AND~~ FINANCE COMMITTEE - The members of the ~~Budget and~~
12 Finance Committee shall be ~~the General Chairman,~~ the Treasurer, the
13 Administrative Vice-chair~~man~~, an Athlete Member, a Coach Member, and other
14 members appointed by the General Chair~~man~~ with the advice and consent of the
15 Board of Directors.
16

17
18 .4 COACHES COMMITTEE - The members of the Coaches Committee shall consist
19 of Coach Representatives and such additional coach members as may be determined
20 by the Coach Representatives. The Senior Coach Representative shall chair the
21 committee.
22

23 .5 OFFICIALS ~~AND RULES COMMITTEE~~ - The members of the Officials and Rules
24 Committee shall be the Officials ~~ChairmanChair, who shall serve as chairman,~~ and
25 at least five other members, one of whom shall be an Athlete Member. Other than
26 the Athlete member, each member of this committee shall be a certified official of
27 VSI.
28

29 .65 PERSONNEL COMMITTEE - The members of the Personnel Committee shall be
30 the General Chair, who shall serve as chair, the Administrative Vice Chair, and the
31 Chair of the Finance Committee.
32

33 .7 SAFETY COMMITTEE - The members of the Safety Committee shall be the Safety
34 ~~ChairmanChair, who shall serve as the chairman,~~ and at least five (5) additional
35 members; of which at least one shall be an VSI certified official, at least one shall
36 be a Coach Member, and at least one shall be an Athlete Member.
37

38 .86 TECHNICAL PLANNING COMMITTEE - The members of the Technical
39 Planning Committee shall be the Technical Planning ~~ChairmanChair, who shall~~
40 ~~serve as chairman,~~ an Athlete Member and at least six (6) additional members of
41 whom at least 50% (fifty percent) shall be Coach Members. ~~representing each of the~~
42 ~~administrative subdivisions of VSI. Two members, one (1) of whom shall be a~~
43 ~~Coach Member will represent each administrative subdivision.~~ The Athlete Member
44 and the additional members representing administrative subdivisions shall be
45 appointed by the General Chair~~man~~ with the advice and consent of the Board of
46 Directors.
47

48 The General Chair~~man~~ or the respective division Vice Chair may ~~shall~~ appoint the specified
49 additional members and any other members deemed appropriate or necessary for any of the

1 foregoing standing committees **except the Athletes, Coaches, and the Personnel Committees**
2 **with the advice of the chairman thereof.** Committee members appointed pursuant to the
3 preceding sentence shall hold their appointments at the pleasure of the **appointing officer or**
4 **successor. ~~General Chairman.~~**

6 607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS -

7
8 .1 ATHLETES COMMITTEE – The Athletes Committee shall serve as the primary
9 forum for identifying and bringing issues of Athlete Member interest and concern to
10 the Board of Directors and House of Delegates for discussion and action. The
11 Athletes Committee is obligated to provide athlete education and to assist in
12 ensuring effective participation in elections of the ~~At-Large~~ Athlete Representatives.
13 The Athletes Committee is authorized to conduct such events and activities with and
14 on behalf of the athletes in VSI as the committee may determine necessary or
15 appropriate

16
17 ~~.2 AUDIT COMMITTEE – The Audit Committee is authorized to, and it shall be its~~
18 ~~duty to, conduct the annual audit of the books of VSI pursuant to Section 608.5 and~~
19 ~~present the results thereof to the Board of Directors and the House of Delegates.~~

20
21 ~~.23 BUDGET AND FINANCE COMMITTEE - The ~~Budget and~~ Finance Committee is~~
22 ~~authorized and obligated to consult with the officers, committee chairmen and~~
23 ~~coordinators and prepare and present a proposed budget for consideration and~~
24 ~~approval by the Board of Directors and the House of Delegates. The officers,~~
25 ~~committee chairmen and coordinators shall provide promptly such financial~~
26 ~~information (current and projected) and budget proposals as the ~~Budget Finance~~~~
27 ~~Committee may request. The proposed budget may contain alternatives. ~~The~~~~
28 ~~Finance Committee, exclusive of the Treasurer, is authorized to, and it shall be its~~
29 ~~duty to, conduct the annual audit of the books of VSI pursuant to Section 608.5 and~~
30 ~~present the results thereof to the Board of Directors and the House of Delegates.~~

31
32
33 The ~~Budget and~~ Finance Committee is also authorized and obligated to develop,
34 establish where so authorized or recommend to the Board of Directors and supervise
35 the execution of policy regarding the investment of VSI's working capital, funded
36 reserves and endowment funds, within the guidelines, if any, established by the
37 Board of Directors or the House of Delegates. The Finance Committee shall also
38 regularly review VSI's equipment needs (both operational and office) and the
39 various methods available to finance the acquisition of any needed equipment, make
40 a determination of the best financing method for VSI and make recommendations to
41 the ~~Budget Committee and the~~ Board of Directors.

42
43 ~~.34 MEMBERSHIP/REGISTRATION COORDINATOR - The Membership /~~
44 ~~Registration Coordinator is authorized and obligated to conduct the registration of~~
45 ~~Group and Individual members and supervise the transmission of registration~~
46 ~~information to USA Swimming and assist in the preparation of the reports as~~
47 ~~required by Section 608.6, together with such additional reports as may be requested~~
48 ~~by USA-Swimming, the VSI Board of Directors, the Administrative Vice Chair, or~~
49 ~~the Finance Committee Chair.~~

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.4 OFFICIALS ~~AND RULES~~ COMMITTEE - The Officials ~~and Rules~~ Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify and supervise officials for VSI and such other activities as may be necessary or helpful in maintaining a roster of qualified, well-trained and experienced officials of the highest caliber. The Officials ~~and Rules~~ Committee is also authorized and obligated to issue interpretations of the competitive rules for use by officials, coaches and athletes at meets conducted within the territory of VSI. Such interpretations will be issued after consultation with the USA Swimming Rules Chair~~man~~ and USA Swimming Officials Chair~~man~~, as appropriate. ~~As an option the officials and rules functions may be divided and assigned to separate committees.~~

.5 PERSONNEL COMMITTEE - The Personnel Committee is authorized and obligated to negotiate and set wages, compensation, and other terms of employment of VSI's staff (whether employees or independent contractors) within established budgetary guidelines and policies and to review and approve the scope of duties delegated to staff.

.6 SAFETY COMMITTEE - The Safety Committee shall be responsible for coordinating safety enhancement and training opportunities as needed and for the dissemination of USA Swimming safety education information to all Group Members, athletes, coaches and officials of VSI. The Safety Committee shall develop safety education programs and policy for VSI and make recommendations regarding those programs and policies and their implementation to the applicable division Vice-chairmen and the Board of Directors. When approved by the Board of Directors, the Safety Committee shall be responsible for the coordination of their implementation by the Club Members. The Safety Chair~~man~~ with the assistance of the Committee members shall prepare and transmit the reports required pursuant to Section 608.7.

.76 TECHNICAL PLANNING COMMITTEE - The Technical Planning Committee shall be responsible for long-range planning for the swimming programs conducted by VSI and for advice regarding the technical aspects of those programs and of the sport of swimming generally. For each upcoming season, the Technical Planning Committee shall devise a proposed meet schedule in consultation with the Age Group Committee and the Senior Committee. After approval by the Board of Directors, the Committee shall publish the proposed schedule and seek bids from Club Members to host meets. After reviewing the bids received, the Committee shall make recommendations to the Board of Directors and House of Delegates for the adoption of a firm schedule and award of hosting rights to Club Members. The Technical Planning Chair~~man~~Chair shall coordinate the evaluation, revision and approval of meet announcements in consultation with the Age Group Vice-chair~~man~~Chair and Senior Vice-chair~~man~~Chair and other appropriate VSI officers, chairmen and coordinators and shall make recommendations regarding the issuance of sanctions for these meets by the Administrative Vice-chair~~man~~Chair.

607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY - The duties and powers of the General Chair~~man~~Chair, the division vice-chairmen, committees or subcommittees (in addition to those provided elsewhere in these Bylaws) and, when applicable, coordinators shall be as follows:

- 1
- 2 .1 Preside at all meetings of the respective division, committee or subcommittee;
- 3
- 4 .2 See that all duties and responsibilities of the coordinator or the respective division,
- 5 committee or sub-committee in his charge are properly and promptly carried out;
- 6
- 7 .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and
- 8 responsibilities of the coordinator or division or committee, respectively;
- 9
- 10 .4 Communicate with the respective division, coordinator, committee or subcommittee
- 11 members to keep them fully informed;
- 12
- 13 .5 Keep the General ~~Chairman~~Chair, the respective division vice-~~chairman~~chair or
- 14 committee ~~chairman~~chair and the Secretary informed of the respective coordinator,
- 15 division, committee or subcommittee actions and recommendations;
- 16
- 17 .6 Appoint a member as secretary of the division, committee or subcommittee charged with
- 18 taking minutes of each meeting and forward reports or minutes of all meetings to the
- 19 Secretary;
- 20
- 21 .7 Refer to the Board of Directors any recommendation for action which would establish or
- 22 change policies or programs for VSI, except as otherwise provided in these Bylaws or by
- 23 the Board of Directors; and
- 24
- 25 .8 Perform the other specific duties listed in VSI's Policies and Procedures Manual or as
- 26 may be delegated by the General-~~Chairman~~Chair, the respective division vice-
- 27 ~~chairman~~chair or committee chair~~man~~, the Board of Directors or the House of Delegates.
- 28
- 29 607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY -
- 30 Except as otherwise provided in these Bylaws, the duties and powers of the standing
- 31 committees and coordinators shall be prescribed by VSI's Policies and Procedures Manual, the
- 32 House of Delegates, the Board of Directors, the General ~~Chairman~~Chair or the respective
- 33 division vice-~~chairman~~chair. Except as otherwise provided in the Bylaws, the duties and
- 34 powers of any other committees and subcommittees shall be prescribed by VSI's Policies and
- 35 Procedures Manual, the House of Delegates, the Board of Directors or the officer, coordinator
- 36 or ~~chairman~~chair pursuant to whose powers such committee or subcommittee was created.
- 37
- 38 607.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of divisions,
- 39 committees or sub-committees of VSI shall be held as determined by the respective Vice-
- 40 chairmen or committee or sub-committee-~~chairman~~chair. In addition, meetings may be called
- 41 where applicable by the division vice-~~chairman~~chair, committee ~~chairman~~chair or coordinator
- 42 pursuant to whose authority a committee or sub-committee was established.
- 43
- 44 607.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Meetings of divisions,
- 45 committees and sub-committees shall be open to all members of VSI and USA Swimming.
- 46 Matters relating to personnel, disciplinary action, legal, taxation and similar affairs shall be
- 47 deliberated and decided in a closed executive session which only the respective members are
- 48 entitled to attend. By a majority vote on a motion of a question of privilege a division,
- 49 committee or sub-committee may decide to go into executive session on any matter deserving

1 of confidential treatment or of personal concern to any member of the division, committee or
2 sub-committee.

3
4 607.9 VOICE AND VOTING RIGHTS OF DIVISION, COMMITTEE AND SUB-COMMITTEE
5 MEMBERS - The voice and voting rights of Board Members and Individual Members shall be
6 as follows:

- 7
8 .1 MEMBERS - Each division, committee and sub-committee member shall have both voice
9 and vote in the respective meetings.
10
11 .2 NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS - Unless entitled to vote
12 under another provision of these Bylaws, the General ~~Chairman~~Chair shall have voice
13 but no vote in meetings of divisions, committees and sub-committees.
14
15 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the division,
16 committee or sub-committee may attend open meetings of the division, committee or
17 sub-committee and be heard in the discretion of the presiding officer. Unless entitled to
18 vote under another provision of these Bylaws, Individual Members shall have no vote in
19 those meetings.
20

21 607.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any
22 meeting of a division, committee, or subcommittee may be taken without a meeting if all the
23 division, committee, or sub-committee members entitled to vote consent to the action in
24 writing and the written consents are filed with the records of the meetings. These consents
25 shall be treated for all purposes as a vote taken at the meeting.
26

27 607.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any
28 division, committee or sub-committee may participate in a meeting of the division, committee
29 or sub-committee through conference telephone or similar equipment by means of which all
30 persons participating in the meeting can hear each other at the same time. Participation by
31 such means shall constitute presence in person at a meeting.
32

33 607.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action
34 establishing a committee or subcommittee, a quorum of any committee or subcommittee shall
35 consist of those members present of the committee or subcommittee.
36

37 607.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all
38 motions, orders and other propositions coming before a division, committee or subcommittee
39 shall be determined by a majority vote.
40

41 607.14 PROXY VOTE - Voting by proxy in any meeting of a division, committee or sub-committee
42 of VSI shall not be permitted.
43

44 607.15 NOTICES

- 45
46 .1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action
47 establishing a committee or sub-committee, not less than forty-eight (48) hours notice in
48 the case of notice given by telephone, and six (6) days notice in all other cases, shall be
49 given for any meeting of a division, committee or sub-committee of VSI. Separate

1 notices need not be given for regular meetings that are scheduled well in advance. (See
2 Section 616.1.5 for the various forms of notice.)

3
4 .2 INFORMATION - The notice of a meeting shall contain the time, date and site.

5
6 607.165 ORDER OF BUSINESS - At all meetings conducted under the authority of this Article, the
7 following shall be included in the order of business to the extent applicable; the order in which
8 subjects are taken up may be varied:

9
10 Roll Call
11 Reading, correction and adoption of minutes
12 Reports of coordinators, committees and subcommittees
13 Unfinished (old) business
14 New business
15 Resolutions and orders
16 Adjournment
17

18 607.176 RESIGNATIONS - Any committee or subcommittee ~~ehairmanchair~~ or member or coordinator
19 may resign by orally advising the General ~~ChairmanChair~~ or by submitting a written resigna-
20 tion to the Board of Directors specifying an effective date of the resignation. If such date is not
21 specified, the resignation shall take effect upon the appointment of a successor.
22

23 607.187 VACANCIES - The determination of when the position of an appointed committee or
24 subcommittee ~~ehairmanchair~~, committee member or a coordinator becomes vacant or the
25 person becomes incapacitated, if not made by the person, shall be within the discretion of the
26 Board of Directors. (See Section 606.8 for provisions applicable to elected committee
27 chairmen and coordinators.) In the event of a vacancy or permanent incapacity the General
28 ~~ChairmanChair~~, with the advice and consent of the Board of Directors and the respective
29 division vice-~~ehairmanchair~~, shall appoint a successor to serve until the conclusion of the
30 incumbent's term. A temporary incapacity may be left unfilled at the discretion of the General
31 ~~ChairmanChair~~ or an appointment may be made for the duration of the temporary incapacity.
32

33 607.198 DELEGATION - With the consent of the Board of Directors or the respective division Vice-
34 Chair, a committee or subcommittee Chair / coordinator may delegate a portion of their
35 powers or duties to another officer of VSI, or to another committee, subcommittee, or
36 coordinator, or with the consent of the VSI Board of Directors or the Personnel Committee,
37 to the paid staff at VSI.
38

39 607.20 APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF
40 REVIEW - Sections 607.5 through 60-7.165 shall apply to the Executive Committee, the
41 Nominating Committee and any other committee of the Board of Directors or the House of
42 Delegates, unless otherwise provided in these Bylaws, in the resolution creating the committee
43 or in the VSI Policies and Procedures Manual. These provisions shall also apply to Board of
44 Review meetings, but shall not apply to its hearings or deliberations.
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ARTICLE 608

ANNUAL AUDIT, REPORTS AND REMITTANCES

- 608.1 MINUTES - The Secretary shall, within thirty (30) days after each meeting of the Board of Directors and the House of Delegates, transmit a copy of the minutes of the meeting to the respective members and to USA Swimming national headquarters.
- 608.2 FINANCIAL AND FEDERAL TAX REPORTS - The Secretary shall forward to USA Swimming national headquarters a copy of the annual closing Balance Sheet and Statement of Income and Expense for the preceding fiscal year following completion of the audit of the accounts and internal financial controls and procedures of VSI and the report thereon prepared in accordance with Section 608.5, within fifteen (15) days of receipt of the audit report and shall advise USA Swimming national headquarters within thirty (30) days following acceptance by the House of Delegates. Copies of any corresponding federal income tax return required to be filed by VSI under the IRS Code shall be included with the annual audit report sent to USA Swimming national headquarters.
- 608.3 STATE AND LOCAL REPORTS AND FILINGS - The Secretary shall cause to be made all reports and non-tax filings and shall requisition from the Treasurer checks with which to pay any applicable fees required by its state of incorporation and by any other state or municipality in which it operates.
- 608.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION - VSI shall cause to be made available at a reasonable location and time determined by VSI to anyone requesting to see a copy of VSI's federal income tax and information returns for each of the last three years, and a copy of the materials submitted by USA Swimming to include VSI in USA Swimming's group exemption ruling as required pursuant to IRS Code section 6104 and any similar requirements of applicable state or local laws.
- 608.5 ANNUAL AUDIT - An annual audit of the accounts, books and records of VSI shall be completed no later than the end of the third month following the end of its fiscal year. The audit, or review, shall be conducted by an independent auditor who shall be a certified public accountant or by the Audit Committee. The audit shall cover any federal, state or local income tax return that VSI is required to file under the IRS Code or applicable provisions of state or local law, rules or regulations, the balance sheet, the statement of income and expenses, check register and bank statements and other records as is deemed appropriate. If the audit, or review, is conducted by the Audit Committee or the Finance Committee, the committee shall issue a report signed by all of its members and stating that the financial records and reports of VSI have been reviewed and fairly present the financial condition of VSI as of the date of the balance sheet and for the fiscal period of the statement of income and expenses and the report is true and correct to the best of the Committee's knowledge, information and belief. If the audit, or review, is conducted by an independent auditor, the report shall be in accord with generally accepted auditing practices applicable to the audit or review, as the case may be.
- 608.6 MEMBERSHIP AND REGISTRATION REPORTS - The Membership/Registration Coordinator ~~Administrator~~ shall forward in a timely manner all required reports to the Executive Director of USA Swimming. This report shall be accompanied by a remittance of the appropriate membership and registration fees due to USA Swimming. The

1 Membership/Registration Administrator shall make periodic summary reports to the General
2 ~~Chairman~~Chair, the Administrative Vice-Chair, the Board of Directors and the House of
3 Delegates.
4

5 608.7 SAFETY REPORTS -
6

7 .1 INCIDENT/OCCURRENCE REPORTS - An occurrence report providing all of the
8 information requested by applicable USA Swimming form should be completed at the
9 time of the occurrence by the meet director, officer, coach or club officer with copies to
10 USA Swimming national headquarters, the Safety Committee Chairman and the
11 Administrative Vice-~~chairman~~chair and the VSI office.
12

13 .2 REPORTS OF INJURIES - The Safety ~~Chairman~~Chair shall present a report concerning
14 swimming-related injuries within the Territory at each House of Delegates and Board of
15 Directors meeting.
16

17 A House of Delegates Reports - The report to the House of Delegates shall be written
18 and shall provide in summary form the pertinent information including whether
19 the injured party is a member of VSI and USA Swimming, the location of the
20 occurrence and a brief description of the incident, the resulting injury and the
21 emergency-care steps taken, together with any recommendation for action by VSI
22 and its members to reduce the likelihood of a re-occurrence and the status of that
23 recommendation. The written report shall include a review of the pertinent
24 statistical information provided by USA Swimming national headquarters. The
25 Safety Chairman is responsible for distribution of this report to each Club Safety
26 Coordinator. A copy of each House of Delegates report shall also be sent to the
27 USA Swimming national headquarters.
28

29 B Board of Directors Reports - The regular report to the Board of Directors may be a
30 summary addressing primarily any recommendation for action by VSI and its
31 members.
32

33 .3 SAFETY EDUCATION - The Safety Chair~~man~~ shall be responsible for disseminating safety
34 information flowing from USA Swimming Headquarters and, with the assistance of the
35 Committee members, exploring safety education opportunities and developing a safety
36 education program tailored to VSI and its members and Territory.
37

38 608.8 MAILING ADDRESS - VSI shall notify in writing USA Swimming national headquarters of
39 any change in its regular mailing address within 14 days of the change.
40

41 608.9 REPORTS GENERALLY - VSI shall make all reports and remittances to USA Swimming as
42 specified in the USA Swimming Code or by the National Board of Directors or National House
43 of Delegates, in such a manner and on such written forms as may be requested by USA
44 Swimming national headquarters. The General ~~Chairman~~Chair, the Membership/Registration
45 Coordinator ~~Chairman~~Chair, the Secretary, and the Treasurer shall be collectively responsible
46 for seeing that all required reports and remittances are made.
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ARTICLE 609

MEMBERS' BILL OF RIGHTS

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

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609. CLUB MEMBERS' BILL OF RIGHTS - VSI shall respect and protect the right of every Club Member which is eligible under VSI, USA Swimming and FINA rules and regulations to participate in any competition through its athletes, coaches, trainers, managers, meet directors and other officials, so long as the competition is conducted in compliance with VSI, USA Swimming and FINA requirements. Before any Club Member is denied the right to participate in a competition, the Club Member shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Club Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

ARTICLE 610

BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL

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

1
2 610.2 DEFINITIONS FOR ARTICLE 610 - When used in this Article 610, the following terms shall
3 have the meanings indicated in this Section and the definitions of such terms are equally
4 applicable to both the singular and plural forms. Where a cross reference to another Section of
5 the Bylaws appears within the definition, the definition is qualified by the more complete
6 definition found in that Section:
7

- 8 .1 "Answer" shall mean the written response to a Protest and Notice filed in accordance
9 with Section 610.6.1.C and served in the manner prescribed in Section 610.10.
10
11 .2 "~~Chairman~~Chair" when standing by itself shall mean the ~~Chairman~~Chair of the Board of
12 Review.
13
14 .3 "Notice" shall mean the writing addressed to the Respondent advising that the
15 Respondent has been named a respondent in a Protest and served in accordance with
16 Section 610.10. The Notice sets the hearing date and procedures and establishes the
17 schedule to be followed leading to the hearing, among other things. See Section 610.2.3.
18
19 .4 "Presiding Officer" shall mean the ~~Chairman~~Chair or another member of the Board of
20 Review designated by the ~~Chairman~~Chair to preside at a particular hearing or hearings.
21 Where applicable the term shall include an attorney so designated pursuant to Section
22 610.3.12.B.
23
24 .5 "Protest" shall mean a written complaint filed in accordance with Section 610.6.1.A by a
25 Group Member or an applicant for such status, or an Individual Member or applicant for
26 such status or, with regard to conduct occurring in the Territory, a member of another
27 LSC, against a member of VSI or a constituent element, officer or agent of VSI. The
28 Protest may relate to an applicant's having been denied membership in VSI or a
29 member's alleged infraction against its responsibilities under Section 602.2 or about a
30 decision or action by someone acting under the authority of VSI or USA Swimming or,
31 with regard to conduct in the Territory, another LSC.
32
33 .6 "Protestor" shall mean the Individual Member or Group Member that has filed a Protest
34 with the Board of Review.
35
36 .7 "Rebuttal" shall mean the written response to an Answer by a Protestor filed in
37 accordance with Section 610.6.1.D and served in the manner prescribed in Section
38 610.10.
39
40 .8 "Respondent" shall mean the person against whom a Protest has been filed with the
41 Board of Review or who may be affected by a decision of the Board of Review
42 regarding the Protest.
43
44 .9 "Vice-~~chairman~~Chair" when used by itself shall mean the Vice-~~chairman~~Chair of the
45 Board of Review.
46

1 610.3 BOARD OF REVIEW ORGANIZATION -
2

- 3 .1 ESTABLISHMENT - The Board of Review of VSI shall be independent and impartial.
4
- 5 .2 MEMBERS - The Board of Review shall have at least five (5) regular members. The
6 Board of Review, and any panel hearing a case, shall have a sufficient number of athlete
7 members to constitute at least 20% of its membership. The House of Delegates may
8 increase the number of members by resolution but subsequent to the adoption of these
9 Bylaws may only decrease the number of members upon the expiration of the term of
10 office of any incumbent members. When a matter is being heard by less than the full
11 Board of Review, the panel hearing the case shall include a sufficient number of
12 athlete members so as to constitute at least 20% of the hearing panel. No hearing shall
13 proceed without the required athlete representation.
14
- 15 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -
16 A Election - At its annual meeting in odd-numbered years, the House of Delegates
17 shall elect members of the Board of Review.
18
19 B Term of Office - The term of office shall be two (2) years. Each member shall
20 assume office on September 1 and shall serve until a successor takes office.
21
22 C Eligibility - Each member of the Board of Review shall be a Individual Member of
23 VSI and USA Swimming. In no case shall elected members of the Board of
24 Directors constitute a majority of the Board of Review.
25
- 26 .4 ~~CHAIRMAN~~CHAIR ELECTED BY BOARD; OTHER OFFICERS - The ~~Chairman~~Chair of the
27 Board of Review (“Chair”) shall be elected biennially by a majority vote of the members
28 of the Board of Review. The ~~Chairman~~ shall biennially appoint a Vice-~~chairman~~Chair
29 and a Secretary of the Board of Review.
30
- 31 .5 MEETINGS - The Board of Review shall meet for administrative purposes at least once
32 biennially to elect the ~~Chairman~~Chair, to adopt rules and procedures and to conduct
33 other business as may be helpful or necessary to achieve the purposes of the Board of
34 Review and efficiently exercise its duties and powers. Other meetings may be called by
35 the ~~Chairman~~Chair or any three regular members. When meeting for administrative
36 purposes, those provisions of Article 607 that are specified in Section 607.18 shall apply
37 to the Board of Review.
38
- 39 .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of
40 Review may participate in a meeting or hearing of the Board of Review, and any hearing
41 may be conducted, in whole or in part, through conference telephone or similar
42 equipment by means of which all persons participating in the meeting can hear each
43 other at the same time. Participation by these means shall constitute presence in person
44 at such a meeting or hearing.
45
- 46 .7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be
47 fifty percent (50%) of its members, including athlete members. (The rule prescribed in
48 Section 610.5.1.C governs the quorum for hearings and rehearings conducted by the
49 Board of Review.)

1
2 .8 RESIGNATIONS - Any member of the Board of Review may resign by orally advising the
3 ~~ChairmanChair~~ or by submitting a written resignation to the ~~ChairmanChair~~, the General
4 ~~ChairmanChair~~ or the Board of Directors specifying an effective date of the resignation.
5 In the absence of a specified effective date, any such resignation shall take effect upon
6 the appointment or election of a successor.
7

8 .9 INCAPACITIES AND VACANCIES -
9

10 A Office of ~~ChairmanChair~~ - In the event of a vacancy in the office of the
11 ~~ChairmanChair~~, or of the ~~ChairmanChair~~'s temporary or permanent incapacity, the
12 Vice-~~chairmanChair~~ shall become the Acting ~~ChairmanChair~~ until an election can
13 be held at a meeting of the Board of Review to fill the remaining term, if any, of
14 the former ~~ChairmanChair~~, or until the ~~ChairmanChair~~ ceases to suffer from any
15 temporary incapacity. If the ~~ChairmanChair~~ is going to be absent from the
16 Territory, the ~~ChairmanChair~~ may, but is not obligated to, designate the Vice-
17 ~~chairmanChair~~ as Acting ~~ChairmanChair~~ for the duration of the absence.
18

19 B Presiding Officer - In the event of the death, resignation or permanent incapacity
20 of a Presiding Officer, the ~~ChairmanChair~~ shall appoint another member, an
21 alternate member or an attorney to serve until the completion of the hearings
22 assigned to that Presiding Officer. Generally that event and appointment should
23 have no impact on those pending hearings or rehearings other than delay for the
24 benefit of the new Presiding Officer. The ~~ChairmanChair~~ or the new Presiding
25 Officer may make such other orders as are in the interests of fairness, justice and
26 the sport of swimming. In the case of a temporary incapacity of a Presiding
27 Officer, the ~~ChairmanChair~~ shall have discretion regarding appointment of a new
28 Presiding Officer, a delay of the hearing or rehearing or such other order as may
29 serve the interests of fairness, justice and the sport of swimming.
30

31 C Other Members - In the event of a death, resignation or permanent incapacity of a
32 member of the Board of Review, the General ~~ChairmanChair~~ shall appoint an
33 Individual Member, with the advice and consent of the Board of Directors, to
34 serve as a Board of Review member until the next regularly scheduled meeting of
35 the House of Delegates. In the event of a temporary incapacity, the
36 ~~ChairmanChair~~ shall designate another member to act for the incapacitated
37 member for the duration of the incapacity. If there are no members available to
38 serve, the General ~~ChairmanChair~~, with the advice and consent of the Board of
39 Directors, shall appoint one or more Individual Members to serve as alternate
40 members to serve until the next regularly scheduled meeting of the House of
41 Delegates.
42

43 D Determination of Vacancy or Incapacity - The determination of when a
44 membership on the Board of Review becomes vacant or a member becomes
45 incapacitated shall be within the discretion of the Board of Review, subject to any
46 subsequent action by the House of Delegates. The determination as to when the
47 ~~ChairmanChair~~ is temporarily incapacitated shall be made, where the
48 circumstances permit, by the ~~ChairmanChair~~ and otherwise shall be within the

1 discretion of the Board of Review, subject to any subsequent action by the House
2 of Delegates.
3

4 .10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a
5 Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself
6 or himself or is disqualified in any particular circumstance, the ~~Chairman~~Chair (or, if the
7 person so unable or unwilling to act or recused or disqualified is the ~~Chairman~~Chair, the
8 Vice-~~chairman~~Chair; or failing that, the General ~~Chairman~~Chair) shall appoint another
9 member or, if none of the members is available, a disinterested Individual Member to act
10 in the member's place and stead in respect of that circumstance.
11

12 .11 EXTENSIONS OF TIME - The time by which any act is required to be taken pursuant
13 to this Article 610 may be extended or foreshortened by the ~~Chairman~~Chair, or the
14 Presiding Officer for a particular hearing, for good cause. (A single exception to this
15 rule is provided in Section 610.6.4.) A party's request for an extension of time prior to
16 the time established without regard to the requested extension will be accorded greater
17 deference than a request made later. The time, date and location of any hearing may be
18 changed by the ~~Chairman~~Chair or the Presiding Officer for a particular hearing on his or
19 her own initiative, as required by the interests of the Board of Review or in the interests
20 of justice.
21

22 .12 ADVICE; ATTORNEY AS PRESIDING OFFICER -
23

24 A Legal and Other Advice - Where appropriate or helpful, the ~~Chairman~~Chair or
25 Presiding Officer may consult the USA Swimming General Counsel, ~~any member~~
26 ~~of the USA Swimming Counsellors Committee~~, the Chairmen of the USA
27 Swimming ~~Legislation~~, Rules and Regulations or Officials Committees or of the
28 Bylaws Subcommittee or an attorney (who need not be a member of VSI, USA
29 Swimming or the Board of Review) retained by the Board of Review or the
30 ~~Chairman~~Chair regarding any issue raised by a proceeding.
31

32 B Attorney as Presiding Officer - The Board of Review or the Chair~~man~~ may retain
33 an attorney (who need not be a member of VSI, USA Swimming or the Board of
34 Review) to act as Presiding Officer at any hearing where it is appropriate or
35 helpful. A Presiding Officer who is not a Board of Review member may
36 participate in the deliberations of the Board of Review or the designated panel but
37 shall not be counted in determining the existence of a ~~Q~~quorum and shall not have
38 a vote.
39

40 C Attorney's Fees and Expenses - Prior to retaining an attorney on any basis
41 requiring the payment of fees to the attorney (the payment of expenses to an
42 attorney providing services at no charge (*pro bono publico*) shall not be considered
43 as a payment of fees for this purpose), the ~~Chairman~~Chair or the Presiding Officer
44 shall consult with the General ~~Chairman~~Chair and the USA Swimming General
45 Counsel. The Treasurer is authorized and directed to pay any fee and expenses
46 charged by the attorney and approved by the ~~Chairman~~Chair.
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48 .13 CODE OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW; RECUSAL -
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- A Code of Conduct - Members of the Board of Review shall:
 - (1) uphold the integrity and independence of the Board of Review;
 - (2) avoid any impropriety or even the appearance of impropriety in connection with service as a Board of Review member and swimming-related activities generally; and
 - (3) perform the duties of Board of Review membership impartially and diligently.

- B Grounds for Recusal - Members of the Board of Review shall recuse themselves from participating in any matter pending before the Board of Review:
 - (1) in which their impartiality might reasonably be questioned;
 - (2) where they have a personal bias or prejudice concerning a party in the matter pending before the Board of Review or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Board of Review member);
 - (3) where they or a member of their household are a party or are likely to be a material witness in the pending matter;
 - (4) where they or a member of their household have an interest that could be substantially affected by the outcome of the proceeding; or
 - (5) where they or a member of their household have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.

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

- D Recusal/Disqualification Requested by Party - By written notice to the Presiding Officer or the ~~Chairman~~Chair, or, in the case in which the ~~Chairman~~Chair is the subject of the notice, the Vice-~~chairman~~Chair, any party may request that the members recuse themselves or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification. Such notice shall be given at least ten (10) Business Days prior to the scheduled date of the hearing on such matter or later if the party sustains the burden of proving good cause for the lateness of the notice. The named member shall reach a decision on the matter and notify the ~~Chairman~~Chair or the Vice-~~chairman~~Chair of that decision within five (5) Business Days of receipt of the party's notice. If the member's decision is not in favor of recusal, then the ~~Chairman~~Chair or the Vice-~~chairman~~Chair may, but is not required to, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted and the party giving the

1 notice may appeal the disqualification decision, together with the hearing decision,
2 pursuant to Section 610.5.2.

- 3
4 E Substitution for Recused or Disqualified Member - In the event of a recusal or a
5 disqualification, a substitute shall be appointed as provided in Section 610.3.10.
6

7 610.4 GENERAL JURISDICTION -
8

- 9 .1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:
10

- 11 A administer and conduct the affairs and achieve the purposes of the Board of
12 Review,
13 B establish policies, procedures and guidelines,
14 C elect the ~~Chairman~~Chair in accordance with Section 610.3.4,
15 D elect or provide for the appointment of other officers, agents, committees or
16 coordinators to hold office for terms, and to have the powers and duties, specified,
17 E call regular or special meetings of the Board of Review,
18 F retain attorneys, agents and independent contractors and employ those persons
19 which the Board of Review may determine are appropriate, necessary or helpful in
20 the administration and conduct of its affairs and
21 G take such action as may otherwise be appropriate, necessary or helpful in the
22 administration and conduct of its affairs, the achievement of its purposes and the
23 efficient exercise of its duties and powers.
24

- 25 .2 RULE MAKING POWERS - The Board of Review shall have the power and the duty to
26 promulgate reasonable rules and procedures, consistent with the VSI Corporation laws,
27 with respect to any matter within its jurisdiction or appropriate, necessary or helpful in
28 the administration and conduct of its affairs. The rules and procedures adopted by the
29 Board of Review shall have the same force and effect as if they had been adopted as part
30 of these Bylaws.
31

- 32 .3 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may investigate and
33 conduct hearings, make and publish decisions and orders with regard to any matter
34 affecting VSI, its status or conduct as a Local Swimming Committee or the
35 administration of the sport of swimming in the Territory which involves:
36

- 37 A VSI and (1) a member or members of VSI or (2) a member or members of another
38 LSC solely with respect to conduct or events occurring within the Territory or a
39 combination of persons described in clauses (1) and (2), or
40
41 B only a member or members of VSI, or
42
43 C with respect to conduct or events occurring outside the Territory, (1) VSI and a
44 member or members of VSI or (2) only a member or members of VSI.
45

46 The jurisdiction of the Board of Review is limited in the case of matters described in sections
47 401.3.1 and 401.3.3 of the USA Swimming Code (with regard to the original and exclusive
48 jurisdiction of the National Board of Review) and may be further limited to the extent provided

1 in an order issued pursuant to section 401.3.2 of the USA Swimming Code (pertaining to
2 certain discretionary jurisdiction of the National Board of Review).
3

4 .4 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the
5 ~~Chairman~~Chair or the Presiding Officer, the exercise of the authority and powers of the
6 Board of Review and the decision of matters which are the subject of a hearing shall be
7 decided by a majority vote of the panel, the rehearing panel or the regular membership of
8 the Board of Review. The views of any dissenters shall be included in the record of the
9 proceeding if requested by the dissenters. The exercise of the Board of Review's
10 authority and power shall lie ~~lye~~ solely in its discretion and the interests of justice and
11 the sport of swimming. However, the Board of Review shall exercise its power in
12 response to a timely Protest filed with it, subject, in appropriate circumstances, to the
13 power and discretion of the ~~Chairman~~Chair or Presiding Officer to dismiss a Protest with
14 permission to refile for a stated period. In connection with any preliminary
15 investigation, the ~~Chairman~~Chair or Presiding Officer may offer the services of a Board
16 of Review member to act as a mediator or similar positions under other alternative
17 dispute resolution mechanisms.
18

19 .5 TIMELINESS OF PROTEST - The VSI Board of Review need not exercise its jurisdiction
20 with respect to a Protest the subject matter of which occurred, or concerns or is founded
21 on events which occurred, more than ninety (90) days prior to the date the Protest is
22 received (as determined under Section 610.10), ~~or in the case of subject matter that~~
23 ~~relates to a conviction, or actions which could be the basis of a conviction, for a crime~~
24 ~~(including felony, misdemeanor and lesser crimes) involving sexual misconduct, child~~
25 ~~abuse, violation of a law specifically designed to protect minors or similar offenses,~~
26 ~~more than five (5) years prior to that date.~~ A determination not to exercise its
27 jurisdiction as a result of the untimeliness of a Protest may be the subject of a request for
28 rehearing and, thereafter, appeal to the National Board of Review pursuant to Section
29 610.9.
30

31 .6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule
32 of generally applicable fees to be collected at the time a Protest, Request for a Rehearing
33 or Request for Formal Hearing following an Emergency Hearing is filed with the Board
34 of Review. If, on its own initiative or upon written request, the Board of Review
35 determines it to be in the interest of justice and the sport of swimming, the filing fee may
36 be waived on a case-by-case basis.
37

38 .7 POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES -
39

40 A Remedies and Penalties - The Board of Review, after conducting such hearings as
41 it may determine to be necessary or helpful, may, among other remedies:
42

- 43 (1) dismiss the Protest with or without permission to refile;
- 44 (2) censure or fine;
- 45 (3) establish a period of probation;
- 46 (4) prohibit or mandate future actions, inaction or conduct;
- 47 (5) determine the results of, or require a rerun of, any election held by VSI or
48 any constituent element thereof;

- 1 (6) vacate, modify, sustain, reverse, remand or stay any decision or order of a
2 smaller panel of the Board of Review, the House of Delegates, the Board of
3 Directors, any officer, division or committee, coordinator or official of VSI;
4 (7) interpret any provision of the FINA rules and regulations to the extent not
5 pre-preempted by FINA, the USA Swimming Code (except for Part One),
6 the USA Swimming Code of Ethics, these Bylaws, other policies, rules,
7 regulations and procedures of USA Swimming or VSI, the Amateur Sports
8 Act of 1978, a federal law, and other applicable laws, rules and regulations
9 and adjudicate alleged inconsistencies and claims of supremacy and
10 invalidity;
11 (8) deny, grant, suspend or restore the eligibility or right to compete of an
12 Athlete Member of VSI and USA Swimming;
13 (9) deny, grant, suspend or restore membership in VSI and USA Swimming for
14 a definite or indefinite period of time, with or without terms of probation, or
15 expel any Group Member or Individual Member of VSI and USA
16 Swimming, including any administrator, athlete, coach, trainer, manager,
17 meet director, official, officer, Board Member, House of Delegates
18 representative of a Group Member, coordinator or ~~chairman~~chair or member
19 of any committee or sub-committee;
20 (10) prohibit for a definite or indefinite period of time the participation by a non-
21 member volunteer or other person in any capacity whatsoever in the affairs
22 of USA Swimming, VSI, its Group Members or other LSCs and their Group
23 Members;
24 (11) assess costs, including any filing fee and attorneys fees and expenses, to the
25 prevailing party or refund any filing fee paid by the prevailing party; and
26 (12) any combination of any of the foregoing or any other remedies deemed
27 appropriate in the circumstances.

28
29 B Preliminary Hearing and Temporary Orders - In appropriate cases, the Board of
30 Review, after an initial investigation and/or a preliminary hearing, may make in its
31 discretion temporary orders for the good of the sport of swimming. The temporary
32 order may encompass any remedy or order permissible in a final decision and may
33 include, by way of example, suspending membership, granting the right to
34 participate or coach in a competition, permitting an athlete to compete subject to
35 protest or offering or ordering the parties to attempt to resolve their differences
36 pursuant to mediation or other alternative dispute resolution mechanisms prior to
37 any hearing before the Board of Review. These orders may be made effective
38 pending full hearings by the Board of Review or the conclusion of administrative
39 or judicial proceedings of other bodies addressing the same or similar issues or on
40 other terms as determined by the Board of Review. Instances in which such
41 temporary orders might be made include cases in which a member has been
42 indicted or otherwise formally charged with or accused of committing a crime
43 (including felony, misdemeanor and lesser crimes) involving sexual misconduct,
44 child abuse, a violation of a law specifically designed to protect minors or similar
45 offenses. Temporary orders may not be separately appealed prior to the decision
46 being issued in the proceeding unless the ~~Chairman~~Chair or the ~~Chairman~~Chair of
47 the National Board of Review in their discretion grant permission to an aggrieved
48 party to appeal the temporary orders prior to the final Board of Review decision in
49 the matter.

- C Grounds (Reasons) for Imposition - The Board of Review may fashion remedies and orders and impose penalties with respect to any Group or Individual Member or non-member volunteer of VSI or of a Group Member (1) who has violated any of the regulations, rules, policies or procedures of VSI, USA Swimming or FINA, including any of the responsibilities of membership set forth in Section 602.2, (2) who aids, abets, instigates or encourages another to violate any of such regulations, rules or policies, (3) who is responsible for any such violation by another under Section 602.2.2, (4) who has been convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Board of Review to have committed actions which would be the basis for a conviction, or (5) who has acted in a manner which has brought, or may bring, into disrepute VSI, USA Swimming or the sport of swimming.
- D Power to Impose Conditional Remedies and Penalties, Etc. - The Board of Review may stay its decision, in whole or in part, subject to specified conditions, with the decision taking effect automatically if such conditions occur.

610.5 HEARINGS AND REHEARINGS GENERALLY -

.1 HEARINGS -

- A Hearings Conducted by ~~Chairman~~Chair or Presiding Officer - Hearings of the Board of Review shall be conducted by the ~~Chairman~~Chair or a Presiding Officer designated by the ~~Chairman~~Chair.
- B Hearing by Panel - The Board of Review may, in the discretion of the ~~Chairman~~Chair, conduct hearings either before the full Board of Review or before panels of its members, provided that in any event each panel shall consist of at least three (3) members **which must include adequate athlete participation**. A panel shall have all of the powers of the Board of Review solely with respect to matter(s) assigned to it by the ~~Chairman~~Chair.
- C Quorum of Panel - At least three (3) members of a designated panel (or of the full Board of Review) must be present at any initial hearing before the panel and at least the lesser of the full membership or five (5) members must be present at any rehearing.
- D Permissible Hearing Formats - A hearing before the 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 communications equipment described in Section 610.3.6 and testimony may be taken and other forms of pertinent information presented in addition to oral argument by the parties or their counsel, as determined by the ~~Chairman~~Chair or Presiding Officer. In the discretion of the ~~Chairman~~Chair or the Presiding Officer, the hearing may be conducted in part through written means and in part by testimony and oral argument.

1 E Right to Counsel - The Protestor, the Respondent and any other person
2 participating in a hearing conducted by the Board of Review shall be entitled to be
3 represented by counsel of their choice at their own expense.
4

5 F Rules of Evidence - Judicial rules regarding admissibility of evidence shall not
6 apply to the Board of Review. Thus, hearsay, letters, affidavits, news media
7 articles and reports, etc., as well as direct testimony taken from witnesses present
8 at a hearing, are all admissible to the extent the Presiding Officer is satisfied as to
9 the relevance and non-repetitive nature of the evidence. Similarly, claims of
10 privilege (other than attorney-client and privileges that under applicable Federal
11 and state laws the Board of Review is required to recognize) shall not be
12 entertained by the Board of Review, except in extraordinary circumstances.
13 Proper weight shall be given to each type of evidence considering the source and
14 other common sense factors.
15

16 .2 REHEARINGS -
17

18 A Circumstances Permitting; Rehearing Body - At the request of the Protestor, the
19 Respondent or any other interested party, any matter which was decided by a panel
20 of less than seven (7) members may be reheard by the full Board of Review (or, if
21 the Board of Review is larger than seven (7) members, by a panel of at least seven
22 (7) members designated by the ~~Chairman~~Chair in his discretion). Members of the
23 initial hearing panel may be members of the rehearing panel.
24

25 B Right to a Rehearing; Discretion of ~~Chairman~~Chair - A rehearing shall be granted
26 as a matter of right in instances in which the original panel consisted of less than
27 seven members and the decision was not unanimous and at the discretion of the
28 ~~Chairman~~Chair in all other instances.
29

30 C Time within which a Rehearing may be Requested - The Protestor, each
31 Respondent or other party may request, within ten (10) Business Days of the date
32 of receipt of the initial written decision, that the decision of a Board of Review
33 panel be reheard.
34

35 D Failure to Request a Rehearing - A person may not appeal pursuant to Section
36 610.9 a decision of a panel of less than seven members without first making a
37 timely request for a rehearing.
38

39 E Decision of ~~Chairman~~Chair on Request; Notice of Rehearing -
40

41 (1) Discretionary Rehearings - With respect to requests for a rehearing that are
42 discretionary, the ~~Chairman~~Chair, in the same manner in which decisions
43 are rendered, shall either grant or deny the request within ten (10) Business
44 Days of the receipt of the request.
45

46 (2) Non-Discretionary Rehearings - With respect to requests for a rehearing that
47 are not discretionary, within ten (10) Business Days of the receipt of the
48 request, the ~~Chairman~~Chair shall schedule a rehearing.
49

- 1 (3) Rehearing Notice; Affect of Inaction - In either case, the **ChairmanChair**
2 shall notify all parties to the initial hearing of the rehearing, its time and date
3 and the method by which the rehearing will be conducted. If the
4 **ChairmanChair** does not take action within ten (10) Business Days, the
5 decision of the panel shall be considered final and any of the parties may
6 appeal the decision in accordance with Section 610.9.
7
- 8 F Fresh Start Hearing or On the Record Rehearing - The rehearing panel at the
9 discretion of the **ChairmanChair** or the Presiding Officer may conduct an entirely
10 new hearing or may make its decision based on the record created by the initial
11 panel supplemented by whatever written memoranda or oral argument may be
12 requested by the **ChairmanChair** or the Presiding Officer. The record shall include
13 the Protest, the Notice of Charges, the Answer, the Rebuttal, any temporary orders
14 or partial decisions made and the Notice of Decision, together with any additional
15 memoranda and written evidence filed by the parties. To the extent applicable, the
16 procedures for a formal hearing shall apply to a rehearing. See Sections 610.5.1
17 and 610.1.E.
18
- 19 .3 CLOSED HEARINGS - Any hearing, or a part thereof, shall be closed to everyone except
20 members of the Board of Review, the Presiding Officer, an attorney advising the
21 Presiding Officer, the Protestor, the Respondent, any other party, their counsel and any
22 witnesses at the request of any of the parties and may be closed at the discretion of the
23 **ChairmanChair** or the Presiding Officer as being in the best interests of justice and the
24 sport of swimming. If a hearing is closed, the Board of Review may in its discretion
25 direct the participants to keep the proceedings and the decision confidential and all or
26 parts of the record of the hearing to be kept confidential by VSI and USA Swimming.
27
- 28 .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within which any
29 act is required to be taken pursuant to this Article 610 appears in Section 610.3.11.
30
- 31 .5 ACCELERATED HEARING SCHEDULE - With the agreement of all parties to a hearing, the
32 **ChairmanChair**, or the Presiding Officer for the hearing, may order an accelerated
33 hearing schedule in the interest of justice and the sport of swimming.
34
- 35 610.6 HEARING PROCEDURES - The procedures to be followed in connection with all hearings
36 shall be as follows:
37
- 38 .1 FORMAL HEARING -
39
- 40 A Protest - The Protestor shall submit to the **ChairmanChair** of the Board of Review
41 (if submitted to the General **ChairmanChair** the statement is not defective, but the
42 allowable period of time for the Notice shall not commence until the statement is
43 received by the **ChairmanChair**) a written statement setting forth a description of
44 the action, inaction or conduct that is believed to have been improper or incorrect,
45 and the name of the person or group believed to have acted improperly or the
46 circumstances believed to require answers, explanation or clarification. This
47 written statement becomes the Protest under Section 610.2.5. The Protest shall be
48 accompanied by any filing fee due under Section 610.4.6 or by an application for
49 waiver of the fee.

1
2 B Notice - Each Respondent shall be given a written notice of the Protest. This
3 written notice becomes the Notice under Section 610.2.3. The Notice shall be sent
4 to each Respondent's last known address (determined in accordance with the
5 provisions of Section 0) by certified or express mail, return receipt requested, by
6 Federal Express, signature required, or by personal service. If the Respondent is
7 VSI or an officer, Board Member, committee or sub-committee ~~chairman~~chair or
8 coordinator or an official, the Notice shall be also given to the General Chair~~man~~,
9 the Administrative Vice-~~Chairman~~Chair and the Secretary at VSI's office. The
10 Notice shall be given as soon as practical following the conclusion of any
11 preliminary investigation made by or on behalf of the Board of Review, but in no
12 event later than fourteen (14) Business Days (twenty (20) Business Days if advice
13 is sought under Section 610.3.12.A) after the receipt of the Protest by the
14 ~~Chairman~~Chair. The form of Notice (an example of which can be found in
15 Appendix B to these Bylaws) shall include:

- 16
17 (1) a statement in reasonable detail of the charges against each Respondent, or
18 of the circumstances that are believed to require answers, explanation or
19 clarification. A copy of the Protest received by the Board of Review, if any,
20 shall be attached to the Notice;
21
22 (2) a statement that the Respondent has the right to have counsel of his own
23 choice to represent him, at his own expense, at any hearing;
24
25 (3) a description of the type of hearing to be held. In the case of an in-person
26 hearing, the Notice shall request each Respondent to appear before the
27 Board of Review with counsel and witnesses, if any;
28
29 (4) a date, time and location at which the hearing will be held. The date of the
30 hearing shall be not less than thirty (30) days nor more than sixty (60) days
31 after the date of transmission of the Notice;
32
33 (5) a request that each Respondent answer in writing all of the charges set forth
34 in the Notice. The Notice shall state that this answer is to be delivered at
35 least ten (10) Business Days prior to the date of the hearing, to the Presiding
36 Officer designated in the Notice, at the specified address, with a copy to the
37 Protestor and the Protestor's counsel, if any, and anyone else specified in the
38 Notice at the addresses designated in the Notice with delivery in accordance
39 with Section 610.10.2; and
40
41 (6) a statement of the right of appellate review (including the right, if any, to a
42 rehearing) in the event the decision is rendered against the Respondent.

43
44 C Answer by Respondent - Each Respondent's response to the Notice and Protest
45 shall be in writing and delivered to the Presiding Officer designated in the Notice,
46 at least ten (10) Business Days prior to the date of the hearing, with a copy to the
47 Protestor and his counsel and anyone else specified in the Notice at the addresses
48 designated in the Notice. This written statement becomes the Answer under
49 Section 0. The Answer shall be delivered in accordance with Section 0.

1
2 D Rebuttal by Protestor - The Protestor may, but is not required to, offer a rebuttal to
3 the Respondent's Answer. Any rebuttal shall be in writing and delivered to the
4 Presiding Officer designated in the Notice, at least five (5) Business Days prior to
5 the date of the hearing, with copies to each Respondent and his counsel at the
6 addresses specified in the Answer and to anyone else specified in the Notice at the
7 addresses designated in the Notice. This written statement becomes the Rebuttal
8 under Section 610.2.7. The Rebuttal shall be delivered in accordance with Section
9 610.10.2.

10
11 **ED** Conduct of Hearing -
12

13 (1) Generally - Hearings shall be conducted in an orderly fashion, but without
14 regard for the formalities of traditional court room procedures. The hearing
15 shall be conducted in a manner conducive to the establishment of the truth
16 and the interests of fairness, justice and the sport of swimming. The
17 Presiding Officer is responsible for keeping the parties and their counsel, if
18 any, focused on the issues at hand and the necessary elements of proof and
19 for enforcing the ordinal rule that no one may speak who has not been
20 recognized by the Presiding Officer. For hearings conducted other than
21 entirely through the receipt of written statements, the Board of Review shall
22 cause a recording or transcription to be made of the hearing. No record of
23 the deliberations of the Board of Review need be kept and, if kept, shall not
24 be available to anyone other than the members of the Board of Review, the
25 Presiding Officer and counsel to the Board of Review.
26

27 (2) Absence of a Party - The hearing may proceed in the absence of any party
28 who fails to be available at the appointed time and judgment shall not be
29 reached merely because of that person's absence. If the Presiding Officer
30 determines that in the interests of justice and the sport of swimming, the
31 hearing cannot proceed without the absent party, the Presiding Officer may
32 adjourn the hearing and reschedule it for such time as the absent party can
33 be present. Any subsequent absence may be taken into account by the
34 Board of Review in reaching its decision.
35

36 (3) Sequence - The hearing shall be opened by the recording of the place, time
37 and date of the hearing and the presence of the members of the Board of
38 Review, the parties, counsel, if any, and any other witnesses or observers.
39 Each party (Protestor first, Respondent second) may then present a brief
40 opening statement setting forth the party's view of the issues in dispute, the
41 relief sought and what they hope to prove by the presentation of evidence.
42 The Protestor's claims, evidence and witnesses shall be presented. The
43 Respondent's defenses, claims, evidence and witnesses shall then be
44 presented. In the discretion of the Presiding Officer, the Protestor may then
45 be allowed to rebut any testimony or evidence presented by the Respondent
46 after the Respondent's initial presentation. In the discretion of the Presiding
47 Officer, the Respondent may be permitted to rebut any testimony or
48 evidence presented by the Protestor during the Protestor's rebuttal

1 presentation. Finally, each party (in the same order) shall be entitled to
2 make a brief summation of that party's case.
3

4 (4) Rules of Evidence; Witnesses' Testimony - The rules of evidence governing
5 the hearing are set forth in Section 610.5.1.F. Each witness may present
6 testimony initially either in the form of questions and answers between the
7 witness and counsel or in uninterrupted narrative. The Presiding Officer
8 and the members of the Board of Review may question any person at any
9 time during the hearing. Thus, for example, in an exercise of discretion, the
10 Presiding Officer could call a witness who has not yet been called or whom
11 no party intended to call and propound questions to, or elicit narrative
12 testimony from, that witness. Witnesses shall be subject to cross
13 examination by the other party and to questioning by the Presiding Officer
14 and members of the Board of Review. All parties will be expected to be
15 available for questioning by the Board of Review, whether or not they may
16 have given other testimony at the hearing.
17

18 (5) Variance of Procedures - The Presiding Officer shall have wide discretion to
19 vary these procedures in the interests of justice, the sport of swimming and
20 efficiency, but in doing so shall afford all parties a full and substantially
21 equal opportunity to present any material or relevant proofs. A hearing may
22 be adjourned by the Presiding Officer at the request of a party or on the
23 Presiding Officer's initiative where an adjournment will serve the interests
24 of fairness, justice and the sport of swimming. If a hearing is adjourned, the
25 continuance shall be scheduled for any early date of mutual convenience,
26 but in the discretion of the Presiding Officer. Justice and the sport of
27 swimming ordinarily will be best served by an expeditious resumption and
28 conclusion to the hearing.
29

30 F Decision of Board of Review - The decision of the Board of Review may be
31 rendered at the time of the hearing and, if not so rendered, as soon as possible
32 thereafter and in no event more than ten (10) Business Days after the conclusion of
33 the hearing. The decision shall include findings of facts and a statement of
34 remedies ordered or penalties imposed, if any, and a statement setting forth the
35 rights of the parties to appeal the decision. The decision shall be in writing, or in
36 case of a decision rendered at the hearing, reduced to writing promptly, and
37 delivered to the Protestor, each Respondent, their respective counsel, any other
38 party to the proceeding, the General ~~Chairman~~Chair and the Secretary of VSI, the
39 ~~Chairman~~Chair of the National Board of Review and the General Counsel of USA
40 Swimming in accordance with Section 610.10.2.
41

42 .2 EMERGENCY HEARING -
43

44 A Reasons for Emergency Hearing - When compliance with the formal hearing
45 procedures would be likely not to produce a sufficiently early decision to provide
46 justice to the affected parties or to be in the best interest of the sport of swimming,
47 the Board of Review is authorized to summarily hear and decide any matter
48 relating to a scheduled competition or other matter of similar urgency.
49

1 B Notice of Emergency Hearing - Each Respondent shall be given such notice of the
2 hearing as time and circumstances may reasonably dictate. The notice may be oral
3 or in writing, and shall substantially comply with the notice requirements set forth
4 in Section 610.2.3 insofar as the emergent nature of the issue permits.
5

6 C Conduct of Emergency Hearing - The hearing may be conducted at any location
7 likely to contribute to expeditious resolution of the Protest, including the site of a
8 swimming competition, but in any event under such circumstances so as to fairly
9 protect the right of procedural due process of the Respondent. All or some of the
10 participants in the hearing may participate by telephone conference equipment. If
11 at least three members of the Board of Review are not available due to time
12 constraints, the ~~Chairman~~Chair, the Vice-~~chairman~~Chair or the General
13 ~~Chairman~~Chair is authorized to appoint one or more Individual Members to serve
14 as the Board of Review solely for the purpose of conducting this emergency
15 hearing. The hearing shall substantially comply with the hearing procedures set
16 forth in Section 610.6.1.E insofar as the emergent nature of the hearing permits.
17

18 D Decision of Board of Review - The decision of the Board of Review shall be
19 rendered at the time of the hearing or as soon as possible thereafter in keeping with
20 the emergent circumstances. The decision shall include findings of facts and a
21 statement of remedies ordered, if any, and a statement of the right to request a
22 subsequent formal hearing. The decision shall be in writing, or in case of a
23 decision rendered orally at the hearing, reduced to writing within ten (10) Business
24 Days thereafter and delivered to the Protestor, the Respondent, their counsel, any
25 other parties to the proceeding, the ~~Chairman~~Chair, the General ~~Chairman~~Chair
26 and the Secretary of VSI, the ~~Chairman~~Chair of the National Board of Review and
27 the General Counsel of USA Swimming in accordance with Section 610.10.2.
28

29 E Right to a Subsequent Formal Hearing - If either the Protestor or the Respondent
30 shall deliver to the ~~Chairman~~Chair a written request for a further hearing within
31 ten (10) Business Days of the date of receipt of the written decision resulting from
32 the emergency hearing, a formal hearing shall be held as a new proceeding in
33 accordance with Section 610.6.1, as though the emergency hearing had not taken
34 place. Failure to make this request in a timely manner shall preclude the aggrieved
35 party from making an appeal as provided in Section 610.9.
36

37 .3 STAY OF DECISION PENDING APPEAL - The Board of Review shall have the authority
38 and discretion, but not the duty, to stay its decision, in whole or in part, subject to
39 specified conditions, during the time allowed to demand a further hearing after an
40 emergency hearing, a rehearing or to appeal as provided in Section 610.9, with the
41 decision going into effect automatically if those conditions occur or if no demand or
42 appeal is filed during the allowable period or at such time as a perfected appeal is
43 terminated without the decision being modified by the appellate authority.
44

45 .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within which any
46 act is required to be taken pursuant to this Article 610 appears in Section 610.3.11.
47 Nevertheless, the time within which the Notice required by Section 610.2.3 must be
48 transmitted may not be extended without the consent of the Protestor or the USA
49 Swimming General Counsel.

1
2 610.7 FINALITY OF BOARD OF REVIEW DECISIONS - Except as otherwise provided in this
3 Article 610 with regard to rehearings, appeals and emergency hearings or in Article Nine of the
4 Constitution of the United States Olympic Committee and in Chapter Nine of its bylaws with
5 respect to binding arbitration in disputes involving the rights of certain individuals to
6 participate in competition, the decision of the Board of Review shall be final in all cases.
7

8 610.8 FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS - Final decisions of the
9 Board of Review of another Local Swimming Committee or the National Board of Review
10 shall, where relevant and necessary, be recognized and fully enforced by VSI. Those final
11 decisions may not be attacked or reopened in any proceeding before the VSI Board of Review
12 other than one seeking enforcement of that decision.
13

14 610.9 APPEAL FROM BOARD OF REVIEW DECISIONS - Except to the extent that any appeal is
15 precluded by Sections 610.6.2.D or 610.6.2.E, any person, including the Protestor and the
16 Respondent, having an actual, direct interest in any matter decided by the Board of Review
17 under this Article may appeal the decision to the National Board of Review. An appeal must
18 be taken within thirty (30) Business Days from the date of the written notice of the decision of
19 the Board of Review. The appeal to the National Board of Review must be in writing, timely
20 filed with the USA Swimming Executive Director and accompanied by the appellate filing fee
21 established by USA Swimming. Upon timely request to the ~~Chairman~~Chair of the National
22 Board of Review and upon a showing of good cause, the time for appeal from the decision of
23 the Board of Review may be extended.
24

25 610.10 NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND
26 DETERMINATIONS OF TIMELINESS -
27

28 .1 NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF VSI -
29

30 A VSI Members Generally - In each case, where notices or other hearing-related
31 documents are to be delivered to a member of VSI, it shall be sufficient to deliver
32 the notice or other document to the member's last known address in accordance
33 with Section 616.1.5.
34

35 B Minors - In the case of notices directed to VSI members less than eighteen (18)
36 years of age on the date of the alleged infraction (determined by reference to the
37 member's latest registration application), a second copy shall be sent by registered
38 mail with delivery restricted to the child's parent or guardian at the same address or
39 such other address as can reasonably be ascertained.
40

41 .2 METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS - With the exception
42 of the Notice (see Sections 610.2.3 and 610.6.2.B), all documents transmitted pursuant to
43 this Article 610 shall be transmitted to each of the parties, their respective counsel, if
44 any, the Presiding Officer and anyone else specified in the Notice. Documents shall be
45 delivered to the persons specified at the addresses specified in the Notice or later
46 documents or as determined in accordance with Section 610.10. Documents may be
47 delivered by any of the following methods of service: by personal service, by certified
48 or express mail, return receipt requested, by Federal Express, signature required, by

1 electronic mail or facsimile transmission with receipt of the transmission confirmed
2 orally or by other methods of transmission permitted by this paragraph.

- 3
4 .3 DETERMINATIONS OF TIMELINESS - The rules provided in Section 616.1.5 shall apply in
5 the determination of the timeliness of any notice or other action under this Article 610.
6
7

8
9 **ARTICLE 611**
10 **ORGANIZATION, AMENDMENT OF BYLAWS AND**
11 **DISSOLUTION**

12 611.1 NON-PROFIT AND CHARITABLE PURPOSES - As stated in Section 601.2, VSI is
13 organized exclusively for charitable and educational purposes and for the purpose of fostering
14 national or international amateur sports competition within the meaning of section 501(c)(3) of
15 the IRS Code. Notwithstanding any other provision of these Bylaws, VSI shall not, except to
16 an insubstantial degree, (1) engage in any activities or exercise any powers that are not in
17 furtherance of the purposes and objectives of VSI or (2) engage in any activities not permitted
18 to be carried on by: (A) a corporation exempt from federal income tax under such section
19 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and bequests are
20 deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.
21

22 611.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of VSI are
23 irrevocably dedicated to the purposes set forth in Sections 601.2 and 611.1 of these Bylaws.
24 No part of the net earnings, properties or assets of VSI shall inure to the benefit of any private
25 person or any member, officer or director of VSI.
26

27 611.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA Swimming may be
28 amended at any meeting of the House of Delegates by a two-thirds vote of the members
29 present and voting. Amendments so approved shall not take effect until reviewed and
30 approved by the USA Swimming Rules and Regulations Committee ~~Legislation Sub-~~
31 ~~committee~~. These Bylaws shall be deemed amended ninety (90) days after the conclusion of
32 any annual meeting of USA Swimming at which the corresponding provisions of Part Six of
33 the USA Swimming Rules and Regulations are amended (or such later effective date
34 established in the amending USA Swimming Legislation) to the extent that such amendment
35 affects a provision required to be included herein or is itself required to be included herein,
36 unless VSI shall have requested permission of the USA Swimming Rules and Regulations
37 Committee not to have such amendment take effect with respect to these Bylaws.
38

39 611.4 DISSOLUTION - VSI may be dissolved only upon a two-thirds majority vote of all the voting
40 members of the House of Delegates. Upon dissolution, the net assets of VSI shall not inure to
41 the benefit of any private individual, unincorporated organization or corporation, including any
42 member, officer or director of VSI, but shall be distributed to United States Swimming, Inc., to
43 be used exclusively for educational or charitable purposes. If United States Swimming, Inc., is
44 not then in existence, or is not then a corporation which is exempt under section 501(c)(3) of
45 the IRS Code and to which contributions, bequests and gifts are deductible under sections
46 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, the net assets of VSI shall be distributed
47 to a corporation or other organization meeting those criteria and designated by the House of

1 Delegates at the time of dissolution, to be used exclusively for educational or charitable
2 purposes.
3
4

5 **ARTICLE 612** 6 **INDEMNIFICATION**

7
8 612.1 INDEMNITY - VSI shall indemnify, protect and defend, in the manner and to the full extent
9 permitted by law, any Indemnified Person in respect of any threatened, pending or completed
10 action, suit or proceeding, whether or not by or in the right of VSI, and whether civil, criminal,
11 administrative, investigative or otherwise, by reason of the fact that the Indemnified Person
12 bears or bore one or more of the relationships to VSI specified in Section 612.3 and was acting
13 or failing to act in one or more of those capacities or reasonably believed that to be the case.
14 Where specifically required by law, this indemnification shall be made only as authorized in
15 the specific case upon a determination, in the manner provided by law, that indemnification of
16 the Indemnified Person is proper in the circumstances. VSI may, to the full extent permitted
17 by law, purchase and maintain insurance on behalf of any Indemnified Person against any
18 liability that could be asserted against the Indemnified Person.
19

20 612.2 EXCLUSION - The indemnification provided by this Article 612, shall not apply to any
21 Indemnified Party whose otherwise indemnified conduct is finally determined to have been in
22 bad faith, self-dealing, gross negligence, wanton and wilful disregard of applicable laws, rules
23 and regulations, of the USA Swimming Code, of the USA Swimming Code of Ethics or these
24 Bylaws or who is convicted of a crime (including felony, misdemeanor and lesser crimes)
25 involving sexual misconduct, child abuse, violation of a law specifically designed to protect
26 minors or similar offenses, or who is found by the Board of Review or the National Board of
27 Review to have committed actions which would be the basis for a conviction and, in each case,
28 the otherwise indemnifiable conduct (or failure to act) was, or was directly related to, the
29 predicate acts of the conviction or finding.
30

31 612.3 INDEMNIFIED PERSONS - As used in this Article 612, "Indemnified Person" shall mean any
32 person who is or was a Board Member, Board of Review ~~Chairman~~Chair, Vice-~~chairman~~Chair,
33 Presiding Officer or member, Group Member Representative, officer, official, coach,
34 committee ~~chairman~~chair or member, coordinator, volunteer, employee or agent of VSI, or is
35 or was serving at the direct request of VSI as a director, officer, Group Member
36 Representative, meet director, official, coach, committee ~~chair~~chairman—or member,
37 coordinator, volunteer, employee or agent of another person or entity involved with the sport of
38 swimming.
39

40 612.4 EXTENT OF INDEMNITY - To the full extent permitted by law, the indemnification
41 provided in this Article shall include expenses (including attorneys' fees, disbursements and
42 expenses), judgments, fines, penalties and amounts paid in settlement, and, except as limited
43 by applicable laws, these expenses shall be paid by VSI in advance of the final disposition of
44 such action, suit or proceeding. If doubt exists as to the applicability of an exclusion to VSI's
45 obligation to indemnify, VSI may require an undertaking from the Indemnified Person obliging
46 him to repay such sums if it is subsequently determined that an exclusion is applicable. In the
47 case of any person engaged in the sport of swimming for compensation or other gain, if VSI
48 determines that there is reasonable doubt as to such person's ability to make any repayment,

1 VSI shall not be obligated to make any payments in advance of the final determination. This
2 indemnification shall not be deemed to limit the right of VSI to indemnify any other person for
3 any such expenses to the full extent permitted by law, nor shall it be deemed exclusive of any
4 other rights to which any Indemnified Person may be entitled under any agreement, vote of
5 members or disinterested directors or otherwise, both as to action in an official capacity and as
6 to action in another capacity while holding such office.
7

8 612.5 SUCCESSORS, ETC. - The indemnification provided by this Article shall continue as to an
9 Indemnified Person who has died or been determined to be legally incompetent and shall apply
10 for the benefit of the successors, guardians, conservators, heirs, executors, administrators and
11 trustees of the Indemnified Person.
12
13

14 **ARTICLE 613**

15 **PARLIAMENTARY AUTHORITY**

16

17 613.1 ROBERT'S RULES - The rules in the then current edition of Robert's Rules of Order Newly
18 Revised shall govern VSI and any of its constituent or component parts, committees, etc., in
19 the conduct of meetings in all cases to which they apply and in which they are not inconsistent
20 with these Bylaws and any special rules of order VSI, the House of Delegates, the Board of
21 Directors or its divisions, committees, etc., may adopt or as set forth in the next paragraph.
22

23 613.2 VOICE AND VOTE - Where in these Bylaws an Individual Member is described as having
24 voice but not the right to vote, that Individual Member may participate in debate and ask
25 pertinent questions in the discretion of the presiding officer, but may not make or second
26 motions, orders or other proposals.
27

28 613.3 SPECIAL RULES OF ORDER - [This Section reserved for future use.]
29
30

31 **ARTICLE 614**

32 **PERMANENT OFFICE AND STAFF**

33

34 ~~This Article is reserved for future use.~~

35 614.1 OFFICE – VSI should maintain an office in the Territory for the storage and maintenance of
36 the books and records and equipment of VSI and for other purposes as may be determined
37 by the House of Delegates or the Board of Directors in accordance with these Bylaws.
38

39 614.2 STAFF – VSI shall retain paid staff at the VSI Office as the Board of Directors may
40 determine to be appropriate or necessary. The staff shall be under the general supervision of
41 the General Chair and the Administrative Vice-Chair. With respect to the delegated
42 functions of the officers, committee chairs, and coordinators, the staff shall be responsible to
43 the respective officer, committee chair, or coordinator. The powers and duties of the paid
44 staff shall be established in VSI's Policies and Procedures Manual or by resolution of the
45 Board of Directors or by delegation approved by the Personnel Committee.
46

47 614.3 APPROPRIATIONS – The Finance Committee shall include in its proposed budget a line

1 item for the cost of VSI's office, inclusive of the compensation and benefits costs of the
2 paid staff. Once appropriated by the House of Delegates, the Personnel Committee shall be
3 responsible, together with the General Chair, for the administration of these funds. The
4 compensation of the staff shall, to the extent possible, be treated as confidential.
5
6
7

8 **ARTICLE 615**
9 **MISCELLANEOUS**

- 10
11 615.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws
12 shall be determined by a final judicial decision to be, or as a result of a change in the law of the
13 Commonwealth of Virginia become, illegal, invalid or unenforceable, the remainder of these
14 Bylaws shall continue in full force and effect.
15
16 615.2 FISCAL YEAR - The fiscal year of VSI shall end on August 31st of each year.
17
18 615.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that VSI shall have and
19 continue to have the status of an organization which is exempt from federal income taxation
20 under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are
21 deductible for federal income, estate and gift tax purposes under sections 170(c)(2), 2055(a)(2)
22 and 2522(a)(2) of the IRS Code, respectively. Similarly, it is intended that VSI shall have that
23 or similar status under the applicable state and local laws as will exempt it from taxation to the
24 maximum extent possible to the extent not contrary to applicable federal requirements. These
25 Bylaws shall be interpreted accordingly.
26
27

28 **ARTICLE 616**
29 **DEFINITIONS, CONVENTIONS AND RULES OF**
30 **INTERPRETATION**

- 31
32 616.1 CONVENTIONS AND RULES OF INTERPRETATION -
33
34 .1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title
35 shall include the corresponding masculine, feminine and neuter forms. The words
36 "include", "includes" and "including" shall be deemed to be followed by the phrase
37 "without limitation". The singular shall include the plural and the plural shall include the
38 singular as the context may require. Where the context permits, the term "or" shall be
39 interpreted as though it were "and/or". Captions have been used for convenience only
40 and shall not be used in interpreting the Bylaws.
41
42 .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when appearing
43 alone shall refer to VSI positions and not to USA Swimming or another organization.
44
45 .3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of interpretation
46 applicable to these Bylaws is set forth in Section 615.3.

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- .4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610 - Article 610 shall be interpreted generously in order to achieve the intent expressed in Section 610.1.
- .5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS -
- A Notice by Mail - Notice given and other writings delivered by first class mail, postage prepaid, and addressed to the last address shown on the records of VSI shall be deemed given or delivered upon the postmark date for all purposes under these Bylaws.
- B Notice by Fax or Email - Notice given and writings delivered by facsimile or electronic mail shall be deemed given or delivered upon oral, telephonic, electronic or written confirmation of recipient for all purposes under these Bylaws.
- C Notice by Telephone - Notice given by telephone shall be deemed given only when actually transmitted to the person entitled thereto for all purposes under these Bylaws. (Thus, for example, a message left on an answering machine or similar equipment or with a person other than the intended recipient shall not be notice given prior to the actual receipt by the intended recipient.)
- D Last Known Address - For all purposes under these Bylaws, the last known address of a member of VSI shall be the address given in the latest application for registration or membership in VSI and USA Swimming filed with the Membership/Registration Administrator; or the address given in a written notice of change of residence filed with that Administrator. In all other cases the records maintained by the Secretary of VSI shall be used to ascertain the last known address.
- .6 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.
- .7 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group Member Representative, then the relevant Group Member shall be treated as having waived the untimely or insufficient notice to the same extent.
- 616.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the meanings indicated in this Section, and the definitions of such terms are equally applicable both to the singular and plural forms thereof. Where a cross reference to another Section of the Bylaws appears within a definition, the definition is qualified by the more complete definition found in that Section. Additional definitions applicable solely to Article 610 are set forth in Section 610.2. For an additional definition applicable solely to Article 612, see Section 612.3:
- .1 "Active Individual Member" shall mean an individual other than a Coach Member, or an Athlete Member or a Seasonal Athlete Member who is a trainer, manager, official, meet

1 director, marshal, Board Member, At-Large House Member, officer or committee
2 ~~chairman~~chair or member, coordinator, or a Group Member Representative or alternate
3 and any other individual actively participating in the affairs of VSI or the sport of
4 swimming and who is in good standing as an Individual Member of VSI and USA
5 Swimming. (See Section 602.1.2.A.)
6

7 .2 “Affiliated Group Member “ shall mean any organization which supports the sport of
8 swimming and the objectives and programs of VSI and USA Swimming, but which
9 does not have athlete members and coach members, which is in good standing as a
10 group member of VSI and USA Swimming, and which is neither a club member or a
11 seasonal member.

12 .3 “Affiliated Group Member Representative” – individual appointed to represent a
13 Affiliated Group Member in House of Delegates

14 .4 “Affiliated Individual Member “ – any individual interested in the objectives and
15 programs of VSI, who resides, formerly resided, or participated in the sport of
16 swimming in the territory, who is in good standing as a member of VSI and USA
17 Swimming and who is not an active individual, coach, or athlete member.
18

19 .5 "Article" shall mean the principal subdivisions of these Bylaws.
20

21 .63 "[Articles of Incorporation" shall mean the document filed with [insert the title of the
22 office and the state in which the document was filed; usually the Secretary of State]
23 pursuant to which VSI was formed.
24

25 .7 “At-Large Board Member shall mean those Board Members designated as such.
26

27 .84 "At-Large House Member" shall mean the Individual Members appointed by the
28 General ~~Chairman~~Chair to be members of the House of Delegates. (See Section
29 604.1.2.)
30

31 .95 "Athlete Member" shall mean any individual who competes or has competed during any
32 part of the three (3) immediately preceding years in the sport of swimming and is in
33 good standing as an Individual Member of VSI and USA Swimming. (See Section
34 602.1.2.A.)
35

36 .106 "Athlete Representative" shall mean the Athlete Member elected to represent athletes in
37 the House of Delegates and on the Board of Directors pursuant to Section 604.1.3.
38

39 .117 "Board Member" shall mean a member of the Board of Directors including the At-Large
40 Board Members. Where the contexts requires, the term not include the Athlete
41 Representatives or the Coach Representatives.
42

43 .128 "Board of Directors" shall mean the Board of Directors of VSI.
44

45 .139 "Board of Review" shall mean the investigative and judicial body of VSI established
46 pursuant to Section 610.3.
47

48 .140 "Business Day" shall mean a calendar day which is not a Saturday, a Sunday or a legal
49 federal or state holiday anywhere within the Territory.

- 1
2 .145 "Bylaws" shall mean these bylaws as adopted by, and in effect for, VSI.
3
4 .126 "club" shall mean an organization that has athletes and coaches engaged in the sport of
5 swimming.
6
7 .173 "Club Member" shall mean any club or other organization which is in good standing as a
8 Group Member of VSI and USA Swimming and has athletes and coaches and
9 participates in the sport of swimming. All athletes and coaches of the club or
10 organization must be Individual Members in good standing with VSI and USA
11 Swimming. (See Section 602.1.1.A.)
12
13 .184 "Club Member Representative" shall mean the individual appointed to represent a Club
14 Member in the House of Delegates pursuant to Section 604.1.1.
15
16 .195 "Club Safety Coordinator" shall mean the Active Individual Member designated by each
17 Club Member to serve as its liaison with VSI and USA Swimming concerning safety
18 matters. (See Section 602.2.3.)
19
20 .2016 "Coach Member" shall mean any individual, whether or not affiliated with a Group
21 Member, who has satisfactorily completed all safety and other training required by VSI
22 and/or USA Swimming and who is in good standing as a member of VSI and USA
23 Swimming. (See Section 604.1.4.)
24
25 .2117 "Coach Representative" shall mean the Coach Member elected to represent the coaches
26 in the House of Delegates and the Board of Directors. (Section 604.1.4.)
27
28 .2218 "Consent" shall mean a majority of those present and eligible to vote.
29
30 .2319 "Executive Committee" shall mean the committee of the Board of Directors which may
31 act for the Board of Directors between meetings. (See Section 605.6.)
32
33 .2420 "FINA" shall mean the Federation Internationale de Natation Amateur, the international
34 governing body for the sport of swimming.
35
36 .2521 "Group Members" shall mean Club Members and Affiliated Group Members
37
38 .2622 "Group Member Representative" shall mean the individual appointed to represent a
39 Group Member in the House of Delegates. See Section 604.1.1.
40
41 .2723 "House of Delegates" shall mean the House of Delegates of VSI as established by
42 Article 604 of these Bylaws.
43
44 .2824 "Immediate Past General ~~Chairman~~Chair" shall mean the individual who is the
45 immediate past General ~~Chairman~~Chair of VSI, except when that person became
46 immediate past General ~~Chairman~~Chair by virtue of the House of Delegates taking
47 action pursuant to Section 605.5.10, the Board of Directors taking action pursuant to
48 Section 604.4.6 or the House of Delegates failing to reelect that person to another term
49 sought by that person. The Immediate Past General ~~Chairman~~Chair shall serve for the

1 duration of the successor General ~~Chairman~~Chair's term. If the office of Immediate Past
2 General ~~Chairman~~Chair becomes vacant for any reason, including the exception set forth
3 in the initial sentence of this definition, it shall not be filled by appointment or election,
4 but shall remain vacant until another individual becomes Immediate Past General
5 ~~Chairman~~Chair.
6

7 ~~.2925~~ "Individual Members" shall mean Athlete Members, Coach Members Active Individual
8 Members and shall also include Life Members and Affiliated Individual Members.
9

10 ~~.3026~~ "IRS Code" shall mean the United States Internal Revenue Code of 1986, as amended
11 from time to time, or the corresponding provision of any future United States internal
12 revenue law, and shall, when appropriate, also include a reference to the Treasury
13 Regulations issued thereunder.
14

15 ~~.31~~ "Life Member" shall mean any individual who is a life member of USA Swimming and
16 VSI, and who resides, formerly resided, or participated in the sport of swimming in the
17 Territory and who is in good standing as a member of VSI and USA Swimming.
18

19 ~~.3227~~ "Local Swimming Committee" or "LSC" shall have the meaning ascribed thereto in the
20 USA Swimming Code. VSI is a Local Swimming Committee.
21

22 ~~.3328~~ "Member" shall mean a Group Member or an Individual Member.
23

24 ~~.3429~~ "National Board of Review" shall mean the Board of Review of USA Swimming
25 established pursuant to Part Four of the USA Swimming Code. Where the context
26 requires, a reference to the National Board of Review shall include a reference to the
27 USA Swimming Board of Directors when that body is acting upon an appeal from the
28 National Board of Review.
29

30 ~~.3530~~ "Nominating Committee" shall mean the committee of the House of Delegates charged
31 with nominating candidates for elective offices of VSI. (See Section 604.8.)
32

33 ~~.3634~~ "Policies and Procedures Manual" shall mean the policies and procedures manual of
34 VSI, as amended, adopted by the Board of Directors or the House of Delegates. If VSI
35 does not have a Policies and Procedure Manual, then the reference shall mean the
36 relevant meeting minutes, orders, and resolutions of VSI.
37

38 ~~.3732~~ "Parliamentary Authority" shall mean the authority and any special rules of order
39 designated in Article 613.
40

41 ~~.3833~~ "Seasonal Athlete Member" shall mean any individual who participates or competes in
42 the sport of swimming and has joined for certain periods of time not longer than 150
43 days each in a calendar year and is in good standing as a Seasonal Athlete Member of
44 VSI and USA Swimming. (See Section 602.1.2.D.)
45

46 ~~.39~~ "Seasonal Club Member" shall mean any organization that has joined VSI and USA-S
47 for certain periods of time, not exceeding 150 days each in a calendar year, and is in
48 good standing as a seasonal club member of VSI and USA Swimming.
49

- 1 .4034 "Section" shall mean the subdivisions of the Articles of these Bylaws.
2
3 .4135 "Senior Athlete Representative" shall mean the Athlete Representative senior in term of
4 office or, in cases where there are more than two Athlete Representatives, the Athlete
5 Representative designated in accordance with Section 604.1.3.
6
7 .42 "Senior Coach Representative" shall mean the coach representative senior in term of
8 office.
9
10 .4336 "Standing Committee" shall mean a committee of VSI listed in Sections 607.1, 607.2, or
11 607.3.
12
13 .4437 "Territory" shall mean the geographic territory over which VSI has jurisdiction as a
14 Local Swimming Committee. (See Section 601.3.)
15
16 .4538 "USA Swimming" shall mean United States Swimming, Inc., an Ohio not-for-profit
17 corporation which is the national governing body for the United States for the sport of
18 swimming.
19
20 .4639 "USA Swimming Board of Directors" shall mean the Board of Directors of USA
21 Swimming.
22
23 .4740 "USA Swimming Code" shall mean the code of rules and regulations, as adopted and
24 amended by USA Swimming.
25
26 .4841 "USA Swimming House of Delegates" shall mean the House of Delegates of USA
27 Swimming.
28
29 .4942 "USA Swimming Legislation Committee" shall mean the Legislation Committee of
30 USA Swimming created pursuant to Article 512 of Part Five of the USA Swimming
31 Code.
32
33 .5043 "USA Swimming Legislation Sub-committee" shall mean the sub-committee of the
34 Legislation and Redistricting Committee of USA Swimming created pursuant to Section
35 6202 of Part Six-C of the USA Swimming Code.
36
37 .5144 "VSI" shall mean the Virginia not-for-profit corporation to which these Bylaws pertain.
38
39 .5245 "VSI Office" shall mean the permanent office of VSI maintained in accordance with
40 Article 614.
41
42 .46 <The remainder of this page intentionally left blank.>
43
44
45

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APPENDICES TO THE LSC BYLAWS

APPENDIX A

QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES

INTRODUCTION

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

The purpose of this Appendix is to help with the details of preparing and filing protests and appeals, and handling a protest as a Board of Review member. Violation and interpretations of the rules and regulations of USA Swimming and the LSC can have serious consequences or involve relatively minor matters. The consequences can range from being barred from Olympic competition for drug use to whether a club should be penalized for being slow in distributing final meet results. Yet, to the people involved, each dispute, each incident is just as important as the other.

Because serious matters are being handled by the Board of Review, the Bylaws have been expanded and made more comprehensive. Many of the sections may appear to be written in "legalese," but that was done to insure that--as much as possible--they would be interpreted uniformly, consistently and correctly. While the language may be technical, the ideas behind the ByLaws' Board of Review provisions are simple and basic. Anyone with a problem should get a fair, impartial hearing and have the problem resolved promptly and with *due process*.

The rules and procedures in Article 610 of the Bylaws are meant to provide:

- ! a quick and effective remedy for the Protestor and the Respondent;
- ! a hearing by objective unbiased persons, at first a panel of the elected members of the Board of Review, consisting of at least three people (Article 610.5.1 B);
- ! several levels of appeal are provided; from the initial Board of Review panel to a rehearing by all the members of the Board of Review (or at least seven people, Section 610.5.2); from a rehearing decision to a National Board of Review (Section 610.9); to an appeal to the United States Olympic Committee under its Constitution in cases where an athlete is denied the right to compete in international competition.

COMMON QUESTIONS ASKED ABOUT PROTESTS AND THE BOARD OF REVIEW PROCESS

WHAT IS DUE PROCESS?

1 Due process is the administration of applicable rules and regulations so that no member
2 is denied his or her legal rights and the application of those rules and regulations in conformance with
3 the fundamental and accepted legal principles. It is the way you would want to be treated if you were
4 charged with misconduct. It includes:
5

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

14 15 16 WHAT KIND OF PROTESTS CAN BE DECIDED BY THE LSC BOARD OF REVIEW? 17

18 The responsibility of the Board of Review is broad but does not cover every possible
19 dispute that might come up. If a decision is made which affects your ability to compete in swim meets
20 or how you place in swim meets and you think the decision is wrong you may appeal to the Board of
21 Review. If you are prevented from participating in the administration of the sport of swimming or
22 being an official you may appeal to the Board of Review. If a decision is made by the LSC that affects
23 your ability to coach swimmers you may appeal to the Board of Review. There are some matters that
24 should be submitted directly to the National Board of Review. Read Sections 610.4.1, 610.4.2 and
25 610.1 and Sections 401.2 and 401.3 of Part Four of the USA Swimming Code to determine where your
26 appeal should go. Remember that the Board of Review does not involve itself in disputes involving the
27 administration of individual clubs unless it affects the ability of members to participate in competition.
28
29

30 WHAT KIND OF PROTESTS WILL BE DECIDED BY THE NATIONAL BOARD OF REVIEW? 31

32 Section 401.3 lists the kinds of protests that may, or in some cases, must go directly to
33 the National Board of Review. They include, most matters where members of more than one LSC are
34 involved, matters which come up at a regional, national or international swimming competition;
35 matters involving moral turpitude, and matters in which the National Board of Review determines that
36 a fair hearing will not be held quickly enough at the LSC Board of Review level to do justice to the
37 affected parties.
38
39

40 HOW DO I CONDUCT A BOARD OF REVIEW HEARING? 41

42 The new Bylaws have expanded the sections that explain hearing procedures. The By-
43 Laws now provide a step by step outline of the steps to be taken and procedures to be used when a
44 protest occurs (Sections 610.5 and 610.6). The purpose of the Article remains the same, *i.e.*, to give
45 **due process** to **any** individual or **any** entity, club or organization participating in **any** activity of any
46 kind of the LSC or United States Swimming - not just athletes, but coaches, officers, committee
47 chairmen and members, officials, clubs and all classes of members as well.
48

1 The process can be summarized as follows:
2

3 1.1.1.1 The Protestor must give a written protest to the ~~Chairman~~Chair of the Board
4 of Review. (See Section 610.6.1 A.) [If the LSC has a filing fee, this should be noted here.] (Check to
5 see if your LSC has an office that will transmit the protest to the ~~Chairman~~Chair of the Review Section
6 and follow up to find out when the ~~Chairman~~Chair actually received the protest.)
7

8 1.1.1.2 The ~~Chairman~~Chair of Board of Review *may* have an investigation made to
9 see if the dispute can be resolved before a hearing. It is not unusual to have disputes cleared up when
10 an impartial party listens to both sides and tries to mediate a dispute. This kind of informal resolution
11 is to be encouraged.
12

13 1.1.1.3 A written Notice must be prepared and delivered by the ~~Chairman~~Chair to
14 the Respondent. (See Section 610.6.1 B and the suggested form of Notice which is in Appendix B.)
15

16 1.1.1.4 Written statements of position may be filed by all parties to the appeal. (See
17 Section 610.6.1 C and D.)
18

19 1.1.1.5 A hearing must be scheduled by the ~~Chairman~~Chair to take place within 74
20 days from the date when the ~~Chairman~~Chair of the Board of Review received the Protest.
21

22 1.1.1.6 A hearing may be held (if **everyone** involved agrees the protest can be
23 considered on the written statements that have been submitted without a formal hearing). Use common
24 sense in conducting the hearing. (See Sections 610.5.1 D and 610.6.1 E.) Make all parties feel that
25 they have a fair chance to state their position and that the Board has an open mind as it listens to their
26 position. In all events **give the athlete the benefit of the doubt!**
27

28 1.1.1.7 The Board of Review must decide the matter within ten (10) Business Days
29 of the conclusion of the hearing. (If time is not critical, it may be advantageous to delay the decision
30 for a few days after the hearing to give full consideration to all the facts presented in a hearing rather
31 than making a ruling immediately upon conclusion of the hearing.)
32

33 1.1.1.8 The Board must send copies of its decision to the parties involved and
34 certain administrators. See Section 310.6.1 F of Part Three of the USA Swimming Code and Section
35 610.6.2 D of the Bylaws as to who must get copies of the decision.
36

37 1.1.1.9 The parties must be given a statement telling them what they must do to
38 appeal the Board of Review's decision and how long they have to appeal.
39

40 THE MEET DIRECTOR JUST TOLD ME THAT MY SWIMMER'S PROOF OF TIME IS NOT
41 ADEQUATE AND THE SWIMMER WON'T BE IN THE EVENT LATER THIS MORNING. THE
42 MEET DIRECTOR IS WRONG AND WE CAN'T WAIT FOR A HEARING FROM THE BOARD
43 OF REVIEW. WHAT DO I DO?
44

45 First, you should review the meet information to see if it provides for any kind of appeal
46 such as the Eligibility Jury provided for at the National Championships. (Article 206.5, Part Two of
47 the USA Swimming Code.) If you still believe your swimmer is being improperly kept out of the meet
48 you should ask for an emergency hearing from the Board of Review. The Bylaws give the Board of
49 Review a great deal of flexibility in handling emergency situations. Get on the telephone to the

1 ~~Chairman~~Chair of the Board of Review or the LSC General ~~Chairman~~Chair and make arrangements to
2 set up an emergency hearing under Section 610.6.2 of the Bylaws.
3

4 The Federal law which created National Sports Governing Bodies such as United States
5 Swimming states that an athlete cannot be suspended from competition, *even temporarily*, without a
6 hearing.
7

8 Members of the Board of Review should keep in mind their responsibility to conduct
9 emergency hearings whenever they are at a swim meet and should alert the Meet Manager of their
10 presence. The ~~Chairman~~Chair of the Board of Review should always make arrangements in advance to
11 see that a panel can be available at championship meets.
12

13 A meeting at the swim meet or an exchange of information by telephone and fax can be
14 arranged to permit a timely decision even if the athlete must compete under protest. (See Section
15 102.11 of Part One of the USA Swimming Code.)
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17 After the meet is concluded, a full formal hearing may be conducted at the request of the
18 Protestor or the Respondent.

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APPENDIX B

FORM OF BOARD OF REVIEW NOTICE

SAMPLE NOTICE OF HEARING UNDER SECTION 610.6.1 B
(Form may, and should, be modified to fit the actual circumstances)

NOTICE OF HEARING

To:

[INSERT RESPONDENT'S NAME AND MAILING ADDRESS]

SUBJECT:

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

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

This charge is based upon a protest that was filed by
[Insert Protestor's name and address and the name and address of Protestor's counsel, if any).]
Attached hereto is a copy of the Protest filed with the XX Swimming, Inc. Board of Review.

ANSWER:

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

and to

[Insert Protestor's name and address or that of its counsel, if so requested.]

at least ten (10) days prior to the date of hearing that is set in this Notice of Hearing. The hearing will proceed whether or not you file this reply. (See Sections 610.6.1 C and 610.10.2.)

HEARING DATE, TIME AND PLACE:

The initial date set for the formal [or other type - see Section 610.5.1 D] hearing is (insert date, time and place of hearing) or to such other date, time or place as the Presiding Officer continues, adjourns or reschedules the hearing. You are requested to appear at that time with counsel and any witnesses. [This part would need to be rephrased if the proceeding were to be conducted entirely in writing or in writing with only oral argument at a hearing.]

HEARING AUTHORITY:

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

1 **HEARING BODY:**

2
3 The hearing body will be the three member panel of the Board of Review of XX
4 Swimming, Inc. [insert names of members of the Board of Review designated to serve on this panel] or
5 such other persons as are appointed pursuant to the Bylaws of XX Swimming, Inc.
6 [This should be rephrased if the initial panel is of more than three or is the full Board of Review.]
7

8 **POSSIBLE PENALTIES:**

9
10 The Protestor has requested that (here insert what the protestor has asked for). In
11 addition the Board of Review has a broad range of sanctions, penalties and suspensions that it may
12 impose on you if it believes that such are appropriate either in addition to or in lieu of those that the
13 protestor is seeking. (See Section 610.4.5.)
14

15 **APPEAL:**

16
17 If you are dissatisfied with the decision, you must file a request for a rehearing before the
18 full Board of Review within ten (10) Business Days of your receipt of the decision, unless the initial
19 panel was the full Board of Review or had seven members. (See Section 610.5.2) The request must be
20 filed with the ~~Chairman~~Chair of the Board of Review [here give name and address]. [If your LSC has
21 imposed a filing fee applicable to a request for a rehearing, this should be noted here.] Your request
22 must be granted if the decision was rendered by a panel of fewer than seven members and the decision
23 was not unanimous. Otherwise the Board of Review may either grant or deny a rehearing in its
24 discretion. If the decision is not subject to a request for a rehearing, a rehearing request is denied or the
25 decision is the decision on a rehearing, an appeal may be made to the National Board of Review. The
26 appeal must be filed with the USA Swimming Executive Director along with an appellate filing fee of
27 \$50.00 within thirty (30) Business Days after the postmark date of written notice of the decision of the
28 Board of Review. (Section 610.9.) The address of the USA Swimming Executive Director is United
29 States Swimming, Inc., One Olympic Plaza, Colorado Springs, CO 80909-5770.
30

31 **GENERAL INFORMATION:**

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33 You are entitled to be represented by counsel at your own cost, or by such other
34 representative as you may choose, to have witnesses testify in your behalf, to question witnesses
35 testifying at the hearing and to submit any and all evidence in your defense, including hearsay and
36 documentary evidence, so long as it is relevant to the issues. You are entitled to ask that the hearing
37 date be rescheduled so that you may attend, secure witnesses or otherwise respond. Please direct all
38 questions or correspondence to ~~Chairman~~Chair of the Board of Review of XX Swimming, Inc., [insert
39 name] at [insert mailing address].
40

41 Dated (Insert date on which notice is mailed)

42
43
44 Signed _____
45 ~~Chairman~~Chair of the Board of Review
46

47 [If the notice is signed by the designated Presiding Officer, the title line should be changed
48 accordingly.]
49