

1 **CONSTITUTION & BY-LAWS OF WYOMING SWIMMING, INC.**
2 **(Last Revised November, 2002)**

3
4 ARTICLE 601
5 NAME, OBJECTIVES, TERRITORY AND JURISDICTION

6
7 601.1 NAME - The name of the corporation shall be Wyoming Swimming, Inc. (WSI).

8
9 601.2 OBJECTIVES - The objectives and primary purpose of the WSI shall be the
10 education, instruction and training of individuals to develop and improve their
11 capabilities in the sport of swimming. WSI shall promote swimming for the benefit
12 of swimmers of all ages and abilities, in accordance with the standards, rules,
13 regulations, policies and procedures of FINA, USA SWIMMING, and WSI and its
14 Articles of Incorporation.

15
16 601.3 GEOGRAPHIC TERRITORY - The geographic Territory of WSI is the State of
17 Wyoming and the Counties of Scottsbluff, Sioux, Dawes, Sheridan, Box Butte,
18 Garden, Morrill, Deuel, Cheyenne, Banner and Kimball in the State of Nebraska.

19
20 601.4 JURISDICTION - WSI shall have jurisdiction over the sport of swimming as
21 delegated to it as a Local Swimming Committee by USA SWIMMING to conduct
22 swimming programs consistent with WSI's objectives and those of USA
23 SWIMMING and to sanction, approve, observe and oversee competitive swimming
24 events within the Territory and to conduct competitive swimming events within the
25 Territory, its Region and its Zone (as those terms are defined in Sections 703.3 and
26 704.2 of Part Seven. WSI shall discharge faithfully its duties and obligations as a
27 Local Swimming Committee of USA SWIMMING in accordance with these
28 Bylaws, the USA SWIMMING Rules and Regulations and all applicable policies
29 and procedures.

30
31 ARTICLE 602
32 MEMBERSHIP

33
34 602.1 MEMBERS - The membership of WSI shall consist of the following:

35
36 .1 GROUP MEMBERS - Group Members are organizations operating in the
37 Territory which have, upon application, been granted membership in USA
38 SWIMMING and WSI and paid the fees established by USA SWIMMING
39 and WSI pursuant to Article 603. An organization may be denied
40 membership by the Membership/Registration Coordinator or the Board of
41 Directors for failure to satisfy the criteria for membership or for any reason
42 for which a Group Membership could be terminated. Any denial of
43 membership may be appealed to the Board of Review. An organization's
44 status as a Group Member is subject to its continued satisfaction of the criteria
45 for membership and compliance with its responsibilities under these Bylaws,
46 the USA SWIMMING Rules and Regulations, the rules, regulations, policies,

1 procedures and codes of conduct and ethics of WSI and USA SWIMMING
2 and may be terminated by a decision of the Board of Review or the National
3 Board of Review. Except for Affiliated Group Members, Group Members in
4 good standing shall be entitled to participate in the program of swimming
5 conducted by WSI, and competitions sanctioned or approved by USA
6 SWIMMING, in accordance with Section 609.2.

7
8 A Club Members - A Club Member is an organization which is in good
9 standing as a Group Member of WSI and USA SWIMMING, has
10 athletes and coaches and participates in the sport of swimming. All
11 athletes and coaches of the organization must be Individual Members in
12 good standing of WSI and USA SWIMMING.

13
14 B Affiliated Group Members - An Affiliated Group Member is an
15 organization which supports the sport of swimming and the objectives
16 and programs of WSI and USA SWIMMING, which is in good standing
17 as a Group Member of WSI and USA SWIMMING, but which does not
18 have athletes and coaches who all are Individual Members of WSI and
19 USA SWIMMING.

20
21 .2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the
22 sport of swimming in the Territory who have, upon registration, been granted
23 membership in USA SWIMMING and WSI and paid the dues established by
24 USA SWIMMING and WSI pursuant to Article 603. An individual may be
25 denied membership by the Membership/Registration Coordinator or by the
26 Board of Directors for failure to satisfy the criteria for membership or for any
27 reason for which an Individual Membership could be terminated. Any denial
28 of membership may be appealed to the Board of Review. An individual's
29 status as an Individual Member is subject to the Individual Member's
30 continued satisfaction of the criteria for membership and compliance with the
31 individual's responsibilities under these Bylaws, the USA SWIMMING Rules
32 and Regulations, the rules, regulations, policies, procedures and codes of
33 conduct and ethics of WSI and USA SWIMMING and may be terminated by
34 a decision of the Board of Review or the National Board of Review.
35 Individual Members in good standing shall be entitled to participate in the
36 program of swimming conducted by WSI, and competitions sanctioned or
37 approved by USA SWIMMING, in accordance with Section 609.1.

38
39 A Athlete Members - An Athlete Member is an individual who participates
40 or competes in the sport of swimming and is in good standing as an
41 Individual Member of WSI and USA SWIMMING.

42
43 B Coach Members - A Coach Member is an individual, whether or not
44 affiliated with a Group Member, who has satisfactorily completed all
45 safety and other training required by WSI and/or USA SWIMMING and
46 who is in good standing as an Individual Member of WSI and USA

1 SWIMMING. Any individual desiring to act in any coaching capacity
2 at any competition sanctioned by USA SWIMMING must be a Coach
3 Member in good standing of WSI and USA SWIMMING.
4

5 C Active Individual Members - An Active Individual Member is an
6 individual other than a Coach Member or an Athlete Member who is a
7 trainer, manager, official, meet director, marshal, Board Member, At-
8 Large House Member, officer, coordinator or committee chairman or
9 committee member of WSI or a Group Member Representative or
10 alternate and any other individual desiring to participate in the sport of
11 swimming and who is in good standing as an Individual Member of
12 USA SWIMMING and WSI.
13

14 D Life Members - A Life Member is an individual who is a life member of
15 USA SWIMMING and who resides, formerly resided or participated
16 in the sport of swimming in the Territory and who is in good standing as
17 a member of WSI and USA SWIMMING.
18

19 .3 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in WSI and USA
20 SWIMMING is a privilege and shall not be interpreted as a right.
21 Membership may be terminated by the Board of Review or the National
22 Board of Review for any violation of a member's responsibilities under
23 Section 602.2, for any of the reasons set forth in Section 610.7.7C or for any
24 other reason determined by the Board of Review or National Board of Review
25 to be in the best interests of the sport of swimming, USA SWIMMING or
26 WSI.
27

28 602.2 MEMBERS' RESPONSIBILITIES

29

30 .1 COMPLIANCE - Each Group and Individual Member shall abide by the Rules
31 and Regulations of conduct and ethics, policies, procedures, adopted by USA
32 SWIMMING and WSI, including its obligations and responsibilities set forth
33 in these Bylaws. Each Group and Individual Member shall not take or allow
34 to be taken, any action, or conspire with or instigate any other person to take
35 or allow to be taken, any action which could bring the sport of swimming,
36 WSI or USA SWIMMING into disrepute. By applying for and accepting
37 membership in WSI and USA SWIMMING, each Individual Member agrees
38 to so abide and represents, except to the extent disclosed to WSI and USA
39 SWIMMING, that he or she has never been convicted of a crime involving
40 sexual misconduct, child abuse, violation of a law specifically designed to
41 protect minors, or similar offenses, or to have been found by a Board of
42 Review or the National Board of Review to have committed actions which
43 would be the basis for a conviction and that she or he has never acted in a
44 manner which might bring into disrepute WSI, USA SWIMMING or the
45 sport of swimming.
46

1
2 603.6 LIFE MEMBERS - The Board of Directors shall establish the annual or other
3 membership fees, if any, any other charges, fees, etc. for Life Members.
4

5 603.7 SANCTION, APPROVAL AND OTHER FEES
6

7 .1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish
8 reasonable fees, procedures, and documentation required of an applicant for a
9 sanction or approval for, or observation of, a swimming competition to be
10 conducted within the Territory.
11

12 .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee,
13 the Board of Directors may establish a reasonable service charge consistent
14 with the nature of the event. For example, the service charge may be a flat
15 amount, an amount related to the number of events swum, the number of
16 individual swims, the number of athletes entered, the cost of equipment and
17 pool time provided, a percentage of receipts or profits or a combination of one
18 or more of these or other bases.
19

20 .3 PAYMENT - Each applicant for a sanction, approval or observation shall
21 submit with its application the fees and any service charges specified by WSI.
22 If any of the sanction or approval fees or service charges are due at a time
23 following the submission for sanction or approval, the applicant shall
24 promptly pay those fees or service charges to WSI when due in accordance
25 with WSI's fee schedule.
26

27 603.8 FAILURE TO PAY
28

29 .1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure
30 of a Group Member, Coach Member or Active Individual Member to pay
31 dues, fees, service charges, fines or penalties imposed by WSI or USA
32 SWIMMING, within the time prescribed, as evidenced by a final decision of
33 the Board of Review or the National Board of Review or by a court of law,
34 shall preclude the delinquent member from (a) participating in events
35 sanctioned or approved by USA SWIMMING, (b) participating in any
36 capacity in the affairs of USA SWIMMING, WSI or any other LSC or (c)
37 serving as a Club Safety Coordinator, Group Member Representative, coach,
38 manager, official, trainer or in any other capacity with any Club Member or
39 with any group member of any other LSC.
40

41 .2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member to
42 satisfy any financial obligations to USA SWIMMING, WSI or their former
43 LSCs, within the time prescribed, as evidenced by a final decision of the
44 Board of Review, the National Board of Review or by a court of law, shall
45 preclude the delinquent member from (a) competing in any competition
46 sanctioned by USA SWIMMING, (b) obtaining an OVC or other reportable

1 time achieved in events swum at any USA SWIMMING sanctioned, approved
2 or observed meet, (c) participating in any capacity in the affairs of USA
3 SWIMMING, WSI or any other LSC or (d) practicing, exercising or
4 otherwise participating in the activities of any Group Member or any group
5 member of any other LSC.
6

7 .3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member has secured a final court
8 judgment or final Board of Review or National Board of Review decision
9 against an Individual Member for non-payment of financial obligations owed
10 to the Club Member, then until the decision or judgment is satisfied, the
11 Individual Member shall not (a) compete in any competition sanctioned by
12 USA SWIMMING, (b) obtain an OVC or other reportable time in events
13 swum at any USA SWIMMING approved or observed meet, (c) participate in
14 any capacity in the affairs of USA SWIMMING, WSI or any other LSC or (d)
15 practice, exercise or otherwise participate in the activities of any Group
16 Member or any group member of any other LSC.
17

18 .4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured a final
19 court judgment or a final Board of Review or National Board of Review
20 decision against a Club Member for non-payment of financial obligations
21 (such as a refund of training fees) to the Individual Member, then until the
22 decision or judgment is satisfied, the delinquent or offending Club Member
23 shall be precluded from (a) participating in events sanctioned or approved by
24 USA SWIMMING and (b) participating in any capacity in the affairs of USA
25 SWIMMING, WSI or any other LSC, including being represented in the
26 House of Delegates by its Group Member Representative.
27

28 .5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued
29 failure to pay, within a reasonable period of time, as determined by the Board
30 of Directors, the House of Delegates, the Board of Review or the National
31 Board of Review shall be cause for termination of membership.
32

33 ARTICLE 604
34 HOUSE OF DELEGATES
35

36 604.1 MEMBERS - The House of Delegates of WSI shall consist of the Group Member
37 Representatives, the Athlete Representatives, the Coach Representatives, the Board
38 Members designated in Section 605.1, and the At-Large House Members.
39

40 .1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing
41 shall appoint from its membership a Group Member Representative and one
42 or more alternates. The appointment shall be in writing, addressed to the
43 Secretary of WSI and duly certified by the chief executive officer or secretary
44 of the appointing Group Member. The appointing Group Member may
45 withdraw its Group Member Representatives or one or more of its alternates
46 and substitute a new Group Member Representatives or new alternates by

- 1 written notice, addressed to the Secretary of WSI and signed by the chief
2 executive officer or secretary of the appointing Group Member.
3
- 4 .2 AT-LARGE HOUSE MEMBERS - Up to ten (10) at-large members of the House
5 of Delegates may be appointed by the General Chairman with the advice and
6 consent of the Board of Directors. The At-Large House Members shall hold
7 office from the date of appointment through the conclusion of the annual
8 meeting of the House of Delegates following such appointment or until their
9 successors are appointed to the House of Delegates.
10
- 11 .3 ATHLETE REPRESENTATIVES - Two (2) Athlete Representatives shall be
12 elected, one each year for a two-year term, or until their respective successors
13 are elected. At the time of election, the Athlete Representative must (a) be an
14 Athlete Member in good standing; (b) be no older than a junior in high
15 school; (c) be currently competing, or have competed during the three (3)
16 immediately preceding years, in the program of swimming conducted by WSI
17 or another LSC; and (d) reside in the Territory and expect to reside therein
18 throughout at least the first half of the term. The election of the Athlete
19 Representative shall be conducted annually during WSI's short course age
20 group swimming championship, or other regularly scheduled meet designated
21 by the Board of Directors. The balloting shall take place at a meeting called
22 for that purpose by the Senior Athlete Representative, or failing that, at a time
23 and in a manner designated by the Board of Directors. The Athlete
24 Representatives elected shall be determined by a majority of the Athlete
25 Members in good standing present and voting who are thirteen (13) years of
26 age or older. Prior to the election, the current Athlete Representatives shall be
27 asked to nominate one or more Athlete Members for consideration.
28
- 29 .4 COACH REPRESENTATIVES - One Coach Representative shall be elected, in
30 even numbered years for a two-year term, or until a successor is elected. The
31 election of the Coach Representative shall be conducted during WSI's short
32 course age group swimming championship, at a meeting timely called by the
33 Coach Representative or the Board of Directors, and determined by a majority
34 of the Coach Members in good standing present and voting or, failing that, at
35 a time and place and in a manner designated by the Board of Directors.
36
- 37 604.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be
38 elected or appointed members of, to be heard at or to vote at the House of Delegates
39 in any capacity. Members of the House of Delegates must maintain their status as
40 Individual Members in good standing throughout their terms of office.
41
- 42 604.3 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of
43 members of the House of Delegates and of Individual Members shall be as follows:
44
- 45 .1 GROUP MEMBER REPRESENTATIVES, BOARD MEMBERS, THE ATHLETE
46 REPRESENTATIVES, THE COACH REPRESENTATIVE AND AT-LARGE HOUSE

- 1 MEMBERS - Each of the Group Member Representatives, the Board Members,
2 the Athlete Representatives, the Coach Representatives and the At-Large
3 House Members shall have both voice and one vote each in meetings of the
4 House of Delegates.
5
- 6 .2 AFFILIATED GROUP MEMBER REPRESENTATIVES - Group Member
7 Representatives of Affiliated Group Members, unless entitled to vote under
8 another provision of these Bylaws, shall have voice but no vote in meetings of
9 the House of Delegates and its committees.
10
- 11 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the
12 House of Delegates may attend open meetings of the House of Delegates and
13 its committees and be heard in the discretion of the presiding officer. Unless
14 entitled to vote under another provision of these Bylaws, Individual Members
15 shall have no vote in meetings of the House of Delegates.
16
- 17 604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management
18 of the affairs of WSI and the establishment of policies, procedures and programs.
19 In addition to the duties and powers prescribed in the USA SWIMMING Rules and
20 Regulations or elsewhere in these Bylaws, the House of Delegates shall:
21
- 22 .1 Elect the officers, members of the Board of Review and the committee
23 chairmen and coordinators listed in Section 606.1 in accordance with Sections
24 606.2 through 606.6;
25
- 26 .2 Elect alternates to the USA SWIMMING House of Delegates in accordance
27 with section 502.2 of the USA SWIMMING Rules and Regulations (see also
28 Section 606.7.10B);
29
- 30 .3 Elect the members of the Nominating Committee;
31
- 32 .4 Review, modify and adopt the annual budget of WSI recommended by the
33 Board of Directors;
34
- 35 .5 Call regular and special meetings of the House of Delegates;
36
- 37 .6 Ratify or prospectively modify or rescind policy and program established by
38 the Board of Directors, except any action or authorization by the Board of
39 Directors with respect to contracts or upon which any person may have relied
40 shall not be modified or rescinded;
41
- 42 .7 Establish joint administrative committees, or undertake joint activities with
43 other sports organizations where deemed helpful or necessary by WSI;
44
- 45 .8 Establish by resolution or the WSI Policies and Procedures Manual one or
46 more committees of its members. The committees shall have the powers and

1 duties specified in the resolution or the WSI Policies and Procedures Manual,
2 which may include delegation of one or more of the powers and duties of the
3 House of Delegates other than the powers to amend these Bylaws or remove
4 Board Members and other elected officers;

5
6 .9 Amend the Bylaws of WSI in accordance with Section 611.3; and
7

8 .10 Remove from office any Board Members, members of the Board of Review,
9 or committee chairmen or members or coordinators who have failed to attend
10 to their official duties or member responsibilities or have done so improperly,
11 or who would be subject to penalty by the Board of Review for any of the
12 reasons set forth in Section 610.4.7C. However, no Board Member, Board of
13 Review member or elected committee chairman or coordinator may be
14 removed except upon not less than thirty (30) days written notice by the
15 Secretary or other officer designated by the House of Delegates specifying the
16 alleged deficiency in the performance of member responsibilities or specific
17 official duties or other reason. All notices and proceedings under this section
18 shall be prepared, served and processed utilizing the procedures for a formal
19 hearing pursuant to Section 610.6.1 to the extent applicable. Should the
20 Board Member, Board of Review member or elected committee chairman or
21 coordinator contest the alleged deficiency or other reason alleged in the
22 notice, the House of Delegates shall hold a hearing at which the defendant
23 shall have the same rights as if the hearing were to be conducted by the Board
24 of Review pursuant to Article 610.
25

26 604.5 ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of
27 Delegates of WSI shall be held in the month of November of each year. Regular
28 meetings of the House of Delegates shall be held in accordance with a schedule
29 adopted by the House of Delegates or the Board of Directors.
30

31 604.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called
32 by the Board of Directors or the General Chairman. Should the Board of Directors
33 or the General Chairman fail to call the annual or scheduled regular meetings or
34 should a special meeting be appropriate or helpful, a meeting of the House of
35 Delegates may be called by a petition signed by at least five (5) members of the
36 House of Delegates.
37

38 604.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates
39 shall be take place at a site within the Territory. The House of Delegates or the
40 Board of Directors shall determine the location and time of all meetings of the
41 House of Delegates.
42

43 604.8 MEETINGS OPEN; EXECUTIVE SESSIONS -
44

45 .1 HOUSE OF DELEGATES - House of Delegates meetings shall be open to all
46 members of WSI and USA SWIMMING. Issues pertaining to personnel,

1 disciplinary action, legal, tax or similar affairs of WSI shall be deliberated and
2 decided in a closed executive session, which only House of Delegates
3 members may attend. By a majority vote on a motion of a question of
4 privilege, the House of Delegates may decide to go into executive session on
5 any matter deserving of confidential treatment or of personal concern to any
6 member of the House.

7
8 .2 HOUSE OF DELEGATES COMMITTEES - Meetings of all committees established
9 by the House of Delegates (except a nominating committee should one be
10 established) shall be open to all members of WSI and USA SWIMMING
11 unless otherwise provided by the House of Delegates resolution creating the
12 committee or by a vote of the committee as provided by the rules of the
13 Parliamentary Authority.

14
15 604.9 QUORUM - A quorum of the House of Delegates shall consist of those members
16 present and voting.

17
18 604.10 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary
19 Authority, all motions, orders and other propositions coming before the House of
20 Delegates shall be determined by a majority vote. A motion or order calling for the
21 removal of a member of the Board of Review pursuant to Section 604.4.10, shall be
22 determined by a two-thirds vote after at least thirty (30) days notice. See also
23 Section 611.3 regarding amendment of these Bylaws.

24
25 604.11 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall
26 not be permitted.

27
28 604.12 MAIL VOTE - Any action which may be taken at any regular or special meeting of
29 the House of Delegates, except elections, removals of Board Members, members of
30 the Board of Review, elected committee chairmen or coordinators and amendments
31 of these Bylaws, may be taken without a meeting. If an action is taken without a
32 meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written
33 ballot to every member of the House of Delegates entitled to vote on the matter.
34 The ballot shall set forth the proposed action, provide an opportunity to specify
35 approval or disapproval, and provide a reasonable time (but in no event less than the
36 period specified in Section 604.15.1) within which to return the ballot to the
37 Secretary. Action by written ballot shall be valid only when the number of votes
38 cast in favor of the proposed action within the time period specified constitutes a
39 majority of the votes entitled to be cast.

40
41 604.13 ORDER OF BUSINESS - At all meetings of the House of Delegates the following
42 shall be included in the order of business to the extent applicable. The order in
43 which the various subjects are taken up may be varied.

- 1
- 2 Roll Call
- 3 Reading, correction and adoption of minutes of previous meeting
- 4 Reports of officers
- 5 Reports of committees and coordinators
- 6 Presentation and approval of the annual budget
- 7 Presentation and approval of the annual audit pursuant to Section 608.5, when
- 8 applicable
- 9 Unfinished (old) business
- 10 Elections
- 11 New business
- 12 Resolutions and orders
- 13 Adjournment
- 14

15 604.14 NOTICES

- 16
- 17 .1 TIME - Not less than twenty (20) days written notice shall be given to each
- 18 member of the House of Delegates and each Group Member for any annual,
- 19 regular or special meeting of the House of Delegates. See Section 616.1.5 for
- 20 the various permitted forms of notice.
- 21
- 22 .2 INFORMATION - The notice of a meeting shall contain the time, date and site.
- 23 For special meetings of the House of Delegates, the expected purpose (which
- 24 may be general) of the meeting shall be stated. If an expected purpose is the
- 25 amendment of the Bylaws, a copy of the proposed amendment shall be
- 26 included in the notice. Failure to have included in the notice any germane
- 27 amendments subsequently adopted by the House of Delegates at the noticed
- 28 meeting shall not be the basis for any claim that the amendments as so
- 29 adopted are invalid.
- 30

31

32 ARTICLE 605

33 BOARD OF DIRECTORS

34

35 605.1 MEMBERS - The Board of Directors shall consist of the following officers,

36 committee chairmen, coordinators and representatives of WSI, together with those

37 additional members designated in Section 605.3:

38

- 39 .1 General Chairman
- 40 .2 Administrative Vice-chairman
- 41 .3 Senior Vice-chairman
- 42 .4 Age Group Vice-chairman
- 43 .5 Secretary
- 44 .6 Treasurer
- 45 .7 The Coach Representative
- 46 .8 The Athlete Representatives

- 1 .9 Membership/Registration Coordinator
2
- 3 605.2 AT-LARGE BOARD MEMBERS - [This Section is reserved for future use.]
4
- 5 605.3 EX-OFFICIO MEMBERS - The following persons shall be ex-officio members of
6 the Board of Directors during the time period in which they meet the defined status:
7
- 8 .1 Members of the USA SWIMMING Board of Directors who are Individual
9 Members in good standing; and
10 .2 USA SWIMMING Committee Chairmen who are Individual Members in
11 good standing.
12 .3 Officials Committee Chairman
13
- 14 605.4 LIMITATIONS - No more than three (3) members or coaches of any Club Member
15 or Affiliated Group Member shall serve on the Board of Directors at any time. This
16 limitation shall be applied separately as to Athlete Members and other Individual
17 Members.
18
- 19 605.5 VOICE AND VOTING RIGHTS OF BOARD MEMBERS - The voice and voting
20 rights of Board Members and Individual Members shall be as follows:
21
- 22 .1 BOARD MEMBERS - Each Board Member other than the ex-officio members
23 (see Section 605.3) shall have both voice and vote in meetings of the Board of
24 Directors and its committees.
25
- 26 .2 NON-VOTING BOARD MEMBERS - Unless entitled to vote under another
27 provision of these Bylaws, the ex-officio members shall have voice but no
28 vote in meetings of the Board of Directors and its committees.
29
- 30 .3 INDIVIDUAL MEMBERS - Individual Members who are not Board Members
31 may attend open meetings of the Board of Directors and its committees and be
32 heard in the discretion of the presiding officer. Unless entitled to vote under
33 another provision of these Bylaws, Individual Members shall have no vote in
34 meetings of the Board of Directors or its committees.
35
- 36 605.6 DUTIES AND POWERS - The Board of Directors shall act for WSI and the House
37 of Delegates during the intervals between meetings of the House of Delegates,
38 subject to the exercise by the House of Delegates of its powers of ratification or
39 prospective modification or rescission, except that it shall not remove a Board
40 Member, a Board of Review member or other person elected by the House of
41 Delegates or amend these Bylaws. In addition to the powers and duties prescribed
42 in the USA SWIMMING Rules and Regulations or elsewhere in these Bylaws, the
43 Board of Directors shall have the power and it shall be its duty to:
44
- 45 .1 Establish and direct policies, procedures and programs for WSI;
46

- 1 .2 Oversee the conduct by the officers of WSI of the day-to-day
2 management of the affairs of WSI;
- 3
- 4 .3 Provide advice and consent to appointments proposed by the General
5 Chairman that require advice and consent under these Bylaws or the
6 WSI Policies and Procedures Manual;
- 7
- 8 .4 Cause the preparation and presentation to the House of Delegates of the
9 annual budget of WSI and make a recommendation to the House of
10 Delegates concerning the approval or disapproval thereof;
- 11
- 12 .5 Receive presentation of the annual audit report pursuant to Section 608.5
13 and make a recommendation to the House of Delegates concerning the
14 approval or disapproval thereof;
- 15
- 16 .6 Call regular or special meetings of the Board of Directors or the House
17 of Delegates;
- 18
- 19 .7 Admit eligible prospective Group Members;
- 20
- 21 .8 Retain such independent contractors and employ such persons as the
22 Board shall determine are necessary or appropriate to conduct the affairs
23 of WSI;
- 24
- 25 .9 Appoint other officers, agents, committees or coordinators, to hold
26 office for the terms specified. These appointees shall have the authority
27 and perform the duties as provided in these Bylaws, the WSI Policies
28 and Procedures Manual or as may be provided in the resolutions
29 appointing them, including any powers of the Board of Directors as may
30 be specified, except as may be inconsistent with any other provision of
31 these Bylaws. To the extent not provided elsewhere in these Bylaws, the
32 Board of Directors may delegate to any officer, agent, committee or
33 coordinator the power to appoint any such subordinate officers, agents,
34 committees or coordinators and to prescribe their respective terms of
35 office, authorities and duties; and
- 36
- 37 .10 Remove from office any officers, committee chairmen, committee
38 members or coordinators of WSI who were not elected by the House of
39 Delegates and who have failed to attend to their official duties or
40 member responsibilities or have done so improperly, or who would be
41 subject to penalty by the Board of Review for any of the reasons set
42 forth in Section 604.4.7C. No officer, committee chairman or
43 coordinator may be removed without receiving the thirty (30) days
44 written notice specifying the alleged deficiency in the performance of
45 the member's responsibilities under these Bylaws, the member's official
46 duties or other reasons. All notices and proceedings under this section

1 shall be prepared, served and processed utilizing the procedures for a
2 formal hearing pursuant to Section 610.6.1 to the extent applicable.
3 Should the officer, committee chairman, committee member or
4 coordinator contest the alleged deficiency or other reason set forth in the
5 notice, the Board of Directors shall hold a hearing at which the member
6 shall have the same procedural rights as if the hearing were to be
7 conducted by the Board of Review pursuant to Article 610.

8
9 605.7 EXECUTIVE COMMITTEE -

- 10
11 .1 AUTHORITY AND POWER - The Executive Committee shall have the authority
12 and power to act for the Board of Directors and WSI between meetings of the
13 Board and the House of Delegates.
14
15 .2 MEMBERS - The members of the Executive Committee shall be the General
16 Chairman, who shall act as chairman, Administrative Vice-chairman, Senior
17 Vice-chairman, Age Group Vice-chairman, Treasurer,
18 Membership/Registration Coordinator, Senior Athlete Representative, and
19 Coach Representative. The presiding officer shall appoint an Individual
20 Member to serve as the secretary of the meeting.
21
22 .3 MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held
23 at any time or place within the Territory when called by the General Chairman
24 or any three (3) members of the Committee with a minimum of three (3) days
25 notice required. Pertinent provisions of Sections 607.5 through 607.11 and
26 Section 616.1.5 shall apply to the Executive Committee meetings and notices.
27
28 .4 QUORUM - A quorum of the Executive Committee shall consist of four (4)
29 members of the Committee.
30
31 .5 REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special
32 meeting of the Board of Directors the Executive Committee shall make a
33 report of its activities since the last Board of Director's meeting for ratification
34 or prospective modification or rescission, provided, however, that any action
35 of the Executive Committee upon which a third party may have relied (e.g.,
36 by signing, or authorizing the signing of a contract) may not be modified or
37 rescinded by the Board of Directors or the House of Delegates.
38

39 605.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Board of Directors
40 and Executive Committee meetings shall be open to all members of WSI and USA
41 SWIMMING. Matters relating to personnel, disciplinary action, legal, taxation or
42 similar affairs shall be deliberated and decided in a closed executive session which
43 only Board Members or Executive Committee members, respectively, are entitled
44 to attend. By a majority vote on a motion of a question of privilege the Board of
45 Directors or the Executive Committee may decide to go into executive session on

1 any matter deserving of confidential treatment or of personal concern to any mem-
2 ber of the Board of Directors or the Executive Committee.

3

4 605.9 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members
5 of the Board of Directors or the Executive Committee may participate in meetings
6 of the Board of Directors or the Executive Committee through conference telephone
7 or similar equipment by means of which all persons participating in the meeting can
8 hear each other at the same time. Participation by such means shall constitute
9 presence in person at a meeting.

10

11 605.10 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held
12 in accordance with a schedule adopted by the Board of Directors.

13

14 605.11 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called
15 by the General Chairman. Should the Board of Directors or the General Chairman
16 fail to call regular meetings or should a special meeting be appropriate or helpful, a
17 meeting of the Board of Directors shall be called at the written request of any three
18 (3) Board Members.

19

20 605.12 QUORUM - A quorum of the Board of Directors shall consist of a majority of the
21 members.

22

23 605.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary
24 Authority, all motions, orders and other propositions coming before the Board of
25 Directors shall be determined by a majority vote. A motion, order or other proposal
26 the affect of which is to override policy or program established by the House of
27 Delegates shall be determined by a two-thirds vote after at least fourteen (14) days
28 notice.

29

30 605.14 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors or the
31 Executive Committee shall not be permitted.

32

33 605.15 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken
34 at any meeting of the Board of Directors or the Executive Committee may be taken
35 without a meeting if all the Board Members or Executive Committee members
36 entitled to vote consent to the action in writing and the written consents are filed
37 with the records of the respective meetings. These consents shall be treated for all
38 purposes as votes taken at a meeting.

39

40 605.16 MAIL VOTE - Any action which may be taken at any regular or special meeting of
41 the Board of Directors, except elections, advice and consent to the General
42 Chairman's appointments, or removals of officers, committee chairmen and
43 members, may be taken without a meeting. If an action is to be taken without a
44 meeting, the Secretary, by first class mail, postage prepaid, or by electronic mail,
45 shall distribute a written ballot to every Board Member entitled to vote on the
46 matter. The ballot shall set forth the proposed action, provide an opportunity to

1 specify approval or disapproval, and provide a reasonable time (but in no event less
2 than the period specified in Section 605.17) within which to return the ballot to the
3 Secretary. Action by written ballot shall be valid only when the number of votes
4 cast in favor of the proposed action within the time period specified constitutes a
5 majority of the votes entitled to be cast.

6
7 605.17 NOTICES -
8

- 9 .1 TIME - Not less than six (6) days notice shall be given to each Board Member
10 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
12 Bylaws or otherwise scheduled and noticed well in advance. (See Section
13 616.1.5 for the various permitted forms of notice and the consequences
14 thereof.)
15
16 .2 INFORMATION - The notice of a meeting shall contain the time, date and site
17 and in the case of special meetings, the expected purpose, which may be
18 general.
19
20
21

22 605.18 ORDER OF BUSINESS - At all meetings of the Board of Directors the following
23 shall be included in the order of business to the extent applicable. The order in
24 which subjects are taken up may be varied.
25

- 26 Roll Call
27 Reading, correction and adoption of minutes
28 Report of Executive Committee
29 Reports of officers
30 Reports of committees and coordinators
31 Presentation of the annual budget and adoption of recommendation to the
32 House of Delegates
33 Presentation of the annual audit report pursuant to Section 608.5 and adoption
34 of its recommendation to the House of Delegates
35 Advice and Consent to Appointments
36 Unfinished (old) business
37 New business
38 Approval of applications for Group Membership
39 Resolutions and orders
40 Adjournment
41

ARTICLE 606
OFFICERS

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

- .1 General Chairman
- .2 Administrative Vice-chairman
- .3 Senior Vice-chairman
- .4 Age Group Vice-chairman
- .5 Secretary
- .6 Treasurer
- .7 Membership/Registration Coordinator

606.2 ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chairman, the Administrative Vice-chairman, the Secretary, and the Senior Vice-chairman in odd-numbered years; and the Age Group Vice-chairman, the Treasurer, and the Membership/Registration Coordinator in even-numbered years. The House of Delegates shall also elect the members of the Board of Review (See Section 610.3.3).

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 WSI 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 Chairman, Finance Vice-chairman 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 election. In the case of the Administrative Vice-chairman, the House of Delegates at the time of election shall designate one to be the successor to the General Chairman; if no such designation is made, then the person with the longer tenure in such office or as a Board Member shall serve as the successor.
- .2 OFFICES COMBINED - Any office other than General Chairman may be combined with any other office except that the offices of Finance Vice-chairman and Treasurer may not be combined. This may be accomplished by the Nominating Committee nominating single Individual Member to serve

1 simultaneously as two officers or by the House of Delegates so electing at the
2 time of election.

3
4 606.6 TERMS OF OFFICE —

5
6 .1 TERM OF OFFICE - The terms of office of all elected members of the Board of
7 Directors shall be two years.

8
9 .2 COMMENCEMENT OF TERM - Each person elected to a position shall assume
10 office upon election and shall serve until a successor is chosen.

11
12 .3 CONSECUTIVE TERMS LIMITATION - Except for the Secretary and
13 Membership/Registration Coordinator, no Individual Member who has been
14 elected by the House of Delegates and served four successive years shall be
15 eligible for re-election to the same position until a lapse of two years. A
16 portion of any term served to fill a vacancy in the position shall not be
17 considered in the computation of this successive term's limitation.

18
19 606.7 DUTIES AND POWERS — The duties and powers of the officers and other Board
20 Members shall be to attend and participate in all meetings of the House of Delegates
21 and the Board of Directors and as follows:

22
23 .1 GENERAL CHAIRMAN: The General Chairman shall oversee and have general
24 charge of the management, business, operations, affairs and property of WSI,
25 and general supervision over its officers and agents; shall call meetings when
26 and where deemed necessary; shall preside at all meetings; and, except as
27 otherwise provided in these Bylaws and with the advice and consent of the
28 Board of Directors, shall appoint committee chairmen and members for
29 standing and special committees or coordinators as may be necessary to
30 permit WSI to effectively, efficiently and economically conduct its affairs.
31 The General Chairman shall report to the Board of Directors all matters within
32 the General Chairman's knowledge that the Board of Directors should
33 consider in the best interests of WSI.

34
35 .2 SECRETARY: The Secretary, or a delegate, shall be responsible for keeping a
36 record of all meetings of the House of Delegates and Board of Directors,
37 conducting official correspondence, issuing meeting and other notices and
38 making such reports to USA SWIMMING as are required by Article 608 of
39 these Bylaws and shall perform the other duties incidental to the office of
40 Secretary. The Secretary shall be custodian of the records and the seal of WSI,
41 and attest the execution of, and cause the seal to be affixed to, all duly
42 authorized instruments. The Secretary shall cause to be kept copies of all
43 minutes, official correspondence, meeting and other notices, any other records
44 of WSI and the WSI corporate seal. The Secretary's custody of the minute
45 books and other records shall be as a fiduciary for WSI and shall end when

1 the Secretary leaves office at which time the Secretary shall pass them on to
2 the successor Secretary.

3
4 .3 TREASURER: The Treasurer shall be the principal receiving and disbursing
5 officer of WSI. Except as otherwise directed by the Board of Directors, the
6 Treasurer shall receive all moneys, incomes, fees and other receipts of WSI
7 and pay all bills, salaries, expenses and other disbursements approved by an
8 authorized officer, committee chairman, coordinator, the Board of Directors
9 or the House of Delegates, or required to be paid pursuant to Section
10 610.3.12. When authorized by the Board of Directors, income and expenses
11 may be received and paid by a division, officer, committee or coordinator,
12 provided that the division, officer, committee or coordinator promptly submits
13 to the Treasurer an itemized report, duly attested by the division, officer,
14 committee chairman or coordinator and either within the approved budget of
15 such division, officer, committee or coordinator, or authorized by the Board of
16 Directors or the House of Delegates. The Treasurer shall have general charge
17 of the development and implementation of an investment program for WSI's
18 working capital, funded reserves and endowment funds and the development
19 and implementation of a marketing and fund-raising plan for WSI. The
20 Treasurer, with the assistance of the Budget Committee, shall prepare an
21 annual budget for WSI's operations and present the budget for approval by the
22 Board of Directors and the House of Delegates. The Treasurer shall be a
23 member of the Finance Committee but may not be its chairman. The
24 Treasurer shall issue a quarterly report listing the current budget variances by
25 line item, all receipts, all expenditures and the current fund and account
26 balances for the preceding quarter and for the fiscal year to date, together with
27 such other items as the General Chairman or the Board of Directors may
28 direct. The Treasurer shall:

29
30 A have charge of and supervision over and be responsible for the funds,
31 moneys, securities and other financial instruments of WSI;

32
33 B cause the moneys, securities and other financial instruments of WSI to
34 be deposited in the name and to the credit of WSI in such institutions as
35 shall be designated in accordance with Section 606.11 or to be otherwise
36 invested as the Board of Directors may direct;

37
38 C cause to be appropriately segregated and accounted for any endowment
39 funds, scholarship or award funds and any similar special purpose funds
40 or accounts;

41
42 D cause the funds of WSI to be disbursed by checks or drafts, automated
43 debits or wire transfers upon the authorized depositories of WSI, and
44 obtain and preserve proper vouchers for all moneys disbursed;

45

- 1 E cause to be kept correct books of account and other financial records of
2 all its affairs and transactions and such duplicate books of account as the
3 Board of Directors or the Treasurer shall determine. The Treasurer's
4 custody of the books and records shall be as a fiduciary for WSI and
5 custody and fiduciary state shall end when the Treasurer leaves office
6 and passes them on to the successor Treasurer;
7
- 8 F upon request and at reasonable hours cause such books or duplicates
9 thereof to be exhibited to any member of the Board of Directors and
10 upon application and at reasonable hours cause the quarterly financial
11 reports and the annual audited financial statement to be exhibited to any
12 member of WSI or USA SWIMMING;
13
- 14 G cause WSI to be in compliance with the requirements of Section 608.4;
15
- 16 H have the power to require from the officers, committee chairmen,
17 coordinators, or agents of WSI reports or statements giving such
18 information as the Treasurer may determine to be appropriate or helpful
19 with respect to any and all financial transactions of WSI;
20
- 21 I make the books and records available and otherwise fully cooperate with
22 those conducting the annual audit of accounts of WSI and cause the
23 preparation and timely filing of all required federal, state and local tax
24 returns, and other financial and tax reports with the applicable
25 government official, and forward a copy of the annual financial
26 statement and audit report and any Federal tax return to the Secretary for
27 submission to the Board of Directors and USA SWIMMING national
28 headquarters in accordance with Sections 608.2 and 608.3;
29
- 30 J have the power to appoint one or more assistant treasurers and delegate
31 to them one or more of the Treasury functions, or parts thereof; and
32
- 33 K in general, perform all the other duties incident to the corporate treasury
34 function;
35
- 36 L In addition, the Treasurer shall cause to be conducted the audit required
37 pursuant to Section 608.5 and shall review, or shall cause the Audit
38 Committee to review, the annual audit report and recommend
39 acceptance and appropriate action, if any, with regard thereto by the
40 Board of Directors and the House of Delegates.
41
- 42 .4 ADMINISTRATIVE VICE-CHAIRMAN: The Administrative Vice-chairman shall
43 conduct meetings in the absence of the General Chairman and, at the request
44 of the General Chairman or in the event of the disability of the General
45 Chairman, shall perform all of the duties of the General Chairman, and when
46 so acting shall have all of the powers of the General Chairman. (See Section

1 606.9.) The Administrative Vice-chairman shall chair, and have general
2 charge of the business, affairs and property of the division that administers
3 WSI business and affairs. The Administrative Vice-chairman shall aid in the
4 development of policy and the coordination of the activities of the officers and
5 committees within the division internally and with other divisions, committees
6 and coordinators. The Administrative Division shall be responsible for the
7 creation and maintenance of WSI's Policies and Procedures Manual.
8

9 .5 SENIOR VICE-CHAIRMAN: The Senior Vice-chairman shall chair and have
10 general charge of the affairs and property of the Division that develops and
11 conducts the senior swimming program of WSI, and shall chair and have
12 general charge of the affairs and property of the division that develops,
13 coordinates and conducts a swimming program for all levels of swimming in
14 the Territory, including the development of long-range plans for swimming
15 programs. The Senior Vice-chairman serves a liaison to the Athlete
16 Representatives, and shall be responsible to see that the Athlete
17 Representatives elections are held in accordance with these Bylaws.
18

19 .6 AGE GROUP VICE-CHAIRMAN: The Age Group Vice-chairman shall chair and
20 have general charge of the affairs and property of the Division that develops
21 and conducts the age group swimming program of WSI, and shall chair and
22 have general charge of the affairs and property of the division that coordinates
23 and facilitates the conduct of all swimming programs for WSI including the
24 awarding of meet sponsorships to Club Members, facilities and equipment
25 rentals and meet management for all swimming meets sponsored by WSI.
26

27 .7 MEMBERSHIP/REGISTRATION COORDINATOR:
28 The Membership/Registration Coordinator is authorized and obligated to
29 conduct the registration of Group and Individual Members and supervise the
30 transmission of registration information to USA SWIMMING and assist in
31 the preparation of the reports required by Section 608.6, together with such
32 additional reports as may be requested by USA SWIMMING, the Board of
33 Directors or the Administrative Vice-chairman.
34

35 .8 ATHLETE REPRESENTATIVES: The Athlete Representatives shall serve as the
36 liaison between the athletes who are members of WSI and the Board of
37 Directors and House of Delegates.
38

39 .9 COACH REPRESENTATIVE: The Coach Representative shall serve as a liaison
40 between the coaches who are members of WSI and the Board of Directors and
41 House of Delegates.
42

43 .10 AT-LARGE BOARD MEMBERS - [This Section is reserved for future use.]
44

45 .11 WSI DELEGATES TO USA SWIMMING HOUSE OF DELEGATES -
46

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- A Officer and Representative Delegates - It shall be the duty and privilege of the General Chairman, the Administrative Vice-Chairman, the Age Group Vice-chairman, the Senior Vice-chairman, the Senior Athlete Representative and the Coach Representative to attend the USA SWIMMING annual meeting as representatives of WSI and voting delegates to the USA SWIMMING House of Delegates.
- B Officer Delegate Alternates - If any of the officer delegates is unable to attend, their elected alternates, if any, shall attend in their places. In the event that there are no elected alternates or the elected alternates are unable to attend, then the General Chairman, with the advice and consent of the Board of Directors, shall appoint alternates who shall attend the USA SWIMMING annual meeting as delegates representing WSI.
- C Athlete Representative Alternates - If the Senior Athlete Representative is unable to attend, the Athlete Representative next most senior in term of office shall attend. If neither Athlete Representative, the General Chairman, with the advice and consent of the Board of Directors, shall designate an Athlete Member to attend as a representative of WSI.
- D Coach Representative Alternates - If the Coach Representative is unable to attend the USA SWIMMING annual meeting, the General Chairman, with the advice and consent of the Board of Directors, shall designate a Coach Member to attend as a representative of WSI.

.12 NATIONAL TIMES VERIFICATION CHAIR—The national times verification chair shall be appointed by the General Chair for a two year term. The national times database coordinator shall (a) verify all times submitted for observed swims and (b) submit to the USA Swimming Star database or any successor program all verified times from observed swims and all times submitted by WSI swimmers achieved at USA sanctioned meets in other LSC’s.

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

1 606.9 VACANCIES AND INCAPACITIES -
2

3 .1 OFFICE OF GENERAL CHAIRMAN - In the event of a vacancy in the office of
4 General Chairman, or of the General Chairman's temporary or permanent
5 incapacity, the Administrative Vice-chairman shall become the Acting
6 General Chairman until an election can be held at the next meeting of the
7 House of Delegates to fill the remaining term, if any, of the former General
8 Chairman, or until the General Chairman ceases to suffer from any temporary
9 incapacity. While serving as Acting General Chairman, the Administrative
10 Vice-chairman shall vacate the office of Administrative Vice-chairman,
11 except in the case of the General Chairman's temporary incapacity. If the
12 General Chairman is to be absent from the Territory, the General Chairman
13 may, but is not obligated to, designate the Administrative Vice-chairman as
14 Acting General Chairman for the duration of the absence.
15

16 .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy
17 in the office of Athlete Representative or Coach Representative, or of the
18 permanent incapacity of a person holding the office of Athlete Representative
19 or Coach Representative, the General Chairman may appoint, with the advice
20 and consent of the Board of Directors, an Athlete Member or a Coach
21 Member, as the case may be, to serve the remainder of the term of office.
22

23 .3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the
24 person holding, any office other than General Chairman, Athlete
25 Representative, Coach Representative or member of the Board of Review, the
26 General Chairman shall appoint a successor, with the advice and consent of
27 the Board of Directors, to serve until the next regularly scheduled meeting of
28 the House of Delegates. In the event of a temporary incapacity, the General
29 Chairman may designate, with the advice and consent of the Board of
30 Directors, an Individual Member to act for the incapacitated officer for the
31 duration of the incapacity.
32

33 .4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when
34 an office becomes vacant or an officer becomes incapacitated shall be within
35 the discretion of the Board of Directors or the House of Delegates with, in the
36 case of a Athlete Representative or a Coach Representative, the advice and
37 consent of the Athletes Committee or the Coaches Committee, respectively.
38 The determination as to when the General Chairman is temporarily
39 incapacitated shall be made, where the circumstances permit, by the General
40 Chairman and otherwise shall be within the discretion of the Board of
41 Directors, subject to any subsequent action by the House of Delegates.
42

43 606.10 OFFICERS' POWERS GENERALLY -
44

45 .1 AUTHORITY TO EXECUTE CONTRACTS, ETC - The General Chairman may sign
46 and execute in the name of WSI deeds, mortgages, bonds, contracts,

1 agreements or other instruments duly authorized by the WSI Policies and
2 Procedures Manual, the Board of Directors or the House of Delegates, except
3 in cases where the signing and execution thereof shall be expressly delegated
4 by the Board of Directors to another officer or agent, expressly requires two
5 or more signatures or is required by law to be otherwise executed. Additional
6 signing authority may be provided by standing resolutions of the Board of
7 Directors or the House of Delegates.
8

9 .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and
10 perform other duties as may be prescribed in WSI's Policies and Procedures
11 Manual or by the House of Delegates, the Board of Directors, the General
12 Chairman, the respective division Vice-chairman, the delegating officer or
13 these Bylaws. The division Vice-chairmen shall have the additional duties
14 and powers set forth in Section 607.1and 607.5.
15

16 .3 DELEGATION - Officers of WSI may delegate any portion of their powers or
17 duties to another Individual Member or to a committee composed of
18 Individual Members, except that neither the Finance Vice-chairman nor the
19 Treasurer may delegate duties to the other without the consent of the Board of
20 Directors. In addition, the authority to sign checks, drafts, orders of
21 withdrawal or wire transfers shall not be delegated other than by the Board of
22 Directors. A delegation of powers or duties shall not relieve the delegating
23 officer of the ultimate responsibility to see that these duties and obligations
24 are properly executed or fulfilled.
25

26 .4 ASSISTANT AND DEPUTY OFFICERS - The House of Delegates or the Board of
27 Directors may by resolution or WSI's Policies and Procedures Manual create
28 the office of deputy to one or more of the elected officers. The resolution or
29 the Policies and Procedures Manual shall the method of election or
30 appointment and define the duties and powers of the respective deputies,
31 which may include the power to act for the officer when the officer is out of
32 the Territory or temporarily incapacitated. The elected officers may appoint
33 one or more assistant officers and define their respective duties.

1
2 606.11 DEPOSITORIES AND BANKING AUTHORITY —
3

- 4 .1 DEPOSITORIES, ETC - All receipts, income, charges and fees of WSI shall be
5 deposited to its credit in the banks, trust companies, other depositories or
6 custodians, investment companies or investment management companies as
7 the Board of Directors may select, or as may be selected by any officer or
8 officers or agent or agents authorized to do so by the Board of Directors.
9 Endorsements for deposit to the credit of WSI in any of its duly authorized
10 depositories shall be made in the manner determined by the Board of
11 Directors. All funds of WSI not otherwise employed shall be maintained in
12 the banks, trust companies, other depositories or custodians, investment
13 companies or investment management companies designated by the Board of
14 Directors or any officer or officers or agent or agents authorized to do so by
15 the Board of Directors.
16
17 .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or
18 transfer of money, and all notes or other evidences of indebtedness issued in
19 the name of WSI shall be signed by the General Chairman, the Treasurer or
20 other officer or officers or agent or agents of WSI, and in the manner, as shall
21 be determined by the Board of Directors.
22

23
24 ARTICLE 607
25 DIVISIONS, COMMITTEES AND COORDINATORS
26

27 607.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING
28 COMMITTEES AND COORDINATORS - The six divisions of WSI shall each be
29 chaired by a Vice-chairman, the Treasurer, the Senior Athletes Representative, or
30 the Coaches Representative, whose respective powers, duties, jurisdiction and
31 responsibilities are described in Section 606.7. Under each division Vice-chairman
32 there are officers, committees, coordinators and direct responsibilities as follows:
33

- 34 .1 ADMINISTRATIVE DIVISION - Administrative Vice-chairman
35
36 Awards Banquet
37 Bylaws/Legislation/Rules
38 Club Development
39 Computer
40 Elections
41 Equipment
42 Insurance
43 Legal (General Counsel, if applicable)
44 Membership/Registration
45 Public Relations
46 Publications/Newsletter

1		Policies and Procedures Manual
2		Records/Top 16 Tabulation
3		Swimguide/Parents Manual
4		Secretary
5		Special Events
6		Time Standards
7		
8	.2	AGE GROUP DIVISION - Age Group Vice-chairman
9		
10		Adaptive Swimming
11		Age Group
12		Camps/Clinics
13		Meet Sanctions
14		
15	.3	SENIOR DIVISION - Senior Vice-chairman
16		
17		Meet Evaluation
18		Meet Management
19		Meet Sponsorship
20		Officials
21		OVCs
22		Program Development
23		Safety
24		Senior
25		Zone Team
26		
27	4	FINANCE - Treasurer
28		
29		Audit
30		Budget
31		Finance
32		
33	.5	ATHLETES DIVISION - Senior Athlete Representative
34		
35		Athlete Representatives
36		
37	.6	COACHES DIVISION - Coach Representative
38		
39		Coach Representatives
40		

1 607.2 NON-OFFICER CHAIRMEN AND THEIR COMMITTEES; COORDINATORS

2
3 .1 ELECTED, EX-OFFICIO AND APPOINTED NON-OFFICER CHAIRMEN AND
4 COORDINATORS -

5
6 A Elected Chairmen and Coordinators - As provided in Section 606.2,
7 certain non-officer committee chairmen and coordinators shall be
8 elected by the House of Delegates. Their eligibility, terms of office, etc.
9 shall be as provided in Sections 606.2, 606.3 and 606.6. These elected
10 non-officer committee chairmen and coordinators of WSI are:

- 11
12 (1) the Officials Chairman; and
13 (2) the Safety Coordinator.

14
15 B Ex-officio Chairman - Pursuant to Section 607.3, certain other
16 committee chairmen are designated ex-officio by virtue of an office
17 currently held.

18
19 C Appointed Chairmen - The chairmen of all other standing committees
20 shall be appointed by the General Chairman with the advice and consent
21 of the Board of Directors and the respective division vice-chairman.
22 The appointed standing committee chairman shall assume office upon
23 appointment or the date designated by the General Chairman, and shall
24 serve until sixty (60) days after the next election of a General Chairman
25 or until a successor is appointed and assumes office.

26
27 .2 DUTIES AND POWERS OF NON-OFFICER CHAIRMEN AND COORDINATORS -

28
29 A Officials Chairman - The Officials Chairman shall chair the Officials
30 Committee which is responsible for recruiting, training, certifying and
31 supervising officials for WSI. The Officials Chairman shall be a referee
32 certified by WSI and each member of the Officials Committee shall be a
33 certified official of WSI.

34
35 B Safety Coordinator - The Safety Coordinator shall be responsible for
36 coordinating safety enhancement and training opportunities as needed
37 and for the dissemination of USA SWIMMING safety education
38 information to all Group Members, athletes, coaches and officials of
39 WSI. The Safety Coordinator shall develop safety education programs
40 and policy for WSI and make recommendations regarding those
41 programs and policies and their implementation to the applicable
42 division Vice-chairmen and the Board of Directors. When approved by
43 the Board of Directors, the Safety Coordinator shall be responsible for
44 the coordination of their implementation by the Club Members. The
45 Safety Coordinator shall prepare and transmit the reports required
46 pursuant to Section 608.7.

1
2 607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES -
3 Except as otherwise provided in these Bylaws or by the Board of Directors,
4 members of each standing committee shall be appointed by the General Chairman
5 with the advice and consent of the respective division vice-chairman and the
6 chairman of the committee. The division vice-chairman shall be an ex-officio
7 member (with voice and vote) of each standing committee within the respective
8 division. The ex-officio members and other designated members of certain
9 standing committees shall be as follows:

- 10
11 .1 AUDIT COMMITTEE - The members of the Audit Committee shall be the
12 General Chairman, who shall serve as chairman, the Administrative Vice-
13 chairman and the Coach Representative.
14
15 .2 BUDGET COMMITTEE - The members of the Budget Committee shall be the
16 General Chairman, the Treasurer who shall serve as chairman, the Treasurer,
17 the Administrative Vice-chairman, the Senior Athlete Representative, the
18 Coach Representative, the Age Group Vice-chairman and the Senior Vice-
19 chairman.
20
21 .3 FINANCE COMMITTEE - The members of the Finance Committee shall be the
22 General Chairman, the Administrative Vice-chairman and the Treasurer, who
23 shall serve as chairman.
24
25 .4 OFFICIALS COMMITTEE - The members of the Officials Committee shall be the
26 Officials Chairman, who shall serve as chairman, and at least two other
27 members each of whom shall be a certified official of WSI.
28

29 The General Chairman or the respective division vice-chairman may appoint
30 the specified additional members and any other members deemed appropriate
31 or necessary for any of the foregoing standing committees. Committee
32 members appointed pursuant to the preceding sentence, shall hold their
33 appointments at the pleasure of the appointing officer or successor.
34

35 607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND
36 COORDINATORS -
37

- 38 .1 AUDIT COMMITTEE - The Audit Committee is authorized to, and it shall be its
39 duty to conduct the annual audit of the books of WSI pursuant to Section
40 608.5 and present the results thereof to the Board of Directors and the House
41 of Delegates. In the alternative, the Audit Committee may (a) annually
42 recommend an independent auditor to the Board of Directors, (b) review and
43 negotiate the services to be performed by the independent auditor, (c) receive
44 and review the audit and other reports submitted by the independent auditor
45 and (d) submit the audit and other reports and make recommendations to the
46 Board of Directors with regard thereto.

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- .2 BUDGET COMMITTEE - The Budget Committee is authorized and obligated to consult with the officers, committee chairmen and coordinators and prepare and present a proposed budget for consideration and approval by the Board of Directors and the House of Delegates. The officers, committee chairmen and coordinators shall provide promptly such financial information (current and projected) and budget proposals as the Budget Committee may request. The proposed budget may contain alternatives.

- .3 FINANCE COMMITTEE - The Finance Committee is authorized and obligated to develop, establish where so authorized or recommend to the Board of Directors and supervise the execution of policy regarding the investment of WSI's working capital, funded reserves and endowment funds, within the guidelines, if any, established by the Board of Directors or the House of Delegates. The Finance Committee shall also regularly review WSI's equipment needs (both operational and office) and the various methods available to finance the acquisition of any needed equipment, make a determination of the best financing method for WSI and make recommendations to the Budget Committee and the Board of Directors.

- .4 OFFICIALS COMMITTEE - The Officials Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify and supervise officials for WSI 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.

607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS
GENERALLY - The duties and powers of the General Chairman, 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 Preside at all meetings of the respective division, committee or subcommittee;

- .2 See that all duties and responsibilities of the coordinator or the respective division, committee or sub-committee in his charge are properly and promptly carried out;

- .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and responsibilities of the coordinator or division or committee, respectively;

- .4 Communicate with the respective division, coordinator, committee or subcommittee members to keep them fully informed;

- 1 .5 Keep the General Chairman, the respective division vice-chairman or
2 committee chairman and the Secretary informed of the respective
3 coordinator, division, committee or subcommittee actions and
4 recommendations;
5
6 .6 Appoint a member as secretary of the division, committee or
7 subcommittee charged with taking minutes of each meeting and forward
8 reports or minutes of all meetings to the Secretary;
9
10 .7 Refer to the Board of Directors any recommendation for action which
11 would establish or change policies or programs for WSI, except as
12 otherwise provided in these Bylaws or by the Board of Directors; and
13
14 .8 Perform the other specific duties listed in WSI's Policies and Procedures
15 Manual or as may be delegated by the General Chairman, the respective
16 division vice-chairman or committee chairman, the Board of Directors
17 or the House of Delegates.
18
19

20 607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS
21 GENERALLY - Except as otherwise provided in these Bylaws, the duties and
22 powers of the standing committees and coordinators shall be prescribed by WSI's
23 Policies and Procedures Manual, the House of Delegates, the Board of Directors,
24 the General Chairman or the respective division vice-chairman. Except as
25 otherwise provided in the Bylaws, the duties and powers of any other committees
26 and subcommittees shall be prescribed by WSI's Policies and Procedures Manual,
27 the House of Delegates, the Board of Directors or the officer, coordinator or
28 chairman pursuant to whose powers such committee or subcommittee was created.
29

30
31 607.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of
32 divisions, committees or sub-committees of WSI shall be held as determined by the
33 respective Vice-chairmen or committee or sub-committee chairman. In addition,
34 meetings may be called where applicable by the division vice-chairman, committee
35 chairman or coordinator pursuant to whose authority a committee or sub-committee
36 was established.
37

38
39 607.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Meetings of divisions,
40 committees and sub-committees other than the Personnel Committee shall be open
41 to all members of WSI and USA SWIMMING. Matters relating to personnel,
42 disciplinary action, legal, taxation and similar affairs shall be deliberated and
43 decided in a closed executive session which only the respective members are
44 entitled to attend. By a majority vote on a motion of a question of privilege a
45 division, committee or sub-committee may decide to go into executive session on

1 any matter deserving of confidential treatment or of personal concern to any mem-
2 ber of the division, committee or sub-committee.
3
4

5 607.9 VOICE AND VOTING RIGHTS OF DIVISION, COMMITTEE AND SUB-
6 COMMITTEE MEMBERS - The voice and voting rights of Board Members and
7 Individual Members shall be as follows:
8

9 .1 MEMBERS - Each division, committee and sub-committee member shall have
10 both voice and vote in the respective meetings.
11

12 .2 NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS - Unless entitled to
13 vote under another provision of these Bylaws, the General Chairman shall
14 have voice but no vote in meetings of divisions, committees and sub-
15 committees.
16

17 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the
18 division, committee or sub-committee may attend open meetings of the
19 division, committee or sub-committee and be heard in the discretion of the
20 presiding officer. Unless entitled to vote under another provision of these
21 Bylaws, Individual Members shall have no vote in those meetings.
22
23

24 607.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken
25 at any meeting of a division, committee or sub-committee may be taken without a
26 meeting if all the division, committee or sub-committee members entitled to vote
27 consent to the action in writing and the written consents are filed with the records of
28 the meetings. These consents shall be treated for all purposes as a vote taken at a
29 meeting.
30

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32 607.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members
33 of any division, committee or sub-committee may participate in a meeting of the
34 division, committee or sub-committee through conference telephone or similar
35 equipment by means of which all persons participating in the meeting can hear each
36 other at the same time. Participation by such means shall constitute presence in
37 person at a meeting.
38

39
40 607.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or
41 other action establishing a committee or subcommittee, a quorum of any committee
42 or subcommittee shall consist of a majority of the members of the committee or
43 subcommittee.
44

1 607.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary
2 Authority, all motions, orders and other propositions coming before a division,
3 committee or subcommittee shall be determined by a majority vote.
4

5
6 607.14 PROXY VOTE - Voting by proxy in any meeting of a division, committee or sub-
7 committee of WSI shall not be permitted.
8

9
10 607.15 NOTICES

11
12 .1 TIME - Except as otherwise provided in these Bylaws or the resolution or
13 other action establishing a committee or sub-committee, not less than forty-
14 eight (48) hours notice in the case of notice given by telephone, and six (6)
15 days notice in all other cases, shall be given for any meeting of a division,
16 committee or sub-committee of WSI. Separate notices need not be given for
17 regular meetings that are scheduled well in advance. (See Section 616.1.5 for
18 the various forms of notice.)
19

20 .2 INFORMATION - The notice of a meeting shall contain the time, date and site.
21
22

23 607.16 ORDER OF BUSINESS - At all meetings conducted under the authority of this
24 Article, the following shall be included in the order of business to the extent
25 applicable; the order in which subjects are taken up may be varied:

- 26 Roll Call
 - 27 Reading, correction and adoption of minutes
 - 28 Reports of coordinators, committees and subcommittees
 - 29 Unfinished (old) business
 - 30 New business
 - 31 Resolutions and orders
 - 32 Adjournment
- 33
34

35 607.17 RESIGNATIONS - Any committee or subcommittee chairman or member or
36 coordinator may resign by orally advising the General Chairman or by submitting a
37 written resignation to the Board of Directors specifying an effective date of the re-
38 signation. If such date is not specified, the resignation shall take effect upon the
39 appointment of a successor.
40

41
42 607.18 VACANCIES - The determination of when the position of an appointed committee
43 or subcommittee chairman, committee member or a coordinator becomes vacant or
44 the person becomes incapacitated, if not made by the person, shall be within the
45 discretion of the Board of Directors. (See Section 606.9 for provisions applicable to
46 elected committee chairmen and coordinators.) In the event of a vacancy or

1 permanent incapacity the General Chairman, with the advice and consent of the
2 Board of Directors and the respective division vice-chairman, shall appoint a
3 successor to serve until the conclusion of the incumbent's term. A temporary
4 incapacity may be left unfilled at the discretion of the General Chairman or an
5 appointment may be made for the duration of the temporary incapacity.
6
7

8 607.19 DELEGATION - With the consent of the Board of Directors or the respective
9 division Vice-chairman, a committee or subcommittee chairman or a coordinator
10 may delegate a portion of their powers or duties to another officer of WSI, or to
11 another committee, subcommittee or coordinator. Notwithstanding any delegation,
12 the ultimate responsibility for the delegated duties and obligations shall remain with
13 the delegator.
14
15

16 607.20 APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND
17 BOARD OF REVIEW - Sections 607.5 through 607.16 shall apply to the
18 Executive Committee, the Nominating Committee and any other committee of the
19 Board of Directors or the House of Delegates, unless otherwise provided in these
20 Bylaws, in the resolution creating the committee or in the WSI Policies and
21 Procedures Manual. These provisions shall also apply to Board of Review
22 meetings, but shall not apply to its hearings or deliberations.
23
24
25

26 ARTICLE 608
27 ANNUAL AUDIT, REPORTS AND REMITTANCES
28

29 608.1 MINUTES - The Secretary shall, within thirty (30) days after each meeting of the
30 Board of Directors and the House of Delegates, transmit a copy of the minutes of
31 the meeting to the respective members.
32
33

34 608.2 FINANCIAL AND FEDERAL TAX REPORTS - The Secretary shall forward to
35 USA SWIMMING national headquarters a copy of the annual closing Balance
36 Sheet and Statement of Income and Expense for the preceding fiscal year following
37 completion of the audit of the accounts and internal financial controls and
38 procedures of WSI and the report thereon prepared in accordance with Section
39 608.5, within fifteen (15) days of receipt of the audit report and shall advise USA
40 SWIMMING national headquarters within thirty (30) days following acceptance by
41 the House of Delegates. Copies of any corresponding federal income tax return
42 required to be filed by WSI under the IRS Code shall be included with the annual
43 audit report sent to USA SWIMMING national headquarters.
44
45

- 1 608.3 STATE AND LOCAL REPORTS AND FILINGS - The Secretary shall cause to be
2 made all reports and non-tax filings and shall requisition from the Treasurer checks
3 with which to pay any applicable fees required by its state of incorporation and by
4 any other state or municipality in which it operates.
5
- 6 608.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION - WSI shall cause to
7 be made available at a reasonable location and time determined by WSI to anyone
8 requesting to see a copy of WSI's federal income tax and information returns for
9 each of the last three years, and a copy of the materials submitted by USA
10 SWIMMING to include WSI in USA SWIMMING's group exemption ruling as
11 required pursuant to IRS Code section 6104 and any similar requirements of
12 applicable state or local laws.
13
14
- 15 608.5 ANNUAL AUDIT - An annual audit of the accounts, books and records of WSI
16 shall be completed no later than the end of the third month following the end of its
17 fiscal year. The audit, or review, shall be conducted by an independent auditor who
18 shall be a certified public accountant or by the Audit Committee. The audit shall
19 cover any federal, state or local income tax return that WSI is required to file under
20 the IRS Code or applicable provisions of state or local law, rules or regulations, the
21 balance sheet, the statement of income and expenses, check register and bank
22 statements and other records as is deemed appropriate. If the audit, or review, is
23 conducted by the Audit Committee, the committee shall issue a report signed by all
24 of its members and stating that the financial records and reports of WSI have been
25 reviewed and fairly present the financial condition of WSI as of the date of the
26 balance sheet and for the fiscal period of the statement of income and expenses and
27 the report is true and correct to the best of the Committee's knowledge, information
28 and belief. If the audit, or review, is conducted by an independent auditor, the
29 report shall be in accord with generally accepted auditing practices applicable to the
30 audit or review, as the case may be.
31
32
- 33 608.6 MEMBERSHIP AND REGISTRATION REPORTS - The
34 Membership/Registration Coordinator, or a delegate, shall forward in a timely
35 manner all required reports to the Executive Director of USA SWIMMING. This
36 report shall be accompanied by a remittance of the appropriate membership and
37 registration fees due to USA SWIMMING. The Membership/Registration
38 Coordinator shall make periodic summary reports to the Administrative Vice-
39 chairman, the Board of Directors and the House of Delegates.
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608.7 SAFETY REPORTS -

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

- .2 REPORTS OF INJURIES - The Safety Coordinator shall present a report concerning swimming-related injuries within the Territory at each House of Delegates and Board of Directors meeting.
 - A House of Delegates Reports - The report to the House of Delegates shall be written and shall provide in summary form the pertinent information including whether the injured party is a member of WSI and USA SWIMMING, the location of the occurrence and a brief description of the incident, the resulting injury and the emergency-care steps taken, together with any recommendation for action by WSI and its members to reduce the likelihood of a re-occurrence and the status of that recommendation. The written report shall include a review of the pertinent statistical information provided by USA SWIMMING national headquarters. The Safety Coordinator is responsible for distribution of this report to each Club Safety Coordinator. A copy of each House of Delegates report shall also be sent to the USA SWIMMING national headquarters.

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

- .3 SAFETY EDUCATION - The Safety Coordinator shall be responsible for disseminating safety information flowing from USA SWIMMING Headquarters and exploring safety education opportunities and developing a safety education program tailored to WSI and its members and Territory.

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

608.9 REPORTS GENERALLY - WSI shall make all reports and remittances to USA SWIMMING as specified in the USA SWIMMING Rules and Regulations or by the National Board of Directors or National House of Delegates, in such a manner and on such written forms as may be requested by USA SWIMMING national headquarters. The General Chairman, the Membership/Registration Coordinator,

1 the Secretary and the Treasurer shall be collectively responsible for seeing that all
2 required reports and remittances are made.
3

4
5 ARTICLE 609
6 MEMBERS' BILL OF RIGHTS
7

8
9 609.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS - WSI, in furtherance of Article
10 301 of the USA SWIMMING Rules and Regulations, shall respect and protect the
11 right of every Individual Member who is eligible under WSI, USA SWIMMING
12 and FINA code to participate in any competition as an athlete, coach, trainer,
13 manager, meet director or other official, so long as the competition is conducted in
14 compliance with WSI, USA SWIMMING and FINA requirements. Before any
15 Individual Member is denied the right to participate in a competition, the individual
16 shall have the right to request and have a hearing before, and a determination of, the
17 Board of Review or the National Board of Review. If the Individual Member is
18 permitted to participate subject to a protest, a hearing and determination may take
19 place after the competition is concluded.
20

21
22 609.2 CLUB MEMBERS' BILL OF RIGHTS - WSI shall respect and protect the right of
23 every Club Member which is eligible under WSI, USA SWIMMING and FINA
24 code to participate in any competition through its athletes, coaches, trainers,
25 managers, meet directors and other officials, so long as the competition is
26 conducted in compliance with WSI, USA SWIMMING and FINA requirements.
27 Before any Club Member is denied the right to participate in a competition, the
28 Club Member shall have the right to request and have a hearing before, and a
29 determination of, the Board of Review or the National Board of Review. If the
30 Club Member is permitted to participate subject to a protest, a hearing and
31 determination may take place after the competition is concluded.
32

33
34 ARTICLE 610
35 BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL
36

37
38 610.1 INTRODUCTION" - USA SWIMMING was organized as the National Governing
39 Body for the sport of swimming under the Amateur Sports Act of 1978, a federal
40 law. That law requires USA SWIMMING to establish and maintain provisions for
41 the swift and equitable resolution of all disputes involving any of its members. This
42 Article, together with Section 602.2 and Article 609, and the USA SWIMMING
43 Code of Ethics are intended to provide a clear statement of member responsibilities,
44 liabilities for infractions thereof and a mechanism for resolving in an orderly and
45 fair way all manner and kinds of disputes that may arise among its members in
46 connection with the sport of swimming. Accordingly, WSI has established the

1 Board of Review to hear complaints, protests and appeals regarding the
2 administration and conduct (including acts and failures to act) of the sport of
3 swimming in the Territory, conduct that may violate the USA SWIMMING Code
4 of Ethics or otherwise violate the policies, procedures, rules and regulations adopted
5 by USA SWIMMING or WSI, or conduct that may bring USA SWIMMING, WSI
6 or the sport of swimming into disrepute. This Article is intended to provide a
7 uniform method of appeal from any decision, act or failure to act to which a
8 member of WSI or, where the conduct occurred in the Territory, another LSC takes
9 exception, and to provide an opportunity for a fair hearing before a group of
10 independent and impartial people. This Article shall be construed accordingly.
11
12

13 610.2 DEFINITIONS FOR ARTICLE - When used in this Article 610, the following
14 terms shall have the meanings indicated in this Section and the definitions of such
15 terms are equally applicable to both the singular and plural forms. Where a cross
16 reference to another Section of the Bylaws appears within the definition, the
17 definition is qualified by the more complete definition found in that Section:
18

- 19 .1 "Answer" shall mean the written response to a Protest and Notice filed in
20 accordance with Section 610.6.10 and served in the manner prescribed in
21 Section 610.10.
22
- 23 .2 "Chairman" when standing by itself shall mean the Chairman of the Board of
24 Review.
25
- 26 .3 "Notice" shall mean the writing addressed to the Respondent advising that the
27 Respondent has been named a respondent in a Protest and served in
28 accordance with Section 610.10. The Notice sets the hearing date and
29 procedures and establishes the schedule to be followed leading to the hearing,
30 among other things. (See Section 610.2.3.)
31
- 32 .4 "Presiding Officer" shall mean the Chairman or another member of the Board
33 of Review designated by the Chairman to preside at a particular hearing or
34 hearings. Where applicable the term shall include an attorney so designated
35 pursuant to Section 610.3.12B.
36
- 37 .5 "Protest" shall mean a written complaint filed in accordance with Section
38 610.6.1A by a Group Member or an applicant for such status, or an Individual
39 Member or applicant for such status or, with regard to conduct occurring in
40 the Territory, a member of another LSC, against a member of WSI or a
41 constituent element, officer or agent of WSI. The Protest may relate to an
42 applicant's having been denied membership in WSI or a member's alleged
43 infraction against its responsibilities under Section 602.2 or about a decision
44 or action by someone acting under the authority of WSI or USA SWIMMING
45 or, with regard to conduct in the Territory, another LSC.
46

- 1 .6 "Protestor" shall mean the Individual Member or Group Member that has
2 filed a Protest with the Board of Review.
3
4 .7 "Rebuttal" shall mean the written response to an Answer by a Protestor filed
5 in accordance with Section 610.6.1D and served in the manner prescribed in
6 Section 610.10.
7
8 .8 "Respondent" shall mean the person against whom a Protest has been filed
9 with the Board of Review or who may be affected by a decision of the Board
10 of Review regarding the Protest.
11
12 .9 "Vice-chairman" when used by itself shall mean the Vice-chairman of the
13 Board of Review.
14
15

16 610.3 BOARD OF REVIEW ORGANIZATION -
17

- 18 .1 ESTABLISHMENT - The Board of Review of WSI shall be independent and
19 impartial.
20
21 .2 MEMBERS - The Board of Review shall have at least five (5) members. The
22 House of Delegates may increase the number of members by resolution but
23 subsequent to the adoption of these Bylaws may only decrease the number of
24 members upon the expiration of the term of office of any incumbent
25 members.
26
27 .3 ELECTION; TERM OF OFFICE; ELIGIBILITY
28
29 A Election - The House of Delegates shall annually elect members of the
30 Board of Review: Two members shall be elected in even-numbered
31 years and three in odd-numbered years.
32
33 B Term of Office - The term of office shall be two years. Each member
34 shall assume office upon election and shall serve until a successor is
35 chosen. The exception being that any case in process at the time of
36 election shall continue with the same panel to conclusion.
37
38 C Eligibility - Each member of the Board of Review shall be a Individual
39 Member of WSI and USA SWIMMING. In no case shall elected
40 members of the Board of Directors constitute a majority of the Board of
41 Review.
42
43 .4 CHAIRMAN ELECTED BY BOARD; OTHER OFFICERS - The Chairman shall be
44 elected annually by a majority vote of the members of the Board of Review.
45 The Chairman shall annually appoint a Vice-chairman and a Secretary of the
46 Board of Review.

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- .5 MEETINGS - The Board of Review shall meet for administrative purposes at least once annually to elect the Chairman, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the Chairman or any three members. When meeting for administrative purposes, those provisions of Article 607 that are specified in Section 607.20 shall apply to the Board of Review.

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

- .7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its members. (The rule prescribed in Section 610.5.1C governs the quorum for hearings and rehearings conducted by the Board of Review.)

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

- .9 INCAPACITIES AND VACANCIES -
 - A Office of Chairman - In the event of a vacancy in the office of the Chairman, or of the Chairman's temporary or permanent incapacity, the Vice-chairman shall become the Acting Chairman until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former Chairman, or until the Chairman ceases to suffer from any temporary incapacity. If the Chairman is going to be absent from the Territory, the Chairman may, but is not obligated to, designate the Vice-chairman as Acting Chairman for the duration of the absence.

 - B Presiding Officer - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the Chairman shall appoint another member, an alternate member or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings or rehearings other than delay for the benefit of the new

1 Presiding Officer. The Chairman or the new Presiding Officer may
2 make such other orders as are in the interests of fairness, justice and the
3 sport of swimming. In the case of a temporary incapacity of a Presiding
4 Officer, the Chairman shall have discretion regarding appointment of a
5 new Presiding Officer, a delay of the hearing or rehearing or such other
6 order as may serve the interests of fairness, justice and the sport of
7 swimming.
8

9 C Other Members - In the event of a death, resignation or permanent
10 incapacity of a member of the Board of Review, the Chairman shall
11 appoint an alternate member, or, failing that, the General Chairman shall
12 appoint an Individual Member, with the advice and consent of the Board
13 of Directors, to serve as a Board of Review member until the next
14 regularly scheduled meeting of the House of Delegates. In the event of
15 a temporary incapacity, the Chairman shall designate another member to
16 act for the incapacitated member for the duration of the incapacity. If
17 there are no members available to serve, the General Chairman, with the
18 advice and consent of the Board of Directors, shall appoint one or more
19 Individual Members to serve as alternate members to serve until the
20 next regularly scheduled meeting of the House of Delegates.
21

22 D Determination of Vacancy or Incapacity - The determination of when a
23 membership on the Board of Review becomes vacant or a member
24 becomes incapacitated shall be within the discretion of the Board of
25 Review, subject to any subsequent action by the House of Delegates.
26 The determination as to when the Chairman is temporarily incapacitated
27 shall be made, where the circumstances permit, by the Chairman and
28 otherwise shall be within the discretion of the Board of Review, subject
29 to any subsequent action by the House of Delegates.
30

31 .10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of
32 Review or a Presiding Officer is unable or unwilling to promptly act for any
33 reason, recuses herself or himself or is disqualified in any particular
34 circumstance, the Chairman (or, if the person so unable or unwilling to act or
35 recused or disqualified is the Chairman, the Vice-chairman; or failing that, the
36 General Chairman) shall appoint another member or, if none of the members
37 is available, a disinterested Individual Member to act in the member's place
38 and stead in respect of that circumstance.
39

40 .11 EXTENSIONS OF TIME - The time by which any act is required to be taken
41 pursuant to this Article 610 may be extended or foreshortened by the
42 Chairman, or the Presiding Officer for a particular hearing, for good cause.
43 (A single exception to this rule is provided in Section 610.6.4.) A party's
44 request for an extension of time prior to the time established without regard to
45 the requested extension will be accorded greater deference than a request
46 made later. The time, date and location of any hearing may be changed by the

1 Chairman or the Presiding Officer for a particular hearing on his or her own
2 initiative, as required by the interests of the Board of Review or in the
3 interests of justice.
4

5 .12 ADVICE; ATTORNEY AS PRESIDING OFFICER
6

7 A Legal and Other Advice - Where appropriate or helpful, the Chairman
8 or Presiding Officer may consult the USA SWIMMING General
9 Counsel, any member of the USA SWIMMING Counsellors
10 Committee, the Chairmen of the USA SWIMMING Legislation, Rules
11 or Officials Committees or of the Bylaws Subcommittee or an attorney
12 (who need not be a member of WSI, USA SWIMMING or the Board of
13 Review) retained by the Board of Review or the Chairman regarding
14 any issue raised by a proceeding.
15

16 B Attorney as Presiding Officer - The Board of Review or the Chairman
17 may retain an attorney (who need not be a member of WSI, USA
18 SWIMMING or the Board of Review) to act as Presiding Officer at any
19 hearing where it is appropriate or helpful. A Presiding Officer who is
20 not a Board of Review member may participate in the deliberations of
21 the Board of Review or the designated panel but shall not be counted in
22 determining the existence of a quorum and shall not have a vote.
23

24 C Attorney's Fees and Expenses - Prior to retaining an attorney on any
25 basis requiring the payment of fees to the attorney (the payment of
26 expenses to an attorney providing services at no charge (pro bono
27 publico) shall not be considered as a payment of fees for this purpose),
28 the Chairman or the Presiding Officer shall consult with the General
29 Chairman and the USA SWIMMING General Counsel. The Treasurer
30 is authorized and directed to pay any fee and expenses charged by the
31 attorney and approved by the Chairman.
32

33 .13 CODE OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW; RECUSAL-
34

35 A Code of Conduct - Members of the Board of Review shall:
36

37 (1) uphold the integrity and independence of the Board of Review;
38

39 (2) avoid any impropriety or even the appearance of impropriety in
40 connection with service as a Board of Review member and
41 swimming-related activities generally; and
42

43 (3) perform the duties of Board of Review membership impartially
44 and diligently.
45

46 B Grounds for Recusal - Members of the Board of Review shall recuse

1 themselves from participating in any matter pending before the Board of
2 Review:

- 3
- 4 (1) in which their impartiality might reasonably be questioned;
- 5
- 6 (2) where they have a personal bias or prejudice concerning a party in
7 the matter pending before the Board of Review or have personal
8 knowledge of disputed evidentiary facts concerning the pending
9 matter (other than knowledge obtained as a Board of Review
10 member);
- 11
- 12 (3) where they or a member of their household are a party or are likely
13 to be a material witness in the pending matter;
- 14
- 15 (4) where they or a member of their household have an interest that
16 could be substantially affected by the outcome of the proceeding;
17 or
- 18
- 19 (5) where they or a member of their household have served or are
20 serving as counsel in the pending matter or are members of a law
21 firm that served or is serving as counsel in the pending matter.

22

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

27

28 D Recusal/Disqualification Requested by Party - By written notice to the
29 Presiding Officer or the Chairman, or, in the case in which the
30 Chairman is the subject of the notice, the Vice-chairman, any party may
31 request that the members recuse themselves or be disqualified from
32 serving on the pending matter stating the reasons for recusal or
33 disqualification. Such notice shall be given at least ten (10) Business
34 Days prior to the scheduled date of the hearing on such matter or later if
35 the party sustains the burden of proving good cause for the lateness of
36 the notice.

37

38 The named member shall reach a decision on the matter and notify the
39 Chairman or the Vice-chairman of that decision within five (5) Business
40 Days of receipt of the party's notice. If the member's decision is not in
41 favor of recusal, then the Chairman or the Vice-chairman may, but is
42 not required to, disqualify the member from participating in the pending
43 matter. If there is no disqualification, the hearing shall be conducted
44 and the party giving the notice may appeal the disqualification decision,
45 together with the hearing decision, pursuant to Section 610.5.2.

46

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

6 610.4 GENERAL JURISDICTION -
7

8 .1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and
9 the duty to:

10 A administer and conduct the affairs and achieve the purposes of the
11 Board of Review,

12 B establish policies, procedures and guidelines,

13 C elect the Chairman in accordance with Section 610.3.4,

14 D elect or provide for the appointment of other officers, agents,
15 committees or coordinators to hold office for terms, and to have the
16 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
19 persons which the Board of Review may determine are appropriate,
20 necessary or helpful in the administration and conduct of its affairs and
21

22 G as may otherwise be appropriate, necessary or helpful in the
23 administration and conduct of its affairs, the achievement of its purposes
24 and the efficient exercise of its duties and powers.
25

26 .2 RULE MAKING POWERS - The Board of Review shall have the power and the
27 duty to promulgate rules and procedures with respect to any matter within its
28 jurisdiction or appropriate, necessary or helpful in the administration and
29 conduct of its affairs. The rules and procedures adopted by the Board of
30 Review shall have the same force and effect as if they had been adopted as
31 part of these Bylaws.
32

33 .3 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may
34 investigate and conduct hearings, make and publish decisions and orders with
35 regard to any matter affecting WSI, its status or conduct as a Local Swimming
36 Committee or the administration of the sport of swimming in the Territory
37 which involves:
38

39 A WSI and (1) a member or members of WSI or (2) a member or
40 members of another LSC solely with respect to conduct or events
41 occurring within the Territory or a combination of persons described in
42 clauses (1) and (2), or
43

44 B only a member or members of WSI, or
45

46 C with respect to conduct or events occurring outside the Territory, (1)

1 WSI and a member or members of WSI or (2) only a member or
2 members of WSI.

3
4 The jurisdiction of the Board of Review is limited in the case of matters
5 described in sections 401.3.1 and 401.3.3 of the USA SWIMMING Code
6 (with regard to the original and exclusive jurisdiction of the National Board of
7 Review) and may be further limited to the extent provided in an order issued
8 pursuant to section 401.3.2 of the USA SWIMMING Code (pertaining to
9 certain discretionary jurisdiction of the National Board of Review).

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

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

40
41 .6 FILING FEES - The Board of Directors or the House of Delegates may
42 impose a schedule of generally applicable fees to be collected at the time a
43 Protest, Request for a Rehearing or Request for Formal Hearing following an
44 Emergency Hearing is filed with the Board of Review. If, on its own
45 initiative or upon written request, the Board of Review determines it to be in
46 the interest of justice and the sport of swimming, the filing fee may be waived

1 on a case-by-case basis.

2
3 .7 POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES -

4
5 A Remedies and Penalties - The Board of Review, after conducting such
6 hearings as it may determine to be necessary or helpful, may, among
7 other remedies:

- 8
9 (1) dismiss the Protest with or without permission to refile;
10 (2) censure or fine;
11 (3) establish a period of probation;
12 (4) prohibit or mandate future actions, inaction or conduct;
13 (5) determine the results of, or require a rerun of, any election held by
14 WSI or any constituent element thereof;
15 (6) vacate, modify, sustain, reverse, remand or stay any decision or
16 order of a smaller panel of the Board of Review, the House of
17 Delegates, the Board of Directors, any officer, division or
18 committee, coordinator or official of WSI;
19 (7) interpret any provision of the FINA rules and regulations to the
20 extent not pre-preempted by FINA, the USA SWIMMING Code
21 (except for Part One), the USA SWIMMING Code of Ethics,
22 these Bylaws, other policies, rules, regulations and procedures of
23 USA SWIMMING or WSI, the Amateur Sports Act of 1978, a
24 federal law, and other applicable laws, rules and regulations and
25 adjudicate alleged inconsistencies and claims of supremacy and
26 invalidity;
27 (8) deny, grant, suspend or restore the eligibility or right to compete
28 of an Athlete Member of WSI and USA SWIMMING;
29 (9) deny, grant, suspend or restore membership in WSI and USA
30 SWIMMING for a definite or indefinite period of time, with or
31 without terms of probation, or expel any Group Member or
32 Individual Member of WSI and USA SWIMMING, including any
33 administrator, athlete, coach, trainer, manager, meet director,
34 official, officer, Board Member, House of Delegates
35 representative of a Group Member, coordinator or chairman or
36 member of any committee or sub-committee;
37 (10) prohibit for a definite or indefinite period of time the participation
38 by a non-member volunteer or other person in any capacity
39 whatsoever in the affairs of USA SWIMMING, WSI, its Group
40 Members or other LSCs and their Group Members;
41 (11) assess costs, including any filing fee and attorneys fees and
42 expenses, to the prevailing party or refund any filing fee paid by
43 the prevailing party; and
44 (12) any combination of any of the foregoing or any other remedies
45 deemed appropriate in the circumstances.
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B Preliminary Hearing and Temporary Orders - In appropriate cases, the Board of Review, after an initial investigation and/or a preliminary hearing, may make in its discretion temporary orders for the good of the sport of swimming. The temporary order may encompass any remedy or order permissible in a final decision and may include, by way of example, suspending membership, granting the right to participate or coach in a competition, permitting an athlete to compete subject to protest or offering or ordering the parties to attempt to resolve their differences pursuant to mediation or other alternative dispute resolution mechanisms prior to any hearing before the Board of Review. These orders may be made effective pending full hearings by the Board of Review or the conclusion of administrative or judicial proceedings of other bodies addressing the same or similar issues or on other terms as determined by the Board of Review. Instances in which such temporary orders might be made include cases in which a member has been indicted or otherwise formally charged with or accused of committing a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, a violation of a law specifically designed to protect minors or similar offenses. Temporary orders may not be separately appealed prior to the decision being issued in the proceeding unless the Chairman or the Chairman of the National Board of Review in their discretion grant permission to an aggrieved party to appeal the temporary orders prior to the final Board of Review decision in the matter.

C Grounds (Reasons) for Imposition - The Board of Review may fashion remedies and orders and impose penalties with respect to any Group or Individual Member or non-member volunteer of WSI or of a Group Member (1) who has violated any of the regulations, rules, policies or procedures of WSI, 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 WSI, 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.

1 610.5 HEARINGS AND REHEARINGS GENERALLY -

2
3 .1 HEARINGS

- 4
- 5 A Hearings Conducted by Chairman or Presiding Officer - Hearings of the
6 Board of Review shall be conducted by the Chairman or a Presiding
7 Officer designated by the Chairman.
8
- 9 B Hearing by Panel - The Board of Review may, in the discretion of the
10 Chairman, conduct hearings either before the full Board of Review or
11 before panels of its members, provided that in any event each panel
12 shall consist of at least three (3) members. A panel shall have all of the
13 powers of the Board of Review solely with respect to matter(s) assigned
14 to it by the Chairman.
15
- 16 C Quorum of Panel - At least three (3) members of a designated panel (or
17 of the full Board of Review) must be present at any initial hearing
18 before the panel and the full membership must be present at any
19 rehearing.
20
- 21 D Permissible Hearing Formats - A hearing before the Board of Review
22 may be conducted through the receipt of the procedural documents and
23 other written statements or a hearing at which the parties may appear in
24 person or by means of communications equipment described in Section
25 610.3.6 and testimony may be taken and other forms of pertinent
26 information presented in addition to oral argument by the parties or their
27 counsel, as determined by the Chairman or Presiding Officer. In the
28 discretion of the Chairman or the Presiding Officer, the hearing may be
29 conducted in part through written means and in part by testimony and
30 oral argument.
31
- 32 E Right to Counsel - The Protestor, the Respondent and any other person
33 participating in a hearing conducted by the Board of Review shall be
34 entitled to be represented by counsel of their choice at their own
35 expense.
36
- 37 F Rules of Evidence - Judicial rules regarding admissibility of evidence
38 shall not apply to the Board of Review. Thus, hearsay, letters,
39 affidavits, news media articles and reports, etc., as well as direct
40 testimony taken from witnesses present at a hearing, are all admissible
41 to the extent the Presiding Officer is satisfied as to the relevance and
42 non-repetitive nature of the evidence. Similarly, claims of privilege
43 (other than attorney-client and privileges that under applicable Federal
44 and state laws the Board of Review is required to recognize) shall not be
45 entertained by the Board of Review, except in extraordinary
46 circumstances. Proper weight shall be given to each type of evidence

1 considering the source and other common sense factors.

2
3 .2 REHEARINGS

4
5 A Circumstances Permitting; Rehearing Body - At the request of the
6 Protestor, the Respondent or any other interested party, any matter
7 which was decided by a panel of less than seven (7) members may be
8 reheard by the full Board of Review (or, if the Board of Review is larger
9 than seven (7) members, by a panel of at least seven (7) members
10 designated by the Chairman in his discretion). Members of the initial
11 hearing panel may be members of the rehearing panel.

12
13 B Right to a Rehearing; Discretion of Chairman - A rehearing shall be
14 granted as a matter of right in instances in which the original panel
15 consisted of less than seven members and the decision was not
16 unanimous and at the discretion of the Chairman in all other instances.

17
18 C Time within which a Rehearing may be Requested - The Protestor, each
19 Respondent or other party may request, within ten (10) Business Days
20 of the date of receipt of the initial written decision, that the decision of a
21 Board of Review panel be reheard.

22
23 D Failure to Request a Rehearing - A person may not appeal pursuant to
24 Section 610.9 a decision of a panel of less than seven members without
25 first making a timely request for a rehearing.

26
27 E Decision of Chairman on Request; Notice of Rehearing -

28
29 (1) Discretionary Rehearings - With respect to requests for a rehearing
30 that are discretionary, the Chairman, in the same manner in which
31 decisions are rendered, shall either grant or deny the request
32 within ten (10) Business Days of the receipt of the request.

33
34 (2) Non-Discretionary Rehearings - With respect to requests for a
35 rehearing that are not discretionary, within ten (10) Business Days
36 of the receipt of the request, the Chairman shall schedule a
37 rehearing.

38
39 (3) Rehearing Notice; Affect of Inaction - In either case, the Chairman
40 shall notify all parties to the initial hearing of the rehearing, its
41 time and date and the method by which the rehearing will be
42 conducted. If the Chairman does not take action within ten (10)
43 Business Days, the decision of the panel shall be considered final
44 and any of the parties may appeal the decision in accordance with
45 Section 610.9.

46

1 F Fresh Start Hearing or On the Record Rehearing - The rehearing panel
2 at the discretion of the Chairman or the Presiding Officer may conduct
3 an entirely new hearing or may make its decision based on the record
4 created by the initial panel supplemented by whatever written
5 memoranda or oral argument may be requested by the Chairman or the
6 Presiding Officer. The record shall include the Protest, the Notice of
7 Charges, the Answer, the Rebuttal, any temporary orders or partial
8 decisions made and the Notice of Decision, together with any additional
9 memoranda and written evidence filed by the parties. To the extent
10 applicable, the procedures for a formal hearing shall apply to a
11 rehearing. See Sections 610.5.1 and 610.6.1E.
12

13 .3 CLOSED HEARINGS - Any hearing, or a part thereof, shall be closed to
14 everyone except members of the Board of Review, the Presiding Officer, an
15 attorney advising the Presiding Officer, the Protestor, the Respondent, any
16 other party, their counsel and any witnesses at the request of any of the parties
17 and may be closed at the discretion of the Chairman or the Presiding Officer
18 as being in the best interests of justice and the sport of swimming. If a
19 hearing is closed, the Board of Review may in its discretion direct the
20 participants to keep the proceedings and the decision confidential and all or
21 parts of the record of the hearing to be kept confidential by WSI and USA
22 SWIMMING.
23

24 .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within
25 which any act is required to be taken pursuant to this Article 610 appears in
26 Section 610.3.11.
27

28 .5 ACCELERATED HEARING SCHEDULE - With the agreement of all
29 parties to a hearing, the Chairman, or the Presiding Officer for the hearing,
30 may order an accelerated hearing schedule in the interest of justice and the
31 sport of swimming.
32
33

34 610.6 HEARING PROCEDURES - The procedures to be followed in connection with all
35 hearings shall be as follows:
36

37 .1 FORMAL HEARING
38

39 A Protest - The Protestor shall submit to the Chairman of the Board of
40 Review (if submitted to the General Chairman the statement is not
41 defective, but the allowable period of time for the Notice shall not
42 commence until the statement is received by the Chairman) a written
43 statement setting forth a description of the action, inaction or conduct
44 that is believed to have been improper or incorrect, and the name of the
45 person or group believed to have acted improperly or the circumstances
46 believed to require answers, explanation or clarification. This written

1 statement becomes the Protest under Section 610.2.5. The Protest shall
2 be accompanied by any filing fee due under Section 610.4.6 or by an
3 application for waiver of the fee.
4

5 B Notice - Each Respondent shall be given a written notice of the Protest.
6 This written notice becomes the Notice under Section 610.2.3. The
7 Notice shall be sent to each Respondent's last known address
8 (determined in accordance with the provisions of Section 610.10) by
9 certified or express mail, return receipt requested, by Federal Express,
10 signature required, or by personal service. If the Respondent is WSI or
11 an officer, Board Member, committee or sub-committee chairman or
12 coordinator or an official, the Notice shall be also given to the General
13 Chairman, the Administrative Vice-Chairman and the Secretary at
14 WSI's office. The Notice shall be given as soon as practical following
15 the conclusion of any preliminary investigation made by or on behalf of
16 the Board of Review, but in no event later than fourteen (14) Business
17 Days (twenty (20) Business Days if advice is sought under Section
18 610.3.12A) after the receipt of the Protest by the Chairman. The form
19 of Notice (an example of which can be found in Appendix B to these
20 Bylaws) shall include:
21

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

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addresses designated in the Notice with delivery in accordance with Section 610.10.2; and

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

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

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

E Conduct of Hearing

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

- (2) Absence of a Party - The hearing may proceed in the absence of any party who fails to be available at the appointed time and

1 judgment shall not be reached merely because of that person's
2 absence. If the Presiding Officer determines that in the interests of
3 justice and the sport of swimming, the hearing cannot proceed
4 without the absent party, the Presiding Officer may adjourn the
5 hearing and reschedule it for such time as the absent party can be
6 present. Any subsequent absence may be taken into account by
7 the Board of Review in reaching its decision.
8

9 (3) Sequence - The hearing shall be opened by the recording of the
10 place, time and date of the hearing and the presence of the
11 members of the Board of Review, the parties, counsel, if any, and
12 any other witnesses or observers. Each party (Protestor first,
13 Respondent second) may then present a brief opening statement
14 setting forth the party's view of the issues in dispute, the relief
15 sought and what they hope to prove by the presentation of
16 evidence. The Protestor's claims, evidence and witnesses shall be
17 presented. The Respondent's defenses, claims, evidence and
18 witnesses shall then be presented. In the discretion of the
19 Presiding Officer, the Protestor may then be allowed to rebut any
20 testimony or evidence presented by the Respondent after the
21 Respondent's initial presentation. In the discretion of the
22 Presiding Officer, the Respondent may be permitted to rebut any
23 testimony or evidence presented by the Protestor during the
24 Protestor's rebuttal presentation. Finally, each party (in the same
25 order) shall be entitled to make a brief summation of that party's
26 case.
27

28 (4) Rules of Evidence; Witnesses' Testimony - The rules of evidence
29 governing the hearing are set forth in Section 610.5.1F. Each
30 witness may present testimony initially either in the form of
31 questions and answers between the witness and counsel or in
32 uninterrupted narrative. The Presiding Officer and the members
33 of the Board of Review may question any person at any time
34 during the hearing. Thus, for example, in an exercise of
35 discretion, the Presiding Officer could call a witness who has not
36 yet been called or whom no party intended to call and propound
37 questions to, or elicit narrative testimony from, that witness.
38 Witnesses shall be subject to cross examination by the other party
39 and to questioning by the Presiding Officer and members of the
40 Board of Review. All parties will be expected to be available for
41 questioning by the Board of Review, whether or not they may
42 have given other testimony at the hearing.
43

44 (5) Variance of Procedures - The Presiding Officer shall have wide
45 discretion to vary these procedures in the interests of justice, the
46 sport of swimming and efficiency, but in doing so shall afford all

1 parties a full and substantially equal opportunity to present any
2 material or relevant proofs. A hearing may be adjourned by the
3 Presiding Officer at the request of a party or on the Presiding
4 Officer's initiative where an adjournment will serve the interests of
5 fairness, justice and the sport of swimming. If a hearing is
6 adjourned, the continuance shall be scheduled for any early date of
7 mutual convenience, but in the discretion of the Presiding Officer.
8 Justice and the sport of swimming ordinarily will be best served
9 by an expeditious resumption and conclusion to the hearing.

10
11 F Decision of Board of Review - The decision of the Board of Review
12 may be rendered at the time of the hearing and, if not so rendered, as
13 soon as possible thereafter and in no event more than ten (10) Business
14 Days after the conclusion of the hearing. The decision shall include
15 findings of facts and a statement of remedies ordered or penalties
16 imposed, if any, and a statement setting forth the rights of the parties to
17 appeal the decision. The decision shall be in writing, or in case of a
18 decision rendered at the hearing, reduced to writing promptly, and
19 delivered to the Protestor, each Respondent, their respective counsel,
20 any other party to the proceeding, the General Chairman and the
21 Secretary of WSI, the Chairman of the National Board of Review and
22 the General Counsel of USA SWIMMING in accordance with Section
23 610.10.2.

24
25 .2 EMERGENCY HEARING

26
27 A Reasons for Emergency Hearing - When compliance with the formal
28 hearing procedures would be likely not to produce a sufficiently early
29 decision to provide justice to the affected parties or to be in the best
30 interest of the sport of swimming, the Board of Review is authorized to
31 summarily hear and decide any matter relating to a scheduled
32 competition or other matter of similar urgency.

33
34 B Notice of Emergency Hearing - Each Respondent shall be given such
35 notice of the hearing as time and circumstances may reasonably dictate.
36 The notice may be oral or in writing, and shall substantially comply
37 with the notice requirements set forth in Section 610.2.3 insofar as the
38 emergent nature of the issue permits.

39
40 C Conduct of Emergency Hearing - The hearing may be conducted at any
41 location likely to contribute to expeditious resolution of the Protest,
42 including the site of a swimming competition, but in any event under
43 such circumstances so as to fairly protect the right of procedural due
44 process of the Respondent. All or some of the participants in the
45 hearing may participate by telephone conference equipment. If at least
46 three members of the Board of Review are not available due to time

1 constraints, the Chairman, the Vice-chairman or the General Chairman
2 is authorized to appoint one or more Individual Members to serve as the
3 Board of Review solely for the purpose of conducting this emergency
4 hearing. The hearing shall substantially comply with the hearing
5 procedures set forth in Section 610.6.1E insofar as the emergent nature
6 of the hearing permits.
7

8 D Decision of Board of Review - The decision of the Board of Review
9 shall be rendered at the time of the hearing or as soon as possible
10 thereafter in keeping with the emergent circumstances. The decision
11 shall include findings of facts and a statement of remedies ordered, if
12 any, and a statement of the right to request a subsequent formal hearing.
13 The decision shall be in writing, or in case of a decision rendered orally
14 at the hearing, reduced to writing within ten (10) Business Days
15 thereafter and delivered to the Protestor, the Respondent, their counsel,
16 any other parties to the proceeding, the Chairman, the General
17 Chairman and the Secretary of WSI, the Chairman of the National
18 Board of Review and the General Counsel of USA SWIMMING in
19 accordance with Section 610.10.2.
20

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

30 .3 STAY OF DECISION PENDING APPEAL - The Board of Review shall have the
31 authority and discretion, but not the duty, to stay its decision, in whole or in
32 part, subject to specified conditions, during the time allowed to demand a
33 further hearing after an emergency hearing, a rehearing or to appeal as
34 provided in Section 610.9, with the decision going into effect automatically if
35 those conditions occur or if no demand or appeal is filed during the allowable
36 period or at such time as a perfected appeal is terminated without the decision
37 being modified by the appellate authority.
38

39 .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within
40 which any act is required to be taken pursuant to this Article 610 appears in
41 Section 610.3.11. Nevertheless, the time within which the Notice required by
42 Section 610.2.3 must be transmitted may not be extended without the consent
43 of the Protestor or the USA SWIMMING General Counsel.
44
45

- 1 610.7 FINALITY OF BOARD OF REVIEW DECISIONS - Except as otherwise
2 provided in this Article 610 with regard to rehearings, appeals and emergency
3 hearings or in Article Nine of the Constitution of the United States Olympic
4 Committee and in Chapter Nine of its bylaws with respect to binding arbitration in
5 disputes involving the rights of certain individuals to participate in competition, the
6 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
9 decisions of the Board of Review of another Local Swimming Committee or the
10 National Board of Review shall, where relevant and necessary, be recognized and
11 fully enforced by WSI. Those final decisions may not be attacked or reopened in
12 any proceeding before the WSI Board of Review other than one seeking
13 enforcement of that decision.
14
- 15 610.9 APPEAL FROM BOARD OF REVIEW DECISIONS - Except to the extent that
16 any appeal is precluded by Sections 610.5.2D or 610.6.2E, any person, including
17 the Protestor and the Respondent, having an actual, direct interest in any matter
18 decided by the Board of Review under this Article may appeal the decision to the
19 National Board of Review. An appeal must be taken within thirty (30) Business
20 Days from the date of the written notice of the decision of the Board of Review.
21 The appeal to the National Board of Review must be in writing, timely filed with
22 the USA SWIMMING Executive Director and accompanied by the appellate filing
23 fee established by USA SWIMMING. Upon timely request to the Chairman of the
24 National Board of Review and upon a showing of good cause, the time for appeal
25 from the decision of the Board of Review may be extended.
26
- 27 610.10 NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS
28 AND DETERMINATIONS OF TIMELINESS -
29
- 30 .1 NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF WSI -
31
- 32 A WSI Members Generally - In each case, where notices or other hearing-
33 related documents are to be delivered to a member of WSI, it shall be
34 sufficient to deliver the notice or other document to the member's last
35 known address in accordance with Section 616.1.5.
36
- 37 B Minors - In the case of notices directed to WSI members less than
38 eighteen (18) years of age on the date of the alleged infraction
39 (determined by reference to the member's latest registration application),
40 a second copy shall be sent by registered mail with delivery restricted to
41 the child's parent or guardian at the same address or such other address
42 as can reasonably be ascertained.
43
- 44 .2 METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS - With the
45 exception of the Notice (see Sections 610.2.3 and 610.6.2B) all documents
46 transmitted pursuant to this Article 610 shall be transmitted to each of the

1 parties, their respective counsel, if any, the Presiding Officer and anyone else
2 specified in the Notice. Documents shall be delivered to the persons specified
3 at the addresses specified in the Notice or later documents or as determined in
4 accordance with Section 610.10. Documents may be delivered by any of the
5 following methods of service: by personal service, by certified or express
6 mail, return receipt requested, by Federal Express, signature required, by
7 electronic mail or facsimile transmission with receipt of the transmission
8 confirmed orally or by other methods of transmission permitted by this
9 paragraph.

- 10
11 .3 DETERMINATIONS OF TIMELINESS - The rules provided in Section 616.1.5 shall
12 apply in the determination of the timeliness of any notice or other action
13 under this Article 610.
14

15 ARTICLE 611
16 ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION
17

18 611.1 NON-PROFIT AND CHARITABLE PURPOSES - As stated in Section 601.2,
19 WSI is organized exclusively for charitable and educational purposes and for the
20 purpose of fostering national or international amateur sports competition within the
21 meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other
22 provision of these Bylaws, WSI shall not, except to an insubstantial degree, (1)
23 engage in any activities or exercise any powers that are not in furtherance of the
24 purposes and objectives of WSI or (2) engage in any activities not permitted to be
25 carried on by: (A) a corporation exempt from federal income tax under such section
26 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and
27 bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the
28 IRS Code.
29

30 611.2 DEDICATION OF ASSETS, ETC - The revenues, properties and assets of WSI are
31 irrevocably dedicated to the purposes set forth in Sections 601.2 and 611.1 of these
32 Bylaws. No part of the net earnings, properties or assets of WSI shall inure to the
33 benefit of any private person or any member, officer or director of WSI.
34

35 611.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA
36 SWIMMING may be amended at any meeting of the House of Delegates by a
37 two-thirds vote of the members present and voting. Amendments so approved shall
38 not take effect until reviewed and approved by the USA SWIMMING Legislation
39 Sub-committee. These Bylaws shall be deemed amended ninety (90) days after the
40 conclusion of any annual meeting of USA SWIMMING at which the corresponding
41 provisions of Part Six of the USA SWIMMING Rules and Regulations are
42 amended (or such later effective date established in the amending USA
43 SWIMMING legislation) to the extent that such amendment affects a provision
44 required to be included herein or is itself required to be included herein, unless WSI
45 shall have requested permission of the USA SWIMMING Legislation Sub-
46 committee not to have such amendment take effect with respect to these Bylaws.

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

ARTICLE 612
INDEMNIFICATION

612.1 INDEMNITY - Contact USA Swimming Headquarters for information.

ARTICLE 613
PARLIAMENTARY AUTHORITY

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

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

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

ARTICLE 614
PERMANENT OFFICE AND STAFF

[This Article reserved for future use.]

ARTICLE 615
MISCELLANEOUS

615.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a

1 change in the law of the State of Wyoming become, illegal, invalid or
2 unenforceable, the remainder of these Bylaws shall continue in full force and effect.

3
4 615.2 FISCAL YEAR - The fiscal year of WSI shall end on August 31st of each year.

5
6 615.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that WSI shall
7 have and continue to have the status of an organization which is exempt from
8 federal income taxation under section 501(c)(3) of the IRS Code and to which
9 contributions, bequests and gifts are deductible for federal income, estate and gift
10 tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code,
11 respectively. Similarly, it is intended that WSI shall have that or similar status
12 under the applicable state and local laws as will exempt it from taxation to the
13 maximum extent possible to the extent not contrary to applicable federal
14 requirements. These Bylaws shall be interpreted accordingly.

15
16 615.4 WSI SEAL - The WSI corporate seal shall be circular in form and shall bear the
17 name of WSI and words and figures denoting its organization under the laws of the
18 State of [incorporation] and the year thereof and otherwise shall be in such form as
19 may be required the laws of the State, the Articles of Incorporation or as shall be
20 approved from time to time by the Board of Directors.

21
22 ARTICLE 616

23 DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION

24
25 616.1 CONVENTIONS AND RULES OF INTERPRETATION -

26
27 .1 TERMS GENERALLY - Whenever the context may require, any pronoun or
28 official title shall include the corresponding masculine, feminine and neuter
29 forms. The words "include", "includes" and "including" shall be deemed to be
30 followed by the phrase "without limitation". The singular shall include the
31 plural and the plural shall include the singular as the context may require.
32 Where the context permits, the term "or" shall be interpreted as though it were
33 "and/or". Captions have been used for convenience only and shall not be used
34 in interpreting the Bylaws.

35
36 .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when
37 appearing alone shall refer to WSI positions and not to USA SWIMMING or
38 another organization.

39
40 .3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of
41 interpretation applicable to these Bylaws is set forth in Section 615.3.

42
43 .4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610 - Article 610 shall be
44 interpreted generously in order to achieve the intent expressed in
45 Section 610.1.

1 .5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN
2 ADDRESS -
3

4 A Notice by Mail - Notice given and other writings delivered by first class
5 mail, postage prepaid, and addressed to the last address shown on the
6 records of WSI shall be deemed given or delivered upon the postmark
7 date for all purposes under these Bylaws.
8

9 B Notice by Fax or Email - Notice given and writings delivered by
10 facsimile or electronic mail shall be deemed given or delivered upon
11 oral, telephonic, electronic or written confirmation of recipient for all
12 purposes under these Bylaws.
13

14 C Notice by Telephone - Notice given by telephone shall be deemed given
15 only when actually transmitted to the person entitled thereto for all
16 purposes under these Bylaws. (Thus, for example, a message left on an
17 answering machine or similar equipment or with a person other than the
18 intended recipient shall not be notice given prior to the actual receipt by
19 the intended recipient.)
20

21 D Last Known Address - For all purposes under these Bylaws, the last
22 known address of a member of WSI shall be the address given in the
23 latest application for registration or membership in WSI and USA
24 SWIMMING filed with the Membership/Registration Coordinator; or
25 the address given in a written notice of change of residence filed with
26 that Coordinator. In all other cases the records maintained by the
27 Secretary of WSI shall be used to ascertain the last known address.
28

29 .6 TIME PERIOD CONVENTION - In computing time periods established by these
30 Bylaws, the initial time period (days or hours) shall not be included but the
31 last period shall be included.
32

33 .7 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any
34 meeting held under the authority of these Bylaws shall be considered to have
35 been waived if a member attends or participates in the meeting to which such
36 notice referred or to which notice was lacking without, at the earliest
37 opportunity, raising an objection of untimely or insufficient notice having
38 been given for such meeting. If the member is a Group Member
39 Representative, then the relevant Group Member shall be treated as having
40 waived the untimely or insufficient notice to the same extent.
41

42 616.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the
43 meanings indicated in this Section, and the definitions of such terms are equally
44 applicable both to the singular and plural forms thereof. Where a cross reference to
45 another Section of the Bylaws appears within a definition, the definition is qualified
46 by the more complete definition found in that Section. Additional definitions

1 applicable solely to Article 610 are set forth in Section 610.2. For an additional
2 definition applicable solely to Article 612. (See Section 612.3.)
3

4 .1 "Active Individual Member" shall mean an individual other than a Coach
5 Member, *or* an Athlete Member who is a trainer, manager, official, meet
6 director, marshal, Board Member, At-Large House Member, officer or
7 committee chairman or member, coordinator, or a Group Member
8 Representative or alternate and any other individual actively participating in
9 the affairs of WSI or the sport of swimming and who is in good standing as an
10 Individual Member of WSI and USA SWIMMING. (See Section 602.1.2C.)
11

12 .2 "Affiliated Group Member" shall mean any organization which supports the
13 sport of swimming and the objectives and programs of WSI and USA
14 SWIMMING, but which does not have Athlete Members and Coach
15 Members, which is in good standing as a Group Member of WSI and USA
16 SWIMMING, and which is neither a Club Member of WSI. (See Section
17 602.1.1B.)
18

19 .3 "Affiliated Group Member Representative" shall mean the individual
20 appointed to represent a Affiliated Group Member in the House of Delegates.
21 (See Section 604.1.1.)
22

23 .4 "Article" shall mean the principal subdivisions of these Bylaws.
24

25 .5 "Articles of Incorporation" shall mean the document filed with the Secretary
26 of State of the State of Wyoming pursuant to which WSI was formed.
27

28 .6 "At-Large House Member" shall mean the Individual Members appointed by
29 the General Chairman to be members of the House of Delegates. (See Section
30 604.1.2.)
31

32 .7 "Athlete Member" shall mean any individual who competes or has competed
33 during any part of the three (3) immediately preceding years in the sport of
34 swimming and is in good standing as an Individual Member of WSI and USA
35 SWIMMING. (See Section 602.1.2A.)
36

37 .8 "Athlete Representative" shall mean the Athlete Member elected to represent
38 athletes in the House of Delegates and on the Board of Directors pursuant to
39 Section 604.1.3.
40

41 .9 "Board Member" shall mean a member of the Board of Directors. Where the
42 context requires, the term does not include the Athlete Representatives or the
43 Coach Representative.
44

45 .10 "Board of Directors" shall mean the Board of Directors of WSI.
46

- 1 .11 "Board of Review" shall mean the investigative and judicial body of WSI
2 established pursuant to Section 610.3.
3
- 4 .12 "Business Day" shall mean a calendar day which is not a Saturday, a Sunday
5 or a legal federal or state holiday anywhere within the Territory.
6
- 7 .13 "Bylaws" shall mean these bylaws as adopted by, and in effect for, WSI.
8
- 9 .14 "Club" shall mean an organization that has athletes and coaches engaged in
10 the sport of swimming.
11
- 12 .15 "Club Member" shall mean any club or other organization which is in good
13 standing as a Group Member of WSI and USA SWIMMING and has athletes
14 and coaches and participates in the sport of swimming. All athletes and
15 coaches of the club or organization must be Individual Members in good
16 standing with WSI and USA SWIMMING. (See Section 602.1.1A.)
- 17 .16 "Club Member Representative" shall mean the individual appointed to
18 represent a Club Member in the House of Delegates pursuant to Section
19 604.1.1.
20
- 21 .17 "Club Safety Coordinator" shall mean the Individual Member designated by
22 each Club Member to serve as its liaison with WSI and USA SWIMMING
23 concerning safety matters. (See Section 602.2.3.)
24
- 25 .18 "Coach Member" shall mean any individual, whether or not affiliated with a
26 Group Member, who has satisfactorily completed all safety and other training
27 required by WSI and/or USA SWIMMING and who is in good standing as a
28 member of WSI and USA SWIMMING. (See Section 604.1.4.)
29
- 30 .19 "Coach Representative" shall mean the Coach Member elected to represent
31 the coaches in the House of Delegates and the Board of Directors. (Section
32 604.1.4.)
33
- 34 .20 "Executive Committee" shall mean the committee of the Board of Directors
35 which may act for the Board of Directors between meetings. (See Section
36 605.7.)
37
- 38 .21 "FINA" shall mean the Federation Internationale de Natation Amateur, the
39 international governing body for the sport of swimming.
40
- 41 .22 "Group Members" shall mean Club Members and Affiliated Group Members.
42
- 43 .23 "Group Member Representative" shall mean the individual appointed to
44 represent a Group Member in the House of Delegates. (See Section 604.1.1)
45

- 1 .24 "House of Delegates" shall mean the House of Delegates of WSI as
2 established by Article 604 of these Bylaws.
3
- 4 .25 "Immediate Past General Chairman" shall mean the individual who is the
5 immediate past General Chairman of WSI, except when that person became
6 immediate past General Chairman by virtue of the House of Delegates taking
7 action pursuant to Section 604.4.10, the Board of Directors taking action
8 pursuant to Section 605.6.10 or the House of Delegates failing to reelect that
9 person to another term sought by that person. The Immediate Past General
10 Chairman shall serve for the duration of the successor General Chairman's
11 term. If the office of Immediate Past General Chairman becomes vacant for
12 any reason, including the exception set forth in the initial sentence of this
13 definition, it shall not be filled by appointment or election, but shall remain
14 vacant until another individual becomes Immediate Past General Chairman.
15
- 16 .26 "Individual Members" shall mean Athlete Members, Coach Members, *and*
17 Active Individual Members.
18
- 19 .27 "IRS Code" shall mean the United States Internal Revenue Code of 1986, as
20 amended from time to time, or the corresponding provision of any future
21 United States internal revenue law, and shall, when appropriate, also include a
22 reference to the Treasury Regulations issued thereunder.
23
- 24 .28 "Life Member" shall mean any individual who is a life member of USA
25 SWIMMING and WSI and who resides, formerly resided or participated in
26 the sport of swimming in the Territory and who is in good standing as a
27 member of WSI and USA SWIMMING.
28
- 29 .29 "Local Swimming Committee" or "LSC" shall have the meaning ascribed
30 thereto in the USA SWIMMING Rules and Regulations. WSI is a Local
31 Swimming Committee.
32
- 33 .30 "Member" shall mean a Group Member or an Individual Member.
34
- 35 .31 "National Board of Review" shall mean the Board of Review of USA
36 SWIMMING established pursuant to Part Four of the USA SWIMMING
37 Rules and Regulations. Where the context requires, a reference to the
38 National Board of Review shall include a reference to the USA SWIMMING
39 Board of Directors when that body is acting upon an appeal from the National
40 Board of Review.
41
- 42 .32 "Nominating Committee" shall mean the committee of the House of
43 Delegates charged with nominating candidates for elective offices of WSI.
44 (See Section 604.8)
45

- 1 .33 "Policies and Procedures Manual" shall mean the policies and procedures
2 manual of WSI, as amended, adopted by the Board of Directors or the House
3 of Delegates. If WSI does not have a Policies and Procedure Manual, then the
4 reference shall mean the relevant meeting minutes, orders and resolutions of
5 WSI.
6
- 7 .34 "Parliamentary Authority" shall mean the authority and any special rules of
8 order designated in Article 613.
9
- 10 .35 "Section" shall mean the subdivisions of the Articles of these Bylaws.
11
- 12 .36 "Senior Athlete Representative" shall mean the Athlete Representative senior
13 in term of office or, in cases where there are more than two Athlete
14 Representatives, the Athlete Representative designated in accordance with
15 Section 604.1.3.
16
- 17 .37 "Standing Committee" shall mean a committee of WSI listed in Sections
18 607.1, 607.2 or 607.3.
19
- 20 .38 "Territory" shall mean the geographic territory over which WSI has
21 jurisdiction as a Local Swimming Committee. (See Section 601.3.)
22
- 23 .39 "USA SWIMMING" shall mean USA Swimming, Inc., an Ohio not-for-profit
24 corporation, which is the national governing body for the United States for the
25 sport of swimming.
26
- 27 .40 "USA SWIMMING Board of Directors" shall mean the Board of Directors of
28 USA SWIMMING.
29
- 30 .41 "USA SWIMMING Rules and Regulations" shall mean the Rules and
31 Regulations, as adopted and amended by USA SWIMMING.
32
- 33 .42 "USA SWIMMING House of Delegates" shall mean the House of Delegates
34 of USA SWIMMING.
35
- 36 .43 "USA SWIMMING Legislation Committee" shall mean the Legislation
37 Committee of USA SWIMMING created pursuant to Article 512 of Part Five
38 of the USA SWIMMING Rules and Regulations.
39
- 40 .44 "USA SWIMMING Legislation Sub-committee" shall mean the sub-
41 committee of the Legislation and Redistricting Committee of USA
42 SWIMMING created pursuant to Section 6202 of Part Six-C of the USA
43 SWIMMING Rules and Regulations.
44
- 45 .45 "WSI" shall mean the Wyoming not-for-profit corporation to which these
46 Bylaws pertain.

