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4 By-laws of Wisconsin Swimming, Inc.

5 Effective: May 1, 1997
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7 ARTICLE 1

8 NAME, OBJECTIVES, TERRITORY, AND JURISDICTION
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- 10 1.1 NAME The name of the corporation shall be Wisconsin Swimming, Inc. (WSI).
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12 1.2 OBJECTIVES The objectives and primary purpose of the WSI shall be the education, instruction and training of
13 individuals to develop and improve their capabilities in the sport of swimming. WSI shall promote swimming for
14 the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and
15 procedures of the Federation Internationale de Natation (FINA), USA Swimming, and WSI and its Articles of
16 Incorporation.
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18 1.3 GEOGRAPHIC TERRITORY The geographic Territory of WSI is the State of Wisconsin, except for the
19 Counties of St. Croix, Dunn and Pierce.
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21 1.4 JURISDICTION: WSI shall have jurisdiction over the sport of swimming as delegated to it as a Local
22 Swimming Committee (LSC) by USA Swimming to conduct swimming programs consistent with WSI's
23 objectives and those of USA Swimming and to sanction, approve, observe and oversee competitive swimming
24 events within the Territory and to conduct competitive swimming events within its Territory. WSI shall discharge
25 faithfully its duties and obligations as a LSC of USA Swimming in accordance with these Bylaws, the USA
26 Swimming "Rules and Regulations" and all applicable policies and procedures.
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29 ARTICLE 2

30 MEMBERSHIP

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32 2.1 MEMBERS The membership of WSI shall consist of the following:
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34 2.1.1 GROUP MEMBERS A Group Member is an organization operating in the Territory which, upon application,
35 has been granted membership in USA Swimming and WSI and has paid the fees established by USA
36 Swimming and WSI pursuant to Article 3. An organization may be denied membership by the
37 Membership/Registration Coordinator or the Board of Directors for failure to satisfy the criteria for
38 membership or for any reason for which a Group Membership could be terminated. Any denial of
39 membership may be appealed to WSI Board of Review.
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41 An organization's status as a Group Member is subject to its continued satisfaction of the criteria for
42 membership and compliance with its responsibilities under these Bylaws, the USA Swimming "Rules and
43 Regulations," and all applicable policies and procedures of WSI and USA Swimming. An organization's
44 status as a Group Member may be terminated, upon the recommendation of the Membership/Registration
45 Coordinator or the Board of Directors or by a decision of the WSI Board of Review or the USA
46 Swimming National Board of Review. Except for an Affiliated Group Member, a Group Member in good
47 standing shall be entitled to participate in the program of swimming conducted by WSI and competitions
48 sanctioned or approved by USA Swimming, in accordance with Section 9.2.
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50 A. Club Member: A Club Member is an organization which is in good standing as a Group Member of
51 WSI and USA Swimming, has at least one athlete and at least one coach and participates in the
52 sport of swimming. All athletes and coaches of the organization must be Individual Members in
53 good standing of WSI and USA Swimming.
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1 B. Affiliated Group Member: An Affiliated Group Member is an organization which supports the
2 sport of swimming and the objectives and programs of WSI and USA Swimming, which is in good
3 standing as a Group Member of WSI and USA Swimming, but which does not have any athlete or
4 coach who are Individual Members of WSI and USA Swimming.
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6 C. Seasonal Club Member: This Section is reserved for future use.
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8 2.1.2 INDIVIDUAL MEMBERS An Individual Member is a person involved in the sport of swimming in the
9 Territory who, upon application, has been granted membership in USA Swimming and WSI and has paid
10 the dues established by USA Swimming and WSI pursuant to Article 3. A person may be denied
11 membership by the Membership/Registration Coordinator or by the Board of Directors for failure to satisfy
12 the criteria for membership or for any reason for which an Individual Membership could be terminated.
13 Any denial of membership may be appealed to the WSI Board of Review. A person's status as an
14 Individual Member is subject to the Individual Member's continued satisfaction of the criteria for
15 membership and compliance with the person's responsibilities under these Bylaws, the USA Swimming
16 "Rules and Regulations," and all applicable policies and procedures of WSI and USA Swimming. A
17 person's status as an individual member may be terminated, upon recommendation by the
18 Membership/Registration Coordinator or by the Board of Directors, by a decision of the WSI Board of
19 Review or the USA Swimming National Board of Review. An Individual Member in good standing shall
20 be entitled to participate in the program of swimming conducted by WSI and competitions sanctioned or
21 approved by USA Swimming in accordance with Article 9.1.
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23 A. Athlete Member: An Athlete Member is a person who participates or competes in the sport of
24 swimming and is in good standing as an Individual Member of WSI and USA Swimming.
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26 B. Coach Member: A Coach Member is a person, whether or not affiliated with a Group Member,
27 who has completed satisfactorily all safety and other training required by WSI and/or USA
28 Swimming and who is in good standing as an Individual Member of WSI and USA Swimming.
29 Any individual desiring to act in any coaching capacity at any competition sanctioned by WSI or
30 USA Swimming must be a Coach Member in good standing of WSI and USA Swimming.
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32 C. Active Individual Member: An Active Individual Member is a person, other than a Coach Member
33 or an Athlete Member, who is a trainer, manager, official, meet director, meet marshal, Board
34 Member, At-Large House of Delegates Member, officer, coordinator or committee chairman or
35 committee member of WSI or a Group Member Representative or alternate and any other person
36 desiring to participate in the sport of swimming and who is in good standing as an Individual
37 Member of WSI and USA Swimming.
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39 D. Affiliated Member: This Section reserved for future use.
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41 E. Seasonal Athlete Member: A Seasonal Athlete Member is a person who participates or competes in
42 the sport of swimming and has joined for one period, of time not longer than 150 days, as specified
43 by WSI, in a registration year and is in good standing as an Individual Member of WSI and USA
44 Swimming.
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46 F. Life Member: A Life Member is a person who is a member of USA Swimming for life and who
47 resides, formerly resided or participated in the sport of swimming in the Territory and who is in good
48 standing as a member of WSI and USA Swimming.
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50 2.1.3 Membership – A Privilege, Not a Right: Membership in WSI and USA Swimming is a privilege and shall
51 not be interpreted as a right. Membership (including Life Membership) may be terminated by the WSI
52 Board of Review or the USA Swimming National Board of Review for any violation of a member's
53 responsibilities under Article 2.2, for any of the reasons set forth in Article 10.4.7.C or for any other reason

1 determined by the WSI Board of Review or USA Swimming National Board of Review to be in the best
2 interests of the sport of swimming, USA Swimming or WSI.
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4 2.2 MEMBER RESPONSIBILITIES
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6 2.2.1 Compliance: Each Group and Individual Member shall abide by the codes of conduct, policies,
7 procedures, rules and regulations adopted by USA Swimming and WSI, including its obligations and
8 responsibilities set forth in these Bylaws. Each Group and Individual Member shall not take or allow to be
9 taken, any action, or conspire with or instigate any other person to take or allow to be taken, any action
10 which could bring the sport of swimming, WSI or USA Swimming into disrepute. By applying for and
11 accepting membership in WSI and USA Swimming, each Individual Member agrees to so abide and
12 represents, except to the extent disclosed to WSI and USA Swimming, that he or she has never been
13 convicted of a crime involving sexual misconduct, child abuse, violation of a law specifically designed to
14 protect minors, or similar offenses, or to have been found by a LSC Board of Review or the USA
15 Swimming National Board of Review to have committed actions which would be the basis for a conviction
16 as identified above and that she or he has never acted in a manner which might bring into disrepute WSI,
17 USA Swimming or the sport of swimming.
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19 2.2.2 Responsibility for Infraction: A Group Member may be held responsible for infractions of the policies,
20 procedures, rules, regulations or codes of conduct and ethics adopted by USA Swimming or WSI,
21 including its responsibilities as set forth in these Bylaws. Infractions of a Group Member include those
22 committed or allowed to happen by its members, representatives, officials, coaches or athletes who are
23 competing as representatives of the Group Member or who are competing with the Group Member as
24 unattached swimmers. Also included are infractions committed or allowed to happen by a person
25 instigated by the Group Member or with whom the Group Member through any of those individuals
26 conspired. Any Individual Member may be held responsible for any infractions committed or that were
27 allowed to happen by the Individual Member. Also included are infractions committed or allowed to
28 happen by a person instigated by the Individual Member or with whom the Individual Member conspired.
29

30 2.2.3 Club Safety Coordinator: Each Club Member shall appoint an Active Individual Member to be a Club
31 Safety Coordinator. The Club Safety Coordinator shall be responsible for disseminating safety education
32 information received from USA Swimming and WSI to the Club Member's athletes, coaches and other
33 members and shall make recommendations to the Club Members concerning safety policy and its
34 implementation. The Club Safety Coordinator shall make any reports requested by WSI's Safety
35 Chairman.
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38 **ARTICLE 3**
39 **DUES AND FEES**
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41 3.1 CLUB MEMBER: Every Club Member shall pay an annual fee consisting of a national club fee established by
42 USA Swimming and a local club fee established by WSI, together with any other charges, fees, etc. as may be
43 established by WSI.
44

45 3.2 AFFILIATED GROUP: The Board of Directors shall establish the annual membership fee and any other
46 charges, fees, etc., for Affiliated Group Members.
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48 3.3 ATHLETE MEMBER: Each Athlete Member and Seasonal Athlete Member shall pay an annual fee, or seasonal
49 fee respectively, consisting of a national fee established by USA Swimming and a local fee established by WSI.
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- 1 3.4 COACH MEMBER: Each Coach Member shall pay an annual fee consisting of a national fee established by
2 USA Swimming and a local fee established by WSI, together with any other charges, fees, etc. as may be
3 established by WSI.
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- 5 3.5 ACTIVE INDIVIDUAL MEMBER: Each Active Individual Member shall pay an annual fee consisting of a
6 national fee established by USA Swimming and a local fee established by WSI, together with any other charges,
7 fees, etc. as may be established by WSI.
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- 9 3.6 AFFILIATED INDIVIDUAL MEMBER: This Section reserved for future use
- 10 3.7 LIFE MEMBERS: The WSI shall establish the annual or other membership fees for Life Members.
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- 13 3..8 SANCTION, APPROVAL AND OTHER
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- 15 3.8.1 Sanction and Approval Fees: The Board of Directors shall establish reasonable fees, procedures, and
16 documentation required of an applicant for a sanction or approval for, or observation of, a swimming
17 competition to be conducted within the Territory.
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- 19 3.8.2 Service Charges: In addition to, or in place of, a sanction or approval fee, the Board of Directors may
20 establish reasonable service charges consistent with the nature of the event. For example, a service charge
21 may be a flat amount, an amount related to the number of events swum, the number of individual swims,
22 the number of athletes entered, the cost of equipment and pool time provided, a percentage of receipts or
23 profits or a combination of one or more of these or other bases.
24
- 25 3.8.3 Payment: Each applicant for a sanction, approval or observation shall submit with its application the fees
26 and any service charges specified by WSI. If any of the sanction or approval fees or service charges are
27 due at a time following the submission for sanction or approval, the applicant shall pay promptly those fees
28 or service charges to WSI when due in accordance with WSI's fee schedule.
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- 30 3.9 FAILURE TO PAY
- 31
- 32 3.9.1 Group, Coach, and Active Individual Member Obligations: The failure of a Group Member, Coach
33 Member or Active Individual Member to pay dues, fees, service charges, fines or penalties imposed by
34 WSI or USA Swimming, within the time prescribed, as evidenced by a final decision of the WSI Board of
35 Review or the USA Swimming National Board of Review or by a court of law, shall preclude the
36 delinquent member from:
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- 38 A. Participating in events sanctioned or approved by USA Swimming;
- 39 B. Participating in any capacity in the affairs of USA Swimming, WSI, or any other LSC; or
- 40 C. Serving any other capacity with any Club Member or with any Group Member of any other LSC.
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- 42 3.9.2 Athlete Member Obligations: The failure of an Athlete Member or Seasonal Athlete Member to satisfy
43 any financial obligations to USA Swimming, WSI or his/her former LSC, within the time prescribed, as
44 evidenced by a final decision of the WSI or other LSC Board of Review or the USA Swimming National
45 Board of Review or by a court of law, shall preclude the delinquent member from:
46
- 47 A. Participating in any competition sanctioned by USA Swimming through WSI;
- 48 B. Obtaining an Official Verification Card (OVC) or other reportable time achieved in events swum at
49 any USA Swimming approved meet or observed swim;
- 50 C. Participating in any capacity in the affairs of USA Swimming, WSI, or any other LSC; or
- 51 D. Practicing, exercising, or otherwise participating in the activities of any WSI Group Member or any
52 Group Member of any other LSC.
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- 1 3.93 Club/Individual Obligations: If a Club Member or a Seasonal Club Member has secured a final court
2 judgment or a decision of any LSC Board of Review or USA Swimming National Board of Review
3 decision against an Individual Member for non-payment of financial obligations owed to the Club Member,
4 then the Individual Member, until the decision or judgment is satisfied, shall not:
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6 A. Participate in any competition sanctioned by USA Swimming through WSI;
7 B. Obtain an OVC or other reportable time in events swum at any USA Swimming approved meet or
8 observed swim;
9 C. Participate in any capacity in the affairs of USA Swimming, WSI, or any other LSC; or
10 D. Practice, exercise, or otherwise participate in the activities of any Group Member or any Group
11 Member of any other LSC.
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- 13 3.9.4 Individual/Club Obligations: If an Individual Member has secured a final court judgment or a final
14 decision of a LSC Board of Review or USA Swimming National Board of Review decision against a Club
15 Member for non-payment of financial obligations (such as a refund of training fees) to the Individual
16 Member, then the delinquent or offending Club Member, until the judgment is satisfied, shall be precluded
17 from:
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- 19 A. Participating in events sanctioned or approved by USA Swimming; and
20 B. Participating in any capacity in the affairs of USA Swimming, WSI, or any other LSC, including
21 being represented in the House of Delegates by its Group Member Representative.
22
- 23 3.9.5 Continued Failure to Pay – Termination of Membership: Continued failure to pay, within a reasonable
24 period of time, as determined by the Board of Directors, the House of Delegates, the WSI Board of Review
25 or the USA Swimming National Board of Review shall be cause for termination of membership.
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ARTICLE 4 HOUSE OF DELEGATES

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- 31 4.1 MEMBERS: The House of Delegates of WSI shall consist of the Group Member Representatives, the Athlete
32 Representatives, the Coach Representative, members of the Board of Directors designated in Section 605.1, and
33 the At-Large House Members.
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- 35 4.1.1 Group Member Representatives: Each Group Member in good standing shall appoint from its
36 membership a Group Member Representative and one or more alternates. The appointment shall be in
37 writing, addressed to the Registration/Membership Coordinator of WSI and duly certified by the chief
38 executive officer or Secretary of the appointing Group Member. The appointing Group Member may
39 withdraw its Group Member Representative or one or more of its alternates and substitute a new Group
40 Member Representatives or new alternates by written notice, addressed to the Registration/Membership
41 Coordinator of WSI and signed by the chief executive officer or secretary of the appointing Group
42 Member.
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- 44 4.1.2 At-Large House Members: Up to ten (10) at-large members of the House of Delegates may be
45 appointed by the General Chairman with the advice and consent of the Board of Directors. The At-Large
46 House Members shall hold office from the date of appointment through the end of the General Chairman's
47 term of office.
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- 4.1.3 Athlete Representatives: Two (2) Athlete Representatives shall be elected, one each year for a two-year term, or until his/her respective successor is elected. The election of one Athlete Representative shall be conducted annually during the WSI long course swimming championships, or other regularly scheduled meet designated by the Board of Directors. The balloting shall take place at a meeting called for that purpose by the Senior Athlete Representative or failing that, at a time and in a manner designated by the Board of Directors. The Athlete Representative shall be elected by a majority of the Athlete Members and Seasonal Athlete Members in good standing present and voting who are thirteen (13) years of age or older. At the time of election, the Athlete Representative must be:
- A. An Athlete Member or a Seasonal Athlete Member in good standing;
 - B. At least sixteen (16) years of age or have junior status in high school;
 - C. Competing currently, or have competed during the three (3) immediately preceding years, in the program of swimming conducted by WSI or another LSC; and
 - D. Reside in the Territory and expect to reside therein throughout at least the first half of the term.
- 4.1.4 Coach Representative: One Coach Representative shall be elected, in even numbered years for a two-year term, or until a successor is elected. The election of the Coach Representative shall be conducted during the WSI Short Course Championships for swimmers twelve (12) years and under, at a meeting called by the Age Group Chairman and determined by a majority of the Coach Members in good standing present and voting or, failing that, at a time and place and in a manner designated by the Board of Directors.
- 4.2 ELIGIBILITY: Only Individual Members in good standing shall be eligible to be elected or appointed members of, to be heard at, or to vote at the House of Delegates in any capacity. Members of the House of Delegates must maintain their status as Individual Members in good standing throughout their terms of office.
- 4.3 VOICE AND VOTING RIGHTS OF MEMBERS: The voice and voting rights of members of the House of Delegates and of Individual Members shall be as follows:
- 4.3.1 Group Member Representatives, Board Members, Athlete Representatives, Coach Representative and At-Large House Members: Each of the Group Member Representatives, the Board Members, the Athlete Representatives, the Coach Representative and the At-Large House Members shall have both voice and *one* vote each in meetings of the House of Delegates.
 - 4.3.2 Affiliated Group Member Representatives: Group Member Representatives of Affiliated Group Members, unless entitled to vote under another provision of these Bylaws, shall have voice but no vote in meetings of the House of Delegates and its committees.
 - 4.3.3 Individual Members: Individual Members who are not members of the House of Delegates may attend open meetings of the House of Delegates and its committees and be heard in the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the House of Delegates.
- 4.4 DUTIES AND POWERS: The House of Delegates shall oversee the management of the affairs of WSI and the establishment of policies, procedures and programs. In addition to the duties and powers prescribed in the USA Swimming "Rules and Regulations," or elsewhere in these Bylaws, the House of Delegates shall:
- 4.4.1 Elect the officers, as listed in Article 6.1 in accordance with Articles 6.2 through 6.5 and members of the Board of review in accordance with Article 10.3.
 - 4.4.2 Elect alternates to the USA Swimming House of Delegates in accordance with Section 502.2 of the USA Swimming Rules and Regulations (Also see Article 6.7.11.B);
 - 4.4.3 Elect the members of the Nominating Committee;

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- 4.4.4 Review, modify and adopt the annual budget of WSI recommended by the Board of Directors;
 - 4.4.5 Call regular and special meetings of the House of Delegates;
 - 4.4.6 Ratify or prospectively modify or rescind any policy and program established by the Board of Directors, except any action or authorization by the Board of Directors with respect to contracts or upon which any person may have relied, shall not be modified or rescinded;
 - 4.4.7 Establish joint administrative committees, or undertake joint activities with other sports organizations where deemed helpful or necessary by WSI;
 - 4.4.8 Establish by resolution one or more committees of its members. The committees shall have the powers and duties specified in the resolution, which may include delegation of one or more of the powers and duties of the House of Delegates other than the powers to amend these Bylaws or remove Board Members and elected officers;
 - 4.4.9 Amend the Bylaws of WSI in accordance with Article 11.3; and
 - 4.4.10 Remove from office any Board Member, any member of the Board of Review, or committee chairmen or members or coordinators who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in Article 1**Error! Reference source not found.**4.7.C. However, no Board Member, Board of Review member or elected committee chairman or coordinator may be removed except upon not less than thirty (30) days written notice by the Secretary or other officer designated by the House of Delegates specifying the alleged deficiency in the performance of member responsibilities or specific official duties or other reason. All notices and proceedings under this section shall be prepared, served and processed utilizing the procedures for a formal hearing pursuant to Article 10 to the extent applicable. Should the Board Member, Board of Review member or committee chairman or coordinator contest the alleged deficiency or other reason alleged in the notice, the House of Delegates shall hold a hearing at which the defendant shall have the same rights as if the hearing were to be conducted by the Board of Review pursuant to Article 10.
- 4.5 ANNUAL AND REGULAR MEETINGS: The annual meeting of the House of Delegates of WSI shall be held on the fourth Tuesday in June of each year. Regular meetings of the House of Delegates shall be held on the fourth Tuesdays of the months of October and January.
- 4.6 SPECIAL MEETINGS: Special meetings of the House of Delegates may be called by the Board of Directors or the General Chairman. Should the Board of Directors or the General Chairman fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least five (5) members of the House of Delegates.
- 4.7 MEETING LOCATION AND TIME: All meetings of the House of Delegates shall be take place at a site within the Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of the House of Delegates.

1 4.8 NOMINATING COMMITTEE:
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3 4.8.1 Members of Nominating Committee: The Nominating Committee shall comprise not fewer than
4 four (4) Individual Members elected annually at the January meeting of the House of Delegates or the
5 Board of Directors if the House of Delegates does not act in a timely fashion to serve until their successors
6 are elected. A number greater than five (5) may be designated from time to time by either the House of
7 Delegates or the Nominating Committee. Each Nominating Committee member shall be a member of the
8 House of Delegates and no more than two (2) (two-fifths if there are more than five (5) members of the
9 Nominating Committee) shall be Board Members. Members of the Nominating Committee must be
10 Individual Members in good standing throughout their period of service on the Committee. If any member
11 of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General
12 Chairman shall appoint a replacement, with the advice and consent of the Board of Directors.
13

14 4.8.2 Chairman Elected by Nominating Committee: The Chairman of the Nominating Committee shall
15 be elected annually by a majority vote of the members of the Nominating Committee present at a meeting
16 called promptly after the members are elected or appointed.
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18 4.8.3 Duties of Nominating Committee: A slate of candidates for election as the officers, committee
19 chairmen and coordinators specified in Article 6.1 and the members of the Board of Review to be elected
20 at the next annual meeting shall be prepared by the Nominating Committee. The Nominating Committee
21 may in its discretion nominate a slate of one person for each position to be filled or may nominate more
22 than one candidate for one or more of the positions.
23

24 4.8.4 Publication of Nominations: Nominations by the Nominating Committee shall be published by
25 distributing a slate of candidates together with the positions for which they have been nominated to each
26 member of the House of Delegates and to each Group Member at the March meeting of the House of
27 Delegates and shall publish its slate of candidates together with the positions for which they have been
28 nominated not less than twenty (20) calendar days prior to the election at the Annual Meeting in May. This
29 notice may be combined with the notice of the meeting where convenient. See Article 16.1.5 for the
30 methods which may be used for the distribution.
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32 4.8.5 Additional Nominations: Additional nominations may be made from the floor of the House of
33 Delegates by any member of the House of Delegates eligible to vote.
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35 4.8.6 Meetings and Notices: Meetings of the Nominating Committee shall take place at a site within the
36 Territory when called by the Chairman or any three members of the Committee with a minimum of ten (10)
37 days notice required. Pertinent provisions of Article 7.5 through 7.10 and Article 16.1.5 also shall apply to
38 the Nominating Committee's meetings and notices.
39

40 4.8.7 Quorum: A quorum for any meeting of the Nominating Committee shall consist of not fewer than
41 three (3) members or sixty percent (60%) if more than four (4) members. The committee shall act by a
42 majority vote of its members voting in any meeting at which a quorum is present.
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44 4.9 MEETINGS OPEN – CLOSED EXECUTIVE
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46 4.9.1 House of Delegates: House of Delegates meetings shall be open to all members of WSI and USA
47 Swimming. Issues pertaining to personnel, disciplinary action, legal, tax or similar affairs of WSI shall be
48 deliberated and decided in a closed executive session which only House of Delegates members may attend.
49 By a majority vote on a motion of a question of privilege, the House of Delegates may decide to go into
50 executive session on any matter deserving of confidential treatment or of personal concern to any member
51 of the House.
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53 4.9.2 House of Delegates Committees: All meetings and deliberations of the Nominating Committee
54 shall be conducted in closed executive session. Meetings of all other committees established by the House

1 of Delegates shall be open to all members of WSI and USA Swimming unless otherwise provided by the
2 House of Delegates resolution creating the committee or by a vote of the committee as provided by the
3 rules of the Parliamentary Authority.
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5 4.10 QUORUM: A quorum of the House of Delegates shall consist of those members present and voting.
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7 4.11 VOTING: Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and
8 other propositions coming before the House of Delegates shall be determined by a majority vote. A motion or
9 order calling for the removal of a member of the Board of Review pursuant to Article 4.4.10, shall be determined
10 by a two-thirds vote after at least thirty (30) days notice. See also Section 611.3 regarding amendment of these
11 Bylaws.
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13 4.12 PROXY VOTE Voting by proxy in any meeting of the House of Delegates shall not be permitted.
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15 4.13 MAIL VOTE: Any action which may be taken at any regular or special meeting of the House of Delegates,
16 except elections, removals of Board Members, members of the Board of Review, elected committee chairmen or
17 coordinators and amendments of these Bylaws, may be taken without a meeting. If an action is taken without a
18 meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written ballot to every member of the
19 House of Delegates entitled to vote on the matter. The ballot shall set forth the proposed action, provide an
20 opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the period
21 specified in Article 4.15.1) within which to return the ballot to the Secretary. Action by written ballot shall be
22 valid only when the number of votes cast in favor of the proposed action within the time period specified
23 constitutes a majority of the votes entitled to be cast.
24

25 4.14 ORDER OF BUSINESS At all meetings of the House of Delegates the following shall be included in the order
26 of business to the extent applicable, except where specific meetings are identified. The order in which the various
27 subjects are taken up may be varied.
28

29 4.14.1 Roll

30 4.14.2 Reading, correction and adoption of minutes of previous meeting

31 4.14.3 Reports of officers

32 4.14.4 Reports of committees and coordinators

33 4.14.5 Presentation and approval of the annual budget, October meeting

34 4.14.6 Presentation and approval of the annual audit pursuant to Article 8.5, May meeting

35 4.14.7 Unfinished businesses

36 4.14.8 Elections, May meeting

37 4.14.9 New Business

38 4.14.10 Resolution and orders

39 4.14.11 Adjournment
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41 4.15 NOTICES
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43 4.15.1 Time: Not less than twenty (20) days written notice shall be given to each member of the House
44 of Delegates and each Group Member for regular meetings of the House of Delegates and twenty (20)
45 days written notice to each member of the House of Delegates and each Group Member for the annual
46 meeting (May) and for any special meetings. See Article 16.1.5 for the various permitted forms of notice.
47

48 4.15.2 Information: The notice of a meeting shall contain the time, date and site. For meetings of the
49 House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If the
50 purpose is the amendment of the Bylaws, any change must first be proposed in writing to the Rules
51 Chairman and Secretary no later than forty (40) days before the House of Delegates meeting for
52 consideration. Any proposed changes will then be published and sent out in the notice in accordance with
53 Rule #4.15.1.
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ARTICLE 5 BOARD OF DIRECTORS

5.1 MEMBERS: The Board of Directors shall consist of the following officers, committee chairmen, coordinators and representatives of WSI, together with those additional members designated in Article 5.3. All members of the Board of Directors shall be members of USA Swimming and WSI.

5.1.1 General Chair

5.1.2 Administrative Vice-chair

5.1.3 Finance Vice Chair

5.1.4 Senior Chair

5.1.5 Age Group Chair

5.1.6 Treasurer

5.1.7 Secretary

5.1.8 Technical Planning Chair

5.1.9 Safety Chair

5.1.10 Registration/Membership Coordinator

5.1.11 Officials Chair

5.1.12 Athletes' Representatives (2)

5.1.13 Coaches' Representative

5.1.14 Records, OVC & Top 16 Coordinator*

5.1.15 Rules Chair*

* Appointed by General Chairman

5.2 AT-LARGE BOARD MEMBERS This Section reserved for future use.

5.3 EX-OFFICIO MEMBERS: The following persons shall be ex-officio members of the Board of Directors during the time period in which they meet the defined status:

5.3.1 The Immediate Past General Chairman of WSI, if an Individual Member in good standing;

5.3.1 Members of the USA Swimming Board of Directors who are Individual Members in good standing; and

5.3.2 USA Swimming Committee Chairmen who are Individual Members in good standing.

5.4 LIMITATIONS ON NUMBER OF MEMBERS REPRESENTING ANY SINGLE CLUB MEMBER: This Section reserved for future use.

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

5.5.1 Board Members: Each Board Member other than the ex-officio members (See Article 5.3) shall have both voice and vote in meetings of the Board of Directors and its committees.

5.5.2 Individual Members: Individual Members who are not Board Members may attend open meetings of the Board of Directors and its committees and may be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the Board of Directors or its committees.

5.6 DUTIES AND POWERS: The Board of Directors shall act for WSI and the House of Delegates during the intervals between meetings of the House of Delegates, subject to the exercise by the House of Delegates of its powers of ratification or prospective modification or rescission, except that it shall not remove a Board Member, a Board of Review member or other person elected by the House of Delegates or amend these Bylaws. In addition

1 to the powers and duties prescribed in the USA Swimming “Rules and Regulations” or elsewhere in these
2 Bylaws, the Board of Directors shall have the power and it shall be its duty to:

- 3
4 5.6.1 Establish and direct policies, procedures and programs for WSI;
5
6 5.6.2 Oversee the conduct by the officers of WSI of the day-to-day management of the affairs of WSI;
7
8 5.6.3 Provide advice and consent to appointments proposed by the General Chairman that require advice
9 and consent under these Bylaws.
10
11 5.6.4 Cause the preparation and presentation to the House of Delegates of the annual budget of WSI and
12 make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
13
14 5.6.5 Receive presentation of the annual audit report pursuant to Article 8.5 and make a recommendation
15 to the House of Delegates concerning the approval or disapproval thereof;
16
17 5.6.6 Call regular or special meetings of the Board of Directors or the House of Delegates;
18
19 5.6.7 Admit eligible prospective Group Members and Affiliated Group Members;
20
21 5.6.8 Retain such independent contractors and employ such persons as the Board shall determine are
22 necessary or appropriate to conduct the affairs of WSI;
23
24 5.6.9 Appoint other officers, agents, or committees or coordinators, to hold office for the terms specified.
25 These appointees shall have the authority and perform the duties as provided in these Bylaws, or as may
26 be provided in the resolutions appointing them, including any powers of the Board of Directors as may be
27 specified, except as may be inconsistent with any other provision of these Bylaws. To the extent not
28 provided elsewhere in these Bylaws, the Board of Directors may delegate to any officer, agent, or
29 committee or coordinator the power to appoint any such subordinate officers, agents, or committees or
30 coordinators and to prescribe their respective terms of office, authorities and duties; and
31
32 5.6.10 Remove from office any officers, committee chairmen, or committee members or coordinators of
33 WSI who were not elected by the House of Delegates and who have failed to attend to their official duties
34 or member responsibilities or have done so improperly, or who would be subject to penalty by the WSI
35 Board of Review for any of the reasons set forth in Article 10.4.7.C. No officer, committee chairman or
36 coordinator may be removed without receiving the thirty (30) days written notice specifying the alleged
37 deficiency in the performance of the member's responsibilities under these Bylaws, the member's official
38 duties or other reasons. All notices and proceedings under this section shall be prepared, served and
39 processed utilizing the procedures for a formal hearing pursuant to Article 10.6.1 to the extent applicable.
40 Should the officer, committee chairman, or committee member or coordinator contest the alleged
41 deficiency or other reason set forth in the notice, the Board of Directors shall hold a hearing at which the
42 member shall have the same procedural rights as if the hearing were to be conducted by the WSI Board of
43 Review pursuant to Article 10.
44

45 5.7 EXECUTIVE COMMITTEE

- 46
47 5.7.1 Authority and Power: The Executive Committee shall have the authority and power to act for the
48 Board of Directors and WSI between meetings of the Board and the House of Delegates and to incur
49 financial obligations limited to ten percent (10%) of the LSC’s annual operating budget, exclusive of Travel
50 Fund.
51
52 5.7.2 Members: The members of the Executive Committee shall be the General Chairman, who shall
53 serve as presiding officer, and three (3) other elected officers elected by the Board of Directors. The
54 presiding officer shall appoint an Individual Member to serve as the secretary of the meeting.

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5.7.3 Meetings and Notice: Any meeting of the Executive Committee shall be held at any time or place within the Territory when called by the General Chairman or any three (3) members of the Committee with a minimum of three (3) days notice required. Pertinent provisions of Articles 7.5 through 7.11 and Article 16.1.5 shall apply to the Executive Committee meetings and notices.

5.7.4 Quorum: A quorum of the Executive Committee shall consist of three (3) members of the Committee.

5.7.5 Report of Action to Board of Directors: At the next regular or special meeting of the Board of Directors, the Executive Committee shall make a report of its activities since the last Board of Director's meeting for ratification or prospective modification or rescission, provided, however, that any action of the Executive Committee upon which a third party may have relied (e.g., by signing, or authorizing the signing of a contract) may not be modified or rescinded by the Board of Directors or the House of Delegates.

5.8 MEETINGS OPEN – CLOSED EXECUTIVE SESSIONS: Board of Directors and Executive Committee meetings shall be open to all members of WSI and USA Swimming. Matters relating to personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated and decided in a closed executive session which only Board Members or Executive Committee members, respectively, are entitled to attend. By a majority vote on a motion of a question of privilege the Board of Directors or the Executive Committee may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the Board of Directors or the Executive Committee.

5.9 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT: Members of the Board of Directors or the Executive Committee may participate in meetings of the Board of Directors or the Executive Committee 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 such means shall constitute presence in person at a meeting.

5.10 REGULAR MEETINGS: Regular meetings of the Board of Directors shall be held in accordance with a schedule adopted by the Board of Directors.

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

5.12 QUORUM: A quorum of the Board of Directors shall consist of a majority of the members.

5.13 VOTING: Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the Board of Directors shall be determined by a majority vote of those present. The Board, with fourteen (14) days written notice to its members, may override an action of the House of Delegates by a two/third (2/3) vote.

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

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

5.16 MAIL VOTE: Any action which may be taken at any regular or special meeting of the Board of Directors, except elections, advice and consent to the General Chairman's appointments, or removals of officers, committee chairmen and members, may be taken without a meeting. If an action is to be taken without a meeting, the

1 Secretary, by first class mail, postage prepaid, shall distribute a written ballot to every Board Member entitled to
2 vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or
3 disapproval, and provide a reasonable time (but in no event less than the period specified in Article 5.17) within
4 which to return the ballot to the Secretary. Action by written ballot shall be valid only when the number of votes
5 cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to
6 be cast.

7
8 5.17 NOTICES

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10 5.17.1 Time Not less than six (6) days notice shall be given to each Board Member for any regular or
11 special meeting of the Board of Directors. Separate notices need not be given for regular meetings that are
12 designated in these Bylaws or otherwise scheduled and noticed well in advance. (See Article 16.5 for the
13 various permitted forms of notice and the consequences thereof.)

14
15 5.17.2 Information: The notice of a meeting shall contain the time, date and site and in the case of special
16 meetings, the expected purpose, which may be general.

17
18 5.18 ORDER OF BUSINESS: At all meetings of the Board of Directors, the following shall be included in the order
19 of business to the extent applicable. The order in which subjects are taken up may be varied.

20
21 5.18.1 Roll Call

22 5.18.2 Reading, correction and adoption of minutes

23 5.18.3 Report of Executive Committee

24 5.18.4 Reports of officers

25 5.18.5 Reports of committees and coordinators

26 5.18.6 Presentation of the annual budget and adoption of recommendation to the House of
27 Delegates, October meeting

28 5.18.7 Presentation of the annual audit report pursuant to Article 8.5 and adoption of its
29 recommendations to the House of Delegates, June meeting

30 5.18.8 Advice and Consent to Appointments

31 5.18.9 Unfinished business

32 5.18.10 New business

33 5.18.11 Approval of applications for Group Membership and Affiliated Individual Membership

34 5.18.12 Resolutions and orders

35 5.18.13 Adjournment

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38 **ARTICLE 6**
39 **OFFICERS**

40
41 6.1 ELECTED OFFICERS AND COMMITTEE CHAIRMEN— The officers, committee chairmen and coordinators
42 who shall be elected by the House of Delegates are:

43
44 6.1.1 General Chairman

45 6.1.2 Administrative Chairman

46 6.1.3 Finance Chairman

47 6.1.4 Senior Chairman

48 6.1.5 Age Group Chairman

49 6.1.6 Treasurer

50 6.1.7 Secretary

51 6.1.8 Technical Planning Chairman

52 6.1.9 Safety Chairman

- 1 6.1.10 Membership/Registration Coordinator
- 2 6.1.11 Officials Chairman

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4
5 6.2 ELECTIONS - The Group Members and Board Members, including Athlete Representatives and Coach
6 Representative, present at its annual meeting, shall elect the Administrative Vice Chairman, Senior Chairman, Treasurer,
7 Technical Planning Chairman, and Membership/Registration Coordinator in even-numbered years; and the General
8 Chairman, Finance Chairman, Age Group Chairman, Secretary, Safety Chairman, and Officials Chairman in odd-numbered
9 years in accord with the numbers assigned in Article 6.1 The House of Delegates shall elect the Nominating Committee in
10 accord with Article 4.8. The House of Delegates at its annual meeting also shall elect WSI Board of Review in accord with
11 Article 10.3.3.

12
13 6.3 ELIGIBILITY — Only Individual Members in good standing shall be eligible to hold office and must maintain
14 their eligibility throughout their terms of office.

15
16 6.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in the House of Delegates by virtue of
17 holding a position in WSI may not also vote as a Group Member Representative in the House of Delegates.

18
19 6.5 OFFICES COMBINED OR SPLIT

20
21 6.5.1 Office Held by Two Persons: Any office other than General Chairman, Finance Chairman and
22 Treasurer, may be held jointly by two Individual Members. This may be accomplished by the Nominating
23 Committee nominating two Individual Members to serve as co-officers or by the House of Delegates
24 electing co-chairmen. In the case of the Administrative Chairman, the House of Delegates at the time of
25 election shall designate one to be the successor to the General Chairman; if no such designation is made,
26 then the person with the longer tenure in such office or as a Board Member shall serve as the successor.

27
28 6.5.2 Offices Combined: Any office other than General Chairman may be combined with any other
29 office except that the offices of Finance Chairman and Treasurer may not be combined. This may be
30 accomplished by the Nominating Committee nominating single Individual Member to serve simultaneously
31 as two officers or by the House of Delegates so electing at the time of election.

32
33 6.6 TERMS OF OFFICE

34 6.6.1 Term of Office: The terms of office of all elected members of the Board of Directors shall be two
35 years.

36
37 6.6.2 Commencement of Term: Each person elected to a position shall assume office effective
38 September 1st and shall serve until a successor is chosen.

39
40 6.6.3 Consecutive Terms Limitation: Except for the Secretary, Treasurer, Membership/Registration
41 Coordinator, no Individual Member who has been elected by the House of Delegates and served four
42 successive years shall be eligible for re-election to the same position until a lapse of two years. A portion
43 of any term served to fill a vacancy in the position shall not be considered in the computation of this
44 successive terms limitation.

45
46 6.7 DUTIES AND POWERS: The duties and powers of the officers and other Board Members shall be to attend and
47 participate in all meetings of the House of Delegates and the Board of Directors and as follows:

48
49 6.7.1 General Chairman: The General Chairman shall oversee and have general charge of the management,
50 business, operations, affairs and property of WSI, and general supervision over its officers and agents; shall
51 call meetings when and where deemed necessary; shall preside at all meetings; and, except as otherwise
52 provided in these Bylaws and with the advice and consent of the Board of Directors, shall appoint
53 committee chairmen and members for standing and special committees or coordinators as may be necessary
54 to permit WSI to effectively, efficiently and economically conduct its affairs. The General Chairman shall

1 serve as an ex-officio member of all committees. The General Chairman shall be responsible for the
2 creation and maintenance of the Wisconsin Swimming Handbook which includes its Rules, Policies and
3 Procedures. The General Chairman shall report to the Board of Directors all matters within the General
4 Chairman's knowledge that the Board of Directors should consider in the best interests of WSI.
5

6 6.7.2 Secretary: The Secretary, or a delegate, shall be responsible for keeping a record of all meetings of the
7 House of Delegates and Board of Directors, conducting official correspondence, issuing meeting and other
8 notices and making such reports to USA Swimming as are required by Article 8 of these Bylaws and shall
9 perform the other duties incidental to the office of Secretary. The Secretary shall be custodian of the
10 records of WSI, and attest the execution of all duly authorized instruments. The Secretary shall cause to be
11 kept, in safe keeping, copies of all minutes, official correspondence, meeting and other notices, and any
12 other records of WSI. The Secretary's custody of the minute books and other records shall be as a
13 fiduciary for WSI and shall end when the Secretary leaves office and shall pass them on to the successor
14 Secretary.
15

16 6.7.3 Treasurer: The Treasurer shall be the principal receiving and disbursing officer of WSI. Except as
17 otherwise directed by the Board of Directors, the Treasurer shall receive all moneys, incomes, fees and
18 other receipts of WSI and pay all bills, salaries, expenses and other disbursements approved by an
19 authorized officer, committee chairman, coordinator, the Finance Chairman, the Board of Directors or the
20 House of Delegates, or required to be paid pursuant to Article 10.3.12 . When authorized by the Board of
21 Directors, income and expenses may be received and paid by an officer, committee chairman or
22 coordinator, provided that the officer or committee chairman or coordinator promptly submits to the
23 Treasurer an itemized report, duly attested by the officer, committee chairman or coordinator and either
24 within the approved budget of such officer, committee or coordinator, or authorized by the Board of
25 Directors or the House of Delegates. The Treasurer shall be a member of the Finance Committee but may
26 not be its chairman. The Treasurer shall issue listing the current budget variances by line item, all receipts,
27 all expenditures and the current fund and account balances for the year to date for the fiscal year to date,
28 together with such other items as the Finance Chairman, General Chairman or the Board of Directors may
29 direct. The Treasurer shall:
30

- 31 A. Have charge of and supervision over and be responsible for the funds, moneys, securities and other
32 financial instruments of WSI;
33
34 B. Cause the moneys, securities and other financial instruments of WSI to be deposited in the name and
35 to the credit of WSI in such institutions as shall be designated in accordance with Article 6.11 or to
36 be otherwise invested as the Finance Chairman or the Board of Directors may direct;
37
38 C. Cause to be segregated and accounted for, appropriately, any endowment funds, scholarship, travel
39 fund or award funds and any similar special purpose funds or accounts;
40
41 D. Cause the funds of WSI to be disbursed by checks or drafts, automated debits or wire transfers upon
42 the authorized depositories of WSI, and obtain and preserve proper vouchers for all moneys
43 disbursed;
44
45 E. Cause to be kept in the safekeeping of the Treasurer, correct books of account and other financial
46 records of all its affairs and transactions and such duplicate books of account as the Board of
47 Directors, the Finance Chairman, or the Treasurer shall determine;
48
49 F. Cause such books or duplicates thereof, upon request and at reasonable hours, to be exhibited to any
50 member of the Board of Directors and upon application and at reasonable hours cause the financial
51 reports as presented at each WSI House of Delegates meeting and the annual audited financial
52 statement to be exhibited to any member of WSI or USA Swimming;
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54 G. Cause WSI to be in compliance with the requirements of Article 8.4;

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- H. Have the power to require from the officers, committee chairmen, coordinators, or agents of WSI reports or statements giving such information as the Treasurer may determine to be appropriate or helpful with respect to any and all financial transactions of WSI;
 - I. Make the books and records available and otherwise fully cooperate with those conducting the annual audit of accounts of WSI; such audit shall be conducted by an independent certified public accountant, unless the House of Delegates approves a review by the Finance Committee instead of an audit presentation of findings by the Finance Chairman; and forward a copy of the annual financial statement and audit report to the Secretary for submission to the Board of Directors at the July meeting and the USA Swimming national headquarters;
 - J. Prepare or arrange the preparation of all required federal, state and local tax returns, and other financial and tax reports by a certified public accountant during the first quarter of the fiscal year to satisfy the IRS filing deadline of May 15th; and forward a copy of the annual financial statement and audit report and any federal tax return to the Secretary for submission to the Board of Directors and USA Swimming national headquarters in accordance with Articles 8.2 and 8.3 and;
 - K. In general, perform all the other duties incident to the corporate treasury function.
- 6.7.4 Administrative Chairman: The Administrative Chairman shall conduct meetings in the absence of the General Chairman and, at the request of the General Chairman or in the event of the disability of the General Chairman, shall perform all of the duties of the General Chairman, and when so acting shall have all of the powers of the General Chairman. (See Article 6.9) The Administrative Chairman shall chair, and have general charge of the business, affairs and property of meets, officials, and promotional programs of WSI. The Administrative Chairman shall aid in the development of policy and the coordination of the activities of the officers, committees and coordinators. The Administrative Vice Chairman shall serve as WSI's Sanctioning Officer.
- 6.7.5 Senior Chairman: The Senior Chairman shall chair and have general charge of the affairs and property of the Committee that develops and conducts the senior swimming program of WSI. The Senior Chairman serves a liaison to the Athlete Representatives and the Athletes Committee, and shall be responsible to see that the Athlete Representatives elections are held in accordance with these Bylaws. The Senior Chairman shall be responsible, with the Age Group Chairman for establishing championship qualifying time standards.
- 6.7.6 Age Group Chairman: The Age Group Chairman shall chair and have general charge of the affairs and property of the Committee that develops and conducts the age group swimming programs of WSI. These duties include identifying the Central Zone Committee, by the October WSI House of Delegates meeting, that will be responsible for planning the Central Zone program for Team Wisconsin; promoting camp and club development programs and being responsible, with the Senior Chair, establishing championship qualifying time standards.
- 6.7.7 Finance Chairman: The Finance Chairman is the chief financial officer of WSI. The Finance Chairman shall chair and have general charge of the affairs that includes the Treasury function, the development and implementation of an investment program for WSI's working capital, funded reserves and endowment funds and the development and implementation of a marketing and fund-raising plan for WSI. The Finance Chairman serves as chairman of the Finance, Audit, and Budget Committees. These committees shall: prepare an annual budget for WSI operations and present the budget for approval by the Board of Directors and the House of Delegates at the October meeting; conduct, or cause the conduct of, the audit required pursuant to Article 8.5 and shall make recommendations, if any, with regard thereto by the Board of Directors and the House of Delegates. The Finance Chairman is responsible for the adequacy of WSI's system of internal financial and accounting controls. Together with the Treasurer, the Finance Chairman is ultimately responsible for WSI's compliance with Article 8.4.

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6.7.8 Athlete Representatives: The Athlete Representatives shall serve as the liaison between the athletes who are members of WSI and the Board of Directors and House of Delegates.

6.7.9 Coach Representative: The Coach Representative shall serve as a liaison between the coaches who are members of WSI and the Board of Directors and House of Delegates.

6.7.10 At-Large Board Member: This Section reserved for future use.

6.7.11 WSI Delegates to USA Swimming House of Delegates.

A. Delegates: It shall be the duty and privilege of the General Chairman, the Administrative Chairman, the Age Group Chairman, the Senior Chairman, the Athlete Representatives 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. Delegate Alternates: If any of the delegates are 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 representatives of WSI and voting delegates to the USA Swimming House of Delegates.

C. Other Delegates: The General Chairman, with the advise and consent of the Board of Directors, may appoint other Individual Members to represent WSI at the USA Swimming House of Delegates.

6.8 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.

6.9 VACANCIES AND INCAPACITIES

6.9.1 Office of General Chairman: In the event of a vacancy in the office of General Chairman, or of the General Chairman's temporary or permanent incapacity, the Administrative Chairman shall become the Acting General Chairman until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chairman, or until the General Chairman ceases to suffer from any temporary incapacity. While serving as Acting General Chairman, the Administrative Chairman shall vacate the office of Administrative Chairman, except in the case of the General Chairman's temporary incapacity. If the General Chairman is to be absent from the Territory, the General Chairman may, but is not obligated to, designate the Administrative Chairman as Acting General Chairman for the duration of the absence.

6.9.2 Offices of Athlete or Coach Representatives: In the event of a vacancy in the office of Athlete Representative or Coach Representative, or of the permanent incapacity of a person holding the office of Athlete Representative or Coach Representative, the General Chairman may appoint, with the advice and consent of the Board of Directors, an Athlete Member or a Coach Member, as the case may be, to serve the remainder of the term of office.

6.9.3 Other Offices: In the event of a vacancy in, or permanent incapacity of the person holding, any office other than General Chairman, Athlete Representative, or Coach Representative, the General Chairman shall appoint a successor, with the advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the General

1 Chairman may designate, with the advice and consent of the Board of Directors, an Individual Member to
2 act for the incapacitated officer for the duration of the incapacity.
3

4 6.9.4 Determination of Vacancy or Incapacity: The determination of when an office becomes vacant or an
5 officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of
6 Delegates with, in the case of a Athlete Representative or a Coach Representative, the advice and consent
7 of the Athletes Committee or the Coaches Committee, respectively. The determination as to when the
8 General Chairman is incapacitated temporarily shall be made, where the circumstances permit, by the
9 General Chairman and otherwise shall be within the discretion of the Board of Directors, subject to any
10 subsequent action by the House of Delegates.
11

12 6.10 OFFICERS' POWERS GENERALLY

13
14 6.10.1 Authority to Execute Contracts, Etc: The General Chairman, Administrative Chairman, and Finance
15 Chairman each may sign and execute in the name of WSI deeds, mortgages, bonds, contracts, agreements
16 or other instruments duly authorized by the WSI Policies and Procedures Manual, the Board of Directors or
17 the House of Delegates, except in cases where the signing and execution thereof shall be expressly
18 delegated by the Board of Directors to another officer or agent, expressly requires two or more signatures
19 or is required by law to be otherwise executed. Additional signing authority may be provided by standing
20 resolutions of the Board of Directors or the House of Delegates.
21

22 6.10.2 Additional Powers and Duties: Each officer shall have other powers and perform other duties as may be
23 prescribed in WSI's Policies and Procedures Manual or by the House of Delegates or by the Board of
24 Directors.
25

26 6.10.3 Delegation: Officers of WSI may delegate any portion of their powers or duties to another Individual
27 Member or to a committee composed of Individual Members, except that neither the Finance Chairman nor
28 the Treasurer may delegate duties to the other without the consent of the Board of Directors. In addition,
29 the authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other than
30 by the Board of Directors. A delegation of powers or duties shall not relieve the delegating officer of the
31 ultimate responsibility to see that these duties and obligations are executed or fulfilled properly.
32

33 6.10.4 Assistant and Deputy Officers: The House of Delegates or the Board of Directors may by resolution create
34 the office of deputy to one or more of the elected officers. The resolution shall specify the method of
35 election or appointment and define the duties and powers of the respective deputies, which may include the
36 power to act for the officer when the officer is out of the Territory or is incapacitated temporarily. The
37 elected officers may appoint one or more assistant officers and define their respective duties.
38

39 6.11 DEPOSITORIES AND BANKING AUTHORITY

40
41 6.11.1 Depositories, Etc. All receipts, income, charges and fees of WSI shall be deposited to its credit in the
42 banks, trust companies, other depositories or custodians, investment companies or investment management
43 companies as the Board of Directors may select, or as may be selected by the Finance Committee or any
44 officer or officers or agent or agents authorized to do so by the Board of Directors. Endorsements for
45 deposit to the credit of WSI in any of its duly authorized depositories shall be made in the manner
46 determined by the Finance Chairman, or the Board of Directors. All funds of WSI not otherwise employed
47 shall be maintained in the banks, trust companies, other depositories or custodians, investment companies
48 or investment management companies designated by the Finance Committee, the Board of Directors or any
49 officer or officers or agent or agents authorized to do so by the Board of Directors.
50

51 6.11.2 Signature Authority: All checks, drafts or other orders for the payment or transfer of money, and all notes
52 or other evidences of indebtedness issued in the name of WSI shall be signed by the General Chairman, the
53 Treasurer or other officer or officers or agent or agents of WSI, and in the manner, as shall be determined
54 by the Board of Directors.

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ARTICLE 7 ORGANIZATIONAL RESPONSIBILITIES, COMMITTEES AND COORDINATORS

7.1 ORGANIZATIONAL RESPONSIBILITIES AND JURISDICTIONS, OFFICERS, STANDING COMMITTEES AND COORDINATORS: The seven organizational areas of WSI each shall be chaired by a Chairman, Chairman, the Senior Athletes Representative, or the Coaches Representative, whose respective powers, duties, jurisdiction and responsibilities are described in Article 6.7. For each organizational area, the direct responsibilities follow:

7.1.1 General Chairman

- A. By-Laws/Legislation/Rules
- B. Legal (General Counsel, if applicable)
- C. Personnel
- D. Policy and Procedures Manual
- E. Elections
- F. Technical Planning
- G. Special Events/Conference

7.1.2 Administrative Chairman

- A. Meet Evaluation
- B. Meet Management
- C. Meet Sanctions
- D. Officials
- E. Public Relations
- F. Publications/Newsletter
- G. Secretary

7.1.3 Age Group Chairman

- A. Adaptive Swimming
- B. Age Group
- C. Camps/Clinics
- D. Club Development
- E. Coach Representative Election
- F. Swimathon
- G. Time Standards: State Championships for 12 and Unders
- H. Zone Team

7.1.4 Senior Chairman

- A. Awards
- B. National Swimmer Recognition
- C. OVCs
- D. Oversee the Athletes' Representative Elections
- E. Records and Top Sixteen Tabulation
- F. Senior Programs
- G. Time Standards: State Championships for 13 and Older

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- 7.1.5 Finance Chairman
 - A. Audit
 - B. Budget
 - C. Finance
 - D. Marketing/Sponsorship
 - E. Membership/Registration
 - F. Safety/Insurance
 - G. Taxes
 - H. Treasurer
 - 7.1.6 Athletes' Representatives
 - A. Athlete Representatives Liaison
 - B. Athletes' Representative Elections
 - C. State Championship Shirt Design
 - 7.1.7 Coaches' Representatives
 - A. Annual Survey
 - B. Coach Representative Liaison
 - C. Open Water
 - D. Coach Development
 - 7.2 NON-OFFICER CHAIRMEN AND THEIR COMMITTEES; COORDINATORS
 - 7.2.1 Elected, Ex-officio, and Appointed Non-Officer Chairmen and Coordinators
 - A Elected Chairmen and Coordinators: As provided in Article 6.2, certain non-officer committee chairmen and coordinators shall be elected by the House of Delegates. Their eligibility, terms of office, etc. shall be as provided in Article 6.2, 6.3 and 6.6. These elected non-officer committee chairmen and coordinators of WSI are:
 - (1) Membership/Registration Coordinator;
 - (2) Officials Chairman;
 - (3) Safety Chairman; and
 - (4) Technical Planning Chairman.
 - B Ex-officio Committee Members: In accord with Article 7.3, certain other committee chairmen are designated ex-officio by virtue of an office currently held.
 - C Appointed Chairmen and Coordinators: The chairmen of all other standing committees and all other coordinators shall be appointed by the General Chairman with the advice and consent of the Board of Directors and the WSI Officer. The appointed standing committee chairman or coordinator shall assume office upon appointment or the date designated by the General Chairman, and shall serve until sixty (60) days after the next election of a General Chairman or until a successor is appointed and assumes office.
 - 7.2.2 Duties and Powers of Non-Officer Chairmen and Coordinators:
 - A Membership/Registration Coordinator: The Membership/Registration Coordinator shall make the reports required by Article 8.6, together with such additional reports as may be required by USA Swimming, the Board of Directors or the Administrative Chairman and shall receive an annual compensation as recommended by the Finance Committee and approved by the House of Delegates plus reimbursement for postage, long distance telephone calls and costs to keep the records current and respond to inquires regarding membership and registration responsibilities.

- 1 B. Officials Chairman: The Officials Chairman shall chair the Officials Committee which is
2 responsible for recruiting, training, certifying and supervising officials for WSI. The Officials
3 Chairman shall be a referee certified by WSI and each member of the Officials Committee shall be a
4 certified official of WSI.
5
6 C. Safety Chairman: The Safety Chairman shall be responsible for coordinating safety enhancement
7 and training opportunities as needed and for the dissemination of USA Swimming safety education
8 information to all Group Members, athletes, coaches and officials of WSI. The Safety Committee
9 shall develop safety education programs and policies for WSI and make recommendations regarding
10 same, and the implementation thereof, to the Finance Chairman and the Board of Directors. The
11 Safety Chairman shall make the reports required pursuant to Section 608.7.
12
13 D. Technical Planning Chairman: The Technical Planning Chairman shall chair, and have general
14 charge of the business, affairs and property of the Technical Planning Committee, which is
15 responsible for long-range planning regarding the swimming programs conducted by WSI, the
16 continuing review and development of the WSI philosophy and for advising other committees and
17 officers regarding the implementation of that philosophy in the context of WSI's swimming
18 programs.
19
20 E. Athletes' Representatives: The Senior Athlete Representative shall chair and have general charge of
21 the business and affairs of the Athletes Committee, which shall be responsible for the publication of
22 an athletes' newsletter and shall undertake such other activities (a) delegated to it by the Board of
23 Directors or the General Chairman or (b) undertaken by the Committee as being in the best interests
24 of the Athlete Members, WSI, USA Swimming and the sport of swimming. The Junior Athlete
25 Representative shall act in the absence of the Senior Athlete Representative.
26
27 F. Coaches' Representative: The Coach Representative shall chair and have general charge of the
28 business and affairs of the Coaches Committee, who shall undertake such activities (a) delegated to
29 it by the Board of Directors or the General Chairman or (b) undertaken by the committee as being in
30 the best interests of the Coach Members, WSI and the sport of swimming.
31

32 7.3 MEMBERS OF STANDING COMMITTEES: Except as otherwise provided in these Bylaws or by the Board of
33 Directors, members of each standing committee shall be appointed by the Committee Chairman with the advice
34 and consent of the General Chairman. The General Chairman (See Article 6.7.1) and the appropriate WSI Officer
35 shall be an ex-officio member (with voice and vote) of each standing committee within his/her responsibility. If a
36 committee chairman fails to recommend committee appointments, the General Chairman, with the advice and
37 consent of the Board of Directors may appoint the specified additional members and any other members deemed
38 appropriate or necessary for any of the foregoing standing committees, except the Athletes and Coaches
39 Committees. Committee members, appointed pursuant to the preceding sentence, shall hold their appointments at
40 the pleasure of the General Chairman. The members of the following standing committees shall be:
41

42 7.3.1 Age Group Committee: The Age Group Committee shall consist of the Age Group Chairman, who shall
43 serve as chairman, and at least seven other members interested in WSI age group programs.
44

45 7.3.2 Athletes Committee: The Athletes Committee shall consist of the Athlete Representatives and such
46 additional athletes as may be interested in serving on the Athletes Committee. The Senior Athlete
47 Representative shall be the chairman of the committee.
48

49 7.3.3 Audit Committee: The members of the Audit Committee shall be the Finance Chairman, who shall serve
50 as chairman, the General Chairman, the Administrative Chairman, the Coaches' Representative, and at least
51 three (3) other individual members of WSI. The Treasurer shall not be a member of the Audit Committee.
52

53 7.3.4 Budget Committee: The members of the Budget Committee shall be the General Chairman, the Finance
54 Chairman, who shall serve as chairman, the Treasurer, the Administrative Chairman, the Senior Program

1 Chairman, the Age Group Program Chairman, Senior Athlete Representative, and the Coach
2 Representative.

3
4 7.3.5 Coaches Committee: The members of the Coaches Committee shall consist of the Coaches'
5 Representative and such additional Coach Members as may be interested in serving on the Coaches
6 Committee. The Coach Representative shall be the chairman of the committee.

7
8 7.3.6 Finance Committee: The members of the Finance Committee shall be the General Chairman, the Finance
9 Chairman, who shall serve as chairman, the Administrative Chairman, the Treasurer.

10
11 7.3.7 Officials Committee: The members of the Officials Committee shall be the Officials Chairman, who shall
12 serve as chairman, and at least two other members each of whom shall be a certified official of WSI.

13
14 7.3.8 Rules Committee: The members of the Rules shall be the Rules Chairman, who shall serve as the
15 chairman, with at least five additional members.

16
17 7.3.9 Safety Committee: The members of the Safety Committee shall be the Safety Chairman, who shall serve
18 as the chairman, with at least five additional members of which one shall be an WSI certified official, one
19 shall be a Coach Member, one shall be an Athlete Member and two shall be Club Safety Coordinators.
20 Other members must be interested in WSI safety issues.

21
22 7.3.10 Senior Committee: The members of the Senior Committee shall be the Senior Chairman, who shall
23 serve as its chairman, and at least seven (7) other members interested in WSI senior programs.

24
25 7.3.11 Technical Planning Committee: The members of the Technical Planning Committee shall be the
26 Technical Planning Chairman, who shall serve as chairman, an Athlete Member and at least six (6)
27 additional members of whom at least fifty percent (50%) shall be Coach Members. The Athlete Member
28 and the additional members shall be appointed by the General Chairman with the advice and consent of the
29 Board of Directors.

30
31 7.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS

32
33 7.4.1 Age Group Committee: The Age Group Committee is authorized and obligated to conduct a minimum of
34 two (2) meetings annually, between September 1st and September 15th and another meeting between May 1st
35 and May 15th with the meeting agenda published to all clubs with at least two (2) weeks notice; the
36 Committee shall prepare for and assemble Team Wisconsin to compete in the Central Zone Championships;
37 promote competitions for adaptive swimmers and open water swimmers; and establish time standards for
38 WSI championships for swimmers twelve (12) years and younger.

39
40 7.4.2 Athletes Committee: The Athletes Committee is authorized and obligated to represent the athlete members
41 of WSI and to conduct at least two (2) meeting annually usually in conjunction with WSI Short Course
42 Championships for swimmers thirteen (13) and over and Long Course Championships to assess the needs
43 and interests of WSI athletes.

44
45 7.4.3 Audit Committee: The Audit Committee is authorized to, and it shall be its duty to annually either: conduct
46 the annual audit of the books of WSI pursuant to Article 8.5 and present the results thereof to the Board of
47 Directors and the House of Delegates; or annually recommend an independent auditor to the Board of
48 Directors; review and negotiate the services to be performed by the independent auditor; receive and review
49 the audit and other reports submitted by the independent auditor; and submit the audit and other reports and
50 make recommendations to the Board of Directors with regard thereto.

51
52 7.4.4 Budget Committee: The Budget Committee is authorized and obligated to consult with the officers,
53 committee chairmen and coordinators and prepare and present a proposed budget for consideration and
54 approval by the Board of Directors and the House of Delegates at their October meetings. The officers,

1 committee chairmen and coordinators shall provide promptly such financial information (current and
2 projected) and budget proposals as the Budget Committee may request. The proposed budget may contain
3 alternatives.
4

5 7.4.5 Coaches Committee: The Coaches Committee is authorized and obligated assist in the conduct of an annual
6 survey, promote open water competition and to encourage professional development appropriate for coaches.
7

8 7.4.6 Finance Committee: The Finance Committee is authorized and obligated to develop, establish where so
9 authorized or recommend to the Board of Directors and supervise the execution of policy regarding the
10 investment of WSI's working capital, funded reserves and endowment funds, within the guidelines, if any,
11 established by the Board of Directors or the House of Delegates. The Finance Committee also shall review
12 regularly WSI's equipment needs (both operational and office) and the various methods available to finance
13 the acquisition of any needed equipment, make a determination of the best financing method for WSI and
14 make recommendations to the Budget Committee and the Board of Directors.
15

16 7.4.7 Membership/Registration Coordinator: The Membership/Registration Coordinator is authorized and is
17 obligated to conduct the registration of Group and Individual Members and supervise the transmission of
18 registration information to USA Swimming and to assist in the preparation of the reports required by Article
19 8.6 together with such additional reports as may be requested by the USA Swimming, the Board of Directors,
20 other members needing reasonable information in particular, the Administrative Chairman and the Finance
21 Chairman.
22

23 7.4.8 Officials Committee: The Officials Committee is authorized and obligated to recruit, train, test, certify,
24 evaluate, retest, recertify and supervise officials for WSI and such other activities as may be necessary or
25 helpful in maintaining a roster of qualified, well-trained and experienced officials of the highest caliber.
26

27 7.4.9 OVC, Records and Top 16 Consideration Coordinator: The OVC, Records, and Top 16 Coordinator shall
28 be responsible for the preparation and submittal of OVCs and qualifying times for Top 16 Consideration to
29 USA Swimming in accord with USA Swimming procedures; and presentation and submittal to the House
30 of Delegates of WSI Short Course Records at the October Meeting and of the WSI Long Course Records at
31 the May Meeting.
32

33 7.4.10 Rules Committee: The Rules Committee is authorized and obligated to review, and recommend approval
34 or non-approval of all proposed changes to WSI By-laws and Rules prior to presentation to the House of
35 Delegates; maintain current record of actions by WSI as they relate to By-laws and Rules and advise on
36 interpretations of the By-laws and Rules.
37

38 7.4.11 Safety Committee: The Safety Committee shall be responsible for coordinating safety enhancement and
39 training opportunities as needed and for the dissemination of USA Swimming safety education information
40 to all Group Members, athletes, coaches and officials of WSI. The Safety Committee shall develop safety
41 education programs and policy for WSI and make recommendations regarding those programs and policies
42 and their implementation to the Finance Chairman and the Board of Directors. When approved by the Board
43 of Directors, the Safety Committee shall be responsible for the coordination of their implementation by the
44 Club Members. The Safety Chairman with the assistance of the Committee members shall prepare and
45 transmit the reports required pursuant to Article 8.7.
46

47 7.4.12 Senior Committee: The Senior Committee shall be responsible establishment of time standards for WSI
48 Championships thirteen (13) years and older.; selection of WSI Championship Meet awards; a program to
49 recognize WSI outstanding swimmers.
50

51 7.4.13 Technical Planning Committee: The Technical Planning Committee shall be responsible for long-range
52 planning for the swimming programs conducted by WSI and for advice regarding the technical aspects of
53 those programs and of the sport of swimming generally.
54

- 1 7.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY: The duties and powers of
2 the General Chairman, the officers, committees or subcommittees (in addition to those provided elsewhere in these
3 Bylaws) and, when applicable, coordinators shall be as follows:
4
5 7.5.1 Preside at all meetings of the respective committee or subcommittee;
6
7 7.5.2 See that all duties and responsibilities of the committee or sub-committee in his/her charge are fulfilled
8 properly and promptly;
9
10 7.5.3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and responsibilities
11 respectively;
12
13 7.5.4 Communicate with the appropriate WSI officers, committee or subcommittee members to keep them fully
14 informed
15
16 7.5.5 Keep the General Chairman, the appropriate officers or committee chairman informed of the committee or
17 subcommittee actions and recommendations;
18
19 7.5.6 Appoint a member as secretary of the committee or subcommittee charged with taking minutes of each
20 meeting and forward reports or minutes of all meetings to the Secretary for distribution with the next
21 House of Delegates meeting minutes;
22
23 7.5.7 Refer to the Board of Directors any recommendation for action which would establish or change policies
24 or programs for WSI, except as otherwise provided in these Bylaws or by the Board of Directors; and
25
26 7.5.8 Perform the other specific duties listed in WSI's Rules, Policies and Procedures Manual or as may be
27 delegated by the General Chairman, the respective officer or committee chairman, the Board of Directors or
28 the House of Delegates.
29
30 7.6 DUTIES AND POWERS OF COMMITTEES GENERALLY: Except as otherwise provided in these Bylaws, the
31 duties and powers of the standing committees and coordinators shall be prescribed by WSI's Rules, Policies and
32 Procedures Manual, the House of Delegates, the Board of Directors, the General Chairman or the appropriate
33 officer. Except as otherwise provided in the Bylaws, the duties and powers of any other committees and
34 subcommittees shall be prescribed by WSI's Rules, Policies and Procedures Manual, the House of Delegates, the
35 Board of Directors or the officer, coordinator or chairman pursuant to whose powers such committee or
36 subcommittee was created.
37
38 7.7 REGULAR AND SPECIAL MEETINGS: Regular and special meetings of committees or sub-committees of
39 WSI shall be held as determined by the appropriate officer or committee or sub-committee chairman.
40
41 7.8 MEETINGS OPEN; CLOSED EXECUTIVE SESSIONS: Meetings of committees and sub-committees shall be
42 open to all members of WSI and USA Swimming. Matters relating to personnel, disciplinary action, legal,
43 taxation and similar affairs shall be deliberated and decided in a closed executive session which only the
44 respective members are entitled to attend. By a majority vote on a motion of a question of privilege a division,
45 committee or sub-committee may decide to go into closed executive session on any matter deserving of
46 confidential treatment or of personal concern to any member of the committee or sub-committee.
47
48 7.9 VOICE AND VOTING RIGHTS OF COMMITTEE AND SUB-COMMITTEE MEMBERS: The voice and
49 voting rights of Board Members and Individual Members shall be as follows:
50
51 7.9.1 Members: Each committee and sub-committee member shall have both voice and vote in the respective
52 meetings.
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- 7.9.2 Non-Voting Committee or Sub-Committee Members: Unless entitled to vote under another provision of these Bylaws, the ex-officio members shall have voice but no vote in meetings of committees and sub-committees.
- 7.9.3 Individual Members: Individual Members who are not members of the committee or sub-committee may attend open meetings of the committee or sub-committee and be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in those meetings.
- 10 7.10 ACTION BY WRITTEN CONSENT: Any action required or permitted to be taken at any meeting of a
11 committee or sub-committee may be taken without a meeting if all the committee or sub-committee members
12 entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings.
13 These consents shall be treated for all purposes as a vote taken at a meeting.
14
- 15 7.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT: Members of any committee or sub-
16 committee may participate in a meeting of the committee or sub-committee through conference telephone or
17 similar equipment by means of which all persons participating in the meeting can hear each other at the same time.
18 Participation by such means shall constitute presence in person at a meeting.
19
- 20 7.12 QUORUM: Except as otherwise provided in these Bylaws or in the resolution or other action establishing a
21 committee or subcommittee, a quorum of any committee or subcommittee shall consist of those members present
22 of the committee or subcommittee.
23
- 24 7.13 VOTING: Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and
25 other propositions coming before a committee or subcommittee shall be determined by a majority vote.
26
- 27 7.14 PROXY VOTE: Voting by proxy in any meeting of a committee or sub-committee of WSI shall not be permitted.
28
- 29 7.15 NOTICES:
- 30
- 31 7.15.1 Time: Except as otherwise provided in these Bylaws or the resolution or other action establishing a
32 committee or sub-committee, not less than seventy-two (72) hours notice in the case of notice given by
33 telephone, and ten (10) days notice in all other cases, shall be given for any meeting of a committee or sub-
34 committee of WSI. Separate notices need not be given for regular meetings that are scheduled well in
35 advance. (See Article 16.1.5 for the various forms of notice.)
36
- 37 7.15.2 Information: The notice of a meeting shall contain the time, date, site and sufficient agenda to inform
38 members of anticipated discussions and actions and geographic directions to the meeting.
39
- 40 7.16 ORDER OF BUSINESS: At all meetings conducted under the authority of this Article, the following shall be
41 included in the order of business to the extent applicable; the order in which subjects are taken up may be varied:
42
- 43 7.16.1 Roll Call
44 7.16.2 Reading, correction and adoption of minutes
45 7.16.3 Reports of coordinators, committees and subcommittees
46 7.16.4 Unfinished business
47 7.16.5 New business
48 7.16.6 Resolutions and orders
49 7.16.7 Adjournment
50
- 51 7.17 RESIGNATIONS: Any committee or subcommittee chairman or member or coordinator may resign by orally
52 advising the General Chairman or by submitting a written resignation to the Board of Directors specifying an
53 effective date of the resignation. If such date is not specified, the resignation shall take effect upon the
54 appointment of a successor.

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2 7.1.8 VACANCIES: The determination of when the position of an appointed committee or subcommittee chairman,
3 committee member or a coordinator becomes vacant or the person becomes incapacitated, if not made by the
4 person, shall be within the discretion of the Board of Directors. (See Article 6.9 for provisions applicable to
5 elected committee chairmen and coordinators.) In the event of a vacancy or permanent incapacity, the General
6 Chairman, shall appoint a successor to serve until an election may be held at the next House of Delegates meeting,
7 provided that at least twenty (20) days notice is given. A temporary incapacity may be left unfilled at the dis-
8 cretion of the General Chairman or an appointment may be made for the duration of the temporary incapacity.
9
- 10 7.19 DELEGATION: With the consent of the Board of Directors or the appropriate officer, a committee or
11 subcommittee chairman or a coordinator may delegate a portion of his/her powers or duties to another officer of
12 WSI, or to another committee, subcommittee or coordinator. Notwithstanding any delegation, the ultimate
13 responsibility for the delegated duties and obligations shall remain with the delegator.
14
- 15 7..20 APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF REVIEW:
16 Articles 7.5 through 7.19 shall apply to the Executive Committee, the Nominating Committee and any other
17 committee of the Board of Directors or the House of Delegates, unless otherwise provided in these Bylaws, in the
18 resolution creating the committee. These provisions also shall apply to Board of Review meetings, but shall not
19 apply to its hearings or deliberations.
20
21

22
23 **ARTICLE 8**
ANNUAL AUDIT, REPORTS AND REMITTANCES

- 24
- 25 8.1 MINUTES: The Secretary shall, within thirty (30) days after each meeting of the Board of Directors and the
26 House of Delegates, transmit a copy of the minutes of the meeting to the respective members and to USA
27 Swimming national headquarters.
28
- 29 8.2 FINANCIAL AND FEDERAL TAX REPORTS: The Treasurer shall forward to USA Swimming national
30 headquarters a copy of the annual closing Balance Sheet and Statement of Income and Expense for the preceding
31 fiscal year following completion of the audit of the accounts and internal financial controls and procedures of WSI
32 and the report thereon prepared in accordance with Article 8.5, within fifteen (15) days of receipt of the audit
33 report and shall advise USA Swimming national headquarters within thirty (30) days following acceptance by the
34 House of Delegates. Copies of any corresponding federal income tax return required to be filed by WSI under the
35 IRS Code shall be included with the annual audit report sent to USA Swimming national headquarters.
36
- 37 8.3 STATE AND LOCAL REPORTS AND FILINGS: The Treasurer shall cause to be made all reports and non-tax
38 filings and shall pay any applicable fees required by its state of incorporation and by any other state or
39 municipality in which it operates.
40
- 41 8.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION: WSI shall cause to be made available at a
42 reasonable location and time determined by WSI to anyone requesting to see a copy of WSI's federal income tax
43 and information returns for each of the last three years, and a copy of the materials submitted to USA Swimming
44 to include WSI in USA Swimming's group exemption ruling as required pursuant to IRS Code section 6104 and
45 any similar requirements of applicable state or local laws. If copies of any documents are requested, WSI may
46 charge a reasonable fee for providing those copies.
47
- 48 8.5 ANNUAL AUDIT: An annual audit of the accounts, books and records of WSI shall be completed no later than
49 the end of the fifth month following the end of its fiscal year. The audit, or review, shall be conducted by an
50 independent auditor who shall be a certified public accountant or by the Audit Committee. The audit shall cover
51 any federal, state or local income tax return that WSI is required to file under the IRS Code or applicable
52 provisions of state or local law, rules or regulations, the balance sheet, the statement of income and expenses,

1 check register and bank statements and other records as is deemed appropriate. If the audit, or review, is
2 conducted by the Audit Committee, the Committee shall issue a report signed by all of its members and stating
3 that the financial records and reports of WSI have been reviewed and fairly present the financial condition of WSI
4 as of the date of the balance sheet and for the fiscal period of the statement of income and expenses and the report
5 is true and correct to the best of the Committee's knowledge, information and belief. If the audit, or review, is
6 conducted by an independent auditor, the report shall be in accord with generally accepted auditing practices
7 applicable to the audit or review, as the case may be.
8

9 8.6 MEMBERSHIP AND REGISTRATION REPORTS: The Membership/Registration Coordinator shall forward
10 in a timely manner all required reports to USA Swimming. This report shall be accompanied by a remittance of
11 the appropriate membership and registration fees due to USA Swimming. The Membership/Registration
12 Coordinator shall make periodic summary reports to the Finance Committee Chairman, the Board of Directors
13 and the House of Delegates.
14

15 8.7 SAFETY REPORTS:
16

17 8.7.1 Incident/Occurrence Reports: An occurrence report providing all of the information requested by
18 applicable USA Swimming form shall be completed at the time of the occurrence by the meet director,
19 officer, coach or club officer with copies to USA Swimming national headquarters and the WSI Safety
20 Chairman and, if appropriate, to the Club Member whose member was injured or at whose function the
21 incident occurred.
22

23 8.7.2 Reports of Injuries: The Safety Chairman shall present a report concerning swimming-related injuries
24 within the Territory at each Board of Directors and House of Delegates meeting.
25

26 A. House of Delegates Reports: The report to the House of Delegates shall be written and shall
27 provide in summary form the pertinent information including whether the injured party is a member
28 of WSI and USA Swimming, the location of the occurrence and a brief description of the incident,
29 the resulting injury and the emergency-care steps taken, together with any recommendation for
30 action by WSI and its members to reduce the likelihood of a re-occurrence and the status of that
31 recommendation. The written report shall include a review of the pertinent statistical information
32 provided by USA Swimming national headquarters. The Safety Chairman is responsible for
33 distribution of this report to each Club Safety Coordinator. A copy of each House of Delegates
34 report shall also be sent to the USA Swimming national headquarters.
35

36 B. Board of Directors Reports: The regular report to the Board of Directors may be a summary
37 addressing primarily any recommendation for action by WSI and its members.
38

39 8.7.3 Safety Education: The Safety Chairman shall be responsible for disseminating safety information from
40 USA Swimming Headquarters and, with the assistance of the Committee members, exploring safety
41 education opportunities and developing a safety education program tailored to WSI and its members and
42 Territory.
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44 8.8 MAILING ADDRESS: WSI shall notify in writing USA Swimming national headquarters of any change in its
45 regular mailing address within fourteen (14) days of the change.
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47 8.9 REPORTS GENERALLY: WSI shall make all reports and remittances to USA Swimming as specified in the
48 USA Swimming "Rules and Regulations" or by the National Board of Directors or National House of Delegates,
49 in such a manner and on such written forms as may be requested by USA Swimming national headquarters. The
50 appropriate Chairman responsible for the report shall be responsible for seeing that all required reports and
51 remittances are made. If the appropriate Committee Chairman fails to submit reports as required, the General
52 Chairman becomes responsible for making the report.
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ARTICLE 9 MEMBERS' BILL OF RIGHTS

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- 9.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS: WSI, in furtherance of Article 301 of the USA Swimming "Rules and Regulations." shall respect and protect the right of every Individual Member who is eligible under WSI, USA Swimming and FINA rules and regulations to participate in any competition as an athlete, coach, trainer, manager, meet director or other official, so long as the competition is conducted in compliance with WSI, USA Swimming and FINA requirements. Before any Individual Member is denied the right to participate in a competition, the individual shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Individual Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.
- 9.2 CLUB MEMBERS' BILL OF RIGHTS: WSI shall respect and protect the right of every Club Member which is eligible under WSI, USA Swimming and FINA rules and regulations to participate in any competition through its athletes, coaches, trainers, managers, meet directors and other officials, so long as the competition is conducted in compliance with WSI, USA Swimming and FINA requirements. Before any Club Member is denied the right to participate in a competition, the Club Member shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Club Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

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ARTICLE 10 BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL

- 10.1 INTRODUCTION: USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, a federal law. That law requires USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Article 2.2 and Article 9, are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof and a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, WSI has established the Board of Review to hear complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the Territory or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or WSI, or conduct that may bring USA Swimming, WSI or the sport of swimming into disrepute. This Article is intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of WSI or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people. This Article shall be construed accordingly.
- 10.2 DEFINITIONS FOR ARTICLE 10: When used in this Article 10, the following terms shall have the meanings indicated in this Section and the definitions of such terms are equally applicable to both the singular and plural forms. Where a cross reference to another Section of the Bylaws appears within the definition, the definition is qualified by the more complete definition found in that Article:
- 10.2.1 "Answer" shall mean the written response to a Protest and Notice filed in accordance with Article 10.6.1.C and served in the manner prescribed in Article 10.10.
- 10.2.2 "Chairman" when standing by itself shall mean the Chairman of the Board of Review.
- 10.2.3 "Notice" shall mean the writing addressed to the Respondent advising that the Respondent has been named a respondent in a Protest and served in accordance with Article 10.10. The Notice sets the hearing date and procedures and establishes the schedule to be followed leading to the hearing, among other things. See Article 10.6.1.B

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10.2.4 "Presiding Officer" shall mean the Chairman or another member of the Board of Review designated by the Chairman to preside at a particular hearing or hearings. Where applicable the term shall include an attorney so designated pursuant to Article 10.3.12.B.

10.2.5 "Protest" shall mean a written complaint filed in accordance with Article 10.6.1.A by a Group Member or an applicant for such status, or an Individual Member or applicant for such status or, with regard to conduct occurring in the Territory, a member of another LSC, against a member of WSI or a constituent element, officer or agent of WSI. The Protest may relate to an applicant's having been denied membership in WSI or a member's alleged infraction against its responsibilities under Article 2.2 or about a decision or action by someone acting under the authority of WSI or USA Swimming or, with regard to conduct in the Territory, another LSC.

10.2.6 "Protestor" shall mean the Individual Member or Group Member that has filed a Protest with the Board of Review.

10.2.7 "Rebuttal" shall mean the written response to an Answer by a Protestor filed in accordance with Article 10.6.1.D and served in the manner prescribed in Article 10.10.

10.2.8 "Respondent" shall mean the person against whom a Protest has been filed with the Board of Review or who may be affected by a decision of the Board of Review regarding the Protest.

10.2.9 "Vice-Chairman" when used by itself shall mean the Vice-Chairman of the Board of Review.

10.3 BOARD OF REVIEW ORGANIZATION:

10.3.1 Establishment: The Board of Review of WSI shall be independent and impartial.

10.3.2 Members: The Board of Review shall have at least ten (10) members.

10.3.3 Election, Term of Office, Eligibility:

A. Election: The House of Delegates shall elect at least five (5) members of the Board of Review each year at its annual meeting in May, so that the Board of Review shall consist of at least ten (10) members at any time.

B. Term of Office: The term of office shall be two years. Each member shall assume office on September 1st following his/her election and shall serve until a successor takes office.

C. Eligibility: Each member of the Board of Review shall be an Individual Member of WSI and USA Swimming. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review.

10.3.4 Chairman Elected by Board, Other Officers: The Chairman, shall be elected biennially by a majority vote of the members of the Board of Review. The Chairman shall appoint biennially a Vice-Chairman and a Secretary of the Board of Review.

10.3.5 Administrative Meetings: The Board of Review shall meet for administrative purposes at least once biennially 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 Articles 7.1 through 7.5 shall apply to the Board of Review.

1 10.3.6 Participation through Communications Equipment: Members of the Board of Review may participate in a
2 meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part,
3 through conference telephone or similar equipment by means of which all persons participating in the
4 meeting can hear each other at the same time. Participation by these means shall constitute presence in
5 person at such a meeting or hearing.
6

7 10.3.7 Quorum: A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%)
8 of its members. (The rule prescribed in Article 10.5.1.C governs the quorum for hearings and rehearings
9 conducted by the Board of Review.)
10

11 10.3.8 Resignations: Any member of the Board of Review may resign by orally advising the Chairman or by
12 submitting a written resignation to the Chairman or the General Chairman specifying an effective date of
13 the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the
14 appointment or election of a successor.
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16 10.3.9 Incapacities and Vacancies:
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18 A. Office of Chairman: In the event of a vacancy in the office of the Chairman, or of the Chairman's
19 temporary or permanent incapacity, the Vice-Chairman shall become the Acting Chairman until an
20 election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the
21 former Chairman, or until the Chairman ceases to suffer from any temporary incapacity. If the
22 Chairman is going to be absent from the Territory, the Chairman may delegate, but is not obligated
23 to delegate to the Vice-Chairman as Acting Chairman for the duration of the absence.
24

25 B. Presiding Officer: In the event of the death, resignation or permanent incapacity of a Presiding
26 Officer, the Chairman shall appoint another member, an alternate member or an attorney to serve
27 until the completion of the hearings assigned to that Presiding Officer. Generally, that event and
28 appointment should have no impact on those pending hearings or rehearings other than delay for the
29 benefit of the new Presiding Officer. The Chairman or the new Presiding Officer may make such
30 other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a
31 temporary incapacity of a Presiding Officer, the Chairman shall have discretion regarding
32 appointment of a new Presiding Officer, a delay of the hearing or rehearing or such other order as
33 may serve the interests of fairness, justice and the sport of swimming.
34

35 C. Other Members In the event of a death, resignation or permanent incapacity of a member of the
36 Board of Review, the Chairman shall appoint another member, or, failing that, the General Chairman
37 shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve
38 as a Board of Review member until the next regularly scheduled meeting of the House of Delegates.
39 In the event of a temporary incapacity, the Chairman shall designate another member to act for the
40 incapacitated member for the duration of the incapacity. If there are no members available to serve,
41 the General Chairman, with the advice and consent of the Board of Directors, shall appoint one or
42 more Individual Members to serve as members until the next regularly scheduled meeting of the
43 House of Delegates.
44

45 D. Determination of Vacancy or Incapacity: The determination of when a membership on the Board of
46 Review becomes vacant or a member becomes incapacitated shall be within the discretion of the
47 Board of Review, subject to any subsequent action by the House of Delegates. The determination as
48 to when the Chairman is temporarily incapacitated shall be made, where the circumstances permit,
49 by the Chairman and otherwise shall be within the discretion of the Board of Review, subject to any
50 subsequent action by the House of Delegates.
51

52 10.3.10 Substitutions for Members: In the event that a member of the Board of Review or a Presiding Officer is
53 unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any
54 particular circumstance, the Chairman or shall appoint another member or, if none of the members is

1 available, the General Chairman shall appoint a disinterested Individual Member to act in the member's
2 place and stead in respect of that circumstance.
3

4 10.3.11 Extension of Time: The time by which any act is required to be taken pursuant to this Article 10 may be
5 extended or foreshortened by the Chairman, or the Presiding Officer for a particular hearing, for good
6 cause. (A single exception to this rule is provided in Article 10.6.4.) A party's request for an extension of
7 time made prior to the time established without regard to the requested extension will be accorded greater
8 deference than a request made later. The time, date and location of any hearing may be changed by the
9 Chairman or the Presiding Officer for a particular hearing on his or her own initiative, as required by the
10 interests of the Board of Review or in the interests of justice.
11

12 10.3.12 Advice; Attorney as Presiding Officer:
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14 A. Legal and Other Advice: Where appropriate or helpful, the Chairman or Presiding Officer may
15 consult the USA Swimming General Counsel, any member of the USA Swimming Counselors
16 Committee, the Chairmen of the USA Swimming Legislation, Rules or Officials Committees or of
17 the Bylaws Subcommittee or an attorney (who need not be a member of WSI, USA Swimming or
18 the Board of Review) retained by the Board of Review or the Chairman regarding any issue raised
19 by a proceeding.
20

21 B. Attorney as Presiding Officer: The Board of Review or the Chairman, after consultation with the
22 General Chairman and USA Swimming General Counsel, may retain an attorney (who need not be
23 a member of WSI, USA Swimming or the Board of Review), to act as Presiding Officer at any
24 hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review
25 member may participate in the deliberations of the Board of Review or the designated panel but shall
26 not be counted in determining the existence of a quorum and shall not have a vote.
27

28 C. Attorney's Fees and Expenses: Prior to retaining an attorney on any basis requiring the payment of
29 fees to the attorney (the payment of expenses to an attorney providing services at no charge, *pro*
30 *bono publico*, shall not be considered as a payment of fees for this purpose), the Chairman or the
31 Presiding Officer shall consult with the General Chairman and the USA Swimming General
32 Counsel. The Treasurer is authorized and directed to pay any fee and expenses charged by the
33 attorney and approved by the Chairman.
34

35 10.3.13 Code of Conduct for Member of Board of Review; Recusal:
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37 A. Code of Conduct: Members of the Board of Review shall:
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39 (1) uphold the integrity and independence of the Board of Review;
40

41 (2) avoid any impropriety or even the appearance of impropriety in connection with service as a
42 Board of Review member and swimming-related activities generally; and
43

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

46 B. Grounds for Recusal: Members of the Board of Review shall recuse themselves from participating
47 in any matter pending before the Board of Review:
48

49 (1) in which their impartiality might reasonably be questioned;
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51 (2) where they have a personal bias or prejudice concerning a party in the matter pending before
52 the Board of Review or have personal knowledge of disputed evidentiary facts concerning
53 the pending matter (other than knowledge obtained as a Board of Review member);
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- 1 (3) where they or a member of their household are a party or are likely to be a material witness in
2 the pending matter;
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4 (4) where they or a member of their household have an interest that could be substantially
5 affected by the outcome of the proceeding; or
6
7 (5) where they or a member of their household have served or are serving as counsel in the
8 pending matter or are members of a law firm that served or is serving as counsel in the
9 pending matter.
10
11 C. Recusal by Member: Board of Review members shall recuse themselves as soon as they become
12 aware of facts that give rise to the duty to do so by giving notice to the Chairman, or in the case of
13 absence of the Chairman, the Vice-Chairman.
14
15 D. Recusal/Disqualification Requested by Party: By written notice to the Presiding Officer or the
16 Chairman, or, in the case in which the Chairman is the subject of the notice, the Vice-Chairman, any
17 party may request that a member or members recuse himself/herself or themselves or be disqualified
18 from serving on the pending matter stating the reasons for recusal or disqualification. Such notice
19 shall be given at least ten (10) business days prior to the scheduled date of the hearing on such
20 matter or later if the party sustains the burden of proving good cause for the lateness of the notice.
21 The named member shall reach a decision on the matter and notify the Chairman or the Chairman of
22 that decision within five (5) business days of receipt of the party's notice. If the member's decision is
23 not in favor of recusal, then the Chairman or the Vice-Chairman may, but is not required to,
24 disqualify the member from participating in the pending matter. If there is no disqualification, the
25 hearing shall be conducted and the party giving the notice may appeal the disqualification decision,
26 together with the hearing decision, pursuant to Article 10.5.2.
27
28 E. Substitution for Recused or Disqualified Member: In the event of a recusal or a disqualification, a
29 substitute shall be appointed as provided in Article 10.3.10.
30

31 10.4 GENERAL JURISDICTION

32 10.4.1 Administrative Powers: The Board of Review shall have the powers and the duty to:

- 33
34 A. administer and conduct the affairs and achieve the purposes of the Board of Review;
35 B. establish policies, procedures and guidelines;
36 C. elect the Chairman in accordance with Article 10.3.4;
37 D. elect or provide for the appointment of other officers, agents, committees or coordinators to hold
38 office for terms, and to have the powers and duties, specified;
39 E. call regular or special meetings of the Board of Review;
40 F. retain attorneys, agents and independent contractors and employ those persons which the Board of
41 Review may determine are appropriate, necessary or helpful in the administration and conduct of its
42 affairs; and
43 G. as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs,
44 the achievement of its purposes and the efficient exercise of its duties and powers.
45
46

47 10.4.2 Rule Making Powers: The Board of Review shall have the power and the duty to promulgate rules and
48 procedures with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the
49 administration and conduct of its affairs. The rules and procedures adopted by the Board of Review shall
50 have the same force and effect as if they had been adopted as part of these Bylaws.
51

52 10.4.3 Investigative and Judicial Powers: The Board of Review may investigate and conduct hearings, make and
53 publish decisions and orders with regard to any matter affecting WSI, its status or conduct as a Local
54 Swimming Committee or the administration of the sport of swimming in the Territory which involves:

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2 A WSI and (1) a member or members of WSI or (2) a member or members of another LSC solely with
3 respect to conduct or events occurring within the Territory or a combination of persons described in
4 clauses (1) and (2), or
5
6 B only a member or members of WSI, or
7
8 C with respect to conduct or events occurring outside the Territory, (1) WSI and a member or members
9 of WSI or (2) only a member or members of WSI.
10

11 The jurisdiction of the Board of Review is limited in the case of matters described in Sections 401.3.1 and
12 401.3.3 of the USA Swimming "Rules and Regulations" (with regard to the original and exclusive
13 jurisdiction of the National Board of Review) and may be further limited to the extent provided in an order
14 issued pursuant to Section 401.3.2 of the USA Swimming "Rules and Regulations" (pertaining to certain
15 discretionary jurisdiction of the National Board of Review).
16

17 10.4.4 Exercise of Powers and Decisions: Except for authority and power granted to the Chairman or the
18 Presiding Officer, the exercise of the authority and powers of the Board of Review and the decision of
19 matters which are the subject of a hearing shall be decided by a majority vote of the panel, the rehearing
20 panel or the membership of the Board of Review. The views of any dissenters shall be included in the
21 record of the proceeding if requested by the dissenters. The exercise of the Board of Review's authority
22 and power shall lie solely in its discretion and the interests of justice and the sport of swimming. However,
23 the Board of Review shall exercise its power in response to a timely Protest filed with it, subject, in
24 appropriate circumstances, to the power and discretion of the Chairman or Presiding Officer to dismiss a
25 Protest with permission to refile for a stated period. In connection with any preliminary investigation, the
26 Chairman or Presiding Officer may offer the services of a Board of Review member to act as a mediator or
27 similar positions under other alternative dispute resolution mechanisms.
28

29 10.4.5 Timeliness of Protest: The Board of Review need not exercise its jurisdiction with respect to a Protest the
30 subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety
31 (90) days prior to the date the Protest is received (as determined under Article 10.10), or in the case of
32 subject matter that relates to a conviction, or actions which could be the basis of a conviction, for a crime
33 (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a
34 law specifically designed to protect minors or similar offenses, more than five (5) years prior to that date.
35 A determination not to hear a matter as a result of the untimeliness of a Protest may be the subject of a
36 request for hearing on timeliness only and, thereafter, appeal to the National Board of Review pursuant to
37 Article 10.9.
38

39 10.4.6 Filing Fee: The Board of Directors or the House of Delegates may impose a schedule of generally
40 applicable fees to be collected at the time a Protest, Request for a Rehearing or Request for Formal Hearing
41 following an Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon
42 written request, the Board of Review determines it to be in the interest of justice and the sport of
43 swimming, the filing fee may be waived on a case-by-case basis.
44

45 10.4.7 Power of Board to Devise Remedies and Impose Penalties:
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- 47 A. Remedies and Penalties: The Board of Review, after conducting such hearings as it may determine
48 to be necessary or helpful, may, among other remedies:
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50 (1) dismiss the Protest with or without permission to refile;
51 (2) censure or fine;
52 (3) establish a period of probation;
53 (4) prohibit or mandate future actions, inaction or conduct;

- 1 (5) determine the results of, or require a rerun of, any election held by WSI or any constituent
2 element thereof;
 - 3 (6) vacate, modify, sustain, reverse, remand or stay any decision or order of a smaller panel of
4 the Board of Review, the House of Delegates, the Board of Directors, any officer, or
5 committee, coordinator or official of WSI;
 - 6 (7) interpret any provision of the FINA rules and regulations to the extent not pre-empted by
7 FINA, the USA Swimming "Rules and Regulations" (except for Part One), these Bylaws,
8 other policies, rules, regulations and procedures of USA Swimming or WSI, the Amateur
9 Sports Act of 1978, a federal law, and other applicable laws, rules and regulations and
10 adjudicate alleged inconsistencies and claims of supremacy and invalidity;
 - 11 (8) deny, grant, suspend or restore the eligibility or right to compete of an Athlete Member of
12 WSI and USA Swimming;
 - 13 (9) deny, grant, suspend or restore membership in WSI and USA Swimming for a definite or
14 indefinite period of time, with or without terms of probation, or expel any Group Member or
15 Individual Member of WSI and USA Swimming, including any administrator, athlete,
16 coach, trainer, manager, meet director, official, officer, Board Member, House of Delegates
17 representative of a Group Member, coordinator or chairman or member of any committee or
18 sub-committee;
 - 19 (10) prohibit for a definite or indefinite period of time the participation by a non-member
20 volunteer or other person in any capacity whatsoever in the affairs of USA Swimming, WSI,
21 its Group Members or other LSCs and their Group Members;
 - 22 (11) assess costs, including any filing fee and attorneys fees and expenses, to the prevailing party
23 or refund any filing fee paid by the prevailing party; and
 - 24 (12) any combination of any of the foregoing or any other remedies deemed appropriate in the
25 circumstances.
- 26
- 27 B. Preliminary Hearing and Temporary Orders: In appropriate cases, the Board of Review, after an
28 initial investigation and/or a preliminary hearing, may make in its discretion temporary orders for the
29 good of the sport of swimming. The temporary order may encompass any remedy or order
30 permissible in a final decision and may include, by way of example, suspending membership,
31 granting the right to participate or coach in a competition, permitting an athlete to compete subject to
32 protest or offering or ordering the parties to attempt to resolve their differences pursuant to
33 mediation or other alternative dispute resolution mechanisms prior to any hearing before the Board
34 of Review. These orders may be made effective pending full hearings by the Board of Review or
35 the conclusion of administrative or judicial proceedings of other bodies addressing the same or
36 similar issues or on other terms as determined by the Board of Review. Instances in which such
37 temporary orders might be made include cases in which a member has been indicted or otherwise
38 formally charged with or accused of committing a crime (including felony, misdemeanor and lesser
39 crimes) involving sexual misconduct, child abuse, a violation of a law specifically designed to
40 protect minors or similar offenses. Temporary orders may not be appealed separately prior to the
41 decision being issued in the proceeding unless the Chairman or the Chairman of the National Board
42 of Review in their discretion grant permission to an aggrieved party to appeal the temporary orders
43 prior to the final Board of Review decision in the matter.
- 44
- 45 C. Grounds (Reasons) for Imposition: The Board of Review may fashion remedies and orders and
46 impose penalties with respect to any Group or Individual Member or non-member volunteer of WSI
47 or of a Group Member: (1) who has violated any of the regulations, rules, policies or procedures of
48 WSI, USA Swimming or FINA, including any of the responsibilities of membership set forth in
49 Article 2.2; (2) who aids, abets, instigates or encourages another to violate any of such regulations,
50 rules or policies; (3) who is responsible for any such violation by another under Article 2.2; (4) who
51 has been convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual
52 misconduct, child abuse, violation of a law specifically designed to protect minors or similar
53 offenses, or who is found by the Board of Review to have committed actions which would be the

1 basis for a conviction; or (5) who has acted in a manner which has brought, or may bring, into
2 disrepute WSI, USA Swimming or the sport of swimming.
3

- 4 D. Power to Impose Conditional Remedies and Penalties, Etc: The Board of Review may stay its
5 decision, in whole or in part, subject to specified conditions, with the decision taking effect
6 automatically if such conditions occur.
7

8 10.5 HEARINGS AND REHEARINGS
9

10 10.5.1 Hearings:
11

- 12 A. Hearings Conducted by Chairman or Presiding Officer: Hearings of the Board of Review shall be
13 conducted by the Chairman or a Presiding Officer designated by the Chairman.
14
15 B. Hearing by Panel: B Hearing by Panel: The Board of Review may, in the discretion of the
16 Chairman, conduct hearings either before the full Board of Review or before panels of its members,
17 provided that in any event each panel shall consist of at least three (3) members. A panel shall have
18 all of the powers of the Board of Review solely with respect to matter(s) assigned to it by the
19 Chairman.
20
21 C. Quorum of Panel: At least three (3) members of a designated panel (or of the full Board of Review)
22 must be present at any initial hearing before the panel and at least the lesser of the full membership
23 or seven (7) members must be present at any rehearing.
24
25 D. Permissible Hearing Formats: A hearing before the Board of Review may be conducted through the
26 receipt of the procedural documents and other written statements or a hearing at which the parties
27 may appear in person or by means of communications equipment described in Article 10.3.6 and
28 testimony may be taken and other forms of pertinent information presented in addition to oral
29 argument by the parties or their counsel, as determined by the Chairman or Presiding Officer. In the
30 discretion of the Chairman or the Presiding Officer, the hearing may be conducted in part through
31 written means and in part by testimony and oral argument.
32
33 E. Right to Counsel: The Protestor, the Respondent and any other person participating in a hearing
34 conducted by the Board of Review shall be entitled to be represented by counsel of his/her choice at
35 his/her own expense.
36
37 F. Rules of Evidence: Judicial rules regarding admissibility of evidence shall not apply to the Board of
38 Review. Thus, hearsay, letters, affidavits, news media articles and reports, etc., as well as direct
39 testimony taken from witnesses present at a hearing, are all admissible to the extent the Presiding
40 Officer is satisfied as to the relevance and non-repetitive nature of the evidence. Similarly, claims of
41 privilege (other than attorney-client and privileges that under applicable Federal and state laws the
42 Board of Review is required to recognize) shall not be entertained by the Board of Review, except in
43 extraordinary circumstances. Proper weight shall be given to each type of evidence considering the
44 source and other common sense factors.
45

46 10.5.2 Rehearing:
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- 48 A. Circumstances Permitting; Rehearing Body: At the request of the Protestor, the Respondent or any
49 other interested party, any matter which was decided by a panel of less than seven (7) members may
50 be reheard by the full Board of Review (or, if the Board of Review is larger than seven (7) members,
51 by a panel of at least seven (7) members designated by the Chairman in his discretion). Members of
52 the initial hearing panel may be members of the rehearing panel.
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- B. Right to a Rehearing; Discretion of Chairman: A rehearing shall be granted as a matter of right in instances in which the original panel consisted of less than seven members and the decision was not unanimous and at the discretion of the Chairman in all other instances.
 - C. Time within which a Rehearing may be Requested: The Protestor, each Respondent or other party may request, within ten (10) business days of the date of receipt of the initial written decision, that the decision of a Board of Review panel be reheard.
 - D. Failure to Request a Rehearing: A person may not appeal pursuant to Article 10.9 a decision of a panel of less than seven members without first making a timely request for a rehearing.
 - E. Decision of Chairman on Request, Notice of Rehearing:
 - (1) Discretionary Rehearings: With respect to requests for a rehearing that are discretionary, the Chairman, in the same manner in which decisions are rendered, shall either grant or deny the request within ten (10) business days of the receipt of the request.
 - (2) Non-Discretionary Rehearings: With respect to requests for a rehearing that are not discretionary, within ten (10) business days of the receipt of the request, the Chairman shall schedule a rehearing.
 - (3) Rehearing Notice; Affect of Inaction: In either case, the Chairman shall notify all parties to the initial hearing of the rehearing, its time and date and the method by which the rehearing will be conducted. If the Chairman does not take action within ten (10) business days, the decision of the panel shall be considered final and any of the parties may appeal the decision in accordance with Article 10.9.
 - F. Fresh Start Hearing or On the Record Rehearing: The rehearing panel at the discretion of the Chairman or the Presiding Officer may conduct an entirely new hearing or may make its decision based on the record created by the initial panel supplemented by whatever written memoranda or oral argument may be requested by the Chairman or the Presiding Officer. The record shall include the Protest, the Notice of Charges, the Answer, the Rebuttal, any temporary orders or partial decisions made and the Notice of Decision, together with any additional memoranda and written evidence filed by the parties. To the extent applicable, the procedures for a formal hearing shall apply to a rehearing. See Article 10.5.1 and 10.6.1.E.
- 10.5.3 Closed Hearing: Any hearing, or a part thereof, shall be closed to everyone except members of the Board of Review, the Presiding Officer, an attorney advising the Presiding Officer, the Protestor, the Respondent, any other party, their counsel and any witnesses at the request of any of the parties and may be closed at the discretion of the Chairman or the Presiding Officer as being in the best interests of justice and the sport of swimming. If a hearing is closed, the Board of Review may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by WSI and USA Swimming.
- 10.5.4 Extensions of Time: The general rule regarding extensions of time within which any act is required to be taken pursuant Article 10.3.11.
- 10.5.5 Accelerated Hearing Schedule: With the agreement of all parties to a hearing, the Chairman, or the Presiding Officer for the hearing, may order an accelerated hearing schedule in the interest of justice and the sport of swimming.

1 10.6 HEARING PROCEDURES: The procedures to be followed in connection with all hearings shall be as follows:
2

3 10.6.1 Formal Hearing:
4

5 A. Protest: The Protestor shall submit to the Chairman of the Board of Review (if submitted to the
6 General Chairman the statement is not defective, but the allowable period of time for the Notice shall
7 not commence until the statement is received by the Chairman) a written statement setting forth a
8 description of the action, inaction or conduct that is believed to have been improper or incorrect, and
9 the name of the person or group believed to have acted improperly or the circumstances believed to
10 require answers, explanation or clarification. This written statement becomes the Protest under
11 Article 10.2.5. The Protest shall be accompanied by any filing fee due under Article 10.4.6 or by an
12 application for waiver of the fee.
13

14 B. Notice: Each Respondent shall be given a written notice of the Protest. This written notice
15 becomes the Notice under Article 10.2.3. The Notice shall be sent to each Respondent's last known
16 address (determined in accordance with the provisions of Article 10.10) by certified or express mail,
17 return receipt requested, by Federal Express, signature required, or by personal service. If the
18 Respondent is WSI or an officer, Board Member, committee or sub-committee chairman or
19 coordinator or an official, the Notice shall be also given to the General Chairman, the Administrative
20 Chairman and the Secretary at their addresses. The Notice shall be given as soon as practical
21 following the conclusion of any preliminary investigation made by or on behalf of the Board of
22 Review, but in no event later than fourteen (14) business days (twenty (20) business days if advice is
23 sought under Article 10.3.12.A) after the receipt of the Protest by the Chairman. The form of Notice
24 shall include a:
25

26 (1) statement in reasonable detail of the charges against each Respondent, or of the
27 circumstances that are believed to require answers, explanation or clarification. A copy of
28 the Protest received by the Board of Review, if any, shall be attached to the Notice;
29

30 (2) statement that the Respondent has the right to have counsel of his/her own choice to represent
31 him, at his/her own expense, at any hearing;
32

33 (3) description of the type of hearing to be held. In the case of an in-person hearing, the Notice
34 shall request each Respondent to appear before the Board of Review with counsel and
35 witnesses, if any;
36

37 (4) date, time and location at which the hearing will be held. The date of the hearing shall be not
38 less than thirty (30) days nor more than sixty (60) days after the date of transmission of the
39 Notice;
40

41 (5) request that each Respondent answer in writing all of the charges set forth in the Notice. The
42 Notice shall state that this answer is to be delivered at least ten (10) business days prior to the
43 date of the hearing, to the Presiding Officer designated in the Notice, at the specified address,
44 with a copy to the Protestor and the Protestor's counsel, if any, and anyone else specified in
45 the Notice at the addresses designated in the Notice with delivery in accordance with Article
46 10.10.2; and
47

48 (6) statement of the right of appellate review (including the right, if any, to a rehearing) in the
49 event the decision is rendered against the Respondent.
50

51 C. Answer by Respondent: Each Respondent's response to the Notice and Protest shall be in writing
52 and delivered to the Presiding Officer designated in the Notice, at least ten (10) business days prior
53 to the date of the hearing, with a copy to the Protestor and his counsel and anyone else specified in

1 the Notice at the addresses designated in the Notice. This written statement becomes the Answer
2 under Article 10.2.1. The Answer shall be delivered in accordance with Article 10.10.2.
3

4 D. Rebuttal by Protestor: The Protestor may, but is not required to, offer a rebuttal to the Respondent's
5 Answer. Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the
6 Notice, at least five (5) business days prior to the date of the hearing, with copies to each Respondent
7 and his counsel at the addresses specified in the Answer and to anyone else specified in the Notice at
8 the addresses designated in the Notice. This written statement becomes the Rebuttal under Article
9 10..2.7. The Rebuttal shall be delivered in accordance with Article 10.10.2.
10

11 E. Conduct of Hearing

12
13 (1) Generally: Hearings shall be conducted in an orderly fashion, but without regard for the
14 formalities of traditional court room procedures. The hearing shall be conducted in a manner
15 conducive to the establishment of the truth and the interests of fairness, justice and the sport
16 of swimming. The Presiding Officer is responsible for keeping the parties and their counsel,
17 if any, focused on the issues at hand and the necessary elements of proof and for enforcing
18 the ordinal rule that no one may speak who has not been recognized by the Presiding Officer.
19 For hearings conducted other than entirely through the receipt of written statements, the
20 Board of Review shall cause a recording or transcription to be made of the hearing. No
21 record of the deliberations of the Board of Review need be kept and, if kept, shall not be
22 available to anyone other than the members of the Board of Review, the Presiding Officer
23 and counsel to the Board of Review.
24

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

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

46 (4) Rules of Evidence, Witnesses' Testimony: The rules of evidence governing the hearing are
47 set forth in Article 10.5.1.F. Each witness may present testimony initially either in the form
48 of questions and answers between the witness and counsel or in uninterrupted narrative. The
49 Presiding Officer and the members of the Board of Review may question any person at any
50 time during the hearing. Thus, for example, in an exercise of discretion, the Presiding Officer
51 could call a witness who has not yet been called or whom no party intended to call and
52 propound questions to, or elicit narrative testimony from, that witness. Witnesses shall be
53 subject to cross examination by the other party and to questioning by the Presiding Officer
54 and members of the Board of Review. All parties will be expected to be available for

1 questioning by the Board of Review, whether or not they may have given other testimony at
2 the hearing.
3

4 (5) Variance of Procedures: The Presiding Officer shall have wide discretion to vary these
5 procedures in the interests of justice, the sport of swimming and efficiency, but in doing so
6 shall afford all parties a full and substantially equal opportunity to present any material or
7 relevant proofs. A hearing may be adjourned by the Presiding Officer at the request of a
8 party or on the Presiding Officer's initiative where an adjournment will serve the interests of
9 fairness, justice and the sport of swimming. If a hearing is adjourned, the continuance shall
10 be scheduled for any early date of mutual convenience, but in the discretion of the Presiding
11 Officer. Justice and the sport of swimming ordinarily will be best served by an expeditious
12 resumption and conclusion to the hearing.
13

14 F. Decision of Board of Review: The decision of the Board of Review may be rendered at the time of
15 the hearing and, if not so rendered, as soon as possible thereafter and in no event more than ten (10)
16 business days after the conclusion of the hearing. The decision shall include findings of facts and a
17 statement of remedies ordered or penalties imposed, if any, and a statement setting forth the rights of
18 the parties to appeal the decision. The decision shall be in writing, or in case of a decision rendered
19 at the hearing, reduced to writing promptly, and delivered to the Protestor, each Respondent, their
20 respective counsel, any other party to the proceeding, the General Chairman and the Secretary of
21 WSI, the Chairman of the National Board of Review and the General Counsel of USA Swimming
22 in accordance with Article 10.10.2.
23

24 10.6.2 Emergency Hearing: 25

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

31 B. Notice of Emergency Hearing: Each Respondent shall be given such notice of the hearing as time
32 and circumstances may reasonably dictate. The notice may be oral or in writing, and shall
33 substantially comply with the notice requirements set forth in Article 10.2.3 insofar as the emergent
34 nature of the issue permits.
35

36 C. Conduct of Emergency Hearing: The hearing may be conducted at any location likely to contribute
37 to expeditious resolution of the Protest, including the site of a swimming competition, but in any
38 event under such circumstances so as to fairly protect the right of procedural due process of the
39 Respondent. All or some of the participants in the hearing may participate by telephone conference
40 equipment. If at least three members of the Board of Review are not available due to time
41 constraints, the Chairman, the Chairman or the General Chairman is authorized to appoint one or
42 more Individual Members to serve as the Board of Review solely for the purpose of conducting this
43 emergency hearing. The hearing shall comply substantially with the hearing procedures set forth in
44 Article 10.6.1.E insofar as the emergent nature of the hearing permits.
45

46 D. Decision of Board of Review: The decision of the Board of Review shall be rendered at the time of
47 the hearing or as soon as possible thereafter in keeping with the emergent circumstances. The
48 decision shall include findings of facts and a statement of remedies ordered, if any, and a statement
49 of the right to request a subsequent formal hearing. The decision shall be in writing, or in case of a
50 decision rendered orally at the hearing, reduced to writing within ten (10) business days thereafter
51 and delivered to the Protestor, the Respondent, their counsel, any other parties to the proceeding, the
52 Chairman, the General Chairman and the Secretary of WSI, the Chairman of the National Board of
53 Review and the General Counsel of USA Swimming in accordance with Article 10.10.2.
54

1 E. Right to a Subsequent Formal Hearing: If either the Protestor or the Respondent shall deliver to the
2 Chairman a written request for a further hearing within ten (10) business days of the date of receipt
3 of the written decision resulting from the emergency hearing, a formal hearing shall be held as a new
4 proceeding in accordance with Article 10.6.1, as though the emergency hearing had not taken place.
5 Failure to make this request in a timely manner shall preclude the aggrieved party from making an
6 appeal as provided in Article 10.9.

7
8 10.6.3 Stay of Decision Pending Appeal: The Board of Review shall have the authority and discretion, but not
9 the duty, to stay its decision, in whole or in part, subject to specified conditions, during the time allowed to
10 demand a further hearing after an emergency hearing, a rehearing or to appeal as provided in Article 10.9,
11 with the decision going into effect automatically if those conditions occur or if no demand or appeal is filed
12 during the allowable period or at such time as a perfected appeal is terminated without the decision being
13 modified by the appellate authority.

14
15 10.6.4 Extension of Time: The general rule regarding extensions of time within which any act is required to be
16 taken appears in Article 10.3.11. Nevertheless, the time within which the Notice required by Article
17 10.2.3 must be transmitted may not be extended without the consent of the Protestor or the USA
18 Swimming General Counsel.

19
20 10.7 FINALITY OF BOARD OF REVIEW DECISIONS: Except as otherwise provided in this Article 10 with regard
21 to rehearings, appeals and emergency hearings or in Article Nine of the Constitution of the United States Olympic
22 Committee and in Chapter Nine of its bylaws with respect to binding arbitration in disputes involving the rights of
23 certain individuals to participate in competition, the decision of the Board of Review shall be final in all cases.

24
25 10.8 FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS: Final decisions of the Board of Review
26 of another Local Swimming Committee or the National Board of Review shall, where relevant and necessary, be
27 recognized and fully enforced by WSI. Those final decisions may not be attacked or reopened in any proceeding
28 before the WSI Board of Review other than one seeking enforcement of that decision.

29
30 10.9 APPEAL FROM BOARD OF REVIEW DECISIONS: Except to the extent that any appeal is precluded by
31 Article 10.5.2.D or 10.6.2.E, any person, including the Protestor and the Respondent, having an actual, direct
32 interest in any matter decided by the Board of Review under this Article may appeal the decision to the National
33 Board of Review. An appeal must be taken within thirty (30) business days from the date of the written notice of
34 the decision of the Board of Review. The appeal to the National Board of Review must be in writing, timely filed
35 with the USA Swimming Executive Director and accompanied by the appellate filing fee established by USA
36 Swimming. Upon timely request to the Chairman of the National Board of Review and upon a showing of good
37 cause, the time for appeal from the decision of the Board of Review may be extended.

38
39 10.10 NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND DETERMINATIONS
40 OF TIMELINESS

41
42 10.10.1 Notice to Hearing Participants Who are Members of WSI:

43
44 A. WSI Members Generally: In each case, where notices or other hearing-related documents are to be
45 delivered to a member of WSI, it shall be sufficient to deliver the notice or other document to the
46 member's last known address in accordance with Article 16.1.5.

47
48 B. Minors: In the case of notices directed to WSI members less than eighteen (18) years of age on the
49 date of the alleged infraction (determined by reference to the member's latest registration
50 application), a second copy shall be sent by registered mail with delivery restricted to the child's
51 parent or guardian at the same address or such other address as can reasonably be ascertained.

52
53 10.10.2 Methods of Transmission of Hearing Related Documents: With the exception of the Notice (see Article
54 10.2.3 and 10.2.B), all documents transmitted pursuant to this Article 10 shall be transmitted to each of the

1 parties, their respective counsel, if any, the Presiding Officer and anyone else specified in the Notice.
2 Documents shall be delivered to the persons specified at the addresses specified in the Notice or later
3 documents or as determined in accordance with Article 10.10. Documents may be delivered by any of the
4 following methods of service: by personal service, by certified or express mail, return receipt requested, by
5 Federal Express, signature required, by electronic mail or facsimile transmission with receipt of the
6 transmission confirmed orally or by other methods of transmission permitted by this paragraph.
7

8 10.10.3 Determination of Timeliness: The rules provided in Article 16.1.5 shall apply in the determination of the
9 timeliness of any notice or other action under this Article 10.
10
11

12 ARTICLE 11

13 ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION

14

- 15 11.1 NON-PROFIT AND CHARITABLE PURPOSES: As stated in Article 1.2, WSI is organized exclusively for
16 charitable and educational purposes and for the purpose of fostering national or international amateur sports
17 competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of
18 these Bylaws, WSI shall not, except to an insubstantial degree, (1) engage in any activities or exercise any powers
19 that are not in furtherance of the purposes and objectives of WSI or (2) engage in any activities not permitted to be
20 carried on by: (A) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or
21 (B) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2)
22 and 2522(a)(2) of the IRS Code.
23
- 24 11.2 DEDICATION OF ASSETS, ETC: The revenues, properties and assets of WSI are irrevocably dedicated to the
25 purposes set forth in Articles 1.2 and 11.1 of these Bylaws. No part of the net earnings, properties or assets of
26 WSI shall inure to the benefit of any private person or any member, officer or director of WSI.
27
- 28 11.3 AMENDMENTS: Any provision of these Bylaws not mandated by USA Swimming may be amended at any
29 meeting of the House of Delegates by a two-thirds vote of the members present and voting. Amendments so
30 approved shall not take effect until reviewed and approved by the USA Swimming Legislation Sub-committee.
31 These Bylaws shall be deemed amended ninety (90) days after the conclusion of any annual meeting of USA
32 Swimming at which the corresponding provisions of Part Six of the USA Swimming "Rules and Regulations" are
33 amended (or such later effective date established in the amending USA Swimming legislation) to the extent that
34 such amendment affects a provision required to be included herein or is itself required to be included herein,
35 unless WSI shall have requested permission of the USA Swimming Legislation Sub-committee not to have such
36 amendment take effect with respect to these Bylaws.
37
- 38 11.4 DISSOLUTION: WSI may be dissolved only upon a two-thirds majority vote of all the voting members of the
39 House of Delegates. Upon dissolution, the net assets of WSI shall not inure to the benefit of any private
40 individual, unincorporated organization or corporation, including any member, officer or director of WSI, but
41 shall be distributed to United States Swimming, Inc., to be used exclusively for educational or charitable purposes.
42 If United States Swimming, Inc., is not then in existence, or is not then a corporation which is exempt under
43 section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible under sections
44 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, the net assets of WSI shall be distributed to a corporation
45 or other organization meeting those criteria and designated by the House of Delegates at the time of dissolution, to
46 be used exclusively for educational or charitable purposes.
47
48

49 ARTICLE 12

50 INDEMNIFICATION

51

- 1 12.1 INDEMNITY: WSI shall indemnify, protect and defend, in the manner and to the full extent permitted by law,
2 any Indemnified Person in respect of any threatened, pending or completed action, suit or proceeding, whether or
3 not by or in the right of WSI, and whether civil, criminal, administrative, investigative or otherwise, by reason of
4 the fact that the Indemnified Person bears or bore one or more of the relationships to WSI specified in Section
5 612.3 and was acting or failing to act in one or more of those capacities or reasonably believed that to be the case.
6 Where specifically required by law, this indemnification shall be made only as authorized in the specific case
7 upon a determination, in the manner provided by law, that indemnification of the Indemnified Person is proper in
8 the circumstances. WSI may, to the full extent permitted by law, purchase and maintain insurance on behalf of
9 any Indemnified Person against any liability that could be asserted against the Indemnified Person.
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ARTICLE 13 PARLIAMENTARY AUTHORITY

- 13.1 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 committees, etc., may adopt or as set forth in the next paragraph.
- 13.2 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.
- 13.3 SPECIAL RULES OF ORDER: This Section reserved for future use.]

ARTICLE 14 PERMANENT OFFICE AND STAFF (This Article is reserved for future use.)

ARTICLE 15 MISCELLANEOUS

- 15.1 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 change in the law of the State of Wisconsin become, illegal,
invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.
- 15.2 FISCAL YEAR: The fiscal year of WSI shall correspond to the calendar year.
- 15.3 TAX STATUS; INTERPRETATION OF BYLAWS: It is intended that WSI shall have and continue to have the
status of an organization which is exempt from federal income taxation under section 501(c)(3) of the IRS Code
and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under
sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, respectively. Similarly, it is intended that WSI
shall have that or similar status under the applicable state and local laws as will exempt it from taxation to the
maximum extent possible to the extent not contrary to applicable federal requirements. These Bylaws shall be
interpreted accordingly.
- 15.4 WSI SEAL: This Section reserved for future use.

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ARTICLE 16

DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION

16.1 CONVENTIONS AND RULES OF INTERPRETATION

16.1.1 Terms Generally: Whenever the context may require, any pronoun or official title shall include the corresponding masculine, feminine and neuter forms. The words "include", "includes" and "including" shall be deemed to be followed by the phrase "without limitation". The singular shall include the plural and the plural shall include the singular as the context may require. Where the context permits, the term "or" shall be interpreted as though it were "and/or". Captions have been used for convenience only and shall not be used in interpreting the Bylaws.

16.1.2 Capitalized Titles: Capitalized titles, such as Secretary or Treasurer, when appearing alone shall refer to WSI positions and not to USA Swimming or another organization.

16.1.3 Principal Rule of Interpretation: The principal substantive rule of interpretation applicable to these Bylaws is set forth in Article 15.3.

16.1.4 Rule of Interpretation Applicable to Article 10: Article 10 shall be interpreted generously to achieve the intent expressed in Article 10.1.

16.1.5 Notice Deemed Given: Writings Deemed Deliveries; Last Known Address:

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

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

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

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

16.1.6 Time Period Convention: In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.

16.1.7 Waiver of Notice Convention: Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group

1 Member Representative, then the relevant Group Member shall be treated as having waived the untimely or
2 insufficient notice to the same extent.
3

4 16.2 DEFINITIONS: When used in these Bylaws, the following terms shall have the meanings indicated in this
5 Article, and the definitions of such terms are applicable equally both to the singular and plural forms thereof.
6 Where a cross reference to another Article of the Bylaws appears within a definition, the definition is qualified by
7 the more complete definition found in that Section. Additional definitions applicable solely to Article 10 are set
8 forth in Article 10.2. For an additional definition applicable solely to Article 12, see Article 12.3.
9

10 16.2.1 "Active Individual Member" shall mean an individual other than a Coach Member, or an Athlete Member
11 or a Seasonal Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member,
12 At-Large House Member, officer or committee chairman or member, coordinator, or a Group Member
13 Representative or alternate and any other individual actively participating in the affairs of WSI or the sport
14 of swimming and who is in good standing as an Individual Member of WSI and USA Swimming. (See
15 Article 2.1.2.A.)
16

17 16.2.2 "Affiliated Group Member" shall mean any organization which supports the sport of swimming and the
18 objectives and programs of WSI and USA Swimming, but which does not have Athlete Members and
19 Coach Members, which is in good standing as a Group Member of WSI and USA Swimming, and which
20 is neither a Club Member or Seasonal Club Member of WSI. (See Article 2.1.1.B.)
21

22 16.2.3 "Affiliated Group Member Representative" shall mean the individual appointed to represent a Affiliated
23 Group Member in the House of Delegates. (See Article 4.1.1).
24

25 16.2.4 "Affiliated Individual Member" shall mean any individual interested in the objectives and programs of WSI
26 who resides, formerly resided or participated in the sport of swimming in the Territory, who is in good
27 standing as a member of WSI and USA Swimming and who is not an Active Individual, Athlete or Coach
28 Member.
29

30 16.2.5 "Article" shall mean the principal subdivisions of these Bylaws.
31

32 16.2.6 "Articles of Incorporation" shall mean the document filed with the Secretary of State, State of Wisconsin
33 pursuant to which WSI was formed.
34

35 16.2.7 "At-Large Board Member" shall mean those Board Members designated as such. (See Article 5.2)
36

37 16.2.8 "At-Large House Member" shall mean the Individual Members appointed by the General Chairman to be
38 members of the House of Delegates. (See Article 4.1.)
39

40 16.2.9 "Athlete Member" shall mean any individual who competes or has competed during any part of the three
41 (3) immediately preceding years in the sport of swimming and is in good standing as an Individual Member
42 of WSI and USA Swimming (See Article 2.1.2.A.)
43

44 16.2.10 "Athlete Representative" shall mean the Athlete Member elected to represent athletes in the House of
45 Delegates and on the Board of Directors pursuant to Article 4.1.3.
46

47 16.2.11 "Board Member" shall mean a member of the Board of Directors. Where the contexts requires, the term
48 shall not include the Athlete Representatives or the Coach Representative.
49

50 16.2.12 "Board of Directors" shall mean the Board of Directors of WSI.
51

52 16.2.13 "Board of Review" shall mean the investigative and judicial body of WSI established pursuant to Article
53 10.3.
54

- 1 16.2.14 "Business Day" shall mean a calendar day which is not a Saturday, a Sunday or a legal federal or State of
2 Wisconsin holiday anywhere within the Territory.
3
- 4 16.2.15 "Bylaws" shall mean these bylaws as adopted by, and in effect for, WSI..
5
- 6 16.2.16 "Club" shall mean an organization that has athletes and coaches engaged in the sport of swimming.
7
- 8 16.2.17 "Club Member" shall mean any club or other organization which is in good standing as a Group Member
9 of WSI and USA Swimming and has athletes and coaches and participates in the sport of swimming. All
10 athletes and coaches of the club or organization must be Individual Members in good standing with WSI
11 and USA Swimming. (See Article 2.1.1.A.)
12
- 13 16.2.18 "Club Member Representative" shall mean the individual appointed to represent a Club Member in the
14 House of Delegates pursuant to Article 4.1.1.
15
- 16 16.2.19 "Club Safety Coordinator" shall mean the Active Individual Member designated by each Club Member to
17 serve as its liaison with WSI and USA Swimming concerning safety matters. (See Article 2.2.3.)
18
- 19 16.2.20 "Coach Member" shall mean any individual, whether or not affiliated with a Group Member, who has
20 completed satisfactorily all safety and other training required by WSI and/or USA Swimming and who is
21 in good standing as a member of WSI and USA Swimming. (See Article 4.1.4.)
22
- 23 16.2.21 "Coach Representative" shall mean the Coach Member elected to represent the coaches in the House of
24 Delegates and the Board of Directors. (See Article 4.1.4.)
25
- 26 16.2.22 "Executive Committee" shall mean the committee of the Board of Directors which may act for the Board
27 of Directors between meetings. (See Article 5.7.)
28
- 29 16.2.23 "FINA" shall mean the Federation Internationale de Natation Amateur, the international governing body
30 for the sport of swimming.
31
- 32 16.2.24 "Group Members" shall mean Club Members, and Affiliated Group Members.
33
- 34 16.2.25 "Group Member Representative" shall mean the individual appointed to represent a Group Member in the
35 House of Delegates. (See Article 4.1.)
36
- 37 16.2.26 "House of Delegates" shall mean the House of Delegates of WSI as established by Article 4 of these
38 Bylaws.
39
- 40 16.2.27 "Immediate Past General Chairman" shall mean the individual who is the immediate past General
41 Chairman of WSI, except when that person became immediate past General Chairman by virtue of the
42 House of Delegates taking action pursuant to Article 4.4.10, the Board of Directors taking action pursuant
43 to Article 5.6.12 or the House of Delegates failing to reelect that person to another term sought by that
44 person. The Immediate Past General Chairman shall serve for the duration of the successor General
45 Chairman's term. If the office of Immediate Past General Chairman becomes vacant for any reason,
46 including the exception set forth in the initial sentence of this definition, it shall not be filled by
47 appointment or election, but shall remain vacant until another individual becomes Immediate Past General
48 Chairman.
49
- 50 16.2.28 "Individual Members" shall mean Athlete Members, Coach Members, and Active Individual Members,
51 and Life Members.
52

- 1 16.2.29 "IRS Code" shall mean the United States Internal Revenue Code of 1986, as amended from time to time,
2 or the corresponding provision of any future United States internal revenue law, and shall, when
3 appropriate, also include a reference to the Treasury Regulations issued thereunder.
4
- 5 16.2.30 "Life Member" shall mean any individual who is a life member of USA Swimming and WSI and who
6 resides, formerly resided or participated in the sport of swimming in the Territory and who is in good
7 standing as a member of WSI and USA Swimming. (See Article 2.1.2.F.)
8
- 9 16.2.31 "Local Swimming Committee" or "LSC" shall have the meaning ascribed thereto in the USA Swimming
10 Rules and Regulations. WSI is a Local Swimming Committee.
11
- 12 16.2.32 "Member" shall mean a Group Member or an Individual Member.
13
- 14 16.2.33 "National Board of Review" shall mean the Board of Review of USA Swimming established pursuant to
15 Part Four of the USA Swimming Rules and Regulations. Where the context requires, a reference to the
16 National Board of Review shall include a reference to the USA Swimming Board of Directors when that
17 body is acting upon an appeal from the National Board of Review.
18
- 19 16.2.34 "Nominating Committee" shall mean the committee of the House of Delegates charged with nominating
20 candidates for elective offices of WSI. (See Article 4.8.)
21
- 22 16.2.35 "Policies, Procedures, Rules Manual" shall mean the policies and procedures manual of WSI, as
23 amended, adopted by the Board of Directors or the House of Delegates.
24
- 25 16.2.36 "Parliamentary Authority" shall mean the authority and any special rules of order designated in Article
26 13.
27
- 28 16.2.37 "Seasonal Athlete Member" shall mean any individual who participates or competes in the sport of
29 swimming and has joined for certain periods of time not longer than 150 days each in a calendar year and is
30 in good standing as a Seasonal Athlete Member of WSI and USA Swimming. (See Article 2.1.2.E.)
31
- 32 16.2.38 "Seasonal Club Member" shall mean any organization which has joined WSI and USA Swimming for
33 certain periods of time not exceeding 150 days each in a calendar year and is in good standing as a seasonal
34 club member of WSI and USA Swimming. (See Article 2.1.1.C.)
35
- 36 16.2.39 "Section" shall mean the subdivisions of the Articles of these Bylaws.
37
- 38 16.2.40 "Senior Athlete Representative" shall mean the Athlete Representative senior in term of office in
39 accordance with Article 4.1.3
40
- 41 16.2.41 "Standing Committee" shall mean a committee of WSI listed in Sections 7.2 or 7.3.
42
- 43 16.2.42 "Territory" shall mean the geographic territory over which WSI has jurisdiction as a Local Swimming
44 Committee. (See Article 1.3.)
45
- 46 16.2.43 "USA Swimming" shall mean United States Swimming, Inc., an Ohio not-for-profit corporation which is
47 the national governing body for the United States for the sport of swimming.
48
- 49 16.2.44 "USA Swimming Board of Directors" shall mean the Board of Directors of USA Swimming.
50
- 51 16.2.45 "USA Swimming Code" or "USA Swimming Rules and Regulations" shall mean the code of rules and
52 regulations, as adopted and amended by USA Swimming.
53
- 54 16.2.46 "USA Swimming House of Delegates" shall mean the House of Delegates of USA Swimming.

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16.247 "USA Swimming Legislation Committee" shall mean the Legislation Committee of USA Swimming created pursuant to Article 512 of Part Five of the USA Swimming Code.

16.248 "USA Swimming Legislation Sub-committee" shall mean the sub-committee of the Legislation and Redistricting Committee of USA Swimming created pursuant to Section 6202 of Part Six-C of the USA Swimming Code.

16.249 "WSI" shall mean the Wisconsin not-for-profit corporation to which these Bylaws pertain.

- A hearing before disinterested, fair and knowledgeable persons at a time and under circumstances that give everyone a full and fair opportunity to present their positions; and
- Notice of action necessary to appeal a decision that one feels is wrong.

WHAT KIND OF PROTESTS ARE DECIDED BY THE LSC BOARD OF REVIEW?

The responsibility of the Board of Review is broad, but does not cover every possible dispute that might develop. If a decision is made which affects an athlete's ability to compete in swim meets or how the athlete places in swim meets and the athlete thinks the decision is wrong, the athlete may appeal the decision to the Board of Review. If a member is prevented from participating in the administration of the sport of swimming or functioning as an official, the member may appeal the decision to the Board of Review. If a decision is made by the LSC that affects a coach's ability to coach swimmers, the coach may appeal to the Board of Review. Some matters should be submitted directly to the National Board of Review. Read Sections 610.4.1, 610.4.2 and 610.1 and Sections 401.2 and 401.3 of Part Four of the USA Swimming Code to determine the jurisdiction of an appeal. Board of Review does not involve itself in disputes involving the administration of individual clubs unless it affects the ability of members to participate in competition.

WHAT KIND OF PROTESTS ARE DECIDED BY THE NATIONAL BOARD OF REVIEW?

Section 401.3 ., USA Swimming Rules and Regulations lists the kinds of protests that may, or in some cases, must proceed directly to the National Board of Review. They include: most matters involving members of more than one LSC; matters which arise at a regional, national or international swimming competition; matters involving moral turpitude; and matters in which the National Board of Review determines that the LSC Board of Review is unable to conduct a fair hearing in sufficient time to do justice to the affected parties.

HOW IS A BOARD OF REVIEW HEARING CONDUCTED?

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

The process can be summarized as follows:

A The Protestor must give a written protest to the Chairman of the Board of Review. (See Section 610.6.1 A.)

B The Chairman of Board of Review *may* have an investigation made to see if the dispute can be resolved before a hearing. Sometimes a dispute may be resolved when an impartial party listens to both sides and tries to mediate a dispute. This kind of informal resolution is encouraged.

C The Chairman of the Review Board must prepare and deliver a written Notice to the Respondent. (See Section 610.6.1 B and the suggested form of Notice which is in Appendix B.)

D Any party to the appeal may file written statements of his/her position. (See Section 610.6.1 C and D.)

E The Chairman of the Review must schedule a hearing to take place within 74 days from the date when the Chairman received the Protest.

1
2 F A hearing **may** be held. If **everyone** involved agrees that the Board of Review may consider the
3 issue(s) based only on the written statements that have been submitted by the parties, then a formal hearing is not required.
4 Common sense applies in conducting the hearing. (See Sections 610.5.1 D and 610.6.1 E.) All parties need both a real and
5 a perceived fair opportunity to state their positions and an understanding that the Board has an open mind as it listens to
6 their positions. In all matters, the Review must **give the parties the benefit of the doubt!**
7

8 G The Board of Review must decide the matter within ten (10) business days of the conclusion of the
9 hearing. If time is not critical, delay the decision for a few days after the hearing may be advantageous to give full
10 consideration to all the facts presented in a hearing rather than making a ruling immediately upon conclusion of the
11 hearing.
12

13 H The Board must send copies of its decision to the parties involved and certain administrators. See
14 Section 310.6.1 F of Part Three of the USA Swimming Code and Section 610.6.2 D of the Bylaws as to whom must
15 receive copies of the decision.
16

17 I The parties must receive a statement advising them on the procedures and timing to appeal the Board
18 Review's decision.
19

20
21 ***THE MEET DIRECTOR JUST ADVISED A SWIMMER THAT HIS/HER PROOF OF TIME IS NOT ADEQUATE***
22 ***AND THE SWIMMER WILL NOT BE PERMITTED TO COMPETE IN THE EVENT LATER THIS MORNING.***
23 ***THE MEET DIRECTOR IS WRONG AND INSUFFICIENT TIME EXISTS FOR A HEARING FROM THE***
24 ***BOARD OF REVIEW. WHAT CAN BE DONE?***
25

26 First, the swimmer should review the meet information to determine if it provides for any kind of appeal
27 such as the Eligibility Jury provided for at the National Championships. (Article 206.5, Part Two of the USA Swimming
28 Code.) If the swimmer remains convinced that that the Meet Director's decision is wrong in denying him/her an
29 opportunity to compete, he/she should request for an emergency hearing from the Board of Review. The Bylaws give the
30 Board of Review a great deal of flexibility in handling emergency situations. The swimmer should telephone, immediately,
31 the Chairman of the Board of Review or the LSC General Chairman and make arrangements for an emergency hearing
32 under Section 610.6.2 of the Bylaws.
33

34 The Federal law which created National Sports Governing Bodies, such as United States Swimming, states
35 that an athlete cannot be suspended from competition, ***even temporarily***, without a hearing.
36

37 Members of the Board of Review must remember their responsibility to conduct emergency hearings
38 whenever they attend swim meets and should alert the Meet Manager of their presence. The Chairman of the Board of
39 Review always should make arrangements in advance to see that a Board of Review is available at championship meets.
40

41 A meeting at the swim meet or an exchange of information by telephone and fax can be arranged to permit
42 a timely decision, even if the athlete must compete under protest. (See Section 102.11 of Part One of the USA Swimming
43 Code.)
44

45 After the meet is concluded, a full formal hearing may be conducted at the request of the Protestor or the
46 Respondent.

APPENDIX B
BOARD OF REVIEW NOTICE

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

NOTICE OF HEARING

To:

[INSERT RESPONDENT'S NAME AND MAILING ADDRESS]

SUBJECT:

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

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

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

ANSWER:

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

and to

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

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

HEARING DATE, TIME AND PLACE:

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

HEARING AUTHORITY:

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

HEARING BODY:

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

