

USA SWIMMING
RULES & REGULATIONS COMMITTEE
**2013 LEGISLATION ADOPTED
BY USA SWIMMING HOUSE OF DELEGATES**

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September 14, 2013

USA SWIMMING
RULES & REGULATIONS COMMITTEE

ADOPTED AMENDMENTS TO RULES AND REGULATIONS

R-1 ADOPTED Effective January 1, 2014

Location: Page 12 - **Official Glossary**

~~**CLOSED COMPETITION** — competition exclusively among members of a single club, or among two or more USA Swimming member clubs within an organization or group formed for the specific purpose of such competition or series of competitions that are open only to members of that group or organization. Examples of this would include YMCA clubs and leagues consisting of a limited number of USA Swimming clubs within an LSC. It does not include groups or organizations such as an LSC, Zone, Region, or Section within USA Swimming.~~

CLOSED COMPETITION

- Competition exclusively among members of a single club
- Competition or series of competitions within an independent organization open only to members of that organization, such as:
 - YMCA competition,
 - Summer league competition
 - Conference competition.
- Closed competition does not include representing a group within USA Swimming at a competition such as LSC, Zone, Region or Section.

R-3 ADOPTED Effective January 1, 2014

Location: Page 12 - **Official Glossary**

NOTICE – A written communication notifying about a scheduled meeting of a committee, board or other governing body or group, or other fact or occurrence, required to be made by law, bylaw, rule or regulation. To be considered written, the communication must be addressed, using the last known address on file with the LSC or in SWIMS, to the intended or required recipient(s) and delivered by hand, first class mail, overnight or second day delivery by a national delivery service, facsimile transmission, electronic mail or text message.

R-4 ADOPTED Effective May 1, 2014

Location: Page 24 - **102.5 Seeding, Lane Assignments, Swim-Offs, and Order of Heats**

102.5 SEEDING, LANE ASSIGNMENTS, SWIM-OFFS, AND ORDER OF HEATS

.6 Order of Heats

- A **Preliminary Heats and Timed Finals** — The normal order of heats may be reversed by swimming the fastest heats first. Women's and men's heats may be alternated.
- B **Finals** — The order of heats during the finals of a preliminaries and finals meet may be reversed, with the B and C (consolation and bonus) heats, if any, swum following the A (final) heat. In the event of scratches, the empty lanes may be filled by moving the swimmers up in order from the slower heats and by using the available alternates in the slowest heat without reseeding the heats. For heats other than team selection finals where athletes are not provided any recognition other than the opportunity to swim (e.g., scoring points, earning prize money, etc.) alternates may be inserted into empty lanes in any heat regardless of order swum.
- C The order of heats shall be stated in the meet announcement.

R-5 ADOPTED Effective May 1, 2014

Location: Page 29 - **102.10 Officials**
Page 32 - **102.14 Administrative Official/Referee**

102.10 OFFICIALS

.3 For all swimming meets or time trials except dual meets there should ~~not~~ be no fewer than the following officiating positions filled or approved by the LSC in authority. Officials other than the Referee and Administrative Official may act in more than one officiating capacity only when sufficient qualified officials are not available, but no one may simultaneously time and judge the order of finish. An LSC House of Delegates may establish additional minimum requirements.

- 1 Referee
- 1 Starter
- 3 Timers per lane (one minimum if automatic equipment with touchpads is used)
- 1 Clerk of Course (if applicable)
- 1 Place Judge (2 are preferred)
- 2 Stroke Judges and 2 Turn Judges or 2 Stroke & Turn Judges
- Relay Take-off Judges (if applicable)
- 1 Administrative Official/~~Referee~~
- 1 Announcer
- Timing Equipment Operators (as needed)
- Marshal(s) (number determined by the LSC)

.4 Minimum Number of Officials Required for Dual Meets

- 1 Referee, who may also act as a stroke and turn judge
- 1 Starter
- 1 Other stroke and turn judge (may be the Starter)
- 1 Announcer
- 3 Timers ~~for each~~ per lane (one minimum if automatic timing equipment with touchpads is used)
- 1 Administrative Official/~~Referee~~
- 1 Place Judge
- Relay take-off judges (if applicable)
- Timing Equipment Operators (as needed)
- Marshal(s) (number determined by the LSC)

102.14 ADMINISTRATIVE OFFICIAL/REFEREE

No further changes, except to adjust Table of Contents

R-8 ADOPTED Effective January 1, 2015

Location: Page 57 - **202.1 Jurisdiction**
Page 57 - **202.2 (new) Sanction and Approval Procedure**
Page 57 - **202.3 (new) Procedure for Appeal**

202.2 SANCTION AND APPROVAL PROCEDURE

- .1 An LSC shall establish submission deadlines for sanction or approval applications and shall publish such deadlines along with relevant instructions and forms.
- .2 LSCs shall establish and publish policies regarding applications submitted after published deadlines citing relevant fees and penalties.
- .3 If an application is denied, the LSC shall provide written notification within ten days to the applicant of the reasons for the denial and of the appeals process.

202.3 PROCEDURE FOR APPEAL - An applicant whose application has been denied by an LSC shall have the right to appeal the denial to the Zone Sanction Appeal Panel.

- .1 Each Zone shall establish a Zone Sanction Appeal Panel
 - A Each Zone shall designate a group of coaches, referees and athletes available to serve on an Appeal Panel.
 - B A petitioner may file an appeal with the Senior Zone Director within five days of receiving notification of denial by an LSC.
 - C When an appeal is filed, the Zone Directors shall notify the LSC and appoint a panel made up of a coach, referee and athlete, each from a different LSC and none from the petitioner's LSC.
- .2 The Zone Sanction Appeal Panel is authorized to direct the LSC to issue the sanction or approval. The Panel's decision shall be final.

Re-number remaining

202.1 JURISDICTION — As the National Governing Body for competitive swimming in the United States and as a Federation member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC), as the administrative arm of USA Swimming, is authorized to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and entertainment involving competitive swimming within its geographical boundaries. Additional requirements/conditions for sanction or approval, other than those listed in 202.2, 202.3 and 202.4 Article 202 may be established by a vote of the LSC House of Delegates in accordance with LSC Bylaws.

R-9 ADOPTED/AMENDED Effective January 1, 2015
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Location: Page 66 - **204.9 Sectional Championships**

204.9 SECTIONAL CHAMPIONSHIPS

- .1 Each Zone shall designate its Sections.
- .2 Dates of Sectional Championships shall be determined by each Section. The Senior Development Committee will set nationwide time standards for Sectionals. Individual Sections may have standards that are slower than these standards but not faster.
- .3 The goal size for the Sectional Meet is 700 athletes. If 800 or more athletes enter a given meet, the Zone shall either: (a) tighten the time standards, (but not faster than the standards established by the Senior Development Committee); or (b) split the meet into two meets for the following year. For meets held in two courses, the goal size of the meet is 1000 athletes. If 1100 or more athletes enter a given meet, the Zone shall either (a) tighten the time standards (but not faster than the standards established by the Senior Development Committee), or (b) split the meet into two meets for the following year.
- .4 Sectional meets shall use Online Meet Entry, via USA Swimming. The number of Sectional meets in each Zone is determined by the number of athletes that entered Sectional meets via Online Meet Entry for the meet the previous year.

[renumber remaining]

- .5 USA Swimming shall provide a bid form, financial and operating agreements and all other documents related to the responsibilities of the meet host and conduct of the event. Each Section shall notify the Zone Directors of bid winners for the following year's meets by the close of the annual meeting of USA Swimming's House of Delegates.
- .6 There shall be at least two (2) Spring and one (1) Summer Sectional meets in each Zone.
 - A Summer Sectional
 - (1) The Summer Sectional shall be a Long Course Meet.
 - (2) The Summer Sectional Meet shall be no more than four (4) days long, and shall conclude between 8 and 22 days prior to the U.S. Open or Junior Nationals, whichever comes first.
 - (3) The Summer Sectional Meet shall have at least one 18-and-under final heat per individual event.
 - B Spring Sectional
 - (1) The Spring Sectional Meet should be no more than 3.5 days long. The dates may vary according to the needs of each Zone.
 - (2) The Spring Sectional meet shall have at least one 18-and-under final heat per individual event.
- .7 There shall be not more than sixteen (16) Spring and sixteen (16) Summer meets.
- .8 Sectional Championship dates and sites shall be selected by the Sections and approved by the respective Zone Directors.
- .9 The meet format shall be determined by the Section in accordance with the requirements listed here.

.10 Sectional Championships shall be scored.

~~.9 Time standards for Sectional meets shall be established by each Section, to accommodate no fewer than 400 participants.
shall be established by each Section, to accommodate no fewer than 400 participants.~~

R-10 ADOPTED Effective January 1, 2014

Location: Page 96 - **304.2 Code of Conduct**

304.2 Any member, former member, or prospective member of USA Swimming is subject to the jurisdiction of the Board of Review. Any member, former member, or prospective member of USA Swimming may be denied membership, censured, placed on probation, suspended for a definite or indefinite period of time with or without terms of probation, fined or expelled from USA Swimming for life if such person member violates the provisions of the USA Swimming Code of Conduct, set forth in 304.3, or aids, abets or encourages another person to violate any of the provisions of the USA Swimming Code of Conduct. USA Swimming shall initiate an investigation of any former member of USA Swimming when a report required under 306.1 is received.

R-11 ADOPTED Effective Immediately

Location: Page 96 - **304.3 Code of Conduct**

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

.3 ~~Discrimination in violation of any part of the USA Swimming Rules and Regulations or the Amateur Sports Act which requires that USA Swimming must provide:~~ "an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition the sport of swimming, without discrimination on the basis of race, color, religion, age, gender, or national origin. Athletes must be allowed to participate and compete to the fullest extent allowed by the Rules and Regulations. Discrimination against any member or participant on the basis of age, gender, race, ethnicity, culture, religion, sexual orientation, gender expression, genetics, mental or physical disability, or any other status protected by federal, state or local law, where applicable, is prohibited.

R-12 ADOPTED Effective Immediately

Location: Page 96 - **304.3 Code of Conduct**

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

.8 A [unchanged]

B [unchanged]

C A romantic or sexual relationship, even if it is a consensual relationship between adults, which began during the swimming relationship, between athletes and those individuals (i) having direct supervisory or evaluative control, or (ii) who are in a position of power and trust over the athlete. Except in circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes they coach. The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated that there is no imbalance of power. For example, this prohibition does not apply to a relationship between two spouses or life partners which existed prior to the swimming relationship. For factors that may be relevant to determining whether an imbalance of power exists, consult the USOC's Athlete Protection Policy.

R-13 ADOPTED Effective Immediately

Location: Page 97 - **304 Code of Conduct**

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

.1-7 [No changes]

.8 A Any inappropriate sexual conduct or advance, or other inappropriate oral, written, visual, or physical conduct of a sexual nature at any time, past or present, directed towards an athlete or any person under the age of 18 by (i) a coach member or

other non-athlete member, or (ii) any other adult participating in any capacity whatsoever in the activities of USA Swimming (whether such adult is a member or not).

- B Any act of sexual harassment, including without limitation unwelcome sexual advances, requests for sexual favors, and other inappropriate oral, written, visual, or physical conduct of a sexual nature in connection with or incidental to a USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming (whether such person is a member or not) directed toward any member or other person participating in the affairs or activities of USA Swimming.
- C Any peer-to-peer sexual abuse. For the purposes of the Code of Conduct, the term "peer-to-peer sexual abuse" shall mean any unwelcome physical conduct of a sexual nature directed towards a minor athlete by another minor athlete.

R-14 ADOPTED Effective January 1, 2014

Location: Page 96 – **304.3 Code of Conduct**

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

[.1 - .13 No changes]

.14 For any USA Swimming member club or coach to knowingly

- A allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible" to coach or instruct any of its athlete members.
- B aid or abet coaching or instruction of athletes by any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible," or
- C allow any person who has been placed on the USA Swimming list of "Individuals Permanently Suspended or Ineligible" to have an ownership interest in such USA Swimming club or its related entities.

[re-number current .14 and remaining subsections]

[Note: Section citations in 403.1, 403.2, and 406.1 will be revised as necessary after the Convention so that this new item falls under NBOR jurisdiction.]

R-15 ADOPTED/AMENDED Effective January 1, 2015

Location: Page 101-116 - **Part Four – Hearings and Appeals
Required LSC Bylaws**

**PART FOUR
HEARINGS AND APPEALS
ARTICLE 401
GENERAL**

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

**ARTICLE 402
BOARD OF REVIEW MEMBERSHIP**

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

402.2 NATIONAL BOARD OF REVIEW — [no change]

ARTICLE 403 JURISDICTION

403.1 JURISDICTION OF THE LSC ZONE BOARD OF REVIEW — In matters involving a member or members of only one LSC Zone, matters arising in regional or zone competition and any complaint alleging violations of 304.3.14 through 304.3.18 inclusive of the USA Swimming Code of Conduct involving one or more members or prospective members of the LSC Zone, and/or one or more Participating Non-Members, and not brought by USA Swimming, shall be filed directly with the LSC respective Zone. Any appeal of the LSC Zone Board of Review's decision shall be made to the National Board of Review pursuant to Article 408 hereof.

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

403.2 JURISDICTION OF THE NATIONAL BOARD OF REVIEW

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

- A Any complaint involving athletes or other members of USA Swimming from more than one LSC Zone and/or one or more Participating Non-Members either residing within more than one LSC Zone (if more than one Participating Non-Member) or within a different LSC Zone from the athlete(s) or other USA Swimming member(s); or

[no further change]

.2 **Discretionary Jurisdiction**

- A Upon a majority vote of the USA Swimming Board of Directors or its Executive Committee, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this Article 403 when, in its sole discretion, the best interests of USA Swimming shall be served thereby, or when compliance with regular USA Swimming or LSC Zone procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties.

[no further change]

ARTICLE 404 AUTHORITY OF BOARDS OF REVIEW

404.1 LSC ZONE BOARD OF REVIEW — The LSC Zone Board of Review shall have the following power and authority

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

- A Dismiss the Petition with or without permission to refile;
- B Censure or fine a party;
- C Establish a period of probation, with or without conditions;
- D Prohibit or mandate future actions, inaction or conduct;
- E Determine the results of, or require a rerun of, any election held by the LSC Zone or any constituent element thereof;
- F Vacate, modify, sustain, reverse, remand or stay any decision or order of: ~~the a~~ House of Delegates, Board of Directors, officer, division or committee, or coordinator of ~~the a~~ LSC within the Zone, ~~or a smaller panel of the LSC Board of Review;~~
- G With the exception of the technical rules (Part One), interpret any provision of (i) the Rules and Regulations of USA Swimming (to the extent not preempted by FINA or USA Swimming Rules and Regulations); (ii) the USA Swimming Code of Conduct, the Required LSC Bylaws, other policies, rules, regulations and procedures of USA Swimming, ~~or the Zone or the LSC;~~ and (iii) the Amateur Sports Act and other applicable laws, rules and regulations; as well as adjudicate alleged inconsistencies and claims of supremacy and invalidity with respect to the foregoing;
- H Deny, grant, suspend or restore the eligibility or right to compete of an athlete member of the LSC Zone and USA Swimming;
- I Deny, grant, suspend or restore membership in the respective LSC and USA Swimming for a definite or indefinite period of time, with or without terms of probation, or expel any Group Member or Individual Member of the respective LSC and USA Swimming, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board Member, House of Delegates representative of a Group Member, coordinator, chair or member of any committee or sub-committee;

- J Prohibit for a definite or indefinite period of time the participation by a Participating Non-Member in the affairs or activities of USA Swimming, the Zone, the respective LSC, its Group Members or other LSCs and their Group Members;
 - K Assess costs, including any filing fee and attorneys' fees and expenses, to the prevailing party or refund any filing fee paid by the prevailing party (except as otherwise set forth below);
 - L Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision of the Board; and
 - M Assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the circumstances.
- .2 **Preliminary Hearing and Temporary Orders** — In appropriate cases, the LSC Zone Board of Review, after an initial investigation and/or a preliminary hearing, may make in its discretion temporary orders for the good of the sport of swimming. The temporary order may encompass any remedy or order permissible in a final decision and may include, by way of example, suspending membership, granting the right to participate or coach in a competition, permitting a swimmer to compete subject to protest, or offering or ordering the parties to attempt to resolve their differences pursuant to mediation or other alternative dispute resolution mechanisms prior to any hearing before the LSC Zone Board of Review. These orders may be made effective pending full hearings by the LSC Zone Board of Review or the conclusion of administrative or judicial proceedings of other bodies addressing the same or similar issues or on other terms as determined by the LSC Zone Board of Review.
- .3 **Grounds for Imposition** — The LSC Zone Board of Review may fashion remedies and orders and impose penalties with respect to any Group or Individual Member of the LSC Zone, or Participating Non-Member residing within the LSC Zone (1) who has violated any of the regulations, rules, policies or procedures of the LSC, Zone, USA Swimming or FINA, including any of the responsibilities of membership set forth in the Required LSC Bylaws, (2) who aids, abets, instigates or encourages another to violate any of such regulations, rules or policies, (3) who is responsible for any such violation by another, or (4) who has acted in a manner which has brought, or may bring, into disrepute the LSC, the Zone, USA Swimming or the sport of swimming.

404.2 NATIONAL BOARD OF REVIEW — [no change]

ARTICLE 405 - [no change]

ARTICLE 406

LSC ZONE BOARD OF REVIEW HEARINGS AND PROCEDURES 406.1 FILING COMPLAINTS

406.1 FILING COMPLAINTS

- .1 **Commencement of Action** — Any request for hearing is begun by the filing of a Petition submitted to the Chair of the LSC Zone Board of Review (if submitted to the respective LSC General Chair, a Zone Director or the Zone Secretary, the Petition is not defective, but the allowable period of time for the Notice shall not commence until the Petition is received by the Chair of the Zone Board) consisting of a written statement setting forth a description of the action, inaction or conduct that is believed to have been improper or incorrect, and the name of the person or group believed to have acted improperly or the circumstances believed to require answers, explanation or clarification. The Petition shall be accompanied by any filing fee due under the Required Zone Board of Review Procedures LSC Bylaws or by an application for waiver of the fee.
- .2 **Review of Petition** — The Chair may review, dismiss or suggest modifications to any Petition to assure that the Petition sets forth a cause of action under these rules. Any dismissal by the Chair may be reviewed by ~~the full LSC~~ a Zone Board of Review panel upon request of the Petitioner(s).

406.2 HEARINGS

- .1 **Hearings Conducted by Chair or Presiding Officer** — Hearings of the LSC Zone Board of Review shall be conducted by the Chair of the LSC Zone Board of Review or a Presiding Officer designated by the Chair.
- .2 **Hearing by Panel** — The LSC Zone Board of Review ~~shall may, in the discretion of the Chair,~~ conduct hearings ~~either before the full LSC Board of Review or before panels of its members, provided that in any event each panel shall consist of between three (3) and five (5) members, one of which whom shall be an athlete member. A panel shall have all of the powers of the LSC Board of Review solely with respect to matter(s) assigned to it by the Chair.~~
- .3 **Quorum of Panel** — ~~At least three (3) members~~ A majority of a designated panel, one of which shall be an athlete member, must be present at any ~~initial hearing~~ before the panel. ~~The full LSC Board of Review, including at least twenty percent (20%) athlete members, must be present at any rehearing.~~ No hearing may be conducted without the presence of at least 20% athlete members on the hearing panel.
- .4 **Permissible Hearing Formats** — A hearing before the LSC Zone Board of Review may be conducted through the receipt of the procedural documents and other written statements or a hearing at which the parties may appear in person or by means of video telephonic conference call and testimony may be taken and other forms of pertinent information presented in addition to oral argument by the parties or their counsel, as reasonably determined by the Chair or Presiding Officer. Where appropriate in the

reasonable determination of the Chair or the Presiding Officer, the hearing may be conducted in part through written means and in part by testimony and oral argument.

- .5 **Right to Counsel** — The Petitioner(s), the Respondent(s) and any other person participating in a hearing conducted by the LSC Zone Board of Review shall be entitled to be represented by counsel of their choice at their own expense.
- .6 **Rules of Evidence** — Judicial rules regarding admissibility of evidence shall not apply to the LSC Zone Board of Review. Thus, hearsay, letters, affidavits, news media articles and reports, etc., as well as direct testimony taken from witnesses present at a hearing, are all admissible to the extent the Presiding Officer is satisfied as to the relevance and non-repetitive nature of the evidence. To be relevant, such evidence need only tend to assist resolution of a fact in issue in the hearing. The LSC Zone Board of Review should not hear evidence protected by the attorney-client privilege or by a Constitutional claim against self-incrimination. Other claims of privilege, however, should not generally be entertained except in extraordinary circumstances. Proper weight shall be given to each type of evidence considering the source and other common sense factors.
- .7 **Open/Closed Hearings** — Any hearing, or a part thereof, shall be open to members of the LSC Zone Board of Review hearing panel, the Presiding Officer, any attorney advising the Presiding Officer, the Petitioner(s), the Respondent(s), any other real party in interest, their counsel and any witnesses at the request of any of the parties, but shall otherwise be closed to the public. The Chair may, however, at the request of a party, sequester witnesses. ~~in the interests of justice and the sport of swimming, close a hearing, or any part thereof, to the public. If a hearing is closed, the~~ The LSC Zone Board of Review may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by the respective LSC, Zone and USA Swimming.
- .8 **Accelerated Hearing Schedule** — Except for emergency hearings, covered in ~~406.4.2~~ 406.3.2, the Chair, or the Presiding Officer for the hearing, may order, with the agreement of all parties, an accelerated hearing schedule in the interest of justice and the sport of swimming.

406.3 REHEARINGS

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

406.3 HEARING PROCEDURES — The procedures to be followed in connection with all hearings of the LSC Zone Board of Review shall be as follows

.1 Formal Hearing

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

The form of Notice of Hearing shall include:

- (1) a statement in reasonable detail of the charges against each Respondent, or of the circumstances that are believed to require answers, explanation or clarification. A copy of the Petition, if any, received by the LSC Zone Board of Review shall be attached to the Notice of Hearing;
- (2) a statement that the Respondent(s) has the right to have counsel of his/her own choice to represent him/her, at his/her own expense, at any hearing;
- (3) a description of the type of hearing to be held. In the case of an in-person hearing, the Notice of Hearing shall request each Respondent to appear before the LSC Zone Board of Review with counsel and witnesses, if any;
- (4) a date, time and location at which the hearing will be held. The date of the hearing shall be not less than thirty (30) days nor more than sixty (60) days after the date of transmission of the Notice;
- (5) a request that each Respondent answer in writing all of the charges set forth in the Notice of Hearing. The Notice of Hearing shall state that this Response is to be delivered at least fourteen (14) days prior to the date of the hearing, to the Presiding Officer designated in the Notice, at the specified address, with a copy to the Petitioner(s) and its/their counsel, if any, and anyone else specified in the Notice of Hearing at the addresses designated; and
- (6) a statement of the right of appeal (~~including the right, if any, to a rehearing~~) in the event the decision is rendered against the Respondent(s).

B **Response by Respondent(s)** — [no change]

C **Reply by Petitioner(s)** — [no change]

D **Conduct of Hearing**

- (1) **Generally.** Hearings shall be conducted fairly and in an orderly fashion, but without responsible for keeping the parties and their counsel, if any, focused on the issues at hand and the necessary elements of proof and for enforcing the rule that no one may speak who has not been recognized by the Presiding Officer. For hearings conducted other than entirely through the receipt of written statements, the LSC Zone Board of Review shall cause a credible recording or transcription to be made of the hearing. No record of the deliberations of the LSC Zone Board of Review need be kept and, if kept, shall not be available to anyone other than the members of the LSC Zone Board of Review, the Presiding Officer and counsel to the LSC Zone Board of Review.
- (2) **Absence of a Party.** The hearing may proceed in the absence of any party who fails to be available at the appointed time and the hearing may proceed to judgment despite that person's absence. If the Presiding Officer determines that in the interests of justice and the sport of swimming the hearing cannot proceed without the absent party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the LSC Zone Board of Review in reaching its decision.
- (3) **Sequence.** The hearing shall be opened by the recording of the place, time and date of the hearing and the presence of the members of the LSC Zone Board of Review, the parties, counsel, if any, and any other witnesses or observers. Each party (Petitioner(s) first, Respondent(s) second) may then present a brief opening statement setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence. The Petitioner's claims, evidence and witnesses shall be presented. The Respondent(s)'s defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the Petitioner(s) may then be allowed to rebut any testimony or evidence presented by the Respondent(s) after the Respondent(s)'s initial presentation. In the discretion of the Presiding Officer, the Respondent(s) may be permitted to rebut any testimony or evidence presented by the Petitioner(s) during the Petitioner's rebuttal presentation. Finally, each party (in the same order) shall be entitled to make a brief summation of that party's case.
- (4) **Rules of Evidence; Witnesses' Testimony.** The rules of evidence governing the hearing are set forth in 406.2.6 above. Each witness may present testimony initially either in the form of questions and answers between the witness and counsel or in uninterrupted narrative. The Presiding Officer and the members of the LSC Zone Board of Review may question any person at any time during the hearing. Thus, for example, in an exercise of discretion, the Presiding Officer could call a witness who has not yet been called or whom no party intended to call and propound questions to, or elicit narrative testimony from, that witness. Witnesses shall be subject to cross examination by the other party and to questioning by the

Presiding Officer and members of the LSC Zone Board of Review. All parties will be expected to be available for questioning by the LSC Zone Board of Review, whether or not they may have given other testimony at the hearing.

(5) **Oath.** [no change]

(6) **Variance of Procedures.** [no change]

E **Decision of LSC Zone Board of Review** — The decision of the LSC Zone Board of Review may be rendered at the time of the hearing and, if not so rendered, as soon as possible thereafter and in no event more than fourteen (14) days after the conclusion of the hearing. The decision shall include findings of facts and a statement of remedies ordered or penalties imposed, if any, and a statement setting forth the rights of the parties to appeal the decision. The decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing promptly, and delivered to the Petitioner(s), Respondent(s), their respective counsel, any other party to the proceeding, and the General Chair and the Secretary of the respective LSC(s) and the Executive Director of USA Swimming.

.2 **Emergency Hearing**

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

B **Notice of Emergency Hearing** — [no change]

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

D **Decision of LSC Zone Board of Review** — The decision of the LSC Zone Board of Review shall be rendered at the time of the hearing or as soon as possible thereafter in keeping with the ~~emergent~~ emergency circumstances. The decision shall include findings of facts and a statement of remedies ordered, if any, and a statement of the right to request a subsequent formal hearing. The decision shall be in writing, or in case of a decision rendered orally at the hearing, reduced to writing within fourteen (14) days thereafter and delivered to the Petitioner(s), the Respondent(s), their counsel, any other real party in interest to the proceeding, the Chair of the LSC Zone Board of Review, and the General Chair and the Secretary of the respective LSC, the Secretary of the Zone, and the Executive Director of USA Swimming.

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

.3 **Stay of Decision Pending Appeal** — The LSC Zone Board of Review shall have the authority and discretion, but not the duty, to stay its decision, in whole or in part, subject to specified conditions, during the time allowed to demand a further hearing after an emergency hearing, ~~a rehearing~~ or to appeal to the National Board of Review, with the decision going into effect automatically if those conditions occur or if no demand or appeal is filed during the allowable period or at such time as a perfected appeal is terminated without the decision being modified by the appellate authority.

.4 **Extensions of Time** — [no change].

.5 **Method of Delivery** — The delivery of all Notices of Hearing to Respondent(s) and all final Decisions to the non-prevailing party(ies) shall be by overnight express delivery. Delivery of all other pleadings, orders and communications may be by electronic mail or other means, as directed by the Chair of the LSC Zone Board of Review.

.6 **Severability** — Nothing in these Rules is intended to override applicable state corporation law. In the event the corporation laws of the state of incorporation of ~~any~~ a Respondent's LSC (or if there are more than one Respondent and not all reside within one LSC, the state of incorporation of the LSC where the majority in number of Respondents reside) LSC specifically prohibit conduct herein required, the LSC Zone may so notify the Chair of the Rules and Regulations Committee and may request a waiver, review or modification of any rule or provision herein. In the event that any provision of these Rules is rendered impermissible or illegal by a court of competent jurisdiction, that provision and all remaining provisions shall, where possible, remain in full force and effect in all locations outside the subject matter jurisdiction of the court rendering such opinion.

ARTICLE 407 - [No changes]

ARTICLE 408
APPEAL FROM LSC ZONE BOARD OF REVIEW TO NATIONAL BOARD OF REVIEW 408.1 PROCEDURE

408.1 PROCEDURE

- .1 ~~In accordance with 406.3.4, a person may not appeal a decision of a LSC Board of Review panel which consisted of fewer than seven (7) members without first making a timely request for a rehearing by the full LSC Board of Review.~~ Every appeal to the National Board of Review shall be instituted by a Petition served upon the Executive Director, as well as the other party(ies) to the LSC Zone Board of Review proceeding, and shall be accompanied by a \$250 non-refundable filing fee payable to USA Swimming. Any appeal must be filed within thirty (30) days from the postmark date of the written Decision of the LSC Zone Board of Review. The Petition on appeal shall set forth the grounds for appeal, citing factual and legal issues in as much detail as possible.

[no further change]

ARTICLE 409
APPEAL FROM NATIONAL BOARD OF REVIEW TO BOARD OF DIRECTORS

409.1 PROCEDURE

- .1 Any real party in interest, including any officer of USA Swimming or the Executive Director, may appeal any decision of the National Board of Review as follows:
- A Matters heard by the National Board of Review pursuant to its original jurisdiction, heard *de novo* or heard pursuant to its discretionary jurisdiction, may be appealed to the Board of Directors within thirty (30) days of the date of the issuing of its written decision.
 - B Matters heard by the National Board of Review on appeal from an LSC a Zone Board of Review, other than any matter included in 409.1.1A, shall be heard only upon the granting of a petition from a real party in interest. Unless a majority of the President, General Counsel and the Athlete's Vice President (or their respective designees) shall determine, based upon the record below, that an appeal shall have sufficient merit and be of such general application as to justify an appeal to the Board of Directors, the petition shall be denied and the matter shall be final, with no further appeal allowed.

[no further change]

ARTICLE 410
CONFIDENTIALITY

410.1 [no change].

410.2 [no change]

410.3 USA Swimming shall also disclose information to a member club or LSC Zone where an employee or volunteer of such club or LSC Zone has been alleged in a complaint to have violated the Code of Conduct.

410.4 [no change]

ARTICLE 411
FULL FAITH AND CREDIT

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

411.2 ENFORCEMENT — Final decisions rendered by the LSC Zone Board of Review and the National Board of Review shall, when applicable, be recognized and fully enforced in all other Zones and LSCs of USA Swimming.

ARTICLE 412
**STANDARDS OF CONDUCT FOR MEMBERS OF BOARDS
OF REVIEW AND APPELLATE BODIES**

412.1 STANDARDS OF CONDUCT — Members (the "Review Members") of LSC Zone and National Board of Review panels and the Board of Directors appeals panels (collectively, the "Review Board") shall:

[no further change]

412.2 GROUNDS FOR RECUSAL — Review Members shall recuse themselves from participating in any matter pending before their respective Review Board:

- .1 In which their impartiality might reasonably be questioned;
- .2 Where they have a personal bias or prejudice concerning a party in the pending matter or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Review Member or known generally to a substantial portion of the membership of the respective LSC, the Zone or USA Swimming);

[no further change]

412.3 RECUSAL BY MEMBER — Review Members shall recuse themselves as soon as they become aware of facts that give rise to the duty to do so by giving notice to the LSC Zone Board of Review Chair, the National Board of Review Chair, or in the case of the Chair of the National Board of Review or Board of Directors appeal panel members, to the General Counsel, as applicable.

412.4 RECUSAL/DISQUALIFICATION REQUESTED BY PARTY — [no change]

412.5 SUBSTITUTION FOR RECUSED OR DISQUALIFIED MEMBER — no change].

ARTICLE 413 **REQUIRED ZONE BOARD OF REVIEW PROCEDURES**

413.1 INTRODUCTION - USA Swimming requires each Zone to establish a Zone 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 Zone, conduct that may violate the USA Swimming Code of Conduct or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or the Zone, or conduct that may bring USA Swimming, the Zone, the respective LSC or the sport of swimming into disrepute. These procedures are intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of the Zone or, where the conduct occurred in the Zone, another Zone (or LSC within another Zone) takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people.

413.2 BOARD OF REVIEW ORGANIZATION

- .1 **Establishment** - The Zone Board of Review of the Zone shall be independent and impartial.
- .2 **Members** - The Zone Board of Review shall have at least twenty-five (25) regular members comprised of at least (2) members from each LSC within the Zone. The Zone Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least twenty percent (20%) of its membership. The Zone may increase the number of Zone Board of Review members by resolution but may only decrease the number of members upon the expiration of the term of office of any incumbent members. No hearing shall proceed without the required athlete representation.
- .3 **Election; Term of Office; Eligibility**
 - A **Election** – LSCs members will be appointed or elected by the LSC and approved by the Zone at its annual meeting.
 - B **Term of Office** - The term of office for Zone Board of Review members shall be three (3) years. Terms shall be staggered so that approximately one-third (1/3) of the membership on the Zone Board of Review shall expire each year. Each member shall assume office immediately upon election and shall serve until a successor takes office.
 - C **Eligibility** - Each member of the Zone Board of Review shall be an Individual Member of the Zone and USA Swimming. In no case shall a Zone Director serve on the Zone Board of Review.
- .4 **Chair Elected by Board; Other Officers** - The Chair of the Zone Board of Review (the “Chair”) who must be a regular member, shall be elected biennially by a majority vote of the members of the Zone Board of Review. The Chair shall biennially appoint a Vice Chair and a Secretary of the Zone Board of Review, each of whom must be regular members.
- .5 **Meetings** - The Zone Board of Review shall meet for administrative purposes at least once biennially to elect the Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Zone Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the Chair or any three (3) regular members. When meeting for administrative purposes, those provisions that are specified in Section 607.18 of the Required LSC Bylaws shall apply to the Zone Board of Review.
- .6 **Participation Through Communications Equipment** - Members of the Zone Board of Review may participate in a meeting or hearing of the Zone Board of Review, and any hearing may be conducted, in whole or in part, through conference telephone, video

conferencing or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.

.7 **Quorum** - A quorum for any administrative meeting of the Zone Board of Review shall be fifty percent (50%) of its *regular* members, including athlete members.

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

.9 **Incapacities and Vacancies** - Determination of Vacancy or Incapacity

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

B **Presiding Officer** - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the Chair shall appoint another member of the Zone Board of Review or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings other than delay for the benefit of the new Presiding Officer. The Chair or the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the Chair shall have discretion regarding appointment of a new Presiding Officer, a delay of the hearing or such other order as may serve the interests of fairness, justice and the sport of swimming.

C **Other Members** - In the event of a death, resignation or permanent incapacity of a member of the Zone Board of Review, the Zone Directors shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the Chair shall designate another member to act for the incapacitated member for the duration of the incapacity. If there are no members available to serve, the General Chair, with the advice and consent of the Board of Directors, shall appoint one or more Individual Members to serve as alternate members to serve until the next regularly scheduled meeting of the House of Delegates.

D **Determination of Vacancy or Incapacity** - The determination of when a position on the Zone Board of Review becomes vacant or a member becomes incapacitated shall be within the discretion of the Zone Board of Review. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Zone Board of Review.

.10 **Substitutions for Members** - In the event that a member of the Zone Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice Chair; or failing that, the Zone Directors shall appoint another member or, if none of the other members is available, a disinterested Individual Member to act in the member's place and stead in respect of that circumstance.

.11 **Advice; Attorney as Presiding Officer**

A **Legal and Other Advice** - Where appropriate or helpful, the Chair or Presiding Officer may consult the USA Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of the Zone, USA Swimming or the Zone Board of Review) retained by the Zone Board of Review or the Chair regarding any issue raised by a proceeding.

B **Attorney as Presiding Officer** - The Zone Board of Review or the Chair may retain an attorney (who need not be a member of the Zone, USA Swimming or the Zone Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may not participate in the deliberations of the Zone Board of Review or have a vote.

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

413.3 GENERAL

- .1 Administrative Powers** - The Zone Board of Review shall have the powers and the duty to:
- A** administer and conduct the affairs and achieve the purposes of the Zone Board of Review.
 - B** establish policies, procedures and guidelines.
 - C** elect the Chair in accordance with Section 2.4.
 - D** elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for terms, and to have the powers and duties, specified.
 - E** call regular or special meetings of the Zone Board of Review.
 - F** retain attorneys, agents and independent contractors and employ those persons which the Zone Board of Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs, and
 - G** take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- .2 Rule Making Powers** - The Zone Board of Review shall have the power and the duty to promulgate reasonable rules and procedures, consistent with the Corporation laws applicable to the Zone or the respective LSC(s), with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs.
- .3 Exercise of Powers and Decisions** - Except for authority and power granted to the Chair or the Presiding Officer, the exercise of the authority and powers of the Zone Board of Review and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the panel or the regular membership of the Zone Board of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Zone Board of Review's authority and power shall lie solely in its discretion and the interests of justice and the sport of swimming. However, the Zone Board of Review shall exercise its power in response to a timely Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the Chair or Presiding Officer to dismiss a Petition with permission to refile for a stated period. In connection with any preliminary investigation, the Chair or Presiding Officer may offer the services of a Board of Review member or an individual Member designated for such purposes by the Board of Review or the respective LSC, to act as a mediator or similar positions under other alternative dispute resolution mechanisms.
- .4 Timeliness of Petition** - The Zone Board of Review need not exercise its jurisdiction with respect to a Petition the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the Petition is received (as determined under Article 406.1 herein). A determination not to exercise its jurisdiction as a result of the untimeliness of a Petition may be the subject of an appeal to the National Board of Review pursuant to Article 408 herein.
- .5 Filing Fees** - The Zone may impose a schedule of generally applicable fees to be collected at the time a Petition or Request for Formal Hearing following an Emergency Hearing is filed with the Zone Board of Review. If, on its own initiative or upon written request, the Zone Board of Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.

Delete current wording in Article 610 (Board of Review Organization) of Required LSC Bylaws:

ARTICLE 610
BOARD OF REVIEW ORGANIZATION
[Intentionally Deleted.]

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

610.2 BOARD OF REVIEW ORGANIZATION

1 ESTABLISHMENT The Board of Review of XXSI shall be independent and impartial.

2 MEMBERS The Board of Review shall have ~~at least five (5) regular members and at least three (3) alternate members.~~ The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least twenty percent (20%) of its membership. The House of Delegates may increase the number of *regular or alternate* members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of *regular or alternate* members upon the expiration of the term of office of any incumbent members. When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a sufficient number of athlete members so as to constitute at least twenty percent (20%) of the hearing panel. No hearing shall proceed without the required athlete representation.

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

3 ELECTION; TERM OF OFFICE; ELIGIBILITY

A. Election The House of Delegates shall ~~annually~~ ~~or biennially~~ elect *regular and alternate* members of the Board of Review. ~~Two regular and two alternate members shall be elected in even numbered years and three regular and one alternate members in odd numbered years.~~

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

B. Term of Office The term of office shall be ~~two~~ ~~or four~~ years. Each member ~~and alternate member~~ shall assume office upon election¹ and shall serve until a successor is chosen².

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

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

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

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

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

- ~~.7~~ QUORUM A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its *regular* members, including athlete members.
- ~~.8~~ RESIGNATIONS Any *regular* or *alternate* member of the Board of Review may resign by orally advising the Chair or by submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- ~~9~~ INCAPACITIES AND VACANCIES Determination of Vacancy or Incapacity In the event of a vacancy in the office of the Chair, a Presiding Officer of any panel or other members of the Board of Review, the LSC shall have in place reasonable written and published rules consistent with the laws of the state of incorporation of the LSC to determine when such membership on the Board of Review becomes vacant or a Chair, Presiding Officer or member becomes incapacitated. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action of the House of Delegates.
- ~~.10~~ SUBSTITUTIONS FOR MEMBERS In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice Chair; or failing that, the General Chair) shall appoint another *regular* member or *one of the alternate members* or, if none of the *alternate* or *regular* members is available, a disinterested Individual Member to act in the member's place and stead in respect of that circumstance.
- ~~.11~~ ADVICE; ATTORNEY AS PRESIDING OFFICER
- A. Legal and Other Advice Where appropriate or helpful, the Chair or Presiding Officer may consult the USA Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of XXSI, USA Swimming or the Board of Review) retained by the Board of Review or the Chair regarding any issue raised by a proceeding.
- B. Attorney as Presiding Officer The Board of Review or the Chair may retain an attorney (who need not be a member of XXSI, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may not participate in the deliberations of the Board of Review or the designated panel or have a vote.
- C. Attorney's Fees and Expenses Prior to retaining an attorney on any basis requiring the payment of fees to the attorney (the payment of expenses to an attorney providing services at no charge (*pro bono publico*) shall not be considered as a payment of fees for this purpose), the Chair or the Presiding Officer shall consult with the General Chair and the USA Swimming General Counsel. The Treasurer is authorized and directed to pay any fee and expenses charged by the attorney and approved by the Chair.

~~610.3~~ GENERAL

- ~~1~~ ADMINISTRATIVE POWERS The Board of Review shall have the powers and the duty to:
- A. administer and conduct the affairs and achieve the purposes of the Board of Review,
- B. establish policies, procedures and guidelines,
- C. elect the Chair,
- D. elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for terms, and to have the powers and duties, specified,
- E. call regular or special meetings of the Board of Review,
- F. retain attorneys, agents and independent contractors and employ those persons which the Board of Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs (see Section 610.2.11C) and
- G. take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- ~~.2~~ RULE MAKING POWERS The Board of Review shall have the power and the duty to promulgate reasonable rules and procedures consistent with the corporation laws of the LSC with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules and procedures shall have the same force and effect as if they had been adopted as part of these Bylaws.
- ~~.3~~ EXERCISE OF POWERS AND DECISIONS Except for authority and power granted to the Chair or the Presiding Officer, the exercise of the authority and powers of the Board of Review and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the panel, the rehearing panel or the *regular* membership of the Board of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Board of Review's authority and power shall lie solely in its discretion and the interests of justice and the sport of swimming. However, the Board of Review shall exercise its power in response to a timely Petition filed with it, subject, in appropriate circumstances, to the power and discretion of the Chair or Presiding Officer to dismiss a Petition with permission to refile for a stated period. In connection with any preliminary investigation, the Chair or Presiding Officer may offer the services of a Board of Review member to act as a mediator or similar positions under other alternative dispute resolution mechanisms.
- ~~.4~~ TIMELINESS OF PETITION The Board of Review need not exercise its jurisdiction with respect to a Petition the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the Petition is received (as

determined under Article 406.1 of the USA Swimming Rules and Regulations). A determination not to exercise its jurisdiction as a result of the untimeliness of a Petition may be made by the Chair alone and may be the subject of a request for rehearing and, thereafter, appeal to the National Board of Review pursuant to Article 408 of the USA Swimming Rules and Regulations.

- ~~.5 FILING FEES: The Board of Directors or the House of Delegates may impose a schedule of generally applicable fees to be collected at the time a Petition, Request for a Rehearing or Request for Formal Hearing following an Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon written request, the Board of Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.~~

R-16 ADOPTED Effective Immediately

Location: Page 101 - **402.2 National Board of Review**
Page 124 – **506.1 Committees and Coordinators**
Page 129 - **506.12 National Board of Review Committee (new)**

402.2 NATIONAL BOARD OF REVIEW – The Chair and one or more Vice Chair(s) of the National Board of Review shall be appointed by the President, with the advice of the General Counsel, and confirmed by the Executive Committee. The term of the Chair and Vice Chair(s) shall be two years with ~~no a limit of five (5) full terms on the number of terms the Chair each may serve.~~ Each case submitted to the National Board of Review shall be assigned by the Chair of the National Board of Review to a panel consisting of members of the National Board of Review Committee, unless conflicts or other reasons require panel members who are not members of such Committee. Each hearing panel shall consist of no less than three (3) members and no more than five (5) members, one of whom shall be an athlete member, to hear and decide the case. The appointment of ~~the any members to a hearing panel who is not a member of the National Board of Review Committee of each Board of Review panel hearing a case~~ shall be confirmed by the President and the General Counsel.

506.1 Committees and Coordinators

[1-9 no changes]

- .10 The following shall be responsible to the Secretary: ~~Chairman, National Board of Review Committee.~~

506.12 NATIONAL BOARD OF REVIEW COMMITTEE

- .1 Membership: The National Board of Review Committee shall consist of such number of members as the President may deem appropriate from time to time; such members shall be appointed by the President, with the advice of the Secretary and General Counsel, who shall serve as an ex-officio member with voice but no vote. At least twenty percent (20%) of the voting membership of the National Board of Review Committee shall be athlete members. The Chair and Vice Chair(s) of the National Board of Review shall serve as the Chair and Vice Chair(s), respectively, of the National Board of Review Committee.
- .2 The term of the Chair, Vice Chair(s) and other members of the National Board of Review Committee shall be two years with a limit of five (5) full terms each may serve.
- .3 The National Board of Review Committee shall provide trained and experienced panel members to hear and resolve matters, questions and disputes involving USA Swimming, the Local Swimming Committees, and/or the membership, in accordance with Part Four of the Rules and Regulations, as well as set operating policy and procedures for the National Board of Review.

R-19 ADOPTED Effective January 1, 2014

Location: Page 139 - **602.1 LSC Bylaws**
Required LSC Bylaws - Introduction

602.1 USA Swimming House of Delegates has approved and amended Required LSC Bylaws, which each LSC, within the flexibility granted in the Required LSC Bylaws, is required to adopt. USA Swimming House of Delegates shall retain the authority over these Required LSC Bylaws, including the right to amend in accordance with Article 511 of USA Swimming Rules and Regulations. Amendments to the Required LSC Bylaws by the USA Swimming House of Delegates are given automatic effect as of the effective date of legislation with respect to an LSC's Bylaws. LSCs are required to update their bylaws and send a copy to bylaws@usaswimming.org within 60 days of the effective date of any changes to the Required LSC Bylaws adopted by the USA Swimming HOD or the LSC HOD.

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

[no changes until the last paragraph]

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

R-20 ADOPTED Effective January 1, 2014

Location: Required LSC Bylaws 604.8.1

604.8 Nominating Committee

- .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall comprise not fewer than five (5) Individual Members. The Nominating Committee members shall be elected biennially by the House of Delegates and will serve until their successors are elected. If the House of Delegates does not act in a timely fashion the Board of Directors shall elect a Nominating Committee to serve until their successors are elected. A number greater than five (5) may be designated from time to time by either the House of Delegates or the Board of Directors. Each Nominating Committee member shall be a member of the House of Delegates and no more than two (two-fifths if there are more than five (5) members of the Nominating Committee) shall be Board Members or Executive Committee members. Section 606.3 shall apply to members of the Nominating Committee but service as the immediate past General Chair shall not be counted for that purpose. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chair, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates. In no case shall the General Chair serve on the Nominating Committee.

R-21 ADOPTED Effective Immediately

Location: Required LSC Bylaws 610.2.3

610.2 Board of Review Organization

.3 Election; Term of Office; Eligibility

[A & B – No changes]

- C. Eligibility- Each member of the Board of Review shall be an Individual Member of XXSI and USA Swimming. In no case shall the General Chair shall serve on the Board of Review or shall elected members of the Board of Directors constitute a majority of the Board of Review.

R-22 ADOPTED Effective January 1, 2015

Location: Required LSC Bylaws Article 610

COMMENTARY NOTE: Each LSC may adopt the following Article to allow the LSC to internally handle administrative matters which do not rise to the level of a Code of Conduct violation. LSCs which do not adopt this Article should retain the Article 610 numbering and note: "[Intentionally Deleted.]" where the Article title would otherwise be.

**ARTICLE 610
ADMINISTRATIVE REVIEW BOARD**

610.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws. These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its

members. This Article, together with Section 602.2 and Part Four of the USA Swimming Rules and Regulations, are intended to provide a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, XXSI has established the Administrative Review Board to hear complaints and appeals regarding administrative matters within the LSC. The Administrative Review Board shall have no jurisdiction to hear complaints regarding conduct that may violate the USA Swimming Code of Conduct. This Article, together with Part Four of the USA Swimming Rules and Regulations, is intended to provide a fair hearing before a group of independent and impartial people. This Article and Part Four of the Rules shall be construed accordingly.

610.2 ADMINISTRATIVE REVIEW BOARD ORGANIZATION -

- .1 ESTABLISHMENT - The Administrative Review Board of XXSI shall be independent and impartial.
- .2 MEMBERS - The Administrative Review Board shall have at least three (3) regular members, at least one of whom shall be an athlete member, and at least one alternate member. At least three members of the Administrative Review Board shall hear each case, with a sufficient number of athlete members to constitute at least twenty percent (20%) of its membership. No hearing shall proceed without the required athlete representation. The House of Delegates may increase the number of regular or alternate members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of regular or alternate members upon the expiration of the term of office of any incumbent members.
- .3 ELECTION; TERM OF OFFICE; ELIGIBILITY
 - A. Election - The House of Delegates shall biennially elect regular and alternate members of the Administrative Review Board:
 - B. Term of Office - The term of office shall be two (2) years. Each member and alternate member shall assume office upon election and shall serve until a successor takes office.
 - C. Eligibility - Each regular and alternate member of the Administrative Review Board shall be an Individual Member of XXSI and USA Swimming. In no case shall elected members of the Board of Directors serve on the Administrative Review Board.
- .4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Administrative Review Board (the "Chair") who must be a regular member, shall be elected biennially by a majority vote of the regular members of the Administrative Review Board. The Chair shall biennially appoint a Vice Chair and a Secretary of the Administrative Review Board, each of whom must be regular members.
- .5 MEETINGS - The Administrative Review Board shall meet for administrative purposes as necessary, to elect the Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Administrative Review Board and efficiently exercise its duties and powers. Other meetings may be called by the Chair or any two regular members. When meeting for administrative purposes, those provisions of Article 607 that are specified in Section 607.20 shall apply to the Administrative Review Board.
- .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Administrative Review Board may participate in a meeting or hearing of the Administrative Review Board, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.
- .7 QUORUM - A quorum for any administrative meeting of the Administrative Review Board shall be fifty percent (50%) of its regular members.
- .8 RESIGNATIONS - Any regular or alternate member of the Administrative Review Board may resign by orally advising the Chair or by submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- .9 INCAPACITIES AND VACANCIES - Determination of Vacancy or Incapacity - In the event of a vacancy in the office of the Chair, or other members of the Administrative Review Board, the LSC shall have in place reasonable written and published

rules consistent with the laws of the state of incorporation of the LSC to determine when such membership on the Administrative Review Board becomes vacant or a Chair or member becomes incapacitated. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Administrative Review Board, subject to any subsequent action of the Board of Directors.

.10 SUBSTITUTIONS FOR MEMBER - In the event that a regular member of the Administrative Review Board is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice Chair; or failing that, the General Chair) shall appoint the alternate member or, if the alternate member is not available, a disinterested Individual Member to act in the regular member's place and stead in respect of that circumstance.

.11 LEGAL ADVICE - Where appropriate or helpful, the Chair may consult the USA Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of XXSI, USA Swimming or the Administrative Review Board) retained by the Administrative Review Board or the Chair regarding any issue raised by a proceeding.

610.3 GENERAL -

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

- A. administer and conduct the affairs and achieve the purposes of the Administrative Review Board,
- B. establish policies, procedures and guidelines,
- C. elect the Chair,
- D. call regular or special meetings of the Administrative Review Board,
- E. retain attorneys, agents and independent contractors and employ those persons which the Administrative Review Board may determine are appropriate, necessary or helpful in the administration and conduct of its affairs, and
- F. take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.

.2 RULE MAKING POWERS - The Administrative Review Board shall have the power and the duty to promulgate reasonable rules and procedures consistent with the corporation laws of the LSC with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules and procedures shall have the same force and effect as if they had been adopted as part of these Bylaws.

.3 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair, the exercise of the authority and powers of the Administrative Review Board and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the Administrative Review Board. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Administrative Review Board's authority and power shall lie solely in its discretion and the interests of justice and the sport of swimming.

.4 TIMELINESS OF PETITION - The Administrative Review Board need not exercise its jurisdiction with respect to a complaint the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the complaint is received. A determination not to exercise its jurisdiction as a result of the untimeliness of a complaint may be made by the Chair alone and may be the subject of a request for rehearing and, thereafter, appeal to the Zone Board of Review pursuant to Part Four of the USA Swimming Rules and Regulations.

.5 Remedies and Penalties – The XXSI Board of Directors shall adopt such remedies and penalties regarding administrative matters as it deems appropriate.

HK-2 ADOPTED Effective May 1, 2014

Location: Page 46 – 103.6 Overflow Recirculation System

103.6 /M/ OVERFLOW RECIRCULATION SYSTEM — The pool water recirculation and overflow system shall maintain water level in line with the overflow rim of the pool gutters without creating appreciable current or water turbulence and shall maintain smooth and

calm water surface during competition. ~~The pool recirculation system shall be turned off if, in the opinion of the Referee, the water movement interferes with the conduct of competition.~~

HK-3 ADOPTED Effective Immediately

Location: Page 57 – **202.1 Jurisdiction**
Page 139 **601 General**

202.1 JURISDICTION — As the National Governing Body for competitive swimming in the United States and as a Federation member of FINA, USA Swimming has the sole and exclusive authority to sanction or approve domestic and international swimming competition conducted within its jurisdiction. Each Local Swimming Committee (LSC) ~~as the administrative arm of USA Swimming, is~~ has been authorized by USA Swimming to issue the sanction or approval for all swimming competition and benefits, exhibitions, clinics and entertainment involving competitive swimming within its geographical boundaries.

601.1 The Local Swimming Committee (LSC) is ~~an administrative division of USA Swimming with a separate and independent corporation to whom USA Swimming has delegated~~ certain governing and supervisory responsibilities within the geographic boundaries designated by USA Swimming. *[no further changes]*

HK-4 ADOPTED Effective January 1, 2014

Location: Page 57 - **202.2 Requirements for Sanction**
Page 59 - **202. 3 Conditions of Sanction**

202.2 REQUIREMENTS FOR SANCTION — Sanctions are issued, withheld or withdrawn in accordance with the following regulations:

- .1 Sanctions may be issued only to USA Swimming group members or LSCs and their subdivisions.
- .2 No sanction for domestic competition will be issued to any organization or person whose interest in swimming competition is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from sanctioned events must be used for the further promotion of swimming, for an approved charity, or for the general welfare of the promoting organization as a whole.
- .3 Sanctions issued to one organization cannot be transferred to another. Any sanction so transferred shall be void for all purposes, and the LSC is empowered to deny further sanctions to any organization violating this provision.
- .4 No further sanction shall be given to any organization which has failed to satisfy expense obligations to athletes or to award prizes as stated in its meet announcement until the obligations are satisfied or the prizes awarded.
- .5 No sanction will be granted for any event for which the word "Olympic," or any derivative thereof, is used in any manner in connection with said event unless consent is obtained from USA Swimming.
- .6 Applicants for sanction of an open water competition shall complete the application approved by USA Swimming. Before an open water competition is sanctioned by the LSC, the LSC sanction officer shall submit the completed sanction packet to USA Swimming for review and approval.
- .7 All sanctions must be signed by a designated member of the LSC, and a record thereof must be retained.
- .8 The following clause will appear on all sanction application forms and on all forms upon which official sanctions are granted: in granting this sanction it is understood and agreed that USA Swimming shall be free from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of the event."
- .9 Application for sanction must be accompanied by a copy of the complete meet announcement which must include the following:
~~including a statement of the nature of prizes to be awarded.~~
 - A A statement of the nature of prizes to be awarded.
 - B A complete schedule of lanes and times for all warm-up procedures which must be adhered to by all participants.
 - C Information about water depth measured for a distance of 3 feet 31/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.
 - D The following statement: "Any swimmer entered in the meet must be certified by a USA Swimming member-coach as being proficient in performing a racing start or must start each race from within the water. When unaccompanied by a member-coach, it is the responsibility of the swimmer or the swimmer's legal guardian to ensure compliance with this requirement."

- E A statement that no swimmer will be permitted to compete unless the swimmer is a member as provided in Article 302.
- F A statement indicating whether on-deck registration will be permitted and under what conditions.
- G One of the following two statements:
- (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file with USA Swimming; or
 - (2) The competition course has not been certified in accordance with 104.2.2C(4).
- H The following statement: "Use of audio or visual recording devices, including a cell phone, is not permitted in changing areas, rest rooms or locker rooms."
- I The following statement: "Except where venue facilities require otherwise, changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited".
- J The following statement: "Held under the sanction of USA Swimming."
- K The following statement: "it is understood and agreed that USA Swimming shall be free from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of the event."
- ~~.10 Application for sanction must be accompanied by a complete schedule of lanes and times for all warm-up procedures which must be adhered to by all participants. These must be distributed with meet announcement, posted throughout the pool area, announced periodically and on a regular basis, before and during a meet, and are to be monitored jointly by the Meet Director and the Meet Referee or their special designees. [re-number remaining]~~
- .10 The issuing LSC shall receive the following information regarding finances from every organization receiving a sanction except for events sponsored by USA Swimming:
- A The LSC shall ~~also~~ require the organization to which a sanction has been granted to file, within 45 days after the event, a financial statement setting forth all receipts and disbursements in connection with the sanctioned event.
 - B The LSC may at any time require the organization to furnish, within 15 days after written request, all receipts and vouchers relating to the sanctioned event.
 - C No sanction to hold any athletic event of any kind shall thereafter be issued to an organization who has failed or refused to file with the LSC any statement or affidavit required under any subdivision of this section, until the statement or affidavit is filed, or until such time as the LSC may determine.
- .11 The sanction fee shall be as established by the LSC; those for national and international meets shall be established by the USA Swimming Board of Directors.
- .12 For the sole purpose of improving competitive swimming, and with the written approval of the USA Swimming Rules & Regulations Committee, an LSC may sanction events or meets for which waivers of specific provisions of Parts One, Two, or Seven of USA Swimming Rules and Regulations have been granted for limited periods and under specified conditions.
- .13 LSCs may develop special administrative standards and conditions to encourage athletes with disabilities to participate in their meets. Such conditions shall be included in the meet ~~information~~ announcement.
- .14 If an event is to be contested in more than one LSC's or country's jurisdiction, the application for sanction shall be submitted to the LSC in which the event begins. The sanctioning LSC shall notify the other LSC(s) and/or the governing body of the other country in which the event is being contested of details of the event.

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

- .1 No swimmer who is not a member as provided in Article 302 will be allowed to compete or participate except as provided under 202.6 or USA Swimming's "open border" policy included in its Registration Manual.
- .2 At a sanctioned competitive event, USA Swimming athlete members must be under the supervision of a USA Swimming member coach during warm-up, competition, and warm-down. Swimmers participating under the provisions of 202.6 or USA Swimming's "open border" policy must be under the supervision of their own coach or a USA Swimming member coach. The Meet Director or Meet Referee may assist the swimmer in making arrangements for such supervision, but it is the swimmer's responsibility to make such arrangements prior to the start of the meet.
- .3 All referees, starters, administrative officials, chief judges and stroke and turn judges, serving in an official capacity in a sanctioned event, must be non-athlete members of USA Swimming or members of other FINA-member organizations. All meet directors for meets sanctioned by USA Swimming must be members of USA Swimming. Except for coaches accompanying athletes participating under the provisions of 202.6 or USA Swimming's "open border" policy, all persons acting in any coaching capacity in a sanctioned event must be coach members of USA Swimming.

~~4 Meet Announcement~~

- ~~A The meet announcement shall include the following statement: "Any swimmer entered in the meet must be certified by a USA Swimming member coach as being proficient in performing a racing start or must start each race from within the water. When unaccompanied by a member coach, it is the responsibility of the swimmer or the swimmer's legal guardian to ensure compliance with this requirement."~~
- ~~B Announcements and entry blanks of sanctioned events must state that no swimmer will be permitted to compete unless the swimmer is a member as provided in Article 302. The announcements and entry blanks must state whether on-deck registration will be permitted and under what conditions.~~
- ~~C The meet announcement must include one of the following two statements:
 - ~~(1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file with USA Swimming; or~~
 - ~~(2) The competition course has not been certified in accordance with 104.2.2C(4).~~~~
- ~~D The meet announcement shall include information about water depth measured for a distance of 3 feet 3 1/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.~~
- ~~E The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a cell phone, is not permitted in changing areas, rest rooms or locker rooms."~~
- ~~F The meet announcement shall include the following statement: "Except where venue facilities require otherwise, changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited."~~

~~.54 The membership (registration) number of each swimmer must be presented prior to or at the time of the event, and his/her affiliation must be printed before or after his/her name on the program.~~

~~.65 Entry blanks, advertising and the program must bear conspicuously the statement: "Held under the sanction of USA Swimming."~~

~~.76 Conduct of the sanctioned event shall conform in every respect to all technical and administrative rules of USA Swimming.~~

~~.7 Warm-up procedures and schedule must be posted throughout the pool area, announced on a regular basis before and during warm-up, and are to be monitored jointly by the Meet Director and the Meet Referee or their designees.~~

~~.8 All organizations which have received a sanction for any meet where prizes are stated on entry blanks shall be required to send to the LSC, before the date of the meet, a copy of the entry blank, and must state the value of the prizes to be given for each event.~~

HK-5 ADOPTED Effective January 1, 2014

Location: Page 60 - 202.4 Requirements for Approval

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

- .1 Approvals may be issued to non-member clubs/organizations for meets conducted in accordance with USA Swimming technical rules.
- .2 Applicants for approval of an open water competition shall complete the application approved by USA Swimming. Before an open water competition is approved by the LSC, the LSC sanction officer shall submit the completed sanction/approval packet to USA Swimming for review and approval.
- .3 Approvals may be issued to member clubs for closed competition (such as YMCAs) conducted in accordance with USA Swimming technical rules.
- .4 Approvals may be issued to member clubs for open competition conducted in accordance with USA Swimming technical rules if that competition has been specifically approved by the USA Swimming Program Operations Vice-President or his/her designee.
- .5 Both USA Swimming athlete members and non-USA Swimming athlete participants may compete in an approved meet.
- .6 Written application for approval shall be made not later than the period established by the LSC prior to the competition. The LSC may establish a fee for processing such applications. Application for approval shall be accompanied by the complete meet announcement or event information which shall include the following; and a statement of the nature and value of prizes to be awarded. Payment of a fee or expenses to the assigned USA Swimming officials shall not be a requirement for approval.
 - A A statement of the nature of prizes to be awarded.

- B Information about water depth measured for a distance of 3 feet 31/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.
- B The following statement: "In granting this approval it is understood and agreed that USA Swimming shall be free and held harmless from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of the event."
- C One of the following two statements:
- (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file with USA Swimming; or
- (2) The competition course has not been certified in accordance with 104.2.2C(4).
- D The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a cell phone, is not permitted in changing areas, rest rooms or locker rooms."
- E The meet announcement shall include the following statement: "Except where venue facilities require otherwise, changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited."
- .7 Payment of a fee or expenses to the assigned USA Swimming officials shall not be a requirement for approval.
- .78 No competition shall be approved unless a sufficient number of USA Swimming officials, certified by the LSC at a minimum of Stroke and Turn level, are present to observe and certify that the conduct of competition and all times achieved in such competition were in conformance with the following all-applicable USA Swimming technical rules including, but not limited to, the following:
- | | | |
|----------|--|---|
| <u>A</u> | <u>Article 101 (all) or Article 105 (Disability) or Article 701 (Open Water)</u> | <u>Start, individual stroke and relay rules</u> |
| <u>B</u> | <u>102.2.2 & 3</u> | <u>Entry limit per day</u> |
| <u>C</u> | <u>102.8.1 A, B, C, D and E</u> | <u>Swimwear restrictions</u> |
| <u>D</u> | <u>102.10</u> | <u>Officials</u> |
| <u>E</u> | <u>102.24</u> | <u>Timing Rules</u> |
| <u>F</u> | <u>103.2.3, 103.3.1, 103.4
103.13 and 103.15
or Article 702 (Open Water)</u> | <u>Minimum standards for facilities</u> |
- .89 The organization requesting approval shall permit USA Swimming officials to be on the deck at both ends of the course where they can properly view strokes and turns.
- .910 No approval for domestic competition will be issued to any organization or person whose interest in swimming competition is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from approved events must be used for the further promotion of swimming, for an approved charity, or for the general welfare of the promoting organization as a whole.
- .4011 Approvals issued to one organization cannot be transferred to another. Any approval so transferred shall be void for all purposes, and the LSC may deny further approval to any organization violating this provision.
- .4412 No further approval shall be given to any organization which has failed to satisfy expense obligations to swimmers or to award prizes as stated on its ~~entry blank~~ or meet announcement until the obligations are satisfied or the prizes awarded.
- .4213 No approval will be granted for any competition if the word "Olympic," "World," "National," "United States of America" or any derivative thereof is used in any manner in connection with such competition unless consent for such usage is obtained from USA Swimming.
- .4314 The following clause will appear on all approval application forms and on all forms upon which official approvals are granted: "In granting this approval it is understood and agreed that USA Swimming shall be free and held harmless from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of the event."
- .14 Meet Announcement
- A The meet announcement must include one of the following two statements:
- (1) The competition course has been certified in accordance with 104.2.2C(4). The copy of such certification is on file with USA Swimming; or
- (2) The competition course has not been certified in accordance with 104.2.2C(4)

- ~~B The meet announcement shall include information about water depth measured for a distance of 3 feet 3 1/2 inches (1.0 meter) to 16 feet 5 inches (5.0 meters) from both end walls.~~
- ~~C The meet announcement shall include the following statement: "Use of audio or visual recording devices, including a cell phone, is not permitted in changing areas, rest rooms or locker rooms."~~
- ~~D The meet announcement shall include the following statement: "Except where venue facilities require otherwise, changing into or out of swimsuits other than in locker rooms or other designated areas is not appropriate and is strongly discouraged." The host club and/or the LSC may change the last two words in this statement to "prohibited."~~
- .15 Complete meet results shall be submitted to the LSC within a period of time established by the LSC.
- .16 All approvals must be signed by an authorized representative of the LSC and a record thereof kept by the LSC.
- .17 Approval may be withheld or withdrawn by the LSC if the competition was not conducted in accordance with the above requirements.
- .18 If an event is to be contested in more than one LSC's or country's jurisdiction, the application for approval shall be submitted to the LSC in which the event begins. The LSC granting the approval shall notify the other LSC(s) and/or the governing body of the other country in which the event is being contested of details of the event.

HK-6 ADOPTED Effective January 1, 2014

Location: Page 64 - **202.7 Swim-a-thons**

202.7 SWIM-A-THONS — All Swim-a-thon events are held under the ~~exclusive jurisdiction license~~ of the USA Swimming Foundation and must conform to rules and regulations established by USA Swimming. The participants may or may not be members of USA Swimming. Each LSC is responsible for the monitoring of each Swim-a-thon event held within its geographical boundaries, including the taking of that action pursuant to the provisions of Article 401 as may be necessary to discipline any violation of USA Swimming Rules and Regulations.

HK-7 ADOPTED Effective January 1, 2014

Location: Page 122 – **504.9 Authority**
Page 136 – **Appendix 5A**

504.9 AUTHORITY — The USA Swimming Board of Directors shall have the authority to act for the USA Swimming House of Delegates between meetings of the House, except that it cannot amend the Rules and Regulations. The Board shall have the emergency power to adopt, revoke and amend any rule or regulation in the Rules and Regulations if the Board with the advice and consent of the ~~Safety Education~~ Operational Risk Committee, the Rules & Regulations Committee and legal counsel, shall determine that safety considerations so require. A technical rule which is also a FINA rule, may not be revoked or amended. An action taken under this emergency provision shall be effective until the next meeting of the House of Delegates. The President shall make a fully detailed report including findings of fact to the entire membership of the House of Delegates (as last certified) within thirty (30) days of the action taken.

Appendix 5A

Jennifer Ridge
~~Safety Education~~
Operational Risk

**CHANGES TO USA SWIMMING TECHNICAL RULES
ADOPTED BY RULES & REGULATIONS COMMITTEE TO CONFORM TO FINA TECHNICAL RULES**

101.4 BACKSTROKE Effective September 23, 2013

- .2 **Stroke** — The swimmer shall push off on his back and continue swimming on the back throughout the race. Some part of the swimmer must break the surface of the water throughout the race, except it is permissible for the swimmer to be completely submerged during the turn, ~~at the finish~~ and for a distance of not more than 15 meters (16.4 yards) after the start and after each turn. By that point, the head must have broken the surface of the water.
- .3 **Turns** — Upon completion of each length, some part of the swimmer must touch the wall. During the turn the shoulders may be turned past the vertical toward the breast after which an immediate continuous single arm pull or a immediate continuous simultaneous double arm pull may be used to initiate the turn. The swimmer must have returned to a position on the back upon leaving the wall.

101.2 BREASTSTROKE Effective September 23, 2013

- .1 **Start** — The forward start shall be used.
- .2 **Stroke** — After the start and after each turn when the swimmer leaves the wall, the body shall be kept on the breast. It is not permitted to roll onto the back at any time except at the turn after the touch of the wall where it is permissible to turn in any manner as long as the body is on the breast when leaving the wall. Throughout the race the stroke cycle must be one arm stroke and one leg kick in that order. All movements of the arms shall be simultaneous and in the same horizontal plane without alternating movement.

The hands shall be pushed forward together from the breast on, under, or over the water. The elbows shall be under water except for the final stroke before the turn, during the turn and for the final stroke at the finish. The hands shall be brought back on or under the surface of the water. The hands shall not be brought back beyond the hip line, except during the first stroke after the start and each turn.

During each complete cycle, some part of the swimmer's head shall break the surface of the water. After the start and after each turn, the swimmer may take one arm stroke completely back to the legs. The head must break the surface of the water before the hands turn inward at the widest part of the second stroke.
- .3 **Kick** — After the start and each turn, a single butterfly kick, which must be followed by a breaststroke kick, is permitted during or at the completion of the first arm pull. Following which, all movements of the legs shall be simultaneous and in the same horizontal plane without alternating movement.

The feet must be turned outwards during the propulsive part of the kick. A Scissors, alternating movements or downward butterfly kicks ~~is~~ are not permitted except as provided herein. Breaking the surface of the water with the feet is allowed unless followed by a downward butterfly kick.
- .4 **Turns and Finish** — At each turn and at the finish of the race, the touch shall be made with both hands separated and simultaneously at, above, or below the water level. At the last stroke before the turn and at the finish an arm stroke not followed by a leg kick is permitted. The head may be submerged after the last arm pull prior to the touch, provided it breaks the surface of the water at some point during the last complete or incomplete cycle preceding the touch.

101.3 BUTTERFLY Effective September 23, 2013

- .2 **Stroke** — After the start and after each turn, the swimmer's shoulders must be at or past the vertical toward the breast. The swimmer is permitted one or more leg kicks, but only one arm pull under water, which must bring the swimmer to the surface. It shall be permissible for a swimmer to be completely submerged for a distance of not more than 15 meters (16.4 yards) after the start and after each turn. By that point, the head must have broken the surface. The swimmer must remain on the surface until the next turn or finish. From the beginning of the first arm pull, the body shall be kept on the breast except at the turn after the touch of the wall where it is permissible to turn in any manner as long as the body is on the breast when leaving the wall. Both arms must be brought forward simultaneously over the water and pulled back simultaneously under the water throughout the race.
- .3 **Kick** — All up and down movements of the legs and feet must be simultaneous. The position of the legs or the feet need not be on the same level, but they shall not alternate in relation to each other. A scissors or breaststroke kicking movement is not permitted.
- .4 **Turns** — At each turn the body shall be on the breast. The touch shall be made with both hands separated and simultaneously at, above, or below the water surface. Once a touch has been made, the swimmer may turn in any manner desired. The shoulders must be at or past the vertical toward the breast when the swimmer leaves the wall.
- .5 **Finish** — At the finish, the body shall be on the breast and the touch shall be made with both hands separated and simultaneously at, above, or below the water surface.

102.8 SWIMWEAR Effective September 23, 2013

- .1 **Design**
 - E No swimmer is permitted to wear or use any device, substance or swimsuit to help his/ her speed, pace, buoyancy or endurance during a race (such as webbed gloves, flippers, fins, power bands, or adhesive substances, etc.). Goggles may be worn, and rubdown oil applied if not considered excessive by the Referee. Any kind of tape on the body is not permitted unless approved by the Referee.

Note: A change will be made to 103.13 (Starting Platforms) regarding the hanging backstroke bar for the backstroke starts once FINA publishes the specifications. The rule will be effective January 1, 2014.

**ADOPTED RESOLUTION
REGARDING USA SWIMMING DUES INCREASE**

WHEREAS, we desire that the United States continue to be recognized as the #1 swimming nation in the world; and

WHEREAS, USA Swimming desires to continue to be recognized as being among the flagship National Governing Bodies in the U.S. Olympic Committee's family of sports; and

WHEREAS, the current membership dues schedule for athlete and non-athlete members increases by \$1 per year and expires at the of the 2014 membership year; and

WHEREAS, membership dues have been the major funding source for USA Swimming's successful efforts over the past decade to meet the objectives of *Building the Base, Promoting the Sport, and Achieving Sustained Competitive Success in International Competition*; and

WHEREAS, USA Swimming's plans for the future seek to continue *Building the Base, Promoting the Sport, and Achieving Sustained Competitive Success in International Competition*; and

WHEREAS, USA Swimming also seeks to continue the expansion of its Safe Sport education, training, complaint reporting, and adjudication processes to ensure that our sport is doing everything possible to protect its athlete members;

WHEREAS, the USA Swimming Board of Directors has approved the proposal to increase membership dues for athlete and non-athlete members by \$2 per year for a period of ten (10) years beginning with the 2015 membership year.

NOW, THEREFORE, BE IT RESOLVED THAT the USA Swimming House of Delegates approve a dues increase of \$2 per year for a period of ten (10) years beginning with the 2015 membership year.