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**Proposed Legislation Changes**

**L 1 Glossary** Rules Committee page x Modify

**Cable Swim**—a straightaway swim ~~on~~ alongside a quarter-mile cable, measured within plus or minus 6 inches, in ~~stationary~~ open water and defined by a cable with floats or a continuous marking system visible to the swimmer.

*Rationale:* Competitors swim alongside the cable not on it. Open water is not always stationary.

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**L 2 Glossary** Rules Committee page x Modify

**Event**—any clinic, demonstration, series of races in a given stroke and distance, or meet, including open water, long distance and pool meets.

*Rationale:* Expand the definition to cover the various uses of the term “event” in the rule book.

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**L 3 Glossary** Rules Committee page x Add

**Ex Officio Member**—a committee member, appointed by virtue of an office or position held, who has participatory rights of membership but no vote.

*Rationale:* Currently not defined.

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**L 4 Glossary** Rules Committee page xi Modify

**Masters Swimming**—~~word to be used in that form only; not to be used as a descriptive word; to be used with a capital “M.”~~ training, competition and other activities affiliated with United States Masters Swimming through the participation of USMS members or through a USMS sanction.

*Rationale:* Define the term “Masters swimming” rather than define the usage of the term “Masters”, and clarify that the term “Masters swimming” should only be used to refer to programs affiliated with USMS. Correct usage of the term “Masters” is covered in the US Masters Swimming Style Manual.

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**L 5 Glossary** Rules Committee page xii Modify

**Recognized Events**—the written acknowledgement by an LMSC for a designated competition conducted in conformance with relevant USMS rules, a demonstration, clinic or exhibition conducted by USMS member clubs, individual members or organizations other than USMS in which both members and non-members may participate. Times or distances achieved by members at recognized competitions ~~may will be accepted~~ considered for recording purposes by USMS.

*Rationale:* More closely matches the rule (202.2) and current practice.

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**L 6 Glossary** Rules Committee page xiii Modify

**Unattached member**—an individual ~~member~~ who does not represent a USMS club.

**Rationale:** Move “member” to the entry itself so the glossary entry is a noun.

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**L 7 Glossary** Rules Committee page xiii Add

**Will**—consent to do, an expectation, or used interchangeably with shall.

**Rationale:** Define the varied uses of the term “will” in the rule book.

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**L 8 202.2.1E(6)** Rules Committee page 53 Modify

Relay leadoff split times that conform to 103.13.1 and 105.2.2A will be ~~recognized~~ considered for events listed in 102.5.” (The rest is unchanged.)

**Rationale:** In practice, the times are considered for USMS official purposes. The times are not automatically recognized. The term “recognized” is used in the rule book for “Recognized Events”.

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**L 9 502** Illinois page 74 Modify

Article 502, The Local Masters Swimming Committee is a ~~division~~ subordinate organization of the corporation with supervisory responsibilities within a specified geographical territory.

**Rationale:** The term "division" as generally used in business context implies corporate ownership and hence control. That does not correctly represent the relationship between USMS and LMSCs. The terminology "subordinate organization" is defined and used by the IRS for applying group exemptions for income tax returns. All LMSCs fall under this category and are subordinate organizations of USMS. This will end any ambiguity with respect to the IRS as to the relationship between USMS and LMSCs and adequately describes the relationship for other purposes.

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**L 10 502.10** Governance Committee page 74 Add

### **502.10 LMSC Minimum Standards**

Each LMSC shall meet minimum standards as defined by the USMS Board of Directors.

**Rationale:** This clarifies and codifies the relationship between USMS and the LMSCs, and provides a set of uniform minimum standards by which the LMSCs operate. USMS needs to provide a consistent product across the country and to the world.

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**L 11 503.3** Governance Committee page 75 Modify

**503.3 Zone Representatives Chairs**

**503.3.1** Zone representatives chairs shall be elected in odd-numbered years at the zone meeting held in conjunction with the annual meeting of the House of Delegates. The term of office shall be two years.

**503.3.2** Zone representatives chairs shall be residents of their respective zones.

**503.3.3** If a vacancy in the position of zone representative chair occurs, the vice president of local operations shall consult with the chair of each LMSC in that zone and appoint a new or replacement zone representative chair, with the concurrence of the USMS president.

**Rationale:** With the dissolution of the Zone Committee, it is no longer relevant to refer to the person elected by the zone as the representative; chair is more appropriate.

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**L 12 504.1.5** Governance Committee page 75 Modify

**504.1.5** All voting members of the Finance, Legislation, Open Water and Long Distance Rules and Rules Committees and the chairs of all standing committees, the Convention Coordinator, the Rule Book Coordinator~~all coordinators, the internal auditor~~, the legal counsel and the National Board of Review chair.

**Rationale:** (1) Given the proposed creation of a separate OW/LD Rules committee, this rule is amended to reflect that. (2) Since not all coordinators will necessarily be given delegate status, the word “all” is deleted. (3) The internal auditor position no longer exists.

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**L 13 504.2.9** Governance Committee page 76 Delete

~~**504.2.9** To institute, locate, conduct and manage all national championship meets.~~

**Rationale:** This provision as currently stated does not reflect the reality of how national championships are selected (given to the Championship Committee by the HOD last year) or conducted, nor would it be practical for the HOD to do these activities. Therefore the provisions should be stricken.

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**L 14 504.2.9** Rules Committee page 76 Modify

~~To institute, locate, conduct and manage all national championship meets.~~

To approve all national championship meet sites as chosen by the Championship Committee.

**Rationale:** The Championship Committee now chooses the site but the House of Delegates approves the committee’s report which includes the sites chosen, and the Host runs the meet.

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**L 15 504.2.11** Rules Committee page 76 Modify

~~To explain, define and interpret~~ To vote on changes to any provisions of this code or other rules of USMS, including the rules of competition. Explanation and interpretation shall be delegated to the chair and/or committee of jurisdiction.

**Rationale:** The Rules, Legislation, and Open Water and Long Distance Committees explain and interpret the rules. The House of Delegates votes on changes to the rules.

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**L 16 505.1** Governance Committee page 77 Modify

### **505.1 Positions**

The elected officers of USMS shall be president, vice president of administration ~~member services~~, vice president of local operations, vice president of community services, vice president of programs ~~national operations~~, secretary and treasurer. No person may concurrently hold more than one such office.

**Rationale:** Given the proposed changes to the standing committees in article 507.2, many of the committees reporting to the VP Member Services may be dissolved. In a conversation with current vice presidents, they recommended a possible reshuffling of committee responsibilities that would result in the name changes proposed in this provision. We recognize that the assignment of committees to vice presidents is and should be flexible depending upon the current needs of the organization. These proposed changes are an attempt to give some meaning to the VP name while still allowing flexibility.

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**L 17 505.3** Governance Committee page 77 Delete

### **505.3 Vacancies**

~~A vacancy in any office of USMS shall be filled for the unexpired term by the Board of Directors. The appointed officer shall have full rights and responsibilities of the office.~~

**Rationale:** This provision on officer vacancies is stricken and combined with the provision regarding vacancies on the Board of Directors. Since officers and other directors are all members of the Board of Directors, separate vacancy provisions are not necessary.

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**L 18 505.4.1** Governance Committee page 77 Modify

### **505.4.1** The president shall:

- A Order meetings of USMS as provided in the code and preside at all meetings of USMS.
- B Exercise all the duties pertaining to this office in accordance with the code.
- C Serve as an ex officio member of all committees.
- D Make appointments as required in Part 5 and as necessary to carry out the business of the corporation.
- E Serve as chair of the Board of Directors and the Executive Committee and as the presiding officer of the House of Delegates.

**Rationale:** These changes codify current practice.

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L 19 505.4.2 Governance Committee page 78 Modify

**505.4.2** The vice presidents shall chair their respective divisions, and shall coordinate their respective committees' activities and funding, as set forth in article 507.

A In the event the president is unable to perform assigned duties, the vice president of administration national operations shall perform these duties or, if the vice president of administration is unable to perform such duties, the vice president for local operations shall perform the duties..

~~B The vice president of local operations shall chair the Zone Committee.~~

**Rationale:** (1) Reflects proposed name change of former VP national operations. (2) New language provides for a fall-back if the VP Legislation is not able to fill in for the president. (3) Given the proposed dissolution of the Zone Committee, subsection B is stricken.

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L 20 505.4.4 Governance Committee page 78 Modify

**505.4.4** The treasurer shall:

A Be the custodian of all corporate funds.

B ~~Receive~~ Oversee the receipt of all of USMS's funds and deposits to the accounts of USMS.

C ~~Disburse~~ Oversee the disbursement of USMS's funds as directed by the controller or by the House of Delegates, authorized in accordance with the budget.

D Invest funds of USMS in a prudent manner for the benefit of USMS, in accordance with the investment policies established by the ~~Finance Committee~~ Board of Directors.

E ~~Maintain adequate and~~ Oversee the maintenance of accurate and reliable financial records that document the income receipt and disbursement of USMS's funds.

F. Ensure that internal accounting controls are in place to protect USMS's assets.

~~F Submit all financial records to the internal auditor annually within five months following the end of USMS's fiscal year.~~

**Rationale:** These changes more accurately reflect current practices with regard to the role of the Treasurer now that USMS has a national headquarters with professional staff and a more active and accountable Board than existed before the last governance process changed the Board. They also better depict what should be the duties of a Treasurer in an organization such as USMS. Since there is no longer an internal auditor, subparagraph F was stricken.

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L 21 506.2.2 Governance Committee page 79 Modify

**506.2.2** At-large directors shall hold office for two years or until their successors are elected ~~and qualified. (At large directors elected in 2005 will serve for three years; thereafter all terms will be for two years.)~~

**Rationale:** Given the passage of time the stricken parenthetical provision is no longer relevant. The phrase "and qualified" is stricken because qualification comes before election, so it makes no sense to include it here.

**506.3 Vacancies**

~~A vacancy in the position of an at large director shall be filled for the remainder of the unexpired term by an appointee of the vice president of local operations, with the concurrence of the USMS president. The appointed director shall have full rights and responsibilities of the position.~~

*Rationale:* This provision has been moved to 506.10 to put it in proximity to new legislation related to Board member resignation and removal.

**506.4 Powers**

~~The Board of Directors shall have the authority to act for USMS and the House of Delegates between meetings of the House of Delegates, except that it cannot amend the rules and regulations and it cannot amend the budget. The Board of Directors shall have the power to adopt and amend policies of USMS. The board shall have the emergency power to adopt or suspend any swimming rule (Part 1 or Part 3) or administrative regulations of competition (Part 2) provided that the board, with the advice and consent of the Rules Committee for Part 1, Legislation Committee for Part 2, Open Water and Long Distance Committee for Part 3 and legal counsel determines immediate action is required to serve the interests of USMS. An action taken under this emergency provision shall be effective until the next meeting of the House of Delegates. The president shall make a detailed report of the actions taken to the entire membership of the House of Delegates within 30 days of the action taken.~~

The powers of the Board of Directors shall be:

- 506.4.1 To act for USMS and the House of Delegates between meetings of the House of Delegates, except that it shall not have the authority to assume the nondelegable powers of the House of Delegates set forth in article 504.2.3.
- 506.4.2 To adopt and amend policies of USMS.
- 506.4.3 To create, modify or disband committees of the Board for the purpose of exercising Board responsibilities. Such Board committees shall consist of Board members and may include additional persons with sufficient expertise to assist the Board in performing its responsibilities.
- 506.4.4 To provide for efficient and effective use of financial and other resources.
- 506.4.5 To prepare or cause to be prepared, prior to each annual meeting, USMS's budget for the next fiscal period and submit same to the House of Delegates for approval.
- 506.4.6 To consider and make determinations regarding budget variance requests.
- 506.4.7 To employ, evaluate and terminate an executive director, who shall report to the Board of Directors.
- 506.4.8 To oversee elections of officers and Board members, in accordance with election operating guidelines.

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**506.4.9** To exercise the emergency power to adopt or suspend any swimming rule (Part 1 or Part 3) or administrative

regulations of competition (Part 2) provided that the Board, with the advice and consent of the Rules Committee for Part 1, Legislation Committee for Part 2, Open Water Rules Committee for Part 3 and legal counsel determines immediate action is required to serve the interests of USMS. An action taken under this emergency provision shall be effective until the next meeting of the House of Delegates. The president shall make a detailed report of the actions taken to the entire membership of the House of Delegates within 30 days of the action taken.

**Rationale:** Only sections 506.4.3 – 506.4.7 are new; the rest are reworded from the stricken paragraph. (1) The former 506.4, which consisted of one long paragraph, has been reformatted into subsections for clarity and ease of reference. (2) 506.4.1 is amended to make it parallel with section 504.2.3 regarding nondelegable HOD powers. (3) 506.4.3 explicitly states the Board’s power to form committees. While the Board already has this ability and has formed committees, putting this in code also allows for a description of the committees’ purposes and makes transparent the fact that non-Board members may be appointed to Board committees. (4) 506.4.4 affirmatively states as a power the Board’s responsibility – a responsibility of every nonprofit board of directors – to ensure effective use of the organization’s resources. (5) 506.4.5 codifies current practice with regard to budget preparation and submission and is consistent with typical board responsibilities in a nonprofit organization. (6) 506.4.6 provides a power that is ancillary to the power to prepare and seek approval of the budget and is consistent with typical board responsibilities in a nonprofit organization. (7) 506.4.7 codifies the previous policy and practice that the Board hires, evaluates and fires the executive director. (8) The new provision between 506.4.7 and 506.4.8 takes a duty that had formerly been with the Zone Committee and explicitly makes it a power of the Board, with reference to the election operating guidelines.

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**L 24 506.7** Governance Committee page 79 Modify

### **506.7 Voting Privileges**

Each voting member of the Board of Directors, except the president, shall have one vote. The president shall vote in the case of a tie vote. There shall be no voting by proxy.

**Rationale:** Since there are nonvoting members on the Board, this is a clarity change.

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**L 25 506.8** Governance Committee page 79 Modify

### **506.8 Permanent Committees of the Board**

Notwithstanding the Board’s power to create, modify or disband committees of the Board, such committees shall include the permanent committees set forth in this article. Unless otherwise stated in this article, the president, with the concurrence of the Board, shall appoint the committee chair and the members of each permanent committee. Committee members shall be chosen from the Board and may also be chosen from the individual membership of USMS.

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**506.8.1 Finance Committee** – The Finance Committee shall:

- A. Propose policies pertaining to the financial affairs of USMS for approval by the Board of Directors.
- B. Receive and review the annual reports of the treasurer and controller.
- C. Cause to be prepared a summary of the above reports to be presented to the Board of Directors.
- D. Annually receive and compile budget requests for the next fiscal year.
- E. Assist in the preparation of the USMS annual budget for the next fiscal period and submit same to the Board of Directors for approval and then to the House of Delegates for ratification.

**506.8.2 Compensation and Benefits Committee** – The Compensation and Benefits Committee shall assist the Board of Directors in setting the compensation and performance goals of the executive director and shall make recommendations to the Board of Directors regarding compensation and benefit plans, policies and programs for USMS.

*Rationale:* This section has been added in conjunction with the now-explicit power of the Board in 506.4 to create, modify and disband committees of the Board. Although the Board has this power, it was thought that there should be certain Board committees that need to exist under code regardless of the Board’s power to shift the Board committee structure. Therefore, those committees are explicitly named and described in this section.

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**L 26 506.9** Governance Committee page 79 Modify

**506.9 Executive Committee**

**506.9.1** The Executive Committee shall be a committee of the Board of Directors

**506.9.2** The voting members of the Executive Committee of this corporation shall consist of:

~~A The president, the vice president of member services, the vice president of community services, the vice president of national operations, the vice president of local operations, the secretary and the treasurer~~ officers of USMS.

B The immediate past president.

**506.9.3** The nonvoting members of the Executive Committee shall consist of:

A The legal counsel.

B The executive director.

**506.9.4** The Executive Committee shall have the authority to:

~~A. Manage the operations of USMS~~

~~B-A Carry out policies established by the Board of Directors.~~

~~C-B In an emergency, assume the policy-making responsibilities of the Board of Directors. An action taken under this emergency provision shall be effective until the next meeting of the Board of Directors. The president shall make a detailed report of the actions taken to the entire membership of the Board of Directors within 30 days of the action taken.~~

*Rationale:* This section regarding the Executive Committee has been moved from its former location in Article 507 – Committees and Appointments. Since the Executive Committee is a committee of the Board, this section is more appropriate in Article 506 – Board of Directors. . 506.8.2 A has been changed for more efficient reference, since the old version listed all of the officers individually, which was more cumbersome. The former 507.1.3 (“Manage the operations of USMS”) has been stricken since this is a duty of the Executive Director, not the Executive Committee.

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L 27 506.10 Governance Committee page 79 Add

**506.10 Removal of Board Members**

Voting directors, including officers, may be removed by the Board if they fail to attend more than half of the regular meetings of the Board, including telephonic meetings, during any 12-month period, unless they are able to demonstrate to the other directors of the Board that the presence of extenuating circumstances caused and excused the absences. In such circumstances, the absent director shall be removed by the affirmative vote of at least two-thirds of the voting members of the Board (excluding the vote of the director in question)

***Rationale:*** This is a new section. It is common practice for organizations to provide for the removal of board members. The only ground for removal proposed is failure to participate adequately, and it is limited to voting directors. The rationale for this is that Board members who have been elected by the House of Delegates have a duty to participate in the activities of the Board. If they fail to do so without good reason, they should be removed. While other grounds for removal could have been proposed, we thought it best to leave such grounds (e.g., fraud, felony conviction) for action under Part 4 of USMS Rules, which has a method for adjudicating such things.

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L 28 506.11 Governance Committee page 79 Add

**506.11 Vacancies**

A vacancy in the position of a voting director, including an officer, may be filled for the remainder of the unexpired term by the Board of Directors. An appointed director shall have full rights and responsibilities of the position. An appointed officer shall have the full rights and responsibilities of the office.

***Rationale:*** This provision was, for the most part, the former 506.3, moved to this location. However, 506.3 previously only addressed vacancies in at-large Board membership and called for appointment by the VP Local Operations. The former 505.3 addressed vacancies in officer positions and called for the full Board to appoint a replacement. Since officers and at-large directors are all members of the Board of Directors, separate vacancy provisions are not necessary. Also, since all voting members of the Board are elected and of equal importance as Board members, there seems to be little justification for having different groups or persons appointing replacements for each. The former word “shall” in the first sentence of 506.3 was changed to “may” to give the Board discretion since there may be times when a Board seat need not be filled (e.g., shortly before an election).

### **507.1. Executive Committee**

~~507.1.1~~ The voting members of the Executive Committee of this corporation shall consist of:

~~A~~ The president, the vice president of member services, the vice president of community services, the vice president of national operations, the vice president of local operations, the secretary and the treasurer.

~~B~~ The immediate past president.

~~507.1.2~~ The nonvoting members of the Executive Committee shall consist of:

~~A~~ The legal counsel.

~~B~~ The executive director.

~~507.1.3~~ The Executive Committee shall have the authority to:

~~A~~ Manage the operations of USMS,

~~B~~ Carry out policies established by the Board of Directors, and

~~C~~ In an emergency, assume the policy making responsibilities of the Board of Directors. An action taken under this emergency provision shall be effective until the next meeting of the Board of Directors. The president shall make a detailed report of the actions taken to the entire membership of the Board of Directors within 30 days of the action taken.

*Rationale:* This section has been moved to Article 506 – Board of Directors, since the Executive Committee is a committee of the Board.

### **507.2 Standing Committees**

Standing committees shall be as listed in this article. Unless otherwise specified in this article, the president, with the concurrence of the Executive Committee, shall appoint the chair of each committee, and the president, with the concurrence of the committee chair, shall choose committee members from the individual membership of USMS. When practical, each committee shall have representation from each zone. ~~The president may appoint associate members. The divisional vice president responsible for a committee~~

~~shall be an ex officio member of that committee. A committee definition may name other ex officio positions.~~ Committee chairs and committee members shall serve at the pleasure of the president. Each standing committee shall report to an officer of the corporation, who shall be an ex officio member of that committee. Standing committees shall conduct business as necessary throughout the year and shall meet in conjunction with the annual meeting of the House of Delegates. Each committee member shall have one vote. The president may appoint associate members. The executive director or his or her designee shall be an ex officio member of each standing committee. Associate and ex officio members shall have voice but no vote.

*Rationale:* (1) Wording regarding associate members has been rearranged to make more sense when placed before the sentence about who is ex officio. (2) New language has been added regarding committees reporting to an officer of the corporation to reflect current practice; and language about that officer's ex officio status on the committee has been moved to be in conjunction with the new language. (3) The sentence allowing the committee definition to name other ex officio positions is not necessary.

(4) A sentence has been added to codify the practice and understanding that committee chairs and members serve at the pleasure of the president. (5) The executive director or his designee should be involved in the activities of every standing committee, albeit as an ex officio member.

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**L 31 507.2** Rules Committee page 80 Modify

### **STANDING COMMITTEES**

Standing committees shall be as listed in this article. Unless otherwise specified in this article, the president, with the concurrence of the Executive Committee, shall appoint the chair of each committee, and the president, with the concurrence of the committee chair, shall choose committee members from the individual membership of USMS. When practical, each committee shall have representation from each zone. The president may appoint associate members to committees that have full membership. Associate members have participatory rights but no vote or automatic delegate status. The divisional vice president responsible for a committee shall be an ex officio member of that committee. A committee definition may name other ex officio positions. Standing committees shall meet in conjunction with the annual meeting of the House of Delegates. Each committee member shall have one vote. Associate and ex officio members shall have voice but no vote.

**Rationale:** Explain an “associate member” of a committee.

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**L 32 507.2.1** Governance Committee page 80 Modify

**507.2.1 Championship Committee**—The Championship Committee shall serve in an advisory capacity to national championship hosts and make recommendations and decisions that enhance the quality of championship meets. ~~The committee~~ USMS National Office staff shall solicit and receive bid proposals. ~~The committee shall review bids proposals and make recommendations to the House of Delegates regarding select sites for national championship meets.~~ The committee shall consist of the committee chair and sufficient members to execute the committee function, including at least three members who have had experience in overseeing a national championship meet and two members without such experience.

**Rationale:** (1) Reference to National Office staff has been substituted to reflect current or planned practice that the National Office shall be responsible for soliciting championship host bids. (2) Language regarding the reviewing of bids and selecting of championships sites has been changed to reflect the change made to 104.3.6 by the HOD last year allowing the Championship Committee to award championship bids. (3) Language regarding committee membership has been added to make it consistent with other committee descriptions.

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**L 33 507.2.3** Governance Committee page 80 Delete

~~**507.2.3 Communications Committee**—The Communications Committee shall interact with the Board of Directors to create an overall communication strategy and to support its implementation. The strategy shall define channels for communication with the general membership, USMS clubs, LMSCs and USMS committees. The committee shall consist of the committee chair,~~

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the Rule Book Coordinator, the chair of the Editorial Committee and at least eight other members. The National Publication Editor and the Webmaster/IT Director shall be ex officio members.

**Rationale:** Communications functions are now being carried out by the National Office staff, making a standing committee of volunteers unnecessary. USMS members with subject matter expertise may become part of a volunteer pool from which the National Office can draw for specific projects.

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**L 34 507.2.4** Governance Committee page 81 Delete

~~**507.2.4 Publications Management Committee**—The Publications Management Committee shall manage all USMS publishing activities and shall set publishing policy. The Committee shall develop and maintain or promote the development and maintenance of publications that a) support USMS’s values and operating principles, b) provide benefits and information services for all USMS members, c) provide viable marketing tools, where appropriate, d) provide an income source for USMS, where possible and e) employ the most current industry standards for design, style, editorial content and usability, where appropriate. The committee shall establish working relationships with and support the volunteer and professional staff developing USMS publications, including the publishers of the USMS national publication, web operations personnel, committees that publish information for USMS and National Office personnel. The committee shall consist of the committee chair and sufficient members to execute the committee function. Members shall have the requisite skills to accomplish tasks as defined by the committee’s objectives and goals. USMS professional staff with responsibility for publications shall be ex officio members.~~

**Rationale:** Publications management functions are now being carried out by the National Office staff, making a standing committee of volunteers unnecessary. USMS members with subject matter expertise may become part of a volunteer pool from which the National Office can draw for specific projects.

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**L 35 507.2.5** Governance Committee page 81 Delete

~~**507.2.5 Finance Committee**—The Finance Committee shall consist of the committee chair and no more than 16 additional members, with at least one member from each zone. The treasurer, the internal auditor and the controller shall serve as ex officio members of the committee. The Finance Committee shall:~~

- ~~**A** Develop policies pertaining to the financial affairs of USMS.~~
- ~~**B** Receive and review the annual reports of the internal auditor, treasurer and controller.~~
- ~~**C** Prepare or cause to be prepared a summary of the above reports to be presented to the House of Delegates at each annual convention.~~

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~~D~~ Annually receive and compile all budget requests from each officer and committee for the next fiscal year.

~~E~~ At each annual convention, prepare USMS's budget for the next fiscal period and submit same to the House of Delegates for approval.

**Rationale:** The Board of Directors is responsible for financial oversight, ensuring efficient and effective use of financial and other resources, and tying financial strategy to strategic planning priorities. Thus, the former duties of the Finance Committee should reside with the Board and will be carried out by a Board Finance Committee, which will consist of Board members plus others with subject matter expertise appointed to serve on the committee. The change also reflects current practice that the budget is prepared by staff, submitted to the Board of Directors and then submitted to the House of Delegates for review and approval. USMS members with subject matter expertise may become part of a volunteer pool from which the National Office can draw for specific projects.

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**L 36 507.2.6** Governance Committee page 81 Modify

**507.2.6 Fitness Education Committee**— The Fitness Education Committee shall promote ~~and~~ assess the fitness, health and lifestyle benefits of Masters swimming. The committee shall consist of the committee chair and sufficient members to execute the committee function.

**Rationale:** (1) The committee name changed in code last year, but the title on the rule was accidentally not changed. This is a conforming change. (2) The committee promotes but does not assess, so language about assessing was deleted.

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**L 37 507.2.7** Governance Committee page 81 Modify

**507.2.7 History and Archives Committee**—The History and Archives Committee shall record, collect and preserve documents, stories, photos, exhibits, oral histories and other memorabilia in an appropriate repository and in durable formats to ensure that the achievements of USMS and Masters swimmers will be maintained for posterity. The archived information shall be made available. The committee shall consist of the committee chair and sufficient members to execute the committee function.

**Rationale:** Language regarding committee membership has been added to make it consistent with other committees.

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**L 38 507.2.8** Governance Committee page 82 Delete

~~**507.2.8 International Committee**— The International Committee shall promote communication with Masters swimmers throughout the world, facilitate USMS members' participation in international events and encourage the participation of foreign Masters swimmers in USMS events. The USMS Liaison to the Union Americana de Natacion (UANA) and the USMS Liaison to FINA shall be ex officio members. The committee shall consist of the committee chair and sufficient members to execute the committee function.~~

**Rationale:** The committee functions are either being carried out by the president (communicating with other Masters federations worldwide) or National Office staff (facilitating members' participation in international events, encouraging participation of foreign Masters swimmers in USMS events), making a standing committee of volunteers unnecessary. USMS members with subject matter expertise may become part of a volunteer pool from which the National Office can draw for specific projects.

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**L 39 507.2.9** Governance Committee page 82 Modify

**507.2.9 Legislation Committee**— The Legislation Committee may initiate and shall receive, consider and report proposed amendments with the committee's recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6 which includes proposed changes to: Code of Regulations, Organizing Principles, Glossary, Part 2: Administrative Regulations of Competition, Part 4: Athlete's Rights, Hearings and Appeals, Part 5: United States Masters Swimming Inc. Organization and Bylaws, and Part 6: Amendment Procedures. ~~and Appendix D: Zone and LMSC Boundaries.~~ The committee may interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee's jurisdiction as defined in article 601.1. The committee shall consist of the committee chair and sufficient members to execute the committee function, no more than 16 additional members, with at least one member from each zone, not to exceed 16 additional members. The Rules Committee chair and the Rule Book Coordinator shall be ex officio members of the committee.

**Rationale:** Language regarding committee membership has been added to make it consistent with other committees and amended to make clear that the 16 member number is a maximum and not a requirement. Amendments to Appendix D: Zone and LMSC Boundaries was moved to Zone Committee in 2008 and will continue under the LMSC Development Committee.

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**L 40 507.2.10** Governance Committee page 82 Add

**507.2.10 LMSC Development Committee.**

The LMSC Development Committee shall work to strengthen LMSC governance and operations by providing educational opportunities and mentoring for LMSC boards and officers. The committee shall identify and provide support for LMSCs experiencing operational and governance issues, and monitor compliance with LMSC minimum standards as defined by the Board of Directors. The committee may initiate and shall receive, consider and report proposed amendments to Appendix D: Zone and LMSC Boundaries, with the committee's recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6. The committee shall consist of the committee chair and sufficient members to execute the committee function.

**Rationale:** This committee has been added to reflect the need for an intentional standing committee created to address LMSC development, rather than this responsibility falling on the Zone Committee. This committee will also assume LMSC-related activities that were within the purview of the Communications and Marketing Committees. Also, because this committee is best positioned to deal with issues related to Zone and LMSC boundaries, it will assume responsibility for amendments to Appendix D that was formerly assigned to the Zone Committee.

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**L 41 507.2.11** Governance Committee page 82 Modify

**507.2.11 Open Water and Long Distance Committee**—The Open Water and Long Distance Committee shall promote development of and participation in open water and long distance events at the local, regional and national level. The committee shall solicit and review bid proposals and select the sites for the open water and long distance championship events. The committee shall work in a coordinating and advisory capacity with event hosts and make recommendations to enhance the quality of open water and long distance championship events. ~~The committee may initiate and shall consider proposed amendments, and shall report them, with the committee’s recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6.~~ The committee shall maintain records and select the open water and long distance All-American Open Water and Long Distance and Open Water and Long Distance and all-star teams. ~~The committee may interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee’s jurisdiction as defined in article 601.1.~~ The committee shall consist of the committee chair and sufficient members to execute the committee function. ~~no more than 16 additional members, with at least one member from each zone. The Rule Book Coordinator shall be an ex officio member of the committee.~~ The chair shall serve as the USMS liaison to the USA Swimming Open Water Committee.

**Rationale:** Currently, this committee is responsible for selecting and coordinating open water and long distance championships, amending and interpreting open water long distance rules, and maintaining records and selecting All-American and All-Star teams. Given that the Board has indicated it would like this committee to focus, in conjunction with the National Office staff, on growing open water swimming and encouraging participation, this is just too much for one committee. Therefore, the changes proposed are to take the rules component out of this committee and place it in a new committee with the sole purpose of proposing and interpreting open water and long distance rules. Since this would no longer be a rules committee, the details on make-up of the committee have been deleted and replaced with the general description of having sufficient members to execute the committee function.

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**L 42 507.2.12** Governance Committee page 83 Modify

**507.2.XX Open Water Rules Committee** – The Open Water Rules Committee shall assure that the competitive rules in Part 3 of the USMS Rules and Regulations provide for fair and equitable competition in the best interests of all USMS members and that members are informed of current rules, interpretations, and changes. The Open Water Rules Committee may initiate and shall accept, consider, and report proposed amendments, with the committee’s recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6. The committee may interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee’s jurisdiction as defined in article 601.1. The committee shall consist of the committee chair and sufficient members to execute the committee function, with at least one member from each zone, not to exceed 16 additional members. The Rule Book Coordinator shall be ex officio member of the committee.

**Rationale:** See the rationale for creation of this committee stated in conjunction with rule 507.2.10. Since knowledge of open water rules is a specific expertise and the importance of open water swimming

to USMS is growing, it is recommended that this be a standalone committee and not part of the existing Rules Committee.

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**L 43 507.2.11** Governance Committee page 82 Delete

~~**507.2.11 Marketing Committee**—The Marketing Committee shall define the marketing and communication goals and objectives that promote the purpose and philosophy of Masters swimming to target external audiences, and shall execute the activities necessary to accomplish these goals and objectives. The committee shall consist of the committee chair and sufficient members to execute the committee function.~~

**Rationale:** Marketing functions are now being carried out by the National Office staff, making a standing committee of volunteers unnecessary. USMS members with subject matter expertise may become part of a volunteer pool from which the National Office can draw for specific projects.

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**L 44 507.2.14** Governance Committee page 83 Modify

**507.2.14 Records and Tabulation Committee**—The Records and Tabulation Committee shall establish and maintain a standardized process of recording and verifying times and shall publish the Top 10 times, All-American rosters and USMS national records annually for each course. The committee shall consist of the committee chair and sufficient members to execute the committee function.

**Rationale:** Language regarding committee membership has been added to make it consistent with other committees.

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**L 45 507.2.15** Governance Committee page 83 Modify

**507.2.15 Registration Committee**—The Registration Committee shall develop effective policies and procedures for registering members and advise the Board of Directors on registration policies. Committee members shall assist LMSC registrars and communicate current policies and procedures. The committee shall consist of the committee chair, one member from each zone, and one member-at-large.

**Rationale:** The Board of Directors is responsible for establishing policies, so the committee definition has been changed to reflect this fact but also to recognize that the Registration Committee is the subject matter expert on registration issues and therefore should advise the Board on registration policies.

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**L 46 507.2.16** Governance Committee page 83 Modify

**507.2.16 Rules Committee**—The Rules Committee shall assure that the competitive rules in Part 1 of the USMS Rules and Regulations provide for fair and equitable competition in the best interests of all USMS members and that members are informed of current rules, interpretations, and changes. The Rules Committee may initiate and shall accept, consider, and report proposed amendments, with the

committee’s recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6. The committee may interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee’s jurisdiction as defined in article 601.1. The committee shall consist of the committee chair and sufficient members to execute the committee function, no more than 16 additional members, with at least one member from each zone, not to exceed 16 additional members. The Legislation Committee chair, the Rule Book Coordinator, the Officials Committee chair and the USA Swimming Rules & Regulations Committee Chair shall be ex officio members of the committee.

**Rationale:** Language regarding committee membership has been added to make it consistent with other committees and amended to make clear that the 16 member number is a maximum and not a requirement.

**L 47 507.2.16** Rules Committee page 83 Modify

**Rules Committee**—The Rules Committee shall assure that the competitive rules in Part 1 of the USMS Rules and Regulations provide for fair and equitable competition in the best interests of all USMS members and that members are informed of current rules, interpretations, and changes. The Rules Committee may initiate and shall accept, consider, and report proposed amendments, with the committee’s recommendations, at the annual meeting of the House of Delegates, in accordance with the provisions of Part 6. The committee ~~may~~ shall interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee’s jurisdiction as defined in article 601.1. The committee shall consist of the committee chair and no more than 16 additional members, with at least one member from each zone. The Legislation Committee chair, the Rule Book Coordinator, the Officials Committee chair and the USA Swimming Rules & Regulations Committee Chair shall be ex officio members of the committee.

**Rationale:** In practice, the Rules Committee issues interpretations of the swimming rules that are binding for all members in competition and also as stated in 102.16.4 and 102.16.5 regarding protests.

**L 48 507.2.18** Governance Committee page 83 Delete

~~**507.2.18 Zone Committee**—The Zone Committee shall enhance communications between the National Office and LMSCs, and between USMS committees and LMSCs. The committee shall carry out the responsibilities assigned to it by the House of Delegates, the President, the USMS Code of Regulations and the stated needs of the LMSCs. The Zone Committee shall develop and maintain election operating guidelines. The committee shall consist of the vice president of local operations, who shall serve as chair, plus a representative from each zone elected by the delegates from each LMSC within that zone.~~

**Rationale:** The responsibilities of this committee are more appropriately handled by new and existing entities. LMSC development responsibilities will be placed in the newly proposed LMSC Development Committee (see the rationale for that committee above). Election responsibilities will be handled by the Board of Directors. (This change will be reflected in the Election Operating Guidelines, which are being updated for HOD approval.) The position of zone representative will still remain, without committee responsibilities. The zone representatives will be responsible for coordinating activities within their

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zones, running the zone meetings at convention and performing any zone-related election responsibilities.

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**L 49 507.4.1** Governance Committee page 84 Modify

**507.4.1 Coordinators**—The president, with the concurrence of the Executive Committee, shall appoint the coordinators. The Board Of Directors may grant a Coordinator ~~Coordinators will have~~ the same rights and responsibilities as the chairs of standing committees. A coordinator, with the concurrence of the president, may appoint a working group to assist the coordinator.

*Rationale:* Second sentence modified, as not all coordinators may need this status. Also, currently there is no indication of who would grant these "rights and responsibilities." This right and responsibility would be noted In the Individual coordinator positions.

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**L 50 507.4.1** Governance Committee page 84 Modify

**A Convention Coordinator**—The convention coordinator shall cooperate with ~~USAS~~ United States Aquatic Sports in the preparation of each year’s national convention and carry out the operational needs of the House of Delegates and its committees at convention.

*Rationale:* It is preferable to spell out “U.S. Aquatic Sports,” to make clear what entity is being referenced (i.e. not USA Swimming).

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**L 51 507.4.1** Governance Committee page 84 Delete

~~**B Insurance Coordinator**—The insurance coordinator shall study and review the insurance needs of USMS and shall recommend policy and procedure, and appropriate insurance coverage for USMS, its participants and its programs.~~

*Rationale:* This function will be transferred to National Office staff.

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**L 52 507.4.1** Governance Committee page 84 Modify

**C Rule Book Coordinator**—The rule book coordinator shall design, ~~edit~~ ensure the accuracy of and produce the rule book and other materials or media, as approved by the House of Delegates. The rule book coordinator shall be a member of the Communications Committee and an ex officio member of the Legislation, Open Water and Long Distance and Rules Committees.

*Rationale:* This person does not have the authority to edit the rules. That belongs to the designated committees and the HOD.

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L 53 507.4.2 Governance Committee page 84 Delete

~~507.4.2 Controller—The controller shall be selected by, serve at the pleasure of and report to the Executive Committee.~~

*Rationale:* The controller is no longer an appointed position, but rather an employee.

L 54 507.4.3 Governance Committee page 84 Delete

~~507.4.3 Internal Auditor—The internal auditor shall be appointed by and serve at the pleasure of the president and shall report to the House of Delegates through the Finance Committee. The internal auditor shall:~~

~~A Receive the financial records of USMS from the treasurer and the controller.~~

~~B Examine at least annually all financial records received pursuant to article 508.3.1 to determine the accuracy and validity of the records maintained by the treasurer and controller.~~

~~C Prepare and audit the annual income statement and balance sheet of USMS, along with any other appropriate financial statements as of the close of USMS's fiscal year.~~

~~D Present the financial statements listed in article 508.3.3 to the Finance Committee as soon as practical after the close of the fiscal year with a statement as to the internal auditor's position regarding the accuracy~~

~~and validity of those documents.~~

~~E Submit to the Finance Committee recommendations for the improvement of the financial management of USMS.~~

*Rationale:* This has not been an active function for several years. We currently have a yearly external audit or review that provides many of these functions. Some of these tasks may go to the BOD Audit Committee.

L 55 507.4.4 Governance Committee page 85 Modify

~~507.4.4 Legal Counsel— The president shall appoint the legal counsel. The legal counsel shall be an ex officio member of the Board of Directors, Executive Committee, Rules Committee and Legislation Committee, having voice but no vote on these committees. The legal counsel may appoint liaisons to any other committees when requested by such committee chair.~~

*Rationale:* The rule did not specify who appoints the legal counsel.

L 56 508.3 Governance Committee page 85 Modify

### 508.3 Budget Requests

Requests for budget items or funding that are disapproved by the Board of Directors ~~Finance Committee~~ (or those not submitted to the Board of Directors ~~Finance Committee~~) may be approved by the House of Delegates by a two-thirds vote.

**Rationale:** Amendments are made to reflect that under the proposed changes to Board powers in 506.4 and changes to the Finance Committee under 507.2, HOD override of a budget request denial will be from a denial by the Board rather than the Finance Committee.

**L 57 601.1.5** Governance Committee page 87 Modify

**601.1.5 LMSC Development ~~Zone~~ Committee** – Proposed changes to the Code of Regulations (Appendix D: Zone and LMSC Boundaries) shall be considered by the ~~Zone~~ LMSC Development Committee for report and recommendation to the House of Delegates.

**Rationale:** Change made to reflect fact that Zone Committee will no longer exist. The LMSC Development Committee is in the best position to deal with issues related to zone and LMSC boundaries.

**L 58 601.2.2** Rules Committee page 87 Modify

**601.2.2 Format**—Proposed changes shall be in such form as to show the ~~entire~~ section as it will read if adopted, with any changes in language underlined if new and lined out if deleted.

**Rationale:** Instructions for writing proposed amendments allow for the use of an ellipsis (...) in place of writing all of the language, if enough of the language is shown to make the proposed change clear.

**L 59 601.2.3** Governance Committee page 87 Modify

**601.2.3 Submission Deadline**—Proposed changes by an LMSC must be submitted to the chair of the Rules, Legislation, ~~Zone~~ or Open Water ~~and Long Distance~~ Rules Committee not later than July 10, and to the LMSC Development Committee by February 1.

**Rationale:** Change made to reflect fact that Zone Committee will no longer exist. The LMSC Development Committee is in the best position to deal with issues related to Zone and LMSC boundaries, but a July 10th deadline is too late to solicit input from all impacted parties. The Zone Committee, at the request of the Legislation Committee, developed a policy for handling LSMC and Zone boundary changes which will take into consideration the wishes of all affected parties.

**L 60 601.2.3** Rules Committee page 87 Modify and Add

**601.2.3 Submission Deadline**—Proposed changes to the USMS Code by an LMSC, a standing committee of the House of Delegates, the Zone Committee, the Board of Directors or the Executive Committee, must be submitted to the chair of the Rules, Legislation, Zone or Open Water and Long Distance Committee not later than July 10 to be considered as described in 601.4.1, 601.4.2, 601.4.3. **Proposed changes to the USMS Code by a standing committee of the House of Delegates, the Zone Committee, the Board of Directors or the Executive Committee, received after July 10, shall be considered by the committee of jurisdiction as Emergency Amendments as described in 601.4.6**

**Rationale:** Require all proposed changes to be submitted by July 10 in order to give time for more careful consideration of all proposed changes.

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**L 61 601.2.4** Rules Committee page 87 Modify

**601.2.4 Publication of Proposed Amendments**—All proposed changes shall be published and ~~mailed~~ distributed to each LMSC and each member of the House of Delegates not later than August 15.

***Rationale:*** Change the more restrictive “mailed” to “distributed”, because in practice, proposed changes are emailed, mailed, and sometimes delivered in person.

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**L 62 601.3** Governance Committee page 88 Modify

**601.3 MODIFICATION OF PROPOSED AMENDMENTS**

Proposed amendments may be modified in any manner by the Rules, Legislation, LMSC Development or Open Water Rules Committee, where appropriate, while under consideration by said committee. Such modification must be germane to the subject matter and intent of the proposed change.

***Rationale:*** Change made to reflect fact that Zone Committee will no longer exist. The LMSC Development Committee is in the best position to deal with issues related to zone and LMSC boundaries.

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**L 63 601.4.3** Governance Committee page 88 Modify

**601.4.3 Legislation**—In odd-numbered years, the Organizing Principles, Glossary, Part 2, Part 4, Part 5 and Part 6 and ~~Appendix D~~ may be amended by a majority vote of the House of Delegates members present and voting if amendments to them are submitted to and recommended by the Legislation Committee, or by a two-thirds vote of the House of Delegates members present and voting if amendments to them are submitted to and NOT recommended by the Legislation Committee.

***Rationale:*** Change made to reflect fact that Zone Committee will no longer exist. The LMSC Development Committee is in the best position to deal with issues related to zone and LMSC boundaries.

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**L 64 601.4.4** Governance Committee page 88 Modify

**601.4.4 LMSC Development**—In odd-numbered years, Appendix D may be amended by a majority vote of the House of Delegates members present and voting if amendments to them are submitted to and recommended by the LMSC Development Committee, or by a two-thirds vote of the House of Delegates members present and voting if amendments to them are submitted to and not recommended by the Legislation Committee.

***Rationale:*** Change made to reflect fact that Zone Committee will no longer exist. The LMSC Development Committee is in the best position to deal with issues related to zone and LMSC boundaries.

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**Proposed Amendments Requiring Action of More Than One Committee**—In any year, proposed amendments to the *USMS Code of Regulations and Rules of Competition* that fall within more than one jurisdiction, as described in articles 601.4.1, 601.4.2 and 601.4.3, may be submitted as an indivisible package to be considered by the House of Delegates, subject to the following:

**A** Each and every committee under which jurisdiction the amendment proposals fall votes by a two-thirds majority to accept the proposed amendments as a package to be considered in the whole.

~~**B** Organizing Principles, Glossary, Parts 1, 2, 3, 4, 5 and 6 and Appendix D If the conditions of 601.4.5A are met, the indivisible package may be amended by a majority vote of the House of Delegates members present and voting if amendments to them are submitted to the appropriate committees as a package and recommended by all committees with jurisdiction, or if the conditions of 601.4.5A are not met, the indivisible package may be amended by a two-thirds vote of the House of Delegates members present and voting if amendments to them are submitted to the appropriate committees as a package, but fail to receive the recommendation of all committees with jurisdiction.~~

**Rationale:** Simplify the language of “B”, so it is easier to understand.

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**Housekeeping:**

**HK 1**

Rules Committee

page 75

Modify

**503.5 ZONE CHAMPIONSHIP MEETS**

Each zone may conduct zone championship meets, but meets identified as such should not be scheduled beginning the weekend before, through and including the weekend ~~Following The Usms~~ following the USMS Short Course ~~And~~ and Long Course National Championship Meets.

**Rationale:** Correct the use of upper case and lower case letters.

## **Proposed Changes Open Water/Long Distance Rules**

### **SEQ CHAPTER \h \r 1303.6 Timing**

In events in which the event director provides electronic timing/chip timing, an operating backup timing system is required.

*Rationale: This rule is currently under 304 Conduct of Postal Events. It pertains to Open Water swims. Please renumber subsequent paragraphs.*

### **304.5 Timing**

~~**304.5.1**In open water races in which the event director provides electronic timing/Chip Timing, an operating backup timing system is required.~~

**304.5.1** A stopwatch or electronic timing system shall be used to time the event.

**304.5.2** ~~In postal events,~~ Cumulative splits must be recorded to the nearest second.

*Rationale: Rule is mis-placed in Postals; it should be in Open Water.*