

**MINUTES OF THE NORTH TEXAS  
LOCAL MASTERS SWIM COMMITTEE**

A meeting of the North Texas LMSC was held via conference call on Saturday, July 22, 2012 at 4:00 pm. In accordance with the timeline in the committee by-laws, notice of the meeting was issued on June 12, 2012.

- I. **Roll Call** – The following individuals attended the meeting: Lynn Morrison (Chairman); Lisa Rice Greedy (Secretary); Kim Shaw (Treasurer); and the following team representatives Ric Nesbitt (FAST); Lynn Silver (PCAT) and Krissy MacCurdy (PCAT).
  
- II. **Minutes** – The Secretary read the minutes of the previous meeting on February 25, 2012. The committee adopted the minutes as read.
  
- III. **Report of Officers** – Lynn Morrison reported that the Pre-Meet Orientation presentation held before the 2/25/12 DAM meet was a success. The Chair also stated that the request for updated contact information for NT LMSCs was complete and had been added to the website. Lynn Morrison also reported that Craig MacPherson, Top Ten Officer, had tendered his resignation letter. A replacement is needed by year-end. Lisa Greedy reported that her audit of the NT LMSC books passed without incident and recommended that voided checks be kept on record and not shredded. Kim Shaw reported the bank balances to the committee.
  
- IV. **Reports of the Committees**  
Newsletter  
Lisa Greedy stated that the newsletter is temporarily on hold. A year- end issue is planned for.  
  
There were no other committee reports.
  
- V. **Unfinished Business**  
  
Adoption of Changes to By-Laws – The committee voted unanimously to accept the proposed changes to the by-laws:  
  
(Amended by-laws listed beginning on page 2)

This section to be ADDED as result of **LMSC STANDARDS**  
**As approved by the USMS Board of Directors**  
**3/27/2012**

#### 8.1.4 Declaration of Non-Profit Status

North Texas Masters Swimming shall be established and maintain status as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

The deletion of the 8.2.1.2.b was approved by the LMSC officers 7/22/12

b. Those individuals who have contributed a designated amount to the NTLMSC or USMS may be granted membership and may be entitled to attend NTLMSC meetings with voice but no vote.

Amended to add Vice Chair position to comply with **USMS Board of Directors 3/27/2012 decision to have a Vice Chair able to stand in for the Chairman and to recognize the NT LMSC separation of the position of Secretary/Treasurer into two separate positions.**

#### 8.4.1.1 ELECTED OFFICERS

The elected officers are Chairman, Registrar/**Vice Chair** and **Secretary and Treasurer.**

Added language to include the new position of Vice Chair as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

#### 8.4.3 TERM OF OFFICE

Each officer serves for a term of two years consistent with the beginning of the new registration year. If an officer cannot fulfill the term of office, the Board of Directors will appoint a replacement at its next regularly scheduled meeting **other than Chairman, who's replacement will be the Vice Chair.**

**LMSC officers voted to remove this point from 8.4.4.2 since the co-title of the Registrar is now the Vice Chair**

In addition; the Registrar will be acting for the Chairman in his/her absence at NTLMSC meetings

**Separate job descriptions of Secretary and Treasurer due to change approved last summer are approved and now reflected at 8.4.4.3 and 8.4.4.4**

3. Secretary - shall be responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and copies of the minutes to the Board of Directors, and making such reports to the National Office as required.

4. The Treasurer shall be responsible for paying all bills and maintaining all financial records, including bank and checking records, and for making timely reports to the Board of Directors. In addition, the treasurer shall be responsible for preparing the yearly budget.

New language adopted at 8.4.4.4 as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

LMSC bonding insurance provided by USMS, which covers LMSC officers, requires the following: (a.) Bank accounts be reconciled annually by a person other than a person who is authorized to sign checks (b) Dual signatures are required on all checks of \$5,000 or more.

Added the word "world" in 8.4.4.5 line 5 as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

5. Top Ten/Records Coordinator - The top Ten Records Coordinator shall maintain the NTLMSC records and review NTLMSC meet results to prepare lists of swimmers for National Top Ten Times consideration. In addition, the Top Ten Records Coordinator shall be responsible for overseeing national and world records that are set within the North Texas LMSC area.

Section 8.4.4.12 was added as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

12. Vice Chair – will assume duties of Chairman for any meeting the Chairman is unable to attend and/or assume the position of Chairman for remainder of the term if for whatever reason the Chairman is not able to fulfill their term.

Language added to invite all LMSC members to cast a vote at the annual meeting as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

#### 8.5.1 FREQUENCY

There will be four (4) quarterly meetings of the NTLMSC Board of Directors to be held no later than the last day of the month in September, December, March and June. The June meeting will be designated as the Annual meeting for the purpose of elections. Open to all individual members of the LMSC, who are each able to cast a vote

LMSC officers voted to amend the number of officers required for a quorum fro two to three as a result of the separation of the position of Secretary and Treasurer.

#### 8.5.5 QUORUM

A quorum at all meetings shall consist of those present and eligible to vote. In determining a quorum, team representatives and NTLMSC officers cannot be one and the same. The minimum quorum for all meetings shall be five (5) of which at least three (3) (must be officers, as determined from the Registrar's records.

Language added as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

#### 8.6.1 TYPES

1. Standing - At the discretion of the Chairman, the following committee may be established:

a. Awards Committee - The awards Committee shall develop criteria

for the selection of outstanding swimmers each year; nominate outstanding swimmers for recognition by NTLMSC each year; and select and order awards for NTLMSC -sponsored meets.

b. Review Committee - The Review Committee may conduct hearings on any matter affecting the NTLMSC, and arising solely within the territorial jurisdiction of the LMSC, and involving only its members (see 8.9 ARTICLE 9- GRIEVANCE PROCEDURE

**NEW ADDITION:** This to be added as result of **LMSC STANDARDS As approved by the USMS Board of Directors 3/27/2012**

#### 8.9 ARTICLE 9- GRIEVANCE PROCEDURE

Any individual member of the NTLMSC and/or any Club member of NTLMSC Swimming may bring a complaint on any matter for which grievances may be heard under Part 4, Participation, Conduct, Hearings and Appeals of the USMS Rule Book ("Part 4"). Specifically, complaints

may be brought alleging unsporting conduct, defined in Part 4 as:

- A. Violation of the opportunity to participate, as set forth in Part 4.
- B. Discrimination in violation of Article 501 of the Rules of USMS.
- C. Any act of fraud, deception or dishonesty in connection with any USMS related activity.
- D. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel or other participants, in connection with a USMS event.
- E. Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

#### 104.6 Complaint Procedure

- A. A complaint shall consist of a concise statement of the behavior or circumstance involved, shall be in writing, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom the complaint is made. The complaint shall be directed only to the Chair of NTLMSC, or if the complaint directly involves the Chair, to the Administrative Vice-Chair, who shall appoint a Grievance Chair. To be considered timely, a complaint must be filed within ninety (90) days of the incident or circumstance alleged, or within ninety (90) days of when the person making the complaint should reasonably have had knowledge of the incident or circumstance.
- B. Upon receipt of a timely complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Part 4 and involves a person or entity which is part of NTLMSC.. If the Grievance Chair determines that the complaint does not meet such criteria and/or determines the complaint was not filed on a timely basis, the Grievance Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Chair of Pacific Masters Swimming of this determination.
- C. If the Grievance Chair does not dismiss the complaint, the Grievance Chair shall transmit a copy of the complaint to all other parties involved. The parties to any controversy shall be the USMS member or entity that made the complaint, the USMS member or entity that is the subject of a complaint, and, if

appropriate, NTLMSC. In the event there are multiple parties or varying interests, any interested person may ask the Grievance Chair to (or the Chair may of its own volition) realign the parties according to their interest in the matter.

D. The parties other than the complaining party shall have the right to make a written reply, which shall consist of a concise statement of any matter of defense to the complaint, and which shall be made

within ten (10) days from the date the copy of the complaint is transmitted by the Grievance Chair. Replies

shall be in writing and signed by the person responsible for making the reply. The Grievance Chair shall

advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under

Part 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

#### 104.7 Step 1 - Mediation or Resolution by the Grievance Chair

A. After all parties have transmitted written statements to the Grievance Chair (or if the time for same has passed without a statement being transmitted), the Chair may attempt to resolve the controversy

by mediation. The method of mediation shall be at the discretion of the Chair. Methods of mediation may

include (without limitation) in-person contact, telephone contact, or communication by writing or e-mail. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to

the Chair of NTLMSC and the matter shall be considered resolved and final.

B. If a party who is the subject of a complaint fails to make a reply, or if mediation is not invoked, then the Grievance Chair may act on the complaint as filed, or may take evidence or information from any

source. The Grievance Chair shall make such findings as appear to be justified and reasonable to resolve

the controversy. Findings shall be reduced to writing and transmitted to the parties and to the Chair of

NTLMSC. This shall constitute the Step 1 resolution of the complaint, and shall be considered final unless the subject of the complaint files a timely appeal as outlined below.

#### 104.8 Step 2 - Appeal to NTLMSC Chair and Hearing Procedure

A. If no agreement can be reached, the party who is subject to the complaint may appeal the complaint by submitting a written statement of appeal within ten (10) days of receipt of the Step 1 decision

to the Chair of NTLMSC. The appeal shall specify the factual or procedural objection(s) with the Step 1 decision. Upon receiving a timely appeal, the NTLMSC Chair who shall convene a hearing panel to resolve the controversy. The NTLMSC Chair shall designate a minimum of three members of NTOMSC to act as a panel to resolve the grievance and all matters related thereto. The NTLMSC Chair shall designate one member of the panel to serve as a Hearing Chair to preside over the hearing and give counsel to the panel concerning procedural matters and NTLMSC Swimming and USMS rules.

B. The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having

material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Hearing Chair may appoint

one member to take such evidence and report to the panel. Any cost of production of evidence shall be

advanced by the party on whose behalf such evidence is taken.

C. Upon completion of presentation of evidence, the hearing panel shall deliberate among themselves and by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the Chair of NTLMSC. If the hearing panel does not dismiss the complaint, it may deny membership in NTLMSC, censure, place on probation, suspend, fine or expel from NTLMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 4. If a person is expelled from NTLMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary. This shall constitute the Step 2 (final) resolution of the matter at the LMSC level.

D. Upon rendering of a final decision, the Hearing Chair shall notify all parties in writing of their right to appeal to the National Board of Review under Part 4. The NTLMSC may stay the imposition of any penalty pending appeal to the National Board of Review.

Lynn Morrison reported that the laser tool has not been located. Bill Christiansen claims he does not have it

Lynn Morrison discussed the continued possibility of creating a Tour de Pools next summer with various NT LMSCs hosting workouts open to all NTM swimmers.

## **VI. New Business**

- a. Representatives to Convention – The Chairman voted to send the Secretary, Lisa Greedy, to convention with her as NTM’s second representative. The vote was approved unanimously.
- b. Fall Social - Lynn Morrison suggested NTM host a social following the November DAM meet at the Dancing Marlin. Winter In-Water Swim Clinic – A discussion was held to host an in-water stroke clinic in early 2013.
- c. Winter Dry-land Clinic – The possibility of a dry-land clinic and sandwich lunch after the February DAM meet was discussed. Lisa Greedy offered to present a clinic to include core-strengthening exercises, swimmer focused pre-hab protocols and stretching.

## **VII. Resolutions and Order** – There were no resolutions.

## **IX. Adjournment** – the meeting was adjourned at 5:09 pm. The next meeting will be late September following convention.

