

## Proposed Legislation Changes

L 1    **Mission Statement**    Board of Directors    page ix    Modify

To promote health, wellness, fitness and competition health in for adults through swimming. ~~by offering and supporting Masters swimming programs.~~

*Rationale:* Updating the USMS Mission Statement

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L 2    **Glossary**    Board of Directors    page xi    Add

**Chapter**—a subordinate organization (subgroup) of a club that is a member of USMS registered through an LMSC. Individual members of a chapter are also members of the parent club.

*Rationale:* The workout group task force changed the term to “chapter” so that the registration process for clubs and chapters can become more streamlined. USMS has policy recognizing them in the registration process.

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L 3    **Glossary**    ILMISA    page xi    Add

**Club Team**--a subordinate organization (subgroup) of a club that is a member of USMS registered through an LMSC for the purpose of competition between subgroups only within the LMSC's boundaries. Individual members of a team are also individual members of the parent club.

*Rationale:* Definition is required for proposed Rule Book change governing membership and representation of Club Teams in Article 201.

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L 4    **201.1.3**    Long Distance & Open Water Committees    Page 51    Modify  
**201.1.3    One-Event Registration**

**A    Open Water One-Event Registration**—USMS may offer a single-event registration that allows an athlete to participate in a USMS-sanctioned open water event. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by applicable USMS open water swimming rules and administrative regulations, except that their swims shall not be eligible for USMS national open water awards and recognition. One-event registrants shall be identified as such in the meet results.

**B    Pool One-Event Registration**—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation and national or world records, All-American status or any other USMS special awards. One-event registrants shall be identified as such in the meet results.

*Rationale:* *The goal of this proposal is to provide open water events and swimmers unrestricted use of the One-Event Registration. This change creates a tool that will assist open water event directors in increasing the number of participants in open water events. Benefits can include event development, clinic development, a valuable tool to introduce USMS to the wider open water world, and competitive equality in the marketplace.*

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L 5    **201.1.3**    Michigan    Page 51    Modify  
**201.1.3    One-Event Registration**

**B. Pool - One-Event Registration** - USMS will no longer offer pool single-event registrations that allow an athlete who is not currently registered as a USMS member to participate in one pool event sanctioned by any LMSC.

**Rationale:** Very few LMSCs currently offer any one-event registration for pool events. A one event registration for pool events requires extra work for the event host, the registrar, and the top ten recorder and has not historically resulted in increases in the annual membership resulting from those individuals who have competed using the one-event registration. Times swum by those swimming with a one-event pool registration are not counted in either the USMS or FINA top times database. Disallowing one-event pool registration also would be in keeping with current USA swimming, which allows for single-meet open water membership but not for single-meet pool membership.

From USA rules:

**ARTICLE 302**

**ATHLETE REGISTRATION**

**302.1 REGISTRATION** — All swimmers practicing with a member club or competing in events sanctioned by USA Swimming must be registered as athlete members of USA Swimming. Athlete members must meet the rules of eligibility contained in Article 303. No swimmer alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute the allegations relating to his/her possible ineligibility, pursuant to Part Four.

**302.2 MEMBERSHIP** — Athlete membership will consist of an annual membership, an outreach membership, a seasonal membership, or a single-meet open water membership.

*.1 Annual membership* — Membership is for a calendar year. Non-members applying for membership on or after September 1 will be issued a membership card valid through December 31 of the following year.

*.2 Outreach membership* — Annual membership with specially-reduced fees. Each LSC House of Delegates shall determine how athletes qualify for outreach membership.

*.3 Individual seasonal membership* — At the option of the LSC, membership may be offered for one or two periods of not more than 150 days per period within a registration year. Seasonal membership may also be offered for an unspecified but continuous period of not more than 150 days commencing on the date of registration. Seasonal membership is not valid for competition at or above the Zone Championship level.

*.4 Single-Meet Open Water Membership* – At the option of the LSC, membership may be offered for the specific date(s) of an open water competition(s). The athlete must compete unattached. Single-meet membership is not valid for competition at or above the Zone Championship meet.

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**L 6    201.1.5                    Legislation Committee                    page 51                    Modify**

**201.1.5 Membership Fee**—The annual membership fee and one-event registration fee are is composed of the following elements:

- A A national fee established by the Board of Directors or the House of Delegates.
- B A local fee established by the LMSC.

**Rationale:** Article 201.1 defines both annual membership and one-event registration; however it only defines fees for annual membership. This amendment includes one-event registration into the definition of individuals. As it stands today without the inclusion, 508.2 (Fees) should dictate that “Fees shall be established by the House of Delegates.” However, we currently allow LMSC’s to establish a local fee for One-Event registrations.

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- L 6A**      **201.1.5**      Long Distance & Open Water Committees      Page 51 Modify  
**201.1.5**      **Membership Fees**—~~The annual membership fee is composed of the following elements:~~  
**A**      The annual membership fee is composed of the following elements:  
    **A(1)**      A national fee established by the Board of Directors or the House of Delegates.  
    **B(2)**      A local fee established by the LMSC.  
**B**      The one-event registration fee is composed of a single fee established by the Board of Directors or the House of Delegates.

*Rationale:* The fees for the OEVT have not been defined in the rules. This proposal will allow USMS to set a competitive OEVT that will be attractive to swimmers.

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- L 7**      **201.2.1**      Legislation Committee      page 52      Modify

**201.2.1 Annual Membership**—Annual membership for clubs is from the date of registration through December 31 of that year; however, a club applying for membership on or after November 1 will receive membership valid through December 31 of the following year. ~~An LMSC shall not place any restrictions on the formation of clubs.~~

*Rationale:* Defining what an LMSC shall do, should be included where we define the roles and responsibilities of the LMSC, not the membership of the club. Note, current language was added in 2008 in response to concerns over LMSC's fairness in registering clubs. The proposed language extends this to individuals as well. This is in conjunction with L5

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- L 8**      **201.3**      ILMSA      page 52      Add

### **201.3**

#### **201.3 MEMBERSHIP OF CLUB TEAMS**

A club teams is an organization or subgroup of a Club which in turn is currently registered with USMS through an LMSC and actively participates in Masters swimming events as a separate subgroup only within its LMSC.

**201.3.1 Annual Membership**—Annual membership for a club team is from the date of registration through December 31 of that year; however, a club team applying for membership on or after November 1 will receive membership valid through December 31 of the following year. An LMSC shall not place any restrictions on the formation of club teams.

**201.3.2 Club Team Membership Forms**—Membership forms for club teams may be obtained from the registrar of the LMSC. Renewal forms will be accepted October 1 for the next registration year. The completed form shall be submitted with the applicable fee to the registrar of the LMSC.

**201.3.3 Membership Fee**—There shall be no mandatory USMS annual membership fee. If the club team chooses to receive the same membership benefits as a club, then it shall pay the same national fee established by the Board of Directors or the House of Delegates for clubs. USMS shall not deny any club team registration and the ability to compete as a separate entity within its LMSC based on whether it pays a USMS fee.

*Rationale:* It is desirable for USMS to be able to communicate with the various sub groups of clubs in the same manner it communicates with clubs. If USMS chooses to require registration of the sub groups as the preferred means to establish communication, then these sub groups should not be required to pay a fee for the purpose of USMS to communicate to them. Further, it is desirable that USMS offer the same benefits of club membership

to these sub groups. These sub groups should have the option of evaluating whether they want these benefits, then choose whether to pay for these benefits at the same fee clubs pay.

This proposal maintains the existing status quo within USMS with respect to the structure of sub groups within clubs. It also establishes an equal balance between clubs and these sub groups with respect to fees and benefits. Neither clubs nor their sub groups shall have a fee nor benefit advantage over the other with this legislation.

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L 9 202 Long Distance & Open Water Committees page 53 Modify

**ARTICLE 202**  
**POOL SANCTION/RECOGNITION**

*Rationale:* This amendment is for clarity, recognizing and emphasizing that there is a distinction between pool and open water sanctions. It is also in parallel construction with the heading of 203.

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L 10 203 Long Distance & Open Water Committees Page 56

*Replace Article 203 contents with the following:*

**ARTICLE 203:**  
**OPEN WATER SANCTION**

**203.1 SANCTIONS**

Swims achieved by USMS members at sanctioned events are considered for USMS open water national awards and recognition, provided a designated USMS observer is present and verifies in writing that the conduct of the competition conforms to the applicable USMS swimming rules and administrative regulations.

**203.1.1 Sanction Options**—USMS shall offer sanction options as defined below.

**A Standard USMS Sanction**—Open water events restricted to USMS members, one-event registrants and Masters swimming members of a FINA member federation. All swimmers entered shall be considered part of the same event and shall swim under applicable USMS open water swimming rules and administrative regulations.

**B Events Including Both USMS and USA Swimming Members**—USMS sanctioned open water event held in conjunction with a USA Swimming sanctioned open water event. USMS members shall swim under applicable USMS open water swimming rules and administrative regulations and USA Swimming members shall swim under applicable USA Swimming rules and administrative regulations. USMS athletes and USA Swimming athletes may swim at the same time on the same course. Athletes holding both USMS and USA Swimming memberships must declare their affiliation, in writing, prior to the start of the event.

*Rationale:* Article 203.1.1A and 203.1.1B define sanctions for the types of events USMS is already sanctioning.

**C Other Sanctions**—The Board of Directors, **may approve** other sanction options that allow the sanctioning of events that include USMS and non-USMS members. The Board of Directors shall consider other sanction options that have been submitted to and recommended by the Long Distance Committee, with input from the Open Water Committee.

*Rationale:* Article 203.1.1C creates the flexibility that will allow USMS to pursue other sanction opportunities to bring existing events into the USMS sanctioned event fold.

**203.2 SWIMMER VERIFICATION**

**203.2.1** All swimmers entered in USMS sanctioned events as USMS members or Masters swimming members of a FINA member federation shall provide proof of current membership, acceptable to the LMSC. All other swimmers entered shall provide proof of one-event open water registration.

203.2.2 All swimmers entered in USMS sanctioned events as members of non-FINA governing bodies shall have membership verification acceptable to their governing body.

203.2.3 At the discretion of the event director and exclusive of national championship events, a swimmer may enter indicating “number pending,” as long as acceptable proof of membership is presented prior to the swimmer’s participation in the event.

*Rationale: Article 203.2 defines regulations for verification of swimmer membership.*

### **203.3 SANCTION REQUIREMENTS**

203.3.1 Jurisdiction—The LMSC in which the event originates shall have jurisdiction in issuing the sanction. If any events are to be swum in more than one LMSC, the other LMSC(s) may also issue a sanction for the event. The sanction fee shall be established by the LMSC with jurisdiction.

203.3.2 The following requirements shall be followed by the sanctioning LMSC and sanction applicant.

A LMSCs shall use the prescribed sanction application form without additional requirements.

B Applications for sanction shall be made to the LMSC with jurisdiction.

C Sanctions shall be signed by the LMSC’s authorized representative, and a record thereof shall be retained for two years.

D The LMSC’s authorized representative shall report the sanction to USMS.

E Sanctions issued to one organization cannot be transferred to another.

F No sanction of any event shall be granted with the word “Olympic” or any derivative thereof used in any manner in connection with said event unless consent is obtained from the USOC.

G When sanctioning a FINA Masters World Championship open water event, an LMSC may grant exceptions to specific USMS open water swimming rules and administrative regulations in order to be in compliance with FINA rules.

H Sanctioned events may include nonconforming swims so long as they are conducted in a safe manner.

### **203.3.3 Entry Forms and Programs**

A The entry forms shall contain the language of the liability release as stated in article 204. The language may only be modified by naming the sanctioning LMSC(s), sponsoring USMS club(s) and/or additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.” All swimmers, before participating, shall have signed the liability release.

B Entry forms and programs must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Sanction number: \_\_\_\_\_.”

C In the event of a dual sanction, entry forms and programs must identify the other sanctioning body.

D For competitive open water events that calculate individual scoring for place and/or club scoring, a swimmer’s valid club affiliation and age must be displayed after the name in the program, if a program is published.

203.3.4 Results – Event directors shall submit official digital results of the event to the LMSC's authorized representative.

*Rationale: Article 203.3 defines the requirements for sanction that apply to LMSCs and events.*

### **203.4 WITHDRAWAL OR DENIAL OF SANCTIONS**

203.4.1 Sanction may be denied to any individual or organization that has failed to conduct previously sanctioned events in accordance with applicable USMS open water swimming rules and administrative regulations, or as stated on the entry form.

203.4.2 Sanction may be denied to any individual or organization that has failed to demonstrate the ability or willingness to conduct the sanctioned events in accordance with applicable USMS open water swimming rules and administrative regulations.

**203.4.3** Sanction may be withdrawn from any individual or organization failing to conduct the sanctioned events in accordance with agreed upon USMS open water swimming rules and administrative regulations and other stated requirements on the entry form.

*Rationale:* Article 203.4 defines the circumstances under which sanctions may be withdrawn or denied.

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**L11**      **203.1.1B**      Long Distance & Open Water Committees      **Page 56**

**203.1.1B** ...the LMSC in which the ~~meet~~ event will originate shall have jurisdiction in issuing the sanction. This does not prohibit the other LMSC from also issuing a sanction for the ~~meet~~ event.

*Rationale:* Housekeeping NOTE: This proposal will not be necessary if L10 passes.

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**L12**      **203.1.1B(1)**      Long Distance & Open Water Committees      **Page 56**

**203.1.1B(1)** The entry forms shall contain the language of the liability release as stated in articles ~~205.1~~ 204.1 and 204.1.2.

*Rationale:* Housekeeping NOTE: This proposal will not be necessary if L10 passes.

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**L13**      **203.1.1F(8)**      Long Distance & Open Water Committees      **Page 56**

**F(8)** Event directors shall submit official electronic results of the event to the LMSCs authorized representative USMS for inclusion in an open water event results database.

*Rationale:* This updates restore legislation changes that were inadvertently left out of the changes made in 2010.

*NOTE:* This proposal will not be necessary if L10 passes.

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**L 14**                  204.1                  Pacific                  page 57                  Modify

### **204.1 Release**

All individual membership application forms and sanctioned entry forms shall include a liability release. The liability release shall be signed by the person registering or entering. The language of the membership release shall be:

“I, the undersigned participant, intending to be legally bound, hereby certify that I am physically fit and have not been otherwise informed by a physician. I acknowledge that I am aware of all the risks inherent in Masters swimming (training and competition), including possible permanent disability or death, and agree to assume all of those risks. **As a condition of my participation in the Masters swimming program or any activities incident thereto, I hereby waive any and all rights to claims for loss or damages, including all claims for loss or damages caused by the negligence, active or passive, of the following: United States Masters Swimming Inc., the local masters swimming committees, the clubs, host facilities, meet sponsors, meet committees or any individuals officiating at the meets or supervising such activities.** In addition, I agree to abide by and be governed by the rules of USMS.”

*Rationale:* We recommend that the typeface used in the liability release be revised so that the portion that is capitalized is printed in bold type. There is no change to the text; the only change is that we change all capitals to boldface. It has been shown in tests that all capitals are more difficult to read than upper and lower case. By changing to upper and lower case we make it easier to read and we boldface to indicate its importance.

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**L 15**                  403.8.1                  Southern Pacific                  page 80                  Add

### **403.8.1 Notification**

All parties to grievances or appeals shall be notified in writing, within 30 days of receipt of filing.

**Rationale:** There is no current requirement for the NBR to notify anyone in a timely manner. The NBR has not acted in a timely manner in some cases; it should do so in every case.

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**L 16 502.1**                      Legislation Committee      page 84                      Modify

**502.1 LMSC Membership**

Each LMSC shall consist of individual members and club members registered through that LMSC. An LMSC shall not place any restrictions on the eligibility of individual or club members or on the formation of clubs.

**Rationale:** Defining what an LMSC shall do, should be included where we define the roles and responsibilities of the LMSC, not the membership of the club. Note, current language was added in 2008 in response to concerns over LMSC’s fairness in registering clubs. The proposed language extends this to individuals as well. This is in conjunction with L4

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**L 17 504.1.8**                      Board of Directors              page 86                      Delete

~~504.1.8 The president shall be empowered to appoint employees and contractors who are otherwise active in Masters swimming as members of the House of Delegates as needed for the benefit of the corporation.~~

**Rationale:** At the mid - year meeting of the BOD in 2010, a policy was approved to ask the USMS President to not appoint USMS employees as voting members of the HOD. Governance discussed the issues with employees/contractors appointed to USMS HOD. Consensus was that contactors should be able to be voting members of HOD, but should be there representing an LMSC (and recuse themselves on items of budget, and issues surrounding Club/Coach Development or other topics that involve their contract work with USMS). The committee voted to delete 504.1.8 with justification to cite policy by the BOD Policy

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**L 18 504.2.5**                      Legislation Committee      page 86                      Modify

**504.2.5** To prescribe and amend the code for the ~~government~~ governance of USMS.

**Rationale:** In present day parlance, “governance” is more applicable to the managing, administration, supervision and control of USMS than is “government”.

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**L 19 504.2.6**                      Board of Directors              page 86                      Delete

~~504.2.6 To impose and enforce penalties for any violation of the code of USMS.~~

**Rationale:** The National Board of Review has this permanently delegated power (403.5.1) and so discussions of imposing/enforcement should not be a discussion at each HOD.

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**L 20 504.3.3**                      Board of Directors              page 87                      Modify

**504.3.3** A written notice of all annual and special meetings of the House of Delegates, stating the time, place and preliminary agenda, shall be given to each member of the House of Delegates by mailing or electronic mail ~~the same~~ to each member’s last known address at least three weeks prior to the meeting date.

**Rationale:** The current wording is dated, in that it calls for material to be only sent by mail, so updated the wording to allow electronic mail.

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**L 21 506.1.2** Board of Directors page 89 Modify

**506.1.2** The nonvoting members of the Board of Directors shall consist of the executive director, legal counsel, all past presidents not already voting members, a representative of each allied organization (as approved by the Board of Directors), and a representative from USA Swimming.

**Rationale:** Article 501.1.4 states that each allied member to one nonvoting seat on the Board of Directors. This is being added to clean up the discrepancy between sections.

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**L 22 506.7.3** Board of Directors page 90 Add

**506.7.3 Governance Committee** — The Governance Committee shall be responsible for ongoing review and recommendations to enhance the quality and future viability of the Board and the USMS governance structure, including committees and local and regional divisions of USMS. The committee shall be composed of Board and non-Board members with relevant involvement or expertise in governance and organizational development. The president shall appoint all committee members and a chair of the committee.

**Rationale:** To add the Governance Committee as a permanent committee of the Board.

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**L 23 507.1.10** Board of Directors page 93 Modify

**507.1.10 Open Water Committee**—The Open Water Committee shall promote the development of and participation in open water swimming. The committee shall develop educational resources for open water participants and event directors. The committee shall increase awareness about open water swimming and ~~work with the executive director to identify opportunities to promote USMS through open water swimming.~~ The committee shall consist of the committee chair and sufficient members to execute the committee function. The Long Distance Committee chair shall be an ex officio member of the committee.

**Rationale:** Executive Director may be consulted, but is inappropriate to be listed in official description. Second deleted section is housekeeping: redundant.

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**L 24 507.1.11** Recognition and Awards Committee page 93 Modify

**507.1.11 Recognition and Awards Committee**—The Recognition and Awards Committee shall promote recognition of service to USMS. The committee shall review and approve proposals for all official USMS service awards and maintain ensure that a history of all service awards recipients is maintained. The committee shall be involved in determining method of recognition and recipient selection when appropriate. The committee shall consist of the committee chair, ~~and 16 or more members with~~ at least four ~~eight~~ Ransom J. Arthur award recipients, representatives from the ~~and additional members to include one member from each of the following committees: Coaches Committee, Long Distance Committee, Records and Tabulation Committee and the History and Archives Committees,~~ and sufficient other members to execute the committee function.

**Rationale:** The R&A committee has been involved in the approval and selection of service awards as opposed to competitive awards since its inception and the committee description should reflect that. The committee is best served with a hard-working group of members and the magic number of 16 is limiting and often hard to achieve. Finally, all previous recipients of the Ransom Arthur award have a vote in the selection of their award each year but those who are still active members in USMS are very busy with other projects and are often not available for this committee so it has been difficult to fulfill the requirement to have 8 RJA members.

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**L 25 507.1.12** Records and Tabulation Committee page 93 Modify



**507.1.10 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 and All-Star 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:* Matches description to current practice.

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**Housekeeping:**

**HK 1**            403.4.3            Legislation Committee    page 79            Modify

**403.4.3** Matters of jurisdiction to the National Board of Review shall be initiated by a written grievance served upon the National Office accompanied by the filing fee. The written grievance shall set forth all parties against which the grievance is filed (respondents) and shall state the grounds for the grievance, citing factual and legal issues in as much detail as possible. Instructions on how to file a grievance may be obtained from the National Office administrator.

*Rationale:* We no longer have a National Office Administrator and we do have a permanent National Office. The reason for not specifying who at the National Office performs these functions is that the actual contact person should be a matter of procedure and not code.

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**HK 2**            403.10            Southern Pacific            page 81            Modify

**403.10 Documentation**

The National Office administrator shall maintain a permanent file of all physical evidence and written decisions pertaining to any matter that was reviewed by the National Board of Review or the Board of Directors pursuant to Part 4. That file shall be retained for at least 10 years after the date of any final decision or withdrawal of any matter brought under Part 4.

*Rationale:* We no longer have a National Office Administrator and we do have a permanent National Office. The reason for not specifying who at the National Office performs these functions is that the actual contact person should be a matter of procedure and not code.

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**HK 3**            501.1.3            Legislation Committee    page 83            Modify

**501.1.3 Affiliate**—Organizations that have an interest in Masters swimming. Organizations shall apply to the National Office administrator for affiliate membership. Membership shall be granted or denied by the Board of Directors and shall be coincident with the individual membership year. Dues for affiliate members shall be established by the Board and entitle each affiliate member to one nonvoting delegate to the House of Delegates. Additional nonvoting delegates may be granted by a majority vote of the Board.

*Rationale:* We no longer have a National Office Administrator and we do have a permanent National Office. The reason for not specifying who at the National Office performs these functions is that the actual contact person should be a matter of procedure and not code.

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**HK 4**            501.1.4            Legislation Committee    page 83            Modify

**501.1.4 Allied**—Organizations that have an interest in Masters swimming and also have a national swimming program, national competition that provides for athlete development, due process, a rule book and an officials training program. Organizations shall apply to the National Office administrator for allied membership.

Membership shall be granted or denied by the Board of Directors and shall be coincident with the individual membership year. Dues for allied members shall be established by the Board and entitle each allied member to one nonvoting seat on the Board of Directors and one nonvoting delegate to the House of Delegates. Additional nonvoting delegates may be granted by a majority vote of the Board.

***Rationale:*** We no longer have a National Office Administrator and we do have a permanent National Office. The reason for not specifying who at the National Office performs these functions is that the actual contact person should be a matter of procedure and not code.