

## LEGISLATION PROPOSALS

**L 1 Part 2** Long Distance Committee page 51 Modify

**TITLE: PART 2:  
ADMINISTRATIVE REGULATIONS  
OF ~~COMPETITION~~ SWIMMING EVENTS**

Rationale: Housekeeping (consistency). Since Open Water events can be non-competitive (see Article 304), we should remove the term "COMPETITION" from the title of Part 2 to make it consistent with Open Water and Long Distance Rules

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**L 2 201.1** Long Distance Committee page 51 Modify

### 201.1 MEMBERSHIP OF INDIVIDUALS

With the exception of events falling under article 203.1.1C, aAll swimmers participating in events sanctioned by USMS must be members of USMS registered through their LMSC or members of their nation's recognized Masters swimming governing body.

Rationale: Housekeeping (corrects an inconsistency between article 201.1 and 203.1.1C)

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**L 3 202.1.1A** Long Distance Committee page 53 Modify

A Applications for event sanction shall be made to the LMSC ~~within which~~ with jurisdiction for the event ~~is to be held, and~~ Sanction applications shall be accompanied by ~~a copy~~ of the entry form and applicable fee.

Rationale: Housekeeping (grammar & consistency with USMS E2EEM online event sanction process).

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**L 4 202.1.1A(1)** Long Distance Committee page 53 Modify

(1) The entry forms shall contain the language of the liability release as stated in articles 204.1 and 204.1.2 204. The language may only be modified by naming the sanctioning LMSC, 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.

Rationale: See rationale listed in article 204. The Rules Committee should be consulted.

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**L 5 202.1.1A(2)** Long Distance Committee page 53 Modify

(2) Event ~~Entry~~ forms and programs must bear the statement "Sanctioned by (LMSC name) for USMS Inc. Sanction Number: \_\_\_\_\_."

Rationale: Housekeeping (consistent language)

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(4) Sanctioned events may be conducted in facilities not meeting the dimensional tolerance for required pool length, but the results of those events shall not count for USMS records and Top 10. It must be noted in the meet information and meet results that events conducted in these facilities are noncompliant.

(6) A swimmer’s valid affiliation and age must be displayed after the name on the heat sheet or in the program and in the meet results.

Rationale: It would be very helpful to swimmers, not to mention Record & Top 10 recorders, to have full information (sanction number, swimmer affiliation & age, pool compliance, etc.) contained in the results.

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.

Rationale: Housekeeping. (Consolidation. Language from 202.1.1A(1), 203.3.3A, & 203.3.3B belongs in article 204, and should be deleted from the current articles listed above).

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

Rationale 1: Housekeeping (consistent language)

Rationale 2: It would be very helpful to swimmers, not to mention Record & Top 10 recorders, to have full information (sanction number, swimmer affiliation & age, pool compliance, etc.) contained in the results.

C ~~If in the an event secures of a dual sanctions from more than one governing body,~~ entry forms, ~~and programs and results~~ must identify all the other sanctioning bodiesy.

Rationale: This proposal prepares the way and process for potential multiple sanctions of an event under article 203.1.1C.

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, EVENT MEET SPONSORS, EVENT MEET COMMITTEES OR ANY INDIVIDUALS OFFICIATING AT THE EVENTS MEETS OR SUPERVISING SUCH ACTIVITIES. In addition, I agree to abide by and be governed by the rules of USMS.”

Rationale: Housekeeping (consistent language: USMS now uses the terms “event” and “events” to define both pool events and open water events)

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**L 11 204.1.1** Long Distance Committee page 58 Modify

204.1.1 ~~The language of the entry release may be modified as described in article 202.1.1A(1).~~ The language of the entry release may only be modified by naming the sanctioning LMSC, sponsoring USMS club(s) and/or other additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.”

Rationale: Housekeeping. (Consolidation. This language is taken from 202.1.1A(1), 203.3.3A, & 203.3.3B. It belongs in article 204, and should be deleted from the current articles listed above).

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**L 12 401.2.4** Pacific page 77 Add

#### 401.2 Participation

No member of USMS or any organization associated with USMS may deny or threaten to deny any eligible individual the opportunity to participate in USMS administrative activities and sanctioned or recognized events without just cause. It is not a violation of this article to restrict an individual’s eligibility based on one or more of the following:

401.2.1 The individual’s age

401.2.2 Membership in the organization that is conducting the event

401.2.3 Qualifying times.

401.2.4 Denial of an individual’s use of an event venue, unless that restriction is based on the individual's gender, religion, national origin, sexual orientation, or disability.

**Rationale:** Since USMS does not own its own facilities, where a club sanctions an event at a facility (either a public venue or private facility), we must follow the rules of that club or facility concerning who may use their facilities. Their decision to exclude someone from their facilities should be observed,

if it is not discriminatory, and such exclusion should not be grounds for a grievance against the LMSC, its officers, or club officers.

For example, if a private club or municipal facility follows their process concerning an individual's conduct, and that process results in denying that individual access to a facility, then we must follow their processes, unless they are discriminatory.

If we do not follow the rules of that organization/governmental entity/club, then the LMSC could be harmed because:

1. that venue may not be available for our events
2. That club may no longer put on USMS sanctioned events
3. The LMSC may be subjected to grievances filed by a USMS member that is not eligible to participate at that facility, pursuant to that facility/club's rules and procedures
4. LMSC staff can spend significant amounts of time on dispute resolution, particularly if the filings are voluminous or repetitive.

Pacific is asking for emergency treatment of these proposals, because we are concerned that these results may happen in Pacific in 2013 if this legislation is not passed this year.

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| <b>HK 1</b> | <b>502.10</b> | LMSC Development Committee | page 84 | Modify |
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### **502.10 LMSC ~~Minimum~~ Standards**

Each LMSC shall meet ~~minimum~~ standards established by the USMS Board of Directors and published in the USMS Policy Manual.

**Rationale:** The Board of Directors made some amendments to the LMSC "minimum" standards policy in January/Feb/March. The policy itself was renamed "LMSC Standards". This is just housekeeping to have those rules reflect the current name of the policy.

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| <b>HK 2</b> | <b>507.1.6</b> | LMSC Development Committee | Page 92 | Modify |
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**507.1.6 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 provide support for LMSCs. The committee shall review and identify LMSCs that are not meeting LMSC ~~minimum~~ standards as defined by the Board of Directors and assist them in achieving compliance. The committee may consult with other committees, coordinators and special appointments as necessary for this purpose. 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:** The Board of Directors made some amendments to the LMSC "minimum" standards policy in January/Feb/March. The policy itself was renamed "LMSC Standards". This is just housekeeping to have those rules reflect the current name of the policy.