

Constitution and Bylaws
of the
Lake Erie Local Masters Swim Committee

(Updated and Approved December 2008)

ARTICLE I

1.1 OBJECTIVES - The objectives shall be to promote and develop swimming for the benefit of swimmers of all abilities eighteen (18) years of age and older, in accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS) and this Local Masters Swim Committee (LMSC).

1.2 NAME and BOUNDARIES - The name of this Committee shall be the Lake Erie Local Masters Swim Committee (LMSC). The geographic boundaries of this LMSC shall include: in the State of Ohio the Counties of Tuscarawas, Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Lake, Geauga, Portage, Stark, Ashtabula, Trumbull, Mahoning, Summit, and Wayne.

1.3 JURISDICTION - The LMSC shall have jurisdiction over the sport of Masters swimming as has been delegated to it by USMS.

ARTICLE II
MEMBERSHIP

2.1 The membership shall consist of the following:

1. Club members: Those swimming clubs which have joined the LMSC and are in good standing, and who have athletes registered to represent said organization in the sport of swimming.

2. Individual members: Each individual who is an athlete, coach, official, administrator or other person who is (a) interested in the purposes or programs of the LMSC; and (b) who has completed the required membership application and paid the required membership fee to the LMSC which includes the fee to USMS.

Each individual member will receive a USMS membership card certifying his or her membership and may attend all general meetings of the LMSC.

2.2 RESPONSIBILITIES:

Duties and Powers of Members:

- (a) To elect officers;
- (b) To ratify or rescind policy and programs established by the Board of Directors;

- (c) To amend the by-laws of the LMSC;

ARTICLE III MANAGEMENT

3.1 LMSC BOARD OF DIRECTORS

1. Members - The LMSC Board of Directors shall consist of: (a) Each officer of the LMSC; and (b) one representative for each 50 members or fraction thereof as of the end of the previous fiscal year in each swimming club which is in good standing. Each representative is entitled to one (1) vote. Each such representative shall be certified in writing by the chief executive officer or secretary of such organization.

2. Duties and Powers - The LMSC Board of Directors shall act for the LMSC and its members during the interval between membership meetings, except that it cannot amend these bylaws. The Board shall have the power and it shall have the duty:

- (a) To establish programs and policy-and to lend direction thereto;
- (b) To establish the Right of Review Section;
- (c) To review and adopt the annual budget of the LMSC;
- (d) To call regular and special meetings of the LMSC Board of Directors.
- (e) To oversee all swimming events within the LMSC.

ARTICLE IV OFFICERS

4.1 OFFICERS - The elected officers are Chairman, Secretary, Treasurer and Registrar, and such other officers as the members may determine.

4.2 ELIGIBILITY - Only members of the Lake Erie LMSC are eligible to hold office.

4.3 ELECTION AND TERM OF OFFICE - The Treasurer and the Registrar shall be elected by the members at the annual meeting in even numbered years; the Chairman and the Secretary shall be elected by the members at the annual meeting in odd numbered years. The terms of newly elected officers shall commence on January 1 of the year following election. Each officer shall serve for a term of two years.

4.4 NOMINATION - The slate of officers to stand for election will be prepared by a nominations committee. The nominations committee, a minimum of three members, shall be appointed by the Chairman prior to the annual membership meeting. Nominations of the nominating committee will be distributed to the membership with notice of the next annual meeting. Additional nominations may always come from the floor.

4.5 DUTIES - The duties of the officers are as hereafter set forth, and such others as may be designated by the Board of Directors from time to time.

1. Chairman - The Chairman shall be responsible for the day-to-day management of the business affairs of the LMSC. He or she shall call special meetings of the Board when and where deemed necessary and shall preside at all meetings. The Chairman shall appoint committee chairmen for such standing and special committees as may be necessary to fulfill the duties and responsibilities of the LMSC, all with the advice and consent of the Board of Directors.

2. Secretary - The Secretary is responsible for keeping a record of all meetings, preparing official correspondence, issuing meeting notices and minutes of meetings, and making such reports as may be required by USMS.

3. Treasurer - The Treasurer shall be responsible for preparing the annual budget for review and approval by the Chairman and Board of Directors. The Treasurer shall receive all the monies and pay all the bills approved by the Board of Directors or authorized by a budget approved by the Board of Directors. The Treasurer is responsible for maintaining all financial records, including bank and checking records, and for making timely reports (at least annually) to the Board of Directors and USMS.

4. Registrar - The Registrar shall be responsible for registration of swimmers and clubs, keeping records of same, and making required reports of registrations to the National Registrar.

4.6 VACANCIES - Vacancies created for whatever reason in any office may be filled by appointment of the Chairman, with the advice and consent of the Board of Directors, until the next regularly scheduled meeting of the membership.

ARTICLE V MEETINGS

5.1 ANNUAL - The annual meeting of the membership shall be held during the third or fourth quarter of each year.

5.2 SPECIAL - Should the Chairman fail to call regular membership meetings, or should a special membership meeting be required, such a meeting may be called at any time upon the request of any three members of the Board of Directors.

5.3 NOTICES

1. Time - Not less than 15 days notice must be given by the Secretary for any annual or special meeting of the membership. Special meetings of the Board of Directors shall require three (3) days notice.

2. Information - The notice of a meeting shall contain the time, date and site. For special meetings, the purpose of such meeting shall be given.

3. Address - The notice(s) shall be sent to the last address given to the Secretary of each member of the Board of Directors and may also be communicated via e-mail.

5.4 ORDER OF BUSINESS - At all membership meetings and meeting of the Board of Directors, the following is the order of business:

1. Roll call;
2. Reading, correction and adoption of minutes;
3. Reports of Officers;
4. Reports of Committees;
5. Unfinished business;
6. Elections where appropriate;
7. New business;
8. Resolutions and Orders;
9. Adjournment.

5.5 QUORUM - A quorum at all meetings of the membership shall consist of ten (10) members; a quorum at all meetings of the Board of Directors shall consist of 1/3 of the membership of the Board.

5.6 RULES OF ORDER - At all meetings, the current Robert's Rules of Order are the procedural rules.

ARTICLE VI COMMITTEES

6.1 The Board may from time to time establish such committees as may be deemed necessary. Chairmen of such committees shall be appointed by the Chairman.

ARTICLE VII CONDITIONS OF COMPETITION

7.1 GENERAL - The conditions of competition in any swimming event, and the rules governing it, shall be those established by USMS.

ARTICLE VIII CHAMPIONSHIPS

8.1 GENERAL - Swimming championships when conducted will be held in accordance with the rules of USMS.

ARTICLE IX DUES AND FEES

ATHLETE REGISTRATION - Each member, or each registered swimming club on his or her behalf, and each swimming club joining the LMSC, shall pay to the Registrar an annual fee established by the LMSC, which shall include the national USMS fee.

ARTICLE X REPORTS AND REMITTANCE

10.1 MEMBERSHIP REPORTS - The Registrar or his or her designee shall forward each month to the USMS Registrar a report listing all athletes and clubs and non-athlete members, with addresses, who have joined the LMSC and USMS within the prior month. This report shall be accompanied by the appropriate fees and filed in a timely manner.

10.2 GENERAL - The LMSC shall make such other reports and remittances to USMS as specified in its Code or by the National Board of Directors or House of Delegates. The Chairman, Secretary and Treasurer are responsible for seeing that all required reports and remittances are made in a timely manner.

10.3 AUDIT – The LMSC shall have an annual audit of the financial statements that is presented to the membership at the annual meeting. The audit shall be done by an individual that is not an LMSC board member.

ARTICLE XI HEARINGS, APPEALS, AND ATHLETE'S RIGHTS

11.1 General - Any individual member of the LMSC and/or any Club member of the LMSC may bring a complaint on any matter for which grievances may be heard under Article 4. Specifically, complaints may be brought alleging unsporting conduct, defined in Article 4 as:

- a. Violation of the opportunity to participate, as set forth in Article 4.
- b. Discrimination in violation of Article 5 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, 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.

11.2 Complaint Procedure

11.2.1. 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 Grievance Chair¹.

11.2.2. Upon receipt of a complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Article 4 and involves a person or entity, which is part of the LMSC. If the Grievance Chair determines that the complaint does not meet such criteria, 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 the LMSC.

11.2.3. 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 makes the complaint, the USMS member or entity that is the subject of a complaint, and, if appropriate, the LMSC. 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.

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

11.3 Mediation or Resolution by the Grievance Chair

11.3.1. 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 shall 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 LMSC Chair.

11.3.2. If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Grievance Chair may proceed to mediation under this section, or to a hearing under the following section. If no party who is the subject of a complaint makes a reply, 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 LMSC Chair.

¹ Depending on the size of the LMSC and the number of complaints it expects to handle, the role of Grievance Chair or Grievance Committee may be filled by the LMSC chair, a designee, or an ad hoc committee.

11.4 Hearing Procedure

11.4.1. If no agreement can be reached, the Grievance Chair shall convene a hearing panel to resolve the controversy. The Grievance Chair shall designate three members of the LMSC to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.

11.4.2. 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 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.

11.4.3. Upon completion of presentation of evidence, the hearing panel shall, 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 LMSC Chair. If the hearing panel does not dismiss the complaint, it may, deny membership in the LMSC, censure, place on probation, suspend, fine or expel from LMSC membership and member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 4.

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

ARTICLE XII MISCELLANEOUS

12.1 AMENDMENTS - Any provision of these bylaws not proscribed by USMS may be amended at any meeting of the membership of the LMSC by a two-thirds vote of the members voting. At least thirty days notice of any proposed amendment must be given to every member.

12.2 FISCAL YEAR - The fiscal year of the LMSC shall correspond to the USMS registration year.

12.3 MAILING ADDRESS - The LMSC (Chairman, Treasurer, or Secretary) must submit a permanent mailing address for use by the national headquarters.

12.4 DISSOLUTION - Upon dissolution, the net assets of the LMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States

Masters Swimming, Inc. to be used exclusively for educational or charitable purposes, or, if United States Masters Swimming, Inc. is not then in existence, or is not then a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, such assets shall be distributed to such a corporation, to be used exclusively for educational or charitable purposes.