

MARYLAND ASSOCIATION MASTERS SWIMMING BYLAWS

As amended at the General Membership Meeting October 14, 2013

Article I. Organization of the Maryland Association Masters Swimming Program

1.1. OBJECTIVES:

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

1.2. NAME AND BOUNDARIES:

The name of this committee shall be the Maryland Local Masters Swim Committee. The geographic boundaries of this LMSC shall include the State of Maryland (except Cecil, Montgomery, and Prince George's Counties).

1.3. JURISDICTION:

The LMSC shall have jurisdiction over the sport of masters swimming as has been delegated to it by USMS.

1.4. NON-PROFIT STATUS:

The LMSC shall be a non-profit organization.

1.5. USMS RULES SUPERSEDE:

In the event of a conflict between these by-laws and rules or regulations adopted by USMS, the rules and regulations adopted by USMS shall be followed.

Article II. Membership

2.1. THE MEMBERSHIP SHALL CONSIST OF THE FOLLOWING:

1. GROUP MEMBERS:

- a. Any swim organization (such as a team) that conducts a program in swimming or is composed of persons joined together in support of swimming or some aspect of swimming may become a group member of the LMSC.
- b. Group membership becomes effective upon receipt of the required membership application by the LMSC registrar or entity ("designee") designated by the LMSC Board for that purpose, and payment of the required membership fee to the LMSC or designee.
- c. Each group member shall appoint at least one team representative to the LMSC.

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2. INDIVIDUAL MEMBERS:

- a. Any individual who is an athlete, coach, official, administrator, or other person who is interested in the purpose or programs of the LMSC may become an individual member of the LMSC.
- b. Individual membership becomes effective upon receipt of the required membership application by the LMSC registrar or entity ("designee") designated by the LMSC Board for that purpose, and payment of the required membership fee to the LMSC or designee.
- c. Each individual member shall receive a USMS membership card certifying membership and may attend all general meetings of the LMSC.
- d. The LMSC may require individual membership in USMS of any or all persons participating in any particular event that is sanctioned or recognized, in whole or in part, by the LMSC.

2.2. RESPONSIBILITIES OF MEMBERS:

1. MEMBERS SHALL HAVE THE FOLLOWING DUTIES AND POWERS:

- a. To elect officers;
- b. To ratify or rescind policies and programs established by the Board of Directors;
- c. To amend the bylaws of the LMSC.

Article III. Management

3.1. LMSC BOARD OF DIRECTORS:

1. MEMBERS:

The LMSC Board of Directors shall consist of:

- a. All elected officers of the LMSC, and
- b. All representatives appointed by group members of the LMSC. Each group member that has fewer than fifty (50) individual members shall be entitled to appoint one (1) representative. Each group member that has at least fifty (50) but fewer than one hundred (100) individual members shall be entitled to appoint two (2) representatives. Each group member that has one hundred (100) or more individual members shall be entitled to appoint three (3) representatives. The number of representatives to which a group member is entitled shall be determined by the number of individual members as of December 31 of the previous year, except that a group member that has joined the LMSC since December 31 of the previous year shall be entitled to appoint one (1) representative.

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2. DUTIES AND POWERS:

The LMSC Board of Directors shall act for the LMSC and its members during the interval between membership meetings, subject to the approval and ratification of the membership, except that it cannot amend these by-laws. Any action of the Board of Directors, which is allowed by these bylaws, shall be considered ratified by the membership if it passes a vote at the next membership meeting, or if, after being published in the minutes of a board meeting, no member brings it up for a vote at the next membership meeting. The Board shall have the power and the duty:

- a. To establish programs and policies, subject to ratification by the membership, and to lend direction thereto;
- b. To establish the Grievance Committee;
- c. To review and adopt the annual budget of the LMSC, and to approve expenditure of LMSC funds;
- d. To call regular and special meetings of the LMSC Board of Directors.

3. PROCEDURES FOR MEETINGS OF THE BOARD OF DIRECTORS:

- a. A quorum at all meetings of the Board of Directors shall consist of a minimum of three (3) board members and all those in attendance that are eligible to vote.
- b. Decisions of the Board of Directors shall be made by a simple majority of those voting.

Article IV. Elected Officers

4.1. OFFICERS:

The elected officers of the LMSC shall be LMSC Chair, LMSC Vice-Chair, LMSC Secretary, LMSC Treasurer, and LMSC Registrar.

4.2. ELIGIBILITY:

Any individual member of the LMSC shall be eligible to hold office. No person who is not a member of the LMSC shall be so eligible.

4.3. TERM OF OFFICE:

Each officer shall serve for a term of two years. No person who has held a particular office for four consecutive years shall be eligible to be elected to the same office, until the lapse of two years.

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4.4. NOMINATIONS:

At least one candidate for each elective office shall be nominated by a nominations committee. The nominations committee shall consist of the LMSC Vice-Chair and at least two (2) other individual members appointed by the Board of Directors from names submitted by any group members in good standing. Additional nominations may be submitted by the membership.

4.5. DUTIES:

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

1. LMSC CHAIR:

The LMSC Chair shall be responsible for the day-to-day management of the business affairs of the LMSC. The Chair shall call meetings when and where deemed necessary and shall preside at all meetings. The Chair shall appoint committee chairs 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. The Chair may approve expenditure of LMSC funds, up to a limit set by the Board of Directors.

2. LMSC VICE-CHAIR:

The LMSC Vice-Chair shall be the chair of the nominations committee and shall assume the duties of the LMSC Chair in the Chair's absence.

3. LMSC SECRETARY:

The LMSC Secretary shall be responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and minutes of meetings, making such reports as may be required by USMS, and reviewing monthly bank statements.

4. LMSC TREASURER:

The LMSC Treasurer shall be responsible for preparing the annual budget for review and approval by the Board of Directors. The Treasurer shall receive all monies and make all payments approved by the Board of Directors, except that the signatures of both the Secretary and the Treasurer shall be required on all checks in the amount of \$5000 or more. The Treasurer is responsible for maintaining all financial records, including bank and checking records, and for making timely reports, at least quarterly, to the Board of Directors. The treasurer will forward monthly bank statements to the secretary within two weeks of receipt.

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5. LMSC REGISTRAR:

The LMSC Registrar shall be responsible for registration of LMSC members; and shall, at least monthly, provide a current complete membership list to the LMSC Board of Directors.

4.6. APPOINTMENTS AND VACANCY OF OFFICE:

1. APPOINTMENTS:

Any appointed officer shall be eligible for election to the position at the time of the next General Membership meeting. If elected, the appointee shall then be subject to the term limitations in section 4.3 above.”

2. VACANCIES:

Vacancies created for whatever reason in any office may be filled by appointment of the LMSC Chair, 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 no later than November 15 of each year, and when elections are held the new officers' terms shall commence no later than January 1 of the succeeding year.

5.2. SPECIAL:

A special membership meeting may be called at any time upon request of any three members of the Board of Directors.

5.3. NOTICE OF MEETINGS:

1. The LMSC Secretary shall give notice to all individual and group members eligible to attend at least 15 days in advance of any meeting of the membership or the Board of Directors.
2. The notice of a meeting shall contain the time, date, and location of the meeting, and instructions for remote attendance, if any. Notice of a special meeting shall contain the purpose of the meeting.
3. Notice may be given by electronic mail to any member eligible to attend for whom an electronic mail address is listed on the current membership list; otherwise, notice shall be sent in writing to the address on the current LMSC membership list, or to the member's team representative.

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5.4. ATTENDANCE:

1. All members eligible for attendance who are present at a meeting shall be deemed in attendance.
2. The LMSC Chair may provide means for remote attendance, by telephone or otherwise, at any meeting. All members eligible to attend who avail themselves of such means shall be deemed in attendance. In the event of malfunction of such means, the Chair may conduct the meeting with only those members in attendance who are physically present or for whom the means of remote attendance operates.

5.5. ORDER OF BUSINESS:

At all membership meetings and meetings of the Board of Directors, the order of business shall be as follows:

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

5.6. QUORUM:

A quorum at all meetings shall consist of those in attendance and eligible to vote.

5.7. RULES OF ORDER:

All meetings shall be conducted in accordance with the current Roberts' Rules of Order, unless specified otherwise in these by-laws.

Article VI. Committees and Other Officers

6.1. COMMITTEE FORMATION:

The Board of Directors may form such Committees as it deems necessary to conduct the business of the LMSC. These committees may include, but are not limited to, the following:

1. *Newsletter Committee*
2. *Grievance Committee*
3. *Coaches' Committee*
4. *Officials' Committee*
5. *Committee on Competition (Swim Meet Series)*
6. *Top 10 Committee*

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6.2. COMMITTEE CHAIRS:

The LMSC Chair shall appoint a Chair for each Committee with the advice and consent of the Board of Directors.

6.3. COMMITTEE MEMBERSHIP:

The Chair of each Committee shall appoint the members of that committee with the advice and consent of the LMSC Chair.

6.4. USMS DELEGATES:

The LMSC Chair shall, with the advice and consent of the LMSC Board of Directors, appoint such delegates to the USMS Convention as the LMSC is entitled to send under USMS rules.

6.5. OTHER OFFICERS:

The LMSC Chair may, with the advice and consent of the Board of Directors, appoint other officers to carry out the business of the LMSC.

Article VII. Conditions of Competition

7.1. GENERAL:

The conditions of competition in any swimming event, and the rules that govern it, shall be those established by USMS; or those established by the LMSC where its rules and regulations are not contrary to the rules established by USMS.

Article VIII. Championships

8.1. GENERAL:

Swimming championships when conducted shall be held in accordance with the rules of USMS for conduct of championships.

Article IX. Dues and Fees

9.1. ATHLETE REGISTRATION:

Each individual or group member, or organization acting on behalf of a member, shall pay to the LMSC Registrar or designee an annual fee established by the LMSC Board of Directors. This fee shall include a charge for insurance and the National USMS fee.

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Article X. Reports and Remittance

10.1. ANNUAL REPORTS:

The LMSC Secretary shall forward to the Secretary of USMS a copy of the audit of the accounts of the LMSC, together with a complete report on the annual meeting of the LMSC, within thirty (30) days following each annual meeting. The audit of accounts shall be signed by a Certified Public Accountant or by three members of the LMSC Board of Directors.

10.2. MEMBERSHIP REPORT:

The LMSC Registrar or designee shall forward each month to the USMS Registrar a report listing all individual and group members, with addresses, who have joined the LMSC and USMS within the previous month. This report shall be accompanied by the appropriate fees.

10.3. GENERAL:

The LMSC shall make such other reports and remittances to USMS as are specified in its Code or by the USMS Board of Directors or Board of Governors. The LMSC Chair, Secretary, and Treasurer shall be responsible for seeing that all required reports and remittances are made.

Article XI. Athlete's Rights and Grievance Procedure

11.1. ATHLETES' BILL OF RIGHTS:

The LMSC, in accordance with the rules of the USMS, shall respect and protect the right of every eligible individual to participate as an athlete, coach, trainer, manager, administrator, or other official in any Masters swimming competition, so long as such competition is conducted in compliance with reasonable local, national, and applicable internal requirements.

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11.2. GRIEVANCE PROCEDURE

1. GROUNDS FOR GRIEVANCES:

Any individual member of the LMSC and/or any group member of the LMSC may bring a complaint on any matter for which grievances may be heard under Article 402 of the USMS Rules (referred to hereinafter as "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.

2. 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 Grievance Chair.
- b. 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.
- 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 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.

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- 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 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.

3. 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 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 email. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the LMSC Chair.
- b. 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.
- c. 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.

4. HEARING PROCEDURE:

- a. 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.
- 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 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.

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- c. 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 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 the LMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary.
- d. 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 prescribed 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 (30) days notice shall be given to every member of any proposed amendment.

12.2. FISCAL YEAR:

The fiscal year of the LMSC shall correspond to the calendar year.

12.3. MAILING ADDRESS:

The LMSC shall submit a permanent mailing address for use by USMS.

12.4. MAIL VOTE:

Any action that must be undertaken at any regular or special meeting of the membership or the Board of Directors, except amendment of these bylaws, may be taken without a meeting. If an action is taken without a meeting, the LMSC Secretary shall distribute a written ballot to every member entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval of any proposal, and provide a reasonable time within which to return the ballot to the LMSC Secretary. Approval by written ballot shall be valid only when the number votes cast by ballot within the time period specified constitutes a majority of the votes entitled to be cast.

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12.5. DELEGATION OF FUNCTIONS:

Some or all of the administrative functions that are the responsibility of the LMSC may be assigned to an appropriate Governing Body under an agreement between the LMSC and such Governing Body that states the nature of the services and the fees to be paid therefore such an agreement shall be in accordance with policies and guidelines established by USMS and such Governing Body.

12.6. DISSOLUTION:

Upon dissolution, the net assets of the LMSC shall not inure to the benefit of any private individual or corporation, but shall be distributed to USMS to be used exclusively for educational or charitable purposes; or, if USMS 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.