

BY-LAWS OF THE LOCAL MASTERS
SWIM COMMITTEE OF SOUTH CAROLINA

ARTICLE I

OBJECTIVES – SCOPE

- 1.1 The objective shall be to promote fitness and health in adults by offering and supporting Masters swimming programs in South Carolina. This activity will be in accordance with the objectives, standards, and rules prescribed by the United States Masters Swimming, Inc. (USMS) and the Local Masters Swim Committee of South Carolina (LMSC).
- 1.2 The name of this committee shall be the Local Masters Swimming Committee (LMSC) of South Carolina.
- 1.3 The boundaries of this LMSC shall be the State of South Carolina.
- 1.4 The LMSC shall have jurisdiction over the sport of Masters Swimming in South Carolina as it has been delegated to it by the USMS.
- 1.5 The LMSC of South Carolina is a not-for-profit enterprise.

ARTICLE II.

MEMBERSHIP

- 2.1 Membership classification shall consist of the following:
- A. Group Members:
 - 1. Those swim organizations or clubs which have joined and are in good standing within the LMSC.
 - 2. Each group member shall appoint a representative to the LMSC – in writing – to the LMSC Registration Chairman, duly certified by the Chairman or Secretary of the appointing member. The appointing member may withdraw its representative by written notice and substitute a new representative.
 - B. Individual Members:
 - 1. Each individual who is an athlete, coach, official, administrator or other person who:
 - a. Is interested in the purposes or the programs of the LMSC.
 - b. Has completed the required membership application and paid the required membership fee to the LMSC, which includes the fee to the USMS.
- 2.2 The duties and powers of members are to:
- A. Elect officers of the LMSC.
 - B. Ratify or rescind the policy and programs established by the LMSC Board of Directors.
 - C. Amend the By-Laws of the LMSC.
 - D. Promote and participate in the programs established by the LMSC or USMS.

ARTICLE III
MANAGEMENT

- 3.1 LMSC of South Carolina Board of Directors:
- A. Shall consist of the following:
 - 1. LMSC Elected Officers: Chairman, Secretary, Registrar, Treasurer and any other officers elected by the LMSC.
 - 2. Chairpersons of the LMSC: Records, Newsletter Editor, and any others appointed by the Chairman and ratified by the Board of Directors.
 - 3. A representative of each swimming organization in good standing within the LMSC.

 - B. Duties and Powers of the Board of Directors:
 - 1. Establish and implement programs and policies consistent with the Code and Rules of the USMS.
 - 2. Review and adopt the annual budget.
 - 3. Call regular and special meetings of the SC LMSC Board of Directors.
 - 4. Take such action as is necessary or proper to carry out the operations and objectives of the SC LMSC and the USMS, including appointments, assignments and removal of individuals from office.

ARTICLE IV

OFFICER DESCRIPTIONS AND ELECTION PROCESS

- 4.1 Officers – The elected officers are: Chairman, Secretary, Treasurer, Registration Chairman and any others deemed necessary by the LMSC.
- 4.2 Eligibility – Only registered members of the SC LMSC are eligible to hold office.
- 4.3 Term of Office – Each officer shall serve for a term of two (2) years, or until a successor is chosen.
- 4.4 Nomination – The slate of officers standing for election will be prepared by a nominating committee, consisting of three or more persons appointed by the Chairman. The nomination list will be distributed to the registered membership with notice of the next annual meeting. Additional nominations may come from the floor.
- 4.5 Duties: The duties of the officers will include that which follows in addition to others that may be designated by the Board of Directors:
 - A. The Chairman shall be responsible for the day-to-day management of the business affairs of the South Carolina LMSC. He or she shall call and preside over meetings as deemed necessary. The Chairman shall appoint committee chairpersons 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.
 - B. The Secretary is responsible for keeping a record of all meetings and making such reports as may be required by the USMS, the South Carolina LMSC or the Chairperson.
 - C. 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. 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.
 - D. The Registration Chairman shall be responsible for the registration of swimmers and teams in South Carolina and making appropriate reports to the USMS.
- 4.6 Vacancies: Vacancies that occur on the Board of Directors, for whatever reason, 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 The annual meeting of the membership shall be held no later than November 30 of each year. When elections are held, the new officers' terms shall commence no later than January 1 of the succeeding year.
- 5.2 Should the Chairperson 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 Notice:
- A. Time – Not less than 15 days notice must be given for any annual or special meeting of the Membership or Board of Directors.
 - B. Information – The notice of a meeting shall contain the time, date and site and, for special meetings, the purpose of each meeting shall be given.
 - C. Address – The notice shall be sent to the representatives of all member organizations or clubs and to each individual Member of the Board.
 - D. Order of Business – At all membership and Board of Directors meetings, the following is the Order of Business:
 - a. Roll call.
 - b. Reading, correction and adoption of minutes.
 - c. Reports of officers.
 - d. Reports of committees.
 - e. Unfinished business.
 - f. Elections when appropriate.
 - g. New business.
 - h. Resolutions and orders.
 - i. Adjournment.
- 5.4 Quorum – A quorum at all meetings shall consist of those present and eligible to vote.
- 5.5 Rules of order – At all meetings, the current Robert's Rules of Order are the procedural rules.

ARTICLE VI

COMMITTEES

- 6.1 The Chairperson of the Committees shall be appointed by the SC LMSC Chairperson, with the advice and consent of the Board of Directors.
- 6.2 Members of all Committees shall be appointed by the Chairperson thereof, with the advice and consent of the General Chairperson.

ARTICLE VII

CONDITIONS OF COMPETITION

- 7.1 The conditions of competition in any swimming event, and the rules governing it, shall be those established by the USMS, or the South Carolina LMSC where its rules and regulations are not contrary to the rules of the USMS.
- 7.2 Swimming championships, when conducted, will be held in accordance with the rules of the USMS.

ARTICLE VIII

FEES, REPORTS & REMITTANCES

- 8.1 Athlete Registration – Each member, or each registered swimming club on his or her behalf, and each swimming club joining the South Carolina LMSC, shall pay to the Registrar and annual fee established by the LMSC, which fee shall include the National USMS fee.
- 8.2 The Registrar or his or her designee shall forward each month of the USMS Registrar a report listing all athletes and clubs, with addresses, who have joined the South Carolina LMSC and USMS within the prior month. This report shall be accompanied by the appropriate fees.
- 8.3 The South Carolina LMSC shall make such other reports and remittances to the USMS as specified in its Code or by the National Board of Directors or House of Delegates. The Board of Directors and its individual members are responsible for seeing that all required reports and remittances are made.

ARTICLE IX

HEARINGS, APPEALS, ATHLETE'S RIGHTS AND GRIEVANCE PROCEDURES

- 9.1 Athlete's Bill of Rights – The South Carolina 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 international requirements.
- 9.2 The South Carolina LMSC has determined that a written grievance procedure is needed to implement the politics of the USMS as expressed in USMS Rules – concerning member rights and standards of conduct under article 402 thereof (hereinafter "Article 4"). The following grievance procedure is adopted by the South Carolina LMSC:

A. Grounds for Grievances

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:

- (1) Violation of the opportunity to participate, as set forth in Article 4.
- (2) Discrimination in violation of Article 5 of the Rules of USMS.
- (3) Any act of fraud, deception or dishonesty in connection with any USMS related activity.
- (4) Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event.
- (5) Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

B. Complaint Procedure

- (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 Chair (See 9.3 below for details on Grievance Chair).

- (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.
- (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.
- (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.

C. Mediation or Resolution by the Grievance Chair

- (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.
- (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.
- (3) 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.

D. Hearing Procedure

- (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.
- (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.
- (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.
- (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.

9.3 Reviews & Grievances – The Board of Directors shall, when necessary, elect a Grievance & Review Board comprised of no less than five members.

- A. The Review Board hearings may be conducted by an attorney at law retained by the Review Board for that purpose. If the attorney is not a member of USMS, he/she shall have no vote.
- B. The Chairperson of the Review Board shall be elected by its membership.
- C. A quorum for any hearing conducted by the Review Board shall be 50 percent of its membership, but in any event, no less than three members.

- 9.4 General Jurisdiction – The Review Board may conduct hearings on any matter affecting USMS and the South Carolina LMSC so long as the issue arises solely within the geographical boundaries of South Carolina and involves only members of the South Carolina LMSC.
- 9.5 Appeal – The decision of the South Carolina Review Board will be final in all cases, subject only to the appeal to the Board of Directors of the South Carolina LMSC at the option of the applicant, and, thereafter to the USMS National Board of Review.
- 9.6 Notice – In each case, where notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to him/her at the residence given in the athlete’s application for registration; or, if he has files with the Registrar a written notice of change of residence, then such changed address.

ARTICLE X

MISCELLANEOUS

- 10.1 Amendments – Any provision of these bylaws not proscribed by USMS may be amended at any meeting of the membership of the South Carolina LMSC by a two-thirds vote of the members voting. At least thirty days notice of any proposed amendment must be communicated to the membership – through their respective clubs or organizations.
- 10.2 Fiscal Year – The fiscal year of the South Carolina LMSC shall correspond to the USMS registration year.
- 10.3 Mailing Address – The South Carolina LMSC must submit a permanent mailing address for use by the national headquarters.
- 10.4 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 the USMS, Inc., to be used exclusively for educational or charitable purposes, or, if the USMS, 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.