

**BYLAWS OF
VIRGINIA SWIMMING, INC.**

**As Amended by the
VSI House of Delegates
at its Meeting on June 14, 1997
REVISED BY THE
VSI HOUSE OF DELEGATES
at its Meetings on February 20, 2000,
October 10, 2004, October 1, 2006, and
October 7, 2007**

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ARTICLE 601 NAME, OBJECTIVES, TERRITORY AND JURISDICTION

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- 601.1 NAME - The name of the corporation shall be Virginia Swimming, Inc. (VSI).
- 601.2 OBJECTIVES - The objectives and primary purpose of the VSI shall be the education, instruction and training of individuals to develop and improve their capabilities in the sport of swimming. VSI shall promote swimming for the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and procedures of FINA, USA Swimming, and VSI and its Articles of Incorporation and these Bylaws.
- 601.3 GEOGRAPHIC TERRITORY - The geographic Territory of VSI is the Commonwealth of Virginia, except the Counties of Arlington and Fairfax and Cities of Alexandria and Fall Church; and in the State of North Carolina, the Counties of Camden, Currituck, and Pasquotank as well as the team OBX in Dare County. The territory within the boundaries of VSI may be subdivided for administrative or competitive purposes. Such subdivisions may be defined by individual assignment of Club Members or by drawing geographic boundaries.
- 601.4 JURISDICTION - VSI shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USA Swimming to conduct swimming programs consistent with VSI's objectives and those of USA Swimming and to sanction, approve, observe and oversee competitive swimming events within the Territory and to conduct competitive swimming events within the Territory, its Region and its Zone (as those terms are defined in Sections 703.3 and 704.2). VSI shall discharge faithfully its duties and obligations as a Local Swimming Committee of USA Swimming in accordance with these Bylaws, the USA Swimming Code and all applicable policies and procedures.

ARTICLE 602 MEMBERSHIP

- 602.1 MEMBERS - The membership of VSI shall consist of the following:
- .1 GROUP MEMBERS - Group Members are organizations operating in the Territory which have, upon application, been granted membership in USA Swimming and VSI and paid the fees established by USA Swimming and VSI pursuant to Article 603. An organization may be denied membership by the Membership/Registration Administrator or the Board of Directors for failure to satisfy the criteria for membership or for any reason for which a Group Membership could be terminated. Any denial of membership may be appealed to the Board of Review. An organization's status as a Group Member is subject to its continued satisfaction of the criteria for membership and compliance with its responsibilities under these Bylaws, the USA [Swimming Code Rules and Regulations](#), the rules, regulations, policies, procedures and codes of conduct and ethics of VSI and USA Swimming and may be terminated by a decision of the Board of Review or the National Board of Review. Except for Affiliated Group Members, Group Members in good standing shall be entitled to participate in the program of swimming conducted by VSI, and competitions sanctioned or approved by USA Swimming, in accordance with Section 609.2.
- A. Club Members - A Club Member is an organization which is in good standing as a Group Member of VSI and USA Swimming, has athletes and coaches and participates in the sport of swimming. All athletes and coaches of the organization must be Individual Members in good standing of VSI and USA Swimming.

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2 B. Affiliated Group Members - An Affiliated Group member is an organization
3 which supports the sport of swimming and the objectives and programs of
4 VSI and USA- Swimming, which is in good standing as a Group Member
5 of VSI and VSI and USA-Swimming, but which does not have athletes or
6 coaches who are all individual members of VSI or USA Swimming.

7 C. Seasonal Club Members - A Seasonal Club Member is an organization which has joined
8 VSI and USA Swimming for one or two periods not longer than 150 days each in a
9 registration year and is in good standing as a Group Member of VSI and USA Swimming.
10 All Seasonal Club Member coaches must be Coach Members in good standing of VSI and
11 USA Swimming. All athlete members of seasonal clubs must be Seasonal Athlete or
12 Athlete Members in good standing of VSI and USA Swimming.
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14 .2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the sport of swimming
15 in the Territory who have, upon registration, been granted membership in USA Swimming and
16 VSI and paid the dues established by USA Swimming and VSI pursuant to Article 603. An
17 individual may be denied membership by the Membership/Registration ~~Administrator~~Coordinator
18 or by the Board of Directors for failure to satisfy the criteria for membership or for any reason for
19 which an Individual Membership could be terminated. Any denial of membership may be
20 appealed to the Board of Review. An individual's status as an Individual Member is subject to the
21 Individual Member's continued satisfaction of the criteria for membership and compliance with
22 the individual's responsibilities under these Bylaws, the USA Swimming Code, the rules,
23 regulations, policies, procedures and codes of conduct and ethics of VSI and USA Swimming and
24 may be terminated by a decision of the Board of Review or the National Board of Review.
25 Except for Affiliated Individual Members and Life Members, Individual Members in good
26 standing shall be entitled to participate in the program of swimming conducted by VSI, and
27 competitions sanctioned or approved by USA Swimming, in accordance with Section 609.1.
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29 A Athlete Members - An Athlete Member is an individual who participates or competes in
30 the sport of swimming and is in good standing as an Individual Member of VSI and USA
31 Swimming.
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33 B Coach Members - A Coach Member is an individual, whether or not affiliated with a
34 Group Member, who has satisfactorily completed all safety and other training required by
35 VSI and/or USA Swimming and who is in good standing as an Individual Member of VSI
36 and USA Swimming. Any individual desiring to act in any coaching capacity at any
37 competition sanctioned by USA Swimming must be a Coach Member in good standing of
38 VSI and USA Swimming.
39

40 C Active Individual Members - An Active Individual Member is an individual other than a
41 Coach Member or an Athlete Member who is a trainer, manager, official, meet director,
42 marshal, Board Member, At-Large House Member, officer, coordinator or committee
43 chair~~man~~ or committee member of VSI or a Group Member Representative or alternate and
44 any other individual desiring to participate in the sport of swimming and who is in good
45 standing as an Individual Member of USA Swimming and VSI.
46

47 D Seasonal Athlete Members - A Seasonal Athlete Member is an individual who participates
48 or competes in the sport of swimming and has joined for one or two periods of time not
49 longer than 150 days each in a registration year and is in good standing as an Individual
50 Member of VSI and USA Swimming.

1 E. Affiliated Individual Members- An Affiliated Individual Member is an
2 individual interested in the objectives and programs of VSI who resides,
3 formerly resided, or formerly participated in the sport of swimming in the
4 Territory and who is in good standing as an Individual Member of VSI
5 and USA Swimming.

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7 F. Life Members – A Life Member is an individual who is a life member of
8 USA Swimming and who resides, formerly resided, or participated in the
9 sport of swimming in the Territory and who is in good standing as a
10 member of VSI and USA Swimming.

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12 .3 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in VSI and USA Swimming is a privilege
13 and shall not be interpreted as a right. Membership (including Life Membership) may be
14 terminated by the Board of Review or the National Board of Review for any violation of a
15 member's responsibilities under Section 602.2 Article 410 of the USA Swimming Rules and
16 Regulations, for any of the reasons set forth in Section 610.4.7.C or for any other reason
17 determined by the Board of Review or National Board of Review to be in the best interests of the
18 sport of swimming, USA Swimming or VSI.

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20 602.2 MEMBERS' RESPONSIBILITIES

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22 .1 COMPLIANCE - Each Group and Individual Member shall abide by the codes of conduct and
23 ethics, policies, procedures, rules and regulations adopted by USA Swimming and VSI, including
24 its obligations and responsibilities set forth in these Bylaws. Each Group and Individual Member
25 shall not take or allow to be taken, any action, or conspire with or instigate any other person to
26 take or allow to be taken, any action which could bring the sport of swimming, VSI or USA
27 Swimming into disrepute. By applying for and accepting membership in VSI and USA
28 Swimming, each Individual Member agrees to so abide and represents, except to the extent
29 disclosed to VSI and USA Swimming, that he or she has never been convicted of a crime
30 involving sexual misconduct, child abuse, violation of a law specifically designed to protect
31 minors, or similar offenses, or to have been found by a Board of Review or the National Board of
32 Review to have committed actions which would be the basis for a conviction and that she or he
33 has never acted in a manner which might bring into disrepute VSI, USA Swimming or the sport
34 of swimming.

35
36 .2 RESPONSIBILITY FOR INFRACTIONS - A Group Member may be held responsible for infractions of
37 the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA
38 Swimming or VSI, including its responsibilities as set forth in these Bylaws. Infractions of a
39 Group Member include those committed or allowed to happen by its members, representatives,
40 officials or coaches or by athletes who are competing as representatives of the Group Member or
41 who are competing with the Group Member as unattached swimmers. Also included are
42 infractions committed or allowed to happen by a person instigated by the Group Member or with
43 whom the Group Member through any of those individuals conspired. Any Individual Member
44 may be held responsible for any infractions committed or that were allowed to happen by the
45 Individual Member. Also included are infractions committed or allowed to happen by a person
46 instigated by the Individual Member or with whom the Individual Member conspired.

47
48 .3 CLUB SAFETY COORDINATOR - Each Club Member shall appoint an ~~Individual Member~~ Active
49 Individual Member to be a Club Safety Coordinator. The Club Safety Coordinator shall be
50 responsible for disseminating safety education information received from USA Swimming and

1 VSI to the Club Member's athletes, coaches and other members and shall make recommendations
2 to the Club Member concerning safety policy and its implementation. The Club Safety
3 Coordinator shall make any reports requested by VSI's Safety ~~Chairman~~Chair.
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6 ARTICLE 603 7 DUES AND FEES

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9 603.1 CLUB MEMBERS - Every Club Member and Seasonal Club Member shall pay an annual or seasonal
10 fee, respectively, consisting of a national club fee established by USA Swimming and a local club fee
11 established by VSI, together with any other charges, fees, etc. as may be established by VSI.
12

13 603.2 AFFILIATED GROUP MEMBERS - The Board of Directors shall establish the annual
14 membership fees and any other charges, fees, etc for Affiliated Group Members.

15 603.3ATHLETES - Each Athlete Member and Seasonal Athlete Member shall pay an annual or seasonal fee,
16 respectively, consisting of a national fee established by USA Swimming and a local fee established by
17 VSI.
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19 603.43 COACHES - Each Coach Member shall pay an annual fee consisting of a national fee established by
20 USA Swimming and a local fee established by VSI, together with any other charges, fees, etc. as may be
21 established by VSI.
22

23 603.54 ACTIVE INDIVIDUAL MEMBERS - Each Active Individual Member shall pay an annual fee
24 consisting of a national fee established by USA Swimming and a local fee established by VSI, together
25 with any other charges, fees, etc. as may be established by VSI.
26

27 603.6 AFFILIATED INDIVIDUAL MEMBERS – the Board of Directors shall establish
28 the annual membership fees and any other charges / fees etc. for Affiliated Individual
29 Members.
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31 603.7 LIFE MEMBERS – The Board of Directors shall establish the annual or other
32 membership fees, if any, and any other charges, etc. for Life Members.
33

34 603.85 SANCTION, APPROVAL AND OTHER FEES

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36 .1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish reasonable fees,
37 procedures, and documentation required of an applicant for a sanction or approval for, or
38 observation of, a swimming competition to be conducted within the Territory.
39

40 .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the Board of
41 Directors may establish a reasonable service charge consistent with the nature of the event. For
42 example, the service charge may be a flat amount, an amount related to the number of events
43 swum, the number of individual swims, the number of athletes entered, the cost of equipment and
44 pool time provided, a percentage of receipts or profits or a combination of one or more of these or
45 other bases.
46

47 .3 PAYMENT - Each applicant for a sanction, approval or observation shall submit with its
48 application the fees and any service charges specified by VSI. If any of the sanction or approval
49 fees or service charges are due at a time following the submission for sanction or approval, the

1 applicant shall promptly pay those fees or service charges to VSI when due in accordance with
2 VSI's fee schedule.

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4 603.6 FAILURE TO PAY

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6 .1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure of a Group
7 Member, Coach Member or Active Individual Member to pay dues, fees, service charges, fines or
8 penalties imposed by VSI or USA Swimming, within the time prescribed, as evidenced by a final
9 decision of the Board of Review or the National Board of Review or by a court of law, shall
10 preclude the delinquent member from (a) participating in events sanctioned or approved by USA
11 Swimming, (b) participating in any capacity in the affairs of USA Swimming, VSI or any other
12 LSC or (c) serving as a Club Safety Coordinator, Group Member Representative, coach, manager,
13 official, trainer or in any other capacity with any Club Member or Seasonal Club Member or with
14 any group member of any other LSC.
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- 16 .2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member or Seasonal Athlete
17 Member to satisfy any financial obligations to USA Swimming, VSI or their former LSCs, within
18 the time prescribed, as evidenced by a final decision of the Board of Review, the National Board
19 of Review or by a court of law, shall preclude the delinquent member from (a) competing in any
20 competition sanctioned by USA Swimming, (b) obtaining an OVC or other reportable time
21 achieved in events swum at any USA Swimming sanctioned, approved or observed meet, (c)
22 participating in any capacity in the affairs of USA Swimming, VSI or any other LSC or (d)
23 practicing, exercising or otherwise participating in the activities of any Group Member or any
24 group member of any other LSC.
25
- 26 .3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member or a Seasonal Club Member has secured a
27 final court judgment or final Board of Review or National Board of Review decision against an
28 Individual Member for non-payment of financial obligations owed to the Club Member, then until
29 the decision or judgment is satisfied, the Individual Member shall not (a) compete in any
30 competition sanctioned by USA Swimming, (b) obtain an OVC or other reportable time in events
31 swum at any USA Swimming approved or observed meet, (c) participate in any capacity in the
32 affairs of USA Swimming, VSI or any other LSC or (d) practice, exercise or otherwise participate
33 in the activities of any Group Member or any group member of any other LSC.
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- 35 .4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured a final court judgment or
36 a final Board of Review or National Board of Review decision against a Club Member for non-
37 payment of financial obligations (such as a refund of training fees) to the Individual Member, then
38 until the decision or judgment is satisfied, the delinquent or offending Club Member shall be
39 precluded from (a) participating in events sanctioned or approved by USA Swimming and (b)
40 participating in any capacity in the affairs of USA Swimming, VSI or any other LSC, including
41 being represented in the House of Delegates by its Group Member Representative.
42
- 43 .5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued failure to pay, within a
44 reasonable period of time, as determined by the Board of Directors, the House of Delegates, the
45 Board of Review or the National Board of Review shall be cause for termination of membership.
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ARTICLE 604
HOUSE OF DELEGATES

604.1 MEMBERS - The House of Delegates of VSI shall consist of the Group Member Representatives, the Athlete Representatives, the Coach Representatives, the Board Members designated in Section 0, and the At-Large House Members.

.1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall appoint from its membership four (4) Group Member Representatives and four (4) alternates. At least one of the Group Member Representatives shall be an Athlete Member at least fourteen (14) years of age. Only another Athlete Member meeting the same qualifications may serve as an alternate for the Group Member Athlete Representative. The appointment shall be in writing, addressed to the Secretary of VSI and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw one or more of its Group Member Representatives or one or more of its alternates and substitute new Group Member Representatives or new alternates by written notice, addressed to the Secretary of VSI and signed by the chief executive officer or secretary of the appointing Group Member.

.2 AT-LARGE HOUSE MEMBERS - Up to ten (10) at-large members of the House of Delegates may be appointed by the General ~~Chairman~~Chair with the advice and consent of the Board of Directors. The At-Large House Members shall hold office from the date of appointment through the conclusion of the annual meeting of the House of Delegates following such appointment or until their successors are appointed to the House of Delegates.

.3 ~~AT-LARGE~~ ATHLETE REPRESENTATIVES - Two (2) ~~At-Large~~ Athlete Representatives shall be elected, one each year for a two-year term, or until their respective successors are elected. At the time of election, an ~~At-Large~~ Athlete Representative must (a) be an Athlete Member or a Seasonal Athlete Member in good standing; (b) be at least sixteen (16) years of age or at least a sophomore in high school; (c) be currently competing, or have competed during the three (3) immediately preceding years, in the program of swimming conducted by VSI or another LSC; and (d) reside in the Territory and expect to reside therein throughout at least the first half of the term. The election of ~~At-Large~~ Athlete Representatives shall be conducted annually during VSI's short course senior swimming championship, or other regularly scheduled meet designated by the Board of Directors. The balloting shall take place at a meeting called for that purpose by the ~~Athlete's Committee~~Senior Vice Chairman, or failing that, at a time and in a manner designated by the Board of Directors. The ~~At-Large~~ Athlete Representatives elected shall be determined by a majority of the Athlete Members in good standing present and voting who are thirteen (13) years of age or older.

.4 ~~AT-LARGE~~ COACH REPRESENTATIVES - Two (2) ~~At-Large~~ Coach Representatives shall be elected, one each year for a two-year term, or until their respective successors are elected. (Terms of office will be staggered.) The election of the Coach Representative shall be conducted annually during VSI's short course age group swimming championship, under the supervision of the Administrative Vice ~~Chairman~~Chair or, failing that, at a time and place and in a manner designated by the Board of Directors. Voting may be in person or by absentee ballot, and the election shall be determined by a majority of the ballots cast by Coach Members in good standing.

1 604.2 ELIGIBILITY - Only Individual Members in good standing shall be eligible to be elected or appointed
2 members of, to be heard at or to vote at the House of Delegates in any capacity. Members of the House
3 of Delegates must maintain their status as Individual Members in good standing throughout their terms
4 of office.
5

6 604.3 VOICE AND VOTING RIGHTS OF MEMBERS - The voice and voting rights of members of the
7 House of Delegates and of Individual Members shall be as follows:
8

9 .1 GROUP MEMBER REPRESENTATIVES, BOARD MEMBERS, ~~THE AT-LARGE~~ ATHLETE
10 REPRESENTATIVES, THE ~~AT-LARGE~~ COACH REPRESENTATIVES AND AT-LARGE HOUSE MEMBERS -
11 Each of the Group Member Representatives, the Board Members, the ~~At-Large~~ Athlete
12 Representatives, the ~~At-Large~~ Coach Representatives and the At-Large House Members shall
13 have both voice and one vote each in meetings of the House of Delegates.
14

15 .2 AFFILIATED GROUP MEMBER REPRESENTATIVES: Group Member representatives of Affiliated
16 Group Members, unless entitled to vote under another provision of these Bylaws, shall have
17 voice but no vote in meetings of the House of Delegates and its committees.
18

19 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the House of Delegates
20 may attend open meetings of the House of Delegates and its committees and be heard in the
21 discretion of the presiding officer. Unless entitled to vote under another provision of these
22 Bylaws, Individual Members shall have no vote in meetings of the House of Delegates.
23

24 604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the affairs of VSI
25 and the establishment of policies, procedures and programs. In addition to the duties and powers
26 prescribed in the USA Swimming Code or elsewhere in these Bylaws, the House of Delegates shall:
27

28 .1 Elect the officers, members of the Board of Review and the committee chairmen listed in Section
29 606.1 in accordance with Sections 606.2 through 606.5;
30

31 .2 Elect alternates to the USA Swimming House of Delegates in accordance with section 502.2 of
32 the USA Swimming Code (see also Section 606.6.9.B);
33

34 .3 Elect members to the Nominating Committee
35

36 .4 Review, modify and adopt the annual budget of VSI recommended by the Board of Directors;
37

38 .54 Ratify or prospectively modify or rescind policy and program established by the Board of
39 Directors, except any action or authorization by the Board of Directors with respect to contracts or
40 upon which any person may have relied shall not be modified or rescinded;
41

42 .6 Establish joint administrative committees, or undertake joint activities with
43 sports organizations, where deemed helpful or necessary by VSI.
44

45 .7 Establish by the VSI Policies and Procedures Manual , one or more committees
46 of its members. The committees shall have the powers and duties specified in
47 the VSI Policies and Procedures Manual, which may include delegation of one
48 or more powers and duties of the House of Delegates, other than the powers to
49 amend these ByLaws or remove Board Members and other elected officers.
50

- 1 | .85 Amend the Bylaws of VSI in accordance with Section 611.3;~~and~~
- 2 |
- 3 | .9-6 Remove from office any Board Members, members of the Board of Review, or committee
- 4 | chairmen,~~or~~ members, or coordinators who have failed to attend to their official duties or
- 5 | member responsibilities or have done so improperly, or who would be subject to penalty by the
- 6 | Board of Review for any of the reasons set forth in Section 610.4.7.C. However, no Board
- 7 | Member, Board of Review member or elected committee chair~~man~~ or coordinator may be
- 8 | removed except upon not less than thirty (30) days written notice by the Secretary or other officer
- 9 | designated by the House of Delegates specifying the alleged deficiency in the performance of
- 10 | member responsibilities or specific official duties or other reason. All notices and proceedings
- 11 | under this section shall be prepared, served and processed utilizing the procedures for a formal
- 12 | hearing pursuant to Article 406 of the USA Swimming Rules and Regulations~~Section 610.6.1~~ to
- 13 | the extent applicable. Should the Board Member, Board of Review member or elected committee
- 14 | chair~~man~~ or coordinator contest the alleged deficiency or other reason alleged in the notice, the
- 15 | House of Delegates shall hold a hearing at which the defendant shall have the same rights as if the
- 16 | hearing were to be conducted by the Board of Review pursuant to Part Four of the USA
- 17 | Swimming Rules and Regulations~~Article 610~~.
- 18 |
- 19 | 604.5 ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of Delegates of VSI
- 20 | shall be held in the months of April or May of each year. At least once during each year regular
- 21 | meetings of the House of Delegates shall be held, normally in October or in accordance with a
- 22 | schedule adopted by the House of Delegates or the Board of Directors.
- 23 | .
- 24 |
- 25 | 604.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of
- 26 | Directors or the General Chairman~~Chair~~. Should the Board of Directors or the General Chairman~~Chair~~
- 27 | fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or
- 28 | helpful, a meeting of the House of Delegates may be called by a petition signed by members of the
- 29 | House of Delegates representing at least five (5) Group Members. Such meetings shall be called within
- 30 | three (3) weeks of receipt of the petition with proper notice of the meeting being given.
- 31 |
- 32 | 604.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall be take place at a
- 33 | site within the Territory. The House of Delegates or the Board of Directors shall determine the location
- 34 | and time of all meetings of the House of Delegates.
- 35 |
- 36 | 604.8 NOMINATING COMMITTEE
- 37 |
- 38 | .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall comprise
- 39 | not fewer than five (5) Individual Members. The Nominating Committee members shall will be
- 40 | elected biennially by the House of Delegates ~~Board of Directors~~ and will serve until their
- 41 | successors are elected. If the House of Delegates does not act in a timely fashion the Board of
- 42 | Directors shall elect a Nominating Committee to serve until their successors are elected. A
- 43 | number greater than five (5) may be designated from time to time by either the House of
- 44 | Delegates or the Board of Directors. Each Nominating Committee member shall be a member of
- 45 | the House of Delegates and no more than two (two-fifths if there are more than five (5) members
- 46 | of the Nominating Committee) shall be Board Members or Executive Committee members.
- 47 | Section 606.5.3 shall apply to members of the Nominating Committee but service as the
- 48 | immediate past General Chair shall not be counted for that purpose. If any member of the
- 49 | Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the
- 50 | General Chairman~~Chair~~, with the advice and consent of the Board of Directors, shall appoint a
- 51 | successor to serve until the next meeting of the House of Delegates~~election~~.
- 52 |

- 1 | .2 ~~CHAIRMAN~~CHAIR ELECTED BY NOMINATING COMMITTEE - The ~~Chairman~~Chair of the
2 | Nominating Committee shall be elected biennially by a majority vote of the members of the
3 | Nominating Committee present at a meeting called promptly after the members are elected or
4 | appointed.
5 |
- 6 | .3 DUTIES OF NOMINATING COMMITTEE - A slate of candidates for election as the officers or
7 | committee chair~~men~~ specified in Section 606.1 and the members of the Board of Review to be
8 | elected at the next annual meeting shall be prepared by the Nominating Committee. The
9 | Nominating Committee may in its discretion nominate a slate of one person for each position to
10 | be filled or may nominate more than one candidate for one or more of the positions.
11 |
- 12 | .4 PUBLICATION OF NOMINATIONS - Nominations by the Nominating Committee shall be published
13 | by distributing a slate of candidates together with the positions for which they have been
14 | nominated to each member of the House of Delegates and to each Group Member not less than
15 | twenty (20) calendar days prior to the election. This notice may be combined with the notice of
16 | the meeting pursuant to Section 604.14.1 where convenient. See Section 616.1.5 for the methods
17 | which may be used for the distribution.
18 |
- 19 | .5 ADDITIONAL NOMINATIONS - Additional nominations may be made from the floor of the House of
20 | Delegates by any member of the House of Delegates eligible to vote.
21 |
- 22 | .6 MEETINGS AND NOTICES - Meetings of the Nominating Committee shall take place at a site within
23 | the Territory when called by the ~~Chairman~~Chair or any three members of the Committee with a
24 | minimum of six (6) days notice required. Pertinent provisions of Sections 607.5 through 607.10
25 | and Section 616.1.5 also shall apply to the Nominating Committee's meetings and notices.
26 |
- 27 | .7 QUORUM - A quorum for any meeting of the Nominating Committee shall consist of not fewer
28 | than ~~four (4)~~5ths of the members. The committee shall act by a majority vote of its members
29 | voting in any meeting at which a quorum is present.
30 |
- 31 | 604.9 MEETINGS OPEN; EXECUTIVE SESSIONS -
32 |
- 33 | .1 HOUSE OF DELEGATES - House of Delegates meetings shall be open to all members of VSI and
34 | USA Swimming. Issues pertaining to personnel, disciplinary action, legal, tax or similar affairs of
35 | VSI shall be deliberated and decided in a closed executive session which only House of Delegates
36 | members may attend. By a majority vote on a motion of a question of privilege, the House of
37 | Delegates may decide to go into executive session on any matter deserving of confidential
38 | treatment or of personal concern to any member of the House.
39 |
- 40 | .2 HOUSE OF DELEGATES COMMITTEES - All meetings and deliberations of the Nominating
41 | Committee shall be conducted in executive (closed) session. Meetings of all other committees
42 | established by the House of Delegates shall be open to all members of VSI and USA Swimming
43 | unless otherwise provided by the House of Delegates resolution creating the committee or by a
44 | vote of the committee as provided by the rules of the Parliamentary Authority.
45 |
- 46 | 604.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and voting
47 | ~~provided that representatives are present from all VSI administrative subdivisions.~~
48 |
- 49 | 604.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions,
50 | orders and other propositions coming before the House of Delegates shall be determined by a majority
51 | vote. A motion or order calling for the removal of a member of the Board of Review pursuant to Section

1 604.4.6 shall be determined by a two-thirds vote after at least thirty (30) days notice. See also Section
2 611.3 regarding amendment of these Bylaws.
3

4 604.12 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be permitted.
5

6 604.13 MAIL VOTE – Any action which may be taken at any regular or special meeting of
7 the House of Delegates, except elections, removals of Board Members, members of
8 the Board of Review, elected committee chairmen or coordinators and amendments
9 of these Bylaws, may be taken without a meeting. If an action is taken without a
10 meeting, the Secretary, by First Class Mail, postage prepaid, shall distribute a written
11 ballot to every member of the House of Delegates entitled to vote on the matter. The
12 Ballot shall set forth the proposed action, provide an opportunity to specify approval,
13 or disapproval, and provided a reasonable time (but in no event less than the period
14 specified in Section 604.15) within which to return the ballot to the Secretary.
15 Action by written ballot shall be valid only when the number of votes cast in favor of
16 the proposed action within the time period specified constitutes a majority of the
17 votes entitled to be cast.
18

19 604.14 ORDER OF BUSINESS - At all meetings of the House of Delegates the following shall be included in
20 the order of business to the extent applicable. The order in which the various subjects are taken up may
21 be varied.
22

23 Roll Call

24 Reading, correction and adoption of minutes of previous meeting

25 Presentation and approval of the annual budget

26 Presentation and approval of the annual audit pursuant to Section 0, when applicable

27 Unfinished (old) business

28 Elections

29 New business

30 Reports of officers

31 Reports of committees and coordinators

32 Resolutions and orders

33 Adjournment
34

35 604.14 NOTICES
36

37 .1 TIME - Not less than twenty (20) days written notice shall be given to each member of the House
38 of Delegates and each Group Member for any annual, regular or special meeting of the House of
39 Delegates, and not less than thirty (30) days written notice shall be given to each member of the
40 House of Delegates of any proposed amendment of the Bylaws or Policies. Not less than forty
41 (40) days written notice shall be given to the General ~~Chairman~~Chair and Secretary of proposed
42 Bylaw and Policy amendments that do not originate from the Board of Directors. The General
43 ~~Chairman~~Chair shall submit any proposals received to the Board of Directors for Review, and the
44 Secretary shall give thirty (30) written notice to each member of the House of Delegates. See
45 Section 616.1.5 for the various permitted forms of notice.
46

47 .2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings
48 of the House of Delegates, the expected purpose (which may be general) of the meeting shall be
49 stated. If an expected purpose is the amendment of the Bylaws, a copy of the proposed
50 amendment shall be included in the notice. Failure to have included in the notice any germane

1 amendments subsequently adopted by the House of Delegates at the noticed meeting shall not be
2 the basis for any claim that the amendments as so adopted are invalid.
3

4
5 **ARTICLE 605**
6 **BOARD OF DIRECTORS**
7

8 605.1 MEMBERS - The Board of Directors shall consist of the following officers, committee chairs,
9 coordinators and representatives of VSI, together with those additional members designated in Sections
10 605.2 and 605.3:
11

- 12 .1 General Chair
- 13 .2 Administrative Vice-chair
- 14 .3 Senior Vice-chair
- 15 .4 Age Group Vice-chair
- 16 .5 Secretary
- 17 .6 Treasurer
- 18 .7 ~~At Large~~ Coach Representatives (2)
- 19 .8 ~~At Large~~ Athlete Representatives (2)
- 20 .9 Membership/Registration Administrator
- 21 .10 Technical Planning Chair
- 22 .11 At-Large Board Members
- 23 .12 The Immediate Past General Chair of VSI
- 24 ~~.13 Safety Chair~~
- 25 ~~.14 Standing Committee Chairs and Coordinators including:~~
 - 26 ~~—— Disability Swimming Coordinator~~
- 27 ~~.14 —— Finance/Audit Chair~~
 - 28 ~~Equipment Committee Chair~~
- 29 ~~.15~~
 - 30 ~~Officials Chair~~
 - 31 ~~Open Water Coordinator~~
 - 32 ~~NTV Coordinator~~
 - 33 ~~Records/Tabulation Coordinator~~
- 34 ~~.16~~
 - 35 ~~Rules/Legislation Chair~~
 - 36 ~~Zone Team Manager~~
- 37 ~~.17~~
 - 38 ~~Diversity Coordinator~~
 - 39 ~~Camps & Clinics Coordinator~~
 - 40 ~~Club Development Coordinator~~
- 41 ~~.18~~ Appointed Athlete Members

42 605.2 ~~APPOINTED BOARD MEMBERS – AT LARGE BOARD MEMBERS~~ ~~The General Chair shall~~
43 ~~appoint with the advice of the Senior and Junior At Large Athlete Representatives sufficient athlete~~
44 ~~members to the Board as At Large Board Members such that athletes comprise no less than twenty~~
45 ~~percent (20%) of the voting membership of the Board. In addition, the Board of Directors may have up~~
46 ~~to three (3) non athlete At Large Board Members appointed by the General Chair with the advice and~~
47 ~~consent of the Board of Directors provided that the 20% ratio of athlete members is preserved.~~

- 48 .1 Athlete Members - With the advice of the Senior and Junior Athlete Representatives The General
49 Chair shall appoint sufficient athlete members to the Board such that athlete representation on the
50 Board comprises no less than twenty percent (20%) of the voting membership.
- 51 .2 At-Large Members: The General Chair with the advice and consent of the Board of Directors may
appoint up to five (5) additional non-athlete members.

1
2 605.3 EX-OFFICIO MEMBERS – The following person(s) should be a ex-officio member(s) of the Board
3 of Directors during the time period in which they meet the defined status:

4 .1 The Immediate Past General Chair of VSI, if the Individual Member is in good standing.

5 .2 Members of the USA Swimming Board of Directors who are Individual Members in good
6 standing.

7 .3 USA Swimming Committee Chairpersons who are Individual Members in good standing.

8
9 605.4 LIMITATIONS - ~~This Section is reserved for future use.~~ No more than three (3) members or coaches of
10 any Club Member or Affiliated Group member should serve on the Board of Directors at any time.
11 This limitation should be applied separately as to athlete members and to other individual members.

12
13 605.45 VOICE AND VOTING RIGHTS OF BOARD MEMBERS - The voice and voting rights of Board
14 Members and Individual Members shall be as follows:

15
16 .1 BOARD MEMBERS - Each Board Member, other than ex-officio members (See Sections 605.2
17 and 605.3) and At-Large Board Members, shall have both voice and vote in meetings of the
18 Board of Directors and its committees.

19
20 .2 NON-VOTING BOARD MEMBERS: - Unless entitled to vote under another provision of these
21 Bylaws, the ex-officio members and the At-Large Board Members shall have voice but no vote
22 in meetings of the Board of Directors and its committees.

23
24 .3 INDIVIDUAL MEMBERS - Individual Members who are not Board Members may attend open
25 meetings of the Board of Directors and its committees and be heard in the discretion of the
26 presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual
27 Members shall have no vote in meetings of the Board of Directors or its committees.

28
29 605.5 DUTIES AND POWERS - The Board of Directors shall act for VSI and the House of Delegates during
30 the intervals between meetings of the House of Delegates, subject to the exercise by the House of
31 Delegates of its powers of ratification or prospective modification or rescission, except that it shall not
32 remove a Board Member, a Board of Review member or other person elected by the House of Delegates
33 or amend these Bylaws. In addition to the powers and duties prescribed in the USA Swimming Rules
34 and Regulations Code or elsewhere in these Bylaws, the Board of Directors shall have the power and it
35 shall be its duty to:

36
37 .1 Establish and direct policies, procedures and programs for VSI;

38
39 .2 Oversee the conduct by the officers and staff of VSI of the day-to-day management of the affairs
40 of VSI;

41
42 .3 Appoint additional Athlete Members and At-Large Board Members.

43
44 .4 Provide advice and consent to appointments proposed by the General ChairmanChair that require
45 advice and consent under these Bylaws or the VSI Policies and Procedures Manual;

46
47 .54 Cause the preparation and presentation to the House of Delegates of the annual budget of VSI and
48 make a recommendation to the House of Delegates concerning the approval or disapproval
49 thereof;

50

- 1 | [.65](#) Receive presentation of the annual audit report pursuant to Section 0 and make a recommendation
2 | to the House of Delegates concerning the approval or disapproval thereof;
3 |
4 | [.76](#) Call regular or special meetings of the Board of Directors or the House of Delegates;
5 |
6 | [.87](#) Admit eligible prospective Group Members [and Affiliated Individual Members](#);
7 |
8 | [.98](#) Retain such independent contractors and employ such persons as the Board shall determine are
9 | necessary or appropriate to conduct the affairs of VSI;
10 |
11 | [.10-9](#) Appoint other officers, agents, committees or coordinators, to hold office for the terms specified.
12 | These appointees shall have the authority and perform the duties as provided in these Bylaws, the
13 | VSI Policies and Procedures Manual or as may be provided in the resolutions appointing them,
14 | including any powers of the Board of Directors as may be specified, except as may be
15 | inconsistent with any other provision of these Bylaws. To the extent not provided elsewhere in
16 | these Bylaws, the Board of Directors may delegate to any officer, agent, committee or coordinator
17 | the power to appoint any such subordinate officers, agents, committees or coordinators and to
18 | prescribe their respective terms of office, authorities and duties; and
19 |
20 | [.119](#) Remove from office any officers, committee chairmen, committee members or coordinators of
21 | VSI who were not elected by the House of Delegates and who have failed to attend to their
22 | official duties or member responsibilities or have done so improperly, or who would be subject to
23 | penalty by the Board of Review for any of the reasons set forth in [Article 410 of USA Swimming](#)
24 | [Rules and Regulations, Section 610.4.7.C](#). No officer, [At-Large Board member](#), or committee
25 | [chairman](#) or coordinator may be removed without receiving the thirty (30) days written
26 | notice specifying the alleged deficiency in the performance of the member's responsibilities under
27 | these Bylaws, the member's official duties or other reasons. All notices and proceedings under
28 | this section shall be prepared, served and processed utilizing the procedures for a formal hearing
29 | pursuant to [Article 410 of USA Swimming Rules and Regulations, Section 610.6.1](#) to the extent
30 | applicable. Should the officer, [At-Large Board member](#), committee [chairman](#), committee
31 | member or coordinator contest the alleged deficiency or other reason set forth in the notice, the
32 | Board of Directors shall hold a hearing at which the member shall have the same procedural
33 | rights as if the hearing were to be conducted by the Board of Review pursuant to [Article 410 of](#)
34 | [USA Swimming Rules and Regulations, Article 610](#).

35 |
36 |
37 | 605.6 EXECUTIVE COMMITTEE -

- 38 |
39 | .1 AUTHORITY AND POWER - The Executive Committee shall have the authority and power to act for
40 | the Board of Directors and the House of Delegates and VSI between meetings of the Board and
41 | the House of Delegates.
42 |
43 | .2 MEMBERS - The members of the Executive Committee shall be the General [Chairman](#)[Chair](#), who
44 | shall act as ~~chairman~~, Administrative Vice-~~chairman~~[Chair](#), Senior Vice-~~chairman~~[Chair](#), Age
45 | Group Vice-~~chairman~~[Chair](#), Secretary, Treasurer, Senior Athlete Representative, Coach
46 | Representative, and Membership/Registration Administrator.
47 |
48 | .3 MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held at any time or place
49 | within the Territory when called by the General [Chairman](#)[Chair](#) or any three (3) members of the
50 | Committee with a minimum of three (3) days notice required. Pertinent provisions of Sections

1 607.5 through 607.10 and Section 616.15 shall apply to the Executive Committee meetings and
2 notices.

3
4 .4 QUORUM - A quorum of the Executive Committee shall consist of four (4) ~~five (5)~~ members of
5 the Committee.

6
7 .5 REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special meeting of the
8 Board of Directors the Executive Committee shall make a report of its activities since the last
9 Board of Director's meeting for ratification or prospective modification or rescission, provided,
10 however, that any action of the Executive Committee upon which a third party may have relied
11 (*e.g.*, by signing, or authorizing the signing of a contract) may not be modified or rescinded by the
12 Board of Directors or the House of Delegates.

13
14 605.7 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Board of Directors and Executive
15 Committee meetings shall be open to all members of VSI and USA Swimming. Matters relating to
16 personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated and decided in a
17 closed executive session which only Board Members or Executive Committee members, respectively,
18 are entitled to attend. By a majority vote on a motion of a question of privilege the Board of Directors or
19 the Executive Committee may decide to go into executive session on any matter deserving of
20 confidential treatment or of personal concern to any Board of Directors member or the Executive
21 Committee.

22
23 605.8 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of
24 Directors or the Executive Committee may participate in meetings of the Board of Directors or the
25 Executive Committee through conference telephone or similar equipment by means of which all persons
26 participating in the meeting can hear each other at the same time. Participation by such means shall
27 constitute presence in person at a meeting.

28
29 605.9 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in accordance with a
30 schedule adopted by the Board of Directors.

31
32 605.10 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the General
33 ChairmanChair. Should the Board of Directors or the General ChairmanChair fail to call regular
34 meetings or should a special meeting be appropriate or helpful, a meeting of the Board of Directors shall
35 be called at the written request of any three (3) Board Members.

36
37 605.11 QUORUM - A quorum of the Board of Directors shall consist of those members present and voting.

38
39 605.12 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions,
40 orders and other propositions coming before the Board of Directors shall be determined by a majority
41 vote. A motion, order, or other proposal the affect of which is to override policy or program
42 established by the House of Delegates, shall be determined by a two-thirds vote after at least fourteen
43 (20) days notice.

44
45 605.13 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors or the Executive Committee
46 shall not be permitted.

47 605.14 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of the
48 Board of Directors or the Executive Committee may be taken without a meeting if all the Board
49 Members or Executive Committee entitled to vote consent to the action in writing and the written
50 consents are filed with the records of the respective meetings. These consents shall be treated for all
51 purposes as votes taken at a meeting.

1
2 605.15 MAIL VOTE - Any action which may be taken at any regular or special meeting of the Board of
3 Directors, except elections, advice and consent to the General Chair's appointments, or removals of
4 officers, committee chairmen and members, may be taken without a meeting. If an action is to be
5 taken without a meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written
6 ballot to every Board Member entitled to vote on the matter. The ballot shall set forth the proposed
7 action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but
8 in no event less than the period specified in Section 605.12), within which to return the ballot to the
9 Secretary. Action by written ballot shall be valid only when the number of votes cast in favor of the
10 proposed action within the time period specified constitutes a majority of the votes entitled to be cast.

11
12 605.164 NOTICES -

- 13
14 .1 TIME - Not less than six (6) fifteen (15) days notice shall be given to each Board Member for any
15 annual, regular or special meeting of the Board of Directors. Separate notices need not be given
16 for regular meetings that are designated in these Bylaws or otherwise scheduled and noticed well
17 in advance. (See Section 616.1.5 for the various permitted forms of notice and the consequences
18 thereof.)
19
20 .2 INFORMATION - The notice of a meeting shall contain the time, date and site and in the case of
21 special meetings, the expected purpose, which may be general.
22

23 605.15 ORDER OF BUSINESS - At all meetings of the Board of Directors the following shall be included in
24 the order of business to the extent applicable. The order in which subjects are taken up may be varied.

25
26 Roll Call
27 Reading, correction and adoption of minutes
28 Report of Executive Committee
29 Reports of officers
30 Reports of committees and coordinators
31 Presentation of the annual budget and adoption of recommendation to the House of Delegates
32 Presentation of the annual audit report pursuant to Section 608.5 and adoption of its
33 recommendation to the House of Delegates
34 Advice and Consent to Appointments
35 Unfinished (old) business
36 New business
37 Approval of applications for Group Membership
38 Elections
39 Resolutions and orders
40 Adjournment
41
42

43 **ARTICLE 606**
44 **OFFICERS**

45
46 606.1 ELECTED OFFICERS AND COMMITTEE CHAIRMEN: The officers, committee chairmen and
47 coordinators who shall be elected by the House of Delegates are:

- 48
49 .1 General Chairman
50 .2 Administrative Vice-chairmanChair

- 1 .3 Senior Vice-~~chairman~~Chair
2 .4 Age Group Vice-~~chairman~~Chair
3 .5 Secretary
4 .6 Treasurer
5 .7 Technical Planning Chair~~man~~
6 .8 Membership/Registration ~~Coordinator~~Administrator
7
8 606.2 ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chairman, the
9 Administrative Vice-~~chairman~~Chair, the Secretary, the Senior-Vice Chair~~man~~, the Age Group Vice-
10 ~~chairman~~Chair, the Treasurer, the Technical Planning Chair~~man~~, the Membership/Registration
11 ~~Administrator~~Coordinator, and the members of the Board of Review in odd-numbered years.
12
13 606.3 ELIGIBILITY - Only Individual Members in good standing shall be eligible to hold office and must
14 maintain their eligibility throughout their term of office.
15
16 606.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in the House of Delegates by
17 virtue of holding a position in VSI may not also vote as a Group Member Representative in the House of
18 Delegates.
19
20 606.5 OFFICES COMBINED OR SPLIT –
21
22 .1 OFFICE HELD BY TWO PERSONS: Any office other than General Chair, Finance Vice-Chair, and
23 Treasurer, may be held jointly by two individual members. This may be accomplished by the
24 Nominating Committee nominating two individual members to serve as co-officers or by the
25 House of Delegates electing two at the time of the election. In the case of Administrative Vice
26 Chair, the House of Delegates at the time of the election shall designate one to be the successor
27 to the General Chair, if no such designation is made, then the person with the longer tenure in
28 such office shall serve as the successor.
29 .2 OFFICES COMBINED: Any office other than General Chair may be combined with any other
30 office. This may be accomplished by the Nominating Committee nominating a single
31 Individual Member to serve simultaneously as two officers or by the House of Delegates so
32 electing at the time of the election.
33
34 606.7 TERMS OF OFFICE -
35
36 .1 TERM OF OFFICE - The terms of office of all elected members of the Board of Directors shall be
37 two years.
38
39 .2 COMMENCEMENT OF TERM - Each person elected to a position shall assume office on September 1
40 and shall serve until a successor takes office.
41
42 .3 CONSECUTIVE TERMS LIMITATION - Except for the Secretary, Technical Planning Chair~~man~~, the
43 Treasurer, and the Membership/Registration ~~Coordinator~~Administrator, no Individual Member
44 who has been elected by the House of Delegates and served four successive years shall be eligible
45 for re-election to the same position until a lapse of two years. A portion of any term served to fill
46 a vacancy in the position shall not be considered in the computation of this successive terms
47 limitation.
48
49 606.6 DUTIES AND POWERS - The duties and powers of the officers and other Board Members shall be to
50 attend and participate in all meetings of the House of Delegates and the Board of Directors and as
51 follows:

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.1 GENERAL CHAIRMAN: The General Chairman shall oversee and have general charge of the management, business, operations, affairs and property of VSI, and general supervision over its officers and agents; shall call meetings when and where deemed necessary; shall preside at all meetings; and, except as otherwise provided in these Bylaws and with the advice and consent of the Board of Directors, shall appoint committee chairmen and members for standing and special committees or coordinators as may be necessary to permit VSI to effectively, efficiently and economically conduct its affairs. The General Chairman shall report to the Board of Directors all matters within the General Chairman's knowledge that the Board of Directors should consider in the best interests of VSI.

.2 SECRETARY: The Secretary, or a delegate, shall be responsible for keeping a record of all meetings of the House of Delegates and Board of Directors, conducting official correspondence, issuing meeting and other notices and making such reports to USA Swimming as are required by Article 608 of these Bylaws and shall perform the other duties incidental to the office of Secretary. The Secretary or staff of VSI's permanent office shall be custodian of the records and seal of VSI, and attest the execution of all duly authorized instruments. The Secretary shall cause to be kept at VSI's permanent office ~~in the safe keeping of the Secretary~~ copies of all minutes, official correspondence, meeting and other notices, and any other records of VSI. The Secretary's custody of the minute books and other records shall be as a fiduciary for VSI and shall end when the Secretary leaves office and shall pass them on to the successor Secretary.

.3 TREASURER: The Treasurer shall be the principal receiving and disbursing officer of VSI. Except as otherwise directed by the Finance Chair Budget and Finance Committee or the Board of Directors, the Treasurer shall receive all moneys, incomes, fees and other receipts of VSI and pay all bills, salaries, expenses and other disbursements approved by an authorized officer, committee chairman, coordinator, the Budget and Finance Committee, the Board of Directors or the House of Delegates, or required to be paid pursuant to Section 610.3.12. When authorized by the Board of Directors, income and expenses may be received and paid by a division, officer, committee or coordinator, provided that the division, officer, committee or coordinator promptly submits to the Treasurer an itemized report, duly attested by the division, officer, committee chairman or coordinator and either within the approved budget of such division, officer, committee or coordinator, or authorized by the Board of Directors or the House of Delegates. The Treasurer shall be a member of the Budget and Finance Committee but may not be its chairman. The Treasurer shall issue a monthly report listing the current budget variances by line item, all receipts, all expenditures and the current fund and account balances for the month and the preceding month and for the fiscal year to date, together with such other items as the Budget and Finance Committee, the General ChairmanChair or the Board of Directors may direct. The Treasurer shall also provide current monthly bank account statements to the General ChairmanChair. The Treasurer shall:

- A have charge of and supervision over and be responsible for the funds, moneys, securities and other financial instruments of VSI;
- B cause the moneys, securities and other financial instruments of VSI to be deposited in the name and to the credit of VSI in such institutions as shall be designated in accordance with Section 606.10 or to be otherwise invested as the Budget and Finance Committee or the Board of Directors may direct;
- C cause to be appropriately segregated and accounted for any endowment funds, scholarship or award funds and any similar special purpose funds or accounts;

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- D cause the funds of VSI to be disbursed by checks or drafts, automated debits or wire transfers upon the authorized depositories of VSI, and obtain and preserve proper vouchers for all moneys disbursed;
 - E cause to be kept at VSI's permanent office ~~in the safe keeping of the Treasurer~~ correct books of account and other financial records of all its affairs and transactions and such duplicate books of account as the Board of Directors, the Budget and Finance Committee or the Treasurer shall determine. The Treasurer's custody of the books and records shall be as a fiduciary for VSI and custody and fiduciary state shall end when the Treasurer leaves office and passes them on to the successor Treasurer;
 - F upon request and at reasonable hours cause such books or duplicates thereof to be exhibited to any member of the Board of Directors and upon application and at reasonable hours cause the monthly financial reports and the annual audited financial statement to be exhibited to any member of VSI or USA Swimming;
 - G cause VSI to be in compliance with the requirements of Section 608.4;
 - H have the power to require from the officers, committee chair~~men~~, coordinators, or agents of VSI reports or statements giving such information as the Treasurer may determine to be appropriate or helpful with respect to any and all financial transactions of VSI;
 - I make the books and records available and otherwise fully cooperate with those conducting the annual audit of accounts of VSI and cause the preparation and timely filing of all required federal, state and local tax returns, and other financial and tax reports with the applicable government official, and forward a copy of the annual financial statement and audit report and any federal tax return to the Secretary for submission to the Board of Directors and USA Swimming national headquarters in accordance with Sections 608.2 and 608.3;
 - J have the power to appoint one or more assistant treasurers and delegate to them one or more of the Treasury functions, or parts thereof, and in general, perform all the other duties incident to the corporate treasury function.
- .4 ADMINISTRATIVE VICE-CHAIR~~MAN~~: The Administrative Vice-~~chairman~~Chair shall conduct meetings in the absence of the General Chair~~man~~ and, at the request of the General Chair~~man~~ or in the event of the disability of the General ~~Chairman~~Chair, shall perform all of the duties of the General ~~Chairman~~Chair, and when so acting shall have all of the powers of the General ~~Chairman~~Chair. (See Section 606.8.) The Administrative Vice-~~chairman~~Chair shall chair, and have general charge of the business, affairs and property of the division that administers VSI business and affairs. The Administrative Vice-~~chairman~~Chair shall aid in the development of policy and the coordination of the activities of the officers and committees within the division internally and with other divisions, committees and coordinators. The Administrative Division shall be responsible for the creation and maintenance of VSI's Policies and Procedures Manual. The Administrative Vice-~~chairman~~Chair shall be responsible to see that the Coach Representative elections are held in accordance with these Bylaws.
- .5 SENIOR VICE-~~CHAIRMAN~~CHAIR: The Senior Vice-~~chairman~~Chair shall chair and have general charge of the affairs and property of the Division or that develops and conducts the senior

1 swimming program of VSI including meet management for all senior swimming meets sponsored
2 by VSI. The Senior Vice-~~chairman~~Chair serves a liaison to the Athlete Representatives and shall
3 be responsible to see that the Athlete Representatives elections are held in accordance with these
4 Bylaws.

5
6 .6 AGE GROUP VICE-~~CHAIRMAN~~CHAIR: The Age Group Vice-~~chairman~~Chair shall chair and have
7 general charge of the affairs and property of the Division or Committee that develops and
8 conducts the age group swimming program of VSI including meet management for all age group
9 swimming meets sponsored by VSI.

10
11 .7 ATHLETE REPRESENTATIVES: The Athlete Representatives shall serve as the liaison between the
12 athletes who are members of VSI and the Board of Directors and House of Delegates. The Senior
13 Athlete Representative shall chair the Athlete Committee.

14
15 .8 COACH REPRESENTATIVE: The Coach Representative shall serve as a liaison between the coaches
16 who are members of VSI and the Board of Directors and House of Delegates. The Senior Coach
17 Representative shall chair the Coaches' Committee.

18
19 .9 AT-LARGE BOARD MEMBERS: In addition to their inherent powers and duties as members of the
20 Board of Directors, the At-Large Board Members shall have such powers and duties as may be
21 delegated to them by the VSI Policies and Procedures Manual, the General Chair, the Board of
22 Directors, or the House of Delegates.

23
24 .10 VSI DELEGATES TO USA SWIMMING HOUSE OF DELEGATES -

25
26 A Officer and Representative Delegates - It shall be the duty and privilege of the General
27 ChairmanChair, the Administrative Vice-ChairmanChair, the Age Group Vice-
28 chairmanChair, the Senior Vice-chairmanChair, the Senior Athlete Representative and the
29 Coach Representative to attend the USA Swimming annual meeting as representatives of
30 VSI and voting delegates to the USA Swimming House of Delegates.

31
32 B Officer Delegate Alternates - If any of the officer delegates is unable to attend, their elected
33 alternates, if any, shall attend in their places. In the event that there are no elected
34 alternates or the elected alternates are unable to attend, then the General ChairmanChair,
35 with the advice and consent of the Board of Directors, shall appoint alternates who shall
36 attend the USA Swimming annual meeting as delegates representing VSI.

37
38 C Athlete Representative Alternates - If an athlete delegate is unable to attend, the Athlete
39 Representative next most senior in term of office shall attend. If seniority cannot be
40 established or there remains no additional Athlete Representatives or alternates able to
41 attend, then the General ChairmanChair, with the advice and consent of the Board of
42 Directors, shall designate one or more Athlete Members to attend as a representative of
43 VSI.

44
45 D Coach Representative Alternates - If the Coach Representative is unable to attend the USA
46 Swimming annual meeting, then the other Coach Representative shall attend ~~elected~~
47 ~~alternate shall attend~~, and if neither the Coach Representative or the alternate is able to
48 attend, then the General ChairmanChair, with the advice and consent of the Board of
49 Directors, shall designate a Coach Member to attend as a representative of VSI.

1 | 606.7 RESIGNATIONS - Any officer may resign by orally advising the General [ChairmanChair](#) or by
2 | submitting a written resignation to the Board of Directors specifying an effective date of the resignation.
3 | In the absence of a specified effective date, any such resignation shall take effect upon the appointment
4 | or election of a successor.
5 |

6 | 606.8 VACANCIES AND INCAPACITIES -
7 |

8 | .1 OFFICE OF GENERAL [CHAIRMANCHAIR](#) - In the event of a vacancy in the office of General
9 | [ChairmanChair](#), or of the General [ChairmanChair](#)'s temporary or permanent incapacity, the
10 | Administrative Vice-[chairmanChair](#) shall become the Acting General [ChairmanChair](#) until an
11 | election can be held at the next meeting of the House of Delegates to fill the remaining term, if
12 | any, of the former General [ChairmanChair](#), or until the General [ChairmanChair](#) ceases to suffer
13 | from any temporary incapacity. While serving as Acting General [ChairmanChair](#), the
14 | Administrative Vice-[chairmanChair](#) shall vacate the office of Administrative Vice-
15 | [chairmanChair](#), except in the case of the General [ChairmanChair](#)'s temporary incapacity. If the
16 | General [ChairmanChair](#) is to be absent from the Territory, the General [ChairmanChair](#) may, but is
17 | not obligated to, designate the Administrative Vice-[chairmanChair](#) as Acting General
18 | [ChairmanChair](#) for the duration of the absence.
19 |

20 | .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy in the office of
21 | Athlete Representative or Coach Representative, or of the permanent incapacity of a person
22 | holding the office of Athlete Representative or Coach Representative, the General [ChairmanChair](#)
23 | may appoint, with the advice and consent of the Board of Directors, an Athlete Member or a
24 | Coach Member, as the case may be, to serve the remainder of the term of office or until the
25 | Athlete Members or the Coach Members, as the case may be, shall elect a successor.
26 |

27 | .3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the person holding, any
28 | office other than General [ChairmanChair](#), Athlete Representative, Coach Representative or
29 | member of the Board of Review, the General [ChairmanChair](#) shall appoint a successor, with the
30 | advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting
31 | of the House of Delegates. In the event of a temporary incapacity, the General [ChairmanChair](#)
32 | may designate, with the advice and consent of the Board of Directors, an Individual Member to
33 | act for the incapacitated officer for the duration of the incapacity.
34 |

35 | .4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office becomes
36 | vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors
37 | or the House of Delegates with in the case of an Athlete Representative or Coach
38 | Representative, the advice and consent of the Athletes Committee or the Coaches Committee,
39 | respectively. The determination as to when the General [ChairmanChair](#) is temporarily
40 | incapacitated shall be made, where the circumstances permit, by the General [ChairmanChair](#) and
41 | otherwise shall be within the discretion of the Board of Directors, subject to any subsequent
42 | action by the House of Delegates.
43 |

44 | 606.9 OFFICERS' POWERS GENERALLY -
45 |

46 | .1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - The General [ChairmanChair](#), Administrative Vice-
47 | [chairmanChair](#), Age Group Vice-[chairmanChair](#), Senior Vice-[chairmanChair](#) and Treasurer each
48 | may sign and execute in the name of VSI deeds, mortgages, bonds, contracts, agreements or other
49 | instruments duly authorized by the VSI Policies and Procedures Manual, the Board of Directors
50 | or the House of Delegates, except in cases where the signing and execution thereof shall be
51 | expressly delegated by the Board of Directors to another officer or agent, expressly requires two

1 or more signatures or is required by law to be otherwise executed. Additional signing authority
2 may be provided by standing resolutions of the Board of Directors or the House of Delegates.
3

4 .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform other
5 duties as may be prescribed in VSI's Policies and Procedures Manual or by the House of
6 Delegates, the Board of Directors, the General ~~Chairman~~Chair, the respective division Vice-
7 ~~chairman~~Chair, the delegating officer or these Bylaws. The division Vice-chairmen shall have the
8 additional duties and powers set forth in Section 607.1 and 607.5.
9

10 .3 DELEGATION - Officers of VSI may delegate any portion of their powers or duties to another
11 Individual Member or to a committee composed of Individual Members. In addition, the
12 authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other
13 than by the Board of Directors. A delegation of powers or duties shall not relieve the delegating
14 officer of the ultimate responsibility to see that these duties and obligations are properly executed
15 or fulfilled.
16

17 .4 ASSISTANT AND DEPUTY OFFICERS - The House of Delegates or the Board of Directors may by
18 resolution or VSI's Policies and Procedures Manual create the office of Deputy to one or more
19 of the elected officials. The resolution or Policy / Procedure of VSI will define the method of
20 election or appointment and will delineate the duties and powers of the respective deputies,
21 which may include the power to act for the officer when she/he is out of the Territory or
22 temporarily incapacitated.
23

24 606.10 DEPOSITORIES AND BANKING AUTHORITY C

25
26 .1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of VSI shall be deposited to its credit
27 in the banks, trust companies, other depositories or custodians, investment companies or
28 investment management companies as the Board of Directors may select, or as may be selected
29 by the ~~Budget and~~ Finance Committee or any officer or officers or agent or agents authorized to
30 do so by the Board of Directors. Endorsements for deposit to the credit of VSI in any of its duly
31 authorized depositories shall be made in the manner determined by the ~~Budget and~~ Finance
32 Committee or the Board of Directors. All funds of VSI not otherwise employed shall be
33 maintained in the banks, trust companies, other depositories or custodians, investment companies
34 or investment management companies designated by the ~~Budget and~~ Finance Committee, the
35 Board of Directors or any officer or officers or agent or agents authorized to do so by the Board of
36 Directors.
37

38 .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer of money,
39 and all notes or other evidences of indebtedness issued in the name of VSI shall be signed by the
40 General ~~Chairman~~Chair, the Treasurer or other officer or officers or agent or agents of VSI, and in
41 the manner, as shall be determined by the Budget and Finance Committee or the Board of
42 Directors.
43

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ARTICLE 607
DIVISIONS, COMMITTEES AND COORDINATORS

607.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS - The divisions of VSI shall each be chaired by a Vice-~~chairman~~Chair, the Senior Athletes Representative, or the Coaches Representative, whose respective powers, duties, jurisdiction and responsibilities are described in Section 606.6. Under each division Vice-~~chairman~~Chair there are officers, committees, coordinators and direct responsibilities as follows:

.1 ADMINISTRATIVE DIVISION - Administrative Vice-~~chairman~~Chair

- Awards Banquet (Coordinator)
- Bylaws/Legislation (Coordinator)
- Computer Technology
- ~~Disability Swimming (Coordinator)~~
- Equipment Committee (Standing Committee)
- Elections
- Finance Committee
- Insurance
- Meet Sanctions
- Membership/Registration
- Officials and Rules Committee (Standing Committee)
- NTVs (Coordinator)
- Personnel
- Public Relations
- Publications/Newsletter
- Policies and Procedures Manual (Coordinator)
- Records/~~Top 16 Tabulation NTV~~ (Coordinator)
- Secretary
- Special Events
- Swim-a-thon (Coordinator)
- Treasurer
- Webmaster

.2 AGE GROUP DIVISION - Age Group Vice-~~chairman~~Chair

- Disability Swimming (Coordinator)
- Age Group Committee (Standing Committee)
- Age Group Program
- Age Group Time Standards
- All Star Meet Committee (Standing Committee)
- Camps/Clinics
- Meet Management for VSI Sponsored Age Group Meets
- Zone Team Committee (Team Manager and Standing Committee)

.3 SENIOR DIVISION - Senior Vice-~~chairman~~Chair

- Awards
- Camps/Clinics
- Meet Management for VSI Sponsored Senior Meets

- 1 Open Water (Coordinator)
- 2 Diversity (Coordinator)
- 3 Safety Committee
- 4 Senior Committee (Standing Committee)
- 5 Senior Program
- 6
- 7 .4 ATHLETES DIVISION - Senior Athlete Representative
- 8
- 9 Athlete Representatives
- 10 Athletes Committee
- 11
- 12 .5 COACHES DIVISION — Senior Coach Representative
- 13
- 14 All Star Team MembersSelection
- 15 Camps/Clinics
- 16 Coaches Committee
- 17 Coach Representative and alternate
- 18 Zone Team Coaching Staff
- 19

20 607.2 NON-OFFICER CHAIRMEN AND THEIR COMMITTEES; COORDINATORS

21 .1 ELECTED, EX-OFFICIO AND APPOINTED NON-OFFICER CHAIRMEN AND COORDINATORS -

22 A Elected Chairmen and Coordinators - As provided in Section 606.1, certain non-officer
 23 committee chairmen and coordinators shall be elected by the House of Delegates. Their
 24 eligibility, terms of office, etc. shall be provided in Sections 606.3 through 606.9. The
 25 elected Chairmen and Coordinators are:

- 26 (1) Membership/Registration Coordinator Administrator
- 27 (2) Technical Planning ChairmanChair
- 28

29 B Ex-officio ChairmanChair - Pursuant to Section 607.3, certain other committee chairmen
 30 are designated ex-officio by virtue of an office currently held.

31 C Appointed Chairmen and Coordinators - The chairmen of all other standing committees
 32 and all other coordinators shall be appointed by the General ChairmanChair with the advice
 33 and consent of the Board of Directors and the respective division vice-chairmanchair. The
 34 appointed standing committee chairmanchair or coordinator shall assume office upon
 35 appointment or the date designated by the General ChairmanChair, and shall serve until
 36 sixty (60) days after the next election of a General ChairmanChair or until a successor is
 37 appointed and assumes office.

38 .2 DUTIES AND POWERS OF NON-OFFICER CHAIRMEN AND COORDINATORS -

39 A Membership/Registration Administrator - The Membership/Registration Administrator
 40 shall be responsible for the registration of Group and Individual Members and the
 41 transmission of registration information to USA Swimming and shall make the reports
 42 required by Section 608.6, together with such additional reports as may be required by
 43 USA Swimming, the Board of Directors or the General ChairmanChair.

44 B Technical Planning ChairmanChair - The Technical Planning ChairmanChair shall chair,
 45 and have general charge of the business, affairs and property of the Technical Planning

1 Committee, which is responsible for long-range planning regarding the swimming
2 programs conducted by VSI, the continuing review and development of the VSI
3 philosophy and for advising other committees and divisions regarding the implementation
4 of that philosophy in the context of VSI's swimming programs.

5 C. Officials Chair - The Officials Chair shall chair the Officials Committee which is
6 responsible for recruiting, training, certifying, and supervising officials for VSI. The
7 Officials Chair shall be a referee certified by VSi and each member of the Officials
8 Committee shall be a certified official of VSI.

9 D. Safety Coordinator- The Safety Coordinator shall be responsible for coordinating safety
10 enhancement and training opportunities as needed, and for the dissemination of USA
11 Swimming safety education information to all Group Members, athletes, coaches, and
12 officials of VSI. The Safety Coordinator shall develop safety education programs and
13 policies for VSI and make recommendations regarding same, and the implementation
14 thereof, to the Senior Chair, Admin Vice Chair, and the Board of Directors. The Safety
15 Coordinator shall make the reports required pursuant to Section 608.7.

16 E. Athletes Committee Chair – The Senior Athlete Representative shall chair and have
17 general charge of the business, affairs, and property of the Athletes Committee, which
18 shall be responsible for the publication of an athlete's newsletter and shall undertake
19 such other activities delegated to it by the Board of Directors or the General Chair.

20 F. Coaches Committee Chair: The Senior Coach Representative shall chair and have
21 general charge of the business, affairs, and property of the Coaches' committee, which
22 shall undertake such activities delegated to it by the Board of Directors or the General
23 Chair.

24
25 607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES - Except as otherwise
26 provided in these Bylaws or by the Board of Directors, members of each standing committee shall be
27 appointed by the General ~~Chairman~~Chair with the advice and consent of the respective division vice-
28 ~~chairman~~chair and the ~~chairman~~chair of the committee. The division vice-~~chairman~~chair shall be an
29 ex-officio member (with voice and vote) of each standing committee within the respective division. The
30 ex-officio members and other designated members of certain standing committees shall be as follows:

31
32 .1 ATHLETES COMMITTEE – the Athletes Committee shall consist of the Senior At-Large
33 Athlete Representative who shall serve as chair, the Junior At-Large Athlete Representative,
34 and the Group Member Athlete Representatives appointed by each Group Member pursuant
35 to Section 604.1.1.

36
37 .2 AUDIT COMMITTEE - The Audit Committee shall consist of at least three (3) members
38 appointed by the General Chair~~man~~ with the advice and consent of the Board of Directors.
39 The Treasurer shall not serve on the Audit Committee.

40
41 .3 ~~BUDGET AND~~ FINANCE COMMITTEE - The members of the Budget and Finance
42 Committee shall be ~~the General Chairman~~, the Treasurer, the Administrative Vice-chair~~man~~,
43 an Athlete Member, a Coach Member, and other members appointed by the General
44 Chair~~man~~ with the advice and consent of the Board of Directors.

45
46 .4 COACHES COMMITTEE - The members of the Coaches Committee shall consist of Coach
47 Representatives and such additional coach members as may be determined by the Coach
48 Representatives. The Senior Coach Representative shall chair the committee.

49
50 .5 OFFICIALS AND RULES COMMITTEE - The members of the Officials and Rules
51 Committee shall be the Officials ~~Chairman~~Chair, who shall serve as chairman, and at least
52 five other members, one of whom shall be an Athlete Member. Other than the Athlete
53 member, each member of this committee shall be a certified official of VSI.

1
2 .65 PERSONNEL COMMITTEE - The members of the Personnel Committee shall be the
3 General Chair, who shall serve as chair, the Administrative Vice Chair, and the Chair of the
4 Finance Committee.

5
6 .7 SAFETY COMMITTEE - The members of the Safety Committee shall be the Safety
7 ChairmanChair, who shall serve as the chairman, and at least five (5) additional members; of
8 which at least one shall be an VSI certified official, at least one shall be a Coach Member,
9 and at least one shall be an Athlete Member.

10
11 .6 TECHNICAL PLANNING COMMITTEE - The members of the Technical Planning
12 Committee shall be the Technical Planning ChairmanChair, who shall serve as chairman, an
13 Athlete Member and at least six (6) additional members of whom at least 50% (fifty percent)
14 shall be Coach Members, representing each of the administrative subdivisions of VSI. Two
15 members, one (1) of whom shall be a Coach Member will represent each administrative
16 subdivision. The Athlete Member and the additional members representing administrative
17 subdivisions shall be appointed by the General Chairman with the advice and consent of the
18 Board of Directors.

19
20 The General Chairman or the respective division Vice Chair may shall appoint the specified
21 additional members and any other members deemed appropriate or necessary for any of the foregoing
22 standing committees except the Athletes, Coaches, and the Personnel Committees with the advice of
23 the chairman thereof. Committee members appointed pursuant to the preceding sentence shall hold
24 their appointments at the pleasure of the appointing officer or successor. General Chairman.

25
26 607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS -
27

28 .1 ATHLETES COMMITTEE – The Athletes Committee shall serve as the primary forum for
29 identifying and bringing issues of Athlete Member interest and concern to the Board of
30 Directors and House of Delegates for discussion and action. The Athletes Committee is
31 obligated to provide athlete education and to assist in ensuring effective participation in
32 elections of the At-Large Athlete Representatives. The Athletes Committee is authorized to
33 conduct such events and activities with and on behalf of the athletes in VSI as the committee
34 may determine necessary or appropriate

35
36 .2 ~~AUDIT COMMITTEE – The Audit Committee is authorized to, and it shall be its duty to,~~
37 ~~conduct the annual audit of the books of VSI pursuant to Section 608.5 and present the~~
38 ~~results thereof to the Board of Directors and the House of Delegates.~~

39
40 .23 ~~BUDGET AND FINANCE COMMITTEE - The Budget and Finance Committee is~~
41 authorized and obligated to consult with the officers, committee chairmen and coordinators
42 and prepare and present a proposed budget for consideration and approval by the Board of
43 Directors and the House of Delegates. The officers, committee chairmen and coordinators
44 shall provide promptly such financial information (current and projected) and budget
45 proposals as the BudgetFinance Committee may request. The proposed budget may contain
46 alternatives, The Finance Committee is authorized to, and it shall be its duty to, conduct the
47 annual audit of the books of VSI pursuant to Section 608.5 and present the results thereof to
48 the Board of Directors and the House of Delegates.

49
50
51 The ~~Budget and~~ Finance Committee is also authorized and obligated to develop, establish
52 where so authorized or recommend to the Board of Directors and supervise the execution of
53 policy regarding the investment of VSI's working capital, funded reserves and endowment
54 funds, within the guidelines, if any, established by the Board of Directors or the House of

1 Delegates. The Finance Committee shall also regularly review VSI's equipment needs (both
2 operational and office) and the various methods available to finance the acquisition of any
3 needed equipment, make a determination of the best financing method for VSI and make
4 recommendations to the ~~Budget Committee and the~~ Board of Directors.
5

6 .34 MEMBERSHIP/REGISTRATION COORDINATOR - The Membership / Registration
7 Coordinator is authorized and obligated to conduct the registration of Group and Individual
8 members and supervise the transmission of registration information to USA Swimming and
9 assist in the preparation of the reports as required by Section 608.6, together with such
10 additional reports as may be requested by USA-Swimming, the VSI Board of Directors, the
11 Administrative Vice Chair, or the Finance Committee Chair.

12 .4 OFFICIALS AND RULES COMMITTEE - The Officials ~~and Rules~~ Committee is
13 authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify and supervise
14 officials for VSI and such other activities as may be necessary or helpful in maintaining a
15 roster of qualified, well-trained and experienced officials of the highest caliber. The
16 Officials ~~and Rules~~ Committee is also authorized and obligated to issue interpretations of the
17 competitive rules for use by officials, coaches and athletes at meets conducted within the
18 territory of VSI. Such interpretations will be issued after consultation with the USA
19 Swimming Rules Chair~~man~~ and USA Swimming Officials Chair~~man~~, as appropriate. As an
20 option the officials and rules functions may be divided and assigned to separate committees.
21

22 .5 PERSONNEL COMMITTEE - The Personnel Committee is authorized and obligated to
23 negotiate and set wages, compensation, and other terms of employment of VSI's staff
24 (whether employees or independent contractors) within established budgetary guidelines and
25 policies and to review and approve the scope of duties delegated to staff.

26 .6 SAFETY COMMITTEE - The Safety Committee shall be responsible for coordinating safety
27 enhancement and training opportunities as needed and for the dissemination of USA
28 Swimming safety education information to all Group Members, athletes, coaches and
29 officials of VSI. The Safety Committee shall develop safety education programs and policy
30 for VSI and make recommendations regarding those programs and policies and their
31 implementation to the applicable division Vice-chairmen and the Board of Directors. When
32 approved by the Board of Directors, the Safety Committee shall be responsible for the
33 coordination of their implementation by the Club Members. The Safety Chair~~man~~ with the
34 assistance of the Committee members shall prepare and transmit the reports required
35 pursuant to Section 608.7.
36

37 .76 TECHNICAL PLANNING COMMITTEE - The Technical Planning Committee shall be
38 responsible for long-range planning for the swimming programs conducted by VSI and for
39 advice regarding the technical aspects of those programs and of the sport of swimming
40 generally. For each upcoming season, the Technical Planning Committee shall devise a
41 proposed meet schedule in consultation with the Age Group Committee and the Senior
42 Committee. After approval by the Board of Directors, the Committee shall publish the
43 proposed schedule and seek bids from Club Members to host meets. After reviewing the
44 bids received, the Committee shall make recommendations to the Board of Directors and
45 House of Delegates for the adoption of a firm schedule and award of hosting rights to Club
46 Members. The Technical Planning Chair~~man~~ shall coordinate the evaluation, revision
47 and approval of meet announcements in consultation with the Age Group Vice-
48 chair~~man~~Chair and Senior Vice-chair~~man~~Chair and other appropriate VSI officers, chairmen
49 and coordinators and shall make recommendations regarding the issuance of sanctions for
50 these meets by the Administrative Vice-chair~~man~~Chair.
51

52 607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY - The duties and
53 powers of the General Chair~~man~~Chair, the division vice-chairmen, committees or subcommittees (in

1 addition to those provided elsewhere in these Bylaws) and, when applicable, coordinators shall be as
2 follows:

- 3
- 4 .1 Preside at all meetings of the respective division, committee or subcommittee;
- 5
- 6 .2 See that all duties and responsibilities of the coordinator or the respective division, committee or
7 sub-committee in his charge are properly and promptly carried out;
- 8
- 9 .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and
10 responsibilities of the coordinator or division or committee, respectively;
- 11
- 12 .4 Communicate with the respective division, coordinator, committee or subcommittee members to
13 keep them fully informed;
- 14
- 15 .5 Keep the General ChairmanChair, the respective division vice-~~chairman~~chair or committee
16 ~~chairman~~chair and the Secretary informed of the respective coordinator, division, committee or
17 subcommittee actions and recommendations;
- 18
- 19 .6 Appoint a member as secretary of the division, committee or subcommittee charged with taking
20 minutes of each meeting and forward reports or minutes of all meetings to the Secretary;
- 21
- 22 .7 Refer to the Board of Directors any recommendation for action which would establish or change
23 policies or programs for VSI, except as otherwise provided in these Bylaws or by the Board of
24 Directors; and
- 25
- 26 .8 Perform the other specific duties listed in VSI's Policies and Procedures Manual or as may be
27 delegated by the General ~~ChairmanChair~~, the respective division vice-~~chairman~~chair or
28 committee ~~chairman~~, the Board of Directors or the House of Delegates.
- 29

30 607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY - Except as
31 otherwise provided in these Bylaws, the duties and powers of the standing committees and coordinators
32 shall be prescribed by VSI's Policies and Procedures Manual, the House of Delegates, the Board of
33 Directors, the General ChairmanChair or the respective division vice-~~chairman~~chair. Except as
34 otherwise provided in the Bylaws, the duties and powers of any other committees and subcommittees
35 shall be prescribed by VSI's Policies and Procedures Manual, the House of Delegates, the Board of
36 Directors or the officer, coordinator or ~~chairman~~chair pursuant to whose powers such committee or
37 subcommittee was created.

38

39 607.7 REGULAR AND SPECIAL MEETINGS - Regular and special meetings of divisions, committees or
40 sub-committees of VSI shall be held as determined by the respective Vice-chairmen or committee or
41 sub-committee ~~chairman~~chair. In addition, meetings may be called where applicable by the division
42 vice-~~chairman~~chair, committee ~~chairman~~chair or coordinator pursuant to whose authority a committee or
43 sub-committee was established.

44

45 607.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Meetings of divisions, committees and sub-
46 committees shall be open to all members of VSI and USA Swimming. Matters relating to personnel,
47 disciplinary action, legal, taxation and similar affairs shall be deliberated and decided in a closed exe-
48 cutive session which only the respective members are entitled to attend. By a majority vote on a motion
49 of a question of privilege a division, committee or sub-committee may decide to go into executive ses-
50 sion on any matter deserving of confidential treatment or of personal concern to any member of the
51 division, committee or sub-committee.

1
2 607.9 VOICE AND VOTING RIGHTS OF DIVISION, COMMITTEE AND SUB-COMMITTEE
3 MEMBERS - The voice and voting rights of Board Members and Individual Members shall be as
4 follows:

5
6 .1 MEMBERS - Each division, committee and sub-committee member shall have both voice and vote
7 in the respective meetings.

8
9 .2 NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS - Unless entitled to vote under another
10 provision of these Bylaws, the General ~~Chairman~~Chair shall have voice but no vote in meetings
11 of divisions, committees and sub-committees.

12
13 .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the division, committee or
14 sub-committee may attend open meetings of the division, committee or sub-committee and be
15 heard in the discretion of the presiding officer. Unless entitled to vote under another provision of
16 these Bylaws, Individual Members shall have no vote in those meetings.

17
18 607.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of
19 a division, committee, or subcommittee may be taken without a meeting if all the division, committee,
20 or sub-committee members entitled to vote consent to the action in writing and the written consents
21 are filed with the records of the meetings. These consents shall be treated for all purposes as a vote
22 taken at the meeting.

23
24 607.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any division,
25 committee or sub-committee may participate in a meeting of the division, committee or sub-committee
26 through conference telephone or similar equipment by means of which all persons participating in the
27 meeting can hear each other at the same time. Participation by such means shall constitute presence in
28 person at a meeting.

29
30 607.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action
31 establishing a committee or subcommittee, a quorum of any committee or subcommittee shall consist of
32 those members present of the committee or subcommittee.

33
34 607.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions,
35 orders and other propositions coming before a division, committee or subcommittee shall be determined
36 by a majority vote.

37
38 607.13 PROXY VOTE - Voting by proxy in any meeting of a division, committee or sub-committee of VSI
39 shall not be permitted.

40
41 607.15 NOTICES

42
43 .1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action establishing
44 a committee or sub-committee, not less than forty-eight (48) hours notice in the case of notice
45 given by telephone, and six (6) days notice in all other cases, shall be given for any meeting of a
46 division, committee or sub-committee of VSI. Separate notices need not be given for regular
47 meetings that are scheduled well in advance. (See Section 616.1.5 for the various forms of
48 notice.)

49
50 .2 INFORMATION - The notice of a meeting shall contain the time, date and site.
51

1 fifteen (15) days of receipt of the audit report and shall advise USA Swimming national headquarters
2 within thirty (30) days following acceptance by the House of Delegates. Copies of any corresponding
3 federal income tax return required to be filed by VSI under the IRS Code shall be included with the
4 annual audit report sent to USA Swimming national headquarters.
5

6 608.3 STATE AND LOCAL REPORTS AND FILINGS - The Secretary shall cause to be made all reports and
7 non-tax filings and shall requisition from the Treasurer checks with which to pay any applicable fees
8 required by its state of incorporation and by any other state or municipality in which it operates.
9

10 608.4 PUBLIC AVAILABILITY OF CERTAIN INFORMATION - VSI shall cause to be made available at a
11 reasonable location and time determined by VSI to anyone requesting to see a copy of VSI's federal
12 income tax and information returns for each of the last three years, and a copy of the materials submitted
13 by USA Swimming to include VSI in USA Swimming's group exemption ruling as required pursuant to
14 IRS Code section 6104 and any similar requirements of applicable state or local laws.
15

16 608.5 ANNUAL AUDIT - An annual audit of the accounts, books and records of VSI shall be completed no
17 later than the end of the third month following the end of its fiscal year. The audit, or review, shall be
18 conducted by an independent auditor who shall be a certified public accountant or by the Audit
19 Committee. The audit shall cover any federal, state or local income tax return that VSI is required to file
20 under the IRS Code or applicable provisions of state or local law, rules or regulations, the balance sheet,
21 the statement of income and expenses, check register and bank statements and other records as is deemed
22 appropriate. If the audit, or review, is conducted by the Audit Committee or the Finance Committee, the
23 committee shall issue a report signed by all of its members and stating that the financial records and
24 reports of VSI have been reviewed and fairly present the financial condition of VSI as of the date of the
25 balance sheet and for the fiscal period of the statement of income and expenses and the report is true and
26 correct to the best of the Committee's knowledge, information and belief. If the audit, or review, is
27 conducted by an independent auditor, the report shall be in accord with generally accepted auditing
28 practices applicable to the audit or review, as the case may be.
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30 608.6 MEMBERSHIP AND REGISTRATION REPORTS - The Membership/Registration Coordinator
31 Administrator shall forward in a timely manner all required reports to the Executive Director of USA
32 Swimming. This report shall be accompanied by a remittance of the appropriate membership and
33 registration fees due to USA Swimming. The Membership/Registration Administrator shall make
34 periodic summary reports to the General ChairmanChair, the Administrative Vice-Chair, the Board of
35 Directors and the House of Delegates.
36

37 608.7 SAFETY REPORTS -
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39 .1 INCIDENT/OCCURRENCE REPORTS - An occurrence report providing all of the information
40 requested by applicable USA Swimming form should be completed at the time of the occurrence
41 by the meet director, officer, coach or club officer with copies to USA Swimming national
42 headquarters, the Safety Committee Chairman and the Administrative Vice-~~chairman~~chair and the
43 VSI office.
44

45 .2 REPORTS OF INJURIES - The Safety ChairmanChair shall present a report concerning swimming-
46 related injuries within the Territory at each House of Delegates and Board of Directors meeting.
47

48 A House of Delegates Reports - The report to the House of Delegates shall be written and
49 shall provide in summary form the pertinent information including whether the injured
50 party is a member of VSI and USA Swimming, the location of the occurrence and a brief
51 description of the incident, the resulting injury and the emergency-care steps taken,

1 together with any recommendation for action by VSI and its members to reduce the
2 likelihood of a re-occurrence and the status of that recommendation. The written report
3 shall include a review of the pertinent statistical information provided by USA Swimming
4 national headquarters. The Safety Chairman is responsible for distribution of this report to
5 each Club Safety Coordinator. A copy of each House of Delegates report shall also be sent
6 to the USA Swimming national headquarters.
7

8 B Board of Directors Reports - The regular report to the Board of Directors may be a
9 summary addressing primarily any recommendation for action by VSI and its members.
10

11 | .3 SAFETY EDUCATION - The Safety Chair~~man~~ shall be responsible for disseminating safety
12 information flowing from USA Swimming Headquarters and, with the assistance of the
13 Committee members, exploring safety education opportunities and developing a safety education
14 program tailored to VSI and its members and Territory.
15

16 608.8 MAILING ADDRESS - VSI shall notify in writing USA Swimming national headquarters of any
17 change in its regular mailing address within 14 days of the change.
18

19 608.9 REPORTS GENERALLY - VSI shall make all reports and remittances to USA Swimming as specified
20 in the USA Swimming Code or by the National Board of Directors or National House of Delegates, in
21 such a manner and on such written forms as may be requested by USA Swimming national headquarters.
22 | The General ~~Chairman~~Chair, the Membership/Registration ~~Coordinator~~ChairmanChair, the Secretary,
23 and the Treasurer shall be collectively responsible for seeing that all required reports and remittances are
24 made.
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27 **ARTICLE 609**
28 **MEMBERS' BILL OF RIGHTS**
29

30 609.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS - VSI, in furtherance of Article 301 of the USA
31 Swimming Code, shall respect and protect the right of every Individual Member who is eligible under
32 VSI, USA Swimming and FINA rules and regulations to participate in any competition as an athlete,
33 coach, trainer, manager, meet director or other official, so long as the competition is conducted in
34 compliance with VSI, USA Swimming and FINA requirements. Before any Individual Member is
35 denied the right to participate in a competition, the individual shall have the right to request and have a
36 hearing before, and a determination of, the Board of Review or the National Board of Review. If the
37 Individual Member is permitted to participate subject to a protest, a hearing and determination may take
38 place after the competition is concluded.
39

40 609. CLUB MEMBERS' BILL OF RIGHTS - VSI shall respect and protect the right of every Club Member
41 which is eligible under VSI, USA Swimming and FINA rules and regulations to participate in any
42 competition through its athletes, coaches, trainers, managers, meet directors and other officials, so long
43 as the competition is conducted in compliance with VSI, USA Swimming and FINA requirements.
44 Before any Club Member is denied the right to participate in a competition, the Club Member shall have
45 the right to request and have a hearing before, and a determination of, the Board of Review or the
46 National Board of Review. If the Club Member is permitted to participate subject to a protest, a hearing
47 and determination may take place after the competition is concluded.
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ARTICLE 610

BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL

610.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both a federal laws. ~~These That~~ laws requires USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section 602.2 and Article 609, and the USA Swimming Rules and Regulations ~~Code of Ethics~~ are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof, and a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, VSI has established the Board of Review to hear complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the Territory, conduct that may violate the USA Swimming Code of Conduct Ethics or otherwise violate the policies, procedures, rules and regulations adopted by USA Swimming or VSI, or conduct that may bring USA Swimming, VSI or the sport of swimming into disrepute. This Article, together with Part Four of USA Swimming Rules and Regulations, is intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of VSI or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people. This Article and Part Four of the Rules shall be construed accordingly.

610.2 DEFINITIONS FOR ARTICLE 610 - When used in this Article 610, the following terms shall have the meanings indicated in this Section and the definitions of such terms are equally applicable to both the singular and plural forms. Where a cross reference to another Section of the Bylaws appears within the definition, the definition is qualified by the more complete definition found in that Section:

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- .1 "Answer" shall mean the written response to a Protest and Notice filed in accordance with Section 610.6.1.C and served in the manner prescribed in Section 610.10.
 - .2 "ChairmanChair" when standing by itself shall mean the ChairmanChair of the Board of Review.
 - .3 "Notice" shall mean the writing addressed to the Respondent advising that the Respondent has been named a respondent in a Protest and served in accordance with Section 610.10. The Notice sets the hearing date and procedures and establishes the schedule to be followed leading to the hearing, among other things. See Section 610.2.3.
 - .4 "Presiding Officer" shall mean the ChairmanChair or another member of the Board of Review designated by the ChairmanChair to preside at a particular hearing or hearings. Where applicable the term shall include an attorney so designated pursuant to Section 610.3.12.B.
 - .5 "Protest" shall mean a written complaint filed in accordance with Section 610.6.1.A by a Group Member or an applicant for such status, or an Individual Member or applicant for such status or, with regard to conduct occurring in the Territory, a member of another LSC, against a member of VSI or a constituent element, officer or agent of VSI. The Protest may relate to an applicant's having been denied membership in VSI or a member's alleged infraction against its responsibilities under Section 602.2 or about a decision or action by someone acting under the authority of VSI or USA Swimming or, with regard to conduct in the Territory, another LSC.
 - .6 "Protestor" shall mean the Individual Member or Group Member that has filed a Protest with the Board of Review.

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- .7 "Rebuttal" shall mean the written response to an Answer by a Protestor filed in accordance with Section 610.6.1.D and served in the manner prescribed in Section 610.10.
 - .8 "Respondent" shall mean the person against whom a Protest has been filed with the Board of Review or who may be affected by a decision of the Board of Review regarding the Protest.
 - .9 "Vice-~~chairman~~Chair" when used by itself shall mean the Vice-~~chairman~~Chair of the Board of Review.

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11 610.3 BOARD OF REVIEW ORGANIZATION -

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- .1 ESTABLISHMENT - The Board of Review of VSI shall be independent and impartial.
 - .2 MEMBERS - The Board of Review shall have at least five (5) regular members. The Board of Review, and any panel hearing a case, shall have a sufficient number of athlete members to constitute at least 20% of its membership. The House of Delegates may increase the number of members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of members upon the expiration of the term of office of any incumbent members. When a matter is being heard by less than the full Board of Review, the panel hearing the case shall include a sufficient number of athlete members so as to constitute at least 20% of the hearing panel. No hearing shall proceed without the required athlete representation.
 - .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -
 - A Election - At its annual meeting in odd-numbered years, the House of Delegates shall elect members of the Board of Review.
 - B Term of Office - The term of office shall be two (2) years. Each member shall assume office on September 1 and shall serve until a successor takes office.
 - C Eligibility - Each member of the Board of Review shall be a Individual Member of VSI and USA Swimming. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review.
 - .4 ~~CHAIRMAN~~Chair ELECTED BY BOARD; OTHER OFFICERS - The ChairmanChair of the Board of Review ("Chair") shall be elected biennially by a majority vote of the members of the Board of Review. The ~~Chairman~~ shall biennially appoint a Vice-~~chairman~~Chair and a Secretary of the Board of Review.
 - .5 MEETINGS - The Board of Review shall meet for administrative purposes at least once biennially to elect the ChairmanChair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the ChairmanChair or any three regular members. When meeting for administrative purposes, those provisions of Article 607 that are specified in Section 607.18 shall apply to the Board of Review.
 - .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Review may participate in a meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.

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- .7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its members, including athlete members. (The rule prescribed in Section 610.5.1.C governs the quorum for hearings and rehearings conducted by the Board of Review.)
- .8 RESIGNATIONS - Any member of the Board of Review may resign by orally advising the ChairmanChair or by submitting a written resignation to the ChairmanChair, the General ChairmanChair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.
- .9 INCAPACITIES AND VACANCIES -
- A Office of ChairmanChair - In the event of a vacancy in the office of the ChairmanChair, or of the ChairmanChair's temporary or permanent incapacity, the Vice-chairmanChair shall become the Acting ChairmanChair until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former ChairmanChair, or until the ChairmanChair ceases to suffer from any temporary incapacity. If the ChairmanChair is going to be absent from the Territory, the ChairmanChair may, but is not obligated to, designate the Vice-chairmanChair as Acting ChairmanChair for the duration of the absence.
- B Presiding Officer - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the ChairmanChair shall appoint another member, an alternate member or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings or rehearings other than delay for the benefit of the new Presiding Officer. The ChairmanChair or the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the ChairmanChair shall have discretion regarding appointment of a new Presiding Officer, a delay of the hearing or rehearing or such other order as may serve the interests of fairness, justice and the sport of swimming.
- C Other Members - In the event of a death, resignation or permanent incapacity of a member of the Board of Review, the General ChairmanChair shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the ChairmanChair shall designate another member to act for the incapacitated member for the duration of the incapacity. If there are no members available to serve, the General ChairmanChair, with the advice and consent of the Board of Directors, shall appoint one or more Individual Members to serve as alternate members to serve until the next regularly scheduled meeting of the House of Delegates.
- D Determination of Vacancy or Incapacity - The determination of when a membership on the Board of Review becomes vacant or a member becomes incapacitated shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates. The determination as to when the ChairmanChair is temporarily incapacitated shall be made, where the circumstances permit, by the ChairmanChair and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates.

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.10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the ChairmanChair (or, if the person so unable or unwilling to act or recused or disqualified is the ChairmanChair, the Vice-~~chairmanChair~~; or failing that, the General ChairmanChair) shall appoint another member or, if none of the members is available, a disinterested Individual Member to act in the member's place and stead in respect of that circumstance.

.11 EXTENSIONS OF TIME - The time by which any act is required to be taken pursuant to this Article 610 may be extended or foreshortened by the ChairmanChair, or the Presiding Officer for a particular hearing, for good cause. (A single exception to this rule is provided in Section 610.6.4.) A party's request for an extension of time prior to the time established without regard to the requested extension will be accorded greater deference than a request made later. The time, date and location of any hearing may be changed by the ChairmanChair or the Presiding Officer for a particular hearing on his or her own initiative, as required by the interests of the Board of Review or in the interests of justice.

.12 ADVICE; ATTORNEY AS PRESIDING OFFICER -

A Legal and Other Advice - Where appropriate or helpful, the ChairmanChair or Presiding Officer may consult the USA Swimming General Counsel, ~~any member of the USA Swimming Counsellors Committee,~~ the Chairmen of the USA Swimming ~~Legislation,~~ Rules and Regulations or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of VSI, USA Swimming or the Board of Review) retained by the Board of Review or the ChairmanChair regarding any issue raised by a proceeding.

B Attorney as Presiding Officer - The Board of Review or the Chair~~man~~ may retain an attorney (who need not be a member of VSI, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may participate in the deliberations of the Board of Review or the designated panel but shall not be counted in determining the existence of a Quorum and shall not have a vote.

C Attorney's Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees to the attorney (the payment of expenses to an attorney providing services at no charge (*pro bono publico*) shall not be considered as a payment of fees for this purpose), the ChairmanChair or the Presiding Officer shall consult with the General ChairmanChair and the USA Swimming General Counsel. The Treasurer is authorized and directed to pay any fee and expenses charged by the attorney and approved by the ChairmanChair.

.13 CODE OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW; RECUSAL -

A Code of Conduct - Members of the Board of Review shall:

(1) uphold the integrity and independence of the Board of Review;

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(2) avoid any impropriety or even the appearance of impropriety in connection with service as a Board of Review member and swimming-related activities generally; and

(3) perform the duties of Board of Review membership impartially and diligently.

B Grounds for Recusal - Members of the Board of Review shall recuse themselves from participating in any matter pending before the Board of Review:

(1) in which their impartiality might reasonably be questioned;

(2) where they have a personal bias or prejudice concerning a party in the matter pending before the Board of Review or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Board of Review member);

(3) where they or a member of their household are a party or are likely to be a material witness in the pending matter;

(4) where they or a member of their household have an interest that could be substantially affected by the outcome of the proceeding; or

(5) where they or a member of their household have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.

C Recusal by Member - Board of Review members shall recuse themselves as soon as they become aware of facts that give rise to the duty to do so by giving notice to the ~~ChairmanChair~~, or in the case of the ~~ChairmanChair~~, the Vice-~~chairmanChair~~.

D Recusal/Disqualification Requested by Party - By written notice to the Presiding Officer or the ~~ChairmanChair~~, or, in the case in which the ~~ChairmanChair~~ is the subject of the notice, the Vice-~~chairmanChair~~, any party may request that the members recuse themselves or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification. Such notice shall be given at least ten (10) Business Days prior to the scheduled date of the hearing on such matter or later if the party sustains the burden of proving good cause for the lateness of the notice. The named member shall reach a decision on the matter and notify the ~~ChairmanChair~~ or the Vice-~~chairmanChair~~ of that decision within five (5) Business Days of receipt of the party's notice. If the member's decision is not in favor of recusal, then the ~~ChairmanChair~~ or the Vice-~~chairmanChair~~ may, but is not required to, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted and the party giving the notice may appeal the disqualification decision, together with the hearing decision, pursuant to Section 610.5.2.

E Substitution for Recused or Disqualified Member - In the event of a recusal or a disqualification, a substitute shall be appointed as provided in Section 610.3.10.

1 610.4 GENERAL JURISDICTION -
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3 .1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:
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- 5 A administer and conduct the affairs and achieve the purposes of the Board of Review,
- 6 B establish policies, procedures and guidelines,
- 7 C elect the ChairmanChair in accordance with Section 610.3.4,
- 8 D elect or provide for the appointment of other officers, agents, committees or coordinators to
9 hold office for terms, and to have the powers and duties, specified,
- 10 E call regular or special meetings of the Board of Review,
- 11 F retain attorneys, agents and independent contractors and employ those persons which the
12 Board of Review may determine are appropriate, necessary or helpful in the administration
13 and conduct of its affairs and
- 14 G take such action as may otherwise be appropriate, necessary or helpful in the administration
15 and conduct of its affairs, the achievement of its purposes and the efficient exercise of its
16 duties and powers.
17

18 .2 RULE MAKING POWERS - The Board of Review shall have the power and the duty to promulgate
19 reasonable rules and procedures, consistent with the VSI Corporation laws, with respect to any
20 matter within its jurisdiction or appropriate, necessary or helpful in the administration and
21 conduct of its affairs. The rules and procedures adopted by the Board of Review shall have the
22 same force and effect as if they had been adopted as part of these Bylaws.
23

24 .3 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may investigate and conduct
25 hearings, make and publish decisions and orders with regard to any matter affecting VSI, its status
26 or conduct as a Local Swimming Committee or the administration of the sport of swimming in the
27 Territory which involves:
28

- 29 A VSI and (1) a member or members of VSI or (2) a member or members of another LSC
30 solely with respect to conduct or events occurring within the Territory or a combination of
31 persons described in clauses (1) and (2), or
32
- 33 B only a member or members of VSI, or
34
- 35 C with respect to conduct or events occurring outside the Territory, (1) VSI and a member or
36 members of VSI or (2) only a member or members of VSI.
37

38 The jurisdiction of the Board of Review is limited in the case of matters described in sections 401.3.1
39 and 401.3.3 of the USA Swimming Code (with regard to the original and exclusive jurisdiction of the
40 National Board of Review) and may be further limited to the extent provided in an order issued pursuant
41 to section 401.3.2 of the USA Swimming Code (pertaining to certain discretionary jurisdiction of the
42 National Board of Review).
43

44 .4 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the
45 ChairmanChair or the Presiding Officer, the exercise of the authority and powers of the Board of
46 Review and the decision of matters which are the subject of a hearing shall be decided by a
47 majority vote of the panel, the rehearing panel or the regular membership of the Board of Review.
48 The views of any dissenters shall be included in the record of the proceeding if requested by the
49 dissenters. The exercise of the Board of Review's authority and power shall lie ~~lye~~ solely in its
50 discretion and the interests of justice and the sport of swimming. However, the Board of Review
51 shall exercise its power in response to a timely Protest filed with it, subject, in appropriate

1 | circumstances, to the power and discretion of the ~~Chairman~~Chair or Presiding Officer to dismiss a
2 | Protest with permission to refile for a stated period. In connection with any preliminary
3 | investigation, the ~~Chairman~~Chair or Presiding Officer may offer the services of a Board of
4 | Review member to act as a mediator or similar positions under other alternative dispute resolution
5 | mechanisms.
6 |

7 | .5 TIMELINESS OF PROTEST - The ~~VSI~~ Board of Review need not exercise its jurisdiction with
8 | respect to a Protest the subject matter of which occurred, or concerns or is founded on events
9 | which occurred, more than ninety (90) days prior to the date the Protest is received (as determined
10 | under Section 610.10), ~~or in the case of subject matter that relates to a conviction, or actions~~
11 | ~~which could be the basis of a conviction, for a crime (including felony, misdemeanor and lesser~~
12 | ~~crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to~~
13 | ~~protect minors or similar offenses, more than five (5) years prior to that date.~~ A determination not
14 | to exercise its jurisdiction as a result of the untimeliness of a Protest may be the subject of a
15 | request for rehearing and, thereafter, appeal to the National Board of Review pursuant to Section
16 | 610.9.
17 |

18 | .6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of
19 | generally applicable fees to be collected at the time a Protest, Request for a Rehearing or Request
20 | for Formal Hearing following an Emergency Hearing is filed with the Board of Review. If, on its
21 | own initiative or upon written request, the Board of Review determines it to be in the interest of
22 | justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.
23 |

24 | .7 POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES -
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26 | A Remedies and Penalties - The Board of Review, after conducting such hearings as it may
27 | determine to be necessary or helpful, may, among other remedies:
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- 29 | (1) dismiss the Protest with or without permission to refile;
- 30 | (2) censure or fine;
- 31 | (3) establish a period of probation;
- 32 | (4) prohibit or mandate future actions, inaction or conduct;
- 33 | (5) determine the results of, or require a rerun of, any election held by VSI or any
34 | constituent element thereof;
- 35 | (6) vacate, modify, sustain, reverse, remand or stay any decision or order of a smaller
36 | panel of the Board of Review, the House of Delegates, the Board of Directors, any
37 | officer, division or committee, coordinator or official of VSI;
- 38 | (7) interpret any provision of the FINA rules and regulations to the extent not pre-
39 | preempted by FINA, the USA Swimming Code (except for Part One), the USA
40 | Swimming Code of Ethics, these Bylaws, other policies, rules, regulations and
41 | procedures of USA Swimming or VSI, the Amateur Sports Act of 1978, a federal
42 | law, and other applicable laws, rules and regulations and adjudicate alleged
43 | inconsistencies and claims of supremacy and invalidity;
- 44 | (8) deny, grant, suspend or restore the eligibility or right to compete of an Athlete
45 | Member of VSI and USA Swimming;
- 46 | (9) deny, grant, suspend or restore membership in VSI and USA Swimming for a
47 | definite or indefinite period of time, with or without terms of probation, or expel
48 | any Group Member or Individual Member of VSI and USA Swimming, including
49 | any administrator, athlete, coach, trainer, manager, meet director, official, officer,
50 | Board Member, House of Delegates representative of a Group Member, coordinator
51 | or ~~chairman~~chair or member of any committee or sub-committee;

- 1 (10) prohibit for a definite or indefinite period of time the participation by a non-member
2 volunteer or other person in any capacity whatsoever in the affairs of USA
3 Swimming, VSI, its Group Members or other LSCs and their Group Members;
4 (11) assess costs, including any filing fee and attorneys fees and expenses, to the
5 prevailing party or refund any filing fee paid by the prevailing party; and
6 (12) any combination of any of the foregoing or any other remedies deemed appropriate
7 in the circumstances.
8

9 B Preliminary Hearing and Temporary Orders - In appropriate cases, the Board of Review,
10 after an initial investigation and/or a preliminary hearing, may make in its discretion
11 temporary orders for the good of the sport of swimming. The temporary order may
12 encompass any remedy or order permissible in a final decision and may include, by way of
13 example, suspending membership, granting the right to participate or coach in a
14 competition, permitting an athlete to compete subject to protest or offering or ordering the
15 parties to attempt to resolve their differences pursuant to mediation or other alternative
16 dispute resolution mechanisms prior to any hearing before the Board of Review. These
17 orders may be made effective pending full hearings by the Board of Review or the
18 conclusion of administrative or judicial proceedings of other bodies addressing the same or
19 similar issues or on other terms as determined by the Board of Review. Instances in which
20 such temporary orders might be made include cases in which a member has been indicted
21 or otherwise formally charged with or accused of committing a crime (including felony,
22 misdemeanor and lesser crimes) involving sexual misconduct, child abuse, a violation of a
23 law specifically designed to protect minors or similar offenses. Temporary orders may not
24 be separately appealed prior to the decision being issued in the proceeding unless the
25 [ChairmanChair](#) or the [ChairmanChair](#) of the National Board of Review in their discretion
26 grant permission to an aggrieved party to appeal the temporary orders prior to the final
27 Board of Review decision in the matter.
28

29 C Grounds (Reasons) for Imposition - The Board of Review may fashion remedies and orders
30 and impose penalties with respect to any Group or Individual Member or non-member
31 volunteer of VSI or of a Group Member (1) who has violated any of the regulations, rules,
32 policies or procedures of VSI, USA Swimming or FINA, including any of the
33 responsibilities of membership set forth in Section 602.2, (2) who aids, abets, instigates or
34 encourages another to violate any of such regulations, rules or policies, (3) who is
35 responsible for any such violation by another under Section 602.2.2, (4) who has been
36 convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual
37 misconduct, child abuse, violation of a law specifically designed to protect minors or
38 similar offenses, or who is found by the Board of Review to have committed actions which
39 would be the basis for a conviction, or (5) who has acted in a manner which has brought, or
40 may bring, into disrepute VSI, USA Swimming or the sport of swimming.
41

42 D Power to Impose Conditional Remedies and Penalties, Etc. - The Board of Review may
43 stay its decision, in whole or in part, subject to specified conditions, with the decision
44 taking effect automatically if such conditions occur.
45

46 610.5 HEARINGS AND REHEARINGS GENERALLY -

47 .1 HEARINGS -
48
49

- 1 | A Hearings Conducted by [ChairmanChair](#) or Presiding Officer - Hearings of the Board of
2 | Review shall be conducted by the [ChairmanChair](#) or a Presiding Officer designated by the
3 | [ChairmanChair](#).
4 |
5 | B Hearing by Panel - The Board of Review may, in the discretion of the [ChairmanChair](#),
6 | conduct hearings either before the full Board of Review or before panels of its members,
7 | provided that in any event each panel shall consist of at least three (3) members [which must](#)
8 | [include adequate athlete participation](#). A panel shall have all of the powers of the Board of
9 | Review solely with respect to matter(s) assigned to it by the [ChairmanChair](#).
10 |
11 | C Quorum of Panel - At least three (3) members of a designated panel (or of the full Board of
12 | Review) must be present at any initial hearing before the panel and at least the lesser of the
13 | full membership or five (5) members must be present at any rehearing.
14 |
15 | D Permissible Hearing Formats - A hearing before the Board of Review may be conducted
16 | through the receipt of the procedural documents and other written statements or a hearing
17 | at which the parties may appear in person or by means of communications equipment
18 | described in Section 610.3.6 and testimony may be taken and other forms of pertinent
19 | information presented in addition to oral argument by the parties or their counsel, as
20 | determined by the [ChairmanChair](#) or Presiding Officer. In the discretion of the
21 | [ChairmanChair](#) or the Presiding Officer, the hearing may be conducted in part through
22 | written means and in part by testimony and oral argument.
23 |
24 | E Right to Counsel - The Protestor, the Respondent and any other person participating in a
25 | hearing conducted by the Board of Review shall be entitled to be represented by counsel of
26 | their choice at their own expense.
27 |
28 | F Rules of Evidence - Judicial rules regarding admissibility of evidence shall not apply to the
29 | Board of Review. Thus, hearsay, letters, affidavits, news media articles and reports, etc., as
30 | well as direct testimony taken from witnesses present at a hearing, are all admissible to the
31 | extent the Presiding Officer is satisfied as to the relevance and non-repetitive nature of the
32 | evidence. Similarly, claims of privilege (other than attorney-client and privileges that
33 | under applicable Federal and state laws the Board of Review is required to recognize) shall
34 | not be entertained by the Board of Review, except in extraordinary circumstances. Proper
35 | weight shall be given to each type of evidence considering the source and other common
36 | sense factors.
37 |

38 | .2 REHEARINGS -
39 |

- 40 | A Circumstances Permitting; Rehearing Body - At the request of the Protestor, the
41 | Respondent or any other interested party, any matter which was decided by a panel of less
42 | than seven (7) members may be reheard by the full Board of Review (or, if the Board of
43 | Review is larger than seven (7) members, by a panel of at least seven (7) members
44 | designated by the [ChairmanChair](#) in his discretion). Members of the initial hearing panel
45 | may be members of the rehearing panel.
46 |
47 | B Right to a Rehearing; Discretion of [ChairmanChair](#) - A rehearing shall be granted as a
48 | matter of right in instances in which the original panel consisted of less than seven
49 | members and the decision was not unanimous and at the discretion of the [ChairmanChair](#)
50 | in all other instances.
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- C Time within which a Rehearing may be Requested - The Protestor, each Respondent or other party may request, within ten (10) Business Days of the date of receipt of the initial written decision, that the decision of a Board of Review panel be reheard.
 - D Failure to Request a Rehearing - A person may not appeal pursuant to Section 610.9 a decision of a panel of less than seven members without first making a timely request for a rehearing.
 - E Decision of [ChairmanChair](#) on Request; Notice of Rehearing -
 - (1) Discretionary Rehearings - With respect to requests for a rehearing that are discretionary, the [ChairmanChair](#), in the same manner in which decisions are rendered, shall either grant or deny the request within ten (10) Business Days of the receipt of the request.
 - (2) Non-Discretionary Rehearings - With respect to requests for a rehearing that are not discretionary, within ten (10) Business Days of the receipt of the request, the [ChairmanChair](#) shall schedule a rehearing.
 - (3) Rehearing Notice; Affect of Inaction - In either case, the [ChairmanChair](#) shall notify all parties to the initial hearing of the rehearing, its time and date and the method by which the rehearing will be conducted. If the [ChairmanChair](#) does not take action within ten (10) Business Days, the decision of the panel shall be considered final and any of the parties may appeal the decision in accordance with Section610.9.
 - F Fresh Start Hearing or On the Record Rehearing - The rehearing panel at the discretion of the [ChairmanChair](#) or the Presiding Officer may conduct an entirely new hearing or may make its decision based on the record created by the initial panel supplemented by whatever written memoranda or oral argument may be requested by the [ChairmanChair](#) or the Presiding Officer. The record shall include the Protest, the Notice of Charges, the Answer, the Rebuttal, any temporary orders or partial decisions made and the Notice of Decision, together with any additional memoranda and written evidence filed by the parties. To the extent applicable, the procedures for a formal hearing shall apply to a rehearing. See Sections 610.5.1 and 610.1.E.
- .3 CLOSED HEARINGS - Any hearing, or a part thereof, shall be closed to everyone except members of the Board of Review, the Presiding Officer, an attorney advising the Presiding Officer, the Protestor, the Respondent, any other party, their counsel and any witnesses at the request of any of the parties and may be closed at the discretion of the [ChairmanChair](#) or the Presiding Officer as being in the best interests of justice and the sport of swimming. If a hearing is closed, the Board of Review may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by VSI and USA Swimming.
- .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within which any act is required to be taken pursuant to this Article 610 appears in Section 610.3.11.
- .5 ACCELERATED HEARING SCHEDULE - With the agreement of all parties to a hearing, the [ChairmanChair](#), or the Presiding Officer for the hearing, may order an accelerated hearing schedule in the interest of justice and the sport of swimming.

1 610.6 HEARING PROCEDURES - The procedures to be followed in connection with all hearings shall be as
2 follows:

3
4 .1 FORMAL HEARING -

5
6 A Protest - The Protestor shall submit to the ~~Chairman~~Chair of the Board of Review (if
7 submitted to the General ~~Chairman~~Chair the statement is not defective, but the allowable
8 period of time for the Notice shall not commence until the statement is received by the
9 ~~Chairman~~Chair) a written statement setting forth a description of the action, inaction or
10 conduct that is believed to have been improper or incorrect, and the name of the person or
11 group believed to have acted improperly or the circumstances believed to require answers,
12 explanation or clarification. This written statement becomes the Protest under Section
13 610.2.5. The Protest shall be accompanied by any filing fee due under Section 610.4.6 or
14 by an application for waiver of the fee.

15
16 B Notice - Each Respondent shall be given a written notice of the Protest. This written notice
17 becomes the Notice under Section 610.2.3. The Notice shall be sent to each Respondent's
18 last known address (determined in accordance with the provisions of Section 0) by certified
19 or express mail, return receipt requested, by Federal Express, signature required, or by
20 personal service. If the Respondent is VSI or an officer, Board Member, committee or sub-
21 committee ~~chairman~~chair or coordinator or an official, the Notice shall be also given to the
22 General ~~Chairman~~Chair, the Administrative Vice-~~Chairman~~Chair and the Secretary at VSI's
23 office. The Notice shall be given as soon as practical following the conclusion of any
24 preliminary investigation made by or on behalf of the Board of Review, but in no event
25 later than fourteen (14) Business Days (twenty (20) Business Days if advice is sought
26 under Section 610.3.12.A) after the receipt of the Protest by the ~~Chairman~~Chair. The form
27 of Notice (an example of which can be found in Appendix B to these Bylaws) shall
28 include:

- 29
30 (1) a statement in reasonable detail of the charges against each Respondent, or of the
31 circumstances that are believed to require answers, explanation or clarification. A
32 copy of the Protest received by the Board of Review, if any, shall be attached to the
33 Notice;
34
35 (2) a statement that the Respondent has the right to have counsel of his own choice to
36 represent him, at his own expense, at any hearing;
37
38 (3) a description of the type of hearing to be held. In the case of an in-person hearing,
39 the Notice shall request each Respondent to appear before the Board of Review with
40 counsel and witnesses, if any;
41
42 (4) a date, time and location at which the hearing will be held. The date of the hearing
43 shall be not less than thirty (30) days nor more than sixty (60) days after the date of
44 transmission of the Notice;
45
46 (5) a request that each Respondent answer in writing all of the charges set forth in the
47 Notice. The Notice shall state that this answer is to be delivered at least ten (10)
48 Business Days prior to the date of the hearing, to the Presiding Officer designated in
49 the Notice, at the specified address, with a copy to the Protestor and the Protestor's
50 counsel, if any, and anyone else specified in the Notice at the addresses designated
51 in the Notice with delivery in accordance with Section 610.10.2; and

1
2 (6) a statement of the right of appellate review (including the right, if any, to a
3 rehearing) in the event the decision is rendered against the Respondent.
4

5 C Answer by Respondent - Each Respondent's response to the Notice and Protest shall be in
6 writing and delivered to the Presiding Officer designated in the Notice, at least ten (10)
7 Business Days prior to the date of the hearing, with a copy to the Protestor and his counsel
8 and anyone else specified in the Notice at the addresses designated in the Notice. This
9 written statement becomes the Answer under Section 0. The Answer shall be delivered in
10 accordance with Section 0.
11

12 D Rebuttal by Protestor - The Protestor may, but is not required to, offer a rebuttal to the
13 Respondent's Answer. Any rebuttal shall be in writing and delivered to the Presiding
14 Officer designated in the Notice, at least five (5) Business Days prior to the date of the
15 hearing, with copies to each Respondent and his counsel at the addresses specified in the
16 Answer and to anyone else specified in the Notice at the addresses designated in the
17 Notice. This written statement becomes the Rebuttal under Section 610.2.7. The Rebuttal
18 shall be delivered in accordance with Section 610.10.2.
19

20 | ED Conduct of Hearing -
21

22 (1) Generally - Hearings shall be conducted in an orderly fashion, but without regard
23 for the formalities of traditional court room procedures. The hearing shall be
24 conducted in a manner conducive to the establishment of the truth and the interests
25 of fairness, justice and the sport of swimming. The Presiding Officer is responsible
26 for keeping the parties and their counsel, if any, focused on the issues at hand and
27 the necessary elements of proof and for enforcing the ordinal rule that no one may
28 speak who has not been recognized by the Presiding Officer. For hearings
29 conducted other than entirely through the receipt of written statements, the Board of
30 Review shall cause a recording or transcription to be made of the hearing. No
31 record of the deliberations of the Board of Review need be kept and, if kept, shall
32 not be available to anyone other than the members of the Board of Review, the
33 Presiding Officer and counsel to the Board of Review.
34

35 (2) Absence of a Party - The hearing may proceed in the absence of any party who fails
36 to be available at the appointed time and judgment shall not be reached merely
37 because of that person's absence. If the Presiding Officer determines that in the
38 interests of justice and the sport of swimming, the hearing cannot proceed without
39 the absent party, the Presiding Officer may adjourn the hearing and reschedule it for
40 such time as the absent party can be present. Any subsequent absence may be taken
41 into account by the Board of Review in reaching its decision.
42

43 (3) Sequence - The hearing shall be opened by the recording of the place, time and date
44 of the hearing and the presence of the members of the Board of Review, the parties,
45 counsel, if any, and any other witnesses or observers. Each party (Protestor first,
46 Respondent second) may then present a brief opening statement setting forth the
47 party's view of the issues in dispute, the relief sought and what they hope to prove
48 by the presentation of evidence. The Protestor's claims, evidence and witnesses
49 shall be presented. The Respondent's defenses, claims, evidence and witnesses shall
50 then be presented. In the discretion of the Presiding Officer, the Protestor may then
51 be allowed to rebut any testimony or evidence presented by the Respondent after the

1 Respondent's initial presentation. In the discretion of the Presiding Officer, the
2 Respondent may be permitted to rebut any testimony or evidence presented by the
3 Protestor during the Protestor's rebuttal presentation. Finally, each party (in the
4 same order) shall be entitled to make a brief summation of that party's case.
5

6 (4) Rules of Evidence; Witnesses' Testimony - The rules of evidence governing the
7 hearing are set forth in Section 610.5.1.F. Each witness may present testimony
8 initially either in the form of questions and answers between the witness and
9 counsel or in uninterrupted narrative. The Presiding Officer and the members of the
10 Board of Review may question any person at any time during the hearing. Thus, for
11 example, in an exercise of discretion, the Presiding Officer could call a witness who
12 has not yet been called or whom no party intended to call and propound questions
13 to, or elicit narrative testimony from, that witness. Witnesses shall be subject to
14 cross examination by the other party and to questioning by the Presiding Officer and
15 members of the Board of Review. All parties will be expected to be available for
16 questioning by the Board of Review, whether or not they may have given other
17 testimony at the hearing.
18

19 (5) Variance of Procedures - The Presiding Officer shall have wide discretion to vary
20 these procedures in the interests of justice, the sport of swimming and efficiency,
21 but in doing so shall afford all parties a full and substantially equal opportunity to
22 present any material or relevant proofs. A hearing may be adjourned by the
23 Presiding Officer at the request of a party or on the Presiding Officer's initiative
24 where an adjournment will serve the interests of fairness, justice and the sport of
25 swimming. If a hearing is adjourned, the continuance shall be scheduled for any
26 early date of mutual convenience, but in the discretion of the Presiding Officer.
27 Justice and the sport of swimming ordinarily will be best served by an expeditious
28 resumption and conclusion to the hearing.
29

30 F Decision of Board of Review - The decision of the Board of Review may be rendered at
31 the time of the hearing and, if not so rendered, as soon as possible thereafter and in no
32 event more than ten (10) Business Days after the conclusion of the hearing. The decision
33 shall include findings of facts and a statement of remedies ordered or penalties imposed, if
34 any, and a statement setting forth the rights of the parties to appeal the decision. The
35 decision shall be in writing, or in case of a decision rendered at the hearing, reduced to
36 writing promptly, and delivered to the Protestor, each Respondent, their respective counsel,
37 any other party to the proceeding, the General ~~Chairman~~Chair and the Secretary of VSI, the
38 Chairman~~Chair~~ of the National Board of Review and the General Counsel of USA
39 Swimming in accordance with Section 610.10.2.
40

41 .2 EMERGENCY HEARING -
42

43 A Reasons for Emergency Hearing - When compliance with the formal hearing procedures
44 would be likely not to produce a sufficiently early decision to provide justice to the affected
45 parties or to be in the best interest of the sport of swimming, the Board of Review is
46 authorized to summarily hear and decide any matter relating to a scheduled competition or
47 other matter of similar urgency.
48

49 B Notice of Emergency Hearing - Each Respondent shall be given such notice of the hearing
50 as time and circumstances may reasonably dictate. The notice may be oral or in writing,

1 and shall substantially comply with the notice requirements set forth in Section 610.2.3
2 insofar as the emergent nature of the issue permits.
3

4 C Conduct of Emergency Hearing - The hearing may be conducted at any location likely to
5 contribute to expeditious resolution of the Protest, including the site of a swimming
6 competition, but in any event under such circumstances so as to fairly protect the right of
7 procedural due process of the Respondent. All or some of the participants in the hearing
8 may participate by telephone conference equipment. If at least three members of the Board
9 of Review are not available due to time constraints, the [ChairmanChair](#), the Vice-
10 [chairmanChair](#) or the General [ChairmanChair](#) is authorized to appoint one or more
11 Individual Members to serve as the Board of Review solely for the purpose of conducting
12 this emergency hearing. The hearing shall substantially comply with the hearing
13 procedures set forth in Section 610.6.1.E insofar as the emergent nature of the hearing
14 permits.
15

16 D Decision of Board of Review - The decision of the Board of Review shall be rendered at
17 the time of the hearing or as soon as possible thereafter in keeping with the emergent
18 circumstances. The decision shall include findings of facts and a statement of remedies
19 ordered, if any, and a statement of the right to request a subsequent formal hearing. The
20 decision shall be in writing, or in case of a decision rendered orally at the hearing, reduced
21 to writing within ten (10) Business Days thereafter and delivered to the Protestor, the
22 Respondent, their counsel, any other parties to the proceeding, the [ChairmanChair](#), the
23 General [ChairmanChair](#) and the Secretary of VSI, the [ChairmanChair](#) of the National
24 Board of Review and the General Counsel of USA Swimming in accordance with Section
25 610.10.2.
26

27 E Right to a Subsequent Formal Hearing - If either the Protestor or the Respondent shall
28 deliver to the [ChairmanChair](#) a written request for a further hearing within ten (10)
29 Business Days of the date of receipt of the written decision resulting from the emergency
30 hearing, a formal hearing shall be held as a new proceeding in accordance with Section
31 610.6.1, as though the emergency hearing had not taken place. Failure to make this request
32 in a timely manner shall preclude the aggrieved party from making an appeal as provided
33 in Section 610.9.
34

35 .3 STAY OF DECISION PENDING APPEAL - The Board of Review shall have the authority and
36 discretion, but not the duty, to stay its decision, in whole or in part, subject to specified conditions,
37 during the time allowed to demand a further hearing after an emergency hearing, a rehearing or to
38 appeal as provided in Section 610.9, with the decision going into effect automatically if those
39 conditions occur or if no demand or appeal is filed during the allowable period or at such time as
40 a perfected appeal is terminated without the decision being modified by the appellate authority.
41

42 .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within which any act is
43 required to be taken pursuant to this Article 610 appears in Section 610.3.11. Nevertheless, the
44 time within which the Notice required by Section 610.2.3 must be transmitted may not be
45 extended without the consent of the Protestor or the USA Swimming General Counsel.
46

47 610.7 FINALITY OF BOARD OF REVIEW DECISIONS - Except as otherwise provided in this Article 610
48 with regard to rehearings, appeals and emergency hearings or in Article Nine of the Constitution of the
49 United States Olympic Committee and in Chapter Nine of its bylaws with respect to binding arbitration
50 in disputes involving the rights of certain individuals to participate in competition, the decision of the
51 Board of Review shall be final in all cases.

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610.8 FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS - Final decisions of the Board of Review of another Local Swimming Committee or the National Board of Review shall, where relevant and necessary, be recognized and fully enforced by VSI. Those final decisions may not be attacked or reopened in any proceeding before the VSI Board of Review other than one seeking enforcement of that decision.

610.9 APPEAL FROM BOARD OF REVIEW DECISIONS - Except to the extent that any appeal is precluded by Sections 610.6.2.D or 610.6.2.E, any person, including the Protestor and the Respondent, having an actual, direct interest in any matter decided by the Board of Review under this Article may appeal the decision to the National Board of Review. An appeal must be taken within thirty (30) Business Days from the date of the written notice of the decision of the Board of Review. The appeal to the National Board of Review must be in writing, timely filed with the USA Swimming Executive Director and accompanied by the appellate filing fee established by USA Swimming. Upon timely request to the [Chairman/Chair](#) of the National Board of Review and upon a showing of good cause, the time for appeal from the decision of the Board of Review may be extended.

610.10 NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND DETERMINATIONS OF TIMELINESS -

.1 NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF VSI -

A VSI Members Generally - In each case, where notices or other hearing-related documents are to be delivered to a member of VSI, it shall be sufficient to deliver the notice or other document to the member's last known address in accordance with Section 616.1.5.

B Minors - In the case of notices directed to VSI members less than eighteen (18) years of age on the date of the alleged infraction (determined by reference to the member's latest registration application), a second copy shall be sent by registered mail with delivery restricted to the child's parent or guardian at the same address or such other address as can reasonably be ascertained.

.2 METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS - With the exception of the Notice (see Sections 610.2.3 and 610.6.2.B), all documents transmitted pursuant to this Article 610 shall be transmitted to each of the parties, their respective counsel, if any, the Presiding Officer and anyone else specified in the Notice. Documents shall be delivered to the persons specified at the addresses specified in the Notice or later documents or as determined in accordance with Section 610.10. Documents may be delivered by any of the following methods of service: by personal service, by certified or express mail, return receipt requested, by Federal Express, signature required, by electronic mail or facsimile transmission with receipt of the transmission confirmed orally or by other methods of transmission permitted by this paragraph.

.3 DETERMINATIONS OF TIMELINESS - The rules provided in Section 616.1.5 shall apply in the determination of the timeliness of any notice or other action under this Article 610.

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ARTICLE 611
ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION

611.1 NON-PROFIT AND CHARITABLE PURPOSES - As stated in Section 601.2, VSI is organized exclusively for charitable and educational purposes and for the purpose of fostering national or international amateur sports competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of these Bylaws, VSI shall not, except to an insubstantial degree, (1) engage in any activities or exercise any powers that are not in furtherance of the purposes and objectives of VSI or (2) engage in any activities not permitted to be carried on by: (A) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.

611.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of VSI are irrevocably dedicated to the purposes set forth in Sections 601.2 and 611.1 of these Bylaws. No part of the net earnings, properties or assets of VSI shall inure to the benefit of any private person or any member, officer or director of VSI.

611.3 AMENDMENTS - Any provision of these Bylaws not mandated by USA Swimming may be amended at any meeting of the House of Delegates by a two-thirds vote of the members present and voting. Amendments so approved shall not take effect until reviewed and approved by the USA Swimming [Rules and Regulations Committee Legislation Sub-committee](#). [These Bylaws shall be deemed amended ninety \(90\) days after the conclusion of any annual meeting of USA Swimming at which the corresponding provisions of Part Six of the USA Swimming Rules and Regulations are amended \(or such later effective date established in the amending USA Swimming Legislation\) to the extent that such amendment affects a provision required to be included herein or is itself required to be included herein, unless VSI shall have requested permission of the USA Swimming Rules and Regulations Committee not to have such amendment take effect with respect to these Bylaws.](#)

611.4 DISSOLUTION - VSI may be dissolved only upon a two-thirds majority vote of all the voting members of the House of Delegates. Upon dissolution, the net assets of VSI shall not inure to the benefit of any private individual, unincorporated organization or corporation, including any member, officer or director of VSI, but shall be distributed to United States Swimming, Inc., to be used exclusively for educational or charitable purposes. If United States Swimming, Inc., is not then in existence, or is not then a corporation which is exempt under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, the net assets of VSI shall be distributed to a corporation or other organization meeting those criteria and designated by the House of Delegates at the time of dissolution, to be used exclusively for educational or charitable purposes.

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ARTICLE 612
INDEMNIFICATION

612.1 INDEMNITY - VSI shall indemnify, protect and defend, in the manner and to the full extent permitted by law, any Indemnified Person in respect of any threatened, pending or completed action, suit or proceeding, whether or not by or in the right of VSI, and whether civil, criminal, administrative, investigative or otherwise, by reason of the fact that the Indemnified Person bears or bore one or more of the relationships to VSI specified in Section 612.3 and was acting or failing to act in one or more of

1 those capacities or reasonably believed that to be the case. Where specifically required by law, this
2 indemnification shall be made only as authorized in the specific case upon a determination, in the
3 manner provided by law, that indemnification of the Indemnified Person is proper in the circumstances.
4 VSI may, to the full extent permitted by law, purchase and maintain insurance on behalf of any
5 Indemnified Person against any liability that could be asserted against the Indemnified Person.
6

7 612.2 EXCLUSION - The indemnification provided by this Article 612, shall not apply to any Indemnified
8 Party whose otherwise indemnified conduct is finally determined to have been in bad faith, self-dealing,
9 gross negligence, wanton and wilful disregard of applicable laws, rules and regulations, of the USA
10 Swimming Code, of the USA Swimming Code of Ethics or these Bylaws or who is convicted of a crime
11 (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation
12 of a law specifically designed to protect minors or similar offenses, or who is found by the Board of
13 Review or the National Board of Review to have committed actions which would be the basis for a
14 conviction and, in each case, the otherwise indemnifiable conduct (or failure to act) was, or was directly
15 related to, the predicate acts of the conviction or finding.
16

17 612.3 INDEMNIFIED PERSONS - As used in this Article 612, "Indemnified Person" shall mean any person
18 who is or was a Board Member, Board of Review ~~Chairman~~Chair, Vice-~~chairman~~Chair, Presiding
19 Officer or member, Group Member Representative, officer, official, coach, committee ~~chairman~~chair or
20 member, coordinator, volunteer, employee or agent of VSI, or is or was serving at the direct request of
21 VSI as a director, officer, Group Member Representative, meet director, official, coach, committee
22 ~~chair~~chairman or member, coordinator, volunteer, employee or agent of another person or entity
23 involved with the sport of swimming.
24

25 612.4 EXTENT OF INDEMNITY - To the full extent permitted by law, the indemnification provided in this
26 Article shall include expenses (including attorneys' fees, disbursements and expenses), judgments, fines,
27 penalties and amounts paid in settlement, and, except as limited by applicable laws, these expenses shall
28 be paid by VSI in advance of the final disposition of such action, suit or proceeding. If doubt exists as to
29 the applicability of an exclusion to VSI's obligation to indemnify, VSI may require an undertaking from
30 the Indemnified Person obliging him to repay such sums if it is subsequently determined that an
31 exclusion is applicable. In the case of any person engaged in the sport of swimming for compensation or
32 other gain, if VSI determines that there is reasonable doubt as to such person's ability to make any
33 repayment, VSI shall not be obligated to make any payments in advance of the final determination. This
34 indemnification shall not be deemed to limit the right of VSI to indemnify any other person for any such
35 expenses to the full extent permitted by law, nor shall it be deemed exclusive of any other rights to which
36 any Indemnified Person may be entitled under any agreement, vote of members or disinterested directors
37 or otherwise, both as to action in an official capacity and as to action in another capacity while holding
38 such office.
39

40 612.5 SUCCESSORS, ETC. - The indemnification provided by this Article shall continue as to an Indemnified
41 Person who has died or been determined to be legally incompetent and shall apply for the benefit of the
42 successors, guardians, conservators, heirs, executors, administrators and trustees of the Indemnified
43 Person.

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ARTICLE 613 PARLIAMENTARY AUTHORITY

- 613.1 ROBERT'S RULES - The rules in the then current edition of Robert's Rules of Order Newly Revised shall govern VSI and any of its constituent or component parts, committees, etc., in the conduct of meetings in all cases to which they apply and in which they are not inconsistent with these Bylaws and any special rules of order VSI, the House of Delegates, the Board of Directors or its divisions, committees, etc., may adopt or as set forth in the next paragraph.
- 613.2 VOICE AND VOTE - Where in these Bylaws an Individual Member is described as having voice but not the right to vote, that Individual Member may participate in debate and ask pertinent questions in the discretion of the presiding officer, but may not make or second motions, orders or other proposals.
- 613.3 SPECIAL RULES OF ORDER - [This Section reserved for future use.]

ARTICLE 614 PERMANENT OFFICE AND STAFF

- ~~This Article is reserved for future use.~~
- 614.1 OFFICE – VSI should maintain an office in the Territory for the storage and maintenance of the books and records and equipment of VSI and for other purposes as may be determined by the House of Delegates or the Board of Directors in accordance with these Bylaws.
- 614.2 STAFF – VSI shall retain paid staff at the VSI Office as the Board of Directors may determine to be appropriate or necessary. The staff shall be under the general supervision of the General Chair and the Administrative Vice-Chair. With respect to the delegated functions of the officers, committee chairs, and coordinators, the staff shall be responsible to the respective officer, committee chair, or coordinator. The powers and duties of the paid staff shall be established in VSI's Policies and Procedures Manual or by resolution of the Board of Directors or by delegation approved by the Personnel Committee.
- 614.3 APPROPRIATIONS – The Finance Committee shall include in its proposed budget a line item for the cost of VSI's office, inclusive of the compensation and benefits costs of the paid staff. Once appropriated by the House of Delegates, the Personnel Committee shall be responsible, together with the General Chair, for the administration of these funds. The compensation of the staff shall, to the extent possible, be treated as confidential.

ARTICLE 615 MISCELLANEOUS

- 615.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a change in the law of the Commonwealth of Virginia become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.

1
2 615.2 FISCAL YEAR - The fiscal year of VSI shall end on August 31st of each year.
3

4 615.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that VSI shall have and continue to
5 have the status of an organization which is exempt from federal income taxation under section 501(c)(3)
6 of the IRS Code and to which contributions, bequests and gifts are deductible for federal income, estate
7 and gift tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, respectively.
8 Similarly, it is intended that VSI shall have that or similar status under the applicable state and local laws
9 as will exempt it from taxation to the maximum extent possible to the extent not contrary to applicable
10 federal requirements. These Bylaws shall be interpreted accordingly.
11

12
13 **ARTICLE 616**
14 **DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION**
15

16 616.1 CONVENTIONS AND RULES OF INTERPRETATION -
17

18 .1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title shall
19 include the corresponding masculine, feminine and neuter forms. The words "include",
20 "includes" and "including" shall be deemed to be followed by the phrase "without limitation".
21 The singular shall include the plural and the plural shall include the singular as the context may
22 require. Where the context permits, the term "or" shall be interpreted as though it were "and/or".
23 Captions have been used for convenience only and shall not be used in interpreting the Bylaws.
24

25 .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when appearing alone
26 shall refer to VSI positions and not to USA Swimming or another organization.
27

28 .3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of interpretation applicable
29 to these Bylaws is set forth in Section 615.3.
30

31 .4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610 - Article 610 shall be interpreted
32 generously in order to achieve the intent expressed in Section 610.1.
33

34 .5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS -
35

36 A Notice by Mail - Notice given and other writings delivered by first class mail, postage
37 prepaid, and addressed to the last address shown on the records of VSI shall be deemed
38 given or delivered upon the postmark date for all purposes under these Bylaws.
39

40 B Notice by Fax or Email - Notice given and writings delivered by facsimile or electronic
41 mail shall be deemed given or delivered upon oral, telephonic, electronic or written
42 confirmation of recipient for all purposes under these Bylaws.
43

44 C Notice by Telephone - Notice given by telephone shall be deemed given only when
45 actually transmitted to the person entitled thereto for all purposes under these Bylaws.
46 (Thus, for example, a message left on an answering machine or similar equipment or with a
47 person other than the intended recipient shall not be notice given prior to the actual receipt
48 by the intended recipient.)
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D Last Known Address - For all purposes under these Bylaws, the last known address of a member of VSI shall be the address given in the latest application for registration or membership in VSI and USA Swimming filed with the Membership/Registration Administrator; or the address given in a written notice of change of residence filed with that Administrator. In all other cases the records maintained by the Secretary of VSI shall be used to ascertain the last known address.

.6 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.

.7 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group Member Representative, then the relevant Group Member shall be treated as having waived the untimely or insufficient notice to the same extent.

616.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the meanings indicated in this Section, and the definitions of such terms are equally applicable both to the singular and plural forms thereof. Where a cross reference to another Section of the Bylaws appears within a definition, the definition is qualified by the more complete definition found in that Section. Additional definitions applicable solely to Article 610 are set forth in Section 610.2. For an additional definition applicable solely to Article 612, see Section 612.3:

.1 "Active Individual Member" shall mean an individual other than a Coach Member, or an Athlete Member or a Seasonal Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer or committee ~~chairman~~chair or member, coordinator, or a Group Member Representative or alternate and any other individual actively participating in the affairs of VSI or the sport of swimming and who is in good standing as an Individual Member of VSI and USA Swimming. (See Section 602.1.2.A.)

.2 "Affiliated Group Member" shall mean any organization which supports the sport of swimming and the objectives and programs of VSI and USA Swimming, but which does not have athlete members and coach members, which is in good standing as a group member of VSI and USA Swimming, and which is neither a club member or a seasonal member.

.3 "Affiliated Group Member Representative" – individual appointed to represent a Affiliated Group Member in House of Delegates

.4 "Affiliated Individual Member" – any individual interested in the objectives and programs of VSI, who resides, formerly resided, or participated in the sport of swimming in the territory, who is in good standing as a member of VSI and USA Swimming and who is not an active individual, coach, or athlete member.

.5 "Article" shall mean the principal subdivisions of these Bylaws.

.63 "[Articles of Incorporation" shall mean the document filed with [insert the title of the office and the state in which the document was filed; usually the Secretary of State] pursuant to which VSI was formed.

.7 "At-Large Board Member shall mean those Board Members designated as such.

.84 "At-Large House Member" shall mean the Individual Members appointed by the General ~~Chairman~~Chair to be members of the House of Delegates. (See Section 604.1.2.)

- 1
2 | .~~95~~ "Athlete Member" shall mean any individual who competes or has competed during any part of
3 the three (3) immediately preceding years in the sport of swimming and is in good standing as an
4 Individual Member of VSI and USA Swimming. (See Section 602.1.2.A.)
5
6 | .~~106~~ "Athlete Representative" shall mean the Athlete Member elected to represent athletes in the
7 House of Delegates and on the Board of Directors pursuant to Section 604.1.3.
8
9 | .~~117~~ "Board Member" shall mean a member of the Board of Directors [including the At-Large Board](#)
10 [Members](#). Where the contexts requires, the term not include the Athlete Representatives or the
11 Coach Representatives.
12
13 | .~~128~~ "Board of Directors" shall mean the Board of Directors of VSI.
14
15 | .~~139~~ "Board of Review" shall mean the investigative and judicial body of VSI established pursuant to
16 Section 610.3.
17
18 | .~~140~~ "Business Day" shall mean a calendar day which is not a Saturday, a Sunday or a legal federal or
19 state holiday anywhere within the Territory.
20
21 | .~~145~~ "Bylaws" shall mean these bylaws as adopted by, and in effect for, VSI.
22
23 | .~~126~~ "club" shall mean an organization that has athletes and coaches engaged in the sport of
24 swimming.
25
26 | .~~173~~ "Club Member" shall mean any club or other organization which is in good standing as a Group
27 Member of VSI and USA Swimming and has athletes and coaches and participates in the sport of
28 swimming. All athletes and coaches of the club or organization must be Individual Members in
29 good standing with VSI and USA Swimming. (See Section 602.1.1.A.)
30
31 | .~~184~~ "Club Member Representative" shall mean the individual appointed to represent a Club Member
32 in the House of Delegates pursuant to Section 604.1.1.
33
34 | .~~195~~ "Club Safety Coordinator" shall mean the Active Individual Member designated by each Club
35 Member to serve as its liaison with VSI and USA Swimming concerning safety matters. (See
36 Section 602.2.3.)
37
38 | .~~2046~~ "Coach Member" shall mean any individual, whether or not affiliated with a Group Member, who
39 has satisfactorily completed all safety and other training required by VSI and/or USA Swimming
40 and who is in good standing as a member of VSI and USA Swimming. (See Section 604.1.4.)
41
42 | .~~2147~~ "Coach Representative" shall mean the Coach Member elected to represent the coaches in the
43 House of Delegates and the Board of Directors. (Section 604.1.4.)
44
45 | .~~2248~~ "Consent" shall mean a majority of those present and eligible to vote.
46
47 | .~~2349~~ "Executive Committee" shall mean the committee of the Board of Directors which may act for the
48 Board of Directors between meetings. (See Section 605.6.)
49
50 | .~~2420~~ "FINA" shall mean the Federation Internationale de Natation Amateur, the international
51 governing body for the sport of swimming.

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.~~25~~~~24~~ "Group Members" shall mean Club Members and Affiliated Group Members

.~~26~~~~22~~ "Group Member Representative" shall mean the individual appointed to represent a Group Member in the House of Delegates. See Section 604.1.1.

.~~27~~~~23~~ "House of Delegates" shall mean the House of Delegates of VSI as established by Article 604 of these Bylaws.

.~~28~~~~24~~ "Immediate Past General ~~Chairman~~~~Chair~~" shall mean the individual who is the immediate past General ~~Chairman~~~~Chair~~ of VSI, except when that person became immediate past General ~~Chairman~~~~Chair~~ by virtue of the House of Delegates taking action pursuant to Section 605.5.10, the Board of Directors taking action pursuant to Section 604.4.6 or the House of Delegates failing to reelect that person to another term sought by that person. The Immediate Past General ~~Chairman~~~~Chair~~ shall serve for the duration of the successor General ~~Chairman~~~~Chair~~'s term. If the office of Immediate Past General ~~Chairman~~~~Chair~~ becomes vacant for any reason, including the exception set forth in the initial sentence of this definition, it shall not be filled by appointment or election, but shall remain vacant until another individual becomes Immediate Past General ~~Chairman~~~~Chair~~.

.~~29~~~~25~~ "Individual Members" shall mean Athlete Members, Coach Members Active Individual Members and shall also include Life Members and Affiliated Individual Members.

.~~30~~~~26~~ "IRS Code" shall mean the United States Internal Revenue Code of 1986, as amended from time to time, or the corresponding provision of any future United States internal revenue law, and shall, when appropriate, also include a reference to the Treasury Regulations issued thereunder.

.31 "Life Member" shall mean any individual who is a life member of USA Swimming and VSI, and who resides, formerly resided, or participated in the sport of swimming in the Territory and who is in good standing as a member of VSI and USA Swimming.

.~~32~~~~27~~ "Local Swimming Committee" or "LSC" shall have the meaning ascribed thereto in the USA Swimming Code. VSI is a Local Swimming Committee.

.~~33~~~~28~~ "Member" shall mean a Group Member or an Individual Member.

.~~34~~~~29~~ "National Board of Review" shall mean the Board of Review of USA Swimming established pursuant to Part Four of the USA Swimming Code. Where the context requires, a reference to the National Board of Review shall include a reference to the USA Swimming Board of Directors when that body is acting upon an appeal from the National Board of Review.

.~~35~~~~30~~ "Nominating Committee" shall mean the committee of the House of Delegates charged with nominating candidates for elective offices of VSI. (See Section 604.8.)

.~~36~~~~31~~ "Policies and Procedures Manual" shall mean the policies and procedures manual of VSI, as amended, adopted by the Board of Directors or the House of Delegates. If VSI does not have a Policies and Procedure Manual, then the reference shall mean the relevant meeting minutes, orders, and resolutions of VSI.

.~~37~~~~32~~ "Parliamentary Authority" shall mean the authority and any special rules of order designated in Article 613.

1
2 | ~~.3833~~ "Seasonal Athlete Member" shall mean any individual who participates or competes in the sport
3 of swimming and has joined for certain periods of time not longer than 150 days each in a
4 calendar year and is in good standing as a Seasonal Athlete Member of VSI and USA Swimming.
5 (See Section 602.1.2.D.)
6

7 | .39 "Seasonal Club Member" shall mean any organization that has joined VSI and USA-S for certain
8 periods of time, not exceeding 150 days each in a calendar year, and is in good standing as a
9 seasonal club member of VSI and USA Swimming.
10

11 | ~~.4034~~ "Section" shall mean the subdivisions of the Articles of these Bylaws.
12

13 | ~~.4135~~ "Senior Athlete Representative" shall mean the Athlete Representative senior in term of office or,
14 in cases where there are more than two Athlete Representatives, the Athlete Representative
15 designated in accordance with Section 604.1.3.
16

17 | .42 "Senior Coach Representative" shall mean the coach representative senior in term of office.
18

19 | ~~.4336~~ "Standing Committee" shall mean a committee of VSI listed in Sections 607.1, 607.2, or 607.3.
20

21 | ~~.4437~~ "Territory" shall mean the geographic territory over which VSI has jurisdiction as a Local
22 Swimming Committee. (See Section 601.3.)
23

24 | ~~.4538~~ "USA Swimming" shall mean United States Swimming, Inc., an Ohio not-for-profit corporation
25 which is the national governing body for the United States for the sport of swimming.
26

27 | ~~.4639~~ "USA Swimming Board of Directors" shall mean the Board of Directors of USA Swimming.
28

29 | ~~.4740~~ "USA Swimming Code" shall mean the code of rules and regulations, as adopted and amended by
30 USA Swimming.
31

32 | ~~.4841~~ "USA Swimming House of Delegates" shall mean the House of Delegates of USA Swimming.
33

34 | ~~.4942~~ "USA Swimming Legislation Committee" shall mean the Legislation Committee of USA
35 Swimming created pursuant to Article 512 of Part Five of the USA Swimming Code.
36

37 | ~~.5043~~ "USA Swimming Legislation Sub-committee" shall mean the sub-committee of the Legislation
38 and Redistricting Committee of USA Swimming created pursuant to Section 6202 of Part Six-C
39 of the USA Swimming Code.
40

41 | ~~.5144~~ "VSI" shall mean the Virginia not-for-profit corporation to which these Bylaws pertain.
42

43 | ~~.5245~~ "VSI Office" shall mean the permanent office of VSI maintained in accordance with Article 614.
44

45 | ~~.46~~ <The remainder of this page intentionally left blank.>
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1
2 APPENDICES TO THE LSC BYLAWS

3
4 APPENDIX A

5
6 QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES

7
8
9 INTRODUCTION

10
11 The form of the LSC Bylaws was revised by USA Swimming in September of 1995. However,
12 the basic structure used for resolving disputes has not changed. Members of USA Swimming who disagree with
13 a decision or an action of taken by a meet official or any other LSC officer or who have a swimming-related
14 dispute with another member may appeal those decision, or may submit those disputes, for resolution to the LSC
15 Board of Review (formerly, the Review Section). The Board of Review is responsible for resolving these
16 disputes quickly, fairly and with *due process*.

17
18 The purpose of this Appendix is to help with the details of preparing and filing protests and
19 appeals, and handling a protest as a Board of Review member. Violation and interpretations of the rules and
20 regulations of USA Swimming and the LSC can have serious consequences or involve relatively minor matters.
21 The consequences can range from being barred from Olympic competition for drug use to whether a club should
22 be penalized for being slow in distributing final meet results. Yet, to the people involved, each dispute, each
23 incident is just as important as the other.

24
25 Because serious matters are being handled by the Board of Review, the Bylaws have been
26 expanded and made more comprehensive. Many of the sections may appear to be written in "legalese," but that
27 was done to insure that--as much as possible--they would be interpreted uniformly, consistently and correctly.
28 While the language may be technical, the ideas behind the ByLaws' Board of Review provisions are simple and
29 basic. Anyone with a problem should get a fair, impartial hearing and have the problem resolved promptly and
30 with *due process*.

31
32 The rules and procedures in Article 610 of the Bylaws are meant to provide:

- 33
34 ! a quick and effective remedy for the Protestor and the Respondent;
35 ! a hearing by objective unbiased persons, at first a panel of the elected members of the Board of
36 Review, consisting of at least three people (Article 610.5.1 B);
37 ! several levels of appeal are provided; from the initial Board of Review panel to a rehearing by all the
38 members of the Board of Review (or at least seven people, Section 610.5.2); from a rehearing
39 decision to a National Board of Review (Section 610.9); to an appeal to the United States
40 Olympic Committee under its Constitution in cases where an athlete is denied the right to
41 compete in international competition.

42
43
44 COMMON QUESTIONS ASKED ABOUT PROTESTS AND THE BOARD OF REVIEW PROCESS

45
46 WHAT IS DUE PROCESS?
47

1 Due process is the administration of applicable rules and regulations so that no member is denied
2 his or her legal rights and the application of those rules and regulations in conformance with the fundamental and
3 accepted legal principles. It is the way you would want to be treated if you were charged with misconduct. It
4 includes:

- 5
- 6 ! Notice, in writing, if at all possible, of the specific things that you are being charged with doing or not
7 doing;
- 8 ! The opportunity to defend yourself against the charges;
- 9 ! A reasonable amount of time to prepare and present your position;
- 10 ! The right to have an attorney represent you, if you wish;
- 11 ! A hearing before disinterested, fair and knowledgeable persons at a time and under circumstances that
12 give everyone a full and fair opportunity to present their position;
- 13 ! Notice of how to appeal from a decision that you feel is wrong.
- 14
- 15

16 WHAT KIND OF PROTESTS CAN BE DECIDED BY THE LSC BOARD OF REVIEW? 17

18 The responsibility of the Board of Review is broad but does not cover every possible dispute that
19 might come up. If a decision is made which affects your ability to compete in swim meets or how you place in
20 swim meets and you think the decision is wrong you may appeal to the Board of Review. If you are prevented
21 from participating in the administration of the sport of swimming or being an official you may appeal to the
22 Board of Review. If a decision is made by the LSC that affects your ability to coach swimmers you may appeal
23 to the Board of Review. There are some matters that should be submitted directly to the National Board of
24 Review. Read Sections 610.4.1, 610.4.2 and 610.1 and Sections 401.2 and 401.3 of Part Four of the USA
25 Swimming Code to determine where your appeal should go. Remember that the Board of Review does not
26 involve itself in disputes involving the administration of individual clubs unless it affects the ability of members
27 to participate in competition.
28

29 WHAT KIND OF PROTESTS WILL BE DECIDED BY THE NATIONAL BOARD OF REVIEW? 30

31 Section 401.3 lists the kinds of protests that may, or in some cases, must go directly to the
32 National Board of Review. They include, most matters where members of more than one LSC are involved,
33 matters which come up at a regional, national or international swimming competition; matters involving moral
34 turpitude, and matters in which the National Board of Review determines that a fair hearing will not be held
35 quickly enough at the LSC Board of Review level to do justice to the affected parties.
36
37

38 HOW DO I CONDUCT A BOARD OF REVIEW HEARING? 39

40 The new Bylaws have expanded the sections that explain hearing procedures. The By-Laws now
41 provide a step by step outline of the steps to be taken and procedures to be used when a protest occurs (Sections
42 610.5 and 610.6). The purpose of the Article remains the same, *i.e.*, to give **due process to any** individual or **any**
43 entity, club or organization participating in **any** activity of any kind of the LSC or United States Swimming - not
44 just athletes, but coaches, officers, committee chairmen and members, officials, clubs and all classes of members
45 as well.
46

47 The process can be summarized as follows:
48

49
50 1.1.1.1 The Protestor must give a written protest to the [ChairmanChair](#) of the Board of
51 Review. (See Section 610.6.1 A.) [If the LSC has a filing fee, this should be noted here.] (Check to see if your

1 LSC has an office that will transmit the protest to the [ChairmanChair](#) of the Review Section and follow up to find
2 out when the [ChairmanChair](#) actually received the protest.)
3

4 1.1.1.2 The [ChairmanChair](#) of Board of Review *may* have an investigation made to see if
5 the dispute can be resolved before a hearing. It is not unusual to have disputes cleared up when an impartial party
6 listens to both sides and tries to mediate a dispute. This kind of informal resolution is to be encouraged.
7

8 1.1.1.3 A written Notice must be prepared and delivered by the [ChairmanChair](#) to the
9 Respondent. (See Section 610.6.1 B and the suggested form of Notice which is in Appendix B.)
10

11 1.1.1.4 Written statements of position may be filed by all parties to the appeal. (See
12 Section 610.6.1 C and D.)
13

14 1.1.1.5 A hearing must be scheduled by the [ChairmanChair](#) to take place within 74 days
15 from the date when the [ChairmanChair](#) of the Board of Review received the Protest.
16

17 1.1.1.6 A hearing may be held (if **everyone** involved agrees the protest can be considered
18 on the written statements that have been submitted without a formal hearing). Use common sense in conducting
19 the hearing. (See Sections 610.5.1 D and 610.6.1 E.) Make all parties feel that they have a fair chance to state
20 their position and that the Board has an open mind as it listens to their position. In all events **give the athlete the**
21 **benefit of the doubt!**
22

23 1.1.1.7 The Board of Review must decide the matter within ten (10) Business Days of the
24 conclusion of the hearing. (If time is not critical, it may be advantageous to delay the decision for a few days after
25 the hearing to give full consideration to all the facts presented in a hearing rather than making a ruling
26 immediately upon conclusion of the hearing.)
27

28 1.1.1.8 The Board must send copies of its decision to the parties involved and certain
29 administrators. See Section 310.6.1 F of Part Three of the USA Swimming Code and Section 610.6.2 D of the
30 Bylaws as to who must get copies of the decision.
31

32 1.1.1.9 The parties must be given a statement telling them what they must do to appeal the
33 Board of Review's decision and how long they have to appeal.
34

35 THE MEET DIRECTOR JUST TOLD ME THAT MY SWIMMER'S PROOF OF TIME IS NOT ADEQUATE
36 AND THE SWIMMER WON'T BE IN THE EVENT LATER THIS MORNING. THE MEET DIRECTOR IS
37 WRONG AND WE CAN'T WAIT FOR A HEARING FROM THE BOARD OF REVIEW. WHAT DO I DO?
38

39 First, you should review the meet information to see if it provides for any kind of appeal such as
40 the Eligibility Jury provided for at the National Championships. (Article 206.5, Part Two of the USA Swimming
41 Code.) If you still believe your swimmer is being improperly kept out of the meet you should ask for an
42 emergency hearing from the Board of Review. The Bylaws give the Board of Review a great deal of flexibility in
43 handling emergency situations. Get on the telephone to the [ChairmanChair](#) of the Board of Review or the LSC
44 General [ChairmanChair](#) and make arrangements to set up an emergency hearing under Section 610.6.2 of the
45 Bylaws.
46

47 The Federal law which created National Sports Governing Bodies such as United States
48 Swimming states that an athlete cannot be suspended from competition, *even temporarily*, without a hearing.
49

50 Members of the Board of Review should keep in mind their responsibility to conduct emergency
51 hearings whenever they are at a swim meet and should alert the Meet Manager of their presence. The

1 | ChairmanChair of the Board of Review should always make arrangements in advance to see that a panel can be
2 available at championship meets.

3
4 A meeting at the swim meet or an exchange of information by telephone and fax can be arranged
5 to permit a timely decision even if the athlete must compete under protest. (See Section 102.11 of Part One of the
6 USA Swimming Code.)

7
8 After the meet is concluded, a full formal hearing may be conducted at the request of the Protestor
9 or the Respondent.

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APPENDIX B

FORM OF BOARD OF REVIEW NOTICE

SAMPLE NOTICE OF HEARING UNDER SECTION 610.6.1 B

(Form may, and should, be modified to fit the actual circumstances)

NOTICE OF HEARING

To:

[INSERT RESPONDENT'S NAME AND MAILING ADDRESS]

SUBJECT:

You are charged with having committed the following acts [or with having failed to act in circumstances] which are detrimental to the objectives, programs or ideals of United States Swimming and which tend to bring disrepute upon the sport of swimming:

[Insert details of charge; may be a summary if Protest is unnecessarily lengthy.]

This charge is based upon a protest that was filed by [Insert Protestor's name and address and the name and address of Protestor's counsel, if any]. Attached hereto is a copy of the Protest filed with the XX Swimming, Inc. Board of Review.

ANSWER:

You are requested to file an answer in writing to these charges with the Presiding Officer of the Board of Review whose mailing address is [Insert Name and Address of the ~~Chairman~~Chair of the Board of Review or other person designated as the Presiding Officer in this case]

and to

[Insert Protestor's name and address or that of its counsel, if so requested.]

at least ten (10) days prior to the date of hearing that is set in this Notice of Hearing. The hearing will proceed whether or not you file this reply. (See Sections 610.6.1 C and 610.10.2.)

HEARING DATE, TIME AND PLACE:

The initial date set for the formal [or other type - see Section 610.5.1 D] hearing is (insert date, time and place of hearing) or to such other date, time or place as the Presiding Officer continues, adjourns or reschedules the hearing. You are requested to appear at that time with counsel and any witnesses. [This part would need to be rephrased if the proceeding were to be conducted entirely in writing or in writing with only oral argument at a hearing.]

HEARING AUTHORITY:

The power and authority of the XX Swimming, Inc. Board of Review is established, and this hearing shall be held pursuant to, Article 610 of the Bylaws of XX Swimming, Inc. A copy of Article 610 is enclosed for your information.

1 **HEARING BODY:**

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3 The hearing body will be the three member panel of the Board of Review of XX Swimming, Inc.
4 [insert names of members of the Board of Review designated to serve on this panel] or such other persons as are
5 appointed pursuant to the Bylaws of XX Swimming, Inc.
6 [This should be rephrased if the initial panel is of more than three or is the full Board of Review.]
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8 **POSSIBLE PENALTIES:**

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10 The Protestor has requested that (here insert what the protestor has asked for). In addition the
11 Board of Review has a broad range of sanctions, penalties and suspensions that it may impose on you if it
12 believes that such are appropriate either in addition to or in lieu of those that the protestor is seeking. (See Section
13 610.4.5.)
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15 **APPEAL:**

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17 If you are dissatisfied with the decision, you must file a request for a rehearing before the full
18 Board of Review within ten (10) Business Days of your receipt of the decision, unless the initial panel was the full
19 Board of Review or had seven members. (See Section 610.5.2) The request must be filed with the
20 [ChairmanChair](#) of the Board of Review [here give name and address]. [If your LSC has imposed a filing fee
21 applicable to a request for a rehearing, this should be noted here.] Your request must be granted if the decision
22 was rendered by a panel of fewer than seven members and the decision was not unanimous. Otherwise the Board
23 of Review may either grant or deny a rehearing in its discretion. If the decision is not subject to a request for a
24 rehearing, a rehearing request is denied or the decision is the decision on a rehearing, an appeal may be made to
25 the National Board of Review. The appeal must be filed with the USA Swimming Executive Director along with
26 an appellate filing fee of \$50.00 within thirty (30) Business Days after the postmark date of written notice of the
27 decision of the Board of Review. (Section 610.9.) The address of the USA Swimming Executive Director is
28 United States Swimming, Inc., One Olympic Plaza, Colorado Springs, CO 80909-5770.
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30 **GENERAL INFORMATION:**

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32 You are entitled to be represented by counsel at your own cost, or by such other representative as
33 you may choose, to have witnesses testify in your behalf, to question witnesses testifying at the hearing and to
34 submit any and all evidence in your defense, including hearsay and documentary evidence, so long as it is
35 relevant to the issues. You are entitled to ask that the hearing date be rescheduled so that you may attend, secure
36 witnesses or otherwise respond. Please direct all questions or correspondence to [ChairmanChair](#) of the Board of
37 Review of XX Swimming, Inc., [insert name] at [insert mailing address].
38

39 Dated (Insert date on which notice is mailed)

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42 Signed _____
43 | [ChairmanChair](#) of the Board of Review
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45 [If the notice is signed by the designated Presiding Officer, the title line should be changed accordingly.]
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