

403.4 National Board of Review Procedures p.87

403.4.1 (add new section)

F National Board of Review shall make written monthly reports to the Board of Directors of all matters under consideration. Reports shall include, at a minimum:

- (1) issue at dispute,
- (2) names of parties,
- (3) progress of review (interviews, collecting and/or examining evidence, in deliberation, etc.).

Rationale: The NBR has operated in secrecy to protect the parties but some reviews have taken over one year to complete, sometimes making any findings or penalties pointless. This addition would keep the NBR from dragging out any deliberations unnecessarily and keep the BoD apprised of any ongoing or new disputes.

403.4 National Board of Review Procedures p.87

403.5.1

Impose ~~and enforce~~ penalties for any violation of the rules and regulations, administrative or technical, of USMS.

Rationale: The NBR has no enforcement authority, capability or structure. The Board of Directors already have the power to enforce and have been the instrument historically.

403.8 Hearing Panel Procedure p. 89

403.8.1

Upon the request of either party for good cause shown and by agreement by all parties ~~or the determination of the hearing panel~~, the hearing may be held in private.

Rationale: most hearings are conducted in private whether asked for or not, which does not serve the interests of USMS or one of the parties. This change would force agreement among contesting parties before private hearings may be conducted. The hearing panel should never have the option to conduct hearings in private, it serves no purpose other than to cloud any determination made. Many disputes could be solved (or may simply wither and die) if the bright light of public examination were shone upon one or both parties. The corporation has the right and duty to know what is under dispute, by whom, and why.

Article 506: Board of Directors p.97

506.1.2 The nonvoting members of the Board of Directors shall consist of the ~~chief executive officer, legal counsel, all past presidents not already voting members~~; a representative of each allied organization (as approved by the Board of Directors), and a representative from USA Swimming.

Rationale: CEO and Legal counsel are board members already by being members of the Executive committee. Past presidents tend to consume much of the air in board meetings and as a result create a passive board willing to agree just because the past presidents have proposed something. The elected board members are supposed to be doing the thinking and creating forward motion for the corporation. It is an unhealthy, stagnating experience for USMS. By removing past presidents, the board size is more easily regulated for meaningful discussion and decisive actions. No other aquatic NGB has past presidents on its board.

Glossary p.xiii

May- (a) permissive, not mandatory
(b) fifth month of calendar year

*An optional change would be to list the word twice, once capitalized for the month, once lower case for the modifier.

Rationale: The month is referenced in the rule book, this addition adds clarity.

Article 402 p.85

402.1 Standards of Conduct

~~The mission of USMS is to promote fitness and health in adults by offering and supporting Masters swimming programs.~~ The opportunity to participate in Masters swimming is made possible by USMS. Members accept that this opportunity to participate is a privilege and as such shall conduct themselves with integrity and in a sporting manner. In matters relating to Masters swimming, members shall respect and protect the privileges of others who share this mission; therefore, the privileges of membership and participation may be withdrawn or denied if the conduct of a member or prospective member is inconsistent with the mission of the organization or the best interest of the sport and those who participate in it.

Rationale: The mission is stated elsewhere in the RB, no need to repeat it here. It does not lend any more weight or clarity to the section.

402.4.5 p.86

Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward members, volunteers or staff in connection with a USMS event.

Rationale: not all volunteers or staff are members, which should also rightly be covered by this section. The offender is presumed to be a member.

402.4.8 p.86

Causing a credible and material risk to the safety of USMS members or others who may be present during USMS activities. ~~A lifetime ban, declaration of permanent ineligibility, or permanent resignation of membership from a member organization of United States Aquatic Sports may be considered as evidence of a violation of this article 402.4.8.~~

Rationale: If it is to exist at all, this part of the section should be in policy for the NBR, not code. The member under review should be treated as if he/she has done nothing to diminish the reputation of USMS unless or until it can be reasonably or factually demonstrated.

402.4.6 p. 86

Remove and renumber

~~402.4.6~~

~~Any nonconsensual sexual conduct, pattern of unwelcome sexual advances, or other inappropriate sexually oriented behavior or action by a USMS member toward a member or any other person participating in any capacity whatsoever in the affairs or activities of USMS.~~

Rationale: This section was inserted during a wave of hysteria following several lawsuits against USA Swimming. USMS is not a law enforcement agency. All of the actions quoted should rightly be reported to police.

Article 507 Committees and Appointments p.101

(The following proposals should be considered as one, since all pertain to the same function, moving all rules authority to the Rules Committee.)

507.1.7 Long Distance Committee

—The Long Distance Committee shall oversee

~~the rules and~~ administration of open water and long distance events. The committee shall solicit and review bid proposals and select the sites for the long distance championship events. The committee shall work in a coordinating and advisory capacity with event hosts and make recommendations to enhance the quality of long distance championship events. The committee shall maintain records and select the Long Distance All-American and Long Distance All-Star Teams. The committee shall assure that the competitive rules in Part 3 of the USMS rules and regulations provide for fair and equitable competition in the best interests of all USMS members and that these members are informed of current rules, interpretations, and changes.

The committee may initiate ~~and shall accept, consider, and report~~ proposed amendments at any time, including with the committee's recommendations, at the annual meeting of the House of Delegates, ~~in accordance with the provisions of Part 6. When necessary, the committee shall interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee's jurisdiction as defined in article 601.1.~~ The committee shall consist of the committee chair and no more than 16 additional members. The Open Water Committee chair shall be an ex officio member of the committee.

p.103

507.1.13 —The Rules Committee shall ensure that the competitive rules in Part 1 and Part 3 of the USMS rules and regulations provide for fair and equitable competition in the best interests of all USMS members. The committee shall ensure that the USMS members are informed of current rules, interpretation, and changes. The committee may initiate and shall accept, consider, and report proposed amendments, with the committee's recommendations, at the annual meeting of the House of Delegates, in

accordance with the provisions of Part 6. When necessary, the committee shall interpret and render opinions regarding any provision of the rules and regulations of USMS within the committee's jurisdiction as defined in article 601.1. The committee shall consist of the committee chair, and sufficient members to execute the committee function, with at least one member from each zone, not to exceed 16 additional members. The Legislation Committee chair, the Long Distance chair, the Officials Committee chair, and the USA Swimming Rules and Regulations Committee chair shall be ex officio members of the committee.

Part 6: Amendment Procedures p.105 delete and renumber.

~~601.1.3—Long Distance Committee—Proposed changes to Part 3: Open Water and Long Distance Swimming Rules and the Glossary shall be considered by the Long Distance Committee for report and recommendation to the House of Delegates.~~

601.1.4 Rules Committee

—Proposed changes to Part 1: Swimming Rules, Part 3: Open Water and Long Distance Rules, and the Glossary shall be considered by the Rules Committee for report and recommendation to the House of Delegates.

p.106

601.3 Modification of Proposed Amendments

Proposed amendments may be modified in any manner by the Legislation, LMSC Development, ~~Long Distance~~, or Rules Committees, or the House of Delegates, where appropriate, while under consideration by said body. Such modification must be germane to the subject matter and intent of the proposed change. Such modification by the Legislation, LMSC Development, ~~Long Distance~~, or Rules Committees requires a majority vote. Such modification by the House of Delegates requires a two-thirds vote.

p. 106

601.4.1 Rules—

Parts 1, 3 and the Glossary may be amended by a majority vote of the House of Delegates members present and voting if the proposed amendments are submitted to and recommended by the Rules Committee, or by a two-thirds vote of the House of Delegates members present and voting if the proposed amendments are submitted to and NOT recommended by the Rules Committee.

p.106

Delete and renumber:

~~601.4.2—Long Distance—~~

~~Part 3 and the Glossary may be amended by a majority vote of the House of Delegates members present and voting if the proposed amendments are submitted to and recommended by the Long Distance Committee, or by a two-thirds vote of the House of Delegates members~~

~~present and voting if the proposed amendments are submitted to and NOT recommended by the Long Distance Committee.~~

Rationale: Over the 30 years that LD has proposed rules, it is evident that the committee has not only become overworked but unable to focus on the great detail required to amend or submit rules for their own use. The standing Rules committee is filled with volunteers who make sure that every word of every proposal is in proper order and syntax, and all following a style guide and proper format. Adding the LD chair (or designated representative) to Rules will assure that any LD specific rule change gets proper perspective presented.