

LEGISLATION PROPOSALS

2015 Convention – Kansas City, Mo.

This report is divided into four sections: those recommended by the Legislation Committee, those recommended by the Legislation Committee as amended, those not recommended by the Legislation Committee, and those that require the action of the Legislation, Rules, and Long Distance Committees.

Recommended by the Legislation Committee

Requires a simple majority to pass

HK-1 Goals and Objectives page ix Legislation Committee Modify

C To encourage organizations and communities to establish and sponsor Masters ~~s~~Swimming programs.

Rationale: Housekeeping to conform with the Masters Swimming service mark.

HK-2 Goals and Objectives page ix Legislation Committee Modify

E To stimulate research in the sociology, psychology, and physiology of Masters swimming.

Rationale: Housekeeping to add serial comma.

HK-3 Glossary page xii Legislation Committee Modify

Club—an organization or group of permanent character ... participates in Masters ~~s~~Swimming.

Rationale: Housekeeping to conform with the Masters Swimming service mark.

HK-4 Glossary page xii Legislation Committee Modify

Escort Craft—boats or paddle boards that accompany swimmers in an open water swim

Rationale: Housekeeping to add article before “open water swim.”

HK-5 Glossary page xii Legislation Committee Modify

Event—any clinic, demonstration ... or meet; including pool, long distance, and open water.

Rationale: Housekeeping to correct punctuation.

HK-6 Glossary page xii Legislation Committee Modify

FINA—Fédération International de Natation ...

Rationale: Housekeeping to include French accent marks.

HK-7 **Glossary** **page xiii** **Legislation Committee** **Modify**

Foul—an instance of obstruction, interference, collision, or equipment malfunction

Rationale: Housekeeping to add serial comma.

HK-8 **Glossary** **page xiv** **Legislation Committee** **Modify**

Masters Swimming—a program including training, competition, and other activities

Rationale: Housekeeping to add serial comma.

HK-9 **Glossary** **page xiv** **Legislation Committee** **Modify**

Medical Identification Item—an item worn by a swimmer that identifies medical conditions, emergency contacts, or other information

Rationale: Housekeeping to add serial comma.

HK-10 **Glossary** **page xiv** **Legislation Committee** **Modify**

Member—an individual, club, or organization registered with USMS.

Rationale: Housekeeping to add serial comma.

HK-11 **Glossary** **page xiv** **Legislation Committee** **Modify**

Recognized Events—the written acknowledgment ... or a demonstration, clinic, or exhibition conducted by USMS member clubs, individual members, or organizations

Rationale: Housekeeping to add serial comma.

HK-12 **Glossary** **page xiv** **Legislation Committee** **Modify**

Sanction—the written authorization of an LMSC ... competition, demonstration, clinic, exhibition, or Swim-A-Thon®.

Rationale: Housekeeping to add serial comma.

HK-13 **Glossary** **page xiv** **Legislation Committee** **Modify**

Session—any portion of a pool meet ... by locale, time, day, or type of competition

Rationale: Housekeeping to add serial comma.

HK-14 **Glossary** **page xv** **Legislation Committee** **Modify**

Warning Signal—a bell, whistle, air horn, or other appropriate audible device.

Rationale: Housekeeping to add serial comma.

HK-15 201.1 page 51 Legislation Committee **Modify**

201.1 Membership of Individuals

All swimmers participating in events sanctioned by USMS, with the exception of events falling under articles 203.1.1B and 203.1.1C, must be ...

Rationale: Housekeeping to make the word “article” plural.

HK-16 202 page 53 Legislation Committee **Modify**

**ARTICLE 202:
Sanction/Recognition of pPool eEvents**

Rationale: Housekeeping to correct capitalization.

HK-17 201.2.1 page 52 Legislation Committee **Modify**

201.2.1 Annual Membership—Annual membership for clubs is from the date of registration through December 31 of that year; however, a club applying for membership on or after ~~November 1~~ **October 1** will receive membership valid through December 31 of the following year.

Rationale: Housekeeping. Correct date is October 1.

HK-18 202.2.1E page 55 Legislation Committee **Modify**

E The conduct of a recognized event shall conform to relevant USMS swimming rules and administrative regulations, including but not limited to~~7~~ the following:

Rationale: Housekeeping. Delete unnecessary comma.

HK-19 202.1.1F(2) page 54 Rules Committee **Modify**

(2) In order to be in compliance with FINA rule C.7.~~23~~, an LMSC may grant exceptions to specific USMS swimming rules and administrative regulations when sanctioning a FINA Masters World Championship.

Rationale: FINA rule C.7.2 is now C.7.3.

HK-20 202.2.1E(6) page 56 Rules Committee **Modify**

(6) Articles 107.2.1, Minimum Standards for Facilities
107.2.3A, 107.3,
107.11.1, 107.11.2,
and 107.~~13~~**14**

Rationale: Article 107.13 is now 107.14 due to renumbering in article 107.

HK-21 403.4.1 **page 81** **Legislation Committee** **Modify**

D Upon a majority vote of the Executive Committee, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this article 403 to serve the best interests of Masters **sSwimming**.

Rationale: Housekeeping to add missing “point D” and to conform with the Masters Swimming service mark.

HK-22 502.4 **page 86** **Legislation Committee** **Modify**

502.4 Election **of Officers**

Rationale: Housekeeping to correct title case capitalization.

HK-23 503.6 **page 87** **Legislation Committee** **Modify**

503.6 Communications

Zone chairs shall enhance communications among the LMSCs to promote Masters **sSwimming** within the zones.

Rationale: Housekeeping to conform with the Masters Swimming service mark.

HK-24 504.1.1 **page 87** **Legislation Committee** **Modify**

504.1.1 One member from each LMSC. If the LMSC has **ever more than** 300 individual members, it is entitled to one additional member. ...

Rationale: Housekeeping. Better usage. “More than” is preferred with numbers.

HK-25 504.2 **page 88** **Legislation Committee** **Modify**

504.2 Powers

The powers of the House of Delegates shall be as follows:

504.2.1 To determine the mission and objectives that **shall** govern USMS in all of its activities.

Rationale: Housekeeping. We already say “shall” in the first sentence of 504.2, and don’t need to repeat it in 504.2.1.

HK-26 504.2.6 **page 88** **Legislation Committee** **Modify**

504.2.6 To call regular and special meetings of USMS and to fix the time, place, and manner for holding all meetings not fixed by this code.

Rationale: Housekeeping to add serial comma.

HK-27 506.7.5 **page 93** **Legislation Committee** **Modify**

506.7.5 Investment Committee—The Investment Committee shall be responsible for developing and submitting written recommendations for Board of Directors’ approval of investment objectives ...

Rationale: Housekeeping to add possessive apostrophe to “Board of Directors.”

HK-28 507.1.3 **page 94** **Legislation Committee** **Modify**

507.1.3 Fitness Education Committee—The Fitness Education Committee shall promote the fitness, health, and lifestyle benefits of Masters **s**Swimming. ...

Rationale: Housekeeping to conform with the Masters Swimming service mark.

HK-29 507.1.10 **page 96** **Legislation Committee** **Modify**

507.1.10 Recognition and Awards Committee—The Recognition and Awards Committee The committee shall consist of the committee chair, at least four Ransom J. Arthur **a**Award recipients ...

Rationale: Housekeeping to capitalize “Award,” which is part of the proper noun.

HK-30 507.1.14 **page 96** **Legislation Committee** **Modify**

507.1.14 Sports Medicine and Science Committee—The Sports Medicine and Science Committee The committee shall stimulate and encourage research pertaining to Masters **s**Swimming. ...

Rationale: Housekeeping to conform with the Masters Swimming service mark.

HK-31 510.1 **page 98** **Legislation Committee** **Modify**

510.1 Coverage

Each person who is or was a director, officer, or employee of USMS (including the heirs, executors, administrators, or estate of such person) shall be indemnified by USMS to the full extent permitted by the Nonprofit Corporation Law of the state of Ohio against any liability, cost, or expense incurred in the capacity as director, officer, or employee, or arising out of the status as a director, officer, or employee (including serving at the request of USMS as a director, trustee, officer, employee, or agent of another not-for-profit organization).

Rationale: Housekeeping to add serial comma.

HK-32 601.3 **page 100** **Legislation Committee** **Modify**

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

Rationale: Housekeeping to clean up language.

HK-33 601.4.7A **page 101** **Legislation Committee** **Modify**

A Amendments to USA Swimming articles 101, “Individual Strokes and Relays,” 102, “Conduct and Officiating of All Swimming Competition,” and 105, “Guidelines for Officiating Swimmers **w**With a Disability in USA Swimming Meets,” shall

Rationale: Housekeeping to conform to capitalization guidelines for titles in the USMS Style Guide.

L-2 **201.1.3B** **page 51** **Legislation Committee** **Modify**

B Pool One-Event Registration—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation and national or world records, All-American status, or any other USMS special awards; ~~one-event registration forms must include the statement “Times swum under one-event registration are not eligible for USMS Top 10 or records consideration.”~~ One-event registrations shall be identified as such in the meet results.

Rationale: Some recent one-event registrants have not realized they were not eligible for records, Top 10, and other awards until after the fact. A statement on the entry form will help communicate the restrictions on one-event registrations.

L 4 **201.1.4** **page 51** **Legislation Committee** **Modify**

201.1.4 Membership Application ~~Forms~~

- A** ~~Individuals may apply for membership through the USMS website or by obtaining an individual membership application forms may be obtained from the registrar of the LMSC. The form, fully completed, shall be submitted with the applicable fee to the registrar of the LMSC or an official designee of the LMSC, who. The LMSC shall provide a link to an electronic membership card or~~ issue a membership card upon request.
- B Liability release**—All membership applications ~~forms~~ shall contain the language of the liability release as stated in USMS policy.

Rationale: Make clear that online registration is also available and valid and also clarify the circumstances under which a membership card must be provided.

L-5 **201.2.2** **page 52** **Legislation Committee** **Modify**

201.2.2 Club Membership ~~Forms Application~~—~~Clubs may apply for membership through the USMS website Membership forms for clubs may be obtained or by obtaining an application form~~ from the registrar of the LMSC. Renewal forms will be accepted October 1 for the next registration year. ~~The completed form shall be submitted with the applicable fee to the registrar of the LMSC. The National Office shall issue a certificate of club membership.~~

Rationale: Make clear that online registration is also available and valid. Also, certificates of club membership are no longer issued.

L-6 **201.3.5** **page 53** **Registration Committee** **Modify**

201.3.5 A swimmer shall not represent any club in competition for 60 consecutive days before transferring affiliation to another club, unless this transfer takes place at the time of annual registration. A swimmer may declare unattached status at any time without written application. ~~A swimmer intending to compete in an event after declaring unattached status shall notify the LMSC registrar of the declaration of unattached status prior to the event. It is recommended that swimmers who intend to compete as unattached in a meet contact their registrar prior to the meet and request that their registration status be changed.~~ The registrar shall change the club affiliation of the swimmer to the UC and note the effective date.

Rationale: Because swimmers may declare unattached status “at any time,” notifying the registrar prior to an event is inherently contradictory. This proposed legislation change returns the article to the original meaning and reminds swimmers to inform their registrars if appropriate. Since the swimmer may choose to swim as unattached for only the meet in question, the need to inform the registrar is left as only a recommendation. Additionally, the recommendation to inform the registrar is included as such since the current language requiring the declaration does not specify a penalty for failure and we should not be imposing one.

L-9 **202.1.1D, 202.2.1D** **p. 54–55** **Rules Committee** **Modify**

202.1.1D

No sanction may be issued to any organization whose interest in sports and games is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from sanctioned events must be used for the further promotion of swimming, for an approved charity, or for the general welfare of the promoting organization as a whole.

202.2.1D

No recognition may be issued to any organization whose interest in sports and games is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from recognized events must be used for the further promotion of swimming, for an approved charity, or for the general welfare of the promoting organization as a whole.

Rationale: Expand the acceptable use of income from events (language taken from USA-S).

L-11 **202.1, 202.2, 203.3** **pages 53–57** **Board of Directors** **Modify**

202.1 Sanctions

202.1.1 Sanction Requirements—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

- A** Applications for sanction shall be made to the LMSC within which the event is to be held. Sanction applications shall be accompanied by the entry form ~~and applicable fee.~~ ...
 - (4)** The sanction fee shall ~~be established by the LMSC; consist of:~~
 - (a)** A national fee established by the House of Delegates.
 - (b)** A local fee established by the LMSC.

202.2.1 Recognition—Recognition shall be issued, withheld, or withdrawn in accordance with the following:

- A** Application for recognition of events within the jurisdiction of USMS shall be made to the LMSC within which the event is to be held, and applications shall be accompanied by the recognition fee. The recognition fee shall consist of:
 - (1)** A national fee established by the House of Delegates.
 - (2)** A local fee established by the LMSC.

203.3 Sanction Requirements

203.3.1 Jurisdiction—The LMSC in which the event originates shall have jurisdiction in issuing the sanction. If any events are to be swum in more than one LMSC, the other LMSC(s) may also issue a sanction for the event. ~~The sanction fee shall be established by the LMSC with jurisdiction.~~

203.3.2 Requirements—The following requirements shall be followed by the sanctioning LMSC and sanction applicant: ...

- I** The sanction fee shall consist of:

(1) A national fee established by the House of Delegates.

(2) A local fee established by the LMSC.

Rationale: (1) Provide the necessary rules to allow the House of Delegates to set a national level fee for sanctions and recognitions. It should be noted that national membership fees are established by the HOD or BOD. Until such time as the HOD establishes a fee, this should be under the jurisdiction of the HOD. Once we have a track record with national sanction fees then this code should be reviewed to determine if the BOD should be given authority similar to membership. (2) The existing rules do not specify who sets a recognition fee; this corrects that oversight. (3) Reorganize the open water sanction section to move sanction fees from jurisdiction to requirements. (4) Remove the requirement for pool events to collect fees at the time of application of sanction. This allows national and LMSC sanction fee collection to be set in policy instead of code.

L-12 202.1.1, 203.3.3 pages 53, 58 Legislation Committee Insert and renumber

202.1.1 Sanction Requirements—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

...

A(2) Event entry forms and programs must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Sanction number: _____.” Event entry forms and programs may include the statement “Sanction number _____.”

Insert new 202.1.1B and renumber:

B Entries shall not be accepted before the sanction has been granted. Paper forms shall not be distributed, online entry systems shall not be activated, and the event shall not be listed as sanctioned on the USMS Calendar of Events until the sanction has been granted.

203.3.3B Entry forms, programs, and results must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Sanction number: _____.”

Add new 203.3.3D and renumber.

D Entries shall not be accepted before the sanction has been granted. Paper forms shall not be distributed, online entry systems shall not be activated, and the event shall not be listed as sanctioned on the USMS Calendar of Events until the sanction has been granted.

Rationale: There have been instances of entries being improperly accepted before the event has been sanctioned, particularly online entries.

L-13 202.1.1B page 54 Legislation & Rules Committee Modify

B Approval of All sanctions shall be signed made by the LMSC’s authorized representative, and a record thereof shall be retained for two years.

Rationale: Consistent with current practice; the LMSC representative no longer signs the sanction when the application is done online.

L-14 202.2 page 55 Rules Committee Modify

Times achieved by USMS members at events sanctioned or approved by USA Swimming shall be considered for USMS national records and Top 10 times without formal application for recognition.

Rationale: Consistent with language in 105.1.7E, 1st and 2nd sentences. In addition USA-S approved meets have the same requirement as USA-S sanctioned meets for bulkheads. USA-S approved meets are the equivalent of USMS recognized meets and require that USA-S officials be permitted at both ends of the course to view strokes and turns.

L-15 202.2 page 55 Legislation Committee Modify

202.2 Recognized Events

Times achieved at recognized events Times achieved by USMS members at events sanctioned by USA Swimming shall be considered for USMS national records and Top 10 times without formal application for recognition. Times achieved by USMS members at events sanctioned by a FINA member federation shall be considered for USMS national records and Top 10 times without formal application for recognition if the USMS member(s) register for the meet as USMS members. ...

Rationale: Because citizenship is not required to be a member of USMS, the correct term is "USMS record" rather than "national record."

L-18 202.2.1B page 55 Legislation & Rules Committees Modify

Approval of All recognitions shall be signed made by the LMSC's authorized representative, and a record thereof shall be retained for two years.

Rationale: Consistent with current practice; the LMSC representative no longer signs the recognition when the application is done online.

L-19 203.3.2A page 57 Legislation Committee Modify

A LMSCs shall use the prescribed sanction application form or online sanctioning system without additional requirements.

Rationale: Provide for the use of the online system.

L-20 203.3.2C page 57 Legislation & Rules Committees Modify

C Approval of Ssanctions shall be signed made by the LMSC's authorized representative, and a record thereof shall be retained for two years.

Rationale: Consistent with current practice; the LMSC representative no longer signs the sanction when the application is done online.

L-22 203.3.2F page 57 Rules Committee Insert, renumber

No sanction may be issued to any organization whose interest in sports and games is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from sanctioned events must be used for the further promotion of swimming, for an approved charity, or for the general welfare of the promoting organization as a whole.

Rationale: Consistent with language for pool sanctioned and recognized events and to expand the acceptable use of income from events.

L-23 **204.1** **page 58** **Rules Committee** **Modify**

204.1 Release

All individual membership application forms and sanctioned entry forms shall include a liability release. The liability release shall be signed by the person registering or entering. The liability release shall conform to the language and format specified by USMS policy ([see USMS Guide to Operations, Sanctions section](#)).

Rationale: Indicate where the required language can be found.

L-24 **401.2** **page 79** **Legislation Committee** **Modify**

No member of USMS or any organization associated with USMS may deny or threaten to deny any eligible individual the opportunity to participate in USMS administrative activities [or deny any member the opportunity to host or participate in and sanctioned or recognized events USMS activities](#) without just cause. ...

Rationale: Includes hosting events as something to be protected.

L-26 **403.5** **page 82** **Legislation Committee** **Add**

[403.5.12 Take such further action and make such further directives as deemed necessary under the circumstances.](#)

Rationale: Give the NBR more flexibility in conducting hearings.

L-27 **403.9** **page 83** **Legislation Committee** **Modify**

- 403.9.2** The Board [of Directors](#) panel may assess costs and fees against any or all named parties.
- 403.9.3** The review by the Board [of Directors](#) panel shall be on the basis of the record from the National Board of Review and written briefs and shall not include new evidence. However, by majority vote, the Board [of Directors](#) panel may decide to take new evidence and hear testimony.
- 403.9.4** The Board [of Directors](#) panel shall render a final and binding decision and a written decision shall be sent to all parties.
- 403.9.5** The review by the Board [of Directors](#) panel shall be on the basis of the record from the National Board of Review and written briefs. The Board [of Directors](#) panel may decide in its sole discretion to take new evidence and hear testimony.

Rationale: Confusing whether we’re referring to the Board of Directors or the National Board of Review. Better to specify which Board we mean.

L-28 **502** **page 86** **Legislation Committee** **Modify**

**ARTICLE 502:
Local Masters Swimming Committee (LMSC)**

~~The~~ **A** Local Masters Swimming Committee is a subordinate organization of the corporation with supervisory responsibilities within a specified geographical territory.

Rationale: There’s more than one LMSC, so the appropriate article is “A” rather than “The.”

L-29 **504.1** **page 87** **Board of Directors** **Modify**

504.1 Membership

The House of Delegates of USMS shall consist of the following: ...

504.1.5 All voting members of the Finance, Legislation, Long Distance, and Rules Committees, the chairs of all standing committees, ~~the convention coordinator, the rule book coordinator,~~ the legal counsel, and the National Board of Review chair.

Rationale: This proposal clarifies that the coordinators will no longer be automatic delegates to the House of Delegates. This is because the coordinators' functions are now performed by National Office staff.

L-30 **504.1.6** **page 88** **Rules Committee** **Modify**

504.1 Membership

The House of Delegates of USMS shall consist of the following:

...

~~**504.1.6** Nonvoting delegates from affiliate and allied members.~~

504.1.76 The president of USMS shall be empowered to appoint up to 10 percent of the total membership of the House of Delegates as at-large members of the House of Delegates.

504.1.7 Nonvoting delegates from affiliate and allied members.

L-31 **504.1** **page 87–88** **Rules Committee** **Modify**

504.1 Membership

All members of the House of Delegates shall maintain membership until their successors are selected, except that membership may be terminated by resignation filed with the secretary. The House of Delegates of USMS shall consist of the following:

...

~~**504.1.8**—All members of the House of Delegates shall remain until their successors are selected, except that membership may be terminated by resignation filed with the secretary.~~

Rationale: Move 504.1.8 to the beginning of article 504 since 504.1.8 is not part of the list of members but rather defines the term of membership. Articles 504.1.1–504.1.7 are the list of members of the HOD.

L-32 **504.1.7** **page 88** **Rules Committee** **Modify**

504.1.7 ~~The president of USMS shall be empowered to appoint~~ At-Large members representing up to 10 percent of the total membership of the House of Delegates. These members shall be appointed by the president of USMS as at-large members of the House of Delegates.

Rationale: Give article 504.1.7 parallel sentence structure with articles 504.1.1–504.1.6.

L-33 **504.2.3** **page 88** **Rules Committee** **Modify**

504.2 Powers

The powers of the House of Delegates shall be as follows:

504.2.1 To determine the mission and objectives that shall govern USMS in all of its activities.

- 504.2.2** To delegate responsibility and authority to other USMS entities as prescribed in USMS code and by USMS policy. However,
- 504.2.3** ~~The following powers are fully the responsibility of the House of Delegates and shall not be delegated:~~
- A** ~~To E~~lect officers and directors (Note: The nomination and election procedures may be delegated).
 - B** ~~To A~~amend the *USMS Code of Regulations and Rules of Competition*.
 - C** ~~To R~~review and approve the annual budget.
- 504.2.43** To admit to group membership or individual membership any organization or person eligible under this code and who applies.
- 504.2.54** To prescribe and amend the code for the governance of USMS.
- 504.2.65** To call regular and special meetings of USMS and to fix the time, place, and manner for holding all meetings not fixed by this code.
- 504.2.76** To collect and expend the monies of USMS.
- 504.2.87** To create, modify, or disband standing committees.
- 504.2.98** To alter, amend, repeal, or otherwise change any provision of the *USMS Code of Regulations and Rules of Competition*. Explanation and interpretation shall be delegated to the chair and/or committee of jurisdiction.
- 504.2.109**To receive and approve all annual reports.
- Rationale:** Combine article 504.2.3 with article 504.2.2 to facilitate parallel construction.

L-34 **505.3.2A** **page 90** **Legislation Committee** **Modify**

- A** Chair their respective divisions as designated in Appendix E.

Rationale: Need to specify which committees belong to which division.

L-36 **506.3–506.6** **pages 91–92** **Legislation Committee** **Modify**

506.3 Powers

The powers of the Board of Directors shall be:

...

- 506.3.2** To alter, amend, or repeal the articles of incorporation.

Re-number current 506.3.2-506.3.9 to 506.3.3-506.3.10.

...

506.4 Meetings

~~A minimum of two meetings of the Board of Directors shall be held each year (one at the annual meeting of the House of Delegates and one midyear). Meetings held by conference call shall be held on a regular basis. Other meetings of the Board of Directors shall be held at any time or place, within or without the state of Ohio, pursuant to a resolution of the Board of Directors or to a call signed by the president or any three directors. Two weeks' written notice of such meeting shall be given to each director. Notice of any meeting may be waived in writing before such meeting. Special matters may be voted upon by the Board of Directors by mail, but no action can thus be taken without the endorsement of a majority of all directors.~~

506.4.1 A minimum of two meetings of the Board of Directors shall be held each year.

506.4.2 Meetings of the Board of Directors shall be held at any time or place, within or without the state of Florida, pursuant to (i) a resolution of the Board of Directors or (ii) a call signed by the president or any three directors. Two days' written notice of such meeting shall be given to each director. Notice of any meeting may be waived in writing before or after such meeting.

506.4.3 ~~The Board of Directors may participate in any regular or special meeting by, or conduct the meeting through the use of, any means of communication, including telephone, by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.~~

Rationale: These changes are recommended to conform USMS rules to an impending change of state of incorporation from Ohio to Florida. Proposed changes also take into account a proposal by the Legislation Committee to organize that rule more clearly. Matters, whether “special” or otherwise, may not be voted upon by mail since this is not in a contemporaneous meeting. The Board’s current practice is to use email “votes” to indicate a sense of the Board and ratify any vote subsequently at the next Board meeting.

L-37 **506.7.3B** **page 92** **Legislation Committee** **Modify**

B Receive and review the reports of the treasurer and ~~controller~~ [National Office](#).

Rationale: We no longer have an appointed position of controller; various National Office staff present reports to the Finance Committee.

L-38 **507.1.5, 507.1.7, 507.1.13** **page 96** **Legislation Committee** **Modify**

507.1.5 **Legislation Committee**—The Legislation Committee The Rules Committee chair ~~and the rule book coordinator~~ shall be [an](#) ex officio members of the committee.

507.1.7 **Long Distance Committee**—The Long Distance Committee The ~~rule book coordinator and~~ Open Water Committee chair shall be [an](#) ex officio members of the committee.

507.1.13 **Rules Committee**—The Rules Committee The Legislation Committee chair, ~~the rule book coordinator~~, the Officials Committee chair, and the USA Swimming Rules and Regulations Committee chair shall be ex officio members of the committee.

Rationale: The rule book coordinator is now a staff assignment and does not need to be specified in the rule book. Also, housekeeping to add the serial comma after “Officials Committee chair.”

L-39 **507.3** **page 97** **Legislation Committee** **Delete**

507.3.1 **Coordinators**—The president, with the concurrence of the Executive Committee, ~~shall may~~ appoint ~~the~~ coordinators. The Board of Directors may grant a coordinator the same rights and responsibilities as the chairs of standing committees. A coordinator, with the concurrence of the president, may appoint a working group to assist the coordinator
~~**A—Convention coordinator**—The convention coordinator shall cooperate with U.S. Aquatic Sports in the preparation of each year’s national convention and carry out the operational needs of the House of Delegates and its committees at convention.~~
~~**B—Rule book coordinator**—The rule book coordinator shall design, ensure the accuracy of, and produce the rule book and other materials or media, as approved by the House of Delegates. The rule book coordinator shall be an ex officio member of the Legislation, Long Distance, and Rules Committees.~~

Rationale: The roles of convention coordinator and rule book coordinator are now filled by staff, no longer appointed by the president, and should be removed from the rule book.

L-40 **601.1.1** **page 99** **Legislation & Rules Committees** **Modify**

Move the current 601.1.1 after the current 601.1.5 and renumber.

601.1.15 Executive Committee—Proposed changes to all other sections of the *USMS Code of Regulations and Rules of Competition* shall be considered by the Executive Committee or committee designated by the president. Such proposals are not subject to the provisions of articles [601.21](#), [601.32](#), [601.43](#), and [601.54](#).

Rationale: The order needs to be changed because it makes no sense for the Executive Committee to have jurisdiction over “all other sections” when we haven’t yet specified the jurisdiction of Legislation, LMSC Development, and Long Distance.

L-42 **403.4.1** **page 81** **Legislation Committee** **Modify**

403.4.1 Because certain disputes are most appropriate heard at the national level, the National Board of Review has original and exclusive jurisdiction to hear:

- A** Any complaint from members of USMS where more than one LMSC is involved.
- B** Any complaint of violation of article 402.4.4, providing false information, or article 402.4.8, causing a credible and material risk to safety.
- C** Any complaint initiated by USMS.
- D** [Any complaint in which LMSC bylaws, rules, policies, or procedures preclude filing of a grievance by a USMS member.](#)
- E** Upon a majority vote of the Executive Committee, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this article 403 to serve the best interests of Masters ~~s~~Swimming.

Rationale: Provides an avenue for grievance in cases where LMSC bylaws, rules, policies, or procedures do not allow it.

L-43 **504.3.1** **page 88** **Legislation Committee** **Modify**

504.3.1 The annual meeting of the House of Delegates shall be held at such time and place, within or without the state of ~~Ohio~~[Florida](#), as may be fixed in the notice of such meeting.

Rationale: USMS is changing its state of incorporation from Ohio to Florida.

L-44 **510.1** **page 98** **Legislation Committee** **Modify**

504.10 Coverage

Each person who is or was a director, officer, or employee of USMS (including the heirs, executors, administrators, or estate of such person) shall be indemnified by USMS to the full extent permitted by the Nonprofit Corporation Law of the state of ~~Ohio~~ [Florida](#) against any liability, cost, or expense incurred in the capacity as director, officer, or employee, or arising out of the status as a director, officer, or employee (including serving at the request of USMS as a director, trustee, officer, employee, or agent of another not-for-profit organization).

Rationale: This change is recommended to conform USMS rules to an impending change of state of incorporation from Ohio to Florida.

**ARTICLE 511:
Dissolution**

If deemed advisable by the members, USMS may be dissolved pursuant to the applicable provision of the corporation laws of the state of ~~Ohio~~Florida.

Rationale: This change is recommended to conform USMS rules to an impending change of state of incorporation from Ohio to Florida.

Recommended by the Legislation Committee as Amended

Requires a simple majority to pass

L-7 **202.1.1** **page 53** **Illinois LMSC** **Modify**

H Pursuant to [article 202.1.1 A](#), after receiving a sanction application the sanctioning LMSC may transfer its sanctioning jurisdiction administration to another LMSC, provided both agree to the transfer in writing. All fees and sanction obligations under [article 202.1.1](#) will be transferred to the accepting LMSC.

Rationale: In the unusual circumstance where an LMSC sponsored event is scheduled to be held outside its boundaries, the sanctioning LMSC may find it preferable to let the sponsoring LMSC assume all fees, sanctioning and top ten time reporting requirements. For example, Illinois (ILMSA) has in two of the three previous years sponsored its LMSC short course championship in the Wisconsin LMSC, just 4 miles outside ILMSA boundary. With over 500 participants, the burden of preparing and curing top ten time reporting should be borne by ILMSA not Wisconsin. Wisconsin should have the option of transferring its sanctioning requirements to ILMSA if it desires.

L-21 **203.3.2D** **page 57** **Rules Committee** **Modify**

The LMSC's authorized representative shall ~~report~~ **ensure that** the sanction ~~application is forwarded to the USMS Open Water Compliance Coordinator (OWCC) for National Office for approval of the safety plan.~~

Rationale: According to the current Open Water Guide to Operations, once an open water sanction request is made, the LMSC does a first review and then the request is passed along to the USMS OWCC for a second review before the sanction is issued. Therefore, the rule as written does not accurately reflect our current practice.

L-25 **403.4** **page 81** **Rules Committee** **Modify**

403.4.3

A Matters of jurisdiction to the National Board of Review shall be initiated by a written filing made in accordance with the National Board of Review procedures.

B **403.4.4** Requests to the National Board of Review for review of LMSC decisions shall be initiated by a written request for review filed in accordance with the National Board of Review procedures.

Rationale: Needed to be consistent with rule book style.

**Recommended by the Legislation Committer but Requiring Action by
Long Distance and/or Rules Committees**

Requires a simple majority to pass

L-3 **201.1.3A–B** **page 51** **Legislation Committee** **Modify**

- A** ... except that their swims shall not be eligible for USMS ~~national~~ open water awards and recognition. ...
- B** ... except that their times shall not be considered for Top 10 tabulation and ~~national USMS~~ or world records, All-American status, or any other USMS special awards. ...

Other articles that would require changing in order to maintain consistency:

Table of Contents, page v: 105.3 USMS ~~National~~ Records

Article 102.1.2, page 6: ... cannot be used for LMSC rankings or ~~national USMS~~ Top 10 times, ...

Article 103.18.4, table, page 26:

| | |
|---|--|
| Automatic timing | <ul style="list-style-type: none"> World records, USMS national records, and USMS Top 10 times Initial splits for all purposes Relay leadoff times for all purposes |
| Semiautomatic with three buttons or manual with three watches | <ul style="list-style-type: none"> World records, USMS national records, and USMS Top 10 times Initial splits and relay leadoff times for world records and USMS Top 10 times |
| Semiautomatic with two buttons or manual with two watches | <ul style="list-style-type: none"> USMS Top 10 times Initial splits and relay leadoff times for USMS Top 10 times |

Article 104.5.3C(1), page 31: ... The adjustment times for men and women competitors shall be calculated by multiplying the time adjustment in the following table by the ratio of the 200-yard freestyle ~~national USMS~~ record for the age group to that of the 25–29 200-yard freestyle for men and women, respectively. ...

Article 104.5.4A(2), page 32: Foreign swimmers—National championship meets shall include and welcome foreign swimmers, except that they may not qualify for USMS Top 10 and All-American awards nor set USMS ~~national~~ records.

Article 105.1.3, page 37: LMSC Responsibility—Each LMSC is responsible for reporting the Top 10 times, USMS ~~national~~ records, and world records achieved in its LMSC in the appropriate format (see Appendix B), including all times achieved by swimmers from other LMSCs.

Article 105.1.4, page 38: Required Information—To be considered for ~~national USMS~~ Top 10 times or for USMS ~~national~~ records, eligibility ...

Article 105.1.8, page 39: USMS ~~national~~ records shall be published annually in the *USMS Code of Regulations and Rules of Competition*.

Article 105.2.1, page 39: The ~~National USMS~~ Top 10 Times list shall be published annually for each age division and for each gender for the events listed under article 102.5.

Article 105.3, page 39: USMS ~~National~~ Records

Article 105.3.1, page 39: The fastest official time by a USMS member in each event in a USMS-sanctioned or USMS-recognized competition, as verified in accordance with article 105.3.8, shall be designated as a USMS ~~national~~ record. For open water and long distance records, see article 308.

Article 105.3.6, page 39: Split times shall be considered for USMS ~~national~~ records if:

Article 202.1, page 53: Times achieved at sanctioned events are considered for USMS ~~national~~ records, USMS Top 10 times, and FINA world records ...

Article 202.2, page 55: Times achieved at recognized events shall be considered for USMS ~~national~~ records and Top 10 times Times achieved by USMS members at events sanctioned by USA Swimming shall be considered for USMS ~~national~~ records and Top 10 times Times achieved by USMS members at events sanctioned by a FINA member federation shall be considered for USMS ~~national~~ records ...

Article 203.1, page 56: Swims achieved by USMS members at sanctioned events are considered for USMS open water ~~national~~ awards and recognition

Article 307.8.1G, page 75: Special information (~~national USMS~~ records, overall place, place among gender, etc.).

Article 307.9.1B, page 75: ... to fit the age group ~~national USMS~~ record times for each gender.

Article 308.1.1, page 77: Individual ~~national USMS~~ records will be maintained Relay ~~national USMS~~ records shall be maintained

Article 308.1.2, page 77: To be considered for a ~~national USMS~~ record, individual participants and relays

Article 308.1.3, page 77: ... no ~~national USMS~~ records will be maintained in open water events due to differences in courses, currents and other physical factors.

Article 308.1.6, page 77: Long distance ~~national USMS~~ records for cable swims may not be established by using a swimmer's split time in an individual event.

Article 308.1.7, page 77: Long distance ~~national USMS~~ records for postal swims may be established by using a swimmer's split time in an individual event if:

Article 507.1.11, page 96: Records and Tabulation Committee—The Records and Tabulation Committee shall establish and maintain a standardized process of recording and verifying times and shall publish the Top 10 times, All-American and All-Star rosters, and USMS ~~national~~ records annually for each course. ...

Appendix A, page 103: ... For the most up-to-date and complete record listings, please check the USMS ~~national~~ pool records database online at: www.usms.org/com/usmsrecords.php.

Appendix B, page 144: FMS1.14 Records—Applications for FINA Masters world records Applications for USMS ~~national~~ records

Appendix B, page 150: "Complete the above form, lines 1 to 17, in its entirety. Line 18 is for use by the Records Administrator. ~~National USMS~~ records are due within 90 days of the end of the season of the swim.

Rationale: Because citizenship is not required to be a member of USMS, the correct term is "USMS record" rather than "national record."

L-16 202.2 page 55 Records and Tabulation Committee Modify

Times achieved at recognized events shall be considered for USMS national records and Top 10 times if a designated USMS observer is present and verifies in writing that the conduct of the competition conforms to the relevant USMS swimming rules and administrative regulations. USMS membership is not required for swimmers entered in recognized events. Times achieved by USMS members at events sanctioned by USA Swimming shall be considered for USMS national records and Top 10 times without formal application for recognition. ~~Times achieved by USMS members representing the USA National Team at a meet sanctioned by a FINA member federation shall be considered for USMS records and Top 10 without formal application for recognition and without further documentation.~~ Times achieved by

Deleted: USA Swimming recognized Olympics, World Championships, or Pan American elite international

Deleted: held under the control of FINA

USMS members at events sanctioned by a FINA member federation shall be considered for USMS national records and Top 10 times without formal application for recognition if the USMS member(s) register for the meet as USMS members. It is the responsibility of the swimmer to submit times obtained in recognized events with complete documentation to the appropriate LMSC Top 10 recorder and the Records and Tabulation Committee chair.

Other articles that would require changing in order to maintain consistency:

105.3.9, page 40: Records set outside the United States shall be submitted on official USMS record application forms (Appendix B) and are subject to all pertinent requirements.

A ~~Records set at a meet sanctioned by a FINA member federation shall be considered for USMS records without further documentation.~~

Deleted: [USA Swimming recognized elite international](#)

Deleted: [held under the control of](#)

105.1.7D, page 38

D If a moveable bulkhead is used and the initial pool length certification for all lanes is on file, the measurement rules and policies of FINA shall be the standard for events sanctioned by a FINA Masters member federation other than USMS.

(1) ~~Documentation for pool measurement is not required for times set at a meet sanctioned by a FINA member federation.~~

Deleted: [USA Swimming recognized elite international](#)

Deleted: [held under the control of FINA](#)

Rationale: USA Swimming has a similar rule that allows times at these kinds of meets, e.g., Olympics or world championships, shall be considered for all official purposes without additional documentation. Refer to 2015 USA Rules & Regulations, page 54, rule 104.2.2C(6). **For proposed amendment to article 105.3.9A:** It is next to impossible to obtain signatures, pool measurements, and copies of timing system tapes at these meets. Information about the swims can be obtained from official published results. **For proposed amendment to article 105.1.7D:** It is next to impossible to obtain pool measurements at these meets.

L-17 202.2 page 55 Records and Tabulation Committee Modify

Times achieved at recognized events shall be considered for USMS national records and Top 10 times if a designated USMS observer is present and verifies in writing that the conduct of the competition conforms to the relevant USMS swimming rules and administrative regulations. USMS membership is not required for swimmers entered in recognized events. Times achieved by USMS members at events sanctioned by USA Swimming shall be considered for USMS national records and Top 10 times without formal application for recognition. ~~Times achieved by USMS members at the FINA World Masters Championships shall automatically be considered for USMS records and Top 10 without formal application for recognition and without further documentation.~~ Times achieved by USMS members at events sanctioned by a FINA member federation shall be considered for USMS national records and Top 10 times without formal application for recognition if the USMS member(s) register for the meet as USMS members. ~~Times achieved by USMS members at the FINA World Masters Championships shall automatically be considered for USMS records and Top 10 without formal application for recognition and without further documentation.~~ It is the responsibility of the swimmer to submit times obtained in recognized events with complete documentation to the appropriate LMSC Top 10 recorder and the Records and Tabulation Committee chair.

Other articles that would require changing in order to maintain consistency:

105.3.9, p. 40

Records set outside the United States shall be submitted on official USMS record application forms (Appendix B) and are subject to all pertinent requirements.

B Records set at the FINA World Masters Championships shall be considered for USMS records without further documentation.

105.1.7D, p. 38

D If a moveable bulkhead is used and the initial pool length certification for all lanes is on file, the measurement rules and policies of FINA shall be the standard for events sanctioned by a FINA Masters member federation other than USMS.

(2) Documentation for pool measurement is not required for times set at the FINA World Masters Championships.

Rationale: For the last 22 years, a USMS representative has acted as the FINA Masters Recorder at the subject championships and has completed all the documentation for USMS swimmers entered in the FINA Masters World Championships. This position might not be held by a USMS representative in the future, thereby making it difficult to obtain signatures, pool measurements, and copies of timing system tapes at this meet. It is impractical for each swimmer to obtain and bring the documentation to the attention of their local LMSC Top 10 Recorder. Information about the swims can be obtained from official published results. **For proposed amendment to article 105.3.9:** It is next to impossible to obtain signatures, pool measurements, and copies of timing system tapes at these meets. Information about the swims can be obtained from official published results. **For proposed amendment to article 105.1.7D:** It is next to impossible to obtain pool measurements at these meets.

Not Recommended by the Legislation Committee

Requires two-thirds majority to pass

L-1 **201.1.3** **page 51** **Michigan LMSC** **Replace**

~~**B** **Pool One-Event Registration**—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation and national or world records, All-American status, or any other USMS special awards. One-event registrations shall be identified as such in the meet results.~~

B **Pool One-Event Registration**—USMS will no longer offer pool single-event registrations that allow an athlete who is not currently registered as a USMS member to participate in one pool event sanctioned by any LMSC.

Rationale: Very few LMSCs currently offer any one-event registration for pool events. A one event registration for pool events requires extra work for the event host, the registrar, and the Top 10 recorder and has not historically resulted in increases in the annual membership resulting from those individuals who have competed using the one-event registration. Times swum by those swimming with a one-event pool registration are not counted in either the USMS or FINA top times databases. Disallowing one-event pool registration also would be in keeping with current USA Swimming, which allows for single-meet open water membership but not for single-meet pool membership.

With the “Year Plus” membership option that USMS uses from September to December, a swimmer gets a discounted full USMS membership for both the current year and the following year where in the past this option was not available and the use of one-event registration was used heavily during this period by the LMSCs.

For a one-year period (Sept. 2013–Aug. 2014) there were 13 LMSCs that collected one-event registrations at their pool meets. The list shows the number of meets where OEVTs were collected, and the total number collected from those meets:

Adirondack, 1 meet, 1 OEVT
Hawaii, 1 meet, 2 OEVTs
Iowa, 1 meet, 4 OEVTs
Inland Northwest, 1 meet, 5 OEVTs
Minnesota, 2 meets, 5 OEVTs total
Nebraska, 1 meet, 1 OEVT
North Carolina, 1 meet, 5 OEVTs total
Niagara, 4 meets, 12 OEVTs total
Ozark, 1 meet, 2 OEVTs total
South Carolina, 3 meets, 9 OEVTs total
Southeastern, 1 meet, 3 OEVTs total
Southern, 3 meets, 7 OEVTs total
Utah, 5 meets, 71 OEVTs total (47 were from the Huntsman Games)

L-8 **202.1.1A** **p. 53–54** **Records and Tabulation Committee** **Insert**

Insert new 202.1.1A(4) and renumber thereafter.

(4) When the one-event registration is allowed for a pool meet, the meet information must state “Times swum under the one-event registration are not eligible for USMS Top 10 or records consideration (see article 201.1.3B).

Rationale: Although not often used, there have been misunderstandings about the privileges attributed to one-event registrations at pool meets. In order not to disappoint potential USMS members, it is necessary to clearly state in the meet information that the one-event registrations are ineligible for Top 10 or records considerations.

L-35 506.1.2 page 90 Illinois LMSC Modify

506.1.2 The nonvoting members of the Board of Directors shall consist of the executive director, 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. **All presidents who become a past president after 12/31/15, shall be limited to the length of time they serve on the Board of Directors as a non voting past president to 4 years.**

Rationale: First, all existing past presidents are grandfathered by this change, no existing past president is personally disrespected or singled out by this change.

None of our other USA Swimming organizations keep their past presidents as permanent members on their boards. A sampling of major sports nonprofit organizations do not retain their past presidents as permanent board members: USA Swimming, USA Diving, USA Synchronized Swimming, USA Water Polo, UANA, USOC, USA Triathlon and USA Taekwondo. How many LMSCs keep their past presidents as permanent Board members? We found none.

After this convention there are seven past presidents on the USMS Board and three others who could be. The seven make up more than one-third of the Board. In four years we could add another two, which would make the past presidents more than half our elected Board.

The main rationale for keeping the past presidents permanently on the Board was to offset the inexperience of newly elected Board members. This is no longer necessary for two reasons: 1) the executive director provides continuity, organizational history and experience same as the past presidents and 2) the Board has established an ongoing board training and development program utilizing outside consultants. New Board members come better prepared, are well qualified and assigned Board mentors to facilitate their incorporation into the Board.

L-41 601.4 page 100 Long Distance Committee Modify

601.4 Adoption of Proposed Amendments

The *USMS Code of Regulations and Rules of Competition* may only be altered, amended, repealed, or otherwise changed at the annual meeting of the House of Delegates and only as follows:

601.4.1 Rules—~~In even numbered years,~~ Part 1 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.

601.4.2 Long Distance—~~In even numbered years,~~ 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.

601.4.3 Legislation—~~In odd numbered years, t~~The Organizing Principles, Glossary, Part 2, Part 4, Part

5, and Part 6 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 Legislation 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 Legislation Committee.

601.4.4 LMSC Development—~~In odd-numbered years,~~ Appendix D 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 LMSC Development 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 LMSC Development Committee. ...

Other articles that would require changing in order to maintain consistency:

601.4.7 USA Swimming Amendments That Affect USMS Rules

- A** Amendments to USA Swimming articles 101, “Individual Strokes and Relays,” 102, “Conduct and Officiating of All Swimming Competition,” and 105, “Guidelines for Officiating Swimmers With a Disability in USA Swimming Meets,” shall automatically be adopted by USMS unless the USMS House of Delegates votes to reject those amendments. ~~Votes to reject shall not be considered emergency amendments.~~ Amendments to USA Swimming article 103, “Facility Standards,” may be recommended by the Rules Committee for adoption by the House of Delegates. ~~Votes to accept shall not be considered emergency amendments.~~

Summary of Amendment Procedures table located after article 601.5: Delete.

Rationale: In the days when USMS was an all-volunteer body, before the ubiquitous use of Internet communications and conference calling, the two-year staggered cycles of rules and legislation matched the pace of the organization and made good sense. However, with a national office and modern-speed communications, the two-year cycle seems to be a quaint relic of the 1980s. USMS should not have to delay implementation of pertinent rules and legislation due to an outdated cycle, and the affected USMS committees—Rules, Long Distance, Legislation, and LMSC Development—could better balance their workloads from year to year.