

**HAWAIIAN SWIMMING,
USA SWIMMING
RULES AND REGULATIONS**

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Article I. PURPOSE AND SCOPE

Section 1.01 PURPOSE:

To promote the swim program for Hawaiian Swimming, USA Swimming. These regulations cover those rules and regulations established by the Hawaiian LSC that govern the individual and member responsibilities as part of the LSC and which carry possible sanctions if not carried out. The USA Swimming Rules and Regulations and Hawaiian LSC Bylaws will be followed in any case where these Rules and Regulations conflict.

Section 1.02 SCOPE:

This program intends to supplement and implement existing USA Swimming Rules and Regulations and to establish where deemed necessary, rules and procedures unique to Hawaiian Swimming.

Article II. AMENDMENTS TO THE RULES AND REGULATIONS

Section 2.01 SUBMISSION TO BOARD OF DIRECTORS:

Before a vote on a proposed amendment is considered, said proposal must have been submitted in writing to the Board of Directors of Hawaiian Swimming.

Section 2.02 AMENDMENT PROCEDURE:

Proposed amendments to these Rules and Regulations shall be published for the members no later than the regularly scheduled Board meeting immediately prior to the House of Delegates meeting where the amendments are to be considered. The Board may modify the proposed amendment(s) at that Board meeting, provided the final version of the amendment(s) is posted to the website prior to the House of Delegates meeting. A quorum of the House of Delegates shall consist of 30 percent of the official members or a minimum of ten (10) members. A simple majority of the delegates present shall be required to amend the rules and regulations. No proxies will be accepted (See Bylaws).

Section 2.03 USA SWIMMING HOUSE OF DELEGATES LEGISLATION:

Rules, policies and procedures adopted by the USA Swimming House of Delegates will take precedence over these rules and regulations. In such cases, the legislation passed by the USA Swimming House of Delegates shall be used to modify this document as needed.

Article III. Policies and Best Practice Guidelines for Athlete Protection

Section 3.01 INTRODUCTION

In order to provide a positive experience and a safe environment for athletes, all non-athlete adult members of USA Swimming should maintain professionalism and avoid any appearance of impropriety in their relationships with athletes. Coaches, in particular, should recognize the influence, power and position of trust they have with athletes and should use these only in an athlete's best interest. This document provides specific mandatory policies and best practice guidelines that are strongly recommended.

Section 3.02 ATHLETE PROTECTION MANDATORY POLICIES

The following Policies from the USA Swimming Code of Conduct are mandatory for all USA Swimming members.

- (a) Article 304 USA Swimming Code of Conduct : The following policies in the USA Swimming Code of Conduct Article 304 specifically pertain to Athlete Protection:
 - (i) 304.3.4 Violation of any of the Athlete Protection Policies set forth in Article 305*
 - (ii) 304.3.5 Conviction of, imposition of a deferred sentence for, or any plea of guilty or no contest at any time, past or present, or the existence of any pending charges for (i) any felony, (ii) any offense involving use, possession, distribution, or intent to distribute illegal drugs or substances, (iii) any crime involving sexual misconduct, or (iv) any criminal offense against a minor.*
 - (iii) 304.3.6 Violation of the Sexual Misconduct Reporting Requirements set forth in Article 306.*
 - (iv) 304.3.7 Any sexual conduct, advance, or other inappropriate sexual oriented behavior or action directed towards an athlete by (i) a coach member or other non-athlete member, or (ii) any other adult participating in any capacity whatsoever in the affairs or activities of USA Swimming (whether such adult is a member or not).*

- a) *Any nonconsensual physical sexual conduct, or pattern of other sexual harassment in connection or incidental to a USA Swimming-related activity by any person participating in the affairs or activities of USA Swimming (Whether such person is a member or not) directed toward any member or other person participating in the affairs or activities of USA Swimming.*
- (v) ***304.3.12 Physical abuse of an athlete by any person who, in the context of swimming, is in a position of authority over that athlete.***
- (vi) ***304.3.17 Any other material and intentional act, conduct, or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, an LSC, or the sport of swimming.***

Section 3.03 MANDATORY COMPONENTS FROM USA SWIMMING CODE OF CONDUCT
The following policies related to Athlete Protection are mandatory components of the USA Swimming Code of Conduct and the Rules and Regulations of Hawaiian Swimming:

- (a) Article 305 Athlete Protection Policies
 - (i) ***305.1 Inappropriate touching between an athlete and an adult non-athlete member or Participating Non- Member (as defined in 401.1) is prohibited, including, but not limited to, excessive touching, hugging, kissing, sexually oriented behavior, sexually stimulating or otherwise inappropriate games, and having an athlete sit on a non-family member adult's lap.***
 - (ii) ***305.2 Any rubdown or massage performed on an athlete by any adult member or Participating Non- Member, excluding the spouse, parent, guardian, sibling, or personal assistant of such athlete, is prohibited unless such adult is a licensed massage therapist or other certified professional. Any rubdown or massage performed at a swim venue by a licensed professional must be conducted in open/public locations and must never be done with only the athlete and licensed massage therapist in the room. Even if a coach is a licensed massage therapist, the coach shall not perform a rubdown or massage of an athlete under any circumstances.***
 - (iii) ***305.3 Use of audio or visual recording, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms.***
 - (iv) ***305.4 Employees and volunteers of USA Swimming, LSCs and member clubs who interact directly and frequently with athletes as a regular part of their duties and individuals with any ownership interest in a member club must be non-athlete members of USA Swimming and satisfactorily complete criminal background checks as required by USA Swimming. This does not apply to volunteers such as timers, marshals, computer operators, etc. who only have limited contact with athletes during a meet.***

(v) 305.5 Travel

- a) *Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete (unless the coach is the parent, guardian, sibling, or spouse of that particular athlete*
- i) *For the purposes of Article 305.5.a, where an adult is registered both as a coach and an athlete member of USA Swimming, and is functioning primarily as a coach, he/she may share sleeping arrangements with another registered coach.*
- b) *Team managers and chaperones must be members of USA Swimming and have successfully passed a USA Swimming-administered criminal background check.*
- c) *When only one athlete and one coach travel to a competition, the athlete must have his/her parents' (or legal guardian's) written permission in advance to travel alone with the coach.*
- d) *The Hawaiian LSC and each of the Club Members in the LSC shall develop their own travel policies. Club travel policies must be signed and agreed to by all athletes, parents, coaches and other adults traveling with the club.*

Section 3.04 SEXUAL MISCONDUCT REPORTING REQUIREMENTS

The following policies related to sexual misconduct reporting are mandatory components of the USA Swimming Code of Conduct and the Rules and Regulations of Hawaiian Swimming:

- (a) Article 306 Sexual Misconduct Reporting Requirements
 - (i) 306.1 It is every member's responsibility to promptly report any incident regarding sexual misconduct by a member as described in Article 304.3.7 to USA Swimming's Athlete Protection Officer. Reporting must occur when an individual has firsthand knowledge of misconduct or where specific and credible information has been received from a victim or knowledgeable third party. Various state laws may also require reporting to law enforcement or to a designated child protection agency.**
 - (ii) 306.2 No member shall retaliate against any individual who has made a good faith report under 306.1.**

(iii) 306.3 False reporting of sexual misconduct made in bad faith is prohibited. Neither civil nor criminal statutes of limitation apply to reports of cases of sexual abuse.

(iv) 306.4 You can report one of three ways to the USA Swimming Athlete Protection Officer, Susan Woessner:

- a) Online at www.usaswimming.org/report*
- b) Via email to swoessner@usaswimming.org*
- c) Via phone at (719) 866-3589*

Section 3.05 BEST PRACTICE GUIDELINES

The following Best Practice Guidelines are strongly recommended for all USA Swimming members.

- (a) Parents should be encouraged to appropriately support their children's swimming experience.
- (b) All swimming practices should be open to observation by parents.
- (c) Two-deep Leadership: One coach member and at least one other adult who is not in the water should be present at all practices and other sanctioned club activities whenever at least one athlete is present. Clubs and coaches should evaluate their seasonal plans and map out how to best accomplish this strongly recommended guideline.
- (d) Open and Observable Environment: An open and observable environment should be maintained for all interactions between adults and athletes. Private, or one-on-one situations, should be avoided unless they are open and observable. Common sense should be used to move a meeting to an open and observable location if the meeting inadvertently begins in private.
- (e) Coaches should not invite or have an athlete(s) to their home without the permission of the athlete's parents (or legal guardian).
- (f) During team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership and open and observable environments should be maintained.
- (g) Athletes should not ride in a coach's vehicle without another adult present who is the same gender as the athlete, unless prior parental permission is obtained.
- (h) During overnight team travel, if athletes are paired with other athletes they shall be of the same gender and should be a similar age.
- (i) Where athletes are age 13 & Over, chaperones and/or team managers would ideally stay in nearby rooms.***

(ii) When athletes are age 12 & Under, chaperones and/or team managers may stay with athletes. Where chaperones/team managers are staying in a room with athletes, they should be the same gender as the athlete and written consent should be given by athlete's parents (or legal guardian).

- (i) When only one athlete and one coach travel to a competition, at the competition the coach and athlete should attempt to establish a "buddy" club to associate with during the competition and when away from the venue.
- (j) Communications between non-athlete adult members and athletes should not include any topic or language that is sexual or inappropriate in nature.
- (k) Non-athlete adult members should respect the privacy of athletes in situations such as changing of clothes, showering, etc. Non-athlete adult members should protect their own privacy in similar situations.
- (l) Relationships of a peer-to-peer nature with any athletes should be avoided. For example, coaches should avoid sharing their own personal problems with athletes.
- (m) Coaches and other non-athlete adult members should avoid horseplay and roughhousing with athletes.
- (n) When a coach touches an athlete as part of instruction, the coach should do so in direct view of others and inform the athlete of what he/she is doing prior to the initial contact. Touching athletes should be minimized outside the boundaries of what is considered normal instruction. Appropriate interaction would include high fives, fist bumps, side-to-side hugs and handshakes.
- (o) Coaches should not initiate contact with or accept supervisory responsibility for athletes outside club programs and activities.
- (p) Coaches should not engage in sexual intimacies with a former athlete for at least two years after the cessation or termination of professional services.
- (q) Because sexual intimacies with a former athlete are frequently harmful to the athlete, and because such intimacies undermine public confidence in the coaching profession and thereby deter the public's use of needed services, coaches should not engage in sexual intimacies with former athletes even after a two-year interval except in the most unusual circumstances. The coach who engages in such activity after the two years following cessation or termination of the coach-athlete relationship bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including:

(i) The amount of time that has passed since the coach-athlete relationship terminated;

(ii) The circumstances of termination;

(iii) The athlete's personal history;

(iv) The athlete's current mental status;

(v) The likelihood of adverse impact on the athlete and others; and

(vi) Any statements or actions made by the coach during the course of the athlete-coach relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the athlete or coach.

(vii) Both the athlete and the coach must be 18 years of age or older.

Article IV. SANCTIONS

Section 4.01 GRANTING A SANCTION

Granting a Hawaiian Swimming sanction expressly confers on the requesting group member the responsibility of adhering to Hawaiian and USA Swimming Rules. Failure to adhere to prescribed rules will result in the withdrawal of the sanction if the violation occurs prior to the meet or referral to Hawaiian Swimming for determination of punitive action to be taken against an individual(s) and/or team(s).

Section 4.02 SANCTIONS ARE REQUIRED

All Hawaiian Swimming swim meets require a sanction.

Section 4.03 APPLYING FOR A SANCTION:

Requests for sanction will be sent to the Age Group Committee using the Application for Sanction form. This application shall include the meet notice. The forms should be received by the designated date, which is 45 days prior to the meet. See Policy and Procedures Manual for detailed procedure.

Section 4.04 Sanction fees shall be sent to the LSC Treasurer and a copy to the Age Group Vice-chair.

Section 4.05 REQUEST FOR SANCTION DECISIONS

Decision on the request for sanction will be furnished to the requesting group member in writing.

- (a) If disapproval is indicated, specific reasons for such action will be stated. If the requesting group members can correct the deficiency, they may resubmit the application.
- (b) If approval is granted, the Age Group Committee will return a signed copy of the application to the group member.

Section 4.06 EMAIL MEET NOTICES

Upon the granting of the sanction, the Age Group Vice-chair shall e-mail the meet notice to all appropriate group members and to each member of the Board of Directors.

- (a) Preparation for and conduct of the meet must adhere to the conditions of the sanction guidelines.
- (b) The group member must receive approval from the Age Group Committee for any proposed changes. The sponsoring group member shall notify all appropriate group members and the meet referee of any changes prior to the start of the meet.

Article V. MEET DEADLINES, INCOMPLETE ENTRIES, AND POST-MEET REQUIREMENTS

Section 5.01 MEET DEADLINES:

- (a) The entry deadline for Hawaiian Swimming swim meets is not to exceed ten (10) days prior to the meet.
- (b) The meet notice must be mailed to participating clubs a minimum of twenty- one (21) days prior to the entry deadline, otherwise the entry deadline will be reduced.
- (c) Each meet notice will clearly specify the closing date and time for all entries. Use of "postmark" deadline for date and time is suggested. Acceptance or rejection of late entries for meets is a prerogative of the sponsoring group member. If any late entries are accepted, the sponsoring group member will charge the requesting group member a late fee (established by the Age Group Committee).
- (d) No late entries or changes will be allowed for championship meets.

Section 5.02 INCOMPLETE ENTRIES:

- (a) Entries will be considered incomplete for team and/or individuals when:
 - 1) No signed Recap sheet accompanies the entries.
 - 2) Prescribed fee does not accompany entry unless agreement for late payment has been reached with the sponsoring group member.
 - 3) Required entry information for swimmers is not provided.
- (b) Incomplete team entries will not be accepted.

Section 5.03 POST MEET REQUIREMENTS

- (a) The sponsoring group member's responsibilities under the sanction continue, until the following post meet requirements are met:
 - 1) Hard Copy of the meet results will be provided upon request. Final results may be obtained by providing a computer disk at the end of the meet or downloading from the Hawaiian Swimming web site which will be posted no later than 5 days after the end of the meet.
 - 2) A complete financial report with payment of appropriate LSC fees shall be sent within fourteen (14) days to the Age Group Vice- chair and a copy to the LSC Treasurer.
 - 3) Applications for Hawaiian Swimming swim records or National Age Group records shall comply with Hawaiian Swimming Guidelines and USA Swimming Rules.

- 4) With the exception of the financial report, all of the above must be postmarked no later than ten (10) days after the last day of the meet or a fifty dollar (\$50) penalty shall be imposed. The financial report must be postmarked no later fourteen (14) days after the last day of the meet. Failure to meet the deadline for the financial report will result in a fifty dollar (\$50) penalty. The penalty is payable within thirty (30) days of written notification.
- (b) The Meet Referee's responsibilities include the following post meet requirements:
- 1) One copy of Report of Swimming Officials' Performance shall be mailed to the Officials Chairperson. This report must be received by the Officials Chairperson for officials to be considered for certification.
 - 2) In the event the Referee conducted the meet under a formal protest, he/she will, subsequent to the meet and by direct correspondence, forward a complete report of the fact and circumstance to the General Chairperson to be placed on the agenda for the next scheduled meeting of the Board of Directors. (Refer to USA Swimming Rules re: Protests)
 - 3) The Referee of each meet shall submit a post-meet report stating his/her observations including recommendations and suggestions to the Officials Chairperson.

Article VI. NON-COMPLIANCE PENALTIES

Section 6.01 SWIMMING OUT OF CLASSIFICATION

The National Times Verification (NTV) Officer of Hawaiian Swimming has the right to confer penalties after the fact (subsequent to the meet) if, in the due course of time, violations come to his/her attention. The effect of this action will be:

- (a) No record will be recognized.
- (b) Times will be voided.
- (c) Responsible person(s) and/or group members are subject to consideration for punitive action. A twenty-five dollar (\$25) penalty per swimmer per meet for swimming out of classification will be imposed.

Section 6.02 NON-REGISTERED SWIMMERS

The Registration Coordinator of Hawaiian Swimming has the right to confer penalties after the fact (subsequent to the meet) if, in the due course of time, violations come to his/her attention.

- (a) The penalty for a non-registered swimmer participating in a meet will be a hundred-dollar (\$100) fine per swimmer per event entered.
 - (i) *The penalty is in accordance with USA Swimming Rules and is payable within 30 days of written notification.*

Section 6.03 POST MEET REQUIREMENT VIOLATIONS

The Age Group Vice-chair of Hawaiian Swimming has the right to confer penalties after the fact (subsequent to the meet) if, in the due course of time, violations come to his/her attention.

- (a) The penalty for not adhering to all post meet requirements set forth in Section IV, Sanctions and Post Meet Requirements, is a fifty dollar (\$50) fine per meet.
- (b) The penalty is payable within thirty (30) days of written notification from the Age Group Vice-chair.

Section 6.04 LATE ENTRY FEES

A late fee for late entries may be established.

Article VII. SWIMMING OFFICIALS

Section 7.01 RESPONSIBILITY TO OBTAIN OFFICIALS FOR MEETS

Obtaining certified officials is a responsibility of the sponsoring group member, except for State Championships, which will be the responsibility of the LSC Officials Chairperson or designated person. Invitations to officials should normally be by personal request to perform a specified job and done well in advance of the scheduled meet.

- (a) Failure to provide key certified officials and other required officials is cause of conditional sanction or revocation of sanction.
- (b) Key officials are referenced in USA Swimming Rules and Regulations, Section 102.12.3-5.
- (c) For every five (5) swimmers entered in a meet, each entering group member will be responsible for one official. For those clubs entered less than five (5) swimmers, at least one official will be required. Timers count as officials for this requirement.

Section 7.02 REIMBURSEMENT OF BACKGROUND CHECK FEES

The LSC **shall** reimburse all individuals registering as an **Official** for the cost of taking their background check. Said reimbursement shall not exceed the cost that is in effect at the time of taking their background check. Each individual official may complete a Request for Reimbursement form and submit their receipt(s) to the LSC Treasurer if they are requesting reimbursement of the background check fee.

- (a) This process shall be in effect for no less than two (2) years at which time the LSC Officials Chair and Officials Committee shall re-evaluate the process and any revisions made by USA Swimming and Hawaiian Swimming, Inc.
- (b) Officials' reimbursement request must be processed within thirty (30) days of payment of the background check fee.

Article VIII. LSC FINANCIAL RULES AND RESPONSIBILITIES

Section 8.01 LSC REPORTING REQUIREMENTS

The LSC shall comply with the reporting requirements as found in the USA Swimming Rules and Regulations and with Federal and State requirements.

Section 8.02 REIMBURSEMENT FORMS

Reimbursement forms must be completed for each check written indicating the following information:

- (a) Name of payee
- (b) Title – e.g. General Chair, Age Group Chair, Team Hawaii Chair, etc.
- (c) Reason or Purpose – reason for the expense or deposit – e.g. long course state championship meet; Team Hawaii gifts, etc.
- (d) Summary of each receipt
- (e) Total reimbursement amount

Section 8.03 TIME PERIOD FOR REQUESTING REIMBURSEMENTS

Requests for reimbursements must be received within 30 days from date expenses were incurred. Requests received after the 30 day period may be denied for reimbursement.

Section 8.04 DEPOSIT FORMS

Deposit forms should be consistently used for ALL transactions. Deposit forms need to be COMPLETELY filled out with the following information:

- (a) Name of the person or team that is providing the LSC with a check for deposit
- (b) Purpose or reason – e.g. entry fees for Long Course State Championships
- (c) Title of person making deposit – e.g. General Chair, Age Group Chair, Team Hawaii Chair, etc.
- (d) Summary of deposit if multiple transactions
- (e) Total deposit amount

Article IX. MISCELLANEOUS REGULATIONS

The following are intended to provide specific and definitive guidance in areas where experience has shown a need for standardization and resolution:

Section 9.01 LSC TRAVEL POLICY

Together with USA Swimming and in compliance to the requirements of the USA Swimming Rules and Regulations (specifically Section 305 in the Code of Conduct), Hawaiian Swimming establishes the following mandatory policies for all LSC travel teams. Further, all Hawaiian LSC Club Members shall adopt these mandatory policies and such other policies that are consistent with these mandatory policies and appropriate to their experience and best practices. They shall submit their policy statements to the LSC Board of Directors for approval.

- (a) Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete (unless the coach is the parent, guardian, sibling, or spouse of that particular athlete). (305.5.A)

- (b) Team managers and chaperones must be members of USA Swimming and have successfully passed a USA Swimming-administered criminal background check. (305.5.B)
- (c) When only one athlete and one coach travel to a competition, the athlete must have his/her parents' (or legal guardian's) written permission in advance to travel alone with the coach. (305.5C)
- (d) Hawaiian LSC travel policies must be signed and agreed to by all athletes, parents, coaches and other adults traveling with the club. (305.5.D)
- (e) During LSC team travel, when doing room checks, attending team meetings and/or other activities, two-deep leadership and open and observable environments should be maintained.
- (f) The Hawaiian Swimming Team Hawaii Coordinator and current Team Hawaii Head Coach (or Head Coach of other LSC teams that may be formed) shall publish a Code of Conduct that will be signed and agreed to by all athletes, parents, coaches, and other adults traveling with the LSC team.
- (g) If Club Members do not submit their own club travel policies for approval by the House of Delegates at its April 2011 meeting, the LSC's travel policy will be their default policy.

Section 9.02 WARM-UP PROCEDURES

Meet hosts and all participating Club Members shall refer to Section 11.01 of the Hawaiian Swimming Policy and Procedures Manual for applicable warm-up procedures at sanctioned meets. Warm-up sessions may be modified by the Meet Director or Meet Referee as needed to maintain safety and efficiency during the warm-up session.

Section 9.03 NOTIFICATION OF NAMES OF BOARD OF DIRECTORS AND COMMITTEE CHAIRPERSONS

The Secretary will make the names of the Board of Directors and Committee Chairpersons of Hawaiian Swimming available to each group member and each of the Board of Directors after the annual election meeting each year.

Section 9.04 GROUP MEMBER BOARD ROSTERS DECLARATION REQUIREMENT

The group member shall make available a board roster including voting delegates and alternates to the Registration Chairperson by December 31st of each year.

Section 9.05 ROSTER OF TEAMS SENT TO GROUP MEMBERS

An LSC team roster shall be sent to each group member and the Board of Directors by the Secretary no later than January 31st of each year.

Section 9.06 REGISTRATION AND TRANSFER

To eliminate confusion and preclude the possibility of an inadvertent violation of USA Swimming rules, the procedures and requirements are set forth in the USA Swimming Rulebook. Current procedures and regulations as set forth by the Hawaiian Swimming Registration Coordinator regarding transfers between local group members and from other associations are available upon request to Hawaiian Swimming.

Section 9.07 TIMELINE FOR POSTING REGISTRATION APPLICATIONS TO SWIMS
The general time frame for posting of completed registration applications submitted to the Registration Coordinator will be 14 days from the postmark on the applications containing appropriate payment of registration fees.

Section 9.08 CONFIRMATION OF MEMBERSHIP ON CLUB PORTALS
All swimmers must be confirmed as members of USA Swimming prior to being allowed to participate in sanctioned meets. In general, if membership of a swimmer is disputed at the time of the meet, this confirmation will be done online through use of the USA Swimming Club Portals.

Section 9.09 COMMITTEE SUBMISSIONS TO BOARD OF DIRECTORS
All committees shall submit for approval by the Board of Directors their policies, procedures and/or guidelines annually or as needed.

Section 9.10 ADDITIONS AND CHANGES TO THE RULES AND REGULATIONS
All new policies, procedures and/or guidelines approved by the Board of Directors and ratified by the House of Delegates shall automatically become part of these rules and regulations as appropriate.

UPDATED: NOVEMBER 21, 2010 (Adopted new format for Rules and Regulations document)

February 5, 2011: Board Amendments: New Article III Athlete Protection; LSC Travel Policy (new section 9.01); Warm-up Procedure Reference (new section 9.02)

April 17, 2011: New Article: III Policies and Best Practices Guidelines for Athlete Protection; New sections: 7.02; 9.01; 9.02; 9.07; 9.08