

UNION AMERICANA DE NATACION

CONSTITUTION

CHAPTER I

NAME, DURATION AND OBJECTIVES

ARTICLE 1 - NAME

The UNION AMERICANA DE NATACION (UANA) is a sports organization, recognized by Federation International de Natation (FINA), whose objective is to organize, supervise and control the aquatic activities in its six disciplines (swimming, open water swimming, diving, water polo, synchronized swimming and masters) for all ages in the Americas. For all purposes, UANA shall be a Civil or Incorporated Association.

ARTICLE 2 - DURATION

The duration of UANA shall be for an indefinite period.

ARTICLE 3 - ADDRESS

The legal address of UANA shall be that determined by the Executive Committee.

ARTICLE 4 - OBJECTIVES

The objectives of UANA shall be to:

- A. Unite under its direction all the Federations or Organizations engaged in Swimming in the Americas.
- B. Promote the sport of Swimming in its six disciplines for all ages.
- C. Promote drug free sport.
- D. Comply and enforce compliance of the Constitution, Rules and resolutions of UANA and of FINA.
- E. Support and enforce all sanctions decreed by the Zone Bodies and those of its affiliated members.
- F. Organize, by its own or by delegation, Pan American Championships in all of its disciplines for all ages which the Congress of UANA decides to conduct.
- G. Promote among its Members the instruction of individuals in the different officials' duties and the correct way in which Swimming competitions should be conducted.
- H. Provide technical assistance to its Members in all phases and disciplines of Swimming.
- I. Determine the financial and other obligations of its Members and affiliates.
- J. Undertake any action towards strengthening sports-wise and financially UANA, for the benefit of Swimming and its disciplines in the Americas.

ARTICLE 5 - DEFINITIONS

The terms that follow and which may appear in the Constitution have the following meanings:

- A. Federations or Members - The National Federations affiliated to UANA and that are members of FINA.
- B. Delegate - The person that represents an affiliated Member of UANA at the Congress.
- C. Aquatics - Includes and describes the sport of Swimming and includes the six disciplines of swimming, open water swimming, diving, water polo, synchronized swimming and masters.
- D. Zone Body - One of the four organizations that constitute UANA.

- E. Standing Committee – means each Standing Committee constituted under Chapter X of this Constitution.
- F. Americas means South America, Central America, the Caribbean Islands, Mexico, Bermuda, United States of America and Canada.

ARTICLE 6 - ZONE BODIES

UANA consists of four Zones, namely:

- A. Zone I - Consisting of the countries located in South America, represented by the South American Swimming Confederation (CONSANT).
- B. Zone II - Consisting of the countries and sport-countries located in Central America, Caribbean and Mexico, represented by the Central American and Caribbean Amateur Swimming Confederation (CCCAN).
- C. Zone III - Consisting of the United States of America represented by United States Aquatic Sports, Inc
- D. Zone IV - Consisting of Canada, represented by the Aquatic Federation of Canada.

CHAPTER II MEMBERS

ARTICLE 7 - MEMBERS

The requirements for becoming a Member of UANA are that the country or sport-country:

- A. Be located in the Americas.
- B. Be a Member of the Zone Body as described in Article 6 of the Constitution.
- C. Be a member of FINA.
- D. Submit an application for membership and pay the required membership fee, together with the documents testifying to its compliance with the above mentioned requirements, for acceptance by the Executive Committee of UANA.

CHAPTER III OBLIGATIONS AND RIGHTS OF MEMBERS

ARTICLE 8 - OBLIGATIONS

Members of UANA must:

- A. Comply with this Constitution and the current constitution and by-laws of FINA, as well as the constitution or statutes of the corresponding Zone Bodies.
- B. Provide promptly to the President and Secretary-Treasurer of UANA up-to-date copies of their constitutions, statutes and by-laws.
- C. Inform UANA promptly of changes of the names and addresses of their Directors.
- D. Notify UANA promptly of any sanctions imposed on its affiliates, athletes, technical personnel, managers or officials.
- E. Pay to UANA on time the assessed affiliation fee, as well as any other assessments levied.
- F. Comply with the decisions and sanctions imposed by the Executive Committee or Congress.
- G. In the event that a Member becomes the Host for a Pan-American Championship or an international competition between two or more Zones of UANA, it will be required to assume the traveling and living expenses of at least one representative of UANA, who will be designated by the Executive Committee, to act as supreme supervisor and authority at such event, and to ensure that all UANA and FINA rules are followed.

- H. Incorporate rules in its Statutes that allow for the control of “doping” according to the rules of FINA.

ARTICLE 9 - RIGHTS

The Members and Zone Bodies have the rights to:

- A. Attend all Congresses.
- B. Take part in the competitions organized by UANA.
- C. Use all services that may be made available by UANA.
- D. Be Host to Pan American Championships or any other competitions organized by UANA.
- E. Elect and have its representatives elected to the positions of leadership in and on consultative bodies and committees of UANA.

ARTICLE 10 - SANCTIONS AND TERMINATION OF MEMBERSHIP

A Member may lose its rights or may be suspended by the Congress of UANA, by the affirmative vote of at least two thirds of the Delegates present, under the following circumstances:

- A. For violation of the Constitution, Bylaws, resolutions and decisions of the Congress or the Executive Committee.
- B. Failure to pay the affiliation fees or other assessments that have been levied by the Congress.
- C. For having terminated its affiliation with FINA.
- D. If suspended by its Zone Body.

CHAPTER IV GOVERNING BODIES OF UANA

ARTICLE XI – GOVERNING BODIES

The governing bodies of UANA shall consist of the Congress and the Executive Committee.

CHAPTER V THE CONGRESS

ARTICLE 12 – HIGHEST AUTHORITY

The Congress is the highest authority of UANA and shall have the power to decide upon all and each one of the matters arising in UANA and its operations.

ARTICLE 13 – CONGRESS

The Congress of UANA shall consist of:

- A. The affiliated Members represented by two Delegates. Each Delegate shall have one vote, however, when a Member is represented by only one Delegate, that delegate shall be entitled to two votes. The Delegates shall be citizens and/or residents of the country or sport country that they represent, and they must accredit their designation at the proper time before the Congress with credentials issued by the Member.
- B. All members of the Executive Committee without vote.
- C. The Honorary Life Presidents without vote.
- D. All Honorary Members without vote.

ARTICLE 14 - PRESIDING OVER CONGRESS

The Congress shall be presided by the President of UANA, or in the President's absence, by one of the Vice Presidents designated by the Executive Committee.

ARTICLE 15 - GOOD STANDING

For a Federation or affiliated organization to be duly represented at a Congress, it must be up to date in the payment of its affiliation fees to the Zone Body, UANA and FINA and in good standing with each.

ARTICLE 16 - TIMING OF CONGRESS

The Congress shall be convened every four (4) years, in the year in which the Pan American Games are held, and in the same place and at the same time these are held. The Congress may meet in extra-ordinary sessions as necessary at other dates and places. The Secretary-Treasurer of UANA shall notify all Members, with at least sixty (60) days prior notice, of the date set for the Congress.

ARTICLE 17 - EXTRA-ORDINARY CONGRESS

An Extra-ordinary Congress may be called at any time by decision of the Executive Committee or by a written request of at least two thirds of the affiliated Members from a minimum of three Zones. The only matters to be considered in an Extra-ordinary Congress will be those indicated in the summons.

ARTICLE 18 - QUORUM

For a legal quorum to exist at a Congress, the duly accredited representatives of one-half (1/2) plus one of the affiliated Members, from at least three of the Zone Bodies must be present. If there is no quorum at the time for which the Congress was convened, the session will be postponed for one hour, at which time the legal Quorum will be declared with the number of Members present, regardless of the number, provided that there must be Delegates present from at least three of the Zone Bodies.

ARTICLE 19 - HONORARY LIFE PRESIDENTS AND MEMBERS

The Congress, in order to reward exceptional merit in or service in the advancement of swimming internationally, may elect one or more Honorary Life Presidents and Honorary Life Members. The Honorary Life Presidents will also be members of the Executive Committee, without vote.

ARTICLE 20 - AGENDA FOR CONGRESS

The Agenda for an ordinary Congress shall be as follows:

- A. Accreditation of Delegates.
- B. Declaration of quorum and opening remarks by the President of UANA.
- C. Reading and approval of the Minutes of the previous Congress.
- D. Report by the Executive Committee.
- E. Report by the Secretary-Treasurer.
- F. Report by Standing Committees and Special Committees.
- G. Consideration and discussion of proposals previously submitted and included in the Summons.
- H. Election of Executive Committee.
- I. Election of candidates of the Americas to the FINA Bureau.
- J. Other matters of urgency, with the approval of two-thirds (2/3) of the Members present.
- K. Adjournment.

ARTICLE 21 - PROPOSALS

Any proposals to be considered at a Congress may be submitted only by a Member Federation. These must be sent to the Secretary-Treasurer not later than ninety (90) days prior to the date set for the Congress.

ARTICLE 22 - AMENDMENTS TO CONSTITUTION

Subject to Chapter XIII, motions or proposals for amendments or additions to the Constitution will be considered only if submitted by a Member or the Executive Committee, and sent to the Secretary-Treasurer at least seven (7) months prior to the date of the Congress in which it is expected that they would be considered. The proposals shall be communicated to all Members by the Secretary-Treasurer no later than four (4) months prior to the Congress; with the exception that on a matter of urgency, this may be considered with the approval by two-thirds of the Members present representing at least three of the Zone Bodies. The proposals or motions approved by the Congress will become effective only upon the approval by FINA, which approval may be obtained in advance.

ARTICLE 23 - DUES

The Congress shall determine the dues to be paid by the Members.

ARTICLES 24 - CONGRESS RESOLUTIONS BINDING

The resolutions of the Congress are binding on all Members for full and correct compliance.

ARTICLE 25 - EXECUTIVE COMMITTEE TERM

The Congress, in its ordinary session during the Pan American Games, shall elect the members of the Executive Committee, who will hold office on the day following the conclusion of the swimming activities of such Games, until the end of the following Games.

CHAPTER VI THE EXECUTIVE COMMITTEE

ARTICLE 26 - AUTHORITY OF EXECUTIVE COMMITTEE

The Executive Committee shall have complete authority in the operation of UANA in the intervals between the meetings of the Congress.

ARTICLE 27 - COMPOSITION OF EXECUTIVE COMMITTEE

The Executive Committee shall consist of eight (8) persons, on the basis of two (2) persons from each Zone. For the election of Executive Committee member from each Zone, only the Delegates of the Members of the respective Zone shall nominate and vote for their respective candidates.

ARTICLE 28 - OFFICES

The Executive Committee shall consist of:

- A. the President
- B. two Vice Presidents
- C. the Secretary-Treasurer
- D. four additional members

ARTICLE 29 - OTHER EXECUTIVE COMMITTEE MEMBERS

The Honorary Life Presidents, the Immediate Past President and the Immediate Past Secretary-Treasurer, all without vote, shall also be members of the Executive Committee. The Immediate Past President and the Immediate Past Secretary-Treasurer will be members of the Executive Committee only for the term of the Executive Committee.

ARTICLE 30 - QUALIFICATIONS FOR EXECUTIVE COMMITTEE

The candidates for membership in the Executive Committee of UANA shall:

- A. be members of an affiliated Federation, and
- B. be residents in the country or sport country they represent.

ARTICLE 31 - ELECTION OF OFFICERS

The officers of the Executive Committee of UANA shall be elected under the following system:

- A. The office of the President shall be rotated in order for each quadrennial period as follows: from Zone I, from 2011-2015; from Zone III, from 2015-2019; from Zone II, from 2019-2023; and from Zone IV, from 2023-2027, continuing in the same sequence thereafter.
- B. When the President is from Zone I or II, the Secretary-Treasurer shall be either from Zone III or IV; when the President is from Zone III or IV, the Secretary-Treasurer shall be either from Zone I or II.
- C. The Vice Presidents shall be elected in this way: one from Zone I or Zone II, and one from Zone III or Zone IV, and, in any event, must be from Zones other than those of the President and the Secretary-Treasurer.
- D. In case of death, resignation or removal of any member of the Executive Committee, the vacancy shall be filled immediately in accordance with this Constitution.

ARTICLE 32 - QUORUM FOR EXECUTIVE COMMITTEE

Five (5) members representing at least three of the Zones shall constitute a legal quorum at any meeting of the Executive Committee. If a quorum can not be present, the absent members may present their observations and vote by mail relating to the matters considered at the meeting.

CHAPTER VII RIGHTS AND DUTIES OF THE EXECUTIVE COMMITTEE

ARTICLE 33 - RIGHTS OF EXECUTIVE COMMITTEE

The rights of the Executive Committee are to:

- A. Be the sole authority to represent UANA in the control and managements of its affairs between meetings of the Congress.
- B. Receive and consider applications for membership, in accordance with Article 7 of this Constitution.
- C. Receive from the Zone Bodies and affiliated Members, the annual dues that these must pay to UANA, as determined by the Congress.
- D. Issue whatever orders deemed necessary for the success of its plans of action.
- E. Appoint delegates and commissions to represent it.
- F. Intervene, if appealed to, in the solution of conflicts arising within the Zone Bodies or between the Zone Bodies and their members, in a conciliatory character.
- G. Appoint administrative personnel as required to better conduct the affairs of UANA.
- H. Convene Congresses as provided for in the Constitution.
- I. Take part in the sessions of Congress, with voice but not a vote, unless they are also Delegates to the Congress from a Member, in which case they will also have a vote.

- J. Make emergency decisions which will be immediately valid, except replacing Executive Committee member vacancies arising from resignation or otherwise, and which are to be submitted for confirmation by the Congress at its next session.
- K. Accept the resignation of any of its members or any of the affiliated Members or organizations.
- L. Appoint sub-commissions for special purposes, the President of which must be a member of the Executive Committee, and ratify the recommendations of these sub-commissions.
- M. The decisions of the Executive Committee must be approved by one half (1/2) of the members plus one. If this majority cannot be obtained at any meeting, absent members may vote by mail. The votes cast by mail will be accepted using the same procedures as FINA.

ARTICLE 34 - DUTIES OF EXECUTIVE COMMITTEE

The duties of the Executive Committee are to:

- A. Meet at least once every two years.
- B. Comply and enforce compliance of the Constitution of UANA, as well as of all resolutions passed by the Congress.
- C. Prepare the budget of UANA and submit it to the Congress for consideration and approval.
- D. Submit to the Congress a financial report of all income and expenditures of UANA during the period preceding the Congress.
- E. Submit to the Congress a report of its activities during the period preceding the Congress.
- G. Submit to the Congress a projected program for the following period.
- H. Give the widest possible publicity to events which will be organized under its sponsorship and management, or those that may be run by the affiliated Members and organizations.
- I. Prepare the minutes of its sessions containing the resolutions approved, which must be signed by the President or a Vice President and the Secretary-Treasurer, and recorded in the Executive Committee's Minute Book.
- J. Approve and circulate all Rules and Regulations for each competition of UANA, manage and control the conduct of these and decide regarding the site and date on where and when these competitions would be held.

CHAPTER VIII THE OFFICES OF THE EXECUTIVE COMMITTEE

ARTICLE 35 - PRESIDENT

The duties of the President of the Executive Committee of UANA are the following:

- A. Perform the duties of this office for the period for which elected.
- B. Preside over all meetings of the Executive Committee and the Congress.
- C. Sign official and private documents when necessary.
- D. Authorize, by signature, all expenditures of UANA.
- E. Exercise vigilance in the enforcement of the Constitution of UANA.
- F. Further the development and progress of UANA, protecting its good name as a sport organization.

- G. Represent UANA before all authorities in defense of its interests, and give all necessary powers, assignments or commissions, distribute work, and sign contracts as needed for the conduct of UANA, having the obligation to inform the other members of the Executive Committee of any such actions, within thirty (30) days of such actions.

ARTICLE 36 - VICE PRESIDENTS

The Vice Presidents will have the responsibilities that the President may assign to them including relating to the commissions that may be assigned to each one. In the case of temporary absence of the President, the Vice President belonging to the Zone-pair of the President shall act as substitute.

ARTICLE 37 - SECRETARY-TREASURER

The duties of the Secretary-Treasurer shall be the following:

- A. Inform the President of all official correspondence of UANA.
- B. Sign official correspondence of UANA.
- C. Attend all meetings held by the Executive Committee and the sessions of Congress.
- D. Inform promptly the affiliated Members and organizations of all circulars or resolutions emanating from UANA.
- E. Prepare all documents related to the matters for consideration at the meetings of the Executive Committee.
- F. Record the minutes of all sessions held by both the Executive Committee and the Congress, and keep a record of the same.
- G. Read the minutes in each session, having available all information which may be requested in relation to the same.
- H. Custody of the funds, property and records of UANA.
- I. Keep a detail account of all receipts, payments, dues and other accounts of UANA.
- J. Prepare and formulate annually a financial statement of UANA, sending it to the members of the Executive Committee not later than May 31 of each year, and after this is approved, send it to all the Members of UANA, not later than June 30th of each year.

ARTICLE 38 - ABSENCE OF SECRETARY-TREASURER

In the event of temporary absence of the Secretary-Treasurer, the Vice President from the Zone-pair of the Secretary-Treasurer shall act as substitute.

CHAPTER IX DUES

ARTICLE 39 - ASSESSMENT OF DUES

Each Member or organization affiliated with UANA shall pay annual dues as set by the Congress, in addition to any other assessments that may be levied by the Congress or the Executive Committee.

ARTICLE 40 - PAYMENT DATE

Dues shall be paid not later than March 31 of each year.

ARTICLE 41 - LOSS OF VOTING RIGHTS

Any Member in arrears in payment of its dues shall not be eligible to vote and will be held in suspension of its membership rights until it has made full payment.

CHAPTER X STANDING COMMITTEES

ARTICLE 42 - COMMITTEES

The Standing Committees of UANA shall be the following:

- A. Technical Swimming Committee.
- B. Technical Open Water Swimming Committee.
- C. Technical Diving Committee.
- D. Technical Water Polo Committee.
- E. Technical Synchronized Swimming Committee.
- F. Masters Committee.

ARTICLE 43 - COMPOSITION

The Standing Committees shall consist of at least four (4), or at the most, eight (8) persons, on the basis of one or two per Zone. The members elected shall be recognized experts in their respective disciplines, with experience as a competitor, judge, official, coach or teacher, capable of and interested in actively and regularly attending the meetings of the Committees, with the understanding that each of the Zones will be the only ones that may nominate and vote for the candidate or candidates from the Zone.

ARTICLE 44 - OFFICERS

The officers of each Standing Committee shall be the President and the Secretary, who will be designated by the Executive Committee. The Executive Committee shall appoint from its members a Liaison for each of the Standing Committees.

ARTICLE 45 - MEETINGS

The Standing Committees shall meet when circumstances so require. All meetings of each Standing Committee will be subject to approval by the Executive Committee.

ARTICLE 46 - RIGHTS AND DUTIES

The rights and duties of the Standing Committees of UANA include, but are not limited to, the following:

- A. Discuss and take decisions on all matters assigned to them by the Executive Committee.
- B. Promote their disciplines in any possible way, for example, by collecting experiences, conducting clinics, circulating technical expertise to affiliated Federations, etc.
- C. Exchange continuously expertise and opinions with Members in regard to technical matters.
- D. Consider and decide on all technical matters in their disciplines.
- E. Evaluate, promote and maintain the quality of referees, judges and officials and establish annually a list of UANA recognized officials in their disciplines.
- F. Co-operate in the technical preparation and holding of the competitions in their disciplines at the Pan American Games and other UANA events.
- G. Investigate the currently available equipment and specifications, relating to the facilities to be used at UANA competitions.
- H. Control the technical preparation and technical conduct of the Swimming competitions in all its disciplines in the Pan American Games and other UANA competitions.
- I. Consider and take decisions on applications for records of UANA.
- J. Appoint sub-committees, consisting of Committee Members, to investigate, study and make recommendations to the Committee related to any matter referred to them.

- K. Establish and recommend for approval of the Executive Committee regulations for the conduct of UANA events.
- L. Promote the holding of competitions in their respective disciplines, subject to approval by the Executive Committee.

CHAPTER XI VACANCIES

ARTICLE 47 - FILLING VACANCIES

Should a vacancy occur in the Executive Committee, it shall temporarily be filled by a majority vote of the Executive Committee, until the respective Zone Body shall designate a person to fill the vacancy for the balance of the term.

CHAPTER XII LANGUAGE

ARTICLE 48 - SPANISH AND ENGLISH

Spanish and English shall be the official languages of UANA, but in all cases of clarifications related to the printed and published versions of the Constitution, By-laws and regulations, the Spanish version shall prevail. Correspondence will be sent in Spanish to the Spanish speaking Members, and in English to the English speaking Members.

CHAPTER XIII MODIFICATION

ARTICLE 49 - AMENDMENTS TO CONSTITUTION

In all cases, the proposals for modification of this Constitution shall be as provided for in Article 22, once a legal quorum is present.

ARTICLE 50 - TWO-THIRDS MAJORITY

For modifications of this Constitution, an affirmative vote of two-thirds (2/3) of the Delegates present, from a minimum of three of the Zones, shall be required.

ARTICLE 51 - EFFECTIVE IMMEDIATELY

Any amendment to this Constitution, the By-laws and any regulations approved by Congress will become effective immediately unless determined otherwise at the time of its approval, or, in the case of the Constitution, approval by FINA as contemplated by Article 22.

CHAPTER XIV RULES AND REGULATIONS

ARTICLE 52 - COMPETITION RULES

The Rules for competitions held by UANA will be the current rules of FINA at the time the competition is held.

ARTICLE 53 - PAN AMERICAN CHAMPIONSHIPS

UANA shall make every effort to conduct UANA Pan American Championships, for all ages in all disciplines, other than masters, preferably together at the same time. Masters Championships should be held separately. UANA shall select the dates and places to hold these Championships.

ARTICLE 54 - UANA BANNER

The banner of UANA shall be white, with a large circle in the center, bordered in the upper semicircle by the legend "UNION AMERICANA DE NATACION". The letters are to be gold in color. The circle shall contain a drawing in blue which represents the Americas.

UNION AMERICANA DE NATACION

BY- LAWS

GENERAL RULES AND REGULATIONS FOR UANA PAN AMERICAN CHAMPIONSHIPS

BY-LAW 1- The rules for the competitions or Championships authorized by UANA will be the rules and regulations of FINA in effect when the competition is held.

BY-LAW 2- The minimum requirements to be able to host any UANA Championship, in any of the Swimming disciplines or categories are the following:

A- All the installations necessary to carry out the events must be provided in accordance with the summons and respective international regulations.

B- All judges and officials, as well as the equipment requested by UANA, must be provided.

C- Food, lodging, and local transportation must be provided for all visiting teams at the lowest possible cost. This obligation shall be for the duration of the Championships. Each visiting team must pay the Organizing Committee, for each member of their delegation, per day, the amount of money agreed upon at the time the host country is selected.

D- Provide prizes and trophies as requested by UANA; these prizes and trophies must be inscribed with the initials or symbol of UANA.

E- The cost of air transportation, food, lodging and all other needs of a representative of UANA during the event.

F- The cost of food, lodging and local transportation for the eight (8) members of the applicable UANA Technical Committee.

G- The host country shall provide, as a guarantee to UANA, a cash deposit of one thousand dollars (US \$1,000.00) within 30 days from the time it is designated as the host country. The guarantee shall serve to ensure fulfillment of the commitments of the host country. It will be returned at the successful conclusion of the event.