

NEW MEXICO SWIMMING, INC

BY LAWS

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TABLE OF CONTENTS

ARTICLE 601	
NAME, OBJECTIVES, TERRITORY AND JURISDICTION	1
601.1 NAME.....	1
601.2 OBJECTIVES	1
601.3 GEOGRAPHIC TERRITORY.....	1
601.4 JURISDICTION	1
ARTICLE 602	
MEMBERSHIP	3
602.1 MEMBERS.....	1
.1 GROUP MEMBERS	1
.2 INDIVIDUAL MEMBERS	2
.3 MEMBERSHIP A PRIVILEGE NOT A RIGHT.....	2
602.2 MEMBERS' RESPONSIBILITIES	3
.1 COMPLIANCE.....	3
.2 RESPONSIBILITY FOR INFRACTIONS.....	3
.3 CLUB SAFETY COORDINATOR	3
ARTICLE 603	
DUES AND FEES.....	3
603.1 CLUB MEMBERS	3
603.2 AFFILIATED GROUP MEMBERS.....	3
603.3 ATHLETES	3
603.4 COACHES.....	3
603.5 ACTIVE INDIVIDUAL MEMBERS.....	4
603.6 SANCTION, APPROVAL AND OTHER FEES	4
.1 SANCTION AND APPROVAL FEES	4
.2 SERVICE CHARGES.....	4
.3 PAYMENT	4
603.7 FAILURE TO PAY	4
.1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS.....	4
.2 ATHLETE MEMBER OBLIGATIONS.....	4
.3 CLUB/INDIVIDUAL OBLIGATIONS.....	4
.4 INDIVIDUAL/CLUB OBLIGATIONS.....	5
.5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP	5
ARTICLE 604	
HOUSE OF DELEGATES	5
604.1 MEMBERS.....	5
.1 GROUP MEMBER REPRESENTATIVES.....	5
.2 ATHLETE REPRESENTATIVES.....	5
.3 COACH REPRESENTATIVES	5
604.2 ELIGIBILITY	6
604.3 VOICE AND VOTING RIGHTS OF MEMBERS.....	6
.1 CLUB MEMBER REPRESENTATIVES, BOARD MEMBERS, THE ATHLETE REPRESENTATIVE AND THE COACH REPRESENTATIVE.....	6
.2 AFFILIATED GROUP MEMBERS	6
.3 INDIVIDUAL MEMBERS	6
604.4 DUTIES AND POWERS	6
NM Swimming Inc, By Laws	2 Jan 2002
	i

604.5	ANNUAL AND REGULAR MEETINGS	7
604.6	SPECIAL MEETINGS.....	7
604.7	MEETING LOCATION AND TIME.....	7
604.8	NOMINATING COMMITTEE.....	7
.1	MEMBERS OF NOMINATING COMMITTEE; ELECTION	7
.2	CHAIRMAN ELECTED BY NOMINATING COMMITTEE.....	7
.3	DUTIES OF NOMINATING COMMITTEE	7
.4	PUBLICATION OF NOMINATIONS	8
.5	ADDITIONAL NOMINATIONS.....	8
.6	MEETINGS AND NOTICES.....	8
.7	QUORUM	8
604.9	MEETINGS OPEN; EXECUTIVE SESSIONS	8
.1	HOUSE OF DELEGATES.....	8
.2	HOUSE OF DELEGATES COMMITTEES.....	8
604.10	QUORUM.....	8
604.11	VOTING.....	8
604.12	PROXY VOTE.....	8
604.13	MAIL VOTE	8
604.14	ORDER OF BUSINESS.....	8
604.15	NOTICES	9
.1	TIME.....	9
.2	INFORMATION	9

ARTICLE 605

BOARD OF DIRECTORS.....	9
605.1 MEMBERS.....	9
605.2 EX-OFFICIO MEMBERS	9
605.3 VOICE AND VOTING RIGHTS OF BOARD MEMBERS	10
.1 BOARD MEMBERS	10
.2 NON-VOTING BOARD MEMBERS.....	10
.3 INDIVIDUAL MEMBERS	10
605.4 DUTIES AND POWERS	10
605.5 EXECUTIVE COMMITTEE	11
.1 AUTHORITY AND POWER.....	11
.2 MEMBERS.....	11
.3 MEETINGS AND NOTICE.....	11
.4 QUORUM	11
.5 REPORT OF ACTION TO BOARD OF DIRECTORS.....	11
605.6 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS	11
605.7 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	11
605.8 REGULAR MEETINGS.....	11
605.9 SPECIAL MEETINGS.....	11
605.10 QUORUM	12
605.11 VOTING.....	12
605.12 PROXY VOTE.....	12
605.13 ACTION BY WRITTEN CONSENT	12
605.14 MAIL VOTE	12
605.15 NOTICES	12
.1 TIME.....	12
.2 INFORMATION	12
605.16 ORDER OF BUSINESS.....	12

ARTICLE 606

OFFICERS.....	13
606.1 ELECTED OFFICERS AND COMMITTEE CHAIRMEN	13
606.2 ELECTIONS	13
606.3 ELIGIBILITY	13
606.4 DOUBLE VOTE PROHIBITED.....	13

606.5	OFFICES COMBINED OR SPLIT	13
.1	OFFICE HELD BY TWO PERSONS.....	13
.2	OFFICES COMBINED	13
606.6	TERMS OF OFFICE.....	13
.1	TERM OF OFFICE	13
.2	COMMENCEMENT OF TERM	14
.3	CONSECUTIVE TERMS LIMITATION	14
606.7	DUTIES AND POWERS	14
.1	GENERAL CHAIRMAN.....	14
.2	SECRETARY/CLUB LIAISON	14
.3	TREASURER	14
.4	ADMINISTRATIVE VICE-CHAIRMAN.....	15
.5	SENIOR VICE-CHAIRMAN	15
.6	AGE GROUP VICE-CHAIRMAN.....	15
.7	FINANCE VICE-CHAIRMAN.....	15
.8	ATHLETE REPRESENTATIVES.....	16
.9	COACH REPRESENTATIVES	16
.10	NEW MEXICO SWIMMING DELEGATES TO USS HOUSE OF DELEGATES	16
606.8	RESIGNATIONS	16
606.9	VACANCIES AND INCAPACITIES.....	16
.1	OFFICE OF GENERAL CHAIRMAN	16
.2	OFFICES OF ATHLETE OR COACH REPRESENTATIVES	17
.3	OTHER OFFICES	17
.4	DETERMINATION OF VACANCY OR INCAPACITY.....	17
606.10	OFFICERS' POWERS GENERALLY	17
.1	AUTHORITY TO EXECUTE CONTRACTS, ETC.	17
.2	ADDITIONAL POWERS AND DUTIES.....	17
.3	DELEGATION.....	17
.4	ASSISTANT AND DEPUTY OFFICERS	18
606.11	DEPOSITORIES AND BANKING AUTHORITY.....	18
.1	DEPOSITORIES, ETC.	18
.2	SIGNATURE AUTHORITY	18

ARTICLE 607

DIVISIONS, COMMITTEES AND COORDINATORS.....	18
607.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS.....	18
.1 GENERAL CHAIRMAN.....	18
.2 ADMINISTRATIVE DIVISION	18
.3 AGE GROUP	19
.4 SENIOR DIVISION	19
.5 FINANCE DIVISION	19
607.2 CHAIRMEN AND THEIR COMMITTEES; COORDINATORS	19
.1 ELECTED, EX-OFFICIO AND APPOINTED CHAIRMEN	19
.2 DUTIES AND POWERS OF NON-OFFICER CHAIRMEN AND COORDINATORS.....	19
607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES.....	20
.1 FINANCE COMMITTEE	20
.2 OFFICIALS COMMITTEE	20
.3 TECHNICAL PLANNING COMMITTEE	20
607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS.....	20
.1 FINANCE COMMITTEE	20
607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY.....	21
607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY	21
607.7 REGULAR AND SPECIAL MEETINGS.....	21
607.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS	22
607.9 VOICE AND VOTING RIGHTS OF DIVISION, COMMITTEE AND SUB-COMMITTEE MEMBERS.....	22
.1 MEMBERS.....	22

.2	NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS	22
.3	INDIVIDUAL MEMBERS	22
607.10	ACTION BY WRITTEN CONSENT	22
607.11	PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	22
607.12	QUORUM	22
607.13	VOTING	22
607.14	PROXY VOTE	22
607.15	NOTICES	22
.1	TIME	22
.2	INFORMATION	23
607.16	ORDER OF BUSINESS	23
607.17	RESIGNATIONS	23
607.18	VACANCIES	23
607.19	DELEGATION	23
607.20	APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF REVIEW	23
ARTICLE 608		
ANNUAL AUDIT, REPORTS AND REMITTANCES		23
608.1	MINUTES	23
608.2	FINANCIAL AND FEDERAL TAX REPORTS	23
608.3	STATE AND LOCAL REPORTS AND FILINGS	24
608.4	ANNUAL AUDIT	24
608.5	MEMBERSHIP AND REGISTRATION REPORTS	24
608.6	SAFETY REPORTS	24
.1	INCIDENT/OCCURRENCE REPORTS	24
.2	REPORTS OF INJURIES	24
.3	SAFETY EDUCATION	24
608.7	MAILING ADDRESS	25
608.8	REPORTS GENERALLY	25
ARTICLE 609		
MEMBERS' BILL OF RIGHTS		25
609.1	INDIVIDUAL MEMBERS' BILL OF RIGHTS	25
609.2	CLUB MEMBERS' BILL OF RIGHTS	25
ARTICLE 610		
BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL		25
610.1	INTRODUCTION	25
610.2	DEFINITIONS FOR ARTICLE	26
610.3	BOARD OF REVIEW ORGANIZATION	26
.1	ESTABLISHMENT	26
.2	MEMBERS	26
.3	ELECTION; TERM OF OFFICE; ELIGIBILITY	26
A	Election	26
B	Term of Office	27
C	Eligibility	27
.4	CHAIRMAN ELECTED BY BOARD; OTHER OFFICERS	27
.5	MEETINGS	27
.6	PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	27
.7	QUORUM	27
.8	RESIGNATIONS	27
.9	INCAPACITIES AND VACANCIES	27
A	Office of Chairman	27
B	Presiding Officer	27
C	Other Members	28
D	Determination of Vacancy or Incapacity	28
.10	SUBSTITUTIONS FOR MEMBERS	28

.11	EXTENSIONS OF TIME	28
.12	ADVICE; ATTORNEY AS PRESIDING OFFICER.....	28
	A Legal and Other Advice.....	28
	B Attorney as Presiding Officer	28
	C Attorney's Fees and Expenses.....	29
.13	CODE OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW; RECUSAL.....	28
	A Code of Conduct	29
	B Grounds for Recusal	29
	C Recusal by Member	29
	D Recusal/Disqualification Requested by Party.....	29
	E Substitution for Recused or Disqualified Member.....	29
610.4	GENERAL JURISDICTION	30
	.1 ADMINISTRATIVE POWERS	30
	.2 RULE MAKING POWERS	30
	.3 INVESTIGATIVE AND JUDICIAL POWERS	30
	.4 EXERCISE OF POWERS AND DECISIONS	30
	.5 TIMELINESS OF PROTEST	31
	.6 FILING FEES.....	31
	.7 POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES	31
	A Remedies and Penalties	31
	B Preliminary Hearing and Temporary Orders.....	32
	C Grounds (Reasons) for Imposition	32
	D Power to Impose Conditional Remedies and Penalties, Etc.....	32
610.5	HEARINGS AND REHEARINGS	32
	.1 HEARINGS	32
	A Hearings Conducted by Chairman or Presiding Officer.....	32
	B Permissible Hearing Formats	32
	C Right to Counsel	33
	D Rules of Evidence	33
	.2 REHEARINGS	33
	B Time within which a Rehearing may be Requested	33
	C Failure to Request a Rehearing.....	33
	D Decision of Chairman on Request; Notice of Rehearing	33
	E Fresh Start Hearing or On the Record Rehearing	34
	.3 CLOSED HEARINGS	34
	.4 EXTENSIONS OF TIME	34
	.5 ACCELERATED HEARING SCHEDULE.....	34
610.6	HEARING PROCEDURES.....	34
	.1 FORMAL HEARING	34
	A Protest	34
	B Notice.....	34
	C Answer by Respondent.....	35
	D Rebuttal by Protestor	35
	E Conduct of Hearing.....	35
	F Decision of Board of Review.....	37
	.2 EMERGENCY HEARING	37
	A Reasons for Emergency Hearing	37
	B Notice of Emergency Hearing	37
	C Conduct of Emergency Hearing.....	37
	D Decision of Board of Review.....	37
	E Right to a Subsequent Formal Hearing	37
	.3 STAY OF DECISION PENDING APPEAL	38
	.4 EXTENSIONS OF TIME	38
610.7	FINALITY OF BOARD OF REVIEW DECISIONS	38
610.8	FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS	38
610.9	APPEAL FROM BOARD OF REVIEW DECISIONS	38
610.10	NOTICE TO HEARING PARTICIPANTS, TRANSMISSION OF DOCUMENTS AND DETERMINATIONS OF TIMELINESS.....	38

.1	NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF NEW MEXICO SWIMMING	38
A	New Mexico Swimming Members Generally.....	38
B	Minors.....	38
.2	METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS	38
.3	DETERMINATIONS OF TIMELINESS	39
ARTICLE 611		
	ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION	39
611.1	NON-PROFIT AND CHARITABLE PURPOSES	39
611.2	DEDICATION OF ASSETS, ETC.....	39
611.3	AMENDMENTS.....	39
611.4	DISSOLUTION.....	39
ARTICLE 612		
	INDEMNIFICATION	39
612.1	INDEMNITY	39
612.2	EXCLUSION	40
612.3	INDEMNIFIED PERSONS.....	40
612.4	EXTENT OF INDEMNITY	40
612.5	SUCCESSORS, ETC.	40
ARTICLE 613		
	PARLIAMENTARY AUTHORITY	40
613.1	ROBERT'S RULES.....	40
613.2	VOICE AND VOTE	41
613.3	SPECIAL RULES OF ORDER	41
ARTICLE 614		
	PERMANENT OFFICE AND STAFF	41
ARTICLE 615		
	MISCELLANEOUS.....	41
615.1	EFFECT OF STATE LAW CHANGES (SEVERABILITY)	41
615.2	FISCAL YEAR.....	41
615.3	TAX STATUS; INTERPRETATION OF BYLAWS.....	41
615.4	NEW MEXICO SWIMMING SEAL	41
ARTICLE 616		
	DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION	41
616.1	CONVENTIONS AND RULES OF INTERPRETATION.....	41
.1	TERMS GENERALLY	41
.2	CAPITALIZED TITLES	42
.3	PRINCIPAL RULE OF INTERPRETATION	42
.4	RULE OF INTERPRETATION APPLICABLE TO ARTICLE	42
.5	NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS	42
A	Notice by Mail	42
B	Notice by Fax or E-mail	42
C	Notice by Telephone.....	42
D	Last Known Address.....	42
.6	TIME PERIOD CONVENTION	42
.7	WAIVER OF NOTICE CONVENTION	42
616.2	DEFINITIONS	42
	APPENDICES TO THE LSC BYLAWS	46
	APPENDIX A QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES	46
	APPENDIX B FORM OF BOARD OF REVIEW NOTICE.....	49
NM Swimming Inc, By Laws		2 Jan 2002
		vi

APPENDIX C LOG OF CHANGES TO NMS BY LAWS.....	50
PART SIX-B.....	Part Six-B - 1
TABLES OF CONCORDANCE	Part Six-B - 1
TABLE ONE: FORMER LSC BYLAWS TO NEW LSC BYLAWS	Table One - 1
TABLE TWO: NEW LSC BYLAWS TO FORMER LSC BYLAWS	Table Two - 1
PART SIX-C.....	Part Six-C - 1
LEGISLATION PERTAINING TO THE FORM OF BYLAWS TO BE ADOPTED BY THE LOCAL SWIMMING COMMITTEES;SUNSET AND HOUSEKEEPING PROVISIONS.....	Part Six-C - 1
ARTICLE 6000	
PROVISIONS RELATING TO ADOPTION OF THE BYLAWS	Part Six-C - 1
6001 AIDS TO THE STUDY AND ADOPTION OF THE LSC BYLAWS.....	Part Six-C - 1
6002 FORM AND CONTENT MANDATORY; FLEXIBILITY ALLOWED	Part Six-C - 1
6003 HOW FLEXIBILITY PROVIDED; GUIDELINES, CHOICES, ETC.	Part Six-C - 1
6004 RENUMBERING PERMITTED; ADDITIONAL PROVISIONS PERMITTED	Part Six-C - 1
6005 PERMISSION TO VARY MANDATORY PROVISIONS	Part Six-C - 2
6006 LIBERAL INTERPRETATION	Part Six-C - 2
6007 REFERENCES TO POLICIES AND PROCEDURES MANUAL	Part Six-C - 2
6008 SUBSTITUTIONS FOR THE TERM NEW MEXICO SWIMMING	Part Six-C - 2
6009 ADOPTION OF BYLAWS BY LSCs.....	Part Six-C - 2
6010 DEADLINE FOR ADOPTION BY LSCs.....	Part Six-C - 2
6011 DELAYED EFFECTIVE DATE PERMITTED.....	Part Six-C - 2
6012 TRANSITION PERIOD PROVISIONS	Part Six-C - 2
6014 PART SIX AND LSC BYLAWS AVAILABLE ON USS BULLETIN BOARD.....	Part Six-C - 3
6015 PORTIONS NOT PART OF BYLAWS.....	Part Six-C - 3
ARTICLE 6100	
SUNSET PROVISIONS.....	Part Six-C - 3
6101 SUNSET PROVISIONS GENERALLY	Part Six-C - 3
6102 SUNSET OF ADOPTION DEADLINE; SUBSEQUENT AMENDMENTS.....	Part Six-C - 3
6103 SUNSET OF DELAYED EFFECTIVENESS PROVISIONS.....	Part Six-C - 4
6104 SUNSET OF TRANSITION PROVISIONS	Part Six-C - 4
6105 SUNSET OF CONCORDANCE TABLES.....	Part Six-C - 4
6106 RENUMBERING OF NOT PART PROVISION	Part Six-C - 4
ARTICLE 6200	
USS LEGISLATION COMMITTEE JURISDICTION OVER LSC BYLAWS	Part Six-C - 4
6201 GENERALLY	Part Six-C - 4
6202 JURISDICTION OF THE LEGISLATION COMMITTEE.....	Part Six-C - 4
6203 SUBCOMMITTEE AUTHORIZED; CHAIRMAN; MEMBERS	Part Six-C - 4
6204 REQUEST FOR APPROVAL.....	Part Six-C - 4
6205 ADVICE OF OTHERS	Part Six-C - 4
6206 ACTION BY LEGISLATIVE COMMITTEE.....	Part Six-C - 5
6207 DEADLINE FOR DECISION	Part Six-C - 5
6209 CHANGES TO WORD PROCESSING SOFTWARE AND FORMATS.....	Part Six-C - 5
PART SEVEN	
OTHER RULES AND REGULATIONS PERTAINING TO THE LOCAL SWIMMING COMMITTEES.....	Part Seven - 1
ARTICLE 701	
LOCAL SWIMMING COMMITTEES	Part Seven - 1
701.1 LOCAL SWIMMING COMMITTEES.....	Part Seven - 1
701.2 NAMES AND JURISDICTIONAL BOUNDARIES	Part Seven - 1

701.3	REGISTRATION CODES	Part Seven - 5
ARTICLE 702		
REDISTRICTING		Part Seven - 6
702.1	LEGISLATION COMMITTEE EMPOWERED.....	Part Seven - 6
702.2	PETITION TO THE USS LEGISLATION COMMITTEE	Part Seven - 6
702.3	CHANGE IN LSC AFFILIATION BY A CLUB MEMBER.....	Part Seven - 6
702.4	CHANGE IN LSC TERRITORY	Part Seven - 7
702.5	FORMATION OF A NEW LSC	Part Seven - 7
702.6	CHANGE IN ZONE ALIGNMENT	Part Seven - 7
702.7	CHANGE IN REGIONAL ALIGNMENT	Part Seven - 7
ARTICLE 703		
ZONE ALIGNMENT		Part Seven - 8
703.1	ZONES.....	Part Seven - 8
703.2	ZONE MEET ADMINISTRATION.....	Part Seven - 8
703.3	ZONE ALIGNMENT	Part Seven - 8
ARTICLE 704	REGIONAL ALIGNMENT	Part Seven - 8
704.1	REGIONAL ORGANIZATION.....	Part Seven - 8
704.2	REGIONAL ALIGNMENT	Part Seven - 8

ARTICLE 601

NAME, OBJECTIVES, TERRITORY AND JURISDICTION

- 601.1 NAME - The name of the corporation shall be New Mexico Swimming Inc.
- 601.2 OBJECTIVES - The objectives and primary purpose of the New Mexico Swimming shall be the education, instruction and training of individuals to develop and improve their capabilities in the sport of swimming. New Mexico Swimming shall promote swimming for the benefit of swimmers of all ages and abilities, in accordance with the standards, rules, regulations, policies and procedures of FINA, USS, and New Mexico Swimming and its Articles of Incorporation.
- 601.3 GEOGRAPHIC TERRITORY - The geographic Territory of New Mexico Swimming is the State of New Mexico.
- 601.4 JURISDICTION - New Mexico Swimming shall have jurisdiction over the sport of swimming as delegated to it as a Local Swimming Committee by USS to conduct swimming programs consistent with New Mexico Swimming's objectives and those of USS and to sanction, approve, observe and oversee competitive swimming events within the Territory and to conduct competitive swimming events within the Territory, its Region and its Zone (as those terms are defined in Sections 703.3 and 704.2 of Part Seven) New Mexico Swimming shall discharge faithfully its duties and obligations as a Local Swimming Committee of USS in accordance with these Bylaws, the USS Code and all applicable policies and procedures.

ARTICLE 602

MEMBERSHIP

- 602.1 MEMBERS - The membership of New Mexico Swimming shall consist of the following:
- .1 Group Members -Group Members are organizations operating in the Territory which have, upon application, been granted membership in USS and New Mexico Swimming and paid the fees established by USS and New Mexico Swimming pursuant to Article 603. An organization may be denied membership by the Registration Coordinator or the Board of Directors for failure to satisfy the criteria for membership or for any reason for which a Group Membership could be terminated. Any denial of membership may be appealed to the Board of Review. An organization's status as a Group Member is subject to its continued satisfaction of the criteria for membership and compliance with its responsibilities under these Bylaws, the USS Code, the rules, regulations, policies, procedures and codes of conduct and ethics of New Mexico Swimming and USS and may be terminated by a decision of the Board of Review or the National Board of Review. Except for Affiliated Group Members, Group Members in good standing shall be entitled to participate in the program of swimming conducted by New Mexico Swimming, and competitions sanctioned or approved by USS, in accordance with Section 609.2.
 - A Club Members - A Club Member is an organization which is in good standing as a Group Member of New Mexico Swimming and USS, has athletes and coaches and participates in the sport of swimming. All athletes and coaches of the organization must be Individual Members in good standing of New Mexico Swimming and USS.
 - B Affiliated Group Members -An Affiliated Group Member is an organization which supports the sport of swimming and the objectives and programs of New Mexico Swimming and USS, which is in good standing as a Group Member of New Mexico Swimming and USS, but which does not have athletes and coaches who all are Individual Members of New Mexico Swimming and USS.

- C Seasonal Club Members - A Seasonal Club Member is an organization which has joined New Mexico Swimming and USS for one or two periods not longer than 150 days each in a registration year and is in good standing as a Group Member of New Mexico Swimming and USS. All Seasonal Club Member coaches must be Coach Members in good standing of New Mexico Swimming and USS. All athlete members of seasonal clubs must be Seasonal Athlete or Athlete Members in good standing of New Mexico Swimming and USS.
- .2 INDIVIDUAL MEMBERS - Individual Members are individuals involved in the sport of swimming in the Territory who have, upon registration, been granted membership in USS and New Mexico Swimming and paid the dues established by USS and New Mexico Swimming pursuant to Article 603. An individual may be denied membership by the Registration Coordinator or by the Board of Directors for failure to satisfy the criteria for membership or for any reason for which an Individual Membership could be terminated. Any denial of membership may be appealed to the Board of Review. An individual's status as an Individual Member is subject to the Individual Member's continued satisfaction of the criteria for membership and compliance with the individual's responsibilities under these Bylaws, the USS Code, the rules, regulations, policies, procedures and codes of conduct and ethics of New Mexico Swimming and USS and may be terminated by a decision of the Board of Review or the National Board of Review. Individual Members in good standing shall be entitled to participate in the program of swimming conducted by New Mexico Swimming, and competitions sanctioned or approved by USS, in accordance with Section 609.1.
- A Athlete Members - An Athlete Member is an individual who participates or competes in the sport of swimming and is in good standing as an Individual Member of New Mexico Swimming and USS.
 - B Coach Members - A Coach Member is an individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by New Mexico Swimming and/or USS and who is in good standing as an Individual Member of New Mexico Swimming and USS. Any individual desiring to act in any coaching capacity at any competition sanctioned by USS must be a Coach Member in good standing of New Mexico Swimming and USS.
 - C Active Individual Members - An Active Individual Member is an individual other than a Coach Member or an Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer, coordinator or committee chairman or committee member of New Mexico Swimming or a Group Member Representative or alternate and any other individual desiring to participate in the sport of swimming and who is in good standing as an Individual Member of USS and New Mexico Swimming.
 - D Seasonal Athlete Members - A Seasonal Athlete Member is an individual who participates or competes in the sport of swimming and has joined for one or two periods of time not longer than 150 days each in a registration year and is in good standing as an Individual Member of New Mexico Swimming and USS.
- .3 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in New Mexico Swimming and USS is a privilege and shall not be interpreted as a right. Membership may be terminated by the Board of Review or the National Board of Review for any violation of a member's responsibilities under Section 602.2, for any of the reasons set forth in Section 610.4.7C or for any other reason determined by the Board of Review or National Board of Review to be in the best interests of the sport of swimming, USS or New Mexico Swimming.

602.2 MEMBERS' RESPONSIBILITIES

- .1 COMPLIANCE - Each Group and Individual Member shall abide by the codes of conduct and ethics, policies, procedures, rules and regulations adopted by USS and New Mexico Swimming, including its obligations and responsibilities set forth in these Bylaws. Each Group and Individual Member shall not take or allow to be taken, any action, or conspire with or instigate any other person to take or allow to be taken, any action which could bring the sport of swimming, New Mexico Swimming or USS into disrepute. By applying for and accepting membership in New Mexico Swimming and USS, each Individual Member agrees to so abide and represents, except to the extent disclosed to New Mexico Swimming and USS, that he or she has never been convicted of a crime involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors, or similar offenses, or to have been found by a Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction and that she or he has never acted in a manner which might bring into disrepute New Mexico Swimming, USS or the sport of swimming.
- .2 RESPONSIBILITY FOR INFRACTIONS - A Group Member may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USS or New Mexico Swimming, including its responsibilities as set forth in these Bylaws. Infractions of a Group Member include those committed or allowed to happen by its members, representatives, officials or coaches or by athletes who are competing as representatives of the Group Member or who are competing with the Group Member as unattached swimmers. Also included are infractions committed or allowed to happen by a person instigated by the Group Member or with whom the Group Member through any of those individuals conspired. Any Individual Member may be held responsible for any infractions committed or that were allowed to happen by the Individual Member. Also included are infractions committed or allowed to happen by a person instigated by the Individual Member or with whom the Individual Member conspired.
- .3 CLUB SAFETY COORDINATOR - Each Club Member shall appoint an Active Individual or Coach Member to be a Club Safety Coordinator. The Club Safety Coordinator shall be responsible for disseminating safety education information received from USS and New Mexico Swimming to the Club Member's athletes, coaches and other members and shall make recommendations to the Club Member concerning safety policy and its implementation. The Club Safety Coordinator shall make any reports requested by New Mexico Swimming's Safety Coordinator.

ARTICLE 603 DUES AND FEES

- 603.1 CLUB MEMBERS - Every Club Member and Seasonal Club Member shall pay an annual or seasonal fee, respectively, consisting of a national club fee established by USS and a local club fee established by New Mexico Swimming, together with any other charges, fees, etc. as may be established by New Mexico Swimming.
- 603.2 AFFILIATED GROUP MEMBERS - The Board of Directors shall establish the annual membership fees and any other charges, fees, etc., for Affiliated Group Members.
- 603.3 ATHLETES - Each Athlete Member and Seasonal Athlete Member shall pay an annual or seasonal fee, respectively, consisting of a national fee established by USS and a local fee established by New Mexico Swimming.
- 603.4 COACHES - Each Coach Member shall pay an annual fee consisting of a national fee established by USS and a local fee established by New Mexico Swimming, together with any other charges, fees, etc. as may be established by New Mexico Swimming.

603.5 ACTIVE INDIVIDUAL MEMBERS - Each Active Individual Member shall pay an annual fee consisting of a national fee established by USS and a local fee established by New Mexico Swimming, together with any other charges, fees, etc. as may be established by New Mexico Swimming.

603.6 SANCTION, APPROVAL AND OTHER FEES

- .1 SANCTION AND APPROVAL FEES - The Board of Directors shall establish reasonable fees, procedures, and documentation required of an applicant for a sanction or approval for, or observation of, a swimming competition to be conducted within the Territory.
- .2 SERVICE CHARGES - In addition to, or in place of, a sanction or approval fee, the Board of Directors may establish a reasonable service charge consistent with the nature of the event. For example, the service charge may be a flat amount, an amount related to the number of events swum, the number of individual swims, the number of athletes entered, the cost of equipment and pool time provided, a percentage of receipts or profits or a combination of one or more of these or other bases.
- .3 PAYMENT - Each applicant for a sanction, approval or observation shall submit with its application the fees and any service charges specified by New Mexico Swimming. If any of the sanction or approval fees or service charges are due at a time following the submission for sanction or approval, the applicant shall promptly pay those fees or service charges to New Mexico Swimming when due in accordance with New Mexico Swimming's fee schedule.

603.7 FAILURE TO PAY

- .1 GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS - The failure of a Group Member, Coach Member or Active Individual Member to pay dues, fees, service charges, fines or penalties imposed by New Mexico Swimming or USS, within the time prescribed, as evidenced by a final decision of the Board of Review or the National Board of Review or by a court of law, shall preclude the delinquent member from (a) participating in events sanctioned or approved by USS, (b) participating in any capacity in the affairs of USS, New Mexico Swimming or any other LSC or 8 serving as a Club Safety Coordinator, Group Member Representative, coach, manager, official, trainer or in any other capacity with any Club Member or Seasonal Club Member or with any group member of any other LSC.
- .2 ATHLETE MEMBER OBLIGATIONS - The failure of an Athlete Member or Seasonal Athlete Member to satisfy any financial obligations to USS, New Mexico Swimming or their former LSCs, within the time prescribed, as evidenced by a final decision of the Board of Review, the National Board of Review or by a court of law, shall preclude the delinquent member from (a) competing in any competition sanctioned by USS, (b) obtaining an OVC or other reportable time achieved in events swum at any USS sanctioned, approved or observed meet, 8 participating in any capacity in the affairs of USS, New Mexico Swimming or any other LSC or (d) practicing, exercising or otherwise participating in the activities of any Group Member or any group member of any other LSC.
- .3 CLUB/INDIVIDUAL OBLIGATIONS - If a Club Member or a Seasonal Club Member has secured a final court judgment or final Board of Review or National Board of Review decision against an Individual Member for non-payment of financial obligations owed to the Club Member, then until the decision or judgment is satisfied, the Individual Member shall not (a) compete in any competition sanctioned by USS, (b) obtain an OVC or other reportable time in events swum at any USS approved or observed meet, 8 participate in any capacity in the affairs of USS, New Mexico Swimming or any other LSC or (d) practice, exercise or otherwise participate in the activities of any Group Member or any group member of any other LSC.
- .4 INDIVIDUAL/CLUB OBLIGATIONS - If an Individual Member has secured a final court judgment or a final Board of Review or National Board of Review decision against a Club Member for non-payment of financial obligations (such as a refund of training fees) to the Individual

Member, then until the decision or judgment is satisfied, the delinquent or offending Club Member shall be precluded from (a) participating in events sanctioned or approved by USS and (b) participating in any capacity in the affairs of USS, New Mexico Swimming or any other LSC, including being represented in the House of Delegates by its Group Member Representative.

- .5 CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP - Continued failure to pay, within a reasonable period of time, as determined by the Board of Directors, the House of Delegates, the Board of Review or the National Board of Review shall be cause for termination of membership.

ARTICLE 604

HOUSE OF DELEGATES

- 604.1 MEMBERS - The House of Delegates of New Mexico Swimming shall consist of the Group Member Representatives, the Athlete Representatives, the Coach Representative and the Board Members designated in Section 605.1.

- .1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall appoint from its membership a Group Member Representative and one or more alternates. The appointment shall be in writing, addressed to the Secretary of New Mexico Swimming and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw its Group Member Representative or one or more of its alternates and substitute a new Group Member Representative or new alternates by written notice, addressed to the Secretary of New Mexico Swimming and signed by the chief executive officer or secretary of the appointing Group Member.

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

- .3 COACH REPRESENTATIVES - One Coach Representative shall be elected, in even numbered years for a two-year term, or until a successor is elected. The election of the Coach Representative shall be conducted during New Mexico Swimming's short course swimming championship, at a meeting timely called by the Coach Representative or the Board of Directors, and determined by a majority of the Coach Members in good standing present and voting or, failing that, at a time and place and in a manner designated by the Board of Directors.

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

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

- .1 CLUB MEMBER REPRESENTATIVES, BOARD MEMBERS, THE ATHLETE REPRESENTATIVE AND THE COACH REPRESENTATIVE - Each of the Club Member Representatives, (not the Seasonal Club Representatives), the Board Members, the Athlete Representatives (only one vote) and the Coach Representative shall have both voice and vote in meetings of the House of Delegates.
 - .2 AFFILIATED GROUP MEMBER REPRESENTATIVES
 - .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the House of Delegates may attend open meetings of the House of Delegates and its committees and be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the House of Delegates.
- 604.4 DUTIES AND POWERS - The House of Delegates shall oversee the management of the affairs of New Mexico Swimming and the establishment of policies, procedures and programs. In addition to the duties and powers prescribed in the USS Code or elsewhere in these Bylaws, the House of Delegates shall:
- .1 Elect the officers, members of the Board of Review, and the committee and coordinators listed in Section 606.1 in accordance with Sections 606.2 through 606.6;
 - .2 Elect alternates to the USS House of Delegates in accordance with section 502.2 of the USS Code (see also Section 606.7.10B);
 - .3 Elect the members of the Nominating Committee;
 - .4 Review, modify and adopt the annual budget of New Mexico Swimming recommended by the Board of Directors;
 - .5 Ratify or prospectively modify or rescind policy and program established by the Board of Directors, except any action or authorization by the Board of Directors with respect to contracts or upon which any person may have relied shall not be modified or rescinded;
 - .6 Establish joint administrative committees, or undertake joint activities with other sports organizations where deemed helpful or necessary by New Mexico Swimming;
 - .7 Establish by resolution or the New Mexico Swimming Policies and Procedures Manual one or more committees of its members. The committees shall have the powers and duties specified in the resolution or the New Mexico Swimming Policies and Procedures Manual, which may include delegation of one or more of the powers and duties of the House of Delegates other than the powers to amend these Bylaws or remove Board Members and other elected officers;
 - .8 Amend the Bylaws of New Mexico Swimming in accordance with Section 611.3; and
 - .9 Remove from office any Board Members, members of the Board of Review, or committee chairmen or members or coordinators who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in Section 610.4.7C. However, no Board Member, Board of Review member or elected committee chairman or coordinator may be removed except upon not less than thirty (30) days written notice by the Secretary or other officer designated by the House of Delegates specifying the alleged deficiency in the performance of member responsibilities or specific official duties or other reason. All notices and proceedings under this section shall be prepared, served and processed utilizing the procedures for a formal hearing pursuant to Section 610.6.1 to the extent applicable. Should the Board Member, Board of Review member or elected committee chairman or coordinator contest the alleged deficiency or other reason alleged in the notice, the House of Delegates shall hold a hearing at which the defendant shall have the same rights as if the hearing were to be conducted by the Board of Review pursuant to Article 610.

- 604.5 ANNUAL AND REGULAR MEETINGS - The annual meeting of the House of Delegates of New Mexico Swimming shall be held in the months of June or July of each year. A second meeting of the house of delegates shall be held in the months of October or November of each year. Regular meetings of the House of Delegates shall be held in accordance with a schedule adopted by the House of Delegates or the Board of Directors.
- 604.6 SPECIAL MEETINGS - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chairman. Should the Board of Directors or the General Chairman fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least three(3) members of the House of Delegates or by at least three (3) board members.
- 604.7 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall take place at a site within the Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of the House of Delegates.
- 604.8 NOMINATING COMMITTEE –
- .1 MEMBERS OF NOMINATING COMMITTEE; ELECTION - The Nominating Committee shall comprise the Immediate Past General Chairman and not fewer than five (5) Individual Members elected annually by the House of Delegates or the Board of Directors, if the House of Delegates does not act in a timely fashion, to serve until their successors are elected. A number greater than five (5) may be designated from time to time by the House of Delegates. Each Nominating Committee member shall be a member of the House of Delegates and no more than two members of the Nominating Committee shall be Executive Committee members. Section 606.6.3 shall apply to members of the Nominating Committee, but service as the immediate Past General Chairman shall not be counted for that purpose. If any member of the Nominating Committee resigns or otherwise becomes unable to participate in its affairs, the General Chairman, with the advice and consent of the Board of Directors, shall appoint a successor to serve until the next meeting of the House of Delegates.
 - .2 CHAIRMAN ELECTED BY NOMINATING COMMITTEE - The Chairman of the Nominating Committee shall be elected annually by a majority vote of the members of the Nominating Committee present at a meeting called promptly after the members are elected or appointed.
 - .3 DUTIES OF NOMINATING COMMITTEE - A slate of candidates for election as the officers, committee chairmen, or coordinators specified in Section 606.1 and the regular members of the Board of Review to be elected at the next annual meeting shall be prepared by the Nominating Committee. The Nominating Committee may in its discretion nominate a slate of one person for each position to be filled or may nominate more than one candidate for one or more of the positions. The Nominating Committee shall also nominate a slate of candidates for the Nominating Committee to be elected at the fall meeting of the House of Delegates.
 - .4 PUBLICATION OF NOMINATIONS - Nominations by the Nominating Committee shall be published by distributing a slate of candidates together with the positions for which they have been nominated to each member of the House of Delegates and to each Club Member Representative not less than twenty (20) calendar days prior to the election. This notice may be combined with the notice of the meeting pursuant to Section 604.15.1 where convenient. See Section 616.1.5 for the methods which may be used for the distribution.
 - .5 ADDITIONAL NOMINATIONS - Additional nominations may be made from the floor of the House of Delegates by any member of the House of Delegates eligible to vote.
 - .6 MEETINGS AND NOTICES - Meetings of the Nominating Committee shall take place at a site within the Territory when called by the Chairman or any three members of the Committee with a minimum of six (6) days notice required. Pertinent provisions of Sections 607.5 through 607.11 and Section 616.1.5 also shall apply to the Nominating Committee's meetings and notices.

- .7 QUORUM - A quorum for any meeting of the Nominating Committee shall consist of those present at the meeting. The committee shall act by a majority vote of its members voting in any meeting at which a quorum is present.
- 604.9 MEETINGS OPEN; EXECUTIVE SESSIONS -
- .1 HOUSE OF DELEGATES - House of Delegates meetings shall normally be open to all members of New Mexico Swimming and USS. By a majority vote on a motion of a question of privilege, the House of Delegates may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the House.
- .2 HOUSE OF DELEGATES COMMITTEES - All meetings and deliberations of the Nominating Committee shall be conducted in executive (closed) session. Meetings of all other committees established by the House of Delegates shall be open to all members of New Mexico Swimming and USS unless otherwise provided by the House of Delegates resolution creating the committee or by a vote of the committee as provided by the rules of the Parliamentary Authority.
- 604.10 QUORUM - A quorum of the House of Delegates shall consist of those members present and voting.
- 604.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the House of Delegates shall be determined by a majority vote. A motion or order calling for the removal of a member of the Board of Review pursuant to Section 604.4.9, shall be determined by a two-thirds vote after at least thirty (30) days notice. See also Section 611.3 regarding amendment of these Bylaws.
- 604.12 PROXY VOTE - Voting by proxy in any meeting of the House of Delegates shall not be permitted.
- 604.13 MAIL VOTE - Any action which may be taken at any regular or special meeting of the House of Delegates, except elections, removals of Board Members, members of the Board of Review, elected committee chairmen or coordinators and amendments of these Bylaws, may be taken without a meeting. If an action is taken without a meeting, the Secretary, by first class mail, postage prepaid, shall distribute a written ballot to every member of the House of Delegates entitled to vote on the matter. The ballot shall set forth the proposed action, provide an opportunity to specify approval or disapproval, and provide a reasonable time (but in no event less than the period specified in Section 604.15.1) within which to return the ballot to the Secretary. Action by written ballot shall be valid only when the number of votes cast in favor of the proposed action within the time period specified constitutes a majority of the votes entitled to be cast.
- 604.14 ORDER OF BUSINESS - At all meetings of the House of Delegates the following shall be included in the order of business to the extent applicable. The order in which the various subjects are taken up may be varied.
- Roll Call
 - Reading, correction and adoption of minutes of previous meeting
 - Reports of officers
 - Reports of committees and coordinators
 - Presentation and approval of the annual budget
 - Presentation and approval of the annual audit pursuant to Section 608.4, when applicable
 - Unfinished (old) business
 - Elections
 - New business
 - Resolutions and orders
 - Adjournment

604.15 NOTICES

- .1 TIME - Not less than twenty (20) days written notice shall be given to each member of the House of Delegates and each Group Member for any annual, regular or special meeting of the House of Delegates. See Section 616.1.5 for the various permitted forms of notice.
- .2 INFORMATION - The notice of a meeting shall contain the time, date and site. For special meetings of the House of Delegates, the expected purpose (which may be general) of the meeting shall be stated. If an expected purpose is the amendment of the Bylaws, a copy of the proposed amendment shall be included in the notice. Failure to have included in the notice any germane amendments subsequently adopted by the House of Delegates at the noticed meeting shall not be the basis for any claim that the amendments as so adopted are invalid.

ARTICLE 605 BOARD OF DIRECTORS

605.1 MEMBERS - The Board of Directors shall consist of the following officers, committee chairmen, coordinators and representatives of New Mexico Swimming, together with those additional members designated in Sections 605.2 and 605.2:

- .1 General Chairman
- .2 Administrative Vice-chairman
- .3 Senior Vice-chairman
- .4 Age Group Vice-chairman
- .5 Secretary/Handbook/Rules and Regs.
- .6 Treasurer
- .7 Finance Vice-chairman
- .8 Registration/Membership/Club Liaison Coordinator
- .9 Technical Planning Chairman
- .10 Board of Review Chairman
- .11 Computer Chairman
- .12 Officials Chairman
- .13 Publicity Chairman
- .14 Records/Top Sixteen Coordinator
- .15 Safety/ Adaptive Swimming Coordinator
- .16 Athlete Representatives
- .17 Coach Representative

605.2 EX-OFFICIO MEMBERS - The following persons shall be ex-officio members of the Board of Directors during the time period in which they meet the defined status:

- .1 The Immediate Past General Chairman of New Mexico Swimming, if an Individual Member in good standing;
- .2 Members of the USS Board of Directors who are Individual Members in good standing; and
- .3 USS Committee Chairmen who are Individual Members in good standing.

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

- .1 BOARD MEMBERS - Each Board Member other than the ex-officio members (see Section 605.2) shall have both voice and vote in meetings of the Board of Directors and its committees.
- .2 NON-VOTING BOARD MEMBERS - Unless entitled to vote under another provision of these Bylaws, the ex-officio members shall have voice but no vote in meetings of the Board of Directors and its committees.

- .3 INDIVIDUAL MEMBERS - Individual Members who are not Board Members may attend open meetings of the Board of Directors and its committees and be heard at the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in meetings of the Board of Directors or its committees.
- 605.4 DUTIES AND POWERS - The Board of Directors shall act for New Mexico Swimming and the House of Delegates during the intervals between meetings of the House of Delegates, subject to the exercise by the House of Delegates of its powers of ratification or prospective modification or rescission, except that it shall not remove a Board Member, a Board of Review member or other person elected by the House of Delegates or amend these Bylaws. In addition to the powers and duties prescribed in the USS Code or elsewhere in these Bylaws, the Board of Directors shall have the power and it shall be its duty to:
- .1 Establish and direct policies, procedures and programs for New Mexico Swimming;
 - .2 Oversee the conduct by the officers of New Mexico Swimming of the day-to-day management of the affairs of New Mexico Swimming;
 - .3 Provide advice and consent to appointments proposed by the General Chairman that require advice and consent under these Bylaws or the New Mexico Swimming Policies and Procedures Manual;
 - .4 Cause the preparation and presentation to the House of Delegates of the annual budget of New Mexico Swimming and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
 - .5 Receive presentation of the annual audit report pursuant to Section 608.4 and make a recommendation to the House of Delegates concerning the approval or disapproval thereof;
 - .6 Call regular or special meetings of the Board of Directors or the House of Delegates;
 - .7 Admit eligible prospective Group Members.
 - .8 Retain such independent contractors and employ such persons as the Board shall determine are necessary or appropriate to conduct the affairs of New Mexico Swimming;
 - .9 Remove from office any officers, committee chairmen, committee members or coordinators of New Mexico Swimming who were not elected by the House of Delegates and who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Board of Review for any of the reasons set forth in Section 610.4.7C. No officer, committee chairman or coordinator may be removed without receiving the thirty (30) days written notice specifying the alleged deficiency in the performance of the member's responsibilities under these Bylaws, the member's official duties or other reasons. All notices and proceedings under this section shall be prepared, served and processed utilizing the procedures for a formal hearing pursuant to Section 610.6.1 to the extent applicable. Should the officer, committee chairman, committee member or coordinator contest the alleged deficiency or other reason set forth in the notice, the Board of Directors shall hold a hearing at which the member shall have the same procedural rights as if the hearing were to be conducted by the Board of Review pursuant to Article 610.
- 605.5 EXECUTIVE COMMITTEE -
- .1 AUTHORITY AND POWER - The Executive Committee shall have the authority and power to act for the Board of Directors and New Mexico Swimming between meetings of the Board and the House of Delegates.

- .2 MEMBERS - The members of the Executive Committee shall be the General Chairman, who shall act as chairman, Administrative Vice-chairman, Senior Vice-chairman, Age Group Vice-chairman, Financial Vice Chairman, Secretary, Treasurer, Technical Planning Chairman, Senior Athlete Representative, and Coach Representative. The presiding officer shall appoint an Individual Member to serve as the secretary of the meeting.
 - .3 MEETINGS AND NOTICE - Meetings of the Executive Committee shall be held at any time or place within the Territory when called by the General Chairman or any three (3) members of the Committee with a minimum of three (3) days notice required. Pertinent provisions of Sections 607.5 through 607.11 and Section 616.1.5 shall apply to the Executive Committee meetings and notices.
 - .4 QUORUM - A quorum of the Executive Committee shall consist of four (4) members of the Committee.
 - .5 REPORT OF ACTION TO BOARD OF DIRECTORS - At the next regular or special meeting of the Board of Directors the Executive Committee shall make a report of its activities since the last Board of Director's meeting for ratification or prospective modification or rescission, provided, however, that any action of the Executive Committee upon which a third party may have relied (e.g., by signing, or authorizing the signing of a contract) may not be modified or rescinded by the Board of Directors or the House of Delegates.
- 605.6 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Board of Directors and Executive Committee meetings shall be open to all members of New Mexico Swimming and USS. Matters relating to personnel, disciplinary action, legal, taxation or similar affairs shall be deliberated and decided in a closed executive session which only Board Members or Executive Committee members, respectively, are entitled to attend. By a majority vote on a motion of a question of privilege the Board of Directors or the Executive Committee may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the Board of Directors or the Executive Committee.
 - 605.7 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Directors or the Executive Committee may participate in meetings of the Board of Directors or the Executive Committee through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.
 - 605.8 REGULAR MEETINGS - Regular meetings of the Board of Directors shall be held in accordance with a schedule adopted by the Board of Directors.
 - 605.9 SPECIAL MEETINGS - Special meetings of the Board of Directors may be called by the General Chairman. Should the Board of Directors or the General Chairman fail to call regular meetings or should a special meeting be appropriate or helpful, a meeting of the Board of Directors shall be called at the written request of any three (3) Board Members.
 - 605.10 QUORUM - A quorum of the Board of Directors shall consist of the members of the Board present at the meeting.
 - 605.11 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before the Board of Directors shall be determined by a majority vote.
 - 605.12 PROXY VOTE - Voting by proxy in any meeting of the Board of Directors or the Executive Committee shall not be permitted.
 - 605.13 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of the Board of Directors or the Executive Committee may be taken without a meeting if all the Board Members or Executive Committee members entitled to vote consent to the action in writing and the written consents

are filed with the records of the respective meetings. These consents shall be treated for all purposes as votes taken at a meeting.

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

605.15 NOTICES -

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

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

Roll Call
Reading, correction and adoption of minutes
Report of Executive Committee
Reports of officers
Reports of committees and coordinators
Presentation of the annual budget and adoption of recommendation to the House of Delegates
Presentation of the annual audit report pursuant to Section 608.4 and adoption of its recommendation to the House of Delegates
Advice and Consent to Appointments
Unfinished (old) business
New business
Approval of applications for Group Membership and Affiliated Individual Membership
Elections
Resolutions and orders
Adjournment

ARTICLE 606

OFFICERS

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

- .1 General Chairman
- .2 Administrative Vice-chairman
- .3 Finance Vice-chairman
- .4 Senior Vice-chairman
- .5 Age Group Vice-chairman
- .6 Secretary/Handbook Rules and Regs.

- .7 Treasurer
 - .8 Technical Planning Chairman
 - .9 Registration/Membership/Club Liaison Coordinator
- 606.2 ELECTIONS - The House of Delegates, at its annual meeting, shall elect the General Chairman, the Secretary, the Finance Vice-chairman, and the Senior Vice-chairman in even-numbered years; and the Administrative Vice-chairman, the Age Group Vice-chairman, the Treasurer, the Technical Planning Committee Chairman, and the Registration/Membership Chairman in odd-numbered years.
- 606.3 ELIGIBILITY – Only Individual Members in good standing shall be eligible to hold office and must maintain their eligibility throughout their term of office.
- 606.4 DOUBLE VOTE PROHIBITED - An Individual Member entitled to vote in the House of Delegates by virtue of holding a position in New Mexico Swimming may not also vote as a Group Member Representative in the House of Delegates.
- 606.5 OFFICES COMBINED OR SPLIT -
- .1 OFFICE HELD BY TWO PERSONS - Any office other than General Chairman, Finance Vice-chairman and Treasurer, may be held jointly by two Individual Members. This may be accomplished by the Nominating Committee nominating two Individual Members to serve as co-officers or by the House of Delegates electing two at the time of election. In the case of the Administrative Vice-chairman, the House of Delegates at the time of election shall designate one to be the successor to the General Chairman; if no such designation is made, then the person with the longer tenure in such office or as a Board Member shall serve as the successor.
 - .2 OFFICES COMBINED - Any office other than General Chairman may be combined with any other office except that the offices of Finance Vice-chairman and Treasurer may not be combined. This may be accomplished by the Nominating Committee nominating single Individual Member to serve simultaneously as two officers or by the House of Delegates so electing at the time of election.
- 606.6 TERMS OF OFFICE –
- .1 TERM OF OFFICE - The terms of office of all elected members of the Board of Directors shall be two years.
 - .2 COMMENCEMENT OF TERM - Each person elected to a position shall assume office September and shall serve until a successor takes office.
 - .3 CONSECUTIVE TERMS LIMITATION - Except for the Treasurer, or Registration/ Membership Coordinator, no Individual Member who has been elected by the House of Delegates and served four successive years shall be eligible for re-election to the same position until a lapse of two years. A portion of any term served to fill a vacancy in the position shall not be considered in the computation of this successive terms limitation.
- 606.7 DUTIES AND POWERS – The duties and powers of the officers and other Board Members shall be to attend and participate in all meetings of the House of Delegates and the Board of Directors and as follows:
- .1 GENERAL CHAIRMAN: The General Chairman shall oversee and have general charge of the management, business, operations, affairs and property of New Mexico Swimming, and general supervision over its officers and agents; shall call meetings when and where deemed necessary; shall preside at all meetings; and, except as otherwise provided in these Bylaws and with the advice and consent of the Board of Directors, shall appoint committee chairmen and members for standing and special committees or coordinators as may be necessary to permit New Mexico Swimming to effectively, efficiently and economically conduct its affairs. The General Chairman shall report to the Board of Directors all matters within the General Chairman's

knowledge that the Board of Directors should consider in the best interests of New Mexico Swimming.

.2 SECRETARY/CLUB LIAISON: The Secretary, or a delegate, shall be responsible for keeping a record of all meetings of the House of Delegates and Board of Directors, conducting official correspondence, issuing meeting and other notices and making such reports to USS as are required by Article 608 of these Bylaws and shall perform the other duties incidental to the office of Secretary. The Secretary shall be custodian of the records of New Mexico Swimming, and attest the execution of all duly authorized instruments. The Secretary shall cause to be kept copies of all minutes, official correspondence, meeting and other notices, and any other records of New Mexico Swimming. The Secretary's custody of the minute books and other records shall be as a fiduciary for New Mexico Swimming and shall end when the Secretary leaves office and shall pass them on to the successor Secretary. The Secretary shall also be responsible for forwarding to the clubs pertinent information from USS or the Board of Directors.

.3 TREASURER: The Treasurer shall be the principal receiving and disbursing officer of New Mexico Swimming. Except as otherwise directed by the Board of Directors, the Treasurer shall receive all monies, incomes, fees and other receipts of New Mexico Swimming and pay all bills, salaries, expenses and other disbursements approved by the General Chairman, the Board of Directors or the House of Delegates, or required to be paid pursuant to Section 610.3.12. The Treasurer shall be a member of the Finance Committee but may not be its chairman. The Treasurer shall issue a monthly listing of the current budget variances by line item, all receipts, all expenditures and the current fund and account balances for the preceding month and for the fiscal year to date, together with such other items as the General Chairman or the Board of Directors may direct. The Treasurer shall:

- A have charge of and supervision over and be responsible for the funds, monies, securities and other financial instruments of New Mexico Swimming;
- B cause the monies, securities and other financial instruments of New Mexico Swimming to be deposited in the name and to the credit of New Mexico Swimming in such institutions as shall be designated in accordance with Section 606.11 or to be otherwise invested as the Board of Directors may direct;
- C cause to be appropriately segregated and accounted for any endowment funds, scholarship or award funds and any similar special purpose funds or accounts;
- D cause the funds of New Mexico Swimming to be disbursed by checks or drafts, automated debits or wire transfers upon the authorized depositories of New Mexico Swimming, and obtain and preserve proper vouchers for all moneys disbursed;
- E cause to be kept in the safe keeping of the Treasurer correct books of account and other financial records of all its affairs and transactions and such duplicate books of account as the Board of Directors or the Treasurer shall determine; The Treasurer's custody of the books and records shall be as a fiduciary for New Mexico Swimming and custody and fiduciary state shall end when the Treasurer leaves office and passes them on to the successor Treasurer.
- F upon request and at reasonable hours cause such books or duplicates thereof to be exhibited to any member of the Board of Directors and upon application and at reasonable hours cause the monthly financial reports and the annual audited financial statement to be exhibited to any member of New Mexico Swimming or USS;
- G cause New Mexico Swimming to be in compliance with the requirements of Section 608.4;

- H have the power to require from the officers, committee chairmen, coordinators, or agents of New Mexico Swimming reports or statements giving such information as the Treasurer may determine to be appropriate or helpful with respect to any and all financial transactions of New Mexico Swimming;
 - I cause the annual audit of accounts of New Mexico Swimming to be performed and cause the preparation and timely filing of all required federal, state and local tax returns, and other financial and tax reports with the applicable government official, and forward a copy of the annual financial statement and audit report and any federal tax return to the Secretary for submission to the Board of Directors and USS national headquarters in accordance with Sections 608.2 and 608.3;
 - J in general, perform all the other duties incident to the corporate treasury function.
- .4 ADMINISTRATIVE VICE-CHAIRMAN: The Administrative Vice-chairman shall conduct meetings in the absence of the General Chairman and, at the request of the General Chairman or in the event of the disability of the General Chairman, shall perform all of the duties of the General Chairman, and when so acting shall have all of the powers of the General Chairman. (See Section 606.9.) The Administrative Vice-chairman shall aid in the development of policy and the coordination of the activities of the officers and committees within the division internally and with other divisions, committees and coordinators.
 - .5 SENIOR VICE-CHAIRMAN: The Senior Vice-chairman shall chair and have general charge of the affairs of the Committee that develops and conducts the senior swimming program of New Mexico Swimming.
 - .6 AGE GROUP VICE-CHAIRMAN: The Age Group Vice-chairman shall chair and have general charge of the affairs of the Committee that develops and conducts the age group swimming program of New Mexico Swimming.
 - .7 FINANCE VICE-CHAIRMAN: The Finance Vice-chairman shall chair and have general charge of the affairs and property of the division that includes the Treasury function, the development and implementation of an investment program for New Mexico Swimming's working capital, funded reserves and endowment funds and the development and implementation of a marketing and fund-raising plan for New Mexico Swimming. The Finance Vice-chairman, with the assistance of the Finance Committee, shall prepare an annual budget for New Mexico Swimming's operations and present the budget for approval by the Board of Directors and the House of Delegates. In addition, the Finance Vice-chairman shall cause to be conducted the audit required pursuant to Section 608.4 and shall review, or shall cause the Audit Committee to review, the annual audit report and recommend acceptance and appropriate action, if any, with regard thereto by the Board of Directors and the House of Delegates. The Finance Vice-chairman is responsible for the adequacy of New Mexico Swimming's system of internal financial and accounting controls.
 - .8 ATHLETE REPRESENTATIVES: The Athlete Representatives shall serve as the liaison between the athletes who are members of New Mexico Swimming and the Board of Directors and House of Delegates.
 - .9 COACH REPRESENTATIVE: The Coach Representative shall serve as a liaison between the coaches who are members of New Mexico Swimming and the Board of Directors and House of Delegates.

.10 NEW MEXICO SWIMMING DELEGATES TO USS HOUSE OF DELEGATES -

- A Officer and Representative Delegates - It shall be the option and privilege of the General Chairman, the Administrative Vice-Chairman, the Age Group Vice-chairman, the Senior Vice-chairman, the Athlete Representatives and the Coach Representative to attend the USS annual meeting as representatives of New Mexico Swimming and voting delegates to the USS House of Delegates.
- B Officer Delegate Alternates - If any of the officer delegates is unable to attend, their elected alternates, if any, shall attend in their places. In the event that there are no elected alternates or the elected alternates are unable to attend, then the General Chairman, with the advice and consent of the Board of Directors, may appoint alternates who shall attend the USS annual meeting as delegates representing New Mexico Swimming.
- C Athlete Representative Alternates - If an athlete delegate is unable to attend, the Athlete Representative next most senior in term of office shall attend. If seniority cannot be established or there remain no additional Athlete Representatives or alternates able to attend, then the General Chairman, with the advice and consent of the Board of Directors, may designate one or more Athlete Members to attend as a representative of New Mexico Swimming.
- D Coach Representative Alternates - If the Coach Representative is unable to attend the USS annual meeting, then the General Chairman, with the advice and consent of the Board of Directors, may designate a Coach Member to attend as a representative of New Mexico Swimming.

606.8 RESIGNATIONS – Any officer may resign by orally advising the General Chairman or by submitting a written resignation to the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

606.9 VACANCIES AND INCAPACITIES -

- .1 OFFICE OF GENERAL CHAIRMAN - In the event of a vacancy in the office of General Chairman, or of the General Chairman's temporary or permanent incapacity, the Administrative Vice-chairman shall become the Acting General Chairman until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chairman, or until the General Chairman ceases to suffer from any temporary incapacity. While serving as Acting General Chairman, the Administrative Vice-chairman shall vacate the office of Administrative Vice-chairman, except in the case of the General Chairman's temporary incapacity. If the General Chairman is to be absent from the Territory, the General Chairman may, but is not obligated to, designate the Administrative Vice-chairman as Acting General Chairman for the duration of the absence.
- .2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES - In the event of a vacancy in the office of Athlete Representative or Coach Representative, or of the permanent incapacity of a person holding the office of Athlete Representative or Coach Representative, the General Chairman may appoint, with the advice and consent of the Board of Directors, an Athlete Member or a Coach Member, as the case may be, to serve the remainder of the term of office or until the Athletes or the Coaches, as the case may be, elect a successor.
- .3 OTHER OFFICES - In the event of a vacancy in, or permanent incapacity of the person holding, any office other than General Chairman, Athlete Representative, Coach Representative or member of the Board of Review, the General Chairman shall appoint a successor, with the advice and consent of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the General Chairman may

designate, with the advice and consent of the Board of Directors, an Individual Member to act for the incapacitated officer for the duration of the incapacity.

- .4 DETERMINATION OF VACANCY OR INCAPACITY - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates with, in the case of a Athlete Representative or a Coach Representative, the advice and consent of the Athletes Committee or the Coaches Committee, respectively. The determination as to when the General Chairman is temporarily incapacitated shall be made, where the circumstances permit, by the General Chairman and otherwise shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

606.10 OFFICERS' POWERS GENERALLY -

- .1 AUTHORITY TO EXECUTE CONTRACTS, ETC. - The General Chairman, and Administrative Vice-chairman each may sign and execute in the name of New Mexico Swimming deeds, mortgages, bonds, contracts, agreements or other instruments duly authorized by the New Mexico Swimming Policies and Procedures Manual, the Board of Directors or the House of Delegates, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors to another officer or agent, expressly requires two or more signatures or is required by law to be otherwise executed. Additional signing authority may be provided by standing resolutions of the Board of Directors or the House of Delegates.
- .2 ADDITIONAL POWERS AND DUTIES - Each officer shall have other powers and perform other duties as may be prescribed by the House of Delegates, the Board of Directors, the General Chairman, the respective division Vice-chairman, the delegating officer or these Bylaws. The division Vice-chairmen shall have the additional duties and powers set forth in Section 607.1 and 607.5.
- .3 DELEGATION - Officers of New Mexico Swimming may delegate any portion of their powers or duties to another Individual Member or to a committee composed of Individual Members, except that neither the Finance Vice-chairman nor the Treasurer may delegate duties to the other without the consent of the Board of Directors. In addition, the authority to sign checks, drafts, orders of withdrawal or wire transfers shall not be delegated other than by the Board of Directors. A delegation of powers or duties shall not relieve the delegating officer of the ultimate responsibility to see that these duties and obligations are properly executed or fulfilled.
- .4 ASSISTANT AND DEPUTY OFFICERS - The House of Delegates or the Board of Directors may by resolution create the office of deputy to one or more of the elected officers. The resolution shall specify the method of election or appointment and define the duties and powers of the respective deputies, which may include the power to act for the officer when the officer is out of the Territory or temporarily incapacitated. The elected officers may appoint one or more assistant officers and define their respective duties.

606.11 DEPOSITORIES AND BANKING AUTHORITY –

- .1 DEPOSITORIES, ETC. - All receipts, income, charges and fees of New Mexico Swimming shall be deposited to its credit in the banks, trust companies, other depositories or custodians, investment companies or investment management companies as the Board of Directors may select. Endorsements for deposit to the credit of New Mexico Swimming in any of its duly authorized depositories shall be made in the manner determined by the Board of Directors. All funds of New Mexico Swimming not otherwise employed shall be maintained in the banks, trust companies, other depositories or custodians, investment companies or investment management companies designated by the Board of Directors.
- .2 SIGNATURE AUTHORITY - All checks, drafts or other orders for the payment or transfer of money, and all notes or other evidences of indebtedness issued in the name of New Mexico

Swimming shall be signed by the General Chairman, the Treasurer or other officer or officers or agent or agents of New Mexico Swimming, and in the manner, as shall be determined by the Board of Directors.

ARTICLE 607 DIVISIONS, COMMITTEES AND COORDINATORS

607.1 DIVISIONAL ORGANIZATION AND JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS - The five divisions of New Mexico Swimming shall each be chaired by a Vice-chairman, whose respective powers, duties, jurisdiction and responsibilities are described in Section 606.7. Under each division Vice-chairman there are officers, committees, coordinators and direct responsibilities as follows:

- .1 GENERAL CHAIRMAN
Secretary/Club Liaison
Technical Planning
Legal
Registration/Membership
Safety
High School Liaison
- .2 ADMINISTRATIVE DIVISION- Vice-chairman
Awards
Bylaws/Legislation/Rules
Computer
Elections
Equipment
Insurance
Officials
OVCs
Policies Manual
Public Relations
Publication/Newsletter
- .3 AGE GROUP Division-Age Group Vice-chairman
Program Development
All Star Meet
Short Course State Championships
8 & Under Finals
Zone Team
- .4 SENIOR DIVISION Senior Vice-chairman
Program Development
Camps/clinics
Long Course State Championships
Time Standards
Records/Top 16 Tabulation

- .5 FINANCE DIVISION - Finance Vice-chairman
 - Audit
 - Budget
 - Marketing/Sponsorship
 - Swim-a-thon
 - Tax
 - Treasurer

607.2 CHAIRMEN AND THEIR COMMITTEES; COORDINATORS

.1 ELECTED, EX-OFFICIO AND APPOINTED CHAIRMEN AND COORDINATORS -

- A Elected Chairmen and Coordinators - As provided in Section 606.2, certain committee chairmen and coordinators shall be elected by the House of Delegates. Their eligibility, terms of office, etc. shall be as provided in Sections 606.2, 606.3 and 606.6. These elected committee chairmen and coordinators of New Mexico Swimming are:

- (1 Registration /Membership Coordinator
- (2 Technical Planning Chairman.

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

- C Appointed Chairmen and Coordinators - The chairmen of all other standing committees and all other coordinators shall be appointed by the General Chairman with the advice and consent of the Board of Directors and the respective division vice-chairman. The appointed standing committee chairman or coordinator shall assume office upon appointment or the date designated by the General Chairman, and shall serve until a successor is appointed and assumes office.

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

- A Registration /Membership Coordinator shall make the reports required by Section 608.5, together with such additional reports as may be required by USS, the Board of Directors or the General Chairman.
- B Officials Chairman - The Officials Chairman shall chair the Officials Committee which is responsible for recruiting, training, certifying and supervising officials for New Mexico Swimming. The Officials Chairman shall be a referee certified by New Mexico Swimming and each member of the Officials Committee shall be a certified official of New Mexico Swimming.
- C Safety Coordinator- The Safety Coordinator shall be responsible for coordinating safety enhancement and training opportunities as needed and for the dissemination of USS safety education information to all Group Members, athletes, coaches and officials of New Mexico Swimming. The Safety Coordinator shall develop safety education programs and policies for New Mexico Swimming and make recommendations regarding same, and the implementation thereof, to the General Chair and the Board of Directors. When approved by the Board of Directors, the Safety Coordinator shall be responsible for the coordination of their implementation by the Club Members. The Safety Coordinator shall make the reports required pursuant to Section 608.6.
- D Technical Planning Chairman - The Technical Planning Chairman shall chair, and have general charge of the business and affairs of the Technical Planning Committee, which is responsible for long-range planning regarding the swimming programs

conducted by New Mexico Swimming, the continuing review and development of the New Mexico Swimming philosophy, and for advising other committees and divisions regarding the implementation of that philosophy in the context of New Mexico Swimming's swimming programs. The Technical Planning Chairman shall also chair the Scheduling Committee and solicit bids for hosting NMS Championship Meets.

- E Athlete Representatives- The Athlete Representatives shall undertake such activities delegated by the Board of Directors or the General Chairman.
- F Coach Representative- The Coach Representative shall undertake such activities delegated by the Board of Directors or the General Chairman.

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

- .1 FINANCE COMMITTEE - The members of the Finance Committee shall be the General Chairman, the Finance Vice-chairman, who shall serve as chairman, the Administrative Vice-chairman, the Treasurer, and one other board member to be appointed by the General Chair.
- .2 OFFICIALS COMMITTEE - The members of the Officials Committee shall be the Officials Chairman, who shall serve as chairman, and other members appointed by the General Chairman, each of whom shall be a certified official of New Mexico Swimming.
- .3 TECHNICAL PLANNING COMMITTEE - The members of the Technical Planning Committee shall be the Technical Planning Committee Chairman, who shall serve as chairman, Senior Vice-chairman, Age Group Vice-chairman, Coach Representative, Senior Athlete Representative, and the Administrative Vice-chairman.

The General Chairman or the respective division Vice-Chairman, with the consent of the General Chairman, may appoint the specified additional members and any other members deemed appropriate or necessary for any of the foregoing standing committees. Committee members appointed pursuant to the preceding sentence, shall hold their appointments at the pleasure of the appointing officer or successor.

607.4 DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS -

- .1 FINANCE COMMITTEE - The Finance Committee is authorized and obligated to develop, establish where so authorized or recommend to the Board of Directors and supervise the execution of policy regarding the investment of New Mexico Swimming's working capital, funded reserves and endowment funds, within the guidelines, if any, established by the Board of Directors or the House of Delegates. The Finance Committee shall also regularly review New Mexico Swimming's equipment needs (both operational and office) and the various methods available to finance the acquisition of any needed equipment, make a determination of the best financing method for New Mexico Swimming and make recommendations to the Board of Directors. The Finance Committee is to function as the Audit Committee with the treasurer excluded when acting in that capacity. Where the Finance Committee is functioning as an Audit Committee, one or two additional members may be added, so that there are at least three members participating in that function.

607.5 DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY - The duties and powers of the General Chairman, the division vice-chairmen, committees or subcommittees (in addition to those provided elsewhere in these Bylaws) and, when applicable, coordinators shall be as follows:

- .1 Preside at all meetings of the respective division, committee or subcommittee;

- .2 See that all duties and responsibilities of the coordinator or the respective division, committee or sub-committee in his charge are properly and promptly carried out;
- .3 Appoint such committees or sub-committees as may be necessary to fulfill the duties and responsibilities of the coordinator or division or committee, respectively;
- .4 Communicate with the respective division, coordinator, committee or subcommittee members to keep them fully informed;
- .5 Keep the General Chairman, the respective division vice-chairman or committee chairman and the Secretary informed of the respective coordinator, division, committee or subcommittee actions and recommendations;
- .6 Appoint a member as secretary of the division, committee or subcommittee charged with taking minutes of each meeting and forward reports or minutes of all meetings to the Secretary.
- .7 Refer to the Board of Directors any recommendation for action which would establish or change policies or programs for New Mexico Swimming, except as otherwise provided in these Bylaws or by the Board of Directors; and
- .8 Perform the other specific duties as may be delegated by the General Chairman, the respective division vice-chairman or committee chairman, the Board of Directors or the House of Delegates.

607.6 DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY - Except as otherwise provided in these Bylaws, the duties and powers of the standing committees and coordinators shall be prescribed by the House of Delegates, the Board of Directors, the General Chairman or the respective division vice-chairman. Except as otherwise provided in the Bylaws, the duties and powers of any other committees and subcommittees shall be prescribed by the House of Delegates, the Board of Directors or the officer, coordinator or chairman pursuant to whose powers such committee or subcommittee was created.

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

607.8 MEETINGS OPEN; EXECUTIVE (CLOSED) SESSIONS - Meetings of divisions, committees and sub-committees shall be open to all members of New Mexico Swimming and USS. Matters relating to personnel, disciplinary action, legal, taxation and similar affairs shall be deliberated and decided in a closed executive session which only the respective members and General Chairman are entitled to attend. By a majority vote on a motion of a question of privilege, a division, committee or sub-committee may decide to go into executive session on any matter deserving of confidential treatment or of personal concern to any member of the division, committee or sub-committee.

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

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

- .2 NON-VOTING COMMITTEE OR SUB-COMMITTEE MEMBERS - Unless entitled to vote under another provision of these Bylaws, the General Chairman shall have voice but no vote in meetings of divisions, committees and sub-committees.
 - .3 INDIVIDUAL MEMBERS - Individual Members who are not members of the division, committee or sub-committee may attend open meetings of the division, committee or sub-committee and be heard in the discretion of the presiding officer. Unless entitled to vote under another provision of these Bylaws, Individual Members shall have no vote in those meetings.
- 607.10 ACTION BY WRITTEN CONSENT - Any action required or permitted to be taken at any meeting of a division, committee or sub-committee may be taken without a meeting if all the division, committee or sub-committee members entitled to vote consent to the action in writing and the written consents are filed with the records of the meetings. These consents shall be treated for all purposes as a vote taken at a meeting.
- 607.11 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of any division, committee or sub-committee may participate in a meeting of the division, committee or sub-committee through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.
- 607.12 QUORUM - Except as otherwise provided in these Bylaws or in the resolution or other action establishing a committee or subcommittee, a quorum of any committee or subcommittee shall consist of those members present of the committee or subcommittee.
- 607.13 VOTING - Except as otherwise provided in these Bylaws or the Parliamentary Authority, all motions, orders and other propositions coming before a division, committee or subcommittee shall be determined by a majority vote.
- 607.14 PROXY VOTE - Voting by proxy in any meeting of a division, committee or sub-committee of New Mexico Swimming shall not be permitted.
- 607.15 NOTICES
- .1 TIME - Except as otherwise provided in these Bylaws or the resolution or other action establishing a committee or sub-committee, not less than forty-eight (48) hours notice in the case of notice given by telephone, and six (6) days notice in all other cases, shall be given for any meeting of a division, committee or sub-committee of New Mexico Swimming. Separate notices need not be given for regular meetings that are scheduled well in advance. (See Section 616.1.5 for the various forms of notice.)
 - .2 INFORMATION - The notice of a meeting shall contain the time, date and site.
- 607.16 ORDER OF BUSINESS - At all meetings conducted under the authority of this Article, the following shall be included in the order of business to the extent applicable; the order in which subjects are taken up may be varied:
- Roll Call
 - Reading, correction and adoption of minutes
 - Reports of coordinators, committees and subcommittees
 - Unfinished (old) business
 - New business
 - Resolutions and orders
 - Adjournment
- 607.17 RESIGNATIONS - Any committee or subcommittee chairman or member or coordinator may resign by orally advising the General Chairman or by submitting a written resignation to the Board of Directors

specifying an effective date of the resignation. If such date is not specified, the resignation shall take effect upon the appointment of a successor.

- 607.18 VACANCIES - The determination of when the position of an appointed committee or subcommittee chairman, committee member or a coordinator becomes vacant or the person becomes incapacitated, if not made by the person, shall be within the discretion of the Board of Directors. (See Section 606.9 for provisions applicable to elected committee chairmen and coordinators.) In the event of a vacancy or permanent incapacity the General Chairman, with the advice and consent of the Board of Directors and the respective division vice-chairman, shall appoint a successor to serve until the conclusion of the incumbent's term. A temporary incapacity may be left unfilled at the discretion of the General Chairman or an appointment may be made for the duration of the temporary incapacity.
- 607.19 DELEGATION - With the consent of the Board of Directors or the respective division Vice-chairman, a committee or subcommittee chairman or a coordinator may delegate a portion of their powers or duties to another officer of New Mexico Swimming, or to another committee, subcommittee or coordinator. Notwithstanding any delegation, the ultimate responsibility for the delegated duties and obligations shall remain with the delegator.
- 607.20 APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF REVIEW - Sections 607.5 through 607.16 shall apply to the Executive Committee, the Nominating Committee and any other committee of the Board of Directors or the House of Delegates, unless otherwise provided in these Bylaws, in the resolution creating the committee. These provisions shall also apply to Board of Review meetings, but shall not apply to its hearings or deliberations.

ARTICLE 608

ANNUAL AUDIT, REPORTS AND REMITTANCES

- 608.1 MINUTES - The Secretary shall, within thirty (30) days after each meeting of the Board of Directors and the House of Delegates, transmit a copy of the minutes of the meeting to the respective members and to USS national headquarters.
- 608.2 FINANCIAL AND FEDERAL TAX REPORTS - The Secretary shall forward to USS national headquarters a copy of the annual closing Balance Sheet and Statement of Income and Expense for the preceding fiscal year following completion of the audit of the accounts and internal financial controls and procedures of New Mexico Swimming and the report thereon prepared in accordance with Section 608.4, within fifteen (15) days of receipt of the audit report and shall advise USS national headquarters within thirty (30) days following acceptance by the House of Delegates. Copies of any corresponding federal income tax return required to be filed by New Mexico Swimming under the IRS Code shall be included with the annual audit report sent to USS national headquarters.
- 608.3 STATE AND LOCAL REPORTS AND FILINGS - The Secretary shall cause to be made all reports and non-tax filings and shall requisition from the Treasurer checks with which to pay any applicable fees required by its state of incorporation and by any other state or municipality in which it operates.
- 608.4 ANNUAL AUDIT - An annual audit of the accounts, books and records of New Mexico Swimming shall be completed no later than the end of the third month following the end of its fiscal year. The audit, or review, shall be conducted by an independent auditor who shall be a certified public accountant or by the Finance Committee. The audit shall cover any federal, state or local income tax return that New Mexico Swimming is required to file under the IRS Code or applicable provisions of state or local law, rules or regulations, the balance sheet, the statement of income and expenses, check register and bank statements and other records as is deemed appropriate. If the audit, or review, is conducted by the Audit Committee or the Finance Committee, the committee shall issue a report signed by all of its members and stating that the financial records and reports of New Mexico Swimming have been reviewed and fairly present the financial condition of New Mexico Swimming as of the date of the balance sheet and for the fiscal period of the statement of income and expenses and the report is true and correct to the best of the Committee's

knowledge, information and belief. If the audit, or review, is conducted by an independent auditor, the report shall be in accord with generally accepted auditing practices applicable to the audit or review, as the case may be.

608.5 MEMBERSHIP AND REGISTRATION REPORTS - The Registration /Membership Coordinator shall forward in a timely manner all required reports to the Executive Director of USS. This report shall be accompanied by a remittance of the appropriate membership and registration fees due to USS. The Registration /Membership Coordinator shall make periodic summary reports to the General Chairman, the Board of Directors and the House of Delegates.

608.6 SAFETY REPORTS -

.1 INCIDENT/OCCURRENCE REPORTS - An occurrence report providing all of the information requested by applicable USS form should be completed at the time of the occurrence by the meet director, officer, coach or club officer with copies to USS national headquarters, the Safety Coordinator and the General Chairman.

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

A House of Delegates Reports - The report to the House of Delegates shall be written and shall provide in summary form the pertinent information including whether the injured party is a member of New Mexico Swimming and USS, the location of the occurrence and a brief description of the incident, the resulting injury and the emergency-care steps taken, together with any recommendation for action by New Mexico Swimming and its members to reduce the likelihood of a re-occurrence and the status of that recommendation. The written report shall include a review of the pertinent statistical information provided by USS national headquarters. The Safety Coordinator is responsible for distribution of this report to each Club Safety Coordinator. A copy of each House of Delegates report shall also be sent to the USS national headquarters.

B Board of Directors Reports - The regular report to the Board of Directors may be a summary addressing primarily any recommendation for action by New Mexico Swimming and its members.

.3 SAFETY EDUCATION - The Safety Coordinator shall be responsible for disseminating safety information flowing from USS Headquarters and exploring safety education opportunities and developing a safety education program tailored to New Mexico Swimming and its members and Territory.

608.7 MAILING ADDRESS - New Mexico Swimming shall notify in writing USS national headquarters of any change in its regular mailing address within 14 days of the change.

608.8 REPORTS GENERALLY - New Mexico Swimming shall make all reports and remittances to USS as specified in the USS Code or by the National Board of Directors or National House of Delegates, in such a manner and on such written forms as may be requested by USS national headquarters. The General Chairman, the Registration /Membership Coordinator, the Secretary, the Finance Vice-chairman and the Treasurer shall be collectively responsible for seeing that all required reports and remittances are made.

ARTICLE 609

MEMBERS' BILL OF RIGHTS

609.1 INDIVIDUAL MEMBERS' BILL OF RIGHTS - New Mexico Swimming, in furtherance of Article 301 of the USS Code, shall respect and protect the right of every Individual Member who is eligible under

New Mexico Swimming, USS and FINA rules and regulations to participate in any competition as an athlete, coach, trainer, manager, meet director or other official, so long as the competition is conducted in compliance with New Mexico Swimming, USS and FINA requirements. Before any Individual Member is denied the right to participate in a competition, the individual shall have the right to request and have a hearing before, and a determination of, the Board of Review or the National Board of Review. If the Individual Member is permitted to participate subject to a protest, a hearing and determination may take place after the competition is concluded.

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

ARTICLE 610

BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL

- 610.1 INTRODUCTION - USS was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, a federal law. That law requires USS to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section 602.2 and Article 609, and the USS Code of Ethics are intended to provide a clear statement of member responsibilities, liabilities for infractions thereof and a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, New Mexico Swimming has established the Board of Review to hear complaints, protests and appeals regarding the administration and conduct (including acts and failures to act) of the sport of swimming in the Territory, conduct that may violate the USS Code of Ethics or otherwise violate the policies, procedures, rules and regulations adopted by USS or New Mexico Swimming, or conduct that may bring USS, New Mexico Swimming or the sport of swimming into disrepute. This Article is intended to provide a uniform method of appeal from any decision, act or failure to act to which a member of New Mexico Swimming or, where the conduct occurred in the Territory, another LSC takes exception, and to provide an opportunity for a fair hearing before a group of independent and impartial people. This Article shall be construed accordingly.
- 610.2 DEFINITIONS FOR ARTICLE 610 - When used in this Article 610, the following terms shall have the meanings indicated in this Section and the definitions of such terms are equally applicable to both the singular and plural forms. Where a cross reference to another Section of the Bylaws appears within the definition, the definition is qualified by the more complete definition found in that Section:
- .1 "Answer" shall mean the written response to a Protest and Notice filed in accordance with Section 610.6.1C and served in the manner prescribed in Section 610.10.
 - .2 "Chairman" when standing by itself shall mean the Chairman of the Board of Review.
 - .3 "Notice" shall mean the writing addressed to the Respondent advising that the Respondent has been named a respondent in a Protest and served in accordance with Section 610.10. The Notice sets the hearing date and procedures and establishes the schedule to be followed leading to the hearing, among other things. See Section 610.2.3.
 - .4 "Presiding Officer" shall mean the Chairman or another member of the Board of Review designated by the Chairman to preside at a particular hearing or hearings. Where applicable the term shall include an attorney so designated pursuant to Section 610.3.12B.

- .5 "Protest" shall mean a written complaint filed in accordance with Section 610.6.1A by a Group Member or an applicant for such status, or an Individual Member or applicant for such status or, with regard to conduct occurring in the Territory, a member of another LSC, against a member of New Mexico Swimming or a constituent element, officer or agent of New Mexico Swimming. The Protest may relate to an applicant's having been denied membership in New Mexico Swimming or a member's alleged infraction against its responsibilities under Section 602.2 or about a decision or action by someone acting under the authority of New Mexico Swimming or USS or, with regard to conduct in the Territory, another LSC.
- .6 "Protestor" shall mean the Individual Member or Group Member that has filed a Protest with the Board of Review.
- .7 "Rebuttal" shall mean the written response to an Answer by a Protestor filed in accordance with Section 610.6.1D and served in the manner prescribed in Section 610.10.
- .8 "Respondent" shall mean the person against whom a Protest has been filed with the Board of Review or who may be affected by a decision of the Board of Review regarding the Protest.
- .9 "Vice-chairman" when used by itself shall mean the Vice-chairman of the Board of Review.

610.3 BOARD OF REVIEW ORGANIZATION -

- .1 ESTABLISHMENT - The Board of Review of New Mexico Swimming shall be independent and impartial.
- .2 MEMBERS - The Board of Review shall have at least five (5) regular members. The House of Delegates may increase the number of regular members by resolution, but subsequent to the adoption of these Bylaws may only decrease the number of regular members upon the expiration of the term of office of any incumbent members.
- .3 ELECTION; TERM OF OFFICE; ELIGIBILITY -
 - A Election - The House of Delegates shall annually elect regular members of the Board of Review: Two regular members shall be elected in even-numbered years and three regular members in odd-numbered years.
 - B Term of Office - The term of office shall be two years. Each member shall assume office September 1 and shall serve until a successor takes office.
 - C Eligibility - Each regular member of the Board of Review shall be a Individual Member of New Mexico Swimming and USS. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review.
- .4 CHAIRMAN ELECTED BY BOARD; OTHER OFFICERS - The Chairman, who must be a regular member, shall be elected annually by a majority vote of the regular members of the Board of Review. The Chairman shall annually appoint a Vice-chairman and a Secretary of the Board of Review.
- .5 MEETINGS - The Board of Review shall meet for administrative purposes at least once to elect the Chairman, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Board of Review and efficiently exercise its duties and powers. Other meetings may be called by the Chairman or any three regular members. When meeting for administrative purposes, those provisions of Article 607 that are specified in Section 607.20 shall apply to the Board of Review.
- .6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Board of Review may participate in a meeting or hearing of the Board of Review, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of

which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.

.7 QUORUM - A quorum for any administrative meeting of the Board of Review shall be fifty percent (50%) of its regular members. (The rule prescribed in Section 610.5.1.C governs the quorum for hearings and rehearings conducted by the Board of Review.)

.8 RESIGNATIONS - Any regular member of the Board of Review may resign by orally advising the Chairman or by submitting a written resignation to the Chairman, the General Chairman or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

.9 INCAPACITIES AND VACANCIES -

A Office of Chairman - In the event of a vacancy in the office of the Chairman, or of the Chairman's temporary or permanent incapacity, the Vice-chairman shall become the Acting Chairman until an election can be held at a meeting of the Board of Review to fill the remaining term, if any, of the former Chairman, or until the Chairman ceases to suffer from any temporary incapacity. If the Chairman is going to be absent from the Territory, the Chairman may, but is not obligated to, designate the Vice-chairman as Acting Chairman for the duration of the absence.

B Presiding Officer - In the event of the death, resignation or permanent incapacity of a Presiding Officer, the Chairman shall appoint another member, an alternate member or an attorney to serve until the completion of the hearings assigned to that Presiding Officer. Generally that event and appointment should have no impact on those pending hearings or rehearings other than delay for the benefit of the new Presiding Officer. The Chairman or the new Presiding Officer may make such other orders as are in the interests of fairness, justice and the sport of swimming. In the case of a temporary incapacity of a Presiding Officer, the Chairman shall have discretion regarding appointment of a new Presiding Officer, a delay of the hearing or rehearing or such other order as may serve the interests of fairness, justice and the sport of swimming.

C Other Members - In the event of a death, resignation or permanent incapacity of a member of the Board of Review, the General Chairman shall appoint an Individual Member, with the advice and consent of the Board of Directors, to serve as a Board of Review member until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the Chairman shall designate another member to act for the incapacitated member for the duration of the incapacity.

D Determination of Vacancy or Incapacity - The determination of when a membership on the Board of Review becomes vacant or a member becomes incapacitated shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates. The determination as to when the Chairman is temporarily incapacitated shall be made, where the circumstances permit, by the Chairman and otherwise shall be within the discretion of the Board of Review, subject to any subsequent action by the House of Delegates.

.10 SUBSTITUTIONS FOR MEMBERS - In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuse herself or himself or is disqualified in any particular circumstance, the General Chairman shall appoint another member or, if none of the regular members is available, a disinterested Individual Member to act in the member's place and stead in respect of that circumstance.

.11 EXTENSIONS OF TIME - The time by which any act is required to be taken pursuant to this Article 610 may be extended or foreshortened by the Chairman, or the Presiding Officer for a

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

.12 ADVICE; ATTORNEY AS PRESIDING OFFICER -

- A Legal and Other Advice - Where appropriate or helpful, the Chairman or Presiding Officer may consult the USS General Counsel, any member of the USS Councillors Committee, the Chairmen of the USS Legislation, Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of New Mexico Swimming, USS or the Board of Review) retained by the Board of Review or the Chairman regarding any issue raised by a proceeding.
- B Attorney as Presiding Officer - The Board of Review or the Chairman may retain an attorney (who need not be a member of New Mexico Swimming, USS or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may participate in the deliberations of the Board of Review or the designated panel but shall not be counted in determining the existence of a quorum and shall not have a vote.
- C Attorney's Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees to the attorney (the payment of expenses to an attorney providing services at no charge (pro bono publico) shall not be considered as a payment of fees for this purpose), the Chairman or the Presiding Officer shall consult with the General Chairman and the USS General Counsel. The Treasurer is authorized and directed to pay any fee and expenses charged by the attorney and approved by the General Chairman.

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

- A Code of Conduct - Members of the Board of Review shall:
 - (1 uphold the integrity and independence of the Board of Review;
 - (2 avoid any impropriety or even the appearance of impropriety in connection with service as a Board of Review member and swimming-related activities generally; and
 - (3 perform the duties of Board of Review membership impartially and diligently.
- B Grounds for Recusal - Members of the Board of Review shall recuse themselves from participating in any matter pending before the Board of Review:
 - (1 in which their impartiality might reasonably be questioned;
 - (2 where they have a personal bias or prejudice concerning a party in the matter pending before the Board of Review or have personal knowledge of disputed evidentiary facts concerning the pending matter (other than knowledge obtained as a Board of Review member);
 - (3 where they or a member of their household are a party or are likely to be a material witness in the pending matter;

- (4) where they or a member of their household have an interest that could be substantially affected by the outcome of the proceeding; or
 - (5) where they or a member of their household have served or are serving as counsel in the pending matter or are members of a law firm that served or is serving as counsel in the pending matter.
- C Recusal by Member - Board of Review members shall recuse themselves as soon as they become aware of facts that give rise to the duty to do so by giving notice to the Chairman, or in the case of the Chairman, the Vice-chairman.
- D Recusal/Disqualification Requested by Party - By written notice to the Presiding Officer or the Chairman, or, in the case in which the Chairman is the subject of the notice, the Vice-chairman, any party may request that the members recuse themselves or be disqualified from serving on the pending matter stating the reasons for recusal or disqualification. Such notice shall be given at least ten (10) Business Days prior to the scheduled date of the hearing on such matter or later if the party sustains the burden of proving good cause for the lateness of the notice. The named member shall reach a decision on the matter and notify the Chairman or the Vice-chairman of that decision within five (5) Business Days of receipt of the party's notice. If the member's decision is not in favor of recusal, then the Chairman or the Vice-chairman may, but is not required to, disqualify the member from participating in the pending matter. If there is no disqualification, the hearing shall be conducted and the party giving the notice may appeal the disqualification decision, together with the hearing decision, pursuant to Section 610.5.2.
- E Substitution for Recused or Disqualified Member - In the event of a recusal or a disqualification, a substitute shall be appointed as provided in Section 610.3.10.

610.4 GENERAL JURISDICTION -

- .1 ADMINISTRATIVE POWERS - The Board of Review shall have the powers and the duty to:
- A administer and conduct the affairs and achieve the purposes of the Board of Review,
 - B establish policies, procedures and guidelines,
 - C elect the Chairman in accordance with Section 610.3.4,
 - D elect or provide for the appointment of other officers, agents, committees or coordinators to hold office for terms, and to have the powers and duties, specified,
 - E call regular or special meetings of the Board of Review,
 - F retain attorneys, agents and independent contractors and employ those persons which the Board of Review may determine are appropriate, necessary or helpful in the administration and conduct of its affairs and
 - G as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.
- .2 RULE MAKING POWERS - The Board of Review shall have the power and the duty to promulgate rules and procedures with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. The rules and procedures adopted by the Board of Review shall have the same force and effect as if they had been adopted as part of these Bylaws.
- .3 INVESTIGATIVE AND JUDICIAL POWERS - The Board of Review may investigate and conduct hearings, make and publish decisions and orders with regard to any matter affecting New Mexico Swimming, its status or conduct as a Local Swimming Committee or the administration of the sport of swimming in the Territory which involves:

- A New Mexico Swimming and (1) a member or members of New Mexico Swimming or (2) a member or members of another LSC solely with respect to conduct or events occurring within the Territory or a combination of persons described in clauses (1) and (2), or
- B only a member or members of New Mexico Swimming, or
- C with respect to conduct or events occurring outside the Territory, (1) New Mexico Swimming and a member or members of New Mexico Swimming or (2) only a member or members of New Mexico Swimming.

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

- .4 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chairman or the Presiding Officer, the exercise of the authority and powers of the Board of Review and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the panel, the rehearing panel or the regular membership of the Board of Review. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Board of Review's authority and power shall be solely in its discretion and the interests of justice and the sport of swimming. However, the Board of Review shall exercise its power in response to a timely Protest filed with it, subject, in appropriate circumstances, to the power and discretion of the Chairman or Presiding Officer to dismiss a Protest with permission to refile for a stated period. In connection with any preliminary investigation, the Chairman or Presiding Officer may offer the services of a Board of Review member to act as a mediator or similar positions under other alternative dispute resolution mechanisms.
- .5 TIMELINESS OF PROTEST - The Board of Review need not exercise its jurisdiction with respect to a Protest the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the Protest is received (as determined under Section 610.10), or in the case of subject matter that relates to a conviction, or actions which could be the basis of a conviction, for a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, more than five (5) years prior to that date. A determination not to exercise its jurisdiction as a result of the untimeliness of a Protest may be the subject of a request for rehearing and, thereafter, appeal to the National Board of Review pursuant to Section 610.9.
- .6 FILING FEES - The Board of Directors or the House of Delegates may impose a schedule of generally applicable fees to be collected at the time a Protest, Request for a Rehearing or Request for Formal Hearing following an Emergency Hearing is filed with the Board of Review. If, on its own initiative or upon written request, the Board of Review determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.
- .7 POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES -
 - A Remedies and Penalties - The Board of Review, after conducting such hearings as it may determine to be necessary or helpful, may, among other remedies:
 - (1) dismiss the Protest with or without permission to refile;
 - (2) censure or fine;
 - (3) establish a period of probation;
 - (4) prohibit or mandate future actions, inaction or conduct;

- (5) determine the results of, or require a rerun of, any election held by New Mexico Swimming or any constituent element thereof;
- (6) vacate, modify, sustain, reverse, remand or stay any decision or order of a smaller panel of the Board of Review, the House of Delegates, the Board of Directors, any officer, division or committee, coordinator or official of New Mexico Swimming;
- (7) interpret any provision of the FINA rules and regulations to the extent not pre-empted by FINA, the USS Code (except for Part One), the USS Code of Ethics, these Bylaws, other policies, rules, regulations and procedures of USS or New Mexico Swimming, the Amateur Sports Act of 1978, a federal law, and other applicable laws, rules and regulations and adjudicate alleged inconsistencies and claims of supremacy and invalidity;
- (8) deny, grant, suspend or restore the eligibility or right to compete of an Athlete Member of New Mexico Swimming and USS;
- (9) deny, grant, suspend or restore membership in New Mexico Swimming and USS for a definite or indefinite period of time, with or without terms of probation, or expel any Group Member or Individual Member of New Mexico Swimming and USS, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board Member, House of Delegates representative of a Group Member, coordinator or chairman or member of any committee or sub-committee;
- (10) prohibit for a definite or indefinite period of time the participation by a non-member volunteer or other person in any capacity whatsoever in the affairs of USS, New Mexico Swimming, its Group Members or other LSCs and their Group Members;
- (11) assess costs, including any filing fee and attorneys fees and expenses, to the prevailing party or refund any filing fee paid by the prevailing party; and
- (12) any combination of any of the foregoing or any other remedies deemed appropriate in the circumstances.

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

C Grounds (Reasons) for Imposition - The Board of Review may fashion remedies and orders and impose penalties with respect to any Group or Individual Member or non-member volunteer of New Mexico Swimming or of a Group Member (1) who has violated any of the regulations, rules, policies or procedures of New Mexico Swimming, USS or FINA, including any of the responsibilities of membership set forth in Section 602.2, (2) who aids, abets, instigates or encourages another to violate

any of such regulations, rules or policies, (3) who is responsible for any such violation by another under Section 602.2.2, (4) who has been convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Board of Review to have committed actions which would be the basis for a conviction, or (5) who has acted in a manner which has brought, or may bring, into disrepute New Mexico Swimming, USS or the sport of swimming.

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

610.5 HEARINGS AND REHEARINGS GENERALLY -

.1 HEARINGS -

- A Hearings Conducted by Chairman or Presiding Officer - Hearings of the Board of Review shall be conducted by the Chairman or a Presiding Officer designated by the Chairman.
- B Permissible Hearing Formats - A hearing before the Board of Review may be conducted through the receipt of the procedural documents and other written statements or a hearing at which the parties may appear in person or by means of communications equipment described in Section 610.3.6 and testimony may be taken and other forms of pertinent information presented in addition to oral argument by the parties or their counsel, as determined by the Chairman or Presiding Officer. In the discretion of the Chairman or the Presiding Officer, the hearing may be conducted in part through written means and in part by testimony and oral argument.
- C Right to Counsel - The Protestor, the Respondent and any other person participating in a hearing conducted by the Board of Review shall be entitled to be represented by counsel of their choice at their own expense.
- D Rules of Evidence - Judicial rules regarding admissibility of evidence shall not apply to the Board of Review. Thus, hearsay, letters, affidavits, news media articles and reports, etc., as well as direct testimony taken from witnesses present at a hearing, are all admissible to the extent the Presiding Officer is satisfied as to the relevance and non-repetitive nature of the evidence. Similarly, claims of privilege (other than attorney-client and privileges that under applicable Federal and state laws the Board of Review is required to recognize) shall not be entertained by the Board of Review, except in extraordinary circumstances. Proper weight shall be given to each type of evidence considering the source and other common sense factors.

.2 REHEARINGS -

- A Right to a Hearing- Discretion of Chairman- A rehearing shall be granted as a matter of right in instances in which the decision is not unanimous and at the discretion of the Chairman in all other instances.
- B Time within which a Rehearing may be Requested - The Protestor, each Respondent or other party may request, within ten (10) Business Days of the date of receipt of the initial written decision, that the decision of a Board of Review panel be reheard.
- C Failure to Request a Rehearing - A person may not appeal pursuant to Section 610.9 a decision of a panel of less than seven members without first making a timely request for a rehearing.

D Decision of Chairman on Request; Notice of Rehearing -

- (1) Discretionary Rehearings - With respect to requests for a rehearing that are discretionary, the Chairman, in the same manner in which decisions are rendered, shall either grant or deny the request within ten (10) Business Days of the receipt of the request.
- (2) Non-Discretionary Rehearings - With respect to requests for a rehearing that are not discretionary, within ten (10) Business Days of the receipt of the request, the Chairman shall schedule a rehearing.
- (3) Rehearing Notice; Affect of Inaction - In either case, the Chairman shall notify all parties to the initial hearing of the rehearing, its time and date and the method by which the rehearing will be conducted. If the Chairman does not take action within ten (10) Business Days, the decision of the panel shall be considered final and any of the parties may appeal the decision in accordance with Section 610.9.

E Fresh Start Hearing or On the Record Rehearing - The rehearing panel at the discretion of the Chairman or the Presiding Officer may conduct an entirely new hearing or may make its decision based on the record created by the initial panel supplemented by whatever written memoranda or oral argument may be requested by the Chairman or the Presiding Officer. The record shall include the Protest, the Notice of Charges, the Answer, the Rebuttal, any temporary orders or partial decisions made and the Notice of Decision, together with any additional memoranda and written evidence filed by the parties. To the extent applicable, the procedures for a formal hearing shall apply to a rehearing. See Sections 610.5.1 and 610.6.1E.

- .3 CLOSED HEARINGS - Any hearing, or a part thereof, shall be closed to everyone except members of the Board of Review, the Presiding Officer, an attorney advising the Presiding Officer, the Protestor, the Respondent, any other party, their counsel and any witnesses at the request of any of the parties and may be closed at the discretion of the Chairman or the Presiding Officer as being in the best interests of justice and the sport of swimming. If a hearing is closed, the Board of Review may in its discretion direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by New Mexico Swimming and USS.
- .4 EXTENSIONS OF TIME - The general rule regarding extensions of time within which any act is required to be taken pursuant to this Article 610 appears in Section 610.3.11.
- .5 ACCELERATED HEARING SCHEDULE - With the agreement of all parties to a hearing, the Chairman, or the Presiding Officer for the hearing, may order an accelerated hearing schedule in the interest of justice and the sport of swimming.

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

.1 FORMAL HEARING -

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

B Notice - Each Respondent shall be given a written notice of the Protest. This written notice becomes the Notice under Section 610.2.3. The Notice shall be sent to each Respondent's last known address (determined in accordance with the provisions of Section 610.10) by certified or express mail, return receipt requested, by Federal Express, signature required, or by personal service. If the Respondent is New Mexico Swimming or an officer, Board Member, committee or sub-committee chairman or coordinator or an official, the Notice shall be also given to the General Chairman, the Administrative Vice-Chairman and the Secretary at New Mexico Swimming's office. The Notice shall be given as soon as practical following the conclusion of any preliminary investigation made by or on behalf of the Board of Review, but in no event later than fourteen (14) Business Days (twenty (20) Business Days if advice is sought under Section 610.3.12A) after the receipt of the Protest by the Chairman. The form of Notice (an example of which can be found in Appendix B to these Bylaws) shall include:

- (1) a statement in reasonable detail of the charges against each Respondent, or of the circumstances that are believed to require answers, explanation or clarification. A copy of the Protest received by the Board of Review, if any, shall be attached to the Notice;
- (2) a statement that the Respondent has the right to have counsel of his own choice to represent him, at his own expense, at any hearing;
- (3) a description of the type of hearing to be held. In the case of an in-person hearing, the Notice shall request each Respondent to appear before the Board of Review with counsel and witnesses, if any;
- (4) a date, time and location at which the hearing will be held. The date of the hearing shall be not less than thirty (30) days nor more than sixty (60) days after the date of transmission of the Notice;
- (5) a request that each Respondent answer in writing all of the charges set forth in the Notice. The Notice shall state that this answer is to be delivered at least ten (10) Business Days prior to the date of the hearing, to the Presiding Officer designated in the Notice, at the specified address, with a copy to the Protestor and the Protestor's counsel, if any, and anyone else specified in the Notice at the addresses designated in the Notice with delivery in accordance with Section 610.10.2; and
- (6) a statement of the right of appellate review (including the right, if any, to a rehearing) in the event the decision is rendered against the Respondent.

- C Answer by Respondent - Each Respondent's response to the Notice and Protest shall be in writing and delivered to the Presiding Officer designated in the Notice, at least ten (10) Business Days prior to the date of the hearing, with a copy to the Protestor and his counsel and anyone else specified in the Notice at the addresses designated in the Notice. This written statement becomes the Answer under Section 610.2.1. The Answer shall be delivered in accordance with Section 610.10.2.
- D Rebuttal by Protestor - The Protestor may, but is not required to, offer a rebuttal to the Respondent's Answer. Any rebuttal shall be in writing and delivered to the Presiding Officer designated in the Notice, at least five (5) Business Days prior to the date of the hearing, with copies to each Respondent and his counsel at the addresses specified in the Answer and to anyone else specified in the Notice at the addresses designated in the Notice. This written statement becomes the Rebuttal under Section 610.2.7. The Rebuttal shall be delivered in accordance with Section 610.10.2.
- E Conduct of Hearing -
- (1) Generally - Hearings shall be conducted in an orderly fashion, but without regard for the formalities of traditional court room procedures. The hearing shall be conducted in a manner conducive to the establishment of the truth and the interests of fairness, justice and the sport of swimming. The Presiding Officer is responsible for keeping the parties and their counsel, if any, focused on the issues at hand and the necessary elements of proof and for enforcing the ordinal rule that no one may speak who has not been recognized by the Presiding Officer. For hearings conducted other than entirely through the receipt of written statements, the Board of Review shall cause a recording or transcription to be made of the hearing. No record of the deliberations of the Board of Review need be kept and, if kept, shall not be available to anyone other than the members of the Board of Review, the Presiding Officer and counsel to the Board of Review.
 - (2) Absence of a Party - The hearing may proceed in the absence of any party who fails to be available at the appointed time and judgment shall not be reached merely because of that person's absence. If the Presiding Officer determines that in the interests of justice and the sport of swimming, the hearing cannot proceed without the absent party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the Board of Review in reaching its decision.
 - (3) Sequence - The hearing shall be opened by the recording of the place, time and date of the hearing and the presence of the members of the Board of Review, the parties, counsel, if any, and any other witnesses or observers. Each party (Protestor first, Respondent second) may then present a brief opening statement setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence. The Protestor's claims, evidence and witnesses shall be presented. The Respondent's defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the Protestor may then be allowed to rebut any testimony or evidence presented by the Respondent after the Respondent's initial presentation. In the discretion of the Presiding Officer, the Respondent may be permitted to rebut any testimony or evidence presented by the Protestor during the Protestor's rebuttal presentation. Finally, each party (in the same order) shall be entitled to make a brief summation of that party's case.

- (4) Rules of Evidence; Witnesses' Testimony - The rules of evidence governing the hearing are set forth in Section 610.5.1D. Each witness may present testimony initially either in the form of questions and answers between the witness and counsel or in uninterrupted narrative. The Presiding Officer and the members of the Board of Review may question any person at any time during the hearing. Thus, for example, in an exercise of discretion, the Presiding Officer could call a witness who has not yet been called or whom no party intended to call and propound questions to, or elicit narrative testimony from, that witness. Witnesses shall be subject to cross examination by the other party and to questioning by the Presiding Officer and members of the Board of Review. All parties will be expected to be available for questioning by the Board of Review, whether or not they may have given other testimony at the hearing.
- (5) Variance of Procedures - The Presiding Officer shall have wide discretion to vary these procedures in the interests of justice, the sport of swimming and efficiency, but in doing so shall afford all parties a full and substantially equal opportunity to present any material or relevant proofs. A hearing may be adjourned by the Presiding Officer at the request of a party or on the Presiding Officer's initiative where an adjournment will serve the interests of fairness, justice and the sport of swimming. If a hearing is adjourned, the continuance shall be scheduled for any early date of mutual convenience, but in the discretion of the Presiding Officer. Justice and the sport of swimming ordinarily will be best served by an expeditious resumption and conclusion to the hearing.
- F Decision of Board of Review - The decision of the Board of Review may be rendered at the time of the hearing and, if not so rendered, as soon as possible thereafter and in no event more than ten (10) Business Days after the conclusion of the hearing. The decision shall include findings of facts and a statement of remedies ordered or penalties imposed, if any, and a statement setting forth the rights of the parties to appeal the decision. The decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing promptly, and delivered to the Protestor, each Respondent, their respective counsel, any other party to the proceeding, the General Chairman and the Secretary of New Mexico Swimming, the Chairman of the National Board of Review and the General Counsel of USS in accordance with Section 610.10.2.

.2 EMERGENCY HEARING -

- A Reasons for Emergency Hearing - When compliance with the formal hearing procedures would be likely not to produce a sufficiently early decision to provide justice to the affected parties or to be in the best interest of the sport of swimming, the Board of Review is authorized to summarily hear and decide any matter relating to a scheduled competition or other matter of similar urgency.
- B Notice of Emergency Hearing - Each Respondent shall be given such notice of the hearing as time and circumstances may reasonably dictate. The notice may be oral or in writing, and shall substantially comply with the notice requirements set forth in Section 610.2.3 insofar as the emergent nature of the issue permits.
- C Conduct of Emergency Hearing - The hearing may be conducted at any location likely to contribute to expeditious resolution of the Protest, including the site of a swimming competition, but in any event under such circumstances so as to fairly protect the right of procedural due process of the Respondent. All or some of the participants in the hearing may participate by telephone conference equipment. If at least three regular or alternate members of the Board of Review are not available due to time constraints,

the Chairman, the Vice-chairman or the General Chairman is authorized to appoint one or more Individual Members to serve as the Board of Review solely for the purpose of conducting this emergency hearing. The hearing shall substantially comply with the hearing procedures set forth in Section 610.6.1E insofar as the emergent nature of the hearing permits.

D Decision of Board of Review - The decision of the Board of Review shall be rendered at the time of the hearing or as soon as possible thereafter in keeping with the emergent circumstances. The decision shall include findings of facts and a statement of remedies ordered, if any, and a statement of the right to request a subsequent formal hearing. The decision shall be in writing, or in case of a decision rendered orally at the hearing, reduced to writing within ten (10) Business Days thereafter and delivered to the Protestor, the Respondent, their counsel, any other parties to the proceeding, the Chairman, the General Chairman and the Secretary of New Mexico Swimming, the Chairman of the National Board of Review and the General Counsel of USS in accordance with Section 610.10.2.

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

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

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

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

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

610.9 APPEAL FROM BOARD OF REVIEW DECISIONS - Except to the extent that any appeal is precluded by Sections 610.5.2 or 610.6.2E, any person, including the Protestor and the Respondent, having an actual, direct interest in any matter decided by the Board of Review under this Article may appeal the decision to the National Board of Review. An appeal must be taken within thirty (30) Business Days from the date of the written notice of the decision of the Board of Review. The appeal to the National Board of Review must be in writing, timely filed with the USS Executive Director and accompanied by the appellate filing fee established by USS. Upon timely request to the Chairman of the National Board of

Review and upon a showing of good cause, the time for appeal from the decision of the Board of Review may be extended.

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

- .1 NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF NEW MEXICO SWIMMING -
 - A New Mexico Swimming Members Generally - In each case, where notices or other hearing-related documents are to be delivered to a member of New Mexico Swimming, it shall be sufficient to deliver the notice or other document to the member's last known address in accordance with Section 616.1.5.
 - B Minors - In the case of notices directed to New Mexico Swimming members less than eighteen (18) years of age on the date of the alleged infraction (determined by reference to the member's latest registration application), a second copy shall be sent by registered mail with delivery restricted to the child's parent or guardian at the same address or such other address as can reasonably be ascertained.
- .2 METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS - With the exception of the Notice (see Sections 610.2.3 and 610.6.2B), all documents transmitted pursuant to this Article 610 shall be transmitted to each of the parties, their respective counsel, if any, the Presiding Officer and anyone else specified in the Notice. Documents shall be delivered to the persons specified at the addresses specified in the Notice or later documents or as determined in accordance with Section 610.10. Documents may be delivered by any of the following methods of service: by personal service, by certified or express mail, return receipt requested, by Federal Express, signature required, by electronic mail or facsimile transmission with receipt of the transmission confirmed orally or by other methods of transmission permitted by this paragraph.
- .3 DETERMINATIONS OF TIMELINESS - The rules provided in Section 616.1.5 shall apply in the determination of the timeliness of any notice or other action under this Article 610.

ARTICLE 611

ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION

- 611.1 NON-PROFIT AND CHARITABLE PURPOSES - As stated in Section 601.2, New Mexico Swimming is organized exclusively for charitable and educational purposes and for the purpose of fostering national or international amateur sports competition within the meaning of section 501(c)(3) of the IRS Code. Notwithstanding any other provision of these Bylaws, New Mexico Swimming shall not, except to an insubstantial degree, (1) engage in any activities or exercise any powers that are not in furtherance of the purposes and objectives of New Mexico Swimming or (2) engage in any activities not permitted to be carried on by: (A) a corporation exempt from federal income tax under such section 501(c)(3) of the IRS Code or (B) a corporation to which contributions, gifts and bequests are deductible under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code.
- 611.2 DEDICATION OF ASSETS, ETC. - The revenues, properties and assets of New Mexico Swimming are irrevocably dedicated to the purposes set forth in Sections 601.2 and 611.1 of these Bylaws. No part of the net earnings, properties or assets of New Mexico Swimming shall inure to the benefit of any private person or any member, officer or director of New Mexico Swimming.
- 611.3 AMENDMENTS - Any provision of these Bylaws not mandated by USS may be amended at any meeting of the House of Delegates by a two-thirds vote of the members present and voting. Amendments so approved shall not take effect until reviewed and approved by the USS Legislation Sub-committee.

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

ARTICLE 612

INDEMNIFICATION

- 612.1 INDEMNITY - New Mexico Swimming shall indemnify, protect and defend, in the manner and to the full extent permitted by law, any Indemnified Person in respect of any threatened, pending or completed action, suit or proceeding, whether or not by or in the right of New Mexico Swimming, and whether civil, criminal, administrative, investigative or otherwise, by reason of the fact that the Indemnified Person bears or bore one or more of the relationships to New Mexico Swimming specified in Section 612.3 and was acting or failing to act in one or more of those capacities or reasonably believed that to be the case. Where specifically required by law, this indemnification shall be made only as authorized in the specific case upon a determination, in the manner provided by law, that indemnification of the Indemnified Person is proper in the circumstances. New Mexico Swimming may, to the full extent permitted by law, purchase and maintain insurance on behalf of any Indemnified Person against any liability that could be asserted against the Indemnified Person.
- 612.2 EXCLUSION - The indemnification provided by this Article 612, shall not apply to any Indemnified Party whose otherwise indemnified conduct is finally determined to have been in bad faith, self-dealing, gross negligence, wanton and wilful disregard of applicable laws, rules and regulations, of the USS Code, of the USS Code of Ethics or these Bylaws or who is convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the Board of Review or the National Board of Review to have committed actions which would be the basis for a conviction and, in each case, the otherwise indemnifiable conduct (or failure to act) was, or was directly related to, the predicate acts of the conviction or finding.
- 612.3 INDEMNIFIED PERSONS - As used in this Article 612, "Indemnified Person" shall mean any person who is or was a Board Member, Board of Review Chairman, Vice-chairman, Presiding Officer or member, Group Member Representative, officer, official, coach, committee chairman or member, coordinator, volunteer, employee or agent of New Mexico Swimming, or is or was serving at the direct request of New Mexico Swimming as a director, officer, Group Member Representative, meet director, official, coach, committee chairman or member, coordinator, volunteer, employee or agent of another person or entity involved with the sport of swimming.
- 612.4 EXTENT OF INDEMNITY - To the full extent permitted by law, the indemnification provided in this Article shall include expenses (including attorneys' fees, disbursements and expenses), judgments, fines, penalties and amounts paid in settlement, and, except as limited by applicable laws, these expenses shall be paid by New Mexico Swimming in advance of the final disposition of such action, suit or proceeding. If doubt exists as to the applicability of an exclusion to New Mexico Swimming's obligation to indemnify, New Mexico Swimming may require an undertaking from the Indemnified Person obliging him to repay such sums if it is subsequently determined that an exclusion is applicable. In the case of any person engaged in the sport of swimming for compensation or other gain, if New Mexico Swimming determines that there is reasonable doubt as to such person's ability to make any repayment, New Mexico Swimming shall not be obligated to make any payments in advance of the final determination. This indemnification shall not be deemed to limit the right of New Mexico Swimming to indemnify any other person for any

such expenses to the full extent permitted by law, nor shall it be deemed exclusive of any other rights to which any Indemnified Person may be entitled under any agreement, vote of members or disinterested directors or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office.

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

ARTICLE 613 PARLIAMENTARY AUTHORITY

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

ARTICLE 614 PERMANENT OFFICE AND STAFF

This article is reserved for future use.

ARTICLE 615 MISCELLANEOUS

- 615.1 EFFECT OF STATE LAW CHANGES (SEVERABILITY) - If any portion of these Bylaws shall be determined by a final judicial decision to be, or as a result of a change in the law of the State of New Mexico become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.
- 615.2 FISCAL YEAR - The fiscal year of New Mexico Swimming shall end on August 31st of each year.
- 615.3 TAX STATUS; INTERPRETATION OF BYLAWS - It is intended that New Mexico Swimming shall have and continue to have the status of an organization which is exempt from federal income taxation under section 501(c)(3) of the IRS Code and to which contributions, bequests and gifts are deductible for federal income, estate and gift tax purposes under sections 170(c)(2), 2055(a)(2) and 2522(a)(2) of the IRS Code, respectively. Similarly, it is intended that New Mexico Swimming shall have that or similar status under the applicable state and local laws as will exempt it from taxation to the maximum extent possible to the extent not contrary to applicable federal requirements. These Bylaws shall be interpreted accordingly.
- 615.4 New Mexico Swimming SEAL - The New Mexico Swimming corporate seal shall be circular in form and shall bear the name of New Mexico Swimming and words and figures denoting its organization under the

laws of the State of New Mexico and the year thereof and otherwise shall be in such form as may be required the laws of the State, the Articles/Certificate of Incorporation or as shall be approved from time to time by the Board of Directors.

ARTICLE 616

DEFINITIONS, CONVENTIONS AND RULES OF INTERPRETATION

616.1 CONVENTIONS AND RULES OF INTERPRETATION -

- .1 TERMS GENERALLY - Whenever the context may require, any pronoun or official title shall include the corresponding masculine, feminine and neuter forms. The words "include", "includes" and "including" shall be deemed to be followed by the phrase "without limitation". The singular shall include the plural and the plural shall include the singular as the context may require. Where the context permits, the term "or" shall be interpreted as though it were "and/or". Captions have been used for convenience only and shall not be used in interpreting the Bylaws.
- .2 CAPITALIZED TITLES - Capitalized titles, such as Secretary or Treasurer, when appearing alone shall refer to New Mexico Swimming positions and not to USS or another organization.
- .3 PRINCIPAL RULE OF INTERPRETATION - The principal substantive rule of interpretation applicable to these Bylaws is set forth in Section 615.3.
- .4 RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610 - Article 610 shall be interpreted generously in order to achieve the intent expressed in Section 610.1.
- .5 NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS -
 - A Notice by Mail - Notice given and other writings delivered by first class mail, postage prepaid, and addressed to the last address shown on the records of New Mexico Swimming shall be deemed given or delivered upon the postmark date for all purposes under these Bylaws.
 - B Notice by Fax or E-mail - Notice given and writings delivered by facsimile or electronic mail shall be deemed given or delivered upon oral, telephonic, electronic or written confirmation of recipient for all purposes under these Bylaws.
 - C Notice by Telephone - Notice given by telephone shall be deemed given only when actually transmitted to the person entitled thereto for all purposes under these Bylaws. (Thus, for example, a message left on an answering machine or similar equipment or with a person other than the intended recipient shall not be notice given prior to the actual receipt by the intended recipient.)
 - D Last Known Address - For all purposes under these Bylaws, the last known address of a member of New Mexico Swimming shall be the address given in the latest application for registration or membership in New Mexico Swimming and USS filed with the Registration/Membership Coordinator; or the address given in a written notice of change of residence filed with that Coordinator. In all other cases the records maintained by the Secretary of New Mexico Swimming shall be used to ascertain the last known address.
- .6 TIME PERIOD CONVENTION - In computing time periods established by these Bylaws, the initial time period (days or hours) shall not be included but the last period shall be included.

- .7 WAIVER OF NOTICE CONVENTION - Untimely or insufficient notice for any meeting held under the authority of these Bylaws shall be considered to have been waived if a member attends or participates in the meeting to which such notice referred or to which notice was lacking without, at the earliest opportunity, raising an objection of untimely or insufficient notice having been given for such meeting. If the member is a Group Member Representative, then the relevant Group Member shall be treated as having waived the untimely or insufficient notice to the same extent.
- 616.2 DEFINITIONS - When used in these Bylaws, the following terms shall have the meanings indicated in this Section, and the definitions of such terms are equally applicable both to the singular and plural forms thereof. Where a cross reference to another Section of the Bylaws appears within a definition, the definition is qualified by the more complete definition found in that Section. Additional definitions applicable solely to Article 610 are set forth in Section 610.2. For an additional definition applicable solely to Article 612, see Section 612.3:
- .1 "Active Individual Member" shall mean an individual other than a Coach Member, or an Athlete Member or a Seasonal Athlete Member who is a trainer, manager, official, meet director, marshal, Board Member, At-Large House Member, officer or committee chairman or member, coordinator, or a Group Member Representative or alternate and any other individual actively participating in the affairs of New Mexico Swimming or the sport of swimming and who is in good standing as an Individual Member of New Mexico Swimming and USS. (See Section 602.1.0A.)
- .2 "Affiliated Group Member" shall mean any organization which supports the sport of swimming and the objectives and programs of New Mexico Swimming and USS, but which does not have Athlete Members and Coach Members, which is in good standing as a Group Member of New Mexico Swimming and USS, and which is neither a Club Member or Seasonal Club Member of New Mexico Swimming. (See Section 602.1.1.B.)
- .3 "Affiliated Group Member Representative" shall mean the individual appointed to represent a Affiliated Group Member in the House of Delegates. See Section 604.1.1.
- .4 "Affiliated Individual Member" shall mean any individual interested in the objectives and programs of New Mexico Swimming who resides, formerly resided or participated in the sport of swimming in the Territory, who is in good standing as a member of New Mexico Swimming and USS and who is not an Active Individual, Athlete or Coach Member. (See Section 602.1.2.D.)
- .5 "Article" shall mean the principal subdivisions of these Bylaws.
- .6 "Articles of Incorporation" shall mean the document filed with the Secretary of State of the State of New Mexico pursuant to which New Mexico Swimming was formed.
- .7 "At-Large Board Member" shall mean those Board Members designated as such. (See Section 605.2.)
- .8 "At-Large House Member" shall mean the Individual Members appointed by the General Chairman to be members of the House of Delegates. (See Section 604.1.2.)
- .9 "Athlete Member" shall mean any individual who competes or has competed during any part of the three (3) immediately preceding years in the sport of swimming and is in good standing as an Individual Member of New Mexico Swimming and USS. (See Section 602.1.0A.)
- .10 "Athlete Representative" shall mean the Athlete Member elected to represent athletes in the House of Delegates and on the Board of Directors pursuant to Section 604.1.2.

- .11 "Board Member" shall mean a member of the Board of Directors. Where the context requires, the term does not include the Athlete Representatives or the Coach Representative.
- .12 "Board of Directors" shall mean the Board of Directors of New Mexico Swimming.
- .13 "Board of Review" shall mean the investigative and judicial body of New Mexico Swimming established pursuant to Section 610.3.
- .14 "Business Day" shall mean a calendar day which is not a Saturday, a Sunday or a legal federal or state holiday anywhere within the Territory.
- .15 "Bylaws" shall mean these bylaws as adopted by, and in effect for, New Mexico Swimming.
- .16 "Club" shall mean an organization that has athletes and coaches engaged in the sport of swimming.
- .17 "Club Member" shall mean any club or other organization which is in good standing as a Group Member of New Mexico Swimming and USS and has athletes and coaches and participates in the sport of swimming. All athletes and coaches of the club or organization must be Individual Members in good standing with New Mexico Swimming and USS. (See Section 602.1.0A.)
- .18 "Club Member Representative" shall mean the individual appointed to represent a Club Member in the House of Delegates pursuant to Section 604.1.1.
- .19 "Club Safety Coordinator" shall mean the Individual Member designated by each Club Member to serve as its liaison with New Mexico Swimming and USS concerning safety matters. (See Section 602.2.3.)
- .20 "Coach Member" shall mean any individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by New Mexico Swimming and/or USS and who is in good standing as a member of New Mexico Swimming and USS. (See Section 604.1.3.)
- .21 "Coach Representative" shall mean the Coach Member elected to represent the coaches in the House of Delegates and the Board of Directors. (Section 604.1.3.)
- .22 "Executive Committee" shall mean the committee of the Board of Directors which may act for the Board of Directors between meetings. (See Section 605.5.)
- .23 "FINA" shall mean the Federation Internationale de Natation Amateur, the international governing body for the sport of swimming.
- .24 "Group Members" shall mean Club Members, Seasonal Club Members and Affiliated Group Members.
- .25 "Group Member Representative" shall mean the individual appointed to represent a Group Member in the House of Delegates. See Section 604.1.1.
- .26 "House of Delegates" shall mean the House of Delegates of New Mexico Swimming as established by Article 604 of these Bylaws.
- .27 "Immediate Past General Chairman" shall mean the individual who is the immediate past General Chairman of New Mexico Swimming, except when that person became immediate past General Chairman by virtue of the House of Delegates taking action pursuant to Section 604.4.9, the Board of Directors taking action pursuant to Section 605.4.6 or the House of Delegates failing to reelect that person to another term sought by that person. The Immediate Past General Chairman shall serve for the duration of the successor General Chairman's term. If the office of Immediate Past General Chairman becomes vacant for any reason, including the

exception set forth in the initial sentence of this definition, it shall not be filled by appointment or election, but shall remain vacant until another individual becomes Immediate Past General Chairman.

- .28 "Individual Members" shall mean Athlete Members, Coach Members, and Active Individual Members.
- .29 "IRS Code" shall mean the United States Internal Revenue Code of 1986, as amended from time to time, or the corresponding provision of any future United States internal revenue law, and shall, when appropriate, also include a reference to the Treasury Regulations issued thereunder.
- .30 "Local Swimming Committee" or "LSC" shall have the meaning ascribed thereto in the USS Code. New Mexico Swimming is a Local Swimming Committee.
- .31 "Member" shall mean a Group Member or an Individual Member.
- .32 "National Board of Review" shall mean the Board of Review of USS established pursuant to Part Four of the USS Code. Where the context requires, a reference to the National Board of Review shall include a reference to the USS Board of Directors when that body is acting upon an appeal from the National Board of Review.
- .33 "Nominating Committee" shall mean the committee of the House of Delegates charged with nominating candidates for elective offices of New Mexico Swimming. (See Section 604.8.)
- .34 "Policies Manual" shall mean the policies and procedures manual of New Mexico Swimming, as amended, adopted by the Board of Directors or the House of Delegates.
- .35 "Parliamentary Authority" shall mean the authority and any special rules of order designated in Article 613.
- .36 "Seasonal Athlete Member" shall mean any individual who participates or competes in the sport of swimming and has joined for certain periods of time not longer than 150 days each in a calendar year and is in good standing as a Seasonal Athlete Member of New Mexico Swimming and USS. (See Section 602.1.0A.)
- .37 "Seasonal Club Member" shall mean any organization which has joined New Mexico Swimming and USS for certain periods of time not exceeding 150 days each in a calendar year and is in good standing as a seasonal club member of New Mexico Swimming and USS. (See Section 602.1.1.C.)
- .38 "Section" shall mean the subdivisions of the Articles of these Bylaws.
- .39 "Senior Athlete Representative" shall mean the Athlete Representative senior in term of office or, in cases where there are more than two Athlete Representatives, the Athlete Representative designated in accordance with Section 604.1.2.
- .40 "Standing Committee" shall mean a committee of New Mexico Swimming listed in Sections 607.1, 607.2 or 607.3.
- .41 "Territory" shall mean the geographic territory over which New Mexico Swimming has jurisdiction as a Local Swimming Committee. (See Section 601.3.)
- .42 "USS" shall mean United States Swimming, Inc., an Ohio not-for-profit corporation which is the national governing body for the United States for the sport of swimming.
- .43 "USS Board of Directors" shall mean the Board of Directors of USS.

- .44 "USS Code" shall mean the code of rules and regulations, as adopted and amended by USS.
- .45 "USS House of Delegates" shall mean the House of Delegates of USS.
- .46 "USS Legislation Committee" shall mean the Legislation Committee of USS created pursuant to Article 512 of Part Five of the USS Code.
- .47 "USS Legislation Sub-committee" shall mean the sub-committee of the Legislation and Redistricting Committee of USS created pursuant to Section 6202 of Part Six-C of the USS Code.
- .48 "New Mexico Swimming" shall mean the New Mexico not-for-profit corporation to which these Bylaws pertain.
- .49 "New Mexico Swimming Office" shall mean the permanent office of New Mexico Swimming maintained in accordance with Article 614.

APPENDICES TO THE LSC BYLAWS

APPENDIX A

QUESTIONS AND ANSWERS ABOUT RESOLVING DISPUTES

INTRODUCTION

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

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

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

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

- ! a quick and effective remedy for the Protestor and the Respondent;

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

COMMON QUESTIONS ASKED ABOUT PROTESTS AND THE BOARD OF REVIEW PROCESS

WHAT IS DUE PROCESS?

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

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

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

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

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

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

HOW DO I CONDUCT A BOARD OF REVIEW HEARING?

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

The process can be summarized as follows:

A The Protestor must give a written protest to the Chairman of the Board of Review. (See Section 610.6.1 A.) [If the LSC has a filing fee, this should be noted here.] (Check to see if your LSC has an office that will transmit the protest to the Chairman of the Review Section and follow up to find out when the Chairman actually received the protest.)

B The Chairman of Board of Review **may** have an investigation made to see if the dispute can be resolved before a hearing. It is not unusual to have disputes cleared up when an impartial party listens to both sides and tries to mediate a dispute. This kind of informal resolution is to be encouraged.

C A written Notice must be prepared and delivered by the Chairman to the Respondent. (See Section 610.6.1 B and the suggested form of Notice which is in Appendix B.)

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

E A hearing must be scheduled by the Chairman to take place within 74 days from the date when the Chairman of the Board of Review received the Protest.

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

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

H The Board must send copies of its decision to the parties involved and certain administrators. See Section 310.6.1 F of Part Three of the USS Code and Section 610.6.2 D of the Bylaws as to who must get copies of the decision.

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

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

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

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

Members of the Board of Review should keep in mind their responsibility to conduct emergency hearings whenever they are at a swim meet and should alert the Meet Manager of their presence. The Chairman of the Board of Review should always make arrangements in advance to see that a panel can be available at championship meets.

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

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

APPENDIX B

FORM OF BOARD OF REVIEW NOTICE

SAMPLE NOTICE OF HEARING UNDER SECTION 610.6.1 B

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

NOTICE OF HEARING

To:

[INSERT RESPONDENT'S NAME AND MAILING ADDRESS]

SUBJECT:

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

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

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

ANSWER:

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

and to

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

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

HEARING DATE, TIME AND PLACE:

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

HEARING AUTHORITY:

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

HEARING BODY:

The hearing body will be the three member panel of the Board of Review of New Mexico Swimming, Inc. [insert names of members of the Board of Review designated to serve on this panel] or such other persons as are appointed pursuant to the Bylaws of New Mexico Swimming, Inc.
[This should be rephrased if the initial panel is of more than three or is the full Board of Review.]

POSSIBLE PENALTIES:

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

APPEAL:

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

GENERAL INFORMATION:

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

Dated (Insert date on which notice is mailed)

Signed _____
Chairman of the Board of Review

[If the notice is signed by the designated Presiding Officer, the title line should be changed accordingly.]

APPENDIX C

LOG OF CHANGES TO NMS BY LAWS

The NMS By Laws were adopted by the NMS House of Delegates at the regular meeting 15 Feb 1997. Below is a list of changes adopted since that date.

Description of Change	Date Adopted by House of Delegates
Article 605.5.2: Added Financial Vice Chairman to membership of Executive Committee.	15 May 1999
Article 602.2.3: Changed this article to include coaches for appointment of Club Safety Coordinators.	4 Oct 2003

PART SIX-B

TABLES OF CONCORDANCE

TABLE ONE: FORMER LSC BYLAWS TO NEW LSC BYLAWS

TABLE TWO: NEW LSC BYLAWS TO FORMER LSC BYLAWS

TABLE OF CONCORDANCE

TABLE ONE: FORMER LSC BYLAWS TO NEW LSC BYLAWS

<u>FORMER</u>		<u>NEW</u>
601	<u>OBJECTIVES, BOUNDARIES, JURISDICTION</u>	601
601.1	OBJECTIVES	601.2
601.2	NAME AND BOUNDARIES	601.1
601.3	JURISDICTION	601.4
602	<u>MEMBERSHIP</u>	602
602.1	TYPES	602.1
602.1.1	GROUP MEMBERS	602.1.1
	CLUB MEMBERS	
	602.1.1A	
	602.1.1A	
602.1.1B	ORGANIZATIONS/AFFILIATED	602.1.1B
602.1.1C	HOUSE OF DELEGATES REPRESENTATIVES	604.1.1
602.1.1D	CLUB SAFETY COORDINATOR	602.2.3
602.1.2	INDIVIDUAL MEMBERS	602.1.2
602.1.2A	TYPES	602.1.2
602.1.2B	AFFILIATED INDIVIDUAL MEMBERS	602.1.2D
602.2	RESPONSIBILITIES	602.2
602.2.1	INCOME	611.2
602.2.2	INFRACTIONS	602.2.2
603	<u>MANAGEMENT</u>	604
603.1	LSC HOUSE OF DELEGATES	604.1
603.1.1	APPOINTMENT	604.1.1,2
603.1.1A	ATHLETE REPRESENTATIVES	604.1.3
603.1.1B	COACHES REPRESENTATIVE	604.1.4
603.1.2	ELIGIBILITY	604.2

603.1.3	DUTIES AND POWERS		604.4
603.2	LSC BOARD OF DIRECTORS/EXECUTIVE COMMITTEE		605
603.2.1	MEMBERS		605.1
603.2.2	DUTIES AND POWERS		605.5
603.2.2A	ESTABLISH POLICY		605.5.1
603.2.2B	PREPARE BUDGET		605.5.6
603.2.2C	CALL MEETINGS		605.5.8
603.2.2D	REMOVE BOARD MEMBERS AND OFFICERS		605.4.12
603.3	EXECUTIVE COMMITTEE		605.6
604	<u>OFFICERS</u>		606
604.1	TITLES		606.1
604.2	ELIGIBILITY		606.3
604.3	TERM OF OFFICE		606.5
604.4	NOMINATION		604.8
604.5	DUTIES		606.6
604.5.1	GENERAL CHAIRMAN		606.6.1
604.5.2	SECRETARY		606.6.2
604.5.3	TREASURER		606.6.3
604.5.4	ADMINISTRATIVE VICE-CHAIRMAN		606.6.4
604.5.5	SENIOR VICE-CHAIRMAN		606.6.5
604.5.6	AGE GROUP VICE-CHAIRMAN		606.6.6
604.6	VACANCIES		606.8
605	<u>MEETINGS</u>	Addressed in applicable Articles	
605.1	ANNUAL MEETING - HOUSE OF DELEGATES		604.5
605.2	SPECIAL MEETINGS		604.6
605.3	NOTICES	HOUSE BOARD	604.15 605.16
605.3.1	TIME	HOUSE BOARD	604.15.1 605.16.1
605.3.2	INFORMATION	HOUSE BOARD	604.15.2 605.16.2

<u>FORMER</u>		<u>NEW</u>
605.3.3	ADDRESS	616.1.5D
605.4	ORDER OF BUSINESS	604.14
	HOUSE BOARD	605.17
605.5	QUORUM	604.10
	HOUSE BOARD	605.11
605.6	RULES OF ORDER	613
606	<u>DIVISIONS AND COMMITTEES</u>	607
606.1	TYPES	607.1
606.1.1	DIVISIONS	607.1
606.1.1A	ADMINISTRATIVE DIVISION	607.1.1
606.1.1B	SENIOR DIVISION	607.1.3
606.1.1C	AGE GROUP DIVISION	607.1.2
606.1.2	STANDING COMMITTEES	607.3
606.2	CHAIRMEN	607.2
606.2.1	REGISTRATION CHAIRMAN	607.4.4
606.2.2	TECHNICAL PLANNING CHAIRMAN	607.2.2D
606.2.3	SAFETY EDUCATION CHAIRMAN	607.2.2C
606.2.4	OTHER CHAIRMEN	607.2.1C
606.2.5	DUTIES OF CHAIRMEN	607.2.2
606.3	MEMBERSHIP OF COMMITTEES	607.3
607	<u>CONDITIONS OF COMPETITION</u>	No Provision
607.1	GENERAL	No Provision
608	<u>CHAMPIONSHIPS</u>	No Provision
608.1	GENERAL	No Provision
609	<u>DUES AND FEES</u>	603
609.1	CLUB	603.1
609.2	ATHLETE REGISTRATION	603.3

<u>FORMER</u>		<u>NEW</u>
609.3	SANCTION FEES	603.8
609.3.1	APPLICATION	603.8.1
609.3.2	SERVICE CHARGES	603.8.2
609.4	FAILURE TO PAY	603.9
609.4.1	OBLIGATIONS GROUP	603.9.1
609.4.2	OBLIGATIONS INDIVIDUAL	603.9.3
610	<u>REPORTS AND REMITTANCES</u>	608
610.1	MINUTES	608.1
610.2	FINANCIAL REPORTS	608.2
610.2.1	TAXES	608.2
610.2.2	AUDIT	608.5
610.2.3	COPY TO USS	608.2
610.3	MEMBERSHIP REPORTS	608.6
610.4	SAFETY REPORT	608.7
610.5	GENERAL	608.9
611	<u>HEARINGS, APPEALS, AND ATHLETES' RIGHTS</u>	611
611.1	ATHLETES' BILL OF RIGHTS	609
611.2	REVIEW SECTION	610.3
611.3	GENERAL JURISDICTION	610.4
611.3.1	POWER OF BOARD OF REVIEW AND TERMS	610.4.6
611.3.2	HEARINGS	610.5
611.4	PROCEDURES	610.6
611.4.1	FORMAL HEARING	610.6.1
611.4.2	EMERGENCY HEARING	610.6.2
611.4.3	REPORTING OF DECISIONS AND ACTIONS	610.6.1F
611.5	APPEAL	610.9
611.6	NOTICE TO ATHLETES	610.10.1
612	<u>MISCELLANEOUS</u>	615

<u>FORMER</u>		<u>NEW</u>
612.1	AMENDMENTS	611.3
612.2	FISCAL YEAR	615.2
612.3	MAILING ADDRESS	608.8
612.4	MAIL VOTE	Addressed in Applicable Articles
612.5	DISSOLUTION	611.4

TABLE OF CONCORDANCE

TABLE TWO: NEW LSC BYLAWS TO FORMER LSC BYLAWS

<u>NEW</u>		<u>FORMER</u>
601	<u>NAME, OBJECTIVES, TERRITORY AND JURISDICTION</u>	601
601.1	NAME	601.2
601.2	OBJECTIVES	601.1
601.3	GEOGRAPHIC TERRITORY	601.2
601.4	JURISDICTION	601.3
602	<u>MEMBERSHIP</u>	602
602.1	MEMBERS	602.1
602.1.1	GROUP MEMBERS	602.1.1A
602.1.1A	CLUB MEMBERS	602.1.1B
602.1.1B	AFFILIATED GROUP MEMBERS	New
602.1.1C	SEASONAL CLUB MEMBERS	New
602.1.2	INDIVIDUAL MEMBERS	602.1.2
602.1.2A	ATHLETE MEMBERS	602.1.2A
602.1.2B	COACH MEMBERS	602.1.2A
602.1.2C	ACTIVE INDIVIDUAL MEMBERS	602.1.2B
602.1.2D	<i>AFFILIATED INDIVIDUAL MEMBERS</i>	New
602.1.2E	<i>SEASONAL ATHLETE MEMBERS</i>	New
602.1.2F	<i>LIFE MEMBERS</i>	New
602.1.3	MEMBERSHIP PRIVILEGE	New
602.2	MEMBERS' RESPONSIBILITIES	New
602.2.1	COMPLIANCE	New
602.2.2	RESPONSIBILITY FOR INFRACTIONS	New
602.2.3	CLUB SAFETY COORDINATOR	602.1.1D

NEW**FORMER**

603	<u>DUES AND FEES</u>	609
603.1	CLUB MEMBERS	609.1
603.2	AFFILIATED GROUP MEMBERS	New
603.3	ATHLETES	609.2
603.4	COACHES	New
603.5	ACTIVE INDIVIDUAL MEMBERS	New
603.6	AFFILIATED INDIVIDUAL MEMBERS	New
603.7	LIFE MEMBERS	New
603.8	SANCTION, APPROVAL AND OTHER FEES	609.3
603.8.1	SANCTION AND APPROVAL FEES	609.3.1
603.8.2	SERVICE CHARGES	609.3.2
603.8.3	PAYMENT	New
603.9	FAILURE TO PAY	609.4
603.9.1	GROUP, COACH AND ACTIVE INDIVIDUAL MEMBER OBLIGATIONS	609.4
603.9.2	ATHLETE MEMBER OBLIGATIONS	609.4.2
603.9.3	CLUB/INDIVIDUAL OBLIGATIONS	609.4.2
603.9.4	INDIVIDUAL/CLUB OBLIGATIONS	New
603.9.5	CONTINUED FAILURE TO PAY; TERMINATION OF MEMBERSHIP	609.4.1
604	<u>HOUSE OF DELEGATES</u>	603
604.1	MEMBERS	603.1.1
604.1.1	GROUP MEMBER REPRESENTATIVE	602.1.1C
604.1.2	AT-LARGE HOUSE MEMBERS	603.1.1
604.1.3	ATHLETE REPRESENTATIVES	603.1.1A
604.1.4	COACH REPRESENTATIVES	603.1.1B
604.2	ELIGIBILITY	603.1.2
604.3	VOICE AND VOTING RIGHTS	602.1.1C

Table Two - 2

NEW**FORMER**

604.3.1	GROUP MEMBER REPRESENTATIVES	602.1.1A
604.3.2	INDIVIDUAL MEMBERS	602.1.2A,B
604.4	DUTIES AND POWERS	603.1.3
604.5	ANNUAL AND REGULAR MEETINGS	605.1
604.6	SPECIAL MEETINGS	605.2
604.7	MEETING LOCATION AND TIME	605.3
604.8	NOMINATING COMMITTEE	604.4
604.8.1	MEMBERS OF NOMINATING COMMITTEE; ELECTION	604.4
604.8.2	CHAIRMAN ELECTED BY NOMINATING COMMITTEE	604.4
604.8.3	DUTIES OF NOMINATING COMMITTEE	604.4
604.8.4	PUBLICATION OF NOMINATIONS	604.4
604.8.5	ADDITIONAL NOMINATIONS	604.4
604.8.6	MEETINGS AND NOTICES	New
604.8.7	QUORUM	New
604.9	MEETINGS OPEN; EXECUTIVE SESSION	New
604.9.1	HOUSE OF DELEGATES	New
604.9.2	HOUSE OF DELEGATES COMMITTEES	New
604.10	QUORUM	605.5
604.11	VOTING	New
604.12	PROXY VOTE	New
604.13	MAIL VOTE	612.4
604.14	ORDER OF BUSINESS	605.4
604.15	NOTICES	605.3
604.15.1	TIME	605.3.1
604.15.2	INFORMATION	605.3.2
605	<u>BOARD OF DIRECTORS</u>	603.2

Table Two - 3

NEW**FORMER**

605.1	MEMBERS	603.2.1
605.2	<i>AT-LARGE BOARD MEMBERS</i>	New
605.3	EX-OFFICIO MEMBERS	New
605.4	<i>LIMITATIONS</i>	New
605.5	DUTIES AND POWERS	603.2.2
605.6	EXECUTIVE COMMITTEE	603.2.3
605.6.1	AUTHORITY AND POWER	603.2.3
605.6.2	MEMBERS	603.2.3
605.6.3	MEETINGS AND NOTICE	603.2.3
605.6.4	QUORUM	605.5
605.6.5	REPORT OF ACTION TO BOARD OF DIRECTORS	603.2.3
605.7	MEETINGS OPEN; EXECUTIVE SESSION	New
605.8	PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	New
605.9	REGULAR MEETINGS	603.2.2C
605.10	SPECIAL MEETINGS	603.2.2C
605.11	QUORUM	605.5
605.12	VOTING	New
605.13	PROXY VOTE	New
605.14	ACTION BY WRITTEN CONSENT	New
605.15	MAIL VOTE	612.4
605.16	NOTICES	605.3
605.16.1	TIME	605.3.1
605.16.2	INFORMATION	605.3.2
605.17	ORDER OF BUSINESS	605.4
606	<u>OFFICERS</u>	604

Table Two - 4

NEW**FORMER**

606.1	ELECTED OFFICERS AND COMMITTEE CHAIRMAN	604.1
606.2	ELECTIONS	New
606.3	ELIGIBILITY	604.2
606.4	DOUBLE VOTE PROHIBITED	New
606.5	TERMS OF OFFICE	604.3
606.5.1	TERM OF OFFICE	604.3
606.5.2	COMMENCEMENT OF TERM	604.3
606.5.3	CONSECUTIVE TERM LIMITS	604.3
606.6	DUTIES AND POWERS	604.5
606.6.1	GENERAL CHAIRMAN	604.5.1
606.6.2	SECRETARY	604.5.2
606.6.3	TREASURER	604.5.3
606.6.4	ADMINISTRATIVE VICE-CHAIRMAN	604.5.4
606.6.5	SENIOR VICE-CHAIRMAN	604.5.5
606.6.6	AGE GROUP VICE-CHAIRMAN	604.5.6
606.6.7	PROGRAM DEVELOPMENT VICE-CHAIRMAN	New
606.6.8	PROGRAM OPERATIONS VICE-CHAIRMAN	New
606.6.9	FINANCE VICE-CHAIRMAN	New
606.6.10	ATHLETE REPRESENTATIVES	603.1.1A
606.6.11	COACH REPRESENTATIVES	603.1.1B
606.6.12	AT-LARGE BOARD MEMBERS	New
606.6.13	DELEGATES TO USS HOUSE OF DELEGATES	New
606.6.13A	OFFICER AND REPRESENTATIVE DELEGATES	New
606.6.13B	OFFICER DELEGATE ALTERNATES	New
606.6.13C	ATHLETE REPRESENTATIVE ALTERNATES	603.1.1A
606.6.13D	COACH REPRESENTATIVE ALTERNATES	603.1.1B

Table Two - 5

NEW**FORMER**

606.7	RESIGNATIONS	New
606.8	VACANCIES AND INCAPACITIES	604.6
606.8.1	OFFICE OF GENERAL CHAIRMAN	New
606.8.2	OFFICES OF ATHLETE OR COACH REPRESENTATIVES	New
606.8.3	OTHER OFFICES	604.6
606.8.4	DETERMINATION OF VACANCY	New
606.9	OFFICERS' POWERS GENERALLY	New
606.9.1	AUTHORITY TO EXECUTE CONTRACTS, ETC.	New
606.9.2	ADDITIONAL POWERS AND DUTIES	New
606.9.3	DELEGATION	New
606.9.4	ASSISTANT AND DEPUTY OFFICERS	New
606.10	DEPOSITORY AND BANKING AUTHORITY	New
606.10.1	DEPOSITORIES, ETC.	New
606.10.2	SIGNATURE AUTHORITY	New
607	<u>DIVISIONS, COMMITTEES, COORDINATORS</u>	606
607.1	DIVISIONAL ORGANIZATION, JURISDICTIONS, STANDING COMMITTEES AND COORDINATORS	606.1
607.1.1	ADMINISTRATIVE DIVISION	606.1.1A
607.1.2	AGE GROUP DIVISION	606.1.1C
607.1.3	SENIOR DIVISION	606.1.1B
607.1.4	FINANCE DIVISION	New
607.1.5	ATHLETES DIVISION	New
607.1.6	COACHES DIVISION	New
607.2	NON-OFFICER CHAIRMEN AND THEIR COMMITTEES	606.1.2
607.2.1	ELECTED, EX-OFFICIO AND APPOINTED NON-OFFICER CHAIRMEN	606.2
607.2.1A	ELECTED CHAIRMEN AND COORDINATORS	606.2.4

Table Two - 6

NEW**FORMER**

607.2.1B	EX-OFFICIO CHAIRMAN	New
607.2.1C	APPOINTED CHAIRMEN AND COORDINATORS	606.2.4
607.2.2	DUTIES AND POWERS OF NON-OFFICER CHAIRMAN AND COORDINATORS	606.2.5
607.2.2A	MEMBERSHIP/REGISTRATION CHAIRMAN	606.2.1
607.2.2B	OFFICIALS CHAIRMAN	New
607.2.2C	SAFETY COORDINATOR	606.2.3
607.2.2D	TECHNICAL PLANNING CHAIRMAN	606.2.2
607.2.2E	ATHLETES COMMITTEE CHAIRMAN	New
607.2.2F	COACHES COMMITTEE CHAIRMAN	New
607.3	MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES	606.3
607.3.1	ATHLETES COMMITTEE	New
607.3.2	AUDIT COMMITTEE	New
607.3.3	BUDGET COMMITTEE	New
607.3.4	COACHES COMMITTEE	New
607.3.5	FINANCE COMMITTEE	New
607.3.6	OFFICIALS COMMITTEE	New
607.3.7	PERSONNEL COMMITTEE	New
607.3.8	PROGRAM DEVELOPMENT COMMITTEE	New
607.3.9	SAFETY COMMITTEE	606.2.3
607.3.10	TECHNICAL PLANNING COMMITTEE	606.2.2
607.4	DUTIES AND POWERS OF STANDING COMMITTEES AND COORDINATORS	606.2.5
607.4.1	AUDIT COMMITTEE	New
607.4.2	BUDGET COMMITTEE	New
607.4.3	FINANCE COMMITTEE	New
607.4.4	MEMBERSHIP/REGISTRATION COORDINATOR	606.2.1
607.4.5	OFFICIALS COMMITTEE	New

Table Two - 7

NEW**FORMER**

607.4.6	PERSONNEL COMMITTEE	New
607.4.7	PROGRAM DEVELOPMENT COMMITTEE	New
607.4.8	SAFETY COORDINATOR	606.2.3
607.4.9	TECHNICAL PLANNING COMMITTEE	606.2.2
607.5	DUTIES AND POWERS OF CHAIRMEN AND COORDINATORS GENERALLY	606.2.5
607.6	DUTIES AND POWERS OF COMMITTEES AND COORDINATORS GENERALLY	606.2.5
607.7	REGULAR AND SPECIAL MEETINGS OF COMMITTEES	New
607.8	MEETINGS OPEN; EXECUTIVE SESSIONS	New
607.9	ACTION BY WRITTEN CONSENT	New
607.10	PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	New
607.11	QUORUM	605.5
607.12	VOTING	New
607.13	PROXY VOTE	New
607.14	NOTICES	605.3
607.14.1	TIME	605.3.1
607.14.2	INFORMATION	605.3.2
607.15	ORDER OF BUSINESS	605.4
607.16	RESIGNATIONS	New
607.17	VACANCIES	604.6
607.18	DELEGATION	New
607.19	APPLICATION TO EXECUTIVE AND NOMINATING COMMITTEES AND BOARD OF REVIEW	New
608	<u>ANNUAL AUDITS, REPORTS, REMITTANCES</u>	610
608.1	MINUTES	610.1
608.2	FINANCIAL AND FEDERAL TAX REPORTS	610.2.1,2
608.3	STATE AND LOCAL REPORTS AND FILINGS	New

NEW**FORMER**

608.4	PUBLIC AVAILABILITY OF CERTAIN INFORMATION	New
608.5	ANNUAL AUDIT	610.2.2
608.6	MEMBERSHIP AND REGISTRATION REPORTS	610.3
608.7	SAFETY REPORTS	610.4
608.7.1	INCIDENT/OCCURRENCE REPORTS	New
608.7.2	REPORTS OF INJURIES	New
608.7.3	SAFETY EDUCATION	606.2.3
608.8	MAILING ADDRESS	612.3
608.9	REPORTS GENERALLY	610.5
609	<u>MEMBERS' BILL OF RIGHTS</u>	611
609.1	INDIVIDUAL MEMBERS' BILL OF RIGHTS	611.1
609.2	CLUB MEMBERS' BILL OF RIGHTS	New
610	<u>BOARD OF REVIEW, HEARINGS AND RIGHT OF APPEAL</u>	611
610.1	INTRODUCTION	New
610.2	DEFINITIONS FOR ARTICLE 610	New
610.3	BOARD OF REVIEW ORGANIZATION	611.2
610.3.1	ESTABLISHMENT	611.2
610.3.2	MEMBERS	611.2
610.3.3	ELECTION; TERMS OF OFFICE; ELIGIBILITY	611.2
610.3.4	CHAIRMAN ELECTED BY BOARD; OTHER OFFICERS	611.2
610.3.5	MEETINGS	605
610.3.6	PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT	New
610.3.7	QUORUM	611.2
610.3.8	RESIGNATIONS	New
610.3.9	INCAPACITIES AND VACANCIES	611.2
610.3.10	SUBSTITUTIONS FOR MEMBERS	611.2

NEW**FORMER**

610.3.11	EXTENSIONS OF TIME	New
610.3.12	ADVICE; ATTORNEY AS HEARING OFFICER	611.2
610.3.13	CODE OF CONDUCT FOR MEMBERS OF BOARD OF REVIEW; RECUSAL	New
610.4	GENERAL JURISDICTION	611.3
610.4.1	INVESTIGATIVE AND JUDICIAL POWER	611.3
610.4.2	ADMINISTRATIVE POWER	611.3
610.4.3	EXERCISE OF POWERS AND DECISIONS	611.2
610.4.4	TIMELINESS OF PROTEST	New
610.4.5	FILING FEES	New
610.4.6	POWER OF BOARD TO DEVISE REMEDIES AND IMPOSE PENALTIES	611.3
610.4.6A	REMEDIES AND PENALTIES	611.3.1
610.4.6B	PRELIMINARY HEARING AND TEMPORARY ORDERS	New
610.4.6C	GROUND(S) (REASONS) FOR IMPOSITION	611.3.1
610.4.6D	POWER TO IMPOSE CONDITIONAL REMEDIES AND PENALTIES, ETC.	611.4.1
610.5	HEARINGS AND REHEARINGS GENERALLY	New
610.5.1	HEARINGS	New
610.5.2	REHEARINGS	New
610.5.3	CLOSED HEARINGS	New
610.5.4	EXTENSIONS OF TIME	New
610.5.5	ACCELERATED HEARING SCHEDULE	New
610.6	HEARING PROCEDURES	New
610.6.1	FORMAL HEARING	611.4.1
610.6.2	EMERGENCY HEARING	611.4.2
610.6.3	STAY OF DECISION PENDING APPEAL	611.4.1
610.6.4	EXTENSIONS OF TIME	611.5

<u>NEW</u>		<u>FORMER</u>
610.7	FINALITY OF BOARD OF REVIEW DECISIONS	611.5
610.8	FULL FAITH AND CREDIT TO BOARD OF REVIEW DECISIONS	New
610.9	APPEAL FROM BOARD OF REVIEW DECISIONS	611.5
610.10	NOTICE OF HEARING PARTICIPANTS AND DETERMINATIONS OF TIMELINESS	611.4.1
610.10.1	NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF NEW MEXICO SWIMMING	611.4.1
610.10.2	METHODS OF TRANSMISSION OF HEARING RELATED DOCUMENTS	611.4.3
610.10.3	DETERMINATION OF TIMELINESS	New
611	<u>ORGANIZATION, AMENDMENT OF BYLAWS AND DISSOLUTION</u>	612
611.1	NON-PROFIT AND CHARITABLE PURPOSES	New
611.2	DEDICATION OF ASSETS, ETC.	New
611.3	AMENDMENTS	612.1
611.4	DISSOLUTION	612.5
612	<u>INDEMNIFICATION</u>	New
612.1	INDEMNITY	New
612.2	EXCLUSION	New
612.3	INDEMNIFIED PERSONS	New
612.4	EXTENT OF INDEMNITY	New
612.5	SUCCESSORS, ETC.	New
613	<u>PARLIAMENTARY AUTHORITY</u>	New
613.1	ROBERT'S RULES	605.6
613.2	SPECIAL RULES OF ORDER	New
614	<u>PERMANENT OFFICE AND STAFF</u>	New
614.1	OFFICE	New
614.2	STAFF	New
614.3	APPROPRIATIONS	New
615	<u>MISCELLANEOUS</u>	612

Table Two - 11

NEW**FORMER**

615.1	EFFECT OF STATE LAW CHANGES (SEVERABILITY)	New
615.2	FISCAL YEAR	612.2
615.3	TAX STATUS; INTERPRETATION OF BYLAWS	New
615.4	NEW MEXICO SWIMMING SEAL	New
616	<u>DEFINITIONS AND RULES OF INTERPRETATION</u>	New
616.1	RULES OF INTERPRETATION	New
616.1.1	TERMS GENERALLY	New
616.1.2	CAPITALIZED TITLES	New
616.1.3	PRINCIPAL RULE OF INTERPRETATION	New
616.1.4	RULE OF INTERPRETATION APPLICABLE TO ARTICLE 610	New
616.1.5	NOTICE DEEMED GIVEN; WRITINGS DEEMED DELIVERED; LAST KNOWN ADDRESS	605.3
616.1.6	TIME PERIOD CONVENTION	New
616.1.7	WAIVER OF NOTICE CONVENTION	New
616.2	DEFINITIONS	New

PART SIX-C

LEGISLATION PERTAINING TO THE FORM OF BYLAWS TO BE ADOPTED BY THE LOCAL SWIMMING COMMITTEES; SUNSET AND HOUSEKEEPING PROVISIONS

ARTICLE 6000 PROVISIONS RELATING TO ADOPTION OF THE BYLAWS

- 6001 AIDS TO THE STUDY AND ADOPTION OF THE LSC BYLAWS - Tables of Concordance between the new and former bylaws (Part Six-B) are provided to aid in the study of the new Bylaws and to help the LSC adopt the best version of the new Bylaws. Within thirty (30) days of the date upon which this revised Part Six is adopted by the USS House of Delegates, each Local Swimming Committee (LSC) shall receive from USS national headquarters two printed copies of Parts Six and Seven, including the Bylaws and Appendices, and one copy of the same material on a 3.5" IBM compatible diskette in Word Perfect (version 5.1) format. The font employed is Times New Roman.
- 6002 FORM AND CONTENT MANDATORY; FLEXIBILITY ALLOWED - Except for modifications permitted by this Part Six-C and any changes necessary to comply with federal, state and local laws and regulations, the form and content of the Bylaws comprising Part Six-A are mandatory for all LSCs. This Part Six-C, the Bylaws and the guidelines in Part Six-A allow each LSC the flexibility to design an organizational structure that suits its needs and institutional culture. Thus, an LSC may choose between the traditional LSC organization (retaining the Age Group and Senior Vice-chairmen positions), a functional organization (substituting Program Development and Program Operations Vice-chairmen) somewhat similar to the USS national organizational structure and many hybrid structures in between these two.
- 6003 HOW FLEXIBILITY PROVIDED; GUIDELINES, CHOICES, ETC. - The portions of Part Six-A printed *in italics* may be modified by each LSC as appropriate within the applicable guidelines that are provided. Guidelines are indicated by *italics* and appear within boxes immediately following the text to which they apply. In a few instances, for the purposes of clarity and convenience, guidelines precede the portion of the text to which they apply. *Italicized* material within square brackets ("[]"), together with the square brackets, is designed to be replaced with the information called for thereby. Material appearing in ***bold italics*** between pairs of vertical lines ("||") separated by an "***or***" represents a choice to be made by the LSC; the vertical lines, the separating "***or***" and all but one of the choices must be deleted. Except for choices and as the context may require, where no guidelines are given with respect to an italicized portion, the LSC may make any modification it deems appropriate or omit the portion altogether. A few guidelines permit limited modifications of certain non-italicized provisions.
- 6004 RENUMBERING PERMITTED; ADDITIONAL PROVISIONS PERMITTED - The LSC may renumber Sections and Articles (*e.g.*, Article 601 may become Article 1 and Section 601.1 may become Section 1.1) or add additional Sections or Articles, provided that the additional Sections or Articles are not inconsistent with any mandatory provisions, limited choices or restrictive guidelines, do not conflict with applicable laws and regulations or with the LSC's Articles or Certificate of Incorporation and are in the interest of the sport of swimming. To the extent possible additions and deletions should not substantially alter the numbering scheme of the Bylaws for consistency.

- 6005 PERMISSION TO VARY MANDATORY PROVISIONS - An LSC may request permission from the USS Legislation Sub-committee to change an otherwise mandatory provision. The LSC shall make its request in writing and provide complete language for the change desired and the reasons for the requested change. Any such changes shall not become effective until approved by the USS Legislation Sub-committee on a case-by-case basis. Both the need for nationwide consistency and the needs of the LSC shall be taken into account. See Article 6200 for rules and procedures applicable to the exercise of this jurisdiction by the Legislation Committee.
- 6006 LIBERAL INTERPRETATION - The guidelines and explanatory notes are intended to be construed broadly and in favor, in cases of doubt, of providing the LSC flexibility in meeting its needs. Similarly, it is intended that the approval power of the USS Legislation Sub-committee over requested changes to mandatory parts of the Bylaws shall be applied generously where an LSC demonstrates a need for the changes.
- 6007 REFERENCES TO POLICIES AND PROCEDURES MANUAL - The references to a Policies and Procedures Manual in the Bylaws do not and are not intended to require an LSC to create and maintain such a manual. However, USS recommends adopting and maintaining such a manual and consequently suggests that an LSC not presently having a Policies and Procedures Manual leave the references in the Bylaws for future use.
- 6008 SUBSTITUTIONS FOR THE TERM XX SWIMMING - The term "XX Swimming" must be changed to one of the following: the actual initials of the LSC (for example, "PSI" for Pacific Swimming, Inc. or "LESI" for Lake Erie Swimming, Inc.) or the full or partial name (for example "Ohio Swimming"). A corresponding change must be made to the definitions in Section 616.2 in order to maintain their alphabetical order.
- 6009 ADOPTION OF BYLAWS BY LSCS - Prior to adopting the Bylaws, each LSC should consider its needs, the way in which it presently functions and areas in which change could improve the operation of its organization. Then the consideration should be expanded to include the mandatory provisions of the Bylaws, each of the choices presented, the elective modifications to the Bylaws and any desired supplementary provisions to the Bylaws. The adopted Bylaws shall reflect in writing the LSC's determination of each choice offered by the Bylaws subject to the guidelines, the applicable elective provisions, any permitted or approved variations and any additional provisions needed to make the Bylaws serve the needs of that LSC. In addition, the LSC should check to see that its *[Articles/Certificate]* of Incorporation consistent with the Bylaws as they are to be adopted, particularly with regard to Articles 611 and 612. The adopted Bylaws shall reflect the elimination of all guidelines, braces, brackets and vertical lines and the conversion to regular type of italics in text included in the Bylaws.
- 6010 DEADLINE FOR ADOPTION BY LSCS - Each LSC shall adopt its version of the Bylaws no later than the last regularly scheduled LSC House of Delegates meeting which is after December 31, 1995 and before December 31, 1996 and submit the adopted Bylaws to the Chairman of the USS Legislation Sub-committee for review and approval. See Article 6200. If an LSC does not adopt the Bylaws within the time provided, the USS General Counsel shall impose upon the LSC the mandatory provisions of the Bylaws and such other provisions as may appear to be in the best interests of the LSC and the sport of swimming.
- 6011 DELAYED EFFECTIVE DATE PERMITTED - The LSC may adopt the Bylaws with an effective date later than the date of adoption, provided that such effective date shall not be later than the last date on which the LSC is permitted to adopt the Bylaws (see Section 6010 above).
- 6012 TRANSITION PERIOD PROVISIONS - If the LSC adopts provisions that conflict with or eliminate positions, duties, responsibilities or terms of office of incumbent officers; other members of the Board of Directors; Athlete, Coach or Group Member Representatives; or committee chairmen or members or coordinators, such officers, Board Members, Representatives, chairmen or members or coordinators shall serve until the expiration of their terms, although they may assume new titles, duties and responsibilities where appropriate. In adopting the Bylaws, the LSCs shall adopt appropriate transition provisions to align the incoming officers' terms of office with the expiration of the incumbent officers' terms. Any such transition

provisions, together with provision for any permitted delayed effective date shall be set forth in writing in the LSC House of Delegates resolution adopting the Bylaws. A copy of the adopting resolution shall be sent to the General Counsel of USS together with the written copy of the Bylaws referred to above. Pending revision of the other Parts of the USS Code to coordinate those Parts with Parts Six and Seven, any conflicts or inconsistencies shall be resolved in favor of the Parts Six and Seven.

- 6013 AVAILABILITY OF BYLAWS; COPIES PROVIDED TO USS - The adopted Bylaws shall be printed and made available upon request to any member of the LSC and other interested parties with a copy being sent to the USS General Counsel. Promptly after adoption by the LSC, a copy of the LSC's Bylaws on a 3.5" diskette (in Word Perfect (version 5.1 or higher) or another format which in the judgment of the USS Executive Director is fully compatible with Word Perfect) shall be sent to each of the Executive Director of USS and the Chairman of the USS Legislation Sub-committee. In addition a printed copy and a copy of the LSC's Bylaws marked to show deletions and additions to the form set forth in Part Six-A (a so-called black-lined copy) shall be sent to the Chairman of the USS Legislation Sub-committee.
- 6014 PART SIX AND LSC BYLAWS AVAILABLE ON USS BULLETIN BOARD - The entirety of Parts Six and Seven and the LSC Bylaws as adopted by each LSC shall be made available on the USS electronic bulletin board in a file that will permit viewing, downloading and word or topic searching within ten (10) days of their receipt by the USS Executive Director.
- 6015 PORTIONS NOT PART OF BYLAWS - The Part Six designations, captions, *italicized* portions and choices omitted, commentary and guidelines and all of Part Six-B, Part Six-C and Part Seven are part of the USS Code but are not part of the LSC Bylaws.

ARTICLE 6100 SUNSET PROVISIONS

- 6101 SUNSET PROVISIONS GENERALLY - This Article contains sunset determinations applicable to Part Six provisions that become obsolete with the passage of time. This Article shall cease to have any force or effect from and after the last sunset provision takes effect and shall cease to be part of the USS Code of Rules and Regulations at such time and the following Article of this Part Six-D shall be correspondingly renumbered.
- 6102 SUNSET OF ADOPTION DEADLINE; SUBSEQUENT AMENDMENTS - With the printing of the USS Rules and Regulations following the date upon which the last LSC shall have adopted Bylaws which comply with this Part Six, the existing Section 6010 of Part Six-C shall be deleted and the Section shall be revised to read as follows:

6010 AMENDMENTS TO THE BYLAWS; PUBLICATION ETC. - If amendments to the Bylaws shall be adopted by an LSC or if amendments to Part Six-A by the USS House of Delegates which are given automatic effect with respect to an LSC's Bylaws under Section 611.3 (LSCs which could not adopt Section 611.3, shall adopt any such amendments at the next meeting of the LSC House of Delegates that is more than thirty (30) days after the adoption by the USS House of Delegates), the amendments shall be published within sixty (60) days and made available to all members of the LSC and other interested parties with copies being sent to the USS General Counsel and the USS Legislation Sub-committee Chairman. Promptly after publication, a copy of the LSC's Bylaws, restated to reflect the amendments on a 3.5" diskette (in Word Perfect (version 5.1 or higher) or another format which is fully compatible with Word Perfect) shall be sent to each of the Executive Director of USS and the Chairman of the USS Legislation Sub-committee. The LSC Bylaws as so amended by an LSC shall be available on the USS electronic bulletin board in a

file which will permit viewing, downloading and word or topic searching within ten (10) days of their receipt by the Executive Director.

- 6103 SUNSET OF DELAYED EFFECTIVENESS PROVISIONS - Section 6011 of Part Six-C shall be deleted in the third printing of the USS Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.
- 6104 SUNSET OF TRANSITION PROVISIONS - Section 6012 of Part Six-C shall be deleted in the third printing of the USS Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.
- 6105 SUNSET OF CONCORDANCE TABLES - Section 6001 of this Part Six-C and Part Six-B shall be deleted in the third printing of the USS Rules and Regulations after adoption by the House of Delegates of these revisions to Part Six.
- 6106 RENUMBERING OF NOT PART PROVISION - The Section initially numbered 6015 shall be successively renumbered as the preceding paragraphs are deleted in accord with this Article.

ARTICLE 6200 USS LEGISLATION COMMITTEE JURISDICTION OVER LSC BYLAWS

- 6201 GENERALLY - This Article grants jurisdiction to the USS Legislation Committee relating to the LSC Bylaws and authorizes the USS Executive Director to change the word processing software and format references in Part Six-C.
- 6202 JURISDICTION OF THE LEGISLATION COMMITTEE - The USS Legislation Committee is authorized and directed to assume jurisdiction over (a) changes to the mandatory portions of the LSC Bylaws, (b) approval of the use of certain alternative provisions set forth in Part Six-A, (c) review and approval of all Bylaws adopted by the LSCs and (d) review and approval of all subsequent amendments to the Bylaws and related matters. The USS Legislation Committee may adopt rules and procedures to govern the invocation and exercise of this jurisdiction which may be appropriate and helpful and in the best interests of the sport of swimming.
- 6203 SUBCOMMITTEE AUTHORIZED; CHAIRMAN; MEMBERS - The USS Legislation Committee is hereby authorized and directed to establish a standing sub-committee to exercise the entire jurisdiction conferred by this Article. All of the members of the sub-committee need not be members of the USS Legislation Committee, but its chairman shall be a member. The chairman and members of the subcommittee shall be appointed annually by the Chairman of the USS Legislation Committee.
- 6204 REQUEST FOR APPROVAL - An LSC may request permission to change mandatory provisions of the Bylaws or request an approval required in Part Six-A in a written application conforming to the rules and procedures adopted by the USS Legislation Sub-committee. The request shall be addressed to the Chairman of the USS Legislation Sub-committee. Each LSC shall submit its Bylaws adopted in response to this legislation to the USS Legislation Sub-committee for approval.
- 6205 ADVICE OF OTHERS - In appropriate cases the Chairman of the USS Legislation Sub-committee may consult any elected or appointed officer, or committee chairman or member, of USS, any staff member of USS and such other persons as may seem appropriate or helpful.
- 6206 ACTION BY LEGISLATIVE COMMITTEE - The changes may be approved or disapproved in their entirety, or the USS Legislation Sub-committee may modify the requested change as appears to be in the best interests of swimming. The USS Legislation Sub-committee may adopt reasonable rules and procedures regarding the form and content of the application for permission, its deliberations and decisions.

- 6207 DEADLINE FOR DECISION - The USS Legislation Sub-committee shall make its determination within forty-five (45) days of receipt by its Chairman of the request; failing which, the request shall be deemed to have been approved unless the Chairman shall certify that more than ten approvals are pending at the end of that period.
- 6208 APPEAL OF DECISIONS - An LSC may appeal a decision of the USS Legislation Sub-committee to the full Legislation Committee. An LSC may appeal a decision of the USS Legislation Committee to the USS Board of Directors.
- 6209 CHANGES TO WORD PROCESSING SOFTWARE AND FORMATS - After December 31, 1996, the USS Executive Director, with the consent of the USS General Counsel, by notice published in **Splash!**, included in a mailing to the LSC General Chairmen and broadcast to all electronic mail users on the USS electronic bulletin board, may change the Part Six-C references to Word Perfect (version 5.1 or higher) to another version or to an entirely different piece of software. In that event in the next printing of the USS Code of Rules and Regulations, those references in Part Six-C shall be changed accordingly.

PART SEVEN

OTHER RULES AND REGULATIONS PERTAINING TO THE LOCAL SWIMMING COMMITTEES

ARTICLE 701 LOCAL SWIMMING COMMITTEES

- 701.1 LOCAL SWIMMING COMMITTEES - The Local Swimming Committees shall be the chief administrative organizations of USS. Each LSC shall have jurisdiction over the sport of swimming as delegated to it in other Parts of the USS Code of Rules and Regulations to conduct swimming programs consistent with the policies and procedures of USS and to sanction, approve, observe, oversee and conduct on behalf of USS competitive swimming events within the jurisdictional boundaries assigned to it.
- 701.2 NAMES AND JURISDICTIONAL BOUNDARIES - Each LSC shall include in its name the descriptive phrase which appears below in boldfaced type, the word "Swimming" and the appropriate indicator of corporate status as set forth in the respective Articles/Certificate of Incorporation. The jurisdictional boundaries for the Local Swimming Committees shall be the boundaries indicated below opposite the name:

Adirondack	That portion of New York State east and north of Oswego, Onondaga, Cortland, Broome, Sullivan, Orange and Dutchess counties.
Alaska	State of Alaska.
Allegheny Mountain	All counties in Pennsylvania west of Potter, Clinton, Center, Huntingdon and Bedford Counties; Counties of Marshall, Brook, Ohio and Hancock in West Virginia; and Counties of Columbiana, Belmont and Jefferson in Ohio.
Arkansas	State of Arkansas and Bowie County in the State of Texas.
Arizona	State of Arizona.
Border	The Counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell and Crockett in the State of Texas.
Central California	Counties of Mariposa, Madera, Fresno, Kings, Tulare, Inyo (except the city of Bishop and the community of Mammoth Lakes), Mono, Kern and Merced in the State of California.
Colorado	State of Colorado, except the Burlington and Wray Swim Teams in Kit Carson County.
Connecticut	State of Connecticut.

Florida	State of Florida, except Palm Beach, Broward, Dade and Monroe Counties and that part of Hendry County West of Route 833, Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington and Bay Counties and that part of Calhoun and Jackson Counties west of the Apalachicola River.
Florida Gold Coast	In the State of Florida, the Counties of Palm Beach, Broward, Dade and Monroe and that part of Hendry County east of Route 833.
Georgia	State of Georgia and the Counties of Chambers and Russell in the State of Alabama.
Gulf	That part of the State of Texas bounded on the North by, and including, the counties of Robertson, Leon, Houston, Angelina, Nacogdoches and Shelby; on the East by the State of Louisiana; on the South by the Gulf of Mexico and on the West by, and including, the Counties of Fort Bend, Wharton, Colorado, Waller, Grimes, Robertson, Brazos and Matagorda.
Hawaiian	State of Hawaii: the five islands, Oahu, Hawaii, Maui, Kauai, and Molokai.
Illinois	State of Illinois, except St. Clair, Calhoun, Greene, Jackson, Jersey, Monroe, Madison and Vermillion Counties.
Indiana	State of Indiana, except Floyd and Clark Counties, and including Vermillion County in the State of Illinois.
Inland Empire	State of Washington, Counties of Okanogan, Chelan, Douglas, Ferry, Stevens, Spokane, Lincoln, Grant, Kittitas, Asotin, Columbia, Yakima, Franklin, Adams, Whitman, Walla Walla, Garfield, Benton, and the portion of Klickitat County east of Highway 97 and including the city of Goldendale, State of Idaho, Counties of Pend Oreille, Bonner, Kootenai, Shoshone, Benewah, Latah, Lewis, Nez Perce, Idaho, Clearwater, Boundary.
Iowa	State of Iowa, except the Counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Pottawattamie, Mills, Montgomery, Freemont and Page.
Kentucky	The State of Kentucky, except Campbell, Kenton and Boone Counties, and Floyd and Clark Counties in the State of Indiana.
Lake Erie	In the State of Ohio, the Counties of Tuscarawus, Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Lake, Geauga, Portage, Stark, Astabula, Trumbull, Mahoning, Summit and Wayne.
Louisiana	State of Louisiana.
Maine	State of Maine.
Maryland	State of Maryland, except the Counties of Montgomery and Prince Georges.
Metropolitan	State of New York, south of, and including, Sullivan, Orange and Dutchess Counties.
Michigan	State of Michigan.

Middle Atlantic	State of New Jersey south of Mercer and Monmouth Counties; the State of Delaware; and the Commonwealth of Pennsylvania east of, and including, Potter, Clinton, Center, Huntingdon and Bedford Counties.
Midwestern	State of Nebraska, except the County of Scottsbluff, and in the State of Iowa, the Counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Pottawattamie, Mills, Montgomery, Freemont and Page.
Minnesota	State of Minnesota and in the State of Wisconsin, the Counties of St. Croix, Dunn and Pierce.
Mississippi	The State of Mississippi.
Missouri Valley	State of Kansas and that portion of the western part of the State of Missouri including, and bounded by, the Counties of Schuyler, Adair, Macon, Randolph, Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian and Taney, and in the State of Colorado, the Burlington and Wray Swim Teams in Kit Carson County.
Montana	State of Montana, except the Counties of Dawson and Wibaux.
New England	The States of New Hampshire, Vermont, Massachusetts and Rhode Island.
New Jersey	State of New Jersey north of, and including, Mercer and Monmouth Counties.
New Mexico	State of New Mexico.
Niagara	That portion of New York State west of, and including, Oswego, Onondaga, Cortland and Broome Counties.
North Carolina	State of North Carolina, except the Counties of Camden, Currituck and Pasquotank.
North Dakota	State of North Dakota and in the State of Montana, the Counties of Dawson and Wibaux.
North Texas	That part of the State of Texas bounded on the South but not including the counties of Callahan, Brown, Mills, Lampasas, Bell, Milan, Robertson, Leon, Houston, Angelina, Nacogdoches and Shelby; on the East by the State of Louisiana, State of Arkansas and the County of Bowie, Texas; on the North by the State of Oklahoma and the County of Bowie, Texas; and on the West by the Counties of, but not including Hardeman, Foard, Knox, Haskill and Jones in the State of Texas.
Ohio	State of Ohio, except the Counties of Seneca, Crawford, Erie, Huron, Richland, Lorain, Ashland, Cuyahoga, Medina, Lake, Geauga, Portage, Stark, Ashtabula, Trumbull, Mahoning, Summit, Wayne, Belmont, Lawrence, Washington, Jefferson and Tuscarawus; and in the State of Kentucky, the Counties of Campbell, Kenton and Boone.
Oklahoma	State of Oklahoma.
Oregon	State of Oregon, except Malheur County, and in the State of Washington, the Counties of Cowlitz, Clark, Skamania and that portion of Klickitat County west of Highway 97.

Ozark State of Missouri east of, and including, the Counties of Scotland, Knox, Shelby, Monroe, Pike, Montgomery, Osage, Miller, Camden, Dallas, Webster, Douglas and Ozark, and in the State of Illinois, the Counties of Calhoun, Greene, Jackson, Jersey, Madison, St. Clair and Monroe.

Pacific The State of California, north of, but not including, the Counties of San Luis Obispo, Mariposa, Madera, Fresno, Mono and Merced, and excluding the Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama Plumas, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Yolo, Solano (east of Vallejo), Amador and the portions of: El Dorado west of Highway 50; Alpine and Calaveras north of Highway 4; San Joaquin north and east of Highway 4, Highway 99, Hammer Lane and Interstate 5; and Sacramento County north of Highway 50 and Interstate 80 from the intersection of Highway 50 to the Sacramento River and the city of Bishop and the community of Mammoth Lakes in Inyo County; and including the Counties of Lyon, Storey, Douglas, Carson City and the portion of Washoe lying south of the northerly boundary of the Pyramid Lake Indian Reservation in the State of Nevada.

Note: The Solano Community College pool shall be available for the use of both Pacific LSC and Sierra-Nevada LSC and their respective club members, and both LSCs may sanction swimming events at this pool under their own rules and regulations.

Pacific Northwest State of Washington west of, but not including, the Counties of Okahogan, Chelan, Kittitas and Yakima and north of, but not including, the Counties of Cowlitz, Skamania and Klickitat.

Potomac Valley The District of Columbia and in the State of Maryland, the Counties of Montgomery and Prince Georges, and in the Commonwealth of Virginia, the Counties of Arlington and Fairfax and the cities of Alexandria and Falls Church.

San Diego-Imperial San Diego and Imperial Counties in the State of California.

Sierra-Nevada In the State of California, the Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Yolo, Solano (east of Vallejo), Amador and the portions of: El Dorado west of Highway 50; Alpine and Calaveras north of Highway 4; San Joaquin north and east of Highway 4, Highway 99, Hammer Lane and Interstate 5; and Sacramento County north of Highway 50 and Interstate 80 from the intersection with Highway 50 to the Sacramento River; and in the State of Nevada, the Counties of Humboldt, Mineral, Churchill, Pershing, Lander, and the portion of Washoe lying north of the northerly boundary of the Pyramid Lake Indian Reservation.

Note: The Solano Community College pool shall be available for the use of Pacific LSC and Sierra-Nevada LSC and their respective club members, and both LSCs may sanction swimming events at this pool under their own rules and regulations.

Snake River State of Idaho, except the Counties of Boundary, Banner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis and Idaho; and in the State of Nevada, the Counties of Elko, White Pine and Eureka; and in the State of Oregon the County of Malheur.

South Carolina State of South Carolina.

South Dakota	State of South Dakota.
South Texas	That part of the State of Texas bounded on the East by, and including, the Counties of Milam, Burleson, Washington, Austin, Fayette, Lavaca and Jackson; on the South by the Gulf of Mexico and the Republic of Mexico; on the West by, and including, the Counties of Val Verde, Sutton and Schleicher; and on the North by, and including, the Counties of Menard, Mason, Llano, Burnett, Lampasas and Bell.
Southeastern	State of Alabama, except the Counties of Chambers and Russell; the State of Tennessee; in the State of Florida, the Counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay and that portion of Jackson and Calhoun Counties west of the Apalachicola River.
Southern California	In the State of California, the Counties of San Luis Obispo, Ventura, Los Angeles, San Bernardino, Orange, Riverside and Santa Barbara, and in the State of Nevada, the Counties of Clark, Esmeralda, Lincoln and Nye.
Utah	State of Utah.
Virginia	State of Virginia, except the Counties of Arlington and Fairfax and cities of Alexandria and Falls Church; and in the State of North Carolina, the Counties of Camden, Curituck and Pasquotank.
West Texas	That part of the State of Texas bounded on the South side by, and including, the Counties of Reeves, Pecos, Upton, Regan, Irion, Tom Green, Concho, McCulloch and San Saba; on the West by the State of New Mexico; on the North by the State of Oklahoma; on the East by the State of Oklahoma and by, and including, the Counties of Hardeman, Foard, Knox, Haskell, Jones, Callahan, Brown, Mills and San Saba in the State of Texas.
West Virginia	State of West Virginia, except the Counties of Hancock, Brook, Ohio and Marshall; and in the State of Ohio, the Counties of Lawrence and Washington.
Wisconsin	State of Wisconsin, except the Counties of St. Croix, Dunn and Pierce.
Wyoming	State of Wyoming and the County of Scottsbluff in the State of Nebraska.

701.3 REGISTRATION CODES - Each of the Local Swimming Committees is allotted the registration code preceding its name below:

AD	Adirondack	MT	Montana
AK	Alaska	NE	New England
AM	Allegheny Mtn.	NJ	New Jersey
AZ	Arizona	NM	New Mexico
AR	Arkansas	NI	Niagara
BD	Border	NC	North Carolina
CC	Central California	ND	North Dakota
CO	Colorado	NT	North Texas
CT	Connecticut	OH	Ohio
FL	Florida	OK	Oklahoma
FG	Fl. Gold Coast	OR	Oregon
GA	Georgia	OZ	Ozark

GU	Gulf	PC	Pacific
HI	Hawaiian	PN	Pacific Northwest
IL	Illinois	PV	Potomac Valley
IN	Indiana	SI	San Diego-Imperial
IE	Inland Empire	SN	Sierra Nevada
IA	Iowa	SR	Snake River
KY	Kentucky	SC	South Carolina
LA	Louisiana	SD	South Dakota
LE	Lake Erie	ST	South Texas
ME	Maine	SE	Southeastern
MD	Maryland	CA	Southern California
MR	Metropolitan	UT	Utah
MI	Michigan	VA	Virginia
MA	Middle Atlantic	WT	West Texas
MW	Midwestern	WV	West Virginia
MN	Minnesota	WI	Wisconsin
MS	Mississippi	WY	Wyoming
MV	Missouri Valley		

ARTICLE 702 REDISTRICTING

- 702.1 LEGISLATION COMMITTEE EMPOWERED - The USS Legislation Committee is granted the jurisdiction, the power and the duty to conduct such investigations, hold such hearings, deliberate in either open or closed sessions and render decisions in the best interests of the sport of swimming with regard to the affiliation of club members with LSCs, any change in LSC territory (whether by agreement of the affected clubs and LSCs or not), the formation of a new LSC or a change in Zone or Regional alignment. Where a vote is involved, the USS Legislation Committee may establish rules and procedures and hear challenges to the vote and determine the outcome.
- 702.2 PETITION TO THE USS LEGISLATION COMMITTEE - Any member of USS may petition the USS Legislation Committee with respect to any matter or issue concerning the activities to which this Article 702 applies. In any case in which an LSC House of Delegates, a Zone or a Region fails to approve a requested change, the proponents of the change may petition the USS Legislation Committee to investigate and determine whether the change should be allowed notwithstanding the failure of the LSC to approve. The USS Legislation Committee shall investigate the matter, hold an open hearing and make a recommendation to the USS House of Delegates in its annual meeting that is more than five months after the date of receipt of the petition by the Chairman of the USS Legislation Committee. The USS Legislation Committee may adopt such rules and procedures with respect to petitions pursuant to this Article in the best interests of the sport of swimming.
- 702.3 CHANGE IN LSC AFFILIATION BY A CLUB MEMBER - If a Club Member of one LSC wishes to change to another LSC which is contiguous and where no other Club Member geographically intervenes between the changing Club Member and the new LSC, and if by two-thirds (2/3) vote of members present the House of Delegates of each LSC approves, such transfer shall become effective ninety (90) days after receipt of written notice of the LSC approval by the Chairman of the USS Legislation Committee. Club approval of change in affiliation shall be in accord with the rules of the Club Member and shall be duly certified by the Club Member's president and secretary.

- 702.4 CHANGE IN LSC TERRITORY - If two-thirds (2/3) of the number of Club Members in a contiguous area within an LSC wish to affiliate with a neighboring and contiguous LSC, and should the House of Delegates of each LSC by a two-thirds (2/3) vote of the members present approve the change, the change in territorial jurisdiction shall include all Club Members in the contiguous area and shall become effective at the commencement of the fiscal year of the Corporation following that in which the Chairman of the USS Legislation Committee receives satisfactory evidence of the various votes required. Club Member approval of the change in affiliation shall be in accord with the rules of the Club Member and shall be duly certified by the Club Member's president and secretary.
- 702.5 FORMATION OF A NEW LSC - If two thirds (2/3) of the number of Club Members in a contiguous area within an LSC wish to form a new and independent LSC, and should the House of Delegates of the LSC by a two-thirds (2/3) vote of the members present approve the change, the proposed formation of the new LSC shall be submitted to the Chairman of the USS Legislation Committee. Such request must be received by the Chairman prior to April 1. The USS Legislation Committee shall make a recommendation to the USS House of Delegates at the next annual meeting for its approval or disapproval. Should approval be granted, the formation of the new LSC shall become effective at as of the first day of the fiscal year of the old LSC following such approval, unless an earlier date is agreed to by the old LSC. Club Member approval of the creation of the new LSC shall be in accord with the rules of the Club Member and shall be duly certified by the Club Member's president and secretary. The change shall include all Club Members in the specified contiguous area. At the time of the effective date the net assets of the old LSC (after payment of or provision for all debts) shall be divided with the new LSC in proportion to the number of registered athletes in each territory as of the August 31st closest to the effective date. During the period of time between the date on which the new LSC is approved by the USS House of Delegates and the effective date of the new LSC, the USS President shall promptly appoint a governing ad hoc committee of no less than seven (7) members from among USS Members of the new LSC, including one athlete and one coach, to be charged with the responsibility of (a) notifying all clubs within the new LSC to elect at least one delegate and alternate to the new LSC House of Delegates; (b) scheduling and noticing in writing a meeting of the new LSC House of Delegates as soon as conveniently possible after the effective date; (c) providing an agenda for the first meeting to permit the orderly election of officers and directors, adoption of Bylaws and appointment of committees and their respective chairmen; and (d) attending to such other matters as may be necessary to permit the new LSC to become a fully functioning administrative unit of United States Swimming.
- 702.6 CHANGE IN ZONE ALIGNMENT - If an LSC, by a two-thirds (2/3) vote of the members present at a meeting of the LSC House of Delegates, approves a change moving the LSC from one Zone to another and if both Zones approve of the change by a majority vote of the LSCs in each Zone, that change shall become effective, if at all, at the close of the next USS annual meeting at which the USS House of Delegates shall approve the change. Prior to the vote of the House of Delegates, the USS Legislation Committee shall make a recommendation as to approve or disapproval of the proposed change.
- 702.7 CHANGE IN REGIONAL ALIGNMENT - If an LSC, by a two-thirds (2/3) vote of the members present the LSC House of Delegates, approves a change moving the LSC from one region to another region contiguous to the LSC and if both Regions approve of the change by a majority vote of the LSCs in each Region, that change shall become effective, if at all, at the close of the next USS annual meeting at which the USS House of Delegates shall approve the change. Prior to the vote of the House of Delegates, the USS Legislation Committee shall make a recommendation as to approval or disapproval of the proposed change.

ARTICLE 703

ZONE ALIGNMENT

- 703.1 ZONES - The LSCs shall be combined into contiguous zones for administrative purposes.

703.2 ZONE MEET ADMINISTRATION - The Zone Age Group Junior Olympic Championship Meet shall be conducted and administered by the Zone Championship Committee. (See Policies and Procedures for Zone Committee as adopted by United States Swimming.)

703.3 ZONE ALIGNMENT - The Zones and their constituent LSCs shall be:

EASTERN ZONE Adirondack, Allegheny Mountain, Connecticut, Maine, Maryland, Metropolitan, Middle Atlantic, New England, New Jersey, Niagara, Potomac Valley, Virginia.

SOUTHERN ZONE Border, Florida, Florida Gold Coast, Georgia, Gulf, Kentucky, Louisiana, Mississippi, North Carolina, North Texas, South Carolina, South Texas, Southeastern, West Texas, West Virginia.

CENTRAL ZONE Arkansas, Illinois, Indiana, Iowa, Lake Erie, Michigan, Midwestern, Minnesota, Missouri Valley, North Dakota, Ohio, Oklahoma, Ozark, South Dakota, Wisconsin.

WESTERN ZONE Alaska, Arizona, Central California, Colorado, Hawaii, Inland Empire, Montana, New Mexico, Oregon, Pacific, Pacific Northwest, San Diego-Imperial, Sierra Nevada, Snake River, Southern California, Utah, Wyoming.

ARTICLE 704 REGIONAL ALIGNMENT

704.1 REGIONAL ORGANIZATION - The LSCs are divided into fourteen (14) regions for competition purposes. These regions are formed in order to reduce the travel distance for athletes competing in regional competitions and to equalize the competition. Competition at this level is discretionary with those LSCs in any particular region.

704.2 REGIONAL ALIGNMENT - The fourteen (14) regions and their constituent LSCs shall be:

Region 1: Adirondack, Connecticut, Maine, Metropolitan, New England, New Jersey, Niagara

Region 2: Allegheny Mountain, Maryland, Middle Atlantic, Potomac Valley, Virginia

Region 3: Georgia, North Carolina, South Carolina, Southeastern

Region 4: Florida, Florida Gold Coast

Region 5: Hawaii

Region 6: Illinois, Indiana, Kentucky, Lake Erie, Michigan, Ohio, West Virginia

Region 7: Iowa, Midwestern, Minnesota, Wisconsin

Region 8: Arkansas, Missouri Valley, Oklahoma, Ozark

Region 9: Gulf, Louisiana, Mississippi, North Texas, South Texas, West Texas

Region 10: Arizona, Border, Colorado, New Mexico, Utah

Region 11: North Dakota, South Dakota, Wyoming

Region 12: Inland Empire, Montana, Oregon, Pacific Northwest, Snake River

Region 13: Central California, Pacific, San Diego-Imperial, Sierra Nevada, Southern California

Region 14: Alaska

