

2005 Proposed Legislation for Southeastern Swimming

I. TECHNICAL PLANNING

A	Description	Location	BOD Rec.	Required
T-1	Swap the women's 1000 and 1650 events. The women's 1000 would be swum on Sunday and the women's 1650 would be swum on Thursday.			50%
T-2	Swap the 13 & 14 relays with the Senior Relay on Saturday night so that the 13 and 14 do not have to swim the 500 free final and the 400 Medley relay one heat apart.			50%
T-3	Have the Southeastern Swimming permanent office be responsible for updating the Championship's meet information (time standards, procedures, Etc) and sending to host team for their individual team/host meet information.			50%
T-4	Combine the 15-16 & 17-18 age groups into one Senior Division.			50%

II. HOUSE OF DELEGATES

Considered as a block EXCEPT for any items pulled

B	Description	Location	BOD Rec.	Required
R-2	Board of Review Hearing Procedures	Appendix 18		90%

THE FOLLOWING PROPOSALS WERE TABLED AT THE FALL MEETING

C	Description	Location	BOD Rec.	Required
R-3	Hall of Fame Election Procedures			50%
R-4	New SES logo	Appendix 8	Approval	50%

SOUTHEASTERN SWIMMING PROPOSED CHANGES TO RULES AND REGULATIONS

T-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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T-1: Proposal for Distance Events at SES Championships

Proposed by: John Morse

Swap the women's 1000 and 1650 events. The women's 1000 would be swum on Sunday and the women's 1650 would be swum on Thursday.

T-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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T-2: Proposal for Medley Relays at SES Championships

Proposed by: John Morse

Swap the 13 & 14 relays with the Senior Relay on Saturday night so that the 13 & 14 do not have to swim the 500 free final and the 400 Medley relay one heat apart.

T-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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T-3: Proposal for updating Southeastern Championship meet information.

Proposed by: John Morse

Have the Southeastern Swimming permanent office be responsible for updating the Championship's meet information (time standards, procedures, Etc) and sending to host team for their individual team/host meet information.

T-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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T-4: Combine the 15-16 & 17-18 age groups into one Senior Division.

Proposed by: Dave Smith

This proposal would include the following changes:

1. Keep the 15-16 time standards for the 15-16 swimmers.
2. Draft a new time standard for the Senior Division.
3. Bring three heats back for finals. A Final, B Final both scoring and a bonus heat not scoring.

Rationale: The purpose of the 15-16 Division was to have more 15-16 swimmers in the meet. We need to provide an environment where fast swimmers can race each other. Qualifying three heats for the finals will do this.

T-5	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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T-5: Proposed Southeastern Championship qualification standards for disabled swimmers.

Proposed by Rayleen Soderstrom

1. Proposed that a swimmer with a classifiable disability may qualify for Southeastern Championships by obtaining a qualifying time for any age group. Scoring shall be by the swimmer's age. Appropriate seeding to be determined by the meet referee. A National Championship qualifying time will act as a Southeastern Championship qualifying time for a swimmer with a classifiable disability.
2. Any swimmer wishing to be considered for selection to the zone team not meeting the above criteria shall be encouraged to swim in the district championships or a suitable number of LSC meets

R-1: BOARD OF REVIEW HEARING PROCEDURES

Proposed by: Ed DeBruyn

Add the following appendix to the Aquatics Guide

APPENDIX 18

BOARD OF REVIEW HEARING PROCEDURES

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

A. Formal Hearing

1. **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 and shall be accompanied by any filing fee due or by an application for waiver of the fee.
2. **Notice** - Each Respondent shall be given a written notice of the Protest. This written notice becomes the Notice and shall be sent to each Respondent's last known address by certified or express mail, return receipt requested, by Federal Express, signature required, or by personal service. If the Respondent is an SES officer, Board Member, committee or subcommittee chairman or coordinator or an official, the Notice shall be also given to the General Chairman, the Administrative Vice-chairman and the Secretary at SES'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 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 procedures) shall include:
 - (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) 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;
 - (e) 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 H2; and
 - (f) 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.

3. **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 H2.
4. **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. The Rebuttal shall be delivered in accordance with Section H2.
5. **Conduct of Hearing**
 - (a) **Generally** - Hearings shall be conducted in an orderly fashion, but without 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.
 - (b) **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.
 - (c) **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.
 - (d) **Rules of Evidence; Witnesses' Testimony** - The rules of evidence governing the hearing are set forth in Section 10.5.1F. 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.

(e) 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.

6. **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 SES, the Chairman of the National Board of Review and the General Counsel of USS in accordance with Section H2.

B. Emergency Hearing

1. **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.

2. **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 A2 insofar as the emergent nature of the issue permits.

3. **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 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 A5.c insofar as the emergent nature of the hearing permits.

4. **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 SES, the Chairman of the National Board of Review and the General Counsel of USS in accordance with Section H2.

5. **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 A5.c, 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.

C. 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, 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.

D. Extensions of Time

The time by which any act is required to be taken pursuant to this article may be extended or foreshortened by the Chairman, or the Presiding Officer for a particular hearing, for good cause (with the exception that the time within which the Notice required by Section A2 must be transmitted may not be extended without the consent of the Protestor or the USS General Counsel). 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.

E. Finality of Board of Review Decisions

Except as otherwise provided in this article with regard to re-hearings, 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.

F. 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, will be recognized and fully enforced by SES. Those final decisions may not be attacked or reopened in any proceeding before the SES Board of Review, other than one seeking enforcement of that decision.

G. Appeal from Board of Review Decisions

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.

H. Transmission of Documents and Determinations of Timeliness

1. NOTICE TO HEARING PARTICIPANTS WHO ARE MEMBERS OF SES

- (a). SES Members Generally - In each case, where notices or other hearing-related documents are to be delivered to a member of SES, it shall be sufficient to deliver the notice or other document to the member's last known address in accordance with Section H2.
- (b). Minors - In the case of notices directed to SES 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

All documents transmitted pursuant to this article shall be transmitted to each of the parties, their respective counsel, if any, the Presiding Officer and anyone else specified in the Notice. 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. **Determination of Timeliness**

These rules shall apply in the determination of the timeliness of any notice or other action under this article.

- (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 SES shall be deemed given or delivered upon the postmark date for all purposes under these procedures.
- (b). Notice by Fax or Email - 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 procedures.
- (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 procedures. (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 procedures, the last known address of a member of SES shall be the address given in the latest application for registration or membership in SES and USS filed with the Membership/Registration 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 SES shall be used to ascertain the last known address.

R-3 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

R-3: HALL OF FAME ELECTION RULES

Proposed by: Clark Hammond and Committee

Delete current sections 9.1 and 9.5 and replace with the following:

Description: Southeastern Swimming has established and maintains a Hall of Fame for the purpose of honoring and perpetuating the memory of those persons who have distinguished themselves by their contribution to the sport of swimming.

Nomination: Nominations, with personal profiles and resumes may be submitted by any current member of SES. Deadline for nominations is September 1st of the year immediately preceding the year that the Hall of Fame banquet will be held.

Formation of Hall of Fame Selection Committee

1. The Selection Committee shall be comprised of 5 members. The House of Delegates will appoint the members by majority vote of the delegates present at the meeting.
2. The Committee will be appointed at the Fall Meeting in the Year immediately preceding the year that the Hall of Fame banquet will be held.
 - a. In order to qualify, nominees must have had a minimum of 5 years of service or competition within the LSC.
 - b. No nominees may be current active members of the LSC.
 - c. Each nomination must include a biography of the proposed nominee.
 - d. The nominee must agree, in writing, that he/she will serve on committee if selected.
 - e. Nominations must be sent to SES secretary two (2) months prior to the SES Fall meeting in the Year preceding the year that the Hall of Fame banquet will be held.
3. Election Process
 - a. Those nominees who satisfy the requirements in paragraph 2 above, will be submitted on a ballot to the House of Delegates at the Fall meeting.

- b. Each delegate shall be entitled to vote for five members by secret ballot.
- c. The five persons receiving the most votes will be appointed to the Selection Committee.

Nomination for Induction into the Hall of Fame

- 1. Nominations for induction into the Hall of Fame may be made by any member of Southeastern Swimming who is in good standing.
- 4. Nominations must be submitted to the SES secretary prior to the end of L.S.C. meeting held immediately preceding the Hall Of Fame banquet (normally held in the spring).
- 5. Nominee must have minimum 5 years service or competition within the LSC, have conducted themselves in such a way as to reflect honor on SES and have demonstrated those qualities of character most desirable of a SES member.
- 6. A short biography with achievements must be submitted with the nomination, indicating the achievements, exceptional service or notable accomplishments warranting selection into the Hall of Fame.
- 7. If a nominee is being nominated for their role as an athlete member of USA Swimming, then they must have been retired from competition for three (3) years to be eligible. If a nominee is being nominated for their role as a non-athlete coach, then they must have been retired from coaching in USA Swimming for a period of three (3) years to be eligible. If a nominee is being nominated for their role as a non-athlete member, other than a coach, then they must have been retired from USA Swimming for a period of three (3) years to be eligible.

Selection of Hall of Fame Inductee

Option A

- 1. Selection Committee will submit a list of eligible nominees to the House of Delegates during the spring meeting occurring immediately prior to the Hall of Fame banquet to be held in the fall.
- 2. Each delegate shall be entitled to vote for six nominees by secret ballot.
- 3. In order to be inducted into the Hall of Fame, a nominee must receive at least 2/3 of the votes and must be in the top 6 vote getters.

Option B

- 1. Selection Committee will submit a slate of up to six (6) eligible nominees to the House of Delegates during the spring meeting occurring immediately prior to the Hall of Fame banquet to be held in the fall.
- 2. Each delegate will be entitled to vote to accept or reject the slate by secret ballot.
- 3. If 2/3 of the delegates present at the meeting vote in favor of the slate, then the nominees shall be inducted into the Hall of Fame.

R-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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R-4: New Southeastern Swimming Logo

Proposed by: Ed DeBruyn

Appendix 8

Rationale: USA Swimming has asked that we stop using the old teardrop logo as soon as possible. The new USA Swimming shield requires a separate license for each application, unlike the old blanket license for the teardrop logo. Also, if USA Swimming changes the logo in the future, we're back in the same boat. A logo that does not utilize USA swimming logo would eliminate these problems.