SES Overview

**ARTICLE 601 - MEMBERSHIP**

The membership of SE shall consist of the following:

1. Group Members - organizations operating in the SES which have, upon application, been granted membership in USA Swimming and SE and paid the fees established by USA Swimming and SE pursuant to Article 603 hereof. An organization may be denied membership 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 Zone 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 USA Swimming Rules and Regulations, the rules, regulations, policies, procedures and code of conduct of SE and USA Swimming and may be terminated by a decision of the Zone 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 SE, and competitions sanctioned or approved by USA Swimming.
2. *Club Members* - an organization, which is in good standing as a Group Member of SE and USA Swimming, 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 SE and USA Swimming.
3. *Affiliated Group Members* - an organization which supports the sport of swimming and the objectives and programs of SE and USA Swimming, which is in good standing as a Group Member of SES and USA Swimming, but which does not have athletes and coaches who all are Individual Members of SE and USA Swimming.
4. *Seasonal Club Members* - an organization that has joined SE and USA Swimming 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 SE and USA Swimming. All Seasonal Club Member coaches must be Coach Members in good standing of SES and USA Swimming. All athlete members of seasonal clubs must be Seasonal Athlete or Athlete Members in good standing of SES and USA Swimming.
5. Individual Members - individuals involved in the sport of swimming in the SES who have, upon registration, been granted membership in USA Swimming and SE and paid the dues established by USA Swimming and SE An individual may be denied membership 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 Zone 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 USA Swimming Rules and Regulations, the rules, regulations, policies, procedures and codes of conduct and ethics of SE and USA Swimming and may be terminated by a decision of the Zone Board of Review or the National Board of Review. Except for Affiliated Individual Members and Life Members, Individual Members in good standing shall be entitled to participate in the program of swimming conducted by SE, and competitions sanctioned or approved by USA Swimming, in accordance with Section 609.1.
6. *Athlete Members*-an individual who participates or competes in the sport of swimming and is in good standing as an Individual Member of SE and USA Swimming.
7. *Coach Members* - an individual, whether or not affiliated with a Group Member, who has satisfactorily completed all safety and other training required by SE and/or USA Swimming and who is in good standing as an Individual Member of SE and USA Swimming. Any individual desiring to act in any coaching capacity at any competition sanctioned by USA Swimming must be a Coach Member in good standing of SE and USA Swimming.
8. *Non - Athlete Individual Members* - 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 chair or committee member of SE 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 USA Swimming and SE.
9. *Seasonal Athlete**Member* - 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 SE and USA Swimming.
10. *Flex* – Annual membership for reduced price and only allowed swim in meets below SES Championships and restricted to two meets per membership year.
11. *Affiliated Individual Member* - an individual interested in the objectives and programs of SE who resides, formerly resided, or formerly participated in the sport of swimming in the SES and who is in good standing as an Individual Member of SE and USA Swimming.
12. *Life Member* - an individual who is a life member of USA Swimming and who resides, formerly resided or participated in the sport of swimming in the SES and who is in good standing as a member of SE and USA Swimming.

**ARTICLE 602 - DIVISONS, COMMITTEES AND COORDINATORS**

The divisions of SE shall be chaired and staffed as indicated below. Duties, jurisdiction and responsibilities are described in the SES Policy and Procedure Manual.

1. Administrative Division – Administrative Vice-Chair
   1. Rules and Regulations/Policy and Procedures
   2. Governance Committee
   3. Officials Committee
   4. Personnel Committee
   5. Operational Risk
   6. Safe Sport/MAAPP
   7. Secretary
   8. Times and Recognition Coordinator \
2. Age Group Division – Age group Vice Chair
   1. Adaptive Swimming
   2. Age Group Program
   3. Camps/Clinics
   4. Zone Team
3. Senior Division – Senior Vice-Chair
   1. Camps/Clinics Club Development
   2. Diversity
   3. Open Water
   4. Senior Program
   5. Athlete Representative
4. Finance Division- Finance Vice-Chair
   1. Audit
   2. Budget Finance Insurance
   3. Swim-A-Thon
   4. Treasurer
5. Athletes Division - Senior Athlete Representative
   1. Athlete Representatives
6. Coaches Division – Coach Representative

Awards Programs & Recognition

Championship Meet

Coaches Committee

Coach and Athlete Reimbursement

Technical Planning

**ARTICLE 603 - Dues and Fees**

Dues and fees shall be as stated in Policy and Procedure Section 1.3

**ARTICLE 604** - **House of Delegate**

1. 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.
2. Roll Call
3. Reading, correction and adoption of minutes of previous meeting Presentation and approval of the annual budget
4. Presentation and approval of the annual audit
5. Unfinished (old) business
6. Elections New business
7. Reports of officers
8. Reports of committees and coordinators
9. Resolutions and orders
10. Adjournment
11. Elections – At its annual meeting, the House of Delegates shall elect the following:
    1. Even Years
       1. Administrative Vice-Chair
       2. Age Group Vice-Chair
       3. Treasurer
       4. Central Administrative Review Board member
       5. One At-Large Administrative Review Board Member
       6. Two alternate Administrative Review Board members
    2. Odd Years
       1. General Chair, the Secretary
       2. Senior Vice-Chair
       3. Finance Vice-Chair
       4. President
       5. East District Administrative Review Board member
       6. South District Administrative Review Board member
       7. West District Administrative Review Board member
       8. One alternate Administrative Review Board members

**ARTICLE 605 - BOARD OF DIRECTORS**

1. 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.
2. Roll Call
3. Reading, correction and adoption of minutes Report of Executive Committee
4. Reports of officers
5. Reports of committees and coordinators
6. Presentation of the annual budget and adoption of recommendation to House of Delegates Presentation of the annual audit report and adoption of its recommendation to the House of Delegates
7. Advice and Consent to Appointments Unfinished (old) business
8. New business
9. Elections
10. Resolutions and orders
11. Adjournment

**ARTICLE 606 - DUTIES AND POWERS**

The duties 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 defined in the SES as follows:

* + 1. General Chair

The General Chair shall oversee and have general charge of the management, business, operations, affairs and property of SE, 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 chairs and members for standing and special committees or coordinators as may be necessary to permit SE to effectively, efficiently and economically conduct its affairs. The General Chair shall report to the Board of Directors all matters within the General Chair's knowledge that the Board of Directors should consider in the best interests of SE.

* + 1. President

Duties will be determined by the Board of Directors.

* + 1. Administrative Vice-Chair

The Administrative Vice-Chair shall conduct meetings in the absence of the General Chair and, at the request of the General Chair or in the event of the disability of the General Chair, shall perform all of the duties of the General Chair, and when so acting shall have all of the powers of the General Chair. The Administrative Vice-Chair shall chair, and have general charge of the business, affairs and property of the division that administers SE business and affairs. The Administrative Vice-Chair 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, and committees and coordinators. The Administrative Division shall be responsible for the creation and maintenance of SE Policies and Procedures Manual. The Administrative Vice-Chair shall be responsible to see that the Coach Representative elections are held in accordance with these Bylaws

* + 1. Senior Vice-Chair

The Senior Vice-Chair shall chair and have general charge of the affairs and property of the Division or Committee that develops and conducts the senior swimming program of SE including meet management for all senior swimming meets sponsored by SE. The Senior Vice-Chair serves as liaison to the Athlete Representatives, and Athlete Committee, and shall be responsible to see that the Athlete Representatives elections are held in accordance with these Bylaws.

* + 1. Age Group Vice-Chair

The Age Group Vice-Chair shall chair and have general charge of the affairs and property of the Division or Committee that develops and conducts the age group swimming program of SE including meet management for all age group swimming meets sponsored by SE.

* + 1. Secretary

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 USA Swimming as are required by Article 608 of these Bylaws and shall perform the other duties incidental to the office of Secretary. The Secretary or the staff of the SE permanent office shall be custodian of the records and the seal of SE and attest the execution of all duly authorized instruments. The correspondence, meeting and other notices, and any other records of SE. The Secretary’s custody of the minute books and other records shall be as a fiduciary for SE and shall end when the Secretary leaves office and shall pass them on to the successor Secretary.

1. Treasurer

The Treasurer shall:

1. Be the principal receiving and disbursing officer of SE.
2. Except as otherwise directed by the Finance Vice-Chair, the Finance Committee, or the Board of Directors, receive all moneys, incomes, fees and other receipts of SE and pay all bills, salaries, expenses and other disbursements approved by an authorized officer, committee chair, coordinator, the Budget and Finance Committee, the Board of Directors or the House of Delegates.
3. When authorized by the Board of Directors, income and expenses may be received and paid by a division, officer, committee or coordinator, provided that the division, officer, committee or coordinator promptly submits to the Treasurer an itemized report, duly attested by the division, officer, committee chair or coordinator and either within the approved budget of such division, officer, committee or coordinator, or authorized by the Board of Directors or the House of Delegates.
4. Be a member of the Finance Committee but may not be its chairman.
5. Issue a monthly listing 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 Finance Chair, Budget and Finance Committee, the General Chair or the Board of Directors may direct. The Treasurer shall also provide current monthly bank account statements to the General Chair.
6. Have charge of and supervision over and be responsible for the funds, moneys, securities and other financial instruments of SE.
7. Cause the moneys, securities and other financial instruments of SE to be deposited in the name and to the credit of SE in such institutions as shall be designated by the Board of Directors or to be otherwise invested as the Finance Vice-Chair, the Finance Committee or the Board of Directors may direct;
8. Cause to be appropriately segregated and accounted for any endowment funds, scholarship or award funds and any similar special purpose funds or accounts.
9. Cause the funds of SE to be disbursed by checks or drafts, automated debits or wire transfers upon the authorized depositories of SE, and obtain and preserve proper vouchers for all moneys disbursed.
10. Cause to be kept at SE's permanent office or in the custody 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, the Finance Vice-Chair, the Finance Committee or the Treasurer shall determine. The Treasurer’s custody of the books and records shall be as a fiduciary for SE .
11. Custody and fiduciary state shall end when the Treasurer leaves office and passes them on to the successor Treasurer.
12. 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 SE or USA Swimming;
13. Cause SE to be in compliance with the requirements of Article 8.
14. Have the power to require from the officers, committee chairs, coordinators, staff or agents of SE 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 SE;
15. Make the books and records available and otherwise fully cooperate with those conducting the annual review or audit of accounts of SE 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 required reports to the Board of Directors and USA Swimming national headquarters.
16. Have the power to appoint one or more assistant treasurers and delegate to them one or more of the Treasury functions, or parts thereof.
17. Performs all the other duties incident to the corporate treasury functions.
18. Athlete Representatives

The Athlete Representatives shall serve as the liaison between the athletes who are members of SE and the Board of Directors and the House of Delegates. The Senior Athlete Representative shall chair the Athletes Committee.

1. Coach Representatives/Technical Planning Coordinator

The Coach Representative shall serve as a liaison between the coaches who are members of SE and the Board of Directors and House of Delegates. The Coach Representative shall chair the Coaches Committee and the Technical Planning Meeting. The Coach Representative shall chair, and have general charge of the business, affairs and property of the Technical Planning Meeting, which is responsible for long-range planning regarding the swimming programs conducted by SE, the continuing review and development of the SE philosophy and for advising other committees and divisions regarding the implementation of that philosophy in the context of SE’s swimming programs.

1. Officials Chair

The Officials Chair shall chair the Officials Committee which is responsible for recruiting, training, certifying, and supervising officials for SE. The Officials Chair shall be a referee certified by SE and each member of the Officials Committee shall be a certified official of SE.

1. Finance Vice-Chair

The Finance Vice Chair is the chief financial officer of SE. The Finance Vice Chair 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 SE’s working capital, funded reserves and endowment funds and the development and implementation of a marketing and fund-raising plan for SE. The Finance Vice Chair, with the assistance of the Finance Committee, shall prepare an annual budget for SE’s operations and present the budget for approval by the Board of Directors and the House of Delegates. In addition, the Finance Vice Chair shall cause to be conducted the audit required hereunder 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 Chair is responsible for the adequacy of SE’s system of internal financial and accounting controls. The Finance Vice Chair is the chair of the Finance and a member of the Personnel Committee. Together with the Treasurer, the Finance Vice Chair is ultimately responsible for SE’s compliance with Section 608.4.

1. Safe Sport Coordinator/MAAPP

The Safe Sport Coordinator shall be responsible for the implementation and coordination of, and serve as the SE liaison for, the Safe Sport Program established by USA Swimming. The Safe Sport Coordinator shall be a non-athlete member in good standing, and shall work with the USA Swimming Safe Sport staff, and the USA Swimming Safe Sport Committee to implement pertinent aspects of the national Safe Sport Program within SE. The Safe Sport Coordinator will:

* + - 1. Serve as the primary contact for SE to coordinate and oversee the implementation of effective safe sport educational programs for all athlete members, their parents, coaches, volunteers and clubs, as provided by USA Swimming;
      2. Be trained regarding the complaint reporting structure and refer all reports of a violation of the Athlete Protection policies directly to the local club, The General Chair, the USA Swimming Safe Sport staff, and/or other appropriate authority;
      3. Participate in workshops as provided by USA Swimming, collect and share information about what USA Swimming and other LSCs are doing to promote safe sport policies, and disseminate information on LSC best practices;
      4. Serve as an information resource for SE clubs and membership, and will help to identify and connect them with local educational partners and resources;
      5. Receive feedback and suggestions on the Safe Sport policies and programs from the SE clubs and membership, and provide feedback to the USA Swimming Safe Sport Committee and Safe Sport staff; and
      6. Perform other functions as necessary in the fulfillment of USA Swimming’s continuing efforts to foster safe, healthy and positive environments for all its members.

1. Operational Risk

The Operational Risk Chair is responsible for promoting safety throughout the SE community and to promote safety as part of the LSC philosophy.  The Operational Risk Chair will serve as a liaison between the national organization and the SE membership.  They will contact National Headquarters with any safety questions and concerns, will relay policy decisions to the Board of Directors and the House of Delegates, and will direct the SE Operational Risk Program.

1. At-Large Board Members

In addition to their inherent powers all and duties as members of the Board of Directors, the At-Large Board Members shall have such powers and duties as may be delegated to them by the SE Policies and Procedures Manual, the General Chair, the Board of Directors or the House of Delegates.

1. SE Delegates to the USA Swimming House of Delegates
   * + 1. *Officer and Representative Delegates*

It shall be the duty and privilege of the General Chair, the Administrative Vice- Chair, the Age Group Vice-Chair, the Senior Vice-Chair, the Senior Athlete Representative, and the Senior Coach Representative to attend the USA Swimming annual meeting as representatives of SE and voting delegates to the USA Swimming House of Delegates. If any officer is unable to attend, the General Chair can appoint alternatives with the advice and consent of the Board of Directors.

* + - 1. *Athlete Representative Alternates*

If the Senior Athlete Representative is unable to attend the USA Swimming annual convention, the Junior Athlete Representative shall attend in his or her place. If the Junior Athlete Representative in unable to attend, the Athlete At-Large Board Member next most senior in term of office shall attend in his or her place. If seniority cannot be established or there remains no additional athlete representatives or alternates able to attend, then the General Chair, with the advice and consent of the Board of Directors, shall designate one or more Athlete Members to attend as a representative of SE.

**ARTICLE 607 - Standing Committees and**

**Coordinators not in By-laws**

* + 1. Officials Committee

The Officials Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, recertify and supervise officials for SE and such other activities as may be necessary or helpful in maintaining a roster of qualified, well-trained and experienced officials of the highest caliber. The Officials Committee is also authorized and obligated to issue interpretations of the competitive rules for use by officials, coaches and athletes at meets conducted within the SES of SE. Such interpretations will be issued after consultation with the USA Swimming Rules and Regulations Chair and USA Swimming Officials Chair, as appropriate.

* + 1. Personnel Committee

The Personnel Committee is authorized and obligated to negotiate and set wages, compensation, and other terms of employment of SE’s staff (whether employees or independent contractors) within established budgetary guidelines and policies and to review and approve the scope of duties delegated to staff.]

* + 1. Technical Planning/Coaches Meeting

The Technical Planning Meeting shall be responsible for long-range planning for the swimming programs conducted by SE, for advice regarding the technical aspects of those programs and provide advice to the technical aspects of the age group and senior championship meets.

**ARTICLE 608 - ANNUAL AUDIT, REPORTS AND REMITTANCES**

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 webmaster to post on the web page.

1. Financial and Federal Tax Reports

The Treasurer or his designee shall forward to USA Swimming 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 required federal reports and annual audit or review. Copies of any corresponding federal income tax return required to be filed by SE under the IRS Code shall be included with the annual audit or review report sent to USA Swimming national headquarters.

1. State and Local Reports and Filings

The Secretary or his designee 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.

1. Public Availability of Certain Information

SE shall cause to be made available at SE’s permanent office during regular business hours to anyone requesting to see a copy of SE's federal income tax and information returns for each of the last three years, and a copy of the materials submitted by USA Swimming to include SE in USA Swimming's group exemption ruling as required pursuant to IRS Code section 6104 and any similar requirements of applicable state or local laws.

1. Annual Audit/review

An annual audit or review of the accounts, books and records of SE shall be completed no later than the end of the eighth 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 Audit Committee. The audit shall cover any federal, state or local income tax return that SE 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, the committee shall issue a report signed by all of its members and stating that the financial records and reports of SE have been reviewed and fairly present the financial condition of SE 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.

1. Safety Reports
   * + 1. *Incident/Occurrence Reports*

An occurrence report providing all of the information requested by applicable USA Swimming form should be completed at the time of the occurrence by the meet director, officer, coach or club officer online with USA Swimming.

* + - 1. *Reports of Injuries*

The Safety Coordinator shall present a report concerning reported swimming-related injuries within the SES at each House of Delegates and Board of Directors meeting.

1. Mailing Address

SE shall notify in writing USA Swimming national headquarters of any change in its regular mailing address within 14 days of the change.

1. Reports Generally

SE shall make all reports and remittances to USA Swimming as specified in the USA Swimming 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 USA Swimming national headquarters. The General Chair, the Secretary, and the Treasurer shall be collectively responsible for seeing that all required reports and remittances are made.

**ARTICLE 609 - MEMBERS' BILL OF RIGHTS**

SE, in furtherance of Article 301 of the USA Swimming Rules and Regulations, shall respect and protect the right of every Individual Member who is eligible under SE, Host sanction meet information, USA Swimming and FINA rules and regulations to participate in any Open competition as an athlete, coach, trainer, manager, meet director or other official, so long as the competition is conducted in compliance with SE sanctioned meet, Host team meet information, USA Swimming 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 Zone 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.

**ARTICLE 610 - PERMANENT OFFICE AND STAFF**

* 1. Office

SE shall maintain an office in the SES for the storage and maintenance of the books and records and equipment of SE and for other purposes as may be determined by the House of Delegates or the Board of Directors in accordance with these Bylaws.

* 1. Staff

SE shall retain paid staff at the SE Office as the Board of Directors may determine to be appropriate or necessary. The staff shall be under the general supervision of the General Chair and the Administrative Vice-Chair. With respect to delegated functions of the officers, committee chairs and coordinators, the staff shall be responsible to the respective officer, committee Chair or coordinator. The powers and duties of the paid staff shall be established in SE's Policies and Procedures Manual or by resolution of the Board of Directors or by delegation approved by the Personnel Committee.

* 1. Appropriations

The Finance Committee shall include in its proposed budget a line item for the costs of SE's Office, inclusive of the compensation and benefits costs of the paid staff. Once appropriated by the House of Delegates, the Personnel Committee shall be responsible, together with the General Chair, for the administration of these funds. The compensation of the staff shall, to the extent possible, be treated as confidential.

**ARTICLE 611 - MISCELLANEOUS**

* 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 Tennessee become, illegal, invalid or unenforceable, the remainder of these Bylaws shall continue in full force and effect.

* 1. Fiscal Year

The fiscal year of SE shall be September to August 31 of each year.

* 1. Tax Status; Interpretation of Bylaws

It is intended that SE 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 SE 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.