

# **By Laws of the North Texas Local Masters Swim Committee**

**(Revised January 2017)**

## **8.1. ARTICLE 1 - OBJECTIVES, TERRITORY, AND JURISDICTION**

**8.1.1 OBJECTIVES** In accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS) and the North Texas Local Masters Swimming Committee (NTMLMSC), the objectives shall be:

- 1. To promote and develop competitive and fitness swimming for the benefit of adults swimmers of all ages and abilities.**
- 2. To encourage and promote physical fitness and improvements in health in those older individuals not previously involved in competitive Masters Swimming programs.**
- 3. To offer encouragement to individuals, clubs, organizations, and communities in organizing and conducting physical, recreational, and competitive Masters Swimming programs.**
- 4. To enhance fellowship amongst participants in Masters Swimming programs.**
- 5. To maintain active liaison and cooperation with local, regional, and national organizations and individuals concerned with Masters Swimming.**
- 6. To evaluate and implement appropriate recommendations submitted by coaches, meet sponsors, and clubs and individual swimmers.**

**8.1.2 TERRITORY** The territory and designation of the NTLMSC shall be defined in the United States Masters Swimming Code of Regulations and Rules of Competition.

**8.1.3 JURISDICTION** The NTLMSC has jurisdiction over the sport of Masters Swimming as has been delegated to it by USMS.

**8.1.4 Declaration of Non-Profit Status** North Texas Masters Swimming shall be established and maintain status as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

## **8.2 ARTICLE 2 – MEMBERSHIP**

**8.2.1 TYPES 1. CLUBS -** Those organizations which have joined and are in good standing with the NTLMSC in order to conduct a program in Masters Swimming or some aspect of it. Each club shall appoint their voting representative(s) to the NTLMSC.

**a. A club shall be considered in good standing if:** 1. It has a minimum of 4 registered swimmers. 2. It has paid the required yearly registration fee. 3. It maintains at least 80% (rounded up to the whole swimmer) of its membership as residents of the North Texas LMSC.

**b. If a club wishes to change from one Local Masters Swimming Committee (LMSC) to another, and if two-thirds (2/3) of both the LMSCs consent, such transfer shall be effective ninety (90) days after receipt of written notice by the national office.**

**2. INDIVIDUAL MEMBERS a.** Those individuals who are athletes, coaches, officials, administrators, or persons otherwise interested in the purposes and programs of the NTLMSC. On joining USMS or on registering as an athlete in the sport of Masters Swimming, these individuals will receive a membership card certifying their membership and may attend all meetings of the NTLMSC with voice but no vote.

**8.2.2 RESPONSIBILITIES 1. Income –** Any income derived from the promotion of masters swimming by the NTLMSC must be used for further promotion of swimming or for the general welfare of the NTLMSC as a whole. **2. Infractions -** A club may be held responsible for infractions of rules and regulations committed by an athlete who is competing as a representative of such organization.

## **8.3 ARTICLE 3 - NTLMSC BOARD OF DIRECTORS**

**8.3.1 COMPOSITION** The NTLMSC Board of Directors shall consist of the elected officers and the representatives appointed by each club. Each member of the board shall

have one vote. Representatives appointed by clubs shall hold offices for one year or until successors are appointed. Each registered club is entitled to one representative to the NTLMSC Board of Directors. If the club has over 25

registered Masters Swimmers, it is entitled to a second representative and if over 100 registered Masters Swimmers, it is entitled to a third representative.

**8.3.2 DUTIES AND POWERS** The NTLMSC Board of Directors shall have the power and it shall be its duty to: 1. Establish programs and policy. 2. Manage the business affairs of the NTLMSC. 3. Elect officers 4. Review and adopt the annual budget of the NTLMSC. 5. Elect delegates to the USMS House of Delegates in accordance with Article 503.1.1 of the USMS Code of Regulations and Rules of Competition. 6. Admit eligible members who have properly applied. 7. Amend the By-Laws of the NTLMSC.

#### **8.4 ARTICLE 4 - OFFICERS 8.4.1 TITLES**

**8.4.1.1 ELECTED OFFICERS** The elected officers are Chairman, Registrar, Vice Chair and Secretary and Treasurer.

**8.4.1.2 APPOINTED OFFICERS** The following officers shall be appointed by the Chairman: Top Ten/Records Coordinator, Newsletter Editor, Fitness Coordinator, Coaches Liaison, Webmaster, Sanctions Coordinator, and Official's Liaison.

**8.4.2 ELIGIBILITY** Only current members of the USMS and NTLMSC are eligible to hold an office. Officers must maintain residency within the NTLMSC throughout their entire term. Current members may hold one of the offices .

**8.4.3 TERM OF OFFICE** Each officer serves for a term of two years consistent with the beginning of the new registration year. If an officer cannot fulfill the term of office, the Board of Directors will appoint a replacement at its next regularly scheduled meeting(other than Chairman, whose replacement will be the Vice Chair)

**8.4.4 DUTIES** The duties of the officers are as hereafter set forth, and such others as may be designated by the NTLMSC Board of Directors: 1. Chairman - The Chairman calls meetings when and where deemed necessary, presides at all meetings and appoints committee chairpersons for committees as may be necessary to fill the duties and responsibilities of the NTLMSC, with the advice and consent of the Board of Directors.

**2. Registrar - The Registrar shall be charged with conducting registration of athletes and clubs and making such reports to the Secretary/Treasurer, and the USMS National Offices as required. The registrar will receive all monies, make deposits and provide the Treasurer with records of such transactions.**

**3. Secretary - shall be responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and copies of the minutes to the Board of Directors, and making such reports to the National Office as required.**

**4. The Treasurer shall be responsible for paying all bills and maintaining all financial records, including bank and checking records, and for making timely reports to the Board of Directors. In addition, the treasurer shall be responsible for preparing the yearly budget.**

**LMSC bonding insurance provided by USMS, which covers LMSC officers, requires the following: (a.) Bank accounts be reconciled annually by a person other than a person who is authorized to sign checks (b) Dual signatures are required on all checks of \$5,000 or more**

**5. Top Ten/Records Coordinator - The top Ten Records Coordinator shall maintain the NTLMSC records and review NTLMSC meet results to prepare lists of swimmers for National Top Ten Times consideration. In addition, the Top Ten Records Coordinator shall be responsible for overseeing national and world records that are set within the North Texas LMSC area.**

**6. Sanctions - Is responsible for issuing sanctions for meets held in the NTLMSC area and reporting to the National USMS office.**

**7. Newsletter Editor - The newsletter Editor will be responsible for publishing and distributing a quarterly newsletter. The newsletter will be used for disseminating information pertinent to the operation of the NTLMSC.**

**8. Fitness Coordinator - The Fitness Coordinator shall serve as a liaison between the LMSC and the USMS Fitness Committee.**

**9. Coaches Liaison - The Coaches Liaison shall serve as a liaison between the LMSC and the USMS Coaches Committee.**

**10. Webmasters - The Webmaster shall be responsible for the design and timely upkeep of the LMSC website and email, including domain name registration and contracting for hosting.**

**11. Officials Liaison - The Officials Liaison shall serve as a liaison between the LMSC and the USMS Officials Committee.**

**12. Vice Chair – will assume duties of Chairman for any meeting the Chairman is unable to attend and/or assume the position of Chairman for remainder of the term if for whatever reason the Chairman is not able to fulfill their term. Page 5 of 7**

**8.4.5 REMOVAL An officer can be removed from office, for cause, by written petition of seven (7) Committee members and by a vote of the majority of the Committee at the next regularly scheduled meeting.**

## **8.5 ARTICLE 5 MEETINGS**

**8.5.1 FREQUENCY There will be four (4) quarterly meetings of the NTLMSC Board of Directors to be held no later than the last day of the month in September, December, March and June. The June meeting will be designated as the Annual meeting for the purpose of elections.**

**open to all individual members of the LMSC, who are each able to cast a vote.**

**8.5.2. SPECIAL Should special meetings be required, meetings may be called upon request of any two officers or one-third of the members of the NTLMSC Board of Directors.**

**8.5.3 NOTICES 1. Time - Not less than fifteen (15) days notice is given by the Secretary/Treasurer for any regular or special meetings of the NTLMSC Board of Directors. Waiver of the 15 days notice requires approval of at least 6 of the 10 officers.**

**2. Information - The notice of a meeting shall contain the time, date, and site. For Special Meetings, the purpose of such meeting shall be given.**

**3. Address - The notice shall be sent to the address last given to the Registrar of each member of the NTLMSC Board of Directors.**

**8.5.4 ORDER OF BUSINESS At all meetings of the NTLMSC Board of Directors, the following is the order of business:**

**1. Roll Call 2. Reading, correction and adoption of minutes. 3. Reports of the Officers. 4. Reports of the Committees. 5. Unfinished business. 6, Elections (where appropriate) 7. New business. 8. Resolutions and Order. Adjournment.**

**8.5.5 QUORUM** A quorum at all meetings shall consist of those present and eligible to vote. In determining a quorum, team representatives and NTLMSC officers cannot be one and the same. The minimum quorum for all meetings shall be five (5) of which at least three (3) (must be officers, as determined from the Registrar's records).

**8.5.6 RULES OF ORDER** At all meetings, the current Roberts Rules of Order are the procedural rules.

## **8.6 ARTICLE 6 – COMMITTEES**

**8.6.1 TYPES** 1. Standing - At the discretion of the Chairman, the following committee may be established: a. Awards Committee - The awards Committee shall develop criteria for the selection of outstanding swimmers each year; nominate outstanding swimmers for recognition by NTLMSC each year; and select and order awards for NTLMSC -sponsored meets.

b. Review Committee - The Review Committee may conduct hearings on any matter affecting the NTLMSC, and arising solely within the territorial jurisdiction of the LMSC, and involving only its members (see 8.9 ARTICLE 9- GRIEVANCE PROCEDURE)

c. Rules Committee - The Rules Committee shall make itself aware of the current rules as set forth by USMS. It shall interpret rules as necessary, report any violations by clubs or individuals to the NTLMSC Board of Directors, and shall make rules recommendations for changes to the officers of the NTLMSC for transmittal to USMS.

2. AD-HOC - The Chairman may establish other committees on an Ad-hoc basis which are deemed necessary to carry out the duties of the NTLMSC.

**8.6.2 CHAIRPERSON** Appointment - Only current members of USMS and NTLMSC are

eligible to be appointed as a chairperson. **2. Duties** - The duties of the chairperson of each committee are as follows: **a.** Presides at all meetings of the committee. **b.** Sees that all duties and responsibilities of that committee are properly and promptly carried out. **c.** Communicates with the committee members to keep them fully informed. **d.** Keeps the Chairman and Secretary informed of committee actions and recommendations. **e.** Forwards reports or minutes of all meetings to the Chairman and Secretary. **f.** Performs such specific duties as outlined in NTLMSC policy.

**8.6.3 MEMBERSHIP** Members of all committees shall be appointed by the President with the advice and consent of the chairperson thereof. Whenever possible, each committee shall have representation from each club.

**8.7 ARTICLE 7 - AMENDMENTS TO THE BY-LAWS** Any provision of these By-Laws not prescribed by USMS may be amended at any meeting of the Board of Directors by a two-thirds vote of the voting members. At least fifteen (15) days notice must be given to every member of the Board of Directors of any proposed amendment.

**8.8 ARTICLE 8 - DISSOLUTION** Upon dissolution, the net assets of the NTLMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States Masters Swimming, Inc. to be used exclusively for educational or charitable purposes, or if United States Masters Swimming, Inc. is not in existence, or is not then a corporation which is exempt under Section 501(c)(3) of the Internal Revenue Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, such assets shall be distributed to such corporation, to be used exclusively for educational or charitable purposes.

**8.9 ARTICLE 9- GRIEVANCE PROCEDURE** Any individual member of the NTLMSC and/or any Club member of NTLMSC Swimming may bring a complaint on any matter for which grievances may be heard under Part 4, Participation, Conduct, Hearings and Appeals of the USMS Rule Book ("Part 4"). Specifically, complaints may be brought alleging unsporting conduct, defined in Part 4 as: **A.** Violation of the opportunity to participate, as set forth in Part 4. **B.** Discrimination in violation of Article 501 of the Rules of USMS. **C.** Any act of fraud, deception or dishonesty in connection with any USMS related activity. **D.** Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel or other participants, in connection with a USMS event. **E.** Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

**104.6 Complaint Procedure A. A complaint shall consist of a concise statement of the behavior or circumstance involved, shall be in writing, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom the complaint is made. The complaint shall be directed only to the Chair of NTLMSC, or if the complaint directly involves the Chair, to the Administrative Vice-Chair, who shall appoint a Grievance Chair. To be considered timely, a complaint must be filed within ninety (90) days of the incident or circumstance alleged, or within ninety (90) days of when the person making the complaint should reasonably have had knowledge of the incident or circumstance. B. Upon receipt of a timely complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Part 4 and involves a person or entity which is part of NTLMSC.. If the Grievance Chair determines that the complaint does not meet such criteria and/or determines the complaint was not filed on a timely basis, the Grievance Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Chair of Pacific Masters Swimming of this determination. C. If the Grievance Chair does not dismiss the complaint, the Grievance Chair shall transmit a copy of the complaint to all other parties involved. The parties to any controversy shall be the USMS member or entity that made the complaint, the USMS member or entity that is the subject of a complaint, and, if appropriate, NTLMSC. In the event there are multiple parties or varying interests, any interested person may ask the Grievance Chair to (or the Chair may of its own volition) realign the parties according to their interest in the matter. D. The parties other than the complaining party shall have the right to make a written reply, which shall consist of a concise statement of any matter of defense to the complaint, and which shall be made within ten (10) days from the date the copy of the complaint is transmitted by the Grievance Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Grievance Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Part 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit. 104.7 Step 1 - Mediation or Resolution by the Grievance Chair A. After all parties have transmitted written statements to the Grievance Chair (or if the time for same has passed without a statement being transmitted), the Chair may attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Chair. Methods of mediation may include (without limitation) in-person contact, telephone contact, or communication by writing or e-mail. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the Chair of NTLMSC and the matter shall be considered resolved and final. B. If a party who is the subject of a complaint fails to make a reply, or if mediation is not invoked,**



then the Grievance Chair may act on the complaint as filed, or may take evidence or information from any source. The Grievance Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be reduced to writing and transmitted to the parties and to the Chair of NTLMSC. This shall constitute the Step 1 resolution of the complaint, and shall be considered final unless the subject of the complaint files a timely appeal as outlined below.

**104.8 Step 2 – Appeal to NTLMSC Chair and Hearing Procedure**

**A.** If no agreement can be reached, the party who is subject to the complaint may appeal the complaint by submitting a written statement of appeal within ten (10) days of receipt of the Step 1 decision to the Chair of NTLMSC. The appeal shall specify the factual or procedural objection(s) with the Step 1 decision. Upon receiving a timely appeal, the NTLMSC Chair shall convene a hearing panel to resolve the controversy. The NTLMSC Chair shall designate a minimum of three members of NTLMSC to act as a panel to resolve the grievance and all matters related thereto. The NTLMSC Chair shall designate one member of the panel to serve as a Hearing Chair to preside over the hearing and give counsel to the panel concerning procedural matters and NTLMSC Swimming and USMS rules.

**B.** The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Hearing Chair may appoint one member to take such evidence and report to the panel. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.

**C.** Upon completion of presentation of evidence, the hearing panel shall deliberate among themselves and by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the Chair of NTLMSC. If the hearing panel does not dismiss the complaint, it may deny membership in NTLMSC, censure, place on probation, suspend, fine or expel from NTLMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 4. If a person is expelled from NTLMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary. This shall constitute the Step 2 (final) resolution of the matter at the LMSC level.

**D.** Upon rendering of a final decision, the Hearing Chair shall notify all parties in writing of their right to appeal to the National Board of Review under Part 4. The NTLMSC may stay the imposition of any penalty pending appeal to the National Board of Review.