

**Adirondack District Masters Swimming  
(Adopted November 22, 2015)**

**ARTICLE 1. OBJECTIVES AND JURISDICTION**

1.1 Name and Objectives. The name of this committee shall be the Adirondack District Local Masters Swimming Committee. The objectives of the organization shall be to promote and develop swimming for the purposes of fitness, competition, and recreation for swimmers of all abilities, in accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS), and Adirondack Local Masters Swim Committee (LMSC).

1.2 Geographic Boundaries. Adirondack LMSC shall include the following New York State Counties: Albany, Chenango, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, St. Lawrence, Ulster, Warren, and Washington.

1.3 Jurisdiction. Adirondack LMSC shall have jurisdiction over the sport of Masters Swimming as has been delegated to it by USMS.

1.4 Indemnification. Each person who is or was a director, officer or employee of the LMSC (including heirs, executors, administrators or estate of such person) shall be indemnified by the LMSC as a division of U.S. Masters Swimming to the full extent permitted by the Nonprofit Corporation Law of the State of New York against liability, cost or expense incurred in the capacity as director, officer or employee, or arising out of the status as a director, officer or employee (including serving at the request of the LMSC as a director, trustee, officer, employee or agent of another non-for-profit organization).

**ARTICLE 2. MEMBERSHIP**

2.1. Classes of Membership:

A. Clubs

Clubs include organizations that conduct a program in swimming or are otherwise composed of persons joined together in support of swimming or some aspect of it.

I. Clubs shall have paid a membership fee that includes a national fee paid to USMS and a local fee established by the LMSC.

II. Each swim club shall appoint a representative to the LMSC. Such appointment shall be in writing, to the LMSC Secretary and duly certified by the Secretary of the appointing swim club. In the same manner, the appointing swim club may withdraw its representative (by written notice addressed to the Secretary of the LMSC and signed by the Secretary) and a new swim club representative may be appointed.

B. Individual members.

Individual members include athletes, coaches, officials, administrators, or other persons who:

I. are interested in the purposes or programs of the LMSC and

II. have completed and paid the required membership fee to the LMSC (which includes the fee to the USMS).

Individual members will receive a membership card certifying their membership. Members may attend all special and general meetings the LMSC.

## 2.2 Responsibilities.

Members shall:

A. elect officers;

B. ratify or rescind policy and programs established by the Board of Directors hereinafter defined;

C. amend the by-laws of the LMSC as hereinafter proscribed in Article 12.

## ARTICLE 3. GOVERNANCE

### 3.1 LMSC Board of Directors

A. Members. The LMSC Board of Directors shall consist of the following:

I. each officer of the LMSC (Chair, Vice Chair, Secretary, Treasurer, Registrar)

II. the immediate past Chair

III. a representative of each swim club that has joined and is in good standing.

IV. Committee Chairs. Wherever feasible, the Board of Directors shall represent a variety of geographic locations within the LMSC.

B. Responsibilities. The LMSC Board of Directors shall act for the LMSC and its members during the interval between general membership meetings, subject to the approval and ratification of the membership, except that it cannot amend these bylaws. The Board shall have the power and it shall have the duty.

I. to establish program and policy, subject to the ratification of the membership, and to lend direction thereto;

II. to establish the Review Section;

III. to develop and propose the annual budget of the LMSC to the membership for amendment and presentation;

IV. to call regular and special meetings of the LMSC Board of Directors;

V. to designate interim appointments to any officer vacancy occurring between regular elections until the next general, special, or annual meeting of the LMSC.

## ARTICLE 4. OFFICERS

4.1. Officers. The elected officers are the Chair, Vice Chair, Treasurer, Registrar and Secretary.

4.2 Eligibility. Only members of the LMSC are eligible to hold office.

4.3. Term of Office. Each officer shall serve a term of two years or until a successor is selected.

4.4 Nominations. The slate of officers to stand for the election will be prepared by a nominations committee consisting of at least three (3) LMSC members. The nominations committee shall be elected at the annual meeting. The slate of candidates shall be announced to the membership and additional nominations may always come from the floor at the annual, special, or any general meeting when an interim appointment has been made by the Board of Directors.

4.5 Elections. Election of nominated candidates shall be by a majority vote of those members present at the Annual Meeting and of completed proxy ballots returned to the Secretary by members unable to attend the Annual Meeting.

4.6 Duties. The duties of the officers are as follows:

A. Chair: The Chair shall be responsible for the day-to-day management of the business affairs of the LMSC. The Chair shall call general, special, or Board of Directors meetings when and where deemed necessary and shall preside at all meetings. In the absence of an active nominations committee s/he shall appoint committee chairs for each such standing and special committees as may be necessary to fill the duties and responsibilities of the LMSC, all with the advice and consent of Board of Directors.

B. Vice Chair: The Vice Chair has duties as assigned to him or her by the Chair and has all the power and performs the duties of the Chair if he or she is unable or incapable of performing such duties.

C. Treasurer: The Treasurer shall receive all monies and pay all the bills approved by the Board of Directors or authorized by a budget approved by the membership. The Treasurer is responsible for maintaining all financial records, including bank and checking records, and for making timely reports (at least annually) to the membership.

D. Registrar: The Registrar shall be responsible for registering all swimmers and preparing monthly reports.

E. Secretary: The Secretary shall be responsible for keeping a record of all meetings, conducting official correspondence, issuing meeting notices and minutes of meetings, and submitting such reports as shall be required by USMS.

4.7 Vacancies. Vacancies created for any reason in any office shall be filled by interim appointment by the Board of Directors until the next general or annual meeting.

4.8 Any elected officer may be removed from office, FOR CAUSE, by a simple majority vote at any special, regular, or annual meeting: such CAUSE shall include, but not limited to, dereliction of duties of the office, misappropriation of LMSC funds, civil or tort related to LMSC matters or conviction of a felony while in office.

## ARTICLE 5. MEETINGS

5.1 Annual Meeting. The annual meeting of the membership shall be held no later than December 1 of each year. When elections are held the new officers' terms shall begin no later than January 1 of the following year.

5.2 Special Meetings. Should the Chair fail to call regular membership meetings, or should a special membership meeting be deemed necessary, such a meeting may be called at any time upon the request of any three members of the Board of Directors.

5.3 Notices.

A. Time: not less than 15 days' notice must be given by Secretary for any annual or special meeting of the membership.

B. Information: the notice of a special, general or annual meeting shall contain the time, date, and site. For special meetings, the purpose of the meeting shall be stated.

5.4 Order of business. At all membership meetings and meeting of the Board of Directors, the following is the order of business:

A. Attendance

B. Reading, correction, adoption of minutes

C. Reports of the officers

- D. Reports of the committees
- E. Unfinished business
- F. Elections (as appropriate)
- G. New business
- H. Resolution and orders
- I. Adjournment

5.5 Quorum. A quorum necessary to conduct the business of the Board of Directors shall consist of the majority attendance of the Board. For special, general, regular, or annual meetings of the membership, a quorum shall consist of a minimum of five LMSC members exclusive elected officers.

5.6 Rules of Order. At all meetings, the current Roberts' Rules of Order shall be the procedural rules.

## ARTICLE 6. COMMITTEES

6.1. Committee Chairpersons. The committee chairs are selected by the Board of Directors. The committees shall consist of the following:

- A. Top Ten & Records
- B. Sanctions
- C. Open Water and Long Distance
- D. Officials
- E. Fitness/Learn to Swim
- F. Marketing

6.2. Membership. Members of all committees shall be appointed by the LMSC Chair with the advice and consent of the Committee chairs.

6.3. Ad Hoc Committees. The Board of Directors may appoint the chair and members to any ad hoc committees.

## ARTICLE 7. CONDITION OF COMPETITION

7.1. General. The condition of competition in any swimming event, and the rules governing it, shall be those established by USMS or the LMSC where its rules and regulations are not contrary to those of USMS.

## ARTICLE 8. CHAMPIONSHIPS

8.1. General. Swimming championships when possible will be held in accordance with the rules of USMS for the conduct of championships as described in the USMS rules.

## ARTICLE 9. DUES AND FEES

9.1. Athlete Registration. Each member, or each swimming club on its own behalf, pays to the registrar an annual fee established by the LMSC and USMS. The fee shall include a charge for insurance.

## ARTICLE 10. HEARINGS, APPEALS AND ATHLETE'S RIGHTS

10.1. Athlete's Bill of Rights. The LMSC, in accordance with the Rules of the USMS, shall respect and protect the right of every eligible individual to participate as an athlete, coach, trainer, manager, administrator, or other official in any Masters swimming competition, as long as such competition is conducted in compliance with reasonable local, national, and applicable international requirements.

### 10.2. Review Section.

A. The Board of Directors shall upon request, elect a Review Section comprised of no less than five members. Its may be conducted by an attorney-at-law retained by the Review Section and with the consent of the Board of Directors for that purpose. If the attorney is not a member of the USMS, s/he shall have no vote. The Chair of the Review Section shall be elected by its membership. A quorum for any hearing conducted by the Review Section shall be 50 percent of its membership, but in any event, no less than three.

B. General Jurisdiction. The Review Section may conduct hearings on any matter affecting USMS and the LMSC and arising solely within the boundaries of the LMSC and involving only members of the LMSC.

C. Appeal. The decision of the Review Section will be final in all cases, subject only to appeal t the Board of Directors of the LMSC at the option of the applicant and thereafter to the USMS National Board of Review.

10.3. Notice to Athletes. In each case, where a notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to the residence given in the application for registration; or if the athlete has filed a written notice of change of address with the Registrar, then at such changed address.

## ARTICLE 11. GRIEVANCE PROCEDURE

11.1 WHEREAS the Adirondack LMSC (the LMSC) has determined that a written grievance procedure is needed to implement the policies of United States Masters Swimming (USMS) as expressed in the Rules of USMS concerning member rights and standards of conduct under Article 402 thereof (hereinafter "Article 4"),

The following grievance procedure is adopted by the Adirondack LMSC:

### A. Grounds for Grievances

Any individual member of the LMSC and/or any Club member of the LMSC may bring a complaint on any matter for which grievances may be heard under Article 4. Specifically, complaints may be brought alleging unsporting conduct, defined in Article 4 as:

I. Violation of the opportunity to participate, as set forth in Article 4.

II. Discrimination in violation of Article 5 of the Rules of USMS.

III. Any act of fraud, deception or dishonesty in connection with any USMS related activity.

IV. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event.

V. Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

## **Complaint Procedure**

1. 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 Grievance Chair.
2. Upon receipt of a complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Article 4 and involves a person or entity which is part of the LMSC. If the Grievance Chair determines that the complaint does not meet such criteria, 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 the LMSC.
3. 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 makes the complaint, the USMS member or entity that is the subject of a complaint, and, if appropriate, the LMSC. 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.
4. 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 twenty 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 Article 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

## **Mediation or Resolution by the Grievance Chair**

1. 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 shall 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 LMSC Chair.
2. If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Grievance Chair may proceed to mediation under this section, or to a hearing under the following section.
3. If no party who is the subject of a complaint makes a reply, 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 LMSC Chair.

### **Hearing Procedure**

1. If no agreement can be reached, the Grievance Chair shall convene a hearing panel to resolve the controversy. The Grievance Chair shall designate three members of the LMSC to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.

2. 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 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.

3. Upon completion of presentation of evidence, the hearing panel shall, 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 LMSC Chair. If the hearing panel does not dismiss the complaint, it may deny membership in the LMSC, censure, place on probation, suspend, fine or expel from LMSC 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 the LMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary.

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

### **ARTICLE 12. MISCELLANEOUS**

12.1. Amendments. Any provision of these by-laws not proscribed by USMS, may be amended at any meeting of the membership of the LMSC by a two-thirds vote of the members voting. At least thirty days' notice must be give to every member of the proposed amendments.

12.2. Fiscal year. The fiscal year of the LMSC shall correspond to the calendar years.

12.3. Mailing address. The LMSC must submit a permanent mailing address for use by national headquarters.

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

shall be distributed to such a corporation, to be used exclusively for educational and charitable purposes.