

USA SWIMMING
RULES & REGULATIONS COMMITTEE

**2021 PROPOSED AMENDMENTS
TO USA SWIMMING RULES & REGULATIONS**

Prepared by Clark Hammond (Chair),

Mickey Smythe (Secretary)

*Version: SPECIAL MEETING OF THE HOUSE OF DELEGATES
September 25, 2021 / Meeting Packet*

1. The legislative items will be considered in block order.
2. Sections A and B will be considered as omnibus motions, except for those items pulled for discussion. Within the block, delegates will be given the opportunity to pull items.
3. To pull an item, type "PULL R-#" in the "Ask a Question" box with your name and LSC or committee in the LUMI Global platform. Anonymous requests will not be recognized.
4. Items pulled will be considered in numerical order after the respective omnibus motion.
5. Omnibus motions are in the affirmative as motions to approve the block of items.
6. Other motions should generally be stated in the affirmative.
7. Any amendment requires simple majority for approval. The subsequent amended main motion will require the original percentage (majority, 2/3 or 90%). An entirely new item will require 90% for adoption.
8. If you wish to speak to an item, please reference the attached LUMI Global instructions. Anonymous requests will not be recognized. Please use the following action terms:
 - PULL (and the item number) = pull an item
 - PRO = speak for a motion
 - CON = speak against a motion
 - AMEND = make an amendment
 - CALL = move the previous question
 - OBJECT = raise an objection
 - POINT = point of order
 - QUESTION = request information
 - SECOND = second a motion
 - REMOVE = be removed from speaking
9. The LUMI Global platform will be used for all voting matters.
10. A main motion may only have two amendments pending at any one time.

Considered as a block EXCEPT for any items pulled.

A	Description	Location	R&R Rec	Required
R-1	To update the composition and athlete representative requirements of the National Board of Review to provide for 1/3 members who meet the USOPC's definition of "athlete representative".	402.1	Approval	50%
R-2	To update the composition and athlete representative requirements of the National Board of Review to provide for 1/3 members who meet the USOPC's definition of "athlete representative".	407.1.4	Approval	50%

Considered as a block EXCEPT for any items pulled.

B	Description	Location	R&R Rec	Required
R-3	To provide for a USA Swimming Coach Advisory Council (CAC)	(new) 501.1.2	Approval	2/3
R-4	To allow USA Swimming's House of Delegates to comply with USOPC Bylaw requirements	Corporate Bylaws 6.1.1 thru .9	Approval	2/3

According to *Robert*, "an amendment must be germane to be in order. To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied. A secondary amendment must relate to the primary amendment in the same way. An amendment cannot introduce an independent question; but an amendment can be hostile to, or even defeat, the spirit of the original motion and still be germane."

USA SWIMMING
RULES & REGULATIONS COMMITTEE
PROPOSED
AMENDMENTS TO RULES AND REGULATIONS
FOR THE SEPTEMBER 25TH
SPECIAL MEETING OF THE HOUSE OF DELEGATES

R-1	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 1 **Location:** Page 93 – **402.1 – National Board of Review**
- 2 **Proposed by:** Board of Directors
- 3 **Purpose:** To update the composition and athlete representative requirements of the National Board of Review to
- 4 provide for 1/3 members who meet the USOPC’s definition of “athlete representative”.
- 5 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 6 **Effective Date:** September 25, 2021

ARTICLE 402
BOARD OF REVIEW MEMBERSHIP

9 **402.1 NATIONAL BOARD OF REVIEW** — The Chair and one or more Vice Chair(s) of the National Board of Review shall

10 be appointed by the Board Chair, with the advice of the Secretary & General Counsel. The term of the Chair and Vice Chair(s)

11 shall be two years with a limit of five (5) full terms each may serve. Each case submitted to the National Board of Review shall be

12 assigned by the Chair of the National Board of Review to a panel consisting of members of the National Board of Review

13 Committee, unless conflicts or other reasons require panel members who are not members of such Committee. Each hearing

14 panel shall consist of not fewer than three (3) members and not more than five (5) members, ~~one of whom shall be an athlete~~

15 ~~member, to hear and decide the case~~ with a sufficient number of eligible athlete representatives so as to satisfy the requirement

16 that such athletes constitute one third (33.3%) of the hearing panel, to hear and decide the case. The appointment of any

17 member to a hearing panel who is not a member of the National Board of Review Committee shall be confirmed by the Board

18 Chair and the Secretary & General Counsel.

R-2	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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- 19 **Location:** Page 98 – **407.1 – Procedure**
- 20 **Proposed by:** Board of Directors
- 21 **Purpose:** To update the composition and athlete representative requirements of the National Board of Review to
- 22 provide for 1/3 members who meet the USOPC’s definition of “athlete representative”.
- 23 **Recommendation:** *The Rules and Regulations Committee recommends approval.*
- 24 **Effective Date:** September 25, 2021

ARTICLE 407
APPEAL FROM NATIONAL BOARD OF REVIEW TO BOARD OF DIRECTORS

27 **407.1 PROCEDURE**

28 .1-.3 [no changes]

29 .4 Unless the Board of Directors by majority vote decides otherwise, the review by the Board of Directors shall be on the basis

30 of the record and written briefs and shall not be a de novo hearing. The Secretary & General Counsel may establish a

31 hearing panel consisting of at least five (5) members (all of whom must be members of the Board of Directors and at least

32 ~~twenty percent (20%)~~ one third (33.3%) of whom must be ~~athlete members~~ 10-Year Athlete representatives) to hear any

33 appeal, including appeals conducted as *de novo* hearings. The decision of the hearing panel shall be final with the same

34 force and effect as if the full Board of Directors heard the matter.

R-3	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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35 **Location:** Page 103 – **501.1 Operating Committees**
36 Page 5 – **4.1 General Membership**

37 **Proposed by:** Shawn Smith – Age Group Development Committee
38 Lauren Hurt – Club Development Committee
39 Allison Beebe – Senior Development Committee
40 Beth Winkowski – Senior Development Committee
41 Herb Schwab – Rules & Regulations Committee
42 Andrew Gemmell – International Relations Committee
43 Lucy Duncan – Credentials/Election Committee

44 **Purpose:** To provide for a USA Swimming Coach Advisory Council.

45 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

46 **Effective Date:** September 25, 2021

47 **501.1 OPERATING COMMITTEES** — the following committees shall report to the President/CEO (or his/her designee):

48 .1 [no changes]

49 **.2 COACH ADVISORY COUNCIL**

50 A The Coach Advisory Council (CAC) shall consist of eighteen (18) voting members comprised of the following:

51 (1) Twelve (12) coaches, with no less than three (3) from each gender, who are USA Swimming non-athlete coach
52 members in good standing directly elected by USA Swimming non-athlete coach members in good standing. A
53 minimum of one (1) individual from each zone’s geographic area shall be maintained among the members who
54 are elected under this provision; and

55 (2) Six (6) 10-Year Athlete representatives and/or 10-Year+ Athlete representatives appointed by the AAC.

56 B The CAC non-athlete coach members shall be elected in accordance with the CAC Policy Manual.

57 C The Chair, Vice-Chair, and Secretary shall be elected by its voting members.

58 D Each CAC non-athlete coach member shall serve a three (3) year term, staggered so that one-third (33.3%) of such
59 members are elected each year.

60 E The CAC shall lead, direct, and represent the voice, opinions, and viewpoints of all non-athlete coach members within
61 USA Swimming.

62 [re-number remaining]

R-4	ACTION:	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Pulled
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63 **Location:** Page 13 – **Corporate Bylaws Article 6.1 Organization**

64 **Proposed by:** Shawn Smith – Age Group Development Committee
65 Lauren Hurt – Club Development Committee
66 Allison Beebe – Senior Development Committee Chair
67 Beth Winkowski – Senior Development Committee
68 Herb Schwab – Rules & Regulations Committee
69 Andrew Gemmell – International Relations Committee
70 Lucy Duncan – Credentials/Election Committee

71 **Purpose:** To allow USA Swimming’s House of Delegates to comply with USOPC Bylaw requirements.

72 **Recommendation:** *The Rules and Regulations Committee recommends approval.*

73 **Effective Date:** September 26, 2021. The provisions of the legislation shall automatically terminate as of September 30,

74 2023 unless the House of Delegates agree by a majority vote to extend these provisions for an additional
75 one-year period prior to the aforementioned date.

76 **ARTICLE 6**
77 **HOUSE OF DELEGATES**

78 [Effective until September 30, 2023 unless the House of Delegates agrees by a majority vote to extend for an additional one-year
79 period prior to the aforementioned date, or adopt as permanent legislation by a two-thirds (2/3) vote.]

80 **6.1 ORGANIZATION MEMBERS** – the following shall be the voting members of the House of Delegates:

- 81 .1 All voting members of the Board of Directors; ~~Zone Directors, the National Team Steering Committee, the National Team~~
82 ~~Athletes Committee, the Age Group Development Committee, the Rules & Regulations Committee, the~~
83 ~~Registration/Membership Committee, the Credentials/Elections Committee, the Senior Development Committee, and past~~
84 ~~USA Swimming Presidents or Board Chairs (as applicable) shall be members of the House of Delegates. Membership on~~
85 ~~any committee notwithstanding, USA Swimming employees shall not be members of the House of Delegates.~~
- 86 .2 Coach Director, Non-Coach Director, Athlete Director, and the Junior Athlete Representative from each Zone;
- 87 .3 Four (4) LSC Athlete Representatives (as defined in the then current Required LSC Bylaws) from each Zone selected by the
88 Athlete Director and the Junior Athlete Representative from each Zone;
- 89 .4 Three (3) non-coach, non-athlete members from each Zone selected by each respective Zone's Coach and Non-Coach
90 Directors;
- 91 .5 Seven (7) members of the Rules & Regulations Committee to include the Committee Chair, one (1) athlete member, and
92 five (5) non-athlete members selected by the voting members of the Committee;
- 93 .6 All coach members of the National Team Steering Committee;
- 94 .7 Ten (10) members of the Age Group Development Committee to include at least five (5) coach members, three (3) non-
95 athlete members, and two (2) athlete members selected by the voting members of the Committee;
- 96 .8 Ten (10) members of the Senior Development Committee to include at least five (5) coach members, three (3) non-athlete
97 members, and two (2) athlete members selected by the voting members of the Committee;
- 98 .9 Seven (7) non-athlete coach members of the Coach Advisory Council selected by the voting members of the Council;
- 99 .~~210~~ The Thirteen (13) members of the AEC, Athletes' Executive Committee and ten (10) National Representatives, five (5) being
100 appointed each year by the Athletes Chair and each serving a two (2) year term, shall be members of the House of
101 Delegates. The National Representatives and their alternates must at the time of their appointment be engaged in senior
102 swimming, or have competed in USA Swimming Championships within five (5) years preceding their appointment. The
103 Board Chair may appoint, from a slate of nominees submitted by the Athletes Committee, such further at-large athlete
104 members so as to bring the total athlete representation in the House of Delegates to at least twenty percent (20%).
- 105 .3 ~~The following from each LSC shall be members of the USA Swimming House of Delegates: the chair of its Administrative,~~
106 ~~Senior, and Age Group divisions; the athletes' representative to the LSC; the coaches' representative to the LSC; and its~~
107 ~~General Chair. An alternate for each of the delegates may also be elected. Information that may be of assistance to the~~
108 ~~House of Delegates at its next meeting shall be provided in a conspicuous place on the website.~~
- 109 .11 One (1) non-coach, non-athlete member from each LSC as selected by each respective LSC's Board of Directors;
- 110 .12 Three (3) non-athlete coach members from each LSC as selected by each respective LSC's Board of Directors, except that
111 the five (5) LSCs with the smallest number of registered athletes shall select two (2) non-athlete coach members and the
112 five (5) LSCs with the largest number of registered athletes shall select four (4) non-athlete coach members. The size of the
113 LSCs shall be determined by the number of registered athletes as of August 31 of the prior calendar year;
- 114 .4 ~~Any organization, as set forth in 2.3.2 of these Bylaws, which conducts a program in competitive swimming, or which is~~
115 ~~composed of persons joined together in support of swimming or some aspect of it, may make application for membership to~~
116 ~~USA Swimming. The Board of Directors or its designee shall determine whether an organization meets the criteria set forth~~
117 ~~in this Article and may recommend ratification of membership by the House of Delegates. Additionally, if the organization is~~
118 ~~national in character, the Board of Directors or its designee may recommend to the House of Delegates that the~~
119 ~~organization be allowed to appoint a maximum of five (5) members to the House of Delegates.~~
- 120 .13 A sufficient number of 10-Year Athletes and 10-Year+ Athletes whose voting power shall constitute one-third (33.3%) of the
121 total House of Delegates and shall include the voting members of the AAC, the 10-year Athlete members of the AEC, and

- 122 the 10-year Athlete members of the Board of Directors. This may be achieved by actual votes or by weighted voting. A
123 minimum of twenty percent (20%) must be 10-Year Athlete representatives and the remainder may be 10-Year+ Athlete
124 representatives; any weighted voting must preserve these proportions.
- 125 .14 10-Year Athlete representatives and 10-Year+ Athlete representatives shall be directly elected by athletes who meet the
126 same standards as 10-Year Athletes.
- 127 ~~.5 The United States delegates to, and swimming technical committee members of, the Federation Internationale de Natation
128 and the Union Americana de Natacion shall automatically be members of the House of Delegates.~~
- 129 ~~.6 Each of the Armed Forces may appoint one (1) member, provided it is actively engaged in senior swimming activity.~~
- 130 ~~.7 The Board Chair, in consultation with the National Team Steering Chair, shall appoint, on an annual basis, twenty five (25)
131 members selected from coaches who had athletes that qualified for the preceding Olympic Trials and from members that
132 served as the manager or assistant manager on a national team or junior national team trip within the past four (4) years.
133 The appointments shall provide for a reasonable geographic representation of USA Swimming Membership.~~
- 134 ~~.8 The Board Chair shall be empowered to appoint up to ten percent (10%) of the total membership as members of the House
135 of Delegates. One fourth (1/4) of all those appointed shall be appointed in equal numbers from members, other than
136 athletes, of the five (5) LSCs having the largest number of registered athletes as of August 31 of the prior calendar year.~~
- 137 .915 All members of the House of Delegates shall serve until their successors are selected, except that membership may be
138 terminated by resignation filed with the Secretary. All LSC members under 6.1 must be selected on or before July 1 of each
139 year and written certification thereof must be sent to the Secretary on or before July 15. No substitution of a member may
140 be made unless written certification thereof is given to the Convention Credentials Committee Chair on or before the House
141 of Delegates is called to order.
- 142 .16 Membership on any committee notwithstanding, USA Swimming employees shall not be members of the House of
143 Delegates.