

SUMMARY OF CHANGES TO REQUIRED LSC BYLAWS

2019-2022

The following change was made by the USA Swimming House of Delegates, effective January 1, 2023, to require all LSC House of Delegates members to be members of USA Swimming:

- 4.1 MEMBERS - The House of Delegates of XXSI shall consist of the Group Member Representatives, the Board of Directors Members, *certain committee chairs and coordinators*, the Non-Athlete At-Large House Members, and the Athlete At-Large House Members *appointed or elected* [select one].
 - .1 GROUP MEMBER REPRESENTATIVES - Each Group Member in good standing shall appoint from its membership a Group Member Representatives *and one or more alternates for each*. The appointment shall be in writing, addressed to the Secretary of XXSI and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw *one or more of* its Group Member Representatives or *one or more of* its alternates and substitute a new Group Member Representatives or new alternates by written notice, addressed to the Secretary of XXSI and signed by the chief executive officer or secretary of the appointing Group Member. The representatives of any Group Member are not required to be Individual Members of XXSI or USA Swimming.
- 6.3 ELIGIBILITY - Only Individual Members of XXSI and USA Swimming in good standing with XXSI and USA Swimming shall be eligible to hold office and must maintain their eligibility throughout their term of office.

The following change was made by the USA Swimming House of Delegates, effective January 1, 2023, to add the Diversity, Equity & Inclusion (DEI) Chair/Coordinator as a member of the LSC Board of Directors:

- 5.1.12 Diversity, Equity and Inclusion (DEI) Chair/Coordinator

Footnote: Insert the DEI Chair/Coordinator into the proper section of 6.2.3 as appropriate for your LSC.

The following change was made by the USA Swimming House of Delegates, effective September 26, 2020, for those LSCs whose states of incorporation permit electronic meetings:

- 4.8 MEETING LOCATION AND TIME - All meetings of the House of Delegates shall take place at a site within the Territory. The House of Delegates or the Board of Directors shall determine the location and time of all meetings of the House of Delegates. If federal, state, or local law, policy, or regulation prohibits physical gathering sufficient to conduct a House of Delegates meeting within the Territory, a House of Delegates meeting may be conducted through conference equipment by means of which all persons participating in the meeting can hear each other at the same time. In that circumstance, participation by such means shall constitute presence at that meeting.

The following are changes made as a result of the House of Delegates eliminating the Zone Boards of Review (effective January 1, 2020):

- 2.1.2 MEMBERSHIP A PRIVILEGE NOT A RIGHT - Membership in XXSI and USA Swimming is a privilege and shall not be interpreted as a right. Membership may be terminated by the Zone Board of Review, National Board of Review or the U.S. Center for SafeSport in accordance with Part Four of the USA Swimming Rules and Regulations.
- 4.5.9 Remove from office any persons elected by the House of Delegates (Board Members, *members of the Administrative Review Board*, or committee chairs or coordinators) who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the Zone National Board of Review for any of the reasons set forth in Article 404.13 of USA Swimming Rules and Regulations. However, no such individual may be removed without receiving thirty (30) days' written notice by the Secretary or other officer designated by the House of Delegates specifying the alleged deficiency in the performance of the member's responsibilities or specific official duties or other reason and an opportunity to respond in writing within twenty (20) days to such allegations.

- 5.6.10 Remove from office any Board Members, committee chairs, or committee members or coordinators of XXSI who were appointed/elected by the Board and who have failed to attend to their official duties or member responsibilities or have done so improperly, or who would be subject to penalty by the **Zone National** Board of Review for any of the reasons set forth in Part Four of the USA Swimming Rules and Regulations. However, no At-Large Board Member, or committee chair or coordinator may be removed without receiving the thirty (30) days' written notice specifying the alleged deficiency in the performance of the member's responsibilities or specific official duties or other reasons and an opportunity to respond in writing within twenty (20) days to such allegations.
- 10.2 EXCLUSION - The indemnification provided by this Article 10, shall not apply to any Indemnified Party whose otherwise indemnified conduct is finally determined to have been in bad faith, self-dealing, gross negligence, wanton and willful disregard of applicable laws, rules and regulations, of the USA Swimming Rules and Regulations, of the USA Swimming Code of Conduct or these Bylaws or who is convicted of a crime (including felony, misdemeanor and lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or who is found by the **Zone Board of Review**, National Board of Review or the U.S. Center for SafeSport to have committed actions which would be the basis for such a conviction and, in each case, the otherwise indemnifiable conduct (or failure to act) was, or was directly related to, the predicate acts of the conviction or finding.
- 13.3.4 Timeliness of Petition - The Administrative Review Board need not exercise its jurisdiction with respect to a complaint the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the complaint is received. A determination not to exercise its jurisdiction as a result of the untimeliness of a complaint may be made by the Chair alone and may be the subject of a request for rehearing and, thereafter, appeal to the **Zone National** Board of Review pursuant to Part Four of the USA Swimming Rules and Regulations.
- 14.2.20 – **Zone Board of Review (delete definition)**

The following changes are corrections made to the original template (effective 2019):

- 2.1.1 MEMBERS - A Member's status is subject to the Member's continued satisfaction of the criteria for membership and compliance with the Member's responsibilities under these Bylaws, the USA Swimming **Rules and Regulations Corporate Bylaws**, the rules, regulations, policies, procedures and code of conduct of XXSI and USA Swimming.
- 2.2.2 RESPONSIBILITY FOR INFRACTIONS - A Group Member or Individual Member, as defined in USA Swimming **Rules and Regulations Corporate Bylaws**, may be held responsible for infractions of the policies, procedures, rules, regulations or codes of conduct or ethics adopted by USA Swimming or XXSI, including its responsibilities as set forth in these Bylaws.
- 4.1 MEMBERS - The House of Delegates of XXSI shall consist of the Group Member Representatives, the Board of Director Members, **the certain** committee chairs and coordinators, the Non-Athlete At-Large House Members, and Athlete At-Large House Members *appointed or elected* [select one].
- 5.4.1 *No more than* [insert a number] *Members of any Group Member shall serve* **[as voting members]** *on the Board of Directors at any time. This limitation shall be applied separately as to Athlete Members and Non-Athlete Members.*
- 13.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws. These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section **602.2** and Part Four of the USA Swimming Rules and Regulations, are intended to provide a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. *[no further change]*