

BY-LAWS of THE SOUTH TEXAS ASSOCIATION OF
UNITED STATES MASTERS SWIMMING

Adopted 4/6/2013

ARTICLE 1 – GENERAL

- 1.1 **Objectives.** The objectives of this Association are to promote and develop swimming for the benefit of swimmers of all abilities, in accordance with the standards and under the rules prescribed by United States Masters Swimming Inc. (USMS) and this Association.
- 1.2 **Name and Jurisdiction.** This Association is named the South Texas Local Masters Swim Committee (STLMSC). USMS delegates jurisdiction of the sport of Masters Swimming to the STLMSC over an area as defined in Appendix D of the USMS Rule Book.

ARTICLE 2 - MEMBERSHIP

- 2.1 **The membership of the STLMSC shall consist of the following:**
- 2.11 Club Members
- (a) Those swim clubs for Masters swimmers registered by, and in good standing with, the STLMSC.
 - (b) Each Club in good standing shall select a representative to the STLMSC. The Club shall submit the name of its representative to the STLMSC registrar. Club representatives must be members of the club they represent and be in good standing with STLMSC and USMS.
- 2.12 Individual Members
- (a) Individual members are persons who are registered with the STLMSC.
 - (b) Individuals need not reside in the STLMSC territory to register with the STLMSC.
- 2.2 **Rights and Responsibilities of Individual Members**
- 2.21 Each individual member has the right to:
- (a) Vote in the election for Board of Directors of the STLMSC.
 - (b) Participate in the annual general membership meeting.
 - (c) Vote for resolutions at the General Membership meeting.
 - (d) Propose amendments to the by-laws of the STLMSC and vote on said amendments.
 - (g) Participate in sanctioned competitions and pay any required fees or dues.

ARTICLE 3 – BOARD OF DIRECTORS

3.1 STLMSC Board of Directors.

3.11 The Board of Directors (the Board) shall consist of the following Officers:

- Chair
- Vice Chair/Sanctions
- Treasurer
- Registrar
- Secretary/Top Ten Recorder
- Parliamentarian
- Five(5) At-Large members

3.12 An Individual may only hold one position on the Board. Only members of USMS and the STLMSC currently registered and in good standing are eligible to hold office.

3.13 Board of Directors Officers and At-Large members shall be elected for a term of 2 years.

3.14 Elections will take place at the general membership meeting during odd number years.

3.2 Duties of the Board of Directors

3.21 The Duties of the Board of Directors include, but are not limited to the following items:

- (a) Appoint delegates to represent the STLMSC at the national convention.
- (b) Conduct an Annual Meeting of the STLMSC.
- (c) Approve any contract or expenditure with potential exposure in excess of \$500.
- (d) Form committees as needed to perform the duties of the STLMSC.
- (e) Delegate the authority to manage the operations of the STLMSC to the Chair, within the confines of these by-laws.
- (f) Propose and implement policies and procedures to assist in management of the STLMSC consistent with these by-laws.
- (g) Designate the board members authorized to signed STLMSC checks.
- (h) Delegate authority to the treasurer to issue checks for miscellaneous expenses within limits established in the policy and procedures. Payments of national organization fees or dues are not subject to check writing limits.
- (i) Establish STLMSC sanction fees, team and individual membership fees.
- (j) Appoint members to standing committees.
- (k) Appoint members to ad hoc committees as needed.

ARTICLE 4 - OFFICERS

4.1 The officers of the STLMSC and their duties are as follows:

4.11 Chair:

- (a) Manage the day to day business activities of the STLMSC as delegated by the Board.
- (b) Schedule the Board of Directors meetings, Annual Meeting, and any other meetings of the general membership when and where deemed necessary.
- (c) Preside at Board meetings
- (d) Approve any contract or expenditure with potential exposure of less than \$500.
- (e) Ensure that the duties of the other members of the Board of Directors are being performed.

4.12 Vice-Chair:

- (a) Perform the duties of the Chair in the absence of the Chair.
- (b) Assume position of Chair if the position is vacated.
- (c) Sanction competitions, clinics, and other special events within the sanctioning guidelines established by USMS held within the jurisdiction of the STLMSC.

4.13 Secretary:

- (a) Issue notices of meetings.
- (b) Act as records custodian.
- (c) Take minutes at all meetings and prepare them for inspection by the membership at large.
- (d) Prepare official correspondence.
- (e) Make reports as may be required by USMS.
- (f) Send Annual reports to USMS.
- (g) Act as Top Ten tabulator for the STLMSC.

4.14 Treasurer:

- (a) Receive all monies and pay all bills approved by the Board of Directors.
- (b) Maintain all financial records including banking and checking accounts. STLMSC checking accounts must be maintained in a separate checking account in the name of South Texas Masters Swimming. STLMSC funds must not be co-mingled with any personal funds.
- (c) Prepare an annual financial report for presentation at the General Membership meeting.
- (d) Prepare an annual financial report at the end of each year and submit it to the Secretary of USMS as required by USMS.

4.15 Registrar:

- (a) Register all individual members and clubs within the STLMSC.

- (b) Forward to USMS the names, addresses and other pertinent information of all individuals and clubs registered with the STLMSC.
- (c) Maintain the STLMSC roster of individuals and clubs. The official roster shall be the list of individuals and clubs maintained in the approved registration format or software provided by USMS.

4.16 **Parliamentarian:**

- (a) Interpret the by-laws in case of a dispute.
- (b) Maintain order at all meetings.
- (c) Act as Sergeant-at-Arms and maintain order at all meetings of the Board of Directors.
- (d) Review all grievances filed with the secretary and if necessary request the Chair form a committee to hear the grievance.
- (e) Parliamentarian/Sergeant-at-Arms shall only vote on items before the Board or General Membership in the event of a tie vote after all other ballots are cast.

4.2 Vacant Offices

4.21 The Chair shall declare an office to be vacant if:

- (a) The officer is no longer a member of the STLMSC.
- (b) The officer resigns the office.
- (c) The Board of Directors votes to declare that the duties of the office no longer being performed.

4.22 Before declaring an office vacant, the Board shall do the following:

- (a) Send a registered letter to the officers in question stating that belief and requesting a response to be delivered to the Secretary, or a designated member of the board.
- (b) If no response is received within fourteen (14) days from the day of postmark the office shall be declared vacant.
- (c) If a respondent disputes the claim, then a meeting of the Board of Directors shall be called to consider the issue.

4.3 Recall of Officers

4.31 A member of the Board of Directors may be recalled from office by the general membership by the following procedures:

- (a) A petition containing signatures of 10% of STLMSC registered members must be presented to the Secretary or a designated board member with a request to recall the Director in question,
- (b) The Parliamentarian will validate the petition and verify that the required signatures are legitimate:
- (c) If the petition is valid, a recall election by the general membership will be conducted by the election committee.

- (d) A Director will be considered recalled if the number of votes in favor of a recall exceeds the votes against a recall.
- (e) If a Director is recalled, the position will be declared vacant and a replacement will be appointed.

4.3 Filling Vacancies

- 4.31 In the event the office of Chair becomes vacant, the Vice-Chair will become Chair.
- 4.32 In the event an office other than Chair becomes vacant, that vacant office shall be filled by appointment by the Board of Directors for the remainder of the term. Replacements for vacant at-large Board positions shall appointed by the Chair.

ARTICLE 5 - MEETINGS

5.1 Meetings shall be scheduled in the following manner:

- 5.11 Meetings of the Board of Directors may be called by the Chair, or by any four members of the Board of Directors, by notifying the Secretary. The Secretary shall schedule the meeting and send notice to members of the Board at least 10 days prior to the meeting. The Chair or members calling the meeting shall establish the agenda for the Board Meeting.
- 5.12 Special meetings of the general membership may be called by the Chair, Board of Directors, or by a petition of 10% of the individual membership to be submitted to the Secretary. Notice of a special general membership meeting must be made thirty days (30) prior to the meeting. Proper notice to each member shall be by either mail or email to membership.
- 5.13 The notice of the meeting shall contain the purpose, time, date, and the site of the meeting.

5.2 Annual Meeting of STL MSC

- 5.21 There shall be a Annual Meeting held within the first six months of the year, open to all registered STL MSC members.
- 5.22 The Board of Directors may vote to move the Annual Meeting to a specific date outside the first six months of the year. Such a vote must occur within the first six months of the year.

5.3 Order of Business - The agenda of the Annual Meeting will be as follows:

- Roll Call
- Reading, correction, adoption of minutes

Reports of officers
Reports of committees
Unfinished business
Elections when appropriate
New business
Resolutions and orders
Adjournment

5.4 Quorum

- 5.41. A quorum at the Annual General Membership meeting shall be all individual members present and eligible to vote.
- 5.42 Quorum at a meeting of the Board of Directors shall be at least 4 members present. A member may be considered present if participating in the meeting via phone.

5.5 All meetings shall follow the current Roberts' Rules of Order.

ARTICLE 6- SANCTIONS FOR, AND CONDITIONS OF, COMPETITION

- 6.1 Conditions** - The conditions of competition in any swimming event/ championship and the rules governing it are those established by USMS and the STLMSC where its rules and regulations are not contrary to the rules of USMS.
- 6.2 Sanctions** - Only registered Clubs in good standing or individuals in good standing registered with USMS may receive a sanction from STLMSC.
- 6.3 Registration** -- Registration for any sanctioned meet within the STLMSC will be conducted by the STLMSC registrar or the registrar's appointee.

ARTICLE 7 - DUES AND FEES

7.1 The Board of Directors will set dues and fees.

- 7.11 Clubs - Each Club shall submit an approved application and pay to the Registrar an annual fee established by the STLMSC Board of Directors.
- 7.12 Individual - Each individual member shall submit an approved application and pay to the Registrar an annual fee established by the STLMSC which covers the USMS fee, and the local STLMSC fee established by the STLMSC Board of Directors.
- 7.13 All Fees and dues paid are non-refundable.

7.2 Sanctions

- 7.21 Sanction fees shall be established by the Board of Directors.
- 7.22 Each applicant for sanction shall submit at time of application any fees and documents as required by the STLMSC.
- 7.23 In addition to, or in place of, a sanction fee, the Board of Directors may establish a service charge consistent with the nature of the event.
- 7.24 All Fees and dues paid are non-refundable

ARTICLE 8- COMMITTEES, DELEGATES AND ELECTIONS

8.1 Standing Committees

- 8.11 STLMSC may establish standing committees, including the Election Committee and the Rules Committee.
- 8.12 The Chair shall not serve on standing committees.
- 8.13 The Election Committee shall be comprised of no less than one (1) member. The Chair shall appoint the committee members, The election committee shall elect the chair, be responsible for receiving nominations, preparing the official ballot, certifying the roster of eligible voters and conducting elections.
- 8.14 The Rules Committee shall be comprised of no less than one (1) member. The Chair shall appoint the committee members, one of whom shall be the parliamentarian. The Rules Committee will elect a chair and consider all changes to STLMSC policy and approve all proposed amendments to the by-laws before they are presented to the general membership for ratification.

8.2 Other Committees - Other Committees may be formed and appointed as deemed necessary by the Chair with advice and consent of the Board of Directors.

8.3 Delegates to National Convention

- 8.31 The Board of Directors shall select members to represent the STLMSC at the National Convention each year.
- 8.32 The Board shall decide the number of delegates to send and to what extent expenses shall be reimbursed.

8.4 Elections

- 8.41 Elections for officers shall be conducted during odd number years at the Annual General Membership meeting.
- 8.42 The following offices of the Board of Directors shall be elected at the general membership meetings: Chair, Vice-Chair, Treasurer, Secretary, Registrar, and Parliamentarian.
- 8.43 The club representatives shall elect the 5 At-large members. The Election Committee shall accept nominations for at-large members from the club representatives. The Election Committee will prepare a ballot and distribute it to the club representatives. The Election Committee will set the submission deadline and conduct an election of at-large members by distributing a ballot to the club representatives. The Election Committee will ensure no more than 2 at-large members on the ballot are from the same club.
- 8.44 The STLMSC shall operate on the concept of "one person, one vote".

8.5 Nominations

- 8.51 The Election Committee shall call for nominations at least 60 days in advance of the election. Any member of the STLMSC may submit nomination in writing to the Election Committee.
- 8.52 Nominations must be received by the committee at least thirty (30) days in advance of an announced election. The slate of candidates to stand for election will be presented by the Election Committee at the STLMSC Annual General Membership Meeting during years in which elections are held.

8.6 Members Eligible to Vote - Only individual members registered with the registrar 30 days in advance of an announced election shall be eligible to vote in that scheduled election.

8.7 Ballots

- 8.71 The Election Committee will prepare an official ballot and distribute the ballot to the membership prior to the scheduled election.
- 8.72 The Election Committee is responsible for ensuring the election is conducted by secret ballot.
- 8.73 The Election Committee shall verify that all votes cast are valid and an individual member has submitted only one ballot.
- 8.74 The Election committee will determine the means of collecting Ballots from STLMSC members.

8.75 In the event a candidate is unopposed for office, then the candidate may be elected by the members in attendance at the General membership meeting and no ballots are required to be distributed to the membership.

8.8 Election Results - The person receiving the most votes cast for an individual office shall be elected to that office.

ARTICLE 9 - ATHLETE'S RIGHTS, GRIEVANCES, AND RESOLUTION

9.1 Athlete's Bill of Rights - The STLMSC shall protect the right of every individual who is eligible under reasonable local, national, and applicable international Masters Swimming rules and regulations to participate as an athlete, coach, trainer, manager, administrator, or other official in any Masters Swimming program, so long as such program is conducted in compliance with reasonable local, national, and applicable international requirements.

9.2 Grievances

9.21 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 402 of the Rules of USMS as:

- (a) Violation of the opportunity to participate, as set forth in Article 402.
- (b) Discrimination in violation of Article 5 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, in connection with a USMS event.

9.22 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 Parliamentarian.

9.23 Upon receipt of a complaint, the Parliamentarian shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Article 402 and involves a person or entity which is part of the LMSC. If the Parliamentarian determines that the complaint does not meet such criteria, the Parliamentarian shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Chair of the LMSC.

- 9.24 If the Parliamentarian does not dismiss the complaint, the Parliamentarian 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 Parliamentarian to (or the Chair may of its own volition) realign the parties according to their interest in the matter.
- 9.25 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 Parliamentarian. Replies shall be in writing and signed by the person responsible for making the reply. The Parliamentarian shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Article 4. The Parliamentarian, for reasonable grounds, including excusable neglect, may extend any time limit.

9.3 Resolution

- 9.31 After all parties have transmitted written statements to the Parliamentarian (or if the time for same has passed without a statement being transmitted), the Parliamentarian 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.
- 9.32 If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Parliamentarian may proceed to mediation under this section, or to a hearing under the following section.
- 9.33 If no party who is the subject of a complaint makes a reply, then the Parliamentarian may act on the complaint as filed, or may take evidence or information from any source. The Parliamentarian 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.
- 9.34 If no agreement can be reached, the Parliamentarian shall convene a hearing panel to resolve the controversy. The Parliamentarian shall designate three members of the LMSC to act as a panel to resolve the grievance and all matters related thereto. The Parliamentarian shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.
- 9.35 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 Parliamentarian 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.
- 9.36 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 402. If a person is expelled from the LMSC, such action shall be transmitted by the Parliamentarian to the National Board of Review for further action, if any, it deems necessary.
- 9.37 Upon rendering of a final decision, the Parliamentarian shall notify all parties in writing of their right to appeal to the National Board of Review under Article 402. The LMSC may stay the imposition of any penalty pending appeal to the National Board of Review.

ARTICLE 10 - MISCELLANEOUS

- 10.1 **Membership Data** - The information is only to be used to conduct STLMSC and USMS business. The STLMSC shall not distribute membership data to third parties. The official roster shall be the list of individuals and clubs maintained by the registrar.
- 10.2 **Amendments**
- 10.21 Amendments to these by-laws may be submitted to the Rules Committee by any STLMSC member. The Rules Committee will review all proposed amendments submitted to the committee for consideration. If a majority of the committee votes in favor of the proposed amendments, the committee will forward the amendment to the general membership for ratification.
- 10.22 Any amendments to these by-laws approved by the Rules Committee will be considered ratified if approved by a two-thirds vote of members eligible to vote at the general membership meeting. At least thirty (30) days notice of any proposed amendment must be given to each Club representative of the STLMSC.
- 10.23 Any proposed amendment rejected by the rules committee may be forwarded to the general membership for ratification, if approved by a majority of the members at a meeting of the Board of Directors.

- 10.3 Fiscal Year** - The fiscal year of the STLMSC shall be the registration year.
- 10.4 Mailing Address** - The STLMSC must submit a permanent mailing address for use by USMS, which shall be that of the STLMSC Registrar.
- 10.5 Changes or New Legislation** - Any changes or new legislation affecting the existing Code of USMS will automatically be incorporated in these by-laws without ratification.
- 10.6 Dissolution** - Upon dissolution, the net assets of the STLMSC will not inure to the benefit of any private individual or corporation, but will be distributed to USMS to be used exclusively for education or charitable purposes. If USMS is not then in existence, or is not 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 Section 170(c)(2), 2055(a)(2), and 2522(a)(2), such assets shall be distributed to such a corporation which has as its primary purpose the promotion of aquatic safety to be used exclusively for educational or charitable purposes.