

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

**TABLE OF PROPOSED AMENDMENTS TO THE
USMS GLOSSARY, PART 2, and PARTS 4–6 of the USMS CODE OF REGULATIONS**

The following proposed amendments to the USMS Code of Regulations are submitted to the House of Delegates for consideration at the annual meeting in accordance with articles 601.2 and 601.4.1.

The committee action is indicated as “recommended for adoption,” “recommended for adoption as amended,” or “recommended for rejection.” Committee actions may be reconsidered at the annual meeting before presentation to the House of Delegates.

Amendments that are recommended by the committee require a majority vote of the House of Delegates to adopt.

Amendments that are not recommended by the committee require a two-thirds vote of the House of Delegates to adopt.

Amendments that are presented as an “indivisible package” will be considered as a whole with a motion to adopt all of the changes in the entire package.

Number	Section	Description	Committee Action
L-1	201.4	Remove invitation to participate language	Recommended for adoption
L-2	506.7	Amend the composition of permanent Committees of the Board	Recommended for adoption
L-3	402	Update the code of conduct to include one-event registrants	Recommended for adoption
L-4	403	Update the hearings and appeals process to better delineate the jurisdiction and authority of LMSCs and the National Board of Review	Recommended for adoption as amended
L-5	201.3.5	Change the 60-day waiting period to 3 club affiliation changes per year.	Recommended for adoption as amended
L-6	202.1.1D	Narrow the scope of the prohibition against the word Olympic and Paralympic to the swimming portion of a sanctioned event	Recommended for rejection
L-7	202.2.1D	Narrow the scope of the prohibition against the word Olympic and Paralympic to the swimming portion of a recognized event	Recommended for rejection
L-8	203.3.2D	Narrow the scope of the prohibition against the word Olympic and Paralympic to the swimming portion of an open water event	Recommended for rejection
L-9	504.3.2	Require an in-person component for the annual meeting	Recommended for rejection
L-10	506.4	Require USMS Board Meetings to be open to guests	Recommended for rejection

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

L-1 201.4 Legislation Committee page 59 delete

Committee Action: Recommended for Adoption

HOD Action: Adopted Adopted as Amended Defeated

201.4 Invitation to Participate

~~201.4.1 Any foreign swimmers requesting an invitation to participate in USMS events may have such invitation extended only by the USMS president or the president's designee.~~

Rationale: The USMS President does not issue invitations to participate as a visa support document. Even if USMS were to issue these types of documents, it would likely come from the local event host organization if they are willing to take on the legal risk. This type of guidance is better suited to policy documents for event hosts than in the rule book.

L-2 506.7 Board of Directors page 104 modify

Committee Action: Recommended for Adoption

HOD Action: Adopted Adopted as Amended Defeated

506.7 Permanent Committees of the Board

There shall be permanent committees of the Board as set forth in this article. Unless otherwise stated in this article, the president, with the concurrence of the Board, shall appoint the committee chair and the members of each permanent committee. ~~Committee members shall be chosen from the Board and shall also include at least one member of USMS not on the Board.~~ The presence of a majority of the committee members with voting privileges shall constitute a quorum at any meeting of a permanent committee of the Board, except for scheduled meetings in conjunction with the annual meeting of the House of Delegates, where a quorum shall consist of those members of the committee present and voting.

Rationale: For more than a decade, permanent committees of the Board have been advisory bodies whose members are chosen largely on their subject matter expertise. In recent years, it has been rare for enough board members to have the required expertise to make up a majority of any of these committees. The proposed change makes our code consistent with a practice that has served USMS well.

L-3 Article 402 Board of Directors pages 89-90 Modify

Committee Action: Recommended for Adoption

HOD Action: Adopted Adopted as Amended Defeated

Article 402: Conduct of Members

402.1 Standards of Conduct

The opportunity to participate in Masters swimming is made possible by USMS. Members and one-event registrants accept that this opportunity to participate is a privilege and as such shall conduct themselves with integrity and in a sporting manner. In matters relating to Masters swimming, members and one-event registrants shall respect and protect the privileges of others who share this mission; therefore, the privileges of membership and participation may be

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

withdrawn or denied if the conduct of a member ~~or~~, prospective member, or one-event registrant is inconsistent with the mission of the organization or the best interest of the sport and those who participate in it.

402.2 Compliance With Rules and Regulations

It shall be the responsibility of all members and one-event registrants to comply with the rules and regulations of USMS and the applicable rules, constitution, and bureau decisions of World Aquatics.

~~403.1~~ 402.3 Enforcement

Any prospective member may be denied membership, ~~and~~ any member may be denied membership, censured, placed on probation, suspended, fined, or expelled from USMS, and any person may be prohibited from one-event registration if such ~~member~~ person engages or has engaged in any unsporting conduct listed in article 402.4.

402.4 Unsporting Conduct

~~The following shall be considered unsporting conduct as it relates to Part 4:~~

Unsporting conduct includes:

(402.4.1-402.4.3 remain unchanged.)

402.4.4

Knowingly providing false information including name, date of birth, age, or gender on USMS membership applications ~~or meet~~, one-event registrations, or event entries.

(402.4.5 remains unchanged.)

402.4.6 Any discrimination or harassment based on an individual's age, ~~gender~~ sex, race, ethnicity, national origin, religion, sexual orientation, gender identity, gender expression, genetic information, mental or physical disability, protected health and medical information, or any other status protected by federal, state, or local law, where applicable, directed toward members, volunteers, staff, or bystanders in connection with USMS administrative activities, events, or workouts. Application of *Part 1: Swimming Rules* regarding age groups, sex or gender categories, swimwear, and guidelines for officiating swimmers with disabilities shall not be considered as violations of this article.

(402.4.7-402.4.9 remain unchanged.)

402.4.10 Aiding or abetting another person to engage in any of the foregoing violations conduct.

Rationale: The Grievance Task Force was formed in April 2023 to review the existing USMS Code of Conduct and recommend modifications. The Task Force's recommendations were carefully reviewed over a several month period by the USMS Board of Directors. This proposal is designed to:

- 1) Clarify that the USMS Code of Conduct expectations apply equally to one-event registrants and change "member" to "person" in 402.3 because a one-event participant and/or prospective member is a person who is not yet a member
- 2) Change "gender" to "sex" and add "sex" to "gender categories" in 402.4.6. "Gender" was replaced by "sex" in the non-discrimination list because the USMS glossary defines "gender" specifically as competition categories but the list of traits on which USMS will not discriminate addresses gender in the social sense through "gender identity" and "gender expression."

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

- 3) Clarify the introductory language in 402.4 and 402.4.10 and change “violations” to “conduct” since 402.4 is titled “Unsporting Conduct”.

L-4	Article 403	Board of Directors	pages 90-93	Modify
Committee Action: Recommended for Adoption as Amended				
HOD Action: Adopted Adopted as Amended Defeated				

ARTICLE 403: HEARINGS and APPEALS

403.1 General Jurisdiction

~~As provided herein, USMS may deny membership, censure, place on probation, suspend, fine, or expel any member or any person participating in the affairs of USMS who has engaged in any of the unsporting conduct listed in article 402.4.~~

403.2 Jurisdiction of the LMSC

~~Disputes arising within a single LMSC and not brought by USMS shall be filed directly with such LMSC and handled pursuant to LMSC rules and procedures. Any appeal of the LMSC's decision shall be made to the National Board of Review.~~ (NOTE TO READER: The struck language in 403.2 moved to 403.2.2)

403.3 403.1 National Board of Review

(The language remains unchanged, only the section numbering was updated.)

403.2 Grievances

A USMS member, an individual eligible for membership in USMS, or the chief executive officer of USMS or his or her delegate may initiate a grievance upon allegation that any USMS member or any individual participating in the affairs of USMS has engaged in any of the unsporting conduct listed in article 402.4.

403.4 403.2.1 Original and Exclusive National Board of Review Procedures Jurisdiction

~~The Board of Directors shall adopt and maintain National Board of Review procedures. These procedures shall set forth the process that will be used for matters filed with the National Board of Review including how disputes and appeals shall be filed, timing for each aspect of the National Board of Review hearing and appeal process, fees, structure of hearing panels, conduct of panel hearings, and notifications to the parties. The National Board of Review procedures shall be made publicly available and shall be updated on a periodic basis.~~ (NOTE TO READER: The struck language in 403.2.1 (originally 403.4) moved to 403.6)

403.4.1 Because certain disputes are most appropriately heard at the national level, the National Board of Review has original and exclusive jurisdiction to hear:

A Any ~~complaint from~~ grievance between or among LMSCs or involving members of USMS ~~where~~ more than one LMSC ~~is involved~~.

B Any ~~complaint of~~ grievance alleging violation of article 402.4.4, (providing false information,) or article 402.4.9; (causing a credible and material risk to safety).

C Any ~~complaint~~ grievance initiated by the USMS chief executive officer or designee on behalf of USMS or any USMS employee.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

~~D~~ Any complaint in grievance alleging violation of article 402.4 and seeking redress affecting the alleged violator's eligibility for membership in USMS or for participation in event(s) as a one-event registrant.

~~D E~~ Any dispute for which LMSC bylaws, rules, policies, or procedures preclude filing of a grievance by a USMS member.

~~E F~~ Upon a majority vote of the Executive Committee, the National Board of Review may be assigned exclusive and immediate jurisdiction at any stage of any matter within the purview of this article 403 to serve the best interests of USMS or Masters Swimming.

~~403.2~~ **403.2.2 Jurisdiction of the Original and Exclusive LMSC Jurisdiction**

~~Disputes Grievances~~ arising within a single LMSC and ~~not brought by USMS~~ involving only allegations that a person has violated LMSC rules or policies shall be filed directly with such LMSC and handled pursuant to according to LMSC rules and procedures. Any appeal of the LMSC's decision shall be made to the National Board of Review.

403.2.3 Original and Overlapping National Board of Review and LMSC Jurisdiction

A Grievances other than those grievances described in article 403.2.1 may be filed directly with the relevant LMSC and handled according to LMSC rules and procedures. Alternatively, such grievances may be filed with the National Board of Review.

B Grievances other than those grievances described in article 403.2.2 may be filed with the National Board of Review. Alternatively, such grievances may be filed directly with the relevant LMSC and handled according to LMSC rules and procedures.

403.4.2 403.2.4 Appellate Jurisdiction

The National Board of Review has appellate jurisdiction to hear appeals of LMSC decisions.

~~403.4.3 Matters of jurisdiction to the National Board of Review shall be initiated by a written filing made in accordance with the National Board of Review procedures.~~ (NOTE TO READER:

The struck language in 403.4.3 moved to 403.6.1)

~~403.4.4 Requests to the National Board of Review for review of LMSC decisions shall be initiated by a written request for review filed in accordance with the National Board of Review procedures.~~ (NOTE TO READER: The struck language in 403.4.4 moved to 403.6.2)

403.5 403.3 Authority of the National Board of Review

The National Board of Review, through its chair and hearing panels, in hearing grievances and appeals of LMSC decisions, has the authority to:

403.5.1 403.3.1 Impose penalties for any violation of the rules and regulations, administrative or technical, of USMS.

403.5.2 403.3.2 Determine the eligibility and right to participate of any member or individual.

403.5.3 403.3.3 Vacate, modify, sustain, reverse, or stay any decision or order properly submitted for review, or remand the matter for further action.

403.5.4 403.3.4 Investigate any alleged election impropriety.

403.5.5 403.3.5 Interpret any provision of the rules and regulations of USMS, with the exception of the rules of competition, which the National Board of Review shall defer to the USMS Rules (Part 1) or Long Distance (Part 3) Committees.

403.5.6 403.3.6 Review any revocation, suspension, reinstatement of USMS membership, or challenge to the granting or denial of USMS membership.

403.5.7 403.3.7 Issue such interim orders as may be necessary pending a final decision of the National Board of Review.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

403.5.8 403.3.8 Require the production of any available evidence bearing on an alleged violation.

403.5.9 403.3.9 Take testimony from witnesses.

403.5.10 403.3.10 Transcribe ~~the~~ National Board of Review hearings.

403.5.11 403.3.11 Assess costs and fees against one or more parties, and refund filing fees.

403.5.12 403.3.12 Take such further action and make such further directives as deemed necessary under the circumstances.

403.4 Authority of an LMSC

An LMSC's bylaws or policies with respect to grievances may authorize the LMSC to:

403.4.1 Impose penalties for any violation of the rules and regulations, administrative or technical, of USMS or of the LMSC. An LMSC's authority to penalize an individual extends only to violations occurring within that LMSC.

403.4.2 Determine the eligibility and right to participate of any member or individual. An LMSC's authority to prohibit or limit participation extends only to activities conducted within that LMSC.

403.4.3 Investigate any alleged election impropriety within the LMSC.

403.4.4 Interpret any provision of the LMSC's rules and regulations of USMS, with the exception of the rules of competition, which the LMSC shall defer to the USMS Rules (Part 1) or Long Distance (Part 3) Committees.

403.4.5 Issue such interim orders as may be necessary pending a final decision by the LMSC.

403.4.6 Require the production of any available evidence bearing on an alleged violation.

403.4.7 Take testimony from witnesses.

403.4.8 Transcribe LMSC hearings.

403.4.9 Assess costs and fees against one or more parties, and refund filing fees.

403.4.10 Take such further action and make such further directives as deemed necessary under the circumstances.

403.6 403.5 Authority Duties of the National Board of Review Chair

With regard to ~~matters~~ grievances within the original or appellate jurisdiction of the National Board of Review, the National Board of Review chair ~~shall~~ must take one or more of the following actions ~~when reviewing a matter~~:

403.6.1 403.5.1 Initiate an investigation into ~~the alleged~~ misconduct, ~~as described~~ alleged in a any written grievance or appeal.

403.6.2 403.5.2 Dismiss a grievance or appeal determined to be without merit, with the concurrence of the USMS president.

403.6.3 403.5.3 Refer ~~or remand~~ a grievance or an appeal of an LMSC decision ~~back~~ to the relevant LMSC.

403.6.4 403.5.4 Mediate or delegate the mediation of a grievance or appeal.

403.6.5 403.5.5 Appoint a hearing panel, drawn from the hearing panel pool, consisting of not less than three members to conduct a formal hearing to decide a grievance or appeal.

403.4 403.6 National Board of Review Procedures

The Board of Directors shall adopt and maintain National Board of Review procedures, which ~~These procedures~~ shall set forth the process that will be used for matters filed with the National Board of Review including how disputes and appeals shall be filed, timing for each aspect of the

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

National Board of Review hearing and appeal process, fees, structure of hearing panels, conduct of panel hearings, and notifications to the parties. The National Board of Review procedures shall be made publicly available and shall be updated on a periodic basis.

~~403.4.3~~ **403.6.1** ~~Matters of jurisdiction~~ An original grievance to the National Board of Review shall be initiated by a written filing made in accordance with the National Board of Review procedures.

~~403.4.4~~ **403.6.2** ~~Requests~~ An appeal to the National Board of Review for review of an LMSC decision~~s~~ shall be initiated by a written request for review filed in accordance with the National Board of Review procedures.

403.7 Appeal of LMSC Decision to the National Board of Review

~~403.7.1~~ ~~Decisions rendered by an LMSC may be appealed to the National Board of Review.~~ In appeals from LMSC decisions, the National Board of Review chair shall exercise the authority detailed in article ~~403.6~~ 403.5.

~~403.7.2~~ ~~The petition for appeal shall be served upon the National Office in accordance with the National Board of Review procedures.~~ Any review of an LMSC decision by a National Board of Review hearing panel shall be made on the basis of the evidence and materials submitted to the LMSC, the written decision of the LMSC, concise statements from involved parties as to why the LMSC's decision is incorrect or correct, and such further information as the hearing panel may, in its sole discretion, request.

~~403.7.3~~ ~~In appeals from LMSC decisions, the National Board of Review chair shall exercise the authority detailed in article 403.6~~ 403.5. (NOTE TO READER: The struck language in 403.7.3 moved to 403.7.1)

~~403.7.4~~ ~~Any review of an LMSC decision by a National Board of Review hearing panel shall be made on the basis of the evidence and materials submitted to the LMSC, the written decision of the LMSC, concise statements from involved parties as to why the LMSC's decision is incorrect or correct, and such further information as the hearing panel may, in its sole discretion, request.~~ (NOTE TO READER: The struck language in 403.7.4 moved to 403.7.2)

403.8 Hearing Panel Procedure

If, pursuant to the authority in article ~~403.6~~ 403.5, the National Board of Review chair chooses to appoint a hearing panel to decide a dispute, the National Board of Review procedures shall govern the process for submissions and scheduling, and the conduct of any hearing. A written decision shall be rendered by the hearing panel. The written decision shall set forth the right of appeal.

403.8.1 Upon the request of either party for good cause shown, or upon the determination ~~of by~~ the hearing panel, the hearing may be held in private.

403.8.2 The hearing panel shall have the authority to stay the enforcement of its decision during the time allowed for appeal of the decision, with the decision going into effect automatically if no timely appeal is filed.

403.8.3 All mailings and other correspondence from the grievant~~(s)~~, respondent~~(s)~~, and any witnesses shall be made as prescribed by the chair.

403.8.4 A written decision shall be rendered by the hearing panel and shall be mailed to the parties within ~~seven~~ fourteen days after the hearing.

403.8.5 Communications ~~between~~ among the parties, the National Board of Review, and the hearing panel shall be made as prescribed by the NBR National Board of Review chair.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

403.9 Appeal to the Board of Directors

(403.9 and 403.9.1 – 403.9.4 remain unchanged.)

~~403.9.5 The review by the Board of Directors panel shall be on the basis of the record from the National Board of Review and written briefs. The Board of Directors panel may decide in its sole discretion to take new evidence and hear testimony.~~

403.10 Documentation

The National Office shall maintain a permanent file of all ~~physical~~ evidence and written decisions pertaining to any matter that was reviewed by the National Board of Review or the Board of Directors pursuant to Part 4. ~~The files shall be made available to any member wishing to examine them.~~

403.11 Filing Fee

The Board of Directors ~~shall~~ may establish fees for filing grievances with the National Board of Review and for filing appeals with the National Board of Review and the Board of Directors.

(403.12 remains unchanged.)

Rationale: The Grievance Task Force was formed in April 2023 to review existing grievance procedures and determine what portions of Part 4 and/or the National Board of Review (“NBR”) Procedures should be amended to accommodate prospective changes. The Task Force's recommendations were carefully reviewed over a several month period by the USMS Board of Directors and are designed to clarify within Part 4 who can bring a grievance and the respective jurisdictions and authority of the NBR as well as transition specifics of the grievance process from Part 4 to the NBR Procedures with the creation of a Vice Chair role within the NBR. The goal with these proposed changes is to improve member experience through enhanced transparency of the grievance process, offer a mechanism for all members, clubs and LMSCs to have access to information on the grievance process and to protect USMS members. In addition, the proposed changes are designed to reduce risk of harm to USMS and its members by protecting the grievance process so as to avoid any chilling effect and to put in place a process for more consistent and uniform handling and review of grievances to allow proactive review of any common themes, issues or trends.

This proposal also fixes an issue with section 403.9.3, which was supposed to be replaced by the language in 403.9.5 in a proposal from 2013 but was accidentally duplicated.

Committee Note 9/6/2024: Based on feedback received during the Legislative Forum, the Committee has amended article 403.2 and 403.2.1 C of this proposal. Those changes are indicated with a grey highlight.

Committee Action: Recommended for Adoption as Amended

HOD Action: Adopted Adopted as Amended Defeated

201.3 Representation/Club Affiliation

201.3.5 A swimmer ~~may change club affiliation at the time of annual membership registration and up to three additional times during the membership year shall not represent any club in competition for 60 consecutive days before transferring affiliation to another club unless this transfer takes place at the time of annual registration.~~ A swimmer may compete for only one club during a meet. A transfer submitted during a meet, including at the time of annual registration, may take immediate effect only if the swimmer has not yet competed in the meet. Swimmers may declare unattached status at any time ~~without written application~~ except during a meet in which they have already competed. Swimmers who intend to compete as unattached should contact their LMSC membership coordinator or the USMS National Office prior to the meet to request that their registration status be changed. **Changing a swimmer's status to unattached does not count against the allowable club changes per year. See article 201.3.4 for more information.** The LMSC membership coordinator or the USMS National Office shall change the club affiliation of the swimmer to the UC and note the effective date. ~~Note: This rule change shall take effect beginning with the 2021 membership year.~~

Rationale: This proposal simplifies a process that should not be cumbersome for members or event directors. It allows for system updates to give swimmers the ability to self-manage club affiliation and removes the burden from event directors and members navigating anachronistic policy and process.

Most club transfers are due to reasons unrelated to USMS competition (e.g. moving). Those club changes that are specific to event participation are typically because the member wishes to participate as part of a team and swim in relays. If a change in club affiliation and engaging with a team community is the motivation to swim in USMS events, it should be encouraged, not made complicated.

Furthermore, the process to change clubs does not align with modern online self-management tools to which consumers are accustomed (e.g., contacting a volunteer or staff to update account information is antiquated). Changing to a set number of club transfers annually would allow USMS to provide self-management of club affiliation online, simplifying the process and allowing for real time updates by the member (or staff or volunteers). It would also allow for USMS to work on a registration user experience that ensures the club affiliation for event registration matches with the USMS affiliation as part of the registration process. When these system updates are complete, further edits to language of this rule and 102.7.3 should be considered.

Committee Note 9/6/2024: *Based on feedback received during the Legislative Forum, the Committee has added language to clarify that unattached does not count against the allowable club changes per year. Those changes are indicated with a grey highlight.*

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

L-6 202.1.1D Ohio LMSC page 60 modify

Committee Action: Recommended for Rejection

HOD Action: Adopted Adopted as Amended Defeated

202.1 Sanctions

202.1.1 Sanction Requirements – Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

D No sanction of any event shall be granted with the word “Olympic” or the word “Paralympic” or any derivative thereof used ~~in any manner in connection with~~ in the title of the swimming portion of said event unless consent is obtained from the USOPC.

Rationale: In order to recognize or sanction the swimming portion of a larger event, like the Ohio Senior Olympics, by having just the swimming portion change its name.

Committee rationale for rejection: The Committee did not want to open USMS up to legal threats from the USOPC.

L-7 202.2.1D Ohio LMSC page 61 modify

Committee Action: Recommended for Rejection

HOD Action: Adopted Adopted as Amended Defeated

202.2 Recognized Events

202.2.1 Recognition – Recognition shall be issued, withheld, or withdrawn in accordance with the following:

D No recognition of any event shall be granted with the word “Olympic” or the word “Paralympic” or any derivative thereof used ~~in any manner in connection with~~ in the title of the swimming portion said event unless consent is obtained from the USOPC.

Rationale: In order to recognize or sanction the swimming portion of a larger event, like the Ohio Senior Olympics, by having just the swimming portion change its name.

Committee rationale for rejection: The Committee did not want to open USMS up to legal threats from the USOPC.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

L-8 203.3.2D Ohio LMSC page 63 modify

Committee Action: Recommended for Rejection

HOD Action: Adopted Adopted as Amended Defeated

203.3 Sanction Requirements

203.3.2 Requirements – The following requirements shall be followed by the sanctions LMSC and sanction applicant:

F No sanction of any event shall be granted with the word “Olympic” or the word “Paralympic” or any derivative thereof used ~~in any manner in connection with~~ in the title of the swimming portion said event unless consent is obtained from the USOPC.

Rationale: In order to recognize or sanction the swimming portion of a larger event, like the Ohio Senior Olympics, by having just the swimming portion change its name.

Committee rationale for rejection: The Committee did not want to open USMS up to legal threats from the USOPC.

L-9 504.3.2 Pacific Northwest LMSC page 101 Add

Committee Action: Recommended for Rejection

HOD Action: Adopted Adopted as Amended Defeated

504.3 Meetings of the House of Delegates

504.3.2 An annual meeting of the House of Delegates shall be held in person each calendar year in a physical location no later than November 1 unless the Board of Directors deems that emergency circumstances warrant a later date. The in-person, annual meeting may be combined with virtual methods. The annual meeting shall, at a minimum, cover the business necessary to exercise the powers described in article 504.2.

Rationale: Every year since the COVID shutdown, delegates have spoken to the importance of in-person, annual House of Delegates meetings and have urged the USMS Board of Directors to conduct those annual, HOD meetings in person. This amendment calls for annual HOD meetings to be primarily in person and may include virtual options for delegates who cannot attend the annual meeting in person.

Committee rationale for rejection: While the Committee values the connections that can be made at in-person meetings, we recommended this proposal for rejection based on the following considerations: 1) it is in direct conflict with article 506.3.11 Powers of the Board of Directors, 2) mandates a financial responsibility, and 3) the Committee does not believe this proposal should be codified in our rule book.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

Other articles that would require changing to maintain consistency:

504.3.1 page 101

504.3 Meetings of the House of Delegates

504.3.1 Meetings of the House of Delegates, except for the annual meeting, may be conducted by assembling delegates in one or more physical locations, telephone conferencing, video or web conferencing, or any combination of these-methods.

504.3.4 page 101

504.3.4 A written notice of each meeting of the House of Delegates, stating the date, time, place (a physical location for the annual meeting), method, and preliminary agenda, shall be delivered to each member of the House of Delegates by postal or electronic mail to each member's last known address at least three weeks prior to the meeting date.

506.3.11 page 104

506.3 Powers

The powers of the Board of Directors shall be:

506.3.11 To call all meetings of the House of Delegates and of USMS and to fix the time, place (a physical location for the annual meeting), and method for holding all such meetings.

L-10 506.4 Oregon, Inland Northwest, Pacific Northwest, Snake River, Pacific, and San Diego Imperial LMSCs page 104 add

Committee Action: Recommended for Rejection

HOD Action: Adopted Adopted as Amended Defeated

506.4 Meetings

506.4.2 Meetings of the Board of Directors shall be open to interested USMS members as non-participatory guests.

Renumber 506.4.2 and 506.4.3

Rationale: USMS members in good standing should be allowed to attend Board of Director meetings. By doing so, members can (1) gain insight into organizational decision-making, (2) hear first-hand discussions about topics, (3) be more informed about upcoming changes, and (4) have opportunities to learn about USMS leadership, resulting in more informed decisions about running for Board positions. Access to meeting minutes approximately 6 weeks after the meeting does not adequately replace the opportunity to listen to discussions leading to decisions.

***Committee rationale for rejection:** The Board of Directors has asked to try closed board meetings. While the Committee supports transparency, it is important to allow our Board of Directors the freedom they need to lead the organization. The Board has suggested many ways to create open dialogue outside of their meetings, which they laid out in a memo to the Legislation Committee explaining their decision to close their meetings. You can find that memo on the following page. This is also a policy proposal, not something that should be codified into our rule book.*

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)



**U.S. MASTERS
SWIMMING**

DATE: July 13, 2024
TO: Legislation Committee
FROM: USMS Board of Directors
SUBJECT: Open Communication Plan

At the board's March 2-3, 2024 winter meeting, a decision was made to close board meetings to guests. This decision was outlined in Streamlines for Volunteers sent on March 18 and in the published meeting minutes.

Since that decision the board has heard feedback from some volunteers concerned about transparency and a desire to listen to board proceedings. Subsequently legislation was submitted by the Oregon LMSC to alter the USMS bylaws to require board meetings to be open to any member. The board discussed this feedback during our recent summer board meeting and offers the following additional rationale and solution:

- 1) **Board Consensus:** The decision was unanimous amongst the board members present but was not made lightly or without robust discussion of a broad range of considerations.
- 2) **Open and Robust Board Dialogue:** The board feels it is important to have open and honest discussion within the board to arrive at the best possible decisions for our membership and mission. Potentially controversial opinions or ideas must be voiced without concern of how guests may react or share their account of proceedings.
- 3) **One Voice Principle:** At times, the board is charged with making difficult decisions. Although many USMS votes are unanimous, speaking with one voice once a decision is made, regardless of individual opinions, is an important best practice to avoid descending into unhealthy division and mistrust among the board team.
- 4) **Dissemination of Information:** When board meetings were open, reports back to LMSCs and other members have resulted in inaccurate information, bias, and misrepresentation of board discussion and decisions. This is not uncommon for organizations with layers of bureaucracy and is why the full board approves of official communications to delegates and LMSCs after meetings (i.e., summary communications and minutes).
- 5) **Effective Use of Volunteer Time:** The board desires effective and efficient use of volunteer time across the organization. Board members are elected by the House of Delegates to act in the best interest of USMS. They volunteer their free time, while balancing other priorities (e.g. family, work, personal time, other volunteer work, swimming) to further the USMS mission. Time spent on correcting inaccurate information and calming undue angst among delegates and LMSC representatives isn't productive for any of our stakeholders, nor does it help further our mission or provide value to our membership.

DELEGATE PACKET FOR 2024 USMS ANNUAL MEETING (LEGISLATION COMMITTEE)

- 6) **Executive Session Suggestion:** Some have suggested that the board simply go into executive session every time there is a sensitive issue that needs discussion or that the board can have individual conversations outside board meetings to avoid some of the challenges noted. This is an understandable perspective but as evidenced by the organic nature of the decision to close board meetings, we don't believe it allows for the free-flowing conversations that are needed nor is it an efficient use of board members' time.
- 7) **Solution:** As noted in post meeting communications, the Board agreed to continue to consider ways to hear input on issues under Board consideration from LMSC representatives and delegates and communicate rationale for decisions in an open and timely manner.

In that spirit, we are committed the following open communication plan:

- a) **General Overview of Board Topics and Notice of Office Hours:** Notice will be sent with details on Board Office Hours to be held in weeks prior to the winter, summer board, and November meetings. (The annual budget is typically approved at the November meeting. This will be communicated to all delegates and LMSC officers and volunteers.)
 - a. Note: Significant decisions are typically deferred to one of the three extended meetings mentioned to have time for the dialogue necessary to arrive at decisions.
- b) **Leadership Office Hours:** During the two weeks prior to the winter, summer and November board meetings, the Board Chair and/or CEO will host virtual office hours for volunteers to ask questions about the general overview of board meeting topics and provide input that can be incorporated into board meeting dialogue. All board members will be welcome to attend based on their individual schedules.
- c) **Meeting Summaries:** Within two weeks of the winter, summer, and November meetings the Board Chair and CEO will distribute a summary of proceedings and decisions of significance.
- d) **Minutes:** Meeting minutes will continue to be posted once approved, typically immediately following the next regularly scheduled board meeting.
- e) **Board and Staff Availability:** Members of the board, including the CEO, and the national office staff remain available throughout the year for dialogue on issues, concerns, and questions through any desired communication channel (e.g. email, phone, zoom, LMSC and Zone meeting attendance, individual conversations, etc.)

The board desires a future without friction or misunderstanding within stakeholder groups. We hope this approach will allay some delegates and LMSC volunteer misperceptions about the board's intentions and provide the desired opportunity for input on decisions. The addition of office hours will be an improvement for those that are interested in details of board meetings by providing an opportunity to provide input which wasn't part of prior open board meetings in which guests could not participate.