

# BYLAWS OF THE NORTH TEXAS LOCAL MASTERS SWIMMING COMMITTEE

Revised December 2023

## **ARTICLE 1 – GOALS AND OBJECTIVES**

In accordance with the standards and under the rules prescribed by United States Masters Swimming, Inc. (USMS) and the North Texas Local Masters Swimming Committee (NTLMSC), the goals and objectives shall be:

- A. To encourage and promote improved physical fitness and health in adults.
- B. To offer adults the opportunity to participate in a lifelong fitness and/or competitive swimming program.
- C. To encourage organizations and communities to establish and sponsor Masters Swimming programs.
- D. To enhance fellowship and camaraderie among Masters swimmers.

## **ARTICLE 2 – DECLARATION OF NON-PROFIT STATUS**

North Texas Masters Swimming shall be established and maintain status as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

## **ARTICLE 3 – STATEMENT OF PURPOSE**

MISSION STATEMENT – To promote health, fitness, competition, and community for adults of all ages and abilities through swimming.

CORE OBJECTIVES – Service the membership. Educate the membership. Build the membership.

## **ARTICLE 4 – MEMBERSHIP CLASSIFICATIONS**

CLUBS – Clubs that register with USMS through NTLMSC and that actively promote and/or participate in Masters Swimming. Each club shall appoint their representative(s) to the NTLMSC.

INDIVIDUAL – Individuals who register with USMS through NTLMSC. Those individuals who are athletes, coaches, officials, administrators, or persons otherwise interested in the purposes and programs of the NTLMSC. On joining USMS or on registering as an athlete in the sport of Masters Swimming, these individuals will receive a membership card certifying their membership and may attend all meetings of the NTLMSC with voice but no vote.

## **ARTICLE 5 - NTLMSC BOARD OF DIRECTORS**

COMPOSITION - The NTLMSC Board of Directors shall consist of the elected and appointed

officers. Each member of the Board shall have one vote.

**DUTIES AND POWERS** - The NTLMSC Board of Directors shall have the power and it shall be its duty to:

- A. Establish programs and policy
- B. Manage the business affairs of the NTLMSC
- C. Facilitate elections.
- D. Review and adopt the annual budget of the NTLMSC
- E. Admit eligible members who have properly applied
- F. Amend the Bylaws of the NTLMSC

## **ARTICLE 6 – OFFICERS**

**ELECTED OFFICERS** - The elected officers are Chair, Vice Chair, Membership Chair, Secretary, Treasurer, and two at-large members. The Membership Chair and the Treasurer shall be separate individuals. The two at-large members shall be from different teams. . Each workout group will be considered a “team”, as will all unattached members be considered one team.

**APPOINTED OFFICERS** - The following officers shall be appointed by the Chair: Top Ten/Records Chair, Newsletter Editor, Fitness Chair, Coaches Chair, Webmaster, Sanctions Chair, Officials Chair and Open Water Chair.

**ELIGIBILITY** - Only current members of USMS and NTLMSC who reside in the territory of NTLMSC designated by USMS are eligible to hold an office. Current members may hold one of the offices.

**TERM OF OFFICE** - Each officer serves for a term of two years consistent with the beginning of the calendar year. If an elected officer, other than the Chair, cannot fulfill the term of office, the Board of Directors will appoint a replacement at its next regularly scheduled meeting. If the Chair cannot fulfill the term of office, the Vice Chair shall assume the duties and title of the Chair.

**DUTIES** - The duties of the officers are as hereafter set forth, and such others as may be designated by the NTLMSC Board of Directors:

- A. Chair - The Chair calls meetings when and where deemed necessary, presides at all meetings and appoints committee chairs for committees as may be necessary to fill the duties and responsibilities of the NTLMSC, with the advice and consent of the Board of Directors. The Chair shall appoint members from the NTLMSC to

serve as members of the House of Delegates in accordance with Article 504.1.1 of the USMS Code of Regulations and Rules of Competition.

- B. Vice Chair – The Vice Chair will assume duties of the Chair for any meeting the Chair is unable to attend and/or assume the position of Chair for remainder of the term if the Chair is unable to complete the term.
- C. Membership Chair - The Membership Chair shall be charged with facilitating registration of individuals and clubs and reporting information to the Secretary, the Treasurer, and the USMS National Office as required. The Membership Chair shall receive all monies, make deposits, and provide the Treasurer with records of such transactions.
- D. Secretary – The Secretary shall be responsible for keeping a record of all meetings, conducting official correspondence, coordinating meeting notices and copies of the minutes to the Board of Directors, and making such reports to the National Office as required.
- E. Treasurer – The Treasurer shall be responsible for preparing the yearly budget, paying all bills, maintaining all financial records, including bank and checking records, and for making timely reports to the Board of Directors. The Treasurer shall ensure compliance with USMS insurance requirements, bank account reconciliation requirements and dual signatures on checks of \$5,000 or more.
- F. Top Ten/Records Chair - The Top Ten/Records Chair shall maintain the NTLMSC records and review NTLMSC meet results to prepare lists of swimmers for National Top Ten Times consideration. In addition, the Top Ten/Records Chair shall be work with the national chair on all national and world records that are set within the NTLMSC area.
- G. Sanctions Chair – The Sanctions Chair is responsible for issuing sanctions for meets held in the NTLMSC area and reporting to the National USMS office.
- H. Newsletter Editor - The Newsletter Editor will be responsible for publishing and distributing a quarterly newsletter. The newsletter will be used for disseminating information pertinent to the operation of the NTLMSC.
- I. Fitness Chair - The Fitness Chair shall serve as a Chair between the NTLMSC and the USMS Fitness Committee.
- J. Coaches Chair - The Coaches Chair shall serve as a Chair between the NTLMSC and the USMS Coaches Committee.
- K. Webmaster - The Webmaster shall be responsible for the design and timely upkeep of the NTLMSC website and email, including domain name registration and contracting for hosting.
- L. Officials Chair - The Officials Chair shall serve as a Chair between the NTLMSC and the USMS Officials Committee.
- M. Open Water Chair - The Open Water Chair shall serve as a liaison between the NTLMSC and the USMS Open Water Committee
- N. Member at Large – The Members at Large shall attend all board meetings and act as an intermediary party between the Board and the rest of the membership. They will also be encouraged to participate and share their knowledge in all NT activities and decisions. Additional duties and responsibilities, such as

participation in special projects, will be assigned as needed by the Board.

**REMOVAL** - An officer can be removed from office, for cause, by written petition of seven (7) Committee members and by a vote of the majority of the Committee at the next regularly scheduled meeting.

## **ARTICLE 7 MEETINGS**

**FREQUENCY** - There shall be no fewer than four (4) meetings of the NTLMSC Board of Directors to be held no later than the last day of March, June, September, and December. The Annual Meeting shall be designated as the last meeting of the year and will include elections when required. The Annual Meeting is open to all individual members of the NTLMSC.

**ELECTIONS** – Those eligible to vote in elections consist of:

- A. Each member of the Board shall have one vote.
- B. Representatives appointed by clubs shall each have one vote. Each registered club is entitled to one voting representative. If the club has over 25 registered Masters Swimmers, it is entitled to a second representative and if over 100 registered Masters Swimmers, it is entitled to a third representative.

**SPECIAL** - Should special meetings be required, meetings may be called upon request of any two officers or one-third of the members of the NTLMSC Board of Directors.

**NOTICES** -

- A. **Time** - Not less than fifteen (15) days' notice is given by the Membership Chair for any regular or special meetings of the NTLMSC Board of Directors. Waiver of the 15 days' notice requires approval of at least a majority of all officers.
- B. **Information** - The notice of a meeting shall contain the time, date, and site. For Special Meetings, the purpose of such meeting shall be given.
- C. **Delivery** - The notice of regular board meetings shall be sent to the email address on record for all Board members. The notice of the annual meeting shall be sent to the email address on record of all registered North Texas USMS members. Notices of all meetings shall also be posted on the NTLMSC website.

**ORDER OF BUSINESS** - At all meetings of the NTLMSC Board of Directors, the following is the order of business:

- A. Roll Call.
- B. Reading, correction and adoption of minutes.
- C. Reports of the Officers.
- D. Reports of the Committees.
- E. Unfinished business.

- F. Elections (where appropriate)
- G. New business.
- H. Resolutions and Order.
- I. Adjournment.

QUORUM - A quorum at all meetings shall consist of those present and eligible to vote. In determining a quorum, club representatives and NTLMSC officers cannot be one and the same. The minimum quorum for all meetings shall be a majority of the officers.

## **ARTICLE 8 – COMMITTEES**

### **TYPES**

STANDING - At the discretion of the Chair, the following committees may be established:

- A. Awards Committee - The Awards Committee shall develop criteria for the selection of outstanding swimmers each year; nominate outstanding swimmers for recognition by NTLMSC each year; and select and order awards for NTLMSC-sponsored meets.
- B. Review Committee - The Review Committee may conduct hearings on any matter affecting the NTLMSC, and arising solely within the territorial jurisdiction of the NTLMSC, and involving only its members (see ARTICLE 12 - GRIEVANCE PROCEDURE)
- C. Rules Committee - The Rules Committee shall make itself aware of the current rules as set forth by USMS. It shall interpret rules as necessary, report any violations by clubs or individuals to the NTLMSC Board of Directors, and shall make rules recommendations for changes to the officers of the NTLMSC for transmittal to USMS.

AD-HOC - The Chair may establish other committees on an ad-hoc basis which are deemed necessary to carry out the duties of the NTLMSC.

### **COMMITTEE CHAIR**

Appointment - Only current members of USMS and NTLMSC are eligible to be appointed as a Committee Chair.

Duties - The duties of the Committee Chair of each committee are as follows: a. Presides at all meetings of the committee. b. Sees that all duties and responsibilities of that committee are properly and promptly carried out. c. Communicates with the committee members to keep them fully informed. d. Keeps the Chair and Secretary informed of committee actions and recommendations. e. Forwards reports or minutes of all meetings to the Chair and Secretary. f. Performs such specific duties as outlined in NTLMSC policy.

MEMBERSHIP - Members of all committees shall be appointed by the Chair with the advice and consent of the Committee Chair thereof. Whenever possible, each committee shall have representation from each club.

## **ARTICLE 9 - AMENDMENTS TO THE Bylaws**

Any provision of these Bylaws not prescribed by USMS may be amended at any meeting of the Board of Directors by a two-thirds vote of the voting members.

#### **ARTICLE 10 – INDEMNIFICATION**

NLMSC, as a division of USMS, shall indemnify, hold harmless and defend each person who is or was a director, officer, employee or volunteer of the NLMSC (including the heirs, executors, administrators, or estate of such person), to the full extent permitted by the Nonprofit Corporation Law of the state in which operations are being conducted by such indemnitees on behalf of USMS against any liability, cost, or expense, including attorney's fees and costs of court, incurred by such indemnitee in their capacity as director, officer, employee, or volunteer or arising out of the status as a director, officer, volunteer, or employee (including serving at the request of the NLMSC as a director, trustee, officer, employee, or agent of another not-for-profit). A Local Masters Swimming Committee (including NLMSC) is a division of USMS with supervisory responsibilities within a specified geographical territory.

#### **ARTICLE 11 - INSURANCE**

NLMSC as a division of USMS may maintain insurance, at its expense, to protect itself and any indemnitee against any such liability, cost, or expense, including attorney's fees and costs of court. For the purpose of this article, references to "USMS" include all constituents absorbed in a consolidation or merger as well as the resulting or surviving corporation.

#### **ARTICLE 12 - DISSOLUTION**

Upon dissolution, the net assets of the NLMSC will not inure to the benefit of any private individual or corporation, but will be distributed to United States Masters Swimming, Inc. to be used exclusively for educational or charitable purposes, or if 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 Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055(a)(2) and 2522(a)(2) thereof, such assets shall be distributed to such corporation, to be used exclusively for educational or charitable purposes.

#### **ARTICLE 13 - GRIEVANCE PROCEDURE**

##### **GROUND FOR GRIEVANCES**

Any individual member of the NLMSC and/or any Club member of the NLMSC may bring a complaint on any matter for which grievances may be heard under Part 4: Participation, Conduct, Hearings and Appeals of the 2017 U.S. Masters Swimming Rule Book). Specifically, complaints may be brought alleging unsporting conduct, defined in Part 4 as:

- A. (402.4.1) Violation of the opportunity to participate, as set forth in Part 4.
- B. (402.4.2) Discrimination in violation of Article 501.3.
- C. (402.4.3) Any act of fraud, deception or dishonesty in connection with any USMS related activity.
- D. (402.4.4) Knowingly providing false information including name, date of birth, age, or gender on USMS membership applications or meet entries.

- E. (402.4.5) Any non consensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward volunteers or staff in connection with a USMS event.
- F. (402.4.6) Any non consensual sexual conduct, pattern of unwelcome sexual advances, or other inappropriate sexually oriented behavior or action by a USMS member toward a member or any other person participating in any capacity whatsoever in the affairs or activities of USMS.
- G. (402.4.7) Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.
- H. (402.4.8) Causing a credible and material risk to the safety of USMS members or others who may be present during USMS activities. A lifetime ban, declaration of permanent ineligibility, or permanent resignation of membership from a member organization of United States Aquatic Sports may be considered
- I. (402.4.9) Aiding or abetting another to engage in any of the foregoing violations.

## COMPLAINT PROCEDURE

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 NTLMSC Chair who shall act as Grievance Chair, or if the complaint directly involves the NTLMSC Chair, to the Administrative Vice-Chair, who shall appoint a separate and different neutral party as the Grievance Chair. To be considered timely, a complaint must be filed within ninety (90) days of the incident or circumstance alleged, or within ninety (90) days of when the person making the complaint should reasonably have had knowledge of the incident or circumstance.

Upon receipt of a timely complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Part 4 and involves a person or entity which is part of the NTLMSC. If the Grievance Chair determines that the complaint does not meet such criteria and/or determines the complaint was not filed on a timely basis, the Grievance Chair shall dismiss the complaint and notify both the party bringing the complaint and the NTLMSC officers of this determination.

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 made the complaint, the USMS member or entity that is the subject of a complaint, and the NTLMSC officers. 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.

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 ten (10) 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 Part 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

#### MEDIATION OR RESOLUTION BY THE GRIEVANCE CHAIR

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 may 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 NTLMSC Chair and the matter shall be considered resolved and final.

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.

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 NTLMSC Chair.

#### HEARING PROCEDURE

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 NTLMSC 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.

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.

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 NTLMSC Chair. If the hearing panel does not dismiss the complaint, it may deny membership in the NTLMSC, censure, place on



probation, suspend, fine or expel from NTLMSC 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 NTLMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary.

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 NTLMSC may stay the imposition of any penalty pending appeal to the National Board of Review.

## **REVISIONS**

6/1/2020 by Susan Hengstenberg, Secretary (Officer terms revised)