

## PART II - BYLAWS OF USA DIVING

### Subpart A - Structure, Organization, and Operation

#### Article 39 - National Governing Body Status

##### 239.1 National Governing Body.

USA Diving, Inc. (the "Corporation") is the national governing body for the sport of diving, and, as such, is a member of the United States Olympic Committee (USOC) and United States Aquatic Sports, Inc. (USAS), the United States' member of Federation Internationale de Natation (FINA).

##### 239.2 Binding Arbitration.

The Corporation agrees to submit to binding arbitration conducted in accordance with the Commercial Rules of the American Arbitration Association in any controversy involving its recognition as a national governing body, as provided for in Article VIII of the USOC Constitution, or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in Article IX of the USOC Constitution.

##### 239.3 Primacy.

(a.) The Corporation's *Competitive and Technical Rules and Bylaws of USA Diving* shall, at all times, be consistent with all mandatory provisions of the "Ted Stevens Olympic and Amateur Sports Act", (36 U.S.C. 22051 et seq.) and all mandatory rules and regulations of FINA applicable to member organizations. In the event of conflict between these *Bylaws* and any mandatory provision of the "Ted Stevens Olympic and Amateur Sports Act" or any mandatory provision of the rules and regulations of FINA applicable to member organizations, the latter shall prevail over these *Bylaws*.

(b.) In the event of a conflict, including, but not limited to, statements about, copies of, or representations of the Corporation's *Competitive and Technical Rules and Bylaws of USA Diving* which appear in any document or article, or on any website, the provisions of the printed *Technical Rules of Diving* and the official version of the *Bylaws of USA Diving* appearing on the Corporation's website shall prevail.

**239.4 Acceptance.** By applying for and accepting membership in the Corporation the applicant agrees to abide by the *Competitive and Technical Rules* and the *Bylaws of USA Diving* and all applicable provisions of Parts I and II thereof as may be amended from time to time.

**239.5 Non-discrimination.** Members of the Board of Directors, USA Diving General Assembly, and each committee, officer or other agent, servant or employee of United States Diving, shall be selected and all USA Diving programs and activities shall be conducted without regard to age, race, religious beliefs, creed, national origin, sexual orientation, or gender. Reasonable representation of both males and females on the Board of Directors shall exist.

##### 239.6 United States Center for Safe Sport Compliance

As a condition of membership in the Corporation and a condition for participation in any competition or event sanctioned by the Corporation or its member organizations, each member and each athlete, coach, trainer, agent, athlete support personnel, medical or para-medical personnel, team staff, official and other person who participates in USA Diving events (whether or not a member of the Corporation), agrees to comply with and be bound by the safe sport rules of the U.S. Center for Safe Sport and to submit, without reservation

or condition, to the jurisdiction and rules of the U.S. Center for Safe Sport for the resolution of any alleged violations of those rules, as such rules may be amended from time to time. To the extent any Bylaw is inconsistent with the rules of the U.S. Center for Safe Sport, such rule is hereby superseded.

## **Article 40 - Members**

**240.1 Classes of membership.** The membership of USA Diving, hereinafter sometimes referred to as the "Corporation," shall consist of the following classes: (a) Athlete members. Those individuals who register with the Corporation for the purpose of development, competition, exhibition, and demonstration. Athletes will register in one of the following categories:

(1) **Limited Athlete.** Those divers participating for a period of one year for the purpose of receiving instruction or participating in closed competitions. Athletes in this class may renew their Limited Athlete membership or upgrade their classification by paying any additional fee required for their new classification prior to the expiration of their Limited Athlete membership. Unless reclassification is done and any additional fees paid, a Limited Athlete diver may not compete in any other USA Diving Competition.

(2) **Competitive Blue.** Athletes registered as Competitive Blue are limited to participation in USA-D sanctioned invitational meets, Association championship meets, and Future Champions meets. Competitive Blue includes athletes who are beginning to dive, who have yet to progress to the level of Competitive Gold, or who wish only to compete in invitational meets.

(3) **Competitive Gold.** All athletes other than Limited, Competitive Blue and Masters.

(4) **Masters.** Those athletes who wish to compete in United States Masters competition and other USA-D sanctioned meets where eligible.

(5) **Foreign.** Those athletes who are not United States citizens. Foreign athletes may not compete in the East/West Junior Championships and National Junior Championships or in the USA Diving National Preliminaries and the USA Diving National Championships.

### **Coach Members.**

(1) Those individuals who register with the Corporation for the purpose of coaching registered athletes. All Coach Members must be currently Safety Certified with USA Diving before registering with the Corporation. Coaches may register in any or all of the following categories: (i) *Junior.* Those coaches who coach registered Junior, Intermediate, Novice, and/or Limited Athlete athletes; (ii) *Senior.* Those coaches who coach registered Senior athletes; and (iii) *Masters.* Those coaches who coach registered Masters athletes.

(c) **Officials.** Those individuals who register with their Local Diving Association and are involved in sanctioned competition meet management, including judges, referees, meet directors, and juries of appeal (excluding table workers and announcers). In order to officiate at any USA Diving-sanctioned event, all judges, referees, meet directors and juries of appeal must be coach members, official members, or life members of the Corporation. All head referees must be USA Diving safety certified.

(d) **Sustaining Members.** Those individuals and/or families who are interested in the sport of diving at the local and/or national level.

(e) **Life Members.** Those individuals or business entities who contribute to the furtherance of competitive diving in the United States and meet the criteria for such membership as is determined by the Board of Directors. Life members may function as coaches or officials as long as they meet the requirements for these positions.

(f) **Alumni Members.** The Board of Directors is hereby authorized and may establish one or more classes of membership for Alumni of the Corporation. Alumni shall be defined as any individual who has at any time in the past held a membership in the Corporation, or prior to 1980, its predecessor organization the Competitive Diving Committee of the AAU, as an athlete, coach or official and are interested in the sport of diving at the local and/or national level.

(g) **Club Members.** Those diving clubs which sponsor athlete members in competitive

diving. Every club whose athletes compete in diving competitions sanctioned by the Corporation or Local Diving Association shall be a member of that Association within whose geographical boundaries it is located.

(h) **Affiliate Members.** Those groups or organizations, national or local in character, composed of persons joined together in support of diving or some aspect thereof. Affiliate members will register with their Local Diving Association or the Corporation depending on their character. The Member Services Committee shall determine whether an organization meets the criteria for membership. Examples of Affiliate Members are parents' booster clubs, service organizations, manufacturers of sporting goods, and national or local sponsors.

(i) **Allied Members.** Those amateur sports organizations that, in the sport of diving, conduct, on a level of proficiency appropriate for the selection of amateur athletes to represent the United States in international amateur athletic competition, a national program or regular national amateur athletic competition and ensures that such representation shall reflect the nature, scope, quality, and strength of the programs and competitions of such amateur sports organization in relation to all other such programs and competitions in diving in the United States. (Representation of Allied Members on the USA Diving General Assembly and the Board of Directors is contained in sections 241.6 and 244.4(b) respectively). The Member Services Committee shall determine whether an organization meets the criteria set forth in this section and shall recommend to the Board of Directors the type of representation the Allied Member shall be granted on the USA Diving General Assembly and/or the Board of Directors. Examples of allied members are YMCA, national collegiate organizations, and national high school federations.

#### **240.2 Local Diving Associations.**

(a) In addition to the classifications of memberships set forth above, USA Diving shall be comprised of subdivisions, known as Associations (LDAs). An Association is defined as a geographical area, the boundaries of which shall be determined by the Corporation. These are: (1) New England (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island); (2) Northern New York; (3) Southern New York; (4) Connecticut; (5) New Jersey; (6) Potomac Valley (the District of Columbia, Northern Virginia, Maryland, Delaware); (7) Pennsylvania (Pennsylvania, West Virginia); (8) Carolinas (North Carolina, South Carolina); (9) Georgia; (10) Florida; (11) Florida Gold Coast; (12) Southeastern (Alabama & Tennessee); (13) Southern (Louisiana, Mississippi); (14) Ohio (Southern Ohio & Kentucky); (15) Lake Erie (that part of the state of Ohio bounded on the south by and including the counties of Mercer, Auglaize, Hardin, Wyandot, Crawford, Richland, Ashland, Holmes, Tuscarawas, Harrison, and Jefferson); (16) Indiana; (17) Michigan; (18) Illinois; (19) Wisconsin; (20) Iowa; (21) Minnesota; (22) Missouri Valley (Kansas, Missouri); (23) Nebraska/Dakotas (Nebraska, North and South Dakota); (24) Southern Virginia; (25) Arkansas; (26) Gulf; (27) South Texas; (28) Northwest Texas; (29) Oklahoma; (30) Washington; (31) [Reserved; see (35)]; (32) Oregon; (33) Northern California; (34) Rocky Mountain (Colorado, Wyoming); (35) Utah/Idaho/Montana; (36) Central California; (37) Southern Pacific; (38) New Mexico; (39) Arizona; (40) Nevada; (41) Hawaii; and (42) Alaska.

(b) Each Local Diving Association shall adopt Bylaws that shall govern the LDA and that shall be consistent with the *USA-D Bylaws*. A copy of these Bylaws, as amended from time to time, shall be on file at the National Office of USA Diving.

(1) If a Local Diving Association does not have Bylaws on file with the National Office, then the Generic Bylaws set forth in Appendix H shall be deemed to be the Bylaws of the LDA for all purposes.

(2) If an LDA is without an elected Local Diving Committee, the Bylaws Committee Chair, with approval of the Vice Chair Administration, may appoint a General Chair *pro tem* for that LDA to organize and oversee elections.

(c) Associations shall consist of the athlete, coach, official and club members, and such other classifications of membership as each Association shall authorize in its Bylaws.

(d) The operation of the LDA shall be carried out by its Local Diving Committee (LDC) within those guidelines established by the Corporation and by its own Bylaws. Each LDC shall

establish an annual meeting date to conduct the formal business of the LDA (election of the LDC, election of delegates to the Annual Meeting of the USA Diving General Assembly, distribution of funds, etc.). Such meetings shall be held at a time and place convenient for a majority of the membership. Not less than 15 days prior to such annual meeting, the LDC, or its designated officer, shall advise the membership of the LDA, in writing, of the date/time/place of such annual meeting. The foregoing notice provisions shall also be applicable to any special or additional meetings.

**240.3 Acceptance of Membership.** The Corporation reserves the right to reject, for good cause, any application for membership in any class of membership if the Corporation, by a committee comprised of its Vice Chair, Administration, and one athlete and one member of a professional diving coaches association selected by the Vice Chair, Administration, neither of whom are members of the Board of Directors, determines that the acceptance would be detrimental to the best interests of the Corporation. No rejection shall be made on the basis of age, race, religious belief, creed, national origin, sexual orientation, or gender. The right of rejection provided in this section may be exercised at any time within 30 days after such application is received by the Corporation's National Office. Upon rejection of an application for membership, the CEO shall return the application with a notice of rejection, a check for the full amount of the membership paid by the applicant, and notice of the right of appeal. The rejection is effective on mailing to the address set forth in the application. An applicant for an athlete, coach, or official membership shall have a right of appeal under Part II, Subpart C, of the *Bylaws*. [Amended Sept. 26, 2008, effective Jan. 1, 2009]

## **Article 41 - USA Diving General Assembly**

### **241.1 Corporation Business.**

The USA Diving General Assembly shall have such authority as granted by these *Bylaws*. It shall be the joint responsibility of all officers, the Board of Directors, the Chairs of all committees and subcommittees, and the CEO to ensure that all actions taken by any of the foregoing are brought to the attention of the USA Diving General Assembly at the next meeting immediately following such action.

**241.2 Sections.** The USA Diving General Assembly of the Corporation shall consist of the following Sections: Administrators, Coaches, and Athletes.

**241.3 Membership required.** All members of the USA Diving General Assembly shall be members of the Corporation. No person who is not a member of the Corporation shall serve in any capacity that carries with it automatic membership on the USA Diving General Assembly.

**241.4 Election by LDA.** Each LDA may elect two members to the Coaches Section and one member to each of the Administrators' and Athletes' Sections as set forth above each of who will be considered as At-Large members to the general sessions of the USA Diving General Assembly. LDA members elected to the Athletes' Section shall be LDA athlete representatives as defined at Section 245.5(d).

### **241.5 At-Large Members.**

(a) The United States representatives to the Technical Diving Committees of the Federation Internationale de Natation Amateur and the Union Amateur de Notation de las Americas (UANA) shall be At-Large members of the USA Diving General Assembly.

(b) Twelve athlete representatives, six male and six female, who shall be elected by those athlete members present at the United States Diving Championships, shall be At-Large members of the USA Diving General Assembly.

(c) All members of the Board of Directors, Committee for Competitive Excellence (except Advisory), Diving Rules Committee, Governance Committee, Finance and Audit Committee, as well as the Masters Committee Chair, and Masters Rules Secretary shall be At-Large

members of the USA Diving General Assembly.

(d) The Regional Chairs shall be At-Large members of the USA Diving General Assembly. At the Regional Championships held in even-numbered years, or at such other special meeting held for such purpose, those Association Representatives and athlete representatives in attendance shall elect a Chair to serve for a term of two years. Notice of any special meeting under this section shall be given in writing to all Corporation members in the affected region not less than 15 days before the meeting date.

(e) The Chair of the Board of the Corporation shall be empowered to appoint up to 11 At-Large members to the USA Diving General Assembly.

(f) Past Chairs of the Board [*Ed. Note: Includes Past Presidents*] of USA Diving shall be At-Large members of the USA Diving General Assembly for so long as they continue to attend Annual Meetings.

**241.6 Allied and Affiliate members.** Allied and affiliate members shall have such representation on the USA Diving General Assembly and within those sections as has been approved and assigned by the Board of Directors.

**241.7 Qualifications.** Each member of the USA Diving General Assembly shall remain a member so long as the member continues to meet the qualifications set forth in this Article, except that membership may be terminated by resignation filed with the Vice Chair, Administration. In the case of LDA representatives, the resigning representative shall also give notice to the chief executive officer of the representative's Association.

## **Article 42 - Meetings of the USA Diving General Assembly and Sections**

**242.1 Annual meeting.** The Annual Meeting of the USA Diving General Assembly shall be held at such date, time and place as prescribed by the Board of Directors and approved by the USA Diving General Assembly, within or without the State of Ohio, as may be fixed in the notice of such meeting.

**242.2 Special meetings.** Special meetings of the USA Diving General Assembly may be held in conjunction with the USA Diving Championships at such time and place determined by the Chair of the Board. Special meetings of the USA Diving General Assembly may also be held at any time, pursuant to a resolution of the Board of Directors.

**242.3 Notice of meetings.** A written notice of all annual and special meetings of members, stating the time and place, and in the case of special meetings not in conjunction with any USA Diving Championships, the purpose thereof, shall be given to each member of the USA Diving General Assembly, by mailing the same to each member's last known address or by sending an email to the member's last known email address at least a week before any such meeting, provided, however, that such notice may be waived in writing by any member before or after such meeting. The attendance of a member at any meeting without protesting the lack of notice prior to or at the commencement of the meeting shall be deemed a waiver of any defect in the notice.

**242.4 Voting.** The voting policy of the Corporation shall be one-person one vote, except as noted in (a) (3) below.

(a) **USA Diving General Assembly.** (1) Each Association shall have one vote for each representative in attendance (maximum of four) on each matter submitted to the USA Diving General Assembly for its vote, consent, waiver, release or other action. (2) Designated Association Section Delegates; At-Large members of the USA Diving General Assembly (see 241.5), Senior Athlete Representatives, Regional Chairs and designated Allied and Affiliate Representatives shall be entitled to one vote on each matter submitted for its vote, consent, waiver, release, or other action. (3) Notwithstanding the foregoing, the votes of the Athlete Representatives shall be weighted to comprise 20 percent of the total voting representation at any meeting of the USA Diving General Assembly whenever

required by USOC Constitution and Bylaws. The weighted voting shall be calculated based on the number of delegates to the Annual Meeting as determined by the roll call at the first session after all delegates have been credentialed. (4) Elected Directors each of whom has fulfilled their current term of office and who have not been reelected as a Director or has not been appointed as a delegate to the USA Diving General Assembly in any other manner, shall be voting members of the USA Diving General Assembly for the year immediately following the Directors' expired term. (5) The presence of 30 of the members of the USA Diving General Assembly at any meeting of the USA Diving General Assembly shall constitute a quorum for such meeting.

(b) **Section Membership.** (1) At-Large members are deemed to be members of each and every Section (except the Athletes Section) and shall be entitled to one vote on each matter presented to each Section for its vote, consent, waiver, release or other action. (Note: An At-Large member who is also a section representative shall have only one vote in the section for which he is a representative.) (2) Allied and Affiliate members shall designate their representative(s) to those sections to which they have been assigned by the Board of Directors, and shall have one vote per representative in attendance on each matter submitted in the meeting(s) of the section to which they have been elected or assigned. (3) Section designations are not transferable, nor shall proxies be permitted. (4) The presence of 10 members of a Section at any meeting of the Section shall constitute a quorum for such meeting.

**242.5 Credentials.** (a) A list of delegates to the USA Diving General Assembly, together with the full name and address of each, shall be certified annually in writing on the Delegate Certification Form To the CEO of USA Diving, Inc., by the appropriate officer of each Association at least 30 days in advance of the Annual Meeting. (b) The appropriate officer of each Allied and Affiliate member shall certify in writing to the CEO its list of Section representatives to the USA Diving General Assembly within the time frame and in the manner set forth in 242.5(a) above. (c) The failure to make proper certification will deny a seat at such meetings unless excepted by the USA Diving General Assembly by a majority vote. (d) Written certification of discharge, resignation or substitution of members shall be made in writing on the Delegate Substitution Form, signed by the chief executive officer of the body represented by any given representative, and forwarded to the Chief Executive Officer in the manner set forth in 242.5(a) above. (Delegate Substitution Forms may also be hand-carried to the USA Diving General Assembly meeting and presented to the Chair of the Governance Committee.) Individuals so withdrawn from their representative capacity shall be replaced by the entity so represented.

**242.6 Section Meetings.** Meetings of the Sections listed in 241.2 shall be in conjunction with the Annual Meeting, and at such other times as the Vice Chairs or Chairs of the respective Sections determine. The notice provisions of 242.3 are applicable to meetings of the Sections.

**242.7 Conflict of Interest.** At all meetings of the USA Diving General Assembly, and of all other boards, committees, subcommittees, and other entities within the Corporation, it is necessary to avoid not only the existence of impropriety, but the appearance of impropriety. Therefore, upon any matter presented for vote, any person who has a direct monetary or personal interest not common to other members of USA Diving shall abstain. This does not preclude a member from voting for himself or herself for elected office or award nor does it preclude the member from voting when other members are included with him or her in the motion.

**242.8 Bids for Site Selections.** Any person or entity shall be permitted to present a bid to the USA Diving General Assembly for its consideration. However, unless such persons or entities are members of the Corporation and registered for the Annual Meeting, they shall have no vote in the selection process.

**242.9 Elections.** (a) All elections for positions on the Board of Directors, as well as other elected positions of the Corporation, will be held at the Annual Meeting of the Corporation. (b) Elections will be conducted by the Nominations and Elections Committee. (c) No member of the Corporation may be a candidate for more than one position resulting in membership on the Board of Directors. (d) Written nominations for positions, via email or postal mail, must be received by the national office no later than 12 p.m. PST the Monday before the start of the annual convention. After that deadline, only floor nominations will be accepted. (e) At the time of the presentation of the names of candidates for election by the Nominations and Elections Committee, and not later than the conclusion of the presentation of the report of the Nomination and Elections Committee, nominations of candidates from the floor of the meeting of the USA Diving General Assembly for any elective position of the Corporation made by a credentialed delegate, and seconded by a credentialed delegate, will be accepted and included on the ballot for the ensuing election. (f) To be elected to a position, a candidate must receive a majority of the votes cast by delegates present and eligible to vote at the general session of the USA Diving General Assembly that includes such election as part of its agenda. (1) In a contested election for a position, if no candidate receives a majority, the candidate who received the lowest number of votes on the previous round is removed from the contest and the remaining candidates will participate in another round of voting. This procedure will continue until one candidate receives a majority. (2) In a contest where multiple positions are being filled, a delegate may cast votes for as many candidates as there are positions available, but may cast only one vote for a single candidate. In cases of multiple positions where the necessary number of candidates do not receive a majority, any candidate who received a majority will be declared elected and removed from the ballot. If no candidate receives a majority vote the candidate who received the fewest votes will be removed from the ballot and another round of voting will occur. This procedure will continue until all positions have been filled by candidates receiving a majority of the votes cast.

## **Article 43 - Board Of Directors**

**243.1 Authority.** Except for the authority reserved to the USA Diving General Assembly, the Board of Directors shall conduct the business of the Corporation: provided that it cannot amend the *Diving Rules*. The Board of Directors shall have the authority to amend the Bylaws and, except in exigent circumstances, shall adopt procedures that ensure that:

1. Members may submit proposals for changes to the Bylaws as noted in Article 48 herein to the Governance Committee, which shall consider and may forward such proposals to the Board of Directors for its consideration;
2. The Board of Directors may initiate changes to the Bylaws on its own initiative. Any changes initiated by the Board of Directors shall be forwarded to the Governance Committee for review and advice before adoption;
3. The Governance Committee may initiate proposals for changes to the Bylaws and shall forward it proposals for consideration along with its recommendations and other advice to the Board of Directors.

The General Assembly may, by a majority vote of those in attendance and qualified to vote, reverse any change(s) to these Bylaws made by the Board of Directors at the annual meeting immediately following adoption. Any reversal shall be prospective only. [Amended September 18, 2014, effective upon adoption]

**243.2 Number.** There shall be not less than 10 Directors.

**243.3 Composition.** (1) The members of the Board of Directors will be: (a) The following members, elected at large, by the General Assembly at the Annual Meeting of the Corporation occurring in the same year as the Summer Olympic Games: (1) The Chair of the Board of Directors; (2) The Vice-Chair, Administration; (3) The Vice-Chair, Competitive

Excellence; and (4) The Treasurer; (b) One member elected by the Coach Section of the USA Diving General Assembly; (c) The immediate Past Chair of the Board; (d) The representative to the USOC Athlete's Advisory Council; (e) Allied members shall have such representation on the Board of Directors as has been assigned and approved by such Board. No later than 30 days following the meeting of the General Assembly during the year of the Winter Olympic Games, the appropriate officer of the Allied member shall certify in writing to the CEO of USA Diving the full name and address of its designated Board member. Such certification remains in effect except by written certification of discharge or resignation signed by the appropriate officer of the body represented. Representatives so designated by Allied Members must qualify as "independent directors" as defined by the USA Diving Board of Directors, consistent with the guidelines of the U.S. Olympic Committee, at the time of their initial designation. (f) Other Athlete Representatives. The Athlete Representatives shall elect to the Board of Directors that number of athlete directors necessary to ensure that not less than 20% of the directors are Athlete Directors. Athlete Directors need not themselves be Athlete Representatives, but must, at the time of their election, be actively engaged in amateur competitive diving, or have represented the United States in international diving competition within the ten years immediately preceding their election. (g) *Independent Director*. One member, who shall be "independent director" as defined by the USA Diving Board of Directors, shall be selected by a majority vote of the Board of Directors and approved by the USA Diving General Assembly at its Annual Meeting. A committee of three, appointed by the Chair of the Board, will make nominations for the position as independent director. That committee shall include one of the Vice-Chairs or the Immediate Past Chair, the coach director, and one athlete, and may include up to three advisory members who may or may not be members of USA Diving. An "independent director" shall meet the criteria established for such a position by the USA Diving Board of Directors, consistent with the guidelines of the U.S. Olympic Committee.

**243.4 Term of office.** (a) Directors of the Corporation elected pursuant to Sections 243.3(a), (b), and (g) shall serve four-year terms. (b) Terms for directors selected pursuant to 243.3(a) and (c) begin at the conclusion of the General Assembly in Summer Olympic years (2008, 2012, etc.); terms for directors selected pursuant 243.3 (b) and (g) begin at the conclusion of the General Assembly in non-Summer Olympic, even-numbered years (2010, 2014, etc.).

**243.5 Vacancy.** Any vacancies that may occur on the Board of Directors caused by death, resignation, or otherwise, shall be filled by a majority vote of the remaining members thereof, from among the members of the USA Diving General Assembly, to serve until the next meeting of the USA Diving General Assembly, except that Directors appointed or elected pursuant to 243.3(b), (c), (d), (e), (f) and (g) shall be replaced by the original selecting organization.

**243.6 Duties of Elected Board Members.**

(a) **Chair.** The Chair shall preside at all meetings of the Board and at all Annual Meetings of the Corporation. The Chair shall exercise duties prescribed in these *Bylaws* and shall be an *ex officio* member of all committees and an advisory member of all subcommittees.

(b) **Vice Chair, Administration.** The Vice Chair, Administration, shall advise the Chief Executive officer regarding all administrative functions, including but not limited to: registration, sanctions, membership, Regional Chairs, insurance, and other similar matters. The Vice Chair, Administration, takes the place of the Chair in the Chair's absence. The Vice Chair, Administration, shall designate a person as Recording Secretary for all meetings of the USA Diving General Assembly. Subject to the approval of the Chair, the Vice Chair, Administration shall appoint a person to serve as the editor of the *USA Diving Rules & Bylaws* after consulting with the Chairs of the Rules and Governance Committees. The Vice Chair, Administration shall serve as the Chair of the Member Services Committee. When any business document or other action of the Corporation requires the signature or affirmation of the Secretary of the Corporation, the Vice Chair, Administration, shall act as the



Corporation's Secretary. (c) **Vice Chair, Competitive Excellence.** The Vice Chair, Competitive Excellence, shall preside over the Committee for Competitive Excellence and shall be an *ex officio* member of each committee hereunder.

(d) **Treasurer.** The Treasurer of the Corporation shall act in the capacity of chief financial officer of the Corporation and shall serve as Chair of the Finance and Audit Committee. The Treasurer shall assist and advise the Chief Executive Officer regarding the accounts and reports as required by these *Bylaws* and in the preparation and maintenance of the financial records of the Corporation in a manner consistent with generally accepted accounting practices for organizations of like size and complexity.

**243.7 Meetings.** Meetings of the Board of Directors shall be held at any time or place, within or outside the State of Ohio, pursuant to resolution of the Directors or to a call signed by the Chair of the Board or any three directors. Two days written notice of any such meeting shall be given each Director. Notice of any meeting may be waived in writing either before or after such meeting. Attendance at meetings may be by electronic means which allow for all in attendance from any location to hear all others in attendance from any location.

**243.8 Board of Directors Action by Other Means.**

(a) **Scope.** Any action that can lawfully be taken at a properly called and held meeting can also be taken by a mail, email, or telephonic vote, including a meeting held by conference telephone call.

(b) **Scheduling.** Upon the written request of the Chair of the Board, three members of the Board of Directors, or 10 percent of the Associations, regarding any specific matter or question, such matter or question shall be submitted by the Chief Executive Officer to the Board for a mail (including e-mail) vote.

(c) **Procedure.** (1) The Chief Executive Officer shall transmit to each Board member a clear statement of the questions to be voted on, with the request that each member send his vote to the National Office within twenty days after the transmission or within such shorter period of time as the situation may require; and (2) In every instance of a mail, email, or telephonic vote, the National Office preserves the ballot of each Board member or contemporaneous record thereof for a period of one year.

**243.9 Expenses, no compensation.** No member of the Board of Directors shall be entitled to receive compensation for service as a Director. Reimbursement by the Corporation may be made for reasonable expenses incurred in the course of a Director's duties.

**243.10 Quorum.** The presence of a majority of the members of the Board of Directors shall constitute a quorum at any meeting of the Board of Directors. A majority is one more than half of the total number of members of the Board of Directors.

**243.11 Removal.** The Board of Directors may, by a two-thirds vote, choose to remove any Director who: (a) Misses three consecutive Board meetings without satisfactory excuse; (b) Misses four consecutive Board meetings with or without a satisfactory excuse; (c) Violates Article 80 or Article 83 of the *USA Diving Bylaws*; (d) Acts in a manner that brings disrepute upon the Corporation.

## **Article 44 - Chief Executive Officer**

**244.1** The Board of Directors shall employ a Chief Executive Officer ("CEO"), who shall be the President of the Corporation and report directly to the Board of Directors.

**244.2 Duties.** The CEO shall have such duties as assigned by the Board of Directors or delegated by these *Bylaws* which will include, but not necessarily be limited to, the following: (a) Execute the policies adopted by the Board within the limitations specified by the Board; (b) Report to the General Assembly at the Annual Meeting on the state of the

Corporation, its financial affairs, and such other matters as the CEO deems appropriate; (c) Report to the Board periodically on the affairs of the Corporation; (d) Attend all meetings of the Board and the General Assembly; (e) Consult with various committees of the Corporation as provided in Article 45; (f) Be the official representative of the Corporation to the public, the membership, the USOC, FINA, USAS, and other entities; (g) Manage the National Office including the employment and termination of all employees of the Corporation; (h) Manage the financial affairs of the Corporation which among other things will include recommending to the Finance and Audit Committee one or more individual firms to be considered for the position of independent auditors; (i) Recommend policies and the accompanying executive limitations to the Board; (j) The CEO, may, with the prior approval of the Board, create such "Vice President" positions as may be deemed appropriate. Any Vice President position created under this section shall be an employee of the Corporation whose duties, responsibilities and authorities are defined in such Vice President's job description. Such employees are *not* officers of the Corporation.

**244.3 Annual Evaluation.** The CEO shall undergo an annual evaluation by the Personnel and Compensation Committee. (See 245.9)

**244.5 Relationship to Committees.** (a) As specified in Section 245.1(c) of these *Bylaws* certain Committees shall report to the CEO. (b) The Committees which report to the CEO shall provide the CEO with information, advice, recommendations and consultation, regarding matters within the purview of each such Committee as described in Article 45 of these *Bylaws*. (c) The CEO has the authority to accept or reject, in whole or in part, the advice or recommendations made by the Committee. (d) The CEO, in the CEO's sole and absolute discretion, may delegate to a Committee the authority to make decisions on one or more specific topics; however, any such decisions may be modified by the CEO. Such authority, if granted by the CEO, may be rescinded at any time. (e) Nothing in the grant of authority to the CEO by this section is intended to in any way limit in any way the policymaking authority of the Board of Directors of the Corporation as set forth in these *Bylaws*.

## **Article 45 – Committees**

### **245.1 Organization.**

(a) **Committees Reporting to the General Assembly.** The following committees will report to the General Assembly: Rules Committee, and Nominations and Elections Committee.

(b) **Committees Reporting to the Board of Directors.** The following committees will report to the Board of Directors: Finance and Audit Committee, Governance Committee, Board of Review, Personnel and Compensation Committee, Athlete Representatives Committee, and ad hoc task forces appointed by the Board Chair.

(c) **Committees Reporting the Chief Executive Officer.** The following committees will report to the Chief Executive Officer: Finance and Audit Committee, Committee for Competitive Excellence, Member Services Committee, Masters Committee, and ad hoc committees appointed by the Board Chair.

(d) **Jurisdiction.** Committees shall exercise such jurisdiction as has been delegated to them by these *Bylaws* and the Board of Directors. In the event disputes should arise between or among committees with respect to jurisdiction, and such committees are unable to resolve such dispute(s), the contesting committees may immediately file a written appeal with the CEO setting forth the issue and all relevant information. The Board of Review shall then establish jurisdiction.

(e) **Vacancies** that occur on any of the committees named in subsections (a), (b) and (c) above shall be filled in the following manner: (1) *Committee Chairs*. In the event the Committee Chair holds that position pursuant to being an elected member of the Board, then the provisions of section 243.5 will apply. For all other Committee Chairs, the Chair of the Board, with the approval of a majority of the Board of Directors, shall appoint from the

present membership of the Committee on which such vacancy has occurred, a Chair to fill the remaining term, or until the next election year; except, however, that in the event a vacancy should occur in the Athlete Representatives Committee Chair, such vacancy shall be filled by the Athlete Representatives. (2) *Committee Members*. The appropriate Committee Chair, with the approval of the Chair of the Board, shall appoint a member to fill the vacancy which has occurred for the remaining term, or until the next election year; except that Committee members appointed or elected pursuant to 243.3(a)(7), (b), and (c) shall be replaced by the original appointing/electing body.

(f) **Removal.** (1) *Committee Chair*. For good cause shown, the Chair of the Board may, with the approval of the Board, remove any committee Chair. (2) *Committee Members*. For good cause shown, a committee chair may, with the approval of the Chair of the Board, remove any elected member and may recommend removal of any appointed member. (3) Any such removed Chair or member may appeal his or her removal to the Board of Directors. The Vice Chair, Administration, shall formulate procedures to implement this provision.

(g) **Policies and Procedures.** (1) Each committee of the Corporation shall prepare a statement of Policy and Procedures to be submitted to the Vice Chair, Administration, who will maintain all such statements in a Policy Manual to be kept at the National Office and made available to any member upon reasonable request and for a charge representing the costs of reproduction, binding, and mailing. (2) The policy and procedures of a committee may be amended at any regular meeting of the committee by a majority of the committee present and voting. If there is an urgent need to amend a policy between regular meetings of the committee, such amendment may be made by means of affirmative vote of two-thirds of the committee's members obtained by mail or telephone.

(h) **Term limits.** (1) Term limits for members are as specified in the listing for the specific committee or subcommittee. (2) Appointed, Working and Advisory members shall serve for the period of time designated by the Chair. (3) At the Annual Meeting of the USA Diving General Assembly held in an election year, the General Assembly may, by a two-thirds majority of all members present and eligible to vote, allow any committee Chair or elected committee member to seek an additional consecutive term. Said vote may be taken at any time prior to or during the election process of the General Assembly.

#### **245.2 Finance and Audit Committee.**

(a) **Composition:** The committee shall not exceed seven members. (1) Chair. The Treasurer shall serve as chair of the committee. (i) The Treasurer shall be elected by the General Assembly during election years [See 243.4(b)]; (ii) a candidate for election as Treasurer shall be a Certified Public Accountant, hold a similar financial certification or have experience in financial management as defined in the selection criteria established by the Board of Directors. (2) *Elected members*. One coach member of the Corporation elected at large by the USA Diving General Assembly during election years. (3) *Appointed members*.

(i) An athlete member, appointed by the Athlete Representatives Committee, who shall have a weighted vote equal to 20%. (ii) Two members appointed by the Treasurer with the approval of the Chair of the Board. Appointees need not be members of USA Diving. Following appointment a person who is not a member of the Corporation will not be a member of the General Assembly as provided in section 241.3 unless they become a member of the Corporation. (4) *Ex officio*. (i) The Chair of the Board of USA Diving. (ii) The past Treasurer for 12 months following the end of his/her term.

(b) **Term limits.** (1) The Treasurer may serve two consecutive terms. Members of the Finance and Audit Committee shall serve for a term of two years and may serve until successors are appointed or elected.

(c) **Duties.** (1) The Treasurer shall: (i) Assist and advise CEO on reporting financial matters showing the income and disbursements of the Corporation in a manner similar to those reports required of non-profit organizations by section 6056 of the Internal Revenue Code of 1954 (or corresponding provisions of any subsequent tax laws). The Treasurer will review and approve the final of those reports. Such annual financial reports shall be made available for inspection by members of the general public at the Corporation's principal office if a request is made within 121 days' notice of the report's availability, as published in the

minutes of the general meetings of the USA Diving General Assembly. Members of the Corporation may obtain a copy of the Corporation's annual financial report upon written request to the Chief Executive Officer. (ii) Approve and report to the USA Diving General Assembly an accounting of the current fiscal year's income and expenditures to date compared to the budget and an annual accounting of the preceding fiscal year compared to the budget. The CEO shall furnish this report at the start of the Annual Meeting of the USA Diving General Assembly. This accounting shall be up to date and mailed, with all other proposed *Rules* and policy changes, not less than 14 days prior to the Annual Meeting of the USA Diving General Assembly. In addition to the summary reports prepared for dissemination to the USA Diving General Assembly at the Annual Meeting, the CEO shall make financial reports available for inspection at reasonable times during each day on which any business of the Corporation or any committee thereof is conducted prior to and during the Annual Meeting. Financial reports shall include as line item entries: (A) the aggregate amount of money paid to athletes and the total number of such athletes; and (B) the aggregate amount of money paid to employees of the Corporation, along with a list of those employees and their titles. *[Editor's Note: As the result of a policy change, proposed rule proposals and other information are not mailed in advance of the Annual Meeting. All such items are posted on the Corporation's website at [www.usadiving.org](http://www.usadiving.org) well in advance of the Annual Meeting. As a result accounting materials called for in the above section will also be posted on the Corporation's website and will not be mailed. An appropriate proposal amending the language of this section will be submitted in 2008]* (2) The Finance and Audit Committee shall: (i) Advise the Chief Executive Officer regarding supervision and control over the finances of the Corporation and shall advise the Treasurer, Chair of the Board, and Board of Directors in all matters of finance, insurance, and bonds. (ii) Periodically audit the Corporation's finances and advise the Board on any needed changes in accounting policies. (iii) After reviewing the CEO's recommendations, recommend to the Board one or more individuals or firms to be selected by the Board to serve as the independent auditors for the Corporation's financial reports for the next fiscal years. (iv) After reviewing CEO's recommendations, advise the Board of any such changes to rules, regulations, and fee structures governing the various memberships as it deems advisable, which are not inconsistent with the Articles of Incorporation or the *Bylaws*. (v) Audit all capital expenditures proposed to be made; review all financial contracts entered into by the Corporation; review budgetary procedures and guidelines for the Board of Directors and committees of the Corporation; review the projected annual budget submitted for approval by the CEO, and recommend it to the Board of Directors; and review the utilization of all funds available to the Corporation. (vi) Review, at least semi-annually, the financial reports of USA Diving as submitted by the Treasurer and the CEO. (vii) Make inquiries of the CEO regarding matters contained in the financial reports. (viii) Examine income and expenses of USA Diving as contained in the financial reports and make comparison to the annual budget adopted by the Board of Directors. (ix) Make semi-annual or more frequent reports to the Board of Directors on its findings. (x) The outside auditor is to be kept informed of all financial information relating to the Corporation. (xi) Approved budgets, as well as any Board of Director actions altering budget or financial statement presentation of the Corporation shall be timely and routinely sent to the Finance and Audit Committee by the Treasurer. (xii) The Finance and Audit Committee is to review and discuss investment strategies for USA Diving reserves and compare the current fund income with other investment vehicles for present returns keeping in mind liquidity and safety and advise the Board of Directors of such.

### **245.3 Rules Committee.**

(a) **Composition** (1) *Chair*: A chair elected at large by the USA Diving General Assembly in election years. (2) All members of the Senior Rules Subcommittee and the Junior Rules Subcommittee shall be members of the Rules Committee. (3) *Appointed members*. One member appointed by a diving coaches' association holding a membership in United States Diving. (4) *Ex officio members*. (i) The Chair of the Board and (ii) The Chair of the Governance Committee. (5) *Advisory member*. The FINA Technical Representative shall be an advisory member of the Rules Committee.

(b) **Term limits.** (1) The Chair shall serve for a period of four years, and no longer than two successive terms, or until a successor is qualified or elected.

(2) Elected committee members shall serve for a period of two years, and no longer than two successive terms on a specific subcommittee, or until their successors are qualified or elected.

(c) **Duties.** The Rules Committee: (1) Shall consider and may initiate proposed rules, changes and amendments to the diving *Rules*, and shall present them at the Annual Meeting of the USA Diving General Assembly for approval; (2) Shall officially interpret the technical diving *Rules*, subject to review only by the Board of Review; (3) Shall hold an Annual Meeting prior to the Annual Meeting of the USA Diving General Assembly or at a time and place approved by the Rules Committee; (4) May hold an open meeting in any national diving championships in order to consider suggested changes to the diving *Rules* and conduct other appropriate business; (5) May adopt and implement, on an interim basis, any or all rules adopted by FINA subsequent to a USA Diving General Assembly Annual Meeting. Such actions shall remain in effect only until the next USA Diving General Assembly Annual Meeting, and at that time must undergo normal rule-making procedures.

(d) **Senior Rules Subcommittee.** (1) *Composition.* The Senior Rules Subcommittee shall consist of the following members: (i) *Chair.* The Senior Rules Subcommittee shall be chaired by the Rules Committee Chair. (ii) *Elected members.* (A) Six members, one representing each of the six Zones, all of whom may be nominated and elected without regard to formal membership or delegate designation in the Coaches' section, elected at large at the Annual Meeting of the USA Diving General Assembly in even-numbered years, and (B) One member from the Administrative Section elected at large at the Annual Meeting of the USA Diving General Assembly in even-numbered years. (iii) *Appointed members.* (A) Three athlete representatives who shall be appointed by the Athlete Representatives Committee. (B) Up to three additional members appointed by the Chair, with the approval of the Chair of the Board. (iv) *Ex officio members.* The Chair of the Senior Diving Committee, shall be a member of the Senior Rules Subcommittee. (2) *Duties.* (i) The Senior Rules Subcommittee shall (A) Receive and review all proposed General and Senior rule changes and shall recommend, not recommend, or modify such rule changes to the Rules Committee at its Annual Meeting; (B) Act on all matters concerning the violation or interpretation of any Senior technical diving rule, subject only to review by the Rules Committee and/or the National Board of Review; (C) Meet annually and additionally as required at a time and place approved by the Subcommittee; (ii) The Rules Committee Chair, with the approval of Chair of the Senior Diving Committee, shall fill all vacancies on the Senior Subcommittee with the exception of the Athlete Representative members of the Subcommittee, by appointing temporary replacements to serve until the next election. (iii) If a situation arises at a senior national championship or its qualifying meets where it is believed that a deviation from a specific diving rule would be in the best interests of those involved for the conduct of the competition, the Chair of the Board, Chair of the Senior Diving Committee, Rules Chair, or meet director may request a rules change consideration, for the particular situation only, in the following manner: The Rules Chair shall poll the Senior Rules Subcommittee members, in person or by telephone, for a majority vote of those contacted. If time permits, the Rules Chair shall poll each member of the Senior Rules Subcommittee by mail, email or telephone for a majority vote of the entire Subcommittee.

(e) **Junior Diving Rules Subcommittee.** (1) *Composition.* The Junior Diving Rules Subcommittee shall consist of 12 members. (i) *Chair.* The Chair shall be elected at large by the USA Diving General Assembly in election years. (ii) *Elected members:* Six members, one representing each of the six Junior zones, all of whom may be nominated and elected without regard to formal membership or delegate designation in either the Coaches' Section, elected at large at the Annual Meeting of the USA Diving General Assembly in even-numbered years. (iii) *Appointed members.* Three athlete representatives appointed by the Athlete Representatives Committee. (iv) *Ex officio members.* (A) The Chair of the Junior Diving Committee. (B) The Chair of the Rules Committee, or the Chair's designated representative. (2) *Duties.* (i) The Junior Diving Rules Subcommittee shall: (A) Receive and review all proposed General and Junior rule changes and shall recommend, not recommend,

or modify such rule changes to the Rules Committee at its Annual Meeting; (B) Act on all matters concerning the violation or interpretation of any Junior technical diving rule, subject only to review by the Rules Committee and/or National Board of Review; (C) Meet annually and/or additionally as required at a time and place approved by the Subcommittee. (ii) The Chair of the Subcommittee, with the approval of the Chair of the Junior Diving Committee, shall fill all vacancies on the Subcommittee, with the exception of the athlete representative members of the Subcommittee, by appointing temporary replacements to serve until the next election. (iii) If a situation arises at a Junior National Championship, Age Group National Championship or their qualifying meets where it is believed that a deviation from a specific diving rule would be in the best interests of those involved for the conduct of the competition, the Chair of the Board, Chair of the Junior Diving Committee, Junior Rules Subcommittee Chair, or meet director may request a rules change consideration, for the particular situation only, in the following manner: The Junior Rules Subcommittee Chair shall poll the Junior Rules Subcommittee members, in person or by telephone, for a majority vote of those contacted. If time permits, the Junior Rules Subcommittee Chair shall poll each member of the Subcommittee by mail, email, or telephone for a majority vote of the entire Subcommittee.

#### **245.4 Committee for Competitive Excellence.**

(a) **Composition.** (1) *Chair.* The Vice Chair, Competitive Excellence, shall be elected by the USA Diving General Assembly. The Vice Chair, Competitive Excellence, shall serve as an *ex-officio* member of all committees under the Committee for Competitive Excellence and shall facilitate the activities and decisions that come from those committees. (2) Elected Members (i) The International Diving Representative a. The International Diving Representative is to be elected at large by the General Assembly and is to be a person with extensive experience in International Competition as an athlete, coach, judge or official. b. The International Diving Representative is to be elected in non-Summer Olympic even numbered years and shall serve a term of four years. (ii) At-Large Coach Member a. The At-Large Coach Member is to be elected at large by the General Assembly and is to be a person who has been a coach of the USA Team to an Olympic Games, World Championship or World Cup. b. The At-Large Coach member is to be elected in non-Summer Olympic even numbered years and shall serve a term of four years. (3) *Ex officio members.* (i) The Chair of the Board (ii) The diving representative to the Federation Internationale de Natation (FINA) (iii) Chair of the Senior Diving Committee (iv) Chair of the Junior Diving Committee (v) AAC Representative (vi) The Corporation's High Performance Director (4) *Appointed members.* One athlete member chosen by the Athlete Representatives Committee. It is strongly recommended that the Athlete Representative have experience as a member of an Olympic, World Championship, or World Cup Team. (5) *Advisory members.* The Vice Chair, Competitive Excellence, may, with the approval of the Chair of the Board, appoint from time to time such advisory members, i.e., the Rules Chair, as he deems necessary to assist and advise the Committee and who shall serve at the pleasure of the Vice Chair, Competitive Excellence. Any such appointed advisory member shall have voice but shall not have a vote.

(b) **Term limits.** (1) The Vice Chair, Competitive Excellence, the International Diving Representative, and the At Large Coach Member shall serve for a period of four years, or until a successor is qualified or elected and no longer than two successive four-year terms. (2) Members of the Committee for Competitive Excellence shall serve for the tenure of their position within USA Diving, which qualified them for membership on the Committee.

(c) **Duties.** (1) The Committee for Competitive Excellence shall be responsible for reviewing and acting on all recommendations affecting competitive performance and development referred to it by the Senior Diving Committee, Junior Diving Committee and Grass-Roots Committee. The Committee also has the right to initiate and undertake actions to enhance competitive performance and development. (2) The Committee for Competitive Excellence shall, in cooperation with the Member Services Committee, be responsible for advising the Chief Executive Officer on the development and implementation of the USA Diving coach education program, including approval and oversight of course content, delivery and presentation, monitoring of certifications, and periodic program assessment. (2) *Term*

*limits.* The chair shall serve for a period of four years and no longer than two consecutive four-year terms or until a successor is qualified or elected. The elected members shall serve for a term of four years and no longer than two consecutive four-year terms, or until a successor is qualified or elected. (3) *Duties.* The International Diving Committee shall: (i) Be responsible for: (A) All Junior and Senior International teams representing the United States, including the composition of their athletes and staff and the eligibility requirements of their members; (B) Competitions, training, exhibitions and exchanges of teams representing the United States, including the Olympic Games, Pan Am Games, World Championships, and the World University Games; (ii) Review and act on all requests from individuals, clubs, or organizations wishing to exchange, exhibit, or compete with or against people from foreign countries, both in the United States and abroad; (iii) Consider and evaluate allegations of conduct involving moral turpitude in selecting teams or approving individuals. As a part of such consideration, an opportunity to be heard shall be afforded the affected person(s). (4) *Effectivity.* Actions of the Committee must be approved by the Committee for Competitive Excellence before such actions take effect.

(d) Vacant

(e) **Senior Diving Committee:** (1) *Composition.* (i) *Chair.* The Chair of the Senior Diving Committee shall be elected at large by the USA Diving General Assembly and be assisted by a Senior Secretary appointed by the Chair of the Senior Diving Committee. (ii) *Ex Officio Members.* (A) Chair of the Junior Diving Committee. (B) AAC Representative. (iii) *Elected.* One member elected at large by the USA Diving General Assembly. (iv) *Appointed Members.* (A) Two Athlete Representatives chosen by the Athlete Representatives Committee. (B) Two appointed by the Chair of the Senior Diving Committee, with the approval of the Vice Chair, Competitive Excellence. (v) *Advisory Members.* The Grass-Roots Director. (2) *Term limits.* The elected member shall serve for a period of two years and no more than two consecutive terms, or until a successor is qualified or elected. (i) The Senior Subcommittee shall be responsible for: (A) Setting guidelines, policies, and procedures for conducting USA Diving National Championships and its qualifying meets; (B) Providing general oversight of Senior programs; (C) Acting as a liaison and information clearinghouse between the National Office and individual Senior programs; (D) Drafting budget proposals related to the Senior program; and (E) Developing and carrying out strategies to improve the quality of Senior programs and the athletic performance of Senior athletes. (ii) The Chair of the Senior Diving Subcommittee shall establish the following subcommittees, which must include representation from each of the four Senior zones: (A) The Senior Judges Subcommittee, charged with setting up standards for judge selection and testing, and (B) The Senior Awards Subcommittee, charged with reviewing, selecting, and/or establishing awards for Senior athletes. (4) *Effectivity.* Actions of the subcommittee must be approved by the Committee for Competitive Excellence before such actions take effect.

(f) **Junior Diving Committee.** (1) *Composition.* (i) *Chair.* The Chair of the Junior Diving Committee shall be elected at large by the USA Diving General Assembly and be assisted by a Junior Secretary appointed by the Chair of the Junior Diving Committee (ii) *Ex Officio Members.* (A) Grass-Roots Director. (B) AAC Representative. (iii) *Elected.* One member elected at large by the USA Diving General Assembly. (iv) *Appointed Members.* (A) Two Athlete Representatives chosen by the Athlete Representatives Committee. (B) Two appointed by the Chair of the Junior Diving Committee, with the approval of the Vice Chair, Competitive Excellence. (2) *Term limits.* The elected member shall serve for a period of two years and no more than two consecutive terms, or until a successor is qualified or elected. (3) *Duties.* (i) The Junior Committee shall be responsible for: (A) Setting guidelines, policies, and procedures for conducting Junior National Championships and qualifying meets; (B) Providing general oversight of Junior and Future Champion programs; (C) Acting as a liaison and information clearinghouse between the National Office and individual Junior programs; (D) Drafting budget proposals related to the Junior program; and (E) Developing and carrying out strategies to improve the quality of Junior programs and the athletic performance of Junior athletes. (ii) The Chair of the Junior Diving Committee shall establish the following subcommittees, which must include representation from each of the five Junior zones: (A) The Junior Judges Subcommittee, charged with setting up standards for judge

selection and testing, and (B) The Junior Awards Subcommittee, charged with reviewing, selecting, and/or establishing awards for age group athletes. (4) *Effectivity*. The Committee for Competitive Excellence must approve actions of the subcommittee before such actions take effect.

**245.5 Athlete Representatives Committee.** (No part of this section relates to athletes registered only as Masters athletes.)

(a) **Composition.** The USA Diving Athlete Representatives shall be elected by those athletes participating in the USA Diving Championships. (1) *Chair*. The elected Athlete Representatives will elect from among themselves a Chair who shall serve a term of two years and not more than two successive terms. (2) *Elected members*. (i)(A) Twelve Athlete Representatives and four alternate Athlete Representatives shall be elected to two year terms (three men and three women to be elected in even- numbered years and three men and three women to be elected in odd-numbered years, plus two alternates) at the USA Diving National Championships by those athletes participating in the competition. The 12 Athlete Representatives and four alternates will be six men and six women, and two men and two women, respectively. (B) Candidates for Athlete Representatives must meet the following qualifications as stipulated by the United States Olympic Committee: (1) Within the 10 years preceding election, have represented the United States in the Olympic Games or Pan American Games, the FINA World Championships, or an Operation Gold event for which a competitive selection process was administered by USA Diving, or (2) Within the 24 months before election, have demonstrated that they actively are engaged in amateur athletic competition by finishing in the top half of the USA Diving National Championships. (ii) If, between elections of Athlete Representatives as provided in 245.5(a), the number of Athlete Representatives, including the elected alternates, shall be less than six men and six women, then the remaining elected Athlete Representatives shall elect the number of men or women necessary to fill such vacancies in order that there shall not be less than six men and six women Athlete Representatives. The Athlete Representatives so elected must meet the eligibility requirements set forth above and shall serve until the next regular election of Athlete Representatives.

(b) **Term limits.** Members shall serve for a period of two years and no longer than two successive terms, or until their successors are qualified or elected. This does not exclude an athlete from serving in some other capacity on the Board of Directors only.

(c) **Duties.** The USA Diving Athlete Representatives are responsible for (1) Conducting an open athletes' meeting at all USA Diving Championships for the sole purpose of (i) Obtaining the views and suggestions of those athletes participating in the Championships, and (ii) Informing the athletes of any changes within USA Diving, which directly affect the athletes and their participation in USA Diving. (2) Assigning athletes to all USA Diving Committees and Boards. (3) Attending all meetings related to their assigned USA Diving committees and boards. (4) Appointing, in even-numbered years, two Junior athletes who shall comprise the Junior Athlete Liaison Subcommittee, whose function shall be to keep the USA Diving Athlete Representatives appraised of the Junior program and its athletes' points of view. These USA Diving Athlete Representatives shall attend the Junior National Championships for a period of not less than two days and two nights for the purpose of obtaining the views and suggestions of those athletes in the Junior program. Vacancies on the Liaison Subcommittee created by cessation of competition in that section, resignation, etc., shall be filled by the Athlete Representatives. The Corporation shall set aside a sum to defray such representatives' expenses. (5)(i) Establishing procedure for the election of one athlete to serve as the Athletes' Advisory Council (AAC) Representative to the U.S. Olympic Committee (USOC). This election shall occur once every four years following the conclusion of the Summer Olympic Games. The procedures for the election of the AAC Representative shall also provide for the election of an alternate representative of the opposite sex to be elected in the same manner. The AAC Representative and the alternate may or may not be a past or current USA Diving Athlete Representative. The election procedures will be published and appear on the USA Diving website as an Appendix to the USA Diving Bylaws. (ii) All candidates for the position of AAC Representative and alternate must meet the



eligibility requirements set forth in *United States Olympic Committee Athletes' Advisory Council Bylaws*, as amended December 9-10, 2006. (iii) Any athlete who has represented the United States in the Olympic Games, Pan American Games, FINA World Championships, or an event designated as an Operation Gold event within the 10 years preceding election is eligible to be elected as an AAC Representative. (iv) Only athletes who have represented the United States in the Olympic Games, Pan- American Games, FINA World Championships, or an event designated as an Operation Gold event within the 10 years preceding election are eligible to vote in the election for an AAC Representative. [Amended Sept. 26, 2008, effective immediately] (6) Advising and counseling the Chief Executive Officer on all matters relevant to the athletes; (7) Recommending policies to the Board of Directors when deemed necessary by the Athlete Representatives.

(d) **Related provisions.** (1) USA Diving registered athletes shall comprise no less than twenty percent (20%) of each committee and board of USA Diving, including the Local Diving Committees (LCD's). The Athlete Representatives shall appoint USA Diving registered athletes to the boards and committees of the Corporation as provided in these *Bylaws*, which appointments may be, but are not required to be, the elected Athlete Representatives. (Note: this provision does not apply to the Masters Committee.) (2) In fulfilling its duties described in subparagraph c above and to comply with the provision of the preceding subparagraph (1), the Chair of the Athletes' Committee may take the following actions if there are not sufficient members of the Athlete Representative present at the Annual Meeting of the Corporation or any special meeting, or if the Athlete Representative(s) designed to represent the Athletes' Committee on the Board of Directors or any other "Designated Committee" as that term is defined by the USOC Bylaws: (i) if the knowledge of the absence is communicated to the Chair in advance by the designated Athlete Representative, the Chair may appoint another Athlete Representative to fill the position; or if no Athlete Representative is able or willing to substitute, the Chair may select another athlete who meets the requirements set forth in subparagraph (a)(2)(i)(B) above. (3) Each Local Diving Association (LDA) shall have implemented Bylaws that require twenty percent (20%) athlete representation on all boards and standing committees of the LDA. Any LDA athlete representative shall be a member of USA Diving and residing in the LDA. An LDA athlete representative must be an active athlete and must have competed at least at the Association or Regional championship level or meet the requirements to serve as an USA Diving Athlete Representative prior to becoming eligible to serve as an athlete representative. No Novice, Limited, or Masters athlete is eligible to serve in the capacity of LDA athlete representative. Only persons eligible to serve as athlete representatives may vote in any election to select an LDA athlete representative member to the USA Diving General Assembly. LDA athlete representative vacancies that occur prior to the expiration of a term shall be filled as set forth in the LDA Bylaws; provided, however, that each LDA must adopt Bylaws under this section consistent with the concept that LDA athletes should elect and select their own athlete representatives.

#### **245.6 Governance Committee.**

(a) **Composition.** (1) *Chair.* A Chair elected at large by the USA Diving General Assembly in election years. (2) *Elected members.* One member from each of the six Senior zones elected at large by the USA Diving General Assembly in election years. (3) *Appointed members.* (i) Three athlete members who shall be determined by the Athlete Representatives to the USA Diving General Assembly. (ii) Up to three additional members appointed by the Chair, with the approval of the Chair of the Board, provided that in no event shall there be more than two elected and/or appointed members from the same Association. (4) *Ex officio members.* (i) Chair of the Board. (ii) The Chair of the Rules Committee. (5) *Advisory member.* General Counsel.

(b) **Term limits.** The Chair shall serve for a term of four years and all other members shall serve for a period of two years and no longer than two successive terms, or until their successors are qualified or elected.

(c) **Duties.** The Governance Committee shall: (1) Consider and may initiate proposed changes and amendments to these *Bylaws*, and shall present them to the Board of Directors

for approval according to the procedures provided in Article 48; (2) Officially interpret the *Bylaws*; (3) Rule on any questions that arise under the *Bylaws*, with such ruling being subject to review by the National Board of Review (Any interested party may obtain a determination on any question which may adversely affect that party by submitting the question and all pertinent facts to the question to the Chair of the Governance Committee in writing); and (4) Hold an annual meeting prior to the Annual Meeting of the USA Diving General Assembly at a time and place approved by the Committee.

#### **245.7 Masters Committee.**

(a) **Composition.** (1) *Chair.* A Chair elected in even-numbered years by a majority vote of the Masters General Committee at the meeting held in conjunction with the Masters Summer National Invitational Championships. (2) A Recording Secretary and a Rules Secretary shall be elected at the same time as the Masters Chair. (3) All registered Masters athletes attending the Masters General Committee meetings. (4) Standing and ad hoc subcommittees may be created as needed. The Chairs of such subcommittees shall be appointed by the Masters Chair (with the exception of the Rules Subcommittee, whose chair is elected as noted above), subject to ratification by the Masters General Committee. Such subcommittee Chairs shall serve until the subsequent election for Masters Chair and Secretaries, at which time the subcommittee Chairs shall be up for reappointment.

(b) **Term limits.** The Chair, the Recording Secretary, and the Rules Secretary of the Masters Committee shall serve for a period of two years and no longer than two successive terms, or until their successors are qualified or elected.

(c) **Duties.** (1) The Masters Committee shall hold two meetings annually (one at the Spring and one at the Summer Masters National Invitational Championships). (2) The Chair shall: (i) Preside over all meeting of the Masters General Committee; (ii) Preside over all meetings of the Masters Executive Board, whenever held; (iii) Appoint subcommittee Chairs as needed for standing and ad-hoc committees; (iv) Approve or veto actions of the subcommittees, with the exception of the Rules Subcommittee (whose actions are approved or vetoed by the Masters General Committee); (v) Communicate regularly with the National Office, and with all currently registered Masters Athletes; (vi) Oversee the operation of the Masters National Invitational Championships (both the Spring and the Summer), in close cooperation with the respective meet directors; (vii) Transact financial matters as noted in following sections. (3) The Recording Secretary shall: (i) Record the minutes of the Masters Committee Meetings; (ii) Conduct official correspondence to the Masters Committee (including mailing of Masters National Invitational Championship information); (iii) Prepare detailed financial statements for review by the Masters General Committee. The financial statements shall display all income and expense items for the current fiscal year to date by listing all monies received from the National Office of the Corporation and all disbursements, itemized in such detail as shall provide the most accurate and concise picture possible (how much was spent, and on what). (4) The Rules Secretary shall: (i) Preside, in the absence of the Chair, over all Masters General Committee meetings and Masters Executive Board meetings; (ii) Chair the Rules Subcommittee, whose duties shall include supervising the construction and interpretation of rules pertaining to Masters Diving. All actions of the Rules Subcommittee shall be subject to ratification by the Masters General Committee.

(d) **Related provisions.** (1) The Masters Chair, the Recording Secretary, the Rules Secretary, and all subcommittee Chairs shall constitute the Masters Executive Board and shall be empowered to act on behalf of the Masters General Committee during the interim between Masters General Committee Meetings. (2) The Masters Chair and the Rules Secretary shall be At-Large members of the USA Diving General Assembly (see 241.5).

#### **245.8 Nominations and Elections Committee.**

(a) **Composition.** (1) *A Chair* appointed by the Chair of the Board. (2) *Elected members.* Four members, two from the Coaches Section and one each from the Administrators and Athletes Sections, elected by their respective sections at the Annual Meeting of the General Assembly immediately preceding an election year.

(b) **Term limits.** Each member shall serve a term of one year, which shall commence at the

Annual Meeting of the USA Diving General Assembly preceding an election year, and shall terminate with the termination of the meeting of the USA Diving General Assembly during election years.

(c) **Duties.** The Nominations and Election Committee shall: (1) Publish notice of the upcoming election conspicuously on the USA Diving web site and in *Inside USA Diving*, or such other publication that serves as the official news publication of the Corporation, not later than May 1<sup>st</sup> following the Annual Meeting of the USA Diving General Assembly at which the Nominations and Elections Committee was selected. The notice shall: (i) contain a list of the positions for which election is to be held; (ii) contain the name of the incumbent; (iii) indicate whether the incumbent is eligible to be re-elected for another term; and (iv) solicit interest from duly registered members of the Corporation by including a specific procedure for a member to indicate interest in being nominated for a position. (2) Present to the USA Diving General Assembly in election years a list of all positions to be filled by election. In its report, the Committee shall set forth to the USA Diving General Assembly the names of all members from whom it received a response to its solicitation for interest and the office for which that member indicated interest, if any. The Committee's report shall be submitted in writing to the USA Diving General Assembly at the opening of the first session of the Annual Meeting and at least four hours prior to the election taking place. In addition to the written report, the Chair of the Committee may make an oral presentation of the Committee's report to the Annual Meeting at any time prior to the election. (3) Recommend to the Board of Directors, by August 31<sup>st</sup>, a procedure for the conduct of the upcoming elections. The procedure shall include plans for a candidate forum, ballot information and procedures for floor nominations. The Committee recommendation may include other matters as the Committee deems appropriate to the conduct of the elections. The Board of Directors shall consider the Committee's recommendations and make such modifications, as the Board shall deem appropriate. The Committee's recommendations, as may have been modified and as adopted by the Board of Directors, shall be submitted to the USA Diving General Assembly as part of the report of the Committee.

#### **245.9 Compensation and Personnel Committee.**

(a) **Composition.** The committee shall comprise five voting members. (1) The Chair of the Board, who shall be the Chair. (2) The Vice Chair Administration. (3) The Treasurer. (4) An Athlete Director. (5) An independent director selected by the Board of Directors (either one of the Allied Representatives or the Independent Director).

(b) **Term limits.** Terms limits shall be as defined in 243.4(a).

(c) **Duties.** The committee shall: (1) Annually review the performance of the CEO and report its findings in writing to the Board of Directors; (2) Review annually with the CEO the staffing of the Corporation, bearing in mind current data on salaries and benefits paid to employees of other National Governing Bodies and nonprofit corporations; and (3) Make recommendations to the Board for changes in policies and procedures for the National Office of USA Diving. [Amended Sept. 28, 2007, effective January 1, 2008 (*See transitional provisions at the end of Article 45*)]

#### **245.10 Member Services Committee.**

(a) **Composition.** (1) *Chair.* The Vice Chair, Administration, shall serve as Chair. (2) *Ex Officio.* (i) The Chair of the Junior Diving Committee. (ii) The Chair of the Senior Diving Committee. (iii) The Grass-Roots Director. (3) *Appointed.* (i) Four members appointed by the Chair with the approval of the Chair of the Board. (ii) One member appointed by a professional dive coaches association. (iii) Three athlete members appointed by the Athlete Representatives Committee. (4) *Advisory.* The General Counsel shall be an advisory member.

(b) **Term limits.** All appointed members should serve a term of two years and not more than two successive terms or until a successor is qualified or elected.

(c) **Duties.** The Member Services Committee is charged with developing, coordinating, administering, and establishing policy for education, safety, and member programs of the Corporation.

(d) **Subcommittees.** (1) The Committee will have no less than three subcommittees, each of which is charged with developing policy and implementing programs within its assigned subject area, subject to the approval of the overall committee. (2) The subcommittee chairs, other than the Chair of the Grass-Roots Committee, will be appointed by the Committee Chair from among the members of the committee with the approval of the Chair of the Board. Additional subcommittees may be formed upon recommendation of the Committee and approval by the Chair of the Board. (3) *Subcommittees.* (i) The Safety Subcommittee. (ii) The Education Subcommittee. (iii) The Membership Committee. (iv) The Grass-Roots Subcommittee. (A) *Composition.* (i) *Chair.* The Grass-Roots Director shall be elected at large by the USA Diving General Assembly in election years and be assisted by a Grass-Roots Secretary appointed by the Grass-Roots Director. (ii) *Elected.* One member elected at large by the USA Diving General Assembly in election years. (iii) *Appointed.* (a) One Athlete Representative chosen by the Athlete Representatives Committee. (b) Two members appointed by the Grass-Roots Director, with the approval of the Vice Chair Administration. (2) *Term limits.* The Grass-Roots Director and the elected member shall serve for a period of two years and no more than two consecutive terms or until a successor is qualified or elected. (3) *Duties.* (i) The Grass-Roots Subcommittee shall be responsible for: (A) Setting guidelines, policies, and procedures for conducting Future Champions skill development and program establishment; (B) Providing general oversight of Future Champions programs; (C) Acting as a liaison and information clearinghouse between the National Office and individual Future Champion programs, including those not operated under the USA Diving umbrella, such as summer league, high school, and recreational programs; (D) Drafting budget proposals related to the Future Champion program; and (E) Developing and carrying out strategies to improve the quality and quantity of Future Champion diving programs. (4) *Effectivity.* The Committee for Competitive Excellence must approve actions of the Grass-Roots Committee before such actions take effect. (e) **Related provision.** The Board of Directors must approve all policies and programs recommended by the committee prior to implementation.

**245.12 Ad hoc committees and task forces.** (a) The Chair of the Board may appoint *ad hoc* committees as the Chair of the Board deems appropriate or at the request of the Chief Executive Officer, provided, however, that all committees and subcommittees shall consist of at least 20% athlete representative members and 20% coach members. (The athletes' representation portion of this section does not apply to the Masters Committee.) The purpose of *ad hoc* committees will be to advise and assist the Chair and/or Chief Executive Officer on the matter(s) for which such *ad hoc* committee has been appointed. (b) The Chair of the Board may appoint task forces as the Chair deems appropriate; provided, however, that all task forces shall consist of at least 20% athlete representative members and 20% coach members. The purpose of a task force will be to advise and assist the Board of Directors on the matter(s) for which such task force has been appointed.

#### **245.13**

**[Obsolete due to Subpart F in rulebook. Rescinded September 18, 2014]**

**245.14 Ex Officio Members of Committees.** Unless otherwise provided by these *Bylaws* or by the minutes appointing an *ad hoc* committee, whenever a member shall be designated under these *Bylaws* as an *ex officio* member of any committee, whether standing or *ad hoc*, then such *ex officio* member shall have the right to fully participate in the deliberations of such committee and to vote on all matters which come before such committee requiring a vote of members of the committee.

### **Article 46 - Other Officials**

**246.1 General.** The Corporation may have other officials as determined by the USA Diving General Assembly.

**246.2 Editor of USA Diving Rules and Bylaws.** (a) The editor of the *USA Diving Rules and Bylaws* is appointed by the Vice Chair, Administration, with the approval of the Chair of the Board and after consulting with the Chairs of the Rules and Governance Committees. (b) The editor of the *USA Diving Rules and Bylaws* shall serve until replaced in accordance with section (a) above. (c) The editor shall consult regularly with the Rules Committee Chair and the Governance Committee Chair in preparing the *USA Diving Rules and Bylaws* for publication. Before publication, final drafts of all *Rules* shall be approved by the Rules Committee Chair; final drafts of all *Bylaws* provisions shall be approved by the Governance Committee Chair. Any disputes concerning preparation of the *Rules or Bylaws* provisions shall be resolved by the Chair of the Board, Vice Chair, Competitive Excellence, and the Rules Chair for Part I; and the Chair of the Board, Vice Chair, Administration, and the Governance Committee Chair for Part II.

**246.3 FINA Technical Representative.** (a) The FINA Technical Representative shall serve as the liaison between USA Diving and FINA by submitting and supporting legislation deemed beneficial to USA Diving, monitoring and reporting on international developments and pending legislation, and representing the interests of USA Diving internationally. (b) The FINA representative shall develop and maintain a list of USA Diving judges qualified to judge in international events. (c) The FINA representative shall: (1) Report to the Rules Chair, International Diving Representative, and Chair of the Senior Diving Committee, at least quarterly on emerging issues, proposed legislation, and other international events likely to affect the conduct of the sport; (2) Provide copies of FINA proposals submitted by foreign national governing bodies to the Rules Committee and the Committee for Competitive Excellence on a basis timely enough to solicit feedback and recommendations from those groups; and (3) Draft and submit, with approval of the Rules Committee and Committee for Competitive Excellence, proposals from USA Diving to FINA.

**246.4 General Counsel.**

(a) The General Counsel of the Corporation is appointed by the Chair of the Board with the consent of the Board of Directors. The General Counsel shall be a member in good standing of the bar of the highest court of one of the fifty states or the District of Columbia. (b) The General Counsel shall serve until a successor is appointed in accordance with section (a) above. (c) The duties of the General Counsel are: (1) To chair the Board of Review and perform other duties in relation thereto as set forth in Article 70 of this *USA Diving Bylaws*; (2) To provide counsel to the Chair of the Board, Board of Directors, Chief Executive Officer, and all committees of the Corporation as may be required from time to time; (3) To serve on such committees as either an *ex officio* or an advisory member, as indicated elsewhere in these *Bylaws*.

**Article 47 - Fees and Dues**

**247.1 General.** (a) Membership, registration, and sanction fees shall be established by the Board of Directors. At a meeting held at least 90 days prior to the Annual Meeting, the Board of Directors shall propose the fee schedule for the next fiscal year and post that proposal and a request for comments on the USA Diving Web site for not less than 30 days. The Board of Directors, after considering any comments submitted, shall set the fee schedule for the upcoming year and report the fee schedule to the USA Diving General Assembly at the Annual Meeting. (b) Members shall remit to the Corporation, within the time frame and manner prescribed, such fees, or portions thereof, as shall be required by the Corporation. The Corporation shall return to such members within the time frame and manner prescribed such portion of those fees as shall be established by the Board of Directors and approved by the USA Diving General Assembly.

**247.2 Use of Funds.** The Corporation shall not engage in any action inconsistent with its status as a tax-exempt organization under the laws of the United States or any state.

**247.3 Failure to Pay.** The failure of any member to pay fees and dues may prevent competition, representation, and vote by the delinquent member. Continued failure to pay such fees is cause for termination of membership.

(a) Where the creditor and debtor are both members of the same Association, the creditor shall request the Registration Chair to invoke the provisions of this Section. The Registration Chair shall then proceed in the manner prescribed for disciplinary action generally within the Association.

(b) Where the creditor and debtor are not members of the same Association, the creditor shall request the creditor's Registration Chair to notify the National Board of Review to invoke the provisions of this section.

## **Article 48 - Procedures for Diving Rules and Bylaws Changes**

### **248.1 Intent.**

It is intended that the Technical Rules of Diving ("Rules") be subjected to amendment only once a quadrennium except in most exigent circumstances. The International Federation governing the sport of diving, FINA, permits its rules to be amended only once a quadrennium and the amending process occurs at the FINA Congress held at the World Swimming Championships the year following the Summer Olympic Games. USA Diving will follow a similar procedure allowing the Rules to be amended once each quadrennium, and that amending process is to occur in the odd-numbered year following the Summer Olympic Games at the Annual Meeting held in that year. It is understood that exigent circumstances may arise necessitating the need for consideration of amendment to the Rules under a very specific procedure which is set forth in this article.

### **248.2 Deadline for Submission.**

(a) Proposed *Rules* changes will be accepted between 30 days after the conclusion of the Annual Meeting in the year of the Olympic Games and midnight, Pacific Daylight Savings Time, on August 15 of the year after the Olympic Games. Proposed Bylaws changes may be submitted at any time but will be submitted for consideration to the Governance Committee at its next meeting. These must be received by or date/time-stamped by the receiving server of the National Office, the Rules Committee Chair, or the Governance Committee Chair by the deadline. Notwithstanding the foregoing, any Rules changes made by the FINA Congress will be considered as timely submitted if received by the Rules Committee prior to its closed meeting at the Annual Meeting.

USA Diving  
132 E. Washington Street  
Suite 850  
Indianapolis, IN 46225  
(317) 237-5252; fax (317) 237-5257  
email: [usadiving@usadiving.org](mailto:usadiving@usadiving.org)

Hunter Shafer, Rules Committee Chair  
Head Coach – Rose Bowl Aquatics Diving  
Email: [hunter@rosebowlaquatics.org](mailto:hunter@rosebowlaquatics.org)

Jared Book, Governance Committee Chair  
email: [jaredlbook@gmail.com](mailto:jaredlbook@gmail.com)

(b) Any party who wishes to contest the rejection of a proposal must file a protest within 10 days of the rejection with the Vice Chair, Administration, for final and binding resolution by a special panel comprised of the Chair of the Board, Vice Chair, Administration, the Rules Chair, the Governance Chair, and a designated Athlete Representative.

(c) All timely submitted proposals will be posted on the USA Diving website on or before September 1. Rules changes made by the FINA Congress are excluded from this

requirement if not received prior to September 1.

(d) Proposed rule and Bylaw changes not meeting the deadline or not properly proposed will not be considered. Proposed rule and Bylaw changes from the floor of the Annual Meeting will not be considered.

(e) Notwithstanding subsection (a), (b), (c) and (d) above, proposed rule changes to Subpart E - Masters Diving may be considered and adopted independently by the Masters General Committee without undergoing review by the Rules Committee. Such changes must be submitted to the Rulebook editor not later than September 1 of each year and will take effect January 1 of the succeeding year unless otherwise noted.

(f) Notwithstanding subsections (a), (b), (c) and (d) above, Subpart F is the sole purview of the Board of Directors, who may amend those policies at any time.

**248.3 Format.** (a) To propose a *Rule* or *Bylaws* change, a member must note the article number, section number, subsection number, and page number if indicated. The proposer must state the full section or subsection as written, crossing out the parts to be deleted and inserting and underlining the new text for the rule, and give a brief explanation of, or rationale why, the current rule should be changed. (b) *Rule* and *Bylaws* proposals must be submitted in hard copy (typed or clearly written on paper) or electronically in Rich Text (RTF) format. (c) Proposals not submitted in accordance with (a) and (b) above will not be accepted. (d) Members who submit proposals that are timely but incorrectly formatted will be allowed five additional business days from the time of rejection to correct their proposals. (e) Any proposal for a change in a Rule submitted at any time other than the year following the Olympic Games shall state the exigent circumstances necessitating the proposed change.

**248.4 Rules Committee Meetings.** Open meetings, if needed, will be held at all USA Diving National Championships. An open forum will be held at the Annual Meeting to discuss Rule change proposals. Closed meetings of the Rules Committee and the Governance Committee will be held at the Annual Meeting prior to the session of the USA Diving General Assembly during which adoption of Rule changes will be considered.

**248.5 Committee Review of Proposals.**

(a) Properly submitted proposals for changes to the *Competitive and Technical Rules* will be considered by the Rules Committee at the Annual Meeting of the Corporation. Properly submitted proposals for changes to the *Bylaws* will be considered by the Governance Committee, at its next meeting.

(b) The appropriate committee may consider modifying a proposal to make the proposal consistent with other rules or regulations, to maintain the internal integrity of the rules and regulations, to provide proper grammatical structure, to carry out the intention of the proposed change as expressed in the rationale for the change submitted with the proposal, and to amend other provisions throughout the rules and regulations to maintain proper references.

(c) *Rules* changes can only be adopted at the Annual Meeting with the approval of the USA Diving General Assembly after review and acceptance by the Rules Committee. In its report to the USA Diving General Assembly, the Rules Committee shall indicate each proposal that it has accepted, rejected and accepted with modification and briefly explain the modification. Proposals accepted (or accepted with modification) by the committee must either be adopted as reported or returned to the appropriate committee for additional work and, at the sole discretion of the Rules Committee, resubmitted prior to the close of the General Assembly or at the next Annual Meeting. *Bylaws* changes will be reported by the Governance Committee Chair in the report to the USA Diving General Assembly.

(d) Rule changes adopted at the USA Diving General Assembly will become effective January 1 following the Annual Meeting, unless otherwise specified.

**248.6 Adoption procedures.**

(a) (i) Changes to the Rules will only be considered at the Annual Meeting in the odd-numbered year following the Summer Olympic Games, and will be adopted by a simple majority present and voting at the time the proposal is on the floor of the General Assembly delegates. (ii) Notwithstanding the restriction stated in (a)(i) above if an exigent circumstance arises for a Rules change in any of the other three (3) years of the quadrennium, a proposal may be submitted to the Rules Committee in the manner indicated in 248.2 and 248.3 above. In order for a proposal to become adopted in such a circumstance, it must first be approved by Rules Committee and then receive approval by the USA Diving General Assembly by those present and voting at the time the proposal is on the floor according to the following schedule:

(A) In the odd numbered year following the Summer Olympic Games Rules Committee approval is by a simple majority and adoption by the General Assembly is by a simple majority;

(B) In the remaining three years of the quadrennial approval of a proposal for a Rules amendment will be by an 85% majority of the Rules Committee members present and voting and adoption by the General Assembly by a 75% majority of the delegates present and voting at the time the proposal is on the floor.

(b) Changes to the *USA Diving Rules* will be considered at the Annual Meeting in odd-numbered years, and may be adopted by a majority. However, if an urgent or unusual need arises for a change in even-numbered years, a proposal may be submitted to the Chair in the manner indicated in 248.2 and 248.3 above. In even-numbered years, in order for a special proposal to become effective, it must first be approved by 85 percent of the Rules Committee, and then receive approval by 90 percent of the USA Diving General Assembly. All votes will be by those present and voting at the time the proposal is on the floor.

(c) (i) In a year requiring a super majority vote of the Committee for adoption, proposals rejected by the Rules Committee may not be reconsidered nor may changes to the proposals accepted by the committee be reconsidered. (ii) In years requiring a simple majority vote of the Committee for adoption The Rules Committee's action to reject or modify a proposal may only be reconsidered if two-thirds of the voting eligible delegates present and voting at the USA Diving General Assembly vote in favor of allowing such reconsideration.

**248.7 Rulebook Publication.** The USA Diving rulebook will only be edited and produced after the conclusion of the Annual Meeting in the odd-numbered year following the Summer Olympic Games. Changes made in other years will be circulated by the National Office in a separate publication.

## **Article 49 [Reserved]**

## **Article 50 - Other Corporate Matters**

**250.1 Indemnification.** Each person who is or was a director, officer, or employee of the Corporation (including the heirs, executors, administrators or estate of such person) shall be indemnified by the Corporation, to the full extent permitted by the Nonprofit Corporation Law of the State of Ohio, against any liability, cost or expense incurred by him in his capacity as director, officer or employee, or arising out of his status as a director, officer or employee (including serving at the request of the Corporation as a director, trustee, officer, employee or agent of another corporation).



**250.2 Non-discrimination.** The Corporation shall provide an equal opportunity to amateur athletes, coaches, trainers, managers, administrators and officials to participate in amateur diving competition, without discrimination on the basis of age, race, religious belief, creed, national origin, sexual orientation, or gender, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official, before declaring such an individual ineligible to participate.

**250.3 Amendments.** These *Bylaws* may be altered, amended, or repealed, and new provisions adopted, at the Annual Meeting of the USA Diving General Assembly, provided notice of the proposed change is given at least fifteen days prior to such meeting. Additionally, these *Bylaws* may be altered, amended, or repealed, and new provisions adopted, by majority vote of the Board of Directors at any scheduled or special meeting or by mail vote as called for by the Chair. Proposed amendments shall first be submitted to and recommended by a majority vote of the Governance Committee. Proposed amendments must be submitted within the time frame and in the manner set forth for *Bylaws* changes in Article 48. The procedure for adoption of amendments to the *Bylaws* shall be as set forth in Article 48.

**250.4 Dissolution.**

(a) **Authority.** If deemed advisable by the members, the Corporation may be dissolved pursuant to the applicable provision of the Corporation Laws of the State of Ohio.

(b) **Distribution of Assets.** Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the Corporation, dispose of all the assets of the Corporation exclusively for the purposes of the Corporation or to such organization or organizations established and operated exclusively for charitable, education, religious, literary or scientific purposes as stated in Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

**250.5 Robert's Rules.** At all meetings, the parliamentary authority shall be the current *Robert's Rules of Order*.

**SUBPART B — ATHLETES AND ATHLETIC EVENTS**

**Article 60 — Membership of Athletes**

**360.1 Membership.** To be eligible to compete in events sanctioned through the Corporation, all athletes must be registered athlete members of the Corporation. Athlete members must meet the rules of eligibility contained in Article 64. No athlete alleged to be ineligible shall be denied the right to register and compete without being afforded the opportunity to refute allegations relating to this possible ineligibility, pursuant to Part II, Subpart C.

**360.2 Duration of membership.** Athlete membership (registration) is on a cycle spanning September 1 through August 31. Athletes applying for registration on or after August 1 will be issued a registration card valid through August 31 of the following year. The athlete's registration form and registration card shall indicate the athlete's citizenship and sport nationality.

**360.3 Application.** Application for membership in the Corporation is made online at [www.usadiving.org](http://www.usadiving.org). Liability waiver forms are also available on line at [www.usadiving.org](http://www.usadiving.org). Liability waiver forms may be accepted by the national office or by the registration section of the LDA and immediately forwarded to the national office. The form must be fully completed and signed by a parent or legal guardian of the athlete if the athlete is a minor. A signed registration form shall be a valid release of liability for every meet the athlete enters for the remainder of the calendar year. Likewise, a signed Doping Release Form shall be valid consent to be tested for drugs for every meet the athlete enters for the remainder of

the calendar year.

**360.4 Fees.** The annual athlete registration (membership) fee shall be a nationally uniform fee established by the Board of Directors and approved by the USA Diving General Assembly at the Annual Meeting.

## **Article 61 — Sanctions**

**361.1 Jurisdiction.** All events, whether sponsored by the Corporation, the Local Diving Association or any member club or other entity, must be sanctioned by the Corporation.

(a) **Sanctioned events.** All competitions, benefits, exhibitions, clinics or entertainments of any kind where athletes compete, exhibit, or display talents or techniques, must be sanctioned.

(b) **Unsanctioned events.** Events classified as “closed” are those, which are limited to, and conducted by and among, certain specific organizations or groups that collectively comprise a league or group and may be conducted without sanction. Such groups or organizations may also be members of the Corporation.

**361.2 Requirements.** Sanctions are issued, withheld, or withdrawn in accordance with the following regulations:

(a) An official application for sanction must be completed online at the Corporation’s website, [www.usadiving.org](http://www.usadiving.org), together with payment of the appropriate fee, if any, and meet information;

(b) No sanction will be issued to any organization whose interest in sports and games is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom. Any income derived from sanctioned events must be used for the further promotion of amateur sport, for an approved charity, or for the general welfare of the promoting organization as a whole.

(c) Sanctions issued to one organization cannot be transferred to another. Any sanction so transferred shall be void for all purposes, and the Corporation is empowered to deny further sanctions to any organization violating this provision.

(d) No further sanction will be given to any organization, which has failed to fulfill expense obligations to athletes, or to give prizes as stated on its entry blank. The foregoing sentence shall be set forth in every sanction granted;

(e) No sanction of any event will be granted for any event where the word “Olympic” or any derivative thereof, is used in any manner in connection with said event unless consent is obtained from the Corporation, except the term “Junior,” which may be used when appropriate.

(f) All sanctions must be issued by the Corporation. A copy of each official sanction shall be immediately forwarded to, and retained by, the Registration Section of the Local Diving Association in a book kept for that purpose. All sanctions fees received by USA Diving will be remitted to the Local Diving Association.

(g) The following clause will appear on all sanction application forms and on all forms upon which official sanctions are granted: “By submitting this application for sanction and in consideration of the sanction's being issued, applicant(s) agrees to indemnify and hold harmless USA Diving, U.S. Aquatic Sports Inc., and the Local Diving Committee, their officers, directors and employees from any claims or liabilities, including the defense thereof, arising from the conduct of the sanctioned event;”

(h) The Registration Section of the Local Diving Association where the event is being held shall receive the following information regarding finances from every organization receiving a sanction (not applicable to events sponsored by the Corporation):

(1) Each organization shall, within 30 days after holding a sanctioned event, file with the issuing Registration Section an itemized statement listing the following items:

(i) The name, Local Diving Association, and club membership (if applicable) of each athlete and each representative of any athlete to whom any payment of money or things of value was made excluding awards (trophies, medals, ribbons) authorized by this *Code*;

(ii) The amount of money paid to each athlete for transportation;

- (iii) The number of days and amounts of money each athlete was paid for meals and lodging;
- (iv) The signature of each athlete, or the athlete's representative, attesting to the amount of payment indicated as being correct;
- (2) The Registration Section of the Local Diving Association where the event is being held shall send a copy of the information required by 361.2(h)(1) to the Registration Section of the home Local Diving Association of each athlete to whom any payment was made;
- (3) The Registration Section may also require the organization to which a sanction has been granted to file, within 30 days after the event or within 10 days after a written request, whichever shall be later, a financial statement setting forth all receipts and disbursements in connection with the sanctioned event;
- (4) The Registration Section may at any time require the organization to furnish, within 15 days after written request, all receipts and vouchers relating to the sanctioned event;
- (5) No sanction to hold any athletic event of any kind shall thereafter be issued to an organization who has failed or refused to file with the Registration Section any statement or affidavit required under any subdivision of this section, until the statement or affidavit is filed, or until such time as the Registration Section may determine;
- (6) Any athlete member of the Corporation, within 15 days after request by any appropriate committee, shall file an affidavit verifying or denying any item pertaining to the athlete contained in 361.2(h)(1). The athlete shall also furnish an itemized statement listing all monies, or other things of value, directly or indirectly received (or to be received), by the athlete, any member of the athlete's family, or any other person or organization, for expenses connected with, or resulting from, the athlete's entry, appearance, or participation in the event, together with receipts and vouchers for the same. Upon failure to furnish such affidavit, statement, receipts and vouchers or to satisfactorily explain the athlete's inability to do so, the athlete may be barred from further competition for such time as the Registration Section may determine;
- (7) Sanctions shall only be issued to the Corporation, the Local Diving Association, or organizations that are members of USA Diving.

**361.3 Conditions.** All events requiring a sanction according to 361.1(a) are subject to the following conditions:

- (a) No athlete's entry will be accepted, nor will the athlete be allowed to compete or exhibit at any event, unless the athlete is an athlete member as provided in Article 40. Membership is not required for events that are "closed" (limited to and conducted by and among certain specific organizations or groups that collectively comprise a league or group);
- (b) Announcements and entry blanks of sanctioned events must state that no entries will be accepted unless the entrant is a registered athlete member;
- (c) The registration number and affiliation of each competitor must accompany the entry blank and the athlete's affiliation must be displayed before or after the athlete's name on the program;
- (d) Entry blanks, advertising, meet information and the program must bear conspicuously the statement: "Held under the sanction of USA Diving" and include the sanction number and address of the Local Diving Association;
- (e) All organizations which have received a sanction for any contest where prizes are stated on entry blanks shall be required to send to the local Registration Section, before the date of the games, a copy of the entry blank and meet information, and must state the value of the prizes to be given for each event, if the value exceeds \$25 per award;
- (f) A Local Diving Committee must verify that the minimum safety requirements are met for any facility that is hosting a diving competition, as set forth in the recommended dimensions in Article 1. An LDA may refuse to approve a sanction for any facility, which fails to meet the minimum safety requirements.

**361.4 International events.**

- (a) **Within the United States:** (1) all international competitions within the United States, sponsored by the Corporation

or by a member of a Local Diving Association, must be sanctioned by the Local Diving Association. All invitations to foreign athletes to compete in the United States must be extended by the Corporation.

(2) Any international competition within the United States, sponsored by an amateur sports organization or person other than the Corporation, must be sanctioned by the Corporation and such sanction must be granted unless there is clear and convincing evidence that holding or sponsoring the event would be detrimental to the best interest of diving.

(i) Factors to be considered in the determination of whether sponsoring the event would be detrimental to the best interest of diving shall include, but not be limited to, the following:

- (A) Financial guarantees of athlete expenses, both U.S. and foreign;
- (B) Financial guarantees of any appearance money or prize money for athletes;
- (C) Financial guarantees of acceptable accommodations and travel for athletes; and
- (D) Absence of substantial conflict with the USA Diving National Team programs and USA Diving National Championships.

(3) Upon determination by clear and convincing evidence that sponsoring the event would not be detrimental to the best interest of diving, the sanction will be issued upon that organization or person:

(i) Paying to the Corporation a reasonable sanctioning fee; and (ii) Demonstrating that: (A) Appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition;

(B) Due regard has been given to any international amateur athletic requirements specifically applicable to the competition;

(C) The competition will be conducted by qualified officials; and

(D) Proper medical supervision will be provided for athletes who will participate in the competition;

(iii) Submitting to the Corporation an audited or notarized financial report of similar events, if any, conducted by the amateur sports organization or person.

(4) Sanctioning fees for international events shall be as established by the Board of Directors of the Corporation.

**(b) Outside the United States:**

(1) All invitations for individual athletes to compete abroad must be extended by the recognized governing body of the inviting country through the Corporation.

(2) All negotiations for individual athletes or teams who are members of the Corporation must be through the Corporation offices and in compliance with procedures established by the International Diving Committee.

(3) Approval for teams sponsored by an amateur sports organization not a member of the Corporation must be granted unless there is clear and convincing evidence that holding or sponsoring the event would be detrimental to the best interest of the sport. The Corporation shall advise any such organization requesting such foreign travel of the requirements for approval.

(c) No team, individual or organization competing inside or outside the United States may indicate that it is a team or individual representing the United States, without the express written approval of the Corporation (through the CEO). (See FINA GR 2.3.)

## **Article 62 — Representation**

### **362.1 General.**

(a) To be eligible to compete in a USA Diving-sanctioned event as a representative of a club, educational institution or other organization, an athlete must be a member of an organization that is itself a member in good standing of the Corporation and its respective Local Diving Association.

(b) Residency requirement. To compete as a representative of a club or other organization other than an educational institution, an athlete member must establish a minimum period of bona fide residence in either the Local Diving Association in which such organization is located, or a contiguous Association. The minimum period of bona fide residence for all athlete members who are students regularly enrolled in any college (two- or four-year) or

university shall be 90 days; for all other athlete members, the period shall be 120 days.

(c) Exceptions to residency requirement.

(1) An athlete may represent a club or organization that is in an Association other than that of the athlete's residence or contiguous association.

(i) The Association in which the athlete's club or organization is located is geographically nearer the athlete's place of residence than any active club in the athlete's Association or any contiguous association; or

(ii) The athlete's club or organization has facilities not available in the athlete's Association or a contiguous organization.

(2) A member of the Armed Forces of the United States, when transferred from a different Local Diving Association, and dependents residing with the Armed Forces member are also exempt from the requirements for a minimum period of residency in 362.1(b)(1) above;

(d) A bona fide student at an educational institution may be considered as a resident of the place of such institution during the period of attendance of such institution.

### **362.2 Students.**

(a) A student registered with an organization who wishes to compete for an educational institution shall be released by the athlete's organization upon commencement of the athlete's scholastic diving season to compete for that institution in open competition, and the athlete shall similarly be released by such school immediately on termination of the scholastic season and can represent the organization of the athlete's immediate previous registration.

(b) Any student who desires to represent an organization other than the athlete's immediate previous registration must establish a bona fide residence as set forth in Article 63.

(c) Any student in an educational institution who desires to represent an organization located in the same Association as the institution attended may apply the time in residence at the institution as credit toward residence for club competition.

(d) Any student of an educational institution, which is a member of the Corporation, may alternately represent both the athlete's institution and another club member to which the athlete belongs:

(1) If the open competition is conducted during the course of the scholastic year, and the institution does not release the athlete from representation, the points scored shall accrue to that institution;

(2) If the competition is conducted during the interval between scholastic years, and the institution releases the athlete from representation, the points scored shall accrue to the club for which the athlete is registered.

### **362.3 Armed forces.**

(a) A registered athlete regularly enlisted in the Armed Forces of the United States may represent in open competition either, or both, the athlete's military organization and the club to which the athlete belongs. Any points scored by such athlete shall count for the athlete's club, except where a point trophy is advertised to be contested for by a military organization.

(b) Any registered athlete who is a member of the Armed Forces shall be permitted to represent the athlete's military organization in open competition upon signing a statement, endorsed by the athlete's Commanding Officer, that the athlete has never received pay for participating in any contest and is an amateur within the meaning of this Code.

### **362.4 Unattached.**

(a) An unattached competitor is a registered athlete who represents no club, educational institution, or other organization. An unattached athlete may compete in any Association Championship each year in the Association in which the athlete is registered and may compete in any Regional Championship.

(b) An unattached athlete shall be identified in competition with the Association or place of residence in which the athlete is registered, and not with a club. For example, J. Doe, Unattached (Middle Atlantic).

(c) An athlete competing in an unattached status shall not accrue points for any club or organization; however, in Junior Regional Championships in which an Association or Region trophy or other similar award is presented, an unattached athlete may accrue points for the Association in which the athlete is registered or for the Region of which such Association is a part.

(d) In recognition of the fact that representing a specific club is a voluntary agreement between a coach and an athlete, if either the coach or the athlete decides to withdraw from this agreement, the athlete shall be considered unattached. Unattached status shall commence as soon as the coach or athlete notifies the Registration Chair of the Association in which the athlete is registered or, if the decision is made during a competition, the meet director.

### **362.5 Coach of Record Ineligible**

(a) In the event that under the provisions of Subpart C of these By-Laws an athlete's coach of record is suspended for any period of time greater than sixty (60) days or is banned for life, then the athlete has the option of proceeding under any of the following provisions regarding the situs status of such athlete's membership.

(1) The athlete may remain with the athlete's current club and select a different coach of record from the same club.

(2) The athlete may dive unattached.

(3) The athlete may immediately transfer to another club within the athlete's current association or a contiguous association.

## **Article 63 — Transfers**

### **363.1 Within an Association or between contiguous Associations.**

(a) An athlete registered as Competitive Gold who participates in any of the Junior Summer Regional, Zone, Age Group National, or Junior National Championships may change club affiliation at any time up to 30 days prior to the Spring Regional Meet or 30 days prior to the Summer Regional Meet. An athlete registered as Competitive Gold participating in such meets may not change club affiliation from 30 days prior to the Summer Regional Meet through the end of the later of the Junior National Championship or the Age Group National Championship.

(b) An athlete registered as Competitive Gold who participates in the USA Diving Spring National Championship, USA Diving National Preliminaries or USA Diving National Championships may change club affiliation at any time up to 30 days prior to the first day of qualifying for the USA Diving Spring National Championship (or qualifying meet if established) or 30 days prior to the USA Diving National Preliminaries in the summer season. An athlete registered as Competitive Gold may not change club affiliation from 30 days prior to the first day of qualifying for the USA Diving Spring National Championships and the end of the USA Diving Spring National Championships or from 30 days prior to the USA Diving National Preliminaries through the end of the USA Diving National Championships.

(c) Athletes whose clubs dissolve or merge with the time frame established by this provision are exempt. An athlete may change to unattached at anytime.

(d) All athletes registered as Competitive Blue and athletes registered as Competitive Gold who do not participate in the competitions specified in subparagraphs (a) and (b) above may change club affiliation at any time. [Editor's Note: As a result of the amendments to section 240.1 regarding athlete membership, a significant rewrite of this section was required. The rewrite maintains the integrity and intent of the section.]

(e) Notwithstanding the provisions of sub-sections (a) through (d) above, an athlete who transfers clubs pursuant to the provisions of §362.5 may change club affiliations immediately without regard to any time limitations or the pendency of any competition.

### **363.2 To another association.**

#### **(a) General Procedures - Residency requirement.**

(1) When an athlete in good standing begins to establish a bona fide residence in another

Association, the athlete shall surrender the athlete's current registration card to the Registration Chair of the new Association, and upon approval, shall be granted Unattached status, unless the athlete is qualified to and chooses to continue representing the club with which the athlete is registered in the athlete's old Association. If it so desires, the Registration Section may request proof of the new residence.

(2) The Registration Section shall then send to the Registration Section of the Association of the athlete's previous registration and residence and the National Office a transfer notice showing the date of the application for transfer and the date of expiration of the existing registration.

(3) Upon approval of this transfer, a new registration card for the unexpired period of the athlete's original registration, which shall be dated according to the date of the application for transfer, shall be issued to the athlete by the Registration Section of the Association of the athlete's new residence.

(4) If and when the athlete has completed the applicable minimum bona fide period of residence in the new Association, the athlete shall be eligible to represent a club in that Association when the athlete has completed and submitted to the Registration Section the appropriate change form, together with a fee equal to one-half the registration fee, except an athlete who has competed in a USA Diving National Preliminary, Regional, or Zone meet may not affiliate with a club for the subsequent USA Diving National Championships, Age Group National Championship or Junior National Championship.

(5) Registration Chairs shall submit to the National Office, within the time and manner prescribed by the Corporation, copies of all changes in Registration.

(6) No athlete may be registered in two or more Associations at the same time. (b) General Procedures - Exceptions to residency requirement. (1) An athlete may transfer to a club or organization that is in an Association other than that of the athlete's residence or contiguous Association if: (i) The Association in which the athlete's new club or organization is located is geographically nearer the athlete's place of residence than any active club in the athlete's Association or any contiguous Association; or

(ii) The athlete's new club or organization has facilities not available in the athlete's Association or a contiguous organization.

(iii) Notwithstanding (i) and (ii) above, the athlete may not transfer to a new club if the transfer is completed within 30 days prior to a USA Diving National Preliminary, Regional, or Zone meet for the subsequent East/West Spring Championship, USA Diving National Championships, Age Group National Championship or Junior National Championship.

(2) The athlete must obtain approval of the request for transfer from the Registration Section in the new Local Diving Association where the athlete resides, has applied for and been granted registration, and where the athlete's new club or organization is located; and

(3) The athlete must complete the applicable minimum period in unattached status (30 days) after the athlete's transfer to the Association where the athlete's new club or organization is located. (Note: "Bona fide residence" shall not be interpreted to mean those residences in which an athlete may reside for a brief period of time, such as a vacation period, holiday, camp, or any other sojourn.)

(b) Notwithstanding the provisions of section (a) above, an athlete who transfers clubs pursuant to the provisions of §362.5 may change club affiliations immediately without regard to any time limitations or the pendency of any competition.

**363.3 Dependent Athlete.** Notwithstanding any other provision in this *Code* to the contrary, any athlete who is a full time dependent resident with his family or other legal guardian may immediately change representation provided all of the following conditions are met:

(a) The athlete's family or guardian changes its bona fide place of residence and the new bona fide place of residence is 100 miles or more from the previous place of residence; and,

(b) The athlete's new representation conforms to the provisions of 362.1(a).

(c) The change does not occur within the prohibited time frames for transfers prior to any meet designated as a National Championship [see 363.1 (a) and (b)].

## **Article 64 — Eligibility**

**364.1 Required registration.** Any competitor eligible to compete shall be registered with USA Diving.

**364.2 Notification of financial gain.** Unless otherwise allowed by USA Diving, any financial advantage which a competitor gains based on athletic fame and/or competitive results must be approved by USA Diving. An athlete may control personal gains based on athletic fame after notifying USA Diving and extending first right of refusal to licensees of USA Diving before accepting sponsorships.

**364.3 Temporary Ineligibility.** Regardless of an athlete's amateur status, the Corporation may declare an athlete temporarily ineligible to compete in any or all events over which the Corporation has jurisdiction for violation of 470.1, or violation of the Code of Conduct for International Trips, subject to all rights and procedures of 250.2 and Article 70.

**364.4 Reinstatement of amateur status.** An athlete declared ineligible because the athlete has ceased to be an amateur may be reinstated pursuant to 470.5(a)(7).

**Article 64 — Eligibility 364.1 Required registration.** Any competitor eligible to compete shall be registered with USA Diving.

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**364.3 Temporary Ineligibility.** Regardless of an athlete's amateur status, the Corporation may declare an athlete temporarily ineligible to compete in any or all events over which the Corporation has jurisdiction for violation of 470.1, or violation of the Code of Conduct for International Trips, subject to all rights and procedures of 250.2 and Article 70.

**364.4 Reinstatement of amateur status.** An athlete declared ineligible because the athlete has ceased to be an amateur may be reinstated pursuant to 470.5(a)(7).

## **SUBPART C - BOARD OF REVIEW, MATTERS FOR REVIEW, PROCEEDINGS, AND APPEALS**

### **Article 70 Board of Review**

#### **470.1 National Board of Review**

##### **(a) Composition**

(1) The National Board of Review (BOR) shall be comprised of five (5) members:

(i) The Chair who shall be appointed by the Chair of the Board of Directors with the approval of the Board of Directors;

(ii) The Independent Director;

(iii) The Coach Director;

(iv) A person appointed by the Chair of the BOR;

(v) An athlete appointed by the Athlete Committee.

(2) Any vacancy occurring under §§ii and iii shall be filled by the Chair of the Board of Directors with the approval of the Board of Directors, and in consultation with the Chair of the BOR. A vacancy occurring under §i shall be filled by the Chair of the Board of Directors with the approval of the Board of



Directors. A vacancy occurring under §v shall be filled by the Athlete Committee.

**(b)Hearing Panel Selection Group**

(1) The BOR shall select a group of (twenty) 20 individuals willing and able to serve as members of a Hearing Panel (Hearing Panel Selection Group). The Hearing Panel Selection Group shall be comprised of members and non-members, and shall include not less than 30% coach members. Athletes shall comprise not less than 20% of the Hearing Panel Selection Group and shall be appointed by the Chair of the Athlete’s Committee. Appointed athletes need not be current members of USA Diving, but must meet the criteria for selection as an athlete representative under the “Ted Stevens Olympic and Amateur Sports Act”, (36 U.S.C. 22051 et seq.) (the Act).

(2) In order to maintain the impartiality of proceedings and avoid the appearance of bias, an individual is not qualified to serve as a member of the hearing panel if he or she is, or within a period of 6 months prior has been a relative, coach, employer, employee or otherwise has a substantive relationship with any party to a matter that is before the hearing panel. The fact of membership in USA Diving is not a disqualifying factor. A member of the Hearing Panel Selection Group is to make such disqualifying fact known to the Chair of the BOR when the request to serve on a hearing panel is made, or immediately upon learning such disqualifying fact.

**(c) Jurisdiction**

(1) The BOR is established for the purpose of, and shall have

jurisdiction over all disciplinary proceedings and other complaints against all members of USA Diving under the Rules and By-Laws of USA Diving, except as provided elsewhere in the By-Laws. For the purposes of this Subpart C and Subpart D only, the term "member" or "member of USA Diving" includes: those persons and organizations listed as members in the records of USA Diving; all past members of USA Diving; those who apply for membership in USA Diving; and any person who, though not otherwise listed as a member of USA Diving, has participated in the activities of USA Diving or its member clubs, excluding the employees and contractors of USA Diving who are under the authority of the President and CEO of USA Diving. The parents or guardians of minors who are or become members of USA Diving shall also be considered members for the purposes of this Subpart C.

(2) The BOR shall have jurisdiction over all matters asserting a violation of, or a need for the interpretation or enforcement of the Rules, By-Laws and Policies of USA Diving, except as otherwise specifically provided in the By-Laws of the Corporation, §472.1, the Rules and Regulations of the U.S.O.C., this Section or under the laws of any State or the United States. The BOR shall also have jurisdiction over such disciplinary matters as may be delegated to USA Diving by the U.S.O.C., FINA or under the laws of any State or the United States.

(3) The BOR shall have jurisdiction to review decisions made by USA Diving or its members in the implementation of the Americans with Disabilities Act of 1990 as amended (42 USC §§12101 et seq.) and other laws affecting the civil rights and members' ability to participate in the Corporation's activities.

(4) The BOR does not have jurisdiction of a decision on a doping violation adjudicated by the independent antidoping organization designated by the U.S. Olympic Committee to conduct drug testing (currently the U.S. Anti-Doping Agency).

(5) The BOR does not have jurisdiction of any matter determined in a prior arbitration under the USOC.

(6) Nonetheless, prior adjudications by the agencies referenced in subsections 3 and 4 of this rule, may be considered as evidence in proceedings arising out of the same conduct by the same or other individuals.

(7) Generally, as hereinafter set forth, the BOR shall have jurisdiction over any member of USA Diving, or any other person participating in any capacity whatsoever in the affairs of USA Diving, who has contravened any of its rules or regulations, or who has acted in a manner which brings disrepute upon USA Diving.

(8) Notwithstanding anything to contrary that may be contained in this Subpart C or in Subpart D of these Bylaws, the U.S. Center for Safe Sport

("USCSS") shall have exclusive jurisdiction of all matters of misconduct arising under §580.4(c)(2)(A), namely, sexual misconduct, including sexual abuse.

(b) The USSCS will have concurrent jurisdiction of the remaining matters of misconduct in §580.4(c)(2).

**(d) Duties**

(1) Administration. The BOR shall generally administer and oversee the disciplinary process of USA Diving. The BOR shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The BOR may set additional procedures to effectively administer complaints filed with USA Diving.

(2) Hearing Panel.

**(a)** When a complaint is filed, the Chair of the BOR, after consultation with the other BOR members, shall appoint a Hearing Panel from among the members of the Hearing Panel Selection Group of not less than three nor more than five members and a non-voting chair to hear the complaint. At least one voting member of the Hearing Panel shall be an Athlete appointed by the Chair of the Athlete Committee (any such athlete must meet the eligibility requirement of the USOC for athlete representative).

**(b)** Members of the panel shall be selected from among the Hearing Panel Selection Group and need not be members of USA Diving or involved in the sport of diving.

**(c)** Within 10 days following the notice to parties of the composition of the Hearing Panel, a party may challenge the selection of a panel member for cause, and any other party may state his/her position on such a challenge. The challenge shall be decided by the BOR under criteria generally applicable to the challenge of judicial officers in the State of Indiana.

**(d)** Notwithstanding the foregoing, the Hearing Panel for any proceeding regarding a complaint alleging a violation by a coach member shall comply with §582.6(b).

**(e)** In any proceeding in which USA Diving is the Complainant or a Respondent, the Hearing Panel shall include at least one non-member.

**(f)** In the event of a non-athlete vacancy for any reason on a Hearing Panel, the vacant position shall be filled by the Chair of the BOR after consultation with the other BOR members. A vacancy in an athlete position shall be filled by the Chair of the Athlete Committee.

**(e) Procedures**

Prior to assigning a case to a Hearing Panel, the BOR may review any complaint filed and may determine that such complaint:

(i) fails to state a claim upon which relief may be granted;

(ii) states a claim over which the BOR lacks jurisdiction;  
(iii) is moot; or  
(iv) the applicable limitation period expired prior to the filing of the complaint.  
The BOR may provide the complainant with an opportunity to cure deficiencies in the Complaint if the deficiencies appear to be subject to cure. A final decision by the BOR finding that a Complaint is deficient under this section shall result in the dismissal of the Complaint and a refund of any fees paid by the Complainant. In the event of a dismissal, the respondent shall be informed of the Complaint and provided with a copy of it and the BOR's decision.

## **470.2 Local Board of Review**

### **(a) Composition**

Each Local Diving Committee or Local Diving Association (LDC) shall provide in its By-Laws for the composition of a Local Board of Review, which shall consist of not less than three persons and not less than 20 percent athlete representative membership. If the LDC By-Laws fail to provide for a Local Board of Review or if the LDC lacks By-Laws, then a member desiring to raise a disciplinary matter or other complaint may proceed in accordance with §471.1. The procedures provided in the LDC By-Laws shall be consistent with the provisions of §471.1.

### **(b) Jurisdiction**

A Local Board of Review may consider matters arising under the Association's By-Laws, affecting local governance, association and invitational competitions, matters between members of a single Association and other matters of strictly local application or effect. A Local Board of Review shall not have authority to suspend or remove a member from USA Diving, but may suspend or remove a member from positions under its own authority (e.g., officers, directors, meet directors in competitions subject to its jurisdiction, etc.).

B. The resolution of any dispute regarding jurisdiction of the Local Board of Review or the BOR shall be determined by the Chair of the BOR, which resolution shall be binding on all parties and be non-appealable.

### **(c) Procedures**

The decision of the Local Board of Review shall be final in all cases, subject only to appeal to the BOR. An appeal to the BOR must be filed with the USA Diving Board of Review Coordinator within 30 days after mailing of written notice of the decision of the Local Board of Review. Any person representing a real party in interest may appeal. Upon timely written petition to the Chair of the BOR, and upon showing of good cause, the time of appeal may be extended if

application is received by the USA Diving Board of Review Coordinator before the expiration of said 30-day period. Such appeal will be considered to be the filing of a complaint in accordance with §471.6. An appeal from a decision on the merits by a Local Board of Review shall be considered under an abuse of discretion standard.

## **Article 71 Matters For Review By the Board of Review, Filing Complaint**

### **471.1 Who may file**

USA Diving or any member of USA Diving may file a complaint with the BOR pertaining to the following matters:

### **471.2 Administrative Matters including Rules and By-Laws**

An alleged violation or grievance of:

- (i) Any provision of USA Diving's By-Laws;
- (ii) Any provision of the Act;
- (iii) Any appeal from the decision of a local board of review.

**471.3 Field-of-Play Decisions.** The final decision of a referee made during competition may not be reviewed under these procedures unless the decision is:

- (1) Outside the authority of the referee; or
- (2) The product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this section, "referee" includes anyone with discretion to make field-of-play decisions.

### **471.4 Personal Conduct including Code of Conduct Violations**

Violations of the USA Diving Code of Conduct and Policies related thereto are disciplinary matters within the jurisdiction of the BOR. The Code of Conduct is set forth in Articles 80, 81, 82 and 83 of these By-Laws.

### **471.5 Right to Compete**

Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial of, or alleged threat to deny, that individual's opportunity to compete in a USA Diving sanctioned or international competition including the opportunity to participate in trials events used to select an athlete to participate in international competitions.

### **471.6 Filing a Complaint**

(a) **Form.** The complaint shall be in writing in the English language, typed (unless time does not permit compliance with this requirement), dated, signed by the Complainant and shall clearly set forth:

(1) The alleged violation, grievance, denial or threat to deny, or Local Board of Review decision being appealed, together with the facts supporting the complaint; and

(2) The remedy requested.

(b) **Submission.** The complaint accompanied by the filing fee is to be sent to the BOR in care of the USA Diving Board of Review Coordinator. The date of filing is the date received by USA Diving. Delivery may be by using US Mail, by hand, any overnight delivery service or by email to The Board of Review Coordinator in the National Office of USA Diving.

(c) **Filing Fee.** A filing fee of \$250 from an individual or \$500 from an organization must accompany the complaint. USA Diving is not required to pay a filing fee. Upon confidential application of the Complainant, the BOR may reduce or waive the filing fee in case of financial hardship.

(d) **Baseless Complaint.** No person shall intentionally file a complaint with the BOR based upon information known to be false. If the truthfulness or falsity of information is subject to conflicting evidence, it is not "known to be false" as used in this section.

#### **471.7 Service on Respondent and Time for Reply**

(a) **Service.** A copy of the Complaint, with any exhibits, will be delivered to the Respondent at her/his last known address as on file with USA Diving within 5 business days of receipt, provided that this time period is directory and not mandatory. USA Diving may, but is not required to also send a copy of the Complaint to any other address known to be used by the Respondent. Delivery shall be accomplished by certified mail, return receipt requested or by any nationally recognized over-night delivery service, or by email if the Respondent's email address is on file with USA Diving, read receipt requested, or by hand delivery to the Respondent. Proof of mailing to Respondent's last known address, postage prepaid shall be deemed proof of delivery and constitute service of the Complaint, whether or not actually received. Delivery shall be deemed complete on the first business day not less than 10 days from the date on which USA Diving effects any of the delivery options under §471.1(a) above, unless proof of an earlier date is clear.

(b) **Reply.** The Respondent shall have a period of 20 days from the date of delivery of the Complaint to Respondent, to respond to a Complaint. If no reply is received, then the Hearing Panel may enter default against the Respondent. The entry of a default shall constitute

an admission by the Respondent of the facts set forth in the Complaint; however, Respondent shall nonetheless have the right to be heard on the issue of any sanction.

(c) **Hearing date.** A hearing shall be held within 60 days of the selection of a Hearing Panel. The Hearing Panel may extend the time for setting a Hearing Date on motion by any party for good cause shown, or on its own motion.

(d) **Rehearing**

(1) For good cause shown, a default may be set aside by the Chair of the BOR and a Respondent permitted to file a Reply any time prior to a decision being rendered by the Hearing Panel.

(2) Within 10 days following a final decision, or during an appeal as provided in §473.1, a Respondent may request a re-hearing. The request for a rehearing may not re-argue points already addressed, and shall be based upon new evidence or issues and facts overlooked by the Hearing Panel in its decision. The request for a rehearing shall be decided by the Hearing Panel. Any pleading or motion under this §471.6 must be in writing, in the English language and signed by the party submitting it.

**471.8 Expedited Proceedings**

Except as provided in §471.9, all time periods provided herein are subject to change as provided in §472.4.

**471.9 Limitation Periods**

Except in the case of Acts of Misconduct as defined in Article 80 of these By-Laws, a complaint filed under this section must be filed within 180 days of the alleged violation, grievance, denial or threat to deny. A Complaint alleging one or more acts of Abusive Misconduct may be filed at any time after the act giving rise to the Complaint.

**471.10 Immediate Suspension.**

(a) Notwithstanding anything to the contrary in this Subpart C, the President, with the concurrence of the Chair of the Board of Directors or, in his/her absence, the Vice Chair Administration (and if the subject member/applicant is an athlete, an Athlete Representative serving on the Board of Directors), may immediately suspend a member upon the receipt of notice that such person is committing or has committed any of the following acts:

1. any violation of the Safe Sport requirements;
2. any act of abuse, harassment, or a drug or alcohol offense involving a minor;
3. an act of theft or violence against a member;

4. any other act that could be reasonably construed as a violation of the purpose of the Code.

(b) The decision whether to suspend a member shall be based upon the following:

1. the seriousness of the alleged act (immediate suspension is reserved for serious misconduct);

2. the likelihood that the alleged act occurred and was committed by the member;

3. any harm suffered by others as a result of the alleged act;

4. the likelihood that further harm may occur to others if the member is not suspended immediately.

(c) A suspension need not be based upon information which would necessarily be admissible as evidence.

(d) This section shall apply to members and member applicants.

(e) The duration of any suspension shall be indefinite, until terminated by the Corporation or upon final decision by the BOR or a hearing panel.

(f) A suspension under this section shall have the same effect as a temporary cancellation or denial of membership. Any suspension of a member (or of a membership application) shall be appealable to the BOR and the provisions of §472.4 and ¶10 of the USA Diving Board of Review Procedures (expedited consideration) shall apply.

1. The review of a suspension by the BOR shall be limited to consideration whether the suspension is based upon sufficient information to reasonably conclude that at least 3 of the 4 factors set forth in §471.10(b)1-4 were properly applied in making the decision to suspend the member; alternatively and at the request of a party, review shall be de novo and the BOR may consider additional information. If the suspended person is a coach member, then the panel shall include a coach member of the Corporation.

(g) Any suspension under this section shall have no effect on the merits of the proceedings before the BOR or a hearing panel; provided, however, any member or applicant who, while suspended, nonetheless holds himself/herself out as a member of the Corporation commits a violation of this Code.

(h) All persons referenced in subsection (a) hereof shall designate a person to serve in their capacity in their absence. In the event that an emergency suspension is required, and all required persons (or designates) cannot be contacted, the President, Chair of the Board of Directors or the Vice Chair Administration may suspend a member individually and shall make reasonable efforts to communicate with all other required persons as soon as practicable and obtain their votes. For purposes of this provision, an "emergency suspension" occurs when a member is charged by law enforcement with abusive



misconduct on a minor, theft of assets belonging to a club or any felony.

## **Article 72 Hearing Panels and Hearings**

### **472.1 Authority**

(a) Unless otherwise provided, a Hearing Panel appointed by the BOR has the authority to hear and decide all issues presented by the Complaint, and to render an opinion and decision taking such action as it may determine appropriate, including but not limited to:

- (1) Impose and enforce penalties for any violation of the rules, regulations (administrative or technical) and By-Laws, of the Corporation;
- (2) Determine the eligibility and right to compete of any athlete;
- (3) Vacate, modify, sustain, or reverse any decision or order properly submitted for review, or remand the matter for further action;
- (4) Investigate any election impropriety or cause for removal of an elected officer, committee member or Director and take corrective action provided, however, that the removal from office of any Director by the Board of Directors is not subject to review by the BOR. In the case of election impropriety, any corrective action implemented by the BOR remains in effect only until a special or regular election can be held by the USA Diving General Assembly or other appropriate body;
- (5) Interpret any provision of the Corporation's By-Laws with the exception of the *Competitive and Technical Rules* (Part I);
- (6) Review any revocation, suspension, or reinstatement of membership;
- (7) Reinstatement any athlete to amateur status;
- (8) Review determinations of the By-Laws made by the Governance Committee as provided in §245.6(c)(3); provided that such determinations from the Governance Committee shall be presumed correct unless proven otherwise. Review under this section shall be by abuse of discretion standard;
- (9) Review determinations of the *Competitive and Technical Rules* made by the Rules Committee or Junior Rules Subcommittee in accordance with §245.3(e)(2)(i)(B) or (f)(2)(i)(B);
- (10) Review the action of any board or committee of the Corporation or action of the Board of Directors of an LDC with regard to procedural propriety and substantive authority. The BOR may uphold the decision, reverse the decision, or uphold in part and reverse in part. In the event of a reversal, in whole or in part, the BOR may determine to remand all or a part of the matter back to the original board or committee for further deliberation consistent with the BOR's decision; and

(11) When appropriate, direct the payment or repayment of monies paid by or due to USA Diving or a member and set the terms and conditions of such payment or repayment.

#### **472.2 Penalties**

(a) A Hearing Panel may impose penalties upon sustaining a Complaint, including but not necessarily limited to the following:

- (i) private censure;
- (ii) public reprimand;
- (iii) probation (with such conditions as the Hearing Panel may reasonably determine);
- (iv) suspension of membership or specific privileges of membership for a definite or indefinite time;
- (v) fine;
- (vi) expulsion with right to apply for reinstatement; and
- (vii) permanent ban.

(b) When a Hearing Panel imposes a penalty with executory provisions (i.e., probation, suspension, etc.), the Hearing Panel shall be deemed to have continuing authority to enforce the executory provisions and, upon a respondent's failure to fulfill same, to impose such other penalties as the Hearing Panel may determine to be proper.

#### **472.3 Procedures**

(a) The Hearing Panel Chair shall rule on all motions and other matters raised in the proceeding. The Chair may dismiss a complaint on its merits without hearing on an appropriate basis, including, but not limited to:

- (i) if the allegations fail to state a claim upon which relief may be granted;
- (ii) the matter is moot;
- (iii) the Complainant has failed to exhaust remedies;
- (iv) the limitation period expired prior to the filing of the Complaint.

(b) If the Complaint is not dismissed, the Hearing Panel shall hold a hearing on the Complaint. The Hearing Panel shall set such time times and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The hearing shall be informal, except that testimony shall be taken under this oath: *"I swear or affirm that the statements I make shall be true and correct."*

(c) The hearing may be conducted by teleconference, or in the discretion of the Hearing Panel Chair, in person. At a hearing held in person, one or more members of the Hearing Panel may nonetheless appear by telephone at their individual option. Each party shall have the right to appear personally or through a legal representative. All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceedings at any time. All hearings shall be recorded by the Hearing Panel, and separate or private recordings are prohibited. Decisions will be based upon a preponderance of the evidence standard.

(d) **Evidence**

(1) Judicial rules regarding admissibility of evidence shall not apply to a hearing before the BOR or a designated Hearing Panel. The parties may offer relevant and material evidence and must produce any evidence the Hearing Panel Chair decides is necessary to understand and decide the dispute. All evidence should be taken in the presence (in person or by telephone) of the Hearing Panel Chair and all of the parties, unless any of the parties is absent, in default, or has waived the right to be present.

(2) The Hearing Panel Chair shall determine what evidence will be admitted, what evidence is relevant, and what evidence is material to the case. The Hearing Panel Chair may also exclude evidence that the Hearing Panel Chair decides is cumulative or not relevant.

(3) The Hearing Panel Chair shall consider applicable principles of legal privilege, such as those that involve the confidentiality of communications between a lawyer and a client. A person participating in a hearing may choose not to give testimony under a claim of privilege against self-incrimination only to the extent such privilege may apply under the law of Indiana. The Hearing Panel may give such weight to the claim as the Panel deems appropriate. Other claims of privilege, however, should not generally be entertained except in extraordinary circumstances.

(4) The Hearing Panel Chair may receive and the Hearing Panel consider the evidence of witnesses by declaration or affidavit rather than in-person testimony but will give this evidence only such credence as the Hearing Panel decides is appropriate. The Hearing Panel Chair will consider any objection to such evidence made by the opposing party.

(5) The Hearing Panel Chair may receive and the Hearing Panel consider as evidence and take notice of the adjudications of courts, arbitrators or other competent organizations concerning matters at issue. The Chair may also receive evidence and take notice of investigative reports made by competent organizations made in the ordinary course of their business regarding such matters.

(6) If the parties agree or the Hearing Panel Chair decides that documents or other evidence need to be submitted to the Hearing

Panel Chair after the hearing, those documents or other evidence will be filed with the Hearing Panel Chair. All parties will be given the opportunity to review and respond to these documents or other evidence.

#### **472.4 Expedited Procedures**

(a) If necessary to address a matter relating to a pending or ongoing competition, or in the event of an emergency situation outside of competition, the BOR or Hearing Panel may hear and decide a complaint within 48 hours of the filing, provided that any expedited procedures followed are fair to all parties involved. A Hearing Panel or the BOR shall have wide authority to issue temporary decisions pending a final hearing when necessary to preserve the status quo, ensure the preservation of arguable rights (specifically including but not limited to rights to compete or participate), and for such other purposes as may be appropriate. Temporary decisions are not appealable, but may be changed, reversed or vacated by a final decision after full hearing.

(b) Nothing in these Articles 70-72 shall affect the ability of the President, the Board of Directors or its Chair to exercise such emergency action as may be authorized by the By-Laws or policies of USA Diving.

(c) Upon good cause shown by a party or upon its own motion, the Hearing Panel Chair may decrease or increase all time limits under Articles 70 through 72.

#### **472.5 Complaints involving selection to participate in competition.**

(a) When a complaint involves selection of an individual to participate in a competition, the complainant shall submit with the complaint a list of all other individuals, with their contact information, who might be adversely affected by a decision. The adverse party to the complaint must also submit a list of individuals, with their contact information, that might be adversely affected by a decision rendered on the complaint.

(b) The Hearing Panel Chair shall determine who must receive notice of the complaint and the service of the complaint must provide appropriate notice to those individuals.

(c) Any individual so notified may participate in the proceedings as a party. Individuals notified of the complaint are bound by the decision of the Hearing Panel even though they chose not to participate.

#### **472.6 Decision**

The decision of a Hearing Panel shall be determined by a majority of the Hearing Panel. The decision of the Hearing Panel shall be rendered within thirty (30) business days of the conclusion of the Hearing. The Hearing Panel's decision shall be in writing and shall be distributed to all parties, and may be distributed by email, with receipt confirmed.

#### **472.7 Confidentiality**

- (a) All Hearings conducted before the BOR, a Hearing Panel, or the Board of Directors shall be closed to the public.
- (b) All proceedings before the BOR or arbitrator (when authorized) regarding alleged Code of Conduct violations shall be and remain confidential except:
  - (i) Information that is necessary to disclose in the course of an investigation to witnesses, parties, counsel and other persons directly involved in the proceedings;
  - (ii) Information disclosed pursuant to subpoena or court order;
  - (iii) Information disclosed to complaining parties or responding parties; and
  - (iv) Information disclosed by USA Diving in response to disclosures by other parties or witnesses in the proceeding.
- (c) USA Diving shall also disclose information to a member club or LDC when an employee or volunteer of such club or LDC has been alleged in a complaint to have violated the Code of Conduct. All Members acknowledge and agree that USA Diving and its agents, servants, employees and members have an absolute privilege to communicate information to our members and clubs relating to disciplinary matters or conduct that may affect such members or clubs.
- (d) The name of the responding party, date of determination, disposition of a complaint and the Code section violated, if any, may be published by USA Diving.
- (e) USA Diving shall not be responsible for any release of confidential information by parties, witnesses or others who may possess or disseminate such information. A party may publish a redacted summary of a final decision. A "redacted summary" shall delete the names of all witnesses (other than parties), all minors, as defined in §580.4(d)(2)), and members of the Hearing Panel, other than the Chair.

### **Article 73 Appeals**

#### **473.1 Right to Appeal**

- (a) Any party may appeal a final decision of a Hearing Panel to the Appeal Panel. A Notice of Appeal shall include the caption of the

proceeding, the name and all contact information of the appellant, a statement of the decision being appealed, a statement of the facts and grounds upon which the Appeal is based, and a copy of the decision shall be attached. The Notice of Appeal shall be filed within 20 days of the delivery of a copy of the decision being appealed to the appealing party. Proof of mailing to Respondent's last known address, postage prepaid shall be deemed proof of delivery and constitute service of the decision, whether or not actually received. Delivery shall be deemed complete on the first business day not less than 10 days from the date on which USA Diving effects any of the delivery options under §471.1(a) above, unless proof of an earlier date is clear. The Notice of Appeal shall be filed by delivering a copy thereof to BOR Coordinator of USA Diving, with a copy to the Chair of the Hearing Panel and the Chair of the BOR.

(b) An Appeal Panel shall consist of two members of the Board of Directors appointed by the Chair of the BOR, plus one athlete member who shall meet definition of an athlete representative set forth in the Act.

(c) The Appeal Panel may review a Hearing Panel decision and modify or reverse the Hearing Panel Decision only on a finding that the Appellant has been deprived of due process by the Hearing Panel. No new testimony may be taken and the Appeal Panel's decision shall be based upon the record of the Hearing Panel proceedings.

(d) If an appellant shall demonstrate (by written submission only) newly discovered evidence (unknown or not available to the appellant at the time of the original hearing) and if the Appeal Panel shall find that the newly discovered evidence may likely affect the Hearing Panel's decision, the Appeal Panel may remand the matter back to the Hearing Panel for consideration of a rehearing as provided under §471.7(c)(2).

(e) Except as provided under §473.2, the decision of a Hearing Panel is final unless appealed. If appealed, the decision of an Appeal Panel is final. Nothing herein shall affect the right of a party to demand arbitration as provided pursuant to the Act.

#### **473.2 Arbitrator's Discretion**

In the event a member has a right to demand arbitration under the Act and makes such demand in compliance with its terms and the regulations relating to arbitration and the rules and regulations of the USOC, then to the extent permitted by law, an arbitrator may give whatever weight or authority to the decision of a Hearing Panel or Appeal Panel as the arbitrator deems appropriate; unless otherwise provided by applicable law, the Arbitrator shall adopt and use the Rules, Regulations and By-Laws of USA Diving (including any

construction thereof made by the Hearing Panel or BOR), together with such other authorities as may be applicable in determining the issues presented; the filing fee for the appeal shall be paid initially by the appellant party, and all costs for the appeal shall be evenly divided between/among all parties to the appeal without regard to the party prevailing. All parties shall pay their own attorney's fees and costs except as provided herein.

## **SUBPART D - CODE OF CONDUCT**

### **Article 80 - General Conduct**

#### **580.1 Applicability.**

(a) All members of USA Diving shall abide by this Subpart D, Code of Conduct. Membership in USA Diving is a privilege and not a right. Adherence to this Code of Conduct is an obligation of membership.

(b) Nothing in this part, Articles 80, 81, 82, 83, and 84, shall be construed to create liability on the part of USA Diving, Inc. for any injury or damage suffered or claimed to be suffered by any person, whether or not involved in activities described herein, and whether or not arising from a violation of provision contained herein. The contents of the specified Articles do not create a duty on the part of USA Diving to supervise its members or others for the benefit of any individual. The purpose of these Articles is limited to the establishment and enforcement of the Code of Conduct solely for the benefit of USA Diving. No other person or entity is an intended beneficiary hereof, except to the limited extent necessary to support standing as a complainant in the administrative remedies provided for herein.

#### **580.2 Acceptance.**

(a) By applying for membership in USA Diving, an individual or club accepts and agrees to abide by this Code of Conduct as a condition of membership.

(b) In the case of athletes or others who have not yet attained an age of legal majority, an athlete's parent or legal guardian accepts and agrees to abide by this Code of Conduct on behalf of themselves and the athlete as a condition of membership.

#### **580.3 Adherence to domestic law.**

(a) All members of USA Diving are expected to adhere to federal, state, and local laws, and to avoid acting in any manner that would bring disrepute upon USA Diving. Any actions that bring disrepute on the organization are grounds for discipline.

(b) Certain legal actions against a member or applicant constitute grounds for immediate action by USA Diving, including but not limited to:

(1) A felony conviction within the United States may be sufficient reason for the rejection of a membership application or revocation of membership.

(2) A felony indictment or other formal charge of a crime within the United States may be sufficient reason for immediate rejection of a membership application or suspension from involvement in the business of USA Diving until the conclusion of litigation.

(3) Suspension, revocation, rejection or expulsion by a National Governing Body under the U.S.O.C. is grounds for rejection, revocation, suspension or ejection from USA Diving.



(4) Any rejection, revocation, or suspension authorized by (b)(1)(2) or (3) is effective upon notice by the President or her designee to the member or applicant. Such actions may be appealed to the National Board of Review in accordance with the procedures established in Subpart C of these By-Laws.

#### **580.4 Other prohibited behavior.**

(a) **Violent crimes.** Violent crimes or acts that involve the abuse or exploitation of children are unacceptable. A criminal history (past, present or pending) of violent crime or abuse or exploitation of children is cause for denial, suspension or revocation of membership without regard to any limitations period otherwise set forth in the By-Laws.

(b) **Alcohol or controlled substances.**

(i) **Alcohol restrictions.** The abuse of alcohol is prohibited and is a violation the Code of Conduct. Additionally, any member acting as a participant or spectator at a USA Diving event visibly under the influence of alcohol will be considered in violation of the Code of Conduct.

(ii) **Drug restrictions.** Use of controlled or banned substances other than those prescribed by a physician is prohibited.

(iii) Any other material and/or intentional/grossly negligent act; conduct or omission not expressly provided for here, and which is detrimental to the image or reputation of USA Diving, its members or the sport of diving.

(c) **Abusive Misconduct**

(1) USA Diving, Inc., as a member of the United States Olympic movement, is committed to promoting the development and safety of athletes and participants involved in sport. Sport can be a high-risk environment for abusive misconduct, including child physical and sexual abuse. While child physical and sexual abuse is one type of abusive misconduct, it is important to remember that this policy covers many inappropriate behaviors that may not involve children at all. This policy applies regardless of the age or sex of the individuals involved in abusive conduct.

(2) Types of Abusive Misconduct:

- Sexual Misconduct, including Sexual Abuse;
- Emotional Misconduct;
- Physical Misconduct;
- Bullying, including Cyber bullying;
- Harassment;
- Hazing.

#### **ALL FORMS OF ABUSIVE MISCONDUCT ARE INTOLERABLE AND IN DIRECT CONFLICT WITH THE OLYMPIC IDEALS.**

USA Diving's Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyber bullying is attached to these By-Laws as *By-Law Appendix A* and is incorporated herein by reference. Violations of this policy

constitute acts of Abusive Misconduct.

(d) **DEFINITIONS**

(1) **Abusive Misconduct**

Abusive Misconduct is willful or grossly negligent conduct which results or is likely to result in harm, the potential for harm or the imminent threat of harm, including the significant physical, mental or emotional impairment of health. Except as expressly noted below, age is irrelevant to abusive misconduct. Without limitation, there are six primary types of abusive misconduct in sport: emotional, physical and/or sexual misconduct, bullying, harassment and hazing.

(2) **Child, children, minor and youth.**

Child, children, minor and youth is anyone under the age of 18, or age 19 if still in high school. The terms, "child," "children," "minor" and "youth" are used interchangeably. For the purposes of this Article, a person under the age of 18, or age 19 if still in high school is a child without regard to the age of consent or majority in any jurisdiction.

(3) **Participants**

Participants are persons who participate in a sport activity through a club or organization (e.g., athletes, officials or referees or anyone performing tasks in connection with a sport activity).

(4) **Members**

For the purposes of this Code of Conduct, Members are those persons and entities described in §470.1(c) of the By-Laws. Although included for purposes of this Subpart C and Subpart D, applicants, former but not current members and others not holding current membership in USA Diving shall not be considered Members for any other purpose under the Code of USA Diving.

(e) **Discrimination based on race, religion, national origin, disability, sexual orientation or gender.** In accordance with §239.5, which asserts that all activities of USA Diving are to be conducted without regard to race, religion, national origin, disability, sexual orientation gender or other legally protected status; any discriminatory act or acts that create an impermissible hostile environment for other members are violations of this Code of Conduct.

(f) **Indiscreet or Destructive behavior.**

Indiscreet or destructive behavior will not be tolerated. Vandalism, malicious mischief (willfully stealing or causing damage to the personal or real property of another), disorderly conduct (acting in such a manner as to disrupt an event or activity of USA Diving) are examples of Indiscreet or Destructive behavior.

**580.5 Additional Athlete Protection Policies.**

The following Code of Conduct Provisions are specifically related to Athlete Protection:

(a) Inappropriate touching by or between members is prohibited.

Inappropriate touching includes, but is not limited to excessive physical contact, e.g., touching, kissing, hugging, sexually oriented or stimulating acts.

(b) Any rubdown or massage performed on an athlete by any adult, teammate or other athlete, must be conducted in open/public locations. This section does not apply to treatment by a licensed physician or licensed massage therapist or physical therapist, a relative or a member of an athlete's household.

(c) Use of audio or visual recording devices, including a cell phone camera, is not allowed in changing areas, rest rooms or locker rooms.

(d) Travel

(1) Regardless of gender, a coach shall not share a hotel room or other sleeping arrangement with an athlete unless the coach is a relative or member of a relative's household.

(2) When only one minor athlete and one coach travel to a competition, the athlete must have his/her parent's (or legal guardian's) written permission in advance to travel alone with the coach.

### **580.6 Reporting violations.**

(a) It is every member's responsibility to promptly report to USA Diving's Safe Sport Coordinator any incident regarding an act of Abusive Misconduct or violation by a member, as described in Articles 80 through 83 of this Code of Conduct. Reporting must occur when an individual has firsthand knowledge of misconduct or a violation or where specific and credible information has been received from a victim or knowledgeable third party. Various state laws may also require reporting to law enforcement or to a designated child protection agency.

(b) No member shall retaliate against any individual who has made a good faith report under section (a) above.

(c) Filing a knowingly false allegation of Misconduct or violation is prohibited and may violate state criminal law and civil defamation laws. Any member making a knowingly false allegation of abusive misconduct shall be subject to disciplinary action by USA Diving.

(d) Notwithstanding anything to the contrary contained elsewhere in this Section and in Article 80 the rules of the U.S. Center for Safe Sport for reporting of Safe Sport violations as listed in Section 580.4(c)(2) are applicable for reporting violations of Misconduct. Rules of the U.S. Center for Safe Sport may be found at [www.safesport.org](http://www.safesport.org)

### **580.7 Reporting.**

(a) A violation of the Code of Conduct may be reported by filing a Complaint with the Board of Review as provided in Subpart C or by filing a report with USA Diving. Reports of abuse or sexual misconduct shall

be made to USA Diving's Safe Sport Coordinator.

(b) If a report of abusive misconduct involving a minor is made to USA Diving, USA Diving will take such reports and forward them to the appropriate abuse or child protection state authority.

#### **580.8 Penalties.**

Penalties for violations of the provisions of this Article 80 shall be assessed in accordance with Article 84 of this subpart and Subpart C of these By-Laws.

#### **Article 81 -- Conduct During International Events or Training Activities Conducted by USA Diving.**

*(This Article applies to all events in which athletes from USA Diving and one or more additional federation members of FINA participate, and includes all travel, camps, competition, social and other activities that take place during the event (from the date of team selection and assembly through the date of the completion of the event and disbanding of the team, either at the conclusion of the event if the event is domestically held, or return of the team to the United States if held abroad.)*

##### **581.1 Applicability.**

(a) All members involved in the preparation and performance of athletes in international competition, and the athletes will abide by this Code of Conduct. This includes the Team Leader, coaches, official and unofficial, athletes, trainers, massage therapists, psychologists, and other members identified by the Team Leader as participants. Although not part of the Team, USA Diving members, employees or contractors traveling with and/or staying with the Team are subject to this Code of Conduct during the time they are with the Team or any member of the Team. (e.g. If traveling with the Team to and or from the competition the code would apply during travel only, if traveling separately but staying with the Team the code would apply during the stay at the hotel only).

(b) The determination of the status of any person shall be made without regard to whether such person's travel, room and board, or other expenses are being paid, in whole or in part, by the Corporation or from other sources. For all purposes in this Article 81 the group defined by sections (a) above shall be referred to as the "Team."

(c) Notwithstanding the foregoing, it is recognized that a coach or staff member may have official duties as a representative of the Corporation and it may be necessary for such person to attend meetings or other functions and participate in activities that would otherwise result in a

violation of this Code of Conduct. On a trip-by-trip basis the Vice Chair, Competitive Excellence or the President will inform the Team Leader of the possibility of such situations and the Team Leader will inform all team members and staff. In the event that such situations become known only after the Team has arrived at the meet site the Team Leader will have the same authority as the Vice Chair, Competitive Excellence or the President to permit attendance and participation at such functions by specified coaches or staff members. In such situations conduct by a coach or staff member will not be a violation of this Code of Conduct.

(d) All Team Members (athlete, coach and staff) shall timely comply and cooperate with all requests and directions from the National Office Staff. Team Members shall also immediately inform USA Diving of any event or condition which may preclude or interfere with the member's participation. A failure to comply with this provision may result in a loss of position, expense reimbursement or other sanction at the discretion of the President and/or constitute grounds for a complaint to the National Board of Review.

### **581.2 Acceptance.**

(a) All participating Team Members will accept the guidelines, duties, and responsibilities of their respective positions.

(b) The Corporation may designate a specific individual as the "Team Leader" who will be the person in charge and responsible for the enforcement of this Code and reporting violations thereof while the Team is assembled. In the event that a specific Team Leader is not appointed, the head coach or another staff member shall be designated by the Corporation or, if not, by the coaches in attendance as the person-in-charge of the trip prior to departure and shall perform the duties of Team Leader under this Article 81 including enforcement and reporting.

(c) This Code of Conduct for International Events must be signed at the time an individual is named to the Team for an event, trip or other USA Diving activity. In the case of Junior athletes, a parent or legal guardian also must sign. The provisions of the Code of Conduct take effect on the date and time when travel to the meet is initiated and continue in force until the date and time on which travel is completed.

(d) The Team Leader, with the approval of the CCE, may modify this Code of Conduct for International Events for specific competitions. This Code of Conduct, and any trip specific modifications, must be available for review and signature by Team Members at time of qualification or selection.

### **581.3 Team meetings.**

- (a) All members of the staff will meet as soon as possible to discuss Team policies and be sure all staff members have a common understanding of the expected standards of conduct before meeting with the athletes.
- (b) As soon as possible after the staff meeting, a full Team meeting should take place. The Team Leader must ensure that:
- (1) The Code of Conduct is thoroughly reviewed with all participants; (2) Per Diem is distributed to athletes;
  - (3) A team captain is elected;
  - (4) Training times are set for upcoming days as far in advance as possible;
  - (5) All Team Members are aware they must:
    - (i) Train together unless excused by the Team Leader; and
    - (ii) Wear USA-identifying clothing to all training and competition sessions;
  - (6) A Team meeting is held every day at a time and place designated by the Team Leader. Any absence from the daily Team meeting must be approved in advance by the Team Leader;
  - (7) Team Members will attend each competitive session unless excused by the Team Leader;
  - (8) The team captain is assigned responsibility for organizing the Team in the stands so members can sit and cheer together; and
  - (9) When possible, an educational or recreational team function to see and learn about the area is planned at USA Diving expense.

#### **581.4 Official uniform.**

- (a) All Team Members will wear and/or use the official equipment and uniform supplied exclusively at all International competitions within the United States except for the athletes' swimsuits. Outside the United States the uniform is only required in the competition venue.
- (b) When traveling, the dress code prohibits jeans, cutoffs, T-shirts and sandals. The Team will wear collared shirts or blouses when arriving in a foreign country, unless otherwise directed by the Team Leader.

#### **581.5 Adherence to foreign laws.**

Team Members are reminded that laws of most countries are significantly different from the laws of the United States. U.S. citizenship does not grant immunity to the laws of a foreign nation when a guest of that nation. Violating laws of a foreign nation can result in significant detriment to an individual. Most foreign nations do not grant the individual, whether a citizen or guest, the personal rights to which U.S. citizens are accustomed. The Corporation may not be able to render assistance in the event a Team Member is taken into custody. Generally, the exercise of good behavior, common sense and "good

neighbor" principles will be sufficient to avoid unwanted incidents.

#### **581.6 Curfew.**

- (a) Curfew for all events is 11 p.m. until the last day of competition and 1 a.m. the last night before departure for all athlete Team Members.
- (b) Curfew for non-athlete Team Members will be as set by the Team Leader.
- (c) The Team Leader may change the curfew for all members of the Team at any time.

#### **581.7 Prohibited behavior.**

- (a) **Alcohol restrictions.** On International trips, the use or possession of alcohol is prohibited and is a violation the Code of Conduct, except as provided under §581.1(c). Additionally, any Team Members visibly under the influence of alcohol will be considered in violation of the Code of Conduct.
- (b) **Drug restrictions.** Use of drugs other than those prescribed by a physician or approved by a staff member is prohibited. Team Members are reminded of the consequences that could result from prosecution of a drug-related offense in a foreign country. FINA rules also prohibit the use of specified drugs.
- (c) **Tobacco restrictions.** Smoking or use of tobacco products in public while on a team trip is unacceptable.
- (d) **Indiscreet or Destructive behavior.** Indiscreet or destructive behavior, including, but not limited to indiscreet sexual behavior, is prohibited and will not be tolerated. Every effort should be made to avoid "guilt by association" with such activities.
- (e) **Hazing.** Any form of hazing as well as so-called "initiations" that include unwanted or uninvited touching of one person by another, or activity that humiliates or demeans another person, with or without that person's consent, shall be deemed to be indiscreet and destructive behavior and is specifically classified as a Penalty 3 violation under §584.3. Every effort should be made to avoid "guilt by association" with such activities. USA Diving's Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyber bullying is included by reference.
- (f) **Medicines.** The distribution by a Team Member other than the authorized medical staff of any prescription to another Team Member is prohibited and is a violation of the Code of Conduct; provided that a parent or guardian of a Team Member under the age of 18 may provide the Team Leader with such member's medications for delivery to the Team Member as prescribed by a physician.
- (g) **Minors.** Unless authorized in writing by the minor Team Member's parent or legal guardian delivered to the Corporation prior to the commencement of the trip, at no time will the Team Leader leave the charge of any minor Team Member to any adult athlete Team Member regardless of how responsible the Team Leader may feel the adult athlete Team Member or minor athlete Team Member are. Additionally, at no time what so ever will a minor athlete Team Member or group of minor athlete Team Members be left in their own charge, except when in their hotel room.
- h) **Personal activities.** Participation in activities with family or friends when those activities conflict with Team training, Team functions, or attendance at competitive sessions is not permitted.

### **581.8 Spouses or Parents.**

The spouse or parent of a Team Member who accompanies a Team to an International event will have no voice in Team matters and should not interfere in any way with Team activities, unless that person is designated as an official Team Member. Violators of this provision will not be permitted to travel with an International team in the future.

### **581.9 Reports.**

All Team Members (staff and athletes) on the return trip must complete a debriefing report. Athletes' reports must be collected by the Team captain, placed in a sealed envelope, and given to the Team Leader. ) All reports should then be forwarded to the USA Diving National Office for review by the appropriate committee for analysis and any necessary action.

**581.10 Failure to report violation.** Any Team Leader who fails to report a Code violation is also in violation of the Code of Conduct and subject to its penalties.

### **581.11 Team Member agreement for USA Diving Events and Competition.**

*I hereby agree to abide by the rules of conduct set forth in Article 81 above, and acknowledge that, should I violate any provision contained in Article 81, I will be subject to disciplinary action as set forth in Article 84, including, but not necessarily limited to, suspension from future domestic and international trips sponsored by USA Diving, loss of financial support, or expulsion from the Corporation.*

Date Signature of Team Member

Competition Signature of Athlete's Parent or Legal Guardian

### **581.21 Code of Conduct for other activities conducted by USA Diving.**

(a) The Committee for Competitive Excellence will prepare a code of conduct for all athletes and coaches participating at the National Training Center, Olympic Medal Program Selection Camps, the elite training camps, and such other activities conducted by USA Diving as the CCE deems appropriate. All athletes and coaches participating in such activities shall be required to read and accept that Code of Conduct as a condition of participation.

(b) The Committee for Competitive Excellence will define the penalties for violation of the Code of Conduct consistent with the provisions of Article 84.

(c) The Committee for Competitive Excellence will make a determination as to the applicability of this section to specific activities. The National Office will make notification of that applicability to applicants or participants, as the case may be, in the first announcement or invitation.

## **Article 82 – Coaches' Code of Conduct**

**582.1 Objective.** The reputation of the Corporation is determined by the degree of respect with which the coach interacts with the public that the coach serves. This public consists of fellow coaches, athletes, administrators, media



and the public in general. The intent of this Coaches Code of Conduct is to define the parameters of that interaction, and to provide a means for requiring adherence to the component of the Code of Conduct. Compliance with the Coaches Code of Conduct depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion, and finally, when necessary, and as a last resort, upon enforcement through disciplinary proceedings. All coach members specifically agree to comply with this Coaches Code of Conduct and confirm acceptance of the General Code of Conduct in accord with §580.2 above.

### **582.2 Personal conduct.**

(a) The integrity of the sport of diving is imperative. Coaches shall respect and teach the dignity of the sport, its officials and competitors, and the clubs, teams and organizations they represent; and the rules, regulations, and policies governing those organizations. Coaches shall thoroughly educate themselves with Safe Sport Policy and must conduct themselves in accordance with that policy. Coaches shall also educate athletes, parents and volunteers in the importance of Safe Sport policy in the conduct of the sport of diving. Additionally, Coaches should familiarize themselves with USA Diving's Policy Regarding Hazing, Harassment, Intimidation, Menacing, Bullying and Cyber bullying (By-

*Laws Appendix A).*

(b) A Head Coach is responsible for and shall take reasonable steps to ensure that all coaches under him/her comply with this Coach's Code of Conduct, whether or not such coaches are members of USA Diving. Athlete members of USA Diving shall be coached by or in the immediate presence of a coach member of USA Diving.

(c) A coach shall wear appropriate attire to complement the integrity and professionalism of the sport of diving. When necessary a coach shall be sensitive to national sponsors and the apparel provided for specified events and special occasions.

(d) In the sport of diving, coaches are regularly called upon to serve as judges and referees. A coach member of the Corporation shall conduct herself/himself in an honest and unbiased manner basing the coach's judgment solely upon the technical skills and aesthetics of the performance as provided for in the rules of competition.

(e) All professional communication shall be conducted in an honest, open manner consistent with the best interest of the sport and the Corporation. Integrity is a basic part of coaching, whether financial or dealing with events, entries, athletes, parents, and administrators. A coach member's communication should be accurate at all times to the best of the coach's knowledge and belief.

(f) A coach member shall not abuse alcohol. A coach member shall not use or possess any controlled substance without proper medical authorization. A legal conviction for illegal possession or sale of any controlled substance shall be a per se violation of this provision.

(g) A coach shall comply with the provision of Article 80 of this Code.

(h) A coach shall check with the USA Diving web site to determine whether persons associating with the club or coach are on USA Diving's Banned/Suspended List. No person on USA Diving's Banned/Suspended List may be associated in any capacity with any member club or program operated by a member.

**582.3 Coaches' Recruiting.** In all matters regarding the changing of organizational affiliation of athletes, the initiation of the discussion of such change shall be by the athlete or the athlete's legal guardian and not by the coach or anyone acting on behalf of the coach.

**582.4 Coach to athlete.**

(a) A coach will always make decisions based on the best interest of the athlete.

(b) A coach member shall not engage in sexual relations with a minor.

(c) A coach shall not otherwise engage in sexual misconduct. Sexual misconduct consists of any behavior that utilizes the influence of the coaching position to encourage inappropriate intimacy between coach

and athlete.

(d) A coach of a collegiate athlete shall not engage in sexual relations with any collegiate athlete they coach, regardless of the athlete's age.

(e) A coach shall not provide, encourage, or engage in the use of controlled substances or abuse alcohol with an athlete.

### **582.5 Enforcement procedures.**

(a) Enforcement of this Code of Conduct shall be by means of the procedures described in Subpart C of these By-Laws.

(b) Notwithstanding the provisions of §470.1(d)(2)(a), any Board of Review Hearing Panel selected for consideration of a breach of this Code of Conduct shall have five members at least two of whom are coach members in good standing in USA Diving.

## **Article 83 – Supplemental Standards of Ethical Conduct for Officers and Directors**

**583.1 Basic Obligation.** Service as an officer or director within USA Diving is a position of trust. Each officer and director has a responsibility to USA Diving and its members to place the welfare of the organization above private gain. To ensure that every USA Diving member can have complete confidence in the integrity of USA Diving, each officer and director shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the general standards of conduct established in Article 80.

**583.2 General principles.** The following general principles apply to every USA Diving officer and director. In situations not covered by the standards set forth below, officers and directors shall apply the principles set forth in this section in determining whether their conduct is proper.

(a) Officers and directors shall not hold financial interests that conflict with the conscientious performance of duty.

(b) Officers and directors shall not engage in financial transactions using nonpublic information or allow the improper use of such information to further any private interest.

(c) Officers and directors shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities with USA Diving or whose interests may be substantially affected by the performance or nonperformance of the officer's or director's duties.

(c) Officers, directors, and committee chairs shall not knowingly make unauthorized commitments or promises of any kind purporting to bind USA Diving.

(d) Officers and directors shall not use their USA Diving posts for private gain.

(e) Officers and directors shall act impartially and not give preferential treatment to any private organization or individual.

(f) Officers and directors shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, sexual orientation, age, or handicap.

(g) Officers and directors shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this article. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

### **583.3 Disqualifying financial interests.**

(a) **General restrictions.** Officers and directors are prohibited from participating personally and substantially in an official capacity in any particular matter in which the officer or director or any person whose interests are imputed to that officer or director has a financial interest.

(b) **Definitions.** For purposes of this section, the following definitions shall apply:

(1) *Direct and predictable effect.*

(i) A particular matter will have a direct effect on a financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the financial interest. An effect may be direct even though it does not occur immediately. A particular matter will not have a direct effect on a financial interest, however, if the chain of causation is attenuated or is contingent upon the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.

(ii) A particular matter will have a predictable effect if there is a real, as opposed to a speculative possibility that the matter will affect the financial interest. It is not necessary, however, that the magnitude of the gain or loss be known, and the dollar amount of the gain or loss is immaterial.

(2) *Imputed interests.* For the purposes of this article, the financial interests of the following persons will serve to disqualify an officer or director to the same extent as if they were the officer's or director's own interests:

(i) the officer's or director's spouse;

(ii) the officer's or director's child or parent;

(iii) the officer's or director's general partner;

(iv) An organization or entity in which the officer or director

serves as officer, director, trustee, general partner, or employee; and  
(v) A person with whom the officer or director is negotiating for or has an arrangement concerning prospective employment.

## **Article 84 - Penalties for Violations of the Code of Conduct**

### **584.1 Introduction.**

The presumptive penalties set forth in §§ 584.2 through 584.6 shall be presumed to be correct for violations of the provisions of Article 81, Conduct During International Events or Training Activities Conducted by USA Diving (including but not limited to USA Diving teams for international competition and trips taken therefore). Actual penalties for specific cases of wrongful conduct or violations may be greater or lesser than the presumptive penalties, depending on the seriousness of the conduct and the facts surrounding the acts giving rise to the violation. A Hearing Panel may, but is not required to set forth its findings and reasons for any deviation. Any party may appeal a deviation, and the Board of Review shall have appellate jurisdiction over any deviation from the presumptive penalties.

(1) Penalties One and Two are specific to behavior for International Events and should be imposed by the Team Leader as soon as the infraction is discovered. The remainder of the penalties may be applied to any violations of this Code of Conduct by the Vice Chair - Competitive Excellence and the Vice Chair Administration, or by either of them with the approval of the Chair of the Board or the President.

(2) The imposition of any sanctions or penalties by a Hearing Panel or the Board of Review (or arbitrator) in no way limits the right of USA Diving to pursue legal remedies in civil or criminal court.

### **584.2 Penalty One.**

(a) For all international competitions, the Team Member will be given a curfew for the remainder of the trip to which the athlete will have to adhere. The Team Leader will send a formal letter to the President with a copy to the Vice Chair-Competitive Excellence. The letter will be filed with the President and the Vice Chair-Competitive Excellence as a first offense.

(b) If for any reason the athlete is found away from their room in violation of the curfew imposed pursuant to subparagraph (a) above, that violation will be considered a second offense and will earn Penalty Two; and, a formal letter detailing the nature of the offense and the penalty imposed shall accompany that athlete on the athlete's subsequent trip, at which point they would begin at Second Offense for any further violations.



### **584.3 Penalty Two.**

(a) A formal letter will be sent to the President, Committee for Competitive Excellence and Board of Directors of USA Diving by the Vice Chair Competitive Excellence setting forth the violation and penalties imposed. At the first available time following the conclusion of the trip the Team Member, his or her coach, and the Committee for Competitive Excellence will have a conference telephone call to discuss the violation and steps that may be taken to prevent another violation. If a Team Member or coach refuse to participate or refuse to agree to reasonable times, then the Vice Chair Competitive Excellence shall set the date and time for the telephone conference, provide notice to all concerned and the Team Member and coach shall be bound by any decisions made.

(b) A Team Member must select i) to forfeit the next international trip for which they are selected or qualify, or ii) to personally pay all of the expenses and costs of the trip in advance and will receive no per diem. These sanctions are in addition to the steps required as the result of the telephone conference under §(a) above.

### **584.4 Penalty Three.**

(a) Any Team Member in violation will be suspended from all international competition for six months and will forfeit any current and/or future financial support for the term of the suspension. Suspension will begin at the time USA Diving notifies the Team Member.

(b) For a Team Member under the age of 18, the Team Member will be sent home immediately from the competition at the parents' expense. If not possible, the Team Member will be benched for the remainder of the meet and placed under such curfew as the Team Leader shall determine. Notwithstanding the provisions of subparagraph (a) above, a Team Member under the age of 18 will also not be eligible for the next international age group meet for which they qualify.

### **584.5 Penalty Four.**

A violation results in disqualification from acting as a coach, instructor or any other non-athlete capacity at any USA Diving-sponsored camp, clinic, or domestic or international competition for one year.

### **584.6 Penalty Five.**

A violation results in a suspension from all national and international competition for one year.

### **584.7 Other Penalties**

(a) The penalties set forth § 472.2 of the By-Laws are applicable to all members of USA Diving for violations of the Code of Conduct.

(b) Successive violations of the same provisions of the Code of Conduct are

cumulative and may lead to a more severe penalty. A single act may lead to the violation of more than one provision of the Code of Conduct and, therefore, the assessment of more than one penalty. Where violation of multiple provisions of the Code of Conduct include suspension for a period of time, it is the presumption that the suspensions will be served concurrently, not consecutively, unless it is determined that the acts warranting the suspension are of such a nature that application of consecutive suspensions is warranted (for example -- intentional acts, acts of theft or dishonesty, drug or weapon possessions in violation of law or policy of USA Diving, violence or abusive misconduct).

#### **584.8 Additional Actions to Address Unethical Behavior.**

(a) Without regard to the institution of a Board of Review proceeding, in response to either a formal complaint or circumstances that create the appearance of impropriety, the President or the Chair of the Board of Directors, may issue:

(1) A letter reminding the offending member of the requirements of this Code of Conduct;

(2) A private letter of reprimand;

(3) A letter of reprimand with a requirement of corrective action;

(4) A public letter of censure; or

(5) The President or the Chair may request that the Board of Directors issue a private reprimand or public censure.

(b) Any of the actions listed above may be taken in addition to the sanctions provided in 472.2. A Respondent may appeal any sanction under this section to the Board of Review.

### **SUBPART E - DOPING CONTROL PROGRAM**

#### **Article 90 - Anti-Doping**

##### **690.1 United States Anti-Doping Agency Protocol Compliance**

(a) **General.** As a member National Governing Body of the U.S. Olympic Committee ("USOC") and as a member FINA, USA Diving is obligated to adhere to the anti-doping rules of

the USOC and FINA. In addition, USOC Bylaw Chapter XXIII, Section 2(G) provides that, as a

condition of membership in the USOC, each National Governing Body shall comply with the procedures pertaining to drug testing, and adjudication of related doping offenses, of the independent anti-doping organization designated by the USOC to conduct drug testing. The USOC has designated the U.S. Anti-Doping Agency ("USADA") as that organization.

(b) **Athlete responsibilities.** It is the responsibility of each athlete member of USA Diving to comply with the anti-doping rules of FINA, USOC and USADA. It is also the responsibility of

each athlete member of USA Diving to submit, without reservation or condition, to in-competition

and out-of-competition doping controls conducted by either FINA or USADA. (Out-of-competition testing of athletes may take place at elite-level camps, training sessions at USOC

facilities, or at other designated events. No advance notice testing of athletes may take place

at any time for those athletes designated by USA Diving and USADA for inclusion in USA Diving's no-advance-notice testing pool.)

(c) **Effectivity.** Pursuant to USOC Bylaws Chapter XXIII, Section 2(G), the management of positive and elevated test results (after Oct. 2, 2000) for USA Diving's athletes has become the



responsibility of USADA. Any inconsistent provisions elsewhere in these By-Laws are hereby superseded. USA Diving will, without further process, enforce and publish any sanction communicated to USA Diving by USADA resulting from adjudication of a doping control under USADA Protocol.