

## PART FIVE

### APPENDIX A

#### BY-LAWS OF THE LOCAL ARTISTIC SWIMMING COMMITTEE (Housekeeping – January 30, 2022)

The following By-Laws must be adopted by every Local Artistic Swimming Committee (“LASC”) which desires to be affiliated with the Corporation. Additional provisions may be added to the By-Laws, but they may not contradict the basic document set forth below. There are a few instances wherein the flexibility is indicated in what is set forth below.

#### ARTICLE 1

##### OBJECTIVES, TERRITORY AND JURISDICTION

**1.01 Objectives:** The objectives shall be to promote and develop artistic swimming, including the education and teaching of athletes of all ages to improve their capabilities, all in accordance with the standards and under the rules prescribed by the Federation Internationale de Natation Amateur (“FINA”), USA Artistic Swimming, Inc. (“USAAS”), and the following rules. The LASC shall be operated exclusively within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, as amended (or corresponding provisions of any future United States Internal Revenue Law).

**1.02 Territory:** The territory of the LASC shall be the geographical boundaries determined by USAAS and set forth in Section 6.03 of the USAAS Code.

**1.03 Jurisdiction:** The LASC has jurisdiction over the sport of artistic swimming in its territory in accordance with USAAS Rules.

**1.04 Conditions of Competition:**

- A. **General:** The conditions of competition of any artistic swimming event, and rules governing it, shall be those established by USAAS or by the LASC where its rules and regulations are not contrary to USAAS Rules.
- B. **Championships:** Artistic Swimming Championships shall be held in accordance with the Rules of USAAS for conduct of Championships as described in the USAAS Rules. Other events may be held within the program of the LASC for the development of the sport.

#### ARTICLE 2

##### MEMBERSHIP

**2.01 Membership** in the LASC shall be open to groups, athletes and individuals who are not athletes, as set forth in Article 1 of the USAAS Code.

**2.02 Fees:** The cost of each category of membership shall be determined by USAAS. The LASC Board of Governors may add a surcharge to all membership fees.

## ARTICLE 3

### LASC BOARD OF GOVERNORS

- 3.01 Composition:** The LASC Board of Governors shall consist of one (1) representative from each group member of the LASC, the elected officers of the LASC, a representative of the coaches in the LASC, and representatives of the athletes which shall equal at least thirty-three and three tenths percent (33.3%) of the total number of members of the LASC Board of Governors (including athletes), and such other individuals that the LASC may desire.
- 3.02 Authority:** In addition to the duties and powers prescribed in the USAAS Code or in these By-Laws, the LASC Board of Governors shall have power:
- A. To elect the officers of the LASC;
  - B. To establish program and policy and to lend direction thereto;
  - C. To establish the LASC Review Board;
  - D. To review and adopt the annual budget of the LASC;
  - E. To elect delegates to the Board of Governors of USAAS, in accordance with Article 2 of the USAAS Code;
  - F. To amend the By-Laws of the LASC (within limits prescribed by this Appendix A).
- 3.03 Meetings:** The Annual Meeting of the LASC shall be held no later than November 1st of each year. Should additional meetings be required, they may be called by the Administrative Chair or upon request of any three (3) LASC group members.
- 3.04 Notice:** The Secretary shall give not less than fifteen (15) days' notice for any LASC Board of Governors meeting. The notice shall contain the time, date and site of the meeting and, except at the Annual Meeting of the LASC, its purpose. The notice shall be sent to the address last given to the Secretary by each group member of the LASC.
- 3.05 Quorum:** A quorum at all meetings shall consist of those present and eligible to vote.
- 3.06 Rules of Order:** At all meetings, the current *Robert's Rules of Order* are the procedural rules.

## ARTICLE 4

### LASC BOARD OF DIRECTORS

- 4.01 Composition:** The LASC Board of Directors shall consist of the elected officers, a coach representative, and representatives of the athletes which shall equal at least thirty-three and three tenths percent (33.3%) of the total number of members of the LASC Board of Directors (including athletes), and such other individuals that the LASC may desire. Directors shall hold office for two (2) years, or until their successors are elected.
- 4.02 Duties and Powers:** The LASC Board of Directors shall have the authority to act for the LASC between meetings of the LASC Board of Governors.
- 4.03 Meetings:** Meetings may be called by the Chair or any three (3) LASC Directors.
- 4.04 Notice:** At least fifteen (15) days' notice shall be given by the Secretary for any meeting of the LASC Board of Directors. Such notice shall contain the time, date and site of the meeting, and shall be sent to the address last given to the Secretary of each member of the LASC Board of Directors.
- 4.05 Quorum:** A quorum at all meetings shall consist of those present and eligible to vote.

## ARTICLE 5

### OFFICERS

**5.01 Titles:** The LASC Board of Governors shall elect the following officers at the Annual Meeting of the LASC in even numbered years: Administrative Chair, Diversity, Equality and Inclusion Chair, Education Chair, Officials Chair, Technical Chair, Secretary and Treasurer. The Athletes' Representative Chair shall be elected by the athletes in accordance with Section 7.01 A of the USAAS Code. The Administrative Chair shall chair the LASC Board of Governors and the LASC Board of Directors.

**5.02 Eligibility:**

- A. Only current individual members of USAAS are eligible to hold office.
- B. Where possible, the Association Officials Chair shall hold a judges' rating of Retaining Level 2, Association/Junior Olympic Regional Judge or higher.

**5.03 Term of Office:** Each officer shall serve for a term of two (2) years or until the successor is chosen. No officer may be elected to the same position for more than two (2) full terms in succession. An officer who has been elected to two (2) successive terms is eligible for re-election to the same office only after the lapse of two (2) years following the term of office to which the officer was last elected.

**5.04 Vacancies:** Any vacancies that may occur in the LASC Board of Directors caused by death, resignation, or otherwise, shall be filled for the duration of the term by the group responsible for electing the position initially. In the case of the elected officers, the LASC Board of Directors may fill a vacancy until the next meeting of the LASC Board of Governors, at which time an election shall be held.

**5.05 Nominating Committee:** The slate of officers to stand for election by the LASC Board of Governors shall be prepared by a Nominating Committee, with a minimum of three (3) serving. The Nominating Committee shall be selected by the LASC Board of Governors at the Annual Meeting of the LASC in the year prior to the elections for officers. Nominations shall be published fifteen (15) days in advance of the election, and additional nominations may come from the floor.

**5.06 Elections:** Candidates for office should be consenting and need not be present to be elected.

**5.07 Duties:** The duties of the officers are as hereafter set forth, and such others as may be designated by the LASC Board of Governors or LASC Board of Directors from time to time:

**A. Administrative Chair:**

1. To represent the Association on the USAAS Board of Governors.
2. To oversee the administrative needs of the LASC.
3. To supervise sanctions, and financial and annual reports.

**B. Diversity, Equality and Inclusion Chair:**

1. To represent the Association on the USAAS Board of Governors.
2. To coordinate the programs of the Association aimed at increasing diversity, equality and inclusion at all levels of the Association.
3. To assist the National Office staff in implementing programs to increase membership of the underrepresented populations in the Association.

**C. Education Chair:**

1. To represent the Association on the USAAS Board of Governors.
2. To oversee the development of all artistic swimming programs (Senior, Junior, Junior Olympic, Collegiate, and Masters) in the LASC.
3. To oversee the development and training of athletes, including organizing training camps for athletes and coaches.
4. To maintain records of coaches' certification.
5. To provide information to assist in the formation of new clubs.

- D. **Officials Chair:**
  - 1. To represent the Association on the USAAS Board of Governors.
  - 2. To train, test and evaluate judges at the local level.
  - 3. To determine the panels for judging at the LASC competitions.
  - 4. To maintain records of judges' certification and ratings.
- E. **Technical Chair:**
  - 1. To represent the Association on the USAAS Board of Governors.
  - 2. To oversee the technical conduct of all meets, including scoring, sound, and equipment.
  - 3. To interpret rules, waive rules and act as the Meet Referee in local competitions until the Event Referees are selected.
- F. **Secretary:**
  - 1. To record the minutes of all meetings of the LASC and the LASC Board of Directors.
  - 2. To maintain the membership list of the LASC.
  - 3. To maintain records of athlete eligibility.
  - 4. To send notice of meetings as mandated by the By-Laws or other mailings as instructed by the LASC.
  - 5. To forward to the Executive Director of USAAS such reports as required by USAAS.
- G. **Treasurer:**
  - 1. To be the custodian of the funds of the LASC.
  - 2. To receive and disburse funds in accordance with the directions of the LASC.
  - 3. To prepare the financial records and reports as required by the LASC and USAAS.
- H. **Athletes' Representative Chair:**
  - 1. To represent the Association on the USAAS Board of Governors.
  - 2. To serve as Chair of all LASC Athlete meetings.
  - 3. To assure communication among athletes both within the LASC and within USAAS.

## ARTICLE 6

### REPORTS AND REMITTANCES

- 6.01 Minutes:** The Secretary of the LASC shall, within ten (10) days after each meeting of the LASC, forward to the Executive Director of USAAS and the applicable Zone Chair a copy of the minutes of said meeting.
- 6.02 Notices:** The Secretary shall forward to the Executive Director of USAAS and the applicable Zone Chair copies of all official notices issued by the LASC, at the time of such issue, including all those sent to the members of the LASC Board of Governors and to the LASC Board of Directors, as well as to members of the LASC.
- 6.03 Annual Reports:** The Secretary shall, within one hundred and twenty (120) days of the end of the fiscal year, forward to the Executive Director of USAAS and the applicable Zone Chair a copy of the audit of the accounts of the LASC. The audit of accounts is to be signed by either a certified public accountant, or at least three (3) members of the LASC Board of Directors. The Secretary shall forward to the Executive Director of USAAS a copy of the Form 990 when filed.
- 6.04 General:** The LASC shall make such other reports and remittances to USAAS as specified in its Code or by the USAAS Board of Directors. The Administrative Chair, Secretary, and Treasurer are responsible for seeing that all required reports and remittances are made.
- 6.05 Income:** Any income derived from the promotion of artistic swimming by members of USAAS must be used for the further promotion of artistic swimming for the general welfare of the LASC as a whole.

## ARTICLE 7

### DISCIPLINE, GRIEVANCES, HEARINGS AND APPEALS

**7.01 Discipline:** The LASC Review Board may censure, suspend for a definite or indefinite period of time, or expel from participating in the activities of the LASC, or impose other appropriate sanctions upon any member of the LASC, including any athlete, coach, trainer, manager, administrator, official, member of any committee, or person participating in any capacity whatsoever in the affairs of the LASC, subject to a hearing before a panel of a LASC Review Board, who has acted contrary to any of the Rules of USAAS or the LASC, or who has acted in a manner which brings disrepute upon USAAS, the LASC, or upon the sport of artistic swimming.

- A. A group member may be held responsible for infractions of rules and regulations committed by an athlete who is representing the group member.
- B. The LASC Review Board may recommend to the USAAS Ethics Committee that a person's membership in USAAS be suspended or revoked, but the LASC Review Board shall have no authority to suspend or revoke such membership.
  1. A recommendation to the USAAS Ethics Committee regarding suspension or revocation of membership in the Corporation must be filed with the Executive Director of USAAS within five (5) business days following the final decision of the LASC Review Board.

#### 7.02 Designation of Grievances:

- A. The following kinds of grievances may be filed with USAAS:
  1. Administrative Grievance: USAAS, or any member of USAAS, may file a grievance pertaining to any matter within the cognizance of USAAS, including but not limited to any alleged violation of or grievance concerning:
    - a. Any provision of USAAS's Administrative Rules;
    - b. Any USAAS policy or procedure;
    - c. Any USAAS program or service; or
    - d. Any provision of the Ted Stevens Olympic and Amateur Sports Act or the United States Olympic and Paralympic Committee ("USOPC") By-Laws relating to USAAS's recognition as a National Governing Body ("NGB").
  2. Disciplinary Proceeding: USAAS, or any member of USAAS, may file a grievance against another member of USAAS, or former member of USAAS, if the action occurred while the individual was a member, regarding any alleged violation of USAAS's Code of Ethics (Appendix P), Whistleblower and Anti-Retaliation Policy (Appendix S), or any other USAAS rule or policy relating to conduct.
    - a. There shall be no time limitation for Disciplinary Proceedings including, but not limited to, allegations of violations of USAAS's Athlete Safety Policy (Appendix Q) or the U.S. Center SafeSport Code.
      - Exception: Reporting allegations of Prohibited Conduct as defined in the Athlete Safety Policy (Appendix Q) should follow the reporting requirements and procedures as outlined in Appendix Q. Athlete Safety violations may be reported anonymously and must be reported within twenty-four (24) hours after the participant becomes aware of the facts giving rise to the concern.
  3. Right to Participate: Any athlete, coach, trainer, manager, administrator or official may file a grievance pertaining to any alleged denial of, or alleged threat to deny, that individual's opportunity to participate in a USAAS sanctioned competition, any international competition, if selected by the Corporation or one (1) of its members, or a Protected Competition. Refer to USAAS Administrative Rules, Article 23, Section 23.01.

**7.03 LASC Review Board:** The LASC Board of Governors shall annually elect an LASC Review Board comprised of no less than five (5) members, including that number of Athlete Representatives necessary to assure that at least thirty-three and three tenths percent (33.3%) of the LASC Review Board are athletes. Its hearings may be conducted by an attorney-at-law

retained by the LASC Review Board for that purpose but who shall have no vote. The Chair of the LASC Review Board shall be appointed by the Administrative Chair and have one (1) vote. A quorum for any hearing conducted by the LASC Review Board shall be fifty percent (50%) of its membership, but in any event no less than three (3), one of whom shall be an Athlete Representative.

**7.04 Jurisdiction:** The LASC Review Board may conduct hearings on any matter affecting, with the exception of violations of Appendix P or Appendix S, the LASC and involving only a member or members of the LASC.

**7.05 Procedure of the LASC Review Board:**

A. Any grievance filed pursuant to the USAAS Administrative Rules, or Section 7.02 above shall be in writing and signed by the individual or chief executive officer of the group or organization filing the grievance.

B. The written grievance shall be filed with the LASC Administrative Chair and the Executive Director of USAAS by email within five (5) business days after the complaining party becomes aware of the facts giving rise to the grievance. The grievance shall set forth the factual allegations in numbered paragraphs, each paragraph containing a single factual allegation, and shall contain, at a minimum, the following:

- Full names, membership information and addresses of the parties (if known);
- Jurisdictional basis of the grievance;
- Supporting evidence or documentation forming the basis of the grievance; and
- The relief sought.

C. **Grievance Process:**

1. Refer to USAAS Administrative Rules, Article 24, Section 24.07 C for recommended grievance process. Any grievance may be filed with the Executive Director of USAAS. When the LASC Administrative Chair and Executive Director of USAAS determine that a grievance cannot be fairly adjudicated at the LASC level, it shall be forwarded to the Zone Review Board or Executive Director of USAAS for resolution.
2. The person charged (respondent) shall be notified in writing, by email sent to the current email address listed in the USAAS membership database, of the charges in detail, or of the circumstances which require answer, explanation or clarification, as well as the penalties which may ensue if such charges are proved.
3. The notice shall set a date and time of hearing, not less than thirty (30) days nor more than sixty (60) days after the date of service of this notice, and shall advise the respondent of the right to have counsel or other representative at the hearing.
4. The respondent shall have the opportunity to file with the Chair of the LASC Review Board a written answer to all the charges set forth in the notice. Such answers as well as all papers and documentary evidence shall be filed with the Chair by email, with a copy served at the same time by email on all parties, no later than ten (10) days prior to the date set for the hearing.
5. The rules of evidence shall not be strictly enforced; instead, rules of evidence generally accepted in administrative proceedings shall be applicable in any hearing. The real parties in interest shall be given a reasonable opportunity to present relevant oral or written evidence and to cross-examine witnesses. Witnesses appearing at any hearing shall be identified by the parties prior to the hearing. The proceedings may be recorded and a transcript made available to each interested party upon request and payment thereof.
6. A written decision of the LASC Review Board shall be rendered within ten (10) days of the conclusion of the hearing, setting forth the reasons therefor. The decision shall be based solely upon the record, which includes the testimony of the witnesses and other documentation submitted prior to or at the hearing. The decision shall also contain notice of the procedures available to the parties for appeal of the decision. If the LASC Review Board intends to recommend to the USAAS Ethics Committee that a person's membership in USAAS be suspended or revoked, such recommendation shall be set forth in the decision.

7. The Executive Director of USAAS shall be notified by email of all decisions at the same time as the parties are notified, if USAAS is not otherwise a party.

**D. Hearing:** Upon the request of a party, and provided that it is necessary to:

- Expedite the proceeding in order to resolve a matter relating to a scheduled competition that compliance with regular procedures, as defined in Section 7.05 above, would not be likely to produce a sufficiently early decision to do justice to the affected parties; or
- Protect one or more of USAAS’s participants,

the LASC Review Board is authorized to order that the grievance be decided within forty-eight (48) hours of the filing of the grievance. In such a case, the LASC Review Board is authorized to decide the grievance pursuant to such procedures as are necessary, but fair to the parties involved. In cases expedited to protect USAAS’s participants as mentioned above, such procedures may include, but are not limited to, providing for a preliminary hearing pending a full hearing on the allegations.

1. The Executive Director of USAAS shall be notified by email of the place, time and reason for the preliminary hearing.
2. The notice to be given to the individual or entity charged (respondent) may be oral, or in writing, and shall contain all notice requirements set forth in Sections 7.05 A-C above.
3. The respondent must be given such notice and hearing as time and circumstances may reasonably dictate. The preliminary hearing may be conducted at the site of an athletic competition or by telephone conference, if necessary, but in any event under such circumstances as to fully protect rights of procedural due process of the respondent. Refer to Section 7.05 C, 5 above regarding Rules of Evidence.
4. Within forty-eight (48) hours of the preliminary hearing, the decision of the LASC Review Board shall be written and include the findings of fact. A copy of the decision shall be sent by email, to the Chair of the LASC Review Board, the respondent and the Executive Director of USAAS.
5. If an aggrieved party of a LASC Review Board shall demand further hearing, such hearing shall be held in accordance with the provisions set forth in the USAAS Administrative Rules, Article 24, Section 24.10.

**7.06 Appeals:** The decision of the LASC Review Board shall be final in all cases, subject only to appeal by a real party in interest to the National Board of Review, except where the LASC Review Board recommends to the USAAS Ethics Committee suspension or revocation of a person’s membership in USAAS. Refer to USAAS Administrative Rules, Article 24, Sections 24.03 A and B and 24.10.

## ARTICLE 8

### MISCELLANEOUS

**8.01 Amendments:** Any provisions of these LASC By-Laws not required by USAAS pursuant to Section 6.02 of the USAAS Code may be amended at any meeting of the LASC Board of Governors by a two-thirds (2/3) vote of the members voting. At least thirty (30) days’ notice must be given to every member of the LASC Board of Governors of this proposed amendment.

**8.02 Fiscal Period:** The fiscal period of the LASC shall begin on the first day of October in each year.

**8.03 Mailing Address:** The LASC must submit a permanent mailing address to the Executive Director of USAAS.

**8.04 Dissolution:** Upon dissolution, the net assets of the LASC shall not inure to benefit any private individual or corporation, but shall be distributed to USAAS, to be used exclusively for charitable purposes, or if USAAS is not then in existence, or is not then a corporation which is exempt under 501(c)(3) of the Internal Revenue Code and to which contributions, bequests and gifts are deductible under Sections 170(c)(2), 2055(a)(2), and 2522(a)(2), thereof, or any successor law, such assets shall be distributed to such a corporation, to be used exclusively for charitable purposes.



**ATTACHMENT A**  
**USA ARTISTIC SWIMMING, INC**  
**NOTICE OF GRIEVANCE FORM**  
**(All new)**

Per the grievance procedures in Section 7.02 of the LASC By-Laws or Section 24.07 of the USAAS Administrative Rules, this form may be utilized to file a formal grievance.

Complainant: \_\_\_\_\_

USAAS Affiliation: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Individual Out of Compliance: \_\_\_\_\_

USAAS Affiliation: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Jurisdictional Basis of the Grievance (i.e., policy violation): \_\_\_\_\_

\_\_\_\_\_

Description of allegation(s) of any violation and/or non-compliance (in numbered paragraphs, one (1) allegation per paragraph):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Relief Sought:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**No Retaliation:** USAAS will not encourage, allow, or tolerate attempts from any individual or group of individuals to retaliate, punish, allow or in any way harm any Protected Individual(s) who reports a concern in good faith. This applies to the complainant and other Protected Individuals before, during, and after the process of resolving a grievance. Such actions will be considered a violation of the USAAS Whistleblower and Anti-Retaliation Policy (Appendix S).

Pursuant to Section 220501(b)(11) of the Ted Stevens Olympic and Amateur Sports Act, “any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including, but not limited to, removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a Protected Individual as a result of any communication including, but not limited to, the filing of a formal complaint by the Protected

Individual, or a parent or legal guardian of the Protected Individual, relating to the allegation of physical abuse, sexual harassment and/or sexual misconduct, or emotional abuse, or other reported alleged violation with:

- the U.S. Center for SafeSport;
- a coach, trainer, manager, administrator or official associated with USAAS;
- the U.S. Attorney General;
- a Federal or State law enforcement authority;
- the Equal Employment Opportunity Commission; or
- Congress.”

USAAS may not retaliate against an employee or contractor with the intent or effect of adversely affecting the terms or conditions of employment or other contractual rights including, but not limited to, threats of physical harm, loss of job, punitive work assignments, impact on salary or wages, or impact on contractual payments.

No action, or threat of action, shall be taken against an Athlete Protected Individual as a reprisal for disclosing information to, or seeking assistance from, the USOPC Office of the Athlete Ombuds as outlined in Section 220509(b)(5) of the Ted Stevens Olympic and Amateur Sports Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Send completed form along with any supporting evidence or documentation as attachments via email to:

LASC Chair  
and  
USAAS Executive Director ([ceo@usaartisticwim.org](mailto:ceo@usaartisticwim.org))