

APPENDIX B

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

The following By-Laws must be adopted by every Zone Artistic Swimming Committee (“Zone”) 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 Zone 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 Zone shall be the geographical boundaries determined by USAAS and set forth in Section 6.05 of the USAAS Code.
- 1.03 Jurisdiction:** The Zone 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 Zone where its rules and regulations are not contrary to the 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 Zone for the development of the sport.

ARTICLE 2

MEMBERSHIP

- 2.01 Membership** in the Zone 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 Zone Board of Governors may add a surcharge to all membership fees.

ARTICLE 3

ZONE BOARD OF GOVERNORS

- 3.01 Composition:** The Zone Board of Governors shall consist of one (1) representative from every group member within the Zone, the officers from each LASC member of the Zone, the elected and appointed officers of the Zone, a representative of the coaches in the Zone, 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 Zone Board of Governors (including athletes), and such other individuals that the Zone may desire.
- 3.02 Authority:** In addition to the duties and powers prescribed in the USAAS Code or in these By-Laws, the Zone Board of Governors shall have power:
- A. To elect the officers of the Zone;
 - B. To establish program and policy and to lend direction thereto;
 - C. To establish the Zone Review Board;
 - D. To review and adopt the annual budget of the Zone;
 - E. To elect delegates to the Board of Governors of USAAS, in accordance with Article 2 of the USAAS Code;
 - E. To amend the By-Laws of the Zone (within limits prescribed by this Appendix B).
- 3.03 Meetings:** Two (2) meetings shall be held each year: the Annual Meeting in conjunction with the Zone Championship and the Annual Meeting of the USAAS Corporation. Additional meetings may be called by the Zone Chair or upon request of any three (3) Zone Board of Governors members.
- 3.04 Notice:** The Secretary shall give not less than fifteen (15) days' notice for any Zone Board of Governors meeting. The notice shall contain the time, date and site of the meeting and, except at the Annual Meeting of the Zone, its purpose. The notice shall be sent to the address last given to the Secretary by each LASC member of the Zone.
- 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

ZONE BOARD OF DIRECTORS

- 4.01 Composition:** The Zone 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 Zone Board of Directors (including athletes), and such other individuals that the Zone may desire. Directors shall hold office for two (2) years, or until their successors are elected.
- 4.02 Duties and Powers:** The Zone Board of Directors shall have the authority to act for the Zone between meetings of the Zone Board of Governors.
- 4.03 Meetings:** Meetings may be called by the Chair or any three (3) Zone Directors.
- 4.04 Notice:** At least fifteen (15) days' notice shall be given by the Secretary for any meeting of the Zone 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 Zone 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 Zone Board of Governors shall elect the following officers at the Annual Meeting of the Zone: Zone Chair, Zone Diversity, Equality and Inclusion Chair, Zone Education Chair, Zone Officials Chair, Zone Technical Chair, Secretary and Treasurer. The Athletes' Representative Chair shall be elected by the athletes in accordance with Section 7.01 B of the USAAS Code. The Zone Chair shall chair the Zone Board of Governors and the Zone Board of Directors.

5.02 Eligibility:

- A. Only current individual members of USAAS are eligible to hold office.
- B. The Zone Officials Chair shall hold a judges' rating of Retaining Level 3, Zone/Collegiate Regional Judge or higher.

5.03 Term of Office: The term of each office shall be two (2) years, and shall begin immediately following the Annual Meeting of the USAAS Corporation. Officers may be reelected, but may serve no more than four (4) consecutive years in any one (1) office. An officer who is replaced must wait as many consecutive years as have been served consecutively before being eligible for the same office. In the event an officer is elected to fulfill a remainder of a term of office which has been vacated, this election shall not count towards the two (2) years of eligibility. This officer shall have two (2) full terms of eligibility remaining.

5.04 Vacancies: Any vacancies that may occur in the Zone 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 Zone Board of Directors may fill a vacancy until the next meeting of the Zone 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 Zone 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 Zone Board of Governors at the Annual Meeting of the Zone 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 Zone Board of Governors or Zone Board of Directors from time to time:

A. Zone Chair:

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

B. Zone Diversity, Equality and Inclusion Chair:

- 1. To represent the Zone on the USAAS Board of Governors.
- 2. To serve as the Diversity, Equality and Inclusion committee member from his or her respective Zone.
- 3. To coordinate the programs of the Zone aimed at increasing diversity, equality and inclusion at all levels of the Zone.
- 4. To assist the National Office staff in implementing programs to increase membership of the underrepresented populations in the Zone.

C. Zone Education Chair:

- 1. To represent the Zone on the USAAS Board of Governors.
- 2. To serve as the Coaches' Board and Coaches' Review Subcommittee members from his or her respective Zone.

3. To serve as the Long Term Athlete Development Board member from his or her respective Zone.
- D. **Zone Officials Chair:**
1. To represent the Zone on the USAAS Board of Governors.
 2. To serve as the Judges' Board and Judges' Review Subcommittee members from his or her respective Zone.
 3. To train, test and evaluate judges within the Zone.
 4. To determine the panels for judging at the Zone competitions.
 5. To maintain records of judges' certification and ratings.
- E. **Zone Technical Chair:**
1. To represent the Zone on the USAAS Board of Governors.
 2. To serve as the Championship Management and Sites committee member from his or her respective Zone.
 3. To appoint the Zone Scoring Chair.
 4. To oversee the technical conduct of all Zone Championships, including sound, equipment and assisting the Zone Scoring Chair with scoring.
 5. To interpret rules, waive rules and act as the Meet Referee at all Zone Championships until the Event Referees are selected.
 6. To provide support, training, guidance, and leadership to Association Technical Chairs in all technical aspects of the sport, including meet management.
 7. To coordinate the conduct of Zone Championships with the Zone Officials Chair, Zone Scoring Chair, and the Meet Manager at all Zone Championships.
 8. To serve as the information connection from/to the Association Technical Chairs and the Vice President Competitive Operations.
 9. To assist the Vice President Competitive Operations in preparing legislative proposals.
 10. To provide assistance to the Vice President Competitive Operations for any National Championships held within that Zone.
- F. **Secretary:**
1. To record the minutes of all meetings of the Zone and the Zone Board of Directors.
 2. To maintain the membership list of the Zone.
 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 Zone.
 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 Zone.
 2. To receive and disburse funds in accordance with the directions of the Zone.
 3. To prepare the financial records and reports as required by the Zone and USAAS.
- H. **Athletes' Representative Chair:**
1. To represent the Zone on the USAAS Athletes Committee and Board of Governors.
 2. To serve as Chair of all Zone Athlete meetings.
 3. To assure communication among athletes both within the Zone and within USAAS.
- I. **Zone Scoring Chair:**
1. To oversee the scoring conduct of all competitions within the Zone.
 2. To oversee the scoring conduct of all National Championships held within the Zone.
 3. To represent the Zone Scoring Chairs on the Championship Management and Sites Committee, if selected.

ARTICLE 6

REPORTS AND REMITTANCES

- 6.01 Minutes:** The Secretary of the Zone shall, within ten (10) days after each meeting of the Zone, forward to the Executive Director of USAAS a copy of the minutes of said meeting.
- 6.02 Notices:** The Secretary shall forward to the Executive Director of USAAS copies of all official notices issued by the Zone, at the time of such issue, including all those sent to the members of the Zone Board of Governors and to the Zone Board of Directors, as well as to members of the Zone.
- 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 a copy of the audit of the accounts of the Zone. The audit of accounts is to be signed by either a certified public accountant, or at least three (3) members of the Zone 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 Zone shall make such other reports and remittances to USAAS as specified in its Code or by the USAAS Board of Directors. The Zone 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 Zone as a whole.

ARTICLE 7

DISCIPLINE, GRIEVANCES, HEARINGS AND APPEALS

- 7.01 Discipline:** The Zone Review Board may censure, suspend for a definite or indefinite period of time, or expel from participating in the activities of the Zone, or impose other appropriate sanctions upon any member of the Zone, including any athlete, coach, trainer, manager, administrator, official, member of any committee, or person participating in any capacity whatsoever in the affairs of the Zone, subject to a hearing before a panel of a Zone Review Board, who has acted contrary to any of the Rules of USAAS or the Zone, or who has acted in a manner which brings disrepute upon USAAS, the Zone, 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 Zone Review Board may recommend to the USAAS Ethics Committee that a person's membership in USAAS be suspended or revoked, but the Zone 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 Zone 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 Zone Review Board: The Zone Board of Governors shall annually elect a Zone 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 Zone Review Board are athletes. Its hearings may be conducted by an attorney-at-law retained by the Zone Review Board for that purpose but who shall have no vote. The Chair of the Zone Review Board shall be appointed by the Zone Chair and have one (1) vote. A quorum for any hearing conducted by the Zone 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 Zone Review Board may conduct hearings on any matter affecting, with the exception of violations of Appendix P or Appendix S, the Zone and involving only a member or members of the Zone.

7.05 Procedure of the Zone Review Board:

- A. Any grievance filed pursuant to 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. The Notice of Grievance Form (Attachment A) may be utilized.
- B. The written grievance shall be filed with the Zone 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 Zone Chair and Executive Director of USAAS determine that a grievance cannot be fairly adjudicated at the Zone level, it shall be forwarded to the 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 Zone 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 Zone Review Board shall be rendered within ten (10) days of the conclusion of the hearing, setting forth the reasons therefore. 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 Zone 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 Zone 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 Zone 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 Section 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 Zone 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 Zone Review Board, the respondent and the Executive Director of USAAS.

5. If an aggrieved party of a Zone 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 Zone 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 Zone 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 Zone By-Laws not required by USAAS pursuant to Section 6.04 of the USAAS Code may be amended at any meeting of the Zone 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 Zone Board of Governors of this proposed amendment.

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

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

8.04 Dissolution: Upon dissolution, the net assets of the Zone 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 Zone 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:

Zone Chair
and
USAAS Executive Director (ceo@usaartisticwim.org)