

## PART FIVE

### APPENDIX A

#### BY-LAWS OF THE LOCAL SYNCHRONIZED SWIMMING COMMITTEE

The following By-Laws must be adopted by every LSSC 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 synchronized 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), U.S. Synchronized Swimming, Inc. (USSS), and the following rules. The Local Synchronized Swimming Committee (LSSC) 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 LSSC shall be the geographical boundaries determined by USSS and set forth in Section 6.03 of the USSS Code.

**1.03 Jurisdiction:** The LSSC has jurisdiction over the sport of synchronized swimming in its territory in accordance with USSS Rules.

**1.04 Conditions of Competition:**

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

#### ARTICLE 2

##### MEMBERSHIP

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

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

## ARTICLE 3

### LSSC BOARD OF GOVERNORS

- 3.01 Composition:** The LSSC Board of Governors shall consist of one (1) representative from each group member of the LSSC, the elected officers of the LSSC, a representative of the coaches in the LSSC, and representatives of the athletes which shall equal at least twenty percent (20%) of the total number of members of the LSSC Board of Governors (including athletes), and other individuals that the LSSC may desire.
- 3.02 Authority:** In addition to the duties and powers prescribed in the USSS Code or in these By-Laws, the LSSC Board of Governors shall have power:
- A. To elect the officers of the LSSC;
  - B. To establish program and policy and to lend direction thereto;
  - C. To establish the Review Board;
  - D. To review and adopt the annual budget of the LSSC;
  - E. To elect delegates to the Board of Governors of USSS, in accordance with Article 2 of the USSS Code;
  - F. To amend the By-Laws of the LSSC (within limits prescribed by this Appendix A).
- 3.03 Meetings:** The Annual Meeting of the LSSC 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) LSSC group members.
- 3.04 Notice:** The Secretary shall give not less than fifteen (15) days notice for any LSSC Board of Governors meeting. The notice shall contain the time, date and site of the meeting and, except at the Annual Meeting, its purpose. The notice shall be sent to the address last given to the Secretary by each group member of the LSSC.
- 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

### LSSC BOARD OF DIRECTORS

- 4.01 Composition:** The LSSC Board of Directors shall consist of the elected officers, a coach representative, and representatives of the athletes which shall equal at least twenty percent (20%) of the total number of members of the LSSC Board of Directors (including athletes), and such other individuals that the LSSC may desire. Directors shall hold office for two (2) years, or until their successors are elected.
- 4.02 Duties and Powers:** The LSSC Board of Directors shall have the authority to act for the LSSC between meetings of the LSSC Board of Governors.
- 4.03 Meetings:** Meetings may be called by the Chair or any three (3) LSSC Directors.
- 4.04 Notice:** At least fifteen (15) days notice shall be given by the Secretary for any meeting of the LSSC 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 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 LSSC Board of Governors shall elect the following officers at the Annual Meeting of the LSSC in even numbered years: Administrative Chair, Technical Chair, Education Chair, Officials Chair, Secretary and Treasurer. The Athletes' Representative Chair shall be elected by the athletes in accordance with Section 7.01 A of the USSS Code. The Administrative Chair shall chair the LSSC Board of Governors and the LSSC Board of Directors.

**5.02 Eligibility:**

- A. Only current individual members of USSS 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 LSSC 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 LSSC Board of Directors may fill a vacancy until the next meeting of the LSSC 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 LSSC 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 LSSC Board of Governors at the Annual Meeting 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 LSSC Board of Governors or LSSC Board of Directors from time to time:

**A. Administrative Chair:**

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

**B. Technical Chair:**

- 1. To represent the Association on the USSS 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.

**C. Education Chair:**

- 1. To represent the Association on the USSS Board of Governors.
- 2. To oversee the development of all synchronized swimming programs (Senior, Junior, Junior Olympic, Collegiate, and Masters) in the LSSC.
- 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 USSS Board of Governors.
  - 2. To train, test and evaluate judges at the local level.
  - 3. To determine the panels for judging at the LSSC competitions.
  - 4. To maintain records of judges' certification and ratings.
- E. **Athletes' Representative Chair:**
  - 1. To represent the Association on the USSS Board of Governors.
  - 2. To serve as Chair of all LSSC Athlete meetings.
  - 3. To assure communication among athletes both within the LSSC and within USSS.
- F. **Secretary:**
  - 1. To record the minutes of all meetings of the LSSC and the LSSC Board of Directors.
  - 2. To maintain the membership list of the LSSC.
  - 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 LSSC.
  - 5. To forward to the Executive Director of USSS such reports as required by USSS.
- G. **Treasurer:**
  - 1. To be the custodian of the funds of the LSSC.
  - 2. To receive and disburse funds in accordance with the directions of the LSSC.
  - 3. To prepare the financial records and reports as required by the LSSC and USSS.

## ARTICLE 6

### REPORTS AND REMITTANCES

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

## ARTICLE 7

### RIGHTS, HEARINGS AND APPEALS

**7.01 Members' Rights:** The LSSC, in accordance with Article 22 of the Administrative Rules, shall respect and protect the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations to participate if selected (or attempt to qualify for selection to participate) as an athlete, coach, trainer, manager, administrator, or official representing the United States in any international amateur athletic competition, so long as such competition is conducted in compliance with reasonable national and applicable international requirements.

#### **7.02 Designation of Complaints:**

**A. The following kinds of complaints may be filed with USSS:**

- 1. Administrative Grievance. USSS or any member of USSS may file a complaint pertaining to any matter within the cognizance of USSS, including but not limited to any alleged violation of or grievance concerning:**
  - a. Any USSS rule or policy or procedure;**
  - b. Any USSS program or service;**
  - c. Any provision of USSS's Administrative Rules; or**
  - d. Any provision of the Ted Stevens Olympic and Amateur Sports Act relating to USSS's recognition as a National Governing Body.**
- 2. Disciplinary Proceeding. USSS or any member of USSS may file a complaint against another member of USSS, or former member of USSS if the action occurred while the individual was a member, regarding any alleged violation of USSS's Code of Ethics (Appendix P), Athlete Safety Policy (Appendix O), or any other rule or policy relating to conduct.**
- 3. Right to Participate. Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individuals opportunity to participate in a USSS sanctioned competition or protected competition.**

**7.03 Review Board:** The LSSC Board of Governors shall annually elect a Review Board comprised of no less than five (5) members, one of whom shall be an Athlete Representative. Its hearings may be conducted by an attorney-at-law retained by the Review Board for that purpose but who shall have no vote. The Chair of the Review Board shall be appointed by the Administrative Chair and have one (1) vote. A quorum for any hearing conducted by the 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 Review Board may conduct hearings on any matter affecting the LSSC and involving only a member or members of the LSSC.

**7.05 Discipline:** The Review Board may censure, or suspend from participating in the activities of the LSSC for a definite period of time, any member of the LSSC, including any athlete, coach, trainer, manager, administrator, official, member of any committee, or person participating in any capacity whatsoever in the affairs of the LSSC who has acted contrary to any of the Rules of USSS or the LSSC, or who has acted in a manner which brings disrepute upon USSS, the LSSC, or upon the sport of synchronized swimming. A group member may be held responsible for infractions of rules and regulations committed by an athlete who is representing the group member. The Review Board may recommend to the National Board of Review that a person's membership in USSS be suspended or revoked, but the LSSC Review Board shall have no authority to suspend or revoke such membership.

#### **7.06 Hearing Procedures:**

- A. Any complaint filed pursuant to Article 22 or 23 of the Administrative Rules or Section 7.01 above shall be in writing and signed under oath by the individual or the chief executive officer of the group or organization making the complaint. It shall be filed**

with the LSSC Administrative Chair by certified mail within 10 days of the incident. The complaint shall set forth the factual allegations in numbered paragraphs, each paragraph containing a single factual allegation, and shall contain, at a minimum, the following:

1. Names and addresses of the parties;
  2. Jurisdictional basis of the complaint;
  3. Supporting evidence or documentation forming the basis of the complaint; and
  4. The relief sought.
- B. The person charged (respondent) shall be notified in writing, sent to the last known address by certified mail, return receipt requested, 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. The notice shall set a date and time of hearing, not less than 30 days nor more than 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. The respondent shall have the opportunity to file with the Chair of the 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 certified mail, with a copy served at the same time by certified mail on all parties, no later than 10 days prior to the date set for the hearing.
- C. The rules of evidence shall not be strictly enforced; instead, rules of evidence generally accepted in administrative proceedings shall be applicable in the 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 the 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.
- D. A written decision of the Review Board shall be rendered at the time of the hearing or within 24 hours 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 LSSC intends to recommend to the National Board of Review that a person's membership in USSS be suspended or revoked, such recommendation shall be set forth in the decision.
- E. The Executive Director of USSS shall be notified by telegram or fax of all decisions at the same time the respondent is notified.

**7.07 Expedited Procedures:** 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 competition that is scheduled that compliance with regular procedures, as defined in Section 7.06 above, would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Review Board is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the Review Board is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

- A. The Executive Director of USSS shall be notified by either telegram or fax of the place, time and reason for the emergency hearing.
- B. 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 7.06 A and B above.
- C. The respondent must be given such notice and hearing as time and circumstances may reasonably dictate. The hearing may be conducted at the site of 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.
- D. Within 48 hours of the emergency hearing, the decision of the Review Board shall be written and include the findings of fact. A copy of the decision is to be mailed, by certified mail, to the Chair of the Review Board, the respondent and the Executive Director of USSS.

E. If an aggrieved party shall demand further hearing, such hearing shall be held in accordance with the provisions set forth in Section 7.06 C above and Section 24.06 of the Administrative Rules.

**7.08 Appeal:** The decision of the Review Board shall be final in all cases, subject only to appeal to the National Board of Review, except where the LSSC Review Board recommends suspension or revocation of a person's membership in USSS. An appeal to the National Board of Review must be filed with the Executive Director of USSS together with a filing fee of \$50.00 within 15 days after receipt of written notice of the decision of the Review Board. Any person representing a real party in interest in the case may appeal.

## ARTICLE 8

### MISCELLANEOUS

**8.01 Amendments:** Any provisions of these LSSC By-Laws not required by USSS pursuant to Section 6.02 of the USSS Code may be amended at any meeting of the LSSC 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 LSSC Board of Governors of this proposed amendment.

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

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

**8.04 Dissolution:** Upon dissolution, the net assets of the LSSC shall not inure to benefit any private individual or corporation, but shall be distributed to USSS, to be used exclusively for charitable purposes, or if USSS 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.