

BYLAWS  
OF THE  
LOCAL MASTERS SWIMMING COMMITTEE FOR NORTH CAROLINA

*Bylaws were approved and published on April 1, 2007.*

**ARTICLE I - Name, Purpose, and Jurisdiction**

1. Name

The name of the organization shall be the Local Masters Swimming Committee for North Carolina (hereinafter referred to as the "LMSC"). The LMSC is a subordinate unit of United States Masters Swimming, Inc., a not-for-profit corporation.

2. Purpose

To promote fitness and health in adults by offering and supporting Masters swimming programs.

3. Jurisdiction

The LMSC has jurisdiction over the sport of Masters swimming in the State of North Carolina as has been delegated to it by United States Masters Swimming, Inc. (hereinafter referred to as "USMS").

**ARTICLE II -Goals and Objectives**

1. To encourage and promote improved physical fitness and health in adults.
2. To offer adults the opportunity to participate in a lifelong fitness and/or competitive swimming program.
3. To encourage organizations and communities to establish and sponsor Masters swimming programs.
4. To enhance fellowship and camaraderie among Masters swimmers.
5. To stimulate research in the sociology, psychology and physiology of Masters swimming.

**ARTICLE III - Membership**

1. Classes of Membership

- a. Club Members – are those swim organizations which have registered with the LMSC and USMS as a swimming club. As an example, North Carolina Masters Swimming Club ("NCMS") is a Club.
- b. Chapter Members – are those swim organizations which have registered with the LMSC and are affiliated with a Club within the LMSC. As an example, Raleigh Area Masters ("RAM"), Tarheel Aquatic Team ("THAT") and Charlotte Swim Masters ("CSM") are all Chapters affiliated with a Club, NCMS.

- c. Individual Members – include athletes, coaches or persons otherwise interested in the purposes and programs of the LMSC who register annually with the USMS through the LMSC Registrar.
2. Responsibilities of Members
    - a. Income – Any income received by any member from promotion of Masters swimming or Masters swimming events shall be used in accordance with the purposes of the LMSC.
    - b. Conduct – Every member of the LMSC shall abide by the Bylaws, and any Rules, Regulations and Policies of the LMSC and USMS.
  3. Representation

Club and Chapter Members are strongly encouraged to have representation at all meetings of the LMSC Board of Directors in any particular year, either in person or by proxy. Individual Members may attend all meetings of the LMSC with voice, but no vote.
  4. Registration of Members
    - a. Club Members – must register annually with USMS through the LMSC Registrar prior to any Individual Member registering as affiliated with the Club. All renewals for Clubs must occur annually by November 1<sup>st</sup>.
    - b. Chapter Members – must register annually with USMS through the LMSC Registrar and affiliate with a registered LMSC Club.
    - c. Individual Members – must register annually with USMS through the LMSC Registrar and specify affiliation with the LMSC as (1) unattached, (2) as a member of a Club, or (3) as a member of a Chapter affiliated with a Club.
    - d. Individual Member Transfers – must adhere to the sixty (60) day USMS rule for transferring between Clubs except for the November 1<sup>st</sup> start of the registration year. Individual Member transfers between Chapters of the same Club do not have a waiting period but must request a transfer from the LMSC Registrar. Chapter transfers within the same Club are not allowed for individual events during a sanctioned LMSC swim meet; however, Chapter Members are allowed to be affiliated under a Club name for the purposes of competing in relays during a sanctioned LMSC swim meet.

#### **ARTICLE IV - Board of Directors**

1. Management by Board – The management of the LMSC shall be vested in the Board of Directors, which shall consist of the LMSC Officers, Club representatives and Chapter representatives. Each member of the Board of Directors must be registered with USMS. Each Officer shall have one vote and the number of votes for each Club or Chapter representative shall be based on the total number of athletes registered with the Club or Chapter as follows:

- Less than 5 members have no votes
  - 5 - 35 members shall have one (1) vote
  - 36-60 members shall have two (2) votes
  - Over 60 members shall have three (3) votes
2. If a LMSC Officer, Club representative, and/or a Chapter representative cannot attend a meeting, he/she may cast their vote by proxy in writing to any attending LMSC Officer. Such proxy must be presented at the time of roll call. LMSC Officers cannot vote as a Club nor Chapter representative without a written proxy from that respective Club or Chapter granting the LMSC Officer the authority to vote.
  3. Duties and Powers – The Board of Directors for the LMSC shall have all powers necessary for proper management of the LMSC including, but not limited to, review and adoption of an annual budget, approval of LMSC expenditures, establishment of fees to provide revenues for the LMSC, election of delegates to the USMS House of Delegates, admission of eligible members, amendment of Bylaws and election of officers.

#### **ARTICLE V - Officers**

1. Officers – The officers of the LMSC shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer, Registrar, and Past Chairman. Such Officers shall be elected from the eligible registered LMSC membership in accordance with the voting procedure as outlined in Article IV. A person may not hold two Officer positions at the same time.
2. Term – Each Officer shall be elected by the Board at the annual meeting and serve a term of two (2) years, such term to begin January 1st after the election.
3. Attendance - Officers are required to attend at least three (3) of the regular meetings of the Board of Directors in any particular year. Failure to comply may result in removal from office.
4. Nominations – Any individual member may be nominated for office by any member of the LMSC.
5. Duties of the Chairman – The Chairman shall schedule and call meetings when and where deemed necessary or required by these Bylaws, and shall preside at such meetings. The Chairman shall also have the authority to act in place of the Treasurer when the Treasurer is unavailable or unable to perform his or her duties. When acting in place of the Treasurer, the Chairman shall comply with all rules and regulations outlined in the Bylaws regulating the duties of the Treasurer.
6. Duties of the Vice-Chairman – The Vice-Chairman shall preside at all meetings in the absence of the Chairman, and shall perform such other duties as the Chairman or Board of Directors may designate.

7. Duties of the Secretary – The Secretary shall be responsible for keeping and reporting the minutes of all meetings, conducting all official correspondence and making such reports to USMS as required. The Secretary shall send copies of the minutes of each meeting of the Board of Directors to each member of the Board within 30 days.
8. Duties of the Treasurer – the Treasurer shall be responsible for receiving all monies, paying all bills approved by the Board of Directors, and signing all checks. Adequately documented expenses not exceeding \$500 incurred by an Officer may be reimbursed by the Treasurer without specific Board of Director approval. Timely financial reports shall be made to the Board of Directors and to USMS as required. The Treasurer shall operate all accounts of the LMSC solely in furtherance of the purposes of the LMSC as set forth in Article II of these Bylaws. The Chairman shall also have check signing authority.
9. Duties of the Registrar – the Registrar shall be responsible for the registration of all Clubs, Chapters and Individual Members in the LMSC as well as keeping the LMSC in compliance with USMS reporting regulations.
10. Compensation – No Officer shall receive a salary for their services to the LMSC; however, the LMSC Registrar shall be reimbursed \$500 annually for his/her services.

#### **ARTICLES VI - Meetings**

1. Regular Meetings of Board of Directors – The Board of Directors shall meet at a minimum of three times per year at such time and place or by teleconference as directed by the Chairman. The annual meeting of the Board shall be held in the fourth quarter of each calendar year.
2. Special Meetings of Board of Directors – Special meetings of the Board may be called at any time by the Chairman or by formal request to the Chairman by three (3) or more Board members.
3. Notice – The Secretary shall send a notice of any regular or special meeting to all members of the Board of Directors, at their last given email address, at least fourteen (14) days prior to the date of the meeting. The notice of the meeting shall contain the time, date, site and agenda.
4. Order of Business – At all Board of Directors meetings, the order of business shall be as follows:
  - a. Roll Call
  - b. Reading, correction and adoption of minutes of previous meeting
  - c. Reports of Officers
  - d. Reports of Committees

- e. Unfinished Business
  - f. Elections, when appropriate
  - g. New Business
  - h. Resolutions
  - i. Adjournment
5. Quorum – The presence of a majority of the Officers plus any Club or Chapter representatives shall constitute a quorum at any meeting of the Board of Directors.
  6. Rules of Order – Robert’s Rules of Order shall be the procedural rules for all meetings.

## **ARTICLE VII - Committees**

1. Standing Committees – The standing committees of the LMSC shall be as follows:
  - a. Recognition and Awards Committee – The LMSC Newsletter editor, Top Ten and Records keeper and at least two other LMSC members will make up the Recognition and Awards Committee. The responsibilities of the Recognition and Awards Committee are, but not limited to, submitting all LMSC sanctioned event results for USMS Top Ten consideration, upkeep and reporting of the LMSC records, Zone records submission, annual LMSC awards and National Awards Nominations, and LMSC newsletter publication.
  - b. Audit Committee – The Treasurer, Registrar and two other members appointed by the Chairman will make up the Audit Committee. The responsibilities of the Audit Committee will be to deal with all aspects of the LMSC annual audits and reports. These responsibilities include, but are not limited to, the preparation of audit reports for the LMSC annual meeting, presentation of audit reports at the LMSC annual meeting, securing approval of audit reports at the LMSC annual meeting and forwarding them to the USMS national office in a timely fashion.
  - c. Coaches Committee – At least two coaches from different Clubs or Chapters will make up the Coaches committee. The responsibilities of the Coaches Committee will include, but are not limited to, working with the Board of Directors to help promote swimming within Clubs and Chapters, assure coaches representation at LMSC and national meetings, and provide coaches input into the LMSC newsletter.
  - d. Nominating Committee – Three Board of Director members appointed by the Chairman at the first meeting of an LMSC elections year will make up the Nominating Committee. The responsibilities of the Nominating Committee are, but not limited to, secure at least one nomination for each office of the Board of Directors, submit nominations to the current Board of Directors, and assist with elections of new officers at the LMSC annual meeting.

2. Committee Chairs – Committee Chairs shall be appointed by the Officers Their duties shall include:
  - a. Presiding at all meetings of the committee and performing such specific duties as outlined LMSC Bylaws.
  - b. Communicating with committee and Board members to keep them fully informed.
  - c. Committee Members – All other committee members shall be appointed by the Committee Chair with the advice and consent of the Chairman.

#### **ARTICLE VIII - Conditions of Competition**

1. General – The conditions of competition in any sanctioned swimming event, and the rules governing it, shall be those established by USMS.
2. Chapter Members are allowed to be affiliated under a Club name for the purposes of competing in relays at any sanctioned swim meet.

#### **ARTICLE IX - Grievance Procedure**

The LMSC for North Carolina has determined that a written grievance procedure is needed to implement the policies of United States Masters Swimming (USMS) as expressed in the Rules of USMS concerning member rights and standards of conduct under Article 402 thereof (hereinafter “Article 4”), therefore the following grievance procedure is adopted by the LMSC for North Carolina:

1. Grounds for Grievances - Any individual member of the LMSC and/or any Club member of the LMSC may bring a complaint on any matter for which grievances may be heard under Article 4. Specifically, complaints may be brought alleging unsporting conduct, defined in Article 4 as:
  - a. Violation of the opportunity to participate, as set forth in Article 4.
  - b. Discrimination in violation of Article 5 of the Rules of USMS.
  - c. Any act of fraud, deception or dishonesty in connection with any USMS related activity.
  - d. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event.
  - e. Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.
2. Complaint Procedure
  - a. A complaint shall consist of a concise statement of the behavior or circumstance involved, shall be in writing, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom

the complaint is made. The complaint shall be directed only to the Chairman, acting as Grievance Chair.

- b. Upon receipt of a complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Article 4 and involves a person or entity, which is part of the LMSC. If the Grievance Chair determines that the complaint does not meet such criteria, the Grievance Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Board of the LMSC.
- c. If the Grievance Chair does not dismiss the complaint, the Grievance Chair shall transmit a copy of the complaint to all other parties involved. The parties to any controversy shall be the USMS member or entity that makes the complaint, the USMS member or entity that is the subject of a complaint, and, if appropriate, the LMSC. In the event there are multiple parties or varying interests, any interested person may ask the Grievance Chair to (or the Chair may of its own volition) realign the parties according to their interest in the matter.
- d. The parties other than the complaining party shall have the right to make a written reply, which shall consist of a concise statement of any matter of defense to the complaint, and which shall be made within twenty days from the date the copy of the complaint is transmitted by the Grievance Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Grievance Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Article 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

### 3. Mediation or Resolution by the Grievance Chair

- a. After all parties have transmitted written statements to the Grievance Chair (or if the time for same has passed without a statement being transmitted), the Chair shall attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Chair. Methods of mediation may include (without limitation) in-person contact, telephone contact, or communication by writing or e-mail. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the LMSC Board.
- b. If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Grievance Chair may proceed to mediation under this section, or to a hearing under the following section.
- c. If no party who is the subject of a complaint makes a reply, then the Grievance Chair may act on the complaint as filed, or may take evidence or information from any source. The Grievance Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be reduced to writing and transmitted to the parties and to the LMSC Board.

#### 4. Hearing Procedure

- a. If no agreement can be reached, the Grievance Chair shall convene a hearing panel to resolve the controversy. The Grievance Chair shall designate three members of the LMSC to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.
- b. The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, wherever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Chair may appoint one member to take such evidence and report to the panel. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.
- c. Upon completion of presentation of evidence, the hearing panel shall, by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the LMSC Chair. If the hearing panel does not dismiss the complaint, it may, deny membership in the LMSC, censure, place on probation, suspend, fine or expel from LMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 4. If a person is expelled from the LMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary.
- d. Upon rendering of a final decision, the Grievance Chair shall notify all parties in writing of their right to appeal to the National Board of Review under Article 4. The LMSC may stay the imposition of any penalty pending appeal to the National Board of Review.

#### **ARTICLE X - Fiscal Year**

1. Fiscal Year – The fiscal year of the LMSC shall correspond to the fiscal year of USMS commencing on the first day of January.

#### **ARTICLE XI - Reports and Remittance to USMS**

1. Annual Reports – The Secretary shall forward to the USMS national office a copy of the audit of the accounts of the LMSC as received by the Board of Directors, along with a complete report on the proceedings of the annual meeting of the LMSC, within thirty (30) days after said meeting. The audit of accounts is to be reviewed by at least three (3) Officers with such review to include verification of bank balances, review of revenues and documentation for expenses. The Secretary shall forward to the USMS national office a copy of the Form 990 when filed. The Registrar shall make a report at the end of registration season (October 31<sup>st</sup>) and at the end of the calendar year as required by USMS. The Treasurer shall make an annual report as required by USMS.



2. General – The LMSC shall make such other reports and remittances to USMS as specified in its Code or by the national Executive Committee or House of Delegates. The Chairman, Secretary and Treasurer are responsible for seeing that all required reports and remittances are made.

## **ARTICLE XII - Finance and Assets**

1. Policy for Reimbursing Delegates to the Annual USAS/USMS Convention – The LMSC shall reimburse Board appointed delegates (and any LMSC members who serve on the USMS Board, or as a USMS standing committee chairperson, whose convention expenses are not otherwise paid or reimbursed by USMS) for the following expenses, if incurred by the delegate and supported by receipts:
  - a. Coach class airfare to and from the convention city.
  - b. If a delegate opts to drive to the convention city, the actual mileage to and from the convention city at the rate allowed by the IRS in the year of the convention for charitable contribution mileage rate (such amount not to exceed, however, the cost of coach class airfare to the convention city).
  - c. The cost of transportation from the convention city airport to the convention city hotel and then from the convention city hotel back to the convention city airport.
  - d. Parking of the delegate's vehicle at the originating airport.
  - e. If a delegate rents a vehicle at the convention city, any parking fees charged at the convention hotel during the delegate's stay. Rental cars will not be reimbursable.
  - f. A maximum of one half of the delegate's hotel room costs (including taxes, but not incidentals) minus any USMS direct reimbursement.
  - g. Meal costs, to a maximum of \$35.00 per day.
  - h. The fee for registration for the convention (such fee not to exceed the 'early registration' rate).
  - i. If the LMSC is the host LMSC for the annual USMS convention, the Board of Directors shall organize a Host Committee to plan and implement a hospitality suite at the convention hotel. The Board of Directors shall approve a reimbursement policy for the Host Committee and volunteers who staff the hospitality suite.
  - j. Any LMSC member, who is not appointed as an official delegate of the LMSC who would like to attend an annual USMS convention, and who would like to request a subsidy from the LMSC to help defray the cost of such attendance, may make a request to the Board of the LMSC for such assistance. Such a request must be made in writing delivered to the Chairman of the LMSC on or before the May 31<sup>st</sup> prior to the annual convention in order to be considered by the Board. Any subsidy granted by the Board in response to such a request shall not be for a reimbursement amount greater than that specified in items (a) – (h) above.

2. Inurement - No part of the income of the LMSC or the funds contributed by any person or corporation shall inure to the benefit of any Officer or director of the LMSC or any individual, or member, or other persons, except that reasonable compensation may be paid for services rendered to or for the LMSC affecting one or more of its purposes. In the event of the liquidation or dissolution of the LMSC whether voluntary or involuntary, no director or officers of the LMSC or any private individual, or member, or other person shall be entitled to any distribution or division of its remaining property or proceeds, and the balance of all money and all other property received by the LMSC from any source, after payment of all debts and obligations of the LMSC shall be first distributed to United States Masters Swimming, Inc., to be used exclusively for educational or charitable purposes, or if United States Masters Swimming, Inc. is not then in existence, then they shall be used or distributed exclusively for purposes similar in nature to those set forth in Article II of these Bylaws and within the intentment of Section 501 (c) (3) of the Internal Revenue Code of 1954 and the Regulations hereunder as the same now exists or as they hereafter may be amended from time to time.

#### **ARTICLE XIII - Revisions / Amendments to Bylaws**

1. The Secretary shall be responsible for officially recording the vote and maintaining a complete copy of the Bylaws.
2. At the first LMSC meeting of each calendar year, the Chairman's agenda shall include an item pertaining to a review of the bylaws for the LMSC. The purpose of this is to ensure keeping the LMSC bylaws current with USMS policies that pertain to matters for which it is in the best interest of the LMSC to stay current. Therefore, updates to stay current with USMS rules and/or the LMSC Handbook shall be done at the beginning of each calendar year. If it is determined that the LMSC bylaws need to be otherwise revised, a sub-committee of the Board of Directors will prepare a draft of suggested changes that would provide suggested revisions for consideration and voting by the Board of Directors. Any and all suggested changes, whether updates or revisions, shall be redlined and distributed to the Board of Directors for review at a minimum of two (2) weeks prior to the vote. Approval of the updates and/or revisions shall require a two-thirds vote by the Board of Directors to pass.

#### **ARTICLE IVX - Indemnification**

1. LMSC shall indemnify and save harmless any individual against the expense of any action, suit or proceedings in which they are made a part by reason of being or having been a Board of Director, Officer or duly authorized agent of LMSC, except in relation as to matters to which they shall be adjudged in such action, suit or proceedings to be liable for gross negligence or willful misconduct in the performance of their duties. This right shall extend to all such persons, their successors, heirs and legal representatives.