

Article 3, section 2 (responsibilities of members)

Section 1. Grounds for Grievance.

Any individual member of the LMSC and/or any Club member of the LMSC may bring a complaint on any matter listed below:

- (a) Violation of the opportunity to participate, as set forth in Article 4 of the Rules of USMS;
- (b) Discrimination in violation of Article 5 of the Rules of USMS;
- (c) Any act of fraud, deception, dishonesty, misfeasance or malfeasance in connection with any USMS-related activity;
- (d) Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct of or directed toward meet personnel or any competitor or other meet attendee, 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.

Section 2. Complaint Procedure.

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 to the Vice Chair, unless the Vice Chair is a party of the complaint. In that case, the grievance shall be directed to the Chair. Upon receipt of a complaint, the Vice Chair shall first make a determination whether the subject matter involves an issue for which there are grounds for grievance as defined above.

If the Vice Chair determines that the complaint does not meet such criteria, the Vice Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the Chair. If the Chair does not agree with this determination or otherwise feels it appropriate, the Chair may refer the matter to the Board, who will, by majority vote, have the authority to overrule the Vice Chair's determination. If the Vice Chair does not dismiss the complaint, the Vice 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.

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 explanation or defense to the complaint, and which shall be made within twenty (20) days from the date the copy of the complaint is transmitted by the Vice Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Vice Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Article 4 of the Rules of USMS. The Vice Chair, for reasonable grounds, including excusable failure to satisfy a deadline, may extend any time limit.

Section 3. Mediation or Resolution by the Vice Chair.

After all parties have transmitted written statements to the Vice Chair (or if the time for same has passed without a statement being transmitted), the Vice Chair shall attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Vice 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 Chair.

If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Vice Chair may proceed to mediation under this section, or to a hearing under the following section. If no party who is the subject of a complaint makes a reply, then the Vice Chair may act on the complaint as filed, or may take evidence or information from any source. The Vice 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 Chair.

Section 4. Hearing Procedure.

If no agreement can be reached and the Vice Chair has not otherwise resolved the controversy, the Vice Chair shall convene a hearing panel to resolve the controversy. The Vice Chair shall designate up to three members of the LMSC, other than those persons involved in the complaint, to act as a panel to resolve the grievance and all matters related thereto. The Vice Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.

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. Any cost of production of evidence shall be paid by the party on whose behalf such evidence is taken. 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 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 conduct set forth in Section 1. If a person is expelled from the LMSC, such action shall be transmitted by the Vice Chair to the USMS National Board of Review for further action, as necessary. Upon the rendering of a final decision, the Vice Chair shall notify all parties in writing of their right to appeal to the USMS National Board of Review under Article 4 of the Rules of USMS. The Board, by majority vote, may stay the imposition of any penalty pending appeal to the USMS National Board of Review.