

# **LAW & LEGISLATION COMMITTEE**

## **Proposed Amendments to the USSSI Code of Regulations**

### **For consideration at the Annual Meeting at USAS Convention 2004 Orlando, Florida**

Following are proposed amendments to the Code of Regulations. Please study them carefully and be prepared to discuss and vote on them at our meeting Thursday, September 16, 2004. Further amendments to these proposals should be submitted in writing and in the format described in **ARTICLE 10 AMENDMENTS, (Page 20 of the Code 2003)**. **Part One, Appendix A and B** require a two-thirds (2/3) vote of the Board of Governors present and voting. **Part Two (Administrative Rules)** require a simple majority of those present and voting. Any proposals made after the deadline of June 18, 2004 will require a 90% vote of those present and voting. Passage within the L&L Committee, of course, is by simple majority.

Because of misunderstanding, most of the proposals were submitted in an incorrect form. Rather than correct them, I am presenting them as submitted and we can correct them later if passed. President Betty Hazle submitted an extensive list of changes and it seems less confusing to consider these first as a packet and then add the others following discussion and action taken on them.

Proposed new wording is in **bold** print and deletions are in (( )).

Item 1– **Housekeeping:** Change all references to the “USOC Constitution or USOC Constitution and Bylaws” to “**USOC By-Laws**”.

**Rationale:** In October 2003, the USOC Board of Directors approved new By-Laws for the organization and in so doing, combined the Constitution and By-Laws into one document now known as the USOC By-Laws.

Item 2 – **Code, Part One (page 1) 1<sup>st</sup> paragraph**

United States Synchronized... As a member of the USOC, the Corporation shall submit to the rules of the American Arbitration Association in any controversy involving its recognition as a national governing body as provided in ((Article VIII of)) the USOC Constitution or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official (refer to Rule IV, Officials and Duties, in the Technical Rules for categories) to participate in amateur athletic competition, as provided in ((Article IX of)) the USOC Constitution. Through its membership...of the Americas (ASUA).

**Rationale:** To provide for a more generic reference to the USOC documents.

Item 3 – **Code, Article 3, Section 3.04 (page 4)**

3.04 Vacancies: Any vacancies that may occur in the 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 Board of Directors may fill a vacancy until the next meeting of the Board of Governors, **at which time an election will be held.**

**Rationale:** To further clarify the procedures to follow in filling a vacancy of an officer position.

Item 4– **Code, Article 3, Section 3.08.B.1 (page 4)**

3.08 Representatives to Other Organizations:

B. The Board of Directors...for these positions as follows:”

1. FINA TSSC Representative: Upon acceptance of the recommendation of FINA, the position begins at the conclusion of the ((Olympic Games)) **World Championships** until a new committee is constituted following the next ((Olympic Games)) **World Championships**.

Rationale: The timing of this position has changed.

Item 5- **Code, Article 4, new Section 4.04 & renumber (page 5)**

**4.04 Role of an Officer: The role of an officer shall be to set goals, objectives and policies for the organization, help develop and communicate the organization’s long-range plans and serve as liaison between the National Office staff, committees and the general membership. An officer shall delegate tasks, monitor progress and provide support as needed to their committees.**

Renumber Sections “4.04 – 4.14” to “4.05-4.15”

**Rationale:** To provide the membership with a definition of what an officer’s responsibilities are to the organization.

Item 6 – **Code, Article 5, Section 5.02 add the following new wording (page 6)**

5.02 Committee Chairs shall be appointed by the respective officer with the approval of the President. **The role of a committee chair shall be to understand and support the goals and long-range plans of the organization. The committee chair shall communicate the goals to the committee members. The committee chair shall work with their respective officer and their committee to make recommendations to accomplish these goals. When appropriate, the committee chair shall delegate tasks and responsibilities to the committee members and monitor progress toward accomplishing these goals.**

**Rationale:** To provide the membership with a definition of what a committee chair’s responsibilities are to the organization.

Item 7 – **Code, Article 5, Section 5.06.A.2. (page 7)**

5.06 Executive Vice President Committees

A. Law and Legislation Committee shall:

1. Remains the same.
2. Revise, as appropriate, the Code and Administrative Rules to conform to FINA Rules and Regulations **and the USOC By-Laws**.
3. Remains the same.

**Rationale:** Adds also the responsibility to revise rules to conform to USOC By-Law changes.

Item 8 – **Code, Article 5, Section 5.07.C.2.a. (page 7) Delete and reletter**

5.07 Technical Committees

C. Event Management Committee:

2. The Event Management Committee shall provide resources to assist competition management in the following areas:
  - a. Delete entirely

Reletter the current “b-d” to “a-c”.

**Rationale:** This has been typically done by the Technical Vice President or not done at all. There has not been a committee to do this task in many years. With our new on-line registration system, we soon will be able to have this done all on-line.

Item 9 – **Code, Article 5, Section 5.07.C.2.c. (page 8) Delete and reletter**

5.07 Technical Committees

- C. Event Management Committee:
  - 2. The Event Management Committee shall provide resources to assist competition management in the following areas:
    - c. Delete entirely

Relletter the current “d” to “c”.

**Rationale:** There is no reason to have a sub-committee for Event Management when the entire committee is dealing with Event Management.

Item 10 – **Code, Article 5, Section 5.08 (page 8)**

- 5.08 Education Board: The composition of the Education Board shall include the Education Vice President, **all Zone Education Chairs** ((five (5) persons to develop educational programs in the areas of coaches education, athletes education, academic programs, recreational programs and technical publications)); and that number of Athlete Representatives,...of the Education Board are athletes. **The Education Board shall be responsible for developing educational programs in the following areas:**  
A-E. Remain the same.

**Rationale:** To correct the code to list the Zone Education Chairs on the Education Board, since Appendix B already states that they are members of the Education Board. Also, to make it consistent with the Officials Board.

Item 11 - **Code, Article 5, Section 5.08.E. (page 8) Delete entirely**

- 5.08 Education Board: The composition....are athletes.  
((E. Technical Publications: Shall develop, coordinate and review the technical publication needs of the Corporation in a professional and standard manner.))

**Rationale:** This is not currently done by the Education Board. It should be a staff function.

Item 12 – **Code, Article 5, Section 5.09.B.1-4. (page 9)**

5.09 Officials Board

- B. The Officials Board shall...following subcommittees:
  - 1. Training: Determine the qualifications for ((officials)) **judges** and ...appropriate.
  - 2. Testing and Certification: Provide...update the roster of all certified ((officials)) **judges**.
  - 3. Evaluation: Evaluate....and report judging problems to the ((Officials')) **Judges'** Review sub-committee for action.
  - 4. ((Officials')) Judges' Review:
    - a. The sub-committee shall:
      - (1) Review the performance of all certified ((officials)) **judges**.
      - (2) Investigate all formal requests for review of ((an official's)) **a judge's** record and/or conduct as ((an official)) **a judge**.
      - (3) If, after investigation, the sub-committee believes that ((an official)) **a judge** should be considered for removal from the roster of certified ((officials)) **judges** or from...Board of Directors.

- b. Membership of the ((Officials')) **Judges'** Review sub-committee...of the ((Officials'))  
**Judges'** Review sub-committee are athletes.

**Rationale:** To make it clear that the Officials' Review sub-committee handles only issues dealing with judges. Also, to clarify the meaning of Officials to mean judges in this section.

Item 13 – **Code, Article 7, Section 7.01.F. (page 15)**

7.01 Athletes Committee: There shall be an Athletes Committee composed as follows:

- F. Athletes Advisory Council Representative: In the Olympic year, the Representative to the USOC-AAC for the next quadrennium shall be elected at the General Athletes Meeting at the U.S. National Championships, **but no later than May 31<sup>st</sup>**.

**Rationale:** The USOC-AAC has requested we add more definitive wording to our code regarding the timing of our election for this position.

Item 14 – **Code, Article 7, Section 7.01.F.I. (page 16) delete entirely and renumber**

7.01.F. ((1. The athletes eligible to elect the USOC-AAC Representative shall meet at least the minimum requirements of Section 7.02 A at the time of the election.))

**Rationale:** This section is repeated under Article 7.05 A. Also, this section deals with the number of athlete representatives and when the election occurs, not who can vote.

Item 15 – **Code, Article 7, Section 7.05 A-F. (page 18) Reformatting this section**

7.05 Procedures for Athlete Representative nominations and elections:

- A. During the General Athletes Meeting at the LSSC, Zone, U.S. Collegiate, U.S. Masters, or U.S. National Championships, an open election shall be held to elect the respective number of Athlete Representatives as set forth in Section 7.01 of this Code. **The current Athlete Representatives shall, respectively, chair the elections of their successors for ((For)) all the Athlete Representative(s) positions except, ((excluding the)) AEC Officers((, the current Athlete Representative shall chair the election of their successor)).** The AEC President shall conduct elections of ((the)) **all** AEC Officers, ((with the exception of the election of ) **except** the USOC-AAC Representative, which shall be conducted by the At-Large Representative. ((All athletes present shall be eligible to vote, with the exception of the election of the USOC-AAC Representative. The athletes eligible to elect the USOC-AAC Representative shall meet at least the minimum requirements of Section 7.02 A at the time of the election.))
- B. **All athletes present shall be eligible to vote, with the exception of the election of the USOC-AAC Representative. The athletes eligible to elect the USOC-AAC Representative shall meet at least the minimum requirements of Section 7.02 A at the time of the election.**

Reletter the current B-F to C-G.

**Rationale:** Reformatting to separate “how the election is conducted” from “who can vote.” Also, suggested changes to 7.05 A to make more direct statements.

Item 16 – **Code, Article 7, Section 7.05 A. (page 18)**

7.05 Procedures for Athlete Representative nominations and elections:

- A. During the General Athletes Meeting at the LSSC, Zone, U.S. Collegiate, U.S. Masters, or U.S. National Championships, an open election shall be held to elect the respective number of Athlete Representatives as set forth in Section 7.01 of this Code. For all the Athlete Representatives, excluding the AEC Officers, the current Athlete Representative shall chair the election of their

successor. The AEC President shall conduct elections of the AEC Officers, with the exception of the election of the USOC-AAC Representative, which shall be conducted by the At-Large Representative. All **registered** athletes present shall be eligible to vote, ((with the exception of)) **except in** the election of the USOC-AAC Representative. The athletes eligible to **vote in the election of** ((elect)) the USOC-AAC Representative shall meet ((at least)) the ((minimum)) requirements of Section 7.02 A at the time of the election.

**Rationale:** To ensure that only registered athletes are eligible to vote. Also, suggested changes to make more direct statements.

Item 17 – **Code, Article 7, Section 7.05 new B. (page 18)**

7.05 Procedures for Athlete Representative nominations and elections:

- B. Candidates for office must be members of the Corporation and must be present and/or consenting to be elected, with the exception of the election of the USOC-AAC Representative. Eligible candidates for the USOC-AAC Representative position may be nominated, regardless of membership in the Corporation.**

Reletter the current B-F to C-G.

**Rationale:** The USOC-AAC has requested we add wording that allows eligible candidates be allowed to run for the USOC-AAC position, whether or not they are current members of our organization. In regards to other athlete representative positions, the first sentence clarifies that you must be a member of the corporation to be elected to an athlete position as well as allows them to be eligible to be elected even if they are not present.

Item 18 – **Code, Article 8, Section 8.04 (page 18A)**

8.04 Fiscal Period: ((The Corporation shall have a fiscal period for tax and accounting purposes commencing on the first day of October in each year.)) **The Corporation's fiscal year shall be the calendar year. To effect the transition, fiscal year 2004-05 shall end December 31, 2005.**

**Rationale:** This has been recommended by the USOC auditors as well as our independent auditors. The major source of our funding comes from the USOC and their fiscal year is the calendar year. In addition, it would be best to operate all 6 of our National championships in the same fiscal year. It is difficult to obtain the insurance information for the U.S. Masters Championship when it falls in a new fiscal year, especially in the beginning of the fiscal year.

Item 19 – **Code, Article 10, Section 10.01 (page 20)**

10.01 Requirements: These Regulations may be altered, amended or repealed at an Annual Meeting of the Corporation in ((even)) **odd** numbered years as follows:

(Rest of Section 10.01 remains the same)

**Housekeeping:** If approved, then Section 10.06 will need to be changed to read – “...and amendments may be proposed in even numbered years,...”

**Rationale:** The reason for changing to the odd year is so we can align with FINA rule changes. FINA technical rules are changed every 4 years in conjunction with a World Championship. The next World Championship and Technical Congress (where proposed rule changes are made) will be held in July 2005. So, we are not constantly behind FINA or having to make special dispensation to align with FINA, we are proposing to have our legislative year on the same cycle. With this

proposal, we will change our legislative year to the odd year and thus, we will have this year (2004) and next year (2005) to make changes with 2 back-to-back legislative years.

Item 20 – **Code, Article 10, Section 10.01 (page 20)**

10.01 Requirements: These Regulations may be altered, amended or repealed at an Annual Meeting of the Corporation in ((even numbered years)) **the year following the Summer Olympic Games** as follows:

(Rest of Section 10.01 remains the same)

**Rationale:** This proposal changes our legislative year to every 4 years – occurring in the year after the Olympics (ie. 2005). We cannot continue to operate in the mode of changing our rules as frequently as we do, sometimes yearly. By making this change to every 4 years, we could save our organization approximately \$ 15,000-20,000 yearly by only having to print our entire rulebook every 4 years. If approved, with legislative years back-to-back, we should be able to get things the way we want within this transition period. For those skeptics about this idea, please remember we have rules in place that allow for waivers of technical rules, so all is not lost with converting to a 4 year cycle.

Item 21 – **Code, Article 10, Section 10.06 (page 21)**

10.06 Expired Deadline Requirements: After the deadline has expired for submission of legislation to Rules, Figures, and Law and Legislation committees, additional amendments may be proposed, ((and amendments may be proposed in odd numbered years)), but such amendments may be adopted only when ninety percent (90%) of the delegates to the Board of Governors present vote in favor of such amendments.

**Rationale:** This proposal does not allow legislative changes in the non-legislative year. We need to stop making changes to our rules every year. Financially, we cannot continue to reprint sections of our rulebook.

Item 22 – **Administration, Article 20, Section 20.02 (page 1)**

20.02 Membership: **To be** ((Any athlete)) eligible to compete, ((shall be)) an athlete **must be** a member of the Corporation **in one of the following categories:**

- A. Regular:** An athlete member who competes in a year round program, including championships, as defined in the Technical Rules.
- B. Master:** An athlete member who is 20 years of age or older who competes in competition of the Corporation designated as Masters. Participation in competition not conducted by the Corporation shall not jeopardize Master members' eligibility to compete in Masters competition. Master members may, but are not required to, meet the requirements of Section 20.01 of this Code.
- C. Collegiate:** An athlete member who competes only in a collegiate program.
- D. Recreational:** An athlete member who competes only in a recreational program. Refer to Appendix C.
- E. Seasonal:** An athlete member who competes in a short term program of 15 weeks or less. Refer to Appendix C.

**Housekeeping:** If approved, we need to delete Administration, Article 20, Section 20.06. And renumber 20.07 to 20.06.

**Rationale:** To combine section 20.06 with 20.02 so all membership requirements are in one place. Also, it puts the remaining items in a logical order.

Item 23 – **Administration, Article 21, Section 21.01 (page 1)**

- 21.01 Affiliation and Transfers:** ((In order for)) **For** an athlete to represent a synchronized swimming club, the club must be a member of the Corporation ((as stated in Section 1.02 A of this Code)). **(See Article 1, Membership, Section 1.02 A)**
- A. An athlete may represent any club that is a member of the Corporation, without regard to residency.**
  - B. An athlete may compete in the championships of only one (1) LSSC, Region, and Zone each year.**
  - C. An athlete representing one (1) club may also represent a junior or senior high school, a college, or a university.**
  - D. To transfer representation from one (1) club to another, an athlete must serve one hundred and twenty (120) consecutive days without having represented any club in competition. The athlete must complete and submit to the National Office a transfer form indicating the date of last competition in an affiliated status. This rule shall not apply to athletes who transfer from a junior/senior high school, college or university program to a club program after their respective seasons are completed.**
  - E. The requirement in Section 21.01 D is waived where the member club with whom the athlete is affiliated has dissolved.**

**Housekeeping:** If approved, delete Sections 21.02, 21.04, 21.05, 21.06, and 21.07. Also, renumber 21.03 to 21.02.

**Rationale:** Our current Article 21 “Athlete Affiliation” uses three different terms that have identical meanings in the code: “affiliation,” “attachment” (or “unattached”), and “representation.” This proposal conforms the terminology to one term -- “Affiliation” -- as used in the current title of the Article. Also, Article 21 uses seven sections to describe two concepts: (1) how athletes represent organizations, and (2) athletes who do not represent organizations. This proposal moves all sections relating to how an athlete represents an organization into one section (“Affiliation and Transfers”), followed by the existing section on athletes who do not represent an organization (“Unaffiliated Athletes”). This proposal also eliminates unnecessary verbiage. For example, if an athlete must be a member to compete, it is unnecessary to refer to them, thereafter as an “athlete member.” It is sufficient to refer to them as an “athlete.” Similarly, “club” is currently used in some sections, and “club member” is used in others. Since the club must be a member, it is sufficient thereafter to refer to it as a “club. Finally, the proposal retains the principle of being allowed to represent both a club and a collegiate or high school program, but clarifies the terminology. The current Section 21.06 uses the terms “dual membership” and “registration with both groups” to refer to “affiliation” -- being allowed to represent more than one member organization (e.g., two clubs, one club and a university, one club and a high school, etc.). Our membership system allows a member to be affiliated with two member organizations (e.g., a coach for one club and a masters athlete representing another), and even to own memberships in two different categories (e.g., “Life” and “Technical”), but the person can only be “registered” once, and hold only one membership number. The proposal eliminates the potentially confusing language relating to “dual membership” and “registration.”

Item 24 – **Administration, Article 21, Section 21.03 (page 2)**

- 21.03 ((Unattached)) Unaffiliated Athletes:** An ((unattached)) **unaffiliated** athlete is an athlete member of the Corporation who represents no club. ((An Unattached athlete member)) **Unaffiliated athletes** shall be identified in competition with the LSSC or place of residence in which registered ((, and not with a club)). Example: J.Doe, ((Unattached)) **Unaffiliated** (Middle Atlantic), or J.Doe ((Unattached)) **Unaffiliated** (Philadelphia, Pa).

**Rationale:** Following the same logic as in the previous proposal regarding conforming the language in the code to using the word “affiliation” or “unaffiliated” instead of “unattached”.

Item 25 – **Administration, Article 25, Section 25.01 (page 6)**

25.01 Jurisdiction: Any event (including all competitions, exhibitions, clinics, or entertainment of any kind) where athlete members of more than one group member of the Corporation compete, exhibit, demonstrate, or display synchronized swimming talents or techniques, ((shall be)) **must** be sanctioned by the ((LSSC within whose territorial limits the event is held.)) **Corporation.**

**Rationale:** This proposal revisits the concept of how an event is sanctioned. Although the current Article purports to allow an LSSC to sanction events on behalf of the Corporation, this carries a significant amount of liability risk. In reality, LSSCs are separate corporate organizations from U.S. Synchronized Swimming, Inc. To allow them to enter into contracts (which is what a "sanction" really is -- an agreement to endorse and provide insurance coverage for an event) on behalf of the NGB without the NGB having control over that decision is against proper corporate responsibility.

Item 26 – **Administration, Article 25, Section 25.02 new B (page 6) & reletter**

25.02 Requirements: Sanctions are issued, withheld or withdrawn in accordance with the following:  
((regulations))

- A. **Sanctions to Not-For-Profit Organizations.** Member not-for-profit organizations shall pay **sanctioning fees for their events in accordance with Appendix C.** ((No sanction shall be issued to any organization whose interest in sports is purely commercial, or where the event is to be promoted solely for the profit or the advertising value to be derived therefrom.)) Any income derived from **such** ((sanctioned)) events must be used for the further promotion of amateur sports, for an approved charity, or for the general welfare of the promoting organization as a whole.
- B. **Sanctions for Commercial Events.** The National Office may agree to sanction events that are **conducted solely for the profit or the advertising value to be derived therefrom. The sanctioning fee for such events shall be agreed between the event organizer and the National Office.**
- C. Sanctions ((issued to one (1) organization cannot be transferred to another.)) **are not transferable.** Any **attempt to transfer a** sanction ((so transferred)) **that has been issued** shall **make such sanction** ((be)) void for all purposes((, and the LSSC is empowered to)). **The Corporation may** deny further sanctions to any organization **who has attempted to transfer a sanction.** ((violating this provision.))
- D. No further sanction shall be **issued** ((given)) to any organization which has failed to fulfill expense obligations to athletes or to give prizes as stated on its entry blank. The foregoing sentence shall be set forth in every sanction granted.
- E. No sanction ((of any event)) shall be **issued** ((granted)) for any event where the word “Olympic”, or any derivative thereof, is used in any manner in connection with said event unless consent is obtained from the USOC.
- F. All sanctions must be **approved** ((signed)) by the designated representative of the ((LSSC and )) **Corporation. The Corporation shall maintain** a record ((thereof must be retained)) **of all sanctions issued, and shall provide confirmation of such sanction to the applicant and to the designated representative of the appropriate LSSC.**

Delete old 25.02 F. entirely

**Rationale:** This proposal suggests that the Corporation adopt a third type of sanctioning. Currently, sanctioning fees for not-for-profit events are set forth in Appendix C. The second form (sanctioning fees for international events) are established by the Board of Directors. The current rule prohibits



sanctioning events that are, in essence, conducted "for profit." There does not appear to be any rationale for denying such sanctions, and the prospect of revenues from "for profit" events should not be overlooked.

In practice, "for profit" events do exist, and the organization has historically participated in them. For example, exhibitions done by national team or former national team members for a Board of Directors of a "for profit" corporation, solely for their entertainment, would fall within the current restriction.

The proposal, instead, would allow the organization to enter into contracts with organizations to sanction "for profit" events, at a rate to be negotiated by those authorized to enter into contracts on behalf of the organization

The current article has no provision for the applicant to know whether the sanction has been issued. The proposal would require that the corporation notify the applicant and the LSSC when a sanction has been issued, and retain a record its issuance.

The proposal conforms various terminology (e.g., "issued" instead of "given," "granted," and "issued"). It also eliminates unnecessary requirements. For example, the requirement that the application be complete and accompanied by certain documents and payments. In most cases, those documents are not submitted with the application, and in the current process, the application is approved by the LSSC, sometimes without the required documents or the required payment.

The corporation will not give approval without a completed application and payment, as a matter of operations. The application forms (whether on-line or on paper) are developed by the National Office. Making the submittal of certain items a rule adds nothing of substance.

Item 27 – **Administration, Article 25, Section 25.03 (page 6) Delete old B-E.**

25.03 Conditions: All events requiring a sanction according to Section 25.01 of this Code are subject to the following ((conditions)):

- A. No entry shall be accepted, nor shall an athlete be allowed to compete or exhibit at any event, unless the athlete is a member **of the Corporation.** ((as provided in Article 1. A sanction is not required for events that are "closed" (open only to members of a group member of the Corporation.)) (**See Article 1, Membership, Section 1.03**)
- B. **All promotional materials and entry forms must conspicuously bear the statement: "Sanctioned by United States Synchronized Swimming, Inc." and include the address of the Corporation's National Office.**
- C. **Announcements and entry forms of sanctioned competitions must state that no entries shall be accepted unless the athlete is a member. (See Article 1, Membership, Section 1.03)**
- D. **The membership number of each entrant must accompany the entry form and the affiliation must be displayed before or after the athlete's name on the program**

**Rationale:** The portion of Section 25.03 referring to "closed events" has been deleted, since the new definition of a sanctionable event approved by the Board eliminated the term from Section 25.01. This merely conforms the two sections.

Finally, several subsections of 25.03 presume that sanctioned events are competitions. While some are, sanctioning extends to events where entry forms and the like are not used. The proposal makes such references applicable to only some of the possible sanctioned events.

Item 28 – **Administration, Article 25, Section 25.04 (page 7)**

25.04 International Events: All international competitions within the United States must be sanctioned by ((an LSSC on behalf of)) the Corporation. A sanction.....detrimental to the best ((interest)) **interests** of the sport...Board of Directors.

**Rationale:** This proposal goes along with the previous proposal regarding how an event is sanctioned. Although the current Article purports to allow an LSSC to sanction events on behalf of the Corporation, this carries a significant amount of liability risk. In reality, LSSCs are separate corporate organizations from U.S. Synchronized Swimming, Inc. To allow them to enter into contracts (which is what a "sanction" really is -- an agreement to endorse and provide insurance coverage for an event) on behalf of the NGB without the NGB having control over that decision is against proper corporate responsibility

Item 29– **Appendix B, Article 5, Section 5.03 (page 3) (Zone ByLaws)**

5.03 Term of Office: The term of each office shall be two (2) years, and shall begin immediately following the annual ((meeting)) **convention of USAS**. Officers may be reelected.....full terms of eligibility remaining.

**Rationale:** When wording was proposed in 2002 to make this section consistent with our code, it was inadvertently left out after which annual meeting the new zone officers take office. For clarification, the term should begin after the annual convention of USAS, not after the annual meeting of the zone, which is held at the zone championship. With this clarification, all members of the USSS Board of Directors will take office at the same time and thus, will provide continuity during a term of office.

Item 30 – **Appendix A, Article 5, new Section 5.04 Vacancies(page 3)(LSSC ByLaws)**

**Section 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 will be held.**

Renumber the current Sections “5.04-5.05” to “5.05-5.06”

**Rationale:** To add language regarding how to fill vacancies at the LSSC level. This new wording is consistent with our current Code, with the addition of some new proposed wording.

Item 31 – **Appendix B, Article 5, new Section 5.04 Vacancies (page 3)(Zone ByLaws)**

**Section 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 will be held.**

Renumber the current Sections “5.04-5.05” to “5.05-5.06”.

**Rationale:** To add language regarding how to fill vacancies at the Zone level. This new wording is consistent with our current Code, with the addition of some new proposed wording.

Item 32 – **Appendix A, Article 5, new Section 5.05 Elections (page 3)(LSSC ByLaws)**

**Section 5.05 Elections: Candidates for office must be present and/or consenting to be elected.**

Renumber the current Section 5.05 to 5.06.

**Rationale:** To allow candidates to run for office without being present at the election, as long as they have consented to run for the position by having their name listed on the slate by the Nominating Committee

Item 33 - **Appendix B, Article 5, new Section 5.05 Elections (page 3)(Zone ByLaws)**

**Section 5.05 Elections: Candidates for office must be present and/or consenting to be elected.**

Renumber the current Section 5.05 to 5.06.

**Rationale:** To allow candidates to run for office without being present at the election, as long as they have consented to run for the position by having their name listed on the slate by the Nominating Committee.

Item 34 – **Appendix J Guide for Athlete Recruitment/Transfer (page 1) Delete entirely and replace**

**ATHLETE RECRUITMENT/TRANSFER POLICY**

**Amendments to this Appendix J are the responsibility of the Law and Legislation Committee. The Law and Legislation Committee can modify this Appendix by recommending changes to the Board of Governors for approval.**

**Purpose:**

**The following policies apply to athlete recruitment and the subsequent transfer by an athlete from one USSS synchronized swimming club to another.**

**Any violation of these procedures is subject to disciplinary action as set forth in the USSS Code. (See Article 24).**

**1. Initiating Contact.**

- a. **Absolutely no recruitment and/or contact regarding recruitment or transfer is allowed during or at any USSS sanctioned event by any athlete or any registered club.**
- b. **The initial contact between the athlete and the prospective new club may be made only by the athlete or his/her parent or guardian.**

**2. Notification of Intent to Transfer. Within 10 days of the initial contact, the prospective new club shall notify, in writing:**

- a. **The club where the athlete is currently registered;**
- b. **The coach of the club where that athlete is currently registered;**
- c. **The USSS Association where the athlete is currently registered; and**
- d. **The USSS Association where the new club is located, if different from that in c.**

**3. Waiting Period. The waiting period before competing for a new club is contained in Article 21.05.**

**Rationale:** With one exception, the proposal simply modifies some of the language and reorganizes the appendix into two elements: (1) initiating contact between athlete and club, and (2) notification.

The exception is the deletion of section 4. Some background: The current Appendix J contains four policies (called "guidelines") that affect athletes who desire to transfer from one club to another. Violation of either of the first two policies (initiating contact and notification of club and association) subjects the athlete or the club to which s/he transfers to disciplinary action, but do not, per se, restrict transfer. The third policy restricts competition for the waiting period contained in Section 21.05, but it does not restrict transfer.

However, the fourth policy does impose a restriction upon the validity of a transfer:

"Transfers shall not be complete until the athlete has fulfilled all financial obligations to the previous club."

Denying an athlete the right to compete is a serious matter. There is equally serious doubt whether that right can properly be denied because of a private debt unrelated to the entry itself (i.e., failure to pay entry fee). The Ted Stevens Olympic and Amateur Sports Act of 1998 (successor to the original Amateur Sports Act of 1978) contains several provisions that relate to such an issue:

- We are not eligible to be a National Governing Body unless we meet certain criteria. Among those, we must provide "an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, . . . and with fair notice and opportunity for a hearing to any amateur athlete, [etc.] before declaring the individual ineligible to participate." (Section 220522).
- If an athlete, coach, etc. believes that we have violated these provisions, he or she may file a complaint with the USOC (Section 220527).
- We must submit to binding arbitration in any controversy involving the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of [the USOC] or any aggrieved athlete, coach, trainer, manager, administrator, or official. (Section 220522).
- If we are found to have violated these provisions, we can be suspended, or our recognition as a National Governing Body can be revoked (Section 220527).

Each state has courts to deal with claimed debts, to hear evidence, to find facts, to apply our commercial laws, and to enforce judgments. As a sport we have none of those. Nor is it part of our charter, nor a requirement imposed upon us by law, to use our resources to determine whether the debt is owed by one member to another.

For us to deny an athlete the right to compete because a third party claims that the athlete owes them a debt would likely be indefensible in any arbitration with the USOC.

In addition, the vast majority of our membership is below the age of 18. Collection of debts against minors is largely dependent upon enforcement against the parent because, in most instances, the child cannot enter into contracts and, therefore, cannot incur debt. As an organization, to refuse to allow a

member athlete to compete in our sport because his or her parents had not paid a private debt would certainly be indefensible.

There is another flaw in section 4 of Appendix J. Restricting the validity of a transfer effectively suspends the athlete from competing before a hearing can be held. Federal law is quite specific that we cannot declare the athlete ineligible without a hearing.

**Item 35 – Appendix M Election Procedures (page 1) Delete entirely and replace**

**Amendments to this Appendix M are the responsibility of the Law and Legislation Committee. The Law and Legislation Committee can modify this Appendix by recommending changes to the Board of Governors for approval.**

**General:**

- 1. Unless otherwise stated in the Code of Regulations of United States Synchronized Swimming, all election procedures shall follow *Robert's Rules of Order*.**
- 2. The Nominating Committee Report must be submitted, in writing, to the membership not less than thirty days prior to the date of the elections.**
- 3. No candidate for office shall be involved in the conduct of the elections.**
- 4. A time for the elections shall be stated in the convention agenda; if not, the elections shall be held during the last session of the Board of Governors.**
- 5. Voting rights and privileges shall be recognized by a voting sticker signed by the delegate, issued at USSS Convention Registration and attached to the delegate's USAS Registration badge.**

**Preparation:**

- 1. The President shall appoint an Election Committee, which will consist of at least three members and not more than five. The responsibilities of the Election Committee shall be to assist the presiding officer in the conduct of the elections of the Corporation, including:**
  - a. Oversee the conduct of the elections of the Corporation, from the time the Nominating Committee's report is accepted by the Board of Governors until the election results have been announced, the report accepted and any questions resolved.**
  - b. Prepare the ballots.**
  - c. Coordinate with the Membership Coordinator to validate the number of eligible voters.**
  - d. Select at least four Tellers to assist with the election balloting and provide written instructions to the Tellers.**
    - (1) The Tellers may be members of the Election Committee, provided that they are not running for office and are not eligible to vote.**
    - (2) The Tellers shall report to the presiding officer through the Chair of the Election Committee.**
  - e. Establish a suitable polling place and secure a necessary place for the Tellers to perform their function.**
  - f. Supervise the collection and handling of the ballots for delivery to the Tellers.**
  - g. Announce to the Board of Governors the number of eligible votes to be cast.**
  - h. Report the results of each election, after it has been verified by cross-checking the tally.**

**Conduct of Election:**

- 1. In even numbered years, a vote counting machine (i.e. Scantron machine) will be used to count the votes.**
- 2. Illegible, inconclusive and multiple votes cast together for the same office will not be counted.**

3. Upon completion of a tally, and an election is not declared, all candidates shall remain eligible for the next vote unless there is a decided difference (20% or more) between the vote tally for the lowest candidate and the candidate receiving the next highest number of votes. (Exception: Election for the At-Large Delegates to the Board of Governors)
4. Elections for the At-Large Delegates to the Board of Governors: Candidates receiving the greatest number of votes cast shall be elected as At-Large Delegates to the Board of Governors. If there is a tie, a run-off election will be held between the tied candidates.
5. All election results will be announced prior to the adjournment of the Board of Governors meeting, The Chair of the Election Committee will make the announcement with the permission of the President at an appropriate time in the agenda. The announcement will include the number of votes cast for each candidate (exception: At-Large Delegates to the Board of Governors).

**Post Election Procedures:**

1. A challenge to any election results must be made in writing to the Chair of the Election Committee within 30 minutes of the announcement of the final election results. When a challenge has been filed, the Chair of the Election Committee shall notify the President and the Executive Vice President of the Corporation. A candidate that challenges the results, or his or her designated representative, has the right to review the ballots in the company of the Tellers and the Chair of the Election Committee.
2. All ballots shall be held for 60 minutes after the announcement of the final election results. At that time, the ballots shall be destroyed. If contested, ballots will be kept until the dispute is settled.

**Rationale:** To reformat the section into an easier to read format. Added items from the Standing Rules that are always approved each year at convention. Added more definitive responsibilities for the Election Committee, clarified the Teller position and deleted the Head Teller position. Changed “colored sticker” to “voting sticker”, changed “Secretary” to “Membership Coordinator” as to who validates the number of voters, changed the number of tellers to be a minimum of four, changed the Election Committee to assist with all elections of the Corporation, added the use of a vote counting machine in even years, added details on the announcement of the election results and changed “Secretary” to “Executive Vice President” as to who notification is given to when a challenge has been filed.

**Item 36 – Housekeeping Changes – various sections.**

1. Code, Article 2, Section 2.02 D. pg 2 – change the word “is” to “in” in the first sentence as “...set forth **in** ((is)) Section...”
2. Code, Article 3, Section 3.01 pg 3 – delete the “A” after Section 10.01 A at the end of the sentence. (Rationale – needs to refer to the entire section 10.01, not just A.)
3. Administration, Article 23, Section 23.01 E. pg 3 – insert “a” before “member”.
4. Administration, Article 24, Section 24.01 B. pg 4 – change word “Waive” to “Waiver”

**Item 37 – Submitted by the Executive Committee**

- 4.01 Officers: The officers of the Corporation shall be President, Executive Vice President, Technical Vice President, Education Vice President, Officials Vice President, ((Marketing)) **Development** Vice President, Olympic International Vice President, Secretary and Treasurer.
- 4.02 B. The Executive Vice President, Technical Vice President, ((Marketing)) **Development** Vice President, and Education Vice President shall be elected in odd numbered years.
- 4.09 ((Marketing)) **Development** Vice President: Shall be responsible for the committees listed in Section 5.01 E. of this Code.

- 5.01 A. Executive:  
1. Law and Legislation  
2. History  
((3. Membership))  
**3. Awards / All-American**

- E. ((Marketing)) Development:  
1. Image and Promotion  
((2. Awards / All-American))  
**2. Membership**

5.06 Delete C and replace with the following:

**C. Awards / All-American Committee shall:**

- 1. Develop and publish selection procedures and solicit nominations for special awards as determined by the Corporation.**
- 2. Recommend the annual All-American team.**
- 3. Select recipients for special awards as determined by the Corporation**

5.07 D. 2. The composition of the Championship Sites Committee shall consist of the following members: four (4) Zone Representatives (elected by their respective zones), the Media/Marketing Director, Business Development Manager, ((Marketing)) **Development** Vice President, and that number of Athlete Representatives necessary to assure that at least twenty percent (20%) of the Championship Sites Committee are athletes.

5.10 Delete B and replace with the following:

**B. Membership Committee shall:**

- 1. Develop and implement programs to recruit membership in the sport, including life member and alumni service programs.**  
((2. Implement procedures for membership registration and renewal.))
- 2. The athlete representation on the Membership Committee shall include that number of Athlete Representatives, elected by the Athletes Committee who meet the requirements of Section 7.02 A., necessary to assure that at least twenty percent (20%) of the Membership Committee are athletes.**

7.03 A.2. The AEC Executive Vice President, AEC Education Vice President, AEC ((Marketing)) **Development** Vice President, and AEC Olympic International Vice President shall be elected in odd numbered years.

7.03 B. 6. AEC ((Marketing)) **Development** Vice President: Shall be responsible for the committees listed in Section 5.01.E of this Code.

**Rationale:** Growing the size of our sport and increasing the number of members at all levels is critical to our future. This proposal realigns the volunteer organization to pull the committees that bear on membership growth ‘under one roof.’

(Regarding the Action proposed for 5.10 B 2: implementation of procedures for membership registration and renewal is staff function.)

**Additional Action Needed:** The Executive Committee takes no position on the following items, and refers them to the Committee for recommendation:

1. Effective date of this structure change, October '04 vs. October '05
2. Whether the current Marketing Vice President should be disqualified from running for the position of Development Vice President.

Item 38 – Submitted by South Zone through Carole Mitchell re alignments

**Proposed rule changes for consideration at 2004 USAS convention for 2005 that deal with Rules and L&L**

deletions... bold=new

**For Rules consideration—changes/additions/deletions of associations/regions:**

Rule II.A.1.c.(3) South: Arkansas, Border, Florida, Florida Gold Coast, Georgia, Gulf. North Carolina, Potomac Valley, South Carolina, South Texas, Southeastern, Southern, Southwestern, Tennessee, Virginia, West Texas, West Virginia

Rule II.A.2.c.(3) South: Arkansas, Border, Florida, Florida Gold Coast, Georgia, Gulf. North Carolina, Potomac Valley, South Carolina, South Texas, Southeastern, Southern, Southwestern, Tennessee, Virginia, West Texas, West Virginia

Rule II.A.3.b.(1)

South Zone:

Region A North Carolina, Potomac Valley, Tennessee, Virginia, West Virginia, South Carolina((, Southeastern))

Region B Florida, Florida Gold Coast, Georgia, Southeastern

Region C Arkansas, Border, Gulf, South Texas, Southern, Southwestern, West Texas

**Rationale:** are trying to grow synchro in the state of Alabama (Southeastern Association). Finally, we have an active team in this area. However, they have asked to be included in Region B, so they can compete with Georgia and Florida as they feel this is the best way to continue to “grow the area”. The south zone is in agreement that we should do this. An official letter requesting the change We want to encourage growth in this area any way we can.

Appendix D

South

15. Southeastern ~~A~~ B

60. Tennessee (new association) A

**For L&L consideration goes along with the rules proposals above:**

Article 6.03 (page 14)

Southeastern – ~~The States of Alabama and Tennessee~~ The State of Alabama and the State of Florida including Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay and Jackson, Calhoun and Gulf Counties west of the Apalachicola River

Article 6.03 (page 14) NEW

Tennessee – The State of Tennessee



Article 6.05 (page 15)

South

Arkansas, Border, Florida, Florida Gold Coast, Georgia, Gulf, North Carolina, Potomac Valley, South Carolina, South Texas, Southeastern, Southern, Southwestern, Tennessee, Virginia, West Texas and West Virginia

### **Additional L&L proposals for convention**

Article 6.03 (page 12)

Maryland – The State of Maryland except **Frederick**, Montgomery and Prince Georges Counties.

Article 6.03 (page 13)

Potomac Valley – The District of Columbia; **Frederick**, Montgomery and Prince Georges Counties in the State of Maryland; and Arlington, Fairfax, Loudon, Fauquier and Prince William Counties and the cities of Alexandria and Falls Church in the State of Virginia.

**Rationale:** There has been little or no activity in the Frederick, MD area for a while, but there are a number of officials/coaches who live in that area. We hope that by moving this county to the Potomac Valley Association, we can generate more activity as there are a number of very active, vital teams in that area.

Item 39 – **Report from Special Task Force chaired by Barbara Eaton**

The Task Force was assigned Articles 22- Members Rights, Article 23 - General Conduct and Article 24 - Proceedings and Appeals.

Article 23 includes Code of Conduct and Code of Ethics

### **CODE OF CONDUCT**

23.01 The following requirements are expected of all personnel representing United States Synchronized Swimming in any capacity and any persons traveling with them.

#### **A. AUTHORITY**

1. All personnel must observe guidelines, duties and responsibilities of respective positions.
2. Athletes are completely responsible to coaches and managers in matters of dress, behavior, curfews, scheduling and planning.

#### **B. CONDUCT**

1. Personnel under legal age are prohibited from using alcoholic beverages. Other personnel must exercise extreme discretion.
2. Athletes are prohibited from using tobacco in any form.
3. Use only drugs or medication prescribed by a physician and/or approved by a member of the medical staff responsible for the athletes. Prosecution for drug related offenses in foreign countries carries severe consequences.
4. Obey the laws and codes of conduct of foreign countries. United States citizenship does not provide immunity from local laws.
5. Personnel are ambassadors representing the United States and must courteously adapt to and accept the customs and way of life of the country in which they are guests.

## CODE OF ETHICS

23.02 Synchronized swimming officials and administrators are expected to observe the following requirements.

An official is a member of U.S. Synchronized Swimming serving in an official capacity at an event. An administrator is an elected officer of the organization.

- A. The common purpose of officials and administrators is to serve the welfare of the athlete. To accomplish this goal, they are expected to:
1. Know the rules and apply them fairly and honestly.
  2. Cooperate with other officials and administrators.
  3. Accept responsibilities and assignments as delegated and be punctual in observing them.
  4. Display an attitude of trust and respect.
  5. Seek personal improvement.

The above was discussed in L&L at Convention and approved by committee. It was felt that Proceedings and Appeals need to be reviewed by an Attorney. We need to proceed with caution. To go into more detail in the rulebook could put us in jeopardy with the law. To be too specific leaves a possible loophole because we did not cover that particular item. A lawyer could have a field day with this.

A full description could then be placed in a separate booklet. If it is desired to place it in the rulebook, it could go in the appendix. In the separate booklet, we could refer to the USOC and the Swimming rules, if desired, and approved by those organizations.

Item 40 - **New 5.11, C (page 10) – this currently exists in Appendix N.**

Should it be incorporated into the Code? Is this Housekeeping?

### **5.11 Olympic International Committees**

#### **C. International Relations Review Subcommittee**

1. Resolve petitions related to:
  - a. Athlete injury or illness during the National Team Trials Selection process. (see National Team Selection Procedures – Appendix E.)
  - b. Athlete eligibility to participate in National Team Trials (see Eligibility – Appendix E.)
  - c. Review and approve Club Option applications, including funding recommendations when available. (see Appendix F.)
  - d. Athlete eligibility to participate when a Masters international competition has limited entries. (see Appendix F.)