Proposed Legislation must be submitted on this form and should be submitted prior to the mailing of the Board of Directors Agenda to the members clubs. New business items coming from the floor must also use this form to submit the proposed legislation.

**Date Submitted:** 04/01/2014  **Date of House of Delegates Meeting to be Discussed:** 04/26/2014

**Name of Legislation:** Proposed Bylaw Amendment to Clarify and Expand Athlete Participation on LSC Committees

**Description of Issue:**

There are ambiguities, if not outright contradictions, contained within the MSI bylaws (the required LSC bylaws) as to whether athletes are required on LSC standing committees, specifically, Officials, and Personnel. 607.3, quoted in relevant part, states:

> “Except as otherwise provided in these Bylaws or by the Board of Directors, members of each standing committee shall be appointed by the General Chair with the advice and consent of the respective division Vice Chair and the chair of the committee.”

607.3 further states,

> “Notwithstanding anything herein to the contrary, a sufficient number of athlete members shall be appointed to each committee to constitute at least twenty percent (20%) of the voting membership of such committee.”

The members of each committee are specifically enumerated in 607.3.1-7.

The composition of the Officials’ Committee and the Personnel Committee do not include athletes. This suggests that athletes are not included on those committees; however, the second quoted sentence suggests that twenty percent of each committee’s voting membership must be athletes, notwithstanding what is said elsewhere. This suggests that although the composition of the Officials Committee and the Personnel Committee, as listed in 607.3.1-7, excludes athletes, athlete representation equaling twenty percent of the voting membership is still required on each committee. This poses an obvious contradiction. Many, if not all, LSCs with the LEAP 2 accreditation do include athletes on these committees.

Moreover, due to the way they are explained in the bylaws, the Technical Planning Committee and the Safe Sport Committee do not necessarily ensure 20% athlete membership.

It is important to ensure adequate athlete representation at all levels of the sport—from the USOC all the way to the LSCs. The Ted Stevens Amateur Sports Act, by and through the USOC and USA Swimming bylaws, requires that the membership and voting power held by athletes is not less than 20 percent of the membership held in the board of directors and committees.

This proposed bylaw amendment aims to:

- a) Ensure that a minimum of 20% of the voting membership on the Technical Planning and the Personnel Committee consists of athletes
- b) Add the Senior Athlete Representative to the Personnel Committee
- c) Add an athlete representative to the Officials Committee (Given the nature of the Officials Committee, we find one athlete on the Officials Committee to provide sufficient athlete representation, even if s/he does not make up 20% of the voting membership of that committee.)
- d) Provide an official interpretation in regards to athletes on MSI committees for future reference
Solution/Rationale and Proposal/Legislation Requested:

RESOLVED, Article 607.3 of the MSI Bylaws will be amended as follows:

607.3 MEMBERS AND EX-OFFICIO MEMBERS OF STANDING COMMITTEES - Except as otherwise provided in these Bylaws or by the Board of Directors, members of each standing committee shall be appointed by the General Chair with the advice and consent of the respective division vice chair and the chair of the committee. Notwithstanding anything herein to the contrary, a sufficient number of athlete members shall be appointed to each committee to constitute at least twenty percent (20%) of the voting membership of such committee. Athlete membership is required on all standing or other committees. Athlete membership shall amount to 20% of the voting membership of the committee, except as otherwise provided below. The athlete committee members shall meet the same requirements as those of Athlete Representative set forth in Section 604.1.3. The division vice chair shall be an ex-officio member (with voice and vote) of each standing committee within the respective division. The ex-officio members and other designated members of certain standing committees shall be as follows:

RESOLVED, Article 607.3.2 of the MSI Bylaws will be amended as follows:

.2 OFFICIALS COMMITTEE - The members of the Officials Committee shall be the Officials Chair, who shall serve as chair, and at least two other members each of whom shall be a certified official of MSI and one athlete representative.

RESOLVED, Article 607.3.3 of the MSI Bylaws will be amended as follows:

.3 PERSONNEL COMMITTEE - The members of the Personnel Committee shall be the General Chair, who shall serve as chair, the Administrative Vice Chair, and the Finance Vice Chair, and the Senior Athlete Representative.

RESOLVED, Article 607.3.4 of the MSI Bylaws will be amended as follows:

.4 TECHNICAL PLANNING COMMITTEE - The members of the Technical Planning Committee shall be the Technical Planning Committee Chair, who shall serve as chair, an Athlete Member and at least four (4) additional members of whom at least fifty percent (50%) shall be Coach Members, and a sufficient number of athletes so as to constitute twenty percent (20%) of the voting membership of the Committee. The Athlete Members and additional members shall be appointed by the General Chair with advice and consent of the Board of Directors.

RESOLVED, Article 604.3.7 of the MSI Bylaws will be amended as follows:

.7 SAFE SPORT COMMITTEE – The members of the Safe Sport Committee shall be the Safe Sport Committee Chair, who shall serve as chair, and at least four additional members; at least one shall be a Coach Member, at least two shall be at-large non-athlete members, and at least one shall be an athlete member and a sufficient number of athletes appointed by the General Chair with the advice and consent of the Board of Directors so as to constitute twenty percent (20%) of the voting membership of the Committee.

RESOLVED, the following shall be the official interpretation of the matter of athlete representation on all LSC committees:

Athlete membership is required on all standing or other committees. Athletes shall constitute 20% of the voting membership of the committees, except as otherwise provided on specific committees in the bylaws (i.e. officials), where the athlete requirement is met through the specific provisions setting forth the membership of those particular committees, even if that number does not mathematically constitute 20%.

Effective Date: Immediately  Method of Implementation: Amend Bylaws as Prescribed Above

Proposed by: Patrick Hunter  Club: Hopkins Swim Club, MSI Jr. Athlete Representative

Board Member Submitting: Patrick Hunter  Title: Jr. Athlete Representative

Action: (Adopted) (Defeated) (Adopted-Amended) (Tabled) (Postponed) (Withdrawn) (Referred to Committee)