

This report is divided into four sections: those reported favorably (recommended) by the Legislation Committee, those reported favorably as amended (recommended) by the Legislation Committee, those not reported favorably (not recommended) by the Legislation Committee and those Requiring action of more than one committee.

I. The following proposals were reported out favorably by the Legislation Committee. They require nine-tenths vote of the HOD to pass.

L4	Article 504.1 Membership	Page 78	Add and renumber
Approve	Approve as Amended	Fail	Withdrawn
<u>504.1.4 All Zone Chairs</u>			

II. The following proposals were reported out favorably by the Legislation Committee, as amended. They require nine-tenths vote of the HOD to pass.

L6	Article 402.4 Unsporting Conduct	Page 70	Add and renumber
Approve	Approve as Amended	Fail	Withdrawn
<u>402.4.6 Any nonconsensual sexual conduct, pattern of unwelcome sexual advances, or other inappropriate sexually oriented behavior or action by a USMS member toward a member or any other person participating in any capacity whatsoever in the affairs or activities of USMS.</u>			

L7	Article 402.4 Unsporting Conduct	Page 70	Add and renumber
Approve	Approve as Amended	Fail	Withdrawn
<u>402.4.8: Being permanently banned from membership by a member corporation of United States Aquatics Sports.</u>			

L9	Article 202.2.1 Recognition		
Approve	Approve as Amended	Fail	Withdrawn
202.2.1-Recognition			

E The conduct of a recognized event shall conform to relevant USMS swimming rules and administrative regulations- including, but not limited to, the following:

(1) Articles 101 Starts, Strokes and Relays
Or Article 108 (Swimmers with a Disability)

(2) Article 102.14.2, 102.14.3, Swimwear Restrictions
102.14.4, 102.14.5, and 102.14.6

(3) Article 103.12.3 Timing Resolution

(4) Articles 103.13.1, 103.13.2, Official Time
103.13.3, 103.13.4, and 103.13.6

(5) Articles 105.1, 105.2.1, 105.2.2A, Records and Top 10 Times
105.3.2, 105.3.7A, and 105.3.10.

(6) Articles 107.2.1, 107.2.3A, Minimum Standards for Facilities
107.3, 107.11.1, 107.11.2, and
107.13

(7) Relay leadoff split times that conform to 103.13.1 and 105.2.2A will be recognized for events listed in 102.5. USMS membership is not required for the other members of the relay team and the relay event itself need not conform to 102.5.

III. The following proposals were NOT reported out favorably by the Legislation Committee. They will not be discussed by the HOD

L1	Article 201.1.3 One-Event Registration	Page 49	
Approve	Approve as Amended	Fail	Withdrawn

201.1.3 One-Event Registration

A Open Water One-Event Registration—USMS shall offer a one-event registration, with no age limitations, that allows an athlete to participate in USMS sanctioned open water events and clinics. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the open water rules and regulations of USMS, except that their swims shall not be eligible for USMS national open water awards and recognition. One-event registrants shall be identified as such in the meet results.

B Pool One-Event Registration—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation, national or world records, All-American status or any other USMS special awards. One-event registrants shall be identified as such in the meet results.

L5	Article 402.4 Unsporting Conduct	Page 70	
Approve	Approve as Amended	Fail	Withdrawn

402.3 ENFORCEMENT

~~Any prospective member may be denied membership, and any member may be denied membership, censured, placed on probation, suspended, fined or expelled from USMS if such member engages in any unsporting conduct listed in article 402.4.~~

402.3.1 Any prospective member may be denied membership for engaging in any conduct in violation of the Code of Conduct set forth in Article 402.4.

402.3.2 Any member may be censured, placed on probation, fined, expelled from USMS, or have membership denied, revoked, or suspended if such member engages in any conduct in violation of the Code of Conduct set forth in Article 402.4.

L8	Article 201.1.3 One-Event Registration	Page 49	
Approve	Approve as Amended	Fail	Withdrawn

201.1.3 One-Event Registration—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation, national or world records, All-American status or any other USMS special awards. One-event registrants shall be identified as such in the meet results. One-event registration shall not be allowed for a national championship pool meet.

L10	Article 203.1 One-Event Registration	Page 49	
Approve	Approve as Amended	Fail	Withdrawn

203.1 RELEASE

All individual membership application forms and sanctioned entry forms shall include a liability release. The liability release shall be signed by the person registering or entering. The language of the membership release shall be:

“I, the undersigned participant, intending to be legally bound, hereby certify that I am physically fit and have not been otherwise informed by a physician. I acknowledge that I am aware of all the risks inherent in Masters swimming (training and competition), including possible permanent disability or death, and agree to assume all of those risks. AS A CONDITION OF MY PARTICIPATION IN THE MASTERS SWIMMING PROGRAM OR ANY ACTIVITIES INCIDENT THERETO, I HEREBY WAIVE ANY AND ALL RIGHTS TO CLAIMS FOR LOSS OR DAMAGES, INCLUDING ALL CLAIMS FOR LOSS OR DAMAGES CAUSED BY THE NEGLIGENCE, ACTIVE OR PASSIVE, OF THE FOLLOWING: UNITED STATES MASTERS SWIMMING INC., THE LOCAL MASTERS SWIMMING COMMITTEES, THE CLUBS, HOST FACILITIES, MEET SPONSORS, MEET COMMITTEES OR ANY INDIVIDUALS OFFICIATING AT THE MEETS OR SUPERVISING SUCH ACTIVITIES. In addition, I agree to abide by and be governed by the rules and Code of Conduct of USMS.”

IV. The following proposals were reported out favorably by the Legislation Committee and the Long Distance Committee. They require a simple majority of the HOD to pass.

L2	Article 204 One-Event Registration	Page 49	Add and renumber
Approve	Approve as Amended	Fail	Withdrawn

ARTICLE 203:
Open Water Sanction

203.1 Sanctions

Swims achieved at sanctioned events are considered for USMS open water national awards and recognition.

203.1.1 Sanction Requirements—Sanctions shall be issued, withheld or withdrawn in accordance with the following:

A USMS each year shall make available to LMSCs an open water sanction application. Each LMSC is required to use this application. LMSCs may not add additional sanction requirements without the approval of USMS.

B Applications for sanction shall be made to the LMSC within which the event is to be held, and applications shall be accompanied by a copy of the entry form. If any events are to be swum in more than one LMSC, the LMSC where the meet will originate will have jurisdiction in issuing the sanction. This does not prohibit the other LMSC from also issuing a sanction for the meet.

(1) The entry forms shall contain the language of the liability release as stated in article 205.1. The language may only be modified by naming the sanctioning LMSC, sponsoring USMS club(s) and/or additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.” All swimmers, before participating, shall have signed the liability release.

(2) Entry forms and programs must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Sanction number: _____.”

(3) The sanction fee shall be established by the LMSC.

C All sanctions shall be signed by the LMSC’s authorized representative, and a record thereof shall be retained for two years. The LMSC’s authorized representative shall report the sanction to USMS.

D Sanctions issued to one organization cannot be transferred to another. Any sanctions so transferred shall be void for all purposes, and the LMSC may deny further sanctions to any organization violating this provision.

E No sanction of any event shall be granted with the word “Olympic” or any derivative thereof used in any manner in connection with said event unless consent is obtained from the USOC.

F All sanctioned events are subject to the following conditions:

(1) The conduct of a sanctioned event shall be in compliance with applicable USMS open water swimming rules, or when the sanctioned event is held simultaneously in conjunction with a USA Swimming sanctioned open water event, USA Swimming members shall swim under applicable USA Swimming open water rules and administrative regulations.

(2) When open water events include both USMS and USA Swimming members, with the USMS events sanctioned by USMS and the USA Swimming events sanctioned or approved by USA Swimming, under no circumstances shall a USMS athlete and a USA Swimming athlete be considered part of the same event, but they may swim at the same time on the same course. Athletes holding both USMS and USA Swimming memberships must declare their race affiliation, in writing, prior to the start of the event.

(3) All swimmers entered in USMS sanctioned events shall be USMS members, or shall have valid travel permits or their equivalents, and shall have acceptable proof of current USMS membership, or complete a one-event open water registration.

(4) In order to be in compliance with FINA rules, an LMSC may grant exceptions to specific USMS open water swimming rules and administrative regulations when sanctioning a FINA Masters World Championship open water event.

(5) Sanctioned events may include nonconforming swimming events so long as they are conducted in a safe manner.

(6) All swimmers shall submit with their entries copies of their current USMS membership cards or travel permits, or supply proof of current USMS Masters membership acceptable to the LMSC; however, at the discretion of the meet director and exclusive of national championship meets, a swimmer may enter indicating “number pending,” as long as proof of USMS membership is presented prior to the swimmer’s participation in the event.

(7) For competitive open water events that calculate individual scoring for place and/or club scoring, a swimmer’s valid club affiliation and age must be displayed after the name in the program, if a program is published.

(8) Event directors shall submit official results of the event to USMS for inclusion in an open water event results database.

G A further sanction may be denied to any organization that has failed to conduct such event in accordance with applicable USMS open water swimming rules and administrative regulations, or as stated on the entry form.

~~301.2.1 LMSCs are responsible for issuing open water and long distance sanctions for meets involving USMS athletes. If any meets are to be swum in more than one LMSC, the LMSC where the meet will originate will have jurisdiction in issuing the sanction. This does not prohibit the other LMSC from also issuing a sanction for the meet.~~

~~301.2.2 Open water and long distance meets may include both USMS and USA Swimming events, with the USMS events sanctioned by USMS and the USA Swimming events sanctioned or approved by USA Swimming. Under no circumstances shall a USMS athlete and a USA Swimming athlete be considered part of the same event, but they may swim at the same time on the same course. Athletes holding both USMS and USA Swimming memberships must declare their race affiliation, in writing, prior to the start of the event.~~

L3	Article 203.1 Release	Page 54	Modify and add
Approve	Approve as Amended	Fail	Withdrawn

~~203.1.1 The language of the entry release may be modified as described in article 202.1.1A(1). For open water events, the entry release shall be in accordance with article 301.3.~~

203.1.2 For open water events, the following statement shall be added to the end of the release: “Finally, I specifically acknowledge that I am aware of all the risks inherent in open water swimming and agree to assume those risks.”

~~301.3 Liability Release~~

~~Entry forms shall contain the exact language of the liability release according to article 203.1 The following statement shall be added to the end of the release for all open water meets: “Finally, I specifically acknowledge that I am aware of all the risks inherent in open water swimming and agree to assume those risks.” The language may only be modified by naming the sanctioning LMSC, sponsoring USMS club(s) and/or additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.” The liability release must be signed by each person prior to participation.~~