**MICHIGAN SWIMMING**

**PROPOSED**

**AMENDMENTS TO 2013 MS BYLAWS**

R-1 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 8

**Proposed by:** Joe McBratnie, Program Development Vice-Chair

**Purpose:**

**Effective:** January 1, 2015

**Recommendation:** The MS Board of Directors recommends

**4.6 SPECIAL MEETINGS** - Special meetings of the House of Delegates may be called by the Board of Directors or the General Chair. Should the Board of Directors or the General Chair fail to call the annual or scheduled regular meetings or should a special meeting be appropriate or helpful, a meeting of the House of Delegates may be called by a petition signed by at least 25 % of the House of Delegates.

R-2 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 20

**Proposed by:** Erica Zuercher, Sr. Coach Representative

**Purpose:** Many other LSCs require a vote by the BoD to accept an appointment made by the General Chair. This allows the full BoD to make the decision collectively, rather than just one person making an appointment to a board position.

**Effective:** Immediately

**Recommendation:** The MS Board of Directors recommends

**6.9 VACANCIES AND INCAPACITIES** -

**.1 OFFICE OF GENERAL CHAIR** - In the event of a vacancy in the office of General Chair, or of the General Chair’s temporary or permanent incapacity, the Administrative Vice Chair shall become the Acting General Chair until an election can be held at the next meeting of the House of Delegates to fill the remaining term, if any, of the former General Chair, or until the General Chair ceases to suffer from any temporary incapacity. While serving as Acting General Chair, the Administrative Vice Chair shall vacate the office of Administrative Vice Chair, except in the case of the General Chair’s temporary incapacity. If the General Chair is to be absent from the State of Michigan for an extended period of time, the General Chair may, but is not obligated to, designate the Administrative Vice Chair as Acting General Chair for the duration of the absence.

**.2 OFFICES OF ATHLETE OR COACH REPRESENTATIVES; OFFICIALS CHAIR** - In the event of a vacancy in the office of Athlete Representative or Coach Representative, or of the permanent incapacity of a person holding the office of Athlete Representative or Coach Representative, the General Chair shall appoint, with the advice and approval of the Board of Directors, an Athlete Member or a Coach Member, as the case may be, to serve the remainder of the term of office or until a successor can be elected by the appropriate constituent group. In the event of a vacancy in the office of Officials Chair, the Officials Committee chooses the successor (see MS Rules and Procedures).

**.3 OTHER OFFICES** - In the event of a vacancy in, or permanent incapacity of the person holding, any office other than General Chair, Athlete Representative, Coach Representative, Officials Chair or member of the Board of Review, the General Chair shall appoint a successor, with the advice and approval of the Board of Directors, to serve until the next regularly scheduled meeting of the House of Delegates. In the event of a temporary incapacity, the General Chair may designate, with the advice of the Board of Directors, an Individual Member to act for the incapacitated officer for the duration of the incapacity.

**.4 DETERMINATION OF VACANCY OR INCAPACITY** - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates with, in the case of a Athlete Representative or a Coach Representative, the advice of the Athletes Committee or the Coaches Committee, respectively. The determination as to when the General Chair is temporarily incapacitated shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

R-3 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 20

**Proposed by:** Bryce Pitters, Head Coach, Lakers Aquatic Club

**Purpose:** To eliminate all appointments to the MS BoD and allow for open elections of every open and vacated position on the MS BoD. Going forward this would eliminate any issues with non-elected MS BoD members. Having all open and/or vacated MS BoD positions voted on by the membership of MS should alleviate any issues amongst members of the MS community. This is the most open, fair and transparent way to conduct business for all members of MS.

**Effective:** October 1, 2014

**Recommendation:** The MS Board of Directors recommends

**6.9 VACANCIES AND INCAPACITIES** -

**.1 OFFICE OF GENERAL CHAIR** - To replace Board members, General Chair or other members voted onto the MS BoD, if more than 6 months before a HoD, an election will be set forth to elect the vacated MS BoD position by the HoD or if not elected by the HoD by the group the Board Member represents. An open election must take place not before 30 days but prior to 60 days of the vacated BoD seat. If less than the 6 months before a HoD meeting then no election will be held and the duties of the open MS BoD position will be assigned by the General Chair to the current and remaining MS BoDs. The nominating committee, the Nominating Chair of the Officials Committee or a representative of the Coaches Committee will be responsible for gathering candidates for the vacated BoD position. An email announcement shall be sent to every MS member announcing the open position not more than 7 days after the said BoD position has been vacated. Furthermore, an announcement not more than 7 day after the said BoD position has been vacated whall be placed on the homepage of the MS website calling on all nominations for that said vacated MS BoD position.

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**.2 DETERMINATION OF VACANCY OR INCAPACITY** - The determination of when an office becomes vacant or an officer becomes incapacitated shall be within the discretion of the Board of Directors or the House of Delegates with, in the case of a Athlete Representative or a Coach Representative, the advice of the Athletes Committee or the Coaches Committee, respectively. The determination as to when the General Chair is temporarily incapacitated shall be within the discretion of the Board of Directors, subject to any subsequent action by the House of Delegates.

R-4 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 32

**Proposed by:** Erica Zuercher, Sr. Coach Representative

**Purpose:** Due to the maturity of the position on the BoR, and the potential impact from decisions made by the BoR members, all members should be at least 18 years of age.

**Effective:** Immediately

**Recommendation:** The MS Board of Directors recommends

**10.2 BOARD OF REVIEW ORGANIZATION** -

**.1 ESTABLISHMENT** - The Board of Review of MS shall be independent and impartial.

**.2 MEMBERS** -

**A.** The Board of Review shall consist of eight (8) members and these members shall be generally elected at the annual House of Delegates meeting (10.3.3(A)). All members of the Board of Review sill be at least 18 years of age. The Board of Review will maintain a minimum of two (2) athlete members at all times. If at any time during the year there are insufficient numbers of members on the Board of Review to adequately conduct hearings or to conduct the general business of the Board of Review, the General Chair may appoint individual(s) to be on the Board of Review to remedy the deficiency. These appointees shall not also be current Directors.

**B.**  It is preferred that Board of Review members are not also on the Board of Directors of MS. In no case shall elected members of the Board of Directors constitute a majority of the Board of Review (that is, no more than four (4) Directors may serve concurrently as Board of Review members). Accordingly, since the two athlete members are also Directors, as a general rule, no more than two (2) other Directors can be elected to the Board of Review at any given time. If there is already the maximum number of four (4) Directors currently serving, then a Director would be barred from seeking election to the Board of Review.

R-6 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 33

**Proposed by:** Joe McBratnie, Program Development Vice-Chair

**Purpose:** No changes were listed

**Effective:** January 1, 2015

**Recommendation:** The MS Board of Directors recommends

**10.2 BOARD OF REVIEW ORGANIZATION** -

**.10 SUBSTITUTIONS FOR MEMBERS** - In the event that a member of the Board of Review or a Presiding Officer is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair of the Board of Review (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, then the Vice Chair; or failing that, the General Chair) shall appoint another regular member or, if none of the regular members are available, a disinterested Individual Member to act in the member’s place and stead in respect of that circumstance.

R-5 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

**Location:** Page 34

**Proposed by:** Joe McBratnie, Program Development Vice-Chair

**Purpose:**

**Effective:** January 1, 2015

**Recommendation:** The MS Board of Directors recommends

**10.2 BOARD OF REVIEW ORGANIZATION** -

**.11 ADVICE; ATTORNEY AS PRESIDING OFFICER** -

A. Legal and Other Advice - Where appropriate or helpful, the Chair or Presiding Officer may consult the USA Swimming General Counsel, the Chairs of the USA Swimming Rules and Regulations Committee, Officials Committees, or of the Bylaws Subcommittee, or an attorney (who need not be a member of MS, USA Swimming or the Board of Review) retained by the Board of Review or the Chair regarding any

issue raised by a proceeding.

B. Attorney as Presiding Officer - The Board of Review or the Chair may retain an attorney (who need not be a member of MS, USA Swimming or the Board of Review) to act as Presiding Officer at any hearing where it is appropriate or helpful. A Presiding Officer who is not a Board of Review member may not participate in the deliberations of the Board of Review or the designated panel or have a vote.

C. Attorney’s Fees and Expenses - Prior to retaining an attorney on any basis requiring the payment of fees to the attorney (the payment of expenses to an attorney providing services at no charge shall not be considered as a payment of fees for this purpose), the Board of Review Chair or the Presiding Officer shall consult with the MS General Chair and the USA Swimming General Counsel. The Treasurer is authorized and directed to pay any fee and expenses charged by the attorney and approved by Board of Review Chair.

D. All communications with USA Swimming and general **console** should be sent from the General Chair and then copy the original sender on what is sent to USA Swimming.