

# APPENDIX H GENERIC BYLAWS FOR LOCAL DIVING ASSOCIATIONS

## BY-LAWS OF THE [official geographic designation] DIVING ASSOCIATION ([date originally adopted, plus dates of any amendments])

### ARTICLE 1 NAME, OBJECTIVES, TERRITORY, JURISDICTION

**01.1 Name.** The name of the Local Diving Association shall be [official geographic designation] Diving Association ("[association acronym]").

**01.2 Objectives.** The objectives shall be to promote and develop competitive amateur diving for the benefit of divers of all ages and abilities and to provide an adequate forum for competition commensurate with the abilities of all athletes and in accordance with the standards and under the rules proscribed by the Federation International de Natation ("FINA"), USA Diving, Inc. and [association acronym].

**01.3 Territory.** The territory and designation of [association acronym] shall be as defined in *The Code of USA Diving*.

**01.4 Jurisdiction.** [Association acronym] shall have jurisdiction over the sport of diving as has been delegated to it by USA Diving.

### ARTICLE 2 MEMBERSHIP

**02.1 Classes of Membership.** [Association acronym] shall have the following classes of membership:

(a) *Club Members.* Club members are those diving clubs or organizations that have joined USA Diving through [association acronym], are members in good standing of [association acronym], and who have athlete members registered to represent that club or organization in the sport of competitive diving.

(b) *Athlete Members.* Athlete Members are those individuals who are currently registered with USA Diving as full athlete members and who reside within the territory served by [association acronym] or who are members of a [association acronym] member club.

(c) *Individual Members.* Individual Members are those Individuals who are coaches, officials, administrators, or persons otherwise interested in the purposes and progress of the sport of diving, who reside within [association acronym] territory and who have joined USA Diving.

**02.1 Membership Application.** All members join [association acronym] by submitting the appropriate USA Diving registration form and fee in accordance with *The Code of USA Diving*.

**02.3 Code of Conduct and Violations.** By joining [association acronym], all members agree to adhere to all standards and discipline procedures that are adopted by USA Diving in Article 70 of *The Code of USA Diving*.

### ARTICLE 3 MANAGEMENT

**03.1 [Association acronym] Board of Governors.**

(a) *Composition of the Board of Governors.* The [association acronym] Board of Governors ("Board") shall consist of:

- (i) Elected officers of [association acronym];
- (ii) Chairs of standing committees and/or sections;
- (iii) Representative(s) of each Club member;
- (iv) Athlete members sufficient to comprise at least 20 percent of voting body.

**[Note: Club representation may be expanded if desired; for instance, each Club could have a coach representative, an administrative representative, and an athlete representative.]**

- (v) At-large members appointed by the President with the concurrence of the Board.

**[Note: An upper limit to the number of at-large members should be set.]**

(b) *Terms of office, term limits.* Members of the Board other than officers shall hold office for two years, or until their successors are elected or appointed. Members shall serve no more than two consecutive terms. Term limits may be waived by a two-thirds vote of the Board of Governors.

(c) *Club Member Representation to the Board.* Each Club member shall notify the associations of its representative appointments in writing, duly certified by the appropriate authority of the Club member. The Club member may withdraw any of its representatives by written notice, addressed to the Vice President Administration and signed by its appropriate authority and substitute a new representative for the representative who was withdrawn.

(d) *Athlete Representation on the Board.* In no event shall the athlete representatives comprise less than twenty percent (20%) of the Board. Each athlete representative shall be at least 16 years of age and meet the requirements defined in 245.5(d) of *The Code of USA Diving*. Athletes must select and elect their own representatives.

**03.2 Club Member Representatives.** Each Club member shall select and certify its representative(s) to the Vice-President/Administration at least once each year prior to the annual meeting. The method of selecting representatives shall be at the discretion of the Club member, provided that the club's athlete members select the athlete representative.

**03.3 Duties and Powers.** The management of the business affairs of [association acronym] is the responsibility of the Board. In addition to the duties and powers set forth in the *USA Diving Code* or in these Bylaws, the Board shall have power and it shall be its duty:

- (a) To establish programs and policy subject to ratification by the general membership and to lend direction thereto;
- (b) To review and adopt the annual budget of [association acronym];
- (c) To admit eligible members who have properly applied;
- (d) To establish standing and ad hoc committees as needed;
- (e) To call regular and special meetings of [association acronym];
- (f) To establish the Review Section;
- (g) To elect delegates to the USA Diving Board of Governors in accordance with the *USA Diving Code*.

**03.4 Meetings.** The Board shall hold meetings as provided in Article 6.

## **ARTICLE 4 OFFICERS**

**04.1 Titles.** The elected officers of [association acronym] shall be President, Vice-President/Administration, and Treasurer. From time to time the Board may elect such other officers as it deems appropriate for the efficient operation of [association acronym].

**[Note: LDAs should add officers to this list as appropriate for their needs. Possible additions include Secretary, Registration Chair, Senior Chair, Junior Chair, Novice/Intermediate Chair, Master Chair, and Summer League Chair.]**

**04.2 Eligibility.** Only current [association acronym] members and life members in good standing are eligible to hold office. Any of the offices, except president, may be combined at the discretion of the Board.

**04.3 Terms of Office.** Each officer shall serve for a term of two years or until a successor is chosen. Each officer's term shall commence upon election. Officers shall serve no more than two consecutive terms. Term limits may be waived by a two-thirds vote of the Board of Governors.

**[Note: LDA may set their own terms and need not set term limits unless they wish to do so.]**

**04.4 Nomination.** A slate of individuals to stand for election will be published not less than 15 days in advance of the annual Board meeting. Additional nominations may be made from the floor.

**[Note: The LDA should establish an appropriate mechanism for soliciting nominations, either directly from the membership or through a Nominating Committee.]**

**04.5 Duties.** The duties of the officers and committee chairs are as hereafter set forth, and such others as may be designated by the Board from time to time.

(a) *President*. The President shall be a member of the Board and be a member of USA Diving. The President may call special meetings when and where deemed necessary; presides at all meetings; appoints, with the advice and consent of the Board, committee chairs and member for standing committees and such special committees as may be necessary to fulfill the duties and responsibilities of [association acronym] and coordinate the [association acronym] competitive calendar.

(b) *Vice-President Administration*. The Vice-President Administration shall conduct meetings in the absence of the President, issue all sanctions for competitions and oversee the day to day operations of [association acronym].

(c) *Treasurer*. The Treasurer receives all monies, pays all bills, and reimburses such expenditures as are approved by the Finance Committee on the Board. The Treasurer is responsible for maintaining all financial records, including bank accounts; forwarding such fees as are required by USA Diving; and presenting, at least annually, a financial report to the Board. The Treasurer may serve as Chairman of the Finance Committee.

***[Note: Duties from the job descriptions below may be incorporated into other offices at the discretion of the LDA. The responsibility for the listed tasks should be assigned to a specific officer.]***

(d) *Secretary*. The Secretary shall keep the minutes of all meetings of the Board and the Executive Committee; conduct all official correspondence; issue meeting notices and copies of the minutes of the Board and Executive Committee meetings; forward to the Chief Executive Officer and Vice-Chair, Administration, of USA Diving the names, addresses and phone number of [association acronym]'s official delegates to the annual Convention; distribute to all members such mailings as are directed to him or her for distribution by the Chief Executive Officer and Vice-Chair, Administration, of USA Diving; plan and administer association meets; and order and distribute awards for association meets. The President or Vice-President/Administration may delegate to the Secretary such duties as are agreed upon by the Board.

(e) *Senior Chair*. The Senior Chair shall interpret such rules as pertain to Senior competitions; with the concurrence of the Board, approve all meet sites within the territory of [association acronym] for Senior National competitions; keep the members apprised of all rule changes and procedures affecting the Senior section; and distribute to all members such mailings as are directed to him or her for distribution by USA Diving.

(f) *Age Group/Junior Olympic Chair*. The Age Group/Junior Olympic Chair shall interpret such rules that pertain to Age Group/Junior Olympic competitions; with the concurrence of the Board, approve all meet sites within the territory of [association acronym] for Age Group/Junior Olympic National Competitions; keep the members apprised of all rule changes and procedures affecting the Age Group/Junior Olympic section; and distribute to all members such mailings as are directed to him or her for distribution by USA Diving.

(g) *Registration Chair*. The Registration Chair shall be responsible for the registration of all athlete members; approval of all athlete transfers; and the registration of all club members. All such procedures shall be conducted as specified in the *USA Diving Code*. The Registration Chair may delegate registration to various club registrars, if desired.

(h) *Future Champions Chair*. The Future Champions Chair shall be responsible for fostering programs designed for the developmental age group diver; representing that group of athletes to [association acronym]; and coordinating the planning and conduct of Future Champions competitions with the Junior Olympic Chair and the President.

(i) *Masters Chair*. The Masters Chair shall be responsible for fostering programs designed for the masters diver; representing that group of athletes to [association acronym]; coordinating the planning and conduct of master competitions with the President; and reporting all communications and rule change from and liaison with the USA Diving Masters Chair.

(j) *Summer Programs Chair*. The Summer Programs Chair shall oversee the operation of summer programs of [association acronym] Club members who are involved in the Summer Limited Program; ensure compliance with USA Diving rules and regulations regarding the Summer Limited Program; administer Summer Limited inter-club competitions; and represent the concerns of the summer programs to [association acronym].

(k) *Other officers as determined by the Board*. From time to time the Board may elect such other officers as it deems appropriate. When elected, such officers shall have the duties assigned by the Board.

**04.6 Vacancies.** A vacancy occurring during the year shall be filled for the unexpired term by ***[Note: An appropriate mechanism should be established. Possible methods include appointment by the President, vote by the Board, majority vote of the Executive Committee if one exists, or special***

*election. A deadline such as first meeting following the occurrence of such vacancy or within 30 days should be set.]*

**ARTICLE 5  
EXECUTIVE COMMITTEE**

*[Note: LDAs with small boards may not need an Executive Committee.]*

**05.1 Members.** The Executive Committee shall consist of the President, Vice-President/Administration, Secretary, Treasurer, Senior Chair, Age Group/Junior Olympic Chair, two (2) other members of the Board selected by the President and two (2) Athlete Representatives selected from among the athlete members of the Board by the athlete representatives.

**05.2 Authority.** The Executive Committee shall make all necessary decisions concerning the operations of [association acronym] between the regular meetings of the Board.

**ARTICLE 6  
MEETINGS**

**06.1 Annual Meeting.** The [association acronym] Board shall hold an annual meeting each year in the month of [designate month. Early summer and/or late fall seem to work well for most associations. LDAs must have at least one meeting, but may mandate more than one in their bylaws.]. All [association acronym] membership may attend, however, debate may be limited to the [association acronym] Board members only. The President shall give not less than fifteen (15) days written notice of this meeting to all [association acronym] Board members. At the annual meeting, In addition to other business that may come before the meeting, the Board shall elect members at-large of the Board and officers of [association acronym] to succeed any officer whose term has expired.

**06.2 Special Meetings.** If the President fails to call regular meetings or if a special meeting is required, meetings must be called by the President upon written request of any three officers or by 20 percent of the membership of the Board in good standing. The purpose of any special meeting shall be stated in writing and only that business shall be conducted.

**06.3 Notices.**

(a) *Time.* Not less than 15 days' written notice shall be given by the Secretary for any regular or special meetings of the Board.

(b) *Information.* The meeting notice shall contain the time, date and site of the meeting. For special meetings the purpose of such meeting shall be given in reasonable detail. Notices of regular meetings shall contain a proposed agenda and the notice of the regular annual meeting shall contain the slate of officers proposed by the nominating committee.

(c) *Address.* The notice shall be sent to the last address given to the Vice President Administration by each member of the Board.

**06.4 Order of Business.** At all regular meetings of the Board the following shall be order of business:

- (a) Attendance at the meeting;
- (b) Reading, correction and adoption of minutes;
- (c) Reports of officers;
- (d) Reports of committees;
- (e) Unfinished business;
- (f) Elections when appropriate;
- (g) New business;
- (h) Resolutions and orders; and
- (i) Adjournment.

**06.5 Executive Committee Meetings** [if LDA has established an Executive Committee].

Executive Committee meetings may be called from time to time by the President or by 25% of the Executive Committee.

**06.6 Quorum.** A quorum at all meetings shall consist of those present and eligible to vote.

**06.7 Rules of Order.** At all meetings, the current *Robert's Rules of Order* are the procedural rules.

## **ARTICLE 7 COMPETITIONS**

**07.1 Championships.** [Association acronym] may conduct such Association Championships as it deems necessary or desirable. Such Association Championships shall be conducted in accordance with the rules of USA Diving for conduct of such championships.

**07.2 Other Competitions.**

***[Note: LDAs should establish which meets, if any, are hosted by the association and which are hosted by individual clubs. Potential meets include USA Diving Senior or Junior Olympic Championship meet or preliminary meets for which bids are submitted and accepted at the USA Diving Convention, Future Champion invitational or special format meets.]***

Sanctioned meets may not be scheduled in conflict with each other, and USA Diving qualifying meets take priority over local meets. Among local meets, the first organization to submit a request for sanction has priority.

**07.3 Bidding Procedures.** The [Association acronym] Board shall approve all bids to be made in the name of [association acronym] for a Regional, Zone, or National level competition prior to the submission of such bids.

**07.4 Meet Fees Payable to [association acronym].**

***[Note: Each LDA should make specific provisions for allocation of entry fees and other revenues generated by hosting meets. If any fees are due to the association, a deadline for submission of a full report and payment to the LDA treasurer should be set.]***

**07.5 Meet Sanctions.** All competitions held in [association acronym] shall be sanctioned by USA Diving. Each applicant for sanction shall submit at time of application such fees and documents as are required by [association acronym]. All applications for sanctions shall be made to the Vice President/Administration.

**07.6 Failure to Pay.** The failure of a club member to pay dues or fees within the time prescribed by these Bylaws shall preclude such club member from participating in competition, representation on the Board and voting at meetings. Continued failure to pay such fees is cause for termination of club membership in [association acronym].

## **ARTICLE 8 REPORTS AND REMITTANCE**

**08.1 Annual Reports.** The Vice-President Administration shall forward to USA Diving such accounts and reports as required by USA Diving.

**08.2 Membership Reports.** The [insert the office title appropriate for your LDA] shall forward all registrations, sanctions, and transfer information to the USA Diving at regular intervals as specified from time to time by USA Diving.

**08.3 General.** [Association acronym] shall make such other reports and remittances to USA Diving as specified in the *USA Diving Code* or by the USA Diving Board of Directors or General Assembly. The President, Vice-President Administration and Treasurer are responsible for seeing that all required reports and remittances are made.

## **ARTICLE 9 DISCIPLINARY ACTIONS**

**09.1 Authority for disciplinary action.** Under the title 70 of *the USA Diving Code*, USA Diving may censure, suspend for a definite or indefinite period of time, or expel any member of the Corporation, including any athlete, coach, manager, official or member of any committee, or any other person participating in any capacity whatsoever in the affairs of USA

Diving, who has contravened in any of its rules or regulations, or who has acted in a manner which brings disrepute upon the USA Diving This authority is conveyed to Local Diving Committees for matters within their jurisdiction

**09.2 Jurisdiction of the [association acronym].** [association acronym] has jurisdiction over any alleged violations of Article 70 of the USA Diving Code, except for those matters where athletes or other members of the Corporation from more than one LDC are involved or matters arising during a National or International athletic event.

**09.3 Board of Review.** The President of [association acronym] shall appoint a Local Board of Review to review allegations of violations. The Board shall be comprised of Review, which shall consist of not less than three persons and not less than 20 percent athlete membership.

***[Note: LDAs may establish their own methods for selecting a Local Board of Review. Every effort should be made to achieve impartiality.]***

**09.4. Procedures.** In those matters requiring disciplinary action solely within the territorial jurisdiction of [association acronym], the procedure to be taken in reference to such action shall be as follows:

(a) The person or entity charged shall be notified in writing, sent to the last known address by either certified or registered mail, or by personal service, of the charges in detail, or of the circumstances which require answer, explanation or clarification. In each case where notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to him/her at the residence given in the athlete's application for registration, or, if the diver has filed with the Registration Committee a written notice or change of residence, then at such changed address.

(1) The written statement of charges shall set out the penalties which may ensue if such charges are proved and shall set a date and time of hearing with the request that the person charged shall appear before the Committee with the right to have counsel of the athlete's own choice as representation at the hearing. The date of hearing shall be not less than 30 days nor more than 60 days after the date of mailing of notice or date of personal service with the demand that the person or entity charged shall file a written answer with the Chair of the LDC or Association to all the charges set forth in the notice. The answer shall be delivered to the Chair by either certified or registered mail not later than 10 days prior to the date of hearing.

(2) The notice shall also set forth the right of appeal to the National Board of Review if the decision is rendered against the person charged. The rules of evidence generally accepted in administrative proceedings shall be applicable in the hearing.

(3) The decision shall be rendered at the time of the hearing or within 24 hours thereafter.

(b) If the foregoing procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the LDC, or its duly authorized agent(s) or representative(s), is authorized, upon such notice to the parties concerned as time and circumstances may reasonably dictate, to hear and decide a matter relating to a scheduled competition or competitive event.

(1) The hearing may be conducted at the site of athletic competition or by telephone conference if necessary, but in any event under such circumstances as to fully protect rights of procedural due process, as defined by the USOC Constitution, of the individual or entity charged.

(2) The notice to be given to the individual or entity charged may be oral, or in writing, and shall in every instance contain all notice requirements set forth in subparagraphs of 470.2(a), including notice of the rights of appeal.

(c) The decision of the LDC shall be final in all cases, subject only to appeal to the National Board of Review. A petition to the Board of Review must be filed with the Chief Executive Officer of the USA Diving within 30 days after mailing of written notice of the decision of the LDC. Any person representing a real party in interest may appeal. Upon timely petition to the Chair of the Board of Review, and upon showing of good cause, the time of appeal may be extended if application is made before the expiration of said 30-day period.

(d) No person involved in the original matter being considered, or in case of appeals, involved in any decision-making process of an earlier hearing, shall participate as a decision-maker in any hearing, whether original or appellate in nature. Compliance with the Corporation's conflict of interest rule is mandatory for the selection of persons to sit on all hearing panels. Nothing herein shall be construed to prohibit any person from serving in an advocacy position, giving testimony or otherwise providing information to a properly established hearing panel.

## ARTICLE 10

## MISCELLANEOUS

**10.1 Amendments.** Amendments to these Bylaws shall be by a proposal of the Board or by written petition addressed to the Vice President/Administration and signed by at least two members of the Board in good standing. Amendments proposed by such petitions must be considered by the Board and must be submitted to members with recommendations of the Board for a vote at the next regularly scheduled meeting of the Board or at a special meeting called for that purpose.

**10.2 Fiscal Year.** The fiscal year of [association acronym] shall be the calendar year.

***[Note: Associations may designate the fiscal year most appropriate for them. USA Diving uses the calendar year, but Oct. 1 through Sept. 30 works well for many associations]***

**10.3 Dissolution.** Upon dissolution, all remaining assets of [association acronym] shall not inure to the benefit of any private individual or corporation, but shall be distributed to USA Diving to be used exclusively for educational or charitable purposes, or, if USA Diving is not then in existence, the assets of [association acronym] shall be distributed to another organization operated exclusively for charitable or educational purposes and qualified under Section 501(c)(3) of the Internal Revenue Code, as amended.

***[Note: This provision meets the requirements for organizations incorporated as non-profits. An association not so incorporated should still provide for distribution of assets upon dissolution.]***