

HUTCHINSON SWIM CLUB, INC

DBA: High Tides Swim Club

BYLAWS

Amended May 2021

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ARTICLE I.

NAME

The name of the organization shall be Hutchinson Swim Club, Inc, dba High Tides Swim Club, hereafter referred to as HTSC.

The term written notice as set forth in the entire set of bylaws refers to email and the HTSC website.

ARTICLE II.

PURPOSE, MISSION STATEMENT, VISION STATEMENT, CLUB HISTORY

Section 1. Purpose

The corporation is organized exclusively for charitable, educational, religious, or scientific purposes within the meaning of Section 501(c)(3) of Internal Revenue Code.

The corporation will promote and support amateur competitive swimming and other aquatic programs on the local and national level by: Encouraging all persons with an interest in aquatics to participate; by working to stimulate public interest and appreciation of the sport; by supporting and encouraging individual growth of team members in the competitive program; and by stressing the importance of sportsmanship, fellowship and the spirit of helpfulness toward fellow team members.

Section 2. Mission Statement

HTSC will develop and maintain a program of swimming excellence for Novice to National level athletes focusing on continuous development through goal setting, nutrition, mental training, teamwork and competition. HTSC provides a safe and supportive environment for all level athletes.

Section 3. Vision Statement

HTSC will work with the community and school district to promote the sport of swimming and achieve mutual success. Our professional, innovative coaching staff will use technical instruction and positive reinforcement to develop high character athletes who are successful in swimming and in life. Club growth will be accelerated through parental involvement, community support and coaching excellence.

Section 4. Club History

HTSC was founded in 1974 with the goal of promoting interest in water safety and competitive swimming in the greater Hutchinson community. The club evolved into a USA Swimming member organization and has developed numerous highly successful student athletes, many of whom have earned athletic scholarship opportunities at prominent universities and competed in state and national competitions. Many also share their love of the sport with the next generation of swimmers through employment as swim lesson instructors or USA Swimming certified coaches.

ARTICLE III.

GOALS AND BELIEFS

The goals of HTSC shall include the following:

- A. To provide an opportunity for all children eligible for membership to engage in a wholesome, lifesaving, lifetime sport and recreational activity;

- B. To teach the principles of good sportsmanship, individual integrity, goal setting, physical conditioning, self-discipline and teamwork in a positive environment that allows for peak performance of all Registered Athletes;
- C. To provide opportunities for social, emotional, and educational development, and to develop a team culture whereby open communication exists between coaches, athletes, parents, officials and community stakeholders;
- D. To provide qualified adult leadership and proper preparation for participation in the sport of swimming;
- E. To promote involvement in USA Swimming sanctioned programs and provide an opportunity for Registered Athletes to compete at a level that is commensurate with each Registered Athlete's development and ability in organized home and away swimming competitions;
- F. To provide appropriate levels of funding necessary to maintain operation of HTSC and further the goals of HTSC for the benefit of all Members; and
- G. To pursue other such goals as may be determined by the HTSC Board of Directors to be in the best interest of HTSC. The HTSC Board of Directors is hereinafter referred to as the Board of Directors.

The beliefs of HTSC shall include the following:

- A. All HTSC swimmers should have the opportunity and be positively encouraged to reach his/her full potential.
- B. HTSC swimmers will learn and develop their abilities with regard to physical health as well as competition.
- C. Harassment, humiliation and ridiculing of HTSC swimmers by staff or peers will not be tolerated.
- D. We encourage our athletes to maintain a healthy balance of family, friends, school and swimming.
- E. Active participation by member families builds a sense of community and is critical to our long term success.
- F. HTSC will collaborate with community recreation and high school sports for the benefit of our mutual athletes.
- G. Consistent attendance at practice builds conditioning and is the foundation for competitive swimming success.
- H. Swimming in home meets is strongly encouraged. Swimming in away meets is encouraged, but optional.
- I. HTSC coaches are responsible for swimmer safety and conduct. Therefore, our coaches retain ultimate authority at all practices and meets.
- J. HTSC supports high school athletics and therefore will offer pro-rated swim fees and flexible season start dates to athletes joining the club at the conclusion of their high school season.
- K. Teamwork and good sportsmanship are highly valued and will be expected of all staff, swimmers and member families.
- L. Hosting swim meets provides revenue and recognition of the High Tides brand. Successful meet hosting requires active volunteering by all HTSC member families.
- M. Fundraising activities, while optional, are critical to the club's goal of maintaining affordable participation fees.
- N. The HTSC Board of Directors strives to be transparent in all club operations and welcomes questions from members.

ARTICLE IV.

MEMBERSHIP, RESPONSIBILITIES, CODE OF CONDUCT, ATHLETE PROTECTION GUIDELINES

Section 1. Member Types

The membership of HTSC shall be as set forth below. For the purposes of these Bylaws, Registered Athletes, Legal Guardians, and Coaches shall collectively be referred to as Members.

- A. **Registered Athletes** The term Registered Athletes shall mean those members who are registered with USA Swimming and who are currently enrolled in HTSC and pay fees on their own behalf or whose fees are paid by a Parent or Legal Guardian.
- B. **Legal Guardians** The term Legal Guardian shall mean the custodial parent or legal guardian of Registered Athletes who are under the age of 18 and/or who are responsible for paying fees on behalf of a Registered Athlete over the age of 18. Alternatively, for the purposes of these Bylaws, the term Legal Guardian may refer to an adult who pays the fees on behalf of a Registered Athlete who is under the age of 18.
- C. **Coaches** The term Coaches shall mean the Head Coach and all other coaches and assistant coaches who are employed by HTSC.

Section 2. Responsibilities

The responsibilities of HTSC members shall be as follows:

- A. **Registered Athletes**
 - a. Attendance and Preparedness

Registered Athletes shall arrive at the pool early enough to have the necessary equipment ready and be on deck at their specific group's assigned practices. Registered Athletes shall participate in the entire practice, unless otherwise pre-arranged with the coach.
 - b. Respect for Property

Registered Athletes have an obligation to behave as guests when using any pool facility. Every Registered Athlete needs to respect this privilege. Any damage to property caused by a Registered Athlete may result in the financial liability of the applicable Registered Athletes and that Registered Athlete's Legal Guardian, if applicable. Any such damage could also result in the suspension of the Registered Athlete.
 - c. Etiquette

Registered Athletes shall show good sportsmanship at all times toward coaches, officials, opponents, and fellow HTSC Registered Athletes. Registered Athletes shall not interfere with the progress of another Registered Athletes, during practice or competition. Registered Athletes should behave in such a way that their actions reflect positively on the team.
 - d. Participation

Registered Athletes shall participate in club activities such as fundraising. Additionally, Registered Athletes may serve as a swim representative to the Board of Directors, and/or serve on a standing committee.

B. Legal Guardians

a. Guidance

Legal Guardians shall be responsible for the behavior of their respective Registered Athlete and verify that they are thoroughly acquainted with the responsibilities for Registered Athletes as set forth in Article IV. Section 2.A. of these Bylaws and the Code of Conduct set forth in Article IV. Section 3 and Appendix A.).

b. Participation

Legal Guardians shall participate in club activities and complete all required volunteer commitments as set by the Board of Directors, which may include volunteering at any swim meets hosted by HTSC. Additionally, Legal Guardians may serve as a member of the Board of Directors or its committees, and/or actively assist in the administrative support required in the operations of HTSC.

c. Facilitation

Legal Guardians shall strive to provide a positive and supportive environment, both in and out of the pool, encourage continued interest in the sport, demonstrate their interest and support by ensuring prompt attendance at practices by their Registered Athlete, keep current with swim fees, and attend and volunteer at HTSC hosted swim meets.

d. Etiquette

Legal Guardians shall show good sportsmanship at all times toward coaches, officials, all Registered Athletes, and fellow Legal Guardians.

C. Coaches

a. Attendance and Preparedness

Coaches shall arrive at the pool early enough to have the necessary equipment ready and be on deck at their specific group's assigned practice and stay the entire practice, unless prearranged in accordance with their contract or through alternate arrangements made with the Board of Directors.

b. Respect for Property

Coaches have an obligation to behave as a guest when using any pool facility. Every Coach needs to respect this privilege.

Any damage to property caused by a Coach may result in the financial liability of the applicable Coach. Any such damage could also result in the suspension without pay of the applicable Coach.

c. Etiquette

Coaches shall show good sportsmanship at all times toward Registered Athletes and their Legal Guardians, other HTSC Coaches, officials, and opponents, including swimmers of other clubs and their respective coaches. Coaches should behave in such a way that their actions reflect positively on HTSC.

d. Facilitation

Coaches shall strive to provide a positive and supportive environment, both in and out of the pool, encourage continued interest in the sport, and demonstrate their interest and support of every Registered Athlete by ensuring their participation during practices and swim meets.

Section 3. Code of Conduct

Each Registered Athlete, Legal Guardian, and Coach shall agree to and acknowledge the HTSC code of conduct agreement during registration, which is attached to these Bylaws as Appendix A ("Code of Conduct").

Section 4. Safe Sport Guidelines

HTSC follows sport guidelines for the protection of Registered Athletes; however, they also serve to protect Legal Guardians and Coaches from accusations of abuse. These guidelines may be subject to change based on applicable changes to guidelines and/or recommendations by USA Swimming and the applicable Local Swim Committee ("LSC").

HTSC follows all USA Swimming Safe Sport Guidelines.

<https://www.usaswimming.org/safe-sport>

More details regarding Safe Sport can also be found on our website

HTSC has adopted the new Minor Athlete Abuse Prevention Policy (MAAPP) and follows the new requirements laid out by the U.S. Center for SafeSport. This new policy replaces/enhances our previous policies regarding travel, social media and electronic communication, and locker room and changing areas.

The enhancements stem from requirements of the U.S. Center for SafeSport (the "Center"). The Center is the separate, independent organization that oversees all sexual misconduct reports in the Olympic and Para-Olympic movement. The Center is also responsible for creating requirements in the areas of policy, education and training for every National Governing Body (NGB) in the Movement. USA Swimming, as an NGB, must follow the Center's requirements.

All members who are 18/Older who have interaction with minor athletes (this includes athletes, all (both) parents, coaches, officials and other Applicable Adults) must affirm/sign their agreement to MAAPP, the Minor Athlete Abuse Prevention Policy.

The link below is the MAAP Policy provided by USA Swimming

<https://drive.google.com/open?id=1ME3sNYhNtm3tUgD5zeAwYxZQJIAH40er>

During our registration process each season, you are providing your written agreement to MAAPP.

ARTICLE V.

BOARD OF REVIEW, PROCEDURAL GUIDELINES FOR RESOLVING DISPUTES AND RIGHT OF APPEAL

This Article provides a clear statement for resolving, in an orderly and fair manner, disputes that may arise among Members in connection with the sport of swimming.

A board of review may convene to hear complaints, protests, and appeals regarding the administration of the sport of swimming by HTSC and/or conduct by HTSC Members, including acts and/or failures to act (hereafter Board of Review). This may include violations of the policies, procedures, rules and regulations adopted by USA Swimming, Minnesota Swimming, Inc., or HTSC, including, but not limited to HTSC's Code of Conduct.

The guidelines for establishing the Board of Review and the Procedural Guidelines for Resolving Disputes are attached to this document as Appendix B. This provides a uniform method to appeal any decision, act, or failure to act which results in a Member or the member of another USA Swimming affiliate club taking exception to or disputing such decision, act, or failure to act, and an opportunity for a fair hearing before the Board of Review. The Notice of Hearing and appeals procedure is attached to these Bylaws as Appendix C.

ARTICLE VI.

MEETINGS

Section 1. Membership

- A. HTSC shall hold a meeting of its Membership annually in the spring for the purpose of reviewing the activities and financial affairs of HTSC, electing a Board of Directors (Article VII Section 1.C) and conducting such other business as may properly come before the Membership. For the purposes of these Bylaws, the term Membership shall mean up to two (2) adults per family account.
- B. HTSC may also hold other special meetings of its Membership as may be necessary from time to time to properly conduct the affairs of HTSC. Such special meetings may be called by the President of the Board of Directors, or by majority vote of the Board of Directors, or upon the written request of at least ten percent (10%) of the families of Registered Athletes.
- C. All meetings of the Membership shall be held at an hour and place designated by the Board of Directors. Written notice of the meeting shall be given to the Membership at least a week before the meeting.
- D. At any meeting of the Membership, attendance in person of at least ten percent (10%) of the families of Registered Athletes shall constitute a quorum. The decision of a majority of the voting Membership at any such meeting shall be the decision of HTSC. Voting shall be in accordance with Article IV and Article XIII of these Bylaws.
- E. A vote of the Membership is required for: (1) the removal of a Director, which shall be conducted in accordance with Article VII, Sec 1.D; (2) the dissolution of HTSC, which shall be conducted in accordance with Article XI; or (3) an amendment of Bylaws, which shall be conducted in accordance with Article XIII.

Section 2. Board of Directors

- A. Order of business shall be as follows:
 - a. Call to order
 - b. Approve minutes from previous meeting
 - c. Treasurer report
 - d. Coach report
 - e. Committees and task groups report
 - f. Old business
 - g. New business
- B. The presence of at least the majority of the Board of Directors shall be necessary in order to constitute a quorum for the purpose of conducting business at any meeting of the Board of Directors. A majority of the directors in attendance may include remote participation.. Remote participation is authorized consistent with the requirements of this section. Remote participation including telephone, internet or satellite enabled audio or video conferencing or similar technology is acceptable as long as all people present at the meeting or participating remotely can be clearly audible to each other.

A decision requires the majority vote of the Directors present, including remote participation, at any Board of Directors' meeting and shall be the decision of HTSC.

- C. Special meetings of the Board of Directors shall be held at the call of the President or a majority of the Directors. All Directors who serve on the Board of Directors shall be advised in writing as to the time and place of any special meeting. Notice shall be given within a reasonable time prior to the date of the meeting. Written notice between members of the Board of Directors may be provided via email.

ARTICLE VII.

BOARD OF DIRECTORS

Section 1. Composition

- A. The Board of Directors shall consist of five (5) Executive Directors and up to three (3) At-Large Directors. Executive Directors shall mean the President, Vice President, Treasurer, Secretary and Past President. "At-Large Directors" shall mean Directors who shall be elected by the Membership of HTSC to serve on the Board of Directors in a general advisory role. The Head Coach will also be on the Board of Directors with no term limit as long as he/she remains Head Coach.
- B. Each At-Large Director and Executive Director, with exception of the Vice President, shall be elected for a two year term or until their successors are elected. To the extent possible, the At-Large Director, Secretary, and Treasurer terms shall be staggered so that half of the terms expire in one year and the other half expire in the next year. The Treasurer may serve no more than four (4) consecutive years unless a successor cannot be found. When a Vice President is elected, he/she will serve a three year terms as follows: (i) the first year of his/her term will be served as Vice President; (ii) the second year of his/her term will be served as President; and (iii) the final year of his/her term will be served as Past President. Each family account shall be limited to one At-Large Director or Executive Director position on the Board of Directors at any one time. At the expiration of the term, any Director may be re-elected at the annual meeting (the Annual Meeting), except that no Director shall be eligible to serve more than six (6) consecutive years unless a successor cannot be found.
- C. The election of At-Large Directors and Executive Directors shall be held at the Annual Meeting. A nominating committee of five (5) Members shall be appointed and notified of their appointment by the President at least thirty (30) days before the Annual Meeting. The Members so appointed shall meet prior to the Annual Meeting and nominate the consenting individuals to be candidates for the open Board of Directors positions. These nominations shall be presented to the Membership at the Annual Meeting and shall be subject to additional nominations from the floor. Any individual wishing to be nominated for Vice President must have one year experience on the HTSC Board of Directors. Acceptance of nominations may be in person or in writing. Upon the close of nominations, the Membership shall vote for as many candidates as there are terms to be filled at the Annual Meeting. Voting shall be done by secret ballot or by show of hands of the Membership present at the annual meeting. Each ballot may contain votes for as many candidates as there are number of vacancies being filled with each nominee indicated only once. A simple majority is sufficient to be elected to the Board of Directors.
- D. An At-Large Director or Executive Director may be removed from his/her position by a vote of the majority of the Membership if:
 - 1. Such Director was prohibited from participating in any capacity whatsoever in the affairs of USA Swimming or Minnesota Swimming, Inc.

2. Such Director has been convicted of a crime (including felony, misdemeanor, and/or lesser crimes) involving sexual misconduct, child abuse, violation of a law specifically designed to protect minors or similar offenses, or found by a Board of Review to have committed actions which would be the basis for a conviction.
3. If a Director is absent from three (3) consecutive meetings of the Board of Directors, such Director may be removed from the Board of Directors and a replacement appointed as stated in Article VII. Section 2.F.

Section 2. Duties and Powers

- A. The duties and powers of the Board of Directors shall be such as usually devolve upon the directors of any club or association and may include the selection of the place, fixing the date, and making all arrangements necessary for holding meetings of HTSC and the publication of whatever data the Directors deem essential to the benefit of HTSC.
- B. The Board of Directors shall have the power to adopt rules and regulations, and to alter and amend the same from time to time, for the conduct of the business and activities of HTSC.
- C. The Board of Directors shall have the authority to generally conduct all of the lawful affairs of HTSC, including but not limited to, entering into any contracts, leases, and/or other agreements necessary to carry out the purposes of HTSC. However, entering into a contract or agreement for the purchase or sale of real estate shall only be accomplished by vote of the entire Membership.
- D. In case of the absence of any Executive Director of HTSC, or for any other reason that the Board of Directors may deem sufficient, the Board of Directors may temporarily delegate the powers or duties of such Executive Director to any other Director, by a majority vote of the present Directors.
- E. The Board of Directors may appoint such individuals as agents and representatives of HTSC with such powers to perform such acts or duties on behalf of HTSC as they deem necessary, so far as may be consistent with these Bylaws, to the extent authorized or permitted by law.
- F. Vacancy in the Board of Directors shall be filled by appointment by a majority vote of the Directors. The appointed Director shall serve for the remaining term of the vacating Director.
- G. The Board of Directors shall also have the authority to establish and abolish standing committees as may be necessary to further and promote the interests and activities of HTSC.
- H. Fees for membership shall be set by the Board of Directors and approved by the Membership. The amount of such fees shall be determined in part by the amount of pool time available to particular swimming groups. The fees should also be adequate to cover the annual expenses for HTSC based upon past budget years and the adopted budget for the succeeding year. Each family shall be responsible for participating in fundraising for HTSC. A review of fees shall be conducted annually in conjunction with the adoption of the budget.

Section 3. Executive Directors

- A. The Board of Directors shall be comprised of Executive Directors which consist of a President, Vice President, Secretary, Treasurer. The Executive Directors may designate such other officers as it may consider appropriate with such duties as it may prescribe. Executive Directors shall all serve as liaisons to HTSC, should the need arise.
- B. The President shall:
 1. Call, coordinate, and preside at all meetings of the Membership and of the Board of Directors;

2. Ensure that a draft agenda is made public in advance to any meeting;
3. Work with the Head Coach to ensure proper staffing and pool time;
4. Have general supervision over Directors and agents;
5. Appoint standing committee chairs from the Board of Directors;
6. Appoint special committees when necessary;
7. Appoint a Director to convene a Board of Review upon request;
8. Collaborate with the Secretary in the drafting of the agenda for Board and Membership meetings;
9. Sign with the Treasurer all checks and other instruments of payment by the treasury in excess of \$3,000;
10. Ensure that an audit is conducted annually, by a person other than the Treasurer, and whenever there is a change in the office of Treasurer;
11. Act as HTSC representative to the House of Delegates of Minnesota Swimming, Inc. (as per Minnesota Swimming, Inc. Bylaws, there shall be no proxy; direct expenses incurred shall be paid by HTSC);
12. Collaborate with Head Coach and Board of Directors to schedule swim meet dates and locations with Minnesota Swimming, Inc.;
13. Perform other duties as may be prescribed by the Board of Directors; and
14. Serve as a member of the Board of Directors in the role as Past President for one year following his/her term as President.

C. The Vice-President shall:

1. Preside at all meetings during the absence of the President;
2. Be appointed to serve as chair of a standing committee, at the discretion of the President; and
3. Perform such other duties as may be prescribed or determined by the Board of Directors.

D. The Secretary shall:

1. Have the custody and care of business records of HTSC;
2. File and take charge of all papers and documents belonging to HTSC;
3. Conduct the official correspondence of HTSC;
4. Attend all meetings of the Membership and of the Board of Directors;
5. Keep a true and complete record of the proceedings of all meetings;
6. Issue notice of meetings to the Membership and Directors;
7. Distribute draft of formal minutes of previous Board of Directors meeting to Directors at least one week prior to the next meeting;
8. Make approved minutes available to all Members upon request; and
9. Perform other duties as may be prescribed by the Board of Directors.

E. The Treasurer and/or book keeper, if one is hired, shall:

1. Keep complete and accurate records showing at all times the financial condition of HTSC;
2. Be the legal custodian of all funds and other valuables which may time to time come into the possession of HTSC;
3. Maintain a bank account in the name of HTSC;
4. Bill and collect Registered Athlete fees;

5. Pay all bills, salaries, expenses, and other disbursements approved by the President or as prescribed by the Board of Directors;
6. Furnish to the Board of Directors each month a statement of the financial condition of HTSC including, receipts, expenditures, and the current fund and account balances for the preceding month;
7. Prepare written statements for significant financial events, such as HTSC hosted swim meets and fundraising events;
8. Issue a written report listing the current budget variances by line item, receipts, expenditures, and the current fund and account balances for the preceding quarter and for the fiscal year to date, together with such other items as the Board of Directors may direct;
9. Register HTSC coaches with USA Swimming and Minnesota Swimming, Inc.; and
10. Perform such other duties as may be prescribed by the Board of Directors.

A. The Past President shall:

1. Advise the current Board of Directors as needed;
2. Assist the President and Vice President as needed;
3. Perform other duties as prescribed by the Board of Directors; and
4. Serve for one year as Past President.

ARTICLE VIII.

INDEMNIFICATION

HTSC shall indemnify any individual who may serve or who has served at any time as Director of HTSC against all expenses and liabilities, including, without limitation judgments, fines, penalties and settlement payments, reasonably incurred by or imposed upon such Director in connection with any action, suit or proceeding in which such Director may become involved by reason of his or her service in such capacity; provided, that no indemnification shall be provided for such any individual where such individual has been found by a competent court having jurisdiction over such matter to be liable for gross negligence and/or willful misconduct in the performance of his/her duties; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of the Board of Directors who are not at that time parties to such proceeding. The indemnification provided hereunder shall inure to the benefit of the heirs, executors and administrators of individuals entitled to indemnification hereunder. The right of indemnification under this Article shall be in addition to and not exclusive of other rights to which an individual may be entitled. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified individual under this Article shall apply to such individual with respect to those acts of gross negligence and/or willful misconduct which occurred at any time prior to such amendment or repeal, unless such amendment or repeal was voted by or was made with the written consent of such indemnified individual. No amendment or repeal of the provisions of this Article which adversely affects the right of an indemnified individual under this Article shall apply to such individual with respect to those acts of gross negligence and/or willful misconduct which occurred at any time prior to such amendment or repeal.

ARTICLE IX.
CONTRACTS, CHECKS, NOTES, ETC.

All contracts and agreements authorized by the Board of Directors shall, unless otherwise directed by the Board of Directors, be signed by the President or Treasurer of HTSC. All checks and drafts issued by HTSC shall be signed by the

President, Treasurer or by anyone specifically authorized by the Board of Directors. Unless authorized by the Board of Directors, no officer, agent, or employee of HTSC shall have any power or authority to pledge its credit or render it liable for any purpose or to any amount.

ARTICLE X.
NON-PROFIT ORGANIZATION

Notwithstanding any other provision of these Bylaws, no Member, Director, officer, employee, or representative of HTSC shall take any action or carry on any activity by or on behalf of HTSC not permitted to be taken or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its regulations as they now exist or may later be amended, or by an organization, contributions to which are deductible under Section 170(c)(2) of the code and regulations as they now exist or as they may later be amended.

ARTICLE XI.
DISSOLUTION AND DISTRIBUTION

HTSC may be terminated and dissolved upon the affirmative vote of at least two-thirds (2/3) of the Membership. No Member, Director, employee, or person connected with HTSC shall be entitled to share in the distribution of any of HTSC's assets upon dissolution of the corporation. After all debts have been satisfied, any remaining assets shall be distributed, transferred, or conveyed exclusively to the organization or organizations that the Board of Directors may designate, and which shall be organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 as it now exists or may later be amended.

ARTICLE XII.
PARLIAMENTARY AUTHORITY PROCEDURE

Robert's Rules of Order, Revised Edition shall govern in all cases to which they are applicable. However, USA Swimming, Minnesota Swimming, Inc., and HTSC rules and regulations, policies and procedures and Bylaws shall take precedence. In the event of a conflict between USA Swimming, Minnesota Swimming, Inc. and HTSC rules and regulations, policies and procedures and the Bylaws, the USA Swimming and Minnesota Swimming, Inc. rules and regulations, policies and procedures shall prevail.

ARTICLE XIII.
AMENDMENT OF BYLAWS

These Bylaws may be amended or abolished in whole or in part by recommendation of the Board of Directors and approval of the Membership. Amendments or deletions must be submitted to the Membership for a vote. Amendments shall be approved by simple majority of the voting Membership present.

ARTICLE IVX.
NOTICES

Where written notice is required between parties in these Bylaws, such written notice may be conducted via email, the HTSC website, or written letter sent by standard, registered or certified United States mail, unless expressly stated otherwise.

By: _____

President

Attest: _____

Secretary

APPENDIX A

HTSC Code of Conduct

Statement of Understanding:

All youth members and their parents or guardians are required to sign the code of conduct as a condition of participation, with further understanding that serious misconduct or infractions of established rules and regulations may result in suspension and/or expulsion from the team without refund of dues, and with possible incurred expenses. All members are responsible for their own actions and the actions of family members and guests at our home pool and at other pools while representing the High Tides. All youth and adult members, and their guests are expected to read and understand their Member Responsibilities and to abide by the Code of Conduct as follows:

Athlete Code of Conduct

- will set a good example by attending all practices and meets with a positive attitude and demonstrate good sportsmanship at all times.
- will show respect for their teammates and coaches by listening to instructions, following directions, and not distracting others.
- will abide by all safety rules and rules of host teams/facilities. This includes, but is not limited to: no running on the deck, proper entry into the pool, no "horse play" in the pool, on the deck, or in the locker rooms.
- will understand that the use of, possession, or consumption of alcoholic beverages, illegal drugs, or tobacco is prohibited.
- will understand that fighting, swearing, cheating, stealing, and dishonesty are prohibited.
- will demonstrate respect for the personal property of others, that of the team, and schools.
- will not take pictures or videos in a locker room at any time. Use of any recording device in locker rooms is strictly prohibited
- will not challenge coach's, referee's, or official's decisions, and follow proper channels for communication.
- will not be involved in harassment or hazing of any swimmer, coach, official, or spectator.
- will abide by the rules of The High Tides Swim Club, Minnesota Swimming, and USA Swimming.

Parent Code of Conduct

- will be responsible for their swimmer's behavior when they are not on deck at a practice or meet.
- will practice teamwork with all parents, swimmers and coaches by supporting the values of Discipline, Loyalty, Commitment, and Hard Work.
- will demonstrate good sportsmanship by conducting themselves in a manner that earns the respect of their child, other swimmers, parents, officials and coaches.
- will enjoy involvement with the club by supporting swimmers, coaches, and other parents with positive communication and actions.
- will follow proper communication channels, at appropriate times.
- will abide by the rules of The High Tides Swim Club, Minnesota Swimming, and USA Swimming.
- I certify that I have read the Statement of Understanding and agree to abide by the conditions contained in the Code of Conduct as a member of The High Tides Swim Club.

Coaches Code of Conduct

- At all times, adhere to USA Swimming's rules and code of conduct.
- Set a good example of respect and sportsmanship for participants and fans to follow.
- Act and dress with professionalism and dignity in a manner suitable to his/her profession.
- Respect officials and their judgment and abide by the rules of the event.
- Treat opposing coaches, participants, and spectators with respect.
- Instruct participants in sportsmanship and demand that they display good sportsmanship.
- Coach in a positive manner and do not use derogatory comments or abusive language.
- Win with humility and lose with dignity.
- Treat every athlete fairly, justly, impartially, intelligently, and with sensitivity.
- Always place the well-being, health, and safety of swimmers above all other considerations, including developing performance.
- Continue to seek and maintain their own professional development in all areas in relation to coaching and teaching children.
- Always maintain a professional separation between coach and athlete.

Violations of this Code of Conduct may be grounds for disciplinary action. In the event of any violation of this Code of Conduct, the Head Coach or the Board President will contact the persons involved in such violation to discuss any serious or repeated infractions. Any violation which, in the opinion of the Head Coach or Board President, either causes or has the potential to cause injury to another person or which significantly disrupts any HTSC or USA Swimming function shall be deemed a serious violation.

The Head Coach may immediately suspend any Registered Athlete for violation of this Code of Conduct. Suspensions will be reviewed by a HTSC Board of Review, which shall consist of one member of the Board of Directors and four Legal Guardians, which will convene and review the matter as promptly as possible. The Board of Review will promptly notify the Board of Directors of their decision. The Board of Directors will promptly report the decision of the Board of Review to the Registered Athlete both verbally and in writing.

The Board of Directors may suspend any timer, volunteer, official, or parent for violation of this Code of Conduct. If such a violation occurs at a HTSC sponsored swim meet or an event where immediate action is necessary, any two (2) Directors of the Board of Directors can call for a temporary suspension or removal of the person involved from the applicable meet or event.

Serious violations or a pattern of misconduct by either a Registered Athlete or a Legal Guardian who shows a continuing disregard for the Code of Conduct may be grounds for permanent exclusion from HTSC.

APPENDIX B

Procedural Guidelines for Resolving Disputes

1. In the event of a dispute, a person protesting such dispute (the Protestor) must submit a written protest to the President of the HTSC Board of Directors describing in detail the nature of the dispute (the Dispute).
2. The President shall, upon request, appoint an impartial Director to convene a Board of Review to hear the Dispute.
3. Any such Board of Review convened by a Director at the appointment of the President shall consist of four (4) Legal Guardians and one (1) alternate Legal Guardian to join the Director on the Board of Review. In no event shall members of the Board of Directors constitute a majority of the Board of Review.
4. The Board of Review shall elect a chair of such Board of Review (Chair), which shall be determined by a majority vote of the five members of the Board of Review. The Chair shall then designate a Vice-Chair and a Secretary. The alternate Legal Guardian may serve on the Board of Review in the event any of the five (5) members of the Board of Review are unable to participate in a decision.
5. The Chair of the Board of Review may investigate resolving the Dispute through mediation before an informational hearing is scheduled.
6. A written notice requesting mediation shall be prepared and delivered by the Chair of the Board of Review to the Protestor. In the event the parties pursue mediation, the chair of the Board of Review and the Protestor will mutually determine a time and location for such mediation.
7. Written statements of position may be filed by all parties related to the Dispute. Any such written statements of position shall be provided to the Chair of the Board of Review.
8. In the event the Board of Review determines that a hearing is necessary to gather additional information related to the Dispute, such hearing must be scheduled by the Chair of the Board of Review to take place within thirty (30) days from the date the President of the Board of Directors received the written Dispute. In such event, the Chair of the Board of Review will provide Protestor with a written Notice of Hearing consistent with Appendix C of the Bylaws
9. A hearing may not be required if all parties agree that the Dispute can be considered on the written statements of position that have been submitted. If a hearing is to be held, common sense and the full opportunity to be heard shall be used to guide the process in conducting the hearing. All parties must have a fair chance to state their position and be assured that the Board of Review has an open mind as it listens to their position. The Board of Review will use reasonable efforts to hold such hearing at a reasonable time and location.
10. The Board of Review must use best efforts to decide the matter within five (5) business days of the conclusion of the hearing.
11. The Board of Review must send copies of its decision to the parties involved in the Dispute, the President of the HTSC Board of Directors, and any Minnesota Swimming, Inc. officials who should be apprised of any determination of a rules violation and the penalties imposed by the Board of Review.
12. The decision provided by the Board of Review shall include a notice of the applicable appeal procedures.

APPENDIX C

NOTICE OF HEARING

TO: (Insert Protestor's name and mailing address)

SUBJECT:

You are charged with having committed the following acts [or with having failed to act] in circumstances which are detrimental to the objectives, programs, or ideals of USA Swimming, Minnesota Swimming, Inc. and/or the Hutchinson Swim Club, High Tides Swim Club, and which tend to bring disrepute upon the sport of swimming:

(Insert a summary of the charge)

This charge is based upon a dispute that was filed by (insert Protester's name and address and the name and address of Protester's counsel, if any). Attached is a copy of the dispute filed with the HTSC Board of Review.

ANSWER:

You are requested to file an answer in writing to these charges with the Chair of the Board of Review whose mailing address is (insert name and address of the Chair of the Board of Review or other member of the Board of Review designated responsible for the written statements in this case) and to (insert Protester's name and address or that of his/her counsel), at least ten (10) days prior to the date that is set in this notice for the hearing of this matter. The hearing will proceed whether or not you file this reply.

HEARING DATE, TIME AND PLACE:

The initial date set for the formal hearing is (insert date, time and place of hearing) or to such other date, time or place as the Chair of the Board of Review continues, adjourns, or reschedules the hearing. You are requested to appear at that time with counsel, if so desired, with any witnesses. If you are willing to have this matter decided solely on the written statements of the parties, without benefit of hearing, please indicate that in your answer.

HEARING AUTHORITY:

The power and authority of the HTSC Board of Review is established and this hearing shall be held according to Article V. and Appendix B. of the HTSC Bylaws. A copy of Article VI. and Appendix . is enclosed for your review.

HEARING BODY:

The hearing body will be the five member panel of the HTSC Board of Review (insert names of members of the Board of Review designated to serve on this panel) or others appointed according to the HTSC Bylaws.

POSSIBLE PENALTIES:

The Protester has requested that (insert what the Protester has asked for). In addition, the Board of Review has a broad range of sanctions, penalties, and suspensions that it may impose if it believes that it is appropriate, either in addition to or in lieu of those that the Protester is seeking.