

SPMA Registrar's Report As of September 6, 2010

Clubs: We have 79 clubs registered for 2010 (compared to 81 for 2009, 70 for 2008, 65 for 2007, 67 for 2006, 55 for 2005, 53 for 2004, 57 for 2003, 54 for 2002 and 55 for 2001).

Individuals:

	May '10	Jun '10	July '10	Aug '10	Sept '10	Yr Tot
Renewals	40	48	64	36		
New	170	202	182	149		
'10 YTD	3764	4015	4261	4446		
'09 YTD	3712	3930	4215	4374	4532	4606
'08 YTD	3008	3185	3469	3649	3840	3946
'07 YTD	2601	2751	2959	2993	3099	3134
'06 YTD	2712	2900	3049	3137	3201	3273
'05 YTD	2588	2778	2778	2914	3049	3049
'04 YTD	2549	2692	2692	2766	3005	3005
'03 YTD	2198	2366	2366	2435	2553	2553
'02 YTD	2264	2425	2425	2506	2617	2617
'01 YTD	1994	2175	2175	2271	2445	2445
'00 YTD	2261	2414	2414	2515	2708	2708
'99 YTD	2208	2391	2391	2480	2579	2579

Our current total is 4469. With the transition to the reduced-fee membership on September 1st I encountered several problems, which may or may not have been related to the transition. An error occurred when the fee paid did not match the fee charges for one swimmer. If I tried to manually select the full year registration, the numbers were not correct. And one swimmer's print card check box was unchecked. I will be happy not to have to deal with these issues any longer.

Newsletter: I am currently working on the November/December issue. On August 26, 2010 the registrars received an email from Anna Lea Matysek. It included the following:

"One more thing.... I will send more info when I receive it, but here's the heads-up. The USMS Board of Directors is working on a Code of Conduct that they want to include as part of the registration form. I don't have the final version yet but the preliminary version that I saw is quite long. What this means is that it is going to be difficult, if not impossible, to keep your paper registration forms to one page. Again, I will keep you posted as I receive more information."

USMS has a policy of not changing fees without a year's notice, because of the implementation difficulty. I was able to get a copy of this code from Anna Lea and I have appended it to my report along with some editorial comments. The newsletter is due to the printer on September 20th, the day after convention.

Top Ten & Records: I have submitted the Long Course Meters Top Ten. I hope I will received the feedback report prior to Mary Beth going to convention, otherwise there may not be time for me to process it before I am done.

Transition Items:

There are many outstanding transition items, including conference calling and the domain registration.

Julie Heather (Registrar since October 1, 2001)

957 N. El Molino Ave

Pasadena, CA 91104

626-296-1841 (phone/fax)

registrar@spma.net

USMS

CONDUCT OF CONDUCT

The mission of USMS is to promote fitness and health in adults by offering and supporting Masters swimming programs. The opportunity to participate in Masters swimming is made possible by USMS. Members accept that this opportunity to participate is a privilege and as such shall conduct themselves with integrity and in a sporting manner. In matters relating to Masters swimming, members shall respect and protect the privileges of others who share this mission.

I understand that any prospective member or member may be denied membership, and any member may have membership denied, revoked, censured, placed on probation, suspended, fined or expelled from USMS if such member engages in any conduct in violation of the Code of Conduct set forth below and in Article 402.4 of the USMS Code of Regulations. I further understand that any of the foregoing disciplinary actions may be appealed as set forth in Article 403 of the USMS Code of Regulations.

CODE OF CONDUCT

The following shall be considered violations of USMS Code of Conduct:

- i. Violation of the opportunity to participate as set forth in Article 401 of the USMS Code of Regulations.
- ii. Discrimination in violation of Article 501.3 of the USMS Code of Regulations.
- iii. Any act of fraud, deception or dishonesty in connection with any USMS related activity.
- iv. Knowingly providing false information including but not limited to, name, date of birth, age or gender on USMS membership applications or meet entries.
- v. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward another swimmer or meet personnel in connection with a USMS event.
- vi. Any nonconsensual sexual conduct, advance or other inappropriate sexually orientated behavior or action directed toward an athlete by (i) a coach member or other non-athlete member, or (ii) any other adult participating in any capacity whatsoever in the affairs or activities of USMS, whether such adult is a member or not.
- vii. Any nonconsensual physical sexual conduct, or pattern of unwelcome advances or other sexual harassment in connection with or incidental to a USMS related activity by any person participating in the affairs or activities of USMS, whether such person is a member or not, directed toward any member or other person participating in the affairs or activities of USMS.
- viii. Any other material or intentional act not provided for above that is detrimental to the image or reputation of USMS, LMSC or the sport of swimming.
- ix. Aiding or abetting another to engage in any of the foregoing violations.

I, hereby agree to abide by the rules of conduct set forth above and in Article 402.4 of USMS Code of Regulations and acknowledge that should I violate any provision of the Code of Conduct, I will be subject to disciplinary action as set forth above.

Electronic certification

Here are my comments on the Code of Conduct voted in by the USMS Board of Directors:

1. **Changing the rule book via policy is not appropriate:** There is a Code of Conduct in Part 4 of the Rule Book. I don't believe that the USMS Board of Directors should be changing code by policy actions. 504.2.3B states that the House of Delegates is the only body that can amend the USMS Code of Regulations and Rules of Competition, and this power cannot be delegated to any other body. This is also covered in 504.2.5 and 504.2.10. Under powers of the Board, it states that the board can act between meetings, except that it can't assume the non-delegable powers of 504.2.3. I don't think that this change to the code of conduct is in any way an emergency under 506.3.9. In order for this to be implemented it must be considered emergency legislation.
2. **Implementation period:** Notice on August 26th that a one-page code of conduct must be included with the registration form is not enough time for proper implementation. The newsletter deadline is September 20th.
3. **Practical matters regarding implementation:** The USMS Registration Committee was not consulted regarding the inclusion of a one-page waiver with registration. Where will the signature be, after the waiver, or after the Code, or both? Do registrars send back forms without a signature on the Code? Who bears the expense of printing twice as much paper?
4. **Swimmers already agree to Code of Conduct:** By signing the waiver, swimmers already agree to abide by the Code of Conduct in Part 4 of the Rule Book. The last sentence says that they agree to abide by and be governed by the rules of USMS. Throwing it in their face is not likely to change any behavior.
5. **Current code is sufficient:** If warranted, swimmers can file a grievance against another member for unwanted physical or sexual conduct under the current code of conduct outlined in Part 4 of the rule book. Or they can take the problem to the police or other authorities. We don't need three additional sections relating to unwanted physical or sexual conduct.
6. **Rule Book provides only for signature on liability release:** It does not require a signature on a separate code of conduct as a condition of membership. This needs to be voted on as emergency legislation for it to be put in place.
7. **Proposed code is a knee jerk reaction to USA Swimming scandal:** The proposed changes to the current code of conduct have no place in Masters swimming. We are adults. Legally we are not minors. The proposed additions are a misguided knee-jerk reaction to the USA Swimming scandal.
8. **LMSC's will bear the brunt of the disciplinary issues:** In my 9 years as registrar, I have probably received a half dozen calls where a members is complaining about the behavior of someone at the pool where they work out. Sometimes the other person is a member, sometimes not. I generally send them back to the facility to deal with these problems. With this proposal in place, we would likely have to deal with these problems on an LMSC level. In order to do so, we would need to have an attorney's advice. This could get expensive and time consuming.
9. **The Code attempts to dictate the actions of non-members:** We have no means of sanctioning non-members, yet this code attempts to dictate what they do.
10. **Relationships between members:** Does USMS really want to be an arbitrator for relationships gone bad between members? Any coach will tell you that relationships occur between members, and that they don't always work out. Does SPMA and USMS really want to get involved in this? What about a divorce between members that's not working out? The possibilities, unfortunately, are endless.

Julie Heather

Note that I have no vested interest in the outcome of this code of conduct issue, since I will no longer be registrar as of 9/30/10. You can do with these editorial comments as you wish.