

## Rules/Legislation Coordinator Report

September 30, 2014

- VSI Policies and Procedures
  - As an appendix to this report, a number of proposed changes to the VSI Policies and Procedures are included. Please note that original text is given in a black font, insertions are given in a blue font, and deletions are in a red font that has been struck through. With the exception of the new “Swimmer Recognition at the VSI Spring Awards Banquet” procedure, which was submitted subsequent to the last BOD meeting, each of the proposed policy and procedure amendments was endorsed by the BOD at its last meeting.
- Highlights of the Adopted Amendments to the USA Swimming Rules and Regulations (included with this report is a copy of the adopted amendments which are effective May 1, 2015, unless otherwise indicated)
  - (102.1) Mixed gender relays are now recognized events
  - (202.2) Deck changing is now prohibited and a statement to that effect must be included in the meet announcement (effective January 1, 2015)
  - (204.10) The USA Swimming Legends Championships have been added
  - (306.1) All USA Swimming members must report sexual misconduct to the Director of Safe Sport (effective immediately)
  - (605.4.2) No employee of an LSC may serve as a voting member of the Board of Directors (effective January 1, 2016)

Respectfully submitted,

Kevin T. Hogan  
Rules/Legislation Coordinator

.....  
Brief Description: Amend existing policy to require employees to sign a conflict of interest statement.

Proposed by: Kevin Hogan

Purpose: To formalize a requirement for VSI employees to sign the VSI conflict of interest statement.  
.....

**E. CONFLICT OF INTEREST**

Upon election to the Virginia Swimming Inc. Board of Directors each member will sign the Conflict of Interest Statement (Appendix A) approved by the Virginia Swimming House of Delegates. Annually, each member will sign a document asserting that he/she has complied with the Statement during the past year.

Upon employment by VSI, the employee will sign the Conflict of Interest Statement (Appendix A) approved by the VSI House of Delegates. Annually, each employee will sign a document asserting that he/she has complied with the statement during the past year.

.....  
Brief Description: Whistleblower Policy

Proposed by: Bob Rustin (as currently written by Kevin Hogan)

Purpose: Required as per Treasurer's Workshop  
.....

## **WHISTLEBLOWER POLICY**

### **General**

VSI's Conflict of Interest Statement (CoIS) requires that members of the VSI Board of Directors (BOD) and VSI employees observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Representatives and employees of VSI must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, regulations, VSI By-laws, and VSI Policies and Procedures.

### **Reporting Responsibility**

It is the responsibility of all VSI BOD members and VSI employees to comply with the CoIS and to report violations or suspected violations in accordance with this policy.

### **No Retaliation**

No VSI BOD member or VSI employee who in good faith reports a violation of the CoIS shall suffer harassment, retaliation, or adverse employment consequence. A VSI BOD member who retaliates against someone who has reported a violation in good faith is subject to discipline by the applicable Board of Review. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable VSI BOD members and VSI employees to raise serious concerns within the organization prior to seeking resolution outside the organization.

### **Reporting Violations**

In most cases, a BOD member's Division Head or an employee's supervisor is in the best position to address an area of concern. If, however, the individual is not comfortable speaking with that individual or is not satisfied with the response, the individual is encouraged to speak with the General Chair, Admin Vice-Chair, Senior Chair, or Age Group Chair. VSI BOD members are required to report suspected violations of the USA Swimming Code of Conduct to the applicable Board of Review, which has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when the individual is not satisfied or uncomfortable with following VSI's Whistleblower Policy, individuals should directly contact the applicable Board of Review.

### **Compliance Officer**

The Chair of the VSI Audit Committee serves as the VSI Compliance Officer. The Compliance Office is responsible for investigating and resolving all reported complaints and allegations concerning violations of the CoIS and, at the Compliance Officer's discretion, shall advise the Audit Committee. The Compliance Officer has direct access to the Audit Committee and is required to report to the Audit Committee at least annually on compliance activity.

### **Accounting and Auditing Matters**

The VSI Audit Committee shall address all reported concerns or complaints regarding corporate accounting practices, internal controls, or auditing. The Compliance Officer shall immediately notify the Audit Committee of any such complaint and work with the committee until the matter is resolved.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of the CoIS must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the CoIS. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and will be referred to the applicable Board of Review.

### **Confidentiality**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### **Handling of Reported Violations**

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

.....  
Brief Description: Document Retention and Destruction Policy

Proposed by: Bob Rustin (as currently written by Kevin Hogan)

Purpose: Required as per Treasurer's Workshop  
.....

## DOCUMENT RETENTION AND DESTRUCTION POLICY

VSI business records and documents must be maintained by the responsible individual and for a minimum amount of time as specified in the following table.

<b>Type of Document</b>	<b>Responsible Individual</b>	<b>Minimum Requirement</b>
Accounts payable ledgers and schedules	Treasurer	7 years
Audit reports	Audit Committee Chair	Permanently
Bank Reconciliations	Treasurer	2 years
Bank statements	Treasurer	3 years
Board of Review Records and Findings	Board of Review Chair	???
Bylaws and Policies and Procedures	Rules and Legislation Coordinator	Permanently
Checks (for important payments and purchases)	Treasurer	Permanently
Contracts, mortgages, notes and leases (expired)	Office Administrator	7 years
Contracts (still in effect)	Office Administrator	Permanently
Correspondence (general)	Secretary	2 years
Correspondence (legal and important matters)	Secretary	Permanently
Correspondence (with customers and vendors)	Office Administrator	2 years
Deeds, mortgages, and bills of sale	Office Administrator	Permanently
Depreciation Schedules	Treasurer	Permanently
Duplicate deposit slips	Treasurer	2 years
Employment applications	Office Administrator	3 years
Expense Analyses/expense distribution schedules	Treasurer	7 years
Year End Financial Statements	Treasurer	Permanently
Insurance Policies (expired)	Office Administrator	3 years
Insurance records, current accident reports, claims, policies, etc.	Office Administrator	Permanently
Internal audit reports	Audit Committee Chair	3 years
Inventories of products, materials, and supplies	Office Administrator	7 years
Invoices (to customers, from vendors)	Office Administrator	7 years
Meet Results	Meet Director	Through current season plus 1 year

Minute books, Payroll records and summaries	Secretary Office Administrator	Permanently 7 years
Personnel files (terminated employees)	Office Administrator	7 years
Tax returns and worksheets	Treasurer	Permanently
Timesheets	Office Administrator	7 years
Withholding tax statements	Treasurer	7 years

.....  
Brief Description: Fines for failure to appear as specified in the Meet Announcements for Age Group Champs and Senior Champs

Proposed by: TJ Liston

Purpose: To encourage on-time payment of fines  
.....

On the last day of a VSI Age Group/Senior Championship Meet, a \$50 fine will be assessed to any swimmer who qualified originally for one of the final heat(s) and who does not scratch out of finals and does not show up to compete. [The fine shall be paid within 30 days of the end of the meet or a late penalty of \\$25 for each additional 30-day period will levied.](#)

A \$50 fine will be levied against any swimmer who positively checks-in and declares their intent to swim for a distance event and does not show up to compete. [The fine shall be paid within 30 days of the end of the meet or a late penalty of \\$25 for each additional 30-day period will levied.](#)  
.....

.....  
Brief Description: Eliminate the Registration Chair as a BOD position

Proposed by: TJ Liston

Purpose: To eliminate a conflict of interest that occurs when a BOD member is also a VSI employee  
.....

Kevin Hogan commentary: I have not attempted to draft the by-law revision as it will require multiple changes to the by-laws, all of which will be unnecessary if the proposed amendment, R-23, to the 2014 USA Swimming Rules and Regulations passes at the upcoming convention. If adapted (and it has been recommended for approval), it will “prohibit LSC employees from serving as elected or appointed members of the LSC Board of Directors due to inherent conflicts of interest.”

Should the amendment pass, and should there still be a desire to eliminate the Registration Chair as a BOD position, the matter can then be revisited.

.....  
Brief Description: Change the notification requirements for by-law and policy amendments

Proposed by: TJ Liston

Purpose: To reduce the notification time  
.....

Kevin Hogan commentary: TJ has requested a bylaw change that would reflect something similar to the USAS convention proceedings (eg, 50+% for normally submitted legislation; 2/3'rds for legislation coming through committee at the HOD; and 90% from the floor of the house.

Per the guidance given in the model by-law template, it appears that 20 days of notice is as short as we could go.

**Per the By-laws template:**

TIME- Not less than *twenty (20)* days written notice shall be given to each member of the House of Delegates and each Group Member for any annual, regular or special meeting of the House of Delegates. See Section 616.1.5 for the various permitted forms of notice.

*An LSC may vary this provision to provide for a longer notice period of general or limited applicability. An example of the latter would be to require thirty days for the amendment of the Bylaws. With respect to longer periods of general applicability, the LSC should consider the necessity of providing the ability to meet as needed.*

**Current VSI By-laws:**

TIME- Not less than twenty (20) days' written notice shall be given to each member of the House of Delegates and each Group Member for any annual, regular or special meeting of the House of Delegates, and not less than thirty (30) days' written notice shall be given to each member of the House of Delegates of any proposed amendment of the Bylaws or Policies. Not less than forty (40) days' written notice shall be given to the General Chair and Secretary of proposed Bylaws and Policy amendments that do not originate from the Board of Directors. The General Chair shall submit any proposals received to the Board of Directors for review, and the Secretary shall give thirty (30) days' written notice to each member of the House of Delegates. See Section 616.1.5 for the various permitted forms of notice.

.....  
Brief Description: Change the travel fund criteria for athletes

Proposed by: Ted Sallade with suggested modifications by Kevin Hogan

Purpose: To amend the athlete travel fund criteria to allow for more flexibility in the attended meets for which an athlete can be reimbursed.  
.....

**F. TRAVEL FUND CRITERIA**

1. In the annual budget, VSI identifies certain national and international level meets for which participating VSI athletes are eligible for partial reimbursement of -travel expenses
2. To be eligible for travel expense reimbursement, an athlete must meet the following criteria:
  - a. ~~As be~~ a Virginia registered swimmer, **participate** in an individual event at ~~a~~:
    1. **Any USA Swimming national championship-level competitions including** USA Swimming National Championship, USA Swimming Junior National Championship, National Disability Championship, U.S. Open, or any Trial class meet.
    2. **Championship level competition designated by the VSI Senior Committee using the current USA Winter Junior National Time Standards as a guideline. Additional, approved competitions include, but are not limited to, NCSA Junior Championships, USA Swimming Grand Prix series meets, and YMCA Nationals. Any meet not currently listed has to be pre-approved by the senior committee.**
  - ~~a.b. must~~ **Must** have swum an individual event in at least one (1) USA Swimming sanctioned meet as a VSI registered swimmer within the six-month period immediately prior to their reimbursable competition. (USA Swimming sanctioned meets, as defined under this Travel Fund Criteria, do not include individual team time trials, intra-squad meets, or any other type of meet that limits entries to only one swim club.)
3. College swimmers are eligible for travel reimbursement only if they were a VSI registered swimmer prior to college and participated in at least one VSI sanctioned meet that occurred before March 1st of the year prior to attending college.
4. Requests for reimbursement must be submitted to the treasurer of VSI within 30 business days after the meet for full funding.
5. An athlete is eligible to receive a travel reimbursement for only one National level championship meet in a season ~~(See Article 207 USA Swimming Rules and Regulations for a listing of the meets.)~~ An athlete who attends multiple meets will be reimbursed for the meet which has the highest reimbursement rate.
6. Extenuating circumstances can be submitted in writing to the VSI Board of Directors for review and consideration for full or partial funding.
7. The amount of money available for reimbursement shall be determined by the VSI Board of Directors.

**The following was originally provided by Ted Sallade**

TRAVEL FUND CRITERIA

1. In the annual budget, VSI identifies certain national and international level meets for which participating VSI athletes are eligible for partial reimbursement of travel expenses
2. To be eligible for travel expense reimbursement, an athlete must meet the following criteria :
  - a. be a Virginia registered swimmer in an individual event at a

Insert

VSI approved competition defined:

1. All USA Swimming sponsored competitions, USA Swimming National Championship, USA Swimming Junior National Championship, National Disability Championship, U.S. Open or any Trial class meet.

2. Championship level competition designated by the senior committee under the following guidelines: eligibility is determined using 2014 USA Winter Junior National Time Standards. Approved Competitions include yet not limited to NCSA Junior Championships, USA Grand Prix series, USAS Junior Nationals, USAS National Championships, US Open and YMCA Nationals. Any meet not currently listed has to be pre-approved by the senior committee.

Additionally

b. must have swum an individual event in at least one (1) USA Swimming sanctioned meet as a VSI registered swimmer within the six-month period immediately prior to their reimbursable competition. (USA Swimming sanctioned meets, as defined under this Travel Fund Criteria, do not include individual team time trials, intra-squad meets, or any other type of meet that limits entries to only one swim club.) 3. College swimmers are eligible for travel reimbursement only if they were a VSI registered swimmer prior to college and participated in at least one VSI sanctioned meet that occurred before March 1st of the year prior to attending college.

4. Requests for reimbursement must be submitted to the treasurer of VSI within 30 business days after the meet for full funding.

5. An athlete is eligible to receive a travel reimbursement for only one National level championship meet in a season

Delete (see ... Meets)

(See Article 207 USA-Swimming Rules and Regulations for a listing of the meets.) An athlete who attends multiple meets will be reimbursed for the meet which has the highest reimbursement rate.

6. Extenuating circumstances can be submitted in writing to the VSI Board of Directors for review and consideration for full or partial funding.

7. The amount of money available for reimbursement shall be determined by the VSI Board of Directors.

.....  
Brief Description: Registration Payment Policy

Proposed by: Amended proposal received from the Executive Committee and further reviewed by Mary Turner, Terry Randolph, Bill Geiszler, and Kevin Hogan

Purpose: To institute a policy to handle the payment registration fees.  
.....

**REGISTRATION PAYMENT POLICY**

1. For teams that are in good financial standing with registration payments, registrations will be processed when received by the VSI registration officer. Payment of the applicable fees is expected within 15 days of the submission date.
2. Payment for registrations is due by the 15<sup>th</sup> of the following month (eg, payment for registrations made in October must be received by November 15<sup>th</sup>). At the beginning of each month, teams will be sent a statement of registration transactions showing the amount due that month. Teams failing to submit payment of the amount due prior to the 15<sup>th</sup> will be charged a 5% service fee.
3. Teams failing to submit payment within 60 days of the original statement date will be charged an additional 5% service fee and will not be deemed to be in good financial standing regarding registration payments. At this point the registration status of all members will be changed to unattached and the Executive Board will be informed of any delinquencies.
4. For teams that are not in good financial standing with registration payments, all additional registrations will not be processed until payment of the applicable fees has been received by the registration officer.
5. Teams failing to submit payment within 90 days of a statement will be automatically referred to the Virginia Swimming Board of Review.