

Virginia Swimming, Inc. Proposed Legislation Packet  
Fall BOD/HOD Meeting

Procedures will be voted on by the BOD; policies will be voted on by the HOD. Each of the proposed policy and procedure amendments has been endorsed by the BOD.

Existing language is presented in a black font.

New language is presented in a blue font.

~~Deleted language is presented in a red font that is struck through.~~

PROPOSED PROCEDURE AMENDMENTS

**Brief Description:** Fee Exception Procedure

**Proposed By:** Bob Rustin

**Purpose:** To formalize current practice.

**A. FEES AND SURCHARGES**

6. The Board of Directors may adjust the amounts to be charged or rebated. They are also responsible for the oversight of contracts, services, and payment of expenses to provide for an equitable distribution of the meet profits or to accommodate unusual circumstances. **On an annual basis, the Board of Directors must approve waivers or reductions to the established meet rebate fees paid by a host club to VSI. The Treasurer shall be responsible for maintaining a listing of such exceptions.**

**Brief Description:** Allow the use of snorkels during warm-ups at senior level meets

**Proposed By:** TJ Liston

**Purpose:** As per above.

**D. MEET SAFETY PROCEDURES**

**WARM-UP PROCEDURES**

11. Use of training equipment, which may include but is not limited to kick boards, pull buoys, paddles, bungee cords, and snorkels, is prohibited during warm-ups. **Snorkels may be allowed during warm-ups for sessions that involve only senior-level classified competition.**

## PROPOSED POLICY AMENDMENTS

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

**Proposed By:** Bob Rustin

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

**Location:** Insert following Section C. Permanent Offices

### 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.

Type of Document	Responsible Individual	Minimum Requirement
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	Permanently
Bylaws and Policies and Procedures	Rules and Legislation Coordinator	Permanently
Checks (for important payments and purchases)	Treasurer	Permanently
Committee meeting minutes	Office Administrator	Permanently
Contracts, mortgages, notes and leases (expired)	Office Administrator	7 years
Contracts (still in effect)	Office Administrator	Permanently
Correspondence (general)	Office Administrator	2 years
Correspondence (legal and important matters)	Office Administrator	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 fee rebate exceptions	Treasurer	7 years
Meet Results	Meet Director or designee	1 year
Minute books	Office Administrator	Permanently
Payroll records and summaries	Treasurer	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:** 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.

Any volunteer acting as an agent of VSI will sign the Conflict of Interest Statement (Appendix A) approved by the VSI House of Delegates. Annually, each agent 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

**Location:** Insert following Section E. Conflict of Interest and renumber following sections

## **WHISTLEBLOWER POLICY**

### **General**

VSI's Conflict of Interest Statement (CoIS) requires that members of the VSI Board of Directors (BOD), employees, and agents observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Representatives 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, employees, and agents to comply with the CoIS and to report violations or suspected violations in accordance with this policy.

### **No Retaliation**

No VSI BOD member, employee, or agent who in good faith reports a violation of the CoIS shall suffer harassment, retaliation, or adverse employment consequence. A VSI BOD member or agent who retaliates against someone who has reported a violation in good faith is subject to discipline by the applicable Board of Review. A VSI 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, employees and agents 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, an employee's supervisor, or an agent's VSI contact 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 Finance 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 Finance Committee. The Compliance Officer has direct access to the Finance Committee and is required to report to the Finance Committee at least annually on compliance activity.

### **Accounting and Auditing Matters**

The VSI Finance Committee shall address all reported concerns or complaints regarding corporate accounting practices, internal controls, or auditing. The Compliance Officer shall immediately notify the Finance 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:** 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.

**Location:** Insert following Section E. Conflict of Interest and renumber following sections

**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 30 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 60 days of the original statement will be automatically referred to the Virginia Swimming Board of Review.

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

**Proposed By:** Ted Sallade

**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:
  - ~~2.a. meet the following criteria:~~ Have achieved at least one qualifying time in an individual event that meets the current USA Swimming Winter Junior National Time standards.
  - b. ~~As~~ be a ~~Virginia~~-VSI-registered swimmer, participate in an individual event ~~at~~ in one of the following two categories ~~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 that includes, but is not necessarily 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 and will be announced by the conclusion of the Fall House of Delegates meeting.
  - ~~a.c. 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~~ designated meet in a season (short course and long course), with the exception that in an Olympic year, an athlete may receive an additional travel reimbursement for participating in the USA Swimming Olympic Trials. ~~(See Article 207 USA Swimming Rules and Regulations for a listing of the meets.)~~ An athlete who attends multiple meets in a season 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:** Fines for failure to appear as specified in the Meet Announcement for finals in a timed final event and for timed finals in an individual positive check-in event

**Proposed By:** TJ Liston as modified by Kevin Hogan

**Purpose:** To formalize penalties that have recently been used and to encourage on-time payment of fines

## **G. CLASSIFICATIONS, TIME STANDARDS, ~~and~~ ENTRIES, and PENALTIES**

### 7. Penalties and Fines

- a. . . .
- b. . . .
- c. In all events where preliminary heats are necessary, any swimmer who qualified originally for one of the heats in finals and did not scratch in accordance with the scratch procedures specified in the Meet Announcement will be assessed a \$50 fine for failure to compete. A declared false start under 101.1.3F or deliberate delay of meet under 101.1.5 is not permitted and will be regarded as a failure to compete. No penalty shall apply for failure to withdraw or compete if: (1) the Referee is notified in the event of illness or injury and accepts the proof thereof; or (2) it is determined by the Referee that failure to compete is caused by circumstances beyond the control of the swimmer. The Meet Announcement must reference this penalty in order for it to be enforced.
- ~~e.~~d. In individual timed final events requiring a positive check-in to swim, any swimmer who positively checks-in and does not compete will be assessed a \$50 fine. A declared false start under 101.1.3F or deliberate delay of meet under 101.1.5 is not permitted and will be regarded as a failure to compete. No penalty shall apply if: (1) the Referee is notified in the event of illness or injury and accepts the proof thereof; or (2) it is determined by the Referee that failure to compete is caused by circumstances beyond the control of the swimmer. This penalty will only apply to those individual timed final events specifically identified within the Meet Announcement.
- ~~d.~~e. If the swimmer is representing a club in competition, the fine will be levied on the club; if unattached, the fine will be levied on the swimmer.
- ~~e.~~f. Assessment of Penalties and Payment of Fines: Meet officials will immediately report violations to the VSI Administrative Vice Chairman or General Chairman who will bring the issue to the VSI Board of Directors or Executive Committee. If appropriate, fines will then be assessed. Unless the swimmer was swimming unattached, all fines for the violations under this policy are imposed on the club the swimmer was representing in the competition. Fines are considered due and payable immediately upon receipt by the violating club. Fines levied by meet officials may be paid on the spot to the Meet Director who shall forward any payments received to the VSI ~~General Chairman~~Treasurer. In all other circumstances fines shall be remitted directly to the ~~General Chairman~~Treasurer. Fines not remitted within fourteen (14) days shall automatically be doubled. Should a fine remain unpaid after thirty (30) days, the swimmer and the club they were representing shall be notified by the General Chairman and suspended from competition within the jurisdiction of VSI until such time as the fine is paid. The assessment of any fine or penalty may be appealed to the VSI Board of Directors within 30 business days of notification of the fine.