



Illinois Swimming Inc. Board of Directors Meeting January 13, 2021 via Zoom



General Chair Jeff Arce called the meeting to order at 7:00pm.

1. Roll Call

PRESENT: Jeff Arce, Jack Yetter, Todd Capen, Jon Cabel, Brian Brown, Mark Tucci, Jayne Spittler, Melissa Healy, Casey Hnatiuk, Carlos Ceja, Carolyn Grevers, Amanda Schleede, Rob Emary, Amie Adams, Pam Lowenthal, Laurel Whittington, Sean Finley, Annabel Oliva, Jenna Krull, Greta Pelzak, Bill Schalz, Michael Lawrence (observer), Barb Cunningham (observer)

ABSENT: None

2. Adoption of December 2020 BOD Minutes

- a. Motioner – Cabel, Second – Ceja.
- b. Secretary Spittler made two minor corrections to the minutes as submitted for approval.
 - i. Section #5 Reports Pulled – changed “reiterated” to “provided an addition to his report, stating” as this was an addition to Program Ops VP Brown’s report.
 - ii. Section #6 Old Business, p. 3 – corrected number of LSC clubs to 119 vs. 199.
- c. Approved with no additional discussion.

1) Current Business & Strategic Discussion - none

4. Consent Agenda

PULLED: Admin Vice Chair, Officials, Program Ops, Registration/Membership

APPROVED AS SUBMITTED: General Chair, Treasurer, Diversity/Inclusion

NOTHING TO REPORT: Senior Vice Chair, Operational Risk, Safe Sport, Open Water

Motion to approve reports as presented: Motioned – Brown, Second – Tucci. Approved with no discussion.

5. Items from Consent Agenda Pulled for Discussion and/or Action Required

Admin Vice Chair Report: Pulled for a topline presentation of the online sanctioning process developed by Pam Lowenthal, Jack Yetter and Brian Brown. Yetter detailed the new process, which will go into effect on February 1. A Town Hall meeting has been scheduled for January 25 for teams and meet directors to introduce the online version. The move to electronic submission will provide a streamlined process, better tracking of sanctions, less paper and better financials.

A new Sanction page on the Illinois Swimming website includes everything necessary in the sanction process: a Word document with required sections and language which must be included in the meet packet (hoping to reduce number of packets sent back without these), a process document, and required COVID language. The sanction application form captures information previously required, and also provides an acknowledgement to the requestor of submission and content. The host club receives an invoice from the ISI office for the appropriate fee.

New to the process is the way post-meet financials are handled. Clubs will no longer preemptively submit a financial report and payment. Rather, they will send a complete meet backup to the ISI office via email. The office will use that data to invoice for the appropriate payment, due within 30 days. Several members

expressed concern that this will involve chasing teams for payment. Pam replied that we are always chasing teams and that the invoice will sit in accounts receivable as a reminder. She also noted that we are going to get correct financials, as some clubs don't understand how to create a financial report.

Schalz asked for confirmation that clubs would upload their own meet packet to the application. Yetter did so, saying that required meet packet language was provided in Word format for cutting and pasting. Schalz also asked if it would be simpler to take a credit card for the sanction fee at the time of application. Pam noted that we are not yet set up to do this. Exploration will be Phase Two.

The Policies and Procedures Manual required updates to support the move to electronic sanctioning. Yetter provided language in his report to do so. See Addendum A. **Tucci moved to accept, Brown seconded. The language was approved with no discussion.**

Yetter also informed the Board that all Rules & Regulations changes for the Bylaws were approved by USA Swimming and are now posted online.

Motion to approve the report: Motioner – Spittler, second – Brown – approved with no further discussion.

Program Ops: – pulled primarily to cover Sanction Process.

Move to approve report: Motioner – Schalz, second – Brown. Approved with no discussion

Officials Report: Spittler pulled for clarification about item #1 – having USA Swimming staff notify the ISI Officials Chair when officials were chosen to work a meet out of state. Schleede explained the purpose was to have risk mitigation discussions with officials for their return, and also remind them not to post their participation on social media. Schleede said IDPH questioned participation of officials at the Iowa site of the US Open in November. Spittler asked Arce to confirm; he said discussions with IDPH were about participation of youth sports.

Schleede also referenced the Open Water Officials Clinic to be held in conjunction with Open Water National Championships in Ft. Myers in April. Each LSC may send one official, who would travel on their own dime. No funding required by ISI, no need for approval.

Move to approve report: Schalz moved, second Yetter. Approved with no further discussion

Registration/Membership: – Lowenthal noted that the report included club figures. She also welcomed a new club – Blue Gem Swim Club – of Hanover Park. Registration is down 45-50% from last year.

Move to approve report: Schalz moved, Tucci second. Approved with no further discussion.

6. Old Business

Arce asked for further discussion on handling participation of LSC clubs in out of state competitions in violation of current IDPH and State Mitigation Guidelines. To date no action has been taken toward these clubs, but there is continued concern that their actions could jeopardize all of our clubs and members who are complying with current restrictions. A number of LSCs in surrounding areas are operating as business as usual – but we are not. A small number of our clubs is blatantly disregarding Illinois protocols, jeopardizing the 99% of our clubs who are attempting to comply. The Board's goal is to insure that as many clubs as possible are able to operate when we are able to do so without IDPH taking actions that could shut down pools. Arce noted that he has another meeting with IDPH next Tuesday. He is hoping it is about legislation

to create an Amateur Sports Act but is not certain. He also shared our lobbyists feeling that we will be dealing with COVID protocols at some level for at least the next 6 months; will continue to work with lobbyist to get pools open and restrictions lessened.

Arce asked for a sense of the group to gauge regarding developing a policy with punitive measures for competing in out-of-state competitions. The majority of the group felt the idea should be pursued, especially to give Arce something to take to the IDPH at his meeting to show that we are making every effort to keep our clubs in compliance. Several commented that positions have shifted with participation of teams in USA Swimming meets this weekend in Richmond and San Antonio.

A wide-ranging, free-wheeling and passionate discussion ensued around the following key issues:

- What type of penalties, if at all? Increased sanction fees for an offending club to host meets, loss of athlete travel support dollars, inability to sanction meets entirely for some period of time. Monetary fines – how large, escalating across offenses, individual swimmer or by club? Raise club charter fees, raise membership fees.
 - Some felt a sanction penalty penalized all the swimmers on a club and the club itself, especially since meets are a major source of revenue for many clubs, who are looking to get back on their feet.
- Fair impact across all members - sanction fees won't impact clubs who don't host meets, travel support only applies to our top tier swimmers
- Should penalties be retroactive or only after an effective date?
 - What IS the effective date? Swimmers already at venues out-of-state to compete without knowledge of the penalties.
 - Is there a notice period for interim rules? Yetter said no.
- Board responsibility to member clubs
- IDPH spotlight on participation of clubs, not individuals at out-of-state competitions. What's the expectation and responsibility to keep members in line?
 - Schalz spoke with USA Swimming Board Chair Bob Vincent, since we were having difficulty getting answers from USA Swimming staff. He said that LSCS need to follow state and local guidelines. If the LSC advertises and communicated to our member clubs and general membership what is required during mitigations, we have met the requirements. USA Swimming will not be the police force on this.
 - Need to be uniquely and narrowly focused on IDPH concern right now
 - IDPH concerned about our clubs; understand that constituents can take their children to meets on their own.
- Perception vs. reality and operating in a political arena
 - If we adopt a policy, IDPH sees that as benefit to all of our members; easier for Arce to interact with IDPH if we have enforcement mechanisms on record.
- Are we/do we want to be the IDPH police?
 - How do we know clubs are in violation? Do we count psych sheets? Wait for other members to call to our attention? (Arce cited volume of emails about TYR Pro Swim)
 - Schalz – we are not in the COVID business of the policing business. We are in the swim club/LSC business and want to protect our clubs and get them back in the water.
 - Should we/do we want to be worrying about clubs that are violating other aspects of mitigation in their daily conduct? This is just one aspect.
 - We do not want to be in the tattletale, finger pointing arena, nor do we want to create any more of an atmosphere where that is happening.
 - Not good to be reporting to IDPH, who then thinks we cannot control our clubs.
- Should penalties apply only to clubs who enter meets, or unattached swimmers as well? If the latter, are we just encouraging clubs to enter meets unattached and is this hypocritical, right and/or fair?

- Is there a difference between a truly unattached swimmer and a team that only unattached swimmers for a meet, but still travels with coaches? What about swimmers who have moved to other jurisdictions to train? Should they be impacted by penalties? College athletes should not be part of this.
- Role of Administrative Review Board to handle appeals.
- Fines seem to be the more-straightforward way to approach.
 - Proposed changes to club fees might not be something the Board can do, because those are in our Rules&Regulations.
- Will any type of penalty be effective? What would make a coach decide that taking three swimmers to an out of state meet would have a significant effect on the rest of his athletes and club?
 - Just like restaurants, would clubs be willing to pay the fine and move on?
 - Some clubs seem to only care about themselves, even to the point of poaching swimmers from other clubs currently not in the water.
- Reminder that IDPH is the only body that regulates pools in the state with no middle person, unlike restaurants overseen for other licensing by county/local health departments.
- What can we legally do?
 - If we act in good faith, we are okay in court.

Arce made a motion to put a policy in place to fine clubs with swimmers competing in meets outside the state (attached or unattached) on a sliding scale of \$250 for the first offense, \$500 for the second offence and \$1,000 for the third offense. These fines would be in effect while mitigations are in place and would be payable before registering the club for the next competitive year. Schalz - second.

More discussion followed, about using fines as the penalty, the amount of the fines, other penalty options, and whether the penalty should apply to attached swimmers only, or all swimmers competing out of state whether listed as attached or unattached. Ceja proposed that individual swimmers be fined on a different scale, since they are not part of the club.

Schalz proposed an amendment to include only attached athletes as part of the penalty. Whittington seconded. Schalz said it would be a nightmare to track and fine individuals and that we should keep it simple. Capen felt it should apply to all swimmers – if you show up in a psych sheet you are going to be fined. Yetter felt the fine should be by team but escalating based on number of athletes. Registration for next year would be dependent on payment of fines. Brown felt there were lots of potholes to only making this a club penalty; eliminating unattached swimmers would give the clubs and individuals a loophole. An athlete defying an Illinois state order should be fined and not able to compete until they pay the fine. Yetter spoke against the amendment, concerned about how it would appear to the IDPH that we were giving our members an out. Brown asked if it make sense to make the fine specific to the swimmer, rather than doing this on a club basis, and the swimmer can't compete in another sanctioned meet until they pay the fine.

Yetter called the question on the debate on the amendment to remove unattached swimmers from the original motion, seconded by Brown. Unanimous approval.

Vote on the amendment to remove unattached swimmers: Amendment failed.

Discussion continued on the main motion. Arce polled the athlete members of the Board. Pelzak felt that it was fairer to include both attached and unattached swimmers entered in an out of state competition. Otherwise, everyone would swim unattached. Other members concurred. Lawrence pointed out that if you swim unattached, you don't belong to a club and how can they be fined? Some were in favor of a per athlete fine rather than a club fine.

Arce restated the original motion. Some asked for better clarification. Yetter shared his notes on the screen.

Arce removed the original motion. Yetter moved that document on screen was the pending motion. Spittler seconded. During discussion, “as it pertains to competitions” was added. Addition was moved, seconded and approved. Amendment to change member clubs to members proposed by Adams, seconded by Schalz. Arce noted that this is very different from the original motion. Schalz noted that member clubs covers the Adams’ intent. Adams withdrew her amendment.

The Board of Directors of Illinois Swimming, in working with the Illinois Department of Public Health to keep as many of our athletes in the water as possible, and to continue to expand access to pools across the state, takes the following action:
Effective January 18, 2021, ISI member clubs who are found to have violated effective Illinois Department of Public Health guidance and policies for the mitigation of COVID-19 as it pertains to competitions shall be fined \$250 for the first offense, with those fines doubling for every subsequent occurrence.
All levied fines will need to be paid prior to the member Club registering for the next competition year.
Athletes competing in affiliation with a college team are exempt from this rule.
All fines can be appealed to the Illinois Swimming Administrative Review Board.
This policy shall remain in place until such time mitigation policies are lifted by the State of Illinois.

Motion passed with one no vote. To be posted to website and sent in email blast.

7. **New Business**

Schalz reported from the USA Swimming BOD that a governance committee, of which he is a member, has been established to look at the national House of Delegates and other challenges that will confront the organization. He noted that the **Ted Stevens Olympic and Amateur Sports Act has been amended** to require that legislative bodies and committees are comprised of 33% athletes, and we will need to make changes to conform. He was unsure of a deadline, or where the changes would be made (Corporate bylaws or HOD legislation.) Work of the committee will be presented to the national BOD at its February 5 meeting. Illinois Swimming will need to have a plan in place for our next HOD if a vote is required.

Arce reported on a conversation with Joel Shinofield, USA Swimming’s Managing Director for Sports Performance. Our LSC’s frustration with USA Swimming’s reaction to COVID policies and compliance was expressed. With no timeline, Joel said **USA Swimming would attempt to assist us with lobbying efforts**, as they have had some success in Southern California easing mitigation guidelines. They are waiting on a report on the safety of pool-related activities in COVID times from MIT. Arce will keep us posted.

8. **Next Meeting:** Wednesday, February 10, 2021, 7pm via Zoom. Committee reports in pdf format due to Pam by Friday, February 5.
9. **Adjournment:** Motioned – Yetter, second – Capen. Unanimous approval at 9:15pm.

Respectfully submitted,

Jayne Spittler
ISI Secretary

ADDENDUM A

Approved Changes to Policies and Procedures Manual regarding Meet Sanction Process

5.5 Club-hosted Meets

- 1) Sanctions for all Club Run Meets.
 - a) All applications to host Illinois Swimming sanctioned events must be reviewed and approved by the sanctioning officer of Illinois Swimming.
 - b) The Application for Sanction for each Meet must be submitted using the electronic form posted on the Illinois Swimming website and include all information in required fields.
 - c) All payments (as listed below) must be received within 30 days of invoicing.
 - d) Applications to host sanctioned or approved competitions require a Meet Announcement be submitted with the electronic Application for Sanction.
 - e) All applications for Approved meets must be hosted by currently chartered Illinois Swimming Clubs and be requested by in the same manner as a sanctioned event.
- 2) Facility Surcharge
 - a) At their discretion, a Club may impose a facility surcharge to offset the rental costs. This may be imposed per swimmer or one set fee to each entered club.
- 3) Time Trials
 - a) Time Trials require a separate sanction, even when held in conjunction with a Championship Meet. Sanctioning requirements are the same as for any other meet.
 - b) Time Trials must be officiated in compliance with USA Swimming Rules and Regulations, Article 102.10 Officials.
- 4) Post Meet Reporting
 - a) Immediately following the conclusion of the sanctioned or approved event, the meet host shall send a complete backup of the meet from the meet management software.
 - b) The sanction officer shall review the backup for compliance with the rules, and run a meet financial report consistent with the submitted meet packet and ~~ISI~~ Illinois Swimming Rules and Policies, and cause the meet host to be invoiced for the appropriate fees.
 - c) Hosts shall make payment on the invoice within 30 days.

5.6 Sanction Violation Penalties

Meet Hosts are required to comply with the provision of USA Swimming Rules and Regulations, Article 202.2, as well as additional Illinois Swimming Guidelines. The following penalties will be imposed on all meet hosts that violate one or more of these requirements.

VIOLATION	PENALTY
Late request for sanction for open schedule competition	\$100.00
Failure to make required corrections to Meet Announcement	The ISI Administrative Review Board shall adopt such remedies and penalties regarding administrative matters as it deems appropriate.

Failure to submit appropriate reports by deadline	\$50.00
Blatant or repeated failure to follow meets rules and regulations established by USA Swimming and/or ISI	The ISI Administrative Review Board shall adopt such remedies and penalties regarding administrative matters as it deems appropriate.

APPROVED