

VSI House of Delegates

April 16, 2022

Legislation Outcome

On April 16, 2022, the VSI House of Delegates approved the attached amendments to the *VSI Policies and Procedures*. The amendments include the following items:

- Amendment of the existing records policy
- Addition of a code of conduct policy
- Addition of a grievance policy
- Addition of a procurement policy

Original language is shown in a black font.

Approved deletions are shown in a ~~red font and struck through~~.

Approved new language is shown in a blue font.

RECORDS POLICY (Section 23)

Purpose: Eliminates times achieved at observed high school and college meets from records consideration; establishes a new category of "open" records

Athletes Committee Recommendation: Approval

BOD Recommendation: Approval

HOD Action: Passed.

23 RECORDS

~~23.1 A formal application is required for National Age Group records. Forms are available on the USA Swimming website or from the VSI National Times and Records Tabulation Coordinator.~~

~~23.2 In order to be considered for VSI Age Group and Open records, a swimmer or relay team must be registered with USA Swimming and representing VSI when the time is achieved.~~

~~23.3 VSI records will include only those events or distances recognized by USA Swimming or VSI Swimming. VSI records represent the fastest time in each event by a VSI swimmer or relay and may be achieved in either age group or open competition.~~

~~A. Virginia Swimming shall establish and maintain age group and open records for both 25 yard and 50 meter courses for the 10 and under, 11-12, 13-14, 15-16, 17-18, and open age groups~~

~~B. Records must be achieved in accordance with Article 104 of the Technical Rules of USA Swimming and the policies and procedures of Virginia Swimming in effect at the time.~~

~~C. The fastest time swum by a VSI registered athlete or relay at the time of performance in any VSI or USA Swimming sanctioned or approved meet, or in an International event recognized by USA Swimming will be recognized as a record. The swim must appear in the SWIMS National Times Database.~~

~~D. A tie of an existing record shall be recognized as such in the Records list.~~

~~E. Any swim timed with semi-automatic or automatic timing used as the primary timing system may establish a record.~~

~~23.4 The swimmer or a coach may notify the National Times and Records Tabulation Coordinator or designee of any new record that may have been achieved. The coordinator or designee will then verify the time in the SWIMS National Times Database.~~

23.1 Records shall be maintained for both short course yard (SCY) and long course meter (LCM) events that are recognized by USA Swimming (Articles 102.1.1 and 102.1.2).

23.2 Record times must be achieved in accordance with USA Swimming Articles 104.2.1 and 104.2.5, and the times must appear in the SWIMS national times database.

23.3 A tie of an existing record shall be recognized as such in the records list.

- 1 23.4 Times must be achieved in USA Swimming- or FINA-sanctioned competition or in USA
2 Swimming-approved competition. The competition can be at any level including age group, senior,
3 and international competition.
- 4 23.5 VSI Age Group and VSI Senior Records shall be maintained in the following categories: 9-10
5 Boys/Girls; 11-12 Boys/Girls; 13-14 Boys/Girls; 15-16 Boys/Girls; 17-18 Girls/Boys; Senior
6 (unrestricted age group) Men/Women. A time will be considered for record purposes only if the
7 time was achieved by a VSI-registered athlete representing VSI (either attached to a VSI club or
8 unattached) at the time of the swim. An athlete (even if the individual is a VSI-registered athlete)
9 participating in a high school or college meet is considered to be representing his or her high school
10 or college, and times from these meets are not eligible for records consideration.
- 11 23.6 VSI Open Records shall be maintained for both men and women (unrestricted age group). An Open
12 Record may be established only within the geographical territory of VSI. A time will be considered
13 for record purposes only if the time was achieved by a USA Swimming-registered athlete
14 representing USA Swimming (either attached to a USA Swimming club or unattached) at the time
15 of the swim. An athlete (even if the individual is a USA Swimming-registered athlete) participating
16 in a high school or college meet is considered to be representing his or her high school or college,
17 and times from these meets are not eligible for records consideration.
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1 **CODE OF CONDUCT POLICY (Section 12)**

2 **Purpose:** Adds a code of conduct policy as per the recommendation of USA Swimming.

3 **Governance Committee Recommendation:** Approval.

4 **BOD Recommendation:** Approval.

5 **HOD Action:** Passed.

6 **12. CODE OF CONDUCT AND CONFLICT OF INTEREST**
7 **STATEMENTS**

8 Upon election to the Virginia Swimming Inc. Board of Directors, each member will sign the [Code of](#)
9 [Conduct Statement \(Appendix A\)](#) and Conflict of Interest Statement ([Appendix AB](#))-approved by the
10 Virginia Swimming House of Delegates. Annually, each member will sign a document asserting that
11 he/she has complied with ~~the both s~~[Statements](#) during the past year.

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

15 Any volunteer acting as an agent of VSI will sign the Conflict of Interest Statement ([Appendix AB](#))
16 approved by the VSI House of Delegates. Annually, each agent will sign a document asserting that
17 he/she has complied with the statement during the past year.

18 [All members of the VSI Board of Directors and VSI House of Delegates, as well as VSI committee](#)
19 [chairs, VSI committee members, VSI coordinators, and VSI employees shall abide by the USA](#)
20 [Swimming Code of Conduct.](#)

21
22 **A. APPENDIX A: VSI BOARD OF DIRECTORS CODE OF CONDUCT**

23 The VSI Board of Directors (BOD) expects ethical, professional, and lawful conduct of itself and its
24 members, including the proper use of authority and appropriate decorum when acting as VSI BOD
25 members.

26 Specifically, the VSI BOD expects the following from its members:

- 27 1. Duty of Care: VSI BOD members are to discharge their duties honestly and in good faith. BOD
28 members shall exercise the degree of care, diligence, and skill that a reasonably prudent person
29 would exercise in similar circumstances.
- 30 2. Duty of Obedience: BOD members must abide by USA Swimming’s governing documents (ie,
31 the Articles of Incorporation, the Bylaws, the Rules and Regulations, and the Governing Policies)
32 and Virginia Swimming’s governing documents (ie, VSI Bylaws, VSI Policies and Procedures).
33 While vigorous debate is expected and encouraged, BOD members are obliged to support the
34 legitimacy and authority of the final determination of the BOD on any matter, irrespective of the
35 member’s personal position on the issue.
- 36 3. Duty of Loyalty: BOD members must demonstrate loyalty to the interests of Virginia Swimming,
37 superseding any conflicting loyalties such as to segments of the membership, family members,

1 advocacy or interest groups, affiliated entities, staff, other organizations, or any personal interests
2 as a member of the organization.

3 4. BOD members must avoid any conflict of interest with respect to their fiduciary responsibility
4 and abide by the Virginia Swimming Conflict of Interest Policy.

5 5. BOD members must not attempt to exercise individual authority over the organization.

6 a. BOD members' interactions with the executive director or with staff must recognize the
7 lack of authority vested in individuals except when explicitly stipulated by the BOD.

8 b. BOD members must recognize that in their interaction with the media, the public, or
9 other entities, they are not to speak for the executive director, the BOD, or Virginia
10 Swimming, except to repeat explicitly stated BOD decisions.

11 c. BOD members will not publicly express individual judgments of the performance of the
12 executive director or of other employees, other than when participating in the BOD's
13 monitoring functions.

14 6. BOD members will treat one another and staff members with respect, courtesy, and honesty.

15 7. BOD members must respect the confidentiality appropriate to issues of a sensitive nature.

16 8. BOD members shall attend all meetings of the House of Delegates and the Board of Directors.

17 9. BOD members shall be informed about VSI's mission, vision, policies, and programs.

18 10. BOD members shall prepare for board and committee meetings by reviewing the meeting agenda
19 and supporting materials.

20 11. BOD members should serve on committees and offer to take on special assignments as each
21 individual's capacity allows.

22 12. BOD members shall advocate for VSI.

23 13. BOD members should suggest possible nominees to the board who can make significant
24 contributions to the VSI.

25 14. A BOD member aware of credible information that suggests that a BOD policy has been violated
26 by the BOD, a BOD member, or the executive director has an affirmative obligation to bring the
27 concern to the general chair. If the general chair is the subject of the concern, it should be brought
28 to the administrative vice-chair.

29 15. If a BOD member is alleged to have violated the Code of Conduct:

30 a. The general chair (administrative vice-chair, if the general chair is the subject of the
31 concern) will have an informal discussion with the individual whose action(s) are
32 questioned. If this is not successful in resolving the concern, then:

33 b. The general chair (administrative vice-chair, if the general chair is the subject of the
34 concern) will put the issue on the agenda for closed session. The respondent BOD
35 member will be allowed to present their views prior to the BOD determining whether the
36 action violated the VSI Code of Conduct.

37 c. A BOD member found by a majority vote of the BOD to have violated the VSI Code of
38 Contact may be subject to subsequent censure or other BOD action, as long as the action
39 is consistent with the VSI Bylaws.

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A. ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING

I acknowledge receipt and understanding of Virginia Swimming’s Code of Conduct, and I pledge my full support of the spirit and the letter of the requirements contained therein.

Print Name

Signature

Date

Virginia Swimming Position

~~A.B.~~ APPENDIX ~~A~~B: CONFLICT OF INTEREST STATEMENT

1 **GRIEVANCE POLICY (Add as Section 14; renumber remaining**
2 **sections)**

3 **Purpose:** Adds a grievance policy as per the recommendation of USA Swimming. Provides
4 swimmers, parents, coaches, VSI leaders, and VSI employees a system to address and report
5 grievances in a productive, systematic way. Further, this policy provides the appropriate parties
6 a means to properly investigate, intervene, and take disciplinary action where needed.

7 **Governance Committee Recommendation:** Approval

8 **BOD Recommendation:** Approval

9 **HOD Action:** Passed

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11 **14. GRIEVANCE POLICY**

12 This policy provides swimmers, parents, coaches, officials, VSI leaders, and VSI employees a system to
13 address and report grievances in a productive, systematic way. Further, this policy provides the
14 appropriate parties a means to properly investigate, intervene, and take disciplinary action when needed.

15 **14.1 WHERE TO REPORT**

16 A. For issues dealing with sexual misconduct, sexual harassment, and/or sexually explicit or
17 inappropriate communication through social media:

- 18 • U.S. Center for SafeSport: 833-5US-SAFE (587-7233) or <https://safesport.i-sight.com/portal>

19 B. For issues dealing with physical abuse, emotional abuse, criminal charges and the use, sale or
20 distribution of illegal drugs:

- 21 • USA Swimming Safe Sport: safesport@usaswimming.org or
22 <https://fs22.formsite.com/usaswimming/form10/index.html>

23 C. For issues dealing with known or suspected child abuse:

- 24 • Virginia Child Protective Services: 800-552-7096

25 D. For issues dealing with violations of the USA Swimming Code of Conduct:

- 26 • See Part Four of the current USA Swimming Rules and Regulations

27 E. For issues dealing with violations of the VSI Code of Conduct Policy, VSI Conflict of Interest
28 Policy, VSI staff employment grievances, or allegations of professional misconduct by VSI certified
29 officials:

- 30 • These issues are handled through VSI as outlined below.

31 **14.2 GRIEVANCE PROCEDURES**

32 A. Regarding allegations of a violation of the VSI Code of Conduct Policy or VSI Conflict of Interest
33 Policy by a VSI Board of Director Member, VSI Committee Chair or Member, or a VSI Coordinator

34 (1) Notification: Any VSI athlete member, the parent/legal guardian of a VSI athlete member, or
35 a VSI nonathlete member alleging such a violation should notify the VSI General Chair of this
36 violation in person or in writing. If the VSI General Chair is the person whose conduct is in
37 question, the VSI Administrative Vice-Chair should be notified in person or in writing. If both the
38 General Chair and Administrative Vice-Chair are involved in the complaint, then another VSI
39 voting Officer (Finance Vice-Chair, Senior Vice-Chair, Age Group Vice-Chair, or Treasurer)
40 should be so notified.

1 (2) Procedures: The complaint will be reviewed and discussed by the full VSI Board of Directors,
2 excluding any individual with a conflict of interest. The VSI Board of Directors has the authority
3 to impose penalties or resolutions for grievances falling within this section of the policy. Actions
4 are at the sole discretion of the VSI Board of Directors and may include, but are not limited to,
5 verbal warnings, temporary suspension from LSC activities, and expulsion. Involved parties will
6 be informed of the processes and range of potential consequences.

7 (a) Gathering Information: The appropriate individuals will contact the person who filed
8 the grievance and the person against whom the grievance is being filed to ask questions
9 and gather additional information about what happened. In addition, other witnesses may
10 be contacted for more information. All information obtained and any hearings conducted
11 will be documented.

12 (b) Assessing Behavior: The behavior of the person(s) against which the grievance was
13 brought will be assessed using VSI bylaws and policies including the VSI Code of
14 Conduct Policy and VSI Conflict of Interest Policy, as well as applicable local and state
15 laws. Any consequences and disciplinary actions will be decided using the following
16 general guidelines:

- 17 • Nature of the misconduct
- 18 • Severity of the misconduct
- 19 • Prior disciplinary actions
- 20 • Adverse effect of the misconduct

21 (c) Final Action: If appropriate, consequences will be given, and disciplinary action will
22 be taken. Any actions taken will be documented in writing and communicated to both the
23 complaining party and the person against whom the complaint was filed.

24 B. Regarding Employment Grievances of VSI Staff

25 (1) Notification: Should an employee of VSI have a grievance regarding their employment, the
26 employee should notify the VSI General Chair of the grievance in person or in writing. If the VSI
27 General Chair is named in the complaint, the VSI Administrative should be notified in person or
28 in writing. If both the General Chair and Administrative Vice-Chair are involved in the
29 complaint, then another VSI voting Officer (Finance Vice-Chair, Senior Vice-Chair, Age Group
30 Vice-Chair, or Treasurer) should be so notified.

31 (2) Procedures: The grievance will be reviewed and discussed by the voting Officers of VSI,
32 excluding any individuals with a conflict of interest. The voting Officers of VSI have the
33 authority to resolve a grievance falling within this section of the policy. If the employee is not
34 satisfied with the proposed resolution, the grievance may be appealed to the full VSI Board of
35 Directors for review.

36 (a) Gathering Information: The appropriate individuals will contact the person who filed
37 the grievance and the person against whom the grievance is being filed to ask questions
38 and gather additional information about what happened. In addition, other witnesses may
39 be contacted for more information. All information obtained and any hearings conducted
40 will be documented.

41 (b) Assessing the Grievance: The validity of the grievance shall be determined by
42 weighing the evidence at hand and in keeping with VSI Bylaws, VSI Policies and
43 Procedures, and any applicable local and state laws.

1 (c) Final Action: A final determination will be made, documented in writing, and
2 communicated to both the complaining party and VSI Board of Directors.

3 C. Regarding Allegations of Professional Misconduct by VSI Certified Officials

4 (1) Complaints related to the professional qualifications, professional misconduct, or code of
5 conduct violations of certified VSI officials are handled according to section 32 “Officials:
6 General Guidelines for Discipline and Decertification” of the VSI Policies and Procedures.”

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1 **PROCUREMENT POLICY (Add as Section 15; renumber remaining**
2 **sections)**

3 **Purpose:** Adds a code of conduct policy as per the recommendation of USA Swimming

4 **Governance Committee Recommendation:** Approval

5 **Finance Committee Recommendation:** Approval

6 **Zone Team Coordinator Recommendation:** Approval

7 **BOD Recommendation:** Approval

8 **HOD Action:** Passed

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10 **15. PROCUREMENT POLICY**

11 This policy establishes standards and guidelines for the procurement of supplies, equipment, and services
12 to ensure that they are obtained as economically as possible through an open and competitive process and
13 to ensure that contracts are managed with good administrative practices and sound business judgement.

14 15.1 No VSI BOD member or staff member shall participate in the selection, award, or administration of
15 a bid or contract if a conflict of interest is real or apparent to a reasonable person. Conflict of
16 interest may arise when any BOD member or staff member has a financial, family, or any other
17 beneficial interest in the vendor firm selected or considered for an award (see Section 12 “Conflict
18 of Interest”).

19 15.2 All procurement transactions will be conducted to provide, to the maximum extent possible, free and
20 open competition among suppliers. To avoid the purchase of unnecessary items, VSI must begin
21 with an analysis of the need for the procurement. The purchaser must then identify and clearly
22 specify standards for the good or services desired and seek competitive offers where possible to
23 obtain the best possible quality at the best possible price.

24 There may be occasions when VSI is obligated to spending without undergoing the proposed
25 method. These occasions may include required attendance at events where costs are set by other
26 entities or by spending on items that are covered under contracts not in VSI control. Likewise,
27 factors beyond cost may be considered when choosing a swimming venue for a VSI-hosted
28 championship. These factors may include such items as the availability of warmup water, historic
29 data on air and water quality, venue staff knowledge, and the desire to host championship meets at
30 different geographical locations within the VSI territory.

31 15.3 When procuring goods and services for VSI, the following methods will be used:

32 A. Less than \$5,000: Purchases of less than \$5,000 that are included within the approved VSI budget
33 can be made without additional approvals.

34 B. \$5,000 or more: Purchases of \$5,000 or more that are included within the approved VSI budget
35 require the solicitation of at least three direct, over-the-phone or written quotations (eg, rate, cost).
36 Purchases must then be approved by the General Chair. Recurring purchases need only obtain
37 updated quotations once every 2 years.

38 C. While total costs will frequently be the major consideration when choosing among multiple
39 quotations, other factors, when justified, may be used to accept other than the lowest quotation.
40 Non-exclusive examples of such factors include the following:

41 (1) Safety record and on-time record of transportation services

1 (2) Location (eg, travel time, accessibility to swim venue) and availability of ancillary services
2 (eg, meeting rooms, dining options, provision of additional rooms at no charge) of lodging
3 services

4 (3) Timing equipment that is compatible with existing systems

5 D. Purchases not included within the approved VSI budget must be approved by the VSI BOD, and
6 the purchases should follow the guidelines in sections 1.3.A-C.

7 15.4 Procurement records should include the following:

8 A. Receipts for small (less than \$5,000) purchases.

9 B. Receipts and/or contracts as applicable for large (\$5,000 or more) purchases.

10 C. Executed price sampling for small (less than \$5,000) purchases

11 D. Bids received for large (\$5,000 or more) purchases and a description of how the winning bid was
12 selected, especially if the lowest bid was not selected (eg, better quality, more timely delivery)

13 15.5 VSI must ensure proper oversight and management of procurement actions. VSI is responsible for
14 evaluating contractor performance and documenting, as appropriate, whether contracts have met the
15 terms, conditions, and specifications of the contract.

16 15.6. On an annual basis, the Finance Committee will conduct an audit of the VSI purchasing records.
17