

# **GULF MASTERS SWIM COMMITTEE POLICIES**

## **ANNUAL MEETING**

The Annual Meeting shall be held between October 1<sup>st</sup> and December 31<sup>st</sup> each year. Copies of the minutes of this meeting must be sent to the National Office along with a financial report. [see the Gulf LMSC Bylaws, Article III for further information] (1/4/12)

## **AWARDS**

An award may be given to a South Central Zone registered swimmer who best exemplifies the spirit of Masters Swimming that was shown by Jesse Coon. This award will be named the “Jesse Coon Memorial Award.” It is the intention to keep a permanent plaque at the Aerofit pool in College Station on which the annual winner’s name will be engraved and to give each winner some sort of award. (1/06)

## **BY-LAWS**

Current Gulf LMSC By-Laws and Policies shall be posted on the Gulf LMSC Website. (6/12/05)

## **COACHES PROFESSIONAL DEVELOPMENT FUNDS**

The Gulf LMSC has budgeted funds for professional development for Gulf LMSC Masters Coaches. The application for funds shall be posted on the Gulf LMSC website. The Gulf LMSC’s Board of Directors will review funding request applications and determine which applicants will be awarded grants. The application must be filed at least three weeks before the event.

Any coach receiving grant monies must provide documentation of attendance and file a report summarizing their participation at the event at the Gulf LMSC meeting following the event. (5/2/12)

## **CONFLICT OF INTEREST POLICY**

Whenever a member of the Gulf LMSC Board of Directors has a financial or personal interest in any matter coming before the Board of Directors, the Board shall ensure that:

1. The interest of such officer or director is fully disclosed to the board of directors
2. The interested person may make a presentation at the meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
3. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested directors determine that it is in the best interest of the Gulf LMSC to do so.

4. The minutes of meetings at which such votes are taken shall record such disclosure, abstention and rationale for approval. (10/19/16)

### **CONVENTION**

The Gulf LMSC shall reimburse the designated Gulf LMSC convention representatives for the following expenses:

- Transportation (coach airfare or gasoline, if driving)
- Hotel – one half of room for required nights (delegate is expected to have a roommate)
- Ground transportation to and from the airport to the convention site (but not a rental car)
- Airport parking
- Meal per diem of \$25 per day (no receipts necessary)
- Convention registration

In order for expenses to be reimbursed, receipts (excluding meals) must be presented to the Treasurer. (9/8/98)

### **CONVENTION DELEGATES**

Representatives to be funded for attending the USMS National Convention shall be selected annually, by vote at a regularly scheduled Gulf LMSC meeting. Criteria for nominations shall include the level of leadership and service to USMS and to the Gulf LMSC. When it is in the best interest of the Gulf LMSC, the Gulf Board of Directors may waive the criteria, (7/07)

### **ELECTION POLICIES**

Officers shall be elected during the Annual Meeting in even years. (11/16/11)  
[See the Gulf LMSC By-laws, Article IV for further information about elections.]

### **FINANCIAL POLICIES AND PROCEDURES**

The Gulf LMSC fiscal year shall be the calendar year. (11/6/90)

There shall be a \$30 charge for returned checks. (1/10/02)

Sanction fees shall be non-refundable. (3/21/02)

A financial statement shall be prepared by the treasurer for each Gulf LMSC meeting. (9/9/93)

Bank statements shall be sent directly to the Treasurer so that the Treasurer receives them in a timely manner. (11/6/90)

A member, other than the Treasurer, shall be appointed by the Board of Directors to reconcile bank statements at least quarterly. (2/20/08)

The Treasurer shall create an Annual Financial Report and send a copy to the USMS National Office no later than April 30<sup>th</sup> of the following year. (5/2//12)

The Treasurer shall file the appropriate 990-tax form with the IRS annually, within 5 months after the end of the fiscal year. (5/2/12)

The Treasurer shall issue an IRS form 1099-Misc to any individual who receives more than \$600 for services rendered. (5/2/12)

The Treasurer shall provide a written disclosure to any donor who receives goods or services in exchange for a single donation in excess of \$75. (Example disclosure: Thank-you for your cash contribution of \$100 that the Gulf LMSC received on 5/6/15. In exchange for your contribution, we gave you a swim bag with an estimated fair market value of \$25.)

The Treasurer shall provide written acknowledgement to any donor who makes any single contribution of \$250 or more. (Example acknowledgement: Thank-you for your cash contribution of \$300 that the Gulf LMSC received on 12/13/16. No goods or services were provided in exchange for your contribution.) (10/19/16)

The Treasurer shall have sales tax exemption certificates available. (11/6/90)

The Gulf Board of Directors shall appoint a back-up to the Treasurer. This person shall be the secondary signatory on the account and shall have access to several checks in case of an emergency. (1/06)

## **GRIEVANCE PROCEDURE**

### **Selection of a Grievance Chair**

Upon notice that a Gulf member intends to file a grievance with the Gulf LMSC, the Gulf LMSC President, with the concurrence of the Gulf Board of Directors, shall appoint a Grievance Chair.

### **Grounds for Grievances**

Any individual member of the Gulf LMSC and/or any Club member of the Gulf LMSC may bring a complaint on any matter for which grievances may be heard under the Rules of USMS Article 4. Specifically, complaints may be brought alleging unsporting conduct, defined in Article 402 as:

- a. Violation of the opportunity to participate, as set forth in Article 4.
- b. Discrimination in violation of Article 5 of the Rules of USMS.
- c. Any act of fraud, deception or dishonesty in connection with any USMS related activity.
- d. Any nonconsensual physical contact, obscene language or gesture, or other threatening language or conduct directed toward meet personnel, in connection with a USMS event.

- e. Any act, conduct or omission that is detrimental to the image or reputation of USMS, an LMSC, or the sport of swimming.

### **Complaint Procedure**

1. A complaint shall consist of a concise statement of the behavior or circumstance involved, shall be in writing, and signed by the person responsible for making the complaint. The complaint shall clearly identify the person or entity making the complaint and the person or entity against whom the complaint is made. The complaint shall be directed only to the Grievance Chair.

2. Upon receipt of a complaint, the Grievance Chair shall first make a determination whether the subject matter involves an issue for which a grievance may be brought under Article 4 and whether it involves a person or entity, which is part of the LMSC. If the Grievance Chair determines that the complaint does not meet such criteria, the Grievance Chair shall dismiss the complaint and notice of same shall be transmitted to the party bringing the complaint and to the President of the Gulf LMSC.

3. If the Grievance Chair does not dismiss the complaint, the Grievance Chair shall transmit a copy of the complaint to all other parties involved. The parties to any controversy shall be the USMS member or entity that makes the complaint, the USMS member or entity that is the subject of a complaint, and if appropriate, the LMSC. In the event there are multiple parties or varying interests, any interested person may ask the Grievance Chair to (or the Chair may of its own volition) realign the parties according to their interest in the matter.

4. The parties other than the complaining party shall have the right to make a written reply, which shall consist of a concise statement of any matter of defense to the complaint, and which shall be made within twenty days from the date the copy of the complaint is transmitted by the Grievance Chair. Replies shall be in writing and signed by the person responsible for making the reply. The Grievance Chair shall advise all parties in writing of their hearing rights under these guidelines, as well as their appeal rights under Article 4. The Grievance Chair, for reasonable grounds, including excusable neglect, may extend any time limit.

### **Mediation or Resolution by the Grievance Chair**

1. After all parties have transmitted written statements to the Grievance Chair (or if the time for same has passed without a statement being transmitted), the Chair shall attempt to resolve the controversy by mediation. The method of mediation shall be at the discretion of the Chair. Methods of mediation may include (without limitation) in-person contact, telephone contact, or communication by writing or e-mail. If mediation is successful, the agreement shall be reduced to writing, signed by the parties, and transmitted to the Gulf LMSC President.

2. If a party who is the subject of a complaint fails to make a reply, but other parties have replied, then the Grievance Chair may proceed to mediation under this section, or to a hearing under the following section.

3. If no party who is the subject of a complaint makes a reply, then the Grievance Chair may act on the complaint as filed, or may take evidence or information from any source. The Grievance Chair shall make such findings as appear to be justified and reasonable to resolve the controversy. Findings shall be reduced to writing and transmitted to the parties and to the Gulf LMSC President.

### **Hearing Procedure**

1. If no agreement can be reached, the Grievance Chair shall convene a hearing panel to resolve the controversy. The Grievance Chair shall designate three members of the Gulf LMSC to act as a panel to resolve the grievance and all matters related thereto. The Chair shall preside over the hearing and give counsel to the panel concerning procedural matters and USMS rules, but shall have no vote.

2. The hearing panel shall take such statements and evidence as it deems necessary to resolve the controversy, and shall, whenever possible, take evidence from all persons identified by a party as having material information. A party to the controversy shall be responsible for making any such witness or evidence available. If the panel deems it necessary to hear testimony, then the Chair may appoint one member to take such evidence and report to the panel. Any cost of production of evidence shall be advanced by the party on whose behalf such evidence is taken.

3. Upon completion of presentation of evidence, the hearing panel shall, by majority vote, resolve the controversy in the form of a written decision. The decision, including any dissent, shall be reduced to writing and transmitted to all parties and the Gulf LMSC President. If the hearing panel does not dismiss the complaint, it may deny membership in the LMSC, censure, place on probation, suspend, fine or expel from Gulf LMSC membership any member or any person participating in the affairs of USMS who has engaged in any unsporting conduct set forth in Article 4. If a person is expelled from the LMSC, such action shall be transmitted by the Grievance Chair to the National Board of Review for further action, if any, it deems necessary.

4. Upon rendering of a final decision, the Grievance Chair shall notify all parties in writing of their right to appeal to the National Board of Review under Article 4. The Gulf LMSC may stay the imposition of any penalty pending appeal to the National Board of Review. (5/2/12)

### **MEET ENTRY FORMS**

Meet entry forms must include the meet director's name and contact information. (4/17/10)

### **OFFICER ATTENDANCE AT GULF LMSC MEETINGS**

A member of the Gulf Board of Directors may be removed by the Board for failing to attend more than half of the Board meetings during any 12-month period (unless there are demonstrable extenuating circumstances to excuse the absences). Lacking such circumstances, the director

shall be removed by a two-thirds vote of the Board. The director in question shall have no vote on such removal. (5/2/12)

### **OFFICIALS**

The Gulf LMSC shall reimburse reasonable expenses for individuals training to be Masters Officials. (11/6/90)

The Gulf LMSC Officials Chairman should maintain a list of officials willing to officiate Masters swim meets. (9/12/89).

### **POLITICAL AND LOBBYING ACTIVITIES**

Under the Internal Revenue Code, all section 501 (c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. Therefore, contributions to political campaign funds or public statements of position (verbal or written) shall not be made on behalf of the GMSC in favor of or in opposition to any candidate for public office.

According to IRS exemption requirements, a 501(c)(3) organization may engage in some lobbying but too much lobbying activity risks loss of tax-exempt status. Therefore, no lobbying activities will be conducted by the Gulf LMSC without careful consideration and approval of the Gulf LMSC Board of Directors. (10/19/16)

### **POOL CERTIFICATION**

The Gulf LMSC Sanctions Chair should maintain a list of all Gulf pools which are properly certified. (1/16/89)

The Gulf LMSC shall maintain equipment for certifying pools. (6/12/05)

A deposit equal to the cost of the measuring equipment may be charged. (10/06)

### **REGISTRATION:**

The individual registration fee shall be set annually by the Gulf LSMC Board of Directors. (5/2/12)

The one-event registration fee shall be set annually by the Gulf LMSC Board of Directors. Unless approved by the Board of Directors, one-event registrations may only be used for open water events and the Woodlands Relay meet. (2/20/08) (11/16/11)

The club registration fee shall be set annually by the Gulf LMSC Board of Directors. (5/2/12)

Once a month, the Registrar shall send the Treasurer the official list of who has registered for that month, along with any associated checks. The treasurer will deposit the checks and write a single check to the National Office. The monthly report and check shall be sent to the National Office by the Treasurer. (1/06)

## **SANCTIONS**

The meet sanction fee shall be \$50 per meet and shall be non-refundable. The fee may be waived for meets held within the Gulf LMSC that are open to all Gulf registered swimmers. **The fee for a dual sanctioned meet must be paid by the individual requesting the sanction and must be paid in full prior to sanctioning the meet. (10/19/16)**

If warranted, a refundable results deposit of \$50 may be charged for a meet. This deposit will be refunded upon receipt of pool certification (when required) and the confirmation by the Top Ten Chairman that the meet results have been reported in an acceptable manner, ready to export for the top times report. If results have been presented improperly, with the approval of the Gulf Board of Directors, the deposit shall be forfeited by the meet. (4/5/04) (6/12/05)

The Gulf LMSC retains the authority to increase the cost of the required meet deposit by \$50 for the subsequent year when a meet director fails to comply with the requirements of the rules of USMS and the Gulf LMSC policies. The Gulf LMSC will have the discretion to keep the current year deposit if the Gulf LMSC Board of Directors deems such a penalty is warranted. Once a meet director complies with the rules, future meet deposits may no longer be required. (8/07) (10/19/16)

The Gulf LMSC Board of Directors must approve any meet held in the Gulf before it can be issued a sanction. (3/12/91)

In order for an open water event sanction or approval to be considered, any race director hosting an open water event in the Gulf LMSC for the first time, must complete the sanction or recognition application 90 days prior to the event and attend a Gulf LMSC meeting to present the proposal for consideration. (11/16/11)

## **SMOG GRANTS**

Swim Meet Operation Grants (SMOG grants) are available to support the operations of swim meets held within the Gulf LMSC boundaries. Requests for SMOG grants shall be submitted to the Gulf LMSC Board of Directors for approval. (1/06)

The Gulf Board of Directors may grant up to \$2500 per calendar year in SMOG grants. (3/8/94)

The Meet Director of a competition that has been approved for a SMOG grant must file a financial report before the Gulf LMSC Treasurer issues the SMOG grant money. (3/8/94)

## **WEB SITE**

A backup Webmaster shall be named and have access to the login and passwords to update the website if needed in an emergency situation. (1/06)

Links to events approved by the Gulf LMSC Board of Directors may be placed on the Gulf LMSC web site, however, e-mails pertaining to these events shall be sent to the Gulf membership only on a limited basis. (3/2/11)

Current By-Laws and the Gulf LMSC Policies shall be posted on the Gulf LMSC Website. (6/12/05)

Revised 2/21/06 by Nancy Rossetti  
Revised 2/08 by Kris Wingenroth  
Revised 5/2/12 by Kris Wingenroth  
Revised 10/19/16 by Kris Wingenroth