

## USA Swimming 2021 Special House of Delegates Meeting Minutes

June 30, 2021 / Virtual from Colorado Springs, CO

### CALL TO ORDER

The Wednesday, June 30, 2021, Special USA Swimming House of Delegates meeting was called to order at 3:00 p.m. Mountain Daylight Time.

### USA SWIMMING BOARD CHAIR'S REPORT

Board of Directors Chair, Bob Vincent, opened the Special House of Delegates (HOD) meeting by commenting on the challenges and hard work of the membership and staff to safely return to competition, specifically the ability to host the U.S. Olympic Team Trials – Swimming to nominate a team to send to the Tokyo Olympic Games.

Mr. Vincent briefly described the Board of Directors' course to assist the organization with coming into compliance with federal law and new mandates set forth by the United States Congress and the United States Olympic and Paralympic Committee (USOPC).

Mr. Vincent presented the agenda for the Special HOD meeting and introduced the Governance Committee, in addition to providing a brief overview of the Governance Committee's working groups.

Lastly, Mr. Vincent explained the purpose of the Special HOD meeting, including the need for all National Governing Bodies (NGBs) to comply with the *Empowering, Olympic, Paralympic, and Amateur Sports Act*, which was signed into law in 2020, and the USOPC Bylaws, which were subsequently adopted. Mr. Vincent emphasized the necessity of complying with federal law and USOPC Bylaws through the legislation being proposed during the Special HOD, noting that if USA Swimming does not comply, the organization runs the risk of becoming decertified as the NGB for the sport of swimming in the United States.

Board Chair-Elect, Chris Brearton, described how we, as an organization, got to where we are now, by highlighting key dates along a timeline that began in October 2020, including when (1) the new federal law was signed, (2) the USOPC adopted new Bylaws, (3) the Board of Directors endorsed the Governance Committee's working groups, (4) the working groups and courses of action developed to produce legislative proposals, and (5) the Rules and Regulations Committee recommended to approve all of the legislative proposals.

The Board of Directors Working Group (BOD Working Group) Leader, Jeanette Skow, provided definitions developed by the USOPC for key terms that are used within the proposed legislation, including definitions for a "10 Year Athlete," a "10 Year+ Athlete," an "Actively Engaged Athlete Representative," "Delegation Event," and "Protected Competition."

Ms. Skow described the two USOPC Bylaw requirements the BOD Working Group addressed as determined by the updated USOPC Bylaws, including ensuring 33.3% athlete representation on all NGB Boards and adding the USOPC AAC representative and alternate as voting members to the Board of Directors. Ms. Skow presented the BOD Working Group's proposals, including having two

“10 Year Athlete” positions added in place of two at-large positions, bringing the number of athletes on the Board to five, with the USOPC ACC representative and alternate filling these two additional “10 Year Athlete” positions.

Ms. Skow informed the HOD that Proposal 1 would add the definitions created by the USOPC to the Rulebook Glossary and Proposal 2 would keep the Board of Directors at fifteen voting members, while adding two “10 Year Athletes” in place of two at-large Board seats to ensure 33.3% athlete representation. Ms. Skow added that Proposal 2 would also include clarifying language to the Bylaws regarding the Immediate Past Chair’s ability to fill the zone geographic and/or semi-independent requirement. Ms. Skow also noted that previous Board requirements will be unchanged regarding coach, semi-independent, and zone representation on the Board.

Lastly, Ms. Skow reported that the BOD Working Group asked the Board to expand its charge to the Nominating Committee to include encouraging athletes who have insight and experience in local and regional competition and governance to apply for the at-large Board positions, which the Board approved at its May 2021 meeting.

Committee Working Group Leader, Katie Meili, began with defining key terms as defined by the USOPC, including the difference between a “Designated Committee” and an “Other Committee.” Ms. Meili explained that a “Designated Committee” can make recommendations or decisions that directly impact elite athletes. Ms. Meili noted that while all national committees must have 33.3% athlete representation, athlete representation of a “Designated Committee” has to be made up of “10 Year Athletes.”

Ms. Meili reported that the Committee Working Group’s priority was to maintain and create positions for “Actively Engaged Athletes” who do not qualify as “10 Year Athletes.”

Ms. Meili presented the new compliance requirements per the USOPC Bylaws, as well as the Committee Working Group’s proposals. Ms. Meili began with Proposal 3, which would form a now-required Athletes’ Advisory Council (AAC). Ms. Meili reported that the AAC would be comprised of nine “10 Year Athlete” members who will be elected by the entire “10 Year Athlete” pool, and additionally the Athletes’ Executive Council (AEC) Chair and up to two “Actively Engaged Athlete” will be added as ex-officio members, with voice but no vote.

Ms. Meili reported that Selection Procedures for “Delegation Events” must be approved by a “Designated Committee” and Proposal 8 would memorialize the current three-person Selection Procedure Committee.

Ms. Meili stated that Proposals 4 and 5 would bring “Designated Committees,” the Rules and Regulations Committee and the National Team Steering Committee, into compliance with the inclusion of 33.3% of “10 Year Athlete” or “10 Year+ Athlete” representation. Additionally, Ms. Meili said Proposal’s 6 and 7 would also bring “Other Committee’s,” the Senior Development Committee and the Age Group Development Committee, into compliance by adding 33.3% athlete representation to which the “athlete” can be an “Actively Engaged Athlete.”

Lastly, Ms. Meili reported on Proposal 3, which would allow the newly formed AAC to select all committee athlete representatives.

HOD Working Group Leader, Bill Schalz, reported on the last compliance requirement of ensuring 33.3% athlete representation through “10 Year Athletes” or “10 Year+ Athletes” within the HOD, as it is considered an “NGB Governing Board.” Mr. Schalz provided data on the current HOD composition, including that athlete representation by “10 Year Athletes” or “10 Year+ Athletes” is less than 5% and “2 Year Athletes” constitute less than 20%. Mr. Schalz noted that increasing “10 Year Athletes” and/or “10 Year+ Athletes” to the 33.3% will mean reducing the proportionate vote of all other stakeholders. Mr. Schalz stated that of the HOD Working Group’s proposal of 130 seats for athlete representation, at least 78 athletes must be “10 Year Athletes” and the remainder may be a combination of “10 Year Athletes” and “10 Year+ Athletes.”

Ms. Meili reported that based on survey results to “10 Year Athletes” asking whether they would be interested in serving as a Delegate, the proposal’s number of 130 athlete representatives is well founded. Ms. Meili added that there is not a credible basis for going to an HOD larger than 390 members based on the 33.3% athlete requirement.

Mr. Schalz presented the proposed breakdown of demographic representation for the HOD and noted the importance of ensuring the “Two-Year Athletes” still have opportunities to serve as Delegates.

Mr. Vincent explained that the AAC can pursue weighted voting, as well as ask the USOPC for an expanded definition of “10 Year Athlete”, which may lead to the ability to increase the HOD beyond the proposed 390 Delegates. However, Mr. Vincent remarked that the AAC may not be seated prior to the September 2021 HOD, and even if it is, the AAC may not be ready to make any big decisions. Mr. Vincent emphasized that even if the definition was expanded, it would not change the 33.3% athlete requirement or mitigate concerns from the various constituencies.

Mr. Brearton emphasized the consequences of non-compliance, noting the difference between “unwilling to comply” vs. “unable to comply” and that if USA Swimming does not comply by January 1, 2022, it will be seen as “unwilling” to comply by the USOPC. Mr. Brearton lastly stated that once decertified, there is no defined recertification process.

Mr. Vincent spoke about the importance of achieving compliance now so the organization can move forward with a focus on rebuilding the sport as COVID-19 put USA Swimming a year behind for the quad.

In closing, Mr. Vincent provided a brief overview of the new Annual Business Meeting format, which will be complimented by a Zone Workshop each spring.

## **RULES AND REGULATIONS**

USA Swimming Rules and Regulations Committee Chair Clark Hammond presented the 2021 Proposed Amendments to the HOD for consideration and vote (Attachment 1). Additionally, Mr. Clark provided the virtual procedures for pulling legislation, making a motion, speaking on legislation, and voting.

The House of Delegates voted to adopt legislative proposals R-1 through R-8. The House did not vote to adopt R-9.

## **ADJOURNMENT**

USA Swimming Board of Directors Chair Bob Vincent adjourned this meeting at 4:19 p.m. Mountain Standard Time.

Respectfully submitted:



Michelle Steinfeld, Secretary and General Counsel



Bob Vincent, Board Chair

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Attachment 1

Page 4 – 2021 Rules & Regulations Report for Special HOD

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