

## MIDWEST REGIONAL CHAPTER RISK MANAGEMENT GUIDELINES FOR 2009

Risk Management is attempting to identify and manage threats that could severely impact an organization or its ability to accomplish its mission. Some common goals for risk management are: avoiding costly claims, preserving the organizations (Chapter and College) reputation, and protecting human and financial resources. The chapter board is legally responsible for ensuring the health of the chapter and should conduct a yearly risk management assessment.

The following guidelines represent the official risk management policy of the **Midwest** Chapter. In addition to following the required risk management guidelines stated below, optional risk management guidelines may be found in Appendix 1.

The Regional Chapter Risk Management Guideline document will be reviewed annually by the ACSM Regional Chapters Committee and the ACSM National Office. This review is to ensure the following: 1) ACSM has an opportunity to suggestion any new industry standards/best practices; and 2) Regional Chapters have an opportunity to comment on ease of use of the document and to provide additional suggestions for materials to be incorporated into the document.

### REQUIRED RISK MANAGEMENT GUIDELINES & CHECKLIST

#### BOARD AND CHAPTER LEADERSHIP-

- The chapter has up-to-date, clearly outlined job descriptions for all board members, officers and other key volunteer positions. These job descriptions are located at ***MWACSM Regional Chapter Office, 115 Eppler South, BGSU, Bowling Green, Ohio. The Policies and Procedures Manual is also posted on the Chapter website at [www.mwacsm.org](http://www.mwacsm.org). During 2009 the Policies and Procedures Manual will be updated, job descriptions and committee duties will be further clarified, and a annual timeline for Chapter activities will be finalized and approved by the Board of Directors.***
- If the chapter has a paid Executive Director, a job description providing clear expectations is located at ***115 Eppler South, and 218 Eppler South***. The chapter agrees to pay the Executive Director \$0 per year to fulfill duties outlined in the job description. **An RFP is on file each year detailing the expectations for the Executive Director.** The executive director must **provide 6 months** notice if he/she wishes to resign. Annual Salary will be pro-rated based on the number of weeks working during the fiscal year.
- The chapter **will** provide the Executive Director with benefits related to his/her involvement in National ACSM. The chapter will provide the following benefits: ***MWACSM annual meeting and ACSM Annual Meeting registration fees, travel costs not supported by the Executive Director's employer.***
- Board members and officers serve without payment. However, the following out-of-pocket expenses for chapter-related activities may be reimbursed: ***Travel costs (hotel, mileage, food, etc.) associated with Board or Chapter Annual Meetings, supplies purchased for chapter events, phone charges for approved chapter teleconferences, etc.***. Reimbursements for any items over \$25 will be provided only when written receipts and/or documentation is provided. Reimbursements are distributed by the ***Executive Director***. Reimbursements over \$25 requested by the ***Board members and officers*** must be approved by the ***Executive Director***.
- In the course of conducting chapter business, officers, board members, executive director and invited guests may participate in group meals. The chapter has established the following per person guidelines for group meals paid for by the chapter:  
**Non High Cost Areas:** Breakfast- no more than **(\$8)** per person; Lunch- no more than **(\$11)** per person; Dinner- no more than **(\$20)** per person.

**High Cost Areas:** Breakfast- no more than **(\$10)** per person; Lunch- no more than **(\$13)** per person; Dinner- no more than **(\$26)** per person.

**High cost cities:**

Atlanta, GA; Atlantic City, NJ; Baltimore, MD; Boston, MA; Chicago, IL; Cleveland, OH; Cincinnati, OH; Columbus, OH; Dallas, TX; Denver, CO; Hilton Head, SC; Houston, TX; Kansas City, MO; Las Vegas, NV; Los Angeles, CA; Miami, FL; Minneapolis, MN; Nashville, TN; New Orleans, LA; New York City, NY; Orlando, FL; Philadelphia, PA; Phoenix/Scottsdale, AZ; Pittsburgh, PA; San Diego, CA; San Francisco CA; Seattle, WA; St Louis, MO; Washington, DC; and all destinations outside the continental United States.

**Mileage reimbursement** for 2009: \$0.55 per mile.

- The organization maintains a conflict-of-interest policy (see Appendix 2). A signed conflict-of-interest form (see Appendix 3) is on file for all board members and paid staff, and these individuals acknowledge and comply with the policy. Signed conflict-of-interest forms are located at **MWACSM Office, 115 Eppler South, c/o Dr. Lynn Darby, Bowling Green State University, Bowling Green, Ohio.**

**INSURANCE-**

- The chapter participates in the ACSM-sponsored liability insurance program which protects the chapter should circumstances cause the delay or cancellation of a chapter meeting as well as claims to the organizations for events that occur during the meeting.

**FINANCIAL AND LEGAL ISSUES-**

NOTE: On behalf of the chapters, ACSM manages certain legal and IRS documentation procedures required of nonprofit organizations including submitting yearly IRS form 990 based on chapter annual financial reports.

- Critical documents (e.g. board minutes, leases, contracts, bylaws, financial statements) are kept **in the Chapter Office and also in the Executive Director's faculty office. Documents from the MWACSM computer are backed up every two months onto a flash drive.**
- The **Executive Director** prepares timely financial statements which are forwarded to the entire board for review **quarterly, at each Board meeting, or as requested by the Board.** On a yearly basis, a budget comparing the current year's expenses and revenue to past years' expenses and revenue is made available to the board. This budget is made available **at the fall Board Meeting held in conjunction with the Chapter Annual Meeting.**
- The **Executive Director** develops an annual comprehensive budget prior to January 1 each year. The budget is developed and made available to the board for review and approval no later than **December 15.**
- The individuals authorized to sign checks on behalf of the chapter and/or withdrawal funds from chapter accounts are **the Executive Director.** All checks and/or withdrawals over **\$5000 dollars** must be signed by two approved individuals. The **Past-President and President** have access to all accounts, statements and related information.
- The chapter **does not** pay rent for regional chapter office space. **Space is allocated and donated by the School of HMSLS at BGSU.** The chapter pays **phone, photocopying, and contracted graduate assistant stipends to the School of HMSLS (BGSU).** The chapter is responsible for paying **no utilities** in conjunction with the office space rental.

**COLLABORATIONS AND PARTNERSHIPS WITH OTHER ORGANIZATIONS-**

- When the chapter enters into partnerships with other organizations, written agreements are secured. The board validates all partnership agreements and major contracts by giving formal approval. The agreement includes: overall intent of the partnership, the parties involved, the period of the partnership (begin & end dates), assignments and responsibilities (individual and shared), disclaimers (what the partnership isn't intended to do, guarantee or create), detailed financial agreement (amounts and when payment is due), risk sharing (who's responsible for any mishaps), and signatures of each party's representative. The agreements may be forwarded to ACSM staff for initial review. If deemed necessary, ACSM staff may make recommendations in regard to further legal review. For the **2009** fiscal year, the chapter has current contracts with ***Pheasant Run Spa and Resort, St. Charles, IL, for the 2009 MWACSM Annual Meeting.*** The contracts are stored at ***MWACSM Chapter Office and in the Executive Director's office.***

**MEETING RELATED ISSUES-**

- The individuals authorized to book hotels or convention facilities on behalf of the chapter and/or sign contracts with hotels, convention centers or meeting vendors is ***the Executive Director.*** The chapter obtains a written contract from any meeting facility and/or vendor, even those providing complimentary facilities or materials. ACSM staff may be consulted to review contracts to ensure that the chapter receives the best rates and limits liability.
- Speakers at chapter meetings are provided the following: ***honorarium, travel, (hotel, car, air & food).***
- Compliance with all Americans with Disabilities Act (ADA) guidelines is ensured by providing the following statement on all registration forms: "Please notify the chapter by ***at least one month prior to the Chapter annual meeting*** if you need any type of special accommodations as a result of a disability." Requests are complied with based on ADA guidelines.

**PROTOCOL FOR ADDRESSING RISK MANAGEMENT GUIDELINES VIOLATIONS**

ACSM member rights are protected and administered according to the ACSM Constitution and Bylaws. Thus, some violations may be privy to action on behalf of National ACSM in addition or in place of action by the chapter. Appropriate oversight will be determined on a case by case basis.

- 1) Accusation of alleged violation of the Risk Management Guidelines stated above must be provided in writing to the President **of the MWACSM Chapter** of the American College of Sports Medicine. The President (with copy to the chapter's Executive Director, ACSM's Executive Vice President and the ACSM Assistant Director of Membership and Chapter Services) shall acknowledge the accusation affirming that an investigation will be pursued by the Board of **Directors** with sensitivity and confidentiality and that the eventual outcome will be shared only among those within the College structure on a need to know basis. If the accused is the Chapter President, the next highest ranking officer shall undertake all protocol responsibilities normally assigned to the President. The ACSM Executive Vice President and the ACSM Assistant Director of Membership and Chapter Services should be informed of the chapter's actions at each level of the protocol listed below. Should the case warrant, information will be passed along to the ACSM Ethics and Professional Conduct Committee.
- 2) In cooperation with the ACSM Assistant Director of Membership and Chapter services and pertinent chapter officers, the President of the **Midwest Chapter Officers** and Board of **Directors** will attempt to gather all pertinent facts and statements regarding risk management guideline violations.
- 3) If the alleged violation is found to be other than a mistake, or minor and inadvertent, all members of the **Midwest Chapter Officers and Board of Directors** will receive copies of the pertinent information. The President shall hold a meeting (in-person or teleconference) to discuss the



## Appendix 1- Optional Risk Management Checklist

The checklist below is comprised of **optional** risk management activities which the chapter leadership may address to further protect the chapter and/or its leaders.

### BOARD AND CHAPTER LEADERSHIP-

- New board members are oriented to their position shortly after being elected or appointed.
- Volunteers receive appropriate training and orientation to their roles.
- The board has an operations manual (provided to all board members) which includes: mission statement, bylaws, key policies and procedures, goals/strategic plans, historical overview or fact sheet, job descriptions for board members and all officers, list of current board members with contact information, a chapter organizational chart, annual report, and budget. Prior to rotating off, have board members and officers add a 1-2 page "tips of the job" and then pass the manual onto a new board member or officer so that he/she doesn't have to reinvent the wheel.
- If changes are proposed to chapter constitution or bylaws, those changes must be forwarded to ACSM for review by the Regional Chapters Committee and the Constitution and Bylaws Committee.
- The organization periodically recognizes or commends volunteers in an effort to ensure valuable individuals are appreciated and remain active.
- The board sets yearly goals and reviews the overall strategic plan annually. Measurable goals are attached to chapter programs to monitor progress and assist with decision making in future years.

### FINANCIAL AND LEGAL ISSUES-

- All financial records are kept in a central location and well-labeled.
- When the board makes a financial or budgetary decision, a quorum is present and minutes are maintained.
- The chapter **Executive Director** reconciles all cash accounts monthly.
- Be sure to print the chapter's federal ID number on dues notices, meeting registration forms and other forms where payments are collected. This will assist customers and members when requesting payments from institutions. Also, use the chapter's federal ID number on all chapter bank and investment accounts. The MWACSM Federal ID # is 23-6390952.
- The chapter has established, or is actively trying to establish a reserve of funds equivalent to at least 25% of your yearly expenses to protect the chapter in the event of an emergency or to cover loss years.
- If an activity requires participation outside of normal chapter activities (e.g. a fun run, a chapter sponsored golf outing, group exercise activity within a meeting, etc.), participants should be required to sign a liability waiver to protect the chapter in case the participant is injured or harmed in any way. ACSM National can provide a liability waiver or have legal counsel review your waiver to ensure it will hold up in court. If you are unsure whether a waiver should be used for a particular activity, contact ACSM.
- Ensure that financial and legal documents are retained for the appropriate length of time. The examples below are based upon specific tax rules and/or common sense; however, you should make sure your record retention policies meet the longest statute of limitations within the state in which you operate.

- 1) *Retain Permanently*: Organizational documents, bylaws, IRS determination letter; Tax and legal correspondence; General ledger and subsidiary journals; Financial statements; Real estate ownership records and deeds; Insurance policies; Contracts; Rental or lease agreements
- 2) *Retain for a Minimum of Seven Years*: Bank statements and deposit slips; Supporting documents for revenue; Employee expense reports; Supporting documentation for travel and entertainment expenses; Employee payroll records
- 3) *Retain for a Minimum of Four Years*: Inventory records; Employee payroll records; Cancelled checks; Documentation supporting expenses

#### **COLLABORATIONS AND PARTNERSHIPS WITH OTHER ORGANIZATIONS-**

\_\_\_\_\_ To ensure that a partnership or sponsorship is a good fit, ask the following questions.

1. Are products and values consistent with your organization's goals?
2. Will key stakeholders (board, members, ACSM National) have concerns or problems with the relationship?
3. Will the company's presence be taken as your endorsement of the company and/or its products?
4. Does the company expect that as a result of its donation it will have some control over a sponsored event or the organization itself? Can you meet those expectations?

\_\_\_\_\_ While it may be beneficial to partner or collaborate with another organization, ask the following questions prior to committing:

1. Is your organization compatible with the intended partner?
2. Do you understand the motives of the other organization wanting to work with you? Does the motive fit with your mission?
3. Have you conducted due diligence to ensure that the organization does not engage in any activities your members may find objectionable?
4. Have you considered the message that your members will receive when they hear of the partnership? Will it appear that you've endorsed the organization or its products?
5. Have you clarified your expectations of the partner as well as its expectations of your chapter? Collaborate on measurable goals so that both sides have a clear vision.
6. Have you secured a written agreement? (See below)

#### **MEETING RELATED ISSUES-**

  X   Meetings are marketed well in advance. Even if program is not finalized, consider sending "save the date" mailings or e-mails as members schedules likely fill quickly. ACSM National can help promote your meeting to ACSM members and certified professionals.

  X   Prudent steps are taken to reduce the potential for injuries and liability based on the distribution of alcoholic beverages, including:

- Alcoholic beverages are only served on premises that hold current beverage licenses.
- Beverages are only dispensed by hotel employees and bartenders who have the right to refuse alcohol to anyone who is underage, cannot produce identification or (in the hotel's sole judgment) appears to be intoxicated. Make sure bartenders are instructed to not pour more than a normal "shot" into a glass and to not serve intoxicated individuals.
- All receptions, hosted or not, should have a designated cut-off time.
- Provide sufficient non-alcoholic beverages and accompanying food.
- Limit the chapter's liability by only having cash bars (i.e. the chapter does not provide complimentary alcohol).
- If the chapter must provide complimentary alcohol, utilize coupons for alcoholic drinks to monitor and control consumption.

## Appendix 2- CONFLICT OF INTEREST POLICY

**General Guidelines:** No ACSM regional chapter member should serve the chapter in capacities in which there is an ongoing, unavoidable conflict of interest.

Information acquired by a member while serving in **Midwest Regional Chapter** capacity is to be respected as exclusively proprietary and confidential until **Midwest Regional Chapter** makes such available in the public domain.

Every member is expected to disclose for the records any potential, real, or perceived conflict of interest (Conflict of Interest Form) and remove him/herself from presence and/or involvement in relevant agenda items.

The decision to consider and disclose actual or unavoidable conflict of interest is the responsibility of the given member. If the member does not recuse himself/herself, the chair of the committee, President of the Board of Trustees has the responsibility of ensuring the integrity of **Midwest Regional Chapter** work and reserves the right to request a member excuse himself/herself from participation on a matter.

### Declaration of Conflict of Interest

All **Midwest Regional Chapter** committee, **Officers**, or Board members are:

1. made aware of the *Conflict of Interest* guidelines when considered for committee or Board service and
2. required to disclose any potential conflict of interest (*Conflict of Interest form*). Included in this provision are guidelines for recusal from discussion and material review where potential, real or perceived conflict of interest exists.

### Examples of Conflict of Interest

A leadership role in competitive organizations with **Midwest Regional Chapter** where proprietary information be shared:

Receipt of royalties, consultancies, funding by a research grant, receiving honoraria for educational services or any other relationship (such as material management or leadership responsibilities) with a corporation, company or institution that provides sufficient reason for disclosure in keeping with the spirit of the stated policy.

### Procedures for Addressing a Conflict of Interest

Removal from discussion and participation in a matter of conflict of interest may occur in one of two ways.

1. A **Midwest Regional Chapter** committee, **Officer**, or Board member who discloses a conflict of interest is strongly encouraged to recuse himself/herself from a committee or Board issue which is viewed as competitive with the external entity the member is involved with. The individual should recuse himself/herself from the meeting or teleconference when discussions occur concerning the area of conflict.
2. The committee chair and President of the Board of Trustees with majority support from the group, reserves the right to excuse a committee or Board member from discussion and participation on a matter when the member has disclosed an affiliation which poses a real or perceived conflict of interest.

### Breach of Conflict of Interest and Recusal

Situations where it is believed an individual did not disclose a conflict of interest intentionally, did not recuse himself/herself voluntarily or at leadership request, or shared sensitive or proprietary information with a competitive external entity should be addressed using the "Protocol for Addressing Risk Management Guideline Violations."

**Appendix 3- CONFLICT OF INTEREST FORM**

**Midwest Regional Chapter of the American College of Sports Medicine  
2009 Conflict of Interest Form**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Please review the Public Use of Professional Expertise and Conflict of Interest statements below and respond accordingly:

**Public Use of Professional Expertise**

*Members and Fellows are encouraged to consult and share their professional expertise beyond their workplace as opportunity provides, with or without compensation. In doing so, the professional expert is expected to avoid misrepresentation and omission of relevant facts, involvements exceeding one's area of expertise, and conflicts of interest with or through the **Midwest Regional Chapter** when serving the **Midwest Regional Chapter** in an appointed capacity.*

"Conflict of Interest" is defined as a significant financial interest in a business or other direct or indirect personal gain or consideration provided by a business that may compromise, or have the appearance of compromising, an **Midwest ACSM** member's professional judgment in:

- (a) committee, **officer, Board of Directors**, or annual meeting activity involving the business or the chapter or
- (b) designing, conducting, or reporting research that may affect the business or the chapter.

"Personal gain or consideration" includes but is not limited to corporate / organizational board appointments, promotions, advanced position, and other non-monetary reward. Financial and personal gain or consideration includes but is not limited to the financial interests of family members, households, business partners, and close friends.

"Significant financial interest" means anything of combined monetary value exceeding \$10,000 per year including, but not limited to, salary, payments, income, fees, honoraria, travel expenses, gifts, stocks, stock options, patents, copyrights, and royalties.

I affirm that there is no conflict of interest related to this appointment.

I am informing the **Midwest ACSM** of the following potential conflict of interest related to this appointment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_