



# Special Olympics

## Summary and Explanation of General Rules Amendments

April 2012

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### I. Reorganized Version.

The Special Olympics Official General Rules have been reorganized to mirror the Special Olympics 2011-2015 Strategic Plan Framework as follows:

Content	Former Article Number	New Article Number
Mission, Goal & Founding Principles	Article 1	Article 1
Definitions	Article 2	Article 10
SOI's Governance of Special Olympics	Article 3	Article 4
Governance and Operation of Accredited Programs	Article 4	Article 5
Accreditation of Programs	Article 5	Article 6
Special Olympics Athletes	Article 6	Article 2
Sports Training and Competition	Article 7	Article 3
Fundraising & Development	Article 8	Article 7
Financial arrangements, Fiscal accountability, Insurance	Article 9	Article 8
Interpretation of the General Rules	Article 10	Article 9

This version reorganizes the General Rules into new sections while maintaining the amendments summarized below and contained in the amended version.

### II. Summary and Explanation of Amendments

(note that removed content is shown in strikethrough, new content is underlined)

#### Section 2.01<sup>1</sup>. Definitions

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"Accredited Program(s)" means any ~~National Program~~, ~~U.S. Program~~, Sub-Program, or other organization accredited by or through SOI's authority to organize and conduct Special Olympics training and competition programs within a particular jurisdiction. Unless otherwise indicated by a specific Section of these General Rules, the phrase "Accredited Program" is a generic reference to both ~~National~~ International Programs and U.S. Programs. Where required by the context, the phrase "Accredited Program" also includes Sub-Programs.

"Board of Directors/~~National Program~~ Committee" means the board of directors of any Accredited Program which is operated as an independent legal entity, or the committee or association which has the ultimate legal responsibility for governing the affairs of any ~~National~~ Program which is not operated as an independent legal entity.

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<sup>1</sup> Now Section 10.1

"Executive Officer/~~National Program~~ Director" means the individual who has the authority and responsibility for managing the day-to-day affairs of an Accredited Program, as required by Article IV, Section 4.02(e).<sup>2</sup>

"Games" means, generally, any Special Olympics Summer Games and/or Special Olympics Winter Games offered or conducted by SOI, a GOC, an Accredited Program, or any other organization or entity licensed by SOI to conduct Games under the name or auspices of Special Olympics in which there is competition in three (3) or more Official Sports.<sup>3</sup>

"~~Multi-National Program~~ Games" means any Summer Games and/or Winter Games offered or conducted on a ~~multi-national~~ program basis, but not on a Regional or worldwide basis, by SOI or SOI's authorized designees, or by two or more ~~National~~ Programs with prior authorization from SOI.

"~~National Program~~ Committee" is defined under the term "Board of Directors/~~National Program~~ Committee" in this Section 2.01.

"~~National~~ Program Games" means any Summer Games and/or Winter Games offered or conducted on a national basis by a ~~National~~ Program.

"~~National~~ Program" means the Accredited Program licensed and authorized by SOI as provided in these General Rules to operate Special Olympics programs within the boundaries of a particular nation.<sup>4</sup>

"Program Development System"<sup>5</sup>

"Sub-Program(s)" means a provincial, local or community program located within the jurisdiction of an Accredited Program, which local/community program is specifically accredited and authorized by an Accredited Program or by SOI, in accordance with these General Rules, to organize and conduct local Special Olympics programs within a defined area that is located entirely within the geographic jurisdiction of the accrediting Program.<sup>6</sup>

"U.S. Multi-State Games"

"U.S. Program"

"U.S. Program Games"<sup>7</sup>

"Winter Games"<sup>8</sup>

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<sup>2</sup> As Special Olympics' reach extends ever more globally, we should no longer distinguish between "National" Programs and U.S Programs, but rather have one reference to all Programs. This does not affect the meaning of "Program"

<sup>3</sup> The definitions were confusing, the amendment covers all Games.

<sup>4</sup> See footnote 1

<sup>5</sup> The definition of Program Development System is deleted. "PDS" describes a tool. The tool for measurement may change from time to time.

<sup>6</sup> The word "provincial" is added, as this description applies to many places in the world, it is a level above "local"

<sup>7</sup> Deleted in the main body; Note 5: The General Rules should apply equally to all programs world-wide. U.S. specific policies are now contained in a U.S. specific document, as a supplement to the General Rules to be read together with the General Rules.

<sup>8</sup> Deleted; See Note 2 above

**Section 2.03.<sup>9</sup> Powers and Responsibilities of SOI.**

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(d) *Establishing Rules for Special Olympics Training and Competitions.* SOI establishes and enforces the rules and procedures governing the conduct of Special Olympics competitions, including all policies concerning eligibility for participation in Special Olympics, requirements for coaches, delegates and volunteers, the definition of Official Sports, Recognized Sports and Prohibited Sports, ~~requirements and minimum~~ standards for training in specific sports, and procedures for organizing, financing and conducting Special Olympics competitions.<sup>10</sup>

**Section 2.09.<sup>11</sup> Relationship with the International Olympic Committee.**

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Through a Protocol of Agreement signed on February 15, 1988, the International Olympic Committee (the "IOC") officially recognized SOI and agreed to cooperate with SOI as a representative of the interests of athletes with intellectual disabilities. The IOC's formal recognition of SOI carries with it a solemn duty and responsibility, which must be discharged by SOI and all of its Accredited Programs, to conduct Special Olympics training and competition in accordance with the highest ideals of the international Olympic movement, to guard and protect the use of the term "Special Olympics," and to protect the word "Olympics" from unauthorized use or exploitation. ~~The IOC's Protocol of Agreement with SOI requires SOI to comply fully with all requirements of the United States Olympic Committee (see Section 2.10) and any requirements of United States law regarding the use of the word "Olympics."~~ The IOC's Protocol of Agreement with SOI prohibits SOI, Programs and GOCs from using the 5 ring Olympic logo, the Olympic anthem, or the Olympics motto. Each Accredited Program agrees to fulfill these responsibilities by accepting accreditation from SOI, as provided in its Accreditation License and Article 5.<sup>12</sup>

The current wording "The IOC's Protocol of Agreement with SOI requires SOI to comply fully with all requirements of the United States Olympic Committee (see Section 2.10) and any requirements of United States law regarding the use of the word 'Olympics'."

Article 3.4 [of the Protocol] states that "The license mentioned under article 3 is subject to compliance with the Olympic Charter and all applicable national laws and regulations, including but not limited to U.S. law."<sup>13</sup>

**Section 2.10. Relationship with the United States Olympic Committee.**

**Section 2.11. Relationship with National Olympic Committees.**

**Section 2.12. Relationship with International Sports Federations and National Sports Governing Bodies.**

**Section 2.13. Relationship with The Kennedy Foundation.**

**Section 2.14. Relationship with United Nations.**

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<sup>9</sup> Now Section 10.03

<sup>10</sup> SOI does not set all policies relating to training and competition as it may conflict with regional laws and realities.

<sup>11</sup> Now in the Preamble

<sup>12</sup> This Section reflects the U.S. agreement but is silent on agreements that may exist in other countries.

<sup>13</sup> This section is moved to the Preamble; The preamble is a brief introductory statement of Special Olympics' fundamental purposes and guiding principles and outlines our key historical relationships with key bodies.

**Section 2.15. Relationship with Other Organizations.14**

**Section 3.03.<sup>15</sup> SOI's Decision-making.**

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(b) *Authority of SOI Executives.* ~~The Board of Directors~~ ~~SOI's Chairman~~ may delegate authority to manage the day-to-day affairs of SOI and to discharge SOI's policy-making responsibilities over the Special Olympics Movement to a President and Chief Executive Officer (or other official designated in SOI's corporate by-laws), except, however, that these General Rules and any subsequent changes to them shall be approved by SOI's Board. Subject to the ultimate authority of SOI's Board and to the extent permitted by SOI's corporate by-laws, SOI's Chief Executive Officer may, in turn, delegate SOI's decision-making authority concerning Special Olympics to one or more senior SOI executives. All such delegations of authority within SOI shall be made in accordance with SOI's by-laws.<sup>16</sup>

**Section 3.07.<sup>17</sup> Regional Leadership Councils.**

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Creation. Regional Leadership Councils (~~sometimes referred to as Regional Leadership Councils~~) each referred to herein as "RLC's" may be established for one or more Regions or Sub-Regions with the approval of SOI's Board. At the time of such approval, SOI will specify in writing, in the form of a resolution adopted by SOI's Board, the geographic area represented by each RLC. RLC's shall not be separate legal or juridical entities.<sup>18</sup>

(d) *Composition.*

The members of an RLC will be elected by the Accredited Programs located within the RLC's Region or Sub-Region, in accordance with the Operating Procedures for that RLC, and consistent with the criteria for membership outlined in subsection (f) below. Any RLC may designate, through its Operating Procedures, the Managing Director of that region as an *ex officio* member or co-chair of its RLC and may include, pursuant to its Operating Procedures, ex officio non-voting members. Each RLC shall include at least one member who is an athlete.<sup>19</sup>

(e) *Areas of Responsibility.*

Unless otherwise provided in the Operating Procedures of an RLC, each RLC shall be responsible for:

(1) Establishing long-range plans for Region-based events, such as Regional Games, Regional conferences, meetings of Executive/~~National~~ Program Directors of Accredited Programs in the Region, Strategic Growth plans for its region, and training seminars;<sup>20</sup>

(f) *Criteria for Membership.* Persons elected to membership on an RLC shall meet the following criteria:

(1) Be an Executive/~~National~~ Program Director, or member of a Board of Directors/~~National Executive~~ Committee, of an Accredited Program, or in the case of the membership on the North American

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<sup>14</sup> Sections 2.10-2.15 are moved to the Preamble; See Note 8 above

<sup>15</sup> Now Section 4.03

<sup>16</sup> It is consistent with SOI's Bylaws that the Board of Directors delegates the authority described in this section to the President and CEO

<sup>17</sup> Now Section 4.07

<sup>18</sup> Even though the members of the Regional Councils recognize they do not have the authority to make decisions, they represent the finest talent in the organization and the title change reflects this and embraces the idea of leadership from within the Movement.

<sup>19</sup> The addition of the requirement to have an athlete on the Board of an RLC reflects the Movement's policy to include athletes at leadership level throughout the organization.

<sup>20</sup> Note 12: Including Strategic Regional Growth into planning reflects the Movement-wide impetus to grow our athlete numbers.

Leadership Council, a member of a Board of Directors/Executive Committee of a Canadian provincial Program;<sup>21</sup>

### **Section 3.08.<sup>22</sup> Sub-Regional Leadership Councils.**

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SOI, in consultation with the RLCs, may periodically authorize the formation of one or more Sub-Regional Leadership Councils ("SRLC's") to operate within a Sub-Region, on the same conditions as are identified in Section 3.07 concerning the formation, membership and operation of RLC's.<sup>23</sup>

### **Section 3.11.<sup>24</sup> Medical Advisory Committee.**

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(a) *Composition.* The MAC shall be composed of members of the medical profession (including sports medicine), persons involved in the field of intellectual disability, and other appropriate health professionals, as determined by SOI. The MAC shall include a balanced representation of various Regions throughout the world, to the greatest extent practicable and should include the SOI staff member responsible for Health Programs.<sup>25</sup>

### **Section 3.12.<sup>26</sup> Torch Run Executive Council.**

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(a) *Purpose and Composition.* The Torch Run Executive Council is authorized by SOI and supported by the International Association of Chiefs of Police for the purpose of encouraging, promoting, supporting, and providing technical guidance to Accredited Program Torch Run volunteers in planning and coordinating Torch Run events and activities on a worldwide basis, facilitating the expansion of existing Torch Run activities, and planning for the development of new Torch Run activities and events. The size and composition of the Torch Run Executive Council shall be approved by SOI's Chief Executive Officer in consultation with the Torch Run Executive Council.<sup>27</sup>

### **Section 3.14.<sup>28</sup> Regional and World Games.**

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SOI shall be exclusively responsible for authorizing the conduct of Regional Games and World Games. In making decisions concerning Regional Games, SOI shall consider the recommendations of any Regional Leadership Council for the Region in which the Regional Games would be held. SOI shall be solely responsible for reviewing and approving proposals from prospective GOC's for hosting World Games. SOI shall also determine all conditions under which Regional Games and World Games will be planned, financed and conducted. ~~In the case of Regional Games, SOI will make these decisions with input from the relevant Regional Leadership Council.~~<sup>29</sup>

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<sup>21</sup> The wording allows for membership of Provincial/State Executive Directors or CEO's

<sup>22</sup> Now Section 4.08

<sup>23</sup> The addition makes sense as we establish a more inclusive leadership model

<sup>24</sup> Now Section 4.11

<sup>25</sup> The addition will add to the expertise of the MAC

<sup>26</sup> Now Section 4.12

<sup>27</sup> The Torch Run is a major sponsor and we must ensure that they feel part of the process.

<sup>28</sup> Now Section 4.14

<sup>29</sup> Note 17: Repeated sentiment deleted

### Section 3.17.<sup>30</sup> *Broadcasting and Recording Matters*

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(a) *SOI's Authority.* SOI shall be the sole and exclusive owner of all copyright and other intellectual property rights in all World and Regional Games, and as such, SOI has the sole and exclusive right to license others to film, record and broadcast, whether on a live or pre-recorded basis, any audio, or visual, or digital signals of the Games or of any Special Olympics events associated with the Games, such as official opening or closing ceremonies (collectively, "Games Recordings"). SOI also owns all copyrights in various musical compositions composed for the benefit of Special Olympics by artists or performers who have transferred all copyrights in their compositions to SOI (collectively, "SOI Music").

(b) *Effect on Accredited Programs and GOC's.* No Accredited Program or GOC may grant, or purport to grant to any party (including without limit, any producer, director, radio broadcaster, over-the-air or cable television broadcaster, radio or television network, or any Internet provider) any right of any kind to film, record, broadcast or otherwise disseminate any World Games Recordings or SOI Music without SOI's prior written consent, or to otherwise publish, display, or transmit Games Recordings or SOI Music on or through computers, digital or analog modem signals or fiber optic signals, Internet sites, World Wide Web communications, networks or any other form of on-line or off-line communications or downloads without SOI's prior written consent.<sup>31</sup>

### Section 3.18.<sup>32</sup> *Registration and Protection of SO Marks.*

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(c) *Effect on ~~National~~ Programs.* No ~~National~~ Program, Sub-Program accredited by a ~~National~~ Program, Region or Sub-Region Regional Leadership Council, International Advisory Committee or any other committee established by Accredited Programs, Regions or SOI or by authority of these General Rules may register any SO Mark or any copyright which is owned by SOI or which is related to or to be used in connection with Special Olympics with any non-government entity, with any national or local governmental authority or with any multi-national or international tribunal responsible for the recordation, cataloging or enforcement of trademarks or copyrights without SOI's prior written consent. In addition, no ~~National~~ Program, Sub-Program accredited by a ~~National~~ Program, Region or Sub-Region, nor any of the other councils or committees described in the preceding sentence may file or prosecute any claim for misappropriation, infringement or other misuse of the SO Marks or other intellectual property associated with Special Olympics or the Special Olympics Movement without SOI's prior written consent. SOI will, however, consider requests from specific ~~National~~ Programs for authorization to proceed with such registration or enforcement activities in the name of and on behalf of SOI, if SOI determines that granting such authorization is a more efficient and expedient method, in a particular instance, of protecting the SO Marks and other intellectual property associated with Special Olympics in areas outside of the United States.<sup>33</sup>

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<sup>30</sup> Now Section 4.17

<sup>31</sup> Note 18: The addition of World and Regional distinguishes these Games from State Games where SOI does not have sole and exclusive authority over the intellectual property.

<sup>32</sup> Now Section 4.18

<sup>33</sup> See Note 1 above

### Section 3.19.<sup>34</sup> Official Languages.

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~~SOI shall from time to time establish official languages to be used throughout the Special Olympics Movement.~~ The official language to be used in all communications between and among SOI and all GOC's and all Accredited Programs shall be English (the "Official Business Language"). Accredited Programs shall be responsible for translating and distributing printed materials concerning that Accredited Program's conduct of Special Olympics programs (collectively, "Program Materials") into the most predominant language(s) spoken in that Accredited Program's country, in order to facilitate efforts at public education and at increasing

### Section 4.01.<sup>35</sup> Structural Requirements.

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The word "National" has been deleted throughout this section<sup>36</sup>

(e) **Prohibition on Forming Unauthorized Affiliate Entities.** Within the United States, no U.S. Program may separately incorporate or otherwise organize as a separate entity any subsidiary, licensee, supporting organization (as that term is defined in the Internal Revenue Code of the United States), ~~endowment fund~~, unincorporated association or any other type of affiliated entity without SOI's express prior written approval. Similarly, no ~~National~~ Program may separately incorporate or otherwise recognize as a separate entity any subsidiary, licensee, ~~endowment fund~~, unincorporated business club or association, any entity which, under the laws of that ~~National~~ Program's nation, would be the functional equivalent of a "supporting organization" under the U.S. Internal Revenue Code, or any other type of affiliated entity without SOI's express prior written approval.<sup>37</sup>

### Section 4.02.<sup>38</sup> Governance Requirements.

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(a) **Governance Authority.** The affairs of each Accredited Program shall be governed by a Board of Directors/~~National~~ Program Committee, which must have ultimate legal responsibility, and ultimate responsibility to SOI, for the conduct of the Accredited Program. SOI may, in its discretion, approve a different governance structure for a particular ~~National~~ Program at the time that SOI grants or renews that ~~National~~ Program's accreditation, depending on that Program's stage of development and as permitted by applicable law.<sup>39</sup>

(c) **Composition and Membership of Board/~~National~~ Program Committee.** The Board of Directors/~~National~~ Program Committee of an Accredited Program shall be sufficient in size to permit responsible program oversight and decision-making, and should include members from diverse geographic locations and diverse professional backgrounds who have background or experience in Special Olympics or with intellectual disabilities, or an interest in developing and expanding Special Olympics programs. Each Accredited Program's Board of Directors/~~National~~ Program Committee shall have the number and type of members required by the Accreditation Standards. As part of this requirement, ~~the membership of every Accredited Program's Board of Directors/~~National~~ Program Committee shall~~ within their Board or Committee structure include at least one sports expert, one expert

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<sup>34</sup> Now Section 4.19

<sup>35</sup> Now Section 5.01

<sup>36</sup> See Note 1 above

<sup>37</sup> SOI recognizes the potential value of endowment funds and has approved endowment funds for several Programs. The creation and approval of endowments are subject to the approval of SOI's legal department.

<sup>38</sup> Now Section 5.02. National Committee has been changed to Program Committee throughout

<sup>39</sup> The added words reflect reality

in the field of intellectual disabilities, one Special Olympics athlete, who shall have received training on Board/National Program Committee participation, and at least one close family relation of a Special Olympics athlete, as those terms may be defined by SOI.<sup>40</sup>

*Section 4.02 (f), (g) and (h) are deleted*<sup>41</sup>

*Section 4.06.*<sup>42</sup> *Scope of Program; Growth Requirements.*

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(a) *Required Scope of Program.*

Each Accredited Program shall offer sports training and competition programs within its jurisdiction as well as other Special Olympics program initiatives that form the fabric of Special Olympics support of athletes, their families and communities, including those are currently in place and those that may be created in the future.<sup>43</sup>

It is the a policy goal of SOI that each Accredited Program shall increase the number of Special Olympics athletes participating in competition and training activities offered by that Accredited Program. Each Accredited Program shall keep SOI regularly informed of its progress concerning growth. Through the Program Development System, each Accredited Program shall establish specific development targets including the number of new athletes to be served by that Program and identify how the Accredited Program proposes to reach the established goal.<sup>44</sup>

(c) *Approved Methodologies for Measuring Growth.* In counting and reporting to SOI on the numbers of athletes who participate in an Accredited Program's activities, each Accredited Program shall use a standardized methodology developed and approved by SOI through written notice to all Accredited Programs, unless SOI authorizes a particular Accredited Program to depart from that standardized methodology, all as further provided in Section 6.06. ~~Such methodology shall include provisions for measuring attrition of incumbent athletes.~~ In addition, the data used by each Accredited Program to calculate and report to SOI on the total population of persons eligible in its jurisdiction to participate in Special Olympics shall be subject to SOI's review and approval.<sup>45</sup>

*Section 4.07.*<sup>46</sup> *Use of Special Olympics Name and Other SO Marks.*

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Sub-Section (a) is deleted.<sup>47</sup>

*Section 4.08.*<sup>48</sup> *Display of Commercial Messages at Games and National Flags*

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<sup>40</sup> Note 21: The deletion and addition are purely technical refinements. Indicating that the Program shall have one sports expert, one expert in intellectual disabilities, one Special Olympics athlete, and at least one close family relation of a Special Olympics athlete "within their Board or Committee structure" achieves the goal of representation in all Special Olympics core areas.

<sup>41</sup> Note 22: All requirements are included in a Program's bylaws. In Section 4.02 (i), SOI indicates that it shall approve the Organizational Documents of each Program. Thus, having these sections in the General Rules is redundant.

<sup>42</sup> *Now Section 5.06*

<sup>43</sup> Note 23: To keep the rules current, reference to specific tools, or initiatives that may change are deleted. A Footnote in the Rules includes reference to current initiatives such as Unified Sports®, Motor Activities Training Programs, Athlete Leadership Programs, Family Support Network, Get Into It™ and Healthy Athletes Programs

<sup>44</sup> Note 24: It is not so much a policy but rather a goal to increase athlete numbers.

<sup>45</sup> Note 25: We do not currently measure this

<sup>46</sup> *Now Section 5.07*

<sup>47</sup> Note 26: Reference to Standards is already in the section above and this is repetitive



The words: "...and Prohibition of the Display of ..." after "and"

(a) *Commercial Messages on Athlete Uniforms and Competition Numbers.* In order to avoid commercial exploitation of persons with intellectual disabilities at World, Regional or Multi-Program level Games, no uniforms, and no bibs or other signs bearing competition numbers, which are worn by Special Olympics athletes ~~during any competition~~ while competing or during any opening, ~~or~~ closing, or award ceremonies of any Games may be emblazoned with commercial names or commercial messages. The only commercial markings which may be displayed on athletes' and coaches' uniforms during Games competitions and opening and closing ceremonies are the normal commercial markings of the manufacturer. For purposes of this Section 4.08(a), "normal commercial markings" are limited to the following:<sup>49</sup>

(g) *Prohibition and Display of National Flags.* To comply with Special Olympics Founding Principles that Special Olympics transcend national origin and political philosophy, no national flags shall be displayed and no national anthems shall be sung or otherwise performed by any athletes, coaches, or other members of any Accredited Program's Official Delegation at any World, Regional or Multi-Program level Games event. Games events-A GOC may, however, display the flags of those nations competing in World or Regional Games and the flag of the host nation at opening, closing and award ceremonies and Games venues.

(h) *Prohibition of Face Painting.* Special Olympics Athletes, coaches and volunteers shall not paint their faces during competitions, Games, opening and closing ceremonies, awards venues or victory banquets. This prohibition includes a prohibition against a display of commercial messages and the display of national flags painted on the face.

(i) *Clowns.* SOI, a GOC, or an Accredited Program shall ensure that clowns shall be restricted to Olympic town entertainment events and are prohibited from appearing at or participating in competitions, Games, opening and closing ceremonies, award venues, sports venues or victory banquets.

(j) *Mascots.* SOI, a GOC, or an Accredited Program shall ensure that mascots shall observe the dignity of certain events during competitions and Games, including the reciting of the oaths, the raising of the flags, and the lighting of the cauldron at Games Opening and Closing Ceremonies. Mascots shall not participate in award ceremonies other than to congratulate athletes following the presentation of awards.<sup>50</sup>

#### **Section 4.11.<sup>51</sup> Compliance with Voluntary Standards.**

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SOI voluntarily complies with the non-profit management and fund-raising standards issued in the United States from time to time by certain major charity monitoring groups, such as the Better Business Bureau Wise Giving Alliance. ~~U.S. Programs must use their best efforts to comply with these voluntary standards, as well as with any other standards developed by similar organizations within a particular U.S. Program's jurisdiction regarding the governance, fiscal responsibility, public accountability and fund-raising practices of non-profit organizations (collectively, the "Voluntary Standards"). National Programs must also use their respective best efforts to comply with any equivalent Voluntary Standards which are issued by organizations based outside of the United States for the purpose of guiding and fostering the ethical and efficient management of non-profit organizations in their respective jurisdictions. SOI's policy~~

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<sup>48</sup> Now Section 5.08

<sup>49</sup> The added words clarify the subject and intent of the sub-sections

<sup>50</sup> The sections have been amended and added to, to accommodate national pride at events but not during competition and to add prohibitions on face painting and clowns, which have long been seen as missing from the Rules, and mascots within certain important events.

<sup>51</sup> Now Section 5.11

is to encourage full compliance with all such Voluntary Standards both within and outside of the United States.<sup>52</sup>

#### **Section 4.12.<sup>53</sup> *Contracts with Third Parties.***

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Accredited Programs shall comply with the requirements in Article 7 concerning the Accredited Program's fund-raising activities and the standards and conditions to be met or included in all agreements with corporate sponsors or other third parties that provide financial support or services for the Accredited Program. No Accredited Program shall enter into ~~any contract with any third party~~ that incorporates a license to the third party to use Special Olympics name or logo and which has a term or duration which extends beyond that Accredited Program's then-current Accreditation Period ~~without SOI's prior written consent, as further provided in Section 8.04(l), except that any contract may have a term or duration beyond an Accredited Program's then-current Accreditation Period~~ if unless the contract provides that it shall terminate without penalty or other cost to the Program effective upon the third party's receipt of written notice from the Accredited Program or SOI if the Program's accreditation is revoked, denied, or suspended for any reason by SOI.<sup>54</sup>

#### **Section 4.15.<sup>55</sup> *Codes of Conduct.***

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~~SOI reserves the right to adopt or develop written codes of conduct concerning the actions or activities of specific types of participation in the Special Olympics movement. SOI has written and adopted codes of conduct for athletes and coaches and reserves the right to adopt or develop written codes of conduct concerning the actions or activities of specific types of participants in the Special Olympics Movement.~~<sup>56</sup>

#### **Section 4.16. *Guidelines and Policies.*<sup>57</sup>**

#### **Section 5.02.<sup>58</sup> *Rights.***

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Only those organizations and entities which have been granted the status of Accredited Programs ~~or recognized as Founding Committees~~ as provided in this Article 5 may: (a) hold themselves out to the public as Special Olympics organizations or programs ~~or Founding Committees~~;

Duration of accreditation (the "Accreditation Period") shall be specified by SOI in writing at the time of new or renewed accreditation.<sup>59</sup>

(d) ~~*Duration of Accreditation for Sub-Programs.* Absent prior written approval from SOI in specific cases, which if provided shall include a license to continue operating their Special Olympics programs the Accreditation Period for any Sub-Program which is accredited by any Accredited Program, whether~~

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<sup>52</sup> See Note 5 above

<sup>53</sup> Now Section 5.12

<sup>54</sup> The rule should only apply to contracts that incorporate a license to use Special Olympics' name and logo as a Program's license to use these automatically expires at the end of the Accreditation period. It is not practicable to have the rule apply to all contracts. Note that the ability to terminate the agreement is now the key provision

<sup>55</sup> Now Section 5.15

<sup>56</sup> The second sentence updates the policies SOI has developed

<sup>57</sup> The section is deleted; The right expressed in the section is stated elsewhere in the rules, specifically relating to Accreditation.

<sup>58</sup> Now Section 6.01; This is the only place in the rules where the rights of a Founding Committee are outlined.

<sup>59</sup> Note 33: The Accreditation Standards will shortly be updated. The added language allows for a longer period of accreditation, should that change be made, but does not prescribe it.

~~constituting an initial Accreditation Period or a renewal Accreditation Period, may not extend beyond the then-scheduled expiration of the Accreditation Period of the accrediting Program.~~  
If a Program loses its Accreditation, the accreditation of any Sub-Program accredited by the Program, will revert to the authority of SOI or its designated body. SOI will have the authority to cancel, renew, or extend the accreditation of any Sub-Program until such time as a new Program is accredited and the authority to accredit Sub-Programs is reinstated to the accredited Program.<sup>60</sup>

### **Section 5.11.<sup>61</sup> Accreditation Boundaries.**

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SOI shall determine the territorial jurisdiction of each Accredited Program. In most cases, the jurisdictional boundaries of an Accredited Program will be geographic and political, and will mirror existing geopolitical boundaries, such as the boundaries defining a nation or province, or a state or city ~~within the United States~~. SOI will identify the jurisdiction of each Accredited Program in writing at the time that SOI grants or renews its accreditation. In appropriate cases, SOI reserves the right to designate more than one Accredited Program within a particular geographic or political territory, such as more than one Accredited Program for a single nation or for a single state ~~within the United States~~. In making such decisions, SOI shall consider the views of any existing Accredited Program operating within those jurisdictions, and shall provide any such existing Accredited Program with a reasonable period of time within which to restructure its operations in order to implement any decision by SOI to add a new Accredited Program to that jurisdiction, to combine one or more Programs, to divide the operation of a single existing Accredited Program into one or more new Accredited Programs or to combine one or more existing Programs.

### **Section 5.13.<sup>62</sup> Rights of an Accredited Program.**

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The right outlined in sub-section (b) (5) is deleted and added in a new sub-section 5.13 (c) -- A Program's rights outside of its jurisdiction, below:

Program's rights outside of its jurisdiction. An Accredited Program is granted the following rights and authority outside of its jurisdiction, to be exercised in accordance with the General Rules: To receive a quota to send a delegation (official or observer) to World Games and to its Regional Games; To comment on and participate in the development of the Uniform Standards through representational participation on Leadership Councils and other Advisory Committees established through these General Rules.

Sub-section (b) 13 is deleted as being repetitive of rights outlined elsewhere in the document.

### **Section 5.16.<sup>63</sup> Procedures for Imposing Sanctions.**

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(f) Final Notice of Revocation. In a case in which SOI has found Grounds for Revocation, if SOI determines, after review and consideration of the Program Response and after consulting with someone

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<sup>60</sup> Section 5.03 states that "SOI has the sole authority to suspend or revoke the accreditation of a Program. SOI may also suspend or revoke the accreditation of a Sub-Program..." With this clause, SOI has the ability to deal with the accreditation of Sub- Programs if it wants. SOI would not want necessarily to revoke the accreditation and close down sub-programs that were running well just because they revoked the accreditation of the program?

<sup>61</sup> Now Section 6.11; See Note 5 above

<sup>62</sup> Now Section 6.13

<sup>63</sup> Now Section 6.16

designated by the relevant Regional Leadership Council who does not have an interest in the revocation proceedings, (and, where applicable, after evaluating the impact of any corrective measures taken by the Program with SOI's authorization under Section 5.16(d) above), that Grounds for Revocation continue to exist, SOI shall send the Accredited Program's Executive/~~National~~ Program Director and the chairperson of its Board of Directors/~~National~~ Program Committee a Final Notice of Revocation.<sup>64</sup>

### **Section 6.01.<sup>65</sup> Eligibility for Participation in Special Olympics.**

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(b) *Age Requirements.* There is no maximum age limitation for participation in Special Olympics. The minimum age requirement for participation in Special Olympics competition is eight years of age. The Young Athletes program introduces children, two to seven years old to the world of sport, with the goal of preparing them for Special Olympics sports training and competition when they get older. In addition, an Accredited Program may permit children who are at least six years old to participate in age-appropriate Special Olympics training programs offered by that Accredited Program, or in specific (and age-appropriate) cultural or social activities offered during the course of a Special Olympics event.<sup>66</sup>

(c) *Degree of Disability.* Participation in Special Olympics training and competition is open to ~~all~~ persons with intellectual disabilities who meet the age requirements of this Section 6.01, ~~regardless of the level or degree of that person's disability~~, and whether or not that person also has other mental or physical disabilities, so long as that person registers to participate in Special Olympics as required by these General Rules.<sup>67</sup>

### **Section 6.02.<sup>68</sup> Registration of Athletes.**

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(a) *Required Procedures.* Before participating in Special Olympics training and/or competition an eligible person, under Section 6.01, must register to participate with an Accredited Program. SOI shall may approve the policies, procedures, registration forms and materials used by all Accredited Programs for registering Special Olympics athletes.<sup>69</sup>

Item two of the sentence "Additional forms may include the following is deleted. The sentence now reads: "Additional forms may include a Religious Objection Form

(d) *Athlete Release Form.*

The content and format of the release shall be subject to SOI's approval and must conform to the release form entitled "Official Special Olympics Release Form," and any supplement or amendment to that form, approved by SOI (the "Athlete Release Form"). In order to ensure uniformity in the content of the releases which Special Olympics athletes or their parents are asked to sign, all Accredited Programs must use ~~the SOI-prescribed Athlete Release Form unless otherwise authorized in writing by SOI~~ the SOI-described Athlete Release Form unless otherwise authorized in writing by SOI (including any modifications required by law). The Athlete Release Form must be signed by an adult athlete or by the parent or guardian of any athlete who is legally a minor.<sup>70</sup>

(f) *Physical Examination Requirements.*

(1) *Examination Required as Part of Initial Registration.* All athletes seeking to register for participation in Special Olympics for the first time must be medically cleared ~~examined~~ before that registration by a physician or trained medical professional who is not a physician but who is authorized or

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<sup>64</sup> The added language ensures regional input

<sup>65</sup> Now Section 2.02

<sup>66</sup> The section is updated to reflect Young Athletes program and to distinguish between 6-8 year olds who can train and 2-5 year olds who can participate in Young Athletes programs.

<sup>67</sup> The language creates impossibility in circumstances where a Program is unable to provide sports training and competition. MATP (General Rules 7.12) is available for athletes who are severely disabled

<sup>68</sup> Now Section 2.02

<sup>69</sup> Note 38: The change from "shall" to "may" makes the section less prescriptive and more reflective of reality.

<sup>70</sup> Programs' obligations are clarified

licensed under the laws of the Accredited Program's jurisdiction to perform medical examinations and make medical diagnoses (collectively, a "Licensed Medical Professional"), and have that Licensed Medical Professional complete the Athlete Medical Form.<sup>71</sup>

(2) *Subsequent Medical Examinations Required by an Accredited Program.* An athlete who completes the initial registration process for participation in Special Olympics and who then continues that participation over a period of more than one year shall be required by the relevant Accredited Program to seek follow-up medical advice before continuing his/her Special Olympics participation if that Accredited Program has a reasonable basis for believing that there has been a significant change in the athlete's health since the athlete's most recent medical examination and certification was completed. In addition, an Accredited Program's Board of Directors/~~National~~ Program Committee may impose more stringent requirements on the athletes registered by that Accredited Program concerning the frequency of required medical examinations than those which are imposed by subsection (1) above. However, no Accredited Program may dispense with the requirement that each athlete be examined at least once by a Licensed or trained Medical Professional as part of his/her initial registration with Special Olympics.<sup>72</sup>

### Section 7.03.<sup>73</sup> General Requirements for Special Olympics Sports Training and Competition.

(a) *Authority.* Special Olympics sports training and competition may be conducted only by or under the auspices and direct supervision of SOI, an Accredited Program, or a GOC. No Accredited Program may permit or engage any third party, other than sports clubs and federations, to conduct or organize any Games, Tournament or Special Olympics training event for or on behalf of that Accredited Program.<sup>74</sup>

(c) *Range of Programming Offered to Athletes.* Each Accredited Program shall offer a variety of sports events and activities which are appropriate to the age and ability of each athlete, including one or more Official Sports. The scope of the sports training and competition programs offered by each Accredited Program shall be consistent with the SOI Sports Rules and should foster full participation by all eligible athletes. ~~regardless of their level of athletic ability, degree of physical or mental disability, or economic circumstances. These programs should include, to the extent possible, the traditional Special Olympics sports program, Special Olympics Unified Sports® and Motor Activities Training Programs (which are described in Sections 7.11 and 7.12, respectively).~~ These programs shall include but not be limited to the traditional Special Olympics sports program, Special Olympics Unified Sports® and Motor Activities Training Programs (which are described in Sections 7.11 and 7.12, respectively).<sup>75</sup>

(f) *Medical and Safety Requirements - Generally.* Accredited Programs and GOCs shall conduct all sports training and competition activities in a safe environment, taking all reasonable steps, including good risk management practices, to protect the health and safety of athletes, coaches, volunteers and spectators and other attendees at all Special Olympics events. Accredited Programs and GOCs shall also adhere to the general or sport-specific medical and safety requirements set forth in the SOI Sports Rules. In addition, Accredited Programs and GOCs must comply with the relevant sport federation rules.<sup>76</sup>

<sup>71</sup> Because the section also authorizes examinations by trained medical professionals other than physicians, the word "cleared" is more appropriate

<sup>72</sup> The added words "or trained" are consistent with the requirements outlined in sub-section (1) above

<sup>73</sup> Now Section 3.03

<sup>74</sup> The additional words are added to reflect what occurs in reality

<sup>75</sup> "Eligible athletes" covers the descriptive that follows. The amended language makes it prescriptive to offer all Special Olympics programs to eligible athletes

<sup>76</sup> The Sports rules cover the minimum standards outlined in the section. Programs do not seek SOI approval for deviations, and SOI does not have the capacity to review such requests. We have thus added that the relevant sport

- (g) *Integration with Other Sports Programs.*<sup>77</sup>

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**Section 7.04. Requirements Concerning Special Olympics Sports.**<sup>78</sup>

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(a) *Classification of Special Olympics Sports.* The sports in which Special Olympics athletes are given the opportunity to train and compete are divided into ~~two~~ three general classes, consisting of the Official Sports defined in Section 7.04(b), ~~and~~ the Recognized Sports defined in Section 7.04(d), and locally popular sports as defined in the Sports Rules. SOI has the ultimate authority to determine how and when to classify sports as either Official Sports or Recognized Sports. SOI shall be responsible for communicating to Programs and submitting evidence for the current level of recognition of all sports.<sup>79</sup>

*Changes in Classification of Official Sports.* SOI may change or add to the sports classified as Official Sports under Section 7.04(b), using the procedures set forth in the SOI Sports Rules for classifying Official Sports and recertifying sports as Official or Recognized once every eight years following an application to the Sports Rules Advisory Committee and approval by the Committee.<sup>80</sup>

- (h) *Tournaments and Other Events.*  
Deleted as it is covered elsewhere in the rules

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**Section 7.05. Requirements Concerning Special Olympics Training.**<sup>81</sup>

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Each Accredited Program shall offer comprehensive and year-round sports training, conducted by qualified coaches in accordance with the SOI Sports Rules. Every Special Olympics athlete who competes in a Special Olympics sport at a Games or a Tournament must have been trained in that sport. Training may include physical conditioning and nutrition education. ~~Accredited Programs~~ SOI shall establish written minimum training requirements for competitors in each Official Sport and Recognized Sport offered by that Program, in accordance with the SOI Sports Rules. Athletes who desire to compete in Regional Games, ~~U.S. Multi-State Program Games~~ or World Games must be trained according to the minimum standards acceptable, for at least eight (8) consecutive weeks in the appropriate sport, and must have several opportunities to compete during that period. Accredited Programs should offer athletes who are preparing for competitions at other levels within Special Olympics, such as for ~~National Program Games, U.S. Program Games~~ or Sub-Program Games (e.g. local, area, community), the same training and competition opportunities as are offered by that Accredited Program to athletes who participate in Regional, U.S. Multi-State and/or World Games.<sup>82</sup>

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federation rules should also be followed and added the requirement that Programs exercise good risk management practices to protect the health and safety of athletes, participants, volunteers and other attendees at Special Olympics events

<sup>77</sup> This section is deleted, compliance with the sub-section could not be prescribed

<sup>78</sup> Now Section 3.04

<sup>79</sup> Locally popular sports are added to the classification

<sup>80</sup> Adds a directive to keep the list current

<sup>81</sup> Now Section 3.05

<sup>82</sup> SOI, not Accredited Programs, establishes minimum standardized requirements. Other amendments are covered in notes 7 and 3 above

### **Section 7.06. Requirements Concerning Special Olympics Competition.**<sup>83</sup>

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All Games and Tournaments held or sponsored by SOI, an Accredited Program or a GOC shall satisfy the following general requirements, except to the extent that an Accredited Program may be permitted to vary from one or more of these requirements by virtue of a waiver from SOI:

*Opportunities to Participate.* Accredited Programs shall offer training and competition opportunities for athletes of all levels of ability. Games and Tournaments, however may be structured to only one level of competition. ~~must offer competition opportunities for athletes of all levels of ability.~~ In team sports, each member of the team should be given frequent opportunities to participate in competition.<sup>84</sup>

### **Section 7.07. Awards.**<sup>85</sup>

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Section (b): Obtaining awards is moved to the US Specific Supplement.<sup>86</sup>

### **Section 7.08. Conduct of World Games.**<sup>87</sup>

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(d) *Participating Programs; Quotas and Delegations.* Accredited Programs have the right, as well as the obligation, to send a delegation of athletes and coaches to Regional and, where appropriate such as in the United States, to ~~National~~ Multi-Program, and World Games. SOI shall have the sole authority to establish binding quotas governing the overall size and composition of the delegations of athletes, coaches and other persons to be sent by Accredited Programs to World Games. Once SOI determines these quotas, the affected Accredited Programs shall send delegations to the World Games which comply, as to size and composition, with the quotas established by SOI.<sup>88</sup>

### **Section 7.11. Special Olympics Unified Sports®.**<sup>89</sup>

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Special Olympics "Unified Sports®" is a program that combines Special Olympics athletes and athletes without intellectual disabilities (partners) on sports teams for training and competition. Age and ability level matching of Special Olympics athletes and partners, and the Special Olympics athletes/partner ratios are defined on a sport-by-sport basis, in accordance with the Sports Rules. ~~All~~ Accredited Programs shall develop Special Olympics Unified Sports® or provide other opportunities for the inclusion of athletes within their respective jurisdictions.<sup>90</sup>

### **Section 7.13. Volunteers**<sup>91</sup>

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All Accredited Programs and GOC's should use volunteers in all aspects of their programs to the greatest extent possible, consistent with the requirements of these General Rules. To ensure the well-being and safety of athletes and the integrity and reputation of Special Olympics, each Accredited

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<sup>83</sup> Now Section 3.06

<sup>84</sup> The Sports Department agreed with the suggested amendments, as long as the General Rules encourage all levels and require every Program to offer training and competition for all levels of ability

<sup>85</sup> Now Section 3.07

<sup>86</sup> See note 5 above

<sup>87</sup> Now Section 3.08

<sup>88</sup> The added language reflects a right already granted and a prescribed obligation

<sup>89</sup> Now Section 3.11

<sup>90</sup> The edited language is self-explanatory

<sup>91</sup> Now Section 7.13

Program shall institute and enforce written procedures for screening, training and monitoring volunteers. ~~U.S. Programs and their respective Sub-Programs shall comply specifically with the requirements of this Section 7.13 in utilizing volunteers. National Programs outside the United States, and their respective Sub-Programs, are encouraged to model their own volunteer recruitment, training and supervision procedures after those set forth in this Section 7.13 of the U.S. Specific Rules, appended to the General Rules, if permissible to do so under the laws of their respective jurisdictions. U.S. Programs and all GOCs operating within the United States shall comply with the following requirements:~~

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**Section 8.01. Division of Fund-Raising Responsibilities within Special Olympics.**<sup>92</sup>

Each Accredited Program is solely responsible for raising the funds needed to pay for its own program and administrative operations. SOI is responsible for raising the funds needed for SOI's programs and administrative operations, and for supporting the growth of existing Accredited Programs (through grants from SOI and other means) as well as the worldwide expansion of Special Olympics. SOI has the exclusive authority within Special Olympics to conduct, or to approve arrangements for, a broad range of fund-raising activities, including (but not necessarily limited to), those which are conducted on a worldwide, regional, ~~or continental basis~~, or on a multi-Program basis, as provided in Section 8.02. Subject to SOI's exclusive authority as provided in these General Rules, Accredited Programs have the authority to engage in or authorize certain types of fund-raising activities conducted entirely within their respective geographic jurisdictions, as set forth in this Article 8.<sup>93</sup>

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**Section 8.02. SOI's Exclusive Authority.**<sup>94</sup>

(a) **Worldwide and World Games Sponsors.** To enter into all multi-jurisdictional agreements and arrangements for support from corporate and other organizational sponsors (collectively, "Corporate Sponsorships") for the Special Olympics Movement and for all World and Regional Games; SOI may authorize a GOC to arrange for certain Corporate Sponsorships for World Games, on terms to be set forth in SOI's written contract with that GOC concerning those World Games.<sup>95</sup>

(c) **Multi-Jurisdictional Activities.** To arrange for (or to approve in advance all agreements made by Accredited Programs concerning) all fund-raising activities, including but not limited to, Corporate Sponsorships, cause-related marketing promotions and/or fund-raising or promotional events which will be conducted either: (i) on a worldwide basis; (ii) on a multi-national program basis through activities conducted in the jurisdictions of two or more National Programs; (iii) ~~on a multi-state basis within the United States, through activities conducted in the jurisdictions of two or more U.S. Programs;~~ or (iv) via the Internet or worldwide web.

(d) **Regional Sponsors and Regional Games Sponsors.** To approve all Corporate Sponsorships for Regional Games ~~and Regional U.S. Games~~, Corporate Sponsorships of a particular Region ~~or continent within a Region~~, and/or Corporate Sponsorships of two or more National Programs, ~~or of two or more U.S. Programs~~, whether or not those Corporate Sponsorship arrangements involve the sponsorship or support of Games; in the case of Regional Games, or Multi-National Program Games ~~or U.S. Multi-State Games~~, SOI may authorize a GOC, a hosting National Program ~~or a hosting U.S. Program (if applicable)~~ to arrange for certain Corporate Sponsorships for such Games, on terms to be set forth in SOI's written contract with that GOC or that hosting Accredited Program concerning those Games.<sup>96</sup>

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<sup>92</sup> Now Section 7.01

<sup>93</sup> "Continental" is covered by the word "regional"

<sup>94</sup> Now Section 7.02

<sup>95</sup> The language is amended to make it clear that this section refers only to SOI's exclusive authority to enter multijurisdictional sponsorships, including World and Regional Games sponsorships.

<sup>96</sup> See Notes 1 and 5 above



Section (f) *Selection of Official Supplier of Awards is deleted*<sup>97</sup>

Sub-sections (i) Planned and Deferred Gifts and (j) U.S. National and International Direct Marketing Activities; Centralized Direct Mail Program are deleted<sup>98</sup>

(k) *Digital Fund-Raising.* In order to promote uniform standards for all ~~Electronic~~ Digital Fund-Raising conducted in the name or for the benefit of Special Olympics, SOI shall provide written guidelines for all Accredited Programs and GOCs concerning the circumstances under which any Accredited Program or GOC may engage in Digital Fund-Raising. Digital Fundraising shall include ~~all arrangements concerning~~ any fund-raising activities that are to be undertaken for the benefit of Special Olympics, SOI, or any Accredited Program or GOC using the Internet, social media or any other form of international or interstate computer-based or telecommunications technology other than mere telephone solicitation, whether presently known or developed in the future, which involves the solicitation or receipt of contributions through computer-based marketing of goods or services, email messages to or from donors, or communications through any website, social media channel, text messages or other on-line, telecommunications or digital media sources (collectively, "Electronic Digital Fund-Raising"). ~~In order to promote uniform standards for all Electronic Digital Fund-Raising conducted in the name or for the benefit of Special Olympics, SOI shall provide written guidelines for all Accredited Programs concerning the circumstances under which any Accredited Program may engage in Electronic Fund-Raising, in collaboration with an Internet Fund-Raising Task Force to be appointed by SOI.~~ No Accredited Program shall engage in any Digital Fund-Raising, unless those activities are conducted in accordance with these General Rules and SOI's written guidelines.<sup>99</sup>

### **Section 8.03. Authority of Accredited Programs.**<sup>100</sup>

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Each Accredited Program is authorized to engage in the types of fund-raising activities described in this Section 8.03, but only if and to the extent that: (i) all programs, events, activities, and promotions associated with such fund-raising activities are conducted entirely within the Accredited Program's jurisdiction; ~~(ii) no agreements made by the Accredited Program with third parties concerning such activities shall extend beyond the scheduled expiration of that Accredited Program's Accreditation Period, except as further provided in Section 8.04(I);~~ (iii) the activities are conducted only in the name of, or for the express support of, the Accredited Program (such as "Special Olympics Argentina"), and not under the name "Special Olympics;" and ~~(iiiiv) the activities described are conducted in accordance with the other requirements of these General Rules, including the Sponsorship Recognition Requirements in Section 8.06.~~ Each Accredited Program may:<sup>101</sup>

(d) *Direct Marketing Activities.* Conduct, or authorize reputable and experienced third-party fund-raisers to conduct, mass direct mail solicitations and/or mass telephone solicitations of businesses or of the general public within that Accredited Program's jurisdiction (unless, ~~in the United States, that Program has elected to participate exclusively in the CDMP by written agreement with SOI, or if applicable, a National Program has a written contract with SOI through which that National Program has~~

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<sup>97</sup> Official suppliers do not work when they do not have offices in a country. The order time and money exchange rate makes it impractical to use them. Also, people often want to see their donations spent in their communities and not sent out of the region or country.

<sup>98</sup> See note 5 above

<sup>99</sup> The section was outdated and required a complete review and revision.

<sup>100</sup> Now Section 8.03

<sup>101</sup> Often agreements do extend beyond the Accreditation period, but the Program is immediately re-accredited. It is not practicable to limit such agreements to accord with the period of Accreditation

agreed to participate exclusively in a national, regional or international direct mail program conducted by SOI).<sup>102</sup>

(j) *Contributions from Parents.* Accredited Programs may solicit or accept unsolicited contributions from persons who are the parents or guardians of Special Olympics athletes.<sup>103</sup>

(k) *Fund-Raising Activities by Sub-Programs.* All authorizations granted to a Sub-Program to conduct fund-raising activities within its jurisdiction shall be in writing, and shall comply with the other requirements of these General Rules and the other Uniform Standards. Each Accredited Program shall be required ~~as a condition of obtaining and maintaining its accreditation~~ to exercise sufficient supervision and control over the fund-raising conducted directly by its Sub-Programs, in order to ensure that its Sub-Programs comply with the requirements of these General Rules. Every Accredited Program shall be responsible to SOI for the manner in which all fund-raising activities are conducted by its Sub-Programs.<sup>104</sup>

(l) *Limitation on Duration of Contract Terms.*<sup>105</sup>

(m) *Prohibition on Formation of Separate Entities.* No Accredited Program may establish ~~or affiliate with any other~~ a corporation, partnership, foundation, trust, supporting organization, ~~endowment fund or endowment organization~~, or any other entity without SOI's prior written consent.<sup>106</sup>

(n) *Obtaining Prior SOI Approval of Specific Activities.*<sup>107</sup>

(o) *Tax Exemption Considerations.* Every Accredited Program shall conduct all fund-raising activities in a manner which complies with the requirements in its jurisdiction for maintaining its exemption from taxes. Where legally permissible and feasible, each Accredited Program shall structure its fund-raising activities so as to avoid or at least minimize the payment of sales, use, excise or similar taxes. ~~In the United States, no Accredited Program may engage in any activities, whether or not they are characterized as "fund-raising" in nature or purpose, which could give rise to a determination by the Internal Revenue Service that the Accredited Program is involved in a trade or business which is unrelated to the Accredited Program's charitable purpose, or which could result in the Accredited Program's being deemed by the Internal Revenue Service to be receiving unrelated business income. For purposes of the preceding sentence, if a proposed fund-raising project raises doubts about whether pursuing it would cause the Accredited Program to receive unrelated business income or to incur potential liability for taxes on such income, the Accredited Program must resolve those doubts by avoiding involvement in such a project, unless the Accredited Program obtains SOI's prior written authorization to conduct or participate in that project.~~<sup>108</sup>

#### **Section 8.04. Fund-Raising Responsibilities of Accredited Programs.**<sup>109</sup>

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(c) *Cooperation with SOI's Fund-Raising Activities.* Each Accredited Program and GOC shall use its best efforts to cooperate with SOI in connection with all fund-raising events and activities which SOI conducts pursuant to SOI's authority in Section 8.02, even if those activities occur, either entirely or in part, within an Accredited Program's geographic jurisdiction.

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<sup>102</sup> See Notes 1 and 5 above

<sup>103</sup> Programs and SOI are (and should be) soliciting families via direct mail etc. Any solicitation should not imply that it is a requirement for athlete participation but families should be offered the opportunity to provide financial support

<sup>104</sup> This is not an accreditation standard

<sup>105</sup> Deleted, See Note 55 above

<sup>106</sup> The wording was not clear and could be misinterpreted. For this reason the term "affiliate" was deleted. Also, the development of an endowment fund is often advantageous if not necessary for a variety of reasons.

<sup>107</sup> Deleted; The prohibitions contained in the sub-section are adequately contained elsewhere in Article 8.

<sup>108</sup> See Note 5 above

<sup>109</sup> Now Section 7.04

(e) *Compliance with Uniform Standards.* All fund-raising activities engaged in or authorized by an Accredited Program or GOC shall comply with all other requirements of these General Rules and the other Uniform Standards, including, without limitation, the policies set forth in Sections 4.08 and 4.09 concerning, respectively, the display of commercial messages on athletes' uniforms and competition numbers during competition, and prohibited associations with alcoholic beverages and tobacco products. No Accredited Program shall engage in or permit any fund-raising activities in its jurisdiction, even if that activity would otherwise be within the scope of the Accredited Program's authority under this Article 8, if that activity would be otherwise prohibited by any other provision of the Uniform Standards.<sup>110</sup>

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### **Section 8.09. Reporting Obligations of Accredited Programs.**<sup>111</sup>

Accredited Programs shall retain all fund-raising contracts for a period of at least three (3) years after their expiration or termination, or for any longer period required by the laws of their respective jurisdictions. If requested in writing by SOI, an Accredited Program shall provide SOI with copies of sponsorship, cause-related marketing promotion, direct marketing, or other types of fund-raising contracts entered into by that Accredited Program unless prohibited by law or where such information would be in violation of the confidentiality provisions of an agreement between the Program and the contracting party. SOI shall have the right to inspect at any time any fund-raising contract entered into by an Accredited Program for the purpose of ensuring the Accredited Program's compliance with this Article 8 and the other Uniform Standards.<sup>112</sup>

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### **Section 9.01. Standards for Financial Management.**<sup>113</sup>

(b) *Use of Assets.* Each Accredited Program shall use its assets solely for the purpose of operating and conducting Special Olympics programs within its jurisdiction in accordance with the Uniform Standards. No Accredited Program or GOC shall use any of its funds or other assets raised in the name of or provided for the benefit of Special Olympics for the support or benefit of any other charitable or commercial program, activity or organization. .The preceding sentence specifically prohibits Accredited Programs and GOCs from using any Accredited Program assets or GOC assets, including any funds raised in the name of or for the benefit of Special Olympics, for funding participation in ~~Paralympics events~~ programs or competitions not sanctioned by the Special Olympics program.<sup>114</sup>

(c) *Accounting and Control.* Each Accredited Program shall implement reliable internal control systems for recording and accounting for the receipt and expenditure of funds. These systems must be sufficient to guard against unauthorized and fraudulent acts, and must permit the Board of Directors/~~National~~ Program Committee, Executive/~~National~~ Program Director and outside auditors of the Accredited Program to rely on these systems with confidence for the purposes of financial ~~measurement and evaluation~~ management and decision-making ~~and an expression of an unqualified audit opinion in connection with the review of the Accredited Program's financial statements.~~<sup>115</sup>

(d) *Compliance with Accounting Standards. Applicable Accounting Principles.* Each Accredited Program and GOC shall have an established accounting system which complies with generally accepted accounting principles and standards, as articulated from time to time by national or international review boards or associations of certified public accountants. ~~such as, in the United States,~~

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<sup>110</sup> The sub-sections are extended to GOCs

<sup>111</sup> Now Section 7.09

<sup>112</sup> Even though it is unlikely, Programs should be provided this precaution.

<sup>113</sup> Now Section 8.01

<sup>114</sup> The restriction is amended so that it no longer implies that no money may be spent on sending Special Olympics athletes to compete in events such as integrated competitions that are not run by Special Olympics. The Paralympics provide one more opportunity for competitive experiences.

<sup>115</sup> If the controls and systems are in place an audit opinion should not be necessary.

~~the standards and formal statements of position issued periodically by the Financial Accounting Standards Board and the American Institute of Certified Public Accountants.~~<sup>116</sup>

(e) *Separate Bank Accounts.* Unless otherwise authorized by SOI, all ~~checks, drafts, cash or similar~~ monetary instruments ~~of exchange~~ received by or raised on behalf of an Accredited Program must be deposited into bank accounts opened and maintained solely in the name of that Accredited Program, and authorized to be opened for that purpose by written directive of the Accredited Program's Board of Directors/~~National~~ Program Committee.<sup>117</sup>

### **Section 9.03. Development of Strategic Annual Plans and Program Budget**<sup>118</sup>

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Every Accredited Program shall ~~endeavor to develop multi-year plans aligned with SOI's strategic plans and priorities and prepare a written operational plan for each fiscal year (the "Annual Plan"), setting forth comprehensive goals for the Accredited Program's sports, programmatic, administrative and fund-raising goals for the forthcoming fiscal year, its and growth plans, and the plans developed by the Accredited Program for raising funds to meet its program and administrative needs for that fiscal year.~~ Each Strategic and Annual Plan shall be prepared in accordance with guidelines as to both form and content that may be provided by SOI from time to time and shall be submitted to SOI by a date to be established by SOI.<sup>119</sup>

Each Annual Plan shall include a written budget detailing all revenues and expenditures projected for the coming fiscal year, ~~using a format approved by SOI~~ (the "Program Budget"). Each Annual Plan and accompanying Program Budget must be approved in advance of its adoption by the Accredited Program's Board of Directors/~~National~~ Program Committee, and must be submitted to SOI before the start of the year for which it was developed. SOI reserves the right to require an Accredited Program to revise or develop a substitute Annual Plan and Program Budget Program Budget, to the extent that SOI determines it necessary for the Accredited Program's sound financial management or as a condition for accreditation to that Accredited Program.<sup>120</sup>

### **Section 9.04. Financial Statements.**<sup>121</sup>

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Every Accredited Program must develop and maintain accurate financial statements which comply with applicable accounting principles and are prepared in the currency of the nation in which the Accredited Program conducts its principal operations. Each Accredited Program must compare its financial statements at least quarterly ~~(and preferably, on a monthly basis)~~ with the Program Budget. Each Accredited Program shall prepare annual financial statements, in accordance with applicable accounting principles, for each fiscal year. Such annual financial statements shall be filed with SOI as part of the reporting requirements of Section 9.06.

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<sup>116</sup> The deleted sentence is unnecessary as "generally accepted accounting principles and standards" are understood globally

<sup>117</sup> The deleted words are encompassed in "monetary instruments"

<sup>118</sup> Now Section 8.03

<sup>119</sup> The addition of the Strategic Plan and alliance with SOI's strategic plan accords with SOI's goals outlined in its Strategic Plan

<sup>120</sup> This is an unnecessary control

<sup>121</sup> Now Section 8.04

**Section 9.05. Audit Requirements.**<sup>122</sup>

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(a) Generally. Each Accredited Program's annual financial statement shall be audited by an independent certified public accountant, or by an independent accounting professional in the Program's jurisdiction ~~with comparable credentials and recognition in the profession., except as otherwise permitted by Section 9.05(c)~~

**Section 9.06. Reporting to SOI.**<sup>123</sup>

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(4) A written report on the Accredited Program's success in achieving the programmatic, administrative, and fund-raising goals set forth in its Strategic Plan and its Annual Plan ~~for that fiscal year,~~ with an explanation as to reasons why any specific goal was not achieved.<sup>124</sup>

**Section 9.09. Insurance Requirements.**<sup>125</sup>

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Sub-section (c) is deleted.<sup>126</sup>

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<sup>122</sup> Now Section 8.05

<sup>123</sup> Now Section 8.06

<sup>124</sup> See Note 69 above

<sup>125</sup> Now Section 8.09

<sup>126</sup> Section 9.09 (a) and (c) are similar and are covered in (a).