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|  | North Dakota Swimming                      | Policies and Procedures   |
| Subject: General Guidelines for Discipline and De-Certification                  | Document Number: 7.3<br>Version Number: 01 | Effective Date: April 26, 2020<br>Last Revision: April 26, 2020 |


## 7.3 - GENERAL GUIDELINES FOR DISCIPLINE AND DE-CERTIFICATION

### A. INTRODUCTION

- (1) The Officials Committee of USA Swimming working with the LSC Official Chairpersons has developed minimum standards for the certification of USA Swimming Officials. Until now there have not been any provisions or guidelines for dealing with discipline and qualification deficiencies of officials after the official has been certified. The following is intended to set forth guidelines. Should an LSC choose to make any of these provisions stricter, the LSC may do so, so long as the modified provision does not violate any of the Rules and Regulations of USA Swimming. The implementation of these guidelines, as with everything else in officiating, will require sound thought, reason and common sense. One should not rush to judgment until all the facts and both sides of the matter are heard. Further, one should not treat the matter as being bigger than it is. Remember the mountain and the molehill. Remedial efforts are the primary key with the understanding that it is often easier to save an official than it is to recruit a new one. Often the official's deficiencies are the result of the efforts of someone else – in a phrase – lousy initial training.
- (2) Membership in USA Swimming is granted as a privilege, not a right. A rights, privileges, or positions of authority in an LSC are granted or authorized by the Rules and Regulations of USA Swimming and bylaws of the LSC.
- (3) Under Section 6 of the model LSC Bylaws the officials' chairperson and the officials committee have the following responsibility:
  - a. 606 - Divisions and Committees
    - i. Officials Chairman – The Officials Chairman shall chair the Officials Committee, which is responsible for recruiting, training, certifying and supervising officials for the North Dakota LSC (ND LSC). The Officials Chairman shall be a referee certified by the ND LSC and each member of the Officials committee shall be a certified official of ND LSC.
  - b. 607.4 - Duties and Powers of Standing Committees and Coordinators
    - i. Officials Committee - The Officials Committee is authorized and obligated to recruit, train, test, certify, evaluate, retest, re-certify and supervise officials for ND LSC and such other activities as may be necessary or helpful in maintaining a roster of qualified, well trained and experienced officials of the highest caliber.

### B. CATEGORIES

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(1) In order to organize the possible matters and issues that could arise, three categories have been chosen which should cover all matters. The three categories are Professional Qualifications, Professional Misconduct and Code of Conduct.


#### C. PROFESSIONAL QUALIFICATIONS

- (1) This category relates to matters involving deficiencies in the professional qualifications of the official. It relates to the technical aspects of the field of officiating, such as a lack of knowledge of the rules, improper application of the rules, etc.
- (2) An illustration of this category might be the following: Official A is a certified Stroke/Turn Official with two years of experience. He never makes a call, even when it is clearly “under his nose.”

#### D. PRIMARY RESPONSIBILITY– LSC Officials Chair

- (1) It is the responsibility of all officials to observe and evaluate the officials who are working for and with them. All deficiencies should be reported to the meet referee, who may address them at the time of the meet, if the meet referee feels that it would be best at that time. However, should it become apparent the official is deficient in the qualifications to serve in the position the official is certified for, then these deficiencies need to be reported to the LSC Officials Chairperson.
- (2) The Chairperson is primarily responsible for addressing the situation. It must be kept in mind that at this stage the approach needs to be remedial rather than punitive.
- (3) The first step for the Chairperson is to gather all the facts. The Chairperson may conduct the investigation or may assign the role to another trusted official. It is important that all of the facts are discovered, and they be documented to the extent they can be.


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- (4) Additionally, when conducting the investigation, the following shall be determined concerning the official:
  - a. Knowledge of the rules.
  - b. Application of the rules.
  - c. Judgment on deck in applying the rules.
  - d. Professionalism on and off the deck.
- (5) After the facts are obtained, the Chairperson should schedule a meeting with the official and review in depth the performance of the official. The official needs to be given the facts as gathered by the Chairperson and the full opportunity to state his or her side of the matter and to make a request for help, should the official choose to do so. At this stage, if the Chairperson believes it is in the best interest of the official, it is appropriate to bring in other members of the Officials Committee or some third person who is a friend of the official to assist in the meeting. In the latter situation, the friend should be an official, because we are addressing professional qualifications. Furthermore, should the Chairperson believe it is inappropriate for him or her to meet with the official or address the issue; the Chairperson may assign the matter to another official.
- (6) The Chairperson has the following powers:
  - a. To reassign the official to a lower position, where the official is qualified (i.e., referee to stroke and turn judge). The Chairperson should present the official with a program to be performed within a given time frame, providing the official the opportunity to regain his or her position. Although the program to be presented should be developed by the LSC, it is recommended that it include re-training, observation over a series of sessions and testing.
  - b. To leave the official in his or her current position but establish a re-training program to correct any deficiencies. Again, any program proposed should include observation over a series of sessions and testing. In this situation, the Chairperson may decide to withhold any future assignments at the certified position until the official completes the program and is signed off by the training official(s).
  - c. If the Chairperson is confronted with the situation where it is apparent the official does not comprehend and understand the rules and, in the opinion of the Chairperson, the official will not be able to correct the situation, then the Chairperson has the power to recommend to the Officials Committee that the official be decertified as an official.

#### E. SECONDARY RESPONSIBILITY – LSC Officials Committee

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(1) At this stage the Officials Committee will enter the picture and make the final decision on de-certification. This step should include a hearing with the official, where the official has full opportunity to make his or her position with the Committee. (See HEARINGS below.)

(2) A decision to de-certify the official should only be made as a last resort and on the recommendation of the LSC Official Chairperson. If there is no recommendation from the Chairperson, then there will be no de-certification.

#### F. PROFESSIONAL MISCONDUCT


(1) This category relates to matters involving misconduct in the performance of the official's professional duties that do not rise to the level of acts specifically covered by the Code of Conduct (Article 304.3 of the Rules and Regulations of USA Swimming). An illustration of this category might be the following:

a. Official B is a certified Referee of 4 years. At the last Age Group Championships, he was berating fellow officials on deck, in front of the spectators for their slovenly appearance, lack of rule knowledge and their poor attitude. He then proceeded to offer his opinions regarding the LSC executive board, and how poorly he felt the business of the LSC was being run.

#### (2) DUTIES - LSC Officials Chairperson

a. A complaint alleging misconduct on the part of an official needs to be in writing and filed with the LSC Officials Chairperson. The complaint must set out the facts and the misconduct alleged. It is then the duty of the Chairperson to conduct an investigation of the allegation and develop all of the facts. The Chairperson or someone chosen by the Chairperson may conduct this investigation. In choosing someone to conduct the investigation, the Chairperson needs to choose someone who is organized, thorough, honest and objective. The person should have no relationship with the situation or the official.

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(3) PRIMARY RESPONSIBILITY – LSC Officials Committee

- a. Once the investigation is completed, the entire file is delivered to the Officials Committee. The Committee will then schedule a hearing. (See HEARINGS below.)
- b. The Officials Committee has the following powers:
  - i. To issue a verbal warning, however, the warning must be accompanied by conditions to be met to correct the problem and the possible consequences if they are not met (even though it is a verbal warning it should be documented in the notes of the Committee accompanying the hearing).
  - ii. To issue a written reprimand, but again the reprimand must be accompanied by the conditions to be met and possible consequences if they are not.
  - iii. To reassign and to establish a re-training program, such as is set forth above for the Chairperson and the decision must be documented in the notes of the hearing.
  - iv. To suspend the official, however, the suspension should be accompanied by conditions the official must complete during the suspension period.
  - v. To permanently de-certify the official. This should be for the most serious offenses and should be ordered only after all other remedial measures have been exhausted.
- c. If the Official Chairperson is the investigating person then the Official Chairperson should not participate in the deliberations of the hearing. The Chairperson is the “prosecutor” in this role and should not sit as part of the jury. However, if the penalty is to be de-certification, then the Committee should consider this penalty only if the Official Chairperson has recommended it to the Committee.

G. CODE OF CONDUCT

- (1) This category involves all acts that fall under Article 304.3.1 through .15 of the Rules and Regulations of USA Swimming. An illustration might be the following:
  - a. Official C is a certified Referee. At a meet last week, the official falsely changed the time of the official’s son to a better time in order for him to qualify for an upcoming meet.
- (2) One of the primary issues the LSC Officials Chairperson must determine is whether the matter falls within the jurisdiction of the National Board of Review (Article 304.3.1 through .11). All complaints received by the LSC Officials Chairperson should be delivered to the Executive Director of USA Swimming in Colorado Springs if it is within the jurisdiction of the National Board of Review or the LSC General Chairperson if it is within the jurisdiction of the LSC.

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(3) All complaints would then be processed under the established procedures of the LSC and USA Swimming.

#### H. HEARINGS

- (1) The time frame for conducting the hearing should be set by the LSC but should not exceed the time frames set out in the bylaws of the LSC. There should be a provision for an emergency hearing if the facts warrant.
- (2) The conduct of the hearing need not be as formal as a hearing before the National Board of Review, but the proceedings need to be documented with written notes. The official should be given full opportunity to present his or her side of the issue with the approach being primarily remedial unless the facts dictate otherwise.
- (3) The vote of the Officials Committee may be by majority, however, if it is by majority, caution should be taken to make sure the quorum requirement for an official meeting of the Committee is such that a majority vote represents a substantial number of the members of the Committee. The final decision should be written, and a copy given to the official. It need not be formal document and can be in a letter format.
- (4) The official shall have the right to appeal any decision imposing penalties on the official, including suspension or de-certification, to the National Board of review and the opportunity to appeal should be made known to the official. All other decisions should not go beyond the Committee.

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# I. GENERAL

- (1) This program is intended to place the professional matters within the jurisdiction of the professionals, the peers of the official. However, if there are decisions made in this process, the official may have the right of appeal pursuant to the Rules and Regulations of USA Swimming and the Bylaws of the LSC.
- (2) It is possible that some matters could involve more than one category. If this situation arises, then one should select the category with the highest process, i.e., professional qualification and professional misconduct then process it under the professional misconduct category and if it is professional misconduct and code of conduct then process it under the code of conduct.

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