



**Ohio Swimming, Inc.
Administrative Review Board
Policy Manual**

Introduction

The OSI Administrative Review Board (ARB) of Ohio Swimming, Inc. (OSI) was established to provide a fair, impartial, and swift resolution of administrative disputes within OSI. This manual outlines the policies and procedures governing the ARB to ensure transparency, consistency, and fairness in handling all matters within its jurisdiction.

Section 1: Establishment and Organization

1.1 Establishment

The ARB is established as an independent and impartial body to resolve administrative disputes that do not involve Code of Conduct violations or sanction decision appeals (OSI Code of Regulations Article 13.2.1, and OSI Policy Handbook Appendix 14 and 15).

1.2 Membership

- The ARB shall have at least 10 regular members, including at least four (4) athlete representatives to constitute at least 33.3% of the voting membership (OSI Code of Regulations 7.3 and 13.2.3).
- The OSI HOD shall annually elect five (5) regular and alternate members of the ARB, at least two (2) of which must be Athlete Representatives. The five members elected shall consist of a minimum of one representative from each of the four Regional Commissions. It shall be a two-year term. Members must be individual members of OSI and USA Swimming. Board of Directors voting members are ineligible to serve on the ARB (OSI Code of Regulations Article 13.2.3).
- The Chair of the ARB, who must be a regular member, is elected biennially by a majority vote of the regular members. The Chair appoints a Vice-Chair and a Secretary biennially (OSI Code of Regulations Article 13.2.4).
- All members of the ARB will annually sign a Conflict-of-Interest form to be retained by the OSI Permanent Office.
- The OSI ARB must consist of representatives from all current OSI Regional Commissions (Central, SW (Cincinnati), SW (Dayton), NW).

1.3 Duties of Members

- Attend all ARB meetings and hearings as assigned.
- Maintain impartiality and report any potential conflicts of interest.
- Be knowledgeable about the OSI Code of Regulations, OSI Policy Manual, USA Swimming Operating Policy Manual and USA Swimming Rules and Regulations.
- Ensure confidentiality of all proceedings.

Section 2: Powers and Duties

2.1 Administrative Powers

The ARB has the power and duty to:

- Administer and conduct its affairs and achieve its purposes.
- Establish policies, procedures, and guidelines.
- Elect the Chair.
- Call regular or special meetings.
- Retain necessary personnel and agents.
- Take actions appropriate, necessary, or helpful in the administration and conduct of its affairs (OSI Code of Regulations Article 13.3.1).

2.2 Rule-Making Powers

The ARB has the authority to promulgate reasonable rules and procedures consistent with LSC corporate laws for matters within its jurisdiction (OSI Code of Regulations Article 13.3.2).

2.3 Decision-Making Authority

Decisions require a majority vote of the ARB members present. The views of any dissenters shall be included in the record if requested (OSI Code of Regulations Article 13.3.3).

Section 3: Procedures

3.1 Meetings

- The ARB shall meet as necessary for administrative purposes, to elect the Chair, adopt rules and procedures, and conduct other necessary business (OSI Code of Regulations Article 13.2.5).
- Meetings may be conducted via telecommunication, ensuring all participants can hear each other (OSI Code of Regulations Article 13.2.6).
- A quorum for administrative meetings is 50% regular members (OSI Code of Regulations Article 13.2.7).

3.2 Hearing Procedures

- Complaints should be filed within 90 days of the incident in question. The ARB need not exercise its jurisdiction with respect to a complaint the subject matter of which occurred, or concerns or is founded on events which occurred more than 90 days prior to the date the complaint is received. The ARB Chair will determine whether the complaint is eligible for investigation and if it is determined that it is, select a panel from among the regular members. The panel must be comprised of a minimum of three members such that athlete members constitute at least 33.3%. (OSI Code of Regulations Article 13.3.4, OSI Code of Regulations 13.2.2., OSI Code of Regulations Article 5.2).
- OSI ARB is precluded from hearing any complaint that falls within the original and exclusive jurisdiction of the National Board of Review as enumerated in Policy 26.0 (National Board of Review) of the USA Swimming Operating Policy Manual. OSI ARB is precluded from hearing any complaint that falls within the jurisdiction of the Zone Sanction Appeal Panel (ZSAP) as set forth in USA Swimming Rules and Regulations Section 202.3. Any complaint which does not fall within the parameters of the previous two exclusions may be heard by the OSI ARB.
- Hearings may be conducted in person or via telecommunication, ensuring all participants can hear each other, communicate and have input. (OSI Code of Regulations Article 13.2.6).
- All parties will be given a fair opportunity to present their case, including the submission of evidence and witness testimony.

3.3 Timeliness of Petition

The ARB may decline to exercise its jurisdiction for complaints concerning events that occurred more than 90 days prior to the filing date. This decision can be made by the Chair and may be appealed to the National Board of Review (OSI Code of Regulations Article 13.3.4).

3.4 Decision-Making Process

- Decisions require a majority vote of the ARB panel members.
- The ARB shall issue a written decision within 30 days of the hearing, detailing the findings, conclusions, and any penalties imposed.

Section 4: Penalties and Sanctions

4.1 Types of Penalties

The ARB may impose the following penalties, subject to the nature and severity of the offense:

- **Letter of Reprimand:** A formal warning issued to the offending party.
- **Monetary Penalties:** any fines or assessments established by the OSI Board of Directors
- **Revocation of Privileges:** Temporary revocation of specific privileges within OSI.

4.2 Limitations on Penalties

- Monetary penalties should be reasonable and proportionate to the offense.
- The ARB should consider the impact of penalties on the individual's ability to participate in swimming activities.

Section 5: Rights and Responsibilities

5.1 Member Responsibilities

- ARB members must maintain impartiality and independence.
- Members must be familiar with the OSI Code of Regulations, OSI Policy Handbook, USA Swimming Operating Policy Manual and USA Swimming Rules and Regulations.

5.2 Rights of Parties

- Both complainants and respondents have the right to a fair hearing.
- Parties have the right to present evidence, call witnesses, and be represented by an advisor or legal counsel.
- Parties have the right to receive a written decision detailing the ARB's findings and conclusions.

5.3 Resignations and Vacancies

- Members may resign by submitting a written resignation to the Chair, General Chair, or Board of Directors, specifying an effective date (OSI Code of Regulations Article 13.2.8).
- Vacancies are filled by appointment from the General Chair with the advice and consent of the Board of Directors (OSI Code of Regulations Article 13.2.10).

Section 6: Amendments

This manual may be amended by a two-thirds vote of the ARB members, provided the amendments are consistent with the OSI Code of Regulations and USA Swimming Rules and Regulations.

6.1 Adoption and Review

- This manual is adopted upon approval by the ARB and remains in effect until amended or repealed.
- It shall be reviewed biennially to ensure compliance with current OSI and USA Swimming standards.

Section 7: Miscellaneous

7.1 Confidentiality

All matters before the ARB are confidential, and members must not disclose information outside the hearing process.

7.2 Conflict of Interest

ARB members must recuse themselves from any hearing in which they have a personal or financial interest.

7.3 Documentation

- All hearings and decisions must be documented and retained according to the OSI record retention policy.
- Written decisions should be distributed to all parties involved and relevant OSI officials.

7.4 Training

- ARB members should receive training on OSI Code of Regulations, OSI Policy Handbook, USA Swimming Operating Policy Manual, USA Swimming Rules and Regulations, and hearing procedures to ensure competence in their roles.
- Ongoing education should be provided to keep members updated on changes in policies and procedures.

References:

- OSI Code of Regulations (Article 13: Administrative Review Board)
- OSI Policy Handbook
- USA Swimming Operating Policy Manual
- USA Swimming Rules and Regulations

This manual should be periodically reviewed and updated to reflect any changes in the OSI Code of Regulations, OSI Policy Handbook, USA Swimming Operating Policy Manual or USA Swimming Rules and Regulations.