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Policy & Procedures Manual Wisconsin Swimming, Inc.

Policy 15: Board of Review

Effective Date: May 1, 2015

Last Revision Date: ~~April 25, 2015~~, October 24, 2023

Scope: This policy provides direction to LSC members, athletes, officials, coaches and parents relating to filing complaints for review by the LSC.

15.1 USA Swimming Required Policies

- 15.1.1 Any member of Wisconsin Swimming may bring a complaint to Wisconsin Swimming for an action, inaction, or conduct that is believed to have been improper or incorrect. The individual shall provide a written statement to the General Chair including:
 - A. The name of the person or group believed to have acted improperly; and
 - B. A description of the circumstances giving rise to the complaint
- 15.1.2 The complaint shall be sent via Certified Mail to the General Chair, along with a filing fee of \$150, payable to Wisconsin Swimming, Inc. If, on its own initiative or upon written request, the LSC Executive Committee determines it to be in the interest of justice and the sport of swimming, the filing fee may be waived on a case-by-case basis.
- 15.1.3 Upon receipt of the Complaint and filing fee, the General Chair shall review the complaint and determine whether the situation shall be addressed within the LSC or referred to the Zone-National Board of Review. If it is to be addressed within the LSC, the complaint shall be referred to the Executive Committee for review and disposition. If the situation is not addressed to the satisfaction of the individual filing the complaint, the individual shall have the right to file a formal Petition with the Zone-National Board of Review.
- 15.1.4 The following outlines the responsibilities of the Wisconsin Swimming Board Executive Committee, Zone Board of Review the Zone Sanction Appeal Process and the National Board of Review
 - A. Wisconsin Swimming Executive Committee
 - a. Hears complaints and appeals regarding administrative matters within the LSC.
 - 1. Appeals of LSC fines
 - 2. Club versus Club Issues
 - b. Shall have no jurisdiction to hear complaints regarding conduct that may violate the USA Swimming Code of Conduct.

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~~c. May discuss with the Zone Board of Review Chair if unsure whether an issue should be a Zone Board of Review versus Wisconsin Swimming Administrative Board of Review issue.~~

B. Zone Sanction Appeal Process. ~~Zone Board of Review~~

a. This is an appeal process for clubs that have been denied a sanction by their LSC.

1. Each LSC has been authorized by USA Swimming to issue the sanction or approval for all swimming competition conducted within its geographical boundaries as described in Article 202 of the rulebook.
2. Additional requirements for sanction and approval may be established by a vote of the LSC House of Delegates in accordance with LSC bylaws.
3. Championship Meets are protected. A meet in direct conflict can be denied.
4. The LSC still has the right and authority to establish and collect relevant entry fees.
5. Potential hosts must adhere to the LSC published guidelines, deadlines and procedures.
6. Potential hosts must follow USA Swimming rules and guidelines

b. LSC requirements delegated by USA Swimming to LSCs:

1. Establish submission deadlines for sanction and approval applications and publish such deadlines along with relevant instructions and forms.
2. Establish and publish policies regarding applications submitted as well as relevant fees and penalties.
3. Establish and publish policies regarding applications submitted after the published deadlines citing relevant fees and penalties.
4. Establish a written policy that the LSC must provide written notification within 10 days to the applicant citing the reason for the denial and instruction for appeal.
5. Update the LSC Procedure Manual as needed to reflect deadlines and instructions.

c. Authority of the zone sanction appeal panel (ZSAP):

1. To review the process followed by the host/petitioner and the LSC and determine if all rules and policies have been followed and fairly applied.
2. The ZSAP does not have the authority to overrule LSC regulations and policies.
3. The ZSAP does not have the authority to establish entry fees.
4. The ZSAP is authorized to direct the LSC to issue a meet sanction or approval in those instances where, in the ZSAP's judgment, the rules and policies have not been properly applied or when the ZSAP believes that competitive opportunities for athletes are being unfairly denied.

d. The ZSAP Handbook describing processes in detail is located on the Central Zone website.

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- a. ~~Zone Board of Review Administrative and Rule Making Power~~
1. ~~The Zone Board of Review has the power and duty to create rules and procedures "with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs";~~
 2. ~~"The rules and procedures adopted by the Zone Board Of Review shall have the same force and effect as if they had been adopted as part of the Zone Bylaws."~~
- b. ~~Matters Adjudicated at Zone Level~~
1. ~~Only members of that Zone~~
 2. ~~Matters arising in an LSC, Regional or Zone Competition~~
 3. ~~Matters involving the Code of Conduct 304.3.15 through 304.3.19 involving one or more member or participating non member of the Zone; and not brought by USA Swimming~~
 4. ~~304.4.16 Any non-consensual physical contact, obscene language or gesture, or other threatening language or conduct directed towards any meet official, and which is related to any decision made by such official in connection with a USA Swimming sanctioned competition~~
 5. ~~304.3.17 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:~~
 - ~~Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming; or~~
 - ~~Placed in or on any item that is sold.~~
- ~~In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.~~
6. ~~304.3.18 Violation of any team misconduct rules as established by the USOC, USA Swimming or any Zone or LSC team authority.~~
 7. ~~304.3.19 Any other material and intentional act, conduct or omission not provided for above, which is detrimental to the image or reputation of USA Swimming, a LSC or the sport of swimming.~~
- C. ~~National Board of Review ("NBOR")~~
- a. ~~The NBOR has the original and exclusive Jurisdiction for:~~
 1. ~~Any complaint involving athletes or other members, or Participating Non-Members, during a national or international event;~~

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2. Any complaint under Article 301.1 of the USA Swimming Rules & Regulations against any individual or organizational member of USA Swimming or organization affiliated with USA Swimming alleging the denial of (or a threat to deny) any eligible swimmer, coach, trainer, manager, official or administrator the opportunity to participate;
3. Any complaint under Articles 304.3.1 through 304.3.12 of the USA Swimming Rules & Regulations against any member of USA Swimming, including any athlete, coach, manager, official, member of any committee, or a Participating Non-Member;
4. Any complaint initiated by USA Swimming, which shall be prosecuted by and may be appealed by the President & CEO;
5. Any complaint under Article 304.3.14 of the USA Swimming Rules & Regulations that is not heard pursuant to the U.S. Center for SafeSport's SafeSport Code for the Olympic and Paralympic Movement;
6. Any appeal initiated pursuant to adverse action taken by the USA Swimming Board of Directors against an LSC for alleged violations of an LSC Affiliation Agreement;
7. Any appeal initiated pursuant to an adverse action taken against an athlete for alleged violations of the applicable USA Swimming team rules for a USA Swimming international team trip;
8. Any complaint under USA Swimming's Whistleblower and Anti-Retaliation Policy, initiated by the USA Swimming Ethics Committee pursuant to that Policy, or any complaint of retaliation initiated by the complaining party if the Ethics Committee determines that it will not initiate a complaint in its own name;
9. Any matter to determine whether a member or prospective member who fails to meet the automatic qualification criteria of USA Swimming's Background Check Policy is eligible for membership and if so under what conditions;
10. Any complaint involving a member, former member or prospective member found by the U.S. Olympic & Paralympic Committee (the "USOPC") to have violated its rules, policies and/or procedures, or the Ted Stevens Olympic and Amateur Sports Act;
11. Any complaint filed against USA Swimming regarding USA Swimming's alleged violation of or noncompliance with USOPC rules, policies and/or procedures, or the Ted Stevens Olympic and Amateur Sports Act;
12. Any matter to determine whether any member, former member, or prospective member found by a state or federal jurisdiction to have violated a state or federal law is eligible for membership and if so under what conditions; or
- e.13. Any protest of a referee or meet jury's ruling, pursuant to Article 102.22.5(B) and any appeals of the Program & Events Coordinator's decision regarding fines pursuant to Article 207.7.3(C).
 1. Areas of Exclusive Jurisdiction by the National Board of Review
 - Any conflict that involves athletes or other USA Swimming members from different Zones;

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- ~~Any conflict involving athletes or other USA Swimming members at a National or International event;~~
- ~~Any complaint brought under Code of Conduct Sections 304.3.1 through 304.3.14~~

Date of Revision	Policy Section(s)	Changes Made
April 25, 2015	All	Revised to be consistent with USA Swimming mandated elimination of LSC Board of Review
<u>October 24, 2023</u>	<u>15.1.3</u> <u>15.1.4 B</u> <u>15.1.4 C</u>	<u>Replaced the "Zone Board of Review" with the "National Board of Review".</u> <u>Replaced the "Zone Board of Review" provisions with the "Zone Sanction Appeal Process."</u> <u>Updated jurisdiction of National Board of Review</u>

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