

BOARD OF REVIEW
Report to House of Delegates, April 24, 2010
Catherine Grant, Chair

The Board of Review had no new business from April 2009-April 2010.

As the Chair of the BOR, I attended a one day workshop hosted by the National Board of Review, conducted in Phoenix, AZ, on January 30, 2010.

Presenters: Jim Devine, Chair National Board of Review & John Morse, former Chair NBOR

The workshop presented a general overview of the BOR process including discussion of petitions, right to counsel, hearing protocol, sanctions, stays of sanctions, etc. It was emphasized that:

- BOR is there to resolve disputes, provide fair hearings. It CANNOT be the petitioner, cannot INVESTIGATE!
- Must be a petition filed for the BOR to act. Must be a rule violation for a petition.
- BOR has no policy-making power; is reactive only.
- Chair has to stay independent; panel used to hear dispute.

There were also a number of key digressions of wider interest:

- Background screening of coaches: a good start but may overlook misdemeanors, etc. Must be way for clubs to investigate background, check with prior employers.
- USA Swimming does not have a way to enter BOR decisions in database. Only flags suspensions. They will figure out a way to modify the database fields to record BOR decisions for future background checks.
- If LSC BOR wants a coach's sanction/probation to be part of their permanent record, must send to National Board of Review.
- Any sexual misconduct cases go straight to NBOR as well as anything pertaining to a felony, a drug offense or alcohol related violations of the code.
- Any club member who knows about sexual misconduct but does not report it is liable if lawsuit results. USA Swimming insurance is voided if that member failed to act on information.
- Recruiting of athletes on other teams by "a coach, owner, officer, volunteer, representative, or employee of a swim club..." is in violation of the USA Swimming Code of Conduct, Article 304.13. All coaches should be familiar with this Article and it is incumbent on them to educate their coaching staff, swimmers and parents of swimmers as to what constitutes recruiting.