

INDIANA SWIMMING, INC.

Protests, Complaints and Board of Review Answers to Frequently Asked Questions

You have asked about making a complaint about a member or club connected with Indiana Swimming. Hopefully this will answer your questions.

1. You can find the Indiana Swimming rules at

https://www.teamunify.com/czinlsc/_doc_/Indiana_Bylaws_2016_Amendments_v1_13_rev_USA_2018.pdf

2. You can find the USA Swimming rules at www.usa-swimming.org. Most complaints concern the Code of Conduct, so you might look there first.

3. If your complaint involves the Code of Conduct, consult USA Swimming rule 403.1 to determine whether your particular complaint is within the jurisdiction of USA Swimming or Indiana Swimming. If your complaint is within the jurisdiction of USA Swimming, you should follow their rules for Hearing and Appeals and submit your complaint to USA Swimming. If your complaint is within the jurisdiction of Indiana Swimming, you should follow the rules in Article 610 of the Indiana Swimming By Laws.

4. If, after consulting the appropriate rules, you have further questions contact either USA Swimming or Indiana Swimming, as appropriate.

5. Many people want to ask questions like the following, which are good questions. Unfortunately the answers aren't usually what people want to hear.

a. "What do you think?" or "Should I file a Protest?" Indiana Swimming will not give opinions to one person or organization about whether the conduct of another person or organization might violate any rule. So we won't tell you what we think, and we won't tell you whether or not you should file a Protest.

b. "What, might happen if I file a Protest?" We might help explain to you what the procedure would be after you file a Protest, but we won't tell you what punishments or sanctions might result.

c. "Is there some way I can get Indiana Swimming to investigate this, but keep me out of it?" Indiana Swimming generally only investigates when someone files a Protest. The only exception would be a serious matter that could affect many members in the future. If you believe your complaint falls into that category, you can contact the General Chair of Indiana Swimming who has the power to ask the Indiana Swimming Board of Review to conduct an investigation. However, if your issue is (i) a private matter between two sides (regardless of how many people are on each side); (ii) a matter that has already happened and is not likely to recur; or (iii) not of great importance to a significant number of Indiana Swimming members, it is unlikely the General Chair would request such an investigation.

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6. If you decide you want to file a Protest with Indiana Swimming, please read Article 610, and pay close attention to 610.6.1A. There is no special form, but your Protest must be in writing (email and fax count as writings). You should describe the facts of the action, inaction or conduct about which you are complaining. You must state the names of all persons or groups you claim have acted improperly. It helps, but is not required, if you can reference specific rules that you think were violated. It helps if you include relevant documents. You may, as the rule states submit your Protest to the Chair of the Review Board, however, it would be better if you submitted it to the Member Services Director of Indiana Swimming who will track it administratively and make sure it gets to the current Chair of the Review Board. You must pay a filing fee of \$350 with your protest, or you can file a written request for waiver of the filing fee. There is no special form for that waiver request; simply state in writing why you think the fee should be waived. The Filing fee will be returned/refunded if the judgment is found in favor of complainant.

7. After your Protest is submitted the following could happen:

a. The Chair of the Review Board might dismiss it and notify you that you may refile it within a certain time;

b. Some member or members of the Review Board might conduct a preliminary investigation.

c. Some member of the Review Board might attempt to mediate the matter to see if both sides can agree to resolve the dispute.

d. After a, b, and c above have happened or been dispensed with, the Respondents you named in your Protest will receive formal Notice of your Protest.

e. After everyone is notified, the Review Board will typically conduct a telephonic Prehearing Conference to establish procedures specific to the case. Both sides will probably be asked to provide to the other side and the Board, with copies of all relevant documents and names of all witnesses in advance of any hearing.

f. A hearing date, time and place will be set. The hearing can be conducted by any member of the Board of Review or by a panel of not less than three Board of Review Members. At the hearing you will present all your evidence, by talking yourself, by having other witnesses talk, and by presenting documentary evidence. The other side will have the right to question you and your witnesses. Then the other side will get their turn to do the same thing, and you will have the right to question them and their witnesses. You can have a lawyer help you with anything, but you have to pay your lawyer yourself.

g. As soon as possible after the hearing (but usually not at the hearing), a written decision will be issued.

8. Both sides have appeal rights which will be stated in the written decision.