

What is the Board of Review?

Federal law requires USA swimming (and its LSCs) to have procedures for the fair and efficient resolution of disputes arising out of USA swimming. To comply with federal law, USA swimming required the creation of National and LSC Boards of Review to adjudicate complaints, protests, and appeals. The Board of Review is a judiciary committee.

The NES Board of review, created under this authority is by rule "independent and impartial." NES Bylaw 610.2

If you call or email the Board of Review, what EXACTLY is the process?

- The Chair gets back to you and requests additional information and asks "Do you want to file a formal petition that may or may not result in a BOR Hearing?"
- The caller then decides if they file or not.
- **If the caller does not file**, they have chosen NOT to use the BOR as a vehicle to resolve their dispute or complaint.
- **If the caller chooses to file a petition**, USA Swimming Process and Procedure outlined in Article 406 of the Rule Book kicks in.
- Upon receipt of a formal petition, a small BOR panel screened for potential conflicts of interest and under strict confidentiality reviews it to determine jurisdiction.
- If under BOR jurisdiction, a Notice of Hearing will be sent to all Respondents named in the Petition.
- Respondents will be given the opportunity to respond to the Notice and the Petitioner may choose to offer a rebuttal to each Respondent's response.
- A Formal Hearing will be conducted including BOR Members that have been screened for potential conflicts of interest and under STRICT confidentiality guidelines.

The BOR does not serve a prosecutorial function. The BOR is not the police or the prosecutor. The BOR is the judge. If an individual reporting a dispute or violation does not file a petition, the BOR is unable to commence a hearing. According to USA Swimming Rules, the BOR cannot act unilaterally.

Anyone can file a petition for relief with the NES Board of Review. The person can file that petition directly to the Chair of the BOR or they can ask the NES General Chair to file a petition on their behalf.

But unless someone files a written petition with the NES Board of Review describing the alleged violation and the name of the person or group alleged to have acted improperly or the circumstances believed to require answers or clarification, the NES Board of Review literally has no authority to act.

The Board of Review wants to encourage those individuals who believe they have been treated unfairly or wish to report a policy violation to press forward to seek resolution. The "process" outlined sounds intimidating and to some, even scary, but the "process" exists so that a fair resolution can take place.