

Western Zone Board of Review

National, Zone and LSC Administrative Review Board Areas of Responsibility

As of January 1, 2015, Board of Review inquiries can be directed to one of three boards: National Board of Review, Western Zone Board of Review, or to an LSC Administrative Review Board (if the LSC has adopted that format).

The purpose of this document is to delineate at which level to direct a case or issue. No list can be comprehensive. If there is a question about whether a case/issue lies within the Zone or National BOR jurisdiction, this should be addressed to the National BOR Chair (and that decision is not appealable).

This document is adapted from the presentation "Zone Board of Review Workshop", given by John Morse, Buddy Pylitt and Kathy Oates-Dacey (National BOR Committee), given at the 2014 Aquatic Sports Convention.

I. National Board of Review

A. Areas of Exclusive Jurisdiction by the National BOR

- a. Any conflict that involves athletes or other USA Swimming members from different Zones;
- b. Any conflict involving athletes or other USA Swimming members at a National or International event;
- c. Any complaint brought under Code of Conduct Sections 304.3.1 through 304.3.14.

II. Zone Board of Review

A. Zone Board of Review Administrative and Rule Making Power

- a. The Zone BOR 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";
- b. "The rules and procedures adopted by the Zone BOR shall have the same force and effect as if they had been adopted as part of the Zone Bylaws".

B. Matters Adjudicated at the Zone Level

- a. Only member(s) of that Zone
- b. Matters arising in an LSC, Regional or Zone competition;
- c. Matters with the Code of Conduct 304.3.15 and 304.3.19. involving:
 - i. One or more member or participating non-member of the Zone; and
 - ii. Not brought by USA Swimming
 - iii. 304.3.15 any act of fraud, deception or dishonesty in connection with any USA Swimming-related activity.
 - iv. 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.

v.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:

1. A 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
2. 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.

vi. 304.3.18 Violation of any team misconduct rule as established by the USOC, USA Swimming, any Zone or LSC team authority.

vii. 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.

III. LSC Administrative Review Board

- A. Hears complaints and appeals regarding administrative matters within the LSC.
 - a. Appeals of LSC fines
 - b. Club versus Club issues (example, competition for practice facilities/lanes).
- B. Shall have no jurisdiction to hear complaints regarding conduct that may violate the USA Swimming Code of Conduct.
- C. May discuss with Zone Board of Review Chair if unsure if an issue should be a Zone BOR versus LSC Administrative Review Board issue.

IV. Instructions for Filing a Zone Board of Review Case

- A. A Petition (written statement) is submitted to the Chair of the Zone Board of Review.
- B. Written statement:
 - a. Sets forth a description of the action, inaction or conduct that is believed to have to have been improper or incorrect.
 - b. The name of the person or group believed to have acted improperly.
 - c. The circumstances believed to require answers, explanation or clarification.
- C. Petition shall be accompanied by the filing fee of \$100.
- D. Petition shall be filed within 90 days of the occurrence of the incident. An exemption of the 90 day filing rule may be granted by the Central Zone Board of Review Chair.

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