

PROCEDURES OF THE USA DIVING BOARD OF REVIEW COMMITTEE

1. Filing of a Complaint.

a. A complaint pursuant to Article 70, Section 470.3 shall be filed with the Chief Executive Officer of USA Diving, Inc. A complaint is to be in writing, preferably typed, on 8.5" by 11" white paper. Exhibits may be attached, sized to 8.5" by 11".

b. The complaint is to state the complainant's name, street address, mailing address if different from the street address, telephone number and e-mail address. The complaint is to state the name, street address, mailing address, if different from the street address, telephone number and e-mail address of each person or entity against whom the complaint is made, and any person who may be adversely affected but is not named as a respondent by the complainant. Failure to provide the required information regarding each respondent may result in dismissal of the complaint.

c. The complaint is to set forth in detail the nature of the complaint including all applicable facts and the section(s) of the USA Diving Code which the complainant believes are applicable. The complainant shall also set forth the relief the complainant requests be granted by the Board of Review.

d. In the case of a complaint based on an adverse determination arising from a background check, the complaint must be submitted within 20 days of receipt of notice of an adverse report (or such shorter time period as circumstances may warrant) from the Chief Executive Officer. The scope of the review shall be limited to two issues:

(i) Determining whether the applicant is indeed the individual named in the events comprising the negative report.

(ii) Determining whether the negative events are accurately reported.

f. The complaint is to be signed by the complainant or, if an entity, by an authorized representative of the complainant.

g. The complaint is to be accompanied by a check or money order payable to USA Diving in the amount of \$250.00 if the complainant is an individual or \$500.00 if the complainant is an entity. A complaint submitted by USA Diving requires no fee. In the event that complainant believes that the payment of the filing fee would create a financial hardship, the complainant may, in a separate writing submitted with the complaint, request that the Board of Review waive or reduce the filing fee, with supporting information.

h. The hard copy original complaint accompanied by the appropriate fee is to be mailed or sent by courier to:

Chief Executive Officer
USA Diving, Inc.
Attention: Board of Review
201 S. Capitol Avenue, Suite 430
Indianapolis, IN 46225

An electronic copy shall be sent to the Chief Executive Officer if feasible; however, the written copy shall be the official copy for all purposes.

All responses or other written filings to be filed with the Board of Review or the chair of a hearing panel are to be sent to the Chief Executive Officer at the above address unless otherwise directed by the Board of Review or the chair of the hearing panel. When feasible, an electronic copy shall be sent to the Chief Executive Officer (or other

designated person); however, the written copy of all such documents shall be the official copy for all purposes.

2. Receipt of Complaint

a. The Chief Executive Officer or her designee will receive the complaint. The complaint shall be noted with the date, time of receipt, and initials of the person receiving the complaint.

b. The Chief Executive Officer or her designee will immediately send an acknowledgment of receipt of the complaint to the complainant noting the date and time the complaint was received by USA Diving.

c. The Chief Executive Officer will immediately forward a copy of the complaint to the Chair of the Board of Review committee.

3. Notification of Respondent Parties.

a. The Chair of the Board of Review or the Chair's designee will within three business days of the receipt of the Complaint notify each respondent party named in the Complaint.

b. The notification to the respondent parties will include.

(i) A copy of the Complaint

(ii) A statement that a response from each respondent will be due with 20 days of the date of the notice.

(iii) A statement that the respondent must include in the response the name and address of any other person or entity not named in the complaint who may be adversely affected by the complaint.

(iv) A copy of these procedures.

c. In the event that the complaint is accompanied by a request for waiver of the filing fee the Chair may postpone notice to the respondents until the Board of Review has ruled on the request. In the event of the denial of the request or a reduction of the fee then the notification to the respondents will not be required until three business days after receipt of the fee determined by the Board of Review.

d. Where the complaint deals with an action of a board or a committee of USA Diving, the chair of the board or committee is deemed to be a necessary party to the proceedings and will be given notice and an opportunity to respond. In any proceeding involving any committee or board of USA Diving, the Board of Directors may assert the position of the corporation in lieu of the named committee or board.

4. Selection of the Hearing Panel

a. Within fifteen days after the receipt of a complaint, the Chair of the Board of Review will consult with the Board of Review committee for the purpose of appointing the hearing panel. The panel will be comprised of a non-voting chair and three voting members, one of which will be an athlete selected from among three athletes recommended by the Chair of the Athletes Committee.

b. The panel chair and the two non-athlete members are not required to be members of USA Diving.

c. Upon selection the panel will be provided with copies of all documents pertaining to the complaint.

d. Members of the Board of Review committee may be selected to be the non-voting chair or a voting member of the hearing panel.

5. Preliminary Matters

a. After receipt of the response from all of the respondents the panel will make a determination if additional parties are to be added to the proceedings and give notice to such parties providing them with an opportunity to respond.

b. After receipt of responses from all persons deemed necessary to the proceedings, the panel may dismiss the complaint on such grounds as it deems appropriate, including, but not limited to, finding the complaint fails to state a claim upon which relief may be granted, the limitation period has expired, the complaint is moot, the panel is without jurisdiction to hear the complaint, or the panel is without authority to grant the requested relief. If the complaint is subject to the mandatory arbitration rules of the U.S.O.C., the panel may proceed and determine all or some of the issues presented, or decline to proceed and refer the parties to their remedies under the U.S.O.C.

6. Request for Information

a. The Board of Review shall have access to all available information necessary to render its decision. All parties shall cooperate and timely provide the panel with all information or documents requested. The failure of any party to provide information requested by the Board of Review shall be cause for the dismissal of the complaint or a determination adverse to the party in default.

7. The Hearing.

a. The chair of the hearing panel will give not less than ten days notice to all parties of the hearing date. Such notice may be given by electronic mail to the address provided by a party.

b. A party may be represented by counsel, provided that a party desiring to be represented by counsel gives notice of such representation to the chair of the hearing panel and to each of the other parties at least five days prior to the hearing, including the name of the counsel, jurisdiction where licensed, the counsel's address, phone number, fax number and e-mail address.

c. Rules of evidence generally applicable to administrative hearings will apply and the chair's rulings on evidentiary matters are final.

d. The hearing may be conducted in person, or by telephone or video conference, at a place and time selected by the chair of the hearing panel. The chair will endeavor to select a place and time that is convenient and equitable to the majority of the persons involved. However, the decision of the chair as to the place, time and format of the hearing is final.

e. If all parties agree in writing, the parties may submit their evidence and arguments in writing in lieu of a hearing. The timing of the submissions by each party will be determined by the chair of the hearing panel after consultation with the chair of the Board of Review committee.

8. Decision of the Hearing Panel

a. The hearing panel will make its decision within five days after the conclusion of the hearing.

b. The written decision of the panel will be prepared by the chair (or designated

panel member) and submitted with the chair's signature to the Chair of the Board of Review within thirty days of the decision being rendered by the hearing panel.

c. A copy of the decision will be mailed to each party to proceeding at the address provided, to each member of the Board of Review committee and included in the records of the proceedings maintained at the National Office of USA Diving.

d. If the complaint is an appeal from the decision of the board of review of a local diving association, the hearing panel may affirm the decision, reverse the decision, or affirm in part and reverse in part and return the decision to the local diving association board of review for further action consistent with the hearing panel's decision.

9. Retention of Records.

a. Records of the complaint and all documents that become part of the record will be retained by the Board of Review at the National Office of USA Diving for a period of one year after the date that the decision of the hearing panel is rendered. At the end of one year the records, except for the written decision, will be destroyed.

10. Expedited Hearing.

a. When exigent circumstances require and pursuant to section 470.3(k) the Board of Review may hear and decide a complaint within 48 hours. All timelines and filing requirements may be modified to meet the exigent circumstances, so long as due process is afforded all parties.

b. In such case the complainant may file a complaint in such manner as will bring the matter immediately to the attention of the Board of Review.

c. The Board of Review may hear such matter directly or appoint a hearing panel, whichever will aid in the expeditious review of the complaint.

d. The Board of Review may alter these procedures to insure the expeditious review and fairness to all parties.

e. The hearing panel may render either an oral or summary written decision, either of which is to be followed within thirty days by a full written decision.