U.S. Masters Swimming
National Board of Review

Procedures

USMS NBR 2024D1

Table of Contents

1. Purpose 4
2. Terms 5
3. Administrative Matters 6
   - 3.1. NBR Vice-Chair 6
   - 3.2. Filing Grievances and Appeals 6
   - 3.3. Readmission to Membership 6
   - 3.4. Notices 6
   - 3.5. Timing 7
   - 3.6. Open Communications 7
   - 3.7. Length of Filings 7
   - 3.8. NBR Recordkeeping 7
   - 3.9. Member Access to Information and Records 7
4. NBR: Avenues of Dispute Resolution 9
   - 4.1. Dismissal 9
   - 4.2. Refer Back to the LMSC 9
   - 4.3. Mediation 9
   - 4.4. Appoint a Hearing Panel to Conduct a Hearing 10
   - 4.6. Withdrawal 10
5. NBR Process for Filing and Responding to Grievances 11
   - 5.1. Grievance Petition 11
   - 5.2. Sending Grievance Petition to Respondents 11
   - 5.3. Response 11
   - 5.4. Rebuttal 12
6. NBR Process for Filing and Responding to Appeals of LMSC Decisions 13
   - 6.1. Appeal Petition 13
   - 6.2. Sending Petition to Appellee(s) 13
   - 6.3. Response 13
   - 6.4. NBR Action 14
7. USMS Board Process for Filing and Responding to Appeals of NBR Decisions 15
   - 7.1. Appeal Petition 15
   - 7.2. Selection of Board of Directors Panel 15
   - 7.3. Sending Petition to Appellee(s) 15
   - 7.4. Response 15
   - 7.5. Hearing 16
   - 7.6. Withdrawal 16
8. Hearings 17

8.1. Hearing Notice 17
8.2. Hearing Panel 17
8.3. Panel Action Without Hearing 17
8.4. Evidence; Advice of USMS Committee Chairs 17
8.5. Conduct of Hearing 18
8.6. Sequence 18
8.7. Presentation of Evidence 18
9. Decision of NBR Hearing Panel or of Board of Directors Panel 19
10. Document Management Guidelines 19

1. Purpose

The purpose of these procedures is to establish the process for handling actions brought under the *USMS Code of Regulations,* Part 4: Participation, Conduct, Hearings and Appeals. These procedures and the USMS Rules in Part 4 provide the process for grievances filed originally with the National Board of Review (NBR), for appeals of LMSC decisions to the NBR, and for appeals of NBR decisions to the Board of Directors.

These Procedures should be administered to provide fair access and hearing of disputes as set forth in Part 4 of the USMS Code of Regulations. To that end, hearing panels appointed by the NBR Chair should be neutral, and parties should be provided access to make their views and statements known. To assure a fair and impartial hearing of the issues presented, and their resolution without undue delay, the NBR Chair has wide discretion to obtain information and advice, require mediation of disputes, and organize hearing panels. If the Procedures are not effective in achieving these goals, the Board of Directors is authorized to revise them from time to time. From time to time, the Board of Directors may require the NBR Chair to provide a report on current filed matters, and on the status and disposition of any grievances or appeals.

USMS encourages orderly and dignified dispute resolution. Good-faith exercise of a person's rights under Part 4 and these Procedures is participation in a USMS administrative activity, within the meaning of articles 401.2 and 402.4.1. For this reason, reprisal or retaliation against a person who files a good-faith grievance or who participates in a grievance proceeding as a witness is prohibited; and USMS will not retaliate or discriminate against any person who exercises rights in good faith under Part 4 and these Procedures.

This document in no way supersedes the USMS articles of incorporation or the *USMS Code of Regulations.*

2. Terms

Terms used in this document shall have the meanings described below. References below to Part 4 or to particular articles refer to the *USMS Code of Regulations*.

Appeal Petition. A document filed to appeal an LMSC decision to the NBR (pursuant to article 403.6.2), or to appeal an NBR decision to the Board of Directors (pursuant to article 403.9).

Appellant. The person who files an appeal of an LMSC decision to the NBR or an appeal of an NBR decision to the Board of Directors.

Appellee. The person who must respond to an appeal of an LMSC decision to the NBR or an appeal of an NBR decision to the Board of Directors.

Code of Conduct. The USMS Code of Conduct, as set forth in article 402.

Decision. The final decision made by the NBR or other hearing body. It includes the determinations of the hearing body and any remedies or penalties.

Grievance. An action filed under Part 4 and described in article 403.2.

Grievance Petition. The document that a Grievant files to initiate a Grievance (pursuant to article 403.6.1).

Grievant. The person or organization that files a Grievance with the NBR.

Hearing Panel. The panel appointed to hear a matter pursuant to article 403.5.5 of the *USMS Code of Regulations* and these Procedures.

Hearing Panel Chair. The Chair of the Hearing Panel, who will have the duties set forth in these Procedures with respect to a matter before a Hearing Panel.

NBR. The National Board of Review, described in article 403.

NBR Chair. The Chair of the National Board of Review, described in articles 403.1 and 504.1.5.

NBR Vice-Chair. The Vice-Chair of the National Board of Review.

Party or Parties. A general term to refer to the Grievant and Respondent (in the case of a grievance), or the Appellant and Appellee (in the case of an appeal).

Respondent. The person against whom a Grievance is filed.

Response. The document that a respondent files in answer to a Grievance Petition.

Rebuttal. The document that a grievant may file in answer to a respondent's Response.

3. Administrative Matters

3.1. NBR Vice-Chair

With the concurrence of the USMS President, the NBR Chair shall appoint an NBR Vice-Chair from among the persons approved by the Board of Directors as potential hearing panelists. The NBR Vice-Chair shall assist the NBR Chair in fulfilling the NBR Chair's duties, as described in article 403 and in these Procedures. The NBR Chair may delegate duties to the NBR Vice-Chair as necessary to ensure that either the NBR Chair or the NBR Vice-Chair may preside over any grievance or appeal without conflict of interest.

3.2. Filing Grievances and Appeals

Grievance petitions filed originally with the NBR (Rule 403.6.1), petitions for appeals of LMSC decisions (Rule 403.6.2), and appeals to the Board of Directors (Rule 403.9) shall be submitted to USMS either by email at volunteer@usmastersswimming.org or by mail at 8388 South Tamiami Trail, Suite 221, Sarasota, FL 34238. Any subsequent filings or correspondence shall be transmitted as directed by the NBR Chair.

Each party should bear their own costs, including, but not limited to, attorney fees, travel costs, long distance phone calls, copying charges, courier services, etc.

3.3. Readmission to Membership

A person who has been denied membership in USMS by decision of the NBR, or by decision of the Board of Directors after an appeal from a decision of the NBR, may re-petition for membership. A person who has been suspended from USMS membership for a period of two years or more or for an indefinite period, or who has been expelled from USMS, by decision of the NBR or by decision of the Board of Directors after an appeal from a decision of the NBR, may petition to end the suspension or to be re-admitted to membership. In all such cases (membership denial, suspension, or expulsion), the petition should take the form of a grievance against the USMS Chief Executive Officer, directed to the NBR. The NBR will consider such petitions only after at least two years have passed since the effective date of the decision denying, suspending, or ending the person's USMS membership, or after at least two years have passed since any previous decision on such a petition. In reviewing a grievance for re-admission, the NBR must be satisfied that all relevant eligibility requirements of USMS are met and that re-admission would be in the best interests of USMS.

3.4. Notices

Where a notice, filing, or response is made, it will be made by email to the party's or person's address as provided in the filing with the NBR (or if none is provided, to the email address on file with USMS, or if no email address is on file with USMS, then to the street address on file with USMS). Where a party or interested person provides an address, it is their responsibility to assure that they will receive communications at that address (for example, if an email address is provided, it is the party's responsibility to assure that emails are not classified as junk or spam) and it is not the sender's responsibility to confirm delivery to the specified address.

3.5. Timing

Timetables stated in these Procedures begin on the date a communication is sent. The NBR Chair, NBR Vice-Chair, or Hearing Panel Chair has discretion to modify any timetable as necessary to achieve fair notice and a reasonable opportunity to be heard.

3.6. Open Communications

After the filing of the initial grievance petition or appeal petition, all parties must be copied on all filings by the parties and on all communications by the parties with USMS or the NBR Chair. Telephone conversations must include all parties. Parties are responsible for sending copies of any filings and other communications to the other party or parties.

3.7. Length of Filings

Petitions and other filings made by parties to a grievance shall not be unreasonably lengthy, and shall not exceed 10 pages without written permission from the NBR Chair. The NBR Chair may dictate a different page limit if he or she finds that the length of parties' filings is unduly burdensome on the parties or the hearing panel, or insufficiently informative.

3.8. NBR Recordkeeping

In accordance with Rule 403.10 and in cooperation with the USMS, the NBR Chair will organize and retain records from each grievance or appeal. These records should include petitions, responses, and rebuttals; notices and correspondence; any electronic records or transcripts from hearings; documents or recordings used as evidence; and decisions.

Except as disclosures are reasonably necessary in investigating and resolving a grievance or appeal and in carrying out any decision, the parties, witnesses, hearing panel members, USMS staff members, and any other persons having knowledge of the matter should respect and preserve the participants' confidentiality and dignity.

USMS will maintain a summary reporting and tracking system for grievances and appeals. These summary records will permit reference to the nature of a dispute, the parties, the disposition, and the time to resolution. The NBR Chair or NBR Vice-Chair also will collect similar information from LMSCs regarding grievances resolved by LMSCs in accordance with Rules 403.2.2 and 403.4.

3.9. Member Access to Information and Records

USMS will develop written materials describing the grievance and appeals system and its procedures and operation and make these materials available to any person on request.

The NBR Chair or NBR Vice-Chair will be available to answer questions from USMS members, volunteers, and staff members regarding disputes and potential grievances. The NBR Chair or NBR Vice-Chair will not advocate for or against any party to a grievance or potential grievance,

but may provide information regarding possible avenues for dispute resolution and regarding these Procedures.

Upon request, USMS will permit any member in good standing to inspect any grievance or appeal decision, or the summary records described above. The NBR Chair or any person to whom the NBR Chair delegates this responsibility may redact information before disclosure to protect personal or confidential information.

4. NBR: Avenues of Dispute Resolution

With regard to matters within the original or appellate jurisdiction of the National Board of Review, according to article 403.2 of the USMS Code of Regulations, the NBR Chair has the authority to take one or more of the following actions when reviewing a matter:

- Initiate an investigation into the alleged misconduct, as described in a written grievance or appeal;
- Dismiss a grievance or appeal determined to be without merit, with the concurrence of the USMS president;
- Refer a grievance or an appeal of an LMSC decision back to the LMSC;
- Mediate or delegate the mediation of a grievance or appeal;
- Appoint a hearing panel, drawn from the hearing panel pool, consisting of at least three members to conduct a formal hearing to decide a grievance or appeal; or
- Make an appropriate order to resolve any uncontested grievance.

The NBR Chair may, but is not required to, participate in a hearing once a panel has been appointed. The NBR Chair may delegate authority to proceed under this section to the NBR Vice-Chair or to the Hearing Panel Chair of any Hearing Panel, to facilitate resolution of a matter.

4.1. Dismissal

If the NBR Chair determines the grievance or appeal is without merit, or is not within the NBR's jurisdiction under the *USMS Code of Regulations*, or does not provide a complete record so that a ruling can be made on the issues, and the USMS president agrees, the NBR chair will notify all parties in writing that the grievance or appeal has been dismissed, and the reason for the dismissal.

4.2. Refer Back to the LMSC

If the NBR chair determines that an LMSC has jurisdiction over the dispute, or that LMSC procedures have not been fully or properly followed, the chair may refer the matter back to the LMSC. The referral must be in writing and delivered to the parties and shall describe why the matter is being referred back to the LMSC and what actions the LMSC should take pursuant to the grievance.

4.3. Mediation

The grievance procedure as set out in article 403 allows for mediation of disputes. The parties to the dispute may choose to meet and discuss the matter in dispute, and, if possible, resolve the dispute by means of mediation. If the parties are able to resolve the dispute via mediation, then

the grievance shall be “decided” and the NBR Chair will ensure that the written decision is properly documented.

The mediator will be a person chosen by the NBR Chair with the concurrence of the parties.

If mediation does not resolve the dispute within 60 days of the filing of respondent’s response, then the NBR Chair may concurrently proceed with a hearing, or take other actions within the Chair’s authority.

4.4. Appoint a Hearing Panel to Conduct a Hearing

If other avenues of dispute resolution fail to resolve a grievance within 90 days of filing the grievance petition, or are inappropriate in the discretion of the NBR Chair, then the NBR Chair shall appoint a hearing panel and initiate a formal hearing. The hearing will be completed within 180 days of filing the grievance petition.

4.5. Failure to Contest

If the respondent fails to submit a timely response to a grievance or appeal, the NBR Chair may make any appropriate order to resolve the grievance or appeal without further process.

4.6. Withdrawal

A grievance or appeal petition may be withdrawn by the grievant or appellant at any time before final resolution. The withdrawal shall not preclude investigation by the NBR of any information relevant to the grievance or appeal.

5. NBR Process for Filing and Responding to Grievances

This section describes the process for filing and responding to a grievance that is filed originally with the NBR under article 403.4.3. If the time frames for filings set forth in this section are not met, the NBR Chair, with concurrence of the USMS President, has discretion to dismiss or postpone the action.

5.1. Grievance Petition

A grievance petition shall be filed with USMS. The grievance

petition shall state:

- The name of the Grievant.
- The name(s) of Respondent(s).
- Why the NBR has jurisdiction to hear the grievance (see article 403.2 of the USMS Code of Regulations).
- The grounds for the grievance, including a description of the conduct complained about and why it constitutes Unsporting Conduct under article 402.4 of the USMS Code of Regulations.
- A description of the facts underlying the conduct claim and why the Grievant believes the facts support a claim of Unsporting Conduct, including references to any articles of the USMS Code of Regulations that the Grievant alleges have been violated.
- The names of any witnesses who can provide further information about the claim.
- What steps have been taken to resolve the issue prior to filing the grievance.

A sample format for a grievance petition is attached as an Exhibit to these Procedures.

5.2. Sending Grievance Petition to Respondents

USMS will send the grievance petition to the NBR Chair, who will review it and will determine, within 10 days after receipt, whether the claim should be dismissed (see 4.1 above) or should proceed. If the claim is not dismissed, the NBR Chair will notify USMS and USMS will send a copy of the grievance petition to the respondent(s) with notice and instructions regarding response.

5.3. Response

A respondent must file any response to the grievance petition within 30 days after receiving the grievance petition. The response will be sent to all parties and to the NBR Chair. A sample format for a response is attached as an Exhibit to these Procedures. The response shall address

and respond to the claims made in the grievance petition, including the facts alleged and any claims of Unsporting Conduct or violation of the USMS Code of Regulations. The response shall name any witnesses not identified in the grievance petition who can provide further information about the claim or respondent's response to the claim. After reviewing the response, the NBR Chair will notify the parties of the course of action that the NBR Chair proposes to take (pursuant to section 4 of these Procedures).

5.4. Rebuttal

The grievant may file any rebuttal to the response within 10 days after response. Filing of a rebuttal is at the choice of the grievant and is not required. The rebuttal should not restate the claims and factual allegations in the grievance petition, but should address only matters raised in the response that were not already addressed in the grievance petition.

6. NBR Process for Filing and Responding to Appeals of LMSC Decisions

This section describes the process for filing and responding to a petition to appeal an LMSC decision that is filed pursuant to the appellate jurisdiction of the NBR under article 403.7.

6.1. Appeal Petition

A petition for appeal of an LMSC decision shall be filed with USMS within 30 days after the date of the LMSC decision. All parties to the original LMSC grievance must be notified of the NBR appeal.

The appeal petition shall state:

- The name(s) of the Appellant(s).
- The name(s) of Appellee(s).
- Why the NBR has jurisdiction to hear this appeal (see article 403.2.4 of the USMS Code of Regulations).
- The written LMSC decision.
- The filings made to the LMSC by all parties.
- Why the LMSC decision is incorrect (specifying any applicable provisions of applicable USMS Rules).

A sample format for a petition for appeal of an LMSC decision is attached as an Exhibit to these Procedures.

6.2. Sending Petition to Appellee(s)

USMS will send the appeal petition to the NBR Chair, who will review it and will determine, within 10 days after receipt, whether the appeal should be dismissed (see 4.1 above) or should proceed. If the appeal is not dismissed, the NBR Chair will notify USMS and USMS will send a copy of the appeal petition to the appellee(s), with notice and instructions regarding response.

6.3. Response

The appellee(s) must file any response to the appeal petition within 30 days after receiving the appeal petition. The response will be sent to all parties and to the NBR Chair. A sample format for a response is attached as an Exhibit to these Procedures. The response should address and respond to the claims made in the appeal petition, and should provide the reasons why appellee believes the LMSC decision is correct (specifying any applicable provisions of USMS Rules).

6.4. NBR Action

Within 10 days of receipt, after reviewing the response, the NBR Chair will notify the parties of the course of action that the NBR Chair proposes to take (pursuant to section 4 of these Procedures). If the NBR Chair determines that the NBR will review the LMSC decision, the NBR Chair will establish a hearing panel and set a hearing date in accordance with these Procedures.

7. USMS Board Process for Filing and Responding to Appeals of NBR Decisions

This section describes the process for appealing an NBR Hearing Panel decision to the USMS Board of Directors, in accordance with article 403.9.

7.1. Appeal Petition

A petition for appeal of an NBR decision may be filed by any person directly affected by the NBR decision, and shall be filed with USMS within 30 days of the date of the NBR Hearing Panel decision. All parties to the original grievance or NBR appeal must be notified of the Board of Directors appeal.

The appeal petition shall state:

- The name(s) of the Appellant(s).
- The name(s) of Appellee(s).
- How appellant is directly affected by the NBR decision.
- The written NBR decision.
- The written record that was presented to the NBR.
- Why the NBR decision is incorrect (specifying any applicable provisions of USMS Rules).

A sample format for a petition for appeal of an NBR decision is attached as an Exhibit to these Procedures.

7.2. Selection of Board of Directors Panel

The USMS president and NBR Chair shall select, from the Board of Directors, a board panel chair and four additional board panel members to hear the appeal.

7.3. Sending Petition to Appellee(s)

Promptly after filing, USMS shall send a copy of the petition for appeal to the appellee(s), with notice and instructions regarding response.

7.4. Response

The appellee(s) named by appellant must file any response to the appeal petition within 30 days after receiving the appeal petition. The response will be sent to all parties and to the Board of Directors Panel Chair. A sample format for a response is attached as an Exhibit to these Procedures. The response shall address and respond to the claims made in the appeal petition, and will provide the reasons why appellee believes the NBR decision is correct (specifying any applicable provisions of USMS Rules).

7.5. Hearing

In accordance with article 403.9.3, the Board of Directors panel has discretion whether to hold a hearing on any appeal to the Board of Directors. The panel may determine, on the basis of the appeal petition and any response, whether to hold a hearing for the purpose of receiving additional information; to hold a hearing for the purpose only of receiving oral argument regarding the decision on appeal; or to decide the matter based on the record and the parties' written arguments.

7.6. Withdrawal

An appeal to the Board of Directors may be withdrawn by the appellant at any time before final resolution.

8. Hearings

When the NBR Chair determines that a hearing should be held to decide a grievance or an appeal of an LMSC decision, or in the case of an appeal to the Board of Directors when the Board of Directors panel determines that a hearing should occur, the following procedures shall be followed.

8.1. Hearing Notice

Each party and witness specified by the parties shall be given a written notice of the hearing. The notice should state:

- The names of the parties and, in the case of original grievances, any witnesses that the parties have identified to appear at the hearing.
- The names of the members of the hearing panel and all alternates.
- A copy of all the filings made to the NBR in the matter if not previously provided to the parties.
- A date, time and location at which the hearing will be held. The location of hearings is to be chosen by the NBR Chair or the Board of Directors Panel Chair. The location may be a physical location or may be via teleconference or other remote mechanism.

8.2. Hearing Panel

For a grievance or an appeal of an LMSC decision, a neutral hearing panel of no fewer than 3 members shall be appointed by the NBR chair. The panel members shall be drawn from the hearing panel pool and shall consist of members who are not parties to the grievance.

8.3. Panel Action Without Hearing

The hearing panel should review the filings made by the parties, and if the filings made by the parties are incomplete, the panel should provide requests for further information to the parties within 30 days after the last party has submitted its filings. If the information is not timely received, then the NBR Chair has the discretion, with the approval of the USMS President, to dismiss the proceeding.

8.4. Evidence; Advice of USMS Committee Chairs

In a grievance hearing, documents that will be presented as evidence must be circulated to the parties and the hearing panel at least 10 days prior to the hearing so that they can be reviewed by all parties and by the hearing panel. The Hearing Panel may, in its sole discretion, call on additional witnesses, and the hearing panel may rely on the advice and counsel of the Chairman of the USMS Rules, Long Distance, and/or Legislation, Committees to provide their opinion on interpretation of applicable USMS Rules.

8.5. Conduct of Hearing

A hearing shall be conducted in an orderly fashion, but without the formalities of traditional courtroom procedures.

A hearing may proceed in the absence of any party or witness who fails, despite notice, to appear.

The Hearing Panel Chair or Board of Directors Panel Chair has wide discretion to vary these procedures in the interests of fairness and efficiency.

8.6. Sequence

1. Chair's Opening Remarks

    a. Open the hearing by reciting the place, time and date of the hearing and the presence of the members of the hearing panel, the parties, and any other witnesses or observers.

    b. Introduce the subject of the hearing.

    c. Briefly outline the procedures to be followed during the hearing.

    d. Advise the participants that evidence may be given in any manner that the hearing panel considers appropriate to reach an informed decision.

2. The Grievant(s) (or as applicable in an appeal, the Appellant(s)) will have 30 minutes to present his or her claims, evidence and witnesses.

3. The Respondent(s) (or as applicable in an appeal, the Appellee(s)) will have 30 minutes to present his or her defenses, claims, evidence and witnesses.

4. For a Grievance hearing, at the discretion of the hearing officer, each of the parties may then be allowed to dispute any testimony or evidence presented by any other party.

5. Each party (starting with the Grievant/Appellant) is entitled to make a brief summary of that party's case.

6. Upon conclusion of both summaries, the Hearing Panel Chair will announce that the hearing is adjourned for deliberation.

8.7. Presentation of Evidence

In a grievance hearing, witnesses' testimony, if any, may be presented either in the form of questions and answers of a witness or in uninterrupted narrative. The Hearing Panel Chair and the members of the hearing panel may question any person at any time during the hearing. Witnesses are subject to questioning by each party and to questioning by the members of the

hearing panel. All parties will be expected to be available for questioning by the hearing panel, whether or not they have given other testimony at the hearing.

In any hearing on an appeal of an LMSC decision, or on an appeal to the Board of Directors, there shall be no new evidence or witnesses testimony unless requested by the hearing panel.

9. Decision of NBR Hearing Panel or of Board of Directors Panel

The decision of the NBR hearing panel may be given at the time of the hearing or, if not given there, within fourteen days after the conclusion of the hearing. The decision will include findings of fact and a statement of remedies ordered or penalties imposed, if any. The decision shall set forth the right of appeal. The decision must be in writing, or in case of a decision rendered at the hearing, put in writing, and delivered to each party, to USMS, to the NBR Chair, and to the USMS General Counsel.

All NBR decisions may be appealed to the Board of Directors within 30 days of the NBR decision, in accordance with USMS Rules and these Procedures. The NBR has authority to postpone enforcement of any decision during the time allowed for appeal, with the decision going into effect automatically if no appeal is made during the allowable period.

A Board of Directors panel shall render a final and binding decision within 75 days from the appeal filing date. A written decision shall be sent to all parties.

Final decisions rendered by the NBR or the Board of Directors pursuant to Part 4 shall, when applicable, be recognized and fully enforced in all LMSCs, and the NBR Chair shall ensure that all persons affected by the decision are notified.

10. Document Management Guidelines

This document is intended to be periodically updated to reflect the current policies of USMS and the NBR. The NBR Chair will recommend changes for consideration and approval by the Board of Directors. USMS will maintain the official version of this document.
Copies will be provided to all NBR hearing panel members and the Board of Directors and will be posted on the USMS website for public viewing.

Version control of this document will adhere to the following standards:

- Amendments to this document, as adopted by the Board of Directors, will be included in the current version.
- The current version and all prior versions will be archived at USMS.
- Version numbering is reflected in the document file name, on the title page and on page footers.

- Version numbers are composed of major and minor version numbers (e.g., “USMS NBR 2003” would be the first version approved for use during 2003, “USMS NBR 2003D1” would be the first draft of revisions to the 2003 version, “USMS NBR 2003V1” would be the first adopted revisions to the 2003 document, for use during 2003).

- The letter “D” after a year denotes that it is a working draft, and has not been officially approved. The number after the “D” denotes the draft revision number.

- A synopsis of the revision will be included in the History of Changes section.

History of Changes

Initial approval by the Board of Directors on 10/21/2013.

Reviewed by the Board of Directors on 2/8/2021.

Reviewed by the Board of Directors on 8/15/2022.

Revised by the Board of Directors on 9/9/2024.

EXHIBITS
TEMPLATES FOR:

Grievance Petition/Response

Petition for Appeal of LMSC Decision/Response to Petition for Appeal

Petition for Appeal to USMS Board of Directors/ Response to Petition for Appeal

These formats are samples to assist parties. Parties are free to use any format they choose, as long as the parties' filings are in compliance with the USMS Code of Regulations and these Procedures.

Grievance Petition Template

This Grievance is brought by: [List names of the persons and organizations that are submitting this claim]

To complain about the conduct of: [List names of the persons whose conduct gives rise to the claim]

Here is why the NBR has the right to hear this dispute, as set forth in Section 4 of the USMS Rulebook (Jurisdiction of National Board of Review):

Here is the conduct that I (we) believe is unsporting: [Summarize the behavior in ½ page or less]

Here is what happened to create this claim: [Explain what happened, where, who took what actions and made what claims]

I (We) believe this conduct is unsporting because: [specify the reason(s)]

Are any USMS Rules violated as a result of this conduct? [Specify those Rules]

Who can provide further information on this claim? Were they present when the conduct occurred? [Please specify]

What steps have been taken to resolve this dispute?

Submitted by: [Name] [Address] [Email address] [Telephone number]

Grievance Response Template

State whether the Respondent agrees or disagrees that the NBR has the right to hear this dispute, and why.

State whether the conduct described in the petition was accurately described and, if not, what is the accurate description of what occurred.

If you disagree with the Grievant's claim that the conduct was unsporting, explain why.

If you disagree with the Grievant's claim that any USMS Rules were violated, explain why.

Who can provide further information on this claim? Were they present when the conduct occurred?

What steps have been taken to resolve this dispute?

Submitted by: [Name] [Address] [Email address] [Telephone number]

Petition for Appeal of LMSC Decision Template

The party requesting review of the LMSC decision should include the following materials:

The written decision of the LMSC, specifying the facts giving rise to the dispute, what USMS Rules were in dispute and the evidence supporting and the rationale for the decision.

The written record of the evidence and materials submitted to the LMSC. New evidence or witness testimony should not be presented unless hearing panel requests additional information. The NBR will review an LMSC decision based only on the written record as presented to the LMSC.

A concise statement of why the LMSC decision is incorrect, including references to USMS Rules.

Response to Petition for Appeal of LMSC Decision Template

The party responding to a request for review of the LMSC decision should include the following materials:

A concise statement of why the LMSC decision is correct, including references to USMS Rules.

Submitted by: [Name] [Address] [Email address] [Telephone number]

Petition for Appeal to USMS Board of Directors Template

The party appealing the NBR decision will need to include the following materials:

Written decision of the NBR.

The written record presented to the NBR in the NBR proceeding. No new evidence should be presented on appeal unless the board panel decides by a majority vote to take new evidence. The Board panel will review an appeal based only on the written record as presented to the NBR panel (and in the case of an appeal of an LMSC decision, to the LMSC).

A concise statement of why the NBR Panel decision (or in the case of an appeal of an LMSC decision, the LMSC panel) is incorrect.

Response to Petition for Appeal to USMS Board of Directors Template

The party responding to a request for review of the NBR Panel decision should include the following materials:

A concise statement of why the NBR Panel decision is correct, including references to USMS Rules.

Submitted by: [Name] [Address] [Email address] [Telephone number]

Initial approval by the Board of Directors on 10/21/2013.

Reviewed by the Board of Directors on 2/8/2021.

Reviewed by the Board of Directors on 8/15/2022.

Reviewed and revised by the Board of Directors on 9/9/2024