

**ILLINOIS LMSC POLICIES AND PROCEDURES (ILMSA)
ILMSA MEMBER RIGHTS CONCERNING APPEAL OF A DECISION**

The following rules and procedures shall govern member rights concerning appeal of a dispute arising within ILMSA and not brought by USMS or another LMSC. Any appeal of a decision by ILMSA Board of Review shall be made to the National Board of Review of USMS, according to their rules and procedures.

1. ILMSA shall respect and protect the opportunity of every eligible individual to participate in USMS administrative activities and sanctioned or recognized events.
2. ILMSA has no jurisdiction to review any decision by USMS or by another LMSC.
3. All provisions of the United States Masters Swimming Code Of Regulations And Rules Of Competition as published from time to time, are binding on any proceedings under these rules and procedures, and in case of any conflict, take precedence over these rules and procedures. USMS rules and procedures governing appeals shall govern in any matters not covered by the ILMSA rules and procedures.
4. Any member or eligible individual who alleges that the opportunity to participate has been denied or is about to be denied by an individual associated with ILMSA shall follow the procedures set forth, to seek redress for the alleged violation of opportunity.
5. Notice of an appeal shall be given to the ILMSA Secretary by regular mail and by email, at the addresses listed on the ILMSA web page.
6. Notice must be received by the ILMSA Secretary within 60 days of the date of the occurrence of the event or decision giving rise to the appeal, otherwise all rights of appeal are forfeited. The ILMSA Secretary shall acknowledge the notice in writing to the member within thirty days.
7. Upon the receipt of a notice of appeal, the Board of Directors shall appoint a ILMSA Board of Review, comprised of 3 persons, all of whom are members in good standing of ILMSA, one of whom is a ILMSA director who is not an officer, and two of whom are ILMSA members but not a director.
8. The ILMSA Board of Review shall convene, either in person or by telephone, or by email, within 30 days of their appointment to consider the notice of appeal and, if they decide that the appeal has merit, to request such physical evidence and oral statements from interested parties as they deem required to make a decision on the Notice of Appeal. Oral

statements shall be transcribed for the appeal record. If the ILMSA Board of Review decides the appeal has no merit, the ILMSA Board of Review shall issue such decision at that time and give notice as stated in this policy and procedure in paragraph 14.

9. The ILMSA Board of Review may hold an in-person hearing, either with the member appealing the decision and/or with any other interested party, if they deem it necessary for the proper performance of their duties, but such in-person hearing is not mandatory.
10. Neither the member appealing nor any other interested party may be represented at any time by any other individual in any proceedings of the ILMSA Board of Review, such proceedings being purely administrative in kind and nature.
11. Consideration of physical evidence and statements may be made by the ILMSA Board of Review either in person, or by telephone, or by e-mail among themselves.
12. All physical evidence and statements shall be made available to the member appealing, in such form and with such safeguards as defined by the ILMSA Board of Review.
13. The ILMSA Board of Review has the authority to make a decision in an appeal in keeping with any remedy set forth in the United States Masters Swimming Code Of Regulations And Rules Of Competition dealing with hearings and appeals.
14. A decision by the ILMSA Board of Review shall be made in writing to the member appealing, within 30 days of the in-person hearing on the appeal, or within 30 days of the last meeting of the ILMSA Board of Review which resulted in a decision. The decision shall include, but is not limited to the following:
 - 14.1 The copy of the notice of appeal
 - 14.2 A list of all physical evidence considered in the appeal
 - 14.3 A copy of any statement taken from any interested party to the appeal
 - 14.4 The written decision taken by the ILMSA Board of Review
15. The ILMSA Secretary shall maintain a permanent file of all physical evidence, statements and written decisions pertaining to any matter that was reviewed by the ILMSA Board of Review, but such records shall be

subject to a qualified privilege in that only the member appealing, the ILMSA Board of Review and the ILMSA Secretary shall have access to these files.

16. These files shall be available to all future ILMSA Board of Review members to assist them in their deliberations with respect to future matters of appeal. The files shall be destroyed upon the withdrawal of the appeal, or on the ten-year anniversary of the date the appeal was decided.
17. All notices required to be given under these rules and procedures shall be given to the organization or party to whom the notice is directed, by regular mail and by email, or by any other method prescribed by the ILMSA Board of Review.

Approved and adopted April 16, 2005