CHARTER OF THE NATIONAL BOARD OF REVIEW OF USA DIVING, INC.

The USA Diving National Board of Review (the “BOR”), a standing committee reporting to the Board of Directors of USA Diving (the “Board” or “Board of Directors”), is established by USA Diving’s Bylaws. The BOR shall generally administer and oversee all administrative grievances, disciplinary matters, and rule and policy violations.

(a) Composition and Terms

(1) The BOR shall be comprised of five (5) members, each of whom will be appointed in accordance with USA Diving’s bylaws:

   (i) a Chair, who must satisfy the standards of independence for “unaffiliated directors” under USA Diving’s bylaws but who is not on the Board of Directors;

   (ii) a Vice Chair, who must satisfy the standards of independence for “unaffiliated directors” under USA Diving’s bylaws but who is not on the Board of Directors;

   (iii) an athlete representative who is an Eligible Athlete under USA Diving’s bylaws;

   (iv) a Coach or Competitive Coach Member of USA Diving who is a current, full-time professional coach; and

   (v) one additional person who satisfies the standards of independence for “unaffiliated directors” under USA Diving’s bylaws but who is not on the Board of Directors.

(2) Any vacancy on the BOR will be filled by appointment of the Board of Directors, per Section 8.9 of USA Diving’s bylaws.

(3) For the initial BOR appointed following adoption of this Charter, three members will serve a term of four (4) years, and two members shall serve a term of two (2) years. Thereafter, BOR members shall serve a term of four (4) years. Members may not serve more than two consecutive terms. For purposes of this rule, service on the BOR of at least two years constitutes one term. The Board of Directors may remove a member of the BOR by action of the Board.

(4) Duties of the Chair: The Chair of the BOR will (a) call meetings of the BOR; (b) preside over all meetings of the BOR; and (c) decide all questions of order at BOR meetings. In the event that the Chair is not present at a meeting of the BOR, then the members of the BOR who are present may choose from among themselves another member of the BOR to preside over the meeting. A majority of the members of the BOR may also call a meeting of the CCE.

(5) Meetings; Quorum: A majority of the voting BOR members present at a meeting shall constitute a quorum. Once a quorum is established, a majority vote of the present BOR members shall constitute action of the BOR.

(b) Jurisdiction

(1) The BOR is established for the purpose of, and shall have jurisdiction over, all disciplinary proceedings and other complaints against all members and participants of USA Diving under the Rules and bylaws of USA Diving, except as provided in the bylaws of USA Diving or this Charter.
For the purposes of this section only, the term “member” or “member of USA Diving” includes: those persons and organizations listed as members in the records of USA Diving; all past members of USA Diving; and those who apply for membership in USA Diving. For purposes of this section only, the term “participant” means any person who, though not otherwise listed as a member of USA Diving, has participated in the activities of USA Diving or its member clubs. The parents or guardians of minors who are or become members of USA Diving shall also be considered participants for the purposes of this Charter.

(2) Except as otherwise specifically provided in the bylaws of USA Diving, the BOR shall have jurisdiction over all matters asserting a violation of, or a need for the interpretation or enforcement of the Rules and policies of USA Diving, or the Rules and Regulations of the U.S.O.P.C. The BOR shall also have jurisdiction over such disciplinary matters as may be delegated to USA Diving by the U.S.O.P.C., FINA, the U.S. Center for Safe Sport (“USCSS”) or under applicable state or federal law.

(3) The BOR does not have jurisdiction to review decisions made by the U.S.O.P.C., the USCSS, the U.S. Anti-Doping Agency, or the World Anti-Doping Agency.

(4) The BOR does not have jurisdiction over any matter determined in a prior arbitration under the U.S.O.P.C.’s rules.

(5) Nonetheless, prior adjudications by the agencies referenced in subsections 3 and 4 above, may be considered as evidence in separate proceedings under the BOR’s jurisdiction and arising out of the same conduct by the same or other individuals.

(6) Generally, as hereinafter set forth, the BOR shall have jurisdiction over any member or participant of USA Diving, or any other person participating in any capacity whatsoever in the affairs of USA Diving except as expressly excluded, who has contravened any of its rules or regulations, or who has acted in a manner which brings disrepute upon USA Diving.

(7) Notwithstanding anything to the contrary that may be contained in this Charter, the BOR shall not have jurisdiction over matters reserved to the exclusive jurisdiction of the USCSS; except as may be expressly referred to USA Diving by the USCSS.

(8) Given the nature of the work performed by the BOR, the BOR may request that the Board of Directors or CEO authorize the engagement of legal counsel or other specialized experts from time to time, to the extent necessary to determine complaints which raise matters which require specialized legal or other expertise. The BOR may also request that the Board of Directors or CEO authorize the engagement of investigator(s) when serious matters arise which require additional facts beyond those available to the BOR, and such additional facts are not otherwise readily obtainable by the BOR. For the purposes of this Section, a matter is ‘serious’ when facts alleged indicate a substantial likelihood that the health, safety or right to compete/participate of a member is in immediate jeopardy.
(c) **Duties**

(1) Administration. The BOR shall generally administer and oversee the disciplinary process of USA Diving. The BOR shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner.

(2) The BOR shall publish the policies and procedures under which it shall fulfill its duties, after such policies and procedures are reviewed and approved by the BOD. Following approval, the BOR may make amendments to the policies and procedures, which shall also be reviewed and approved by the BOD; provided however, that should an emergency situation arise requiring immediate amendment or modification to its policies or procedures, the BOR Chair shall obtain approval from the BOD Chair (or the Chair’s designee), which shall be in force pending final approval by the BOD.

(3) Draft the Corporation’s Complaint Procedures for Board approval.

(4) Identify individuals who would be fair and impartial and who would have the qualifications and ability to serve on hearing panels.

(5) Appoint a panel of independent individuals to hear and render a decision on grievances and disciplinary matters.

(6) Perform such other duties as assigned by the Board; and

(7) Report to the Board of Directors as may be requested by the Board or the Chair from time to time.