

<b>SUBJECT:</b> <i>Diving and Boating Board (DBB)</i> <i>Role and Function</i>	<b>Effective Date:</b> April 02, 2019	<b>Policy Number:</b> 10.9.1
	<b>Supersedes:</b> July 12, 2017 10.9.1	<b>Page of</b> 1 6
	<b>Responsible Authorities:</b> Vice President, Research Diving and Boating Board	

- i. Background  
Florida Atlantic University (FAU) is committed to the safety of all diving and boating operations conducted in conjunction with academic and research activities at the university.
- ii. Purpose  
The purpose of this policy is to delineate the function of the Diving and Boating Board (DBB).
- iii. General Statement  
The DBB is delegated authority by the Vice President for Research, and is the University's central oversight body for matters relating to scientific diving and scientific boating operations at FAU.
- iv. Regulatory Requirement for Diving Board

At FAU, the Diving Board operates with the additional scope of scientific boating and is therefore called the diving and boating board. The board must meet all prescriptive requirements for a diving control board outlined by the AAUS, as specified herein.

Scientific diving programs fall under the scope of OSHA Regulations for Commercial Diving Operations. However, OSHA grants an exemption for scientific diving programs provided the following specific and prescriptive conditions are met (Appendix B to 29CFR1910 Subpart T):

- a) The Diving Board consists of a majority of active scientific divers (including the Diving and Boating Safety Officer) and has autonomous and absolute authority over the scientific diving program's operation.

b) The purpose of the project using scientific diving is the advancement of science; therefore, information and data resulting from the project are non-proprietary.

c) The tasks of a scientific diver are those of an observer and data gatherer. Construction and trouble-shooting tasks traditionally associated with commercial diving are not included within scientific diving.

d) Scientific divers, based on the nature of their activities, must use scientific expertise in studying the underwater environment and therefore, are scientists or scientists-in-training.

In addition, the scientific diving program shall contain at least the following elements (29CFR1910.401):

a) Diving safety manual, which includes at a minimum: procedures covering all diving operations specific to the program, including procedures for emergency care, recompression and evacuation; and the criteria for diver training and certification.

b) Diving board, with the majority of its members being active scientific divers, which shall at a minimum have the authority to: approve and monitor diving projects, review and revise the diving safety manual, assure compliance with the manual, certify the depths to which a diver has been trained, take disciplinary action for unsafe practices, and assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for scuba diving.

v. Policy

The DBB (and authorized sub-boards) shall act as required by the Occupational Safety and Health Administration (29 CFR 1910.401(2)(iv)) for scientific diving activities having autonomous and absolute authority over the scientific diving operations. As described in 29 CFR 1910 Subpart T App B, FAU's DBB will operate as exempt from this regulation for commercial diving activities. The DBB shall: monitor all scientific diving and boating programs' operation at FAU, certify the depths to which a diver has been trained (under advisement from the Diving and Boating Safety Officer (DBSO)), review and approve the FAU Diving and Boating Safety Manual(s), oversee the certification of scientific divers and vessel operators, assure compliance with relevant FAU Diving and Boating Safety policies and initiate and manage disciplinary processes for unsafe diving and boating practices.

vi. Acronyms and Definitions

**AAUS:** American Academy of Underwater Scientists

**DBB:** Diving and Boating Board

**DBSO:** The Diving and Boating Safety Officers for FAU.

**EH&S:** Environmental Health and Safety

**RI:** Research Integrity

**Imminent danger:** "...any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately..." *OSHA section 13(a)*

**Incident:** i) a violation of DBB policies and procedures; or ii) an action resulting in death or

personal harm requiring treatment beyond immediate first aid; or iii) an action resulting in property loss or damage in excess of an aggregate amount of \$2,000

**Scientific Diving:** Scientific Diving is defined (29 CFR 1910.402) as diving performed solely as a necessary part of a scientific, research, or educational activity by employees whose sole purpose for diving is to perform research tasks.

**Scientific Boating:** The use or operation of a watercraft for the sole purpose of a scientific, research or educational activity by employees whose sole purpose for boating is to perform research tasks.

**VPR:** Vice President for Research

**Watercraft:** Water-transport vehicles including ships, boats, hovercraft and submarines. Watercraft have a method of propulsion by way of sail, oar, paddle, or engine and hence are distinct from a simple device that merely floats such as a log raft.

vii. Accountability

**The DBB Chair will be responsible for:**

- Assuming the duties of the position on the date of appointment from the VPR and continuing to serve until the completion of the specified term, 30 days after submitting their resignation, or until a successor is appointed.
- Convening and presiding over DBB meetings
- Determining and reviewing final agendas for DBB meetings.
- Providing direction and guidance to RI regarding the administration of the DBB or any sub-boards
- Voting when needed
- Establishing standing or temporary sub-boards and providing them with their charge as appropriate
- Serving as the point of contact for DBB-related communications.

**The DBB members will be responsible for:**

- Adhering to all regulations, policies and standard operating procedures associated with the scientific diving and boating safety program at FAU
- Participating substantially in DBB activities, including but not limited to the development and refinement of policies, procedures, and other assignments or initiatives to improve the boating and diving safety program at FAU.
- Regularly attending and participating in the DBB meetings including any assigned sub-boards
- Raising any concerns regarding FAU Diving and Boating safety programs, practices, incidents or events to the board for consideration.

**The Research Integrity (RI) office will be responsible for:**

- Coordinating the administrative aspects of the DBB including meeting arrangements and board membership
- Assisting the DBB, Chairperson and Vice-Chair with board function.

**Director, Environmental Health and Safety will be responsible for:**

- Directing the implementation of FAU's diving and boating safety policies as

established by the DBB.

- Serving as a non-voting member of the DBB.

**The Primary Diving and Boating Safety Officer will be responsible for:**

- Serving as a member of the DBB.
- Ensuring either the primary or alternate DBSO is in attendance for all DBB meetings.
- Providing expert guidance in serving as the subject matter expert to the board on safe scientific diving and boating, practices, rules and regulations.
- Administering the scientific diving and boating safety Programs at FAU.
- Enforcing rules and regulations for scientific diving and boating at FAU as per policies approved by the DBB and as prescribed by the AAUS guidelines, OSHA, US Coast Guard, and other cognizant agencies.
- Bringing unresolved issues of non-compliance to the board for investigation and resolution.
- Providing program updates and relevant documentation to the DBB, as needed.
- Maintaining and updating the Diving and Boating Safety Manual(s) as needed.

**The Alternate Diving and Boating Safety Officer will be responsible for:**

- Serving as a voting member of the DBB in the absence of the Primary DBSO.
- Assuming the responsibilities of the Primary DBSO while serving in that capacity.

viii.

Procedures

**The Diving and Boating Board**

This document outlines how the DBB will operate at FAU. At a minimum, the DBB will:

- Establish additional standards, protocols, and operational procedures beyond the AAUS minimums to address FAU specific needs and concerns.
- Approve and monitor diving and boating projects.
- Review and approve the diving and boating safety manuals.
- Ensure compliance with the diving and boating safety manual.
- Approve the depth to which a diver has been authorized to dive.
- Take disciplinary action for unsafe practices.
- Ensure programs foster adherence to the buddy system for scientific diving.
- Act as the official representative of FAU in matters concerning the scientific diving and boating programs.
- Act as a board of appeal to consider diver or boater-related problems.
- Recommend the issue, reissue, or the revocation of diving and boating authorizations.
- Establish and/or approve training protocols or standards through which the applicants for authorization can satisfy the requirements of FAU's diving and boating safety manuals.
- Suspend diving and boating operations considered to be unsafe or unwise.
- Establish criteria for equipment selection and use.
- Recommend new equipment or techniques.
- Establish and/or approve facilities for the inspection and maintenance of diving and associated equipment.
- Ensure that FAU air station(s) meet air quality standards per AAUS.
- Maintain visibility to the performance of the DBSO and diving and boating programs.
- Investigate diving and boating incidents within FAU's diving program or

violations of FAU's diving and boating safety manuals.

At FAU, operational conduct and oversight of the scientific diving and boating programs is delegated to the DBSO within the Office of Environmental Health and Safety. The principle responsibility of both the DBB and the DBSO is always safety.

**The Diving and Boating Board membership** shall consist of at least five (5) voting faculty members, with representation and expertise from those units participating in the diving and boating activities of the university. Additional membership in the DBB shall be open to FAU units directly or materially affected by the board's activity and also possess the necessary expertise and knowledge to assist the board with their charge. The Primary Diving and Boating Safety Officer will also serve as a voting members of the DBB. Ex-officio membership will include leadership from Research Integrity, EH&S and General Counsel for Research. The majority of the membership must be active scientific divers. Participation of board members shall be fair and equitable without dominance by any single interest. All units with material or direct interest in diving and boating activities are to be represented. The DBB may establish temporary sub-boards, as it deems necessary, to the conduct of its operations and responsibilities. If FAU elects to operate either diving or boating activities under the auspices of an external governing association, these sub-boards will meet those governance requirements and will adhere to any composition constraints or requirements necessary.

**DBB member nominations** are received by Research Integrity or the DBB Chair. Nominations may be initiated by colleagues, college administration or researchers interested in serving on the DBB. Nominees are communicated to the Vice President for Research (VPR). The VPR will review nominations and make final appointments to the DBB. Terms of service on the DBB (including the Chair) will be for staggered terms to ensure consistency of board activities and procedures. Members may voluntarily terminate membership on the DBB. Written notification of intent to resign shall be forwarded to Research Integrity or the DBB Chair at least thirty (30) days prior to withdrawal.

DBB members are expected to uphold the highest standards as set forth by the board. Non-compliance with any regulations, policies or standard operating procedures are sufficient grounds for member termination. The VPR has the authority to terminate any member for failure to perform duties or non-compliance.

**DBB leadership** shall include at a minimum a Chairperson with preference that a Vice-Chair also be appointed. Leadership of the DBB may be nominated by members of the board. These positions will be appointed by the VPR. Sub-boards of the DBB must each have a Chairperson to lead activities. The Vice-Chair will support the Chairperson in the handling of his/her duties. In the absence of the Chairperson or if the Chairperson is unable to fulfill their duties as Chair, the Vice-Chair will assume the role of Acting Chair or the VPR will appoint a new Chairperson. The Vice-Chair will assume the duties of Acting Chair on the date of appointment and shall continue to serve until the completion of the specified term or until a successor is appointed. The DBB members should be consulted with and actively participate in the recruitment and final choice of the Diving and Boating Safety Officer position(s) at FAU.

Operational matters requiring action between scheduled meetings can be decided upon by the Chairperson. The Chairperson has the authority to determine if the matter requires a vote of the DBB via email or if a special meeting needs to be called to discuss the matter. For matters deemed appropriate for online voting, the DBB Chair will coordinate with

Research Integrity for appropriate management related to the voting.

**The Diving and Boating Safety Officer (DBSO)** serve as a voting member of the DBB. The DBB maintains both a Primary and Alternate DBSO to ensure all meetings include the attendance of a DBSO. The DBSO shall be responsible through the Office of Environmental Health and Safety for the conduct of the scientific boating and diving programs of FAU. The routine operational authority for this program, including the oversight of approved training and certification, approval of dive plans, maintenance of diving and boating records, and ensuring compliance with all relevant regulations of the membership organization as determined by the DBB, rests with the DBSO. The DBSO may permit portions of this program to be carried out by a qualified delegate, although he/she may not delegate responsibility for the safe conduct of the diving and boating programs. The DBSO will act to ensure compliance with the policies set by the DBB, but operational responsibility for the conduct of the FAU Diving and Boating Programs will be retained by the DBSO. The DBSO shall at all times maintain the authority to suspend diving or boating operations considered to be unsafe or unwise.

**The DBB shall schedule monthly meetings.** The Chair will determine if there are sufficient meeting materials to warrant a board meeting or if a meeting should be cancelled. Board meetings will be conducted under Robert's Rules of Order, especially for matters requiring a vote or changes of policy and procedure. Sub-boards shall meet as often as needed or as directed by the DBB. The presence of at least a majority of the voting members including the Chair (or Vice Chair) and the DBSO (or alternate DBSO) at any meeting of the DBB or sub-board shall constitute a quorum and shall be a duly constituted meeting for the purpose of conducting business. All matters shall be decided by simple majority of the members present and voting at such meeting, when quorum requirements have been met. Voting decisions agreed upon by the majority of members shall constitute an official decision or determination to be carried forward or implemented as specified by the board. Members will forward agenda items at least 10 working days ahead of the meeting. Meeting agendas will be published at least 5 business days prior to the scheduled meetings.

**The DBB shall have the full authority and obligation to enforce compliance** with all relevant diving and boating regulations and ensure reasonable standards of safety and health. The DBB shall designate the routine operational authority for this program to the DBSO and advise on the performance of such duties. The DBSO shall immediately cease any diving and boating activity that represents a threat to people or the University and bring the matter before the board for further investigation. For situations of non-compliance that are brought to the attention of the Board, the DBB (or designee) will provide a prompt report of the circumstances to the VPR, EH&S, and Research Integrity with a copy to the PI, respective college dean and department chair. Within 3-5 business days (or as soon as feasibly possible) following the halting of the activity or project, the DBB will convene to assess the situation. The DBSO will be charged to present the circumstances surrounding the incident with a written report provided to the DBB, which will include a written report from the PI. The DBB will consider all available facts and evidence, make a determination regarding the incident and follow up with a final, written report to all parties concerned including the VPR, College and Provost's offices. If the DBB does determine that the event or activity does constitute non-compliance, the PI will be required to present a corrective action plan to address the non-compliance with a plan that such an event or activity will not occur again in the future. The DBSO will work with the PI, department chair and college dean on this corrective action plan and the final plan will be submitted to the DBB for review and final approval. Only once the corrective action plan has been reviewed and approved by the DBB can the project or activity be resumed. All communications associated with the non-compliance must be appropriately documented.

Once the corrective action plan has been approved by the DBB the PI will be given a timeline to implement the plan and follow up with the DBB. If the PI does not follow the corrective action plan within the required timeline, the DBB will notify the PI that he/she has thirty (30) days from the date of the follow up notice to satisfactorily implement the corrective action plan. Should this deadline not be adhered to, the DBB will notify the FAU Vice President of Research, the Provost's office, the College Dean and Department Chair for further action.

Should any faculty or staff believe that they have been or will be adversely affected by action or inaction of the DBB, or have concerns related to the diving and safety program at FAU, those persons will be encouraged to openly discuss such instances with and resolve any differences directly with the DBB. If a faculty or staff member objects to a DBB recommendation concerning a violation of a DBB policy or procedure, a written complaint must be filed with RI within 30 days of the recommendation. The complaint shall state the nature of the objection(s) including any adverse effects, specify the actions or inactions that are at issue, and specify the remedial action(s) that would satisfy the appellant's concerns. Previous efforts to resolve the objection(s) and the outcome shall be noted in this document. Within thirty (30) days after receipt of the complaint, the respondent (i.e., DBB) shall provide a response, in writing, to the appellant. If the appellant and the respondent are unable to resolve the written complaint informally, RI shall schedule a meeting between the respondent, the appellant, the DBB Chair, the DBSO, the Assistant Vice President for Research Integrity, the Director of EH&S, and the VPR to discuss and resolve the issue. Ultimate decision making is with the VPR.

ix. Amendments

The VPR may amend, dissolve, or otherwise reconstitute this document. The DBB may recommend amendments to this document with at least two-thirds majority approval.

x. Policy Renewal Date

June 30, 2020

xi. References

Occupational Safety and Health Administration (29 CFR 1910.401(2)(iv))  
29 CFR 1910 Subpart T App B

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10141](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10141)

American Academy of Underwater Sciences (AAUS), Standards for Scientific Diving (current revision) [https://www.aaus.org/diving\\_standards](https://www.aaus.org/diving_standards)

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POLICY APPROVAL

*Initiating Authority*

Signature:

Date:

Name: Daniel C. Flynn, Ph.D., Vice President for Research

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Executed signature pages are available in the Initiating Authority Office(s)