

# SECTION 11 APPLICATION



## What is a Section 11 Application?

An amateur sports organization who wishes to replace an existing National Governing Body (NGB) for a particular sport may file a Section 11 application with the USOPC. The applying organization must articulate the current NGB's non-compliance and show how it could more adequately fulfill NGB obligations. Section 11 applications are only accepted within the 1-year period after the final day of the Olympic or Paralympic Games (or Pan/Parapan American Games for sports not on the program of the Olympic or Paralympic Games).

## Dispute Resolution Unit (DRU) Support

-  General Administration
-  Review & Acknowledgement
-  Hearing Panel Appointment
-  Hearing Panel Education
-  Hearing Panel Support
-  Communication with Parties
-  Case Management & Logistics
-  Arbitration Support

## Authority & Governance





**Ted Stevens Olympic & Amateur Sports Act (the Act)**: Articulates general protocols, time frames and responsibilities of the USOPC to consider applications from other organizations wishing to replace an incumbent NGB (Sections 220528 and 220529).



**USOPC Bylaws**: Section 11 of the USOPC Bylaws articulates the specific procedures another amateur sports organization must follow with the USOPC in order to replace an existing NGB for a sport.

## ADDITIONAL RESOURCES

-  [Past Section 11 Cases and Reports](#)
-  [NGB Certification Standards](#)

## CONTACT INFORMATION

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# SECTION 11 APPLICATION



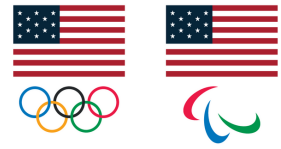
## What is the Section 11 Process?

After the filing of the Section 11 application, a hearing is held to (i) determine the incumbent NGB's compliance status and (ii) whether to recognize the applicant as the NGB, if incumbent NGB is decertified.



## Constituent Involvement

- ★ **Applying Organization**  
The amateur sports organization applying to replace the incumbent NGB for a particular sport.
- ★ **NGB**  
The respondent who must demonstrate compliance and capability to support the sport.
- ★ **Hearing Panel**  
The hearing panel consists of three independent individuals comprised of (i) USOPC Board member, (ii) NGBC rep., and (iii) AAC rep. tasked to decide NGB compliance and whether the applicant should become the NGB.
- ★ **DRU**  
DRU administers the proceeding and supports the hearing panel.
- ★ **USOPC Board**  
The USOPC Board reviews the decision of the hearing panel and determines the final outcome of the case.



## DRU Support Details



### General Administration

DRU oversees the general administration of a Section 11 proceeding to ensure that the application is heard in a timely and efficient manner. This involves managing the overall processing of the application, from initiation of the matter to the closing of the case.

DRU receives the application, reviews filing deficiencies, acknowledges the application, provides education to hearing panel members, serves as a liaison and counsel to the hearing panel, communicates with the parties, and oversees the general case management, among any other administrative or legal support.



### Review & Acknowledgement

Upon the filing of a Section 11 application in accordance with the requirements in the USOPC Bylaws, DRU is immediately notified of the application. DRU reviews the application in a timely manner to ensure all filing requirements are met. In particular, this may include review of the timeframe for submission of the application and compliance with any other filing requirement as outlined in the USOPC Bylaws.

If any of the minimum filing requirements are not met, DRU will notify the applicant of the deficiency and provide them with an opportunity to correct. DRU makes no legal determination or judgment as to the merits of the application, but rather ensures that the complaint meets the minimum requirements for filing.

After any potential filing deficiencies have been corrected, DRU formally acknowledges receipt of the Section 11 application with the applicant sport organization, along with providing notice of the application to the NGB in the case. DRU also provides notice of the Section 11 application to the USOPC CEO, USOPC General Counsel, Chair of the AAC, relevant sport AAC representative, Chair of the NGBC, the Athlete Ombuds, and relevant USOPC Sport Performance representatives.



### Hearing Panel Appointment

Upon receipt of a properly filed Section 11 application, DRU assists in the hearing panel appointment process by promptly collaborating with relevant stakeholders to recommend individuals to serve as members on the panel.

*(continued)*

## DRU Support Details



### Hearing Panel Appointment (*continued*)

For this application process, the Chair of the USOPC Board appoints a three-person disinterested hearing panel comprised of: (i) USOPC Board member, (ii) NGB Council (NGBC) representative, and (iii) Athletes' Advisory Council (AAC) representative. DRU will identify, vet, and recommend individuals for the NGBC and AAC positions after consultation with the Chair of the NGBC and Chair of the AAC. DRU may also assist in the recommendation of the USOPC Board member position. DRU provides the recommendations of candidates to the Chair of the USOPC Board for final appointment.

In the vetting and appointment process, DRU also gathers any disclosures the panel members have and ensures that proper disclosures are provided to the parties with an opportunity to provide any objections to a panel member.



### Hearing Panel Education

DRU provides education to the hearing panel members upon appointment. This includes providing an overview of the governing authority for the application process and jurisdictional basis (i.e. from the Act, a specific section from the USOPC Bylaws or other policy), explaining relevant precedents and standards, outlining the various steps in the process, detailing a panel member's role and authority, and clarifying any additional responsibilities required of panel members.

DRU delivers a presentation, intended for education of hearing panel members, immediately upon appointment. Education for hearing panel members occurs on a continuous basis throughout the process. This includes providing memos on various precedents and standards, outlining agendas, answering questions and offering guidance on the hearing panel authority, all in an objective manner.



### Hearing Panel Support

DRU serves as liaison to the hearing panel in this type of proceeding. This includes setting up meetings, staying apprised of filings, forwarding party communication, answering procedural and logistical questions, and working through hearing panel needs. As all hearing panels are comprised of volunteers, DRU is respectful of the hearing panel members' time and serves to support them in their role by making any part of the process as streamlined and efficient as possible.

## DRU Support Details



### Hearing Panel Support (*continued*)

Additionally, an attorney within DRU serves as counsel to the hearing panel in this application process. In the role as legal counsel to the hearing panel, the attorney may provide general legal advice and guidance and answer any questions related to legal issues that arise in the proceeding. This includes setting out the standards and scope of review so the hearing panel understands the appropriate purview of the proceeding, along with its authority. A representative of DRU participates in all hearing panel deliberations to assist the hearing panel with points of clarification, but does not have any decision-making authority. DRU drafts all orders, decisions and/or reports in line with the hearing panel's decision in each particular case for final review and approval by the hearing panel.



### Communication with Parties

DRU communicates directly with the parties or involved individuals in the case and serves as a liaison between the parties and the hearing panel. This prevents any ex-parte communications with the panel, along with streamlining information. This also allows for the effective facilitation of information to the panel by eliminating extraneous communications. DRU ensures that all documents, filings submissions, or formal requests are promptly delivered to the panel and confirms receipt and delivery with the parties.

DRU may answer logistical, administrative, or other questions from the parties directly, along with addressing any procedural questions on behalf of the USOPC.

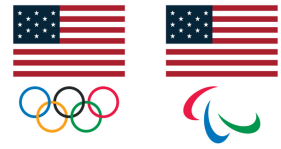


### Case Management & Logistics

DRU utilizes an internal case management site to effectively track all details within a case from filing to resolution, in accordance with the timeframes as set forth in the USOPC Document Retention Policy. This includes storing:

- Contact information from relevant individuals in the case (e.g. parties, hearing panel, counsel, representatives, other affected parties)
- Filings and submissions
- Deadlines
- Orders and decisions
- Summaries of claims, issues, and decisions
- Key features and outcomes

*(continued)*



## DRU Support Details



### **Case Management & Logistics (*continued*)**

Additionally, DRU ensures that hearing panel members have access to case details in an effective manner. To accomplish this, DRU may create an external case management site for hearing panel members. DRU also keeps an ongoing and updated summary of all filings/submissions, along with a spreadsheet of the timeline of key events, to assist hearing panel members in staying apprised of the high-level information in a case. DRU reminds hearing panel members about upcoming or past deadlines and may communicate with the parties if deadlines are not complied with.

DRU with the assistance of the USOPC Communications department, ensures that all orders, decisions and awards from cases are publicly posted on TeamUSA.org.

To provide services for an effective proceeding, DRU provides logistical support for any conference calls or hearings. DRU sets up all conference calls, including providing links or call-in details and sending calendar invites and reminders. DRU completes roll call for all calls and hearings, keeps track of time, and assists with taking notes, when appropriate.

Additionally, DRU arranges all administrative aspects for each hearing, including setting the conference line and/or securing office space, providing breakout rooms for the parties and the hearing panel, arranging travel and accommodations for hearing panel members, distributing case materials to the hearing panel members and counsel, IT setup requests, and any other logistical issue that may arise.



### **Arbitration Support**

The USOPC Board has the authority to determine which arbitral organization is appointed to hear Section 11 applications. The USOPC currently utilizes the American Arbitration Association (AAA) for Section 11 applications. DRU serves as a liaison to the AAA for the administration of Section 11 cases.

As Section 11 of the USOPC Bylaws provides that the USOPC may participate in the arbitration process for these matters, a representative from DRU will, at a minimum, observe the arbitration proceeding. Additionally, a representative of DRU may answer questions on behalf of the USOPC during the proceedings that an arbitrator may request. In instances where the USOPC may have a direct interest in the case, an attorney from DRU may represent the USOPC in the proceeding and participate to any extent, including as a party.

# SECTION 11 APPLICATION



## Ted Stevens Olympic and Amateur Sports Act



### **Section 220528:**

**(a) General.** *An amateur sports organization may seek to replace an incumbent as the national governing body for a particular sport by filing a written application for recognition with the corporation.*

**(b) Establishment of Procedures.** *The corporation shall establish procedures for the filing and disposition of applications under this section. If 2 or more organizations file applications for the same sport, the applications shall be considered in a single proceeding.*

### **(c) Filing Procedures.**

- (1) An application under this section must be filed within one year after the final day of—
  - (A) any Olympic Games, for a sport in which competition is held in the Olympic Games or the Paralympic Games, or in both the Olympic and Pan-American Games; or*
  - (B) any Pan-American Games, for a sport in which competition is held in the Pan-American Games but not in the Olympic Games.**
- (2) The application shall be filed with the corporation by certified mail, and a copy of the application shall be served on the national governing body and with any other organization that has filed an application. The corporation shall inform the applicant that its application has been received.*

**(d) Hearings.** *Within 180 days after receipt of an application filed under this section, the corporation shall conduct a formal hearing open to the public to determine the merits of the application. The corporation shall publish notice of the time and place of the hearing in a regular issue of its principal publication at least 30 days, but not more than 60 days, before the date of the hearing. The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport. In the hearing, the applicant and the national governing body shall be given a reasonable opportunity to present evidence supporting their positions.*

**(e) Standards for Granting Applications.** *In the hearing, the applicant must establish by a preponderance of the evidence that*

- (1) it meets the criteria for recognition as a national governing body under section 220522 of this title; and*
- (2)(A) the national governing body does not meet the criteria of section 220522, 220524, or 220525 of this title; or*

**(continued)**

# SECTION 11 APPLICATION



## Ted Stevens Olympic and Amateur Sports Act



### **Section 220528 (continued):**

#### **(e) Standards for Granting Applications.**

*(2)(B) the applicant more adequately meets the criteria of section 220522 of this title, is capable of more adequately meeting the criteria of sections 220524 and 220525 of this title, and provides or is capable of providing a more effective national program of competition than the national governing body in the sport for which it seeks recognition.*

**(f) Disposition of Applications.** *Within 30 days after the close of the hearing required by this section, the corporation shall*

- (1) uphold the right of the national governing body to continue as the national governing body for its sport;*
- (2) revoke the recognition of the national governing body and declare a vacancy in the national governing body for that sport;*
- (3) revoke the recognition of the national governing body and recognize the applicant as the national governing body; or*
- (4) place the national governing body on probation for a period not exceeding 180 days, pending the compliance of the national governing body, if the national governing body would have retained recognition except for a minor deficiency in one of the requirements of section 220522, 220524, or 220525 of this title and notify such national governing body of such probation and of the actions needed to comply with such requirements.*

**(g) Revocation of Recognition After Probation.** *If the national governing body does not comply with sections 220522, 220524, and 220525 of this title within the probationary period prescribed under subsection (f)(4) of this section, the corporation shall revoke the recognition of the national governing body and either*

- (1) recognize the applicant as the national governing body; or*
- (2) declare a vacancy in the national governing body for that sport.*

### **Section 220529:**

**(a) Right to Review.** *A party aggrieved by a determination of the corporation under section 220527 or 220528 of this title may obtain review by any regional office of the American Arbitration Association.*

**(continued)**

# SECTION 11 APPLICATION



## Ted Stevens Olympic and Amateur Sports Act



### **Section 220529 (continued):**

#### **(b) Procedure.**

- (1) A demand for arbitration must be submitted within 30 days after the determination of the corporation.
- (2) On receipt of a demand for arbitration, the Association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the Association in effect at the time the demand is filed, except that
  - (A) the arbitration panel shall consist of at least 3 arbitrators, unless the parties to the proceeding agree to a lesser number;
  - (B) the arbitration hearing shall take place at a site selected by the Association, unless the parties to the proceeding agree to the use of another site; and
  - (C) the arbitration hearing shall be open to the public.
- (3) A decision by the arbitrators shall be by majority vote unless the concurrence of all arbitrators is expressly required by the contesting parties.
- (4) Each party may be represented by counsel or by any other authorized representative at the arbitration proceeding.
- (5) The parties may offer any evidence they desire and shall produce any additional evidence the arbitrators believe is necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence is not necessary.

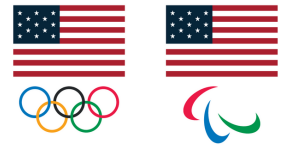
**(c) Settlement.** The arbitrators may settle a dispute arising under this chapter before making a final award, if agreed to by the parties and achieved in a manner not inconsistent with the constitution and bylaws of the corporation.

**(d) Binding Nature of Decision.** Final decision of the arbitrators is binding on the parties if the award is not inconsistent with the constitution and bylaws of the corporation.

#### **(e) Reopening Hearings.**

- (1) At any time before a final decision is made, the hearings may be reopened by the arbitrators on their own motion or on the motion of a party.
- (2) If the reopening is based on the motion of a party, and if the reopening would result in the arbitrators' decision being delayed beyond the specific period agreed to at the beginning of the arbitration proceedings, all parties to the decision must agree to reopen the hearings.

# SECTION 11 APPLICATION



## USOPC Bylaws



**Section 11.1 Manner of Filing the Application.** Any amateur sports organization may seek to replace an incumbent as the NGB for a particular sport by filing with the corporation a written application for such recognition. A copy of the application will also be served on the applicable NGB. The party filing the application will file with the corporation proof of service on the NGB.

**Section 11.2 Multiple Applications.** If two or more organizations file applications for the same sport, the applications will be considered in a single proceeding. Each applicant will serve a copy of its application on the other applicant, and will file with the corporation proof of such service.

**Section 11.3 Filing Period.** An application under this Section 11 must be filed (i) within the one-year period after the final day of any Olympic Games in the case of a sport for which competition is held in the Olympic Games or Paralympic Games, or in both the Olympic and Pan American Games, or (ii) within the one-year period after the final day of any Pan American Games in the case of a sport for which competition is held in the Pan American Games or Parapan American Games and not in the Olympic Games.

**Section 11.4 The Application.** The application will be in writing and signed by the chief executive office of the organization making the application. The application will set forth the factual allegations in numbered paragraphs, each paragraph containing a single factual allegation, and will contain at a minimum the following;

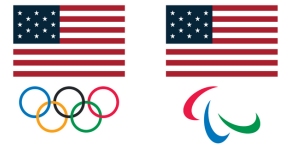
- a) the names and addresses of the parties;
- b) the jurisdictional basis of the challenge; and
- c) the factual basis upon which, pursuant to the criteria of Section 8 of these Bylaws and Sections 220522-220525 of the Act, the applicant claims that it should replace the respondent.

A copy of the applicant's corporate formation and governance documents must be appended to the application.

**Section 11.5 Filing Fee.** An application filed by an applicant will be accompanied by a 500 dollar filing fee. Such filing fee will be made payable to the corporation.

**Section 11.6 Failure to Properly File.** An application that is not filed in accordance with Sections 11.1 through 11.4 of these Bylaws, and which is not accompanied by the designated filing fee as set forth in Section 11.5 of these Bylaws will render the filing ineffective and the application will not be considered to have been properly filed.

# SECTION 11 APPLICATION



## USOPC Bylaws



**Section 11.7 Administration.** *Applications filed under this Section 11 will be administered by the corporation's dispute resolution division.*

**Section 11.8 Hearing Panel.** *An application properly filed under this provision will be heard by a corporation hearing panel. The hearing panel will consist of three individuals appointed by the Chair in consultation with AAC and NGBC leadership. The hearing panel will consist of one individual who is a member of the corporation Board, one individual who is a member of the NGBC or Affiliate Organizations Council, and one individual who is a member of the AAC. The Chair will also appoint the chair of the hearing panel. The hearing panel will not include any individual having a direct interest, either personally or by virtue of organizational affiliation, in the outcome of the proceeding.*

*If for any reason a hearing panel member is unable to perform their duties as a panel member, and such vacancy occurs prior to commencement of a hearing on the merits, the Chair will appoint a substitute hearing panel member in consultation with AAC and NGBC leadership as appropriate. If such vacancy occurs after commencement of the hearing, the remaining hearing panel members may continue with the hearing and render a decision on the application, unless the parties agree to have a substitute hearing panel member appointed.*

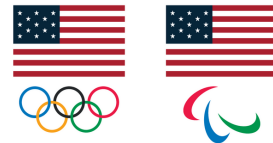
**Section 11.9 Communication with the Hearing Panel.** *No party and no one acting on behalf of any party will communicate directly with a hearing panel member unless the communication is simultaneously provided to all hearing panel members and parties involved.*

**Section 11.10 Mediation.** *At the request of a party, the hearing panel may adjourn the proceeding to allow for mediation of the application. The hearing panel will set a deadline for completion of the mediation. The Dispute Resolution team will appoint a mediator, after consultation with the parties. The mediator will not be a member of the hearing panel. The parties will bear all costs associated with the mediation.*

**Section 11.11 Conduct of the Proceeding.** *The hearing panel will have the authority to rule on all motions and other matters raised in the proceeding. The hearing panel will set such timelines and other rules regarding the proceeding, and the conduct of the hearing, as it deems necessary.*

**Section 11.12 Time Computation.** *In computing any period of time, the last day of the period so computed will be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day that is not one of the aforementioned days. The parties may modify any period of time by mutual agreement and consent of the hearing panel. The hearing panel may extend any period of time as it deems necessary.*

# SECTION 11 APPLICATION



## USOPC Bylaws



**Section 11.13 Motion to Dismiss.** *If the respondent contends that jurisdiction of the application is improper, that there is some other procedural or jurisdictional defect that would preclude a hearing on the merits, or that the application fails to state a claim upon which relief can be granted, it may move to dismiss the application. Such motion to dismiss will set forth the grounds for dismissal and will be filed within 30 days after receipt of the application by the respondent.*

*The applicant will be given the opportunity to submit papers in opposition to the respondent's motion to dismiss. The hearing panel will determine whether or not to have argument on the motion to dismiss.*

**Section 11.14 Answer.** *If there is no motion to dismiss, the respondent will file an answer within 30 days after receipt of the application by the respondent. If the panel finds against the respondent with respect to its motion to dismiss, the respondent will file an answer to the application within 30 days after the hearing panel issues its decision on the motion to dismiss. If no answer is filed within the stated time, the respondent will be deemed to have agreed with the claim.*

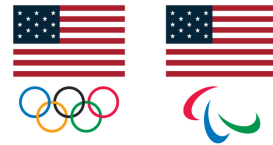
**Section 11.15 Preliminary Hearing.** *Either on its own directive, or at the request of a party, the hearing panel may schedule a preliminary hearing with the parties. The preliminary hearing may be conducted by telephone at the hearing panel's discretion.*

*During the preliminary hearing, the parties and the hearing panel should discuss the future conduct of the proceeding, including clarification of the issues and claims, a schedule for the hearing and any other preliminary matter.*

**Section 11.16 Exchange of Information.** *Either on its own directive, or at the request of a party, the hearing panel may direct the production of documents and other information. Further, the hearing panel may require that the parties (i) identify any witnesses the parties intend to call the hearing, and (ii) exchange copies of all exhibits the parties intend to submit at the hearing. The hearing panel will set due dates for the exchange of such information. The hearing panel is authorized to resolve any disputes concerning the exchange of information.*

**Section 11.17 Recording the Proceedings.** *Proceedings may be recorded by a court reporter upon the request of a party. The party making the request will pay for the services of the court reporter, or if the parties mutually agree, the cost may be equally divided between the parties. A party requesting a transcript will pay for the cost of the transcript. Any transcript ordered by a party will be made available to the hearing panel upon request of the panel.*

# SECTION 11 APPLICATION



## USOPC Bylaws



**Section 11.18 Hearing.** *Provided that the application is not dismissed, the hearing panel will hold a hearing on the merits of the application. The hearing panel will set such timelines and other rules regarding the hearing as it deems necessary.*

*The corporation will publish notice of the time and place of such hearing on its website at least 30 days, but not more than 60 days, prior to the date of the hearing. The parties, at the direction of the hearing panel, will send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the parties in that sport. The hearing will be open to the public.*

*At any hearing each party will be given a reasonable opportunity to present oral or written evidence, to cross-examine witnesses, and to present such factual or legal claims as desired. Rules of evidence generally accepted in administrative proceedings will be applicable. The hearing panel will determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the hearing panel to be cumulative or irrelevant. The hearing panel will have the right to question witnesses or the parties to the proceeding at any time.*

*The burden of proof will be upon the applicant who will also initially have the burden of going forward with the evidence. The respondent will then have the burden of going forward with evidence in opposition to the challenge and in support of respondent's position.*

*The applicant must establish by a preponderance of the evidence that:*

- a) it meets the criteria for recognition and certification as an NGB under Section 220522 of the Act; and*
- b) (i) the NGB does not meet the criteria of Section 8 of these Bylaws or Sections 220522-220525 of the Act, or (ii) the applicant more adequately meets the criteria of Section 220522 of the Act, is capable of more adequately meeting the criteria of Section 8 of these Bylaws and Sections 220523-220524 of the Act, and provides, or is capable of providing, a more effective national and international program of competition than the NGB in the sport for which it seeks recognition.*

**Section 11.19 Decision.** *A decision will be determined by a majority of the hearing panel. The hearing panel will issue a written reasoned decision of its findings. The decision will be made public and may be published on the corporation's website.*

*If the hearing panel determines that such NGB should continue as the NGB for its sport the hearing panel will so notify the corporation Board, the applicant and such NGB.*

**(continued)**

## USOPC Bylaws



### **Section 11.19 Decision (continued).**

*If the hearing panel determines that such NGB would have retained recognition and certification except for a minor deficiency in one of the requirements of Section 8 of these Bylaws or Sections 220522-220525 of the Act, the hearing panel will so notify the corporation Board, the applicant and the NGB. The hearing panel will also make a recommendation to the corporation Board to place the NGB on probation for a specified period of time not to exceed 180 days, pending compliance by the NGB.*

*If the hearing panel determines that the recognition and certification of such NGB should be revoked, it will so notify the corporation Board, the applicant, and such NGB. Further, the hearing panel will make a recommendation to the corporation Board either to (i) declare a vacancy in the NGB for that sport, or (ii) recognize and certify the applicant as the NGB.*

**Section 11.20 Action of the Board.** *Upon receipt of the hearing panel's notification (i) that the NGB would have retained recognition and certification except for a minor deficiency, or (ii) that the NGB's recognition and certification should be revoked, the corporation Board will convene and determine whether:*

- a) to place such NGB on probation for a specified period of time not to exceed 180 days, which it considers necessary to enable such NGB to comply with such requirements; or*
- b) to decertify and revoke the recognition of such NGB and declare a vacancy in the NGB for that sport; or*
- c) to decertify and revoke the recognition of such NGB and recognize the applicant as the NGB for that sport.*

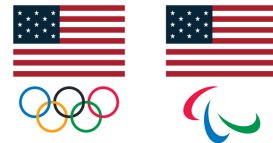
*In making its determination, the corporation Board will consider the recommendation of the hearing panel, but is not bound by it.*

**Section 11.21 Probation.** *If an NGB is placed on probation, it will, at the conclusion of the probationary period, submit a written report to the hearing panel as to whether or not it is in compliance. The NGB will provide a copy of that report to the applicant. The hearing panel will then convene to consider the report.*

*If, after considering the report of the NGB, the hearing panel determines that such NGB is in compliance with the requirements of Section 8 of these Bylaws and Sections 220522-220525 of the Act, the hearing panel will so notify the corporation Board, the applicant, and the NGB.*

**(continued)**

# SECTION 11 APPLICATION



## USOPC Bylaws



### **Section 11.21 Probation (continued).**

*If, after consideration of the report of the NGB, the hearing panel determines that such NGB is not in compliance with the requirements of Section 8 of these Bylaws or Sections 220522-220525 of the Act, the hearing panel will so notify the corporation Board, the applicant, and the NGB.*

*If, at the end of the probationary period allowed by the corporation Board, the NGB has not complied with such requirements, the corporation Board will decertify and revoke the recognition of such NGB and either (i) recognize and certify the applicant as the NGB or (ii) declare a vacancy in the NGB.*

**Section 11.22 Arbitration.** *There will be no right of appeal to any other corporation body from a decision of the hearing panel or from a remedy imposed by the corporation Board. Any party that considers itself aggrieved by a decision of the hearing panel on the merits of the hearing panel's decision concerning the application or by a remedy imposed by the corporation Board may, within 30 days after such decision or imposition of remedy, file a demand for arbitration with the arbitral organization designated by the corporation Board. The corporation has the right to participate in the arbitration proceeding, but it cannot be involuntarily joined by a party.*

*A respondent will be entitled in a demand for arbitration to raise any jurisdictional or procedural objection to the application raised in its original motion to dismiss, but determined against it by the hearing panel that considered the jurisdictional or procedural challenge.*

*The arbitrator will render a reasoned award in writing. All such awards will be made public and may be published on the corporation's website.*

*The arbitral award will be binding upon the parties thereto, and unless the award is inconsistent with the terms of the Act, these Bylaws, or the rules of the IOC, upon the corporation.*

**Section 11.23 Replacement of NGB.** *If the corporation Board upholds the application of an amateur sports organization to replace the incumbent as the NGB and there is no appeal, or if there is an appeal and the final arbitration award upholds the application of an amateur sports organization to replace the incumbent as the NGB:*

- a) such applicant organization will be deemed elected to membership in the corporation, and the membership of the incumbent will be deemed terminated without further action of the corporation Board; and*
- b) The incumbent will cease to exercise the authority of an NGB as specified in Section 220523 of the Act.*

**(continued)**

# SECTION 11 APPLICATION



## USOPC Bylaws



### ***Section 11.23 Replacement of NGB (continued).***

*The corporation Board will, within 60 days after such award, recommend and support in any appropriate manner the new NGB to the appropriate international sports federation or organization for recognition by such federation or organization as the United States NGB in that sport, any provision to the contrary in Section 10 of these Bylaws notwithstanding. Such action will include, without limitation, formally advising such federation or organization of the decision of the corporation Board and recommending acceptance of such action by the federation or organization.*

*In the event that there is a significant delay in the acceptance of the new NGB as the United States member in such international federation or organization, the corporation Board will take any and all steps that may be necessary to protect the right of United States athletes to participate in international amateur athletic competition.*