

# SECTION 8 COMPLAINTS



## What is a Section 8 Complaint?

A Section 8 complaint can be filed by the USOPC against an National Governing Body (NGB) to seek decertification, suspension or revocation of membership due to non-compliance with the Act and/or with the NGB certification obligations listed in Section 8 of the USOPC Bylaws.

## Dispute Resolution Unit (DRU) Support

-  General Administration
-  Hearing Panel Appointment
-  Hearing Panel Support
-  Liaison to Outside Counsel
-  Communication with Parties
-  Case Management
-  Logistical Support

## Authority & Governance



**Ted Stevens Olympic & Amateur Sports Act (the Act)**: In reviewing the recognition of an NGB, the USOPC has the authority to take any action it deems appropriate on an NGB, including placing conditions on the NGB recognition (Section 220521(d)).



**USOPC Bylaws**: Section 8 of the USOPC Bylaws outlines the authority of the USOPC to take action against an NGB for non-compliance issues, and lays out the basic process that governs Section 8 decertification actions.

## ADDITIONAL RESOURCES

-  [Past Section 8 Cases and Reports](#)
-  [NGB Audit Reports](#)

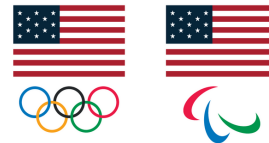
## CONTACT INFORMATION

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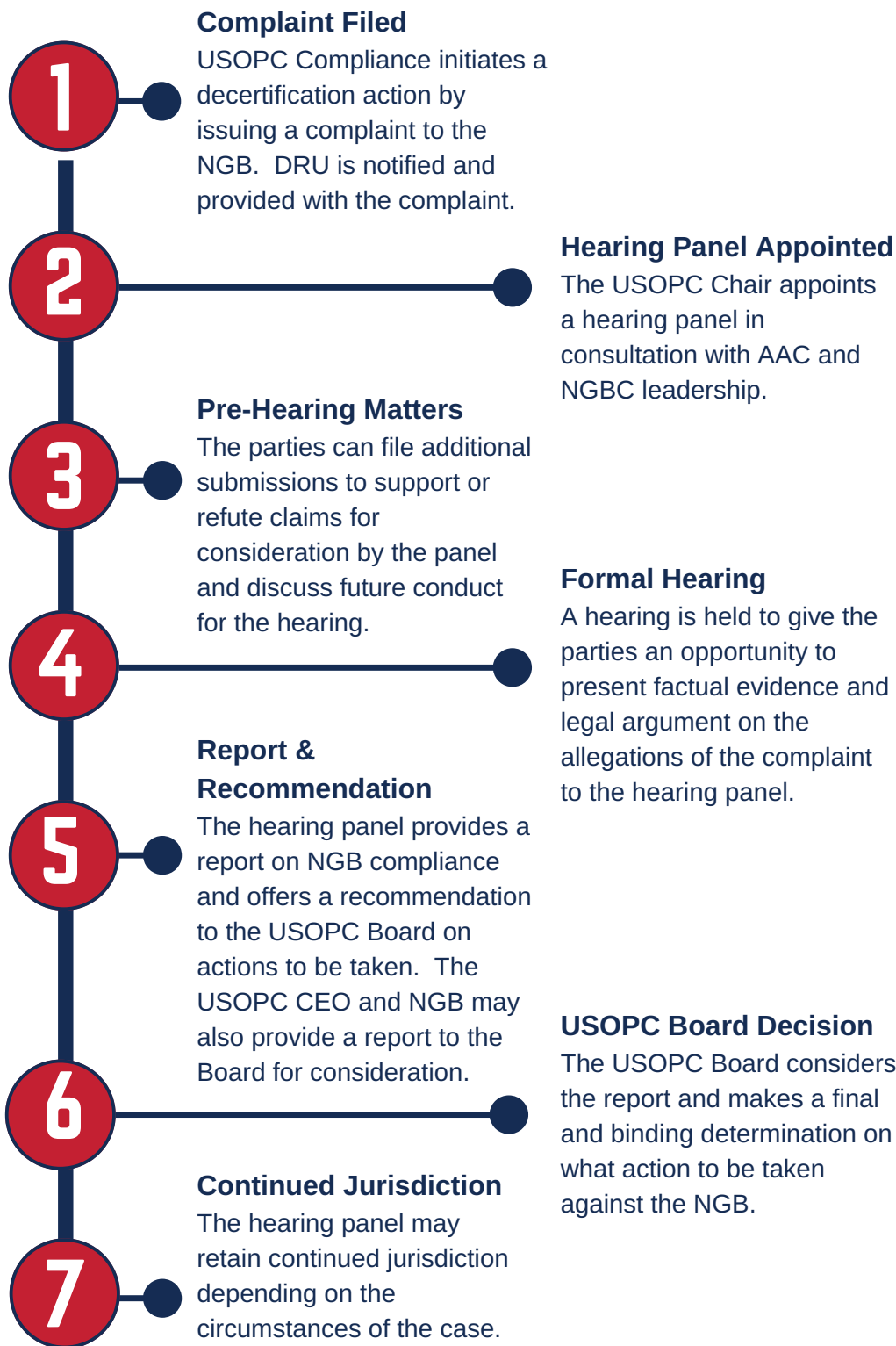
[DRU@usopc.org](mailto:DRU@usopc.org)  
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## What is the Section 8 Process?

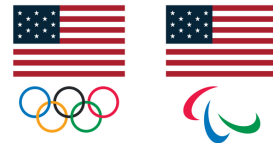
After initial remedial efforts to resolve issues have failed, the USOPC can initiate the Section 8 process by filing a complaint against an NGB. If not otherwise resolved, the parties are provided with a hearing to determine NGB compliance status.



## Constituent Involvement

- ★ USOPC**  
The complainant bringing forth non-compliance allegations against an NGB.
- ★ NGB**  
The respondent who must demonstrate compliance with the Act and/or USOPC Bylaws.
- ★ 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.
- ★ Counsel to Hearing Panel**  
An external and independent attorney engaged to serve as counsel to the hearing panel.
- ★ USOPC Board**  
The USOPC Board makes a final and binding decision in the case.

*Athletes are not involved in Section 8 proceedings. DRU only participates in a limited capacity as a liaison between the parties and the hearing panel to ensure the complaint is properly processed.*



## DRU Support Details



### General Administration

DRU oversees the general administration of a Section 8 proceeding to ensure that the complaint is heard in a timely and efficient manner. This involves managing the overall processing of the complaint, from initiation of the matter to the closing of the case. DRU receives the complaint and upon initiation of the matter, serves as a liaison to the outside counsel and hearing panel, communicates with the parties, and oversees the general case management, among any other administrative or legal support.

It is important to note that DRU does not engage with the hearing panel on any substantive or legal issue or have any influence over the panel. Additionally, DRU refrains from having any interaction with the USOPC Compliance department in relation to the proceeding. DRU serves only in the role to manage the proceeding and answer general questions.



### Hearing Panel Appointment

Upon receipt of a properly filed Section 8 complaint, DRU assists in the hearing panel appointment process by promptly collaborating with relevant stakeholders to recommend individuals to serve as members on the panel.

For this complaint 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 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 the appointment of a panel member.



### 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 member's time and serves to support them in their role by making any part of the process as streamlined and efficient as possible.

# SECTION 8 COMPLAINTS



## DRU Support Details



### Liaison to Outside Counsel

DRU will serve as a liaison to the outside counsel who is engaged for the hearing panel in Section 8 cases. DRU never participates in hearing panel deliberations, nor provides legal advice or guidance. DRU may communicate with the outside counsel on procedural and/or historical information, or other points of clarification, but in no way acts to influence the outside counsel or hearing panel in any decision-making authority.



### 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 hearing panel, along with streamlining information. This also allows for the effective facilitation of information to the hearing panel by eliminating extraneous communications. DRU ensures that all documents, filings submissions, or formal requests are promptly delivered to the hearing 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.

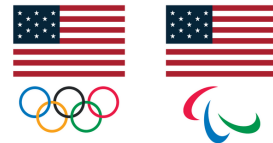


### Case Management

DRU utilizes an internal case management site to effectively track all details of a case from initiation of a matter 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, 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 (*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 or some other mechanism to adequately track the case. 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.

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



### **Logistical Support**

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 issues that may arise.

# SECTION 8 COMPLAINTS



## Ted Stevens Olympic and Amateur Sports Act



### **Section 220521:**

**(d) Review of Recognition.** *The corporation may review all matters related to the continued recognition of an organization as a national governing body and may take action it considers appropriate, including placing conditions on the continued recognition.*

## USOPC Bylaws



### **Section 8 (applicable provisions):**

**Section 8.1 Corporation Board Authority.** *The corporation Board has the power to elect properly qualified organizations to membership in each of the categories of membership listed in this Section 8, to transfer a member organization from one membership category to another and to terminate a member organization's membership. The corporation Board will specify the date upon which the rights and duties of new and transferred members will become effective. If no date is specified, such rights and duties will become effective immediately.*

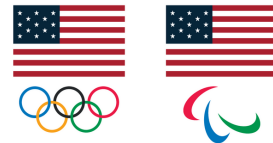
*Also, the corporation Board has the power to certify qualified members as NGBs, to renew such certifications according to policies and procedures it may approve from time to time, and to review all matters relating to the continued certification of an NGB. In that regard, the corporation Board may take such action as it considers appropriate, including, but not limited to, placing conditions upon the continued certification of an NGB, placing an NGB on probation, suspending an NGB or decertifying an NGB, provided that notice of any such proposed action will be given to the NGB.*

**Section 8.9 General Procedures Applicable to Membership Matters.** *Except for changes in membership and recognition as an NGB as provided for in Sections 10 and 11 of these Bylaws, all questions relating to membership in the corporation, including termination of membership status, will be decided by the corporation Board.*

**Section 8.11 NGB Compliance; Decertification.** *Any action by the corporation to decertify or otherwise suspend or revoke the membership of an NGB pursuant to the provisions of Section 220521(d) of the Act and Section 8.1 of these Bylaws will be finally determined by the corporation Board. Such action may be taken as a result of a compliance review undertaken by the corporation or pursuant to other information known to, or provided by a third party to, the corporation.*

**(continued)**

# SECTION 8 COMPLAINTS



## USOPC Bylaws



**Section 8.11.1 NGB Compliance (continued).** The corporation's NGB Compliance team will oversee matters involving potential or actual failures of any NGB to comply with the certification and membership requirements in these Bylaws. That team will work with the corporation's NGB Audit and Organizational Advancement and Dispute Resolution teams as well as other elements of the organization, to inform its work. In addition to prosecuting NGB decertification actions, the corporation's NGB Compliance team may implement a consistent series of compliance steps for application across NGB compliance matters, and develop a standing set of recommended corporation compliance actions for application in particular matters. These may be published in corporation NGB compliance policies.

**Section 8.11.2 Initiation of Decertification Action.** Upon initiation of such an action, the corporation's NGB Compliance team will (i) issue a complaint to the NGB setting forth the legal and factual basis of non-compliance or other deficiency, and (ii) the remedy requested. The Chair, in consultation with AAC and NGBC leadership, will appoint an independent hearing panel of three individuals to hear the complaint. The hearing panel will consist of one member of the corporation Board (who will chair the panel), one individual who is a member of the NGBC, and one individual who is a member of the AAC. 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.

**Section 8.11.3 Hearing.** A hearing will be held at which the NGB will be given a reasonable opportunity to present factual evidence and legal argument regarding the allegations of the complaint. Upon conclusion of the hearing, the hearing panel will prepare a report to the corporation Board on the organization's compliance, noncompliance, or deficiency. The report will also include a recommendation as to the action to be taken by the corporation Board.

**Section 8.11.4 Report to the Corporation Board.** The CEO will provide the hearing panel's report and recommendation, together with any report the CEO wishes to make, to the corporation Board. The NGB will also be furnished with a copy of the hearing panel's report and recommendation, and with a copy of the CEO's report, if any. The NGB may also present a written report to the corporation Board.

# SECTION 8 COMPLAINTS



## USOPC Bylaws



**Section 8.11.5 Corporation Board Consideration.** *The corporation Board will consider the matter relating to the NGB's certification and/or membership as soon as is practicable. The corporation Board will not hold a further hearing on the matter, but will only be required to consider the reports and recommendations provided to it. The corporation Board will then determine what action it will take concerning the NGB's membership and recognition. The action of the corporation Board will be final and binding on the NGB.*