

UNITED STATES OLYMPIC COMMITTEE

HIGHTOWER, et al.,	)	
	)	
Complainants	)	
	)	
v.	)	REPORT
	)	AND
US BOWLING CONGRESS,	)	RECOMMENDATION
	)	
Respondent.	)	April 12, 2018

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**I. BACKGROUND**

1. On October 29, 2015, Wayne Hightower, Donna Hall and Lawrence Digsby (“Complainants”) filed a Complaint with the United States Olympic Committee (“USOC”) against the United States Bowling Congress (“USBC”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (the “Act”) and Section 10 of the USOC Bylaws.

2. On February 23 and 24, 2017, the Hearing Panel held a full evidentiary hearing on Complainant’s claims.

3. On June 8, 2017, the Hearing Panel issued its Report, Decision and Recommendation (“Decision”)<sup>1</sup> which found that USBC was not meeting its National Governing Body (“NGB”) requirements and USOC membership obligations as set forth in the Act and USOC Bylaws in the following areas:

- a. USBC was not in compliance with Section 220522(a)(13) of the Act in that it does not provide for the prompt and equitable resolution of grievances of its members as it does not have a procedure for administering and hearing member complaints alleging that USBC is not fulfilling its NGB responsibilities as required by the Act and USOC Bylaws;

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<sup>1</sup> For a full history of this proceeding and a detailed explanation of the issues raised and considered, a review of the Decision is recommended.

- b. USBC was not in compliance with Section 220522(a)(8) of the Act in that it does not provide “fair notice and opportunity for a hearing” to an amateur athlete, coach, trainer, manager, administrator or official as it does not provide for an in-person hearing before declaring the individual ineligible to participate or suspending the individual’s membership;
- c. USBC was not in compliance with Section 8.7(a) of the USOC Bylaws in that it fails to fulfill its responsibilities as an NGB as it is in violation of Sections 220522(a)(13) and 220522(a)(8) of the Act.

4. The Hearing Panel recommended that the USOC Board:

- a. adopt the Hearing Panel’s finding regarding USBC’s non-compliance;
- b. place USBC on probation for a period of six (6) months; and,
- c. adopt the Hearing Panel’s recommendations regarding corrective actions USBC must take to come into compliance.

5. The USOC Board adopted the Hearing Panel’s recommendations on June 20, 2017. Additionally, the USOC Board directed that the Hearing Panel retain continuing jurisdiction over this matter and after six (6) months report back to the USOC Board on USBC’s progress in meeting its NGB obligations.

6. The Hearing Panel reported back to the USOC Board at the Board’s meeting on December 8, 2017. The Hearing Panel reported that discussions had taken place with USBC, that USBC had submitted a proposal for addressing compliance issues with its hearing process, but that additional review of that proposal was required, and that the Hearing Panel intended to have further discussions with USBC.

7. The USOC Board extended USBC’s probationary period for another six (6) months and directed the Hearing Panel to continue to its efforts in providing guidance to USBC.

8. After the USOC Board meeting the Hearing Panel and USBC had further discussions relating to USBC’s hearing process. As a result of those discussions USBC

considered further changes to its hearing process, intending to address the Hearing Panel's concerns.

9. On April 9, 2018, USBC notified the Hearing Panel that it had approved a revamped hearing process, which would go into effect on April 30, 2018, following USBC's Annual Meeting. In order to effectuate the new process, USBC will amend its Bylaws. It will also revise its Legal and Legislative Manual, National Policy Manual and Association Policy Manual. USBC provided the Hearing Panel with amended Bylaws and with revised Manuals.

10. The Hearing Panel reviewed USBC's revamped hearing process and met on April 9, 2018.

11. As a result of its review, the Hearing Panel posed additional questions to USBC regarding the amended Bylaws and revised Manuals. USBC responded on April 10, 2018.

12. The Hearing Panel again met on April 10 and 11, 2018.

## II. FINDING

13. The Hearing Panel, after review of USBC's amended Bylaws and revised Manuals, and after posing additional questions to and receiving responses from USBC, finds that USBC is able at this time to sufficiently fulfill its NGB requirements and meet its USOC membership obligations.

14. However, the key to any written process or procedure is ensuring proper interpretation and implementation of that process and procedure. USBC must be diligent in ensuring that going forward its Bylaws and Manuals are adhered to and that its hearing process is followed.

### III. REPORT AND COMMENTS

15. In reviewing USBC's amended Bylaws and revised Manuals, the Hearing Panel is comfortable making the following assessment concerning USBC's hearing process.

16. USBC now has in place a procedure for administering and hearing internal grievances filed by its members alleging USBC's non-compliance with the Act and USOC Bylaws.

17. USBC will provide an opportunity for a hearing to all athletes, coaches, trainers, managers, administrators and officials who claim that they have been denied or have been threatened with denial of a participation opportunity.

18. This was one of the issues that the Hearing Panel sought clarification of after USBC submitted its amended Bylaws and revised Manuals on April 9, 2018. The amended Bylaws state that USBC will provide an opportunity for a hearing where there is an alleged denial, or an alleged threat of denial of an "opportunity to participate in a Protected Competition or a USBC Sanctioned Competition." Specifically, the Hearing Panel wanted to have a better understanding of the competitions that are sanctioned by USBC (competitions that will officially be approved or authorized by USBC) and thus know if there are any individuals who would be excluded from the hearing process because they were competing in competitions under USBC's domain, but were not sanctioned by USBC. USBC responded that there "are no exclusions." USBC stated that "every individual who competes in a competition within USBC's jurisdiction will be afforded [an opportunity for] a hearing." That includes "[a]ll 45,000 USBC certified leagues, all USBC certified tournaments at all levels, all 1.4 million members."

19. USBC will provide an opportunity for a hearing when suspending or revoking an individual's membership in USBC, excluding cases where there is no controversy surrounding non-payment of dues, as that is an administrative matter.

20. USBC's hearing procedures provide for an in-person hearing, which may be held telephonically. Telephonic hearings meet the requirement for in-person hearings, as the Hearing Panel stated in its Decision.

#### IV. RECOMMENDATION

21. The Hearing Panel recommends that the USOC Board lift USBC's probation, return USBC to full NGB status and continue USBC's USOC membership.

22. This recommendation is contingent upon USBC's adoption of its amended Bylaws and of its revised Legal and Legislative Manual, National Policy Manual and Association Policy Manual and their becoming effective on April 30, 2018.

Dated this 12<sup>th</sup> day of April, 2018.



Bill Marolt, Chair

Glen Schorr, Panel Member  
Han Xiao, Panel Member