








SECTION 8 COMPLAINTS



What is a Section 8 Complaint?

A Section 8 complaint can be filed by the USOPC against a 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.



USOPC Dispute Resolution Policy: The USOPC Dispute Resolution Policy articulates the specific procedures and authority of the USOPC to take action against an NGB for non-compliance issues.

ADDITIONAL RESOURCES

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

CONTACT INFORMATION

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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.

Complaint Filed

The USOPC compliance division initiates a decertification action by issuing a complaint to the NGB. DRU is notified and provided with the complaint.

Hearing Panel Appointed

The USOPC chair appoints a hearing panel in consultation with AAC and NGBC leadership.

Pre-Hearing Matters

The parties can file additional submissions to support or refute claims for consideration by the panel and discuss future conduct for the hearing.

Formal Hearing

A hearing is held to give the parties an opportunity to present factual evidence and legal argument on the allegations of the complaint to the hearing panel.

Report & Recommendation

The hearing panel provides a report on NGB compliance and offers a recommendation to the USOPC board on actions to be taken. The USOPC CEO and NGB may also provide a report to the board for consideration.

USOPC Board Decision

The USOPC board considers the report and makes a final and binding determination on action to be taken against the NGB.

Continued Jurisdiction

The hearing panel may retain continued jurisdiction depending on the circumstances of the case.

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) NGB Council rep., and (iii) Athletes' Advisory Council rep. tasked to decide NGB compliance.

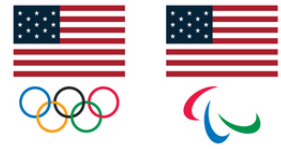
★ Counsel to Hearing Panel

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 division 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 candidate recommendations to the chair of the USOPC board for final appointment.

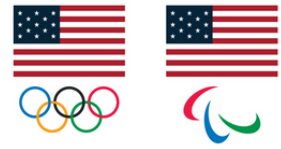
In the vetting and appointment process, DRU also gathers any disclosures the panel members have and ensures that proper disclosures are provided to the parties with an opportunity to provide any objections to the appointment of a panel member.



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.

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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.

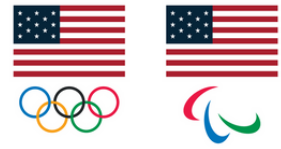


Case Management

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 ensures that all orders, decisions and awards from cases are publicly posted on USOPC.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.