

SECTION 9 COMPLAINTS



What is a Section 9 Complaint?

Athletes* may file a Section 9 complaint against a National Governing Body (NGB) alleging they have been denied, or threatened to be denied, with an opportunity to participate in a "protected competition". Protected competitions are defined by the USOPC Bylaws and may not apply to every NGB competition.

**References to athletes applies equally to coaches, trainers, managers, officials and other members.*

Dispute Resolution Unit (DRU) Support

 **General Administration**

 **Addressing Filing Requirements**

 **Acknowledgement of Complaint**

 **Informal Resolution**

 **Case Management**

 **Arbitration Support**

Authority & Governance



Ted Stevens Olympic & Amateur Sports Act (the Act): The USOPC is required to facilitate, establish and maintain effective and swift dispute resolution procedures relating to the opportunity of an athlete to participate in protected competition (see Sections 220503(8), 220505(c)(5) and 220509 of the Act).



USOPC Bylaws: Section 9 of the USOPC Bylaws outlines the jurisdiction and scope of Section 9 complaints.



USOPC Dispute Resolution Policy: The USOPC Dispute Resolution Policy articulates the specific procedures, timeframes, general filing requirements, and the administration of these proceedings.

ADDITIONAL RESOURCES

- ★ [Section 9 Complaint Form](#)
- ★ [Past Section 9 Cases and Awards](#)
- ★ [Platform to File Arbitration](#)
- ★ [Athlete Ombuds Contact](#)
ombudsman@usathlete.org

CONTACT INFORMATION

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What is the Section 9 Process?

Section 9 complaints may impact participation in an upcoming competition so resolution may be expedited. The USOPC does not hold a hearing for these cases but tries to resolve the complaint informally. If not resolved, the athlete may file a demand for arbitration.

Pre-Filing Guidance

Athletes (only) may seek advice from the Athlete Ombuds regarding resolution of participation related disputes.

Formal Filing

The athlete may formally file a complaint through USOPC.org or by email with DRU and other parties.

Complaint Receipt

DRU acknowledges the complaint and provides notice to the NGB and relevant USOPC, AAC, and NGBC representatives.

Informal Resolution

The Athlete Ombuds, with DRU support, will attempt to resolve the dispute between the involved parties. If successful, the claim is documented and closed.

Demand for Arbitration

If the complaint is not resolved informally, the claimant may file a demand for arbitration with the arbitral body designated by the USOPC.

Hearing Preparation

DRU assists the designated arbitral body when needed with documentation for a final hearing, and observes and/or participates in the hearing.

Arbitration Hearing

A hearing is held on the merits, providing the parties the opportunity to present evidence and argument.

Final Decision

The appointed arbitrator makes a final and binding decision. DRU publishes the decision on USOPC.org.

Constituent Involvement

- Athlete**
The claimant alleging they have been denied participation and has the burden to prove the NGB failed to appropriately apply its rules.
- NGB**
The respondent who defends its selection process and/or policies and procedures affecting participation rights.
- Affected Athlete(s)**
Any other athlete(s) who may be affected by the decision has a right to participate in the proceeding.
- DRU**
USOPC Dispute Resolution Unit manages the Section 9 complaint process.
- Athlete Ombuds**
The Athlete Ombuds provides guidance to athletes and supports informal resolution efforts.
- Arbitral Body**
The arbitral body designated by the USOPC to administer the arbitration proceeding.

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DRU Support Details



General Administration

DRU oversees the general administration of a Section 9 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, reviews filing deficiencies, acknowledges the complaint, communicates with the parties, and oversees the general case management, among any other administrative or legal support.



Addressing Filing Requirements

Upon the filing of a Section 9 complaint, in accordance with the requirements in the USOPC Bylaws, DRU is immediately notified of the complaint. DRU reviews the complaint in a timely manner to ensure all filing requirements are met.

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

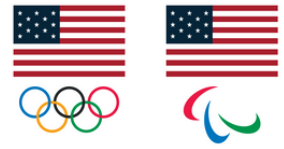
If there are deficiencies with the filing requirements, DRU may direct the claimant to an alternate complaint process that may be more appropriate for their claims. Correcting filing deficiencies and providing general advice on the complaint processes is done in an effort to ensure that the claims fit within the correct forum to properly bring resolution in a timely manner and are not duplicative of other processes.



Acknowledgement of Complaint

After any potential filing deficiencies have been corrected, DRU formally acknowledges receipt of the Section 9 complaint with the claimant, along with providing notice of the complaint to the NGB in the case. DRU also provides notice of the Section 9 complaint 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.

The formal acknowledgement letter outlines receipt of the complaint and includes contact information for the Office of the Athlete Ombuds to assist in resolution efforts. Additionally, the acknowledgement letter outlines a timeframe in which the Section 9 complaint will be closed to ensure that if a complaint is not pursued, it will not remain open indefinitely.



DRU Support Details



Informal Resolution

In a Section 9 case, DRU may engage with any relevant individuals to the case to informally attempt to resolve the dispute in a satisfactory and mutually beneficial manner.

This includes without limitation the ability of DRU to communicate directly with the parties, including the affected parties and any individual associated with the NGB, AAC reps, the USOPC sport performance department, the Office of the Athlete Ombuds (if not confidential) and any other person who may have information relating to the dispute. DRU may seek additional information from the parties or others as it deems relevant to the merits of the complaint and may provide recommendations to any of the parties to assist in the resolution of the dispute. DRU may recommend formal mediation or other dispute resolution mechanisms in order to resolve the issue in a manner fair to any individual who may be impacted by the resolution. DRU acts in a neutral role and does not side with any party in the case with its informal resolution efforts.



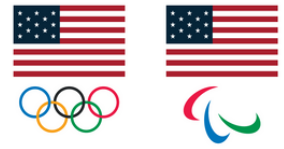
Case Management

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

DRU ensures that all awards from arbitration cases are publicly posted on [USOPC.org](https://www.usopc.org).

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DRU Support Details



Arbitration Support

The USOPC board has the authority to determine which arbitral organization is appointed to hear Section 9 complaints. DRU serves as a liaison to the designated arbitral body for the administration of Section 9 cases.

As Section 9 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.

Lastly, DRU may communicate immediately with the designated arbitral body about a pending Section 9 related case, whether formally filed or not, for expedited proceedings to ensure that the case can be held and decided within 48 hours.