

SECTION 10 COMPLAINTS



What is a Section 10 Complaint?

An individual* who believes that their National Governing Body (NGB) is out of compliance with its obligations under the Ted Stevens Olympic & Amateur Sports Act and/or NGB certification standards as set forth in the USOPC Bylaws may file a Section 10 complaint with the USOPC.

**An "individual" may include an amateur sports organization or a person that belongs to, or is eligible to belong to, an NGB.*

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): Grants individuals the right to take formal action in situations when they allege an NGB is not in compliance with membership requirements established by the USOPC (Section 220527) and sets forth NGB obligations (Sections 220522-220525).



USOPC Bylaws: Section 8 of the USOPC Bylaws articulates the minimum requirements NGBs must meet in order to maintain their member certification.



Dispute Resolution Policy: The USOPC Dispute Resolution Policy articulates the process for the filing and disposition of non-compliance complaints against an NGB.

ADDITIONAL RESOURCES

-  [NGB Audit Reports](#)
-  [Past Section 10 Cases and Reports](#)

CONTACT INFORMATION

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SECTION 10 COMPLAINTS



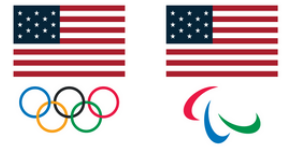
What is the Section 10 Process?

The Section 10 process involves the adjudication of an NGB non-compliance complaint through a hearing and final determination.



Constituent Involvement

- ★ **NGB member**
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.
- ★ **DRU**
USOPC Dispute Resolution Unit DRU administers the proceeding and supports the hearing panel.
- ★ **USOPC Board**
The USOPC board reviews the decision of the hearing panel and determines action to be taken against the NGB.
- ★ **Arbitral Body**
The arbitral body designated by the USOPC to administer the arbitration proceeding.



DRU Support Details



General Administration

DRU oversees the general administration of a Section 10 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, 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 filing of a Section 10 complaint, in accordance with the requirements in the USOPC Dispute Resolution Policy, DRU is immediately notified of the complaint. DRU reviews the complaint in a timely manner to ensure all filing requirements are met. In particular, this may include receipt of the filing fee, proper service of the complaint on the respondent, signing of the complaint, and compliance with any other filing requirement as outlined in the USOPC Dispute Resolution Policy.

If any of the minimum requirements are not met, DRU will notify the complainant 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 complainant to an alternate complaint process that may be more appropriate for their claims. Correcting filing deficiencies and providing general advice on various USOPC 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.

After any potential filing deficiencies have been corrected, DRU formally acknowledges receipt of the Section 10 complaint with the complainant, along with providing notice of the complaint to the NGB in the case. DRU also provides notice of the Section 10 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.

DRU Support Details



Hearing Panel Appointment

Upon receipt of a properly filed Section 10 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 USOPC board member position. DRU provides the candidate recommendations to the chair of the USOPC board for final appointment.

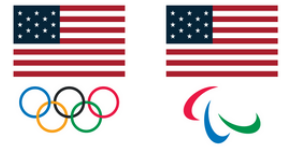
In the vetting and appointment process, DRU also gathers any disclosures the panel members have and ensures that proper disclosures are provided to the parties with an opportunity to provide any objections to a panel member.



Hearing Panel Education

DRU provides education to the hearing panel members upon appointment. This includes providing an overview of the governing authority for the complaint 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.



DRU Support Details



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.

Additionally, an attorney within DRU serves as counsel to the hearing panel in this complaint 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.

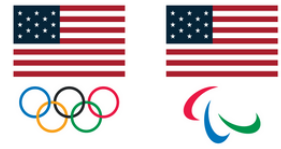


Case Management & Logistics

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 ensures that all orders, decisions and awards from cases are publicly posted on USOPC.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 10 complaints. DRU serves as a liaison to the designated arbitral body for the administration of Section 10 cases.

The USOPC Dispute Resolution Policy 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.