



United States Bowling Congress

# BYLAWS SUPPLEMENT

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# USBC Bylaws

## Disciplinary Procedures Supplement

The Articles in this Supplement have been adopted by the USBC Board of Directors to comply with the Bylaws of the United States Olympic & Paralympic Committee ("USOPC") and the Ted Stevens Act. These Articles have been reviewed and approved by the USOPC in 2018. These Articles can only be changed by a majority vote of the USBC Board of Directors unless the Board has delegated the authority to the USBC Legal & Ethics Committee (the "Committee").

### Article I – Due Process

#### Section A. Statement of Policy

USBC affords all its members due process in grievances with other USBC members and in grievances with USBC. The principles of due process permit and require grievance procedures to be appropriately tailored to different types of disputes. Upon obtaining membership in USBC each member agrees to be bound by these grievance procedures and the final decisions and orders rendered pursuant to the procedures established.

Each Staff member, Board member and Committee member is required to act impartially with respect to all matters and all parties to any proceeding. This means resolutions and decisions are made based upon the objective facts and applicable rules. If, as a result of personal relationships or knowledge, or for any other reason, a Staff member or Committee member cannot be impartial and objective, he or she must excuse him or herself from the matter. Similarly, all resolutions and decisions must be made without bias of any type of prejudice.

Regardless of outcome, it is the policy of USBC to support the complainant(s) and his or her right to express concerns in good faith. USBC will not encourage, allow or tolerate attempts from any individual, group or organization to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of the USBC's Rules and grounds for disciplinary action. This protection is not intended to shield complaints from discipline for engaging in the other misconduct.

#### Section B. Definitions

1. "Complainant" shall mean the individual or organization that files a Complaint under these procedures.
2. "Respondent" shall mean a USBC member or members or participant that may be adversely affected by the outcome of any grievance should the Rules Department grant the relief requested in the Complaint.
3. "Protected competition" shall mean:
  - a. any amateur athletic competition between any athlete or athletes officially designated by USBC as representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country where:
    - i. the terms of such competition require that the entrants be teams or individuals representing their respective nations and
    - ii. the athlete or group of athletes representing the United States are organized and sponsored by USBC in accordance with a defined selection or tryout procedure that is open to all and publicly announced in advance, except for domestic amateur athletic competition, which, by its terms, requires that entrants be expressly restricted to members of a specific class of amateur athletes such as those referred to in Section 220526(a) of the Ted Stevens Amateur Sports Act; and
  - b. any domestic amateur athletic competition or event organized and conducted by USBC in its selection procedure and publicly announced in advance as a competition or event directly qualifying each successful competitor as an athlete representing the United States in a protected competition as defined in item a. above.



4. "Sanctioned Competition" shall mean any amateur athletic competition that is officially approved or authorized by USBC.

### Section C. Exclusions

1. **Matters Subject to Article VIII of the USBC Bylaws.** Except as allowed by Section D.2c (NGB Compliance Grievances), these procedures shall not be available to challenge the provisions of these Bylaws or any other rule or policy of general applicability to all USBC members. Any USBC member seeking to implement, amend, modify or repeal any provision of these Bylaws or any other policy of general applicability to all USBC members, must pursue such a change through the Amendment procedures in Article VIII of the USBC Bylaws.
2. **Anti-Doping Violations.** A decision concerning a doping violation adjudicated by the independent anti-doping organization designated by the USOPC to serve as the U.S. National Anti-Doping Organization (currently the United States Anti-Doping Agency) shall not be reviewable through, or the subject of, these grievance procedures.
3. **SafeSport Decisions.** A decision concerning a SafeSport violation adjudicated by the independent safe-sport organization designated by the USOPC (currently the United States Center for Safe Sport) shall not be reviewable through, or the subject of, these grievance procedures. In accordance with USBC's SafeSport Code, codified as Article VI of the USBC Bylaws Disciplinary Procedures Supplement, all Complaints or allegations related to sexual abuse or misconduct should be reported directly to the U.S. Center for SafeSport through the U.S. Center for SafeSport website, <https://uscenterforsafesport.org/>, or by telephone 833-5US-SAFE (587-7233).
4. **Field of Play Decisions.** The final decision of a board or official during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the board or official) shall not be reviewable through, or the subject of these grievance procedures unless the decision is (i) outside the authority of the board or official to make or (ii) the product of fraud, corruption, partiality or other misconduct of the board or official. For purposes of this Section, the terms "board" and "official" shall include any individual with discretion to make field of play decisions. An aggrieved party may protest certain field of play decisions to the USBC Rules department in accordance with USBC Playing Rules 120 and 329, and Association Manual Chapter 16. The determination of the Rules Department on a field of play shall be final and nonreviewable.
5. **Nonpayment of Membership Dues.** A membership lapsed for the nonpayment of dues shall not be reviewable through these grievance procedures.

### Section D. Types of Grievances

1. **Administrative.** USBC or any member of USBC may file a Complaint pertaining to any matter within the authority of USBC, including but not limited to any alleged violation of or grievance concerning (i) any USBC rule or regulation, including USBC's Playing Rules, (ii) any USBC program or service, (iii) any provision of USBC's Bylaws. Administrative Grievances shall include any and all grievances not governed by Sections D.2-D.4 nor excluded by Section C.
2. **Disciplinary.** USBC or any member of USBC may file a Complaint alleging that a USBC member has violated USBC Playing Rule 17—Grounds for Discipline, or any other violation that provides for a penalty of suspension of membership.
3. **Right to Participate.** Any athlete, coach, trainer, manager, administrator or official may file a Complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in a Protected Competition or a USBC Sanctioned Competition.
4. **NGB Compliance.** Any USBC member may file a Complaint pertaining to any provision of the Ted Stevens Olympic and Amateur Sports Act or United States Olympic and Paralympic Committee Bylaws relating to USBC's compliance as a National Governing Body.



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## Article II – Procedures

In accordance with Article I, Section D.2, of the USBC Bylaws Supplement, the USBC Rules Staff administratively processes, reviews, and makes internal determinations on Disciplinary Grievances. Internal determinations may be appealed to the Committee and may include a hearing and review by an independent panel as noted in this Article.

### Section A. Filing the Grievance

1. **Prerequisites for Filing Certain Types of Complaints.** USBC has adopted the following procedures which must be adhered to prior to filing a Disciplinary Grievance for certain violations:
  - a. Nonpayment of League Fees and/or Improper Withdrawal - the league must follow the procedures in the *USBC Playing Rules* book, Rule 122b.
  - b. Tournament Worthless Check/Invalid Credit Card – Tournament Management must comply with the procedures outlined in the *Tournament Managers Manual*.
  - c. Failure to Submit Final Averages - Local associations must comply with the procedures outlined in the *USBC Policy Manual*, Chapter 16 to initiate suspension charges against a league secretary for failing to submit league averages.
2. **Where to File.** The grievance shall be filed in writing with USBC Headquarters and should be addressed and delivered to USBC Rules Department and Legal & Ethics Committee Chair, 621 Six Flags Dr., Arlington, TX 76011 or emailed to [Rules@bowl.com](mailto:Rules@bowl.com) and [LegalChair@bowl.com](mailto:LegalChair@bowl.com). Any grievance received by the association must be forwarded to the Rules Department for processing.
3. **Time to File.** A grievance filed under these Bylaws shall be filed:
  - a. Within the season or the season immediately following the alleged violation for any Disciplinary Grievance, or
  - b. Within 180 days of the denial or threat to deny of an opportunity to participate in a Right to Participate Grievance, or
  - c. Indefinitely for the following types of grievances:
    - 1) NGB compliance.
    - 2) Scholarship funds not submitted to SMART.
    - 3) RVP Code of Conduct violation.
    - 4) USBC SafeSport Policy.
4. **Contents of Grievance.** The grievance shall set forth in clear and concise language, preferably in numbered paragraphs:
  - a. The alleged violation, grievance, denial or threat to deny,
  - b. The Respondent(s) full name and USBC membership number, if known, of the individual(s)
  - c. The name(s) of any other party that may be adversely affected by the grievance, including for example other athletes in right to participate grievances
  - d. The remedy requested
  - e. Specific USBC rules, regulations, published USBC policies, provisions of the Ted Stevens Olympic and Amateur Sports Act or United States Olympic and Paralympic Committee Bylaws that Complainant alleges have been violated.
  - f. If the grievance needs to be expedited pursuant to Section A.6The grievance may include any supporting evidence and documentation to support the allegation. The Complainant shall sign the grievance.
5. **Waiver of Limitations.** In its sole discretion, the Committee may waive the requirements of A.3.
6. **Expedited Procedures.** Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Rules Department shall refer the matter immediately to the Committee. The Committee shall immediately appoint a Hearing Panel in order that the Complaint be heard and decided within forty-eight (48) hours of the filing of the Complaint. In such a case, the Hearing Panel is authorized to hear and decide the Complaint pursuant to such procedures as are necessary, but fair to the parties involved.

### Section B. Rules Department Review

1. **Initial Review.** The Rules Department shall review the Complaint to ensure that it is:



- a. Timely
- b. Satisfies the requirements of Section A; and
- c. Is within the scope of the USBC grievance procedures as set forth in Article I, Sections C and D.

If the Rules Department determines that the grievance fails to meet the criteria in this subsection, the Rules Department shall dismiss the grievance and so notify Complainant in writing providing sufficient details and reasons for the nature of the deficiencies. Upon dismissal, the Complainant may correct any deficiencies in the grievance and refile the grievance in accordance with Section A, provided that the re-filed grievance is timely. Alternatively, within 14 days of the notice, Complainant may file an appeal of the dismissal with the Committee.

2. **Confirmation of Filing.** After the initial review, and provided that the grievance is not dismissed, the Rules Department shall confirm receipt of the grievance, and shall identify and give notice to Respondents (if any) within 14 business days, without just cause for delay, that a grievance has been filed that could adversely affect Respondents. The notice shall:
  - a. Inform the Respondent of the proposed action, charges, or alleged violation and the consequences or remedy requested.
  - b. Include a copy of the grievance and all accompanying documents along with a copy of these Article X procedures.
3. **Appeal of Dismissal.** If the Rules Department dismisses a grievance, the Complainant may file an Appeal of Dismissal. The Appeal of Dismissal must be sent by certified mail, overnight delivery or electronic mail and received by the Rules Department within 15 days of the Rules Department dismissal. Upon timely receipt, the Rules Department shall forward the Appeal of Dismissal to the Committee. The Appeal of Dismissal shall state in clear, concise terms why the Rules Department's determination that the Complaint failed to meet the criteria in Section A.1 was incorrect or why "good cause" exists to allow the grievance notwithstanding nonconformity with Section A.1. The decision whether to grant or deny an Appeal of Dismissal is within the sole discretion of the Committee. If granted, the Rules Department shall process and hear the grievance in accordance with Sections B.2, D, and E.

### **Section C. Response**

Respondents shall have 15 days from date of the Rules Department letter informing the Respondent of the grievance to file a response, admitting or denying the allegations in the grievance. A Respondent may submit any document, information, witness statements, or any other evidence which Respondent believes supports their defense to the allegations in the grievance or which would otherwise be useful to assist the Rules Department in understanding and resolving the grievance. The Rules Department, in its discretion, may extend the deadline to file a response as the Rules Department deems appropriate.

### **Section D. Rules Department Review Proceedings**

After a Respondent files a response, or after the time has lapsed for Respondent to file a response, the Rules Department:

1. Shall investigate the allegations in the Complaint.
2. May request that Complainants and/or Respondents supplement the record
3. Can gather documents and statements from others with knowledge of the allegations in the Complaint.
4. Shall render its determination based upon the written record and the information gathered by the Rules Department.
5. Has the discretion, in appropriate circumstances, to conduct an "in person" hearing. In such circumstances, the Rules Department may adopt the procedures set forth in E.4, or may establish its own procedures appropriately tailored to the specific grievance.
6. Shall render its internal determination granting or denying the relief as soon as reasonably practicable and shall notify the Respondent(s) and Complainant(s) in writing. If the Rules Department orders that a member be suspended, the Respondent(s) and Complainant(s) will be notified in writing what penalty will be issued. Any suspension shall not take effect until the member has exhausted his or her hearing rights under Section E. Unless a party has a right to a hearing in Section E.1 or unless the Committee has granted a permissive hearing under Section E.2, the determination of the Rules Department shall be final and non-appealable.



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## Section E. Hearings Before the Committee

### 1. Hearings as a Matter of Right.

- a. The following have an automatic right to a hearing before the Committee:
  - 1) An aggrieved Respondent in a Disciplinary Grievance where the determination is suspending membership privileges;
  - 2) An aggrieved Respondent or Complainant in a Right to Participate Grievance; and
  - 3) An aggrieved Complainant or the USBC in an NGB Compliance Grievance.
- b. The Rules Department Determination Letter will inform the parties of their right to a hearing. The Request for Hearing must:
  - 1) Be sent by certified mail or overnight delivery to USBC, Attn: Hearing Panel or by electronic mail to [Hearing.Panel@bowl.com](mailto:Hearing.Panel@bowl.com).
  - 2) Be postmarked within 15 days of the Rules Department's determination.
- c. Upon receipt of a Request for Hearing:
  - 1) The Hearing Panel liaison will acknowledge request and forward the request to the Legal & Ethics Committee Chair and Rules Department.
  - 2) Within 14 days of receipt, the Rules Department will provide a declaration along with exhibits.
- d. A request for an in-person hearing must include a cashier check or money order in the amount of \$500 (**non-refundable**) made payable to USBC from the party requesting the in-person hearing. The party may request that the filing fee be reduced or waived for reasons of significant financial hardship, which the Committee has the sole discretion to determine.
- e. If no request for hearing is filed, the Rules Department's determination is final.

The Committee has discretion to extend these deadlines as it deems appropriate.

2. **Permissive Hearings.** Except as provided in Section E.1, no other aggrieved party has an automatic right to a hearing before the Committee. In its sole discretion, however, the Committee may grant such an aggrieved party permission to file a request for a hearing when the Committee deems it in the best interest of USBC or the sport of bowling. If allowed, the Permissive Hearing shall follow the procedures set forth in Sections E.4 through E.8.

### 3. Hearing Panel.

- a. **Composition.** Upon the timely filing of a request for a hearing, or upon the grant of a Permissive Hearing, or in cases of immediate referral to the Committee pursuant to Section A.6 (Expedited Procedures), the chair of the Committee, after consultation with the other Committee members, shall appoint a Hearing Panel consisting of three disinterested and impartial members of the USBC Board to hear the Complaint. The Chair of the Committee shall also appoint a chair of the Hearing Panel from the three individuals selected. At least one member (33%) of the Hearing Panel shall be a Team USA Member who meets the 10 Year Athlete requirement.
- b. **Disclosure.** The names of the Hearing Panel will be forwarded to all parties at least 14 days in advance of the hearing. Should any party believe there is a conflict with a member of the Hearing Panel and should be dismissed from hearing the case, they may submit a written appeal stating the reason for the conflict to the Legal & Ethics Committee Chair or the USBC President if the conflict is with the Chair. The Chair or President will make a determination and reply to all parties in writing. The decision of the Chair or President will be final. See Article II, Section E, Item 9 for mediation procedures.
- c. **Authority.** The Hearing Panel shall rule on all motions and other matters raised in the proceeding. The Hearing Panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The Hearing Panel shall have the authority to require the parties to attempt mediation prior to a hearing.
- d. **Ex parte communications.** The parties are prohibited from discussing the merits or substance of the dispute with any Panel member outside the presence of the other parties. The Committee may enlist a member of the Rules Department to act as a liaison between the Parties and the Hearing Panel. When acting as a Hearing Panel Liaison, such Rules Department staff member shall report to the Hearing Panel and shall not communicate with other Rules Department staff members regarding the merits or substance of an appeal.



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4. **Types of Hearings:** A hearing may be conducted “in person” or on an expedited basis based upon written submissions, at the option of the Respondent.
    - a. **Hearing Based Upon Written Submissions.** A hearing based upon written submissions offers an accelerated and inexpensive manner of resolving grievances. When a Respondent elects a hearing based upon written submissions, the filing fee in E.1.d., above, **shall not apply**. A Respondent electing a hearing based upon written submissions shall submit its Prehearing Submissions in accordance with Section E.6 and the Hearing Panel **shall issue its decision on an accelerated basis**, typically within 14 days from the date the Panel makes a decision. The USBC may dismiss any appeal if the Respondent fails to timely file its Prehearing Submission in accordance with Section E.6.
    - b. **In Person Hearings.** Unless otherwise ordered by the Panel, if Respondent elects an in person hearing, the hearing will ordinarily coincide with the next USBC board meeting following the close of briefing, not to exceed 90 days, without just cause for delay, and shall take place live at the locale of the next USBC Board meeting. The Panel’s decisions shall be issued thereafter. The Panel shall follow the procedures in E.7.
  
  5. **Evidence and Burden of Proof.**
    - a. The rules of evidence shall not be strictly enforced; instead, rules of evidence generally accepted in administrative proceedings shall be applicable. The Hearing Panel shall determine the admissibility, relevance and materiality of the evidence offered and may exclude evidence deemed by the Hearing Panel to be cumulative or immaterial.
    - b. Burden of Proof. The USBC Rules Department must show by a preponderance of the evidence (that it is “more likely than not”) that the Respondent (i.e., the member proposed for suspension) violated the USBC Rule(s) as alleged.
  
  6. **Prehearing Submissions.**
    - a. Exhibits and Witness Lists. The parties will be notified by the Hearing Panel of their right to be represented by counsel and to submit the following information and the date the information is required by:
      - i. A position statement not to exceed ten (10) pages;
      - ii. A true and complete copy of all exhibits the party intends to introduce. The total number of pages of all exhibits should not exceed 100 pages; and
      - iii. A list of witness the party intends to call (in-person hearing only).

The Panel may, in its discretion, permit a party to exceed the above page limits upon request and a showing of “good cause.” If a party wishes to exceed the page limitations governing submission of exhibits it must submit a short brief (not to exceed three (3) pages) explaining the necessity of the proposed exhibits and their relevancy to the issues in dispute.
    - b. Objections (in-person hearing only) - No later than seven (7) calendar days prior to the Hearing date, the Parties may email to the Panel (at [Hearing.Panel@bowl.com](mailto:Hearing.Panel@bowl.com))
      - i. Any objections to another party’s proposed exhibits or witnesses; and
      - ii. The name, business address and telephone number of any selected court reporter.Objections to exhibits and witnesses are generally disfavored. Any such objection should be specific and should state a valid basis for the exclusion of an exhibit or witness. Failure of a party to meet the deadline in this section is deemed a waiver of the right to object to exhibits and witnesses.
  
  7. **Conduct of the Hearing.** Pursuant to Section E.3.b, the Panel has the discretion and authority to tailor the following procedures as appropriate. In the absence of a procedural order from the Panel, the following default procedures shall apply:
    - a. The hearing shall be informal, except that testimony shall be taken under oath or affirmation. Parties shall be afforded basic due process rights. Each party shall have the right to appear personally or through a legal representative. All parties shall be given a reasonable opportunity to present and examine evidence, to cross-examine witnesses and to present argument. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceeding at any time.
    - b. A court reporter may be present at the hearing at the request of a party or the Hearing Panel. The court reporter shall be paid for by the party requesting the court reporter, or if mutually



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- agreed, the cost may be equally divided. Any transcript ordered by a party shall be made available to the Hearing Panel (at no cost) upon request of the Hearing Panel. Notwithstanding the above, the Hearing Panel, in its discretion, may order that the record of the hearing be kept confidential to protect the parties and witnesses from harassment or embarrassment.
- c. The Panel will first resolve any disputes that arise related to prehearing submissions and objections. Each side will then be afforded up to ten (10) minutes to present an opening statement if desired. Following the opening statements, each side will be permitted to present evidence and witnesses. Each side must limit its presentation of witnesses and exhibits to those previously disclosed in accordance with Section II.A above. The Panel may also question witnesses. After all parties have presented their cases, each party will be afforded up to ten (10) minutes to present a closing argument.
  - d. At the request of a party, the hearing panel may adjourn the proceeding to allow for mediation of the complaint.
  - e. The Panel may, in its discretion, permit or require the Parties to submit post-hearing briefs. The Panel may also determine, upon reflection, that it has additional questions, or needs additional documents to resolve the dispute. Under these circumstances, the Panel may request that the Parties submit answers to questions or submit further documents by email sent to both parties.
8. **Hearing Panel Decisions.** The Hearing Panel shall render a written Decision as determined by a majority of the Hearing Panel. The Hearing Panel may consider, but is not bound by the Rules Department's written determination. The Hearing Panel shall forward its Decision to the Parties and to the Committee.
9. **Mediation.** Should the case proceed to mediation, the hearing panel shall set a deadline for completion of the mediation. The Legal & Ethics Committee Chair shall appoint a mediator, after consultation with the parties. The mediator shall not be a member of the hearing panel associated with the mediation.
10. **Further Appeal.**
- a. A decision concerning a Right to Participate Grievance may be appealed to arbitration in accordance with Section 220522(a)(4) of the Ted Stevens Olympic and Amateur Sports Act. Additionally, an athlete, coach, trainer, manager or official may file a Complaint directly with the United States Olympic and Paralympic Committee and have the matter heard pursuant to arbitration in accordance with Section 9 of the Bylaws of the United States Olympic and Paralympic Committee.
  - b. A Decision concerning an NGB Compliance Grievance may be appealed to the United States Olympic and Paralympic Committee pursuant to Section 10 of the Bylaws of the United States Olympic and Paralympic Committee and Section 220527 of the Ted Stevens Olympic and Amateur Sports Act, and may be further appealed to arbitration in accordance with the Bylaws of the United States Olympic and Paralympic Committee and Section 220529 of the Ted Stevens Olympic and Amateur Sports Act.
  - c. No other final orders are subject to further appeal.
11. **Ombudsman Office** - An athlete, coach, trainer, manager or official of Team USA may contact the USOPC Athlete Ombudsman office via email at [Ombudsman@usathlete.org](mailto:Ombudsman@usathlete.org) or by phone at 719-866-5000 for further information regarding their rights under the Ted Stevens Act that are not answered by USBC.





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## Article III – Disciplinary Decision Rulings

The following sections detail the type of rulings which can be made in a Disciplinary Grievance as defined in Article I, Section D.2.a, as determined by the Committee.

Below is a list of common rulings and penalties. Penalties may be combined as appropriate.

- A. **Indefinite Suspension** – Individual’s membership privileges are suspended. The individual cannot compete in any USBC competition and cannot hold an office during the suspension period. The individual must sit out a minimum length of time. Terms of an Indefinite Suspension will be based on the facts and circumstances of the case.
- B. **Not to Hold Office** – Individual’s office privileges are suspended for no less than one year. If added to Indefinite Suspension, term equal to term of Indefinite Suspension.
- C. **Never to Hold Office** – Individual’s office privileges are suspended permanently. Can be added to Indefinite Suspension.
- D. **Temporary Suspension from Office** – Individual’s office privileges are temporarily suspended while USBC investigates charges.
- E. **Warning** – The individual’s membership privileges are not suspended. The individual may compete in USBC competition and hold an office. Individual has a record, similar to probation.
- F. **Payment/Restitution** – Individual is required to pay unpaid fees or dues, or to pay restitution prior to reinstatement of membership.
- G. **Not Substantiated** - Insufficient evidence to substantiate charges.

## Article IV – Reinstatement of Membership

### Section A. Submission of Request

After an individual’s term of suspension has expired, they may apply for reinstatement. Before the reinstatement process can begin, the following must be received:

1. Written request for reinstatement.
2. Documentation of complete restitution if an amount was attached at time of suspension.

### Section B. Rules Department Review

1. **Initial Review.** The Rules Department shall review the request to ensure:
  - a. The term of suspension has elapsed; and
  - b. Restitution has been paid if suspended owing an amount.

If the Rules Department determines that the request fails to meet the criteria in this subsection, the Rules Department shall return the request and so notify applicant. The applicant may correct any deficiencies in the request and refile.

2. **Secondary Review.** Once it is determined the applicant is eligible to request reinstatement, the Rules Department will review the file to determine if the applicant:
  - a. Bowled while under suspension after being informed of the suspension a second time
  - b. Was found guilty in a previous case
  - c. Has been reinstated to membership and is requesting his/her office privileges back
  - d. Has had a reinstatement request previously denied
  - e. Falsified information in order to gain membership while under suspension

After the review, if any of the foregoing apply, the Rules Department shall confirm receipt of the request, and shall give notice to applicant informing them their request could be denied.

### Section C. Response

Applicants shall have 15 days from the notice by the Rules Department to file a response. Applicants may submit any document, information, witness statements, or any other evidence which applicants believe supports their request or which would otherwise be useful to assist the Rules Department in understanding and resolving the request. The Rules Department, in its discretion, may extend the deadline to file a response as the Rules Department deems appropriate.



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#### **Section D. Rules Department Review Proceedings**

After applicants file a response, or upon completing the Initial Review if nothing in Section B.2 applies, the Rules Department:

1. Shall investigate the request.
2. May request the applicant supplement the record.
3. Can gather documents and statements from others with knowledge of the request.
4. Shall render its decision based upon the written record and the information gathered by the Rules Department.
5. Has the discretion, in appropriate circumstances, to conduct an "in person" hearing. In such circumstances, the Rules Department may adopt the procedures set forth in Article I, I.4, or may establish its own procedures appropriately tailored to the specific application.
6. Shall render its final decision granting or denying the request as soon as reasonably practicable, and shall notify applicant in writing. The decision of the Rules Department can be appealed in accordance with Article II, Section E.

#### **Section E. Reinstatement Decisions**

1. **Full Reinstatement** – Individual is allowed to bowl in all USBC competition and can hold office in USBC competitions and associations.
2. **Reinstate to Membership, Not to Hold Office** – Individual is allowed to bowl in USBC competition but cannot hold any office (including, but not limited to, team captain, league delegate or inspection coordinator) for a minimum of twelve (12) months. A reinstatement request must be received after minimum period has elapsed in order to consider reinstatement of office privileges.
3. **Reinstate to Membership, Never to Hold Office** – Individual is allowed to bowl in USBC competition but can never hold office (including, but not limited to, team captain, league delegate or inspection coordinator). Individual cannot request the privilege of holding office in the future.

### **Article V – USBC SafeSport**

#### **Section A. Jurisdiction**

SafeSport Jurisdiction of USBC

1. Statement of Jurisdiction. USBC is recognized by the United States Olympic and Paralympic Committee as the National Governing Body ("NGB") for the sport of Bowling under the Ted Steven Olympic and Amateur Sports Act, 36 U.S.C. § 220501, et seq. (the "Olympics Act"). The Olympics Act states that an NGB is authorized to "exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States." 36 U.S.C § 220523(a)(4).
2. The United States Olympic and Paralympic Committee requires all NGBs to adopt the SafeSport Policy consistent with an NGB's jurisdictional authority under 36 U.S.C § 220523(a)(4).

#### **Section B. Definitions**

The following definitions apply to USBC's SafeSport Policies and Procedures:

1. "Individuals within the disciplinary jurisdiction of USBC" means those individuals within USBC's jurisdiction established by 36 U.S.C. § 220523(a)(4), including all USBC members. In addition to "SafeSport Covered Athletes" and "Non-Athlete Participants," "Individuals within the disciplinary jurisdiction of USBC" are USBC high performance department employees and employees serving operational roles at the USBC Team USA training center (ITRC).
3. "Non-Athlete Participants" means:
  - a) An individual that USBC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes; and
  - b) Serves as a coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support, personnel, employee or volunteer for Team USA.



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### **Section C. Participants**

1. A participant is someone who currently is, or was at the time of a possible violation of the USBC SafeSport Code part of at least one of the following groups:
  - a) Any individual within USBC's safe sport governance or safe sport disciplinary jurisdiction.
  - b) Non-athlete participants.
2. Information about participants may be disclosed to the Center in connection with disciplinary proceedings. Participants consent to disclosure to the Center for this purpose.

### **Section D. Prohibited Conduct**

USBC has agreed to adopt the U.S. Center for SafeSport (Center) prohibited conduct policy and its definitions as stated in the SafeSport Code for the U.S. Olympic and Paralympic Movement (Code), into this policy. The Center may update its prohibited conduct and definitions at any time and the changes are effective when published. For the most current prohibited conduct and definitions, go to [www.safesport.org](http://www.safesport.org).

### **Section E. USBC SafeSport Violations**

1. Participants can be charged with a violation of USBC's SafeSport Code if the prohibited conduct is alleged to have been committed:
  - a) During Team USA competition or any function in connection with Team USA, USBC, its associations or certified competition.
  - b) Through out-of-program activities regardless if directly associated with a lesson, function or competition.
2. USBC and/or the Center has the discretion to decline jurisdiction over possible violations that occur out-of-program.

### **Section F. Reporting**

1. Procedure
  - a) Alleged SafeSport Code violations
    - 1) Involving sexual misconduct are to be reported to the Center, who will have the exclusive authority to investigate and resolve.
    - 2) That are non-sexual in nature, USBC will retain the authority to investigate and resolve, and are to be reported to USBC, attention Rules and Compliance.
  - b) There are no time limits on reporting possible USBC SafeSport Code Violations.
  - c) There is no fee to report USBC SafeSport Code violations.
2. Anonymous reporting may make it difficult for USBC to investigate or properly address misconduct or abuse. However, USBC recognizes it can be difficult for an athlete, teammate, friend or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible.
3. Regardless of outcome, it is the policy of USBC to support the complainant(s) and his or her right to express concerns in good faith. USBC will not encourage, allow or tolerate attempts from any individual, group or organization to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of the USBC's SafeSport Program and grounds for disciplinary action. However, this "Whistleblower" protection is not intended to shield complainants from discipline for engaging in other misconduct.

### **Section G. US Center for SafeSport Authority**

1. Sanctions can be imposed by the Center for misconduct. Sanctions include the possible sanction of permanent ineligibility, which extends to USOPC and all national Governing Bodies or Professional Sports Organization. This sanction could also result in the Participant's name on a publicly available ineligibility list that identifies the misconduct giving rise to sanction.
2. A copy of US Center for SafeSport policies and procedures can be found online at [safesport.org](http://safesport.org) and can be modified by the Center. Lack of knowledge about the policies and procedures is not a defense to misconduct.
3. USBC will not interfere in, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.



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## Section H. USBC Procedure

Upon receipt of a proper Complaint alleging a violation of the USBC SafeSport Code, USBC will:

1. Review the Complaint within seven (7) days.
2. Promptly inform an identified reporting party of its jurisdictional determination regarding their report to USBC, communicating that the matter either is being referred to the Center or is being addressed by USBC.
3. Immediately, but no later than 24 hours after receipt, forward any complaint alleging a violation of sexual abuse directly to the Center for processing.
  - a. USBC's designated representative will respond to any requests for information by the Center, including, but not limited to, eligibility status of a Participant and the existence of Organization-imposed temporary measures or safety plans, within 72 hours
  - b. USBC will forward any new information received regarding a complaint with the Center's jurisdiction, to the Center within 24 hours of receipt.
4. Process all other Complaints in accordance with Article II of this Supplement. USBC reserves the right to forward any Complaint directly to the Center for processing.

USBC may impose interim measures pending resolution of the Complaint by the U.S. Center for SafeSport.

USBC maintains and updates a database recording all the cases under USBC's jurisdiction. This database includes the allegations and their respective outcomes. Complaints are scanned and kept electronically along with documentation on how USBC responded to the allegations.

## Article VI - USBC Whistle-Blower Policy

### Section A. Purpose

USBC's Whistle-Blower Policy (the "Policy") is intended to support a strong culture of integrity and ethical conduct at USBC by encouraging, valuing, and protecting good faith reporting by employees, athletes, directors, officers, members, committee members, task force members, hearing panel members, and volunteers ("Affiliated Individuals") of USBC of any alleged violation of any applicable law or policy or any potential ethics issue.

The freedom to speak up means being able to raise concerns in whatever way is most comfortable and effective and feeling free to cooperate in investigations that follow. It also means USBC has zero tolerance for retaliation of any kind against people who speak up in good faith.

### Section B. Violations Covered by Policy

This Policy is for use where there may be a violation of:

- Any applicable law, rule or regulation
- The Ted Stevens Act or USOPC Bylaw
- The SafeSport Code
- Any USBC policy
- Principles of ethics
- Accounting or financial practices (e.g., fraud)

If an Affiliated Individual is unsure about whether a matter might be a policy violation or is unsure about their reporting responsibility for a particular type of matter, please start by reviewing the particular policy involved.

Some violations **must** be reported. Specifically Adult Participants must report Sexual Misconduct, Child Abuse, and Retaliation to the U.S. Center for SafeSport. Suspected child abuse, including child sexual abuse must be reported to appropriate law enforcement. If an Affiliated Individual suspects any criminal activity against a person or property, they should report this directly to law enforcement immediately.

Nothing in this Policy changes or replaces any mandatory reporting obligations under the SafeSport Code for the Olympic and Paralympic Movements – talk to USBC's Director of Rules and Compliance if you have any questions about those obligations.



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### Section C. Reporting

1. **No Retaliation** - USBC has an open-door policy and encourages Affiliated Individuals to share questions, concerns, suggestions or complaints in the way and to the people with which they are most comfortable. Affiliated Individuals have options for how to report any concern about a potential ethical, policy, financial or legal violation.

USBC has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, financial or legal violations, or who cooperate with investigations of those reports. No Affiliated Individual may threaten, harass, discriminate against, or take any negative employment (where applicable) or participation related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis.

Retaliation is prohibited before, during, and after the process (whether led by USBC or by the Center) of resolving an abuse or misconduct allegation.

Any such retaliation can be reported as described above in the same way as any other policy violation. It will be treated as a violation this Policy and USBC's Code of Conduct and may lead to serious consequences including suspension of membership privileges for anyone involved in retaliation.

(11) "retaliation" means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with— (A) the Center; (B) a coach, trainer, manager, administrator, or official associated with the corporation; (C) the Attorney General; (D) a Federal or State law enforcement authority; (E) the Equal Employment Opportunity Commission; or (F) Congress.

2. **How to Report** - Affiliated Individuals may report to USBC Rules and Compliance team. Affiliated Individuals can also make reports to the Chair of Legal & Ethics Committee or USBC President.

As a reporter, Affiliated Individuals do not need to (and should not) investigate the matter of concern or determine fault or how to fix it. The Affiliated Individual does his or her part by making it known so the right people can take action. Investigations of reports are discussed below.

3. **Good Faith Reporting** - Anyone reporting a perceived ethical, policy, financial, or legal violation must be acting in good faith and have some basis for believing there may be a violation. Anyone that makes a false report knowing it is false or it has no basis is violating this Policy and the USBC Code of Conduct in the same way as someone retaliating against a good faith reporter. Such a violation may itself be reported under this Policy and it may lead to serious consequences, including suspension of membership privileges or removal from office.

### Section D. Investigation

Once a report is made in one of the ways described above, the person receiving the report is responsible for getting it to the person who can best address the concern, based on the matter reported and in keeping with other appropriate policies. In all cases, USBC is committed to ensuring no good faith report goes unheard or ignored.

USBC Director of Rules and Compliance is responsible for coordinating among these people so reporters can be confident reported concerns get to the people best positioned to act on them. USBC Director of Rules and Compliance will report regularly to the Legal Committee Chair.

Reports will be handled by a disinterested party and handled in accordance with procedures outlined in Article II of this document.



### **Section E. Confidentiality**

A reported matter may need investigation in order to reach the right resolution. Cooperation as a reporter or otherwise will be very helpful. Reports will be treated as confidentially as possible; some information may have to be disclosed to certain parties in order to conduct a thorough investigation, to comply with the law, and to provide accused individuals access to due process.

If a matter is reported anonymously and the reporter chooses to remain anonymous as it is investigated, USBC will respect that.

### **Section F. Follow Up**

If an Affiliated Individual reports an alleged violation of ethics, USBC policy, or applicable laws, USBC will report back to the Affiliated Individual on the progress and investigation results as appropriate. The Affiliated Individual is always free to follow up to learn more from the person they reported to. Confidentiality and legal obligations may affect the details available.

If the investigation of a report was made in good faith and is not to the satisfaction of the reporter, then the reporter may report that, too.