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## Suspension and Reinstatement

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USBC has established measures to ensure due process for any USBC member:

1. Against whom a complaint may be filed.
2. Whose right to USBC membership may be challenged.
3. Who may be seeking reinstatement of membership.

In this chapter we will discuss and identify procedures for:

1. Types of hearings an association may need to conduct. (Prior to a hearing contact USBC – Rules for the procedures.)
  - a. Average re-rate.
  - b. Reinstatement.
2. Failure to pay membership fees.
3. Tournament worthless check.
4. Failure to submit final averages.
5. Removal from office.
6. Temporary suspension.
7. Fund shortages.

### Section A. Filing of a Complaint

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- a. A complaint must be filed in accordance with the procedures established in Article X of the USBC Bylaws and processed based off the type of case determined by Article X of the USBC Bylaws
- b. USBC may temporarily suspend the defendant(s) from all offices held, until the matter has been considered.
- c. If temporarily suspended, another individual shall be appointed by the league/association board to perform the duties of the individual who is under temporary suspension.

### Section B. Reinstatement

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**Application for reinstatement must:**

1. Be filed in writing to USBC Headquarters, Attention: Rules.
2. Include payment or proof of payment if money is owed.

<p><b>NOTE:</b> The status of the applicant shall remain unchanged until USBC notifies the applicant in writing of the decision.</p>
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### Section C. Failure to Pay Membership Fees

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1. State and local associations must comply with the following procedures to initiate suspension charges against an individual for failing to pay his/her membership fees. (The following procedure does not apply to checks issued/credit cards tendered by a league secretary for payment of membership dues for the league.)
2. If an individual has not paid his/her membership fees by the date requested by the association, the following procedures must be followed:
  - a. The association sends a letter notifying the individual:
    - 1) Payment has not been received or payment was made with a bad check/credit card.
    - 2) Payment or proof of payment must be submitted within fifteen (15) days. If payment was made by bad check/credit card, additional bank/service fees can be applied to the amount owed.
    - 3) Personal check/credit card is not an acceptable method of payment. (Cash, money order or cashier's check only.)
    - 4) Failure to submit payment or proof of payment could result in denial of membership.
    - 5) He/she is ineligible to participate in any USBC competition.
  - b. The association notifies the league(s) that the individual does not hold membership and cannot participate in USBC competition.



- c. If payment or proof of payment is not received within the time period specified, the association forwards the following to USBC Headquarters, Attention: Rules:
  - 1) Copy of the notice sent to the individual requesting payment.
  - 2) Copy of the membership application.
  - 3) If bad check/credit card was issued, copy of the front and back of the check or credit card draft returned and documentation of bank/credit fees incurred.
  - 4) Any other supporting documentation.

#### **Section D. Tournament Worthless Check/Invalid Credit Card Procedures**

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Tournaments must comply with the following procedures when handling a worthless check/credit card for tournament fees.

1. Tournament management must send a letter notifying the principal that: (See the [Rules](#) page of [BOWL.com](#) under Tournament Resources for sample letter.)
  - a. The check(s) was/were returned or the card was deemed invalid and requests payment.
  - b. Payment must be submitted within a specified time period. If payment was made by bad check/credit card, additional bank/service fees can be applied to the amount owed.
  - c. Personal check/credit card is not an acceptable method of payment. (Cash, money order or cashier's check only.)
  - d. Failure to submit payment or proof of payment could result in suspension of membership.
2. If payment or proof of payment is not received within the time period specified, tournament management forwards the following to USBC Headquarters, Attention: Rules:
  - a. Copy of the notice sent to the individual requesting payment.
  - b. Copy of the front and back of the check or credit card draft returned and documentation of bank/credit fees incurred.
  - c. Tournament must provide printed documentation if tournament has any additional worthless check fees.
  - d. Any other supporting documentation.

#### **Section E. Failure to Submit Final Average(s) Procedure**

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Local associations must comply with the following procedure in order to initiate suspension charges against a league secretary for failing to submit league averages.

If final league averages have not been submitted by the date requested, the association must:

1. Send a letter to the league secretary stating:
  - a. Averages have not been received.
  - b. Averages must be submitted within fifteen (15) days.
  - c. Failure to submit could result in suspension of membership.
2. If averages are not received within the specified time period, the association forwards the following to USBC Headquarters, Attention: Rules:
  - a. Copy of the letter sent to the league secretary.
  - b. Supporting documentation.

#### **Section F. Nonpayment of League Fees**

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1. When a league member is accused of failing to pay league fees and/or withdrawing without sufficient cause, the league must follow the procedures in the *USBC Playing Rules* book, Rule 115b.
2. If the local association receives a copy of the file, the local association manager shall:
  - a. Verify that complete information was provided.
  - b. Submit the file to USBC Headquarters, Attention: Rules.

#### **Section G. Infractions of Youth Eligibility Rules**

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Upon notification of a USBC Rule 400 violation, the local association shall:

1. Verify the following information was provided:
  - a. Bowler's name/address/birth date.



- b. Date and location of activity.
  - c. How youth violated eligibility rules.
  - d. List any cash or awards received in violation of youth eligibility rules and/or returned.
2. Within seven (7) days of receipt of notification of the Rule 400 violation, submit a copy to USBC Headquarters, Attention: Rules.

## **Section H. Re-rate Averages**

The local association board or a committee of not less than five (5) board members, may re-rate the league average of any member of the association when there is evidence that the bowler's average does not represent the bowler's true ability.

1. The following procedure must be used to re-rate any member of the association:
  - a. Written notice can be sent first class mail or be hand delivered and shall be sent to the individual charged not less than ten (10) days prior to the date of the hearing and must include:
    - 1) Date, time and location of hearing
    - 2) His/her right to attend and offer a defense.
    - 3) His/her right to have counsel present;
    - 4) His/her right to produce witnesses on his/her behalf.
  - b. The bowler shall be given the opportunity to appear before the committee and present any testimony or evidence to show why such re-rate action should not be taken.
  - c. A bowler whose average has been re-rated must be notified of the re-rated average by first class mail or be hand delivered and a copy to USBC Headquarters, Attention: Rules.
  - d. The bowler has the right to appeal the association's decision in writing to USBC Headquarters, Attention: Rules, within ten (10) days after being notified of the re-rated average.
  - e. If no appeal is filed within the ten (10) day period, the re-rated average shall stand.
2. The bowler must report and use the re-rated average or established league average (whichever is higher) for all handicapped or classified competition.
3. After re-rating has been in effect for a 12-month period, the bowler may apply to USBC Headquarters for an adjustment if the bowler has not established a higher league average and can also provide sufficient documentation to support a re-rate adjustment.

**NOTE:** Before conducting a re-rate hearing, contact the Rules Department for further information.

## **Section I. Removal from Office**

The following procedure must be followed when a complaint is filed to remove an officer or director from an association office.

1. Within one week after receipt of the complaint, the association president or in his/her absence or involvement a board member not involved in the case, schedules a meeting of the association board of directors.
  - a. The meeting should be held within thirty (30) days of receipt of the complaint.
  - b. Written notice shall be sent to the individual charged and the complainant not less than ten (10) days prior to the meeting and:
    - 1) Must include the date, time and place of the meeting as well as his/her right to attend and offer a defense.
    - 2) Must include a copy of the complaint.
    - 3) Be sent by first class mail **or** be hand delivered.
  - c. The board must be provided written notice of the meeting.
2. A quorum of the board must be present and a roster listing those present and absent must be included in the file.
3. A complete and accurate report of the meeting minutes must be maintained.
4. All documents and materials relating to the charges must be retained.



5. A two-thirds vote of the board members present and voting is required for removal from office.
  - a. Within five (5) days from the date of the meeting notify the individual(s) involved in writing of the board's decision.
  - b. The individual charged must be notified of his/her right to appeal that decision to USBC Headquarters, Attention: Rules.
  - c. The complainant and the defendant have the right to appeal the decision of the board after a ruling has been made.
6. An appeal must be filed in writing within fifteen (15) days of the date of the notice; otherwise the decision of the board is final.

**NOTE:** The defendant and complainant should be excused prior to deliberation and vote.

An officer or director removed by the board is not eligible to seek re-election and/or be reappointed to the board unless two-thirds written consent of the board is obtained.

For committees the appointing authority has the power to remove or replace members.

## Section J. USBC SafeSport Code

1. SafeSport Jurisdiction of USBC
  - a. Statement of Jurisdiction. USBC is recognized by the United States Olympic 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).
  - b. The United States Olympic Committee requires all NGBs to adopt the SafeSport Policy consistent with an NGB's jurisdictional authority under 36 U.S.C § 220523(a)(4).
2. Definitions - The following definitions apply to USBC's SafeSport Policies and Procedures:
  - a. "Safe Sport Covered Athlete" means those members USBC designates for the USADA required testing pool (RTP).
  - b. "Individuals within the SafeSport governance or SafeSport disciplinary jurisdiction of USBC" means those individuals within USBC's jurisdiction established by 36 U.S.C. § 220523(a)(4). In addition to "Safe Sport Covered Athletes" and "Non-Athlete Participants," "Individuals within the SafeSport governance or SafeSport disciplinary jurisdiction of USBC" are USBC high performance department employees and employees serving operational roles at the USBC Team USA training center (ITRC).
  - c. "Non-Athlete Participants" means:
    - 1) An individual that USBC formally authorizes, approves or appoints to a position of authority over Safe Sport Covered Athletes or to have frequent contact with Safe Sport Covered Athletes; and
    - 2) Serves as a coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support, personnel, employee or volunteer for Team USA.
3. Covered Individuals
  - a. A covered individual 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:
    - 1) Any individual within USBC's safe sport governance or safe sport disciplinary jurisdiction.
    - 2) Safe Sport Covered Athlete



- 3) Non-athlete participants.
- b. Information about Covered Individuals may be disclosed to the Center in connection with disciplinary proceedings. Covered Individuals consent to disclosure to the Center for this purpose.

#### 4. 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).

#### 5. USBC SafeSport Violations

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

#### 6. Reporting Procedures

- a. Any alleged violation of the USBC SafeSport Code may be reported:
  - 1) Directly to the Center
  - 2) To the Director of High Performance at USBC Headquarters.
- b. There are no time limits on reporting possible USBC SafeSport Code Violations.

#### 7. US Center for SafeSport Authority

- a. Sanctions can be imposed by the Center for misconduct. Sanctions include the possible sanction of permanent ineligibility, which extends to USOC and all national Governing Bodies or Professional Sports Organization. This sanction could also result in the Covered Individual's name on a publicly available ineligibility list that identifies the misconduct giving rise to sanction.
- b. 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.

#### 8. USBC Procedure

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

- a. Review the complaint within seven days.
- b. Forward any complaint alleging a violation of sexual abuse directly to the Center for processing.
- c. Process all other complaints in accordance with Team USA Code of Conduct Procedures. USBC reserves the right to forward any complaint directly to the Center for processing.