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United States Bowling Congress

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USBC Legal Manual

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Introduction

The purpose of the USBC Legal Committee is to ensure due process for members and athletes. Staff assists in fulfilling the purpose as designated by the Committee.

This manual is a reference tool for the USBC Staff and the USBC Legal Committee, including any Hearing Panel appointed by the Committee, (the "Committee"). It describes the authority and processes used for legal cases.

Staff updates the manual as directed by the Committee, trains new Committee members, and assists the Committee in legal matters.

The Legal Manual details the types of cases and penalties for each type.



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I. Authority

Committee

1. Has ultimate authority over the administration and resolution of complaints filed with USBC.
2. Shall appoint a Hearing Panel to hear unresolved complaints.

Staff

1. Complaints

- a. Investigates allegations made by a complainant or brought by USBC against a member, including seeking information from the complainant, the person against whom the complaint was filed and any other individual who may have knowledge of the matter. Documents may be requested and reviewed. Parties may submit information as they deem advisable.
- b. After investigation, makes an internal determination as to the merits of the complaint.
- c. Recommends a proposed resolution, which if appropriate may include a suspension, fine, loss of membership, loss of opportunity to participate or other such penalty or sanction.
- d. Notifies the complainant and person against whom the complaint was filed of the proposed resolution.
- e. If matter cannot be resolved, notifies the Committee Chair.

2. Legal Manual

Reviews the Legal Manual and procedures associated with the Manual and makes suggestions for changes to the Committee. The Committee will make the final decision.



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II. Disciplinary Grievances

A grievance must be filed in accordance with Article II, Section A of the Disciplinary Procedures Supplement of the USBC Bylaws. Grievances postmarked, emailed, or faxed the first post office business day after the deadline shall be accepted if the deadline falls on Saturday, Sunday or a holiday.

Individuals found in violation of the rules in a Disciplinary Grievance face suspension of membership privileges.

A. Penalties: The Rules Department and the Hearing Panel shall have discretion to issue any penalty including a warning, suspension, and prohibiting a bowler from holding office for a violation of any USBC Rule(s). Payment of restitution may also be required. Reinstatement to USBC membership following a suspension shall be governed by Article IV.

B. Exceptions: The Legal and Legislative Committee has established the following exceptions to the Rules Department and Hearing Panels discretions:

- 1. Nonpayment of League, Association or Tournament Fees.** Members found in violation of USBC Playing Rule 17b-3 shall be suspended according to the minimum suspension periods as set forth below. Reinstatement to USBC membership following a suspension shall be governed by Article IV.

	Penalty
Payment received prior to Staff working file	Dismissed
Payment received after USBC initial notification	Warning
Proven money not owed or proper cause to withdrawal	Not Substantiated
Took money out and replaced with bad check	No money owed – 6 months, Not to Hold Office Money Owed – 12 months, Not to Hold Office
First time Violation	No minimum. Bowler immediately eligible for reinstatement upon payment
Multiple Violation within the Same Season, still suspended	3 months after the date of the last suspension letter
Multiple Violations within Different Seasons, still suspended	12 months following the date of the last suspension letter
Second Violation (After Membership Reinstatement)	6 months
Third Violation and Beyond (After Membership Reinstatement)	12 months



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2. Misuse of Funds. The following suspension shall apply to members found in violation of USBC Rule 17b-4. In addition to suspension, rules violators may also be prohibited from holding office. Reinstatement to USBC membership following a suspension shall be governed by Article IV.

	Penalty
Restitution Paid Prior to Suspension	12 months, Never to Hold Office
Restitution Not Paid Prior to Suspension	18 months, Never to Hold Office

3. Improper Withdrawal. Members found in violation of USBC Rule 121a shall be subject to a warning.

4. Failure to submit final averages. Members found in violation of USBC Playing Rule 17b-5 are subject to the following penalties. Reinstatement to USBC membership following a suspension shall be governed by Article IV.

	Penalty
Averages Submitted (First Violation)	Warning
Averages Submitted (Second Violation)	Not to Hold Office
Averages Never Submitted	12 months - Not to hold office



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5. Failure to submit SMART Scholarships and/or reports. Members found in violation of USBC Playing Rules 17b-4 and/or 17b-5 are subject to the following penalties. Reinstatement to USBC membership following a suspension shall be governed by Article IV.

	Penalty
Money and/or Information submitted late (First Violation)	Warning
Money and/or Information submitted late (Second Violation)	Not to Hold Office
Money and/or Information submitted late (Third Violation and Beyond)	Never to hold office
Money Never Submitted	18 months - Never to hold office

6. Youth Eligibility. Members found in violation of USBC Playing Rule 400 are subject to the following penalties.

	Penalty
If no money is owed.	Warning
If restitution is owed, and paid	Warning
If restitution is owed, and unpaid	No longer eligible for USBC Youth Membership
Second Violation	No longer eligible for USBC Youth Membership



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III. Red-light Determinations

Individuals wishing to challenge the results of a background screen may appeal the decision to USBC. The procedures in Article II of the USBC Bylaws, Disciplinary Procedures Supplement will be followed.

A. Penalties

The rules Department and the Hearing Panel shall have discretion to deny an appeal from anyone convicted of charges stemming from any type of abuse or assault charges.

B. Exceptions

The legal Committee has authorized the Rules Department or Hearing Panel to make the following determinations:

1. Overturn an individual's red-light states and allow full involvement in the Registered Volunteer Program when the slagged offense does not involve:
 - a. Abuse to children or animals
 - b. A Sexual crime
 - c. Taking of a life
2. Allow an individual to be involved in the Registered Volunteer Program in a limited fashion when the flagged offense is a felony due to:
 - a. DUI or DWI in the last five years. Individual cannot transport minors in a vehicle.
 - b. A financial crime. Individual is not allowed to hold an office which requires the handling of money or oversight of one who handles money



IV. Reinstatement Cases

After an individual's term of suspension has expired, an individual can request reinstatement.

Before the reinstatement process can begin, the following must be received:

- a. Written request for reinstatement.
- b. Documentation of complete restitution if an amount was attached at time of suspension.

Staff has the authority to review.

A. No Violation. (Administrative)

1. Criteria. Individual has:
 - a. Not previously been found in violation USBC Rules.
 - b. Refrained from USBC competition for the term of the suspension or has bowled in violation; however, has sat out the minimum term of the suspension. Staff confirms this fact.
 - c. Been suspended in a Keepsake case or for a violation of Rule 17b-3 (nonpay or bad payment).
2. Decision:
 - a. Reinstatement to membership only if suspended with a not or never to hold office restriction or ABC misuse case prior to August 1, 2000.
 - b. Full Reinstatement. (Keepsake case and 17b-3 violations – immediate reinstatement, does not have to sit out full term of suspension.)

B. First Violation, Bowled in Violation (Administrative)

1. Criteria. Individual has:
 - a. Not previously been found in violation USBC Rules.
 - b. Bowled in violation but does not fall under the circumstances listed in Section III.C.1(b),(c).
2. Decision:
 - a. Reinstatement to Membership only if suspended with a not or never to hold office restriction or ABC misuse case prior to August 1, 2000. Individual eligible for reinstatement of not to hold office one year after reinstated to membership.
 - b. Full Reinstatement.
3. Effective Date:
 - a. Unknowingly* bowled in violation – last known date of violation + 3 months.
 - b. Knowingly bowled in violation – last known date of violation + 6 months.

* Example of Unknowingly – Suspension letter sent to wrong address.

C. Multiple Violations. (Staff Review)

1. Criteria:
 - a. Individual previously found in violation USBC Rules; or
 - b. Individual violated the terms of their suspension after being notified of their suspension by USBC or association; or,
 - c. Individual falsified information, wrong name, social security number, etc; or
 - d. Previous reinstatement request denied.
2. Possible decisions:
 - a. Full Reinstatement.
 - b. Reinstatement to Membership Only.



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- c. Set future date for Reinstatement. Usually applied when individual violated the terms of suspension. Date set is calculated as follows:
 - 1) Add the term of suspension to the last date individual bowled in violation of the suspension.
 - 2) When it is documented the individual was aware of the suspension (i.e., signed for certified letter), USBC may extend the term to 6 months or one year from last date of violation and set date (case handled).
- d. Deny – Individual can apply for reinstatement after one year.
- e. Defer decision to next meeting.

D. Reinstatement Requests.

1. Application for reinstatement must be filed in writing to USBC Headquarters.
2. Include payment or proof of payment if money is owed.

E. Removal of No Office Provision (Staff Review)

1. When a player loses the right to hold office, he/she must request permission to perform office duties again.
2. Upon receipt of a request to remove the no office provision, staff will acknowledge receipt of the request and supply the individual with a questionnaire to fill out and return before a decision can be rendered.
3. Possible decisions:
 - a. Full Reinstatement.
 - b. Deny, bowler is eligible to request reinstatement one year after denial letter is sent.

F. Reinstatement Hearing Procedures. If USBC determines a reinstatement hearing is necessary, USBC Headquarters will contact the local association having original jurisdiction and instruct them to conduct a hearing following the procedures in the USBC Association Policy Manual.



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V. Dollar Amount Adjustments (17b-3 violations)

A. Increase in Amount

The amount an individual is charged with owing may be increased in the following instances:

1. When membership dues have not been paid.
2. When an association has erroneously adjusted the amount owed at the hearing to reflect a credit of the prize money. Bowlers dismissed under 122b procedures are deemed to have forfeited prize money.

B. Reductions in Amounts

The amount an individual is charged with owing may be reduced in the following instances:

1. When an individual is charged for dates when they were not league members, including:
 - a. Dates after the bowler has been replaced on a team;
 - b. Dates prior to joining/participating in the league. Normally a player is not a member of the league until such time as he/she actually participates, unless there is a league rule or information to document a pre-stated verbal or written condition of entry on the part of the bowler. (Example: Completion of membership application at organizational meeting.)
 - c. Dates after the league meeting that dismissed him/her under 122b procedures;
 - d. Dates beyond the two-week notice time frame for bowlers that have properly resigned
 - e. Dates that have not been documents in accordance with Rule 122b, Item 1-d.
3. When an individual has not been credited with any pre-payments of dues and fees.
4. When the principal is charged with owing fees of other players (including spouses and other team members). Each player is responsible for only his/her own indebtedness and is not responsible for the payment of arrearages incurred by others. However, when a worthless check is issued to cover more than the charged individual's fee (i.e., wife issues check for her and her husband's fees), the check signatory responsible for the entire bank/service charge. (Exception: Person who issued check is not a league member.)
5. When a portion of the kitty money due the team has not been credited to the principal. Even though the player may have taken these funds, he/she would have been entitled to their portion of the money anyway. (Example: 5-man team with \$30 in kitty money, 1/5 is the principal's, i.e., credit 1/5 of \$30 (\$6), to the amount due for an adjusted amount owed of \$24.
6. When the amount includes personal debts, which are not confirmed as league fees.
7. When a substitute pays a portion or the entire weekly fee, the principal must be credited the amount the substitutes paid. This does not include a substitute fee.
8. When a league has charged a player with the full weekly fee but the center has not held the league responsible for the lineage. Lineage credit is given to principal but he/she can still be held liable for payment of weekly prize money, secretary fee, etc.
9. League sessions above and beyond the maximum 6 weeks allowed per Rule 122b Item 1d (1).



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VI. Headquarters Rerate Procedures

- A. Staff 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.
- B. The bowler must report and use the re-rated average or established league average (whichever is higher) for all handicapped or classified competition.
- C. 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.



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VII. Charter and Association Official Removal

A – Charter Revocation or Non-Renewal

1. USBC may charge a USBC Chartered Association with failing to properly perform the duties as outlined in the USBC Bylaws and USBC Association Policy Manuals, including failing to meet required performance standards (as the same may be revised from time to time) or engaging in conduct and/or any action detrimental to the best interest of the organization. The following procedures shall be followed:
 - a. Staff will notify all association board members by letter that revocation/non-renewal proceedings are being initiated and the reason. The association will be advised of their option to be represented by counsel, and right to a hearing.
 - b. Initial Review:
 - 1) Staff prepares cover sheet and exhibit documents in the file.
 - 2) Staff reviews file and makes a recommendation to the CEO.
 - c. The association is notified in writing of the CEO's decision. If an adverse decision is made, such association shall be informed of the right to a hearing.
2. If hearing is requested:
 - a. Legal and Legislative Committee appoints Hearing Panel.
 - b. Hearing is conducted in accordance with the hearing procedures set forth in Article X of USBC's Bylaws.
 - c. Association may submit information or arguments.
 - d. Staff prepares cover sheet and exhibit documents in the file.
 - e. Hearing Panel reviews file and makes a decision (majority vote).
 - f. Association is notified in writing of the decision.

B – Removal of an Association Board Member

1. When USBC charges an association manager, officer, board member, or non-board member acting on behalf of the association of failure to properly perform the duties of their office or otherwise engaging in improper or unfair tactics or conduct in connection with the organization, the following procedures shall be followed:
 - a. Staff notifies the person(s) charged that disciplinary action is being initiated and the reason. The person charged shall be informed of his/her right to submit any arguments or documents the person believes are pertinent to the charge, and of the right to be represented by counsel.
 - b. Initial Review
 - 1) Staff prepares cover sheet and exhibit documents in the file.
 - c. Staff reviews file and makes decision.
 - d. Individuals involved are notified in writing of the decision. If an adverse decision is made, such person shall be informed of the right to a hearing.
2. If a hearing is requested:
 - a. Legal and Legislative Committee appoints Hearing Panel
 - b. Hearing is conducted in accordance with the hearing procedures set forth in Article X of USBC's Bylaws.
 - c. Person may submit information or arguments.
 - d. Staff prepares cover sheet and exhibit documents in the file.
 - d. Hearing Panel reviews file and makes a decision (majority vote).
 - e. Individuals involved are notified in writing of the decision.



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VIII. Suspensions Recognized.

- A. Youth Suspensions - Except for violations of Rule 400, a suspended youth is also ineligible to purchase adult membership.
- B. Adult Suspensions – Adults suspended from office are ineligible to be involved in an official capacity with youth competition.
- C. Canadian Tenpin Federation “CTF” – All CTF suspensions will be recognized.
- D. U.S. Center for SafeSport suspensions.



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I. Committee Members

Jay Daryman, Chairman

Email Address: jay.daryman@bowl.com

Anthony Colangelo

Email Address: anthony.colangelo@bowl.com

Brittani LaGeorge

Email Address: brittani.lageorge@bowl.com

Josie Barnes

Email Address: josie.barnes@bowl.com

Glenda Beckett

Email Address: Glenda.beckett@bowl.com

Christopher Floyd

EmailAddress:Christopher.floyd@bowl.com



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II. Staff

Michael Spridco, Senior Director

Office Phone: (817) 385-8390
Cell Phone: (817) 739-1893
Email Address: michael.spridco@bowl.com

Jen Land, Rules Counselor

Office Phone: (817) 385-8397
Email Address: jen.land@bowl.com

Gary Schmit, Rules Counselor

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Email Address: gary.schmit@bowl.com

Tennelle Milligan, Rules Counselor

Office Phone: (817) 385-8226
Email Address: tennelle.milligan@bowl.com



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III. Exhibits

Office Reinstatement Questionnaire

1. What have you learned from the incident which, in turn, caused for your removal from holding office?

2. If this situation was to present itself again, what would you do differently as an officer of the league/association?

3. Please enter the Officer title you held and explain the duties that come along with holding that position. Officer Title _____
Description of that Officer's Duties

4. Explain which Officer position you are interested in holding and why you are requesting your reinstatement to hold office? President – Secretary – Treasurer - Team Captain – Delegate - Coach



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5. Why do you think USBC, a league or an association should trust you to perform the duties of any of the officer positions?

6. Have you been actively serving as an officer in any uncertified leagues during your suspension? If so, what position and how well do you feel you performed your duties?

7. If you were elected president and a friend is elected treasurer in the same league, how would this change how you handle the duties of the president?

8. Explain why you feel you should be reinstated to hold office with a USBC certified league or association.



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Date: _____

Name: (please print) _____

Signature: _____

Bowler ID # (if available) _____

Case: _____

Please fill out and return to:

USBC Headquarters
Attn: Rules
621 Six Flags Dr.
Arlington, TX 76011
Fax: 817.385.8260
Email: rules@bowl.com