
Chapter Sixteen: Suspension, Reinstatement and Hearings

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. Filing a complaint.
2. Processing of a complaint.
3. Types of hearings an association may need to conduct. (Prior to a hearing contact USBC – Rules for the procedures.)
 - a. Average re-rate.
 - b. Suspension
 - c. Reinstatement
4. Removal from office.
5. Temporary suspension.
6. Fund shortages.

Section A: Filing of a Complaint

1. Complaint may be filed only in the current season or the season immediately following the alleged violation.
2. The complaint shall be in writing and set forth the rule(s) violation(s) and detail the charges against the member(s), hereafter referred to as the defendant(s), and the USBC rule(s) involved. When charges or a bond claim have been filed:
 - a. The defendant(s) continue(s) to be eligible to bowl in USBC competition.
 - 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 of directors to perform the duties of the individual who is under temporary suspension.
3. The complaint shall be:
 - a. Signed by the person(s) making the charges;
 - b. Include supporting documentation; and
 - c. Filed with USBC Headquarters. Any complaint received by the association must be forwarded to USBC Headquarters for processing.

Section B: Processing of a Complaint

1. Upon receipt of a proper complaint, USBC will forward a copy of complaint and supporting documentation to the defendant.
2. USBC Headquarters will give the defendant an opportunity to:
 - a. Respond in writing.
 - b. Have counsel review the complaint and respond in writing on his/her behalf.
 - c. Submit written testimony from witnesses.
 - d. Submit any other evidence on his/her behalf.

3. When either the information is received or the time limit for submission elapses, an administrative decision will be rendered and all involved notified.
4. The possible decisions are:
 - a. Indefinite suspension.
 - b. Indefinite suspension, not to hold office.
 - c. Indefinite suspension, never to hold office.

NOTE: With the above recommendations, USBC Headquarters may permit the individual to coach, but not handle money.

- d. Warning.
 - 1) Imposition of penalty is withheld.
 - 2) Individual has a record; similar to probation.
 - 3) Individual can compete in certified competition.
- e. Dismiss.
- f. Not guilty.
5. Withdrawal of Complaint. A request to withdraw a complaint may be made by the complainant prior to a decision being rendered. USBC is under no obligation to grant the request.

Section C. Reinstatement

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.

NOTE: The status of the applicant shall remain unchanged until USBC notifies the applicant in writing of the decision.

Section D. Failure to Pay Membership Fees

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. (See the Rules page of BOWL.com under Resources-Association for sample letter.)
- 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 E. Tournament Worthless Check/Invalid Credit Card Procedures

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

1. Tournament management must send a certified or registered letter notifying the principal that:(See the Rules page of BOWL.com under Resources-Association 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 certified or registered mail receipts.
 - c. Copy of the front and back of the check or credit card draft returned and documentation of bank/credit fees incurred.
 - d. Tournament must provide printed documentation if tournament has any additional worthless check fees.
 - e. Any other supporting documentation.

Section F. Failure to Submit Final Average(s) Procedure

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 G. Nonpayment of League Fees

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 H. Infractions of Youth Eligibility Rules

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 I. Re-rate Averages

The 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. The bowler must be notified of the hearing by registered or certified mail with return receipt requested at least ten (10) days prior to the date of the hearing.
 - b. The notice must include:
 - 1) Date, time and location of hearing;
 - 2) His/her right to have counsel present;
 - 3) His/her right to produce witnesses on his/her behalf.
 - c. 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.
 - d. A bowler whose average has been re-rated must be notified of the re-rated average by registered or certified mail with return receipt requested and a copy to USBC Headquarters, Attention: Rules.
 - e. 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.
 - f. 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 J. Removal From Office

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

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 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) Be sent by first class mail **or** be hand delivered.
 - 3) 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.
6. Within five (5) days from the date of the meeting notify the individual(s) involved in writing of the board's decision and of his/her right to appeal that decision to USBC Headquarters to the attention of Rules.
7. 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: 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 other than the Youth committee, the appointing authority has the power to remove or replace members.

Section K. Appeal

USBC's administrative decisions may be appealed to the USBC Legal and Legislative Committee. The appeal must be filed in writing within ten (10) days of the date of the letter notifying them of the administrative decision. A statement of the reasons for the appeal must be included. The appeal is to be sent to USBC Headquarters, Attention: Rules.

Section L. Special Hearing Committee

USBC may appoint a special committee, which may include USBC Board members and non-USBC Board members to conduct a hearing or investigation within an association.

Section M. Hearings and Removal

The following information is to be used in conjunction with the required procedures in Sections A-K of this chapter. Its purpose is to add additional clarity and assistance when dealing with the procedures. It is not intended to take the place of the mandatory information therein.

1. **Introduction.** A member who fails to comply with the *USBC Playing Rules* or an association board member who fails to perform the duties of his/her office as outlined in the *USBC Bylaws* and *USBC Association Policy Manual* may be subject to suspension or removal from office charges.

2. **Definitions Related to Suspension and Reinstatement Procedures**

Chair. This person presides at a hearing and makes sure everyone involved has time to ask or answer questions. The chair normally is the association president unless the president appoints another member.

Complainant. The person bringing the charges – complaints could include more than one complainant.

Defendant. The person who is accused – again, complaints may have more than one defendant.

Suspension or Reinstatement hearing. Conducted only if USBC determines a hearing is necessary.

3. **Suspension Hearing vs. Removal from Office Meeting.** Suspension hearings are conducted if directed by USBC Headquarters and removal meetings are similar in that the association must address a written complaint filed against a member. Many of the procedures for conducting a suspension hearing and a removal meeting are similar; however there are key differences. The differences are listed in the following chart:

Suspension Hearings if Requested by USBC	Removal From Association Office Meetings
May have an effect on a bowler’s membership and/ or office holding privilege in USBC.	Removes an officer or director from the association office held.
If requested, the association board or a committee of five board members conducts the hearing.	The association board conducts the meeting.
A fact finding session.	A fact finding session
A majority vote of a quorum present is needed to make a recommendation.	A two-thirds vote of a quorum present and voting is needed to make a decision.
The complete file is forwarded to USBC Rules within 15 days of the hearing. USBC make the final decision	The association makes a decision and maintains the file.

4. **Reasons for Suspension or Removal.** An individual can be suspended or removed from office for violation of USBC bylaws, policies, or playing rules including but not limited to the following:
 - a. Nonfeasance -Failure to perform duties and responsibilities.
 - b. Misfeasance - Violation of USBC and/or local/state association bylaws.
 - c. Malfeasance - Conduct and/or any deliberate action detrimental to the best interest of the organization.
 - d. Misuse of league, tournament or association funds.
 - e. Violation of USBC rules.