

COMPLAINT & GRIEVANCE COMMITTEE

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ARTHUR E. STEGEN; JOAN WILDER and
EDWARD G. WILLIAMS (Co-Founders
of TEAM INDEPENDENT BIATHLON,

Grievants,

GRIEVANCE vs. USBA

-against-

UNITED STATES BIATHLON ASS'N,

Respondent.

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TO: Mr. Jack Giehart, CEO of the US Biathlon Association
James Levins, Esq., Chair ,Complaint and Grievance Committee
U.S. Biathlon Association
2002 Soldier Hollow Lane
P.O. Box 537
Midway, UT 84049

SIRS:

The Grievants herein, each a member of the US Biathlon Association, respectfully file this Grievance against the U.S. Biathlon Association (hereinafter "USBA") for violating its own Bylaws, and respectfully allege as follows:

THE PARTIES

1. The Grievants:

a. **JOAN WILDER** holds a Master of Occupational Therapy from the University of Alberta and a BS in Behavioral Science & Heath from the University of Utah. A two -time Olympian in biathlon ('92, '94), a licensed Occupational Therapist, and former biathlon coach, Ms. Wilder is a survivor of sexual abuse within the USBA for which former USBA CEO Max Cobb issued a public apology for the mistreatment of female athlete endured during his tenure. Since then, Ms. Wilder has been an unwavering advocate for fair selection procedures that are

objective and free of conflicts of interest, working to replace a culture of retaliation with one of transparency and athlete safety. Ms. Wilder resides in Bend, OR.

b. **ARTHER E. STEGEN** following athletic participation in collegiate track & field and cross-country ski racing with the Rosendale (NY) Nordic Ski Club, began his involvement with biathlon in 1970 with his service in the U.S. Army at the U.S Modern Winter Biathlon Training Center at Ft. Richardson, Alaska. After participation in the CISM and World Biathlon Championships and achieving Norwegian coaching certification for Biathlon and Cross-country skiing from the Norwegian Sports Institute (NIH), he became the US National Biathlon and US Olympic Coach and served as the first Program Director of the newly formed US Biathlon Association from 1981-82, and as a signee of the LLC a 501 c (3) non-profit organization he was directly involved with the separation and certification of the U.S. Biathlon Association as an independent National Sports Governing Body for biathlon by the U.S. Olympic Committee and the International Union of Modern Pentathlon and Biathlon (UIPMB, the predecessor of the IBU). He became a certified technical delegate by the UIPMB and later IBU in 1981. He was first elected to the US Biathlon Association Board of Directors in 1984, serving until 2024, the final two terms as Secretary. He served as the National Guard's Biathlon program coach and logistics officer for 13 years and was responsible for introducing and encouraging the participation of women. He was awarded the Distinguished Service Medal, (the U.S. Army's highest non-combat award), the Meritorious Service Medal and the Army Achievement Medal for recognition of his implementation of advanced training methodologies and authoring the U.S. Army's official publications on training and coaching military doctrine for biathlon. He authored two books about biathlon, the second of which was about the history of biathlon in the United States (*Unique and Unknown*), which was awarded the Ullr Prize for the best book on skiing history by the International Association of Skiing History. Mr. Stegen resides in New Paltz, NY.

c. **EDWARD G. WILLIAMS** graduated from Dartmouth College, with an AB degree in economics and where he was a two-time All American and National Champion in cross-country skiing, and from the Columbia Law School where he was a Teaching Fellow in his third year. He also earned an MBA at the Tuck School of Business at Dartmouth. A former U.S. Army Infantry Officer, Mr. Williams competed in the 1968 Olympics (Grenoble) in the sport of biathlon. He was a founding member of the USOC Athletes' Advisory Council (now called Athletes' Commission); where he served as chair of the AAC for four years. He was also a member of the USOC Board of Directors for 12 years, where he served on the USOC Legislation Committee for eight years, four as Chair of the Committee., having been appointed and then re-appointed to the Committee by three successive Presidents of the USOC. Mr. Williams co-authored the "Athletes' Rights" section of the Amateur Sports Act of 1978 and drafted the "Due Process Checklist" for athletes which the USOC adopted in April 1984 to govern its own and NGB eligibility and discipline proceedings. In February 2018, Mr. Williams founded "The Committee to Restore Integrity to the USOP" and, together with co-chair and Title IX expert Nancy Hogshead, *Team Integrity* was successful in its efforts, together with others, to force the resignation of Scott Blackmun as CEO of the USOPC in connection with the USOPC's role in the Nasser matter. Mr.

Williams has successfully represented hundreds of athletes, many on a *pro bono* basis, in athlete disciplinary and eligibility proceedings as well as in NGB non-compliance Complaints before the American Arbitration Association and USOC Hearing Panels. He continues to advocate for the due process rights of athletes under the Sports Act and USOPC Bylaws. Mr. Williams resides in Montclair, NJ.

2. **Respondent:** The USBA is the USOPC-recognized NGB for the sport of biathlon in the United States.

NATURE OF THE COMPLAINT

3. This Grievance is filed pursuant to Chapter 31 of the Bylaws of the USBA and Section 1(a)(ii) of the USBA Complaint and Grievance Procedures promulgated thereunder and pertains to the USBA's violation of Chapters 15, 17, and 20 of its Bylaws.

BACKGROUND

4. The USBA is incorporated under the laws of the State of Utah as not-for profit corporation and is recognized by the United States Olympic and Paralympic Committee as the National Governing Body for the sport of biathlon in the United States.

5. The USBA is obligated by law and its own bylaws to follow and adhere to its own Bylaws.

6. The USBA Complaint and Grievance Procedures do not set forth the relief that may be granted by the Hearing Panel with respect to Grievances which are found to be valid and upheld.

7. Accordingly, we turn to the Administrative Procedure Act, 5 U.S.C. Section 701 et seq, for guidance on what relief would be appropriate in circumstances where the allegations of a Grievance against the USBA are upheld by the Hearing Panel.

8. Section 706(2) of the APA provides that;

**“The reviewing shall set aside and hold unlawful agency action ... found to be:
(A) arbitrary, capricious, an abuse of discretion or not in accordance with law; or...
(D) without observance of procedure required by law.”**

9. It is “Black Letter Law” that Courts will find actions by an agency “arbitrary and capricious” when they fail to follow their own self-imposed rules or regulations.

10. Actions taken the USBA found to be in violation of its own bylaws are arbitrary and capricious and, as such, must be set aside.

First Claim

Wrongful Seating of an Individual on the USBA Board

11. The USBA Board of Directors purported to fill a vacancy on the Board.at its meeting on July 29, 2026.

12. Section 5 of Chapter 15 of the USBA Bylaws states:

“All elections [of directors] shall take place at an Annual Meeting of Members at which the term of office of a Director expires at a Special Meeting of Members called for that purpose of electing directors.....”

13. Section 2 of Chapter 20 of the USBA Bylaws states, in relevant part; that:

“Vacancies among [directors not elected by a specific membership category] shall be filled by vote of the members [of the USBA] at the next regularly scheduled Annual Meeting of members or at a Special Meeting of Members called for the purpose of filling the director vacancy; except...” [not applicable here]

14. In accordance with the foregoing bylaws, USBA Board of Directors was not authorized to act to fill a purported vacancy on the Board at its July 29, 2026, meeting and its action in doing so was wrongful, arbitrary and capricious and accordingly must be declared a nullity and set aside.

Second Claim

There was No Board- Declared Vacancy to be Filled

15. The USBA Board of Directors never “declared a vacancy [of a director position] by the

Board as set forth in section 3 of Chapter 17 of the USBA Bylaws.

16. Accordingly, even if the Board had the authority to fill a director vacancy, which it did not, under the facts and circumstances of this matter (see First Claim), there was no Board - declared vacancy to be filled.

17. The USBA Board's action to purportedly fill a board vacancy on July 29, 2026, was wrongful in that it was in violation of its own bylaws, arbitrary and capricious and therefore must be declared a nullity and be set aside.

HARM TO GRIEVANTS RESULTING FROM THE USBA'S WRONGFUL ACTION

18. The naming and seating by the USBA of an individual to the Board of Directors when it was not authorized to do so was wrongful, arbitrary and capricious and has denied the Grievants of having the USBA governed by a lawfully constituted Board of Directors, causing harm to them and indeed, all members of the USBA.

RELIEF REQUESTED

WHEREFORE on account of the following, the Grievants herein respectfully request the following relief:

1. That the above cited action by the USBA to add an individual to the USBA Board of Directors at its meeting on July 29, 2026, be found to be in violation of the USBA's own bylaws, arbitrary and capricious and therefore a nullity that must be set aside.

Grievants respectfully reserve their right to revise, amend and/or supplement their Grievance as matters calling for such revision, amendment and/or supplementation may come to their attention.

This Grievance is signed by Grievants in separate originals which together, when filed with the USBA Office, shall be deemed a single filed copy. The \$100 filing fee is enclosed with the signed original of this Grievance

Dated: August 24, 2026

Respectfully submitted,

/S/ Joan Wilder
Joanwilder03@gmail.com

/S/ Arthur E. Stegen
AStegen@msn.com

/S/ Edward G. Williams
egwilliams@lynnocch.com