

**BYLAWS OF THE BORDER ASSOCIATION  
USA TRACK & FIELD  
Revised: September 24, 2023**

**ARTICLE I  
NAME**

The name of this organization shall be Border Association of the USA Track & Field, Inc. The acronym "USATF Border" "this Association, or "this corporation."

**ARTICLE II  
DEFINITIONS**

- A. Athletics herein shall include cross country running, long distance running, race walking, track and field and any other jurisdiction granted by USA Track & Field, Inc. Other terms herein shall be defined as in the by-laws of USA Track & Field, Inc., henceforth to be referred to as USATF.
- B. Association (when capitalized) means the local organization which administers a geographically defined area, and bears a name which shall include its geographic description.
- C. Athlete
  - 1. Active athlete means any individual who is actively engaged in Athletics or who has represent the United States in international competition held under IAAF jurisdiction in Athletics within the preceding ten (10) years; and
  - 2. Eligible athlete means any athlete who meets the eligibility standards established by USATF for Athletics.
- D. Athletic Competition means a contest, game, meet, match, tournament or other Athletics event in which eligible athletes compete.
- E. Club means a local or national organization whose programs involve competitive member athletes, events, and or education or officiating in Athletics.
- F. Coach means a person who is currently engaging in the training of athletes on an active basis, whether on a paid basis or not, regardless of the extent to which coaching is a part of the person's vocation, or retired from the vocation of coaching.
- G. NABR means the National Athletics Board of Review, as established in Regulation 11 of the Governance Manual of USATF.
- H. Sanction means the document which evidences the authority granted by either USATF or this Association to conduct a competition and which also evidences that the recipient has complied with the requirement.
- I. Geographic means of the following counties in the state of Texas: El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos and Reeves
- J. Sports Organization means a nonprofit corporation, club, federations, union, association (uncapitalized), or other group organized in the association which sponsors, officiates or arranges any Athletics competition.
- K. "Diversity" means differences among individuals, including, but not limited to: race, gender, age, ethnicity or national origin, gender identity, gender expression, sexual orientation, religious belief, physical ability or disability.

### **ARTICLE III PURPOSES AND DUTIES**

This non-profit corporation shall act as the association governing body (as defined by the Ted Stevens Olympics and Amateur Sports Act of 1998) for Athletics in this geographic area of the United States.

#### **A. Purposes:**

1. **Development:** Developing interest and participation in Athletics in this geographic area at all levels;
2. **Management:** Promoting Athletics and athletes by conducting competitions and other events, and by cooperating with and encouraging other organizations which may do so; and
3. **Marketing:** Generating public awareness, appreciation, and support for Athletics, USATF and this Association, creating opportunities for athletes and Athletics events, and generating sponsorships to aid this corporation in fulfilling its purposes and duties.

#### **B. Duties: This Corporation shall have the following duties:**

1. **Responsibility to constituency:** Being responsible to the persons and sports organizations active in Athletics;
2. **Coordination of scheduling:** Minimizing, through coordination with other sports organizations, conflicts in the scheduling of all practices and competitions in Athletics;
3. **Communication with athletes:** keeping eligible athletes active in Athletics informed of policy matters and reasonably reflecting the views of such athletes in the policy decisions of USATF and this Association;
4. **Sanctioning of events:** Sanctioning competition in Athletics in accordance with the provisions of these Bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;
5. **Participation in competition:** Providing for the participation by eligible athletes in competition in Athletics, in accordance with the provisions of these Bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;
6. **Support of diversity in Athletics:** Providing equitable support and encouragement for participation by all persons in Athletics, regardless of gender, age, race or ethnicity, or disabilities;
7. **Coordination of certification and education:** Providing the means for certification of coaches and officials throughout this geographic area in all disciplines and at all levels of Athletics;
8. **Registration and certification of athletes:** Registering eligible athletes as members and certifying such athletes as eligible for competition; and

9. **Administration of athletics:** Performing all other duties necessary for the administration of Athletics in this geographic area and to achieve this corporation's purposes.
10. **Championships:** To institute, regulate and award the amateur athletic championships of the Border Association.

#### **ARTICLE IV TERRITORY**

The territory of USATF/Border includes the counties of El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Pecos, and Reeves in the State of Texas.

#### **ARTICLE V AUTHORITY**

This corporation shall be the governing body for Athletics in this geographic area and shall exercise the following powers:

- A. Representation:** Representing this geographic area in USATF in the United States.
- B. Establishment of Association goals:** Establishing Association goals and encouraging the attainment of those goals in Athletics.
- C. Coordination of Athletics:** Serving as the coordinating body for the activity in Athletics in this geographic area.
- D. Jurisdiction:** Shall have jurisdiction over Athletics competition in this geographic area including Association championships, Regional championships, road races, trail races, race walking, and events sanctioned by this Association:
  1. Exception: Any sports organization which conducts Athletics competition, restricted to a specific class of eligible athletes, (such as high school students, college student, members of the Armed Forces, or similar groups or categories), shall have exclusive jurisdiction over such competition. If such a sports organization wishes to conduct international Athletics competition to be held in the United States or sponsor international Athletics competition to be held outside the United States, it shall obtain a sanction from USATF as provided herein.
- E. Autonomy:** This Association shall be autonomous in its governance of Athletics, in that it shall independently determine and control all matters central to such governance. It shall not delegate such determination and control, and it shall be free from outside restraint. This provision shall not be construed as preventing the Association from contracting with third parties for administrative assistance and support in connection with its purposes and authority.

#### **ARTICLE VI CONSTITUENCY**

- A. Individuals:** Any person who meets the criteria for individual membership as determined by USATF shall be eligible for membership. This includes athletes, officials, coaches, administrators, and any other sets of individuals named by USATF. Individual members who indicate a club affiliation on their USATF/Border application will be considered

attached to that club; individual members who do not indicate club affiliation will be considered unattached. On joining USATF or on registering as an athlete in the sport of Athletics, these individuals will receive a membership card, from USATF, certifying their membership and may attend all meetings of the Association with voice and a vote on their respective committees.

- B. Clubs:** Any organization that meets the criteria for club membership as determined by USATF shall be eligible for membership. This includes clubs, organizations administering competitions, and any other groups designated by USATF.
- C. Applications:** Application for membership shall be in accordance with the USATF Bylaws and Operating Regulations.
- D. Suspension and Expulsion:** Any individual or group recognized by this Association which violates any of the provisions of these Bylaws or Regulations, USATF Bylaws or Operating Regulations, any operating policy approved by the USATF Board of Directors, or any operating policy approved by this Association may be suspended, after due notice and an opportunity to be heard by the body designated to conduct such hearings, until the next meeting of this Association, to which meeting action of suspension shall be reported by the Secretary. At such meeting the suspension may be rescinded by a majority vote of the members, or such individual or group may be expelled by a two-thirds vote. In dealing with matters concerning the removal, suspension, expulsion and reinstatement of members and/or registered athletes, USATF/Border shall proceed according to the provisions of the bylaws of USATF.
- E. Income:** Any income derived from the promotion of any sport by members of USATF must be used for the further promotion of amateur sport, for an approved charity or for the general welfare of the promoting organization as a whole.

## **ARTICLE VII OFFICERS**

- A. Titles and Duties:** The officers shall perform the following duties and any other duties prescribed by these by-laws, this Association or its Executive Board. No individual may be an officer of this Association who is also an officer of another sport governing body at the local or national level.
  - 1. **The President:** shall preside at all meetings of this Association and shall also serve as Chair of the Executive Board. Subject to the direction of the Executive Board of this Association, the President shall manage and supervise the affairs of the Association. Be an ex officio non-voting member of all committees. Select committee chairs and other such members that he or she is entitled to appoint as well as other appointments authorized by these Bylaws after consultation with other officers. He or she may likewise terminate such appointments for good cause upon written notice to such appointees and the other officers.
  - 2. **The Vice-President:** shall perform such duties assigned by the President and Board. In the temporary absence of the President from a meeting shall be acting for the President in his/her absence.

3. **The Secretary/Membership Chair:** shall keep or cause to be kept all records of the Association, and all minutes of meetings of the Association and the Board, and in general shall perform all duties pertaining to the Office of Secretary. The Secretary/Membership Chair shall also collect or cause to be collected all memberships for individuals and groups within the Association, and provide liaison to the USATF National Office in all matters of membership, including reporting and disbursement of benefits.
4. **The Treasurer:** shall (1) keep or cause to be kept a correct and complete record of account, showing accurately at all times the financial condition of this Association; (2) have charge and custody of and be responsible for all funds, notes, securities and other valuables which may come into possession of this Association; (3) deposit, or cause to be deposited, all funds of this Association with such depositories as the Board shall designate; (4) furnish at meetings of the Board, or whenever requested, a statement of the financial condition of this Association; and (5) in general perform all duties pertaining to the office of Treasurer.

- B. Elections and Terms of Office:** All officers are to be elected for two years at the annual meeting of the Association. No person may contest more than one (1) office position during an election. A person may not hold the office of President simultaneously with any other officer positions; however, a person may be named in other dual capacities to fill a vacancy. Elections for President, 2<sup>nd</sup> Vice President and Secretary/Membership of the Border Association shall be held in even-numbered years, 1<sup>st</sup> Vice President and Treasurer shall be held in odd number years (such terms to commence in January after the election).
- C. Limitations and Terms:** There should be no limitation of terms. Rationale: as long as officer performs in accordance of his/her duty, they may remain in the position by acclamation.
- D. Succession and Vacancies:** There shall be no order of succession to any office. In the event the Board determines that an officer is temporarily unable to serve, it may, in its sole discretion, name another officer to fill the vacancy temporarily. In the event an officer resigns or is permanently unable to serve, the Board shall name a successor until the following annual meeting, subject to the limitation in paragraph C above, at which time a special election shall be held for the unexpired portion of the term.
- E. Removal from Office:** Any officer of this Association may be removed for good cause by a two thirds vote of those members of the Association present at an annual meeting or special meeting call for this purpose, and provided the requisite notice for such meeting shall properly set forth the removal vote on its agenda.

## ARTICLE VIII EXECUTIVE BOARD

**A. Composition:** The management of the affairs of the Border Association shall be delegated to an Executive Board composed of the following:

- 1 All officers of USATF/Border;
- 2 the chairperson of each standing Sports Committee engaged in a duly active program
- 3 the chairpersons of any Standing Administrative and Standing Operations Committee of the USATF/Border
- 4 Communications Chair
- 5 Officials Chair
- 6 One representative (with USATF membership) elected by and from any member organization.
- 7 **One** active athlete member to be elected from and by individual members. One of these athletes shall be an elite athlete if available.
  - i) **Actively Engaged Athlete** means an athlete who qualifies as a Ten Year or Ten Year+ Athlete, as defined below, or who has been actively engaged in twenty-four (24) months prior to election/selection in a USATF-sanctioned competition, which may include events that categorize entrants in age-restricted classifications. USATF's Athletes Advisory Committee and Nominating and Governance Panel will develop a process to jointly identify and vet candidates to serve as Actively Engaged Athletes.
  - ii) **Ten Year Athlete** means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC's Athletes Advisory Council) and USATF (together, with USATF's Athletes Advisory Committee) as an elite-level event for purposes of this definition, within the previous ten (10) years.
  - iii) **Ten Year+ Athlete** means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC's Athletes Advisory Council) and USATF (together, with USATF's Athletes Advisory Committee) as an elite-level event for purposes of this definition, but not within the previous ten (10) years.
- 8 Chair and Secretary: The President of the Association shall serve as chair and the Secretary shall also serve as Executive Secretary for the Board
- 9 **Qualifications.** All officers and Executive Board Members, whether elected or appointed, must be at least 18 years old and members of the Association at the start of the term of office, complete and pass a USATF approved background check and possess a current SafeSport training certificate or renewal, before the later of taking office or thirty (30) days of being elected or selected.

**B. Powers and Duties:**

1. To admit eligible members who have properly applied and whom it deems proper.
2. To impose and enforce penalties for the violation of USATF by-laws and the by-laws of the Association.
3. To reject entries to Association championships and to delegate this power to its committees.

4. To remove from office, by a two-thirds vote, any member of the Association, who by neglect of duty, or by conduct tending to impair his/her usefulness as a member, shall be deemed to have forfeited his/her position.
5. To collect dues and funds and expend the same.
6. To call regular and special meetings of the Association and to fix the time and place for meetings not fixed by these by-laws.
7. To institute, locate, conduct and manage all Association championship events.
8. To explain, define and interpret any provision of these by-laws upon the request of the member.

### **C. Meeting of the Executive Board:**

1. The Board may conduct its affairs either at a meeting, by a conference call, **or virtually**. The Board shall conduct quarterly in person meetings during each year called by the President. Additional meetings may be called by the President or upon the written request of any three (3) members of the Board and if by the latter group, only after minimum prior notice of five (5) days to the President of such intent by email or fax. In all cases where meetings are held in person, individuals who cannot attend the meetings may participate fully by conference call. At least fourteen (14) days notice of any in person meeting and at least forty-eight (48) hours notice of any conference call shall be given to all members of the Board. After the members of the Board have called for a meeting, the President shall have twenty-four (24) hours to determine the venue and make appropriate notice to the remainder of the Board. For any meeting, notice may be waived by unanimous consent; written notice shall include the minutes of the previous meeting. In addition, all committee chairs, and committee members shall receive both notice and minutes of every meeting and may attend at their own expense, except when the agenda requires that person's attendance. Written notice of any meeting of the Board shall be given by the Executive Secretary at least 15 days in advance, and shall specify the date, time and place of the meeting, mailed to the last known address of any Board Member. Email notice shall suffice.
2. Terms: The term for Board members which if not otherwise set by their terms of office shall be four (4) years of the Olympiad and shall commence in January after the annual meeting.
3. A quorum for a meeting of the Board shall consist of 40% of the members of the Board. Except as provided for otherwise in the by-laws, all matters shall be decided by majority vote of those present and voting. There will be no proxy voting.
4. Mail balloting: Upon majority vote at a duly convened meeting, the Board may authorize the conduct of a vote of the membership through the distribution and/or collection of ballots using the mail facilities of the U.S. Postal Service or any other service that may be authorized; the full procedure and subject matter for the vote to be set forth in the authorizing resolution.
5. Expulsion: Failure to participation in two (2) consecutive meetings may, by a 2/3 vote the Board members attending, cause reprimand and expulsion of the member or representative.

## **ARTICLE IX MEETINGS**

- A. Annual Membership Meeting:** The Annual Meeting of USATF/Border is to be held in the month of September at such date, time, and place as may be filed by the President and announced by requisite notice of such meeting.
- B. Special Meetings:** Special meetings shall be called by the President, by a majority vote from the Executive Board, or upon written request of one third of all voting delegates or one third of all members of Border Association or any three organizational members of the Association. **Special meetings may be held in person or virtually.**
- C. Meeting Procedure:** the following shall govern the conduct of all Association meetings:
1. Notification of meeting: All voting members of the Association (and its Executive Board), Board, or task group shall be sent the notice for any meeting no later than two (2) weeks prior to the meeting's start, except for a meeting held in conjunction with the Association annual meeting, where notice of the individual committee meeting shall be deemed to have been sent with notification for the annual meeting as a whole:
  2. Distribution: Notice of the meeting must be distributed by mail, newsletter, email, local Association web site. And or/National Office's website.
  3. Website use: If a website is to be used to inform members of the meeting, then members must be informed to where to find information on the website through a mailing or newsletter.
  4. Prior Approval: The initial meeting notice must be sent by means under which it will arrive at least thirty days prior to the election process.
  5. Changes: Any notice of a meeting change must be at least fourteen (14) days prior to the meeting.
  6. Publication of agenda: The proposed agenda shall be delivered to all voting members of any committee along with meeting notice, except at meetings held in conjunction with the Association annual meeting. At such annual meetings, the agenda must be available at least 24 hours prior to the first scheduled session of the committee. Additional items added to the agenda shall not include an item where action of the committee is necessary, unless seventy-five (75%) of the members of the group then present agree to such action.
  7. Open Conduct of business: All meetings of any committee (and its executive committee), board, or task group shall be open to all USATF individual members except as otherwise provided. There shall be a specified time period in the meeting where any member may give input or make a brief statement.
  8. Closed or executive sessions: No part of any meeting shall be closed unless seventy-five (75%) of the members of the group then present agree to close the session.
  9. Record of a meeting: The Association and all of its committees shall have a recording secretary. Within thirty (30) days of the meeting, draft minutes should be posted on the Association's website. All written reports or a summary of such report shall be distributed with the draft minutes.



10. Quorum: At least fifty (50%) of the total of Board of Directors must be present to establish a quorum for the conduct of business at general sessions of this governing body.
11. Virtual Meetings. **If it is impractical to hold the Annual Meeting in person**, the Border Association Board may vote by a 2/3 majority to utilize a reputable electronic platform to host a virtual meeting and for the nomination and election of association officers and committee chairs. Notice of any virtual meeting shall follow the same timeline as an in-person meeting. Applicable nomination process and voting criteria contained in the Border Association Bylaws shall be followed.
12. **When virtual meetings are held all contested votes shall be held virtually.**

**D. Order of Business:** The order of business at all general meetings of USATF/Border Association shall be as follows:

1. Roll call of delegates.
2. Reading of the minutes of the preceding general meeting.
3. Treasurer's report
4. Report of Officers and Committees
5. Unfinished business
6. New Business
7. Adjournment

**E. Rules of Order:**

1. Questions of order shall be decided by the chair in accordance with Roberts Rules of Order unless otherwise provided in these by-laws.
2. All decisions shall be decided by a simple majority unless otherwise specified in these by-laws.

## ARTICLE X VOTING

All election procedures for officers and any other elected positions shall be defined in these bylaws and comply with Regulation 7 of the USATF Bylaws. The procedures shall include the notice of elections to be held, the process by which nominations are made, the voting constituency, the conduct of balloting and election protests.

The following guidelines shall apply to all elections for officers, sport committee chairs, and other chairs in this Association:

### A. Election Notice:

1. **Distribution:** Notice must be distributed to all members of the Association, by mail, newsletter, email, Association web site, and/or the National Office's web site;
2. **Web site Use:** If a website is to be used to inform members of the elections, then members must be informed of where to find information on the website through a mailing or newsletter.
3. **Prior Arrival:** The initial meeting notice must be sent at least thirty (30) days prior to the beginning of the nomination and elections process; and
4. **Changes:** Any notice of a meeting change or a change in the election process must be at least fourteen (14) days prior to the meeting.

### B. Nominating Process:

1. All members seeking a position must submit a letter of interest to the Association Secretary, 30 days prior to the Annual Conference.
2. Nominations may be made and must be allowed from the floor at the Annual Meeting with the following criteria: All nominees must have a current USATF membership;
3. Membership & age criteria: A candidate must be a member of the Association who will be at least 18 years of age (at the start of the term of office); and
4. Nominations and seconds: A candidate needs one (1) nominator and one (1) seconder who are both Members of the Association. **Nominators or members of a nominating panel shall not be on the ballot.**

### C. Voter Criteria:

1. One person-one ballot: One (1) person shall cast only one (1) ballot as an individual, regardless of how many positions within the Association the person occupies;
2. Proxies: There shall be no proxy voting;
3. Minimum age: In order to vote, Members must be a minimum of age eighteen (18) on the day of the election;
4. Voting membership deadline: Except for renewals from the previous year, an individual must be a member of the Association at least one (1) full month prior to election;

5. Appointees: An appointed committee chair or Board member shall not vote in elections in that capacity, but may otherwise qualify for a vote.
6. Organizations: Organizations shall have a minimum of one (1) vote with the Association having the option of awarding additional votes based on the size of organizations.
7. Organization voters: If an organization has more than one vote, each vote must be cast by a different member of that organization; and
8. Membership of all voters: Both organizations and individuals casting votes must be members of this Association and USATF.

**D. Conduct of Voting:** This Association shall use an open meeting ballot where all members are eligible to vote.

1. Disputes: Credential disputes must be resolved before the election process is started with nominations and/or the report of the meeting's chair;
2. Uncontested: Uncontested elections may be voted by acclamation; and
3. Ballot type: A secret ballot must be used for contested elections.

**E. Counting of Ballots:**

1. Panel: A three-person panel, which includes at least one (1) athlete, all of whom must count the ballots and sign the tally. All panel members shall be of voting age. The panel shall not include any individual who is a candidate for a contested office, and may consult as necessary with the President, Chair, Secretary, and/or Association Counsel, (so long as they are not candidates for contested offices).

**F. Committee chairs:**

1. Age and terms: All committee chairs, whether elected or appointed, must be at least 18 years of age and Members of the Association. Chairs shall be elected for two-year terms or appointed for a term no greater than two years within the term of the presidency.

**G. National Delegates:**

1. The Executive Committee with the approval of the Board of Directors shall appoint National delegates.
2. National delegate candidates must be current USATF members and shall be in good standing with the Association and USATF.

**H. Majority Requirement:**

1. Officers: All officers of the Association must be elected by a majority of the ballots cast. (i.e. over half the votes cast).
2. In person majority: In elections conducted at meetings, a plurality may not be used in first round elections of in-person elections. If a run-off election is necessary, the run-off election will immediately follow the general election.

**I. Election Grievances:**

1. Except as indicated below, USATF Operating Regulation Operating Regulation 11 shall apply to election grievances. Protests may only be made after the election process is completed;
2. An NABR panel from a different USAATF region shall be appointed to conduct the hearing. All hearings shall be by conference call in accordance with USATF Operating Regulation 11.
3. Invalidation: An election will be invalidated only if it is found that one or more infractions occurred during an election and those infractions likely changed the outcome of the election.
4. Further action: the NABR panel may recommend or require changes for future elections in the Association.

**J. Employees:** Employees, (working within the past ninety (90) days) shall not participate in the election process (nominations or campaigning), but may, at the discretion of the Association, be permitted to vote if they are members and otherwise eligible.

## **ARTICLE XI COMMITTEES**

**A. Types:** The types of Committees of USATF/Border shall be Administrative and Standing Sport. There shall be both Standing and Special Committees in the Association.

1. Standing Sport Committees:
  - Men's Track and Field
  - Women's Track and Field
  - Masters' Track and Field
  - Men's Long Distance Running
  - Women's Long Distance Running
  - Masters' Long Distance Running
  - Racewalking
  - Youth Athletics
2. Standing Administrative Committees:
  - Budget and Audit
  - Membership
  - Officials/Records
  - Sports Medicine and Sports Science
  - Athlete Advisory
  - Registration
  - Law and Legislation
  - Coaches Advisory
3. Standing Operational Committees:
  - Development/Coaching Education
  - Rules

Any other committees in accordance with article 13(a) of the by-laws of USATF that shall from time to time be necessary to conduct the business of this Association.

4. Special Committees: The President shall be entitled to appoint ad hoc committees of the USATF/Border with such composition, responsibilities and authority as may be approved by the Board.

## **B. Composition:**

1. Standing Sport Committees: (a) Standing Sport Committees shall be comprised of any individual members, unattached or club-affiliated, who have indicated interest in that area and who wish to serve on that committee. (b) Individual members may choose to serve on more than one committee. (c) The chairperson of each Sport Committee shall be elected by the membership of each committee.
2. Standing Administrative and Operation Committees: The Association President shall appoint members and chairpersons of these committees.
3. Term of members: members of all committees shall serve the same term as the President's term.
4. Operating Procedures: Each standing committee shall have a set of written operating procedures on file with the Association Secretary. These procedures shall not conflict with the provisions of the USATF Bylaws and Operating Regulations or these Bylaws. Any modification of the committee's operating procedures shall be promptly reported to the Secretary. Members of the Association may request a copy from the Secretary and copies shall be available at the Annual Meeting.
5. Committee Make up: The makeup of each non-sport committee shall be stated in the description for the committee. Each Sport committee (with the exception of Youth Athletics which shall be constituted according to its Operating Regulations) shall be constituted as follows:
  - a. Association group members: One (1) member to be named by each Association member club or organization active in the discipline of the committee;
  - b. Athletics for the Disabled members: One (1) member to represent the collective disabled athletes in the area;
  - c. Officials Committee member: One (1) member to be named by and from the Association Officials Committee;
  - d. At-large members: Three (3) at-large members to be selected by the committee;
  - e. Elected officers and other positions: Any person elected by the committee to serve in an officer position, such number not to exceed four (4) additional members; and
  - f. Active athlete members: That number of active athlete members which shall be at least twenty percent (20%) of the total authorized membership of the committee, such active athletes to be selected by those registered attendees at the meetings of this

Association who are active athletes engaged in the particular sport discipline of the committee.

**C. Committee Membership:**

1. Notification and vacancies: Members of committees and chairmen for these committees are appointed by the President and approved by the Board. Vacancies in a committee shall be filled by the remaining members of the committee.
2. Elections: The provisions of Article X shall apply to the elections process of committees. The committees shall be free to adopt other portions of Article VIII, or other rules not in conflict with those in Article X;
3. Membership: All elected and appointed members of all committees shall be members of this Association. Each committee shall consist of at least (four) 4 members and the chair. Each committee is free to determine the number of its membership in its Operating Procedures;
4. Termination: Organizations or groups which appoint committee members per this section may terminate such appointments for good cause upon written notice to such appointees;
5. Listing: Under every committee member's name in the USATF Directory shall be listed (a) their Association or (b) the governing organization they represent. Committee membership constitution shall also be listed on the Association's web site.

**D. Committee Meetings:** Each committee shall hold at least an annual meeting, which may be in conjunction with the annual meeting of the Association. Committees may determine a regular meeting schedule and shall hold such special meetings as may be called by the chair, at his or her own initiative, or that of twenty percent (20%) of the membership of the committee, upon twenty (20) days written notice. In the latter case and in the absence of the willingness of the chair to call a meeting, the notice of a special meeting shall be distributed to all committee members at the direction of the Association Secretary upon verification that the requirement of twenty percent (20%) has been met. The notice of a special meeting shall be in writing, setting forth the date, time, place, and purpose of the meeting, and shall be mailed or emailed to the last known address of each committee member.

**E. Quorum:** A quorum for any committee meeting shall consist of twenty-five percent (25%) of its members.

**F. Athlete Representation:** Except for the Youth Athletics Committee and its subcommittees, all Association committees, or other appointed or elected bodies of this Association shall consist of at least twenty percent (20%) active athletes

**G. Committee Responsibility:** Any committee project or grant which requires applicants to file a written request form must also require a certification that the Association president and sport chair (if appropriate) have been notified of the application. Any USATF national committee awarding funding for projects or events to be held in the Association must notify the Association president in writing of the date and scope of the activity to be held in the Association.

**H. Committee Chairs:** Unless otherwise specified (as in for Sports Committees), the chairs of all other committees shall be appointed by the Association President and shall serve the same term as the President's term.

**I. Duties of Chair:** Chairs of all committees shall:

1. Preside at all meetings of the committee;
- b. Ensure that all duties and responsibilities of the committee are properly and promptly carried out;
- c. Appoint subcommittees, with the authorization of the committee, as may be necessary to fulfill the duties and responsibilities of the committee. Subcommittees of administrative and developmental committees shall be appointed only from the membership of those committees, except that non- members (not exceeding 50%) of the subcommittee) may be appointed with the authorization of the committee;
- d. Communicate with the committee members to keep them fully informed of events concerning the committee and decisions made to carry out the committee's responsibilities;
- e. Keep the President and Executive Director informed on all committee actions and recommendations; and
- f. Cause to be kept and properly forwarded to all committee members and the Executive Director copies of the minutes of all meetings of the committee.

**J. Vacancies:** When an elected committee chair is vacant, the position shall be filled by a vote of the committee as a whole by mail ballot unless the committee has previously adopted a different procedure. A panel named by the Association president shall supervise the elections in a manner approved by the Board; and

**K. Removal of Chairs:** Chairs may be removed for good cause by a two-thirds vote of the committee at an annual meeting or at a special meeting called for that purpose, provided that the members of the committee shall receive notice of the proposed action at least twenty (20) days prior to the meeting.

**L. Task Forces:** The President may appoint task forces. No such entity shall continue beyond the term of the President without specific reappointment. The authorized temporary groups will be reported in the minutes of the next meeting.

## **ARTICLE XII COMMITTEE DUTIES AND RESPONSIBILITIES**

**A. Sport Committees:**

1. Duties and responsibilities: Each Sports Committee shall:
  - a. Championships: Have jurisdiction over the Association championships in the particular discipline it controls, and shall institute, locate, or award, conduct, and manage all such championships in accordance with the provisions of USATF Regulation 3.

- b. Calendar: Coordinate the local and domestic competition calendar in its discipline.
  - c. Records: Approve records for the events within its discipline.
  - d. Promote: Promote and develop activities in its sport.
2. Committee definitions: The disciplines and age categories under the control of each sport committee in this division are as follows:
- a. Age categories:
    - 1) Senior athletes are of any age 14 years and over;
    - 2) Junior Athletes must be at least age 14 on the day of competition and under age 20 on December 31 in the year of the competition;
    - 3) Master athletes shall be at least age 30 on the day of competition; and
    - 4) Youth athletes shall not be 19 before the final day of the national Junior Olympic track and field competition and are divided into specified age categories.
3. Jurisdiction of each Sports Committee:
- a. Men's Track and Field: Indoor and outdoor track and field activity for junior and senior men, not including track races of greater than 10,000 meters;
  - b. Women's Track and Field: Indoor and outdoor track and field activity for junior and senior women, not including track races of greater than 10,000 meters;
  - c. Race Walking: All race walking activity for junior and senior men and women.
  - d. Men's Long Distance Running: Off-track running at all distances, track running at distances over 10,000 meters and cross country running for junior and senior men;
  - e. Women's Long Distance Running: Off-track running at all distances, track running at distances over 10,000 meters and cross country running for junior and senior women;
  - f. Youth Athletics: All youth activity not conducted as junior competition for youth boys and girls, including track and field, road running, cross country running, and race walking; and g.
  - g. Masters Track & Field and Long Distance Running: All track, field, and race walking activity for masters men and women, except track running races of greater than 10,000 meters.

## **B. Jurisdiction of Other Committees:**

1. Athlete Advisory Committee: The Athlete Advisory Committee shall have the following duties and responsibilities:
  - a. Policy advice: Serve as a source of reference, opinion, and advice to the officers, employees, Board, and all committees with regard to current or contemplated policies of USATF and/or the Association and in all matters relating to athletes and athlete's rights.
  - b. Athlete representatives: Appoint, elect, or oversee the election or appointment of athletes' representatives to committees or subcommittees when empowered to do so by these Bylaws.
  - c. Participation in governance: Encourage and foster the representation and active participation of athletes at the meetings of the Association, its Board and its committees.
  - d. Meetings: Conduct meetings of the active athlete members and other active athlete attendees at the annual meetings of this Association.



- e. Performance: Assist athletes in achieving maximum performance in Athletics competition.
  - f. Rights of athletes: Educate athletes about their rights and responsibilities in Athletics and assist athletes in preserving and protecting such rights.
  - g. Athlete advice: Advise athletes on all matters pertaining to the general structure and operation of Athletics.
  - h. Transition of athletes: Assist with the transition of athletes in post-competitive years.
  - i. Operating rules: Adopt operating rules to assist the committee in carrying out its duties and responsibilities.
  - j. Make-up: The committee shall consist of active athletes in each of the following categories where available:
    - 1) Sprints;
    - 2) Hurdles;
    - 3) Multi-events;
    - 4) Distances of 800 meters through 1500 meters;
    - 5) Distances of over 1500 meters to 10,000 meters;
    - 6) Road racing and cross-country;
    - 7) Throws;
    - 8) Horizontal and vertical jumps;
    - 9) Race walking; and
    - 10) At-large (active or inactive) athletes.
2. Coaches Advisory Committee: Shall have the following duties and responsibilities:
- a. Policy advice: Serve as a source of reference, opinion and advice to the officers, employees, Board, and all committees with regard to current or contemplated policies of this Association and in all matters relating to coaches; and
  - b. Coaches representatives: Appoint coaches' representatives to committees or subcommittees when empowered to do so by these Bylaws;
  - c. Makeup: The committee shall consist of a minimum of one (1) coach from each Sports Committee in the Association.
3. Coaching Education and Development Committee: The committee shall foster the growth of coaches' education in the local area, using such resources as the national committee can provide.
- a. It shall participate in the staging of any coaching education school held in the geographic area of the Association; and
  - b. Makeup: The committee shall attempt to parallel the structure of the national subcommittee, such activities being led by an Association education chair appointed by the Association president.
4. Law & Legislation and Rules Committee:
- a. Deliberations: Consider and present in proper form for action all amendments to the USATF Bylaws and Operating Regulations and may make recommendations thereon.
  - b. Custodial service: Be the custodian of the local Association Bylaws.
  - c. Interpretation: Interpret the Rules of Competition.

- d. Amendments by members: Have the authority to propose amendments to the USATF Bylaws, Operating Regulations, and Rules of Competition on behalf of the Association with the signature of the President of the Association.
  - e. Makeup: The committee shall consist of at least three (3) and no more than seven (7) members of the Association, at least twenty percent (20%) of which must be active athletes, as named by the President.
5. Member services liaison:
- a. Duties and responsibilities: The liaison shall assist the area membership chair in determining the qualifications of member groups, and shall coordinate all elections for both the officers, Board, and committee chair positions; and
  - b. Appointment: The liaison shall be appointed by the President with the approval of the Board.
6. Officials Committee:
- a. Administration: Select a person or committee responsible for training, certifying, and generally supervising officials within the Association, under such rules and procedures consistent with the directives of the national committee, as it may adopt.
  - b. Methods: Establish, by examination, rules review, field experience, clinics, and such other procedures as it may choose, their overall program administration, including the direct responsibility of certifying the officiating category of association officials to working officials within its Association.
  - c. Instruction: Develop and maintain instructional programs for officials, including examinations, rules, reviews, clinics, and other such activities as it may prescribe.
  - d. Certification: Be responsible for:
    - 1) Designating pre-certified officials;
    - 2) Certifying Association-level officials; and
    - 3) Recommending to the national committee candidates for master-level officials certification.
  - e. Minimum make-up and concurrence: The Officials Committee shall be composed of at least one representative from each locally active sports discipline of the Association.
7. Sports Medicine & Services:
- a. Duties and Responsibilities: The Committee shall:
    - 1) Advise coaches and athletes and the Athletic community on the prevention and care of Athletics injuries
    - 2) Coordinate research on human performance;
    - 3) Lead efforts to provide medical staffing at events;
    - 4) Seek appropriate controls on dangerous or unfair substance abuse;
    - 5) Develop educational materials and conduct educational programs concerning drug abuse in sports and sports related injuries and care;
    - 6) Establish working relationships with sports medicine care providers throughout the Association to develop an Association-wide medical care referral network.

- b. **Make-up:** The committee shall consist of at least four (4) members of the Association, at least twenty percent (20%) of which must be active athletes, and a Chairperson as named by the President

### **ARTICLE XIII DISCIPLINARY AUTHORITY**

- A. Authority:** This Association shall have the authority to discipline any member, delegate, athlete, coach, manager, official, trainer, member of any committee, and any other person or entity participating in Athletics who, by neglect or by conduct,
  - 1. acts in a manner detrimental to the purposes of USATF, USATF Border Association, or Athletics, or
  - 2. USATF, IAAF, and Sports Act violations: Violates any of the Bylaws, Operating Regulations, or Competition Rules of USATF, IAAF, or the Association, or violates the Sports Act; or
  - 3. has violated the rules of eligibility for Athletics, or
  - 4. who by his or her, or its conduct has acted in a manner which tends or brings disrespect to the Association, USATF, and the sport of Athletics.
  
- B. Fair Notice:** In all instances brought under this Article XIII, the person or entities charged shall be provided with fair notice and an opportunity for a hearing before the imposition of any penalty by the Association. However, in instances where the Board reasonably believes that the parties or entities being so charged represent a danger to the public or other members of the Association, The Board of this Association shall have the power to immediately suspend any such party or entity until a hearing can be held to determine further action or actions. Persons or entities charged may be represented in any disciplinary proceeding by persons who may (but need not be) an attorney; may appeal any adverse decision to USATF in accordance with USATF Regulation 11; may be present at any hearing; and shall have the right to present evidence and testimony and to cross-examine witnesses.
  
- C. Proceedings:** Disciplinary proceedings commenced by the Association shall be conducted in accordance with the Formal Resolution of Grievances provisions of Article XIV of these Bylaws.
  
- D. Sexual Misconduct:** In any case where it is established that an individual has been convicted of, or pleaded nolo contendere to a felony or misdemeanor involving a sexual offense against a minor or a member of USATF, the Association shall proceed as prescribed in USATF Regulation 11 (A)(3).
  
- E. Findings.** On a finding by a hearing panel on matters under this Article that the party or entity is guilty of the act or acts alleged by the Association, the Association may impose penalties which may include, but are not limited to:

1. Expulsion from the Association and right to recommend to the National Office the expulsion from USATF;
  2. Suspension for a definite or indefinite period of time from the Association;
  3. A declaration that a person or organization is ineligible to participate in Athletics or the affairs of the Association.
  4. Censure;
  5. Admonishment
  6. Fines.
- F. NOTE:** Disciplinary and reinstatement procedures: The disciplinary and reinstatement procedures of USATF and its member Associations are set forth in USATF Operating Regulations 11 and 12.

## **ARTICLE XIV GRIEVANCE & DISCIPLINARY PROCEEDINGS**

USATF Bylaws authorize each Association to handle the disciplinary and formal grievance proceedings relating to matters that arise within the boundaries of an Association except sexual misconduct.

**A. Scope:** Generally, a disciplinary matter is brought by an Association when it believes a member of the Association or other participant in Association activities has acted in a manner that violates fundamental principles, policies or rules of USATF and the Association. A grievance is a dispute between two parties about any matter that occurs within the Association. The Border Association may hold disciplinary or grievance hearings about matters that are not the exclusive responsibility of USATF to resolve, as dictated by USATF Bylaws, Operating Regulations, or organizational policy.

**B. Informal Handling of a Grievance or Disciplinary Action:** The Association will make every effort to resolve the matter informally (i.e. without a formal hearing). Such an effort can only be pursued if all parties to the proceeding agree. The goal of this process is to work with the parties to find a mutually acceptable solution. If the matter cannot be resolved informally, the Association will refer the matter to an “unbiased hearing panel”.

**C. Association Grievance Panel:**

1. **Members:** The Association Grievance Panel (AGP) shall consist of three individuals who are not officers, board or executive committee members of the Association. There shall also be a first alternate second alternate, and additional alternates who may be appointed from time to time when any of the three members of the AGP are not available.
2. **Appointments:** The President of the Association will appoint the AGP. None of the individuals serving on the hearing panel have any involvement in the pending matter or close relationship to any of the parties to the proceeding. If a potential panelist discloses a “conflict of interest”, the parties and panelists may agree to proceed despite the conflict, and the person may serve on the panel; but only if all parties are in agreement. If a potential hearing panelist does not disclose a conflict of interest and

one or both parties has/have reason to believe that such individual may be biased, he or she shall not serve on the hearing panel.

3. Terms: Terms shall commence on January 1 of each year.

**D. Formal Complaint:** A formal grievance or complaint must be submitted to the Association's President and Secretary in writing. If the President and/or Secretary are named in the complaint it should be filed with the entire Board of Directors or Executive Committee, and an officer or board member not involved in the dispute will oversee the whole resolution process. The complaint should specify the conduct or Association bylaw, rule, or policy violation that has occurred and the resolution sought. In addition, the complaint should be signed by the complainant(s) and notarized.

**E. Grievance Proceedings:** The hearing itself will be conducted in a manner which conforms to the USATF "Guidelines for Handling Grievances Properly".

**F. Grievances:** A grievance may involve any matter, other than sexual misconduct and doping offenses, within the cognizance of USATF that occurs in the jurisdiction of this Association:

1. Grievance Complaints: A Grievance Complaint shall state the following:
  - a. Detrimental conduct: Conduct detrimental to the best interests of Athletics, USATF, USATF Border Association has taken place; or
  - b. USATF violations: A violation of any of USATF's Bylaws or Operating Regulations and/or of a violation of any of USATF Border Association Bylaws or Operating Regulations has occurred.
2. Parties: Grievance Complaints may be filed only by and against individuals or entities which were, at the time that the conduct complained of occurred, and at the time the Complaint is filed, members, directors, or officers of USATF or otherwise subject to the jurisdiction of USATF Border Association. A non-member, former director, or former officer of USATF Border Association shall be subject to the jurisdiction of USATF Border Association for the purpose of defending against a Grievance Complaint for an incident that occurred while he or she was a member, a director, or officer of Border Association. A Grievance Complaint may only be filed by a person or entity affected by the issues raised in the complaint; and
3. Time limit: Grievance Complaints must be filed within one (1) year from the time the complaining party knew or should have known of the act giving rise to the Complaint.

**G. Rights of the Persons or Entities:** In all matters subject to this Regulation, all parties shall be provided with fair notice and an opportunity for a hearing prior to the adjudication or imposition of any penalty by the Association or AAP. All parties:

1. Representation: May be represented in any disciplinary, grievance, or Association proceeding by a person(s) who may (but need not) be an attorney;
2. Right to appeal: May appeal any adverse decision in accordance with this Regulation;
3. Attendance at hearing: May be present at any hearing; and
4. Presenting and challenging evidence: Shall have the right to present evidence and witness testimony and to cross-examine witnesses testifying against him, her or it.

**H. Initiation of Proceedings:** Formal grievances shall be initiated as follows:

1. Grievance complaint filing procedures:
  - a. Filing location: Complaints shall be filed with the Association President and Secretary. The Secretary shall forward a copy of the Complaint to the each party charged in the Complaint;
  - b. Language: All documents filed and exchanged with respect to this Regulation shall be in English; provided, however, that an original document that is in a foreign language must be submitted along with an English translation. The party submitting the document shall bear the cost of obtaining its translation which shall be conducted by a reputable translator or translation service. In the event of a challenge to the accuracy of a translated document, the panel chairperson may direct USATF to order a translation of the document(s) in question. The Border Association may allocate the cost of the translation to any party or all parties, as the panel deems appropriate;
  - c. Basis for the Complaint: The Complaint shall allege clearly the nature of the dispute and, where appropriate, state the specific violation of the Bylaws, Operating Procedures, Competition Rules, or Policies of USATF, USATF Border Association, or the IAAF;
  - d. Facts of allegation: Factual allegations shall be separately stated in concise language with one allegation set forth in each numbered paragraph of the Complaint;
  - e. Signature: The Complaint shall be signed by the person filing the Complaint,
  - f. Filing fees: A filing fee of One Hundred U.S. Dollars (US\$100) must accompany an organization's complaint and a filing fee of Seventy-five U.S. Dollars (US\$75) must be paid by individuals filing a Complaint. The filing fee must be in the form of a certified check or money order made payable to the Association;
2. Failure to comply with Complaint procedures: Complaints that fail to comply with the procedures outlined in this Regulation shall be returned to the filer with instructions explaining the deficiency. A returned Complaint may be re-filed within thirty (30) days of the initial filing. After thirty (30) days, the Complaint will be deemed abandoned;
3. Informal resolution of grievances: Upon receipt of a Grievance Complaint, the President or his/her designee shall make every effort to resolve the dispute through informal means. In disputes pertaining to a specific sport discipline, the President or his/her shall also confer with the chairperson of the sport committee for the discipline involved. All discussions related to the informal resolution of a complaint shall be confidential;
4. Formal resolution: If the informal resolution of the complaint is unsatisfactory to any party, or if a party declines to pursue informal resolution, the party may request that the complaint be resolved by a formal hearing before an AGP panel;

**I. Notice of Proceedings:** Within thirty (30) days of the commencement of a formal grievance all interested parties and the hearing panel shall be sent the following by the Association Secretary:

1. Documents: A copy of the complaint or other documents giving rise to the proceeding, with any attachments;
2. AAP Members and Contact: The names of the hearing panel members and the address and telephone number of the panel's chairperson;

3. Association Bylaws: A copy of the text of this Regulation of the USATF Border Association Bylaws and any other relevant USATF Rule or Regulation;
4. Other relevant documents: A copy of any specifically identified document(s) related to the dispute.

**J. Answer:** The person(s) or entity(ies) named in a Complaint (respondent(s)) must submit a written answer to the Association Secretary within thirty (30) days after receipt of the letter notifying respondents that a proceeding has been filed (“Notice of Proceeding”). A copy of the Answer shall be forwarded by the Secretary to the complainant (the party filing the Complaint) and the AGP panel. The failure of respondent(s) to answer within thirty (30) days after the receipt of the Notice of Proceedings will be deemed a waiver by respondent of the opportunity to have a hearing or have an appeal of any adverse decision. Upon such failure, and after confirmation of the receipt of the Notice of Proceeding by all parties, the hearing panel may proceed in the absence of the respondent and may decide the matter with or without a hearing and with or without taking testimony and evidence, as it deems appropriate. If a party raises a hearing panel challenge, the panel chair may extend the time to answer.

**K. Challenge to Arbitrator(s):** Within fourteen (14) days following the receipt of the Notice of Proceedings any party to the hearing may challenge the seating of any AGP panel member, on the ground that the panel member may not be impartial. The panel chairperson may extend the time to answer if a panel member is challenged. Failure to bring a timely challenge against the seating of an AGP arbitrator constitutes a waiver of such challenge.

**J. Hearing Procedures:** The following procedures apply to formal grievance, and other hearings:

1. Pre-hearing conference call: Within five (5) business days of the expiration of the arbitrator challenge the AGP panel chairperson shall conduct a pre-hearing conference by telephone conference call with all parties to discuss scheduling and procedural matters.
2. Date of Hearing: Best efforts should be used to set a convenient time and date for all participants. The AGP hearing panel shall schedule the hearing to take place within thirty (30) days of the initial pre-hearing conference. The hearing date may be delayed beyond the thirty (30) day period only upon a showing to the AGP panel that a substantial injustice would otherwise occur.
3. Location for hearing: Hearings shall be held in-person, unless good cause is shown to the AGP chairperson that holding the hearing by telephone conference call is in the best interest of the sport of Athletics.
  - a. Reason for request for telephone conference call hearing: If a party requests that the hearing be held by telephone conference call, such request shall be accompanied by a statement identifying the material reasons which the hearing panel should resolve in this venue.
  - b. Deadline for request: The telephone conference call hearing request must be submitted to the AGP chairperson within ten (10) business days of the receipt of the Notice of Proceedings. Failure to submit a telephone conference call hearing request during the above-described timeframe constitutes a waiver of the right to request a telephone conference call hearing.

4. Delays: If an interested party causes an unnecessary delay, the AGP panel may dismiss the proceeding or, at its discretion, rule against the party causing the delay. If the delay is the result of AGP panel inaction, the President or his/her designee may dismiss the panel and replace it with a new panel. If a party to the proceeding fails to appear at the hearing, then the AGP panel may make a ruling based on available information and the testimony of those present at the hearing. Delays in the hearing date may be granted with the agreement of all parties and panelists;
5. Evidentiary rules: The rules of evidence generally accepted in administrative proceedings shall be applicable to the hearing; the formal rules of evidence shall not apply;
6. Burden of proof: The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct;
7. Hearing record: An official transcript or recording is highly recommended for hearings conducted by an Association. Any party to the proceedings may retain a court reporter or other competent individual to provide a transcript or recording of the hearing at that party's own expense. If made, such transcripts or recordings shall become the official record of the proceedings and a copy shall be provided to all parties at their own expense; and
8. Participants: The hearing itself will consist of only the parties to the proceeding (complainant and defendant(s)), any witnesses that may be called to testify, and the hearing panelists. In addition, a party may at his/her own expense be represented by an attorney or other representative. Witnesses shall only be in the hearing room (or on telephone call) when testifying, unless the parties agree that they may be present at all times. Association officers should not participate in a proceeding except as required to present evidence, provide proper interpretation of Association bylaws, rules or regulations.
9. Post Hearing Issues. Once the panel has made a final determination, it shall provide a written decision to the Association President and Secretary.

**K. AGP Decisions and Opinions:** The following shall pertain to AGP final decisions and opinions rendered in hearings and appellate proceedings:

1. Scope of decision: All AGP panel decisions shall be consistent with USATF, USATF Border Association, and IAAF Rules and Regulations, and the Sports Act. If the implementation of any AGP panel decision and opinion would have a significant budgetary impact on USATF Border Association, the Budget Committee chair and/or the USATF Border Association, the Association Treasurer shall review it and report their findings to the Board within thirty (30) days of the issuance of the opinion. In such instances, the decision and opinion shall not become final and binding unless and until approved by the Board. The Board shall determine to what extent any AGP decision and opinion having a significant budgetary impact on USATF Border Association may be implemented, in light of fiscal considerations, and may remand the matter back to the AGP panel for modification based upon budgetary directives from the Board;
2. Form of decision and opinion: The AGP decision shall state in one or two brief sentences which party the AGP arbitrators have ruled in favor of. The opinion of the AGP panel shall set forth the following:
  - a. Issue: The question(s) the AGP panel was asked to decide;



- b. Arguments: A brief summary of the arguments made by each party;
  - c. Findings of fact: The findings of fact upon which the panel based its decision;
  - d. Citations: A citation to the applicable IAAF, USATF, USATF Border Association, Sports Act, or other applicable rule, bylaw or minutes, reports, guidelines, or other documents upon which the AGP panel decision is based,
  - e. Stay provision: Whether the effect of the decision shall be stayed in the event of an appeal, if appropriate;
3. Time frame: An AGP panel shall issue a decision with respect to the disciplinary, formal grievance, or other proceedings within fifteen (15) days after the conclusion of the hearing. The panel shall render a written opinion no later than thirty (30) days after the conclusion of the hearing, or after the submission of any post hearing documentation to the panel.
  4. Effect of decision: All AGP panel decisions shall be effective upon the date rendered, unless otherwise stated in the decision.

**L. Appeals:** The decision of the AGP may be appealed pursuant to USATF Regulation 4. The losing party may appeal the Association's decision to a National Athletics Board of Review (NABR) panel, via the USATF National Office, within thirty (30) days of the receipt of the written opinion. In addition, a party may request that the hearing panel's decision be stayed – not enforced or implemented – until the appeal has been heard. However, such a request must be filed within thirty (30) days of the Association panel's decision and must be made to the Chief Executive Officer of USATF.

## **ARTICLE XV SANCTIONS**

The general sanction provisions of USATF appear in this Article. Additional regulations appear in Regulation 14 (Governance Manual of USATF).

**A. Definition:** The following definition shall apply to this article and the corresponding Regulation 14 of the Governance Manual of USATF. International competition means an athletics competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country (i.e., competitions between national teams).

**B. Domestic Sanctions:** USATF or this Association shall have authority to grant sanctions to sports organizations or persons otherwise wishing to hold athletic competitions in athletics that are not international in nature, within the geographic area.

**C. Sanctioning policy:** Unless USATF or this Association determines by clear and convincing evidence that holding or sponsoring an athletics competition (international or domestic) would be detrimental to the best interests of the sport, USATF or this Association of USATF shall promptly grant a sanction requested by a sports organization or person(s), provided all the requirements of Regulation 14 of the Governance Manual have been satisfied. The decision as

to whether a proposed competition would be detrimental to the best interests of the sport shall be made in the first instance by the President of this Association taking into consideration the requirements of Regulation 14. Approval of sanctions shall not be unreasonably denied. The decision to deny a sanction may be appealed:

1. In the case of a denial by this Association, to USATF, or
2. In the case of a denial by USATF, to the NABR.

**D. Sanction requirements:** Sanctions are issued, withheld, or withdrawn in accordance with the requirements and provisions of Regulation 14 of the Governance Manual of USATF.

## **ARTICLE XVI FISCAL AND LEGAL MATTERS**

**A. Fiscal year:** The fiscal year of the Association is January 1 through December 31.

**B. Depositories:** The Board shall, from time to time as necessary, designate depositories for funds, property, and assets belonging to or under the control of the Association.

1. Signatories: Funds on deposit in banks may be withdrawn only by voucher check upon the signatures of the Treasurer or Secretary and President or Vice President. Other assets or property of the Association may be transferred from one depository to another by action of the Board; and
2. Interest accounts: The Board may establish separate accounts employing a consultant for the liquidation of obligations requiring prompt payment and for payroll obligations requiring prompt payment, and it may authorize checks to be drawn thereon upon the facsimile of any one (1) officer or employee.
- 3.

**C. Bonding:** Corporate fidelity bonds shall be obtained at the expense of the Association in a form and amount approved by the Board, indemnifying Association against losses resulting from infidelity, defalcation, or misappropriation by officers, employees, or agents of funds, property, or assets owned by or under the control of the Association.

**D. Indemnification:** The Association shall immediately indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact that he or she is or was a director, officer, employee, or official representative of the Association against expenses, including attorney's fees, judgments, fines, and amounts actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgement, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Association.

1. Standards of conduct: Any indemnification under this article shall be made by the Association only as authorized in the specific case upon a determination that the officer, director, employee, or official representative has met the applicable standard of conduct set forth herein. Such determination shall be made by the Board by a majority vote of a quorum consisting of members of the Board who were not parties to such action, suit, or proceeding. If such a quorum is not obtainable, such determination shall be made either (1) by a majority vote of the full Board pursuant to opinion of independent legal counsel or (2) by the members of the Association at the next meeting;
2. Expenses: Expenses, including attorney's fees, incurred in defending a civil action, suit, or proceeding may be paid by the Association in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided above upon receipt of an undertaking by or on behalf of the director, officer, employee, or official representative to repay such amount unless it shall be ultimately determined that he or she is entitled to be indemnified by the Association; and
3. Applicability: The indemnification provided by this section shall not be deemed exclusive of any other rights to which the director, officer, employee, or official representative may be entitled under bylaw, agreement, vote of the membership, or disinterested directors or otherwise. The indemnification provided by this section shall continue as to a person who has ceased to be a director, officer, employee, or official representative and shall insure to the benefit of the heirs, executors, and administrators of such a person.

**E. Liability insurance:** The Association shall secure comprehensive liability insurance coverage, including insurance for athlete/participant injury liability.

**F. Financial Reports:** The Board shall maintain current and accurate financial records in accordance with GAAP. At the end of each fiscal year, based on records maintained by the Association Treasurer, the Board shall prepare and approve a financial report conforming to AICPA standards. Once approved by the Board, the financial report will be made available to the public through the Association web page.

**G. Legal counsel:**

1. Counsel to the Board: The Counsel to the Board shall be appointed by the President with the approval of the Board. The Counsel to the Board shall be responsible for overseeing the legal affairs of the Association and shall be available to advise and consult with the officers, the COO, and other agents of the Association, render legal advice and assistance, and perform such other duties as the President or the Board may request. The Counsel to the Board shall have the right to the floor at any meeting of the Association, its Board, and its committees to comment on legal matters. The files, records, and documents created by the Counsel to the Board during the course of duties for the Association shall belong to the Association;
2. Assistant Counsel to the Board: The President, in consultation with the Counsel to the Board and with the approval of the Board, may also appoint an Assistant Counsel to the Board who shall have similar duties, responsibilities, and entitlements, but only as the President or the Counsel to the Board may specifically designate;

3. Expenses: Except as may be voted by the Board, neither the Counsel to the Board nor the Assistant Counsel to the Board shall receive any fee or other compensation for legal services, but necessary expenses shall be reimbursed;
4. Special Legal Counsel: On those occasions when the nature or scope of a particular matter requires expertise or a commitment of time, or cannot otherwise be adequately dealt with in the ordinary course by the General Counsel, Counsel to the Board, or the Assistant Counsel, and it appears to be in the best interests of the Association, the Board may authorize the President, in consultation with the Counsel to the Board and COO, to retain Special Legal Counsel.

**H. Athlete Advocate:** An athlete advocate shall be appointed by the President of the Association with the approval of the Board. The athlete advocate shall advise and counsel the AGC on USATF-related legal matters and shall be available to advise and consult with athlete members of this Association by telephone. The athlete advocate shall not assume the representation of individual athletes in specific matters. The necessary expenses incurred by the athlete advocate in performing his or her duties shall be reimbursed from the Association budget.

**I. Contracts:** Contracts not in the ordinary course of affairs of this Association, shall be examined and approved for form by the Counsel to the Board or by the Special Legal Counsel of the Association, prior to execution. The contents of all contracts affecting sport committees shall, during their negotiation phase, be communicated to the appropriate committee(s). Unless otherwise directed by the Board, all written contracts shall be executed on behalf of Border Association by (i) the President (or another officer designated by the President) and (ii) the COO, and, if required, attested to by the Secretary.

**J. Arbitration:** This Association agrees to submit to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association, in any controversy involving its recognition as a association governing body, as provided for in Paragraph 395, Subchapter II, Chapter 17, of Title 36 of the United States Code, or in any controversy involving the opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in Athletics competition, as provided for in the constitution and bylaws of the USATF.

**K. Conflict of interest:** Any individual representing this Association, or who has a financial arrangement with this Association, or who is an employee of USATF or of its Associations, or who is a member of any of its committees or Associations, shall not participate in the evaluation or approval of a contract with a supplier to furnish goods or provide services to this Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration. The Board may require that such individuals disclose all financial interests that may influence the performance of their duties for this Association. Each individual referred to in the first sentence of this paragraph shall, upon learning that this Association is proposing to enter into an arrangement in which he or she has financial interest, promptly notify the COO in writing of the existence of such interest, and the COO shall, in turn, promptly disclose such interest to those bodies of the Association involved in considering entry into the arrangement. In the event of a

violation of this provision, this Association shall have the right to recover such benefit or payment and to void the contract or transaction.

## **ARTICLE XVII DISSOLUTION**

Upon dissolution of the Association, the Executive Board shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purpose of the corporation in such a manner, or to such organizations, organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue law), as the Board of Directors shall determine.

## **ARTICLE XVIII SAVING CLAUSE**

Failure of literal or complete compliance with provisions of the Bylaws in respect to dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice proposals, which in the judgment of the members at meetings held do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any meeting.

## **ARTICLE XIX AMENDMENTS TO THESE BYLAWS**

**A. Proposed By-Law Amendments.** Any current adult member of USATF and this Association, members of this Association's Executive Board, or any organizational member of this Association may submit by-law amendment proposals.

**C. Amendment Procedures.** Proposed bylaw amendments shall be considered and voted upon at this Association's annual meeting. Proposed amendments may be presented by members of the Executive Board, individual Association members, or organizational members.

1. Proposals to amend these bylaws may be submitted in writing to the Board through the Association Secretary. Proposed bylaw changes shall be submitted no less than 60 days prior to the annual meeting of the Association. Proposed bylaw changes must identify: 1) the Article to be amended, 2) the proposed language to be considered, and 3) a justification for the proposed amendment.

2. The Association Secretary will provide the proposed bylaw amendment to the Board for review. The Board may edit proposed bylaw amendments for form, function and format. A final draft bylaw amendment shall be prepared by the Board and submitted to the Secretary.
3. Upon acceptance by the Board, the Association Secretary will distribute proposed bylaw amendments to the members of this Association in conjunction with the Annual Meeting agenda.
4. Approval: Bylaw amendments shall be passed at the Annual Meeting with a 2/3<sup>rd</sup> majority affirmative vote of participating members.