

AMENDMENTS

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

In preparation for the 25th
Annual Meeting
in Greensboro, North Carolina

Wednesday-Sunday, December 3-7, 2003

Jim Murphy, Chair
Tim Baker, Secretary
Bill Roe, Editor
Jill Pilgrim, Staff Liaison

Contents

Part I • Housekeeping Items

Part II • Bylaw Amendments

Part III • Operating Regulation Amendments

Part IV • Amendments to Appendices and Exhibits

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART I • GRAMMAR AND PUNCTUATION ITEMS

SUMMARY

1 = Grammar/Punctuation • 2 = Housekeeping • 3 = Acceptable reflection of current practice •
4 = Acceptable substantive change • 5 = Further discussion warranted • 6 = Rejection • 7 = Tabled

<i>L&L rating</i>	<i>number</i>	<i>article</i>	<i>item title</i>	<i>author</i>
1	H01	All	Typos, punctuation, and formatting	Roe/Rosado
1	H02	Art 8-K	Registration	Greifinger
1	H03	Art 15-B-2	Division executive committee	Rosado
1	H04	Art 20	Clarification of sanctioning	L & L
1	H05	Art 26-D-5	Submissions approval	Koch
1	H06	Reg 2-A-1	Complete to compete	L & L
1	H07	Reg 3-E	LDR Reps to staff selection	Kuscsik
1	H08	Reg 10-J	Reference correction	Greifinger

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART I • GRAMMAR AND PUNCTUATION ITEMS TEXT

(Reasons not listed)

ITEM H01

Submitted by Bill Roe, President, and Mary Rosado, L&L Member

There is a wide variety of **typographical errors**, and **formatting and consistency of formatting issues** in the current book. This is undoubtedly a result of the editorship having gone through three hands in the past three years. The book looks "organizationally challenged," and we should attempt to clean it up. Rather than type out the over one hundred items, and not finding new ones, L&L will appoint a panel of three members to review the final draft of the Governance Handbook prior to its release. For consistency, "BOD" shall be changed back to "Board."

ITEM H02

Submitted by David Greifinger, Member

Amend Article 8-K, Registration (page 35) as follows:

- K Registration:** ~~((In order to be a participant))~~ Only registered participants may take part in USATF annual meetings ~~((all attendees must be registered participants)). ((In other cases, n))~~
Non-registered attendees will not be allowed the right... (remainder unchanged)

ITEM H03

Submitted by Mary Rosado, Member

Amend Article 15-B-2, LDR Division executive committee (page 48), as follows:

- 2 Divisional executive committee:** The executive committee shall be composed of the divisional chair, ~~((the two additional Board representatives, any of the three(3) sport committee chairs who may not be one of the foregoing,))~~ the three sport committee chairs... (remainder unchanged)

ITEM H04

Submitted by Law & Legislation

Amend Article 20-C, Sanctions (page 56), as follows:

- C Domestic Sanctions:** USATF or its Associations shall have authority to grant sanctions to sports organizations or persons otherwise wishing to ~~((hold))~~ host A((a))thletics competitions ~~((in athletics,))~~ that are not international in nature, ~~((within))~~ in the United States.

ITEM H05

Submitted by Ed Koch, Member

Amend Article 26-D-5, submission approval (page 60) as follows:

- 5 Approval of submissions:** All proposed amendments must first be recommended for approval at the time of submission by someone other than the submitter who shall be either a USATF national officer, the chair of any sport, development, or operating committee, any member of the Law & Legislation Committee (for Bylaws and Operating Regulations) or Rules Committee (for Rules of Competition), the president of any Association, or any officer or the executive director of a national member organization authorized by Article 5-B ~~((, or any officer of USATF))~~. Such approval must be in writing, dated, and placed on the proposal when submitted. These listed approval parties may submit proposed amendments directly without such an approval.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM H06

Submitted by Law & Legislation

Amend Regulation 2-A-1, Domestic competition (page 66) to correct typographical error:

A General:

- 1 **Domestic competition:** To compete in a national, regional, or Association championship, an athlete shall be a USATF member prior to the competition and otherwise eligible to ~~((complete))~~ compete pursuant to USATF and IAAF eligibility and competition rules. See USATF Regulation 9 (page 76) and IAAF Rules 53, 55-61 (pages 206-212). In other events conducted by an Association, the Association may require USATF membership; and

ITEM H07

Submitted by Nina Kuscsik, Member

Amend Regulation 3-E, staff selection subcommittee makeup (pages 66-67) as follows:

- 1 c One(1) representative appointed by the chair of the Men's Long Distance Running ~~((Division))~~ Committee;
- 2 c One (1) representative appointed by the chair of the Women's Long Distance Running ~~((Division))~~ Committee;

ITEM H08

Submitted by David Greifinger, Member

Amend Regulation 10-J, other disciplinary proceedings (page 78) by replacing reference to subparagraph D-6 with D-5.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART II • BYLAW AMENDMENTS SUMMARY

1 = Grammar/Punctuation • 2 = Housekeeping • 3 = Acceptable reflection of current practice •
4 = Acceptable substantive change • 5 = Further discussion warranted • 6 = Rejection • 7 = Tabled

<i>L&L rating</i>	<i>number</i>	<i>article</i>	<i>item title</i>	<i>author</i>
6	B01	Art 2-H	Club definition	National HQ
6	B02	Art 2-I	Coaching definition	USTCA
5	B03	Art 2-I	Coaching definition	Timmons
5	B04	Art 2-K	International Athletics competition	Kuscik
6	B05	Art 2-O	Nat'l sports organization definition	National HQ
6	B06	Art 2-R	Organization definition	National HQ
5	B07	Art 5	Article 5 Re-write	L & L
5	B08	Art 5-D	Screening	Associations
6	B09	Art 6-A	Conflict of interest	Associations
2	B10	Art 6-A	Failure to comply	Greifinger
5	B11	Art 6-A	Association financial obligations	L & L
5	B12	Art 6-B/C	Appeal pending stay	L & L
3	B13	Art 7	Introductory paragraph	Greifinger
5	B14	Art 7-D-3	Coaches 20% delegates	Timmons
6	B15	Art 7	Coaches USTCA delegates	USTCA
5	B16	Art 7-H	Sport committee coaches vote	Roe
4	B17	Art 9-A	Membership requirement	L & L
4	B18	Art 9-F-3	General competition chair	L & L
5	B19	Art 9-F	LDR divisional elections	Roe
5	B20	Art 10	Broken time payments	Roe
7	B21	Art 11 plus	Open task force item	Roe
5	B22	Art 11-A-1-c	LDR Board members	Rosado
6	B23	Art 11	USTCA coaches on Board	USTCA
6	B24	Art 11-A-1-h	Coaches Advisory members	Timmons
6	B25	Art 11-A-1	Board 20% coaches	Timmons
4	B26	Art 10	Board committees	Roe
4	B27	Art 12	National HQ to Office	Koch
4	B28	Art 12-B	Staff activities Association notice	Erwin
5	B29	Art 13	Committee makeup	Roe et al
5	B30	Art 13-B-2-c	Other organization members	Timmons
7	B31	Art 13-B-2	Active Coach members	Timmons
7	B32	Art 13-B-3	Coach representation	Timmons

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

<i>L&L rating</i>	<i>number</i>	<i>article</i>	<i>item title</i>	<i>author</i>
6	B33	Art 14	Coaches on committees	USTCA
5	B34	Art 14	HP Division organization	Kolling/Roe
5	B35	Art 14-C-3	Men/Women T&F Makeup	Roe
6	B36	Art 14	USTCA on M/W T&F	USTCA
7	B37	Art 14-D	Coaches Ed & Associations	Associations
3	B38	Art 14-D-1	Missing CE membership	Roe
5	B39	Art 14-D	“Track” and “Field” athletes	Roe
5	B40	Art 14-D-2-b	Development event chairs	Kuscik et al
4	B41	Art 15-D-2	New MUT descriptor	Rosado/Phillips
5	B42	Art 16-D	Club Council	Roe
3	B43	Art 17-C-1-h	DPL removal	Greifinger
5	B44	Art 17-E-2	Coaches Advisory makeup	Timmons
7	B45	Art 17-F-2	L&L cross country member	Timmons/Roe
3	B46	Art 17-G	Members Services election role	L & L
5	B47	Art 18	Slimming down article	L & L
5	B48	Art 19	Slimming down article	L & L
5	B49	Art 20	Event definitions	L & L
4	B50	Art 26-B	Time line for rules	Blackburn
4	B51	Art 26-C	Emergency rules	Blackburn
7	B52	Art 26-D-5	Submissions approval	L & L

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART II • BYLAWS

TEXT

ITEM B01

Submitted by the National HQ

Amend Article 2-H, Clubs (page 27), as follows:

- H Club** means ~~((a local or national organization whose programs involve competitive member athletes, events, and/or education in Athletics.))~~ a group of individuals who train together and/or compete in the sport of Athletics under a common identifying name and/or symbol.

REASON: *These additional definitions are needed to clarify vague or unclear terms, and to provide a basis for resolving interpretation issues.*

ITEM B02

Submitted by the US Track Coaches Association

Amend Article 2, Definitions (page 27), by expanding the definition of "Coach" as follows:

- I Active c((C))oach** means ~~((a person))~~ any individual who is ~~((currently))~~ actively engag~~((ing))~~ed in the training of athletes ~~((on an active basis))~~ in the sport of Athletics, whose name appears within official team documents as a coach, and/or has been declared as a coach at a USATF championship event, whether on a paid basis or not, and regardless of the extent to which coaching is a part of the person's vocation~~((, or retired from the vocation of coaching))~~ within the preceding ten (10) years.

REASON: *More precise definition of coach.*

ITEM B03

Submitted by Mark Timmons, Member

Amend Article 2-I, Definitions (page 27) as follows:

- I Coach** means a person who is actively engaging in the training of athletes ~~((on a active basis))~~ in the sport of athletics, whose name appears within official team documents as a coach, and or has been declared as a coach at a USATF Championship event, whether on a paid basis or not, and regardless of the extent to which coaching is a part of the person's vocation ~~((or retired from the vocation of coaching))~~ within the preceding ten years.

REASON: *To establish one consistent definition of what an active coach is, and to allow member services means to verify coaches credentials.*

ITEM B04

Submitted by Nina Kuscsik, Member

Amend Article 2-K, International Competition (page), as follows:

- K International Athletics competition** means any Athletics competition involving athletes ~~((from))~~ representing two or more countries.

REASON: *According to the submitter, this is the way it is written in the USOC Constitution. General counsel disagrees.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B05

Submitted by the National HQ

Amend Article 2 (page 27), by adding a new paragraph O as follows and renumbering subsequent paragraphs:

O National sports organization means Sports organizations that conduct a national program or regular national competition in Athletics, on a level of proficiency appropriate for the selection of eligible athletes to represent the United States in international Athletics competition, and have the managerial and financial capability of conducting a national championship.

REASON: *These additional definitions are needed to clarify vague or unclear terms, and to provide a basis for resolving interpretation issues.*

ITEM B06

Submitted by the National HQ

Amend Article 2 (page 28), by adding a new paragraph R as follows and renumbering subsequent paragraphs:

R Organization means a local or community based business entity or group whose activities involve Athletics.

REASON: *These additional definitions are needed to clarify vague or unclear terms, and to provide a basis for resolving interpretation issues.*

ITEM B07

Submitted by Law & Legislation

Amend Article 5 (page 31-32), by re-writing it as follows:

ARTICLE 5 CONSTITUENCY

~~((Membership in USATF shall be open to any eligible athletes, coaches, trainers, managers, administrators, and officials, and to those sports organizations which conduct a national program or regular national competition in Athletics, on a level of proficiency appropriate for the selection of eligible athletes to represent the United States in international Athletics competition, and have the managerial and financial capability of conducting a national championship.))~~ Membership in USATF shall be open to any eligible individual, club, organization, national sports organizations, and other constituencies as described in ??. The process for applying for membership is set forth in Regulation 1 (page ??).

A Individuals: Athletes, elite athletes, disabled athletes, coaches, officials, trainers, managers, administrators, or any other individual may join USATF, provided that s/he is not ineligible under applicable IOC, USOC, IAAF, or USATF rules and regulations.

B Clubs/organizations: Any club or organization may join USATF, provided that it is not ineligible under applicable IOC, USOC, IAAF, or USATF rules and regulations, or is not prohibited by law from joining USATF.

C Associations: Only those organizations approved by USATF as prescribed by Article 6 and are in compliance with Regulation 15, may be recognized as Associations by USATF. These recognized ((basic constituency of USATF shall consist of)) Associations shall be organized into

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

mutually exclusive geographic areas of the United States(~~((These Associations shall))~~) and must be separately incorporated entities. The Associations recognized by USATF, and the geographic descriptions of each, are set forth in Exhibit A-1 (page 62) to these Bylaws. (~~((Further provisions for Associations are the subject of Article 6 (page 29) and Regulation 15 (pages 84-88).))~~)

~~((B))~~ **D National** ~~((S))~~ **sports organizations:** Sports organizations that conduct a national program or regular national competition in Athletics, on a level of proficiency appropriate for the selection of eligible athletes to represent the United States in international Athletics competition, and have the managerial and financial capability of conducting a national championship.

~~((1~~ **Membership terms:** ~~The constituency of USATF shall also consist of those sports organizations which conduct a national program or regular national competition in Athletics, on a level of proficiency appropriate for the selection of eligible athletes to represent the United States in international Athletics competition, and have the managerial and financial capability of conducting a national championship. The sports organizations recognized by USATF as conducting the requisite national program or competition in Athletics are listed in Exhibit B (page 65) to these Bylaws.~~

~~2~~ **Organization documents:** ~~Any organization seeking to become a constituent of USATF as a sports organization, other than those currently recognized in Exhibit B, shall apply in writing for recognition by USATF. Such application shall set forth the qualities of the applicant for membership and shall be referred to the Member Services Committee. The committee shall promptly review the application and forward same to the Board together with its assessment of the qualifications of the applicant and the action recommended by the committee. Final decision on applications for membership shall be the responsibility of the Board. The Member Services Committee shall review all such memberships biennially to determine compliance.)~~

~~((C))~~ **E Other constituencies:** ~~The constituency of USATF shall also include the following organizations which are all listed in Exhibit C (page 165) of these Bylaws:~~

- ~~1~~ **National Athletics organizations:** ~~Other non-club sports organizations, the purpose or activities of which involve or are related to Athletics, and the Athletics-oriented membership and programs of which are national in scope;~~
- ~~2~~ **National coaching organizations:** ~~Organizations whose membership consists of coaches in Athletics and the membership of which is national in scope; and~~
- ~~3~~ **Sports for the Disabled:** ~~Any organization which is within the "Sports for the Disabled" category as defined by the USOC which directly conducts a national program in the sport of Athletics or regular national Athletics competition on a level of proficiency appropriate for the selection of eligible athletes to represent the United States in international competition which is designed for individuals possessing physical or mental limitations which preclude participation in unrestricted Athletics competition.~~

~~((The Member Services Committee shall review all such memberships biennially to determine compliance.~~

~~D~~ **Other membership categories:** ~~These membership categories shall be for both individuals and organizations. Such membership classes shall be proposed by the National Headquarters at any quarterly Board meeting. The Board shall authorize the distribution of the proposal, with such changes as it may also propose, to all constituencies of USATF for evaluation and reaction. At the next quarterly Board meeting, the Board may act on the proposal or refer it for further study to the National Headquarters or a task force. Membership categories may include, but are not limited to, eligible athlete, Active Athlete, International Athlete, coach, trainer, manager, administrator, official, volunteer, club, associate, parent, student, affiliate, contributing, or life.~~

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

E Application and miscellaneous:

- 1 Application:** For national Athletics organizations (C-1 above), national coaching organizations (C-2 above), sports for the disabled (C-3 above), and other classes of national organization membership, written application in the form of request for membership letter shall be made to the USATF National Headquarters. The application letters for organization members shall set forth the qualities of the applicant and shall be referred to the Member Services Committee, which shall promptly review and make its recommendation to the Board for action. Final decisions on applications shall be made by the Board. For all other classes of membership, application shall be made to the National Headquarters or, if permitted, to the membership chair in the Association of residence or club headquarters, or through a prescribed procedure when an athlete member is outside his or her Association. No person who is under suspension, has been expelled, or is otherwise currently denied membership in USATF, may join through an Association; and
- 2 Miscellaneous:** Members referred to in this paragraph shall be entitled to notice of meetings, and may attend the meetings of USATF with voice but without vote. Without approval of the Board, such members shall not be entitled to use the name or logo of USATF.

F Suspension and expulsion: Any Association or sports organization recognized by USATF which violates any of the provisions of these Bylaws, or the Operating Regulations, or any operating policy of USATF approved by the Board, or which by definition or practice no longer fulfills the criteria of its category of membership may be suspended, after due notice and an opportunity to be heard by a three (3) person panel of the Board, including one (1) Active Athlete, appointed by the President. At its next meeting, the panel's decision shall be voted upon by the Board. The Association or sports organization may be expelled only upon a two-thirds vote of the Board. If an Association is expelled, its geographic area shall be reorganized or assigned to one or more Associations of USATF, consistent with these Bylaws and the Operating Regulations.))

REASON: This article should simply identify the constituent members of USATF, while Regulation 1 should detail how one becomes a member. Somehow we have allowed procedures that should be in Regulations to creep into the bylaws.

ITEM B08

Submitted for Associations

Amend Article 5-D, Other membership categories (page 31), by adding the following sentence:

All Associations must perform background checks on any adult member who has contact with youth participants and members.

REASON: We need to move this process forward. The submitter would like opinions (and is sure to get them) as to whether this description is correct and/or sufficient.

ITEM B09

Submitted for Associations by Bill Roe, President

Amend Article 6-A, Associations (page 32), and Article 23-K, Conflict of Interest (page 58-59) to clarify that our overall USATF conflict of interest policy affects our ability to do business at all levels, including Associations, and to reference Article 23-K in Article 6.

REASON: We need to guarantee that conflicts of interest are being eliminated at all levels of the federation.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B10

Submitted by David Greifinger, Member

Amend Article 6-A-1, Association documents (page 32) by removing the incorrect number before the paragraph following 6-A-1-f, and changing that text as follows:

Each Association shall promptly notify the USATF National Headquarters of any changes in its organic documents by submitting a copy of the revised documents. All such changes shall be consistent with the requirements of this article. Any Association failing to comply with this article shall not be entitled to participate in the affairs of USATF until such failure is remedied. The Member Services Committee shall promptly inform the USATF Secretary and the National Office of any such failure to comply;

REASON: Housekeeping.

ITEM B11

Submitted by Law & Legislation

Amend Article 6-A-3, Associations finances (page 32), by adding the following to the end of the existing subparagraph:

Associations shall have specific responsibilities in the collection of dues and fees from members:

- a Collection of dues by Associations: On or before the 15th day of the month following collection, a transmittal report and USATF's national share of annual dues for each sports organization and individual member shall be submitted to the National Headquarters. The National Headquarters shall submit approved benefits to each member; and
- b Other claims: With regard to monies collected by Association members under the paragraph above, unless prior written approval of the National Headquarters is granted, there shall be no offsets, credits, or other deductions taken by such members on claims or credits due or claimed to be due to it. Such claims are to be established by the internal grievance process available under the Bylaws and these Regulations;

REASON: From the re-organization of Article 5, Article 6, and Regulation 1.

ITEM B12

Submitted by Law & Legislation

Amend Article 6-B & 6-C, Associations (pages 32-33) as follows:

B Association accreditation:

1-2 (no change)

3 **Appeals:** Adverse recommendations made by the Member Services Committee shall be subject to appeal to the NABR. The decision of the Member Services Committee will be stayed pending a decision on the appeal; and

4 (no change)

C Association elections: Association election procedures for officers, sport committee chairs, and other elected chairs shall be defined in their bylaws, in compliance with Regulation 15. These shall include the notice of elections to be held, the process by which nominations are made, the voting constituency, the conduct of the balloting, and election protests. These provisions are reflected in Regulation 15 (pages 84- 88).

REASON: Clarification of what happens while appeal is pending and avoids stay requests to the Board.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B13

Submitted by David Greifinger, Member

Amend Article 7, introductory paragraph (page 33) as follows:

The following persons shall be entitled to participate as voting delegates at USATF meetings, provided however, that all delegates must be at least 18 years of age and current USATF members (~~((or delegates named by an Article 5-B or Article 5-C organization))~~) and, (~~((in the case of))~~) during the annual meeting, must be registered:

REASONS: *The first two words are housekeeping. The last portion requires membership of all delegates, consistent with other Bylaws and Regulations.*

ITEM B14

Submitted by Mark Timmons, Member

Amend Article 7-D-3, Coaches delegates (page 33), as follows:

- 3 Coaches: There shall be a minimum number of individuals (~~((whose vocation includes the administration or coaching of school/college community Athletics or who are USATF-certified coaches))~~) (at least twenty percent (20%) of the delegates) who are considered active coaches as set forth in Exhibit E. If available, at least one (1) of the coaches shall be a high school coach;

REASON: *To remove a definition of a coach that is discriminatory toward club and youth coaches by stating that only they needed to be USATF-certified coaches and, to use one consistent definition of what an active coach is, and attempts to reflect the equal importance of the athlete and coaching communities within USATF.*

ITEM B15

Submitted by the US Track Coaches Association

Amend Article 7 (page 33) by adding a new paragraph as follows and relettering subsequent paragraphs:

H Coaches: Each division member organization within the USTCA shall elect up to ten (10) delegates to represent the division membership.

Reason: *USTCA is made up of NCAA I, NCAA II, NCAA III, NAIA, community college, and high school coaches. These school-based organizations have thousands of coaches who coach over 1.5 million athletes each year. These coaches operate programs at over ninety-five percent of the track & field and many of the cross country facilities in the nation, and stage thousands of meets each year. Each of the above divisions (with the exception of high school, which is forming an association at this time) has its own coaches association with officers and a board of directors. These boards meet three to four times per year and set rules of competition, stage regional and national events, crown national team and individual champions and name regional and national athletes and coaches of the year. High schools stage fifty state championships each year. Each year, coaches from all divisions attend the national annual meeting without vote or voice. Most importantly, they have no place in or avenue through which to represent their constituencies. Therefore, they feel left out of the entire process. USA Track & Field needs to include all aspects of track & field and cross country. It has been a caveat of the USATF structure since our beginning that coaches work through each local USATF Association. This has not worked. Coaches who represent the best development program in the world are being left out of the representative process. Ten delegates from each division would add sixty (60) delegates. With over 800 delegates representing USA Track, 60 delegate coaches would be an additional asset to the entire federation without upsetting the balance of voting power.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B16

Submitted by Bill Roe, President, and Mark Timmons,
Cliff Wiley, Alan Kolling, and Ed Koch, Members

Amend Article 7 (page 34) by adding a new paragraph H as follows:

H Coaches: One hundred (100) Coaching Advisory Committee representatives to the Men's Track & Field, Women's Track & Field, Men's Long Distance Running, Women's Long Distance Running, and Race Walking Committees, and the Cross Country Council (in positions determined by the Coaches Advisory Committee and to be reflected in Exhibit F) shall be submitted as voting delegates. The chair of the sport committee or council may challenge such a voting status for non-attendance to the Member Services Committee.

And further amend Article 15-D-1-c-iii, Cross Country Council makeup (page 49) as follows:

- iii ~~((Officials-))~~ **Committee members:** One (1) member to be named by and from the Officials Committee, and nine (9) members named to represent the NCAA, NAIA, junior colleges, high schools, and club coaches by and from the Coaches Advisory Committee, in such proportions as that committee shall designate;

REASON: *We need more coaching members of USATF, and the avenue through Associations is often blocked by other constituent groups. As well, Men's and Women's Track & Field are not made up of appropriate or active constituent groups, and by replacing most of the Association-based members with coaches, and by giving those coaches a vote in USATF elections and on the floor of the general assembly, we enfranchise a large and worthy group without asking Associations to cut back their delegation size to accommodate more coaches. This item is accompanied by Items B21, B35, and E03.*

ITEM B17

Submitted by Law & Legislation

Amend Article 9, Voting (page 36), by adding a new paragraph A as follows and relettering the subsequent paragraphs:

A Membership requirement: In order to participate as a voting delegate of USATF or to vote within USATF committees, subcommittees, or councils, an individual must be a member of USATF.

REASON: *Anyone voting should be a member of USATF. It only cost \$20! The instruction to the national headquarters is to include dues for the number of entitled delegates with the membership dues.*

ITEM B18

Submitted by Law & Legislation

Amend Article 9-F-3, General competition chair (page 37) by replacing the first sentence with the following :

The President shall designate a divisional chair of the General Competition Division.

REASON: *This division had no chair currently to facilitate inter-sport committee meetings or discussion.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B19

Submitted by Bill Roe, President

Amend Article 9-F, Divisional elections (page 37) to allow the members of the division shall meet to elect a high performance divisions to select their chair, followed by the election of sport committee chairs within the division, with one proposal being:

- 1 Long distance running division:** The members of the long distance running division, which shall include the voting members of the three committees and the three councils, shall elect its divisional chair. This election shall be conducted by balloting at the same time as the general election. An individual shall only be eligible to be a candidate in a division if he or she is a member of one of the three committees within the division. If a candidate is a member of more than one sport committee in the division, he or she must designate one committee only on the nominating form. Nominators and seconders must be within the division. After the election of the divisional chair of the long distance running division, the committee from which the divisional chair was elected shall meet to elect its chair. The other two committees shall each meet to elect their respective Board representatives of USATF and shall then elect their chairs. A divisional chair or other board representative may or may not also be elected as chair of a committee. The chair of the committee not on the Board shall serve as an alternate for any of the three Board members from the Long Distance Running Division, and shall have the right to attend (unfunded) any Board meeting where he or she is not a substitute voting member;

REASONS: *The lack of a role for the non-Board sport chair, such as is held in the High Performance Division, is of concern to some members. An alternative suggestion is B22.*

ITEM B20

Submitted by Bill Roe, President

Amend Article 10, Officers (pages 38-39) by adding a new paragraph where appropriate:

- X Broken-time payments:** Officers may be eligible for broken-time payments in situations where they have had to use unpaid complimentary time, vacation time, or other time of value for USATF business. The limit during any single week shall be nineteen (19) hours, and shall not be subject to withholding or social security taxes, nor be eligibile for benefits such as medical or retirement. All payments shall be taxed as any honoraria would. NOTE: This amendment shall not take effect until the elections of 2004, and shall be budgeted for the first time for the year 2005.

REASON: *If we continue to rely on volunteers for these critical federation leadership positions, we will continually rely on retired or independently wealthy individuals, and eliminate younger, generally more energetic and diverse individuals who cannot afford to perform these functions due to their socio-economic status. It is not intended that these officers make a living from being an officer, but have the opportunity to take necessary time off of their regular job without penalty. This must be evaluated for tax implications and effects on our non-profit for status.*

ITEM B21

Submitted by Bill Roe, President

Open Article 11, Board of Directors, as to makeup, and Articles 13 to 17, dealing with committees and the divisional structure, to amendments submitted during the period of August 31, 2004.

REASON: *A task force will be named for 2004 to investigate the effectiveness of the current divisional set-up. Some amendments may result from this investigation.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B22

Submitted by Mary Rosado, Member

Amend Article 11-A-1-c, Board of Directors' makeup (page 39), as follows:

- c Three (3) (~~representatives~~) sport chairs of the Long Distance Running Division (see Article 9F, page (~~34~~) 37);

REASON: *It would allow Masters LDR chair to be a voting member of Board. It would be in keeping with the current structure of the High Performance Division. An alternative is Item B19.*

ITEM B23

Submitted by the US Track Coaches Association

Amend Article 11-A-1, Board makeup (page 39), by adding a new subparagraph as follows and relettering subsequent paragraphs:

- f Coaches divisions: Each divisional member organization within the USTCA shall have the right to elect one member (6 persons);

REASON: *The above rationale explains the reason for delegates to be elected from each of the divisions representing the school based organizations. The same reasons apply for allowing members of each organization to be elected to the Board. Most of the business of USA Track & Field is conducted at the Board level throughout the year. The coaches who represent the athletes, who conduct the meets, and who control the facilities should be included in the decision making process. At this time, the Board has a member from the NCAA, NAIA, NJCAA, and NFSHSA. For the past 22 years, these organizations have sent a representative from their staff to the convention. With the exception of the NAIA, these representatives are not coaches; the ones on the field, the ones who work with track & field and cross country on a daily basis, the ones who understand the unique demands of the two sports.*

Note by Mark Timmons: *This was never discussed by the CAC, and was not passed for submission by the CAC for consideration of L&L in the next bylaw package.*

ITEM B24

Submitted by Mark Timmons, Member

Amend Article 11-A-1-h, Board makeup (page 39), as follows:

- h (~~A coach elected by and from~~) Two (2) representatives of the Coaches Advisory Committee (~~(1)~~ 2 persons).

REASON: *To reflect the gender diversity of the coaching community.*

ITEM B25

Submitted by Mark Timmons, Member

Amend Article 11-A, Board makeup (page 39) by adding a new subparagraph 2 and numbering subsequent subparagraphs:

- 2 At least twenty percent (20%) of the Board's membership must be active coaches;

REASON: *To reflect the equal importance of the athlete and coaching communities within USATF.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B26

Submitted by Bill Roe, President

Amend Article 11-H, Board committees (page 40) by adding diversity and international relations as permanent Board committees.

REASON: *To reflect these important, current Board committees in the bylaws.*

ITEM B27

Submitted by Law & Legislation

An omnibus item affecting Article 12 and other notations in the book, both Bylaws and Regulations, to change the term from National Headquarters to National Office.

REASON: *It was changed in the book from 2002 to 2003 without an amendment, and Law & Legislation does not like the change.*

ITEM B28

Submitted by Scott Erwin, Member

Amend Article 12-B, National staff activities (pages 40-41) by adding a new subparagraph 13 as follows and renumbering the remaining subparagraph:

- 13 Association notification:** Notify Associations when a USATF activity requiring approval by a national committee or the national office, including but not limited to events, programs and clinics, will be conducted or is proposed to be conducted in that Association's territory. Such Association notification shall occur within ten business days of the national headquarters knowing of the activity or proposed activity;

REASON: *Despite several bylaws and regulations requiring national committees and the national office to notify associations of championships and other events in their territory, and in many cases to get association signoff, it simply does not happen some of the time. This failure is very damaging to how an association is perceived and it needs to be rectified. We are proposing a bylaw change making association notification an official national office function, because nearly all of these events and programs go through the national office relatively early in their planning.*

ITEM B29

Submitted by Bill Roe, President, and Mark Timmons,
Cliff Wiley, Alan Kolling, and Ed Koch, Members

Amend Article 13-B-2-c, Committee makeup (page 42), as follows:

- c **Other organization members:** One (1) member to be named by any sports organization listed in Exhibit C-1 (page 165) that conducts programs in the sports discipline of the particular committee. The Coaches Advisory Committee shall also appoint one (1) or more representatives ((each)) for each of the NCAA I, NCAA II, NCAA III, NAIA, high school, NJCAA, NWAACC/CCCCTCA, and club coaches, that are active in the discipline of the applicable committee, and one (1) at-large member in all sport committees;

REASON: *See reason under B19. Companion items are B19, B35, and E03.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B30

Submitted by Mark Timmons, Member

Amend Article 13-B-2-c, Other organization members of sport committees (page 42) as follows:

- c **Other organization members:** One (1) member to be named by any sports organization listed in Exhibit C-1 (page 165) that conducts programs in the sports discipline of the particular committee. The Coaches Advisory Committee shall also appoint one (1) representative each for the NCAA I, NCAA II, NCAA III, NAIA, high school, NJCAA, NWAACC, ~~(+)~~ CCCCTCA, and club coaches, that are active in the discipline of the applicable committee, and one at-large member in all sport committees:

REASON: *To be in compliance with what was approved in 2001 convention. However, a concern has been voiced that it was originally mandated this way because the two organizations event considered together do not constitute a national organization, which is this membership group's criteria. See also item B44.*

ITEM B31

Submitted by Mark Timmons, Member

Amend Article 13-B-2, Committee makeup (page 42) by adding a new subparagraph d and re-lettering subsequent subparagraphs:

- d **Active Coach members:** That number of Active Coach members which shall be at least twenty percent (20%) of the total authorized membership of the committee, such Active Coaches to be selected by those registered attendees at the meetings of USATF who are Active Coaches engaged in the particular sport discipline of the committee;

REASON: *To reflect the equal importance of the athlete and coaching communities within USATF.*

ITEM B32

Submitted by Mark Timmons, Member

Amend Article 13-B-3, Committee membership (page 43) by adding a new subparagraph 5 and re-numbering:

- 5 **Coach representation:** All national or Association committees, subcommittees, or other appointed or elected bodies of USATF or any Association shall consist of at least twenty percent (20%) Active Coaches;

REASON: *To reflect the equal importance of the athlete and coaching communities within USATF. Companion item is B38. A similar item is B40. The concern registered for B40 applies here as well.*

ITEM B33

Submitted by US Track Coaches Association

Amend Article 13-B-3, Committee membership (pages 42-43), by adding a new subparagraph as follows and relettering subsequent paragraphs:

- x **Coaches:** The membership of each USATF committee shall be made up of 20% active coaches.

REASON: *In 1978, the Amateur Sports Act required that at least 20% of all committees within each governing body be made up of athletes. This was a good move, and now we have many active athletes involved with all decision making within USATF. Coaches who guide the 1.5 million athletes, stage the events, and control the facilities need that same representation. More importantly, USATF needs these professionals to be*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

involved in the governing body. **Editorial note:** This is a far-reaching initiative, but without specific language proposed for any single committee. This is an enormous editing job without someone taking the time to piece together a comprehensive listing of every place this change needs to be made, and doing the math for committees where membership numbers will be affected. An alternative package is items B19, B29, B35, and E03.

ITEM B34

Submitted by Alan Kolling, Member, and Bill Roe, President

Amend Article 14-B, High Performance Division (page 44), by adding the following new text:

B Division((al chair)) organization:

- 1 Divisional chair:** This division shall have a chair, who shall be elected in accordance with the provisions of Article 9-F. The chair shall be responsible for the maintenance of a High Performance Plan. This plan shall provide strategic direction for the USATF towards the goal of maximizing the performance of US athletes in international competition in Olympic events in Athletics. The chair shall report to the Board annually about the content and progress towards implementing the High Performance Plan. The chair shall have the responsibility to coordinate the activities of the High Performance Division for the purposes of implementing the approved High Performance Plan;
- 2 Divisional executive committee:** The members of the executive committee shall consist of the divisional chair, the three (3) divisional sports committee chairs, the Long Distance Running Division chair, and the chair and vice-chair of the Athlete's Advisory Committee. The divisional chair shall also chair the executive committee. The divisional executive committee shall be solely responsible for establishing policy regarding the creation and maintenance of the High Performance Plan, including all aspects of the processes for international team and staff selection for the Olympic Games, IAAF World Outdoor Championships in Athletics, and Pan American Games, not otherwise covered under Regulation 3 (Selection of Team Staffs), Regulation 13 (Commitment and Conduct of Athletes and Staff), and Regulation 14 (Athletics Sanctions), and establishment of funding priorities. The executive committee shall meet periodically on an in-person or teleconference basis. Nothing defined in this section shall be construed to limit the authority of the three (3) divisional sports committees from carrying out their independent responsibilities, as defined elsewhere in these bylaws and operating regulations;
- 3 High Performance Division coordinating committee:** The members of the High Performance Division coordinating committee shall consist of the divisional chair, the three (3) divisional sports committee chairs, the chairs of the committees and subcommittees of the joint development group (Coaching Education Committee, Men's and Women's Development Committees, the Sports Medicine & Science Committee, the Medical Services Subcommittee, the Scientific Services Subcommittee, the Psychological Services Subcommittee, and the Substance Abuse Education Subcommittee), the LDR Division chair, and the chair of the Athlete's Advisory Committee and two additional athlete representatives; and
- 4 Subcommittees:** Divisional committees and subcommittees shall have the role of and responsibility for coordinating their activities across the division. These include the Coaching Education Committee, Men's and Women's Development Committees, the Sports Medicine & Science Committee, the Medical Services Subcommittee, the Scientific Services Subcommittee, the Psychological Services Subcommittee, and the Substance Abuse Education Subcommittee.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- 5 International Staff Selection Subcommittees: All of the coaching, managerial and other nonmedical and non-media staff for the Olympic Games, IAAF World Outdoor Championships in Athletics, and Pan American Games shall be screened and selected by the Men's or Women's International Staff Selection Subcommittees, as outlined in Regulation 3.

REASON: *Housekeeping, for the most part, since there is no substantive change intended in the existing regulation. Creation of an executive committee will render the High Performance regulation more consistent with that of the Long Distance Running Division regulation, and provides more clarity on how the High Performance Division is actually run.*

ITEM B35

Submitted by Bill Roe, President

Amend Article 14-C-3, Makeup (page 44) as follows:

- 3 **Makeup:** ~~((Each sport committee shall be constituted as stated in Article 13-B-2 (page 40).))~~ Race Walking shall be constituted as stated in Article 13-B-2. Men's and Women's Track & Field shall be constituted as follows:
- a **Sports organization members:** One (1) member to be named by each sports organization listed in Exhibit B (page 66) and an additional two (2) members to be named by any sports organizations listed in Exhibit B that conduct substantial programs or competitions in the sports discipline of the particular committee;
 - b **Coaching organization members:** The following coaching organizations shall have the number of members listed for each: NCAA Division I Coaches – 10; NCAA Division II Coaches – 5; NCAA Division III Coaches – 3; NAIA XC/TF Coaches – 3; community and junior college coaches – 3 (where at least one must be a coach from the CCCCTCA or the NWAATCA); high school coaches – 7; and club council coaches – 3, such members to be elected by and from the USATF member coaches from that division or organization in the Coaches Advisory Committee;
 - c **Other organization members:** One (1) member to be named by any non-coaching sports organization listed in Exhibit C-1 (page 66) that conducts programs in the sports discipline of the particular committee, including three (3) members named by the US Track Meet Directors Association;
 - d **Committee members:** Three (3) members each named by Athletics for the Disabled (where at least one must be a coach), Associations, and Officials Committees;
 - e **At-large members:** Five (5) at-large members to be selected by the members of the committee;
 - f **Elected officers and other positions:** Any person elected by the committee to serve in an officer position, such number not to exceed ten (10) additional members; and
 - g **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 USATF who are active athletes engaged in the particular sport discipline of the committee;

REASON: *See reason under B19. Companion items are B19, B29, and E03, although this item is an alternative to those items, and should be considered only if those are rejected.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B36

Submitted by the US Track Coaches Association

Amend Article 14, High Performance sport committees makeup (page 44), by adding a new paragraph D and relettering "D" to "E" as follows:

- D** Each member division of the USTCA (NCAA I, NCAA II, NCAA III, NAIA, community college, and high school) shall elect ten (10) delegates each to the Men's and Women's Track & Field Committees. This would increase each committee by 60 members.

REASON: *The present makeup of each of these committees is not representative of men's and women's track & field in the United States. At present, few Associations stage an Association-wide championship for athletes, other than age group and master's competitions. The development of today's athletes takes place at the school-based programs, and each division should be allowed direct representation in the decision making process.*

Note from CAC: *This was never discussed by the CAC, and was not passed for submission by the CAC for consideration of L&L in the next bylaw package.*

ITEM B37

Submitted for Associations by Bill Roe, President

Amend Article 14-D-1-i, Curricula (page 44) as follows:

- i** **Curricula:** Define and develop curricula for the training and education of coaches in Athletics, and to share such curricula with any educational institution authorized by the Associations Committee and the National Headquarters for Internet use in an on-line education program;

And further amend Article 16-D-1, Associations Committee duties (page 50) by adding a new subparagraph c as follows and relettering subsequent subparagraphs:

- c** Coaches Education: Use the curriculum developed by Coaches Education to present Level I Coaches Education on-line through approved educational institutions;

REASON: *We need to move our education program on-line, or else we will be beaten to the coaching masses by USTCA, with its inferior curriculum. Coaches Education can do this itself, but in the absence of their program, the Associations Committee is willing to move forward. This item will be tabled to allow inaction by Coaches Education to trigger action by the Associations, if the delegates approve.*

ITEM B38

Submitted by Bill Roe, President

Amend Article 14-D-1, Coaches Education Committee (pages 44-45), to include the makeup which has been left out of the previous two editions of the Governance Handbook. I believe this text, which may be MIA, reads as follows:

- b** **Makeup:** The committee shall consist of the following components:
- i** **National subcommittee:** This subcommittee shall consist of members who, unless hereinafter specified to the contrary, shall be appointed by the divisional chairs of High Performance and Long Distance Running, and the chair of the Athletes Advisory Committee, with the approval of the President. The members of the committee shall be as follows:
- (a) A chair;
- (b) One (1) member who is actively engaged in coaching track & field in each of the following specialities:

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- | | |
|------------------|------------------|
| Sprints | Horizontal jumps |
| Hurdles | Vertical jumps |
| Throws | Decathlon |
| Middle Distances | Heptathlon; |
- (c) One (1) member primarily engaged in coaching race walking;
 - (d) Three (3) members who are primarily engaged in coaching long distance running, at least one of whom must be involved in cross country running;
 - (e) One (1) member named by each of the following sport committees:
 - Men's Track & Field
 - Women's Track & Field
 - Men's Long Distance Running
 - Women's Long Distance Running
 - Race Walking
 - Youth Athletics;
 - (f) The following at-large representatives:
 - High Performance divisional chair (or his/her assign)
 - Long Distance Running divisional chair (or his/her assign)
 - Cross Country Council chair (or his/her assign)
 - Chairs (2) of the Development Committees
 - One (1) representative from the Sports Medicine & Science Committee
 - One (1) representative from the Coaches Advisory Committee
 - One (1) representative from the Associations Committee; and
 - (g) Seven (7) active athlete members selected by the active athlete delegates to USATF, at least one (1) of whom shall represent the following:
 - Track & field
 - Long distance running
 - Cross country running
 - Race walking;
- ii **Association subcommittee:** This subcommittee shall consist of the chair of coaches education from each Association which has a coaching education committee, plus that number of active athlete delegates to USATF equal to at least 20% of the total resulting membership; and
 - iii **Association coaching education committees and chairs:** Recognizing the differences between Associations in the activities of coaches' education, insofar as they can, Associations' coaching education committees shall attempt to parallel the structure of the national subcommittee, such activities being led by an Association coaching education chair appointed by the Association president (unless otherwise provided for in the Association's bylaws);

REASON: *None needed. Coaches Education is invited to submit an alternative makeup for consideration.*

ITEM B39

Submitted by Bill Roe, President

Amend Article 14-D, Development Group, Makeup of the Coaches Education (makeup currently missing altogether, see above B38) and Development Committees, Active Athlete members (page 45), to separate "Track & Field" to "Track," line break, "Field."

REASON: *To make sure field event athletes are represented on these committees.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B40

Submitted by Nina Kuscsik and Mary Rosado,
Members, and Bill Roe, President

Amend Article 14-D-2-b, Men's and Women's Development makeup (page 45) by adding the following line to the first paragraph:

The chair of each sport committee shall be responsible for selecting its development committee representatives and/or chairs.

And further amend Article 14-D-2-b-iv, Development Committees makeup (page 45), as follows:

- iv Three (3) members who are actively engaged in coaching long distance running, as least one of whom must be involved in coaching cross country running, and one of whom must be the chair of the distances event group for the appropriate committee, approved by the chair of the applicable sport committee for that position;

And further amend Article 14-D-2, Development Committee makeup (page 45), by making the ending note a new subparagraph c and amending it as follows:

- c **Naming members:** The chair of each sport committee, with the approval of the divisional chairs of High Performance and Long Distance Running in consultation with the President, shall have the authority to appoint additional non-voting members necessary to carry out the responsibilities of the committee. Any development or event chairs named shall be chosen by the committee members representing or participating in the particular discipline, in consultation with the High Performance and Long Distance Running Divisional chairs; and

REASON: *There is a difference of opinion about who has the authority to select the event chairs for the marathon. The LDR Committees and LDR Division Chair believe that the language in the Governance Manual supports the continuance of the procedure that was in place before the restructuring - that the men's and women's marathon development chairs would be selected by the Men's and Women's LDR Chairs, respectively. The chairs of Men's and Women's Development and others have had different interpretations.*

ITEM B41

Submitted by the Mountain/Ultra/Trail Running Council
Approved for submission by Elizabeth Phillips and Mary Rosado

Replace the current Article 15-D-2, MUT Council, (page 49) with the following:

- 2 **Mountain/Ultra/Trail Running Council:**
 - a **Duties and responsibilities:** The Mountain/Ultra/Trail Running Council shall:
 - i **Championships:** Have jurisdiction over the national and regional (where regional coordinators are appointed) championships in the particular sports it controls. In conjunction with the National Headquarters, the Council shall institute, locate or award, conduct, and manage all such championships in accordance with the provisions of Regulation 4 (pages 68-70);
 - ii **Membership:** Represent/promote the interests of MUT runners within USATF;
 - iii **IAAF member organization representatives:** Recommend individuals to serve in the International Association of Ultrarunners (IAU) and World Mountain Running Association (WMRA) in accordance with those organizations' constitution and bylaws;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- iv Awards: Coordinate the selection of the discipline's Runners of the Year and Contributor of the Year awards; and
- v Miscellaneous: Promote and develop activities related to its discipline.
- b** Makeup: The makeup of the Council, which shall be reflected along with the sport committees in Exhibit F, shall be as follows:
 - i Association members: One (1) member to be named by each accredited Association which has conducted a championship in one of the council's disciplines in the previous twelve (12) months. Associations which have not conducted a championship in one of the council's disciplines in the previous twelve (12) months are encouraged to attend council meetings in a non-voting capacity. In the event that two Associations merge, the two incumbent representatives on the committee may continue to serve. When at least one incumbent no longer serves on the committee, the merged Association's representation shall revert to one committee member.
 - ii Elected chair: The person elected by and from the council to serve as chair;
 - iii Elected vice-chair: The person elected by and from the council to serve as vice-chair;
 - iv Sport committee members: Three representatives each from the Women's LDR, Men's LDR and Masters LDR Committees. Of the three representatives from each committee, one shall represent mountain running, one shall represent ultra running, and one shall represent trail running.
 - v At-large members: Up to four at-large members to be selected by the chair.
 - vi Athletes: If the number of Active Athletes in the discipline of Mountain, Ultra, or Trail running on the Council is less than twenty percent (20%) of the total membership, additional Active Athletes shall be named so as to bring the number on the council to at least twenty percent (20%) of the total membership. Such Active Athletes shall be selected by those registered attendees at the meetings of USATF who are Active Athletes engaged in the discipline of Mountain, Ultra, or Trail running;
- c** Council chair: See Article 13-C for committee chairs, where applicable;
- d** Executive committee: The council shall establish an Executive Committee to perform its duties between annual meetings. The membership of the executive committee shall be at the discretion of the committee as a whole. The number of Active Athletes in the discipline of Mountain, Ultra, or Trail running shall be at least twenty percent (20%) of the committee; and
- e** Operating procedures: The council shall have a set of written operating procedures on file with the National Headquarters, as stated in Article 13-D-6 for committees.

REASON: *The MUT Committee would like to create elected positions for chair and vice chair and specifically put in the bylaws the current practice of having each of the three sport committees appoint MUT reps. Currently, the LDR division chair appoints all the members of MUT, and while current chair Jerry Crockett has been nothing but agreeable about appointing members, we feel that more specific definitions are needed in the bylaws. Additionally, MUT is seeking to encourage more associations to conduct MUT programs and is proposing to add a member to MUT from each association which conducts at least one MUT championship. Over time, we hope this will include nearly every association, rather than the ten or so that currently do so. In conjunction with this expansion of MUT, we are also proposing to create a MUT executive committee that is essentially a mirror of the current MUT which has been successful at conducting business between annual meetings. Finally, we are proposing definitions of MUT roles be added to the bylaws as well.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM B42

Submitted by Bill Roe, President

Amend Article 16-D, Associations Committee (page 50), to add a club council description as follows:

- 3 **Club Council:** The Associations Committee, as the primary purveyor of club programs for USATF, shall organize a council of club leaders which shall hold a business meeting at the Annual Meeting and hold information and club-building meetings and exercises at the national club championships.
 - a **Duties and responsibilities:** The Club Council shall:
 - i **Championships series:** Solicit bids for the national club championships events, hear bidders, and make a final recommendation to the Associations Executive Committee;
 - ii **Club policy:** Assist with the preparation of a policy on elite development club criteria and benefits for Board consideration; and
 - iii **Club evaluations:** The Council shall formulate a policy for ranking clubs in terms of assistance and national programs. It shall specify the criteria for clubs to attain each ranking.
 - b **Oversight:** The Associations Executive Committee shall oversee the operation of the Club Council and shall consider all actions and decisions of the Council via reports
 - c **Makeup:** The Council shall be composed of one (1) administrator or coach and one (1) athlete from each club ranked at the Elite Development Club level or higher. The Council shall elect its own chair in even-year meetings.

REASONS: *As we continue to focus on building clubs, we need a specific forum for those people who are leading this effort to place their energies. While the Associations Committee is proposed as the home of this Council, the individuals on the Council may not be interested in the "nuts and bolts" Associations details, and the general membership of the Associations Committee may not wish to be fully involved in club activities, given their already full agenda.*

ITEM B43

Submitted by David Greifinger, Member

Amend Article 17-C-1, DPL (page 51) by eliminating subparagraph h and relettering all subsequent subparagraphs.

- ~~((h DPL: Advise athletes on all matters pertaining to the general operation of the Direct Payment License Program (DPL);))~~

REASON: *New IAAF rules have rendered DPLs obsolete.*

ITEM B44

Submitted by Mark Timmons, Member

Amend Article 17-E-2, makeup of Coaches Advisory (page 52), as follows:

- 2 **Makeup:** The committee shall consist of ~~((thirty five (35-))~~ fifty (53) members reflecting the gender diversity within their delegations, and appointed by their respective delegations, except where noted, including the following numbers of coach delegates: USTCA (9), USWTCA (5), NCAA I TCA ~~((1))~~ (2), NCAA II TCA ~~((1))~~ (2), NCAA III TCA ~~((1))~~ (2), NAIA TCA ~~((1))~~ (2), NHSACA ~~((1))~~ (2), NJCAA TCA ~~((1))~~ (2), NWAACC (2), ~~((/))~~ CCCCCTCA ((4)) (2), RRCA ~~((1))~~ (2), ~~((and three (3-))~~ club coaches to be selected by the USATF President (4), youth coaches to be selected by the Youth Athletics executive

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

committee (2), and the four (4) elected officers of the CAC, to total ((twenty-seven (28)))_
forty two (42), plus ((seven (7-))) eleven (11) Active Athlete delegates to USATF. The
members shall elect their chair at the annual meeting in ((even-numbered years)) the post
Summer-Olympic year.

REASON: *To reflect the gender diversity that exists within the coaching community, and to expand the membership to include both the community of youth coaches as well as the four elected officers of the CAC. Please note the same issue with regard to the separation of NWAACC and CCCCCTCA as with item B30.*

ITEM B45

**Submitted by Mark Timmons, Member, and
Bill Roe, President**

Amend Article 17-F-2 (page 52) as follows:

- 2 **Makeup:** The committee shall consist of ~~((twenty-two (22)))~~ twenty three (23) members: six (6) members (including its chair) named by the President, one (1) member named by each of the eight (8) sport committees, the Associations Committee, the Coaches Advisory Committee, ~~((and))~~ the Officials Committee, and the Cross Country Running Council and five (5) Active Athlete members selected by the Active Athlete delegates to USATF.

REASON: *To provide the only non-represented supervisory body, with jurisdiction over a World Championship team, with a voice in the Law & Legislation Committee.*

ITEM B46

Submitted by Law & Legislation

Amend Article 17, Member Services Committee (page 51), clarifying their jurisdiction and relettering subsequent subparagraphs after the addition of a new subparagraph d:

G Member Services Committee:

- 1 **Duties and responsibilities:** The committee shall:
 - a **Organizational memberships:** Review organization memberships annually for the purpose of ensuring that all such members maintain the minimum membership standards during the period of their membership in USATF. In extreme circumstances, the Member Services Committee may recommend to the Board the suspension of any Article 5~~((B, 5-C, or 5-D))~~ (pages 31-32) member's rights and privileges;
 - b **(no change); ((and))**
 - c **(no change); and**
 - d **Association elections: Oversee Association elections when requested by the Board or the President, or pursuant to Regulation 15-A-2-j.**

REASON: *Cross reference Member Services Committee's authority to oversee Association elections, per Regulation 15. This has a financial impact when the Member Services Committee must send elections overseers to an Association to conduct meetings and/or elections.*

ITEM B47

Submitted by Law & Legislation

Amend Article 18, Disciplinary Authority (page 54), as follows:

- A **Disciplinary authority:** ~~((USATF shall guarantee the right to a fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator, or official before declaring such~~

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

~~individual ineligible to participate, pursuant to the provisions of Article 19, Article 21, and Regulations 10, 11, and 12.))~~ USATF 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, (i) acts in a manner detrimental to the purposes of USATF or Athletics, or (ii) has violated any of the Bylaws, Operating Regulations, or Rules of Competition of USATF, or (iii) has violated the rules of eligibility. Any athlete, coach, trainer, manager, administrator, or official who alleges that he or she has been denied an opportunity to participate in Athletic competition shall be entitled to fair notice and opportunity for a hearing ~~((The hearing shall be))~~ conducted pursuant to Regulation 11. ~~((An expedited hearing may be requested, in which case such hearing shall be conducted by a three person arbitration panel appointed from the NABR by the Chair of the Law & Legislation Committee.))~~

REASON: *This article should just state what the basis of USATF's disciplinary authority is, while Regulation 11 will contain the procedures.*

ITEM B48

Submitted by Law & Legislation

Amend Article 19, Redress of Grievances (page 55), as follows:

((A)) Redress of grievances: A grievance may be any matter within the cognizance of USATF other than doping offenses described in Regulation 10 (pages 176-178). Grievances shall be filed and administered in accordance with Regulation 11. ~~((Eliminate the remainder of the Article in its entirety.))~~

REASON: *This article should just state what the basis of USATF's authority to resolve grievances while Regulation 11 provides the procedure. Procedural language moved to Regulation 11.*

ITEM B49

Submitted by Law & Legislation

Amend Article 20-D (page 56), by adding the following exclusionary events:

D Sanctioning policy: Unless USATF or an 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, or where it can be shown that the event in question is or contains unsanctionable or uninsurable segments or contests (sanctionable events shall be defined as events within the jurisdictional scope of the IAAF, and the USATF national office must approve the inclusion of any activity not within that scope), USATF or the appropriate Association... (remainder unchanged)

REASON: *This additional policy inclusion is needed to clarify a vague and potentially risky area where, under the current policy, Associations are under constant pressure to sanction events not under our umbrella for the purposes of insurance coverage.*

ITEM B50

Submitted by John Blackburn, Chair, Rules Committee

Amend Article 26-B, Amendments (page 59) (last sentence) as follows:

Such items need not meet the time requirement of subparagraphs A-3 or A-4 above and D-1 below.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

REASON: *This allows for emergency consideration of a rule or regulation amendment following the same procedure as a bylaw.*

ITEM B51

Submitted by John Blackburn, Chair, Rules Committee

Amend Article 26-C-2, Vote of the Board (page 59) as follows:

- 2 Vote of the Board:** Where immediate relief is deemed necessary, the Bylaws(~~(and)~~), Operating Regulations, and Competition Rules may be amended upon vote of ninety percent (90%) of those present, and two-thirds of the total membership (with voting rights) of the Board, such amendment to be effective only until the next meeting of USATF.

REASON: *This allows for emergency consideration of a rule amendment following the same procedure as a bylaw.*

ITEM B52

Submitted by Law & Legislation

Open Article 26, Amendments (pages 59-60), only for consideration by the Law & Legislation Committee and/or the Board of the timeline for amending the Bylaws (i.e., changing the cycle from a two-year period to a four-year period).

REASON: *Placesaver for a 2004 amendment.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART III • OPERATING REGULATIONS SUMMARY

1 = Grammar/Punctuation • 2 = Housekeeping • 3 = Acceptable reflection of current practice •
4 = Acceptable substantive change • 5 = Further discussion warranted • 6 = Rejection • 7 = Tabled

<i>L&L rating</i>	<i>number</i>	<i>regulation</i>	<i>item title</i>	<i>author</i>
5	R01	Reg 1	Re-write	L & L
7	R02	Reg 1-G	Officials decertification	Greenberg
5	R03	Reg 2-C	Eligibility	Erwin
5	R04	Reg 3	Partial re-write	L & L
5	R05	Reg 3-F	Medical support changes	Rosado
5	R06	Reg 4-B	Championships title	Greifinger
5	R07	Reg 4-H	Selection of officials	Melzer/Greenberg
5	R08	Reg 7&8B	Preserve athlete opportunities	L & L
7	R09	Reg 7-A	Athlete to person	Erwin
5	R10	Reg 7B-A	Elite athletes opportunities	L & L
5	R11	Reg 7B-A	Member of single Association	Erwin
6	R12	Reg 7B-B	Eliminate residency exceptions	Shirley
3	R13	Reg 7B-B	Club residency exceptions	Koch
6	R14	Reg 7B-C-2	Club residency exceptions	Erwin
5	R15	Reg 8-B-1	Eliminate national clubs reference	Greifinger
5	R16	Reg 8-B-1	Eliminate national clubs reference	Shirley
2	R17	Reg 10	Changes to Reg 10	L & L
7	R18	Reg 10	Penalties section beefed up	Roe
2	R19	Reg 10	Reference correction	Greifinger
4	R20	Reg 10-E	Adopting Board legislation	L & L
5	R21	Reg 11	Complete re-write	L & L
5	R22	Reg 11-A-3	Screening	Associations/Roe
6	R23	Reg 11-B	Association jurisdiction	Bowman
5	R24	Reg 11-I-7	Expedited hearings	Roe
4	R25	Reg 11-B	Date of decision	Bowman
5	R26	Reg 11-K-1	Deadlines on appeals	Koch
6	R27	Reg 11-B	Deletion of stay provisions	Bowman
4	R28	Reg 12	Reinstatement re-write	L & L
5	R29	Reg 12-D	DRB members	Greifinger
5	R30	Reg 13	Commitments re-write	Roe
3	R31	Reg 14-I	Elimination of DPL	Greifinger
5	R32	Reg 15-2-j	Re-write of Associations material	L & L
5	R33	Reg 15-B-3	One person-one ballot	Koch
6	R34	Reg 15-B-6-b	Youth elections	Finch

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART III • OPERATING REGULATIONS TEXT

ITEM R01

Submitted by Law & Legislation

Amend Regulation 1 , membership, (page 65) as follows:

REGULATION 1 MEMBERSHIP

Qualifications, application procedures, and fees for membership categories (specified in Article 5 (page 28), Article 6 (page 32-33) and Regulation 15, (pages 84-88), shall be as follows:

- A** Individual membership: Individuals may apply for membership in USATF through an Association, as prescribed below, or the USATF website – www.usatf.org. Coaches and others who work with youth athletes may be subject to a compulsory disclosure program approved by the Board.
- B** Club/organization membership: Clubs or organizations may apply for membership by submitting the appropriate application to the Association in their geographic area.
- C** **Association membership:** Associations and their membership are governed by Article 6. There shall be no dues or fixed term of membership for Associations.
- ~~((1 Association responsibilities:~~ Associations shall have specific responsibilities in the collection of dues and fees from members:
- ~~a Collection of dues by Associations:~~ On or before the 15th day of the month following collection, a transmittal report and USATF's national share of annual dues for each sports organization and individual member shall be submitted to the National Headquarters. The National Headquarters shall submit approved benefits to each member; and
- ~~b Other claims:~~ With regard to monies collected by Association members under the paragraph above, unless prior written approval of the National Headquarters is granted, there shall be no offsets, credits, or other deductions taken by such members on claims or credits due or claimed to be due to it. Such claims are to be established by the internal grievance process available under the Bylaws and these Regulations; and
- ~~2 National Headquarters reports:~~ The National Headquarters shall prepare and make available to USATF and to each Association membership chair or registrar upon request, quarterly reports which shall list for each Association the number of clubs and individual members. Athlete members shall be categorized by age, sport(s), and affiliation (club or unattached.))
- ~~((B))D National ((S))sports organizations membership:~~ These organizations are defined by Article 5-B (page 31) of the Bylaws. ((Each national organization member shall pay to the National Headquarters annual dues determined by the Board.))
- ~~1 Membership application process:~~ Any national sports organization seeking to become a member of USATF as a sports organization, other than those currently recognized in Exhibit B, shall apply in writing to the Member Services Committee chair for recognition by USATF. Such application shall set forth the qualities of the applicant that qualify it for membership. The Member Services Committee shall promptly review the application and forward it to the Board, together with its assessment of the qualifications of the applicant

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

and the action recommended by the committee. Final decisions on membership applications shall be made by the Board. After Board approval the Member Services Committee shall review all such memberships, biennially, to determine compliance with applicable rules.

2 **Membership dues:** Each national sports organization member shall pay annual dues to USATF as determined by the Board.

~~((C))~~ **E Other constituencies membership:** These sports organizations are defined by Article 5-C (page 31) of the Bylaws. ~~((Each national organization member shall pay dues and fees to the National Headquarters annual dues determined by the Board.))~~

1 **Membership application process:** For national Athletics organizations, national coaching organizations, sports for the disabled organization, and other classes of national organization membership, a letter requesting admission to membership shall be sent to the USATF National Headquarters. Such application shall set forth the qualities of the applicant that qualify it for membership. The application shall be referred to the Member Services Committee, which shall promptly review it and make a recommendation for action to the Board. Final decisions on membership applications shall be made by the Board. For all other classes of national organization membership, application shall be made to the National Headquarters or, if permitted, to the membership chair in the Association of applicant's residence or headquarters location. The Member Services Committee shall review all such memberships, biennially, to determine compliance with applicable rules.

2 **Membership dues:** Each national organization member shall pay annual dues to the National Headquarters as determined by the Board.

((D) Other membership categories: All other members shall apply and join through procedures, formulated by the national staff and approved by the Board. Terms and dues, including allocations for USATF and its Associations, shall be set by the Board after consultation with the Associations Committee. The allocation of fees shall take into account shares for (1) national membership costs, (2) the location where the membership originated, (3) the entity which processes the membership, and (4) programs in the local Association of the member.))

F **Suspension and expulsion:** Any Association or sports organization recognized by USATF which violates any of the provisions of these Bylaws, or the Operating Regulations, or any operating policy of USATF approved by the Board, or which by definition or practice no longer fulfills the criteria of its category of membership may be suspended, after due notice and an opportunity to be heard by a three (3) person panel of the Board, appointed by the President, including one (1) Active Athlete. At its next meeting, the panel's decision shall be voted upon by the Board. The Association or sports organization may be expelled only upon a two-thirds vote of the Board. If an Association is expelled, its geographic area shall be reorganized or assigned to one or more Associations of USATF, consistent with these Bylaws and the Operating Regulations.

~~((E) **Disclosure:** Coaches and others who work with youth athletes may be subject to a compulsory disclosure program approved by the Board.))~~

~~((F))~~ **G Delinquency:** Any member of USATF pursuant to Articles 5-A, 5-B, and 5-C (page 31) which fails to pay the appropriate fees or dues within the time prescribed shall forfeit the right to representation and to vote, provided thirty (30) days' written notice of intent to take such action has been provided. If such indebtedness is for a period of sixty (60) days or more, membership

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

in USATF shall be terminated. Reapplication after such termination shall be through the provisions of Article 5 (page 31-32), to be concluded prior to the Association or its members receiving voice or vote in the affairs of USATF.

REASON: Proposal puts language in its more logical place and order. See reason under Article 5.

ITEM R02

Submitted by Frank Greenberg, Member

Amend Regulation 1, Membership (page 65), by adding a new paragraph G as follows:

- G Decertifying Officials:** Officials of this federation may be decertified in the following manner:
- 1 Initial action:** The Officials Committee chair, acting on his/her own discretion or at the direction of the Officials national executive committee, and upon written notice of any activity of a member certified Official which could cause harm to the Officials Committee, USATF, or the sport, may institute decertification proceedings. The chair shall name a panel of three (3) persons (to include at least one official at the National certification level or above and at least one active athlete) to investigate the alleged activities of such Official and report back to the Executive Committee.
 - 2 Investigation:** During such investigation, the individual must be given the opportunity to explain the circumstances, and must be afforded the opportunity to respond to the final written report. Such response(s) must be circulated with the panel's recommendation.
 - 3 Resulting action:** Upon determination that there was activity which could cause harm to the sport or to this organization, the Officials national executive committee may decertify such Official for the balance of the Olympiad, suspend the membership of the individual, or both. The report and recommendation must appear as part of the meeting notice and agenda for the meeting at which the recommendation will be considered. The individual in question must be afforded the opportunity to appear before the executive committee (either in person at his/her own expense or by telephone connection at the expense of the Committee) to offer his/her explanation.
 - 4 Representation:** In any matter before the Officials national executive committee or the panel, the individual may be represented by counsel.
 - 5 Renewal or recertification:** Any decertified or suspended Official may apply for recertification or renewal of membership during any following Olympiad, and this Committee may cause the individual to be investigated under a similar process as outlined above to determine whether the individual should be certified and/or permitted to join USATF as a member Official.

REASON: There needs to be a specific mechanism for dealing with Officials who deserve to have their certification revoked.

ITEM R03

Submitted for Associations by Scott Erwin, Member

Amend Regulation 2-C, eligibility (page 66), as follows:

- C Collegiate and Armed Forces eligibility:** In lieu of membership at open Association Championships, the Association membership committee ((shall)) may accept from a coach or designated official of a recognized educational institution or branch of the armed forces, ((certification)) a roster of athletes with a signature certifying that the athletes are eligible to compete for the institution or branch under the rules of USATF and the IAAF. This roster shall

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

only be in effect for the date(s) of the championship, although the Association may at its discretion accept the same certified roster in another championship. This certified roster ((This certification shall remain in effect for the full season of the educational institution or branch of the Armed Forces, and)) shall subject any certified collegiate or armed forces athlete to all of the anti-doping rules, regulations and protocols of USATF, the IAAF, the USOC, USADA and/or the IOC.

REASON: *This reflects current practice where USATF membership IS required at national championships, while at the association level, the associations determine whether they will allow collegiate athletes to compete without memberships. It also clarifies that we are asking for a roster (again that is current practice). Finally, it removes the vague "full season" provision and replaces it with the provision that the roster shall be in effect for the championship only, although the association may choose to accept it as valid for another championship. This is particularly important for the armed forces, which may have no defined season for the event(s) in question.*

ITEM R04

Submitted by Law & Legislation

Amend Article 3, Team Staffs (pages 66-67), paragraphs A, C, and D, and add new paragraph E, with subsequent re-lettering of remaining paragraphs:

REGULATION 3 (SELECTION OF) NATIONAL TEAM STAFFS

- A Conduct:** Any plan by any committee or council to fill any international team staff position shall be approved by the chair of the High Performance Division before advertising the position. The plan shall require that all applicants be USATF Members. The ~~((distribution of the))~~ approved plan shall ~~((include a))~~: 1) be mailed ~~((ing))~~ to each Association's sport committee chair for the appropriate sport ~~((committee(s)))~~ discipline, and 2) be listed ~~((inclusion))~~ in a special section of the USATF web site.
- B Diversity:** (no change).
- C Staff performance:** The National Headquarters shall maintain records of athlete surveys and other information received about the performances of international team staff members and medical services personnel. Staff members shall be provided anonymous summaries of comments and ratings for past service and an opportunity to respond. Such responses shall be added to their files at the National Headquarters. These records, or a summary of their contents, shall be prepared by the National Headquarters, and shall be reviewed and taken into consideration by the appropriate committee(s) prior to the recommendation or selection of ~~((that))~~ an individual as a team staff member.
- D General Selection Procedures:** Team staff for international competitions other than the Olympic Games, IAAF World Outdoor Championships in Athletics, and Pan American Games shall be ~~((recommended))~~ nominated by the executive committees of the relevant sports committees or councils having jurisdiction over the sport disciplines and voted upon by the members of the committee ~~((involved to the sports committees or councils for approval))~~. In the event that the applicable sports committees or councils cannot agree, the selection shall be made by the Board. In the event that a national team staff person ~~((coach or manager))~~ resigns or is unable to serve, prior to the next scheduled meeting of the appropriate sports committee or council, the chair of that body shall appoint a replacement in consultation with his or her executive committee, after giving due regard to the staff performance records on file and the resultant diversity of the staff.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

E Conflicts of interest: Any individual selected as a national team staff person must commit his or her full time and attention to the position for the full duration of his or her travel with a USATF national team. Family, personal or professional conflicts that arise after an individual's selection as a national team staff member shall be disclosed to the President, CEO, and chairperson of the applicable sports or administrative committee, as soon as they arise, but in no event later than forty-eight (48) hours thereafter. Such conflict may be the basis for removal or replacement of such individual as a national team staff member by the President, CEO, and relevant committee chairperson, or by the Board. USATF shall not be obligated to exceed the funding budgeted for a national team staff person in order to accommodate such individual's family, personal or professional issues.

REASONS: Clarity, and to prevent national team staff persons who are unable to devote full time and attention to his or her duties from traveling with the national team.

ITEM R05

Submitted by Mary Rosado, Member

Amend Regulation 3-F, Medical support staff (page 67) by adding a last sentence as follows:

In international competitions where the United States team is comprised of nine (9) athletes or less in same sports discipline, the executive committees of the respective sports committees shall have the discretion of determining whether a medical trainer will accompany the team.

REASON: One of our Women's LDR Ediken teams this year was not permitted to use the international meet massage services because we had brought a trainer along, who would not perform massage services. Also, one of the main reasons for this proposal is that the "super per diems" for the athletes have been greatly reduced in recent years to pay for the additional staff travelling with the team who are not paid for by the organizing committee. The athletes would prefer the money if medical services are otherwise provided for, and especially if USATF trainers are unwilling or unable to perform massage therapy, one of the preferred services of this discipline of athletes. Two staff positions for up to seven athletes is more than adequate.

ITEM R06

Submitted by David Greifinger, Member

Amend Regulation 4-B, title of championships (page 68) as follows:

B Title: The titles of all national championships shall be approved by the CEO within 15 days after submission to the National Office. ~~((Failure to respond within 15 days shall be considered an approval.))~~

REASON: The provision to be deleted creates the potential of an administrative lapse turning into a sponsorship, legal, and fiscal nightmare for USATF.

ITEM R07

Submitted for Linda Melzer, by Frank Greenberg, Member

Amend Regulation 4-H, selection of officials (pages 69-70) as follows:

H Selection of Officials: Competition officials shall be selected for the national championship as follows:

1 USA Open and Junior Track & Field Championships and the Olympic Trials:

a Applications: No later than September 15 of each year, providing location and dates of championships have been determined, application forms shall be mailed to every

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

competition official certified at the national or masters level. The application form shall apply to the USA (~~Open~~) Indoor and Outdoor Track & Field Championships and the USA Junior Outdoor Track & Field Championships. Every official (~~to be invited~~) who is invited to apply to the above championships shall be certified at a Masters or National level and be a member of USATF. (~~To receive maximum consideration, the application should be returned no later than October 15.~~) Applications must be postmarked by the October 15th deadline. Each local certification chair shall be asked to comment on the applicants certified by that particular Association;

- b Selection:** Competition officials for the above named championships shall be selected at the annual meeting of USATF. A list of recommendations for referees and members of the juries of appeals may be submitted from the chair of the Officials Committee to the Men's and Women's Track and Field committees through the National Headquarters by November 15. Referees, NTO's, and members of the juries of appeals, must be a member of USATF and shall be selected by the chairs of each of the above two sport committees, or their designees. Other competition officials (excluding race walk judges and race walk referees) shall be (~~recommended~~) selected by a joint subcommittee after a review of the applications (~~and approved by the chairs of each of the above two sport committees, or their designees~~). Notification to the applicants shall be made by mail as soon as possible after the annual meeting.
- c Makeup:** The (~~recommending~~) subcommittee shall consist of the following: (no further changes)

REASON: *It is vital we have the date and location of the national championships before we send out the applications, officials need to know the when and the where before they make their travel arrangements. We are inviting the officials to apply to officiate, and the deadline is October 15th . Everyone participating at a national championship should be a member of USATF, be that an official, coach, athlete, referee, etc. Officials believe they can monitor, themselves better than anyone else can, and only the subcommittee should be used to determine officials for the championship meets.*

ITEM R08

Submitted by Law & Legislation

Amend Regulation 7 (pages 71-73) by deleting new proposed Regulation 7B (pages 72-73) and leaving Regulation 7A as currently comprised in place; and further, amend Regulation 8 (pages 74-75) by deleting new proposed Regulation 8B (pages 75) and leaving Regulation 8A as currently comprised in place.

- 1 ~~A~~ ~~(attached a)~~ athletes affiliation: (~~In order for a~~) An athlete (~~to~~) may compete as a representative of a local club, educational institution, or other organization, or may be listed as competing for a sponsr. A club (~~that organization~~) must be...

REASON: *To preserve opportunities for athletes.*

ITEM R09

Submitted by Scott Erwin, Member

Amend Regulation 7B-A, representation (pages 72-73) as follows:

- A General:** A (~~n-athlete~~) person shall be considered a member of the Association in which the (~~athlete~~) person is a bona fide resident except as otherwise provided in paragraph B below:

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

and further amend Regulation 7B-B as follows:

- B Residency exceptions:** An Association may permit a ~~((n-athlete))~~ person who is a bona fide resident to be a member of another Association by agreement of the two Associations. Agreement may concern individual ~~((athletes))~~ persons or all ~~((athletes))~~ persons who reside in a certain area. An athlete who is unable to obtain an agreement of the two Associations may appeal to the NABR, which shall conduct a hearing by conference call and make a determination on the basis of what is in the best interests of the sport and of the ~~((athlete))~~ person.

REASON: Regulation 7 applies to more than just athletes, and in places where membership issues need to apply to all persons, replace the word "athlete" with the word "person." This reflects current practice.

ITEM R10

Submitted by Law & Legislation

Amend Regulation 7B-A, Representation (pages 72-73), to insert a new subparagraph 3 as follows:

- 3 Elite athletes:** Elite Athletes are International Athletes whose primary vocation is competing in the sport of Athletics. Such athletes may belong to bona fide local clubs situated outside the Association where they reside, with no transfer requirement or restrictions other than the transfer period for changing clubs in C-2 above. Elite athletes belonging to clubs situated outside their Association may compete in their Associations' championships and shall be scored as though they are unattached athletes.

and further, separate current items 3 and 4 from paragraph A into a new paragraph B, and reletter subsequent paragraphs:

B Change of representation:

- ~~((3))~~**1 Notification of changes:** Only an athlete, or his/her legal guardian, may give notice of a change of representation. An athlete member who wishes to change representation shall notify the local registrar, in writing, prior to the effective date of the change; and
- ~~((4))~~**2 Fees for changes:** All applications for changes of representation must be accompanied by a fee, if any, to be determined by the local membership committee and/or local sport committee.

C Residency exceptions: (no change)

REASON: Elite "Professional" athletes should not be subject to same restrictions and limitations as youth and recreational track and road athletes. Our elite international athletes require additional flexibility to meet their training and competition needs, per the Executive Director of Athlete Programs and AAC.

ITEM R11

Submitted by Scott Erwin, Member

Amend Regulation 7B-A, general (page 72) as follows:

- A General:** A person may be a member of only one USATF association at a time. An athlete shall be considered a member of the Association in which the athlete is a bona fide resident except as otherwise provided in paragraph B below:

REASON: A person may only be a member of one association at a time. This reflects current practice.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM R12

Submitted by Graeme Shirley, Rules Member

Delete Regulation 7B-B, Residency (page 72-73), and remove all cross-references such as in 7-A-1 (except as otherwise provided in paragraph below):

~~((**B Residency exceptions:** An Association may permit an athlete who is a bona fide resident to be a member of another Association by agreement of the two Associations. Agreement may concern individual athletes or all athletes who reside in a certain area. An athlete who is unable to obtain an agreement of the two Associations may appeal to the NABR, which shall conduct a hearing by conference call and make a determination on the basis of what is in the best interests of the sport and of the athlete.))~~

REASON: If we are to have Association clubs, then we can't have a regulation which exists which permits clubs like today's national clubs to exist.

ITEM R13

Submitted by Ed Koch, Member

Amend Regulation 7B-C-2, (page 73), as follows:

- 2 Between clubs/organizations:** To transfer..., an athlete must serve 90 days in "unattached" status from the date of the last sanctioned competition in which the athlete represented a member club/organization, ...

REASON: To reflect current practice.

ITEM R14

Submitted by Scott Erwin, Member

Amend Regulation 7B-C-2, (page 73), as follows:

- 2 Between clubs/organizations:** To transfer representation from one club/organization to another, an athlete must serve ninety (90) days in "unattached" status from the date of the last competition in which the athlete represented a club/organization, regardless of residency, unless the athlete falls within one of the exceptions herein. The Association of which the athlete is a member shall evaluate and determine an athlete's attachment status. If that association fails to make this determination in a reasonable period of time, the national office may determine an athlete's attachment status. The decision of the Association or the National Office may be appealed to the NABR, which shall conduct a hearing by conference call and make a determination on the basis of what is in the best interests of the sport and of the athlete; and

REASON: Clarify that associations are the ones who rule on club transfers, with the national office ruling if the association is unresponsive and the right to appeal either the national office decision or the association decision directly to an NABR.

ITEM R15

Submitted by David Greifinger, Member

Amend new Regulation 8-B-1, clubs, (page 75), as follows:

- 1 Competitive:** ~~((Association or national))~~ Clubs which primarily prepare athletes...

REASON: National clubs are eliminated.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM R16

Submitted by Graeme Shirley, Rules Member

Amend 8-B-1 through 3, club definitions (page), as follows:

- 1 **Competitive:** ~~((Association or national))~~ Clubs which primarily prepare athletes for competitive opportunities shall be referred to as competitive clubs.
- 2 **Affiliated:** ~~((Association))~~ Clubs which primarily stage events or provide competitive opportunities to the public shall be referred to as affiliated clubs.
- 3 **Training:** ~~((Association))~~ Clubs which exist to provide non-collegiate athletes insurance coverage when training at an educational institution's facilities shall be referred to as training clubs; and
- 4 **(no change)**

REASON: Paragraph A has already defined "All clubs shall be considered Association Clubs." Further, Paragraph 1 has a reference to national clubs, which will no longer exist.

ITEM R17

Submitted by Law & Legislation

Amend Regulation 10, Doping Control (pages 76-78) as follows:

REGULATION 10 DOPING CONTROL

- A **Definitions:** (no change)
- 1-7 (no change)
- 8 **USADA:** The United States Anti-Doping Agency, ~~((1265 Lake Plaza Drive))~~ 2550 Tenderfoot Hill Drive, Suite 200, Colorado Springs, CO 80906; Telephone 719/785-200((2))0 or 866/601-2632; <http://www.usantidoping.org>.
- B **Doping programs:** (no change)
- 1 **In-Competition Program (ICP):** (no change); and
 - 2 ~~((No-Advance-Notice))~~ **Out-of-Competition Program (((NAN)))(OOC):** This program involves the testing of selected athletes for prohibited substances and techniques. The ~~((NAN))~~ OOC shall include a program of unannounced, walk-up testing. The selection of those athletes to be tested pursuant to the ~~((NAN))~~ OOC program shall be determined by USATF, in conjunction with USADA, on the one hand, or by the IAAF, on the other hand. Athletes that are eligible to be drug tested, pursuant to this provision, are required to keep one (1) current address on file with USATF and USADA, and must notify USADA and USATF if s/he travels away from his/her location for more than two (2) days. Failure to adhere to this requirement may result in the athlete being charged with a doping offense. Those athletes wishing to be removed from the ~~((NAN))~~ OOC program must meet the retirement requirements set forth in subparagraph E below.
- C **Anti-doping program:** (no change).
NOTE: The text of the applicable IOC, IAAF, USADA and/or USOC rules, protocols, and guidelines, relating to doping control in effect as of ~~((January 1, 2001))~~ December 31, 2003, are set forth in the attached exhibits. These documents may be amended from time-to time. Check the USATF website for updates or contact USATF's Legal Department.
- D **Disciplinary procedures:** (no change).
- 1 **National team participation and expedited hearing process:** (no change)~~((:));~~
 - 2 **Request for expedited hearing:** A request for an expedited hearing pursuant to the preceding subparagraph 10-D-2 shall be handled in accordance with Regulation 11-?-? filed by USATF with the AAA. The scope of the hearing shall be limited to a determination of

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

whether the athlete shall be excluded from the national team relay or national team scoring position at issue. The AAA shall endeavor to hold the expedited hearing within forty-eight (48) hours of the filing of the request for the expedited hearing. When appropriate, the hearing may be held by telephone conference and/or video conferencing. The disposition of the hearing shall be under the direction of the chair of the panel as to all procedural matters.

E-F (no changes)

G **Reinstatement:** Reinstatement after doping suspensions shall be governed by IAAF Rules. An athlete who has been declared ineligible and subsequently successfully completes reinstatement drug testing pursuant to IAAF Rule 57.5, shall be automatically reinstated upon issuance of a reinstatement letter by USATF or IAAF.

REASONS: Update for accuracy. Check references to IAAF Rules regarding IAAF changes to the numbering of its rules.

ITEM R18

Submitted by Bill Roe, President

Amend Regulation 10-D, doping control penalties (pages 76-77) by correcting exhibit page cross-references and IAAF Rule numbers. *NOTE: For purposes of this submission, it is the intent of the author to leave all of Regulations 10, 11, and 12 open to pursue enhanced doping controls and doping penalties, pursuant to further discussions with the USOC and other bodies. It is also the intent of the author to present this item for immediate tabling, as we will not have answers for several questions dealing with -- primarily -- whether our penalties can be greater than those of our international federation (IAAF).*

REGULATION 10 DOPING CONTROL

D **Disciplinary procedures:** (no change):

- 1 **National team participation and expedited hearing process:** (no change);
- 2 **Request for expedited hearing:** (no change);
- 3 **Ineligibility:** (no change)
- 4 **Period of ineligibility:** In events conducted under the jurisdiction of the IOC, the penalties provided by the applicable Olympic Movement Anti-Doping Code shall apply. In all other situations, an athlete who commits a doping offense will be ineligible as follows:
 - a **Part I substances:** For an offense under IAAF Rule 60.1 (i) or (iii) (page 210) involving the substance listed in Part I of Schedule 1 of the IAAF "Procedural Guidelines for Doping Control" (Exhibit L, pages 181) or, for any of the other offenses listed in IAAF 60.1 or in subparagraph D-6 below, the suspension shall be for life.((:
 - i ~~**first offense**—for two (2) years from the date the decision on ineligibility was issued by an arbitration panel. If the athlete has served a period of IAAF suspension prior to a declaration of ineligibility such period of suspension shall be deducted from the period of ineligibility imposed by the panel; or~~
 - ii ~~**second offense**—for life.))~~
 - b **Part II substances:** For an offense under IAAF Rule 60.1 (i) or (iii) involving the substance listed in Part II of Schedule 1 of the IAAF "Procedural Guidelines for Doping Control" (Exhibit L):
 - i ~~**first offense** – ((disqualification from the competition at which the sample was collected and a public warning;~~
 - ii ~~**second offense**—))~~ for two years from the date the decision on ineligibility was issued by an arbitration panel. If the athlete has served a period of IAAF

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

suspension prior to a declaration of ineligibility such period of suspension shall be deducted from the period of ineligibility imposed by the panel; or

ii((i)) ~~((third))~~**second** offense – for life.

- 5 **Imposition of fines:** USATF shall, in its sole discretion, also levy fines on any person convicted of a doping offense, such fines to be up to \$10,000 for each occurrence of a Part II conviction, or up to \$100,000 for each occurrence of a Part I conviction. Coaches and others found guilty of administering systematic doping to multiple athletes may incur a separate fine for each occurrence.
- 6 **Separate doping offenses:** (no other changes)

REASON: *To enable initiatives for and with the USOC, IAAF, IOC, WADA, and USADA.*

ITEM R19

Submitted by David Greifinger, Member

Amend Regulation 10, doping controls (pages 76-78) by correcting exhibit page cross-references and IAAF Rule numbers.

REASON: *Housekeeping.*

ITEM R20

Submitted by Law & Legislation

Amend Regulation 10-E, doping reinstatement (page 77), Retirement, by approving the emergency changes adopted by the Board in June, 2003, as follows:

- E **Retirement:** Athletes wishing to retire from competition must complete and submit to USATF, prior to retirement, the “official” USATF retirement form. A copy of the retirement form is in Appendix 10 (page 234). Retired athletes are ineligible to return to competition for a minimum of ~~((four (4) years))~~ one (1) year and must ~~((undergo))~~ make themselves available for out-of-competition drug testing ~~((, in accordance with IAAF Rule 57.5 (Exhibit M, page 133), before being eligible to return to competition. Failure to properly notify USATF of an athlete’s retirement may result in a determination that a doping offense has been committed))~~ for a period of twelve (12) months prior to returning to competition.

REASON: *Compliance with the Sports Act.*

ITEM R21

Submitted by Law & Legislation

Replace current Regulation 11, Procedures Relating to Disciplinary Proceedings and Formal Grievance Matters (pages 78-81), with the following completely new text (consider all underlined):

REGULATION 11 FORMAL GRIEVANCES AND DISCIPLINARY PROCEEDINGS

- A **Jurisdiction:** The jurisdiction of USATF and its Associations with respect to disciplinary, formal grievance, and other necessary proceedings shall be, but are not limited to, as follows:
 - 1 **Jurisdiction over grievances:** USATF shall have exclusive jurisdiction over all informal and formal grievance proceedings in which a Grievance Complaint has been filed in accordance with USATF Regulation 11-C and 11-F;
 - 2 **Jurisdiction over disciplinary matters:** USATF shall have exclusive jurisdiction over all proceedings involving:

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- a A Disciplinary Complaint filed in accordance with USATF Regulation 11-D;
- b Persons from more than one Association;
- c Matters arising out of or resulting from national or international Athletics competitions;
- d Violations of IAAF Rules;
- e Conduct prohibited by the Sports Act; and / or
- f Sexual misconduct pursuant to 11-Q-3;

- 3 **USATF jurisdiction over Association matters:** USATF shall have exclusive jurisdiction over all matters relating to an Association in which jurisdiction has been specifically granted by the USATF Bylaws and / or Operating Regulations; and
- 4 **Association jurisdiction:** Except as provided above, USATF Associations that are in good standing shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundary of their particular Association. All penalties imposed by an Association shall be effective only within the jurisdiction of that Association, including national and international competitions held within that Association.

B National Athletics Board of Review: The following shall apply to the appointment and conduct of National Athletics Board of Review (NABR) arbitrators:

- 1 **Regions:** The NABR shall be divided into four (4) regions in accordance with Exhibit A-2 (page 164);
- 2 **Members:** The NABR in each region shall consist of three (3) members: a chair, an at-large member, and an athlete member. There shall also be a first alternate, and a second alternate, and such additional alternates as may be appointed from time to time;
- 3 **Terms:** Appointments shall be made jointly by the Law & Legislation Committee chair and the Athletes Advisory Committee chair, and approved by the President. Terms shall commence on January 1 of each even-numbered year. Members and alternates may be removed as indicated in Regulation 11-B-7 below;
- 4 **Hearings:** The three (3) NABR members in a region shall serve as the arbitration panel conducting the hearing of individuals in the region, except for cases in which a member is disqualified or declines to serve. In such cases, the member's alternate(s) shall substitute for the member. In instances in which a member, that member's alternate(s), and all other appropriate alternates are unable to serve, a special appointment may be made in accordance with Regulation 11-B-3 above; however said appointment shall terminate upon conclusion of that matter;
- 5 **Consolidated hearings:** In matters concerning individuals from more than one region, the President, after consulting with the Counsel to the Board, may authorize that the panel from a single region conduct consolidation hearings concerning some or all of the individuals.
- 6 **Effective date of decision:** Unless a stay of enforcement is granted in accordance with Regulation 11-N-2 or 11-O below, all disciplinary and formal grievance decisions shall be immediately effective upon the date the decision is rendered; and
- 7 **Removal of an NABR member:** An NABR arbitrator's term may be terminated for good cause by the majority vote of the Law & Legislation chair, Athlete's Advisory Committee Chair, and the President. Good cause may include, but is not limited to, the following:
 - a **Dilatory practices:** An NABR arbitrator who causes or permits delays in the hearing process;
 - b **Failure to follow procedures:** An NABR arbitrator who disregards the hearing procedures set forth in the USATF Rules, Bylaws, and / or Regulations; or
 - c **Detrimental actions:** An NABR arbitrator who fails to apply USATF and IAAF Rules and Regulations as written.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- C Grievances:** A grievance may involve any matter within the cognizance of USATF, other than doping offenses described in USATF Regulation 10:
- 1 Grievance Complaints:** A Grievance Complaint shall state the following:
 - a Detrimental conduct:** Conduct detrimental to the best interests of Athletics or USATF has taken place;
 - b USATF violations:** A violation of any of the Bylaws or Operating Regulations of USATF has occurred; or
 - c IAAF violations:** The rules of eligibility as defined by the IAAF have been violated;
 - 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. A non-member, former director, or former officer of USATF shall be subject to the jurisdiction of USATF 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 USATF or otherwise subject to the jurisdiction of USATF. A Grievance Complaint may only be filed by a person or entity affected by the issues raised in the complaint; and
 - 3 Time limit:** Except as provided in Regulation 11-Q-3, Grievance Complaints must be filed within two (2) years from the time the complaining party knew or should have known of the act giving rise to the Complaint.
- D Disciplinary matters:** USATF 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, acts in a manner subject to discipline pursuant to USATF Regulation 11-D-1. Any athlete, coach, trainer, manager, administrator, or official who alleges that he or she has been denied an opportunity to participate in an Athletics competition shall be entitled to fair notice and opportunity for a hearing conducted pursuant to this Regulation. An expedited hearing may be requested, pursuant to USATF Regulation 11-M:
- 1 Activities subject to discipline:** USATF may 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:
 - a Detrimental conduct:** Acts in a manner detrimental to the purposes of USATF or Athletics;
 - b USATF, IAAF, and Sports Act violations:** Violates any of the Bylaws, Operating Regulations or Competition Rules of USATF, the IAAF, or violates the Sports Act; or
 - c Eligibility violations:** Violates the rules of eligibility for Athletics;
 - 2 Association recommendations:** Any USATF Association in good standing may recommend to the Board that USATF discipline a member, delegate, athlete, coach, manager, official, trainer, member of any committee, or any other person or entity participating in Athletics; and
 - 3 Time limit:** Except as provided in Regulation 11-Q-3, disciplinary proceedings must be requested within six (6) months from the time the complaining party knew or should have known of the issue giving rise to the request for a disciplinary hearing.
- E Rights of persons or entities charged:** In all matters subject to this Regulation, the athlete, coach, trainer, manager, administrator, or official, or entity charged shall be provided with fair notice and an opportunity for a hearing before the adjudication of the matter and imposition of any penalty by USATF or its Associations. Persons or entities charged:
- 1 Respondent's 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;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- 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.
- F Initiation of proceedings:** Commencement of disciplinary, formal grievance, and other necessary proceedings of USATF not involving matters set forth in Regulation 10 shall commence as follows:
- 1 **Hearings:** In any matter in which a complaint has been filed in accordance with USATF Regulation 11-C or 11-D the following hearing requirements shall apply:
 - a **Complaint procedures:**
 - i **Filing location:** Complaints shall be filed with the National Office and the USATF Secretary. USATF National Office shall forward a copy of each complaint to the President and to each party charged in the complaint, as provided in USATF Regulation 11-F-1(c) and 11-G;
 - ii **Language:** All hearings under this Regulation shall be held in English. All documents filed and exchanged with respect to hearings under 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 must bear the cost of obtaining its translation which must 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 and may allocate the cost of said translation to any party or all parties, as the panel deems appropriate;
 - iii **Signature:** The complaint shall be signed, sworn to, and notarized;
 - iv **Basis for the Complaint:** The complaint shall allege clearly the nature of the dispute and, where appropriate, the USATF Rule, IAAF Rule, Sports Act provision, or USATF Policy alleged to have been violated;
 - v **Facts of allegation:** Factual allegations shall be separately stated in concise language with one allegation set forth in each numbered paragraph of the complaint; and
 - vi **Filing fees:** A filing fee of \$100 must accompany an organization's complaint and a filing fee of \$75 must be paid by each individual filing a complaint(s). The filing fee must be in the form of a certified check or money order made payable to USA Track & Field, Inc;
 - b **Failure to comply with Complaint procedures:** Complaints that fail to comply with the procedures outlined in USATF Regulation 11-F-1 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;
 - c **Informal resolution of grievances:** Upon receipt of a Grievance Complaint, the President or his/her designee shall use every effort to resolve the dispute through informal means and, in the case of disputes pertaining to a specific sport discipline, the CEO shall also confer with the chairperson of the sport committee for the discipline involved. As part of the informal resolution process, all persons or entities named in the complaint shall be served with a copy. All discussions related to the informal resolution of a complaint shall be confidential.
 - d **Formal resolution:** If the informal resolution of the complaint is unsatisfactory to any party, such party may invoke the provisions of this Regulation and request that the complaint be resolved by a formal hearing before a National Athletics Board of Review arbitration panel; and

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- e **Hearing panel:** When one party has indicated that the matter cannot be resolved informally the CEO, or his or her designee, shall randomly select an NABR hearing panel, within thirty (30) days of the request for formal arbitration.
- 2 **Reinstatement hearing:** For any reinstatement request, the CEO, after consulting with the General Counsel, shall select an NABR hearing panel within thirty (30) days of receiving such request (see Regulation 12).
- 3 **Other hearings:** In all other disciplinary matters, the CEO shall select an NABR hearing panel within thirty (30) days of receiving authorization from the Board.
- 4 **Association:** In matters involving an Association, the CEO shall select an NABR hearing panel from outside the region of the Association, within thirty (30) days after the complaining party satisfies the applicable preliminary grievance, disciplinary, or appellate procedures. The panels shall be selected as follows:

ASSOCIATION LOCATION.....	PANEL LOCATION
East.....	South
South.....	North
North.....	West
West.....	East; and
- 5 **USATF representative(s):** Prior to, or after such hearing panel selection, the Board may authorize the CEO to assign a person or persons to represent USATF's interests during the hearing process. The selected representative(s) may be asked to perform the following tasks on USATF's behalf:
 - a **Relevant information:** Gather relevant facts and information;
 - b **USATF evidence:** Present and challenge evidence supporting the charges in the event of a hearing; and
 - c **Challenge to other evidence:** Challenge by cross-examination and other appropriate means, evidence presented by any party at a hearing.
- G **Notice of proceedings:** Within thirty (30) days of the commencement of all disciplinary, formal grievance, and other necessary proceedings conducted by an Association or by a panel of the National Athletics Board of Review, all interested parties and the hearing panel shall be sent the following:
 - 1 **Documents:** A copy of the complaint or other documents giving rise to the proceeding, with any attachments;
 - 2 **Contacts:** The names of the hearing panel members and the address and telephone number of the panel's chairperson;
 - 3 **Regulation 11:** A copy of the text of this and any other relevant USATF Rule or Regulation; and
 - 4 **Other relevant documents:** A copy of any specifically identified document(s) related to the dispute.
- H **Answer:** The person(s) or entity(ies) against whom a complaint is charged (respondent(s)) must submit a written answer to the CEO within thirty (30) days after receipt of the Notice of Proceedings. A copy of the Answer shall be forwarded by the CEO to the complainant (the party filing the complaint) and the NABR 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 Association or USATF Committee 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 the taking of testimony and evidence, as it deems appropriate. In the case of a hearing panel challenge under USATF Regulation 11-I, the answer period may be extended by the panel chairperson.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- I Challenge to arbitrator(s):** Following the receipt of the Notice of Proceedings, any party to a hearing or an appeal, a person appointed pursuant to USATF Regulation 11-F-5, or any NABR panel member may, prior to the hearing and during the fourteen (14) day period after receipt of the list of proposed arbitrators, challenge the seating of any panel member, on the ground that the panel member may not be impartial. These challenges shall be submitted to and decided by the chair of Law & Legislation or his/her designee. A panel challenge may extend the answer period at the discretion of the NABR panel chairperson. Failure to bring a timely challenge against the seating of an NABR arbitrator constitutes a waiver of such challenges.
- J Hearing procedures:** The following procedures apply to disciplinary, formal grievance, and other necessary hearings:
- 1 Date:** The NABR panel chairperson shall consult with all interested parties and the USATF Representative, if any, during a pre-hearing conference to discuss scheduling and procedural matters. The NABR panel chairperson shall, within five (5) business days of the expiration of the arbitrator challenge period in subsection 11-I above, schedule a hearing, using best efforts to set a convenient time and date for all participants. The NABR 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 said thirty (30) day period only upon a showing to the NABR panel that a substantial injustice shall occur without such a delay. If an interested party causes a delay, the NABR panel may dismiss the proceeding or, at its discretion, rule against the party causing the delay. If the delay is the result of NABR panel inaction, then the CEO may dismiss the panel and replace it with a new panel from among the NABR members. If a party to the proceeding fails to appear at the hearing, then the NABR panel may find the absent party in default and rule in favor of the party(ies) present;
 - 2 Venue for USATF proceedings:** Hearings shall be held by telephone conference call unless good cause is shown to the President and CEO why holding an in-person hearing is in the best interests of the sport of Athletics. If a party requests that the hearing be held in-person, such request shall be accompanied by a statement identifying the material issues of fact or questions of credibility which the hearing panel will have to resolve in-person. The in-person hearing request must be submitted to the President and CEO, within ten (10) business days of the requesting party's receipt of the Notice of Proceedings and shall be ruled upon within five (5) business days. Failure to submit an in-person hearing request during the above-described timeframe will constitute a waiver of an in-person hearing. Hearings in-person shall be within the boundaries of the Association in which the person or entity charged resides or has its headquarters. However, the President, after consultation with the General Counsel, shall have the right to authorize a different venue, in which case only the reasonable travel, lodging, and food expenses of the person or entity inconvenienced by the change shall be paid by USATF;
 - 3 Venue for Association proceedings:** All NABR proceedings that relate to an Association shall be held by telephone conference call;
 - 4 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;
 - 5 Burden of proof:** The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct described in USATF Regulation 11-C-1 or 11-D-1 has occurred;
 - 6 Hearing record:** A hearing record shall be made according to the following procedures:
 - a USATF proceedings:** In proceedings conducted by USATF, the National Office shall arrange for a transcript of the proceedings to be made. These transcripts shall be retained by the National Office and shall be made available to the appellate panel in

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

the case of an appeal, if applicable, and shall be kept confidential. Such transcripts shall be made available to the parties to the proceeding, at their own expense; and

- b **Association proceedings:** 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 shall be retained by the Association. A copy of the transcripts or recordings shall be made available to all the parties to the proceeding, at their own expense; and

- 7 **Closed hearing:** Hearings shall be closed to the public. Witnesses shall attend the hearing, only as necessary, to provide testimony.

- K **Consolidated hearings:** If separate grievances, appeals, or disciplinary proceedings are filed involving matters arising from the same facts, the separate proceedings shall be assigned to the same NABR panel and may be consolidated, at the discretion of the NABR panel, into one hearing if, in the opinion of the NABR panel, doing so would promote a fair hearing process and would not hinder any party from receiving a fair hearing. The procedures of consolidated hearings shall follow the requirements of USATF Regulations 11-J and 11-M.

- L **Dismissals:** An NABR panel may dismiss a Grievance or Disciplinary Complaint upon its own motion or upon a motion of a party for the following reasons:

- 1 **Late filing:** The complaint was filed after the established deadline.
- 2 **Inadequate content:** The complaint fails to meet the requirements of USATF Regulation 11-C, 11-D or 11-F.
- 3 **Lack of jurisdiction:** USATF or the NABR does not have jurisdiction over the matter.
- 4 **No remedy:** The complaint states a claim which USATF does not have the authority or ability to remedy.
- 5 **Lack of standing:** The complaining party does not have standing. ((or))
- 6 **Excessive delays:** The complaining party has caused excessive and unnecessary delays in the hearing process.

- M **Expedited hearing procedures:** If a matter before an NABR panel affects the rights of any eligible athlete, coach, trainer, manager, administrator, or official who is to take part in a protected competition (as that term is defined in Article IX of the USOC Constitution) scheduled to take place prior to the time that has been established or that is likely to be set for a hearing, USATF shall, upon request by any party, conduct an expedited hearing upon notice to all parties concerned. The expedited hearing shall take place at a time and in a manner which will enable the individual to participate in the competition, should she or he prevail at the expedited hearing. The following procedures should apply to expedited hearings:

- 1 **Appointment of NABR panel:** The CEO, or his/her designee, shall select an NABR panel within 48 hours of the request for the expedited hearing. The CEO shall appoint the panel chairperson;
- 2 **Date:** Following consultation with all interested parties and the USATF representative, the hearing panel shall schedule a hearing at the earliest convenient time and on the earliest convenient date for all interested parties, which date must be prior to the scheduled competition or the deadline for entry in said competition. The NABR panel shall use all reasonable efforts to schedule the hearing no later than 48 hours before the scheduled competition. If an interested party causes a delay, the NABR panel shall rule in favor of the complaining party. If the delay is the result of panel inaction, the CEO of USATF may dismiss all or part of the panel and replace those members by random selection as described in 11-M-1. If a party to the proceeding fails to appear or be present in persons or

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

by telephone at the hearing, then the NABR panel may find the absent party in default and rule in favor of the party who is present;

- 3 **Venue:** All expedited hearings shall be held by telephone conference call, unless the NABR arbitrators and all parties are scheduled to be in the same location at the time of the hearing;
- 4 **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;
- 5 **Burden of proof:** The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct described in USATF Regulation 11-C-1 or 11-D-1 has occurred;
- 6 **Hearing record:** In expedited proceedings conducted before an NABR panel, the National Office shall arrange for a transcript of the proceedings to be made, if possible. These transcripts shall be retained by the National Office and shall be made available to the appellate panel in the case of an appeal and shall be kept confidential. Such transcripts or recordings shall be made available to any parties to the proceeding, at their own expense;
- 7 **Closed hearing:** Hearings shall be closed to the public. Witnesses shall attend the hearing, only as necessary, to provide testimony; and
- 8 **NABR decision:** The NABR panel shall render a decision within three (3) hours after the conclusion of the expedited hearing. The NABR panel shall render a written opinion within ten (10) days after the conclusion of the hearing. The NABR decision shall conform to the requirements of USATF Regulation 11-N.

N NABR decisions and opinions: The following shall pertain to NABR final decisions and opinions rendered in relation to original hearings or appellate proceedings:

- 1 **Scope of decision:** All NABR panel decisions must be consistent with USATF and IAAF Rules and Regulations, and the Sports Act. If the implementation of any NABR panel decision and opinion would have a significant budgetary impact on USATF, then the Budget Committee chair and/or the USATF Treasurer shall review it and report its 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 NABR decision and opinion having a significant budgetary impact on USATF may be implemented, in light of fiscal considerations, and may remand the matter back to the NABR panel for modification based upon budgetary directives from the Board;
- 2 **Form of decision and opinion:** The NABR decision shall state in one or two brief sentences which party the NABR arbitrators have ruled in favor of. The opinion of the NABR panel shall set forth the following:
 - a **Issue:** The question(s) the NABR 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, Sports Act, or other applicable rule, bylaw or minutes, reports, guidelines, or other documents upon which the NABR panel decision is based, if any; and
 - e **Stay provision:** Whether the effect of the decision shall be stayed in the event of an appeal, if appropriate;
- 3 **Time frame:** An NABR panel shall issue a decision with respect to the disciplinary, formal grievance, or other necessary proceedings within fifteen (15) days after the conclusion of a hearing or when the time to request a hearing has expired. The NABR panel concerned shall render a written opinion no later than thirty (30) days after conclusion of the hearing, or after the submission of any post hearing documentation to the panel. For expedited proceedings, a decision shall be rendered according to the requirements of USATF

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

Regulation 11-M-8. NABR arbitrators who fail to follow these timeframes may be removed as provided in USATF Regulations 11-J-1 and 11-M-2. NABR panel opinions shall be available upon reasonable request;

- 4 **Effect of decision:** All NABR panel decisions shall be effective upon the date rendered, unless otherwise stated in the decision. If a stay of enforcement is issued in accordance with USATF Regulation 11-O or 11-N-2(e), the NABR decision's effect will be postponed pending the determination of the related appeal;
 - 5 **Non-compliance with NABR order or decision:** The NABR panel may, upon its own motion or the motion of a party, make a finding that a party to a hearing has failed to obey the panel's interim order or decision. The panel shall give reasonable written notice and an opportunity for a hearing before the panel before making such a finding. If the panel finds that a party has disobeyed its decision, the panel shall impose a sanction on the offending party of not less than \$250, nor more than \$1,000, payable to the other party, and may impose additional disciplinary measures authorized by this Regulation against the disobeying party. The panel shall issue a decision and opinion as provided in Regulation 11-N-2 above, which shall include its rationale, and the penalties imposed. A finding that a party has disobeyed a panel's order may be appealed pursuant to Regulation 11-P, below. All monetary sanctions shall be paid within thirty (30) days of the decision and opinion, or within thirty (30) days after all appellate remedies are exhausted, if the finding is appealed and affirmed; and
 - 6 **USATF appeal of NABR decisions:** Upon their own initiative, the President and CEO of USATF, after consultation with the General Counsel and Counsel to the Board, may initiate stay and appeal proceedings of any NABR decision and opinion which in their opinion clearly contravenes:
 - a **Federal law:** The Sports Act;
 - b **USATF rules and regulations:** USATF Bylaws Rules and Regulations;
 - c **IAAF rules and regulations:** IAAF Rules and Regulations; or
 - d **Other laws:** Any applicable law.
- O Stays of enforcement:** A stay of enforcement of an Association, USATF Committee or NABR decision may be issued under the following circumstances:
- 1 **Applicability of stays:** A stay of the enforcement of an Association or NABR disciplinary decision, a formal grievance decision, a USATF Committee decision or other necessary proceedings may be granted by USATF, upon written application and a showing of good cause. A showing of good cause means that there is a strong likelihood that (a) the party appealing a decision will succeed in the appeal, and (b) that circumstances are present which clearly show that the party appealing would suffer irreparable harm unless the enforcement of the decision is stayed, pending the determination of the appeal; and
 - 2 **Procedures for a stay:** All stays of enforcement shall adhere to the following procedures:
 - a **Time frame:** If a stay has not already been granted pursuant to Regulation 11-N-2-e above, an application for a stay of enforcement may be made within thirty (30) days after a final Association decision, NABR panel decision, or Committee decision, is rendered;
 - b **Application:** The application for a stay shall be in writing and submitted to the CEO;
 - c **Appeal requirement:** A notice of appeal, according to the requirements of USATF Regulation 11-P, shall accompany the application for a stay of enforcement. A request for a stay filed without a notice of appeal will be returned to the filer with instructions explaining the deficiency. A returned application for a stay of enforcement may be refiled, with a notice of appeal, within fifteen (15) days of the initial filing. After fifteen (15) days, the stay of enforcement shall be deemed abandoned, the decision of the NABR shall have full force and effect, and the request for a stay may not be refiled;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

and

- d **Panel hearing stay request:** The Appeals Panel appointed pursuant to Regulation 11-P below shall decide whether the stay shall be granted. The decision of the Appeals Panel granting or denying the stay shall be final.

P Appeals: The following shall pertain to appeals from Association, NABR, or USATF Committee disciplinary decisions, formal grievance decisions, or other necessary proceedings:

1 Initiation of appeals: Appeals must contain the following:

- a **Notice:** A written notice of appeal must be signed by the appellant (the party filing the appeal) and postmarked within thirty (30) days of the decision appealed from:
 - i **Association appeal:** The notice of appeal from an Association hearing decision shall be sent to USATF, the USATF Secretary, the President of the Association, and the Association Secretary; or
 - ii **NABR or USATF committee appeal:** The notice of appeal from an NABR or USATF Committee decision shall be sent to the CEO and the USATF Secretary;
- b **Filing fees:** The written notice of appeal shall be accompanied by filing fees in the form of a cashier's check or money order made payable to USA Track & Field, Inc. for the following amounts:
 - i \$150 for an organization or committee appeal that is accompanied by a transcript of the prior proceeding or minutes of the Committee meeting;
 - ii \$200 for an organization or committee appeal that is not accompanied by a transcript of the prior proceeding or minutes of the Committee meeting; or
 - iii \$100 for an appeal by an individual;
- c **Documents:** A copy of the notice of appeal and any supporting documents shall be sent to the party or parties whose decision is being appealed and to the appeals panel;
- d **Stay of enforcement:** If a stay of enforcement of the decision appealed from has not been granted under Regulation 11-N-2(e) above and is sought by the appellant in accordance with Regulation 11-O above, the application for a stay of enforcement must accompany the written notice of appeal;
- e **Appointment of arbitrators:** USATF shall appoint a panel of arbitrators to hear an appeal according to the following requirements:
 - i **Association appeal:** The CEO shall appoint an NABR Appeals Panel from the appellant's region as provided in Regulation 11-F-4, within thirty (30) days of receipt of the appeal; and
 - ii **NABR or USATF committee appeal:** Within thirty (30) days of receipt of the notice of appeal from an NABR or USATF Committee decision, the chair of the Law & Legislation Committee shall appoint an Appeals Panel by selecting three (3) members from the Law & Legislation Committee, with one being an Active Athlete, to hear the appeal;
- f **Panel chairperson:** The NABR Appeals Panel shall select a chairperson within five (5) days of appointment to the appeal. If a panel chairperson is not selected within five (5) days, the CEO shall appoint the chairperson;
- g **Abandonment:** If the appellant fails to appear on the date set for hearing the appeal, then the appeal shall be deemed abandoned and shall be dismissed; and
- h **NABR appeals panel replacement:** If the NABR appeals panel or appointed appeals panel fails to follow the timelines outlined above, the CEO or chair of the Law & Legislation Committee, as appropriate, may dismiss one or more members of the panel and replace them with newly selected members as provided in USATF Regulation 11-J-1 above; and

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- 2 **Appellate procedures:** The following procedures apply to all appeals:
- a **Date:** The appeals panel chairperson shall establish a hearing date within ten (10) days of appointment, after consultation with the parties and the other panel members. The hearing shall be scheduled to commence within thirty (30) days following the appointment of the panel chairperson. The appeals panel chairperson may grant a reasonable delay, not to exceed thirty (30) days, if she or he determines that no prejudice shall accrue to either party as a result of such delay;
 - b **Venue:** All hearings shall be conducted by telephone conference call;
 - c **Burden of proof:** The burden of proof is upon the appellant to prove that the Association's, NABR's, or USATF Committee's decision was clearly erroneous;
 - d **Presentation of appeal:** The appeal shall be made by written presentation, legal brief, and/or oral presentation before the appeals panel, with each party presenting its reasons why the decision appealed from is correct or incorrect;
 - e **Evidentiary limitations:** No new evidence may be presented to the appeals panel unless circumstances have changed or new facts have been discovered that were unavailable at the time of hearing. In such cases, the appeals panel may direct that such matters be presented to it, provided that all parties involved in the appeal have been given notice and are given adequate time to respond to the changed circumstances or previously undiscovered or unavailable facts; and
 - f **Appeals panel decisions:** An NABR appeals panel shall render a decision within fifteen (15) days after the conclusion of an appellate hearing. The NABR appeals panel concerned shall render a written opinion and recommendation no later than thirty (30) days after conclusion of the appellate hearing, or the submission of any post hearing documentation to the panel. The opinion and recommendation shall be forwarded to the Board for appropriate action.

Q **Penalties:** USATF penalties are subject to the following guidelines:

- 1 **Penalties available:** Under this Regulation the penalties that may be imposed are the following:
 - a **Expulsion:** Expulsion from Athletics and/or membership in USATF;
 - b **Suspension:** Suspension for a definite time period from Athletics and/or membership in USATF;
 - c **Declaration:** A declaration that a person or organization is ineligible to participate in certain USATF activities for a stated period of time;
 - d **Restitution:** Reimbursement of or payment of the documented costs and/or expenses of the winning party, provided that said costs and expenses are directly related to the issue in dispute. Hearing filing fees may be charged to the losing party. Each party shall bear its own attorneys fees;
 - e **Censure:** Censure by USATF;
 - f **Admonishment:** Admonishment by USATF; and/or
 - g **Specific relief:** An order requiring a party to take specific action or cease taking specific action, as the facts and circumstances dictate.
- 2 **Doping offense penalties:** Regulation 10 shall apply to doping offenses.
- 3 **Sexual misconduct penalties:** The following shall apply to 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 member of USATF:
 - a **Conviction:** The conviction or the record of the nolo contendere plea shall be conclusive of proof of the fact that the offense charged was committed;
 - b **Victim:** The offense need not have been against the individual bringing the grievance or against any other individual involved in the sport of Athletics;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- c **Statute of limitations:** There shall be no statute of limitations applicable to the grievance (i.e. USATF Regulation 11-C-3 shall not apply);
 - d **Evidence:** The charged individual may introduce evidence showing:
 - i **Circumstances:** Extenuating circumstances relating to the offense; and /or
 - ii **Conduct:** The individual's conduct subsequent to the commission of the offense, including evidence relating to medical or psychological treatment or rehabilitation; and
 - e **Discipline:** In the absence of the adequacy of the evidence presented in accordance with the preceding sub-paragraph (d), the discipline imposed must include a lifetime prohibition against involvement in the sport of Athletics in any capacity involving youth or junior clubs, programs, or competitions in Athletics;
 - 4 **Imposition of penalties:** The penalties imposed by USATF shall be imposed pursuant to the following procedures:
 - a **Notice of penalty:** The CEO shall notify the individual or entity of the penalties imposed against him, her, or it by overnight mail to the last address of record contained in USATF's membership database or to an alternate address subsequently provided in writing to USATF by the person or entity being disciplined. The notice of penalties may also be sent by facsimile;
 - b **Association and Board notice:** The CEO shall also notify the relevant Associations and the Board, of the penalty imposed;
 - c **Association disciplinary notice request:** Upon the request of an Association whose disciplinary penalty has been upheld pursuant to this Regulation, the CEO shall notify the Board, all Associations, and the appropriate Association and National Committee chairpersons that such penalty has been imposed; and /or
 - d **Posting on website:** The posting of a grievance or disciplinary penalty(ies) on the USATF website satisfies the notice requirement to Associations and to Association and National Committee chairpersons; and
 - 5 **Reinstatements:** Regulation 12 shall govern reinstatement requests.
- R Vexatious proceedings:** An NABR panel may, upon its own motion or the motion of a party, make a finding that a grievance or other proceeding (1) is devoid of merit and (2) was brought by an individual or entity solely for the purpose of harassing or causing expense to another individual or entity. The panel shall give reasonable written notice and an opportunity for a hearing before the panel before making such a finding. If the panel finds that a party has initiated such a meritless and harassing grievance or proceeding, it shall order the offending party to pay the other party(ies) a penalty fee of not less than \$250 nor more than \$1,000, plus the affected party(ies)' reasonable costs in defending the grievance or proceeding, including reasonable attorneys' fees. The panel shall issue a decision and opinion as provided in Regulation 11-N and 11-Q, which shall include its rationale and the penalties imposed. A finding of a vexatious grievance or proceeding may be appealed under Regulation 11-P, above. All monetary penalties and costs shall be paid within thirty (30) days following the notice of ruling, or within thirty (30) days after all appellate remedies are exhausted, if the finding is appealed and affirmed.
- S Association hearings:** [Reserved.]

REASONS: *Regulation 11 has needed a complete re-write for some time. The increased volume of grievance and disciplinary complaints has brought the deficiencies in Regulation 11 into sharp focus. This re-write of the Regulation is intended to cure these deficiencies, some of which are:*

- 1) *lack of clarity;*
- 2) *gaps in the process and procedures;*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- 3) *inadequate NABR standards;*
- 4) *inaction of arbitrators or of parties to a proceeding; and*
- 6) *costs of resolving the increasing number of formal complaints filed.*

ITEM R22

Submitted for Associations by Bill Roe

Following from the Amendment of Article 5-D, amend Regulation 11-A-3, to include screening responsibilities.

REASON: See Article 5-D.

ITEM R23

Submitted by Bob Bowman, Pacific Association

Amend Regulation 11-B-4, Association Jurisdiction (page), as follows:

- 4 **Association jurisdiction:** Associations of USATF shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundary of a particular Association. All penalties imposed by an Association shall be effective ~~((only within the jurisdiction of that Association, including national and international competitions held within that Association))~~ in all Associations.

REASON: *It makes no sense for an Association to impose a penalty on an individual when that individual can easily go through another association.*

ITEM R24

Submitted by Bill Roe, President

Amend Regulations 11-I-7, expedited hearings (page 80), as follows:

- 7 **Expedited hearing:** If a matter before an NABR panel affects the rights of any eligible athlete, coach, trainer, manager, administrator, or official to take part in competition scheduled to take place prior to the time set for hearing, USATF shall, upon request by the individual, conduct an expedited hearing upon notice to the parties concerned and to USATF, at a time and in a manner which will enable the individual to participate, should the individual prevail at the hearing. If the individual(s) in the complaint are members of a national team at a competition, the President (or his/her chief of the delegation), a team staff member not directly involved in the situation named by the President (or chief), and an athlete named by the chair of AAC (or by the lead athlete representative at the competition) shall hear the case in such a time frame and site as will produce a decision, given the particular constraints of the situation. If the athlete(s) has(have) already concluded their competition, an on-site hearing is no longer applicable.

REASON: *To allow for situations which occur with USA teams traveling abroad to be remedied if it is in the vital interest of the team and USATF.*

ITEM R25

Submitted by Bob Bowman, Pacific Association

Amend Regulation 11-J-7, Date of decision (page 80), as follows:

- 7 **Effective date of decision:** Unless ~~((a stay of enforcement is granted))~~ an appeal is made in accordance with subparagraph ~~((K-3))~~ K-1 below, all disciplinary and formal grievance decisions shall be immediately effective upon the date the decision is rendered. If an appeal

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

is made, all disciplinary and formal grievance decisions shall be effective upon the date of the appeal decision.

REASON: *This is only fair. A stay of enforcement is almost impossible to obtain. It is also unfair to have someone be penalized who may later be successful with an appeal of the hearing decision.*

ITEM R26

Submitted by Ed Koch, Member

Amend the last sentence of Regulation 11-K-1, Appeals from an Association decision (page 80) as follows:

A notice of appeal must be filed with the CEO of USATF and the Secretary of the Association ~~((within))~~ by the later of (1) thirty days of receipt of the written decision, or (2) the end of any period of suspension or expulsion issued by the Association decision.

REASON: *An individual may be willing initially to accept a suspension from local championships and events but find out after the 30 days that a national championship or event has been awarded to the Association to host. Under the current regulation, it is too late for the individual to appeal the Association decision in order to seek to participate in the national championship or event.*

ITEM R27

Submitted by Bob Bowman, Pacific Association

Amend Regulation 11-K (page 80) by deleting subparagraphs 3 and 4, and renumbering subsequent subparagraphs.

REASON: *A stay of enforcement is not necessary if Regulation 11-J-7 is amended to postpone the effective date of penalties until after an appeal is heard. This is only fair.*

ITEM R28

Submitted by Law & Legislation

Amend Regulation 12, Reinstatement (pages 81-82) as follows:

REGULATION 12 REINSTATEMENT

- A Scope:** The reinstatement of ((A))any athlete declared ineligible in accordance with Regulation 10 (pages 76-78) ((or 11 (pages 78-79), or)) shall be governed by IAAF Rules. The reinstatement of any person or entity otherwise declared ineligible, suspended, or expelled by ((the IAAF)) USATF or ((by)) the USOC, ((may request reinstatement)) shall be governed by this Regulation. A person or organization suspended, expelled or declared ineligible to participate may, at any time, make an initial request for reinstatement, provided all appeals within USATF have been exhausted or waived. After an initial reinstatement request is decided upon, additional reinstatement requests may only be made one (1) year or more after the most recent reinstatement decision.
- B Reinstatement requests:** (no change)
- C Automatic reinstatement:** Except for doping reinstatements, any person or organization declared ineligible to participate in USATF or Athletics for a definite period, or suspended from USATF or Athletics for a definite period, shall be automatically reinstated upon written request by the person or organization at the conclusion of the period of ineligibility or suspension;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

provided that any conditions or tasks required in the initial disciplinary decision have been fully complied with.

D ~~((Doping reinstatements))~~ Procedures:

- 1 **Request for reinstatements:** ~~((All))~~ If the automatic reinstatement provisions of Regulation 12-C above do not apply then an application~~((s))~~ for reinstatement ((that are made as a result of penalties imposed pursuant to Regulation 10, by the IAAF, or by the USOC shall be conditioned upon the person's making an application for reinstatement)) must be filed with the CEO which includes a satisfactory report on the circumstances surrounding the violation ~~((and, if applicable, submitting payment of an amount equal to any prize money paid for performances made during a period of ineligibility))~~ and indicting the basis upon which reinstatement should be granted;
 - 2 **Hearing panel:** The Doping Reinstatement Board (DRB) shall hear all ~~((early doping))~~ reinstatement applications;
 - 3 **Members:** The DRB shall consist of three members, each of whom shall have an alternate. At least one member and that member's alternate shall be Active Athletes. None of the members or alternates shall have been disciplined for ~~((doping))~~ violations by any national governing body, any National Olympic Committee, any international federation, or any other judicial or administrative body. ~~((None of the members or alternates shall, while serving on the DRB, also serve on the Doping Hearing Board (DHB) or the Doping Appeals Board (DAB).))~~
 - 4 **Decisions:** The three members shall decide all ~~((early doping))~~ reinstatement applications except for cases in which a member is disqualified or declines to serve. In such instances, the member's alternate shall substitute for the member. In instances in which a member and that member's alternate are unable to serve, the President shall make a special appointment for that matter.
 - 5 **Appointments:** (no change)
- ~~((6 Application: Except as specifically provided in this section, all other provisions of this Regulation shall apply to early doping reinstatements.))~~

E ~~((Referral and review of reinstatement request: For all other early reinstatement requests, applications shall be referred by the investigation or presenter at the evidentiary hearing may be appointed as provided in Regulation 11. The hearing shall be held by telephone conference call. Within fifteen (15) days, the panel shall report its findings and recommendations to the BOD.~~

F) **Disposition of reinstatement request:** The DRB panel's recommendation on reinstatement applications shall be sent to the CEO, who shall distribute it ~~((copies of the recommendation))~~ to ~~((each member of))~~ the BOD, or a committee of the BOD appointed by the President, for consideration. The BOD, or a committee of the BOD appointed by the President, shall meet expeditiously and may accept, deny, or modify the recommendation. The meeting may be held by telephone conference call.

~~((G Association reinstatements: Any person or entity suspended, expelled, or declared ineligible to participate by an Association may request early reinstatement by the Association involved. Upon failure of the Association to act within forty five (45) days after the request, or refusal to grant early reinstatement, an early reinstatement request may be filed with USATF.))~~

REASON: This Regulation has need amendment since the IAAF adopted automatic reinstatement provisions for doping offenses. USATF should not grant early reinstatement to an athlete who was convicted of a doping

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

offense, since the IAAF has its own process for these. The reinstatement process for non-doping offenses should be streamlined. This will save USATF dollars by having fewer hearings.

ITEM R29

Submitted by David Greifinger, Member

Amend Regulation 12-D-3, reinstatement panel members (page 81) as follows:

- 3 **Members:** The DRB shall consist of three members... None of the members or alternates shall have been ~~((disciplined))~~ suspended for more than three months for any doping violation...

REASON: *We should not preclude people who received warnings or short suspensions for minor stimulants for serving on the DRB.*

ITEM R30

Submitted by Bill Roe, President

Amend Regulation 13, Commitments (page82) as follows:

REGULATION 13 COMMITMENTS AND CONDUCT OF ATHLETES AND STAFF

- A **Written agreement:** Individuals who qualify or are selected or elected to represent the United States in international competition shall enter into a written agreement setting forth the obligations and expectations of their participation prior to the issuance of a travel authorization. The written agreement shall include the date and place of the competition, the text of this Regulation, specific provisions to protect the rights of USATF in regards to national sponsors and national team uniforms, specific provisions as to doping controls in effect for the competition, and that part of Regulation 11 (pages 78-79) explaining the hearing process. The staff member who is taking the individual's commitment ~~((must make))~~ is responsible for making specific reference to these Regulations.
- B **Failure to participate:** Any individual who, without reasonable cause, fails to participate in any such competition for which he or she has signed an agreement to participate shall be in breach of that commitment. This shall include inclusion in the relay pool for appropriate events. Furthermore, should any individual fail for any reason to participate in such a competition, and fail adequately to notify the appropriate coach, manager, team leader, or the National Headquarters at least seventy-two (72) hours (if traveling with the team or delegation) or seven (7) days (if not so traveling) prior to the scheduled competition of his or her inability to participate, he or she shall be in breach of his or her commitment, unless he or she was precluded from timely communication by extraordinary circumstances. In addition, should any athlete scheduled to travel with the team to such competition fail to appear for the scheduled departure without having notified the appropriate coach, manager, team leader, or the National Headquarters at least seventy-two (72) hours prior to departure, he or she shall be in breach of his or her commitment, unless he or she was precluded from timely communication by extraordinary circumstances.
- C **Failure to abide by the written agreement:** All individuals who comprise the team shall be bound by the written agreement for that event. Failure to abide by this agreement, particularly in situations where USATF is assessed a monetary penalty for the infraction, shall be held against the individual(s) responsible, and USATF reserves the right to seek damages from individual team members in such cases.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

D Penalties: Hearings regarding alleged breaches of commitments shall be conducted in accordance with Regulation 11, including under the provisions for an expedited hearing where USATF is operating under a time constraint. Although the ((coaches or)) team leaders (including coaches, managers, medical personnel, or national staff) may recommend the imposition of a more severe penalty, for the breaches above stated the following minimum penalties shall be enforced:

- 1 **First offense:** The athlete or staff member shall receive a written reprimand and potentially be liable for monetary penalties assessed to USATF. Should the athlete be receiving payments pursuant to USATF-sponsored financial aid programs, those payments shall be discontinued for a period of not more than twelve (12) months;
- 2 **Second offense:** The athlete or staff member shall receive a written reprimand and potentially be liable for monetary penalties assessed to USATF. The athlete shall not be eligible for USATF-sponsored financial aid programs for a period of twelve (12) months; or
- 3 **Third offense:** The athlete or staff member shall immediately be suspended and rendered ineligible to participate in the national championships, ((and)) be barred for a period of one (1) year from representing the United States as a member of any sanctioned international competition teams, and potentially be liable for monetary penalties assessed to USATF.

REASON: *This is an attempt to begin to formulate language to deal with situations which have occurred over the past year at Team USA events.*

ITEM R31

Submitted by David Greifinger, Member

Amend Regulation 14-I, prizes (page 84) as follows:

I Prizes: ~~((The amount and form of prizes...shall be governed by IAAF rules.))~~:

REASON: *New IAAF rules have rendered language about prizes, other than subparagraphs 1 and 2, obsolete.*

ITEM R32

Submitted by Law & Legislation

Amend Regulation 15, Association Standards and Elections (pages 84-88) as follows:

REGULATION 15 ASSOCIATIONS STANDARDS & ELECTIONS

- A Association accreditation:** All Associations shall be accredited ~~((biannually))~~ biennially by the Member Services Committee. The standards and process shall be:
- 1 **Minimum standards:** (no change):
 - a **Required standards:** Associations shall be required to maintain minimum standards and membership levels set by either the Member Services Committee or the Associations Committee and approved by the Board in each of the ~~((following))~~ categories listed below. Such membership levels may vary for individual Associations or categories of Associations ~~((S))~~ standards and membership levels are:
 - i-v (no changes)
 - vi **Association documents:** Associations shall be required to submit to the USATF National ~~((Office))~~ Headquarters a copy of its Association organic documents, as set forth in Bylaw Article 6;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- vii **Annual meeting:** Associations shall hold an annual meeting of their membership; and
 - viii **Financial report:** Associations shall be required to submit to the USATF National Headquarters annually a copy of ~~((the))~~ their completed first page of the 990 or 990EZ (or such form as shall replace them at the discretion of the Internal Revenue Service) tax form for the Association. If the Association is not required by the IRS to file ~~((the))~~ either tax form, it shall submit a completed 990 EZ to the National Headquarters.
 - b **Other standards:** Associations shall be required to ~~((fulfill))~~ meet at least six of the following nine ~~((requirements))~~ standards. The minimum levels and standard definitions shall be set by either the Member Services Committee or the Associations Committee and approved by the Board, unless otherwise specified. Each Association shall:
 - i hold association championships in each Athletics sport ~~((committee's))~~ discipline (track & field, long distance running, cross country running, masters track and field, masters long distance running, race walking, and youth athletics);
 - ii-v (no changes)
 - vi maintain a current and viable web site;
 - vii (no change)
 - viii (no change); and
 - ix attend at least one USATF Association workshop meeting every two years; and
 - c (no change)
- 2 **Timeline:** ~~((Associations shall be accredited biennially beginning in 2001.))~~ The accreditation process shall commence in each odd-numbered year, and shall follow the two-year cycle ~~((timeline))~~ set forth below~~((:))~~ :
- a **Collection of statistics and other information:** During January through March of the accreditation process's first/odd-numbered year, ~~((T))~~ the National Headquarters shall collect and provide to the Member Services Committee the previous year's statistical and other information for each Association, ~~((including special considerations for Associations,))~~ as set forth in the requirements for accreditation;
 - b **Analysis:** During April and May of the first/odd-numbered year, ~~((T))~~ the Member Services Committee shall analyze the statistical and other information provided for each Association by the National Headquarters;
 - c **Notification:** During May of the first/odd numbered year, each Association~~((s))~~ shall be notified by the Member Services Committee of the results of its analysis of the Association's statistical and other information~~((during May of the first year))~~. Associations shall also be notified whether they meet requirements for: (i) accreditation, ~~((for))~~ (ii) special recognition, ~~((and of))~~ or (iii) if they have any deficiencies;
 - d **Plans for improvement:** During the months of June through October of the first/odd-numbered year Associations ~~((which))~~ that are deficient in any accreditation requirement shall ~~((each))~~ prepare and submit a plan for improvement~~((:))~~ with assistance from the Association's Committee ;
 - e **Approval of plans:** By the end of December of the first/odd-numbered year all Association plans for improvement shall be subject to approval by the Member Services Committee, or its designated subcommittee. If an Association fails to present a plan, the time line for the second/even numbered year shall be accelerated and the

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

Member Services Committee shall take one of the actions outlined in USATF Regulation 15-A-2(j):

- f **Updating of statistics:** During January and February of the second / even numbered year, ((F))the National Headquarters shall collect and provide to the Member Services Committee updated statistical and other information for each Association ((set forth in)) based upon the requirements for Association accreditation;
 - g **Updated analysis:** During March and April of the second / even-numbered year, ((F))the Member Services Committee shall analyze the updated information provided by the National Headquarters focusing on ((a))Associations previously determined to be deficient;
 - h **Implementation of improvements:** The Associations Committee shall monitor and assist deficient ((a))Associations in implementing improvement plans during the second accreditation/even-numbered year;
 - i **Analysis for compliance:** During the months of September through November of the second / even-numbered year, ((F))the National Headquarters shall further update and provide the statistical and other information set forth in the requirements for accreditation to the accreditation subcommittee of the Member Services Committee;
 - j **Accreditation:** The Member Services Committee shall take one of the following actions with respect to each Association by the end of December of the second /even-numbered year~~((.))~~:
i-vi (no change).
Each Association shall be notified in writing by the end of the second year. The decision shall take effect on January 1, unless an appeal under subparagraph 3 below applies.
 - k **Accreditation update:** Throughout the accreditation process, an Association's established accreditation may be updated by the Member Services Committee based on the Association's compliance with, or lack of compliance with, the required accreditation standards.
- 3 **Appeals:** Adverse recommendations made by the Member Services Committee may be accepted or may be appealed by the Association as follows:
- a **Deadline:** All appeals shall be made in writing by an Association no later than January 15 following the end of the second/even-numbered year, or in the case of an accelerated action pursuant to USATF Regulation 15-A-2(e), no later than 20 days following the receipt of notice of an adverse action. In the event of an appeal involving a boundary or merger with a neighboring Association, the other Association will also be deemed a party to the appeal, given a copy of the appeal, and permitted to file a cross appeal within thirty days of the appeal, and otherwise dispute the appeal.;
 - b **Appeal panels:** Appeals shall be referred to an NABR panel composed of ((panelists)) arbitrators who are not from the same USATF region~~((s other than that of))~~ as the Association appealing its accreditation status, as provided in Regulation 11-?-?((.)) ;
The panels shall be selected as follows:
ASSOCIATION LOCATION..... PANEL LOCATION
East South
South North
North..... West
West East;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- c **Final decision:** The NABR panel's decision shall be final, unless appealed in accordance with Regulation 11-? (pages ? - ?); ~~((and))~~
 - d **Basis of appeal:** Incorrect statistical data or other incorrect information about accreditation requirements shall not form the basis of an appeal unless such objections were previously raised before the Member Services Committee; and
 - e **Pending appeal:** Member Services decision is effective on the following January 1st unless; (1) Member Services, as part of its decision, votes in favor of an automatic stay in case of an appeal, or (2) as part of its appeal, the Association seeks a stay which will then be considered in accordance with Regulation 11. In the event of an appeal involving a boundary or merger with a neighboring Association, the other Association will also be deemed a party to the appeal, given a copy of the appeal, and permitted to file a cross appeal within thirty days of the appeal, and otherwise dispute the appeal.
- 4 **Recognition of outstanding Associations:** The Member Services Committee, subject to approval by the Board, shall set standards of excellence for recognition of "Gold," "Silver," and "Bronze" Associations. Awards shall be made by the Associations Committee annually at the ~~((Summer))~~ USATF Associations Workshop (or other appropriate time), and shall be published in the annual report of USATF and on the USATF web site.
- B Association elections:** All Association elections for officers and sport committee and other chairs shall use common guidelines and procedures to ensure fairness and openness. These provisions shall ~~((be))~~ include:
- 1 **Election notice:**
 - a -c (no change)
 - d **Changes:** Any notice of a meeting change or a change in the election process, not previously publicized, must be distributed at least fourteen (14) days prior to the meeting;
 - 2 **Nominating process:**
 - a **Nominating committee option:** Use of a nominating committee ~~((by an Association))~~ is optional;
 - b -c (no change)
 - d **Membership ~~((&))~~ and age criteria:** A candidate must be a member of the Association who is at least 18 years of age (at the start of the term of office); and
 - e (no change)
 - 3 **Voter criteria:**
 - a -c (no change)
 - d **Voting membership deadline:** Except for renewals from the previous year, individuals must be members ~~((in the month which ends more than one full month preceding))~~ for at least thirty (30) days prior to the date of the election (e.g., if the election is held ~~((at any time in September,))~~ on September 15 the membership must be ~~((processed))~~ paid in full by ~~((July 31))~~ August 16;
 - e-g (no change)
 - h **Membership:** Organizations and any person representing an organization in Association voting matters must be members of USATF in order to vote;
 - 4 ~~((Conduct of v))~~ **Voting options:**
 - ~~((a Options:))~~ There are ~~((three))~~ four methods which an Association may choose to use for elections. Association bylaws must clearly state the election procedures to be used. Association bylaws concerning nominations and elections, and the methods for

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

amending them, shall be subject to the approval of the Member Services Committee(;)) .

- ((b))a Mail ballot:** ~~((Minimum provisions for a))~~ An open mail ballot to all members of an Association(~~(-are))~~):
- i (no change)
 - iii The return address and deadline must be printed on the ballot; ~~((and))~~
 - iv The ballots must be held together, remain unopened until the voting panel is assembled, and be counted together by the voting panel; and
 - v Any ballot opened outside the presence of the entire voting panel shall not be counted.
- ((e))b Open meeting ballot:** ~~((Minimum provisions for an o))~~ Open meeting ballot where all members of the Association are eligible to attend and vote(~~(-are))~~):
- i Credential disputes must be resolved before the election process is started ~~((with))~~ (i.e. before taking nominations and / or before the report of the nominating committee);
 - ii Uncontested elections may be voted by acclamation; ~~((and))~~
 - iii A secret ballot must be used for contested elections(~~(.)~~) ; and
 - iv Any ballot opened outside the presence of the entire voting panel shall not be counted;
- ((d))c Balanced meeting ballot:** ~~((In addition to the open meeting ballot provisions in (e) above, minimum provisions for a))~~ A balanced meeting ballot where~~by~~ only ~~((selected))~~ designated members of the Association are eligible to vote (~~(are)~~):
- i-iii (no change)
 - iv Individuals who are eligible to cast a ballot in more than one constituency may only vote once and must choose one constituency in which to vote ~~((at the meeting))~~;
 - v Constituencies with more individuals than votes allowed will be allotted time to caucus before the election to determine the voters or apportionment of votes; and
 - vi In an athlete caucus, youth (18-year old), open (non-international ages 19-39), ~~((international ("ten-year" rule regardless of age)))~~ Active Athletes and masters (40-and-above) athletes must each be represented if member athletes are present and available. In such a case, the number of votes granted to ~~((a))~~ each age division above shall be as equal as possible, regardless of the number of athletes present from a division;
- ((e))d Balanced mail or electronic (e.g. email or fax) ballot:** ~~((In addition to the mail ballot provisions in (b) above, minimum provisions for a))~~ A balanced mail or electronically distributed ballot, where~~by~~ only ~~((selected))~~ designated members of the Association are eligible to vote(~~(-are))~~):
- i (no change)
 - iv Individuals who are eligible to cast a ballot ~~((on))~~ in more than one constituency may only vote once and must choose one constituency in which to vote;
 - v Constituencies with more individuals than votes allowed will ~~((determine))~~ be allotted time to caucus before the election to determine the voters or apportionment of votes; and
 - vi In the Active Athlete constituency, youth (18-year old), open (non-international ages 19-39), ~~((international (ten-year rule regardless of age)))~~, Active Athletes and Masters (40-and above) athletes must each be represented if member athletes are available. In such a case, the number of votes granted to a division

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

above shall be as equal as possible.

- 5 **Counting of ballots:**
 - a **Voting ((P))panel:** A panel of at least three (3) individuals, at least one (1) of whom must be an athlete, shall count the ballots and sign the vote tally. All panel members shall be of voting age. The panel shall not include any individual who is a candidate for ~~((a-contested))~~ an office;
 - b **Consultation:** The panel may consult as necessary with the ~~((chair))~~ Association's president, secretary, and/or parliamentarian (so long as they are not candidates for ~~((contested))~~ offices) on procedural matters; and
 - c **Mail ballots:** Mail ballots shall only be opened in the presence of the entire panel. If circumstances prevent the appointed panel from convening in a timely manner, a new panel meeting the criteria in (a) above may be convened to count the ballots. Any ballots opened outside the presence of the entire voting panel shall not be counted;
- 6 **Committee and council chairs:**
 - a (no change)
 - b **Election:** When requested by two (2) or more member organizations of the Association, sport committee or council chairs shall be elected. When a sport chair is elected, the election shall take place at a meeting which is held separately from the general elections, either by time or location, and at a minimum, shall be advertised to all member organizations in the Association active in the discipline. The election may also be conducted by mail or electronic ballot using the procedures set forth above;
 - c (no change)
 - d **Division elections:** Joint election meetings may be held by committees and councils in the same divisions ~~((defined))~~ delineated by USATF at the national level: high performance (men's track & field, women's track & field, and race walking), long distance running (men's, women's, masters, cross country, and Mountain/Ultra/Trail), and general competition (masters track & field, youth, and Associations);
- 7 **National delegates:**
 - a **Local option:** ~~((National-d))~~Delegates to the USATF Annual Meeting may be elected or appointed, according to ~~((local))~~ the Association bylaws; and
 - b **Plurality:** When delegates are elected, a plurality vote (the individual receiving the most votes) may be accepted for election;
- 8 **Majority requirement:**
 - a **Officers:** Regardless of whether a mail ballot is used, the president and secretary of the Association must be elected by a majority of the ballots cast. If a run-off election is necessary, the notification requirement shall be the same as stated in USATF Regulation 15-B-1;
 - b **Plurality:** In other mail ballot elections, a plurality vote (the individual receiving the most votes) may be accepted;
 - c **In-person majority:** In elections conducted at meetings, a plurality vote (the individual receiving the most votes) may not be accepted in the first round, except for the election of ~~((national))~~ delegates to the USATF Annual Meeting; and
 - d (no change)
- 9 **Election protests:**
 - a **Regulation 11:** Except as indicated below, Regulation 11 (pages ? - ?) shall apply to election ~~((grievances))~~ disputes. Protests may only be made after the election process is concluded;

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- b **Panel composition:** An NABR panel from a different USATF region than the Association whose election is disputed shall be appointed to conduct the hearing; all hearings shall be by conference call; the procedures outlined in Regulation 11- ? shall apply. The panels shall be selected as follows:
- | ASSOCIATION LOCATION..... | PANEL LOCATION |
|---------------------------|----------------|
| East | South |
| South | North |
| North..... | West |
| West | East; |
- c **Invalidation:** The NABR panel shall invalidate an election if it is found that one or more infractions occurred ~~((and))~~ which were likely to have changed the outcome of an election; and
- d **Further action:** The NABR panel may recommend ~~((or require))~~ changes for future elections in the Association;
- 10 **Employees and elections:** Current employees (working within the past ninety days) shall not participate in any part of the elections process (nominations or campaigning), but may, at the discretion of the Association, be permitted to vote if they are members and otherwise eligible~~((; and e)).~~ Current Association employees may, at the discretion of the Association, seek election by the Association as a national delegate, or any other representative position at the national level.
- 11 **Transition date:** Associations shall amend their bylaws to ~~((reflect the provisions of this paragraph no later than the annual meeting in 2001))~~ conform to the requirements of Regulation.

REASONS: Clarity, better interpretation and conform to current practices. The panels hearing appeals will change if the proposed re-written version of Regulation 11 is accepted. To cover an anticipated financial impact, an appropriate travel budget should be developed to permit the Member Services Committee to assist struggling Associations with their election processes and other problems.

ITEM R33

Submitted by Ed Koch, Member

Amend Regulation 15-B-3 -a, elections (page 86) as follows:

- a **One person -one ballot:** One person shall cast only one ballot worth a maximum of one vote regardless of ...

ITEM R34

Submitted for Inez Finch by the Georgia Association

Amend Regulation 15-B-6, Committee and council chairs (page 87) to add a new subparagraph c and reletter subsequent subparagraphs:

- c **Election of youth chair:** The following shall vote in the youth committee elections:
- i **Organizations/clubs:** Clubs and other organizations registered in their association as youth clubs with the majority of their members under the age of 18 with current club registration will be allotted one (1) vote per club in the youth committee meeting including but not limited to election of officers. Designation of the representative will be noted at the beginning of each meeting and this representative must be a current member of USATF and in good standing on the nation and association level.

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

- ii** Parents: The parents of unattached athletes (under 18) attending the meeting will select one representative to cast their one vote. Designation of the representative will be noted at the beginning of each meeting. This person must be a current member of USATF and in good standing on the national and association level.
- iii** Officers: Current officers of the youth committee as listed in your association by laws will be allowed one vote each. Those persons must be current members of USATF and in good standing on the national and association level.
- iv** Committees: One representative to the youth committee from the Official's Committee, Long Distant Committee, and Racewalking Committee should get 1 vote each.
- v** Athletes: Active Athletes who are 18, but fall under Youth Athletics per Rule 2401.(c.), and have no club affiliation (unattached), and have current USATF memberships.

REASON: *Voting in the Youth Committee Only- Inasmuch as the most youth are not of age to voice their individual vote this voting concept should be put in place to protect their interest. Also, there needs to be some consistency throughout all associations on who represents the youth committee and who should vote in youth committee elections and meetings.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART IV • EXHIBITS SUMMARY

1 = Grammar/Punctuation • 2 = Housekeeping • 3 = Acceptable reflection of current practice •
4 = Acceptable substantive change • 5 = Further discussion warranted • 6 = Rejection • 7 = Tabled

<i>L&L rating</i>	<i>number</i>	<i>exhibit</i>	<i>item title</i>	<i>author</i>
3	E01	Exhibits	New exhibits note	L & L
2	E02	Exh A-4	Masters descriptor	Rosado
5	E03	Exh 5-F	Additional coach delegates	Timmons et al

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

PART IV • EXHIBITS TEXT

ITEM E01

Submitted by Law & Legislation

Move the exhibits to precede the sport and other committee operating procedures, and add a note to the preface page for exhibits which states:

Any exhibit contained herein, where text is drawn from the documents of another organization, or where the Board has sole authority to change the text, shall be updated with those changes at the earliest opportunity.

Further, eliminate Exhibit I as currently written and replace with Appendix 10 (Athlete Retirement Form).

REASON: *No legislation should be necessary to amend these exhibits, which include:*

- *Exhibit H (Ted Stevens Olympic and Amateur Sports Act)*
- *Exhibit J (Selection of Athletes/USOC No-Advance-Notice Drug Testing Pool)*
- *Exhibit K (Random Drug Testing Program)*
- *Exhibit L (IAAF Procedural Guidelines)*
- *Exhibit M (IAAF Rules)*
- *Exhibit N (USOC National Anti-Doping Program)*
- *Exhibit O (Guidelines for AAA Arbitration Panel)*
- *Exhibit P (AAA Rules and Regulations Adopted by USATF)*

ITEM E02

Submitted by Mary Rosado, Member, and Carole Langenbach, PNTF

Amend the Bylaws, Regulations, and their accompanying exhibits where appropriate to reflect the rule change (Rules 2.3, page 14) from last year, moving New Mexico for masters competition from the Mid-America region to the West region. In Masters Track & Field operating procedure 12-A (page 137) and Exhibit A-4 (page 164), remove New Mexico from Mid-America and move to Western Region. In Exhibit A-5, Cross Country Region Descriptions, delete Language after Masters,

REASON: *Change was made in Rules in 2002, Rule 2.3.*

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

ITEM E03

**Submitted by Bill Roe, President, and Mark Timmons,
Cliff Wiley, Alan Kolling, and Ed Koch, Members**

Amend Exhibit 5-F (page 167) as follows (delete current marks for coaching associations):

EXHIBIT F Sport Committee/Council Voting Make-up

This table indicates the members entitled to vote within each sport committee and the cross country council. Members may be changed at any time by the entity being represented. When a change is made, the president or chair of the particular entity should submit a letter indicating the change.

Coaches Advisory will allocate the spots for coaching association positions to total one hundred (100) coaches among Men's Track & Field, Women's Track & Field, Men's Long Distance Running, Women's Long Distance Running, Race Walking, and Cross Country Running. All of the coaches appointed in this manner shall be accorded votes as delegates pursuant to Article 7-H (page 33-34), unless they already have a vote via another delegate position.

	Men T&F	Women's T&F	Men LDR	Women's LDR	Cross Country	M/W RW	Youth Ath	Masters T&F	Masters LDR
Associations	57	57	57	57	57	57	57	57	57
Amateur sports organizations: one member except three if a national program in that discipline.									
NCAA	3	3	3	3	1	1	1	1	1
NFSHSA	3	3	3	3	1	1	3	1	1
NAIA	3	3	3	3	1	3	1	1	1
NJCAA	3	3	3	3	1	1	1	1	1
RRCA	1	1	3	3	1	1	3	1	3
Running USA	1	1	3	3	1	1	1	1	3
Other <u>non-coaching</u> organizations: one member only if a national program in that discipline.									
AAU	0	0	0	0	0	0	1	0	0
AAHPERD	0	0	0	0	0	0	0	0	0
CYO	0	0	0	0	0	0	1	0	0
JCC	0	0	0	0	0	0	1	0	0
NSGA	0	0	0	0	0	0	0	1	1
US Armed Forces	1	1	1	1	0	0	0	0	0
USCCA	1	1	1	1	0	1	0	1	1
USTMDA	1	1	0	0	0	0	0	0	0
YMCA	0	0	0	0	0	0	1	0	0
<u>Coaches Advisory appointments:</u> may assign more than one coach per coaching association.									
<u>NCAA:</u>									
Div I TCA	10	10	1	1	1	0	0	0	0
Div II TCA	5	5	1	1	1	0	0	0	0
Div III TCA	3	3	1	1	1	0	0	0	0
NAIA Coaches	3	3	1	1	1	2	0	0	0
NHSACA	7	7	0	0	1	0	2	0	0
NJCAA TCA	3	3	0	0	1	0	0	0	0
USWTCA	0	1	0	1	1	0	0	0	0
USTCA	2	2	1	1	1	1	1	1	1
NWAACC	1	1	0	0	1	0	0	0	0
CCCCCTCA	1	1	0	0	1	0	0	0	0

2003 LAW & LEGISLATION SUBMISSIONS PACKAGE

Committees:

Athletics/Disabled	1	1	1	1	0	1	1	1	1
Officials	1	1	1	1	1	1	1	1	1
((Coaches	9*	10*	9*	10*	0	2*	2*	1*	1*
At-large members	5	5	5	5	0	5	5	5	5
Elected officers	3	1	1	1	1	1	9	4	5
Active athletes	<u>30</u>	<u>30</u>	<u>23</u>	<u>23</u>	<u>18</u>	<u>19</u>	4	19	21
TOTAL	<u>149</u>	<u>147</u>	<u>117</u>	<u>118</u>	<u>93</u>	<u>96</u>	<u>94</u>	96	103

~~((Effective with the creation of the Coaches Advisory in 2000, these positions will be appointed by that committee.))~~

REASON: *To ensure the voice of the school-based coaches of the track and field community which include thousands of members who coach over one million five hundred thousand (1,500,000) athletes per year, and control ninety-five percent (95%) of the track and field and cross country facilities within the United States.*