

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

The Law and Legislation Committee is pleased to provide its initial Report for 2004. The report is composed of Bylaw and Regulation amendment proposals that you will be asked to consider for action at the Second General Session of this year's USATF Annual Meetings. Because no new items are allowed to be considered in the even years, the items listed in these pages are those that have been tabled from last year. There is also one amendment that has been submitted to one of the tabled items. Following these tabled amendments are four items that have been presented to bring USATF into compliance with either USOC and/or IAAF requirements, or have been passed as emergency legislation by the Board of Directors that must be approved by the members.

The Law and Legislation Committee has scheduled a number of working meetings at this year's Annual Meetings and welcome input from the membership either at the meetings or prior thereto. Anyone wishing to submit something in writing that will be transmitted to the Committee or to speak to any of these items before the Committee should contact the Secretary, Tim Baker at Tbake03@attglobal.net. The Committee continues to work toward the final amendment package that will be presented prior to the second general meeting. Anyone wishing to know the current status of an item during the Annual Meetings should contact Tim by either attending one of the meetings or calling him at the Headquarters Hotel.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

ITEM B01

Submitted by the National Office

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 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.

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.

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

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

social security taxes, nor be eligible 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.*

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 B35

Submitted by Bill Roe, President

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

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

- 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 CCCCCTCA 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.

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;

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

***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 specialties:
 - Sprints
 - Hurdles
 - Throws
 - Middle Distances
 - Horizontal jumps
 - Vertical jumps
 - Decathlon
 - 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
 - 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

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

- 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.

ITEM B42B

Submitted by Bill Roe, President

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

- 3 **Club Council:** The Associations Committee 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. 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.

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

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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 B45

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

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

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 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 Tabled ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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 re-certification 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 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.

**2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004**

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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 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.*

Amend Item R07

Submitted by Alan Kolling

Delete the proposed amendment and substitute the following:

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

H. Selection of Officials: ~~((Competition officials shall be selected for national championships as follows:))~~ Since the administration of the USATF Junior and Senior Track and Field Championships and the Olympic Trials is the responsibility of the Men's and Women's Track and Field Committees, all final decisions regarding the selection of officials shall be made by the chairs of those two committees using the following procedures:

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

....

b. Selection: Competition officials for the above named championships shall be ((selected)) nominated at the annual meeting of USATF, and presented to the Women's and Men's Track and Field Chairs for final approval.

...

c. The Chair of the Officials Selection Committee shall be elected for a one year term by the Committee members at the annual meeting. This process will normally follow any elections for the Chairs of the Committees that appoint members to this committee and their subsequent appointment of any new members to the Committee.

2.a. The applications, ((election)) selection, and makeup ...

4. Officials may be replaced for cause by the Men's and Women's Track and Field Chairs at any time, including before or during the conduct of the meet.

In nominating officials for selection for the national championships or Olympic Trials, the Committee shall give appropriate consideration to recommending a diverse pool of qualified officials, taking into account the age, gender, and associational and ethnic background of each nominee recommended for selection.

Reason: To clarify the original intent of the legislation.

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:

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.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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.

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.))~~

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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 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 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 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).*

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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 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.*

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

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.
- 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.*

Motion from the Law and Legislation Committee:

The Law and Legislation Committee or its designees may edit and make non-substantive corrections such as grammar and punctuation in the Governance Manual before publication.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

ITEM S1

Submitted by the Law and Legislation Committee

REGULATION 10
DOPING CONTROL

(Note: Further amendments to Regulation 10 may be made, by a two-thirds (2/3) vote of the Board of Directors, to conform this Regulation with subsequent rule changes adopted by the IAAF, the USOC, or as mandated by changes to the Sports Act. All references to IAAF anti-doping rules below will be edited to conform to the new numbering system adopted by the IAAF in its 2004 anti-doping rules. All references to IOC Medical Code or Olympic Movement Anti-Doping Code will be changed to World Anti-Doping Agency Code or WADA Code.)

This Regulation 10 shall apply to all doping controls conducted on or after December 1, 2001.

A Definitions: The following terms shall have the indicated meaning when used in this Regulation:

~~(1—Doping: The administration of prohibited substances or techniques.)~~

1((2)) Doping: Doping is the occurrence of one or more of the violations defined as “doping” by IAAF Rules.

2((3)) IAAF Protocol: Procedures set forth by the IAAF in its current “Procedural Guidelines for Doping Control,” or any successor publication. The IAAF procedural guidelines govern drug testing pursuant to the authority of the IAAF.

3((4)) In-Competition Drug Testing: Drug testing that takes place during a selected competition.

4((5)) World Anti-Doping Code: That version of the World Anti-Doping Code Prohibited List adopted by the IAAF.

5((6)) Out-of-Competition Drug Testing: Drug testing that takes place when an athlete is not competing.

6((7)) Prohibited Substances: The prohibited substances identified in either the WADA Anti-Doping Code or the IAAF Procedural Guidelines for Doping Control.

7((8)) USADA: The United States Anti-Doping Agency, 2550 Tenderfoot Hill Drive, Suite 200, Colorado Springs, CO 80906; Telephone 719/785-2000 or 866/601-2632; <http://www.usantidoping.org>.

B Doping Control programs: USATF participates in several doping control programs which are conducted by USADA, the IAAF, and WADA. The IAAF may conduct doping control at USATF national championships competitions.

1 In-Competition Program (ICP): This program involves the testing of athletes during USATF sanctioned events for prohibited substances and techniques. The selection of athletes shall be pursuant to procedures established by either USADA, IAAF, and/or USATF protocol. The organization responsible for drug testing will determine which protocol will apply; and

2 Out-of-Competition Program (OOC): This program involves the testing of selected athletes for prohibited substances and techniques. The OOC shall include a program of unannounced, walk-up testing. The selection of those athletes to be tested pursuant to the 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 OOC program must meet the retirement requirements set forth in subparagraph E below.

C Anti-doping program: USATF shall participate in those anti-doping programs mandated by the IAAF and USOC under their respective constitutions, bylaws and/or anti-doping rules. The Anti-Doping program shall apply to athletes and athlete support personnel, including but not limited to, coaches, trainers, managers, authorized athlete representatives, agents, team staff, officials, medical or para-medical personnel, or other persons working with or treating athletes participating in, or preparing for competition in, Athletics.

NOTE: The text of the applicable IOC, IAAF, USADA and/or USOC rules, protocols, and guidelines, relating to doping control 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: The disciplinary proceedings related to domestic positive drug tests of USATF athletes shall be conducted by USADA, on behalf of USATF. When USATF is notified by the IAAF that an athlete’s “A” sample has tested or

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

has been deemed positive for a prohibited substance, the matter shall be referred to USADA, by USATF, for a determination of whether a doping offense has occurred.

- 1 National team participation and expedited hearing process:** An expedited hearing pursuant to the provisions of this regulation shall be provided to determine the national team status of any athlete who, at the time of selection for a national team relay or a team scoring position, has provided a urine sample that has tested “A” positive or “A” and “B” positive. The national team status is in jeopardy. The athlete may voluntarily waive the right to an expedited hearing and withdraw from a national team relay or national team scoring position.
- 2 Request for expedited hearing:** A request for an expedited hearing pursuant to the preceding subparagraph 10-D-1 shall be handled in accordance with Regulation 11-M (~~filed by USATF with the AAA~~). The scope of the hearing shall be limited to a determination of whether the athlete shall be excluded from the national team relay or national team scoring position at issue. The (~~AAA~~) NABR panel 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.
- 3 Ineligibility:** If an athlete is found to have committed a doping offense or the individual waives the right to a hearing, the individual shall be declared ineligible to participate in Athletics competition, as provided below. In addition, if testing was conducted in competition, the athlete shall be disqualified from that competition and all competitions s/he competed in prior to the final decision of the hearing or appeals panel, and the result(s) amended accordingly. Ineligibility shall begin:
 - a** from the date the period of ineligibility was imposed by an arbitration panel; or
 - b** as otherwise determined by the IAAF; or
 - c** in the case of a doping offense listed in subparagraph D-6 below, from the date the period of ineligibility was imposed by an arbitration panel. If an athlete competes while ineligible, the period of ineligibility shall be deemed to recommence from the time the athlete last competed, as though no part of a period of ineligibility had been served.
- 4 Period of ineligibility:** For doping offenses 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 or other person who commits a doping offense will be ineligible for the periods set forth below:
 - a Steroids:** For a steroid offense under IAAF Rule 60.1 (i) or (iii) (page 210) involving the substance listed in Part I (a)(I) only of Schedule 1 of the IAAF “Procedural Guidelines for Doping Control” (Exhibit L, page 181), the suspension shall be for life, PROVIDED THAT SUCH LIFETIME SUSPENSION DOES NOT VIOLATE ANY PROVISION OF THE SPORTS ACT, INCLUDING THE PROVISION THAT REQUIRES THAT USATF MAY “NOT HAVE ELIGIBILITY CRITERIA RELATED TO AMATEUR STATUS OR TO PARTICIPATION IN THE OLYMPIC GAMES, THE PARALYMPIC GAMES, OR THE PAN AMERICAN GAMES THAT ARE MORE RESTRICTIVE THAN THOSE OF THE APPROPRIATE INTERNATIONAL SPORTS FEDERATION.”
 - b Other Part I substances:** For an offense under IAAF Rule 60.1 (i) or (iii) (page 210) involving the substance listed in Part I (a) (II), (b), (c), (d), (e), (f), and (g) of Schedule 1 of the IAAF “Procedural Guidelines for Doping Control” (Exhibit L, page 181) or, for any of the other offenses listed in IAAF 60.1 or in subparagraph D-~~(6)~~5 below:
 - 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.
 - c 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 suspension prior to a declaration of ineligibility such period of suspension shall be deducted from the period of ineligibility imposed by the panel; or
 - iii** third offense – for life.
- 5 Separate doping offenses:** In addition to all doping offenses defined in IAAF Rules 55 and 56 (pages 207-208), the following shall be regarded as separate doping offenses:
 - a Agent intimidation:** Inducing or attempting to induce, by threat, coercion, intimidation, bribery, or other improper means, a person involved in the collection or testing of a sample, or in the administration of this Regulation, to take any action or refrain from taking any action respecting a sample or a person who may be charged with a doping offense; and
 - b Other interference:** Intentionally destroying or attempting to destroy a sample prior to its testing or otherwise interfering with the proper collection, shipping, storage, or testing of a sample.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

- 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 reproduced in Appendix 10 (page 242). Retired athletes are ineligible to return to competition for a minimum of six (6) months and must make themselves available for out-of-competition drug testing for a period of six (6) months prior to returning to competition.
- F Unexcused failure:** An unexcused failure to provide a sample shall be considered as being the same as a confirmed “A” positive test for anabolic steroids, except that the athlete shall have the burden of proving to the panel a permissible excuse pursuant to the ICP or OCP, as the case may be.
- 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 XXX, shall be automatically reinstated upon issuance of a reinstatement letter by USATF or IAAF.
- H Other disciplinary proceedings and appeals:** All proceedings concerning doping offenses by persons other than athletes shall be submitted by USATF to an American Arbitration Association North American Court of Arbitration for Sport arbitration panel.
- I Notification of penalties:** Upon a finding by a hearing panel that doping has occurred, USATF shall provide notice of the penalty(ies) to be imposed by means of a letter sent by facsimile transmission and/or by overnight mail.
- J Confidentiality of test results and doping offenses:** Except as provided in paragraph K below, USATF shall only disclose such information related to drug testing matters as is appropriate and necessary to fulfill its obligations to the worldwide Olympic anti-doping effort, and in the event, only to the appropriate representatives of the relevant Olympic drug testing authorities - USOC, USADA, IAAF, WADA, and IOC. In cases arising from samples taken on or after December 1, 2001, USATF may disclose such information as is required by and to (1) USADA and (2) the IAAF.
NOTE: If the athlete or the athlete’s representative breaches confidentiality, USATF’s response shall not constitute a breach of confidentiality.
- K Publication of doping test results:** USATF shall publish, on a quarterly basis, the names of all USATF athletes who have tested negative during in-competition and out-of-competition drug testing. USATF shall publish the names of athletes who have been found to have committed a doping offense, at the conclusion of the entire disciplinary process; provided, however, that the publication by another Olympic drug testing authority of an athlete’s doping offense shall satisfy USATF’s publication obligation related thereto.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

ITEM S2

Submitted by the Law and Legislation Committee

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, provisions to protect the rights of USATF regarding national sponsors and national team uniforms, provisions as to doping controls in effect for the competition, and that part of Regulation 11 (pages XX-XX) 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 includes athletes in relay pools 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 Misconduct: Any individual who acts in a manner detrimental to the best interest of Athletics or the USATF national team, shall be subject to discipline as provided in this Regulation and/or Regulation 11. Acting in a manner detrimental to the best interests of Athletics or the USATF national team includes, but is not limited to:

- 1 Engaging in conduct that reflects unfavorably on Athletics or the USATF national team.
2. Failing to wear appropriate national team attire, or use national team sponsor products that the athlete is required to use while a member of a national team.
- 4 Failing to attend events and functions designated as national team functions, without a valid reason.
- 5 Failing to maintain competitive fitness.

D. Failure to abide by the written agreement: All members of the team shall be bound by the written agreement for that event. Failure to abide by the agreement may result in the imposition of penalties set forth below.

E Penalties: Hearings regarding alleged breaches of commitments shall be conducted in accordance with Regulation 11, including under the provisions for expedited hearings where there is 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 be held 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 may be held 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 may be held liable for monetary penalties assessed to USATF.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

ITEM S3

Submitted by the Law and Legislation Committee

LEGISLATIVE ITEMS FOR BOARD DECISION

(1) VOTING AT THE ANNUAL MEETING

Amend Article 9-F-4, Election Procedures, as follows:

- F 4 Election procedures:
- a First round: The Member Services Committee and the national staff shall open first-round balloting in a secure voting location by 7:00 a.m. on the day two days prior to the second general session of the annual meeting and allow ballots to be cast until 10:00 a.m. that day;
 - b First round results: Ballots shall be collected, counted, and held secure by the Member Services Committee. The first-round results without first-round vote totals of elected persons and still-contested positions shall be posted at ~~((11:30))~~ 11:00 a.m., or as soon as possible following the resolution of all voting challenges that could affect the outcome;
 - c Second round and results: Run-off election balloting, if necessary, shall open in a secure voting location by ~~((4:00 p.m.))~~ 12:00 noon on the day two days prior to the second general session of the annual meeting and casting of ballots shall be allowed until ~~((3:00))~~ 2:00 p.m. that day. The Member Services Committee shall exercise best efforts to have complete final results available and posted in writing at several annual meeting locations, including the registration center, on or before ~~((4:30))~~ 3:00 p.m.;
 - d Third round: If a third round of balloting is necessary, it shall be conducted on the same day as the second round from ~~((5:30))~~ 4:00 p.m. until ~~((7:00))~~ 6:00 p.m. Results will be posted at several meeting locations, including the registration center as soon as possible after voting is concluded;
 - e Protests: (no change); and
 - f Record: (no change); and

RATIONALE: Saturday, December 4 (the current day prior to the second general session) will be occupied with many distractions taking delegates, including important constituents like athletes and coaches, away from the Annual Meeting headquarters. With nominations on Wednesday evening, we still keep nearly the same effective time frame between nominations and elections, and keep most of our attendees in the building for voting on that important day. In addition, the hours must be advanced slightly so as to finish the balloting before the bulk of the delegates leave to attend the Jesse Owens / Xerox Hall of Fame dinner.

2003 LAW & LEGISLATION TABLED ITEMS
with
ADDITIONAL ITEMS FOR CONSIDERATION IN 2004

ITEM S4

Submitted by the Law and Legislation Committee

LEGISLATIVE ITEMS FOR BOARD DECISION

(2) USOC SECOND BOARD MEMBER

The Board, recognizing governance changes at the USOC, directs Member Services not to advertise the position of second Board member of the USOC in the elections this fall. Further, Law & Legislation is directed to include in the legislative package this fall the amendments below to reflect the changes, with an effective date of December 3, 2004. The Bylaws shall be amended on that date, beginning with Article 9-F-1, Terms of Office, as follows:

F 1 Terms of office:

a Officers (no change);

b An IAAF delegate (no change);

IAAF Council, officer, and committee nominees (no change); and

d ~~((A USOC Board member shall be elected at the annual meeting in a Summer Olympic year for a four-year term in accordance with the provisions in Article 22; and~~

~~_____e)) Special elections may be held at any annual meeting upon approval of the Board;~~

Further, amend Article 11-A-3, Non-voting members, as follows:

A 3 Non-voting members: The chair of the High Performance and Long Distance Running Division shall be non-voting members of the Board, but shall serve as an alternate voting member in place of any chair of the three sport committees of the High Performance and Long Distance Running Division, respectively who may be absent from any Board meeting. ~~((The second USOC Board member from USATF shall also be a non-voting member.))~~

Further, amend Article 22 by deleting paragraph D in its entirety, and re-lettering subsequent paragraphs:

~~((D **USOC representation:** USATF shall be represented in the USOC Board by the President or his or her designee and one (1) director elected quadrennially the annual meeting in the year of each Summer Olympic Games.))~~

RATIONALE: In its historic restructuring, the USOC Board is now 11 positions. We no longer have direct representation to it. The position is our position, however, and the author suggests that the term as it affects our Board be allowed to expire at the time it normally would have, on the date set this fall for the elections.