

**RECOMMENDATIONS  
PRESENTED BY  
THE LAW & LEGISLATION COMMITTEE  
TO THE MEMBERSHIP**

**At the final session of the 25th  
Annual Meeting  
in Greensboro, North Carolina**

**Sunday, December 7, 2003**

Jim Murphy, Chair  
Tim Baker, Secretary

# 2003 LAW & LEGISLATION RECOMMENDATIONS

# 2003 LAW & LEGISLATION RECOMMENDATIONS

# 2003 LAW & LEGISLATION RECOMMENDATIONS

# 2003 LAW & LEGISLATION RECOMMENDATIONS

## PROPOSED ACTION ON L&L ACTIONS

1 = Grammar/Punctuation • 2 = Housekeeping • 3 = Acceptable reflection of current practice •  
4 = Acceptable substantive change • 4a = Acceptable substantive change as amended •  
6 = Rejection • 7 = Tabled

<i>L&amp;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
7	B01	Art 2-H	Club definition	National HQ
W	B02	Art 2-I	Coaching definition	USTCA
4a	B03	Art 2-I	Coaching definition	Timmons
7	B04	Art 2-K	International Athletics competition	Kuscsik
W	B05	Art 2-O	Nat'l sports organization definition	National HQ
W	B06	Art 2-R	Organization definition	National HQ
4a	B07	Art 5	Article 5 Re-write	L & L
7	B08	Art 5-D	Screening	Associations
7	B09	Art 6-A	Conflict of interest	Associations
2	B10	Art 6-A	Failure to comply	Greifinger
4	B11	Art 6-A	Association financial obligations	L & L
4	B12	Art 6-B/C	Appeal pending stay	L & L
4a	B13	Art 7	Introductory paragraph	Greifinger
4a	B14	Art 7-D-3	Coaches 20% delegates	Timmons
W	B15	Art 7	Coaches USTCA delegates	USTCA
W	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
W	B19	Art 9-F	LDR divisional elections	Roe
7	B20	Art 10	Broken time payments	Roe
7	B21	Art 11 plus	Open task force item	Roe
4a	B22	Art 11-A-1-c	LDR Board members	Rosado

## 2003 LAW & LEGISLATION RECOMMENDATIONS

<i>L&amp;L rating</i>	<i>number</i>	<i>article</i>	<i>item title</i>	<i>author</i>
W	B23	Art 11	USTCA coaches on Board	USTCA
W	B24	Art 11-A-1-h	Coaches Advisory members	Timmons
W	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
4a	B29	Art 13	Committee makeup	Roe et al
W	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
W	B33	Art 14	Coaches on committees	USTCA
4a	B34	Art 14	HP Division organization	Kolling/Roe
7	B35	Art 14-C-3	Men/Women T&F Makeup	Roe
W	B36	Art 14	USTCA on M/W T&F	USTCA
7	B37	Art 14-D	Coaches Ed & Associations	Associations
7	B38	Art 14-D-1	Missing CE membership	Roe
7	B39	Art 14-D	"Track" and "Field" athletes	Roe
4a	B40	Art 14-D-2-b	Development event chairs	Kuscik et al
4	B41	Art 15-D-2	New MUT descriptor	Rosado/Phillips
4a	B42a	Art 16-D	Club Council	Roe
7	B42b	Art 16-D	Club Council	Roe
3	B43	Art 17-C-1-h	DPL removal	Greifinger
4a	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
4	B47	Art 18	Slimming down article	L & L
4	B48	Art 19	Slimming down article	L & L
4a	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
<i>L&amp;L rating</i>	<i>number</i>	<i>regulation</i>	<i>item title</i>	<i>author</i>
4	R01	Reg 1	Re-write	L & L
7	R02	Reg 1-G	Officials decertification	Greenberg
4	R03	Reg 2-C	Eligibility	Erwin

## 2003 LAW & LEGISLATION RECOMMENDATIONS

<i>L&amp;L rating</i>	<i>number</i>	<i>regulation</i>	<i>item title</i>	<i>author</i>
4	R04	Reg 3	Partial re-write	L & L
7	R05	Reg 3-F	Medical support changes	Rosado
4	R06	Reg 4-B	Championships title	Greifinger
7	R07	Reg 4-H	Selection of officials	Melzer/Greenberg
4a	R08	Reg 7&8B	Preserve athlete opportunities	L & L
7	R09	Reg 7-A	Athlete to person	Erwin
7	R10	Reg 7B-A	Elite athletes opportunities	L & L
7	R11	Reg 7B-A	Member of single Association	Erwin
7	R12	Reg 7B-B	Eliminate residency exceptions	Shirley
3	R13	Reg 7B-B	Club residency exceptions	Koch
7	R14	Reg 7B-C-2	Club residency exceptions	Erwin
4	R15	Reg 8-B-1	Eliminate national clubs reference	Greifinger
7	R16	Reg 8-B-1	Eliminate national clubs reference	Shirley
4a	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
4a	R20	Reg 10-E	Adopting Board legislation	L & L
4a	R21	Reg 11	Complete re-write	L & L
W	R22	Reg 11-A-3	Screening	Associations/Roe
W	R23	Reg 11-B	Association jurisdiction	Bowman
W	R24	Reg 11-I-7	Expedited hearings	Roe
W	R25	Reg 11-B	Date of decision	Bowman
4a	R26	Reg 11-K-1	Deadlines on appeals	Koch
W	R27	Reg 11-B	Deletion of stay provisions	Bowman
4a	R28	Reg 12	Reinstatement re-write	L & L
4a	R29	Reg 12-D	RB members	Greifinger
4	R30	Reg 13	Commitments re-write	Roe
3	R31	Reg 14-I	Elimination of DPL	Greifinger
4	R32	Reg 15-2-j	Re-write of Associations material	L & L
4	R33	Reg 15-B-3	One person-one ballot	Koch
7	R34	Reg 15-B-6-b	Youth elections	Finch
<i>L&amp;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
4a	E03	Exh 5-F	Additional coach delegates	Timmons et al
2	E04	Exhibit P	Add selected Text	L&L

## 2003 LAW & LEGISLATION RECOMMENDATIONS

### ITEM B03

Submitted by Mark Timmons, Member

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

I Coach means ((a person)) an individual who is, or was, ((currently)) actively engaged in the training of athletes within the sport of athletics ((on a active basis 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, the coaching of school/college community Athletics, the coaching of club athletes, or the coaching of International Athletes, or who are USATF-certified coaches

REASON: To establish one consistent definition of coach.

### 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 individuals, clubs, organizations, national sports organizations, and other constituencies as described below. The process for applying for membership is set forth in Regulation 1 (page xx).

*The remainder of the amendment remains as is.*

### 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:

Further, in Exhibit E, reverse the numbers under columns #2 and #3

## 2003 LAW & LEGISLATION RECOMMENDATIONS

Further, add the following to the end of the first sentence in paragraph D: (See Exhibit E), and add the following to Exhibit E as an additional chart (considered all underlined):

Maximum Number of Delegates per 1000

Association Members	Maximum # of Delegates
0001 to 0999	up to 12 delegates
1000 to 1999	13 delegates
2000 to 2999	14 delegates
3000 to 3999	15 delegates
4000 to 4999	16 delegates
5000 to 5999	17 delegates
6000 to 6999	18 delegates
7000 to 7999	19 delegates
8000 to 8999	20 delegates

### 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)) who are, or were, actively engaged in the training of athletes within the sport of athletics within the preceding ten (10) years, the coaching of school/college community Athletics, the coaching of club athletes, or the coaching of International Athletes, or who are USATF-certified coaches as set forth in Exhibit E. If available, at least one (1) of the coaches shall be a high school coach;

REASON: To establish one consistent definition of coach.

### ITEM B22

Submitted by Mary Rosado, Member

Amend Article 11-A-1-c, Board of Directors' makeup (page 39), by deleting the language and replacing with the following:

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

Further amend Article 11-A-3 first sentence as follows:

The chairs of the High Performance and Long Distance Running Divisions shall be [a] non-voting members of the Board, but shall serve as [an] alternate voting members in place of any three sport committees of the High Performance and Long Distance Running Divisions, respectively who [is] may be absent from any Board meeting.

**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.*

## 2003 LAW & LEGISLATION RECOMMENDATIONS

### Item B29

Amend Article 13-B-2-c, Committee makeup as (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, without limitation, ((one (1) or more)), elect or oversee the election or appointment of the 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;

Further amend Article 17-E-1-b (page 52) as follows:

- b Coaches' representatives:** Appoint, ((coaches' representatives to USATF committees or subcommittees)) elect or oversee the election or appointment of coaches' representatives, including, without limitation, representatives and delegates of Article 5-C-2 (page 165) members to USATF committees or subcommittees and delegates to the annual meeting when empowered to do so by these Bylaws and Operating Regulations; and

Further amend Exhibit 5-C-B (page 165) as follows:

- A. Organizations accepted under Article ((V))5-C-1:

NO CHANGE

- B. Organizations and related USATF committees and councils accepted under Article ((V))5-C-2:

NCAA Division I Track Coaches Association	MeTF WTF MeLD WLD	((1)) <u>5*</u>	
NCAA Division II Track Coaches Association	MeTF WTF MeLD WLD	((1)) <u>5*</u>	
NCAA Division III Track Coaches Association	MeTF WTF MeLD WLD	((1)) <u>5*</u>	
National High School Athletics Coaches Association (NHSACA)	MeTF WTF MeLD WLD YA		((1)) <u>5*</u>
NAIA Track Coaches Association	MeTF WTF MeLD WLD RW	((1)) <u>5*</u>	
NJCAA Track Coaches Association	MeTF WTF MeLD WLD	((1)) <u>5*</u>	
U.S. Women's Track & Field Coaches Association (USWTFCA)	WTF WLD		((1)) <u>2</u>
United States Track Coaches Association (USTCA)	MeTF WTF MeLD WLD RW YA	9	
Officials Committee of USATF	ALL	1	
<u>Club Coaches from the USATF Club Council</u>	<u>MeTF WTF MeLD WLD RW YA</u>		<u>5*</u>
<i>four (4) delegates, two each designated by:</i>			
Northwest Athletic Association of Community Colleges (NWAACC)	<u>MeTF</u> WTF MeLD WLD YA		<u>2*</u>
California Comm. Coll. Cross Country and Track Coaches Association (CCCCCTCA)	MeTF WTF MeLD WLD YA		<u>2*</u>

\* The Coaching Advisory Committee shall appoint, elect or oversee the election or appointment, without reservation, of these delegates.

- C. Organizations accepted under Article ((V))5-C-3:

NO CHANGE

## 2003 LAW & LEGISLATION RECOMMENDATIONS

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.

### 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 two Development Chairs or their representatives, the AAC Chair or designee, and two additional athletes, at least one of whom shall be an LDR athlete, who shall be named by the LDR Divisional Chair. 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, 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.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

- 3** **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 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 at the beginning of the final paragraph after vii:

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

*The remainder of the submission remains as written.*

### ITEM B42a

**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 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.

***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 42b remainder not covered in 42b.**

## 2003 LAW & LEGISLATION RECOMMENDATIONS

### 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) ))~~ forty eight (48) members including the following numbers of coach delegates: USTCA ~~(( (9) ))~~ (8), USWTCA ~~(( (5) ))~~ (4), NCAA I TCA ~~(( (1) ))~~ (2), NCAA II TCA ~~(( (1) ))~~ (2), NCAA III TCA ~~(( (1) ))~~ (2), NAIA TCA ~~(( (1) ))~~ (2), NHSACA ~~(( (1) ))~~ (2), NJCAA ~~(( (1) ))~~ (2), NWAACC ~~(( (1) ))~~ (2), ~~((/))~~CCCCCTCA ~~(( (4) ))~~ (2), RRCA ~~(( (1) ))~~ (2), club coaches (4) ~~(( and three club coaches ))~~ to be selected by the President of USATF, youth coaches (2), and the four (4) elected officers of the CAC, to total forty (40) ~~(( twenty-seven (28),))~~ plus ~~((seven (7) ))~~ eight (8) Active Athlete delegates of USATF. The members shall elect their chair at the annual meeting in the post Summer Olympic year ~~(( even numbered year ))~~.

**REASON:** To expand the membership of CAC, as well as to include both the community of youth coaches and the four elected officers of the CAC.

### ITEM B49 Withdraw proposed edit to Bylaw Article 20-D, and edit the introduction to Regulation 14 as follows:

Sanctions are issued, withheld, or withdrawn in accordance with Article 20 (page 55-56) of the Bylaws and this Regulation. USATF shall only issue a sanction for event disciplines in Athletics that are under the jurisdiction of the IAAF and/or USATF. All defined terms in article 20 shall apply to this regulation.

### 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(~~((tached-a))~~)thletes affiliation: ~~((In order for a))~~ An athlete ~~((to))~~ may compete as a representative of a local club, educational institution, or other organization, and additionally may be listed as competing for a club and/or sponsor. A club ~~((that organization))~~ must be...**

**REASON:** *To preserve opportunities for athletes.*

## 2003 LAW & LEGISLATION RECOMMENDATIONS

### ITEM R17

### Submitted by Law & Legislation

(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 rules 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.)

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

### REGULATION 10 DOPING CONTROL

#### A Definitions: (no change)

1 (no change)

2 **Doping ((offense)):** ((Delete existing text)) Doping is the occurrence of one or more of the violations defined as “doping” by IAAF Rules.

3-4 **(no change)**

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

6 (no change)

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

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>.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**B Doping Control programs:** USATF participates in ((two)) several doping control programs ((conducted by USADA, under the auspices of the USOC, and the IAAF)) 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):** (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:** ((The applicable IAAF, USADA and/or USOC protocols, or other USATF approved protocol.)) 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 ((in effect as of January 1, 2004)) 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 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.

**3 no change**

**4 Period of ineligibility:** For doping offenses i((I))n events conducted under the jurisdiction of the IOC, the penalties provided by the applicable ((Olympic Movement))World 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 ((as follows)):

**F ((Delete))**

**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.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

H **Other disciplinary proceedings and appeals:** ((Delete all)) 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:** ((If the person charged has been declared ineligible by an arbitration panel,)) Upon a finding by a hearing panel that doping has occurred, ((the CEO)) USATF shall provide notice of the penalty(ies) to be ((notify him or her of the penalties)) imposed by means of a letter sent by facsimile transmission and/or by overnight mail.

((J **Other disciplinary proceedings:** In all cases involving a doping offense as defined by subparagraph D-6 above, proceedings shall be initiated as expeditiously as possible after a written allegation is filed with the CEO. No such proceedings shall be initiated if the alleged transaction or omission occurred more than six (6) years prior to filing of the allegation. Disciplinary proceedings under this Regulation shall be submitted by the CEO to the AAA.))

((K)) J (no change to text)

Move note under current L to under new J

((L)) K (no change to text)

***REASONS: Conform to WADA Code and new IAAF Anti-Rules to come into effect in 2004. Check references to IAAF Rules regarding IAAF changes to the numbering of its rules.***

# 2003 LAW & LEGISLATION RECOMMENDATIONS

ITEM R18

Submitted by Bill Roe, President

## TABLED ITEM WITH ADDITIONAL LANGUAGE RECOMMENDED BY THE ATHLETES' ADVISORY COMMITTEE (ADDITIONAL AAC LANGUAGE IN CAPITAL LETTERS)

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: For doping offenses I(I)n 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 ((as follows)):**

**a Steroids ((Part I substances)):** For a((n)) 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, 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, 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."((=

**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 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, pages 181) or, for any of the other offenses listed in IAAF 60.1 or in subparagraph D-6 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

## 2003 LAW & LEGISLATION RECOMMENDATIONS

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) c Part II substances** (no change)

**5 Separate doping offenses:** (no other changes)

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

### 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))~~ six (6) months 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 six (6) months prior to returning to competition.

**REASON:** *Compliance with new 2004 IAAF Anti-Doping Rules..*

### 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 is not limited, 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:
    - a** A Disciplinary Complaint filed under 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

## 2003 LAW & LEGISLATION RECOMMENDATIONS

f Sexual misconduct referred to in 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 in good standing shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundary of the 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, second alternate, and additional alternates who 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 hearings in the region. If a member is disqualified or declines to serve, an alternate for the member shall substitute for the member. If a member, that member's alternate(s), and all other appropriate alternates are unable to serve, a special appointment may be made under Regulation 11-B-3 above. The special 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 to conduct consolidated hearings concerning some or all of the individuals.

**6 Effective date of decision:** Unless a stay of enforcement is granted under Regulation 11-N-2 or 11-O below, a disciplinary or formal grievance decision shall be immediately effective 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 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 RECOMMENDATIONS

**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 IAAF rules of eligibility 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;

**c National team conduct:** violates a commitment as a member of a national team, as provided in Regulation 13; or

**d Eligibility violations:** Violates the rules of eligibility for Athletics;

**2 Association disciplinary request:** Any USATF Association in good standing may recommend that USATF, under USATF Regulation 11, discipline a member, delegate, athlete, coach, manager, official, trainer, member of any committee, or any other person or entity participating in Athletics; and

**3 Association national suspension request:** Any USATF Association in good standing may recommend that USATF has held a hearing and determined that a member, delegate, athlete, coach, manager, official, trainer, member of any committee, or any other person should be suspended or expelled, may request that said suspension or expulsion be on a national basis. The request shall be made on a form to be provided by the USATF National Office, and be accompanied by the Association's opinion and a statement of the reasons why the suspension or expulsion should be on a national basis. (See Exhibit XXX, page XXX). The request shall be heard by an NABR panel in accordance with the procedures set forth in Regulation 11-F.

**4 Association hearings:** A copy of the decision and opinion rendered as the result of a hearing by

## 2003 LAW & LEGISLATION RECOMMENDATIONS

an Association shall be forwarded to the National Office. In the case where an Association has suspended a member, the National Office shall post the member's name, and the length and scope of suspension on the USATF website.

**5 Time limit:** Except as provided in Regulation 11-Q-3, disciplinary proceedings must be requested within one (1) year 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 prior to the adjudication or 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;

**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:** Disciplinary, formal grievance, and other proceedings of USATF not involving matters set forth in Regulation 10 shall be commenced as follows:

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**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. The 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 shall bear the cost of obtaining its translation which shall be conducted by a reputable translator or translation service. In the event of a challenge to the accuracy of a translated document, the panel chairperson may direct USATF to order a translation of the document(s) in question and may allocate the cost of the 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 make every effort to resolve the dispute through informal means. In 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, the party may request that the complaint be resolved by a formal hearing before a National Athletics Board of Review arbitration panel; and

**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 (excluding internal Association hearings), the

## 2003 LAW & LEGISLATION RECOMMENDATIONS

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):** The Board may authorize the CEO to assign a person or persons to represent USATF's interests in any proceeding. The 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 evidence at a hearing; and
- c Challenge 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.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**H Answer:** The person(s) or entity(ies) named in a complaint (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 taking testimony and evidence, as it deems appropriate. If a party raises a hearing panel challenge under USATF Regulation 11-I, the panel chair may extend the time to answer.

**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. The panel chairperson may extend the time to answer if a panel member is challenged. Failure to bring a timely challenge against the seating of an NABR arbitrator constitutes a waiver of such challenges.

**J Hearing procedures:** The following procedures apply to disciplinary, formal grievance, and other 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 prehearing conference. The hearing date may be delayed beyond the thirty (30) day period only upon a showing to the NABR panel that a substantial injustice would otherwise occur. 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, 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;

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**2 Venue for USATF proceedings:** Hearings shall be held by telephone conference call unless good cause is shown to the President and CEO that 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 should 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 constitutes a waiver of the right to request 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, be kept confidential, and shall be made available to the appellate panel in the case of an appeal. 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 hearings, only as necessary, to provide testimony.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**K Consolidated hearings:** If separate grievances, appeals, or disciplinary proceedings are filed involving related matters, 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, See Exhibit XXX) 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 shall 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, if any, the hearing panel shall schedule a hearing at the earliest convenient time and on the earliest convenient date for all interested parties, prior to the scheduled competition or the deadline for entry in the 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 in person or by telephone at the hearing, the NABR panel may find the absent party in default and rule in favor of the party who is present;

## 2003 LAW & LEGISLATION RECOMMENDATIONS

- 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 apply at 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, be kept confidential, and shall be made available to the appellate panel in the case of an appeal. 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 hearings and appellate proceedings:

- 1 Scope of decision:** All NABR panel decisions shall 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, the Budget Committee chair and/or the USATF Treasurer shall review it and report their findings to the Board within thirty (30) days of the issuance of the opinion. In such instances, the decision and opinion shall not become final and binding unless and until approved by the Board. The Board shall determine to what extent any 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 proceedings within fifteen (15) days after the conclusion of the hearing. The panel shall render a written opinion no later than thirty (30) days after the conclusion of the hearing, or after the submission of any post hearing documentation to the panel. For expedited proceedings, a decision shall be rendered according to the requirements of USATF 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, or unless stayed under Regulation 11-O or 11-N-2(e).

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**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 any decision 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

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**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, conforming 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 application for 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; and

**d Panel hearing stay request:** The Appeals Panel appointed pursuant to Regulation 11- P below shall decide whether the stay will 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 proceedings:

**1 Initiation of appeals:** Appeals shall 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 other parties to the proceeding and to the appeals panel;

## 2003 LAW & LEGISLATION RECOMMENDATIONS

- 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 appeals as follows:
- 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 notice of 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 hear 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, 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
- 2 Appellate procedures:** The following procedures apply to appeals:
- a Date:** The appeals panel chairperson shall establish a hearing date within ten (10) days of appointment, after consulting 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 would 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 decision was clearly erroneous;
  - d Presentation of appeal:** The appeal shall, at the option of the panel chair, be made by written presentation and/or oral presentation before the appeals panel, with each party presenting its reasons why the decision appealed from is correct or incorrect;

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**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 the 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;

**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:** Unless a panel finds that adequate evidence has been 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:** USATF shall impose penalties under 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

## 2003 LAW & LEGISLATION RECOMMENDATIONS

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.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

**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;
- 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 R26

Submitted by Ed Koch, Member

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

**1 Appeals taken from Association decisions:** A person or entity charged may appeal an adverse finding made by an Association grievance and/or disciplinary panel to USATF((.) and to the Secretary of the Association within thirty (30) days of receipt of the written opinion.....The decision of the NABR panel in the appeal shall be final and immediately effective. After the decision becomes final, the individual may seek reinstatement pursuant to Regulation 12.

### ITEM R28

Submitted by L&L

Change all references concerning the Doping Reinstatement Board (DRB) to the Reinstatement Board (RB) throughout the Manual.

### ITEM R29

Submitted by David Greifinger, Member

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

- 3 Members:** The RB 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.

## 2003 LAW & LEGISLATION RECOMMENDATIONS

### ITEM E03

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

E03

Amend Exhibit F as follows:

	MT&F	WT&F	MLDR	WLDR	XC	M/WRW	YATH	MT&F	MLDR
no change ...									
* NCAA									
Div I TCA	*	*	*	*	0	0	0	0	0
Div II TCA	*	*	*	*	0	0	0	0	0
Div III TCA	*	*	*	*	0	0	0	0	0
* NAIA coaches	*	*	*	*	0	*	0	0	0
* NHSACA	*	*	*	*	0	0	*	0	0
* NJCAA TCA	*	*	*	*	0	0	0	0	0
* USWTCA	0	*	0	*	0	0	0	0	0
* USTCA	*	*	*	*	0	*	*	*	*
* NWAACC	*	*	*	*	0	0	0	0	0
* CCCCTCA	*	*	*	*	0	0	0	0	0

Committees:

no change ...

((Coaches)) CAC 9\*      10\*      9\*      10\*      0      2\*      2\*      1\*      1\*

no change ...

\*((Effective with the creation of t))The Coaches Advisory ((in 2000, these positions will be appointed by that committee.))  
Committee shall appoint, elect or oversee the election or appointment, without limitation, of these members.

**REASON:** House keeping.