

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

**At the final session of the 26th
Annual Meeting
in Portland Oregon**

Sunday, December 5, 2004

Jim Murphy, Chair
Tim Baker, Secretary

2004 LAW & LEGISLATION RECOMMENDATIONS

PROPOSED ACTION ON L&L ACTIONS

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

<i>rating</i>	<i>number</i>	<i>article</i>	<i>item title</i>	<i>author</i>
4a	B01	Art 2-H	Club definition	National HQ
4a	B04	Art 2-K	International Athletics competition	Kuscsik
W	B08	Art 5-D	Screening	Associations
4a	B09	Art 6-A	Conflict of interest	Associations
W	B20	Art 10	Broken time payments	Roe
4a	B21	Art 11 plus	Open task force item	Roe
W	B31	Art 13-B-2	Active Coach members	Timmons
W	B32	Art 13-B-3	Coach representation	Timmons
W	B35	Art 14-C-3	Men/Women T&F Makeup	Roe
4a	B37	Art 14-D	Coaches Ed & Associations	Associations
4a	B38	Art 14-D-1	Missing CE membership	Roe
4	B39	Art 14-D	"Track" and "Field" athletes	Roe
4a	B42B	Art 16-D	Club Council	Roe
W	B45	Art 17-F-2	L&L cross country member	Timmons/Roe
4a	B52	Art 26-D-5	Submissions approval	L & L
W	R02	Reg 1-G	Officials decertification	Greenberg
W	R05	Reg 3-F	Medical support changes	Rosado
6	R07	Reg 4-H	Selection of officials	Melzer/Greenberg
4a	R07A	Reg 4-H	Selection of officials	Kolling
4a	R07B	Article 17-J	TO Certification	L&L
W	R09	Reg 7-A	Athlete to person	Erwin
W	R10	Reg 7B-A	Elite athletes opportunities	L & L
4a	R11	Reg 7B-A	Member of single Association	Erwin
W	R12	Reg 7B-B	Eliminate residency exceptions	Shirley
W	R14	Reg 7B-C-2	Club residency exceptions	Erwin
4	R16	Reg 8-B-1	Eliminate national clubs reference	Shirley
W	R18	Reg 10	Penalties section beefed up	Roe
W	R34	Reg 15-B-6-b	Youth elections	Finch
4a	S1	Reg 10	Doping Control	L&L
4a	S2	Reg 13	Commitments and Conduct	L&L
4a	S3	Art 9-F-4	Voting at the Annual Meetings	L&L
4a	S4	Art 9-F-1, 11-A-3 & 22	USOC Second Board Member	L&L

2004 LAW & LEGISLATION RECOMMENDATIONS

ITEM B01

Submitted by L&L

Amend Article 2-H by substituting the following

H Clubs are organizations of athletes and others who participate in USATF programs as teams. There shall be various types of USATF clubs, based on the types of programs and purposes they serve. Clubs may have more than one purpose.

ITEM B04

Submitted by Nina Kuscsik

Add Note: A universal search and change will be done to bring the Bylaws and Regulations into compliance with this definition.

ITEM B09

Submitted for Associations by Bill Roe, President

Amend Article 6-A by adding:

E Conflict of Interest: Any individual representing an Association, or who has a financial arrangement with the Association, or who is an employee of the Association, or who is a member of any of the Association's committees, shall not participate in the evaluation or approval of a contract with a supplier to furnish goods or provide services to the Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration.

ITEM B21

Submitted by Bill Roe, President

Universally change "Member Services" to "Organizational Services" in the Bylaws and Regulations.

ITEM B37

Submitted by Bill Roe, President

Delete the proposed amendment to Article 16-D-1-c ((Coaches Education: Use the curriculum developed by Coaches Education to present Level I Coaches Education on-line through approved educational institutions.))

2004 LAW & LEGISLATION RECOMMENDATIONS

ITEM B38

Submitted by Bill Roe, President

Amend Article 14-D-1, Coaches Education Committee (pages 44-45), to include the following makeup proposed by Coaches Education which has been left out of the previous two editions of the Governance Handbook.:

- 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, the chair of the Athletes Advisory Committee, and the Chair of Coaches Advisory Committee with the approval of the President. The members of the committee shall be as follows:
 - (a) Chair;
 - (b) Vice Chair;
 - (c) Director of Coaching School Operations
 - (d) Director of Instructional Quality for Coaches Education
 - (e) Director of Event Specific Curriculum and Instruction
 - 1) Sprints/Hurdles Curriculum Chair
 - 2) Jumps Curriculum Chair
 - 3) Throws Curriculum Chair
 - 4) Endurance Curriculum Chair
 - 5) Combined Events Curriculum Chair
 - (f) Director of Special Projects for Coaches Education
 - (g) Director of Technology for Coaches Education
 - (h) Director of Sports Science Curriculum and Instruction
 - 1) Biomechanics Curriculum Chair
 - 2) Training Theory Curriculum Chair
 - 3) Psychology Curriculum Chair
 - 4) Physiology Curriculum Chair
 - 5) Director of Coaching Services
 - (i) One (1) member to represent 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
 - (j) The following at-large representatives (or their designees):
 - High Performance Divisional Chair
 - Long Distance Running Divisional Chair
 - Cross Country Council Chair
 - Men's Development Committee Chair
 - Women's Development Committee Chair
 - Sports Medicine and Science Committee Chair
 - Coaches Advisory Committee Chair
 - Associations Committee Chair
 - (k) Eight (8) Active Athlete members selected by the active athlete delegates to USATF, at least one (1) of whom shall represent each of the following:
 - Track
 - Field

2004 LAW & LEGISLATION RECOMMENDATIONS

Long Distance Running
Cross Country Running
Race Walking

Note: No changes to ii. or iii.

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 Club Council resides within the Associations Committee. The Club Council shall be composed of the following members: One (1) coach or administrator and one (1) athlete from each currently registered USATF Elite Development Clubs (EDCs) and Team USA Training Centers (TUSAs); eleven (11) additional members including: the president of USATF, the chair of the Associations Committee, the chair of the LDR Division, the chair of the Men's LDR Committee, the chair of the Women's LDR Committee, the chair of the Men's T&F Committee, the chair of the Women's T&F Committee, the chair of the Race Walking Committee, the chair of the Cross Country Council, a representative of the RRCA, and the Development Group Coordinator (or the assigns of any of the preceding eleven); and as many as three (3) Club Council executive committee members who are appointed by the Chair of the Club Council. 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:** 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

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 Law & Legislation

B45 was erroneously included in the 2004 Governance Handbook as if it had been passed at the 2003 Annual Meeting, when, in fact, it was tabled in 2003, and has since been withdrawn. It shall be deleted in the 2005 Handbook.

2004 LAW & LEGISLATION RECOMMENDATIONS

ITEM B52

Submitted by Law & Legislation

Add to Article 26:

F Non-substantive corrections: The Law and Legislation Committee or its designee(s) may edit and make non-substantive corrections such as grammar and punctuation in the Governance Handbook before publication.

ITEM R07A

Submitted by Law & Legislation

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

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

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

- a Applications:** No later than September 15 of each year, provided 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)) Office by November 15. Referees, Technical Officials and members of the juries of appeals, must be members 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 by a joint subcommittee after a review of the applications and approval by the ((chairs of each of the)) above two sports 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 change to this paragraph)
- d** The chair of the 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.
- e** In nominating officials for selection for the national championships or Olympic Trials, the selection body 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.

2004 LAW & LEGISLATION RECOMMENDATIONS

ITEM R07B

Submitted by Law & Legislation

Amend Article 17 J – Rules by adding the following (consider all underlined)

c IAAF Technical Officials Sub-Committee

- 1 Duties and responsibilities: The sub-committee shall:
 - a. Solicit a diverse group of candidates to be Technical Officials and international level Race Walk judges.
 - b. Certify National Technical Officials in the United States under auspice given to USATF by the International Association of Athletic Federations as a result of the National Officials Committee Training and testing programs and those of this committee.
 - c. Train and generally supervise the National, Area and International Technical Officials and International Race Walk Judges in the United States.
 - d. Develop and monitor qualification criteria, procedures, tests and performance standards in order to make recommendations for candidates for promotion to the next level to the President of USATF.
 - e. Request, when appropriate, advice and reports on performance and qualifications from Association Officials' Committees for such individuals or candidates for such positions and candidates for such positions.
 - g. Act as a clearinghouse to insure all such officials are kept informed of changes in IAAF rules or procedures, which impact them or their assignments.
 - h. Make recommendations for assignments at the various levels for Technical Officials or Race Walk Judges when requested or appropriate.
 - i. For domestic competitions, make recommendation for the lead position for this group of officials at a meet.
2. Makeup. The committee shall consist of:
 - a. The current International Technical Officials (ITOs), current Area Technical Officials (ATOs) and 3 National Technical Officials (NTOs) elected by and from the current group of NTOs, the current International Race Walk Judge(s) and three Area Race Walk Judges elected by and from the current group of Area Race Walk Judges.
 - b. One representative from each of the sports committee that is using the NTO (Rule 115) position in at least one of their championships in the last year as defined in the Rules of Competition and one representative from the Race Walk Committee.
 - c. Two at large members named by the Rules Committee plus the committee chair that is appointed by the President of USATF.
 - d. USATF's IAAF Technical Committee Representative
 - e. That number of Active Athletes equal to at least 20% of the total authorized membership to be selected by Active Athletes delegates to USATF.

ITEM R11

Submitted by Scott Erwin, Member

Amend Regulation 1-A as follows:

- A. Individual Membership: Individuals may apply for membership in USATF through ((an))a single Association, ((as prescribed below,)) or...

2004 LAW & LEGISLATION RECOMMENDATIONS

ITEM S1

L&L

Change Regulation 10 as follows (consider all underlined)

REGULATION 10 DOPING CONTROL

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:** Doping is the occurrence of one or more of the violations defined as “doping” by IAAF Rules.
- 2 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 In-Competition Drug Testing:** Drug testing that takes place during a selected competition.
- 4 World Anti-Doping Code:** That version of the World Anti-Doping Code Prohibited List adopted by the IAAF.
- 5 Out-of-Competition Drug Testing:** Drug testing that takes place when an athlete is not competing.
- 6 Prohibited Substances:** The prohibited substances identified in either the WADA Anti-Doping Code or the IAAF Procedural Guidelines for Doping Control.
- 7 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. Each athlete who is eligible to be drug tested, pursuant to this provision, is 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

2004 LAW & LEGISLATION RECOMMENDATIONS

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 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 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.

2 Period of ineligibility: For doping offenses in events conducted under the jurisdiction of the IOC, the penalties provided by the 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:

a Steroids: For a steroid offense under IAAF Competition Rule 32.2 (a) involving substances listed in S4-1 (a) and (b) of the World Anti-Doping Code, 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 substances: For offenses involving all other substances or activities prohibited by IAAF Competition Rule 32.2, the penalties provided in IAAF Competition Rules 39 and 40 shall apply.

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 Exhibit I. Retired athletes are ineligible to return to competition for a minimum of twelve (12) months and must make themselves available for OOC 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 OOC, as the case may be.

G Reinstatement: Reinstatement after doping suspensions shall be governed by IAAF Rules 40.12, 40.13, and 40.14. An athlete who has been declared ineligible and subsequently successfully completes reinstatement drug testing pursuant to IAAF Rule 40.12, shall be automatically reinstated upon issuance of a reinstatement letter by USATF or IAAF.

H 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.

I Confidentiality of test results and doping offenses: Except as provided in paragraph J 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

2004 LAW & LEGISLATION RECOMMENDATIONS

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.

J 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 offence, at the conclusion of the entire disciplinary process; provided, however, that the publication by another Olympic drug testing authority of an athlete's doping offence shall satisfy USATF's publication obligation related thereto.

ITEM S2

L&L

Amend the submission by deleting C-1 and renumbering and change E-1 as follows:

First offence: The athlete or staff member shall receive a written reprimand and MAY be held liable for monetary penalties assessed by USATF.

ITEM S3

L&L

Amend the submission by deleting "two days" in Article-F-4-a and substituting "of the first round" for "two days prior to the second general session of the annual meeting"

ITEM S4

L&L

Amend the submission by replacing D with the following:

D USOC Representation: USATF shall be represented on the USOC NGB Council by the President or the President's designee, and an additional Presidential appointment.