

# 2023 Bylaws of

## Niagara Association of USA Track & Field, Inc.

### Article I Name.

- A. The name of the Association shall be: Niagara Association of USA Track & Field, Inc.
- B. The equivalent abbreviation “USATF Niagara” may be used in place of Niagara Association of USA Track & Field, Inc. throughout these Bylaws.

### Article II Definitions.

- A. The word "Athletics" means inclusively track and field, long-distance running, cross-country running, race-walking, mountain, ultra, & trail running and any other sport whose jurisdiction is granted to USA Track & Field, Inc.
- B. The territory of the Niagara Association of USA Track & Field, Inc. shall include State of New York west of and including counties of Oswego, Onondaga, Cortland, and Broome.
- C. As used in these Bylaws, all specific terms will be as defined in the Governance Handbook of USA Track & Field, Inc.
- D. Actively Engaged Athlete means an athlete who qualifies as a Ten Year or Ten Year+ Athlete, as define below, or who has been actively engaged in twenty-four (24) months prior to election/selection in a USATF-sanctioned competition, which may include events that categorize entrants in age-restricted classifications. USATF’s Athletes Advisory Committee and Nominating and Governance Panel will develop a process to jointly identify and vet candidates to serve as Actively Engaged Athletes.
- E. Ten Year Athlete means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC’s Athletes Advisory Council) and USATF (together, with USATF’s Athletes Advisory Committee) as an elite-level event for purposes of this definition, within the previous ten (10) years.
- F. Ten Year+ Athlete means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC’s Athletes Advisory Council) and USATF (together, with USATF’s Athletes Advisory Committee) as an elite-level event for purposes of this definition, but not within the previous ten (10) years.
- G. “Diversity” means differences among individuals, including, but not limited to: race, gender, age, ethnicity or national origin, gender identity, gender expression, sexual orientation, religious belief, physical ability or disability.

### Article III Purposes and Authority.

- A. Consistency: Statements of Association purposes, powers, and duties autonomy consistent with USATF’s bylaws and operating regulations, including how each Association promotes Diversity of representation by completing the Diversity and Leadership scorecard illustrating the makeup of its Board of Directors, officers and committee structure. By July 1, 2021, the Diversity and Leadership committee will

develop a Diversity scorecard for Associations to complete to provide information about the current status of Diversity in the Association and efforts to increase Diversity in the Association. Associations shall return the completed Diversity scorecard on or before October 1 of each year.

- B. USATF Niagara seeks to drive competitive excellence and popular engagement in Athletics within its defined territory.
- C. USATF Niagara shall govern Athletics within its defined territory in accordance with these Bylaws, the Governance Manual of USA Track & Field, Inc., Section 501(c)(3) of the Internal Revenue Code and the laws of the State of New York.
- D. USATF Niagara shall be autonomous in the administration of the sport of Athletics, and will exercise independent jurisdiction, supervision and control over eligibility, sanctioning, representation and rules of competition for the sport of Athletics within its defined territory within the parameters of the authority granted by USA Track & Field, Inc.

#### **Article IV. Membership.**

There are two classifications of membership:

- A. Club members; shall consist of bona fide USATF Niagara amateur sports clubs and organizations active in Athletics and based in the USATF Niagara defined territory. Each member club must fulfill all requirements established by USA Track & Field, Inc. and by the USATF Niagara Board of Directors including full payment of dues in order to be considered in good standing.
- B. Individual members; shall consist of athletes, coaches, officials, administrators or any individual interested in Athletics and with current membership in USATF Niagara. Individuals may apply for membership in USATF through the USATF Niagara website at <http://www.niagara.usatf.org> or the USATF national website at [www.usatf.org](http://www.usatf.org).

#### **Article V. Meetings.**

- A. The Annual Meeting of members shall be held after August 1 and prior to October 15 each year.
- B. Special meetings of members may be held at any time called by the Board of Directors, the President, any two Officers, and/or petition by 10% of individual members or petition by 10% of club members after the proper notification.
- C. A written or electronic notice of any formal meeting of members stating the time, place, agenda and the purposes thereof shall be given to all individual members, the officers, members of the Board of Directors, committee chairpersons of USATF Niagara and to each member club in good standing at least thirty (30) days in advance of such meeting and by posting said notice on the web site of USATF Niagara at least thirty (30) days prior to the meeting.
- D. A quorum at the Annual Meeting of members and any special meeting of members shall be established with a minimum of twelve (12) individual members representing at least 3 member clubs necessary at the beginning of the meeting and shall continue with

the presence of 50% of the eligible individual members signed in at the beginning of such meeting.

- E. The Annual Meeting of members and any special meeting of members are open to all USATF Niagara individual members and USATF Niagara member club representatives who may or may not be USATF individual members. Non-USATF Niagara individuals are welcome to attend the Annual Meeting and any special meetings as guests unless excluded by action of the USATF Niagara Board of Directors.
- F. If it is impractical to hold the Annual Meeting in person, the Board may approve that it be a virtual meeting.
- G. Special meetings shall be held by call of the Board. Special meetings may be held in person or virtually.
- H. Board of Director meeting regulations are covered in Article 10 of these By Laws.

## **Article VI. Elections and Voting**

- A. For all electable offices as defined by these Bylaws, USATF Niagara shall use a three step electronic mail election process as follows:
  - Step 1 - Nominations
  - Step 2 - Finalization and Distribution of Ballot
  - Step 3 - Electronic Mail (Email) Voting
- B. General procedures:

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

  - 1. USATF Niagara elections shall follow the following common guidelines and procedures to ensure fairness and openness. All elections will be held at the Annual Meeting of members. Those elected shall assume their duties immediately following the adjournment of the Annual Meeting of members.
  - 2. Elections in odd-numbered years shall be held in the following order:
    - a. President followed by Secretary, followed by,
    - b. Sport Committee Chairs, followed by,
    - c. Other elected Committee Chairs.
  - 3. Elections in even-numbered years shall be held in the following order:
    - a. 1<sup>st</sup> Vice-President followed by, 2<sup>nd</sup> Vice-President, followed by Treasurer,
    - b. Followed by, At-Large members of the Board of Directors.
- C. To ensure fairness and openness, the following guidelines using the electronic mail ballot procedures shall apply to all USATF Niagara elections of officers, committee chairs and all other electable positions:
  - 1. Step 1 - Nominating Process.
    - a. No later than June 1 each year the President of USATF Niagara shall annually designate a Nominating Committee comprised of at least three current members of USATF Niagara.
    - b. The Nominating Committee will be charged to prepare and present to the Board of Directors no later than August 10 each year a slate of nominees for all eligible electable positions for that year.

- c. An online opportunity to nominate candidates must be given to all USATF Niagara members beginning at least July 1 each year. The online process, as developed by the Board of Directors, must be clearly explained to members, must not be unduly rigorous, last no less than thirty (30) days and shall end no later than August 1.
  - d. In order to be nominated, a candidate needs one (1) nominator and one (1) seconder, both of whom are members of USATF Niagara.
  - e. A candidate for any USATF Niagara elected position must be a member of USATF Niagara who is at least eighteen years of age at the start of the term of office.
  - f. Nominations must be allowed from the floor. Candidates need not be present at the meeting but must accept their nomination by notifying the Secretary of USATF Niagara.
2. Step 2 – Finalization and Distribution of Ballot:
- a. The slate of nominees shall be finalized by the Board of Directors and an election ballot shall be distributed by electronic mail, no later than thirty (30) days prior to the USATF Niagara Annual Meeting of the membership. Ballots are due back forty-eight (48) hours prior to the meeting date.
  - b. The election ballot shall be distributed by electronic email. Notice of the ballot distribution may be posted on the USATF Niagara website.
  - c. The election ballot must be sent by electronic mail to the USATF Niagara's current membership list provided by USATF's National Office who are ages eighteen (18) and above on the final day of the election. It is the responsibility of the members to update their email address and contact information on their member profile to receive a ballot.
  - d. USATF Niagara must also comply with NY State law requirements for not-for-profit corporations.
  - e. Notice must be sent by mail to any member making a written request for notice by mail within one year of an election.
  - f. The initial call for nominations must be distributed at least thirty (30) days prior to beginning of the election.
  - g. The initial notice of the USATF Niagara Annual Meeting of the membership must be distributed at least thirty (30) days prior to end of the election.
  - h. Any notice of a meeting change or a change in the election process, not previously publicized, must be distributed at least fourteen (14) days prior to the meeting.
  - i. Meeting changes of location within the same community may be made at any time provided notice is posted at the former location regarding the new location and time for travel is allowed before commencement of the meeting at the new location.
3. Step 3 – Electronic Mail Voting
- a. Current employees (working within the past ninety days) shall not participate in any part of the election process (nominating or campaigning), but may, at the discretion of USATF Niagara, be permitted to vote if they are members and otherwise eligible.
  - b. One (1) person shall cast only one (1) ballot, regardless of how many positions within USATF Niagara that person holds.

- c. No voting by proxy ballot will be allowed.
  - d. Credential disputes must be resolved before the election process, including vote counting, is started with nominations and/or the report of the Nominating Committee.
  - e. For positions that are not contested, a voice vote by acclamation at the Annual Meeting of the Membership will suffice.
  - f. A panel of three individuals who are members of USATF Niagara and of Association voting age, none of whom may be a candidate, and at least one of which must be an athlete (if an athlete is available), shall count the electronic mail votes, open and count the mail votes and sign the tally.
  - g. A plurality of those voting members must be achieved in order to be elected.
  - h. Any mail ballot opened outside the presence of the entire voting panel shall not be counted.
  - i. Each elected office winner shall serve for a term of two (2) years following election or until a successor is elected. A term may extend over two (2) years in the event that a term expiration date does not match the date of the annual meeting.
  - j. Unless otherwise noted in these Bylaws, no person may hold two or more elected position in the Niagara Association at the same time. However, a person may be named in a dual capacity to serve a temporary vacancy.
4. Election Protests.
- a. Except as indicated below, USATF Regulation 21 shall apply to all election disputes. Protests may only be made after the election process is concluded.
  - b. An NABR panel from a different USATF Association shall be appointed to conduct a hearing if a USATF Niagara election is disputed. All hearings shall be by conference call. The procedures in USATF Regulation 21 shall apply.
  - c. The NABR panel shall invalidate an election if it is found that one or more infractions occurred that were likely to have changed the outcome of the election.
  - d. The NABR panel may recommend changes for future elections in USATF Niagara.

**Article VII. Officers of the Association.**

- A. The officers of USATF Niagara are a President, a 1st Vice-President, a 2nd Vice-President, a Treasurer, and a Secretary.
- B. The officers shall be elected at the Annual Meeting of members.
- C. Term of office for the president shall be approximately two (2) years. The term shall run between the Annual Meeting of members in either odd-numbered years or even-numbered years as indicated in Article 6.E.2 and 3 above.
- D. There shall be no established order of succession into any office.
- E. Officers must be three step compliant
- F. The President shall not serve consecutively for more than two (2) full terms.
- G. There are no term limits for other elected positions.
- H. No person shall hold more than one elected position at a time.
- I. Should the President or any officer become incapacitated, be removed or resign, the Board of Directors shall choose a successor to serve until the next regular election.
- J. The Board of Directors, for good cause shown, may remove any officer provided the

- procedures outlined in the Grievance Procedures are followed.
- K. The immediate past president shall be an ex-officio member of the Board of Directors
  - L. For procedure for removal of an officer, see Article XVI

**Article VIII. Duties of Officers.**

The duties of the officers of USATF Niagara are as follows:

- A. President.
  - 1. The President shall schedule and preside at all meetings of USATF Niagara except Committee meetings.
  - 2. The President shall be an ex-officio member of all committees.
  - 3. The President shall have general management control of the business affairs of USATF Niagara subject to the control of the Board of Directors.
  - 4. The President shall see that all orders and resolutions of the Board of Directors are carried into effect.
  - 5. The President, conduct all official correspondence of the Board of Directors and perform such duties as may be assigned by the Board of Directors.
  - 6. The President shall ensure that accreditation documents are completed in a timely manner when requested by USATF, Inc.
  - 7. The President shall appoint Administrative and Special committee chairs as created by these Bylaws and/or the Board of Directors as well as terminate such appointments as necessary.
  - 8. It is strongly recommended presidential candidates have served on the Board of Directors
- B. 1st Vice-President.
  - 1. The 1st Vice-Presidents shall preform such duties as shall be assigned by the President.
  - 2. The 1st Vice-President shall serve as the presiding officer at Board of Director meetings, Executive Committee meetings and all Meetings of the members in the absence of the President.
- C. 2nd Vice-President.
  - 1. The 2nd Vice-President shall preform such duties as shall be assigned by the President.
  - 2. The 2nd Vice-President shall serve as the presiding officer at Board of Director meetings, Executive Committee meetings and all Meetings of the members in the absence of the President and the 1st Vice-President.
- D. Treasurer.
  - 1. The Treasurer shall maintain custody and control of the records of the accounts of the Association, its committees, and its subcommittees.
  - 2. The Treasurer shall prepare an annual budget for presentation to the Board of

Directors at its first meeting after the national USATF Annual Meeting.

3. The Treasurer shall prepare and present to the Board of Directors at its regular meetings a financial report based on the annual budget.
4. The Treasurer shall be responsible for all such financial reporting as may be required by the USATF National Office and by law.

E. Secretary.

1. The Secretary shall make arrangements for issuing notice of all meetings of the Association.
2. The Secretary shall assist the Board of Directors and the President with the recording of the meetings of the Board of Directors and its Executive Committee.
3. The Secretary shall cause to be maintained a record of meeting minutes, policies and procedures developed by the Board of Directors of USATF Niagara.
4. If directed by the President or the Board of Directors, the Secretary shall keep all records of the Board of Directors and Executive Committee and conduct all official correspondence of the Board of Directors.
5. The Secretary shall keep all records of the Board of Directors and Executive Committee

F. Executive Committee

1. The elected officers shall serve as an Executive Committee and shall have the authority to act for USATF Niagara between Meetings of the Board of Directors.
2. The membership of the executive committee will include 4 athletes

All actions taken by the Executive Committee shall be reported to the Board of Directors at their next meeting

**Article IX. Board of Directors.**

- A. The directors of USATF Niagara shall severally be called "Director" and as a body shall be called the "Board of Directors".
- B. The Board of Directors shall be composed of the President who shall be the chairperson, the Vice-Presidents, the Treasurer and the Secretary of the Association four (4) elected officers, try to include up to three (3) active athletes who shall be elected at the Annual Meeting, the three (3) Chairpersons of the Sport Committees, the one (1) Chairperson of and the Officials Committee Chairperson and three At-Large members who shall all be elected at the Annual Meeting of members.
- C. Term of office shall be approximately two (2) years for all elected positions. The term shall run between the Annual Meeting of members in either odd-numbered years or even-numbered years as indicated in Article 6.E.2 and 3 above.
- D. At least three (3) members of the Board of Directors including elected officers, At-Large members and Committee Chairs must be Active Athletes.
- E. The Board of Directors shall have the authority to act for the Association USATF Niagara between Annual Meetings of members.
- F. Meetings of the Board of Directors shall be upon call by the Chairperson.
- G. A quorum at any Board of Directors meeting shall be established with a minimum of five (5) Board members at the beginning of the meeting.
- H. A written or electronic notice of any Board of Directors meeting shall be given to each member of the Board of Directors at least ten (10) days in advance of such meetings.
- I. The Board of Directors may maintain an office from which the Association conducts business and hire full or part time employees as it deems necessary. All such employees MUST keep the Board informed of any conflicts of interest which may

arise in the course of their employment.

- J. At the first Board of Directors meeting following the Annual Meeting of members, each Board member will be required to complete a statement listing potential conflicts of interest that may arise while serving on the Board of Directors.
- K. The Board of Directors shall discuss, amend as necessary, and approve the annual budget of USATF Niagara as prepared and presented by the Treasurer prior to January 1 each year.

#### **Article X. Committees.**

The types of committees of the Association USATF Niagara are as follows: Sport Committees, Officials Committee, Administrative Committees, and Special Committees.

- A. The Sport Committees are: High Performance, Youth Athletics, and Long Distance Running (LDR).
  - 1. The High Performance Sport Committee will have jurisdiction over athletics competition for men's track and field, women's track and field, all master's track & field and all race walking in USATF Niagara.
  - 2. The Youth Athletics Sport Committee will have jurisdiction over athletic competitions for Youth athletes who are not age 19 before the final day of the national Junior Olympics track and field competition. Youth Athletics includes all youth activity not conducted as junior competition for youth boys and girls, including track and field, road running, cross country running, and race walking in USATF Niagara.
  - 3. The Long Distance Running (LDR) Sport Committee will have jurisdiction over athletics competition for men's LDR, women's LDR, all master's LDR, all cross-country and all mountain, ultra and trail running in USATF Niagara.
- B. Duties and Responsibilities of Sport Committees\_Each Sport Committee:
  - 1. Has jurisdiction over annual USATF Niagara Championships in the particular sport it controls and shall institute, locate, conduct, and manage all such Championships as approved by and deemed best by the Board of Directors and in accordance with the Bylaws of USA Track & Field.
  - 2. May award USATF Niagara Championship events not only for the current year but up to one (1) additional year.
  - 3. Has full power and authority to make allotments for expenses of athletes and teams taking part in the USATF Niagara Championship with previously budgeted funds appropriated to that purpose.
  - 4. Has power to appoint subcommittees whose members need NOT be members of the committee, to manage but NOT conduct USATF Niagara Championships.
  - 5. The chairperson of each Sports Committee shall be elected at the Annual Meeting of the members. Term of office shall be approximately two (2) years for all elected positions. The term shall run between the Annual Meeting of members in either odd-numbered years or even-numbered years as indicated in Article 6.E.2 and 3 above.
  - 6. Committee chairs: a. Age and terms: All committee and council chairs, whether elected or appointed, must be at least 18 years old and members of the Association at the start of the term of office, complete and pass a USATF approved background check and possess a current SafeSport training certificate or renewal, before the later of taking office or thirty (30) days of being elected. Chairs shall be elected or appointed for specific terms that are determined prior to the voting for

- the position.
7. Each Sports Committee Chair shall prepare and present to the Treasurer a committee budget for the coming year no later than December 15 each year.
- C. Each Sport Committee shall be constituted as follows:
1. The elected Sport Committee Chairperson shall chair all meetings of the particular Sport Committee.
  2. Each Sport Committee should encourage participation by a minimum of 12 individual members of USATF Niagara including:
    - a. If possible, one (1) representative of each club member of USATF Niagara active in each applicable discipline served by the particular Sport Committee.
    - b. At least one (1) active athlete in each applicable discipline served by the committee.
  3. At least one (1) individual member to represent each applicable discipline served by the committee.

**Article XI. Arbitration and Appeals.**

Refer to the standard Grievance Process in Appendix I

**Article XII. Conditions of Competition.**

The conditions of competition in and the rules governing any athletic event, game or entertainment given or sanctioned by USATF Niagara or its members are those prescribed in the Governance Handbook of USA Track & Field, Inc. An active member club may be held responsible for infractions of the rules by an athlete who is competing as its representative.

**Article XIII. Athletes' Bill of Rights.**

USATF Niagara shall respect and protect the right of every individual who is eligible under reasonable national and applicable international amateur athletic rules and regulations to participate if selected (or attempting to qualify for selection to participate) as an athlete, coach, trainer, manager, administrator, or other official, representing the United States in any international amateur athletic competition, so long as such competition is conducted in compliance with reasonable national and applicable international requirements.

**Article XIV. Redress of Grievances.**

- A. A grievance may be any matter within the cognizance of USATF Niagara as described in Regulation 1 of these Bylaws and as defined by the Governance Handbook of USA Track & Field, Inc.
- B. Grievances shall be filed and administered in accordance with the National Bylaws Regulation about Grievances

**Article XV. Fiscal and Legal.**

- A. Fiscal Year. The fiscal year of USATF Niagara is January 1 through December 31.
- B. Bank Accounts and Depositories. The Board of Directors may from time to time, as necessary, designate depositories for the funds, property, and assets belonging to or under the control of USATF Niagara. Funds on deposit in banks can be withdrawn only by voucher check upon the signature of the Treasurer or President, or such other officer or officers as shall be designated by the Board of Directors.
- C. Auditor and Audit Report. The Board of Directors may at the beginning of each fiscal year, select an independent auditor to examine the books and financial records of USATF Niagara and for the prior fiscal year. After completing this examination, the auditor shall submit his report to the Board of Directors and a copy of the report must be made available for each member of the Association as soon thereafter as reasonably possible, and, in any event, prior to the next ensuing Annual Meeting of members.
- D. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all the assets of the corporation exclusively for the purpose of the corporation in such manner, or to such organization or organizations organized and operated exclusively of charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision or any future United States Internal Revenue Law), as the Board of Directors shall determine.

**Article XVI.**

**Removal or Replacement of Officers, members of the Board of Directors or Committee Chairs.**

Any officer, member of the Board of Directors or committee chair of USATF Niagara may be removed for good cause by a two-thirds vote of those USATF Niagara voting eligible members present at an Annual Meeting of members or special meeting of members called for this purpose, provided the requisite notice for such meeting shall properly set forth the removal vote on its agenda.

**Article XVII.**

**Suspension and Expulsion.**

- A. USATF Niagara, or its Board of Directors as its representative, shall have the authority to
  - 1. suspend (for a definite or indefinite period) or
  - 2. expel a member, delegate, athlete, coach, manager, official, member of the Board of Directors or member of any committee who, by neglect or by conduct:
    - a. acts in a manner detrimental to the purposes of USATF Niagara or USA Track & Field, Inc.
    - b. has violated any of the Bylaws, Operating Regulations, competition rules of USATF Niagara or USA Track & Field, Inc., or
    - c. has violated the rules of eligibility of athletics.

This is to be done in accordance with Regulation 1 of these Bylaws.

**Article XVIII.**

**Amendments.**

- A. These Bylaws may be amended at any Annual Meeting of members or any special meeting of members of USATF Niagara by a two-thirds vote, provided that notice of the proposed amendment has been submitted in writing to the members of the Association at least thirty (30) days prior to the meeting.

**Article  
XIX.**

**Saving Clause.**

At any meeting of members, officers, Board of Directors or Committees of USATF Niagara, failure to literally or completely comply with By-Law provisions regarding dates, times and the sending or receipt of notice, or errors in phraseology of notice of proposals, shall not invalidate the proceedings, if the failure or the error, in the judgment of the members ~~at~~ has not substantially prejudiced members' rights.

Amendments submitted for approval at the USATF Niagara Annual Meeting of members to be held 09-25-2020

These Bylaws will replace Bylaws previously approved on 09-18-2016.

# Appendix I

## Grievance Procedure Regulations

A grievance may be any matter within the cognizance of USATF Niagara as described in Regulation 1.A below and administered in accordance with Regulation 1 below.

### Regulation 1

**Jurisdiction:** USATF Niagara shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within its territory except sexual misconduct allegations and doping violations which shall be under the jurisdiction of USA Track & Field, Inc. USATF Niagara shall conduct disciplinary and formal grievance proceedings for matters not specifically referred to the NABR that arise wholly within the USATF Niagara's boundaries, and for which the disciplinary measures or relief sought shall apply only within the Association's boundaries.

- A. All penalties imposed by USATF Niagara shall be effective only within its jurisdiction.
- B. Association Arbitration Panel: The following shall apply to the appointment and conduct of the USATF Niagara Association Arbitration Panel (AAP):
  - 1. **Members:** The Association Arbitration Panel shall consist of three (3) members - a chair, and two at-large members. One active athlete must be on the panel. There shall also be a first alternate, second alternate and additional alternates who may be appointed from time to time when any of the three members of the AAP are not available.
  - 2. **Appointments:** Appointments shall be made by the President with the approval of the Board of Directors. The appointments shall be duly reflected in the minutes of a properly convened Board of Directors meeting.
  - 3. **Terms:** Terms shall commence on January 1 of each even-numbered year.
  - 4. **Removal:** Members and alternates of the AAP may be removed for good cause by a majority vote of the Board of Directors. Good cause may include but is not limited to the following:
    - a. **Dilatory practices:** An AAP member who causes or permits delays in the hearing process, and/or
    - b. **Failure to follow procedures:** An AAP member who disregards or fails to apply the hearing procedures or other provisions set forth in the USATF Niagara Bylaws, USATF Niagara Regulations, and/or USA Track & Field, Inc. Rules, Regulations, Bylaws and Governance Handbook.
- C. **Grievances:** A grievance may involve any matter other than sexual misconduct and doping violations within the cognizance of USA Track & Field, Inc. that occurs in the jurisdiction of USATF Niagara.
  - 1. **Grievance Complaint:** A Grievance Complaint shall state the following:
    - a. **Detrimental conduct:** Conduct detrimental to the best interests of Athletics, USA Track & Field, Inc., USATF Niagara has taken place, or,
    - b. **USA Track & Field violations:** A violation of any of USA Track & Field, Inc.'s Bylaws, Operating Regulations, or Governance Handbook and/or a violation of USATF Niagara's Bylaws or regulations has occurred.
  - 2. **Parties:** Grievance Complaints may be filed only by and against individuals or entities which were, at the time that the conduct complained of occurred, and at the time the Complaint is filed, members, officers or directors of USA Track & Field, Inc. or otherwise subject to the jurisdiction

of USATF Niagara. A non-member, former director or former officer of USATF Niagara shall be subject to the jurisdiction of USATF Niagara for the purpose of defending against a Grievance Complaint for an incident that occurred while they were a member, officer or director of USATF Niagara or otherwise subject to the jurisdiction of USATF Niagara. A Grievance Complaint may only be filed by the person or entity affected by the issues raised in the Complaint, and

3. Time Limit: Grievance Complaints must be filed within one (1) year from the time the complaining party knew or should have known of the act giving rise to the Complaint.
  4. The USATF Grievance Filing Form and the USATF Grievance Answer Form found at: <http://www.usatf.org/About/Bylaws---Operating-Regulations.aspx> may be used at the discretion of the parties.
- D. Disciplinary matters: USATF Niagara shall have the authority to discipline any member who by neglect or by conduct acts in a manner subject to discipline pursuant to Regulation 1.D.1 below:
1. Activities subject to discipline: USATF Niagara may discipline any member who by neglect or by conduct:
    - a. Acts in a manner detrimental to the purposes of USA Track & Field, Inc., USATF Niagara or Athletics,
    - b. Violates any of the Bylaws, Regulations, Competition Rules or Governance Handbook of USA Track & Field, Inc., USATF Niagara or Athletics or violates the Sports Act,
    - c. Violates the rules of eligibility for Athletics.
  2. Time Limit: 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 the persons or entities: In all matters subject to this Regulation, all parties shall be provided with fair notice and an opportunity for a hearing prior to adjudication or imposition of any penalty by USATF Niagara or AAP. All parties:
1. May be represented in any disciplinary, grievance, or USATF Niagara proceeding by a person(s) who may (but need not) be an attorney;
  2. May appeal and adverse decision in accordance with this Regulation,
  3. May be present at any hearing, and
  4. Shall have the right to present evidence and witness testimony and to cross-examine witnesses testifying against them.
- F. Formal grievances shall be initiated as follows:
1. Grievance complaint filing procedures:
    - a. Complaints shall be filed with the President and Secretary of USATF Niagara. The Secretary shall forward a copy of the Complaint to the each party charged in the Complaint;
    - b. All documents filed and exchanged with respect to this Regulation shall be in English: provided, however, that an original document that is in a foreign language must be submitted along with an English translation. The party submitting the document shall bear the cost of obtaining its translation which shall be conducted by a reputable translator or translation service. In the event of a challenge to the accuracy of a translated document, the panel chairperson may direct USATF Niagara to order a translation of the document(s) in question and may allocate the cost of the translation to any or all parties as the panel deems appropriate.

- c. The Complaint shall allege clearly the nature of the dispute and, where appropriate, state the specific violation of the Bylaws, Regulations, Rules, or Policies of USATF Niagara, USA Track & Field, Inc., or the IAAF.
  - d. Factual allegations shall be separately stated in concise language with one allegation set forth in each numbered paragraph of the Complaint.
  - e. The Complaint shall be signed by the person filing the Complaint.
  - f. A filing fee of One Hundred U.S. Dollars (US\$100.00) must accompany an organization's Complaint and a filing fee of Seventy-Five U.S. Dollars (US\$75.00) must be paid by individuals filing a Complaint. The filing fee must be in the form of a certified check or money order payable to USATF Niagara.
2. Complaints that fail to comply with procedures outlines in this Regulation shall be returned to the filer with instructions explaining the deficiency. A returned Complaint must be re-filed within thirty (30) days of the initial filing. After thirty (30) days, the Complaint will be deemed abandoned.
  3. Upon receipt of a Grievance Complaint, the President or their designee shall make every effort to resolve the dispute through informal means. In disputes pertaining to a specific sport discipline, the President or their designee shall also confer with the chairperson of the sport committee for the discipline involved. All discussions related to the informal resolution of a Complaint shall be confidential.
  4. If the informal resolution of the complaint is unsatisfactory to any party, or if a party declines to pursue informal resolution, the party may request that the complaint be resolved by a formal hearing before an AAP panel;
  5. When one party has indicated that the matter cannot be resolved informally, the President or their designee shall coordinate the selection of a three- person arbitration panel as detailed in Section 1.B of this regulation. The arbitration panel should include at least one Active Athlete. One panel member will be selected as Chairperson with responsibilities to control and conduct the process. The arbitrators shall not be members of the Board of Directors.
- G. Notice of Proceedings: Within thirty (30) days of the commencement of a formal grievance all interested parties and the hearing panel shall be sent the following by the USATF Niagara Secretary:
1. A copy of the Complaint or other documents giving rise to the proceeding, with and attachments,
  2. The names of the hearing panel members and address and telephone number and email (if available) of the panel's chairperson.
  3. A copy of this Regulation of the USATF Niagara Bylaws and any other relevant USATF Rule or Regulation, and
  4. A copy of any specifically identified document(s) related to the dispute.
- H. Challenge to arbitrator(s): The persons or entities named in a Complaint (the respondents) must submit a written answer to the USATF Niagara Secretary within thirty (30) days after receipt of the letter notifying respondents that a proceeding has been filed (See Reg. 1.G Notice of Proceedings above). A copy of the answer shall be forwarded by the Secretary to the complainant (the Party filing the Complaint) and the AAP panel members. 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 the respondent of the opportunity to have a hearing or have an appeal of any adverse decision. Upon such failure and after confirmation of the receipt of the Notice of Proceedings 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 challenge under Reg. 1.I, the panel chair may extend the time to answer.

- I. Challenge to arbitrator(s): Within fourteen (14) days following the receipt of the Notice of Proceedings any party to the hearing may challenge the seating of any AAP member on the ground that the panel member may not be impartial. The panel chair may extend the time to answer if a panel member is challenged. Failure to bring a timely challenge against the seating of an AAP arbitrator constitutes a waiver of such challenge.
- J. Hearing Procedures: The following procedures apply to formal grievance and other hearings:
1. Pre-hearing conference call: Within five (5) business days of the expiration of the arbitrator challenge the AAP panel chairperson shall conduct a pre-hearing conference by telephone conference call with all parties to discuss scheduling and procedural matters.
  2. Date of Hearing: Best efforts should be used to set a convenient time and date for all participants. The AAP hearing panel shall schedule the hearing to take place within thirty (30) days of the initial pre-hearing conference. The hearing date may be delayed beyond the thirty (30) day period only upon a showing to the AAP panel that a substantial injustice would otherwise occur.
  3. Location for hearing: Hearings shall be held in-person unless good cause is shown to the AAP chairperson that holding the hearing by telephone conference call is in the best interest of the sport of Athletics.
    - a. Reason for request for telephone conference call hearing: If a party requests that the hearing is held by telephone conference call, such request shall be accompanied by a statement identifying the material reasons which the hearing panel should resolve in this venue.
    - b. Deadline for request: The telephone conference call hearing request must be submitted to the AAP chairperson within ten (10) business days of the receipt of the Notice of Proceedings. Failure to submit a telephone conference call hearing request during the above-described time frame constitutes a waiver of the right to request a telephone conference call hearing.
  4. Delays: If an interested party causes an unnecessary delay the AAP panel may dismiss the proceeding or at its discretion rule against the party causing the delay. If the delay is the result of AAP panel inaction the USATF Niagara President or their designee may dismiss the panel and replace it with a new panel. If a party to the proceeding fails to appear at the hearing, then the AAP panel may make a ruling based on available information and the testimony of those present at the hearing.
  5. Evidentiary rules: The rules of evidence generally accepted in administrative proceedings shall be applicable to the hearing. The formal rules of evidence shall not apply.
  6. Burden of proof: The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct described in Reg. 1.C.1 or Reg. 1.D.1 above has occurred.
  7. Hearing record: An official transcript or recording is highly recommended for hearings conducted by USATF Niagara. 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 provided to all parties at their own expense.
  8. Closed hearing: Hearings shall be closed to the public. Witnesses shall attend hearing only as necessary to provide testimony.
- K. AAP decisions and opinions: The following shall pertain to AAP final decisions and opinions rendered in hearings and appellate proceedings:
1. Scope of decision: All AAP decisions shall be consistent with USA Track & Field, Inc., USATF Niagara and IAAF Rules and Regulations and the Sports Act. If the implementation of any AAP

decision and opinion would have significant budgetary impact on USATF Niagara, then the USATF Niagara Treasurer shall review it and report their findings to the USATF Niagara Board of Directors within thirty (30) days of the issuance of the opinion. In such instances, the decision and opinion shall not become final and binding until approved by the USATF Niagara Board of Directors. The USATF Niagara Board of Directors shall determine to what extent any AAP decision and opinion having significant budgetary impact on USATF Niagara may be implemented, in light of fiscal consideration, and may remand the matter back to the AAP for modification based upon budgetary directives from the USATF Niagara Board of Directors.

2. Form of decision and opinion: The AAP decision shall state in one or two brief sentences which party the AAP arbitrators have ruled in favor of. The opinion of the AAP shall set forth the following:
  - a. Issue: The question the AAP 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, USA Track & Field, USATF Niagara or other applicable rule, Bylaw, minutes, reports, guidelines or other documents upon which the AAP decision is based, if any.
  - e. Stay provision: Whether the effect of the decision shall be stayed in the vent of appeal if appropriate.
3. Time frame: An AAP 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 no later than thirty (30) days after the conclusion of the hearing, or after the submission of any post-hearing documentation to the panel.
4. Effect of the decision: All AAP decisions shall be effective upon the date rendered unless otherwise stated in the decision.
5. Appeals: The decision of the AAP arbitrators may be appealed pursuant to USA Track & Field, Inc. Regulation 21.R of the Governance Handbook.

# Appendix II

## Procedure of a Meeting

- A. At the Annual Meeting of members and any special meeting of members of USATF Niagara the order of business shall be as follows:
1. Call to Order,
  2. Roll call of delegates and resolution of any credential disputes,
  3. Reading and approval of the minutes of the preceding Annual Meeting of members or special meeting of members,
  4. Treasurer's report,
  5. Report of other officers and committee chairs,
  6. Unfinished business,
  7. Action on proposed amendments,
  8. New business, including election of officers if necessary (always at Annual Meeting of members in odd-numbered years), See Article 6 of these Bylaws for election procedures,
  9. Election of national delegates (annually at Annual Meeting of members per USATF Governance Handbook guidelines),
  10. Adjournment.
- B. The Board of Directors and Committees may develop their own order of business for their meetings. If no order is developed then the order in Article 7.A of these Bylaws shall be used.
- C. The current Robert's Rules of Order are the general rule of order, except when they are in conflict with these Bylaws in which case these Bylaws shall prevail.
- D. The Secretary shall, ~~generally~~ within thirty (30) days following a meeting post a copy of meeting minutes on the USATF Niagara website.

The President shall preside at all meetings of USATF Niagara except Committee meetings.