

# **BYLAWS OF USA TRACK & FIELD DAKOTAS ASSOCIATION, INC.**

## **ARTICLE 1 - NAME**

The name of this Association shall be USA TRACK & FIELD DAKOTAS ASSOCIATION, INC., hereafter referred to as "this Association".

## **ARTICLE 2 - PURPOSES AND DUTIES**

This Association shall act as the governing body (as defined by the Ted Stevens Olympic and Amateur Sports Act of 1998) for Athletics in this Geographic Area.

**A. Purposes:** This Association shall have the following purposes:

- 1. Development:** Developing interest and participation in Athletics in this Geographic Area at all levels;
- 2. Management:** Promoting Athletics and Athletes by conducting competitions and other events, and by cooperating with and encouraging other organizations which may do so; and
- 3. Marketing:** Generating public awareness, appreciation, and support for Athletics, USATF, and this Association, creating opportunities for Athletes and Athletics events, and generating sponsorships to aid this Association in fulfilling its purposes and duties.

**B. Duties:** This Association shall have the following duties:

- 1. Responsibility to constituency:** Being responsible to the persons and sports organizations active in Athletics;
- 2. Coordination of scheduling:** Minimizing, through coordination with other sports organizations, conflicts in the scheduling of all practices and competitions in athletics;
- 3. Communication with athletes:** Keeping Eligible Athletes active in Athletics informed of policy matters and reasonably reflecting the views of such athletes in the policy decisions of USATF and this Association;
- 4. Sanctioning of events:** Sanctioning competition in Athletics in accordance with the provisions of these Bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;
- 5. Participation in competition:** Providing for the participation by Eligible Athletes in competition in Athletics, in accordance with the provisions of these Bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;
- 6. Support of diversity in Athletics:** Providing equitable support and encouragement for participation by all persons in Athletics, regardless of gender, age, race or ethnicity, or disabilities;
- 7. Coordination of certification and education:** Providing the means for certification of coaches and officials throughout this Geographic Area in all disciplines and at all levels of Athletics;
- 8. Registration and certification of athletes:** Registering Eligible Athletes as Members and certifying such athletes as eligible for competition; and

- 9. Administration of athletics:** Performing all other duties necessary for the administration of Athletics in this Geographic Area and to achieve this Association=s purposes.

### **ARTICLE 3 - AUTHORITY**

This Association shall be the governing body for Athletics in this Geographic Area, and shall exercise the following powers:

- A. Representation:** Representing this Geographic Area in USATF.
- B. Establishment of Association goals:** Establishing Association goals and encouraging the attainment of those goals in Athletics.
- C. Coordination of Athletics:** Serving as the coordinating body for activity in Athletics in this Geographic Area.
- D. Jurisdiction:** Shall have jurisdiction over Athletics competition in this Geographic Area, including Association championships, with the exception that any sports organization which conducts closed Athletics competition (participation which is restricted to a specific class of Eligible Athletes such as high school students, college students, members of the Armed Forces, or similar groups or categories) shall have exclusive jurisdiction over such competition.
- E. Autonomy:** This Association shall be autonomous in its governance of Athletics in this Geographic Area, in that it shall independently determine and control all matters central to such governance in accordance with the USATF Bylaws and Operating Regulations and these Bylaws and Regulations, it shall not delegate such determination and control, and it shall be free from outside restraint except in recognition of its role as a part of USATF. This provision shall not be construed as preventing this Association from contracting with third parties for administrative assistance and support in connection with its purposes and authority.

### **ARTICLE 4 - CONSTITUENCY**

- A. Individuals:** Any person who meets the criteria for individual membership as determined by USATF shall be eligible for membership. This includes athletes, officials, coaches, administrators, and any other sets of individuals named by USATF.
- B. Groups:** Any organization that meets the criteria for group membership as determined by USATF shall be eligible for membership. This includes clubs, organizations administering competitions, and any other groups designated by USATF. Member groups must designate in writing who the voting members of the group are to be, and must make any changes to this in a timely manner before such individuals are recognized to vote.

- C. Applications:** Application for membership shall be in accordance with the USATF Bylaws and Operating Regulations.
- D. Suspension and expulsion:** Any individual or group recognized by this Association which violates any of the provisions of these Bylaws or Regulations, USATF Bylaws or Operating Regulations, any operating policy approved by the USATF Board of Directors, or any operating policy approved by this Association may be suspended, after due notice and an opportunity to be heard by the body designated to conduct such hearings, until the next meeting of this Association, to which meeting action of suspension shall be reported by the Secretary. At such meeting the suspension may be rescinded by a majority vote of the Members, or such individual or group may be expelled by a two-thirds vote of the Members present.

#### **ARTICLE 5 - VOTING MEMBERS**

All members who are over the age of eighteen are entitled to participate in voting at meetings of this Association. No individual may cast more than one vote on any motion or in any election. All voters must be current Members of this Association of USATF at the time that they are voting.

#### **ARTICLE 6 - MEETINGS**

- A. Annual meeting:** The annual meeting of this Association shall be held in the month of September, at such date, time, and place as may be fixed by the Association President upon recommendation of the Executive Committee, and announced by requisite notice of such meeting.
- B. Regular meetings:** This Association shall hold quarterly meetings of the Executive Committee and quarterly meetings of the Board of Directors at such time and place as the Association President shall determine with input from the Committee/Board membership. These bodies may hold additional meetings as determined by these Bylaws.
- C. Special meetings:** Special meetings of this Association shall be held upon call by the Association President or by petition of one-third of the Board of Directors.
- D. Meeting procedures:** The following shall govern the conduct of all meetings of this Association:
- 1. Notification of meetings:**
    - a. Distribution:** Notice of the meeting must be distributed by mail, electronic mail, newsletter, local Association web site, and/or the National Office' s web site;
    - b. Web site use:** If a web site is to be used to inform Members of the meeting, then Members must be informed where to find information on the web site through a mailing or newsletter;
    - c. Prior arrival:** The initial meeting notice must be sent by means under which it will arrive at least thirty (30) days prior to the beginning of the nominations and elections process; and



## ARTICLE 7 – VOTING

The following guidelines shall apply to all elections for officers, sport committee chairs, and other chairs in this Association:

### A. Election notice:

1. **Distribution:** Notice must be distributed by mail, electronic mail, newsletter, Association web site, and/or the National Office's web site;
2. **Web site use:** If a web site is to be used to inform Members of the elections, then Members must be informed where to find information on the web site through a mailing or newsletter;
3. **Prior arrival:** The initial meeting notice must be sent by means under which it will arrive at least thirty (30) days prior to the beginning of the nomination and elections process; and
4. **Changes:** Any notice of a meeting change or a change in the election process must be at least fourteen (14) days prior to the meeting.

### B. Nominating process:

1. Method of nominations:
  - a. At least 120 days prior to the Annual Meeting, the President shall appoint a Nominations Committee of at least three members, including at least one active athlete. At least 90 days prior to the Annual Meeting, the Nominating Committee shall send out a request for nominations to all members of the Board of Directors. Included in this mailing shall be a listing of all positions to be elected.
  - b. If a nominating committee is utilized, all members of that committee are ineligible to be on the slate created and presented to the membership for voting
  - c. Each nomination shall be approved by the nominee
  - d. All nominations must reach the chair of the nominating committee no later than 60 days prior to the Annual Meeting. The committee shall prepare a nomination report listing all eligible candidates in alphabetical order, without indicating preference, no less than 30 days prior to the Annual Meeting. This report shall be circulated to all Executive Committee members, all members of the Board of Directors, all nominees, all nominating parties, and all those present at the Annual Meeting. It may contain an optional one-quarter page biographical sketch prepared by each candidate.
  - e. Further nominations may be made and must be allowed from the floor and must be allowed at the Annual Meeting. No person may be nominated who has previously, in the same election, been nominated for the same office and has declined. No nomination may be made for an absent person unless that person has notified the Nominations Committee in writing of their willingness to accept that specific nomination.

- C. Immediately following the close of all nominations, either the nominator or the candidate may make a nominating speech for a period not to exceed three minutes. All speeches for each position shall be called alphabetically.

2. **Membership & age criteria:** A candidate must be a member of the Association who is at least 18 years of age (at the start of the term of office); and
3. **Nominations and seconds:** A candidate needs one (1) nominator and one (1) seconded who are both Members of the Association.

**D. Voter criteria:**

1. **One person-one ballot:** One (1) person shall cast only one (1) ballot as an individual, regardless of how many positions within the Association the person occupies;
2. **Proxies:** There shall be no proxy voting;
3. **Minimum age:** In order to vote, Members must be a minimum of age eighteen (18) on the day of the election;
4. **Voting membership deadline:** Individuals must be Members in the month which ends more than one full month preceding the election;
5. **Organizations:** Organizations shall have a minimum of one (1) vote, with the Association having the option of awarding additional votes based on the size of organizations;
6. **Organization voters:** If an organization has more than one (1) vote, each ballot must be cast by a different representative;
7. **Membership of all voters:** Organizations and any person representing an organization in Association voting matters must be Members of USATF.

**E. Conduct of voting:** This Association shall use an open meeting ballot where all Members of the Association are eligible to attend and vote.

1. **Disputes:** Credential disputes must be resolved before the election process is started with nominations and/or the report of the nominating committee;
2. **Uncontested:** Uncontested elections may be voted by acclamation; and
3. **Ballot type:** A secret ballot must be used for contested elections.

**F. Counting of ballots:**

1. **Panel:** A panel of at least three (3) individuals, as appointed by the President or committee chair, at least one (1) of whom must be an Athlete, shall count the ballots and sign the tally. All panel members shall be of voting age. The panel shall not include any individual who is a candidate for a contested office; and
2. **Consultation:** The panel may consult as necessary with the President, Chair, Secretary, Association Counsel, and/or Parliamentarian (so long as they are not candidates for contested offices) on procedural matters.

**G. Committee chairs:**

1. **Age and terms:** All committee chairs, whether elected or appointed, must be at least 18 years of age and Members of the Association. Chairs shall be elected for two-year terms or appointed for a term no greater than two years within the term of the presidency.

**H. National delegates:** The Executive Committee with the approval of the Board of Directors shall appoint National delegates.

**I. Majority requirement:**

**Officers:** All officers of the Association must be elected by a majority of the ballots cast. If a run-off election is necessary, the run-off election will immediately follow the general election.

**J. Election protests:**

1. **Operating Regulation 11:** Except as indicated below, USATF Operating Regulation 11 shall apply to election grievances. Protests may only be made after the election process is concluded;
2. **Panel composition:** An NABR panel from a different USATF region shall be appointed to conduct the hearing. All hearings shall be by conference call;
3. **Invalidation:** The NABR panel shall invalidate an election if it is found that one or more infractions occurred and likely changed the outcome of an election; and
4. **Further action:** The NABR panel may recommend or require changes for future elections in the Association.

**J. Employees and elections:** Current employees (working within the past ninety days) shall not participate in any part of the elections process (nominations or campaigning), but may, at the discretion of the Association, be permitted to vote if they are members and otherwise eligible; and current Association employees may, at the discretion of the Association, seek election by the Association as a national delegate, or any other representative at the national level.

## **ARTICLE 8 - EXECUTIVE COMMITTEE, OFFICERS AND THEIR DUTIES**

**A. Positions:** The Executive Committee of this Association shall be composed of a President, a Vice President, a Secretary, Treasurer, and a Membership Chair. No individual may be an officer of this Association who is also an officer of another sport governing body at the local or national level.

**B. Duties:** The officers shall perform the following duties as well as any other duties prescribed by these Bylaws, the USATF Bylaws or Operating Regulations, the Executive Committee, or the Board of Directors of this Association:

1. **President:** The President shall:
  - a. Preside at all meetings of this Association, its Executive Committee and its Board of Directors;
  - b. Be an ex officio non-voting member of all committees;
  - c. Subject to the direction of the Executive Committee and the Board of Directors of this Association, shall manage and supervise the affairs of this Association; and
  - d. Select committee chairs and other such committee members that he or she is entitled to appoint as well as other appointments authorized by these Bylaws after consultation with the Executive Committee. He or she may likewise terminate such appointments for good cause upon written notice to such appointees and the other officers;
2. **Vice President:** The Vice President shall act as liaison, overseeing the operations of all committees, and perform duties assigned by the President and Executive Committee. In the temporary absence of the President from a meeting, the Vice-

- President shall serve as acting presiding officer. In case of the disability of the President, the Vice President shall perform the duties of the President until a successor is named in accordance with these By-laws;
3. **Secretary:** The Secretary shall keep all records of this Association, and all minutes of meetings of this Association and its Board, and in general shall perform all duties normally pertaining to the office of secretary;
  4. **Treasurer:** The Treasurer shall keep a correct and complete record of account, showing accurately at all times the financial condition of the Association, and, in general, shall perform all duties normally pertaining to the office of treasurer;
  5. **Membership Chair:** The Membership Chair shall collect or cause to be collected all memberships for individuals and groups within the Association, issue event Sanctions, and be a liaison to the USATF National Office in all matters of membership, including reporting and disbursement of benefits.
4. **Election:** All officers are to be elected for two (2) year terms at the annual meeting of this Association held in odd-numbered years. A person may not hold the office of President and any other officer positions; however, a person may be named in other dual capacities to fill a vacancy.
  5. **Succession and vacancies:** There shall be no order of succession to any office. In the event the Board of Directors determines that an officer is temporarily unable to serve, it may, in its sole discretion, name another officer to fill the vacancy temporarily. In the event an officer resigns or is permanently unable to serve, the Board of Directors shall name a successor until the following annual meeting, subject to the limitation in paragraph C above, at which time a special election shall be held for the unexpired portion of the term.
  6. **Meetings:** The Executive Committee shall meet quarterly, with additional meetings called by the President in consultation with the Committee.
  7. **Removal from office:** Any officer or committee chair of USATF Dakotas may be removed for good cause by a two-thirds vote of those delegates of USATF present and voting at an annual meeting or a special meeting called for this purpose, and provided the requisite notice for such meeting (see Article 6) shall properly set forth the removal vote on its agenda.

## ARTICLE 9 - BOARD OF DIRECTORS

- A. **Composition:** The Board of Directors shall be composed as follows:
  1. **Voting members:** The voting membership of the Board shall be as follows:
    - a. The **officers** of this Association - (4 persons);
    - b. The **immediate past president** - (1 person);
    - c. The **chairs** of the following sport committees - (9 persons);  
Men's and Women's Track & Field, Men's and Women's LDR, Race Walk, Masters LDR and Track & Field, Youth Athletics, and Officials;  
The chairs of the administrative, developmental or operating committees: (varies as needs dictate); and at least that number of eligible athletes which shall

constitute twenty percent (20%) of the Board, all of whom must be of voting age and at least one of whom must have participated in international competition for the USA within the last ten (10) years, where available.

2. **Chair and Secretary/Treasurer:** The President of the Association shall serve as chair and the Secretary/Treasurer as secretary.

**B. General provisions:**

1. **Fiduciary responsibility:** The Board shall manage and supervise the affairs of the Association and perform those duties specified in these Bylaws; and
2. **Meetings of the Board:** The Board may conduct its affairs either at a meeting or by a conference call. It shall hold quarterly meetings as called by the President. Additional meetings may be called by the President or upon the written request of one-third of the members of the Board of Directors, and if by the latter group, only after a minimum prior notice of five (5) days to the President of such intent by facsimile or e-mail. At least seven (7) days notice of any in-person meeting and at least forty-eight (48) hours notice of any conference call shall be given to all members of the Board. After the members of the Board have called for a meeting, the President shall have twenty-four (24) hours to determine the venue and make appropriate notice to the remainder of the Board. For any meeting, notice may be waived by unanimous consent. Written notice shall include the minutes of the previous meeting.

- C. Election or selection of members:** All members of the Board are elected by their constituencies and shall serve at the discretion of those constituencies, unless otherwise stated in these Bylaws.

- D. Terms:** The term for Board members, which is not otherwise set by their terms of office, shall be the four (4) years of the Olympiad.

- E. Quorum:** A quorum for meetings of the Board shall consist of a majority of the members of the Board.

- F. Voting:** Except as otherwise provided herein, all matters shall be decided by majority vote of those present and voting. There shall be no voting by proxy.

- G. Mail balloting:** Upon authorization by a majority vote at a duly convened meeting or by call of the officers, the Board may conduct a vote through the distribution and/or collection of ballots using the U.S. Postal Service or any other service that may be authorized. The procedure and subject matter for such a vote shall be set forth in the authorizing resolution.

- H. Board committees:** The Board may have committees including, but not limited to, budget, audits, compensation, insurance, and grants. Each Board committee will have no more than five (5) members, at least one (1) of whom must be a Board member. The President shall appoint the members with the approval of the Board.

## ARTICLE 10 – SANCTIONS

The general sanction provisions of USATF which affect local Associations appear in this Article. Additional regulations appear in USATF Operating Regulation 14.

- A. Definition:** The definition of "international competition" shall apply to this article and the corresponding USATF Operating Regulation 14. International competition means an athletics competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country (i.e., competitions between national teams).
- B. Domestic Sanctions:** USATF or its Associations shall have authority to grant sanctions to sports organizations or persons otherwise wishing to hold athletic competitions in athletics, that are not international in nature, within the United States.
- C. Sanctioning policy:** Unless USATF or an Association determines by clear and convincing evidence that holding or sponsoring an athletics competition (international or domestic) would be detrimental to the best interests of the sport, USATF or the appropriate Association of USATF shall promptly grant a sanction requested by a sports organization or person(s), provided all the requirements of USATF Operating Regulation 14 have been satisfied. Either USATF or an Association shall make the decision as to whether a proposed competition would be detrimental to the best interests of the sport in the first instance, as appropriate. Approval of sanctions shall not be unreasonably denied. The decision to deny a sanction may be appealed:
  - 1. In the case of a denial by an Association, to USATF, or
  - 2. In the case of a denial by USATF, to the NABR.
- D. Sanction requirements:** Sanctions are issued, withheld, or withdrawn in accordance with the requirements and provisions of USATF Operating Regulation 14.

## ARTICLE 11 – REDRESS OF GRIEVANCES

A grievance may be any matter within the cognizance of USATF Dakotas as described in Regulation 1- A. Grievances shall be filed and administered in accordance with Regulation 1.

### Regulation 1

#### FORMAL GRIEVANCES AND DISCIPLINARY PROCEEDINGS

- A. Jurisdiction:** This Association shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundaries of the Association, except sexual misconduct allegations and doping violations which shall be under the jurisdiction of USATF. All penalties imposed by an Association shall be effective only within the jurisdiction of that Association.
- B. Association Arbitration Panel:** The following shall apply to the appointment and conduct of the Association Arbitration Panel (AAP):

1. **Members:** The Association Arbitration Panel 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 when any of the three members of the AAP are not available. Members of the AAP shall not be members of the Association Board or Executive Committee.
  2. **Appointments:** Appointments shall be made by the President with the approval of the Association Board. The appointments shall be duly reflected in the minutes of a properly convened Board meeting.
  3. **Terms:** Terms shall commence on January 1 of each even-numbered year.
  4. **Removal:** Members and alternates may be removed for good cause by majority vote of the Association’s Board. 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 Associations Bylaws, Association Regulations, USATF Rules, USATF Bylaws, and/or USATF Regulations.
- C. **Grievances:** A grievance may involve any matter, other than sexual misconduct and doping offenses, with the cognizance of USATF that occurs in the jurisdiction of this Association:
1. **Grievance Complaints:** A Grievance Complaint shall state the following:
    - a. **Detrimental conduct:** Conduct detrimental to the best interest of Athletics, USATF, USATF Dakotas has taken place; or
    - b. **USATF violations:** A violation of any of USATF’s Bylaws or Operating Regulations and/or of a violation of any of USATF Dakotas Bylaws or Operating 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, directors, or officers of USATF or otherwise subject to the jurisdiction of USATF Dakotas. A non-member, former director, or former officer of USATF Dakotas shall be subject to the jurisdiction of USATF Dakotas 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 Dakotas or otherwise subject to the jurisdiction of USATF Dakotas. A Grievance Complaint may only be filed by a 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.
- D. **Disciplinary matters:** USATF Dakotas 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 below.
1. **Activities subject to discipline:** USATF Dakotas may discipline any members who, by neglect or by conduct:
    - a. **Detrimental conduct:** Acts in a manner detrimental to the purposes of USATF, USATF Dakotas, or Athletics;



3. **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 President or his/her 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. **Formal resolution:** 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. **Hearing panel:** When one party has indicated that the matter cannot be resolved informally, the President or his/her designee shall coordinate the selection of a three-person arbitration panel as detailed in Paragraph 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 Association Board or Executive Committee.
8. **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 Association Secretary:
1. **Documents:** A copy of the complaint or other documents giving rise to the proceeding, with any attachments;
  2. **AAP Members and Contact:** The names of the hearing panel members and the address and telephone number of panel's chairperson;
  3. **Association Bylaws:** A copy of the text of this Regulation of the USATF Dakotas Bylaws and any other relevant USATF Rule or Regulation; and
  4. **Other relevant documents:** A copy of any specifically identified document(s) related to the dispute.

**H. Answer:** The person(s) or entity(ies) named in a Complaint (respondent(s)) must submit a written answer to the Association Secretary within thirty (30) days after receipt of the letter notifying respondents that a proceeding has been filed ("Notice of Proceeding"). A copy of the Answer shall be forwarded by the Secretary to the complainant (the party filing the Complaint) and the AAP 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 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 paragraph 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 panel member, on the ground that the panel member may not be impartial. 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 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 of 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 be 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 timeframe 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 President or his/her designee may dismiss the panel and replace it with a new panel. If a party to the proceedings 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 the conduct described in Regulation 1-C-1 or 1-D-2 above has occurred.
  - 7. Hearing record:** 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 expenses. If made, such transcripts or recordings shall become the official record of the proceedings and a copy shall be provided to all parties at their own expense; and
  - 8. Closed hearing:** Hearings shall be closed to the public. Witnesses shall attend hearings 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 panel decisions shall be consistent with USATF, USATF Dakotas, and IAAF Rules and Regulations, and the Sports Act. If the implementation of any AAP panel decision and opinion would have a significant budgetary impact on USATF Dakotas, the Budget Committee chair and/or the USATF Dakotas 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 AAP decision and opinion having significant budgetary impact on USATF Dakotas may be implemented, in light of fiscal considerations, and may remand the matter back to the AAP panel for modification based upon budgetary directives from the Board.
- 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 panel shall set forth the following:
  - a. Issue:** The question(s) the AAP 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, USATF Dakotas, Sports Act, or other applicable rule, bylaw or minutes, reports, guidelines, or other documents upon which the AAP 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 AAP 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.
- 4. Effect of decision:** All AAP panel decisions shall be effective upon the date rendered, unless otherwise stated in the decision.

**L. Appeals:** The decision of the arbitrators may be appealed pursuant to USATF Regulation 11-P.

## **ARTICLE 12 - DISSOLUTION**

Upon the dissolution of this Association, the Board shall, after paying or making provisions for the payment of all of the liabilities of this Association, dispose of all the assets of this Association exclusively for the purpose of this Association in such a manner, or to such organization or organizations, organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board shall determine.

## ARTICLE 13 - SAVING CLAUSE

Failure of literal or complete compliance with provisions of the Bylaws in respect to dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of proposals, which in the judgment of the members at meetings held do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any meeting.

## ARTICLE 14 - AMENDMENTS

- A. General provisions:** This Association shall consider Amendments as follows:
- 1. Voting for Bylaws approval:** Amendments to the Bylaws shall require for passage a two-thirds vote of those members present and voting at the meeting, provided notice of the proposed amendment has been submitted in writing to the members of this Association at least thirty (30) days prior to the meeting; and
- B. Exceptions:** Notwithstanding paragraph A above, amendments may be considered at any meeting of this Association in any of the following circumstances:
- 1.** Tabled amendments may be acted upon at any subsequent meeting without redistribution of the proposal;
  - 2.** Conformity with the law: To make the Bylaws or other regulations conform with federal or local law or regulation;
  - 3.** Conformity with USATF: To make the Bylaws or other regulations conform with USATF requirements; and
  - 4.** Uniformity: To make the Bylaws and other regulations conform to each other. Such items need not meet the time requirement of subparagraphs A-2 above and D-1 below.
- C. Emergency circumstances:** In emergency circumstances, this Association or its Board may adopt changes as follows:
- 1. Vote of the membership:** Upon a ninety percent (90%) vote at any meeting of this Association; and
  - 2. Vote of the Board:** Where immediate relief is deemed necessary, the Bylaws and other regulations may be amended upon vote of ninety percent (90%) of the total membership of the entire Board, such amendment to be effective only until the next meeting of this Association.
- D. Submissions:** The following provisions shall govern submissions of amending legislation:
- 1. Time of submission:** Amendments shall be submitted at least sixty (60) days prior to the meeting at which they are to be considered, so as to allow proper review and submittal to the members of this Association. This sixty (60) day requirement may be waived, in emergency circumstances, upon a ninety percent (90%) vote at any meeting of this Association;
  - 2. Summitters:** Only a member of this Association may submit Amendments;
  - 3. Persons receiving submissions:** Amendments to the Bylaws and other regulations shall be submitted to President, and the Secretary/Treasurer;

- 4. Form of submission:** The proposed amendments shall be in such form as to show the entire section, subsection, or paragraph, as the case may be, as it will read if adopted, with all proposed additional language underlined or shaded, and all proposed deleted language in double parentheses. A brief statement of the rationale for the submission shall accompany each submission. If there is a budgetary impact, it shall be estimated with the submission or, lacking such estimation, shall be provided by the Treasurer and/or the chair of the Budget Subcommittee of the Board; and
- 5. Approval of submissions:** All proposed amendments must first be recommended for approval at the time of submission by someone other than the submitter who shall be another member of this Association.

**E. Effective date:** Unless otherwise specified at the time of adoption, amendments to the Bylaws and other regulations shall be effective immediately.

Approved October 13, 2008  
Revised 10/12/2010  
Revised 1/16/2022