

BYLAWS OF USATF DAKOTAS ASSOCIATION, INC.

ARTICLE 1 NAME

The name of this Association shall be USATF Dakotas Association, Inc., hereinafter referred to as "Association".

ARTICLE 2 DEFINITIONS

As used in these Bylaws and the Operating Regulations:

A Athlete:

- 1 Active athlete** means any individual who is actively engaged in Athletics or who has represented the United States in international competition held under World Athletics jurisdiction in Athletics within the preceding ten (10) years; and
- 2 Eligible athlete** means any athlete who meets the eligibility standards established by USATF for Athletics.

B Athletics means, inclusively, track & field, long distance running, cross country running, road running, race walking, and any other sport discipline recognized by World Athletics.

C Athletics competition means a contest, game, meet, match, tournament, or other Athletics event in which athletes compete.

D Board means the Association's Board of Directors.

E Club means an organization of athletes and others who participate in USATF programs as a team. 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.

F Coach means an individual who is currently engaged in the training of athletes on an active basis, regardless of the extent to which coaching is a part of the individual's vocation, or who was, within the preceding ten (10) years, actively engaged in training athletes, coaching school/college, community, Athletics, coaching club athletes, or coaching international athletes.

G Geographic area means the states of North Dakota and South Dakota.

H Sanction means the document which evidences the authority granted by USATF and an Association to conduct a competition, and which also evidences that the recipient has complied with the requirements of Article 14 of these Bylaws and USATF Operating Regulation 23.

I **Sports organization** means a non-profit corporation, club, federation, union, association, or other group organized in the United States that sponsors or arranges any Athletics competition.

J **USATF** means USA Track and Field.

ARTICLE 3 PURPOSES AND DUTIES

This non-profit corporation shall act as the governing body for Athletics in this geographic area defined by USATF Bylaws. The Association is organized exclusively for charitable, religious, educational, or scientific purposes under Section 501(c)3 of the Internal Revenue Code, or corresponding sections of any future tax code.

A **Purposes:** This corporation shall have the following focuses:

- 1 **Development:** Developing interest and participation in Athletics in this geographic area at all levels and developing opportunities for Athletics development at the highest possible performance level;
- 2 **Management:** Promoting Athletics and athletes by conducting competitions and other events, and cooperating with and encouraging other organizations that may do so;
- 3 **Performance:** Fielding the most competent individuals and teams in this geographic area for all levels of competition in Athletics and providing support and conditions that ensure optimal performance to athletes at all levels;
- 4 **Marketing:** Generating public awareness, appreciation, and support for Athletics and for the Association and USATF, creating opportunities for athletes and Athletics events, and generating sponsorships to help fulfill its purposes and duties; and
- 5 **Diversity:** Promoting diversity of representation at all levels of participation in its activities.

B **Duties:** This corporation shall have the following duties:

- 1 **Responsibility to constituency:** Being responsible to persons and sports organizations active in Athletics;
- 2 **Coordination of scheduling:** Minimizing, by coordinating with other sports organizations, conflicts in schedules for Athletics practices and competitions;
- 3 **Communication with athletes:** Keeping athletes informed of policy matters and reasonably reflecting the views of athletes in policy decisions;
- 4 **Sanctioning of events:** Sanctioning Athletics competition in accordance with the provisions of these Bylaws, USATF Bylaws, and USATF Operating Regulations;
- 5 **Participation in competition:** Providing for participation by athletes, coaches, trainers, managers, administrators, and officials in Athletics competition, under the provisions of these Bylaws, and provide for protections guaranteed by the Sports Act, and as described elsewhere in these Bylaws;

- 6 Support of women in Athletics:** Providing equitable support and encouragement for participation by women in Athletics;
- 7 Support of the disabled in Athletics:** Encouraging and supporting sports programs in Athletics for disabled individuals;
- 8 Coordination of certification and education:** Providing the means to certify coaches and officials throughout this geographic area in all disciplines and at all levels of Athletics;
- 9 Registration and certification of athletes:** Registering athletes as members and certifying athletes as eligible for competition; and
- 10 Administration of Athletics:** Performing all other duties necessary for administering Athletics in this geographic area and for achieving this association's purposes.

ARTICLE 4 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 governing Athletics in this geographic area, in that it shall independently determine, and control all matters central to governing in accordance with the USATF Bylaws and Operating Regulations and these Bylaws. It shall not delegate its decisions or control, and shall be free from outside restraint except in recognition of its role as part of USATF. This provision shall not prevent this Association from contracting with third parties for administrative assistance and support in connection with its purposes and authority.

ARTICLE 5 CONSTITUENTS

- A Individuals:** Any person who meets the criteria for individual membership as determined by USATF shall be eligible for membership. This includes athletes, disabled athletes, coaches, officials, administrators, and any other individuals named by USATF.
- B Clubs/organizations:** Any club or 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 filed in writing with the secretary no later than seven (7) days prior to any vote before such individuals are recognized to vote.
- C Applications:** Application for membership shall be in accordance with the USATF and Association Bylaws.
- D Suspension and expulsion:** Any individual or group recognized by this Association which violates any of the provisions of these Bylaws or Operating Regulation, 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.

ARTICLE 6 VOTING MEMBERS

All members in good standing who are at least eighteen years of age 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 the Association of USATF. Except for renewals from the previous year, individuals must be members for at least thirty (30) days prior to the date of the election.

ARTICLE 7 MEETINGS

- A Annual meeting:** The annual meeting of this Association shall be held in the month of September, at such time, and place as the Association President shall determine with input from the Executive Committee.

- B Regular meetings:** This Association Board of Directors shall hold quarterly meetings at such time and place as the Association President shall determine with input from the Executive Committee. The Executive Committee of the Association shall meet at a minimum of six (6) times a year or more frequently as deemed necessary by the Association President after consulting with the Executive Committee.
- C Special meetings:** Special meetings of this Association shall be held upon call of 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, electronic mail, 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 elections process; and
 - d Changes:** Any notice of a meeting change must be disseminated at least fourteen (14) days prior to the meeting.
 - 2 Publication of agenda:** The proposed agenda shall be included along with the meeting notice. Agendas should also be available at the time of the meeting. Additional items added to the agenda shall not include any item where action of a committee is necessary, unless seventy-five percent (75%) of the members of the group then present agree to such action;
 - 3 Open conduct of business:** All meetings of this Association shall be open to all individual members of the Association except as otherwise provided. There shall be a specified time period in the meeting when any member may give input to make a brief statement;
 - 4 Closed or executive sessions:** No part of any meeting shall be closed unless seventy-five percent (75%) of the members of the group then present agree to close the session, and;
 - 5 Record of a meeting:** The Association and all its committees shall have a recording secretary. Within thirty (30) days of the meeting, draft minutes shall be posted on the Association website. All written reports or a summary of such reports shall be distributed with the draft minutes.
- E Quorum:** A quorum shall be constituted by the voting members present.

F Agenda: Prior to each meeting of this Association, the Secretary shall consult with the President on the agenda. The Secretary shall prepare an agenda to be presented to the members at the start of the meeting as one of the first orders of business. Such agenda items shall include, but not necessarily be limited to:

- 1 Attendance:** Consideration of the eligibility of members through acceptance of the registrar's report or roll call;
- 2 Credentials:** Consideration of credentials and challenges;
- 3 Minutes:** Acceptance of the minutes of the previous meeting;
- 4 Financial reports:** Treasurer's report and approval of the budget;
- 5 Reports:** Reports from the President and those officers and committee chairs which have business to come before the members;
- 6 Introductions:** Group introduction of other officers and committee chairs (without reports);
- 7 Amendments:** Action on proposed amendments;
- 8 Elections:** Nominations (without speeches except for officer positions) and elections as scheduled, including special elections;
- 9 Site selections:** Report on site selections by each sport committee;
- 10 Awards:** Appropriate awards presentations; and
- 11 Other business:** New or old business as scheduled.

G Rules of order: Questions of order shall be decided by the chair in accordance with Roberts Rules of Order (Newly Revised), unless otherwise provided in these Bylaws. Decisions by the chair may be appealed to the Association parliamentarian. The President shall designate a qualified parliamentarian for all meetings of this Association.

ARTICLE 8 VOTING

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

A Election notice:

- 1 Distribution:** Notice must be distributed by mail, email, electronic mail, newsletter, local Association web site, and/or the USATF 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, electronic mail, 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 election or nominations;
- 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 Nominating committee:** The president shall appoint a nominating committee consisting of at least three (3) members of the Association. The nominating

committee shall select at least one nominee for each elective office. Officer elections are held in odd numbered years. Sports Committee Chairs elections are held in even numbered years. The nominations, in writing, shall be sent to the secretary not later than thirty (30) days before the election.

2 Membership and 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.

3 Nominations: Nominations may also be accepted from the floor.

C Voter criteria:

1 One person-one ballot: One (1) person shall cast only one (1) ballot regardless of how many positions in the Association the person occupies;

2 Proxies: There shall be no proxy voting;

3 Minimum age: Voters must be at least eighteen years of age on the day of the election;

4 Voting membership deadline: Individuals must be members for at least thirty (30) days prior to the date of the election;

5 Appointees: An appointed committee chair or Board member may not vote in elections in that capacity but may otherwise qualify for a vote; and

6 Organizations: Currently registered local clubs shall have one (1) vote, which only may be cast by an individual not voting their own individual membership vote, must be in good standing with the organization and be a current member of USATF.

D Conduct of voting: This Association shall use an open meeting ballot where all eligible members of the Association may 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.

E Counting of ballots:

1 Voting Panel: A panel of at least three (3) individuals, at least one (1) of whom must be an athlete, shall count the ballots and sign the vote tally. All panel members shall be at least 18 years old. The panel shall not include any individual who is a candidate for an office.

2 Consultation: The panel may consult with the Association's president, secretary, or parliamentarian, so long as they are not candidates for offices, on procedural matters.

F 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 or appointed for specific terms that are determined prior to the appointment or voting for the position; and

- 2 Election and appointment:** Sport Committee chairs shall be elected to two-year (2) terms at the annual meeting of the Association. Elections are held in even-numbered years; and
- 3 Format:** Election procedures described in Article 8 of these Bylaws shall be followed for committee chair elections.

G National delegates:

The Executive Committee shall appoint national delegates from the pool of voting members who indicate that they are able to attend the convention.

H Majority requirement:

Officers: The officers of the Association must be elected by a majority of the ballots cast.

I 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:** A National Athletics Board of Review (NABR) panel from a different USATF Association shall be appointed to conduct the hearing. All hearings shall be by conference call. The procedures in USATF Regulation 21 shall apply.
- 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 actions:** The NABR panel may recommend changes for future elections in the Association.

ARTICLE 9 EXECUTIVE COMMITTEE, OFFICERS AND THEIR DUTIES

A Positions: The Executive Committee of this Association shall be composed of: a President, a Vice President, Secretary, and Treasurer. 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 the Board of this Association:

- 1 President:** The President shall:
 - a** Preside at all meetings of this Association and its Board.
 - b** Be an ex officio non-voting member of all committees.
 - c** Manage and supervise the affairs of the Association, subject to the direction of the Board of this Association.

- d Select committee chairs and name other such members to fill positions that he or she is entitled to appoint pursuant to these Bylaws, after consultation with the other officers. The President 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 perform duties assigned by the President and Board. In the temporary absence of the President from a meeting, the Vice President shall serve as acting chair.
- 3 **Secretary:** The Secretary shall keep or cause to be kept 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 or cause to be kept a correct and complete record of account, showing accurately at all times the financial condition of this Association, and, in general, shall perform all duties normally pertaining to the office of treasurer.
- C **Election:** All officers are to be elected for two (2) years terms at the annual meeting of the Association. Elections are to be held in odd-numbered years. A person may not hold the office of President and any other officer position; however, a person may be named in other dual capacities to fill a vacancy.
- D **Succession and vacancies:** There shall be no order of succession to any office. In the event the Board 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 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.
- E **Removal from office:** Any officer of this Association may be removed for good cause by a two-thirds vote of those members of the Association present and voting at the annual meeting or special meeting called for this purpose and provided the requisite notice for such meeting (see Article 8) shall properly set for the removal vote on its agenda.

ARTICLE 10 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. Three at-large directors
 - 2 **Chair and Secretary:** The President of the Association shall serve as chair and the Secretary 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 in-person meetings or by conference call. It shall hold quarterly meetings during each year as called by the President. Additional meetings may be called by the President or upon written request of any three members of the Board, 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 electronic mail . At least (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. Witten notice shall include the minutes of the previous meeting. For any meeting, notice may be waived by unanimous consent.
- C Election or selection of members:** The at-large members of the Board shall be elected in accordance with the same procedures as for the officers of the Association.
- D Terms:** The term for at-large Board members shall be two (2) years.
- 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, audit, 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.
- I Expulsion:** Failure to participate in two (2) consecutive meetings may, by a two-thirds vote of the Board members attending, cause expulsion of the member or representative.

**ARTICLE 11
COMMITTEES**

- A Committees:** The Association Committees shall include, but not limited to:
Men's Track and Field

Women's Track and Field
Men's Long Distance Running
Women's Long Distance Running
Race Walking
Master's Track and Field
Youth Athletics
Officials

B Duties and Responsibilities of Sports Committees:

- 1 They shall have jurisdiction over the Association championships in the discipline it controls and shall institute, locate, or award, conduct and manage all such championships.
- 2 They shall coordinate the local and domestic competition calendar in its discipline.
- 3 They shall both advise and serve as a resource for the Association, its officers, and its board, either individually or collectively, with respect to current fundraising and marketing and media practices and policies which might be applicable to their needs and situations and as a liaison for the President with the approval of the board.

C Duties and Responsibilities of Officials Committee:

- 1 Responsible for training, certifying, and generally supervising officials within the Association, under such rules and procedures consistent with the directives of the national committee.
- 2 Establish (by examination, rules review, field experience, clinics, and such other procedures as it may choose) their overall program administration, including the direct responsibility of certifying the officiating category of "Association Official" to working officials within its Association.
- 3 Develop and maintain instructional programs for officials, including examinations, rules reviews, clinics, and other such activities as it may prescribe.
- 4 Be responsible for:
 - a. Designating pre-certified officials.
 - b. Certifying Association-level officials; and
 - c. Recommending to the national committee candidates for national and master-level official certification.

**ARTICLE 12
DISCIPLINARY AUTHORITY**

This Association shall have the authority to discipline any member, delegate, athlete, coach, manager, official, trainer, member of any committee, and any other person or entity participating in Athletics who, by neglect or by conduct, (i) acts in a manner detrimental to the purposes of USATF, this Association, or Athletics, or (ii) has violated any of the Bylaws, Operating Regulations, or Rules of Competition of USATF, or of the Association, or (iii) has violated the rules of eligibility.

Disciplinary and Reinstatement Procedures: The disciplinary and reinstatement procedures of USATF and its member Associations are set forth in USATF Operation Regulations 21 and 22.

ARTICLE 13 REDRESS OF GRIEVANCES

- A Redress of grievances:** A grievance may be any matter within the cognizance of this Association other than doping offenses described in USATF Operating Regulation 20. A Grievance Complaint shall state that a party (i) has violated the Association's Bylaws, USATF's Bylaws, or the Sports Act, or (ii) has violated the World Athletics eligibility rules, or (iii) has engaged in conduct detrimental to the best interests of Athletics, the Association or USATF. Grievance Complaints may be filed only by and against individuals or entities that were, at the time that the conduct complained of occurred, and at the time the Complaint is filed, members, directors, or officers of USATF and this Association or otherwise subject to the Association's jurisdiction. (To the extent that a grievance does not fall within the jurisdiction of the Association, then the matter needs to be referred to USATF pursuant to USATF Operating Regulation 21.) A non-member, former director, or former officer of the Association shall be subject to the Association's jurisdiction to defend against a Grievance Complaint for an incident that occurred while he or she was a member, a director, or officer of the Association or otherwise subject to the Association's jurisdiction. A Grievance Complaint may only be filed by a person or entity affected by the issues raised in the complaint. 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.
- B Grievance Complaints:** Grievance Complaints shall (i) be filed with the Secretary, (ii) be signed, sworn to, and notarized, and (iii) clearly allege the nature of the dispute and, where appropriate, the USATF Rule, World Athletics Rule, Sports Act provision, or USATF policy allegedly violated. The complaint shall separately state factual allegations in concise, numbered paragraphs. An improperly filed complaint shall be returned to the sender with instructions explaining the deficiency. A party may file an amended complaint within thirty (30) days after the original complaint is returned. The amended complaint shall be deemed filed on the filing date of the original complaint. If a party does not timely file an amended complaint, the complaint shall be deemed abandoned.
- C Informal resolution of grievances:** Upon receipt of a Grievance Complaint, the President or his/her designee shall use every effort to resolve the grievance through informal means, and, in the case of grievances pertaining to a specific athlete or a specific sport discipline, shall also confer with the chair of the sport committee for the

discipline involved. As part of the informal resolution process, all respondents named in the Grievance Complaint shall be served with a copy.

- D Formal resolution of grievances:** If the informal resolution of the Grievance Complaint is unsatisfactory to any party, such party may file a formal grievance proceeding and appeal as set forth in USATF Regulation 21.

ARTICLE 14 SANCTIONS

The general sanction provisions of USATF which affect local Associations appear in this Article. Additional regulations appear in USATF Operating Regulation 23.

- A International Competition Definition:** If applicable, in this article and the corresponding USATF Operating Regulation 23, 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 host Athletic competitions 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 may promptly grant a sanction requested by a sports organization or person, provided all the requirements of USATF Operating Regulation 23 have been satisfied. The decision whether a proposed competition would be detrimental to the best interests of the sport shall be made in the first instance by either USATF or an Association, as appropriate, taking into consideration the requirements of USATF Operating Regulation 23. Approval of sanctions shall not be unreasonably denied or delayed. The decision to deny a sanction may be appealed:
1. In the case of an Association's denial, to USATF, or
 2. In the case of USATF's denial, to the NABR.
- D Sanction requirements:** Sanctions are issued, withheld, or withdrawn under the authority granted to USATF by, and subject to the requirements of the Sports Act.

ARTICLE 15 FISCAL AND LEGAL MATTERS

- A Fiscal year:** The fiscal year of this Association is January 1 through December 31.

- B Depositories:** The Association may, from time to time as necessary, designate depositories for funds, property, and assets belonging to or under the control of the Association.
- 1 Signatories:** Funds on deposit in banks may be withdrawn only by voucher check upon the signatures of the treasurer or president. Other assets or property of this Association may be transferred from one depository to another by action of the Board.
- C Audit schedule:** The Board, effective at the beginning of each fiscal year, shall select an individual to audit the books and financial records of this Association for the ensuing year.
- D Indemnification:** This Association shall immediately indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact that he or she is or was a director, officer, employee, or official representative of this Association against expenses, including attorney's fees, judgments, fines, and amounts actually and reasonably incurred by him or her in connection with the action, suit, or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interest of USATF and this Association, and with respect to any criminal action or proceedings, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of USATF and this Association.

ARTICLE 16 DISSOLUTION

Upon the dissolution of the Association, the Board shall, after paying or making provisions for the payment of all liabilities of this Association, shall distribute ~~dispose of~~ all assets for one or more exempt purpose within the meaning of Section 501(c)3 of the Internal Revenue Code or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government for a public purpose.

ARTICLE 17 SAVING CLAUSE

At any meeting, any failure to comply with Bylaw provisions literally or completely regarding dates, times, sending or receipt of notice, or errors in phraseology of notice of proposals shall not invalidate the proceedings, if the failure or error, in the judgment of the members present, has not substantially prejudiced members' rights.

ARTICLE 18 AMENDMENTS

A General provisions: Amendments shall be considered by this Association 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 the Association at least thirty (30) days prior to the meeting.
- 2 Voting for Other Regulations Approval:** Amendments to the other regulations shall require a majority vote of members present and voting, provided 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.

B Exceptions: Notwithstanding paragraph A above, amendments may be considered at any Association meeting in any of the following circumstances:


- 1 Conformity with the law:** To make the Bylaws or other regulations conform with federal or local law or regulation.
- 2 Conformity with USATF:** To make the Bylaws or other regulations conform with USATF requirements.

C Emergency Circumstances: In emergency circumstances, this Association or its Board may adopt changes as follows:

- 1 Vote of the membership:** Upon a ~~ninety~~ seventy-five percent (90 75 %) vote of those present at any meeting of this Association;
- 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 the Association.

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


Lyle Claussen, Interim President
USATF Dakotas


Dee Jensen, Secretary
USATF Dakotas

Approved October 13, 2008
Revised October 12, 2010
Revised January 16, 2022
Revised August 18, 2024

OPERATION REGULATIONS

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;
- b. **USATF, World Athletics, and Sports Act violations:** Violates any of the Bylaws, Operating Regulations, or Competition Rules of USATF or World Athletics, or violates the Sports Act;
- c. **Eligibility violations:** 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 the adjudication or imposition of any penalty by the Association or AAP. All parties:

1. **Representation:** May be represented in any disciplinary, grievance, or Association proceeding by a person (s) who may (but need not) be an attorney;
2. **Right to appeal:** May appeal any adverse decision in accordance with this Regulation;
3. **Attendance at hearing:** May be present at any hearing; and
4. **Presenting and challenging evidence:** Shall have the right to present evidence and witness testimony and to cross-examine witnesses testifying against him, her, or it.

F. Initiation of proceedings: Formal grievances shall be initiated as follows:

1. Grievance complaint filing procedures:

- a. **Filing location:** Complaints shall be filed with the Association President and Secretary. The Secretary shall forward a copy of the Complaint to each party charged in the Complaint;
- b. **Language:** 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 to order a translation of the document (s) in question and may allocate the cost of the translation to any party or all parties, as the panel deems appropriate:

- c. **Basis for the Complaint:** The Complaint shall allege clearly the nature of the dispute and, where appropriate, state the specific violation of the Bylaws, Operating Procedures, Competition Rules, or Policies of USATF, USATF Dakotas, or World Athletics;
 - d. **Facts of allegation:** Factual allegations shall be separately stated in concise language with one allegation set forth in each numbered paragraph of the Complaint;
 - e. **Signature:** The Complaint shall be signed by the person filing the Complaint.
 - f. **Filing fees:** A filing fee of One Hundred U.S. Dollars (US\$100) must accompany an organization's complaint and a filing fee of Seventy-five U.S. Dollars (US\$75) must be paid by individuals filing a Complaint. The filing fee must be in the form of a certified check or money order made payable to the Association;
- 2. **Failure to comply with Complaint procedures:** Complaints that fail to comply with the procedures outline in this Regulation shall be returned to the filer with instructions explaining the deficiency. A returned Complaint may be re-filed within thirty (30) days of the initial filing. After thirty (30) days, the Complaint will be deemed abandoned;
 - 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.
- 2. **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 I-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 World Athletics 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 World Athletics, 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 21-R.