

USATF Georgia Association – Proposed By-Law Changes

Article 21 B.1.

Submitted by Inez Finch

April 27, 2019

Current:

ARTICLE 21 - NATIONAL CONVENTION

B. **Delegate Selection:** The Association will have twelve (12) delegates and select additional delegates as dictated by membership numbers at the time of the selection. The delegates should be selected in the following order of priority:

1. Member of a National Committee.

Proposed:

ARTICLE 21 - NATIONAL CONVENTION

B. **Delegate Selection:** The Association will have twelve (12) delegates and select additional delegates as dictated by membership numbers at the time of the selection. The delegates should be selected in the following order of priority:

1. Member of a National Committee as a voting delegate.

Rationale:

Georgia should only send delegates to the National Convention those who can vote. National Committees are made up of many small subcommittees of people who have no votes.

Disposition:

Passed.

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**Article 20 B.1.
Submitted by Inez Finch
April 27, 2019**

Current:

ARTICLE 20 AMENDMENTS

B. Amendments to Bylaws:

1. Proposed Bylaw amendments shall be considered at the Annual Meeting in odd-numbered years, unless otherwise stated herein.

Proposed:

ARTICLE 20 AMENDMENTS

B. Amendments to Bylaws:

1. Proposed Bylaw amendments shall be considered at the Annual Meeting in even-numbered years, unless otherwise stated herein.

Rationale

- In the USATF National By-Laws amendments to the National By-Laws is in odd number years at the Annual Meeting in November/December.
- By-Law changes we make can be in conflict in three months with amendments made at the Annual Meeting.
- Also, any change in a National By-Law would have to wait until the next odd year in August/September.
- If we change to even year, any By-laws changes can be incorporated at our next Annual Meeting.

Disposition:

Passed.

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Article 10 BOARD OF DIRECTORS

Submitted by Dexter McCloud

March 25, 2019

Current:

ARTICLE 10 BOARD OF DIRECTORS

In the event that any voting member is unable to attend a Board of Directors meeting, they may designate an individual from their committee/function to represent them and vote in their stead at said meeting. In the case of a Sports or Administrative Committee, this representative must be another sitting member of said committee and must be designated in writing or by accepted electronic means by the Committee Chairperson.

Of the voting members of the Board, at least 3 (20% of the Board) shall be Eligible Athletes. All voting members must have current year membership and be of voting age. The Board must include an Active Athlete, where available.

Proposed:

Amend Article 10 ("Board of Directors"). Insert after "Paragraph "A" the following:

ARTICLE 10 BOARD OF DIRECTORS

In the event that any voting member is unable to attend a Board of Directors meeting, they may designate an individual from their committee/function to represent them and vote in their stead at said meeting. In the case of a Sports or Administrative Committee, this representative must be another sitting member of said committee and must be designated in writing or by accepted electronic means by the Committee Chairperson.

Term limits: No individual may hold the same office on the Board of Directors for more than two (2) consecutive terms, except the Athletes Advisory Committee Chair and International Athletes. However, an individual who fills a vacancy may serve for up to two (2) consecutive terms after completing the vacant term. Former board members shall be members to an advisory board automatically so that industry experience is still available to the board.

Of the voting members of the Board, at least 3 (20% of the Board) shall be Eligible Athletes. All voting members must have current year membership and be of voting age. The Board must include an Active Athlete, where available.

Rationale:

- All association Bylaws must align with the National Governance Manual. Adding a provision for term limits lends to that alignment.
- The Association needs fresh faces and fresh ideas on the board. Term limits provide more opportunities for leadership in the track & field community.

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- There is an exception for the Athletes Advisory Chair and international athletes because it has been traditionally difficult to keep this position filled
- Board members should continually assess their skill sets to ensure the board remains competent
- Term limits should center on how to maximize board director productivity during the term.

Disposition:

Tabled until next annual meeting where proposed bylaw changes can be voted upon.

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Article 2 DEFINITIONS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

Executive Committee means the President, Executive Vice President, Vice Presidents, Secretary, and Treasurer of this Association.

Proposed:

Executive Committee means the President, Executive Vice President, Vice Presidents, Secretary, Treasurer, and the immediate Past President of this Association.

Rationale:

To match definition with ARTICLE 9 EXECUTIVE COMMITTEE, OFFICERS AND THEIR DUTIES:

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

Disposition:

Passed.

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Article 2 DEFINITIONS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

Member means any person or entity having met the current requisite (including financial – e.g., payment of annual dues) requirements in order to belong to USATF. A member has the right to full participation, including the right to vote.

Proposed:

Member means any person or entity having met the current requisite (including financial – e.g., payment of annual dues, and compliance with background screening and USATF SafeSport Program) requirements in order to belong to USATF. A member has the right to full participation, including the right to vote.

Rationale:

None provided.

Disposition:

Withdrew by Submitter. Intent was to change “Board Member” requisites, not “Member”.

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Article 7 ELECTIONS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

E. 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.

Proposed:

E. 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 **Active** Athlete, shall count the ballots and sign the **vote** 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.

Rationale:

To align USATF Georgia Association by laws with National by laws.

See page 53, “Counting of ballots”, at 7a of National Guidance.

<http://www.usatf.org/About/Bylaws---Operating-Regulations.aspx>

Disposition:

Passed.

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Article 10 BOARD OF DIRECTORS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

H. **Expulsion:** Failure to participate in two (2) consecutive meetings may, by a 2/3 vote of the Board members attending, result in reprimand, censure, or expulsion of the member or representative. Other grounds for expulsion include for good cause, as set forth in 9D, Removal from Office.

Proposed:

H. **Expulsion:** Failure to participate in two (2) consecutive meetings may, by a 2/3 vote of the Board members attending, result in reprimand, censure, or expulsion of the member or representative. Other grounds for expulsion include for good cause, as set forth in Article 9(D)E, Removal from Office.

Rationale:

Include missing word.

Disposition:

Passed.

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Regulation 1 FORMAL GRIEVANCES AND DISCIPLINARY PROCEEDINGS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Item 1 of 3

Current:

D. Disciplinary matters: USATF Georgia shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline pursuant to the following.

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.

Proposed:

D. Disciplinary matters: USATF Georgia shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline pursuant to the following

2. **Time limit and Dates:** 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; and

2.1 Grievances or disciplinary hearing to be held within ninety-five (95) days of filing the proceeding.

3. **Filing:** Special procedures for filing and handling grievances against an officer of the Association, which exclude the officer from the grievance administration process.

Rationale:

To align USATF Georgia Association by laws with National by laws.

See page 51, G (2) (c) of the National Guidance. According to the National Bylaws, special procedures should be in place.

Item 2 of 3

Current:

F 1.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

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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;

Proposed:

F 1.f. Filing Fees: A filing fee of One Hundred U.S. Dollars (US\$100) must accompany an entity or 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;

Rationale:

Do not limit filing fees to an organization; any entity that files a complaint must pay the filing fee.

Item 3 of 3

Current:

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

Proposed:

P. **Appeals:** The decision of the arbitrator to be appealed under USATF Regulation 21-R.

Rationale:

To align USATF Georgia Association by laws with National by laws.

See page 51, at G.2.f. in National Guidance.

Disposition (all 3 items):

Passed.

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ARTICLE 15 SANCTIONS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

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

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.

Proposed:

The general sanction provisions of USATF which affect local Associations appear in this Article. Additional regulations appear in USATF Article 15 (Sanctions) and Operating Regulation 23 (Athletic Sanctions).

A. **Definition:** The definition of "international competition" shall apply to 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).

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

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Association of USATF shall promptly grant a sanction requested by a sports organization or person(s), 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 the president or executive director/CEO of 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 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 23.

Rationale:

To align USATF Georgia Association by laws with National by laws.

Operating Regulations and Bylaws references have been changed.

Disposition:

Passed.

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ARTICLE 16 LEGAL MATTERS

Submitted by LaVonda Dewitt / By-Law Committee Chair

March 31, 2019

Current:

C. **Arbitration:** This Association agrees to submit to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association, in any controversy involving its recognition as a national governing body, as provided for in Paragraph 395, Subchapter II, Chapter 17, of Title 36 (page 93) of the United States Code, or in any controversy involving the opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in Athletics competition, as provided for in the constitution and bylaws of the USOC.

Proposed:

C. **Arbitration:** This Association agrees to submit to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association, in any controversy involving its recognition as a national governing body, as provided in the Sports Act, or in any controversy involving the opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in Athletics competition, as provided for in the constitution and bylaws of the USOC.

Rationale:

To align USATF Georgia Association by laws with National by laws.

See page 35, paragraph J of the National Guidance.

Current:

D. **Conflict of interest:** Any individual representing this Association, or who has a financial arrangement with USATF or this Association, or who is a member of any of its committees, shall not participate in the evaluation or approval of a contract with a supplier to furnish goods or provide services to USATF or this Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration. The Board may require that such individuals disclose all financial interests that may influence the performance of their duties for USATF or this Association. Each individual referred to in the first sentence of this paragraph shall, upon learning that this Association is proposing to enter into an arrangement in which he or she has financial interest, promptly notify the President in writing of the existence of such interest, and the President shall, in turn, promptly disclose such interest to those bodies of USATF involved in considering entry into the arrangement. In the event of a violation of this provision, this Association shall have the right to recover such benefit or payment and to void the contract or transaction.

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Proposed:

D. **Conflict of interest:** Any individual representing this Association, or who has a financial arrangement with USATF or this Association, or who is a member of any of its committees, shall not participate in evaluating or approving any contract with a supplier to furnish goods or provide services to USATF or this Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration. The Board may require that such individuals disclose all financial interests that may influence the performance of their duties for USATF or this Association. Each individual referred to in the first sentence of this paragraph shall, upon learning that this Association is proposing to enter into an arrangement in which he or she has financial interest, promptly notify the President in writing of the existence of such interest, and the President shall, in turn, promptly disclose such interest to those bodies of USATF involved in considering entry into the arrangement. In the event of a violation of this provision, this Association shall have the right to recover such benefit or payment and to void the contract or transaction.

Rationale:

To align USATF Georgia Association by laws with National by laws.

See page 35, paragraph K in National Guidance.

Disposition:

Passed.