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## BY LAWS OF THE PACIFIC ASSOCIATION OF USA TRACK & FIELD

Items in red are proposed changes

Major additions in section 16 and 17 as result of requirement of USATF  
Proposal introduced for first reading at May Board of Athletics Meeting with final approval set for September meeting. Feedback should be sent to George Kleeman at [george\\_kleeman@comcast.net](mailto:george_kleeman@comcast.net). Updated 8/26/09 see 15.c.2 (pg. 14) and 16.a.2 in green (pg 17).

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## **ARTICLE 1. NAME**

The name of this organization shall be the Pacific Association of USA TRACK & FIELD. The policy making body of this Association shall be the Board of Athletics.

## **ARTICLE 2. AUTHORITY OF THIS ASSOCIATION**

(a) This Association shall be the local governing body for the sport of Athletics in the Pacific Association and shall exercise all powers appropriate thereto, including the following:

(1) Represent the Pacific Association within USA TRACK & FIELD, the national governing body.

(2) Serve as the coordinating body for all amateur athletic activity, including the conduct of championship events, in the sport of Athletics in the Pacific Association area.

(b) The Board shall be governed by the by-laws of USA TRACK & FIELD, whose definitions are incorporated by reference herein, and these by-laws.

(c) The fiscal year of this Association shall be from January 1 to December 31.

## **ARTICLE 3. CONSTITUENCY OF THE PACIFIC ASSOCIATION"**

The constituency of this Association shall consist of Clubs, Athletes, Officials, Coaches, Trainers, Individuals, and such Sports Organizations as may be recognized by USATF. To become a constituent, each group and individual entity shall apply for membership in writing to the Association. Membership shall be effective upon acceptance by the Association, and may be renewed annually, upon payment of the applicable fees and compliance with designated procedures.

All organizations and any person representing an organization in Association voting matters must be members of USATF.

## **ARTICLE 4. OFFICERS OF THE PACIFIC ASSOCIATION**

The officers of this Association shall be:

(a) President

(b) Vice-President

(c) Treasurer

(d) Secretary

## **ARTICLE 5. ELECTION OF OFFICERS**

(a) Each officer shall be elected to office biennially, for the term beginning on June 1 of each odd numbered year. No person shall serve in the same office for more than two successive two-year terms. There shall be no

order of succession to any office. In the event an officer resigns or is unable to serve, the Board of Directors shall name a successor for the unexpired term as soon as possible.

(b) Notice of elections must be distributed by mail, email, newsletter, Association web site, and/or the National Office's web site. If a web site notice is used, then members must be informed where to find such information on the web site through a mailing or newsletter. 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 process. Any notice of meeting change or a change in the election process must be communicated at least fourteen (14) days prior to the meeting.

(c) Nominations will be accepted by mail or electronically (e.g. e-mail or fax) at the office until the day before the Board of Athletics meeting which precedes the election meeting. Nominations from the floor will be taken at the two regularly scheduled Board of Athletics' meetings which precede the election, regardless of the presence of a quorum. Candidates must be members of the Association and be at least 18 years of age, at the start of the term of office. Candidates must have one (1) nominator and one (1) seconder who are both members.

(d) At the close of nominations if there is more than one candidate for a particular office, the Executive Director shall mail or electronically distribute ballots to every member of the Board of Athletics at their appropriate address of record with the request that the ballots be returned before the election meeting. The minimum time allowed for return of the ballot shall be thirty (30) days. The return address and deadline must be printed on the ballot. The Executive Director shall handle all ballots with regard for their confidentiality and present the unopened ballots for tabulation at the election meeting.

(e) Each voting member shall cast only one (1) ballot, regardless of how many positions that member holds within the Board of Athletics. There shall be no proxy voting. Voters must be at least 18 years of age on the day the ballots are due. Except for renewals from the previous year, individuals must be members in the month which ends more than one full month preceding the election.

(f) The election of officers shall be conducted by ballot by mail or electronic means by members of the Board of Athletics. All ballots received by the Executive Director prior to or at the time fixed for elections on the agenda for the election meeting of the Board of Athletics in each odd- numbered year shall be counted. The candidate who receives the majority of votes cast for each office shall be elected to that office. If there is not a majority, then the top two candidates and ties for second will have an immediate runoff election. Election in the second round requires a simple plurality. The election count shall be held at the time fixed regardless of the presence of a quorum. Each member of the Board may cast only one vote, no matter how many positions the member holds.

(1) Balanced mail or electronic (e.g. email or fax) ballot: The minimum provisions for a balanced mail or electronically distributed ballot, where only members of the Association's Board of Athletics are eligible to vote are:

i. The minimum number of available votes is determined by the currently configured Association's Board of Athletics in compliance with the provisions of these bylaws;

ii. Article 9 of these bylaws explains how 100 percent of the available votes are divided among the following five constituencies: active athletes, coaches, officials, organizational members, and other members (which may include elected officers of the Association);

iii. In determining how 100 percent of the available votes are divided per Article 9 of these bylaws, each constituency listed in ii above will be guaranteed to have at least ten percent (10%) of the votes, except that active athletes must receive a minimum of twenty (20%);

iv. Individuals who are eligible to cast a ballot on more than one constituency must choose one constituency in which to vote;

v. Constituencies with more individuals than votes allowed will determine before the election the voters or apportionment of votes; and

vi. In the active athlete constituency, youth (18-year old), open (non-international ages 19-39), international (ten-year rule regardless of age), and Masters (40-and above) athletes must each be represented if member athletes are available. In such a case, the number of votes granted to a division above shall be as equal as possible.

(g) 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 tally. All panel members shall be of voting age. The panel shall not include any individual who is a candidate for a contested office. Ballots (mail or electronic) shall only be opened in the presence of the entire panel. If circumstances prevent the appointed panel from convening in a timely manner, a new panel meeting the above criteria may be convened to count the ballots. The results for each round will be published at the meeting. The ballots will be kept by the office for two weeks following the election meeting and then destroyed.

(h) Regardless of whether a mail ballot is used, the President, Secretary and other Officers of the Association must be elected by a majority of the ballots cast. If a run-off election is necessary, the notification requirement shall be the same.

(i) Current employees and independent contractors (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's Board of Athletics, be permitted to vote if they are members and otherwise eligible.

(j) If a committee does not have an election procedure in their operating procedures then the procedure outlined in this article will be used in so far as it complies. 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 which are determined prior to the voting for the position.

## **ARTICLE 6. DUTIES OF THE OFFICERS**

The officers shall perform the following duties and any other duties prescribed by the Board of Athletics or Board of Directors:

(a) President:

The President shall preside at all meetings of the Board of Directors and the Board of Athletics, and shall be a non-voting ex officio member of all committees. Subject to the direction of the Board of Athletics, the President shall oversee the affairs of this Association and appoint interim chairpersons for committees that don't have procedures for replacing open chair positions or for non-functioning committees

(b) Vice-President:

The Vice-President shall be a nonvoting ex officio member of all committees and, in the case of disability of the President, shall also perform the duties of that office until a successor is named. The Vice-President will assume such roles as assigned by the President.

(c) Treasurer:

The Treasurer shall:

(1) Keep or cause to be kept a correct and complete record of accounts, showing accurately at all times the financial status of this Association.

(2) Be responsible for the accounting and security of all funds, notes, securities, and other assets of this Association.

(3) Deposit, or cause to be deposited, all funds of this Association, with such depositories as the Board of Athletics shall designate.

(4) Furnish at meetings of the Board of Athletics, or whenever requested, a statement of the financial condition of this Association.

(5) Report at least quarterly to the Board of Athletics the current status of the account of each sport committee.

(6) Prepare, or cause to be prepared, an annual budget to include the anticipated income and expenses of this Association, and submit such budget to the Board of Athletics at or prior the first meeting in the fall (usually the September meeting).

(7) Perform, or cause to be performed, an audit of the financial records of this Association as may be directed by the Board of Athletics.

(8) File, or cause to be filed, annual tax returns.

(9) Be the chairman of the Financial and Audit Committee.

(d) Secretary:

The secretary shall keep or shall cause to be kept all records of this Association, and all minutes of meetings of this Association, Board of Directors and Board of Athletics; and, in general, shall perform all duties normally pertaining to the office of Secretary.

#### **ARTICLE 7. EXECUTIVE DIRECTOR**

(a) The Board of Directors may hire or contract for the services of an Executive Director who shall be responsible to the Board of Directors, and whom the President shall oversee.

(b) The Executive Director shall have the following duties:

(1) Conduct the office operations of this Association.

(2) Appoint and supervise such additional staff persons as may be authorized by the Board of Directors.

(3) Maintain the records of the Association, including current membership and financial records.

(4) Disburse such funds as may be authorized by the Treasurer, Board of Directors, Board of Athletics, or other proper authority.

(5) Serve as a nonvoting ex officio member of the Board of Directors. If the Executive Director is not otherwise a member of the Board of Athletics, the Executive Director shall serve as a nonvoting ex officio member of the Board of Athletics.

(6) Implement the strategic plan.

(7) Server as a non-voting ex officio member of the Financial and Audit Committee.

(8) Such other duties as may be prescribed by these by-laws or by the Board of Directors.

#### **ARTICLE 8. BOARD OF DIRECTORS**

(a) The Board of Directors shall be composed of the following:

(1) The President, Vice-President, Treasurer and Secretary of the Association.

(2) The Immediate Past President of the Association as an ex-officio member.

(3) Athlete Members will comprise at least 20% of the Board of Directors. The chairperson of the Athletes Committee will be one of these members. Other athletes to make up the remainder of the 20% will be elected by the Athletes Committee at their annual meeting by a majority vote of the members present regardless of the presence of a quorum.

(b) The Board of Directors shall be responsible for reporting annually to the Board of Athletics on the status of the strategic plan for this Association.

(c) The Board of Directors shall be responsible for preparing the annual budget for approval to the Board of Athletics.

(d) The Board of Directors shall perform the duties of the Board of Athletics between meetings of the Board of Athletics and such duties as may be directed by the Board of Athletics, and shall, unless otherwise provided in these by-laws, perform the duties normally performed by the Board of Directors of a not for profit corporation organized in accordance with the laws of the State of California.

(e) The Board of Directors may hire or contract for and is ultimately responsible for the evaluation of the Executive Director and staff. Input should be solicited from a representative sample of all segments of the constituency of the organization. This should include, but not be limited to, the Board of Athletics and those entities that request sanctions.

(f) The Board of Directors shall be responsible for over viewing all grievances and the proposed action that results and presenting the Board's recommendation on the Grievance Panels' recommendation for action by the Board of Athletics.

(g) At the discretion of the President, meetings may be conducted by phone, e-mail or private electronic chat room.

(h) All action taken by the Board of Directors shall be reported to the Board of Athletics at the next regularly scheduled meeting of the Board of Athletics.

(i) At least one Board of Directors meeting each year will be conducted as a formal Board of Directors meeting for the corporation as determined by the Board of Directors. Normally this will be the September meeting. Meeting notice for that annual meeting may be made by phone, mailed or electronically transferred normally no later than (7) days prior to the scheduled date of each meeting. At or before that meeting a copy of the agenda and the minutes of the last annual meeting will be made available. The Board of Directors may conduct any association and/or Board of Athletics business at any Board of Directors meeting held between the meetings of the Board of Athletics. A hard copy of the agenda for such non-annual meetings can be made available at the meeting if it has been previously communicated.

(j) At the discretion of the President, meetings may be conducted by phone.

(k) A majority of the members shall constitute a quorum.

(l) If any vacancy occurs for any officer position, that position shall be filled by appointment by the most senior officer (President, Vice President, Treasurer and/or Secretary) with the approval of the Board of Directors until the next regular election or until the next appropriate election. If a vacancy occurs for the Immediate Past President's position, the previous Immediate Past President shall fill that position.

## **ARTICLE 9. BOARD OF ATHLETICS**

(a) The Board of Athletics shall be composed of the following:

- (1) The President, Vice-President, Treasurer and Secretary of this Association.
- (2) The Immediate Past President of this Association.
- (3) The elected athlete members of the Board of Directors.
- (4) The Chairperson of each Sport Committee.
- (5) The Chairperson of the Athletes Committee.
- (6) The Chairperson of the Officials Committee.
- (7) The Chairperson of the Awards Committee.
- (8) The Chairperson of the Communication Committee
- (9) The Chairperson of the Equipment Committee
- (10) The Chairperson of the Membership Committee.
- (11) The Chairperson of the Marketing Committee.
- (12) The Chairperson of the Media Committee.
- (13) The Chairperson of Sports Medicine
- (14) The Chairperson of the Coaches Committee.
- (15) The Chairperson of the Committee for Athletics for the Disabled.
- (16) Representatives of Athletic Clubs, elected through each of the sport committees on the basis of one member for each ten (or fraction thereof) Athletic Clubs. An Athletic Club shall have for this purpose at least three registered athletic members of this Association who compete in the discipline of the electing sport committee. These will be elected by such clubs and organizations at the annual meeting for the sport committee to which they belong.
- (17) Representatives of Sporting Organizations and Clubs that have less than three registered members, on the basis of one representative for every ten (or fraction thereof) such groups elected by them at their annual meeting.
- (18) Representatives of athlete members, elected by the Athletes Committee on the basis of one member for each eight hundred (or fraction thereof) athlete members of this Association elected by them at their annual meeting
- (19) Representatives of Officials, elected by the Officials Committee on the basis of one member for each hundred (or fraction thereof) officials certified by this Association.
- (20) Representatives of the Coaches Committees on the basis of one member for each hundred (or fraction thereof) coaches certified by this Association.

(21) Representatives of Amateur Sports Organizations which are national members of USATF, on the basis of one member for each such member organization.

(22) Representatives of the Disabled Athletes Committee on the basis of one member for each hundred (or fraction thereof) disabled athletes registered with this Association.

23) Additional Athlete Members, elected by the Athletes Committee, in order to insure twenty percent (20%) of the Board of Athletics are athletes. In determining the 20% member membership, athletes from all disciplines will be counted; i.e. a Master Athlete who is an Officials representative would count as an athlete member. Whenever available at least 25% of the athletes should fit the definition used for membership of the Athletes Committee in Article 11(a).

(24) Not more than three members at large, appointed by the President.

(b) The number of committee members as of June 30 will be used to determine the number of committee representatives a committee may have on the Board of Athletics and constitutes the eligible voting population of the election.

(c) An appointed committee chair or Board member shall not have a vote in elections unless otherwise qualified to vote.

(d) If an organization has more than one (1) vote, each ballot must be cast by a different representative.

(e) The Board of Athletics shall establish policy for this Association, shall adopt a budget for this Association for each fiscal year, including the setting of all fees, and shall at least every Olympiad adopt a strategic plan for this Association during the first year of the new Olympiad.

(f) At least **four** ~~five~~ meetings shall be held each year, normally every two **or three**(2-3) months as determined by the Board of Athletics. Meeting notices shall be sent by mail or electronic means, along with the agenda and minutes of the previous meeting, no later than seven (7) days prior to the scheduled date of each meeting.

(g) The President and the Executive Director shall prepare the agenda for each meeting of the Board of Athletics. Any member of the Board of Athletics may submit proposed agenda items to the Executive Director not later than fifteen days prior to the scheduled date of each meeting.

(h) A quorum for meetings shall consist of at least ten members, present and voting. No member may vote in more than one capacity and no voting by proxy shall be permitted.

(i) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws (See Article 20).

## ARTICLE 10. SPORT COMMITTEES

(a) The following shall be the sport committees for this Association:

Men's Long Distance Running Master's Long Distance Running

Women's Long Distance Running Master's Track & Field

Men's Track & Field Youth Athletics

Women's Track & Field Race Walking



(b) Each sport committee shall have one member named by each member club which has at least three registered athlete members of this Association who compete in the discipline of the sport committee, and each member sports organization that participates in the discipline of the sport committee. In addition, 20% of the committee shall be comprised of active athlete members, except for the Youth Athletics Committee should athlete members not constitute twenty percent (20%) of the committee membership, the Chair of the committee shall appoint additional athlete members sufficient to achieve twenty percent (20%) athlete membership of the committee. The Youth Athletics Committee shall include at least two athlete members who are actively competing in Youth Athletics. Whenever possible, at least some of the athlete members on the Men's Track & Field, the Women's Track & Field, Race Walking, the Men's Long Distance Running and Women's Long Distance Running Committees should be athletes who have competed for the United States in international competition in the last ten years.

(c) Each committee shall hold an annual meeting of its membership upon call by the committee chair, with additional meetings as may be needed. Notice of each annual meeting, along with the agenda and minutes of the previous meeting, shall be sent by mail or electronic means to all committee members no later than thirty (30) days prior to the meeting date. A quorum shall consist of either at least fifty percent of the total membership of a committee if there are less than five (5) members at any given time as defined by these by laws or by their operating rules, or by five members, whichever is less. No member may vote in more than one capacity and no voting by proxy shall be permitted but significant issues may be submitted to the whole committee for a vote at the annual meeting, by mail or electronic means.

(d) The term of members of all committees shall be two (2) years. No appointment to a committee shall be effective until the Chair of the committee has formally notified the Secretary and Executive Director of it. Each committee shall annually elect the number of representatives to the Board of Athletics, which it is entitled to elect.

(e) The Chair of each committee shall be elected by ballot by the voting members of the committee sent by mail or electronic means in time for the announcement of the winner at either the committee's or the Association's annual meeting in the same year in which the Officers of this Association are elected, and not later than August 31. The election for committee officers will be handled through the office, which will send out a nomination request, the ballots and receive them by return mail or electronic means. The office will then tabulate the results and pass them on to the chairman for announcement at the annual meeting. To be eligible to vote in a committee election, you must be a member of that committee on June 30 of the election year. For club representatives to have a vote, the club must comply with the requirements set forth in Article 9 (a)(16) that they have at least three currently registered athletic members in this association and that those three athletes must have competed within the last year in a Pacific Association event in the discipline of the sport committee in which the election is being held. If challenged the club must demonstrate compliance with this provision in order to vote. The committee may fill vacancies in any of said positions at any meeting of the committee.

(f) As part of the annual committee meeting or by electronic means the committee members shall nominate and elect the appropriate number of delegates that they are allowed to their corresponding national committee. The chair will cause the office to be informed of the results of the election by August 31 so that the office can notify USATF of our committee representatives for the upcoming convention. Any vacancies in such positions may be filled by appointment of the chair or designee with the concurrence of the committee's executive committee, when possible.

(g) Each committee shall establish and maintain operating policies and procedures written so as to secure effective administration of committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there.

(h) Each committee shall recommend fees and a list of other criteria for sanctions of all athletic competitions and activities falling within their jurisdiction, and present this to the Board of Athletics. The Executive Director or his designee issues sanctions.

- (i) Each committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer at a time set by the Treasurer, and the Executive Director for submission to the Board of Athletics. It shall deposit all funds with the Executive Director and designate the individual to approve disbursement by the Executive Director of funds within the committee's budget.
- (j) Each committee shall conduct or cause to be conducted all championships appropriate to their jurisdiction.
- (k) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws or the committee's Operating Procedures.

## **ARTICLE 11. ATHLETES COMMITTEES**

(a) The Athletes Committee shall consist of all currently registered athletes in the Pacific Association that have a performance equivalent to the qualifying standard for any of the following: a National Senior Championship, a National Junior Championship, the NCAA Division 2 standard or the Olympic standard for the Marathon in the last four years. It shall encourage and foster the active participation of athletes in the activities of this Association, including meetings of the Board of Athletics and appropriate committees. It shall serve as a source of reference, opinion and advice to the President, Board of Directors and Executive Director on matters relating to athletes.

(b) The Committee shall, through meetings, publications and other appropriate media, educate athletes about their rights and responsibilities in the sport of athletics, and assist athletes in preserving and protecting such rights.

(c) The Committee shall assist the Association in the development and promotion of the sport of Athletics.

(d) The committee shall hold at least one meeting per year, called by the committee chair, and with additional meetings as may be needed. Notice of each meeting, shall be sent by mail or electronic means to all members of the committee no later than seven (7) days prior to the meeting date. A quorum shall consist of either at least fifty percent of the total membership of a committee if there are less than five (5) members at any given time as defined by these by laws or by their operating rules, or by five (5) members, whichever is less. No member may vote in more than one capacity and no voting by proxy shall be permitted but a significant issue may be submitted to the whole committee for a vote at the annual meeting, by mail or electronic means.

(e) The Committee shall annually elect its members of the Board of Directors and the number of representatives to the Board of Athletics. Whenever possible some of these representatives should be athletes who have represented the United States in international competition within the last ten years. It shall elect the chair of the committee by ballot sent by mail or electronic means in time for the announcement of the winner at the annual meeting in the same year in which the Officers of this Association are elected and not later than August 31. The election for committee officers will be handled through the office that will send out a nomination request, the ballots and receive them by return mail or electronic means. The office will then tabulate the results and pass them on to the chairman for announcement at the annual meeting. To be eligible to vote in a committee election, you must be a member of that committee on June 30 of the election year. The chair may fill vacancies in any of the said positions.

(f) As part of the annual committee meeting or by electronic means the committee members shall nominate and elected the appropriate number of delegates that they are allowed to their corresponding national committee. The chair will cause the office to be informed of the results of the election by August 31 so that the office can notify USATF of our committee representatives for the upcoming convention. Any vacancies in such positions may be filled by appointment of the chair or designee with the concurrence of the committee's executive committee, when possible.

(g) The Athletes Committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer at the time set by the Treasurer, the Chair of the Financial and Audit Committee, and the Executive

Director for submission to the Board of Athletics. It shall deposit all funds with the Executive Director and designate the individual to approve disbursement by the Executive Director of funds within the Committee's budget.

(h) The committee shall establish and maintain operating policies and procedures written so as to secure effective administration of the committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there.

(i) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws or the committee's Operating Procedures.

## **ARTICLE 12. OFFICIALS COMMITTEE**

(a) The Officials committee shall consist of all officials certified by this Association. It shall:

(1) Certify and generally supervise officials consistent with the directives of USA Track & Field.

(2) Develop and maintain instructional programs for officials, including examinations, clinics, and other such activities as it may prescribe.

(3) Certify Association Officials, and recommend to USA Track & Field candidates for National and Master Official certifications.

(b) The committee shall hold an annual meeting of its membership upon call by the committee chair, with additional meetings as may be needed. Notice of each meeting, along with the agenda and minutes of the previous meeting, shall be sent by mail or electronic means to each certified official no later than seven (7) days prior to the meeting date. A quorum shall consist of ten members. No member may vote in more than one capacity and no voting by proxy shall be permitted but significant issues may be submitted to the whole committee for a vote at the annual meeting, by mail or electronic means.

(c) The committee shall annually elect the number of representatives to the Board of Athletics that it is entitled to elect. It shall elect the chair of the committee by ballot sent by mail or electronic means in time for the announcement of the winner at the annual meeting in the same year in which the Officers of this Association are elected and not later than August 31. The election for committee officers will be handled through the office that will send out a nomination request, the ballots and receive them by return mail or electronic means. The office will then tabulate the results and pass them on to the chairman for announcement at the annual meeting. To be eligible to vote in a committee election, you must be a member of that committee on June 30 of the election year. The chair may fill vacancies in any of the said positions.

(d) As part of the annual committee meeting or by electronic means the committee members shall nominate and elect the appropriate number of delegates that they are allowed to their corresponding national committee. The chair will cause the office to be informed of the results of the election by August 31 so that the office can notify USATF of our committee representatives for the upcoming convention. Any vacancies in such positions may be filled by appointment of the chair or designee with the concurrence of the committee's executive committee, when possible.

(e) The committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer at a time set by the Treasurer, the Chair of the Financial and Audit Committee, and the Executive Director for submission to the Board of Athletics. It shall deposit all funds with the Executive Director, and designate the individual to approve disbursement by the Executive Director of funds within the Committee's budget.

(f) The committee shall establish and maintain operating policies and procedures written so as to secure effective administration of the committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there.

(g) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws or the committee's Operating Procedures.

### **ARTICLE 13. COACHES COMMITTEES**

(a) There will be a Coaches Committees with three divisions: 1) one for collegiate coaches, Community/Junior College coaches and Senior USATF certified coaches, 2) one for high school coaches and Youth USATF certified coaches, and 3) one for Coaches' Education. There will be a sub-chair for each division in addition to the chair of the whole committee.

(b) The Coaches Committees shall consist of all the appropriate level USATF certified coaches in the Pacific Association, or individuals whose paid employment includes the coaching of school/college community in Athletics and who are also members of the Pacific Association of USA Track & Field.

(c) The committee's purpose shall be to

(1) Provide certification and a meeting forum for coaches in the Pacific Association.

(2) Develop and maintain educational programs for coaches, including examinations, clinics, schools and other such activities as may be prescribed either by the committee, the National Coaches Committee or the National Coaches Education Committee under the Coaches Education Division.

(3) Assist the Association in promotion and development of coaches and the sport of Athletics under their jurisdiction.

(d) The Committee shall hold an annual meeting of its membership upon call by the committee chair, with additional meetings as may be needed. Notice of each meeting shall be sent by mail or electronic means to all members no later than seven (7) days prior to the meeting date. A quorum shall consist of either at least fifty percent of the total membership of a committee if there are less than five (5) members at any given time as defined by these by laws or by their operating rules, or by five members, whichever is less. No member may vote in more than one capacity and no voting by proxy shall be permitted but significant issues may be submitted to the whole committee for a vote at the annual meeting, by mail or electronic means.

(e) The Committee shall annually elect its representatives to the Board of Athletics elect its chairperson not later than August 31. The committee is entitled to one representative for every hundred (or fraction thereof) certified coaches. It shall elect the chair of the committee by a ballot by mail or electronic means in time for the announcement of the winner at the annual meeting in the same year in which the Officers of this Association are elected and not later than August 31. The election for committee officers will be handled through the office that will send out a nomination request, the ballots and receive them by return mail or electronic means. The office will then tabulate the results and pass them on to the chairman for announcement at the annual meeting. To be eligible to vote in a committee election, you must be a member of that committee on June 30 of the election year. The chair may fill vacancies in any of the said positions.

(f) As part of the annual committee meeting or by electronic means the committee members shall nominate and elected the appropriate number of delegates that they are allowed to their corresponding national committee. The chair will cause the office to be informed of the results of the election by August 31 so that the office can notify USATF of our committee representatives for the upcoming convention. Any vacancies in such positions may be filled by appointment of the chair or designee with the concurrence of the committee's executive committee, when possible.

(g) The Committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer, the Chair of the Financial and Audit Committee, and the Executive Director at the time set by the Treasurer, for submission to the Board of Athletics. It shall deposit all funds with the Executive Director and designate the individual to approve disbursement by the Executive Director of funds within the committee's budget.

(h) The Committee shall establish and maintain operating policies and procedures written so as to secure effective administration of the committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there.

(i) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws or the committee's Operating Procedures.

#### **ARTICLE 14. COMMITTEE FOR ATHLETICS FOR THE DISABLED**

(a) The Committee for Athletics for the Disabled shall consist of a chairperson and one other member both appointed by the President, one member from each of the sport committees and three disabled member athletes.

(b) The committee's purpose is to serve as a liaison with the National Committee for Athletics for the Disabled and with local amateur sports organizations for Disabled Athletes which conduct regular programs; to develop and implement programs which foster participation of disabled athletes in Pacific Association events; and to educate and help appropriate committees in the education and certification of officials and coaches for those disabled events.

(c) The committee shall hold an annual meeting of its membership upon call by the committee chair, with additional meetings as may be needed. Notice of each meeting shall be sent to all members by mail or electronic means no later than seven (7) days prior to the meeting date. A quorum shall consist of either at least fifty percent of the total membership of a committee if there are less than five (5) members at any given time as defined by these by laws or by their operating rules, or by three members, whichever is less. No member may vote in more than one capacity and no voting by proxy shall be permitted but significant issues may be submitted to the whole committee for a vote at the annual meeting, by mail or by electronic means.

(d) The committee shall annually elect its representatives to the Board of Athletics and in odd numbered years, elect its chairperson not later than August 31. The committee is entitled to one representative for every fifty (or fraction thereof) registered athletes.

(e) As part of the annual committee meeting or by electronic means the committee members shall nominate and elected the appropriate number of delegates that they are allowed to their corresponding national committee. The chair will cause the office to be informed of the results of the election by August 31 so that the office can notify USATF of our committee representatives for the upcoming convention. Any vacancies in such positions may be filled by appointment of the chair or designee with the concurrence of the committee's executive committee, when possible.

(f) The committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer, the Chairperson of the Financial and Audit Committee and the Executive Director at the time set by the Treasurer, for submission to the Board of Athletics. It shall deposit all funds with the Executive Director and designate the individual to approve disbursements by the Executive Director of funds within the committee budget.

(g) The Committee shall establish and maintain operating policies and procedures written so as to secure effective administration of the committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there.

#### **ARTICLE 15. ADMINISTRATIVE COMMITTEES**

(a) The following shall be the administrative committees for this Association:

Awards Communications

Media Marketing

Financial and Audit Membership

Equipment Sports Medicine

(b) Each administrative committee shall consist of

(1) A chairperson and one other member both appointed by the President, one member from each sport and each coaches committee, plus one each from the Officials and the Athletics for the Disabled Committees, plus three athletes from the Athletes Committee unless defined otherwise in the subsequent committee subsection.

(2) The Committee shall hold an annual meeting of its membership upon call by the committee chair, with additional meetings as may be needed. Notice of each meeting shall be made to all members no later than seven (7) days prior to the meeting date. A quorum shall consist of fifty percent of the total named (i.e. active) membership of the committee\*. No member may vote in more than one capacity and no voting by proxy shall be permitted but significant issues may be submitted to the whole committee for a vote at the annual meeting, by mail or electronic means.

\* If committee members are not named or if named members are not active then the number of committee members to be used to determine if there is a quorum will be considered to be 50% of the active members of the committee. An active member is one who has attended previous meetings, communicated with the committee chair and other members about committee business.

(3) The Committee shall prepare its proposed budget for each fiscal year and transmit it to the Treasurer, the Chairperson of the Financial and Audit Committee and the Executive Director at the time set by the Treasurer, for submission to the Board of Athletics. It shall deposit all funds with the Executive Director and designate the individual to approve disbursement by the Executive Director of funds within the committee's budget.

(4) The Committee shall establish and maintain operating policies and procedures written so as to secure effective administration of the committee functions without depriving the membership of their rights of participation in all committee actions. A current version must be sent to and kept on file in the Pacific Association office as soon as they are approved and will be kept on file there. The Board of Athletics will approve any procedure that impacts another committee at the Board of Athletics' next schedule meeting.

(5) Questions of order shall be decided in accordance with the most recent edition of Robert's Rules of Order unless provided otherwise in these by-laws or the committee's Operating Procedures.

### **(c) AWARDS COMMITTEE**

It shall:

(1) Develop criteria for awarding annually to deserving individuals and/or organizations a token of permanent recognition of their outstanding service to, or prowess in, the sport of Athletics.

(2) Develop and maintain criteria for awarding membership in the Pacific Association Hall of Fame.

(3) Select the recipients and arrange for the presentation of such awards as may be authorized by the Board of Athletics.

- (4) Maintain a permanent record of all awards made on behalf of this Association.

#### **(d) COMMUNICATIONS COMMITTEE**

It shall:

- (1) Develop and implement an annual plan to inform the Association membership and the public about the activities of the Association, including opportunities to participate in, officiate, coach, or to observe athletic competitions.
- (2) Oversee the publication of any newsletter, brochure magazine, or other publication that the Association may produce or acquire.
- (3) Oversee the administration and design all Pacific Association websites. They will act on behalf of the Board of Athletics to manage such official websites. Committees and sub committees may not have website separate from the Pacific Association websites unless approved by the Board of Athletics.

#### **(e) MEDIA COMMITTEE**

It shall:

- (1) Develop and implement an annual plan to interact with the media in our Association to help inform and further promote our sport.
- (2) Oversee any and all press releases from the Pacific Association office
- (3) Develop and implement plan to educate the Pacific Association athletes in proper and courteous media relations.

#### **(f) MARKETING COMMITTEE**

The Marketing Committee shall have the following additional members one each from the Media Committee, the Communications Committee, and the Membership Committee.

It shall:

- (1) Develop and implement an annual plan to market Pacific Association events and programs to sponsors.
- (2) Work with the Executive Director and Marketing Director to coordinate sponsorship.
- (3) Overview and recommendations to the Board of Athletics concerning any advertising or sponsorship proposals involving the association business or that of its committees or sub-committees. This will include sponsorship or advertising on any Pacific Association websites.

#### **(g) FINANCIAL AND AUDIT COMMITTEE**

The Treasurer will serve as the chair of this committee and the Executive Director will be non-voting ex officio member of the committee.

It shall:

- (1) Develop and maintain current fiscal procedures concerning the operation of the Pacific Association.

(2) Audit or cause to be audited the financial activities, assets (including investments and records of the Pacific Association) on a routine basis as approved by the Board of Athletics.

#### **(h) MEMBERSHIP COMMITTEE**

It shall:

- (1) Develop and implement an annual plan to improve the benefits of membership and increase the membership of the Pacific Association.
- (2) Maintain and review all applications for organization memberships in the Pacific Association to make sure they meet and maintain minimum requirements.
- (3) Hear and decide on any appeals or disputes concerning membership of individuals, clubs or organizations, including requests by any of the same from boundary associations or for athlete representation between clubs, or other membership issues.

#### **(i) EQUIPMENT COMMITTEE**

It shall:

- (1) Manage the competition equipment assets of the Pacific Association that will include rental and repair of that equipment.
- (2) Recommend to the Board of Athletics what competition equipment should be purchased and help with its purchase when appropriate.
- (3) Maintain the current and future competition equipment asset inventory.

#### **(j) SPORTS MEDICINE COMMITTEE**

The Sports Medicine Committee shall consist of a chairperson appointed by the president, all certified trainers/therapists and medical personnel, (i.e. physicians, nurses, pharmacologists and allied health professionals) who are members of the Pacific Association and interested in volunteering their services.

It shall:

- (1) Coordinate and provide medical services to association championships and, if possible, to other association sponsored events.
- (2) Establish an association wide list of medical care providers and other support personnel who provide care for sports related injuries.
- (3) Provide information and advice to athletes, coaches, and other members of the association concerning proper use of pharmaceuticals and the prevention and care of injuries, illnesses, and environmental stresses.

#### **(k) AD HOC COMMITTEES**

The President may appoint such temporary committees with such composition and duties as may be approved by the Board of Athletics or Board of Directors.

#### **ARTICLE 16. ASSOCIATION ARBITRATION PANEL and SPECIAL HEARING PANEL**

There are two types of hearing panels for use in the formal grievance and disciplinary proceedings covered in Article 17. One is constituted for a period of two years with set membership acting as a pool of arbitrators



(Association Arbitration Panel) and one is set up for an individual hearing (Special Hearing Panel). The operating procedures for both are the same with the only difference being their make-up and term of office.

**(a) Appointment of Hearing Panel:** The President or his/her designee shall appoint a three (3) person Hearing Panel at the time that it is determined that there will be a formal hearing (see Article 17 (f) (4)). The President in consultation with the Executive Board shall determine which is the best type of Hearing panel to use for the particular hearing. The two options are:

(1) a **Special Hearing Panel** drawn from the association as a whole at that time including the Board of Athletics to conduct a hearing and adjudicate the issue raised **or**

(2) assign it to the **Association Arbitration Panel** for hearing and adjudication of the issue depending on the nature of the complaint. The President shall establish a completion date for the submittal of the final report on the grievance to the Board of Athletics in line with the timing outlined in Article 17 (f to k).

If an officer of USATF Pacific is name in a grievance, then said officer shall be removed from the grievance administrative process.

Any challenge to the make-up of the hearing panel for cause or conflict of interest by any of the persons involved must be made using the procedure in Article 17 (h).

**(b) Make-up of Panel:**

**(1) General for either panel:** There will be three members. At least one member shall be an active athlete, whenever possible. One member will be selected as Chairperson with the responsibilities to control and conduct the process. The chair will act as panel secretary unless that responsibility is delegated to one of the other members. One member will be an at-large member. There will be at least one alternative, and preferably two named for each panel.

**(2) Members of the Association Arbitration Panel (AAP)** shall not be members of either the Board of Athletics or the Executive committee. There shall also be a first, second and additional alternates who may be appointed from time to time when any of the three members of the AAP are not available. Members and alternates are named for a two year period starting on January 1 of each even-numbered year. The President shall appoint members to the panel with the approval of the Association Board. They can be renamed for more than one term.

**(3) Members of a Special Hearing Panel** shall be selected by a random draw of those eligible to be panel members. Representatives of the committee(s) in which the grievance has occurred or people otherwise involved in the grievance will be excluded from the pool of eligible panel members; i.e., an official would be not be eligible for a panel if an official is part or party to the grievance. ~~Board of Athletics~~ Members who have actually served on one panel will be exempt from further service for two years following the issuance of the hearing report unless they volunteer for another panel. Eligible members for a Special Hearing Panel can include members of the Board of Athletics as long as they are not otherwise excluded because of a conflict of interest.

**(c) Reasons for removal from either panel:** Members and alternates may be removed for good cause by majority vote of the Board of Athletics. Good cause may include, but not limited to the following:

**(1) Dilatory practices:** A member who causes or permits delays in the hearing process; and/or

**(2) Failure to follow procedures:** A member who disregards or fails to apply the hearing procedures or other provisions set forth in the Association Bylaws, Association Regulations or Operating Procedures (including committee procedures), USATF Rules, USATF Bylaws and/or USATF Regulations.

**(3) Challenges to members** of the panel from parties involved in the hearing are covered in Article 17(i). Removal from a panel as a result of such a challenge only removes them from that particular hearing panel.

## ARTICLE 17. FORMAL GRIEVANCE AND DISCIPLINARY PROCEDURES

**(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 allegation and doping violations which shall be under the jurisdiction of USATF. The Pacific Association shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline. All penalties imposed by an Association shall be effective only within the jurisdiction of that Association.

**(b) Hearing Panels:** The choice of type, appointment of and membership make-up for hearing panels is cover in Article 16.

**(c) Grievances :** Grievance: A grievance may be any matter, other than sexual misconduct and doping offenses, within the cognizance of USATF that occurs in the jurisdiction of the Pacific Association of USATF (hereafter the Pacific Association) as described in this article.

**(1) Complaints:** Only the following activities are grievable **complaints**:

(i) Detrimental Conduct: Conduct that is detrimental to the best interest of the sport of Athletics, USATF, the Pacific Association, or

(ii) USATF violations: A violation of any

(a.) USATF's by-laws or Operating Regulations, and/or

(b.) Pacific Association **Bylaw or Operating regulation** and/or

(c.) Pacific Association Sports Committee operating regulation **and/or**

(d.) An activity which would constitute removal for good cause (see examples in Article 19 -Removal of Officer from Office.

**(a) 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 that time that the complaint was filed, members, directors, or officers of USATF or otherwise subject to the jurisdiction of the Pacific Association of USATF. A Grievance Complaint may only be filed by a person or entity affected by the issues raised in the complaint. A non-member, former director, or former officer of the Pacific Association USATF shall be subject to the jurisdiction of the Pacific Association for the purpose of defending against a Grievance Complaint for an incident that occurred while he or she was a member, a director of officer of the Pacific Association, or otherwise subject to the jurisdiction of the Pacific Association.

If the complaint is **under a committee's jurisdiction** and **the committee** has a grievance procedure, resolution of the grievance should be attempted under that procedure. If the grievance is against a committee **officer** then the grievance should be sent to Association President or Executive Director **committee's executive board** who will act in place of the chair for resolution. ~~The grievance shall be signed under oath, notarized and shall state with particularity the nature of the grievance, the appropriate rule, regulation, procedure or bylaw involved, the individual or entity against which the action is directed, and the nature of the relief sought. The grievant will send a copy of the grievance to the member or members accused of the act as well as the appropriate committee chair(s) along with copy and a \$50 fee to the Pacific Association office, which will be refunded if the grievance is upheld.~~ If the committee does not have specific grievance procedures then the procedure in this article will be used with the appropriate substitution of the word "Chair" for the word "President" and the word "Committee" for the words "Board of Athletics".

**(3) Time Limit:** Except as provided in USATF Regulation 11-A-3 for grievances concerning sexual misconduct, grievances must be filed within **one (1)** ~~two (2)~~ years from the time the complaining party knew or should have known of the act giving rise to the Complaint

**(d) Disciplinary matters:** The Pacific Association of USATF shall have the authority to discipline any member who, by neglect of conduct, acts in a manner subject to discipline pursuant to this Article.

**(1) Activities subject to discipline:** The Pacific Association of USATF may discipline any member who, by neglect or by conduct:

**(a) Detrimental conduct:** Acts in a manner detrimental to the purposed of USATF, the Pacific Association of USATF or Athletics;

**(b) USATF, IAAF and Sports Act violations:** Violates any of the Bylaws, Operating Regulations or Competition Rules of USATF or IAAF 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 Persons or Entities:** In all matter subject to this grievance procedures, 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 Hearing Panel (see Article 16). All parties may have:

**(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 procedure.

**(3) Attend the hearing:** May be present at any hearing; and

**(4) Present and challenge evidence:** Shall have the right to present evidence and witness testimony and to cross-examining witnesses testifying against him, her or it.

**(5) Right to challenge an appeal panel member for cause,** i.e. for prejudice or conflict of interest

**(f e) Initiation of Proceedings:**

**(1) Grievance Complaint Filing Procedure:**

**(a) Filing Location:** Should be sent to the President, Secretary and the Executive Director at the Association office. The office shall forward a copy of the Complaint to each of the parties charged in the Complaint.

**(b) Language:** All documents filed and exchanged with respect to the complaint 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 part 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 translation of a translated document, the eventual panel chairperson may direct USATF to order a translation of the document(s) in question and may allocated 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 appropriated, state the specific violation of the Bylaws, Operating Procedures, Competition Rules, or Polices of USATF or the Association, or of IAAF.

**(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 including the individual or entity against which that action is directed plus the nature of any relief sought.

**(e) Contact Information:** The complaint will also include their full name, address for contact, phone number and email address.

**(f) Signature, contact information and Notarization:** The Complaint shall be signed as being complete and truthful under oath by the person filing the Complaint and shall be notarized. (6) Filing Fees: A filing fee of One Hundred U.S. Dollars (\$100) ~~50~~ fee must accompany an organization's Complaint and a filing fee of Seventy-Five U.S. Dollars (\$75) must accompany an individual's Complaint when the complaint is sent to the Pacific Association office. The filing fee must be in the form of a certified check or money order made payable to the Pacific Association USATF. It will be refunded less the cost incurred due to the filing, if the grievance is upheld.

**(2) Failure to comply with Complaint Procedure:** Upon receipt of a grievance, the Executive Director and/or the President shall determine if it is a valid grievance or disciplinary matter per (c & d-b) above. Complaints that fail to comply with the procedures outlined in this article shall be returned to the filer with the instructions explaining the deficiency. A returned Complaint may be re-filed without an additional filing fee within thirty (30) days of the initial filing. After thirty (30) days, the Complaint will be deemed abandoned. Any costs associated with the complaint will be deducted from the filing fee and the remainder, if any, will be refunded. . **NO GRIEVANCE WILL BE ACTED ON UNLESS AND UNTIL ALL OF THE ABOVE STEPS FOR INITIATION OF PROCEEDINGS in (f)(1) HAVE BEEN FOLLOWED.**

**(3) Informal Resolution:** If it is, then the President or his/her designee with the help of the Executive Director, if appropriate, will try to mediate the dispute and, in the case of grievances pertaining to a specific athlete or a specific sport discipline, the President or his/her designee 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 per Article 17(e)(1) above. All discussions related to the informal resolution of the complaint shall be confidential.

**(4) Formal Resolution:** If informal resolution is not possible satisfactory to any party within a month of the submittal the President or if a party declines to pursue informal resolution, that party may request that a formal hearing proceed. At that time the President or his/her designee will chose what type of hearing panel is appropriate for that situations. See Article 16 for options and naming of the hearing panel.

**(g) Notice of proceedings:** Within thirty(30) days of the commencement of a formal grievance all interested parties and the hearing panel shall be sent the following by registered mail by the Pacific Association Office or Secretary if they have not previously received these documents:

**(1) Documents:** A copy of the complaint or other documents giving rise to the proceeding, with any attachments;

**(2) Members and Contact:** The names of the hearing panel members and the address, email address and telephone number of the panel's chairperson. The panel chair should also be given the name, address, email address and telephone numbers of all those involved with the complaint;

**(3) Association Bylaws and other applicable Operating Procedures or Regulations:** A copy of the this section of the bylaws for the Pacific Association and any other relevant USATF or Pacific Association Rule or Regulation.

**(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 person (Pacific Association office or Secretary) who gave them notice ((f) above) within thirty (30) days after receipt of the notice that a proceeding has been filed. The answer must be in writing but can be sent by mail or by their personal account e-mail. A copy of all answers shall be forwarded by the receiving party to the complainant (the party filing the Complaint) and the appropriate hearing panel members. The failure of the 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 to answer, and after the 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 challenge to a hearing panel member under Article 17 (i) below 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 (i.e. the first 14 days of the answer period) any party to the hearing may challenge the seating of any panel member on the grounds 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 make-up of the hearing panel during this time, constitutes a waiver of such challenge.

**(j) Hearing Procedure:** 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 panel chairperson will conduct a pre-hearing conference by telephone conference call with all parties to discuss scheduling and procedural matters. Such conference call will be documented as part of the hearing record (see (7.) below).

**(2) Date of Hearing:** Best efforts should be used to set a convenient time and date for all participants. The 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 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 hearing panel chairperson that holding the hearing by telephone conference call is in the best interests 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 accomplished 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 hearing panel 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 hearing panel may dismiss the proceeding or, at its discretion, rule against the party causing the delay. If the delay is the result of the hearing panel inaction, the President or his/her designee may dismiss the panel and replace it with a new panel. If a party to the proceeding fails to appear at the hearing, then the hearing 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 proceeding 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 evidence that the conduct described in Article 17(c) and (d) above has occurred.

**(7) Hearing record:** An official transcript and/or recording of the hearing must be sent to the Pacific Association office within fifteen (15) days of the completion of the hearing. Any party to the proceeding

may retain a court reporter or other competent individual to provide a transcript or recording of the hearing at that party's own expense. If made, such transcript(s) or recording shall become the official record of the proceeding and a copy shall be provided to all parties at their own expense, and

**(8) Closed hearing:** Hearing shall be close to the public except for a protocol officer may be appointed by the President or his/her designee who will serve to make sure all the elements of the procedure are duly followed. Witnesses shall attend the hearings only as necessary to provide testimony. They may not be present before or after they have given their testimony.

**(k) Hearing Panel's decisions and opinions:** The following shall pertaining to the hearing panel's final decisions and opinions rendered in the hearings and appellate proceedings:

**(1) Scope of decision:** All hearing panel decisions shall be consistent with USATF, Pacific Association of USATF, and IAAF Rules and Regulations and the Sports Act. If the implementation of any of the hearing panel decisions and opinions would have a significant budgetary impact on the Pacific Association of USATF, the Budget Committee chair, the Executive Director and the Treasurer shall review it and report their finding to the Board of Athletics within thirty (30) days of the issuance of the opinion. This may be done by electronic means. In such instances, the decision and opinion shall not be final and binding unless and until approved by the Board of Athletics. The Board shall determine to what extent any hearing panel decision and opinions having a significant budgetary impact the Association may be implemented, in light of the fiscal considerations, and may remand the matter to the hearing panel for modification base upon budgetary directive from the Board;

**(2) Form of decision and opinions:** The hearing panel shall state in one or two brief sentences which party the hearing panel arbitrators have ruled in favor of for each item individually involved in the hearing. The opinion of the hearing panel shall be written and shall set forth the following:

**(a) Issue:** The question(s) the hearing 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, Pacific Association, Sports Act or other applicable rule, bylaw or minutes, reports, guidelines, or other documents upon which the panel's decision is base, if any, and

**(e) Stay provision:** Whether the effect of the decision shall be stayed in the event of an appeal, if appropriate.

**(3) Interim and Final Reports to the Boards:**

**(a) Interim Report:** The Hearing Panel shall submit a written status statement to the President at least ~~the week before any Board of Athletics two months before the~~ scheduled Board of Athletics meeting ~~while the complaint is under reviews~~ so that the President may keep the Board of Directors and the Board of Athletics apprised of the current disposition of the grievance ~~or disciplinary hearings~~.

**(b) Final Report:** The Board of Directors shall receive a written copy of the final panel report by their next meeting. The Board of Athletics shall receive an oral summary of all decisions made by the Hearing Panel at its next meeting following the issuance of the decision. Any Board of Athletics member can request a copy of the final report from the office at their cost.

**(4) Time Frame:** A hearing panel shall issue a decision with respect to the disciplinary, formal grievance or other proceedings to all parties concerned within fifteen (15) days after the conclusion of the hearing. This can be done by phone, email or in writing. The panel shall render the formal written opinion to the office and President no later than thirty(30) days after the conclusion of the hearing, or after the submission of any post hearing documentation to the panel per section k(2) above.

**(5) Effect of decision:** All hearing panel decisions shall be effective upon the date rendered, unless otherwise stated in the decisions.

**(6) Finality of decision:** The decision of the Hearing Panel is final and not subject to review except in the case of an appeal (see Article 17(l) below or documented bias against the losing party on the part of any member of the Hearing Panel or in the case of the suspension or expulsion of a member per Article 17 (k)(7) below. In the event that the losing party substantiates any claim of bias, the matter shall be submitted first for appeal to the Pacific Association Board of Directors for review.

**(7) Suspending or expelling of a member:** Where the Hearing Panel determines that any member of this Association shall be suspended or expelled, the Board of Athletics shall have the power to take that final action.

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

Any person or entity may appeal an adverse finding made by a Hearing Panel to USATF. A notice of appeal must be filed with the CEO of USATF and the Secretary of the Pacific Association within thirty (30) days of receipt of the written opinion of the local hearing panel. The procedure for the grievance to be resolved by a formal grievance proceeding before a National Athletics Board of Review is covered in USATF Regulation 11.

#### **Article 178. NON FUNCTIONING COMMITTEE**

This article is intended to allow the Board of Directors to take over or change leadership for any committee or subcommittee Which is not fulfilling the duties specified for it in these by laws or in the committee's operating procedures which are filed in the association office as required by these by laws.

a) A committee of any kind can be declared to be a **non functioning committee** if either 1) it has not fulfilled all the minimum duties of that committee as defined in these by-laws or its operating procedures for a period of 6 months or more or 2) all the committee officers have resigned and there is no recourse in that committee's operating procedures or these by-laws other than to name either a temporary or permanent replacement as appropriate so that the committee becomes functional and an election or appointment of officers can occur.

b) Any member of the Board of Athletics may petition the Board of Directors to declare a committee a non functioning committee and thus possibly force a change in leadership. Such petition must list the petitioner's name, address and contact information, affiliation with the said committee, the rationale for making such a declaration including citing the specific violations of the duties of that committee. A separate copy of the petition will be sent to the President, the Secretary and the Executive Director. Some examples of grounds for such petition include not holding required meetings, not following committee operating procedures, not holding required championships, or other duties specified for that committee in these by laws.

1) The first step in any proceeding will be to have the President and/or the Executive Director in consultation with each other contact the chair and any other officers of that committee to ascertain the current status of the committee and to get their response to the issues cited in the petition. If there appears to be grounds for declaring the committee non functioning then all named committee members of that committee shall be notified of the petition and it must be ascertained whether any of them would be willing to assume the role of temporary chair.

2) The investigating officer will then bring the matter to the attention of the Board of Directors by phone, email or mail. They will make the determination whether the committee should be declared non functional at their next regularly scheduled meeting or at a special Board of Directors meeting called for that purpose.

i) If such a declaration is made then the President has up to 30 days to name a temporary replacement chair who will be charged with meeting the minimum duties until an election or permanent solution change be implemented.

1. If it is less than 6 months until the next schedule committee election, the replacement chair will remain in office until the results of said election become effective.

2. If it is longer than six months until the next scheduled committee election, then the Board of Directors will recommend a course of action to implement a permanent solution.

ii) In the case where the committee or subcommittee chair is appointed, the president, some other sitting officer or committee chair in the case of a subcommittee will make the necessary

permanent appointment within 60 days of the resignation of chair using the normal procedure for appointment of that position in order to make that committee function appropriately.

iii) If there are not sufficient grounds for the committee to be declared non functioning, then the committee itself will deal with the complaint and make necessary accommodations or decide to ignore it.

iv) The recourse of the plaintiff or any affected party then is to fill a grievance under Article 16.

c) If a committee does not maintain its requirement minimum membership then a grievance should be filed rather than a non functioning committee petition.

## **ARTICLE 198. REMOVAL OF OFFICERS FROM OFFICE**

Any officer of this Association or a committee or subcommittee, either elected or appointed, may be removed for good cause upon the filing of a "Notice to Remove for Cause" by one of the following methods:

(a) by a two-thirds vote of those attending the regularly scheduled meeting of the appropriate committee, subcommittee or the Board of Athletics where the removal issue discussion and vote has been properly included on the normal agenda notice and the involved officer and filer of the Notice have been duly notified that the issue will be acted upon at that time and place.

(b) by a two-thirds vote special meeting called for this purpose of the appropriate committee or subcommittee in which the officer holds office, or the Board of Athletics if appropriate. The Association or appropriate committee or subcommittee shall provide the requisite notice for such a meeting to its members, the officer involved and the filer of the Notice as to where and when the removal discussion and vote will be held which will be clearly indicated on its agenda. Notice for this special meeting will be the same as for a normal meeting of the appropriate body (see Article 9(f) for Board of Athletics).

(c) The Board of Athletics can only get involved in removal of an officer of a committee or subcommittee when a said officer was appointed by the Board of Athletics or the Board of Directors or a grievance is filed because the appropriate committee or subcommittee has not acted upon a "Notice To Remove for Cause" for said removal within 60 days of it being received. An extension may be granted if agreed to by the Officer involved and the Notice Filer.

(d) The "Notice to Remove for Cause" would normally be filed with the appropriate secretary of the committee or subcommittee or the Chair of the same. The individual receiving the Notice will inform the other committee members so that they can decide how the issue should be handled.

(e) Good cause can be, but is not limited to, the following examples:

- 1) Failure to follow these By-laws and associated Operating Procedures of the Association or the appropriate committee;
- 2) Engaging in conduct that reflects unfavorably on USATF.
- 3) Failure to have current year membership by January 1<sup>st</sup>.
- 4) Misappropriation of funds;
- 5) Requesting reimbursement of expenses when said expenses were reimbursed by another party (double-dipping);
- 6) Failure to comply with any local or national rules or policies (for example, intentional illegal use of logos);
- 7) Unethical behavior;



8) Conflict of interest.

(f) **Right of Appeal:** Any officer "Removed For Cause" can appeal that decision using the Article 17 procedure and the Association Arbitration Hearing Panel or if they feel they cannot get a fair hearing they can appeal directly to USATF under USATF Regulation 11-P using the procedure outline in Article 17 (l) where the time frame is from the notification of their removal from office.

#### ARTICLE 20~~19~~. SUSPENSION OR REMOVAL OF A MEMBER

(a) Any member or member organization of this Association may be suspended for good cause from the Pacific Association immediately upon confirmation of the cause which is stated in a request for a "Notice of Suspended for Cause" by any member. The cause may be for any of the following reasons, or upon receipt and verification of a notice of an indictment for a felony involving one of these items:

- 1) any crimes against children or
- 2) any sexual offenses or
- 3) drugs (within 5 years) or
- 4) weapons violations or
- 5) assaults, battery or any other crime of violence or
- 6) lewd conduct or
- 7) the filing of a grievance for conduct detrimental to the sport of Athletics against the individual or the organization, such as items 2,4, 5,7,8 in Article 18(b).
- 8) divulging information concerning the reason(s) for a failed background check to individuals not privy to that information by law.

No hearing or review is necessary before this notice is sent to the individual involved.

(b) Any member or member organization of this Association may be removed for good cause from the Pacific Association by the issuance of "Notice of Removal for Cause" letter to said member for conviction of a felony involving:

- 1) any crimes against children or
- 2) any sexual offenses or
- 3) drugs (within 5 years) or
- 4) weapons violations or
- 5) assaults, battery or any other crime of violence or
- 6) lewd conduct or
- 7) the acceptance by the Board of Athletics of a recommendation to "Remove for Cause" from either

- i) a Grievance/Hearing Panel conducted under Article 16, or this article as it applies, or
- ii) the Background Program Director

because of a finding of conduct detrimental to the sport of Athletics. (Note the Board of Directors can and will act for the Board of Athletics to accept such recommendation so that the notice can be sent if there is more than one month interval before the next Board of Athletics meeting. The Board of Directors will notify and get approval for such action at the next Board of Athletics meeting. A notice and vote by email by either board to accept the recommendation is an acceptable practice.)

Such a letter would not be issued if the recommendation of the hearing panel, because of extenuating circumstances, was limited to suspension of membership for specific period of time, assuming no further problems. Rather a new letter of a "Notice to Suspend for Cause" would be sent specifying the length of time for the suspension of that individual or organization and what action might need to be taken for that person or organization to be reinstated.

Subsequently the national governing body will be informed of the action taken. If it was to remove the individual or organization from membership in the Pacific Association the cover letter would request that they likewise suspend or remove the individual or organization from general membership in national body and all any other associations.

Both suspension and remove notices are appeal able under Article 16 unless they are themselves a recommendation for Board action from a grievance or special hearing.

(c) If an individual fails a background check by the California Department of Justice, the Federal Bureau of Investigation or the background check system being use by USATF nationally, they will receive a letter from the Pacific Association with the Notice of Suspension and action they must take to be reinstated. It will include:

- 1) the deadline by which time they must explain in writing why the suspension should not be made final and a "Notice of Removal" issued,
- 2) how they can get a copy of the reason for the background failure from the reporting agency since California law does not allow the Pacific Association to report that information to anyone including the individual involved.
- 3) notification that they can request to have a special closed hearing with three non involved individuals (not involved with the individual or member of the same committee) and the date by which such request must be made, namely, one month following the mailing or emailing of the explanation requested in item 1 above to explain the problem that lead to their suspension.

(d) Once the "Notice of Suspension" letter has been answered then a hearing panel can be empanelled if a hearing is requested. It will follow the guidelines in Article 17. In the hearing the suspended individual must try to convince the hearing panel that the conduct for which the suspension was invoked should not be a reason for suspension or removal of his or her membership in the Pacific Association. This will occur as soon as possible following the request but only after the condition in item 1 is met. The hearing timing will depend on time required for the clearance of the panel members so that they can see the background information from the state or federal agencies. This is because California law does not allow anyone but background program director to see the background check information until they are cleared. When a hearing is requested the President or his/her designee will select the proposed panel members and then these individuals can be submitted for clearance by the Department of Justice so they can see the appropriate sensitive material. Note that this clearance is NOT mandatory if we get sufficient information disclosed in explanation from the individual or organization that has been suspended. It simplifies the procedure if the put the burden of proof is on the individual to show us their record and why they should not be suspended. One member of each panel shall be an athlete who is at least 18 years old.

(e) If a panel is not requested then the background program director will make the initial determination if the individual's explanation is adequate or not and therefore whether to issue a recommendation to the Board of Athletics for

- 1) the continuance of the suspension for a time to be decided by the Board of Athletics
- 2) the termination of the suspension because the issue does not require such action or
- 3) the issuance of "Notice to Remove for Cause" letter and notification of the National Office of our action.

(f) Failure to act by the deadline or failure to answer the "Notice of Suspension" letter will result in the immediate issuance of "Notice to Remove for Cause" letter without any formal hearing.

(g) The Hearing Panel will make a recommendation to the Board of Athletics, who will decide to make the suspension for a specific time or permanently, with instructions to issue a "Notice to Remove for Cause". If a "Notice to Remove for Cause" is issued, USATF will be informed of our action with a recommendation that they also remove the individual or organization. Note: Suspension and /or Remove by the Pacific Association may always be appealed to the National Governing Body.

#### **ARTICLE 21~~0~~. BYLAW AMENDMENTS**

Amendments to the by-laws may be submitted at any meeting of the Board of Athletics either orally or in writing or sent to the Pacific association Office or the President by mail or electronic means. The Executive Director shall thereafter distribute a copy of each amendment to all members of the Board of Athletics at least seven days prior to their next meeting. . The amendment shall thereafter be voted upon at the next meeting of the Board of Athletics, and shall take effect immediately upon approval by a two-thirds vote of those members voting.

#### **ARTICLE 22~~1~~. CONFLICT OF INTEREST**

Any individual representing this Association, or who has a financial arrangement with 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 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. Each individual referred to in the first sentence of this Article shall, upon learning that this Association is proposing to enter into an arrangement in which he or she has a financial interest as aforesaid, promptly notify the President in writing of the existence of such an interest, and the President, in turn, shall disclose such interest to those Association bodies 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 void the contract or transaction.

#### **ARTICLE 23~~2~~. PARLIAMENTARY AUTHORITY**

The business of the association will general be conducted using the current edition of Robert's Rules of Order for the general rules of order, except where they are in conflict with the provisions of these by-laws, or are overridden by an approved procedure or operating policy or procedure. In such cases the bylaws, approved procedure or operating policy shall prevail.

#### **ARTICLE 24~~3~~. SAVING CLAUSE**

Failure of literal or complete compliance with provisions of these by-laws in respect to dates, times of notice or the sending or receipt of the same, or errors in phraseology of notices or proposals which, in the judgment of the members in attendance at meetings of the Board of Athletics to not cause substantial injury to the rights of members shall not invalidate any of the actions of this Association.

#### **ARTICLE 254. DISSOLUTION**

Upon dissolution, the net assets of this Association will not inure to the benefit of any member or member organization, but will be distributed to USA TRACK & FIELD, to be used exclusively for educational or charitable purposes. If USA TRACK & FIELD is not then in existence, such assets of this Association shall be distributed to another organization operating in the sport of Athletics for charitable or educational purposes.

#### **ARTICLE 265. ADOPTION**

These by-laws and any amendments subsequently approved shall be effective upon the date of their adoption.