


# BY-LAWS

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# BY-LAWS OF THE POTOMAC VALLEY ASSOCIATION OF USA TRACK & FIELD, INC.

## ARTICLE 1

**Name**: The name of this organization shall hereafter be known as the "Potomac Valley Association of USA Track & Field, Inc." It will serve as the Potomac Valley Association of USA Track & Field under the By-Laws of USA Track & Field. Inc. (USATF) The acronym "PVA/USATF" is to be used for the purpose of brevity or as a logotype. The PVA/USATF is incorporated in the District of Columbia as a not-for-profit organization.

## ARTICLE 2

**Definitions:**

A. The word "**Athletics**" herein shall include cross country running, long distance running, race walking, road running, track and field, and any other jurisdiction granted by USATF. Other terms herein are defined as in the By-Laws of USATF.

B. "**Corporation Board of Directors**" means the persons elected to serve as directors as required by the incorporation papers of the association in the District of Columbia.

C. "**Association**" means all dues paying members.

D. "**Sanction**" is a permit to conduct a race, event, or meet in Track & Field under the auspices of USATF and the PVA/USATF.

E. "**Territory**" means the geographic area in which the PVA/USATF has jurisdiction and is defined in the By-Laws of USATF. This territory includes the District of Columbia, the State of Maryland, and the counties of Arlington and Fairfax, and the independent cities contained within those counties, in the State of Virginia.

F. "**Executive Committee**" means the President, Vice-Presidents, Treasurer, Secretary of the Association, and the Chairpersons of the Men's Track and Field, Women's Track and Field, Men's Long Distance Running, Women's Long Distance Running, Masters Track and Field, Masters Long Distance Running, Race Walking, Youth Athletics, Membership, Officials, Finance, Planning and Budget, and Law and Legislation Committees, or the Chairperson's designee.

## ARTICLE 3

**Purpose**: The purposes of the Association are to:

A. Act as the **local governing body** under USATF for the sport of Athletics in the territory defined by USATF.

B. **Carry out the purposes of USATF** where possible and applicable.

C. **Promote and encourage within its territory, competition** in athletics and supervise and regulate all USATF and PVA/USATF Championships.

D. **Promote and encourage physical fitness** through Athletics.

E. **Issue sanctions** for all qualified events.

F. **Comply with Section 501(c)(3) of the Internal Revenue Code**.

## ARTICLE 4

**Authority of the Association**: The Association shall possess, through USATF all authority of that body in the sport of Athletics, and to that end shall exercise independent jurisdiction, supervision, and control over the administration, eligibility, sanctioning authority, representation and rules of competition for the sport of Athletics in the Potomac Valley territory as defined by USATF.

## ARTICLE 5

**Membership:** There will be two types of membership in the PVA/USATF: (A) Individual and (B) Organizational.

A. The **individual membership** class includes the registered athletes and the dues paying individuals who support Athletics. Registration of individuals is as provided in the By-laws and Regulations of USATF and as further prescribed by the Association.

B. The **organizational membership** class includes those clubs, corporations or organizations that support the sport of athletics and who have applied and have been accepted as organizational members of the PVA/USATF. Registrations of organizations are as provided in the By-laws of USATF and as further prescribed by the Association.

## ARTICLE 6

**The Association:**

A. The Board of Directors has the power and authority to act in matters affecting the PVA/USATF which are not specifically delegated to an Administrative or Sport Committee.

B. All meetings of the Association are open to all members of the PVA/USATF.

C. **Voting members** of the Association are:

1. Each member of the **Board.**

2. One representative from **each member organization**.

3. **Immediate Past President**.

D. If an organization has an exceptionally large membership or conducts many Athletics events, it may apply for an additional voting member to the Association. The granting of additional voting members will be by two-thirds (2/3) majority vote at the next meeting of the Association.

E. Each voting member has **one (1) vote**. There is no voting by proxy. No voting member may act in more than one capacity or vote more than one vote.

F. **A quorum is 5** or more voting members present at a regularly scheduled meeting.

## ARTICLE 7

**Meetings of the Association**: Regular meetings of the Association shall be held within the geographical area of the Association once a year. Sport Committees will hold at least two (2) meetings a year. Meetings may be called at any time by the majority vote of the Board. The membership must be given at least three weeks prior notice of the meeting on the Association web site.

In the case where an in-person meeting is not advisable due to health or other national, state, or local level emergencies, the PVA/USATF Board may by simple majority vote to host a virtual meeting. Notice of the virtual meeting shall follow the same timeline as an in-person meeting. As an alternative the Board may vote to defer the in-person meeting until such time as is safe to hold an in-person meeting

## ARTICLE 8

**Order of Business**:

A. At all meetings of the Association, the following is to be the order of business:

1. **Roll Call of Officers**

2. **Approval of Minutes** of Preceding Meeting

3. **Treasurer's Report**

4. **Report of Officers and Committees**

5. **Unfinished Business**

6. **New Business**

7. **Adjournment**

B. **Reports from the Treasurer and Administrator** should be available at every meeting. All officers and committee chairs should provide the administrator with a written report three days prior to each meeting for distribution at the meeting. Oral reports may be given at the meeting if the President is notified three days prior to the meeting.

C. **Procedures:** The Order of Business may be changed by a simple majority vote of the members present. ROBERTS RULES OF ORDER (REVISED) will be used as the general rules of order for the Association meetings, except where they are in conflict with the provisions of these By-Laws and in such cases these By-Laws are to prevail.

D. **Communications:** PVA/USATF shall maintain a current and viable web site and shall send at least two emails to the membership in each calendar year. Separately, PVA/USATF shall also send by email, not less than 30 days prior to its Annual Meeting, a notice of its Annual Meeting and election and selection of USATF Annual Meeting delegates. In addition to Email, PVA/USATF may also elect to send out notice of its Annual Meeting and election and selection of USATF Annual Meeting delegates by other electronic means as well. Hard copies of such notices shall also be sent to members via U.S. Postal Service who make a written request for a hard copy of such notice in the past year**.**

## ARTICLE 9

**Elections:**

A. **Elections of Officers**: Elections for all officers of the Association shall be conducted by secret ballot every two years coinciding with the Summer and Winter Olympiad at the Annual Meeting which shall be held in September. Each elected officer will serve a term of two (2) years. Each Officer-Elect will commence his/her term of office the following October 1st.

B. **Election of Sport Committee Chairpersons and the Officials Committee Chairperson**: Elections for all Sport Committee Chairpersons and the Officials Committee Chair of the Association shall be conducted by secret ballot at the Annual Meeting. Each Chairperson shall serve a term of two (2) years. Sport Committee Chairpersons can serve an unlimited number of successive terms in that office.

C. **Corporation Board of Directors**: The Corporation Board of Directors shall be the Officers of the Association. The Board shall meet as required, and in all ways be in compliance with the laws of incorporation of the District of Columbia.

D. **Elections of officers and Sport Committee Chairpersons** shall be conducted in accordance with the procedures designated in USATF Operating Regulation.

E. **Vacancies**: Except in the case of a vacancy for the office of President, all other vacancies will be temporarily filled by appointment by the President. The appointment shall be made effective upon approval by the Board. The appointment shall last until the following Quarterly Meeting. A vacancy for the office of President will be filled as provided in Article 10.

F. **Elections shall be run in accordance with the Bylaws and Regulations of USATF.**

G. In the event that in-person meetings are deferred, elections of officers, sport committee chairpersons and official's committee chairperson shall also be deferred. Current officers and committee chairpersons would remain in position until the in-person annual meeting is rescheduled. If a virtual annual meeting is pursued virtual elections of officers and committee chairs should be explored at that time.

## ARTICLE 10

**Officers of the Association**: The officers of the Association are: President, First Vice-President, three (3) Vice-Presidents, Treasurer, and Secretary. They constitute the Board and have one (1) vote each. There is no voting by proxy. There shall be no established order of succession to any office. Should the President become incapacitated or resign, the First Vice-President shall call a meeting of the Association and serve as President until an election is held. The President shall not be elected for more than three (3) successive full terms. Officers and Committee chairs may be removed for cause by a two-thirds vote of the Board or by a two-thirds vote of the membership at a quarterly meeting. If the officer is removed by the Board, the action may be reversed by a majority vote of the membership at the next quarterly meeting. If there is a motion to remove the President, the First Vice President shall preside over the meeting.

## ARTICLE 11

**Duties of the Officers and the Administrator**: The officers shall perform the following duties and any other duties prescribed by these By-laws.

A. **President**: The President shall preside at all meetings of this Association and shall be an ex-officio member on all committees. The President shall also serve as Chairperson of the Executive Committee and Corporation Board of Directors. Subject to the direction of the Board of Directors of this Association, the President shall manage and supervise the affairs of the Association.

B. **First Vice-President**: The First Vice-President shall perform such duties as shall be assigned to him/her by the President. The First Vice-President is also to perform all such duties as outlined in Article 10 of these By-laws.

C. **Vice-Presidents**: The Vice-Presidents shall perform such duties as shall be assigned to them by the President and the Board.

D. **Treasurer**: The Treasurer shall

1. Keep or shall cause to be kept a correct and complete record of account, showing accurately at all times the financial condition of this Association;

2. Have charge and custody of, and be responsible for, all funds, notes, securities and other related valuables which may from time to time come into the possession of the Association;

3. Deposit, or cause to be deposited, all funds of the Association with such depositories as the Association shall designate;

4. Furnish at meetings of the Association, or whenever requested by the Board, a statement of the financial condition of this Association;

5. Obtain a bond from a reputable bonding company;

6. Be a member of the Planning and Budget Committee and in general perform all duties pertaining to the office of the Treasurer.

E. **Secretary**: The Secretary shall keep or cause to be kept all records of the Association, and all minutes of meetings of the Association, and be responsible for the distribution of these minutes to the Association membership, and in general shall perform all duties pertaining to the office of Secretary.

F. **Administrator**: The Administrator shall be appointed by the President subject to the approval of the Board. Duties and responsibilities:

1. To process membership applications.

2. To act as the liaison between the various committees and the general Association.

3. Process sanction applications in accordance with the Bylaws and Regulations.

4. Keep records of all sanction reports.

5. Be responsible for sanction application supplies and registration cards as well as validation stamps.

6. Provide a monthly report to the Treasurer regarding all funds received for PVA/USATF and keep an accurate record of all deposits.

7. Maintain contact with USATF to keep current on changes and other information and disseminate the information to the Association membership as directed by the Board of Directors.

8. Keep all records and receipts on all expenditures regarding the Administrator's business and submit all receipts to the Treasurer for record keeping.

## ARTICLE 12

S**ports Committees**:

A. **The PVA/USATF Sport Committees are**: Men's Track & Field, Women's Track & Field, Masters Track & Field, Men's Long Distance and Road Running, Women's Long Distance and Road Running, Masters Long Distance and Road Running, Race Walking, and Youth Athletics.

B. **Duties**: Each Sport((s)) Committee shall:

1. Have jurisdiction over national, regional, sectional, and Association championships held in the Association (to the extent such jurisdiction is delegated by USATF in the particular sport it controls) and shall institute, locate, conduct, and manage all such championships.

2. Make recommendations concerning sanctioning events within its discipline or sport.

3. Have the right to reject any entries for competitors if the person does not meet the requirements at any championship.

4. Promote and develop activities related to its sport.

5. Develop an annual budget that will be submitted to the Planning and Budget Committee.

C. Each dues paying member, either individual or organizational is entitled to participate on each Sport Committee in which the individual participates or the organization has an active program.

D. As stated in Article 9(b) fulfill the requirement of electing a Chairperson.

E. Sport Committee Chairs may be removed for cause by a two-thirds vote of the Sport Committee or of the Board.

## ARTICLE 13

**Administrative Committees:**

**Active Athlete members** shall be at least twenty percent (20%) of the total authorized membership of the committee, such Active Athletes to be selected by those registered attendees at the meetings who are Active Athletes engaged in the particular sport discipline of the committee. For Youth Athletics, AAC shall appoint four (4) Active Athletes

A. **Member Services**:

1. Duties and Responsibilities:

a. Registers and certifies athletes for competition in events sanctioned by the governing body.

b. Takes action on all cases involving interpretation or registration matters except in areas involving athletes' rights of participation in Athletics.

c. Administer all elections in the Association.

2. Make-up: This Committee and the Chair shall be appointed by the President with the approval of the Board.

B. **Officials**:

1. Duties and Responsibilities:

a. Certifies, trains, and supervises competition officials in the PVA/USATF territory.

b. Encourages and develops programs for recruiting officials

c. Recommends to the National Officials Committee candidates for National and Master Official Certification.

d. Disseminates all changes in the Rules of Competition.

e. Assigns officials for all PVA/USATF Championships.

2. Make-up: This Committee shall consist of all Certified Officials who are members of PVA/USATF.

C. **Coaching Education and Advisory:**

1. Duties and Responsibilities:

a. Promotes, educates and trains individuals interested in coaching in the discipline of Athletics.

b. Certifies individuals who meet national standards.

2. Make-up: Any interested and qualified individuals who express an interest in coaching Athletics.

D. **Course Certification**:

1. Duties and responsibilities:

a. Supervises all course certification efforts within the PVA/USATF territory.

b. Keeps the records needed to get approval for certification.

c. Maintains certified courses and calibration courses in the PVA/USATF territory.

2. Make-up: Course Certifiers are appointed by USATF. The committee is appointed by the President with the approval of the Executive Committee.

E**. Finance:**

1. Duties and Responsibilities:

a. Audits and examines or causes to be audited and examined the accounts of the Treasurer and reports its findings at the Annual meeting or at any other time during the year.

b. Examines the accounts of the Treasurer at any other time as requested by the Association and reports to the Association thereon. The committee may require the Treasurer to turn over to it all moneys, accounts, books, papers, vouchers, and records of that office.

c. Recommends to the Association penalties to be charged to any individual or group members not meeting financial obligations.

d. In consultation with the Sport Committees, recommends annually to the Association all dues and fees to be charged.

2. Make-up: The committee shall consist of one representative from each Sport Committee and a member of the Board.

**F. Planning and Budget:**

1. Duties and responsibilities:

a. Develops a strategic plan for the Association, to be updated periodically.

b. Establishes an annual operating plan and Budget.

c. Submits the operating plan and budget for the next year for the approval of the Association at the Annual Meeting.

2. Make-up: The committee shall consist of one representative from each Sport and Administrative Committee, the President, and the Treasurer. The President or his designee shall act as chairperson.

**G. Law and Legislation:**

1. Duties and Responsibilities:

a. Considers and presents to the Association, in proper form for action, all proposed amendments to the By-laws with committee recommendations, or proposed amendments by its own action.

b. Prepares for Association action, prior to the National Convention, an analysis of proposed USATF legislation.

2. Make-up: This committee is appointed by the President with approval of the Board.

**H. Athletics for the Disabled**

1. Duties and Responsibilities: Establishes communications with race/meet directors and inform them of the following needs of disabled athletes:

a. Safety procedures, course conditions, special needs, starting times, finish line procedures, categories, and awards;

b. Assist race/meet directors whenever possible with above needs.

c. Encourages physically challenged athletes to participate in competitive sports.

d. Provides information on competitive sports events and related activities including training and conditioning.

e Serves as liaison between Committee for Disabled Athletes and all other PVA/USATF committees.

f. Seeks funding to be used as needed.

2. Make-up:

a. Anyone who shows interest in accomplishing the goals of this committee and attends a scheduled meeting.

b. Regular member is one who attends 50% of scheduled meetings per year.

c. The committee will elect a chairperson from its members.

**I. Athletes Advisory Committee**

1. Duties and Responsibilities: Advise the Board on matters relating to elite athletes in the Association

2. Make-up: The Committee shall consist of: All PVA/USATF members who are eligible for Athletes Advisory at the National Level

**J. Other committees may be activated by the Association if needed**. These committees could be: Records, Marketing and Media, or any other Committee the Association designates. The activities of these committees shall parallel those of the National Committees of the same title if it exists.

## ARTICLE 14

**Special Committees**: The President may appoint ad hoc committees of this Association.

## ARTICLE 15

**REDRESS OF GRIEVANCES**
A grievance may be any matter within the cognizance of PVA/USATF as described in Regulation 2

A. Grievances shall be filed and administered in accordance with Regulation 2

## ARTICLE 16

**Dealing with disruptive members:**

Since, according to Roberts Rules of Order (Article XIV, Section 66), a deliberative assembly has an inherent right to make and enforce its own rules and punish disruptive members, a member who feels that another member is being disruptive may make a motion to that effect. If the motion passes by a two thirds majority of the members voting, the offending member will be informed that should this recur, a member at that or a future meeting may make a motion that that person has been disruptive and specify a punishment, up to and including expulsion from PVA/USATF. The motion must pass by a two thirds majority of the members voting.

## ARTICLE 17

**Amendments:**

A. An amendment to these By-Laws must be **approved by two-thirds (2/3)** of the voting members present at a regular quarterly meeting of the Association. The amendment must first be presented to the Law & Legislation Committee for proper form before publication in the meeting announcements. The amendment may be amended at the meeting.

## ARTICLE 18

**Conflict with USATF Regulations**: The association will operate in accordance with the By-Laws, rules, and regulations of USATF. Any of these PVA/USATF By-Laws or Regulations which conflict with the present or future USATF regulations will be null and void until brought into conformance. If any article is rendered null and void, that does not render the remainder of the By-Laws and Regulations null and void.

## ARTICLE 19

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

## ARTICLE 20

**Dissolution**: When the Corporation (PVA/USATF) is dissolved the Association will dispose of the assets after paying all liabilities of the Corporation. The assets will be distributed as determined by the Association to such organization or organizations which further the purposes of the PVA/USATF and which are organized and operated for charitable, educational or other purposes which qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1954, or corresponding provisions of any future law.

**OPERATING REGULATIONS OF**
**THE POTOMAC VALLEY ASSOCIATION OF USATF**

**OPERATING REGULATION 1**

**A. Election Notice:**

1. Notice of elections must be provided to each eligible voting member of the Association. Notice may be sent by mail, email, newsletter or posted on the Association web site. If the web site is used, members must be informed where to find the information on the web site through a mailing or newsletter.

2. The initial meeting notice must be distributed at least thirty (30) days prior to the beginning of the election.

3.Any notice of a meeting change or change in the election process, not previously publicized, must be distributed at least fourteen (14) days prior to the meeting.

**B. Election Nominations:**

1. Nominations for officers and committee chairs may be submitted in writing by any member of the Association to the Administrator up to one week before the election. The nomination must be accompanied by a written acceptance of the nomination by the candidate.

4. If a position is contested, there will be voting by secret ballot.

2. Nominations will be accepted from the floor before the election; the person being nominated must accept the nomination.

3. If only one person is nominated for a position, that person will be declared the winner.

5. A person may be nominated for more than one officer position, but may not serve in more than one officer position; a person who is elected for another position will be removed from the ballot for any subsequent position.

**C. Elections:**

1. In all positions with the exception of Vice-Presidents, a simple majority is required for election. If nobody is elected on the first ballot, a runoff election will be held between the two people receiving the highest number of votes. If there is a tie for second place, all those who are in the

tie will be included in the second ballot. In the case of the Vice-Presidents, all voters shall vote for four (4) persons. A simple majority is required for election. If three people are not elected on the first ballot, a runoff election will be held between the number not elected plus one person receiving the highest number of votes. If there is a tie for the last place, all those who are in the tie will be included in the second ballot. Additional ballots may be necessary for Vice-President. The person receiving the largest number of votes for Vice-President on the first ballot on which a person receives a simple majority shall be the First Vice-President.

2. Before the election, a listing of all those attending the meeting will be produced, with the Administrator verifying the categories of membership; this list will be available for inspection, and any challenges to a voter will be acted upon by the Association prior to the beginning of voting.

3. In all elections for officers and committee chairs, all eligible, dues-paying members will have one vote.

4. The election will be conducted by the Member Services Committee.

5. All candidates or their representative may be present at the counting of the ballots.

6. Voters must be a minimum of age eighteen (18) on the day of the election.

7. Except for renewals from the preceding year, individuals must be members for at least thirty (30) days prior to the date of the election.

8. A panel of at least three (3) individuals, at least one (1) of whom when available shall be an athlete, shall count the ballots. All panel members shall be of voting age and no panel member may participate in the counting of ballots for a position for which they are a contender. The panel may consult with appropriate individuals, including the parliamentarian, on procedural matters as long as the individuals consulted are not candidates for the offices in question.

**D. Sport and Officials Committee Chairs:** As provided in Article 9, Sport Committee and the Officials Committee chairs shall be elected during the Annual Meeting. The elections shall be conducted separate from the plenary session. All members participating in or showing an interest in a particular sport may vote in the Sport Committee election. However, only certified officials may vote for the Officials Committee chair.

**E. Virtual Elections**: If virtual elections are held nominations will end one week before the election and must be submitted to Member Services by that date. There will be no nominations accepted after the deadline. Member Services will produce electronic ballots and email them to eligible voters. Completed ballots must be returned to Member Services no later than 10 days from the mail out date. Member services will tabulate the results and post the results on the PVA/USATF website.

## Operating Regulation 2

**FORMAL GRIEVANCES AND DISCIPLINARY PROCEEDINGS:**

A. **Jurisdiction**: This Association shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundaries of the Association, except sexual misconduct allegations and doping violations which shall be under the jurisdiction of USATF. All penalties imposed by an Association shall be effective only within the jurisdiction of that Association.

B. **Association Arbitration Panel**: The following shall apply to the appointment and conduct of the Association Arbitration Panel (AAP):

1. **Members**: The Association Arbitration Panel shall consist of three (3) members - a chair, an at-large member, and an athlete member. There shall also be a first alternate, second alternate, and additional alternates who may be appointed from time to time when any of the three members of the AAP are not available. Members of the AAP shall not be members of the Association Board or Executive Committee.
2. **Appointments**: Appointments shall be made by the President with the approval of the Association Board. The appointments shall be duly reflected in the minutes of a properly convened Board meeting.
3. **Terms**: Terms shall commence on January 1 of each even-numbered year.
4. **Removal**: Members and alternates may be removed for good cause by majority vote of the Association's Board. Good cause may include, but is not limited to, the following:
   - **a. Dilatory practices**: An AAP member who causes or permits delays in the hearing process; and/or
   - **b. Failure to follow procedures**: An AAP member who disregards or fails to apply the hearing procedures or other provisions set forth in the Association Bylaws, Association Regulations, USATF Rules, USATF Bylaws, and/or USATF Regulations.

**C. Grievances**: A grievance may involve any matter, other than sexual misconduct and doping offenses, within the cognizance of USATF that occurs in the jurisdiction of this Association:

**1. Grievance Complaints**: A Grievance Complaint shall state the following:

- **a. Detrimental conduc**t: Conduct detrimental to the best interests of Athletics, USATF, PVA/USATF has taken place; or

**b. USATF violations:** A violation of any of USATF's Bylaws or Operating Regulations and/or of a violation of any of PVA/USATF Bylaws or Operating Regulations has occurred.

**2. Parties**: Grievance Complaints may be filed only by and against individuals or entities which were, at the time that the conduct complained of occurred, and at the time the Complaint is filed, members, directors, or officers of USATF or otherwise subject to the jurisdiction of PVA/USATF. A non-member, former director, or former officer of PVA/USATF shall be subject to the jurisdiction of PVA/USATF for the purpose of defending against a Grievance Complaint for an incident that occurred while he or she was a member, a director, or officer of PVA/USATF or otherwise subject to the jurisdiction of PVA/USATF. A Grievance Complaint may only be filed by a person or entity affected by the issues raised in the complaint; and

**3. Time limit**: Grievance Complaints must be filed within one (1) year from the time the complaining party knew or should have known of the act giving rise to the Complaint.

**D. Disciplinary matters**: PVA/USATF shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline pursuant to Paragraph 1 below.

**1. Activities subject to discipline**: PVA/USATF may discipline any member who, by neglect or by conduct:

**a. Detrimental conduct**: Acts in a manner detrimental to the purposes of USATF, PVA/USATF or Athletics;

**b. USATF, IAAF, and Sports Act violations**: Violates any of the Bylaws, Operating Regulations, or Competition Rules of USATF or the 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 the persons or entities**: In all matters subject to this Regulation, all parties shall be provided with fair notice and an opportunity for a hearing prior to the adjudication or imposition of any penalty by the Association or AAP. All parties:

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

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

1. **Grievance complaint filing procedures:**
   a. **Filing location**: Complaints shall be filed with the Association President and Secretary. The Secretary shall forward a copy of the Complaint to each party charged in the Complaint. If the grievance is against the President and the Secretary the grievance should be filed with the First Vice President or one of the other vice presidents if the First Vice President is also involved in the complaint;
   b. **Language**: All documents filed and exchanged with respect to this Regulation shall be in English; provided, however, that an original document that is in a foreign language must be submitted along with an English translation. The party submitting the document shall bear the cost of obtaining its translation which shall be conducted by a reputable translator or translation service. In the event of a challenge to the accuracy of a translated document, the panel chairperson may direct USATF to order a translation of the document(s) in question and may allocate the cost of the translation to any party or all parties, as the panel deems appropriate;
   c. **Basis for the Complaint**: The Complaint shall allege clearly the nature of the dispute and, where appropriate, state the specific violation of the Bylaws, Operating Procedures, Competition Rules, or Policies of USATF, PVA/USATF or the 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;
   e. **Signature**: The Complaint shall be signed by the person filing the Complaint,
   f. **Filing fees**: A filing fee of One Hundred U.S. Dollars (US$100) must accompany an organization's complaint and a filing fee of Seventy-five U.S. Dollars (US$75) must be paid by individuals filing a Complaint. The filing fee must be in the form of a certified check or money order made payable to the Association;
2. **Failure to comply with Complaint procedures**: Complaints that fail to comply with the procedures outlined in this Regulation shall be returned to the filer with instructions explaining the deficiency. A returned Complaint may be re-filed within thirty (30) days of the initial filing. After thirty (30) days, the Complaint will be deemed abandoned;
3. **Informal resolution of grievances**: Upon receipt of a Grievance Complaint, the President or his/her designee shall make every effort to resolve the dispute through informal means. In disputes pertaining to a specific sport discipline, the President or his/her designee shall also confer with the chairperson of the sport committee for the discipline involved. All discussions related to the informal resolution of a complaint shall be confidential;
4. **Formal resolution**: If the informal resolution of the complaint is unsatisfactory to any party, or if a party declines to pursue informal resolution, the party may request that the complaint be resolved by a formal hearing before an AAP panel;

5. **Hearing panel**: When one party has indicated that the matter cannot be resolved informally, the President or his/her designee shall coordinate the selection of a three-person arbitration panel as detailed in Paragraph B of this regulation. The arbitration panel should include at least one Active Athlete. One panel member will be selected as Chairperson with responsibilities to control and conduct the process. The arbitrators shall not be members of the Association Board or Executive Committee.

**G.** **Notice of proceedings**: Within thirty (30) days of the commencement of a formal grievance all interested parties and the hearing panel shall be sent the following by the Association Secretary:

1. **Documents**: A copy of the complaint or other documents giving rise to the proceeding, with any attachments;
2. **AAP Members and Contact**: The names of the hearing panel members and the address and telephone number of the panel's chairperson;
3. **Association Bylaws**: A copy of the text of this Regulation of the PVA/USATF Bylaws and any other relevant USATF Rule or Regulation; and
4. **Other relevant documents**: A copy of any specifically identified document(s) related to the dispute.

**H.** **Answer**: The person(s) or entity(ies) named in a Complaint (respondent(s)) must submit a written answer to the Association Secretary within thirty (30) days after receipt of the letter notifying respondents that a proceeding has been filed ("Notice of Proceeding"). A copy of the Answer shall be forwarded by the Secretary to the complainant (the party filing the Complaint) and the AAP panel. The failure of respondent(s) to answer within thirty (30) days after the receipt of the Notice of Proceedings will be deemed a waiver by respondent of the opportunity to have a hearing or have an appeal of any adverse decision. Upon such failure, and after confirmation of the receipt of the Notice of Proceeding by all parties, the hearing panel may proceed in the absence of the respondent and may decide the matter with or without a hearing and with or without taking testimony and evidence, as it deems appropriate. If a party raises a hearing panel challenge under Section I, the panel chair may extend the time to answer.

**I.** **Challenge to arbitrator(s)**: Within fourteen (14) days following the receipt of the Notice of Proceedings any party to the hearing may challenge the seating of any AAP panel member, on the ground that the panel member may not be impartial. The panel chairperson may extend the time to answer if a panel member is challenged. Failure to bring a timely challenge against the seating of an AAP arbitrator constitutes a waiver of such challenge.

**J.** **Hearing procedures**: The following procedures apply to formal grievance, and other hearings:

**1.** **Pre-hearing conference call**: Within five (5) business days of the expiration of the arbitrator challenge the AAP panel chairperson shall conduct a pre-

hearing conference by telephone conference call with all parties to discuss scheduling and procedural matters.

2. **Date of Hearing**: Best efforts should be used to set a convenient time and date for all participants. The AAP hearing panel shall schedule the hearing to take place within thirty (30) days of the initial pre-hearing conference. The hearing date may be delayed beyond the thirty (30) day period only upon a showing to the AAP panel that a substantial injustice would otherwise occur.
3. **Location for hearing**: Hearings shall be held in-person, unless good cause is shown to the AAP chairperson that holding the hearing by telephone conference call is in the best interest of the sport of Athletics.
    a. **Reason for request for telephone conference call hearing**: If a party requests that the hearing be held by telephone conference call, such request shall be accompanied by a statement identifying the material reasons which the hearing panel should resolve in this venue.
    b. **Deadline for request**: The telephone conference call hearing request must be submitted to the AAP chairperson within ten (10) business days of the receipt of the Notice of Proceedings. Failure to submit a telephone conference call hearing request during the above-described timeframe constitutes a waiver of the right to request a telephone conference call hearing.
4. **Delays**: If an interested party causes an unnecessary delay, the AAP panel may dismiss the proceeding or, at its discretion, rule against the party causing the delay. If the delay is the result of AAP panel inaction, the President or his/her designee may dismiss the panel and replace it with a new panel. If a party to the proceeding fails to appear at the hearing, then the AAP panel may make a ruling based on available information and the testimony of those present at the hearing;
5. **Evidentiary rules**: The rules of evidence generally accepted in administrative proceedings shall be applicable to the hearing; the formal rules of evidence shall not apply;
6. **Burden of proof**: The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct described in Paragraph-C-1 or D-1 above has occurred;
7. **Hearing record**: An official transcript or recording is highly recommended for hearings conducted by an Association. Any party to the proceedings may retain a court reporter or other competent individual to provide a transcript or recording of the hearing at that party's own expense. If made, such transcripts or recordings shall become the official record of the proceedings, and a copy shall be provided to all parties at their own expense; and
8. **Closed hearing**: Hearings shall be closed to the public. Witnesses shall attend hearings only as necessary to provide testimony.

**K. AAP decisions and opinions**: The following shall pertain to AAP final decisions and opinions rendered in hearings and appellate proceedings:

1. **Scope of decision:** All AAP panel decisions shall be consistent with USATF, PVA/USATF and IAAF Rules and Regulations, and the Sports Act. If the

implementation of any AAP panel decision and opinion would have a significant budgetary impact on PVA/USATF the Budget Committee chair and/or the PVA/USATF Treasurer shall review it and report their findings to the Board within thirty (30) days of the issuance of the opinion. In such instances, the decision and opinion shall not become final and binding unless and until approved by the Board. The Board shall determine to what extent any AAP decision and opinion having a significant budgetary impact on PVA/USATF may be implemented, in light of fiscal considerations, and may remand the matter back to the AAP panel for modification based upon budgetary directives from the Board;

2. **Form of decision and opinion**: The AAP decision shall state in one or two brief sentences which party the AAP arbitrators have ruled in favor of. The opinion of the AAP panel shall set forth the following:
   - **a. Issue**: The question(s) the AAP panel was asked to decide;
   - **b. Arguments**: A brief summary of the arguments made by each party;
   - **c. Findings of fact**: The findings of fact upon which the panel based its decision;
   - **e. Citations**: A citation to the applicable IAAF, USATF, PVA/USATF, Sports Act, or other applicable rule, bylaw or minutes, reports, guidelines, or other documents upon which the AAP panel decision is based, if any; and
   - **f. Stay provision**: Whether the effect of the decision shall be stayed in the event of an appeal, if appropriate;
3. **Time frame**: An AAP panel shall issue a decision with respect to the disciplinary, formal grievance, or other proceedings within fifteen (15) days after the conclusion of the hearing. The panel shall render a written opinion no later than thirty (30) days after the conclusion of the hearing, or after the submission of any post hearing documentation to the panel.
4. **Effect of decision**: All AAP panel decisions shall be effective upon the date rendered, unless otherwise stated in the decision.

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