

**BYLAWS of
WEST VIRGINIA ASSOCIATION OF USA TRACK & FIELD INC.**

ARTICLE 1 - NAME

The name of this organization shall be the West Virginia Association of USA Track and Field, Inc. The terms “the Association” and “West Virginia -USATF” may be used for the purpose of brevity

ARTICLE 2 - DEFINITIONS

As used in these Bylaws and the Operating Regulations:

- A. Athlete:**
- 1. Active athlete** means any individual who is actively engaged in Athletics or who has represented the United States in international competition held under IAAF jurisdiction in Athletics within the preceding ten (10) years; and
 - 2. Eligible athlete** means any athlete who meets the eligibility standards established by USATF for Athletics.
- B. Athletics** means, inclusively, track & field, long distance running, cross country running, road running, race walking, and any other sport discipline recognized by the IAAF.
- C. Athletics competition** means a contest, game, meet, match, tournament, or other Athletics event in which eligible athletes compete.
- D. Club** means a local or national organization whose programs involve competitive member athletes, events, and/or education in Athletics.
- E. Coach** means a person who is currently engaging in the training of athletes on an active basis, whether on a paid basis or not, and regardless of the extent to which coaching is a part of the person’s vocation, or retired from the vocation of coaching.
- F. NABR** means the National Athletics Board of Review, as established in USATF Operating Regulation 11.
- G. Sanction** means the document which evidences the authority granted by either USATF or an Association to conduct a competition, and which also evidences that the recipient has complied with the requirements of USATF Article 20 and USATF Operating Regulation 14.

- H. Sports organization** means a non-profit corporation, club, federation, union, association, or other group organized in the United States which sponsors or arranges any Athletics competition.
- I. This geographic area** means the state of West Virginia exclusive of the four northern panhandle counties.
- J. USATF** means USA Track and Field, the national governing body.

ARTICLE 3 – PURPOSE

The purpose of the Association is to act as the West Virginia area representative to USATF and in connection with that purpose:

- A. To encourage, improve, and promote the sport of amateur Track and Field in the area of West Virginia as defined by USATF in accordance with the purposes set forth in the Bylaws of USATF.
- B. To protect and promote the mutual interests of the Members.
- C. To institute, regulate, and conduct or award amateur Track & Field Championships of the Association.

ARTICLE 4 - AUTHORITY

The association shall possess, through USATF, all authority of that body in the sport of Track and Field. The Association shall be autonomous in the administration of Track & Field and to that end shall exercise independent jurisdiction, supervision and control over the administration, eligibility, sanctions, authority, representation and rules of competition for the sport of Track & Field in the West Virginia area as defined by USATF.

ARTICLE 5 - CONSTITUENCY

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

- C. **Applications:** Application for membership shall be in accordance with the USATF Bylaws and Operating Regulations.

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

ARTICLE 6 - VOTING MEMBERS

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

ARTICLE 7 - MEETINGS

- A. **Annual meeting:** The annual meeting of this Association shall be held by no later than October 15th of each year. The meeting will be held at such date, time, and place as may be fixed by the President, and announced by requisite notice of such meeting.

- B. **Special meetings:** Special meetings of this Association shall be held upon call by the President. This meeting would be held for the purpose of addressing grievances or problems as perceived by members of the association.

- C. **Meeting procedures:** The following shall govern the conduct of all meetings of this Association;
 - 1. **Notification of meetings:**
 - a. **Distribution:** Notice of the meeting must be distributed by mail, e-mail, newsletter, local Association web site, and/or the National Office's web site;
 - b. **Web site use:** If a web site is to be used to inform members of the meeting, then members must be informed where to find information on the web site through a mailing or newsletter;
 - c. **Prior arrival:** The initial meeting notice must be sent by

1. **Nominating Committee:** A nominating committee consisting of at least three (3) people appointed by the President, shall present a slate of candidates for each office.
2. **In-person meeting nominations:** Nominations may be made from the floor at the election meeting.
3. **Membership & age criteria:** A candidate must be a member of the Association who is at least 18 years of age (at the start of the term of office);
4. **Nominations and seconds:** A candidate needs one (1) nominator and one (1) seconder who are both members of the Association.

C. Voter criteria:

1. **One person-one ballot:** One (1) person shall cast only one (1) ballot, regardless of how many positions within the Association the person occupies;
2. **Proxies:** There shall be no proxy voting;
3. **Minimum age:** Voters must be a minimum of age eighteen (18) on the day of the election .
4. **Voting membership deadline:** Except for renewals from the previous year, individuals must be members in the month which ends more than one full month preceding the election (e.g., if the election is held at any time in June, the membership must be processed by April 30);
5. **Organizations:** Organizations shall have a minimum of one (1) vote, with the Association having the option of awarding additional votes based on the size of organizations. One additional vote for each 100 registered members.
6. **Membership of all voters:** Organizations and any person representing an organization in Association voting matters must be members of USATF.

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

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

E. Counting of ballots:

1. **Panel:** A panel of at least three (3) individuals 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;

F. Committee chairs:

1. **Age and terms:** All committee chairs, must be at least 18 years of age and members of the Association. Chairs shall be appointed for a two (2) year term by the Board of Directors.
2. **Election:** When requested by two (2) or more member organizations of the Association, sport committee chairs shall be elected. When a sport chair is elected, the election shall take place at a meeting which is held separately from the general elections, either by time or location, and at a minimum, shall be advertised to all member organizations in the Association active in the discipline;

G. National delegates:

1. National Delegates shall be appointed by the Board of Directors of the Association.
2. They must be members of USATF.

H. Majority requirement:

1. **Officers:** Regardless of whether a mail ballot is used, the president and secretary of the Association must be elected by a majority of the ballots cast. If a run-off election is necessary, the notification requirements shall be the same.
2. In other mail ballot elections, a plurality may be accepted.
3. In elections conducted at meetings, a plurality may not be accepted in the first round except for the election of national delegates.
4. In run-off elections, candidates equal to twice the remaining positions shall be on the ballot.

- I. Employees and elections:** Current employees (working within the past ninety days) shall not participate in any part of the elections process (nominations or campaigning), but may, at the discretion of the Association, be permitted to vote if they are members and otherwise eligible.

ARTICLE 9 - OFFICERS AND THEIR DUTIES

- A. Positions:** The officers of this Association shall be: President, Vice President, Secretary, and Treasurer.

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

1. **President:** The President shall:
 - a. Preside at all meetings of USATF and its Board;

- b. Be an ex officio non-voting member of all committees;
- c. Shall manage and supervise the affairs of this Association; and
- d. Select committee chairs and other such members that he or she is entitled to appoint as well as other appointments authorized by these Bylaws after consultation with the other officers. He or she may likewise terminate such appointments for good cause upon written notice to such appointees and the other officers;

2. Vice President: The Vice President shall:

- a. Perform duties assigned by the President and Board.
- b. In the temporary absence of the President from a meeting, the Vice President shall serve as acting chair;

3. Secretary: The Secretary shall:

- a. keep or cause to be kept all records of this Association, and all minutes of meetings of this Association and its Board, and,
- b. in general shall perform all duties normally pertaining to the office of secretary;

4. Treasurer: The Treasurer shall:

- a. keep or cause to be kept a correct and complete record of account, showing accurately at all times the financial condition of this Association,
- b. in general, shall perform all duties normally pertaining to the office of treasurer;

C. Election: All officers are to be elected for four (4) years at the annual meeting of the Association during the last year of each Olympiad. No person may contest more than one (1) officer position during an election. A person may not hold the office of President and any other officer position; however, a person may be named in other dual capacities to fill a vacancy.

D. Limitation on terms: No person shall serve in an officer position for more than 3 terms without a period away from that position.

E. Succession and vacancies: There shall be no order of succession to any office. In the event the Board determines that an officer is temporarily unable to serve, it may, in its sole discretion, name another officer to fill the vacancy temporarily. In the event an officer resigns or is permanently unable to serve, the Board shall name a successor until the following annual meeting, subject to the limitation in paragraph C above, at which time a special election shall be held for the unexpired portion of the term.

ARTICLE 10 - Procedures for Removal of Officers and Committee Chairs

Removal from office: Any officer or committee chair of West Virginia USATF may be removed for good cause by a two-thirds vote of those delegates of USATF present and voting at an annual meeting or special meeting called for this purpose, and provided the requisite notice for such meeting (see Article 7) shall properly set forth the removal vote on its agenda.

ARTICLE 11 - BOARD OF DIRECTORS

- A. Composition:** The Board of Directors shall be composed as follows:
1. The **officers** of this Association (4 persons);
 2. The **immediate past president** (1 person);
 3. The **chairs** of the following sport committees: (Long Distance Running, Masters Track & Field, Membership, Officials, Race Walking, Sanctions, Track & Field, and Youth Athletics.) (8)
- B. Chair and Secretary:** The President of the Association shall serve as chair and the Secretary as secretary.
- C. General provisions:**
1. **Fiduciary responsibility:** The Board shall manage and supervise the affairs of the Association and perform those duties specified in these Bylaws; and
 2. **Meetings of the Board:** The Board may conduct its affairs either at a meeting or by a conference call. It shall hold quarterly meetings during each year as called by the President. Additional meetings may be called by the President or upon the written request of any 4 members of the Board, and if by the latter group, only after a minimum prior notice of five (5) days to the President of such intent by facsimile or e-mail. At least seven (7) days' notice of any in-person meeting and at least forty-eight (48) hours' notice of any conference call shall be given to all members of the Board. Written notice shall include the minutes of the previous meeting.
- D. Election or selection of members:** All members of the Board are elected by their constituencies and shall serve at the discretion of those constituencies, unless otherwise stated in these Bylaws.
- E. Quorum:** A quorum for meetings of the Board shall consist of a majority of the members of the Board.

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

ARTICLE 12 - COMMITTEES

West Virginia Association Committees shall consist of the following, but not be limited to:

- A. Long Distance Running
- B. Masters Track & Field
- C. Membership
- D. Officials
- E. Race Walking
- F. Sanctions
- G. Track & Field
- H. Youth Athletics

Duties and Responsibilities

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

ARTICLE 13 - DISCIPLINARY AUTHORITY

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

ARTICLE 14 - REDRESS OF GRIEVANCES

A grievance may be any matter within the cognizance of West Virginia USATF as described in Regulation 1.

A. Grievances shall be filed and administered in accordance with Regulation 1.

ARTICLE 15 - SANCTIONS

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

A. Definition: The definition of "international competition" shall apply to this article and the corresponding USATF Operating Regulation 14. International competition means an athletics competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country (i.e., competitions between national teams).

B. Domestic Sanctions: USATF or its Associations shall have authority to grant sanctions to sports organizations or persons otherwise wishing to hold athletic competitions in athletics, that are not international in nature, within the United States.

C. Sanctioning policy: Unless USATF or an Association determines by clear and convincing evidence that holding or sponsoring an athletics competition (international or domestic) would be detrimental to the best interests of the sport, USATF or the appropriate Association of USATF shall promptly grant a sanction requested by a sports organization or person(s), provided all the requirements of USATF Operating Regulation 14 have been satisfied. The decision as to whether a proposed competition would be detrimental to the best interests of the sport shall be made in the first instance by either USATF or an Association, as appropriate. Approval of sanctions shall not be unreasonably denied. The decision to deny a sanction may be appealed: In the case of a denial by an Association, to USATF, or In the case of a denial by USATF, to the NABR.

D. Sanction requirements: Sanctions are issued, withheld, or withdrawn in accordance with the requirements and provisions of USATF Operating Regulation 14.

ARTICLE 16 - FISCAL AND LEGAL MATTERS

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

B. Indemnification: This Association shall immediately indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact that he or she is or was a director, officer, employee, or official representative of this Association against expenses, including attorney's fees, judgments, fines, and amounts actually and reasonably incurred by him or her in connection with such action, suit, or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed

to be in or not opposed to the best interests of USATF and this Association, and, with respect to any criminal action or proceedings, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of USATF and this Association.

ARTICLE 17 - DISSOLUTION

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

ARTICLE 18 - SAVING CLAUSE

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

ARTICLE 19 - AMENDMENTS

A. General provisions: Amendments shall be considered by this Association as follows:

- 1. Voting for Bylaws approval:** Amendments to the Bylaws shall require for passage a two-thirds vote of those members present and voting at the meeting, provided notice of the proposed amendment has been submitted in writing to the members of the Association at least thirty (30) days prior to the meeting;
- 2. Voting for other regulations approval:** Amendments to the other regulations shall require a majority vote of members present and voting, provided notice of the proposed amendment has been submitted in writing to the members of the Association at least thirty (30) days prior to the meeting.

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

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

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

1. **Vote of the membership:** Upon a ninety percent (90%) vote at any meeting of this Association; and
2. **Vote of the Board:** Where immediate relief is deemed necessary, the Bylaws and other regulations may be amended upon vote of ninety percent (90%) of the total membership of the entire Board, such amendment to be effective only until the next meeting of the Association.

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

Adopted November 15, 2003

Attached Operating Regulations

Amended September 21, 2008

Amended August 15, 2010

Paul Gilmer
President, WV USATF Association

Jo Burrows
Secretary, WV USATF Association

Operating Regulations

Regulation 1

FORMAL GRIEVANCES AND DISCIPLINARY PROCEEDINGS

- A. Jurisdiction:** This Association shall have jurisdiction over all disciplinary and formal grievance proceedings relating to matters that arise within the boundaries of the Association, except sexual misconduct allegations and doping violations which shall be under the jurisdiction of USATF. All penalties imposed by an Association shall be effective only within the jurisdiction of that Association.
- B. Association Arbitration Panel:** The following shall apply to the appointment and conduct of the Association Arbitration Panel (AAP):
- 1. Members:** The Association Arbitration Panel shall consist of three (3) members - a chair, an at-large member, and an athlete member. There shall also be a first alternate, second alternate, and additional alternates who may be appointed from time to time when any of the three members of the AAP are not available. Members of the AAP shall not be members of the Association Board or Executive Committee.
 - 2. Appointments:** The President with the approval of the Association Board shall appoint members. 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:** A 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 conduct:** Conduct detrimental to the best interests of Athletics, USATF, West Virginia 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 West Virginia 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 West Virginia USATF. A non-member, former director, or former officer of West Virginia USATF shall be subject to the jurisdiction of West Virginia 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 West Virginia USATF or otherwise subject to the jurisdiction of West Virginia 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: West Virginia USATF shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline pursuant to Regulation 1 below.

1. **Activities subject to discipline:** West Virginia USATF may discipline any member who, by neglect or by conduct:
 - a. **Detrimental conduct:** Acts in a manner detrimental to the purposes of USATF, West Virginia 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 the each party charged in the Complaint;
 - b. **Language:** All documents filed and exchanged with respect to this Regulation shall be in English; provided, however, that an original document that is in a foreign language must be submitted along with an English translation. The party submitting the document shall bear the cost of obtaining its translation, which shall be conducted by a reputable translator or translation service. In the event of a challenge to the accuracy of a translated document, the panel chairperson may direct USATF to order a translation of the document(s) in question and may allocate the cost of the translation to any party or all parties, as the panel deems appropriate;
 - c. **Basis for the Complaint:** The Complaint shall allege clearly the nature of the dispute and, where appropriate, state the specific violation of the Bylaws, Operating Procedures, Competition Rules, or Policies of USATF, West Virginia 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 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 West Virginia 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 Regulation 1, 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 Regulation 1-C-1 or 1-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, West Virginia 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 West Virginia USATF, the Budget Committee chair and/or the West Virginia 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 West Virginia 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;
 - d. Citations:** A citation to the applicable IAAF, USATF, West Virginia 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
 - e. Stay provision:** Whether the effect of the decision shall be stayed in the event of an appeal, if appropriate;
- 3. Time frame:** An AAP panel shall issue a decision with respect to the disciplinary, formal grievance, or other proceedings within fifteen (15) days after the conclusion of the hearing. The panel shall render a written opinion no later than thirty (30) days after the conclusion of the hearing, or after the submission of any post hearing documentation to the panel.
- 4. Effect of decision:** All AAP panel decisions shall be effective upon the date rendered, unless otherwise stated in the decision.

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