

The following are New Jersey Association by-law changes that were first proposed at the February 2006 Board of Trustees meeting and now are being presented to the general membership for vote as provided for in the by laws:

**Change Definitions Article 2 Definitions Section I This geographic Area** from “means the State of New Jersey except to the extent that the Mid Atlantic Association also administers the southern counties of New Jersey” to “This Geographic Area: means the State of New Jersey”.

**Reason:** To properly reflect the jurisdiction of the New Jersey Association as approved by USATF National. Formerly the southern counties of New Jersey were governed by the Mid Atlantic Association; they are now part of the New Jersey Association.

**Change Article 10 Section J Expulsion** from “Expulsion: Failure to participate in two (2) consecutive *quarterly* meetings may, by a 2/3 vote of the Board members attending, cause expulsion of the member” to “Expulsion: Failure to participate in two (2) consecutive *Board of Trustees* meetings may, by a 2/3 vote of the Board members attending, cause expulsion of the member.”

**Reason:** The “quarterly” identifier was an error. The intent of the Association is and always was to require that Board members attend Board meetings. There is no requirement for Board members to attend Quarterly meetings.

**Change Article 7 Annual, Quarterly, & Special Meetings Section B Regular Meetings** from “This Association shall also hold quarterly meetings of the membership on the second Wednesday evenings of February, September, and November unless the President shall select another weekday evening in any of those months. When the President has fixed date, time, and place of the meetings, it shall be announced by requisite notice of such meeting.” to “This Association shall also hold bi-annual meetings of the membership in the months of March and September unless the President shall select another weekday evening in any of those months When the President has fixed date, time, and place of the meetings, it shall be announced by requisite notice of such meeting”.

**Reason:** Quarterly meetings are ill-attended except by members of the Executive Committee, Board members and Sport Committee members. Most members who want information attend sport committee meetings or obtain the information via the Association website.

The following are changes to USATF National bylaws resulting from the annual convention in December 2006. The changes reflected to these bylaws must result in subsequent changes to the New Jersey Association bylaws. The exact wording of these changes follows the National changes to Regulations 1 and 15. These changes do not require a vote by New Jersey membership.

*(Note that only the underscored portions of the regulations have been changed)*

(USATF National)  
REGULATION 1  
MEMBERSHIP

Qualifications, application procedures, and fees for membership categories, specified in Article 5, Article 6, and Regulation 15 shall be as follows:

- A. Individual Membership: Individuals may apply for membership in USATF through an Association or the USATF website – www.usatf.org. Except in circumstances permitted pursuant to Regulation 7-C-3-c, a member may only belong to a single Association as an athlete at any one time. Otherwise, a member may belong to more than one Association, provided the member is registered as an athlete in no more than one of the Associations. A member belonging to multiple Associations must pay a full membership fee to each of the Associations. Coaches and others who work with youth athletes may be subject to a compulsory disclosure program approved by the Board.

**Impact:**

- 1) While a member of USATF may now be a member in more than one Association they can only have “athlete” checked off in their member profile for a single Association.
- 2) This allows an athlete who has transferred out of their “zip code-based” Association, so they can represent a club in another Association, to also maintain a membership in their “zip code-based” Association for the purpose of a) coaching/volunteering with a club, b) hold an elected or appointed position within the association, and c) vote in Association elections and meetings.

REGULATION 15  
ASSOCIATIONS STANDARDS & ELECTIONS

A. **Association accreditation:** All Associations shall be accredited biennially by the Organizational Services Committee. The standards and process shall be:

- 1) **Minimum standards:** In order to maintain good standing, an Association shall be required to meet the following standards:
  - a. **Required standards:** Associations shall be required to maintain minimum standards and membership levels set by either the Organizational Services Committee or the Associations Committee and approved by the Board in each of the following categories listed below. Such membership levels may vary for individual Associations or categories of Associations Standards and membership levels are:
    - i. Dues-paying members;
    - ii. Dues-paying members per 100,000 population in the Association;
    - iii. Organizational members;
    - iv. Organizational members per 100,000 population in the Association;
    - v. Member officials;
    - vi. Association documents: Associations shall be required to submit to the National Office a copy of its Association organic documents, as set forth in Bylaw Article 6;
    - vii. Annual meeting: Associations shall hold an annual meeting of their membership; and
    - viii. Financial report: Associations shall be required to submit to the National Office annually a copy of their completed first page of the 990 or 990EZ (or such form as shall replace them at the discretion of the Internal Revenue Service) tax form for the Association. If the Association is not required by the IRS to file either tax form by the IRS, it shall submit a completed 990 EZ to the National Office;
    - ix. Association Bylaws: Each Association’s Bylaws must contain provisions for removal or replacement of officers and committee chairs, and grievance and disciplinary procedures, as more fully detailed below.
  - b. **Association Bylaws:** Beginning in 2007, all Association bylaws must contain clear and concise provisions related to:

- i. **Removal:** The removal or replacement of Association officers and committee chairs; and
- ii. **Dispute resolution:** Detailed procedures for filing and resolving Association grievances and disciplinary matters, which at a minimum provide for:
- iii. **Arbitrators:** The selection of an impartial three-person arbitration panel, to include at least one Active Athlete, to hear and decide grievance and disciplinary matters. The arbitrators shall not be members of the Association Board or Executive Committee;
- iv. **Challenge:** The opportunity for a party to a grievance or disciplinary proceeding to object to the participation of an arbitrator who the party feels cannot act impartially due to a real or perceived conflict of interest;
- v. **Filing:** Special procedures for filing and handling grievances against an officer of the Association which exclude the officer from the grievance administration process;
- vi. **Dates:** Grievance or disciplinary hearing to be held within forty-five (45) days of the filing of the proceeding;
- vii. **Delay:** The opportunity for the arbitrators to dismiss or rule against any party who delays the proceedings, is uncooperative or is unprepared to present evidence or a defense at the grievance or disciplinary hearing; provided that proper advance notice of the hearing has been given to the party; and
- viii. **Appeals:** The decision of the arbitrators to be appealed pursuant to USATF Regulation 11-P.

(Changes to the Bylaws of USATF New Jersey corresponding to National changes)

For Regulation 1 – none required.

For Regulation 15 – change Article 15 as shown below (underscored lines are the changes):

## **ARTICLE 15**

### **REDRESS OF GRIEVANCES**

**A. Redress of Grievances:** A grievance may be any matter within the cognizance of this Association other than doping offenses described in USA TF Operating Regulation 10. A Grievance Complaint shall state that (i) conduct detrimental to the best interests of Athletics or USATF has taken place, or (ii) a violation of any of the Bylaws or Operating Regulations of USATF has occurred, or (iii) the rules of eligibility as defined by the IAAF have been broken. Grievance Complaints may be filed only by individuals who were, at the time that the conduct complained of occurred, members, directors, or officers of USATF. Except as provided in USATF Regulation 11-Q-3, Grievance Complaints must be filed within one (1) year from the time the complaining party knew or should have known of the act giving rise to the Complaint.

**B. Grievance Complaints:** Grievance Complaints shall (i) be filed with the Association office and the Secretary, (ii) be signed under oath, (iii) allege with particularity the nature of the grievance, and, where appropriate, the USATF or IAAF rule which has been violated or broken, and (iv) ask that USATF take such action as may be appropriate and in accordance with its roles. Factual allegations shall be separately stated in concise language with one such allegation set forth in each numbered paragraph of the Grievance Complaint. The failure of a Complaint to comply with the preceding sentence shall not be grounds for its dismissal, provided the Complaint clearly makes specific allegations that, if proven, would justify one of the conclusions set forth in paragraph A above. The Association Office shall forward a copy of each Grievance Complaint to the President.

1. Grievances against officers: In those instances where the grievance is against an officer of the Association; the officer involved must remove himself or herself from any administrative involvement in the proceeding, excepting acting as a respondent to the grievance.

**C. Informal Resolution of Grievances:** Upon receipt of a Grievance Complaint, the President or his/her designee shall use every effort to resolve the grievance through informal means, and, in the case of grievances pertaining to a specific athlete or a specific sport discipline, the Executive Director shall also confer with the chair of the sport committee for the discipline involved. As part of the informal resolution process, all respondents named in the Grievance Complaint shall be served with a copy.

**D. Formal Resolution of Grievances:** If the informal resolution of the Grievance Complaint is unsatisfactory to any party, such party may request that the complaint be resolved by a formal hearing before an Association arbitration panel. Hearings shall be conducted in accordance with the requirements of USATF Regulation 11 and other USATF Bylaws and Regulations.

1. Hearing Procedures:

a. Hearing Panel: Within thirty (30) days of the request the President, or designee, shall select an impartial three-person arbitration panel, including at least one Active Athlete, to hear and decide the grievance and related disciplinary matters. 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. Any party to a grievance or disciplinary proceeding shall have the opportunity to object to the participation of an arbitrator who the party feels cannot act impartially due to a real or perceived conflict of interest.

b. Notice of Proceedings: Within thirty (30) days of the commencement of a formal hearing all involved parties and hearing panel members shall be sent: copies of the complaint or other documents giving rise to the proceeding, the names, addresses and phone numbers of the hearing panel members, a copy of USATF Regulation 11, copies of the text of relevant USATF Rules or Regulations and any other specific document related to the dispute.

a. Setting hearing date: The Chairperson shall work with the involved parties and arbitration panelist to set a hearing date that is convenient to all and allow sufficient time for case preparation. Except in matters of extenuating circumstances a hearing date will be set within forty-five (45) days of the filing of the proceeding. Additionally, a decision will be made if the hearing can be held by telephone conference call.

b. Conduct of hearing: The Chairperson will preside over the entire hearing proceeding. All hearings shall be closed to the public with only those directly involved in the hearing process present. The Association or any party to a hearing has the right to have a court reporter to prepare a transcript of the hearing provided the party pays the costs of the reporter and provides the other parties and the Association copies of the transcript. If no provision is made for a court reporter, the Arbitration Panel shall make an audiotape of the hearing which shall be forwarded to the Association office with the Panel's written decision after the hearing.

c. Dismissals: A panel may dismiss a Grievance or Disciplinary Complaint or rule against any party who delays the proceedings, is uncooperative or is unprepared to present evidence or a defense at the grievance or disciplinary hearing; provided that proper advance notice of hearing has been given to the party.

d. Appeals: An Arbitration Panel decision must be appealed to the Board within 15 days of the decision or it shall become the final Association decision. The Board shall serve as the final appellate authority in the Association. The final decision of the Association can be appealed pursuant to USATF Regulation 11-P.