

USATF NEBRASKA BYLAWS

Amended ~~02-2026~~ [12/20/2020](#)

TABLE OF CONTENTS

ARTICLE 1	NAME	1
ARTICLE 2	DEFINITIONS	1
ARTICLE 3	PURPOSES AND DUTIES	1
ARTICLE 4	AUTHORITY	2
ARTICLE 5	CONSTITUENCY.....	3
ARTICLE 6	VOTING MEMBERS.....	3
ARTICLE 7	MEETINGS.....	3
ARTICLE 8	VOTING.....	5
ARTICLE 9	OFFICERS AND THEIR DUTIES.....	7
ARTICLE 10	BOARD OF TRUSTEES	8
ARTICLE 11	COMMITTEES - GENERAL PROVISIONS	9
ARTICLE 12	COMMITTEES – DESCRIPTIONS.....	1214
ARTICLE 13	DISCIPLINARY AUTHORITY.....	1413
ARTICLE 14	GRIEVANCES	1413
ARTICLE 15	SANCTIONS.....	19
ARTICLE 16	FISCAL AND LEGAL MATTERS.....	19
ARTICLE 17	DISSOLUTION.....	2224
ARTICLE 18	SAVING CLAUSE	22
ARTICLE 19	AMENDMENTS	22

ARTICLE 1 NAME

The name of this corporation shall be the Nebraska Association of USA Track & Field Inc., hereinafter referred to as "this Association," "this corporation," or "USATF Nebraska" or "USATF-NE."

ARTICLE 2 DEFINITIONS

Unless otherwise specified herein, the terms used in these Bylaws shall have the same definitions as in the Bylaws and Operating Regulations of USA Track & Field, Inc.

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 an individual who is currently a USATF-certified coach, or who was within the preceding ten (10) years, actively engaged in training athletes, coaching school/college community Athletics, coaching club athletes, or coaching International Athletes.

F. NABR means the National Athletics Board of Review, as established in USATF Operating Regulation 21.

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 15 and USATF Regulation 23.

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 Nebraska.

J. USATF: means USA Track and Field, the national governing body.

ARTICLE 3 PURPOSES AND DUTIES

This non-profit corporation shall act as the governing body (as defined by the Ted Stevens Olympic and Amateur Sports Act of 1998) for Athletics in this geographic area.

A. Purposes: This corporation shall have the following purposes:

1. Development: Developing interest and participation in Athletics in this geographic area at all levels;

2. Management: Promoting Athletics and athletes by conducting competitions and other events, and by cooperating with and encouraging other organizations which may do so; and

3. Marketing: Generating public awareness, appreciation, and support for Athletics, USATF, and this Association, creating opportunities for athletes and Athletics events, and generating sponsorships to aid this corporation in fulfilling its purposes and duties.

B. **Duties:** This corporation shall have the following duties:

1. Responsibility to constituency: Being responsible to the persons and sports organizations active in Athletics;

2. Coordination of scheduling: Minimizing, through coordination with other sports organizations, conflicts in the scheduling of all practices and competitions in Athletics;

3. Communication with athletes: Keeping eligible athletes active in Athletics informed of policy matters and reasonably reflecting the views of such athletes in the policy decisions of USATF and this Association;

4. Sanctioning of events: Sanctioning competition in Athletics in accordance with the provisions of these Bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;

5. Participation in competition: Providing for the participation by eligible athletes in competition in Athletics, in accordance with the provisions of these bylaws and Regulations, USATF Bylaws, and USATF Operating Regulations;

6. Support of diversity in Athletics: Providing equitable support and encouragement for participation by all persons in Athletics, regardless of gender, age, race or ethnicity, or disabilities;

7. Coordination of certification and education: Providing the means for certification of coaches and officials throughout this geographic area in all disciplines and at all levels of Athletics;

8. Registration and certification of athletes: Registering eligible athletes as members and certifying such athletes as eligible for competition; and

9. Administration of athletics: Performing all other duties necessary for the administration of Athletics in this geographic area and to achieve this Corporation's purposes.

ARTICLE 4 AUTHORITY

This corporation shall be the governing body for Athletics in this geographic area, and shall exercise the following powers:

A. **Representation:** Representing this geographic area in USATF.

B. **Establishment of Association goals:** Establishing Association goals and encouraging the attainment of those goals in Athletics.

C. **Coordination of Athletics:** Serving as the coordinating body for activity in Athletics in this geographic area.

- D. **Jurisdiction:** Shall have jurisdiction over Athletics competition in this geographic area, including Association championships, with the exception that any sports organization which conducts closed Athletics competition (participation in which is restricted to a specific class of eligible athletes such as high school students, college students, members of the Armed Forces, or similar groups or categories) shall have exclusive jurisdiction over such competition.
- E. **Autonomy:** This Association shall be autonomous in its governance of Athletics in this geographic area, in that it shall independently determine and control all matters central to such governance in accordance with the USATF Bylaws and Operating Regulations and these Bylaws and Regulations, it shall not delegate such determination and control, and it shall be free from outside restraint except in recognition of its role as a part of USATF. This provision shall not be construed as preventing this Association from contracting with third parties for administrative assistance and support in connection with its purposes and authority.

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, volunteers, and any other sets of individuals named by USATF. 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.
- 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.
- 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 or expelled, after due notice and a hearing in accordance with these Bylaws and appended Regulations.

ARTICLE 6 VOTING MEMBERS

All individual members (and individuals who are representatives of organizational members) who are over the age of eighteen (18) are entitled to participate in voting at meetings of this Association subject to the provisions of Article 8. 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 and meet any other requirements of these bylaws.

ARTICLE 7 MEETINGS

- A. **Annual meeting:** This Association shall also hold an annual meeting of the membership the second weekend in the month of September unless the President shall select another evening in that month. When the President has fixed the date, time, and place of the meeting, it shall be announced by requisite notice of such meeting.

B. **Interim meetings:** Interim meetings of this Association shall be held upon a call by the President, or a majority vote of the Board of Trustees. When a date, time, and place of the meeting has been fixed, it shall be announced by requisite notice of such meeting.

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 electronic mail to all officers, committee chairs and vice chairs, and club members; and by the Association website;

b. **Website use:** Members shall be informed where to find meeting information on the website in each issue of the Association magazine or newsletter;

c. **Prior arrival:** The ~~initial~~ meeting notice must be sent by means under which it will arrive at least thirty (30) days prior to the ~~beginning of the elections process~~date set for the meeting; and

d. **Changes:** Any notice of a meeting change must be at least fourteen (14) days prior to the meeting; A change of location, within the same community, may be made at any time provided that notice is posted at the former location regarding the new location, and time for travel is allowed before the commencement of the meeting at the new location

2. Record of a meeting: The Association and all of its committees will have a recording Secretary. Within thirty (30) days of the meeting, draft minutes should be posted on the Internet. All written reports or a summary of such reports shall be distributed with the draft minutes.

D. **Quorum:** A quorum shall consist of a minimum of ten (10) eligible voters.

E. **Agenda:** Prior to each meeting of this Association, the Secretary shall consult with the President and any Association staff members on the agenda. The Secretary or designee shall prepare an agenda to be presented to the members at the start of the meeting as one of the first orders of business. Such agenda items shall include, but not necessarily be limited to:

1. Attendance: Consideration of the eligibility of members through acceptance of the registrar's report or roll call

2. Credentials: Consideration of credentials and challenges

3. Minutes: Acceptance of the minutes of the previous meeting

4. Financial report: Treasurer's report and approval of the budget

5. Elections: as scheduled, including interim elections

6. Reports: Of the President, Committee Chairs, and Membership Chair

7. Other business: New or old business as scheduled

8. Adjournment.

F. **Rules of Order:** Questions of order shall be decided by the chair in accordance with Roberts Rules of Order (Newly Revised), unless otherwise provided in these Bylaws. Decisions by the chair may be appealed to the Association Parliamentarian. The President may designate a qualified Parliamentarian for all meetings of this Association.

ARTICLE 8 VOTING

The following guidelines shall apply to all elections for officers and sport committee and other chairs in this Association:

A. Election notice:

- 1. Distribution:** Notice shall be distributed by electronic mail to the officers, committee chairs and vice chairs, and club members, and on the local Association website;
- 2. Website use:** Members shall be informed where to find election information on the website in each Association magazine or newsletter. Notice must be sent by mail to any member making a written request for notice by mail within one year of an election.
- 3. Prior arrival:** The initial meeting notice must be sent by means under which it will arrive at least thirty (30) days prior to the beginning of the elections process; and
- 4. Changes:** Any notice of a meeting change or a change in the election process must be at least fourteen (14) days prior to the meeting. To include a change of location listed in Article 7 Section C-1-d.

B. Nominating process:

- 1. Nominating pre-meeting option:** A nominating committee may be appointed by the Association President to be chaired by the Association Secretary. Nominations will be taken from members up until forty-five (45) days prior to an election. The nominating committee shall have a slate of candidates posted on the Association website thirty (30) days prior to the election along with the meeting notice.
- 2. In-person meeting nominations:** Nominations may also be made from the floor at any election meeting and Write-in votes shall be allowed in contested elections;
- 3. Membership & age criteria:** A candidate must be a member of the Association who is at least eighteen (18) years of age (at the start of the term of office), complete a USATF approved background check and possess a current SafeSport training certificate or renewal, before the later of taking office or thirty (30) days of being elected; and be an eligible Association voter.
- 4. Diversity.** The Association shall promote diversity of representation in its board of directors, officers, and committees, considering the makeup of the Association's specific membership demographics and the population of its geographic area. To the extent possible, considering demographics, the Association's Board, officers, and committees should be a racially and gender diverse group. Additionally, to the extent possible: (i) gender-specific committees must include at least fifty percent (50%) of that gender (i.e. Association's women's track and field committee must be made of at least fifty percent (50%) women); (ii) age-specific committees, except Youth, must include at least fifty percent (50%) that age (i.e. Association's master's long distance running committee must be made of at least fifty percent (50%) masters); (iii) members from one club may not make up more than twenty-five percent (25%) of one committee in an Association; and (iv) a member may only be an officer and/or committee chair of two (2) committees at any given time.
- 4.5. 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 for at least thirty (30) days prior to the date of the election (e.g., if the election is held on September 15, the membership must be paid in full by August 16);
5. **Appointees:** Association appointees shall not vote in elections in that capacity, but may otherwise qualify to vote;
6. **Uncontested:** Uncontested elections may be voted by acclamation; and
7. **Ballot type:** A secret paper ballot must be used for in-person contested elections.

D. **Conduct of Voting:** This Association shall use an open meeting ballot where all members of the Association, eighteen (18) years of age or older, are eligible to vote.

1. **Association-wide elections:** Voting shall be conducted in a one person-one vote manner in all committee meetings except the Youth committee, where the vote shall be conducted as one club-one vote.
2. **Disputes:** Credential disputes must be resolved before the election process is started (i.e. before taking nominations and/or before the report of the nominating committee);
3. **Uncontested:** Uncontested elections may be voted by acclamation;
4. **Contested:** Contested elections must use secret balloting. Any ballot opened outside the presence of the entire voting panel shall not be counted.

E. **Counting of ballots:**

1. **Panel:** The Chair shall appoint a panel of at least three (3) individuals, at least one (1) of whom must be an athlete (if available). The panel shall count the ballots and sign the tally. All panel members shall be Association members of voting age. The panel shall not include any individual who is a candidate for a contested office;
2. **Consultation:** The panel may consult as necessary with the chair, secretary, and/ or parliamentarian (so long as they are not candidates for contested offices) on procedural matters.

F. **Committee chairs and vice chairs:**

1. **Age:** All committee chairs, whether elected or appointed, must be at least eighteen (18) years of age and members of the Association at the start of the term of office, complete and pass a USATF approved background check and possess a current SafeSport training certificate or renewal, before the later of taking office or thirty (30) days of being elected.
2. **Terms:** Chairs shall be elected to two (2) year terms. If the elected Chair is unable to fulfill the term, an interim meeting of the committee will be called by the Association President to elect a new Chair to fill out the term.
3. **Elections:** When requested by two (2) or more member organizations of the Association, Sport Committees or council chairs shall be elected. Sport committee chair elections may be held separately from the Association annual meeting. If committee

elections are held at the Association annual meeting, no two (2) elections may be held at the same time. Otherwise, the sport committee election meetings must be scheduled and held within thirty (30) days before or after the Association annual meeting.

4. Committee Notice:

- a. Notice of the committee elections shall be included in the meeting notices of the divisional or committee meetings and on the Association website.
- b. Notice of all committee meetings; including, but not limited to elections; will be posted on the Association website.

G. Majority requirement:

- 1. **Majority:** In elections meetings, a plurality may not be accepted in the first round.
- 2. **Run-off candidates:** In run-off elections, candidates equal to twice the remaining positions shall be on the ballot.

H. Election protests:

- 1. **Operating Regulation 21:** Except as indicated below, USATF Operating Regulation 21 shall apply to election grievances. Protests may only be made after the election process is concluded;
- 2. **Panel composition:** An NABR panel from a different USATF region shall be appointed to conduct the hearing. All hearings shall be by conference call.
- 3. **Invalidation:** The NABR panel shall invalidate an election if it is found that one or more infractions occurred and likely changed the outcome of an election; and
- 4. **Further action:** The NABR panel may recommend or require changes for future elections in the Association.

~~H. **Employees and elections:** Current Association employees (working within the past ninety days) shall not participate in any part of the elections process, including nominations or campaigning, but may, at the Association’s discretion, be permitted to vote if they are members and otherwise eligible. Current Association employees may, at the Association’s discretion, seek election by the Association as a national delegate, or any other representative position at the national level.;~~

~~I. **Operating Regulation 21:** Except as indicated below, USATF Operating Regulation 21 shall apply to election grievances. Protests may only be made after the election process is concluded;~~

~~J. **Panel composition:** An NABR panel from a different USATF region shall be appointed to conduct the hearing. All hearings shall be by conference call.~~

~~K. **Invalidation:** The NABR panel shall invalidate an election if it is found that one or more infractions occurred and likely changed the outcome of an election; and~~

~~L. **Further action:** The NABR panel may recommend or require changes for future elections in the Association.~~

**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 this Association and its Board;
- b. Be an ex officio non-voting member of all committees;
- c. Manage and supervise the affairs of the Association, subject to the direction of the Board of this Association.
- 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. Such appointments shall take effect temporarily and become permanent for the President's term upon approval by the Board. The President may, however, terminate such appointments for good cause upon written notice to such appointees;

2. **Vice President:** The Vice President shall perform duties assigned by the President and Board. In the temporary absence of the President from a meeting, the Vice-President shall serve as acting chair;

3. **Secretary:** The Secretary shall keep or cause to be kept all records of this Association, all minutes of meetings of this Association and its Board, and shall perform all duties normally pertaining to the office of secretary.

4. **Treasurer:** The Treasurer shall keep or cause to be kept a correct and complete record of account, showing accurately at all times the financial condition of this Association, and shall perform all duties normally pertaining to the office of Treasurer.

C. **Election:** Officers are to be elected to two (2) year terms at the annual September meeting. A term shall begin at the end of that meeting. No person may hold more than one (1) association office, however, a person may be named in other dual capacities to fill a vacancy.

D. **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 an interim election shall be held for the unexpired portion of the term.

E. **Removal from office:** Any officer of this Association may be removed for good cause by a two-thirds ($\frac{2}{3}$) vote of those members of the Association present and voting at an annual meeting or interim meeting called for this purpose according to Article 7 Section B, and provided the requisite notice for such meeting (see Article 8) shall properly set forth the removal vote on its agenda.

1. **Elected:** Individuals in elected positions must receive thirty (30) days notice of a hearing before an Association Executive Board. The notice must include a just cause statement and any appeal process.

1-2. **Appointed.** Individuals in appointed positions must receive a statement of just cause for removal and any appeal process.

ARTICLE 10 BOARD OF TRUSTEES

- A. **Composition:** The Board of Trustees shall be composed of seven (7) members
1. **Members:** The membership of the Board consists of the following:
 - a. The Officers of this Association: President, Vice President, Treasurer, Secretary;
 - b. The elected committee chairs: Youth, LDR, and Officials.
 2. **Chair and Secretary:** The President of the Association shall serve as chair (and only vote to break ties) and the Secretary as secretary.
- B. **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 conference call. It shall hold semi-annual in-person meetings during each year in September and March unless otherwise specified by the President. Additional meetings may be called by the President or the Secretary. 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. For any meeting notice may be waived by unanimous consent. Written notice shall include the minutes of the previous meeting.
- C. **Election or selection of members:** All members of the Board are elected by the Association unless appointed by the Board to fill a vacancy until the next annual meeting when an interim election shall be held.
- D. **Quorum:** A quorum for meetings of the Board shall consist of a majority of the members of the Board. For example, if there are no vacancies, there shall be four (4) members for a quorum.
- E. **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.
- F. **Board committees:** The Board may have committees. The President shall appoint the members with the approval of the Board.
- G. **Expulsion:** Any board member of USATF Nebraska may be removed for good cause by a two-thirds (2/3) vote of those members of USATF Nebraska present and voting at an annual meeting or interim meeting called for this purpose, and provided the requisite notice for such meeting shall properly set forth the removal vote on its agenda. Failure to participate in two (2) consecutive Board of Trustees meetings may, by a two-thirds (2/3) vote of the Board members attending, cause expulsion of the member. An expulsion vote may only be taken at the following Board meeting and only if upon a motion made and seconded with fourteen (14) days written notice to the Board members. The member to be expelled shall have the opportunity to present any matter in opposition to the expulsion motion prior to a vote being taken at the meeting but such presentation shall only be made at the meeting at which the expulsion vote is taken.

ARTICLE 11 COMMITTEES - GENERAL PROVISIONS

- A. **Committees:** The following committees of this Association are established with such duties, responsibilities, and make-up as outlined here and in Articles reserved for each type of committee:
1. Sports Committees/Divisions:
 - a. Long Distance Running Division:

- i. Long Distance Running Committee
 - ii. Ultra/Trail Running Committee
- b. General Competition Division:**
 - i. Track and Field Committee
 - ii. Race Walking Committee
 - iii. Athletics for the Disabled
- c. Youth Division:**
 - iv. Track and Field Committee
 - v. Cross Country Committee
 - vi. Race Walking Committee
- 2. Administrative/Operational Committees:**
 - a. Officials**
 - b. Budget**
 - c. Law/Legislation/Rules/Ethics**
 - d. Membership/Sanctions/Clubs**
 - e. Records/Webmaster/Communications**
 - f. Coaches Advisory and Education**
 - g. Diversity and Leadership Development**

B. General provisions: The following provisions apply to all of this Association's committees:

1. Term of members: The term of Sport Committee Chairs shall be in accordance with Article 8-F, and the terms of other sport committee members shall continue as long as they meet the requirements of Subparagraph B-2 below. The term of the Chair and other offices of the Officials Committee shall be in accordance with the committee's bylaws and the term of its other members shall continue as long as they remain certified officials. The term for members chairs of all administrative committees shall be two (2) years and shall commence at the end of the election meeting.

2. Committee makeup:

a. The makeup of sport committees shall be open to all Association members in good standing who meet the requirements of Article 8-F. All such members attending a committee meeting are entitled to vote in committee elections and other voting matters. At the time of the Sport Committee elections, each Sport Committee may elect an executive committee or the Sport Committees of a division may elect a combined executive committee or a divisional chair. An executive committee may act on behalf of the sport committee or sport committees between committee meetings. A divisional chair shall chair meetings of the division, coordinate activities among the sport committees of the division and perform such other duties as may be assigned by the sport committees of the division or their combined executive committees.

b. The Officials Committee shall consist of the certified officials of the Association plus athletes necessary to meet the requirement of subparagraph 5. The Officials

Committee shall elect its chair and officers in accordance with its committee bylaws.

- c. Other administrative and ad-hoc committees should consist of at least three members including a chair. The President shall appoint the members and chair in accordance with Article 9 Section B-l-d.

3. Committee notification: Notification for election meetings shall be in accordance with the Association election notification requirements of Article 8. Other divisional or committee meetings should be a ten (10) day notice except in emergencies. Notice shall be posted on the Association website and also provided to members who have requested to be on the divisional or committee list.

4. Committee meetings: Each committee shall hold at least an annual meeting, which may be in conjunction with the annual meeting of the Association. Committees shall hold such interim meetings as may be called by the chair, at his or her own initiative, or that of twenty percent (20%) of the membership of the committee, upon twenty (20) days' written notice. In the latter case and in the absence of the willingness of the chair to call a meeting, the notice of an interim meeting shall be distributed to all committee members at the direction of the Association secretary upon verification that the requirement of twenty percent (20%) has been met. The notice of an interim meeting shall be in writing, setting forth the date, time, place, and purpose of the meeting, and shall be emailed to the last known address of each committee member;

5. Quorum: A quorum for any sport committee or the Officials Committee is five (5) eligible voters. A quorum for other administrative or ad hoc committees shall consist of a majority of its members;

6. Athlete representation: Except for the Youth Athletics Committee and its subcommittees, all Association committees, subcommittees, or other appointed or elected bodies of this Association should consist of at least twenty percent (20%) active athletes. At least twenty-five percent (25%) of the active athletes shall have competed for the United States in international competition within the last ten years if such athletes are available.

C. **Committee chairs:** The chair of each applicable committee shall be elected or appointed in accordance with these bylaws and shall serve for the same term as the President's term.

1. Duties: Chairs of all committees shall:

- a. Schedule and preside at all meetings of the committee;
- b. Ensure that all duties and responsibilities of the committee are properly and promptly carried out;
- c. Appoint subcommittees, with the authorization of the committee, as may be necessary to fulfill the duties and responsibilities of the committee. Subcommittees of administrative and developmental committees shall be appointed only from the membership of those committees, except that nonmembers (not exceeding 50% of the subcommittee) may be appointed with the authorization of the committee;
- d. Communicate with the committee members to keep them fully informed of events concerning the committee and decisions made to carry out the committee's responsibilities; keep the President informed on all committee actions and recommendations; and
- e. Cause to be kept and promptly forwarded to all committee members and the Association office copies of the minutes of all meetings of the committee;

2. Vacancies: When an elected committee chair is vacant, the position shall be filled by a vote of the committee as a whole by email ballot unless the committee has previously adopted a different procedure. A panel named by the Association President shall supervise the elections in a manner approved by the Board; and

3. Removal of elected chairs: Chairs may be removed for good cause by a two-thirds ($\frac{2}{3}$) vote of the committee at an annual meeting or at an interim meeting called for that purpose, provided that the members of the committee shall receive notice of the proposed action at least thirty (30) days prior to the meeting.

D. Sport Committees general provisions: Each Sport Committee shall:

1. Delegation of duties: Have the right to delegate any of its duties to its chair, vice chair, or other committee member;

2. Open meeting: Except upon majority vote of those present, allow the attendance at its meetings of any non-members engaged in the sport, allowing such persons voice but no vote;

3. Miscellaneous: Promote and develop activities related to its sport.

4. Meetings: All committees must have at least one (1) scheduled meeting per year and the meeting information must be posted on the Association website at least thirty (30) days prior, with notice sent to the Association President and Secretary.

E. Ad Hoc Committees: The President may appoint ad hoc committees. No such entity shall continue beyond the term of the President without specific reappointment.

ARTICLE 12 COMMITTEES – DESCRIPTIONS

A. Sport Committees:

1. Duties and responsibilities: In addition to the provisions of Article 11, each sport committee shall:

a. Championships: Have jurisdiction over the Association championships (subject to Board oversight) in the particular discipline it controls, and shall institute, locate or award, conduct, and manage all such championships in accordance with the provisions of the Regulations;

b. Calendar: Coordinate the local and domestic competition calendar in its discipline; and

c. Records: Recommend records to the Records Committee for the events within its discipline.

2. Committee definitions: The disciplines and age categories under the control of each sport committee in this division are as follows:

a. Age categories:

i. Under 20 Athletes must be at least age 14 on the day of competition and not 20 any time during the year of competition;

ii. Open Athletes are of any age 14 years and over (females) and 16 years and older (males);

iii. Masters Athletes shall be at least age 35 on the day of competition for track and field and 40 on the day of competition for long distance running;

iv. Youth Athletes must be 18 or younger through the final day of the national Junior Olympics track & field competition and are divided into age categories.

b. Jurisdiction:

i. Long Distance Running Division: for Under 20, Open, Master's, Men's and Women's.

1. Long Distance Running Committee:

- a. Off-track running at all distances up to marathon
- b. Track running at distances over 10,000 meters
- c. Cross Country running

2. Ultra/Trail Committee: events exceeding the marathon distance, and for all out-of-stadium/ off-road events except those which fall under the term "cross country running" at any distance, including those events falling under the broad categories of mountain, ultra, and trail running.

ii. General Competition Division: for Under 20, Open, Master's, Men's and Women's

- 1. Track and Field Committee: All track and field activity, except track running races greater than 10,000 meters
- 2. Race Walking Committee: All race walking activity.
- 3. Athletics for the Disabled Committee

iii. Youth Division: All the following activity not conducted as Under 20 competition for youth boys and girls

- 1. Track and Field Committee
- 2. Cross Country Committee
- 3. Race Walking Committee

B. Administrative/Operational Committees:

1. **Budget:** Duties and responsibilities:

- a. Budget:** Draft and submit to the Board for approval an annual association budget
- b. Policy advice:** Serve as a source of information, reference and advice to the officers, employees, Board, and all committees with regard to the financial matters of the Association;

2. **Law/Legislation/Rules/Ethics:** Duties and responsibilities:

- a. Deliberations:** Consider and present in proper form for action all amendments to the Association Bylaws and Regulations and may make recommendations thereon
- b. Custodial service:** Be the custodian of the local Association Bylaws and Operating Regulations
- c. Interpretation:** Interpret the Rules of Competition; and
- d. Amendments by members:** Have the authority to propose amendments to the USATF Association Bylaws, Operating Regulations, and Rules of Competition on behalf of the Association with the approval and signature of the President of the Association.

3. **Membership/Sanctions/Clubs:** Duties and responsibilities:
 - a. Advise the Association and the Board on membership, sanctions, and club matters.
 - b. Review and approve/deny club membership.
 - c. Review and approve/deny sanctions.
 - d. Assist individuals and groups with issues concerning membership services.
4. **Officials Committee:** Duties and responsibilities: Perform all the duties and responsibilities of an Association Officials Committee mandated by the USATF Bylaws.
5. **Records/Webmaster/Communications:** Duties and responsibilities:
 - a. Work with the Board Secretary
 - b. Assemble and update listings of proposed Association Records, in consideration with the recommendations for records by sport committees, and submit record listings to the Board for final approval.
 - c. Maintain Association Website
 - d. Communicate to members by email matters concern the Association as directed by the Board
6. **Review Committee:** Duties and responsibilities: conduct hearings in disciplinary proceedings and grievance matters in accordance with USATF and Association Bylaws and Regulations.

ARTICLE 13 DISCIPLINARY AUTHORITY

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.

NOTE: Disciplinary and reinstatement procedures: The disciplinary and reinstatement procedures of USATF and its member Associations are set forth in USATF Operating Regulations 21 and 22.

ARTICLE 14 GRIEVANCES

- A. **Redress of grievances:** A grievance may be any matter within the cognizance of USATF Nebraska as described in Article 14. Grievances shall be filed and administered in accordance with the following procedures.
- B. **Formal grievances and disciplinary proceedings:** 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

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:

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

a. Detrimental conduct: Conduct detrimental to the best interests of Athletics, USATF or USATF Nebraska 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 USATF Nebraska 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 USATF Nebraska. A non-member, former director, or former officer of USATF Nebraska shall be subject to the jurisdiction of USATF Nebraska 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 USATF Nebraska or otherwise subject to the jurisdiction of USATF Nebraska. 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: USATF Nebraska shall have the authority to discipline any member who, by neglect or by conduct, acts in a manner subject to discipline pursuant to section 1a. to c. below.

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

a. Detrimental conduct: Acts in a manner detrimental to the purposes of USATF, USATF Nebraska, 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;

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 translated 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, USATF Nebraska, 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 USATF Nebraska 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 to grievance:** 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 Paragraph I below, the panel chair may extend the time to answer.
- I. Challenge to arbitrator(s):** Within fourteen (14) days following the receipt of the Notice of Proceedings 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; provided, however, that the hearing shall be held not later than ninety-five (95) days of commencement of the formal grievance. 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 consider in deciding the request.

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, is uncooperative, or is unprepared to present evidence, the AAP panel may dismiss the proceeding or, at its discretion, rule against the party causing the delay, who is uncooperative, or who is unprepared; provided, however, provided that proper notice of the hearing has been given to the party. 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 Article 15-C1 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, USATF Nebraska, 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 USATF Nebraska, the Budget Committee chair and/or the USATF Nebraska 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 USATF Nebraska 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 in favor of which party the AAP arbitrators have ruled. 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, USATF Nebraska, 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 21-R.

ARTICLE 15 SANCTIONS

The general sanction provisions of USATF which affect local Associations appear in this Article. Additional regulations appear in USATF Operating Regulation 23.

- A. **Definition:** The definition of "international competition" shall apply to this article and the corresponding USATF Operating Regulation 23. International competition means an athletics competition between one or more athletes representing the United States, individually or as a team, and one or more athletes representing a foreign country (i.e. competitions between national teams).
- 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 23 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. **Depositories:** The Association shall, from time to time as necessary, designate depositories for funds, property, and assets belonging to or under the control of USATF.

1. **Signatories:** Funds on deposit in banks may be withdrawn by voucher check upon the signatures of the officers as approved by the Board. Other assets or property of this Association may be transferred from one depository to another by action of the Board; and

2. **Imprest Accounts:** The Association may establish separate accounts employing the imprest system for the liquidation of obligations requiring prompt payment and for payroll obligations requiring prompt payment, and it may authorize checks to be drawn thereon upon the facsimile of any one (1) officer.

C. **Bonding:** Corporate fidelity bonds should be obtained at the expense of this Association in a form and amount approved by the Board, indemnifying USATF and its Association against losses resulting from infidelity, defalcation, or misappropriation by Officers, employees, or agents of funds, property, or assets owned by or under the control of this Association.

D. **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.

1. **Standards of Conduct:** Any indemnification under this article shall be made by this Association only as authorized in the specific case upon a determination that the officer, director, employee, or official representative has met the applicable standard of conduct set forth herein. Such determination shall be made by the Board by a majority vote of a quorum consisting of members of the Board who were not parties to such action, suit, or proceeding. If such a quorum is not obtainable, such determination shall be made either (1) by a majority vote of the full Board pursuant to opinion of independent legal counsel or (2) by the members of this Association at the next meeting.

2. **Expenses:** Expenses, including attorney's fees, incurred in defending a civil action, suit, or proceeding may be paid by this Association in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided above upon receipt of an undertaking by or on behalf of the director, officer, employee, or official representative to repay such amount unless it shall be ultimately determined that he or she is entitled to be indemnified by this Association; and

3. **Applicability:** The indemnification provided by this section shall not be deemed exclusive of any other rights to which the director, officer, employee, or official representative may be entitled under bylaw, agreement, vote of the membership, or disinterested directors or otherwise. The indemnification provided by this section shall continue as to a person who has ceased to be a director, officer, employee, or official representative and shall inure to the benefit of the heirs, executors, and administrators of such a person.

E. **Liability Insurance:** This Association should secure comprehensive liability insurance coverage, including insurance for athlete/participant injury liability and such other insurance as the Board determines appropriate.

F. **Audit schedule:** The Board, effective at the beginning of each fiscal year, may select a Certified Public Accountant to audit the books and financial records of this Association for the ensuing year. After completing the audit, the auditor shall submit his or her report to the Board, and as soon thereafter as reasonably possible, a copy of such audit report shall be available for each member of this Association and sent to the USATF National Office before the next annual meeting.

G. **Legal Counsel:**

1. **General Counsel:** The General Counsel to this Association shall be appointed by the President with the approval of the Board. The Counsel shall be responsible for overseeing the legal affairs of this Association and shall be available to advise and consult with the officers, and other agents of this Association, render legal advice and assistance, and perform such other duties as the President or the Board may request. The Counsel shall have the right to the floor at any meeting of the Association, its Board, and its committees to comment on legal matters. The files, records, and documents created by the Counsel during the course of duties for the Association shall belong to the Association; and

2. **Special Legal Counsel:** On those occasions when the nature or scope of a particular matter requires expertise or a commitment of time, or cannot otherwise be adequately dealt with in the ordinary course by the General Counsel, and it appears to be in the best interests of this Association, the Board may authorize the President, in consultation with the Board, to retain Special Legal Counsel. Where prior authorization by the Board is impractical the President, in consultation with the General Counsel may in the best interests of USA TF and this Association retain such Special Legal Counsel. All agreements with Special Legal Counsel as to legal services to be rendered and the fees and compensation to be paid shall be in writing and executed in accordance with this paragraph.

H. **Contracts:** Contracts not in the ordinary course of affairs of this Association, should be examined and approved for form by the Counsel to the Board or by the Special Legal Counsel of the Association, prior to execution. The contents of all contracts affecting sport committees shall, during their negotiation phase, be communicated to the appropriate committee(s). Unless otherwise directed by the Board, all written contracts shall be executed on behalf of this Association by (i) the President (or another officer designated by the President) and, if required, attested to by the Secretary.

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

J. **Conflict of Interest:** Any individual representing this Association, or who has a financial arrangement with USATF or this Association, or who is an employee of this Association or of its Associations, or who is a member of any of its committees, shall not participate in the evaluation or approval of a contract with a supplier to furnish goods or provide services to USATF or this Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration. The Board may require that such individuals disclose all financial interests that may influence the performance of their duties for USATF or this Association. Each individual referred to in the first sentence of this paragraph shall, upon learning that this Association is proposing to enter into an

arrangement in which he or she has financial interest, promptly notify the President in writing of the existence of such interest, and the President shall, in turn, promptly disclose such interest to those bodies of USATF involved in considering entry into the arrangement. In the event of a violation of this provision, the Association shall have the right to recover such benefit or payment and to void the contract or transaction.

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 or 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 at the annual meeting provided notice of the proposed amendment change has been submitted in writing to the members of the Association at least thirty (30) days prior to the meeting. Eligible voters may be in-person or virtual using a reputable electronic platform.

1. Voting for Bylaws Approval: Amendments to the Bylaws shall require for passage a two-thirds ($\frac{2}{3}$) vote.

2. Voting for Operating Regulations Approval: Amendments to the Operational Regulations shall require a majority vote.

* Temporary imposed by a Board vote, good until a September 2021 vote of all members.

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

1. Tabled Amendments: Tabled amendments may be acted upon at any subsequent meeting without redistribution of the proposal;

2. Conformity with the Law: To make the Bylaws or other regulations conform with federal or local law or regulation;

3. Conformity with USATF: To make the Bylaws or other regulations conform with USATF requirements;

4. Uniformity: To make the Bylaws and other regulations conform with each other; Such items need not meet the time requirement of subparagraphs A above and D-I below.

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. **Submissions:** The following provisions shall govern submissions of amending legislation:

1. **Time of submission:** Amendments shall be submitted at least thirty (30) days prior to the meeting at which they are to be considered, so as to allow proper review and submittal to the members of the Board or Association. This 30 day requirement may be waived, in emergency circumstances, upon a ninety percent (90%) vote at any meeting of this Association;.

2. **Submitters:** Amendments may be submitted only by a member of this Association;

3. **Persons Receiving Submissions:** Amendments to the Bylaws and other regulations shall be submitted to the chair of the Law & Legislation/Rules/Ethics Committee;

4. **Form of Submission:** The proposed amendments shall be in such form as to show the entire section, subsection, or paragraph, as the case may be, as it will read if adopted, with all proposed additional language underlined or shaded, and all proposed deleted language in double parentheses. Each submission shall be accompanied by a brief statement of the rationale for the submission. If there is a budgetary impact, it shall be estimated with the submission or, lacking such estimation, shall be provided by the Treasurer and/or the chair of the Budget Committee;

5. **Seconding of Submissions:** All proposed amendments must first be seconded for approval at the time of submission by someone other than the submitter who shall be another member of the Association.

6. **Germane Amendment:** Proposed amendments may be modified by germane amendment at the Association meeting in which it is considered.

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

OPERATING REGULATIONS

REGULATION 1: PURPOSE

- A. Supplement Association Bylaws.
- B. If a regulation conflicts with a bylaw, the bylaw shall control.
- C. The Association shall follow all procedures which are required by the USATF Bylaws and Operating Regulations.

REGULATION 2: CHAMPIONSHIPS

- A. General: The Association championships of USATF-Nebraska shall be conducted in Masters, Open ,Under 20, and Youth divisions (Junior Olympics are Youth). NOTE: Rules governing age groups, eligibility, entries, protests, and competition are contained within the USATF Rules of Competition.
- B. Title: All Association championships shall be known as the "USATF Nebraska Championships" and shall be referred to as such in all printed matter, entry forms, programs, and in its references. The name of the principal sponsor of the competition may also be added to the name of the event.
- C. Date: All sport committees shall determine the dates of their Association championships subject to the oversight of the Board. The sport committee shall notify the Board Secretary of the original dates and any changes as soon as possible. The Board Secretary shall announce the dates and changes as soon as possible on the website and otherwise as practical.
- D. Officials: All Association Championships shall have a referee who is a USATF nationally certified official and such other officials as required by the sport committee.

REGULATION 3: RECORDS

- A. The Records Committee shall consider the recommendations of the sport committees and with the Board Secretary shall assemble proposed lists of Association Records.
- B. The Board shall review proposed Association record lists and consider any record disputes. They shall be the final authority on Association records.

REGULATION 4: NATIONAL DELEGATE SELECTION: The Associations delegation to the national annual meeting shall be selected by the Board prior to the September regular meeting.

- A. Delegation Chair: The Association President, or the President's designee, shall serve as the Delegation Chair.
- B. Delegation selection process:
 - 1. Association's Sports and Officials committee chairs shall serve as committee representatives. If a committee chair is unable to attend, the Delegation Chair shall appoint a representative.

2. A request for volunteers to be delegates will be made by email to all Association members and posted on the Association's website.
3. The Delegation Chair shall assign volunteers to a committee.
4. Volunteers not selected shall be considered alternates. The Delegation Chair may also appoint additional alternates. Alternates may move up to delegate status to fill vacancies or to enable the delegation to meet national requirements (in which case, they shall replace the lowest ranking delegates).

REGULATION 5: MEMBERSHIP/SANCTIONS/CLUBS and WEBMASTER/RECORDS / COMMUNICATIONS CHAIRS

- A. Shall be appointed by, and serve at the discretion of the Board.
- B. Shall receive an annual stipend determined by the Board.

REGULATION 6: FINANCIAL

- A. The Association shall maintain in cash or cash equivalents no less than the previous two (2) years' expenditures. If a cash need occurs that exceeds the previous two (2) years expenditures a majority vote by the Board will be needed to issue funds.
- B. The Association Treasurer shall make available by digital copy to all elected USATF Nebraska board members all bank and financial statements no later than thirty (30) days after a statement is issued.
- C. To requests access to Association financial information an active USATF Nebraska member will petition the President in writing, whereupon the President will give written permission to the treasurer to grant the request.
- D. A change in banking institutions may occur upon a request by the Association Treasurer or the Board President. Approval of this change will require a majority vote of the Board prior to any transfer of funds.