

CONSTITUTION AND BY-LAWS
OF
USA RACQUETBALL INC.

Approved by the Board of Directors

November 2008

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**CONSTITUTION OF
USA RACQUETBALL, INC.**

ARTICLE I

101.0 NAME. The name of the organization shall be USA Racquetball, Inc., hereinafter referred to as the Corporation.

102.0 DEFINITION. This Corporation is organized pursuant to the general non-profit corporation's code of Colorado. This Corporation is one that does not contemplate pecuniary gain or profit to any member, officer, or director, and no part of the earnings of this Corporation shall inure to the benefit of any member, officer, or director thereof. The property of this Corporation is irrevocably dedicated to athletic, charitable, healthy, and educational purposes. Furthermore, in the event of the dissolution or liquidation of this Corporation, any and all surplus, capital, or assets shall be distributed to one or more funds, foundations, or Corporation (selected and chosen by the Board of Directors of this Corporation), exempt from Federal Income Tax under Section 501-C-3 of the Internal Revenue Code of 1954 as now in effect or as subsequently amended.

103.0 CORPORATION YEAR. The Corporation's year is from 1 January through 31 December.

ARTICLE II

201.0 PURPOSE. USA Racquetball is a non-profit corporation designed to foster and promote the development of recreational and competitive racquetball in the United States. The Corporation is organized and operated exclusively to foster national and international amateur sport competition within the meaning of 501-C-3 of the Internal Revenue Code. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted by a corporation exempt from Federal Income Tax under 501-C-3 of the Internal Revenue Code. The Corporation offers institutions and individuals, which desire to join in membership for the advancement of racquetball, an opportunity to participate and contribute to that growth. The stated purpose, which is consistent with the provisions of Title II, Sections 202 and 203 of the Amateur Sports Act of 1978, Public Law 95-606, are fulfilled through the following aims and objectives.

202.0 AIMS AND OBJECTIVES

A. To perpetuate, improve, promote, and extend the sport of racquetball in the United States.

- 48 **B.** To stimulate the interest of people in healthy sport participation through
49 racquetball.
50
- 51 **C.** To supervise and administer a continuing racquetball program for all age
52 groups for the purpose of stimulating interest and developing athletes
53 through careful preparation and planning, utilizing existing facilities,
54 resources, and coaching.
55
- 56 **D.** To unify and coordinate the efforts of all agencies interested in promoting
57 racquetball and permit all interested parties to have a voice in the
58 development of the sport in the United States.
59
- 60 **E.** To create and maintain research projects that will benefit all parties
61 interested in racquetball.
62
- 63 **F.** To provide a clearinghouse for the distribution of coaching aids,
64 literature, films, research materials, and rules collected from sources
65 within the United States and other countries.
66
- 67 **G.** To establish an effective means of communication for the transmission of
68 useful ideas whereby coaches and athletes will be informed of the latest
69 developments and techniques in racquetball.
70
- 71 **H.** To give prompt attention to valid suggestions on how to improve the
72 conduct of administration in racquetball in the United States.
73
- 74 **I.** To establish regional, national, and international series of racquetball
75 clinics.
76
- 77 **J.** To maintain records and disseminate information pertaining to all
78 phases of racquetball.
79
- 80 **K.** To train and certify competent racquetball officials.
81
- 82 **L.** To raise money and finance improvement in the sport of racquetball.
83
- 84 **M.** To operate for educational and charitable purposes, to coordinate
85 programs and activities between participants representing the United
86 States and other countries that are conducted in or outside of the United
87 States.
88
- 89 **N.** To resolve disputes arising within racquetball concerning rules,
90 equipment, player eligibility, or any other areas concerned.
91

92 **203.0 JURISDICTION**

- 93
- 94 **A.** Membership in the Corporation shall include the following

95 classifications:

96
97 **1.** Recreational or competitive member: this membership shall be
98 open to any individual who is an athlete, coach, trainer, manager,
99 administrator, or official who is active in racquetball and to any
100 sponsor, competitor, or interested enthusiast who wishes to
101 participate and contribute to the growth of racquetball.
102 Membership will not be dependent upon race, color, creed, age,
103 sex, or national origin.

104
105 **2.** Institutional member: this membership shall be open to any
106 institution or organization that sponsors and supports a
107 racquetball team or teams.

108
109 **B.** The members of this Corporation shall be those persons, institutions,
110 and organizations that pay the membership fee prescribed by the Board
111 of Directors and shall hold valid membership cards.

112
113 **C.** The members of the Corporation shall assist the Board of Directors in an
114 advisory capacity and render such assistance as may be requested by the
115 Board of Directors from time to time.

116
117 **D.** Certificates of membership shall be of such form and design as the Board
118 of Directors may elect, and said certificates shall express on their face
119 the member's card number, the date of expiration, the name of the
120 member to whom it is issued, the name of the state association, and the
121 official insignia or logo of the Corporation.

122
123 **ARTICLE III**

124
125 **301.0 INSIGNIA/LOGO.** The Corporation shall have the official insignia and
126 logo shown in the USAR Governance Manual.

127
128
129 **ARTICLE IV**

130
131 **401.0 OFFICERS.** The officers of the Corporation shall be President,
132 Executive Vice President, Secretary, and Treasurer, each to be elected by and
133 from the membership of the Board of Directors. Each of these offices is to be
134 held by a separate individual member of the Board. No officer of the Board
135 may serve as an officer of any other amateur sports organization that is
136 recognized as a national governing body by the United States Olympic
137 Committee.

138
139 **402.0 DEFINITION AND DUTIES OF OFFICERS**

140
141 **A.** President

- 142
143
144
145
146
147
148
149
150
151
152
153
154
155
1. The Corporation shall have a President who shall preside at all meetings of the Corporation's membership, Board of Directors, and the Executive Committee and shall be an ex officio member of any and all committees.
 2. The President shall be responsible for the affairs of the Corporation and, with the assistance of the Executive Director, shall execute and administer the policies established by the Board of Directors.
 3. In the event that the President is unable to serve, the Executive Vice President shall act in his/her behalf until the President is able to serve or until a successor is duly elected.

156 **B.** Executive Vice President

- 157
158
159
160
1. The Corporation shall have an Executive Vice President who shall perform the duties of the President in his/her absence.

161 **C.** Secretary

- 162
163
164
165
166
167
168
169
170
1. The Corporation shall have a Secretary who shall keep records of the proceedings of the meetings of the membership, the Board of Directors, and the Executive Committee and shall make a report of these activities to the Corporation's membership. Written minutes are to be submitted to the Executive Director for distribution to the Board of Directors no later than 30 days following the adjournment of each meeting.

171 **D.** Treasurer

- 172
173
174
175
176
177
178
179
180
1. The Corporation shall have a Treasurer who shall provide for a commercial audit of the Corporation's funds and accounts by qualified auditors, payment for which shall be made by the Corporation.
 2. The Treasurer shall present to the Board of Directors, before the end of any fiscal year, a proposed operating budget for the ensuing fiscal year.

181 **403.0 ELECTION OF OFFICERS AND TERMS**

- 182
183
184
185
186
187
188
- A. The President, Executive Vice President, Secretary, and Treasurer will be elected by and from the membership of the Board of Directors. The election will be decided by the majority of the votes cast by the Board of Directors at a special meeting of the Board. This special meeting shall be held following the adjournment of the biannual meeting of the Board of Directors that is held immediately prior to/or during the U.S. National

189 Singles Championship tournament. Furthermore, the meeting shall not
190 be held until all of the newly elected Board members have been notified
191 of their election and offered an opportunity to either attend or have their
192 opinions expressed. If possible, this special meeting should precede the
193 annual meeting of the membership of the Corporation.
194

- 195 **B.** Officers of the Corporation shall serve a term of two years starting from
196 the adjournment of the Board of Directors meeting at which they were
197 elected and ending with the adjournment of the biannual Board of
198 Directors meeting held two (2) years later. They may succeed
199 themselves, but serve no more than three (3) consecutive terms.
200

201 **404.0 REMOVAL AND REPLACEMENT OF OFFICERS AND DIRECTORS**
202

- 203 **A.** An officer may be removed from office by a two-thirds vote of the Board of
204 Directors.
205

- 206 **B.** Except as provided for in Section 402.0A5, if an officer of the Board dies,
207 resigns, or is removed, a Board member will be appointed by the
208 President to complete the former officer's unexpired term of office. The
209 President should appoint someone as soon as possible, but no later than
210 30 days before the second semi-annual Board meeting after the vacancy
211 occurs. However, an appointment must be made before the next semi-
212 annual Board meeting if the vacancy leaves the Board out of compliance
213 with mandated representation requirements.
214

- 215 **C.** If a Board member has two consecutive unexcused absences from the
216 biannual Board of Directors meetings, he/she automatically vacates
217 his/her position on the Board.
218

- 219 **D.** If a Board member dies, resigns, or is removed, a new member will be
220 appointed by the President to complete that Board member's term. If the
221 Board member who dies, resigns, or is removed is an athlete
222 representative, then the person appointed by the President must meet
223 the requirements to be an athlete representative.
224

225 **405.0 EXECUTIVE DIRECTOR**
226

- 227 **A.** The Executive Director of the Corporation shall be employed by the
228 Board of Directors and under the direct supervision of the President.
229

- 230 **B.** The Executive Director shall be in charge of the day-to-day operation of
231 the Corporation and shall be responsible for carrying out the details of
232 the organization according to the policies and regulations established by
233 the Board of Directors. He/she shall have general supervision over all
234 income of the Corporation and supervise the disbursement of funds in
235 accordance with the budget approved by the Board of Directors.

- 236
237 **C.** The Executive Director shall be an ex officio member of all standing
238 committees and shall keep, or cause to be kept, all minutes of same.
239 He/she shall have charge of all records of the Corporation including the
240 USAR Governance Manual. The Executive Director shall issue all checks
241 and drafts of the Corporation.
242
- 243 **D.** The Executive Director shall be bonded (at the expense of the
244 Corporation) and shall complete a Statement of Principles of Ethical
245 Behavior and Conflict of Interest.
246
- 247 **E.** The Executive Director employs, with the approval of the Board of
248 Directors, administrative assistants and other persons as may be
249 required for the proper conduct of the Corporation and for the
250 performance of such duties as the Board of Directors may delegate,
251 providing same are not contrary to law, and at such compensation as the
252 Board of Directors may deem proper. Moreover, the Executive Director
253 shall insure that all employees of the Corporation complete a Statement
254 of Principles of Ethical Behavior and Conflict of Interest and receive an
255 Employee Manual.
256

257 **406.0 OTHER POSITIONS.** In addition to the officers, the Board may
258 designate other key positions as it deems necessary.
259

260 **A.** Immediate Past President
261

- 262 **1.** The immediate past President of the Corporation, at the discretion
263 of the elected President, may remain as a non-voting member of
264 the Board and the Executive Committee for a period not to exceed
265 one year after the date the person is no longer President.
266

267 **B.** National Rules Commissioner
268

- 269 **1.** The Corporation shall have a National Rules Commissioner who
270 shall be appointed by the President, subject to approval of the
271 Board of Directors, following the special meeting of the Board of
272 Directors which follows the adjournment of the biannual meeting
273 of the Board of Directors held immediately prior to/or during the
274 U.S. National Singles Championship tournament. The National
275 Rules Commissioner does not have to be on the Board of Directors.
276
- 277 **2.** He/she shall serve a term of three years and may be appointed to
278 successive terms.
279
- 280 **3.** The duties of the National Rules Commissioner shall be to take
281 necessary steps to identify persons qualified to serve as referees in
282 racquetball contests who are familiar with the published rules

283 relating to racquetball play, racquetball contests, and
284 tournaments; and further to designate the referees to act in that
285 capacity during racquetball contests and tournaments. The
286 National Rules Commissioner will chair the National Rules
287 Committee. He/she shall take necessary steps to explain,
288 interpret, and revise the written rules of racquetball. All such
289 explanations, interpretations, and revisions are to be submitted by
290 the National Rules Committee to the Board of Directors for
291 approval. Approval of any rule revision or interpretation will
292 require a two-thirds majority vote of the Board of Directors.
293 Detailed rule change procedures are included in the USAR
294 Governance Manual.

295
296
297 **ARTICLE V**

298
299 **501.0 GOVERNING BODIES.** The Corporation shall have two governing
300 bodies:

301
302 **A.** Board of Directors

- 303
304 **1.** The formulation of policy, procedures, and operation for the
305 Corporation shall be vested in a Board of Directors who shall be
306 selected without regard to race, color, religion, national origin, or
307 sex, except that because separate male and female programs are
308 conducted, there must be both males and females on the Board.
309
- 310 **2.** The Board of Directors of this Corporation shall consist of:
- 311
- 312 **a.** Ten persons who have been duly elected by the general
313 membership or have been appointed by the Board of
314 Director. The number of appointed members in this group
315 may not exceed 20%. Also during any election period no
316 more than one board position may be filled with an
317 appointed member. At least two of the ten positions must be
318 female. Appointed positions will be determined by a majority
319 vote of the entire board. Positions that are appointed by the
320 President according to Section 404.0 B do not qualify as part
321 of the 20% appointed positions.
 - 322
 - 323 **b.** Athlete representatives (at least one of each sex) elected from
324 and by those persons who have been members of the
325 U.S. National (Adult Elite) Team within the preceding ten
326 (10) years or who are currently competing at a level of
327 proficiency appropriate for selection to the U.S. National
328 (Adult Elite) Team. The actual number of board positions
329 that are restricted to such athletes (which currently is three

330 since there are ten persons elected by the general
331 membership) will be adjusted if the overall size of the Board
332 of Directors changes since the basic requirement is that at
333 least twenty percent (20%) of the Board of Directors shall be
334 comprised of such athletes. The term of athlete
335 representatives will coincide with the end of the Annual
336 meeting, every four years just prior to the Summer Olympic
337 Games.

- 338
- 339 **c.** Any persons representing any amateur sports organization
340 that have duly qualified by showing that the organization:
- 341
- 342 - Is national in scope.
 - 343 - Promotes significant racquetball activity.
 - 344 - Uses the rules of play adopted by this Corporation or a
345 variation thereof approved by this Corporation.
- 346
- 347 -Supports in word and action the policies, goals, and
348 programs of the Corporation.
 - 349 -Makes application for affiliation purposes to actively
350 participate in the conduct of the affairs of the Corporation.
 - 351
 - 352 -Is a member in good standing with the United States
353 Olympic Committee?
 - 354
 - 355
 - 356

357

358 **3.** Board members, regardless of how they were appointed to the
359 Board, are subject to all rules and entitled to all the privileges
360 governing other members of the Board except as otherwise stated
361 in these Constitution and By-Laws. All Board members must
362 complete a Statement of Principles of Ethical Behavior and Conflict
363 of Interest.

364

365 **4.** Members of the Board of Directors elected by the general
366 membership shall serve no more than two consecutive terms
367 of office of three years each. They shall be elected by and
368 from the Corporation's membership without discrimination
369 on the basis of race, color, religion, age, sex, or national
370 origin. No members of the Board of Directors shall be
371 elected again until two years after his/her second
372 consecutive term shall have expired. The term of athlete
373 representatives will coincide with the end of the Annual
374 meeting, every four years just prior to the Summer Olympic
375 Games.

377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423

5. Each member of the Board of Directors must be a member in good standing of the Corporation at the time of his/her selection and throughout his/her term.
6. The Board of Directors shall have the right to reject a membership application, to deny renewal of membership, and suspend or terminate the membership of anyone whose public actions have been judged detrimental to the welfare, image, and well being of racquetball.
7. At all meetings and reconvened meetings of the Board of Directors, a simple majority shall constitute a quorum and the actions of the Board of Directors at such meetings shall be binding upon all members of the Board of Directors, the Corporation's membership, and its employees.
8. The Board of Directors shall have an Executive Committee comprised of the following officers of the Corporation: President, Executive Vice President, Secretary, and Treasurer, plus one of the Athlete Representatives. The immediate past President is a non-voting member.
9. The Board of Directors may authorize the Executive Director to sign all contracts and other instruments in writing, subject to approval of each such contract or instrument by the Board of Directors.
10. The President is authorized to conduct mail, telephonic, or electronic polls of the Board of Directors. When balloting is completed, the Executive Director shall be charged with recording the votes and reporting the results to the Board of Directors by mail, telephone or email, within two weeks of the original polling.

B. Executive Committee (See Section 501.OA8)

1. The Executive Director and the immediate past President shall be non-voting members of the Executive Committee.
2. The Executive Committee is empowered to act for the Board of Directors between meetings and shall transact business and administer the affairs of the Corporation and the Board of Directors. Actions of the Executive Committee are subject to the approval of the entire Board of Directors at the next scheduled biannual meeting.
3. The Executive Committee shall meet at such times and places as it

424 shall determine or upon the call of the President, or upon the call
425 by a majority of its members. Minutes must be kept and are
426 subject to approval by the Board of Directors.

- 427
428 **4.** A quorum of the Executive Committee shall consist of a simple
429 majority of the Executive Committee.

430
431 **502.0 COMPENSATION.** No member of the Board of Directors shall receive
432 compensation for any services rendered without full disclosure to and prior
433 approval by the Board of Directors. The Corporation may make reimbursement
434 for reasonable expenses incurred by a Director in the course of his/her duties.
435 Reimbursement must be requested in writing and submitted to the Executive
436 Director. (See USAR Governance Manual for rates of reimbursements).

437
438
439 **ARTICLE VI**

440
441 **601.0 ANNUAL AND SPECIAL MEETINGS**

- 442
443 **A.** The annual meeting of the membership of the Corporation shall be held
444 at the location (same city and state) of the U.S. National Singles
445 Championship tournament on any day during the tournament. This
446 meeting will include the Executive Director's report, financial report,
447 budget report, election report (announcement of new Board members, as
448 well as officers); rules change report, and any other reports designated by
449 the President. The Corporation's membership must submit, in writing,
450 any other agenda items for the meeting to the Board of Directors at least
451 fourteen (14) days prior to the meeting.
- 452
453 **B.** One of the biannual meetings of the Board of Directors must be held
454 immediately prior to/or during the U.S. National Singles Championship
455 tournament. These meetings must include all committee reports--written
456 and verbal. Agenda items and written committee reports must be
457 provided to Board members fourteen (14) days in advance of the Board of
458 Directors meeting.
- 459
460 **C.** Special meetings of the Board of Directors may be called by the President
461 on thirty (30) days notice, or on the written request of two-thirds or more
462 of the members of the Board of Directors.
- 463
464 **D.** All plans, arrangements, programs, budgets, and like subjects affecting
465 the welfare and policies of the Corporation shall be prepared and
466 actuated by the Executive Director. All such plans, arrangements,
467 programs, and budgets are subject to the approval of the Board of
468 Directors each year (or more often as directed) primarily at the meeting
469 held immediately prior to/or during the U.S. National Singles
470 Championship tournament.

471
472 **602.0 ROBERT'S RULES OF ORDER.** The latest edition of Robert's Rules of
473 Order shall govern any and all meetings.
474

475
476 **ARTICLE VII**
477

478 **701.0 DUES.** The dues structure shall be included in the USAR Governance
479 Manual.
480

481
482 **ARTICLE VIII**
483

484 **801.0 ELECTIONS**
485

486 The general rules governing nomination and election for the three categories of
487 positions on the Board of Directors are described below and in detail in the
488 USAR's Governance Manual.
489

490 **A. GENERAL MEMBERSHIP**
491

- 492 **1.** A committee (chaired by a board member whose term is not
493 expiring- which may also include non-board members) shall
494 identify nominees for the openings for expiring terms of members
495 for the Board of Director. Such list shall consist of at least one
496 nominee for the number of positions available. The committee
497 must seek to have a diversified slate to present the board.
498
- 499 **2.** Additional nominations for the Board of Directors may be made by
500 any members of the Corporation in good standing that submit a
501 petition with two hundred (200) valid member signatures
502 indicating their support for said candidate. The petition is to be
503 received at the Corporation's National Headquarters no later than
504 December 31st of the year prior to the year of the election.
505
- 506 **3.** Ballots will be distributed via the Corporation's Magazine, internet
507 source, mailed ballots, and any other method deemed acceptable
508 by the board of directors.
509

510
511 **B. ATHLETE REPRESENTATIVES**
512

- 513 **1.** A nominating committee (chaired by one of the athlete Board
514 members) shall be formed of persons who been members of the
515 U.S. National (Adult Elite) National Team within the preceding
516 10 years or who are currently competing at a level of proficiency
517 appropriate for selection to the U.S. National (Adult Elite) Team.

518 The committee will identify nominees for the openings for the
519 expiring terms of members of the Board of Directors. Such list
520 shall consist of at least one nominee for the number of positions
521 available. Additional nominations may be made by any eligible
522 person who submits a petition with twenty (20) valid member
523 signatures of persons eligible to vote in the election indicating their
524 support for said candidate.

525
526 **2.** The USAR will administer the election. Ballots will be distributed
527 via postal or email, to the authorized voters. Election results based
528 on popular vote shall be announced as soon as they are known.
529 There must be at least one person of each sex.

530
531 **3.** Immediately following the election, the athletes who were elected
532 must determine (i) who among them will serve on the Executive
533 Committee and (ii) who among them will serve as the Athlete's
534 Advisory Council representative. There is no requirement that
535 these positions be filled by two different persons. However, the
536 alternate representative for Athlete's Advisory Council will be one
537 of the other athletes on the Board who is of opposite sex than the
538 primary representative.

539
540 **C. AMATEUR SPORTS ORGANIZATIONS**

541
542 **1.** Any person appointed to the Board of Directors on the basis of
543 representing an amateur sports organization as provided for in
544 section 501.0A2c must have been selected through some form of
545 democratic process established by the organization that they
546 represent.

547
548 **2.** Organizations qualifying under Section 501.0A2c will provide their
549 election results to the USAR's Board of Directors every three years.

550
551
552 **ARTICLE IX**

553
554 **901.0 AMENDMENTS TO THE CONSTITUTION**

555
556 **A.** This Constitution may be amended at any regular biannual meeting of
557 the Board of Directors by two-thirds vote of the Directors present and
558 voting.

559
560 **B.** Proposed amendments or additions to the Constitution shall be
561 submitted to the Executive Director at least thirty (30) days prior to the
562 meeting at which said amendments or additions are to be considered.
563 The Executive Director shall provide, via fax, postal or email, a copy of
564 any proposed amendments or additions to the members of the Board of

565 Directors no later than fifteen (15) days preceding any such meeting.

- 566
567 **C.** Amendments to the Constitution become effective immediately on the
568 date such motions were adopted unless otherwise specified.

569
570 **902.0 BY-LAWS, AMENDMENTS TO THE BY-LAWS, AND USAR**
571 **GOVERNANCE MANUAL**

- 572
573 **A.** Such by-laws as deemed necessary for the operation and advancement of
574 the Corporation may be adopted or amended by the Board of Directors at
575 any regular or special meeting by a two-thirds vote of those directors
576 present and voting.

- 577
578 **B.** Proposed amendments or additions to the by-laws shall be submitted to
579 the Executive Director at least thirty (30) days prior to the meeting at
580 which said amendments or additions are to be considered. The
581 Executive Director shall provide, via fax, postal or email, a copy of any
582 proposed amendments or additions to the members of the Board of
583 Directors no later than fifteen (15) days preceding any such meeting.

- 584
585 **C.** Amendments to the by-laws become effective immediately on the date
586 such motions were adopted unless otherwise specified.

- 587
588 **D.** The USAR Governance Manual shall be deemed a standing by-law,
589 directive in nature, and shall include as a minimum: 1) the current
590 USAR Official Rulebook; 2) fee structure; 3) history of awards; 4) rates of
591 reimbursements; 5) committee assignments; 6) amateur reinstatement
592 rules; 7) names, addresses, telephone numbers, and terms of Board
593 members; and 8) official insignia and logo.

594
595 **903.0 STANDING COMMITTEES.** The following standing committees some of
596 which are described as councils) are hereby established. The President and
597 Executive Director are ex officio members of every committee. The President
598 shall appoint at least one Board member to each committee. At least twenty
599 (20) percent of the membership of each committee must be athletes actively
600 engaged in racquetball who have been members of the U.S. National (Adult
601 Elite) Team within the preceding 10 years. Persons appointed to committee
602 membership are subject to approval of the Board of Directors. To facilitate
603 individual committee reporting, the standing committees will be assigned to
604 one of six umbrella committees that will be chaired by a member of the Board
605 of Directors. The umbrella committee may not alter a committee's report
606 without the permission of the committee itself.

607
608
609 EXECUTIVE SERVICES

- 612 **A.** Personnel - This committee is responsible for developing personnel plans
613 and programs. This includes overseeing the development of an
614 operations policy manual to assist employees in understanding their
615 working conditions and environment, and to encourage them to improve
616 their skills, enhance their performance and increase their
617 responsibilities. The committee also reviews recommendations for
618 annual salary increases, approves budget lines for such increases, and
619 has input on structural reorganizations to increase productivity.
620
- 621 **B.** Finance - This committee oversees and checks all of the financial
622 endeavors and actions of the Corporation to include its budget, financial
623 statements, annual audit, and fund-raising activities. The Treasurer
624 chairs this committee.
625
- 626 **C.** Legislation - This committee is responsible for ensuring that Corporation
627 operates within the bounds of all applicable laws and regulations. The
628 committee reviews proposed changes to legislation and makes
629 recommendations to the Board of Directors regarding adoption or
630 rejection. The Chair of this committee will also serve as the Sergeant at
631 Arms at all Board of Directors meetings.
632
- 633 **D.** Strategic Planning - this committee will carry out the long-range plan
634 established by the general membership and implemented through USAR
635 leadership. This plan focuses upon major issues stated as priorities by
636 the membership including: continued Olympic involvement, increasing
637 public awareness of racquetball, increasing financial resources,
638 membership development, continued sports management as the national
639 governing body, and unification within the sport.
640
- 641 **E.** Marketing - This committee will oversee the development of plans to
642 market the sport and organization for the purpose of raising funds to
643 expand programs and other organizational interests.
644

645 GENERAL MEMBERSHIP SERVICES

646

- 647 **F.** Membership - This committee supports and distributes information on
648 both recreational and competitive memberships to the public to aid in
649 attracting new members to the Corporation. This committee also has
650 cognizance over the rating and ranking systems used by the Corporation.
651 The committee reviews these programs and reports on membership
652 activities to the Board of Directors.
653
- 654 **G.** State Organizations - This committee will provide liaison between state
655 associations and the national office. It will make recommendations on
656 the development and implementation of organizational structures,
657 incorporation, and operations. The committee will review and make

658 recommendations on the distribution of grassroots programs, including
659 grants and centralized funding, to state organizations.

660
661 **H.** Regionals - This committee will oversee the identification of adult
662 regional sites and designation of tournament directors. The committee
663 will make policies and procedures as well as evaluate the
664 accomplishment of these events.

665
666 **I.** National Championships - This committee will oversee the identification
667 of sites and activities for each national event.

668

669 TECHNICAL AND ETHICS

670

671 **J.** Elections - This committee is responsible for reviewing election
672 procedures to maintain the fairness of all elections and the freedom of
673 opportunity for candidates and voters alike. This committee is charged
674 with soliciting candidates; assuring a diversified slate of nominees,
675 verifying the resumes of those who deserve to be candidates, and
676 selecting the nominees (a number equal to or more than the number of
677 vacancies) for the Board of Directors. A non-expiring board member will
678 chair the committee. Other members of this committee may be non-
679 expired board members or non-board members.

680
681 **K.** Publication/Ethics - This committee is responsible for reviewing printed
682 materials produced by the Corporation, and establishing policies and
683 procedures for the ethical treatment of sensitive news items in official
684 publications. This includes making critiques of current materials,
685 conducting surveys, proposing alternatives, and conducting research to
686 draw comparisons between other national governing bodies with similar
687 organizational structures. The committee shall also assist affiliate state
688 organizations in the development and improvement of their publications.

689

690 **L.** Rules and Regulations - This committee will review rule change
691 proposals and make recommendations to the Board of Directors. The
692 committee will also administer due process hearings for general
693 membership issues when appealed beyond the state level within the
694 guidelines presented by the Board. The National Rules Commissioner
695 chairs this Committee.

696

697 **M.** Manufacturers and Technical - This committee conducts inquiries,
698 studies, researches, and reviews proposed technological changes in
699 equipment used in the sport. After making a review, the committee will
700 make recommendations to the Board of Directors. In reviewing
701 technological changes, the committee is obligated to consider the
702 integrity of the game and purpose of the sport.

703

704

INTERNATIONAL AFFAIRS

705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751

- N.** U.S. National Team - this committee reviews and makes recommendations concerning team procedures and protocol to the Board of Directors. The committee is also responsible for due process issues involving probation and dismissal from the U.S. National Racquetball Team, as well as reviewing and soliciting recipients for grant funds. The committee provides a structure for communication between athletes and coaches. Through continual evaluation, the committee's policies will reflect those of the U.S. Olympic Committee and the Corporation as the sport evolves at the international level. The committee prepares announcements for coach and team leader positions, reviews applications, conducts interviews, and selects the personnel for the positions.
- O.** U.S. National Junior Team - this committee reviews and makes recommendations concerning team procedures and protocol to the Board of Directors. The committee is also responsible for due process issues involving probation and dismissal from the U.S. National Racquetball Team, as well as reviewing and soliciting recipients for grant funds. The committee provides a structure for communication between athletes and coaches. Through continual evaluation, the committee's policies will reflect those of the U.S. Olympic Committee and the Corporation as the sport evolves at the international level. The committee prepares announcements for coach and team leader positions, reviews applications, conducts interviews, and selects the personnel for the positions.
- P.** Olympic, Pan American, and International - This committee coordinates activities relative to racquetball's recognition as a member of the U.S. Olympic Committee (as a national governing body) and acceptance as a sport in the Pan American, Olympic Games and other international competitions. The delegate to represent racquetball on the Board of Directors of the United States Olympic Committee will be elected to a four-year term at the Board meeting held at the U.S. National Singles Championship immediately prior to the start of each USOC quadrennium.
- Q.** Coaching - This committee will (i) identify the status of coaching resources and needs of the association; (ii) assist in improving the quality of coaching; (iii) expand the number of qualified coaches available to the corporation; (iv) provide athletes with the best possible coaching for helping them reach their potential; (v) assist in coordinating, gathering, and distributing current and relevant technical information and resources for coaches; and (vi) act as the corporation's contact for all coaching in the United States.

752
753 EDUCATION, RESEARCH, AND RECOGNITION
754

- 755 **R.** Elite Camp/AMPRO - This committee will administer the development of
756 elite athletes through the Elite Training Camp and monitor the
757 development of instructors and programmers through the AMPRO
758 program.
- 759
- 760 **S.** Sports Sciences - The mission of the Sports Science Committee is to
761 disseminate sports science developments and applications to the entire
762 racquetball playing population.
- 763
- 764 **T.** Sports Medicine - The mission of the Sports Medicine Committee is to
765 disseminate sports medicine developments and applications to the entire
766 racquetball playing population.
- 767
- 768 **U.** Development and Planning - This committee shall take such steps as it
769 deems necessary to promote interest in racquetball play among all ages.
770
- 771 **V.** Awards - This committee will be responsible for ensuring that qualified
772 male and female nominees are identified for the numerous awards that
773 the Corporation has developed, including the Athletes of the Year, Peggy
774 Steding and Bud Muehleisen Age Group Athletes of the Year, Joe Sobek
775 Contributor Award, John Halverson (Fair Play) Award, and President's
776 Award.
- 777
- 778 **W.** Hall of Fame - this committee oversees the process by which the
779 Corporation honors those men and women who have made outstanding
780 contributions to the development and growth of racquetball in the United
781 States. Secondary objectives include assisting in the research necessary
782 to develop and maintain a history of United States Racquetball and
783 securing historical memorabilia.
- 784
- 785 **X.** Scholarship - This committee is charged with establishing and
786 distributing eligibility data; accepting and reviewing applications from
787 qualified applicants; making recommendations to the Board of Directors
788 on all applications reviewed; distributing funds to approved scholarship
789 recipients; and establishing procedures for increasing public awareness
790 and raising funds for the scholarship program.

791
792
793 SPECIAL INTEREST COUNCILS
794

- 795 **Y.** High School Council - This council determines policy and procedures to
796 promote racquetball as a competitive high school sport. The committee
797 may also assist in the operating the annual National High School
798 Tournament.

- 799
- 800 **Z.** Junior Council - This council will determine policy and procedures to
801 promote junior racquetball within state associations for all youths of high
802 school age and below. The committee will also assist in the policy
803 development and operation of junior national events. The committee is
804 responsible for furthering the growth of and participation in racquetball
805 programs for players 18 years of age and under at the local, state,
806 regional, and national levels.
- 807
- 808 **AA.** Intercollegiate Council - this council's primary function is to promote,
809 develop, and instruct tournament caliber collegiate players throughout
810 the United States. The Corporation develops the recreational player
811 program at the collegiate level through the National Intramural
812 Recreational Sports Association (NIRSA), while concentrating on
813 developing the competitive player.
- 814
- 815 **AB.** Disabled Council - this council is charged with generating interest and
816 opportunity in the sport among disabled athletes. This includes
817 promoting racquetball in conjunction with the National Wheelchair
818 Racquetball Association (NWRA), the National Racquetball Association of
819 the Deaf (NRAD), and the U.S. Association of Blind Athletes (USABA).
820 The council coordinates with these groups to provide timely and factual
821 information about competitive opportunities for disabled athletes.
- 822
- 823 **AC.** Outreach Council - this council is responsible for generating interest in
824 the sport among minority and disadvantaged constituencies in the U.S.
825 by providing access and creating opportunity. This includes developing
826 programs that draw on industry resources to provide low-cost equipment
827 and instruction to established community groups that serve inner city
828 youth and providing direction to potential racquetball athletes. The
829 council will identify a core of dedicated individuals who will establish
830 solid contacts with community centers, disadvantaged youth programs,
831 and minority-based junior high school, high school, and collegiate
832 athletic departments.
- 833
- 834 **AD.** Women's Council - this council is responsible for generating interest in
835 the sport among women. The council coordinates with state affiliates,
836 program officials, and other organizations that share its emphasis, to
837 provide timely and factual information about the state of women's
838 racquetball in the U.S., encourage more activity by women in officiating
839 and governance, plus take a pro-active role in the administration of
840 programs that directly impact women in the sport.
- 841
- 842 **AE.** Masters Council - this council is responsible for research and
843 development of programs that directly affect male and female racquetball
844 players 45 years of age or older. The council reports its findings and
845 makes recommendations to the Board of Directors.

846
847
848
849
850

**BY-LAWS OF THE
USA RACQUETBALL INC.**

851
852
853
854

ARTICLE I - PLAYER'S BILL OF RIGHTS

855 **A.** Membership in the Corporation is open to any individual who is an athlete,
856 coach, trainer, manager, administrator, or official active in racquetball or to
857 any amateur racquetball organization that conducts programs in racquetball.

858 **B.** Membership in the Corporation provides equal opportunity to athletes,
859 coaches, trainers, managers, administrators, and officials to participate in
860 racquetball, without discrimination on the basis of race, color, religion, age,
861 sex, or origin and with fair notice and opportunity for a hearing to any athlete,
862 coach, trainer, administrator, or official before declaring such individual
863 ineligible to participate.

864 **C.** No individual or organizational member of the Corporation, nor any
865 organization affiliated with the Corporation, may deny or threaten to deny any
866 eligible racquetball player, coach, trainer, manager, official, or administrator
867 the opportunity to participate in any international racquetball competition
868 approved by the Corporation, if selected by the Corporation or one of its
869 members. In addition, no individual or organizational member of the
870 Corporation, nor any organization affiliated with the Corporation, may censor
871 or otherwise penalize subsequent to the event any player, coach, trainer,
872 manager, official, or administrator for having participated in any such
873 international racquetball competition approved by the Corporation.

874
875

ARTICLE II - AMATEUR RULES

876 At no time will the Corporation have eligibility criteria relating to amateur
877 status that is more restrictive than those of the International Racquetball
878 Federation. Definition of amateur: To be eligible to compete in any USAR
879 sanctioned event, a player must be a USAR member in good standing (dues
880 paid and current), without regard for professional activity or earnings. Revised
881 in accordance with IRF ruling, 01/01/03]. Reinstatement rules are found in
882 the USAR Governance Manual.

883
884

ARTICLE III - DUTIES OF THE CORPORATION

885
886
887 **A.** This Corporation, in its role as the national governing body for the sport
888 of racquetball, is under duty to:

- 889
890 **1.** Develop interest and participation throughout the United States
891 and be responsible to the persons and amateur sports
892 organizations it represents;

893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939

- 2.** Minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;
- 3.** Keep amateur athletes informed of policy matters and reasonably reflect the views of such athletes in its policy decisions;
- 4.** Promptly review every request submitted by an amateur sports organization or person for a sanction (i) to hold an international amateur athletic competition in the United States; or (ii) to sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, and determine whether to grant such sanction, in accordance with the provisions of subsection B of this Article;
- 5.** Allow an amateur athlete to compete in any international amateur athletic competition conducted under its auspices or that of any other amateur sports organization or person, unless it establishes that its denial was based on evidence that the organization or person conducting the competition did not meet the requirements stated in subsection B of this Article;
- 6.** Provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;
- 7.** Encourage and support amateur athletic sports programs for handicapped individuals and the participation of handicapped individuals in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals;
- 8.** Provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and
- 9.** Encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

B. As a result of its review under subsection A (4) of this Article, if the Corporation does not determine by clear and convincing evidence that holding or sponsoring an international amateur athletic competition would be detrimental to the best interest of the sport, the Corporation shall promptly grant to an amateur sports organization or person a sanction to:

- 940 **1.** Hold an international amateur competition in the United States, if
941 such amateur sports organization or person:
942
- 943 **a.** Pays to the Corporation any required sanctioning fee, if such
944 fee is reasonable and nondiscriminatory:
945
- 946 **b.** Demonstrates that:
- 947
- 948 **i.** Appropriate measures have been taken to protect the
949 amateur status of athletes who will take part in the
950 competition and to protect their eligibility to compete
951 in amateur athletic competition,
952
- 953 **ii.** Appropriate provision has been made for validation of
954 records that may be established during the
955 competition,
956
- 957 **iii.** Due regard has been given to any international
958 amateur requirements specifically applicable to the
959 competition,
960
- 961 **iv.** The competition will be conducted by qualified
962 officials,
963
- 964 **v.** Proper medical supervision will be provided for
965 athletes who will participate in the competition, and,
966
- 967 **vi.** Proper safety precautions have been taken to protect
968 the personal welfare of the athlete and spectators at
969 the competition, and
970
- 971 **c.** Submits to the Corporation an audited or notarized financial
972 report of similar events, if any, conducted by the amateur
973 sports organization or person; or
974
- 975 **2.** Sponsor United States amateur athletes to compete in
976 international amateur athletic competition held outside the United
977 States, if such amateur sports organization or person:
978
- 979 **a.** Pays to the Corporation any required fee, if such fee is
980 reasonable and nondiscriminatory;
981
- 982 **b.** Submits a letter from the appropriate entity, which will hold
983 the international amateur athletic competition certifying
984 that;
985
- 986 **i.** Appropriate measures have been taken to protect the

987 amateur status of athletes who will take part in the
988 competition and to protect their eligibility to compete
989 in amateur athletic competition,
990

991 **ii.** Appropriate provision has been made for validation of
992 records that may be established during the
993 competition,
994

995 **iii.** Due regard has been given to any international
996 amateur athletic requirements specifically applicable
997 to the competition,
998

999 **iv.** The competition will be conducted by qualified
1000 officials,
1001

1002 **v.** Proper medical supervision will be provided for
1003 athletes who will participate in the competition, and,
1004

1005 **vi.** Proper safety precautions have been taken to protect
1006 the personal welfare of the athletes and spectators at
1007 the competition, and
1008

1009 **c.** Submits a report of the most recent trip, if any, to a foreign
1010 country, which the amateur sports organization or person
1011 sponsored for the purpose of having United States amateur
1012 athletes compete in international amateur athletic
1013 competition.
1014

1015 **C.** The Corporation, as the national governing body of racquetball, is
1016 authorized to:
1017

1018 **1.** Represent the United States in the appropriate international sports
1019 federation;
1020

1021 **2.** Establish national goals and encourage the attainment of those
1022 goals;
1023

1024 **3.** Serve as the coordinating body for amateur athletic activity in the
1025 United States;
1026

1027 **4.** Exercise jurisdiction over international amateur athletic activities
1028 and sanction international amateur athletic competition held in
1029 the United States and sanction the sponsorship of international
1030 amateur athletic competition held outside the United States;
1031

1032 **5.** Conduct amateur athletic competition, including national
1033 championships, and international amateur competition in the

1034 United States, and establish procedures for the determination of
1035 eligibility standards for participation in such competitions, except
1036 for that amateur athletic competition specified in Section D of this
1037 article;

- 1038
- 1039 **6.** Recommend to the USOC individuals and teams to represent the
1040 United States in the Olympic Games and the Pan-American
1041 Games; and
- 1042
- 1043 **7.** Designate individuals and teams to represent the United States in
1044 international competition (other than the Olympic Games and the
1045 Pan-American Games) and certify, in accordance with the
1046 applicable international rules, the amateur eligibility of such
1047 individuals and teams.

1048

1049 **D.** Any amateur sports organization that conducts amateur athletic
1050 competition, participation in which is restricted to a specific class of
1051 amateur athletes (such as high school students, college students,
1052 members of the Armed Forces, or similar groups or categories), shall
1053 have exclusive jurisdiction over such competition. If such an amateur
1054 sports organization wishes to conduct international amateur athletic
1055 competition to be held in the United States, or sponsor international
1056 amateur athletic competition to be held outside the United States, it
1057 must obtain a sanction from the Corporation.

1058

1059

1060 **ARTICLE IV - ARBITRATION AGREEMENT**

1061

1062 As provided for in section 205(b)(3) of Title II of the Amateur Sports Act of
1063 1978, the Corporation to submit, upon demand of the United States Olympic
1064 Committee, to binding arbitration, conducted in accordance with the
1065 commercial rules of the American Arbitration Association in any controversy
1066 involving the Corporation's recognition as a national governing body, or
1067 involving the opportunity of any amateur athlete, coach, trainer, manager,
1068 administrator, or official to participate in amateur athletic competition, as
1069 provided for in Article IV of the USOC Constitution and By-Laws.

1070

1071

1072 **ARTICLE V - DISCIPLINE AND GRIEVANCE RIGHTS**

1073

1074 **A. DISCIPLINE.** The Corporation may censure, suspend for a definite or
1075 indefinite period of time, or expel any member of the Corporation, including
1076 any athlete, coach, manager, official, member of any committee, or any person
1077 participating in any capacity whatsoever in the affairs of the Corporation, who
1078 has contravened any of its rules or regulations, or who has acted in a manner
1079 which brings disrepute upon the Corporation or upon the sport of racquetball.
1080 Such actions must comply with prescribed due process procedures.

1081
1082 **B. RIGHT OF GRIEVANCE.** Any member of the Corporation who feels that
1083 he/she has been wronged in the administering of the Corporation's rules and
1084 regulations or the application of the Constitution or its By-Laws has the right
1085 to grieve and be accorded due process in resolving such matters. Any amateur
1086 racquetball player who alleges that he/she has been denied or is about to be
1087 denied, by a person or an organization affiliated with the Corporation, any right
1088 as set forth in these By-Laws shall immediately inform the appropriate
1089 authority, who shall promptly cause an investigation to be made and steps to
1090 be taken to settle the controversy without unnecessary delay. Any person who
1091 believes that some action, or inaction, by one of the organization's members, or
1092 governing bodies, may petition for corrective actions. In every case, the
1093 approved due process procedures will be followed. In addition, the Corporation
1094 may also advise the Executive Director of the U.S. Olympic Committee, and, if
1095 the offending party is a member of the U.S. Olympic Committee, submit the
1096 matter to the American Arbitration Association for binding arbitration.

1097 1098 1099 **ARTICLE VI - DUE PROCESS**

1100
1101 **A. INITIAL REPORTS.** Matters involving only one State association should be
1102 presented to the President of that State association who will be responsible for
1103 investigating the charges and, based on the findings, form a Hearing Body
1104 responsible for due process. If persons or entities from more than one State
1105 are involved, the Executive Director of the Corporation shall make the
1106 investigation and report. In those matters occurring during the course of a
1107 National or Regional event, as the case may be, the National Tournament
1108 Director shall make the investigation and report. In those matters occurring
1109 during the course of an official U.S. National (adult or junior) Team event, the
1110 designated U.S. representative shall make the investigation and report.

1111
1112 **B. ORIGINAL JURISDICTION.** Generally, matters warranting the application
1113 of due process procedures shall be administered by the appropriate State
1114 association, with the following exceptions:

- 1115
1116 **1.** The U.S. National Team Committee will administer due process for
1117 matters covered by the U.S. National Team (adult or junior)
1118 Protocol and Procedures Manual.
1119
1120 **2.** The National Rules Committee will administer due process for
1121 matters involving (i) more than one State association or (ii) events
1122 or activities administered solely by the Corporation's national
1123 office. In those matters where athletes or other members of the
1124 Corporation from more than one State are involved, or in matters
1125 involving such persons during a National or International athletic
1126 event, an investigation and report of the facts shall be made to the
1127 President of the Corporation. If, in the opinion of a majority of the

1128 Executive Committee of the Corporation, disciplinary action is then
1129 warranted, the matter shall be submitted to the National Rules
1130 Committee for a hearing and decision.

1131
1132 **3.** Upon a majority vote of the officers, the Board of Directors of the
1133 Corporation may assume original jurisdiction at any stage of any
1134 matter within the purview of the Constitution where, in its opinion,
1135 the best interests of the Corporation will be served thereby.

1136
1137 **C. APPELLATE JURISDICTION**

1138
1139 **1.** The National Rules Committee has appellate jurisdiction over any
1140 due-process decisions made by State associations.

1141
1142 **2.** The Executive Committee of the Board of Directors of the
1143 Corporation has appellate jurisdiction over (i) due-process
1144 decisions (original or appellate) made by the National Rules
1145 Committee and (ii) due-process decisions made by the
1146 U.S. National Team Committee.

1147
1148 **3.** The Board of Directors of the Corporation, by a two-thirds vote,
1149 may assume appellate jurisdiction to review any original decision
1150 of the U.S. National Team Committee or the National Rules
1151 Committee within 6 months of date of the decision in question.

1152
1153 **D. ARBITRATION**

1154
1155 Any person dissatisfied with an original or appellate decision may further
1156 appeal to a neutral third party for arbitration with rules of said appeal hearing
1157 subject to the rules of the American Arbitration Association.

1158
1159

1160 **ARTICLE VII - ORIGINAL JURISDICTION PROCEDURES**

1161
1162 **A.** The following procedures apply to every due process matter for original
1163 jurisdiction whether submitted to a State association, the U.S. National
1164 Team Committee, or the National Rules Committee.

1165
1166 **1.** Within 30 days of the appropriate authority being informed of a
1167 matter requiring the application of due process, the person or
1168 entity (respondent) charged shall be notified, in writing, of the
1169 details of the circumstances that require answer, explanation, or
1170 clarification. If appropriate, the notice shall also set forth the
1171 penalties that may ensue if the charges are proved.

1172
1173 **2.** The written notice will set a date, time, and place of a hearing
1174 about the charges. The respondent has a right for the hearing to

- 1175 be at such time and place making it practical to attend, such as a
1176 tournament or State association meeting.
1177
- 1178 **3.** The notice will call for the respondent to file a written answer to all
1179 of the charges set forth in the notice and for the written answer to
1180 be delivered by either certified mail or personal delivery not later
1181 than 14 days before the date of hearing.
1182
- 1183 **4.** The notice will request the respondent to appear at the hearing
1184 and inform the respondent of his/her rights to (i) be represented at
1185 the hearing by counsel of his/her own choice and (ii) present
1186 relevant evidence, hearsay, testimony, and argument in defense of
1187 the charges.
1188
- 1189 **5.** The notice should be sent to the last known address by either
1190 certified mail or by personal delivery. When the notice is mailed to
1191 a registered athlete, it is sufficient to mail the notice addressed to
1192 the athlete at the residence given in their application for
1193 registration, or if they have filed with the State association a
1194 written notice of change of residence, then at such changed
1195 address. The date of hearing shall be no less than 15 days or more
1196 than 60 days after the date of mailing of notice or date of personal
1197 delivery.
1198
- 1199 **6.** The notice shall also set forth the right of appeal to the appropriate
1200 appellate authority if a decision is rendered against the person
1201 charged and that the appeal must be made in writing within
1202 30 days of being notified of the decision.
1203
- 1204 **7.** The Hearing Body will be composed of no less than three (3)
1205 disinterested and impartial persons. Members of the State
1206 association's Board of Directors are acceptable provided that they
1207 are not a party to the proceedings.
1208
- 1209 **8.** The rules of evidence generally accepted in administrative
1210 proceedings shall be applicable in the hearing. The respondent
1211 has the right to (i) call witnesses, (ii) present relevant evidence,
1212 hearsay, testimony, and argument at appropriate times, and
1213 (iii) confront and cross-examine adverse witnesses.
1214
- 1215 **9.** The Chairperson of the Hearing Body should ensure that a written
1216 record of the proceedings in prepared.
1217
- 1218 **10.** All decisions of the Hearing Body shall be made by a simple
1219 majority of voting members. The Chairperson should vote only if
1220 necessary to break a tie vote.
1221

1222 **11.** A written decision, with reasons thereon, shall be rendered within
1223 ten (10) days of the hearing and must be sent to the respondent by
1224 either certified mail or personal delivery.

1225
1226 **B.** If the foregoing procedures are not be likely to produce a sufficiently
1227 timely decision to do justice to the affected parties, an organization with
1228 original jurisdiction may authorize agent(s) or representative(s), upon
1229 appropriate notice to the parties concerned as time and circumstances
1230 may reasonably dictate, to use the following special procedures to render
1231 a timely decision.

1232
1233 **1.** A special hearing may be conducted at the site of scheduled
1234 competition or competitive event, or by telephone conference if
1235 necessary, but in any event, under such conditions that will fully
1236 protect the rights of procedural due process of the individual or
1237 entity charged.

1238
1239 **2.** The notice of charges given to the individual or entity charged may
1240 be oral or in writing. If oral, they should be reduced to writing as
1241 soon as possible. An oral notice must comply with all notice
1242 requirements (except the time frames) set forth in paragraph A. of
1243 this article, including notice of the right of appeal.

1244
1245 **C.** Original decisions rendered by an organization may be appealed in
1246 accordance with the procedures at Article VIII. Any person representing a
1247 real party in interest may appeal. The appeal must be filed with the
1248 Executive Director of the Corporation within 30 days after the
1249 respondent received the written notice of the decision. Upon timely
1250 petition and upon showing of good cause, the time for filing an appeal of
1251 decision may be extended.

1252

1253

1254

1255

ARTICLE VIII - APPEAL PROCEDURES

1256 The following procedures apply to any appeal of a due process decision coming
1257 before the National Rules Committee, the Executive Committee of the Board of
1258 Directors, or assumed by the National Board of Directors.

1259

1260 **A.** The right to appeal a due process ruling is NOT automatic. Decisions
1261 reached by authorities having original jurisdiction are final and will
1262 generally be honored by the Corporation. Only those matters that meet
1263 one of the following criteria may be appealed:

1264

1265 **1.** Allegations that due process procedure was not properly executed
1266 and thereby prejudiced the decision.

1267

1268 **2.** New evidence has since become available that could affect the

1269 decision, provided that the new evidence wasn't available at the
1270 time of the hearing.

1271
1272 **3.** Penalties imposed by the state association affect the player's ability
1273 to compete beyond the boundaries of the state.
1274

1275 **B.** The appellate decision consists of two steps--determination that the issue
1276 is one than can be appealed and, if so, determining what actions, if any,
1277 should be taken. The appellate authority can vacate, modify, sustain, or
1278 reverse any decision or order properly submitted for review, or remand
1279 the matter for further action.
1280

1281 **C.** Every appeal shall be instituted by a petition served upon the Executive
1282 Director of the Corporation and be accompanied by a \$100.00 filing fee
1283 payable to the Corporation. The fee shall be returned if the petition is
1284 upheld, but forfeited if it is rejected or abandoned.
1285

1286 **D.** The Executive Director shall send a copy of the appeal petition within
1287 15 days to the entity having appellate jurisdiction over the matter.
1288

1289 **E.** The appellate authority should designate a panel of no less than five (5)
1290 of its members, one of whom shall be an athlete representative, to hear
1291 and decide an appeal of a decision made an organization with original
1292 jurisdiction.
1293

1294 **F.** The procedures outlined in Article VII for original jurisdiction (with
1295 appropriate modification) shall also apply for the appeal process.
1296

1297 **G.** A final and binding decision about an appeal shall be rendered within
1298 75 days from date of filing of the petition by a majority of the acting panel
1299 based on the record submitted for review and on evidence submitted at
1300 such hearing as may be required by the panel. A written decision shall
1301 be sent to all parties. Petitions, once reviewed and decided, shall not be
1302 reopened except by direction of the Board of Directors of the Corporation
1303 or upon showing of sufficient cause to the chairperson of the National
1304 Rules Committee.

1305 **ARTICLE IX - ARBITRATION PROCEDURES**

- 1306
- 1307 **A.** Either before or after an appellate ruling, a grievant may request, in
1308 writing, that a due process decision be arbitrated by the American
1309 Arbitration Association--a neutral third party--subject to the rules of the
1310 American Arbitration Association current at the time of the request.
1311
- 1312 **B.** Such demand for arbitration shall be submitted within 30 days of the
1313 decision being appealed and said hearing shall be within 60 days of the
1314 written notice to the Corporation and be held at any Regional office of the
1315 American Arbitration Association.
1316
- 1317 **C.** Upon receipt of a request for arbitration, the American Arbitration
1318 Association shall serve notice on the parties to the arbitration and on the
1319 Corporation, and shall immediately proceed with arbitration according to
1320 the commercial rules of the American Arbitration Association in effect at
1321 the time of the filing of the demand, except that:
- 1322
- 1323 **1.** The arbitration panel shall consist of not less than three
1324 arbitrators, unless the parties to the proceedings mutually agree to
1325 a lesser number,
1326
- 1327 **2.** The arbitration hearing shall take place at a site selected by the
1328 American Arbitration Association, unless the parties to the
1329 proceeding mutually agree to the use of another site,
1330
- 1331 **3.** The arbitration hearing shall be open to the public,
1332
- 1333 **4.** All expenses, e.g. legal fees, travel, per diem, etc., are the
1334 responsibility of each party in the arbitration. No fees/expenses
1335 may be paid from the Corporation to any parties bringing a
1336 grievance against the Corporation.
1337
- 1338 **D.** The arbitrators in any arbitration are empowered to settle any dispute
1339 arising under the provision of this act before making a final ruling, if
1340 mutually agreed to by the parties to the proceeding and achieved in a
1341 manner not inconsistent with the Constitution.
1342
- 1343 **E.** Each contesting party may be represented by counsel or by any other
1344 duly authorized representative at the arbitration proceeding. The parties
1345 may offer any relevant evidence that they desire and shall produce any
1346 additional evidence, as the arbitrators believe necessary to an
1347 understanding and determination of the dispute. The arbitrators shall
1348 be the sole judges of the relevance and materiality of the evidence offered.
1349 Conformity to legal rules of evidence shall not be necessary.
1350
- 1351 **F.** All decisions by the arbitrators shall be binding upon the involved

1352 parties, if such award is not inconsistent with the Constitution and By-
1353 Laws of the Corporation.

1354

1355 **G.** A hearing may be reopened by the arbitrators upon their own motion or
1356 upon the motion of any contesting party at any time before a final
1357 decision is made, except that if any contesting party makes such a
1358 motion all parties to the decision must agree to reopen the hearings if
1359 such reopening would result in the arbitrators' decision being delayed
1360 beyond the specific period agreed upon at the beginning of the
1361 arbitration proceedings.