

CONSTITUTION AND BY-LAWS
OF
USA RACQUETBALL INC.

Approved by the Board of Directors during the annual meeting in
Memphis, TN, October 2009

Voted and Amended December 2009

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

- 46 the United States.
- 47
- 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 **1.** The Corporation shall have a President who shall preside at all
144 meetings of the Corporation's membership, Board of Directors, and
145 the Executive Committee and shall be an ex officio member of any
146 and all committees.

147

148 **2.** The President shall be responsible for the affairs of the Corporation
149 and, with the assistance of the Executive Director, shall execute
150 and administer the policies established by the Board of Directors.

151

152 **3.** In the event that the President is unable to serve, the Executive
153 Vice President shall act in his/her behalf until the President is able
154 to serve or until a successor is duly elected.

155

156 **B. Executive Vice President**

157

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

160

161 **C. Secretary**

162

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

170

171 **D. Treasurer**

172

173 **1.** The Corporation shall have a Treasurer who shall provide for a
174 commercial audit of the Corporation's funds and accounts by
175 qualified auditors, payment for which shall be made by the
176 Corporation.

177 **2.** The Treasurer shall present to the Board of Directors, before the

178 end of any fiscal year, a proposed operating budget for the ensuing
179 fiscal year.

180
181 **403.0 ELECTION OF OFFICERS AND TERMS**
182

183 **A.** The President, Executive Vice President, Secretary, and Treasurer will be
184 elected by and from the membership of the Board of Directors. The
185 election will be decided by the majority of the votes cast by the Board of
186 Directors at a special meeting of the Board. This special meeting shall be
187 held following the adjournment of the biannual meeting of the Board of
188 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

representative, then the person appointed by the President must meet the requirements to be an athlete representative.

405.0 EXECUTIVE DIRECTOR

- A.** The Executive Director of the Corporation shall be employed by the Board of Directors and under the direct supervision of the President.
- B.** The Executive Director shall be in charge of the day-to-day operation of the Corporation and shall be responsible for carrying out the details of the organization according to the policies and regulations established by the Board of Directors. He/she shall have general supervision over all income of the Corporation and supervise the disbursement of funds in accordance with the budget approved by the Board of Directors.
- C.** The Executive Director shall be an ex officio member of all standing committees and shall keep, or cause to be kept, all minutes of same. He/she shall have charge of all records of the Corporation including the USAR Governance Manual. The Executive Director shall issue all checks and drafts of the Corporation.
- D.** The Executive Director shall be bonded (at the expense of the Corporation) and shall complete a Statement of Principles of Ethical Behavior and Conflict of Interest.
- E.** The Executive Director employs, with the approval of the Board of Directors, administrative assistants and other persons as may be required for the proper conduct of the Corporation and for the performance of such duties as the Board of Directors may delegate, providing same are not contrary to law, and at such compensation as the Board of Directors may deem proper. Moreover, the Executive Director shall insure that all employees of the Corporation complete a Statement of Principles of Ethical Behavior and Conflict of Interest and receive an Employee Manual.

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

A. Immediate Past President

- 1.** The immediate past President of the Corporation, at the discretion of the elected President, may remain as a non-voting member of the Board and the Executive Committee for a period not to exceed 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 **A.** Board of Directors

- 302
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
344 - Promotes significant racquetball activity.
345
346 - Uses the rules of play adopted by this Corporation or a
347 variation thereof approved by this Corporation.
348
349 -Supports in word and action the policies, goals, and
350 programs of the Corporation.
351
352 -Makes application for affiliation purposes to actively
353 participate in the conduct of the affairs of the Corporation.

354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397

-Is a member in good standing with the United States Olympic Committee?

- Once all points of qualification under Article V, 501.0 A.2.c have been satisfied, an individual representing an amateur sports organization who requests to join the USAR Board shall become a voting member of the USAR Board of Directors effective immediately, pending approval via a majority vote of the USAR Board.

- 3.** Board members, regardless of how they were appointed to the Board, are subject to all rules and entitled to all the privileges governing other members of the Board except as otherwise stated in these Constitution and By-Laws. All Board members must complete a Statement of Principles of Ethical Behavior and Conflict of Interest.
- 4.** Members of the Board of Directors elected by the general membership shall serve no more than two consecutive terms of office of three years each. They shall be elected by and from the Corporation's membership without discrimination on the basis of race, color, religion, age, sex, or national origin. No members of the Board of Directors shall be elected again until two years after his/her second consecutive term shall have expired. The term of athlete representatives will coincide with the end of the Annual meeting, every four years just prior to the Summer Olympic Games.
- 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.

- 398 **7.** At all meetings and reconvened meetings of the Board of Directors,
399 a simple majority shall constitute a quorum and the actions of the
400 Board of Directors at such meetings shall be binding upon all
401 members of the Board of Directors, the Corporation's membership,
402 and its employees.
403
- 404 **8.** The Board of Directors shall have an Executive Committee
405 comprised of the following officers of the Corporation: President,
406 Executive Vice President, Secretary, and Treasurer, plus one of the
407 Athlete Representatives. The immediate past President is a non-
408 voting member.
409
- 410 **9.** The Board of Directors may authorize the Executive Director to
411 sign all contracts and other instruments in writing, subject to
412 approval of each such contract or instrument by the Board of
413 Directors.
414
- 415 **10.** The President is authorized to conduct mail, telephonic, or
416 electronic polls of the Board of Directors. When balloting is
417 completed, the Executive Director shall be charged with recording
418 the votes and reporting the results to the Board of Directors by
419 mail, telephone or email, within two weeks of the original polling.
420

421 **B.** Executive Committee (See Section 501.OA8)
422

- 423 **1.** The Executive Director and the immediate past President shall be
424 non-voting members of the Executive Committee.
425
- 426 **2.** The Executive Committee is empowered to act for the Board of
427 Directors between meetings and shall transact business and
428 administer the affairs of the Corporation and the Board of
429 Directors. Actions of the Executive Committee are subject to the
430 approval of the entire Board of Directors at the next scheduled
431 biannual meeting.
432
- 433 **3.** The Executive Committee shall meet at such times and places as it
434 shall determine or upon the call of the President, or upon the call
435 by a majority of its members. Minutes must be kept and are
436 subject to approval by the Board of Directors.
437
- 438 **4.** A quorum of the Executive Committee shall consist of a simple
439 majority of the Executive Committee.
440

441 **502.0 COMPENSATION.** No member of the Board of Directors shall receive

442 compensation for any services rendered without full disclosure to and prior
443 approval by the Board of Directors. The Corporation may make reimbursement
444 for reasonable expenses incurred by a Director in the course of his/her duties.
445 Reimbursement must be requested in writing and submitted to the Executive
446 Director. (See USAR Governance Manual for rates of reimbursements).

447
448
449 **ARTICLE VI**

450
451 **601.0 ANNUAL AND SPECIAL MEETINGS**

- 452
- 453 **A.** The annual meeting of the membership of the Corporation shall be held
454 at the location (same city and state) of the U.S. National Singles
455 Championship tournament on any day during the tournament. This
456 meeting will include the Executive Director's report, financial report,
457 budget report, election report (announcement of new Board members, as
458 well as officers); rules change report, and any other reports designated by
459 the President. The Corporation's membership must submit, in writing,
460 any other agenda items for the meeting to the Board of Directors at least
461 fourteen (14) days prior to the meeting.
 - 462
 - 463 **B.** One of the biannual meetings of the Board of Directors must be held
464 immediately prior to/or during the U.S. National Singles Championship
465 tournament. These meetings must include all committee reports--written
466 and verbal. Agenda items and written committee reports must be
467 provided to Board members five (5) days in advance of the Board of
468 Directors meeting
 - 469
 - 470 **C.** Special meetings of the Board of Directors may be called by the President
471 on five (5) days notice, or on the written request of two-thirds or more of
472 the members of the Board of Directors.
 - 473
 - 474 **D.** All plans, arrangements, programs, budgets, and like subjects affecting
475 the welfare and policies of the Corporation shall be prepared and
476 actuated by the Executive Director. All such plans, arrangements,
477 programs, and budgets are subject to the approval of the Board of
478 Directors each year (or more often as directed) primarily at the meeting
479 held immediately prior to/or during the U.S. National Singles
480 Championship tournament.

481

482 **602.0 ROBERT'S RULES OF ORDER.** The latest edition of Robert's Rules of
483 Order shall govern any and all meetings.

484
485

486 **ARTICLE VII**

487
488 **701.0 DUES.** The dues structure shall be included in the USAR Governance
489 Manual.

490
491
492 **ARTICLE VIII**

493
494 **801.0 ELECTIONS**

495
496 The general rules governing nomination and election for the three categories of
497 positions on the Board of Directors are described below and in detail in the
498 USAR's Governance Manual.

499
500 **A. GENERAL MEMBERSHIP**

- 501
502 **1.** A committee (chaired by a board member whose term is not
503 expiring- which may also include non-board members) shall
504 identify nominees for the openings for expiring terms of members
505 for the Board of Director. Such list shall consist of at least one
506 nominee for the number of positions available. The committee
507 must seek to have a diversified slate to present the board.
508
509
510 **2.** Additional nominations for the Board of Directors may be made by
511 any members of the Corporation in good standing that submit a
512 petition with two hundred (200) valid member signatures
513 indicating their support for said candidate. The petition is to be
514 received at the Corporation's National Headquarters no later than
515 December 31st of the year prior to the year of the election.
516
517 **3.** Ballots will be distributed via the Corporation's Magazine, internet
518 source, mailed ballots, and any other method deemed acceptable
519 by the board of directors.

520
521 **B. ATHLETE REPRESENTATIVES**

- 522
523 **1.** A nominating committee (chaired by one of the athlete Board
524 members) shall be formed of persons who been members of the
525 U.S. National (Adult Elite) National Team within the preceding
526 10 years or who are currently competing at a level of proficiency
527 appropriate for selection to the U.S. National (Adult Elite) Team.
528 The committee will identify nominees for the openings for the
529 expiring terms of members of the Board of Directors. Such list
530 shall consist of at least one nominee for the number of positions

531 available. Additional nominations may be made by any eligible
532 person who submits a petition with twenty (20) valid member
533 signatures of persons eligible to vote in the election indicating their
534 support for said candidate.

535
536 **2.** The USAR will administer the election. Ballots will be distributed
537 via postal or email, to the authorized voters. Election results based
538 on popular vote shall be announced as soon as they are known.
539 There must be at least one person of each sex.

540
541 **3.** Immediately following the election, the athletes who were elected
542 must determine (i) who among them will serve on the Executive
543 Committee and (ii) who among them will serve as the Athlete's
544 Advisory Council representative. There is no requirement that
545 these positions be filled by two different persons. However, the
546 alternate representative for Athlete's Advisory Council will be one
547 of the other athletes on the Board who is of opposite sex than the
548 primary representative.

549 **C. AMATEUR SPORTS ORGANIZATIONS**

550
551
552 **1.** Any person appointed to the Board of Directors on the basis of
553 representing an amateur sports organization as provided for in
554 section 501.0A2c must have been selected through some form of
555 democratic process established by the organization that they
556 represent.

557
558 **2.** Organizations qualifying under Section 501.0A2c will provide their
559 election results to the USAR's Board of Directors every three years.

560 561 **ARTICLE IX**

562 563 **901.0 AMENDMENTS TO THE CONSTITUTION**

564
565
566 **A.** This Constitution may be amended at any regular biannual meeting of
567 the Board of Directors by two-thirds vote of the Directors present and
568 voting.

569
570 **B.** Proposed amendments or additions to the Constitution shall be
571 submitted to the Executive Director at least thirty (30) days prior to the
572 meeting at which said amendments or additions are to be considered.
573 The Executive Director shall provide, via fax, postal or email, a copy of
574 any proposed amendments or additions to the members of the Board of

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

- 576
577 **C.** Amendments to the Constitution become effective immediately on the
578 date such motions were adopted unless otherwise specified.

579
580 **902.0 BY-LAWS, AMENDMENTS TO THE BY-LAWS, AND USAR**
581 **GOVERNANCE MANUAL**

- 582
583 **A.** Such by-laws as deemed necessary for the operation and advancement of
584 the Corporation may be adopted or amended by the Board of Directors at
585 any regular or special meeting by a two-thirds vote of those directors
586 present and voting.

- 587
588 **B.** Proposed amendments or additions to the by-laws shall be submitted to
589 the Executive Director at least thirty (30) days prior to the meeting at
590 which said amendments or additions are to be considered. The
591 Executive Director shall provide, via fax, postal or email, a copy of any
592 proposed amendments or additions to the members of the Board of
593 Directors no later than fifteen (15) days preceding any such meeting.

- 594
595 **C.** Amendments to the by-laws become effective immediately on the date
596 such motions were adopted unless otherwise specified.

- 597
598 **D.** The USAR Governance Manual shall be deemed a standing by-law,
599 directive in nature, and shall include as a minimum: 1) the current
600 USAR Official Rulebook; 2) fee structure; 3) history of awards; 4) rates of
601 reimbursements; 5) committee assignments; 6) amateur reinstatement
602 rules; 7) names, addresses, telephone numbers, and terms of Board
603 members; and 8) official insignia and logo.

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

EXECUTIVE SERVICES

- 620
621
622 **A.** Personnel - This committee is responsible for developing personnel plans
623 and programs. This includes overseeing the development of an
624 operations policy manual to assist employees in understanding their
625 working conditions and environment, and to encourage them to improve
626 their skills, enhance their performance and increase their
627 responsibilities. The committee also reviews recommendations for
628 annual salary increases, approves budget lines for such increases, and
629 has input on structural reorganizations to increase productivity.
630
631 **B.** Finance - This committee oversees and checks all of the financial
632 endeavors and actions of the Corporation to include its budget, financial
633 statements, annual audit, and fund-raising activities. The Treasurer
634 chairs this committee.
635
636 **C.** Legislation - This committee is responsible for ensuring that Corporation
637 operates within the bounds of all applicable laws and regulations. The
638 committee reviews proposed changes to legislation and makes
639 recommendations to the Board of Directors regarding adoption or
640 rejection. The Chair of this committee will also serve as the Sergeant at
641 Arms at all Board of Directors meetings.
642
643 **D.** Strategic Planning - this committee will carry out the long-range plan
644 established by the general membership and implemented through USAR
645 leadership. This plan focuses upon major issues stated as priorities by
646 the membership including: continued Olympic involvement, increasing
647 public awareness of racquetball, increasing financial resources,
648 membership development, continued sports management as the national
649 governing body, and unification within the sport.
650
651 **E.** Marketing - This committee will oversee the development of plans to
652 market the sport and organization for the purpose of raising funds to
653 expand programs and other organizational interests.
654

GENERAL MEMBERSHIP SERVICES

- 655
656
657 **F.** Membership - This committee supports and distributes information on
658 both recreational and competitive memberships to the public to aid in
659 attracting new members to the Corporation. This committee also has
660 cognizance over the rating and ranking systems used by the Corporation.
661 The committee reviews these programs and reports on membership
662 activities to the Board of Directors.
663

664 **G.** State Organizations - This committee will provide liaison between state
665 associations and the national office. It will make recommendations on
666 the development and implementation of organizational structures,
667 incorporation, and operations. The committee will review and make
668 recommendations on the distribution of grassroots programs, including
669 grants and centralized funding, to state organizations.

670
671 **H.** Regionals - This committee will oversee the identification of adult
672 regional sites and designation of tournament directors. The committee
673 will make policies and procedures as well as evaluate the
674 accomplishment of these events.

675
676 **I.** National Championships - This committee will oversee the identification
677 of sites and activities for each national event.

678 TECHNICAL AND ETHICS

679
680
681 **J.** Elections - This committee is responsible for reviewing election
682 procedures to maintain the fairness of all elections and the freedom of
683 opportunity for candidates and voters alike. This committee is charged
684 with soliciting candidates; assuring a diversified slate of nominees,
685 verifying the resumes of those who deserve to be candidates, and
686 selecting the nominees (a number equal to or more than the number of
687 vacancies) for the Board of Directors. A non-expiring board member will
688 chair the committee. Other members of this committee may be non-
689 expired board members or non-board members.

690
691 **K.** Publication/Ethics - This committee is responsible for reviewing printed
692 materials produced by the Corporation, and establishing policies and
693 procedures for the ethical treatment of sensitive news items in official
694 publications. This includes making critiques of current materials,
695 conducting surveys, proposing alternatives, and conducting research to
696 draw comparisons between other national governing bodies with similar
697 organizational structures. The committee shall also assist affiliate state
698 organizations in the development and improvement of their publications.

699
700 **L.** Rules and Regulations - This committee will review rule change
701 proposals and make recommendations to the Board of Directors. The
702 committee will also administer due process hearings for general
703 membership issues when appealed beyond the state level within the
704 guidelines presented by the Board. The National Rules Commissioner
705 chairs this Committee.

706
707 **M.** Manufacturers and Technical - This committee conducts inquiries,

708 studies, researches, and reviews proposed technological changes in
709 equipment used in the sport. After making a review, the committee will
710 make recommendations to the Board of Directors. In reviewing
711 technological changes, the committee is obligated to consider the
712 integrity of the game and purpose of the sport.

713
714
715 INTERNATIONAL AFFAIRS
716

717 **N.** U.S. National Team - this committee reviews and makes
718 recommendations concerning team procedures and protocol to the Board
719 of Directors. The committee is also responsible for due process issues
720 involving probation and dismissal from the U.S. National Racquetball
721 Team, as well as reviewing and soliciting recipients for grant funds. The
722 committee provides a structure for communication between athletes and
723 coaches. Through continual evaluation, the committee's policies will
724 reflect those of the U.S. Olympic Committee and the Corporation as the
725 sport evolves at the international level. The committee prepares
726 announcements for coach and team leader positions, reviews
727 applications, conducts interviews, and selects the personnel for the
728 positions.

729
730 **O.** U.S. National Junior Team - this committee reviews and makes
731 recommendations concerning team procedures and protocol to the Board
732 of Directors. The committee is also responsible for due process issues
733 involving probation and dismissal from the U.S. National Racquetball
734 Team, as well as reviewing and soliciting recipients for grant funds. The
735 committee provides a structure for communication between athletes and
736 coaches. Through continual evaluation, the committee's policies will
737 reflect those of the U.S. Olympic Committee and the Corporation as the
738 sport evolves at the international level. The committee prepares
739 announcements for coach and team leader positions, reviews
740 applications, conducts interviews, and selects the personnel for the
741 positions.

742
743 **P.** Olympic, Pan American, and International - This committee coordinates
744 activities relative to racquetball's recognition as a member of the U.S.
745 Olympic Committee (as a national governing body) and acceptance as a
746 sport in the Pan American, Olympic Games and other international
747 competitions. The delegate to represent racquetball on the Board of
748 Directors of the United States Olympic Committee will be elected to a
749 four-year term at the Board meeting held at the U.S. National Singles
750 Championship immediately prior to the start of each USOC
751 quadrennium.

752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795

- 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.

EDUCATION, RESEARCH, AND RECOGNITION

- R.** Elite Camp/AMPRO - This committee will administer the development of elite athletes through the Elite Training Camp and monitor the development of instructors and programmers through the AMPRO program.
- S.** Sports Sciences - The mission of the Sports Science Committee is to disseminate sports science developments and applications to the entire racquetball playing population.
- T.** Sports Medicine - The mission of the Sports Medicine Committee is to disseminate sports medicine developments and applications to the entire racquetball playing population.
- U.** Development and Planning - This committee shall take such steps as it deems necessary to promote interest in racquetball play among all ages.
- V.** Awards - This committee will be responsible for ensuring that qualified male and female nominees are identified for the numerous awards that the Corporation has developed, including the Athletes of the Year, Peggy Steding and Bud Muehleisen Age Group Athletes of the Year, Joe Sobek Contributor Award, John Halverson (Fair Play) Award, and President's Award.
- W.** Hall of Fame - this committee oversees the process by which the Corporation honors those men and women who have made outstanding contributions to the development and growth of racquetball in the United States. Secondary objectives include assisting in the research necessary to develop and maintain a history of United States Racquetball and securing historical memorabilia.
- X.** Scholarship - This committee is charged with establishing and

796 distributing eligibility data; accepting and reviewing applications from
797 qualified applicants; making recommendations to the Board of Directors
798 on all applications reviewed; distributing funds to approved scholarship
799 recipients; and establishing procedures for increasing public awareness
800 and raising funds for the scholarship program.

801
802
803 SPECIAL INTEREST COUNCILS
804

- 805 **Y.** High School Council - This council determines policy and procedures to
806 promote racquetball as a competitive high school sport. The committee
807 may also assist in the operating the annual National High School
808 Tournament.
809
- 810 **Z.** Junior Council - This council will determine policy and procedures to
811 promote junior racquetball within state associations for all youths of high
812 school age and below. The committee will also assist in the policy
813 development and operation of junior national events. The committee is
814 responsible for furthering the growth of and participation in racquetball
815 programs for players 18 years of age and under at the local, state,
816 regional, and national levels.
817
- 818 **AA.** Intercollegiate Council - this council's primary function is to promote,
819 develop, and instruct tournament caliber collegiate players throughout
820 the United States. The Corporation develops the recreational player
821 program at the collegiate level through the National Intramural
822 Recreational Sports Association (NIRSA), while concentrating on
823 developing the competitive player.
824
- 825 **AB.** Disabled Council - this council is charged with generating interest and
826 opportunity in the sport among disabled athletes. This includes
827 promoting racquetball in conjunction with the National Wheelchair
828 Racquetball Association (NWRA), the National Racquetball Association of
829 the Deaf (NRAD), and the U.S. Association of Blind Athletes (USABA).
830 The council coordinates with these groups to provide timely and factual
831 information about competitive opportunities for disabled athletes.
832
- 833 **AC.** Outreach Council - this council is responsible for generating interest in
834 the sport among minority and disadvantaged constituencies in the U.S.
835 by providing access and creating opportunity. This includes developing
836 programs that draw on industry resources to provide low-cost equipment
837 and instruction to established community groups that serve inner city
838 youth and providing direction to potential racquetball athletes. The
839 council will identify a core of dedicated individuals who will establish

840 solid contacts with community centers, disadvantaged youth programs,
841 and minority-based junior high school, high school, and collegiate
842 athletic departments.

843
844 **AD.** Women's Council - this council is responsible for generating interest in
845 the sport among women. The council coordinates with state affiliates,
846 program officials, and other organizations that share its emphasis, to
847 provide timely and factual information about the state of women's
848 racquetball in the U.S., encourage more activity by women in officiating
849 and governance, plus take a pro-active role in the administration of
850 programs that directly impact women in the sport.

851
852 **AE.** Masters Council - this council is responsible for research and
853 development of programs that directly affect male and female racquetball
854 players 45 years of age or older. The council reports its findings and
855 makes recommendations to the Board of Directors.

856
857
858
859
860

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

861
862
863
864

ARTICLE I - PLAYER'S BILL OF RIGHTS

865
866
867
868
869
870

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

871
872
873
874
875
876
877
878
879
880
881
882

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

883
884
885
886
887
888
889
890
891
892
893
894

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

895
896
897
898
899

ARTICLE II - AMATEUR RULES

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

ARTICLE III - DUTIES OF THE CORPORATION

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

- 900 **1.** Develop interest and participation throughout the United States
901 and be responsible to the persons and amateur sports
902 organizations it represents;
903
- 904 **2.** Minimize, through coordination with other amateur sports
905 organizations, conflicts in the scheduling of all practices and
906 competitions;
907
- 908 **3.** Keep amateur athletes informed of policy matters and reasonably
909 reflect the views of such athletes in its policy decisions;
910
- 911 **4.** Promptly review every request submitted by an amateur sports
912 organization or person for a sanction (i) to hold an international
913 amateur athletic competition in the United States; or (ii) to sponsor
914 United States amateur athletes to compete in international
915 amateur athletic competition held outside the United States, and
916 determine whether to grant such sanction, in accordance with the
917 provisions of subsection B of this Article;
918
- 919 **5.** Allow an amateur athlete to compete in any international amateur
920 athletic competition conducted under its auspices or that of any
921 other amateur sports organization or person, unless it establishes
922 that its denial was based on evidence that the organization or
923 person conducting the competition did not meet the requirements
924 stated in subsection B of this Article;
925
- 926 **6.** Provide equitable support and encouragement for participation by
927 women where separate programs for male and female athletes are
928 conducted on a national basis;
929
- 930 **7.** Encourage and support amateur athletic sports programs for
931 handicapped individuals and the participation of handicapped
932 individuals in amateur athletic activity, including, where feasible,
933 the expansion of opportunities for meaningful participation by
934 handicapped individuals in programs of athletic competition for
935 able-bodied individuals;
936
- 937 **8.** Provide and coordinate technical information on physical training,
938 equipment design, coaching, and performance analysis; and
939
- 940 **9.** Encourage and support research, development, and dissemination
941 of information in the areas of sports medicine and sports safety.
942
- 943 **B.** As a result of its review under subsection A (4) of this Article, if the

944 Corporation does not determine by clear and convincing evidence that
945 holding or sponsoring an international amateur athletic competition
946 would be detrimental to the best interest of the sport, the Corporation
947 shall promptly grant to an amateur sports organization or person a
948 sanction to:

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

988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031

- a.** Pays to the Corporation any required fee, if such fee is reasonable and nondiscriminatory;
- b.** Submits a letter from the appropriate entity, which will hold the international amateur athletic competition certifying that;
 - i.** Appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,
 - ii.** Appropriate provision has been made for validation of records that may be established during the competition,
 - iii.** Due regard has been given to any international amateur athletic requirements specifically applicable to the competition,
 - iv.** The competition will be conducted by qualified officials,
 - v.** Proper medical supervision will be provided for athletes who will participate in the competition, and,
 - vi.** Proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition, and
- c.** Submits a report of the most recent trip, if any, to a foreign country, which the amateur sports organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition.

- C.** The Corporation, as the national governing body of racquetball, is authorized to:
 - 1.** Represent the United States in the appropriate international sports federation;
 - 2.** Establish national goals and encourage the attainment of those

- 1032 goals;
- 1033
- 1034 **3.** Serve as the coordinating body for amateur athletic activity in the
- 1035 United States;
- 1036
- 1037 **4.** Exercise jurisdiction over international amateur athletic activities
- 1038 and sanction international amateur athletic competition held in
- 1039 the United States and sanction the sponsorship of international
- 1040 amateur athletic competition held outside the United States;
- 1041
- 1042 **5.** Conduct amateur athletic competition, including national
- 1043 championships, and international amateur competition in the
- 1044 United States, and establish procedures for the determination of
- 1045 eligibility standards for participation in such competitions, except
- 1046 for that amateur athletic competition specified in Section D of this
- 1047 article;
- 1048
- 1049 **6.** Recommend to the USOC individuals and teams to represent the
- 1050 United States in the Olympic Games and the Pan-American
- 1051 Games; and
- 1052
- 1053 **7.** Designate individuals and teams to represent the United States in
- 1054 international competition (other than the Olympic Games and the
- 1055 Pan-American Games) and certify, in accordance with the
- 1056 applicable international rules, the amateur eligibility of such
- 1057 individuals and teams.
- 1058
- 1059 **D.** Any amateur sports organization that conducts amateur athletic
- 1060 competition, participation in which is restricted to a specific class of
- 1061 amateur athletes (such as high school students, college students,
- 1062 members of the Armed Forces, or similar groups or categories), shall
- 1063 have exclusive jurisdiction over such competition. If such an amateur
- 1064 sports organization wishes to conduct international amateur athletic
- 1065 competition to be held in the United States, or sponsor international
- 1066 amateur athletic competition to be held outside the United States, it
- 1067 must obtain a sanction from the Corporation.
- 1068
- 1069

1070 **ARTICLE IV - ARBITRATION AGREEMENT**

1071

1072 As provided for in section 205(b)(3) of Title II of the Amateur Sports Act of

1073 1978, the Corporation to submit, upon demand of the United States Olympic

1074 Committee, to binding arbitration, conducted in accordance with the

1075 commercial rules of the American Arbitration Association in any controversy

1076 involving the Corporation's recognition as a national governing body, or
1077 involving the opportunity of any amateur athlete, coach, trainer, manager,
1078 administrator, or official to participate in amateur athletic competition, as
1079 provided for in Article IV of the USOC Constitution and By-Laws.
1080

1081 **ARTICLE V - DISCIPLINE AND GRIEVANCE RIGHTS**

1082
1083
1084 **A. DISCIPLINE.** The Corporation may censure, suspend for a definite or
1085 indefinite period of time, or expel any member of the Corporation, including
1086 any athlete, coach, manager, official, member of any committee, or any person
1087 participating in any capacity whatsoever in the affairs of the Corporation, who
1088 has contravened any of its rules or regulations, or who has acted in a manner
1089 which brings disrepute upon the Corporation or upon the sport of racquetball.
1090 Such actions must comply with prescribed due process procedures.
1091

1092 **B. RIGHT OF GRIEVANCE.** Any member of the Corporation who feels that
1093 he/she has been wronged in the administering of the Corporation's rules and
1094 regulations or the application of the Constitution or its By-Laws has the right
1095 to grieve and be accorded due process in resolving such matters. Any amateur
1096 racquetball player who alleges that he/she has been denied or is about to be
1097 denied, by a person or an organization affiliated with the Corporation, any right
1098 as set forth in these By-Laws shall immediately inform the appropriate
1099 authority, who shall promptly cause an investigation to be made and steps to
1100 be taken to settle the controversy without unnecessary delay. Any person who
1101 believes that some action, or inaction, by one of the organization's members, or
1102 governing bodies, may petition for corrective actions. In every case, the
1103 approved due process procedures will be followed. In addition, the Corporation
1104 may also advise the Executive Director of the U.S. Olympic Committee, and, if
1105 the offending party is a member of the U.S. Olympic Committee, submit the
1106 matter to the American Arbitration Association for binding arbitration.
1107

1108 **ARTICLE VI - DUE PROCESS**

1109
1110
1111 **A. INITIAL REPORTS.** Matters involving only one State association should be
1112 presented to the President of that State association who will be responsible for
1113 investigating the charges and, based on the findings, form a Hearing Body
1114 responsible for due process. If persons or entities from more than one State
1115 are involved, the Executive Director of the Corporation shall make the
1116 investigation and report. In those matters occurring during the course of a
1117 National or Regional event, as the case may be, the National Tournament
1118 Director shall make the investigation and report. In those matters occurring
1119 during the course of an official U.S. National (adult or junior) Team event, the

1120 designated U.S. representative shall make the investigation and report.
1121

1122 **B. ORIGINAL JURISDICTION.** Generally, matters warranting the application
1123 of due process procedures shall be administered by the appropriate State
1124 association, with the following exceptions:
1125

- 1126 **1.** The U.S. National Team Committee will administer due process for
1127 matters covered by the U.S. National Team (adult or junior)
1128 Protocol and Procedures Manual.
1129
- 1130 **2.** The National Rules Committee will administer due process for
1131 matters involving (i) more than one State association or (ii) events
1132 or activities administered solely by the Corporation's national
1133 office. In those matters where athletes or other members of the
1134 Corporation from more than one State are involved, or in matters
1135 involving such persons during a National or International athletic
1136 event, an investigation and report of the facts shall be made to the
1137 President of the Corporation. If, in the opinion of a majority of the
1138 Executive Committee of the Corporation, disciplinary action is then
1139 warranted, the matter shall be submitted to the National Rules
1140 Committee for a hearing and decision.
1141
- 1142 **3.** Upon a majority vote of the officers, the Board of Directors of the
1143 Corporation may assume original jurisdiction at any stage of any
1144 matter within the purview of the Constitution where, in its opinion,
1145 the best interests of the Corporation will be served thereby.
1146

1147 **C. APPELLATE JURISDICTION**
1148

- 1149 **1.** The National Rules Committee has appellate jurisdiction over any
1150 due-process decisions made by State associations.
1151
- 1152 **2.** The Executive Committee of the Board of Directors of the
1153 Corporation has appellate jurisdiction over (i) due-process
1154 decisions (original or appellate) made by the National Rules
1155 Committee and (ii) due-process decisions made by the
1156 U.S. National Team Committee.
1157
- 1158 **3.** The Board of Directors of the Corporation, by a two-thirds vote,
1159 may assume appellate jurisdiction to review any original decision
1160 of the U.S. National Team Committee or the National Rules
1161 Committee within 6 months of date of the decision in question.
1162

1163 **D. ARBITRATION**

1164
1165 Any person dissatisfied with an original or appellate decision may further
1166 appeal to a neutral third party for arbitration with rules of said appeal hearing
1167 subject to the rules of the American Arbitration Association.
1168

1169
1170 **ARTICLE VII - ORIGINAL JURISDICTION PROCEDURES**
1171

1172 **A.** The following procedures apply to every due process matter for original
1173 jurisdiction whether submitted to a State association, the U.S. National
1174 Team Committee, or the National Rules Committee.
1175

- 1176 **1.** Within 30 days of the appropriate authority being informed of a
1177 matter requiring the application of due process, the person or
1178 entity (respondent) charged shall be notified, in writing, of the
1179 details of the circumstances that require answer, explanation, or
1180 clarification. If appropriate, the notice shall also set forth the
1181 penalties that may ensue if the charges are proved.
1182
- 1183 **2.** The written notice will set a date, time, and place of a hearing
1184 about the charges. The respondent has a right for the hearing to
1185 be at such time and place making it practical to attend, such as a
1186 tournament or State association meeting.
1187
- 1188 **3.** The notice will call for the respondent to file a written answer to all
1189 of the charges set forth in the notice and for the written answer to
1190 be delivered by either certified mail or personal delivery not later
1191 than 14 days before the date of hearing.
1192
- 1193 **4.** The notice will request the respondent to appear at the hearing
1194 and inform the respondent of his/her rights to (i) be represented at
1195 the hearing by counsel of his/her own choice and (ii) present
1196 relevant evidence, hearsay, testimony, and argument in defense of
1197 the charges.
1198
- 1199 **5.** The notice should be sent to the last known address by either
1200 certified mail or by personal delivery. When the notice is mailed to
1201 a registered athlete, it is sufficient to mail the notice addressed to
1202 the athlete at the residence given in their application for
1203 registration, or if they have filed with the State association a
1204 written notice of change of residence, then at such changed
1205 address. The date of hearing shall be no less than 15 days or more
1206 than 60 days after the date of mailing of notice or date of personal
1207 delivery.

1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251

- 6.** The notice shall also set forth the right of appeal to the appropriate appellate authority if a decision is rendered against the person charged and that the appeal must be made in writing within 30 days of being notified of the decision.
 - 7.** The Hearing Body will be composed of no less than three (3) disinterested and impartial persons. Members of the State association's Board of Directors are acceptable provided that they are not a party to the proceedings.
 - 8.** The rules of evidence generally accepted in administrative proceedings shall be applicable in the hearing. The respondent has the right to (i) call witnesses, (ii) present relevant evidence, hearsay, testimony, and argument at appropriate times, and (iii) confront and cross-examine adverse witnesses.
 - 9.** The Chairperson of the Hearing Body should ensure that a written record of the proceedings is prepared.
 - 10.** All decisions of the Hearing Body shall be made by a simple majority of voting members. The Chairperson should vote only if necessary to break a tie vote.
 - 11.** A written decision, with reasons thereon, shall be rendered within ten (10) days of the hearing and must be sent to the respondent by either certified mail or personal delivery.
- B.** If the foregoing procedures are not likely to produce a sufficiently timely decision to do justice to the affected parties, an organization with original jurisdiction may authorize agent(s) or representative(s), upon appropriate notice to the parties concerned as time and circumstances may reasonably dictate, to use the following special procedures to render a timely decision.
- 1.** A special hearing may be conducted at the site of scheduled competition or competitive event, or by telephone conference if necessary, but in any event, under such conditions that will fully protect the rights of procedural due process of the individual or entity charged.
 - 2.** The notice of charges given to the individual or entity charged may be oral or in writing. If oral, they should be reduced to writing as soon as possible. An oral notice must comply with all notice

1252 requirements (except the time frames) set forth in paragraph A. of
1253 this article, including notice of the right of appeal.
1254

- 1255 **C.** Original decisions rendered by an organization may be appealed in
1256 accordance with the procedures at Article VIII. Any person representing a
1257 real party in interest may appeal. The appeal must be filed with the
1258 Executive Director of the Corporation within 30 days after the
1259 respondent received the written notice of the decision. Upon timely
1260 petition and upon showing of good cause, the time for filing an appeal of
1261 decision may be extended.
1262

1263
1264 **ARTICLE VIII - APPEAL PROCEDURES**
1265

1266 The following procedures apply to any appeal of a due process decision coming
1267 before the National Rules Committee, the Executive Committee of the Board of
1268 Directors, or assumed by the National Board of Directors.
1269

- 1270 **A.** The right to appeal a due process ruling is NOT automatic. Decisions
1271 reached by authorities having original jurisdiction are final and will
1272 generally be honored by the Corporation. Only those matters that meet
1273 one of the following criteria may be appealed:
1274
- 1275 **1.** Allegations that due process procedure was not properly executed
1276 and thereby prejudiced the decision.
1277
 - 1278 **2.** New evidence has since become available that could affect the
1279 decision, provided that the new evidence wasn't available at the
1280 time of the hearing.
1281
 - 1282 **3.** Penalties imposed by the state association affect the player's ability
1283 to compete beyond the boundaries of the state.
1284
- 1285 **B.** The appellate decision consists of two steps--determination that the issue
1286 is one that can be appealed and, if so, determining what actions, if any,
1287 should be taken. The appellate authority can vacate, modify, sustain, or
1288 reverse any decision or order properly submitted for review, or remand
1289 the matter for further action.
1290
- 1291 **C.** Every appeal shall be instituted by a petition served upon the Executive
1292 Director of the Corporation and be accompanied by a \$100.00 filing fee
1293 payable to the Corporation. The fee shall be returned if the petition is
1294 upheld, but forfeited if it is rejected or abandoned.
1295

- 1296 **D.** The Executive Director shall send a copy of the appeal petition within
1297 15 days to the entity having appellate jurisdiction over the matter.
1298
- 1299 **E.** The appellate authority should designate a panel of no less than five (5)
1300 of its members, one of whom shall be an athlete representative, to hear
1301 and decide an appeal of a decision made an organization with original
1302 jurisdiction.
1303
- 1304 **F.** The procedures outlined in Article VII for original jurisdiction (with
1305 appropriate modification) shall also apply for the appeal process.
1306
- 1307 **G.** A final and binding decision about an appeal shall be rendered within
1308 75 days from date of filing of the petition by a majority of the acting panel
1309 based on the record submitted for review and on evidence submitted at
1310 such hearing as may be required by the panel. A written decision shall
1311 be sent to all parties. Petitions, once reviewed and decided, shall not be
1312 reopened except by direction of the Board of Directors of the Corporation
1313 or upon showing of sufficient cause to the chairperson of the National
1314 Rules Committee.
1315

1316 **ARTICLE IX - ARBITRATION PROCEDURES**

1317

- 1318 **A.** Either before or after an appellate ruling, a grievant may request, in
1319 writing, that a due process decision be arbitrated by the American
1320 Arbitration Association--a neutral third party--subject to the rules of the
1321 American Arbitration Association current at the time of the request.
1322
- 1323 **B.** Such demand for arbitration shall be submitted within 30 days of the
1324 decision being appealed and said hearing shall be within 60 days of the
1325 written notice to the Corporation and be held at any Regional office of the
1326 American Arbitration Association.
1327
- 1328 **C.** Upon receipt of a request for arbitration, the American Arbitration
1329 Association shall serve notice on the parties to the arbitration and on the
1330 Corporation, and shall immediately proceed with arbitration according to
1331 the commercial rules of the American Arbitration Association in effect at
1332 the time of the filing of the demand, except that:
- 1333
- 1334 **1.** The arbitration panel shall consist of not less than three
1335 arbitrators, unless the parties to the proceedings mutually agree to
1336 a lesser number,
1337
- 1338 **2.** The arbitration hearing shall take place at a site selected by the
1339 American Arbitration Association, unless the parties to the

- 1340 proceeding mutually agree to the use of another site,
1341
1342 **3.** The arbitration hearing shall be open to the public,
1343
1344 **4.** All expenses, e.g. legal fees, travel, per diem, etc., are the
1345 responsibility of each party in the arbitration. No fees/expenses
1346 may be paid from the Corporation to any parties bringing a
1347 grievance against the Corporation.
1348
- 1349 **D.** The arbitrators in any arbitration are empowered to settle any dispute
1350 arising under the provision of this act before making a final ruling, if
1351 mutually agreed to by the parties to the proceeding and achieved in a
1352 manner not inconsistent with the Constitution.
1353
- 1354 **E.** Each contesting party may be represented by counsel or by any other
1355 duly authorized representative at the arbitration proceeding. The parties
1356 may offer any relevant evidence that they desire and shall produce any
1357 additional evidence, as the arbitrators believe necessary to an
1358 understanding and determination of the dispute. The arbitrators shall
1359 be the sole judges of the relevance and materiality of the evidence offered.
1360 Conformity to legal rules of evidence shall not be necessary.
1361
- 1362 **F.** All decisions by the arbitrators shall be binding upon the involved
1363 parties, if such award is not inconsistent with the Constitution and By-
1364 Laws of the Corporation.
1365
- 1366 **G.** A hearing may be reopened by the arbitrators upon their own motion or
1367 upon the motion of any contesting party at any time before a final
1368 decision is made, except that if any contesting party makes such a
1369 motion all parties to the decision must agree to reopen the hearings if
1370 such reopening would result in the arbitrators' decision being delayed
1371 beyond the specific period agreed upon at the beginning of the
1372 arbitration proceedings.