

Comments & Responses on USATFSC Bylaw Amendments - 8/2019

This version of the USATF-SC By-Laws show proposed Amendments in **YELLOW** and revisions based on comments in **GREEN**. The comments have been numbered below and these numbers are shown in **PURPLE** in the margin to indicate where revisions are proposed.

Thank-you to all who took time to comment on the proposed USATF-SC Bylaw Amendments.

Comments from AEC Southeast Rep - Rod Larsen 8/27/19 (Attachment A)

1. **Art. 7 Meeting of this Association Sec 3.** I am concerned about the word "shall" in the second line. What if the website is down or the webmaster is unavailable to post them?

Response: "Shall" is the intended term in this case and is used similarly throughout the bylaws (See Art. 7A Sec 3 ... "At least thirty (30) days notice **shall** be given in advance of this meeting..." In these cases "Shall" is used to describe the way things are intended or should be done with reasonable effort. The other options, like "Must" - which is legally binding, expressing requirement and obligation, and "May" - which is permissive, expressing possibilities of choice to act or not, do not fit the intent of this provision.

2. **Art. 9 Voting Sec A, 1 b and c.** [Nominations have to be allowed from the floor if voting is in person.] See the USATF 2019 Governance manual page 52, Regulation 7 Association Matters, G. Association Bylaws, 4. Nominating process, b. In-person meeting nominations: "Nominations must be allowed from the floor at an in-person election meeting."

Response: See revisions Art 9A.1(b)(c). Note changes for clarity and to comply with the National Governance Handbook.

3. **Art. 9 Voting Sec A. 1 c,** I would either move the sentence "A candidate must be a member in good standing of this Association and at least eighteen (18) years of age at the start of the term of office)." to be with the bullet points in Art. 10 Elections Sec B **OR** add the bullet points from Art. 10 Sec B to Art. 9 Sec A 1c." They could be in both places, just be consistent in what the requirements are.

Response: See revisions Art 9A.1(c) & Art 10B. Note changes for consistency.

4. **Art 10 Elections Sec B** the second bullet point I would change it to
Have passed a current **USATF** background check (Your way a teacher, etc. has a current background check) a question should you put a time limit.
Have passed a ~~current~~ USATF background check within the past 12 (or 18 your choice) months
The original way someone could not have a current background check the day after the election.

Response: See revisions Art 2A.6 & Art 10B. Note changes for clarity and consistency with USATF SafeSport requirements. Addition of USATF 3-Step Compliance definition.

5. **Art 13 Committees Sec A** It is OK to not have it but what about **Cross country**, since you are required to have cross country championships as a part of the accreditation process.

Response: See revisions Art 13A. Note changes for compliance with National requirements and USATFSC operations.

6. **Art 13 Committees Sec C 1.** After the first sentence I would add the four bullet points from Art 10 Elections Sec B so all leadership is what is being referred to as “Three Step compliant.”

Response: See revisions Art 2A.6, Art 10B & Art 11B Note changes for clarity and consistency with USATF safeSport requirements. Addition of USATF 3-Step Compliance definition.

Comments from USATF-SC Member - Linda Ellis 8/27/19 (Attachment B)

7. **Article 7 item 3** , USATF in person meetings allow for nominations from the floor. It is important that we align our Association bylaws with the National Governance Manual and not contradict it.

Response: See revisions Art 9A.1(b)(c) . Note changes for clarity and to comply with the National Governance Handbook.

8. **Article 2. Item 5** is vague in that you make no provisions for the person or persons in question making an honest effort to reimburse the Association. How are the “not in good standing” members notified and who decides? People who owe the Association money should be a legal matter not a bylaw amendment. Adding this item now is for moving forward. The amendment wasn’t in place at the time so you cannot retroactively block a person based on anything prior to 2019 if the amendment does pass. These amendments are for moving forward not for what you say happened in the past.

Response: See revisions Art 2A.5, Note changes for clarity and internal consistency (see Delinquency USATFSC Art. 6H).

9. One last item to clarify on the counting of the ballots. Each constituency is entitled to 20 votes/20%. If Athletes bring 10 people, they only get 10 votes. If membership brings 25 people, they only get 20 votes. There are no adjustments made if athletes bring less than their 20 votes or if membership has more than 20 voters. Unless members qualify in another category, they will need to determine who will vote under the overage category.

Response: This matter has been settled by the precedential ruling on the Ellis v Jordan grievance. The USATFSC AAP formal ruling of December 17, 2018, determined that no errors had been made in the recounting of ballots on August 18, 2018, and denied the grievance. This decision was not appealed. (See Attachment C)

Attachments:

- A - Gmail Comments from Rod Larsen, 8/27/19
- B - Gmail Comments from Linda Ellis, 8/27/19
- C - Final & Written Decision of the AAP - Ellis v Jordan, 12/17/18

Proposed USATF-SC By-Law Amendments are shown in YELLOW
Response to Comment revisions are in GREEN
Comment # referenced is annotated in PURPLE

**BYLAWS OF THE
SOUTH CAROLINA ASSOCIATION OF USA TRACK & FIELD, INC.**

ARTICLE 1

NAME

- A. The name of this Association shall be: South Carolina Association of USA TRACK & FIELD, Inc., herein referred to as “this Association”, “this corporation”, or “USATF-SC”. These names may also be used in other documents.
- B. The acronym “USATF” may be used in lieu of USA TRACK & FIELD, Inc.

ARTICLE 2

DEFINITIONS

- A. The term USATF shall include all athletics under the jurisdiction of and defined by USATF. All other terms used herein shall be as defined in the Bylaws of the USATF, Article 2 “Definitions” unless otherwise noted.
1. International Athlete: means an athlete who has represented the United States in international competition held under IAAF jurisdiction in Athletics (not including World Youth or World Masters events) within the preceding ten (10) years.
 2. Active Athlete: means any individual who has competed in a USATF sanctioned event in the previous 24 calendar months.
 3. Without Delay: means within 10 business days unless a request for an extension is requested and approved in writing.
 4. Constituency: one of the five (5) USATF constituencies: active athletes, coaches, officials, organizational members, and other members.
 5. Member in Good Standing: Must 1) be a current member of USATF-SC; 2) have never been suspended for a safe-sport violation; 3) have never been sanctioned, suspended, or received a written reprimand as a result of a USATF-SC, USATF, USADA or WADA disciplinary hearing, ethics or PED violation, unless such sanction, suspension, or written reprimand has subsequently been reversed or rescinded; 4) must not owe be delinquent on payment of their fees or dues, have withheld monies entrusted to them in an official USATF-SC capacity such that others are caused to be deemed delinquent, and/or withheld any monies entrusted to them in an official USATF-SC capacity beyond the time requirements of these Bylaws. Such monies may include but are not limited to sanction fees, membership fees, gate receipts, officials fees, or USATF-SC funds spent on unapproved items. ~~or funds paid to the individual in question acting on behalf of USATF-SC in any role. but not yet passed on to USATF-SC~~

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6. USATF 3-Step Compliant: Must have a USATF membership, have successfully completed the appropriate USATF background screening, and have successfully completed a current SafeSport Training as determined by USATF SafeSport requirements.

ARTICLE 3

PURPOSE

- A. The purpose of this Association is to encourage, improve and promote Athletics in the State of South Carolina in accord with and as defined by the By-laws and Regulations of USATF, Section 501(c)(3) of the Internal Revenue Code of the Internal Revenue Service, Department of the Treasury, USA.

ARTICLE 4

ORGANIZATION

- A. This Association shall be incorporated under the laws of the State of South Carolina as a non-profit corporation and shall be approved by the proper authority as qualified under and in accord with Section 501(c)(3) of the Internal Revenue Code.

ARTICLE 5

AUTHORITY OF THIS ASSOCIATION

- A. This Association shall utilize that authority granted to it by the Bylaws and Administration Documents of the USATF and to that end shall exercise independent jurisdiction, supervision and control over the administration of its affairs, establish eligibility requirements, training, and govern the acceptance of its members and member clubs, oversee the fair and equitable enforcement of the rules of competition, exercise sanctioning authority for Events and Meets held within the State of South Carolina, develop and propose such standards and rules to improve athletics within the State of South Carolina and encourage its members to engage in local, national and international competition.

ARTICLE 6

CONSTITUENCY

- A. Individuals: Any person who meets the criteria for individual membership as determined by USATF shall be eligible for membership. This includes athletes, officials, coaches, administrators, and any others named by the USATF.
- B. Clubs: Any organization that meets the criteria for membership as determined by USATF shall be eligible for membership. This includes clubs, organizations administering competitions, and any other group(s) designated by USATF.

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- C. Applications for membership shall be in accordance with USATF Bylaws and regulations, and on a form issued and approved by the Association.
- D. Dues and fees for the various classifications of members shall be established by action of the Association membership at the Annual Meeting or Special Meeting called for that purpose and for which at least thirty (30) days notice has been given under Article 7 of these Bylaws.
- E. Membership shall run from January 1 to December 31 of the calendar year.
- F. Any individual or group which violates any provision of these Bylaws, standing rules or regulations, may be suspended after due notice and opportunity for hearing, by action of a body designated to hold such hearings, until the next meeting of this Association at which time the suspension may be upheld or rescinded by majority vote of the members, or such individual or group may be expelled by a two-thirds vote of the members present.
- G. Compliance with policies: All members, whether an individual, club, organization, or other constituency defined in these bylaws and regulations, shall abide by any and all USATF policies and procedures and agree to comply with and be bound by the safe sport rules, policies and procedures of USATF and the U.S. Center for Safe Sport and to submit, without reservation or condition, to the jurisdiction of USATF and the U.S. Center for Safe Sport for the resolution of any alleged violations of those rules, policies and procedures, as may be amended from time to time.
- H. Delinquency: Any Association member, club or organization failing to pay its fees or dues on time shall forfeit the right to representation and to vote, upon thirty (30) days' notice. The member must successfully reapply for membership to regain its voice or vote in this Association's affairs.

ARTICLE 7

MEETINGS OF THIS ASSOCIATION

A. ANNUAL MEETING:

- 1. Shall be held within the geographical area of the State of South Carolina, during the month of August. At least thirty (30) days notice shall be given in advance of this meeting, by regular mail, fax or conference telephone call, newsletter or web site. If a web site is used to inform members of meetings, then the web site address must be published in a mailing or newsletter. Notice must be sent by email to this Association's current membership list provided by the National Office. Notice must be sent by mail to any member making a written request for notice by mail within one year of an election.
- 2. Any notice of a meeting change or a change in the election process, not previously publicized, must be distributed at least fourteen (14) days prior to the meeting. The proposed agenda shall be included along with the meeting notice.
- 3. Notice of proposed candidates standing for election, along with the written nomination, second, and acceptance, shall be posted on this Association's website at least fourteen (14) days prior to the meeting. A statement from the candidate may also be submitted

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and posted on the website. This statement should not exceed 500 words and must be submitted electronically to the Association Secretary at least twenty-one (21) days prior to the election.

- B. Special Meetings: May be called at any time by the President or Secretary of this Association. At least fifteen (15) days notice shall be given and the reason stated for the meeting by the means established under Article 7, Section A of these Bylaws. A minimum of fifteen (15) members must be present to establish a quorum and at least twenty percent (20%) of those voting must be active athletes.
- C. Committee Meetings: Shall be held at the call of the Committee Chair. Committee Meetings shall require seven (7) days notice, unless all committee members agree to a shorter notice.
- D. Records: All Boards, Committees, Councils, and Task Groups shall designate a recording secretary. Within thirty (30) days of the meeting, draft minutes shall be sent to the Secretary of this Association and to all members of the group holding the meeting by the Secretary recording all official action(s) taken. All written reports or a summary of such reports shall be issued with draft minutes.
- E. Quorum:
 - 1. Annual meeting: A minimum of ten percent (10%) of Member Clubs must be represented to establish a quorum, and at least one (1) Active athlete.
 - 2. Other meetings of this Association: A minimum of fifteen (15) members must be present to establish a quorum.
 - 3. Committees, Councils, and Task Groups: At least forty percent (40%) of the membership of these groups must be present to establish a quorum.

ARTICLE 8

ORDER OF BUSINESS

- A. At the Annual Meeting of this Association the following order of business shall be followed:
 - 1. Roll Call of Officers.
 - 2. Reading of minutes of last Annual Meeting and all Special Meetings called since.
 - 3. Treasurer's Report, submission of audited annual financial statement and proposed budget.
 - 4. Report of Officers and Committees.
 - 5. Unfinished Business.
 - 6. New Business.
 - 7. Nominations and elections as scheduled including special elections.
 - 8. Site Selections: Report of sport committee and special committees.
 - 9. Awards Presentation.
 - 10. Adjournment.

- B. The current edition of Roberts Rules of Order (Revised) is the general rule of order, except where such rules **in** conflict with the provision of these Bylaws. In such case(s) these Bylaws shall take precedent and prevail.
- C. Reports from the Treasurer and Membership Chair should be available at every meeting. All officers and committee chairs should provide the President a written report three (3) days prior to each meeting for distribution at the meeting. Oral reports may be given at the meeting if the President is notified three (3) days prior to the meeting.

ARTICLE 9

VOTING

- A. At the Annual or Special Meetings of the following shall apply:

- 1. Nominating process:

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a. Nominations for the USATF-SC elected positions of President, 1st Vice-President, 2nd Vice-President, Secretary, and Treasurer **may shall** be made in writing and **must** be accompanied by a written seconder and a written acceptance of the nomination from the nominee. Said written nomination, second and acceptance shall be sent to the Secretary of USATF-SC by electronic mail or by registered mail and received no later than twenty-one (21) days prior to the USATF-SC annual meeting and elections.

b. If no **written** nominations for a position ~~on the list including President, 1st Vice-President, 2nd Vice-President, Secretary, and Treasurer~~ are received in the required timeframe, then **all and only then shall** nominations **shall be** from the floor be allowed for that position. ~~or positions for which there are no nominees. The rules of eligibility to run for office, Article 10B of these Bylaws, shall apply to both written and to floor nominations. (This provision moved to item c, below.)~~

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c. Nominations may be made and must be allowed from the floor at this Association's in-person election meeting. **The rules of eligibility to run for office, Article 10B of these Bylaws, shall apply to both written and to floor nominations.** ~~A candidate must be a member in good standing of this Association and be at least eighteen (18) years of age (at the start of the term of office).~~ A candidate needs one (1) nominator and one (1) seconder who both are members **in good standing** of this Association.

- 2. Conduct of voting: This Association shall use a balanced meeting ballot where only designated members of this Association are eligible to vote.

- a. Number of votes: There shall be a maximum of one hundred (100) available votes **which represents 100% of the voting strength** divided among the following five (5) constituencies: active athletes, coaches, officials, organizational members, and other members (which may include elected officers of this Association);

- b. Voting strengths: Each constituency above is entitled to the following maximum votes: active athletes twenty percent (20%) of the voting strength, coaches twenty percent (20%) of the voting strength, officials twenty percent (20%) of the voting strength, clubs twenty percent (20%) of the voting strength, and other members twenty percent (20%) of the voting strength;

- except that active athletes must receive a minimum of twenty percent (20%) of the voting strength;
- c. Disputes: Credential disputes must be resolved before the election process is started (i.e. before taking nominations and/or before the report of the nominating committee);
 - d. One-person, one-ballot: One (1) person shall cast only one (1) ballot. Individuals who are eligible to cast a ballot in more than one constituency must choose one constituency in which to vote at the meeting;
 - e. Caucuses: Constituencies with more individuals than votes allowed will caucus before the election to determine the voters or apportionment of votes;
 - f. Athlete caucuses: in an athlete caucus, youth (18-year old), open (non-international ages 19-39) international (“ten-year” rule regardless of age), and masters (40-and-above) athletes must each be represented if member athletes are present and available. In such a case, the number of votes granted to a division above shall be as equal as possible, regardless of the number of athletes present from a division.
3. Voting Criteria:
- a. One (1) person shall cast one (1) ballot, regardless of the number of positions that person has within this Association;
 - b. There shall be no proxy voting;
 - c. Minimum Age: Voters must be a minimum age of eighteen (18) on the day of election;
 - d. Organizations shall have a minimum of one (1) vote, and each vote cast must be by a different representative;
 - e. All organizations entitled to vote must be members of this Association, and all voters must be members **in good standing** of USATF-SC;
 - f. Voting membership deadline: Except for renewals from the previous year, individuals must be members for at least thirty (30) days prior to the date of the election (e.g., if the election is held on September 15 the membership must be paid in full by August 16);
 - g. An appointed committee chair or Board member shall not vote in elections in that capacity, but may otherwise qualify for a vote.
 - h. Individuals who are eligible to cast a ballot in more than one constituency may only vote once and must choose one constituency in which to vote.
4. **Process Conduct** of Voting:
- a. Credentials: The report of the Credentials Committee must take place prior to any nominations. Disputes must be settled before the election process is begun;
 - b. Uncontested elections may be voted by acclamation;
 - c. Contested elections must be held by secret ballot;
 - d. Counting of ballots: A panel of at least three (3) individuals, at least one (1) of whom must be an active athlete, shall count the ballots and sign the tally. All panel members shall be of voting age. The panel shall not include any individual who is a candidate for a contested office. Any ballot opened outside the presence of the entire voting panel shall not be counted;

- e. Consultation: The panel may consult with this Association's president, secretary, or parliamentarian—so long as they are not candidates for offices--on procedural matters.

ARTICLE 10

ELECTIONS

- A. Election of officers of this Association shall be held in even numbered years at the Annual Meeting. Terms of office shall commence on the day of election.
- B. Eligibility to run for office: At the time of their nomination, or appointment, all candidates for President, 1st Vice-President, 2nd Vice-President, Treasurer, Secretary and/or committee chairs of USATF-SC must meet all and every one of the following requirements:
- Be at least 18 years of age (at the start of the term of office)
 - Be a member in good standing of USATF-SC
 - Be USATF 3-Step Compliant
 - Have passed a current background check
 - Have passed a current Safe Sport Course
 - Never have been the subject of a successful recall from a position with USATF-SC
- C. Vacancies: All vacancies except for the office of the president shall be filled by temporary appointment by the president. The appointment shall be effective immediately, and continue until the next Annual Meeting at which time a special election shall be held to fill the unexpired term.
- D. Majority requirement: The officers of this Association must be elected by a majority of the voting strength of the ballots cast. When there are more than two candidates running for an office (a plurality vote), and no individual receives more than fifty percent (50%) of the voting strength, a run-off election shall be held between the two candidates receiving the most votes.
- E. Election protests: Protests may only be made after the election process is concluded. Except as indicated below, USATF Regulation 21 shall apply to election disputes:
1. Panel composition: An NABR panel from a different USATF Association shall be appointed to conduct the hearing. All hearings shall be by conference call. The procedures in Regulation 21 shall apply.
 2. Invalidation: The NABR panel shall invalidate an election if it is found that one or more infractions occurred that were likely to have changed the outcome of an election.
 3. Further action: The NABR panel may recommend changes for future elections in this Association.

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ARTICLE 11

OFFICERS OF THE ASSOCIATION

A. The Officers of this Association shall be the:

1. President
2. 1st Vice President
3. 2nd Vice President
4. Treasurer
5. Secretary

6 B. Term of Office: Each Officer shall serve for a term of two (2) years. There shall be no established order of succession to any office. No person may contest for more than one (1) officer position during an election. A person shall not hold the office of President and any other officer or chair position. All officers must be USATF 3-Step Compliant and must remain USATF 3-Step Compliant throughout their term.

C. Vacancy in the Office of President: Upon a vacancy, the 1st Vice President shall call a special meeting of this Association with sixty (60) days of such vacancy and serve as Acting President until the new President is elected. The Acting President shall have full force of that office.

ARTICLE 12

DUTIES OF THE OFFICERS

A. PRESIDENT: Shall call and preside at all meetings of this Association, appoint all committee chairpersons and be an ex-officio member of all committees. The President shall, with the Secretary of this Association, execute all legal documents in the name of the corporation, shall manage and supervise the affairs of this Association.

B. VICE-PRESIDENTS: Shall perform such duties as the President shall assign. In the temporary absence of the President, the 1st Vice-President shall preside at meetings.

C. TREASURER: Shall:

1. Keep or cause to be kept a correct and complete record of account showing the financial condition of this Association;
2. Maintain custody and control of the bank accounts and other financial assets of this Association, its committees, and its subcommittees, and other valuables which come into the possession of this Association;
3. Deposit all funds of this Association into depositories that are designate under Article 17B;
4. Furnish at all meeting and when requested by the President or financial committee, a timely statement of the financial condition of this Association,;
5. Furnish all financial records to allow an annual audit of accounts at least thirty (30) days prior to the annual meeting. Such records shall be complete and timely so as to allow for an audit based on generally accepted accounting principles;
6. Turn over to the incoming treasurer all records, receipts, invoices, check books(s), bank statements and cancelled checks, and execute whatever bank documents are required to turn over the bank account(s) without delay;
7. Perform all other duties not specifically mentioned that pertain to the Office of Treasurer;

8. Handle all requests and funds associated with sanctioned events.
- D. SECRETARY: The secretary shall keep or cause to be kept all records of this Association and all minutes of the regular and special meetings of this Association. The secretary shall keep all correspondence, articles of incorporation, amended article of incorporation, corporate kit and seal and a copy, in chronological order of all approved as corrected or read minutes of the meetings held. Such records shall be in a safe keeping and turned over to the incoming secretary. The secretary shall perform all other duties normally associated with the office.
- E. Conflict of interest: Any individual representing this Association, or who has a financial arrangement with this Association, or who is an employee of this Association, or who is a member of any of this Association's committees, shall not participate in evaluating or approving any contract with a supplier to furnish goods or provide services to this Association, if that individual directly or indirectly benefits financially, or otherwise receives any form of compensation from, or has any interest in, any supplier under consideration.

ARTICLE 13

COMMITTEES

- A. The Standing Committees of this Association shall be:

Standing Sport:

Cross Country

~~Men's Track and Field~~

~~Women's Track and Field~~

~~Men's Long Distance and Road Running~~

~~Women's Long Distance and Road Running~~

Mountain, Ultra & Trail

Open & Masters' Track and Field

Open & Masters' Long Distance and Road Running

Race Walking

Youth Athletics

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Standing Administrative:

Officials

Records

Financial

Member Services

Athletics for the Disabled

Athletes Advisory

Coaches Education

Communication

Volunteers

B. Ad Hoc Committees: The President may appoint such committees as needed for proper operation of this Association.

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C. 1. All committee chairpersons, whether elected or appointed by the President, **must meet the eligibility requirements of Article 10B of these Bylaws.** ~~be at least eighteen (18)~~

~~years of age and members of this Association.~~ Chairs shall be elected or appointed for specific terms which are determined prior to voting for or appointment to the position.

2. When requested by two (2) or more member organizations of this Association, sports committee chairs shall be elected. When the sports chair is elected, the election shall take place at a meeting, which is held separately from the general elections, either by time or location, and at a minimum shall be advertised to all member organizations in this Association active in the discipline. The election may take place at the posted time on the same date and at the same location, immediately following the general election.

D. Committee members: shall be appointed by the committee chairperson with the approval of the President. All committees, subcommittees, or other appointed or elected bodies of this Association shall consist of at least twenty percent (20%) active athletes.

E. Collection of dues/fees: Association committees that collect dues and fees during a given month shall, by the 10th day of the following month, send to this Association Treasurer a transmittal report along with all dues and fees collected for each sports organization and individual member. No committee may take any offsets, credits, or other deduction against any dues or fees collected by it and due to USATF-SC for any reason. All committee chairpersons shall keep or cause to be kept records of any financial transactions relating to the functions of their committee. Such records shall be in their safe keeping and turned over to the incoming committee chairperson.

ARTICLE 14

STANDING SPORT COMMITTEES

A. Duties of each Sport Committee:

1. Have jurisdiction over National, Regional, Sectional and Association championships held within the State of South Carolina to the extent that such is delegated by the USATF.
2. Award championship events to venues within the jurisdiction of that committee.
3. Have the authority to reject entries if objectionable, at any championship.
4. Approve officials for championships involving its sport.
5. Promote and develop activities related to its sport.

ARTICLE 15

STANDING ADMINISTRATIVE COMMITTEES

A. Officials Committee:

1. Shall be responsible to train, certify and generally supervise officials within this Association, consistent with the rules, procedures and directive of the USATF.

2. It shall be the duty of the Officials Committee to develop, maintain and facilitate instructional programs to develop and improve the skills of all officials and pre-officials; (2) certify Association level officials; (3) recommend to the USATF candidates for Nationals and Master Official designations; and (4) encourage member clubs and organizations to promote a program to recruit and train officials; and (5) track the background check and safesport training of all officials within this Association.
- B. Records Committee:
1. The committee shall investigate and indicate its approval or rejection for every performance submitted for record approval.
 2. Shall require that all applications be submitted on a USATF approved form and contain all pertinent information.
- C. Financial Committee:
1. Shall be composed of at least three (3) persons, one (1) of whom shall be designated by the President as chairperson and one (1) shall be recording secretary. A record of all meetings of the committee shall be kept by the recording secretary and a copy shall be sent to the President and one to the Treasurer.
 2. Shall review each request for expenditure of funds in excess of five hundred dollars (\$500.00). If approved, a voucher shall be issued to the Treasurer authorizing such. If disapproved, a letter of explanation shall be forwarded to the originator of the request.
 3. Audit or cause to be audited the accounts of this Association. Unless signed by a CPA at least three (3) members of the Financial Committee shall sign and certify the annual audit. Such audit shall be accomplished prior to the annual meeting of this Association for presentation to the membership.
- D. Member Services Committee (Membership Chair)
1. Shall collect or cause to be collected all memberships for individual and clubs within this Association and provide liaison with the USATF National Office in all matters of membership, including reporting and disbursement benefits.
 2. Perform all duties and collect all funds associated with the registration of individual and clubs.
 3. Process sanction application in accordance with the Bylaws and Regulations and keep records of all such sanction reports.
 4. Be responsible for sanction application supplies and registration cards as well as validation stamps.
 5. Provide a monthly report to the Treasurer regarding all funds received for USATF-SC and keep an accurate record of all deposits as required in Article 13E of these Bylaws.
 6. Maintain contact with USATF to keep current on changes and other information and disseminate the information to this Association membership as directed.
 7. Keep all records and receipts on all expenditures regarding the Membership Chair's business and submit all receipts to the Treasurer for record keeping.

ARTICLE 16

SANCTIONS FOR AMATEUR ATHLETIC EVENTS

- A. This Association shall have authority to grant sanctions to sports organizations or persons wishing to hold athletic competition in athletics that are not international in nature, with the State of South Carolina. The Membership Chair of this Association shall promptly grant a sanction request by a sports organization or person(s), provided that all the requirements of USATF Operating Regulation 23 have been satisfied. The Membership Chair may deny requests if it is determined by clear and convincing evidence that the proposed event would be detrimental to the sport, this Association or USATF. The decision to deny may be appealed to the USATF.

ARTICLE 17

FISCAL AND LEGAL MATTERS

- A. Fiscal Year: the fiscal year of this Association shall be September 1 to August 31.
- B. Depositories: This Association shall, by action of the President, Secretary and Treasurer, designate depositories for funds, property, and assets belonging to or under the control of this Association.
- C. Signatories: Funds in excess of five hundred dollars (\$500.00) may be withdrawn only by voucher check upon the signatures of the President and Treasurer. For funds of less than five hundred dollars (\$500.00), only the signature of the President or Treasurer is required.
- D. Bonding: Corporate fidelity bonds shall be obtained at the expense of this Association in a form and amount as approved by the Financial Committee, indemnifying this Association against all losses resulting from infidelity, defalcation, or misappropriation by officers or agents of funds, property, or assets owned by or under the control of this Association.

ARTICLE 18

RECALL

- A. Upon the petition of ten (10) voting delegates, a vote may be taken for the removal from office of any elected officials of this Association at a regular or special meeting, notice of which shall be included with the notice of meeting. A two-thirds (2/3rd) vote of those members present and voting is required for removal.

ARTICLE 19

STANDING RULES

- A. In order to regulate the affairs of the Association, standing rules may be adopted. Such rules shall not alter in any way these By-laws, but may serve to establish time and place of regular meetings, determine athlete eligibility, regulate championship meets, specify

records handling, establish criteria for voting delegates, selection of delegates to the National USATF convention, and other administrative procedure. The standing rules may be amended at any regular or special meeting without prior notice and with a simple majority vote.

ARTICLE 20

AMENDMENTS

- A. These Bylaws may be amended at any meeting of this Association by a two-thirds (2/3rd) majority vote of the members voting, provided that notice of the proposed amendment(s) has been included with the notice of meeting at least thirty (30) days prior to the date of the meeting.
- B. Amendments may be proposed by the President, or a petition of ten (10) voting delegates.

ARTICLE 21

MANDATORY ADOPTION

- A. This Association shall adopt without process any additions to these Bylaws that are made mandatory by USATF, USOC, or the US Center for Safe Sports. Such amendments shall be attached to these Bylaws and be effective from the date of attachment.
- B. In the event that any United States law or statute becomes law which alters the minimum voting strength of any constituency on the board of the United States Olympic Committee or any future organization replacing the United States Olympic Committee, USATF-SC shall immediately adopt the same minimum voting strength(s) for that constituency or constituencies affected by said law or statute. The remaining voting strength shall be divided equally amongst those constituencies for which no minimum voting strength is defined.
- C. Any mandatory changes to these Bylaws shall be adopted immediately and without further action and shall be memorialized by way of republishing the revised Bylaws of USATF-SC in a reasonably timely manner.

ARTICLE 22

SAVING CLAUSE

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

ARTICLE 23

DISSOLUTION

- A. In the event that this Association surrenders its charter and ceases to operate in the State of South Carolina, it will transfer its assets to USATF within the requirements of Section 501(c)(3) of the Internal Revenue Code.

ARTICLE 24

REDRESS OF GRIEVANCES

- A. A grievance may be any matter within the cognizance of USATF South Carolina as described in Standing Rule No. 5 Formal Grievances and Disciplinary Procedures. Grievances shall be filed and administered in accordance with Standing Rule No. 5.

End of USATFSC Bylaws



The South Carolina Association Annual meeting and Bylaw changes

AEC Southeast <aecsoutheast@usatf.org>

Tue, Aug 27, 2019 at 1:58 PM

To: "President@southcarolina.usatf.net" <President@southcarolina.usatf.net>, USATF South Carolina Secretary <Secretary@southcarolina.usatf.org>

Cc: AEC Chair <aecchair@usatf.org>, Norman Wain <norman.wain@usatf.org>, Scott Erwin <srerwinlaw@aol.com>, "larsenrod@aol.com" <larsenrod@aol.com>, John Blackburn <john@speedfish.com>

Bryan and Susan,

Thank you for including me in your meeting notice. I see that you are looking at making some bylaw changes. I took a look at your changes and have a few suggestions, take them for what you are paying for them.

Art. 7 Meeting of this Association Sec 3. I am concerned about the word "shall" in the second line. What if the website is down or the webmaster is unavailable to post them?

A big problem is Art. 9 Voting Sec A, 1 b and c. [Nominations have to be allowed from the floor if voting is in person.] See the USATF 2019 Governance manual page 52, Regulation 7 Association Matters, G. Association Bylaws, 4. Nominating process, b. In-person meeting nominations: "Nominations must be allowed from the floor at an in-person election meeting."

Art. 9 Voting Sec A. 1 c, I would either move the sentence "A candidate must be a member in good standing of this Association and at least eighteen (18) years of age at the start of the term of office)." to be with the bullet points in Art. 10 Elections Sec B **OR** add the bullet points from Art. 10 Sec B to Art. 9 Sec A 1c." They could be in both places, just be consistent in what the requirements are.

Art 10 Elections Sec B the second bullet point I would change it to

- Have passed a current USATF background check (Your way a teacher, etc. has a current background check)

a question should you put a time limit like

- Have passed a ~~current~~ USATF background check within the past 12 (or 18 your choice) months. The original way someone could not have a current background check the day after the election.

Art 13 Committees Sec A

It is OK to not have it but what about Cross country, since you are required to have cross country championships as a part of the accreditation process.

Art 13 Committees Sec C 1. After the first sentence I would add the four bullet points from Art 10 Elections Sec B so all leadership is what is being referred to as "Three Step compliant."

Thanks again,

Rod Larsen

Executive Vice President & Officials Chair

USATF Florida Association

Southeast Regional representative

National Associations Committee



Bylaw Amendments

Linda Ellis <lellis7354@aol.com>

Tue, Aug 27, 2019 at 4:52 PM

To: secretary@southcarolina.usatf.org, president@southcarolina.usatf.org, vicepresident2@southcarolina.usatf.org, treasurer@southcarolina.usatf.org

Cc: aecchair@usatf.org, aecsoutheast@usatf.org, john@speedfish.com

Good afternoon,

I read through the bylaw amendments and prior to the meeting there are some corrections that need to be made. Article 7 item 3 , USATF in person meetings allow for nominations from the floor. It is important that we align our Association bylaws with the National Governance Manual and not contradict it.

Article 2. Item 5 is vague in that you make no provisions for the person or persons in question making an honest effort to reimburse the Association. How are the “not in good standing” members notified and who decides? People who owe the Association money should be a legal matter not a bylaw amendment. Adding this item now is for moving forward. The amendment wasn't in place at the time so you cannot retroactively block a person based on anything prior to 2019 if the amendment does pass. These amendments are for moving forward not for what you say happened in the past.

One last item to clarify on the counting of the ballots. Each constituency is entitled to 20 votes/20%. If Athletes bring 10 people, they only get 10 votes. If membership brings 25 people, they only get 20 votes. There are no adjustments made if athletes bring less than their 20 votes or if membership has more than 20 voters. Unless members qualify in another category, they will need to determine who will vote under the overage category.

Please confer with the Associations Chair for any clarification. He is also copied on this email.

Best regards,

Linda Ellis
USATF South Carolina
Coach/Official/Member

**Final and Written Decision
of the Panel
in the South Carolina Association of USATF
grievance entitled Ellis v. Jordan**

This is the final and written decision of the Panel in the South Carolina Association of USATF grievance entitled Ellis v. Jordan memorializing the oral decision announced on November 19, 2018, in Columbia, SC and is written to accord with USATF-SC standing rule 5 K. The Panel have considered the results of the USATF SC 2018 election and, specifically, whether error occurred in the elections of President and Second Vice President, Mr. Brian Jordan and Mr. Steve Mullaney, respectively.

This case came to the panel by way of a grievance filed by Linda Ellis, as plaintiff, against Brian Jordan, as Defendant, following the USATF South Carolina's 2018 election. Ellis' complaint was that the votes were not counted properly and, as a result, the wrong candidates were named President and 2nd Vice President.

Jurisdiction for this matter is properly before this panel. At a pre-hearing conference, procedural matters were discussed, including who carried the burden of proof, the standard, the standard for admissibility of evidence, the order of proceedings, and further procedural matters. Two items specifically discussed pretrial were (1) that the plaintiff carried the burden of proving her claim that the election votes were improperly counted and the wrong parties installed as officers, and (2) the manner in which the hearing would take place (opening arguments by both parties, presentation of evidence by the Plaintiff, then by the Defense (if any), and so forth). The burden of proof was the preponderance of the evidence standard. In terms of evidence, the standard to be applied was a relaxed standard consistent with the South Carolina rules of Evidence, as relaxed for administrative hearings.

Pretrial the parties were instructed that opening and closing statements were not evidence, but allowed. Both parties gave opening arguments. Following the opening arguments, the Plaintiff was given the opportunity to present her case. In this regard, the plaintiff failed. The Plaintiff provided no evidence to support her claim. Specifically, the Plaintiff called no witnesses, and introduced no exhibits, testimony, documentary, or other evidence.

Plaintiff's failure to introduce evidence even a modicum of evidence to support her claim results in the claim failing.

Short Analysis: To prevail the Plaintiff had to show a wrong and that the accused Defendant was responsible for the wrong. The Plaintiff did not show a wrong. The Plaintiff further did not show the Defendant was a participant in the alleged wrong. Either of these failures alone gives sufficient cause to deny her claims. On appeal, it should be acknowledged the panel considered and ruled on each of the two elements separately and found insufficient evidence on either.

Ruling:

The USATF-SC panel hearing the Ellis versus Jordan grievance rule in favor of Jordan on all claims. This panel rules unanimously that there is no evidence that Jordan violated USATF-SC Article 9 Rule A(2) as charged, and there is no evidence that anyone violated Article 9 Rule A(2) with the recount on 8/19/2018 at the Lexington County Library.

As a threshold matter, it appears the Plaintiff named the incorrect party as Defendant. Jordan, who at the time of the election was a candidate, did not participate in the running of or any decision-making pertaining to the election. Jordan, not being involved in the decision-making process, bore no responsibility regarding which candidates prevailed and were named President and Vice President. Because Jordan did not direct, cause, or otherwise participate in a meaningful way in the election, other than his participation as a named candidate, and was not a cause of the outcome, Ellis did not and could not prove her case against him.

The panel also hereby remind the officers of USATF-SC to revise the Association bylaws to comply with USATF Regulation 7.

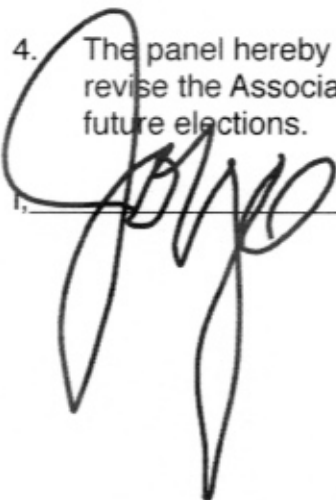
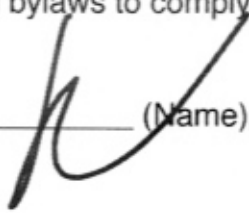
This decision shall be effective upon the date rendered and not be stayed in the event of an appeal.

Arguments:

1. Jordan argued there was no evidence that he or anyone else violated any USATF SC bylaws concerning elections at the recount or at the USATF-SC annual meeting and elections.
2. Ellis argued that the USATF-SC election bylaws had been broken because they were not followed as she had been told they should be interpreted. Ellis provided no evidence that any infractions of USATF-SC bylaws occurred that were likely to have changed the outcome of the 2018 USATF-SC Annual elections. Ellis provided no evidence that Jordan played any role in the decision on how the recount would be conducted, and no evidence that Jordan was present at the recount. Ellis provided no evidence of proxy voting nor of absentee voting at the USATF-SC elections in 2018. Ellis provided no evidence of any error being made in the recount process on 8/19/2018.
3. USATF-SC Standing Rule 5 J.6 Burden of proof. This requires:
 - a. The burden of proof is upon the complainant to prove by a preponderance of the evidence that conduct described in Standing Rule 5-C-1 or 5-D-1 above has occurred;
 - b. Ellis entered no evidence to support the allegations against Jordan. Ellis declined to call any witnesses and declined to answer questions as a witness when asked to do so herself. Ellis has provided no evidence in support of the claims made in the grievance. Ellis therefore cannot meet the preponderance of evidence burden in USATF-SC standing rule 5.
 - c. Jordan entered the Witness Statement of Ian H. Whatley into evidence and provided Whatley to be examined in front of the panel.

- § Whatley testified that he was present at the USATF-SC election on 8/11/2018 and at the recount of 8/19/2018 at the Lexington County Library. Whatley testified that he was a ballot counter at both events. Whatley provided information from his personal knowledge of the election process, the recount, the discussions that led to the recount, the time sequence of events at the election, and who was present at each event.
- § Whatley testified that none of the three—Perry Funnie, Linda Ellis, nor Brian Jordan —were present at the recount held at the Lexington County Library on 8/19/2018. Whatley testified that Linda Ellis was not present at the USATF-SC annual meeting and elections held at Lexington County Library on 8/11/2018.
- § Whatley testified that there was no proxy voting and no absentee ballots were cast at the USATF-SC Annual meeting elections in 2018.
- § Whatley testified that the tally sheets were not signed, and the ballots were sealed at the conclusion of the USATF-SC annual meeting.
- § Whatley testified that, in his role as a ballot counter, he understood there was a problem with the election on 8/11/2018. Whatley testified that subsequently the association sought advice, a discussion to which he was privy. Whatley testified that the decision on how a recount should be conducted seemed prudent and correct in light of USATF Regulation 7 and the Amateur Sports Act. Whatley testified that the discussion of how a recount would be conducted did not involve the candidates.
- § Whatley testified that Jordan was not at the Lexington County Library on 8/19/2018 and further that Jordan did not have the authority to affect USATF-SC actions in regard to elections prior to 8/20/2018.
- § Whatley testified that throughout the discussion of the recount process, the recurrent message was that USATF-SC must bring their bylaws into line with the requirements of USATF Regulation 7.
- § Following cross-examination, the evidence provided at the hearing by Whatley was deemed reliable by the panel.

4. The panel hereby remind the officers of USATF-SC that it is an urgent matter to revise the Association bylaws to comply with USATF Regulation 7 well before any future elections.

(Name), agree with the foregoing opinion.

December 17, 2018
 Association Arbitration Panel
 Joyce, Welch, Chair
 Shawana White, Active Athlete
 Michael Flournoy, Member-at-large

Received 12/17/2018
 JWA