

# BYLAWS of the USOC ATHLETES' ADVISORY COUNCIL

Effective *March 2019*

## Article I. NAME

The name of the committee shall be the United States Olympic Committee (USOC) Athletes' Advisory Council (the "AAC").

## Article II. MISSION

To ensure communication between the USOC and athletes who are actively engaged in amateur athletic competition or who have represented the United States in international competition within the preceding ten (10) years.

## Article III. MEMBERS AND ALTERNATES

**Section 1: Member Categories.** There shall be four (4) categories of members on the AAC.

- A. **Sport Representatives.** There shall be one Representative on the AAC from each sport/sport organization in the following categories:
1. Sport organizations recognized by the USOC as National Governing Bodies ("NGBs") for Olympic or Pan American sports, which may also govern and/or manage sports on the Paralympic or Parapan American program.
  2. Sport organizations recognized by the USOC as Paralympic Sport Organizations ("PSOs") for Paralympic or Parapan American sports.
  3. Sports on the Olympic/Paralympic/Pan American/Parapan American Games program that are governed and managed by the USOC.
  4. Sports on the Olympic/Paralympic/Pan American/Parapan American Games program that are governed by the USOC, but externally managed by a separate sport organization, referred to as High Performance Management Organizations (HPMOs).
- B. **General Paralympic Representatives.** There shall be three (3) General Paralympic Representatives from NGBs recognized by the USOC as the NGBs for Olympic or Pan American sports, which also govern and/or manage a sport on the Paralympic or Parapan American program.
1. Two (2) of the three (3) Representatives shall be from individual sports.

2. One (1) of the three (3) Representatives shall be from a team sport.
- C. **Leadership.** There shall be six (6) individuals to serve as the Leadership of the AAC. Of these six (6) individuals, three (3) shall be Officers, consisting of one (1) Chair, and two (2) Vice-Chairs.
- D. **Ex-officio.** Ex-officio Members are individuals who are Members by virtue of their appointment/election to either the IOC Athletes' Commission or the IPC Athletes' Commission. They shall serve as Members of the AAC throughout the tenure of their appointment to the IOC/IPC Athletes' Commission, have voice and vote, but are not subject to the terms in these Bylaws.

**Section 2. Alternates.** Alternates elected in accordance with the AAC Member Elections and Voting Policy may step into the role of a Representative, with voice and vote, when the Representative is not in attendance at a Meeting of the Members. Both the Representative and the Alternate may attend Meetings, but only one shall be funded by the USOC.

**Section 3. Election.** Election procedures for Members and Alternates shall be set forth in these Bylaws and the AAC Member Elections and Voting Policy.

**Section 4. Eligibility.** The following eligibility requirements shall apply.

**A. Members and Alternates.**

1. Within ten (10) years preceding the commencement of the Quadrennium for which a Member or Alternate is serving, one must have represented the U.S. in international competition in the Olympic Games, Pan American Games, Paralympic Games or Parapan American Games; World Championships; or an event designated by the USOC as an Operation Gold event.
  - a. When eligibility is achieved through World Championships or Operation Gold events, one must have represented the U.S. in an event or discipline that has been on the Olympic or Paralympic program within the preceding ten (10) years. For Pan American or Parapan American only sports, one must have represented the U.S. in an event or discipline that has been on the Pan American or Parapan program within the preceding ten (10) years.
  - b. When eligibility is achieved through World Championships, it must be through representing the U.S. at the most elite level, and may not be drawn from events that categorize entrants in age-restricted classifications commonly known as "Juniors," "Masters," "Seniors," "Veterans," or other similarly age-restricted competition.
  - c. If the pool of athletes is insufficient under the eligibility requirement listed above, the sport organization (i.e., NGB, PSO, USOC or HP MO) may petition

the USOC, who will consult with the AAC, to expand the pool of eligible athletes to those of a lesser standard, so as to include athletes who have been “actively engaged in competition” within their sport, or represented the U.S. in other major international competitions, within the preceding ten (10) years.

2. Must be a citizen or legal resident of the United States and at least eighteen years old.
3. No Member or Alternate may have received any sanction in relation to the World Anti-Doping Code.

**B. Sport and General Paralympic Representatives.** In addition to requirements for Members and Alternates, the following shall apply to individuals running for a Sport or General Paralympic Representative position.

1. An individual running for election must disclose any prior felony conviction, or any period of ineligibility served in sport (e.g., for discipline, SafeSport violation). The disclosure shall be made to all eligible voters prior to the vote so that the disclosure may be considered in the voting process.
2. An individual running for election must disclose any possible conflict of interest to the AAC Ethics Committee, which shall determine whether the individual is eligible to run for election. (See Conflicts of Interest Policy).
3. During a given election cycle, an individual may run only for a Sport Representative position or a General Paralympic Representative position, not both.

**C. Leadership.** In addition to requirements for Members and Alternates, the following shall apply to individuals running for a Leadership position.

1. The individual must have previously served as a Representative or Alternate, regardless of timing.
2. The individual must not have been convicted of a felony.
3. The individual must not have served any period of ineligibility for a SafeSport violation.
4. An individual running for election must disclose any other period of ineligibility served in sport (i.e. for discipline) and any misdemeanor convictions within the ten (10) years preceding to the AAC Ethics Committee, which shall determine whether the individual is eligible to run for election.

5. An individual running for election must disclose any possible conflict of interest to the AAC Ethics Committee, which shall determine whether the individual is eligible to run for election. (See Conflicts of Interest Policy).

**Section 5. Code of Conduct and Standards and Conflicts of Interest Policy.** Each Member and Alternate must comply with the Code of Conduct and Standards of the AAC and the Conflicts of Interest Policy throughout the tenure of his or her term.

**Section 6. Term.** The term for Sport Representatives, General Paralympic Representatives, and Leadership shall be for one Quadrennium, commencing on January 1 of the year following the Summer Olympic and Paralympic Games through December 31 of that Quadrennium. Ex-officio members serve throughout the tenure of their appointment to the IOC/IPC Athletes' Commission.

**Section 7. Term Limits.**

- A. Sport and General Paralympic Representatives may not serve more than two (2) full terms on the AAC, regardless of sport.
- B. Individuals shall not be considered to have served a full term under the term limit requirements unless s/he was seated as the Representative for more than two (2) years of the Quadrennium.
- C. Individuals serving in a Leadership position shall be allowed to serve a third term, provided s/he meets all other eligibility requirements.

**Section 8. Removal.** Any Member or Alternate may be removed for cause. The individual in question shall be given fair notice, including a statement of the cause, and an opportunity to be heard.

- A. **Removal by the AAC.** Any Member may submit a complaint to the AAC Ethics Committee detailing the cause for proposed removal of a Member or Alternate. The Ethics Committee shall determine if sufficient cause exists to forward the matter to the Membership for potential removal.
- B. **Removal by NGB Athletes.** Any athlete may submit a complaint to the AAC Ethics Committee detailing the cause for proposed removal of their Sport Representative or Alternate. The AAC Ethics Committee will work with the NGB/Sport Organization to facilitate processing the complaint. Each athlete who meets the requirements to serve as an AAC Sport Representative for the respective NGB shall be notified of the potential removal and is eligible to vote.

**Section 9. Vacancies.** All elections for vacancies shall be held in accordance with the AAC Member Elections and Voting Policy, timelines notwithstanding although as soon as possible.

**A. Sport or General Paralympic Representatives.**

1. If a Representative position becomes vacant, the Alternate shall automatically assume the role.
2. If an Alternate position becomes vacant in the first three (3) years of the Quadrennium, the NGB/Sport Organization shall hold an election. If the Alternate position becomes vacant in the final year of the Quadrennium, the position shall remain vacant.

**B. Officers.**

1. If the Chair position becomes vacant, the First Vice-Chair shall automatically assume the role.
2. If the First Vice-Chair position becomes vacant, the Second Vice-Chair shall automatically assume the role.
3. If the Second Vice-Chair position becomes vacant in the first three (3) years of the Quadrennium, the AAC shall hold an election from among the remaining members of the Leadership. If the Vice Chair position becomes vacant in the final year of the Quadrennium, the position shall remain vacant.

- C. Leadership.** If a Leadership position becomes vacant in the first three (3) years of the Quadrennium, the AAC shall hold an election as soon as reasonable at a Meeting of the Members. If a Leadership position becomes vacant in the final year of the Quadrennium, the position shall remain vacant.

**Article IV. LEADERSHIP**

**Section 1. Governance of the AAC.** Governance of the AAC shall be vested in the Leadership.

**Section 2. Election of Leadership and Officers.**

- A. Six (6) Leaders to serve for the following Quadrennium shall be elected at the last Annual Meeting of the Members, which shall occur during the Olympic and Paralympic Assembly in the last year of the Quadrennium.
- B. One (1) Chair and two (2) Vice-Chairs shall be elected from the newly-elected Leadership at the Orientation Meeting of the Members, which shall occur within thirty (30) days of the beginning of the Quadrennium.

**Section 3. General Powers and Duties of the Leadership.** The Leadership shall:

- A. Serve to guide and ensure effective communication between the AAC, the athletes it serves and the USOC.
- B. Organize, call, and preside over Meetings.
- C. Oversee new Member orientation.
- D. Have the authority to make decisions on behalf of the AAC, in accordance with these Bylaws regarding Approval of Actions and Elections.
- E. Appoint Standing Committees of the AAC.
- F. Be responsible for maintaining the AAC Bylaws, keeping the AAC accountable to its Bylaws, and interpreting the Bylaws as necessary.
- G. Manage the budget, business and affairs of the AAC.

## **Article V. MEETINGS**

### **Section 1. Meetings.**

- A. **Meeting of the Members.** A Meeting of the Members occurs when the meeting is properly noticed and a quorum of the members are in attendance.
- B. **Annual Meeting of the Members.** There shall be an Annual Meeting of the Members held each year during the Olympic and Paralympic Assembly.
- C. **Orientation Meeting of the Members.** There shall be an Orientation Meeting of the Members, which shall occur within 30 days of the beginning of the Quadrennium.
- D. **Other Meetings.** Other Meetings may be set by the Chair. These meetings may have more limited scopes, purposes, and attendees.

**Section 2. Order of Business.** The Leadership has the authority to make procedural decisions in conducting the business of the AAC as long as the procedures are transparent and improve the effectiveness of the AAC. At a minimum, actions and elections at a Meeting of the Members shall follow: 1) motions, 2) seconds, 3) discussions, and 3) calls to vote.

**Section 3. Open to the Public.** All Meetings of the Members are open to the public, unless closed by majority vote of the Members, with a quorum present. The Chair may call for certain discussions to occur in Executive Session.

**Section 4. Quorum.** A quorum is established when a simple majority of Members eligible to attend the meeting is present immediately before the meeting begins.

## **Article VI. SPECIFIC ACTIONS AND ELECTIONS**

### **Section 1. Actions or Elections Requiring a Meeting of the Members.**

- A. Actions or elections that require a Meeting of the Members, properly noticed and with a quorum of the Members in attendance, include: 1) elections for AAC Leadership and Officers, 2) nomination of athlete representatives to the USOC Board, 3) nomination of an individual to serve as the Athlete Ombudsman, 4) recommendation of termination of the Athlete Ombudsman, 5) removal of an AAC Member by the AAC, and 6) amendments to the AAC Bylaws.
- B. For such actions and elections as listed above, votes will be limited to those actually present in-person at the Meeting, unless the Leadership devises an expedited electronic voting process.

### **Section 2. Approval of Actions.**

- A. The following actions require at least 2/3rd's support of those participating in the vote: 1) recommendation of termination of the Athlete Ombudsman, and 2) removal of an AAC Member by the AAC.
- B. Approval of all other actions require a simple majority support of those participating in the vote

### **Section 3. Approval of Elections.**

- A. The following elections shall be accomplished through the Approval Voting Procedures as described in the AAC Member Elections and Voting Policy: 1) AAC Leadership and Officers, 2) nomination of athlete representatives to the USOC Board, and 3) nomination of an individual to serve Athlete Ombudsman.
- B. All other elections, selections, nominations or appointments may be accomplished by the Nominating and Elections Committee.

### **Section 4. Electronic Voting**

- A. For any action or election that demands urgent attention, the Leadership may devise an expedited process and votes may be taken electronically.
- B. For such votes to be valid, the following requirements must be met:

1. Reasonable notice shall be given to all eligible voters of the decision to be made, including any relevant accompanying information.
2. If the action or election typically requires a Meeting of the Members, with a quorum of the Members in attendance, then at least a simple majority of Members must participate in the electronic vote.
3. The voting window must be open at least forty-eight (48) hours.

All approval requirements described above shall apply.

### **Section 5. Nomination of Athlete Representatives to the USOC Board**

The AAC shall nominate athlete representatives to the Board of the USOC in a manner that meets all requirements of the USOC Bylaws and Ted Stevens Act and ensures at least one representative is a Para sport athlete and at least one is an Olympic sport athlete.

## **Article VII. COMMITTEES AND TASK FORCES**

**Section 1. Standing Committees.** The Leadership shall appoint five (5) Standing Committees for the Quadrennium: a Nominating and Elections Committee, Ethics Committee, Roster and Records Committee, Communications Committee and Education Oversight Committee. Each Committee shall include at least three (3) Members, including a member of Leadership.

- A. **Nominating and Elections Committee.** The Nominating and Elections Committee shall determine and carry out fair and transparent processes for all elections, selections, nominations and appointees required by or requested of the AAC for athlete representatives (i.e., U.S. Olympic Endowment, USADA Board of Directors, SafeSport Board of Directors, Paralympic Advisory Committee, Athlete Service Coordinators, etc.). This Committee shall also coordinate the election processes for Sport and General Paralympic Representatives, as well as the Leadership of the AAC.
- B. **Ethics Committee.** The Ethics Committee shall investigate and make determinations in cases involving an alleged violation of the AAC Bylaws, Code of Conduct and Standards or the Conflicts of Interest Policy, and shall make recommendations to the AAC if the case involves the potential removal of an AAC Member or Alternate.
- C. **Roster and Records Committee.** The Roster and Records Committee shall maintain the minutes of AAC Meetings, records of AAC actions or elections, and the rosters of the AAC.
- D. **Communications Committee.** The Communications Committee shall maintain the AAC website and direct communications of the AAC with its Members.



- E. **Education Oversight Committee.** The Education Oversight Committee shall assess educational needs of the AAC and ensure that meeting presenters are made aware of pertinent and current AAC issues, and consult with them regarding the relevance of their presentation to the AAC.

**Section 2. Other Committees, Advisory Boards, Working Groups and Task Forces.** The Leadership may authorize the establishment of and appoint Members to other committees, advisory boards, working groups or task forces from time to time, and assign duties accordingly.

### **Article VIII. NONDISCRIMINATION**

The Athletes' Advisory Council is committed to a policy of fair representation and will not discriminate or harass on the basis of age, race, sex, color, religion, national origin, disability, veteran status, sexual orientation, gender identity or expression, genetic information or any other status protected by federal, state or local law, where applicable.

### **Article IX. AMENDMENTS**

These Bylaws may be amended, supplemented, or repealed by a majority vote of the AAC present at a Meeting of the Members, properly noticed and with a quorum of the Members in attendance, and must be subsequently approved by the USOC Board of Directors. Before AAC Members may vote on an amendment to the Bylaws, at least ten (10) days' notice must be given of the proposed amendment(s). The amendments shall become effective upon approval by the USOC Board of Directors.

*December 2017*

*Last Amended, March 2019*

## CODE OF CONDUCT AND STANDARDS OF THE AAC

Each Member and Alternate of the AAC has a duty to respect the athletes s/he serves; exercise the duties and responsibilities of his/her position with integrity, collegiality, and care; and be responsible for his/her decisions. As such, each Member and Alternate is expected to:

- A. Act honestly, truthfully and with integrity in all dealings regarding his/her membership in the AAC.
- B. Comply with both the spirit and the letter of the law with regards to AAC Bylaws and Policies.
- C. Be responsible, transparent and accountable for his/her actions.
- D. Make attendance at all Meetings a high priority.
  - 1. If a Member is not able to be physically present at a Meeting of the Members, s/he shall notify the Chair of the AAC, as well as the Alternate, as soon as the Member determines that s/he cannot attend.
  - 2. Three or more consecutive absences, or missing at least ½ the Meetings of Members in a 2-year period, may constitute cause for removal.
- E. Be prepared to discuss the issues and business on the agenda, having read all background material relevant to the topics at hand.
- F. Put the interests of the AAC, and the athletes it serves, above personal interests.
- G. Represent the AAC in a positive and supportive manner.
- H. Show respect and courteous conduct in all Meetings.
- I. Serve as a role model to other athletes and as such shall not commit any act contrary to federal and state laws, the World Anti-Doping Code, the SafeSport Code, or any other rule of sport applicable.
  - 1. Any arrest or conviction of a criminal act, determination of an anti-doping rule or SafeSport violation, or any imposition of a period of ineligibility from sport shall be immediately disclosed to the Ethics Committee.

The Ethics Committee shall have the authority and responsibility to investigate and make determinations regarding potential violations of this Code.

Any action taken by the Ethics Committee shall be approved only when a majority of Committee members determine that it is in the best interest of the AAC to do so, including issues that may impact the AAC's reputation or ability to conduct its own affairs responsibly and with integrity.

If the proposed action includes a recommendation for Removal from the AAC, the matter shall be presented to all Members, according to the Removal Section of the AAC Bylaws.

## CONFLICTS OF INTEREST POLICY

Each Member and Alternate of the AAC has a duty to be free from influence of any conflicting interest, and shall understand that a potential for conflict of interest needs to be recognized and disclosed. In addition to a Member's duty to recognize and disclose, potential conflicts of interests may be brought forward by any individual.

Such conflicts may include, but are not limited to:

- A. A familial or personal relationship with a staff/member of the USOC, NGB, member organization, IOC, OCOG, bid committee, or other key stakeholders.
- B. A paid position within the USOC, NGB, member organization, IOC, OCOG, bid committee, or other key stakeholders.
- C. An affiliation with a sponsor, organization or other entity that could call into question the actions of the AAC. (i.e., USADA, SafeSport, the IOC/IPC, etc.)

**Disclosure Prior to Election.** Prior to nominating him or herself to serve on the AAC (as a Sport or General Paralympic Representative, or Leader) one must disclose any potential conflict to the Ethics Committee of the AAC, which shall determine whether the individual is eligible to run for election.

**Disclosure During One's Tenure on the AAC.** Each Member or Alternate must promptly disclose any potential conflict to the Ethics Committee of the AAC, which may take appropriate steps to prevent influence, either on the general affairs of the AAC or on a particular deliberation or vote. If the proposed action includes a recommendation for removal of a Member of the AAC, the matter shall be presented to all Members, according to the Removal Section of the AAC Bylaws.

## AAC MEMBER ELECTIONS AND VOTING POLICY

The AAC Member Elections and Voting Policy specifies eligibility requirements and election procedures for Members of the AAC.

It also sets forth the Approval Voting Procedures, as required for 1) AAC Leadership and Officers, 2) nomination of athlete representatives to the USOC Board, and 3) nomination of an individual to serve Athlete Ombudsman.

### Section 1. Sport and General Paralympic Representatives.

- A. **Eligibility to Run.** Eligibility requirements are outlined in the AAC Bylaws.
- B. **Eligibility to Vote.** Those eligible to run are eligible to vote.
- C. **Process and Timeline Guidelines.** The Nominating and Elections Committee of the AAC shall make NGBs/Sport Organizations aware of the AAC Election process, including these Guidelines. The NGBs will be asked to follow the Guidelines, unless an alternate process/timeline is presented to and approved by the Nominating and Elections Committee. All dates relate to the year of the Summer Olympic and Paralympic Games.
  - 1. **By June 1.** The AAC Nominating and Elections Committee shall distribute the Process and Timeline Guidelines to each Sport Organization, along with the AAC Bylaws and Policies.
  - 2. **By July 1.** The Sport Organization shall distribute the Process and Timeline Guidelines to its 10-year rule athletes, along with the AAC Bylaws and Policies. (The 10-year rule for AAC Representatives and Alternates is defined in the AAC Bylaws).
  - 3. **By October 1.** The Sport Organization shall call for self-nominations from eligible candidates.
    - a. Nominations should minimally include a written statement of intent and may include a resume or any other information pertaining to an athlete's ability to serve the Mission of the AAC.
    - b. Disclosures shall be made according to Eligibility requirements of the AAC Bylaws and the Conflicts of Interest Policy.
  - 4. **By November 1.** The Sport Organization shall distribute the list of eligible nominees, along with statements of intent and other candidate submissions, disclosures, and voting instructions to eligible voters.

5. **By November 15.** The Sport Organization shall conduct an election where the top two candidates with the most votes are named the Representative and Alternate, respectively.
6. **By November 20.** The Sport Organization shall notify the AAC Nominating and Elections Committee of the results.

## **Section 2. Leadership.**

- A. **Eligibility to Run.** Eligibility requirements are outlined in the AAC Bylaws.
- B. **Eligibility to Vote.** All AAC Members at the time of the election are eligible to vote.
- C. **Process and Timeline.** All dates relate to the year of the Summer Olympic and Paralympic Games.
  1. **By July 1.** The AAC Nominating and Elections Committee shall distribute the AAC Leadership Election process to AAC Members and Alternates, along with the AAC Bylaws and Policies, and make a reasonable effort to notify past AAC Members and Alternates who might be eligible. The process shall also be posted on the AAC website as Leadership eligibility does not require current service in AAC.
  2. **By August 1.** The Nominating and Elections Committee shall call for self-nominations from any eligible candidate.
    - a. Nominations should minimally include a written statement of intent and may include a resume or any other information pertaining to an athlete's ability to serve the Mission of the AAC as a Leader.
    - b. Disclosures shall be made according to Eligibility requirements of the AAC Bylaws and the Conflict of Interest Policy.
  3. **By September 1.** The Nominating and Elections Committee shall distribute the list of eligible nominees, along with statements of intent and other candidate submissions, disclosures, and voting instructions to all Members.
  4. **At the Last Annual Meeting of Members of the Quadrennium (i.e., the Assembly).** The Nominating and Elections Committee shall conduct an election under the approval voting procedures where the top six (6) candidates with the most votes are named to the Leadership.

## **Section 3. Officers.**

- A. **Eligibility to Run.** Eligibility requirements are outlined in the AAC Bylaws and Policies.

B. **Eligibility to Vote.** All AAC Members at the time of the election are eligible to vote.

C. **Process and Timeline.**

1. **By November 15.** The Nominating and Elections Committee shall call for nominations from the newly elected Leadership.
  - a. Nominations should minimally include a written statement of intent and may include a resume or any other information pertaining to an athlete's ability to serve the Mission of the AAC as an Officer.
  - b. The nomination need not specify the particular Officer position, only that s/he wants to run for Officer.
2. **By December 1.** The Nominating and Elections Committee shall distribute the list of candidates for Officers, along with statements of intent and other candidate submissions to the current AAC and newly elected Members of the AAC for the upcoming Quadrennium.
3. **By December 15.** Any current Member of the AAC may submit a letter of support for an Officer candidate to the Nominating and Elections Committee.
4. **By December 31.** The Nominating and Elections Committee from the previous Quadrennium shall distribute any letters of support to newly-elected Members of the AAC for the upcoming Quadrennium.
5. **At the Orientation Meeting of the Members of the new Quadrennium.** The newly elected Leadership shall delegate disinterested individuals (which may include USOC staff) to conduct an election first to determine the Chair, then the two (2) Vice-Chairs. The Vice-Chairs determination shall be determined in the same election, with the top two vote getters being named First and Second Vice-Chair, respectively.

**Section 4. Leadership or Officer Vacancies.** Vacancies shall be filled in accordance with the AAC Bylaws. If an election is necessary, the Nominating and Elections Committee should endeavor to coordinate a process reflective of the intent of this Policy, timelines notwithstanding although as soon as possible. Electronic voting may be used to expedite the process.

**Section 5. Approval Voting Procedures.** These procedures shall apply for the following elections: 1) AAC Leadership and Officers, 2) nomination of athlete representatives to the USOC Board, and 3) nomination of an individual to serve Athlete Ombudsman.

- A. A ballot of candidates shall be distributed to all eligible voters.

- B. The ballot shall include a list of all candidates and instructions shall simply state, "Vote for each candidate of which you approve. You may vote for as many candidates as you wish, but you must vote for at least one (1)."
- C. Each vote for approval shall count equally, and the candidate with the most votes wins the election.
- D. If the election is for a position that involves more than one winner, then the appropriate number of candidates with the most votes win the election, so long as voters are aware how many positions will be filled associated with this vote.
- E. If there is a tie, then a ballot with the candidates affected by the tie will be compiled, and the above process repeated until the tie is broken.