

BYLAWS OF THE ATHLETES' ADVISORY COUNCIL OF USA Bobsled/Skeleton, Inc.

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TABLE OF CONTENTS

SECTION 1. MISSION STATEMENT

1.1 Mission Statement

SECTION 2. DESIGNATION

2.1 Qualification

2.2 Election/Selection

2.3 Nomination Procedure

2.4 Tenure

2.5 Term Limits

2.6 Chair

2.7 Secretary

2.8 Board of Directors

2.9 Procedures

2.10 Compensation

2.11 Grievance

SECTION 3. ATHLETE ISSUE PROTOCOL

3.1 Athlete Issue Form

3.2 Conflict of Interest

SECTION 4. PROFESSIONAL CODE

4.1 Professional Code

SECTION 1. MISSION STATEMENT

Section 1.1 Mission Statement

The USABS Athlete Advisory Council exists to support the mission of USABS and act as a liaison between athletes and USABS staff and board members. We will direct athletes to the resources available to them, give anonymity to claims where bias or retribution may be a concern and actively assist in finding solutions.

We will seek to achieve these objectives and support the mission of the USABS by:

- Maintaining positive relationships with USABS athletes, staff, and board members
- Gathering USOPC and USABS resources and make them known and available to USABS athletes
- Aggregating athlete feedback and conveying it to the appropriate parties
- Providing guidance in formal processes and assisting in seeing those processes through

SECTION 2. DESIGNATION

Section 2.1. Qualifications

In order to be eligible to run for the election to the USABS' Athletes' Advisory Council, individuals must meet at least one following criteria:

- Represented the United States as athletes in the Olympic Games, World Championships, Para World Championships or other major international competitions in the sports of bobsled or skeleton within the ten (10) year period prior to December 31 of the year in which the election is held.

- Competed in and finished in the top half of USABS' National Championships as athletes within the two (2) year period prior to December 31 of the year in which the election is held.
 - In the case of a USABS National Championships cancellation, any returning athlete with a bid into Team Trials that same year will be eligible for that two year period

Athletes may not be paid employees of the USOPC, any other National Olympic or Paralympic Committee, any NGB including internationally, USP or any city's domestic bid committee for an Olympic Games and simultaneously serve as a Representative to the AAC. The term "paid employee" shall mean anyone who is employed on a regular basis. This provision shall not apply to

1) individuals who are engaged on an occasional or temporary basis, which shall include, but not be limited to coaching at a clinic or training camp, making a paid appearance for a sponsor, or working on a finite or discrete project, including contract work and internships and

2) athletes who are still competing and receiving benefits from the USOPC, the USP or any NGB in his/her capacity as a competing athlete.

Section 2.2. Election/Selection

- A. In order to be eligible to vote in the AAC election, an individual must be a citizen of the United States and eighteen (18) years of age or older by December 31 of the year in which the election is held. Further, an individual must be a member of USABS sixty (60) days prior to the date of the election (record date) in order to be eligible to vote in the election.
- B. A non-citizen athlete is eligible to run for and vote in elections for the USABS so long as they are 18 years of age or older by December 31 in which the year the election is held, are a member of the USABS sixty (60) days prior to the date of the election (record date) and:

1) satisfy all requirements for representing USABS in international competition as specified in the current International Bobsleigh and Skeleton Federation (IBSF) sport rules, and

2) provide evidence of active pursuit of USA citizenship reviewed and approved by the USABS CEO.

- C. If a non-citizen athlete becomes ineligible to compete for USA Bobsled/Skeleton they will be ineligible to run for the AAC.
- D. The election shall take place after the scheduled conclusion of the Winter Olympic Games, but prior to January 1 of the year following the scheduled Olympic Games.
- E. Based upon the following, five (5) individuals shall be elected to USABS' Athletes' Advisory Council by the Athlete members of USABS:
- i. Regardless of bobsled or skeleton discipline, the highest individual in the overall vote total;
 - ii. After the individual described in Section 2.3.c.i of these Bylaws, the next highest two (2) individuals, representing opposite gender classes of competition in the overall vote total.
 - iii. Athletes who compete in both sports of bobsled and skeleton must declare at the time of nomination which sport they wish to represent.
 - iv. Two individuals representing the same gender class of competition may be elected to represent an individual discipline in the event that no members of the opposite gender class of competition are running for the election.
 - v. Ballot Counting Procedures: The counting of the ballots shall be conducted by USABS staff and reviewed by a currently elected AAC member.
 - vi. Tie-breaking Procedures: Approval Voting Method Tie-Breaker:

- i. In the event a tie between two (2) or more candidates occurs for a position in which a definitive winner is required, and as a result of the tie a definitive winner for that position cannot be determined, a tie-breaking ballot shall be used.
- ii. USABS Staff shall create a ballot containing the slate of candidates affected by the tie.
- iii. The voting procedure for the tie-breaker shall comply with the Approval Voting Method.
- iv. The candidate receiving the highest number of votes shall be elected. In the event more than one (1) position remains vacant, prior to the tiebreaker, the candidates with the highest point totals shall be elected to fill each of the remaining positions.
- v. In the event a tie between candidates continues, any candidate receiving fewer votes than the tied candidates shall be eliminated.
- vi. The tie-breaking process shall continue for as many rounds as are necessary for the remaining position(s) to be filled.

F. The sixth and seventh position on the Athletes' Advisory Council shall be filled by USABS representative and alternate representative to the USOPC Athletes' Advisory Council elected pursuant to Section 11.3 of the USABS Bylaws. The USOPC Athletes' Advisory Council representative and alternate must represent opposite gender classes of competition.

Requirements for the USOPC Athletes' Advisory Council can be found in the bylaws of the USOPC Athletes' Advisory Council.

G. The procedures for the election of Representatives to the AAC shall include the following provisions:

- a. A statement that only athletes eligible to run for the AAC position are eligible to vote for the AAC position;
- b. A clear, concise explanation of the process by which athletes are placed on the ballots. This information must published to the pool of eligible athletes
- c. An explanation of the manner by which elections are to be conducted, including but not limited to the manner of voting, identification of the voting pool, identification of the USABS representative responsible for the administration of the election, and a specific delineation of the time frame between nominations and elections;
- d. A grievance process; and
- e. Procedures to follow to replace either an AAC member during the Quadrennium

Section 2.3 Nomination Procedures

All nominations shall include:

- A. A written statement of intent, which shall be a two-page, double-spaced, typed statement and shall include the nominee's qualifications and reasons for pursuing an AAC position;
- B. Any AAC member nominated by another individual shall also provide a statement of the nominee's acceptance of the nomination and willingness to serve.
- C. A USABS conflict of interest statement
- D. All nominations may, but are not required to include:
 - i. A brief resume

Section 2.4 Tenure

The term for members of USABS' Athletes' Advisory Council shall be for four (4) years. A member shall remain on USABS' Athletes' Advisory Council until the member's successor is elected and qualified, or until the member's earlier resignation, removal, incapacity, disability or death.

Any athlete who accepts a paid position (see above for definitions of paid positions) with the USABS is ineligible to serve as a member of the Athletes' Advisory Council and shall be removed. An election will be held to replace such member.

If any USABS USOPC Athlete Advisory Council member is absent from (3) USOPC meetings for any reason, that representative shall be removed from the AAC. The removal will happen in accordance with the USABS bylaws which states that, a USABS USOPC Athletes' Advisory Council member or alternate may be removed at any time with or without cause by a majority vote of the those that voted the USABS USOPC Athletes' Advisory Council member or alternate to the USOPC Athletes' Advisory Council.

A special election will be held if necessary to replace the removed member in the sport discipline and gender class of the removed member.

In the case of a postponement of the scheduled Winter Olympic Games, Athlete Advisory Council members will continue their terms until the election after the conclusion of the Winter Olympic Games.

Section 2.5 Term Limits

No USABS Athletes' Advisory Council member shall serve more than two (2) consecutive terms.

When a USABS Athletes' Advisory Council member is elected to fill a vacancy because of the resignation, removal, incapacity, disability or death of a USABS Athletes' Advisory Council member, and the remaining term is for two (2) or more years, such term shall constitute a full term. Thus, if the vacancy being

filled is for two (2) or more years, following completion of the filled vacancy term, the USABS Athletes' Advisory Council member may serve one additional four (4) year term. If the vacancy being filled is for less than two (2) years, the term shall not be a full term and the USABS Athletes' Advisory Council member shall be able to serve two (2) additional four (4) year terms.

Section 2.6 Chair

The Athletes' Advisory Council shall elect from among its members, by majority vote, a USABS Athlete's Advisory Chair. The term of office of the USABS Athletes' Advisory Council Chair shall be four years. The newly elected USABS Athletes' Advisory Chair shall take office immediately. The USABS Athletes' Advisory Council Chair shall hold office until his or her successor is elected and qualified, or until the USABS Athletes' Advisory Council Chair's earlier resignation, removal, incapacity, disability or death. However, unless removed by the Athlete membership group from USABS Athletes' Advisory Council, should the Chair of USABS Athletes' Advisory Council resign, he or she may remain a member of the USABS Athletes' Advisory Council.

Section 2.7 Secretary

The USABS Athletes' Advisory Council shall select from its seven (7) members, by majority vote, a USABS Athlete's Advisory Secretary. The term of office of the USABS Athletes' Advisory Chair shall be four years. The newly USABS Athletes' Advisory secretary shall take office immediately. The USABS Athletes' Advisory Council secretary shall hold office until his or her successor is elected and qualified, or until the USABS Athletes' Advisory Council secretary early resignation, removal, incapacity, disability or death. However, unless removed by the Athlete membership group from USABS Athletes' Advisory Council, should the secretary of USABS Athletes' Advisory Council resign, he or she may remain a member of the USABS Athletes' Advisory Council.

Section 2.8 Board of Directors

Two athletes from the USABS Athletes' Advisory Council shall be elected from the athlete membership to serve as an athlete director on the board. In order to be eligible to serve on the Board of Directors, the USABS Athletes' Advisory Council representative must be a US citizen, per USABS Bylaws for Board membership.

If any USABS AAC Representative is absent from three (3) USABS Board of Directors meetings for any reason, that Representative shall be removed from the Board of Directors. If an athlete is removed from the Board of Directors, the next highest vote receiver from the election in which the athlete was elected will assume the position of the removed athlete.

Section 2.9 Procedures

The USABS Athletes' Advisory Council shall establish procedures for conducting its business and affairs. Such procedures shall be published and available on USABS' website.

The Chairman of the AAC will be responsible for arranging at least 4 quarterly mandatory yearly meetings. When appropriate, AAC members may attend the meetings via teleconference.

The 1st AAC meeting will be held in the Pre-Season, 2nd meeting will be held Mid-Season, 3rd meeting will be held Post-Season, 4th meeting will be held Mid-Summer.

Emergency meetings may be held at any time to address important athlete issues as determined by the AAC. These issues may include certain requests from the USABS CEO.

Ordinarily, all USABS Athletes' Advisory Council meetings shall be open to members, and where appropriate, non-members. However, in the event the USABS Athletes' Advisory Council Chair, with the consent of a majority of the USABS Athletes' Advisory Council members in attendance, deems it appropriate to (a) exclude non-members at an open meeting for any reason, then

the USABS Athletes' Advisory Council Chair declare the meeting closed; or (b) convene.

During the AAC meeting, the AAC Secretary will be responsible for keeping track of the meeting minutes and submitting those minutes to the USABS management to be posted on the USABS web-site in a timely manner.

Section 2.10 Compensation

USABS Athletes' Advisory Council members shall not receive compensation for their services as USABS Athletes' Advisory Council members. USABS shall pay for the reasonable expenses of all members of the USABS Athletes' Advisory Council to attend USABS Athletes' Advisory Council meetings. In addition, USABS shall pay for the reasonable expenses of the two athlete Board directors to attend USABS Board meetings.

Section 2.11 Grievance

Should an athlete wish to file a grievance related to these Bylaws, the grievance shall be resolved within the procedures of Section 14 of the USABS Bylaws.

SECTION 3 ATHLETE ISSUE PROTOCOL

Section 3.1 Athlete Issue Form

In order to aid athletes in resolving concerns that athletes may have with coaches, criteria, officials, administration, etc., the AAC shall provide a document via the USABS website called the Athlete Issue Form. This document will assist the AAC to help the athletes seek a desired resolution by providing a structured protocol as well as a path of communication, guidance and advice, and a strength-in-numbers approach.

1. When filing a complaint, an athlete must download and fill out the Athlete Issue Form found on the USABS Web-Site.
2. All issues submitted to AAC member(s) must be in writing and submitted via e-mail to a current AAC member(s) or to the official email address of the AAC- aac@usabs.com.
3. The AAC, as a committee (unless the athlete specifies that the issue is to be kept confidential), will review the Athlete Issue Form. After a thorough review of the athlete complaint, the AAC will provide its professional advice and guidance to the athlete.
4. All AAC responses will be provided within two weeks of the submission of an Athlete Issue Form, unless the issue is identified as being time sensitive. The AAC will expedite its response to meet the given time frame upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties.
5. The AAC will *not* serve as representative(s) of the athlete or take sides when presenting guidance through the procedure.

Section 3.2 Conflict of Interest

If any issue submitted to the AAC is deemed to be a conflict of interest to a member(s) of the AAC those members of the AAC shall:

- a) disclose the conflict of interest

b) be excluded from viewing or voting or any e-mail involving the issue of conflict and not participate in the evaluation of the contract, transaction, business affair, or decision that affects the issue of conflict

c) not vote on the contract, transaction, business affair, or decision that affects the issue of conflict

Competing for or employment by another nation in the sports of bobsled and skeleton will constitute as a conflict of interest and will disqualify members from election to the AAC and from voting privileges.

SECTION 4 PROFESSIONAL CODE

Section 4.1 Professional Code

One of the duties of the AAC shall be to help create a Professional Code. The Professional Code shall, in fact, be created by the athletes of the USABS to act alongside the USABS Code of Conduct. The purpose of the Professional Code is to increase the level of commitment of the athletes to their respective sports, as well as hold the athletes accountable for their actions as they represent the United States as part of the USABS. The athletes of the USABS should use the code to help each other grow as competitors on all levels as well as ambassadors of their sports and country. The code shall be treated as a living document and can be added to or rewritten whenever deemed appropriate by the AAC.

The Code shall be created during the pre-season in an all-athlete meeting led by the AAC. This meeting could be scheduled near the same time as the 1st AAC meeting described in Section 2.9 of these bylaws.

The Professional Code shall be posted each season on the USABS website.