

June 1 2019 Bylaw Modifications

Changes to the Bylaws to support Compliance with USOC Ted Stevens Act Audit

Section 5.4 updated the Anti-Doping wording to use the USOC preferred language

Section 5.4. Membership anti-doping obligations.

It is the duty of all Athletes, Athlete Support Personnel and other Persons (as those terms are defined in the World-Anti Doping Code), by virtue of their participation in the Olympic, Paralympic, Pan American, ParaPan American or Youth Olympic Games, participation in an Event or Competition organized or sanctioned by an NGB, PSO or HPMO, participation on a national team, utilization of a USOC Training Center, receipt of benefits from the USOC or USA-NKF, inclusion in the Registered Testing Pool, or otherwise subject to the World Anti-Doping Code to comply with all anti-doping rules of WADA, the WKF, the USOC, and of the U.S. Anti-Doping Agency (USADA), including the USADA Protocol for Olympic and Paralympic Movement Testing (USADA Protocol) and all other policies and rules adopted by WADA, the WKF and USADA. If it is determined that an Athlete, Athlete Support Personnel, or other Person may have committed a doping violation, the individual agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of the USA-NKF, if applicable or referred by USADA. In addition, Athletes agree to submit to drug testing by the WKF and/or USADA or their designees at any time and understand that the use of methods or substances prohibited by the applicable anti-doping rules make them subject to penalties including, but not limited to, disqualification and suspension.

Section 5.5 – added that suspensions also have a right to a hearing

Section 5.5. Suspension and Termination of Membership.

The membership of any member may be suspended and/or terminated at any time with or without cause by the Board of Directors, or in accordance with procedures set out below or adopted by the Board of Directors, or by the rules of competition, or a sanction from the U. S. Center for SafeSport, or a sanction from the U.S. Anti-Doping Agency, or procedures otherwise established by the Board. A member shall have the right to a hearing prior to termination or suspension pursuant to the provisions related to administrative grievances under Section 14 below except as the Board may provide by rule for emergency suspensions.

Section 8.3 added a process for the AAC to have approval of athlete representatives on committees

Section 8.3. Athlete Representation.

At least twenty percent of the representation of all committees identified by the Bylaws of the United States Olympic Committee shall be held by athletes qualified under Section 8.8 et seq. of the USOC Bylaws. so as to comply with the Ted Stevens Olympic and Amateur Sports Act and the USOC Bylaws. Athletes appointed to a committee will be confirmed by the USA-NKF Athlete Advisory Committee before being seated on the committee.

Section 10.2 corrected typo

Section 10.2. Qualifications.

Only those individuals who satisfy the definition of an “athlete representative” as set out in Sections 8.8.2 of the USOC Bylaws (or any successor provision), who will be at least eighteen years of age on December 31 of the year of election, and who has been a member of USA-NKF for not fewer than the 60 days immediately preceding the election shall be eligible to run for election to the Athletes’ Advisory Council. Athletes who participated in Operation Gold events that do not have a selection procedure are excluded from eligibility under USOC Bylaws Sections 8.8.2 (c) and 8.8.3 (c). The athletes shall make reasonable efforts to ensure that there is adequate representation on the Athletes’ Advisory Council of male and female athletes and of Kata and Kumite disciplines.

Section 14.4 added a waiver of the filing fee if the complaint involves a violation of SafeSport Policies

Section 14.4. Filing Fee.

A complaint filed by an individual shall be accompanied with a \$250.00 filing fee. A complaint filed by an organization shall be accompanied with a \$500.00 filing fee, except that the USA-NKF is not required to pay a filing fee. If the complaint involves a violation of the SafeSport Policies then the filing fee shall be waived. The complainant may request that the filing fee be reduced or waived for reasons of significant financial hardship. If such request is made, the Judicial Committee shall determine whether or not to reduce or waive the filing fee. Further, a Hearing Panel may determine as part of its decision that the filing fee should be refunded for just cause.

Section 14.16 added USOC preferred language on arbitration being binding

Section 14.16. Arbitration.

A party may appeal an adverse decision to the Board of Directors, which shall consider the appeal. No party shall have the right to a hearing before the Board of Directors with respect to such appeal. However, the Board of Directors may determine that such a hearing is necessary to a fair consideration of the appeal. Any party may appeal a decision of the Board of Directors to the American Arbitration Association. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the hearing panel to the arbitrator for the arbitrator's consideration. The arbitrator may give whatever weight or authority to the hearing panel's decision as the arbitrator deems appropriate.

USA-NKF agrees to submit to binding arbitration conducted under the commercial rules of the American Arbitration Association, in any controversy involving its recognition as a national governing body, as provided in the Ted Steven's Act, or in any controversy involving the opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in Athletics competition, as provided for in the constitution and bylaws of the USOC.