



By-Laws of the United States Racquetball Association

dba USA Racquetball

Amended May 2016

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ARTICLE I

- 101.0 NAME.** The name of the organization shall be USA Racquetball, Inc., hereinafter referred to as the Corporation.
- 102.0 DEFINITION.** This Corporation is organized pursuant to the general non-profit corporation's code of Colorado. This Corporation is one that does not contemplate pecuniary gain or profit to any member, officer, or director, and no part of the earnings of this Corporation shall inure to the benefit of any member, officer, or director thereof. The property of this Corporation is irrevocably dedicated to athletic, charitable, healthy, and educational purposes. Furthermore, in the event of the dissolution or liquidation of this Corporation, any and all surplus, capital, or assets shall be distributed to one or more funds, foundations, or Corporation (selected and chosen by the Board of Directors of this Corporation), exempt from Federal Income Tax under Section 501-C-3 of the Internal Revenue Code of 1954 as now in effect or as subsequently amended.
- 103.0 CORPORATION YEAR.** The Corporation's year is from 1 January through 31 December.

ARTICLE II

201.0 PURPOSE. USA Racquetball is a non-profit corporation designed to foster and promote the development of recreational and competitive racquetball in the United States. The Corporation is organized and operated exclusively to foster national and international amateur sport competition within the meaning of 501—C—3 of the Internal Revenue Code. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted by a corporation exempt from Federal Income Tax under 501—C—3 of the Internal Revenue Code. The Corporation offers institutions and individuals, which desire to join in membership for the advancement of racquetball, an opportunity to participate and contribute to that growth. The stated purpose, which is consistent with the provisions of Title II, Sections 202 and 203 of the Amateur Sports Act of 1978, Public Law 95-606, are fulfilled through the following aims and objectives:

202.0 AIMS AND OBJECTIVES

- A.** To perpetuate, improve, promote, and extend the sport of racquetball in the United States.
- B.** To stimulate the interest of people in healthy sport participation through racquetball.
- C.** To supervise and administer a continuing racquetball program for all age groups for the purpose of stimulating interest and developing athletes through careful preparation and planning, utilizing existing facilities, resources, and coaching.
- D.** To unify and coordinate the efforts of all agencies interested in promoting racquetball and

permit all interested parties to have a voice in the development of the sport in the United States.

- E. To create and maintain research projects that will benefit all parties interested in racquetball.
- F. To provide a clearinghouse for the distribution of coaching aids, literature, films, research materials, and rules collected from sources within the United States and other countries.
- G. To establish an effective means of communication for the transmission of useful ideas whereby coaches and athletes will be informed of the latest developments and techniques in racquetball.
- H. To give prompt attention to valid suggestions on how to improve the conduct of administration in racquetball in the United States.
- I. To establish regional, national, and international series of racquetball clinics.
- J. To maintain records and disseminate information pertaining to all phases of racquetball.
- K. To train and certify competent racquetball officials.
- L. To raise money and finance improvement in the sport of racquetball.
- M. To operate for educational and charitable purposes, to coordinate programs and activities between participants representing the United States and other countries that are conducted in or outside of the United States.
- N. To resolve disputes arising within racquetball concerning rules, equipment, player eligibility, or any other areas concerned.

203.0 JURISDICTION

- A. Membership in the Corporation shall include the following classifications:
 - 1. Recreational or competitive member: this membership shall be open to any individual who is an athlete, coach, trainer, manager, administrator, or official who is active in racquetball and to any sponsor, competitor, or interested enthusiast who wishes to participate and contribute to the growth of racquetball. Membership will not be dependent upon race, color, creed, age, sex, or national origin.
 - 2. Institutional member: this membership shall be open to any institution or organization that sponsors and supports a racquetball team or teams.
- B. The members of this Corporation shall be those persons, institutions, and organizations that pay the membership fee prescribed by the Board of Directors and shall hold valid membership cards.
- C. The members of the Corporation shall assist the Board of Directors in an advisory capacity and render such assistance as may be requested by the Board of Directors from time to time.
- D. Certificates of membership shall be of such form and design as the Board of Directors may elect, and said certificates shall express on their face the member's card number, the

date of expiration, the name of the member to whom it is issued, the name of the state association, and the official insignia or logo of the Corporation.

ARTICLE III

301.0 INSIGNIA/LOGO. The Corporation shall have the official insignia and logo shown in the USAR Governance Manual.

ARTICLE IV

401.0 OFFICERS. The officers of the Corporation shall be President, Executive Vice President, Secretary, and Treasurer, each to be elected by and from the membership of the Board of Directors. Each of these offices is to be held by a separate individual member of the Board. No officer of the Board may serve as an officer of any other amateur sports organization that is recognized as a national governing body by the United States Olympic Committee.

402.0 DEFINITION AND DUTIES OF OFFICERS

A. President

1. The Corporation shall have a President who shall preside at all meetings of the Corporation's membership, Board of Directors, and the Executive Committee and shall be an ex officio member of any and all committees.
2. The President shall be responsible for the affairs of the Corporation and, with the assistance of the Executive Director, shall execute and administer the policies established by the Board of Directors.
3. In the event that the President is unable to serve, the Executive Vice President shall act in his/her behalf until the President is able to serve or until a successor is duly elected.

B. Executive Vice President

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

C. Secretary

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

D. Treasurer

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

2. The Treasurer shall present to the Board of Directors, before the end of any fiscal year, a proposed operating budget for the ensuing fiscal year.

403.0 ELECTION OF OFFICERS AND TERMS

- A. The President, Executive Vice President, Secretary, and Treasurer will be elected by and from the membership of the Board of Directors. The election will be decided by the majority of the votes cast by the Board of Directors at a special meeting of the Board. This special meeting shall be held following the adjournment of the biannual meeting of the Board of Directors that is held immediately prior to/or during the U.S. National Singles Championship tournament. Furthermore, the meeting shall not be held until all of the newly elected Board members have been notified of their election and offered an opportunity to either attend or have their opinions expressed. If possible, this special meeting should precede the annual meeting of the membership of the Corporation.
- B. Officers of the Corporation shall serve a term of two years starting from the adjournment of the Board of Directors meeting at which they were elected and ending with the adjournment of the biannual Board of Directors meeting held two (2) years later. They may succeed themselves, but serve no more than three (3) consecutive terms.

404.0 REMOVAL AND REPLACEMENT OF OFFICERS AND DIRECTORS

- A. An officer may be removed from office by a two-thirds vote of the Board of Directors.
- B. If an Officer of the Board dies, resigns, or is removed, a Board member will be appointed by the President to complete the former officer's unexpired term of office. The President should appoint a replacement within 30 days of the vacancy. In any event, however, an appointment must be made before the next semi-annual Board meeting.
- C. If a Board member who has served all 12 months in a calendar year does not attend at least 50% of the scheduled conference call meetings in the course of that year, he/she automatically vacates his/her position on the Board. (Exception: excused absences as determined by the Executive Committee) For Board members who have served part of the calendar year, if he/she does not attend at least 50% of the scheduled conference call meetings during his/her time of service, he/she automatically vacates his/her position on the Board.

If a Board member has two physical consecutive unexcused absences from biannual Board of Directors meetings, he/she automatically vacates his/her position on the Board. Electronic participation is allowed for one biannual meeting in each calendar year if the conference call attendance requirement has been met as described in this section.

The Executive Director will have responsibility of providing electronic means in the biannual meetings.

Attendance will be tracked by the Secretary of the Board or another assigned Board member. In the event of numerous excused absences, the Executive Committee will determine whether action should be taken. The Executive Committee will make decisions on unforeseen situations.

- D.** If a member of the Board dies, resigns, or is removed, a new member will be appointed by the President to complete the former member's unexpired term of office. The President should appoint a replacement within 30 days of the vacancy. In any event, however, an appointment must be made before the next semi-annual Board meeting.
- E.** If a Board member resigns once for what is deemed a valid reason (e.g. medical/family), he/she is eligible for future Board service, either appointed or elected. If the same individual resigns a second time, he/she is no longer eligible for future Board service, either appointed or elected. Based on circumstances, either of these scenarios can be overturned by a 2/3 vote of the Board of Directors.
- F.** If the Board member who dies, resigns, or is removed is an athlete representative, then the person appointed by the President must meet the requirements to be an athlete representative.
1. Since the Ted Stevens Olympic and Amateur Sports Act requires at least 20% athlete representation on National Governing Body boards, if an athlete representative on the Board of Directors dies, resigns, or is removed, the athlete representative should be replaced within 30 days of the vacancy.
 2. If at any point in time the Board of Directors roster does not reflect 20% athlete representation, the Board of Directors may not vote on Board business until the roster is compliant.

405.0 EXECUTIVE DIRECTOR

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

Manual.

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

A. Immediate Past President

1. The Immediate Past President of the Corporation, at the discretion of the elected President, may remain as a non-voting member of the Board and the Executive Committee for a period not to exceed one year after the date the person is no longer President.

B. National Rules Commissioner

1. The Corporation shall have a National Rules Commissioner who shall be appointed by the President, subject to the approval of the Board of Directors, following the special meeting of the Board of Directors which follows the adjournment of the biannual meeting of the Board of Directors held immediately prior to /or during the U.S. National Singles Championship tournament. The National Rules Commissioner does not have to be on the Board of Directors.

2. He/she shall serve a term of three years and may be appointed to successive terms.

3. The duties of the National Rules Commissioner shall be to take necessary steps to identify persons qualified to serve as referees in racquetball contests who are familiar with the published rules relating to racquetball play, racquetball contests, and tournaments; and further to designate the referees to act in that capacity during racquetball contests and tournaments. The National Rules Commissioner will chair the National Rules Committee. He/she shall take necessary steps to explain, interpret, and revise the written rules of racquetball. All such explanations, interpretations, and revisions are to be submitted by the National Rules Committee to the Board of Directors for approval. Approval of any rule revision or interpretation will require a two-thirds majority vote of the Board of Directors. Detailed rule change procedures are included in the USAR Governance Manual.

ARTICLE V

501.0 GOVERNING BODIES. The Corporation shall have two governing bodies:

A. Board of Directors

1. The formulation of policy, procedures, and operation for the Corporation shall be vested in a qualified Board of Directors (see 501.0.A.5) who shall be elected or appointed without regard to race, color, religion, national origin, or sex, except that because separate male and female programs are conducted, there must be both males and females on the Board. Members of the board must be Citizens of the United States who are at least 18 years of age.

2. The Board of Directors of this Corporation shall consist of:

a. Ten persons who have been duly elected by the general membership or have been appointed by the Board of Directors. The number of appointed members in this

group may not exceed 20%. Also during any election period no more than one board position may be filled with an appointed member. At least two of the ten positions must be female. Appointed positions will be determined by a majority vote of the entire board. Positions that are appointed by the President according to Section 404.0 B do not qualify as part of the 20% appointed positions.

b. Athlete representatives (at least one of each sex) elected from and by those persons who have been members of the U.S. National (Adult Elite) Team within the preceding ten (10) years or who are currently competing at a level of proficiency appropriate for selection to the U.S. National (Adult Elite) Team. The actual number of board positions that are restricted to such athletes (which currently is three since there are ten persons elected by the general membership) will be adjusted if the overall size of the Board of Directors changes since the basic requirement is that at least twenty percent (20%) of the Board of Directors shall be comprised of such athletes. The term of athlete representatives will coincide with the end of the Annual meeting, every four years just prior to the Summer Olympic Games. To ensure participation, the association will reimburse athlete representatives for reasonable expenses incurred specifically for Board meeting attendance.

c. Any persons representing any amateur sports organization that have duly qualified by showing that the organization:

- Is national in scope.
- Promotes significant racquetball activity.
- Uses the rules of play adopted by this Corporation or a variation thereof approved by this Corporation.
- Supports in word and action the policies, goals, and programs of the Corporation.
- Makes application for affiliation purposes to actively participate in the conduct of the affairs of the Corporation.
- Is a member in good standing with the United States Olympic Committee
- Once all points of qualification under Article V, 501.0 A.2.c have been satisfied, an individual representing an amateur sports organization who requests to join the USAR Board shall become a voting member of the USAR Board of Directors effective immediately, pending approval via a majority vote of the USAR Board.

3. Board members, regardless of how they were appointed to the Board, are subject to all rules and entitled to all the privileges governing other members of the Board except as otherwise stated in these By-Laws. All Board members must complete a Statement of Principles of Ethical Behavior and Conflict of Interest.

4. Members of the Board of Directors elected by the general membership shall serve no more than two consecutive terms of office of three years each. They shall be elected by and from the Corporation's membership without discrimination on the basis of race, color, religion, age, sex, or national origin. No members of the Board of Directors shall be elected again until two years after his/her second consecutive term shall have expired. The term of athlete representatives will coincide with the end of the Annual

meeting, every four years just prior to the Summer Olympic Games.

5. Members of the Board must be Citizens of the United States who are at least 18 years of age. A candidate must be a member of USAR in good standing as of the first of the year prior to the election year; must have capacity to enter contracts; must not have a felony or criminal background; must be willing to sign a release for a background check; must not have been employed by USAR as of the first of the year two years prior to the election year; must possess past and present demonstration of good character. (See Article VIII – Elections)

6. The Board of Directors shall have the right to reject a membership application, to deny renewal of membership, and suspend or terminate the membership of anyone whose public actions have been judged detrimental to the welfare, image, and well being of racquetball.

7. At all meetings and reconvened meetings of the Board of Directors, a simple majority shall constitute a quorum and the actions of the Board of Directors at such meetings shall be binding upon all members of the Board of Directors, the Corporation's membership, and its employees.

8. The Board of Directors shall have an Executive Committee comprised of the following officers of the Corporation: President, Executive Vice President, Secretary, and Treasurer. One of the Board's Athlete Representatives shall be a member of the Executive Committee; this individual may simultaneously serve in an officer capacity. The Immediate Past President and the Executive Director are non-voting members.

9. The Board of Directors may authorize the Executive Director to sign all contracts and other instruments in writing, subject to approval of each such contract or instrument by the Board of Directors.

10. The President is authorized to conduct mail, telephonic, or electronic polls of the Board of Directors. When balloting is completed, the Executive Director shall be charged with recording the votes and reporting the results to the Board of Directors by mail, telephone or email, within two weeks of the original polling.

B. Executive Committee (See Section 501.0A8)

1. The Executive Director and the immediate past President shall be non-voting members of the Executive Committee.

2. The Executive Committee is empowered to act for the Board of Directors between meetings and shall transact business and administer the affairs of the Corporation and the Board of Directors. The Executive Committee will provide regular updates to the Board of Directors either in written form or as part of the next regular Board meeting (biannual or conference call) as circumstances dictate.

3. The Executive Committee shall meet at such times and places as it shall determine or upon the call of the President, or upon the call by a majority of its members. Minutes must be kept and are subject to approval by the Board of Directors.

4. A quorum of the Executive Committee shall consist of a simple majority of the Executive Committee.

502.0 COMPENSATION. No member of the Board of Directors shall receive compensation for any services rendered without full disclosure to and prior approval by the Board of Directors. The Corporation may make reimbursement for reasonable expenses incurred by a Director in the course of his/her duties. Reimbursement must be requested in writing and submitted to the Executive Director. (See USAR Governance Manual for rates of reimbursements.)

ARTICLE VI

601.0 ANNUAL AND SPECIAL MEETINGS

A. The annual meeting of the membership of the Corporation shall be held at the location (same city and state) of the U.S. National Singles Championship tournament on any day during the tournament. This meeting will include the Executive Director's report, financial report, budget report, election report (announcement of new Board members, as well as officers); rules change report, and any other reports designated by the President. The Corporation's membership must submit, in writing, any other agenda items for the meeting to the Board of Directors at least fourteen (14) days prior to the meeting.

B. One of the biannual meetings of the Board of Directors must be held immediately prior to/or during the U.S. National Singles Championship tournament. These meetings must include all committee reports--written and verbal. Agenda items and written committee reports must be provided to Board members five (5) days in advance of the Board of Directors meeting.

C. Special meetings of the Board of Directors may be called by the President on five (5) days notice, or on the written request of two-thirds or more of the members of the Board of Directors.

D. All plans, arrangements, programs, budgets, and like subjects affecting the welfare and policies of the Corporation shall be prepared and actuated by the Executive Director. All such plans, arrangements, programs, and budgets are subject to the approval of the Board of Directors each year (or more often as directed) primarily at the meeting held immediately prior to/or during the U.S. National Singles Championship tournament.

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

ARTICLE VII

701.0 DUES. The dues structure shall be included in the USAR Governance Manual.

ARTICLE VIII

801.0 ELECTIONS

The general rules governing nomination and election for the three categories of positions on the Board of Directors are described below and in further detail in USAR's Governance Manual (Board of Directors Election Procedures).

A. Board of Directors – At Large

1. The USAR Board Election Committee will be comprised of an appointed Committee Chair plus three active board members (one to be an Athlete representative) -- all of whom must not be eligible for election or re-election in the next General Election. This committee shall identify nominees for the openings for expiring terms of members for the Board of Directors.

The Election Committee shall research and review qualified* USAR members who seek at-large (elected) Board seats (requesting resume qualifications and a statement of interest from all prospective candidates). (*see 501.0.A.5).

The presented slate may include candidates in the number of positions being vacated at the end of the USAR fiscal year – OR up to one additional nominee for each open position. Example: when three board positions are open, an approved slate may contain three, four, five, or six nominees.

The Election Committee Chair presents the recommended slate at the Fall Board meeting. Upon review of this slate, the full Board may accept or reject the entire slate of nominees, but the Board may not vote to accept nominees individually. If the Board rejects the presented slate, the Election Committee must resume its task of finding nominees acceptable to the Board.

Candidates who are not selected for an approved slate must be notified of such by the Election Committee and informed of the alternate Petition Procedure.

2. Petition Procedure: Any member of USAR in good standing as of the first of the year prior to the election year (and who has already applied to be included on the Board slate but has not been chosen for the slate) may run for the Board of Directors by completing an official board petition, which requires the signatures of 125 USAR members over the age of 18 years old in good standing who request that the individual be added to the slate of Board candidates.

- a. Petitioners who have been notified that they are not included on the Board slate must request and obtain official forms from the USAR national office or download a PDF from the website. The petitioner must have completed and signed the official USAR Conflict of Interest statement prior to beginning to gather signatures. Completed petitions must be received in the USAR National office on or before a deadline to be determined by the Election Committee and approved by the Board of Directors.
- b. USA Racquetball reserves the right to deny petitioners a position on the ballot based upon reasonable concerns relative to qualifications (see 501.0.A.5). Reasonable concerns will be presented to the Board of Directors for validation.

3. Once the slate is adopted, each individual, regardless of whether he/she is on the Board-approved slate or has petitioned for inclusion, is notified of his/her candidacy. He/she must have completed and signed the official USAR Conflict of Interest statement prior to official acceptance. The nominee also must have provided a color photo and platform statement of 200 words or less in response to the question "Why I want to serve on the USAR Board of Directors" for publication with the ballot.

- a. Ballots will be distributed via the Corporation's magazine, or Internet source, or mailed ballots, or any other method or combination of methods deemed acceptable by the Board of Directors.
- b. The ballot must stipulate whether a candidate is on the Board-approved slate or whether he/she is a petitioner.

B. Board of Directors – Athlete Representatives

1. A nominating committee (chaired by one of the athlete board members) shall be formed of persons who have been members of the U.S. National (Adult Elite) National Team within the preceding 10 years or who are currently competing at a level of proficiency appropriate for selection to the U.S. National (Adult Elite) Team. The committee will identify nominees for the openings for the expiring terms of members of the Board of Directors. Such list shall consist of at least one nominee for the number of positions available. Additional nominations may be made by any eligible person who submits a petition with twenty (20) valid member signatures of persons eligible to vote in the election indicating their support for said candidate.
2. USA Racquetball will administer the election. Ballots will be distributed via postal or email to the authorized voters. Election results based on popular vote shall be announced as soon as they are known.
3. There must be at least one athlete representative of each gender.
4. Immediately following the election, the athletes who were elected must determine (i) who among them will serve on the Executive Committee and (ii) who among them will serve as the Athlete's Advisory Council representative. There is no requirement that these positions be filled by two different persons. However, the alternate representative for Athlete's Advisory Council will be one of the other athletes on the Board who is of opposite sex than the primary representative.

C. Board Service/Appointments/Employees

1. **Statutes of Term** All board terms begin, and end, with the annual May board meeting, normally held in conjunction with USAR National Singles.
2. **Executive Appointments** From time to time, the board may elect to appoint individual board members on the basis of specific skill sets and identified institutional needs [501.0.A.2]. The term length of such appointments is two years, in order to allow appointees to familiarize themselves with the board function, and to consider whether or not to seek subsequent elected terms (two maximum). One added two-year appointment may be ratified; however, acceptance of a second appointed term negates a subsequent, consecutive election bid.
3. **Appointments to vacated seats** Mid-term open board seats filled by Presidential appointment [per USAR By-Laws 404.0.B and 404.0.D] will be tracked on the basis of term length. If the vacated board seat has 18 months or more remaining in its term, the replacement appointee will be considered to have completed a full term of service. Subsequent "second term" re-election bids will be processed on that basis [501.0.A.4]. If the vacated board seat has fewer than 18 months remaining, the replacement appointee will be viewed as "interim" and a subsequent "first term" election bid may be sought.

4. Board Service by Former Employees In the event that any USAR employee wishes to run for the Board of Directors after his/her employment with the company ends, they may do so after a two-year period has elapsed (see 501.0.A.5).

ARTICLE IX

901.0 BY-LAWS, AMENDMENTS TO THE BY-LAWS, AND USAR GOVERNANCE MANUAL

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

B. Proposed amendments or additions to the By-laws shall be submitted by the President via email and/or other previously agreed-upon method(s) to the Board of Directors no later than 15 days preceding any such meeting.

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

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

902.0 STANDING COMMITTEES

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

EXECUTIVE SERVICES

A. Personnel - This committee is responsible for developing personnel plans and programs. This includes overseeing the development of an operations policy manual to assist employees in understanding their working conditions and environment, and to encourage them to improve their skills, enhance their performance and increase their responsibilities. The committee also reviews recommendations for annual salary increases, approves budget lines for such increases, and has input on structural reorganizations to increase productivity.

B. Finance - This committee oversees and checks all of the financial endeavors and actions of the Corporation to include its budget, financial statements, annual audit, and

fund-raising activities. The Treasurer chairs this committee.

C. Legislation - This committee is responsible for ensuring that Corporation operates within the bounds of all applicable laws and regulations. The committee reviews proposed changes to legislation and makes recommendations to the Board of Directors regarding adoption or rejection. The Chair of this committee will also serve as the Sergeant at Arms at all Board of Directors meetings.

D. Strategic Planning - This committee will carry out the long-range plan established by the general membership and implemented through USAR leadership. This plan focuses upon major issues stated as priorities by the membership including: continued Olympic involvement, increasing public awareness of racquetball, increasing financial resources, membership development, continued sports management as the national governing body, and unification within the sport.

E. Marketing - This committee will oversee the development of plans to market the sport and organization for the purpose of raising funds to expand programs and other organizational interests.

GENERAL MEMBERSHIP SERVICES

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

G. State Organizations - This committee will act as liaison between state associations and the national office. It will make recommendations on the development and implementation of organizational structures, incorporation, and operations. The committee will review and make recommendations on the distribution of grassroots programs, including grants and centralized funding, to state organizations.

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

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

TECHNICAL AND ETHICS

J. Elections - This committee is responsible for reviewing election procedures to maintain the fairness of all elections and the freedom of opportunity for candidates and voters alike. This committee is charged with soliciting candidates, verifying the resumes of those who apply to be candidates, and selecting the Board-approved slate (a number equal to or up to one additional nominee for each open position) for the Board of Directors. The USAR Board Election Committee will be comprised of an appointed Committee Chair plus three active board members (one to be an Athlete representative) -- all of whom must not be eligible for election or re-election in the next General Election.

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

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

M. Manufacturers and Technical - This committee conducts inquiries, and studies, researches, and reviews proposed technological changes in equipment used in the sport. After making a review, the committee will make recommendations to the Board of Directors. In reviewing technological changes, the committee is obligated to consider the integrity of the game and purpose of the sport.

INTERNATIONAL AFFAIRS

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

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

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

Q. Coaching - This committee will (i) identify the status of coaching resources and needs of the association; (ii) assist in improving the quality of coaching; (iii) expand the number of qualified coaches available to the corporation; (iv) provide athletes with the best

possible coaching for helping them reach their potential; (v) assist in coordinating, gathering, and distributing current and relevant technical information and resources for coaches; and (vi) act as the corporation's contact for all coaching in the United States.

EDUCATION, RESEARCH, AND RECOGNITION

R. Elite Camp/AMPRO - This committee will administer the development of elite athletes through the Elite Training Camp and monitor the development of instructors and programmers through the AMPRO program.

S. Sports Sciences - The mission of the Sports Science Committee is to disseminate sports science developments and applications to the entire racquetball playing population.

T. Sports Medicine - The mission of the Sports Medicine Committee is to disseminate sports medicine developments and applications to the entire racquetball playing population.

U. Development and Planning - This committee shall take such steps as it deems necessary to promote interest in racquetball play among all ages.

V. Awards - This committee will be responsible for ensuring that qualified male and female nominees are identified for the numerous awards that the Corporation has developed, including the Athletes of the Year, Peggy Steding and Bud Muehleisen Age Group Athletes of the Year, Joe Sobek Contributor Award, John Halverson (Fair Play) Award, and President's Award.

W. Hall of Fame - This committee oversees the process by which the Corporation honors those men and women who have made outstanding contributions to the development and growth of racquetball in the United States. Secondary objectives include assisting in the research necessary to develop and maintain a history of United States Racquetball and securing historical memorabilia.

X. Scholarship - This committee is charged with establishing and distributing eligibility data; accepting and reviewing applications from qualified applicants; making recommendations to the Board of Directors on all applications reviewed; distributing funds to approved scholarship recipients; and establishing procedures for increasing public awareness and raising funds for the scholarship program.

SPECIAL INTEREST COUNCILS

Y. High School Council - This council determines policy and procedures to promote racquetball as a competitive high school sport. The committee may also assist in the operating the annual National High School Tournament.

Z. Junior Council - This council will determine policy and procedures to promote junior racquetball within state associations for all youths of high school age and below. The committee will also assist in the policy development and operation of junior national events. The committee is responsible for furthering the growth of and participation in racquetball programs for players 18 years of age and under at the local, state, regional, and national levels.

AA. Intercollegiate Council - This council's primary function is to promote, develop, and

instruct tournament caliber collegiate players throughout the United States. The Corporation develops the recreational player program at the collegiate level through the National Intramural Recreational Sports Association (NIRSA), while concentrating on developing the competitive player.

AB. Disabled Council - This council is charged with generating interest and opportunity in the sport among disabled athletes. This includes promoting racquetball in conjunction with the National Wheelchair Racquetball Association (NWRA), the National Racquetball Association of the Deaf (NRAD), and the U.S. Association of Blind Athletes (USABA). The council coordinates with these groups to provide timely and factual information about competitive opportunities for disabled athletes.

AC. Outreach Council - This council is responsible for generating interest in the sport among minority and disadvantaged constituencies in the U.S. by providing access and creating opportunity. This includes developing programs that draw on industry resources to provide low-cost equipment and instruction to established community groups that serve inner city youth and providing direction to potential racquetball athletes. The council will identify a core of dedicated individuals who will establish solid contacts with community centers, disadvantaged youth programs, and minority-based junior high school, high school, and collegiate athletic departments.

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

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

ARTICLE X – PLAYERS’ BILL OF RIGHTS

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

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

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

approved by the Corporation.

ARTICLE XI – AMATEUR RULES

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

ARTICLE XII - DUTIES OF THE CORPORATION

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

1. Develop interest and participation throughout the United States and be responsible to the persons and amateur sports organizations it represents;
2. Minimize, through coordination with other amateur sports organizations, conflicts in the scheduling of all practices and competitions;
3. Keep amateur athletes informed of policy matters and reasonably reflect the views of such athletes in its policy decisions;
4. Promptly review every request submitted by an amateur sports organization or person for a sanction (i) to hold an international amateur athletic competition in the United States; or (ii) to sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, and determine whether to grant such sanction, in accordance with the provisions of subsection B of this Article;
5. Allow an amateur athlete to compete in any international amateur athletic competition conducted under its auspices or that of any other amateur sports organization or person, unless it establishes that its denial was based on evidence that the organization or person conducting the competition did not meet the requirements stated in subsection B of this Article;
6. Provide equitable support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis;
7. Encourage and support amateur athletic sports programs for handicapped individuals and the participation of handicapped individuals in amateur athletic activity, including, where feasible, the expansion of opportunities for meaningful participation by handicapped individuals in programs of athletic competition for able-bodied individuals;
8. Provide and coordinate technical information on physical training, equipment design, coaching, and performance analysis; and
9. Encourage and support research, development, and dissemination of information in the areas of sports medicine and sports safety.

B. As a result of its review under subsection A (4) of this Article, if the Corporation does not determine by clear and convincing evidence that holding or sponsoring an

international amateur athletic competition would be detrimental to the best interest of the sport, the Corporation shall promptly grant to an amateur sports organization or person a sanction to:

1. Hold an international amateur competition in the United States, if such amateur sports organization or person:

a. Pays to the Corporation any required sanctioning fee, if such fee is reasonable and nondiscriminatory:

b. Demonstrates that:

i. Appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

ii. Appropriate provision has been made for validation of records that may be established during the competition,

iii. Due regard has been given to any international amateur requirements specifically applicable to the competition,

iv. The competition will be conducted by qualified officials,

v. Proper medical supervision will be provided for athletes who will participate in the competition, and,

vi. Proper safety precautions have been taken to protect the personal welfare of the athlete and spectators at the competition, and

c. Submits to the Corporation an audited or notarized financial report of similar events, if any, conducted by the amateur sports organization or person; or

2. Sponsor United States amateur athletes to compete in international amateur athletic competition held outside the United States, if such amateur sports organization or person:

a. Pays to the Corporation any required fee, if such fee is reasonable and nondiscriminatory;

b. Submits a letter from the appropriate entity, which will hold the international amateur athletic competition certifying that;

i. Appropriate measures have been taken to protect the amateur status of athletes who will take part in the competition and to protect their eligibility to compete in amateur athletic competition,

ii. Appropriate provision has been made for validation of records that may be established during the competition,

iii. Due regard has been given to any international amateur athletic requirements specifically applicable to the competition,

- iv. The competition will be conducted by qualified officials,
 - v. Proper medical supervision will be provided for athletes who will participate in the competition, and,
 - vi. Proper safety precautions have been taken to protect the personal welfare of the athletes and spectators at the competition, and
- c. Submits a report of the most recent trip, if any, to a foreign country, which the amateur sports organization or person sponsored for the purpose of having United States amateur athletes compete in international amateur athletic competition.

C. The Corporation, as the national governing body of racquetball, is authorized to:

1. Represent the United States in the appropriate international sports federation;
2. Establish national goals and encourage the attainment of those goals;
3. Serve as the coordinating body for amateur athletic activity in the United States;
4. Exercise jurisdiction over international amateur athletic activities and sanction international amateur athletic competition held in the United States and sanction the sponsorship of international amateur athletic competition held outside the United States;
5. Conduct amateur athletic competition, including national championships, and international amateur competition in the United States, and establish procedures for the determination of eligibility standards for participation in such competitions, except for that amateur athletic competition specified in Section D of this article;
6. Recommend to the USOC individuals and teams to represent the United States in the Olympic Games and the Pan-American Games; and
7. Designate individuals and teams to represent the United States in international competition (other than the Olympic Games and the Pan-American Games) and certify, in accordance with the applicable international rules, the amateur eligibility of such individuals and teams.

D. Any amateur sports organization that conducts amateur athletic competition, participation in which is restricted to a specific class of amateur athletes (such as high school students, college students, members of the Armed Forces, or similar groups or categories), shall have exclusive jurisdiction over such competition. If such an amateur sports organization wishes to conduct international amateur athletic competition to be held in the United States, or sponsor international amateur athletic competition to be held outside the United States, it must obtain a sanction from the Corporation.

ARTICLE XIII – ARBITRATION AGREEMENT

As provided for in section 205(b)(3) of Title II of the Amateur Sports Act of 1978, the Corporation to submit, upon demand of the United States Olympic Committee, to binding arbitration, conducted in accordance with the commercial rules of the American Arbitration Association in any controversy involving the Corporation's recognition as a national governing body, or involving the opportunity of any amateur athlete, coach,

trainer, manager, administrator, or official to participate in amateur athletic competition, as provided for in Article IV of the USOC Constitution and By-Laws.

ARTICLE XIV - DISCIPLINE AND GRIEVANCE RIGHTS

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

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

ARTICLE XV - DUE PROCESS

A. INITIAL REPORTS. Matters involving only one State association should be presented to the President of that State association who will be responsible for investigating the charges and, based on the findings, form a Hearing Body responsible for due process. If persons or entities from more than one State are involved, the Executive Director of the Corporation shall make the investigation and report. In those matters occurring during the course of a National or Regional event, as the case may be, the National Tournament Director shall make the investigation and report. In those matters occurring during the course of an official U.S. National (adult or junior) Team event, a designated U.S. representative shall make the investigation and report. Upon being notified of a situation and subsequent consultation with the athlete rep on the U.S. Team Committee, the US Team Committee Chairperson will assign investigating and reporting responsibilities to the appropriate U.S. representative.

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

1. The U.S. National Team Committee will administer due process for matters covered by the U.S. National Team (adult or junior) Protocol and Procedures Manual.
2. The National Rules Committee will administer due process for matters involving (i) more than one State association or (ii) events or activities administered solely by the

Corporation's national office. In those matters where athletes or other members of the Corporation from more than one State are involved, or in matters involving such persons during a National or International athletic event, an investigation and report of the facts shall be made to the President of the Corporation. If, in the opinion of a majority of the Executive Committee of the Corporation, disciplinary action is then warranted, the matter shall be submitted to the National Rules Committee for a hearing and decision.

3. Upon a majority vote of the officers, the Board of Directors of the Corporation may assume original jurisdiction at any stage of any matter within the purview of the By-Laws where, in its opinion, the best interests of the Corporation will be served thereby.

C. APPELLATE JURISDICTION

1. The National Rules Committee has appellate jurisdiction over any due-process decisions made by State associations.

2. The Executive Committee of the Board of Directors of the Corporation has appellate jurisdiction over (i) due-process decisions (original or appellate) made by the National Rules Committee and (ii) due-process decisions made by the U.S. National Team Committee.

3. The Board of Directors of the Corporation, at the request of the officers, may assume appellate jurisdiction to review any original decision of the U.S. National Team Committee or the National Rules Committee within 6 months of date of the decision in question.

D. ARBITRATION

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

ARTICLE XVI – ORIGINAL JURISDICTION PROCEDURES

Statute of Limitations: A complaint filed under these By-laws shall be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny of opportunity to participate. There shall be no time bar for actions regarding SafeSport disciplinary proceedings.

Filing Fee: A complaint filed by an individual shall be accompanied with a \$250 filing fee. A complaint filed by an organization shall be accompanied with a \$500 filing fee, except that USA Racquetball is not required to pay a filing fee. The complainant may request that the filing fee be reduced or waived for reasons of significant financial hardship. If such request is made, the Executive Committee shall determine whether or not to reduce or waive the filing fee.

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

1. Within 30 days of the appropriate authority being informed of a matter requiring the application of due process, the person or entity (respondent) charged shall be notified, in writing, of the details of the circumstances that require answer, explanation, or

clarification. If appropriate, the notice shall also set forth the penalties that may ensue if the charges are proved.

2. The written notice will set a date, time, and place of a hearing about the charges. The respondent has a right for the hearing to be at such time and place making it practical to attend, such as a tournament or State association meeting.

3. The notice will call for the respondent to file a written answer to all of the charges set forth in the notice and for the written answer to be delivered by certified mail, personal delivery, or email not later than 14 days before the date of hearing.

4. The notice will request the respondent to appear at the hearing and inform the respondent of his/her rights to (i) be represented at the hearing by counsel of his/her own choice and (ii) present relevant evidence, testimony, and argument in defense of the charges.

5. The notice should be sent to the last known address by certified mail, personal delivery, or email. When the notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to the athlete at the residence given in their application for registration, or if they have filed with the State association a written notice of change of residence, then at such changed address. The date of hearing shall be no less than 15 days or more than 60 days after the date of mailing of notice, date of personal delivery, or date of confirmed email delivery.

6. The notice shall also set forth the right of appeal to the appropriate appellate authority if a decision is rendered against the person charged and that the appeal must be made in writing within 30 days of being notified of the decision.

7. The Hearing Body will be composed of no fewer than three (3) and no more than five (5) impartial persons. Members of the State association's Board of Directors are acceptable provided they are not a party to the proceedings. All Hearing Body members must have been members of USA Racquetball for at least one year at the time of appointment to the Hearing Body. If circumstances dictate having a person(s) involved who is not a USA Racquetball member, the officers shall vote whether to include the individual.

8. The rules of evidence generally accepted in administrative proceedings shall be applicable in the hearing. The respondent has the right to (i) call witnesses, (ii) present relevant evidence, testimony, and argument at appropriate times, and (iii) confront and cross-examine adverse witnesses.

9. The Chairperson of the Hearing Body should ensure that a written record of the proceedings is prepared.

10. All decisions of the Hearing Body shall be made by a simple majority of voting members. The Chairperson should vote only if necessary to break a tie vote.

11. A written decision, with reasons thereon, shall be rendered within ten (10) days of the hearing and must be sent to the respondent by certified mail, personal delivery, or email.

B. If the foregoing procedures are not likely to produce a sufficiently timely decision to do justice to the affected parties, an organization with original jurisdiction may authorize

agent(s) or representative(s), upon appropriate notice to the parties concerned as time and circumstances may reasonably dictate, to use the following special procedures to render a timely decision:

1. A special hearing may be conducted at the site of scheduled competition or competitive event, or by telephone conference if necessary, but in any event, under such conditions that will fully protect the rights of procedural due process of the individual or entity charged.

2. The notice of charges given to the individual or entity charged may be oral or in writing. If oral, they should be reduced to writing as soon as possible. An oral notice must comply with all notice requirements (except the time frames) set forth in paragraph A. of this article, including notice of the right of appeal.

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

ARTICLE XVII – APPEAL PROCEDURES

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

A. The right to appeal a due process ruling is NOT automatic. Decisions reached by authorities having original jurisdiction are final and will generally be honored by the Corporation. Only those matters that meet one of the following criteria may be appealed:

1. Allegations that due process procedure was not properly executed and thereby prejudiced the decision.

2. New evidence has since become available that could affect the decision, provided that the new evidence wasn't available at the time of the hearing.

3. Penalties imposed by the state association affect the player's ability to compete beyond the boundaries of the state.

B. The appellate decision consists of two steps--determination that the issue is one that can be appealed and, if so, determining what actions, if any, should be taken. The appellate authority can vacate, modify, sustain, or reverse any decision or order properly submitted for review, or remand the matter for further action.

C. Every appeal shall be instituted by a petition served upon the Executive Director of the Corporation and be accompanied by a \$100 filing fee payable to the Corporation. The fee shall be returned if the petition is upheld, but forfeited if it is rejected or abandoned.

D. The Executive Director shall send a copy of the appeal petition within 15 days to the entity having appellate jurisdiction over the matter.

E. The appellate authority should designate a panel of no ~~less~~ fewer than five (5) of its members, one of whom shall be an athlete representative, to hear and decide an appeal of a decision made by an organization with original jurisdiction.

F. The procedures outlined in Article XVI for original jurisdiction (with appropriate modification) shall also apply for the appeal process.

G. A final and binding decision about an appeal shall be rendered within 75 days from date of filing of the petition by a majority of the acting panel based on the record submitted for review and on evidence submitted at such hearing as may be required by the panel. A written decision shall be sent to all parties. Petitions, once reviewed and decided, shall not be reopened except by direction of the Board of Directors of the Corporation or upon showing of sufficient cause to the chairperson of the National Rules Committee.

ARTICLE XVIII – ARBITRATION PROCEDURES

A. Either before or after an appellate ruling, a grievant may request, in writing, that a due process decision be arbitrated by the American Arbitration Association – a neutral third party – subject to the rules of the American Arbitration Association current at the time of the request.

B. Such demand for arbitration shall be submitted within 30 days of the decision being appealed and said hearing shall be within 60 days of the written notice to the Corporation and be held at any Regional office of the American Arbitration Association.

C. Upon receipt of a request for arbitration, the American Arbitration Association shall serve notice on the parties to the arbitration and on the Corporation, and shall immediately proceed with arbitration according to the commercial rules of the American Arbitration Association in effect at the time of the filing of the demand, except that:

1. The arbitration shall consist of one arbitrator, unless the parties to the proceedings mutually agree to a different number,

2. The arbitration hearing shall take place at a site selected by the American Arbitration Association, unless the parties to the proceeding mutually agree to the use of another site,

3. The arbitration hearing shall be open to the public,

4. All expenses, e.g. legal fees, travel, per diem, etc., are the responsibility of each party in the arbitration. No fees/expenses may be paid from the Corporation to any parties bringing a grievance against the Corporation.

D. The arbitrators in any arbitration is empowered to settle any dispute arising under the provision of this act before making a final ruling, if mutually agreed to by the parties to the proceeding and achieved in a manner not inconsistent with the By-Laws.

E. Each contesting party may be represented by counsel or by any other duly authorized representative at the arbitration proceeding. The parties may offer any relevant evidence that they desire and shall produce any additional evidence, as the arbitrators believes necessary to an understanding and determination of the dispute. The arbitrators shall be the sole judges of the relevance and materiality of the evidence offered. Conformity to

legal rules of evidence shall not be necessary.

F. All decisions by the arbitrators shall be binding upon the involved parties, if such award is not inconsistent with the By-Laws of the Corporation.

G. A hearing may be reopened by the arbitrators upon his/her own motion or upon the motion of any contesting party at any time before a final decision is made, except that if any contesting party makes such a motion all parties to the decision must agree to reopen the hearings if such reopening would result in the arbitrator's decision being delayed beyond the specific period agreed upon at the beginning of the arbitration proceedings.
