

## USATF association bylaw updates from 2021-2023 USATF Governance Manual

(courtesy Scott Erwin – Association Grievance Officer)

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electronic version of 2023 USATF Governance Manual:

<https://www.usatf.org/governance/bylaws-regulations>

**1.** From the 2021 Annual Meeting we now have better defined “athletes” and various descriptions of athletes. All Associations need to be aware and consider these definitions and how they relate to their own bylaws, particularly for delegate selection for the annual meeting. Here are the new definitions:

1. Actively Engaged Athlete means an athlete who qualifies as a Ten Year or Ten Year+ Athlete, as defined below, or who has been actively engaged in twenty-four (24) months prior to election/selection in a USATF-sanctioned competition, which may include events that categorize entrants in age-restricted classifications. USATF’s Athletes Advisory Committee and Nominating and Governance Panel will develop a process to jointly identify and vet candidates to serve as Actively Engaged Athletes.

2. Ten Year Athlete means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC’s Athletes Advisory Council) and USATF (together, with USATF’s Athletes Advisory Committee) as an elite-level event for purposes of this definition, within the previous ten (10) years.

3. Ten Year+ Athlete means an athlete who has represented the United States in the Olympic Games, the Pan American Games, World Championships, or another event designated by the USOPC (together, with the USOPC’s Athletes Advisory Council) and USATF (together, with USATF’s Athletes Advisory Committee) as an elite-level event for purposes of this definition, but not within the previous ten (10) years.

**2.** Regulation 7, G, 4 (f) includes the Diversity requirements passed in 2021. Associations should add the definition of “Diversity” found in Article 2 (l) because you will now be governed by this definition in ways that are described elsewhere. Here is the definition of “diversity” which you should incorporate.

“Diversity” means differences among individuals, including, but not limited to: race, gender, age, ethnicity or national origin, gender identity, gender expression, sexual orientation, religious belief, physical ability or disability.

Specifically provided in 7,G,4 f are the requirements of Associations relative to the new diversity language and Associations would be best served by just adopting the language found there.

**3.** All elected positions within the Association shall be governed by Reg 7, so if you have anything in your bylaws excepting some of the Reg 7 requirements for certain elected positions, you must now eliminate the distinctions. The new requirement does not allow distinctions between elected positions:

**3. Association elections:** All Association elections for officers and any other elected positions shall follow common guidelines and procedures to ensure fairness and openness.

Language such as this is appropriate for all Associations to use:

All election procedures for officers and any other elected positions shall be defined in these bylaws and comply with Regulation 7 of the USATF Bylaws. The procedures shall include the notice of elections to be held, the process by which nominations are made, the voting constituency, the conduct of balloting and election protests.

**4.** Article 8A and B allow virtual meetings. Virtual meetings are not mandatory and virtual elections are dealt with elsewhere, and also not mandatory. (Caveat, by this writer: I think virtual elections are going to eventually be required so that those not able to attend will be allowed to vote in elections. You should start

thinking about that possible, future necessity.) In your bylaws where you provide for holding meetings and the process of your meetings, you should include language like this:

If it is impractical to hold the Annual Meeting in person, the Board may approve that it be a virtual meeting. Special meetings shall be held by call of the Board. Special meetings may be held in person or virtually.

**5.** Article 9C now requires that if you have a virtual meeting, contested elections must be by electronic ballot. You should add language similar to this:

At virtual meetings, contested votes shall be conducted by electronic voting.

**6.** Regulation 7 A (3) describes how the new diversity requirements will be considered. We have had some difficulty getting this off the ground and we need to work with the Diversity and Leadership Committee to finalize the scorecard but this will happen sooner than later, so each Association should be aware and actively provide for the information outlined here:

3. Consistency: Statements of Association purposes, powers, and duties autonomy consistent with USATF's bylaws and operating regulations, including how each Association promotes Diversity of representation by completing the Diversity and Leadership scorecard illustrating the makeup of its Board of Directors, officers and committee structure. By July 1, 20221, the Diversity and Leadership committee will develop a Diversity scorecard for Associations to complete to provide information about the current status of Diversity in the Association and efforts to increase Diversity in the Association. Associations shall return the completed Diversity scorecard on or before October 1 of each year.

**7.** Reg 7, sections 3-8 all have to do with elections processes and although much of this is the same as it always has been for quite a few years, small changes are provided for here and Associations are best to mimic all of the procedure in their own bylaws. Elections are one of the biggest sources of disputes and grievances and if the Association follows these procedures, the Association will not be determined to have failed in providing for the right process, as long as the right process is implemented. Of specific importance:

Sec 3(a) for election notice – make sure that the access to voting is open and fair  
Sec 4 (a) nominating – if you're on the nominating panel, you can't be on the ballot  
Sec 6 (a) electronic voting

**8.** Reg 7, G, 8 now requires that committee chairs must now be 3 step compliant. Probably most Associations will not have an issue with this provision because most chairs will likely hold some other position which requires this compliance. Every Association should double check that this is met:

8. Committee and council chairs: a. Age and terms: All committee and council chairs, whether elected or appointed, must be at least 18 years old and members of the Association at the start of the term of office, complete and pass a USATF approved background check and possess a current SafeSport training certificate or renewal, before the later of taking office or thirty (30) days of being elected. Chairs shall be elected or appointed for specific terms that are determined prior to the voting for the position.