

September 4, 2019

VIA EMAIL (jimjmurphy1@icloud.com)

Hon. Jim Murphy
USATF Law & Legislation Chair
USA Track & Field
130 East Washington Street, Suite 800
Indianapolis, Indiana 46204

Re: The Diversity Bill - Proposed Amendments to the Bylaws and Operating Regulations of USA Track and Field (“USATF”)

Dear Judge Murphy:

Please accept these proposed amendments, collectively referred to herein as the “Diversity Bill,” to USATF’s Bylaws and Operating Regulations (“USATF Bylaws and Regulations”). Pursuant to Article 21(E)(5) of the USATF Bylaws and Regulations, the Diversity Bill is being recommended for approval by Moushaumi Robinson, a member of the USATF Law & Legislation Committee, and Edwardo Torres, Chair of the Men’s Long Distance Running Committee. Their dated, written approvals are attached hereto as Exhibit A and Exhibit B.

One of the Purposes of USATF is Diversity; specifically: “promoting diversity of representation at all levels of participation in its activities.” (See Article 3(A)(5) of the USATF Bylaws and Regulations). Nevertheless, Associations across the United States maintain homogenous committees that do not reflect its diverse constituencies. The Diversity Bill addresses this issue by requiring Associations to take actionable steps to diversify their governing bodies to ensure that every member has a voice and is being adequately represented. In particular, the Diversity Bill seeks to: (1) ensure that Associations’ committees are structured to promote diversity; (2) establish and encourage voting options accessible to all members; and (3) hold Associations accountable for promoting diversity of representation at all levels of participation in its activities.

PROPOSED DIVERSITY BILL

I. Action Requested

The Diversity Bill seeks to amend the following USATF Bylaws and Regulations:

1. Amend **ARTICLE 3. PURPOSES AND DUTIES. B. Duties.**
2. Amend **ARTICLE 6. ASSOCIATIONS. C. Association Elections.**
3. Amend **ARTICLE 6. ASSOCIATIONS. D. Association Authority.**
4. Amend **REGULATION 7. ASSOCIATION MATTERS. A. Association Documents. 3. Consistency.**

5. Amend **REGULATION 7. ASSOCIATION MATTERS. E. Association Accreditation. 1. Standards.**
6. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws.**
7. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 3. Association Elections.**
8. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 4. Nominating Process.**
9. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 6. Voting Options.**
10. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 7: Counting of Ballots.**

II. Proposed Amendment

1. Amend **ARTICLE 3. PURPOSES AND DUTIES. B. Duties** to include the following language: “16. Promote Diversity in Associations: Providing support and establishing rules and regulations to ensure that each Association is promoting diversity of representation at all levels of participation in its activities.”
2. Amend **ARTICLE 6. ASSOCIATIONS. C. Association Elections** to read: “Association election procedures for committees, officers, sport committee chairs, and other elected chairs shall be defined in their bylaws and comply with Regulation 7. 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.”
3. Amend **ARTICLE 6. ASSOCIATIONS. D. Association Authority** to read: “Associations shall aim to promote USATF’s Purposes and Duties as detailed in Article 3, and shall not exceed the authority granted to them under these Bylaws and Operating Regulations.”
4. Amend **REGULATION 7. ASSOCIATION MATTERS. A. Association Documents. 3. Consistency** to read: “A. Association documents: Each Association shall submit to National Office Management a copy of its Articles of Incorporation, charter, constitution, bylaws, any other organic documents, and its annual filings with the Internal Revenue Service, or equivalent financial information if the Association does not file with the Internal Revenue Service. These documents shall demonstrate by their contents:... 3. Consistency: Statements of Association purposes, powers, and autonomy consistent with USATF’s bylaws and operating regulations and in furtherance of USATF’s Purposes and Duties.”
5. Amend **REGULATION 7. ASSOCIATION MATTERS. E. Association Accreditation. 1. Standards** to read:

E. Association accreditation: All Associations shall be accredited biennially by the Accreditation Subcommittee. The standards and process shall be:

1. Standards: In order to maintain good standing, an Association shall be required to meet the following standards:

a. Individual Memberships: at least 20 dues-paying individual members per 100,000 population, but in all cases, at least 400 individual members;

b. Club Memberships: at least 0.5 organizational members per 100,000 population;

c. Sanctions: at least 1 sanction per 100,000 population;

d. Championships: at least 15 championships (some of which may be combined) including the following: three in outdoor track and field (youth, open, masters); three in cross-country (youth, open, masters); three in race walking (youth, open, masters); two in road running for distances of five kilometers or longer (open, masters); and any four other championships. Championships shall include Association, Regional, or National Championships hosted by the Association. Each championship must be offered to both male and female athletes in the category.

e. Officials: at least 50 certified officials, except for Associations with a population under 1 million which shall have at least 30 certified officials;

f. Fiscal Solvency and Responsibility: Associations shall be fiscally solvent - i.e., they shall have a positive net worth. Associations shall file all required Forms 990 to the Internal Revenue Service and submit copies to the National Office. Associations required to submit only an electronic postcard Form 990 to the IRS may be required to submit additional Form 990 information to the National Office. USATF may require at its own expense that any Association be subject to a review or audit by an independent CPA or CPA firm for one or more years;

g. Communications: Associations shall maintain a current and viable web site, and shall send at least two emails to the membership (at least 90 days apart) and provide other emails to differing membership segments such that it conducts e-mail activity in each calendar quarter. It shall also send via email U.S. Postal Service a hard copy notice of its annual meeting, election, and selection of USATF annual meeting delegates to every USATF member in the Association. A hard copy of the aforementioned notices must be sent via U.S. Postal Service to USATF members who made a written request for such notices in the past year.

h. Representation: Associations shall have (i) at least one representative at Association Committee meetings at the USATF annual meeting; (ii) at least one representative at the annual USATF Association Workshop; and (iii) shall also have a minimum of eight delegates at the USATF annual meeting unless there is

financial hardship in which case the Accreditation Subcommittee shall have the discretion to reduce the standard;

~~i.~~ i. Diversity: Associations shall submit the name, gender, age and club of each officer of every committee. Associations shall also submit evidence demonstrating how it is promoting diversity of representation at all levels of participation in its activities.

~~j.~~ j. Documents: Associations shall submit (i) copies of the organic documents and filings required pursuant to paragraph A; (ii) a copy of the completed first page of the 990 or 990 EZ, or equivalent tax form (and if the IRS does not require such a form, the Association shall nevertheless submit a completed first page of a 990 EZ to the National Office); (iii) a copy of the Association's bylaws in compliance with paragraph G; and (iv) a copy of minutes of the Association's annual meeting.

~~k.~~ k. Dispute Resolution: Associations shall conduct grievance and disciplinary hearings in a timely manner and in compliance with USATF and Association governing documents;

~~l.~~ l. Revision to categories: The Organizational Services Committee or the Associations Committee, with notice to the other committee, may propose adding and removing categories and minimum standards, subject to Board approval.

~~m.~~ m. All Association submissions must be accurate and timely

6. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws** to read: "All Associations Bylaws must contain clear and concise provisions related to: 1. Association's Purposes and Duties which reflect the Purposes and Duties of USATF."
7. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 3. Association Elections** to read: "All Association elections for committees, officers and Sport Committee and other chairs shall follow common guidelines and procedures to ensure fairness and openness. These provisions shall include:
 - a. Election notice:
 - i. "Distribution. Notice must be distributed by email. In addition, notice may be distributed by either mail, newsletter, local Association website and/or the USATF website."
8. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 4. Nominating Process** to read:
 - a. Nominating committee option: Use of a nominating committee is optional. If a nominating committee is utilized, all members of that committee are ineligible to be on the slate created and presented to the membership for voting.

b. In-person meeting nominations: Nominations must be allowed from the floor at an inperson election meeting.

c. E-mail nominations. An opportunity to nominate candidates for committees must be allowed via email prior to finalizing the ballot. The process must be clearly explained to the members. The nominating process must not be unduly rigorous.

~~e.~~ d. Mail ballot nomination opportunity: If a mail ballot is used, an opportunity to nominate candidates must be given to all members prior to the finalizing the ballot. The process must be clearly explained to the members. The nominating process must not be unduly rigorous.

~~d.~~ e. Membership and age criteria: A candidate must be a member of the Association who is at least 18 years of age at the start of the term of office.

f. Diversity criteria. Associations must promote diversity of representation in its respective committees and leadership roles. To the extent possible, gender-specific committees must include 50% of that gender (i.e - Association's women's track and field committee must be made of 50% women). To the extent possible, age-specific committees must include 50% that age (i.e. - Association's master's long distance running committee must be made of 50% masters). Members from one club may not make up more than 25% of one committee in an Association. A member may only be an officer and/or committee chair of two (2) committees at any given time.

~~e.~~ g. Nominations and seconds: A candidate needs one (1) nominator and one (1) seconder who are both members.

9. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 6: Voting Options** to read: “Each Association is required to use electronic ballot voting for all membership voting issues, including the nomination and election of committee officers. There are four methods that an An Association may choose to use for elections either of the other three election methods (mail ballot, open meeting ballot, or an open meeting/mail and electronic hybrid ballot) to supplement the email voting method. Association bylaws must clearly state the election procedures to be used. Association bylaws concerning nominations and elections, and the methods for amending them, shall be subject to approval by the Accreditation Subcommittee:

a. Electronic ballot: An electronic ballot (email and/or electronic survey) to all members of an Association:

i. All email ballots must be distributed at the same time. If an electronic survey is being used, the electronic survey must be made available to all members for the same amount of time;

ii. The minimum time allowed for returning an email ballot shall be thirty (30) days;

iii. If using email, the email address must be indicated on the ballot. If using an electronic survey, a member's USATF number must be included in the ballot submission;

iv. The ballots must be held together and remain unopened until the voting panel is assembled, and be counted together by the voting panel; and

v. Any electronic ballot opened/accessed prior to the submission deadline outside the presence of the entire voting panel shall not be counted.

b. ~~Mail or and electronic (fax or email)~~ ballot: An open mail ~~or and electronic ballot (fax or email)~~ to all members of an Association:

i. All ballots must be distributed at the same time;

ii. The minimum time allowed for returning the ballot shall be thirty (30) days;

iii. The return address or fax number must be indicated on the ballot;

iv. The ballots must be held together, must remain unopened--if mail ballots--until the voting panel is assembled, and be counted together by the voting panel; and

v. Any mail ballot opened outside the presence of the entire voting panel shall not be counted.

b. Open meeting ballot: Open meeting ballot where all members of the Association are eligible to attend and vote:

i. Credential disputes must be resolved before the election process is started (i.e. before taking nominations and/or before the report of the nominating committee);

ii. Uncontested elections may be voted by acclamation;

iii. A secret ballot must be used for contested elections; and

iv. Any ballot opened outside the presence of the entire voting panel shall not be counted.

c. Open Meeting/Electronic Hybrid Ballot: An open meeting/electronic hybrid ballot open to all members of an Association:

i. All electronic ballots must be distributed thirty (30) days prior to the vote;

ii. If using email, the email address must be indicated on the ballot. If using an electronic survey, a member's USATF number must be included in the ballot submission;

iii. The ballots must be held together, must remain unopened until the voting panel is assembled, and be counted together by the voting panel;

v. Any electronic ballot opened/accessed prior to the submission deadline outside the presence of the entire voting panel shall not be counted; and

vi. Any member attending the vote in-person who did not previously submit a vote by mail and/or electronic ballots is eligible to vote.

~~c. Balanced meeting ballot: A balanced meeting ballot where only designated members of the Association are eligible to vote:~~

~~i. The Association bylaws must state how a maximum number of available votes will be determined;~~

~~ii. The bylaws must explain how 100 percent of the available votes are divided among the following five constituencies: Active Athletes, coaches, officials, organizational members, and other members (which may include elected officers of the Association);~~

~~iii. The bylaws must guarantee that each constituency above be entitled to a minimum of ten percent (10%) of the votes, except that Active Athletes must receive a minimum of twenty percent (20%);~~

~~iv. Individuals who are eligible to cast a ballot in more than one constituency may only vote once and must choose one constituency in which to vote;~~

~~v. Constituencies with more individuals than votes allowed will be allotted time to caucus before the election to determine the voters or apportionment of votes;~~

~~vi. In an athlete caucus, youth (18-year old), open (non-international ages 19-39), Active Athletes, and masters (40 and above) athletes must each be represented if member athletes are present and available. In such a case, the number of votes granted to each age division above shall be as equal as possible, regardless of the number of athletes present from a division;~~

~~vii. Credential disputes must be resolved before the election process is started (i.e. before taking nominations and/or before the report of the nominating committee);~~

~~viii. Uncontested elections may be voted by acclamation; ix. A secret ballot must be used for contested elections; and~~

~~x. Any ballot opened outside the presence of the entire voting panel shall not be counted.~~

10. Amend **REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 7: Counting of Ballots** to read:

a. Voting panel: A panel of at least three (3) individuals, at least one (1) of whom must be an Active Athlete, shall count the ballots and sign the vote tally. All panel members shall

be at least 18 years old. The panel shall not include any individual who is a candidate for an office.

b. Consultation: The panel may consult with the Association's president, secretary, or parliamentarian—so long as they are not candidates for offices--on procedural matters.

c. Mail ballots: Mail ballots shall only be opened in the entire panel's presence. If circumstances prevent the appointed panel from convening in a timely manner, a new panel meeting the criteria in (a) above may be convened to count the ballots. Any ballots opened outside the entire voting panel's presence shall not be counted.

d. Electronic ballots: Electronic ballots must remain unopened/not accessed until the voting panel is assembled, and be counted together by the voting panel.

III. Rationale

Diversity is a cornerstone of USATF. Nevertheless, Associations across the United States are plagued with homogenous committees/leadership that do not represent their diverse constituencies. The Diversity Bill aims to ensure that diversity is a cornerstone of every Association by requiring Associations to take actionable steps toward diversifying their governing bodies/leadership roles, much like the NFL and other private-sectors have already done.

Specifically, the Diversity Bill seeks to: (1) ensure that Associations' committees are structured to promote diversity; (2) establish and encourage voting options accessible to all members; and (3) hold Associations accountable to promote diversity of representation at all levels of participation in its activities. A summary of each proposed improvement, including the problem the proposed amendment would correct, why the problem exists and how the proposed amendment will correct the identified problem is below.

1. The Diversity Bill Aims to Ensure that Committees are Structured to Promote Diversity.

Associations are the local governing bodies of USATF. Association committees make lasting decisions which affect every member in that Association. Although one of USATF's purposes is to promote diversity of representation, the composition of Association committees often falls quite short of this goal.

On its face, Associations attempt to create governing bodies that include a variety of voices (positions for men, women, masters, open, etc...). However, the way the current USATF Bylaws and Regulations are structured, scenarios often and easily play out where Association committees lack any type of diversity at all. In some situations a certain demographic (i.e., people of the same gender or ethnicity) hold all positions in a committee. For example, the Mid Atlantic Association's long distance running committee and the Southern California Association's masters committee are made entirely of men. In other situations, certain clubs dominate Association's committees. For example in New Jersey, only three clubs are represented in the track and field committee and two of those clubs represent 6/9 members of that committee. While in other scenarios a few people control the fate of many by holding a seemingly unlimited

number of positions (i.e., in Michigan, one person holds five major positions: president, executive chair of membership, executive chair of clubs, sports chair of open track and field, and sports chair of masters track and field; in Central California, two people hold 6/8 major positions within the primary governing body; in Nevada, one person is the president and chair of the distance running committees for both men and women; and in South Texas, Central California, and Nevada, multiple people holding 3-4 committee positions).

The lack of diversity in Association committees isolates groups, stymies communication/ideas and creates echo chambers where decision making is done by a small number that do not represent the whole. This is terrible for the growth of Athletics and USATF - an organization which prides itself on being accessible to anyone regardless of age, gender, race or socio-economic status.

By amending ARTICLE 3 PURPOSES AND DUTIES. B. Duties; ARTICLE 6. ASSOCIATIONS. D. Association Authority; REGULATION 7. ASSOCIATION MATTERS. A. Association Documents. 3. Consistency; REGULATION 7. ASSOCIATION MATTERS. E. Association Accreditation. 1. Standards; and REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws, Associations will be required to report the makeup of committees and demonstrate how the Association is promoting diversity of representation at all levels of participation in its activities, including its committees and leadership.

2. The Diversity Bill Seeks to Establish and Encourage Voting Options that are Accessible to All Members.

Across the United States, Associations are plagued with low engagement at meetings and low interest in Association decision making processes. The Diversity Bill aims to change that by requiring all Associations to make electronic voting (email and/or electronic survey) mandatory.

Currently, many Associations require dues-paying members to attend week-day meetings to vote. This voting structure is inequitable and impedes access to USATF. Practically speaking, open meeting ballots and balanced meeting ballots put clubs headquartered farther from the weeknight meetings at a clear disadvantage over clubs headquartered closer to the meeting. (Why should members of the USATF New England drive five hours away just to vote when they could do this via email?) In addition, open meeting ballots and balanced meeting ballots put younger members and members of low-socioeconomic status at a disadvantage because those members tend to have lower-paying jobs with less traditional hours (evening/overnight shifts, etc...). All dues-paying members should have equal access to voting on major Association issues; geography and financial resources should not be barriers in the USATF voting process.

Voting must be made more accessible to all members. The proposed amendments to ARTICLE 6. ASSOCIATIONS. C. Association Elections; REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 3. Association Elections; REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 4: Nominating Process; REGULATION 7. ASSOCIATION MATTERS. G. Association Bylaws. 6: Voting Options; REGULATION 7.

ASSOCIATION MATTERS. G. Association Bylaws. 7: Counting of Ballots would make electronic voting (email and/or electronic survey) mandatory.

Voting by electronic ballot (email and/or electronic survey) is an efficient, cost-effective approach that is accessible to everyone. Some Associations, such as PA USATF recognize this and have turned to electronic voting methods to ensure that all voices are heard. This should be required of all Associations. Making electronic voting mandatory will allow for greater access and participation by Association members, ensure that one group's agenda is not being promulgated throughout the Association and will promote diversity of representation at all levels of participation.

3. The Diversity Bill Aims to Ensure that Associations are Being Held Accountable to Promote Diversity of Representation at all Levels of Participation in Its Activities.

Overall, the Diversity Bill seeks to ensure that committees and leadership roles adequately reflect each Association's diverse constituencies to ensure that every member has a voice and is being adequately represented in their respective Association. This is not a novel concept.

The NFL and other private sectors have already created regulations to actively promote diversity. In 2003, the National Football League established the Rooney Rule to ensure applicants of color were provided opportunities to interview for head coaching and senior management positions. Inspired by the Rooney Rule, top law firms have adopted the Mansfield Rule which ensure that women and attorneys of color are considered for at least 30 percent of leadership and governance roles, equity partner promotions, and senior lateral positions. Finally, Companies such as Pinterest and Facebook have similar application regulations in place to ensure diversity benchmarks are met.

We are not asking the USATF Law and Legislation Committee to create a bright line rule to ensure that each Association committee is diverse. Rather, we are demanding that the USATF hold Associations accountable to ensure that diversity is actively being pursued in its committees and to force Associations to present evidence that honest efforts are being made to include a wide range of clubs, genders, ages, and ethnicities in their committees.

IV. Constituencies Affected

If passed in full, the Diversity Bill will affect every individual member of USATF, including Associations' committees which dictate how the USATF organizes and operates on a local level. The Diversity Bills aims to promote diversity of representation at all levels of participation in its activities.

V. Constituencies Affected: Estimated Budget Impact

No Impact.

Should you have any questions or need anything clarified, we are available at any time.
Thank you for your consideration.

Respectfully Submitted,



Chuck Schneekloth
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Cc: Norman Wain, USATF General Counsel (via email norman.wain@usاتف.org)

Exhibit A

VIA EMAIL (jimjmurphy1@icloud.com)

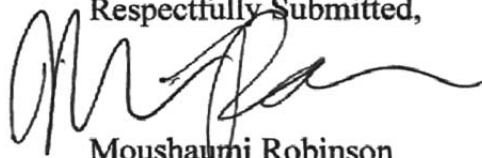
Hon. Jim Murphy
USATF Law & Legislation Chair
USA Track & Field
130 East Washington Street, Suite 800
Indianapolis, Indiana 46204

Re: The Diversity Bill - Garden State Track Club's Proposed Amendments to the Bylaws and Operating Regulations of USA Track and Field ("USATF")

Dear Judge Murphy:

As you are aware, I am member of the USATF Law and Legislation Committee. Pursuant to Article 21(E)(5) of the USATF Bylaws and Operating Regulations, I formally recommend the Diversity Bill, as submitted by Chuck Schneekloth and Michael Rolek on September 4, 2019, for approval by the USATF Law and Legislation Committee. Should you have any questions, or need anything clarified, I am always available.

Respectfully Submitted,



Moushaumi Robinson
USATF Law & Legislation Committee, Member

Dated: 09/04/19

Exhibit B

VIA EMAIL (jimjmurphy1@icloud.com)

Hon. Jim Murphy
USATF Law & Legislation Chair
USA Track & Field
130 East Washington Street, Suite 800
Indianapolis, Indiana 46204

Re: The Diversity Bill - Garden State Track Club's Proposed Amendments to the Bylaws and Operating Regulations of USA Track and Field ("USATF")

Dear Judge Murphy:

As you are aware, I am Chair of the Men's Long Distance Running Committee. Pursuant to Article 21(E)(5) of the USATF Bylaws and Operating Regulations, I formally recommend the Diversity Bill, as submitted by Chuck Schneekloth and Michael Rolek on September 4, 2019, for approval by the USATF Law and Legislation Committee. Should you have any questions, or need anything clarified, I am always available.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'E. Torres', with a long horizontal line extending to the right.

Date: 09/04/19

Edwardo Torres
Chair of the Men's Long Distance Running
Committee