

**THE UNITED STATES LUGE ASSOCIATION
ASSOCIATION INCORPORATION**



**A NEW YORK STATE
NOT-FOR-PROFIT CORPORATION**

BYLAWS

AS OF JUNE 10, 2006

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**ARTICLE I
NON-PROFIT STATUS AND CORPORATE SEAL**

A. **NAME.** The name of this association shall be the United States Luge Association Incorporated (the "Association" or the "USLA").

B. **NON-PROFIT STATUS.** The USLA shall be incorporated under the laws of the State of New York as a not-for-profit corporation; and it shall be so organized so as to qualify as a non-profit, charitable, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code.

C. **EMBLEM AND SEAL.** The USLA's official emblem and seal shall be in such form as may be approved by the National Luge Committee (the "NLC").

**ARTICLE II
OFFICES AND AGENT**

A. **PRINCIPAL OFFICE.** The principal office of the USLA shall be located at 35 Church Street, Lake Placid, New York, 12946, or at such other location as may be approved by the National Luge Committee.

B. **REGISTERED OFFICE.** The principal office of the USLA shall also be its registered office. The registered agent of the USLA at such registered office shall be the Executive Director of the USLA.

C. **OTHER OFFICES.** The USLA may maintain other offices at such locations as may be approved by the Executive Board.

**ARTICLE III
MISSION AND PURPOSES**

A. **MISSION.** The mission of the USLA, in the Spirit of the Olympic Movement, is to provide for the Achievement of Athletic Excellence in the Sport of Luge, with the Highest Degrees of Sportsmanship, Honor, Dedication and Victory as the Standard.

B. **PURPOSES.** The purposes of the Association are to serve as the National Governing Body (the "NGB") for the sport of luge in the United States as recognized by the United States Olympic Committee (the "USOC"), and as the affiliate organization in the United States of the International Luge Federation (the "FIL") and, in so doing, to advance luge competition in the United States and internationally, consistent with the mission of the USLA. In connection with such purposes, the USLA shall:

- (1) serve as the coordinating body for athletic activity in the sport of luge in the United States;
- (2) develop interest and participation in luge events and competitions throughout the United States and be responsible to the persons and sports organizations that the USLA represents;
- (3) promote and encourage physical fitness and public participation in luge in the United States, and the education of the public with respect thereto;
- (4) assist organizations and individuals concerned with the development of luge;
- (5) establish national goals related to luge and encourage the attainment of those goals;

- (6) establish a written procedure to fairly select athletes, coaches, and team leaders in the Olympic Games which, after having been approved by the USOC, shall be disseminated as early as possible to the athletes, coaches and team leaders pursuant to procedures promulgated by the Chief Executive Officer of the USOC;
- (7) select site(s) and date(s) for individuals to attempt to qualify for Olympic Games Teams;
- (8) recommend individuals and teams to the USOC to represent the United States in the Olympic Games;
- (9) nominate coaches, team leaders and other team officials to the USOC for appointment to the Olympic Team;
- (10) designate individuals and teams to represent the United States in international luge competition (other than the Olympic Games), and certify, in accordance with applicable international rules, the eligibility of those individuals and teams;
- (11) develop and implement a current plan for training Olympic Team members in luge;
- (12) formulate and adopt budgets for development, team preparation, and team selection expenses;
- (13) recommend a program for use of USOC Training Centers;
- (14) screen and recommend athletes for participation in the USOC Job Opportunities Program;
- (15) recommend athletes for consideration of awards under the USOC Medical Scholarship Program if so requested;
- (16) nominate persons for appointment to standing committees of the USOC as requested;
- (17) prepare the requirements of the USLA for submission to the Chief Executive Officer of the USOC or designate in each of the following areas to service the Olympic Team--
 - (a) apparel, supplies and equipment;
 - (b) food and housing;
 - (c) medical and training services;
 - (d) tickets; and
 - (e) transportation;

- (18) participate in the activities of the FIL and carry out those responsibilities required by the FIL;
- (19) minimize, through coordination with other sports organizations, conflicts in the scheduling of all luge events;
- (20) keep member athletes informed of matters involving luge, including policy matters; and reasonably reflect the views of such athletes in its policy decisions;
- (21) present to the USOC, if so requested, the organizational structure within the USLA designated to carry out its Olympic Games responsibilities;
- (22) authorize or approve all programs required to be submitted to the USOC prior to submission to the USOC for review and approval;
- (23) adopt and submit to the USOC the procedure whereby it will elect its representative(s) to the USOC Board of Directors;
- (24) disseminate and distribute, or otherwise make readily available to luge athletes, coaches, trainers, managers, administrators, and officials, in a timely manner, the applicable rules and any changes to such rules of the USLA, the USOC, the FIL and the International Olympic Committee (the "IOC");
- (25) promptly review every request submitted to it by an organization or person for approval: (1) to hold an international luge competition in the United States; or (2) to sponsor United States luge athletes to compete in an international luge competition held outside the United States, and determine whether to grant such approval in accordance with the sanctioning provisions of the Ted Stevens Olympic and Amateur Sports Act and the USOC Constitution and Bylaws;
- (26) allow a qualified luge athlete to compete in any international luge competition conducted under its auspices or that of any other luge sports organization or person, unless the USLA establishes that its denial was based on evidence that the organization or person conducting the competition did not meet the requirements stated in the Ted Stevens Olympic and Amateur Sports Act and the USOC Constitution;
- (27) provide equitable support and encouragement for participation by minorities, including women;

- (28) encourage and support programs and competitions in the sport of luge for athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such athletes in programs of athletic competition for able-bodied athletes;
- (29) provide and coordinate technical information to coaches and/or athletes on physical training, equipment design, coaching, and performance analysis;
- (30) encourage and support research, development, and dissemination of information to coaches and/or athletes in the areas of sports medicine and sports safety;
- (31) foster the development of athletic facilities for use by luge athletes training for luge competitions and assist in making such facilities available to such athletes;
- (32) protect the right of opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in athletic competition in luge events; and
- (33) provide for the swift and equitable resolution of conflicts and disputes involving its members.

ARTICLE IV POWERS

The USLA, in furtherance of its mission and purposes, shall have the right to exercise all powers permitted by the State of New York including, but not limited to, those enumerated in Section 202 of the Not-For-Profit Corporation Law of the State of New York, and more specifically, except as may be limited by the foregoing, the power:

- (1) to encourage, solicit, seek and accept contributions of services and of money and property, real and personal, tangible and intangible, restricted, designated or unrestricted, and to maintain, use and apply the whole or any part thereof (income and principal) to or for the benefit of the mission and purposes of the USLA;
- (2) to enter into contracts with other persons and corporations under which the USLA would carry out any and all of the above activities; and

- (3) to carry on any activity and to deal with and expend any such property or income therefrom for any of the foregoing purposes, without limitation, except such limitations, if any, imposed upon the use of such property, or any portion thereof, by the donor, the Certificate of Incorporation, or any other limitation prescribed by law,

provided, however, that the USLA shall not engage in any activity not permitted by a corporation exempt from Federal income tax under Section 501(c) (3) of the Internal Revenue Code of 1986, and provided, further, that no part of the net earnings of the USLA shall go or inure to the benefit of any member, director, officer or private individual.

ARTICLE V MEMBERSHIP

- A. **CONDITIONS.** Membership in the Association shall be open to:
 - (1) any individual who is an athlete, coach, trainer, manager, administrator or official active in the sport of luge;
 - (2) any organization which conducts luge competitions or other programs or events in the sport of luge on a national or regional level; and
 - (3) such other individual who, or organization which, has an interest in the sport of luge;

and who (a) subscribes to the purposes of the Association, as such purposes are set forth in the Certificate of Incorporation and Bylaws of the Association; (b) makes a yearly contribution (except Life Members) in support of such purposes; and (c) who conforms to the USLA Code of Conduct and similar rules which may be adopted from time to time by the USLA. The National Luge Committee may establish various classes of membership based on the amount of contributions made to the USLA or on other

criteria designated by the NLC, and the NLC may determine the voting rights, if any, of any one or more of such classes of membership.

B. **NON-DISCRIMINATION.** Membership is open to qualified groups, clubs, associations and individuals without discrimination on the basis of race, color, religion, gender, age, marital status, disability, sexual orientation or national origin.

C. **INDIVIDUAL APPLICATION.** Any individual desiring to become a member of the USLA shall submit a completed membership application to the USLA, in a form prescribed by the Executive Board or its designate, indicating which membership division and class he or she is eligible for and wishes to join (together with evidence of eligibility of the applicant for such membership division and class), along with payment to the USLA in the amount appropriate for the membership group.

D. **ORGANIZATION APPLICATION.** Any organization desiring to become a member of the USLA shall submit a completed membership application to the USLA in a form prescribed by the Executive Board or its designate. Such application shall set forth, at a minimum, the identity of the division in which membership is sought and the qualifications of the applicant for such membership division. The Executive Director shall promptly review the application and then forward it, together with an assessment of the qualifications of the applicant and a recommendation with respect to the application, to the NLC. Final decision on applications by organizations for membership in the USLA shall be the responsibility of the National Luge Committee at its Annual Meeting.

E. **LIMITATION.** Membership is required before any group, club, association or individual receives any formal level of service, assistance, or benefit from the USLA, either specified in these Bylaws, by policy, or elsewhere, unless specifically indicated otherwise in the Bylaw or policy or mandated as a condition of membership by either the USOC or FIL.

ARTICLE VI DIVISIONS AND CLASSES OF MEMBERSHIP

The following Divisions and Classes of membership within the USLA reflect the various segments of interest and degrees of member commitment. The Executive Director shall ensure that each applicant has registered in the correct Division and Class.

A. ATHLETE DIVISION.

- (1) Class A: Members include the current Senior National Team; the Senior National Team Select; the Junior National Team; the Junior National Team Select; and members of the most recent Olympic Team. U.S. Citizenship or Permanent Residency (as noted in the next sentence) is required. Permanent residents are only eligible provided their waiting period for citizenship as defined by the U.S. Immigration and Naturalization Service (the “INS”) will expire prior to the next Olympic Games.
- (2) Class B: Members include luge athletes not qualified for Class A, but who wish to enroll in a current USLA development program leading to the National Team level. These athletes must have actively participated in a sanctioned athletic program of the USLA within the previous or current season or have represented the United States in the Olympics, World Championships, or World Cup Races (hereinafter referred to as Major International Luge Competition) within the preceding ten (10) years. U.S. Citizenship or Permanent Residency (as noted in the next sentence) is required. Permanent Residents are only eligible provided their waiting period for citizenship as defined by the INS will expire prior to the next Olympic Games.

- (3) Class C: Members include luge athletes not currently qualified for Class A, or not qualified or interested in Class B, but who have actively engaged in a sanctioned athletic program of the USLA within the previous or current year. U.S. Citizenship or Permanent Residency (as noted in the next sentence) is required. Permanent Residents are only eligible provided their waiting period for citizenship as defined by the INS will expire prior to the next Olympic Games.
- (4) General: Luge athletes who do not fulfill any of the above three requirements for classes will be placed in this category, but will not be allowed voting privileges.
- (5) Youth: Luge athletes under the age of 15 who do not fulfill any of the requirements for (1), (2), or (3) will be placed in this category, but not allowed voting privileges.

B. NON-ATHLETE DIVISION.

- (1) General: Includes individuals who wish to support the sport of luge; retired athletes; volunteers; race officials; ineligible luge athletes; and anyone else who does not qualify for the Athlete Division or one of the non-athlete classes set forth below.
- (2) Special: Includes individuals who provide financial support at specified levels above the basic membership fee. The categories for the fees in this class may include, but are not limited to, titles such as Associate Member, Sustaining Member, Benefactor, and Founder.
- (3) Life: Includes individuals who have paid an established one-time fee. These individuals may be considered either an athlete or a non-athlete, depending upon the individual's qualifications each year.
- (4) Honorary: Includes individuals who have in some special way distinguished themselves and merit this unusual recognition. Membership may be given by the USLA for a set length of time, up to life, to be determined upon the acceptance of the application. Only current organizational members of the USLA or USLA staff may submit applications for membership in the Non-Athlete Honorary Division.

C. **CLUB DIVISION.**

- (1) There shall be a Sport Club class of membership.
 - (a) Sport Clubs shall include luge organizations that are committed to furthering the mission of the USLA, and that:
 - (i) conduct recruitment and development activities in accordance with all applicable USLA policies as established by the Executive Board;
 - (ii) have a minimum active membership of forty (40) people;
 - (iii) serve a distinct constituency of people that is not already substantially and responsibly served by any other USLA Club or Sport Organization, as defined in Article VI of these Bylaws, with such constituency to be delineated by geography, discipline (e.g., kunstbahn, naturbahn, officials, masters, disabled athletes, street luge, etc.), or other relevant factors; however, this section (iii) does not apply to the clubs currently based in Marquette and Negaunee as of June 2004 in relation to only each other; and
 - (iv) satisfy all administrative and programmatic requirements of the Executive Board, which may be amended from time to time.
 - (b) Any Sport Club that satisfies all of the requirements from (a) above as of sixty (60) days before the Annual Meeting of the NLC (the “Club Assessment Date”) shall have the status “in good standing”.
 - (c) Sport Clubs shall have the status “on probation” if, as of the Club Assessment Date, the Club:
 - (i) has the status “in good standing” and fails to satisfy any one requirement from (a) above; or
 - (ii) has the status “in good standing” and fails to satisfy any two or more requirements from (a) above, but satisfies requirement (a)(i) above (relating to recruitment and development activities).
 - (d) Sport Clubs shall cease to have Sport Club membership if, as of the Club Assessment Date, the Club:

- (i) has the status “on probation” and fails to satisfy any one requirement from (a) above; or
 - (ii) fails to satisfy any two or more requirements from (a) above, and fails to satisfy requirement (a)(i) above (relating to recruitment and development activities); or
 - (iii) has less than twenty (20) active members.
- (e) Any sport Club that has its membership ceased, but satisfies all of the requirements for Recreational Club membership from (2)(a) below, shall be granted Recreational Club membership and shall have the status that would have been determined if the Club had been assessed as a Recreational Club on the Club Assessment Date.
- (2) There shall be a Recreational Club class of membership.
- (a) Recreational Clubs shall include luge organizations that;
 - (i) have a minimum active membership of twenty (20) people;
 - (ii) serve a distinct constituency of people that is not already substantially and responsibly served by any other USLA Club or Sport Organization, as defined in Article VI of these Bylaws, with such constituency to be delineated by geography, discipline (e.g. kunstbahn, naturbahn, officials, masters, disabled athletes, street luge, etc.), or other relevant factors; and
 - (iii) satisfy all administrative and programmatic requirements of the Executive Board, which may be amended from time to time.
 - (b) Any Recreational Club that satisfies all of the requirements from (a) above as of sixty (60) days before the Annual Meeting of the NLC (the “Club Assessment Date”) shall have the status “in good standing”.
 - (c) Recreational Clubs shall have the status “on probation” if the Club fails to satisfy any one requirement from (a) above as of the Club Assessment Date.
 - (d) Recreational Clubs shall cease to have Recreational Club membership if, as of the Club Assessment Date, the Club:

- (i) has the status “on probation” and fails to satisfy any requirement from (a) above; or
 - (ii) fails to satisfy any two or more requirements from (a) above.
- (3) All changes in membership class and/or status that are determined under the provisions of sections (1) or (2) above shall take effect immediately after the adjournment of the next Annual Meeting of the NLC following such determination. Any Club that ceases to have Club membership that wishes to reapply for USLA membership must do so in accordance with Article VI (F)(3) of these Bylaws.
- (4) If as any Club Assessment Date two or more clubs claim to serve the same constituency, priority with respect to membership requirements will be given first to the Club that has responsibly served that constituency the longest, if such length can be conclusively determined; second to the Sport Club, if there is only one; and third by vote of the NLC.
- (5) Any Club that wishes to apply for a different class of membership in the Club Division must do so in accordance with Article VI (F)(3) of these bylaws.
- (6) The NLC may terminate the membership of any Club by majority vote.
- (7) The Executive Board may, with cause, temporarily suspend any Club’s membership and USLA-provided service, assistance, or benefits as described in Article V (E) of these Bylaws. Such suspension shall not extend to any applicable NLC representation. The Executive Board shall notify the NLC of any such suspension, including the rationale for the suspension and any actions needed to be taken to lift the suspension, within sixty (60) days of the suspension.
- (8) With respect to Sport Club requirement (1)(a)(i) above, “applicable USLA policies as established by the Executive Board” shall not include those not in effect at the commencement of the fiscal year in which the Club Assessment Date occurs, unless mutually agreed to by the Club and the Executive Board or required by law.
- (9) Priority shall be given to Sport Clubs over Recreational Clubs for any formal level of USLA-provided service, assistance, or benefit as described in Article V (E) of these Bylaws.

D. CORPORATE DIVISION. Includes firms or companies (for-profit or not-for-profit) which pay a supporting membership fee or provide in-kind services to the USLA. Members in this division are not eligible for representation on the National Luge Committee. Only current organizational members of the USLA or USLA staff may submit applications for membership in the Corporate Division.

E. SPORT ORGANIZATION DIVISION. Includes any official recognized organization, other than Club Division members, which conducts a national program, or a regular national athletic competition, in the sport of luge on a level of proficiency appropriate for the selection of athletes to represent the United States in international luge competition.

F. ACCEPTANCE (RELATIVE TO ALL DIVISIONS).

- (1) Acceptance to the following classes will be by the signature of the Executive Director or his/her representative: Athlete Division (all classes); Non-Athlete Division (General, Special, and Life); and Corporate Division.
- (2) Honorary memberships for five (5) years or less may be approved by the Executive Board. Honorary membership for five (5) years or longer must be approved by the National Luge Committee.
- (3) Clubs and Sport Organizations will become members upon a vote of acceptance by the National Luge Committee at its Annual Meeting following review by the Executive Director or his/her designate of all the documents prescribed by the Executive Board. Once accepted, a club need not apply for membership again, unless required to do so by the National Luge Committee.

**ARTICLE VII
NATIONAL LUGE COMMITTEE**

A. DUTIES. The National Luge Committee shall have the authority, in accordance with the terms of these Bylaws to:

- (1) elect the Officers of the USLA;
- (2) elect four (4) At-large Members of the NLC;
- (3) enact, amend or repeal the Bylaws;
- (4) admit new members as provided for in these Bylaws;
- (5) reclassify and terminate the membership of members as provided for in these Bylaws;
- (6) receive, review and act on the reports and/or recommendations of the Executive Board, the Executive Director and of all Standing Committees or persons concerning the activities of the USLA;
- (7) determine the fiscal year of the USLA;
- (8) approve the USLA annual budget;
- (9) take such other action as is customary and proper for the members of a non-profit corporation.

B. **COMPOSITION.** The National Luge Committee shall be composed of the following organizational representatives or individuals and at least twenty-five percent (25%) of the membership of the NLC must be Athlete Representatives as that term is defined by the USOC (presently Chapter XXII, § 7 of the Bylaws of the USOC). All NLC members must be U.S. citizens, except in the case of the Athlete Division, where the definitions for the various Athlete Division Classes will take precedent over the primary citizenship requirements. The National Luge Committee shall be comprised of:

- (1) The four (4) Officers of the USLA: President, Vice-President, Secretary and Treasurer. These individuals shall be elected and hold positions on the NLC in accordance with Article VIII of these Bylaws. Each Officer's term shall expire at the specific point in the Annual Meeting when the NLC election for their specific position is opened. In any event, any and all nominated individuals for an officer position may not vote in their own election;

- (2) Four (4) At-Large Members elected each year by the NLC, by majority vote, during the Annual Meeting of the NLC. The annual term of office of these four At-Large Members shall commence immediately upon their election by the NLC; and their term shall expire at the point in the following year's Annual Meeting when the NLC elections for At- Large Members is opened. In any event, any and all nominated individuals for members at large may not vote in their own election. Of the four At-Large Members, one (1) must have a background in the education profession, one (1) must be an active athlete, and the other two (2) members must come from within the general membership of the USLA;
- (3) At least four (4) but not more than six (6) At-Large Members appointed each year by the Executive Board from within the general membership of the USLA. The four (4) that are “required” shall serve on only the NLC, with each term expiring at the completion of the following year's Annual Meeting. Of these four (4) members, one (1) must be a formerly active athlete, one (1) must be a current race official, and the other two (2) must come from within the general membership of the USLA. The Executive Board is also entitled to elect, upon the nomination of the President, up to two (2) additional At- Large Members from within the general membership of the USLA to serve on both the NLC and the Executive Board for two-year terms, concurrent with that of the President;
- (4) One (1) Non-Athlete Representative who has served as a race official at any USLA-sanctioned race within the preceding two (2) years, to be elected by those non-athlete members registered with USLA;
- (5) Sport Club representatives, one (1) member selected by each of the Sport Clubs represented in the Club Division;
- (6) One (1) individual elected by each of the Non-Club Sport Organizations which is a member of the USLA;
- (7) The immediate past president of USLA; and
- (8) Athlete Representatives elected by the athlete members of the USLA as provided for in Article XIV of these Bylaws, including the two (2) athletes (representative and alternate) elected by the athletes to represent the USLA on the USOC's Athletes' Advisory Council (the “AAC”) in a number sufficient to bring the total athlete representatives on the NLC of athletes elected by athletes to 25%.

C. **PROCEDURES.**

- (1) Regular Meetings: The NLC shall meet at least one (1) time per fiscal year. One meeting per year shall be designated the Annual Meeting of the NLC (the "Annual Meeting"), which shall be scheduled during the final two months of the fiscal year. The agenda of the Annual Meeting shall include elections as required, any proposed Bylaw changes, and shall include the approval of the annual budget. For the purpose of these Bylaws, a "year" will be defined as the period of time from the Call to Order of one Annual Meeting to the Call to Order of the next immediate Annual Meeting.
- (2) Special Meetings: Special Meetings of the NLC may be called at any time and for any purpose by the President; or at the request of at least four (4) members of the Executive Board to include at least one (1) Athlete Representative, or at the request of at least seven (7) members of the NLC to include at least one (1) Athlete Representative.
- (3) Notice: Preliminary notice of the Annual Meeting and any Special Meeting and its agenda shall be distributed ninety (90) days before each respective meeting date and shall include a request for: agenda items, declarations by candidates to run for any applicable Officer positions of the USLA, and any Bylaw changes. Agenda items, declarations of candidacy, and proposed Bylaw changes must reach the Secretary at least sixty (60) days before the meeting. Final notice of these meetings, as set by the Executive Board, will be issued to each member at least thirty (30) and not more than sixty (60) days in advance of the meeting and shall include the place, date, time and agenda of the meeting along with any proposed bylaw changes and declarations of candidacy. Any requested agenda item must include a background statement, the actual resolution, and any budgetary impact.
- (4) Quorum: A quorum shall be constituted by the presence of at least a majority of the members of the NLC, one of whom must be an Athlete Representative; provided, however, that at least 25% of the voting power of those present is allocated to the Athlete Representative(s) present. Once a quorum is established, it shall not be broken by subsequent withdrawal of any member.
- (5) Voting: Each member of the NLC shall be entitled to only one vote. At any meeting duly called and held, a majority of the votes cast at such a meeting, upon a given question by the delegates entitled to vote thereon, who are present in person, shall decide such a question. There shall be no voting by proxy.

- (6) Elections And Appointments: No limit may be imposed on the number of nominations made from the floor for any position; however, anyone wishing to run for one of the four (4) Officer positions that did not declare his/her candidacy sixty (60) days in advance of the Annual Meeting as prescribed in these bylaws must receive a two-thirds vote from the floor before being considered a nominee for an applicable Officer position. Nominees need not be current members of the NLC. All nominated individuals, and appointed individuals (i.e., club representatives) must be and continue to be USLA members. All elected positions shall be filled on the basis of a majority vote of the members present and eligible to vote in the affirmative. NLC members may vote for as many nominees as positions being filled in each round of voting. In the event that no nominee receives a majority of votes cast, the nominee(s) receiving the lowest number of votes will be eliminated and a new vote will be taken amongst the remaining nominees. This process will be repeated until the winner(s) receive a majority of the votes cast. In the event of a tie, the tie will be broken on the basis of a vote of only the Athlete Representatives of the NLC that are present. The winner must then receive a majority of the votes cast by the Athlete Representatives. No nominee may be discriminated against on the basis of race, color, religion, gender, age, marital status, disability, sexual orientation or national origin.
- (a) Paid Staff: Paid Staff members of the USLA (defined as any individual that receives payment for services rendered that exceeds 13 weeks in any calendar year) may not hold any elected position within the USLA.
- (7) Open/Closed Sessions: NLC meetings shall be open to all USLA members; however, an executive (or closed) session of the NLC may be held if requested by a majority vote of the NLC.
- (8) Rules Of Order: The rules contained in Robert's Rules of Order shall govern the USLA in all cases to which they are applicable and in which they are not inconsistent with the Bylaws of the USLA. All meeting agenda items must be requested in advance, as specified in Article VII (C)(3) of these Bylaws. No other item of business will be considered at any NLC meeting unless approved by at least a two-thirds vote of the NLC.

ARTICLE VIII OFFICERS

A. **GENERAL.** The officers of the USLA, who shall have, in addition to the specific powers stated in this Article VIII, such powers as generally are conferred upon them by law, shall be as follows:

- (1) President: The President acts as Chairperson of the Executive Board. He/she shall preside at all meetings of the NLC and the Executive Board and is a non-voting ex officio member of all Standing or Ad hoc Committees. In periods between meetings of the Executive Board or the NLC, he/she may interpret the Bylaws with the advice of members of the Executive Board. The President shall, with the approval of the Executive Board, appoint all Ad Hoc committees and shall have the power to remove a member of any such committee as he/she deems necessary for the best interests of the USLA. He/she shall recommend all representatives to allied bodies (including to the Board of Directors of the USOC) whose selection is not specified elsewhere in the Bylaws, subject to a vote of approval by the Executive Board. The President shall perform such other duties as may be assigned by the NLC.
- (2) Vice-President: In the absence of the President, the Vice- President shall, in general, have the powers and perform the duties of the President. The Vice-President shall discharge such other duties as may be assigned by vote of the NLC, the Executive Board, or by the President.
- (3) Treasurer: The Treasurer shall oversee the care and custody of all funds, assets and securities of the USLA. He/she shall keep, or cause to be kept, complete and accurate accounts of receipts and disbursements of the USLA. He/she shall deposit, or cause to be deposited, all monies and other valuable effects of the USLA in the name of, and to the USLA, in such banks or depositories as the Executive Board may designate. Whenever required by the NLC, the Treasurer shall render a statement on the USLA accounts. The Treasurer shall, at all reasonable times, exhibit the books and accounts of the USLA to any Officer or member of the NLC.
- (4) Secretary: The Secretary shall be responsible for issuing, or causing to be issued, official notice of all meetings of the USLA, and for performing such other duties as may be directed by the President. The Secretary shall also be responsible for the recording of all minutes at NLC and Executive Board meetings. Minutes from NLC meetings must be distributed to the members of the NLC in draft form no later than thirty (30) days after the completion of the NLC

meeting. Minutes from Executive Board meetings must be distributed to the members of the NLC promptly after approval by the Executive Board.

B. ELECTION AND TERM OF OFFICERS.

- (1) The President, Vice-President, Treasurer, and Secretary shall be elected by the members of the NLC. The election for the President will take place at the Annual Meeting that takes place following the Winter Olympic Games. The election for the Vice President and Treasurer will take place at the Annual Meeting that takes place in odd numbered years. The election for the Secretary will take place at the Annual Meeting that takes place in even numbered years. The place of the election on the Annual Meeting's agenda shall be immediately preceding adjournment. No individual may serve as an officer of the USLA unless he or she is a member in good standing of the USLA.
- (2) The term of office for the President shall be four years, commencing at the completion of the election for this office. The term of office for the Vice-President, Treasurer, and Secretary shall be two years, commencing at the completion of the election for the applicable office. In no case may a President be reelected if, in the course of the term under consideration, he or she would begin his or her tenth consecutive year in office.

C. VACANCIES.

- (1) Should an officer resign, die, be removed from office or otherwise become unable to complete a term for any reason, an interim replacement may be appointed by majority vote of the Executive Board until the next meeting of the NLC, when the vacancy shall be filled for the remainder of the term by a majority vote of the NLC.
- (3) Notification of vacancies should be made to the NLC within fourteen (14) days of the vacancy. In those cases where a vacancy occurs less than thirty (30) days prior to the next NLC meeting, the NLC must be notified as soon as possible.

**ARTICLE IX
NON-ATHLETE REPRESENTATIVE TO THE NLC
AND EXECUTIVE BOARD**

A. **ELECTION AND TERM.** Those members registered with the USLA in the Non-Athlete Division shall elect one (1) representative from their ranks who has served as a race official (and is also registered as a non-athletic member) at any USLA sanctioned race in the preceding two (2) years to serve on the NLC for a two (2) year term. This election is to take place within sixty (60) days but not less than thirty (30) days prior to the Annual Meeting which occurs in even numbered years but only after nominations have been sought in the period within ninety (90) days but not less than sixty (60) days prior to the Annual Meeting. The deadline date for any nomination or election shall be based on the last date which nominations or ballots may be received in the USLA office, either by hand or by mail (and not the postmark). Nominations only may also be done by other electronic means. For ballots, the voter's signature must be written on the envelope for verification purposes. This Non-Athlete Representative shall also sit on the Executive Board for a two-year term of office with his/her duties to commence immediately following the election. If one and only one individual expresses an interest to run in this election by the prescribed deadline, there will be a ballot distributed to the eligible voters for this election, and a choice of "yes" or "no" will be offered.

B. **VACANCY.** Should the Non-Athletic Representative position become vacant for any reason, the following will occur depending upon the amount of time left in the unexpired term: If more than six (6) months remain in the term, a new election will be held in line with the guidelines laid out in Section A. If less than six months remain in the term, the Executive Board shall elect an active race official, who

is also registered in the Non-Athlete Division of the USLA, to fill out the remainder of the term.

**ARTICLE X
CLUB REPRESENTATIVES ON THE NLC**

A. **SELECTION.** The various USLA Sport Clubs that qualify as such under Article VI (C) (1) of these Bylaws, shall be entitled to select, prior to the Annual Meeting, one (1) delegate and one (1) alternate to the NLC. The USLA must be notified of the individuals' names not less than thirty (30) days prior to the Annual Meeting.

B. **TERM AND SUBSTITUTION.** The Club Representatives will begin their one (1) year term immediately following their election; however, each Club Representative may be substituted for at any time by its respective club upon notice to the USLA.

**ARTICLE XI
REPRESENTATION OF SPORT
ORGANIZATIONS ON NLC**

Each Sports Organization that qualifies as a member of the USLA under Article VI (E) of these Bylaws shall be entitled to select, prior to the Annual Meeting, one (1) delegate and one (1) alternate to the NLC. The USLA must be notified of the individual's names not less than thirty (30) days prior to the Annual Meeting.

**ARTICLE XII
PAST PRESIDENT OF THE USLA**

The immediate past President shall be a voting member of the NLC.

ARTICLE XIII
ATHLETE REPRESENTATION ON THE USLA
"DESIGNATED" AND "NON-DESIGNATED" COMMITTEES

A. **DESIGNATED COMMITTEES.** There shall be at least 25% athlete representation on the USLA National Luge Committee, Executive Board, National Team Committee, and all committees which prepare, approve or implement programs in the following areas: (1) the expenditures of funds allocated to the USLA by the USOC; and (2) the selection of all international and Olympic Team members, including athletes, coaches, administrators and sports staff (hereinafter collectively called "Designated Committees"). There shall be at least 20% athlete representation on all Hearing Panels empowered to hear and resolve complaints and/or grievances.

B. **STANDARDS.** Athlete Representatives on the USLA National Luge Committee, Executive Board and other Designated Committees and those that vote for them shall meet the following standards:

- (1) At least one-half of the individuals serving as Athlete Representatives shall have competed in the USLA's events or disciplines that are on the program in the Olympic Games;
- (2) Up to one-half of the individuals serving as Athlete Representatives may have competed in an event or discipline not on the program of the Olympic Games, provided that such event or discipline is recognized by the FIL or is regularly included in the international competition program of the FIL; and
- (4) at the time of election, all USLA Athlete Representatives shall have demonstrated their qualifications as athletes by having:
 - (a) within the ten (10) years preceding election, represented the United States in the Olympic Games, an Operation Gold event, or a World Championship recognized by the FIL for which a competitive selection process was administered by the USLA; or

- (b) within the twenty-four (24) months before election, demonstrated that they are actively engaged in amateur athletic luge competition by having finished in the top half of the USLA's National Championships for the events specified in subparagraphs (1) or (2) above.

C. **NON-DESIGNATED COMMITTEES.** There shall also be at least 25% athlete representation on all USLA Non-Designated committees, which as the term is defined by the USOC, means all other committees that are not Designated Committees. Qualification as an Athlete Representative on all USLA Non-Designated committees and those that vote for them shall be determined as follows:

- (1) At least one-half of the individuals serving as Athlete Representatives shall have competed in the USLA's events or disciplines that are on the program in the Olympic Games;
- (2) Up to one-half of the individuals serving as Athlete Representatives may have competed in an event or discipline not on the program of the Olympic Games, provided that such event or discipline is recognized by the FIL or is regularly included in the international competition program of the FIL; and
- (3) At the time of selection, all athlete representatives under Article XIV (C) shall have demonstrated their qualifications as athletes by having:
 - (a) within the ten (10) years preceding election, represented the United States in the Olympic Games, an Operation Gold event, or a World Championship recognized by the FIL for which a competitive selection process was administered by the USLA; or
 - (b) within the twenty-four (24) months before selection, demonstrated that they are actively engaged in amateur athletic luge competition by virtue of being classified as a Class A or Class B Member within the Athlete Division, or a Class C Member within the Athlete Division who competed in the National Championships and/or National Seeding Races.

D. **APPOINTMENTS & APPROVAL.** Any individual proposed to be appointed to serve as an Athlete Representative on any USLA Advisory Board, Special Committee or Hearing Panel, where such athlete is not elected directly by athletes eligible to vote, must be approved by at least a majority of the Athlete Representatives on the NLC.

E. **EXPENSES.** The reasonable transportation expenses incurred by the Athlete Representatives to attend USLA Committee meetings shall be borne by the USLA.

F. **BOARD AND COMMITTEE ELECTION.** The election of the Athlete Representatives to the Executive Board, National Team Committee, Racing Committee, and the Athlete Representatives to the NLC, as appropriate, shall take place within sixty (60) days but not less than thirty (30) days prior to the Annual Meeting but only after nominations have been sought in the period within ninety (90) days but not less than sixty (60) days prior to the Annual Meeting. The deadline date for any nomination or election shall be based on the last date which nominations or ballots may be received in the USLA office, either by hand or by mail (and not the postmark). Nominations only may also be done by other electronic means. For ballots, the voter's signature must be written on the envelope for verification purposes. The newly elected Athlete Representatives shall assume their duties immediately following their election.

G. **BOARD AND COMMITTEE TERM.** The election of the female athlete representative to the Executive Board, Racing Committee, and National Team Committee shall occur during odd numbered years while the election of the male athlete representative to the Executive Board, Racing Committee, and National Team

Committee shall occur during even numbered years. The one (1) (male or female depending upon the year) Executive Board, Racing Committee, and National Team Committee Athlete Representative shall be elected on separate ballots. The candidate with the greatest number of votes will be seated for the respective two (2) year Executive Board, Racing Committee, and National Team Committee term. The athletes shall vote for one (1) candidate on these ballots.

H. **NLC ELECTION AND TERM.** The election of the Athlete Representatives to the NLC shall take place on a second ballot with those athletes receiving the greatest number of votes assuming a seat on the NLC as is necessary to insure 25% representation of the NLC as stated in this Article. These representatives shall be seated for a two (2) year term. Additional alternates will be added or subtracted at any time necessary to insure 25% representation by athletes on the NLC. The athletes shall vote for at least two (2) athletes on this ballot, or 10% of the NLC membership (rounded to the lowest whole number) at the time of the mailing of the ballots (or the election if there is no election by mail), whichever is higher. The election of the Athlete Representatives to the NLC shall take place in even numbered years.

I. **ONE NOMINEE ONLY.** If one (1) and only one (1) individual expresses an interest to run in any election referenced in this Article, by the prescribed deadline, there will be a ballot distributed to the eligible voters for that particular election, and a choice of "yes" or "no" will be offered.

J. **NO NOMINEES.** If no athlete expresses an interest to run in the election for the Executive Board, Racing Committee, or National Team Committee Athlete Representative seat open in a particular year, a second election process must be initiated, except the requirement for the position to be gender specific will be dropped.

After a second round of nominations, if still no one has chosen to run for the relevant Executive Board, Racing Committee, or National Team Committee Athlete Representative seat, the seat will remain vacant until (a) either the vacancy can be filled as per this Article XIV, Section K. below, or (b) for one (1) year, at which time a new nomination process will be started to fill out the remainder of that position's term.

K. **VACANCY.** Should an Athlete Representative to the Executive Board, Racing Committee, or National Team Committee become unable to complete a term for any reason, or Article XIV, Section J above occurs, an interim replacement shall be appointed by a majority vote of the Athlete Representatives making up what is hereinafter known as the Athlete Council. This interim replacement shall hold this position until an athlete meeting (with all national teams present) can be conducted to elect a new representative for the remainder of the term. If an Executive Board Athlete Representative, who is in the last year of his or her term, vacates his/her position on or after October 1, the interim replacement selected by the Athletes Council shall be the replacement for the remainder of that term. Notification of vacancies shall be made to the Athlete's Council and to the Executive Board within fourteen (14) days of the vacancy. The Athlete's Council shall then appoint the interim replacement within fourteen (14) days of their notification.

**ARTICLE XIV
EXECUTIVE BOARD**

A. COMPOSITION.

- (1) The Executive Board shall be composed of
 - (a) the four Officers of the NLC;
 - (b) two Athlete Representatives (one (1) male and one (1) female) elected by eligible athletes;
 - (c) one (1) Non-Athlete Representative who have served as a race official at any USLA – sanctioned race within the preceding two (2) years; and has been elected by those members registered with the USLA in the Non-Athlete Division; and
 - (d) up to two (2) Members at Large nominated by the President and elected by the Executive Board as specified in Article VII(B)(3).
- (2) The Executive Director and the USOC Athlete’s Advisory Council Representative (the “USOC AAC”) (if not amongst the two elected Athlete Representatives specified above in Article XV(A)(1)(b)) shall serve on the Executive Board as an ex-officio member with voice but no vote. However, in the case when the size of the Executive Board is nine (9) members, then the USOC AAC Representative will become a full voting tenth member of the Executive Board in order to maintain compliance with these Bylaws as it relates to the requirement that athletes maintain a level of 25% representation. In the event the size of the Executive Board goes down below nine (9) members, the USOC AAC Representative will resume the position of an ex-officio member with voice but not vote, unless the reduction was from one of the two Athlete Representative seats.
- (3) No USLA member elected to the Executive Board, or seeking to be elected to the USLA Executive Board, may serve as an Officer with any other sport organization recognized as a National Governing Body by the U.S. Olympic Committee.

B. DUTIES. The Executive Board shall be in charge of the business affairs and activities of the USLA and shall carry out the purposes and objectives of the USLA. Reports and minutes of its activity shall be forwarded to the National Luge Committee.

- (1) Dues, Sanctions, Fees, And Charges: The Executive Board shall control fees, charges, dues and sanctions. The Executive Board shall keep the NLC informed on all decisions in this area.
- (2) Contracts: Through the President, the Executive Board shall have responsibility for review, approval and execution of all contracts. All contracts shall have the President's signature unless delegated by the President to the Executive Director.
- (3) Appointments: The Executive Board is responsible for the appointment of certain At-Large Members specified within these Bylaws, Committee Chairpersons, and those representatives necessary and/or desirable to the USOC and the FIL, except the Executive Board will not appoint representatives to those positions where the selection of the representative is designated by a procedure specified elsewhere in these Bylaws (e.g. Athlete's Advisory Council representative) or is clearly defined by another organization (e.g. athlete representation on the FIL).

C. **MEETINGS.**

- (1) Regular Meetings: The Executive Board shall meet at least four times a year. There shall be an Executive Board meeting preceding the NLC's Annual Meeting which must include the balancing of the USLA budget on its agenda.
- (2) Special Meetings: Special meetings of the Executive Board may be called at any time and for any purpose by the President or by four (4) members of the Executive Board to include at least one (1) Athlete Representative.
- (3) Notice: Notice of these Regular Meetings as set by the President is to be made to each member at least thirty (30) and not more than ninety (90) days in advance of the meeting. Notice of Special Meetings as set by the President or four (4) members of the Executive Board must be issued at least seven (7) days in advance. All notices shall include the place, date, time and agenda of the meeting.
- (4) Quorum: A quorum shall be constituted by the presence of at least a majority of the members of the Executive Board, one (1) of whom must be an Athlete Representative; provided however, that at least 25% of the voting power of those Executive Board Members present is allocated to the Athlete Representative(s) present.
- (5) Action Without a Meeting: Any action may be taken without a meeting provided, that the proposed action is approved by a two-thirds majority of the Executive Board, with one of said affirmative

votes having been cast by one of the Athlete Representatives (an “Action Without a Meeting”). Any action so taken shall be filed with the minutes of the proceedings of the next regularly scheduled meeting of the Executive Board.

**ARTICLE XV
ATHLETE REPRESENTATION ON THE USOC'S
ATHLETES' ADVISORY COUNCIL**

A. **DEFINITION AND TERM.** Following the conclusion of the Summer Olympic Games, and in line with the USOC Athlete Advisory Council's Bylaws, an Athlete Representative and alternate shall be elected to represent the sport of luge on the USOC's AAC for the next quadrennial period.

B. **PROCEDURE.** The following procedures shall be followed to elect the luge representative and alternate to the USOC AAC:

- (1) The USLA will contact all luge athletes who have represented the United States within the preceding ten years in the Olympic Games, World Championships, or any event designated as an Operation Gold event, by letter signed by the Executive Director of the USLA or his designate requesting that any such athlete interested in being elected the Luge Representative (or Alternate) to the USOC AAC so indicate in a letter to the Executive Director or his designate.
- (2) The names of all such luge athletes that have indicated a willingness to serve as the luge representative to the USOC AAC will be placed on a ballot. The USLA will circulate this ballot to all of the athletes (as defined) and request that they vote for one (1) individual to represent them on the USOC AAC.
- (3) The individual who receives the most votes will become the luge representative to the USOC AAC. The individual of the opposite gender who receives the next most votes will become the alternate luge representative to the USOC AAC.
- (4) In the event of a tie for the position of the luge representative to the USOCAAC, the USLA will circulate the names of the individuals involved in the tie to the athletes (as defined) and ask them to vote for one (1) individual. This process will be repeated until the tie is broken.

- (5) The USLA will send a letter to the Chief Executive Officer of the USOC and the chairperson of the USOC AAC informing them of the outcome of this election.
- (6) The Executive Director or his designate of the USLA, will also send a letter to all athletes as defined informing them of the outcome of this election.
- (7) The USOC AAC Representative and the alternate will hold Athlete Representative seats on the NLC for as long as they remain in their position on the USOC AAC.

**ARTICLE XVI
ADMINISTRATIVE AUTHORITY
EXECUTIVE DIRECTOR**

There shall be an Executive Director employed by the USLA through the Executive Board who shall function as the chief administrative official of the USLA's operations. The Executive Director shall serve until the Executive Board accepts a resignation or until he/she is removed by a majority vote of the Executive Board without prejudice to his/her contract rights.

- (1) Duties: Under the direction of the Executive Board, and subject to any stated policies and job description, the Executive Director shall be responsible for day-to-day administration and coordination of the USLA activities and programs. The Executive Director or his/her designate shall receive and conduct all correspondence addressed to the USLA, shall have general supervision over all the finances of the USLA, and shall keep all records including financial, administrative, and historical data. He/she shall perform such other duties as are assigned by the Executive Board or the NLC. The Executive Director shall attend all NLC and Executive Board meetings and be prepared to report on the condition of the USLA when warranted. The Executive Director will have a voice but no vote at these meetings, as well as at all Standing Committee and Advisory Board Meetings.
- (2) Contracts: The Executive Director shall have the authority to enter into contracts on behalf of the USLA in the ordinary course of operations as authorized by the President.
- (3) Books And Records: The Executive Director shall keep complete books and records of account which may be inspected during regular

business hours by any member of the USLA upon reasonable notice to the Secretary of the USLA. Records will also be maintained on physical inventory.

- (4) Additional Staff: The Executive Director, under the general guidance and approval of the Executive Board, may recruit, train, hire, discharge, and otherwise create a staff as may be required for the efficient performance of assigned duties, making such financial arrangements with such staff as deemed appropriate within the available funds allocated to the function by the USLA budget.

ARTICLE XVII COMMITTEES AND ADVISORY BOARDS

A. **GENERAL.** The Executive Board may designate one (1) or more Committees or Advisory Boards to perform certain special operational functions on behalf of the National Luge Committee.

- (1) Membership: Chairpersons of Committees shall be nominated and elected by the Executive Board following the Annual Meeting. Advisory Board Chairpersons shall be appointed by the President in consultation with the Executive Director. No person may chair more than one Committee or Advisory Board.
 - (a) Chairpersons shall submit a list of prospective committee or board members, not including Athlete Representatives in the case of committees, to the Executive Board for approval on an annual basis in the month after the USLA's Annual Meeting. The President and the Executive Director shall be ex officio members of all Committees and Advisory Boards without voting rights. The athletes shall elect their own representatives to the Committees and Advisory Boards of the USLA.
 - (b) All Committees or Advisory Boards will have athlete representation that constitutes at least twenty -five percent (25%) of the eligible seats on the Committee or Advisory Board in question.
- (2) Committee Rules: Each Committee established by the Executive Board or by these Bylaws may establish its own rules and procedures within the constraints of the Bylaws of the USLA.

Where practicable, and reasonable, fourteen (14) days notice of meetings of Committees, other than regular meetings provided by the rules, shall be given to Committee members and ex officio members. All action taken by Committees shall be recorded in minutes of meetings. All minutes of meetings shall be forwarded to the Executive Director for distribution to all Executive Board members. Committees may propose policy changes directly to the NLC and are expected to report on their activity at all NLC meetings.

- (3) Advisory Board Rules: The purpose of Advisory Boards is to aid the Executive Board or a USLA employee in the completion of his/her/their duties. These groups may only suggest policy changes to the Executive Board or USLA employee and no report is required at NLC meetings. Individuals selected to Advisory Boards will be based on their specific area of expertise.
- (3) Executive Board Liaison: The Executive Board shall elect one of its members to each Committee or Advisory Board as a liaison. This liaison shall act as an ex officio member with a voice but no vote. Notwithstanding the foregoing, the Chairperson of a Committee or Advisory Board may grant the Executive Board liaison the right to vote as a regular committee member.

B. **ESTABLISHED STANDING COMMITTEES.** The standing committees of the USLA shall be the National Team Committee (the “NTC”) and the Racing Committee. The President may create Ad Hoc committees as necessary.

- (1) National Team Committee: The composition of the NTC shall be a Chairperson, two (2) Athlete Representatives, one (1) individual involved with the Natural Track Program, and three (3) At-Large Members, one of whom must be an NLC member. Staff members of the USLA, as assigned by the Executive Director, shall have a voice, but no vote, on this committee. This committee shall consider the advice and recommendations of the Sports Science and Technical Advisory Boards when developing its programs.
- (2) Racing Committee: All non-athlete members of this committee must be active FIL officials. The composition of this committee shall be a Chairperson; one (1) individual per site track (currently Lake Placid, Salt Lake, and Negaunee) who primarily officiates at each of the locations sanctioned to host a national level (senior or junior) seeding race; up to two (2) additional At-Large Members; and such additional members who qualify as Athlete Representatives so that at least 25% of the members of this committee constitute Athletes.

Staff members of the USLA, as assigned by the Executive Director, shall have a voice, but no vote, on this committee

C. **ESTABLISHED ADVISORY BOARDS.** The Advisory Boards of the USLA shall be Athlete Recruitment, Marketing, Legislation, Sports Science, and Technical. The President may create Ad Hoc advisory boards as necessary.

ARTICLE XVIII RESIGNATIONS & REMOVALS

A. **RESIGNATIONS.** A member of the NLC, Executive Board, administrative staff, or any Committee or Advisory Board may resign with written notice to the President or Secretary of the Association. Such resignations shall take effect at the time specified therein, or if the time is not specified, then upon receipt thereof. Acceptance of such resignation shall not be necessary to make it effective.

B. **REMOVAL FOR CAUSE BY NLC.** Any NLC officer, representative, Advisory Board Member, or committee member, whether elected or appointed, may be removed by a two-thirds (2/3) vote of the NLC with cause, after being afforded the opportunity for a Hearing (Article XXVIII), whenever in the Hearing Committee's judgment the best interests of the USLA would be served thereby.

C. **REMOVAL FOR UNAVAILABILITY BY EXECUTIVE BOARD.** The Executive Board may declare vacant the position of an NLC member or administrative staff position for anyone who has been declared of unsound mind by a final order of a court, or convicted of a felony.

D. **REMOVAL FOR CAUSE BY EXECUTIVE BOARD.** Any person in a position appointed by the Executive Board may be removed by majority vote of the Executive Board with cause, after the individual has been afforded the opportunity for a

Hearing, whenever in the Hearing Committee's judgment the best interests of the USLA would be served thereby.

**ARTICLE XIX
USLA ATHLETES' COUNCIL**

A. **DEFINITION AND OBJECTIVE.** The USLA shall support luge Athletes (as that term is defined in Article XIV of these Bylaws) in the formation and operation of the USLA Athletes' Council (the "USLAC"), whose purpose shall be to convey to the USLA staff and the USLA Executive Board the various needs of luge athletes in all stages of training and competition, and to act as the voice of the athletes, with its overall objective being the improvement and promotion of luge within the United States. The USLA Athletes' Council may establish its own rules and procedures within the constraints of the Bylaws of the USLA.

B. **AUTHORITY AND DUTIES.** The Executive Board Athlete Representatives shall preside over the USLAC meetings. The Athlete Representatives shall perform other duties as may be assigned by the USLAC, the Executive Board, and/or the NLC.

**ARTICLE XX
ELIGIBILITY**

Eligibility criteria shall be determined by the NLC and published in the USLA Eligibility Code; but the USLA may not have eligibility criteria relating to amateur status or to participation in the Olympic Games which are more restrictive than that of the FIL.

ARTICLE XXI

NOTICE/HEARING OF ELIGIBILITY QUESTIONS AND GRIEVANCES

Fair notice and an opportunity for a hearing shall be accorded to any athlete, coach, trainer, manager, administrator, or other official before such individual may be declared ineligible to participate in any USLA – sanctioned luge event.

ARTICLE XXII GRIEVANCES

Any member of the USLA who alleges that he or she has unfairly been denied the opportunity to participate in a USLA – sanctioned luge event may file a grievance with the President of the Association and demand a Hearing in accordance with Article XXVI of these Bylaws, *infra*; provided however, that if any individual is declared ineligible from participating in a "protected competition" as referenced in Article XXIV of these Bylaws (and as that term is defined in what is currently Article IX of the USOC Constitution), such individual may instead pursue remedies available under the Ted Stevens Olympic and Amateur Sports Act and the applicable provisions (presently Article IX) of the USOC Constitution. (See Article XXIV, *infra*.)

ARTICLE XXIII OPPORTUNITY TO PARTICIPATE IN CERTAIN/PROTECTED INTERNATIONAL AMATEUR ATHLETIC COMPETITIONS

A. **PROTECTED COMPETITIONS.** Neither the Association nor any member of this Association may deny, or threaten to deny, any luge athlete the opportunity to compete in the Olympic Games, a World Championship competition or other such "protected competition" as that term is defined in the USOC Constitution; nor may the Association, or any such member of the Association, subsequent to such

competition, censure or otherwise penalize any such athlete who participates in any such protected competitions.

B. **PROCEDURE.** Any luge athlete who alleges that he or she has been denied, or has been threatened to be denied, a right specified in Section A of this Article, shall immediately (by phone, followed up in writing) inform the President of the USLA, and the USLA's Athlete Representative to USOC's Athletes' Advisory Council, who together shall cause an investigation to be made and steps to be taken to settle the controversy without delay. Notwithstanding any efforts taken to settle the controversy, the athlete may (a) refer the matter promptly to the Chief Executive Officer of the USOC and pursue such remedies as may be appropriate under Article IX of the USOC Constitution, a copy of which is annexed hereto as Exhibit A, (b) pursue remedies available under the Ted Stevens Olympic and Amateur Sports Act and/or (c) file a grievance with the USLA pursuant to Article XXIII of these Bylaws.

C. **NON-DISCRIMINATION.** The rights and remedies granted to athletes under Sections A and B of this Article shall apply equally to any coach, trainer, manager, administrator, or other official seeking to participate in the conduct of any of the international luge competitions designated, or referred to, in Section A.

ARTICLE XXIV PROHIBITION AGAINST THE USE OF BANNED SUBSTANCES

A. **GENERAL.** Member athletes, coaches, trainers, administrators, officials, or other individuals participating in competitions or other events sanctioned by the USLA, or named to international teams by the USLA, may not themselves use, or cause others to use, drugs or substances banned by the IOC, FIL, or USOC; nor may they engage in unfair practices as defined by the IOC, FIL or USOC.

B. **SANCTIONS.** Any individual found, after fair notice and opportunity for a hearing before the adjudicating authority, to have violated this prohibition, shall be liable to be sanctioned, which sanctions can include, but not necessarily be limited to, censure; forfeiture of any prizes, awards or other consideration; fines; suspension from competition for a period of time or forfeiture of membership in the USLA for a period of time and, in the case of repeated violations, the suspension from competition for life or forfeiture of membership for life.

C. **FAILURE TO COMPLY.** Any individual who does not comply with testing procedures, or who refuses to submit to a drug test in connection with a request by the USLA, the USOC, the IOC, the U.S. Anti-Doping Agency, the World Anti-Doping Agency, or the Organizing Committee of any competition that the USLA participates in or is sanctioned by the USLA, shall be subject to the same penalties as may be administered in the case of the individual being found to have tested positive for a banned substance.

ARTICLE XXV COMPLAINTS AND COMPLAINT PROCEDURES

A. **SCOPE.** Any member of the Association may file a complaint with the President, pertaining to any matter within the cognizance of the Association, including but not limited to, any alleged violation of any USLA rule(s), the USLA Code of Conduct or any provision of these Bylaws. Such complaint must be filed within six (6) months of the occurrence of the complained activity.

B. **PROCEDURE.** Any complaint filed pursuant to this Article shall be signed under oath by the person making the charge (except a parent/guardian must sign for a minor) and shall allege with particularity the nature of the complaint and/or

each claimed violation of the aforementioned documents by reference to specific sections thereof, stating in concise language how, when, and where the alleged conduct or violation occurred. The factual allegations shall be set forth in numbered paragraphs, each paragraph containing a single factual allegation.

C. **INFORMAL RESOLUTION.** Upon receipt of a complaint, the President shall make every effort to resolve the complaint through informal means.

D. **FORMAL RESOLUTION.** In the event that the member filing a complaint is not satisfied with any proposed resolution of the matter reached by informal methods, or if no action is taken by the President to resolve the matter informally within seven (7) calendar days of receipt of the complaint, he or she may request that the complaint be heard and resolved by a Hearing, whereupon the President shall promptly (i.e., within seven (7) calendar days) appoint at least three (3), but not more than five (5), members of the NLC to serve as a Hearing Committee, at least one of whom shall be an Athlete Representative as that term is defined in Article XIV (B) of these Bylaws; but none of whom shall have an interest in the subject matter or outcome of the complaint. The Hearing Committee shall hear evidence, make findings of fact, and adjudicate the issues raised. Such hearing shall be convened as expeditiously as possible.

ARTICLE XXVI HEARING PROCEDURES AND APPEALS

A. **SCOPE.** A Hearing Committee will hear, consider and decide all grievances filed by members alleging the denial of an opportunity to participate in a sanctioned luge event. A Hearing Committee will also hear, consider and decide all

complaints alleging a violation of USLA Rules, including alleged infractions of the USLA Code of Conduct.

B. **PROCEDURES.** In any hearing conducted pursuant to these Bylaws, the parties shall have the right to have, and shall be accorded (unless waived in writing):

- (1) Notice of the specific charges or alleged violations in writing within fourteen (14) days of the formation of the Hearing Committee, and possible consequences if the charges are found to be true;
- (2) Notice of the identity of adverse witnesses provided in advance of the hearing;
- (3) Thirty (30) days between receipt of the notice of charges and the hearing within which to prepare a defense;
- (4) The right to have the hearing conducted at such a time and place so as to make it practicable for the person charged to attend;
- (5) A hearing before a disinterested and impartial body of fact finders;
- (6) The right to be assisted in the presentation of one's case at the hearing, including assistance of legal counsel, if desired;
- (7) The right to call witnesses and present oral and written evidence and argument;
- (8) The right to confront and cross-examine adverse witnesses;
- (9) The right to have a record made of the hearing, at one's own expense, if desired;
- (10) The burden of proof shall be on the proponent of the charge, which burden shall be at least a "preponderance of the evidence" unless legal precedent requires a higher burden of proof. In the case of a grievance filed by a member alleging denial of an opportunity to participate in a sanctioned luge competition, the USLA is the "proponent of the charge" and thus bears the burden of proof;
- (11) A written decision, with reasons therefore, based solely on the evidence of record, handed down in a timely fashion; and
- (12) Written notice of appeal procedures, if the decision is adverse to the person charged, and prompt and fair adjudication of the appeal.

C. **APPEALS.** Appeals from a decision of a Hearing Committee, if any, shall be made within twenty (20) days to the disinterested members of the Executive Board who shall then decide to accept or reject the decision of the Hearing Panel, send the matter back for additional evidence, and/or take additional evidence itself before deciding the appeal, which shall be final and binding on all parties, subject to such rights, if any, available to the aggrieved party pursuant to the Ted Stevens Olympic and Amateur Sports Act and/or the USOC constitution.

ARTICLE XXVII ARBITRATION

The USLA agrees to submit to binding arbitration conducted in accordance with the Commercial Rules of the American Arbitration Association or as such rules may be modified in accordance with Section 220522(a)(4)(B) of the Ted Stevens Olympic and Amateur Sports Act, in any controversy involving:

- (1) its recognition as a National Governing Body, as provided for in the Ted Stevens Olympic and Amateur Sports Act and the USOC Constitution, upon demand of the USOC; or,
- (2) the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in the Olympic Games, a World Championship competition, or such other "protected competition", as provided for in the USOC Constitution and Bylaws, upon demand of the USOC or any aggrieved athlete, coach, trainer, manager, administrator or official.

ARTICLE XXVIII NOTICES AND WAIVERS

A. **NOTICES.** Whenever any notice is required by these Bylaws, such notice, except as otherwise provided by law, must be given in writing where feasible, either personally or by mail, telefax (facsimile) or e-mail, and notice by mail shall be

deemed to have been given when it shall have been deposited in the United States Postal Service with postage thereon prepaid to the latest address on file at the national office of the USLA.

B. WAIVER OF NOTICE. Whenever a notice is required to be given by any statute, the Certificate of Incorporation, or by these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the meeting or the time stated therein, shall be deemed equivalent in all respects to such notice.

ARTICLE XXIX INDEMNIFICATION

A. CAUSE FOR INDEMNIFICATION. The USLA shall immediately indemnify any person who was, or is, a party, or is threatened to be made a party, to any threatened, pending, or completed action, suit or proceeding, whether civil, administrative or investigative, by reason of the fact that he/she is, or was, a director, officer, employee or official representative of the USLA against expenses, including attorneys' fees, judgments, fines and amounts actually and reasonable incurred by him/her in connection with such action, suit or proceeding, if he/she acted in good faith and in a manner he/she reasonably believed to be in, or not opposed to, the best interest of the USLA, and, with respect to any criminal actions or proceedings, has no reasonable cause to believe his/her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith, and in a manner which he/she reasonably believed to be in, or not opposed to, the best interests of the USLA.

B. **AUTHORIZATION.** Any indemnification under this Article shall be made by the USLA only as authorized in the specific case, upon a determination that the officer, director, employee or official representative has met the applicable standard of conduct set forth herein. Such determination shall be made by the Executive Board, after consultation with an independent legal counsel, by a majority vote of the members of the Executive Board who were not parties in such action, suit or proceeding. If a quorum is not obtainable, such determination shall be made by a majority vote of the members of the NLC, who were not parties in such action, suit or proceeding, after consultation with an independent legal counsel at the NLC's earliest convenience.

C. **EXPENSES.** Expenses, including attorney's fees, incurred in defending a civil action, suit or proceeding may be paid by the USLA in advance of the final disposition of such action, suit or proceeding, as authorized in the manner provided in this Article XXX, upon receipt of an undertaking by, or on behalf of, the director, officer, employee or official representative to repay such amount unless it shall ultimately be determined that he/she is not entitled to be indemnified by the USLA.

D. **INSURANCE.** The USLA, pursuant to a resolution of the Executive Board, may purchase and maintain insurance on behalf of any person who is, or was, a director, officer, employee or official representative of the USLA against any liability asserted against him/her if the USLA would have the power to indemnify him/her against such liability under the provisions of this Article.

**ARTICLE XXX
AMENDMENTS**

A. **VOTING AND TIMING.** These Bylaws may be amended at the Annual Meeting of the NLC by a two-thirds (2/3) vote, provided notice of the proposed amendment(s) has been submitted in writing to the members of the NLC at least thirty (30) days prior to the Meeting. Amendments shall take effect at the close of such meeting except in such cases where it may be specified in the resolution approving the amendment that the amendment will take effect during the meeting or at a later time.

B. **NOTICE.** Amendments to these Bylaws must be submitted to the Secretary at least sixty (60) days prior to the meeting of the NLC for prior review and distribution to the NLC.

**ARTICLE XXXI
DISSOLUTION**

Upon the dissolution or other termination of the Corporation, no part of the property of the Corporation or any of the proceeds shall be distributed to or inure to the benefit of any of the members, trustees, or officers of the Corporation, but all such property and proceeds, subject to the discharge of valid obligations of the Corporation, shall be distributed exclusively to Federal, State or local government bodies or to other charitable or educational organizations which would then qualify under the provisions of Section 501(c) (3) of the Internal Revenue Code and the Regulations as they now exist or as they may hereafter be amended.

**ARTICLE XXXII
SAVING CLAUSE**

Failure of literal or complete compliance with provisions of the Bylaws with respect to dates and times of notice, or the sending or receipt of the same, or errors in phraseology of notice of proposals, which in the judgment of the members present at the meeting held do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any such meeting.

These Bylaws were approved by vote of the National Luge Committee at its Annual Meeting of June 10, 2006, and shall replace all previous Bylaws of the United States Luge Association.

SIGNED,

SECRETARY – John Fee

TREASURER – Lin Hancock

VICE PRESIDENT – Scott Clark

PRESIDENT – Dwight Bell
