

Final Version of USATF Colorado Grievance Verdict Issued

The time frame for the relief provided for in this decision should start March 14, 2008.

USATF NABR GRIEVANCE

Deborah Conley, et al)
)
 v.)
)
 USATF Colorado Association)

DECISION OF THE NABR PANEL

THE GRIEVANCE:

Deborah Conley, John H. Tope, Timothy P. Dolen, Robert C. Welo, Darrell A. Roberts, Gregory Cunningham, Adam W. Chase, Dan Pierce, and Nancy Hobbs filed a grievance against the Colorado Association alleging a variety of acts by the officers of the Association which are contrary to the by-laws of the Colorado Association regarding the financial affairs of the association and regarding the conduct and operation of the meetings and the affairs of the association. Particularly the grievant group requested

1. Payment by the Association to Colorado Runner in the amount of \$958.89 for past due expenses for mailings which the Association was supposed to pay;
2. The reimbursement of \$579 to a grant fund made by the USATF Association Grant Committee to the Colorado Association for a project entitled LDR and Grand Prix Brochures, which funds were used for some other purpose;
3. Dismissal of the officers of the Association and new elections pursuant to by-laws;
4. A restructuring of the financial procedures of the Association;
5. Reformation of the sport committees and their chairs;
6. A review of the by-laws of the Association to determine if changes are necessary.

Appearing for the grievant group were Deborah Conley, Adam Chase, Dan Pierce, John Tope, former LDR Chair, and Greg Cunningham, cross-

country chair. Appearing for the Association were Chris Turner, President, Sherry Markham, membership chair, and Don Sinclair, youth chair. Witnesses for the grievant group included Harry Simonis of Oregon, the West Zone Rep. and Andy Martin of the National Office.

GRIEVANTS' CASE:

The Grievants argued that Association funds have not been fairly allocated among the various disciplines of the sport and were allocated contrary to the best interests of the Colorado Association because LDR did not receive significant or sufficient funds from the Association to operate and manage its programs. The Grievants argued that this mismanagement forced the resignation of the LDR committee. The Grievants argued that the officers did not communicate effectively, that the Association did not provide sufficient notice for meetings, and particularly election meetings, and that the Vice- President, in particular, failed to attend meetings and complete the responsibilities of the office.

ASSOCIATION RESPONSE:

The Association argued that the active officers did a variety of tasks and did the best they could in dealing with the business of the Association. The Association argued that funds were allocated by the Association according to involvement of individuals in the Association, that the adults were allocated certain funds and that the youth participants were allocated more because of their involvement. The funds retained by the youth committee were because of the activities of the youth committee and that funds have been divided between adult programs and youth programs appropriately.

DECISION

1. The Association agreed to the relief requested by the Grievants relative to the payment to Colorado Runner and for the Association's grant. Because of this agreement the issue is not disputed and the Association shall pay \$958.89 to Colorado Runner for past due mailings. The Association shall also reimburse the grant fund in the amount of \$579 for the grant entitled LDR and Grand Prix Brochures. Both of these payments shall be made within 10 days of the date of this decision.

2. It is clear to the panel that at various times proper notices have not been given for meetings and specifically for the last election meeting. While it may be true that notice was provided to clubs for the elections, not all individual members received notice of the meeting and because notice was not made according to by-laws (USATF Reg. 15 (B) (1) (a and c) and Colorado Association Bylaws Article VII), the meeting was not properly held and the elections were not properly conducted. Notice is required to be given in order that the notice of the meeting will arrive at least 30 days in advance of meetings for the election of officers. It is the decision of the panel that a new election is required for the election of all officers of the

Association. (Appointed positions, if any, are not affected by this decision but will be governed by the bylaws of the Association.)

Notice shall be provided pursuant to USATF by-laws, more than 30 days in advance of the election meeting. The notice of the election shall be made as soon as practicable and the notice shall be provided to all members and clubs of the Association and shall be posted on the Association's website pursuant to USATF by-laws and pursuant to the Colorado Association by-laws. Notice shall be sent and posted within 21 days of the date of this decision, for a meeting 35 days thereafter, for the election of officers. Because the Association will need to function in the interim, the current officers will remain in office until the new election. No current officer is prohibited from running for office because of this decision. The bylaws of the Association will govern whether there is any other restriction or prohibition from a current officer seeking another term. If the notice is not sent and made within the time frame prescribed by this decision, the Grievant group shall have the authority to provide notice and schedule the meeting for this purpose, for the entire Association.

3. It is clear to the panel that the process of allocating funds by the Association, to the various constituencies of the Association, does not result in an even handed distribution of funds for the operation of all disciplines of USA Track and Field within the Colorado Association, and is not in the best interest of the Association. While it is not required that each individual discipline receive exactly the same amount of money from the treasury of the Association, it is required by the Colorado by-laws, Article III, that the Association is responsible to develop and manage participation in all aspects of USATF disciplines. (Article III (A) and (B)) In the recent past, according to the testimony heard, the process of allocation of funds has not been completed and conducted fairly.

It is the panel's decision that the Association shall immediately commence a process to revamp its financial allocation procedures. The Association shall create a budget, allow input from all sport disciplines for the use of funds and shall include all constituencies in the budgetary process. The Association shall implement the budgetary process for the next fiscal year and all succeeding fiscal years. There should be a properly constituted Budget/Finance Committee charged with the responsibility of obtaining input from all disciplines of the Association and of developing a budget. Professionals in the field, even external to the officers and managers of the Association, might be sought to assist in the process or sit on the Committee. The Association should strongly consider using the resources of the National Office, the USATF Association's Committee, or other experts in the field to help implement the budgetary and financial process of the Association. The Association's manual provided by the National Office is a resource which may be of some assistance also. It is not required that each discipline be funded exactly equally but it is required, according to the Colorado Association's bylaws, as part of the process to develop and manage the sport, (see above references) that each discipline be considered and be reasonably funded.

4. The LDR Committee shall meet as soon as practicable to determine its chair, according to Article VIII of the Colorado Association bylaws. The other sport committees shall convene promptly following the election of new officers and determine committee chairs for each sport committee pursuant to Article VIII of the Colorado by-laws.

March 14, 2008
Erwin

/s/ Scott R.

Scott R. Erwin, Chair, for the panel

Jenny Adams, NABR panelist

Rex Harvey, NABR panelist