

INTERMOUNTAIN DIVISION
UNITED STATES SKI AND SNOWBOARD ASSOCIATION
BY-LAWS

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INTERMOUNTAIN DIVISION
UNITED STATES SKI AND SNOWBOARD ASSOCIATION

- BY-LAWS -

SECTION 1 - MEMBERSHIP

- 1.1 Membership in the IMD/USSA shall be open to members of USSA who are pledging themselves to observe and be governed by the Constitution and By-Laws of the IMD/USSA, by the direct action of the annual convention, by the IMD/USSA Board of Directors and Officers, and by the annual convention, and to cooperate in the accomplishment of the aims and defense of ideals of the IMD/USSA.
- 1.2 The IMD/USSA, as a Division of the United States Ski and Snowboard Association (USSA), pledges itself to observe and be governed by the By-Laws and other enactments and rules of the USSA and shall make its own Constitution and By-Laws and rules harmonize with those of the USSA as well as support, financially or otherwise, the USSA to the best of its ability.
- 1.3 Types of Membership

Membership in the IMD/USSA, as defined by the Constitution, shall be comprised of clubs, their members if qualified, individual members, and competition organizations.

- 1.3.1 Club Membership. Clubs are affiliate members of the IMD/USSA organized for geographical or competition purposes.

- 1.3.1.1 Size Requirements

Membership in the IMD/USSA shall be open to all clubs meeting the requirements of the IMD/USSA Constitution and By-Laws and having an enrollment of not less than fifteen (15) members, who are members of the IMD/USSA. Clubs shall establish their own requirements for club membership but are encouraged to establish a uniform program of individual membership, such individual membership to include automatically, individual membership in the IMD/USSA.

- 1.3.1.2 Withdrawal of Member Clubs

Any club affiliated with the IMD/USSA may withdraw by written notice to the IMD/USSA office. Such notice shall be signed by the president and secretary of the club wishing to withdraw. It shall be accompanied by a full statement of reasons for withdrawal and a certified record of a three-fourths vote in favor of withdrawal of the club of a legal quorum of their annual meeting, or a special meeting of the club wishing to withdraw, taken at a legally-called club

meeting. Unless such notice shall reach the IMD/USSA office before May 1 in any year, the withdrawing club shall retain its membership for the ensuing year.

1.3.2 Personal Membership

1.3.2.1 Classifications

Classes of members are:

1. Affiliate Members are those members belonging as members of an affiliate club or competition organization.
2. Individual Members are those members who are direct members of the Division.

1.3.3 Competition Organizations

Competition Organizations shall promote and coordinate Division competition activities. They shall serve as an administrative and communicative liaison between the Division and its individual members, and shall assist the Division in the Administration and organization of competition programs and events.

1.3.3.1 Officers and officials of Competition Organizations shall be members of the Division.

1.3.3.2 Division-sanctioned competitions conducted by Competition Organizations shall be in conformity with the By-Laws, rules, and regulations of the FIS, USSA, IMD/USSA, USOC and Amateur Sports Act and appropriate competitions committees.

SECTION 2 - DUES

2.1 Fiscal Year

The fiscal year of the IMD/USSA shall extend from May first one year through April thirty of the following year.

2.2 Exclusions

Any member club failing to pay its membership dues prior to the annual convention shall be in arrears and not be entitled to representation at the annual convention. Such a club may, upon payment of dues in arrears, be reinstated by vote of the Directors.

2.3 Annual Dues

2.3.1 Annual dues of members shall be determined by the annual convention and the

Directors.

SECTION 3 - GOVERNMENT

3.1 Annual Convention. The Annual Convention shall consist of delegates who are members according to Section 1 and present at the convention.

3.1.1 Order of Business

The business of the annual convention or meetings of the Directors shall be conducted in accordance with Robert's Rules of Order, Newly Revised, except as otherwise herein specifically provided. The order of business at the annual convention shall be initially determined by the President.

3.1.2 Voting

3.1.2.1 Prior to the opening of the annual meeting, the President shall appoint a committee on credentials, consisting of one delegate from each state represented, which shall immediately receive and examine credentials of delegates. The committee shall then report to the meeting the names of the delegates who in their judgment are properly qualified to be seated. No delegate shall have voting power whose credentials have not been certified by the credentials committee and approved by majority votes of the certified delegates present. Voting delegates must be of age equal to the legal voting age in the state of Utah.

3.1.2.2 Twenty-five per cent (25%), or the nearest whole number of the total delegated membership of the convention shall constitute a quorum to convene the convention. Thereafter twenty per cent (20%) of the total delegated membership shall constitute a quorum to continue the conduct of business at all meetings of that session.

3.1.2.3 No more than one (1) proxy may be carried and executed for each attending delegate and must be written on divisional forms and must be executed and delivered to the IMD/USSA President prior to convening of the convention. No member club or competition organization shall be allowed voting delegates totaling more than 20% of the total number of authorized delegates.

3.1.2.4 All member Past Presidents shall each be Delegates-at-Large, entitled to one vote each.

3.1.2.5 Ballots, either voice, hand, or written, shall be collected only from amongst the delegates present and each vote shall be ascertained to the total number of votes allowable and available.

3.1.2.6 All elections of officers shall be by written ballot unless uncontested. Other matters must be decided by written ballot if demanded by 10%, or roll call if demanded by 30%, of the total delegates accredited at the convention by the Credentials Committee.

3.1.3 Duties of the Convention

It shall be the responsibility of the convention, as guided by the presiding officer, to review and approve the conduct and affairs of the Division of the preceding year as well as voice approval of such conduct and affairs planned for the forthcoming year. Such a review shall include the current fiscal position of the Division and projections for the future, the conduct and proposals of committee activity, the deliberations and decisions, past and pending, of the Directors, and the highlights of accomplishment of the Division Office and Division in general as presented by the President and the Divisions Office. It is required that all committee presentations be prepared in writing for distribution to the convention.

3.1.4 Convention Selection

The IMD/USSA annual convention shall be held in the spring of each year, at a time and place designated by the Directors. The time and place of the annual convention may be selected two years in advance. Clubs or competition organizations may bid for the location of the convention. Bids by clubs or competition organizations shall contain a statement of agreement concerning financial arrangements and administrative responsibilities satisfactory to the Directors, who shall retain the right to supervise their fulfillment.

3.2 Board of Directors

3.2.1 The Board of Directors will consist of the following voting members. Nine individual members of the Division elected by a majority vote of the delegates at the annual meetings (one-third of these directors shall be elected each year), three athletes appointed by the Board of Directors, additional Directors (if any) appointed by the Board of Directors, and the immediate Past-President who presided the previous year shall constitute the Board of Directors. In no case shall there be more than three of the above members of the Board of Directors representing any member ski club or competition organization.

3.2.2 The Board of Directors shall elect its officers consisting of the President, Vice-President, Secretary and Treasurer. Election of officers shall be done at the annual meeting following election of the new board members.

3.2.3 Directors of the United States Ski and Snowboard Association, who are members of IMD/USSA shall be members of the Board of Directors with voice but without vote during their terms as Directors of the United States Ski and Snowboard Association.

3.2.4 In the event of the resignation or death of an elected director, the Board of Directors

shall appoint his successor, until the next annual convention, from the membership of IMD/USSA.

3.2.5 Elected Directors shall serve for three years and from one annual meeting to the next if designated or appointed. Directors elected to fill a vacancy shall serve the remainder of the unexpired term, or until their successors are elected, designated or appointed. Athlete Directors shall serve one year terms. Members of the Board shall be eligible for reelection.

3.2.6 Duties and Responsibilities of the Directors

In general, the Directors shall be responsible for the administration of all business of the Division between annual conventions, with full power to act for the Division in harmony with the spirit and provisions of the Constitution and by-Laws of the IMD/USSA.

3.2.6.1 The President and Vice-President of IMD/USSA shall be Chairman of the Board and as such shall preside at all meetings of the Directors.

3.2.6.2 Two-thirds of the Board Members of the voting Board of Directors shall constitute a quorum and all matters shall be decided by a majority vote of the Directors present and voting, except as herein otherwise provided.

3.2.6.3 At least one meeting of the Directors shall be held each fiscal year. A meeting may be called by the President, or by a majority of the Directors, when in his or their judgment the affairs or business of the Division makes it necessary for the Directors to hold a meeting.

3.2.6.4 The directors shall be responsible for the adoption of the fiscal year budget and revisions thereto and shall authorize expenditures.

3.2.6.5 The Board of Directors shall elect its President and Vice-President from the Board of Directors membership.

3.2.6.6 The Directors shall have the authority to elect a Secretary and Treasurer to serve with the Board of Directors in a non-voting capacity, unless already a voting member of the Board.

3.2.6.7 The Directors shall have the authority to appoint a chief executive officer and/or other executive officers, to qualify their duties, and adjust their compensation from time to time. They may employ other aid as may be required to administer properly the affairs of the Division.

3.2.6.8 In the event of a vacancy in any elected office of the Division, except an elected Directorship, it shall be filled without undue delay by a

vote of the Directors.

3.2.6.9 The Directors may delegate any administrative or other matter to the Executive Committee for consideration and action between meetings of the Directors.

3.2.6.10 The Directors shall annually appoint the auditors.

3.3 Executive Committee

The President and Vice President of the Division, together with three additional Directors elected by the Directors, shall constitute an Executive Committee of five, of which the President shall be Chairman, to act for the Directors in all administrative matters, all matters delegated by the Directors, and in cases of emergency between meetings of the Directors. All actions of the Executive Committee shall be reviewed and approved by the Directors unless instructions shall have been given in advance to act finally for the Directors in specific matters. Minutes shall be kept, and copies sent to all Directors as soon as practicable following each meeting.

3.4 Votes by Mail

The Division Office upon request of the President or the Directors shall submit to the membership any matters which in their judgment calls for decision by mail vote. Such a vote shall be binding upon the Division and its membership if 50% of the voting strength of the membership (at the time of the last annual convention, if between the convention and December 31, or according to current membership if after December 31) sent their votes in writing, to the Division Office within thirty or sixty days, the exact date being pre-determined at the discretion of the President, providing two-thirds of the votes received are affirmative.

3.5 Officers

3.5.1 The duties of the elected officers, in addition to the duties assigned in these By-Laws, shall be those ordinarily associated with the particular office.

3.5.2 Specifically assigned duties are:

3.5.2.1 **PRESIDENT** - The President shall superintend the business of the Division, preside at the annual convention and at all meetings of the Directors and Executive Committee, and, in case of tie, as presiding officer, shall cast the deciding vote. The President shall be Chairman of the Board of Directors and Executive Committee and an ex-officio member of all committees. He shall appoint Committees as outlined in these By-Laws.

3.5.2.2 **VICE-PRESIDENT** - the Vice President shall, in the absence of the President, discharge his duties.

3.5.2.3 SECRETARY - The Secretary shall submit to each member club and competition organization in writing a notice of each legally-called meeting of the Division. He shall keep careful and complete record of the member clubs and competition organizations and the individual members of the Division, conduct correspondence, keep such books prescribed by law, and attend to such other duties as may be incidental to his office. He shall sign all minutes of meetings after approval. He shall be the custodian of all deeds, or documents, and other records. It shall be the duty of the Secretary to receive and transmit communications to Officers of the Division, the Directors, and affiliated clubs and competition organizations.

3.5.2.4 TREASURER - The Treasurer shall be responsible for all funds of the Division. He shall receive all income due the Division, and shall make expenditures only with budget authorization of the annual convention or Directors. He shall secure and file complete and proper vouchers for all expenditures, and shall keep full and accurate accounts, making report to the annual convention in such form as to show the financial condition of the Division and the result of its yearly operations. He shall make such added reports to the Directors as they from time to time shall prescribe.

3.6 Executive Staff

In addition to the Officers and Directors elected as responsible for the conduct of the Division, an Executive Staff shall be employed by the Division if practical and shall have such duties, titles, and other functions as shall be prescribed by the Board of Directors. The office location, size of staff, and compensation shall be determined from time to time by the Directors.

SECTION 4 - COMMITTEES

Committees, necessary to the programs and activities of the Division, as established by these by-Laws or as deemed necessary or desirable by the President or Directors, shall be established annually and, with the approval of the Board of Directors, may be established in advance of the annual convention for the ensuing year. Chairmen, with the exception of the Chairman of Competition Committees and except for the Chairman of the Nominating Committee, shall be subject to the approval of the Directors.

Members of committees, with the exception of the Competition Committees, shall be selected from amongst the Division membership who may delegate or partially delegate such authority of appointment to approved committee chairmen. When delegated, authority shall be exercised in writing by the chairmen with copies to the President and the Division Office for record.

All committees may be arranged in a table of organization. Such tables of organization will

be approved by the Board of Directors.

The table of organization will define separate departments of authority and jurisdiction within which all standing committees and special committees will function.

4.1 Standing Committees

Competition Committees shall be selected by vote of the member clubs in that discipline. Each club shall have a number of votes equal to the number of elected positions. Each vote must be for a different person. Competition Committees must also include a minimum of 20% of their voting membership as athletes chosen by the Competition Committee. Ex-officio members shall include Division President, Officials Chairman and Masters Chairman. Other Ex-officio members may be appointed by the Chairman. The Competition Committee Chairman shall be elected by the member clubs in that discipline.

Standing committees, among which may be the following, shall be appointed as soon as may be practical following the annual convention. The selection of such committees and chairman shall be announced to the membership.

In general, the purpose and function of such standing committees shall adhere to the functions outlined in these By-Laws, but may be modified upon appointment of their respective chairman.

4.1.1 Constitution and By-Laws Committee shall be responsible for the review and recommendation of such revision as deemed necessary to the Constitution and by-Laws. They shall receive all proposed amendments, as submitted, for review and clarification pending final approval by the annual convention.

4.1.2 Finance Committee shall be responsible for the review of Division Finances in order that they may adequately appraise present and subsequently-required financing. They shall assist in planning procedures for accounting of income, expenditures, audit, and control. They shall, in general, become conversant with the financial aspects of the Division. The Treasurer shall be a member of this committee.

4.1.3 Membership Committee shall be responsible for the promotion and furthering of Division membership. It shall study membership data so as to determine the membership characteristics of clubs and their members in order that the Directors and committees may more carefully appraise the needs and desires of the Division's present and potential membership.

4.1.4 Nominating Committee shall be responsible for the selection of suitable candidates from the members of the Division to serve as Officers and Directors of the Division and as delegates and alternates to the USSA convention.

The Nominating Committee shall consist of one (1) delegate from each state, selected by the President, each of whom shall have one vote.

- 4.1.5 Public Relations Committee shall be responsible for furthering the image of the Division in such a manner as to enhance its reputation before the public.
- 4.1.6 Publications Committee shall be responsible for the efficient supervision, management, and direction of the Division's publications. The functioning of this committee may be delegated, subject to the approval of the Directors, to personnel employed by the Division.
- 4.1.7 The Alpine, Nordic, Freestyle, Jumping and Snowboard Competition Committees shall be responsible for the development, encouragement, and participation of competitors within the various IMD/USSA competitive programs. They shall be responsible for the review and subsequent recommendation for approval by the Board of Directors of applications for Division competitive events. They shall be guided by the Division's requirements for an annual calendar of competitive events and shall arbitrate all disputes arising from such applications.

The Committees shall review all IMD/USSA, USSA, FIS, USOC and Amateur Sports Act Rules on eligibility of amateur competitors and the effect of such rules on the Division and its members. They shall recommend changes in the IMD/USSA rules and regulations governing the conduct of the Division's competitive events in harmony with the requirements of the Constitution and By-Laws of IMD/USSA, and the rules of USSA and FIS, USOC and Amateur Sports Act to the Board of Directors. Any sanctions and/or disciplinary actions must meet IMD/USSA, USSA, USOC and Amateur Sports Act regulations.

The Committees shall be responsible for the selection, classification and certification of approved officials versed in the rules governing competition. They shall keep a list of certified officials. Upon request, they shall interpret rules and regulations and give their best judgment as to the proper decision under given circumstances.

The Committees shall be responsible for an equitable means of classifying and seeding competitors. They shall select qualified competitors to represent the Division at national championships, international competitive events, and other competitive events where the Division is limited to a quota of entrants.

The Committees shall review all infractions of eligibility requirements and subsequent requests for reinstatement and shall make suitable recommendations to the Board of Directors for action.

- 4.1.8 Awards Committee shall be responsible for the development and participation of the membership in the Division's Awards Programs and the annual selection of recipients of these awards granted by the Division within the requirements established.
- 4.1.9 The Appeals Committee hears appeals of sanctions from Discipline Judiciary Committees or any other appropriate division official. The Appeals Committee shall consist of three people: a member of the Board appointed by the President as Chair, a member of IMD and an athlete appointed by the Executive Committee. The

Appeals Committee decisions must meet IMD/USSA, USSA, USOC and Amateur Sports Act regulations.

4.2 Special Committees

Special committees may be appointed when found needed for the good or betterment of the IMD/USSA. It shall be the duty of these committees to study, investigate, or administer matters submitted to them, making such reports and recommendations as requested or required.

SECTION 5 – APPEALS PROCEDURE

This Procedure is provided to assist the USSA Intermountain Division Appeals Committee in appeals from sanctions imposed by a discipline Judiciary Committee (JC) or any other appropriate division official based upon the By-laws of the USSA, the USOC Constitution, Amateur Sports Act and other relevant documents. These procedures are not intended to be exclusive, but are a format, which may be altered and amended from time to time when such changes are found to be appropriate

The following steps should be followed whenever a complaint against any athlete, coach, trainer, manager, administrator or other member of the IMD has been heard and decided in proceedings before a JC and appealed to the Intermountain Division Appeals Committee:

- 5.1 Notice of Appeal from a decision of the JC shall be made orally or in writing to the Chair of the Appeals Committee in the manner prescribed by the JC Chair in his/her notification to the appealing party of the appeals procedure.
- 5.2 The Appeals Committee Chair, upon receipt of a Notice of Appeal, shall make a preliminary determination as to whether or not the appeal was filed within the time period prescribed by the Chair of the JC in his/her instructions to the appealing party regarding the appealing party's right to appeal. If the Appeals Committee Chair determines that the appeal is not timely filed, the appealing party shall be notified in writing that the appeal is dismissed for lack of timeliness, and the sanctions or other action taken or imposed by the JC shall be upheld. If the Notice of Appeal is timely filed, the Appeals Committee shall proceed to hear the appeal in the manner outlined in the following paragraphs. The Appeals Committee Chair may extend the filing deadline upon good cause at any time deemed appropriate.
- 5.3 The Appeals Committee Chair shall schedule a hearing within a reasonable time under the circumstances, and shall notify the appealing party and any respondent, including the IACC Chair, in writing of the date, time and place of the hearing, as well as procedures to be followed during the course of the hearing as outlined herein. These procedures may include the filing of written arguments and/or documentary evidence as deemed appropriate.

- 5.4 At the hearing, a majority of the members of the Appeals Committee may proceed to hear the matter. The members of the Appeals Committee may be present either in person or by telephone, but a majority must be present in some fashion to hear the proceeding in order for the proceeding to be valid.
- 5.5 The appealing party may waive his/her right to a hearing; and in such event, the Appeals Committee may proceed to consider the appeal in any manner it deems appropriate which respects the right of fairness to the appealing party, as well as any respondent.
- 5.6 If a hearing is held, the appealing party has the right to be present in person, or through counsel or other individual the appealing party may designate, but only one individual may speak on behalf of the appealing party, unless the Chair rules otherwise. The respondent, if any, may be present and represented by counsel or by some other person designated by the respondent for such purpose. Only one individual may speak on behalf of any respondent, unless the Chair rules otherwise.
- 5.7 At the hearing, the Chair of the Appeals Committee (or his designee if the Chair is not present) may proceed to allow both the appealing party and any respondent to present their case either orally or in writing in a manner deemed appropriate, fair and just to all concerned parties. The Chair shall have the power to limit the time for each party's presentation. At the hearing, it shall be the burden of the appealing party to prove by clear and convincing evidence that the decision of the JC was in error, arbitrary or unfair. At the conclusion of the hearing, the Appeals Committee members may either confer and render an oral decision, to be followed by a decision in writing, or may take the matter under advisement. The Appeals Committee shall render a decision within seven (7) working days of the date of the hearing, excluding Saturdays, Sundays and holidays. The day after the hearing date shall be considered the first day.
- 5.8 The Appeals Committee shall provide a written decision either upholding, reversing, or upholding in part and/or reversing in part the decision of the JC with regard to the matter in question, and the decision shall be signed by all participating members, both concurring and dissenting in the decision. All parties shall be notified of their right to file a grievance pursuant to the provisions of Article IX of the USSA By-laws. Said notification shall be in writing and shall be part and parcel of the written decision of the Appeals Committee. All interested parties shall receive a copy of the written decision at the address provided by the party to the Appeals Committee. The written decision shall note that the matter is referred back to the JC for further proceedings in compliance with the decision of the IMD Appeals Committee.

SECTION 6 - AMENDMENTS TO BY-LAWS

Amendments to the By-Laws shall be made at the annual convention only and by a two-thirds vote of the delegates present and voting, a quorum being present. A proposed amendment shall be submitted by a member club/competition organization and shall bear the signatures of not less than two duly elected officers of the member club/competition organization submitting the amendment or shall be submitted by the Directors. Proposed amendments shall be presented to the Division Office in writing by clubs at least 45 days, and by the Directors at least 31 days, before the annual convention. The proposed amendment must be accompanied by a brief explanation of its effect, if adopted, and the reasons for its proposal. The Division Office via first-class mail or email shall send it to each member club of the Division at least 28 days before the annual convention.