



# CONSTITUTION AND BYLAWS

## In Executive Committee

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**TEXAS HIGH SCHOOL POWERLIFTING ASSOCIATION**

## **Article I – ORGANIZATION AND PURPOSE**

Section 1.1 Name. The name of the not-for-profit organization is Texas High School Powerlifting Association, hereinafter referred to as THSWPA.

Section 1.2 Official Emblem and Seal. Official Emblem and Seal shall have inscribed thereon the name of THSWPA and shall be in such form as may be approved from time to time by the Executive Committee.

Section 1.3 Mission Statement. The Texas High School Powerlifting Association is organized and is being operated exclusively to foster highly structured, friendly, amateur, drug-free, high school powerlifting competition within the State of Texas. As part of its purpose of fostering amateur powerlifting, the THSWPA shall have authority to develop, promote, and regulate the sport; to register high schools as members; to organize officials; to present seminars and instruction for powerlifters and officials; to sanction powerlifting competitions; to maintain state records; to publish a website; and to encourage the growth of the sport of amateur powerlifting. The THSWPA is governed by an executive committee of officers and regional directors selected by a vote of the member schools. The State Executive Committee will be responsible for all dates, schedules, deadlines, fees, rules, and qualifying procedures. They will also secure workers, officials and facilities for the regional and state meets. The State Executive Committee would like to emphasize to all schools involved presently or considering involvement in this association that full compliance to University Interscholastic League/Texas Education Agency guidelines regarding eligibility and off-season restrictions shall be required. Any suspected violation should be reported immediately to the Executive Committee for investigation. The Texas High School Powerlifting Association State Executive Committee will be continuously at work making recommendations for improvement or amendment to the current by-laws in the best interest of the association.

Section 1.4 Functions of the THSWPA.

- A. The union of all eligible high schools active in powerlifting throughout the State of Texas. To register high schools as members of the THSWPA.
- B. To develop standardized competitive rules.
- C. Maintain a system for recognizing and approving records.
- D. Establish administrative and technical committees.
- E. Establish, define and enforce rules for the government of powerlifting within the State of Texas.
- F. Promote, support, and encourage drug free powerlifting.
- G. Produce official bulletins and/or powerlifting publications.
- H. To organize officials.
- I. To present seminars and instruction for powerlifters and officials.
- J. To sanction powerlifting competitions.

Section 1.5 Place of Incorporation. The THSWPA is incorporated in the State of Texas and has its principal place of business in the locale in which the President of the Association regularly resides.

## **Article II – T.H.S.P.A./U.I.L. RELATIONSHIP**

As previously stated, the THSWPA Executive Committee, not by the University Interscholastic League, governs the Texas High School Powerlifting Association. A conscious effort is made on the part of the THSWPA to cooperate with the U.I.L., but the U.I.L. has little influence over THSWPA events and activities. U.I.L. control of high school powerlifting has been suggested in the past, but no incorporation plans are currently being considered. The following is an excerpt from the 1999-2000 University Interscholastic League Constitution and Contest Rules 90<sup>th</sup> edition, which explains the U.I.L.'s concerns about powerlifting participation in regard to a school's total athletic program:

- (1) Power Lifting Team Restrictions

- (1) Power lifting teams must be authorized by the Superintendent or local board of trustees prior to their inception.
- (2) If there is an in-school day athletic period, it is a violation for off-season athletes to participate in power lifting outside the school day unless weight training is also provided during the in-school day off-season period.
- (3) Power lifting teams may not, in any way, be construed as part of a student's off-season conditioning responsibilities.
- (4) Power lifting teams shall not be limited to athletes from a particular sport or to athletes specifically.

### **Article III – MEMBERSHIP**

Section 3.1 Membership in the THSWPA. In addition to the requirements stated in this Constitution, membership for the purpose of competing in the THSWPA events shall be limited to those who are “amateur athletes” as defined by law and by the regulations set forth by the THSWPA Executive Committee. Membership consists to two classes: School membership and Corporate membership.

Section 3.2 Eligibility for Membership. Eligibility for membership in THSWPA shall be set forth herein and as specified by the THSWPA Executive Committee from time to time. Such amendments shall be so amended and noted in the rulebook.

Section 3.3 Application. Any individual or group desiring to become a member of THSWPA shall make application to THSWPA on the form prescribed by the Executive Committee, specifying the class of the membership desired (e.g., school, corporate), and in such detail as the Executive Committee may reasonably require, and shall set forth evidence of the eligibility of the applicant for membership in the desired class. The Executive Committee may at its discretion delegate to any person or organization the actual tasks of approving and recording application and transmitting membership registration.

Section 3.4 Dues. Each individual member shall pay yearly dues in the amount of \$75. Changes in amount will be approved by the Executive Board.

Section 3.5 Payment Deadline. The payment of THSWPA dues must be postmarked no later than January 24 of any calendar year. Any school paying their annual dues after the January 24 deadline will be subject to a \$200.00 late fee. The lifters of the school's paying a late fee will be eligible for Regional or State Competition. If a school fails to pay and competes anyway, its lifters will be suspended from competition the following year until previous dues, late fee, and current dues are paid.

### **Article IV – EXECUTIVE COMMITTEE**

Section 4.1 Purpose and Duties. Between meetings of the general body of the THSWPA member schools, full power, management, and control of THSWPA shall reside with the Executive Committee. The Executive Committee shall also provide for the appointment of a qualified outside auditor, who shall audit the books and records of THSWPA when the Executive Committee deems such an audit necessary.

Section 4.2 Powers. The Executive Committee has the power:

- A. To prescribe and amend the constitution by a two-thirds majority of votes cast and the rules of performance by a simple majority of votes cast.
- B. To impose and enforce penalties for any violation of the Constitution or bylaws.

- C. To establish dues of the THSWPA.
- D. To control the income, expenditure and property of the THSWPA. In particular, it shall examine the audited balance sheet presented by the Business Manager, prepare a budget for the forthcoming year, and approve a budget for the forthcoming year.
- E. To call and determine the time and place of special meetings of the Executive Committee.
- F. To establish, define and enforce rules for the government of powerlifting.
- G. To explain, define and interpret any provision of the Constitution.
- H. All rule changes will be on a one-year probationary period. The Executive Committee will review each rule change after a one-year period to determine the permanence of said rule.

Section 4.3 Executive Committee Membership. At the President's request, The Executive Committee of THSWPA may include:

- A. The President;
- B. Past Presidents;
- C. The Business Manager;
- D. At the request of The President, the Regional Director from each of six regions, three divisions (18)

Section 4.4 Meetings. The Executive Committee shall conduct the business of THSWPA. Meetings of the Executive Committee shall be held at the time and place designated in the notice of meeting whenever called by the President or by vote of two-thirds of the members of the Executive Committee. Notice of the time and place of a special meeting shall be given to each member of the Executive Committee by the Business Manager, or in the Business Manager's absence, any other member of the Executive Committee, by word, fax, or e-mail, given a reasonable time prior to the special meeting, and where practicable, ten (10) days prior to the meeting. Such notice shall specify the purpose of the meeting.

Section 4.5 Order of Business. At all meetings of the THSWPA Executive Committee the following will be the order of business:

- A. Roll Call
- B. President's Address
- C. Minutes of the last meeting
- D. Treasurer's Report
- E. Committee Reports
- F. Regional Report
- G. Elections
- H. Action on proposed amendments
- I. Future Championships
- J. Any Other Business
- K. Adjournment

Section 4.5 Quorums. For the purpose of conducting business under the provision of the Sections 4.1 and 4.3, a quorum shall consist of 2/3 of the Executive Committee.

Section 4.6 Actions without Meeting. Nothing contained in these By-Laws shall be deemed to restrict the power of the Executive Committee or any committee designated pursuant to Section 4.6 to take any action required or permitted to be taken by them, without meeting, if a consent in writing setting forth the action so taken shall be signed by a majority of the committee members. Alternatively, the Executive Committee or any committee designated pursuant to Section 4.6 may take action by use of a conference call, provided that all committee members have been notified in advance, of the intention to carry out such conference, and that a quorum is included in the conference.

Section 4.7 Operating Committees Standing Committees

- A. Appointment of Committees. The Executive Committee shall appoint each committee chair. The rule governing open meetings shall apply to all committees except the Executive Committee when

they are sitting in quasi-judicial sessions. Reasonable notice of meetings of committees, other than of regular meetings provided for by the rules, shall be given to the committee members. The members of these committees shall be volunteers or shall be recruited or appointed by the Committee Chair. All actions taken by committees shall be recorded in minutes of meetings.

- B. Listing of Operating Committees. The following are the standing committees of THSWPA: Rules Committee, Law and Legislation Committee, Drug-Testing Committee. The Executive Committee and the Board of Regional Directors may opt to perform the duties of these designated committees.

Section 4.8 Rules for Operating Committees. Each committee may adopt rules for its own management not inconsistent with these By-Laws or the Rules of the THSWPA Executive Committee.

Section 4.9 Contracts. The Executive Committee may authorize any person to enter into any contract or execute and deliver any instrument in the name and on the behalf of THSWPA, and such authority may be general or confined to specific instances as described for the occasion by the Executive Committee. No subcommittee shall have the authority to enter into any contract or agreement, or to execute or deliver any document or instrument for or on behalf of THSWPA, without the approval of the Executive Committee. Members of the Executive Committee shall recuse themselves from voting on contracts or financial matters in general, in which they have a direct or indirect financial interest. However, nothing in these By-Laws precludes Members of the Executive Committee from providing necessary service to THSWPA in the normal course of their service as Executive Committee Members, or in order to advance the interests of THSWPA. In awarding all contracts, the Executive Committee shall make findings related to the necessity and propriety of the contracts and the vendors selected, unless the Executive Committee elects for good cause to waive such requirements.

- A. Section 4.10 Officers. The titles of the officers of the THSWPA are: President, Vice-President, Business Manager, Secretary, and Regional Directors. The president will serve for a term of two years. The vice-president will be elected by the members of the THSWPA Executive Committee, and shall serve in that capacity for a term of two years following election. Following his two-year term as vice-president, he will have the option of taking over the duties and responsibilities of the THSWPA president. The Secretary will be elected by the members of the THSWPA Executive Committee, and shall serve in that capacity for a term of two years following election. Following his two-year term as Secretary, he will have the option of taking over the duties and responsibilities of the THSWPA Vice-president. Each of the positions of President, Vice-President and Secretary are protected positions and cannot be voted out of office but may be removed from office at his own request, or by following the rules pursuant to removal of an officer, as outlined in Article V, Section 5.2. The member schools of each individual region, and division, are responsible for electing Regional Directors. Directors are elected to a two-year term. Directors can serve consecutive terms in the case of re-election. The THSWPA discourages the practice of electing a person to more than one Executive Committee position.

Section 4.11 Terms of Office.

- B. The President of the THSWPA will serve a term of two years.
- C. The Vice-President of the THSWPA will serve a term of two years, after which he will have the option of taking over the duties and responsibilities of the THSWPA president.
- D. The Secretary will serve a term of two years, after which will have the option of taking over the duties and responsibilities of the THSWPA Vice president.
- E. In order to maintain continuity within the business dealings of the THSWPA, the Business Manager will serve a standing term. The Business Manager may be removed from office at his own request, or by following the rules pursuant to removal of an officer, as outlined in Article V, Section 5.2.

Section 4.12 Duties of Officers. The duties of the officers of THSWPA are those, which are promulgated by THSWPA, and in addition, are as follows:

- A. President. The president orders meetings of the THSWPA and the THSWPA Executive Committee as provided in the Constitution and shall have the option to preside at all meetings of the THSWPA and the THSWPA Executive Committee. If he does not preside at the meeting, the highest-level officer who is present at the meeting shall preside. The President shall be an ex-officio member of all committees. The President provides leadership in the long-term and day-to-day activities of the THSWPA, delegating responsibility for completion of tasks, and making necessary contact with outside agencies to conduct THSWPA business.
- B. Vice-President. The powers of the Vice-President shall include, but are not limited to, the following:
  - 1. Coordinator between all operating committees.
  - 2. Responsible for marketing THSWPA materials.
  - 3. Responsible for promoting THSWPA and drug free powerlifting.
  - 4. Arranges and coordinates drug testing for all state championships.
  - 5. Liaises with the analyzing laboratories to collect all drug testing results.
  - 6. If the President resigns or becomes incapacitated, the Vice-President shall act as President until a replacement is elected.
- C. Business Manager. The powers of the Business Manager shall include, but are not limited to, the following:
  - 1. Receive all monies due to the THSWPA and deposit it to accounts in the name of the THSWPA.
  - 2. Sign all checks, notes and drafts.
  - 3. Pay all bills approved by the duly authorized officer or by the Congress, provided it is within the authorized current budget of the THSWPA.
  - 4. To present a balance sheet to the annual Congress.
  - 5. To be responsible for collecting all fees due the THSWPA.
  - 6. To be responsible for issuing an invoice and collecting any penalties.
  - 7. To promote the THSWPA through the electronic and print media. The President must approve in writing all promotional material and press releases.
  - 8. To consider all opportunities for television rights for regional and state championships and make appropriate recommendations to the Executive Committee.
  - 9. To work with the THSWPA webmaster to maintain the THSWPA website
- D. Secretary The powers of the Business Manager shall include, but are not limited to, the following:
  - 1. To make proper arrangements for keeping the records of the THSWPA and the Executive Committee.
  - 2. Issue all official notices of all THSWPA meetings.
  - 3. Keep as complete record as possible of competitions held under the auspices of the THSWPA.
  - 4. To serve as Secretary of the Congress and at any special meetings or hearings of the THSWPA.
  - 5. To work with the THSWPA webmaster to maintain the THSWPA website
  - 6. Handling all paperwork associated with the State Meet including Eligibility Paperwork, Drug Testing Affidavits, Coaches/Lifters Packets, and producing a program for sale at the State Meet
- E. Regional Directors of the Executive Committee. The members of their individual regions, and divisions, shall elect such members. The powers of the Regional Directors shall include, but are not limited to, the following:
  - 1. They shall take an active part in the THSWPA Executive work and carry out such duty as assigned to them by the President.
  - 2. To represent the THSWPA in his region at regional and state championships and meetings.
  - 3. To supervise and lead his designed regional and organize yearly regional meetings and championships.
  - 4. To contact and inform potential new member schools in his region.

5. To serve as a consultant to the member schools within that region.
6. To represent his region at the THSWPA Executive Meetings.
7. To make suggestions to the various THSWPA Committees.
8. To plan and control development programs within his region.

Section 4.13 Vacancies. If there is a vacancy during the term of office of any officer on the Executive Committee, with the exception of the Presidency, the Executive Committee shall elect a successor by majority vote.

A. Procedure for Filling Vacancy.

1. The pool of nominees running for the vacant office shall include those who designate their interest in writing to THSWPA, those appointed or nominated by the Executive Committee, or those appointed or nominated by any member of THSWPA.
2. The position shall remain open for not less than one (1) week and no longer than eight (8) weeks.
3. The Executive Committee shall advertise such a vacancy. Accepted advertisement shall include a notice in the THSWPA website stating the vacancy, requesting nominations and the deadline for accepting nominations.

B. Term of Office for Newly elected Official. The officer or non-officer Executive Committee member elected to fill the vacancy shall serve the remaining term of office of the vacating officer or non-officer until such time when the regular election takes place.

C. Vacancy of the Presidency; Special Rules. If there is a vacancy of the Presidency, the Executive Committee shall elect by majority vote a temporary President as soon as practicable.

D. Succession of Office. There shall be an established order of succession to the offices of President, Vice President and Secretary, with the exception of the presidency, as outlined in Article IV, Section 4.11 (B). Should the President become incapacitated, the Vice President shall act as interim President per Section 4.11 (B).

Section 4.14 Self-Dealing. No member of the Executive Committee shall vote on, or participate in the consideration of, any matter relating to an outside or pecuniary interest of any kind.

Section 4.15 Nepotism. The Executive Committee may authorize the hiring of such employees of the organization as are necessary to effectuate the purposes of THSWPA; however, such employees shall not be related to a member of the Executive Committee, unless it can be shown that employment is at or below market rates for such employment, or unless there are circumstances justifying a waiver of such circumstances.

## **Article V – RESIGNATIONS, REMOVALS, AND VACANCIES**

Section 5.1 Resignations. Any member of the Executive Committee or any member of any committee may resign at any time by giving written notice of the resignation to the Executive Committee, the President, and the Secretary. Any such resignation shall take effect at the time specified therein or if the time is not specified therein, then upon receipt thereof. The acceptance of such resignation shall not be necessary to make it effective.

Section 5.2 Removals. The THSWPA Executive Committee may at any meeting thereof by two-thirds (2/3) vote of those present and voting, remove with or without cause from office any member of any committee and any officer. Any member of the Executive Committee may be removed with or without cause by 2/3 vote of the members of the THSWPA Executive Committee.

Section 5.3 Vacancies. Any vacancy in the Executive Committee may be filled by a majority vote of the remaining members of the Executive Committee and subject to the provisions of Article IV, Section 4.11.



## ARTICLE VI – DISCIPLINE

Section 6.1 Shall be maintained by the Executive Committee and the Board of Regional Directors – Designation and Purpose. Shall handle all problems of discipline brought before it and shall make a report of actions taken or in progress

Section 6.2 Suspension and Expulsion.

- A. THSWPA through the Executive Committee and upon discovery and determination of the Executive Committee has the right to suspend for a definite or indefinite period of time or to expel by 2/3 vote a member school who has contravened any of the By-Laws or rules of the THSWPA or any state or federal criminal law involving moral, turpitude (which are those crimes involving lying, cheating, or stealing) and affecting the THSWPA or the integrity of THSWPA. THSWPA through the Executive Committee shall have the right to suspend or expel any athlete who has violated the rules of amateurism as specified by THSWPA in these By-Laws by two-thirds (2/3) vote by the Executive Committee. (Amateur is defined as a person who does not compete in powerlifting for money. A person may be a professional in another sport but as long as they do not win and/or accept money for competing or performing the powerlifts (together or singularly) they shall be considered amateur.)
- B. Upon the suspension or expulsion of a member by the Executive Committee as described in Section 6.2, (A), such member may request a hearing before the Executive Committee. The Executive Committee shall hear evidence, either written or oral, and as indicated below in C (1-5) and render a recommendation. The recommendation along with the evidence presented shall be presented forthwith to the Board of Regional Directors. If the recommendation finds in favor of the charged party, the Executive Committee and Board of Regional Directors shall follow the recommendation of the Executive Committee unless it is clearly demonstrated from the evidence that such a recommendation cannot be supported or is contrary to these By-Laws or the Rules of THSWPA. If the recommendation finds against the charged party, the charged party may appeal to the Executive Committee pursuant to Section 6.2 (C) (4).
- C. The Executive Committee shall have the power to suspend or expel any member as stated in (A) above and upon any complaint or grievance filed with the President and subsequently transferred to the Board of Regional Directors for adjudication pursuant to Section 6.3. The Executive Committee shall also have the power to create procedures to govern the hearing process as long as such procedures are reviewed and approved by the 's counsel and are not contrary to these Bylaws.
  1. Before exercising its power under this article, the Executive Committee shall notify in writing the person, persons, or group charged with any infringement or infraction of rules, By-Laws, or good conduct, and afford the person, persons or group, a fair and impartial hearing by mail or in person as determined by the Executive Committee. The hearing shall take place no sooner than thirty days nor later than sixty days after the mailing date of this notification. Said notification shall be sent by certified mail without the necessity of requiring a return receipt.
  2. The respondent or charged party will have fifteen days from mail of notice to file their answer to the specific charges; and if the answer to the specific charges, together with a letter of intent to attend the hearing mailed by the charged party by certified mail, is not received at least five days prior to the hearing, a default will be deemed. Charged party may petition the Executive Committee for additional time in which to submit their answer. Nothing under this article will work as a default if the party appears at the said hearing.
  3. The charged party has the right to a representative of their choosing.
  4. Once the matter is set for hearing, the matter will proceed to hearing on the scheduled date before the Executive Committee. If the matter resolved against the charged party, said party

will have the right to appeal to the Executive Committee by giving written notice not later than fifteen days from the date of the adjudication of the Executive Committee. If such written notice is not received within the prescribed time period, the appeal shall be waived, and the decision of the Executive Committee shall stand as the final decision of THSWPA. The charged party may request an oral hearing; however, the Executive Committee retains the power and discretion to review the appeal on the evidence submitted and such oral hearing is therefore discretionary. The oral hearing must be approved by two-thirds (2/3) vote of the Executive Committee.

5. Sending a letter of notice of appeal within fifteen calendar days from the date of adjudication to the Executive Committee of THSWPA shall perfect any appeal. Upon appeal, if a hearing is approved by the Executive Committee, the hearing will be held within the same time frame and under the same rules as herein prescribed for the original trial after the Executive Committee notifies the respondent or charged party as to the hearing date, time, and place.
6. A suspended member may not participate in or attend any official THSWPA meetings with the exception of being a personal coach or a spectator.
7. On application for reinstatement to the THSWPA by any person suspended or expelled, said application shall give in detail the reasons advanced for reinstatement, whereupon the THSWPA may reinstate that person, and shall be forwarded to the Executive Committee for review, if applicable under the By-Laws.

#### Section 6.3 Internal Grievance Procedures and Arbitration.

- A. Any member of THSWPA may file a written grievance with the Secretary pertaining to any matter within the cognizance of the THSWPA and/or alleging a violation of any provision of these Bylaws or the Rules of the THSWPA.
- B. Any grievance or complaint shall be signed before a Notary Public and under oath and shall allege with particularity the nature of the grievance 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 violation occurred. The factual allegations shall be set forth in numbered paragraphs, each paragraph containing a single factual allegation.
- C. Upon receipt of a grievance or complaint, the Secretary shall refer it to the President. Every effort will be made by the President to resolve the grievance or complaint through informal means within sixty days from the date of receipt of the grievance by the President.
- D. In the event that the member filing the grievance or complaint is not satisfied with the resolution of the matter reached by informal methods or the sixty-day time period has expired, the member may request a hearing, whereupon the Executive Committee shall promptly appoint at least three members of the Board of Regional Directors, none of whom shall have an interest in the subject matter, of the grievance or complaint to hear evidence, make findings of fact, and adjudicate the issues raised.
- E. At any hearing pursuant to (C) and (D) above, all interested parties shall have the right to representation by representatives of their own choosing, to present evidence in support or in opposition to the grievance or complaint, to cross-examine witnesses, and to present such factual or legal claims as will support their positions. The hearing panel shall make a summarized record of the proceedings. The rules of evidence shall not be strictly enforced. The hearing panel shall expeditiously conduct the hearing and report its findings of fact and conclusions to the Executive Committee and all interested parties.
- F. Fair notice and an opportunity for a hearing in accord with the procedure outlined in Section 6.2 (C) shall be accorded to any member, before the THSWPA declares such individual ineligible to participate, in any capacity, in any THSWPA sanctioned powerlifting competition.
- G. The Executive Committee shall recommend action, including legal action, against anyone who has competed in, won titles in or set records in a THSWPA sanctioned Powerlifting meet while not being a member of THSWPA or falsely claims to be a member. The action shall be for fraud, loss of revenue, legal fees, and other suits as may be proper and appropriate. Trophies, titles, records, etc. falsely won in such manner shall be reclaimed from said person and awarded to the proper

individual(s). The same applies to any team, club, or organization that falsely claims to be a THSWPA registered team and is not.

- H. Upon receipt of such recommendations from the Executive Committee, the Executive Committee shall call an Executive Committee and Board of Regional Directors meeting, present the Executive Committee recommendations, engage in deliberation, and then reach a majority decision.

## **ARTICLE VII - SANCTIONS OF COMPETITIONS**

Section 7.1 Jurisdiction. All THSWPA competitions must be sanctioned by THSWPA. The sanction must be published on the entry form materials. Anyone not obtaining a THSWPA sanction for a meet claiming to be a THSWPA Powerlifting event will be denied a THSWPA sanction for a period of not less than 12 months from the date of the fraudulent meet. (See Article XII, Sec. 12.3). A sanction may be issued by any member of the THSWPA Executive Committee.

Section 7.2 Requirements. Sanctions are issued, withheld, or withdrawn in accord with the following regulations:

- A. Sanctions issued to one organization or the organization or individual(s) cannot transfer individual(s) to another organization or individual(s). Any sanction so transferred shall be void for all purposes.
- B. No further sanction will be given to any organization or individual(s) who has failed to fulfill expense obligations to athletes or to give awards as stated on its entry blank or who does not follow the rules of THSWPA. The foregoing sentence shall be stated on every sanction granted.
- C. The following clause will appear on all sanction application forms and as well on all forms upon which official sanctions are granted: "In granting this sanction, it is understood and agreed that THSWPA shall be free from any liabilities or claims for damages arising by reason of injuries to anyone during the conduct of this meet."

Section 7.3 Condition. All games, meetings, benefits, exhibitions or entertainment of any kind where sanction is required according to Section 7.1 are subject to the following conditions:

- A. No athlete's entry will be accepted nor will the athlete be allowed to compete or exhibit at any event unless registered as provided in Article VIII.
- B. Announcements and entry blanks of sanctioned events must state that all participants must be registered prior to participation.
- C. The registration number of each competitor should accompany the entry blank and the athlete's affiliation must be displayed before or after the competitor's name on the program.
- D. Entry blanks, advertising and the program should bear conspicuously the statement: "Held under the sanction of THSWPA".

Section 7.4 Withdrawals of Sanctions

- A. Timing: Once awarded, a meet sanction may be removed at any time up to the actual commencement of the first competitive lift of the contest. The contest as a THSWPA event will not commence, if sanction has been removed.
- B. Responsibility: The presiding official who approved the meet sanction has the responsibility for its removal, but officers and the Executive Committee may also do so. Thus, for state championships, the state chair, the President (or designate), or the Executive Committee may remove the sanction.
- C. Causes for Sanction Removal: The sanctions for removal shall include, but are not limited to, the following:
  - 1. Failure on the part of the meet promoter to provide facilities and/or financial arrangements as specified in the bid for the meet.
  - 2. Failure on the part of the meet promoter to provide facilities for the contest in accord with the rules for powerlifting as specified By THSWPA.
  - 3. Failure to comply with THSWPA rules in promoting meets (See THSWPA Rulebook)

4. Failure to comply with THSWPA rules in regard to establishing membership within the THSWPA.
- D. The provision of this section for sanction removal is not intended as a license to disrupt contests in which every effort has been made to comply commitments and rules; rather the threat of sanction removal is intended to enable the ranking official to force compliance by the meet director.
- Removal of sanction is considered to be a last resort. E.

Appeal:

1. When sanction has been removed ninety days or more in advance of the day of the contest, the meet director may appeal to the next higher official, who upon hearing the evidence may reverse the decision.
2. Since appeal of sanction removal may not always be possible prior to the actual contest date, if there is a reversal of sanction removal after the contest date, the meet may be rescheduled and sanctioned.

## **ARTICLE VIII - DISQUALIFICATION**

Section 8.1 Jurisdiction. A person shall cease to be eligible to compete or exhibit in open or closed events given or sanctioned by THSWPA while disqualified or under suspension of THSWPA. (See Sanctions, Article VII)

Section 8.2 Types. A person is disqualified or suspended from competing as an amateur by committing any of the following acts:

- A. Fraud as defined by Section 8.3
- B. Competing for money as defined by Section 8.4
- C. Miscellaneous as partially listed in Section 8.5

Section 8.3 Fraud. Fraud is defined as the falsification of the truth for the purpose of participation in any competition in powerlifting wherein the athlete, coach, manager, or other person has acted with deceit or is guilty of misrepresentation, concealment or a misstatement of fact or intention.

Section 8.4 Competing for Money. Competing for money is defined as directly or indirectly receiving pay or financial benefit or other benefit in consideration of or as a reward for participation in any powerlifting competition or disposing of prizes from powerlifting competition for personal gain, except for funds donated to compensate the amateur athlete for training and travel reimbursements. These actions if committed shall cause the athlete to be ineligible for amateur competition.

Section 8.5 Miscellaneous. The following are other means by which an athlete, official, coach, club member, or other person can be disqualified from participation in THSWPA activities:

- A. It shall be within the province of the Executive Committee to recommend suspension for such time as it may deem proper, any person guilty of unfair dealing in connection with athletic competition, improper conduct, or for violation of the rules of THSWPA. The following among other things shall be considered as unfair dealing and improper conduct:
  1. The doing of any act, which tends to disturb or obstruct a competition or to bring THSWPA or amateur athletics into disrepute.
  2. The misappropriation of THSWPA funds.
  3. Anyone who files suit in any court of law in the United States against THSWPA or any of their agents, successors, or affiliates, without the express approval of THSWPA.
- B. Any member of THSWPA who has incurred indebtedness to THSWPA shall be suspended by THSWPA until such indebtedness is liquidated.
- C. Any person who shall refuse to appear to testify before either the Executive Committee upon any hearing or to answer any question, which said committees, shall rule as to be proper shall be liable

to suspension or such other discipline as the Committee may determine until the person has been purged of such refusal.

Section 8.6 Persons other than Athletes. Any person who assists in causing an athlete to lose their amateur status may be suspended from participating in any capacity in THSWPA.

Section 8.7 Definition of THSWPA Powerlifting Competition. As used in Article XII, and elsewhere in these By-Laws, a THSWPA powerlifting competition shall include any event in which any or all of the powerlifts (squat, bench press, deadlift) are contested in accordance with THSWPA rules and with these By-Laws.

## **ARTICLE IX - MISCELLANEOUS**

Section 9.1 Law and Legislation Committee. The Law and Legislation Committee shall review the existing By-Laws and propose changes to make these By-Laws consistent with our current practices and amendments.

- A. This committee shall establish methods and procedures for the effective running of THSWPA, its committees, elections, and officials.
- B. These proposed changes shall be presented in a timely manner to THSWPA president for review prior to being submitted for review to the THSWPA Executive Committee.
- C. The revised and accepted By-Laws shall then be filed and registered by the current THSWPA president within thirty days of acceptance.

Section 9.2 Voting. Where not otherwise stated, voting on a particular matter by the Executive Committee shall be by majority vote.

Section 9.3 Fiscal Year. The fiscal year of THSWPA shall be determined by resolution of the Executive Committee.

Section 9.4 Notices and Waivers Thereof. Whenever any notice is required by these By-Laws, such notice except as otherwise provided by law, may be given personally or by mail or in the case of members of the Executive Committee, by telegram, cable or telefacsimile, sent to such address as appears on the books of THSWPA. Any notice given by telegram, cable or telefacsimile shall be deemed to have been given when it shall have been delivered for transmission and any notice given by mail shall be deemed to have been given when it shall have been deposited in the U.S. mail with postage prepaid. Whenever a notice is required to be given by any statute, the certificate of incorporation, or these By-Laws, 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.

Section 9.5 Books and Records. THSWPA shall keep complete books and records of account, which may be inspected during regular business hours by any member of THSWPA upon reasonable notice to the Business Manager of THSWPA.

Section 9.6 Indemnification.

- A. THSWPA shall 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, criminal, administrative or investigative (other than an action by or in the right of THSWPA), by reason of the fact that the person is or was any officer, employee or official representative of THSWPA against expenses, including attorney's fees, judgments, fines and amounts actually and reasonably incurred by the person in connection with such action, suit or proceeding if the person acted in good faith and in a manner they reasonably believed to be in or not opposed to the best interests of THSWPA and with respect to any criminal action or proceedings, had no reasonable cause to believe their conduct was unlawful. The Executive Committee shall determine by two-thirds (2/3) vote whether or not such person acted in good faith and in a manner not opposed to the best interest of THSWPA.

In a criminal proceeding, if such person is convicted, pleads guilty or nolo contendere, THSWPA shall not indemnify such person for any expenses incurred as a result of the prosecution. The termination of any action, suit or proceeding by judgment, order, or settlement, shall not of itself create a presumption that the person did not act in good faith and in a manner which they reasonably believed to be in or not opposed to the best interests of THSWPA and with respect to any criminal action or proceeding, had reasonable cause to believe that their conduct was lawful.

- B. Any indemnification under paragraph A shall be made by THSWPA only as authorized in the specific case upon a determination that indemnification of the officer, employee or agent is proper in the circumstances because they have met the applicable standards of conduct set forth in paragraph A. Such determination shall be made by the Executive Committee by a majority vote of a quorum consisting of members who are not parties to such action, suit or proceeding.
- C. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which the officer, employee, or official representative may be entitled under any By-Law, agreement, vote of the membership, or disinterested directors or otherwise. The indemnification provided by this Article shall continue as to a representative and shall inure to the benefit of the heirs, executors, and administrators of such a person.
- D. THSWPA, pursuant to a resolution of the Executive Committee, may purchase and maintain insurance on behalf of the THSWPA for the purpose of insuring the competitors, workers, and officials during the course of a powerlifting competition.

Section 9.7 Counselor. There may be a counselor who shall act as the chief legal advisor of THSWPA and its officers and be selected by a majority vote of the Executive Committee. The counselors shall have no vote in the capacity as legal advisor but shall be eligible to serve as an Executive Committee member.

Section 9.8 Amendments. These articles may be amended at any meeting of the Executive Committee by a two-thirds vote of the members present, provided that any such amendment is deemed by the Executive Committee to be necessary to meet the requirements of the THSWPA.

Section 9.9 Saving Clause. Failure of literal or complete compliance with provisions of the By-Laws in 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 at meetings held, do not cause substantial injury to the rights of members, shall not invalidate the actions or proceedings of the members at any meeting.

Section 9.10 Regional Boundary lines. The Regions of the Texas High School Powerlifting Association are established according to county boundary lines. There is an effort made to maintain equality with regard to region size and parity.