



# **By-laws**

Revised July 1, 2006

**THE NEW JERSEY COUNCIL OF FIGURE SKATING CLUBS, INC.**  
Member of the United States Figure Skating Association  
**By-Laws** Revised July 1, 2004

**ARTICLE I - NAME**

The names of this organization shall be "THE NEW JERSEY COUNCIL OF FIGURE SKATING CLUBS, INC." hereafter referred to as the "Council."

**ARTICLE II - OBJECT -**

The object of the Council shall be:

1. To support the mission of the United States Figure Skating Association by providing programs to encourage participation and achievement in the sport of figure skating on ice in the State of New Jersey.
2. To provide a forum for the exchange of information among the several members clubs for their mutual aid and benefit and for the furtherance of the objectives of this Council set forth in this article.
3. To provide a Council for the purpose to undertake cooperative activities which may include, but are not limited to, sponsoring tests, competition, exhibitions, schools, matches, conferences, ice facilities, cooperation with amateur athletic organizations, professionals, rink owners, rink managers, and to disseminate information concerning skating.
4. To raise money to support the activities of the Council by dues, assessments, or any lawful means provided, however, that none of the income of the Council shall inure to the private profit of any individual person.
5. It is understood that the Council is intended to assist the member clubs and it shall not detract from nor interfere with the sovereignty of the member clubs or the United States Figure Skating Association hereafter referred to as "U.S.F.S.A."
6. To provide scholarships based on merit and need to qualified skaters who are current members in good standing of the U.S.F.S.A. clubs registered in the State of New Jersey.
7. To encourage and give guidance and assistance in the organization of New Jersey ice skating clubs, and the attaining of full participation by clubs, schools, colleges and universities throughout the State of New Jersey.
8. To educate and inform the public through the use of media, and particularly the youth of New Jersey, regarding figure skating, with emphasis upon its pleasures, healthful aspects, and its value as an activity which contributes to the development of fitness and character in youth.
9. To provide an equal opportunity to eligible athletes, coaches, trainers, managers, administrators, and officials to participate without discrimination on the basis of race, color, religion, age, gender, sexual orientation, or national origin.
10. The corporation is organized exclusively for charitable and educational purposes provided for under Section 501 (c) (3) of the Internal Revenue Code of 1986 and does not contemplate pecuniary gain or profit, incidental or otherwise. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the preparation or distribution of statements) any political campaign on behalf of any candidate for public office. The corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1986 (or the Law) or (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1986 (or the

corresponding provision of any future United States Internal Revenue C(Law). Upon dissolution, the assets of the corporation shall be distributed as follows: In the event of dissolution of this corporation, its assets shall be distributed only to organizations which enjoy exempt status in accordance with the provisions of Section 501 (c) (3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United State Internal Revenue Law.

### **ARTICLE III - MEMBERSHIP**

1. The membership of the council shall be composed of:
  - a) Organizations who are members of the USFSA who hereinafter are called member clubs.
  - b) Honorary Members
2. Organizations shall consist of member clubs that have fully satisfied the current USFSA membership requirements and are voted into full membership by the USFSA Governing Council, who have their principal skating headquarters in the State of New Jersey, and such other classes as may, from time to time, be determined by the Council, including but not limited to USFSA college skating clubs, and high school clubs that have fully satisfied the current USFSSA membership requirements (one parochial, one private, and one public) and are members of the New Jersey Council of High School Figure Skating Clubs, Inc.
3. An honorary lifetime member shall be a person elected as such by a minimum two-thirds vote of the Council membership, present in person or by proxy at any regular or special meeting called for that purpose, on the condition that the person or persons have been nominated at the last previous regular meeting. An honorary lifetime member shall be free from any fees, dues and/or assessments. They shall not be nominated or elected to an office of the Council and they shall have no vote.
4. All organizations that meet the criteria for membership will be mailed by regular mail and e-mail annual registration materials. All organizations eligible for membership in the NJCFSC must return annual registration materials to the Secretary of the NJCFSC in order to exercise their voting privileges. Organizations that fail to return their annual registration materials will forfeit their voting privileges until they comply.
5. Provisional USFSA skating clubs are welcome to attend but will not have voting privileges until they become full members of the USFSA.
6. Corporate Member of the New Jersey Council of Figure Skating Clubs, Inc.: Any organization established in the form of a separate nonprofit organization in foundation or other form, whose mission it is to assist this parent corporation, shall be as a related organization. The Corporate Member shall be the Board of Directors of this organization, who shall approve the Articles of Incorporation and Bylaws and annually elect the Directors of each such related organization.

### **ARTICLE IV - GOVERNMENT**

The Government of the Council shall be vested in the Council, consisting of the President of each member club, or the authorized representative of the school, or the Chairman of the Skating Committee where the club of school has other activities, and an alternate delegate from each member club to be selected by the President, or Chairman of the Skating Committee, or the authorized representative of the school, of each club or school in such a manner as the individual club of school shall determine. Said Council shall possess and exercise all the powers and duties necessary for the government of all the affairs of the Council.

The officers of the Council need not be a current President of a club, authorized representative of a school, or chairman of a skating committee, or current alternate delegate, but must have been a delegate or an alternate delegate to the Council and be an active member of the USFSA.

Members of the Standing committees of the USFSA, residing in the State of New Jersey may act in an ex-officio capacity to the council and may attend all meetings. The retiring President of the Council shall become an ex-officio member of the Council for two years upon retiring.

The annual meeting will be held in the second quarter of the calendar year and after the NJ Council Competition. Officers shall be elected at the Annual Meeting. The skating year of the Council shall be July 1 - June 30 at which time the new officers will start their term.

#### **ARTICLE V - DELEGATES**

The Council shall consist of the President or the appointed delegate of each U.S. Figure Skating full-member club and Collegiate club and the authorized representative(s) of the New Jersey Council of Figure Skating High School Clubs as determined by the Council, and one alternate delegate from each club selected by the President or an authorized school representative thereof, or as otherwise may be determined by the member club. Each club, college and the authorized representatives of the New Jersey Council of High School Figure Skating Clubs, shall register annually with the Secretary of the Council the names, addresses, telephone numbers, e-mail addresses, and USFSA membership numbers of the delegate and alternate delegate. All voting delegates, alternates, and representatives to the Council must be home-club members in good standing of a U.S. Figure Skating organization located and/or registered in the State of New Jersey.

Delegates shall not receive compensation for their services as such, although the Council may reimburse reasonable travel expenses of delegates in attendance at meetings.

Each delegate and officer shall perform their duties as a delegate or officer, including without limitation their duties as a member of any committee of the Council in good faith, in a manner he or she reasonably believes to be in the best interests of the corporation, and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

#### **ARTICLE VI - VOTING POWER**

Delegates attending the meeting shall have voting privilege: One vote per club. Only member clubs and schools in good standing may have voting privileges.

The President of the Council may accept votes by proxy, teleconference, mail, facsimile, or e-mail ballot. Between meetings, all member club delegates must be balloted, and fifty (50) per cent plus one vote of the total of possible delegate ballots will constitute a majority. Any motion or action must be approved by majority vote.

The results and reports of action shall be reported to the delegates within seven (7) business days after such action or actions have been taken.

#### **ARTICLE VII - MEETINGS**

The Council shall meet a minimum of FOUR TIMES EACH CALENDAR YEAR, with one of said meetings being the annual meeting at such times and places as may be designated by the President. Said meetings shall be considered as a regular meeting, a quorum being present. Special meetings of the Council may be held at such times and places as the President shall designate upon his own motion or upon the request of the Presidents or Chairmen or authorized school representatives of any three member clubs or schools.

The Council may also meet or conduct meetings by teleconference, or permit any delegate to participate in a regular or special meeting through the use of any means of communications by which all the delegates present, as the case may be, can hear each other during the meeting. A person participating a meeting in this manner is deemed to be present in person at the meeting.

#### **Quorum:**

At all meetings of the Council, delegates or alternate delegates, representing at least one third of the member clubs of the Council in good standing as specified in Article III, Section 4 shall constitute a quorum.

In the event of a tie vote the President shall have a vote in order to break a tie in voting. A majority vote of the quorum present in person or by teleconference shall be required to pass any resolutions or motion, excepting that

In the case of amendments to the Constitution and by-laws an affirmative vote of two-thirds of full voting power shall be required, proxies from clubs will be acceptable.

In the event that a quorum is not met through members present or proxies counted, teleconference, ballot by e-mail, mail and/or facsimile can be activated to pass any motion or approve any action. Roberts Rules of Order shall be followed at all times.

All meetings shall be called by written notice and such notice shall contain a brief outline of the agenda. In the case of proposed amendments to the Constitution and by-laws, the call of the meeting shall contain in addition to the agenda a statement of the proposed amendment or amendments.

### **ARTICLE VIII - OFFICERS**

The officers of the Council shall be a President, a Vice-president, a Secretary, and a Treasurer.

1. **PRESIDENT** - In addition to representing the Council, the President shall:
  - a) Preside at all meetings of the Council.
  - b) Call general and special meetings as required by the Constitution and by-laws and/or as he may deem proper.
  - c) Execute documents, agreements, and contracts, and perform such other duties as the Council may from time to time direct.
  - d) With the advice and consent of the Council, appoint chairmen and members of subcommittees as may be necessary or convenient in carrying out the work of the Council.
2. **VICE-PRESIDENT** - The Vice-President shall assist the President in the latter's absence or disability, the Vice-President shall discharge the duties of the President as specified above for the unexpired term or the absence or disability.
3. **TREASURER** - The Treasurer shall have the general custody of the funds of the Council and shall:
  - a) Keep full and accurate account of receipts and disbursements of the Council in the books.
  - b) Receive any monies belonging to or paid into the Council and give receipt for the same and deposit all funds with such depository as the Council may decide.
  - c) Disburse the funds of the Council in payments of debts incurred by the Council.
  - d) Render to the President and Council whatever is required by them in account of all his transactions as Treasurer.
  - e) Present a financial report at each meeting and a full financial report at the Annual Meeting of the Council.
4. **SECRETARY**- The Secretary shall:
  - a) Keep full and accurate record of all proceedings of the Council and of all meetings of the Council.
  - b) Check and record the names, addresses, and telephone numbers of all the member clubs or schools, the appropriate delegates and alternates and ex-officio members.
  - c) Issue notices of all meetings to all members and ex-officio members
  - d) Generally perform all such other duties as pertain to his office and may be required by the Council or by the President.

### **ARTICLE IX - ELECTION OF OFFICERS**

There shall be a nominating committee consisting of a Chairman, to be appointed by the President, and two other delegates, each member of the nominating committee to be selected from three different member clubs, nominated from the floor and elected by a majority vote at a regular meeting. A copy of the nominations shall be given to the current President and Secretary prior to the Annual Meeting. The nominees shall be notified prior to the Annual Meeting and asked to accept or decline said nomination, and whether they are prepared to accept the responsibilities of said office should they be elected. The nominating committee shall present a slate of officers at the Annual Meeting, following which the President shall ask for nominations from the delegates or alternate delegates for each office separately. Members of the nominating committee shall not be eligible for nomination as an officer. The present officers shall be eligible but only for nomination for one additional term in the same office.

The Council, by a majority vote of the members thereof present, a quorum being present ***or achieved by special written absentee ballot distributed and received in advance of the*** Annual Meeting shall elect by majority vote (one vote per club or school) and install a President, Vice-President, Secretary, and Treasurer to hold office for a term of two (2) years, commencing July 1. ***Marked urgent for 2006; In subsequent years, ballots will go out by email within two weeks after the slate of candidates for office has been presented by the Nominating Committee and accepted by the delegates. The completed ballots must be returned the Friday before the election if returned by email or fax, or presented in person by the delegate at the Annual Meeting,***

In the event that a vacancy in the office of Vice-President, Secretary or Treasurer occurs, an election to fill such vacancy shall be held at a regular meeting as designated by the presiding officer. The elected officer shall serve for the unexpired term.

#### **ARTICLE X - REMOVAL OF OFFICERS**

1. An office shall be immediately vacated
  - a) If the officer is convicted of a criminal offense
  - b) If the officer in writing resigns his or her office
  - c) If the officer is no longer a home-club member of a New Jersey club
  - d) If the officer is no longer a member in good standing with the U.S.F.S.A.
  - e) If the officer refuses to act or abdicates the performance of his or her responsibilities
2. Any officer or agent can be removed by the Council whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not in itself create contract rights.

#### **ARTICLE XI - DUES**

The annual dues of each member club or school, if any, shall be determined by Council at the Annual Meeting.

#### **ARTICLE XII - EXONERATION FROM PERSONAL LIABILITY**

The Council hereby consents and declares that each officer, chairman and members of all committees, and all elected or appointed officials in any capacity shall be deemed to have assumed office or assignment on the express understanding, agreement and condition that each one of them and his heirs, executors and administrators, estate and effects respectively shall from time to time be indemnified and saved harmless out of the funds of the Council from and against all liabilities, judgments, costs, charges and expenses whatsoever which is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office, and also from and against all other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs, thereof, except such costs, charges, or expenses as are occasioned by his own willful neglect of default.

#### **ARTICLE XIII - RESIGNATIONS**

Any member club or school may resign from the Council upon notice and payment of all dues then due and payable.

A club or school which has ceased all activity as a U.S.F.S.A. club may upon written request be made an inactive member, being at that time, or course, in good standing. Inactive clubs or schools shall have no rights or privileges nor be subject to dues or assessments. They shall be readmitted, when eligible, upon written application.

#### **ARTICLE XIV - AMENDMENTS**

Amendments to this Constitution may be acted upon at any Annual or other regular meeting of the Council. The proposed amendment of amendments shall be posted on the agenda of a regular meeting. Voting on the amendment will take place at the subsequent meeting. An affirmative vote of two-thirds of the full voting power shall be required to amend this Constitution and By-laws.

## ARTICLE XV - ADOPTION

This Constitution and by-laws shall be in full force and effect upon receipt of written notice or application from a quorum or two-thirds approval of the eligible member clubs or schools.

### ARTICLE XVI – Grievance and Disciplinary Proceedings: Suspension, Expulsion and Loss of Membership Privileges

Section 1 *Delinquent Financial Obligations.* Any member club, collegiate club, or school-affiliated member which fails to make payment of dues, registration fees, or any other financial obligations due to the NJCFSC by the January first next succeeding the due date shall be considered delinquent and shall lose all privileges of membership. However, payment of the delinquent obligations at any time prior to the date of the immediately following annual meeting of the NJCFSC shall restore the privileges of membership.

Section 2 *Expulsion of Delinquent Members.* At each annual meeting of the NJCFSC, the treasurer shall submit a list of member clubs, collegiate clubs, and school-affiliated members which are delinquent with respect to the payment of dues, registration fees, or any other financial obligations due the NJCFSC and shall recommend appropriate action to be taken with respect thereto. Any such delinquent member may be permanently expelled from membership by a majority vote of the NJCFSC council in person or by proxy at such meeting provided that the delinquent member shall have first been afforded notice of the proposed expulsion and an opportunity to be heard pursuant to a fair and reasonable procedure established by the board as written policy of the NJCFSC.

Section 3 *Grievance and Disciplinary Proceedings.* All grievance and disciplinary procedures shall be filed and resolved pursuant to the procedures outlined in this section. The forms and the instructions for filing a grievance are available from the NJCFSC upon request of a USFSA member of a NJCFSC member club or the member club of the NJCFSC.

(a) *Grievance Proceedings:*

(i) *Scope:* Any USFSA member of a NJCFSC club or NJCFSC member club aggrieved or harmed by the alleged violation of a USFSA bylaw or rule by any other USFSA member of a NJCFSC member club or NJCFSC member club may bring a grievance citing the alleged violation of the USFSA bylaw or rule. The member or member club must be a member in good standing of the USFSA and the NJCFSC member club both at the time the grievance is filed and at the time of the alleged violation of the USFSA bylaw or rule. Such grievance must include the allegation that violation of a USFSA bylaw or rule caused harm to the Grievant.

(ii) *Time period:* A grievance must be filed within sixty (60) days of the occurrence of the alleged violation, or within sixty (60) days of the discovery of the alleged violation, or within sixty (60) days from exhaustion of all available remedies from the NJCFSC club member, or in the case of a minor, within sixty (60) days of the minor's eighteenth (18<sup>th</sup>) birthday, whichever is later.

(iii) *Filing a Grievance Statement:* The member of a NJCFSC club or member club filing the grievance shall file a written statement, signed under oath and under penalty of perjury, the "Grievance Statement," with the chair of the NJCFSC Grievance Committee. The name and address of the current chair of the Grievance Committee can be found in the current NJCFSC directory. The Grievance Statement shall state in clear and precise language:

1. the name of the party filing the Grievance (the "Grievant");
2. the Grievant's address, telephone number, e-mail address, NJCFSC member club and USFSA registration number;
3. the name of the party against whom the Grievance is brought (the "Respondent");
4. the Respondent's address, telephone number, e-mail address, NJCFSC member club and if known, the Respondent's USFSA registration number;
5. names, address, telephone number and e-mail address of any other parties involved;
6. the USFSA bylaw or rule allegedly violated;
7. a statement of facts surrounding the alleged violation, including the date of the alleged violation;
8. a statement certifying that attempts to resolve this matter at the local NJCFSC club level have been made and were unsuccessful. The statement shall include a description of the specific actions the Grievant has taken to attempt to resolve the matter under NJCFSC member club rules; and
9. the action the Grievant wishes taken.

The Grievance statement may be accompanied by supporting documentation which shall be considered a part of the Grievance Statement.

(iv) *Receipt of Grievance Statement by Chair of the Grievance Committee:*

1. Upon receipt of the written Grievance Statement, the chair of the Grievance Committee shall review the Grievance statement to determine:
  - (a) whether the allegations, if believed, would constitute a violation of USFSA Bylaws or Rules;
  - (b) whether the Grievance Statement complies in form and substance to the requirements of the NJCFSC Section 3 (a) (i), (ii) and (iii) above;
  - (c) whether the relief requested is within the authority of a Grievance Hearing Panel to grant if the Grievance is resolved in favor of the Grievant.
2. If the Grievance Statement includes allegations of violations of the USFSA Code of Ethics and/or Code of Conduct, the Grievance Statement shall promptly be forwarded to the chair of the Ethics Committee.
3. If the chair of the Grievance Committee determines that the Grievance complies with the requirements, under Section 2, (a) (iv) 1., the chair of the Grievance Committee shall, within two (2) weeks of receipt of the Grievance statement:
  - (a) notify the Grievant, the Respondent(s), as well as the president and secretary of the NJCFSC of acceptance of the Grievance;
  - (b) forward a copy of the entire Grievance Statement to the Respondent(s); and
  - (c) Commence retention of a mediator or if warranted, an arbitration procedure through American Arbitration Association or a similar alternative dispute resolution Company. Costs to be shared by Grievant and Respondent.
4. If the chair of the Grievance Committee determines that the Grievance statement does not comply, the chair of the Grievance Committee shall so notify the Grievant, in writing, including the basis for the decision, by an expeditious delivery system that provides reasonable evidence of delivery to the addressee, within two (2) weeks of receipt of the Grievance Statement. The Grievant shall have no more than two (2) weeks from the receipt of such notice to amend the Grievance Statement so that it complies with the bylaws requirements.
  - (v) *Respondent's Reply to Grievance Statement:*
    1. The Respondent will have thirty (30) days from the receipt of the Grievance Statement by any expeditious delivery system that provides reasonable evidence of delivery to the addressee in which to send a written response, signed under oath, and under penalty of perjury, with any supporting documents (the "Response") to the chair of the Grievance Committee and to the Grievant.
    2. If the respondent fails to file a Response within the time specified, it will be deemed an admission of the allegations made by the Grievant and shall constitute a waiver of the Respondent's right to a hearing or appeal. The chair of the Grievance Committee shall determine appropriate relief, which shall be final, binding, and not appealable under the bylaws and rules of the USFSA.
    3. The Grievant and Respondent may represent themselves throughout the grievance process, or may be represented by a person of their choice.
    4. The chair of the Hearing Panel will provide the Grievant, the Respondent, and the panel members with the written procedures and guidelines to be followed.
    5. There shall be a record made of the proceeding.
    6. The Grievant has the burden of supporting the Grievance by a preponderance of the evidence.
    7. Decision by the arbitration proceeding shall be made as soon as practical.
    8. A filing fee of \$250.00 shall be charged to the Grievant and the Respondent.
    9. Additional administrative fees and costs may be assessed to the non-prevailing party.
    10. All decisions are binding and "final".

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Memorialized in Minutes of Annual Meeting, June 25, 2006  
Effective July 1, 2006