

USA Dance Executive Committee
Email Vote Minutes
October 29, 2018

Present:

Greg Warner, Ruth Long, Jack Kellner, Melissa Dexter, Giacomo Steccaglia

At the October 22, 2018 meeting of the USA Dance Governing Council, a request was made to the USA Dance Executive Committee to provide an interpretation of USA Dance bylaw, Article XIV, Sections J and K. This request pertains to a Complaint submitted By Ken Richards and is being appealed to the American Arbitration Association. Other members of the USA Dance Executive Committee, Gary Stroick, Leland Whitney, Inna Brayer and Rog Greenawalt, were excluded from this discussion as they are parties to this complaint.

An email vote was used to verify the interpretation.

Motion by Greg for email vote and motion by Greg to approve bylaw interpretation as attached to these minutes. Both motions seconded by Ruth. The email vote passed unanimously (5-0-0) for the email vote and the requested bylaw interpretation as documented in the attached Executive Committee Resolution.

Respectfully submitted,

Greg Warner, Senior VP

**EXECUTIVE COMMITTEE RESOLUTION INTERPRETING ARTICLE XIV, SECTIONS
J AND K OF THE USA DANCE BYLAWS**

Whereas, a USA Dance member is concurrently appealing a decision of a hearing panel to the GC to the American Arbitration Board;

Whereas, under the bylaws of USA Dance, Article V, Section F 5, "The EC shall interpret and enforce the existing enabling documents, bylaws, and rules of USA Dance."

Whereas, the Governing Council at its meeting on October 22, 2018, requested the EC interpret Article XIV as it relates to appeals to the GC and arbitration;

Whereas, the question before the EC is whether, under the complaint and appeal provisions of the USA Dance bylaws, the appeal to the GC is required before submission to the American Arbitration Board;

Whereas, the EC has reviewed Article XIV, section J. and K. of the bylaws concerning appeals and arbitration. Those sections read as follows:

J. APPEAL: Within thirty (30) days after receipt of a copy of the report, a party may request an appeal of the decision. The request shall be in writing and addressed to the President. It shall state why the decision of the hearing panel was wrong, why any alleged error by the hearing panel would have materially changed the hearing panel's decision, and what remedy is requested. A filing fee as specified in the "USA Dance Complaint Fee Structure" policy document shall accompany the request. The Secretary shall send the other party a copy of the appeal documents with a request for any follow up response they wish to make. Upon review of the appeal and any follow up response, the GC may:

1. returns the complaint to the panel for clarification or for the taking of additional evidence or reconsidering their decision or
2. affirm the decision of the hearing panel, or
3. take such other action as it deems appropriate. The decision of the GC is final.

K. ARBITRATION: Any party may appeal a decision of the hearing panel or the GC in the case of an appeal to the American Arbitration Association. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the hearing panel or the GC to the arbitrator for the arbitrator's consideration. Arbitration fees shall be paid by the party that appeals the decision.

Now therefore, be it resolved that the Executive Committee makes the following interpretation of Article XIV Section J. Appeal and K. Arbitration:

1. Appeal to the GC is the final step in the internal USA Dance Complaint Procedure. However, if a party is not satisfied with the decision of the GC, the party may seek external relief through an appeal to the American Arbitration Board. Arbitration is the final option for concluding a complaint under the USA Dance bylaws.
2. A party may chose to appeal a decision of the hearing panel to either the GC or to the American Arbitration Association but not both at the same time.
3. If the party choses arbitration, the party foregoes the option of an appeal to the GC as arbitration is the final option in the appeal process.
4. Alternatively, a party may appeal to the GC. Once that decision is made, if the party is still dissatisfied, the party may appeal the decision of the GC to the American Arbitration Association.