

CONSTITUTION AND BY LAWS

CONSTITUTION of The American Racing Pigeon Union, Inc.

Adopted January 1995, last revised June 2020

I - OBJECT

The American Racing Pigeon Union, Inc. (hereinafter referred to as the "Union") exists to promote, protect, and enhance the sport of racing homing pigeons, to cooperate with other organizations, which directly or indirectly accomplish those goals, and to provide services and benefits to its members.

II - EXISTENCE

The Union is a not-for-profit corporation organized and existing under the laws of the State of Oklahoma. The State of Incorporation of the Union may be changed from time to time if the Board of Directors of the Union deems it advisable to do so.

III - BOARD OF DIRECTORS

The Board of Directors of the Union consists of all elected officers and directors, and that Board is authorized to conduct all business of the Union, in accordance with this Constitution and its Bylaws. No individual director or officer is authorized to act for the Union or bind it to legal obligations unless authorized to do so by this Constitution, the Union Bylaws, by vote of the Board of Directors, or in accordance with policies duly adopted by the Board of Directors. The Board of Directors may establish such committees or appoint such persons designated to perform certain functions on behalf of the Union, as it deems necessary in order to carry out the business of the Union.

IV - MEMBERSHIP

The Union shall have members in one or more classes of membership with such rights, duties, and the Bylaws or the Board of Directors shall determine powers as. Members shall have the right to receive notice as may be provided by the Union Bylaws of actions by the Board of Directors, to receive first priority as to any services rendered by the Union. To associate with or organize into other organizations, including but not limited to auxiliaries, clubs, centers, combines, concourses, and associations which may be affiliated with the Union, and the right to recall any officer or director in accordance with the Union Bylaws. There shall be at least one class of general membership, the members of which shall have the right and power to elect officers and directors. A member may condition the right of membership in the Union upon payment of dues. Eligibility for membership as determined by the Union, acceptable conduct on the part of any Union member; agreement of any member to abide by and adhere to all rules, regulations, policies of the Union; and the agreement of any member to be bound by any determination or ruling of the Union. No Union affiliated organization may set or

establish conditions for membership in that organization which are inconsistent with, or exceed, those required for membership in the Union or which conflict with the Bylaws of the Union.

V - RESERVATION OF POWERS

Any auxiliary, club, center, combine, concourse, association, or other organization affiliated with the Union (hereinafter referred to as "affiliated organization") reserves all rights and powers to operate and to conduct its own activities. Affiliated organizations may adopt and enforce their own constitutions and bylaws. As a necessary condition of securing and holding a charter from the AU, an affiliated organization must be operated in accordance with basic principles of democracy. Organizational documents must provide that most votes, whether by an organization's board or by its membership, shall require a majority to pass. In certain cases where it is common to have a super majority requirement, super majority vote may be allowed, but in no case can the super majority requirement be greater than 2/3. Organizations that have decision making requirements in excess of 2/3 shall be notified of their non-compliance and given up to 3 months to amend their procedures to come in compliance with this provision. If the organization fails to do so, the AU Board may vote to revoke the organization's charter with the AU.

VI - ELECTION OF DIRECTORS AND OFFICERS

The members of the Union in any class of membership entitled to vote shall, in accordance with the Union Bylaws, elect the directors and officers of the Union. The Union shall make reasonable efforts to assure that voting members of the Union have reasonably proportionate representation and gross disparities between the numbers of persons represented by directors shall not be allowed. The directors of the Union shall be selected within geographic regions or areas and the Board of Directors may modify or amend those regions or areas as needed to maintain substantially proportionate representation.

VII - AMENDMENT OF CONSTITUTION

The members of the Union may require a referendum vote on any proposed amendment hereto by the filing with the Union Executive Director of a petition, stating the proposed amendment and signed by not less than five percent (5.0%) of the current Union members in good standing and with voting rights.

Written notice to the membership of the Union of any proposed amendment, whether initiated by the Board of Directors or by petition of the membership; and of the results of such election, once completed, shall be provided not later than sixty (60) days prior to, and after, respectively, the date of the vote on the amendment, by direct written notice to all current members, delivered to the last known address or by publication in the Union Publication. An election to amend this Constitution shall result in the adoption of the proposed amendment if not less than 2/3 of those members who cast votes vote in

favor of the amendment. Any amendment to this Constitution is effective on the 31st day following either the date the Board of Directors votes to amend, if it has such power, or the date when the Board canvasses the election results of a membership referendum vote and accepts that election as official.

VIII - MERGER OR DISSOLUTION

No merger of the Union with any other organization or any dissolution of the Union shall be valid unless a referendum vote of the members of the Union entitled to vote thereon approves such action by a two-thirds vote with not less than fifty percent of the current membership casting a ballot. In the event of a proposed merger of the Union the terms of the merger shall be set out with reasonable particularity in the referendum ballot. In the event of dissolution of the Union the Board of Directors shall distribute pro rata the assets of the Union to the members of any general membership class, after either satisfying or making arrangements to satisfy any debts or legal obligations of the Union.

BY-LAWS of The American Racing Pigeon Union, Inc.

1.00 - MEMBERSHIP

1.01 Membership in Classes. Each member of the Union shall be designated as a member of one of the classes of membership of the Union.

1.02 No Discrimination in Membership Except for Conduct. No one shall be denied membership, the right to hold any office or position, or any benefit otherwise afforded to Union members on the basis of sex, race, color, national origin, or religion.

1.03 Membership Rejection. The Union may reject the membership application of, and refuse to accept, any person as a member by a majority vote of the Board of Directors of the Union. The Board of Directors may consider, as a basis for its action, any or all of the following: a record of criminal conviction(s) which is such that to allow membership would tend to bring the Union into disrepute; a conviction for a crime of moral turpitude; a pattern of conduct in the past while previously a member of the Union by the applicant which in the opinion of the Board caused harm to the Union, its members, or an affiliated organization(s); the expulsion or suspension of the applicant from membership in another organization in the pigeon sport; or, a pattern of conduct in the past while the applicant was a member of another membership organization which conduct, if repeated as a member of the Union, would in reasonable probability bring harm to the Union.

1.04 Members Bound by Union Rules. All Union members agree to be bound to all rules, policies, or procedures of the Union as a condition to membership, and to abide by any decision or determination of the Union.

1.05 Termination of Membership. The Union may terminate the membership of any member by action taken in accordance with the Union Rules of Conduct, or for non-

payment of dues. A member whose membership is terminated ceases to be eligible for membership in any Union affiliated organization. (*revised 7-97*)

1.06 Membership of Affiliated Organizations. Union affiliated organizations may only deny membership to an applicant for reasons provided in the Union Constitution, by limitations adopted in accordance with Section V of the Union Constitution, or for conduct described in Section 1.03 of these Bylaws. No affiliated organization may terminate the membership of a member without notice, fair hearing, and proof of conduct, which would also constitute a basis for termination of Union membership.

A. Member leaving club. When a member leaves a functioning AU club, for any reason, all physical or financial assets shall remain with the club, unless specified in a written agreement made, dated and signed, between the member(s) leaving and the remaining club membership. (*added 11-6-06*)

2.00 - CLASSES OF MEMBERSHIP

2.01 Class Members. "Class A members" are those who belong to clubs affiliated with the Union through a Center.

2.02 Class B Members. "Class B members" are those who belong to a club which is not affiliated with a Center.

2.03 Class C Members. "Class C members" are those who have not reached their 18th birthday by the deadline for receipt of Union dues.

2.04 Class D Members. "Class D members" are those who are not affiliated with either a club or center.

2.05 Class E Members. "Class E members" are those who reside outside the North American continent, except for Hawaii, Puerto Rico, and the **Caribbean**. Added July 2012

2.06 Life Memberships. The Union may establish Life Memberships in the Union, and set conditions for awarding of such memberships, including a one-time payment of dues, as it deems proper. The Union shall adopt a policy regarding refunds, if any, of dues paid by Life Members, but no refund of any Life membership shall be made to a member who is expelled for cause.

2.07 Honorary Memberships. The Union may establish honorary memberships in recognition of the services to the racing pigeon sport by deserving individuals.

(a) The Executive Director shall keep a roster of those persons to whom such membership(s) are awarded, and a summary of their accomplishments meriting the award, which may be published annually in the Union Publication.

2.08 Class F memberships. "Class F members are families, who would qualify for any of the above classes but have more than one member of the family that is active in the sport. The family classification is limited to immediate family members, living in the same physical address and includes one adult, spouse, and any number of participating dependant children under the age of 18. Voting is limited to one vote per membership.

2.09 Limited memberships. The Union may establish a non-voting, non-competitive membership for individuals that want to support the Union and its programs.

Class "S" (Sponsor) membership may include individuals not directly associated with the pigeon sport but have an interest in supporting the Union's programs. This may include families and relatives of members, seniors, and teachers, or other members of the public at large.

Class "P" (Patron) membership is "Limited" to include anyone that have pigeons, both flying and non-flying breeds, or other exotic birds, but do not compete in an AU club or for AU awards. Class P members receive the ID card, Yearbook, subscription to the AU UPDATE newsletter and may benefit from Union programs, including zoning assistance. These members do not receive ballots in AU elections.

2.10 Dues. The Union shall establish and maintain a written dues payment policy and schedule of dues for each class of members, and the establishment, collection and payment of membership dues shall be governed by that policy. (See AU210) All AU members paying full AU dues shall have full rights and privileges including the right to vote, unless specified as in 2.08 or 2.09. (Rev. 10-18-05)

3.00 - OFFICERS

3.01 President. The Union shall have a President, who shall be the Chief Executive Officer of the Union. The President shall vote on any motion before the Board of Directors only if a tie vote requires him to do so. The President shall be elected and take office during 1994 and at the expiration of each term of office thereafter. The term of office shall be as provided in these Bylaws for officers of the Union.

3.02 Executive vice-president. The Union shall have an Executive Vice-President, who shall carry out those responsibilities and duties assigned by the Board of Directors. The Executive Vice-President shall be elected and take office during 1994 and at the expiration of each term of office thereafter. The term of office shall be as provided in these Bylaws for officers of the Union. The Executive Vice President will also serve as the chairman of the Finance Committee (Rev. 10-06)

3.03 Vice-President. The Union shall have a Vice-President, who shall carry out those responsibilities and duties assigned by the Board of Directors. The Vice-President shall be elected and take office during 1994 and at the expiration of each term of office thereafter. The term of office shall be as provided in these Bylaws for officers of the Union.

3.04 Executive Director. The Union shall have an Executive Director, who shall carry out those responsibilities and duties assigned by the Board of Directors. In addition, they shall be responsible to see that accurate and complete minutes of all meetings of the Board of Directors is maintained and make them available for publication in accordance with the policies of the Union. They will be responsible to collect and prepare a meeting agenda for each meeting of the Board of Directors in accordance with these Bylaws, policies and procedures of the Union; maintaining a full and accurate written record of all the actions of the Board of Directors, and a true and correct copy of all policies and procedures adopted by the Board of Directors. They will record in writing any action taken by any Union Committee which is reporting to them.

The Executive Director, shall report the results of all elections to the Board of Directors, and shall supervise all elections of officers by the Union.

The Executive Director shall be a hired employee of the Union and manage the day-to-day operations of the National office.

The Executive Director shall also be responsible to see that all AU award recipients receive acknowledgement in the publications, including Hall-of-Fame, Man-of-the-Year (including previous years), Publicity awards, Speed awards, etc., and that a record of these awards is maintained for our archives.

The Union Executive Director shall maintain complete and accurate financial records of the Union, and report to the Board of Directors and the Union Membership as to the financial affairs of the Union as provided in these Bylaws, policies and procedures of the Union.

The Executive Director shall serve as an ex-officio member of the Finance Committee.

The Board of Directors may appoint or employ one or more assistants to the Executive Director if Union business requires, but such persons shall not be members of the Board.

3.05 Intentionally left blank.

3.06 Directors. The Union shall have seven (7) directors elected, one from each of the Union's eight geographic zones. * Directors shall carry out those responsibilities and duties assigned by the Board of Directors. The zones from which Directors are elected shall, insofar as reasonably possible, be contiguous geographic areas and have equal populations of Union members. The Board of Directors shall regularly review how its geographic zones are constituted and shall have the authority to modify boundaries to accomplish those objectives.

A. Zones: (Revised 9/17)

Northwest- Alaska, Washington, Oregon, Idaho, Wyoming, Colorado, Montana, Utah and Western Provinces (includes Alberta, British Columbia, & the Yukon Territory)

Pacific Mountain- Hawaii, California, Nevada and Arizona

Southwest-Arkansas, Louisiana, Texas, Oklahoma, New Mexico (Mexico & Central America)

Plains- Illinois, Iowa, Kansas, Nebraska, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin and provinces of Manitoba and Saskatchewan)

Lakes- Indiana, Indiana, Michigan, Ohio, Kentucky, West Virginia

Northeast- Connecticut, Delaware, Massachusetts, Maryland, Maine, New York, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont and the Eastern provinces of Quebec, Ontario, New Brunswick, Newfoundland and Labrador, Nova Scotia, and Prince Edward Island.

Southeast- Alabama, Florida, Georgia, Mississippi, Tennessee, South Carolina, North Carolina, Virginia, Maryland, & Wash. D.C., Puerto Rico (and other Caribbean locations),

3.07 Past President. The Past President of the Union shall serve as a member of the Board with travel and voting privileges for a term of two years. If he or she opts to remain, in name only, he or she may do so without voting or travel privileges.

3.08 Constitution, By-Laws, and Policy Advisor. The President shall appoint, with the advice and consent of the Board of Directors, a Constitution, By-Laws, and Policy Advisor, who shall serve until a successor is appointed and assumes the position. The Board of Directors is authorized to pay compensation to the appointee as it deems proper. The appointee shall have demonstrated knowledge of the Constitution, By-Laws, and Policies of the Union. The appointee shall act as consultant and advisor to the Board of Directors, officers, and committee chairs, organizations affiliated with the Union, and Union members, to provide them with interpretations of the Constitution, By-Laws, and Policies involving any question or matter; shall notify the President and

Board of Directors, in writing, if any action taken by the Board of Directors, any officer, any committee chair or committee, or any organization affiliated with the

Union violates any provision of the Constitution or By-Laws or its Policies; shall maintain a true and correct copy of the current Constitution, By-Laws, and Policies for reference by any party, and approve the proofs of and printing to be distributed to the Union membership; shall draft, or approve for submission, any drafts of proposed amendments to the Constitution, By-Laws, or Policies, all of which must first be submitted to him for review before being presented to the Board of Directors for consideration.

3.09 Legal Advisor. The Board of Directors shall each year select an attorney to provide legal counsel and advice to the Board of Directors. The Board of Directors is authorized to pay compensation to the appointee as it deems proper. In the event that a conflict of interest or matter of personal concern to the Legal Advisor shall become an issue, the Board of Directors may employ the services of another legal advisor.

3.10 Public Affairs Advisor. The President may appoint, with the advice and consent of the Board of Directors, a Public Affairs Advisor for the Union, to prepare and distribute information about the Union and its activities. The Board of Directors is authorized to pay compensation to the appointee as it deems proper.

3.11 Authority to Act. The offices identified in this section are ranked in descending order by authority to act as chief executive officer and to preside over meetings of the Board of Directors. In the event any or all persons of a higher rank of executive authority shall be absent or unable to act for any reason, the officer of the highest rank who is present and able to act shall act as presiding officer of the Union, and conduct all business necessary for Union affairs. An officer who is presiding in the absence of one or more officers of superior rank is not disqualified from voting because of his temporary role.

3.12 Executive Committee. An Executive Committee shall consist of the President, Executive Vice President, Vice President and the Executive Director. At the discretion of the President, the Executive Committee may be assigned special tasks and responsibilities and may assist the President with business decisions.

4.00 - TERMS OF OFFICE

4.01 Terms of Office for Officers. The term of office of all Officers shall be for four (4) years or until their successors are appointed or have been duly elected.

4.02 Terms of Office for Directors. The term of office for Directors shall be for four (4) years or until their successors are appointed or have been duly elected. The terms of office shall be staggered so that not more than one Director from each zone shall stand for election in any election year. Those Directors whose terms expire in 1994 under the

previous Union Constitution and By-Laws shall stand for election in 1994, and the remaining Directors shall stand for election in 1996.

4.03 Terms of Office for Appointees. Any person appointed to serve as a chair or member of any standing Union committee shall serve until the end of the term of the Union President by who appointed. Any person appointed to serve as a chair or member on a Union committee appointed for a specific purpose shall serve until the Board of Directors receives and accepts the

final report of that committee. All appointees are subject at any time to removal in accordance with Section 7.05 of the Bylaws.

4.04 Successive Terms of Officers. No officer shall serve in the same office for more than one concurrent term, (4 years). The balance of an unexpired term, which is filled by appointment, shall not be considered to be a term of office for purposes of this section. (Revised 7-11-07)

4.05 Successive Terms of Directors. No Director may serve as a director for more than two consecutive terms, (8 years). The balance of an unexpired term, which is filled by appointment, shall not be considered to be a term of office for purposes of this section.

5.00 – ELECTIONS

This section was revised by the AU Board of Directors by unanimous vote on 8/22/95.

The administrative changes herein are only changes of deadline dates for actions regarding the (election) process. Nothing regarding the election, requirements, procedures or responsibilities for the conduct of said elections has been changed.

5.01 Times. Elections of Union officers and Directors whose terms are expiring shall be held not later than September 1 of every second year, commencing in 1994. The Executive Director shall announce solicitations for candidates for elections in the December issue of the Union Publication and direct any interested parties to this section of the AU Constitution and By-Laws for guidance and requirements.

5.02 Qualification for Candidacy. Any member who seeks an elected position must file with the Executive Director, not later than March 1 of the election year, a petition and a resume. The petition must be signed by the candidate and by not fewer than fifty (50) members, and contain the full name of the candidate, the candidate's address, club, and Center, if any, and the office for which election is sought.

If the candidate seeks office as a Director at least fifty (50) signatures on the petition must be those of members who are residents of the zone which would be represented. The resume shall not exceed 250 words in length and shall state the office sought, the personal experience, training, or ability of the candidate which, in the candidate's

opinion, qualifies for that office, each club or Union affiliated organization of which membership has been held, any titles, offices, or positions held in the sport, and goals for the Union if elected.

Petitions and resumes may be delivered in any manner feasible by the deadline. If sent via the U. S. Postal Service they shall be considered filed with the Executive Director by delivery to the U.S. Postal Service not later than three business days before the due date for filing, by certified mail, return receipt requested, addressed to the proper address of the Executive Director, with all postage required paid in advance and the envelope or container bearing a legible postmark affixed by the U.S. Postal service not later than the last date for mailing.

5.03 Eligibility. Persons eligible for election to any office of the Union must qualify for candidacy and be of excellent repute and never convicted of a felony, a member of the Union for at least two (2) years prior to the election, members of an affiliated Class A or Class B club, and actively participating in the pigeon racing sport. A candidate for election as Director must, in addition, have been a resident of the zone in which election is sought for not less than one year prior to election and be a resident of that zone as of the date of election.

5.04 Dual Candidacies. No candidate for Union office shall appear on any ballot as a candidate for more than one office.

5.05 Notice of Candidacies. The Executive Director shall publish, or cause to be published, in the Union Publication a list of candidates and the resume provided by each candidate not later than thirty (30) days prior to the election. This may be combined with the ballot, as long as it is mailed no later than 30 days prior to the election.

5.06 Mailing or Delivery of Ballots. The Executive Director shall supervise the preparation and mailing of ballots to members, which shall be mailed or otherwise delivered to each member eligible to vote not later than June 30 of each election year. The Executive Director may also provide to each member a return envelope, pre-addressed, for return of the ballot to the Executive Director or his/her designated representative.

5.07 Voting by Members. Every member shall be eligible to receive a ballot to vote if he/ she was a paid AU member of at least 30 days duration as of June 1st of the election year. It is the member's responsibility to ensure his current mailing address is on file. Each member shall indicate choice(s) on any ballot provided by making a cross ('X') in the appropriate place indicated on the ballot. Ballots are to be returned to the Executive Director at the address indicated so as to be postmarked no later than July 15 for proper tabulation. Ballots bearing postmarks after the July 15 cut off will not be tabulated.

5.08 Balloting for Elections. The use of mail ballots for election of officers and directors is permitted. The Executive Director shall supervise the preparation of ballots to be provided members, which shall be sent directly to the last known address of each eligible voter via First Class mail. The deadline for the receipt of ballots cast by members shall be prominently displayed on the member's ballot. Any ballot not received by the Executive Director, or a person designated for that purpose by the Executive Director, prior to the deadline or which is otherwise invalid shall be disregarded. All completed ballots, shall be stamped with the date of receipt and retained by the Executive Director for not less than thirty (90) days after the deadline for receipt of ballots. *(revised 7-97)*

5.09 Notice to Candidates. Immediately after tabulation of the election results, and prior to certification of the election results, the Executive Director shall notify each standing candidate for election by certified mail, return receipt requested, of the election results.

5.10 Election contests. Any person lodging a protest to, or contesting the results of, any election of the Union must notify the Executive Director of the protest or contest in writing, received by the Executive Director not later than 5:00 o'clock p.m. CST by the fifteenth (15th) day following the date of certification of the election results by the auditing agency. If any person contesting an election shall request a recount of ballots cast, the Executive Director may condition compliance with that request by requiring the contestant to deposit with the Union, an amount sufficient to defray the reasonable and necessary costs of a recount. No person shall be entitled to protest or contest the results of a Union election unless eligible to vote in that election.

5.11 Rulings on Eligibility. If the eligibility of any person to stand for or hold office, vote, or protest or contest any election is raised, or the results of any election are contested or questioned, the Union Constitution, By-Laws, and Policy Advisor shall make a timely determination of the issue(s) and that decision shall be final and binding on all parties, including the Union. If the Constitution and By-Laws Chairman is not able or willing to act, or is disqualified from consideration of the issue because of personal involvement or other reason, the Union Legal Advisor shall then assume that duty.

5.12 Certification of Election. The Executive Director shall, after the close of balloting and tabulation of election returns from the auditing agency, after a decision on any contests or protests, if any, has been made, and the time for contests and protests has passed, certify to the Board of Directors in a timely manner the results of the Election.

5.13 Notice of Election Results. The Board of Directors, after receipt of election results, shall canvass the election results in a timely manner and verify that the election was held in accordance with Union requirements and that the voting has been properly tabulated. If the election is declared proper the Board of Directors shall accept the results, declare the election official, and record in its minutes the result thereof, at which time the results of the election may be disclosed. The Executive Director shall cause to be published in the Union Publication the full and complete election results not later

than 60 days (September Fall issue), the full and completed election results as certified and declared final by the Union Board of Directors.

6.00 - VACANCIES IN OFFICE

6.01 President. If the office of President becomes vacant the Executive Vice-President shall succeed to the position and assume all powers and duties thereof.

6.02 Executive Vice-President. If the office of Executive Vice-President becomes vacant the Vice-President shall succeed to the position and assume all powers and duties thereof.

6.03 Other Officers. If the office of Vice-President becomes vacant the President, with the advice and consent of the Board of Directors, shall appoint an appointee, who shall serve until a successor is elected or appointed and takes office.

6.04 Directors. If any office of Director becomes vacant the President, with the advice and consent of the Board of Directors, shall appoint an appointee, who must be a resident of the same zone as the elected Director who vacated the position and who shall serve until the next election of officers or until a successor is elected or appointed and takes office. Any officers or directors to be appointed and approved must submit a petition with a minimum of 25 AU members' signatures endorsing appointment.

6.05 Committee Chair(s) and Members. If any Committee Chair or member's position becomes vacant the President, with the advice and consent of the Board of Directors, shall appoint an appointee, who shall serve until a successor is appointed and assumes the position.

7.00 - REMOVAL FROM OFFICE

7.01 Incapacity. If an Officer or Director shall become incapacitated or legally incompetent for any period in excess of sixty (60) days the Board of Directors may remove said person from office.

7.02 Cause. Any Officer or Director who willfully or intentionally engages in action or conduct, including but not limited to dishonest acts, interference with or the disruption of the conducting of Union business by other officers and directors, or if the Board concludes, after investigation, that he or she is guilty of misfeasance, malfeasance, or nonfeasance, or is in violation of the Union Rules of Conduct, which act(s), in the opinion of the Board of Directors, is detrimental or harmful to the Union or to the sport, may be removed from office by 2/3 vote of the Board of Directors. (Revised 10/15)

7.03 Recall. Any officer or Director may be recalled and removed from office by action of the members of the Union. In the event a petition requesting an election for the purpose of recalling an officer, signed by at least fifteen percent (15%) of Union members, or in the event a petition requesting an election for the purpose of recalling a

Director, signed by at least fifteen percent (15%) of the members who reside in the Director's zone, is presented to the Executive Director, and certified to contain the requisite number of signatures of members, the Executive Director shall notify each member of the Board of Directors of the necessity for conducting a recall election, and the Board of Directors shall schedule such an election and notify the membership of that election. The election shall be held not later than ninety (90) days after certification of the petition, and all provisions relating to elections shall be applicable. The sole issue on the ballot regarding the subject of recall of an officer or Director shall be "Whether (the identified Officer or Director) should be removed from his office with the American Racing Pigeon Union, Inc."

7.04 Eligibility for Re-election. Any Officer or Director who has been removed because of incapacity may subsequently seek reelection to office in the Union; provided, that there shall be provided to the Executive Director an affidavit stating that the reason(s) for that earlier inability to act as an Officer or Director no longer exist and the Executive Director shall determine if that candidate is fully competent and capable of serving. An Officer or Director who has been removed for cause by action of the Board of Directors may be a candidate for election to a Union office only if the petition filed, as required by Section 5.02 of these Bylaws, contains not less than 500 signatures. An Officer or Director removed from office as a result of a recall election of the membership shall never again be eligible to serve in any office or official position of the Union.

7.05 Removal of Committee Chair or Member. The President, with the approval of the Board of Directors, may remove any Committee Chair or member at any time.

8.00 - COMPETITION STANDARDS COMMITTEE

8.01 Selection. The Board of Directors shall select and appoint a Chair, and four other members, of the Competition Standards Committee. At least two members of the Committee shall be presently serving as members of the Union Board of Directors.

8.02 Term. The Chair and members of the Committee shall serve until the expiration of the term of the President in whose term they were appointed.

8.03 Duties. The Committee shall maintain a true and correct copy of the official rules governing any competitive race, show, or other event sponsored by the Union or by any Union affiliated organization, and shall recommend any modifications or amendments to those rules for adoption by the Board of Directors. In the event of any dispute or question about a proper interpretation of the rules of the Union applicable to an event the interpretation of the Committee shall be final and binding. If the Committee determines that any affiliated organization or person has violated the rules of the Union it may file a complaint or charge with the Infractions Committee and request that appropriate action be taken.

9.00 - INFRACTIONS COMMITTEE

9.01 Selection. The President, with the advice and consent of the Board of Directors, shall appoint a chairman of the Infractions Committee. The Constitution and By-law Chairman shall serve as a member of the committee. Up to five investigators shall be retained on the committee.

9.02 Term. Appointees shall serve a term of four calendar years from the date of their appointment or until their successor is appointed and assumes the position, unless appointed to fill the unexpired term of a member whose position is vacated prior to the end of his term in office. *(Revised 7-04)*

9.03 Duties. The Infractions Committee is empowered to investigate complaints and charges against Union members and organizations affiliated with the Union; to investigate and determine violations of Union rules, policies, and procedures; to conduct such hearings as it deems necessary to complete its duties; to summon Union members to appear at hearings for the purpose of providing evidence; to employ investigators, or to designate Union members as investigators if deemed proper by the Committee; to render rulings and opinions regarding complaints, disputes, or violations of Union rules, policies, or procedures; to recommend to the Board of Directors disciplinary action and sanctions against Union members and organizations affiliated with the Union for any violations it finds to have occurred; and to recommend to the Board of Directors revisions, amendments, or additions to the Disciplinary Rules of the Union. The Infractions Committee shall interpret the Union Competitive Standards Rules only for purposes of possible disciplinary action and shall seek an opinion as to interpretation from the Competition Standards Committee where feasible.

In the event of a complaint that those rules have been willfully violated or ignored, or upon referral by the Union Competition Standards

Committee of any claim of a willful violation of those rules, the Infractions Committee may investigate and recommend disciplinary action if appropriate.

9.04 Disciplinary Action. The Infractions Committee shall conduct its business in accordance with the Union Rules of Conduct and Disciplinary Rules, as may be adopted by the Board of Directors. It is authorized to recommend punishment or sanctions as provided in those Rules of Conduct. Any three or more members of the Committee constitute a quorum for the purpose of hearing any matter and rendering a ruling thereon.

9.05 Operating Expenses. The Chair of the Committee shall each year present to the Board of Directors a request for funding of the operations of the Committee for the following fiscal year, including but not limited to the costs of travel and lodging for committee members who must travel in connection with hearings and/or investigations; the telephone and postage expenses of the Committee and its members; the charges of, and expenses incurred by, investigators appointed or employed by the Committee;

the costs of conducting hearings and securing transcripts of those hearings; and such other expenses as are necessary for the Committee to conduct its business.

9.06 Official Adoption of Rulings. Any report by the Committee, including recommendations for disciplinary action, shall be submitted in writing to the Board of Directors and considered by the Board of Directors at its next meeting following the receipt of the report. The Board of Directors may refuse to follow the Committee's recommendation only if it determines that the Committee failed to follow Union rules or procedure, or that there is no substantial evidence to support the Committee's report and recommendation. The Board of Directors may, in the event it refuses to approve the Committee's report, remand the issue to the Committee for further hearing or review in accordance with the rules and policies of the Union, or, in the event it finds that there is no substantial evidence to support the Committee's report, it may dismiss the complaint upon which the report is based.

9.07 Publication of Committee Decisions. The Chair of the Committee shall provide to the Union Executive Director a written copy of any decision or ruling of the Committee which has been approved by the Board of Directors and become final. Rev. 11-08

10.00 - NOTICES OF MEETINGS AND OFFICIAL UNION ACTION

10.01 Union Publication. The Union shall regularly, and not less than three times per year, distribute to its members a newsletter/publication that shall be the official publication of the Union.

10.02 Notice of Meetings. There shall be published in the Union Publication notice of any regular meeting of the Board of Directors, and, if practicable, of any special meeting. This notice shall state the date, time, and place of the meeting.

10.03 Publication of Agenda for Meetings. The Union shall print annually in the Union Publication a standard meeting agenda by category or type of action to be considered by the Board.

10.04 Publication of Meeting Minutes. The Union shall print a summary of minutes of all AU Board Meetings in the Union Publication (AU UPDATE) or on the Union website. Summary to include all action taken, voted on or considered.

11.00 - MEETINGS

11.01 Form of Meetings. The Board of Directors and any Committee of the Union may meet in person, by teleconferencing, by conference call, or by any other method deemed proper by the Board, except as otherwise provided herein.

11.02 Annual Convention. There shall be held a convention each year at a site or location selected by the Union, at which members are invited to attend. The Board of Directors may, but is not required to, conduct a business meeting at the Convention.

11.03 Annual Meeting. There shall be conducted each year an Annual Meeting, after notice to the membership, at which members of the Union may attend. At such meeting the Board of Directors shall report to the Union members present and those members shall be allowed to ask questions concerning the business and the status of the Union.

11.04 Mid-Year Meeting. There shall also be conducted each year a Mid-Year Meeting, after notice to the membership, at which time reports of all actions and activities of the officers and Committees following the Annual Meeting shall be made.

11.05 Special Meetings. The Board of Directors may hold such other meetings throughout the year as it deems necessary to conduct the business of the Union. Board decisions involving major policy or race rule changes, personnel issues or expenditures of \$3,000. or more must be made during a Board meeting or teleconference call.
(revised 12-5-01)

11.06 Agenda. The Board of Directors shall adopt a standard agenda for the conducting of business at its meetings, which agenda shall itemize the types of actions or activities it may consider by category or type, and in the order to be considered. The Board of Directors shall follow that agenda at all times. All meetings will begin with the recitation of the Pledge of Allegiance to the Flag of the United States of America.
(revised 7-97)

11.07 Quorum. A majority of members eligible to vote shall constitute a quorum at any meeting of the Board of Directors or of any Union Committee, unless otherwise provided in the Union Constitution or in these Bylaws.

11.08 Majority vote required. Unless a super-majority is required by the Union Constitution or by any provision of these Bylaws, a simple majority vote shall be sufficient to pass any motion, resolution, or other action.

11.09 Public Forum Meetings. The Board of Directors shall hold, at each Annual and Mid-Year Meeting, a public forum at which any Union member may attend and pose questions or inquiries to the Board of Directors concerning Union activities or action. Any member who is unable to be physically present at a Public Forum Meeting may send his comment or question in writing to the Union Executive Director, who shall during the meeting read that comment, or pose that question, to the Board of Directors, and shall record the response in the record of the meeting.

11.10 Board Action Requests (BAR) All Bar's to be voted on at any scheduled meeting of the Board of Directors must be received in the home office at least 30 days prior to the scheduled meeting to allow time for the Board to review prior to the meeting. Any Bar's received and/or brought by hand after that date will automatically be tabled until the next scheduled Board meeting unless a 2/3 vote of the Board to allow it to be heard. The exception would be if it would affect the next series of scheduled races.
(added 7-11)

12.00 - AMENDMENT

12.01 Amendment by Membership. The members of the Union may require a referendum vote on any proposed amendment by the filing with the Union Executive Director of a petition stating the proposed amendment and signed by not less than five percent (5.0%) of the current Union members in good standing and with voting rights. Any proposed amendment must be first approved by the Constitution, Bylaws, and Policy Advisor, who shall approve the proposed amendment for referendum vote unless he determines that it violates the terms of the Union Constitution or would cause conflicts between terms and provisions to exist in the Bylaws. If a proposed amendment is not approved it may be resubmitted after modification to cure the objections of the Constitution, Bylaws, and Policy Advisor. The referendum vote by the membership shall be conducted in accordance with Bylaws provisions applicable to all elections. A referendum vote on any amendment shall result in the adoption of the amendment if not less than 2/3 of the members who cast votes vote in favor of the amendment.

12.02 Amendment by Board of Directors. These By-Laws may be amended by vote of two-thirds of the members of the Board of Directors present and voting at any meeting.

12.03 Notice. Notice of any proposed amendment to the By-laws shall be published in the Union Publication at least thirty (30) days prior to the date of vote on the amendment.

12.04 Effective Date of Amendments. Amendments are effective upon publication of the election results as provided by these Bylaws. No amendment shall cause any act by a member or Union affiliated organization to be invalid if such action was valid when committed under the Constitution and the Bylaws in effect at the time of such action.

12.05 Prior By-Laws. These By-Laws contain or reflect substantial changes or amendments to the Union By-Laws in effect prior to 1994. If those By-laws or any rule or policy based upon them modifies, contradicts or conflicts with any existing rule or policy it is the later adopted provision that shall control.

SECTION 13.00 HAS BEEN RESERVED FOR FUTURE USE

(Standing Committees.)

Rules of Conduct and Disciplinary Rules of The ARPU

Preamble

The following Rules of Conduct and Disciplinary Rules are adopted by the Union and may be revised by the Board of Directors. The Union Infractions Committee may make recommendations as to revisions. References to the "Committee" refer to that

Committee. All rules must be consistent with the provisions of the Union Constitution and By-Laws.

All members of the Union are bound by these Rules of Conduct and Disciplinary Rules, and subject to enforcement of them, by virtue of Article IV of the Union Constitution.

14.00 - RULES OF CONDUCT

14.01 Union Related Prohibited Acts. No member of the Union shall engage in the following acts in connection with any business, event, or activity conducted or sponsored by the Union, or by any organization affiliated with the Union:

01. Engages in physical violence or intentionally cause physical harm to another.
02. Threaten physical violence or harm to another.
03. Engage in profane or lewd conversation of such nature that it would tend to offend a person of usual sensibilities.
04. Refuse to comply with the provisions of the Constitution, By-Laws, Competition Standards or of any rule or regulation of the Union or of any organization affiliated with the Union.
05. Refuse to comply with the provisions of the Constitution, bylaws, rule or policy of an affiliated organization, which is not in conflict with, or in violation of, the Union Constitution, Bylaws, or Rules.
06. Refuse to comply with the will of the majority as expressed by a valid vote of the eligible voters of any organization affiliated with the Union.
07. Take possession of the funds or assets of the Union, or of any organization affiliated with the Union, without valid authorization by virtue of the Constitution, Bylaws, rules, or policies of the Union or organization, or by majority vote of the membership.
08. Refuse to return or deliver possession of the funds or assets of the Union, or of any organization affiliated with the Union, within a reasonable time after receipt of any request by the chief executive officer or Board of Directors of such organization.
09. Make false representations as to any matter inquired about in connection with application for membership in the Union or in any organization affiliated with the Union.
10. Violate any policy or rule of the Union regarding the administration of any prohibited substance to any pigeon.
11. Knowingly use any altered or modified clock, timer, computer, printer, or other device used in connection with the timing or scoring or any AU sanctioned race or event

unless such alteration or modification has been brought to the attention of the Race Secretary or other official responsible for supervising the race or event and the device has been certified or approved for use by such official.

12. Make or enter any information into any score sheet, race sheet, or other record prepared and/or maintained in connection with the timing of any AU sanctioned race or event with knowledge that such entry or information is false or incorrect.

13. Alter or modify any entry or other information contained in any score sheet, race sheet, or other record prepared and/or maintained in connection with the timing and/scoring of any AU sanctioned race or event with knowledge that such altered or modified entry or information is false or incorrect.

14. Enter in any AU sanctioned race, a pigeon known to be injured, ill, or suffering from a communicable disease in an active state.

15. Knowingly disclose or breach the confidentiality of any proceedings of the Infractions Committee, as defined in the Union Disciplinary Rules.

16. Knowingly disclose or breach the confidentiality of any information received while a member of any Union body or committee under circumstances in which the member was aware of the privileged or confidential nature of the information when received.

17. Knowingly fail or refuse to comply with any Union Race Rules or Competitive Standards adopted by the Union and applicable to the race or event in question.

18. Fail to disclose to any entrant that a race will not be conducted in accordance with AU Race Rules or Competitive Standards, if it is not to be so conducted.

19. Knowingly submit any false or incorrect information to any person in connection with an application for any Union award or certification.

20. Engage in any dishonest act in connection with any event or activity sponsored by the Union or by any Union affiliated organization.

21. Knowingly provide false information to the Infractions Committee in connection with its investigation of any allegation or complaint of a violation of the Rules of Conduct.

22. Refuse or fail to cooperate fully with the Infractions Committee or any staff or investigator acting for the Committee, in connection with any inquiry or investigation unless a valid legal privilege applies to the information sought.

There will be a mandatory minimum penalty of 3 years' probation or 1 year suspension for those who refuse to cooperate with or give false information to the Infractions Committee. (7/13).

23. Engage in any act, which is detrimental or harmful to the Union, or any organization affiliated with the Union.

24. The AU does not condone discrimination and or unlawful harassment of any kind. Actions, jokes, words, or comments based on an individual's sex, race, ethnicity, age, religion or any other legally protected characteristic will not be tolerated.

14.02 Non-Union Related Prohibited Acts. No member of the Union shall engage in the following acts at any time, whether or not in connection with the business of, or any event or activity conducted or sponsored by, the Union or any organization affiliated with the Union:

01. Sell to another a pigeon known to have contracted, or to have been exposed within the past thirty- (30) days to, a communicable disease for which the pigeon has not been vaccinated, without full disclosure to the purchaser.

02. Prepare and/or deliver to a purchaser of a pigeon a race record known to the seller to be false or incorrect.

03. Prepare and/or deliver to a purchaser of a pigeon a Pedigree or record of ancestor's known to the seller to be false or incorrect.

04. Knowingly make, distribute, print, publish, or communicate any false statement, which is calculated to injure or harm another regarding any AU member who at the time of such communication was known to be false or untrue.

05. Knowingly make, distribute, print, publish, or communicate any false or untrue statement, which is calculated to injure or harm regarding any AU member without making a reasonable investigation or inquiry into the truthfulness of the statement prior to any communication of such statement.

06. Knowingly house or maintain any pigeon without providing reasonably adequate shelter, food, or water in order for it to survive without undue hardship or injury.

07. Knowingly make a false charge or complaint that any Union member has been or is guilty of any violation of any Union Rule of Conduct.

08. Knowingly fail and refuse to comply with any rules or regulations of the U.S.

Postal Service regarding shipment of pigeons or other live birds by that service, Including, but not limited to, use of non-approved cartons or containers for shipping birds. Overcrowding or including liquids, medications, drugs, or supplies not intended to be included in the box. Violations are subject to 1-year suspension for the first offense. A second violation is subject to permanent expulsion. (Revised 12-4-01)

21. Engage in any act, which is detrimental or harmful to the Union, or any Organization affiliated with the Union.

10. Engage in any act, which tends to bring the sport of racing pigeons into disrepute.

11. Knowingly fail to return, or in anyway, harm or remove any leg bands or identification from any racing pigeon that does not have rightful ownership of. The exception would be the care and treatment of any 'recovered' pigeon until the owner can be notified. (Added 7-20-06)

14.03 Joint Participation. Any person, who aids, abets, or assists another in the commission of any prohibited act shall be considered to be jointly responsible for the commission of such act, and subject to disciplinary action in the same manner as the primary actor.

14.04 Defenses. Ignorance of the Union Rules of Conduct shall not be a defense to disciplinary action for any violation thereof. Reliance upon a written interpretation by a Union officer, director, employee, or committee member of a rule, policy, or procedure may be a defense to a claim of prohibited conduct, provided that the party against whom the allegation or charge is made bears the burden of proof that he fully and fairly informed the Union officer, director, employee or committee member in question of all relevant facts prior to receipt of the interpretation and that his reliance on that interpretation was justified under the circumstances. A defense of self-defense shall only be considered when it is established by the party charged with commission of prohibited conduct that he had a genuine, justified fear of immediate bodily harm to himself or another at the time he acted, and did not have a reasonable opportunity to avoid a physical confrontation.

14.05 Statutes of Limitations Except for serious cases or extenuating circumstances as determined by the majority of the Infractions Committee, no investigation of any violation of any Union Rule of Conduct shall be undertaken if the last act, omission, or event, or the last of a continuing series of acts, omissions, or events constituting a possible violation occurred more than two (2) years prior to the date of receipt by the Committee of the charge or complaint. Committee will keep post marked envelopes to confirm receipt. (Revised 7-04)

DISCIPLINARY RULES

15.00- INFRACTIONS COMMITTEE

15.01 Composition. The Committee shall be composed of the chairperson, Constitution & By-Law Chairman and up to five investigators.

15.02 Term of Office. The term of office of the members of the Committee shall be as set out in the Bylaws of the Union.

15.03 Quorum. Three members present and voting shall constitute a quorum for conduct of committee business.

15.04 Temporary Substitutes. If it appears that one or more members of the committee will be unable to participate in the hearing of any allegation or complaint and that the result may be a lack of a quorum to act, the Chair may request the President of the Union to designate one or more members of the Union, preferably a former member of the Committee, to join or rejoin the Committee for the purposes of consideration and disposition of the case.

15.05 Meetings. The Committee may meet and conduct business by any means, which are sufficient to acquaint the members with the necessary to make a decision, including mail balloting, telephone conference calls, or other methods of electronic communication.

15.06 Retaliation. No member or organization shall threaten, coerce, intimidate, discriminate, or retaliate in any manner against any person because of the making or filing of an allegation or charge with the Committee. Nothing herein shall prohibit any person from alleging that the filing of an allegation or charge, or the conduct of a member in connection with proceedings before the Disciplinary Committee, constitutes a violation of Rule 14.01(15), (21), or (22), or Rule 15.02(04), (05) *(Revised 7/04)*

16.00 - OPERATING RULES

16.01 Confidentiality. The Committee and its investigators, and all persons privy to its activities, shall treat all cases before the Committee as confidential until the same have been announced in accordance with the prescribed procedures for publication.

16.02 Conflict of Interest. Any member of the Committee who is directly connected with a Union affiliated organization under investigation, or is a fellow member with a member under investigation in any organization affiliated with the Union, shall not take part in any proceedings of the Committee regarding any such case before the Committee.

16.03 Disclosure of Information. No member of the Committee shall make any investigation of any case without authority of the Committee, and shall not solicit or receive any information about a case pending except through normal investigative channels. If any member of the Committee acquires information about any case or the participants in such a case he shall disclose that information to the entire Committee as soon as practicable

16.04 Confidential Sources of Information. The Committee shall not solely base any decision on any information received from any person or party who refuses to be identified. If information received from a confidential source is employed in any investigation it may only be considered if other known, reliable sources, independently corroborates it.

16.05 Public Announcements. The Committee or its staff or investigators shall not confirm or deny the existence of any allegation or complaint, or that any investigation of any individual or organization is proceeding, until the Committee reaches a final decision after completion of all enforcement procedures and processes.

17.00 - SUBMISSION OF CHARGES OR COMPLAINTS

17.01 Initiation of Investigation. The Committee is authorized to investigate all charges or complaints of any violation of any Rule of Conduct relating to any member or organization affiliated with the Union. The Committee may initiate an investigation on its own, when it has reasonable basis to believe that a member or organization is in violation, without receipt of an allegation or complaint by any other party.

17.02 Filing of Inter-club Charge or Complaint Any charge or complaint filed by a member, in good standing, and who has been an AU member for at least 90 days prior to the filing of the infraction, against one or more member(s) of the same club concerning club business or affairs shall first be filed with the club itself by delivery to the Club President by certified mail, return receipt requested, unless some other procedure is specified in the club Constitution or Bylaws. The Club shall have forty-five (45) days from receipt in which to investigate and render a ruling. If the complainant claims a denial of a fair hearing under minimal due process standards by the club or if the club fails to act or mediate on the charge or complaint in a timely manner, the charge or complaint may then be filed with the Committee as provided in Rule **14.03**. (Revised 7/04, 7/09)

17.03 Filing of Other Charge or Complaint. All charges or complaints, except those first filed with a club under Rule 14.02, whether concerning the Union, a Union member, an affiliated organization, or a member of an affiliated organization, shall be filed, along with a \$50.00 non-refundable filing fee, with the Oklahoma City Office, which will forward the complaint to the Chair of the Infractions Committee, or such person as may be designated by the Committee to accept such filings. The Committee may prepare, and require use of, a form to be employed by any party desiring to make an charge or complaint, and designate a person or address to whom such charges or complaints are to be communicated, whether by mail or otherwise. The Committee may, in its discretion, refuse to accept or investigate any charge or complaint, which is received only by oral, telephone, or e-mail communication. The Committee is authorized to require those persons who make charges or complaints to provide information sufficient to identify themselves and to provide a basis for determining the nature of the charge or complaint, the identity of the member or organization about whom the charge or complaint is made, and sufficient background information to enable the Committee to determine if an investigation is warranted and whether the charge or complaint should first be referred to a Center as provided by Rule 19.02 The Committee or its investigators, in their discretion may require any complainant, to execute an affidavit setting out those facts known to the complainant. (Revised 7-06)

17.04 Cooperation with Committee by Complainants. All persons who make charges or complaints to the Committee about misconduct of others are expected to cooperate fully with the Committee and its investigators. Such cooperation shall include the providing of full and complete information when requested and the following of guidelines established by the Committee as to times and frequency of contacts and circumstances under which Committee members and investigators are to be contacted. All complainants are bound by the rules of confidentiality, which apply to the Committee and its investigators.

17.05 Dismissal of Inquiries. If the Committee determines, based on its review of any charge or complaint, or based on the preliminary investigation of the Committee and/or its investigators, that such charge or complaint does not provide a sufficient factual basis for institution of an investigation does not allege a violation of the Rules of Conduct of the Union, concerns a person or organization not under the jurisdiction of the Union, or is based upon materially false or incorrect information, the Committee may, in its discretion, dismiss the case as an inquiry only and not investigate it further. Those cases dismissed as inquiries only shall not be recorded in the records of the Committee except to reflect that the charge or complaint was made and dismissed as an inquiry only. The Committee shall make no announcement of action on inquiries.

17.06 Case Filing. If the Committee, after its review, of the charge or complaint and a preliminary investigation by the Committee and its investigators, determines that there is sufficient basis to believe that a possible violation of the Union Rules of Conduct has occurred, it shall record the charge or complaint in the books and records of the Committee, assign it a case number, and initiate an investigation.

Should the infraction committee determine a complaint received is Commercial/personal/internet transaction of buying, selling or bartering of racing pigeons, equipment or supplies or the complaint is dealing with a special (non-AU sanctioned) race or futurity or all-to-one Loft race the committee with dismiss the complaint as these tend to be civil or criminal in nature. Should there be a subsequent settlement or court action, the Complainant may re-file the complaint, attaching such action as documentation and the committee with then be compelled to investigate the matter to conclusion. (Added 10-18-05)

18.00 - INVESTIGATIVE GUIDELINES

18.01 Establishment of Guidelines. The Committee is authorized to establish guidelines for use by the Committee and its investigators employed or appointed by the Committee in any investigation, which it initiates.

18.02 Basic Information Gathering. The Committee and its investigators may collect and gather information by telephone; correspondence, personal interviews, and by any other means which the Committee considers to be proper and efficient.

18.03 Matters Handled by Correspondence. Matters that clearly are isolated, simple, and of relative insignificance may be handled promptly by the Committee by correspondence with the parties involved.

18.04 Timely Process. The Committee shall make reasonable efforts to process allegations or complaints in a timely manner.

18.05 Consultation with Committee. If questions arise during the investigative process concerning investigative procedures by investigators or participants those parties for direction shall consult the Chair.

18.06 Notices to Affected Party. The Committee shall, after determining that a charge or complaint is not to be dismissed as a preliminary inquiry only, give written notice to any person or organization identified as a subject of its investigation. If the Committee has employed or appointed any investigator(s) to investigate the matter it shall identify the investigator(s) in the notice. AU Rules of Conduct and Disciplinary Rules are available on the AU web site. (Rev 7/04). The member filing the complaint, as well as the individual or organization the complaint pertains to, will be asked to respond in writing and provide the Infraction Committee with their explanation of events within a timely manner.

18.07 Status Notification. If any matter has been pending before the Committee for more than six months, at the end of that period and every six months thereafter for so long as the matter continues to remain pending, the Committee shall prepare and deliver to the Union Board of Directors, the complainant, and any party the subject of the investigation a report by the Committee of the status of the investigation and of the expected date of hearing.

19.00 - INVESTIGATIVE PROCEDURES

19.01 Compliance with Procedures. All persons who act for the Committee are expected to fully comply with the rules, policies, and procedures of the Union and of the Committee. The Committee may employ and pay compensation to investigators, who may but do not have to be Union members, or it may appoint investigators without compensation.

19.02 Coordination with Union Centers. If the Committee determines that a charge or complaint concerns alleged violations of the Rules of Conduct by a Center itself or its officers, the Committee shall assume jurisdiction and investigate and/or hear the charge or complaint. If a charge or complaint concerns alleged violations of the Rules of Conduct by a member club or individual member of a Center, the Committee shall immediately notify the President of that Center. If the Center has in place written procedures providing due process rights and certifies to the Committee that it is ready, willing, and able to act promptly in investigation of the charge or complaint and desires to assume jurisdiction, the Committee shall refer the case to that Center for investigation and decision. The Committee may require the President and other officers

of the Center to expressly agree to be bound by the Union's confidentiality provisions before disclosing any information about the case. If the Center assumes jurisdiction and fails to conclude its investigation and disposition of the case within 180 days after receipt of the filing, the case shall be considered to again be before the Committee for all purposes and the Center shall lose jurisdiction over it. In the event a charge or complaint of a violation of the Union Rules of Conduct is investigated and disposed of by a Center, any party dissatisfied with the decision may appeal that ruling to the Committee within thirty (30) days of the receipt of the decision and that appeal shall be processed as though it were a new filing with the Committee.

19.03 Identification by Committee Representative. In no case shall a member of the Committee or an investigator of the Committee fail to correctly identify himself or his authority.

19.04 Left intentionally blank, (Struck 11-04).

19.05 Disclosure of Purpose of Interview. When a member of the Committee or an investigator of the Committee requests information from a party being interviewed, that person shall be informed of the Rules of Conduct which require cooperation by a Union member with the investigation, the purpose of the investigation, the nature of the charge or complaint which is the basis for the investigation, and the right of the member to have counsel present throughout the interview.

19.06 Recording of Interview. It shall be permissible for either a member of the Committee or an investigator of the Committee to record any interview made in connection with an investigation, but the interviewer must make the subject of the interview aware of the recording process prior to commencing the interview, and the subject must give consent to that process.

19.07 Limited Immunity. The Committee may grant limited immunity to any member who provides information deemed essential to the investigative process when such member might be found guilty of a violation of the Union Rules of Conduct based on the information he reports. No investigator or member of the Committee has such authority in the absence of action by the entire Committee. Such immunity shall not apply to the individual's involvement in other violations of the Union Rules of Conduct, unreported violations, or future violations.

No immunity shall be granted unless the Committee determines that the information to be provided cannot be acquired from any other source.

19.08 Verification of and Access to Report. Whenever possible, individuals who have provided information or made statements to the Committee or to its investigators should be given the opportunity to review any reports of any interview and to make corrections or changes. No person is authorized to receive a copy of any such report or to disclose its contents to any person other than the Committee or its investigators.

19.09 Failure to Cooperate. In the event any member of the Union shall refuse to be interviewed or to provide information in his possession or within his knowledge, requested by the Committee or by its investigators, the Committee may initiate a complaint on its own motion against the member for a violation of the Union Rules of Conduct and process that complaint in compliance with Union enforcement policies. There will be a mandatory minimum penalty of 3 years' probation or 1 year suspension for those who refuse to cooperate with or give false information to the Infractions Committee. (7/13).

20.00 - COMMITTEE HEARINGS

20.01 Notification of Hearing. Any member whose interest may be affected by a hearing conducted by the Committee shall receive written notice of the hearing not later than ten (10) days prior to the date thereof. The notice shall set out the place and time of the hearing, and state with reasonable particularity the nature of the charge or complaint to be heard.

20.02 Notification of Hearing Procedures. Any member whose interest may be affected by a hearing conducted by the Committee shall receive a copy of the Union Rules of Conduct and Union Disciplinary Rules, if he has not already been furnished those documents, not later than ten (10) days prior to the date of any hearing.

20.03 Representatives of Union Affiliated Organizations. Notice to any Union affiliated organization shall be considered complete when delivered to the President of that organization. If the Committee has reason to believe that the President of that organization is not actively engaged in carrying out his duties of office the Committee shall notify all officers of the organization whose name and address are on file with the Union. Nothing herein shall require the Committee to notify each member individually of a Union affiliated organization of any investigation or hearing, whether or not the interest of the individual members may be affected by such action.

20.04 Appearance before Committee. Any member whose interest may be affected by any action of the Committee may appear before the Committee to present evidence and, if witnesses are called, to question and cross-examine those witnesses. In the event a member is unable to attend on the date and time scheduled for a hearing he shall, upon receipt of notice of the hearing or promptly upon subsequently learning of unavoidable conflict with the hearing, notify the Chair of the Committee and provide sufficient specific evidence to the Chair to support his request for rescheduling of the hearing. The Committee may refuse to reschedule any hearing if a request is not made in a timely manner or if the conflict is not of such significance as to take precedence over the hearing.

20.05 Place of Hearing. The Committee shall attempt to schedule hearings at locations, which offer the most convenience to the members, parties, and witnesses, but has no obligation to schedule any hearing within the boundaries of any state, zone, or region.

21.00 - HEARING PROCEDURES

21.01 Definition of Hearing. The Committee may elect to have a meeting in person with all parties involved, or may elect to conduct any meeting by teleconferencing, conference call, or other means. Nothing in these rules shall require the Committee to hold a hearing at which its members and parties are present at the same physical location. If the Committee elects to conduct any hearing by teleconferencing or other means the ability to testify or to confront or cross-examine witnesses may be limited to testimony or examination through teleconferencing.

21.02 Testimony of Witnesses. The Committee may elect to call witnesses live, or may consider affidavits or statements from witnesses if taken under circumstances that tend to lend credibility to those documents. A party may petition the Committee to compel a Union member to appear in person for a hearing. The petition must state the nature of the expected testimony of the witness, why such testimony is essential to the presentation of the party before the Committee, and identify the distance the witness would be required to travel in order to attend. The Committee may, in its discretion, order the member whose testimony is requested to appear, but may limit or condition its requirement so that undue hardship is not caused the witness.

21.03 Sworn Testimony. All persons whose testimony are to be considered at any Committee hearing shall be administered the oath or shall affirm that their testimony is true and correct.

21.04 Exclusionary Rule. Any party to the hearing may request that all other witnesses, other than parties, their attorneys, or Committee members and investigators, be excluded from the hearing room during the testimony of other witnesses.

21.05 Transcription of Hearing. The Committee shall secure or provide a person with the necessary skill, training, and equipment to record, transcribe, or record by shorthand or other method all proceedings before it at any hearing, and shall furnish a copy to any party, at the party's expense, of a written transcript of the hearing.

21.06 Legal Representation. Legal counsel at any hearing before the Committee may represent each party. Any party to any proceeding of the Committee may waive right to counsel and such waiver shall remain effective thereafter as to any such proceeding, or related proceeding, until such time as the Chair of the Committee receives written notice of revocation of that waiver. No revocation of waiver shall invalidate any action, whether investigative or otherwise, conducted by the Committee prior to that revocation.

21.07 Evidentiary Rulings. The Committee shall not be bound by strict legal rules of evidence. It may consider documents, records, or statements, which would be, considered hearsay within the legal meaning of that term. The members of the Committee may question witnesses.

All privileges recognized at law, including the attorney-client privilege, will be recognized. The standard of proof required before the Committee is the standard of preponderance of the evidence.

21.08 Opening and Closing Statements. Each party shall be allowed to present to the Committee, either personally or through legal counsels, opening or closing statements.

21.09 Investigator Reports. Any investigator employed or appointed by the Committee may present any report or the results of his investigation in narrative form, without the necessity for specific questions and answers.

21.10 Confidential Information. The Committee or any investigator of the Committee may refuse to identify any witness who has requested that his communications with the Committee remain confidential, but other non-confidential evidence must corroborate any evidence by such a witness before it can be considered by the Committee.

21.11 Submission without Hearing. The Committee may, in its discretion, determine that a hearing in the presence of all parties is not necessary for a determination of a case, and in such instances may decide the case based on written statements, depositions, affidavits, briefs or summaries submitted by the parties, investigator's reports, and documents and records provided the Committee. If the Committee decides to hear the case by written submission it shall notify all parties affected by its ruling not less than twenty (20) days prior to the date of determination and allow all parties an adequate opportunity to provide any additional evidence, information, exhibits' or argument which the parties may choose to submit prior to a final ruling.

The parties may also choose to voluntarily waive a hearing and agree to submit the case to the Committee by written submission.

22.00 - RULINGS BY INFRACTIONS COMMITTEE

22.01 Time for Ruling. The Committee shall make reasonable efforts to process allegations or complaints in a timely manner. (Revised 7-04)

22.02 Written Recommendations. The Committee shall notify the AU Board of its recommendation, by a written letter, notice, or opinion. (Revised 7-13)

22.03 Findings of Committee. The Committee may, but is not required to, prepare written findings of fact, which it makes in connection with its recommendation. (Revised 7-04)

22.04 Motion for Rehearing. The Committee shall not entertain any Motion for Rehearing save and except for those, which assert factual errors in the Committee's decision and, if, prepared, findings of fact.

22.05 No Right to Appeal to Committee. There is no right to appeal to the Committee any decision of the Committee.

22.06 Effect of Ruling. The determination of the Committee shall constitute a recommended decision to the Board of Directors of the Union.

23.00-ACTIONS ON INFRACTIONS COMMITTEE RECOMMENDED

DECISION

23.01 Final Recommendation A recommended decision by the Committee shall be filed with the Executive Director of the Union, and copies provided to all interested parties. A party who objects to that recommendation shall file with the Executive Director specific written objections to the factual or legal basis of the decision or specific objections to the procedures followed by the Committee within thirty (30) days of the date of the decision; otherwise he shall have no standing to object further. (Revised 7/04)

23.02 Replies to Objection. The Committee, or its designee, shall be allowed to present a reply to any objections made to the Board of Directors.

23.03 Reviews by Board of Directors. At its next regularly scheduled meeting following the decision of the Committee the Board of Directors shall review the recommended decision of the Committee, any notice of objection to that decision, and within thirty (30) days thereafter take action.

23.04 Action by Board of Directors. The Board of Directors shall affirm the decision of the Committee unless it finds that substantial evidence does not exist to support the recommended decision, it finds that the Committee has improperly interpreted any Union Constitution or By-

Laws provision or Union Rule, or that the Committee failed to properly follow Union procedures. The Board of Directors shall, in the event it finds no reversible error, notify all parties affected by the ruling that the Committee's decision is adopted. If the Board of Directors

finds that the decision of the Committee is substantially correct but is not proper in one or more respects, it may adopt the Committee decision but modify it accordingly. If the Board of Directors finds that a substantial error of law or of procedure occurred in the hearing by the Committee it may remand the case to the Committee for further hearing.

23.05 Final Decision by Union. All rulings and decisions by the Board of Directors as to recommend actions by the Committee are final, save and except for those cases in which the case is remanded to the Committee for further hearing. In the event of a remand those procedural rules contained in the Union Disciplinary Rules applicable to

new charges or complaints shall apply, unless the Board of Directors limits the action to be taken in its order remanding the case.

24.00- DISCIPLINARY SANCTIONS OR PUNISHMENT

24.01 Probation. Is defined by the AU as "a specified period of time a member or organization is under watch for any further infraction or misconduct."

When a member, club or organization is put on probation, the AU President shall appoint a chairman and two committee members to monitor such probation. Should the committee discover any further infraction, they will submit discovery in writing and present to the Board at the earliest possible opportunity.

A member on probation may attend meetings, vote and continue as an AU member with all rights & privileges as long as there are no further incidents or violations of AU rules. (Rev. 07-21-06)

24.02 Suspension. Is defined by the AU as "a specified period of time that a member(s) or organization is "temporarily suspended" from all club or organization and Union activities", meaning they may not ship in any AU or AU governed race, attend meetings or vote on any issue until such time the suspension is lifted.

When a member(s) or organization is suspended, the AU President shall appoint a chairman and two (2) committee members to monitor such suspension. Should the committee discover any further infraction or non-compliance, they will submit discover, in writing, and present to the Board at the earliest possible opportunity.

Unless there are extenuation circumstances involved to dictate otherwise, as determined by the AU Board, the entire physical loft location, (postal address) , and birds shall be suspended.

Suspended members are prohibited from purchasing or acquiring personal, club or stock AU bands, and no pigeons may not be flown from the loft or physical address of a suspended member until the suspension is lifted. (Rev. 7-21-06)

24.03 Expulsion. Is defined as "fully expelled from the AU all affiliates and organizations for life.

"When a member is expelled, the AU President shall appoint a chairman and two (2) committee members to monitor such expulsion. Should the committee discover violation of such expulsion, they will submit discovery in writing and present to the AU Board at the earliest possible opportunity.

An expelled member MAY NOT attend any AU club, organization or function, nor compete in any AU sanctioned or governed race.

Unless there are extenuation circumstances involved to dictate otherwise, as determined by the AU Board, the entire loft location, (Postal address), and all birds shall be expelled. (Rev. 7-21-06)

24.04 Restoration of Property. A member who has been found guilty of a violation of the Rules of Conduct may be ordered to restore to another property or Moines, which he wrongfully acquired, including race winnings which he won as a result, in whole or in part, of conduct found to constitute a violation of any Rule of Conduct. Any order to return race winnings shall order the funds to be paid to the organizing body sponsoring the race or event involved.

24.05 Restitution. A member may be ordered to pay compensation or make restitution, limited to actual financial or economic loss or damages, to another member who has suffered loss or damage as a result of prohibited conduct.

24.06. Private Reprimand. The Board of Directors may issue a private reprimand to any member found to have engaged in conduct in violation of the Rules of Conduct if the Board determines that a private reprimand is commensurate with the nature of the violation and is in the best interest of the Union. Notice of a private reprimand shall not be published in the Union Publication and the Board of Directors may delete the name of the person reprimanded from the Minutes of the meeting in which action is taken by the Board of Directors to issue the reprimand.

However, the Executive Director of the Union shall maintain the name of any person so reprimanded and a record of the proceedings in a permanent file of the Union, and if a subsequent violation of the Rules of Conduct is found to have occurred the member charged shall not be eligible for another private reprimand as disciplinary action for such later violation.

24.07 Confidentiality of Actions. Board decisions on infractions or otherwise legal issues are understood to be private between the involved parties and is released on a "need to know" basis, and not intended for publication or public viewing. Exception, of actions that might affect the welfare of the Sport in general may be released at the Boards discretion. (Rewritten & Added 10-08)

24.08 Restriction on Future Activities. The Board of Directors may choose to discipline a member by restricting his future rights to engage in specific activities in the sport or in connection with Union affiliated organizations. For example, the Board of Directors may bar a member from ever again serving as an officer, as race secretary, as liberator, race sponsor, loft manager, or any other capacity in connection with any organization, race, or event. Such a bar may be for a lifetime or for a limited period of time.

24.09 Combined Disciplinary Action. A member may be disciplined by any, or any combination, of the modes of punishment set out in these Disciplinary Rules.

24.10 Disciplinary Action Against Organizations. The Union may take action in any form against any club or other Union affiliated organization which it deems appropriate, including but not limited to expulsion, suspension, revocation of the organization's charter, probation, or orders compelling the organization to replace officers, modify its Constitution, By-Laws, or policies, or make restitution to any injured party or organization.

24.11 Reimbursement of Union Expenses. A member or affiliated organization found guilty of a violation of the Rules of Conduct may be ordered to reimburse the Union for its expenses incurred in connection with the investigation and hearing of the charge or complaint which resulted in the finding, including but not limited to such expenses as the travel and communications expenses of the Committee and its investigators, costs incurred in planning and conducting a hearing, and legal expenses.

24.12 Suspended Members Notification. The Union shall notify affected organizations (Club, combine, etc.) with a list of all members of that organization who have been suspended or expelled from membership upon the Board's final decision, in order to advise them of the ineligibility or limits of membership of those persons. (Rev. 10-18-06) (Rewritten & Added 10-08)

24.13 Monitoring Disciplinary Action. When a member(s), or AU affiliated organization is put on probation, suspension or expelled, the AU President shall appoint a chairman and two committee members to monitor such probation, suspension or expulsion. Should the committee detect further infractions, they will submit discovery in writing and present to the AU Board at the earliest possible opportunity. (Added 10-18-05)

24.14 Appeal Process: There is no appeal process for any member, club or organization put on probation as their status is "still active and racing." They are merely under watch for the probation period.

Members put on suspension or expelled may appeal to the Chairman appointed by the President to monitor his/her sanction providing such Chairman any new evidence or testimony not adduced by the Infractions Committee in their presentation to the Board of Directors. The Chairman will reject the appeal if it is merely "rhetoric" in nature; however, if the evidence is convincing, the Chairman will advance the appeal to the Board for further review and final action at the earliest opportunity, affording 'due process' to the defendant.

When an AU member is given the Sanction of Suspension or Expulsion, it is the responsibility of the AU Club or Organization to enforce such sanctions. Clubs or Organizations that allow suspended or expelled members to attend meetings, vote, hold office ship racing pigeons in AU sanctioned or governed race competition, may be subject to suspension or expulsion themselves, for allowing such infraction to occur.

If necessary, local authorities may be enlisted to ensure compliance. (Added 11-06)