I. Call to Order

General Announcements

Remarks – David Arias, Chair

CEO/ National Office – Jack Gierhart, Interim CEO

Financial and Treasurer’s Report

Conflict of Interest announcement.

II. Consent Agenda Items (Mr. Arias)

To approve the minutes from the January 5, 2022 Special Meeting

III. Old Business

Motion (Mr. Arias): To approve the addition of Steve Mormando to the Hall of Fame Committee.

Rationale: Lee Shelley, the Hall of Fame Committee Chairperson, has requested the addition of Steve Mormando to the HOF Committee based on Mr. Mormando’s knowledge as a historian of fencing, his creation and addition of HOF patches for the committee, and his 2020 induction into the Hall of Fame.

Motion (Mr. Arias): To approve the Audit Committee’s recommendation regarding the approved audited financials for 2020-2021

Rationale: USA Fencing National Staff and Audit Committee have reviewed and approved the 2021 financials for Board approval.

Motion (Mr. Alperstein): To amend the Black Card Review Policy to read in full as set forth in Appendix 1 to this Agenda.
Rationale: Experience with the Black Card Review Policy since its adoption in October 2019 has revealed some ambiguities and deficiencies that warrant certain revisions to the text of the policy. The principal revisions make clear that any interim hiatus from competition imposed by the Black Card Review Group is a competitive penalty and not a suspension of membership or membership privileges; supply a process for determining whether an interim exclusion from competition stays in force or is suspended pending a requested hearing; affirm that failure to observe sanctions imposed under the policy is considered disciplinable misconduct; and ensure that athletes comprise 33⅓ of the members of the Black Card Review Group. Other changes clarify procedures specified in the policy, resolve ambiguities or streamline existing provisions of the policy. Attached as Appendix 1-a to this Agenda is a “redline” showing the proposed changes.

IV. New Business

V. Other New Business

VI. Good and Welfare
   Board Retreat

VII. Adjourn to Executive Session

VIII. Executive Session

IX. Adjourn
APPENDIX 1

USA Fencing Black Card Policy

All black cards issued by tournament officials shall be tracked and draw additional action as follows, effective October 18, 2019, as amended by the Board of Directors on February 16, 2022:

Level 1, Standard Black Card

Standard Black Cards are those issued given for disrespect of referees, staff or other official personnel, unsportsmanlike conduct, throwing of equipment, disruptive behavior, issues of safety and other incidents that are neither administrative nor so extreme or severe as to warrant a Level 2 Black Card. Standard black cards shall be recorded and stored in the USA Fencing National Office database and result in a follow-up email from the USA Fencing National Office (with copies to the Ethics Committee and Black Card Review Group), advising the individual that: 1) the black card has been recorded, 2) the individual has been placed on probation for the remainder of the current season plus 12 months, 3) the black card will be reviewed by National Office Staff and Ethics Committee, and 4) an additional Level 1 Black Card received during the probationary period will trigger a review by the Black Card Review Group, which can determine that the repeated violation warrants a Level 2 Black Card sanction of the individual.

Level 2, Severe Offenses

Level 2 Black Cards are those issued for extreme or severe offenses including but not limited to repeated Level 1 offenses, deliberate physical violence, verbal and verifiable threats, and verifiable cheating.

Level 2 Black Cards may trigger sanctions that could include, but not be limited to, competitive penalties within the Rules of Competition such as temporary exclusion from tournaments for a period of up to two months. Such sanctions will be determined in the first instance by the Black Card Review Group. The Black Card Review Group shall make its initial determination upon written submissions required from the issuing referee and Head Referee or from the Bout Committee, and from any written response thereto that the carded individual may timely submit. Following the initial determination, the individual who received the card shall have the right to request a hearing, as set forth below. In the event a hearing is requested, the Black Card Review Group shall determine whether any tournament exclusion initially imposed shall be stayed pending the outcome of the hearing. As used herein, “individual” shall refer to the parent or guardian of record of any carded individual who is a minor.

Promptly following a determination of the Black Card Review Group that upholds a Level 2 Black Card, the USA Fencing National Office shall transmit a follow-up email to the carded individual (with copies to the Ethics Committee and Black Card Review Group), advising the individual as follows: 1) The black card has been recorded.
2) If applicable, a sanction has been issued and recorded. The sanction(s) shall be described in detail.

3) The offending individual has been placed on probation for the rest of the current season plus an additional 12 months.

4) Any additional black cards received during the probationary period will trigger (i) the offending individual’s removal from the entirety of the tournament in which the subsequent black card was received and (ii) review by the Black Card Review Group for possible additional sanctions.

5) Failure to abide by any sanctions imposed by the Black Card Review Group shall be considered severe misconduct and the violator shall be referred to the Board of Directors for disciplinary action.

6) The individual may, within 5 business days of receiving the follow-up email, appeal the Group’s initial determination via email to the National Office, Ethics Committee and Black Card Review Group. A hearing will then be conducted before members of the Black Card Review Group who meet the requirements for a disciplinary panel as set forth in the Athlete Handbook. If the individual does not demand a hearing, then he or she shall be deemed to have accepted the initial determination. Any hearing demanded by the individual shall be conducted under the procedures set forth in the Athlete Handbook. Following such hearing, the Black Card Review Group members who conducted the hearing shall issue a final determination, which may adhere to the initial determination or may impose measures either more or less stringent. Any suspension of membership privileges shall be subject to Board review as set forth in the Bylaws. The individual shall have rights of appeal according to the procedures set forth in the Athlete Handbook.

Additional Tracking of Rescinded Black Cards
Black cards given and rescinded will be recorded. The referee issuing the rescinded black card, and the Head Referee for the relevant event must each, separately, submit a written report that sets forth in detail: 1) the reason for the initial Black Card, 2) the rationale for rescission of the black card and 3) any disagreement with such rescission. All such reports shall be stored in the Black Card database and available to be reviewed by the Referees’ Commission, National Office and Ethics Committee.

Black Card Review Group
The Black Card Review Group shall be comprised of two members each from the Tournament Committee, Referees’ Commission and Ethics Committee and three athletes selected by the Athlete Council. It shall review both given and rescinded Black Cards annually, and it shall convene promptly to review and conduct required proceedings with respect to all Level 2 black cards. The Black Card Review Group shall create, update, and maintain internal guidelines for how various black cards should be handled for how hearings will be conducted. The Black Card Review Group shall react timely when reviewing cases.
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