

# USASF CLUB CLASSIFICATIONS & CLUB DEFINITION

## CLUB CLASSIFICATIONS

Clubs will be classified as one of the following:

- A. Single Location: A Club that operates out of one facility and one facility only.
- B. Multiple Locations: A branded Club that has more than one location will be recognized as one Club with multiple locations. This includes All Star Clubs that are franchised, licensed and/or branded. All locations will register and activate membership within the main location USASF member profile. Please see Attachment B for further explanation.

## USASF MEMBER PROFILE FOR DIVISION ELIGIBILITY (CLUB SIZE)

All Athletes are associated with a single USASF Club profile. The member database will count the total number of competitive cheer Athletes in the Club to determine the Club size. Clubs with 125 or fewer Athletes will qualify for Division II when Division II is an option at that particular event. Clubs with 125 or fewer Athletes may, through their member profile, opt-in to Division I. Once a Club opts-in and/or competes as a Division I Club, they must remain Division I for the remainder of the season.

USASF member profiles must be complete and up-to-date. Please refer to Attachment A for a detailed explanation.

## CLUB DEFINITION

All Clubs are identified by a single USASF membership number. To obtain a membership number, a Club must meet the following criteria:

- A. All owners must be listed in the USASF Member Club Profile. See Attachment C for determining ownership
- B. All owners, regardless of ownership percentage or involvement in All Star-related activities, must meet the eligibility requirements for the current season.
- C. A Club must maintain and provide proof of current commercial general liability insurance that includes, at a minimum, participant legal liability and participant excess accident medical insurance.
  - 1. This may be a single policy or individual policies.
  - 2. All locations must be covered.
- D. A physical gym/studio address is required for each location.
  - 1. The physical location may not be someone's residence.
  - 2. The physical location must be a place where the team practices.
  - 3. The physical location must be listed on the Club's certificate of insurance.
  - 4. A separate mailing address may be used, but the USASF must have a physical address for each location.
  - 5. If a Club has multiple locations, the address of each location must be provided to the USASF.
  - 6. Each physical location (address provided) where Athletes practice must pay a membership fee, regardless of how the location is listed under the Club's profile. Membership for additional locations is paid within the Club's profile.
- E. Accept and comply with the USASF Club Membership Agreement.

For Clubs with multiple physical locations being tied to a single USASF membership number, all Athletes will be listed under this single profile and assigned to one or more locations. Athletes will be permitted to cross between Club locations regardless of the physical distance between physical locations.

Traditionally, teams not recognized as All Star (i.e., school-based or rec competing as All Star) must meet the above criteria to receive a USASF Club membership number and become officially recognized as an All Star Club to compete in All Star Divisions.

Once a Club joins the USASF, it becomes affiliated with the USASF.

## DISCIPLINARY ACTION

Disciplinary action may impact all locations listed under a single brand/Club since all share one USASF Club membership number.

## ATHLETES ASSOCIATED TO CLUB PROFILE

A USASF Member Athlete will be "associated" to the member Club he/she will represent during the season. This member Club must be selected at the time of Athlete enrollment. In most instances, an Athlete will only be associated with one Club at a time (please see the Age Grid for permissible exceptions).

NOTE: An Athlete may move from one Club to another during the season. However, If a team's official roster for The Cheerleading Worlds or The Dance Worlds includes an Athlete who took the floor with a team in any level from a different Club (primary Club), during the Worlds competition season (November 1–April 30), that Athlete must have a USASF Club Release Waiver signed by the primary Club owner to be eligible to compete with a secondary Club at the championship.

## ATTACHMENT A: CLUB PROFILE REQUIREMENTS

NOTE: The information provided herein is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney for advice with respect to any legal issue or question.

Within the USASF Member Profile, the data fields must be completed with current information. This attachment provides additional explanations and definitions.

## USASF MEMBER CLUB PROFILE

The USASF will recognize the legal entity as the Club (see definition for legal entity). The true name of your legal entity is how your Club should be registered with the USASF. Your USASF profile includes these three fields:

- A. Legal Entity Name: Enter the true name of your legal entity.
- B. DBA: Enter any DBA or fictitious name. In some states, these may have to be registered with your local or state governmental agency (see Doing Business As name explanation below).
- C. Display Name As: Enter how you would like your name displayed on the USASF website and Event Rosters. Typically this should be your recognized name and how you are listed on event Clubs for competitions. Your Display Name might be your Legal Entity Name, your DBA or something different if you choose.

## TERMS USED

**LEGAL ENTITY:** A legal entity is an association, corporation, partnership, proprietorship, trust or individual that has legal standing in the eyes of law. A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right and to be held responsible for its actions. In most cases a legal entity has a Federal EIN associated with it. If your business structure takes a form other than sole proprietor, you are required to have an EIN. The letters EIN are the shortened name for an Employer Identification Number. This number is issued by the IRS to all businesses which must file tax returns.

Read more: <http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Business-Structures>

Read more: <http://www.businessdictionary.com/definition/legal-entity.html#ixzz2hAfpTHn6>

**DOING BUSINESS AS NAME:** A company is said to be "doing business as" when the name under which it operates their business differs from its legal, registered name. Some states require DBA or fictitious business name filings to be made for the protection of consumers conducting business with the entity. Procedures for filing for a fictitious name vary among states. In many states, all you have to do is go to the county offices and pay a registration fee to the county clerk.

Read more: <http://www.entrepreneur.com/encyclopedia/doing-business-as-dba>

## CERTIFICATE OF INSURANCE

Your certificate of insurance must list your legal entity and match how you are listed in your USASF Member Club Profile. You will be asked to upload your declaration page. The USASF recommends checking with your insurance company as to its requirement for how to list your Club name on the certificate to make certain that insurance coverage is valid in the event of a claim.

## LICENSED/FRANCHISED/BRANDED LOCATIONS

The USASF will recognize any gym/studio/location as part of a Club if it has a licensed, franchised or branded relationship with another gym/location with or without an actual "license" in place. Any agreement, written or otherwise, that allows a second gym/location to use their brand/name in the All Star industry will be considered a licensed location. The licensed location(s) will be considered part of the Multiple Location Club.

## DIVISION QUALIFICATION

For the purpose of the division determination, the USASF will qualify Clubs for Division I and II based on the total number of competitive cheer Athletes for the current season. This will include all All Star Elite cheer Athletes and any All Star Prep cheer Athletes that compete January 1 or later.

- A. A Club with 125 or fewer competitive cheer Athletes will qualify as Division II.
- B. A Club with 126 or more competitive cheer Athletes will qualify as Division I.
- C. A Club that qualifies as Division II may, through its membership profile, opt-in to compete in Division I. Once a Club opts-in and/or competes as a Division I Club, it must remain Division I for the remainder of the season.

Regardless of the number of locations a Club may have, all locations are grouped together and recognized as a single Club. All Athletes for all locations are associated with one USASF member Club profile. All competitive cheer Athletes will be counted together to determine division qualification.

The Club participants involved in All Star Dance, fall-only Prep, Novice, Fundamentals and Exceptional Athlete divisions will not be counted when making the division qualification determination.

## ATTACHMENT B:

# MULTIPLE LOCATIONS AND BRANDING WITHIN A CLUB MEMBERSHIP PROFILE

If one or more of the following apply, the Club will be considered Multiple Locations and must follow the guidelines for Multiple Locations as outlined:

- A. share a taxpayer or employer identification number;
- B. share an owner, with any percentage of ownership;
- C. have a franchising or licensing agreement with another gym; and/or
- D. have similar enough name or branding it would imply to the consumer it is affiliated with, associated with or identified as being a part of another All Star Club.

## REQUEST FOR REVIEW TO QUALIFY FOR SINGLE LOCATION OR SEPARATE CLUB STATUS

If a Club believes that it should be recognized as a single location Club or separate Club, it is incumbent upon the owner(s) to present supporting information that proves its independence from the brand/franchise/entity in question. A request for review may be delivered to the Vice President of Membership with any and all supporting materials. The review committee may request additional supporting information or proof. If the owner(s) seeking review are unable or refuse to present the requested information/proof, the request for review will be denied.

The USASF will recognize any gym/location as part of a Club if they have a licensed, franchised or branded relationship with another gym/location with or without an actual "license" in place. Any agreement, written or otherwise, that allows a second gym/location to use their brand/name in the All Star industry will be considered a licensed location. The licensed location(s) will be considered part of the Multiple Location Club. For the matter of determination, the following assumptions are made:

## FRANCHISING AND/OR LICENSING

A franchised or licensed All Star Club is one in which the owner(s), franchisor(s) or licensor(s) sell, lease, license or allow the rights to any or all of the following:

- A. All Star Club logo (in same or different color placement) All Star Club name; and/or
- B. Identifying features of their All Star Club branding.

Franchised/Licensed Clubs create network of business relationships that allows a number of people to share a brand identification and/or a successful method of doing business.

Franchising/Licensing:

- A. is a business strategy for getting and keeping customers.
- B. is a system for creating an image in the minds of current and future customers about how the company's products and services can help them.
- C. is it a strategic alliance between groups of people who have specific relationships and responsibilities with a common goal to dominate markets, whereby they get and keep more customers than their competitors.

## BRANDING

A brand is the idea or image of a specific product or service that consumers connect with, by identifying the name, logo, slogan or design of the company who owns the idea or image. Branding:

- A. is the practice of creating a name, symbol or design that identifies and differentiates a product from other products.
- B. aims to establish a significant and differentiated presence in the market that attracts and retains loyal customers.
- C. can build an expectation about the company services or products.

## ATTACHMENT C: OWNERS AND OWNERSHIP

**NOTE:** Anyone listed as an owner in the USASF Club or Club Location Profile will be treated as and given privileges of an owner by the U.S. All Star Federation. Listing someone as an owner indicates to the USASF that they have the rights to make decisions on behalf of the Club or Club location. Do NOT list someone as an owner if they do not have an ownership or controlling interest.

- A. All owners must be listed in the USASF Member Club Profile.
- B. All owners, regardless of ownership percentage or involvement in All Star-related activities, must meet the eligibility requirements for the current season.

### ALL STAR TRAINING FACILITIES

Typically, Clubs that join the U.S. All Star Federation are training facilities whose primary offering is All Star Cheer and/or Dance. In some cases, it is one of many offerings in a facility. They may be for-profit or non-profit entities that are owned by one or more persons. Even in such situations when the entity is a corporation of any type, it is controlled by one person or a set of partners that is established and easily identifiable. That person or those persons must be listed as owners in their USASF Membership profile. Clubs may not assign coaches as owners if they are not a partner or shareholder or do not have legal ownership in the entity.

For multiple location branded Clubs, each location must list the owners and assign their ownership percentage. A person may be listed as an owner in one or more of the locations based on the structure and entity type of each location.

### MULTI-SPORT TRAINING FACILITIES (INCLUDING GYMNASTICS FACILITIES) WITH IDENTIFIABLE SINGLE OR SMALL GROUP OWNERSHIP

A sports facility may sometimes join the U.S. All Star Federation when they offer All Star Cheer and/or Dance as a secondary or subsidiary sport. It is not their primary offering, however the entity owns the Club and hires the person or persons who are responsible for coordinating, organizing and administering the All Star Club. They may be for-profit or non-profit entities that are owned by one or more persons. Even in such situations when the entity is a corporation of any type, it is controlled by one person or a set of partners that is established and easily identifiable. That person or those persons must be listed as owners in their USASF Membership profile, even if they do not run or directly oversee the All Star Club. The employees who are responsible for coordinating, organizing and administering the All Star Club should not be listed as owners if they do not have an ownership interest in the facility. Clubs may not assign coaches as owners if they are not a partner or shareholder or do not have legal ownership in the entity.

### THE CLUB THAT DOES NOT HAVE ITS OWN FACILITY

An All Star Club may practice in a facility or facilities that it rents or sub-leases on an as-needed basis for practice. The Club is not the lease holder for a permanent lease on a facility. The person who owns the Club shall be listed as the owner in their USASF Membership profile. Clubs may not assign coaches as owners if they are not a partner or shareholder or do not have legal ownership in the entity.

### LARGE CORPORATIONS, YOUTH SERVICE PROVIDERS OR OTHER ENTITIES THAT ARE NOT "CLOSELY HELD"

"Closely held" is a term used to describe an organization or entity that has very few shareholders or stakeholders that would be identified as owners. In some cases, there are larger organizations that offer All Star Cheer and/or Dance. Some examples are YMCAs, Boys & Girls Clubs and city- or county-run recreation centers. Typically, these larger organizations are under the direction of a national organization or the operating interest is managed by a board, council or many stakeholders. These types of organizations are not considered "closely held" as no one person or set of persons can be easily identified as the owner or owners of the entity. Thus, the All Star Club administrator may not know who to list as the owner. In this case, the employee that has controlling interest of the Club would be listed as the owner of the Club. Clubs may not assign coaches as owners if they do not have controlling interest of the All Star offering.