

Bylaws of: Suffolk Board of Womens' Basketball Officials, Inc.

**Article I – Offices**

**Section 1.1 Principal Office.** The principal office of the Corporation in the State of New York shall be located at 100 Suffolk Avenue, Stony Brook, NY, 11790.

**Section 1.2 Registered Office.** The registered office of the Corporation required by the Model Business Corporation Act to be maintained in the state of New York may be, but need not be, identical within the principal office in the State of New York. The address of the Registered Office may be changed from time to time by the Board of Directors.

**Article II – Name**

**Section 2.1 The Name.** The name of this corporation shall be the Suffolk Board of Womens' Basketball Officials, Inc. and will be known informally as the Association.

**Section 2.2 Affiliation.** This Association is affiliated with:

- A. The New York State Girls Basketball Officials Association, Inc. (NYSGBOA)
- B. Suffolk County Officials President's Council (SCOPC)

**Article III – Purpose**

**Section 3.1 The Purpose.** The purpose of the Association (corporation) shall be for the betterment of basketball in Suffolk County; to promote uniform interpretation of basketball rules; to promote a high standard of integrity and sportsmanship among officials, coaches, and players in Suffolk County.

**Section 3.2 Maintenance of Qualifications.** To maintain a uniform standard of qualifications for officials, by compulsory attendance at rules and mechanics clinics.

**Article IV – Membership**

**Section 4.1 Members.** This corporation was created with the express intent of fulfilling its purpose as stated in Article III and is not a public corporation, no stocks or shares will be issued, for this reason all persons in this corporation will be known as members and not shareholders. In addition, each member shall be recognized as an independent contractor when it comes to the fulfillment of their terms of employment to an outside employer.

**Section 4.2 Criteria.** Any person who is in sympathy with the aims and the objections of this Association shall be eligible for and may be elected to membership.

**Section 4.3 Candidacy.** Anyone sympathetic to the needs of SBWBO may apply to SBWBO to become a candidate for membership. There shall be two methods of application:

1. Any person desiring to join SBWBO may attend the candidate's classes. This includes paying a fee for the class, attending all classes, successfully passing the final written exam with a score of 86%. Upon passing this written test, they must successfully take and pass a floor test with a grade of at least 86.
2. Any person desiring to join SBWBO may make direct application to the Executive Board. Applicants desiring to make direct application must make application in writing. The application must be received by the Executive Board by January 31<sup>st</sup> of the year in which the desire to join SBWBO. The application shall include supporting information such as training received, officiating experience and any other documentation supporting the application. The Executive Board may review the application and elect to offer the applicant probationary membership. A direct applicant for membership shall pay the fee to attend the candidate's class, attend 40 percent of the meetings of the Candidate's classes, successfully passing the final written exam with a score of 86%. Upon fulfilling these requirements the Executive Board shall seek the recommendation of

the instructor of the candidate's classes and or the current interpreter for their recommendation related to placement of the direct applicant to an appropriate level. In the event the Executive Board approves a placement on the Varsity level, the candidate shall also be required to pass the NYSGBOA closed book test.

After successfully completing one of the two methods of application for membership, they may be elected to the present membership to a two-year probationary membership, whereupon those two years shall be reviewed and brought back to the general membership for confirmation and approval. Newly elected members shall be eligible for assessment to games in the year in which they are accepted as a probationary member. This assignment of games may be by Section XI or by an outside assignor or assignors.

**Section 4.4 Types of Membership.** There shall be seven (7) types of membership:

- (1) **Active Membership** shall be accorded to those who pay their prescribed annual dues, attend at least four meetings, all of which are mandatory (interpretation and test, pass an open book test with a score of at least 86) and **be available to** work a minimum of 12 Section XI assignments, Failure to do so in two consecutive seasons will result in the member being dropped to the top of the next lowest level and placed in the status of probationary membership.
- (2) **Inactive membership** shall be accorded to those members who pay their prescribed annual dues, do not officiate any basketball games during the current season, must attend the interpretation and test meeting, scoring at last an 80 percent on an open book best. Inactive members, if and when they revert to active status, shall retain their level (varsity, JV or junior high) attained in their last active season. A member of this Association may be inactive for a maximum period of one (1) year. All applications for inactive membership or an extension of inactive status for an additional one (1) year period must be made in writing and received by the President of SBWBO by June 15 of the upcoming season. Each application will be reviewed by the Executive Board on an individual basis. Any member who applies for this status in excess of two years in a four-year period will be automatically dropped to the top of the next lowest level and when said member returns, he/she will be a probationary member for two (2) years.
- (3) **Disability membership.** In the event that an active member becomes disabled and is unable to officiate, he/she may continue to be a member of this association until he/she has recovered from said disability. The member will retain the status which he/she attained when the disability occurred. He/she shall not work games for the duration of the disability. The Executive Board shall review and approve all applications for disability yearly. The Executive Board may require attendance at some of the candidate's clinics when the disability is of an extended nature. A member may remain at this membership for two (2) years while retaining their last level. When they return, they will be a probationary member for a two-year period, they must pay dues, attend the interpretation and pass the open book test, which is given annually with a score of 80% on an open book test.
- (4) **Honorary Lifetime Membership** – Any member of the SBWBO who has been active for at least 15 (15) years will automatically qualify for Honorary Lifetime Membership upon retirement from active membership. Said candidate for this type of membership may be proposed by any active member in good standing to the chairperson of the Honorary Lifetime Membership committee. The chairperson shall then propose said candidate to the Executive Board and upon their approval, his/her name will be voted on by the entire membership. Acceptance of said candidate will entitle him/her to all the benefits befitting this membership, which shall include being an invited guest at our annual banquet.
- (5) **Officer Membership** – the president, vice-president and secretary-treasurer of SBWBO shall pay no dues for the duration of their term. In addition, the past president shall pay no dues as long as he/she is the immediate past president.
- (6) **Probationary Membership** shall be accorded to any candidate or member who successfully adheres to all the stipulations in Article IV, Section 4.3, for a period of two (2) years, whereupon his/her ratings and proposed election to active membership shall be reviewed by the Executive Board. Acceptance by the Executive Board shall cause his/her name to be brought to the general membership, whereupon it shall be voted on, and if approved, he/she shall be moved to active membership.

**(7) Transfer Membership** – A member of the New York State Girls Basketball Officials Association, Inc., who is currently in another NYSGBOA chapter or from another state association (provided they are NCAA trained and certified) may apply to this association and be accepted provided The Association has proof of said certification in writing from that organization on their letterhead and that member will no longer be listed as a member of his previous chapter (was previously listed as a member in good standing) and does not violate the provisions of Article IV, Section 4.4 sub. (7). Upon acceptance into this Association, the transferee will go down one level (i.e. varsity down to junior varsity) where he/she shall remain till they meet the requirements for movement. They must pay the dues for the current season.

**Section 4.5 Rescission of Membership.** Membership may be rescinded for the following reasons (see Article XI, Sections 11.1 to 11.9).

1. **Unethical conduct**
2. **Incompetence**
3. **Non-compliance with membership requirements and contractual agreements.**
4. **Violation of media policy.**
5. **Conduct detrimental to SBWBO**

The above shall be determined by the Ethics Committee with the approval of the Executive Board. A member shall be accorded the right to a hearing under Article XI of this document before such action takes place. He/she shall further be advised of his right to appeal before said final action is taken.

**Section 4.6 Application for Re-instatement of Membership.** Any member or former member of this Association may apply to the Executive Board for re-instatement to this Association. If said approval is given by the Executive Board, the following will be applicable:

- A. A non-roster member for less than three years, he/she shall attend 60 percent of the meetings of the Candidate's School and be returned to the level at which he/she last worked, but will be placed at the lower portion of the list and just before the most recent names added to that list.
- B. A non-roster member for three or more years shall attend 60 percent of the classes of the Candidate's School, successfully pass the exam and be returned one level down from which they left, except if they left as a Junior High umpire they shall be returned to that level.
- C. Any member who has not fulfilled the applicable portion of Article IV – Membership, must attend the sixty (60) percent of classes of the Candidate's School and then will be dropped to the lowest quadrant of his/her present level.

## **Article V- Meetings**

**Section 5.1, Scheduled Meetings.** Notice and the listing of all the regularly scheduled meetings and their purpose, of the current basketball season, of this Association shall be sent to all members at least 15 days prior to the first scheduled meeting date.

**Section 5.2, Place of Meeting.** The date, time and location of where said meeting will be held shall be included pursuant to Section 5.1.

**Section 5.3, Special Meetings.** Special meetings may be called for by the president or by the Board of Directors. Notification shall be sent to the membership not less than 10 days prior to calling of such meeting.

**Section 5.4, Attendance.** Attendance at all meetings is mandatory and must be made up by arrangement in writing through the president. See Article IV.

**Section 5.5, Excuse.** In order for a member to be excused from a regularly scheduled meeting, members must submit in writing, said request for excuse, preferably prior to, but not more than 15 days after said meeting is held.

**Section 5.6, Quorum.** In order for any business to be transacted or a vote taken, a quorum consisting of at least one-third of the membership shall be present.

**Section 5.7, Voting.** Each member, in good standing, of this association shall be afforded the opportunity to vote. No proxy or absentee votes are permitted.

**Section 5.8, Manner of Acting.** An informal majority vote of those present is necessary to pass any measure, except an election vote, which shall be by plurality and held by secret ballot, provided it is not a constitutional amendment, which must follow Article XIV. This includes any action voted upon by the Executive Board.

**Section 5.9, Parliamentary Procedure.** Robert's Rules of Order Revised shall be the authority on all questions of procedure not set forth in these bylaws or policy and for manner in which meetings are run.

## **Article VI – Officers**

**Section 6.1, Duties.** The Duties of these officers shall be as they are listed under their respective titles.

**Section 6.2, Term.** The term of office shall be three (3) years for all officers. They may run for and be elected to unlimited successive terms.

**Section 6.3, President.** The president shall preside at all meetings of this Association; he/she shall select all the meeting dates, and shall make all appointments not otherwise provided for. He/she shall have the power to appoint the chairperson (s) of all standing and appointed committees yearly and be a member of all the aforementioned committees, "ex-officio"; except the Interpreter, whom he/she shall have the constitutional power to nominate each year a candidate for. The nominee shall be voted on by the Executive Board.

**Section 6.4, Vice President.** In the absence of the president, all of his duties shall be performed by the Vice President.

**Section 6.5, Secretary-Treasurer.** The Secretary-Treasurer shall perform the duties of the President and the Vice-President in their absence. As Secretary, he/she shall keep full and accurate records of all meetings of the Association (corporation). He/she shall keep a full list of members and shall notify candidates of their election to membership, giving each a copy of these bylaws. It shall be his/her duty to send out any notices ordered by the President or the Board of Directors. As Treasurer, he/she shall have charge of all funds, under the direction of the Executive Board, of this corporation and shall furnish to the membership an annual report of financial activities of the Association. Any expenditure exceeding \$250 must be approved by the Executive Board. He/she shall receive financial remuneration as is decided by the Executive Board.

**Section 6.6, Vacancies.** Any vacancy occurring in the Board of Directors or Officers shall be filled by an appointment made the President to fulfill the unexpired terms, unless the Board of Directors by a two-thirds vote dissents from the appointment, at which time the normal election procedure will be followed.

## **Article VII – Board of Directors**

**Section 7.1, General Powers.** The business and affairs of the Corporation shall be managed by its board of directors.

**Section 7.2, Number, Tenure and Qualifications.** The number of Directors of the Corporation (Association) shall be four (4). Each director shall hold office for two (2) years and every year, two (2) positions will be open for nomination. In addition, the immediate past president and rules interpreter will serve on the Board of Directors. Directors must be members of the association and in good standing and may not be a probationary member.

**Section 7.3, Regular Meetings.** A regular meeting of the Board of Directors, Officers and past president (executive board) shall be held without notice after and at the same place as the regular meeting of the members of the Association.

**Section 7.4, Special Meeting.** Special meetings may be called at the direction of the president and by request of any director. This meeting may be held at any reasonable time and at any location decided by the President as soon after request for such meeting is made and all are notified.

**Section 7.5, Telephone Conference Meeting.** Where necessary for expediency, a regular or special meeting may be held by means of conference telephones or similar communications equipment allowing all persons participating in the meeting to be heard.

#### **Article VIII – Executive Board**

**Section 8.1, Purpose.** The purpose of the Executive Board is that it shall tie together the agenda of the Association (Corporation) as it was formed and acted before incorporation. It shall give more strength to act on behalf of the members by sheer virtue of the number of votes and opinions it contains.

**Section 8.2, Members Of.** The Executive Board shall consist of the Officers and the Board of Directors who shall chair standing committees as appointed by the President.

**Section 8.3, Standing Committees.** The following is a list of the Standing Committees which shall be chaired by members of the Executive Board upon appointment, yearly, by the President: Ethics, Outside Assignments, Constitution, Dinner, Ethics, Grievances, Honorary Life Membership and Movement.

**Section 8.4, Compensation.** Any and all members of the Executive Board (President, V-P, Secretary-Treasurer and Interpreter) will be paid the stipend agreed upon by said Board and reported to the membership in the financial report at the beginning of each basketball season year beginning Sept. 1. Any and all expenses incurred by the members of the Executive Board and the appointed committees shall be paid by the Treasurer after approval is recommended to the Executive Board by the President.

**Section 8.5, Method of Election.** When any members of the Executive Board term of office expires, his/her positions shall be open for nominations. This may be accomplished by a nominating committee or by the general membership at the meeting preceding the election meeting. After the nominations are accepted. If the number of people nominated fill the positions vacant, The Secretary-Treasurer will be directed to cast one vote for each of the nominees. there are more than one nomination for each position, then at the election meeting a vote shall be held. The election will be by secret ballot and the winner will be determined by a plurality vote of those present. No absentee ballot is permitted.

#### **Article IX- Contracts, Loans, Checks and Deposits**

**Section 9.1, Contracts.** The Board of Directors may authorize any officer, officers, agent or agents to enter into any contract in the name of a don behalf of the Corporation, and such authority may be general or confined to specific instances. In the case of Contracts for Officiating Services to Leagues, the President will have sole discretion for decision for game fees after being advised of offers by said leagues. After finalization of the contract, a verbal and written report shall be presented to the Executive Board for future reference.

**Section 9.2, Loans.** No loans shall be contracted on behalf of the Corporation, and no evidences of indebtedness shall be issued in its name.

**Section 9.3, Check and Drafts.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such officer, officers, agent or agents of the Corporation and in such a manner as shall from time to time be determined by resolution of the Board of Directors.

**Section 9.4, Deposits.** All funds of the Corporation not otherwise employed shall be deposited from time to time to credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

## **Article X - Movement**

### **Article 10.1, Purpose.**

One of the purposes of board is to have available at all times an adequate number of thoroughly trained and capable officials available at every level. SBWBO is committed to a movement policy that provides regular opportunities for advancement while maintaining a reasonable number of respectively competent officials on every level. The board also recognizes its obligation not to have too many members at any one level and thereby deprive existing officials of a reasonable share of game assignments.

### **Article 10.2, Categories of Officials.**

Competition in Section XI occurs on three levels: Middle School, Junior Varsity (JV) and Varsity. Officials are categorized within these categories solely for the purpose of scheduling Section XI games only and have no other particular meaning with other assignments. The SBWBO Executive Committee establishes the number of officials assigned to these levels on an annual basis by taking into consideration the projected needs of Section XI and our obligations to the individual members of our board. After deciding on the number of officials needed at each level, a list of eligible members is compiled using the combined two year rating averages as provided by Section XI and the movement policy provisions (below). That list is submitted to Section XI and our membership for use in assigning games for the season to come.

### **Article 10.3, Stipulations.**

One of the main purposes of SBWBO is to provide officials for Section XI games. Therefore, each member's availability must be first and foremost to Section XI, not to outside areas or groups. Every official must be available for and actually work at least 10 games assigned by Section XI in order to maintain level status. This is an annual minimum requirement, not an average over a period of two or more years. Members not meeting this minimum requirement may be denied advancement or may be demoted pending a review of the particular circumstances by the Executive Committee. Additional factors that may affect movement may include loss of officials by attrition, demotions of lowest rated officials, officials that choose not to work at higher levels and the projected needs of Section XI.

All members of SBWBO start at the Middle School level with the exception of college level officials seeking membership with SBWBO. Due to stringent mandates and training requirements placed on these officials, college officials may be eligible to join membership at the Varsity level, if approved by the Executive Board.

A member in good standing, who has met all of the requirements of membership in the SBWBO, as well as Movement requirements, will be eligible for movement to the next higher level. Movement eligibility will be based on the average of the latest two (2) years ratings as supplied by Section XI, with each eligible official having worked at their current level for a two (2) year minimum, must have officiated at least 12 games each of those years and must pass a NYSGBO closed-book written movement exam.

### **Article 10.4, Promotion and Demotion.**

#### **Promotion:**

Movement from Middle School to the Junior Varsity level – The three highest rated Middle School officials meeting all movement criteria may be eligible to move to the Junior Varsity level and would be placed at the bottom of the Junior Varsity list for assignment purposes

Movement from Junior Varsity to the Varsity level – The three highest rated JV officials meeting all movement criteria may be eligible to move to the Varsity level and would be placed at the bottom of the Varsity list for assignment purposes.

#### **Demotion:**

Movement from Varsity to Junior Varsity – The three lowest rated Varsity officials over a 2 year period or longer may be moved to the Junior Varsity level and would be placed at the top of the Junior Varsity list for assignment purposes.

Movement from Junior Varsity to Middle School – The three lowest rated Junior Varsity officials over a 2 year period or longer may be moved to the Middle School level and would be placed at the top of the Middle School list for assignment purposes.

In addition, any official who fails to maintain a current two-year average rating above 9.85 may be demoted to the next lowest level. Any Middle School official who fails to maintain a current two-year average rating

above 9.85 will be required to attend the Candidates Class held the following season for a minimum of six classes.

The number of officials designated for movement to any level is subject to modification based on current needs of Section XI. In all cases, all movement criteria must be met and must be approved by the Executive Board.

A member has the right to protest to this Board any reassignment decision which he/she believes is unfair.

Policy decisions on the movement of officials will be subject to annual review by a designated committee by the Executive Board.

## **Section XI – Ethics Code and Procedure**

**Section 11.1, Purpose.** The purpose of this article is to provide guidelines for appropriate behavior and a manner in which to monitor and correct deviation from and for such action as well as to establish a procedure to evaluate and resolve alleged violations, whether spelled out or by the accepted norms.

**Section 11.2, Inappropriate Actions.** All members of this Association shall comply with the terms of these bylaws as set forth. In addition, any behavior, deemed by a member of the Association, to be inappropriate, shall bring this matter to the Chairman of the Ethics Committee, who shall conduct an investigation in accordance with the following guidelines. All members of this Association shall cooperate with such an investigation so as to keep such matters internal in nature. These actions shall include state and chapter uniform violations, working for individuals or leagues when their allegiance should be to this Association or who we have refused to service by virtue of previous problems or contractual disagreements but not limited to the aforementioned. Some other inappropriate actions:

- A. Actions detrimental to SBWBO
  - 1. Actions detrimental to SBWBO shall include the following:
    - a. Publicized comments related to SBWBO members, Board Members and or SBWBO business.
      - i. Members are prohibited from utilizing social media platforms to express opinions, comments or reviews related to SBWBO, its Board of Directors and members.
- B. Members are prohibited from the personal use of SBWBO or Section XI email lists without approval of the President of SBWBO. Members are encouraged to permit formal communication to be provided by the Secretary of SBWBO.
- C. Public comments on behalf of SBWBO are specifically prohibited.
- D. Soliciting games from Section XI.
- E. Uniform violations
- F. Officials must arrive at game site at least 20 minutes and on the floor 15 minutes before schedules starting time (as per NCAA rule book)
- G. Officials of equal rank working together must mutually agree on which position each will work. If agreement is not reached, the higher-ranked official in the Association will have the choice.
- H. Officials must be supportive of each other. Negative comments or actions are unacceptable.
- I. Any member of this Association who is at any game as a spectator will refrain from making statements to coaches, players, spectators or news media.
- J. Failure to appear for or give appropriate notice for turning back an assignment, especially one given by the Association.
- K. If a problem arises with a school, coach, spectator or player, the member must contact the President as soon as possible. The member is prohibited from contacting Section XI or a specific athletic director without Presidential approval. Section XI must be contacted after the ejection of a player.
- L. Any member of this Association, SBWBO, Inc., who chooses to coach or assume any capacity outside of officiating must always bear in mind that his/her conduct must be above reproach for professional reasons. This professional conduct must be strictly adhered to during a basketball contest, especially when it involves fellow members of this Association or another chapter.
- M. SBWBO - SEXUAL HARASSMENT POLICY

- A. Definition: “Unwelcome behavior of a sexual nature or with sexual Overtones that embarrasses or demeans, regardless of the intent.”

Clarification: Someone can be brought up on charges if these comments are to any person or persons, regardless of their sex, which meet the above definition.

B. Policy Guidelines

1. Legal Prohibitions

- a. Title VII of the 1964 Civil Rights Act (Sexual Issues)

NOTE: the 1991-expanded the Civil Rights Acts to include emotional distress.

2. Two Main Categories of the Sexual Harassment

- a. Quid pro quo (this for that)  
b. Hostile Environment

3. Type of Sexual Abuse

a. Verbal behaviors

1. Sexual comments, jokes, suggestions
2. Demeaning names (hones, sweeties, babe, etc.)
3. Calling attention to another’s body parts
4. Remarks about another’s gender or sexual orientation

b. Non-verbal behavior

1. Suggestive looks, leering, mimicking
2. Offensive gestures
3. “Messages” on T-shirts

c. Physical behaviors

1. Patting, squeezing, rubbing, pinching, repeatedly brushing up against Someone’s body
2. Violating another’s “space”

4. Suggested Responses to Sexual Harassment

a. Informal procedures

1. be assertive right away

a.) If you see something that your partner is doing and you believe It is not proper, tell that person.

b.) If it is a player directing sexual harassment towards you or Your partner, advise them to stop and advise the coach.

b. Formal procedures

1. Disclose details to the Local Board of Directors
2. Disclose details to School District, if it involves a student or employee of the district.
3. Keep and present detailed records (who, when, where, why and how, also witnesses or potential witnesses) of the harassment.

5. Advice to the Harasser

- a. What you meant is much less important than how the behavior was perceived. Such as, “I was only kidding” and phrases like, “I really meant No harm” does not make it go away.

b. Civil suits can be pursued.

6. Some advice to the Victim

- a. You have a right to work/play (referee or players) in a non-threatening Environment.
- b. Be strong, be assertive
- c. Passivity can be misinterpreted as a “green light”
- d. Others might be suffering, not just you.

7. Any and all complaints will be referred to a committee to handle these types of complaints.

- a. It shall be formed of at least 5 members, 2 of who should consist of members of the same sex as the complainant and they will handle the interview with at least one other member present.
- b. This information will be disclosed to the other members of the committee
- c. A complaint form shall be filled out with the required information on said

- form and used throughout the investigation or any further action.
- d. If this committee shall make a recommendation to the Executive Board and if so decided shall convene a hearing pursuant to the same one used by the Ethics board, administrative hearing. The current chairman of the Ethics committee shall be included in the hearing. All the same criteria shall be used, including rendering a verdict, report to the Executive Board and a recommendation for action to be taken. All rights to an appeal are in force and to be followed. A complete record of these proceeding shall be recorded and turned over to the Secretary-Treasurer for file.
  - e. Both parties shall be advised of the final results of hearing and final Disposition.

**Section 11.3, Allegation.** Official making the allegation must do so in writing to the President within 14 days, as determined by the letter postmark, of the alleged occurrence. The allegation should be specific and shall include the nature of the conduct, the date of occurrence, the location and the names of those involved, including witnesses. The President shall then refer this matter to the Ethics Chairman.

**Section 11.4, Ethics Chairman.** The Ethics Chairman shall convene an Ethics committee, from the general membership, of at least three people and preferably an odd number, who shall evaluate the allegation and determine whether the conduct complained of, is prejudicial to the interest of the Association or otherwise in violation of the code. The Chairman shall notify all parties concerned of the hearing date set by the Ethics Committee as well as the time and the location.

**Section 11.5, Officials Notification.** The official accused of an alleged violation will be notified in writing of the allegation and the hearing date set by the Ethics Committee as well as the time and the location. This shall be done within 30 days of the alleged incident or as soon as possible when the incident (s) spans (s) a length of time rather than an isolated case.

**Section 11.6, Hearing.** The acceptable procedure for all administrative hearings shall be in effect. The hearing will convene with the Chairman presiding, a record being kept of the proceedings which shall include the date, time, and location of all parties present, all pertinent information and a synopsis of testimony or audible recording. All parties present may present evidence and/or witnesses in support of their position and the Ethics Committee may on its own motion, seek the attendance of its own witnesses or the presentation of evidence which the committee, in its discretion, deem material to the proper

**By-laws, Section 11.6, continued**

determination of any issue. Since this is an administrative hearing, hearsay testimony is admissible. Questions of fact at the hearing shall be determined by substantial evidence. The decision of the ethics committee shall be by a majority vote. When a finding is reached, if it is a finding of guilty, the Ethics Committee may assess a reprimand, a suspension or a monetary fine depending on the nature of the conduct. Such an assessment is in the form of a recommendation to the Executive Board, who will have the final decision. The Ethics Committee as its final act concerning this matter will apprise all parties concerned, in writing, of the decision after the approval of the Board is given.

**Section 11.7, Penalties and Fines.** The recommendation to the Executive Board for such punishment or penalties shall be consistent with the charge. A monetary fine shall never exceed more than one (1) varsity game fee for each finding of guilt as charged in the original allegation. The ultimate penalty shall be rescission of membership.

**Section 11.8, Appeal.** A member found to have violated this code shall have the right to present newly acquired evidence to the Chairman of the Ethics Committee within 15 days of the post date of the notification

which shall be done by certified mail, return receipt .or any other accepted format. Such evidence shall be described fully and presented in writing. The Chairman shall establish the new meeting date for the appeal hearing, this time within 10 days, in the same manner as prescribed in Section 11.4. Having convened to hear the new evidence for appeal, all pertinent information shall be considered. All evidence being presented to the committee will be ruled on as to whether the original ruling should be affirmed or overrule the prior decision, and or the penalty imposed. This will again be determined by a majority vote. The final decision will then be presented to the Executive Board and all parties concerned to be notified of the final decision.

**Section 11.9, Records.** Complete records will be maintained of all actions, taken under the Ethics Code and Procedures and upon a final disposition of the matter, all records will be turned over to the Secretary of SBWBO for safe keeping and as in the course of normal business activities.

## **Article XII - Dues**

**Section 12.1, Payment.** The annual dues shall be payable to the Secretary-Treasurer on or before March 1 of each year. A late fee shall be in effect after this date. If dues and the late fee are not paid by April 1, the Secretary-Treasurer will send a certified letter; return receipt, to the member concerned notifying them of their delinquency. The payment of said dues shall cover all dues due to allegiances, rule books and the Association banquet.

**Section 12.2, Additional Penalty.** If dues and late fees are not paid by April 1of that year, it will be understood by all parties, to be a resignation by a delinquent member. This matter will then be entered into the minutes of the next Executive Board meeting as a matter of record. Any member may apply for re-instatement, but that is the sole discretion of the Executive Board.

## **Article XIII – Mandatory Test**

**Section 13.1, Taking and Recording of Grade.** Pursuant to Article IV, Section 4.3, all members of this Association must take the mandatory Part II State Test, return the test keeping a record of said return and achieve a mark of at least 80 percent on an open book test or 75 percent on a closed book proctored exam.

**Section 13.2, Test Failure.** A member who does not achieve the required score must continue to take the test until such a mark is achieved. This is the responsibility to get a record of such a score and keep it.

**Section 13.3, Failure to Submit Test.** Any member, who fails to turn in the test as described in Section 13.1, by Oct. 1, and keep the necessary record of such submission, will be in violation of these bylaws.

He/she shall be dropped from active membership and application for re-admission must be made to the Executive Board in writing before Oct. 31 of that year.

## **Article XIV – Bylaws, Amendments and Policy**

**Section 14.1, Ratification.** These bylaws will be in effect upon ratification of it by 75 percent of the membership present and they will replace the previous constitution in its entirety or pass an amendment.

**Section 14.2, Amendments.** A proposed amendment of these by-laws must be submitted in writing to the Secretary-Treasurer through the bylaws chairperson, two weeks in advance of the next scheduled meeting. The Secretary-Treasurer will see that all members receive copies of the proposed amendments, either in person or by mail and keep a record of such. The Secretary-Treasurer shall notify all members of the date on which the vote will be taken on the proposed amendments. It shall require a two-thirds vote of the membership present to pass an amendment to the bylaws. NO amendment to these bylaws may supersede the bylaws of the State Association (NYSGBOA) or hinder the operation of the President’s Council as it applies to the contract.

**Section 14.3, Policy.** Any matter not covered in these bylaws will be brought before the Executive Board for a decision on a matter of policy. Such decision may be challenged by a member and brought before the

general membership provided the President is notified of such a challenge, in order that it is placed on the agenda for a proper discussion before a vote.

**Article XV – Corporate Seal**

If it is decided that a corporate seal is desired, one shall be procured and affixed to any document of award, decision of a committee, rescission of membership or any such policy committee.

**Article XVI – Indemnification**