

THE NATIONAL WHEELCHAIR SOFTBALL ASSOCIATION

CONSTITUTION and INTERPRETATIONS

SEPTEMBER 1, 1986

ARTICLE ONE

The name of this organization shall be "The National Wheelchair Softball Association".

ARTICLE TWO - PURPOSES AND FUNDAMENTAL POLICY

Section 1. The purposes of this Association are:

- (A) To act as an agency for the promotion and continued growth of wheelchair softball for the good it has done the participants and disabled people everywhere, and the role it has played in educating the public as to the nature of disabilities, and in removing the apathy surrounding the physically disabled.
- (B) To act as an agency for the interpretation and standardization of wheelchair softball, its rules and regulations.
- (C) To coordinate the efforts of member teams for the benefit of all concerned and to encourage the formation of new teams for the common good.
- (D) To protect the interests of member teams.
- (E) To enforce the rules and regulations that have been set up cooperatively by member teams.
- (F) To act as the governing agency for the administration of wheelchair softball and all Association sponsored events.
- (G) To protect the member teams and wheelchair softball as a whole against any and all abuses from without and mismanagement from within.
- (H) To oppose and suppress any malpractice's of non-accredited individuals who may attach themselves to wheelchair softball and also the malpractices of any individuals within the Association.

Section 2. Fundamental Policy.

- (A) The competitive athletic program of this Association is recognized and designed as a vital part of the disabled individual's total rehabilitation. A basic purpose of this Association is to maintain wheelchair sports as an integral part of the individual's rehabilitation and to foster the concept of the participant as an athlete in his or her own right, and, by doing so, establish the validity of the sport as a legitimate avenue of athletic expression for all disabled individuals.
- (B) The legislation established by this Association to govern the conduct of wheelchair softball of the member teams shall apply to basic athletic issues such as player eligibility, recruiting, etc. Member teams shall be obligated to apply and enforce this legislation, and the enforcement program of the Association shall be applied to a team when it fails to fulfill this obligation.

ARTICLE THREE

Section 1. Principles of Amateurism. An Amateur wheelchair softball player is one who engages in the sport for the physical, mental, social, and recreational benefits he or she derives there from, and to whom participation in the sport is an avocation.

- (A) A wheelchair softball player shall not be eligible for participation in the sport if:
 - (1) He or she takes or has taken pay, or has accepted the promise of pay, in any form, for participation in the sport, or
 - (2) He or she has entered into any agreement of any kind to compete in any professional version of the sport or to negotiate a professional contract in the sport, or
 - (3) He or she has directly or indirectly used his or her skill for pay, or personal gain, in any form in the sport.
- (B) A wheelchair softball player may participate as an individual or as a member of a team against professional athletes, but he or she may not participate on a team known to him or her, or which reasonably should have been known to him or her, to be a professional wheelchair team.

“a professional wheelchair team shall be any team which is a member of or affiliated with a recognized professional sports organization or any organized team on which there is an athlete receiving payment of any kind or form (**other** than actual and necessary expenses for game trips.) for his or her participation.”

Section 2. Principle Governing Recruiting- The recruiting of wheelchair softball players shall be controlled by Bylaws enacted by the Association.

Section 3. Principles of Ethical Conduct. It shall be a member team’s responsibility to apply and enforce the following principles:

- (A) Individuals officially affiliated with and in the service of a member team to administer or coach wheelchair softball all participating player’s, shall deport themselves with honesty and sportsmanship at all times so that wheelchair softball and wheelchair sports as a whole, the teams and they, as individuals, shall represent the honor and dignity of fair play, and the generally recognized high standards associated with wholesome competitive Sports.
- (B) To always hold in esteem other wheelchair softball teams.

ARTICLE FOUR - MEMBERSHIP

Section 1 Eligibility for Membership Any group of individuals organized as a team for the purpose of playing wheelchair softball which accepts and observes the principles set forth in the Constitution and Bylaws of the Association is eligible for membership in this Association.

Section 2. Conditions and Obligations of Membership. The members of this Association agree:

- (A) To administer their wheelchair softball program in accordance with the Constitution, Bylaws and other legislation of the Association.
- (B) To establish and maintain high standards of personal honor, eligibility, and fair play.

Section 3. Class of Membership Membership shall be of the following two classes; Conference-member teams and independents. The Bylaws shall prescribe the procedures by which conference-member and independent teams may participate in the National Wheelchair Softball Association competition.

- (A) Conference-member teams shall be those teams approved for active membership in a conference recognized by the National Wheelchair Softball Association. They shall be entitled to all the privileges of membership under the Constitution, Bylaws and Executive Regulation of the Association, and all privileges incidental thereto.
- (B) Independent teams shall be those teams whose geographical location or whose developmental status at the time of application for membership in the National Wheelchair Softball Association does not warrant their compliance with a full conference schedule. They shall provide sufficient evidence and intent of purpose in becoming members of a recognized conference when conditions are such that it would be in their and other’s interests to so proceed. They shall be entitled to all the privileges of members under the Constitution, Bylaws, and Executive Regulations of the Association, and all privileges incidental thereto.

Section 4. Annual Dues. The dues of member teams shall be prescribed by the Bylaws.

Section 5. Termination of Membership¹ - Discipline of Members

- (A) Disciplinary powers of the Association shall be exercised in accordance with the provisions of this section and the Bylaws.
- (B) The membership of any member team failing to meet the conditions and obligations of membership, may be terminated or suspended or the member otherwise disciplined by a majority vote of the Executive Committee.
- (C) The membership of any member team failing to pay dues for one year shall be automatically terminated.
- (D) Upon any termination or suspension of membership, all rights and privileges shall cease forthwith.

Section 6. Reinstatement of Members.

- (A) Any member team whose membership has been terminated under Constitution 4-5(B) may be reinstated to membership by a two-thirds majority vote of the Executive Committee.
- (B) Any member team whose membership has been suspended may be reinstated to good standing in accordance with the terms of the suspension action, or:
 - (1) At any time by a two-thirds majority vote of the Executive Committee or,
 - (2) A two-thirds majority vote of the members present and voting at the annual meeting.
- C) Any member disciplined by the Executive Committee of the Association shall resume good standing in accordance with the terms of the disciplinary action taken, or may be restored to good standing at any time by:
 - (1) A two-thirds majority vote of the Executive Committee or:
 - (2) A two-thirds majority vote of the members present and voting at the annual meeting.

ARTICLE FIVE - ORGANIZATION

Section 1. Executive Committee. The establishment and direction of the general policy of the Association in the interim between the annual meetings, is committed to the Association Officers, up to three Assistant Commissioners, and the Commissioner. The Executive Committee shall always have an odd number, and be elected at the annual meeting as prescribed in this article.

- (A) The Executive Committee shall be constituted as follows:
 - (1) The President
 - (2) The First Vice-President
 - (3) The Second Vice-President
 - (4) The Secretary
 - (5) The Treasurer
 - (6) The First Director at Large
 - (7) The Second Director at Large
- (B) Any individual, regardless of race, color, sex, or national origin and physical or mental disability, may be eligible for office in the National Wheelchair Softball Association
- (C) For the transaction of business, a quorum shall consist of a majority of the members of the Executive Committee. The Executive Committee shall meet as follows:
 - (1) Prior to the business sessions of the annual meeting, and
 - (2) At such times as the president may direct.
- (D) The Executive Committee shall:
 - (1) Transact the business and administer the affairs of the Association in accordance with the policies of the Association.
 - (2) Require all income from membership dues, and all income from other sources, except as may be provided in the Bylaws or Executive Regulations, to be deposited in the general treasury.
 - (3) Adopt a budget for the ensuing fiscal year prior to the end of any current fiscal year.
 - (4) Adopt regulations providing for:
 - (i) The expenditure of Association funds
 - (ii) Conduct of Association Play-offs and tournaments, and
 - (iii) Distribution of the income of the Association
 - (5) Arrange for the bonding of the Officers of the Association charged with handling funds.
 - (6) Provide for the various accounts and arrange for the auditing of them.
 - (7) Report its proceeding to the business session of the annual meeting.
 - (8) Reverse any decision made by the Commissioner which it deems to be contrary to the best interests of the Association or of wheelchair softball or which it deems to be contrary to the best interpretation of the Constitution, By-laws Rules and Regulations, by a majority vote of the full Executive Committee.
- (E) The Executive Committee may transact such part of its business by correspondence as it may deem advisable.
- (F) Election of the Executive Committee. The members of the Executive Committee shall be elected at the annual meetings of the Association.
 - (1) Each officer shall be elected for a term of five years.
 - (i) The President shall be elected in the year zero (0) and five (5) of each decade.
 - (ii) The First Vice President shall be elected in the year two (2) and seven (7) of each decade

- (iii) The Second Vice President shall be elected in the year four (4) and nine (9) of each decade.
 - (iv) The Secretary shall be elected in the year three (3) and eight (8) of each decade.
 - (v) The Treasurer shall be elected in the year one (1) and six (6) of each decade.
- (2) Each Director at Large shall be elected to a three year term.

(G) Duties of Officers.

- (1) The president shall preside at the meetings of the Association and of the Executive Committee. In the absence of the President, or in case he is incapacitated, one of the Vice-Presidents chosen by him (or in case of the President's disability, one of the Vice-Presidents chosen by the Executive Committee), shall take over and perform the duties of the President.
- (2) Each Vice-President shall perform such duties as the President may direct.
- (3) The Secretary shall be responsible for keeping records of the meetings of the Association and the Executive Committee and reporting to the Association at each annual meeting the minutes of the Association meeting of the preceding year.
- (4) The Treasurer shall be responsible for all funds of the Association and submitting at the annual meeting a detailed report of all receipts and disbursements of monies. Prior to the end of any fiscal year, he shall be responsible for presenting to the Executive Committee a proposed operation budget for the ensuing fiscal year.
- (5) Each Director at large shall perform such duties as the President may direct.

Section 2. The Commissioner. The Commissioner of the National Wheelchair Softball Association shall be an ex-officio member of the Executive Committee. He shall have executive authority and be responsible to the Executive Committee only. The Commissioner shall serve a term of Seven years beginning in 1998.

(A) The Commissioner of the National Wheelchair Softball Association shall:

- (1) Make and enforce decisions based upon interpretations of the Constitution, Bylaws, Rules and Regulations established by the National Wheelchair Softball Association.
- (2) Make interpretations and decisions on matters not covered by National Wheelchair Softball Association Rules and Regulations based upon precedence within the Association.
- (3) Make interpretations and decisions on matters which are not covered by the National Wheelchair Softball Association rules and regulations and have no precedence
- (4) Review, whenever possible, any matters not covered by the Constitution, Bylaws, Rules and Regulations with the Executive Committee.
- (5) Report to the Executive Committee with an explanation and justification any decision rendered without prior review by the Committee.
- (6) Serve as a professional advisor and resource person to the National Wheelchair Softball Association.
- (7) Arrange for the composition, publication and distribution of a newsletter which will include official notices, items of business, up-to-date progress of teams, conferences and leagues, officials and other designated persons affiliated with the sport.
- (8) Serve as a central officer for the collection, recording and distribution of administrative forms, proceedings, correspondence and other materials which have not been specifically assigned to a member of the Executive Committee.
- (9) Submit an annual report to the Executive Committee and the annual meeting of the Association.

(B) The Commissioner shall have the authority to appoint up to three Assistant Commissioners. The Assistant Commissioners shall perform such duties as the Commissioner may direct. The Assistant Commissioners term shall be reviewed by the Executive Committee every two years.

(C) The Commissioner may be removed from office by a two-thirds majority vote of the Executive Committee at any time.

Section 3. Committees. The Bylaws shall provide for such standing committees as the Association may consider necessary and may establish the number of members and tenure of all committees established by the Constitution and Bylaws except the Executive Committee.

Section 4. Meetings. There shall be an annual meeting of this Association during the dates set aside for the conduct of the Association's National Wheelchair Softball Tournament.

- (A) Each conference-member and independent-member team shall be entitled to two votes and may be represented at the annual meeting by one or two accredited delegates.
- (B) Member teams are authorized to send visiting delegates who shall be without voting power and shall not actively participate in the business proceedings of the Association.
- (C) The certification and voting of the delegates shall be conducted as follows.
 - (1) Delegates shall be certified to the Secretary as to who is entitled to represent the member team in question by the proper executive officers identified with such member.
 - (2) No delegate shall represent a member team unless he is actually identified with such member.
 - (3) Whenever the Association votes by roll call, either written or viva-voice, on any question, on demand of any delegate, the names of the delegates as they vote shall be checked by the secretary in order to verify the authority of the voter.
 - (4) Voting by proxy shall not be allowed.

ARTICLE SIX - BYLAWS, INTERPRETIONS, EXECUTIVE REGULATIONS, AND RESOLUTIONS

Section 1- Bylaws.

- (A) The Association may at any annual meeting adopt or amend any Bylaws not inconsistent with the provisions of the Constitution by a majority vote of the members present and voting, except where a greater majority may be required by the Bylaws
- (B) Except as otherwise specifically set forth in this Constitution, the Bylaws may provide rules and regulations governing:
 - (1) The administration of wheelchair softball by members of the Association.
 - (2) The establishment and control of the games and tournament sponsored by the Association.
 - (3) The procedures for administering and enforcing the provisions of the Constitution and Bylaws.
 - (4) The adoption of rules of play and competition and the delegation of authority in connection with such to individuals, officers, or committees.
- (C) The enumeration of the forgoing particulars which may be included in the Bylaws shall not limit in any way the general power and authority in the adoption of Bylaws permitted by the first sentence of this section.

Section 2. Interpretations. The Executive Committee and the Commissioner in the interim between annual meetings are empowered to make interpretations of the Constitution and Bylaws which shall be binding after their publication and circulation to the membership. Any member team of the association may request that any such interpretation be passed upon by the membership at the next annual meeting of the Association by making such written request to the Secretary prior to the annual meeting.

- (A) If a Constitutional interpretation submitted to the annual meeting fails to receive a majority of those delegates present and voting, it shall thereafter not be binding on the membership.
- (B) If an interpretation of the Bylaws submitted to the annual meeting fails to receive a majority of those delegates present and voting, it shall thereafter not be binding upon the membership.
- (C) All interpretations approved by the annual meeting shall be incorporated into the Constitution or Bylaws as Official Interpretations. Other interpretations issued by the Executive Committee or the Commissioner may be included in the Official Interpretations if so designated by the Executive Committee.

Section 3. Executive Regulations. The Executive Committee shall have power to adopt Executive Regulations not inconsistent with the provisions of the Constitution or Bylaws.

Section 4 Resolutions. Legislation may be enacted through resolution not inconsistent with the Constitution or Bylaws at any annual meeting by a majority of the delegates present and voting. If a majority of the delegates present and voting so direct, such resolution shall be referred to the entire membership for a mail vote conducted by the Commissioner under conditions approved by the Executive Committee. A two thirds Majority of the members

voting in any such mail vote shall be required for enactment of the proposed legislation.

ARTICLE SEVEN - AMENDMENTS

Section 1. This Constitution may be amended at any annual meeting by a two thirds majority of the delegates present and voting provided that the proposed amendment shall have been submitted to the Secretary of the Association by July 1st preceding an annual meeting.

Section 2- The Secretary shall mail a copy of the proposed amendment to all members of the Association not later than August 1 before the annual meeting

Section 3. Unless otherwise specified, all amendments shall become effective on the first day of July following adoption at the annual meeting.