

# **Ohio Water Polo Referees' Association Constitution and Bylaws**

This document was approved unanimously at the Ohio Water Polo Referees' Association Emergency Board of Directors Meeting on September 25<sup>th</sup>, 2017.

## **1. Article 1. Name**

1.1. The organization shall be known as the Ohio Water Polo Referees' Association, hereafter referred to as OWPRA.

## **2. Article 2. Name**

2.1. The OWPRA is a Non-profit 501c3 organization established in September, 2017. OWPRA's mission is to foster the development of water polo officials; OWPRA will offer training to and provide the best available officials for water polo contests.

## **3. Article 3. Purpose, Mission and Goals**

- 3.1. OWPRA shall consist of officials (referees) who are independently contracted to officiate men's and women's water polo in the state of Ohio.
- 3.2. OWPRA is a partnership and is not organized for the private gain of any individual. It is organized as an association for independently contracted water polo officials in Ohio, and incorporated herein these Bylaws by this reference. OWPRA reserves the right to service other entities, provided that any such entities are under an existing contract with OWPRA and that OWPRA's Board of Directors (hereafter referred to as the "Board," see Article 5) has determined that providing such services is appropriate.
- 3.3. OWPRA's mission is to foster the development of water polo officials; OWPRA will offer training to and provide the best available officials for water polo contests.
- 3.4. OWPRA's goals are:
  - 3.4.1. Provide independently contracted water polo officials for athletic contests in Ohio;
  - 3.4.2. Develop materials and instructional programs to develop individual skills of water polo officials;
  - 3.4.3. Provide study methods for rules and their correct interpretation;
  - 3.4.4. Establish and assure consistent standards of quality for all events officiated by the members of OWPRA through clinics and observation;
  - 3.4.5. Foster a high standard of ethics by officials;
  - 3.4.6. Promote good fellowship among officials;
  - 3.4.7. Encourage cooperation and understanding among interscholastic administrators, coaches, the media, and the officials;

- 3.4.8. Increase the number of sport officials by providing development programs that encourage new officials to continue as a part of OWPRA;
- 3.4.9. Further the interests of athletics through a proper spirit of sportsmanship and fair play among all concerned.

#### **4. Article 4. Membership**

- 4.1. The requirements for membership in OWPRA are outlined in OWPRA's Policies and Procedure document, hereafter referred to as the P&P.
- 4.2. Honorary membership may be conferred upon anyone, with the exception of current members of the Board, who has distinguished himself or herself by reason of service or attainment in the sport of water polo. Honorary members are not subject to a registration fee and/or dues. Honorary membership may be granted by a unanimous vote of the Board. The term of appointment shall be determined by the Board;
- 4.3. Individuals traveling from other geographic areas who are members in good standing with credentials from other recognized water polo associations may be admitted as active members, providing their membership is approved by the Board. Such "guest members" are exempt from annual dues, provided that the annual number of days refereeing does not exceed five days;
- 4.4. OWPRA shall adhere to a strict policy of non-discrimination in the recruitment, training, and assignment of officials. No person will be denied membership in OWPRA based on his or her race, color, creed, religion, sex, national origin or any other basis precluded by law;
- 4.5. Each member of OWPRA shall have the right to resign at any time without penalty. Such resignation shall become effective upon the member's written notification to the OWPRA's Supervisor. OWPRA shall be entitled to retain any and all fees or other consideration paid to OWPRA prior to the member's resignation. The member's resignation shall not release him or her from liability accrued as of the date of withdrawal;
- 4.6. Participation in OWPRA shall terminate upon the member's failure at any time to qualify as specified herein (including the failure to pay annual dues). In addition, OWPRA shall have the right to terminate, suspend, or remove any member as set forth in Article 7, to the extent permitted under applicable law;
- 4.7. Should any member of OWPRA have a dispute, disagreement, or in any way contest any action taken by OWPRA, including any action taken by the Board or the Supervisor, the member shall have the right and may exhaust his administrative remedies by having any issues, disputes or matters reviewed and decided first by the Supervisor and second by the Board. The member shall be bound by the decision of the Board. The member's sole monetary remedy shall be the refund of any paid annual dues or other assessments.

#### **5. Article 5. Officers**

- 5.1. The officers of OWPRA shall be the Supervisor, Secretary, Treasurer and “At Large” members as deemed necessary by the Board.
  - 5.1.1. The duties of each officer are summarized in OWPRA’s P&P.
- 5.2. Officers of OWPRA shall be active (dues paying) members of OWPRA. The Supervisor and Secretary shall be “Level 4 members.” The Treasurer shall be a “Level 3” or “Level 4” member.”
- 5.3. Each officer shall hold office from January 1st until December 31st unless he or she dies, resigns, is removed or is otherwise disqualified to serve.
- 5.4. The Supervisor, Secretary and Treasurer shall be elected at OWPRA’s annual business meeting for a three year term, with one officer being elected each year. The “At Large” member(s), as deemed necessary by the Supervisor, Secretary, and Treasurer, shall be elected annually. Officers will be elected by a popular (simple majority) vote of the members attending that meeting according to the following schedule:
  - 5.4.1. Treasurer - 2008, 2011, 2014, etc.
  - 5.4.2. Secretary - 2009, 2012, 2015, etc.
  - 5.4.3. Supervisor - 2010, 2013, 2016, etc.
  - 5.4.4. “At Large” - Annually
  - 5.4.5. The founding members of OWPRA, as listed at the end of this document (Article 12.1), shall serve as the first officers of OWPRA.
- 5.5. There is no limit to the number of consecutive terms an officer may be elected;
- 5.6. A vacancy of an officer’s position shall exist on the occurrence of the following:
  - 5.6.1. The death, resignation or removal of any officer;
  - 5.6.2. When the number of authorized officers is increased;
  - 5.6.3. When the Board declares vacant the office of an officer who has been declared of unsound mind by a final order of court, or convicted of a felony;
  - 5.6.4. When the Board removes any officer without cause by a majority vote of the Board;
  - 5.6.5. When any officer resigns, effective upon giving written notice to the Board, unless the notice specifies a later time for the effectiveness of the resignation;
- 5.7. When a vacancy occurs, the remaining members of the Board shall appoint a new officer by a majority vote. If for any reason a new officer is not elected, no further duties of the officers shall be done until a new member is elected;
- 5.8. A person elected to fill a vacancy shall hold office until the next annual election or until his or her death, resignation or removal from office, whichever occurs first.

## **6. Article 6. Board of Directors**

- 6.1. OWPRA shall have a Board composed of *ex officio* members (OWPRA’s Supervisor, Secretary and Treasurer) and, if appointed, a Coaches’

- Representative, hereafter referred to as CR (CR, see Article 5.4, below) and any “At Large” member(s);
- 6.1.1. The number of Board members may be changed by amendment of this Bylaw, or by repeal of this Bylaw and adoption of a new Bylaw, as provided in these Bylaws;
  - 6.1.2. Founding members as named at the end of this document shall be named as the first *ex officio* members of the Board (see, also, Articles 4.4.4 and 12.1);
- 6.2. Subject to the provisions of these Bylaws, the activities and affairs of OWPRA shall be managed, and all powers shall be exercised by or under the direction of the Board;
- 6.3. Without prejudice to the general powers, but subject to the same limitations, the Board shall have the powers to:
- 6.3.1. Perform any and all duties imposed on them collectively or individually by law, or by these Bylaws;
  - 6.3.2. Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe the powers and duties and fix the compensation, if any, for any officer, agent or employee of OWPRA;
  - 6.3.3. Supervise all officers, agents and employees of OWPRA to assure that their duties are performed properly;
  - 6.3.4. Meet at such times and places as required by these Bylaws;
  - 6.3.5. Register their addresses with the Secretary of OWPRA so notices of meetings may be mailed or faxed to them at such addresses shall be valid notices thereof;
  - 6.3.6. Relocate the principal office from one location to another;
  - 6.3.7. Authorize actions or recommendations of any standing committee and form *ad hoc* committees when necessary;
  - 6.3.8. Perform any other specific power granted under these Bylaws.
- 6.4. Coaches’ Representative;
- 6.4.1. One person may be elected by the officers of OWPRA to serve as a CR on OWPRA’s Board;
    - 6.4.1.1. The coaches may nominate annually a person to serve as the CR. The nominee must be approved unanimously by the *ex officio* members of OWPRA’s Board (i.e., OWPRA’s officers).
    - 6.4.1.2. In the event that the coaches fail to nominate a person to serve as the CR, or in the event that the nominee is not acceptable to the *ex officio* members of OWPRA’s Board, the Board shall have no CR.
  - 6.4.2. The term of service for the CR shall be January 1 through December 31;
  - 6.4.3. An individual CR may serve an unlimited number of consecutive terms;
  - 6.4.4. The CR shall **not** be an active (dues paying) member of OWPRA;
  - 6.4.5. Unless specified otherwise in OWPRA’s Bylaws or P&P, the CR shall be a non-voting member of the Board.

## 7. Article 7. Meetings

- 7.1. An annual business meeting shall be held at the principal office of OWPRA unless otherwise provided by the Board. The annual business meeting shall take place between the last day of the Ohio High School Water Polo season (the last day of state tournament) and December 31st. This meeting is to take place at a physical location. Written notice of the annual business meeting, stating the time, place and object, shall be emailed (or mailed if no email exists) to each member at such address as appears in the records of OWPRA, no less than fourteen (14) days before such meeting. Notice may also be given via OWPRA's web site if such a website exists;
  - 7.1.1. At each annual business meeting, the Board will review the goals of OWPRA;
  - 7.1.2. At each annual business meeting, officers for the following calendar year will be elected (see Article 4.4);
  - 7.1.3. At each annual business meetings, officers will present reports of OWPRA's business for the current calendar year;
  - 7.1.4. Emergency business meetings can be called by the Board at any time if agreed upon unanimously by Board. Emergency meetings may be at a physical location or they may take place electronically or via phone conversation (email, instant messenger, conference call, chat room, etc.);
  - 7.1.5. The annual business meeting will be conducted according to *Robert's Rule of Order*;
  - 7.1.6. A quorum shall consist a majority of the voting members of the Board plus those active (dues paying) members in attendance. Each member of the quorum shall have one vote. Any decisions made during the annual business meeting shall require a simple majority vote unless noted otherwise in these Bylaws;
- 7.2. An annual Board meeting shall be held at a time a place agreed upon unanimously by the Board. Written notice of the annual Board meeting, stating the time, place and object, shall be mailed to each member of the Board at such address as appears in the records of OWPRA, no less than fourteen (14) days before such meeting. Notice may also be given via OWPRA's web-site and/or via e-mail;
  - 7.2.1. At each annual Board meeting, the Board will discuss and take action upon any business relating to the activities of OWPRA's Board;
  - 7.2.2. Emergency meetings of the Board can be called at any time if agreed upon unanimously by Board. Emergency meetings may be at a physical location and/or they may take place electronically or via phone conversation (email, instant messenger, conference call, chat room, etc.);
  - 7.2.3. A quorum shall consist of the all voting members of the Board. Each member of the quorum shall have one vote. Any decisions made during any Board meeting shall require a simple majority vote unless noted otherwise in the Bylaws.

## 8. Article 8. Disciplinary Procedures

- 8.1. OWPRA may censure, suspend for a definite or indefinite period of time with or without terms of probation, or expel any member or any person participating in any capacity whatsoever in the affairs of OWPRA, with or without cause, who aids, abets, or encourages another to violate any of its rules or regulations or who has acted in a manner which brings disrepute upon OWPRA or upon the field of sport officiating.
- 8.2. Any member of OWPRA who has been suspended or expelled may apply for reinstatement. The application for reinstatement must be submitted in writing to the Board. The Board's decision in such matters is final.

## 9. Article 9. Committees

- 9.1. OWPRA shall have committees as may from time to time be designated by the Board. Such committees may consist of persons who are neither officers nor members of OWPRA. These committees shall act in an advisory capacity and report to the Board;
- 9.2. The Judicial Committee, hereafter referred to as the JC, shall be a standing committee of OWPRA. The JC shall investigate and resolve cases of alleged referee misconduct (i.e., violations of the Code of Conduct, see Article 10) and, when appropriate, impose sanctions;
  - 9.2.1. The JC shall be composed of OWPRA's Secretary (chairperson of the JC), Treasurer (chairperson of the JC if the Secretary is removed), and, if the position has been filled, the CR. If a member of the JC is the subject of or issuer of allegations of misconduct, they shall be removed from the committee for the length of said hearing. All eligible members of the JC are required for a quorum;
  - 9.2.2. All members of the JC are voting members of the committee;
  - 9.2.3. **All matters brought before the JC, including all correspondence and decisions, shall be held in the strictest confidence. No information regarding the business or actions of the JC will be made known to anyone outside of the committee except on a "need to know" basis, which shall be determined by the JC.**
  - 9.2.4. The Judiciary Process shall consist of the following:
    - 9.2.4.1. Allegation of misconduct sent to OWPRA;
      - 9.2.4.1.1. Any member of water polo community (referee, coach, player, player's parent, etc.) may submit a complaint;
      - 9.2.4.1.2. Complaints must be in writing and directed to the JC (or Board or Supervisor), and the allegation shall include a detailed description of the alleged misconduct;

- 9.2.4.1.3. Anonymous complaints will not be considered, and there is no guarantee of anonymity during resolution process;
- 9.2.4.2. Members of JC review the allegation and determine if it has merit;
  - 9.2.4.2.1. JC may request information from witnesses to aid them in this initial decision;
  - 9.2.4.2.2. JC may dismiss allegations at this point if they determine the allegation is without merit;
  - 9.2.4.2.3. If the JC determines that the alleged violation of the Code of Conduct warrants an immediate suspension from officiating, the JC may impose an “immediate interim suspension.” This sanction will remain in effect until the allegation is resolved via a formal hearing;
- 9.2.4.3. Referee notified of allegation (and “immediate interim suspension,” if appropriate); this notification shall be in writing, and it shall include a copy of all relevant materials (redacted as necessary to preserve anonymity) that were submitted to the JC;
- 9.2.4.4. A hearing shall be scheduled to resolve the allegations. The hearing shall be scheduled for a physical location unless otherwise agreed upon by all parties. In addition to the members of the JC, the following parties shall be invited to attend the hearing: The defendant; the complainant(s); and/or relevant witnesses.
  - 9.2.4.4.1. Neither the defendant nor complainant(s) is required to attend the hearing. In lieu of attending the hearing, the defendant or complainant may submit a written statement to the JC.
- 9.2.4.5. At the hearing, the complainant will be given an opportunity to summarize his/her complaint. The defendant will be given an opportunity to tell his or her side of the story and to present evidence and/or witnesses. Members of the JC may ask questions of the defendant or complainant.
- 9.2.4.6. Following all testimony, the JC will move into a closed session to review the evidence and make a decision.
  - 9.2.4.6.1. The JC’s decision shall be communicated in writing to the defendant following the conclusion of the hearing;
  - 9.2.4.6.2. There is a presumption of innocence;
  - 9.2.4.6.3. The standard of proof shall be “the greater weight of evidence;”

- 9.2.4.6.4. All decisions by the JC shall be by a simple majority of the quorum;
- 9.2.4.7. If the JC determines that the defendant violated OWPRA's *Code of Conduct*, the JC shall impose one of the following disciplinary sanctions:
  - 9.2.4.7.1. Probation - for a specified period (e.g., one season), the referee is permitted to officiate games, but any additional violation (even if probation has expired) will likely result in a more serious sanction;
  - 9.2.4.7.2. Immediate Interim Suspension - if the JC determines that the alleged violation of the Code of Conduct is so serious (see Article 8.2.4.2.3), the JC may impose this sanction before the allegations are resolved via a formal hearing. This sanction remains in effect until the allegations are resolved via a formal hearing;
  - 9.2.4.7.3. Suspension - for a specified period, the referee is not permitted to officiate games (e.g., two game suspension, suspension for one season, etc.). Membership in OWPRA is not terminated, and the referee may continue as member of OWPRA as long as the suspension is in effect;
  - 9.2.4.7.4. Expulsion - referee is suspended permanently from officiating water polo games. Membership in OWPRA is terminated indefinitely.
    - 9.2.4.7.4.1. A member who has been expelled from OWPRA may apply to OWPRA's Board for reinstatement as described in Article 7.2.
- 9.2.4.8. Any decision of the JC may be appealed as follows as long as the allegation(s) is(are) not made against the Supervisor (In the event that allegation(s) is(are) made against the supervisor, there will be no appeal process and the findings of the JC are final) :
  - 9.2.4.8.1. The appeal shall be submitted in writing to OWPRA's Supervisor;
  - 9.2.4.8.2. The Supervisor shall review all materials and determine if the appeal does or does not have merit;
  - 9.2.4.8.3. If appeal does not have merit, the appeal shall be denied, and the decision of the JC stands;
  - 9.2.4.8.4. If appeal has merit, the appeal officer (Supervisor) may take any of the following actions:
    - 9.2.4.8.5. Overturn the JC's decision;
    - 9.2.4.8.6. Remand for new hearing;



- 9.2.4.8.7. Modify sanction (increase or decrease severity of sanction).
- 9.2.4.8.8. The defendant has a right to only one appeal, and the decision of the appeal officer (Supervisor) is final.
- 9.3. The Rules Committee, hereafter referred to as the RC, shall be a standing committee of OWPRA. The rules committee shall decide on any rules or interpretations of rules to be used.
  - 9.3.1. The RC shall be composed of OWPRA's Board.
    - 9.3.1.1. The chairperson of the RC shall be the Supervisor.
  - 9.3.2. All members of the RC shall be voting members of the committee;
  - 9.3.3. While "in person meetings" may take place upon agreement of all members, informal discussions via email are expected to be the normal means of communication.
  - 9.3.4. Changes in the rules or interpretations of the rules may be proposed by any member of the "Ohio water polo community," including, but not limited to, referees, coaches and players.
    - 9.3.4.1. Such changes must be submitted in writing to OWPRA's Supervisor.
    - 9.3.4.2. OWPRA's Supervisor shall distribute suggested changes to the members of the RC, and the decision to accept or reject such changes shall be determined by a simple majority of the members of the RC.

## **10. Article 10. Records and Reports**

- 10.1. OWPRA shall keep at its principal office in the State of Ohio, or other area designated by the Board, copies of records as indicated herein these Bylaws;
- 10.2. OWPRA shall prepare annually and furnish to each of its members a statement of any transaction or indemnification of the following within one hundred twenty (120) days after the close of the fiscal year of OWPRA;
  - 10.2.1. The assets and liabilities, including the trust funds, of OWPRA as of the end of the fiscal year;
  - 10.2.2. The principal changes in assets and liabilities, including trust funds, during the fiscal year;
  - 10.2.3. The revenue or receipts of OWPRA, both unrestricted and restricted to particular purposes, for the fiscal year;
  - 10.2.4. The expenses or disbursements of OWPRA, for both general and restricted purposes, during the fiscal year;
  - 10.2.5. The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of OWPRA that such statement was prepared without audit from OWPRA's books and records.

## 11. Article 11. Code of Conduct

- 11.1. OWPRA shall use the following code of conduct, based on the 2007 code of conduct by the National Organization for Sports Officials' *Code of Conduct for Sports Officials*. The Code of Conduct follows:
  - 11.1.1. Officials shall bear a great responsibility for engendering public confidence in sports;
  - 11.1.2. Officials shall be free of obligation to any interest other than the impartial and fair judging of sports competitions;
  - 11.1.3. Officials shall hold and maintain the basic tenets of officiating which include history, integrity, neutrality, respect, sensitivity, professionalism, discretion and tactfulness;
  - 11.1.4. Officials shall master both rules of the game and mechanics necessary to enforce the rules, and shall exercise authority in an impartial, firm and controlled manner;
  - 11.1.5. Officials shall uphold the honor and dignity of the profession in all interactions with student-athletes coaches, school administrators, colleagues, and the public;
  - 11.1.6. Officials shall display and execute superior communication skills, both verbal and non-verbal;
  - 11.1.7. Officials shall recognize that anything which may lead to a conflict of interest, either real or apparent, must be avoided. Gifts, favors, special treatment, privileges, employment or a personal relationship with a school or team which can compromise the perceived impartiality of officiating must be avoided;
  - 11.1.8. Officials shall prepare themselves both physically and mentally, shall dress neatly and appropriately, and shall comport themselves in a manner consistent with the high standards of the profession;
  - 11.1.9. Officials shall not be party to actions designed to unfairly limit or restrain access to officiating, officiating assignments or to association membership. This includes selection for positions of leadership based upon economic factors, race, creed, color, age, sex, physical handicap, country or national origin;
  - 11.1.10. Officials shall be punctual and professional in the fulfillment of all contractual obligations;
  - 11.1.11. Officials shall work with each other and their governing bodies in a constructive and cooperative manner;
  - 11.1.12. Officials shall resist every temptation and outside pressure to use one's position as an official to benefit oneself;
  - 11.1.13. Officials shall never participate in any form of illegal gambling on sports contest, may never gamble on any sporting event in

- which they have either a direct or indirect involvement, and may never gamble on events involving high school athletics;
- 11.1.14. Officials shall not make false or misleading statements regarding their qualifications, rating, credentials, experience, training or competence;
- 11.1.15. Officials shall accept responsibility for all actions taken.

## **12. Article 12. Amendments**

- 12.1. Any member of OWPRA may propose an amendment to these Bylaws. A proposed amendment must be in a form that shows the entire section as it will read if adopted, with any changes underlined if new or lined through if to be deleted, and shall contain a brief explanation of the purpose and impact of the proposed change;
- 12.2. OWPRA can act upon proposed amendments to the Bylaws only at the Annual Board meeting (see Article 6.2) or an emergency meeting of the Board.
- 12.3. The Bylaws may be amended or repealed and new Bylaws may be adopted solely by a two thirds (2/3) vote of the voting members of the Board.

## **13. Article 13. Founding Members**

- 13.1. The founding members of OWPRA are Scott Allen, Pete Pappas, and Greg Sanchez.

## **14. Article 14. Organization Termination**

- 14.1. Upon termination of the association for any reason, the association will seek out other clubs or affiliated within Ohio and are related to water polo to handle the distribution of funds to ensure the further assistance of the sport within Ohio. OWPRA will first seek to find 501c3 organizations and then other not-for-profit organizations within the state of Ohio.