

**NWBA**  
**Bylaw Amendment Proposals**  
**To be voted on at the**  
**2020 NWBA Annual Assembly**

**Proposal #1**

Presented by: Parnes Cartwright

Current Section 4.3. Voting and Other Rights of Members. Individuals who are U.S. citizens, at least 18 years of age, and are the Team Representative for their respective NWBA Registered Team shall be entitled to one vote in all matters submitted to a vote of the membership. No other voting privileges are conferred upon these members. All voting delegates shall be a member of the NWBA at least sixty (60) days prior to the date of the election or membership vote (Annual Assembly date) in order to be eligible to vote in such election and/or membership vote. Section 4.4. Non-Voting Members. All individual membership categories and affiliate organizational members described in Section 4.1 of these Bylaws shall be considered non-voting members for purposes of these bylaws. Each category of membership shall have only those qualifications, rights and privileges as set forth herein. Athlete voting rights are contained in Section 23 and 26 of these NWBA Bylaws.

Change to: (Language to be deleted is in brackets []). Language to be added is underlined in red.)

Section 4.3. Voting and Other Rights of Members. Individuals who are [U.S. citizens,] at least 18 years of age[, and are the Team Representative for their respective NWBA Registered Team] and are members of the NWBA in good standing shall be entitled to one vote in all matters submitted to a vote of the membership. All voting members shall vote within their group. Voting members can only join one voting group. Every team in good standing shall be its own Electoral Group. Other Electoral Groups to be included are the Officials' Group, Classifiers' Group, Conference and Division Commissioners' Group, Lifetime Members' Group, Hall of Famer (HOF) Group, Others' Group, and Board of Directors' (BOD) Group. Within the Electoral Group, voting results will yield one (1) Election Vote (EV). For example purposes only, 250 teams equal 250 Election Votes, Officials' Group equals one (1) EV, Classifiers' Group equals one (1) EV, Conference and Division Commissioners' Group equals one (1) EV, Lifetime Members' Group equals one (1) EV, HOF Group equals one (1) EV, Others' Group equals one(1) EV, and BOD Group equals one (1) EV, for a total of 257 EV. The EVs shall be used to decide all voting matters submitted to the membership for a vote. No other voting privileges are conferred upon these members. All voting [delegates] members shall be a member of the NWBA at least sixty (60) days prior to the date of the election or membership vote (Annual Assembly date) in order to be eligible to vote in such election and/or membership vote. Section 4.4. Non-Voting Members. [All individual membership categories and affiliate organizational members described in Section 4.1 of these Bylaws shall be considered non-voting members for purposes of these bylaws. Each category of membership shall have only those qualifications, rights and privileges as set forth herein. Athlete voting rights are contained in Section 23 and 26 of these NWBA Bylaws.]

## Rationale

The NWBA in the past has collected membership dues from teams. Teams voted on voting matters. The NWBA currently collects membership dues from teams and all individuals seeking membership to the NWBA. Members of the NWBA would like to add their voice along with their membership dues in the form of a vote. Using Electoral Voting method maintains the historical integrity of the voting process of the NWBA while giving all members a vote. Whether the team has eight players or fifteen, teams are treated equally. Members not affiliated with a team will also have a chance to be represented by voting without upsetting the balance of team voting. This proposal seeks to give all members of the NWBA a chance to lend not only their voice, but their ideas to the NWBA.

While this may look like more work or difficult to calculate and maintain, with careful planning, the current website can be used to group voters. Online tools and/or phone applications can be used as well to provide ease of the process for the members.

## **Proposal #2**

Section: Section 4.6: Suspension and Termination of Membership.

Proposed By: NWBA Management/Staff

Summary of Proposed Change: Align Bylaw procedures for opportunity for a hearing before declaring the individual ineligible to participate. Procedures are outlined in Article 14 Section 8 Hearing Panel.

### **Current Bylaw:**

Section 4.6: Suspension and Termination of Membership.

Any member may be suspended or have their membership in the NWBA terminated for violation of these By-Laws or any rules, policies or procedures of the corporation, in the following manner. The member shall be given reasonable prior written notice of the proposed suspension or termination and the reasons therefore. Written notice must be given by first-class or certified mail sent to the last address of the member shown on the NWBA's records. The member shall have an opportunity to be heard by the Board of Directors at its next scheduled meeting before a suspension or termination is imposed by the Board of Directors. However, between meetings of the Board of Directors, may conduct the hearing on an expedited basis if it is determined by the President or the Executive Director that an expedited hearing is warranted under the circumstances. Any member who is suspended or has their membership terminated is liable to the corporation for dues, assessments or fees incurred or commitments made prior to suspension or termination.

### **Proposed Bylaw: (All changes and/or deletions must be in red)**

Section 4.6: Suspension and Termination of Membership.

No membership or rights may be terminated or suspended, unless the expulsion, suspension or termination is done with the fair notice and an opportunity for a hearing as provided in Article 14 of these Bylaws. Any member may be suspended or have their membership in the NWBA terminated for violation of these By-Laws or any rules, policies or procedures of the corporation, in the following manner. The member shall be given reasonable prior written notice of the proposed suspension or

termination and the reasons, therefore. Written notice must be given by first-class or certified mail sent to the last address of the member shown on the NWBA's records. ~~The member shall have an opportunity to be heard by the Board of Directors at its next scheduled meeting before a suspension or termination is imposed by the Board of Directors. However, between meetings of the Board of Directors, may conduct the hearing on an expedited basis if it is determined by the President or the Executive Director that an expedited hearing is warranted under the circumstances.~~ Any member who is suspended or has their membership terminated is liable to the corporation for dues, assessments or fees incurred or commitments made prior to suspension or termination.

**Rationale for change:**

Suggestions made by the USOPC during the NWBA's 2019 Compliance Checklist Audit.

**Submit to:**

Chair, Governance Committee

NWBA, 1130 Elkton Dr., Suite A, Colorado Springs, CO 80907

### **Proposal #3**

Section: Section 14.8 Hearing Panel

Proposed By: NWBA Management/Staff

Summary of Proposed Change: Update Bylaw procedures for hearing panel members being disinterested and without conflict to serve on the panel.

#### **Current Bylaw:**

##### **Section 14.8 Hearing Panel.**

Except in the case of an expedited procedure, upon the filing of a complaint, the chair of the Judicial Committee, after consultation with the other Committee members, shall appoint a hearing panel consisting of at least three (3) individuals to hear the complaint. The Judicial Committee shall also appoint a chair of the hearing panel. Judicial Committee members and members of the Ethics Committee may be appointed to and serve on the hearing panel. Other disinterested individuals identified by the Judicial Committee may also be appointed to and serve on, or advise the hearing panel. At least one (1) member or twenty (20) percent of the hearing panel shall be an athlete. Members of the panel need not be members of USAA or involved in the sport of wheelchair basketball.

#### **Proposed Bylaw: (All changes and/or deletions must be in red)**

##### **Section 14.8 Hearing Panel.**

Except in the case of an expedited procedure, upon the filing of a complaint, the chair of the Judicial Committee, after consultation with the other Committee members, shall appoint a hearing panel consisting of at least three (3) individuals to hear the complaint. The Judicial Committee shall also appoint a chair of the hearing panel. Judicial Committee members and members of the Ethics Committee may be appointed to and serve on the hearing panel. Other disinterested individuals identified by the Judicial Committee may also be appointed to and serve on, or advise the hearing panel. At least one (1) member or twenty (20) percent of the hearing panel shall be an athlete. Members of the panel need not be members of USAA or involved in the sport of wheelchair basketball. **All members of any hearing panel shall be disinterested individuals without conflict of interest to the individuals or situations being heard.**

#### **Rationale for change:**

Suggestions made by the USOPC during the NWBA's 2019 Compliance Checklist Audit.

**Submit to:**

Chair, Governance Committee

NWBA, 1130 Elkton Dr., Suite A, Colorado Springs, CO 80907

## **Proposal #4**

Section: NEW – Article 14 Grievance Procedures

Proposed By: NWBA Management/Staff

Summary of Proposed Change: Update Bylaw procedures for fair notice of grievance procedures and hearing.

**Current Bylaw: NEW**

**Proposed Bylaw: (All changes and/or deletions must be in red)**

### **Section 14.4. Documents Provided to Panel.**

Within ten (10) days of the appointment of the Hearing Panel, the CEO (or his or her designee) will provide to the Chair of the Hearing Panel a copy of each of the following documents: (i) the Complaint; (ii) all materials filed with the Complaint, if any; and (iii) any relevant documents in the possession of NWBA. The Hearing Panel shall ensure that all relevant parties have been provided with the relevant materials described in Section 14.3 of this Policy.

### **Section 14.5. Affected Parties**

The Hearing Panel shall ensure that any affected parties are provided with the relevant materials described in Section 14.3. The Hearing Panel may also determine that individuals not listed by either the Complainant or NWBA as an affected party shall be given notice. Any party named as an affected party shall be eligible to participate fully in the Grievance, including the Hearing. Any party notified of the Complaint as a potentially affected party shall be bound by the decision of the Hearing Panel, even if he or she chooses not to participate.

### **Section 14.6. Filing Fee.**

### **Section 14.7. Statute of Limitations.**

### **Section 14.8. Field of Play Decisions.**

### **Section 14.9 Administration.**

### **Section 14.10. Hearing Panel.**

### **Section 14.11. Conduct of the Proceeding.**

**Section 14.12. Expedited Procedures.**

**Section 14.13. Complaints Involving Selection to Participate in a Competition.**

**Section 14.14. Decision.**

**Section 14.15. Arbitration.**

**Rationale for change:**

Suggestions made by the USOPC during the NWBA's 2019 Compliance Checklist Audit.

**Submit to:**

Chair, Governance Committee

NWBA, 1130 Elkton Dr., Suite A, Colorado Springs, CO 80907



## **Proposal #5**

### **Section 10.3: Amendments of NWBA Bylaws**

Proposed by Lisa Elliston, Chris Rathje

These NWBA Bylaws may be amended at the NWBA Annual Assembly by a two-thirds (2/3) majority of the voting membership present and voting provided that the proposed amendment is submitted in writing to the Executive Director and the chair of the Governance Committee at least ninety (90) days preceding the annual meeting.

Upon receipt of a properly submitted amendment proposal:

- i. the staff of the NWBA, with the oversight of the Board of Directors, shall electronically mail a copy of the proposed amendment to all active members of the NWBA at least sixty (60) days before the annual meeting,
- ii. a copy of the proposed amendment shall be posted on the NWBA website ([www.NWBA.org](http://www.NWBA.org)) not later than sixty (60) days before the annual meeting, and
- iii. all amendments, unless otherwise specified, shall become effective 30 days following adoption at the Annual Assembly, and will be implemented as soon as practical.

The chair of the Governance Committee, in conjunction with the Executive

Director, shall also prepare ballots for any amendment issues that have been submitted as provided in Article Twenty of this document.

The voting membership shall cast their votes for all offices and all amendment issues on a single, secret ballot at the Annual Assembly, and the results shall be tabulated and announced immediately.

#### **Summary of Proposal:**

We would like to shorten the time period required to submit a proposal and the required next steps.

#### **Current Guideline**

... Executive Director and the chair of the Governance Committee at least ninety (90) days preceding the annual meeting.

- i. the staff of the NWBA, with the oversight of the Board of Directors, shall electronically mail a copy of the proposed amendment to all active members of the NWBA at least sixty (60) days before the annual meeting, a copy of the proposed amendment shall be posted on the NWBA website ([www.NWBA.org](http://www.NWBA.org)) not later than sixty (60) days before the annual meeting ...

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**Proposed Guideline: (All changes and/or deletions must be in red)**

... Executive Director and the chair of the Governance Committee at least forty-five (45) days preceding the annual meeting.

the staff of the NWBA, with the oversight of the Board of Directors, shall electronically mail a copy of the proposed amendment to all active members of the NWBA at least thirty (30) days before the annual meeting, a copy of the proposed amendment shall be posted on the NWBA website ([www.NWBA.org](http://www.NWBA.org)) not later than thirty (30) days before the annual meeting ...

**Rationale for Change**

With technological advancements it is easier to communicate and get things done than ever before. With the deadline changes 90 to 45 days and 60 to 30 it opens up the possibility of much more participation because it comes across stakeholders during a time when they are more focused on basketball.

## **Proposal #6**

### **Section 10.3: Amendments of NWBA Bylaws**

Proposed by Lisa Elliston, Chris Rathje, Buddy Barnes, and Adam Lindsay

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The chair of the Governance Committee, in conjunction with the Executive

Director, shall also prepare ballots for any amendment issues that have been submitted as provided in Article Twenty of this document.

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**Proposed Guideline: (All changes and/or deletions must be in red)**

... Executive Director and the chair of the Governance Committee at least sixty (60) days preceding the annual meeting.

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**Rationale for Change**

With technological advancements it is easier to communicate and get things done than ever before. With the deadline changes 90 to 60 days and 60 to 30 it opens up the possibility of much more participation because it comes across stakeholders during a time when they are more focused on basketball.

## **Proposal #7**

Proposed by Dug Jones and Jon Burford, Intercollegiate Division Executive Committee

Proposal to change NWBA Bylaws to permit able-bodied athletes within the intercollegiate division

### **Rationale for Change:**

- 1) After struggling to grow for many years, the Intercollegiate Division piloted a rule change, beginning with the 2016-17, season to permit able-bodied athletes to participate in intercollegiate games. The division has now added six new teams over the last three seasons. This is an increase of 35% in the number of teams. The overall number of rostered players has increased from 119 to 149 over the first two years of the pilot. Of the increase in athletes in those first two years of the pilot, only 9 of the 30 are able-bodied. The additional increase of 21 athletes is among disabled athletes.
- 2) During the 2016-17 season, there was greater parity within the eleven men's teams. The perennial "power" teams were challenged and, in some cases, beaten by teams that had been second tier. The emerging teams were also more competitive than in previous years.
- 3) Because there is a limited pool of athletically gifted, disabled athletes who meet both the academic eligibility requirements and financial obligations of being full-time college students, some colleges have failed to launch and/or maintain a "legal" team. To compete, a program must attract and roster a group of at least eight academically eligible athletes, within the right player classifications. These athletes must annually maintain academic eligibility, fund their college education (often as out-of-state students), and be physically able to compete. Permitting able-bodied athletes to participate as 4.5ABs makes it easier for colleges in smaller markets to field and sustain teams.
- 4) It has been the experience of the Intercollegiate Division membership that the vast majority of disabled intercollegiate athletes welcome the inclusion of able-bodied athletes so long as they are classed as 4.5ABs.
- 5) Inclusion of able-bodied athletes has increased spectator/fan interest, overall exposure of the sport, and sponsorship opportunities for intercollegiate teams.

**Current Policy:** Article Four- Membership section 4.2 Eligibility

**Proposal:** Alter Section 4.2 to read as follows:

### **ARTICLE FOUR**

#### **Membership**

#### **Section 4.2 Eligibility.**

##### **1. Eligibility**

a. ~~All~~ Players will be persons with physical disabilities resulting in at least some functional limitations of the lower extremities, who meet the NWBA player eligibility rules and policies.

b. Within the Intercollegiate division of the NWBA, able-bodied athletes will be permitted to participate as a 4.5AB with the classification point value of 4.5

