



# Constitution of the Isle of Man Basketball Association

*Adopted on the 26th Day of June, 2012*

## *Constitution of the Isle of Man Basketball Association*

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**Article 1. Name of the Organisation**

1. The name of the organisation shall be "The Isle of Man Basketball Association", abbreviated "IOMBBA", and herein referred to as "The Association".

**Article 2. Membership of the Organisation**

1. All registered players, coaches and officials shall be members of The Association

2. All members shall be required to pay annual membership fees, agreed at the Annual General Meeting, in order to remain members of The Association. The period of membership shall be 1st September to 31st August of the subsequent year, regardless of the date of payment of membership fees

3. The Membership Secretary shall cause to be produced a register of voting members, of those entitled to vote at a General Meeting of Members. Only those members who have paid their subscription and are aged 16 years or older on the 1st day of September of the year of their membership shall be included on the register.

4. Only those members whose names appear on the register of electors shall be eligible to vote at General Meetings of Members

5. No person can be excluded from membership of The Association by reason of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, ethnic or national origin, under the terms of The Human Rights Act 2001

6. On the coming into operation of this constitution any person who was a member of The Association immediately before the coming into operation of this constitution shall become and be a member of The Association

7. The Executive Committee may award, as token of honour, to such persons or organisations, as it see fit, honorary membership of The Association. Honorary membership shall confer no rights, privileges, or obligations to an honorary member or on The Association to an honorary member. The Executive Committee shall regulate the award of such membership

8. All persons elected to office under the terms of this constitution are subject to the terms of this constitution

**Article 3. Aims & Objectives of the Organisation**

1. The objective of The Association shall be to promote and develop the game of basketball on the Isle of Man and to arrange the representation of the Island with regard to this activity at the national and international level

2. The Association shall seek to establish such services as it sees fit to improve the position of the sport and membership. In the carrying out of these objectives The Association shall aspire to embrace the values of accountability, efficiency, professionalism and transparency

3. The Association shall run such annual basketball leagues and tournaments as it deems fit. Teams which participate in such competitions shall be required to pay subscriptions fees, agreed at the Annual General Meeting, and all players in such competitions shall be required to be registered members of The Associations.
4. The Association shall conduct its affairs independent of any party political affiliation and shall ensure that its structures, organs and other means of transacting business are non-party political in character
5. The Association shall seek to promote participation in clubs and teams affiliated to The Association by its members and may choose to allocate such resources as the Executive Committee may deem necessary for this purpose
6. There shall be Annual Basketball Leagues organised by The Association
7. Such leagues shall be governed by rules, regulations, guidelines and procedures as described in Article 12.1
8. The Leagues shall be appropriate for the number of members and teams registered with The Association
9. The Association shall run such Annual Tournaments as it deems appropriate for the promotion of the sport of basketball
10. Such tournaments shall be governed by rules, regulations, guidelines and procedures as described in Article 12.1
11. The Association shall award such shields, medals, trophies and prizes as it deems appropriate for the good management of its Annual Leagues and Tournaments

**Article 4. Powers of The Association**

1. All powers of organisational governance of The Association, derive, , from the membership, whose right is it to designate their elected representatives under the terms of this constitution and, in final appeal, to decide all questions of policy according to the requirements of the membership
  2. The powers of the Executive Committee are exercisable only by, or on authority of, the organs of The Association established by this constitution, in accordance with law
  3. The Association is empowered to own and acquire assets and to create liabilities, subject to the terms of this constitution, in accordance with law
  4. The executive power of The Association is exercisable by the Executive Committee, General Meetings of Members, and where appropriate by the Chairperson, subject to this constitution
- Funds and the Exclusive Power to Bind The Association to Contract
5. All revenues of The Association, from whatever source arising, shall be the property of the Executive Committee and shall be managed in accordance with law

6. The sole and exclusive power to bind The Association to a lawful contract is hereby vested in the Executive Committee; no other authority, body or person so elected or established under this constitution has the power to bind The Association to a lawful contract

**Article 5. External Relations**

1. The Association affirms its support to the ideal of co-operation among organisations whose aims and objectives are in broad agreement with The Association's in matters relating to basketball and sports development

2. The Executive Power of The Association in connection with its external relation shall, in accordance with this constitution, be exercised by or on the authority of the Executive Committee or General Meeting of Members

3. No policy of an external organisation, even where The Association is a member, shall be a part of the policy of The Association, save as may be determined by the Executive Committee, and duly ratified by the General Meeting of Members, in accordance with law

4. All appointments to committees or other groups either formal or ad hoc, established by external organisations to which The Association is affiliated, shall be a matter for the Executive Committee, subject to the law and this constitution

5. Other external affiliations which The Association becomes a party to, shall be approved by the General Meeting of Members, who shall not be bound by membership of an external organisation where such membership involves a charge on the funds of The Association

**Article 6. The Basketball Officials Council of Mann**

1. The Association shall establish "The Basketball Officials Council of Mann", abbreviated "BOCM", and herein referred to as "The Officials Council"

2. The Officials Council shall have sole responsibility for the provision of all basketball officials for Association Leagues and Tournaments

3. All those registered in The Association as officials shall be members of the Officials Council

4. The Officials Council shall be governed by its own rules and regulations, subject to the terms of this constitution

5. The Officials Council and Executive Committee shall meet and agree a budget for the provision of officials prior to the commencement of each season or tournament

6. The agreed budget for officials shall not cause The Association to become insolvent nor shall it be cause for burdensome increases in subscription or membership fees; it shall be possible for The Association to defer the allocation of a budget for officials by vote of 2/3 majority of the Executive Committee

7. The Fixtures Secretary shall provide a list of fixtures to the Officials Council for the allocation of officials. Such fixtures shall include a minimum required qualification for officials and shall be provided to the officials council no less than 2 weeks prior to the commencement of the season
8. Allocation of officials shall be the sole jurisdiction of the Officials Secretary, who shall be a member of the Officials Council and shall, where possible and reasonable, honour the officials qualification requirements for each fixture
9. The Officials Council shall handle all complaints and disciplinary matters relating to officials which shall be governed by its internal policies, subject to the terms of this constitution and natural justice
10. Decisions of the Officials Council, in all matters relating to officials, shall be final and may not be overruled save for a 2/3 majority vote of the Executive Committee
11. The Officials Council shall be responsible for the professional development of officials and shall have representation on the Development Sub-Committee to this purpose

**Article 7. The Executive Committee**

1. The Executive Committee shall consist of:
  - i. The Chairperson
  - ii. The Secretary
  - iii. The Treasurer
  - iv. The Fixtures Secretary
  - v. The Membership Secretary
  - vi. The Officials Secretary
  - vii. The Development Secretary
  - viii. The Publicity Officer
  - ix. The Special Events Officer
2. Election of members of the Executive Committee shall take place at the annual General Meeting by manner of a secret ballot where more than one candidate contests a position
3. Where there is only one candidate for a position there shall be a confirmation ballot to accept the candidate which may be done by show of hands
4. The sole and exclusive power to make policy for The Association is hereby vested in the Executive Committee, no other person or body has power to make policy for The Association
5. Policy adopted by the Executive Committee must be ratified at the subsequent Annual General Meeting or it shall automatically fall
6. Policy ratified at the Annual General Meeting shall only be valid for a period of three years after its ratification, after which it shall automatically fall
7. Provision may be made by the Executive Committee for the creation or recognition of subordinate bodies and for the powers and functions of these bodies

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8. The Executive Committee shall consist of voting and non-voting members; only those members listed under Article 7.1 above shall be entitled to vote at the Executive Committee with each person entitled to one vote regardless of the number of roles held.
9. The Chairperson or presiding Deputy Chairperson shall have and exercise a casting vote in the case of an equality of votes
10. The number of members necessary to constitute a valid meeting of the Executive Committee shall be set at the Annual General Meeting of The Association
11. The Executive Committee shall establish four standing committees viz
  - i. Development Standing Committee
  - ii. Communications and Publicity Standing Committee
  - iii. Events and Social Standing Committee
  - iv. Island Teams Oversight Committee
  - (a) These standing committees may establish any sub-groups or ad-hoc committees as they deem fit from time to time, and shall provide for their terms of reference and standing orders, and can determine the membership of the said sub-groups or ad-hoc committees
12. The Executive Committee shall elect, from among its members, a Chairperson for the Island Teams Oversight Committee, who shall also act as representative to any bodies or boards to which the Island Teams are constituent members, in conjunction with the Chairperson
13. The Executive Committee shall hold at least eight meetings each calendar year
14. The sittings of the Executive Committee shall be held in public; however no person other than a member of the Executive Committee, or other persons so invited by the chairperson, may address and be heard at Executive Committee
15. In cases of special emergency, the Executive Committee may hold a private sitting with the assent of half plus one of the voting members present
16. The Executive Committee shall make its own rules and standing orders with the power to attach penalties for their infringement
17. The Executive Committee shall elect from one of its number, a Deputy Chairperson. The Deputy Chairperson shall act if the Chairperson is temporarily incapacitated
18. The Executive Committee may create, at its discretion, additional members as required to sit on the Executive Committee
  - (a) Such members shall have specific roles and responsibilities as defined by the Executive Committee
  - (b) Such members shall hold no voting rights at the Executive Committee
19. All questions in the Executive Committee shall as otherwise provided by this constitution, be determined by a majority vote of those voting members present

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20. All official minutes, agenda and reports of the Executive Committee shall be published, save where a motion to defer publication for a stated period of time with the assent of 2/3 of those voting members present
21. Paper copies of all published minutes, agenda and reports shall be available for any member to review during Annual Leagues as defined under Article 3.3 above
22. Any member may request paper copies of published minutes, agenda and reports, as well as Association rules and guidelines, for their review. The Association may charge the member the cost of production of requested items; no additional charge over and above the cost of production may be levied
23. The Chairperson shall summon all meetings of the Executive Committee and shall determine the agenda for the Executive Committee in conjunction with the secretary, subject to this constitution
24. Emergency Meetings of the Executive Committee, to address specific item or items, may be called by written submission of not less than 2 voting members to the secretary
25. The Executive Committee shall not enact any policy which is in any respect repugnant to this constitution or any provision thereof or which is unlawful
26. A member of the Executive Committee may resign by placing his/her resignation in the hands of the secretary or chairperson
27. A member of the Executive Committee shall be deemed to have resigned if they have missed 3 ordinary meetings without apologies. It shall be the duty of the secretary to advise such members of this provision
28. The members of the Executive Committee will be elected in a like manner to the election of the President, except in such circumstances as described in Article 7.31 below
29. The members of the Executive Committee will have a term of office in a like manner to the term of office of the President
30. The members of the Executive Committee may be removed in a like manner to the impeachment of the President
31. Vacant positions on the Executive Committee, so arising after the Annual General Meeting, may be filled by appointment of the Chairperson, or Deputy Chairperson, and so ratified by a 2/3 majority of voting members of the Executive Committee
32. Subject to this constitution, additional powers and functions, may be conferred on the members of the Executive Committee by the General Meeting of Members
33. Subject to this constitution, powers and functions of the members of the Executive Committee, may be reassigned, for the term of office of those members, with the assent of two thirds of the Executive Committee



**Article 8. General Meetings of Members**

1. The General Meeting shall consist of all registered members of The Association
2. The sole and exclusive power to ratify all policy for The Association shall be vested in the General Meeting.
3. Policy ratified at the General Meeting shall only be valid for a period of three calendar years following its adoption, after which it shall automatically fall
4. It shall be the sole jurisdiction of the General Meeting to set and amend the level of all subscription fees for The Association. The Executive Committee may make recommendations to General Meeting on the level of such fees
5. The General Meeting shall make its own rules and standing orders with the power to attach penalties for their infringement
6. Members shall be notified of the date, time and location of General Meetings of The Association no later than 4 full weeks prior to the meeting; the Agenda of the meeting shall be publicised to the Membership no less than 2 full weeks prior to the meeting
7. The number of members necessary to constitute a valid General Meeting shall be at least 15 members (excluding Executive Committee) and at least 2/3 of all registered teams represented by one or more members.
8. The sittings of the General Meeting shall be held in public; however no person other than a member of The Association, or other persons so invited by the Meeting Chairperson, may address and be heard at the General Meeting
9. In cases of special emergency however, the General Meeting may hold a private sitting with the assent of half plus one of the members present
10. The President of The Association shall be the Chairperson of the General Meeting
11. The General Meeting shall elect from one of its number at its annual meeting, a Deputy Chairperson. The Deputy Chairperson shall act if the Chairperson is temporarily incapacitated
12. There shall be an Annual General Meeting of The Association, held no later than the second full week of July, which shall meet to discuss such matters as
  - i. Election of the President and Executive Committee
  - ii. The Annual Financial Report of The Association
  - iii. Ratification of the Policies enacted during the previous Year
  - iv. Review of the Leagues/Tournaments and Development Plan for the previous Year
  - v. Setting of Membership and Team Subscriptions for the forthcoming year
  - vi. Approval of the Development Plan for the forthcoming year
  - vii. Officials & Coaching matters
  - viii. Other such matters deemed necessary by the membership

13. All questions in the General Meeting shall, as otherwise provided by this constitution, be determined by a majority of votes of the members present, other than the General Meeting Chairperson or presiding Deputy Chairperson
14. The General Meeting Chairperson or presiding Deputy Chairperson shall have and exercise a casting vote in the case of an equality of votes
15. All official minutes, agenda and reports to the General Meeting of Members shall be published, save where a motion to defer publication for a stated period of time with the assent 2/3 of the members present
16. The Secretary of The Association shall cause to create and maintain a policy manual, listing all current policies of The Association, which shall be published
17. The General Meeting Chairperson shall summon all meetings of the General Meeting of Members and shall determine the agenda for the General Meeting in conjunction with the Secretary of The Association, subject to the terms of this constitution
18. The Secretary of The Association shall provide such technical and administrative supports as the General Meeting may determine
19. The General Meeting of Members shall not enact any policy which is in any respect repugnant to this constitution or any provision thereof or which is unlawful
20. A Extraordinary General Meeting of the Members of The Association, to deal with specific items, may be called by request of any member, supported in writing by not less than one-tenth the total voting membership, and provided in writing to the General Meeting Chairperson or Secretary of The Association
21. A Extraordinary General Meeting of the Members of The Association, to deal with specific items, may be called by the Executive Committee, with the assent of 2/3 of the voting members of the Executive Committee, or by the President of The Association
22. The Chairperson of The Association must present to the Annual General Meeting of Members a Development Plan, which shall set forth the priorities of The Association in the forthcoming year and subsequent 4 years

#### **Article 9. The President**

1. There shall be a President of The Association, hereinafter called the President, who shall exercise and perform the powers and functions conferred on the President by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members
2. The President shall be elected by direct vote of the membership at the Annual General Meeting, where every member on the register of electors has the right to vote, subject to the terms of this constitution and to any regulations laid down by the Annual General Meeting

3. Where more than one candidate is nominated, the voting shall be by secret ballot. Every candidate for the Office of President shall submit their nomination, in writing, to the secretary prior to the commencement of the General Meeting where a vote is to take place
4. Where only one candidate is nominated for office, it shall be necessary to proceed to a confirmation ballot for his/her election; such a ballot may be done by show of hands
5. For a candidate to be deemed elected at a confirmation ballot, they must receive 50% plus 1 of the valid ballots cast at the confirmation ballot. Where a candidate fails to be elected, the General Meeting, shall deem that the candidate has failed to have been validated at the confirmation ballot and shall cause to have nominations reopened and a Extraordinary General Meeting for the purposes of election shall be called
6. The President shall hold office for a term of one year from the first day of August to the last day of July in the subsequent year, save where a person enters into their office at a later point from the first day of August. That person shall relinquish their office on the last day of July unless before expiration of that period they die, or resign, or are removed from office
7. The President may be impeached for stated misbehaviour as a result of a motion moved in the General Meeting of Members
8. The charge of impeachment must be moved by way of a motion at the General Meeting of Members who shall send the matter to the Disciplinary Commission, subject to, and in accordance with the provisions of this section
9. The Disciplinary Commission shall investigate the charge, or cause the charge to be investigated
10. The President shall have the right to appear and to be represented at the investigation of the charge. Where the President chooses to be represented, The Association shall not be liable to any such costs save those awarded by a Court or Tribunal or lawful jurisdiction
11. A proposal to prefer a charge against the President under this section shall not be entertained unless:
  - i. A notice of motion in writing is signed by not less than one quarter of the total membership of The Association, or
  - ii. It has been forwarded in writing by the Disciplinary Commission, or
  - iii. It has been forwarded in writing by the Executive Committee
12. If, as a result of the investigation, a resolution be passed supported by not less than two thirds of the total voting membership of The Association declaring that the charge preferred against the President has been sustained and that the misbehaviour, the subject of the charge, was such as to render him or her unfit to continue in office, such a resolution shall operate to remove the President from his/her office, with immediate effect
13. In the event of the absence of the President, or his/her temporary incapacity or his/her permanent incapacity or in the event of death, resignation, removal from office, or failure to exercise and perform the powers and functions of his/her office or any of them, or at any time at

which the office of the President may be vacant, it shall fall upon the Executive Committee to nominate and appoint an Acting President of The Association

14. The Acting President shall be appointed by two thirds majority vote of the Executive Committee
15. The Acting President shall be a member of The Association
16. The Chairperson of the Executive Committee shall not be eligible to hold the position of Acting President and must resign the Chair of the Executive Committee in order to do so
17. The General Meeting of Members, may by a majority of its total membership make such provision as to them may seem necessary, for the exercise and performance of the powers and functions conferred on the President by or under this constitution, in any contingency which is not provided for by the foregoing provisions of this article

#### **Article 10. The Functions of the President**

1. The President shall be the figurehead of The Association and shall be principal representative of The Association at all public events
2. The President shall be the Chairperson of the General Meeting of Members, save where such duties are deemed to be prejudicial to natural justice, as approved by 2/3 of voting members present
3. The President shall have the right of audience and attendance at meetings of the Executive Committee and its sub-committees, and any other such bodies so invited to participate within. However, where that body determines that the attendance of the President would be prejudicial to natural justice, the President may be declined the right to enter and be heard
4. The powers and functions conferred on the President by this constitution shall be exercisable and performable by him/her only on the advice of the General Meeting of Members and Executive Committee save where it is provided by this constitution that he/she shall act in his absolute discretion
5. Subject to this constitution, additional powers and functions may be conferred on the President by the General Meeting of Members and by the Executive Committee

#### **Article 11. The Chairperson**

1. There shall be a Chairperson of the Executive Committee, hereinafter called the Chairperson, who shall exercise and perform the powers and functions conferred on the Chairperson by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

#### **Article 12. Functions of the Chairperson**

1. The Chairperson shall be responsible for the calling of all meetings of the Executive Committee and the proper functioning of this body

2. The Chairperson shall cause to be produced, in conjunction with the Executive Committee and Officials Council, a set of Rules, Regulations, Guidelines and Procedures for the good governance of Association leagues, tournaments and other such competitions
3. Such Guidelines as in Article 12.1 above shall include but not be limited to:
  - i. Code of Conduct for players, coaches & officials
  - ii. Guidelines and Rules for the playing, forfeit and re-arrangement of fixtures
  - iii. Disciplinary procedures not otherwise covered by this constitution
  - iv. The Annual Membership and Subscription fees for The Association, as agreed by the General Meeting of Members
  - v. Other such guidelines and procedures as required to maintain The Associations External relations and affiliations
4. Such procedures shall be adopted by the assent of two thirds of a quorate meeting of the Executive Committee not less than 1 month prior to the start of the Annual Leagues
5. Such items as described in Article 12.1 above shall be circulated for the information of all members not less than 2 weeks prior to the commencement of the Annual Leagues

**Article 13. The Secretary**

1. There shall be a Secretary of the Executive Committee, hereinafter called the Secretary, who shall exercise and perform the powers and functions conferred on the Secretary by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 14. Functions of the Secretary**

1. The Secretary shall maintain all official minutes, agenda and reports of the Executive Committee and shall, in conjunction with the Publicity Officer, cause for these documents to be published to the membership
2. The Secretary shall provide such technical and administrative supports as the Executive Committee may determine

**Article 15. The Treasurer**

1. There shall be a Treasurer of The Association, hereinafter called the Treasurer, who shall exercise and perform the powers and functions conferred on the Treasurer by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 16. Functions of the Treasurer**

1. The Treasurer shall maintain the financial records of The Association, detailing as required the assets and liabilities of The Association

2. The Treasurer shall cause to produce a monthly balance sheet to the Executive Committee on the current finances of The Association and the projections for the remainder of the financial year
3. The Treasurer shall cause to produce, in conjunction with the Executive Committee, an annual financial report of The Association for presentation to the Annual General Meeting of Members
4. The Treasurer shall be responsible, in conjunction with the Development Secretary and Publicity Officer, for the sourcing of sponsorship deals for The Association
5. Such deals as described in Article 16.4 must be approved at a meeting of the Executive Committee before they are adopted and shall only be adopted with the assent of two thirds of the voting members present

**Article 17. The Fixtures Secretary**

1. There shall be a Fixtures Secretary of The Association, hereinafter called the Fixtures Secretary, who shall exercise and perform the powers and functions conferred on the Fixtures Secretary by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 18. Functions of the Fixtures Secretary**

1. The Fixtures Secretary shall, in conjunction with the Membership Secretary, cause to produce a list of registered teams for each league in The Association
2. The Fixtures Secretary shall produce a list of fixtures for any basketball league or tournament organised by The Association and shall provide them to the BOCM for the allocation of officials
3. The Fixtures Secretary shall, in conjunction with the Publicity Officer, publicise the League Fixtures to the membership
4. The Fixtures for The Association Leagues shall be published at least 2 weeks prior to the commencement of The Association Leagues

**Article 19. The Membership Secretary**

1. There shall be a Membership Secretary of The Association, hereinafter called the Membership Secretary, who shall exercise and perform the powers and functions conferred on the Membership Secretary by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 20. Functions of the Membership Secretary**

1. The Membership Secretary shall ensure that all players, coaches and teams are appropriately registered with The Association

2. The Membership Secretary shall, in conjunction with the Treasurer, ensure that all members and teams have paid their required membership and subscription fees
3. The Membership Secretary shall liaise with any external bodies to which The Association wishes to register its members, registering those eligible members of The Association with the external body
4. The Membership Secretary shall produce a monthly report to the Executive Committee, listing all registered members and teams, changes of members between teams and the current status of their membership and subscription fees
5. The Membership Secretary shall cause to be produced a register of voting members, of those entitled to vote at a General Meeting of Members, as described in Article 2.3 above

**Article 21. The Officials Secretary**

1. There shall be a Officials Secretary of The Association, hereinafter called the Officials Secretary, who shall exercise and perform the powers and functions conferred on the Officials Secretary by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members
2. The Officials Secretary shall be the representative of the Basketball Officials Council of Mann on The Association Executive Committee

**Article 22. Functions of the Officials Secretary**

1. The Officials Secretary shall, in conjunction with the Membership Secretary, cause for all Basketball Officials to be registered as members of The Association
2. The Officials Secretary, in conjunction with BOCM and with consideration to the Fixtures Secretary, shall assign officials to all fixtures of Association Leagues and Tournaments
3. The Officials Secretary shall liaise with the Chairperson to inform the creation of rules, regulations and guidelines as detailed in Article 12.1
4. The Officials Secretary shall report quarterly to the Executive Committee on the meetings of the Basketball Officials Council of Mann and raise such concerns as that body deems necessary for the attention of the Executive Committee and General Meeting of Members

**Article 23. The Development Secretary**

1. There shall be a Development Secretary of The Association, hereinafter called the Development Secretary, who shall exercise and perform the powers and functions conferred on the Development Secretary by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 24. Functions of the Development Secretary**

1. The Development Secretary shall be the Chairperson of the Development Standing Committee
2. The Development Secretary shall, in conjunction with the Chairperson, cause to be produced a 5-year Development Plan for The Association, to be presented to the Annual General Meeting of Members for approval
3. The Development Secretary, in conjunction with the Chairperson, shall be responsible for the delivery of the 5-year Development Plan, so approved by the General Meeting of Members, and shall report to the Executive Committee quarterly on its delivery
4. The Development Secretary shall work to promote and develop The Association with particular focus on Youth Development, League Participation and Coaching Development

**Article 25. The Publicity Officer**

1. There shall be a Publicity Officer of The Association, hereinafter called the Publicity Officer, who shall exercise and perform the powers and functions conferred on the Publicity Officer by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members

**Article 26. Functions of the Publicity Officer**

1. The Publicity Officer shall be the Chairperson of the Communications and Publicity Standing Committee
2. The Publicity Officer shall be responsible for cultivating and maintaining the media contacts of The Association
3. The Publicity Officer shall be responsible for the maintenance of The Association website, and other such communications tools deemed necessary by the Executive Committee or General Meeting of Members
4. The Publicity Officer shall be responsible for the publication of league reports to the membership and media outlets
5. The Publicity Officer shall prepare a quarterly report for the Executive Committee on the level of publicity which The Association has received in the media and the communications methods utilised to communicate with the membership

**Article 27. The Special Events Officer**

1. There shall be a Special Events Officer of The Association, hereinafter called the Special Events Officer, who shall exercise and perform the powers and functions conferred on the Special Events Officer by this constitution and any additional functions, duties or responsibilities conferred upon him/her by the General Meeting of Members



**Article 28. Functions of the Special Events Officer**

1. The Special Events Officer shall be the Chair of the Events and Social Standing Committee
2. The Special Events Secretary shall, in conjunction with the Executive Committee, be responsible for the organisation of such social events as the Executive Committee deems necessary
3. The Special Events Secretary shall, in conjunction with the Executive Committee, be responsible for the organisation of such special tournaments, competitions, matches or events as the Executive Committee deems necessary

**Article 29. Island Teams**

1. There shall be Island Basketball Teams, which shall represent The Association and the Isle of Man at local, national and international tournaments as required
2. Coaching and Management positions for the Island Teams shall be unpaid and shall not be entitled to a salary, honorarium nor benefits in kind from The Association; however the Executive Committee may confer such benefits by 2/3 majority vote
3. The appointment of Coaching and Management staff for the Island Teams shall be the sole jurisdiction of the Executive Committee, who shall determine the type, number and term of office for such positions
4. The appointment of Coaching and Management staff for the Island Teams shall be publically advertised not less than 4 weeks prior to appointment, including at least 1 local media outlet
5. Coaching and Management staff shall be appointed at a meeting of the Executive Committee, with an applicant requiring a simple majority of voting members present to be deemed appointed. Where there is only one applicant for a position a simple 'Yes' or 'No' vote shall be called with the applicant requiring a simple majority of voting members present to be deemed appointed
6. All staff of the Island Teams shall be members of The Association
7. The Coaching and Management staff of the Island Teams may be removed by 2/3 majority vote of the Executive Committee

**Article 30. The Disciplinary Commission**

1. The General Meeting of Members shall establish a Disciplinary Commission, which shall investigate or cause to investigate any matter of discipline or complaints against any officer of The Association or breach of any Rules, Regulations, Guidelines and Procedures as described in Article 12.1
2. Where a Complaint is made by a member of the Disciplinary Commission, or against a member of the Disciplinary Commission, or where the member is a party or witness to the complaint, or where a conflict of interest between the member and the accused may arise, that person shall not participate in any deliberation of the Disciplinary Commission

3. The Chairperson of the Disciplinary Commission shall be the President of The Association, or an appointed member of the Executive Committee or membership where the President's Chair shall be known to cause a conflict of interest under Article 30.2
4. The Disciplinary Commission shall consist, as a minimum of:
  - (a) An Independent Chair, or presiding Deputy Chair, of the Disciplinary Commission, appointed by majority vote of the Annual General Meeting and who shall be external to The Association
  - (b) Two members of the Executive Committee
  - (c) One Ordinary Member of The Association, selected from the team representatives
5. The Chairperson, or presiding Deputy Chairperson, of the Disciplinary Commission shall have and exercise a casting vote in the case of an equality of votes
6. The Disciplinary Commission shall determine matters of procedure in accordance with this constitution and the principles of natural justice, and shall at its discretion, cause to be published such codes or regulations as it may see fit, providing such publications have been approved by the Executive Committee, to be ratified by the General Meeting of Members.
7. Should a complaint be upheld by the Disciplinary Commission, the Commission shall impose such penalty as defined in the Regulations detailed in Article 30.2, where no such penalty is detailed in the Regulations it shall be the duty of the Disciplinary Commission to define such penalties

**Article 31. Amendment to the Constitution**

1. Any provision of this constitution may be amended, whether by way of variation, addition or repeal, in the manner provided by this article
2. Every proposal for an amendment to this Constitution shall be moved in the Executive Committee
3. Such a proposal to amend the Constitution may be initiated by a petition submitted to the Chairperson or Secretary of the Executive Committee, signed by not less than 15% of the total voting membership of Association
4. On receipt of such a petition, the Chairperson shall cause to have a Sub-Committee of the Executive Committee established to consider the technical and policy implications of the proposed amendment. This Sub-Committee of the Executive Committee shall report to the Executive Committee within 4 weeks of its establishment
5. Such a proposal shall be cited as a 'Motion to Amend the Constitution' and shall be processed through the Executive Committee no sooner than 8 weeks from its presentation to the Chairperson or Secretary and no later than 16 weeks
6. Any proposal cited as a 'Motion to Amend the Constitution', not properly processed, shall lapse at the next Annual General Meeting and shall not be carried forward to the subsequent General Meeting

7. The Secretary to the Executive Committee shall cause the processed Motion to Amend the Constitution to go to a General Meeting of Members, and shall cause to have a statement of information on the 'Motion to Amend the Constitution' to be generally published. This statement of information shall not advocate that members cast their vote in a particular manner, but it shall provide a series of statements pro and contra to the proposition, as well as general information on the proposition. This statement of information shall be published to the membership not less than 1 week prior to the General Meeting of Members

8. Every Motion to Amend the Constitution shall be submitted for a vote by means of secret ballot at a General Meeting of Members. Such a Motion to Amend the Constitution shall, for the purposes of this Article, be held to have been approved by the members, if upon having been so submitted, a majority of the votes cast shall have been cast in favour of the proposal, providing that the number of votes cast at the Annual General Meeting of Members is not less than 25% of the total voting membership of The Association

9. An Exceptional Motion to Amend the Constitution may be passed through 2/3 majority vote of the voting members of the Executive Committee. Such a motion, when passed, must be publicised to the membership whom shall have 28 calendar days from publication to object. If not less than 10% of the membership of The Association object to the Motion within the timeframe, it shall be referred to a General Meeting as under Article 31.8. If there are no objections, or such objections do not total 10% or more of the total membership of The Association, or such objections are not within 28 calendar days of publication of the duly passed motion, then the Exceptional Motion to Amend the Constitution shall be duly carried and the Constitution amended as described in the Motion.

### **Article 32. Interpretation**

1. The sole power to interpret this constitution and to test the application of Association policy and practice against the terms of the Constitution is vested in the President of The Association and on appeal to the Disciplinary Commission, subject to the terms of this Constitution

2. Any member of The Association shall have the right to seek an interpretation or review by means of written application, stating the grounds for the ruling, to the President or Secretary of the Executive Committee. Such applicants however, must show good cause and standing in order to either initiate or be party to a hearing, save those office holders so empowered by this Constitution to be so notified

3. All personages empowered to interpret this constitution shall do so independently, with reference to this Constitution and previous rulings and shall seek such advice as they deem fit on the matters before them

4. All hearings and submissions under this Article shall be held in public and only those parties to whom notice is given may participate in the hearing or subsequent appeal

5. Where a challenge is exclusively grounded in a challenge to the action of the President, the President shall remit the challenge directly to the Disciplinary Commission, which shall be the only sole hearing

6. The President's ruling shall be binding and issued in writing, but may be subject to an appeal to the Disciplinary Commission
7. An applicant for a ruling, may request the President to make an order that an activity complained of, is repugnant to the provision of this constitution and may seek a direction that the activity so complained of, is ceased or suspended, pending the outcome of the hearing. The President, may at his/her absolute discretion, and by examining the balance of convenience, without prejudice to the outcome of the hearing, order that the activity complained of suspended until he/she has ruled on its constitutionality
8. The President must issue a binding ruling in writing on the request; within 2 weeks of receipt of a request to do so
9. The President shall cause the Secretary of the Executive Committee to publish the ruling. Should the applicant or any Officer holder so notified about the request for a ruling so wish, they may appeal the ruling of the President to the Disciplinary Commission within 1 week
10. The Disciplinary Commission may discharge its functions under this article and act by any two of their number
11. Where a challenge is exclusively grounded in a challenge to the actions of a member of the Disciplinary Commission, which cannot be dealt with by the normal standing orders or procedures, the member of the Disciplinary Commission so concerned, shall not hear the appeal, and the Executive Committee shall temporarily appoint a suitably qualified person to hear the appeal if so required
12. The decision of the majority of the members of the Disciplinary Commission shall, for the purposes of this Article, be the binding decision of the Disciplinary Commission and shall be pronounced by such one of those members as the Disciplinary Commission shall direct, and no other opinion, whether assenting or dissenting, shall be pronounced nor shall the existence of any other such opinion be disclosed
13. An applicant for a ruling, may request the Disciplinary Commission to make an order that an activity complained of, is repugnant to the provision of this constitution and may seek a direction that the activity so complained of, is ceased or suspended, pending the outcome of the hearing. The Disciplinary Commission, may at their absolute discretion, and by examining the balance of convenience, without prejudice to the outcome of the hearing, order that the activity complained of suspended until they have ruled on its constitutionality
14. In all matters relating to the interpretation of this Constitution and the drafting of Standing Orders to regulate the work of bodies established under this Constitution, due regard shall be held for the principles of natural justice
15. Where a member of the Disciplinary Commission cannot discharge their functions, the Executive Committee shall in consultation with the Disciplinary Commission make arrangements for their temporary replacement if so required

16. The Governing law for this Constitution shall be that of the Isle of Man, whose Courts or other Tribunals shall ultimately rule on all matters relating to the interpretation of this Constitution

**Article 33. Repeal of the Previous Constitution of the Isle of Man Basketball Association**

1. The Constitution of the Isle of Man Basketball Association in force immediately prior to the date of the coming into operation of this Constitution is hereby repealed

2. This Constitution shall come into operation on the 1<sup>st</sup> day of July, in the year 2012, that is on the day following the expiration of a period of three days after its approval by the members of The Association, signified by a majority of the votes cast at the Annual General Meeting of The Association thereon has in accordance with the terms of the repealed constitution of the Isle of Man Basketball Association

**Article 34. Succession of Privileges, Rights of Nomination, Contracts, Liabilities and other matters**

1. All powers, functions, rights, privileges, rights of nomination, contracts, liabilities and other matters whatsoever exercisable in or in respect of the Isle of Man Basketball Association or any commercial entities owned or associated thereto immediately before the date of the coming into force of this Constitution, whether in virtue of the Constitution then in force or otherwise, by the authority in which the executive powers of the Isle of Man Basketball Association was then vested are hereby declared to belong to the members

2. It is hereby enacted that, save to the extent to which provision is made by this Constitution or may hereafter be made by way of policy for the exercise of such powers, functions, rights, privileges, rights of nomination, contracts, liabilities and other matters by any of the organs established by this Constitution, the said powers, functions, rights, privileges, rights of nomination, contracts, liabilities and other matters shall not be exercised or be capable of being exercised in or in respect of The Association save only by or on the authority of the General Meeting of Members

3. The General Meeting of Members and Executive Committee shall be the successors, in such manner as is set out by this Constitution, of the Executive of the Isle of Man Basketball Association as regards all property, assets, rights and liabilities, and all other matter pertaining to The Association, and referred to above.

4. The President and Chairperson of the Executive Committee shall no later than June 30<sup>th</sup> 2012, prepare a final text of this Constitution, and a copy of the text so prepared, when authenticated by the signatures of the President and Chairperson of the Executive Committee, shall be enrolled for the record on the website of the Isle of Man Basketball Association and in the Office of the Secretary of the Executive Committee and shall be the official text

**Article 35. Dissolution of The Association**

1. In the event of the dissolution of The Association, for whatsoever reason arising, all assets of The Association, or their cash equivalents, shall be donated to a registered charity nominated by the last Executive Committee so elected under the terms of this Constitution

**Article 36. Provision for Technical Amendment**

1. There shall be provision for the correction of technical errors and terminology up until the 31st day of October in the year of adoption of this Constitution. All such corrections must be approved by 2/3 of those present at a quorate meeting of the Executive Committee but shall only be challenged on the basis that the amendment changes the spirit of a particular article or clause.

***Attested to be the true version of the Constitution, which has been enrolled for the record on the website of the Isle of Man Basketball Association and in the Office of the Secretary of the Executive Committee, on this last day of June 2012.***

**SIGNED:** \_\_\_\_\_

**President, IOMBBA**

**SIGNED:** \_\_\_\_\_

**Chairperson, Executive Committee, IOMBBA**

**WITNESSED:** \_\_\_\_\_

**Secretary, Executive Committee, IOMBBA**