**NWBA Bylaws Amendment Proposal Form**

**Proposed Amendments must be submitted in writing to the Executive Director and the chair of the Governance Committee at least sixty (60) days preceding the Annual Assembly (Sunday, April 25, 2021).**

**ARTICLE 11:** Athletes’ Advisory Council

**Proposed By:** NWBA Management/Staff

**Summary of Proposed Change:** Update NWBA Bylaws to ensure they reflect the increased requirement for athlete representation, along with all other aspects related to their selection, appointment (including qualifications), tenure and terms related to the NWBA Athletes Advisory Council and various other levels of leadership in the governance hierarchy. A distinct change in this language is that the USOPC AAC “Alternate” Representative will hold a seat on the NWBA Board of Directors (Athlete Director) as well as the NWBA AAC. This comprehensive amendment also includes operational factors such as meeting minutes to drive transparency across leadership. This language conforms with the Olympic & Paralympic Committee (USOPC) Bylaws Template.

**Current Bylaw:** Current wording is included in the proposal section below.

**Proposed Bylaw:** Proposed changes are marked below with the track changes function (deletions have a strikethrough and additions are underlined).

**ARTICLE ELEVEN**
**NWBA Athlete~~’~~s’ Advisory Council**

**Section 11.1: Designation.**

**Objectives:**  The purpose of the NWBA Athletes’ Advisory Council (AAC) is to advocate the interests of athletes in all areas of wheelchair basketball. The AAC shall partner with the Board of Directors to ensure ~~twenty (20)~~thirty-three percent (33%) athlete representation in all decision-making bodies of the NWBA including the Board of Directors and any Committees.

**Responsibilities:**The NWBA AAC shall have the following responsibilities:

* Serve as a vehicle for athlete engagement;
* Endeavor to protect the rights of athletes;
* Provide athlete feedback;
* Build and establish relationships among all the athletes of the NWBA;
* Assist in identifying potential future athlete board representative candidates and introduce athletes to the NWBA’s governance structure;
* Serve as SafeSport and USADA ambassadors and advocates; and
* Develop pathways for athletes within the structure of the NWBA.

**Section 11.2: Qualifications.**

Those individuals who meet one of the following definitions (i): 10 Year Athlete Representative: ~~(i)~~athletes who have represented the United States as athletes in a delegation event--the Paralympic Games or~~,~~ the ParaPan American Games, or an elite protected competition--World Championships (excludes age-restricted competitions, e.g., U25 and U23 World Championships) or ~~other major international competitions~~ Zonal Qualifier in the sport of wheelchair basketball within the ten (10) year period prior to December 31 of the year in which the election is held, or (ii): Actively Engaged Athlete Representative: ~~(ii)~~ athletes who have competed in an NWBA sanctioned
competition (as defined by the NWBA AAC) ~~and finished in the top half of their respective division at the National Wheelchair Basketball Tournament in Adult and Collegiate Divisions as athletes~~within the two year period prior to December 31 of the year in which the election is held shall be eligible to run for election to the Athletes’ Advisory Council (which may include events that categorize entrants in age-restricted
classifications). Additionally, in order to be eligible to run for election, an individual shall be a citizen of the United States and eighteen (18) years of age or older by December 31 of the year in which the election is held.

**Section 11.3: Election/Selection.**

~~Six individuals shall be elected to the Athletes Advisory Council as follows:.~~

~~Those individuals:~~

1. ~~Who have represented the United States as athletes in the Paralympic Games, the ParaPan American Games, World Championships or other major international competitions in the sport of wheelchair basketball within the ten (10) year period prior to December 31 of the year in which the election is held, or~~

1. ~~Who have placed in the top half of their respective division at the National Wheelchair Basketball Tournament as athletes within the two year period prior to December 31 of the year in which the election is held (each an “Elite Athlete”) shall be eligible to vote in the election. Additionally, in order to be eligible to vote in the election, an individual shall be a citizen of the United States and eighteen years of age or older by December 31 of the year in which the election is held~~

~~Further, a~~An individual shall be a member of the NWBA sixty (60) days prior to the date of the election (record date). in order to be eligible to vote in the election.

The election shall take place after conclusion of all of the National Wheelchair Basketball Tournaments, but prior to January 1 of the year following the National Wheelchair Basketball Tournament.

The NWBA AAC shall include nine (9) positions elected and filled in the order as follows:

The USOPC AAC Rep and USOPC AAC Alternate Rep will be elected as discussed in Article 12 and each will fill a position within the NWBA AAC.

The NWBA AAC Chair and NWBA AAC Vice Chair will be elected by 10 Year Athletes and each will fill a position within the NWBA AAC.  Qualifications for Chair and Vice Chair include those individuals meet the 10 Year Athlete Representative definition as outlined in Section 11.2. The individual with the highest vote total is elected as Chair to the NWBA AAC. The individual with the second highest vote total is elected as Vice Chair to the NWBA AAC.

Any additional NWBA Board Athlete Directors position(s) available (to achieve 33% athlete representation) will be elected by 10 Year Athletes, by highest vote total, and will fill a position within the NWBA AAC. Qualifications for Board Athlete Directors position(s) include those individuals who meet the 10 Year Athlete Representative definition as outlined in Section 11.2 as well as athletes who meet the 10 Year + Athlete Representative definition: who have, at any point but not within the 10 years prior to election/selection, met the definition of 10 Year Athlete Representative.

The remaining positions of the NWBA AAC are elected, by highest vote total, by individuals who meet the qualifications as outlined in Section 11.2.

~~The six individuals with the highest vote totals shall be elected to the Athletes’ Advisory Council.~~

~~The seventh position on the Athletes’ Advisory Council shall be filled by the NWBA’s representative to the USOC Athletes’ Advisory Council.~~

**Section 11.4: Tenure.**

The term for members of the Athletes’ Advisory Council shall be for four (4) years. A member shall remain on the Athletes’ Advisory Council until the member’s successor is elected and qualified, or until the member’s earlier resignation, removal, incapacity, disability or death.

**Section 11.5: Term Limits.**

No Athletes’ Advisory Council member shall serve for more than two (2) consecutive terms.

**Section 11.6: Chair and Vice Chair.**

~~The Athletes’ Advisory Council shall elect from among its members, by majority vote, a chair and vice chair.~~The term of office of the NWBA AAC C~~c~~hair and Vice Chair shall be four (4) years. The newly elected chair and Vice Chair shall take office immediately. The ~~c~~Chair and Vice Chair shall hold office until the ~~c~~Chair or Vice Chair’s successor is elected and qualified, or until the ~~c~~Chair or Vice Chair’s earlier resignation, removal, incapacity, disability or death.

In the event the officer leaving is the Chair, the Vice Chair will serve as the interim Chair for the remainder of the term until the next election. Any vacancy occurring in the Vice Chair position shall be filled by hosting an election as outlined in Section 11.3. A Vice Chair elected to fill a vacancy shall be elected for the unexpired term of such predecessor in office.

**Section 11.7: Board of Directors.**

The NWBA Board of Directors shall have ~~three (3) or twenty (20)~~thirty-three percent (33%) ~~of the positions available to the NWBA Athlete Advisory’s Council~~athlete representation. Athlete Directors must meet the athlete representation requirements as defined in the USOPC Bylaws--at least 20% from 10 Year Athletes and up to 13% from 10 Year+ Athletes (at least half via Delegation Event) who are elected by 10 Year Athletes. Athlete Directors shall be on the Board of Directors (in the following order until the 33% athlete representation requirements are met):

1. NWBA’s representative to the USOPC Athletes’ Advisory Council
2. NWBA’s alternate representative to the USOPC Athletes’ Advisory Council

~~as follows:~~

1. ~~The USOPC Athlete Advisory’s Council member shall serve on the NWBA Board of Directors;~~

1. Chair of the NWBA Athletes’ Advisory~~’s~~ Council~~; and~~

1. Vice Chair of the NWBA Athletes’ Advisory~~’s~~ Council~~.~~
2. NWBA Board Athlete Director(s) who are elected as outlined in Section 11.3.

**Section 11.8: Procedures.**

The Athletes’ Advisory Council shall establish procedures for conducting its business and affairs. Such procedures shall be published and available on the NWBA website.

**Section 11.9: Open and Executive Meeting Sessions.**

Ordinarily, all Athletes’ Advisory Council meetings shall be open to athlete members, and where appropriate, to NWBA members. In the event the Chair of the Athletes’ Advisory Council~~chair~~, with the consent of a majority of the Athletes’ Advisory Council members in attendance, deems it appropriate:

1. to exclude members at an open meeting for any reason, then the ~~c~~Chair may declare that the meeting is closed, or

1. to convene an executive session to consider and discuss matters relating to personnel, nominations, discipline, budget, salary, litigation or other sensitive matter, then the ~~c~~Chair may specifically designate and call an executive session. Alternatively, the Council may upon its own motion, convene an executive session.

1. Further, the ~~c~~Chair may open a meeting of the Athlete~~’~~s’ Advisory Council to non-NWBA members, with the consent of a majority of the members of the Council in attendance.

**Section 11.10: Minutes of Meetings.**

NWBA AAC shall take and maintain minutes of its meetings. Meeting minutes shall make note of: the attendees at meetings, motions taken and when individuals recuse themselves due to a conflict of interest. If an executive session is called, the meeting minutes should state the high-level topics discussed in the course of that session. Such minutes should be submitted to the Executive Director within 30 days of the meeting.

**Section 11.11: Committee Member Attendance.**

NWBA AAC members are expected to attend in person all regularly scheduled meetings. Each NWBA AAC member must attend a minimum of at least one half (1/2) of the meetings during any twelve (12)-month period. In person may mean via teleconference if determined by the AAC in the notice of the meeting or in exigent circumstances.

**Section 11.1~~0~~2: Compensation.**

~~Athlete Advisory Council members shall not receive compensation for their services as Athlete Advisory Council members.~~NWBA shall pay for the reasonable expenses of all members of the Athletes’ Advisory Council to attend Athletes’ Advisory Council meetings. In addition, NWBA shall pay for the reasonable expenses of the ~~three athlete~~Board Athlete ~~d~~Directors to attend NWBA Board meetings.

While members of the NWBA Athletes’ Advisory Council shall not receive compensation for their services as Athletes’ Advisory Council members, they shall be entitled to obtain compensation from the NWBAin connection with their capacity as athletes, including, but not limited to, compensation in the form of Direct Athlete Support or in connection with Operation Gold.  All Board, officer, committee or task force members will comply with the Policies established by NWBA as outlined in Article 19.

**Section 11.13: Resignation, Removal and Vacancies.**

An Athletes’ Advisory Council position may be declared vacant upon the athlete’s resignation, removal, incapacity, disability or death. Such resignation shall take effect at the time specified in the notice, and unless otherwise specified in the notice, the acceptance of such resignation shall not be necessary to make it effective. The AAC representative may be removed for cause upon the affirmative vote of at least two-thirds of the total voting power of the eligible AAC athletes (excluding the voting power of the athlete in question). Any vacancies will be filled by the election procedures outlined in Section 11.3 above.

**Rationale for Change:**

1. The NWBA recently launched its AAC, and these changes enable the NWBA to conform with changes being legislated by Congress that have also impacted the USOPC Bylaws. Both are drivers for helping us keep pace with leading practice. A lack of athlete voice led to many issues in other sport organizations. This is not about merely complying with USOPC, rather protecting our athletes through inclusion of their voice.
2. The changes marked above come from the USOPC Bylaws Template for NGB’s, which lends credulity to the content – it was also validated by a 3rd party legal firm that supported the NWBA.

**Submit to:**

Via Email to both:

Will Waller, NWBA Executive Director: will@nwba.org AND Tim Fox, interim Chair of the Governance Committee: timfox@nwba.org

OR

Via Postal Mail:

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