

## ATLANTIC COLLEGIATE BASEBALL ASSOCIATION



### CONSTITUTION

#### 1. NAME

- 1.1. For legal registration, taxation, and accounting purposes the organization hereby constituted shall officially be called "Atlantic Collegiate Baseball Association" and is hereinafter referred to as "ACBA" or the "Association." The official second language of the ACBA is French with the respective title of the "Association de Baseball Collégial Atlantique" or "ABCA".
- 1.2. Any reference to the male gender shall also mean female where appropriate and singular shall mean plural and plural shall mean singular where appropriate.

#### 2. MISSION

- 2.1. To create the best possible student-athlete experience for post-secondary baseball players across Atlantic Canada.

#### 3. MEMBERSHIP

- 3.1. Membership in this Association is open to all post-secondary institutions or affiliate(s) thereof, located within the Atlantic Provinces, and offering full-time programs leading to diplomas, certificates, degrees, or approved credentials satisfactory to the Association.
- 3.2. Membership fees, including any initiation fees, shall be set by the association at the Annual General Meeting.
- 3.3. The ACBA may also allow for "affiliate members" who will be required to pay dues and abide by all fees, penalties, fines and any other financial obligations required under the Constitution, policies or guidelines as adopted from time to time by the ACBA. Failure to do so shall result in suspension of membership privileges. Affiliate members may be made subject to additional restrictions or rules apart from those of other members.
- 3.4. Only members in good standing, as defined herein, may participate in ACBA meetings, Association play, events or competitions.

- 3.5. Members under suspension or probation and other guests may attend ACBA meetings at the discretion of the President or a Chair designated by the President.
- 3.6. Membership in the ACBA is not exclusionary. Members of this association are encouraged to join their respective regional or provincial post-secondary athletics associations.
- 3.7. Each member/associate member must have an athletic department/staff or other corresponding body which officially represents all sports within the institution, and who reports to the College/University administration.

#### 4. GOOD STANDING

4.1. To remain in "Good Standing," members must:

4.1.1. Pay all fees, penalties, fines and any other financial obligations required under the Constitution, policies or guidelines as adopted from time to time by the ACBA.

4.1.2. Abide by all penalties imposed by the Association pursuant to disciplinary action;

4.1.3. Abide by any penalties imposed on other members suspended, disqualified, ineligible, expelled or as otherwise specified by the ACBA.

4.1.4. Not engage in any behaviour detrimental to the ACBA including physical or verbal abuse to any member including the President, members of the executive, volunteers, coaches, players, or umpires.

#### 5. EXEMPTIONS TO MEMBERSHIP RULES

5.1. Except when affecting playing rules, qualification and eligibility in the Atlantic Championship:

5.1.1. When Constitutional, eligibility, policy, regulations or other playing rules of the ACBA contradict those of a post-secondary athletics association of which a member is also part, exemptions and/or allowances may be made by the Executive.

5.1.2. Such exemptions may not undermine the competitive balance of the ACBA nor offer any advantage to any member.

5.1.3. Any exemptions to ACBA Constitutional, eligibility, policy, regulations or other playing rules must be circulated among the membership at large within two (2) weeks of making such allowances.

5.1.4. Any exemptions to ACBA Constitutional, eligibility, policy, regulations or other playing rules must be renewed annually and reaffirmed by a majority vote of the membership.

#### 6. WITHDRAWAL/TERMINATION OF MEMBERSHIP

6.1. A member institution may withdraw from the Association upon written notice thereof delivered to the Association President, effective as of the next AGM. A member institution or associate member, shall be considered to have withdrawn if dues have not been paid in full within 90 days of the assessment.

- 6.2. The Association may suspend immediately and recommend to the AGM, the termination of the membership of the member institution under circumstances which may include:
- Non-payment of annual dues
  - Gross neglect of duty
  - Behaviour which brings discredit to the Association
- 6.3. The suspension and expulsion as described above shall be valid upon confirmation of a three - quarters (3/4 rounded up) majority vote of the membership at the next regular meeting of the Association.
- 6.4. The termination of membership automatically results in loss of privileges offered by the Association. Application for membership must be made as per the guidelines to regain membership privileges.
- 6.5. The termination of membership as described in these by-laws shall not absolve the member institution from any liability for fees or otherwise to the Association.

## 7. STRUCTURE

- 7.1. Founding members include the following teams:

7.1.1. Acadia University

7.1.2. Dalhousie University

7.1.3. Holland College

7.1.4. Saint Mary's University

7.1.5. Saint Francis Xavier University

7.1.6. University of New Brunswick

- 7.2. The Association shall be governed by an Executive composed of the President, Vice President, Treasurer/Secretary, and Umpire-in-Chief.

## 8. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE

- 8.1. The Executive of the ACBA shall carry out and safeguard the articles of the Constitution, policies, guidelines, playing rules and eligibility rules as adopted from time to time by the ACBA.
- 8.2. Shall conduct the affairs of the Association between general meetings.
- 8.3. Shall review the activities of its individual members, executive members, and any standing, ad hoc or special committees.
- 8.4. May appoint ad hoc or special committees, as required from time to time.
- 8.5. May hire staff as required and as approved by the membership.
- 8.6. Shall have authority to audit the financial records of the Association.

8.7. The Executive Committee shall be elected for a two (2) year term, preferably in alternate years at the Annual General Meeting.

9. PRESIDENT

9.1. Shall be elected by the membership every two (2) years.

9.2. Shall represent the Association in all affairs, events and activities.

9.3. Shall chair all General Meetings, Special Meetings and meetings of the Executive.

9.4. Shall report to the Executive Committee.

9.5. May appoint a designate from the Executive to perform any function as required from time to time.

9.6. Shall appoint the following as required:

9.6.1. An awards committee.

9.6.2. A Atlantic Championship organizing committee.

9.6.3. An Umpire-in-Chief annually.

9.6.4. A Statistician and webmaster.

9.6.5. A Secretary to record minutes at meetings as required.

9.6.6. Any ad hoc committee.

9.7. Shall be the final authority on the following matters after due process:

9.7.1. Player sanctions and penalties.

9.7.2. Coach sanctions and penalties.

9.7.3. Member standing.

9.8. May sign contracts, notes, instruments, etc. for the Association.

9.9. Shall be an ex officio member of all committees.

10. VICE PRESIDENT

10.1. Shall report to the President and be a member of the Executive.

10.2. Shall be responsible for:

10.2.1. Overseeing the general operation of the Association.

10.2.2. Ensuring members follow the Constitution, policies or guidelines as adopted from time to time by the ACBA.

10.2.3. Creating a Association schedule and playoffs in accordance with ACBA requirements.

- 10.2.4. Appointing Association Umpire Assignors as required in consultation with the Umpire-in-Chief.
- 10.2.5. Coordinating with the President, Executive and Umpire-in-Chief on all matters relating to disciplinary infractions in the Association.
- 10.2.6. Ascertaining Association representatives to the Atlantic Championships based on qualification requirements set out at the start of the season.
- 10.2.7. Shall perform any other duties assigned from time to time by the President.

## 11. TREASURER/SECRETARY

- 11.1. Shall report to the President and be a member of the Executive.
- 11.2. Shall be responsible for:
  - 11.2.1. Overseeing the Association finances;
  - 11.2.2. Ensuring members follow the Constitution, policies or guidelines as adopted from time to time by the ACBA;
  - 11.2.3. Taking and distributing minutes of all Association meetings and AGM;
  - 11.2.4. Shall provide an annual statement of accounts and a written account of any Executive decisions as required or at the Annual General meeting.
  - 11.2.5. Shall update and maintain all Association documentation, Constitution, Rules of Play
  - 11.2.6. Coordinating with the President, Executive and Umpire-in-Chief on all matters relating to disciplinary infractions in the Association.
  - 11.2.7. Shall perform any other duties assigned from time to time by the President.

## 12. UMPIRE-IN-CHIEF

- 12.1. An Umpire-in-Chief (UIC) will be appointed by the President on an annual basis and will be a member of the Executive.
- 12.2. Will assist the Vice President in appointing umpire assignors as required.
- 12.3. Shall, in consultation with the Executive Committee, procure umpires for the Atlantic Championship.
- 12.4. Shall normally be present and act as the final arbiter on all playing rule and disciplinary matters at the Atlantic Championships. A local designate for the Atlantic Championships may be appointed at the discretion of the President in lieu of the UIC.
- 12.5. Shall collect all Incident and Ejection Reports relating to conduct at ACBA games and conduct any further investigations.
- 12.6. Enforce disciplinary rules as set out by the ACBA and its Executive.

- 12.7. Shall present a written report for each General Meeting and any meeting of the Executive Committee as required.

### 13. MEETINGS

- 13.1. A General Meeting of the membership shall normally be held annually in conjunction with the Atlantic Championship.
- 13.2. A semi-AGM will normally be held the first week in May in preparation for the upcoming season.
- 13.3. Two weeks notice must normally be provided showing the date, time and place and/or call-in Conference information of each meeting.
- 13.4. A complete agenda and copies of written reports should normally be circulated to all members at least seven days in advance of the meeting.
- 13.5. The agenda shall normally include the following Order of Business: A – Minutes of the previous meeting; B – Business arising from the Minutes; C – Reports (President, Vice President, Committees, UIC); D- Budget and Statements; E – New Business; F – Date, time and place of next meeting.
- 13.6. A special meeting may be called by a majority vote of the Executive.
- 13.7. A special meeting shall be called if requested by three (3) members in good standing in the ACBA. Special notice shall be made in writing and must be given at least ten (10) days' notice, in writing via electronic media or hard copy, to all members. The purpose of the meeting shall be indicated in the notice.
- 13.8. All meetings shall be attended by only one representative (delegate) of each Member team in Good Standing, and each member of the Executive.
- 13.9. Any guests and observers may attend at the discretion of the President or a chair designated by the President.
- 13.10. Attendance (including by phone or electronic media) by at least two-thirds of the total voting members shall constitute a quorum.
- 13.11. Minutes from all meetings will normally be made available within two weeks after the meeting or sooner if requested by the membership.
- 13.12. An 'Action plan' is to be implemented at conclusion of each AGM. The action plan will normally be distributed to the Association within two weeks of the completion of an AGM amendment voting. The Action plan will outline all of the current changes to be implemented along with proposed dates for completion by the proposed membership.

### 14. EXECUTIVE

- 14.1. Will be comprised of the President, Vice President, Treasurer/Secretary and the Umpire-in-Chief.

- 14.2. May meet at any time as called by the President. All members must be present to fulfill quorum (includes electronic media).
- 14.3. At least ten days' notice will normally be provided showing the date, time and place of each meeting although this may be expedited through electronic media with the consent of the Executive.
- 14.4. The President may consult with any or all members of the Executive on matters for which he has decision-making authority. This will not constitute an Executive meeting.
- 14.5. Any guests and observers may attend at the discretion of the President or a chair designated by the President.

## 15. IMPEACHMENT

- 15.1. Any member of the Executive may be removed from office at any time if two-thirds (2/3) of the membership as a whole vote in favour of impeachment.
- 15.2. Any impeachment motion must adhere to the Voting articles of this Constitution.

## 16. VOTING

- 16.1. Each member institution in good standing receives one vote on Association issues.
- 16.2. Executive members may vote if also acting as a delegate at any meeting or for any online vote.
- 16.3. The President shall only vote in case of a tie.
- 16.4. All constitutional changes, amendments, rules, and Association issues will be voted on by member institutions via digital voting normally within two weeks of posting.
- 16.5. If a member institution does not complete their digital vote within the time frame, their vote will be deemed void.
- 16.6. Any member institution has the right to put an issue to vote if seconded by another member institution. Such voting issues will be administered by the Executive in the normal fashion allowing for ten (10) days notice and two (2) weeks voting opportunity.
- 16.7. Executive Committee sanctioned electronic votes can be submitted at any time except in cases of the election of the Executive or on issues already recently decided. A ten (10) day notice including the subject for voting, must be sent to membership before voting can be opened, closed, and validated.

## 17. ELECTIONS

- 17.1. Any member in good standing may nominate any person in good standing or self-nominate for any Executive position for election.
- 17.2. Elections for the positions of President and Vice President will be held at the Annual General Meeting following the conclusion of their respective terms of office.

- 17.3. Election of Executive members by online voting is permitted if agreed to by a majority vote at the AGM.
- 17.4. In the event that a position is vacated or remains unfilled, an Acting Vice President or Acting President may be appointed by the Executive until the next AGM when an election can take place.
- 17.5. The President shall be elected for a term of two (2) years by a majority vote of the entire ACBA membership.
- 17.6. Vice President shall be elected for a term of two (2) years by a majority vote of the entire ACBA membership.

## 18. DISCIPLINARY MATTERS

- 18.1. The Umpire-in-Chief will administer penalties and enforce the rules of the ACBA on all matters relating to conduct emanating from Association play.
- 18.2. A player ejected from any ACBA game in the regular season, playoffs, or Atlantic Championship will automatically receive an additional suspension of one (1) game for the next scheduled game.
- 18.3. In cases of a player ejection, the Umpire-in-Chief may impose additional suspensions beyond the automatic one (1) game suspension, taking into consideration:
  - 18.3.1. The official Ejection Report of the issuing Umpire;
  - 18.3.2. Any additional information gathered through investigation;
  - 18.3.3. The history of the ejected player with previous disciplinary matters;
  - 18.3.4. Previous rulings of a similar nature;
  - 18.3.5. The gravity of the offence with reference to:
    - 18.3.5.1. Injury to any other person;
    - 18.3.5.2. Injury to the reputation of the ACBA;
    - 18.3.5.3. Damage to property.
- 18.4. The Executive may choose to meet in order to review and administer additional penalties to any member institution involved in an on-field disciplinary matter if such sanctions are considered warranted. Such meetings will normally be called by the President on the recommendation of the Umpire-in-Chief. In such cases the Executive may:
  - 18.4.1. Impose any fine not exceeding the cost of annual membership.
  - 18.4.2. Suspend from the ACBA any player, coach, official or team any number of regular season, playoff or Atlantic Championship games including but not limited to an indefinite revocation of membership.



18.4.3. The Executive may choose to meet at any time to review any matter related to Constitutional, eligibility, policy, regulations or other playing rule violations. In such cases the Executive may:

18.4.3.1. Impose any fine not exceeding the cost of annual membership.

18.4.3.2. Suspend from the ACBA any player, coach, official or team any number of regular season, playoff or Atlantic Championship games including but not limited to an indefinite revocation of membership.

18.5. In investigating any incident and assigning penalties the Executive may appoint a committee of up to three (3) members including at least one (1) member of the Executive.

## 19. GAME UNDER PROTEST

19.1. If a member wishes to protest a game, the manager or coach must inform the head umpire and opposing team manager or coach prior to the next play. If the protest occurs due to an incident which has ended the game, the manager or coach must immediately inform the head umpire and opposing team manager or coach.

19.2. A written protest of the game must be filed within 24 hours to the Umpire-in-Chief accompanied by a cheque for \$150.00 (or electronically transmitted funds) to the ACBA.

19.3. The protest fee will be refunded if the Umpire-in-Chief rules the complaint valid.

19.4. In order for a protest to be considered valid, the Umpire-in-Chief must find:

19.4.1. There was an error in the interpretation or application of playing rules by an umpire;

19.4.2. That this error likely resulted in the loss of the game by the protesting team.

## 20. APPEALS - TRIBUNAL

20.1. Any disciplinary decision made by an Umpire-in-Chief and/or the Executive may be appealed by any member directly affected.

20.2. An appeal must be made in writing to the President and accompanied by a cheque (or electronically transmitted funds) for \$150.00 to the ACBA within 48 hours of a decision being rendered.

20.3. The President shall convene an Appeals Committee to hear and rule on the appeal.

20.4. An Appeals Committee shall be a tribunal of the ACBA and consist of the Vice President, and two (2) members from teams not directly involved in the incident.

20.5. In cases where a member(s) of the Appeals Committee is in a position of a conflict of interest an appropriate replacement shall be appointed by the President.

20.6. The Appeals Committee may solicit the assistance of any other members or outside persons as required to conduct honest fact-finding related to the appeal.

20.7. Any persons assisting the Appeals Committee may not be a member on the committee.

- 20.8. The Appeals Committee may amend disciplinary sanctions imposed by the Executive.
- 20.9. The President will act as an ex-officio member of the committee.
- 20.10. In conducting its business, the Appeals Committee shall:
  - 20.10.1. Review the official report of the Executive and/or the Umpire-in-Chief as applicable;
  - 20.10.2. Review the appeal submitted by the member;
  - 20.10.3. Conduct any further investigations including interviews as required;
  - 20.10.4. Consult any related rules, regulations, eligibility forms or other materials related to the appeal and provided by the member.
  - 20.10.5. Adjudicate the manner in a timely fashion to expedite Association play, normally within five (5) days of being formed as committee.

## 21. PENALTIES

- 21.1. Notwithstanding the right of the Executive, Umpire-in-Chief and Appeals Committee to impose any penalty pursuant to the execution of their duties in this Constitution, penalties will normally consist of:
  - 21.1.1. Fines: to be paid within a time period specified, failure to do so resulting in further fines, probation, suspension, or expulsion or any combination.
  - 21.1.2. Order to desist: from any activity or behaviour deemed detrimental to the ACBA or any of its members.
  - 21.1.3. Probationary status: meaning the revocation of voting rights accompanied with other conditions including fines, and suspension but not limited to disqualification from a set number of games in the regular season, and/or playoffs and/or Atlantic Championship.
  - 21.1.4. Suspension: meaning disqualification from a set number of games in the regular season, and/or playoffs and/or Atlantic Championship.
  - 21.1.5. Expulsion: meaning the revocation of membership.
- 21.2. Any penalty imposed by any process pursuant to this Constitution shall be made publicly available in writing (electronic or otherwise) containing:
  - 21.2.1. The article of this Constitution empowering the judgment;
  - 21.2.2. The materials and persons consulted;
  - 21.2.3. The general nature of the offence;
  - 21.2.4. The penalty imposed.

- 21.3. Any penalties imposed must be upheld by other members, including but not limited to ceasing from competing with suspended, expelled or probationary teams as specified. Failure to do so constitutes a breach of ACBA rules and is subject to disciplinary action.

## 22. AMENDMENTS

- 22.1. Amendments to this constitution shall be made at the Annual General Meeting or a Special Meeting organized for this purpose.
- 22.2. Notice of an Amendment must be circulated at least thirty (30) days before a vote.
- 22.3. In cases involving exigent circumstances that would jeopardize the functioning of the association, an amendment may be motioned with fifteen (15) days notice. The interpretation of the exigent nature of the existing circumstances will be determined by the Executive.
- 22.4. Two-thirds of the membership must approve an amendment to this Constitution.