

CHAPTER TWO

WEST VIRGINIA SOCCER ASSOCIATION BY-LAWS 3/2/19

PROPOSED UPDATES Additions in **BOLD** Deletions Underlined

Changes proposed to 2.1.2 2.1.3 2.1.5, 2.1.6, 2.1.8, 2.1.13. 2.1.14.2 2.3.8, 2.3.9, 2.3.10 2.4.2 2.4.3.1 2.6.2

**2.1** MEMBERSHIP

**2.1.1** *Membership In WVSA*

Membership in WVSA, and any WVSA member, shall be open to any soccer player, coach, trainer, manager, administrator and official not subject to suspension and membership in WVSA shall also be open to any amateur soccer organization located in WV.

**2.1.2** Requirements: Any soccer organization that desires to join WVSA shall do the following:

- A)** Submit a copy of their Constitution, bylaws, policies and procedures. Said documents must conform to all requirements of WVSA, USSF and or USYSA and USASA.
- B)** Submit a list of officers and directors and the official address of the organization.
- C)** Pay the fees specified by the Board of Directors.
- D)** Agree that all coaches, trainers, administrators and officials will comply will all child safety, nondiscrimination, sexual and physical abuse requirements of WVSA, USSF, USYSA, USASA and **USPOC**.
- E)** Determine what type of membership is being requested and fill out the required form.
  - 1. Register at least 300 players (Association or League) or
  - 2. Register at least 5 teams, **100 players** (Club), **Less than 100 player clubs may register through another WVSA member for voting purposes only.** or
  - 3. Operate a soccer program but not directly register players or teams with WVSA (Associate) or
  - 4. Join WVSA but not operate a soccer program or register players or teams with WVSA. (affiliate) and
  - 5. Determine the scope of the soccer program to be offered. (Youth, Academy, Adult, Travel, Recreation, Indoor) **A WVSA member may sponsor 1 or more types of soccer programs.**

**2.1.3** Acceptance: The Board of Directors may by a 2/3 vote grant probationary membership to any soccer organization that meets all requirements of 2.1.2. Full membership must be voted on by the membership at the next general meeting.

**2.1.3.1** Provisional membership may be granted upon approval by the Division VP, the Executive Director and the Director of Member Services and the Director of Participant Safety. For Affiliate members the EX VP will replace the Division VP.

**2.1.4** Association or League Membership: WVSA will recognize only one representative Recreational association from each county in WV for voting purposes at any AGM or General Meeting.

**2.1.4.1** If there is more than one representative Recreational association per county, they will need to form a county wide association for the purpose of state representation.

**2.1.4.2** The manner of voting within the county wide association shall be determined by its members but shall ensure each member the % of votes based on their membership.

**2.1.4.3** Each WVSA member will maintain their own autonomy in all areas not specifically granted by it to the county wide association.

**2.1.4.4** There are no exclusive territories in WVSA. Any association, league, club, team or individual may join with any WVSA member.

**2.1.4.5** Any organization that cannot find a WVSA member to join with may apply for direct membership to the BOD through the appropriate division.

**2.1.5** Club membership: Travel, Academy, Adult or Indoor Club Members must have minimum of **100** players for WVSA voting.

**2.1.5.1** Any club that does not register at least 100 players must join through another WVSA member Association or club until they reach 100 players.

**2.1.5.1** Any club that cannot find a representative association or other club to register with may apply to the Board of Directors for direct membership.

**2.1.5.2** Member associations or clubs that join a county wide organization for purposes of state representation only will maintain their own autonomy in all areas not specifically granted to the county wide association.

**2.1.5.3** The manner of voting within a combined club shall be determined by its members but shall ensure each member the % of votes based on their membership.

**2.1.6** Voting At any General or Annual Meeting of WVSA the following formula will be in effect: # of Players  
# of Votes

<b>1- 300</b>	<b>1 County Association / league</b>
<b>100 - 300</b>	<b>1 Travel / Club / Academy</b>
301 -600	2
601 -900	3
901 -1200	4
1201 -1500	5
1501 - 1800	6
1801 - 2100	7
each additional 300 players equal 1 vote.	

**2.1.6.1** Votes will be based on the greater of the member's registrations of the previous year or the current year.

**2.1.7** Individual Membership Any individual not otherwise affiliated with a WVSA member association or club may apply to the Board of Directors, through the appropriate division for individual membership. The BOD shall set fees and provide a form for such registration.

**2.1.8** Affiliate Membership: Any soccer organization that does not directly register players or teams but wants to sponsor soccer programs and or events through WVSA, that wishes to affiliate with WVSA may do so after paying the fees set by the BOD and completing the registration process.

**2.1.8.1** Affiliate members shall elect one member to the WVSA Board of Directors to represent all Affiliate members when there are a minimum of five Affiliate members, (At large Affiliate BOD Member, Even Years) and each affiliate member shall have 1 vote at any meeting of WVSA.

**2.1.9** Indoor Membership: Any soccer organization that wishes to register as an indoor member only may do so after paying the fees set by the BOD and completing the registration process.

**2.1.9.1** Indoor members will each have 1 vote each at any meeting of WVSA and will only vote on indoor soccer matters and the election of President, Executive VP and Secretary Treasurer.

**2.1.10** Associate Membership: Any soccer organization which does not wish to sponsor programs or register players or teams through WVSA, may apply to become an affiliate member after paying the fees set by the BOD and completing the registration process.

**2.1.10.1** Associate members shall elect one member to represent all associate members and shall have a total of one vote at any general meeting of WVSA.

**2.1.11** Denial of Membership: Any soccer organization or individual that feels they have been unfairly excluded from membership in WVSA shall have the right to appeal to US Soccer.

**2.1.12** Responsibilities and Rights of Members: All WVSA members and all persons who are associated with any WVSA member organization agree to accept the Jurisdiction and Authority of WVSA, USYS, USASA and USSF All members of WVSA are members of USSF and have all rights granted to them by the USSF bylaws.

**2.1.13** Good Standing: All WVSA member organizations, except affiliates, must do the following in order to remain in good standing with WVSA.

**2.1.13.1** All dues, fees and assessments must be paid to WVSA when due.

**2.1.13.1.1** Dues are payable on Sept. 1 of each year and are delinquent on Oct. 1 of each year.

**2.1.13.2** Copies of all current Constitution, bylaws, policies, procedures, rules and regulations, must be on file with the Executive Director and or submitted to WVSA within 30 days of adoption. **30 days prior to the WVSA AGM**

**2.1.13.2.1** Any amendments or changes to these documents (2.1.13.2) must be provided to the Executive Director **no later than 30 days prior to the WVSA AGM**.

**2.1.13.2.2** Any changes to the Board of Directors or Officers and any change in the status of member clubs must be reported to the Executive Director within 30 days.

**2.1.13.3** All players, coaches, administrators, trainers and officials that are part of the WVSA members program must be registered with WVSA each seasonal year, or show that they are currently registered with a US Soccer National Member.

**2.1.13.3.1** All players participating in WVSA programs that are already members of US Soccer shall have any US Soccer fees deducted from their WVSA fees.

**2.1.13.4** All registrations must be filed with the appropriate division using the forms and computer programs approved by the BOD. Registration deadlines are Oct. 15 and April 15 of each seasonal year.

**2.1.13.4.1** Failure to meet these deadlines may result in a fine of up to \$100 a week. The division VP may extend the deadlines upon written request for good cause.

**2.1.13.5** Honor all suspensions issued by WVSA, its members, USYSA, USASA, US Soccer and **USOPC**.

**2.1.13.6** Maintain a permanent mailing address and provide it to the Executive Director.

**2.1.13.7** Provide the Executive Director with an annual report within 30 days **no later than 30 days prior to the WVSA AGM** concerning all activities including financial statements **and BOD and or general meeting minutes**.

**2.1.13.8** Provide copies of minutes of all meetings of the member and its governing body and or board to the Executive Director.

**2.1.13.8.** Allow representatives of WVSA to attend any such meetings with the privilege of the floor.

#### **2.1.13.9 Risk Management Participant Safety**

**1.** All WVSA officers, coaches, managers, referees and volunteers that may come in contact with youth soccer players must complete the Risk Management application on the online registration form. information must be updated each seasonal year (fall/spring) so your information and assignments are correct in our soccer database

**2.** All WVSA coaches, referees, team and club officials that may have contact with WVSA Youth Players must comply with the US Soccer and WVSA Safe Sport Guidelines.

**3.** WVSA will deny membership or employment or disqualify any persons convicted and suspend any person arrested for child abuse, physical abuse, domestic violence, sexual abuse or any felony or other crime which is detrimental to soccer players, in accordance with WV Law, USYSA, USASA and US Soccer bylaws, policies and procedures.

**4.** WVSA will also review and may make a decision to disqualify a member from participating WVSA in programs of WVSA or its members clubs, when receiving credible accusations of sexual misconduct outside of the background checks.

**5.** Persons denied Risk Management clearance may appeal the disqualification to WVSA. Contact Dave Laraba, 304-654-1849 dave@wvsoccer.net

**6.** WVSA and all WVSA Member Organizations will ensure that all members and staff comply with WVSA Risk Management Policies and Procedures as published in WVSA Administrative Rule Book Chapter 8

#### **2.1.13.10 Grievance**

Any individual or organization member of WVSA, or the BOD itself, may file a grievance against a member of WVSA.

#### **2.1.13.11 Procedure – Individual**

A signed, written grievance must be submitted with all evidence and supporting documents to the Executive Director. The grievance must be accompanied by a letter certifying that the individual is a

member in good standing of one of the member organizations of WVSA. The BOD will set the fee for grievances, not to exceed \$100.

**2.1.13.12 Procedure – Organization**

A signed, written grievance must be submitted with all evidence and supporting documents to the Executive Director. The grievance must be accompanied by a letter certifying that the grievance has been approved by a majority of the BOD of one of the member organizations of WVSA. The BOD will set the fee for grievances, not to exceed \$100.

**2.1.13.13 Procedure – BOD**

A signed, written grievance must be submitted with all evidence and supporting documents to the Executive Director. A letter certifying that a member of the WVSA BOD has submitted the grievance must accompany the grievance. The BOD will set the fee for grievances, not to exceed \$100.

**2.1.13.14 Investigation / Mediation / Hearings**

The WVSA member shall be notified in writing that the grievance has been received, within 48 hours. The Executive Director will inform the District Commissioner or Division VP who will investigate the dispute. Every effort will be made to reach a resolution. If no resolution can be reached, in accordance with WVSA and USSF bylaws and policies shall hold a hearing on the grievance.

**2.1.13.15 Penalties**

The BOD may by two-thirds vote, after conducting a hearing, find that the grievance is without merit or that the grievance is upheld. The BOD may issue, a suspension until the next membership meeting, a fine of not more than \$500 per offense or recommend the member WVSA be placed in bad standing as per 2.1.13.17.

**2.1.13.16 Appeals**

Appeals of actions of the BOD under this section shall be to the USSF Appeals Committee.

**2.1.13.17 Failure to Comply:** Any WVSA member that fails to comply with one or more of the sections of this rule (2.1.13) will be subject to a finding of not in good standing by the BOD.

**2.1.13.17.1** A finding of not in good standing will mean that all teams registered with that member will be denied:

1. entry into WVSA cups and tournaments
2. entry into any tournament sponsored by a WVSA member
3. permission to play or travel out of WV
4. permission to host games or tournament

**2.1.13.17.2** A finding of not in good standing will mean that the organization will be denied:

1. Permission to host games or tournament
2. the right to vote at any WVSA meeting
3. the right to register players or teams
4. the right to sponsor any soccer program through WVSA

**2.1.13.17.3** Any WVSA member organization that remains in not in good standing for a period of 60 days or at the end of the seasonal year may have its membership revoked.

**2.1.13.17.4** Any member organization found not in good standing may be brought in good standing by the fulfillment of all membership obligations.

**2.1.13.17.5** Any member organization found not in good standing may appeal to US Soccer.

## **2.1.14 Responsibilities of members:**

### **2.1.14.1 Litigation**

**1.** No WVSA Member, member of an WVSA Member, official, league, club, team, player, coach, administrator, or referee may invoke the aid of the courts in the United States or of any State if any potential remedy is or was available through any hearing, appeal, or grievances process of any WVSA Member, WVSA, USYS, USASA or the Federation. This Bylaw does not apply to the commencement of an arbitration proceeding under these Bylaws, the USOC bylaws or court action taken to enforce a decision of the Federation, USOC, CAS, or FIFA.

**2.** For a violation of this Bylaw, the offending party shall be subject to suspension and fines, and shall be liable to the WVSA, the Federation or the responding party for all expenses incurred by the Federation or the responding party and their officers in defending each court action, including but not limited to the following: (1) court costs (2) attorneys' fees (3) reasonable compensation for time spent by officials and employees in defending the action, including the preparation of responses to discovery and court appearances (4) travel expenses, and (5) expenses for holding special meetings necessitated by the court action.

**3.** WVSA Members must adopt bylaws or policies requiring their members to condition membership on compliance with this Bylaw.

### **2.1.14.2. Recognition of Authority**

Every team, club, league, association, and individual member that accepts membership in WVSA thereby agrees to accept the jurisdiction of WVSA, USYS and or USASA, US Soccer, **The US Center for Safe Sport**, CONCACAF and FIFA, and to accept support and adhere to their regulatory authority as provided and as may hereafter be formulated by such rules, regulations, policies, procedures, constitution and bylaws which they may enact.

## **2.2 MEETINGS OF THE ASSOCIATION**

### **2.2.1 Time and Place of Meetings**

All meetings of the WVSA shall be held at such time and at such place as shall be determined by the president.

### **2.2.2 Special or General Meetings**

#### **2.2.2.1 Requesting a meeting.**

A majority of the BOD or one fourth of the member associations may request a special or general meeting.

#### **2.2.2.2 Calling a meeting**

The president must call a meeting, to take place, within 30 days of the request as per 2.2.2.1.

#### **2.2.2.3 Notice**

Written or printed notice, stating the time, place, date and purpose of such meeting shall be delivered not less than ten and not more than 30 days before the date of the meeting. Such notice

shall be deemed to be delivered when deposited in the US Mail addressed to the member association or officer, or by email, at the address on file at the WVSA office.

### **2.2.3 Meetings**

#### **2.2.3.1 Separation of votes**

In all matters, including elections, which apply to only one division or class of member of WVSA, only the members of that membership class or division and the BOD shall vote.

#### **2.2.3.2 Quorum**

A majority,  $\frac{1}{2} + 1$ , of the votes available to all members and the BOD shall constitute a quorum at all meetings of WVSA. Once a quorum has been established the members present may continue to conduct business until adjournment, notwithstanding the withdrawal of enough members to constitute a quorum.

#### **2.2.3.3 Majority vote**

When a quorum is present at any meeting of WVSA a majority vote of those present and voting will decide any question except where a greater standard is set by the Constitution and or Bylaws.

#### **2.2.3.4 Parliamentary**

The president shall appoint a parliamentarian, who shall use Robert's Rules of Order.

## **2.3 BOARD OF DIRECTORS**

### **2.3.1 Attendance**

A BOD member who fails to attend three consecutive meetings or five meetings in one seasonal year, including membership meetings, shall have his or her office declared vacant, unless the BOD excuses the absences for good cause. The vacant office shall be filled in accordance with 2.3.2

### **2.3.2 Vacancies**

The President, who shall appoint someone to fill the vacancies until a special election, shall fill vacancies on the BOD, except for President and Ex VP, or election can be held according to 2.3.3

### **2.3.3. Special Elections**

Offices filled under 2.3.2 shall have a special election at the next meeting of WVSA. The person elected shall serve until the next regular election for that office.

### **2.3.4 Compensation**

The BOD shall serve without compensation for their time and services. BOD members may be reimbursed for budgeted or preapproved expenses.

### **2.3.5 BOD Meetings**

**2.3.5.1** Minutes shall be kept of all meetings of the BOD and shall be placed in the WVSA minute's book.

**2.3.5.2** The BOD may meet by Conference call, Zoom type, or email.

**2.3.5.3** A member of the BOD shall not vote on any matter concerning his or her home club. The BOD member may speak to the matter

### **2.3.6 Grievances against BOD Members**

Any individual or organization member of WWSA, or the BOD itself, may file a grievance against a member of the WWSA BOD.

#### **2.3.6.1 Procedure – Individual**

A signed, written grievance must be submitted with all evidence and supporting documents to the President or Ex VP. The grievance must be accompanied by a letter certifying that the individual is a member in good standing of one of the member organizations of WWSA. The BOD will set the fee for grievances, not to exceed \$100.

#### **2.3.6.2 Procedure – Organization**

A signed, written grievance must be submitted with all evidence and supporting documents to the President or Ex VP. The grievance must be accompanied by a letter certifying that the grievance has been approved by a majority of the BOD of one of the member organizations of WWSA. The BOD will set the fee for grievances, not to exceed \$100.

#### **2.3.6.3 Procedure – BOD**

A signed, written grievance must be submitted with all evidence and supporting documents to the President or Ex VP. A letter certifying that a member of the WWSA BOD has submitted the grievance must accompany the grievance. The BOD will set the fee for grievances, not to exceed \$100.

#### **2.3.6.4 Hearings**

The BOD member shall be notified in writing that the grievance has been received, within 48 hours. The BOD in accordance with WWSA and USSF bylaws and policies shall hold a hearing on the grievance.

#### **2.3.6.5 Penalties**

The BOD may by two-thirds vote, after conducting a hearing, find that the grievance is without merit or that the BOD member is guilty of the offense(s) charged. The BOD may issue, a suspension until the next membership meeting, a fine of not more than \$500 per offense or recommend the BOD member be removed from office by the membership as per 2.3.7.

#### **2.3.6.6 Appeals**

Appeals of actions of the BOD under this section shall be to the USSF Appeals Committee.

### **2.3.7 Removal**

Any member of the WWSA BOD shall be removed from office following a vote for removal by two thirds of the membership present and voting at any meeting of WWSA. All provisions of US Soccer Bylaw 701 shall be in effect.

#### **2.3.7.1 Procedure**

Any BOD member suspended by the BOD for more than 30 days or recommended for removal from office shall be entitled to a hearing before the WWSA membership within 30 business days of the action by the BOD. The BOD member affected may decline such a hearing in writing and accept the penalty imposed or recommended by the BOD with no right to appeal.

#### **2.3.7.2 Appeals**

Except as noted in 2.3.7.1 actions against a BOD member may be appealed to US Soccer.



### **2.3.8 Districts**

The BOD shall divide WVSA into districts for administrative purposes.

#### **2.3.8.1 District Commissioners**

**2.3.8.1.1 Each District shall elect a commissioner from within the district to represent all members of the district.**

**234.8.1.2 The commissioners shall assist the Div Vps, the Risk Management Coordinator, the Director of Member Services and the Executive Director, in educating the members and working to ensure compliance with WVSA Policies. They will also assist in fact finding and mediation as needed. The District Commissioners will also assist clubs as needed and work to develop and assist new clubs in their District. The commissioners shall hold at least 1 District wide meeting per quarter by Zoom or in person. They shall attend at least 1 meeting of each club and as many club events as possible in their district. They will submit a written report on the activities of their District to WVSA BOD each quarter and the WVSA AGM.**

### **2.3.9 At Large Members**

At Large members may be elected by the Divisions and by Affiliate and Indoor members when required.

**2.3.9.1 The At Large Members shall assist the Div Vps, the Risk Management Coordinator, the Director of Member Services and the Executive Director, in educating the members and working to ensure compliance with WVSA Policies. They will also assist in fact finding and mediation as needed. They will also assist the District Commissioners as needed. They shall submit a written report of their activities to the WVSA BOD each quarter and the WVSA AGM.**

### **2.3.10 Requirements for all WVSA BOD members and Staff**

**2.3.10.1 All WVSA BOD and staff members must Submit the following by 4/1 of each year**

- a. Approved background Check**
- b. Safesport training**
- c. Concussion training**
- d. Cardiac Arrest Training**
- e. Conflict of interest statement**
- f. Acceptance of BOD Member Responsibilities**
- g. Whistleblower Policy**
- h. Confidentiality Policy**

## **2.4 OFFICERS**

### **2.4.1 President**

The President of WVSA shall be the CEO of the association. He shall preside at all meetings of WVSA and shall have the right to cast a vote in case of a tie. The President shall appoint all committees of WVSA and delegations to meetings of WVSA members and other meetings and events. The President shall appoint the Executive Director, the SRA, and the State Director of Coaching. The President shall submit a written report to the AGM.

### **2.4.2 Executive VP**

The Ex VP shall succeed to the office of President in the event that office shall become vacant. The Ex VP shall assume the duties of the President if the President is absent or unable to perform his duties. The EX VP shall oversee the following committees, Constitution and Bylaws, Nominations Governance and

**Risk Management Participant Safety.** The EX VP shall perform those additional tasks and functions assigned by the President and the BOD.

#### **2.4.3 Vice Presidents**

The following officers shall be Vice Presidents of the Association. They shall succeed to the office of EX VP in the absence of the EX VP and President in the absence of both the Ex VP and the President, in order of their seniority of service in office. In the event of equal time in service the office that was elected first shall be senior.

##### **2.4.3.1 VP Youth and Amateurs Adult**

These VPs shall oversee all aspects of soccer for their division. They shall oversee player and team registration and eligibility. They shall work with the Cups and Games Committee **Director of Competitions** to ensure compliance with all rules and procedures. They may appoint such assistants as deemed necessary to the function of their office. They may take disciplinary action against any player, team, club, league or individual under their jurisdiction after complying with all WVSA and USSF rules. They may also undertake investigations of possible rules violations and report the findings with or without recommendations to the C&G **Director of Competitions** and or A&D Committees. They shall also fulfill such other duties as directed by the President or the BOD.

#### **2.4.4 Secretary / Treasurer**

This officer shall serve as Chief Financial Officer and Secretary of the Association. He shall oversee the work of the state office staff in regards to the functions of the office. He shall perform such other duties as may be directed by the President and BOD.

##### **2.4.4.1 Treasurer Functions**

The Sec./Treas. shall oversee and review the work of the office staff and outside accountants. He shall be responsible for budget appropriations, financial reconciliation, and reporting. Financial reports shall be made in writing to the BOD and at least ten days in advance of any general membership meeting. He shall chair the budget committee and review all contracts of this association.

##### **2.4.4.2 Secretary Functions**

The Sec./Treas. shall keep or cause to be kept the minutes of all meetings of WVSA, including BOD and Ex Comm. He shall oversee the work of the office staff in carrying out the functions of the office. He shall; be the custodian of all records, contracts and correspondence of the association; keep a record of all members of the association: certify and keep the voting credentials of all members for meetings of the association; see that all notices are duly given concerning, meetings of the association.

#### **2.4.5 Past President**

The Immediate Past President shall serve as an advisor to the President and the BOD. He shall perform such other duties as directed by the President and BOD.

### **2.5 EMPLOYEES**

The BOD, upon the recommendation of the President, may employ such staff as necessary for the operation of the business of the association.

#### **2.5.1 Executive Director**

The President shall, with the advice of the BOD, be empowered to hire an Executive Director, who shall be paid an amount, budgeted for that purpose and shall have voice but no vote at meetings of the association and BOD. The ED shall direct the state office staff and will perform such duties as directed by the President.

##### **2.5.1.1 Terms of Employment**

The ED shall have a contract, but the length of service will be subject to the will and call of the President.

#### **2.5.2 Staff**

The Executive Director will be authorized to hire the necessary staff to perform the functions of the state office, subject to the budgeted amounts for that purpose.

### **2.6 COMMITTEES / PROGRAMS**

The President with the approval of the BOD shall appoint the following committees annually. The President shall make appointments to fill any vacancy that occurs during the course of the year with the advice of the appropriate VP.

#### **2.6.1 Approval of Actions and Plans**

Each committee shall submit all plans, actions policies and procedures to the BOD for approval in advance.

#### **2.6.2 Committees**

Appeals and Discipline, Budget, Hall of Fame, Constitution and Bylaws, Nominations, **Governance**, Recreation, Referee, Risk Management **Participant Safety**

#### **2.6.3 Other Committees**

The President, with the approval of the BOD, may create such other committees as needed.

#### **2.6.4 Committee Membership**

Each committee shall have representation from all divisions of WVSA.

**2.6.4.1** The Executive Director shall assign volunteer or paid staff members as nonvoting members of committees.

**2.6.4.2** The president may assign a member of the WVSA BOD to oversee one or more committee(s).

#### **2.6.5 Programs**

Cups, ODP, Coaching and Referee Programs shall be managed by WVSA

**2.6.5.1** The president may assign a member of the WVSA BOD to oversee one or more committee(s).

### **2.7 AMENDMENTS**

These Bylaws may be amended by two-thirds vote of those members present and voting at any meeting of this association. These bylaws may also be amended by two thirds vote of the BOD. Any vote of the BOD must be affirmed at the next membership meeting.