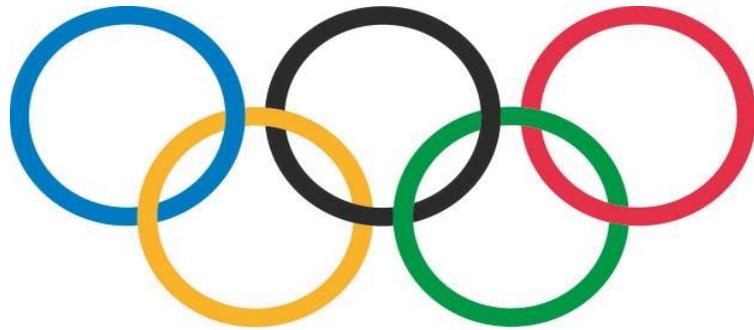


CONSTITUTION OF THE BERMUDA OLYMPIC ASSOCIATION



BERMUDA



**CONSTITUTION
OF THE
BERMUDA OLYMPIC ASSOCIATION**

Amended December 3, 2020

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**CONSTITUTION
OF THE
BERMUDA OLYMPIC ASSOCIATION**

ARTICLE I – NAME, LEGAL STATUS and JURISDICTION

The Bermuda Olympic Association, an incorporated body in accordance with The Olympic Association Act 1974 (the Act) shall hereinafter be called The Association.

The Association is a non-governmental and not-for-profit organization of unlimited duration which exercises its jurisdiction in Bermuda.

ARTICLE II – PREAMBLE

The Association, an organization belonging to the Olympic Movement, undertakes to respect the provisions of the Olympic Charter and the World Anti-Doping Code and to abide by the decisions of the International Olympic Committee (IOC).

The Association undertakes, in accordance with its mission and role at national level, to participate in actions to promote peace and to promote women in sport. The Association also undertakes to support and encourage the promotion of sports ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.

ARTICLE III - OBJECTIVES

The objectives of The Association shall be:

- (a) To develop, promote and protect the Olympic Movement and its ideals throughout Bermuda in accordance with the Olympic Charter.
- (b) To ensure the application of the Olympic Charter in Bermuda.
- (c) To promote the fundamental principles and values of Olympism in Bermuda, in particular, in the fields of sport and education, by promoting Olympic educational programmes in all levels of schools, sports and physical education institutions, as well as by encouraging the creation of institutions dedicated to Olympic education, such as a National Olympic Academy, an Olympic Museum and other programmes, including cultural, related to the Olympic Movement.
- (d) To encourage the development of high-performance sport in Bermuda.
- (e) To encourage and generally stimulate interest and participation by residents of Bermuda in sport, at all levels, wherever possible.
- (f) To offer advice and assistance to Government in the planning, organization and implementation of schemes to enhance sport in Bermuda.

- (g) To establish affiliation to, and recognition by, the IOC, the Commonwealth Games Federation, the Pan American Sports Organisation, the Central American and Caribbean Sports Organisation, the Caribbean Association of National Olympic Associations and any other recognised international sports federation or body sponsoring international games or sports festivals.
- (h) To organize and lead its respective athlete delegations at the Olympic Games. The Association is obliged to send athletes to regional, continental or world multi-sports competitions patronized by the IOC and fulfill its obligation to participate in the Games of the Olympiad (Summer Olympic Games).
- (i) To select and enter persons to represent Bermuda at competitions held under the jurisdiction or auspices of the organizations specified in (g) above (such selections to be made primarily from recommendations of National Federations or Associations) and to make further recommendations for selection where deemed appropriate; to assume responsibility for the conduct of such persons following selection, and to ensure adherence to the eligibility rules of the relevant competition.
- (j) To assist and support the National Federations or Associations which are affiliated to the International Federations for those sports which are either included in the programme of the Olympic Games, or recognised by the IOC.
- (k) To encourage and support measures relating to the medical care and health of athletes.
- (l) To take action wherever required, against any form of discrimination and violence in sport.
- (m) To promote the participation of women in sport at all levels of sports and sports administration.
- (n) To adopt and implement the World Anti-Doping Code, thereby ensuring that The Association's anti-doping policies and rules, membership and/or funding requirements and results management procedures conform to the World Anti-Doping Code and respect all the roles and responsibilities for NOCs that are listed within the World Anti-Doping Code.
- (o) To establish an Athletes Commission, as per the IOC guidelines, to represent the views of the athletes and make their voices heard within The Association.
- (p) To support the training of sport administrators by organising courses and ensuring that such courses contribute to the development of the fundamental principles of Olympism.
- (q) To promote mutual trust and confidence between The Association, IOC and the National Federations or Associations in pursuit of these Objectives.

ARTICLE IV – MEMBERSHIP

1. Membership of The Association shall be open to:

i) Voting Members

The voting members and/or their appointed representatives to The Association shall be Bermudians of good-standing, of upright character, sound judgment and independent mind with a knowledge of and belief in the Olympic Movement and its principles.

- a) The members of the IOC present in Bermuda shall, as of right, be ex-officio members of the Executive Board and shall have the right to vote in both the meetings of the General Assembly and the Executive Board.
- b) The National Federations or Associations affiliated to International Federations whose sport is included in the Olympic programme. Each National Federation or Association shall appoint the President or his/her designate, who shall be Bermudian to represent it and vote on its behalf at meetings of the General Assembly, and such appointment is to be notified in writing to The Association. Any individual attending a meeting on behalf of a National Federation or Association in the absence of the appointed individual must be notified in writing to The Association. NOTE: The Association shall not recognise more than one National Federation or Association for each sport governed by an International Federation.
- c) The Athletes' Commission represented by two representatives, each with one voting right, as elected from the membership of the Athletes' Commission. These athletes' representatives shall have taken part in at least one of the last three editions of the Olympic Games (unless a specific request for an exemption to this requirement is submitted to, and accepted by, the IOC).

ii) Non-Voting Members

- a) Other National Federations or Associations (affiliated to International Federations recognised by the IOC) of sports included in regional games or sports festivals organised and/or administered by the international sports bodies recognised by The Association.
- b) Honorary members, who may include an honorary patron, honorary life presidents, and a maximum of five honorary vice-presidents elected for a period of four years at the General Assembly of The Association following each Olympic Games.
- c) Multi-sports groups and other sports-oriented organizations, as well as Bermudians who are committed to reinforce the effectiveness of The Association or who have rendered distinguished services to the cause of sport and Olympism.

2. Register of Members

A register of members must be established and kept regularly updated under the responsibility of the Secretary General. This register shall; in particular, include the following information: member's name and address; date of membership (and copy of the decision / minutes of the meeting of the General Assembly at which the membership was granted); category of membership; membership status. This register shall be available at any time and shall; in particular, serve as reference to convene the meetings of The Association.

ARTICLE V - APPLYING FOR MEMBERSHIP

1. Application for new voting membership in The Association must be submitted to The Association's administrative office. Applicants will be considered in accordance with the following criteria:
 - a) Must demonstrate that they are a National Federation or Association with real and on-going sports activity;
 - b) Must be affiliated to an International Federation recognized by the IOC and be governed by and comply in all aspects with both the Olympic Charter and the rules of its international sports federation;
 - c) Must be approved by the Bermuda Department of Youth and Sports as the national sports governing body.
 - d) The Executive Board shall examine all applications for membership by a National Federation or Association and make recommendations to the General Assembly regarding the acceptance, deferment or rejection of any application by a National Federation or Association for membership. The General Assembly may decide to grant voting membership with immediate effect or provisional membership. If provisional membership is granted the Executive Board shall observe the manner in which the National Federation or Association is organized over a period of at least one year before the National Federation or Association is recommended for voting membership in The Association with all rights and privileges.
 - e) Provisional members shall be permitted to attend the meetings of the General Assembly but shall have no right to vote at any meeting of the General Assembly for the duration of the provisional membership. Provisional members will not be included in the quorum for any such meeting.
 - f) During the period of provisional membership, the Executive Board shall compile a final detailed report describing how the National Federation or Association is organized.
 - g) The Executive Board shall assess whether the National Federation or Association fulfills the requirements for voting membership of The Association based on the final report.

- h) If the requirements have been fulfilled, the next applicable meeting of the General Assembly shall decide whether or not to admit the National Federation or Association.
2. Application for new non-voting membership shall be granted to such organizations and/or individuals in accordance with Article IV.1.ii) a), b) and c) upon application for consideration by the Executive Board of The Association as follows:
- a) The Executive Board shall make recommendations to the General Assembly regarding the acceptance, deferment or rejection of any such application for non-voting membership.
 - b) Non-voting members shall be permitted to attend the meetings of the General Assembly but will not be included in the quorum for the meeting.
 - c) Notwithstanding the above, the granting of non-voting membership is subject to an annual review by the Executive Board. Should it become necessary, the Executive Board shall submit a recommendation to the General Assembly regarding the continued membership of a non-voting member in The Association.

ARTICLE VI - MEMBERS' RIGHTS

The Members of The Association have the following rights:

- a) To take part in meetings of the General Assembly of The Association, to receive meeting agenda, to be notified of the General Assembly meetings within the prescribed time and (for the voting members) to exercise their voting rights;
- b) For the voting members, to submit proposals for inclusion in the agenda for the meetings of the General Assembly;
- c) For the voting members, to nominate candidates for election to The Association's Executive Board;
- d) To be informed of the affairs of The Association;
- e) To be invited to take part in activities organized by the Executive Board;
- f) To exercise all other rights arising from the incorporating act and Constitution of The Association.

The exercise of these rights is subject to the provisions in this Constitution and all other applicable regulations as may be decided upon by the General Assembly and the Executive Board from time to time.

ARTICLE VII - MEMBERS' OBLIGATIONS

The Members of The Association have the following obligations:

- a) To comply fully with the Constitution, regulations, directives and decisions of The Association, and the IOC at all times and to ensure that these are also respected by its members;
- b) To ensure the election of The Association's Executive Board;
- c) To take part in activities organized by The Association;
- d) To respect the Olympic Charter as published by the IOC and to ensure that it is also respected by its members;
- e) To communicate to The Association the name of its representative(s) for General Assembly Meetings of The Association.

Violation of the above-mentioned obligations by any Member may lead to sanctions provided for in this Constitution.

ARTICLE VIII - TERMINATION OF MEMBERSHIP

- a) Any National Federation or Association which fails to maintain its international affiliation may have its membership terminated by the General Assembly (upon proposal of the Executive Board), but shall have the right to appeal such termination by written representation to be considered at a meeting of the General Assembly.
- b) Any individual member or National Federation or Association may resign or be suspended or expelled from The Association in case of failure to fulfill his/her/its obligations under Article VII, failure to meet the requirements of the Olympic Charter and this Constitution, infringe the Olympic Charter and/or the IOC's Code of Ethics and/or the Constitution or show lack of respect for the decisions / resolutions taken by the governing bodies of The Association.
- c) Any officer or member of the Executive Board of The Association may resign or be suspended or terminated from The Association in case of failure to fulfill his/her/its obligations, failure to meet the requirements of the Olympic Charter and this Constitution, infringe the Olympic Charter and/or the IOC's Code of Ethics and/or the Constitution or show lack of respect for the decisions / resolutions taken by the governing bodies of The Association.
- d) The Executive Board may place the termination, suspension or expulsion of a person or National Federation or Association on the agenda for a meeting of the General Assembly. The Executive Board may also suspend a person or National Federation or Association

provisionally if such action is deemed necessary prior to the next General Assembly Meeting.

- e) The motion for termination, suspension or expulsion must be justified in writing, and sent to the members of The Association along with the meeting agenda.
- f) The person, or National Federation or Association in question has the right to speak in his/her or its own defense and be heard before the decision is taken.
- g) The motion for termination, suspension or expulsion by the General Assembly shall be decided by secret ballot. For the motion to be passed, a majority of two-thirds of the valid votes is required.
- h) The person, or National Federation or Association suspended (provisionally) must be relieved of his/her or its functions with immediate effect.
- i) Vacancies resulting from resignation, suspension, expulsion, or death during service by an officer or member of the Executive Board may be filled immediately and in the same manner as the position was originally filled.
- j) Any member expelled from the IOC may not be a member of The Association.

ARTICLE IX - ORGANISATION

1. The General Assembly is the highest authority of The Association. The General Assembly shall consist of all voting and non-voting members as specified in Article IV of this Constitution.
2. The Executive Board shall be the executive body of The Association. The Executive Board shall consist of the members listed in Article XI of this Constitution. The officers and members of the Executive Board shall be elected for a term of office not exceeding four years and they may be eligible for re-election in accordance with the provisions contained in this Constitution.
3. The office of the Secretary General shall be responsible for the administration of The Association.
4. The Standing and Ad Hoc Committees shall assist the Executive Board and the General Assembly from time to time as stipulated in this Constitution.

ARTICLE X - THE GENERAL ASSEMBLY

1. The General Assembly shall meet at least once in each calendar year with the Quadrennial General Assembly Meeting being held after the Summer Olympic Games not later than the month of December. Special General Assembly Meetings may be called by the President, or

at the request of a majority of the voting members (Article IV.1) who shall state clearly in writing the matters they want placed before the General Assembly.

2. The General Assembly shall consist of one representative from each voting and non-voting members as specified in Article IV of this Constitution.
3. The General Assembly shall have the following powers:
 - a) Adopt the agenda of the meeting and approve the minutes of the previous meeting.
 - b) Determine and approve the strategic plan and general policies of The Association.
 - c) Hear, examine and approve the annual report of activities of The Association presented by the Executive Board and hear, examine and approve the objectives and action plan for the following year proposed by the Executive Board.
 - d) Examine and approve the audited financial statements of the preceding year and examine and approve the annual budget for the following year proposed by the Executive Board.
 - e) Elect the members of the Executive Board.
 - f) Elect the Returning Officer.
 - g) Elect the auditor which shall review The Association's financial statements annually.
 - h) Approve or reject the affiliation of any new members to The Association.
 - i) Decide upon the termination, suspension or expulsion of any member of The Association (by decision taken by at least two-thirds (2/3) of the valid votes cast by the voting delegates present at the meeting of the General Assembly).
 - j) Consider and adopt this Constitution and any further amendment to this Constitution (by decision taken by at least two-thirds (2/3) of the valid votes cast by the voting delegates present at the meeting of the General Assembly).
 - k) Consider and approve (by at least two-thirds (2/3) of the valid votes cast by the voting delegates present at the meeting of the General Assembly) any additional bye-laws or internal regulations proposed by the Executive Board, which are not in contradiction with this Constitution and the Olympic Charter.
 - l) Interpret this Constitution (subject to the applicable rules of the Olympic Charter) as the case may be.
 - m) Exercise any other powers as per this Constitution.
 - n) In general, decide on all matters on its agenda and on any matter which is not provided for in this Constitution, as the case may be, and subject to the Olympic Charter.
4. Each voting member shall be entitled to have one vote except the Athletes Commission which shall have two votes.
5. Subject to the provisions of Article XIII 5v) Members of the Executive Board shall have no right to vote in the General Assembly Meetings during their term in office.
6. A decision that requires a vote shall be achieved by a show of hands or by secret ballot where stipulated in this Constitution or other regulations.

ARTICLE XI - THE EXECUTIVE BOARD

1. The Executive Board shall consist of the following members elected by the General Assembly for a term of 4 years:

- President
- 1st Vice-President
- 2nd Vice President
- Treasurer
- Executive Members (maximum of six) (*amended April 5, 2017*)

The Executive Board shall also include as a voting member, the Chairman of The Association's Athletes' Commission (elected by the Athletes' Commission established as per the IOC guidelines).

In addition, the IOC member(s) in Bermuda, if any, shall be ex-officio voting member of the Executive Board.

- i. At least three (3) positions shall be filled by both genders on the Executive Board in accordance with Article XV under Elections Clause 2i & 2ii. (*amended Dec 3, 2020*)

2. The President, 1st Vice President, 2nd Vice President and Treasurer shall be the Officers of The Association and shall be empowered by the General Assembly to make such decisions on behalf of the Executive Board in matters of urgency.
3. The six Executive Members shall be elected by the General Assembly by reason of their interest in sport, and their ability to render service to The Association in accordance with the Olympic Movement. (*amended April 5, 2017*)
4. As required by the Olympic Charter, the elected representatives of the Olympic sports National Federations or Associations shall constitute the voting majority of the Executive Board.
5. No individual shall hold more than one office on the Executive Board.
6. Officers and members of the Executive Board, except for professional sports administrators, shall not accept any form of compensation or bonus of any kind in consideration of their services or performance of their duties.
7. The Executive Board shall have the following powers:
 - a) To manage, administer and run The Association in accordance with this Constitution and with the strategic plan, budget and general policies approved by the General Assembly. The Executive Board is accountable for its work to the General Assembly.
 - b) To submit proposals to the General Assembly for the development of the strategic plan, general policies and action plan of The Association.

- c) To implement the resolutions passed by the General Assembly.
- d) To prepare the audited financial statements, annual budget and reports of The Association to be submitted to the General Assembly for approval.
- e) To manage the property and funds of The Association as approved by the General Assembly.
- f) To shortlist and select the participants to the Olympic Games and to the regional, continental or world multi-sports competitions patronised by the IOC in which The Association participates, upon proposal from and in close coordination with the National Federations or Associations.
- g) To provide assistance and advice to National Federations or Associations in order to improve their development and operations, if necessary.
- h) To establish Standing and Ad Hoc Committees as it deems necessary to assist in carrying out the objectives of The Association.
- i) To appoint advisors to the Executive Board as required, who function in a non-voting capacity.
- j) To make proposals for affiliation of any new member to the General Assembly for decision.
- k) To draft bye-laws and internal regulations, if necessary, in line with this Constitution and the Olympic Charter, and submit them to the General Assembly for approval.
- l) To exercise any other powers and tasks as per this Constitution and/or as delegated by the General Assembly.

ARTICLE XII - AREAS OF RESPONSIBILITY

1. The President shall within thirty days of being elected to office, appoint a Standards Committee and a Finance Committee, whose members shall not exceed six in number, respectively. The President shall appoint a Chairperson of each of the Standards and Finance Committees from amongst the Officers or Members of the Executive Board.
2. Within ninety days of being elected, the Executive Board shall appoint an Athletes' Commission of not less than 5 members from nominations submitted by National Federations or Associations for that Commission as per this Constitution and the IOC guidelines. The Chairman of the Athletes Commission, elected by the Athletes' Commission, shall then sit on the Executive Board.
3. The Executive Board may appoint other Ad Hoc Committees as it sees fit to undertake the functions as specified by the Executive Board, such as but not limited to – Public Relations and Marketing, Women in Sport, Sport for All and Constitutional Review.
4. The Executive Board shall conduct the business of The Association but shall not have the authority to override any decision of the General Assembly during the period between meetings of the General Assembly.
5. In addition, the officers and members of the Executive Board shall have the following responsibilities:

- a. President:
 - i. The President shall represent The Association in Bermuda and abroad.
 - ii. The President shall act and sign as the legal representative of The Association.
 - iii. The President shall co-sign together with the Secretary General and/or Treasurer any financial authorisation or expense.
 - iv. The President shall convene and chair the meetings of the General Assembly and Executive Board.
 - v. The President shall ensure the observance of this Constitution and the Olympic Charter in Bermuda.
 - vi. The President shall promote the Olympic principles and ethical behaviour within the Olympic Movement in Bermuda.
 - vii. The President shall perform any other functions as may be prescribed by the General Assembly or the Executive Board from time to time.

- b. 1st Vice-President:
 - i. The 1st Vice-President shall perform the duties and assume the responsibilities of the President in case of absence or incapacity.
 - ii. The 1st Vice-President shall perform any other functions as may be prescribed by the General Assembly or the Executive Board or the President from time to time.

- c. 2nd Vice-President:
 - i. The 2nd Vice-President shall perform the duties and assume the responsibilities of the President or 1st Vice-President in case of absence or incapacity.
 - ii. The 2nd Vice-President shall perform any other functions as may be prescribed by the General Assembly or the Executive Board or the President from time to time.

- d. Treasurer:
 - i. The Treasurer shall have specific qualifications and skills to exercise his/her functions properly.
 - ii. The Treasurer shall receive all dues, fees or any funds or property paid or donated to The Association.
 - iii. The Treasurer shall deposit all funds received in a reliable bank to the credit and name of The Association as approved by the Executive Board.
 - iv. The Treasurer shall maintain and administer the accounts of The Association.
 - v. The Treasurer shall maintain proper, accurate and regularly updated records of all expenditures, revenues and other financial transactions of The Association available at any time to the Executive Board.
 - vi. The Treasurer shall prepare all the necessary financial reports and annual budgets for the Executive Board and the General Assembly.

- vii. The Treasurer shall ensure that the financial statements of The Association are properly audited by the auditor elected by the General Assembly, as determined from time to time.
 - viii. The Treasurer shall perform any other functions as may be prescribed by the General Assembly or the Executive Board or the President from time to time.
- e. Other members of the Executive Board:
- i. The members of the Executive Board shall actively participate in the work of The Association.
 - ii. The members of the Executive Board shall perform any other functions as may be prescribed by the General Assembly or the Executive Board or the President from time to time.
- f. Secretary General:
- The Secretary General shall be appointed and can be dismissed by decision of the Executive Board. The Secretary General shall attend the meetings of the Executive Board and the General Assembly but shall have no right to vote.
- i. The Secretary General shall manage the administration and the staff of The Association and monitor and oversee all administrative work as directed by the General Assembly, the Executive Board and the President.
 - ii. The Secretary General shall make all the necessary arrangements for the meetings of the General Assembly and the Executive Board.
 - iii. The Secretary General shall establish and keep all records and minutes of the meetings of the General Assembly and the Executive Board.
 - iv. The Secretary General shall keep the register of the members up-to-date and available at reasonable times.
 - v. The Secretary General shall coordinate the work of the Standing and Ad Hoc Committees.
 - vi. The Secretary General shall perform any other functions as may be prescribed by the General Assembly or the Executive Board or the President from time to time.

ARTICLE XIII - MEETINGS OF THE ASSOCIATION

1. Notice

- a) Notice of any meeting of the General Assembly of The Association shall be called by the Executive Board:-
 - i. Must be done in writing and must state, the date, the time, the place and the agenda and or the reasons for the meeting.

- ii. Notice must be given to all members at least 21 days prior to the date of the meeting.
 - iii. Notwithstanding the notice period provided for in sub-paragraph ii. above, Urgent General Assembly Meetings may be convened as necessary by shorter notice, by the Executive Board and/or at the request of at least one-third (1/3) of eligible voting members of The Association and any such meeting called by shorter notice shall be deemed to have been duly called.
 - iv. During all General Assembly Meetings, members of The Association according to Article IV, through their authorized representative(s) and all members of the Executive Board of The Association shall be entitled to be present and to discuss matters placed before the General Assembly.
 - v. The Meetings of the General Assembly shall be chaired by the President. In the absence or incapacity of the President, the 1st Vice-President, or in the absence or incapacity of the 1st Vice-President then the 2nd Vice President or a member of the Executive Board, shall chair the meeting.
- b) Notice of the meetings of the Executive Board:
- i. The Executive Board shall meet at least once every three months.
 - ii. Notice for any meeting of the Executive Board must be given to all members of the Executive Board at least 7 days prior to the date of the meeting, including the date, the time, the place and the agenda of the meeting.
 - iii. Urgent meetings of the Executive Board may be convened as necessary, by shorter notice, by the President and/or at the request of at least one-third (1/3) of the members of the Executive Board.
 - iv. The meetings shall be chaired by the President. In the absence or incapacity of the President, the 1st Vice-President, or in the absence or incapacity of the 1st Vice-President then the 2nd Vice President or a voting member of the Executive Board, as decided by the Executive Board, shall chair the meeting..

2. Representatives

Representatives and other delegates to all General Assembly Meetings shall be in accordance with Article IV. Upon receipt of a notice of a meeting of the General Assembly, all National Federations or Associations must confirm in writing the attendance of their appointed representative prior to the date of the meeting or the name of the individual who will attend in the absence of the appointed representative.

3. Quorum

(a) General Assembly Meetings:

- i) At all meetings of the General Assembly, an absolute majority (50% +1) of eligible voting members according to Article IV 1.i, represented in person by their appointed representative(s) shall constitute a quorum unless otherwise provided in this Constitution.
- ii) If no quorum is established at least 30 minutes beyond the scheduled starting time of the meeting, the meeting will be adjourned until a date (not exceeding 14 days) and time to be decided by the chairperson of the meeting.
- iii) If at the adjourned meeting there is still no quorum available, the meeting should proceed with the members present.

(b) Executive Board Meetings:

- i) A majority of members shall constitute a quorum.
- ii) If no quorum is established at least 30 minutes beyond the scheduled starting time of the meeting, the meeting will be adjourned until a date (not exceeding 14 days) and time to be decided by the chairperson of the Executive Board meeting.
- iii) Members who are travelling may attend the meeting via teleconference.
- iv) Matters of importance or urgency that arise in the period between Executive Board Meetings that require a decision by the Board may be e-mailed to Executive Board members and a decision made via e-mail, which is then recorded at the following Board meeting.

4. Motions

- i) At any meeting of the General Assembly or the Executive Board, motions will be carried by a simple majority of votes cast except where otherwise stipulated in this Constitution.
- ii) In the event of a tie, the chairperson may exercise a vote unless otherwise stipulated in this Constitution or the motion will be deemed to have failed.

5. Voting

- i) At meetings of the General Assembly, all voting members are eligible to cast their vote.

- ii) Members of the Executive Board shall have no right to vote in the General Assembly meetings.
- iii) At Executive Board meetings, each member shall be eligible to cast one vote, except the chairperson of the meeting, who may vote only in the event of the tie.
- iv) As per the Olympic Charter, the representatives of the National Federations or Associations affiliated to the International Federations governing sports included in the programme of the Olympic Games must always constitute the voting majority of the General Assembly and the Executive Board.
- v) Notwithstanding Article X 5, when dealing with questions relating to the Olympic Games, only the votes cast by the members of the Executive Board and by the National Federations or Associations affiliated to the International Federations governing sports included in the programme of the Olympic Games are taken into consideration.
- vi) Voting by proxy is not allowed.
- vii) A decision that requires a vote shall be achieved by a show of hands or by secret ballot where otherwise stipulated in this Constitution.
- viii) The number of valid votes counted shall decide the majority. In the case of secret ballot, voting spoiled or blank voting forms are disregarded in calculating the majority.

6. *Decisions of the General Assembly*

Decisions approved by the General Assembly shall come into effect immediately after the conclusion of the General Assembly meeting unless the General Assembly decides upon another date for the decision to come into effect.

7. *Minutes of the meetings*

The Secretary General (or in his/her absence a member of the Executive Board designated by the Chairman) shall be responsible for establishing the minutes of the meetings. The minutes of the General Assembly shall be circulated to all members within thirty (30) days following the meeting. The minutes of the Executive Board shall be circulated to all members of the Executive Board within fourteen (14) days following the meeting.

ARTICLE XIV – STANDING AND AD HOC COMMITTEES

1. The Executive Board may constitute as many committees as it may deem necessary from time to time.

2. The Chairman of each of the Standing and Ad Hoc Committees shall be a member of the Executive Board except those of the Disciplinary Committee and Appeal Committee, who shall demonstrate their independence by not being members of the Executive Board. The President shall appoint the Chairman and shall have the discretion to appoint the Deputy Chairman of each committee.
3. The members of each Standing and Ad Hoc Committee shall be appointed by the Executive Board on the recommendation of each Standing and Ad Hoc Committee Chairman. The members of each committee shall be appointed for a term of two (2) years and may be reappointed by the Executive Board.
4. Each Standing and Ad Hoc Committee Chairman shall represent his/her committee and conduct the business of The Association in compliance with the goals and objectives of the Executive Board.
5. Each Standing and Ad Hoc Committee Chairman shall set the dates of meetings in collaboration with the Administrative Office, ensure all tasks are addressed and report back to the Executive Board in a timely manner.
6. Each Standing and Ad Hoc Committee may recommend amendments to the regulations that govern the committees to the Executive Board.

(a) Standards Committee *(amended April 5, 2017)*

The purpose of the Standards Committee is to:

- i) Receive, acknowledge and deliberate upon all applications for Elite Athlete funding from National Federations or Associations in accordance with the agreed criteria or any other matters referred to it by the Executive Board;
- ii) Present a report of decisions of the committee to all members of the Executive Board via email or other expeditious method, no later than one week prior to the convening of any Executive Board meeting, or any other meeting at which such decisions are to be confirmed or otherwise deliberated; and
- iii) Make recommendations to the Executive Board regarding policy and procedures in relation to all areas of the Elite Athlete Programme, including but not limited to, recommending sport qualifying standards.

(b) Finance Committee

The purpose of the Finance Committee is to provide oversight to the financial affairs of The Association by:

- i) Demonstrating insight through deliberation and decision, providing recommendations on The Association's financial situation and on the committee's

deliberations to the Executive Board in support of The Association's budgeted expenditure, ensuring the provision of sufficient revenue to The Association, both for the short term (e.g. annual budget), and long term (e.g. projected activities);

- ii) Providing written reports quarterly or whenever necessary, to the Executive Board via email or other expeditious method, no later than one (1) week prior to the convening of any Executive Board meeting, or any other meeting at which such decisions are to be confirmed or otherwise deliberated;
- iii) Recommending approval of The Association's annual financial statements to the Executive Board;
- iv) Reviewing and making recommendations with respect to all proposed contracts of the organisation;
- v) Approving, reviewing and making recommendations with respect to expenditures or commitments beyond the approval limits of the chairperson of this committee;
- vi) Reviewing and monitoring financial statements and budgets;
- vii) Recommending policies and procedures to avoid and deal with conflicts of interest; monitoring compliance with conflict policies and procedures; investigating any specific cases involving an allegation or question of conflict of interest and report the committee's findings to the Executive Board;
- viii) Recommending the appointment of the external auditor, and the appropriate fee; and
- ix) Ensuring that financial audits are conducted in an efficient and cost-effective manner.

(c) Athletes' Commission

The Athletes' Commission is responsible for representing the views of the athletes and making their voice heard within the Bermuda NOC. The objectives of the Athletes' Commission are to:

- i) Represent the rights, interests and views of athletes and make related recommendations to the Executive Board;
- ii) Provide advice, support and counsel to athletes;
- iii) Consult with athletes about key issues;

- iv) Encourage the organisation of athletes to improve athlete development; and
- v) Maintain contact with the IOC Athletes' Commission.

The terms of reference of the Athletes' Commission must be established in accordance with the relevant IOC guidelines.

(d) Women in Sport (Ad Hoc)

The Women in Sports Committee is dedicated to having a positive influence on gender equity and access for women to an enriching sport experience. The objectives of the committee, in line with the Pan American Sports Organisation (PASO), are to:

- i) Develop initiatives to increase the participation levels of girl/women athletes, coaches and officials in Bermuda by whatever means;
- ii) Increase the number of women in leadership and decision-making positions for sport in Bermuda;
- iii) Create an effective network of communication for women sport leaders in Bermuda;
- iv) Promote education as a means of developing skills, knowledge, ethical values and personal life skills;
- v) Represent the views of the committee to the Executive Board; and
- vi) Maintain contact with the PASO/IOC Women in Sport Committees.

(e) Public Relations and Marketing (Ad Hoc)

The Public Relations and Marketing Committee is dedicated to raising the profile of The Association as a means of attracting donations from the private sector for its programmes and services, to supplement governmental funding. The committee may develop a broad range of marketing elements including – development and management of a brand, photography, social networking, and a sponsorship package.

Specifically, the objectives of the Public Relations and Marketing Committee are to:

- i) Review and approve The Association's marketing, advertising and promotional plans;
- ii) Review and study possible sources of financing and revenue for The Association;
- iii) Review and monitor the performance of The Association's marketing agent(s) and contracts, and make recommendations to the Executive Board on an ongoing basis;

- iv) Review The Association's non-commercial fundraising plans and activities and make recommendations to the Executive Board;
- v) Assess the effectiveness and adequacy of The Association's marketing programmes/resources and make recommendations as required; and
- vi) Assist The Association's marketing agent(s) as required, such as by helping with presentations, generating contacts and other activities.

(f) Sport for All (Ad Hoc)

The aim of the Sport for All Committee is to promote the Olympic ideal that sport is a human right for all individuals regardless of race, social class and sex. The objectives of the committee are to:

- i) Encourage sports activities that can be exercised by people of all ages, both sexes and different social and economic conditions;
- ii) Encourage and support the efforts and development of other organisations already involved in Sport for All;
- iii) Promote health, education and well-being through sports activities practiced by all members of society without distinction;
- iv) Achieve development objectives in terms of both establishing policy and organising local sports events;
- v) Represent the views of the committee to the Executive Board; and
- vi) Maintain contact with the IOC Sport for All Commission.

(g) Constitutional Review

The Constitutional Committee is responsible for:

- i) Conducting an annual review of The Association's constitution, researching and proposing changes for the Executive Board's consideration and the ratification of the membership; and
- ii) Monitoring all issues relating to compliance with The Association's Constitution and bye-laws and making recommendations to the Executive Board when expedient to do so.

(h) Legal Committee (Ad Hoc)

The Legal Committee is responsible for:

- i) Analysing basic legal issues relating to The Association, and providing legal advice to the Executive Board; and
- ii) Consulting with the Executive Board on compliance issues regarding the IOC, other regional governing bodies and the Bermuda Government.

(i) Disciplinary Committee (Ad Hoc)

The Disciplinary Committee is authorised to impose sanctions in accordance with the Discipline Policy adopted and instituted by the Executive Board and/or the General Assembly in compliance with the IOC policies and procedures.

(j) Appeal Committee and Alternative Dispute Resolution Committee (Ad Hoc)

The Appeal Committee is responsible for hearing all appeals against the decisions of the Disciplinary Committee by any member of The Association in compliance with the IOC policies and procedures.

Any decision made by the Appeal Committee may be submitted by way of appeal to the Alternative Disputes Resolution Committee for mediation or arbitration as outlined in the Alternative Disputes Resolution (ADR) Policy.

In the event the dispute persists after attempts at mediation have failed, the dispute may be submitted for arbitration.

Should the dispute persist after arbitration, it may then be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for appeal is 21 days after reception of the decision concerning the appeal.

ARTICLE XV – ELECTIONS

1. The following members of the Executive Board shall be elected by means of a secret ballot by the General Assembly of The Association:-
 - i. The President
 - ii. The 1st Vice President
 - iii. The 2nd Vice President
 - iv. The Treasurer

- v. The Six (6) Executive Members (*amended April 5, 2017*)
2. The President, 1st Vice President, 2nd Vice President, Treasurer and Executive Members shall be elected for a period of four (4) years, with the President, Treasurer and three Executive Members being elected in the Quadrennial General Assembly following the Summer Olympic Games, and the 1st Vice President, 2nd Vice President and three Executive Members at the Annual General Assembly, two years after the election of the aforementioned officers. (*amended April 5, 2017*)
 - ii. The President, Treasurer and three Executive Members; of which both genders must be elected as Executive Members in the Quadrennial General Assembly following the Summer Olympic Games, and the 1st Vice President, 2nd Vice President and three Executive Members; of which both genders must be elected as Executive Members in the Annual General Assembly, two years after the election of the aforementioned officers. (*amended Dec 3, 2020*)
 - iii. The positions of 1st Vice President and 2nd Vice President must be represented by both genders respectively in accordance with Clause 2 above. (*amended Dec 3, 2020*)
3. An attendance record should be kept of all Executive Board Meetings. Should an Executive member fail to attend three (3) consecutive Executive Board meetings without just reason then the member shall appear before the Executive Board and be requested to resign from his/her position on the Executive Board.
4. Any member of the Executive Board who resigns or otherwise vacates his/her position during his/her term of office shall be replaced by election at the next meeting of the General Assembly for the un-expired period.
5. Election to the Executive Board shall be decided by an absolute majority (50% +1) of the valid votes counted by the members entitled to vote. Spoiled or blank voting slips or any other forms of abstentions are disregarded in calculating the majority. If there are more than two candidates for a specific position and none of them obtains at least 50% + 1 of the votes validly cast in the first round, there shall be a second round between the two candidates obtaining the highest number of votes validly cast in the first round. In this second round, the candidate obtaining 50 % + 1 of the votes validly cast shall be declared elected.

ARTICLE XVI – RETURNING OFFICER

1. Voting upon the election of the members of the Executive Board shall be presided over by a Returning Officer appointed by the President and approved by the General Assembly wherein all applicable offices shall be declared vacant and the Returning Officer shall preside over the election.
2. The Returning Officer shall be independent of the Executive Board and shall have no voting rights.
3. In the event of a tie, the Returning Officer shall instruct that another vote be taken.

Should the second vote fail to break the tie, the Returning Officer shall instruct the General Assembly that the election of unfilled offices take place within 30 days but no sooner than 14 days from the original election date.

ARTICLE XVII – CANDIDATES FOR THE EXECUTIVE BOARD

1. All candidates for the various positions on the Executive Board must be proposed and seconded by a National Federation or Association voting member. The nomination forms shall be sent by the Administrative Office to all voting members along with the notice for the meeting (at least 21 days prior to the meeting as per Article XIII.1.a) ii. of this Constitution). The names of candidates for the Executive Board may be submitted by any National Federation or Association voting member and must reach the Administrative Office at least 14 days prior to the date of the meeting of the General Assembly at which the elections are to take place. The Administrative Office shall forward the names of all candidates to all member National Federations or Associations at least 7 days prior to the date of such meeting of the General Assembly.
2. All retiring Executive Board members are eligible for re-election in accordance with the provisions contained in this Constitution.
3. In all cases, candidates for the Executive Board must be confirmed in writing on the nomination form which is signed by the candidate. A copy of the nomination form shall be returned to the proposer with the date stamp receipt. In cases where there are no candidates received for a particular office or in the event that a previously submitted candidate has withdrawn prior to the election, then the Returning Officer may receive nominations from the floor for that particular office only, after which the election shall continue according to the prescribed procedures.

ARTICLE XVIII – PROPRIETARY RIGHTS

1. The Association is the original owner of all rights emanating from or derived under the auspices of The Association. Such rights include but are not limited to financial, multimedia, marketing and promotional including logos and other rights arising under copyright law.
2. The Executive Board shall decide to what extent these rights are utilized and shall have the authority to decide whether these rights are utilized exclusively or through third parties jointly or entirely.

ARTICLE XIX – GENERAL PROVISIONS

1. A certified copy of minutes of the meetings of the General Assembly of The Association at which the members and officers of the Executive Board were elected must be forwarded to the IOC as soon as possible after the election.
2. The fiscal year end of The Association shall be October 31. Financial statements shall be prepared and presented by the Treasurer, at least once per year at the meeting of the

General Assembly, or within six months of the fiscal year end.

3. The Association pledges to conform to the rules and regulations of the International Olympic Committee, the Commonwealth Games Federation, the Pan American Sports Organisation, and the Central American and Caribbean Sports Organisation. It acknowledges that if it does not so conform, it may forfeit its recognition and its rights to send participants to the games organized by these bodies.
4. The requirements of the IOC shall apply where there are no provisions in this Constitution on any matters whatever relating to the composition and proper functioning of The Association and shall supersede them when they seem at variance or in conflict as each case may require.
5. The Executive Board has the power to formulate and adopt bye-laws to deal with all matters not covered by this Constitution, subject to such bye-laws being approved by a two-thirds majority of voting members present in a meeting of the General Assembly called for such purpose.
6. In accordance with the Olympic Charter, The Association shall at all times remain completely autonomous, and shall not associate itself with any activity which would be contradictory with the Olympic Charter. The Association will resist all pressures of any kind whatsoever, whether of a political, religious or economic nature.
7. The flag, the emblem and the anthem adopted by The Association for use in relation to its activities, including the Olympic Games, shall be subject to the approval of the IOC Executive Board.
8. The Association may only use the Olympic symbol, flag, motto and anthem (which are the exclusive property of the IOC) within the framework of its non-profit-making activities provided such use contributes to the development of the Olympic Movement and does not detract from its dignity, and provided that it has obtained the prior approval of the IOC, in accordance with the Olympic Charter. All Olympic properties including but not limited to the Olympic symbol, flag, motto, anthem, identifications (including but not limited to "Olympic Games" and "Games of the Olympiad"), designations, emblems, flame and torches, and all rights to any and all Olympic properties, as well as all rights to the use thereof, belong exclusively to the IOC. The Association is responsible to the IOC for the observance, in Bermuda, of Rules 7-14 and BLR 7-14 of the Olympic Charter. It shall take steps to prohibit any use of any Olympic properties which would be contrary to such rules or bye-laws. It shall also endeavour to obtain, for the benefit of the IOC, protection of the Olympic properties of the IOC.
9. The Association is required to constitute, organize and lead its respective delegations at the Olympic Games and at the regional, continental or world multi sports competitions patronised by the IOC. Moreover, The Association is responsible for the behavior of the members of its delegations.

10. The Association has the exclusive authority for the representation of its respective athletes at the Olympic Games and at the regional, continental or world multi-sports competitions patronized by the IOC.

ARTICLE XX – STATUS

1. The Association shall fulfill the necessary criteria to be registered and maintain registration under the Bermuda Charities Act, 1978.
2. The Association shall, at all times, comply with the Olympic Charter to which it must refer expressly. If there is any doubt as to the signification or interpretation of the Constitution of The Association, or if there is a contradiction between the Constitution and the Olympic Charter, the latter takes precedence.

ARTICLE XXI - DISSOLUTION

1. A motion seeking the dissolution of The Association may be passed, and only passed, at a meeting of the General Assembly upon a requisition in writing signed by not less than two-thirds of the eligible voting members according to Article IVi entitled to attend and vote at a meeting of the General Assembly being delivered to the Secretary General.
 2. The Secretary General shall upon receipt of such a requisition call a meeting of the General Assembly within 28 days of receipt of the requisition and members shall receive at least 21 days notice in writing of such meeting.
 3. If at the convened meeting the motion seeking dissolution is carried by at least three-quarters of the eligible voting members present, the Executive Board shall thereupon, or on such date as shall have been specified in the motion, be responsible for the orderly winding up of The Association's affairs.
 4. The Executive Board shall realise the assets of The Association and discharge all debts and liabilities of The Association. Any surplus assets, however, shall not be paid or distributed to the members of The Association but will be given or transferred to one or more of the following:
 - i. towards the charitable objectives of The Association;
 - ii. to another association with similar sports purposes which is a registered charity;
 - iii. in such other manner as the Charity Commissioner's for Bermuda may approve in writing in advance.
- (e) The eligible voting members may pass a motion before or at the same time as the motion to dissolve The Association specifying the manner in which the trustees are to apply the remaining property or assets of The Association and the Executive Board must comply with the motion if it is consistent with paragraphs i. – iii. inclusive, of sub-clause d. above.

- (f) The Executive Board must notify the Charity Commissioner's for Bermuda promptly that The Association has been dissolved and if the Executive Board is obliged to send The Association's accounts to the commission for the accounting period which ended before its dissolution, it must send the commission The Association's final accounts.

ARTICLE XXII – AMENDMENTS TO THE CONSTITUTION

Amendments to this Constitution may be made by a two-thirds majority of voting members present at a meeting of the General Assembly of The Association called for that purpose, and will be subject to the approval of the IOC. Details of the proposed amendments shall be submitted in writing to members with notice convening the meeting of the General Assembly.

ARTICLE XXIII – UNFORESEEN CONTINGENCIES AND FORCE MAJEURE

The General Assembly shall make the final decision on matters not provided for in this Constitution or in cases of force majeure.

ARTICLE XXIV– FINAL PROVISIONS

This Constitution was adopted at the General Assembly Meeting in / at Hamilton on May 12, 2015 and came into effect on January 21, 2016.



President
The Bermuda Olympic Association



Secretary General
The Bermuda Olympic Association

April 9, 2016

Date

09 APR 16

Date

APPENDIX I – DEFINITIONS

1. **Ad Hoc Committee** means unplanned or informal Committee developed at the discretion of the Executive Board.
2. **Athletes' Commission** is responsible for representing the views of Bermuda's elite athletes, as well as National Federations or Associations where there is no athlete representation, and making their voice heard within the Bermuda NOC.
3. **Bermudian** is an individual who is deemed Bermudian by birth or other means by the Department of Immigration and is eligible for inclusion on the Bermuda Register and/or has been granted 'deemed' Bermudian status by the Department of Immigration and holds a letter of confirmation from the Department of Immigration. *(Amended July 3, 2017)*
4. **Court of Arbitration for Sport** is located in Lausanne, Switzerland, which is responsible for resolving sports disputes definitively in accordance with the Code of Sports-Related Arbitration. The time-limit for appeal is 21 days after reception of the decision concerning the appeal.
5. **Elite Athlete** is an individual who demonstrates continued performance, ability, commitment, fitness, etc. at a level such that the athlete can qualify for one or more of the four major festivals - for CAC, Commonwealth, Pan American and Olympic Games.
6. **Elite Athlete Program** is a financial assistance program administered by The Association to provide funding to athletes deemed elite by NSGBs, in accordance with the Elite Athlete Program Policy.
7. **Executive Board** comprises the elected officers and members of The Association – President, 1st Vice-President, 2nd Vice-President, Treasurer, and Executive Members (maximum of six) and other members as provided in Article XI of this Constitution, with responsibility for conducting the business of The Association. The Executive Board is the highest authority of The Association during the period between meetings of the General Assembly.
8. **General Assembly** comprises one representative from each voting and non-voting Members as specified in Article IV of this Constitution. The General Assembly is the supreme governing body of The Association and is responsible; in particular, for amending the Constitution of The Association and the election of officers and members to the Executive Board and for exercising any other powers as provided in this Constitution.
9. **International Federations** (IF) are recognized by the IOC as non-governmental organizations administering one or several sports at world level and encompassing organizations administering such sports at national level. The statutes, practice and activities of the IF within the Olympic Movement must be in conformity with the Olympic Charter, including the adoption and implementation of the World Anti-Doping

Code. Subject to the foregoing, each IF maintains its independence and autonomy in the administration of its sport.

10. **IOC**, the International Olympic Committee is an incorporated body in accordance with The Olympic Charter, to promote the fundamental principles and values of Olympism.
11. **National Federation(s) or Association(s)** is a National Sport Governing Body (NSGB), affiliated to its corresponding International Federation, recognised by the IOC with ultimate authority over a particular sport in Bermuda in terms of membership, rules of competition, eligibility, etc. and is responsible for abiding by the conditions set by the Department of Youth, Sport & Recreation for eligibility for status as the NSGB for the given sport. Furthermore, the NSGB is responsible for communicating with The Association and abiding by its Constitution, rules and regulations.
12. **NOC** is the National Olympic Committee, affiliated to the Olympic Movement, responsible for respecting the provisions of the Olympic Charter and the World Anti-Doping Code and abiding by the decisions of the IOC.
13. **Olympic Charter** is the rules governing the International Olympic Committee, its membership and operations.
14. **Provisional Membership** is membership granted by the General Assembly to an applicant National Federation or Association, to enable the Executive Board to observe the manner in which the applicant National Federation or Association is organized over the period of at least one year. Thereafter, the General Assembly may determine to grant voting membership.
15. **Quadrennial General Assembly** is a General Assembly that occurs after the celebration of the Summer Olympic Games, and occurs every 4 years.
16. **Returning Officer** is an officer appointed by the President and approved by the General Assembly, independent of the Executive Board, with responsibility for the conduct of The Association's elections, with no voting rights.
17. **Special General Meeting** is a meeting called by the President or a majority of the voting members of the General Assembly to address matters deemed necessary to resolve prior to the next General Assembly.
18. **The Bermuda Olympic Association** or The Association is an incorporated body in accordance with The Olympic Association Act 1974, affiliated to the Olympic Movement, respecting the provisions of the Olympic Charter and the World Anti-Doping Code and abiding by the decisions of the IOC.
19. **Urgent General Assembly Meeting** is a meeting convened by the Executive Board and/or at the request of at least one-third (1/3) of the members of the General Assembly

to address any matters that have an impact on the operation or standing of The Association that requires immediate attention by the membership.

20. **World Anti-Doping Code** provides the framework for harmonized anti-doping policies, rules and regulations within sport organizations and among public authorities. The Code guides National Olympic Committees (NOC's) in anti-doping efforts.

APPENDIX II – AMENDMENTS

Amendments - April 5, 2017

Article XI
Article XIV 6.a
Article XV 1.v

Amendment - July 3, 2017

Appendix 1 – Definition: 3

Amendments – June 27, 2019

Article XI - 1, 2
Article XII - 5b, 5c, 5f
Article XIII - 1.a.v, 1.b.iv
Article XV - 1, 2
Appendix 1 – Definition: 7

Amendments – December 3, 2020

Article XI – 1.i
Article XV- 2. ii. iii