

# NORCECA Legal Commission Report

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NORCECA Board of Administration Meeting

21 December 2023

# Agenda

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- Matters brought before the Legal Commission
- Zonal Association Congress and Elections
- Status of French Caribbean Territories
- FIVB Constitutional Amendments
- Considerations for NORCECA



# Matters Referred to the Legal Commission

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- Request to review the election procedures for CAZOVA and provide guidance at their Congress
- Request to review and update the Constitution of ECVA
- Request to review and update the Constitution of CAZOVA
- Request to review and update the Constitution of St Vincent & the Grenadines
- Review of status of French Caribbean Territories
- Request to review the changes to FIVB Constitution to bring NORCECA's into compliance where necessary.

# ECVA Congress

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- The ECVA held its Congress on 9 and 10 December in St Kitts & Nevis
- The current executive board was re-elected for another term, led by Mr Glenn Quinlan as President.

# CAZOVA Congress

- CAZOVA held its Congress on 17 December in Trinidad & Tobago
- The members of the new executive committee include the reelected President Mushtaque Mohammed, Kennedy McGowan (First Vice-President); Gisette Emer (Second vice-president), Jacqueline Cowan (Secretary General) and Board Member Filomena Daniel-Curiel along with newly appointed Bahamian Kurtwood Green (Treasurer), and Board Member, Mark Lewis of Barbados.



# French Caribbean Territories

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## St Martin – Licence Revoked

- St Martin Association no longer exists.
- Former President no longer holds a licence to manage the affairs of St Martin Volleyball.
- French Federation directly manages local clubs

## Martinique - Suspended

- Board of Administration removed for lack of proper governance.
- French Federation has appointed a management committee to make decisions.
- The management committee is in the process of organizing general assembly and election of a new executive.

# FIVB Constitution Changes

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# Article 2.4.1.5 of the FIVB Constitution

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- **“2.4.1.5 Appointed Members**
- 2.4.1.5.1 The President may appoint up to four (4) additional members to the FIVB Board of Administration as follows:
  - a. At least one (1) appointed member must be an athlete from the Athletes Commission chosen by the Athletes Commission amongst its members (including external experts),
  - b. At least one (1) appointed member must be from the gender-in minority,
  - c. One (1) appointed member selected from the FIVB Secretariat shall be the Director in Charge responsible for representing the FIVB Secretariat within the FIVB Board of Administration and
  - d. At least one (1) independent appointed member.

# Article 2.4.1.5 of the FIVB Constitution

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- 2.4.1.5.2 The appointed members shall:
  - a) be presented to the FIVB Congress at its next meeting;
  - b) shall come from a different NF from the other appointed members and
  - c) have the same rights and obligations, including term limits, of the elected members of the FIVB Board of Administration.”

# Considerations for changes to NORCECA Constitution

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- The rationale for the FIVB amendments was to ensure good corporate governance by:
  - introducing a non-executive member to the board,
  - Ensuring representation of athletes,
  - Enhancing the gender balance by introducing another gender in minority position, and
  - Enabling a seat on the board for a representative of the secretariat.

# Considerations for changes to NORCECA Constitution

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- Do we as a Board wish to follow the lead of FIVB in implementing similar changes for the Board of Administration of NORCECA?
- The current wording of the FIVB Constitution gives the power to appoint these persons solely to the President.
- Do we want to follow this model or engender transparency and proper governance by having the BOA make the determination on the appointees?

# Proposed consequential amendment to the NORCECA Constitution

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- **Appointed Members**
- The President (*or the Board of Administration*) may appoint up to four (4) additional members to the NORCECA Board of Administration as follows:
  - a. At least one (1) appointed member must be an athlete from the Athletes Commission chosen by the Athletes Commission amongst its members (including external experts),
  - b. At least one (1) appointed member must be from the gender-in minority,
  - c. One (1) appointed member selected from the NORCECA Secretariat **who** shall be the Director in Charge, **and** responsible for representing the NORCECA Secretariat within the NORCECA Board of Administration and
  - d. At least one (1) independent appointed member, following a vetting process to be determined by regulations.

# **Proposed** consequential amendment to the **NORCECA Constitution**

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- The appointed members shall:
  - a) be presented to the NORCECA Congress at its next meeting;
  - b) shall come from a different NF from the other appointed members and
  - c) have the same rights and obligations, including term limits, of the elected members of the NORCECA Board of Administration.”

# Proposed Procedures for Selection of Additional Appointees

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- In the case of the independent appointee, there needs to be a documented procedure for consideration of candidates for this position, in order to ensure transparency and a proper selection process.
- This should include presentation of CVs and adequate vetting of the candidates.

