

# SHORE CONFERENCE OF HIGH SCHOOLS

## CONSTITUTION

Revised June 2020

## **PHILOSOPHY**

The high school athletic program is an integral part of the educational offerings of the high school, and, as such, should be administered by the professional administrative staff of the school and staffed with a sufficient number of fully-trained and properly certified personnel. Only that which has definite educational value should be included.

The school should make every effort to ensure that the staff, student body, and community understand and abide by healthy and proper attitudes towards the athletic program. It should be stressed that winning and losing, as well as competition and cooperation, all should be given proper place in the minds of all concerned in any way with the program.

Sportsmanlike conduct should be evidenced by all engaged in any way in the program. Coaches should exemplify and teach proper attitudes toward opposing players and coaches, as well as officials.

No profanity or improper language should ever be employed by adults or participants connected with school co-curricular activities, athletic or otherwise.

Strict adherence to the spirit, as well as the letter of the rules of the game, should be a matter of course, and all efforts to evade compliance should be condemned.

Aggrandizement of individuals at the expense of other individuals should be avoided and the team spirit should be in the fore. Playing the game for unselfish motives should be inculcated.

The following objectives should be encouraged in all high school athletic programs:

1. Promote the physical and mental health of the participants in athletic competition;
2. Encourage the participants to maintain educational standards during each athletic season;
3. Promote school responsibility for maintaining protective measures during athletic events; and
4. Promote uniformity in the arrangements in interscholastic contests.

# **CONSTITUTION**

## **ARTICLE I**

(Name)

**Section 1.** The name of this non-profit corporation shall be the “Shore Conference of High Schools.”

## **ARTICLE II**

(Purpose)

**Section 1.** The purpose of the Shore Conference of High Schools (“Shore Conference”) is to:

- a. Promote the mission and philosophy of the Shore Conference;
- b. Promote the spirit of good sportsmanship among our member athletic teams, student bodies, coaches, and teaching personnel;
- c. Develop the physical and emotional health of the participants in athletic competition;
- d. Make uniform the arrangement and conduct of interscholastic contests;
- e. Promote competitive sports among Shore Conference schools; and
- f. Equalize athletic opportunities by standardizing rules of eligibility for individuals and classifying for competitive purposes the institutions which are members of the Shore Conference.

## **ARTICLE III**

(Membership)

**Section 1.** Membership shall be limited to high schools whose geographical boundaries lie in Monmouth and Ocean Counties, that have been accredited by the New Jersey State Department of Education, are members of the New Jersey State Interscholastic Athletic Association (“N.J.S.I.A.A.”), and have been accepted for membership by this Conference.

**Section 2.** Membership shall be limited to three (3) or four (4) year high schools in Monmouth and Ocean Counties, provided that no school applying for membership shall maintain any post-graduate program.

**Section 3.** Membership shall be limited to three (3) or four (4) year high schools that provide and maintain participation in interscholastic athletics in at least ten (10) varsity sports.

**Section 4.** Membership shall be limited to schools who shall follow the New Jersey Administrative Code, Title 6, Education, in the operation of their physical education and athletic

programs, as well as concerning their procedures and personnel, whether or not such school is required by law to do so, including the requirements that all schools seeking membership and that are members of the Shore Conference shall only have coaches who are certified teachers in the State of New Jersey and/or who have qualified according to regulations promulgated by the New Jersey Department of Education to coach in the State of New Jersey.

**Section 5.** Membership shall be limited to schools that do not provide athletic scholarships and that do not provide financial aid of any kind designed to encourage participation in athletics.

**Section 6.** Membership shall be limited to those schools who sign an Affidavit or Certification of Non-Recruiting with respect to their school's enrollment, which Affidavit or Certification is to be executed by the Principal, Athletic Director, and the head coach for each varsity sport and filed with the application for admission to the Conference, and, thereafter, such an Affidavit or Certification shall be filed by each member school on or before October 1st of each and every school year with the Secretary. The Affidavit or Certification of Non-Recruiting shall clearly set forth that the member school does not recruit or encourage recruiting and/or the transferring of students from one school to another by the member school, booster clubs, or any and all people or persons related to said school, both directly and indirectly. Such Affidavit or Certification of Non-Recruiting shall apply to all employees of each member school, booster clubs, and any and all people or persons related to said school, both directly or indirectly, in its academic as well as athletic programs. The intention of the Shore Conference is to clearly set forth that any type of recruiting of school children to engage in athletic competition is considered to be harmful.

**Section 7.** Membership shall be limited to those schools whose athletic facilities are properly maintained and provide suitable sites for the scheduling of "home" athletic contests and all varsity programs. Schools shall further provide facilities so as to enable the scheduling of sub-varsity programs in those areas which are applicable and shall provide appropriate sanitary facilities for participants on varsity and sub-varsity levels.

**Section 8.** Schools shall be admitted to membership by the following procedure.

- a. The Board of Education of a public school by and through its Superintendent and the Principal or Head Administrator of a private or non-public school shall make application in writing to the Secretary. All schools applying for membership shall supply enrollment figures with their written application. All information to be supplied to comply with Article III shall be legally certified to by said applicant as being true to the best of its knowledge.
- b. All schools shall include with their application a statement and certification that all coaches are certified teachers by the State of New Jersey and/or have qualified to coach according to regulations promulgated by the State Board of Education.
- c. An application fee as set by the Executive Committee for the year of application.
- d. The application shall be presented to the Executive Committee for consideration. Said application must receive a majority vote of the Executive Committee, and, if

approved with whatever appropriate conditions have been made a part of the approval as found to be necessary by the Executive Committee, said application shall be referred to the general membership of the Shore Conference for a majority vote of the entire membership. A school that accepts membership in the Shore Conference agrees that it shall adhere to the Constitution and the Rules and Regulations. Further, such members shall be required to pay into the Treasury an application fee and such fees and dues as may be fixed by the Shore Conference by and through the Executive Committee.

**Section 9.** A school accepting membership in the Shore Conference shall adhere to its Constitution and its Rules and Regulations.

**Section 10.** The Shore Conference is an independent corporation and charitable organization formed for the benefit of the member schools, and, in particular, the student athletes of the member schools to promote and fulfill the purposes set forth in Article I hereof and in accordance with the requirements, *inter alia*, of N.J.S.A. 18A:11-3, *et seq.* All members schools agree that the Shore Conference expressly reserves any and all rights relating to and arising out of its intellectual property, including, but not limited to, its trade and service marks and broadcast rights to Shore Conference tournament games. All proceeds derived by the Shore Conference from its intellectual property rights shall be used at the discretion of the Executive Committee to support its mission and purpose and/or for the benefit of the student athletes of the member schools.

#### **ARTICLE IV** (Recruiting)

**Section 1.** Athletic recruitment is contrary to the purposes and objectives of high school sports. Prohibiting athletic recruitment is intended to: (a) ensure that athletics is placed within its proper order of priority, which is subordinate to academics; (b) protect student-athletes from those having interests that may not be consistent with the interests of the student-athletes; and (c) seek and maintain competitive equity on a level playing field among member schools.

**Section 2.** Athletic recruitment is defined as any effort to induce, proselytize, pressure, urge, or entice any student to enroll in or transfer to a member school for athletic purposes.

**Section 3.** It is a violation for a member school to engage in athletic recruitment or for a student-athlete to enroll in or transfer to a school as a result of athletic recruitment. Athletic recruitment includes, but is not limited to, the following:

- a. Using mail, letters, brochures, or news media to compare schools and to solely point out the athletic assets of the sender and/or inviting students to school for athletic reasons or evaluation.
- b. Engaging in presentations, contact, proselytizing interviews, or interviews with potential students for athletic reasons.

- i. If it is an individual's responsibility to recruit students (not just athletes) and that person makes contact irrespective of athletic eligibility, such contact is permitted. However, anything done for an athlete that is not done in a comparable fashion for all students is a violation.
  - ii. A high school coach may not initiate contact with a student at a junior high/middle school or other high school, or the parents of that student, about attendance at the school. It is not a violation for a coach to have normal community contact with a student who attends a junior high/middle school of the same system, which is a feeder to the high school. When a student at a junior high/middle school or other high school, or the parents of that student, contacts a coach about attending the coach's school, the coach shall refer the student or parent to the appropriate school personnel (those who have the responsibilities for seeking and processing prospective students).
  - iii. High school coaches or their representatives may not attend grade school or youth sports games (*e.g.*, Pop Warner) for the purpose of evaluating and recruiting specific prospective athletes.
  - iv. High school coaches and administrators may not request booster clubs, players, former players, or alumni from the high school to discuss the merits of their athletic program with prospective athletes or their parents by phone, in person, or through letters.
- c. Offering, promising, and/or providing athletic scholarships, free tuition, or other monetary assistance, either from the school directly or indirectly through some affiliated body or individual to induce a student to attend the school for athletic reasons. Financial aid based even partially on athletics is not permitted from the school or from any groups or individuals for the benefit of the school (*e.g.*, booster clubs).
- d. Making representations to junior high/middle school or other high school students that primarily focuses upon the athletics of the member school. Individuals not exclusively representing athletic interests of a school may make general presentations (not just athletic) to such students (not just athletes). There should be a diversity of presenters, speaking on a variety of topics to all such students of all interests.
- e. Engaging in open houses where coaches have contact with any student currently enrolled in another school for the purpose of discussing a student's specific participation in athletics at the school. Coaches may provide general information to prospective incoming students, but no specific details or enticements as to participation if they were to enroll. The intent of an open house is to allow incoming students to gather information regarding curriculum, programs, and the admissions process alone, whether public or private.

**Section 4.** A member school shall be responsible for athletic recruitment by anyone associated with the school, acting at the direction of the school, and/or acting with the school's knowledge. Anyone associated with the school includes, but is not limited to, the administration, staff, employees, coaches, students, parents, guardians, booster clubs, or any independent person, business, or organization acting at the request or direction of the school, or otherwise acting with the school's knowledge.

**Section 5.** Any evidence of recruiting by a member school shall subject the school to a hearing pursuant to Article XIII. A school that is found to have violated the athletic recruitment rule shall be subject to the penalties set forth in Article XIII.

**Section 6.** Any evidence of a student-athlete enrolling in or transferring to a school as a result of athletic recruitment shall subject the student-athlete to the possibility of a prompt termination of eligibility. A student-athlete who is found to have violated the athletic recruitment rule is subject to a one-year period of ineligibility in all sports, except that the student-athlete may return to his/her original school without penalty.

## **ARTICLE V** (Finances)

**Section 1.** The Executive Committee shall have full supervision over the annual dues and the finances of the Shore Conference and shall oversee the Treasurer and Budget and Finance Committee with respect to the activities concerning the collection and disbursement of Shore Conference funds. Further, each member school may be assessed, in the discretion of the Executive Committee, for Shore Conference purposes.

**Section 2.** Responsibilities with respect to finances may be delegated by the Executive Committee to the Treasurer and Budget and Finance Committee, and the Treasurer shall submit written financial reports at each Executive Committee meeting, at each annual meeting, and at such time as the Executive Committee may require. An annual audit shall be made in September of each year by an appropriate person or entity to be hired by the Executive Committee.

## **ARTICLE VI** (Administration)

**Section 1.** There shall be an elected President of the Shore Conference, a President-elect, and a Vice-President of each Division. Such officers shall be selected only from the Superintendent of Schools, Assistant Superintendent of Schools, Principals, Vice Principals, and/or Athletic Directors of member schools.

**Section 2.** The President, President-elect, and Vice-Presidents of the Shore Conference set forth aforesaid shall be elected at the May meeting of the Shore Conference. The term shall be two (2) years from July 1 to June 30 and until they are re-elected and/or their successors are elected and shall have qualified.

**Section 3.** There shall be an Executive Committee whose members elected by the membership of the Shore Conference shall consist of: (a) the President, President-elect, and Vice-Presidents of the Shore Conference; (b) the immediate past-President; (c) one (1) Superintendent and one (1) Principal representing Monmouth County as selected by the Monmouth County Superintendents/Principals; and (d) one (1) Superintendent and one Principal representing Ocean County as selected by the Ocean County Superintendents/Principals.

**Section 4.** The Monmouth and Ocean County representatives of the Executive Committee of the N.J.S.I.A.A. shall serve as ex officio members of the Executive Committee without vote.

**Section 5.** A Secretary shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex officio member of the Executive Committee without vote.

**Section 6.** A Treasurer shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex officio member of the Executive Committee without vote.

**Section 7.** A Scheduler shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex officio member of the Executive Committee without vote.

**Section 8.** A Webmaster shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex officio member of the Executive Committee without vote.

**Section 9.** A Tournament Manager shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex officio member of the Executive Committee without vote.

**Section 10.** A Historian shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex-officio member of the Executive Committee without vote.

**Section 11.** A Compliance Officer shall be chosen by the Executive Committee and shall serve at the pleasure of the Executive Committee and shall further serve as an ex-officio member of the Executive Committee without vote.

**Section 12.** Each Division Advisory Committee is charged with the responsibility to handle all intra-divisional matters under the Constitution and Rules and Regulations for its division.

- a. All matters of importance to the Shore Conference shall be brought up in division before the Executive Committee for consideration and vote.



- b. A Chair for the Division Advisory Committee shall be the Vice-President from that particular division of the Shore Conference.
- c. The Chair of the Division Advisory Committee may hold meetings with the Principals and Athletic Directors of the schools within said division between each Executive Committee meeting.
- d. All member schools within the division shall receive notice of such meetings and are entitled to one (1) vote per school by the authorized representative, provided further that no person shall vote for more than one (1) school. A quorum shall be a majority of said member schools within that division present.
- e. Meetings shall be so scheduled to provide a division report at each Executive Committee meeting.
- f. The Chair of the Division Advisory Committee who also serves pursuant to the Constitution as a Vice-President on the Executive Committee shall be responsible to see that these provisions and the administration of the Division Advisory Committee are carried out.

**Section 13.** A Nominating Committee shall be appointed bi-annually in March by the President with the committee delegated to present a slate of officers for election at the annual meeting in May or June.

**Section 14.**

- a. The President shall have the authority to call and preside over all meetings of the Shore Conference and shall be a member ex officio of all committees. The President shall present an agenda for all regular or special Shore Conference meetings and shall further have such responsibilities and duties as set forth in the Constitution.
- b. The President-elect shall discharge all duties and have all the powers of the President in the absence of the latter and shall carry out such duties as delegated by the President.
- c. The Past-President shall discharge all duties and have all powers of the President and President-Elect in their absence and shall carry out such duties as delegated by the President.

**Section 15.** In the absence of the President, President-Elect, and Past President, a Vice-President shall discharge all duties and have all the powers of the President, and the Vice-President to serve in said capacity shall be in the order of Divisions of the Conference from A to B. (North to Central to South). Said Vice-Presidents shall further have such responsibilities and duties as set for the in the Constitution.

**Section 16.** The Treasurer shall be chosen by the Executive Committee and shall be the custodian of all the monies and have financial responsibility for Shore Conference matters. The Treasurer shall arrange for submission of an audited, written report of the financial condition of the Shore Conference at its Annual Meeting and at other times as the Constitution or Executive Committee may direct. All financial records shall be provided to the Treasurer's successor. The Treasurer's additional duties are as follows.

- a. Shall handle the checking accounts and savings accounts and other accounts of the Shore Conference as the Executive Committee shall direct.
- b. Shall oversee the voucher system and disburse funds only on Resolution duly and properly passed by the Executive Committee.
- d. Shall, with the Budget and Finance Committee, present a budget for each school year for approval by the Executive Committee at the Executive Committee meeting in September and arrange for all required New Jersey and federal submissions and filings.
- e. Shall oversee the acquiring of Shore Conference insurance coverage, subject to Executive Committee approval.
- f. May obtain such additional assistance of Certified Public Accountants and other professionals as may be necessary to carry out the duties of this position if approved by the Executive Committee.
- g. Shall be the Chair of the Budget and Finance Committee.

**Section 17.** The Secretary shall be chosen by the Executive Committee and may be paid in the discretion of the Executive Committee. Said Secretary shall keep a thorough record of all business transacted at the meetings of the Shore Conference and attend to correspondence. The Secretary shall be the custodian of Shore Conference records and maintain same in secured files. The Secretary shall maintain a record book of all Resolutions adopted by the Executive Committee (this shall include all Resolutions that relate to the Constitution and the Rules and Regulations). All organized records shall be provided to the Secretary's successor. Written notices of each regular meeting and minutes of the previous meeting to all member schools shall be forwarded at least (5) days in advance of any such meeting. The Secretary shall further have such responsibilities and duties as set forth in the Constitution and as directed by the Executive Committee.

**Section 18.** The Tournament Manager shall be chosen by the Executive Committee and may be paid at the discretion of the Executive Committee. The Tournament Manager shall act as directed by the Executive Committee and serve as a liaison between tournament directors and the Executive Committee. The Tournament Manager's additional duties are as follows.

- a. Shall act as advisor to the tournament directors.

- b. Shall secure, screen, and submit tournament and financial proposals to the Executive Committee and Treasurer.
- c. Shall secure and submit final tournament reports, which shall include a financial accounting report, to the Executive Committee and Treasurer.
- d. Shall make recommendations for any changes in the rules and regulations of the tournaments.
- e. Should observe tournaments in progress.

**Section 19.** The Historian may be paid at the discretion of the Executive Committee. The Historian shall act as directed by the Executive Committee. The Historian's additional duties are as follows.

- a. Shall make seasonal recording of Divisional & Shore Conference Championships.
- b. Shall ordering and distribute the Divisional & Shore Conference Awards for each seasonal meeting.
- c. Shall research and develop the Shore Conference history, as directed by the Executive Committee.
- d. Shall facilitate the storage and retention of Shore Conference records.

**Section 20.** The Compliance Officer may be paid at the discretion of the Executive Committee. The Compliance Officer's duties are as follows.

- a. Shall serve as an advisor to the Executive Committee on State and Conference compliance issues.
- b. Shall be available as a resource to all Athletic Directors for compliance-related issues and potential violations.
- c. Shall be responsible for the review of the Conference's compliance procedures, to distribute compliance notifications to the Athletic Directors, to coordinate and support compliance education and training, and take lead responsibility for monitoring and reporting on compliance-related issues.
- d. Regularly report to the Executive Committee on all instances of potential compliance issues, alleged violations, and recommend corrective actions.
- e. Shall be authorized to communicate with the member schools and act as a liaison on compliance-related issues between the Executive Committee and individual member schools.
- f. At the direction of the Executive Committee or at the request of an Athletic Director of a member school and with the approval of the Executive Committee,

investigate alleged violations of accepted standards of good sportsmanship, the Constitution, and Rules and Regulations and advise member schools of potential violations.

**Section 21.** Each June, At-Large positions shall be appointed from Shore Conference current and retired Athletic Directors, Athletic Coordinators, or Administrators, by the majority vote of the Executive Committee. Those persons shall serve at the pleasure of the Executive Committee for a two (2) year term as an ex-officio members without a vote. There shall be no more than a maximum of four (4) At-Large members. The terms of the At-Large members shall be two (2) years, except that the terms of the members shall be such that the term of not more than two (2) members shall expire in any one (1) year; provided, however, that in no instance shall the terms of the members first appointed exceed two (2) years. If a vacancy shall occur, otherwise than by expiration of the term, it shall be filled by appointment, as above provided, for the unexpired term. All terms shall run from July 1st of the year in which the appointment is made.

## **ARTICLE VII**

### **(Committees)**

**Section 1.** The standing committees of the Shore Conference shall include committees for all recognized sports of the Shore Conference and the Budget and Finance Committee, whose members shall be appointed by the President, and such other committees as the President shall deem necessary. Membership of all standing committees shall be appointed no later than October 1st of each school year. The Chair of each standing committee shall be an Athletic Director or administrator and appointed by the President. Each standing committee shall have a member from every division.

**Section 2.** The President shall appoint a committee each September for the purpose of meeting with various officials' organizations to discuss pay scales for officials and other appropriate subject matter. The Shore Conference recommends that all official's organizations file any request for increases in rates for discussion purposes at least one (1) full year in advance. Said committee shall report to the Executive Committee on each sport no later than March of each year. The Shore Conference Executive Committee may make recommendations only as to pay scales for officials and/or matters related to officials for Shore Conference member schools to consider.

**Section 3.** The President, prior to September 1st of each year, shall appoint two (2) Controversies and Disputes Committees from member school Principals, Athletic Directors, and coaches consisting of three (3) members, none of whom shall be members of the Executive Committee. The President shall name a Chair for each Committee. The Controversies and Disputes Committees shall have the duties and authorities set forth in Article XIII.

**Section 4.** The President, prior to September 1st of each year, shall appoint two (2) Investigation Committees from member school Principals, Athletic Directors, and coaches consisting of three (3) members, none of whom shall be members of the Executive Committee. The President shall name a Chair for each Committee. Following a filed protest and/or Motion of the Executive

Committee pursuant to Article XIII and the referral of any such violation to the Investigation Committee, the Investigation Committee shall possess the following duties and authorities.

- a. Members of the Investigations Committee shall have access to any and all documents in the possession of the member schools relating to the alleged violation(s). For purposes of this provision, documents shall mean any documents as defined by the New Jersey Open Public Records Act and the common law right to access. (This provision and definition applies to both the public and private member schools.) All documents shall be produced to the Investigations Committee within seven (7) business days from the date of the request. Member schools may redact all privileged and confidential personal information from any documents requested. Member schools, however, shall be required to identify the privileges relied upon for the redactions within its disclosures and produce a privilege log setting forth the basis for each redaction.
- b. Members of the Investigation Committee shall be permitted access to interview and question any and all administrators, officers, coaches, employees, agents, students, and independent contractors of the member schools. All such individuals have the right to remain silent and decline to provide interviews and testimony.

## **ARTICLE VIII**

### (Divisions)

**Section 1.** The Shore Conference, in the discretion of the Executive Committee, may divide itself into a divisional structure and change the number of divisions as set forth herein.

**Section 2.** For all sports except football and ice hockey, no later than April 1st of each uneven year, the Executive Committee shall re-evaluate the divisional structure of the Shore Conference for realignment of its divisional structure. October 15th enrollment figures (including those set forth in the application for State School Aid) shall be considered, as well as the number of divisions, enrollment adjustment percentages, geographic location, and such other items as the Executive Committee may deem to be material. Schools may inform the Executive Committee of circumstances that they feel may influence possible realignment no later than January 31st. The vote by the Executive Committee on any change in the divisional structure of the conference shall be by a majority vote of the Executive Committee. The structural realignments approved shall be effective commencing September of the following calendar year for a two-year (2) period. The Executive Committee may elect to re-evaluate the divisional structures for football and ice hockey on an annual basis. October 15<sup>th</sup> enrollment figures (including those set forth in the application for State School Aid) shall be considered, as well as the number of divisions, enrollment adjustment percentages, geographic location, and such other items as the Executive Committee may deem to be material, including, but not limited to, the most recent performance and rankings of the football and ice hockey teams in an effort to ensure competitive balance.

**Section 3.** There shall be no right of appeal from the realignment and/or the placement of a school in a division.

## **ARTICLE IX**

### **(Meetings)**

**Section 1.** The Executive Committee shall meet at least one (1) time each month with the exception of the month of July.

**Section 2.** Each Division Advisory Committee shall communicate at least one (1) time each month with the exception of the months of July and August.

**Section 3.** The general membership shall meet in September and June and at such other times as the Executive Committee may deem to be necessary.

**Section 4.** To constitute a quorum at a general membership meeting, there shall be a majority of the member schools present. Action, if taken, shall be by a majority vote of the quorum.

**Section 5.** If the representative of a member school cannot attend, in order for the school to be legally represented, a substitute voting delegate or representative shall be named by the Principal of the school or his/her designated representative in writing, with the letter presented to the Secretary at the commencement of the meeting. Further, the Principal shall name on or before September 1<sup>st</sup> of each year two (2) alternate representatives for said school who shall serve as a voting representative or delegate without presentation of the letter referred to herein in the event of the absence of said Principal as the voting representative. The alternate representative attending, however, shall present his or herself to the Secretary prior to the commencement of the meeting to announce his/her attendance as alternate representative for the Principal.

**Section 6.** All representatives to the Shore Conference shall be Athletic Directors, coaches, or administrators as named in the discretion of the Principal of the member school. Voting shall only be by the voting delegate or proper representative present at the meeting.

**Section 7.** Attendance and participation shall only be permitted as provided herein and in the discretion of the President or presiding officer.

## **ARTICLE X**

### **(Rules)**

**Section 1.** Roberts' Rules of Order shall govern all meetings.

**Section 2.** A majority of the quorum shall be sufficient to constitute an affirmative or negative vote at any meeting of the Executive Committee, as well as any meeting of any division or subdivision or committee of the Shore Conference unless otherwise provided by the Constitution.

## **ARTICLE XI**

### **(Incorporation)**

**Section 1.** This body is incorporated as a non-profit corporation under the laws of the state of New Jersey. The date of incorporation was October 29, 1938.

**Section 2.** The Trustees of the non-profit corporation, pursuant to the Amended Certificate of Incorporation, are empowered pursuant to law to operate the business of this non-profit corporation subject to the Constitution and Rules and Regulations and said Trustees shall be the *voting* members of the Executive Committee.

## **ARTICLE XII** (Eligibility)

**Section 1.** The rules and actions of the N.J.S.I.A.A. governing eligibility shall govern the Shore Conference.

## **ARTICLE XIII** (Controversies and Disputes)

**Section 1.** Protests by member schools against alleged violations of contracts, violations of the accepted standards of good sportsmanship, the Constitution, and the Rules and Regulations shall be reported in writing by the Principal of a member school and filed with either the President, President-Elect, Secretary, or Compliance Officer no later than ten (10) days after the date of such alleged violation, with a copy of said protest being forwarded simultaneously to the alleged violator and/or other member school involved.

- a. Failure to file a protest within the ten-day (10) time period shall result in automatic dismissal of said protest. (This determination shall not be subject to appeal.)
- b. A protest based upon an official's judgment of the playing rules and a protest not timely filed shall not be honored and shall be deemed void and barred. (This determination shall not be subject to appeal.)
- c. The determination as to whether a protest is timely filed or based upon an official's judgment of the playing rules shall be made by the President, President-Elect, and Past President. (This determination shall not be appealable.)
- d. It shall be understood that the word "filed" shall mean actual delivery and receipt of same by the Executive Committee as set forth above, whether by certified mail, confirmed fax, confirmed email, and/or hand delivery. The date of the alleged violation or incident shall count as day number one (1) in counting the ten (10) days in which to file with midnight of the tenth (10th) day being the end of the filing period.

**Section 2.** Notwithstanding the foregoing, at any time on its own motion, the Executive Committee may initiate proceedings for alleged violations of contracts, the accepted standards of

good sportsmanship, the Constitution, and the Rules and Regulations. Written notice shall be given to the Principal and Athletic Director of each member school involved.

**Section 3.** Upon the timely filing of a protest or upon the Executive Committee's election to initiate proceedings for alleged violations, the President, President-Elect, and the Past President shall determine by majority vote whether a stay shall be issued relating thereto. The President, President-Elect, and Past President may by majority vote at any time vacate any stay imposed. (Determinations as to the imposition or vacation of stays shall not be appealable.)

**Section 4.** Filed protests and proceedings initiated by the Executive Committee shall be referred by a majority vote of the President, President-Elect, and the Past President to the Investigations Committee, the Controversies and Disputes Committee, or the President, Secretary, and Treasurer and proceed thereafter as follows. If the an investigation has been conducted by the Compliance Officer, the Executive Committee shall be required to forward the protests and proceedings as aforesaid to the Controversies and Disputes Committee, the President, Secretary, and Treasurer, or the Executive Committee as a whole as provided by subsections b, c, and d below.

- a. In the event that the violation is referred to the Investigations Committee, the Investigations Committee shall have a period of forty-five (45) days to conduct an investigation of the evidence relating to the protest. By written request of the Investigations Committee, the time period may be extended by a majority vote for good cause shown by the President, President-Elect, and the Past President for an additional period not to exceed one-hundred and twenty (120) days. Any additional extensions may be granted only by request to and Motion of the Executive Committee, except that no investigations shall exceed nine (9) months in duration.
  - i. Within the aforesaid time period, the Investigations Committee shall gather evidence and prepare a written report setting forth the findings and evidence gathered during its investigation. The report and the evidence gathered shall be filed as soon as practicable with the Secretary, with copies of same being forwarded at the same time to the parties.
  - ii. Upon receipt of the report and evidence from the Investigation Committee, the Secretary shall transmit a copy to the President, President-Elect, and Past President, who shall decide by majority vote whether to refer the protest and alleged violation to the Controversies and Disputes Committee pursuant to subsection b or to the President, Secretary, and Treasurer pursuant to subsection c.
- b. In the event that the violation is referred to the Controversies and Disputes Committee, the Committee shall within sixty (60) days commence proceedings and conduct a hearing to which a representative of each school involved in the protest or controversy, as well as any appropriate witnesses in the discretion of the



Committee, shall be invited. The Chair of the Committee shall determine the form of proceedings and time limits.

- i. Following completion of proceedings and a determination by a majority of the Controversies and Disputes Committee, the Chair of same shall prepare a written report setting forth the findings of fact and the decision, attaching thereto all marked evidence and documents. The Committee may make a recommendation as to an applicable penalty, if any, it may deem necessary or appropriate. The report and attachments shall be filed as soon as practical with the Secretary, with copies of same being forwarded simultaneously to the parties.
  - ii. If the Controversies and Disputes Committee has upheld the protest or violation and recommended a particular penalty, the Executive Committee shall take such action as it may deem appropriate with respect to any penalty no sooner than ten (10) days thereafter.
- c. In the event that the violation is referred to the President, Secretary, and Treasurer, the President, Secretary, and Treasurer shall within sixty (60) days commence proceedings and conduct a hearing to which a representative of each school involved in the protest or controversy, as well as any appropriate witnesses in the discretion of the President, Secretary, and Treasurer, shall be invited. The President shall determine the form of proceedings and the time limits.
  - i. Following completion of proceedings and a determination by a majority of the President, Secretary, and Treasurer, the Secretary shall prepare a written report setting forth the findings of fact and the decision, attaching thereto all marked evidence and documents. The President, Secretary, and Treasurer may make a recommendation as to an applicable penalty, if any, it may deem necessary or appropriate. The report and attachments shall be presented as soon as practicable to the Executive Committee, with copies of same being forwarded simultaneously to the parties.
  - ii. If the President, Secretary, and Treasurer have upheld the protest or violation and recommended a particular penalty, the Executive Committee shall take such action as it may deem appropriate with respect to any penalty no sooner than ten (10) days thereafter.
- d. In emergent circumstances where time will not permit a properly filed protest to be heard by the Controversies and Disputes Committee or the President, Secretary, and Treasurer, the Executive Committee, by a 2/3 vote of the whole, may hear such a controversy and render a decision thereon, after all parties are provided with notice and opportunity to present their positions before the Executive Committee.

- e. All appeals from a decision of the Controversies and Disputes Committee, the President, Secretary, and Treasurer shall be heard by the Executive Committee pursuant to this Article and shall be filed within ten (10) days for the receipt of the written decision. Failure to file an appeal within the ten-day (10) time period shall result in automatic dismissal of said appeal. (This determination shall not be subject to appeal.)
- f. In the event that there is a conflict of interest that requires the President, Past-President, President-Elect, and/or Treasurer relating to any duties set forth in this Article, the Executive Committee shall by Motion appoint the replacement(s) to act in his/her stead. So long as a quorum exists, no replacement shall be required in the event a member of the Executive Committee is required to recuse his or herself as a result of a conflict of interest.

**Section 5.** After a decision by the Controversies and Disputes Committee or the President, Secretary, and Treasurer pursuant to this Article, an aggrieved party may appeal in writing to the Shore Conference Executive Committee by filing a Notice of Appeal within ten (10) days of the receipt of the decision. A copy of said Notice of Appeal shall be served upon all interested parties.

- a. Filing within the ten (10) day limit shall be deemed to mean actual in hand receipt of the Notice of Appeal by the Secretary, whether same is mailed or hand delivered. Within ten (10) days of filing of the Notice of Appeal, the respondent may file with the Secretary a written reply to the Notice of Appeal setting forth its position, with a copy being sent to all interested parties. (Failure to timely file an appeal shall result in its dismissal and that dismissal shall not be appealable.)
- b. After receipt of all documents and passage of the appropriate time period, the Executive Committee shall determine whether: (i) it will summarily decide the appeal on the report and information filed without a hearing and without argument; or (ii) the Executive Committee will consider the matter at a hearing where the parties are invited and asked to present their positions based on the record made before the Controversies and Disputes Committee or the President, Secretary, and Treasurer. When argument and a hearing are held on an appeal, all parties shall receive at least ten (10) days' notice in writing and be given an opportunity to be heard.
- c. A copy of any decision reached by the Executive Committee shall be in writing and delivered by the Executive Committee to the parties as soon as practically possible.
- d. If a hearing is held under subsection b(ii), the Executive Committee may, in its discretion, permit the record and report from the Controversies and Disputes Committee or the President, Secretary, and Treasurer, as applicable, to be expanded by additional evidence, provided that a majority of the Executive Committee agree the additional matters requested to be submitted by any part are

relevant, material, and necessary in the interest of justice, and provided the opposing party shall have an opportunity to present its view with respect to said additional submissions or evidence.

- i. All hearings with respect to the appellate process before the Executive Committee shall be deemed formal (with a record being made by a certified shorthand reporter). At all hearings, witnesses, if any, shall be sworn and the right of cross-examination shall be available. Although, technical rules of evidence shall not be strictly adhered to in any proceedings under this Article, same may be considered on questions of evidence before the Executive Committee. The President shall determine the form of proceedings and the time limits.
- ii. In the event that a full hearing is elected by the Executive Committee, the appealing party shall be required to file with the Executive Committee a guarantee in the form of a letter from the Principal of the member school, which shall guarantee the payment of the cost of a certified shorthand reporter, plus the forwarding of \$500 for administrative and related costs within ten (10) days of the Executive Committee's election to hold a full hearing pursuant to subsection b(ii). (Failure to do so shall result in automatic dismissal of the appeal.)

**Section 6.** In the event a member school desires to admit to a violation or filed protest, said admission may be accepted upon waiver of any right to a hearing set forth in this Article. The member school and its representatives shall meet within fourteen (14) days after giving written notice of such admission to the Secretary with the President, Secretary, and Treasurer in order to discuss what penalties, if any, shall be assessed. The President, Secretary, and Treasurer shall have the power to assess such penalty as they deem to be reasonable, necessary, and appropriate by majority vote. In the event the member school so participating disagrees or takes exception to the penalty imposed, it shall have the right of appeal as to the penalty only, provided there is compliance with the applicable time limits and filings. A copy of the Notice of Appeal shall be served and filed as herein set forth no later than five (5) days after the date of written notice of imposition of the penalty.

**Section 7.** Penalties as hereinafter set forth, subsections a through h, may only be assessed in the discretion of the Executive Committee for infractions of the Constitution, Rules and Regulations, and/or for such rulings or decisions rendered pursuant to this Article. The penalties may be assessed against the member schools, Superintendents, Athletic Directors, coaches, and other personnel employed by the member schools, and may include, but shall not be limited to the following.

a. Public Censure

Under such terms and conditions as the Executive Committee may by Resolution determine.

b. Probation

Probation for a designated time period as appears to be necessary in the discretion of the Executive Committee.

- i. Said probationary period shall be from the date of penalty as assessed by the Executive Committee.
- ii. Where a violation occurs in a specific varsity sport, the Executive Committee may apply the period of probation to that sport only.
- iii. During a probationary period, a school, in the discretion of the Executive Committee, may play its regular schedule in sports, but may not be eligible for any divisional or Conference championship award in that sport involved with the probation or as the Executive Committee may direct.
- iv. Such terms and conditions as the Executive Committee may by Resolution determine.

c. Suspension

Under such terms and conditions as the Executive Committee may by Resolution determine.

d. Expulsion

Under such terms and conditions as the Executive Committee may by Resolution determine.

e. Forfeit of Games

Under such terms and conditions as the Executive Committee may by Resolution determine.

f. Forfeit of Championship Rights

Under such terms and conditions as the Executive Committee may by Resolution determine.

g. Fines

Fines may be assessed under such terms and conditions as the Executive Committee shall by Resolution determine. Fines may be assessed against any offending school, coach, individual, or other entity as follows.

- i. Up to a maximum of \$2,500.00 per violation for each first (1<sup>st</sup>) violation.

- ii. Up to a maximum of \$5,000.00 per violation for each second (2<sup>nd</sup>) violation.
- iii. Up to a maximum of \$10,000 per violation for each third (3<sup>rd</sup>) and any subsequent violation.

For purposes of the subsection, violations within the prior ten (10) years for which any penalty set forth in this Article XII was assessed by the Executive Committee against the same member school, Superintendent, Athletic Director, coach, or other personnel employed by the member school shall constitute applicable prior violations in terms of the foregoing fines.

h. Fees and Costs

All penalties set forth in subsections a through g may include, at the discretion of the Executive Committee, all attorneys' fees and costs relating to the investigation, prosecution, and any and all appeals of violations and protests.

**Section 8.** Any member school and or agent, servant, employee, and/or other person or entity which proceeds with an appeal from a final decision of the Executive Committee or proceeds directly without having exhausted the mandatory administrative remedies and appeals process to the N.J.S.I.A.A., the Commissioner of Education, the Department of Education, the State Board of Education, and/or the courts of the State of New Jersey and/or the United States, including administrative courts, challenging the Constitution, the Rules and Regulations, the actions of the Executive Committee, and/or the decisions of the Shore Conference, shall assume, be responsible for, and shall be assessed the full cost of proceedings, litigation, and appeals, including, but not limited to, all costs, attorneys' fees and costs, and other expenses and disbursements whatsoever incurred by the Shore Conference relating to and/or arising out of the protest, violation, investigation, internal protest and appeal procedures, any administrative actions, any and all litigation in the state and/or federal courts, any and all appeals to the state and/or federal courts, and any and all post-judgment proceedings. This provision shall apply to all such fees and costs regardless of whether or not the Executive Committee elected to impose costs and fees pursuant to Section 7h.

**Section 9.** In the event that a protest is filed and it is unsuccessful, the Executive Committee may elect to impose the costs and attorneys' fees and costs relating to the investigation, prosecution, and any and all appeals upon the member school, agent, servant, employee, and/or other person or entity that filed the protest.

**Section 10.** The procedure with respect to the payment of any and all costs and attorneys' fees and costs arising out of this Article shall be payable within sixty (60) days, shall be convertible to a judgment by summary proceedings, and the Executive Committee shall have full authority to determine whether to collect same as part of its responsibilities in administering the Conference and conducting the business and finances of the Shore Conference. Failure to pay may result in

loss of membership and/or such action as the Executive Committee in its discretion shall determine.

#### **ARTICLE XIV**

(Amendments to the Constitution and Rules and Regulations)

**Section 1.** The Constitution may be amended by a majority vote of the general membership.

**Section 2.** Amendments to the Constitution may be made only at the Annual Meeting in May or June with any adopted amendments to become effective on September 1st of the following year or at such other time as may be specifically set forth in said amendment.

**Section 3.** General proposals for amendment to the Constitution shall be submitted no later than February 1st of each year to the Executive Committee. The Executive Committee at any time may also propose amendments. The Executive Committee shall vote to approve or disapprove of such proposals and the Secretary shall send to the member schools not later than ten days before the Annual Meeting in May or June such written proposals that the Executive Committee has approved together with the name of the member school or appropriate committee or originator of said proposal. The proposed amendment shall be voted upon at the Annual Meeting.

A proposal for Constitutional amendment that has been disapproved by the Executive Committee for consideration at the Annual Meeting shall be included among those to be voted on at the next succeeding Annual Meeting provided that in the interval at least a majority of the member schools have endorsed the proposal in writing and submitted same to the Executive Committee and this fact shall be noted on the ballot, provided said proposal receives the necessary majority vote.

**Section 4.** The vote taken at any meeting with respect to amendments to the Constitution shall be by roll call vote on each proposed amendment and shall be fully recorded in the minutes.

**Section 5.** Proposed rule or regulation amendments shall be submitted in writing to the Executive Committee, through the office of the President, by a member school under the signature of the Principal of said school or by the Executive Committee on its own motion.

- a. Each proposal shall be presented to the proper committee for investigation.
- b. Each respective Committee to which same is submitted shall forward to the Executive Committee the written recommendation of the said committee.
- c. To be approved by the Executive Committee vote shall be by a majority of the Executive Committee with said amendments to be effective the following seasons or year as set forth in the proposed amendment of said rules and regulations.
- d. A roll call vote by the Executive Committee shall be required on each proposed amendment and shall be fully recorded in the minutes with a written Resolution kept by the Secretary.