

CONSTITUTION
The Constitution and By-Laws
of
Oahu Basketball Referees Association

Adopted (8/1989); Revised and Adopted (11/2005); Revised and Adopted (11/2006); Revised and Adopted (8/2007)

ARTICLE I – Name

The name of the Association shall be the Oahu Basketball Referees Association (henceforth to be known as the “Association” or “OBRA”.)

ARTICLE II – Purpose

To provide basketball officiating services to the Oahu Interscholastic Association (OIA) and all other organizations.

Promote the participation of officiating by the community and others to support initiatives of the Oahu Interscholastic Association and its affiliates.

This organization may cooperate with other organizations and agencies active in the promotion of OIA activities.

This organization shall be nonpartisan and it shall not endorse or contribute to a candidate running for public office.

ARTICLE III – Membership

Section 1. Association

Membership is open to anyone who is interested and supports the objectives and policies of this organization.

The annual dues shall be \$75 per member.

The Association shall be composed of all duly qualified and approved **active, inactive, provisional** (when applicable), and **honorary members**.

Section 2. Status of Members

Active. Working members in good standing who are affiliated with this Association.

Inactive. Non-working members of this Association who for personal reasons, injury, or due to leave of absence are not actively engaged in basketball officiating. Those members who have allowed their memberships to lapse or who have been suspended for cause are also considered to be in an inactive status.

Provisional. Provisional members or working members of this Association who have not qualified for active status but are eligible to officiate as members of this Association for a period of one (1) year from the date of their acceptance, providing they successfully complete this Association’s mandatory meetings and examinations. The categories of provisional status are:

A prospective member (or transferred member) who passed with a qualifying score of at least 80 percent on the current NFHS Part II examination, but who did not meet the Association’s minimum standard of attending the five mandatory meetings or appropriate make up examinations

A prospective member who did not obtain a qualifying score of 80 percent on the current NFHS Part II examination, but who meets the Association’s minimum standard of attending the five mandatory meetings or appropriate make up examinations

Honorary Member status is granted to by the Board of the Association. These members are not required to participate in any matter and fees are not collected.

Section 3. Rights of Members

Members shall wear the official uniform as defined by the Association's Board of Directors and officiate with other members of this Association; and share in other benefits that may be provided by the Association.

Section 4. Financial Obligations

Members of the Association shall be required to pay all dues, assessments, and fines that may be levied by the Association on or before the dates designated for such payments. Normally the official's dues will be deducted from their officiating services. For officials who joined the association, members must pay association dues immediately to qualify for provisional status.

Provisional members shall not be paid unless they qualify for Active status. Should a provisional member not qualify by the end of the final game of the regular season, the member will be fined \$20 with the balanced to be sent to the member.

Section 5. Governing Authority

Members shall comply with the requirements of this constitution and its By-laws.

Section 6. Required Attendance

Attendance requirements are as follows:

Regular Meetings. All active, and provisional members are required to attend a prescribed number of regular Association meetings. Association meeting, as indicated in By-laws, Article 1, Section 2G.

Special Meetings. All active, inactive and provisional members shall attend all special meeting of the Association as called by the President.

ARTICLE IV – Officers

Section 1. Titles

The officers of the Association shall be as follows:

- President
- Secretary/Treasurer
- Commissioner
- Assignor

Section 2. Term of Office

The term of office of the Association's officers shall be as follows:

President: The President shall preside at all meetings of this organization and shall perform such duties as may be prescribed or assigned him/her by the association. In order that the objectives may be promoted, the president shall coordinate the work of the officers and committees that may be formed. Further, the President shall appoint standing committees and chairs of each committee.

Secretary/Treasurer: The treasurer shall record the minutes of all meetings of the association, conduct correspondence of the organization, receives all monies of the organization, keep an accurate record of the receipts and expenditures; shall pay out funds in accordance with the approved budget as authorized by the association and perform such other duties as may be delegated. The treasurer shall present financial statement(s) at the appropriate meeting of the association and at other times when requested and shall make a full report at the annual meeting.

Commissioner: The Commissioner shall work with the President and act as a liaison with the Oahu Interscholastic Association and all other organizations requesting services of the association. The commissioner shall negotiate all fees and payment to the association. The Commissioner is hired by the Oahu Interscholastic Association and reports to the Executive Secretary of the OIA. The Commissioner's position cannot be replaced unless approved by the Oahu Interscholastic Association.

The **Assignor(s)** shall coordinate all high school varsity and junior-varsity game assignments in accordance with State and local policies. The assignor(s) may also coordinate and/or delegate assignment of any games other than high school varsity or junior-varsity. The Assignor(s) shall not officiate basketball games on meeting nights. The assignor's position cannot be replaced unless approved by the Oahu Interscholastic Association.

Section 3. Nomination

Prior to the first regular meeting of the season, the President shall call a meeting of the Board of Directors for the purpose of accepting nominations for new officers.

Section 4. Election

The election of officers will normally take place prior to the first regular meeting of the season. A special meeting may be called by the President for election purposes.

For purposes of electing officers, voting members shall be limited to members of the board of directors unless the board chooses to allow the membership to vote in such matters. If the membership is allowed to vote, only active status members are allowed to participate.

Section 5. Vacancy

The Board of the Association shall have the power to fill a vacancy that may occur.

Section 6. Number of Board Members

The Board shall consist of no more than seven (7) members. The seventh member of the board shall be elected through a majority vote of the the membership and serve a two year term.

Section 7. Qualifications for the Board

In order for a person to serve on the Board, the person must, 1) be an "active" status of the Association, 2) must be in the Association for a minimum of five years.

ARTICLE V – Amendments

Section 1. Amendment Procedures

This Constitution may be amended by a majority vote of a quorum of board members of the Association present at any regular meeting, or any special meeting called specifically for the purposes of amending the Constitution.

BY-LAWS

ARTICLE I – Membership

Section 1. General

Any male/female regardless of race, creed, color, or religion who has reached his/her 18th birthday on or before October 1 of the year in which membership is being sought shall be eligible for membership in the Association.

Applicants must establish a satisfactory record of health and character.

Section 2. Requirements for Members

All members of the Association must:

- A. Pay annual Association dues as prescribed in the Constitution of the respective organization.
- B. Pay annual local Association dues prior to May 1 of each year to retain their active/inactive membership status.
- C. Be responsible for upholding the standards of the Association, the Oahu Interscholastic Association and the National Federation of State High School Association as they relate to the professionalism, appearance, and personal conduct, both on and off the court.
- D. Wear only the official uniform of the Association which is the same as that prescribed by Oahu Interscholastic Association.
- E. Advise the Board of Directors through one of its members of any and all incidents concerning conduct of coaches, players, school administrators, spectators, and fellow officials. Such notification should be in writing and include all pertinent facts and particulars. This report should be made within twenty-four (24) hours subsequent to the occurrence of incident. If a fellow official is involved, a copy of the report must be sent to him/her as a courtesy.
- F. Inactive members of the Association must pay all fines and complete all suspension prior to being eligible for return to active membership status. Transfer members must pay the Association annual dues to qualify for game assignments.
- G. Attend all mandatory instructional meetings at the beginning of the season AND attend as many as 2 mandatory meetings/clinics during the season which may be designated by the Board of Directors
Note: Failure to meet the attendance requirements outlined above shall immediately cause an active member to be classified as inactive. Upon appeal, attendance requirement and/or the reclassification may be waived by the Board for just cause such as injury, illness, or family/employment emergencies. Those members assigned a game or scrimmage(s) on a meeting date are considered to be in attendance on that date.
- H. Agree that, for a period of their membership for any reason, will not directly or indirectly, on your behalf, provide services which are substantially similar to the duties or functions you performed as a high school basketball official for this Association, including the holding of any position of officer or board member of like services on the Island of Oahu.

Section 3. Grievances

- A. Any member, active, inactive, or provisional may submit a written grievance to the Board through the President of the Association.
- B. The President of the Board will ensure that prompt action is taken concerning the submitted grievance, and that a written replay is transmitted to the submitter within fifteen (15) days from date grievance is received.

Section 4. Term of Membership

- A. The term of active and inactive membership in the Association shall be for as long as a member does not allow membership to lapse or have it terminated for cause.
- B. Lapsed Membership. A member who has allowed his/her membership in the Association to lapse for two (2) years shall no longer be considered a member of the Association. However, if membership has lapsed for less than two (2) years, the individual concerned may request reinstatement. If no cause exists for denying reinstatement, he/she may be reinstated by paying all delinquent dues, fines, and/or assessments.
- C. Terminated Membership. Membership in this Association may be terminated as follows:
 - Voluntary Resignation
 - Departure from Association territory.
 - Action by the Association for cause.

Section 5. Examination and Tests

All active, inactive, and provisional members will be required to successfully complete, with an acceptable grade, any one of the following:

- A. Part II of the National Federation High School Written Rules Examination as required by the Hawaii High School Athletic Association.
- B. All tests and practical floor exercises established as part of the overall training program for active/inactive and/or provisional members.
- C. All active members are required to be evaluated during the season using the Association's evaluation process.

ARTICLE II – Discipline of Members

Section 1. Grounds for Discipline

Any member, regardless of membership status, whom fails to comply with the Association's Constitution and/or By-laws may be suspended and/or fined for a limited period of time. Also, any member who is delinquent in payment of authorized charges; or whose conduct is conclusively established to be contrary to the best interest of the Association and its membership may be fined and/or suspended for a limited period of time. In addition, any member who brings discredit upon the Association and its membership may be permanently expelled. (The Board will review all cases to determine Grounds for Discipline.)

Section 2. Appeal

Any member who has been disciplined may appeal such action. The appeal must be in writing and submitted to the Board for review.

Section 3. Jurisdiction

The Board has the authority to levy fines and/or assess limited suspensions as part of the disciplinary program of this Association.

Section 4. Right of Hearing

A member charged with any offense shall have the right to be heard in person, to be heard by written communication from him/her or from any credible witnesses in his/her behalf at the hearing. A subcommittee shall be appointed by the President of no less than three (3) members of which two shall be board members.

Section 5. Notice of Disciplinary Action

When a member is fined, suspended or expelled, the President shall notify in writing, said member of all action. Additionally, a copy of the written notification of disciplinary action will be read by a member of the Board of Directors at the next scheduled meeting of the Association.

ARTICLE III – Fees, Dues, Assessments, Fines and Evaluation

Section 1. Dues

Local Association Dues. Initiation and/or annual dues for membership in the Association will be established by the membership.

Section 2. Assessments

Special Assessments. The membership shall determine and approve any special assessment to be levied by the Association.

Section 3. Fines

Missed Game Fines. The membership shall determine the fine for missing a game assigned through the Association. Any member who does not participate in the local evaluation process will be fined as determined by the Association.

ARTICLE IV – Rules of Procedure

Section 1. Quorum

A quorum for transacting the Association's business shall be the Board present at any scheduled meeting. A quorum for amending the Constitution or By-laws, for establishing dues/fees, and for election shall be a simple majority (50% of membership plus one (1) of the board membership.)

Section 2. Absentee Balloting

Absentee balloting by the membership is permissible on all matters pertinent to election of officers, suspension or expulsion of a member, and/or all fiscal matters pertaining to assessments or changes in the annual rate of dues/fees.

Section 3. Game Assignment Priorities

Game assignments will be made in the following priority:

Active members will have priority on all game assignments through the Association.

Provisional members will not be assigned basketball games until all active members have been solicited to ascertain their preference for the game(s).

Inactive members of the Association will not be assigned to officiate any contest that is contracted through this Association, until such time as having satisfied all requirements for return to active status. In addition, all contracted games possessed by a member who has been placed on the inactive category for disciplinary reasons will be renegotiated by the Assignor(s) and replacements provided from the Association's resources. All administrative details concerning the negotiation of contracts possessed by inactive members will be handled by the Assignor(s) and coordinated with the Board of Directors.

In order to be eligible and considered for game assignments, members must have all fees, dues, assessments and fines paid in full. The Secretary/Treasurer shall inform the Assignor(s) of any member who is in arrears, and thus not eligible for games to be assigned.

Section 4. Assignment Specifics

Each member of the Association desiring game assignments will be required to have on file with the Assignor(s) a seasonal availability sheet upon which he/she will indicate those dates that he/she is not available for game assignments. It is the responsibility of each member of the Association to assure that the Assignor(s) has his/her availability sheet on file prior to the Assignor's specified deadline each year. Should a member fail to return the availability sheet to the assignor(s), game assignments may not be given.

The Assignor(s) will meet with school representative(s) to accept schedules from schools and/or groups requesting services from the Association. The assignor(s) will determine assignments based upon data contained on members' availability sheets.

All members of this Association are expected to accept games assigned in accordance with the dates listed on their respective availability sheet. Should an official refuse to accept a game assignment, it will be assumed that this individual is not available for any game assignment on the date in question.

Any member who turns back an assigned game must do so through the Association Assignor(s). The Assignor(s) will contact the next available official. Under no circumstances will an official contact and arrange for another official to work a game that has been assigned through the Association.

The Assignor(s) will provide a listing of all game assignments. This listing will be made available to the membership through the Association's regularly scheduled meetings. Should a discrepancy exist, the Assignor(s) will be notified immediately so that a correction can be made and the proper people notified.

No member of the Association shall solicit nor shall accept an assignment with a school, league or organization serviced by the Association except through the prior approval of the Board of Directors and/or Assignor(s).

Members listed on the game assignment sheet provided by the Assignor(s) are recommended to contact their partner(s) to verify travel and other pre-game arrangements. Contact should be made at least one (1) day prior to the scheduled date of the game. Members are permitted to turn back no more than five (5) games each season following the Association meeting where the game is initially assigned. Members shall be assessed a rescheduling fee for each game returned which exceeds the number permitted. Upon appeal, a rescheduling fee may be waived by the Board of Directors for just cause such as injury, illness, or family/employment emergencies. All rescheduling fees collected shall be paid to the Association.

Any member who fails to work an assigned game shall be assessed a missed game fine. Failure to work an assigned game for a second time during a season shall be assessed a double missed game fine also cause the member to be classified as inactive and referred to the Board for further disciplinary action. Each missed game fine collected shall be paid to the Association. (The Board will determine the validity of the missed game(s)).

Section 5. Working with Non-Members.

The restriction of this Section applies only to Hawaii High School Athletic Association sanctioned games (i.e. state tournament).

Normally a member of this Association will not work a high school basketball game with a non-member of the Association. However, circumstances may dictate that to cover the game properly, such action is essential to the game being played. In such cases, the member will file a complete written report describing the circumstances surrounding the game. A verbal report must be made to the President of the Association as soon as possible. The written communication must be delivered within twenty-four (24) hours of the verbal report.

Members of this Association who are also members of a military or collegiate officials group may work those games in accordance with the operating instructions of those groups.

All game assignments or changes in game assignments received direct from a group or school will be reported to the Assignor(s) so that he may update the Association's assignment records and the individual's availability sheet.

All changes in game assignments, regardless of source or reason, will be reported to the Association Assignor(s).

When feasible, the Assignor(s) will assign certain members to standby status on specified evenings. Those members so assigned will be prepared to go at a moments notice to any game which assigned. Standbys that have not been called by 5 P.M. on the date that they have been listed as standby may assume that they are no longer required to stand by.

Section 6. Conflicts of Interest

As members of a professional organization, we must all hold ourselves to the highest standards of conduct and integrity, ethics and business morals, responsibility and loyalty to OBRA.

All members should not engage in, directly or indirectly, any activities, practices, actions, political activities, other employment or conduct which is damaging to the best interests of the Association; and are required to ask the President about specific situations before engaging in any potentially conflicting activity, conduct or employment; and are immediately required to disclose activities where an actual or potential Conflict of Interest may develop or had developed.

This policy lays out broad guidelines that encourage discussion to ensure that it is clear what is expected of everyone. These examples can not cover all possible conflict of interest situations; therefore, you are encouraged to talk with the President of the Association to prevent any actual or perceived conflict of interest.

Conflict of Interest Defined

A Conflict of Interest is defined as an activity or relationship with another company or individual with whom OBRA maintains or may establish a business relationship that would result in questionable ethics, would not be in the best interest of OBRA, or would result in personal profit or advantage to a staff or his/her immediate family.

Conflicts of Interest arise if a member enters into a relationship, take action or establish an economic interest for the member or another's personal gain which compromise the member's ability to represent the best interests of OBRA. This includes immediate family or any other relationships which might (or might be construed to) appear to be a motive to unfairly influence or take advantage of business matters involving OBRA.

Conflicts of Interest include any unauthorized use or application of any confidential or proprietary information (information which is the property of OBRA) to the detriment of OBRA, especially where this results in personal gain for the member, his/her immediate family, friends or any other person or entity in which the staff has a personal interest, either directly or indirectly.

A Conflict of Interest would result if a member or his/her immediate family participated in a Personal Capacity in the same investment as OBRA and the member (1) has access to confidential, non-public information regarding OBRA's financial or business investments, (2) is involved in the management of any OBRA investment, or (3) has any decision-making authority regarding the investment. Should this situation arise, the member shall immediately disclose this to a Board Member and the Board Member shall report this matter to the President who shall take appropriate steps to address any conflict of interest, as appropriate.

Examples of Situations which must be disclosed as a potential or actual Conflict of Interest (not listed in any particular order of importance)

Have ownership interests or management/employment relationships in an OBRA supplier, customer, competitor, or co-investor;

Engage in outside jobs, business activities or outside affiliations, including director, officer or member of any organization, which interferes with your ability to perform your duties and responsibilities for OBRA, or which is not compatible with OBRA's interest including memberships that directly compete with the same line of business/services in OBRA's primary mission of providing basketball officiating services to high schools in the State of Hawaii. If you serve on a board of directors, you must not vote or otherwise act upon any particular transaction if ever a potential or Actual conflict arises.

ARTICLE V – Code of Conduct

The following Rules of Conduct set forth guidelines for conduct that are expected of all members in their interactions with other members, student-athletes, parents, vendors or other individuals who have a business or educational interest with OBRA. These written guidelines are not intended to cover every possible situation and may be modified from time to time. If you have questions or doubts about the appropriateness of a conduct or activity, you should discuss the situation with any OBRA board member.

Section 1. General Guidelines

Confidential, Proprietary and Protected Information. It is OBRA's policy to protect confidential and personal information such as information on file in personnel jackets and/or medical records. Such information is to be released to only those who have a business "need to know" or as otherwise required by law. The same is true for proprietary information, defined as all non-public information owned by OBRA. Such information may be classified as "Confidential" and include any financial information, passwords, and proprietary information furnished by vendors or other third parties. Information such as delinquent accounts, financial condition of members, and other items relating to personal affairs, which you obtain through the ordinary course of membership, must be held in the strictest confidence and shared only with authorized individuals on a "need to know" basis or as otherwise required by law.

Accuracy of Books and Records. OBRA's books and records must be complete and accurate. The integrity of OBRA's recordkeeping system depends on there being complete and accurate entries with no false, misleading or artificial entries. All transactions with any financial impact must be handled so as to avoid any question of bribery, kickbacks, other illegal or improper payments or any suspicion of impropriety whatsoever. Any requests or directions to perform illegal or inappropriate acts should be reported immediately to a board member or any senior member of management. You should respond promptly and cooperate fully with OBRA's accountants, auditors and examiners. Questions are to be answered honestly and candidly.

Examples of Unacceptable Conduct. The following examples are causes for disciplinary action up to and including possible immediate discharge. This list of examples is not intended as an exhaustive list. Disciplinary action may be taken in other situations if deemed appropriate by OBRA.

- A. Fighting, physically assaulting, intimidating, threatening, coercing, or attempting bodily injury related to work.
- B. Violation of OBRA policy against discrimination and harassment, including sexual harassment. Violation of OBRA policy against discrimination including harassment, using racial or religious slurs or any other remarks, jokes or conduct that encourages or permits an offensive work environment; use of profane or abusive language to others or failing to treat others with respect and courtesy, engaging in sexual advances, actions, comments or any other conduct of a sexual nature in or related to the workplace that creates an intimidating or otherwise offensive work environment, discrimination including harassment because of race, color, age, religion, sex, arrest and court record (unless otherwise permitted by law), marital status, national origin, ancestry, military status, disability, sexual orientation or any other protected status under law.
- C. Violation of OBRA policy for a drug and alcohol free workplace. Engaging in any activity relating to the unlawful use, sale, possession, manufacture, dispensation, or distribution of any unauthorized drugs or substances, or appearing under the influence of illegal drugs, substance or alcohol anywhere at the gym site or while on assignment. The use of, or being under the influence of, legal drugs that adversely affect job performance, judgment or perception at any time on or off premises but during the assignment, is also prohibited. Consuming alcohol in any situation that might reflect adversely on OBRA or result in failure to perform assigned duties; possession or use of alcohol while at the gym or on an assignment without specific authorization for staff business or social function.
- D. Conviction of a crime rationally related to your job or which would make you unsuited to working in close proximity with children.
- E. Any form of dishonesty including but not limited to stealing, unauthorized taking, use or removal of OBRA property or the property of others, making false or fraudulent records or statements, lying, circumventing established procedures, or malicious mischief.
- F. Personal immoral or unethical conduct on or off the job, that gives the appearance of wrong doing which could discredit OBRA and which violates common decency, morality, business ethics, statutory responsibilities or the aiding or abetting of any of the above.
- G. Making or knowingly publishing false, vicious or malicious statements concerning OBRA, its management, staff, members, or any individual or establishment directly or indirectly related to OBRA.
- H. Falsifying or altering service, time or other OBRA records, schedules or payroll records. Falsification of membership application or providing false, misleading or omitting information related to prior membership to OBRA or current membership with OBRA.
- I. Failing to work for TWO (2) or more assignments within one calendar year without appropriate notification.
- J. Endangering the safety of others or their property through negligence, carelessness, or by malicious mischief; engaging in dangerous or potentially dangerous horseplay while at a OBRA workplace or on assignment time.
- K. Carrying firearms, explosives, incendiary (combustible) devices or any other dangerous items or weapons on before, during or after assignments, unless it is required of one's job. This applies even to those with a permit or license to carry a weapon.
- L. Unauthorized appropriation, copying, possession or use of "OBRA Property" including, using diskettes on OBRA computers which have been used on non-OBRA computers, after which have not been cleared for use by the President. NOTE: "OBRA Property" includes records, documents, tapes, computer discs, videos and other data or voice storage devices created by staff members which relate to OBRA.
- M. Insubordination, failure to cooperate during an investigation, refusal or failure to perform assigned duties.
- N. Taking unauthorized breaks or otherwise leaving the assigned work without providing notice to and/or receiving permission from your assignor, except in case of emergency; stopping work early without permission; sleeping, giving the appearance of sleeping, or loafing on duty.

- O. Failing to observe common safety practices or safety rules; failing to report any known personal illness or injury arising out of membership within one (1) working day of the accident/incident; failing to wear proper uniform; smoking (except in designated smoking areas).
- P. Gambling at any school site or during any assignment.
- Q. Repeated tardiness or repeated failure to give your assignor notice that you will be absent or tardy.
- R. Excessive absenteeism may result in disciplinary action up to and including termination. The determination of what is "excessive" will be made on a case-by-case basis, with full regard to all applicable laws.
- S. Unauthorized presence in or use of OBRA property or facilities; failing to properly and reasonably secure, safeguard, or prevent damage, destruction, or loss of OBRA property (includes damage to computers from using/installing software not purchased by OBRA); failing to report loss of OBRA property, accidents or damage to OBRA property.
- T. Unauthorized use of OBRA address and mail system, including for personal use; unauthorized advertising or release of OBRA telephone numbers; excessive use of OBRA telephones for personal purposes.

Section 2. Discipline

Discipline may involve up to five steps:

- Verbal Warning
- Written Warning
- Disciplinary Probation and/or fines
- Suspension
- Discharge

These steps need not be administered in a progressive manner; i.e., the disciplinary steps need not follow any specific order. The seriousness of the violation and your entire work record are factors that will be considered.

ARTICLE VI – Policy Prohibiting Discrimination Including Harassment

It is the policy of OBRA to prohibit Discrimination including Harassment on any basis that is protected by state or federal law, regulations, and/or executive order, including the following bases: race, national origin, color, citizenship, ancestry, religion, marital status, sex, gender, arrest and court record, (unless otherwise permitted by law), age, sexual orientation, disability, military service, veteran status, or any other protected status under by law.

Every person, whether a member, staff or other member of the public, is entitled to be treated with dignity and not be subjected to discrimination or harassment.

Section 1. Definition

Discrimination means treating one person or a group of persons better or worse than another person or group of persons for a reason prohibited by law based upon that person or group's protected status, e.g. race, age, religion, etc. Harassment is a form of discrimination that subjects a person to offensive or unwelcome behavior of an unlawful kind based upon a protected status, e.g. sexual, racial, religious, etc. It includes conduct that whether intended or not, annoys or bothers another, i.e. derogatory racial names, offensive sexual or racial comments or "jokes" and unwelcome touching that is sexual in nature or a request for sexual favors and other verbal or physical conduct of a sexual nature when" (1) submission to such conduct is made an implicit or explicit condition of employment; (2) submission to or rejection of such conduct affects employment opportunities; or (3) the conduct interferes with a staff member's work or creates an intimidating, hostile or offensive work environment.

OBRA prohibits discrimination including harassment on any basis that is protected by state and federal laws, regulations, and/or executive order, including the following bases:

- race
- national origin
- color
- ancestry
- religion
- marital status
- sex
- arrest and court record (unless otherwise permitted by law)
- age
- sexual orientation
- disability
- military service
- or any other protected status under law.

Section 2. Policy Against Sexual Harassment

Every person, whether a member, staff or other member of the public, is entitled to be treated with dignity and not to be subjected to sexual harassment.

Section 3. Sexual Harassment Defined

There are two types of sexual harassment. The first type is called quid pro quo sexual harassment. In quid pro quo sexual harassment, the Harasser is perceived in a position of power relative to the other person (the Target), and in this position of power demands or implies that the Target submit to the Harasser's sexual advances in exchange for a raise, promotion, or other favorable condition of the other person's employment, or in exchange for the Harasser not retaliating against the Target with some unfavorable employment-related action, such as termination, demotion, less favorable work assignments, etc.

The second type of sexual harassment, "hostile work environment sexual harassment", is defined as sexual conduct by a person toward another person, which has the effect of making the other person's work environment intimidating, threatening, or "hostile" to the person. The Harasser says or does things because of the Target's gender that offend or intimidate the other person, that make the other person uncomfortable or afraid, or which interfere with the other person's ability to work.

Section 4. Sexual Harassment Behaviors and Conduct

Sexual harassment may include, but is not limited to, any of the following types of behavior and conduct:

- A. Unwelcome sexual advances
- B. Unwelcome requests of sexual favors
- C. Unwelcome sexual flirtations
- D. Unwelcome advances or propositions
- E. Verbal abuse of a sexual nature
- F. Subtle pressure or request for unwelcome sexual activities
- G. Unwelcome touching of an individual
- H. Graphic or verbal commentaries about an individual's body
- I. Sexually degrading words used to describe an individual

- J. A display in the workplace of sexually suggestive objects or pictures
- K. Sexually explicit or offensive jokes
- L. Physical assault of a sexual nature
- M. Other verbal, visual or physical conduct of a sexual nature

Questions. Any questions about this policy or the issue of discrimination or harassment should be directed to your respective board member. This policy is publicized in compliance with applicable federal, state and local laws and regulations.

Section 5. Policy Prohibiting Retaliation

OBRA prohibits its members from retaliating against any person who (1) has made a complaint of discrimination or harassment; (2) has cooperated with the investigation of a complaint; or (3) has acted as a witness or investigator during the investigation of a complaint.

Section 6. Disciplinary Action for Engaging in Prohibited Discrimination or Harassment

OBRA will not condone or tolerate discrimination or harassment in its workplace. Any staff member who is found by OBRA to have engaged in unlawful harassment or discrimination of any person--whether a student, staff member, applicant or other member of the public--which in OBRA's good faith judgment is protected by law and this policy, is subject to appropriate disciplinary action, up to and including termination.

Section 7. Reporting Discrimination and/or Harassment

Any person who feels he or she is being subjected to unlawful discrimination or harassment based on race, national origin, color, ancestry, sex, religion, age, marital status, arrest and court record, sexual orientation, disability, or military service is encouraged to report the discrimination and/or harassment promptly--regardless of whether the discrimination or harassment is by a supervisor, other staff member, student, or member of the public.

Importantly, anyone who believes that a OBRA staff member is discriminating or harassing students, staff members, or members of the public should report this immediately to the appropriate board member. However, in the event that your board member cannot be contacted, member should report his or her complaint immediately to any other member of management. Members are also encouraged to advise the offender that they find such behavior to be unwelcome and objectionable.

To ensure that a member wishing to report discrimination or harassment will not have to report the incident to the person alleged to be the person discriminating or harassing the member, OBRA policy provides that reports of sexual harassment may be made to any of the following, at the member's choice:

- the member's supervisor; OR
- respective board member; OR
- any other member of OBRA management

It is essential that staff members promptly notify OBRA of any unlawful discrimination or harassment so that steps can be taken to end the discrimination or harassment.

This means that if a member, staff, or member of the public tells you that he or she is being discriminated against and/or harassed by a OBRA member, or if you witness harassment going on by a OBRA member, it is your duty to report this immediately to your supervisor, President or any other OBRA board member. Prompt reporting of discrimination and/or harassment allows OBRA the opportunity to take prompt and effective action to end the discrimination and/or harassment. Unless the discrimination and/or harassment is reported, OBRA cannot promptly act to end it, as is required by law.

Report Handling and Investigation Procedures. Upon receipt of the report or complaint of unlawful discrimination or harassment, an investigation will be conducted by the board. OBRA recognizes the interest and sensitivities of both parties in complaints of unlawful discrimination or harassment. While OBRA believes that such complaints should be treated as confidential, the investigator must disclose to the individual named in the complaint who it was that made the complaint and must disclose the basis of the complaint.

Note: Members should be aware that it is against OBRA's policy to knowingly file a false report against another member. Members who are found to have filed a false report may be subject to disciplinary action, up to and including termination.

Section 8. Disciplinary Action for Discrimination, Harassment and Retaliation

Any OBRA member who is found by OBRA, after an appropriate investigation, to have engaged in unlawful harassment or discrimination of any person--whether a student, staff member or member of the public--is subject to appropriate disciplinary action that will end and prevent recurrence of the harassment, up to and including termination.

Any member who engages in retaliation against another person for filing a discrimination or harassment complaint, or for cooperating with a discrimination or harassment investigation shall be subject to appropriate disciplinary action, up to and including termination.

Communicating Results of Investigation and Action Taken to Concerned Parties. After completion of the investigation, OBRA will communicate to the concerned parties (1) the conclusions of the investigation; and (2) action taken, if any. In addition, OBRA will inform the concerned parties that OBRA policy prohibits retaliation against another person for filing a complaint or cooperating in an investigation, and that any staff member who engages in retaliation is subject to appropriate disciplinary action, up to and including termination.

Section 9. Appeals Process

If either party disagrees with the decision, the matter may be appealed in writing within ten (10) calendar days following the appeals procedure outlined as follows:

You should submit in writing your request to appeal the decision of discrimination or harassment, including sexual harassment to your respective board member, or President. A decision will be communicated within ten (10) working days. (Note: The "Open Door Procedures" shall not apply to appeal any decision rendered via the Discrimination or Harassment Reporting and Complaint Procedure.)

Subsequent Follow Up and Review to Ensure Resolution and Satisfactory Compliance with OBRA Policy

After any report of discrimination, harassment or retaliation has been made, OBRA will continue to monitor the workplace environment to ensure that prompt and effective remedial action has been taken to resolve the report previously made, and that there is compliance with OBRA policy prohibiting discrimination, harassment and retaliation.

All members are encouraged to cooperate fully with OBRA in its monitoring efforts, which helps OBRA maintain a workplace free of unlawful discrimination, harassment and retaliation.

ARTICLE VII – Policy For A Drug And Alcohol-Free Workplace

Section 1. Purpose

OBRA is committed to maintaining a drug and alcohol-free workplace pursuant to the mandate and requirements of the Drug-Free Workplace Act of 1988, as amended. As part of this commitment, OBRA has established the following Drug and Alcohol-Free Workplace Policy. OBRA believes that compliance with this policy will create a safer and healthier environment for all members and the officiating community whom we service. Every member is expected to abide by this policy as a condition of employment. Any questions about this policy or the Drug-Free Workplace Act should be referred to your respective board member.

Section 2. Policy

All staff members of OBRA are prohibited from engaging in any activity relating to the manufacture, sale, distribution, dispensation, possession, or use of alcohol or illegal drugs in the workplace, anywhere on school grounds or while on assignment time outside the work place. All members are required to notify OBRA of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

All members are also prohibited from being under the influence of alcohol or drugs during working hours. "Under the influence" is defined as being unable to perform work in a safe and productive manner, being in a physical or

mental condition which creates a risk to the safety and well-being of the individual, other members, students, the public, or gym sites; and/or having any detectable level of alcohol, drugs or controlled substances in the body. An exception shall be recognized only in the case of use of a drug prescribed for medical purposes, provided that the drug is used strictly in accordance with the terms of the medical prescription and by the person for whom the medicine was prescribed.

For purposes of this policy, "drugs" refers to those drugs or other substances determined by law to be a controlled substance, and/or that have potential for abuse and/or which may lead to psychological or physical dependence, or which may adversely affect the judgment or perception of the user and may or does interfere with safe and satisfactory job performance. Drugs include narcotics, barbiturates, mood-changing, tranquilizing, depressant, mind-altering, hallucinogenic, or any other similar drugs or substances, whether or not legal or controlled, including paint and glue (e.g., cocaine, crack, marijuana, peyote, opium or codeine derivatives, amphetamines, methamphetamines, phencyclidine or PCP, etc.) A "drug" shall also include the sale or consumption of a prescription drug by anyone other than the prescription holder.

Section 3. Discipline and Discharge

If you are suspected by OBRA to have engaged in any of the above-prohibited activities or to have failed to comply with any part of this policy, you may be suspended at any time pending an investigation for termination and final decision. Because violation of OBRA's Drug and Alcohol-Free Workplace Policy is a very serious matter, depending on the circumstances, OBRA may terminate you for the first offense.

Section 4. Alcoholic Refreshment

It is the policy of OBRA to strictly prohibit the possession and consumption of alcohol at basketball events or event sites (during assignment hours and non-assignment hours), unless an exception has been specifically approved.

Section 5. Consumption of Alcohol Prohibited

With the exception of limited instances where OBRA expressly permits the consumption of alcohol at certain OBRA sponsored events (see below), the possession and consumption of alcohol at basketball events or school sites, whether before or during assignments, is strictly prohibited. Under no circumstances, including member meeting, celebrations, festivities and formal or informal after-assignment parties, shall alcohol be permitted, unless specifically authorized by OBRA (see below).

Section 6. OBRA Sponsored Events

Recognizing the responsibility and maturity of its members, OBRA, in its discretion, may allow the consumption of alcohol at certain OBRA sponsored events. Prior written approval must be obtained from the President. In any event, alcoholic beverages are strictly prohibited at any student functions or events.

In the limited instances where the consumption of alcohol is permitted, staff shall abide by the following as well as any other restrictions or rules imposed by OBRA:

- Staff and their guests who consume alcoholic beverages at OBRA events should make arrangements ahead of time for their safe transportation home (i.e., either pooling with a designated non-drinking driver or using public transportation). Staff unable to obtain such alternative means of transportation should inform the responsible board member, President, (or his/her designee(s), as OBRA will make arrangements and/or provide for their safe transportation home.
- Staff members at such OBRA events must "get involved" to police each other and to assist obviously intoxicated individuals or to alert the responsible President, board member in attendance (or his/her designee(s) of any signs of intoxication and of anyone who needs assistance with transportation home.

ARTICLE VIII -- Amendments

These by-laws may be amended by a simple majority (50% plus one) vote of a quorum at any regular or special meeting.