

**BYLAWS/CONSTITUTION OF THE  
VIRGIN ISLANDS OLYMPIC COMMITTEE (VIOC)  
REVISED SEPTEMBER 25, 2016**

This is to certify that we, the undersigned, all being of full legal age, do hereby associate ourselves for the purpose of forming a non-profit corporation pursuant to the provisions of Title 13, Chapter 3, of the Virgin Islands Code and do hereby make, sign acknowledge and file the following Bylaws:

**ARTICLE I - DEFINITIONS, NAME, ADDRESS, LEGAL STATUS, JURISDICTION, EMBLEM**

**Section 1.1 The Definitions:** As used in these Bylaws the term:

- a) "Athlete" means any athlete who meets the eligibility standards established by the National Federation, for the sport in which the athlete competes;
- b) "Athletic competition" means a contest, game, meet, match, tournament, regatta, or other event in which athletes competes;
- c) "Athletics" means Athletic activities; as competitive sports;
- d) "Sports organization" means a not for profit corporation, club, federation, union, association, or other group organized in the Virgin Islands that sponsors or arranges and athletic competition;
- e) "ANOC" means the Association of National Olympic Committees;
- f) "CANOC" means the Caribbean Association of National Olympic Committees;
- g) "Board" means the corporation's board of directors;
- h) "Corporate Funds" means money in hand, assets, cash, money available for the payment of debt, securities, bonds or general revenues;
- i) "Corporation "means" the Virgin Islands Olympic Committee (VIOC);
- j) "Executive Committee" means the corporation's board of directors;
- k) "IF" means the international federation for a particular sport;
- l) "International athletic competition" means any athletic competition between any athletes representing the Virgin Islands, either individually or as part of a team, and any athlete or athletes representing any foreign country;
- m) "IOC" means the International Olympic Committee;
- n) "Majority" means fifty percent plus one vote (50% plus 1) of votes casted by the voting members present at a quorate meeting;
- o) "Members" means those organizations accepted into membership of the corporation as provided for in Section 3.1 of these Bylaws;
- p) "NF" means a National Federation that is a sports organization recognized by the corporation in accordance with Section 3.1 of these Bylaws;
- r) "NOC" means National Olympic Committee;
- s) "OCOG" means the Organizing Committee for the Olympic Games;
- t) "PASO" means the Pan American Sports Organization, a confederation of national Olympic committees from the Americas;
- u) "Protected competition" means:
  - 1) Any athletic competition between any athlete or athletes officially designated by the appropriate NF as representing the Virgin Islands, either individually or as part of a team, and any athlete or athletes representing any foreign country where (i) the term of such competition require that the entrants be teams or individuals representing their

respective nations and (ii) the athlete or group of athletes representing the Virgin Islands are organized and sponsored by the appropriate NF in accordance with a defined selection or tryout procedure that is open to all announced in advance, except for domestic athletic competition, which, by its term, requires that entrants be as those referred to in Section 9.1 of the Bylaws; and

- 2) Any domestic athletic competition or event organized and conducted by an NOC or PSO in its selection procedure and publicly announced in advance as a competition or event directly qualifying each successful competitor as an athlete representing the Virgin Islands in a protected competition as defined above.
- u) “Quadrennium” means the four-year (4-year) period that begins on the first day of January after the Summer Olympic Games and extends until the last day of December following the next Summer Olympic Games;
- v) “Sanction” means that part of a law or rule which is designed to secure enforcement by imposing a penalty for its violation;
- w) “Simple Majority” means a majority of votes casted by the voting members present at a quorate meeting;
- x) “VIOC” means Virgin Islands Olympic Committee;
- y) “Virgin Islands National Olympic Academy” means the educational arm of the VIOC.

**Section 1.2 The Corporation:** The name of the organization is “**Virgin Islands Olympic Committee, (Inc.)**” hereinafter referred to as “VIOC.” The VIOC shall be exempt from taxation within the meaning of Section 501(c) (3) of the Internal Revenue Code.

**Section 1.2A The Business Office:** The principal office of the Corporation is located at #16/17 King Street Christiansted, St. Croix, U. S. Virgin Islands. The location of the VIOC office/headquarters can be changed (within the Territory of the U.S. Virgin Islands) by a decision of the Board.

**Section 1.3 Legal Status, jurisdiction, and emblem:** The VIOC is a non-governmental and non-profit corporation, of unlimited duration, which enjoys legal personality and exercises its jurisdiction on the Territory of the U.S. Virgin Islands. The VIOC operates in accordance with the Olympic Charter, this Bylaw/Constitution and the applicable laws in the U.S. Virgin Islands. The VIOC has its own emblem, including the Olympic rings, as approved by the IOC.

## ARTICLE II – FUNDAMENTAL PRINCIPLES, MISSION, ROLE, POWERS

## **Section 2.1 Fundamental principles of Olympism (as per the Olympic Charter):**

1. Olympism is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.
2. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.
3. The Olympic Movement is the concerted, organised, universal and permanent action, carried out under the supreme authority of the IOC, of all individuals and entities who are inspired by the values of Olympism. It covers the five continents. It reaches its peak with the bringing together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings.
4. The practice of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.
5. Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.
6. The enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.
7. Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC.

**Section 2.2 Mission, aims and purposes:** The mission of the VIOC is to develop, promote and protect the Olympic Movement and its high ideals throughout the Virgin Islands, in accordance with the Olympic Charter. In addition, the aim and purpose of the VIOC shall be to support VIOC athletes in achieving sustained competitive excellence and to preserve the Olympic ideals, thereby inspiring all Virgin Islanders. The VIOC also undertakes to support and encourage the promotion of sports ethics, to fight against doping, and to demonstrate a responsible concern for environmental issues. The VIOC undertakes to respect the provisions of the Olympic Charter and the World Anti-Doping Code and to abide by the decisions of the IOC.

## **Section 2.3 Role, objects, powers, authority, rights and obligations:**

- a) The role of the VIOC shall be:
  1. To promote the fundamental principles and values of Olympism in the US Virgin Islands, in particular, in the fields of sport and education, by promoting Olympic educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as a National Olympic Academy, an Olympic Museum and other programmes, including cultural, related to the Olympic Movement.
  2. To ensure the observance of the Olympic Charter in the US Virgin Islands.
  3. To encourage the development of high performance sport as well as sport for all in the US Virgin Islands.
  4. To help in the training of sports administrators.
  5. To take action against any form of discrimination and violence in sport.
  6. To adopt and implement the World Anti-Doping Code, thereby ensuring that the VIOC anti-doping policies and rules, membership and/or funding requirements and results management

procedures conform with the World Anti-Doping Code and respect all the roles and responsibilities for NOCs that are listed within the World Anti-Doping Code.

7. To encourage and support measures relating to the medical care and health of athletes.

- b) The VIOC has the exclusive authority for the representation of the US Virgin Islands at the Olympic Games and at the regional, continental or world multi-sports competitions patronised by the IOC and shall constitute, organize and lead its respective delegations at such events and competitions. In particular, the VIOC is the only authority in the Virgin Islands permitted to enter competitors in the Summer and Winter Olympic Games, the Pan American Games, the Central American and Caribbean Games, Youth Olympic Games or other Regional Games. The VIOC shall decide upon the entry of athletes proposed by the respective national federations. Such selection shall be based not only on the sports performance of an athlete but also on his ability to serve as an example to the sporting youth of the US Virgin Islands. The VIOC must ensure that the entries proposed by the national federations comply in all respects with the provisions of the Olympic Charter and the applicable eligibility rules for the Games concerned. Moreover, the VIOC is responsible for the behaviour of the members of its delegations.
- c) The VIOC is obliged to participate in the Games of the Olympiad by sending athletes.
- d) The VIOC has the exclusive authority to select and designate the city which may apply to organise Olympic Games or other regional, continental or world multi-sports Games patronised by the IOC in the US Virgin Islands.
- e) In order to fulfil its mission, the VIOC may cooperate with governmental bodies and work to develop and maintain harmonious and fruitful relations with governmental bodies, with mutual understanding and respect for the jurisdiction and responsibilities of each entity. However, the VIOC shall not associate itself with any activity which would be in contradiction with the Olympic Charter. The VIOC may also cooperate with non-governmental bodies.
- f) The VIOC must preserve its autonomy and resist all pressures of any kind, including but not limited too political, legal, religious or economic pressures which may prevent it from complying with the Olympic Charter.
- g) The VIOC has as its purpose the development and protection of the Olympic Movement and all sports recognized by the VIOC. It shall cooperate with national federations in guarding and enforcing national and international rules. The VIOC may assist the national sports federations or associations to develop and promote their sport, as well as the athletes of the US Virgin Islands, within the framework of the Olympic Charter and the applicable rules of the International Sports Federations concerned. The VIOC, in agreement with its member federations and the International Federation concerned, may also provide assistance to settle sports-related disputes affecting a national federation.
- h) To achieve its objectives, the VIOC shall seek sources of financing in a manner compatible with the Olympic Charter. Any proceeds and/or profits derived from participation in and/or holding of the Olympic Games must be applied to the promotion of the Olympic Movement or to the development of sports.
- i) The VIOC may only use the Olympic symbol, flag, motto and anthem (which are the exclusive property of the IOC) within the framework of its non-profit-making activities provided such use contributes to the development of the Olympic Movement and does not detract from its dignity,

and provided that it has obtained the prior approval of the IOC, in accordance with the Olympic Charter. All Olympic properties including but not limited to the Olympic symbol, flag, motto, anthem, identifications (including but not limited to “Olympic Games” and “Games of the Olympiad”), designations, emblems, flame and torches, and all rights to any and all Olympic properties, as well as all rights to the use thereof, belong exclusively to the IOC. The VIOC is responsible to the IOC for the observance, in the US Virgin Islands, of Rules 7-14 and BLR 7-14 of the Olympic Charter. It shall take steps to prohibit any use of any Olympic properties which would be contrary to such Rules or their By-laws. It shall also endeavour to obtain, for the benefit of the IOC, protection of the Olympic properties of the IOC.

- j) The VIOC may submit proposals to the International Olympic Committee with regard to the “Olympic Charter”, the Movement in general as well as the organization and conduct of the Olympic Games.
- k) The International Olympic Committee recommends that all National Olympic Committees should celebrate the revival of the Olympic Games each year during the month of June in observing an “Olympic Day” or Olympic Month”.
- l) The VIOC will encourage the development of the Olympic spirit among the residents of the Virgin Islands and will promote a program of education for the public and press on the philosophy of athletic competition and Olympism. Although athletic performance and improvement are goals of the VIOC, the VIOC will encourage the social, educational, aesthetic, ethical and spiritual values of sport.
- m) The VIOC may buy, own, sell, assign, mortgage or lease any interest in real property and personal property and to maintain such property as is or may become necessary or incidental to the accomplishment of the purposes set forth in this Constitution.
- n) The VIOC may borrow money and issue evidence of indebtedness in furtherance of any or all of the objects of its business, and to secure the same by mortgage, pledge or other lien on the Corporation's property.
- o) In accordance with the law applicable to non-profit corporations, the VIOC shall have power: (i) to have succession by its corporate name in perpetuity; (ii) to sue and be sued in court; (iii) to make and use a common seal and alter the same at its pleasure; (iv) to hold, purchase and convey such property as the purposes of the Corporation shall require; (v) to appoint, in compliance with this Bylaws/Constitution, such subordinate officers' and agents as the Corporation shall require; and (vi) to make By-laws / Constitution not in conflict with the law or this Bylaw/Constitution or the Olympic Charter.
- p) The VIOC shall exercise all powers, rights and obligations of an NOC as granted by the Olympic Charter and by the IOC and, generally, do and perform all acts reasonably necessary to accomplish the mission and purposes of the Corporation to the same extent as fully as any natural person could or might do and as are not forbidden by law or by this Bylaw/Constitution and/or by the Olympic Charter.

#### **Section 2.4 Review of the Mission Statement, aims, purposes and objects and strategic planning:**

The Executive Committee shall review and assess the mission, aims, purposes and objects of the corporation on an ongoing basis to ensure that it serves as an appropriate guide for strategic planning and decision making.

## **ARTICLE III – MEMBERSHIP**

### **Section 3.1 Membership**

- a) The members of the VIOC shall be citizens of the United States, residents of the Virgin Islands and persons of good standing and upright character, sound judgment and independent mind with a knowledge and belief in the Olympic principles. The VIOC may determine on persons or federations as not eligible for membership or to serve as part of the VIOC.
- b) The VIOC shall include as voting members:
  1. Members of the International Olympic Committee (IOC) in the Virgin Islands, if any, who shall be voting members of the Executive Committee and the General Assembly.
  2. Federations affiliated to the appropriate IF whose sport is included in the Summer and Winter Olympics, and/or the Pan American Games and/or the Central American and Caribbean Games. The representatives of the NFs affiliated to IFs governing sports on the programme of the Olympic Games must always constitute the voting majority of the VIOC General Assembly.
  3. Elected representatives of athletes having taken part in at least one of the last three editions of the Olympic Games elected by the VIOC athlete's commission established as per the IOC guidelines.
  4. National Federations associated to IFs recognized by the IOC, the sport of which are not included in any Games in 2 above and who has been a member of the VIOC before 2000.
- c) In addition, the VIOC may include as non-voting members:
  1. National Federations affiliated to IFs recognised by the IOC, the sports of which are not included in the Olympic Games and/or any other Games already mentioned in subparagraph b) 2 above, and that are not already a member under subparagraph b) 4 above.
  2. Multi-sports groups and other sports-oriented organisations or their representatives.
  3. Nationals of the country liable to reinforce the effectiveness of the NOC or who have rendered distinguished services to the cause of sport and Olympism. In particular, all former presidents of the VIOC shall be members of the General Assembly without entitlement to any voting privileges.
- d) The VIOC shall not recognize more than one national federation for each sport governed by an IF.
- e) To be recognized by the VIOC and accepted as a member of the VIOC, a national federation must exercise a specific, real and on-going sports activity, be affiliated to an International Federation recognised by the IOC and be governed by and comply in all aspects with both the Olympic Charter and the rules of its International Federation.
- f) Members of the VIOC shall accept no salary or fee of any kind in respect to their positions. They may, however, accept reimbursement for transportation, lodging and other proper expenses incurred by them in connection with their duties.

### **Section 3.2 Application for Membership**

- a) New federations seeking membership shall apply in writing to the Executive Committee submitting a copy of the articles of incorporation, constitution or bylaws, affiliation to the IF, details concerning its organization, current activities program, and a certificate of good standing from the Office of the Lt. Governor, as well as all membership dues and fees. Federations must also have membership in both districts. Membership applications must be approved by the General Assembly by a two-thirds (2/3) majority of the votes cast by the voting members present (at a quorate meeting).
- b) The VIOC sitting in a General Assembly by a two-thirds (2/3) majority of the votes cast by the voting members present at a quorate meeting, after due notice having been given, may confer honorary membership on such persons as have rendered outstanding service to any organized sport. Honorary membership may also include conferring the special title of Honorary President or Honorary Other Executive Offices on such persons who have rendered outstanding service to the VIOC. Such person(s) shall pay no annual dues nor have the right to vote, unless already a member of the VIOC.

### **Section 3.3 Rights and duties of the members**

- a) Voting members shall have the right to vote, to elect, to be elected and to nominate members for election in the elected governing bodies of the VIOC.
- b) Non-voting members may attend the meetings of the General Assembly with a right to speak only.
- c) Members have the right to be regularly informed of the activities of the VIOC and have the duty to regularly inform the VIOC of their own activities.
- d) Members may benefit from the support and assistance of the VIOC to develop their activities, if necessary and if requested, and subject to the jurisdiction, possibilities, means and decisions of the VIOC.
- e) Members shall actively participate in the work, meetings and activities of the VIOC.
- f) Members must respect and implement the decisions / resolutions made by the VIOC governing bodies.
- g) Members must act in accordance with and shall agree to abide by the Olympic Charter, the IOC Code of Ethics and all provisions of the VIOC's Articles of Incorporation, Constitution/Bylaws and any other rules and regulations approved by the VIOC.
- h) It is the duty of the members of the VIOC to report to the IOC, in the event of any irregularity on actions of the VIOC, conflicting with IOC rules or any political interference in its operations.
- i) The National Federations shall work closely together with the VIOC, in particular for the preparation and selection of the athletes in the Olympic Games, the Pan American Games and the Central American and Caribbean Games.
- j) The federation shall agree that all open games, contests, meetings or tournaments held under its auspices or within its jurisdiction and the qualifications of all persons competing either as members of its own affiliated organizations or otherwise, shall conform to the prescribed rules and regulations of that particular federation and its IF.
- k) All federations shall conduct activities and programs in the Virgin Islands in both legislative districts.
- l) Members shall exercise any other rights and duties in accordance with this Constitution and the Olympic Charter.

### **Section 3.4 Cessation of membership / measures and sanctions**

- a) Membership in the VIOC shall cease or be suspended for any, or a combination, of the following:
  - 1. Upon disbandment of the federation to which the members belong;
  - 2. Upon resignation from the VIOC or death; or
  - 3. Upon expulsion or suspension by the General Assembly, upon recommendation of the Executive Committee, to its designee(s), that gives the member concerned due process and for the following reasons:
    - (i) Non-payment of annual dues three (3) months after the due date, or
    - (ii) Infringement of the Articles of Incorporation, Bylaws/Constitution, VIOC rules and regulations, the “Olympic Charter” and/or the IOC’s Code of Ethics, or
    - (iii) Other reasons as outlined by the Executive Committee or General Assembly.
  
- b) If in the opinion of the VIOC, any member / affiliated federation has infringed the Constitution and By-laws of the VIOC, the Olympic Charter and/or the IOC’s Code of Ethics, the VIOC shall have the power to take the following measures and sanctions (depending on the gravity of the facts and the level of damage or infringement):
  - (i) Warning (by decision of the Executive Committee).
  - (ii) Suspension (by decision of the General Assembly - after having given thirty (30) days written notice to the member / federation concerned who shall be requested to furnish an explanation).
  - (iii) Expulsion (by decision of the General Assembly by a two-thirds (2/3) majority of the votes cast by the voting members present (at a quorate meeting) after having given sixty (60) days written notice to the member / federation concerned who shall be requested to furnish an explanation).
  
- c) Any member expelled or suspended may appeal the decision to a specially called General Assembly. The General Assembly shall conduct a full hearing on the merits of the appeal. The appeal decision shall be decided by a two-thirds (2/3) majority of the votes cast by the voting members present (at a quorate meeting).

### **Section 3.5 Register of members**

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



## **ARTICLE IV – GOVERNING BODIES**

**Section 4.1** The governing bodies of the VIOC shall be as follows:

- a) The General Assembly, which is the highest authority of the VIOC.
- b) The Executive Committee, which is the executive and management body of the VIOC.

## **ARTICLE V – GENERAL ASSEMBLY**

### **Section 5.1 Composition**

The composition of the General Assembly shall include the voting and non-voting members as listed in Section 3.1 of this Constitution.

The National Federations mentioned in Section 3.1(b)(2) and (4) of this Bylaws/Constitution shall be represented by one delegate authorised by each federation (if possible, the President of the Federation or, if not an authorized member of the executive body of the federation) with one vote.

The National Federations mentioned in Section 3.1 (c) 1 and the other legal entities (if any) mentioned in Section 3.1 c) 2 of this Constitution shall be represented by one delegate authorised by each entity with a right to speak only (no vote).

### **Section 5.2 Powers**

The General Assembly shall have the following powers:

- a) Adopt the strategic plan and general policies of the VIOC as proposed by the Executive Committee.
- b) Hear, examine and approve the annual report of activities of the VIOC presented by the Executive Committee and hear, examine and approve the objectives and action plan for the following year proposed by the Executive Committee.
- c) Examine and approve the audited financial statement of the preceding year and examine and approve the annual budget for the following year proposed by the Executive Committee.
- d) Elect the members of the Executive Committee.
- e) Elect the members of the independent election commission established prior to the elective General Assembly.
- f) Elect the auditor which shall review the VIOC financial statements annually.
- g) Approve or reject the applications for membership of the VIOC.
- h) Make final decision in relation to the suspension or expulsion of any member of the VIOC (as per Section 3.4 of this Constitution)
- i) Define the membership fees, if applicable.
- j) Accept any financial or material assistance or donations in accordance with this Constitution.
- k) Review and adopt this Constitution and By-laws and any further amendment to this Constitution and By-laws (in the presence of a quorum of at least two-thirds (2/3) of the voting members and by decision of a two-thirds (2/3) majority of the votes cast by the voting members present).
- l) Review and adopt any additional by-laws, internal regulations and/or policies proposed by the Executive Committee, which are not in contradiction with this Constitution and the Olympic Charter.
- m) Make final interpretation of this Constitution (subject to the Olympic Charter) as the case may be.

- n) Decide on the dissolution of the VIOC (in the presence of a quorum of at least two-thirds (2/3) of the voting members and by decision taken by a two-thirds (2/3) majority of the votes cast by the voting members present).
- o) Exercise any other powers as per this Constitution and the Olympic Charter.
- p) In general, decide on all matters on its agenda and on any matter which is not provided for in this Constitution, as the case may be, and subject to the Olympic Charter.

### **Section 5.3 Meetings**

- a) An annual General Assembly will be called no later than September 30. The meeting shall be held on such date, and at the time and place determined by the Executive Committee. The Secretary General shall give written notice by U.S. mail and electronic-mail. Telephone or facsimile may also be used to give notice to all members at least twenty-one (21) days in advance, with an attached agenda. The General Assembly can validly act on those items appearing on its agenda. Proposals appearing on the agenda must reach the Secretary General no later than fourteen (14) days prior to the session. The annual meeting of the General Assembly shall (in the absence of unforeseen circumstances) be devoted primarily to the review, reporting, and assessment of the VIOC's strategic plan and budget.
- b) The agenda of the General Assembly at its Annual Session shall in particular include the following:
  1. Submission and presentation of the President's report.
  2. Submission and presentation of the reports by each national federation.
  3. Examination of the report on activities of the Executive Committee presented by the Secretary General.
  4. Examination of the audited financial statements and accounts of the previous financial year as presented by the Treasurer.
  5. Approval of the budget for the following year.
- c) Unless otherwise stipulated in this Bylaws/Constitution, the General Assembly can act only if at least fifty percent plus one (50% plus 1) of its voting members are present, including a voting majority for the Olympic sports federations representatives. If a quorum cannot be reached the meeting shall be adjourned seven (7) days later. If the quorum is still not reached at this second meeting, the meeting will take place provided that at least one-third (1/3) of the voting members are present, including a voting majority of the Olympic sports federations representatives.
- d) Unless otherwise stipulated in this Bylaws/Constitution, decisions shall be made by a simple majority of the votes cast by the voting members present (at a quorate meeting).
- e) The meetings of the General Assembly shall be chaired by the President. In the absence or incapacity of the President, one of the Vice-Presidents (or in the absence or incapacity of both, a voting member elected by the General Assembly) shall chair the meeting. In case of a tie, the Chairman of the meeting shall have a casting vote (except for the elections).
- f) Voting shall be conducted by open or secret ballot as decided by the Chairman of the meeting and/or the General Assembly.
- g) The voting majority of the General Assembly must always consist of the votes cast by the delegates of the national federations affiliated to the International Federations governing sports included in the programme of the Olympic Games.

- h) In addition, when dealing specifically with questions relating to the Olympic Games, only the votes cast by the delegates of the national federations affiliated to the International Federations governing sports included in the programme of the Olympic Games are taken into consideration.
- i) Elections of the members of the Executive Committee must take place every four (4) years after the Summer Olympic Games during a meeting of the General Assembly which must include this point on its agenda. Elections shall take place according to the procedure mentioned in this Constitution. Copies of the minutes of the meetings at which elections or replacement of members have taken place shall be sent to the IOC.
- j) The Secretary General (or in his/her absence a member of the Executive Committee or General Assembly designated by the Chairman) shall be responsible for establishing the minutes of the meetings of the General Assembly. The minutes shall be circulated to all members within thirty (30) days following the meeting.
- k) Special General Assemblies shall be called upon need and at the discretion of the Executive Committee or if requested in written by at least one-third (1/3) of the voting members of the General Assembly indicating clearly the reasons of the request for a special meeting. Notice of the date, time, place and exact purpose of the meeting must be mailed to all members no later than seven (7) days prior to the meeting.
- l) Regular meetings of the General Assembly shall be conducted in “real time”; to be held in person or through electronics means at a date, time and place determined by the Executive Committee. The General Assembly shall hold a minimum of three (3) regular meetings per calendar year, but it may hold additional regular meetings.
- m) The General Assembly shall have the power to transact and communicate its business by mail, electronic-mail, telephone or facsimile, videoconference, teleconference, and internet conference.
- n) The business of the VIOC General Assembly shall be conducted in accordance with Robert’s Rules of Order, newly revised edition. It shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with the provisions of this Constitution, the laws of the United States, Virgin Islands, or the IOC.

#### **Section 5.4 Election procedure**

- a) The election procedure shall be as follows:
  1. At a General Assembly preceding the election, the General Assembly shall elect an independent election commission which shall be fully responsible for conducting and monitoring the election process as a whole (from the receipt of the nominations until the proclamation of the final results). This independent election commission shall be composed of three (3) members, including a Chairman, and two (2) substitute members (if necessary). None of these members must be a candidate. They must be independent and neutral, and have no conflict of interest with the elections.
  2. Nomination forms shall be sent to all voting members of the General Assembly no later than thirty (30) days prior to the elections along with the notice of the meeting.
  3. Nomination for any office on the Executive Committee must be made in writing by a member federation whose dues have been paid for the current year. Such nominations supported by the candidate written consent shall reach the independent election commission no later than thirty

(30) days prior to the election. The incumbent members shall be automatically nominated for their post unless specific notice to the contrary is received from that officer. Nominations for the specific position of Treasurer shall demonstrate that the nominees meet the required qualifications and skills to exercise this function properly. No member of the Executive Committee shall be a president of a national federation (to avoid conflict of interest). If a President of a National Federation is elected as a member of the NOC Executive Committee, he/she has one month from election date to resign from his position as President of his/her Federation.

4. The independent election commission shall review the nominations received and shall notify the voting members of the General Assembly of the names and brief background of the eligible candidates no later than seven (14) days prior to the elections. Any potential objection/appeal from any voting member shall be filed to the independent election commission no later than three (3) days prior to the elections. The independent election commission shall review the objection/appeal and make a decision no later than two (2) days prior to the elections and shall inform all the voting members accordingly. In case of any doubt as to the eligibility of a candidate, the independent election commission shall refer the case to the General Assembly for final decision of the General Assembly before proceeding with the elections.
5. Elections shall be conducted position by position and by secret ballot.
6. The independent election commission shall prepare a transparent ballot box and all ballot papers to be given to the voting delegates of the General Assembly.
7. The independent election commission shall explain the election procedure and answer or clarify any questions before starting the election procedure.
8. Once all voting delegates present have been invited to vote by the independent election commission, the independent election commission shall open the ballot box and count the votes publicly.
9. If there is one or two candidate(s) for a position, the candidate obtaining 50 % + 1 of the votes validly cast shall be declared elected.
10. If there are more than two candidates and none of them obtains at least 50% + 1 of the votes validly cast in the first round, there shall be a second round between the two candidates obtaining the highest number of votes validly cast in the first round. In this second round, the candidate obtaining 50 % + 1 of the votes validly cast shall be declared elected.
11. The independent election commission shall declare the results of the elections.
12. If there is any issue/objection raised by any voting delegate, the independent election commission shall deal with it and make a final decision before the closing of the General Assembly meeting.
  - a) Both genders shall be represented on the Executive Committee.
  - b) In accordance with the Olympic Charter, the elected representatives of the national federations affiliated to the International Federations governing sports included in the programme of the Olympic Games must constitute the voting majority of the Executive Committee.

## **ARTICLE VI – EXECUTIVE COMMITTEE**

### **Section 6.1 Composition**

- a) Between sessions of the General Assembly, the VIOC shall be administered by the Executive Committee.
- b) The Executive Committee shall be comprised of the following persons for a four (4) year term after each Summer Olympic Games consisting of:
  1. President
  2. Vice President for St. Thomas/St. John District
  3. Vice President for St. Croix District
  4. Secretary General
  5. Treasurer
  6. One at-large member of the VIOC, representing an Olympic sport.
  7. One athlete representative elected by the VIOC athlete's commission established as per the IOC guidelines and ratified by the VIOC General Assembly.
- c) The IOC member in the US Virgin Islands, if any, is an ex-officio member of the Executive Committee with voting right.
- d) The representatives of the national federations affiliated to the International Federations governing sports included in the programme of the Olympic Games must always constitute the voting majority of the Executive Committee.
- e) After the election of the President, the Vice-Presidents, the Secretary General and the Treasurer, the newly elected Officers shall propose the election of the at-large member of the VIOC from among the nominations received by the voting members of the general Assembly and fulfilling the conditions mentioned above, for election/ratification of the General Assembly.
- f) The members of the Executive Committee may be eligible for re-election as long as they meet the eligibility requirements, except the President who may only serve three (3) consecutive terms.
- g) The members of the Executive Committee must have served a minimum of four years (4) on the executive body of a member federation to be eligible for election.
- h) Both genders must be represented in the Executive Committee.

### **Section 6.2 Resignation/Vacancies/Removal**

An officer's position on the Executive Committee may be declared vacant upon the resignation, removal, incapacity, disability, disqualification or death of an officer. Any officer may resign at any time by giving written notice to the Secretary General or the General Assembly. Such resignation shall take effect at the time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Officers may be removed for cause at any duly noticed meeting of the General Assembly upon the affirmative vote of at least three-fourths (3/4) of the total voting power of the General Assembly (excluding the voting power of the officer in question), after being provided an

opportunity for the officer to be heard by the General Assembly, and for providing a remedy, as long as the infraction is not criminal in nature. Any vacancy occurring in the Executive Committee shall be filled as set forth for the election of the officer. An officer elected to fill a vacancy shall be elected for the unexpired term of such officer's predecessor in office. No officer shall be subject to removal based upon how they vote as an officer, unless such voting is determined to be part of a violation of the Code of Conduct.

### **Section 6.3 Powers**

The Executive Committee shall have the following powers:

- a) Manage the affairs of the VIOC in accordance with this Constitution and with the strategic plan, budget and general policies approved by the General Assembly. The Executive Committee must report on its activities to the General Assembly and is accountable for its work to the General Assembly.
- b) Submit proposals to the General Assembly for the definition of the strategic plan, general policies and action plan of the VIOC.
- c) Implement the decisions and resolutions passed by the General Assembly.
- d) Prepare the audited financial statements, annual budget and reports of the VIOC to be submitted to the General Assembly for approval.
- e) Manage the property and funds of the VIOC as approved by the General Assembly. Raise funds to finance the activities of the VIOC and control all expenditures.
- f) Shortlist and select the participants to the Olympic Games and to the regional, continental or world multi-sports competitions patronised by the IOC in which the VIOC participates, upon proposal from the National Federations and in close coordination with them.
- g) Provide assistance and advice to National Federations in order to improve their development and operations, if necessary.
- h) Appoint commissions and sub-committees for the smooth operation of the VIOC, and receive all necessary reports from same.
- i) Make proposals for affiliation of any new member to the General Assembly for decision.
- j) Draft bye-laws and internal regulations, if necessary, in line with this Constitution and the Olympic Charter, and submit them to the General Assembly for approval.
- k) Establish and develop harmonious and fruitful relations at international level with the IOC and other international, continental or regional sports organisations and at national level with the relevant authorities.
- l) Take or recommend any disciplinary action as mentioned in this Constitution.
- m) Exercise any other power or tasks in accordance with this Constitution and/or as delegated by the General Assembly.

### **Section 6.4 Meetings**

- a) The Executive Committee shall hold a meeting at least once every month.
- b) Urgent meetings of the Executive Committee may be convened as necessary by the President and/or at the request of at least one-third (1/3) of the members of the Executive Committee.
- c) The meetings shall be convened and chaired by the President. In the absence or incapacity of the President, one of the Vice-Presidents shall convene and chair the meeting.
- d) Meetings of the Executive Board shall be convened by notice sent to all members of the Executive Committee no later than seven (7) days prior to the meeting indicating the date, time, place and agenda of the meeting.

- e) The Executive Committee can validly act only if at least one-half (1/2) of its members are present. Decisions shall be made by a simple majority of the votes cast by the voting members present. In case of tie, the Chairman of the meeting shall have a casting vote.
- f) VIOC members may attend Executive meetings but members cannot vote at the Executive meeting.
- g) The Executive Committee shall have the power to transact and communicate its business by mail, electronic-mail, telephone or facsimile, videoconference, teleconference, and internet conference.
- h) The Secretary General (or in his/her absence a member of the Executive Committee designated by the Chairman) is responsible for establishing the minutes of the meetings of the Executive Committee. The minutes shall be circulated to all members of the Executive Committee within seven (7) days following the meeting.
- i) The business of the VIOC Executive Committee shall be conducted in accordance with Robert's Rules of Order, newly revised edition. It shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with the provisions of this Constitution, the laws of the United States, Virgin Islands, or the IOC.

## **Section 6.5 Duties of Officers**

### **a.) President:**

1. Preside, schedules, and set agendas for all meetings of the organization.
2. Call special meeting of the organization.
3. Provides the overall vision and sense of direction for the Executive Committee members.
4. Facilitates Executive Committee meeting.
5. Is the spokesperson/representative/external liaison for the organization.
6. Appoints committee chairperson(s).
7. Assures that order and decorum is always maintained.
8. Authenticating by signature the actions of the General Assembly.
9. Be an ex-officio member of all committees, and
10. Such other duties applicable to the office as prescribed by the Executive Committee and/or the General Assembly.

### **b.) Vice President(s):**

1. Assumes responsibility of the president in his/her absence (as designated).
2. Supervises /oversees the work of all standing committees.
3. Assist all executive officers.
4. Provides follow-up to organizational task.
5. Directs bylaws/constitutional updates and revisions.
6. Act as the chief strategic planner and media liaison, and
7. Performs other duties as directed by the President and/or the Executive Committee and/or the General Assembly.

### **c.) Secretary General:**

1. Records the minutes of the organization's meetings.
2. Prepares an agenda with the President for all meeting.
3. Keeps a record of all members, meetings, and activities of the organization.
4. Maintains thorough files and records.

5. Records and distributes all pertinent information to members, including meeting minutes, agendas, upcoming events, opportunities and organizational activities.
6. Prepare the organization's calendar of events.
7. Handles all official correspondence(s) with the organization and outside entities.
8. Manages the organization's offices.
9. Prepares and files any reports required.
10. Provide any necessary assistance to the election commission for the VIOC elections, and
11. Performs other duties as directed by the President and/or the Executive Committee and/or the General Assembly.

d.) Treasurer:

1. Is familiar with general accounting policies and procedures.
2. Serves as the primary signatory on financial accounts.
3. Serves as the chair of the finance committee.
4. Reports regularly the organization and members on the VIOC's financial status.
5. Manages the day-to-day financial transactions of the VIOC.
6. Keeps all financial records and history of the organization.
7. Records and pays all bills, invoices, reimbursement, receipts and disbursements.
8. Collects all organizational dues.
9. Is responsible for all deposits and withdraws of funds.
10. Records all and any interest accrued.
11. Coordinates any fund raising and solicitations for the organization.
12. Provides information to the executive committee and members on financial, planning, policy and development.
13. Reports the assets and liabilities of the organization, and
14. Performs other duties as directed by the President and/or the Executive Committee and/or the General Assembly.

e.) At-Large Member and Athletes Representative:

1. Performs other duties as directed by the President and/or the Executive Committee and/or the General Assembly.
2. At-Large member and Athletes Representative shall serve on the Executive Committee as general representative of the Olympic movement.
3. Will focus on specific identified priorities or critical issues of the VIOC as determined by the General Assembly, and
4. Will assist in the general management of the VIOC

## **ARTICLE VII – COMMITTEES AND COMMISSIONS**

**Section 7.1** In order to facilitate, assist and strengthen the work of the VIOC, the Executive Committee and/or the General Assembly may establish committees, commissions and working groups, as necessary.

- a) The VIOC shall have the following committees: Marketing Committee, Public Relations Committee, Events Committee, Fundraising Committee and By-laws Committee. The delegation of authority to any committee shall not operate to relieve the General Assembly or the Executive Committee or any member of the General Assembly or the President from any responsibility imposed by law. Rules governing procedures for meeting any committee of the VIOC shall be set



forth in these By-Laws/Constitution or established by the Executive Committee and/or General Assembly or, in the absence thereof, by the committee itself.

- b) The VIOC Athletes Commission shall be established in accordance with the IOC guidelines.
- c) The General Assembly, the Executive Committee, or the President may determine that additional committees, commissions or task force are necessary to assist them in performing their respective functions and obligations and they shall appoint such committees or task force as they may deem appropriate and shall establish such procedures, guidelines, and oversight of such committees as they deem necessary to ensure that those committees are accountable for their performance.

## **ARTICLE VIII – FINANCES**

### **Section 8.1**

- a) The finances of the VIOC may be derived from:
  - 1. Annual dues;
  - 2. Donations, gifts and bequests;
  - 3. Fund-raising, including, but not limited to, proceeds from events like Olympic day, from stamp issues, the sale of emblems, the publication and sale of printed material, the granting of licenses to third parties for the use of the VIOC official emblem;
  - 4. Fees for services rendered;
  - 5. Financial support from the IOC and Olympic Solidarity; and
  - 6. Any other sources that do not conflict with the purposes and objects of the Bylaws/Constitution or the Olympic Charter.
- b) The annual dues for each voting member federation shall be \$250.00 dollars, which must be paid before the annual General Assembly. The first payment shall be made upon admission of a member. Failure to pay dues as prescribed shall deprive the member federation of the right of representation and, if not paid for a period of three months after the General Assembly. Such non-payment may be cause for suspension or expulsion from the VIOC.
- c.) For the purpose of receipt of funds from VIOC, the national federations shall be a 501 (3)(c) corporation as defined by the IRS, or use the 501(3) (c) designation of VIOC as outlined in the policies and procedures.
- d.) Any financial assistance provided by the public authorities, must not interfere with the independence of the VIOC.
- e.) Specific funds allocated through the Olympic Solidarity programmes shall be used only for the purpose of the programmes designed by Olympic Solidarity.
- f.) The Treasurer shall have charge of all funds of the VIOC and place such funds in a bank or banks as may be approved by the Executive Committee. Checks drawn on the accounts of the VIOC will be signed by the president and either the Treasurer or Secretary General. All expenses must be approved for payment by the Executive Committee. Any and all decisions regarding finances may be overruled by the General Assembly by a two-third (2/3) majority of the votes cast by the voting members present (at a quorate meeting). No funds will be disbursed without the approval of the Executive Committee. The Treasurer will keep an accurate account of all transactions and render detailed report(s) at any meeting of the Executive Committee when requested and provide an annual report to the General Assembly each year.

g.) The Fiscal Year of the VIOC shall be October to September.

## **Section 8.2 Bonding:**

All officers and employees handling funds of the VIOC shall be bonded and insured in such amounts as may be determined from time to time by the Executive Committee. The expense of furnishing such bonds shall be paid by the VIOC.

## **ARTICLE IX – RESIDENCY REQUIREMENTS**

### **Section 9.1**

a) A resident of the Virgin Islands is one who domiciles and has established an on-going physical presence within the Virgin Islands. Such residents shall provide tax records and one (1) valid government issues identification card. In addition; a current voter's registration card, a valid Virgin Islands driver's license, and a public service utilities bill provided in his/her name may be submitted. The VIOC will have the authority to request other reasonable documentation to verify residency. The resident must reside in the Virgin Islands for a three (3) year period continuously. The Executive Committee shall make provisions for those athletes under 18 years of age.

b) Residency requirements for athletes to represent the Virgin Islands at the Central American and Caribbean Games, Pan American Games, Summer and Winter Olympic, Youth Games and other Games under the jurisdiction of the VIOC are as follows:

- 1.) Persons born in the Virgin Islands or of a parent born in the Virgin Islands; or
- 2.) A U.S. citizen by birth or naturalized citizens who were not born in the Virgin Islands, but have resided for at least three (3) years continuously in the Virgin Islands before the date of the Opening Ceremony of the Games in which he or she wishes to participate.

## **ARTICLE X – DISPUTES RESOLUTION**

### **Section 10.1**

- a.) Any sports-related or institutional disputes arising within the VIOC, or between the VIOC and its members, shall be resolved by the competent governing bodies of the VIOC (in close consultation and prior coordination with the IF concerned if the case involves a NF). The case shall be referred to the Executive Committee and/or the General Assembly. The General Assembly, as the supreme authority of the VIOC, may decide to make a final decision in the dispute in question, or to establish a specific conciliation, mediation or arbitration body to solve the dispute.
- b.) After exhausting all means for the settlement of disputes available within the VIOC, any final internal decision made by the VIOC General Assembly or by the conciliation, mediation or arbitration body established by the General Assembly for that purpose may be submitted exclusively by way of appeal to the Court of Arbitration for Sports in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the code of Sports-Related Arbitration. The time-limit for appeal is twenty-one (21) days after the reception of the decision concerning the appeal.
- c.) Members of the VIOC shall not resort to ordinary courts for any sports-related or internal institutional disputes mentioned above.

## **ARTICLE XI – DISSOLUTION**

### **Section 11.1**

- a) The VIOC may be dissolved by decision of the General Assembly in the presence of a quorum of at least two-thirds (2/3) of the voting members and by resolution taken by a two-thirds (2/3) majority of the votes cast by the voting members present.
- b) In case of dissolution, all debts and liabilities legally incurred on behalf of the VIOC shall be fully discharged and the residuary fund shall be donated to the legal successor or, if not, to such organisations pursuing similar objectives as may be decided by the General Assembly and after prior consultation and coordination with the IOC.

## **ARTICLE XII – FINAL PROVISIONS**

### **Section 12.1**

- a) The By-laws/Constitution of the VIOC shall, at all times, comply with the Olympic Charter to which they must refer expressly. If there is any doubt as to the signification or interpretation of these By-laws/Constitution, or if there is a contradiction between them and the Olympic Charter, the latter takes precedence.
- b) The requirement of the IOC shall apply where there are no provisions in this Bylaws/Constitution on any matters whatever relating to the composition and proper functioning of the VIOC and shall supersede them when they seem at variance or in conflict.
- c) This Bylaws/Constitution may be altered, amended or repealed and new Bylaws/Constitution may be adopted in the presence of a quorum of at least two-thirds (2/3) of the voting members and by decision of a two-thirds (2/3) majority of the votes cast by the voting members present at an appropriately called General Assembly meeting. Amendments shall take effect at the close of such meeting, except in such cases where it may be specified in the resolutions approving the amendment that the amendment will take effect during the meeting or at a later time.
- d) Not later than sixty (60) days before the date of any meeting of the General Assembly at which an amendment is to be considered, a general notice of the proposed alterations shall be published on the VIOC's website setting forth the text or substantive terms of the proposed amendment, the time and place of the General Assembly's meeting at which such amendment is to be voted upon, and a provision informing interested persons that they may comment on the proposed amendment by submitting materials and information on the proposed amendment to the President not less than thirty(30) days before the General Assembly. All proposed amendments, along with materials and information submitted on the amendment, shall be distributed by the President to each member of the General Assembly in a timely fashion.
- e) Any subsequent change or amendment to this Bylaws/Constitution shall be submitted to the IOC for review and approval.
- f) In accepting the ruling of the IOC that if the VIOC agrees that if it does not conform to the Rules and Regulations of the IOC, it may be suspended or forfeit its recognition and its right to send participants to the Olympic Games.

I certify that these Bylaws/Constitution were amended and revised by an authorized vote of two-thirds of the votes cast by the voting members present at a meeting comprising at least two-thirds (2/3) of the VIOC voting members held on July 10th, in 2021, Virgin Islands.

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Angel L. Morales, President,  
Virgin Islands Olympic Committee

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Lyn N. Reid, Secretary General,  
Virgin Islands Olympic Committee