



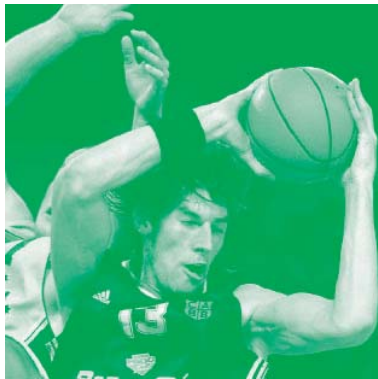
FIBA

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1.1 CONSTITUTION



WHY YOU SHOULD READ THIS CHAPTER?

The Constitution is the Backbone of Your Organization

A constitution is more than a written document that stays on the shelf. Reading this chapter, you will understand how a well thought through constitutional document can assist you in the day to day governance of your federation.

The constitution is a document that describes the fundamental laws and outlines the basic principles by which the National Federation is organized and governed.

All parties involved in the federation can and should refer to this constitution. It provides the platform from which you will grow, and will help to ensure that this growth is in the right direction.

This chapter highlights the basic components of a constitution, and most importantly, tells you why each part is significant and valuable.



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1. Introduction

The formal creation and process of establishing the National Federation (NF) starts from the Constitution. The Constitution of the National Federation is a written document to serve basketball, containing the fundamental laws or bye laws and outlining the basic principles by which the National Federation is organized and governed.

The Constitution has to be established in a manner permitted by the legal provisions of the country. It serves basketball and not vice versa. This has to be the priority in creating structure to govern basketball in the country. The Constitution should not be drafted with just the legal requirements in mind, without taking into consideration the situation on the ground, the interest of all members, the interest of basketball and the position of the sport of basketball in the country.

The constitution serves basketball and this has to be the priority in creating the right way to govern basketball.

The Constitution serves as a tool for the NF to remain stable, withstand hardship and possible problems, and is used to bring together members and combine them in their best possible interest. The Constitution has to bring consistency, credibility and order to the basketball environment in the country.

The Constitution should be based on a 4 year term (mandate) in line with FIBA's calendar (in line with the FIBA World Championships/elections every four years).

2. Purpose

The text of the Constitution of the National Federation should include the following objectives:

- To develop a governance structure capable of delivering services necessary to achieve all the objectives set out in the Constitution.
- To encourage, develop, organize and promote the sport of basketball throughout the country, bringing order, credibility and consistency.
- To ensure that the sport of basketball is valuable to society and promotes ethical principles in all aspects of the game.
- To defend the moral and material interest of basketball in an appropriate manner.
- To maintain political and religious neutrality and not to tolerate any form of discrimination, racial or otherwise.
- To serve as a link to encourage an exchange of information, experience and activities and to be prepared to respond to all basketball related queries.
- To organize itself in such a manner as to acquire legal status, to have an official name and a registered office.
- To register its logo, flag, common seal and the names of the persons who will be the representatives of the National Federation (usually the President and/or the Secretary General/Chief Executive Officer).
- To represent the sport of basketball before its members, the National Olympic Committee, National Sports Confederation, National Sports Council, Public and Governmental authorities, other National Federations and FIBA.



- To set up and maintain the lines of communications between its members, clubs, decentralized bodies (coaches association, players association, referees association etc), community, non-governmental and governmental institutions and FIBA.
- To establish a financial policy and generate adequate financial resources in order to develop basketball within a balanced financial budget.
- To set up a unified and comprehensive competition structure for all categories within the country.
- To generate the necessary resources to realize programs for national teams, which represent the country at various international competitions.
- To regulate and approve national and international transfers of players in compliance with FIBA regulations.
- To establish internal transfer and eligibility regulations in the best interest of basketball.
- To develop and provide sports competitions, camps, seminars, conferences, courses, clinics, examinations, development programs, events, campaigns, and other promotional activities for its members.
- To ensure the work of the National Federation is public, and regularly update its members about its activities, through direct contacts, regular meetings, press conferences, web pages, bulletins, public statements, written press, radio and TV.
- To provide a mechanism to resolve all disputes, guaranteeing the right of defense and impartiality (fairness).
- To establish all technical regulations related to basketball.
- To establish a membership (certification/registry/licensing) program and to ensure that each member holds a valid, current membership card/license and decide the type and amount of membership fees for all the members.
- To ensure that all National Federation activities are exclusive to licensed/registered members only.
- To promote and develop the standard of coaching, refereeing and basketball administration.
- To encourage the provision of appropriate facilities for basketball and keep record of them.



3. Membership

The key question which usually arises is who are the constitutional members of the National Federations and how delegates for the supreme authority (General Assembly/Congress) are elected.

In practice, constitutional members could be school, local, area, regional, provincial or state associations based on the basketball membership criteria. Constitutional members could represent the same constituents but based on the political division of the country. Constitutional members could be teams, clubs, leagues, the players association, the coaches association, the referees association.



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Constitutional members could be appointed directly by the government of the country (or highest sport authority of the country).

There are different ways to create an appropriate constitution where a delegate system is the most appropriate and mirrors the real situation on the ground.

1. One way is to select team/club as a basic entity of basketball and link them with the youth competition structure or with the political division of the country.
 - I. For example, the most practical way in big countries like USA, Australia, China, Russia, India, Germany, France, Spain, Brazil, Canada, Iran, Argentina, South Africa, Japan, Italy (regional/provincial/state associations) would be to link the constitutional organization and election system through the political divisions of the country.
 - II. In smaller countries the National Federation could have a youth competition structure based on the regional/provincial/state division and these artificially created administrative entities could be the basis for the election process.
 - III. In some countries (due to various reasons) the political division of the country does not fit basketball operations. In such cases the National Federation should find the best solution to run youth competitions (regional/provincial structure), link it to the development programs (camps, coaches, referees and administrators clinics) and then, by creating those administrative/competition organizational entities, define the election process.
 - IV. In some countries teams/clubs could be direct constitutional entities (members/affiliates) of the National Federation.
2. Another way is to take provincial/regional or state association as a basic entity of basketball in the country.
 - I. If this is the case, the key question is; who is the supreme authority for basketball in the country, provincial/regional or state association or National Federation. Usually provincial/regional or state associations take all responsibilities of the National Basketball Federations; the risk of conflicts of interest is huge and jeopardizes the general interest of basketball.
 - II. In such a case, local associations or teams/clubs also constitute provincial/regional or state associations and in both cases the basic entity for a basketball structure is the team or the club (called local association in some countries). The problem comes from the sport administrators (often volunteers, in some cases part time paid administrators and in rare cases full time employees) who pretend to be “small” bosses in their territory.

Any administrative structure (volunteer or professional) at provincial/regional or state level has to be responsible to the NBF headquarters (Secretary General/Chief Executive Officers) and must be under its jurisdiction. Otherwise parallel centers of power are created which should be avoided.

4. Voting Rights

In all the cases described above, the delegates with voting rights come through the state, region/province, area or local association delegate system (from teams/clubs). In such a case the key question is whether all teams/clubs should have the same voting rights.



Definitely this should not be the case, simply because some teams/clubs are better organized, have a better management, more financial resources, more members, a bigger number of selections and play in a higher level of competition than other teams/clubs which might have a lesser number of teams, or only recreational basketball, etc.

The most common dispute in countries with organized high level competitions arises from inadequate representation of high level clubs in the decision making bodies. The cause is an election process where each team/club has the same voting power. This places the most advanced teams/clubs in an inappropriate position. In many countries those high level clubs organize parallel decision making body in the form of a league and this creates a huge problem to the National Federation and basketball in general.

This should be avoided by enabling the strongest (biggest, with the highest number of members or selections) teams/clubs to have more votes than for example teams/clubs from the lowest division, teams/clubs with only youth selections or teams/clubs with only women's selections. A formula should be created where the strongest teams/clubs have enough votes, so that they have a strong say in the decision making bodies. With regular participation in the decision making bodies, conflicts between high level teams/clubs and other basketball entities would be reduced and the number of parallel centres of power would be limited.

1. With respect to voting rights, the strongest teams/clubs (highest division teams/clubs) could have (for example) 16 votes, women's highest division teams/clubs and second men's division teams/clubs 8 votes, junior teams/clubs 4 votes etc.
2. Another way of creating the formula is according to the number of players in the team/club. For example, teams/clubs with 50 players would have 1 vote, with 51 to 100 players 2 votes, with 101 to 150 players 3 votes etc.
3. Another possibility exists and this is to give voting rights to the competition structure. For example highest division 8 votes, second level of competition 4 votes, third 2 votes, junior level 1 vote, cadet level 0,5 votes etc.

In general, teams/clubs, as the main entities of basketball should have a strong say in the decision making process, but at the same time, teams/clubs should not think only of their own interests, because this would jeopardize the general interest of basketball. In all cases there is a need for balance and the strongest teams/clubs have to be aware of that fact. Teams/clubs have to be aware that winning formula is a mixture of team/club and national team basketball. The right mix is the best interest of basketball in the country.

There is a need for balance and the strongest teams/clubs have to be aware of that fact.

The showcase for this is the most successful league in the world (NBA), which has the best social and solidarity principles. The centralized TV and marketing rights, salary cap, luxury tax, draft system (last team chooses first), shared income, collective bargaining agreement, unified legal structure, central merchandising, and state or city help when building new arenas, all help to make the NBA the most successful league in the world. Team decisions are based on the best interest of the league in general, not on the owners' interest. This should be the guideline for all teams/clubs worldwide.



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In the countries where members of the NF are directly appointed by the Government (or only President is appointed and he elects his team) the key question is what if this person does not have an interest for basketball, if he is there just because of political reasons, if there is a conflict of interest, if he is damaging basketball, if he does not care about the progress of basketball etc. How will the Government have day to day control of the NF operations and to whom is this person accountable.

1. One solution is to have governmental representatives as members of the Executive Board/Management Committee in order to have a clear picture what is going on and how all affairs are managed. This is useful because in almost every country the Government funds around 30% of NF activities and in some cases much more.
2. Another solution is the pro-active participation of the members and their regular involvement in all basketball affairs. This would limit the mistakes and wrong decisions which could occur.

In some countries the school association, coaches association, referees association or players association could be constitutional members of the National Federation.



In countries where schools are responsible for youth basketball it is a must to have the school association as a constitutional member of the National Federation. They have to be involved, simply because they run the competitions, organize practice time, make available players for youth national teams, school teachers are usually coaches of the teams, referees are appointed for the game etc.

Coach, referee and player associations should not be the constitutional members of the NF, but they have to be within the NF and to have delegates in all decision making-bodies.

For example, in the General Assembly/Congress each of those associations should have 2 (by way of example) votes, or 15% of all votes are reserved for the representatives of coaches, referees and players. Those associations also could be recognized as Associate Members (organizations that participate in the education of the sporting sector, are recognized by the Executive Board/Management Committee, have administrative competences, financial stability etc). Coach, referee, and player associations should contribute to the objectives and values of the NF.

National Federations could have members without voting rights. Examples could be the Patron, Honorary or Life Members. Of course each player, coach, referee, sport administrator, trainer, doctor, etc should have a membership/license card of the National Federation and all of them should exercise their rights through their professional association.

5. General Assembly/Congress

The Constitution of the NF must specify the exact composition of the General Assembly/Congress of the NF and the allocation of the votes, because in case of a dispute this is going to be the only valid document.



The General Assembly/Congress should be the highest authority of the NF and should hold sovereign powers within its terms of office. All objectives mentioned at the beginning of the document are the responsibilities of the General Assembly/Congress of the NF and the General Assembly/Congress also has the right

- To adopt, modify and change the constitution.
- To elect Executive Board/Management Committee members, the President and the Treasurer.
- To examine, review and approve all reports (in particular reports of the Executive Board/Management Committee).
- To approve the accounts and the balance sheet, and to vote on the budget of the NF.
- To adopt internal regulations.
- To designate the auditor.
- To take a vote of no confidence in the Executive Board/Management Committee.
- To grant titles of Patron, Honorary and Life Members.
- To exclude officials or members.
- To dissolve the NF.

The General Assembly/Congress should meet once a year (after the end of the financial year). The financial year should be the calendar year. The General Assembly/Congress should have the right to legislate

Members shall choose representatives to hold office within the Governing Body by democratic elections.

basketball in the country. This power is fundamentally vested in the members of the NF and exercised by them directly or indirectly through a system of representation. The NF should publish (officially announce) the number and identity of the officers of the General Assembly/Congress, their biographical information, dates of election or re-election and date on which their current term will end, voting procedure and number of elected officers.

The General Assembly/Congress should not have a large number of persons in order to be efficient and to have adequate level of organizational efficiency. The members shall choose representatives to hold office within the governing body by democratic elections. Membership should be strictly personal. Representation by proxy should not be permitted. The NF should make all reasonable efforts to promote elections and maximize voter participation. The process by which elections are conducted, should be fair and reflect the views of those allowed to vote. Block voting should be avoided.

In cases of re-election, candidates should give an account of the contribution made to the governing body and sport during their previous term. This is useful in order to avoid so called “politically appointed” officers. After elections, voting levels and the votes cast for each candidate should be promptly and widely communicated.

6. Special General Assembly/Congress

The General Assembly/Congress could also meet for a Special/Extraordinary General Assembly/ Congress, if necessary. It could be convened upon the request of the Executive Board/Management Committee or a certain percentage of the members with voting rights (for example 25% of members with voting rights).



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In the case of Special/Extraordinary General Assembly/Congress, the items included on the agenda shall be specified in the request for such a session. Only matters that fall within the powers of the General Assembly/Congress shall be placed on the agenda. The Special/Extraordinary General Assembly/Congress should be convened in the same manner as the ordinary General Assembly/Congress and within 21 days after receipt of the request for the meeting.

7. Quorum at General Assembly/Congress and at Special General Assembly/Congress

The Quorum (minimum number of voting members present in order to be able to pass a resolution) at the General Assembly/Congress should be an absolute majority (50% plus one vote). Decisions should be taken by a majority of votes of members present (so a minimum 25% of all members plus one vote is required for any decision). For certain essential decisions, (for example for a change of the constitution, the system of competition, transfer and eligibility of players and in case of dissolution of the NF) an absolute majority (minimum 50% plus one vote of all members) is necessary. This must be specified in the constitution. If a Special General Assembly/Congress is convened, the quorum rule remains the same as for the General Assembly/Congress.

8. Executive Board/Management Committee

The General Assembly/Congress elects the members of the Executive Board/Management Committee which is the governing body of the NF. It manages affairs and put in action, between sessions of the General Assembly/Congress, all the decisions made at the General Assembly/ Congress. Members of the Executive Board/Management Committee should not be members of the General Assembly/Congress in order to be responsible and accountable to the highest Governing Body for basketball in the country. Where the same people are members of both bodies, the question is, to whom they are responsible and how they will be replaced if their work is unsatisfactory.

The composition of the Executive Board/Management Committee should be the same as the General Assembly/Congress, which means that all levels of sport must be represented in this decision making body (teams/clubs, both men and women, coaches, referees and players). One representative of coaches, referees and players should be members of the Executive Board/Management Committee (15% of number of members should be reserved for the representatives of coaches, referees and players).

The Executive Board/Management Committee must be active and undertake its own activities/projects to benefit basketball.

All duties and powers of the Executive Board/Management Committee are similar to the objectives of the NF. In addition they have the right and obligation:

- To supervise and give directions in basketball affairs, in its best interest, between sessions of the General Assembly/Congress.
- To implement and manage the policies, decisions and conclusions of the General Assembly/Congress.



- To manage the international policy of the NF.
- To accept or reject applications for membership.
- To appoint the Chief Executive Officer/Secretary General and enter into a contract with them relating to their services and duties.
- To appoint selectors, coaches and managers of national teams and selections.
- To nominate representatives of the NF in various governmental, non governmental and sports bodies.
- To decide the Competition Calendar.
- To determine the financial policy and approve the budget prepared by the Treasurer.
- To control the overall financial management of the NF and to report to the General Assembly/Congress.
- To present activity reports.
- To decide appeals in the first instance.
- To adopt and modify the bye-laws, internal regulations and other necessary provisions.
- To delegate some of the powers to specialized committees or associations.
- To approve the regulations of specialized committees or associations.
- To carry out all activities which are not within the jurisdiction of the General Assembly/Congress.

The Executive Board/Management Committee should not be composed of too many people (seven to eleven maximum) in order to be efficient and to react in a timely manner. It is in the interest of the NF that persons in the Executive Board/Management Committee are of a high quality and understand good governance. It is wrong to give titles or positions to persons who will not contribute to the sport. This will jeopardize the progress of basketball and damage the image of the NF.

If a member of the Executive Board/Management Committee fails to attend three consecutive meetings of the Board/Committee without adequate explanation, he/she should be dismissed from the Executive Board/Management Committee. If such a case occurs, the President or executive shall have the right to appoint a new member of the Executive Board/Management Committee until the next General Assembly/Congress.

The Executive Board/Management Committee should be composed by maximum eleven people in order to be efficient and to react in a timely manner.

The term of office of the members of the Executive Board/Management Committee should be the same as the term of the office of the members of the General Assembly/Congress (four years).

In the interest of continuity and in order to avoid having to elect all members at the same time, some members could be elected for a two-year term and some for a four-year term. This will create overlap and there would always be some members who have been in office for some time. In any case, no member should be elected and serve as an officer more than two four-year terms.



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9. Quorum at Executive Board/Management Committee

The Quorum at the Executive Board/Management Committee meetings should be the absolute majority (50% plus one vote) and decisions should be taken also by absolute majority of votes of the members of the Executive Board/Management Committee. For example, if six out of eleven members of the Board/Committee are present at the meeting, then all six have to vote for any decision. This has to be specified. The reason for this, is to avoid that essential decisions are made by only three members of the Executive Board/Management Committee. In the case of a tied vote, the President has a casting vote. Vote by proxy should not be permitted. It is recommended that the Executive Board/Management Committee should meet once a month.

10. Meetings

The Constitution should stipulated that the organization shall be run along democratic lines. The basis of this type of organization is the meeting, where discussion takes place and decisions are made. Members are normally notified of the meeting by means of a “Notice of Meeting” and this notice should also indicate the items to be discussed at the meeting i.e. the Agenda.

The items and their order that are often considered for an agenda are:

1. Call to order/Attendance
2. Minutes of the Previous Meeting

The minutes of the previous meeting must be ratified by the meeting as a correct version of events. Any amendments must be agreed, the minutes in the minutes book amended and a note of the amendments made in the minutes of the present meeting.

3. Business Arising

Any matters arising from the minutes of the previous meeting can be raised at this point in the proceedings. Any actions taken arising from decisions made at the previous meeting should be reported.

4. Treasurer’s Report

To receive a report from the Treasurer.

5. Secretary’s Report

To receive a report from the Secretary, including approval of correspondence sent out between meetings.

6. Business

Identification of the matters to be discussed. If any papers relating to the item are enclosed with the agenda they should be marked (“Item X”) so as to relate to a particular agenda item.

7. Other Business

This is when other items, not listed on the agenda, can be raised, usually at the discretion of the Chair.

8. Date of Next Meeting



If the committee does not have preset dates for its meetings (e.g. the first Monday in each month) it is important to ask members when it will be convenient to hold the next meeting. This can often avoid inconvenience and poor attendance.

9. Adjournment

Meetings must be properly conducted and therefore “rules of order” should be applied. This is very important where contentious issues are being discussed, or in large meetings.

In smaller, friendly meetings, a less formal procedure can prevail. At any Annual or Executive meeting, the chair shall be taken by the President of the association or, in his absence, by the Vice-president or Secretary. In the absence of all these persons, the attendees shall elect a chairperson for the meeting. The chairperson shall be the sole interpreter of the “rules of order” subject to the right of any delegate to challenge a ruling, as provided for under the “rules of order”. The chairperson may address the meeting from the chair:

- in order to explain or administer these orders
- to answer a question on a point of fact
- to act as a spokesperson for the executive committee

When the chairperson wishes to speak, any other person speaking shall allow him to do so. Delegates wishing to speak shall identify this interest to the chair, usually by raising their hand. The chairperson shall decide right of priority in speaking. No speaker shall be allowed to take unreasonable time in speaking. Delegates should speak only once on the same motion except with the express permission of the meeting or:

- to answer questions on a report
- as indicated by the “rules of order”

No delegate shall use offensive or abusive language in the meeting. In the event of someone doing so, the chair shall ask them to withdraw the remark. If the individual fails to comply with this request, they shall be required to withdraw.

Tips for Good Meetings

1. Have a definite reason for every meeting.
2. Question every item on the agenda before calling the meeting. Could the items be handled just as well without a meeting?
3. Limit attendance at meetings to those concerned with the topics on the agenda. The larger the crowd, the more discussion and the longer the meeting.
4. Be sure participants know the purpose of the meeting in time to prepare for it. Have them bring relevant material with them.
5. Choose a meeting place that eliminates interruptions and services and provides a pleasant, comfortable atmosphere.
6. Plan ahead for all equipment that will be needed in the meeting room, such as flip charts, projector, screen, chalk board, chalk, markers, pencils, paper, tape recorder, enough chairs, and so forth. It’s wise to have an extra projector bulb.
7. Arrange tables and chairs so that all participants can see each other.



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8. Pay attention to effective conduct of the meeting.
9. Begin on time regardless of late arrivals. Discourage tardiness by having the minutes of the meeting show not only those present and those absent, but also those arriving late.
10. Set a time limit for each topic on the agenda and stick to it.
11. Have the recorder sit where the faces of all participants are visible.

Minutes of Meetings

1. Minutes of meetings are important documents and as such, should be taken seriously:
 - if the proper procedures are followed they are an authenticated record of the proceeding
 - they form the basis for any actions arising from decisions taken at the meeting
 - they are important points of reference for an organization
 - they form an important historical and archival record of the organization
2. Minutes of meetings should include:
 - the heading, which includes the date, place and title of the organization and committee
 - list of those present
 - list of those who have apologized for not being able to attend
 - ratification of previous minutes with any amendments properly recorded matters arising
 - the items discussed in the order they were discussed
 - date of next meeting
 - an action column
3. There are many styles of writing minutes:
 - a) in some only the briefest outline of the subject matter is included together with the decisions taken
 - b) other writers like to include all that was said almost verbatim

The problem with a) is that if the minutes are referred to some time later, there is often insufficient detail to allow proper recall of the proceedings. The problem with b) is that it is difficult to record accurately what was said. To summarize a person's reported speech can lead to inaccuracies. There is a compromise between a) and b) which is adopted by many organizations.
4. Note taking
It is very important that all members take their own notes on each important item discussed.
5. Review by the Chairperson of Meeting
If time allows, it is efficient and courteous to let the person who chaired the meeting have sight of the draft minutes in order to approve them prior to circulation.
6. Circulation Register
If the minutes are circulated, the secretary must make a register of those persons who are entitled to receive them, and ensure that they do receive them.
7. Attendance Register



At meetings, a register should be circulated to those present for them to sign indicating their presence at the meeting.

11. The President

The General Assembly/Congress elects the President who should preside over the General Assembly/Congress, but at the same time is responsible to the General Assembly/Congress. The President should be also a member of the Executive Board/Management Committee and preside over its meetings. This gives the President more power, but also more responsibilities. The President also should:

- Take care of the general affairs of the Federation.
- Supervise the proper functioning of the Federation.
- Ensure that all decisions are properly carried out.
- Represent the National Federation in public.
- In case of a tied vote at the meetings, the President shall have a casting vote.

12. The Treasurer

The General Assembly elects the Treasurer of the National Federation and he/she should have the following responsibilities:

- To control the financial administration of the NF.
- To supervise the current account of income and expenditure.
- To examine the periodic financial reports prepared by the NF secretariat.
- To draw up the four year budget together with the NF secretariat.
- To ensure the proper implementation of the budget.
- To present the complete statements of accounts to the General Assembly/Congress.

13. Conflict of Interest

From time to time, there is controversy in basketball, as in other professions and activities in life, concerning conflict of interest. Organizations should have policies on this matter, to govern the conduct of employees, officers and members of the organization. Conflicts of interest, if they occur, could seriously damage your National Federation. An example of a conflict of interest Policy appears below.

14. Draft Conflict of Interest Policy

Members and employees of an organization will permit no influence which could conflict with the best interest of the organization or prejudice the organization's reputation. Disclosure in writing is required for anyone employed by, performing services for or with a financial interest in any business enterprise doing business with or seeking to do business with the organization.

Members and employees will not, without prior approval:



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- a) Engage in any business, transaction, financial interest or personal action which:
 - is incompatible, interferes or appears to interfere with the duties and responsibilities of their position
 - is detrimental to the purpose of the organization’s work
 - provides the person with an advantage or appearance of advantage
 - derived from association with the organization
- b) Place themselves or their relatives in a position where they may profit, gain or in any way benefit from special favors or special consideration by virtue of employment with the organization
- c) Place themselves in a position where they are under obligation to any person or organization who might benefit from special favor, consideration or preferential treatment on their part
- d) Accord any preferential treatment to relatives or friends in the performance of official duties, or to organizations in which friends or relative have an interest, financial or otherwise
- e) Place themselves in a position where they could derive any direct or indirect benefit or interest from any contracts or services about which the employee can influence decisions
- f) Benefit in any way from the use of information acquired during the course of official duties and which is not generally available to the public
- g) Use property, equipment, supplies, services or any material of consequence for activities of a personal nature not associated with the discharge of official duties
- h) Accept gifts, hospitality or entertainment that could reasonably be construed as being given for favor, special consideration or anticipation or recognition of special consideration.

Whenever an employee considers that they could be involved in a conflict of interest as described in this policy, the employee will inform their supervisor or designate, and will abide by the advice given.

Contravention of these principles of conduct and/or engaging in a conflict of interest may be considered as cause for disciplinary action, including dismissal.

15. Appeals

The Constitution must ensure that a procedure exists for resolving disputes and differences among members. Such procedure should include internal and external appeals or access to arbitration or a combination of both. The appeals procedure should be fair, transparent, accessible, efficient and fast. The NF should not do anything to prevent any party from seeking any remedy that might be

The appeals procedure should be fair, transparent, accessible, efficient and fast.

available under national or international law. All NFs should include in their constitution that the provision of the General Statutes and the Internal Regulations of FIBA as well as the decision of the Appeals Commission and the Court of Arbitration for Sports in Lausanne are legally binding for the

NFs themselves, and its members. Persons engaged in the appeals procedure should not have any interest in the outcome of any dispute.



16. Keep in Mind

Each member or committee or body of the NF should have clearly defined responsibilities and reporting lines. There is a need to have a clear demarcation line between the members and the various bodies and to avoid any conflict of interest.

Each member of the basketball in the country must know that winning is about performance and that the performance of each individual is the key to the success of the organization. The NF must operate in a democratic way with a legislative, an executive and a juridical authority for basketball in the country.