

**CONSTITUTION  
OF THE  
MISSOURI VALLEY CONFERENCE**

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CONSTITUTION**

**Table of Contents**

<b>1. Association</b> .....	1
1.1 Name .....	1
1.2 Governance .....	1
<b>2. Purposes and Principles</b> .....	1
2.1 Mission Statement .....	1
2.2 Operating Principles.....	2
2.2.1 Presidential Authority for Governance.....	2
2.2.2 NCAA Rules Compliance .....	2
2.2.3 Institutional Control and Responsibility .....	2
2.2.4 Academic Opportunities Commitment.....	3
2.2.5 Equal Opportunity Commitment .....	3
2.2.6 Institutional Cooperation .....	3
2.2.7 Exemplary Conduct.....	3
2.2.8 Commitment to Quality Competitive Opportunities.....	3
2.2.9 Sound Fiscal Management .....	3
<b>3. Membership</b> .....	3
3.1 Member Institutions.....	3
3.2 Membership Criteria.....	3
3.2.1 General Requirements .....	4
3.2.2 Affiliate Membership.....	4
3.2.3 Intercollegiate Athletics Program Requirements .....	4
3.3 Admission to Membership.....	5
3.3.1 Procedure .....	5
3.4 Conditions/Obligations of Membership .....	5
3.5 Resignation from Membership .....	5
3.5.1 Procedure .....	5
3.5.2 Obligations of Resigning Member .....	6
3.5.3 Conference Obligations.....	6
3.6 Termination of Membership .....	6
3.6.1 Criteria .....	6
3.6.2 Procedures.....	7

## Table of Contents

### Page Two

3.7	Suspension of Membership .....	7
3.7.1	Procedures.....	7
3.8	Member Probation .....	8
3.9	Dissolution of the Conference.....	8
<b>4.</b>	<b>Organization of the Conference .....</b>	<b>8</b>
4.1	Operating Functions.....	8
4.2	Presidents Council.....	8
4.2.1	Chair .....	9
4.2.2	Authority of Council.....	9
4.2.3	Voting Representation.....	9
4.2.4	Delegation of Council Authority.....	9
4.3	Faculty Athletics Representatives Committee.....	9
4.3.1	Definition of Faculty Athletics Representative .....	10
4.3.2	Chair .....	10
4.3.3	Authority of Committee.....	10
4.3.4	Voting Representation.....	11
4.3.5	Delegation of Member Authority.....	11
4.4	Athletics Administration Committee .....	11
4.4.1	Chair .....	11
4.4.2	Definition of Director of Athletics .....	11
4.4.3	Definition of Senior Woman Administrator .....	11
4.4.4	Definition of Women's Program Representative.....	12
4.4.5	Authority of Committee.....	12
4.4.6	Approval of Recommended Actions.....	12
4.4.7	Voting Representation.....	12
4.4.8	Delegation of Member Authority.....	12
4.5	Joint Committee.....	13
4.5.1	Chair .....	13
4.5.2	Authority of Committee.....	13
4.5.3	Voting Representation.....	14
4.5.4	Delegation of Member Authority.....	14

## Table of Contents

Page Three

4.6	Officers of the Conference .....	14
4.6.1	Chair of Presidents Council.....	14
4.6.2	President.....	14
4.6.3	President-Elect.....	14
4.6.4	Past President.....	15
4.6.5	Vice-President/Director of Athletics.....	15
4.6.6	Vice-President/Senior Woman Administrator .....	15
4.6.7	Secretary-Treasurer .....	15
4.6.8	Institutional Representation.....	15
4.6.9	Rotation Schedule.....	16
4.6.10	Terms of Office .....	16
4.7	Executive Committee .....	16
4.7.1	Chair .....	17
4.7.2	Authority of Committee.....	17
4.7.3	Voting Representation.....	17
4.7.4	Member Inability to Serve .....	17
4.8	Standing Committees.....	17
4.8.1	Membership .....	17
4.8.2	Terms of Office .....	17
4.8.3	Voting Representation.....	17
4.8.4	Reporting Lines.....	18
<b>5.</b>	<b>Legislative Procedures .....</b>	<b>18</b>
5.1	Quorum .....	18
5.2	Amendments and Adoption.....	18
5.2.1	Amendments to Constitution .....	18
5.2.2	Amendments to Bylaws.....	18
5.2.3	Amendments to Directors' Agreement .....	18
5.2.4	Effective Date of Legislation.....	18

# Table of Contents

Page Four

<b>6. Indemnification</b> .....	19
6.1 Right to Indemnification .....	19
6.1.1 Gross Negligence or Misconduct .....	19
6.1.2 Exclusions from Indemnification.....	19
<b>7. Observance and Enforcement of Constitution, Bylaws and Operating Procedures</b> .....	19
7.1 Rules Observance .....	19
7.2 Conference Assistance .....	20

## **CONSTITUTION**

### **Article 1. ASSOCIATION**

#### **1.1 NAME**

The name of this association shall be the Missouri Valley Conference, hereafter referred to as "the Conference."

#### **1.2 GOVERNANCE**

The governance of this Conference shall be established by Constitution, Bylaws and Directors' Agreements of the association. The Bylaws shall consist of Operating Procedures, Operating Rules and Administrative Regulations. The Directors' Agreements shall consist of the Sport Regulations established for all of the sports sponsored by the Conference.

### **Article 2. PURPOSES AND PRINCIPLES**

#### **2.1 MISSION STATEMENT**

The Missouri Valley Conference is an association of collegiate institutions dedicated to the enhancement and sound fiscal management of men's and women's athletics programs within an educational environment.

To that end, through the orderly establishment, education and enforcement of NCAA and Conference legislation, the Conference aims to:

- 2.1.1 Advance academic and athletics achievements of the student-athlete.
- 2.1.2 Promote the academic and athletics environments of the student-athlete within the Conference's commitment to principles of equal opportunity and affirmative action.
- 2.1.3 Establish quality competitive opportunities for the student-athlete and continue to enhance the competitive environment of the Conference.
- 2.1.4 Foster the high ideals of fair play.
- 2.1.5 Formulate principles regarding the appropriate role of intercollegiate athletics in higher education.
- 2.1.6 Organize, control and supervise intercollegiate athletics among the member institutions in an atmosphere of mutual trust and cooperation.
- 2.1.7 Establish educational activities and enforcement of NCAA and Conference rules.

**2.2 OPERATING PRINCIPLES**

Within the context of its Mission Statement, Missouri Valley Conference operations are guided by the following principles:

**2.2.1 Presidential Authority for Governance.** The CEOs of Conference member institutions, through the Presidents Council, bear ultimate responsibility for the governance of Conference operations and have final authority over the activities specified in MVC Constitution 4.2.2.

**2.2.2 NCAA Rules Compliance.** As a member of the National Collegiate Athletic Association (NCAA), the Conference operations are bound by its rules and regulations, unless established Conference rules are more restrictive.

**2.2.3 Institutional Control and Responsibility.** It is the responsibility of each member institution to control its intercollegiate athletics program in compliance with the rules and regulations of the Conference and NCAA. The institution's CEO is responsible for the administration of all aspects of the athletics program including approval of the budget and audit of all expenditures. Further, the institution's responsibility for the conduct of its intercollegiate athletics program includes responsibility for the actions of its staff members and for the actions of any other individual or organization engaged in activities promoting the athletics interests of the institution.

2.2.3.1 The member institutions of the Conference are fully committed to compliance with rules and regulations of the NCAA and the Conference. Each institution accepts primary responsibility for:

2.2.3.1.1 Administering rules and regulations;

2.2.3.1.2 Investigating known or alleged violations at the institution;

2.2.3.1.3 Taking prompt and effective corrective actions where violations have occurred; and

2.2.3.1.4 Reporting NCAA and Conference violations to the Commissioner.

2.2.3.2 A member institution will not employ or retain on its athletics staff anyone who has deliberately violated or has been a willful party to a violation of NCAA or Conference recruiting or financial aid rules, or who encourages others to violate these rules, or who upon inquiry by the Commissioner withholds knowledge of violations of these rules by others. Contractual agreements or appointments between a coach and an institution shall include the stipulation that the coach may be suspended for a period of time, without pay, or that the coach's employment may be terminated if the coach is found to be involved in deliberate and serious violations of NCAA regulations.

- 2.2.4 **Academic Opportunities Commitment.** Conference intercollegiate athletics competitions have been established to operate in harmony with the academic programs and purposes of its member institutions, offering opportunities for academic and personal growth to affiliated student-athletes.
- 2.2.5 **Equal Opportunity Commitment.** The Conference and its member institutions are fully committed to the principles of equal opportunity and affirmative action in employment and education.
- 2.2.6 **Institutional Cooperation.** In the spirit of mutual trust and cooperation, Conference members are committed to the full exchange of relevant information.
- 2.2.7 **Exemplary Conduct.** As a Conference member, each member institution must implement measures to ensure that all individuals employed by or directly associated with its intercollegiate athletics program, including its student-athletes, conduct themselves in an exemplary manner when representing that University, especially during athletics contests.
- 2.2.8 **Commitment to Quality Competitive Opportunities.** Intra-Conference competitive events, in providing a regular and orderly means of competition between member institution teams, are established, promoted and managed in a manner which offers participating student-athletes the greatest opportunities for balanced and fair competition, while enhancing the reputation of the Conference
- 2.2.9 **Sound Fiscal Management.** Conference operations are characterized by the application of wise and prudent financial management principles to all applicable fiscal matters. As a voluntary, non-profit association organized for charitable and educational purposes and for fostering amateur sports competition, the Conference will only participate in activities which are permitted by the Internal Revenue Code for associations exempt from Federal income tax under Section 501(c)(3) as amended.

### Article 3. MEMBERSHIP

#### 3.1 MEMBER INSTITUTIONS

Membership in the Conference is by institution. All rights and duties inherent in that membership may be exercised by member institutions only. The members of the Conference are:

Bradley University  
Creighton University  
Drake University  
University of Evansville  
Illinois State University

Indiana State University  
University of Northern Iowa  
Southern Illinois University  
Southwest Missouri State University  
Wichita State University

#### 3.2 MEMBERSHIP CRITERIA



To be admitted to the Conference, an institution must meet the general and intercollegiate athletics program requirements specified below.

**3.2.1 General Requirements.** General requirements for Conference Membership are as follows:

3.2.1.1 Be a member of the accrediting association in the region in which the college or university is located.

3.2.1.2 Maintain active membership in NCAA Division I and comply with all regulations of that organization.

3.2.1.3 At the time of admission to the Conference, pay, in addition to dues, any pro rata portion of reserve or goodwill, as determined by the Conference.

**3.2.2 Affiliate Membership.** The Conference may extend affiliate membership to nonconference institutions for those sports which require a minimum number of institutions for automatic qualification for NCAA championships and for other sports for which mutual interests are best served.

3.2.2.1 Applications for affiliate membership must be approved by the Joint Committee and the Presidents Council.

3.2.2.2 The term of affiliate membership shall be for one (1) year. Once granted affiliate membership, reapplication must be made annually.

3.2.2.2.1 A two-year initial commitment may be extended to new affiliate members.

3.2.2.3 Affiliate members must agree to abide by all Conference rules related to the sport(s) in which they participate.

3.2.2.4 Affiliate member representatives may attend Conference meetings related to the sport(s) in which they participate with voting privileges for those agenda items directly related to those sports. The Commissioner has sole discretion of the issues upon which an affiliate member may vote. This determination shall not be appealable.

3.2.2.5 Affiliate member dues and revenue distribution shall be determined by the Joint Committee and are subject to change annually.

**3.2.3 Intercollegiate Athletics Program Requirements.** A member institution must annually sponsor and conduct a representative schedule in Division I men's and women's basketball, women's volleyball and women's softball, and no less than the minimum number of other Division I varsity programs as required by NCAA regulations for Division I classification.

Additionally, Conference institutions must meet the following program requirements:

3.2.3.1 If a member institution sponsors a sport for which the Conference conducts a championship or regular season competition, the member institution must participate. Institutions must compete with at least the minimum number of athletes which the NCAA requires to count as an event. A waiver of this policy, due to extenuating circumstances or in cases where participation may cause extreme hardship for student-athletes due to final exams, may be requested by an institution through an appeal by the Faculty Athletic Representative to the Compliance Committee. This committee shall have the authority to waive mandatory participation in a given championship. All non-participation must be approved in advance.

3.2.3.2 Conference championships are limited to individuals and varsity teams identified by the member institution as meeting NCAA Division I eligibility requirements.

### **3.3 ADMISSION TO MEMBERSHIP**

3.3.1 **Procedure.** New members may be admitted to the Conference upon proper application and in accordance with established criteria for membership. An institution desirous of membership in the Conference must:

3.3.1.1 Submit a formal, written application for membership through the Office of the Conference Commissioner. The application must be on file in the Conference Office at least 10 days prior to the meeting at which action is to be taken on the membership request.

3.3.1.2 Meet all membership criteria.

3.3.1.3 Be elected by a three-fourths (3/4) vote of the Presidents Council of the Conference at any regular or special meeting called to consider such action.

### **3.4 CONDITIONS AND OBLIGATIONS OF MEMBERSHIP**

Each member institution shall adhere to all the rules and regulations of the National Collegiate Athletic Association and the Missouri Valley Conference as a condition of continuing membership.

### **3.5 RESIGNATION FROM MEMBERSHIP**

A Conference member who wishes to resign its membership may do so upon proper notification and in accordance with its membership obligations.

3.5.1 **Procedure.** When a member institution wishes to resign from the

Conference, the following procedure is employed:

3.5.1.1 The CEO of the resigning institution must give written notice, via registered mail, to the Conference President and Conference Commissioner.

3.5.1.2 A minimum of 24 months' notice of an institution's intention to withdraw from the membership is required.

3.5.1.3 The Conference Commissioner shall notify the resigning institution and the Joint Committee and Presidents Council of the arrangements for termination.

3.5.2 **Obligations of Resigning Member.** Effective the date of resignation, all membership rights including rights to Conference assets cease. However:

3.5.2.1 Any monies, fines, penalties or assessments owed by a resigning member institution are still considered a debt owed the Conference, and must be paid prior to the effective date of resignation.

3.5.2.2 Until the effective date of the resignation, the member institution assumes all the rights and obligations of other members and is expected to honor all scheduling commitments to member institutions, although existing athletics contracts may be voided by the surviving Conference party to the contract. (This regulation does not apply to any member institution that moves from Division I to another Division of the NCAA.)

3.5.3 **Conference Obligations.** The Conference shall distribute funds to departing or withdrawing institutions as follows:

3.5.3.1 With 24 or more months' notice of intent to resign from the membership, the departing institution receives 100% of its designated share of distributable revenues, per Conference formula.

3.5.3.2 With 12-23 months' notice of intent to resign from the membership, the departing institution receives 50% of its designated share of distributable revenues, per Conference formula.

3.5.3.3 With less than 12 months' notice of intent to resign from the membership, the departing institution receives no distributable revenues.

3.5.3.4 Resigning institutions will not receive any share of Conference assets or reserve funds upon withdrawal from the membership.

**3.6 TERMINATION OF MEMBERSHIP**

3.6.1 **Criteria.** An institution's membership in the Conference may be terminated if the conduct of the institution is found to be incompatible with the Conference's aims and objectives. Specifically, termination may occur if a member institution:

3.6.1.1 Fails to comply with the Conference's General Requirements for membership (see MVC Constitution 3.2.1);

3.6.1.2 Fails to comply with the Conference's Intercollegiate Athletics Program Requirements (see MVC Constitution 3.2.3) after the specified probationary period (see MVC Constitution 3.8);

3.6.1.3 Resigns or attempts to resign from the Conference without having complied with the resignation procedure (see MVC Constitution 3.5.1); or

3.6.1.4 Fails to live up to the standards and requirements of the Conference, both in spirit and in letter, as expressed and implied in the Conference's Mission Statement (see MVC Constitution 2.1) and Operating Principles (see MVC Constitution 2.2).

3.6.2 **Procedures.** When an institution's membership in the Conference is terminated, the following procedures are employed:

3.6.2.1 The institution's CEO must be notified by the Conference Commissioner via registered letter at least one (1) month prior to the meeting at which action will be taken regarding impending termination. Such notice must include all charges which provide the grounds for the termination.

3.6.2.2 A three-fourths vote of the Presidents Council of the Conference (not to include the CEO of the institution being considered) at any regular or special meeting called to consider such actions is required to effectuate the termination.

3.6.2.3 Upon receiving notice of termination of membership, the Executive Committee shall resolve the details of the rights and obligations of the terminated member and the Conference pertaining to Conference Operation, Trust and Reserve Funds and other obligations. A recommendation will be made to the Joint Committee and to the Presidents Council for final action.

3.6.2.4 The Conference Commissioner shall then notify the terminated

institution of the detailed arrangements for termination, and render a full report on the matter to the Joint Committee and the Presidents Council.

### **3.7 SUSPENSION OF MEMBERSHIP**

The temporary severance of a member institution's Conference affiliation in one (1) or more sports under stated conditions may be enacted by a three-fourths (3/4) vote of the Presidents Council or when the member is required by the NCAA to discontinue the Conference-required sport because of violations of NCAA regulations.

**3.7.1 Procedures.** When an institution's membership in the Conference is suspended, the following procedures are employed:

3.7.1.1 The institution's CEO must be notified by the Conference Commissioner via registered letter at least one (1) month prior to the meeting as which action will be taken regarding impending suspension. Such notice must include all charges which provide the grounds for the suspension.

3.7.1.2 A three-fourths vote of the Presidents Council of the Conference (not to include the CEO of the institution being considered) at any regular or special meeting called to consider such actions is required to suspend an institution's membership in the Conference.

3.7.1.3 Upon receiving notification of suspension of membership, the Executive Committee shall resolve the details of the rights and obligations of the suspended member and the Conference pertaining to Conference Operations, Trust and Reserve Funds and other obligations. A recommendation will be made to the Joint Committee and to the Presidents Council for final action.

3.7.1.4 The Conference Commissioner shall then notify the suspended institution of the detailed arrangements for suspension, and render a full report on the matter to the Joint Committee and the Presidents Council.

### **3.8 MEMBER PROBATION**

Failure of a member institution to comply with Intercollegiate Athletics Programs Requirements, as specified in MVC Constitution 3.2.3, will result in that institution being placed on probation for a period of one (1) year, during which time the institution must bring its programs into compliance. Failure to achieve compliance after the probationary period could result in placement in a restricted membership classification or in termination. Restricted membership is a membership classification status assigned to an institution that fails to comply with the minimum requirements of

Conference sports sponsorship, as previously outlined. The institution placed in such status may lose its eligibility for a number of membership privileges including, but not limited to, prohibition from championship participation in all sports, loss of revenue-sharing privileges, loss of voting privileges, etc. Further, the member shall have from one (1) to three (3) years to comply with the requirements involved. Failure to comply could lead to termination of the institution's membership in the Conference.

**3.9 DISSOLUTION OF THE CONFERENCE**

In the event of dissolution of the Conference, the remaining assets would be equally divided among remaining member institutions of the Conference, as defined by the Joint Committee, with approval of the Presidents Council. In the event that the commitments exceed the assets, they shall be paid through an equal assessment of the members.

**Article 4. ORGANIZATION OF THE CONFERENCE**

**4.1 OPERATING FUNCTIONS**

In accordance with the Conference's stated purposes (see Mission Statement, MVC Constitution 2.1) the Conference functions to develop policies, rules and regulations which promote these purposes (a legislative function), and to administer and enforce these policies, rules and regulations, as well as generally oversee the activities of the Conference (an administrative and executive function). Member institutions vote and participate in the activities of the Conference through duly appointed representatives to the Presidents Council, the Faculty Athletics Representatives Committee, the Athletics Administration Committee, The Joint Committee, the Executive Committee and all standing committees. Each Committee is empowered with the authority and responsibilities set forth below.

**4.2 PRESIDENTS COUNCIL**

The Presidents Council bears ultimate responsibility for governance of the Conference. It shall be composed of the CEOs of Conference member institutions.

**4.2.1 Chair.** The Chair of the Presidents Council shall be the CEO of a

Conference member institution, as specified by the alphabetical rotation for this position and all Executive Committee appointments (see MVC Constitution 4.6.9). The Chair of the Presidents Council and the President of the Conference shall be from same institution. The Chair's duties are:

- 4.2.1.1 To conduct regular and special meetings of the Presidents Council;
- 4.2.1.2 To develop the agenda for Council meetings, in consultation with the Chair of the Joint Committee and the Conference Commissioner;
- 4.2.1.3 To perform other duties as required by the office or directed by a majority vote of the Council; and
- 4.2.1.4 To be empowered by the Conference on its behalf to sign written contracts and legal documents, as required or appropriate.

**4.2.2 Authority of Council.** The Presidents Council has specific final authority for the following:

4.2.2.1 Election, probation, suspension and termination of membership in the Conference.

4.2.2.2 Appointment, renewal and termination of employment of the Commissioner, including an annual evaluation of the Commissioner in executive sessions.

4.2.2.3 Any action that has or could have a major budgetary impact on member institutions and/or the Conference.

4.2.2.4 Proposed changes to the Constitution and Bylaws of the Conference.

4.2.2.5 Waiver of sports sponsorship requirements (see MVC Constitution 3.2.2), as requested by a member institution.

**4.2.3 Voting Representation.** The CEO of each member institution, including the Chair of the Council, (or a delegate duly authorized by the institution's CEO) shall be entitled to be present and vote at all Presidents Council meetings. When authority is delegated by the institution's CEO to another institutional representative it shall be specified by the CEO in writing and directed to the Commissioner.

**4.2.4 Delegation of Council Authority.** The authority of the Conference resides within the Presidents Council. The authority may be delegated by the Presidents Council to the Faculty Athletics Representatives Committee, the Athletics Administration Committee, the Joint Committee, the Executive Committee and other standing committees established and approved by the Presidents Council.

### **4.3 FACULTY ATHLETICS REPRESENTATIVES COMMITTEE**

The Faculty Athletics Representatives Committee shall be composed of the Faculty Athletics Representative(s) of each member institution. The CEO of each university shall appoint one (1) faculty member to serve on the Faculty Athletics Representatives Committee. However, an institution may have a second representative who attends meetings in a non-voting capacity.

**4.3.1 Definition of Faculty Athletics Representative.** The institutional Faculty Athletics Representative shall be a person of professorial rank who does not receive pay primarily for services rendered in connection with athletics and who is appointed by the CEO to represent the institution in Conference matters.

**4.3.2 Chair.** The Chair of the Faculty Athletics Representatives Committee shall be the voting Faculty Athletics Representative of a member institution as specified by the alphabetical rotation for Officers and Executive Committee

appointments (see MVC Constitution 4.6.9). The Chair of the Faculty Athletics Representatives Committee and the Chair of the Presidents Council shall be from the same institution. The Chair's duties are:

- 4.3.2.1 To conduct regular and special meetings of the Faculty Athletics Representatives Committee;
- 4.3.2.2 To develop the agenda for regular meetings of the Committee;
- 4.3.2.3 To serve as President of the Conference during the term of office as Chair of the Committee. (See MVC Constitution 4.6.2 for the duties of the Conference President.);
- 4.3.2.4 To perform other duties as required by the office or directed by a majority vote of the Committee.

**4.3.3 Authority of Committee.** In keeping with the basic principle of faculty control, it should be understood that the Faculty Athletics Representatives may delegate certain Conference affairs to the Joint Committee (see MVC Constitution 4.5), and others to the Athletics Administration Committee (see MVC Constitution 4.4). The fundamental authority of the Conference resides with the Faculty Athletics Representatives. The specific powers, authorities and responsibilities of the Faculty Athletics Representatives Committee shall, in general, be as follows:

4.3.3.1 To take a final vote on all matters that are associated with the operations of the Conference in Joint Committee meetings.

4.3.3.2 To have specific responsibilities for;

4.3.3.2.1 Eligibility,

4.3.3.2.2 Certification procedures,

4.3.3.2.3 Hardship waivers,

4.3.3.2.4 NCAA and Conference rules compliance, including education, treatment of infractions and proposed penalties,

4.3.3.2.5 Academics, including standards and awards, and

4.3.3.2.6 NCAA legislation, including overview, education and proposed amendments.

4.3.3.3 To review any action by either the Joint Committee or the Athletics Administration Committee and submit it to the Presidents Council for



further deliberation and possible revision.

4.3.3.4 To assume the legislative function related to Conference operations when operating in Joint Committee.

4.3.3.5 To assume other duties as delegated to the Committee by the Presidents Council.

4.3.4 **Voting Representation.** Each member institution shall be represented by one (1) vote on the Faculty Athletics Representatives Committee, cast by the institution's Faculty Athletics Representative. The Chair of the Committee is also entitled to vote at all regular and special meetings of the Committee.

4.3.5 **Delegation of Member Authority.** In the event a regularly appointed faculty member is unable to attend a meeting of the Faculty Athletics Representatives Committee, a substitute with similar qualifications or an athletics administrator may be appointed by the CEO of the institution. The substitute shall possess, during the period of service, all powers and authorities of the person for whom the substitution is being made. Further, such designation by the CEO shall be made in writing and directed to the Commissioner.

#### 4.4 **ATHLETICS ADMINISTRATION COMMITTEE**

The Athletics Administration Committee shall be composed of the Director of Athletics (AD) and either the Senior Woman Administrator (SWA) or the Women's Program Representative (WPR) (see definitions in MVC Constitution 4.4.2, 4.4.3 and 4.4.4, respectively) from each member institution, with each representative present casting one (1) vote in determining all matters brought before the Committee.

4.4.1 **Chair.** The Chair of the Athletics Administration Committee shall be rotated in alternate years between the Vice-President/Director of Athletics and the Vice-President/Senior Woman Administrator offices, as specified by the alphabetical rotation schedule for Officers and Executive Committee appointments (see MVC Constitution 4.6.9). The Chair's term shall coincide with the other Chairs' and Officers' terms of office. The Chair's duties are:

4.4.1.1 To conduct regular and special meetings of the Committee;

4.4.1.2 To develop the agenda for regular meetings of the Committee;

4.4.1.3 To perform such other duties as required by the office or directed by the majority vote of the Committee.

4.4.2 **Definition of Director of Athletics.** The Director of Athletics (AD) shall be a person of faculty or staff status remunerated for services rendered as a

full-time employee of the institution.

- 4.4.3 **Definition of Senior Woman Administrator.** The Senior Woman Administrator (SWA) shall be the highest ranking female administrator involved with the conduct of a member institution's intercollegiate athletics program.
- 4.4.4 **Definition of Women's Program Representative.** The Women's Program Representative (WPR) shall be the person who is responsible for administering and/or representing women's intercollegiate athletics programs.
- 4.4.5 **Authority of Committee.** The powers, authorities and responsibilities of the Athletics Administration Committee shall be as follows:
  - 4.4.5.1 To appoint such temporary or standing subcommittees as it deems appropriate within the jurisdiction of the Athletics Administration Committee.
  - 4.4.5.2 To resolve administrative (not policy) questions relative to the immediate administration and operation of the Conference's intercollegiate athletics program, including officiating, playing rules, contracts, game administrations, ticket policies, television and radio rights agreements and specific sport operating procedures.
  - 4.4.5.3 To review on a continuous basis the institutions' intercollegiate athletics programs, as such programs are modified by NCAA legislation, thus insuring compliance with such legislation.
  - 4.4.5.4 To direct, together with the Conference Commissioner, the athletics programs of their institutions under the legislation of the Conference, as well as enforce Conference legislation.
  - 4.4.5.5 To annually review and revise the recommendations of the coaches regarding sports procedures.
- 4.4.6 **Approval of Recommended Actions.** No actions, except those specifically delegated to the Athletics Administration Committee, shall become effective until approved by the Joint Committee.
- 4.4.7 **Voting Representation.** Each member institution shall be represented by two (2) voting Committee members, the institution's Director of Athletics (AD) and either the institution's Senior Woman Administrator or the Women's Program Representative, with each voting representative present casting one (1) vote.

4.4.8 **Delegation of Member Authority.** In the event a regularly appointed Director of Athletics, Senior Woman Administrator or Women's Program Representative is unable to attend a meeting of the Athletics Administration Committee, a substitute with similar qualifications may be appointed by the CEO of the institution. This substitute shall possess during the period of service all the powers and authorities of the person for whom substitution is being made. Further, such designation by the institution's CEO shall be made in writing and directed to the Commissioner.

#### 4.5 **JOINT COMMITTEE**

The Joint Committee shall be composed of the voting Faculty Athletics Representative (see definition in MVC Constitution 4.3.1), the Director of Athletics (see definition in MVC Constitution 4.4.2) and the Senior Woman Administrator (see definition in MVC Constitution 4.4.3) or the Women's Program Representative (see definition in MVC Constitution 4.4.4) (i.e., members of Athletics Administration Committee), representing each member institution. Other representatives of a Conference member institution, as invited by the institution's Faculty Athletics Representative, may also be in attendance at meetings of the Joint Committee.

4.5.1 **Chair.** The Chair of the Joint Committee shall be the Faculty Athletics Representative of a member institution, as specified by the alphabetical rotation for all Officers and Executive Committee appointments (see MVC Constitution 4.6.9). The Chair's duties are:

4.5.1.1 To conduct regular and special meetings of the Joint Committee;

4.5.1.2 To develop the agenda for regular meetings of the Committee;

4.5.1.3 To act as President of the Conference during the term of office as Chair of the Committee. (See Constitution 4.6.2 for the duties of the Conference President.);

4.5.1.4 To perform such other duties as required by the office or directed by a majority vote of the Committee.

4.5.2 **Authority of Committee.** The Joint Committee shall be the operating body for the administration of the MVC, under the direction of the Presidents Council. Conference Joint Committee actions which require amendments to the Constitution or Bylaws must be ratified by the Presidents Council, or referred back to the Joint Committee. It is recognized that the Presidents Council bears the ultimate responsibility for governance of the MVC. The specific powers, authorities and responsibilities of the Joint Committee are as follows:

- 4.5.2.1 To discuss and vote upon all recommendations from Conference Committees.
- 4.5.2.2 To appoint ad hoc committees.
- 4.5.2.3 To approve an annual budget for the next fiscal year.
- 4.5.2.4 To levy assessments upon the members.
- 4.5.2.5 To formulate and recommend any measure or matters pertaining to the election, probation, suspension or termination of Conference membership.
- 4.5.2.6 To recommend the appointment, renewal or termination of appointment of the Commissioner, including informing the Presidents Council of the results of the evaluation of the Commissioner.
- 4.5.2.7 To ratify the proceedings of the Executive Committee.
- 4.5.2.8 To act on any matter delegated to it by the Faculty Athletics Representatives Committee.
- 4.5.2.9 To hear all appeals from the standing committees and ad hoc committees, unless otherwise provided for, and official interpretations and enforcement decisions by the Commissioner.
- 4.5.3 **Voting Representation.** Individual institutions are represented by one (1) voting member each, the institution's Faculty Athletics Representative. Each Faculty Athletics Representative, including the Chair of the Committee, is entitled to vote at all regular and special meetings of the Committee.
- 4.5.4 **Delegation of Member Authority.** In the event a regularly appointed Faculty Athletics Representative is unable to attend a meeting of the Joint Committee, a substitute with similar qualifications or an athletics administrator may be appointed by the CEO of the institution. The substitute shall possess, during the period of service, all powers and authorities of the person from whom the substitution is being made. Further, such designation by the CEO shall be made in writing and directed to the Commissioner.
- 4.6 **OFFICERS OF THE CONFERENCE**  
The officers of the Conference and their respective duties are as follows:
  - 4.6.1 **Chair of Presidents Council.** In addition to serving as an officer of the Conference, the Chair of the Presidents Council shall assume Council duties as specified in MVC Constitution 4.2.1.
  - 4.6.2 **President.** The President shall be the Chair of the Faculty Athletics

Representatives Committee. In addition to the President's duties as Chair of the Faculty Athletics Representatives Committee and Joint Committee (see MVC Constitution 4.3.2 and MVC Constitution 4.5.1, respectively), presidential duties are:

- 4.6.2.1 To preside at all meetings of the entire Conference constituency.
- 4.6.2.2 To preside at meetings of the Executive Committee (see MVC Constitution 4.7.1).
- 4.6.2.3 To preside as Chair at meetings of the Compliance Committee.
- 4.6.2.4 To call the special meetings of the Conference as is deemed necessary.
- 4.6.2.5 To assist the Commissioner in preparing meeting agendas, as appropriate.
- 4.6.2.6 To assume duties and responsibilities as conferred by the Conference, or delegated by the Faculty Athletics Representatives Committee.

4.6.3 **President-Elect.** The President-Elect shall be the Faculty Athletics Representative of a member institution who is to become President the following year, as specified by the alphabetical rotation schedule for all Officers and Executive Committee appointments (see MVC Constitution 4.6.9). The duties of the office are as follows:

- 4.6.3.1 To, in the absence of the President, preside at meetings of the Faculty Athletics Representatives Committee, Joint Committee, Executive Committee, Compliance Committee and Finance Committee (if the President is Chair).
- 4.6.3.2 To vote as a member of the Joint Committee and Faculty Athletics Representatives Committee.
- 4.6.3.3 To serve on the Executive Committee.
- 4.6.3.4 To be empowered to assume the duties of the President when events may necessitate the President's absence.
- 4.6.3.5 To assume duties and responsibilities as conferred by the Conference or delegated by the Faculty Athletics Representatives Committee.

4.6.4 **Past President.** The Past President shall be the Faculty Athletics

Representative who served as the immediate former President of the Conference. This Past-President is a voting member of the Executive Committee and shall serve the President and the President-Elect in an advisory capacity.

- 4.6.5 **Vice-President/Director of Athletics.** The Vice-President/Director of Athletics is the Director of Athletics of a member institution, as specified on the alphabetical rotation schedule for Officers and Executive Committee appointments (see MVC Constitution 4.6.9). The Vice-President/Director of Athletics is a voting member of the Executive Committee and performs such functions as may be delegated by the President of the Conference.
- 4.6.6 **Vice-President/Senior Woman Administrator.** The Vice-President/Senior Woman Administrator is the Senior Woman Administrator of a member institution, as specified on the alphabetical rotation schedule for Officers and Executive Committee appointments (see MVC Constitution 4.6.9). The Vice-President/Senior Woman Administrator is a voting member of the Executive Committee and performs such functions as may be delegated by the President of the Conference.
- 4.6.7 **Secretary-Treasurer.** The Conference Commissioner shall be the permanent Secretary-Treasurer of the Conference. The Commissioner shall serve in a non-voting capacity, as specified in the Commissioner's employment terms and job duties (see MVC Bylaw 3.1.2.3).
- 4.6.8 **Institutional Representation.** The Chair of the Presidents Council and President shall be from the same institution. Each Vice-President shall represent a different member institution and, in addition, shall be different from the institution providing the Presidents Council Chair and Conference President. If any of the selected officers have been in their respective institutional positions less than 12 months, they may elect to defer assuming official capacity for one (1) year, in which case the office would be transferred to the next institutional representative on the alphabetical rotation schedule for Officers and Executive Committee positions (see MVC Constitution 4.6.9).
- 4.6.9 **Rotation Schedule.** There shall be an alphabetical rotation for all Officers and Executive Committee positions determined by the alphabetical order of member institutions (see MVC Constitution 3.1). The Presidential institution is determined by this alphabetical rotation beginning with Bradley University in 1992-93. In developing this schedule, the following principles are to be employed:
- 4.6.9.1 The Chair of the Presidents Council and the President (FAR) shall be from the same institution.
- 4.6.9.2 The Vice-President/Director of Athletics shall be determined by the alphabetical order and shall begin with Illinois State University

in 1992-93. The Vice-President/Senior Woman Administrator shall be determined by the alphabetical order and shall begin with Southern Illinois University in 1992-93.

4.6.9.3 No institution shall be represented by more than one (1) individual on the Executive Committee.

4.6.9.4 If any individual scheduled to serve on the Executive Committee is unable or unwilling to carry out the appointed duties of the office, the individual may elect to defer assuming office for one (1) year. In such cases, the office would be transferred to the next institutional representative on the rotation schedule who meets all stipulated criteria.

4.6.9.5 The Chair of the Athletics Administration Committee shall be rotated in alternate years between the Vice-President/Director of Athletics and the Vice-President/Senior Woman Administrator offices beginning with the Senior Woman Administrator from Southern Illinois University in 1992-93. If the Vice-President/Senior Woman Administrator position cannot be filled because the member institution in the rotation schedule does not have a Senior Woman Administrator available to serve, the next eligible and available Senior Woman Administrator in the rotation schedule will assume the position of Vice-President/Senior Woman Administrator. This Senior Woman Administrator may serve, in appropriate years, until the rotation schedule determines another eligible Senior Woman Administrator.

4.6.10 **Terms of Office.** All appointed Conference Officers' terms of office shall coincide with the Conference's fiscal year (i.e., July 1 to June 30).

#### 4.7 EXECUTIVE COMMITTEE

The Executive Committee shall be composed of the Conference President, President-Elect, Past President, Vice-President/Director of Athletics and Vice-President/Senior Woman Administrator (see MVC Constitution 4.6.2 through 4.6.6, respectively for Officer definitions).

4.7.1 **Chair.** The Chair of the Executive Committee shall be the current President of the Conference.

4.7.2 **Authority of Committee.** The powers, authorities and responsibilities of the Executive Committee are as follows:

4.7.2.1 To act for the Conference during the interim between Council meetings, transacting business and administrating the affairs of the Conference.

- 4.7.2.2 To serve in an advisory capacity to the Commissioner.
- 4.7.2.3 To carry out the policies of the Conference.
- 4.7.2.4 To make decisions for the Conference in times of emergency.
- 4.7.2.5 To render a report of its proceedings to the Joint Committee at its winter and spring meetings for ratification.
- 4.7.2.6 To serve as the Nominations Committee, appointing members to all standing committees.
- 4.7.2.7 To have additional powers as may be conferred upon it by the Conference.

4.7.3 **Voting Representation.** Each member of the Executive Committee, including the Chair, is entitled to one (1) vote at all regular and special meetings of the Committee. Each member of the Committee shall represent a different institution.

4.7.4 **Member Inability to Serve.** If any individual scheduled to serve on the Executive Committee is unable or unwilling to carry out the appointed duties of the office, the individual may elect to defer assuming office for one (1) year. In such cases, the office would be transferred to the next institutional representative on the alphabetical rotation schedule (see MVC Constitution 4.6.9) who meets all stipulated criteria.

#### 4.8 **STANDING COMMITTEES**

Conference Bylaws shall provide for such standing committees as the Conference may deem necessary. Members of all standing committees are appointed by the Executive Committee. (See MVC Bylaw 2.2 for a current list of standing committees.)

4.8.1 **Membership.** Members of standing committees shall be appointed by the Executive Committee at the spring meeting. The Conference Commissioner shall serve as an ex-officio non-voting member of all standing committees.

4.8.1.1 In the event of a vacancy on any standing committee, the Executive Committee shall have the power to appoint a replacement for the remainder of the vacant term.

4.8.2 **Terms of Office.** Members of standing committees shall normally serve for one (1) year, from July 1 through June 30.

4.8.3 **Voting Representation.** To insure broad representation on standing committees, no institution shall have more than one (1) representative on any committee. Further, in the event that any of the standing committees are not represented by a woman, a woman shall be placed on these committees as an additional member by the Executive Committee. To be eligible to serve as an additional female committee member, the woman



must be the Senior Woman Administrator at her institution.

- 4.8.4 **Reporting Lines.** Each standing committee shall report to its respective constituency, [i.e. committees consisting of faculty representatives (e.g. Eligibility) will report to Faculty Athletics Representatives Committee, committees of Athletics Administrators (e.g. Officiating) will report to the Athletics Administration Committee, etc.]

## Article 5. LEGISLATIVE PROCEDURES

### 5.1 QUORUM.

The duly appointed representatives (or their designees) of two-thirds of the Conference member institutions must be present to constitute a quorum for the transaction of business at any Presidents Council, Faculty Athletics Representatives Committee, Athletics Administration Committee or Joint Committee meeting.

### 5.2 AMENDMENTS AND ADOPTION

- 5.2.1 **Amendments to Constitution.** This Constitution may be amended by the Joint Committee at any regular or special meeting. Proposed amendments shall be presented in writing to all members of the Joint Committee at least 30 days preceding the date of the meeting at which proposals are to be considered. Vote by proxy may be made by delivery of a duly authorized written proxy to the Presidents Council prior to actual vote. Amendments shall become effective immediately upon ratification by two-thirds (2/3) of the member institutions present and voting on the Presidents Council.

- 5.2.2 **Amendments to Bylaws.** The Bylaws of the Constitution may be amended by an affirmative action of a simple majority of voting members present at any regular or special meeting of the Joint Committee, as well as vote by a duly authorized written proxy. Unless otherwise indicated in the amendment, it shall become effective immediately.

5.2.2.1 A proposed amendment to the Bylaws may be initiated by any member of the Joint Committee or Presidents Council. Amendments may be proposed at any time, but should be proposed and submitted prior to the preparation of the meeting agenda.

- 5.2.3 **Amendments to Directors' Agreement.** Directors' Agreements shall become effective upon adoption by the affirmative simple majority vote of the member institutions present and voting in Joint Committee.

- 5.2.4 **Effective Date of Legislation.** Legislation may become operative immediately or at a specified date only if passed by a two-thirds (2/3) vote

by the Joint Committee. If not passed by two-thirds (2/3) vote, at least 60 days must elapse or it must be ratified by the Presidents Council before the legislation can become operative.

5.2.4.1 An action by the Conference that involves merely internal administrative organization or suspends temporarily the operation of some rule or regulation or that makes but a minor change in the language of a rule to make clear the original intent can become operative immediately without two-thirds (2/3) approval of the Joint Committee.

## **ARTICLE 6. INDEMNIFICATION**

### **6.1 RIGHT TO INDEMNIFICATION**

The Missouri Valley Conference shall upon determination by the Presidents Council, in its sole discretion, have the exclusive right to indemnify any person who is a party to any action or proceeding, whether civil, criminal, administrative or investigative, including all appeals (other than an action brought by or on behalf of the Conference) because the person was acting as a director, officer or employee of the Conference. Indemnification shall be against all expenses, including attorney's fees, court costs, expert witness fees, judgments, decrees and fines actually paid by the person in settlement of such action, provided the person acted in good faith and in a manner reasonably believed to be in the best interest of the Conference. In the case of a criminal proceeding, the individual must have had no reasonable cause to believe the conduct was unlawful. Further, the termination of any action, suit, or proceeding by a judgment, order conviction or upon a plea of nolo contendere shall not of itself create a presumption that the person did not act in good faith.

6.1.1 **Gross Negligence or Misconduct.** No indemnification shall be made for any claim, issue or matter where the person is judged to be liable for gross negligence or intentional misconduct in the performance of duties as director, officer, trustee, fiduciary or employee.

6.1.2 **Exclusions from Indemnification.** If the Conference has otherwise performed its duties to its directors, officers and employees, the Conference need not indemnify same for:

6.1.2.1 Physical harm caused to such director, officer or employee during the performance of authorized acts on behalf of the Conference;  
or

6.1.2.2 Harm suffered by a director, officer or employee as a result of torts (other than the tortious institution of suits) committed by third persons because of the individual's employment as an employee, director or officer of the Conference.

**Article 7. OBSERVANCE AND ENFORCEMENT OF CONSTITUTION,  
BYLAWS AND OPERATING PROCEDURES**

**7.1 RULES OBSERVANCE**

The members, by the ratification of this Constitution and all future members when joining this Conference, pledge themselves faithfully to observe all the provisions of this Constitution, the Bylaws and all policies adopted by the governing bodies of this Conference. The officers of each institution, as more fully set forth in the Bylaws, agree to report to each other and to the Commissioner any violations of which they are aware.

**7.2 CONFERENCE ASSISTANCE**

To assist member institutions with their efforts to administer and enforce rules and regulations, the Missouri Valley Conference, through its Commissioner, shall provide and maintain a clearly defined procedure for investigating and adjudicating alleged departures from the rules by member institutions. (See Enforcement Policies and Procedures, MVC Bylaw, Article 11 for specific procedures.)