

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
RESOLUTION**

RESOLUTION NO. 226-2010

**RE: ESTABLISHING THE SPORTS AND RECREATION PROGRAM ADVISORY BOARD
AND ADOPTING ADVISORY BOARD BY-LAWS AND RULES AND REGULATIONS FOR
UPPER TOWNSHIP SPORTS AND RECREATION PROGRAMS**

WHEREAS, the Township Committee of the Township of Upper has determined that it is appropriate to create an advisory board for sports and recreation programs in the Township and establish by-laws for said board; and

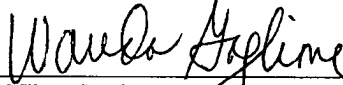
WHEREAS, the Township Committee has also determined that it is appropriate to formally establish rules and regulations for Upper Township sports and recreation programs and the use of Upper Township facilities in connection with such programs; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Township Committee of the Township of Upper hereby creates the Sports and Recreation Programs Advisory Board and establishes same in accordance with the by-laws attached hereto as Exhibit A which are hereby approved and adopted.
3. The Township Committee of the Township of Upper hereby adopts formal rules and regulations for the operation of Upper Township sports and recreation programs and the use of Upper Township facilities in connection with such programs as set forth in Exhibit B attached hereto.
4. All Township officials and officers are hereby authorized and empowered to take all action deemed necessary or advisable to carry into effect the intent and purpose of this Resolution.



RICHARD PALOMBO, Mayor



WANDA GAGLIONE, Township Clerk

TOWNSHIP OF UPPER

SPORTS AND RECREATION PROGRAMS ADVISORY BOARD BY-LAWS

ARTICLE I – Name

An advisory board has been created by the Township Committee of the Township of Upper and is hereby known and referred to as the “Sports and Recreation Advisory Board” (hereinafter referred to in these by-laws as “Board”).

ARTICLE II – Purpose

The Board shall serve as the advisory body for the Department of Public Works, the Department of Sports and Recreation Programs and the Township Committee of the Township of Upper. The Board shall implement the approved rules and regulations regarding sports and recreation programs as well as the related use of Township facilities as directed by either the Township Committee, the Department of Public Works or the Department of Sports and Recreation Programs. The Board shall offer advice and recommendations to these Departments and the Township after receipt of a request for same. The Board shall also serve as the body to which appeals of unresolved complaints are heard with respect to individual sports and recreation programs of the Township. Final action on any unresolved complaint shall be determined by the Township Committee of the Township of Upper.

ARTICLE III – Membership

The Board shall consist of five members, one of which shall be the Township Committeeperson in charge of the Department of Sports and Recreation Programs. The remaining four members of the Board shall consist of volunteers who are residents of the Township of Upper. Neither the volunteer members nor their family members shall be a participant in or formally or informally associated with a current Upper Township sports or recreation program or an organization operating an Upper Township sports or recreation program. Prior participation or involvement in Upper Township programs or sports shall be permitted so long as there is no current involvement. The Township Committee shall appoint the members of the Board annually and shall have the power to remove Board members in its discretion. Upon any vacancy, the Township Committee may fill the position.

ARTICLE IV – Meetings

The Board shall meet as necessary upon notice to Board members and each organization authorized to operate an Upper Township sports or recreation program. Annually, the Board may provide one notice of regular meetings and no further notice shall be deemed necessary for such regular meetings. The notice of a meeting may be sent by regular mail or e-mail.

A meeting of the Board for any purpose may be called at any time by three members of the Board, one of which must be the Township Committeeperson in charge of the Department of Sports and Recreation Programs. Such meetings of the Board shall be held upon not less than two days notice given personally or by telephone or e-mail, or upon not less than four days notice given by depositing notice in the United States mail, postage prepaid. Such notice shall specify the time and place of meeting. A majority of the members of the Board shall constitute a quorum thereafter for the transaction of business. The acts of a majority of Board members at a meeting at which a quorum is present shall be the act of the Board.

ARTICLE V – Compensation

No Board member shall receive any fee, salary or remuneration of any kind for his or her service as a member of the Board; provided, however, that a Board member may be reimbursed for reasonable expenses incurred with the approval of the Township Committee pursuant to current Township policy.

ARTICLE VI – Officers

The Board shall elect a president and such other officers as it shall deem necessary. The duties and authority of the officers shall be determined from time to time by the Board. Subject to any such determination, the President shall have general charge of and supervision over and responsibility for the affairs of the Board and shall preside at all meetings of the members.

ARTICLE VII – Parliamentary Authority

The Board shall be governed by Robert's Rules of Order, as currently revised, unless otherwise provided for by these by-laws or by a unanimous vote of the full Board.

ARTICLE VIII – Force and Effect of By-laws and Amendments to By-laws

These by-laws are subject to the provisions of any applicable New Jersey law and the approval of the Township Committee of the Township of Upper. These by-laws may be altered, amended or repealed by the Township Committee.

TOWNSHIP OF UPPER

RULES AND REGULATIONS

SPORTS AND RECREATION PROGRAMS AND USE OF TOWNSHIP FACILITIES

ARTICLE I - Purpose

The purpose of these rules and regulations is to set forth the Township of Upper requirements for the operations of its approved sports and recreation programs and their use of Township facilities.

ARTICLE II – Ongoing Programs

Section 1. Organizations to administer programs.

Each ongoing sport or recreation program of the Township of Upper shall be operated by an approved private nonprofit organization for such sport or activity. The Township Committee of Upper Township shall authorize such organization to operate said program and use Township facilities in accordance with Township requirements. Attached hereto as Exhibit A is a list of the currently approved organizations with respect to each current ongoing sports or recreation program of the Township. Each approved organization must strictly adhere to these rules and regulations.

Section 2. Organization requirements.

Any nonprofit organization permitted to utilize the Township facilities and participate in Township programs shall do so at the sole discretion of the Township Committee. Such authorization may be withdrawn by the Township Committee at anytime. Any such nonprofit organization is required to provide the following:

- A. Proof that the organization is a validly formed and existing nonprofit corporation organized and existing under the laws of the State of New Jersey and in good standing. The organization must provide a copy of the certificate of incorporation of the organization together with other documentary evidence that the corporation is in good standing. The Township may also require a copy of the by-laws of the organization.
- B. Proof that the organization has qualified and is currently qualified as a nonprofit corporation under both federal and state law. The organization must provide a copy of the IRC 501c(3) registration and confirmation.

- C. Proof that the organization remains in good standing with the State and maintains its nonprofit status during the period of use of the Township facilities. In other words, the organization must, upon request, provide to the Township documentary evidence attesting to such facts. In addition, the organization must provide proof that the organization has registered under the New Jersey Charitable Registration Act and has filed the appropriate annual forms in this regard.
- D. The organization must provide reports from the organization to the Township delineating that the activities of the organization are undertaken in furtherance of its public purpose, the approximate value or cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax exempt status of the nonprofit organization pursuant to both state and federal law.

ARTICLE III – Sports and Recreation Program Requirements

Section 1. Coaches

- A. All coaches must complete the National Youth Sports Coaches Association certification classes and must adhere to the National Alliance Youth Sports guidelines and complaint resolution procedures.
- B. All coaches and assistants shall undergo background checks and be fingerprinted as per the policy of the Township of Upper.
- C. All coaches shall turn in a team roster with the child's name, the telephone number of parents and the jersey number to the Department of Sports and Recreation Programs within two weeks of the first game played.
- D. There is zero tolerance for bad behavior from any coach while coaching a practice, game or when children are present.
- E. There shall be no smoking on the fields when the children are present.
- F. There shall be absolutely no alcohol or illegal drugs permitted on Township property.

- G. Coaches are prohibited from participating in, or facilitating, the recruitment of their players to other teams (regional, high school, etc.).

Section 2. Players

- A. Team members shall conduct themselves in a proper manner and shall show respect to all coaches, officials and opposing team members.
- B. Team members shall be responsible for their uniform and equipment and Township property.
- C. There is zero tolerance for bad behavior from any team member on or off the field/court or at a sporting event.

Section 3. Parents/Spectators

- A. No player shall be permitted to participate in any activity until the parent or legal guardian has executed a player participation release and indemnification form. The form must be approved by the Township and a copy of the signed form must be provided prior to participation to the Department of Sports and Recreation Programs.
- B. Parents must return the uniform and equipment of their child and all other team property to the coach within two weeks after the sport has ended.
- C. All spectators shall conduct themselves in a proper manner and show respect to all coaches, officials, Upper Township team members and opposing team members on and off the field/court.
- D. There is zero tolerance for bad behavior from any spectator on or off the field/court while at a sporting event.
- E. There shall be absolutely no alcohol or illegal drugs permitted on Township property.

Section 4. Complaints

- A. In the event of a complaint with respect to a sports or recreation program of the Township of Upper, including but not limited to complaints against coaches, the organization designated by the Township to administer that sport or recreation program shall have procedures in place to resolve the complaint within its membership

in accordance with the guidelines and complaint resolution procedures of the National Alliance for Youth Sports Guidelines (NYSCA). Attached hereto as Exhibit B is a copy of the current NYSCA guidelines and requirements in this regard.

- B. In the event the complaint is not resolved by the organization authorized by Upper Township to administer the program the individual involved may appeal the decision of the organization to the Sports and Recreation Advisory Board for a determination. The determination of this Advisory Board shall be final unless further appeal by an individual involved is taken to the Township Committee of the Township of Upper.

Section 5. Scheduling Use of Facilities.

Each organization operating a sport or program in the Township must provide a proposed facility use schedule and request for use of facilities to the Department of Sports and Recreation Programs by such deadlines the Department may require. The Department of Sports and Recreation Programs will notify the organization as to the availability of fields or facilities for their requested events or games. There is no guarantee as to availability of any field or facility at anytime. The scheduling and availability of all Township facilities and fields is subject to the ultimate approval of the Township of Upper.

Section 6. Uniforms and Equipment.

Each organization operating a sport or program in the Township must supply and maintain all appropriate and required uniforms and equipment for that sport or program. Each organization may only use equipment which has been certified as safe for that activity.

ARTICLE IV – Participation or Sign-up Fees

- Section 1.** Any registration or sign-up fees charged by an organization authorized to administer an Upper Township sports and recreation program shall be in a reasonable amount and consistent with similar such fees charged by other comparable and neighboring municipalities for similar activities.

ARTICLE V – Amendments and Additions

- Section 1.** These rules and regulations may be amended, repealed or supplemented from time to time by the Department of Sports and Recreation Programs or the Township Committee of the Township of Upper.

EXHIBIT A
TO
RULES AND REGULATIONS

Upper Township Fall Baseball, Inc. a/k/a Upper Township Baseball, Inc.
Upper Township Basketball Association, Inc.
Upper Township Challenger Sports, Inc.
Upper Township Cheerleading Association, Inc.
Upper Township Dog Park Association A NJ NonProfit Corporation
Upper Township Football Association A NJ NonProfit Corporation
Upper Township In-Line Hockey Association, Inc.
Upper Township Lacrosse Association A NJ NonProfit Corporation
Upper Township Men's Softball
Upper Township Soccer Association, Inc.
Upper Township Girls Softball Association A NonProfit Corporation
Upper Township Wrestling Association, Inc.

**EXHIBIT B
TO
RULES AND REGULATIONS**

NYSCA COACH ACCOUNTABILITY AND ENFORCEMENT POLICIES

Accountability (along with screening, training and evaluation) is an important step in the process of ensuring that quality volunteers are involved with the children participating in sports programs. The National Alliance for Youth Sports (NAYS) has created the National Youth Sports Coaches Association (NYSCA) Coach Accountability and Enforcement Policies to help local chapters achieve the highest standards for its NYSCA member coaches. The policies listed in this document were designed so that NYSCA members who do not adhere to the NYSCA Coaches' Code of Ethics are held accountable for their behavior.

THE NAYS CHAPTER'S ROLE

The NYSCA *Coaches' Code of Ethics* is the foundation of NYSCA Membership. It is important for NAYS Chapter Directors and Clinicians who conduct NYSCA coach training and oversee members to fully understand and embody each expected behavior in the NYSCA Coaches' Code of Ethics in order to implement these policies.

In cases where the Code of Ethics has been violated, it is the responsibility of the NAYS Chapter to report the details to the NAYS national office so that an accurate database can be maintained for the protection of other NAYS Chapters using the NYSCA program.

It is recommended that at the start of each sport season NAYS chapters establish a defined method for dealing with complaints about coaches. In the absence of a clearly defined procedure, NAYS recommends establishing a Coach Accountability Committee for the purpose of acting on coach complaints and determining what action should be taken if a coach is in violation of the NYSCA Code of Ethics. (See Organizing an Accountability Committee below for details.)

Note: It is not required that a NAYS Chapter form a Coach Accountability Committee if a method is already in place to deal with coaching behavior issues. However, if a recommendation from a NAYS chapter to revoke a coach's NYSCA membership is appealed by the coach, NAYS will require that a local committee be formed to respond to the appeal at a local hearing.

Recommended: ESTABLISH A COACH ACCOUNTABILITY COMMITTEE

The following are some general guidelines for establishing a Coach Accountability Committee:

1. The committee should consist of 3-5 individuals.
2. The committee should be established at the beginning of each season.
3. Suggested committee members may include members of the recreation Advisory Board, league administrators and parents, among others.
4. A copy of the Code of Ethics, either a printed copy or digital link, should be sent (email, mailed or faxed) to each committee member upon their appointment to the committee.
5. One individual should be appointed as chair to establish appropriate meeting times and be responsible for communicating details with other committee members.

RESPONDING TO A COACH COMPLAINT

There are many ways that a NAYS chapter can receive a complaint against a coach. We recommend that, no matter what the complaint, you require that it be received in writing for proper documentation. An official *NYSCA Coach Complaint Form* is highly recommended for use with situations which may warrant some type of disciplinary action against a coach. The form is available by contacting NAYS Chapter Services at (800) 729-2057 or by email at: chapterservices@nays.org.

Whether a coach complaint is filed directly with the chapter or sent by the NYSCA office to the chapter, it is the duty of the chapter responsible for training the coach to respond to complaints lodged against an NYSCA member within 10 days of the complaint.

The chapter has the complete authority to determine the severity of the situation and whether or not the coach has violated the NYSCA Code of Ethics. As stated earlier, if an established method is not already in place for dealing with coach complaints, we recommend establishing a Coach Accountability Committee to make that determination.

If it is determined that a violation of the Code of Ethics has occurred, it is the responsibility of the NAYS chapter to determine the appropriate sanction and report it to the NAYS national office (see *Reporting a Violation of the NYSCA Code of Ethics* listed below).

When reviewing a complaint and deciding what action is the most appropriate in a given situation, the chapter must take into consideration various possible extenuating circumstances.

Factors that might suggest a more lenient sanction include:

- First offense
- Remorse
- Apparent desire to perform
- Other good coaching attributes

Factors that might suggest a harsher sanction include:

- Child endangerment
- Violation of the law
- Prior complaints
- Lack of remorse
- Number of expected behaviors violated
- Extraordinarily poor judgment around children

Possible actions against a coach include:

- Written warning
- Apology from coach
- Probation (length of probation to be specified)
- Suspension (length of suspension to be specified)
- Recommending revocation of NYSCA membership

REPORTING A VIOLATION OF THE NYSCA CODE OF ETHICS

1. Once the NAYS chapter has determined that a violation has occurred, the chapter must complete and submit to the NAYS national office a *Violation of the Coaches' Code of Ethics Form* reporting the chapter's findings and the sanction applied to the member. Again, this form should be submitted within 10 days of receiving the initial complaint. The form is available by contacting NAYS Chapter Services at (800) 729-2057 or by email at: chapterservices@nays.org.

IMPORTANT: The chapter director must complete the *Violation of the Coaches' Code of Ethics Form* for any breach of the Code of Ethics. All violations will be logged in the member's file for future reference. A copy of the form must also be made available to the coach.

2. If the chapter determines the severity of the situation warrants a request for revocation of membership by indicating it on the *Violation of the Coaches' Code of Ethics Form*, it is up to the NAYS national office to determine if the information provided by the chapter is sufficient to proceed with the request.

REVOCATION OF MEMBERSHIP PROCEDURES

If the NAYS national office accepts the chapter's request for revocation of membership, NAYS will notify the coach in writing of the chapter's request and the coach will be given 10 days from the date of the letter to appeal the chapter's request by notifying NAYS in writing of intent to appeal.

If the coach does not appeal the chapter's request for revocation of membership, the NAYS national office will officially grant the chapter's request for revocation of membership and the coach's membership and all benefits will be discontinued effective the date of the chapter's initial request. A letter will be sent to the coach officially notifying him/her of the revocation of membership. This information will be logged in the member's file.

If the coach submits an appeal, and the chapter did not previously hold a hearing, it will be required for the NAYS chapter to hold a revocation hearing. After the hearing, the Committee will submit its recommendation to NAYS.

The steps for setting up and holding a revocation hearing are as follows:

Step 1: Organizing a Revocation of Membership Hearing

1. A review committee to hear the complaint will need to be formed, consisting of 3-5 individuals.
2. Suggested committee members may include a member of the recreation Advisory Board, league administrators, clinicians or chapter directors from a different community who understand the Code of Ethics and parents of other children in the league.
3. The individuals serving on the committee should have no bias or involvement with the coach in question. Impartiality is essential when selecting the committee members.
4. A copy of the Code of Ethics should be sent (email, mailed or faxed) to each committee member upon their appointment to the committee.
5. A copy of the completed *Violation of the Coaches' Code of Ethics Form* should be sent (email, mailed or faxed) to each committee member upon their appointment to the committee.

Step 2: Holding a Revocation of Membership Hearing

1. The chapter director must notify the coach of the date and time of the hearing and be given reasonable notice to prepare to address the complaint to offer his/her side of the incident.
2. The committee chair is responsible for recording (audio) the meeting. If necessary, NAYS may request the audio tape for review.
3. The meeting is not intended to judge a person's character. The sole purpose of the hearing is to (a) determine whether there was or was not a violation to the Code of Ethics and (b) determine whether the coach's membership should be revoked as a result.
4. Once the committee chair has presented the alleged facts, the coach should be asked to offer his/her side of the incident and the members of the committee can ask about specifics that relate to the reported incident(s).
5. Anyone who can provide direct testimony as to the facts that gave rise to the incident alleged in the complaint should be encouraged to attend and speak at the meeting. However, the hearing only goes to the question of whether or not the coach violated the Code of Ethics. Character witnesses would not be appropriate to the hearing.
6. After the hearing, the committee has the authority to determine whether a violation has occurred and, if so, to determine the appropriate disciplinary action, including revocation of NYSCA membership or a lesser punishment.
7. The committee's determination is to be reported in writing to the local NAYS Chapter, who will submit the findings to the NAYS national office.
8. Once the NAYS national office receives written notice of the local final determination for action against the coach it will notify the coach of the final decision and his/her right to appeal.
9. If the coach appeals, members of the NAYS National Board of Directors will review the record of revocation proceedings.
10. Any recommendation for revocation of a coach's NYSCA membership will be reviewed by the NAYS National Board of Directors with a presumption of correctness and will be granted by NAYS unless the revocation of membership process was not properly followed by the chapter. The NAYS National Board of Directors will not address any questions of fact or substitute its judgment for that of the chapter's in either assessing the seriousness of the offense or the appropriateness of the assigned consequences.
11. The NAYS national office will provide written notification to the chapter and the coach as to its final decision.

VIOLATION OF THE COACHES CODE OF ETHICS

Coach's Name: _____ Date of Incident: _____

Member ID# (if known): _____

NATURE OF COMPLAINT:

1. Describe the reported incident or attach documentation, e.g, Coach Complaint Form, which includes detailed information.

Text box

2. Provide detailed information on the chapter's findings.

How did the coach violate the Code of Ethics Pledge?

3. Did the chapter hold a hearing? Yes No If yes, date of hearing: _____

How was the panel selected?

4. If chapter held a hearing, did the coach attend the hearing? Yes No

5. What is the sanction to be applied to the coach?

Written warning

Apology from coach

Probation – Please specify length of probation: _____

Suspension – Please specify length of suspension: _____

Other: _____

Recommendation for Revocation of membership

6. Has the coach been provided with a copy of this form? Yes No

If no, how was he/she notified of the sanction applied?

Additional information, if necessary:

<p>Chapter Name: _____</p> <p>Chapter Director Name: _____</p> <p>Email Address: _____</p> <p>Daytime Phone: _____</p> <p>Completed by: _____ Date: _____</p>
