Österreichischer Touch Verband / Touch Austria Constitution

§ 1. Name, headquarters and area of activity

- (1) The ÖTV-TA, which has the form of an umbrella organisation, is called the "Österreichischer Touch Verband Touch Austria". Its name is abbreviated to "ÖTV-TA".
- (2) Its headquarters are in Vienna and its activities extend throughout the whole of Austria.

§ 2. Purpose

- (1) The ÖTV-TA, whose activities are conducted on a not for profit basis, aims to promote and spread the sport of Touch. In addition, the ÖTV-TA also performs the following specific tasks:
 - a) Representation of member clubs and regional Touch associations representing specific federal provinces, towards authorities and foreign Touch federations and organizations. This includes being the sole representative of the sport of Touch in Austria to the Federation of International Touch (F.I.T).
 - b) Organisation of competitions and issuing of regulations as entitled by its constitution.
 - c) To oversee Referee training, to be concluded with a test set by F.I.T. The ÖTV-TA is authorized to issue a Referees Badge/Qualification upon authorization by F.I.T.
 - d) To form National representative teams that represent Austria and the ÖTV-TA.

§ 3. Means for achieving the ÖTV-TA's purpose

- (1) The ÖTV-TA's purpose should be achieved by means of conceptual and material means listed in paragraphs 2 and 3 below.
- (2) Conceptual means to achieve this:
 - a) Organising competitions and Tournaments.
 - b) Organizing coaching sessions, meetings and social gatherings.
 - c) Liasing with F.I.T.
 - d) Development of Referees and Coaches.
 - e) Development of Touch with youth and schools.
 - d) Issuing a regular newsletter to Members and maintaining an information website.
- (3) The required material resources to fulfil these aims should be raised primarily by enrolment fees, membership fees, profits from events held, donations and gifts.

§ 4 Types of Membership

- (1) The ÖTV-TA's members are separated into ordinary, extraordinary and honorary members.
- (2) Ordinary members can only be legal persons (see § 5 (1) and (2)).
- (3) Extraordinary members can be physical persons wishing to be active as officials of the ÖTV-TA.
- (4) Honorary members can be appointed at any time pursuant to § 5 (4).

§ 5 Acquisition of Membership

- (1) Clubs and regional Touch associations entered in the police register of assocaitaions can apply to be admitted as ordinary members. The statutes of the club or regional Touch association are to be submitted with the membership application. All member clubs upon becoming a member of the ÖTV-TA oblige themselves to recognize the "Österreichischer Touch Verband –Touch Austria" as the highest sporting and organizational entity in the context of Touch in Austria."
- (2) A regional Touch association will only by admitted, if it has at least 3 Touch clubs as members, and if it includes the following wording in its statutes. "Under Area of Activity (§ 1). The regional Touch association recognizes the "Österreichischer Touch Verband –Touch Austria" as the highest sporting and organizational entity in the context of Touch in Austria." Under its Purpose (§ 2). The regional association, whose activities are on a not for profit basis, aims to promote and spread Touch within the territory of the federal province it is located in." In addition, it has the following tasks:
 - a) To support the ÖTV-TA in representational matters towards regional and local authorities.
 - b) To organise competitions and other events, depending on their size and duration in conjunction with or at least following discussions with the ÖTV-TA.
 - c) To information the ÖTV-TA about the development of Touch in that federal province.
- (3) The executive committee makes the final decision regarding the admission of ordinary and extraordinary members. Admission can be declined without reasons needing to be given.
- (4) Honorary members are elected by the general meeting having been proposed by the executive committee.

§ 6 Termination of membership

(1) Membership expires as a result of death of natural persons, as a result of legal persons losing their legal personality, as a result of leaving the ÖTV-TA voluntarily, by being deleted as a member and by expulsion.

- (2) It is possible to leave the ÖTV-TA at any time. The obligation to pay the due membership fees and other obligations remains unaffected by this decision.
- (3) The executive committee is entitled to cancel a member's membership, if the member is in arrears with the payment of membership fees for more than 3 months, despite having been sent two warnings. The obligation to pay the due membership fees remains unaffected.
- (4) A member may be expelled from the ÖTV-TA by the executive committee due to cases of gross violation of member obligations, as a result of disreputable behaviour, or a consistent failure to follow the ÖTV-TA Code of Conduct (see § 14). An appeal against expulsion can be made to the general meeting, with member's rights being revoked until the general meeting's decision has been made.
- (5) Honorary membership can be rescinded for the reasons listed in (4) by the general meeting following a request by the executive committee.

§ 7 Rights and obligations of members

- (1) Members are entitled to attend all events of the ÖTV-TA, and to make use of facilities belonging to the ÖTV-TA.
- (2) Voting rights and the active right to vote in the general meeting is only available to the representatives of ordinary members.
- (3) Eligibility to stand for election is open to:
 - a) All physical persons, who are members of a club or regional association, which is an ordinary member of the ÖTV-TA.
 - b) Extraordinary members of the ÖTV-TA.
 - c) Honorary members.
- (4) The OTV-TA can enforce its members to divulge the following facts:
 - a) A complete list of the club's members.
 - b) Changes in the numbers of members.
 - c) Election of officers.
 - d) Minutes of the general meeting.
 - e) Other general information on the state and development of the club or regional association.
- (5) Members are obliged to promote the interests of the ÖTV-TA as far as possible and to refrain from any action that could cause the reputation and the purpose of the ÖTV-TA to suffer. They must obey the statutes of the ÖTV-TA, the regulations and the decisions of the ÖTV-TA's organs and the ÖTV-TA Code of Conduct. If they act contrary to this, then the ÖTV-TA's organs may impose sanctions. The ordinary members are obliged to pay the enrolment fee and membership fees punctually, for the amount agreed annually by the general meeting.
- (6) Members are required to show evidence of an implemented 'new Touch Player' development program that generates additional Touch players and nurtures beginner level players. The Executive Committee is entitled to cancel a members membership if the member fails to show evidence of such a development program.

§ 8 The ÖTV-TA's organs

The organs of the ÖTV-TA are the general meeting (§§ 9 and 10), the executive committee (§§ 11 to 13), the auditors (§ 15), the Secretary (§ 16), and the arbitration panel (§ 17).

§ 9 The general meeting

- (1) The Annual General Meeting will take place annually within three months after the start of the calendar year.
- (2) An extraordinary general meeting must take place as a result of a decision made by the executive committee or the ordinary general meeting, at the written request of one quarter of the members or at the request of the auditors, within three weeks.
- (3) All members must be invited to the ordinary general meeting in writing at least two weeks before the date it is to be held. All members must be invited in writing to the extraordinary general meeting at least 7 days before the date it is to be held. The scheduling of the general meeting must follow with the agenda. The meeting is called by the executive committee.
- (4) Requests to the ordinary and extraordinary general meetings must be submitted in writing at least seven days before the date of the general meeting to the executive committee. In the event of an extraordinary general meeting, additional suggestions can be submitted in writing until just before the beginning of the meeting, in as far as these seem justified in terms of the gravity and urgency of the problem.
- (5) Valid decisions -except those regarding the request to convene an extraordinary general meeting -can only be applied to items on the agenda.
- (6) The general meeting comprises of 2 delegates per ordinary member, the members of the executive committee, the extraordinary members and the honorary members. The executive committee members should not be at the same time delegates from the clubs or regional associations. Executive committee members and extraordinary members are not entitled to vote. Only in the case where there is a tied vote of present delegates does the President have a casting vote.
- (7) The general meeting has quorum regardless of the number of members present.
- (8) Elections and the decisions are usually passed in the general meeting by a simple majority. Decisions, which cause the amendment of the statutes of the ÖTV-TA or the winding up of the ÖTV-TA, however require a two thirds majority of the valid votes.
- (9) The President of the OTV-TA chairs the general meeting, with the secretary chairing the meeting in his absence. If the secretary is also unable to attend, then the meeting is chaired by the oldest member of the executive committee.

§ 10 Scope of tasks of the general meeting

The following tasks are reserved for the general meeting:

- (1) Submission and approval of the financial report and the balance of accounts;
- (2) Decision regarding the budget;
- (3) Appointment and dismissal of members of the executive committee, the auditors and the president;
- (4) Finalising the amount of the enrolment fee and membership contributions for ordinary and extraordinary members; for different groups of ordinary members (regional associations and clubs) different levels of membership subscriptions can decided upon.
- (5) Conferring and withdrawal of honorary membership;
- (6) Decisions about appeals against expulsion from membership;
- (7) Decisions about changes to the statutes and the voluntary dissolution of the ÖTV-TA;
- (8) Advisory consultations and making decisions in all matters regarding admission to, membership of and termination of membership to international and national sports federations.

§ 11 The executive committee

- (1) The executive committee shall consist of at least three, but not more than ten members. Executive committee members are: President, Secretary, Treasurer, and optionally as well as between one and seven other executive committee members, based on a decision at the general meeting.
- (2) The executive committee, which is elected by the general meeting, has the right to co-opt another member eligible for election in the place of an elected member choosing to stand down, with approval to be asked for retrospectively at the next general meeting.
- (3) The duration of the executive committee's mandate is 2 years. In any case, it lasts until a new executive committee is elected. In the event that more than 2 members of the executive committee stand down during the first year of the executive committee's mandate, then the mandate period is shortened to a period of one year. Executive committee members who have stood down are available for re-election in any case.
- (4) The executive committee is convened by the President in writing, or in the event that the President is unavailable by the secretary.
- (5) The executive committee has quorum if all members have been invited, and at least half of them are present.
- (6) The executive committee shall take decisions by simple majority vote, with the President of the meeting having a casting vote in the event of a tie.
- (7) The ÖTV-TA President chairs the meeting, with the secretary chairing it in the event that he is unavailable. If the secretary is also unavailable, then the Presidency passes to the oldest member present from the executive committee.
- (8) Other than in the case of death or expiry of the mandate period (paragraph 3) the

mandate of an executive committee member expires also as a result of removal from office (para. 9) or of resignation (para. 10).

- (9) The general meeting may remove the entire executive committee or individual executive committee members at any time.
- (10) The members of the executive committee may submit their resignation in writing at any time. The declaration of resignation is addressed to the executive committee, or in the event of the resignation of the entire executive committee to the general meeting.
- (11) A member of the executive committee standing down (para 8) must deliver a statement of accountability and must submit it to the remaining members of the executive committee or to the general meeting. Furthermore, the outgoing executive committee member is obliged to hand over any sums of money or documentation, which concern the ÖTV-TA to the executive committee, which are still in his possession, in the latter case in either original form or as a copy.

§12 Responsibilities of the executive committee

The executive committee is responsible for the management of the ÖTV-TA. All tasks that are not conferred to another organ of the ÖTV-TA under are assigned to the executive committee. The executive committee's scope of responsibilities includes, in particular, the following matters:

- 1) Drafting the annual budget and drawing up the financial report and the balance of the accounts:
- 2) Preparations for the general meeting;
- 3) Convening the ordinary and the extraordinary general meeting;
- 4) Managing the ÖTV-TA's assets:
- 5) Enrolment, exclusion and deletion of members of the ÖTV-TA;
- 6) Convening of commissions:
- 7) Transferring specific tasks to its individual members or to committees;
- 8) Sending delegates to sports federations.
- 9) Appointment of coaches and managers for the ÖTV-TA's representative teams.
- 10) Creation of a protocol for areas of activity for the executive committee.

§ 13 Specific duties of individual executive committee members

(1) The President is the highest functionary in the ÖTV-TA. He/She is responsible in particular for external representation of the ÖTV-TA, in particular towards authorities and

third persons. He/She chairs the general meeting and the executive committee. In the event of the risk of default, he/she is entitled, even in matters which falling within the remit of the general meeting or the executive committee, to take independent measures under his/her own responsibility, however such actions require subsequent approval by the competent organ of the ÖTV-TA.

- (2) The Secretary supports the President in carrying out ÖTV-TA business. The Secretary is responsible for the minutes of the general meeting and of the executive meeting.
- (3) The Treasurer is responsible for the proper management of the ÖTV-TA's finances.
- (4) Written notices and announcements by the ÖTV-TA, in particular mandatory documents pertaining to the ÖTV-TA, must be signed by the President and the Secretary, or jointly by the President and the Treasurer, in as far as they concern financial matters. If the President is unavailable, then the ÖTV-TA can be represented jointly by the Treasurer and the Secretary. If the Secretary or the Treasurer is unavailable, then the President takes his/her place. However, none of these three functionaries can simultaneously be active in addition to their original capacity as the alternate of another functionary. In terms of the representation of the ÖTV-TA the four eye principle applies.
- (5) The role of the other board members involves contributing their sporting and/or organisational experience to the executive committee. Special areas of responsibility can be delegated to them based on the protocols for the areas of activity.

§ 14 Code of Conduct

(1) All members are obliged to ensure all their club members follow the "Code of Conduct" (*Annex 1 to this document*) provided by the ÖTV-TA.

§ 15 The auditors

- (1) Two auditors are elected by the general meeting for a term of 2 years. Reelection is possible. In order to ensure continuity, the terms of office of the auditors do not fully overlap one another. An auditor will be elected in even years, the other auditor in odd years. The auditors may not belong to any organ -except for the general meeting -for which the business is the subject of the audit.
- (2) The auditors are responsible for the ongoing audit of financial business verification of the balance of the accounts. They must report to the general meeting about the outcome of the auditors report.
- (3) Generally the conditions of § 11, paragraphs 3, 8, 9, 10 and 11 apply analogously.

§ 16 The Secretary

(1) The Secretary shall be employed by the ÖTV-TA. He/she has to manage the office and is responsible for managing the day-to-day operations of the ÖTV-TA in accordance with the instructions of the executive committee. He/she is responsible as sole signatory

§ 17 The arbitration panel

- (1) In all disputes arising from the affairs of the ÖTV-TA, for all events that are not covered in the statutes and/or in the regulations of the ÖTV-TA a decision is made by the arbitration panel.
- (2) The arbitration panel shall be composed of five delegates from the ordinary members. It is formed in such a way that each party in the dispute shall name two members as arbitrators within 7 days. They elect a President for the arbitration panel by simple majority. In the case of a tied vote, the decision is made by the drawing of lots.
- (3) The arbitration panel reaches its decision with all members being present using a simple majority. It decides its best knowledge and belief. Its decisions are final.

§ 18 Dissolution of the ÖTV-TA

- (1) The voluntary dissolution of the ÖTV-TA can only occur in a specially convened extraordinary general meeting and only decided with a two-thirds majority of the valid votes.
- (2) The general meeting must also reach a decision with regard to the liquidation of the ÖTV-TA, insofar as the ÖTV-TA has assets. In particular, it must appoint a liquidator and must make a decision, once outstanding liabilities have been covered, to whom the remaining assets of the ÖTV-TA should be transferred. These assets should, as far as is possible and is allowed, should be transferred to an organisation, with the same or similar purposes as this ÖTV-TA, and which also operates on a not for profit basis.

ÖTV-TA (Touch Austria) Code of Conduct

This Code of Conduct shall serve as a guideline for how individuals are expected to behave when participating in Touch Austria sponsored or endorsed activities. Members assume an obligation to conduct themselves in a manner compatible with Touch Austrias function as a sporting association. When members participate in an event sponsored or endorsed by Touch Austria, the participant indicates, by their registration in the event, they agree to represent their club and Touch Austria in a way that does not detract from the reputation of the institution they are representing, and to act morally and display sportsmanship-like behavior, before, during and after any competition. Guidelines of conduct are outlined below.

ALL PARTICIPANTS SHALL NOT:

- Use drugs, except for medical purposes when traveling to/from, competing, socializing and/or using facilities including lodging spaces
- Consume alcohol while competing.
- Strike, attempt to strike or otherwise physically abuse an official, opposing player, spectator or coach.
- Intentionally engage in or incite participants and/or spectators to engage in abusive or violent action.
- Use obscene gestures, profanity or disrespectful language.
- Engage in conduct that constitutes discrimination or harassment
- Cause intentional damage to facilities, fields or equipment.

INDIVIDUAL PLAYERS SHALL:

- Recognise and appreciate the efforts made by coaches, Referees and administrators in providing the opportunity for you to play the game of Touch and enjoy the Touch environment.
- Recognise that every player has a right to expect their involvement in Touch to be safe and free from all types of abuse.
- Work equally hard for yourself and your team both will then benefit.
- Recognise good play by all players on your team and by your opponents.
- Be a good sportsman win or lose.
- Play to the Laws of the Game and accept, without question, all referees' decisions.
- Control your emotions. Verbal or physical abuse of team mates, opponents, or match officials is not acceptable.
- Treat all players, as you would like to be treated. Do not interfere with, bully or take advantage of any player.

SPECTATORS SHALL:

 Respect match officials' decisions. Remember - they are volunteers providing an opportunity for people to play Touch. Never verbally abuse players, match officials, fellow spectators or coaches.

REFEREES SHALL:

- Recognise that the safety of players is paramount.
- Explain decisions when possible many players are still learning the game of Touch.
- Always penalise foul play.

VIOLATION OF THE CODE OF CONDUCT MAY RESULT IN:

- Suspension from game(s);
- Suspension from the tournament;
- Forfeiture of any individual or team awards:
- Ejection from the tournament hotel(s);
- Forfeiture of all games/matches won and possible team/club elimination from current and future Touch Austria sponsored or endorsed events.
- Membership may be terminated by the Touch Austria Executive Committee for violation of any rules or regulations of Touch Austria or for conduct deemed by the Touch Austria Executive Committee to be detrimental to the welfare, good order, safety or character of Touch Austria or its members.

Touch Austria reserves the right to amend and add to this Code of Conduct as it sees fit and the member shall observe any amended or additional conditions so made. If you have any queries on any of the above please do not hesitate to contact Touch Austria.