

## **MOTION 10 to approve Article 8.5 (a) (b) as written**

### **Original:**

#### **8.5 Vacancy, Resignation, and Removal.**

##### **(a) Vacancy and Resignation.**

i. Voluntary. An Officer may resign at any time by notifying the Board of Directors or the Executive Director in writing.

ii. Automatic. An Officer shall be deemed to have resigned and the Office shall be deemed to be vacant when such Officer: (A) resigns membership in NATA, (B) ceases to be a Certified Member in good standing of NATA, (C) dies, (D) ceases to be actively involved in the profession of athletic training, or (E) in the case of the Vice President, ceases to be a Director. If there is disagreement between an Officer and the Board of Directors with respect to whether one or more of these events has occurred, the Board shall decide the matter in the same manner as provided in Section 8.5 (b).

(b) **Removal.** An Officer may be removed by the Board of Directors under conditions set forth below. At an in-person meeting of the Board, the Officer whose removal is being considered will be given a full opportunity to discuss and respond. The Officer shall be removed if a four-fifths (4/5) vote of Directors not personally involved in the matter determines that one or both of the following has occurred: i. Conflict of Interest. The Officer has entered into a relationship that creates a significant conflict of interest with the goals of the NATA or the rights and obligations of the Office.

ii. Incompetence. The Officer is no longer able to fulfill the obligations of Office competently.

### **Proposed Change:**

#### **8.5 Vacancy, Resignation, and Removal.**

##### **(a) Vacancy and Resignation.**

i. Voluntary. An Officer may resign at any time by notifying the Board of Directors or the Executive Director in writing.

ii. Automatic. An Officer shall be deemed to have resigned and the Office shall be deemed to be vacant when such Officer: (A) resigns membership in NATA, (B) ceases to be a Certified Member and/or Licensed Member in good standing of NATA, (C) dies or becomes mentally or physically incapacitated, or (D) in the case of the Vice President or Secretary/Treasurer, ceases to be a Director. If there is disagreement between an Officer and the Board of Directors with respect to whether one or more of these events has occurred, the Board shall decide the matter in the same manner as provided in Section 8.5 (b).

(b) **Removal.** An Officer may be removed by the Board of Directors under conditions set forth below. At an in-person meeting of the Board, the Officer whose removal is being considered will

be given a full opportunity to discuss and respond. The Officer shall be removed if a four-fifths (4/5) vote of Directors not personally involved in the matter determines that one or both of the following has occurred:

- i. Conflict of Interest. The Officer has entered into a relationship that creates a significant conflict of interest with the goals of the NATA or the rights and obligations of the Office.
- ii. Incompetence. The Officer is no longer able to fulfill the obligations of Office competently.
- iii. Inappropriate Conduct. The Officer is found to have engaged in conduct that is illegal or unethical such that the Officer's continued service would be contrary to the best interests of NATA.

**Explanation:**

- If an officer of the NATA ceases to be actively involved in the profession of athletic training, this will no longer be cause for automatic removal from their position as an officer. (Note: The officers of the NATA include the President, Vice-President, and Secretary/Treasurer.) Their position would need to be reviewed by the board.
- Clarified that both the Vice-President and Secretary/Treasurer must both remain District Directors in order to remain in these officer roles.
- Added iii. Inappropriate conduct bullet as advised by NATA's legal counsel.

**Rationale:**

- Advised by NATA's legal counsel: It is very difficult to define what is meant by "actively involved in the profession of athletic training." The statement is ambiguous and was removed so as not to exclude an athletic trainer from NATA officer positions who moves from a clinical role to a leadership or other non-clinical role.
- Inappropriate conduct bullet allows for the removal of officers that have committed violations.