

**BC LACROSSE ASSOCIATION  
2024 PROPOSED CHANGES TO THE  
BCLA CONSTITUTION AND BY-LAWS**

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*Proposed by Russell Sheppard, BCLCG Chair*

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To alter all references in the BC Lacrosse Operating Policy as follows:

**Background:** Some references within the Operating Policy of the BCLA and British Columbia Lacrosse Coaches Group reference the BC Lacrosse Coaches Technical Support Group but then references that group as the BC Lacrosse Coaches Group. For ease of reference we should ensure this is uniform. As a housekeeping I would amend as follows:

To confirm and alter any and all references in the BC Lacrosse Operating Policy to the British Columbia Coaches Group, British Columbia Coaches Technical Group, British Columbia Coaches Technical Support Group, British Columbia Lacrosse Coaches Group, British Columbia Lacrosse Coaches Technical Group, British Columbia Lacrosse Coaches Technical Support Group to be the **British Columbia Lacrosse Coaches Group (“BCLCG”)**.

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*Proposed by Nichola Manning, BCLA VP Finance & Administration – on behalf of BCLA Executive*

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**Rationale:** As identified as part of the BCLA strategic plan, the BCLA board is shifting from an operational model to a governance model. The shift to a governance board model is consistent with other lacrosse associations across the country, including the Lacrosse Canada board as well as many not-for-profit sport organizations. A governance model enables the board to provide better oversight and strategic direction instead of being involved in the day-to-day operations of the organization. The ability for a board to approve, amend, adopt or new policy is a fundamental component of a board governance model structure.

**BY-LAW NUMBER IX: THE EXECUTIVE 3 and 4 currently read:**

3. The responsibilities of the Executive shall be to:
  - ~~(a) — ensure that the Minor, Senior and Field Directorates conduct Provincial Championships~~
  - ~~(b) — provide educational services to lacrosse in British Columbia~~
  - ~~(c) — provide promotional services to lacrosse in British Columbia~~
  - ~~(d) — provide financial assistance to lacrosse in British Columbia~~
  - ~~(e) — engage in limited publicity programs~~
  - ~~(f) — register all players, officials and coaches within the Province of British Columbia~~
  - ~~(g) — provide extended insurance coverage for all members.~~
  - ~~(h) — develop tools (plan, package, training and qualified assistance) to assist in local recruitment of Minor lacrosse players.~~
  - ~~(i) — implement Inter-Lacrosse in elementary schools~~
  - ~~(j) — implement Field Lacrosse in Junior and Senior high schools~~
4. The Executive has the authority to carry out its responsibilities within the allotted budget, and with due consideration to all requests for action passed at the Annual Meeting or any Special meeting, any recommendations passed to it from ~~any~~ Commission, Directorate, Technical Support Group or Committee.
5. The Executive may from time to time authorize the employment of such other persons as they deem necessary to carry out the objects of the Association; and such employee(s) shall have the authority and shall perform such duties as from time to time may be prescribed by the Executive.

**Amend BY-LAW NUMBER IX: THE EXECUTIVE 3 and 4 that would read:**

3. The responsibilities of the Executive shall be to:
  - (a) *provide strategic governance and oversight to the Association*
  - (b) *amend or adopt operating policies and procedures, as and when required*
4. The Executive has the authority to carry out its responsibilities within the allotted budget, and with due consideration to all requests for action passed at the Annual *General Meeting* or any Special meeting, *and* any recommendations passed to it from *member governing lacrosse bodies including* Commissions, Directorates, *Leagues*, Technical Support Groups or Committees.

**Add NEW BY-LAW NUMBER IX: THE EXECUTIVE 5 that would read:**

5. *The Executive has the authority to make changes to the BCLA Operating Policy outside of an Annual General Meeting or Special Session meeting if (a) consultation has been undertaken with the relevant member governing lacrosse body and (b) provided a 50% +1 majority vote by the Board. Notification of the policy change shall be made to the membership.*

**Renumber all Regulations following if motion passes**

**In addition Bylaw Number XVII: OPERATIONAL POLICY, clause 3 – must be changed:**

3. A policy, to be applicable, must be approved *either* by a majority vote of the members, eligible to vote as set out in these By-Laws, in attendance at an Annual General Meeting or Special Session, *or by approval of the BCLA Executive in consultation with the appropriate member lacrosse governing body and provided a 50% +1 majority vote by the Board.* Such policy once made is applicable to all teams and players under jurisdiction of the ruling body, and shall remain in effect until such a policy has been amended or rescinded by *the BCLA Executive or at an Annual General Meeting or Special Session.* ~~or unless changed by the appeal procedure outlined in By-law XI, Section 4.~~

**This motion also affects the following (please name the Specific Constitution, By-Laws and/or Operating Policies, Regulation Numbers, Page Numbers):**

**Add under Bylaw #1: Definitions, p. 3**

- 10. Member lacrosse governing body** - refers to a lacrosse governing subsidiary group (e.g., club association, Directorate, Commission, League, or Technical Support Group) that falls under BCLA jurisdiction.

**Amend under General Operating Policy, Section 26 “Amendments”, p. 21**

~~26.01 ————— The General Section of the Operating Policy shall not be altered except at the BCLA Annual General meeting and shall be made only by a majority vote of the members voting thereon.~~

*The BCLA Operating Policy may be altered by the BCLA Executive in (a) consultation with the relevant member governing lacrosse body and (b) provided a 50% +1 majority vote by the Board. In addition, changes to the BCLA Operating Policy may also be made at the Annual General Meeting or a Special Session and made by a majority vote of the members voting thereon. Notification of any policy changes must be given to members subsequent to approval.*

26.01 For policy changes made at an AGM or Special Session, notice of the proposed amendment shall be given in writing to the BCLA Office at least forty-five days before the day of the Annual Meeting, and the proposed amendments shall be circulated to the members at least thirty days prior to the Annual Meeting.

### **Senior Box Lacrosse Operating Policy Regulation 24: Amendments p. 67**

24.01 The Operating Regulations of the Senior Directorate ~~shall not be~~ **may be altered by the BCLA Executive in consultation with the Senior Directorate, provided a 50% +1 majority vote by the Board or** ~~except at a Special Session of the Senior Directorate to be held during the BCLA Annual General Meeting~~ and shall be made only by a majority vote of the members voting thereon.

24.02 Notice of the proposed amendment shall be given in writing to the BCLA Office at least forty five days before the day of the **Special Session Annual Meeting**, and the proposed amendments shall be circulated to the member clubs at least thirty days prior to the **Special Session Annual Meeting**.

### **Minor Box Lacrosse Operating Policy Regulation 25: Amendments p. 98**

25.01 The Operating Regulations of the Minor Directorate ~~shall not be~~ **may be altered by the BCLA Executive in consultation with the Minor Directorate, provided a 50% +1 majority vote by the Board or** ~~except at a Special Session of the Minor Directorate, to be held during the BCLA Annual General Meeting~~, and shall be made only by a majority vote of the members voting thereon.

25.02 Notice of the proposed amendment shall be given in writing to the BCLA Office at least forty-five days before the day of the **Special Session Annual Meeting** and the proposed amendments shall be circulated to the members at least thirty days prior to the **Special Session Annual Meeting**.

### **Field Operating Policy Regulation 11: Amendments p. 108**

11.02 The Operating Regulations of the Field Directorate ~~shall not be~~ **may be altered by the BCLA Executive in consultation with the Field Directorate, provided a 50% +1 majority vote by the Board or** ~~altered except~~ at a Special Session of the Field Directorate, and shall be made only by a majority vote of the members voting thereon.

### **Recreation Operating Policy Regulation 6: Amendments p. 138**

6.01 The Operating Regulations of the Recreation Directorate ~~shall not be~~ **may be altered by the BCLA Executive in consultation with the Recreation Directorate, provided a 50% +1 majority vote by the Board or** ~~except at a Special Session the BCLA Annual General Meeting~~ and shall be made only by a majority vote of the members voting thereon.

6.02 Notice of the proposed amendment shall be given in writing to the BCLA Office at least forty-five days before the day of a **Special Session the Annual General Meeting** and the proposed amendments shall be circulated to the members at least thirty days prior to the **Special Session Annual Meeting**.

### **BC Lacrosse Officials Technical Support Group Operating Policy Regulation 13: Amendments p. 152**

13.01 The Operating Regulations of the BCLOG ~~shall not be altered except~~ **may be altered by the BCLA Executive in consultation with the BCLOG, provided a 50% +1 majority vote by the Board or** at a Special Session of the BCLOG and shall be made only by a majority vote of the members voting thereon.

### **BC Lacrosse Coaches Technical Support Group Operating Policy Regulation 13: Amendments p. 169**

13.01 The Operating Regulations of the BCLCG ~~shall not be altered except~~ **may be altered by the BCLA Executive in consultation with the BCLCG, provided a 50% +1 majority vote by the Board or** at a Special Session of the BCLCG and shall be made only by a majority vote of the members voting thereon.

### **BC Lacrosse Volunteer Leadership Technical Support Group Operating Policy Regulation 10: Amendments p. 177**

10.01 The Operating Regulations of the BCLVLA ~~shall not be altered except~~ **may be altered by the BCLA Executive in consultation with the BCLVLA, provided a 50% +1 majority vote by the Board or** at a Special Session of the BCLVLA and shall be made only by a majority vote of the members voting thereon.

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**BY-LAW NUMBER: X COMMITTEES (b). The Disciplinary Committee (Applies to Code of Conduct Only)**

**GENERAL OPERATING POLICY: Section 1 CODE OF CONDUCT**

**The rationale for this motion:**

Information regarding the code of conduct complaints and BCLA Code of Conduct Discipline Committee and its process currently is located both within the BCLA Bylaws and the General Operating Policy. It is confusing and cumbersome to try and figure out how a code of conduct complaint can be made and what is the process that the BCLA Code of Conduct Discipline Committee undergoes to address the complaint.

The purpose of this motion is to clarify, bolster, and centralized information about code of conduct complaints and the BCLA Code of Conduct Discipline Committee processes in order eliminate confusion. Furthermore, the purpose of this bylaw change and new policy is to ensure that any irresponsible behavior or conduct occurring within sanctioned lacrosse activities and events and any other alleged breaches of governing documents can be reported and managed equitably and fairly.

**Motion:**

It is moved that there be a short reference to the BCLA Code of Conduct Discipline Committee itself within “Bylaw X: Committees, (b) Discipline Committee” and a more clear and fulsome Code of Conduct Complaints Policy added into the General Operating Policy. The following bylaw and policy manual sections will need to be amended:

**BYLAW X: Committees, (b.) Discipline Committee**

Strike the entire Discipline Committee section in the bylaw as it currently reads, and replace with:

**(b.) Code of Conduct Discipline Committee**

- i. The BCLA Code of Conduct Discipline Committee is authorized to sit in judgement on code of conduct issues outside of game play involving and potentially requiring the discipline of players, coaches, team management, parents / guardians, leagues, or officials for all divisions under jurisdiction of the BCLA.
- ii. Refer to the “Code of Conduct Complaint Policy” for the Code of Conduct Discipline Committee process.

**GENERAL OPERATING POLICY: 1. Code of Conduct**

It is proposed that the existing Code of Conduct remain, with the following strike-through sections removed. The information removed will be expanded upon in the “Code of Conduct Complaint Policy” which would follow the current Code of Conduct section (e.g., be section 2) in the General Operating Policy.

**1. CODE OF CONDUCT**

1.01 All individuals affiliated with the BCLA shall:

- i. Attempt at all times to work toward the goals and objectives of the BCLA and the game of Lacrosse, and towards the betterment of its members.
- ii. Strive to heighten the image and dignity of the Association and the sport of Lacrosse as a whole, and to refrain from behavior which may discredit or embarrass the Association or the game.
- iii. Always be courteous and objective in dealings with other members.
- iv. Except when made through proper channels, refrain from unfavorable criticism of other members or representatives of the BCLA.
- v. Strive to achieve excellence in the sport while supporting the concepts of Fair Play and Drug-free sport.
- vi. Show respect for the cultural, social and political values of all participants in the sport.
- vii. As a guest in another province or foreign country, abide by the laws of the host jurisdiction and adhere to any social customs concerning conduct.

#### 1.02 Conduct to Protect Children:

The safety, rights, and well-being of children is a priority of the BC Lacrosse Association (BCLA) and its membership. We nurture supportive relationships with children while balancing and encouraging appropriate boundaries. All staff, members and participants are expected to treat children with respect and dignity. They are to establish, respect and maintain appropriate boundaries with all children and families involved in activities and programs delivered by the BCLA and its members. All interactions and activities with children should be known to, and approved by, the member association and the parent/guardian of the child. For more information about Conduct to Protect Children - <https://www.protectchildren.ca/en/about-us/>.

#### 1.03 An individual's conduct shall be in question when they:

- i. Breach any of the above Section 1.
- ii. Use their position within the BCLA for unauthorized personal and/or material gains.
- iii. Willfully circulate false, malicious statements, derogatory to any other member of the Association.
- iv. Willfully ignore or break the By-Laws, policies and/or rules and regulations of the BCLA.
- v. Counsel others to ignore or break the by-laws, policies, and/or rules and regulations of the BCLA.
- vi. Code of Conduct hearings will only be heard for offences not already covered by properly constituted penalties approved by the BCLA in all Directorates, Technical Support Groups and League Agreements.

#### 1.04 General:

- i. The BCLA endorses the principles of natural justice and due process which allows any individual the right to a hearing and an appeal of any action which affects their rights.
- ii. The BCLA and its member governing bodies agree to honor and enforce disciplinary action taken by those governing bodies upon the completion of due process.

#### ~~1.05 Discipline Procedures:~~

- ~~i. Any report alleging a breach of Member obligation under this Code of Conduct shall be submitted in writing to the BCLA office within 15 days of the event/occurrence.~~
- ~~ii. Upon receiving a report, the BCLA staff shall immediately notify the BCLA Executive who shall determine the merit of the complaint and determine if action is necessary.~~
- ~~iii. If action is necessary, the President shall, with the Discipline Committee, appoint a date, time and place for which shall not be more than 30 days from the receipt of the report.~~
- ~~iv. All interested parties will be notified of the proceedings and will have the opportunity to attend the hearing of the Discipline Committee at their own expense.~~
- ~~v. The Discipline Committee may call witnesses and demand any pertinent information which it deems necessary to arrive at a decision.~~
- ~~vi. The decision of the Discipline Committee will be announced by the Chair of the Discipline Committee within 7 days of the hearing and all interested parties will be provided with a copy of the written decision.~~
- ~~vii. Interested parties is defined as those parties who are directly involved in the proceedings.~~
- ~~viii. Any individual whose rights are directly affected by a decision of the Discipline Committee may appeal that decision to the Appeals Committee.~~
- ~~ix. The procedure and time lines for a presentation to the Appeals Committee shall be the same as those set out for the Disciplinary Committee.~~
- ~~x. Disciplinary action taken under this Code of Conduct section will be considered to be applicable to all disciplines of Lacrosse in BC.~~
- ~~xi. The Discipline Committee may fine, suspend or request other remedial action based on a Discipline Hearing.~~

#### 1.06 British Columbia Universal Code of Conduct (BC UCC):

The BC Lacrosse Association accepts all language contained in the British Columbia Universal Code of Conduct (BC UCC). A copy of the code is hosted on the viaSport BC website here: [https://www.viasport.ca/sites/default/files/BC\\_UCC\\_2021.pdf](https://www.viasport.ca/sites/default/files/BC_UCC_2021.pdf).

## **2. CODE OF CONDUCT COMPLAINT POLICY**

It is proposed that this new Code of Conduct Complaint policy be placed subsequent to the Code of Conduct Policy as amended above within the BCLA General Operating Policy.

### **2. Code of Conduct Complaint Policy**

#### **Purpose**

It is recognized that most Member Associations, Directorates, Commissions, Leagues, and Technical Support Groups may have complaint and discipline processes. The BCLA Code of Conduct Discipline Committee will hear code of conduct complaints, outside of game play, when these member governing bodies are unable to make a decision and/or refer an egregious code of conduct complaint to the BCLA.

This policy will ensure that any irresponsible behavior or conduct occurring within sanctioned lacrosse activities and events and any other alleged breaches of governing documents can be reported and managed equitably and fairly through the BCLA Code of Conduct Discipline Committee. Further, this policy will specify the organization, procedures and functions of the code of conduct complaint process of the BCLA.

#### **Standards**

1. This Policy applies to all Individual Registrants and all Member Associations under the jurisdiction of the BCLA when engaged in any sanctioned lacrosse-related activities.
2. Discipline action may only be taken against an Individual Registrant or Member Association of the BCLA for misconduct, or attempted misconduct, occurring at the time of the incident and cannot be retroactively charged for incidents prior to registration of such person or organization.
3. Any person who is a parent/guardian or acting as a team official, administrator, match official, or associated with sanctioned lacrosse activities shall be considered an Individual Registrant regardless of whether they have registered to do so.
4. The sanctions outlined in this Policy represent the minimum that may be imposed by the BCLA and/or a member governing body. Member governing bodies shall not incorporate sanctions within their own disciplinary rules that fall below those specified in this Policy.

#### **Raising A Code of Conduct Complaint**

5. Code of conduct complaints should come forward when an Individual Registrant or Member Association:
  - a.) Breaches any aspects of the code of conduct outlined in BCLA General Operating Policy Section 1 "Code of Conduct";
  - b.) Uses its position within the BCLA for unauthorized personal and/or material gains;
  - c.) Willfully circulates false, malicious statements, derogatory to any other member of the BCLA; and/or
  - d.) Willfully ignores or breaks the by-laws, policies and/or rules and regulations of the BCLA;
6. Code of conduct hearings of the Code of Conduct Discipline Committee will only be heard for offenses not already covered by properly constituted penalties approved by BCLA member governing bodies.

#### **Jurisdiction**

7. The BCLA and its Code of Conduct Discipline Committee shall have direct jurisdiction in the following matters:
  - a.) Any code of conduct issues or complaints, outside of game play, involving players, coaches, team officials, parents/guardians, leagues, or officials.
  - b.) Egregious issues that have been referred from other member governing bodies, including Member Associations, Directorates, Commissions, Leagues, and Technical Support Groups.
8. The BCLA Board at its discretion may authorize an external panel to hear any complaints on their behalf or appoint an independent third party to conduct an investigation to determine the facts of the complaint prior to involving the Code of Conduct Discipline Committee. All findings made by an external panel or independent third party will be upheld by the Code of Conduct Discipline Committee.

### **Natural Justice and Duty to Act Fairly**

9. This Policy follows the principles of natural justice aimed to provide Individual Registrants and Member Associations with a fair hearing.
10. All Individual Registrants and Member Associations have the right to and/or must be provided the right to:
  - a.) A process free of bias: the members of the Code of Conduct Discipline Committee are unbiased, in that they are impartial and unprejudiced, and are reasonably perceived to be unbiased;
  - b.) Prior notice: advance access to relevant information that identifies the allegations and contains sufficient information for respondents to respond to the allegations and participate meaningfully in the decision-making process.
  - c.) Fair hearing: the respondent is afforded a timely and reasonable opportunity to participate in the hearing, and may either represent themselves, or be represented by a person of their choosing and the members of the Code of Conduct Discipline Committee genuinely consider the respondent's submissions in making their decision.

### **Confidentiality**

11. Members of the Code of Conduct Discipline Committee will ensure that everything disclosed to them during the course of their work, including but not limited to the facts of the case, the contents of their deliberations, and the decisions taken, remains confidential.

### **Conflict of Interest**

12. Members of the Code of Conduct Discipline Committee must decline to participate in any meeting concerning a matter in which they are in a real or perceived conflict of interest. Such instances include, but are not limited to the following:
  - a.) If the member in question has a direct interest in the outcome of the matter; or
  - b.) If the member has already dealt with the case under different circumstances.
13. The parties subject to any proceeding before the Code of Conduct Discipline Committee can raise an objection to a member of the Code of Conduct Discipline Committee hearing the case whom they believe to be biased or in a conflict of interest. The Chair, or designate, of the Committee must decide on any claim of bias or conflict of interest.
14. Proceedings that have involved a committee member whom the Chair, or designate, has ordered not to participate will be considered null and void.

### **Member Association Compliance**

15. The BCLA and its member governing bodies agree to honor and enforce disciplinary action taken by the Code of Conduct Discipline Committee upon the completion of due process.

### **Limitation Period for Complaint**

16. Submission of a code of conduct complaint must occur within 30 days of the infringement. In the event of serious misconduct, the BCLA Board may extend these timelines at their discretion.
17. If required, the BCLA Board may refer incidents of serious misconduct to the appropriate legal authorities.
18. Similar acts of misconduct may be considered a second or third offense if they occur within the above-noted timeframe.
19. Allegations of corruption are not subject to a limitation period from the BCLA.

### **Limitation Period for the Enforcement of Sanctions**

20. The limitation period for the enforcement of sanctions is up to lifetime.
21. The limitation period begins on the day on which the decision comes into force.

### **Sanctions**

22. The following sanctions at the discretion of the Code of Conduct Discipline Committee may be applied:
  - a.) Written Warning - A warning is a reminder of the substance of a disciplinary rule allied with the threat of a sanction in the event of a further infringement.
  - b.) Reprimand - A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.

- c.) Fine – The Code of Conduct Discipline Committee may impose monetary sanctions. These minimum fines may be increased based on the weight of evidence presented in the case. The Code of Conduct Discipline Committee decides the terms and time limits for payment.
- d.) Suspension – The Code of Conduct Discipline Committee may impose a suspension, for a specific length of time, from partial or all lacrosse related activity based on the weight of evidence presented in the case.
- e.) Expulsion - The Code of Conduct Discipline Committee may revoke membership, for a specific length of time or from all lacrosse related activity based on the weight of evidence presented in the case.
- f.) Return of Awards - The person required to return an award shall return the benefits received, and in particular sums of money and symbolic objects (medal, trophy).
- g.) Other sanctions as determined by the Code of Conduct Discipline Committee.

### **Composition**

- 28. The Notice of Complaint (see clauses 38 - 41) should be submitted to the BCLA Executive Director, who upon review of complaint, will send confirmation of receipt to the complainant.
- 29. Within five (5) business days of receipt of complaint, the Executive Director will forward the complaint to the BCLA Board who will then determine the merit, at their next Board meeting, of whether a Discipline Committee should be formed. The Board may dismiss all or part of the complaint if it determines that:
  - a.) The complaint is not within Code of Conduct Discipline Committee jurisdiction;
  - b.) The complaint was not filed within an applicable time limit;
  - c.) The complaint was made in bad faith or filed with an improper purpose or motive.
- 30. If a Code of Conduct Discipline Committee is not warranted, the Vice President - Operations will inform the complainant.
- 31. If the BCLA Board determines a Code of Conduct Discipline Committee is warranted, that Code of Conduct Discipline Committee will be convened within thirty (30) business days.
- 32. The Chair of the Code of Conduct Discipline Committee will be the Vice President - Operations or a designate.
- 33. On an annual basis, the Vice President – Operations will establish a list of potential candidates to sit on the Code of Conduct Discipline Committee. This Code of Conduct Discipline Committee Membership List will be formed in consultation with the Chairs of the Minor, Senior, Recreation and Field Lacrosse Directorates, the Chairs of the BC Lacrosse Officials Technical Support Group, the BC Lacrosse Volunteer Leadership Technical Support Group and the BC Lacrosse Coaches Technical Support Group, who will each nominate five (5) potential candidates to participate in Code of Conduct Discipline Committee hearings.
- 34. The Chair of the Code of Conduct Discipline Committee, or designate, with the assistance from the BCLA Executive Director, will choose individuals from the Code of Conduct Discipline Committee Membership List to participate in a Code of Conduct Discipline Committee hearing.
- 35. The Chair of the Code of Conduct Discipline Committee, or designate, will inform the respondent of the complaint submitted against them within five (5) business days of the BCLA Board making a decision to form a Code of Conduct Discipline Committee. The Chair of the Code of Conduct Discipline Committee, or designate, will also inform the complainant if a Code of Conduct Discipline Committee hearing is proceeding within five (5) business days.
- 36. Each Code of Conduct Discipline Committee hearing will have a quorum of three.
- 37. The BCLA President and Vice President – Operations has the authority to amend or extend all related Code of Conduct Discipline Committee timelines.

### **Notice of Complaint**

- 38. The Notice of Complaint should be submitted to the BCLA Executive Director and must include the following:
  - a.) The complainants name, address, phone number(s) and e-mail address;
  - b.) Identify the reason for the complaint;
  - c.) State the outcome requested.
- 39. All supporting documents must be submitted within ten (10) business days of the Notice of Complaint being submitted to the Executive Director and include the following:
  - a.) All relevant evidence;
  - b.) All relevant witness statements.



40. The Code of Conduct Discipline Committee shall commence formal review of the complaint within thirty (30) business days, outlining an expected schedule for completion to the complainant, respondent, and BCLA.
41. Review of the complaint will include a review of all relevant evidence submitted from the complainant and respondent.

### **Hearings**

40. Proceedings of the Code of Conduct Discipline Committee will be closed to individuals who are not named parties or legal representatives unless all parties involved in the proceedings agree to admit the individual(s).
41. A hearing may be in any combination of in-person or virtual.
42. The Chair, or designate, will record the hearing. This recording will be forwarded to the BCLA to keep on file.
43. The Chair, or designate, has the right to adjourn a hearing, if required, and provide reasons for the adjournment. The Chair, or designate, must ensure that the adjournment does not impact any of the parties in a negative way.

### **Witnesses**

44. Witnesses may be invited to a hearing if the Code of Conduct Discipline Committee determines they could add further clarifications to the proceedings.
45. The Code of Conduct Discipline Committee has the right, if necessary, to ask questions to the witnesses for a full and fair disclosure of the matters relevant to the hearing.
46. The Chair, or designate, may limit the examination of the witness if the Chair, or designate, is satisfied that the questions have been answered.

### **Decisions**

47. The Code of Conduct Discipline Committee may attach terms or conditions to a decision.
48. The Code of Conduct Discipline Committee's decision is effective on the date on which it is issued, unless otherwise specified, and will not be held in abeyance during any appeal process.
49. The Chair, or designate, must communicate the Committee's final decision in writing within seven (7) business days to the parties affected by the decision, and give reasons for the decision. A copy of this letter must be sent to the BCLA to keep on file.

### **Failure to Respect Decisions**

50. Any financial or non-financial decision that has been pronounced against a person or organization by the Code of Conduct Discipline Committee shall be enforced by the BCLA and its member governing bodies, in accordance with the standards established by this policy and in compliance with the applicable disciplinary procedures.

### **Appeals**

51. Appeals of any decision, or disciplinary action from the Code of Conduct Discipline Committee or other member governing body involving players, coaches, parents/guardians, leagues, officials, or team officials for all jurisdictions of the BCLA should be made to the Appeal Committee (see: BCLA Appeal Policy, Appendix A, BCLA General Operating Policy).
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**BY-LAW NUMBER: X COMMITTEES (c.) The Appeal Committee**

**GENERAL OPERATING POLICY: Appendix A: BCLA APPEALS POLICY AND PROCESS**

**Rationale for this motion:**

Information regarding the Appeal Committee and its process currently is located both within the BCLA Bylaws and the General Operating Policy. The purpose of this motion is to eliminate confusion about the Appeal Committee and its process with a short reference to the Appeal Committee itself in the bylaw and a more clear and fulsome description of the committee composition, procedures, functions of the appeal process of the BCLA in the General Operating Policy.

Furthermore, an additional purpose of this bylaw change and new policy is to ensure that any irresponsible behaviour or conduct occurring within sanctioned lacrosse activities and events can be reported and managed equitably and fairly, with the option to appeal any decision made by either the Discipline Committee or member governing body.

**Motion:**

It is moved that there be a short reference to the Appeal Committee itself within “Bylaw X: Committees, (c) The Appeal Committee” and a more clear and fulsome BCLA Appeals Policy and Process be added into the General Operating Policy Appendix A. The following bylaw and policy manual sections will need to be amended:

**BYLAW X: Committees, (c.) The Appeal Committee**

Strike the entire Appeal Committee section in the bylaw as it currently reads:

~~(e) Appeals – Please refer to the British Columbia Lacrosse Association’s General Operating Policy.~~

Replace with the following wording:

~~(c.) Appeal Committee~~

- ~~i. The BCLA Appeal Committee is authorized to sit in judgement on appeals of disciplinary decisions made by any BCLA member governing body.~~
- ~~ii. An appeal to the BCLA Appeal Committee can only be made once all the complaints, disciplinary, or appeal processes from a BCLA member governing body have been exhausted and a sanctioned decision has been made.~~
- ~~iii. Refer to the “BCLA Appeal Policy,” General Operating Policy Appendix A for the Appeal Committee process.~~

**GENERAL OPERATING POLICY: APPENDIX A: BCLA APPEALS POLICY AND PROCESS**

It is proposed that the existing GENERAL OPERATING POLICY: APPENDIX A: BCLA APPEALS POLICY AND PROCESS be renamed to “BCLA Appeal Policy” and the current content struck and replaced with the following new BCLA Appeal Policy:

**APPENDIX A: BCLA APPEAL POLICY**

**Purpose**

1. BCLA is committed to providing an environment in which all Individual Registrants and Member Associations are treated with respect and fairness. BCLA provides Individual Registrants and Member Associations with this appeal policy to enable fair and expedient appeals and challenges of certain decisions made by BCLA and any of its member governing bodies.

### **Grounds for Appeal**

2. An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds include, but are not limited to, the following:
  - a) Making a decision for which there was no authority or jurisdiction as set out in governing documents;
  - b) Failing to follow procedures as laid out in the bylaws or approved policies of the BCLA;
  - c) Making a decision that was influenced by bias;
  - d) Failing to consider relevant information and/or taking into account irrelevant information in making the decision;
  - e) Exercising its discretion for an improper purpose; and/or
  - f) Making a decision that was unreasonable.

### **Jurisdiction**

3. An appeal to the Appeal Committee can only be made once all the complaints, disciplinary, or appeal processes from a BCLA member governing body have been exhausted.
4. The Appeal Committee has the jurisdiction to manage its own processes and may produce rules respecting practice and procedure to enable the unbiased and timely resolution of the matters before it, including but not limited to:
  - a) Holding pre-hearing conferences which might include confidential conferences, requesting parties to attend a pre-hearing conference;
  - b) Written submissions by parties;
  - c) Exchange of records and documents by parties;
  - d) Procedures for preliminary or interim matters;
  - e) Any additional parties or witnesses to an application;
  - f) Adjournments;
  - g) Joining of applications;
  - h) Non-compliance with the Appeal Committee rules; and
  - i) Access and restrictions to documents.
5. Any changes to the rules in this section may be made at an Annual General Meeting or Special Session of BCLA or upon approval by the BCLA Board.
6. The BCLA must ensure that these rules of practice and procedure are available to the members and public.

### **Notice of Appeal**

7. The Notice of Appeal must include the following:
  - a) Contain the appellants name, address, phone number(s) and e-mail address;
  - b) Identify the decision that is being appealed;
  - c) State why the decision should be changed and the grounds (see BCLA Appeal Policy, clause 2) for why the appeal is being made;
  - d) State the outcome requested;
  - e) Must include the required \$500.00 fee; and
  - f) Include any relevant documentation.

### **Launching an Appeal**

8. Anyone who wishes to appeal must provide to the BCLA Executive Director written notice and payment of \$500.00 no later than seventy-two (72) hours after receipt of the decision from the BCLA member governing body.
9. The notice of appeal (see BCLA Appeal Policy, clause 7) should be submitted to the BCLA Executive Director, who upon review of the notice of appeal, will send confirmation of receipt to the appellant.

## **Composition**

10. A Chair for the Appeal Committee will be selected by the BCLA Executive Director in consultation with the Vice President – Finance & Administration from the Appeal Committee Membership List (see BCLA Appeal Policy, clause 17).
11. Within five (5) business days of reviewing the notice of an appeal, the BCLA Executive Director will forward the notice of appeal to the Chair of the Appeal Committee who will then determine the merit of whether an Appeal Committee should be formed. The Chair of the Appeal Committee may dismiss all or part of the appeal if they determine that the appeal does not meet grounds as defined in BCLA Appeal Policy, clause 2;
12. The Chair of the Appeal Committee or designate shall review the notice of appeal within five (5) business days of receipt.
13. If upon preliminary view, the appeal appears to have no grounds, the Chair of the Appeal Committee or designate shall notify the appellant of that opinion, giving the appellant a reasonable opportunity to make further submissions before making a final decision. The final decision whether an issue goes before an Appeal Committee shall be made by the Chair or designate within five (5) business days of receipt of the further submissions.
14. If the final decision is that the appeal has no grounds, the appellant shall be notified of that decision, in writing, with reasons, and the appeal shall be dismissed, and the \$500.00 will be refunded.
15. If the Chair of the Appeal Committee or designate determines an Appeal Committee is warranted, that Appeal Committee will be convened within thirty (30) business days.
16. If there are grounds for the formation of an Appeal Committee, the Executive Director in consultation with the VP Finance & Administration or designate shall select members for an Appeal Committee from the annual Appeal Committee Membership List.
17. The BCLA Vice President Finance & Administration will appoint a minimum of twenty-five (25), potential Appeal Committee members by January 1 each year to the Appeal Committee Membership List. Consultation with the Chairs of the Senior, Minor and Field Directorates regarding potential members to appoint to the Appeal Committee Membership List will be undertaken.
18. Each Appeal Committee hearing will have a Chair and three (3) to seven (7) members. The Appeal Committee members will have the jurisdiction of and may exercise and perform the powers and duties provided to them under this policy.
19. In the case of an appeal hearing necessary under BCLA General Operating Policy, Section 14.03.2 (Harassment) Policy, the Appeal Committee should make every effort to be comprised of a minimum 51% of the same gender as the appellant.
20. The decision of a majority of the members constitutes the decision of the Appeal Committee.

## **Natural Justice and Duty to Act Fairly**

21. This policy follows the principles of natural justice aimed to provide Individual Registrants and Member Associations with a fair hearing.
22. All Individual Registrants and Member Associations have the right to and/or must be provided the right to:
  - a) A process free of bias: the members of the Appeal Committee are unbiased, in that they are impartial and unprejudiced, and are reasonably perceived to be unbiased;
  - b) Prior notice: advance access to relevant information that identifies the allegations and contains sufficient information for respondents to respond to the allegations and participate meaningfully in the decision-making process.
  - c) Fair hearing: the respondent is afforded a timely and reasonable opportunity to participate in the hearing, and may either represent themselves, or be represented by a person of their choosing and the members of the Appeal Committee genuinely consider the respondent's submissions in making their decision.

### **Confidentiality**

23. Members of the Appeal Committee will ensure that everything disclosed to them during the course of their work, including but not limited to the facts of the case, the contents of their deliberations, and the decisions taken, remains confidential.

### **Limitation Period for Appeal**

24. As per BCLA Appeal Policy, clause 8, the notice of appeal must be filed with the BCLA Executive Director no later than seventy-two (72) hours after the decision being made by the BCLA member governing body.

25. The commencement of an appeal does not operate as a stay or suspend the decision being appealed.

26. The Appeal Committee shall hold an appeal hearing within thirty (30) business days of their receipt of the notice of appeal.

27. If, for some unforeseen reason or extenuating circumstances, the Vice President Finance & Administration may extend any Appeal Committee related timelines.

### **Summary Dismissal**

28. At any time once an application has been filed, the Chair of the Appeal Committee, may dismiss all or part of it if the Appeal Committee determines that:

- a) the application is not within the jurisdiction of the Appeal Committee;
- b) the application was not filed within the applicable time limit; and
- c) the application was made in bad faith or filed for an improper purpose or motive.

29. If the Appeal Committee dismisses all or part of the application, the Chair must inform all parties of the decision in writing within seven (7) business days and the reason for that decision.

### **Recording of Hearing**

30. The Chair or designate of an Appeal Committee will record the hearing. This recording will be forwarded to the BCLA Executive Director to keep on file.

### **Form of Hearing of Application**

31. The hearing may be in any combination of in person or virtual.

### **Witnesses**

32. A party to the application may provide a witness statement in writing if that witness is relevant to the issue(s) in the application.

33. The Appeal Committee and a party to the application have the right if necessary to ask questions to the witnesses for a full and fair disclosure of the matters relevant to the hearing.

34. The Chair may limit the examination of the witness if the Chair is satisfied that the questions have been answered.

### **Evidence**

35. The Chair may receive and accept information that it considers relevant, necessary and appropriate to the matter that is being appealed.

### **Adjournments**

36. The Chair has the right to adjourn an Appeal Committee hearing if required and provide reasons for the adjournment.

37. The Chair must ensure that the adjournment does not impact any of the parties in a negative way.

### **Decisions**

38. The Appeal Committee may attach terms or conditions to a decision.

39. The Appeal Committee's decision is effective on the date on which it is issued, unless otherwise specified by the Appeal Committee.

40. The Chair must communicate the Committee's final decision in writing within seven (7) business days to the parties affected by the decision and give reasons for the decision. A

copy of this letter must be sent to the BCLA Executive Director to keep on file.

41. If the appellant is successful, the cost of the appeal (\$500.00) will be returned to the issuing person. If the appellant is not successful (e.g., appeal denied), the money is then forfeited.

#### **Review by Final Level of Appeal**

42. If a further appeal is warranted by anyone with a vested interest, it can be made to the BCLA Board. A further \$500.00 will be required and a written appeal to the BCLA Board.
43. The notice of appeal to the BCLA Board and the payment in the amount of \$500.00 must be received by the BCLA Executive Director within seven (7) business days of decision from the Appeal Committee.
44. The same timelines as an Appeal Committee process apply to the appeal being made to the BCLA Board.

#### **Reinstatement**

45. If an individual or association is seeking reinstatement, permission to be reinstated must be sought from an Appeal Committee.

#### **Immunity for Appeal Committee**

46. The Chair of the Appeal Committee, Appeal Committee members, BCLA Executive, or other officers who make a decision in an appeal application within their performance of a statutory duty or in the exercise of statutory power is not subject to legal proceedings.
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*Proposed by Doug Wright, BCLOG Chair*

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**BY-LAW NUMBER XI: DIRECTORATES/TECHNICAL SUPPORT GROUPS –  
5. The British Columbia Lacrosse Officials Technical Support Group (BCLOTSG) 5(a)  
– currently reads:**

- (a) The BCLOTSG executive shall consist of the Chair, the Secretary, Immediate Past Chair, Director at Large, and four vice chairpersons representing Minor Box lacrosse, Senior Box lacrosse, Women’s lacrosse, Sixes and Men’s Field lacrosse.

**Amend BY-LAW NUMBER XI: DIRECTORATES/TECHNICAL SUPPORT  
GROUPS – 5. The British Columbia Lacrosse Officials Technical Support Group  
(BCLOTSG) 5(a) that would read:**

- (a) The BCLOTSG executive shall consist of the Chair, the Secretary, *Treasurer*, Immediate Past Chair, Director at Large, and four vice chairpersons representing Minor Box lacrosse, Senior Box lacrosse, Women’s lacrosse, Sixes and Men’s Field lacrosse.

**Rationale:** The BCLOTSG is seeking to create a Treasurer position for our group. In recent years the tasks of managing a budget and in tracking game fees for senior box officials has become a much larger task. It is felt that the responsibilities of such a role require this to be an elected and accountable position.

This motion also affects the following (please name the Specific Constitution, By-Laws and/or Operating Policies, Regulation Numbers, Page Numbers):

BCLOTSG Policy 3.01 a  
BCLOTSG Policy 3.01 d  
BCLOTSG Policy 3.04 new section g  
BCLA Bylaw XI, Section 5 A (*This submission*)  
BCLA Bylaw XI, Section 5 G

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*Proposed by Doug Wright, BCLOG Chair*

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*Proposed by Doug Wright, BCLOG Director at Large*

**BY-LAW NUMBER XI: DIRECTORATES/TECHNICAL SUPPORT GROUPS –  
5. The British Columbia Lacrosse Officials Technical Support Group (BCLOTSG) 5(g)  
– currently reads:**

- (g) The BCLOTSG Vice Chair and Secretary positions shall be elected by secret ballot at the Special Session, for two-year terms. The Director at Large shall be elected for a one-year term. The Vice Chairs for Minor, Senior, Sixes and Field will be elected in even numbered years. The Vice Chair Women’s Field and Secretary will be elected in odd numbered years. In the event that there is but a single nominee for the office, the Secretary shall cast one vote for such nominee. Should the positions not be filled at the Special Session, it will be the duty of the BCLOTSG Chair to recruit and appoint a member to the open Vice Chair positions.

**Amend BY-LAW NUMBER XI: DIRECTORATES/TECHNICAL SUPPORT  
GROUPS – 5. The British Columbia Lacrosse Officials Technical Support Group  
(BCLOTSG) 5(g) that would read:**

- (g) The BCLOTSG Vice Chair, *Treasurer*, and Secretary positions shall be elected by secret ballot at the Special Session, for two-year terms. The Director at Large shall be elected for a one-year term. The Vice Chairs for Minor, Senior, Sixes and Field will be elected in even numbered years. The Vice Chair Women’s Field, *Treasurer*, and Secretary will be elected in odd numbered years. In the event that there is but a single nominee for the office, the Secretary shall cast one vote for such nominee. Should the positions not be filled at the Special Session, it will

be the duty of the BCLOTSG Chair to recruit and appoint a member to the open Vice Chair positions.

**Rationale:** The BCLOTSG is seeking to create a Treasurer position for our group. In recent years the tasks of managing a budget and in tracking game fees for senior box officials has become a much larger task. It is felt that the responsibilities of such a role require this to be an elected and accountable position.

This motion also affects the following (please name the Specific Constitution, By-Laws and/or Operating Policies, Regulation Numbers, Page Numbers):

BCLOTSG Policy 3.01 a

BCLOTSG Policy 3.01 d

BCLOTSG Policy 3.04 new section g

BCLA Bylaw XI, Section 5 A

BCLA Bylaw XI, Section 5 G (**This submission**)

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