

Bylaws
Battlefords Minor Ball Inc.

Article 1 - Name

This Corporation shall be known as "Battlefords Minor Ball Inc.",

Article 2 - Purpose of the Corporation

The purpose of this corporation shall be:

1. "To foster, coordinate and improve the sport of baseball in the Battlefords and District Area"
The purpose is to promote, and improve Battlefords Minor Ball Inc. at all possible age levels in the Battlefords and District area in accordance with the standards and playing rules as prescribed by Saskatchewan Baseball Associations amended by the Canadian Baseball Association.
2. To institute, regulate, and operate a baseball program within the Battlefords and District as zoned by Saskatchewan Baseball Corporation, whereby and wherever possible all persons between the ages of 6 and 21 years of age will have an opportunity to play baseball at their own skill level.
3. To institute and regulate competitions for determining entrants in each level of post-season play downs.
4. To provide a program for the instruction of baseball skills for persons of all ages.
5. To attempt to instill attitudes of fair play and good sportsmanship to all players and those associated with Battlefords Minor Ball Inc.

Article 3 - Directors and Members

1. Qualifications of a Voting Member

A member who shall enjoy full voting privileges will be designated as any person who:

- a) Has a child playing within the corporation or is the legal guardian of such a child.
- b) Acts as a coach or manager of a team within the Corporation.

- c) Is designated as an umpire within the Corporation.
- d) Has, by two-thirds majority of members at Annual or General Meeting been designated as a member

2. Disqualification of a Member

The Executive shall have the right to expel a member whose actions are deemed detrimental to Battlefords Minor Baseball Inc. Disqualification action shall be taken at an Executive Meeting and passed by a two-thirds majority vote of the members present. The member in question will be given the opportunity to answer charges against him/her in accordance with the Discipline and Dispute Resolution procedure established by these By-Laws.

Article 4 - Board of Directors

1. The business of the Corporation shall be managed by a Board of Directors consisting of a sufficient number of individuals as may be deemed necessary by the Corporation. Mandatory positions on the Board of Directors shall be:
 - President
 - Vice President
 - Secretary
 - Treasurer
 - Division Directors for all operating divisions and other duties:
 - Junior Division
 - Midget Division
 - Bantam Division
 - PeeWee Division
 - Mosquito Division
 - Rookie Division
 - Umpire-in-Chief
 - Equipment Manager
 - Website Manager

2. The President, Vice-President, Secretary, Treasurer and member at large will constitute the Executive and may have duties designated to them by the Board of Directors.
3. The Board of Directors may add to their numbers other members to supervise such duties as: Co-ordination of diamonds, Player Agent, Auxiliary representatives, Liaison officers with other organizations, Publicity coordinator, or Statistician.
4. Members of the Board of Directors must be at least 18 years of age.
5. The members of the Board of Directors shall have the opportunity to manage, coach and umpire for teams associated with Battlefords Minor Ball Inc.
6. The terms of office of the Board of Directors shall be determined as follows:
 - a. The first Directors shall hold office until the first Annual meeting of members.
 - b. At the first Annual Meeting of members the Directors holding the positions of, Vice President, Treasurer, Midget Division, Pee Wee Division, Rookie Division and Equipment Manager shall be elected for a one year term with the remaining Directors being elected for a two year term.
 - c. Thereafter, as the terms expire each Director shall be elected for a two year term.
7. The Directors shall serve without remuneration of any kind. A Director may be paid reasonable expenses incurred in the performance of his/her duties as approved by the Board of Directors.
8. A vacancy on the Board of Directors may be filled by appointment of a majority vote of a quorum of the Directors at a duly convened meeting. The appointed Director shall hold office until the appointment is approved or rejected at the next Annual General Meeting of members of the corporation following the date of the appointment. If the appointment is not approved by the members at the Annual General Meeting there shall be an election held to fill the vacant position. In the event that the vacant position is not filled by appointment it shall be filled by an election held at the next Annual General Meeting of the members of the Corporation following the vacancy occurring. Upon the appointment being approved or a Director being elected at the Annual General Meeting the Director shall serve the balance of the unexpired term of office of the Director being replaced.
9. The Board of Directors may declare a Director's position vacant in the event that a Director fails to attend three consecutive meetings. The Board of Directors shall make every attempt possible to determine the reasons for the Director's absence prior to

declaring the position vacant and shall provide the offending Director a reasonable opportunity to explain the absences prior to a decision being rendered.

Article 5 - Duties of the Board of Directors

1. **(The President)** The President of the Corporation shall preside at all meetings of the Board of Directors and shall perform such other duties as may be prescribed by the Board of Directors. The President shall be the Principal Executive Officer of the Corporation and shall in general, supervise and control all of the business and affairs of the Corporation. The President may sign, along with the Secretary or any other designated officers of the Corporation authorized by the board of Directors, any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized to be executed except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other officer or agent of the Corporation or shall be required by law to be otherwise signed or executed. He shall be Chairman of the Executive Committee.
2. **(The Vice – President)** In the absence of the President, or in the event of the President's inability or refusal to act, the Vice-President shall perform the duties of the President and when so acting, shall have all the power of, and be subject to all the restrictions of the President. The Vice-President shall perform other duties as may be assigned by the President or the Board of Directors.
3. **(The Treasurer)** The Treasurer shall have charge and custody of, and shall be responsible for, all funds and securities of the Corporation. The Treasurer shall receive and give receipts for monies due and payable to the Corporation from any source and deposit all such monies in the name of the Corporation in such banks, trust companies, credit unions, or other depositories as shall be selected in accordance with provisions of Article V of these bylaws; and in general perform all the duties as may be from time to time assigned by the President or Board of Directors. The Treasurer, President, and Secretary shall have signing authority. Cheques are to be signed by two of the three aforementioned members. The Treasurer and or Vice President is responsible for the writing of all financial reports required by the Corporation or government agencies.
4. **(The Secretary)** The Secretary shall record and maintain the minutes of the meetings of the Board of Directors; ensure that all notices are duly given in accordance with the provisions of these bylaws or as required by law; be custodian of the Corporation records and of the seal of the Corporation and ascertain that seal is affixed to all documents the Execution of which on behalf of the Corporation under its seal is requested or authorized; maintain a register of the name and post office address of each Director and officer of the Corporation and in general perform

all duties incidental to the office of Secretary, and such other duties as may be assigned by the President or by the Board of Directors.

5. **(Division Directors)** The Division Directors shall be responsible for the organization of all players and teams under their jurisdiction. Each Division Director shall appoint coaches for each team in the Director's division and determine the means by which the rosters of each team shall be chosen. The Division Directors shall be responsible for ensuring that proper equipment is assigned to each team, that a proper inventory of equipment is maintained, and that all equipment is returned to the Manager of Equipment at the end of the season. The Division Directors shall organize game schedules for the Director's respective league and shall chair any coaches' meeting which is called. The Division Directors are to ensure that rules are fully discussed at a coaches' meeting prior to the beginning of each season and must ensure that all coaches receive a written report of each meeting. The Division Directors shall be responsible for contacting the Department of Parks and Recreation for the City, if any maintenance is required on the ball diamonds assigned to the Director's Division. Division Directors will be responsible to find umpires for the respective divisions or to ensure that this duty is done in coordination with the team coaches, and to inform umpires of division rules as they pertain to certain age groups.
6. Unless a Commissioner or some other officer is so designated, the President shall be responsible for ensuring that all players, coaches, managers and team officials with no exceptions adhere to the playing rules as set down by the Board. In emergency situations the President shall have the power to suspend, without prior consultation with the Board, any player, coach, manager or team official and umpire, from further play (up to three games) for actions deemed detrimental to the Corporation. The matter shall be taken to the Executive at its earliest convenience for further consultation and/or action.

Article 6 - Meetings of Members of the Corporation

1. The Annual General Meeting of members of the corporation shall be held prior to November 30 each year or upon such later date as agreed upon by the Board of Directors in compliance with the *Non-Profit Corporations Act*. The purpose of the meeting shall be to:
 - a) Review the work of the Board of Directors;
 - b) Establish and review policy for the coming year;
 - c) Hold elections;
 - d) Present annual financial statement of the Corporation;
 - e) Reappointment of accountant and legal counsel;
 - f) Consideration of any special business such as amendment of the Bylaws of the corporation.
2. A Special Meeting of the members of Corporation may be called by the President when necessary. A Special Meeting of Members of the Corporation shall be called when

requested in writing by at least fifty members of the Corporation in good standing. A Special Meeting of Members shall be held no sooner than fifteen days and no more than fifty days from the date of notice to each member. Notice of a Special Meeting shall be provided as required by the *Non-Profit Corporations Act* of Saskatchewan.

3. Notice of an Annual or Special Meeting of members of the corporation shall be given to the membership by means of announcements in the local newspaper and radio station. The first of such notices shall be given at least fifteen days and no more than fifty days prior to the date of the meeting as required by the *Non-Profit Corporations Act* of Saskatchewan.
4. Members in good standing present shall constitute a quorum at any Annual or General Meeting of members of the Corporation.
5. At all Annual or General Meetings each member present shall have one vote and there shall be no vote by proxy.
6. All voting shall be done by show of hands, except where a motion for a secret ballot has been made and passed. Motions shall be carried only by a simple majority vote. A tie vote shall be broken by the President casting a vote.
7. At every Annual, General Meeting the Directors shall present to the members a financial statement prepared not more than thirty days prior to the date of the meeting, showing:
 - a. The assets and liabilities of the Corporation in the form of a balance sheet.
 - b. The receipts and disbursements of the Corporation since the date of the previous financial statement.
8. The financial statement shall be prepared in compliance with generally accepted accounting principles.
9. The President shall chair all General, Board, Special and Executive Meetings. In his absence the Vice-President shall assume the President's responsibilities. In the absence of both the President and the Vice-President, the members shall appoint a chairman.

Article 7- Meetings of Directors of the Corporation

10. **Frequency of Meetings-** The Board of Directors shall meet at least once per month for the purpose of carrying out the business of the Corporation. A meeting of a majority of the eligible voting Directors of the corporation can be called at any time by the President upon sufficient notice by fax, phone, email, or mail has been given to all members and they, if unable to attend, have waived their right to attend.
11. **Number of Directors and Quorum** – Subject to the articles the Board shall consist of the number of directors specified in the articles, except that if the articles provide for a minimum and maximum number of directors, the board shall consist of the number of directors determined from time to time by the shareholders within such minimum and maximum. A majority of the number of directors so specified or determined shall

constitute a quorum at any meeting of the Board.

12. **Qualification** - No person shall be qualified for election as a director:
 - if the person is less than 18 years of age;
 - if the person is of unsound mind and has been so found by a court in Canada or elsewhere;
 - if the person is not an individual; or
 - if the person has the status of a bankrupt.
13. **Removal of Directors** - Subject to the Act the shareholders may by resolution passed at a special meeting remove any director from office and the vacancy created by such removal may be filled at the same meeting failing which it may be filled by the directors.
14. **Vacation of Office** - A director ceases to hold office when such director: (a) dies or resigns; (b) is removed from office by the shareholders in accordance with the Act; or (c) ceases to be qualified for election as a director in accordance with the Act. A resignation of a director becomes effective at the time a written resignation is sent or delivered to the Corporation or the time specified in such resignation, whichever is later.
15. **Action by the Board** - The Board shall manage, or supervise the management of, the business and affairs of the Corporation. The powers of the Board may be exercised by resolution passed at a meeting at which a quorum is present or by resolution in writing signed by all the directors entitled to vote on that resolution at a meeting of the Board. Where there is a vacancy in the Board, the remaining directors may exercise all the powers of the Board so long as a quorum remains in office.
16. **Meeting by Communications Facility** - If all the directors of the Corporation consent, a director may, in accordance with the Regulations, participate in a meeting of the Board, or a committee of the Board, by means of a telephonic, electronic or other communications facility that permits all participants to communicate adequately with each other during the meeting. A director participating in such a meeting by such means is deemed to be present at the meeting. Any such consent shall be effective whether given before or after the meeting to which it relates and may be given with respect to all meetings of the Board and committees of the Board.
17. **Place of Meetings** - Meetings of the Board may be held at any place in or outside Canada.
18. **Notice of Meeting** - Notice of the time and place of each meeting of the Board shall be given by mail or email to each director not less than 48 hours before the time when the meeting is to be held. A notice of a meeting of directors need not specify the purpose of or the business to be transacted at the meeting except where the Act requires such purpose or business to be specified, including any proposal to: fill a vacancy among the directors or in the office of auditor or appoint additional directors; approve any annual financial statements; or adopt, amend or repeal by-laws.

A director may in any manner waive notice of or otherwise consent to a meeting of the Board, and attendance of a director at a meeting constitutes a waiver of notice, unless the director is attending for the express purposes of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

19. **Adjourned Meeting** - Notice of an adjourned meeting of the Board is not required if the time and place of the adjourned meeting is announced at the original meeting.
20. **Regular Meetings** - The Board may appoint a day or days in any month or months for regular meetings of the Board at a place and hour to be named. A copy of any resolution of the Board fixing the place and time of such regular meetings shall be sent to each director forthwith after being passed, but no other notice shall be required for any such regular meeting except where the Act requires the purpose thereof or the business to be transacted thereat to be specified.
21. **Conflict of Interest** - A director or officer who:
 - is a party to;
 - is a director or an officer, or an individual acting in a similar capacity, of a party to; or
 - has a material interest in any person who is a party to,

a material contract or a material transaction or a proposed material contract or a proposed material transaction, with the Corporation shall disclose the nature and extent of such director's or officer's interest at the time and in the manner provided by the Act. Any such contract or proposed contract shall be referred to the Board or shareholders for approval in accordance with the Act even if such contract is one that in the ordinary course of the Corporation's business would not require approval by the Board or shareholders, and a director interested in a contract so referred to the Board shall not vote on any resolution to approve such contract except as provided by the Act.

Article 8—Discipline and Dispute Resolution

Any suspension or discipline levied for action not described in the Bylaws of the Corporation will be considered at a meeting of the Board of Directors, to take place as soon as possible and in accordance with the Saskatchewan Baseball Association Dispute Resolution Policy in effect from time to time. The Saskatchewan Baseball Association Dispute Resolution Policy as amended from time to time is adopted by the Corporation in its entirety and the 2017 Saskatchewan Baseball Association Dispute Resolution Policy is attached to these Bylaws as Schedule "A".

Article 9 - Committees

The Board of Directors may appoint from the membership of the League such officers or committees as they deem desirable to perform duties not herein specifically charged to some other

person or committee.

Article 10- Audit Requirements

10.1 Auditor

10.1.1 The members of the Corporation shall, by ordinary resolution, at the first meeting of members and at each succeeding annual meeting either:

- a) appoint an auditor pursuant to section 149 of the Act to hold office until the next annual meeting; or
- b) dispense with an auditor as authorized by section 151 of the Act and appoint an accountant to conduct a review of the Financial Statements of the Corporation.

Until the first meeting of members, the Auditor shall be appointed by the Directors.

10.1.2 The Auditor or accountant engaged to prepare a review engagement report (hereinafter either shall be referred to as "the Auditor") must be an independent individual who is not a Director, Officer, or employee of the Corporation, nor a business partner or relative of any Director, Officer, or employee of the Corporation. He or she shall cease to hold office upon death or resignation, or upon removal in accordance with the provisions of the Act.

10.1.3 The Auditor is entitled to receive notice of and to attend every general meeting of members of the Corporation, and every meeting of the Audit Committee.

10.1.4 The Auditor shall make a report to the members and to the Board on the accounts examined by him or her and on every Balance Sheet and Statement of Income and Expenditures laid before the members at any annual meeting held during his or her term of office. The report shall state:

1. Whether or not he or she has obtained all of the information and explanations that he or she has required; and
2. Whether, in his or her opinion, the Balance Sheet is properly drawn up so as to exhibit a true and correct view of the state of the Corporation's affairs as at the date of the Balance Sheet and the result of its operations for the year ended on that date according to the best of the information and of the explanations given to him or her and as disclosed in the books and records of the Corporation.

10.2 Audit Committee

The Directors of the Corporation shall appoint an audit committee composed of no fewer than three Directors of the Corporation, a majority of whom are not executive officers of the Corporation. The Auditor of the Corporation or a member of the Audit Committee may call a meeting of the committee.

Article 11 Business of the Corporation

11.1 Registered Office

Until changed in accordance with the Act, the registered office of the Corporation shall be situated in the municipality specified in the Articles and at such location therein as the Board may from time to time determine.

11.2 Corporate Seal

The Corporate Seal of the Corporation shall be in such form as the Board may from time to time determine.

11.3 Fiscal Year

The fiscal year of the Corporation shall terminate on September 30th in each year.

11.4 Banking Arrangements

The banking business of the Corporation including, without limitation, the borrowing of money and the giving of security therefor, shall be transacted with such banks, credit unions, trust companies or other bodies corporate, organizations, or individuals as from time to time may be designated by or under the authority of the Board.

11.5 Execution of Instruments

Deeds, transfers, assignments, contracts, obligations, cheques, bills of exchange, orders for payment of money, and all other instruments required to be executed on behalf of the Corporation shall be signed by two persons, one of whom holds the office of President, and the other of whom may be either the Secretary or Treasurer. All instruments in writing so signed shall be binding upon the Corporation without any further authorization or formality. In addition, the Board of Directors may from time to time direct the manner in which and the person by whom particular instruments or class of instruments may be signed. Any signing officer may affix the Corporate Seal to an instrument requiring it.

11.6 Borrowing Powers

Without limiting the borrowing powers of the Corporation as set forth in the Act, the Board may from time to time:

1. borrow money upon the credit of the Corporation;
2. issue notes or other evidence of indebtedness or guarantee of the Corporation, whether secured or unsecured; and
3. charge, mortgage, pledge or otherwise create a security interest in the movable or immovable property of the Corporation.

Nothing in this Section limits or restricts the borrowing of money by the Corporation on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Corporation.

Article 12 Books and Records

12.1 Books & Records

The Board of Directors shall cause all books and records required to be kept by the Act and by the bylaws of the Corporation to be regularly and properly kept.

12.2 Contents of Minute Book

The Minute Book of the Corporation shall contain a copy of the Articles of Incorporation and any amendments thereto, Notices of Directors, Notices of Registered Office,

the bylaws of the Corporation, all special and ordinary resolutions of members' meetings, a register of members, copies or originals of all documents, registers, and resolutions as required by law, and copies of each annual Financial Statement presented to the members at the annual general meetings.

12.3 **Accounting Records**

The accounting records of the Corporation shall include a record of all monies received and expended by the Corporation and the matters in respect of which the monies are received or expended, and a record of all assets and liabilities of the Corporation, as well as all other transactions affecting the financial position of the Corporation.

12.4 **Inspection**

The Minute Book of the Corporation shall be open to inspection by the Directors, Auditor, Officers, and all members of the Corporation. No member who is not a Director shall have any right to inspect any account, book, or document of the Corporation except as such right is conferred by law or is authorized by the Directors.

12.5 **Annual Financial Statement**

The Directors shall lay before each annual meeting of members a Financial Statement and the report of the Auditor. The Financial Statement shall:

1. be approved by the Board of Directors and signed by at least one of them;
2. cover a period that ended not more than six months before the annual meeting;
3. be a comparative statement (except in the case of the first Statement) relating separately to the latest completed fiscal year and the fiscal year next preceding it;
4. be made up of:
 - a) a Statement of Income and Expenditures for each period;
 - b) a Balance Sheet at the end of each period;

with each Statement containing the information required by the Act to be disclosed in such Statement.

Article 13- Provincial Teams

The Board of Directors are to approve/choose the Head Coaches, Assistant Coaches and Manager(s) for all Provincial teams, that will represent Battlefords Minor Ball Inc. at zone play-offs and the Provincial playoffs. Letters addressed to the Board of Directors from the appropriate candidates requesting to coach/manage Provincial teams must be received in writing prior to the first meeting of the Board of Directors in April each year.

All candidates must be qualified to coach in Zone and Provincial playoffs in accordance with the qualifications set by the Saskatchewan Baseball Association. A vote may be taken if necessary, during a meeting of the Board of Directors to determine the makeup of the Provincial Team coaching staff and management.

All activities of the selected Provincial teams representing the Battlefords Minor Ball Inc. will be under the auspices of the Board of Directors.

All fund raising must be approved by the Board of Directors, and any funds received by Provincial

teams and their representatives must be under the jurisdiction of the Treasurer and the Board of Directors. All funds are to be treated as general funds of the Corporation. It is generally understood that the Board of Directors will extend assistance, as approved and needed, to all Provincial teams.

Article 14 - Amendments to the Bylaws

1. Amendments to these bylaws may be made by a two-thirds majority vote of the Corporation members present at an Annual or Special Meeting in the manner prescribed by the *Non-Profit Corporations Act*, section 90 as amended from time to time. Written notice of the proposed amendments shall be provided to members of the Corporation as required by the *Non-Profit Corporations Act* of the Province of Saskatchewan.
2. Notice of proposed amendments shall be provided to Secretary of the Corporation not more than 50 days and not less than 15 days prior to the date of the Annual or Special Meeting.

Article 15 - Gender

It should be understood that all members of this Corporation, players, coaches, and members of the Board of Directors or its respective Committees may be composed of members from either gender and that the term "he" in this Constitution shall refer to both male and female.

Article 16 - Dissolution/Winding Up

16.1 Subject to the Act, the Corporation may be liquidated or dissolved by special resolution of members at a special general meeting of members called specifically for that purpose.

16.2 Subject to the provisions of the Act, upon liquidation or dissolution of the Corporation, the assets of the Corporation shall be used to pay any outstanding liabilities of the Corporation and the balance, if any, shall be given or transferred to such organization(s) within Canada that foster similar objects to those of the Corporation. In no case shall the property or assets of the Corporation be distributed among the members of the Corporation upon liquidation, dissolution or winding up.

Approved by the First Directors, February 9, 2017;

Approved by the members at the first Annual General Meeting held March 2, 2017.

Secretary

SCHEDULE “A”
Dispute Resolution Policy
March 2, 2017

SASKATCHEWAN BASEBALL ASSOCIATION DISPUTE RESOLUTION POLICY

The Bylaws of the Saskatchewan Baseball Association (the "SBA" or the "Association") provide that the Commissioner for Baseball (the "Commissioner") and the Board of Governors (the "Board"), have the power and authority to discipline for just cause, members of the Association for misconduct being:

"and conduct, behavior or action which is a willful breach of the Bylaws, Resolutions, policies, regulations or directives of the SBA, or is improper, unbecoming, sportsmanlike or contrary to the reputation and interests of the game of baseball or the SBA".

The process of discipline and the process for appeal of any order or decision arising from discipline by the Commissioner is as set out in the official Handbook of the Association. The process of discipline and the process for appeal of any order or decision arising from discipline by the Board of Governors is as set out in the Bylaws of the Association.

In addition, the Association as a member organization of SaskSport may be bound from time to time by the Rules, Regulations, Policies and Bylaws of SaskSport.

This Dispute Resolution Policy is intended to address certain matters not identified, contemplated or otherwise provided for in the Handbook or the Bylaws of the Association, and where not in conflict with the Rules, Regulations, Policies and Bylaws of SaskSport, including but not limited to:

1. Any matters relating to the selection of any member as a player, coach, manager or team official in any capacity, to a team whose membership is drawn from throughout the Province of Saskatchewan and funded in whole or in part by the Association (including any team designated as Sask First, Select, or other provincial representative team not otherwise formed at a club, league or zone level);
2. Any matters relating to permanent or part time or casual employment of any person by the Association (whether as a paid position or as a volunteer or by any combination thereof and whether a member of the Association not otherwise specifically provided for, but not including the circumstances leading to, the decision to and the terms of the termination of any employee;
3. Any matters relating to the relationship of members to each other not otherwise provided for in the Bylaws, the Handbook, any official policy of the Association (including but not limited to the Drug and Alcohol Policy of the Association); and
4. Any other circumstances where the Commissioner for Baseball or the Board of Governors, upon application by any member or person reasonably affected by this Dispute Resolution Policy, and notwithstanding any other existing policy or process, may deem that this Policy shall apply. If any application is so made to the Commissioner or to the Board of Governors (or to both) and is granted or is rejected by either the Commissioner or the Board then depending on whichever should first occur, this Policy shall or shall not apply.

Table of Contents

- 1. Dispute Resolution Bodies (Investigation Committee and Hearing Committee)**
- 2. Referral and review of complaints and incidents**
- 3. Investigation**
- 4. Interim suspension of member**
- 5. Acting upon the Investigator's report**
- 6. Hearings**
- 7. Procedure**
- 8. Disciplinary Powers**
- 9. Deference to Other Authorities**
- 10. Time for Completion**
- 11. Appeal to the Board**
- 12. Effect of Expulsion or Suspension**
- 13. Conflict of Interest or Bias**
- 14. Records and Use of Decisions**
- 15. Expulsion from the Association**

1. Dispute Resolution Bodies

Two bodies will be appointed to resolve disputes, to which this Policy applies.

1.1 Investigation Committee

- 1) The investigation committee is established consisting of a chairperson and such other persons as the chairperson may appoint.
- 2) The Board shall appoint the chairperson of the investigation committee.
- 3) The chairperson may appoint members to the committee from time to time for the purpose of that appointee serving as investigator of a specific complaint.
- 4) Members of the hearing committee and members of the Board are not eligible to be a member of the investigation committee.

1.2 Hearing Committee

- 1) The President of this Association (the "President"), upon receipt of a report from the investigation committee which recommends that a hearing be conducted, shall appoint a hearing committee consisting of one or three persons.
- 2) Members of the investigation committee and members of the Board are not eligible to be appointed as a member of the hearing committee.
- 3) If the President considers it appropriate to do so, he or she may appoint to the hearing committee a person nominated by each party to the dispute.

2. Referral and review of complaints

- 2.1 A complaint to investigate the application of the Policy must be made to the President promptly and within the time guidelines set by policy of the Board.
- 2.2 The President may extend the time for submission of a complaint notwithstanding the expiration of the time set by Board guidelines.
- 2.3 The President shall refer complaints to the Chairperson of the Investigation Committee.
- 2.4 The chairperson of the investigation committee may require that a complaint be stated in writing.
- 2.5 If the chairperson of the investigation committee is satisfied that the complaint is not valid or does not raise an issue appropriate under this Policy, the chairperson shall advise the complainant and thereafter shall take no further action (under the terms of this policy) in relation to that complaint.
- 2.6 Where the chairperson has not dismissed a complaint pursuant to 3.5, the chairperson shall appoint one or more members of the investigation committee as investigator of the complaint or incident.
- 2.7 The chairperson may appoint himself or herself as the investigator or as one of the investigators.

3. Investigation

3.1 The investigator shall:

- 1) Review the complaint or the request
- 2) Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:

- a) sending a copy of summary of the complaint to those named in the complaint, those making the complaint or to any witnesses with a request that they respond in writing to the allegations by a date set by the investigator;
 - b) communicating with or interviewing persons involved in the incident or whose conduct is the subject of the complaint; and
 - c) communicating with or interviewing other persons who may have relevant information.
 - 3) Extend the investigation to include any other incident that comes to the attention of the investigator in the course of the investigation.
 - 4) When practical to do so, encourage the parties to resolve the dispute directly.
 - 5) With the agreement of the parties, arrange mediation of the dispute.
- 3.2 On completion of the investigation, the investigator shall make a written report to the President recommending:
- 1) That the President appoint a hearing committee to hear and resolve the dispute or to hear the charges, as the case may be; or.
 - 2) That no further action be taken with respect to the matter investigated because:
 - a) the matter has been resolved between the parties,
 - b) no further action is warranted on the facts of the case.
- 3.3 The matters set out in a written report may relate to any matter disclosed during the investigation.
- 3.4 A report signed by a majority of the investigation committee is a decision of investigators

4. Interim suspension of member

- 4.1 In cases of alleged serious misconduct or if there is a risk of physical or emotional harm to other persons, the investigator may submit written reasons to the President recommending that, pending the outcome of an investigation, a player, team, coach, official, parent/guardian or spectator under investigation:
- 1) be suspended from participation or
 - 2) be allowed to continue participation subject to conditions or restrictions, (notwithstanding any other provision in the Bylaws or mandated authority to discipline the member of the Association in any other official or officer including but not limited to his Commissioner for baseball).
- 4.2 Upon receiving the written recommendations of the investigator, the President shall:
- 1) If satisfied that continued participation is inappropriate in the circumstances, may order suspension of involvement in organization activities or impose other less restrictive conditions pending the recommendations of the hearing committee.
 - 2) If satisfied that continued participation is appropriate in the circumstances, decline the recommendation of the investigator.
- 4.3 An order of suspension or the imposition of conditions on a member, pending the recommendations of the hearing committee, shall:
- 1) terminate 30 days after the date of the suspension or imposition of conditions, unless renewed or revised by the President upon a further written recommendation by the investigator.
 - 2) be superseded by the recommendations of the hearing committee

5. Acting upon the Investigator's report

- 5.1 If the investigation committee recommends no further action on a complaint, the President shall provide a copy of the investigation committee's reasons for that recommendation to the person or person(s):
 - 1) whose conduct is the subject of the complaint
 - 2) who initiated the complaint
- 5.2 If the investigation committee is of the opinion that a hearing committee should be appointed, the President shall appoint a hearing committee.
- 5.3 The President shall report a decision not to appoint a hearing committee to the next meeting of the Board.

6. Hearings

- 6.1 The hearing committee shall conduct a fair hearing of dispute reported in the investigation committee's report.
- 6.2 At the request of the hearing committee, the President shall communicate the time and place of the hearing and any other pertinent information to the parties.

7. Hearing Procedure

- 7.1 In disputes of a nature that the hearing committee considers to be minor, the hearing may be conducted in writing. The parties shall be:
 - (a) informed that a hearing committee has been established;
 - (b) informed of the dispute to be heard;
 - (c) provided with a copies of the dispute resolution policy;
 - (d) invited, within a time specified by the committee, to make written submissions of any information or arguments relevant to the deliberations of the committee;
 - (e) informed of the findings of the hearing committee;
- 7.2 If the hearing committee does not consider the dispute to be minor, the parties shall have a right to be heard in person:
 - 1) At least 3 days before the date of the hearing the parties shall be:
 - (a) informed that a hearing committee has been established;
 - (b) informed of the dispute to be heard;
 - (c) provided with a copy of the dispute resolution policy.
 - 2) The hearing committee shall hear the dispute and shall rule on the issues in dispute.
 - 3) Parties may be represented by legal counsel at their own expense.
 - 4) There is to be full right:
 - a) to examine, cross-examine and re-examine all witnesses
 - b) to present evidence in defence and reply.
 - 5) Where a party fails to attend the hearing, the hearing committee may proceed in his or her absence.
 - 6) If, during the course of a hearing, the evidence shows that the accused may be guilty of misconduct different from or in addition to any issue specified to be heard, the hearing committee shall adjourn the hearing for any period that the committee considers sufficient to give the accused an opportunity to prepare a response, unless the respondent consents to continue the hearing.
 - 7) The hearing committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

- 8) The hearing committee may accept a record of a criminal conviction or the written reasons for a decision imposing discipline by any other organization as evidence of the conduct giving rise to the conviction or discipline.
 - 9) On its own initiative or at the request of any party, the hearing committee may restrict the public from the hearing. The hearing committee shall exclude the public if the committee is of the opinion that an open hearing will unduly violate the privacy of any person.
 - 10) The deliberations of the hearing committee shall be conducted in private, and no person who is not a member of the committee shall be present.
- 7.3 The hearing committee shall give written reasons for its decisions and for any discipline imposed. Copies shall be provided to the parties and to the Board.

8. Disciplinary Powers

- 8.1 The hearing committee may specifically, and in addition to any other decision make one or more of the following orders, in writing:
- 1) An order that the person(s) be suspended from the Association for a specified period
 - 2) An order that the person(s) be suspended pending the satisfaction and completion of any conditions specified in the order
 - 3) An order that the respondent may continue to participate only under conditions specified in the order
 - 4) An order reprimanding the respondent
 - 5) Any other order that the hearing committee considers just.
- 8.2 In making an order the hearing committee shall take into consideration:
- 1) The age, experience and maturity of the person(s)
 - 2) The nature of the matters complained of;
 - 3) Any information which, in the opinion of the committee is reliable and relevant to the determination of an appropriate order, including;
 - a) previous misconduct of the respondent, regardless of whether or not that misconduct was the subject of discipline
 - b) the character of the respondent

9. Deference to Other Authorities

- 9.1 Where the President, chairperson of the investigation committee or the chairperson of the hearing committee believes that the person(s) whose conduct is being investigated may be guilty of a criminal offence, that person may refer the matter to an appropriate authority.

10. Time for Completion

- 10.1 The investigation, hearing and decision of the hearing committee shall be completed as soon as practical in the circumstances of the complaint.
- 10.2 The Board may set time guidelines for any matters that the Board considers appropriate, including the time for complaints to be made to the President, and the time for completion of steps in the hearing process.
- 10.3 In deciding an appeal from a decision of the hearing committee, the Board may consider the failure to comply with time guidelines.

11. Appeal to the Board

- 11.1 A person(s) may appeal the decision or any order of the investigation committee or the hearing committee to the Board by serving a written notice of appeal within seven (7) days of receipt of the decision or order.
- 11.2 The written notice shall state the grounds of appeal.
- 11.3 The President shall not participate in the hearing of an appeal.
- 11.4 No Board member shall participate in the hearing of an appeal if:
 - 1) The Board member has a conflict of interest or is biased
 - 2) If there is any reasonable basis on which it may appear that the Board member may have a conflict of interest or may be biased.
- 11.5 The participation by a Board member in any step of the investigation process prior to the hearing of the appeal shall be deemed to create the appearance of a bias.
- 11.6 The participation by a Board member in any step of the investigation or hearing process prior to the hearing of the appeal shall be deemed to create the appearance of a bias.
- 11.7 If all Board members are unable to participate in the hearing, the Board shall appoint a committee of not more than three persons to hear the appeal.
- 11.8 On hearing an appeal the Board or the appointed committee may:
 - 1) Dismiss the appeal
 - 2) Allow the appeal and in so doing:
 - a) Order a new hearing;
 - b) Vary the order of the hearing committee;
 - c) Substitute its new decision for that of the hearing Committee, or provide for such other remedy as it may see fit in the circumstances.There is no further appeal from the decision of the Board.

12. Effect of Suspension

- 12.1 When a person(s) is suspended from the organization pursuant to this policy, that person(s) is not eligible to serve any function within the organization or attend any organization activities.

13. Conflict of Interest or Bias

- 13.1 In the event that any member of either the investigation committee or the hearing committee, other than one nominated by the parties, has a conflict of interest or is biased, that person shall declare the conflict or bias and the President shall appoint a replacement.
- 13.2 In the event of a conflict of interest on the part of a Board member, that member shall not participate in the decision of the Board.

14. Records and Use of Decisions

- 15.1 The organization shall maintain a record of all decisions of hearing committees and of all decisions of the Board on appeal.
- 15.2 The hearing committee and Board may consider the decisions of previous hearing committees and Boards, but are not bound by the precedent.

15.3 Decisions of a hearing committee and decisions of the Board on appeal are matters of public interest and shall be publicly available without disclosing the names of the individuals involved. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.

15.4 If the committee or Board decides that making the decision publicly available will unduly violate the privacy of any person, the committee or Board may direct that the decision or part of the decision should be kept confidential.

15.5 Decisions resulting in termination of membership or in a suspension of membership rights for one year or longer shall be reported to the Dispute Management Office of Sask Sport Inc. who may provide information from the decisions to its membership, including the names of persons who have been the subject of the discipline.

15. Expulsion from the Association

15.1 A member may be expelled from the Association upon a resolution of two thirds of the members voting in favour of expulsion, at a duly constituted meeting of the members.

15.2 In such event, the processes as set out in this policy shall apply (where not otherwise in conflict) *mutatis mutandis*.

15.3 There is no right of appeal from resolution expelling a member from the Association.