



Proposed Changes to Current Bylaws

Proposed changes to the current bylaws include the following:

Change 1

Rewriting of the bylaws removing the job descriptions. Job descriptions will be written into a new CVLA Operating Policy and will be updated and produced by the CVLA Board of Directors over the 2023 season.

(moved by Anthony Bone, seconded by Janice Parmar)

Reasoning: This will bring the CVLA Bylaws up to date and keep current with other minor sport associations writing of bylaws.

Change 2

The addition of the following bylaw:

10.0 Harassment Prevention and Resolution Standard

10.1 The application of this standard applies to players, parents, officials, and volunteers associated with the CVLA. Harassment in any form, including in the use of social media, constitutes unacceptable conduct and will not be tolerated in the CVLA. It is unacceptable for anyone associated with the CVLA to subject any person in the association to harassment.

10.2 Harassment means any behaviour by a person engaged in any paid or volunteer capacity, role, or function with the CVLA that is offensive to any person or group of people and which the individual knew or ought to have known would be unwelcome. Harassment may be intentional or unintentional and can take many forms, but generally involves conduct, comment, or display which is insulting, intimidating, humiliating, hurtful, demeaning, belittling, malicious, degrading, or otherwise causes offence, discomfort, or personal humiliation or embarrassment to a person or group of people. This definition includes all elements within bullying, cyber or sexual situations.

10.3 Interpretation:

- a. "harassment" may include the abuse or misuse of authority inherent in the position of an individual;
- b. "harassment" is also any act that involves participation as a result of expressed or implied coercion, and that demeans, belittles or causes personal humiliation or embarrassment at any ceremony or other event, such as an initiation rite;
- c. "abuse of authority" may mean: taking advantage of a position of authority to exploit, compromise or mistreat others; the improper use of power or authority to endanger a person's opportunities; intimidation, threats, blackmail and coercion. Abuse of Power may include behaviour such as shouting, belittling a person's work, favouritism/disfavouritism, unjustifiably withholding information that a person needs to perform their work and asking subordinates to take on personal errands. However, if an individual has authority over another individual in a situation by virtue of appointment, the proper exercise of that authority is not harassment. This includes the proper exercise of authority related to the provision of advice, the assignment of work, counselling, playing time, discipline, and other supervisory and leadership functions.

10.4 The CVLA is committed to providing a respectful environment through:

- a. Prevention of harassment by:
 - i. establishing the promotion of a comprehensive harassment prevention and awareness policy;
 - ii. ensuring that everyone within the CVLA has the right to be treated respectfully and with dignity in an environment free of harassment; and
 - iii. ensuring that Board members, Coaches, Parents and Players at all levels take immediate steps, whether or not a complaint has been submitted, to stop any harassment that:
 - a. they witness; or
 - b. is brought to their attention;
- b. Resolution of harassment by:
 - i. Establishing efficient harassment complaint resolution processes, including restoration activities;
 - ii. Offering informal conflict resolution, in a timely fashion, if appropriate;
 - iii. Taking steps in the association when it has been determined that harassment has not occurred but that a conflict exists.

10.5 The CVLA affirm that an environment that fosters teamwork and encourages individuals to contribute their best effort in order to achieve the vision of the association is essential. Harassment in certain forms is not only against the law, but also erodes mutual confidence and respect for individuals and can lead to a poisoned environment. As a result, effectiveness, productivity, team cohesion and morale are placed at risk.

10.6 The following six criteria, as set out in the definition of harassment, must be met for harassment to have occurred:

- a. improper conduct by an individual;
- b. individual knew or ought reasonably to have known that the conduct would cause offence or harm;
- c. if the harassment does not relate to a prohibited ground of discrimination under the *British Columbia Human Rights Act*, the conduct must have been directed at the complainant;
- d. the conduct must have been offensive to the complainant;
- e. the conduct may consist of a series of incidents, or one severe incident which had a lasting impact on that complainant; and
- f. the conduct must have a link to the association.

10.7 The CVLA must provide association members with:

- a. information about:
 - i. conduct that constitutes harassment;
 - ii. their rights and responsibilities in respect of harassment prevention and resolution;
 - iii. ways of dealing with harassment; and
 - iv. the resources available to them;
- b. ongoing prevention activities to promote a respectful workplace;
- c. knowledge of the various informal resolution mechanisms in the case of harassment; and
- d. access, without fear of reprisal, to effective, timely and confidential harassment complaint resolution processes.

Note 1 – All parties directly involved in the resolution of a complaint of harassment or conflict are expected to limit the discussions pertaining to the complaint to those who need to know.

Note 2 – All decision-makers involved in the resolution of a complaint of harassment must adhere to the principles of procedural fairness and natural justice. This includes:

- a. notice to affected parties that a complaint has been submitted and of the allegations;
- b. disclosure of information to be used in rendering a decision;
- c. an opportunity to make representations;
- d. the right to a fair and unbiased decision; and
- e. written reasons for the decision.

10.8 In addition to a final investigative report, decisions also include the Situational Assessment. Any individual that is in a real or perceived conflict of interest or is biased in any way must recuse themselves from a file, including at the initial stages and prior to conducting a Situational Assessment.

10.9 When harassment, as defined within this policy is considered not to have occurred but a conflict still exists, the association (board member, team manager, or team coach) must take steps to address the conflict.

10.10 The CVLA believes that harassment is a serious offence. It is also a serious offence to falsely accuse someone of harassment. If the results of the investigation find that there has been harassment or that there has been an intentional false accusation of harassment, appropriate disciplinary action will be taken in accordance with the CVLA Discipline bylaw.

11.0 Discipline Contracts

11.1 Each year prior to commencement of the playing season, every person involved as a player, coach, manager or referee and their parents and Board Members shall enter into a Discipline Contract pledging to observe the rules of good conduct as developed by the Association. Such Discipline Contract will empower the Board to implement appropriate suspensions and banishment from practice and playing facilities as deems appropriate.

11.2 The Board will appoint a Discipline Committee of three persons to investigate and recommend discipline action to the Board. The decision of the board shall not have a right of appeal.

11.3 The President of the CVLA shall have the power to suspend any team, player, member, team official or Director for improper conduct on or off the playing surface and which are contrary to the values of the Association, failure to comply with the BC Lacrosse or Lacrosse Canada pending the review of the incident by the Discipline Committee. The President will engage the Disciplinary Committee to review the matters that resulted in the temporary suspension so that the Disciplinary Committee can make its recommendations to the Board of Directors.

11.4 The Discipline Committee shall be chaired by the 1st Vice President. The Discipline Committee will be comprised of the 1st Vice President and three other members. This committee shall be formed by the Board of Directors at the first Directors' meeting subsequent to the Annual General Meeting. In the event there is a vacancy the President may appoint a member for the remainder of the year.

11.5 The Discipline Committee shall recommend to the Board of Directors to suspend any team, player, member, team official or Director of the Association for the conduct considered improper, unbecoming, or likely to endanger the interest and/or reputation of the Association. Furthermore, they shall recommend suspending any team, player, member, or team official who willfully commits a breach of the Constitution, Bylaws, or Policies and Procedures of the Association.

11.6 The Discipline Committee shall ensure that all facts relating to the incident(s) in question are heard, and that all interested or affected parties are allowed to present their case. The 1st Vice President shall relay the results of the Disciplinary Committee review to the Board of Directors within five (5) days of the request of the review or as soon as reasonable.

11.7 The Discipline Committee may be asked to present the case of their findings to the Board of Directors at the following Directors' Meeting. Any team, player, official, or member may appeal any discipline decision made by the Board of Directors within seven (7) days of notification. An appeals committee will be composed of five (5) members (non-Directors) and appointed by the President.

11.8 The Board of Directors has full authority to discipline, dismiss or expel any member of the Association. The offending person will be notified in writing of the action to be taken. This does not apply to the removal of Directors from their position.

11.9 The Discipline process for the CVLA will follow the process used by BC Lacrosse. That process is outlined as follows:

1. Any report alleging a breach shall be submitted in writing to the President of the CVLA within 15 days of the event/occurrence.
2. Upon receiving a report, the President of the CVLA shall immediately notify the 1st Vice President of the CVLA who shall determine the merit of the complaint and determine if action is necessary.
3. If action is necessary, the 1st Vice President of the CVLA 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.
4. 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.
5. The Discipline Committee may call witnesses and research any pertinent information which it deems necessary to arrive at a decision.
6. The decision of the Discipline Committee will be announced by the 1st Vice President of the CVLA within 7 days of the hearing and all interested parties will be provided with a copy of the written decision. Interested parties is defined as those parties who are directly involved in the proceedings.
7. Any individual whose rights are directly affected by a decision of the Discipline Committee may appeal that decision to the Appeals Committee.
8. The procedure and timelines for a presentation to the Appeals Committee shall be the same as those set out for the Disciplinary Committee.
9. Disciplinary action taken will be applicable to all members of the CVLA.
10. The Discipline Committee may suspend, terminate membership, or request other remedial action based on a Discipline Hearing.

(moved by Anthony Bone, Seconded Andrea Akhurst)

Reasoning:

CVLA needs a harassment policy and a discipline policy that is clear and current with today's world that includes social media and online activities.