



## 2021 SOFTBALL MANITOBA AGM Constitution and Bylaws Motion Form



### NOTICE OF MOTION - #6

#### Constitution and Bylaws

Submitted by: Board of Directors

Division Affiliation: All Divisions

Date: September 24, 2021

**REFERENCE:** (Section, article, number, page, etc.)

By-Laws Information Handbook.

Page 11, Section 18, Suspensions

**WHEREAS** (Article as currently written.)

#### Section 18 - SUSPENSIONS

- 18.01 Softball Manitoba has the right to suspend or expel any league, team, player, coach or manager, umpire and any other person associated with a team, league or the Association for:
- Refusing to obey a ruling of Softball Manitoba.
  - Proven foul play or unfair/un-sportsmanlike conduct, individually or collectively, at any sanctioned Softball Manitoba competition or meeting in the interest of the game.
  - Negligence to pay assessments owed to Softball Manitoba.
  - Persistent infringement of the laws of the game or the rules of Softball Manitoba.
- 18.02 Upon official notification, Softball Manitoba will uphold suspensions handed down by other national softball organizations including but not limited to Softball Canada, Provincial /Territorial Softball Associations and SPN.
- 18.03 Action shall not be taken by Softball Manitoba until such time as the member has been notified of the nature of the complaint against them and has been given a fair opportunity to explain/defend themselves.**
- 18.04 In exceptional circumstances, the President may issue an interim suspension of less than 30 days. The suspension must be made in writing by registered mail or delivered in person.**
- 18.05 Participants are to be notified in writing within forty-eight (48) hours of receiving the complaint.
- 18.06 The member must respond in writing within seventy-two (72) hours of written notice from the association
- 18.07 Within seven (7) days a committee consisting of a minimum of three (3) members of the Executive will rule.**
- 18.08 The suspension may be for a given period, e.g.: a game, a competition or for a specific period of time.
- 18.09 All individuals or team(s) who have been suspended by Softball Manitoba may not compete in any Softball Manitoba sanctioned competition (i.e.: Provincials, or Inter-Provincial play) nor participate in any manner in any Softball Manitoba activity. Suspended individuals are not permitted to take part in any aspects of coaching including participating in practices, clinics, etc. with any Softball Manitoba teams, including the organization they were part of prior to the suspension. It is the responsibility of the former organization (or any Softball Manitoba registered member for that matter) to report any such violation of the suspension to Softball Manitoba.**



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**Violation of the suspension will result in further action. (Example - increase length of the current suspension and further action may also be taken against the Team the suspended individual is caught working with).**

18.10 A list of suspensions shall be provided annually to the appropriate Divisions for use at their Annual General Meetings as information only.

18.11 Suspension (other than Life Suspensions) will be lifted after a five-year (from date of AGM) period.

**BE IT RESOLVED THAT** (Motion. State whether revision, addition, deletion)

Remove from the Bylaws in its entirety and move to Softball Manitoba Policy Page.

### **RATIONALE**

Dealing with Suspensions should not be a By-Law and falls under Policy. Policies are reviewed and administered by the Board of Directors on behalf of the Membership.

### **FINANCIAL IMPLICATIONS**

**FINAL IMPLICATIONS:**     Carried     Amended     Withdrawn     Defeated