

Saskatchewan Fencing Association
Rules & Regulations
(Revised May 2021)



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1 - GOVERNANCE STRUCTURE

1.1 – ROLES

1.1.1 - Role of the Board

The role of the Board of Directors of the Saskatchewan Fencing Association (SFA) is to direct and control the entire organization through the process of governance. It designs its own governance policies, creates, and maintains the multiyear strategic plan, delegates management authority to the Executive Director and monitors performance and measures results. The Board is committed to rigorous, continual improvement in the definition of its' vision, mission, and priorities.

The focus of the Board is on multiyear strategic planning. While maintaining this focus the Board shall:

- Model efficacy and efficiency for its' members
- Advocate with the public, governing officials, and other stakeholders for conditions to strengthen the fencing community
- Plan effectively for Board and Executive Director succession
- Commit to transparent and continuous improvement in the definition of its' vision, values and policies
- Establish and monitor multiyear strategic plans and results to be administered and executed by the Executive Director and staff
- Monitor risk and compliance of the Executive Director through limitation and expectation policies
- Ensure all regulatory requirements are completed

1.1.2 - Role of the Committees

The primary role of the Board's committees is to assist the Board with its governance, not to govern on the Board's behalf.

The Board committees advise when asked by the Executive Director, but do not manage or direct the Executive Director unless authorized to do so by the Board. Board committees are not to unilaterally exercise authority over SFA staff. The Executive Director works for the full Board, as such they will not be required to obtain approval of a Board Committee prior to taking an executive action.

The Board committees may assist the Board in identifying indicators by which strategic results can be measured.

1.1.3 - Role of the Chair

The role of the Chair is to lead the process of decision-making and assure the integrity of the Board's process. The Chair shall be objective and impartial and shall not lead the discussion to a predetermined conclusion. The Chair shall not make or second a motion, speak for or against a motion or vote on a motion, except in case of a tie.

For any agenda item where the Chair wishes to express a personal opinion and vote, the Chair may defer to a Past-Chair before the agenda item begins. In such cases the Chair shall not lead any portion of the decision-making process.

The Chair shall ensure that each director has ample opportunity to give an expression of thier own opinion and shall ensure that no director dominates the discussion or demonstrates inappropriate behavior.

The Chair does not have singular authority to make decisions about policies created by the Board. The Chair is authorized to represent the Board to outside parties while announcing Board determined positions. In addition, the Chair is authorized to represent the Board to outside parties. The Chair may delegate this authority but remains accountable for its use.

1.1.4 - Role of the Past Chair

The role of the Past Chair is to serve as a resource to the Chair or other Board members as requested, act as Chair when required to do so - following the same principles of leadership outlined under the role of the Chair while serving as Chair, and act as an Individual Board member while not acting as Chair.

1.1.5 - Role of the Individual Board Member

The primary role of the individual Board member is to participate in the process of governance. Board members study information, decision-making materials, participate in discussion and debate, and share in the decision-making process by reaching consensus or voting. Individual Board members have no authority to act on behalf of the organization as individuals except by specific delegation from the Board.

1.1.6 - Role of the Officers

The primary role of the Officers of the Board is to participate as an individual Board member as noted above, along with the specific roles identified for each Officer as outlined in the Bylaws:

Vice-Chair Administration: record, manage and distribute the proceedings and documents of the Association.

Vice-Chair Finance: oversee the funds and securities, review and oversee deposits, monitor and review disbursement of funds, ensure appropriate budgeting and ensure distribution of audited financial statements of the Association.

Vice-Chair Technical: oversee the technical sport development and operations of the Association.

Vice-Chair Marketing and Communications: oversee development and implementation of annual communication plan, oversee the content, organization and production of the website and social media of the Association.

Athlete Representative: shall represent the regular member fencers of the Association.

1.2 – RELATIONSHIP DESCRIPTIONS

1.2.1 - The Board of Directors/Stakeholders Relationship Description

1.2.1.1 - AUTHORITY

The ultimate source of all the Board's authority is the body of stakeholders. Those stakeholders include the club and individual members, core funders and various government authorities, which grant the Association its legal, operational, and not-for-profit status.

The Board's sources of strategic/operational authority are the members and the core funders.

The Board's sources of legal authority are the governmental authorities where the organization is registered and where its services are delivered.

1.2.1.2 - LIMITATIONS OF AUTHORITY

In exercising its legal authority, the Board may not cause or allow the organization to be in violation of the laws of the Country of Canada and the province of Saskatchewan.

In exercising its strategic/operational authority the Board may not cause or allow the organization to be in violation of the Bylaws of the organization.

1.2.1.3 - RESPONSIBILITIES

The responsibilities of governance of the Board are to:

- Design the Board's structure and governance processes while adhering to the vision, mission and values
- Provide strategic leadership by determining the Association's beneficiaries, services and priorities through a multiyear strategic plan
- Delegate management authority and responsibility to the Executive Director
- Monitor risk management and performance and measure multiyear strategic results.

In fulfilling its responsibilities, the Board shall seek and follow the counsel of its stakeholders in its multiyear strategic planning process and in its governance of the strategic plan and priorities.

1.2.1.4 - EXPECTATIONS

The expectations of the Board are described in its multiyear strategic plan and in the annual strategic goals of the organization.

1.2.1.5 - ACCOUNTABILITIES

The Board is accountable to the stakeholders of the organization and to government authorities in compliance with the Non-Profit and CRA Acts.

The Board's accountability will be exercised by the submission of required documentation to government authorities and by required, clear and true reporting to its members, stakeholders, employees, and core funders.

1.2.2 – Membership and Relations Committee/Board of Directors Relationship Description

1.2.2.1 - AUTHORITY

The Membership and Relations Committee receives its authority from the Board to assist the Board with membership and relations matters as outlined in the committee's relationship description. The Committee Chair shall be the Vice-Chair of Marketing and Communications, the election to take place at the first meeting of the Board of Directors following the Annual

General Meeting. The remainder of committee shall be appointed by the Voting Member Clubs at the Annual General Meeting.

The Membership and Relations Committee shall consist of the number of voting member clubs, one from each club, plus the chair. A quorum shall be a majority of committee members. Members of the Committee shall hold office until the conclusion of the following Annual General Meeting.

1.2.2.2 - LIMITATIONS OF AUTHORITY

The Membership and Relations Committee may not:

- Give management direction to the Executive Director or their staff
- Violate the limitations of the Bylaws

1.2.2.3 - RESPONSIBILITIES

The Committee is responsible for:

Membership

- Receiving complaints and appeals in reference to membership problems
- Draft policy recommendations for the consideration of the Board regarding membership categories, criteria and registration procedures
- Draft recommendations for the consideration of the Board regarding ways to increase and maintain membership

Relations

- Receive complaints and appeals in reference to Association problems See Appendix B: Conflict of Interest, Discipline and Appeals and Appendix C: Conflict of Interest
- Draft guidelines, time limits, penalties, and general procedures for Relations activities
- Act on its own to ensure that the rights of members are protected at all times

1.2.2.4 - EXPECTATIONS

In fulfilling its responsibilities, the Committee is expected to;

- Use the most appropriate process(es) outlined in the Policies of the Association:
 - Complaints & Appeals Supplement
 - Alternate Dispute Resolution Policy
 - Appeal Policy
 - Discipline & Complaints Policy
- Conduct the review of its committee Chair/committee and committee/Board relationship. This review should be done from someone outside of the committee if possible.

1.2.2.5 - ACCOUNTABILITY

The Board of Directors is accountable to the Committee for:

- Providing the authorization and resources required for the responsibility
- Ensuring the assistance of the Executive Director

The Committee is accountable to the Board of Directors for:

- Fulfilling its responsibility within the time expected

- Providing a final report to the Board of Directors at the conclusion of its mandate, including:
 - Summary of policy recommendations for the year
 - Summary of monitoring activities.

The Board of Directors and the committee shall confirm or renegotiate the relationship description annually

1.2.3 – Governance and Nominating Committee/Board of Directors Relationship Description

1.2.3.1 - AUTHORITY

The Governance and Nominations Committee receives its authority from the Board to assist the Board with nomination responsibilities as outlined in the committee's relationship description and to ensure continuing review of the governance of the Association. The Committee Chair shall be the Vice-Chair of Administration, the election to take place at the first meeting of the Board of Directors following the Annual General Meeting. The remaining members of the Committee shall be two members, comprising no more than one (1) member from any one Member Club, chosen by the Board from names put forth by the Member clubs. It is preferable the members are not current members of the Board.

A quorum shall be a majority of committee members. Members of the Committee shall hold office until the conclusion of the Annual General Meeting.

1.2.3.2 - LIMITATIONS OF AUTHORITY

The Nominations Committee may not:

- Violate the requirements of the bylaws
- Allow conflict of interest regarding nominations.

1.2.3.3 - RESPONSIBILITIES

The Committee is responsible for:

Nominations:

- Developing criteria/qualifications for prospective Directors and Committee members
- Canvassing nominations and ensuring they are eligible for membership on the appropriate committee or Board of Directors
- Maintaining a list of elected incumbents and their term
- Forwarding all valid nominations to the SFA office in time for distribution to the membership for the Annual General Meeting
- Maintaining confidentiality of the Committee deliberations

Governance:

- Ensuring the design and conduct of an orientation program for new Board members to include the Multiyear Plan, Rules and Regulations Document, Bylaws, Budget, Four Year and Annual Report and Board Member expectations.
- Completing each new Board member orientation before the new Board member's second regular Board meeting
- Monitoring the Board's performance in governance and conducting the relationship reviews that are internal to the Board

- Maintaining the monitoring schedule listed in the Rules and Regulations Document – Appendix O
- Reviewing current Bylaws, Rules and Regulations and other policy documents of the Association, and recommend revisions and additions to the documents

1.2.3.4 - EXPECTATIONS

- To recruit prospective Directors at Large and Committee Members to be nominated for election to the Board of Directors and Association Committees. Refer to Appendix D
- To present the names and biographies of those recruited for nominations as Directors at Large and committee Members with all other documentation for AGM, at the time outlined in the Bylaws
- To develop criteria/qualifications for prospective Directors at Large
- To review Association documentation on a regular basis and suggest changes are required
- To conduct the review of its own committee Chair/committee or committee/Board relationship. This review should be done from someone outside of the committee if possible.

The Committee is expected to follow the procedures and guidelines outlined in the Bylaws including the timing of the nominating process.

1.2.3.5 - ACCOUNTABILITY

The Board of Directors is accountable to the Committee for:

- Providing the authorization and resources required for the responsibility
- Ensuring the assistance of the Executive Director

The Committee is accountable to the Board of Directors for:

- Fulfilling its responsibility within the time expected
- Providing a final report to the Board of Directors at the conclusion of its mandate, including: Summary of nominating activities and Summary of Governance review.

The Board of Directors and the committee shall confirm or renegotiate the relationship description annually.

1.2.4 - Board Chair/Board Relationship Description

1.2.4.1 - AUTHORITY

The Board Chair receives their authority by election by the Board of Directors.

The Chairperson of the Board of Directors shall be elected from the Directors at Large at the first Board meeting following the Annual General Meeting in odd numbered years. They shall be elected in odd numbered years for a two-year term.

The Board Chair is authorized by the Board to provide the leadership of the process of governance.

1.2.4.2 - LIMITATIONS OF AUTHORITY

In the fulfillment of the responsibilities of this position the Board Chair shall not:

- Be a president/chairperson or staff member of a Sask Sport funded agency or shall relinquish such office immediately upon becoming the Association chairperson
- Take any action not authorized by the Board of Directors or have singular authority to make decisions about policies created by the Board
- Direct the decision-making process towards any specific outcome
- Make or second a motion, speak for or against a motion or vote on a motion, except in case of a tie.
- Give management direction to the Executive Director or their staff
- Cause or allow the Board of Directors to be in violation of the limitations of its authority
- Prevent any proposal from any director from being considered.

1.2.4.3 - RESPONSIBILITY

The responsibilities of the Board Chair are to:

- Lead the governance process including the preparation of the agenda, ensure the flow of relevant governance information to the Board of Directors and Chair the meetings of the Board
- Lead the process of designing and maintaining Board structure and process
- Lead the strategic planning process
- Lead in the process of delegating authority and responsibility to the Executive Director
- Lead in the process of monitoring and measuring including an evaluation of the strategic results, the annual review of the performance of the Board, the individual directors, the Executive Director, and a process of evaluation of the Board Chair
- Act as an official spokesperson of the organization to the stakeholders and the public while announcing Board determined positions and represent the Board to outside parties. The responsibilities of representation and spokesperson to outside parties and stakeholders may be delegated to other Board members, however the Chair remains responsible for the use.

1.2.4.4 - EXPECTATIONS

The expectations of this position shall be negotiated in the annual review of the Board Chair and shall include:

- Preparation for and attendance at every meeting of the Board of Directors
- Flow of all relevant governance information to the directors
- Ensuring that all decisions are documented accurately in minutes, policies and other documents
- Ensuring that the requirements of the Board's accountability to government and the stakeholders are met
- Conduct that is consistent with the values of affirmation, involvement and servant leadership.

1.2.4.5 - ACCOUNTABILITIES

Accountability in this relationship is mutual. The Board of Directors is accountable to the Board Chair for:

- Providing all the authorization and resources required for the responsibilities
- Providing an annual review of the Board Chair's performance

- Negotiating reasonable expectations of the Board Chair's responsibility
- Expressing affirmation, involvement and servant leadership in its relationship with the Board Chair.

The Board Chair is accountable to the Board of Directors for:

- Performance with respect to the negotiated expectations
- Compliance with the limitations of authority of the position.

Scheduled at predetermined annual intervals, the relationship review shall be led by two members of the Board appointed by the Board and may include one additional person who is not a member of the Board.

It shall include a:

- Review of the authorization and resources provided and values expressed to the Board Chair
- Review of the Board Chair's performance towards expectations of the responsibilities of the relationship
- Negotiation of expectations for the next planning period
- Review of the authorization and resources required for the next period, including plans for personal development.

1.2.5 - Past-Chair/Board Relationship Description

1.2.5.1 - AUTHORITY

The Past-Chair receives their authority by appointment by the Board of Directors, following their term as Board Chair.

While serving as acting Board Chair, the Past-Chair shall function within the Board Chair/Board relationship description.

While not acting as the Board Chair, the Past-Chair shall actively participate in discussion and debate and share in the decision-making process. This includes having a vote in all decision-making motions, the same as any other Director.

The Past-Chair may become the acting Board Chair at the request of the Board Chair or the Board itself.

The duration of service as acting Board Chair shall be determined at the time of the appointment.

The Past-Chair shall serve a two-year term as a member of the Board immediately following their term as Board Chair.

1.2.5.2 - LIMITATIONS OF AUTHORITY

While serving as acting Board Chair the Past-Chair is subject to the limitations of authority for the Board Chair.

1.2.5.3 - RESPONSIBILITIES

While serving as acting Board Chair the Past-Chair carries the responsibilities of the Board Chair.

While not acting as the Board Chair, the Past-Chair shall actively participate in discussion and debate and share in the decision-making process. This includes having a vote in all decision-making motions, the same as any other Director.

The Past-Chair shall assist and support the Board Chair in accomplishing their tasks.

1.2.5.4 - EXPECTATIONS

While serving as acting Board Chair the expectations of the Past-Chair are as for the Board Chair.

1.2.5.5 - ACCOUNTABILITIES

While serving as acting Board Chair the accountabilities for the Past-Chair are as for the Board Chair.

1.2.6 - Board Vice-Chair Administration/Board Relationship Description

1.2.6.1 - AUTHORITY

The Board Vice-Chair Administration receives their authority by election by the Board of Directors. The Board Vice-Chair Administration shall be elected from among the members of the Board.

The Board Vice-Chair Administration is authorized by the Board to record the actions and decisions of the Board in the official minutes of the Board.

The Board shall provide the Board Vice-Chair Administration with the material resources required for that process, including the authorization to appoint or employ another person for the purpose of completing the responsibilities and expectations of the position.

1.2.6.2 - LIMITATIONS OF AUTHORITY

In the fulfillment of the responsibilities of this position the Board Vice-Chair Administration may not:

- Record any action not authorized by the Board of Directors
- Give management direction to the Executive Director or the management staff
- Cause or allow the Board to be in violation of the limitations of its authority.

1.2.6.3 - RESPONSIBILITIES

The responsibilities of the Board Vice-Chair Administration are to:

- Manage the recording of minutes, notes and action lists at Board meetings
- Document all decisions accurately in minutes, policies and other documents
- Distribute minutes, documents and notices of meetings to the Board members in a timely manner.
- Ensure that membership registrations are recorded, and communications maintained.
- The responsibilities of the Board Vice-Chair Administration may be carried out, in whole or in part, by staff of the organization; however, the Vice-Chair Administration still has the obligation to oversee that these responsibilities are adhered to.

1.2.6.4 - EXPECTATIONS

The expectations of this position shall be negotiated in the annual review of the Board Vice-Chair Administration /Board relationship and shall include:

- Preparation for and attendance at every meeting of the Board

- Timely flow of all relevant information to the Board members, including Board minutes and changes to the documents of the Board.

1.2.6.5 - ACCOUNTABILITIES

Accountability in this relationship is mutual. The Board is accountable to the Vice-Chair Administration for providing the authorization, resources, affirmation, involvement and servant leadership required for the successful realization of the responsibilities of the position.

The Vice-Chair Administration is accountable to the Board for performance with respect to the negotiated expectations and for compliance with the limitations of authority of the position.

The components of this working relationship shall be reviewed at predetermined intervals at the initiation of the Board and shall include a:

- Review of the authorization and resources provided, and values expressed to the Vice-Chair Administration
- Review of the Vice-Chair Administration performance towards expectations of the responsibilities of the relationship
- Negotiation of expectations for the next planning period
- Review of the authorization and resources required for the next period, including plans for personal development.

1.2.7 - Committee Chair/Board Relationship Description

1.2.7.1 - AUTHORITY

The committee Chair receives their authority by election by the Board of Directors.

The committee Chair is authorized by the Board to provide the leadership of the committee process.

The Board shall provide the committee Chair with the material resources required for that process.

1.2.7.2 - LIMITATIONS OF AUTHORITY

In the fulfillment of the responsibilities of this position the committee Chair may not:

- Take any action not authorized by the Board of Directors
- Give management direction to the Executive Director or their staff
- Cause or allow the committee to be in violation of the limitations of its authority.

1.2.7.3 - RESPONSIBILITY

The responsibilities of the committee Chair are to:

- Lead the committee process including the preparation of the agenda and Chairing the meetings of the committee
- Ensure that all decisions are documented accurately in minutes, policies and other documents
- Ensure that the Board's expectations of the committee are fulfilled.

1.2.7.4 - EXPECTATIONS

The expectations of this position shall be negotiated in the annual review of the committee Chair Board relationship and shall include:

- Preparation for and attendance at every meeting of the committee
- Flow of all information relevant information to the committee members
- Conduct that is consistent with the values of the organization.

1.2.7.5 - ACCOUNTABILITIES

Accountability in this relationship is mutual. The Board is accountable to the committee Chair for providing the authorization, resources, affirmation, involvement and servant leadership required for the successful realization of the responsibilities of the position.

The committee Chair is accountable to the Board for performance with respect to the negotiated expectations and for compliance with the limitations of authority of the position.

The components of this working relationship shall be reviewed at predetermined intervals at the initiation of the Board and shall include a:

- Review of the authorization and resources provided, and values expressed to the committee Chair
- Review of the committee Chair's performance towards expectations of the responsibilities of the relationship
- Negotiation of expectations for the next planning period
- Review of the authorization and resources required for the next period, including plans for personal development.

1.2.8 The Board Member/Board Relationship Description

1.2.8.1 AUTHORITY

The Board member is authorized by virtue of their election or appointment to the Board of Directors. Once elected or appointed, the source of authority is the Board of Directors. The Board of Directors shall be reimbursed for costs associated with expenses incurred while engaged in Saskatchewan Fencing Association business. All Director are covered by directors' liability insurance.

1.2.8.2 LIMITATIONS OF AUTHORITY

Without specific authority from the Board, an individual director may not:

- Speak officially on behalf of the Board or organization
- Enter into any legal or financial agreement on behalf of the organization
- Give direction to the Executive Director or the management of the organization.
- Directors shall serve without remuneration of any kind and no Director shall, directly or indirectly, receive any benefits from thier position with the exception of reimbursement of reasonable expenses incurred in the performance of Directors duties

1.2.8.3 RESPONSIBILITY

The responsibility of each Board member is to:

- Participate in the governance process of the Board
- Share in the responsibilities of the Board of Directors as defined in the Board/stakeholder relationship description
- Represent accurately and support the official positions and decisions of the Board when interacting with the stakeholders and the public.

1.2.8.4 EXPECTATIONS

Each director is expected to:

- Participate in an orientation of the bylaws, rules and regulations manual and strategic multiyear plan of the organization
- Read reports and study materials provided for preparation of Board meetings prior to the meeting
- Have an ongoing interest in the affairs of the Board, and to undertake other assignments in support of the Association, including membership on one or more committees
- Attend all Board meetings and meetings of committees of which they are a member or to indicate to the Board or committee Chair the reason for their inability to attend
- Participate actively in discussion and the decision-making process
- Display personal conduct that reflects the values of the organization.
- Every Director shall act honestly and in good faith with a view to best interests of the SFA and show the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances

1.2.8.5 ACCOUNTABILITIES

Accountability in this relationship is mutual.

The Board is accountable to the director for providing the authorization, resources, affirmation, involvement and servant leadership required for the successful realization of the responsibilities of the position.

Each director shares in the Board's accountability to the stakeholders for achieving strategic results and in governing the organization with due diligence and integrity and to governments for compliance with all relevant laws and regulations.

Each director is accountable to the Board and to the government's regulatory body under whose laws the organization is registered, for handling the finances of the organization with integrity.

The director is accountable to the Board for performance with respect to the negotiated expectations and for compliance with the limitations of authority of the position.

The components of this working relationship shall be reviewed at predetermined intervals at the initiation of the Board and shall include a:

- Review of the authorization and resources provided and values expressed to the director
- Review of the director's performance towards expectations of the responsibilities of the relationship
- Negotiation of expectations for the next planning period
- Review of the authorization and resources required for the next period, including plans for personal development.

2 - GOVERNANCE PROCESSES

The governance processes are divided into four separate areas. They reflect the four distinct areas of responsibility of the Board.

2.1 – BOARD PROCESSES

In these processes the word “shall” means the action is required. The word “may” means the action is optional.

2.1.1 - Election/Appointment of Directors and Officers

The Board of Directors shall consist of elected directors with the required competencies and experience.

Up to eight Directors at Large to be chosen by simple majority vote of the voting club members, along with the Athlete representative and the Past Chairperson, will complete the membership of the Board of Directors.

2.1.1.1 – Terms of Directors

The term of a Director at Large shall be two years and they shall be eligible for an additional two-year term immediately, up to a maximum of six (6) years. If the Chairperson is in their third term, they shall be eligible for an additional two (2) year term immediately to fulfill the role of Past Chairperson. Directors at Large may then be elected after a one-year absence from the Board.

The Past-Chair position is the former Chair. All officer elections are for a one-year term, except for the Chairperson and Past Chairperson who will serve two-year terms, commencing at the end of the meeting at which the election took place. Director at large may be appointed by the remaining directors if a vacancy occurs during the term of the director.

2.1.1.2 – Nominations of Directors

Nominations for directors may take place at the same meeting where elections are held. Nominees shall agree to their nomination. When a nominee is absent from the meeting where the nominations and elections take place, that nominee shall have agreed to the nomination in writing prior to the meeting.

2.1.1.3 – Elections of Directors

Elections shall be by secret ballot. The Chair shall appoint two members of the Board as scrutinizers. They shall report the election results to the Chair who shall announce them to the voting membership. Following the announcement of election results, the ballots shall be destroyed.

2.1.2 - Election of Officers/ Committee Chairs

Elections for the office of Chair shall be held every two years, in odd years, at the first Board meeting following the AGM by the directors at large. Elections for the remaining officers and committee chairs shall be held annually at the first Board meeting following the AGM by the directors at large. A simple majority of voting directors is all that is required.

2.1.3 - Removal of Elected Officers / Directors

The Chair, all officers and the Past-Chair may be removed from office by a two-thirds majority vote of the remaining directors.

Individual directors may be removed from the Board by a two-thirds majority vote of the voting club members.

The Directors may ask that a director be replaced or that a director resign if they fail to attend two (2) meetings of the BOD in the fiscal year and or three (3) consecutive meetings, without acceptable reason.

2.1.4 - Regular and Extraordinary Board Meetings

The Board shall meet a minimum of four times per year to conduct regular business and once per year to conduct Multiyear Strategic Planning. The dates, venue and duration of the year's meetings shall be determined at the first meeting following the AGM by majority vote.

Changes to dates, venue and duration may be made by unanimous consent at any time before the meeting being changed.

- The requirements for calling extraordinary Board meetings are prescribed in the organization's bylaws.

2.1.5 - Virtual Meeting Protocol

2.1.5.1 - Protocol

The Board of Directors may conduct an official meeting of the Board of Directors virtually for the purpose of transacting business on behalf of the Association. Virtually includes e-mail, audio or video meetings.

Virtual meetings shall not be initiated unless each member of the Board has functioning technology for the meeting and connectivity to the other participants.

No virtual meeting shall exclude any member of the Board unless that member has excused themselves from the virtual meeting.

The agenda item(s) shall be circulated prior to the meeting. In the event of an e-mail meeting the agenda item shall appear in the subject line of each e-mail exchanged during the meeting.

In order to reach a decision a motion shall be made and seconded. Discussion of the motion shall follow. When the vote is called by the Chair, each Board member shall record their vote for or against or their decision to abstain from voting.

Each virtual meeting shall have a beginning date/time and an end date/time established at the beginning of the virtual meeting. The virtual meeting may conclude before the established end time/date or may be extended to another specific end time/date by the Chair or at the request of any two Board members.

Minutes of the virtual meeting shall be circulated to the Board members at the least one week prior to the next Board meeting and approved at the next meeting of the Board of Directors. The Vice-Chair Administration will be responsible to ensure this occurs.

2.1.5.2 - The Role of the Board Chair

The Board Chair shall:

- Initiate each virtual meeting, acting alone or at the request of any committee or any two members of the Board.

- Establish each meeting with an identifying code, agenda name, beginning and ending date/time.
- Ensure that virtual addresses of all participants are current and that all virtual addresses related to the meeting are addressed to all participants.
- Announce the outcome of the decision-making process of the E-meeting within five days of the end date of the E-meeting.

The Board Chair may:

- Negotiate an alternative to initiating a virtual meeting when one is requested but shall not refuse a request from a committee or any two Board members.
- Involve the guest participation of a non-Board member, e.g. specialist, legal counsel, etc. The Board Chair shall determine the beginning and end of such participation and shall declare the same to all participants.

2.1.5.3 - The Role of Board Members

When a virtual meeting is called, each Board member shall:

- “Sign in” before the published beginning time/date to indicate participation in the virtual meeting.
- Participate in every virtual meeting even if only to say that they have no comment.
- Vote on the motion or indicate their decision to abstain from voting

2.1.6 - Board Meeting Preparation

The Board Chair shall prepare a proposed agenda, having consulted the Executive Director. A complete information packet shall be delivered to each director not less than seven days before the meeting.

2.1.7 - Quorum

The quorum for meetings of the Board of Directors shall be a majority of directors. This shall be recorded in the meeting minutes.

2.1.8 - Meeting Procedures

The Chair shall determine the protocol for the presentation of information and for discussion by directors. In order to determine the need for and the content of the motion, discussion may occur on a subject before a specific motion is made and seconded. Motions shall be made and seconded before debate on the specific motion may begin. The motion shall be recorded by the recording secretary and read aloud before discussion commences.

Amendments or substitute motions or changes in wording require a motion and a second after the original motion has been seconded. The amendment, motion to substitute or to change wording shall be decided by vote before the amended, substituted or modified motion is put to the vote.

Agendas shall be structured to include the four broad areas of the Board’s responsibility:

- General Information (no action required)
- Monitoring and Measuring
- Delegating Authority to the Executive Director
- Multiyear Strategic Planning
- Board Structure and Process

Each item may be given an indication of the type of information it contains:

- General information (GI)
- Information for Discussion (ID)
- Information for Decision Making (IDM)

Unless otherwise specified in this governance manual, meeting procedures shall follow the most recent edition of *Roberts Rules of Order*. The Board Chair shall appoint a parliamentarian to monitor the meeting procedures, if required.

2.1.9 - Consensus and Voting

Decisions may be made by consensus. When consensus is not possible, decisions shall be made by voting. A simple majority is required to pass a motion unless otherwise specified in the bylaws.

A show of hands is sufficient, but a director may call for a count or request a secret ballot.

2.1.10 - Conflict of Interest Policy

The purpose of this policy is to identify and manage potential conflicts of interest between a director and the SFA.

If any director has any personal or corporate interest in any matter other than the best interest for the welfare of the SFA, there is a potential conflict of interest.

2.1.10.1 - The Role of the Director

Each director shall:

- Examine the Board agenda for potential conflicts of interest
- Notify the Board Chair before the meeting of the potential conflict
- Declare the potential conflict at the beginning of the meeting where the matter appears on the agenda
- Abstain from discussion on the agenda item unless invited to do so by the Chair
- Abstain from voting on the agenda item unless invited to do so by the Chair
- Excuse themselves from that portion of the meeting if asked to do so by the Board Chair or the Board.

2.1.10.2 - The Role of the Board Chair

The Board Chair shall:

- Advise the Board of any potential conflicts of interest that have been declared
- Call for potential conflicts of interest at the beginning of each meeting
- Determine whether the director is in conflict in the matter
- Determine the role of the director during the discussion of the agenda item in which there is a potential conflict.

2.1.10.3 - The Role of the Board

In cases where the potential conflict is unclear or undeclared the Board shall:

- Decide whether the matter should be handled as a potential conflict of interest
- Decide the appropriate course of action to deal with an undeclared conflict
- Record the potential conflict and related actions in its minutes.

2.1.11 - Conflict Resolution

The Board shall follow these guidelines for conflict resolution. The principles of any conflict resolution process shall include the following:

- A forgiving and conciliatory attitude on the Board's part will be the foundation of any conflict resolution process,
- The process shall begin with direct negotiation and proceed to mediation and arbitration as required.
- The process shall be fair and transparent and shall seek to uphold the dignity of all persons.
- The process shall seek justice first and reconciliation second, recognizing that justice is necessary in order to achieve reconciliation.

This policy addresses the following potential conflicts:

1. Conflicts in which the Board is directly involved.

- Conflicts within the Board,
- Conflicts between the Board and persons or groups within the organization (members/staff/volunteers),
- Conflicts between the Board and persons or groups outside the organization.

In cases where the Board is one of the parties in the conflict, the Board shall attempt to negotiate the conflict. Should those efforts fail, the Board shall seek to resolve the conflict through mediation before submitting the conflict to arbitration.

2. Conflicts which the Board is being asked to arbitrate.

- Conflicts between persons or groups within the organization,
- Conflicts between persons or groups within the organization and persons or groups outside the organization.

In cases where the Board is not one of the parties in the conflict the process outlined in *Saskatchewan Fencing Association: Discipline and Complaints Policy (April 3, 2016)* – (Link on website) shall be followed. See Appendix B and C.

2.1.12 – Rules and Regulations Manual and Multiyear Plan Reviews

2.1.12.1 – Review of Rules and Regulations

The review of the Rules and Regulations manual shall take place ongoing each year. The Governance – Nominations Committee and Executive Director shall prepare an annual review calendar to be presented at the second Board meeting of the year.

2.1.12.2 – Review of multiyear plan

The multiyear plan shall be reviewed and revised at the third Board meeting of the year.

2.1.13 - Board Member Expenses

Travelling expenses and subsistence allowances for Board of Directors of the Association, Executive Director and staff, and such other delegates as may be named by the Board of Directors to attend meetings on Association business, shall be as described in Schedule E and F.

Board meeting venue costs, virtual meeting costs and other such expenses at Board meetings or retreats are the responsibility of the SFA.

2.1.14 - Minutes, Recording, Distribution, Approval

The Board minutes are the only official record of Board action. All decisions and actions recorded in the official minutes shall be considered as official action of the Board. Decisions and actions not recorded in minutes shall not be considered official. Established quorum and absentee voting shall be recorded.

The Board Vice-Chair Administration and/or Executive Director shall submit the Board minutes to the Board Chair within one week following the Board meeting.

The minutes shall be approved at the next Board meeting, signed by the Vice-Chair Administration and Board Chair, and shall become the official record of action taken at the previous Board meeting.

2.1.15 - Staff and Guest Attendance

The Board may invite any person to attend its meetings as a guest observer, presenter or participant. Normally, the Chair shall approve such visitors.

Permission to speak or participate in discussion shall be the prerogative of the Chair. The Board may also approve the presence and level of participation of visitors by vote.

2.1.16 - Communications with Staff and Volunteers

Individual Board members are free to communicate with any members of the staff and volunteers at any time. In doing so the following guidelines shall be followed:

- Information may be requested provided no financial resources or significant time is required of the staff to provide the information.
- Advice may be freely offered provided that it is understood that such advice is not regarded as management direction.
- The Executive Director shall be copied in communication that may affect the management of their staff and volunteers.

2.2 – PLANNING PROCESS

The multiyear plan shall be reviewed and revised each year at the third Board meeting following the AGM.

Consultation with all stakeholders is the vital component to a multiyear plan that will inspire donors, members, staff, and volunteers to commit themselves to the success of the plan. That consultation shall remain a regular component of each multi year planning process.

The components of the multiyear plan that require annual review and possible revision by and approval of the Board are beneficiaries, services, strategic priorities, strategic goals and outcome measures.

The values that brought people together into the organization are the least likely to change and may be reviewed at longer intervals as determined by the Board.

For consistency purposes, it is recommended that the Saskatchewan Fencing Association's multi year planning process consider the following components in the development of a plan:

Strategic Context - examining and understanding the historical and environmental factors that shape the strategic direction for the next planning period.

Mission, Vision and Values - the foundation on which the plan is built, key decisions are made, and progress is monitored.

Beneficiaries and Strategic Partners – individuals or groups that benefit from the services of the Saskatchewan Fencing Association, those who share part of our vision, and those who may be directly impacted by the organization.

Core Services/Needs – identification of the core services the SFA shall provide and considering the current and future needs of our members/beneficiaries.

Strategic Priorities - the Board shall review and revise its multiyear strategic priorities annually to determine how best to allocate limited resources to fulfil its mission.

Strategic Goals – statements that express the degree to which the organization hopes to realize their outcomes within the planning period. Strategic goals need to be specific, measurable, achievable, relevant to the mission and priorities and time limited.

Risk Identification – time should be dedicated during the multiyear strategic planning process to identifying risks that may prohibit or limit the organization in fulfilling its vision, mission and/or strategic priorities.

2.3 – DELEGATING AUTHORITY and RESPONSIBILITY TO THE EXECUTIVE DIRECTOR

The Board of Directors shall delegate all authority and responsibility for management of the organization's infrastructure and for fulfilling the strategic mission and goals to the Executive Director. The Board shall instruct the Executive Director of all limitations of the authority and expectations of responsibility being delegated in written Limitations/Expectations Policies. No limitations or expectations may be assumed or implied. Limitations/Expectations Policies may be added, modified or deleted as required from time to time.

The Board shall hold the Executive Director singularly accountable for all performance related to the management of the organization's infrastructure and for performance of strategic mission and priorities. The Executive Director is also accountable for compliance with limitations of authority and expectations of responsibility. The Executive Director is the only person accountable directly to the Board.

The Board shall request all information for multiyear strategic planning, monitoring performance and measuring results for the organization's infrastructure directly from the Executive Director, who may delegate the requests to the appropriate staff members. The Board may, with the Executive Director's consent, make such requests directly.

The Board may in exceptional circumstances delegate temporary authority and responsibility to other staff members. In such cases the Executive Director shall be informed of the authority and responsibility being delegated and of its recipient and duration. The Board may not hold the Executive Director accountable for management performance or strategic or tactical results in such cases.

2.3.1 - Executive Director/Board Relationship Description

2.3.1.1 - AUTHORITY

The Executive Director functions with authority from the Board of Directors to be the Executive Director of the organization.

The Board shall provide budgeted resources required for the successful fulfilment of the responsibilities of the position.

Resources delegated to the Executive Director include paid and volunteer human resources, financial resources for operations and a personal compensation package.

The Executive Director Compensation Package & Review Procedure document is to provide consistent implementation for review of the Executive Director Compensation Package (refer to Appendix G).

2.3.1.2 - LIMITATIONS OF AUTHORITY

The Executive Director operates within the parameters of the:

- Executive Director limitations of authority policies
- Multi Year plan agreed to by the Board of Directors
- Limitations of legal and regulatory authorities. Neither the ED of Staff shall not cause or allow any practice, activity, decision or organizational circumstance which is either imprudent, illegal, or in violation of commonly accepted business and professional ethics

2.3.1.3 - RESPONSIBILITIES

It is the Executive Director's responsibility to lead the processes of operational planning, resource development, and management of the organization.

Specifically, they shall:

- Provide the Board with the organizational information it needs for its governance responsibilities, including multiyear strategic planning, infrastructure, resource development, monitoring performance and measuring strategic results
- Develop and maintain healthy relationships between the Board of Directors and the stakeholders, including Sask Sport, staff and volunteers, members and regulatory authorities
- Prepare tactical and financial plans in compliance with the multiyear plan and Executive Director limitations and expectations policies
- Develop the human and financial resources needed for the success of the mission
- Manage the human and financial resources of the organization and its infrastructure to achieve the strategic goals of the organization.

2.3.1.4 - EXPECTATIONS

The expectations of the responsibility for this position are contained in the:

- Governance manual
- Multi Year plan
- Executive Director's tactical goals

The Executive Director is also expected to:

- Model and promulgate the organization's values and the values of affirmation, involvement and servant leadership
- Maintain and develop teamwork at all levels of the organization

- Ensure that the relationships between the organization and its stakeholders are open and co-operative.
- Provide such external points of view, issues and options as required by the Board to make fully informed choices.
- Make the Board aware of changes in the assumptions upon which any Board policy has previously been established.
- Inform the Board of relevant trends, anticipated adverse media coverage, personnel changes, actual or potential lawsuits against the SFA, material external and internal changes, and relevant public events.
- Advise the Board if, in the Executive Director's opinion, the Board is not in compliance with its own policies on Governance Process and Board-E/D Relationship, particularly in the case of Board behaviour which is detrimental to the work relationship between the Board and Staff.
- Ensure that information presented to the Board is timely, accurate, complete and in a form useful for governance decision-making.
- Provide a timely, secure mechanism for official SFA internal communications.
- Deal with the Board as a whole except (a) for fulfilling individual requests for information or (b) for responding to officers or committees duly charged by the Board.
- Provide reasonable administrative support for Board activities.
- Report in a timely manner actual or anticipated non-compliance with any policy of the Board.
- Develop and maintain an effective information management process which assists the organization in effectively carrying out and evaluating the Board's Ends
- Ensure that backup and recovery plans for data and information are designed, documented and tested.
- Meet legislated requirements for records retention, confidentiality, protection of privacy, and freedom of information.

2.3.1.5 - ACCOUNTABILITIES

Accountability in this relationship is mutual. The Board is accountable to the Executive Director for providing the authorization, resources, affirmation, involvement and servant leadership required for the successful realization of the responsibilities of the position.

The Executive Director is accountable to the Board for performance with respect to the negotiated expectations of the position within the limitations of authority of the position and for behaviour consistent with the values of affirmation, involvement and servant leadership.

The components of this working relationship shall be reviewed annually at the initiation of the Board of Directors, through a Review Committee consisting of the Board Chair and two other Board members chosen by the Board as a whole and shall include a:

- Review of the authorization and resources provided, and values expressed to the Executive Director
- Review of the Executive Director's performance towards expectations of the responsibilities of the relationship including the progress towards strategic goals and the Executive Director's personal tactical goals

- Negotiation of tactical goals and other expectations for the next year
- Review of the authorization and resources required for the next year, including plans for personal development.

2.3.2 - Executive Director Limitations and Expectations Policies

Limitations and expectations policies are how clear limitations of the authority and expectations of responsibilities negotiated with the Executive Director are communicated to them and their respective staff. Normally, these policies shall be prepared by the Board or one of its committees with the involvement of the Executive Director and brought to the Board for approval. The Board may also prepare these policies directly whether or not they deal with matters covered by a committee.

The development of these policies shall be monitored annually by the Board or one of its committees. They shall ensure that limitations to the authority and expectations of the responsibilities of the Executive Director are added, modified or deleted in such a way that the Board remains in control of management through governance. All limitations and expectations policies shall be approved by the Board and recorded in this manual. Limitations or expectations not documented in these policies may not be assumed or implied.

2.3.2.1 - Tactical and Financial Planning Limitations

With respect to tactical and financial planning, the Executive Director may not:

- plan for the expenditure of more operational or capital funds than are reasonably projected to be received in the financial cycle, including the current fiscal year budget.

Expectations

With respect to operational and financial planning, the Executive Director is expected to enable the Board to fulfil its fiduciary responsibilities and maintain its integrity in financial matters.

Accordingly, the Executive Director is expected to create a tactical or financial plan which:

- is complete within one month before the spring meeting date
- complies with the multiyear strategic plan and priorities in its allocation of resources
- contains enough detail to enable accurate monitoring, including accurate projections of income and expenditure, the separation of capital and operational items, cash flow and audit trails

The Executive Director shall report to the Vice-Chair Finance, then to the Board regularly (not less than quarterly) on the financial status of the SFA and shall provide appropriate financial statements and schedule of investments, and accounts receivable and payable.

2.3.2.2 - Financial Condition Limitations

With respect to operating the organization in a sound and prudent financial manner the Executive Director may not allow the organization to be put at risk financially or cause the Directors to be in violation of their responsibilities.

Accordingly they shall not:

- Fail to follow accountability requirements of SaskSport
- Fail to follow the requirements outlined in the Non-Profit Corporations Act of Saskatchewan
- Expend more operational funds than have been received in any financial cycle
- Expend funds on operations not connected to the Multi Year Plan
- Use any long-term reserve without board approval
- Fail to maintain a reserve equal to 50% of the four-year average audited operational expenditures of the Association
- Fail to settle payroll and other debts in a timely manner
- Fail to report any significant changes to budgeted revenue and expenses to the Vice-Chair Finance and Board of Directors
- Fail to report the movement of monies between budget categories to the Vice-Chair Finance and Board of Directors
- Allow federal and provincial payments or other ordered payments or filings to be overdue or inaccurately filed
- Acquire, encumber or dispose of real property
- Receive, process or disburse funds without a documented system of controls.

Expectations

With regard to the management of the organization's finances, the Executive Director is expected to:

- maintain all of the organization's accounts in a timely manner in compliance with generally accepted accounting practices
- notify the Board in a timely manner of any financial event which could affect the financial security of the organization
- if the financial condition violates these limitations, provide a plan for regaining compliance at the same time that the violation of limitations is reported
- continue to comply with any SFA Financial policies in any revision of the plans

2.3.2.3 - Capital Expenditures

Limitations

With respect to proper control of capital expenditures the Executive Director shall not incur capital expenditure:

- in excess of funds specifically in the budget and approved by the board
- for items which are not required for the normal operations
- which, while otherwise fulfilling the two forgoing, exceed \$3,000 per expenditure (not including taxes or fees)

With respect to making purchases or commitments without due consideration to quality, servicing, value for dollar and opportunity for fair competition the Executive Director shall not:

- make purchases wherein normal prudent protection has not been given against conflict of interest

- make any capital acquisition or capital repair of \$3,000 or greater without having obtained at least three competitive written quotes or \$8,000 without following a formal tendering process (above values do not include taxes and fees)

Expectations

The Executive Director is expected to report purchases of \$3,000 or greater to the Vice-Chair Finance and Board of Directors when this policy is monitored.

The Executive Director is expected to ensure a policy is in place related to the purchase, capitalization, depreciation and disposal of property, plant, and equipment.

2.3.2.4 - Asset Protection**Limitations**

The Executive Director shall not allow the tangible and intangible assets of the SFA to be unprotected, inadequately maintained, or unnecessarily risked. More specifically, the Executive Director shall not:

- allow the disposal of assets at less than market value
- sell or dispose of assets of a value in excess of \$5,000 (not including taxes and fees)
- endanger the organization's public image or credibility, particularly in ways that would hinder its accomplishment of mission
- fail to protect intellectual property, information and files from loss or significant damage

Expectations

Additionally, the Executive Director is expected to:

- maintain an adequate level of property insurance that covers the replacement value of property and carries an appropriate deductible
- maintain adequate liability insurance to cover all volunteers and staff that may be directly involved in the activities of the Association. The coverage amount must be, at minimum, equal to what is required by Sask Sport Inc. for all organizations eligible to receive funds through the SLTF (currently \$5M)
- take all reasonable steps to minimize fraud, losses and liability claims
- maintain net assets above a level sufficient to meet the organization's liabilities
- plan for the replacement of depreciating capital assets

2.3.2.5 - Restricted or Designated Funds**Limitations**

With respect to the restricted funds and assets the Executive Director may not spend restricted funds for a purpose other than that for which they were restricted

Expectations

The Executive Director is expected to consult the donor(s) before disposing of or moving donated funds to a cause not originally intended by the donor.

2.3.2.6 - Banking Operations and Investments**Limitations**

In order that the Board may comply with its responsibility regarding the operation of bank accounts and investments the Executive Director shall not:

- open, close or amend a bank account in the name of the Association
- enter into a loan or overdraft agreement on behalf of the Association
- invest the funds of the organization in investment instruments that do not comply with the investment policy (Appendix H);
- invest other than with the Investment Broker approved by the Board of Directors, unless the investment is being managed by the banking institution of the organization
- Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than AA rating, or in non-interest bearing accounts except where necessary to facilitate ease in operational transactions

Expectations

The Executive Director is expected to redeem, transfer, invest and reinvest funds according to cash flow needs and appropriate investment opportunities. The primary objective of the investment fund is to establish reserve funds and to protect the future sustainability of the organization.

The Executive Director will report annually to the Board of Directors. The report will include:

- a list of all investments
- the investments sold during the year
- the investments purchased during the year

2.3.2.7 - Staff and Volunteer Treatment

Limitations

In relating to staff and volunteers the Executive Director shall not:

- cause or allow working conditions for staff or volunteers which are unfair, undignified, unsafe, or which violate human rights and any pertinent legislation or are not inclusive for all.
- Operate without written personnel policies and procedures which at minimum clarify expectations and working conditions for staff, provide for effective handling of grievances, and protect against wrongful conditions.
- Fail to ensure policies and procedures are in place to address workplace harassment
- Fail to ensure that staff are informed of the performance standards by which they will be assessed.

Expectations

In relating to the Board of Directors, staff, volunteers and other stakeholders, the Executive Director is expected to demonstrate the values of affirmation, involvement and servant leadership.

In relating to staff and volunteers the Executive Director is also expected to:

- respond to staff and volunteer concerns promptly

- provide adequate financial compensation for the level of responsibility the person holds

2.3.2.8 - Board Governance Support

In supporting the Board's governance process the Executive Director is expected to:

- Attend all Board meetings
- Ensure that monitoring information is made available to the Board or committee in a timely, accurate, understandable and comprehensive manner
- Comply with the regulatory guidelines set out in current legislation.

2.4 – MONITORING AND MEASURING

2.4.1 - Monitoring Critical Success Factors

The Board shall perform the monitoring of the critical success factors listed in the multiyear plan on a quarterly or annual basis, depending on the nature of the indicators used in monitoring them. Each critical success factor may have multiple indicators. The limit of acceptable risk for each indicator shall be predetermined, recorded in Board minutes and communicated to the Executive Director.

2.4.2 - Monitoring Executive Director Limitations/Expectations

The Board shall perform the monitoring of the Executive Director's compliance with the limitations of authority and expectations of responsibility unless the monitoring is delegated to the committee in whose area the limitations of authority apply.

Monitoring may be assigned to a committee and may take one of the following forms:

- Internal Report (verbal or written report from the Executive Director or their designate)
- Internal Audit (documentation review by the Board or a committee)
- External Audit (documentation review and report by an external third party)

2.4.3 - Monitoring Schedule

The Board or the appropriate committee shall establish and maintain an annual schedule of this monitoring process for each of the limitations and expectations policies. They may be monitored monthly, quarterly or annually at the direction of the Board.

The schedule for monitoring Executive Director compliance shall be as follows:

- Tactical and Financial Planning Quarterly
- Financial Condition Quarterly
- Capital Assets Annually
- Capital Expenditure Annually
- Restricted and Designated Gifts Annually
- Banking Operations Annually
- Stakeholder Treatment Annually
- Board Governance Support Quarterly

2.4.4 Measuring Strategic Results

As part of its duty the Board of Directors shall measure the strategic results of its efforts to fulfil its mission and priorities.

2.4.4.1 - Outcome Indicators

The Board of Directors shall identify indicators of results that shall be the basis of setting strategic goals that are specific, measurable, achievable, relevant to the mission and priorities, and time-limited (S.M.A.R.T.). The Indicators shall be reviewed on an annual basis and revised where necessary as part of the multiyear strategic planning process.

2.4.4.2 - Measuring Process

The Board shall measure the progress toward the strategic goals on an annual basis as part of the multiyear planning process. On the basis of this measurement and evaluation of strategic results the Board may make revisions to priorities and strategic goals for the following year.

2.4.5 - Monitoring Board Performance and Annual Relationship Reviews

As part of its accountability process, the Board shall have its own performance reviewed and shall monitor the performance and shall complete annual relationship reviews for the Executive Director and the committees to which it has delegated authority and responsibility.

Accountability in all relationships is mutual. The source of authority is accountable to the recipient of authority for providing the authorization, resources, affirmation, involvement, and servant leadership required for the successful realization of the responsibilities of the position.

The recipient of authority is accountable to the source of authority for performance with respect to the negotiated expectations and for compliance with the limitations of authority of the position being reviewed.

The components of this working relationship shall be reviewed at predetermined intervals at the initiation of the source of authority and shall include a:

- Review of the authorization and resources provided, and values expressed by the source of authority to the recipient
- Review of the recipient's performance towards expectations of the responsibilities of the relationship including the progress towards tactical goals
- Negotiation of tactical goals and other expectations for the next planning period
- Review of the authorization and resources required for the next period, including plans for personal development.

Copies of all annual relationship reviews shall be distributed to all members of the Board within 30 days of completion.

2.4.5 - Annual Relationship Reviews

Note: Where the Board chooses not to have a Governance - Nomination Committee, the reviews shall be conducted by those indicated by the Board at the Board meeting prior to the Spring Meeting.

2.4.5.1 - Board Review

The annual review of the performance of the Board shall be assigned to the Governance - Nomination Committee.

2.4.5.2 - Chair, Past-Chair and Secretary Review

The annual review of the Chair, Past-Chair and Officer relationship shall be delegated to the Governance - Nomination Committee. The reviewers' annual appointment may be renewed.

2.4.5.3 - Committee Reviews

The annual review of the committee/Board relationship shall be delegated to the Governance - Nomination Committee. At least one of the reviewers shall attend one meeting of the committee being reviewed during the year under review.

2.4.5.4 - Committee Chair Review

The annual review of the committee chair/Board relationship shall be delegated to the Governance - Nomination Committee.

2.4.5.5 - Board Director Review

The review of the Board director/Board relationship shall be delegated to the Governance - Nomination Committee. Normally, this review shall take place after the first year of each term of office.

2.4.5.6 - Executive Director Review

The annual review of the Executive Director/Board relationship shall be delegated to the Governance - Nomination Committee and the Board Chair.

2.4.6 - Accountability to Government Authorities

The Board shall ensure that all documents required by the government are filed in accordance with all applicable regulations.

The Board shall further ensure that the organization complies with all the laws of the province/country in which the organization is registered and works.

2.4.7 - Accountability to Members

The Board shall report fully and accurately the annual measurements of strategic results to each voting member of the organization in a timely manner in its annual report, such report to be published on the SFA web site no less than 14 days prior to the Annual General Meeting.

2.4.8 - Accountability to Other Stakeholders

The Board shall report fully and accurately the results of its annual measurements of strategic results and an audited financial statement to the appropriate stakeholders.

The Board shall also make available relevant information to the clients and primary beneficiaries of the organization services through an annual report that shall be made available in a timely manner.

3 - MEMBERSHIP FEES**3.1 – INDIVIDUAL MEMBERSHIP**

Individual members shall pay annual membership fees. Annual membership fees shall be due and payable at the time of registration. Membership shall be for the period up to the next August 31.

The annual membership fees of each Individual Member shall be as described in Appendix A, including the SFA fee and the Affiliated membership fee as related to the specific SFA membership category.

Any individual or organization who contributes to the Association a minimum of the Supporting Member fee, as described in Schedule A, shall be a Supporting Member during the remainder of the fiscal year in which the contribution is made.

3.2 – CLUB MEMBERSHIP

Each Club shall pay annually to the SFA the Member Club fee, as described in Appendix A, as membership fees for the ensuing year and this shall include the CFF Club fee. Club Fees shall be due and payable no later than September 30 of the membership year. Membership shall be for the period up to the next September 29.

Each Club shall pay annually to the SFA the Equipment Maintenance fee as described in Appendix A for the ensuing year. Equipment Maintenance fee shall be due and payable no later than September 30 of the membership year.

Each Club shall pay an annual Club Cost Share fee, calculation of this amount as described in Appendix O. The Club Cost Share fee shall be due and payable within one month of the date of the invoice.

3.3 – NON-PAYMENT

3.3.1 – Failure to Pay Club Membership Fees

Failure by a Member Club to pay the specified fee by the prescribed date shall cause forfeiture of such delinquent Club's right to vote at any meeting, or on any question of the Association and access to all benefits that may come with membership of the Association. The forfeiture shall remain in effect until the outstanding fees have been received by the SFA.

3.3.2 – Failure to Pay Individual Membership Fees

Failure by all other Members of the Association to pay the specified fees shall result in the delinquent member being barred from participation in all activities of the Association until such time as the aforesaid fees have been received by the SFA.

3.3.3 – Failure of Member Club to Submit Individual Membership Fees/ Registration

Failure of the Member Club to submit individual membership fees, and accompanying registration/membership list, to the SFA within one month from receipt of the fees/registration from the individual member shall cause forfeiture of all rights and benefits as noted in 3.3.1 above.

3.3.4 – Failure of Member Club to Pay Club Cost Share Fee

Failure of the Member Club to submit club cost share fees as per 3.2 above shall cause forfeiture of all rights and benefits as noted in 3.3.1 above.

3.3.5 – Continued Failure to Pay Fees

With continued failure of the member to resolve the unpaid fees, the Board of Directors may decide to suspend or expel the member following a hearing as describe in the Not for Profit Act of Saskatchewan.

4 - ASSOCIATION EXPENSES

4.1 – EXPENSE REIMBURSEMENT

Travelling expenses and subsistence allowances for athletes, coaches, officials, and managers attending competitions or clinics shall be as determined from time to time as outlined in Appendix E.

Any Member funded to travel must submit an expense claim form. All expense claim forms shall be submitted within two weeks of completion of funded travel. See Appendix F

The National Rankings and Provincial Cadet and Provincial Junior Rankings shall be used as guides in selecting athletes to receive travel assistance.

5 – TOURNAMENTS AND COMPETITIONS

All Tournaments will be run according to the latest FIE Rules available unless otherwise decided by the Organizing Committee (made up of the Technical Committee, the Executive Director and the DT), and with any exceptions to the FIE Rules stated clearly on the entry form.

Tournament organizers are to use a competition format identical or similar to that used in Canadian Circuit competitions unless there are mitigating circumstances.

All Tournaments must have entry forms which must be made available within one week of the end of the previous tournament or 30 days prior to the upcoming tournament – whichever is shorter – by the Organizing Committee and have a deadline for entries determined by the DT or at least two (2) days in advance of the event.

5.1 – TOURNAMENT ATTENDANCE

Unless otherwise indicated on the tournament entry form, all competitors must hold Individual Regular memberships in the SFA.

Unless designated 'closed', all tournaments are open to members of other Branches of the CFF and competitors of other countries properly registered with their National Association.

Unless specifically designated by resolution of the Board of Directors, tournaments are not open to professionals.

5.2 – TEAM CHAMPIONSHIPS

Team Championships are to be Three (3) member teams and no team may fence short-handed.

The Tournament Organizing Committee for Team Championships may permit the post entry of composite teams when it will not result in prolonging the event unduly or create other detrimental conditions, and where it will not result in a 'stacked' team.

5.3 – TOURNAMENT FEES

Tournament entry fees and late fees will be as per Appendix I - Competition Entry Fees.

6 - RANKINGS

The Provincial Points System and Provincial Under-13, Provincial Cadet and Provincial Junior Ranking Systems shall be as Appendix J – SFA Provincial Ranking System.

The Executive Director shall maintain up-to-date rankings of Under-13, Cadet and Junior competitors based on the SFA Provincial Ranking System. Up to date rankings shall be available, on request, to the Executive Director and the Technical Committee.

The Executive Director shall maintain an up-to-date record of competitors' points based on the National Ranking System, which shall be available, on request to the Executive Director and the Technical Committee.

It is the responsibility of the DT to ensure that official results are sent to the Association Office in order for points to be credited.

A member may appeal the disallowance of a tournament, or the points awarded, to the Relations/Members Committee.

7 – HONOURS, AWARDS, AND TROPHIES

7.1 – POSSESSION OF AWARDS

All permanent trophies presented to, or purchased by, The Association for annual competition shall remain the property of the Association.

The winner of an annual trophy may be permitted to have it in their possession for one year, or until 30 days prior to the date of the next competition for that trophy. A form shall be signed in which the recipient guarantees the return of said trophy at the time outlined above, or on request at any time, and assumes full financial responsibility for shipping, damages, loss, or unauthorized alterations while in their possession or being shipped by them. Such form is noted in Appendix K.

8 – SAFE SPORT POLICY

The SFA shall create and adopt a Safe Sport Policy as outlined by Sask Sport in conjunction with the CFF. This policy is outlined in Appendix O.

9 – AMENDMENTS

Amendments of the Rules and Regulations may be made by the Board of Directors to be implemented at the time of approval by the Board. The amendments need to be ratified at the next meeting of the Association by a Two-Thirds (2/3) vote of the Voting Club Members present at the meeting. If such ratification does not occur, the change will revert back to prior to the amendment.

Amendments of the Rules and Regulations may also be made at the Annual Spring Meeting, The Annual General Meeting or any special meeting of the membership that is called. Proposed amendments must be specific. They must refer to the section and paragraph concerned, quote the existing documentation, clearly indicate the changes proposed, and quote the section as it would appear if amended. The proposed changes must be circulated to the voting membership as per timelines outlined in the Bylaws. A Two-Thirds (2/3) vote of the Voting Club Members present at the meeting is required for ratification.

Any Appendices may be revised at any meeting of the Board of Directors where a quorum exists without approval at a meeting of the Members.

10 –APPENDICES

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Appendix A – SFA MEMBERSHIP FEES



Saskatchewan Fencing Association

Creating Opportunities within the Sport of Fencing

510 Cynthia St., Saskatoon S7L 7K7

Phone: (306) 976-0823;

Web: www.skfencing.ca

; email: office@skfencing.ca

1. CLUBS

- a. Member Club Fee - \$110.00
- b. Equipment Maintenance Fee - \$25.00
- c. Club Cost Share Fee – based on individual regular membership registrations

2. INDIVIDUAL

- a. Individual Regular Member Fee - \$50.00 + CFF full license
 - i. Half- year fee + CFF full license available after January 31 of the year
- b. Individual Recreational Member Fee - \$20.00 with no CFF license
 - i. Half-year fee available after January 31 of the year
 - ii. “Camp” or “Day Camp” fee is 50% of Individual Recreational Member Fee
- c. Individual Supporting Member Fee - \$30.00 + CFF license

Regular

Persons who register with a Member Club so as to be eligible ‘to receive physical instruction at a fencing club’, ‘to participate in physical activity at a fencing club’, ‘to enter fencing competitions’, and such other definitions as may be decided from time to time by the Board of Directors of the SFA.

Recreational

Persons who register with a Member Club so as to be eligible ‘to receive physical instruction by a fencing club and ‘to participate in physical activity with a fencing club’ in an introductory/beginner level clinic/class/course on the sport of fencing, and are NOT permitted to participate in any SFA or CFF sanctioned event, with the exception of U10 and U13 fencers are permitted to participate in non-CFF sanctioned SFA events as permitted by the rules of the tournament as listed on the tournament entry/registration form.

NOTE: Persons who participate in an introductory/beginner level fencing “camp” or “day camp” as organized by a Member Club so as to be eligible ‘to receive physical instruction by a fencing club’ and ‘to participate in physical activity with a fencing club’ shall register in the RECREATIONAL category at a discounted rate of 50% of regular fee. A “camp” or “day camp” is defined as four (4) to ten (10) hours of receiving corresponding instruction.

Supporting

Persons who register with a Member Club so as to support the objectives of the Association. Supporting members shall not be eligible to participate athletically in the sport of fencing and

shall be limited to participation as a coach, Board Member of a Member Club and/or the SFA, referee and volunteer.

Appendix B: Conflict of Interest, Discipline, Appeals

Saskatchewan Fencing Association-Conflict of Interest Policy

April 3, 2016

Definitions

1. The following terms have these meanings in this Policy:

- a) *“Association”* – Saskatchewan Fencing Association
- b) *“Conflict of Interest”* – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Association, is influenced or could be influenced by personal, family, financial, business, or other private interests.
- c) *“Individuals”* – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- d) *“In writing”* - A letter, fax or email sent directly to the Association.
- e) *“Pecuniary Interest”* - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated.
- f) *“Non-Pecuniary Interest”* - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.

Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the Association. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the Association. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the Association is connected to their own “pecuniary” or “non-pecuniary” interests. That would be a conflict-of-interest situation.

Purpose

3. The Association strives to reduce and eliminate nearly all instances of conflict of interest at the Association – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Individuals will conduct themselves in matters relating to conflict of interest, and will clarify how Individuals shall make decisions in situations where conflict of interest may exist.

4. This Policy applies to all Individuals.

Obligations

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between an Individual's personal interest and the interests of the Association, shall always be resolved in favour of the Association.

6. Individuals will not:

a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Association, unless such business, transaction, or other interest is properly disclosed to the Association and approved by the Association.

b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment.

c) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise.

d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Association if such information is confidential or not generally available to the public.

e) Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the Association, or in which they have an advantage or appear to have an advantage on the basis of their association with the Association.

f) Without the permission of the Association, use the Association's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Association.

g) Place themselves in positions where they could, by virtue of being an Association Individual, influence decisions or contracts from which they could derive any direct or indirect benefit.

h) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an Association Individual.

Disclosure of Conflict of Interest

7. On an annual basis, all the Association's Directors, Officers, Employees, and Committee Members will complete a Declaration Form disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained by the Association.

8. Individuals shall disclose real or perceived conflicts of interest to the Association's Board immediately upon becoming aware that a conflict of interest may exist.

9. Individuals shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, officer or director.

Minimizing Conflicts of Interest in Decision-Making

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an Individual will be considered and decided with the following additional provisions:

- a) The nature and extent of the Individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
- b) The Individual does not participate in discussion on the matter.
- c) The Individual abstains from voting on the decision.
- d) For board-level decisions, the Individual does not count toward quorum.
- e) The decision is confirmed to be in the best interests of the Association.

11. For potential conflicts of interest involving employees, the Association's Board will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. The Association will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with the Association or give rise to a conflict of interest.

Conflict of Interest Complaints

12. Any person who believes that an Individual may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the Association's Board who will as quickly as possible decide appropriate measures to eliminate the conflict.

13. The Association's Board decision as to whether or not a conflict of interest exists will be governed by the following procedures:

- a) Copies of any written documents to be considered by the Board will be provided to the Individual who may be in a conflict of interest situation
- b) The Individual who may be in a conflict of interest situation will be provided an opportunity to address the Association's Board orally or if granted such right by the Association's Board, in writing
- c) The decision will be by a majority vote of the Association's Board

14. If the Individual acknowledges the conflict of interest, the Individual may waive the right to be heard, in which case the Association's Board will determine the appropriate sanction.

Decision

15. After hearing and/or reviewing the matter, the Association's Board will determine whether a conflict of interest exists and, if so, the sanctions to be imposed.

Sanctions

16. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest:

- a) Removal or temporary suspension of certain responsibilities or decision-making authority.
- b) Removal or temporary suspension from a designated position.
- c) Removal or temporary suspension from certain teams, events and/or activities.
- d) Expulsion from the Association.
- e) Other actions as may be considered appropriate for the real or perceived conflict of interest.

17. Any person who believes that an Individual has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Association to be addressed under the Association's Discipline and Complaints Policy.

18. Failure to comply with an action as determined by the Board will result in automatic suspension from the Association until compliance occurs.

19. The Board may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

Enforcement

20. Failure to adhere to this Policy may permit discipline in accordance with the Association's Discipline and Complaints Policy.

Saskatchewan Fencing Association- Discipline and Complaints Policy

April 3, 2016

*** Insert Flowchart***

Definitions

1. The following terms have these meanings in this Policy:

- a) *“Association”* – Saskatchewan Fencing Association
- b) *“Case Manager”* – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Discipline and Complaints Policy. The Case Manager will comply with the position description described in Suffix “A”.
- c) *“Complainant”* – The Party alleging an infraction
- d) *“Days”* – Days including weekend and holidays
- e) *“Individuals”* – All categories of membership defined in the Association’s Bylaws, including clubs, teams, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- f) *“In writing”*- A letter, fax or email sent directly to the Association.
- g) *“Respondent”* – The alleged infracting Party

Purpose

2. Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Association’s policies, bylaws, rules and regulations, and Codes of Conduct. Non-compliance may result in sanctions pursuant to this Policy.

Application of this Policy

- 3. This Policy applies to all Individuals relating to matters that may arise during the course of Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.
- 4. This Policies also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this Policy will be determined by the Association at its sole discretion.
- 5. This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.

6. An employee of the Association found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the Association's Human Resources Policy, as well as the employee's Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

7. Any Individual may report any complaint to the Association. A complaint must be in Writing and must be filed within 21 days of the alleged incident. Complaints should be submitted to:

Saskatchewan Fencing Association

Attn: Office Manager

510 Cynthia Street

Saskatoon, SK; S7L 7K7

e-mail: office@skfencing.ca

8. A Complainant wishing to file a complaint outside of the 21 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the 21 days will be at the sole discretion of the Case Manager. This decision may not be appealed.

9. At the Association's discretion, the Association may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.

10. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.

11. Upon receiving a complaint, the Association will review the complaint to determine validity and required next steps.

Case Manager

12. Upon the receipt and review of a complaint, the Association may appoint or request the appointment of an independent Case Manager to manage and administer complaints submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

13. The Case Manager has a responsibility to:

- a) Determine whether the complaint is within the jurisdiction of this Policy or frivolous
- b) Propose the use of the Association's Alternate Dispute Resolution Policy
- c) Appoint the Discipline Panel, if necessary
- d) Coordinate all administrative aspects and set timelines
- e) Provide administrative assistance and logistical support to the Panel as required

f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

Procedures

14. If the Case Manager determines the complaint is:

a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.

b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and the applicable next steps.

15. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

17. After notifying the Parties that the complaint has been accepted, the Case Manager will first propose the Association's Alternate Dispute Resolution Policy with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

18. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:

a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications

b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing and/or decision rendered

c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense

d) The Discipline Panel may request that any other individual participate and give evidence at the hearing

e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate

f) The decision will be by a majority vote of the Discipline Panel

19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

21. If a decision affects a 3rd party to the extent that the 3rd party would have recourse to a complaint or an appeal in their own right, that 3rd party will become a party and apart of the complaint procedure to the complaint in question and will be bound by the decision.

22. In fulfilling its duties, the Panel may obtain independent advice.

Decision

23. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

24. The Panel may apply the following disciplinary sanctions, singularly or in combination:

- a) Verbal or written reprimand
- b) Verbal or written apology
- c) Service or other contribution to the Association
- d) Removal of certain privileges
- e) Suspension from certain teams, events, and/or activities⁵
- f) Suspension from all Association activities for a designated period of time
- g) Withholding of prize money or awards
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from the Association or from other sources
- j) Expulsion from the Association
- k) Any other sanction considered appropriate for the offense

25. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in automatic suspension until such time as compliance occurs.

26. Infractions that result in discipline will be recorded and records will be maintained by the Association.

Suspension Pending a Hearing

27. The Association may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Panel.

Criminal Convictions

28. An Individual's conviction for a Criminal Code offense, as determined by the Association, will be deemed an infraction under this Policy and will result in expulsion from the Association. Criminal Code offences may include, but are not limited to:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

Confidentiality

29. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Timelines

30. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

Records and Distribution of Decisions

31. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, Sask Sport Inc., etc., may be advised of any decisions rendered in accordance with this Policy.

Appeals Procedure

32. The decision of the Panel may be appealed in accordance with the Association's Appeal Policy.

Suffix A**CASE MANAGER POSITION DESCRIPTION****Purpose**

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

Policies

2. The following Policies require the appointment of a Case Manager:

- a) Discipline and Complaints
- b) Appeal
- c) Alternate Dispute Resolution Policy

Identity

3. The Case Manager, whether or not appointed by the Association at its sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.

4. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

Discretion - Complaints

5. When a complaint is filed, the Case Manager is required to:

- a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
- b) Propose the use of the Association's Alternate Dispute Resolution Policy
- c) Appoint the Panel, if necessary
- d) Coordinate all administrative aspects and set timelines
- e) Provide administrative assistance and logistical support to the Panel as required
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Discretion - Appeals

6. When an appeal is filed, the Case Manager is required to:

- a) Propose the use of the Association's Alternate Dispute Resolution Policy
- b) Determine if the appeal falls under the scope of the Appeal Policy
- c) Determine if the appeal was submitted in a timely manner
- d) Decide whether there are sufficient grounds for the appeal
- e) Appoint the Panel, if necessary
- f) Coordinate all administrative aspects and set timelines
- g) Provide administrative assistance and logistical support to the Panel as required
- h) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

7. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternate Dispute Resolution

8. When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager may be required to:

- a) Appoint the mediator or facilitator
- b) Coordinate all administrative aspects and set timelines
- c) Provide administrative assistance and logistical support to the mediator or facilitator as required

Hearing Format - Discretion

9. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, but are not limited to:

- a) In person
- b) Conference call
- c) Written submissions
- d) Conference call plus written submissions

10. In determining the format of the hearing the Case Manager should consider:

- a) The distance between the parties
- b) The animosity between the parties
- c) The time commitment and location of the Panel
- d) The timelines for a decision

- e) The language barriers between the parties
- f) The gravity of the complaint/appeal

Panel Appointment

11. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:

- a) Experience in dispute resolution
- b) Experience with sport disputes
- c) No connection to either party
- d) Preferably no connection with the Parties
- e) Decisive

12. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.

Communication

13. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.

14. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

Suggested Procedure

15. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:

- a) Receive the written complaint or appeal⁸
- b) Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)
- c) Determine whether the complaint is within the jurisdiction of the applicable Policy.
- d) Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document

and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).

e) The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.

f) Appoint the Panel

g) Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.

h) Ensure the Panel renders a written decision within a prescribed timeline.

Saskatchewan Fencing Association-Appeal Policy

(Revised October 2017)

Insert Flow Chart

Definitions

1. The following terms have these meanings in this Policy:

- a) *"Appellant"* – The Party appealing a decision
- b) *"Appeals Panel"* – A single person, or in extraordinary circumstances and at the discretion of the Case Manager, three persons, who will hear and decide the appeal.
- c) *"Association"* – Saskatchewan Fencing Association
- d) *"Case Manager"* – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Appeal Policy. The Case Manager will comply with the position description described in Suffix "B"
- e) *"Days"* – Days including weekend and holidays
- f) *"In writing"* - A letter, fax or email sent directly to the Association.
- g) *"Individuals"* – All categories of membership defined in the Association's Bylaws, including clubs, teams as well as, all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- h) *"Respondent"* – The body whose decision is being appealed Purpose

2. The Association provides Individuals with this Appeal Policy to appeal certain decisions made by the Association.

Scope and Application of this Policy

3. Any Individual who is directly affected by an Association decision will have the right to appeal that decision; provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.

4. This Policy will not apply to decisions relating to:

- a) Employment
- b) Infractions for doping offenses
- c) The rules of the sport
- d) Budgeting and budget implementation
- e) Operational structure and committee appointments
- f) Volunteer appointments and the withdrawal of termination of those appointments

g) Decisions rendered by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)

h) Commercial matters

i) Decisions made under this Policy³

Timing and Conditions of Appeal

5. Individuals who wish to appeal a decision have twenty-one (21) days from the date on which they received notice of the decision to submit, in writing to the Association, the following:

a) Notice of the intention to appeal

b) Contact information and status of the Appellant

c) Name of the Respondent and any affected parties, when known to the Appellant

d) Date the Appellant was advised of the decision being appealed

e) A copy of the decision being appealed, or description of decision if written document is not available

f) Grounds for the appeal

g) Detailed reasons for the appeal

h) All evidence that supports the appeal

i) Requested remedy or remedies

j) An appeal fee of five hundred dollars (\$500) which will be refunded if the appeal is successful, or forfeited if the appeal is denied. Send cheque to:

Saskatchewan Fencing Association

Attn.: Office Manager

510 Cynthia Street

Saskatoon, SK; S7L 7K7

6. An Individual who wishes to initiate an appeal beyond the twenty-one (21) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the twenty-one (21) day period will be at the sole discretion of the Case Manager and may not be appealed.

7. Appeals should be submitted to:

Saskatchewan Fencing Association

Attn: Office Manager

510 Cynthia Street

Saskatoon, SK; S7L 7K7

Case Manager

8. Upon the receipt of an appeal, the Association will appoint an independent Case Manager to manage and administer appeals submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

Grounds for Appeal

9. An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Case Manager. Sufficient grounds only include the Respondent:

- a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents)
- b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
- c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
- d) Made a decision that was grossly unreasonable

10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy.

Alternate Dispute Resolution

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Appeal Panel may suggest, and the Parties may consent, the appeal to be heard under the Association's Alternate Dispute Resolution Policy.

12. Appeals resolved by mediation under the Association's Alternate Dispute Resolution Policy will cause the administration fee to be refunded to the Appellant.

Screening of Appeal

13. Should the appeal not be resolved by using the Alternate Dispute Resolution Policy, the Case Manager will have the following responsibilities:

- a) Determine if the appeal falls under the scope of this Policy
- b) Determine if the appeal was submitted in a timely manner
- c) Decide whether there are sufficient grounds for the appeal

14. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant and the Association will be notified, in writing, by the Panel of the reasons for this decision. This decision may not be appealed.

15. If there are sufficient grounds for an appeal, the Case Manager will appoint an Appeal Panel (the "Panel") which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances,

and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint three Panel members and designate one of the appointees to serve as the Chair.

16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

Procedure for Appeal Hearing

17. The Case Manager, in cooperation with the Panel, shall then decide the format under which the appeal will be heard. This decision may not be appealed.

18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a) The hearing will be held within a timeline determined by the Case Manager or the Panel
- b) The Parties will be given reasonable notice of the day, time and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
- c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- e) The Panel may request that any other individual participate and give evidence at the hearing
- f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
- h) The decision to uphold or reject the appeal will be by a majority vote of the Panel

19. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

20. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

21. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker.

The Panel may decide to:

- a) Reject the appeal and confirm the decision being appealed

- b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
- c) Uphold the appeal and vary the decision

22. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association within 14 days of the hearing's conclusion. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Confidentiality

23. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

Final and Binding

24. The decision of the Panel will be binding on the Parties and on all the Association's Individuals.
25. No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.

Suffix B**CASE MANAGER POSITION DESCRIPTION****Purpose**

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

Policies

1. The following Policies require the appointment of a Case Manager:

- a) Discipline and Complaints
- b) Appeal
- c) Alternate Dispute Resolution Policy

Identity

2. The Case Manager, whether or not appointed by the Association at their sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.

3. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

Discretion - Complaints

4. When a complaint is filed, the Case Manager is required to:

- a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
- b) Propose the use of the Association's Alternate Dispute Resolution Policy
- c) Appoint the Panel, if necessary
- d) Coordinate all administrative aspects and set timelines
- e) Provide administrative assistance and logistical support to the Panel as required
- f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Discretion - Appeals

5. When an appeal is filed, the Case Manager is required to:

- a) Propose the use of the Association's Alternate Dispute Resolution Policy
- b) Determine if the appeal falls under the scope of the Appeal Policy

- c) Determine if the appeal was submitted in a timely manner
- d) Decide whether there are sufficient grounds for the appeal
- g) Appoint the Panel, if necessary
- h) Coordinate all administrative aspects and set timelines
- i) Provide administrative assistance and logistical support to the Panel as required
- j) Provide any other service or support that may be necessary to ensure a fair and timely proceeding⁷

6. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternate Dispute Resolution

7. When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager may be required to:

- a) Appoint the mediator or facilitator
- b) Coordinate all administrative aspects and set timelines
- c) Provide administrative assistance and logistical support to the mediator or facilitator as required

Hearing Format - Discretion

8. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms:

- a) In person
- b) Conference call
- c) Written submissions
- d) Conference call + written submissions

9. In determining the format of the hearing, the Case Manager should consider:

- a) The distance between the parties
- b) The animosity between the parties
- c) The time commitment and location of the Panel
- d) The timelines for a decision
- e) The language barriers between the parties
- f) The gravity of the complaint/appeal

Panel Appointment

10. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:

- a) Experience in dispute resolution
- b) Experience with sport disputes
- c) No connection to either party
- d) Preferably no connection with the Parties
- e) Decisive

11. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.

Communication

12. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.

13. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

Suggested Procedure

14. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints

Policy or the Appeal Policy:

- a) Receive the written complaint or appeal
- b) Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)
- c) Determine whether the complaint is within the jurisdiction of the applicable Policy.
- d) Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).

e) The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.

f) Appoint the Panel

g) Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.

h) Ensure the Panel renders a written decision within a prescribed timeline.

January 2016

DISPUTE RESOLUTION POLICIES & PROCEDURES-Complaints and Appeals

Supplement 1

DISPUTE RESOLUTION POLICIES & PROCEDURES - COMPLAINTS AND APPEALS SUPPLEMENT

Sask Sport Inc., in conjunction with the Sport Law & Strategy Group, have developed a comprehensive set of guiding policy templates and supporting resources to assist member organizations with managing complaints and disputes when they may arise. As one of these resources, this Complaints and Appeals Supplement is intended to provide relevant information to Sask Sport members that may or will be entering into a formal dispute process. Information in this supplement is intended to compliment the processes recommended through the “Discipline and Complaints Policy” and “Appeals Policy” templates and associated flowcharts provided. Within this supplement, organizations will find information about managing disputes and other useful techniques for conducting internal hearings. In a perfect world, all disputes could be dealt with internally using the policies of the organization and the skills and resources of the organization’s volunteers and staff. However, there are many dispute situations that are best approached using outside resources. This may mean contracting out the administration of the hearing to an independent group, bringing in an independent person to chair a hearing panel, consulting with an outside person who can analyze and clarify a dispute, or using the services of an independent, skilled investigator. The moderate cost involved in tapping into the expertise of independent outsiders will prove to be, in almost all cases, an excellent investment.

Disclaimer – The information in this supplement is intended as general legal information only and should not form the basis of legal advice or opinion of any kind. Readers seeking legal advice should consult with a lawyer.

What Governs the PSGB or District (Active and Affiliate Member Organizations of Sask Sport) The PSGB or District is a Non-Profit Membership Organization – it is an autonomous, self-governing, private organization that has the power to write rules, make decisions and take actions that affect its members, registrants, participants and constituents. The Non-Profit Corporations Act of Saskatchewan applies to incorporated entities and a body of law called administrative law prescribes the rules by which Non-Profit Membership Organizations must operate in Canadian society and allows for remedies when these rules are not followed and someone is harmed as a result.

To understand a PSGB’s and District’s legal duties and obligations one must understand two important principles that apply to Non Profit Membership Organization – the first is the notion of contract and the second is the notion of natural justice, now almost synonymous in Canada with procedural fairness.

Contract

As a Non Profit Membership Organization, the PSGB or District is self-governing and derives its authority from its constitution, bylaws, policies, procedures and rules. Taken together, these are the “governing documents” of the organization and form a contract between the organization and its members. This contract provides the organization with the legal authority to establish the rights, privileges and ligations of membership. As in any contract, the parties to the contract are expected to adhere to its terms and provisions and failure to do so may result in a breach of the contract.

Procedural fairness

The second fundamental legal principle is that Non Profit Membership Organizations are subject to the rules of procedural fairness. In other words, the PSGB or District must be fair in how it exercises its powers and makes decisions. Being fair in organizational decision-making means meeting, at a minimum, these four requirements:

1. The PSGB or District must have clearly documented Dispute and Complaints procedures (i.e. processes and policies) that are accessible and readily available for the organization's members to review;
2. Authority to make the decision must be properly vested in the decision-maker (i.e. Discipline Panel or Appeals Panel) by the PSGB or District organization;
3. The decision-maker (i.e. Panel) has a duty to give persons affected by the decision a reasonable opportunity to know the case against them and present their case (commonly referred to as right to a hearing); and
4. The decision-maker (i.e. Panel) has a duty to listen fairly to both sides and to reach a decision untainted by bias (commonly referred to as rule against bias).

Right to a hearing

Before the PSGB or District can make a decision that adversely affects an individual, that individual has a right to know the case against them and to be given a reasonable opportunity to respond on their own behalf. There are two obvious purposes for this rule. Firstly, the person affected by the decision has an opportunity to defend their interests or to assert a claim. Secondly, the act of allowing the individual to provide information will allow the decision-maker to make a better-informed decision because he or she will have heard both sides of the dispute.

Managing the hearing

Preparing for and administering a hearing can be extremely time-consuming as well as emotionally draining. In nearly all cases heard within the PSGB/District, the Panel Member(s) will be volunteers and will not have the resources or time to take care of administrative details of the hearing themselves. As such, the PSGB or District should appoint or secure the services of a Case Manager** to ensure that communication with the parties is consistent and timely, that hearing rooms are booked, conference calls are organized, documents are circulated and the instructions of the Panel are carried out quickly and accurately.

It is imperative that the Case Manager be very careful to act in an absolutely neutral and transparent fashion. Communication with the Panel should be limited to administrative issues relating to the hearing and any and all communication should be copied to, or include the other parties. The person administering the hearing, usually the Case Manager, may well be perceived as being biased and must walk a very fine line to convey the perception that he or she is neutral and detached.

**Case Managers may be sourced from third-party organizations that specialize in Dispute Management, or individuals with experience and knowledge of Dispute Resolution procedures and may come from within the organization.

Alternative Dispute Resolution

More frequently, techniques of alternative dispute resolution are being used in the sport setting when disputes and complaints arise. These are some common dispute resolution techniques:

Facilitation – a process where an outside person works with and advises both parties and brokers a mutually agreeable solution between them; and

Mediation – a slightly more formal process than facilitation where an outside person brings the parties in a dispute together to understand and resolve their differences and find a mutually agreeable solution; At any time in the dispute management process, either of these options for ‘Alternate Dispute Resolution’ might present themselves as being appropriate. The appointed Case Manager should offer this alternate process to the parties involved AND if all parties agree, the Case Manager can step steps to engage a Facilitator or Mediator to lead the process.

Format of the hearing

Most of us think that the term hearing refers to a face-to-face gathering of the parties before a Panel. In fact, the term hearing simply refers to a mechanism by which an individual may be heard: that is, may respond to the matter at hand. A hearing in the legal sense can occur in many different ways. These include interactions in person, on the telephone, by video conference, or through the exchange of written documents or interactions through a combination of these methods. The appropriate format for any hearing will depend on the nature and seriousness of the case in conjunction with the PSGB Discipline and Complaints Policy.

The Panel

As noted in the PSGB Discipline and Complaints Policy, there are two manners to decide an issue, via single Panel or in rare cases a Panel of three individuals with an appointed chairperson.

The Role of Chairperson

A Panel of a hearing will only be effective if the Panel, in the case of a single decision-maker, or the Chairperson, in the case of a three-person Panel, is effective. A good Panel has the respect of the parties and can control procedures with a firm but fair hand. Ideally, the Panel knows legal procedures and will be adept at handling complex or aggressive arguments. In terms of personal attributes, the Panel should be perceived as being credible, unbiased, independent and fair.

Independence of the Panel

The independence of the Panel refers to the extent to which each decision-maker is free to make his or her own decision – free from the influence of other decision-makers, from outside third parties or from the influence of those who may have appointed them to the Panel. Panel members should be sufficiently independent of those who appoint them that they are free to make decisions without interference or repercussions.

Bias of the Panel

Bias refers to a decision-maker’s state of mind and reflects a lack of neutrality. Actual bias is extremely difficult to prove - however, one may have a “reasonable apprehension” that a decision-maker is biased

and this may be sufficient to disqualify the decision-maker. A reasonable apprehension of bias exists where “a reasonable person, knowing the facts concerning the decision-maker, would suspect that the decision-maker may be influenced, albeit unintentionally, by improper considerations to favor one side the matter he or she is to decide”.

Sometimes bias is alleged because the Panel member is too informed or knows too much. An informed decision-maker is always a good addition, provided the decision-maker has an open mind and is open to persuasion through the hearing process, which may not always involve an in-person hearing, but rather teleconference call or document review.

Relationships and elements that may result in bias or a reasonable apprehension of bias can be grouped into six broad categories:

Personal relational bias

This includes personal relationships that might suggest favoritism such as friendship, kinship or a coach-athlete relationship. It also includes personal relationships that might invoke animosity or prejudice such as personality conflicts, a history of strained relations or involvement in a previous dispute.

Non-personal relational bias

This category of bias relates to a commercial or business relationship between a decision-maker and a party that might result in bias either in favor of or against a party. This might include an employee-employer relationship, competitors, or even one party’s membership in a particular organization or interest group.

Informational bias

This category involves situations in which the allegation of bias is made because a decisionmaker learns details about a person or a relevant issue as a result of some prior involvement, perhaps through a previous dispute or hearing. This typically arises where a decision-maker has participated in an earlier hearing that involved the same person or same issues.

Attitudinal bias

This category of bias relates to whether a view or a position taken by a decision-maker in the past, although not specifically directed to the matter under consideration, suggests a predisposition on the part of the decision-maker towards one side or the other. This is a tricky issue. Having an open mind does not mean having a blank or void mind! Decision-making bodies may, and often do, take positions and make general statements about issues, but they cannot be so entrenched in a position so as to have a “closed mind”.

Institutional bias

This category of bias refers to the manner in which the organizational structure of an organization creates or builds in a bias or apprehension of bias. A classic case of such bias arises where a Board of Directors is authorized to make a certain decision and any appeal of such a decision is to be heard by the Executive Committee. In most sport organizations, the Executive is a subgroup of the Board and thus is in the position of hearing an appeal from its own decision.

Operational bias

This category of bias arises from the manner in which a hearing is conducted. More specifically, operational bias may be alleged where the procedure adopted by the decision-maker has created a situation of unfairness for one of the parties. Operational bias may also be alleged where the decision-maker becomes so involved that he or she appears to be an advocate for one side or another. Similarly, operational bias may be alleged where a decision-maker is overly adversarial during the conduct of the hearing. Disqualifying a Panel member for bias is more complicated than simply asserting that bias exists. The test for bias is an objective test and the party alleging bias must meet this test. While a previous or existing association, friendship, business relationship or family relationship might be perceived as biasing a decision-maker, it is important to note that it is not the relationship itself that creates the bias, or the apprehension of bias, but rather the extent to which the relationship influences or is perceived to influence the decision-maker.

What to do when bias is alleged

If one of the parties makes an allegation of bias, it is the Panel itself that makes a ruling on the allegation, based on the objective test described above. If the Panel finds no bias, the hearing may continue. If the Panel determines bias, then that person should withdraw. In the event that a Panel member removes themselves because of bias, the Case Manager will appoint a new Panel member to hear the matter. In the case of a three-person Panel, the parties can consent to continue the process with two decision-makers or request that the Case Manager appoint a third member of the Panel. Allegations of bias should be addressed right at the beginning of a hearing. It is common practice for the Panel to pose the question of bias as a preliminary matter by ensuring that the parties have no objections about the constitution of the Panel. The only time a Panel should consider an allegation of bias later on in the hearing is if new information has come to light during the course of the hearing that might suggest a perception of bias. Sometimes a party will allege bias after the hearing is over, particularly when the Panel decides against them. The Panel should not consider such claims: if there is a legitimate issue of bias, then it can be addressed through the next level of review and decision-making or through appeal or judicial review. Likewise, if a party alleges bias and the Panel rules that bias does not exist yet the party maintains its position that there is bias, the hearing should proceed and the party should challenge the Panel's ruling through the appropriate channel – typically an appeal or judicial review.

Guidelines for avoiding bias

Here are some useful guidelines for Panel members wishing to avoid bias:

Panel members should not prejudge a case. In other words, they should not have made up their minds so strongly in advance that they cannot be swayed or influenced to decide another way as a result of information that comes forward at a hearing. This does not mean Panel members should not hold opinions going into a hearing. However, all Panel members are expected to listen to and consider all the evidence presented at the hearing and to base their decision upon that evidence – and only that evidence. Panel members should never meet with or communicate with one party in the absence of the other party, nor should a Panel ever hold private interviews with witnesses. This will always raise a reasonable apprehension of bias and is absolute grounds for a successful appeal of the Panel's decision. Once a hearing has concluded but the decision has not yet been rendered, Panel members should not

have any contact with the parties, particular when one of the parties is trying to provide the Panel members with more information. Considering such information will automatically make the Panel members biased. If there is a clear need to bring more evidence before the Panel, the hearing should be reconvened and the party seeking to introduce new evidence should make this request of the Panel, in the presence of the other party. A Panel should never ask one of the parties to write its decision. This frequently happens when the hearing is an internal administrative hearing and the organization is a respondent. The Panel members, who are typically volunteers, may ask the staff of the organization to write their decision. This raises a reasonable apprehension of bias and should be avoided. In all cases, the Panel write its own decision, and in the case of a three-person Panel, to delegate to one of its members, the task of preparing a draft decision for review and ultimate acceptance by all Panel Members.

Panel members must conduct themselves calmly and professionally in a hearing. Sometimes a decision-maker may make a blatant statement that suggests bias or prejudgment. Panel members must avoid flippant, derogatory or demeaning remarks about the parties or witnesses. They must not appear to be hostile, antagonistic, sexist or discriminatory. Finally, while it might seem obvious, Panel members should not socialize with either party during the course of a hearing. The other party might reasonably assume that information relevant to the matter in dispute will be discussed while socializing.

Identifying the issues

Know where you are going

A Panel member cannot do its job if it doesn't know the purpose of the hearing. A critical task for every Panel before it starts a hearing is to agree on what needs to be decided and to confirm that the Panel has the jurisdiction and authority to make such decisions. The Panel must have a clear sense of direction and purpose when approaching a hearing. In fact, all the parties should share the same sense of purpose and direction. This can only be achieved if everyone knows and agrees upon what the issue or issues are. The importance of this task should never be underestimated and if issues aren't clear at the outset, the hearing process simply will not work. Clearly identifying the issues that are to be put before a Panel will help the Panel determine what information is relevant to the hearing and what information is not. The Panel must not consider irrelevant information. In practice, distinguishing between relevant and irrelevant information can be difficult. The Panel must walk a very fine line between focusing on information that is relevant to the issues to be decided and allowing the individual who is the subject of the hearing to make a full and complete case and, just as significantly, to feel that they have had every opportunity to make their case. Identifying the issues that are in dispute in advance of the hearing will help to focus the agenda for the hearing. As well, in the process of identifying issues, certain procedural issues may emerge that need to be dealt with as preliminary matters before the hearing can even begin.

Some benefits of clearly articulated issues

The exercise of clarifying issues will help the Panel decide the best format for the hearing. For example, if the issues are purely factual or technical, a documentary hearing may be appropriate. If there is a dispute about factual events and credibility becomes a factor, then an in-person hearing may be the best. In the course of identifying and confirming issues, it may become apparent that other dispute management techniques could work. For example, negotiation or mediation may present themselves as appropriate alternatives and the dispute may never have to go to a hearing. Defining issues will help the

Panel and the parties identify relevant witnesses and documents to be placed before the Panel. Often, by making the issues clear the Panel will be able to limit the number of witnesses or documents to those pertinent to these issues, thus keeping the hearing simpler, shorter and less costly. Lastly, knowing the issues will help the Panel determine appropriate timelines for carrying out the hearing and rendering a decision.

Starting the hearing

When an oral hearing is ready to start there are a few items the Panel should first cover:

- Introduce the general nature of the hearing;
- Introduce the Panel or the members of the Panel and confirm that the parties have no objection on the basis of bias or conflict of interest;
- Outline and confirm the issues in dispute and to be decided by the Panel;
- Outline and confirm the facts on which the parties are in agreement;
- Identify the applicable policies of the organization that govern the issue or issues before the Panel and ensure that the parties have these policy documents before them;
- Confirm the remedies that the parties are seeking – in other words, clarifying what it is that each party is asking the Panel to decide; and
- Outline and confirm the order of presentation and the process to be used (see further information below).

Controlling the hearing

Keep the Hearing Moving

The Panel must keep control of the hearing at all times. A good hearing is one that moves along smoothly while still allowing the parties to present their evidence fully. This requires technical skills from Panel members as well as sensitivity to the disputants' needs. Where a Panel does not control a hearing and the parties are permitted to bring forward information that is not relevant or is repetitive, the hearing can become irritating, divisive and ultimately expensive and the Panel can lose credibility in the eyes of the parties and others. At the same time however, the parties must feel at the end of the day that they have had a full and fair hearing before the decision-making body. This requires a careful balancing act and is one reason that the organization may consider using the services of a skilled, experienced and independent individual to serve as the Panel or Chairperson in the case of a three-person Panel.

In almost all hearings a Panel will be asked to make procedural decisions. Many of these cannot be anticipated in advance and some of these decisions will be critical to the outcome of the decision. The Panel cannot avoid this responsibility. Furthermore, the Panel must conduct a hearing and make decisions that respect the principles of procedural fairness, given the facts and circumstances of the case.

Conduct during the hearing

Every Panel has the inherent power to control its own procedures and, in fact, has an obligation to the parties to do just that. Every Panel must also maintain its credibility in the eyes of the parties, the organization and the public. If a party becomes highly emotional the Panel must act with both compassion and firmness. If a party or a witness is behaving disrespectfully or improperly during a hearing, the Panel should take firm action, including disciplining the party through verbal warnings, curtailing the party's activities, restricting or stopping the party's testimony, or in extreme cases, stopping a hearing.

Be prepared

Where possible the organization should appoint a Panel or Panel members who are knowledgeable and who have had some experience in conducting hearings or being part of a hearing process. Panel members should prepare themselves fully by making themselves familiar with governing policies, procedures or rules that have been established for the hearing, all the documents presented to it by the parties, as well as any prior decisions that may be helpful. These should be read before the hearing starts. Panel members should also familiarize themselves with basic hearing procedures.

Order of Presentation in a Hearing

Typically, the party having the burden of proof goes first. Thus, in a discipline hearing the complainant has the onus of proving that there was a breach of the code of conduct (or whatever policy document applies) and should present its case first. In an appeal, the individual bringing the appeal has the burden of proving that the original decision was made in error, so that individual should present his or her case first.

The party responding to the party that has the burden of proof should go second and any affected parties or intervener parties should make presentations after that. Typically, each party presents its evidence through the introduction of documents, other records such as video tape, audio tape or oral testimony from themselves or from other witnesses. This is called the "evidence" stage. The other parties may be given an opportunity to ask questions or seek clarification on evidence. In a formal hearing, this would be called "cross-examination". Cross-examination can occur in a number of ways: for example, by means of questions through the Panel or questions directly of the witness. The purpose of cross-examination is to "test" the evidence – that is, check it for consistency and completeness.

Once all the parties have presented their evidence and have been questioned on their evidence, then each party must be given an opportunity to tie all the evidence together in the most persuasive way possible. This is called the "argument" stage.

Finally, the party having the onus of proof has an opportunity to come back and respond to anything raised by the other side or the other parties in either their evidence or their argument. This is called the "rebuttal" stage. No new evidence should be allowed at this stage.

When all of these stages have occurred, the hearing can then be adjourned for the Panel to make its decision.

Witnesses

Sometimes a party will line up a whole list of witnesses to support their position. The Panel has the implicit authority to determine which witnesses should be allowed in the hearing, keeping in mind that the greater the number of witnesses, the longer, more drawn out and more expensive the hearing will be. On the other hand, the parties must have the opportunity to make a full response and if this requires three witnesses and not just one, then the three should be allowed.

Admitting witnesses to a hearing

The admission of witnesses should be based on the extent to which they can provide information that is relevant to the issue in dispute. As well, witnesses should not duplicate each other. Often a witness is used simply to support the evidence of another witness and brings very little, if any, new information to the hearing. Such witnesses should not be allowed.

As well, witnesses should be credible and should not come to the proceeding with a conflict of interest or an “axe to grind”. As well, the Panel should be consistent in how it deals with the parties and their requests for witnesses. If one party is allowed by the Panel to bring five witnesses who will speak to good character, then the other party should not be restricted to a single witness.

The use of “will say” statements is one way to filter and screen witnesses. A will say statement is a written summary of what a witness is expected to say during the course of the hearing. Such statements are provided to all parties in advance so that they can anticipate the evidence and are not surprised at the last minute. A well-run hearing is one that contains no surprises and the use of will say statement is one technique to prevent surprises.

Disclosure and confidentiality

One of the basic rules of fairness is that the affected party must know the case against them. This means full and meaningful disclosure. Without full knowledge of the matters at issue a person cannot properly exercise their right to be heard. There are very few situations where full and complete disclosure will not be warranted.

A general rule of thumb that may guide a Panel dealing with the issue of disclosure is that any information that a party wants the Panel to consider should be disclosed to the other parties. If the party supplying the information doesn't want the other party to know of it, then the Panel should refuse to receive it, unless the safety of a minor is in question and then particular thought will have to be implemented to ensure procedural fairness and ensuring the safety of a minor.

Wherever possible, the general rule of full disclosure should be followed. Where the release of information will cause serious harm, it may be possible to limit disclosure, but to do so only to the extent necessary to avoid the harm. For example, it may be possible to disclose a précis or summary of the information for certain purposes.

EVIDENCE

What is evidence?

Information and evidence are similar, but not the same. Evidence is a certain type of information – it is information that is used to prove a fact, disprove a fact or support or contradict an argument. Evidence is usually verbal testimony, written documentation or material objects that are offered to prove the existence, or non-existence of a fact. Evidence can also be described as information that has been judged or filtered. The purpose of this process of judging or filtering is to:

- Determine if the information should be accepted or rejected in the decision-making process. In other words, not all information reaches the standard required of evidence.
- If the information is accepted, placing a value or weight on it. In other words, some evidence is more solid and relevant than other evidence.

Panels are not bound by strict rules of evidence; the way civil or criminal courts are bound by them.

Panels may make their own rules and, typically, they will relax the rules relating to evidence. For example, “hearsay” evidence is not admissible in a criminal court but may be admissible before a Panels, provided it is given less weight than other more direct and more reliable sources of evidence.

While it is not necessary to understand fully the evidentiary rules that exist in civil and criminal law, it is important to understand that not all information is evidence and that not all evidence is good. The decision-maker must sift through many sources of information to determine what information comprises relevant and material evidence, to determine what weight to apply to this evidence and, from there, to make a decision based upon evidence and policy.

MAKING THE DECISION

Authority of the Panel

The Panel may only decide matters for which it has jurisdiction. In other words, the Panel can only decide those things that it is expressly authorized to decide. Usually, this authority is set out in the policy documents governing the hearing and the Panel. If this authority is not clearly stated, the Panel should determine in advance what its authority is, prepare terms of reference that describe that authority and ensure that all the parties understand what the Panel can and cannot do.

No Panel has the authority to change the organization’s policies, regulations or rules. These changes must be made through proper policy-making channels. However, it is not uncommon or improper for a Panel to make decisions and order changes when policies are ignored, not followed, improperly interpreted or wrongly applied.

Consensus vs. majority decision

Unless the policy governing the hearing stipulates otherwise, where the Panel is made up of more than two members, the majority rules – the decision need not be unanimous. But be forewarned: a majority decision, as opposed to a unanimous decision, is never desirable. It indicates a split in the opinions and views of the Panel members and often leads to the parties losing confidence in the Panel and ultimately,

losing confidence in the decision. Experience has shown that majority decisions often give rise to appeals.

A unanimous decision is always the best and this is what the Panel should strive for.

What is a decision based on?

The Panel must be very clear about what it is being asked to decide. It must know “what test the applicant must meet”. For example:

- In a discipline matter, the Panel will be asked to determine whether the individual has breached a code of conduct or some similar standard of behaviour.
- In a selection matter, the Panel will be asked to determine if the athlete or coach has met the selection criteria.
- In an appeal of any type, the Panel will be asked to determine if the original decision-maker made a procedural error.

The Panel must make its decision on the basis of applicable governing documents, policies, rules and regulations as well as other evidence provided by the parties through the course of the hearing. In making its decision, the Panel must consider this information and this information only – it may not consider extraneous information supplied to it by outside parties, supplied to the Panel previously, or supplied to the Panel once the hearing has concluded. Nor should it consider views and opinions expressed in the media.

WRITING THE DECISION

The law does not require a Panel to give reasons for decisions and failure to give reasons will not necessarily result in a breach of natural justice or procedural fairness. However, for reasons of fairness, risk management and good governance, written reasons are always recommended. Without written reasons, a party adversely affected by a decision may not be satisfied that the Panel properly considered policy and evidence. When written reasons are provided the parties can have confidence in the Panel’s decision-making and often all the parties will be satisfied that the Panel considered the case carefully and that they received a full and fair hearing.

Qualities of a good decision

A good written decision is one that:

- Clearly and correctly interprets the governing policy or rule;
- Sets out the correct legal test to be satisfied;
- Describes the facts of the case, based upon relevant evidence;
- Justifies its decision based on both policy and facts;
- Is clearly written so that the decision-makers’ reasoning process is transparent; and
- Gives reasons that are understandable to a fair-minded, reasonable and disinterested observer.

Format of the decision

Written decisions should follow this format:

- Issue to be decided – This opening section should clearly state the issue that the Panel has been asked to decide. The essence of the complaint or matter being heard is set out here, along with what it is the applicant needs to prove to succeed.
- Background -- This section should set out background information on the matter, including the parties' names, the dates and locations of the incident in question and other factual information relating to the matter being heard.
- Statement of the facts -- This section summarizes the facts as the Panel has determined them, based upon the evidence and the weight that the Panel has assigned to the evidence. In this section, the Panel should identify contradictory evidence and should set out how the Panel resolved these conflicts. The parties reading the decision should appreciate fully what evidence was considered by the Panel and that relevant evidence was not considered.
- Authorities considered -- This section would identify the relevant sections of the policy documents that the Panel considered in making its decision. Authorities might also include relevant precedent decisions.
- The decision -- This section gives the decision of the Panel. For example, in the case of a disciplinary matter it should set out their determination on whether misconduct occurred and, if there was misconduct, the sanction to be taken against the individual. The decision should be worded very carefully so that both the purpose and the details of the sanction are clear. If there are timelines these should be set out clearly; if costs are to be assessed it should say what they are or how they will be determined; if publication of the sanction is to occur it should specify when and where and what the notice will say; if the sanction is not complied with, it should specify what will the repercussions be. The decision should be clear, complete and explicit.
- Reasons for the decision -- This section provides detailed reasons to support the Panel's decision. These reasons should be based upon policy and fact and should refer to any mitigating or aggravating circumstances. Reasons should be written in such a way that an outsider would be able to follow the analytical and reasoning process used by the Panel to arrive at its decision. The written decision should be able to stand alone, without other documents or supporting materials. This may mean repeating within the body of the decision the relevant excerpts of governing policies, precedent decisions or documentary evidence. A written decision that is all-inclusive and can stand alone is easier to distribute to the parties to the hearing and to outside parties. As well, such a practice helps to address confidentiality issues as full documents are not disclosed, only their relevant portions. In the case of a three-person Panel, and not a single person Panel, all of the Panel members should sign the decision as an indication they concur with the decision. If time is of the essence, the Chairperson can sign the decision on behalf of the other Panel Members if they provide their consent. If a Panel member does not concur with the decision, this should be stated, along with that Panel member's reasons for dissenting. The written decision should be sent to all parties simultaneously.

COMMUNICATIONS

After the Panel reaches a decision, the written decision is communicated to the parties, a remedy may be enacted and sanctions, where ordered, are imposed and the dispute ends. But does it? Who else gets to know what happened? Is the result public? Does the decision stay between the two parties or does the entire membership learn the results? The publication of a sanction can be considered a sanction in and of itself. Any publication reveals the identity of parties and publicly announces the results of the hearing. Such publication could have serious ramifications on the parties – professionally, socially and emotionally. Whether or not the individuals involved are minors should also be considered. There may also be scenarios where the facts of the case should be kept confidential but the sanctions or remedies may be distributed. In other cases, the outcome of the case can be public but the full decision – with reasons -may need to be private.

Who Decides?

Some organizations include a form of confidentiality clause within their dispute resolution policies that reference how a decision should be communicated. The clause might state that the decision should be limited to the two parties, or it might say that the decision is a matter of public record. In other policies, the disclosure of the decision is left to the Panel for that particular case – which would indicate in the decision whether it was confidential or whether it was a matter public record. Panels weigh various items to determine when a decision should be public. They will consider legal issues, whether the individual is a minor, the type of infraction, whether other individuals were implicated, and the result of the decision. In essence, the decision should be disclosed at a minimum to ensure the enforceability of the decision and the applicable sanctions. Such disclosure may include other Clubs or the NSO. For example, if a participant is restricted from participation as a result of a ruling, applicable Clubs will need to be informed to ensure the enforceability of the sanction, until such time as the sanction has been completed. The disclosure should likely only include the sanction and not the particulars that lead to the decision.

Publication

Decisions from hearings typically take the form of a written document with a specific format. The background of the case is explained, followed by the positions of both parties, the decision, and finally any sanctions or remedies. The written submissions from both parties are not included and neither are any witness statements or other materials. Both parties receive the decision document but the witnesses and third parties do not.

Even when the decision is publicly disclosed, the decision, with reasons, may not be distributed unless necessary or determined by the Panel. Instead, organizations may select from a variety of means to make a decision ‘a matter of public record’ or how best to inform members of the result.

CONFIDENTIALITY

While it is standard practice in court proceedings that those proceedings are confidential to the parties, a confidentiality clause is highly recommended which requires the parties to keep all matters related to the proceedings confidential. Such a provision will create a more precise and fair process. Disclosing information related to a proceeding cannot provide any sort of benefit to those involved. If an

organization, case manager or party to a proceeding is requested information related to the matter, the party should acknowledge the matter is being managed in accordance with PSGB Policy and it would be inappropriate to speak to the matter prior to a decision being rendered. Upon the conclusion of a matter, any further information request can be answered by indicating the decision speaks for itself or providing options for appeal.

SUMMARY

In summary, effective dispute management involves two elements:

- Prior planning – ensuring that governing policies are sound;
- Proper execution – interpreting and implementing governing and policies properly.¹³

Suffix 3:**SAMPLE DISCIPLINE HEARING SCRIPT**

Today is the (#) day of (month), 20__ and we are here to decide the case between (Complainant/Appellant) and Respondent with regard to the alleged violation(s) of _____ policy.

My name is _____ (Name) and I am the Chair of this Discipline/Appeal Panel charged with the responsibility of maintaining order and presiding over these proceedings.

To my left is _____ from _____ and to my right is _____ from _____ . We, the Panel, have been charged with deciding this case.

Would the parties please introduce themselves, starting with the Complainant/Appellant? (Record names of all persons in attendance and their relationship to the parties (e.g. lawyer for complainant/respondent, complainant's/respondent's witness, etc.).

If you have an objection to the composition of the Panel, please indicate so at this time with reasons. If no objections, please confirm orally your confirmation and acceptance of the Panel's composition.

_____ is the Case Manager and outside of today's proceedings, all communications, whether by letter, telephone or in-person, are to flow through him/her.

Before we begin, I would like to remind all parties that the information in this hearing is confidential and closed to the public. Please remain seated and address all comments to myself, the Chair of this Panel.

All Parties are expected to act in a civil manner at all times.

I want to talk with you about this hearing process and your participation.

Each party may present evidence. The Complainant will present their evidence first. That party will present all of their witnesses and other evidence and then the other party may do the same. Each witness can be questioned by both parties: first the party who called the witness (direct examination), then the other party (cross examination). Each party then gets a second opportunity to ask follow-up questions (re-direct and re-cross examination).

Stick to the issues. Present the essential points, and support them with your exhibits or the testimony of your witness(es). Avoid confusing the issue with irrelevant information. Focus on the key issues of the case.

The weight of evidence is not determined by the amount of testimony. Therefore, the number of witnesses to testify about the same facts may be limited. Call witnesses with the most reliable, first-hand knowledge of the situation.

After all the evidence has been presented; each side may make a closing statement. You may summarize or comment on the evidence that has been presented. You may also argue how the case should be decided.

Would all witnesses please leave the room at this time? You will be called in individually to present your information regarding this case.

Note to Chair: The administrative announcements have been completed and you will now begin opening statements and the presentation of the evidence.

At this time, I will read the notice of complaint and the alleged behavior. (Read the notice of charges and alleged behavior).

The parties will now proceed with their opening statements, beginning with the Claimant and then the Respondent.

The Complainant will now proceed with the presentation of their information and evidence.

Are there any questions from the Respondent?

Are there any questions from the Panel? (Remember the Panel members can ask questions at any time).

I ask the Respondent to please present their information and evidence.

Are there any questions from the Complainant?

Are there any questions from the Panel?

Each party may make a closing argument. The parties are directed to limit their closing argument to a summation of what he or she believes has been proven. The parties may now begin their closing argument, beginning with the Claimant.

I ask the Complainant to make a closing statement.

I ask the Respondent to make a closing statement.

Do the parties have any further evidence or testimony to present?

The decision will be forwarded to the parties, and/or counsel in accordance with the OSA Discipline/Appeals Policy.

I would like to thank each of you for your time and remind you that all information in this hearing is confidential. This hearing is adjourned.

Suffix 4:**SAMPLE WRITTEN DECISION****IN THE MATTER OF A COMPLAINT BETWEEN**

Name (Complainant)

- and -

Name (Respondent)

DECISION**APPEARANCES**

Name (Complainant) appeared on behalf of the Complainant and Name (Respondent) and appeared on behalf of the Respondent. The Panel was composed of [insert names]. The Parties had no objections to the composition of the Panel. This complaint was carried out pursuant to provisions of the _____ Discipline and Complaints Policy and Code of Conduct.

MATTER IN DISPUTE

1. Whether the Respondent breached the _____ [insert policy, code or other relevant reference] by.....

SUMMARY OF FACTS

On [Date] a complaint was filed with the _____ by the Complainant against the Respondent. The Complainant submitted that on [date], the Respondent [describe facts].

FINDINGS AND REASONS

The Panel reviewed numerous submissions and documents. The Parties were given ample opportunity to make their respective cases.

The Panel finds as follows:

1. The Panel is satisfied that [describe facts and correlation to policy, code, or other relevant reference.]

DECISION

1. Having read the submissions, and having carefully considered all the evidence placed before it, the Panel makes the following decision:

- Describe sanctions

[Chair of Panel] for the Panel

Date: _____

Saskatchewan Fencing Association - Alternate Dispute Resolution Policy

April 3, 2016

Definitions

1. The following terms have these meanings in this Policy:

- a) *“Association”* – Saskatchewan Fencing Association
- b) *“In writing”* - A letter, fax or email sent directly to the Association.

Purpose

- 2. The Association supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.
- 3. The Association encourages all individuals and parties to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Association believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques.

Application of this Policy

- 4. This Policy applies to all disputes within the Association when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

- 5. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator shall be appointed by the Association and/or the Case Manager to mediate or facilitate the dispute.
- 6. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated.
- 7. The final decision will be communicated by the mediator or facilitator to the parties and the Association.
- 8. Should a negotiated decision be reached, the decision shall be reported to, and approved by the Association.
- 9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Association’s Discipline and Complaints Policy or Appeal Policy.
- 10. The costs of mediation and facilitation will be shared equally by the parties or paid by the Association upon the Association’s sole discretion.

Final and Binding

- 11. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

12. No action or legal proceeding will be commenced against Association or its Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by its governing document.

Appendix C: Code of Conduct

Saskatchewan Fencing Association - Code of Conduct

April 3, 2016

Definitions

1. The following terms have these meanings in this Code:

- a) *“Association”* – Saskatchewan Fencing Association
- b) *“Individuals”* – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- c) *“Harassment”* – Behaviour that constitutes harassment is defined in Section 7(b)
- d) *“Workplace Harassment or Workplace Violence”* – Behaviour that constitutes workplace harassment and workplace violence is defined in Section 7(c)
- e) *“Sexual harassment”* – Behaviour that constitutes sexual harassment and workplace violence is defined in Section 7(d)

Purpose

2. The purpose of this Code is to ensure a safe and positive environment by making Individuals aware that there is an expectation of appropriate behaviour consistent with this Code. The Association supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

Application of this Code

- 3. This Code applies to Individuals’ conduct during the Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association’s activities, the Association’s office environment, and any meetings.
- 4. This Code also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association and/or its Members (and its work and sport environment) and is detrimental to the image and reputation of the Association. Such jurisdiction will be determined by the Association at its sole discretion.
- 5. An Individual who violates this Code may be subject to sanctions pursuant to the Association’s Discipline and Complaints Policy.
- 6. An employee of the Association found to have breached this Code will be subject to appropriate disciplinary action subject to the terms of the Association’s Human Resources Policy, as well as the employee’s Employment Agreement, as applicable. Violations could result in a warning, reprimand,

access restrictions, suspension and other disciplinary actions up to and including termination of employment/contract.

Responsibilities

7. Individuals have a responsibility to:

a) Maintain and enhance the dignity and self-esteem of the Association members and other individuals by:

- i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex, and sexual orientation
- ii. Focusing comments or criticism appropriately and avoiding public criticism of Individual or the Association
- iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
- iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory²
- v. Consistently treating individuals fairly and reasonably
- vi. Ensuring adherence to the rules of the sport and the spirit of those rules

b) Refrain from any behaviour that constitutes harassment. Types of behaviour that constitute harassment include, but are not limited to:

- a. Written or verbal abuse, threats, or outbursts
- b. The display of visual material which is offensive or which one ought to know is offensive
- c. Unwelcome remarks, jokes, comments, innuendo, or taunts
- d. Leering or other suggestive or obscene gestures
- e. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
- f. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- g. Any form of hazing
- h. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
- i. Unwelcome sexual flirtations, advances, requests, or invitations
- j. Physical or sexual assault
- k. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
- l. Retaliation or threats of retaliation against an individual who reports harassment

c) Refrain from any behaviour that constitutes Workplace Harassment or Workplace Violence, where workplace harassment is defined as conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; and where workplace violence is defined as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. Workplace matters should not be confused with legitimate, reasonable management actions that are part of the normal work function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute workplace harassment or workplace violent include, but are not limited to:

Workplace Harassment

- i. Bullying
- ii. Repeated offensive or intimidating phone calls or emails
- iii. Inappropriate touching, advances, suggestions or requests
- iv. Displaying or circulating offensive pictures, photographs or materials
- v. Psychological abuse
- vi. Discrimination
- vii. Intimidating words or conduct (offensive jokes or innuendos)
- viii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning³

Workplace Violence

- ix. Verbal threats to attack a worker
- x. Sending to or leaving threatening notes or emails
- xi. Making threatening physical gestures
- xii. Wielding a weapon
- xiii. Hitting, pinching or unwanted touching which is not accidental
- xiv. Blocking normal movement or physical interference, with or without the use of equipment
- xv. Sexual violence
- xvi. Any attempt to engage in the type of conduct outlined above

d) Refrain from any behaviour that constitutes Sexual Harassment, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:

- i. Sexist jokes
- ii. Display of sexually offensive material
- iii. Sexually degrading words used to describe a person
- iv. Inquiries or comments about a person's sex life
- v. Unwelcome sexual flirtations, advances, or propositions
- vi. Persistent unwanted contact

e) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the Association adopts and adheres to the Canadian Anti-Doping Program. The Association will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Association or any other sport Association

f) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES)

g) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities

h) Refrain from consuming alcohol, tobacco products, or recreational drugs while participating in Association programs, activities, competitions, or events. In the case of adults, avoid consuming alcohol in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the Association's events

i) Respect the property of others and not wilfully cause damage

j) Adhere to all federal, provincial, municipal and host country laws

k) Comply, at all times, with the Association's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time

l) When driving a vehicle with an Individual:

- i. Not have his or her license suspended
- ii. Not be under the influence of alcohol, illegal drugs or substances
- iii. Have valid car insurance⁴

m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.

Board/Committee Members

8. In addition to section 7 (above), Association's Directors and Committee Members will have additional responsibilities to:

a) Function primarily as a member of the board and/or committee(s) of Association, not as a member of any other particular member or constituency

b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the Association's business and the maintenance of Individuals' confidence

c) Ensure that the Association's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities

d) Conduct themselves openly, professionally, lawfully and in good faith in the best interests of Association

e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism

f) Behave with decorum appropriate to both circumstance and position

g) Keep informed about the Association's activities, the provincial sport community, and general trends in the sectors in which they operate

h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the Association is incorporated

i) Respect the confidentiality appropriate to issues of a sensitive nature

j) Respect the decisions of the majority and resign if unable to do so

k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings

l) Have a thorough knowledge and understanding of all Association governance documents

m) Conform to the bylaws and policies approved by Association Coaches

9. In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:

a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes

- b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes
- c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments
- d) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
- e) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs
- f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- g) Act in the best interest of the athlete's development as a whole person
- h) Comply with the Association's Screening Policy, if applicable.
- i) Report to the Association any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
- j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol and/or tobacco
- k) Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes
- l) Dress professionally, neatly, and inoffensively
- m) Use inoffensive language, taking into account the audience being addressed
- n) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- o) Not engage in a sexual relationship with an athlete under 18 years old, or an intimate or sexual relationship with an athlete over the age of 18 if the coach is in a position of power, trust, or authority over the athlete
- p) Refrain from using their power or authority to coerce another person to engage in or tolerate sexual or harmful activities.
- q) Refrain from conduct that causes physical or emotional harm to Individuals

r) Prevent the use of power or authority in an attempt, successful or not, to coerce another person to engage in or tolerate sexual activity.

Athletes

10. In addition to section 7 (above), athletes will have additional responsibilities to:

a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete; or in the case of carded athletes, interfere with the athlete's ability to fulfill their carded athlete requirements

b) Participate and appear on-time, well-nourished, and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events

c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason

d) Adhere to the Association's rules and requirements regarding clothing and equipment

e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators

f) Dress in a manner representative of the Association; focusing on neatness, cleanliness, and discretion

g) Act in accordance with the Association's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

Officials

11. In addition to section 7 (above), officials will have additional responsibilities to:

a) Maintain and update their knowledge of the rules and rules changes

b) Work within the boundaries of their position's description while supporting the work of other officials

c) Act as an ambassador of the Association by agreeing to enforce and abide by national and provincial rules and regulations

d) Take ownership of actions and decisions made while officiating

e) Respect the rights, dignity, and worth of all individuals

f) Not publicly criticize other officials or any club or the Association

g) Act openly, impartially, professionally, lawfully, and in good faith

h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings

i) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals

j) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or the Association at the earliest possible time

- k) When writing reports, set out the true facts
- l) Dress in proper attire for officiating

Parents/Guardians and Spectators

12. In addition to paragraph 7 above, Parents/Guardians and Spectators at events will:

- a) Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence
- b) Condemn the use of violence in any form
- c) Never ridicule a participant for making a mistake during a performance or practice
- d) Provide positive comments that motivate and encourage participants continued effort
- e) Respect the decisions and judgments of officials and encourage athletes to do the same. Feedback on competition performances is provided by officials only to the coaching staff, so parents are encouraged to discuss any questions with your athlete's coach
- f) Recognize that officials, executives and staff act in good faith, and in the best interests of the athletes and sport as a whole.
- g) Respect the decisions and judgments of officials, and encourage athletes to do the same
- h) Never question an officials' or staffs' judgment or honesty
- i) Support all efforts to remove verbal and physical abuse, coercion, intimidation and sarcasm
- j) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
- k) Refrain from the use of bad language, nor harass competitors, coaches, officials, parents/guardians or other spectator

Appendix D: – Governance and Nominations Committee Time Lines and Recruitment Processes/Policies

(needs to be developed)

Appendix E – TRAVEL EXPENSE AND SUBSISTENCE ALLOWANCE RATES

Saskatchewan Fencing Association

Phone: (306) 976-0823;

Web: www.skfencing.ca; email: office@skfencing.ca

1. All SFA personnel – Provincial Coach, Developmental Coach, Executive Director, Head DT, Head Armourer, Club Coaches, Directors, Committee Chairs - that are required/requested to attend of behalf of the Association at Provincial Tournaments, Provincial Camps or other SFA business shall:
 - a. Attempt to obtain lodging through a billet at the location of the provincial tournament or location of SFA business
 - b. Rent a vehicle for transportation to tournaments, camps or business location from a commercial rental agency
 - c. Carpool, whenever possible, with other SFA personnel to travel to the tournaments, camps or other business, such that the least number of vehicles need to be rented
 - i. Rental costs and gas expenses will be reimbursed.
2. SFA personnel will inform the Executive Director or VP Finance if the above noted procedure cannot be followed and obtain prior approval for mileage and hotel costs being paid.
3. Mileage: current SaskSport rate as obtained through SFA's Sask Sport Rep.
4. Meals:
 - a. \$40.00 per day – Canada and USA
 - b. \$100.00 per day – Europe
5. Hotel: actual cost

NOTES:

1. Reimbursement not to exceed actual expenses.
2. The SFA shall pay all reasonable food, accommodation, and ground transportation expenses incurred by the SFA delegate(s) to CFF meetings.

As resolved by the Board of Directors at the April 22/95 meeting, and amended at the May 7/2005 meeting and at the May 21/2008 meeting and at the February 12, 2020 meeting.

Appendix F: EXPENSE FORM



Saskatchewan Fencing Association
Creating Opportunities within the Sport of Fencing
 510 Cynthia St., Saskatoon S7L 7K7
 Phone: (306) 976-0823;
 Web: www.skfencing.ca; email: skfencing.ca

CLAIMANT: _____

REASON FOR EXPENDITURE: _____

1. MILEAGE: _____ KM @ sasksport rateKM = _____ \$

2. PER DIEM: (meals: daily maximum of \$40 (Europe: \$100))
 (hotel: actual costs)

DATE	MEALS	HOTEL
TOTAL:		

3. AUTOMOBILE RENTAL: (attach receipts) \$ _____

4. AIRFARE: (attach ticket stub) \$ _____

5. OTHER: gas, parking, registration, etc. (attach receipts) \$ _____

TOTAL: \$=====

SIGNATURE: _____

Appendix G: Executive Director Job Description and Compensation Package

insert completed JD here.

Appendix H: Investment Policy

Saskatchewan Fencing Association-Banking/investment Policy:

The Directors shall be responsible and accountable for the finances of the SFA and all operating funds of the SFA.

All operating funds of the SFA shall be placed and kept in an account approved by the Directors.

The Board of Directors is authorized to invest funds of the SFA in fixed income instruments the Directors feel are advantageous to the Association Council.

The organization will maintain an operating cash flow of 4 months of the audited operational expenditures of the SFA

The objective of investing surplus cash is to provide better financial returns than are available with a bank account. The primary considerations are safety of capital and long-term rate of return. The portfolio is to be constructed to maximize long term capital and income growth that will be consistent with safety and contain a low tolerance for risk.

Fixed Income instruments will only be recognized investment instruments with financial and/or government institutions as per the following schedule:

- Federal and Provincial Government Treasury Bills
- Bankers' Acceptance and/or Bonds of Schedule I Canadian Chartered banks
- Promissory Notes - Federal and Provincial Government guaranteed, and Schedule I
- Canadian Chartered Banks guaranteed.
- Federal and Provincial Government Guaranteed Bonds.
- Term deposits and guaranteed investment certificates insured by Canadian Deposit Insurance Corporation.

The long-term goal is to develop an operating surplus investment fund that will be equal to one year operating expenses of the SFA. The interest of this fund will be used in the operational budget of the SFA.

MOTION: The Board of Directors accepts the banking/investment policy titled:

Saskatchewan Fencing Association Banking/investment Policy:

Appendix I – COMPETITION ENTRY FEES



Saskatchewan Fencing Association

Creating Opportunities within the Sport of Fencing

510 Cynthia St., Saskatoon S7L 7K7

Phone: (306) 976-0823;

Web www.skfencing.com; email: office@skfencing.ca

1. INDIVIDUAL EVENTS:

- a. Administration Fee
Regular - \$35.00
Early Bird Fee - \$25.00
Late Fee – \$10.00 in addition to the Regular Fee
- b. Event Fee
Regular - \$40.00 per event
Early Bird Fee - \$30.00 per event
Late Fee - \$10.00 in addition to the Regular Fee

2. TEAM EVENTS:

- a. Administration Fee
Regular - \$20.00 per person
Early Bird Fee - \$15.00 per person
Late Fee - \$10.00 in addition to the Regular Fee
- b. Event Fee
Regular - \$20.00 per event per team
Early-Bird Fee - \$15.00 per event per team
Late Fee - \$10.00 in addition to the Regular Fee

3. LATE FEES:

- a. Late Event Fees
Late event fees will be the regular event fee cost plus \$10.00. A late entry is one received after the entry deadline.
- b. Late Administration Fees
Late registration fee will be the regular administration fee plus \$10.00, application as determined by the DT. A late registration occurs when a fencer checks-in after the deadline stated on the entry form.

4. REFUND of FEES

- a. Event Fee
Event fees will not be refunded unless notice of withdrawal is received at least one hour prior to the scheduled starting time, or posted revised time, of any event in a tournament.
- b. Administration fee

Administration fee will be non-refundable unless notice of withdrawal is received prior to entry deadline date.

Appendix J: - PROVINCIAL POINTS SYSTEM AND PROVINCIAL RANKING SYSTEM



Saskatchewan Fencing Association
Creating Opportunities within the Sport of Fencing
510 Cynthia St., Saskatoon S7L 7K7
Voice (306) 976-0823; fax (306) 242-8007
Web: www.saskfencing.com; email: saskfencing@shaw.ca

PROVINCIAL POINTS SYSTEM AND PROVINCIAL RANKING SYSTEMS

1. PROVINCIAL POINTS SYSTEM

Points shall be awarded using the following formula:

$$P = E - PL + 1$$

Where:

P = Points awarded

E = # of total entries in the event

PL = Final placing of competitor

2. PROVINCIAL POINTS SYSTEM

There shall be a Men's and Women's ranking for U13, U15, Cadet, Junior and Open categories for each weapon.

There shall be a Men's and Women's ranking for Masters for all weapons combined.

The fencers will be ranked according to the sum of all points received in SFA Provincial Tournaments in their age category.

The highest ranked fencer at the end of the season on each ranking will be awarded Provincial Circuit Champion.

If a fencer (or their parent/coach for Cadet & younger athletes) would like to be removed from the Provincial Circuit ranking they may contact the SFA to do so. They will remain off the ranking for the remainder of the season.

3. COMBINED EVENTS

If a U13 event is combined with U10 the event will count as a U13 event for the Provincial Circuit Rankings.

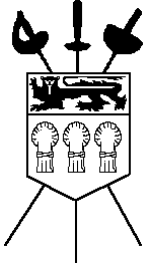
If an event is combined Men's & Women's the points awarded will be as per the Provincial Point System.

4. TIE BREAKING

Tie breaking procedure will be as follows:

1. Most tournaments competed in.
2. Best result from Provincials.
3. Best single result from remaining tournaments.
4. If there is still a tie there will be co-winners for the Provincial Circuit.

Appendix K - AGREEMENT FOR MAINTENANCE AND RETURN OF PERMANENT TROPHIES



Saskatchewan Fencing Association
Creating Opportunities within the Sport of Fencing
 510 Cynthia St., Saskatoon S7L 7K7
 Phone:(306) 976-0823;
 Web: www.skfencing.ca; email: office@skfencing.ca

I, _____

First Name Last Name

of _____

Address City Phone

having received the _____ Trophy in good condition/poor condition -
 defects noted below, agree to maintain it in its present condition and to return it in 30 days prior to the
 next tournament at which it is to be competed for, or at any time on request by an Officer of the SFA,
 and further agree to assume full financial responsibility for any damage, loss, or unauthorized
 alterations to it while in my possession or while being transported or shipped by me.

DATE: _____

Signature

Signature for the Association

DEFECTS NOTED ON RECEIPT:

APPENDIX L: SFA/ATHLETE AGREEMENT

***** John to review and bring to the BOD*****



Saskatchewan Fencing Association
Creating Opportunities within the Sport of Fencing
 510 Cynthia St., Saskatoon S7L 7K7
 Phone: (306) 976-0823;
 Web: www.skfencing.ca; email: office@skfencing.ca

AGREEMENT made this ____ day of _____, ____

BETWEEN

THE SASKATCHEWAN FENCING ASSOCIATION, having its office at 510 Cynthia Street, Saskatoon, Saskatchewan, S7L 7K7 (hereinafter referred to as the SFA)

AND

_____, residing at _____

(hereinafter referred to as the Athlete).

WHEREAS the athlete has been duly nominated by the SFA in accordance with its Rules and Regulations, to be a member of the Provincial Squad and to partake fully in the program designated for her/him by the Association;

WHEREAS the Athlete wishes to be an active competitor in SFA/CFF (Canadian Fencing Federation) sanctioned events with his or her rights and obligations clearly defined;

WHEREAS the Athlete, being under the age of eighteen, the parent/guardian hereby joins in this document and in so doing agrees with the athlete joining the Provincial Squad Program and partaking fully in its activities;

WHEREAS the SFA is recognized by the CFF and Sask Sport as the sole provincial sport governing body for fencing in Saskatchewan;

WHEREAS the SFA recognizes the need to clarify the relationship between the SFA and the Athlete by establishing their respective rights and obligations;

AND WHEREAS the CFF requires that the SFA certify the eligibility of the Athlete to compete as a member in good standing;

NOW THEREFORE the parties agree the following:

1. SFA OBLIGATIONS

The SFA shall:

- a) organize, select and operate squads and teams of Athletes, coaches and other necessary support staff to represent Saskatchewan in the sport of fencing throughout Canada and the world;
- b) publish reasonable selection criteria for all provincial squads and teams at least three (3) months prior to the selection for any particular squad or team, and at least six (6) months in advance in the case of major games teams;
- c) conduct selection of members to all provincial squads and teams in a manner that is in conformity with the generally accepted principles of natural justice and procedural fairness;
- d) nominate all eligible Athletes for the Athlete Assistance Plan (AAP) and thereafter ensure these Athletes will receive all the benefits to which they are entitled under the AAP;
- e) publish reasonable criteria for the selection of Athletes to the AAP three (3) months prior to the application deadline;
- f) organize programs and provide funding for the development and provision of coaching expertise, officials and event training centres in Saskatchewan in the sport of fencing in accordance with the budget of the SFA;
- g) regularly provide Provincial Squad Program information (training and competition) to the Athlete in the form of mailed or electronic correspondence;
- h) provide a formal review of the Athlete's annual training program;
- i) provide funding for the Athlete for training camps and competitions in accordance with the budget of the SFA;
- j) provide a hearing and appeal procedure that is in conformity with the generally accepted principles of natural justice and due process with respect to any dispute the Athlete may have with the SFA.

2. ATHLETE'S OBLIGATIONS

The Athlete shall:

- a) follow the training and competitive program mutually agreed upon by the Provincial Coach, the Technical Committee of the SFA, the Athlete's personal coach and the Athlete. The Athlete shall avoid living in an environment that is not conducive to high performance achievements or taking any deliberate action that involves significant risks for the Athlete's ability to perform or limits the Athlete's performance;
- b) *provide full payment of lesson fees to the Provincial Coach or arrange contract with the SFA Technical Committee for payment of lesson fees before being allowed to begin taking lessons;*
- c) *provide the Provincial Coach with an annual training chart and monthly updates of changes to the chart or any other appropriate information that the SFA may request;*
- d) subject to paragraph 2.e), participate in all mandatory training camps and competitions as set out by the SFA Technical Committee and Provincial Coach. In particular, participation in all provincial competitions, regardless of entry, is mandatory;
- e) notify, in person, in writing, electronically or by telephone, at least 14 days in advance, the Chairman of the SFA Technical Committee of any legitimate reason that will prevent the Athlete

from participating in an upcoming event at which attendance is mandatory. In the case of injury, notification must be made as soon as is reasonably possible;

- f) avoid any action or conduct that would reasonably be expected to significantly disrupt or interfere with a competition or the preparation of any Athlete for a competition;
- g) during or at Provincial Squad training camps and competitions, avoid alcoholic consumption to a level which would reasonably be expected to cause impairment in the Athlete's ability to speak, walk or drive, or cause the Athlete to behave in a disruptive manner;
- h) avoid the use of banned drugs in contravention to the rules of the FIE, Sport Canada policy, and Sask Sport policy, and submit at competitions to random doping control testing upon request by the CFF, the Sport Medicine Council of Canada, or other authority designated to do so by the CFF or the SFA, and submit to both regularly scheduled and/or short notice random doping control test procedures as authorized by the SFA or Sask Sport;
- i) avoid possession of anabolic drugs, and shall neither supply such drugs directly or indirectly to others, nor encourage their use;
- j) utilize the hearing and appeal procedure referred to in paragraph 1.j) for remedy of complaints and issues;
- k) abide by the squad rules, failure to do so may lead to one of the following sanctions:
 - 1. Suspension, and/or
 - 2. Withdrawal of Athlete Assistance Program, and/or
 - 3. Withdrawal of out-of-province competition privileges, and/or
 - 4. Immediate dismissal from the Provincial Squad;
- l) make an attempt to cooperate with SFA Media personnel and the press and news media. Under no circumstances should a squad member make public statements that would impair the image of the Association, Provincial Squad or coaches or officials before utilizing the hearing and appeal procedure referred to in paragraph 1.j) for remedy of complaints and issues. It is the duty of the Provincial Squad Member to promote the image of the sport in public appearances.

3. DEFAULT OF AGREEMENT

Where one of the parties to this agreement is of the opinion that the other party has failed to comply with its obligations under this agreement, it shall forthwith:

- a) notify that party in writing of the alleged default,
- b) indicate in the notice to that party the steps to be taken to remedy the situation, and
- c) indicate in the notice a reasonable period of time within which such steps shall be taken.

4. GRIEVANCE PROCEDURE

Where the party which has given the notice referred to in paragraph 3.a) is of the opinion that the other party has not remedied the situation, it shall file a complaint through the hearing and appeal procedure referred to in paragraph 1.j).

Appendix M – BOARD OF DIRECTORS CONTRACT



Saskatchewan Fencing Association
Creating Opportunities within the Sport of Fencing
 510 Cynthia St., Saskatoon S7L 7K7
 Voice (306) 976-0823; fax (306) 242-8007
 Web: www.saskfencing.com; email: saskfencing@shaw.ca

This agreement made and entered into this day _____ by and between the Saskatchewan Fencing Association, 510 Cynthia Street, Saskatoon, Saskatchewan (hereinafter referred to as the “SFA”)

And _____ residing at

_____ hereinafter referred to as the “Director”. The Director refers to any individual elected or appointed to the SFA Board of Directors or official sitting on an SFA committee.

ARTICLE I: BACKGROUND

Whereas the Director desires to assist in the development and implementation of SFA policy as well as assist in the delivery of programs and services to the fencing community in Saskatchewan. The Director may be required to handle confidential and proprietary information relating to the Association present or anticipated operations, creations, developments, relationships or research (“confidential information” to fulfill Director-related responsibilities, obligations, or duties during the duration of his/her tenure on the Association board.

Whereas the SFA is recognized by the Canadian Fencing Federation (CFF) and Sask Sport as the sole Provincial Sport Organization with jurisdiction over the sport of fencing in Saskatchewan;

IN CONSIDERATION OF and as a condition of the Association disclosing the Confidential Information to the Director, the receipt and sufficiency of which consideration is hereby acknowledged, both parties agree that the terms and conditions of this Agreement shall be as follows:

ARTICLE II: GOVERNING LAW

This agreement has been entered into in the Province of Saskatchewan and all questions with respect to the construction of this Agreement and the rights and liabilities of the parties shall be governed by the laws of the Province of Saskatchewan

ARTICLE III: TERM OF AGREEMENT

The term of this agreement shall be from the start of the Annual General Meeting on , or the day of appointment to or the date of the SFA Annual General Meeting in , whichever comes first.

ARTICLE IV: SFA OBLIGATIONS

The SFA shall:

- 4.1 publish and circulate the SFA Policy Manual to the elected Director;
- 4.2 provide an orientation to each newly-elected Director;
- 4.3 regularly provide SFA policy and program information to the Director;
- 4.4 provide a Discipline Procedure (see SFA Policy and Procedure Manual Date) which is consistent with the general accepted principles of natural justice and due process with respect to any dispute between the Director and the SFA;

ARTICLE V: DIRECTOR OBLIGATIONS

The Director must:

- 5.1 hold a current SFA membership;
- 5.2 notify the SFA office of a change in contact information (including, but not limited to, mailing address, telephone number, email address, etc.);
- 5.3 regularly attend all scheduled Board of Director meetings (if a Director misses two meetings they can be removed from their position) and the Annual General Meeting; and,
- 5.4 read and familiarize himself/herself with the SFA bylaws and policy manual. If necessary, contact the SFA staff to ensure that all information contained within they bylaws and manual is clearly understood.

ARTICLE VI: CODE OF CONDUCT

6.1 The Director shall:

- agree to abide by the rules, regulations and bylaws of the SFA;
- treat everyone fairly within the context of the sport, regardless of gender, place of origin, race, colour, sexual orientation, religion, athletic potential, political belief, economic status, marital status, age or any other condition;
- adhere to the SFA's Harassment policy, report any possible violations to the Board of Directors;
- arrange his/her private affairs in such a manner that will prevent conflict of interest situations from arising or appearing to arise. The Director should not place himself/herself in a position where he/she is under obligation to any person who might benefit from consideration or favour on his/her part, or seek in any way to gain special treatment from him/her. The Director should not have pecuniary or other interests that could conflict or appear to conflict in any manner with the discharge of his/her duties;
- consistently display high personal standards and project a favourable image of the SFA and of the sport of fencing;

- listen carefully to other Board members;
- carefully consider and respect the opinions of other Board members;
- respect and support all majority decisions of the Board;
- recognize the authority vested in the Board;
- participate actively in Board meetings and actions and not discuss elsewhere what he/she is unwilling to discuss in Board meeting;
- bring to the attention of the Board any issues he/she believes will have a significant effect on the SFA or those served by the SFA;
- attempt to communicate the needs of those we served by the SFA to the Board of Directors;
- refer complaints directly to the proper person(s) or Relations Committee within the SFA;
- represent all those whom the SFA serves rather than geographic or special interest groups;
- consider himself/herself a “trustee” of the SFA and do his/her best to ensure it is well-maintained, financially secure, and always operating in accord with stated objectives;
- agrees not to disclose, report or use for any purpose, any of the confidential Information disclosed to the Director by the SFA as a result of the Director’s tenure on the board or other activities for the SFA by which the Director has obtained or accessed the information;
- endeavour to learn and evolve the duties and responsibilities of his/her position in such a way as to help the SFA grow and evolve as an organization;
- acknowledge conflicts of interest between his/her personal life and his/her position on the board and abstain from voting or attempting to influence issues in which he/she is conflicted;
- adopt policies and processes to enable effective communication with the members of the SFA; and ensure the integrity of the SFA’s internal control.

6.2 The Director shall not:

- criticize fellow Board members or their opinions, outside the Board room;
- use the SFA or his/her position for his/her personal advantage or that of his/her friends, relatives or associates;
- discuss confidential proceedings of the Board outside the Board room;
- discuss confidential information obtained due to serving on the Board including but not limited to: all data and information relating to the SFA’s business enterprises, including employee reviews, competition/grant applications, voting records, accounting or other records to which the Board Member has access to until they have been ratified by the Board and place on the public record. Confidential Information also extends to include any information that has been disclosed to the SFA by a third party and governed by a non-disclosure agreement;
- be fully informed of all matters pertaining to a board-related vote before casting his/her vote;

- interfere with the duties of staff; and,
- speak for or on behalf of the SFA unless specifically authorized to do so.

ARTICLE VII: DISCIPLINE AND GRIEVANCE PROCEDURES

7.1 If the Director is in violation of the terms of this Agreement, the Director is subject to disciplinary action provided by vote of the Board of Directors. Discipline can consist of but is not limited to expulsion from the Board.

7.2 A Director who has been given a Disciplinary sanction or who has a grievance or dispute regarding the Agreement or any part hereof has the right, through a request made in writing, to a review of his/her sanction, grievance or dispute submitted to the Relations Committee.

I have read and understand the above statements and agree to conduct myself in a manner that demonstrates the standards established within this Director contract.

NAME: _____ SIGNATURE: _____

WITNESS: _____ SIGNATURE: _____

DATE: _____

Appendix N: SAFE SPORT POLICY

Saskatchewan Fencing Association - Respect in Sport Policy

Amended: March 2020

Purpose of the Policy:

The Saskatchewan Fencing Association (SFA) is committed to creating a sport environment in which all individuals are treated with respect and dignity. Coaches, the Board of Directors (BOD), all officials and SFA Administration have a responsibility to create a sporting environment that is free of harassment, abuse, bullying and neglect.

To accomplish this goal the SFA requires that all SFA coaches, members of the BOD, officials and Administration complete the online Respect in Sport (RIS) training as required by Sask Sport Inc. every three years and that coaches and officials (referees, armory & DT) submit a Criminal Record Check (Vulnerable sector) annually.

Enforcement of this policy is critical. Our coaches and officials interact directly with athletes of all ages. Our SFA Board and Administration also need to complete the Respect in Sport to understand issues that are sadly, a part of our culture – bullying, sexual abuse and harassment.

The RIS is intended to make them aware of these issues and to ensure our sport is guided forward respectfully.

The Sask Sport Respect in Sport training is found here: <http://www.sasksport.sk.ca/RIS>

Criminal Record checks are available at a low cost through the Canadian Fencing Federation (CFF) website: <https://www.sterlingtalentsolutions.ca/landing-pages/c/canadian-fencing-federation>. Also, through your local city police or RCMP office, depending on where you live in Saskatchewan.

Scope and Application:

The policy applies to all coaches registered or named on an official sport roster under the membership jurisdiction of the SFA. This policy also applies to all current members of the BoD, officials and Administration of the SFA.

Coaches, BoD members, officials and Administration will have until September 30th every 3 years (starting September 30th, 2019) to complete the Respect in Sport certification training.

Coaches and officials will also provide the SFA office with a Criminal Record Check (Vulnerable Sector) certificate by September 30th, annually (starting September 30th, 2019). This is at the expense of the coach and officials.

The SFA is responsible for setting out the communication strategy specific to the certification requirements and deadline.

Enforcement:

Coaches who do not complete the RiS training or submit the Criminal Record Check (Vulnerable sector) by the September 30th deadline will not be allowed to coach at their club, or attend any SFA tournaments or training camps. They will also have 20% of their clubs' Membership Assistance Program (MAP) grant forfeited until the RiS is completed and/or Criminal Record Check (Vulnerable sector) is submitted.

SFA BoD members who do not complete the RiS training by the September 30th deadline will not be allowed to attend board meetings or be allowed to vote on any motions until the training has been completed. After 3 months of non-compliance, BoD members be expelled from the BOD.

SFA officials who do not complete the RiS training by the September 30th deadline will not be able to officiate at any SFA tournaments or training camp situations until completion of the RiS. SFA administration person(s) and coaches who do not complete the RiS training by the September 30th deadline will be placed on unpaid leave until completion of the RiS.

Non-compliance with this policy may result in further discipline as determined by the Board of Directors or in accordance with SFA policy.

RIS Administration:

The SFA office manager will have administrative access to the Sask Sport Inc. RIS database to oversee functions such as report generation and monitoring. The SFA office manager will also receive the police record checks and maintain a database for these checks.

Review and Approval:

This policy was approved in principle by the Board of Directors on July 31st, 2019 and will be reviewed by the Executive Committee on an annual basis.

Appendix O: CALCULATION OF CLUB COST SHARE FEE

Club cost share is a self-help funding model implemented by the Saskatchewan Fencing Association to assist with expenses of the Association. As part of receiving funding from Sask Sport, a percentage of self-help revenue is a requirement.

The calculation for Club cost share fees is as follows: The member club percentage of total prior year membership is used to determine the percentage of the budgeted Club Cost share which is owed to the SFA. The percentage of the club cost share is determined as part of the budgeting process. For example: If the budgeted self-help club cost share is \$10,000.00 and your club's membership is 20 out of the total of 100 SFA members, then your club percentage of club cost share is 20% of the \$10,000.00; therefore, \$2000.00 is owed.

Appendix P: ATHLETE REPRESENTATIVE SELECTION

The Athlete Representative be voted in for a two-year term by the members of the provincial team. Nominations and votes to be gathered and tabulated via e-mail vote by the Executive Director 30 days prior to the AGM. The Athlete Representative position:

- Shall attend and have a vote at the SFA AGM.
- Shall attend and have a vote at all meetings.

Each Athlete Representative will be required to follow all SFA Bylaws, Rules and Regulations pertaining to the Board, including the Board Member Attendance Bylaw.

If the Athlete Representative is in default of this Bylaw, or cannot fulfill their term, the Board shall appoint a replacement by approaching one or more of the nominees from the previous Provincial Team. The method of approach to be based on the voting from the previous Provincial Team or by the current Board's vote. The individual selected shall fill the position until the end of the term. If no one from the previous year's Provincial Team agrees to fill the position, it shall remain vacant until the next AGM.

The Athlete Representative will be required to do the following:

- 1) The active fencers of Saskatchewan shall be represented at all meetings of the Board, at the AGM of the Association, and all other meetings required, by a delegated representative of the competing fencers.
- 2) They shall be responsible for any and all affairs of the Association concerning the affairs of fencers generally and shall be their representative to the Association.
- 3) They shall be responsible for the preparation of reports, briefs, budgets and timetables as required by the Association.
- 4) They shall prepare and submit to the Association office a written report of the activity of the active fencers thirty (30) days prior to the AGM of the Association.