



KATHLEEN ASSAF



COQUITLAM
MINOR HOCKEY

Coquitlam Minor Hockey Association Bylaws

Incorporated October 27, 1975 – Incorporation #S11929

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PART 1 - INTERPRETATION

1.1 Definitions

In these Bylaws and the Constitution of the Society, unless the context otherwise requires:

- a. "Address of the Association" means the address of the Society as filed from time to time with the Registrar;
- b. "Association" means "Coquitlam Minor Hockey Association";
- c. "Bylaws" means the bylaws of the Society as filed in the office of the Registrar;
- d. "Code of Conduct" means the code of conduct for Members established by the Board from time to time;
- e. "Constitution" means the constitution of the Society as filed in the office of the Registrar;
- f. "Directors" means those persons who have become directors on the Society Board of Directors in accordance with these Bylaws and have not ceased to be directors, and whose Ordinary membership in the Society has been accepted for the following season, or who has been given Lifetime membership;
- g. "Board Resolution" means:
 - i. a resolution passed at a duly constituted meeting of the Board of Directors by a simple majority of the votes cast by those Directors who are present and entitled to vote at such meeting; or
 - ii. a resolution that has been submitted to all Directors and consented to in writing by 75% of the Directors who would have been entitled to vote on the resolution in person at a meeting of the Board of Directors, and a resolution so consented to is deemed to be a resolution passed at a meeting of the Board of Directors;
- h. "Board of Directors" means the Directors acting as authorized by the Constitution

and these Bylaws in managing or supervising the management of the affairs of the Society and exercising the powers of the Society;

i. "General Meeting" means any annual general meeting and any special or extraordinary general meetings of the Society;

j. "*Income Tax Act*" means the *Income Tax Act*, R.S.C. 1985 (5th Supp.), c.1 as amended from time to time;

k. "Guardian" means guardian as that term is defined in the *Family Law Act*, S.B.C., ch. 25, as amended from time to time;

l. "Members" means those Persons who are, or who subsequently become Members of the Society in accordance with these Bylaws and, in either case, have not ceased to be Members;

m. "Objectionable Conduct" means any action that breaches the Association Code of Conduct, using the reasonable person test.

n. "Ordinary Resolution" means:

i. a resolution passed at a General Meeting by the Members by a simple majority of the votes cast in person, or

ii. a resolution that has been submitted to the Members and consented to in writing by 2/3rd of the Members who would have been entitled to vote on the resolution in person at a General Meeting of the Society, and a resolution so consented to is deemed to be an Ordinary Resolution passed at a General Meeting.

o. "Parent" means a Person who is the natural parent, adoptive parent or legal guardian of a Player under age 19, or the married or common law spouse of such Person;

p. "Person" means a natural person;

q. "Player" means a Person who is duly registered in a hockey program of the Society;

r. "President" means the Person currently appointed or elected to the office of president of the Society in accordance with these Bylaws;

s. "Registered Address" of a Member or Director means the address of that Person as recorded in the register of Members or the register of Directors;

t. "Registrar" means the Registrar of Companies of the Province of British Columbia;

u. "Societies Act" means the Societies Act of British Columbia and regulations thereto from time to time in force and all amendments to it;

v. "Special Resolution" means:

i. a resolution passed at a General Meeting by a majority of not less than 2/3rd of the votes of those Members who, being entitled to do so, vote in person;

A. of which the notice that the Bylaws provide, and not being less than 14 days notice, specifying the intention to propose the resolution as a Special Resolution has been given, or

B. if every Member entitled to attend and vote at the meeting agrees, at a meeting of which less than 14 days notice has been given, or

ii. a resolution that has been submitted to the Members and consented to in writing by every Member who would have been entitled to vote on the resolution in person at a General Meeting of the Society, and a resolution so consented to is deemed to be a Special Resolution passed at a General Meeting of the Society.

1.2 Societies Act Definitions

Except as otherwise provided, the definitions in the Societies Act apply to these Bylaws and the Constitution.

1.3 Plural and Singular Forms

In these Bylaws, a word defined in the plural form includes the singular and vice-versa.

1.4 Gender

In these Bylaws, words in one gender include all genders.

1.5 Board of Directors May Determine Ambiguity

The Board of Directors may determine or resolve any ambiguity or doubt in the interpretation of any provision of these Bylaws or any rule or regulation established by the Society, and the determination of the Board of Directors shall be final.

PART 2 - MEMBERSHIP

2.1 The members of the Society are those Persons who are Members in good standing on the date these Bylaws come into force and those persons who have subsequently become members in accordance with the bylaws of the Society and who have not ceased to be members.

2.2 The membership shall be comprised of three (3) classes of Members: Ordinary Members, Life Members, and Situational Members.

2.3 All members are obligated to:

- a. uphold the Constitution and adhere to these Bylaws and the policies of the Association as may be adopted from the Board of Directors from time to time;
- b. abide by the Code of Conduct; and
- c. further and not hinder the mission and purpose of the Association.

2.4 All Ordinary Members and Life Members in good standing are entitled to:

- a. receive notice and attend all General Meetings;
- b. propose Ordinary or Special Resolutions in accordance with the Act and/or these Bylaws;
- c. make or second motions at a General Meeting and to speak in debate on motions under consideration in accordance with such rules of order as may be adopted;
- d. exercise a vote on matters for determination at a General Meeting;
- e. nominate Members in Good Standing for election as a Director; and
- f. hold office as a Director or elected officer of the Society.

2.5 Situational Members in good standing are not entitled to the benefits listed above in 2.4 but are permitted to enroll their child or children in the Society's programs as available.

2.6 The following persons may be an Ordinary Member if they are:

a. a parent or legal guardian of a child whose application for registration and playing privileges has been accepted by the Board of Directors provided that such membership shall be limited to a maximum of two parents/legal guardians per child, it being understood that a Member having more than one child registered in the Society's hockey programs shall have no greater rights as a Member in the Society than a Member having only one child so registered; or

b. a Person aged 19 or older whose application for registration and playing privileges is accepted by the Board of Directors; or

c. any person who does not otherwise qualify for membership who:

i. has made application by written notice to the Secretary of the Board of Directors to be admitted as a member under this provision; and

ii. during the twelve (12) month period preceding such application has performed any volunteer service in furtherance of the purposes of the Society; and

iii. whose application for membership has been accepted by the Board of Directors and whose membership has not at any time ceased

d. And, in the case of 2.6(a) or 2.6(b) above, is a resident of the City of Coquitlam and is HCR-rostered to a Coquitlam Minor Hockey Association team as a regular player.

2.7 The following persons may be a Life Member if such Membership has been accepted by a resolution of the Board of Directors upon:

a. nomination from any Ordinary Member in good standing; and

b. the Member in question has rendered outstanding and meritorious service to the Association, as determined by the Board of Directors, for at least 5 years.

2.8 The following persons may be a Situational Member if they are:

- a. a parent or legal guardian of a child whose application for registration and playing privileges has been accepted by the Board of Directors provided that such membership shall be limited to a maximum of two parents/legal guardians per child or;
- b. a Person aged 19 or older whose application for registration and playing privileges is accepted by the Board of Directors; or;
- c. Not otherwise eligible for an Ordinary or Life Membership.

2.9 An Ordinary Member ceases to be a member:

- a. on June 30th in each year unless an application for playing privileges has been made to the Society for the next playing season in accordance with these Bylaws (and, in which in the case of an application for a child, the member has been identified as the parent or legal guardian of such child) and such application has been accepted by the Board of Directors; or
- b. by delivering their resignation in writing to the Secretary; or
- c. where the Member's child player, or in the case of an adult player, is no longer participating in the Society's hockey programs as a result of the child being released in accordance with the rules and regulations of Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated; or
- d. on being expelled.

2.10 A Situational Member ceases to be a Member:

- a. on March 31st of each year; or
- b. by delivering their resignation in writing to the Secretary of the Board of Directors; or
- c. where the Member's child player, or in the case of an adult player, is no longer participating in the Society's hockey programs as a result of the child being released in accordance with the rules and regulations of Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated; or
- d. on being expelled.

2.11 An Ordinary or Situational Member may be expelled:

- a. by an ordinary resolution of the Members passed at a duly convened general meeting, provided that such resolution to expel shall not be valid unless notice of the meeting shall have contained a brief statement of the reason or reasons for the proposed resolution to expel, and the person who is the subject of the proposed resolution shall have been given an opportunity to be heard at the general meeting before the proposed resolution being voted upon; or
- b. by resolution of the Board of Directors where the Board of Directors has received a recommendation from an Adjudicator or the Appeals Committee, pursuant to Article 7.8 to expel the Member, provided that the Member who is the subject of the proposed expulsion resolution is given an opportunity to be heard at the meeting of the Board of Directors prior to the resolution to expel being voted upon.

2.12 A Life Member may have their membership revoked by a Board of Directors resolution.

2.13 The Board of Directors shall have the power, by a vote of three quarters (3/4) of those present at a duly convened meeting, to suspend a member whose conduct shall have been determined by the Board of Directors to be improper, unbecoming or likely to endanger the interest or reputation of the Society, or who willfully commits a breach of the Constitution or Bylaws of the Society, provided that the Member who is the subject of the proposed suspension shall have been given an opportunity to be heard at the

meeting of the Board of Directors prior to the resolution to suspend being voted upon.

2.14 A member being expelled by a resolution of the Board of Directors pursuant to Article 2.11(b) has the right to requisition a General Meeting of the Society for the purpose of reviewing the expulsion, such meeting to be held at such place as the Board of Directors shall determine, within 28 days of the Member's compliance with Article 2.15.

2.15 A Member requisitioning a General Meeting under Article 2.14 shall:

a. give written notice to the Secretary of the Board of Directors, within 14 days of the expulsion; and

b. prepay the reasonable cost of giving notice to the membership and of holding the General Meeting.

2.16 The Member shall be given the opportunity to be heard at the General Meeting prior to the expulsion being voted upon.

2.17 If the Board of Directors order expelling the member is ratified by Ordinary Resolution of the membership at a duly convened General Meeting, the monies paid by the Member pursuant to Article 2.15(b) shall be forfeited, and if the said expulsion order is not ratified, such monies shall be refunded to the member.

2.18 All Members are in good standing except a Member who has been expelled, suspended, has a debt owing to the Society, or who is wrongfully in possession of Society property.

2.19 A Member not in good standing forfeits all rights, privileges, claims and interests accorded a Member of the Society.

2.20 A player whose parent or legal guardian is expelled shall forfeit all playing privileges and shall forthwith return to the Society their player jersey and any equipment owned by the Society, provided however that if the Member has complied with Article 2.15, the player's loss of playing privileges shall not be effective until the review has been completed.

PART 3 - PLAYER ELIGIBILITY AND REGISTRATION

3.1 A parent or legal guardian of a child or an adult wishing to play hockey in the Society's hockey programs for the next playing season must, at the date and time established by the Board of Directors on an annual basis:

- a. complete and sign the player application in the form approved by the Board of Directors and/or complete other registration process from time to time as deemed by the Board of Directors;
- b. make payment of the player registration fee or charge established by the Board of Directors on an annual basis and any other fees or charges that the Board of Directors may establish from time to time for new, renewal, or late registrations; and
- c. make payment of any outstanding amounts due to the Society, and return all property of the Society.

3.2 Notwithstanding any of the provisions of Article 3.1. the Board of Directors has the full power and discretionary authority not to accept an application for playing privileges, where:

- a. available ice time or other resources of the Society, or such other consideration that the Board of Directors deems reasonable or appropriate in the circumstances, requires that the Society limit the number of persons accepted for playing privileges; or
- b. the adult player or the parent or legal guardian of the child player has been expelled or is suspended as a member of the Society; or
- c. the person is not eligible as a player in the Society's hockey programs because of a bylaw, rule, regulation or directive of Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated; or
- d. it is not satisfied that the person is a bona fide resident of Coquitlam based upon the criteria set forth in the rules and regulations of the Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated and the Society is not otherwise bound to accept the application for playing

privileges pursuant to a bylaw, rule, regulation, exemption, permission, directive or other authorization of the Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated; or

e. the number of available player positions is limited and the child failed or refused to participate in the Society's hockey program at any time during the previous season for reasons other than a valid medical condition; or

f. the number of available player positions is limited and prior to the application the child or adult applicant sought and received a release from the Society whether or not such release has been approved by PCAHA, BC Hockey, Hockey Canada; or

g. the number of available player positions is limited and a refund of the whole or part of the registration fee for the previous season was sought by the parent or legal guardian of the child or the adult applicant.

3.3 Upon the Board of Directors accepting the application for playing privileges the person named shall become a player in the Society.

3.4 If the Board of Directors rejects the application for playing privileges for reasons set forth in Article 3.2.d. the parents of the child applicant or the adult applicant shall be given an opportunity at the next regularly scheduled meeting of the Board of Directors to show cause why the application should be accepted.

PART 4 - DIRECTORS

4.1 The Directors shall be solely responsible for managing and supervising the affairs of the Society, as set forth in the rules and regulations of the Hockey Canada, BC Hockey, PCAHA and/or such other association of which the Society is a member or with which it is affiliated including the establishment of:

- a. player try-out and selection policies and procedures;
- b. coach selection policies and procedures;
- c. ice time schedules and allocations;
- d. policies and procedures regarding the selection and team placement of players and coaches;
- e. policies and procedures regarding safety, including the proper equipment to be worn by players, provided that such policies and procedures are not inconsistent with those of Hockey Canada, BC Hockey, or the PCAHA or any other association of which the Society is a member or with which it is affiliated; and
- f. The Directors may exercise all the powers and perform all the acts that the Society may exercise and perform, subject to:
 - i. all laws affecting the Society;
 - ii. these bylaws;
 - iii. any rules, not being inconsistent with these bylaws, which are made from time to time by the Society in a General Meeting, provided that no rule made by the Society in a General Meeting invalidates a prior act of the directors that would have been valid if that rule had not been made.

4.2 No Director shall be remunerated for being or acting as a Director but a Director shall be reimbursed for all expenses necessarily and reasonably incurred by them while engaged in the affairs of the Society.

4.3 Each Director of the Society shall assume office on the express understanding and condition that the Society shall indemnify them and their heirs and personal

representatives from time to time and at all times against all costs, charges, expenses, and damages whatsoever which such Director sustains or incurs in or as a result of any civil, criminal, or administrative action, suit, or proceeding by reason of them being or having been a Director, including an action brought against the Society, if they acted honestly and in good faith with a view to the best interests of the Society and in the case of a criminal or administrative action or proceeding, if they had reasonable grounds for believing his conduct was lawful, and the Board of Directors shall have the power and authority to purchase and maintain such insurance coverage as may be reasonably necessary to assure to each Director such indemnity.

4.4 The Society shall have such number of Directors as determined and fixed by the membership at the Annual General Meeting, consisting of the following roles, not to exceed 13 Directors:

President

Vice-President of Finances & Administration

Vice-President of Competitive Programming

Vice-President of Recreational Programming

Vice-President of Novice Programming

Risk Manager

together with Directors having one or more of the following responsibilities and/or functions:

Equipment management;

Coordination of the activities of one or more hockey divisions;

Other positions as the Directors may propose for election.

4.5 The Directors who are elected at a General Meeting or who are appointed to fill a vacant office shall comprise the Directors of the Society and the Directors of the Society shall comprise the Board of Directors.

4.6 The President of the Board of Directors shall by January 31 each year, form a nominating committee for the purpose of receiving, recruiting and advertising for candidates to fill Director positions for the next year. Nominations for vacant positions will be accepted by the Secretary of the Board of Directors who will post for member review.

Nominations will be accepted up to 7 calendar days prior to the Annual General Meeting, not including the day of the AGM, with the deadline being 11:59pm. In the event there are three (3) or more persons nominated for any position, the successful candidate shall be required to poll at least 50% of the total votes cast, and if necessary, successive votes shall be held whereby the nominee receiving the least votes shall be dropped until a nominee shall have the required votes

4.7 No person shall be eligible for election as a Director unless he is a member of the Society in good standing.

4.8 The following Directors shall each be elected for a two (2) year term of office: The President, Vice-President of Novice Programming, and Risk Manager (these positions shall be elected in odd numbered years) and the Vice-President of Competitive Programming, Vice-President of Recreational Programming, Vice-President of Finances & Administration, (these positions shall be elected in even numbered years). The other Directors shall be elected for a term of one (1) year. Any casual vacancy occurring on the Board of Directors may be filled by the Directors from the members of the Society who are in good standing, but any member so chosen shall retain office only until the conclusion of the next Annual General Meeting of the Society, but is eligible for election at the Annual General Meeting.

4.9 A Director may be removed from their office prior to the expiration of their term by:

a. special resolution from the Members who may then elect another Director to serve during the balance of the term; or

b. special resolution of the Board of Directors passed by a minimum of 75% of sitting Board Directors.

4.10 A Director being removed from their office by a resolution of the Board of Directors pursuant to Article 4.9(b) has the right to requisition a General Meeting of the Society for the purpose of reviewing the removal of office, such meeting to be held at such place as the Board of Directors shall determine, within 28 days of the member's compliance with Article 2.15.

4.11 The Director shall be given the opportunity to be heard at the General Meeting prior to the

expulsion being voted upon.

4.12 If the Board of Directors order removing the Director is ratified by ordinary resolution of the membership at a duly convened General Meeting, the monies paid by the Member pursuant to Article 2.15(b) shall be forfeited, and if the said order is not ratified, such monies shall be refunded to the Member.

4.13 The Board of Directors shall have the power to extend, on an interim or permanent basis, a suspension imposed by the President in accordance with Article 4.15(f) for such length of time as the Board of Directors thinks proper provided that the person who is the subject of the suspension shall be given an opportunity at the next regularly scheduled meeting of the Board of Directors to show cause why the suspension should be lifted or shortened.

4.14 The Directors may delegate any of their powers to committees consisting of such Member or Members of the Society as they think fit or as the President may appoint. Any committee so formed shall in the exercise of the power so delegated, conform to any terms of reference or regulations as may be imposed on them by the Board of Directors. The chairman of each committee so appointed shall be required to attend Board of Director meetings upon request and to report plans which must be approved by the Board of Directors.

Key Responsibilities of the Directors

4.15 **The President** shall:

- a. preside at all General Meetings of the Society and of the Board of Directors;
- b. appoint a nominating committee before each Annual General Meeting;
- c. act as the official representative of the Society and attend all meetings as such;
- d. supervise the other directors in the execution of their duties;
- e. perform their responsibilities under Article 7;
- f. have the power to immediately suspend any member, player, team official, game

official or any other person associated with the Society for any conduct which the President in their sole and unfettered discretion believes has been or may be injurious to a member, player or game official and likely will continue, or which has significantly hindered the Society in the pursuit of any of its purposes or programs, provided however that such suspension shall be effective only until the next duly convened meeting of the Board of Directors.

4.16 Vice President of Finances & Administration shall:

- a. perform the governance duties of the President in their absence for 4.15 (a-d);
- b. be responsible for keeping financial records, including books of account as are necessary to comply with the *Society Act*;
- c. render financial statements to the Board of Directors, Members and others as required;
- d. ensure all monies to the credit of the Society are deposited in a chartered bank, credit union or trust company;
- e. apply for all grant applications on behalf of the Society;
- f. administer the Association's human resources (payroll, contracts, any benefit plans); and
- g. ensure Association policies and processes are current and effective for proper governance and functionality of the Association

4.17 Vice President of Competitive Programming shall:

- a. perform the duties of the Vice President of Finances & Operations and the duties in 4.15 (e-f) of the President in their absence;
- b. administer the Competitive Program ('A' divisions), including player placement, team formation, and oversight; and
- c. have such other duties as may be assigned by the President or the Board of Directors from time to time.

4.18 Vice President of Recreational Programming shall:

- a. perform the duties of the Vice President of Competitive Programming in their absence;
- b. administer the Recreational Program ('C' divisions), including player placement, team formation, and oversight; and
- c. have such other duties as may be assigned by the President or the Board of Directors from time to time.

4.19 Vice President of Novice Programming shall:

- a. perform the duties of the Vice President of Recreational Programming in their absence;
- b. administer the Novice Program (Mini C's, U7 & U9 divisions), including player placement, team formation, and oversight; and
- c. have such other duties as may be assigned by the President or the Board of Directors from time to time.

4.20 **The Equipment Manager** shall:

- a. be responsible for the purchase, maintenance, and repair of all the Society hockey equipment;
- b. issue Society equipment to each division and keep an accurate record of the assignment of such equipment; and
- c. ensure that all equipment is returned to the Society at the conclusion of each playing season.

4.21 **The Risk Manager** shall:

- a. cause to be performed equipment checks at the beginning of each playing season and at such other times as may be necessary;

- b. cause to be performed such checks as the Board of Directors may determine;
- c. deal with and report any activity or concerns relating to or regarding liability coverage; and
- d. perform their responsibilities under Article 7.

4.22 The Division Managers shall:

- a. have general responsibility for the organization of teams, coordination and allocation of players among teams, and the scheduling of games;
- b. make recommendations to the Board of Directors for coaches within their divisions; and
- c. ensure that each coach and/or manager of teams within the division are aware of the by-laws, rules and regulations of the Society and to ensure that such by-laws, rules and regulations are enforced.

PART 5 - MEETINGS

5.1 The Annual General Meeting of the Society shall be held in compliance with the Societies Act regulations and before June 30th.

5.2 General meetings of the Society shall be held at such time or times and at such place as the Board of Directors shall determine.

5.3 A quorum for all General meetings shall consist of at least 50 members.

5.4 Any member present at a general meeting is entitled to one vote. Voting by proxy shall not be allowed. Voting shall be by a show of hands unless the membership by ordinary resolution requires a poll. Upon a show of hands, every member shall have one vote and unless a poll is required, a declaration by the chairman that a resolution has been carried or not carried and an entry to that effect in the minutes of the Society shall be sufficient evidence of the facts without proof of the number or proportion of the votes accorded in favour of or against such resolution. If a poll is required, the resolution shall be decided by a majority of the votes of the members and such poll shall be taken in such manner as the chairman shall direct and the result of such poll shall be considered the decision of the Society in general meeting upon the matter in question. The chairman shall not have a vote, whether upon a show of hands or on a poll.

5.5 All members entitled to receive notice of a general meeting shall be given not less than 14 days written notice of such meeting or such greater notice as may be required by the Society Act.

5.6 The accidental omission to give notice of a meeting to or the non-receipt of a notice by any of the members entitled to receive notice does not invalidate proceedings at that meeting.

5.7 Regular and/or Interim Meetings of the Board of Directors shall be held at such time and place as the President or any 5 directors may determine. Notice of such meetings shall be communicated to each director not less than 2 days (exclusive of the day on which the notice is given) before the meeting is to take place, unless such notice is unanimously waived by all the directors.

5.8 A quorum of any Board of Directors meeting shall consist of a majority of the Board of

Directors holding office at the time of the meeting. A resolution of the Board of Directors shall be passed by a simple majority of votes and the chairman of the meeting may move or second a resolution and have a vote but shall not have a second or casting vote.

PART 6 - BANKING AND FINANCES

6.1 Accounts shall be kept in the name of the Society at a bank, credit union, or trust company selected by the Board of Directors.

6.2 All Society cheques shall be signed by two signing Directors who shall be the President and one other director.

6.3 The fiscal year of the Society shall be May 1 - April 30th.

6.4 The Society shall not borrow money in the form of a loan unless first authorized by a Special Resolution of the Membership.

6.5 The Society shall be permitted to apply for a credit card in the name of the Society.

PART 7 - COMPLAINT AND APPEAL PROCEDURE

7.1 Given the competitive nature of the game of hockey, the expectations of its participants, the individuality of players and coaches and the various coaching styles and methods, the Society acknowledges that disputes among the game's participants will undoubtedly occur from time to time. The Society strongly encourages the parties to such disputes, where appropriate, to seek a resolution through direct discussions or through voluntary mediation and the exercise of common sense before resorting to the complaint and appeal procedures hereinafter set forth.

7.2 A player, member, coach, manager or other Association official (the "Complainant") shall be entitled to make a complaint to the Society (the "Complaint") in accordance with this procedure respecting:

- a. conduct of a player, member, coach, manager or other Association official (the "Alleged Offender") which is in contravention to the Association Code of Conduct and the Complainant finds objectionable (the "Objectionable Conduct"); and/or
- b. the decision (the "Decision") of a coach, manager, other Association official or group (the "Decision Maker") by which the Complainant believes he or she has been seriously aggrieved or prejudiced; provided that nothing herein shall entitle any party or person to make a complaint under this Article in respect of:
 - i. a child or adult applicant whose application for playing privileges was not accepted by the Board of Directors;
 - ii. a decision or other determination made by the Board of Directors made in accordance with these Bylaws or the Society Act;
 - iii. a suspension imposed by the President pursuant to Article 4.15(f);
 - iv. a decision made by the President pursuant to Articles 7.14 and 7.21;
 - v. a decision or ruling of the Adjudicator or Appeals Committee; or
 - vi. a decision of the membership made at a general meeting.

7.3 A Decision may only be challenged on the basis of one or more of the following grounds:

- a. No authority - the Decision Maker had no authority to make the Decision;
- b. Contravenes policy - the Decision otherwise contravenes the General Procedures and Policies of the Association;
- c. Conflict of interest - the Decision Maker had a conflict of interest;
- d. Bias - the Decision Maker was biased or had an appearance of bias;
- e. Failure to account - the Decision Maker failed to properly exercise his or her discretion by:
 - i. failing to take into account all necessary and relevant considerations;
 - ii. taking into account considerations which were clearly irrelevant;
- f. Misconstrued material fact(s) - the Decision Maker misconstrued material facts; or
- g. Unduly harsh penalty - the penalty imposed on a Complainant is unduly harsh in all of the circumstances.

7.4 As most decisions of coaches, managers and other Society officials require the exercise of discretion, such decisions should only be disturbed by the Adjudicator where it is clearly shown that the Decision Maker in reaching their decision exercised their discretion improperly. It is not sufficient grounds for setting aside or varying such a decision that the Complainant or the Adjudicator would have exercised that discretion differently and reached a different conclusion. The Adjudicator must be satisfied that the Decision Maker committed one or more of the grounds of Article 7.3 in arriving at the Decision. Discretionary decisions should not be disturbed unless a failure to do so would result in a serious injustice. Discretionary decisions include, but are not limited to, the following:

- a. coach selection;
- b. player selection to Representative Teams;
- c. player selection to "C" Teams;
- d. on ice coaching decisions, including player positioning, hockey systems and strategies, practice formats;
- e. player discipline; and
- f. off and on ice rules and procedures set by the coach and manager relating to the efficient functioning of the team.

7.5 The Complaint shall be commenced by the Complainant delivering, within 10 days, of the Decision or the occurrence of the Objectionable Conduct, a written notice of the Complaint to the Secretary of the Society (the "Notice of Complaint") which shall set forth:

a. in the case of a complaint respecting a Decision:

- i. the Decision being appealed;
- ii. the Decision Maker who made the Decision;
- iii. the date of the Decision;
- iv. the grounds upon which the Complainant relies in making the appeal;
- v. the relief being sought; and
- vi. a fee of \$50.

b. in the case of a complaint respecting Objectionable Conduct:

- i. the name and any available contact information of the Alleged Offender;
- ii. particulars of the Objectionable Conduct including the time, place, date and the names and addresses of any witnesses;

iii. the relief being sought; and

iv. a fee of \$50.

7.6 Subject to Article 7.21, the Complaint shall be adjudicated by the Risk Manager (the Adjudicator).

7.7 Upon receipt of the Notice of Complaint, the Adjudicator shall:

- a. immediately deliver to the Complainant a written acknowledgment of receipt of the Notice of Complaint and a copy of the Society's Complaint and Appeal Procedures;
- b. immediately deliver to the Alleged Offender or Decision Maker a copy of the Notice of Complaint, a copy of the Society's Complaint and Appeal Procedures and a notice to submit a written reply to the Notice of Complaint (the "Reply") within 3 days of receipt of such notice or within such lesser period as circumstances may reasonably warrant;
- c. upon receipt of the Reply, deliver to the Complainant a copy of the Reply and a notice to submit any written rebuttal to the Reply (the "Rebuttal") within 3 days of receipt of such notice or within such lesser period as circumstances may reasonably warrant;
- d. immediately deliver a copy of the Rebuttal to the Alleged Offender or Decision Maker;
- e. following receipt of the Reply and Rebuttal, if any, or upon the expiry of the period for delivering the Reply and Rebuttal set forth in the notices, conduct such investigation into the facts surrounding the Complaint as considered necessary in his or her discretion, including without limitation, interviewing witnesses, obtaining witness statements, interviewing the Complainant, the Alleged Offender or Decision Maker, and consulting with sports, legal or other authorities and other members of the Board of Directors of the Society other than the Risk Manager;
- f. within 14 days of receipt of the Notice of Complaint, deliver to the Complainant and the Alleged Offender or Decision Maker his or her written decision respecting the Complaint with reasons therefore.

7.8 In the event of a finding of misconduct on the part of the Alleged Offender, an Adjudicator is entitled to grant the following relief or impose the following penalties:

- a. a reprimand and/or a warning;
- b. a demand that the Alleged Offender apologize to the Complainant or the victim of the Objectionable Conduct;
- c. a suspension;
- d. a demand that the Alleged Offender make restitution for any damage or costs caused by the Alleged Offender on such terms as determined by the Adjudicator;
- e. a recommendation to the Board of Directors that the Alleged Offender be expelled from the Society;
- f. the placement of the Alleged Offender on probation for a specified period of time with or without conditions;
- g. a requirement that the Alleged Offender take remedial courses;
- h. dismissal of the Alleged Offender from his or her position;
- i. a combination of any of the above; or
- j. such other remedy considered appropriate in the circumstances including but not limited to the payment of \$50 fine.

7.9 In the event a Decision is found to have been improperly or wrongly made, the Adjudicator shall be entitled to:

- a. set aside the Decision and, if appropriate:
 - i. require that the Decision Maker reconsider the decision using proper considerations;
 - ii. require that another party or other parties make the decision;
 - ii. in appropriate circumstances, substitute his or her own judgment in making the decision;

b. vary the decision.

7.10 In the event the Adjudicator finds that misconduct occurred, or the Decision is found to have been improperly or wrongly made, the fee of \$50.00 will be refunded to the Complainant.

7.11 The Complainant or the Appellant shall be entitled as a matter of right to submit an appeal of the decision of the Adjudicator by delivering, within 7 days of receipt of the Adjudicator's decision, a notice of appeal to the Secretary of the Society (the "Notice of Appeal") which shall set forth:

- a. the decision which is being appealed;
- b. the Adjudicator who made the said decision;
- c. the date of the decision;
- d. the grounds upon which the Appellant relies in making the appeal;
- e. the relief being sought; and
- f. a fee of \$100.

7.12 The Board of Directors shall review or have reviewed the Appeal Submission and if the appeal submission is accepted under the grounds outlined in Article 7.2 or 7.3 and 7.4, the appeal shall be heard by the Appeals Committee which shall consist of the President who shall act as Chair of the Committee and two members of the Society selected at large by the President and approved by the Board of Directors neither of whom shall have a conflict of interest or bias, or appearance of bias, respecting the parties to the appeal, the matters involved in the appeal or its outcome (the "Appeals Committee").

7.13 Upon receipt of the Notice of Appeal, the Appeals Committee shall:

- a. immediately deliver to the Appellant written acknowledgment of receipt of the Notice of Appeal together with a copy of all written evidence gathered by the Adjudicator, and

the names of the proposed panel members of the Appeals Committee;

b. immediately deliver to the other party(ies) involved in the adjudication (the "Respondent") a copy of the Notice of Appeal, a copy of all written evidence gathered by the Adjudicator, the names of the proposed panel members of the Appeals Committee, and a notice to submit a written reply to the Notice of Appeal (the "Respondent's Reply") together with any objection to the composition of the Appeals Committee and any reasons therefore, within 3 days of receipt of such notice or such lesser period as directed by the Appeals Committee;

c. upon receipt of the Respondent's Reply or the expiry of the time period for delivering such reply, deliver to the Appellant a copy of Respondent's Reply, if any, and a notice to submit any written rebuttal to the Respondent's Reply (the "Appellant's Rebuttal") together with any objection to the composition of the Appeals Committee and any reasons therefore, within 3 days of receipt of such notice or such lesser period as directed by the Appeals Committee;

d. deliver the Appellant's Rebuttal, if any, to the Respondent,

e. following receipt of the Respondent's Reply and the Appellant's Rebuttal, if any, or upon the expiry of the period for delivering such reply and rebuttal as set forth in the notices, convene a hearing of the appeal within 10 days of the Notice of Appeal, at such time and place as the Appeals Committee shall reasonably determine and shall give notice thereof to the Appellant and the Respondent.

7.14 In the event an objection is made to the composition of the Appeals Committee, the President shall consider the validity of the objection and if determined to be valid, the President shall replace such objectionable panel member with another member at large with whom the Appellant and Respondent have no reasonable grounds of objection.

7.15 The Appeals Committee shall be entitled to determine its own procedure provided, unless the circumstances warrant otherwise, such procedure shall include the right of the parties to be represented by counsel, the right of the parties to call witnesses and to cross-examine witnesses called by the other party, the right to introduce rebuttal

evidence and the right to make closing submissions. The Appeals Committee shall be entitled to engage counsel to assist the Committee in conducting a fair, efficient and orderly hearing of the appeal.

Such counsel shall be entitled to:

- a. conduct witness interviews prior to the hearing;
- b. assist the parties to the appeal by explaining the appeals process;
- c. introduce evidence at the hearing which in counsel's opinion is relevant to the issues;
- d. cross-examine witnesses and introduce rebuttal evidence;
- e. make opening and closing submissions to the Appeals Committee; and
- f. provide such other assistance as the Appeals Committee deems appropriate.

7.16 With respect to an appeal of a Decision, the Appeals Committee's decision shall be based upon the same considerations applicable to the Adjudicator, namely, those set forth in Articles 7.3 and 7.4 herein.

7.17 Within 14 days of the hearing of the appeal, the Appeals Committee shall render its decision and if there is a difference of opinion among the panel members, the majority view shall prevail. The Appeals Committee shall be entitled to:

- a. dismiss the appeal;
- b. allow the appeal and, if appropriate:
 - i. require that the Decision Maker reconsider the Decision using proper considerations;
 - ii. require that another party or other parties make the Decision;
 - iii. substitute their own judgment in making the decision;
 - iv. reinstate the original Decision of the Decision Maker;
 - v. vary the Decision of the Decision Maker or the Adjudicator;
 - vi. in the case of a finding of misconduct, grant the relief or impose the penalties set forth in Article 7.8 herein; and
 - vii. make such other decisions it considers just in the circumstances.

7.18 In the event the Appeal is successful and the findings are of misconduct by the Appellant or a Decision is found to have been improperly or wrongly made, both the Complaint

fee of \$50.00 and the Appeal fee of \$100.00 will be refunded to the Complainant.

7.19 The decision of the Appeals Committee shall be final unless an appeal of such decision is allowed by the Constitution, By-Laws, and Regulations of an affiliated body by which the Society has agreed to be bound.

7.20 The Appeals Committee shall immediately provide the Appellant and the Respondent with its written decision including its reasons therefore together with any dissenting opinion and a copy of the appeal procedures, if any, available to the parties outside of the Society.

7.21 In the event the Adjudicator or Risk Manager has a conflict of interest, a bias or an appearance of bias in respect of the issue in dispute, he or she shall disqualify himself or herself and the President shall appoint another member of the Board of Directors who has no such conflict of interest or bias, to act in his or her place. Where the Complainant or the Appellant objects to the adjudication of the Complaint by the Adjudicator, the President shall consider the validity of the objection and if determined to be valid, shall appoint another member of the Board of Directors to act as Adjudicator.

7.22 At any stage during the complaint or appeal proceedings, the parties may resolve the dispute outside of these proceedings, in which case, a Notice of Withdrawal shall be immediately delivered to the Secretary signed by all parties to the dispute and, depending on the nature of the Complaint, the Adjudicator or the Appeals Committee, as the case may be, may terminate the complaint or appeal proceedings.

7.23 The Adjudicator or the Appeals Committee, as the case may be, shall be entitled to suspend the Alleged Offender from his or her position pending the outcome of the complaint procedure or appeal process.

7.24 An Alleged Offender or Decision Maker who fails to comply with any decision of an Adjudicator or Appeals Committee shall be suspended indefinitely from their position in the Society and, in the case of a parent, the Board of Directors shall be entitled to suspend a child or children of such parent from participation in the Society's programs

until the parent has so complied.

7.25 Any failure to comply with the procedures herein may be considered by the Adjudicator or Appeals Committee in reaching their decisions; provided that in the event the facts alleged in a Notice of Complaint could give rise to criminal or quasi-criminal proceedings against an Alleged Offender, any failure or refusal of the Alleged Offender to give an oral or written statement to the Adjudicator or the Appeals Committee shall not be construed as an admission of liability by the Alleged Offender. Subject as aforesaid, the Adjudicator or Appeals Committee shall be entitled to dismiss the Complaint or the appeal, as the case may be, in the event of non-compliance with the procedures by the Complainant or Appellant.

7.26 The Complainant shall have the burden of establishing, on a balance of probabilities, that the Alleged Offender was guilty of the alleged misconduct and/or that the Decision Maker's Decision was improperly or wrongly made or that any penalty imposed on a Complainant is unduly harsh in all the circumstances.

7.27 The Adjudicator or the chair of the Appeals Committee shall be entitled in appropriate circumstances to extend or abridge the time periods provided in this procedure for doing any particular act so long as such extension or abridgement of time does not unduly prejudice the rights of any party.

7.28 Nothing herein is intended to conflict with or supersede the disciplinary proceedings of the Pacific Coast Amateur Hockey Association or such other association of which the Society is a member or with which it is affiliated, it being understood that the procedures herein are intended to be supplementary to such proceedings.

7.29 Nothing herein shall be construed to suggest that any policy or procedure of the Society can be challenged or changed by using this Complaint and Appeals Procedure.

PART 8 - GENERAL

- 8.1 The Society shall maintain affiliation with BC Hockey and the PCAHA as the Board of Directors deems it expedient or appropriate.
- 8.2 A member in good standing shall be entitled to propose a special resolution for consideration at a general meeting provided that the proposed special resolution has the approval of at least 15 members in good standing (as indicated by their signatures on the proposed special resolution) and provided further that the proposed special resolution must be received by the Secretary at least four weeks prior to the general meeting in which the proposed special resolution is to be voted upon.
- 8.3 A notice may be given to a member by personal delivery, or by email or by mailing to the address shown on the player application form, and if mailed shall be deemed to have been received on the second day following the mailing.
- 8.4 The operations of the Society are to be chiefly carried out in the City of Coquitlam, Province of British Columbia. This clause shall not be altered.
- 8.5 The Society shall be carried on without purpose of gain for its members and any profit or other accretions to the Society shall be used in promotion of its purposes. This clause shall not be altered.
- 8.6 Upon winding up or dissolution of the Society, the assets which remain after payment of all costs, charges and expenses which are properly incurred in the winding up shall be distributed to:
- a. such charitable organization or organizations registered under the provisions of the "Income Tax Act (Canada)" as may be determined by the members of the Society at the time of winding up or dissolution; or
 - b. such charitable organization or organizations having a similar charitable purpose.
 - c. This clause shall not be altered.