

**SECTION BY-LAWS**

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## SECTION BY-LAWS

- (1) **DEFINITIONS:** For the purpose of these By-laws, the definitions contained in the Skate Canada Constitution will apply. (*Association By-Law 1100*)

The NAME of the organization shall be "Skate Canada Manitoba".

For the purpose of this constitution, "Skate Canada Manitoba" hereinafter shall be termed the Section or the Manitoba Section.

- (2) **MEMBERSHIP:** Skate Canada has for the purpose of management and control divided Canada into Sections. As a committee of Skate Canada, the Manitoba Section is defined as:

**Association clubs within the Section:** All clubs in the Province of Manitoba shall be members of the Section unless otherwise authorized by the Association. (*Association By-Law 1503(d)*)

For the purpose of these By-laws, the rules outlined in the Skate Canada Constitution (*Association By-Law 1200*) Membership, (*Association By-Law 1201*) Organization Membership, (*Association By-Law 1202*) Individual Membership, and (*Association By-Law 1203*) Resignation will apply to all categories of membership within the Section.

- (3) **COMPLAINTS, SUSPENSIONS AND EXPULSION POLICY:** For the purpose of these By-Laws, the Skate Canada Constitution will apply. (*Association By-Law 1204*)
- (4) **MEMBERSHIP HARASSMENT POLICY:** For the purpose of these By-Laws, the Skate Canada Constitution will apply. (*Association By-Law 1205*)
- (5) **STAFF AND VOLUNTEER SCREENING POLICY:** The Section has established a staff and volunteer screening policy applicable to all Skate Canada Manitoba Office staff, Section appointed Coaches, Board of Directors, Team Managers and any other person as deemed appropriate by the Executive Committee or Board of Directors from time to time. A copy of the policy is available to all members upon request.
- (6) **MANAGEMENT OF THE SECTION:** The affairs of the Section shall be managed by a Section Board of Directors elected at the Annual General Meeting of the clubs within the Section, which meeting shall be held prior to the Annual General Meeting of the Association. (*Association By-Law 1503(2)*).
- (7) **BY-LAWS OF THE SECTION:** Except in the case of a conflict with a provincial statute governing the Section, the By-laws of the Association and in particular By-law 1503, apply to and govern the activities of the Section. (*Association By-Law 1503(3)*)

The Section Constitution contains Association By-laws. When the Association By-laws are amended in accordance with its By-law 1600, the Section will automatically update its Constitution to reflect these changes.

- (8) **ROLE OF THE SECTION:** To promote the objectives of the Association through the following: (*Association By-Law 1503(4)*)
- (a) facilitating and promoting Skate Canada programs, policies and procedures;
  - (b) ensuring effective communication between all Skate Canada stakeholders;
  - (c) effective information management;
  - (d) educating and training officials, coaches and volunteers;
  - (e) liaison with member clubs, member skating schools and members located within Section boundaries;
  - (f) developing partner relationships and alliances with Section specific organizations to assist in funding and delivery, e.g. municipal and provincial governments; localized sport governing bodies;
  - (g) provision of conflict resolution among Skate Canada stakeholders;
  - (h) holding Section competitions.
  - (i) ensuring effective governance processes and systems are in place including the submission or provision of an annual report and audited financial statements to Skate Canada.
- (9) **MEMBERSHIP IN THE SECTION:** (*Association By-Law 1503(5)(a),(b)*)
- (a) **ASSOCIATION CLUBS WITHIN THE SECTION:** All clubs of the Association within the designated area of the Section shall be members of the Section unless otherwise authorized by the Association.
  - (b) **ASSOCIATION PROFESSIONAL COACHES RESIDING WITHIN THE SECTION:** Professional Coaching members in good standing who are listed in the Official Association List as resident within the Section shall be accorded the privileges listed in Skate Canada Constitution (*Association By-Law 1202(3)*) and shall each be entitled to one vote, for the purpose of electing a Section Coaching Representative.
- (10) **SECTION MEMBERS' MEETINGS:** The Section shall abide by the Skate Canada Constitution By-laws governing Association Members' Meetings (*Association By-law 1300*) as applicable, except as follows: (*Association By-Law 1503(6) and all sub-sections*)
- (a) **NOTICE OF MEETING:** Each member Club shall be notified at least twenty-one (21) days prior to the actual date of the meeting. The accidental omission to give notice of any meeting to, or the non-receipt of any notice by a member Club shall not invalidate any resolution passed or any proceeding taken at the meeting.
  - (b) **WHEN:** The Board of Directors of the Section shall set the date of the Annual General Meeting of the Section. It shall be set after April 15 and prior to the Annual General Meeting of the Association.
  - (c) **QUORUM:** A quorum for the transaction of business at a general or special meeting shall be representation by delegates and proxies from twenty-five percent (25%) of

the number of clubs in the Section, but shall be not less than five (5) delegates, and shall include at least the Chair or a Vice Chair of the Section.

(d) **PLACE:** The place shall be selected by the Board of Directors at least two years in advance, and announced at the preceding Annual General Meeting.

(e) **VOTING – DELEGATES TO THE SECTION ANNUAL GENERAL MEETING:**

(i) **ASSOCIATION CLUB DELEGATES:**

Only clubs in the Section who are members in good standing of the Association shall be entitled to send one delegate to the meeting. Club delegates are entitled to one vote at a general meeting. Such delegates shall be a member of the club in good standing, an Associate member of the Association in good standing and of legal age in the Province. This delegate shall be in addition to any member of a club serving on the Board of Directors of the Section.

(ii) **SECTION BOARD OF DIRECTORS:**

Members of the Board of Directors of the Section shall be entitled to one (1) vote at a general meeting.

(iii) **DETERMINING A MAJORITY VOTE:**

(a) Abstaining voters are not counted in determining a majority. A tie vote is defeated.

(b) A simple majority of the votes cast by the members present and carrying voting rights shall determine the questions in meetings except where the vote or consent of a greater number of members is required by or pursuant to the Act or these By-laws and Rules.

(c) The meeting chair may vote only once for each question and should the chair elect to do so, the meeting chair votes at the same time as the delegates to the meeting.

(iv) **PROXIES:**

(a) Members who are entitled to vote and are not attending the Annual General Meeting or a special meeting may give proxies to delegates entitled to carry proxies for the purpose of voting. No persons may carry more than five (5) voting member proxies.

(b) Proxies shall be in such form as the Board of Directors prescribe, and shall be handed to the Chair of the Nominating Committee or his/her designate prior to the start of the meeting.

- (f) **ATTENDANCE AT MEETINGS:** General meetings shall be open to all associate, restricted, coaching and honorary members in the Section, but persons other than delegates shall be considered as observers and shall have no voice in the proceedings and no vote. The Board of Directors of the Section may limit the number of observers if necessary. Any person may be permitted to speak if approved by the meeting.
- (g) **ORDER OF BUSINESS:** The order of business at Annual General Meetings of members shall be as follows:
1. Reading of Notice of Meeting
  2. Report as to quorum
  3. Minutes of preceding Annual Meeting
  4. Confirmation of actions taken by the Board of Directors
  5. Reports
  6. Election of Officers
  7. Awarding of Section Championships and the next Annual General Meeting.
  8. Appointment of Auditors and Legal Counsel
  9. Unfinished Business
  10. Proposed Amendments to Manitoba Section Constitution and By-Laws
  11. Proposed Amendments to Skate Canada General By-Laws and Official Rules.
  12. New Business

or as the Executive may from time to time determine.

Such order may be changed at the request of the Chair only provided that a majority vote at the Annual General Meeting is in the affirmative. (*Association By-Law 1302(3) (b)*)

- (h) The Chair may, with the consent of any meeting, adjourn it from time to time and from place to place and no notice of such adjournment need be given to member clubs.
- (i) **RECORD OF PROCEEDINGS:** A complete record of the proceedings at the Annual General Meeting shall be taken. (*Association By-Law 1302(4)*)
- (j) **APPOINTMENT OF AUDITOR:** Each Annual General Meeting shall appoint an Auditor, who shall examine and audit the accounts and report thereon to the next Annual General Meeting. (*Association By-Law 1302(5)*) If, for any reason, the auditors so appointed are unable to serve, the Section Executive Committee may appoint auditors to fill the vacancy.
- (11) **SPECIAL MEETINGS:** (*Association By-Law 1303(1),(2)*)
- (a) A special meeting of the membership may be called by the Board of Directors or by the Section Chair.

- (b) A special meeting of the members shall be called at any time upon requisition made in writing by five percent (5%) of the clubs in good standing. Such requisition shall express the object of the meeting and shall be mailed to the Executive Director and the Section Chair. The only items to be discussed at a special meeting of the members shall be those specified in the requisition.
- (12) **OFFICERS AND DIRECTORS OF THE SECTION:** The Section shall abide by the By-laws governing Association Officers and Directors (*Association By-law 1402*) as applicable, except as follows:
- (a) **COMPOSITION:**
- (i) The Board of Directors of Skate Canada Manitoba shall be approved by the Board of Directors of Skate Canada. (*Association By-law 1503(7) (a) (i)*)
- (ii) The composition of the Section Board of Directors shall include the following positions:  
*(All terms of office are for two-year terms, with the exception of the Regional Supervisors and Athlete Representative.*
- (1) Elected Chair of the Section (elected even-numbered years for a maximum of two terms);
  - (2) Past Chair of the Section;
  - (3) Three (3) elected Vice Chairs of the Section (one (1) elected even-numbered years, two (2) elected odd-numbered years); one of which shall serve as Finance Chair / Secretary-Treasurer;
  - (4) Six (6) Elected Directors, (three (3) elected in odd-numbered years, three (3) elected in even-numbered years);
  - (5) Section Coaching Representative (elected even-numbered years), or in their absence, his or her representative, designated at the beginning of the year among the Coaches Committee, to be elected by and from amongst the coaching members in good standing within the Section in an election conducted at the Coaches Annual General Meeting by the Executive Director of the Section, or designate from the Executive Committee;
  - (6) Athlete Representative (appointed). To be appointed annually by the Section Board of Directors and announced at the Annual General Meeting of the Section and whose present status may be as an eligible, restricted or ineligible person;
  - (7) Region Supervisors, or in their absence, their representative as designated at the beginning of the year among the Region Board of Directors. Region Supervisors shall be elected yearly by a majority of votes at each Region Annual General Meeting prior to the Skate Canada – Manitoba Annual General Meeting;
  - (8) The Region Supervisors shall elect from amongst themselves a Chairman for a one-year term. An election, by secret ballot, shall be conducted by the

Executive Director or designate from the Executive Committee directly following the Section Annual General Meeting;

- (9) Section Honorary Directors may be appointed by the Section Board of Directors when appropriate and shall have a voice but no vote.

**(b) QUALIFICATIONS:**

- (i) With the exception of the Section Coaching Representative and Section Athlete Representative, members of the Board of Directors shall be eligible persons and members of a Club in the Section in good standing and Associate Members of the Association in good standing. No paid employee of Skate Canada, including clubs, the Section or Region, except as provided in Skate Canada Constitution (*Association By-Law 1402(2)(b)*) and Skate Canada Official Rules (*Rule 2104 (2)(a)(iii)*), shall hold office on the Board of Directors of the Section.
- (ii) All Board members shall serve without remuneration.
- (iii) All Board members shall be of legal age of majority.

**(c) DUTIES AND RESPONSIBILITIES OF OFFICERS AND DIRECTORS:** The duties and responsibilities of the Officers and Directors listed above shall be as defined in the Section Terms of Reference, and shall be subject to prior approval by the Association Board of Directors.

**(d) POWERS OF THE SECTION BOARD OF DIRECTORS:**

**OFFICERS AND DIRECTORS OF THE SECTION:** The Section shall abide by the Skate Canada Constitution By-laws governing Association Officers and Directors (*Association By-Law 1402*) as applicable.

- (i) **COMMITTEES:** The Board of Directors of the Section may from time to time establish, constitute or dissolve such committees, as it may consider desirable.
- (ii) **DELEGATION OF POWERS:** The Board of Directors of the Section may delegate such duties and authorities (except in respect of such matters as must, by the Skate Canada Constitution By-laws or Skate Canada Official Rules, be transacted or performed by the Board of Directors of the Section or specific members thereof), as the Section Board of Directors may deem expedient. Financial obligations may only be delegated to the Executive Committee.

**(e) TERM OF OFFICE:**

- (i) The new Section Board of Directors shall take office immediately following the Annual General Meeting.

- (ii) The term of office of the Section Board of Directors shall not be more than two years or until successors are elected. The term of office for the Past Chair shall exist until the current Chair retires.

(f) **NOMINATIONS FOR VACANCIES:**

An application process is to be used, with notification to applicants to provide resume outlining skill sets, skating background, experience at committee level, and available time commitment. Application forms will be distributed to all clubs, coaches, officials, and other volunteers as will be posted on the Skate Canada – Manitoba web site and in various publications as are sent out periodically throughout the year. The Nominating Committee will receive the applications and review for the purpose of ensuring a full slate of qualified nominees, to be included with the Notice of meeting, is put forward to the voting membership. The nominating report, which goes to all voting members, will include all nominees by position in alphabetical order. No member of the Nominating Committee shall run for election. Nominations are valid only if the nominee provides a letter of acceptance and a signed Board member description agreement prior to closing date for nominations. Nominees must be willing to have a current Criminal Record and Child Abuse registry check, if elected.

(13) **SECTION BOARD OF DIRECTORS (OR EXECUTIVE COMMITTEE) MEETINGS:**

- (a) Meetings of the Board of Directors shall be held at the call of the Section Chair at such time and place as members of the Board of Directors shall decide is most convenient.
- (b) Meetings of the Executive Committee shall be held at the call of the Chair. All recommendations from these meeting shall be brought forward to the next Board of Directors meeting for information.
- (c) A resolution, duly moved and seconded, may be voted by mail, e-mail, fax or telephone ballot at the discretion of the Chair.
- (d) There shall be no voting by proxy at a Board of Directors Meeting.
- (e) Telephone conference calls may be used in lieu of a Board of Directors, Executive Committee or Standing Committee meeting conditional on the agenda being circulated at least forty-eight (48) hours in advance. Only agenda items and business arising may be considered at these meetings.
- (f) **VOTING AT THE BOARD OF DIRECTORS (OR EXECUTIVE COMMITTEE):** (*Association By-Law 1402(5)*)
  - (i) **MAJORITY OF VOTES:** Questions arising at any meeting of the Executive Committee, or Board of Directors, shall be decided by a majority of votes.

- (ii) **MEETING CHAIR:** The Meeting chair may vote only when the vote would change the result. Therefore the chair may vote to break a tie, and thus pass the motion, or to create a tie, and thus defeat a motion.
- (iii) **QUORUM:** A majority of the Board of Directors or Executive Committee members shall form a quorum.

(14) **REMOVAL OF OFFICERS AND DIRECTORS:** *(Association By-Law 1402(9))*

- (a) A general meeting of members, by resolution, of which notice has been given in the notice calling the meeting, may remove any member of the Board of Directors before the expiration of their term of office, and may, by resolution, appoint another member in their stead. The person so appointed shall hold office until the next Annual General Meeting.
- (b) The Board of Directors, by resolution, of which notice has been given in the notice calling the meeting, may remove any member of the Board of Directors before the expiration of their term of office with a special majority vote of two-thirds (2/3) of the Board of Directors.
- (c) Any Board member who is absent for more than two consecutive scheduled meetings without good cause shall relinquish their position on the Board of Directors, and the Board may name a replacement.

(15) **CASUAL VACANCIES:** Any casual vacancy occurring on the Section Board of Directors may be filled by appointment by the Section Board of Directors as a whole.

(16) **EXECUTIVE COMMITTEE:** The Executive Committee of Skate Canada Manitoba shall consist of the Chair, the immediate Past Chair, three Vice-Chairs (one of which is Finance Chair), the Chair of Region Supervisors, and the Executive Director (non voting) and its powers shall consist of those delegated to it by the Board of Directors.

(17) **STANDING COMMITTEES:** Standing committees are established by and are responsible to the Board of Directors and are the permanent, ongoing committees of the Section. They are:

- (a) Public Affairs – responsible for sub-committees for Publicity, Publications, Marketing, Ways and Means, and Historical.
- (b) Officials - responsible for sub-committees for Judges, Technical Panel, Data Specialists, and Audio Technicians.
- (c) Skating Programs – responsible for sub-committees for Recreational Programs, STARSkate and Competitive Skate, Synchronized Skating, Winter Games, and Talent ID.

- (d) Membership Council - responsible for sub-committees for Recognition, AGM, Membership, Bursaries, and Harassment.
  - (e) Championships/Events - responsible for sub-committees for Technical Packages, Competitions, and Education.
  - (f) Nominating/ Policy – responsible for ensuring a full slate for election at the Annual General Meeting to fill any vacancy on the Board of Directors, and for preparing any changes to policy required to support new strategies as they develop.
  - (g) Coaches - responsible for ensuring that qualified coaches are available to all Section clubs, and for coordinating coaching activities and communications.
  - (h) Athlete Representative
  - (i) Finance/Planning – responsible for the finances of the Section including preparation of budgets which coordinate with the Game Plan, and presentation of annual statements of revenue and expenditure to members.
  - (j) Human Resource – responsible for hiring staff, determining salaries and wage changes based on performance reviews.
  - (k) Regions Coordinating – responsible for ensuring that Region Supervisors have the opportunity to discuss mutual concerns and share ideas which may benefit all Regions.
- (18) **AMENDMENTS TO THE SECTION CONSTITUTION AND BY-LAWS:** *(Association By-Law 1503(8))*
- (a) Any article may be amended, or new sections or articles may be enacted, by consent of a majority of the Section Board of Directors. Any such change shall be in effect only until the next Annual General or Special General Meeting at which time such actions shall be presented for ratification. Any amendment not ratified shall be withdrawn and may not be re-enacted until after the end of the next fiscal year.
  - (b) Amendments to the Section Constitution and By-laws may be amended at any Annual General or Special General Meeting provided that such amendments have been specified in the notice of the meeting. To enact any amendment, a two-thirds (2/3) majority of votes cast shall be required.
  - (c) All amendments must be approved by the Board of Directors of the Association before presentation at the Section Annual General Meeting. Proposed amendments shall be distributed with the notice of meeting of the Section Annual General Meeting.
- (19) **FINANCES:** *(Association By-Law 1503(9))*

- (a) **FISCAL YEAR:** The fiscal year of the Section shall close on March 31st of each year.
- (b) **AUDITED FINANCIAL STATEMENT:** A financial statement signed by the Section Chair and the Section Treasurer shall be presented to the Section Annual General Meeting and the Executive Director of the Association no later than thirty (30) days after the end of the fiscal year. Audited financial statements covering all funds received and administered by the Section shall be prepared annually and copies shall be sent to the Chief Executive Officer of the Association and to the Chair of the Finance/Planning Committee, not later than one hundred and twenty (120) days after the end of the fiscal year.
- (c) **SECTION REVENUES:** The Section may augment revenue and/or grants received from the Association and from Provincial Governments by such means as the Section deems appropriate.
- (d) **BUDGET:** The budget for each fiscal year shall be prepared and submitted in detail for consideration by the Board of Directors prior to the Board Meeting beginning the fiscal year. The budget as approved by the Board of Directors will be presented to the membership at the Annual General Meeting. During the budget year, if circumstances dictate a change to the budget of substantial or material value, as determined by either the Board of Directors or the Auditors, the updated budget shall be distributed to all Member Clubs and Region Chairs within seven (7) days following approval of the changes.
- (20) **DISPUTE RESOLUTION:** The Section has established a dispute resolution process and procedures governing the initiation and conduct of proceedings. A copy of the dispute resolution process is available to all members upon request.
- (21) **OFFICIAL RULES:** The rules of the Association carry precedence over any rule made by members or other bodies within the Association. (*Association By-Law 1601(1)*)
- (22) **RULES OF ORDER:** The rules contained in "Roberts Rules of Order" shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the By-laws or the Rules of the Association. (*Association By-Law 1603*)
- (23) **PROTECTION AND INDEMNITY:** (*Association By-Law 1702*)
  - (a) No director, officer, member, employee or agent of the Association is liable for the acts, receipts, neglect or defaults of any other director, officer, member, employee or agent, or for joining in any receipts or other acts for conformity, or for any loss or expense happening to the Association through the insufficiency or deficiency of title to any property acquired by order of the Board of Directors for or on behalf of the Association or for the insufficiency or deficiency of any security in or upon which any of the moneys of the Association are invested, or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person with whom any of the moneys, securities or effects of the Association are deposited, or for any loss occasioned by any error of judgment or oversight on his or her part, or for any other loss, damage, or

misfortune whatsoever, which happens in the execution of the duties of his or her office or in relation thereto, providing;

- (i) he or she acted honestly and in good faith with a view to the best interests of the Association; and
  - (ii) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, he or she had reasonable grounds for believing that his or her conduct was lawful.
- (b) Every director, officer, member, employee or agent of the Association and his or her heirs, executors and administrators, and estate and effects respectively, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association from and against:
- (i) all costs charges and expenses whatsoever which such director, officer, member, employee or agent sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him or her or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him or her, in or about the execution of the duties of his or her office;
  - (ii) all other costs, charges and expenses which he or she sustains or incurs in or about or in relation to the affairs of the Association, except such costs, charges or expenses as are occasioned by his or her own willful neglect or default, or charges for his or her own account.

(24) **REGIONS:**

- (a) **DIVISION OF REGIONS:** For the purpose of management and control, Manitoba shall be divided into Regions. The Regions of Manitoba shall be as follows:
- Central Plains Region
  - Eastman Region
  - Interlake Region
  - Norman Region
  - North Westman Region
  - Parkland Region
  - Pembina Valley Region
  - South Westman Region
  - Winnipeg Region
- (b) **MANAGEMENT OF REGIONS:** The affairs of each Region shall be managed by a Region Board of Directors elected at Annual General Meetings of the clubs within each Region, which meetings shall be held prior to the Annual General Meeting of the Section.
- (c) **BY-LAWS OF REGIONS:** Except in the case of a conflict with a Manitoba statute governing a Region, the Skate Canada Constitution By-Laws and in particular

Association By-law 1503, apply to and govern the activities of each Region. A Region may adopt a Constitution and additional By-laws for the Region and may seek Incorporation. Such Constitution, By-laws and Articles of Incorporation are subject to the approval of the Section Board of Directors before becoming effective.

- (d) **ROLE OF THE REGION:** To promote the objectives of the Association and the Section through the following:
- (i) facilitating and promoting Skate Canada programs, policies and procedures;
  - (ii) ensuring effective communication between all Skate Canada stakeholders;
  - (iii) effective information management;
  - (iv) educating and training officials, coaches and volunteers;
  - (v) liaise with member clubs, member skating schools and members located within Region boundaries;
  - (vi) developing partner relationships and alliances with Region specific organizations to assist in funding and delivery, e.g. municipal and provincial governments; localized sport governing bodies;
  - (vii) provision of conflict resolution among Skate Canada stakeholders;
  - (viii) holding Regional competitions;
  - (ix) ensuring effective governance processes and systems are in place including the submission or provision of an annual report and audited financial statements to Skate Canada – Manitoba.
- (25) **JUDGES BUREAU:** The Section may establish, constitute and dissolve a Judges Bureau within the Section.
- (26) **LOGO:** The logos used by the Section shall be as defined by Skate Canada Policies and Procedures. (*section 1000*)