

## **CSIA By-Law changes**

### **Helpful Background and Information**

#### **Background**

By way of background, the CSIA hosted two bilingual Membership information sessions prior to our AGM on November 30, 2022, to provide additional context and helpful background regarding the CSIA's desire to modernize its complaint management process. As per the CSIA's commitment to provide additional information regarding the proposed by-law changes, we have prepared this document to address questions from the Membership. Additionally, Sport Law will be on hand to answer further questions during the Annual General Meeting.

Increasingly, national sport governing bodies are being asked to modernize their practices, including ensuring that they have a 3<sup>rd</sup> party who is both neutral and knowledgeable to manage complaints. In fact, by Spring 2023, all federally funded National and Multi-Sport Organizations will have to comply with the Universal Code of Conduct (UCCMS) and agree to use the services of the Office of the Sport Integrity Commissioner (OSIC) to manage disputes. While the CSIA does not need to meet these requirements, it can learn from what other sport organizations have experienced to avoid making similar mistakes and to better manage risks related to complaints.

#### **Why by-law changes are required**

Our current by-laws concerning Member complaints and discipline rely on volunteer Members to manage, which can create delays. In addition, volunteers might find themselves managing complaints that involve people that they know, which creates real or perceived conflict of interest. Finally, volunteers may not have the required expertise or experience to appropriately manage emerging complaints related to harassment, abuse, discrimination, or bullying.

The proposed by-law changes will equip the CSIA with an updated process, led by experienced and competent case managers. This modern approach will help us avoid unnecessary delays, prevent conflicts of interest, and a legally sound approach that complies with our by-laws and society expectations. Moreover, the proposed by-law changes will refer to the complaint management process that is defined in the Safe Sport Policy Suite – a set of inter-related policies that provide definitions, an updated code of conduct and ethics, a complaint management process based on a 3<sup>rd</sup> party discipline and complaints policy, and a process that outlines how investigations will occur, and how disputes will be resolved including an appeal process.

Simply put, we can't modernize our complaint management process without updating our by-laws.

## **Current By-Laws**

### **Suspension and expulsion**

**4.09 a)** The directors have full power and complete authority to apply internal disciplinary procedures to members. After allowing the member to explain himself and respond to the complaint lodged against him, the directors have the power, upon recommendation by the Disciplinary Committee, to reprimand, suspend or expel any member found guilty of violating the CSIA Code of Ethics or any other policy adopted by the CSIA.

**4.09 b)** A member who is charged with a criminal offence alleging what would be a serious breach of the Code of Ethics or any other CSIA policy and/or which has the potential to jeopardize the public's confidence in the profession of ski instruction or public safety shall automatically result in the temporary suspension of the member.

**4.09 c)** In the event that a final court judgment results in or confirms the conviction of the member, the directors may permanently expel the member, with or without the formation of a Disciplinary Committee.

### **Discipline**

**4.10** The directors may appoint a CSIA Disciplinary Committee with the power to examine all complaints lodged against a member, submitted in writing and to name one or more investigators, if necessary. The member affected by a complaint may, if he so wishes, be represented, or accompanied by an advisor and call on witnesses to testify, if it is decided by the Directors and Disciplinary Committee that there should be a hearing to examine a complaint.

**4.11** The CSIA Disciplinary Committee shall be composed of three (3) members: one (1) member chosen by the CSIA Directors, one (1) member chosen by the regional organization of which the member affected is a member, and one (1) member at large jointly chosen by the other two (2) members of the Disciplinary Committee after consulting with the CSIA Directors and responding regional organization. All members of the Disciplinary Committee shall be members in good standing of the CSIA

## **Proposed By-Laws**

### **Suspension and expulsion**

**4.09** As per the process set in the CSIA Discipline and Complaints policy a member may be reprimanded, suspended, or expelled, if found guilty of violating the CSIA Code of Conduct and Ethics or any other policy adopted by the CSIA.

### **Discipline**

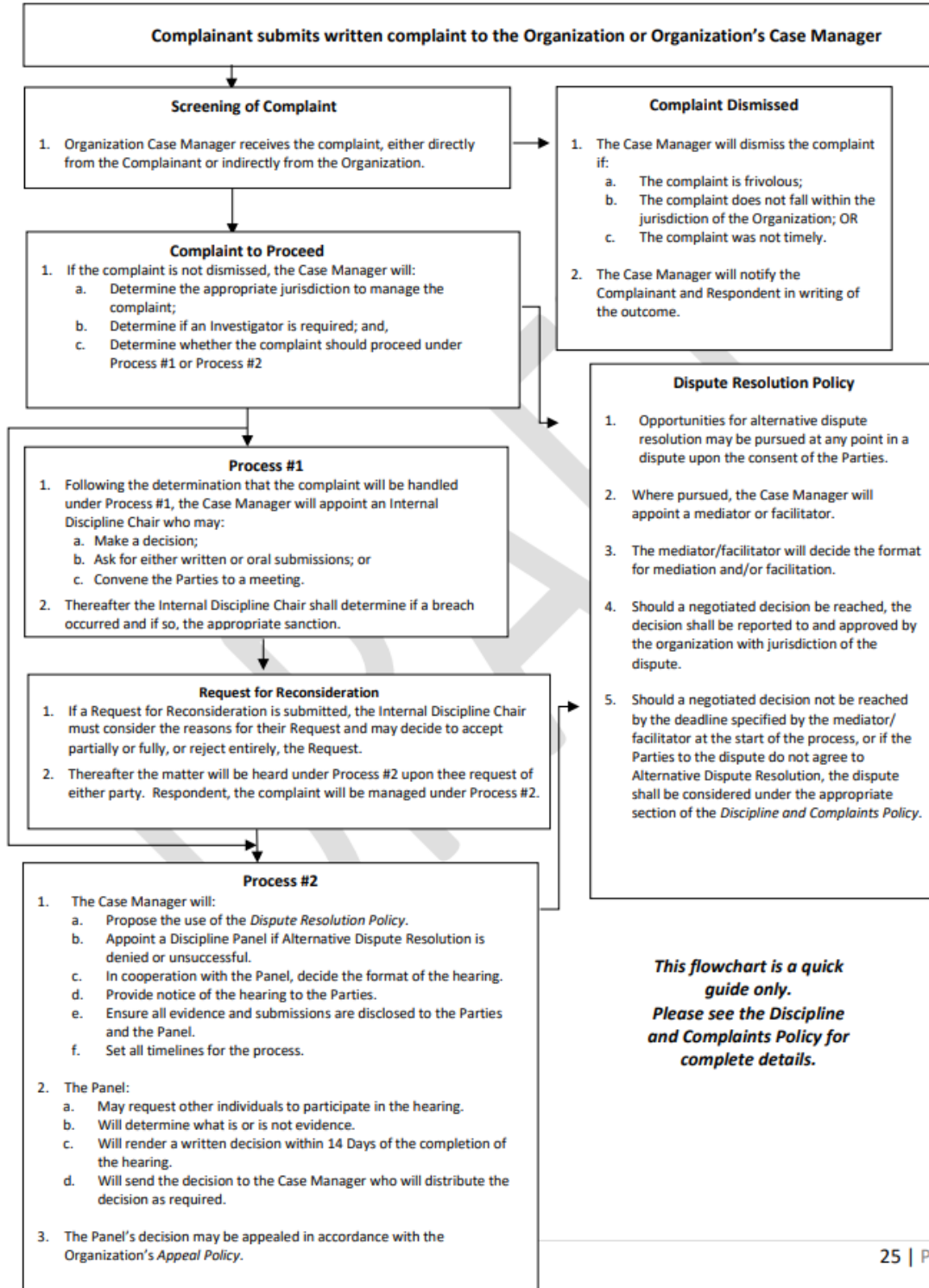
**4.10** All complaints lodged against a member, will be handled based on the CSIA Discipline and Complaints policy, established by the CSIA Directors

## **Rationale for Changes**

- Modernizes your current process to a 3<sup>rd</sup> party to manage
- Removes staff and volunteers from conflict-of-interest situations
- Confidential system to air concerns
- Experts in legal and complaint management to manage the triaging process
- More timely management of complaints to ensure due process
- Foster a culture of trust between the CSIA and its Members

# Flowchart for how complaints will be managed.

## Appendix A – Discipline and Complaints Policy Flowchart



## **How to vote:**

There are two ways to vote on the change:

1. Attend the AGM on November 30, 2022 (either in person or virtually)
2. By midnight of November 22, 2022, log in to your snowpro account and:
  - Go to Member Area
  - Choose Online Voting
  - Write Allison Sharpe in the proxy line (she is our current Chair and can hold unlimited proxies)
  - Vote

## **Questions and Answers**

During the two information sessions, Members asked great questions which we are providing here with answers from the team of experts at Sport Law.

### **1. Please provide a simple answer to what the Membership is being asked to vote on.**

Membership is being asked to make by-law changes that will update our current complaints process which is being overseen by an internal CSIA committee to a third-party neutral process managed by an independent firm (in this case, we have selected Sport Law to be our 3<sup>rd</sup> party provider). The process will help us modernize our process, reduce the risk of conflicts of interest, and ensure the process is managed in a time sensitive manner.

### **2. How many of the 15,000 Members need to vote to make the changes to the by-laws?**

Quorum for the AGM is 30, beyond that it is by majority of votes cast.

### **3. Who are the authors of the proposed by-law changes?**

This draft was written by Lisa Cambise (CSIA Director of Shared Services), in collaboration with Sport Law and with the approval of the CSIA Managing Director and Board of Directors.

### **4. Is it possible to add policy and procedure to address the issue of complaints that Sport Law is speaking of? {without making changes to the by-laws}**

No – Our by-law needs to change to put this 3<sup>rd</sup> party service in place.

### **5. The current by-laws were updated on November 14, 2020. Please explain in a simple manner which laws will be changed and why.**

We asked Sport Law to provide a presentation which was shared at our second information session. Please [click here](#) to review the presentation.

**6. Please provide statistics? data of the number of complaints that have been incurred in the last 5 years that our current by-laws and policy were not able to address or resolve in a successful manner for all parties involved.**

While the volume of complaints that have been brought to the staff or Board's attention may be low (with less than 5 a year being logged on average), we know that this not an accurate reflection of concerns that are being experienced by Membership. Research tells us that one of the reasons people don't complain is because of an internal complaint process meaning might be afraid of reprisal or don't want to complain about someone's friend or may simply be intimidated to raise a concern that they aren't sure is complaint worthy. With national level organizations adopting a 3<sup>rd</sup> party complaint process, the CSIA will be aligned with other leaders are updating their approach to ensure complaints are dealt with swiftly and professionally.

**7. Is it possible to have a disciplinary panel that is nonbiased and be trusted by all parties as impartial?**

This process is designed to achieve just that.

**8. Does the CSIA have a Human Resources department?**

We are small as an organization. Currently, HR functions are handled by the Director of shared services. This new process would give us considerably more sophistication, but cost is only incurred on a case-by-case basis.

**9. Currently are National Board Members in conflict if they also work as Course Conductor while serving on the Board?**

With most issues – No, in some issues there is potential, yes. They have been trained to identify and respond if they are in conflict.

**10. I have a question regarding the "duty of proof" a complainant may have when filing a complaint. For the complaint to move forward and to be evaluated, is the complainant required to provide documentation and/or proof of events?**

In each case as required an investigation will take place, and evidence, and or statements will be required.