

THE ALBERTA BATON TWIRLING ASSOCIATION

BY-LAWS

REVISION 2016



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ARTICLE I

SECTION 1 **NAME**

The name of the Association is the Alberta Baton Twirling Association (hereinafter referred to as "ABTA").

SECTION 2 **DESCRIPTION**

The ABTA is a non-profit society incorporated under the *Societies Act of Alberta* (hereinafter referred to as the "Act") and organized to foster the development of amateur athletes, coaches, managers, trainers, judges, organizers, administrators and any other interested party. These members shall comply with the By-Laws of the ABTA as may be amended from time to time and with any regulations and/or rulings made by or on behalf of the ABTA.

SECTION 3 **AFFILIATION**

The ABTA shall be an affiliated member of the Canadian Baton Twirling Federation (hereinafter referred to as "CBTF") and shall be the sole representative of Baton Twirling in Alberta to this body and all other bodies affiliated with and recognized by the CBTF.

SECTION 4 **INSIGNIA**

The ABTA shall have such official insignia as the Board of Directors may from time to time decide. The official insignia shall be that which is affixed to this document.

SECTION 5 **COLORS**

The Board of Directors shall determine the colors of the ABTA.

SECTION 6 **HEAD OFFICE**

The Head Office of the ABTA shall be located as determined by the Board of Directors. The ABTA may establish such other offices and agencies elsewhere within Alberta, as the Board of Directors may deem expedient.

SECTION 7 **SEAL**

- 7.1 The common seal of the ABTA shall be in the form prescribed by the Directors of the ABTA and shall have the words "Alberta Baton Twirling Association" endorsed thereon.
- 7.2 The seal of the ABTA shall be under the control of the Executive, and the responsibility for its' custody and use shall be determined from time to time by the Executive.
- 7.3 The seal of the ABTA shall not be affixed to any instrument except by the authority of the Executive and in t he presence of such officer or officers of the ABTA as may be prescribed by resolution of the Executive, or if no other officer or officers are so prescribed then in the presence of either the Chairperson or Vice-Chairperson, and with the authority of the Secretary or the Treasurer.
- 7.4 The seal of the ABTA shall reside in the ABTA Office.

ARTICLE II (cont'd)

SECTION 1

REGISTRATION

- 1.1 Registration of Individual, Honorary, Regional and Club members shall be conducted by the ABTA.
- 1.2 Annual membership shall be the responsibility of the Membership Director (or designate) of the ABTA.

SECTION 2

RESIDENCIES

- 2.1 An athlete must reside in the province of Alberta for not less than sixty (60) days to claim that new residence as permanent.
- 2.2 The Provincial Chairperson may waive the residency rule for less than sixty (60) days if proof can be presented as to permanency.
- 2.3 Regional residency within the province is determined by the boundaries consistent with the zones or combination of the zones of Alberta established by the Alberta Sport Recreation parks and Wildlife Foundation (ASRPWF) and as designated by the Board of Directors of the ABTA.
- 2.4 This applies to Regional and Provincial title events and all qualifying procedures required for the same.

SECTION 3

CITIZENSHIP

- 3.1 CANADIAN CITIZEN shall refer to a person who was born in Canada.
- 3.2 PERMANENT RESIDENT shall refer to a person living in Canada within the meaning of the Immigration Act of Canada.

SECTION 4

MEMBERSHIP

- 4.1 The Board of Directors may admit an applicant to a class of membership subject to such terms and conditions as may be imposed by resolution of the said Board.
- 4.2 Any individual who accepts membership shall be deemed to have undertaken to abide by the provisions of the By-Laws, Policies, Rules and Regulations of the ABTA.
- 4.3 The Board of Directors may grant extraordinary memberships including Honorary/Life memberships for significant achievement and contribution to Baton Twirling, the association or its' members observing eligibility requirements and nominating procedures.
- 4.4 Membership is a pre-requisite for participating in any association sanctioned event as a region, club, athlete, volunteer/associate, coach judge or administrator.
- 4.5 The Board of Directors may for such period of time that the Board of Directors may decide, suspend or otherwise modify including the right to withhold membership if a member does not comply with the rules and regulation of the ABTA and place conditions upon all advantages and privileges and rights of members.
- 4.6 Any member upon a majority vote of all members of the society in good standing may be expelled from membership for any cause which the society may deem reasonable.
- 4.7 Member shall be entitled to inspect the books and records of the Association, provided sufficient notice has been given and an appropriate time to meet can be mutually agreed upon.
- 4.8 ABTA shall have the following classes of membership:
 - Individual
 - Regional/Club

SECTION 5

INDIVIDUAL MEMBERSHIP

- 5.1 Individual membership in the ABTA shall include any amateur athletes, coaches, judges, administrator or any other interested parties who involve themselves in the sport of amateur twirling.

ARTICLE II (cont'd)

SECTION 5

INDIVIDUAL MEMBERSHIP (cont'd)

- 5.2 ABTA shall have the following classes of individual membership:
- Recreational Athlete
 - Competitive Athlete
 - Technical (Coaches, Judges, Adjudicators)
 - Board/Executive
 - Volunteer/Honorary/Associate
- 5.3 Honorary Membership – The ABTA may from time to time choose to bestow Honorary Membership upon those who it wishes to honour, observing the eligibility requirements and nominating procedures recommended by the Executive and Board of Directors.
- 5.4 Associate Membership shall be any person who desires to assist in the promotion of amateur Baton Twirling in the Province of Alberta.
- 5.5 All athletes, volunteers, active coaches and board/executive members must be registered with a club. Honorary/Associate members and Judges are exempt from registering with a club.
- 5.6 An Individual member's residency is determined by the geographical Region as per Article 11 Section 2 Residency, 2.3, in which the member resides and not the Club in which they are registered.
- 5.7 Individual members must be members in good standing with a Club, and/or with the Region of the ABTA in which they reside before he/she will be permitted to participate in functions sanctioned by the ABTA.
- 5.8 Only members in good standing of the ABTA may participate in any of the benefits and advantages thereof. Persons not of that status cannot exercise authority over, impose constraints upon, or require indemnity of the ABTA or of any of its members.

SECTION 6

CLUBS

- 6.1 All Clubs shall come under the jurisdiction of the Board of Directors of the Regional Association in their respective geographical area and the ABTA.
- 6.2 Annual Club registration with ABTA is a pre-requisite for inclusion in any of the benefits, advantages and privileges of the ABTA.
- 6.3 Club President or designate shall be responsible for registration annually of new and renewal of members in their club.
- 6.4 Clubs must have a minimum of 5 members with at least 2 officers consisting of a President and Secretary/Treasurer who shall be responsible to administer the Club.
- 6.5 All Clubs need to be self-sufficient without any financial assistance from their respective Region or the ABTA.
- 6.6 All coaches and instructors must be hired by the Club and their lesson/instruction fees paid through the Club.
- 6.7 Club shall hold elections annually to elect/appoint 2 representatives to administer the club. Coaches and/or instructors shall not participate in the day to day administration of the Club
- 6.8 Club shall promote/support their respective Regional Association and ABTA in sanctioned competitions, camps, clinics, courses and fundraising events. All social media or advertising of any kind must reflect the Club as its own non-profit entity, separate from any business that a coach may be carrying on.
- 6.9 Club shall make available the financial books and records to club members who wish to inspect them provided sufficient notice has been given and an appropriate time to meet can be mutually agreed upon. All Club websites should make reference to the Club's executive and their roles. Club contacts should be a member of the Executive or another volunteer of the Club so appointed and not the Coach or Instructor hired by the Club.

- 6.10 Club shall make available the club's financial books and records, including assets, to their perspective Regional Association and/or ABTA upon request at any time. Should any Club website or other online social media such as Facebook, Twitter, etc., indicate that the club is not in compliance with ABTA's rules, the members of the Club will not be eligible to receive any benefits, advantages, rights and privileges that the members would otherwise be entitled to receive as members of the ABTA.
- 6.11 Clubs are prohibited from using the following words in their name: "Corporation", "Company", "Incorporated" or "Limited" or their abbreviations thereof.
- 6.12 Clubs based in one region may accept membership of individuals who reside outside the boundaries of their respective region. A release form must be signed by the releasing region and the accepting region.
- 6.13 Club may enact such policies and prescribe such rules and regulations as each sees fit, provided that they are not in conflict with the By-Laws, Policies and Rules and Regulations of the ABTA, their Regional Association and the Act.
- 6.14 Clubs shall hold elections annually to elect/appoint 2 representatives to administer the club. The Coach or instructor or any other paid employee of the Club cannot be elected or appointed as a Director or Officer of the Club.

SECTION 7

REGIONAL ASSOCIATIONS

- 7.1 Associations shall come under the jurisdiction of the Board of Directors of the ABTA.
- 7.2 Regional Associations shall have responsibility for and jurisdiction over clubs, and all other member parties in their respective geographical areas as delegated to them by the ABTA.
- 7.3 The affairs of Regional Associations shall be governed by the By-Laws, Policies and Rules and Regulations of the ABTA and the Act.
- 7.4 Regional Associations may enact By-Laws and Rules and Regulations as each sees fit, provided they are not in conflict with the ABTA By-Laws, Policies and Rules and Regulations or the Act.
- 7.5 Regional Associations shall hold elections annually to elect/appoint an executive representative to attend and vote at all Board of Directors Meetings and the Annual General Meeting of the ABTA.
- 7.6 The Executive of the Regional Associations shall consist of a Chairperson and a minimum of three (3) other executive members to administer the Region.
- 7.7 Current member Regional Associations consist of:
- Grande Prairie Region, Alberta Baton Twirling Association (not in GLS)
 - Northern Region, Alberta Baton Twirling Association (GSL 57443)
 - Parkland Region, Alberta Baton Twirling Association (GSL 57444)
 - Central Region, Alberta Baton Twirling Association (GSL 57442)
 - Southern Region, Alberta Baton Twirling Association (GSL 57445)
- 7.8 Annual registration with ABTA is a pre-requisite for inclusion in any of the benefits, advantages and privileges of the ABTA.
- 7.9 Regional Associations shall promote/support ABTA in sanctioned competitions, camps, clinics, courses and fundraising events.
- 7.10 Individual regional members shall support/promote their respective region in sanctioned competitions, camps, clinics, courses and fundraising events.
- 7.11 Regional Associations may choose to support other regional associations and/or their members by a majority vote at a Regional meeting.
- 7.12 New Regions shall be formed on the following basis:

- The proposed Regional Association's boundaries shall be consistent with zones or combination of the zones of Alberta as established by the ASRPWF as designated the ABTA.
 - An application to form a Regional Association must be presented to the Annual General Meeting of ABTA.
 - The proposed Regional Association must be capable of supporting itself as a Region with a minimum assistance from the ABTA Executive and/or Directors.
- 7.13 Regions shall make available the Region's financial books and records, including assets, to their Regional Association members and/or ABTA upon request at any time.

SECTION 8 **MEMBERSHIP FEES**

The Board of Directors shall determine membership fees.

SECTION 9 **PRIVILEGES**

- 9.1 The ABTA Executive, Board of Directors of the ABTA shall be accorded the following privileges of the Association:
- 9.1.1 The right to speak, to vote on matters pertaining to changes to the By-Laws as provided by these By-Laws, to vote for the Officers of ABTA, to hold office and to otherwise conduct the business of the ABTA.
- 9.1.2 Technical members (coaches, judges, or any other paid member) will have the right to speak on matters and serve on the Board as consultants but shall not be entitled to a vote.
- 9.2 Two (2) appointed delegates from each registered club shall be accorded the following privileges of the ABTA:
- 9.2.1 The right to speak, to vote on matters pertaining to issues discussed at the Annual General Meeting of ABTA and to vote for the Officers of the ABTA.
- 9.3 Honorary and Associate members shall have the privilege of speaking, but shall not be entitled to a vote or hold office or otherwise conduct the business of the Association. They shall, however, be entitled to all services extended by the ABTA to active members.

SECTION 10 **TERMINATION OF MEMBERSHIP**

- 10.1 Any member may withdraw from the ABTA by failing to re-apply for membership or by giving notice in writing to the secretary.
- 10.2 Membership may be terminated by non-payment of current membership fees or non-compliance of any rule or regulation of the ABTA.
- 10.3 The Board of Directors upon being satisfied after due inquiry that cause exists for termination of membership of any member, may, by resolution of not less than two thirds of the votes cast, terminate the membership of that member.

SECTION 11 **DISENFRANCHISEMENT AND REINSTATEMENT**

- 11.1 Any member of the ABTA can be disenfranchised for non-payment of any fees owing to the ABTA.
- 11.2 For a member to be reinstated with the ABTA, all fees owing to the ABTA must be paid and a formal application for reinstatement must be made to the Board of Directors.
- 11.3 Any member or Club of the ABTA can be disenfranchised for non-compliance of any rule or regulation.
- 11.4 For a member or Club of the ABTA to be reinstated with the ABTA, the member or Club shall provide to the ABTA proof that the member or Club is in compliance with the rules and regulations of the ABTA.

ARTICLE III

SECTION 1

OFFICERS OF THE ABTA

- 1.1 The Officers of the ABTA shall be: Chairperson, Past-Chairperson, Vice-Chairperson, Secretary, Treasurer and Technical Chairperson.
- 1.2 The Officers of the ABTA shall be known as the Executive Committee.
- 1.3 The Past-Chairperson shall act in a consulting capacity only and shall not be entitled to a vote.

SECTION 2

DUTIES OF THE EXECUTIVE COMMITTEE

- 2.1 The Executive Committee shall conduct the affairs of the ABTA as directed by the members through the Board of Directors.
- 2.2 The Executive Committee shall possess and exercise all of the powers of the Directors between meetings of the Board of Directors except as specifically limited by resolution of the Board and/or the By-Laws of the ABTA.
- 2.3 The Chairperson shall:
 - 2.3.1 Assume office within thirty (30) days following the elections.
 - 2.3.2 Preside at meetings of the Executive and of the Board of Directors and shall act as Chairperson.
 - 2.3.3 Be responsible for the affairs of the ABTA and, with the assistance of the Board of Directors, execute and administer the policies established by the members and the development and maintenance of the ABTA Business Plan.
 - 2.3.4 May appoint and rescind appointments of Chairpersons of committees not otherwise provided for in these By-Laws and shall see that other officers and all committees and employees perform their duties. The Chairperson shall be an ex-officio member of all committees.
 - 2.3.5 Act as liaison with the CBTF Executive and Board of Directors and Baton Twirling Associations of other provinces.
 - 2.3.6 Represent ABTA at the Annual General Meeting of the CBTF and at any CBTF Board of Director's Meeting.
 - 2.3.7 Not have a vote except in the case of a tie.
 - 2.3.8 Assume the office of Past Chairperson upon completion of term of office unless elected to another position.
- 2.4 The Past Chairperson shall:
 - 2.4.1 Assume office within thirty (30) days following the elections at the Annual General Meeting at which he/she vacated the office of Chairperson.
 - 2.4.2 Act as a consultant to the Executive, but shall not have a vote at any meeting of the Board of Directors and/or the Executive.
 - 2.4.3 In the event that a Chairperson, upon vacation of the office, is unable or unwilling to assume the office of Past Chairperson, the next previous Past Chairperson shall regain office.
 - 2.4.4 Hold office until such time as a new Past Chairperson assumes office.
- 2.5 The Vice Chairperson shall:
 - 2.5.1 Assume office within thirty (30) days following the elections.
 - 2.5.2 Assist the Chairperson in performance of duties.
 - 2.5.3 In the absence of the Chairperson, he/she will serve as Chairperson.
 - 2.5.4 Be the Chairperson of the Public Relations Committee and the Honours and Awards Committee.
- 2.6 The Secretary shall:
 - 2.6.1 Assume office within thirty (30) days following the elections.
 - 2.6.2 Record and ensure that accurate minutes of all meetings of the members, Executive and Board of Directors are recorded and distributed to the members of each meeting duly called.
 - 2.6.3 Have custody of the minutes and records of the ABTA.
 - 2.6.4 Be responsible for the set-up of the Nominating Committee each year for the Annual General Meeting of the ABTA,
 - 2.6.5 Be responsible to accurately record all approved motions of all ABTA meetings in the ABTA Motion Handbook.
 - 2.6.6 Be responsible to receive Grievance notices and documentation.

SECTION 2

DUTIES OF THE EXECUTIVE COMMITTEE

- 2.7 The Treasurer shall:
- 2.7.1 Assume office within thirty (30) days following the elections.
 - 2.7.2 Have custody of the ABTA funds, securities and other valuable effects in the name of and to the credit of the ABTA in depositories designated by the Board of Directors from time to time.
 - 2.7.3 Cause to be kept full and accurate accounts, receipts and disbursements, and books of account of the ABTA.
 - 2.7.4 Be responsible for the deposit of all monies received in the name of the ABTA and for disbursing funds of the ABTA as may be ordered by the Board of Directors.
 - 2.7.5 Prepare and present a report of the financial status of the ABTA at every Annual General Meeting of the ABTA and at other times as requested by the Board of Directors or by the Executive Committee.
 - 2.7.6 Be the Chairperson for the Finance Committee.
- 2.8 The Technical Chairperson shall:
- 2.8.1 Assume office within thirty (30) days following the elections.
 - 2.8.2 Administer, organize, develop and ensure the implementation of the technical programs established by the Board of Directors of the ABTA.
 - 2.8.3 Manage and oversee the activities of the ABTA Technical Committee.
 - 2.8.4 Chair all meetings of the ABTA Technical Committee.
 - 2.8.5 Be responsible for the updating of all technical rules and regulations.
 - 2.8.6 Provide the Board of Directors with all pertinent technical information as soon as it is available.
 - 2.8.7 Assume responsibility for technical issues arising at provincial sanctioned competition, of the ABTA. In cases of dispute, the ABTA Technical Chairperson, the ABTA Chairperson and the Competition Director shall resolve the matter.
 - 2.8.8 Act as liaison with other CBTF Provincial Technical Chairpersons and represent ABTA at all duly called CBTF Technical meetings.
 - 2.8.9 Be responsible for the submission of the provincial WBTF Pairs and Team Declarations to the CBTF Technical Chairperson.

SECTION 3

BOARD OF DIRECTORS OF THE ABTA

- 3.1 The Board of Directors will consist of the following:
- 3.1.1 Six (6) executive committee members, being the Chairperson, Past Chairperson, Vice Chairperson, Secretary, Treasurer and Technical Chairperson.
 - 3.1.2 The Chairperson from each recognized Regional Association.
 - 3.1.3 The Provincial Judges Representative, Provincial Coaches Representative and Provincial Athletes Representative.

SECTION 4

ROLES AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS

- 4.1 The Board of Directors of the ABTA shall ensure that the roles and responsibilities of Directors are clearly defined, prepared, and made available to all members of the Association, in order that there be no uncertainty in the minds of those aspiring to Executive positions and in order that accountability may be determined.

ROLES AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS (cont'd)

- 4.2 The Board of Directors is responsible to conduct the business, discipline and management of the ABTA (subject to its By-Laws and provisions of the Alberta Societies Act) and to exercise all powers of the ABTA. The Board of Directors shall be responsible for:
- 4.2.1 The election of the Executive Committee.

- 4.2.2 The establishment of policies, practices and operating guidelines for the Executive Committee.
 - 4.2.3 The authorization and approval for hiring/dismissal of staff.
 - 4.2.4 The approval of salaries and expenses of staff.
 - 4.2.5 The approval of operating budgets of Provincial Office, and all committees of the ABTA.
 - 4.2.6 Promoting the objectives of the Society.
 - 4.2.7 Maintaining and protecting the Society's assets.
 - 4.2.8 Paying all expenses for operating and managing the Society.
 - 4.2.9 Investing any extra monies.
 - 4.2.10 Financing the operations of the Society and borrowing or raising monies.
 - 4.2.11 Maintaining all accounts and financial records of the Society.
 - 4.2.12 Appointing legal counsel as necessary.
 - 4.2.13 Without limiting the general responsibility of the Board, delegating its power and duties to the Executive Committee or the paid administrator of the Society.
- 4.3 The Judges Representative shall:
- 4.3.1 Be elected by ballot, by majority vote of ballots cast by registered ABTA judges, at the Annual Technical Meeting of the ABTA.
 - 4.3.2 Be in attendance at all meetings of the ABTA Technical Committee and the Board of Directors of the ABTA.
 - 4.3.3 Be responsible for any and all matters pertaining to judging in the Province of Alberta and be their representative to the ABTA.
 - 4.3.4 Act as liaison between the Alberta Judges and the CBTF Judges Representative.
 - 4.3.5 Prepare all reports, briefs, budgets and timetables as required by the Executive and/or Board of Directors.
 - 4.3.6 Administer, organize, develop and ensure the implementation of the Judges programs as deemed necessary by the Technical Committee and the Board of Directors of the ABTA.
- 4.4 The Coaches Representative shall:
- 4.4.1 Be elected by ballot, by majority vote of ballots cast by registered ABTA coaches at the Annual Technical Meeting of the ABTA.
 - 4.4.2 Be in attendance at all meetings of the ABTA Technical Committee and the Board of Directors of the ABTA.
 - 4.4.3 Be responsible for any and all matters pertaining to coaching issues in the Province of Alberta and be their representative to the ABTA.
 - 4.4.4 Act as liaison between the Alberta Coaches and the CBTF Coaches Representative.
 - 4.4.5 Prepare all reports, briefs, budgets and timetables as required by the Executive and/or Board of Directors,
 - 4.4.6 Administer, organize, develop and ensure the implementation of the coaches programs as required by the Technical Committee and the Board of Directors of the ABTA
- 4.5 The Athletes Representative shall:
- 4.5.1 Be elected by ballot, by majority vote of ballots cast by the senior and collegiate competing athletes prior to the Annual Technical Meeting of the ABTA.
 - 4.5.2 Be in attendance at all meetings of the ABTA Technical Committee and the Board of Directors of the ABTA.
 - 4.5.3 Be responsible for any and all matters concerning athletes in the Province of Alberta and be their representative to the ABTA.
 - 4.5.4 Act as liaison between the Alberta athletes and the CBTF Athletes Representative.
 - 4.5.5 Prepare all reports, briefs, budgets and timetables as required by the Executive and/or the Board of Directors.

SECTION 4

ROLES AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS (cont'd)

- 4.5.6 Administer, organize, develop and ensure the implementation of the athletes programs as directed by the Technical Committee and the Board of Directors of the ABTA.
- 4.6 The Regional Association Chairperson shall:
 - 4.6.1 Be responsible for the development of amateur Baton Twirling in his/her respective region as designated by ABTA.
 - 4.6.2 Be responsible for any and all affairs involved in the operation of his/her Regional Association and its members and shall be its representative in any and all matters.
 - 4.6.3 Prepare all reports, briefs, budgets and timetables as required by the Executive and/or the Board of Directors.
 - 4.6.4 Be in attendance at all meetings of the ABTA Board of Directors, the Annual General Meeting and any other meeting as required.

SECTION 5

ELECTION AND APPOINTMENT

- 5.1 The Executive Committee of the ABTA shall be elected by secret ballot by the Board of Directors and two(2) registered appointed delegates (18 years of age or older) from each registered club of the ABTA at the Annual General Meeting.
- 5.2 Nominations for all officers shall be by a registered member in good standing eighteen (18) years of age or older.
- 5.3 Executive and Board of Director members of the ABTA shall be a minimum age of eighteen (18) years of age.
- 5.4 Election for Vice Chairperson and Treasurer shall be held on even numbered years.
- 5.5 Election for Chairperson, Secretary and Technical Chairperson shall be held on odd numbered years.
- 5.6 An Officer shall hold office for a two (2) year term, at which time each may be re-elected.
- 5.7 Other positions to the Board of Directors shall be filled in the following manner:
 - 5.7.1 Regional Associations by their executive committee and two (2) registered appointed delegates per registered club in their respective region.
 - 5.7.2 Judges Representative and Athletes Representative by their respective bodies on even numbered years.
 - 5.7.3 Coaches Representative by their respective body on odd numbered years.

SECTION 6

TERM OF OFFICE AND REMUNERATION

The term of office of the Board of Directors of the ABTA with the exception of the Regional Chairpersons, shall commence within thirty (30) days from the date of the Annual General Meeting following their election until within thirty (30) days of the conclusion of the Annual General Meeting two (2) years immediately following. The Directors will not receive remuneration.

SECTION 7

VACATION OF OFFICE

- 7.1 The office of an Executive or Board of Director of the ABTA shall be vacated upon:
 - 7.1.1 Filing a notice of resignation in writing to the ABTA Chairperson or Secretary.
 - 7.1.2 Ceasing to be a Director of the ABTA.
- 7.2 Each Executive or Board of Director member shall, at the end of his/her term of office, hand to his/her successor such records which are in his/her possession as pertain to his/her office.

SECTION 8

REMOVAL FROM OFFICE AND FILLING OF VACANT POSITIONS

- 8.1 Any elected Director of Executive member may be removed from office by a resolution passed by three quarters of the remaining Directors present at a Director's meeting of which notice specifying the intention to pass such a resolution has been given.

REMOVAL FROM OFFICE AND FILLING OF VACANT POSITIONS (cont'd)

- 8.2 Failure to attend two (2) consecutive duly called Executive or Directors meetings unless the reason for such absences shall be deemed reasonable and acceptable by the relevant body may be justification for removal.
- 8.3 Failure to carry out assigned duties, undermining the mandate of the Board, certified mental illness and/or extended illness may also be justification for removal of office.
- 8.4 Any appointed Director may be released by:
- 8.4.1 A decision by his/her representative body or
 - 8.4.2 A resolution passed by three quarters of the Board of Directors of the ABTA present at a meeting with a request to the Association concerned for a replacement.
- 8.5 Any vacant ABTA office may be filled by resolution of the Directors with a person who holds the class of membership I which the vacancy has occurred until the next Annual General Meeting at which regular elections are to be held or until the earliest convenience of the organization concerned.
- 8.6 Executive/Board of Directors members, who resign during their term and then wish to be reinstated, may be reinstated with unanimous Executive/Board of Directors written approval provided an appointment to that position has not already been made.

ARTICLE IV

SECTION 1

PROCEDURES OF MEETINGS

- 1.1 The procedures of all meetings of the members, Board of Directors, and Executive Committee shall be that procedure laid down in the most recent edition of Robert's Rules of Order, except where in conflict with the By-Laws of the ABTA, in which case the latter shall govern.
- 1.2 Power of Attorney voting or Proxy shall not be allowed at any meeting.
- 1.3 Quorum – Any meeting duly called to conduct the business of the ABTA cannot be called or ordered without the prescribed quorum. If a meeting has been called to order with the required quorum and a member leaves, the meeting shall continue providing it is the wish of the remaining members.
- 1.4 If a Director or the Board of Directors feel that another Director has a conflict of interest with an agenda item at a meeting, it shall be permissible for he/she/the Board to request that the Director absent him/herself from that portion of the meeting or abstain from voting.
- 1.5 Should the Director in question deny a conflict of interest, he/she shall be given the opportunity to justify why he/she is not in conflict of interest.
- 1.6 If the Director in question refuses to temporarily leave the meeting or maintains the right to vote after having been found in conflict of interest, the presiding officer shall immediately adjourn the meeting until such time as the Director in question agrees to dismiss him/herself from the portion of the continuation of the meeting that discusses the agenda item.

SECTION 2

EXECUTIVE MEETINGS

- 2.1 A meeting of the Executive Committee may be held when deemed necessary by the Executive Committee.
- 2.2 The Chairperson and/or Secretary shall call at least two (2) meetings of the ABTA Executive at any time or place.
- 2.3 Notice of a meeting of the Executive shall be sent to each member no less than thirty (30) days prior to the meeting date.
- 2.4 An agenda shall be sent a minimum of fourteen (14) days prior to the meeting.
- 2.5 A meeting of the Executive may be held without notice provided a quorum is present and provided that those officers absent have waived notice or have otherwise signified their consent in writing or verbally to the holding of the meeting.
- 2.6 A quorum at any Executive meeting shall consist of four (4) members.

SECTION 3

DIRECTOR'S MEETINGS

- 3.1 A meeting of the Board of Directors may be held when deemed necessary by the Board of Directors.
- 3.2 A quorum at any Board of Directors meeting shall consist of one half of the Directors.
- 3.3 A notice of a meeting of the Board of Directors shall be sent to each member no less than thirty (30) days prior to the meeting date.
- 3.4 An agenda shall be sent a minimum of fourteen (14) days prior to the meeting.
- 3.5 A meeting of the Directors may be held any time if all members are present at or if those absent have waived notice or otherwise have signified their consent in writing to the holding of the meeting to the ABTA Chairperson,

SECTION 4

SPECIAL MEETINGS

- 4.1 A special meeting of the ABTA may be called at any time by the Chairperson or by a majority of the Board of Directors, and shall be governed by the same regulations and procedures as those at the Annual General Meeting except where otherwise stated. Special meetings are not for the general membership but are for Executive, Board or Committee members only.

ARTICLE IV (cont'd)

SECTION 4

SPECIAL MEETINGS (cont'd)

- 4.2 Notice of a Special Meeting shall be sent to each member, Executive, Board or Committee member no less than twenty one (21) days prior to each meeting and shall include the agenda for the meeting by email or fax. Notice of a Conference Call Meeting must be given by the ABTA Chairperson (or designate) at least ten (10) days prior to the Conference Call.
- 4.3 Quorums for any Special Meeting shall be 2/3 (two thirds) of the members of the Committee, Executive or Board that is calling the meeting.
- 4.4 The purpose for which the meeting is being called shall be stated in the notice of meeting, specific items related to that purpose shall be stated in the agenda of the meeting and no other business conducted will be valid.
- 4.5 The Executive may facilitate a conference call of the Executive or Board of Directors that require discussion and voting by all members. In order for such a meeting to be considered valid, all members must agree to using the conference call format and all members must be able to hear all the discussion and how other members vote on the issues.
- 4.6 The Executive may authorize polls of the Executive or Board of Directors by mail and/or email and/or telephone. When balloting is complete, the Secretary shall be charged with recording the votes and reporting the results to the Directors by mail and/or email and/or telephone.
- 4.7 A resolution in writing signed by each of the Directors individually shall be valid and effective as if it had been passed at a meeting of Directors duly named and constituted.
- 4.8 Any Director may at any time waive notice of such meetings and may ratify and approve any and all proceedings taken or held there at.

SECTION 5

ANNUAL GENERAL MEETINGS

- 5.1 Annual General Meetings of the voting members of the ABTA shall be held annually between August 31 and November 1 for the purpose of receiving reports, discussing the direction of the ABTA for the following year. The place, date and time of the meeting shall be the decision of the Executive.
- 5.2 Notice of the Annual General Meeting shall be given no less than thirty (30) days prior to the meeting to all members of the society by email or fax.
- 5.3 Failure to give such notice for a meeting shall invalidate such meeting or invalidate or make void any proceeding taken or heard or held at such meeting.
- 5.4 Each eligible voting member shall be entitled to one (1) vote to a maximum of 2 per registered club on each question, arising at any meeting of the ABTA. In the event of a tie in voting, the Chairperson shall cast the deciding vote.
- 5.5 All questions, except those pertaining to the Election of the Executive, shall be decided by a show of hands unless any member requests a poll or secret ballot.
- 5.6 A quorum at the Annual General Meeting shall consist of ten (10) voting members including the Directors.
- 5.7 All Executive and Board Members shall be required to prepare Annual Reports for presentation at the Annual General Meeting.

ARTICLE IV (cont'd)

SECTION 6

GRIEVANCES

- 6.1 A "grievance" shall mean any difference relating to the interpretation, application, administration or alleged violation of the By-Laws and Policies of the ABTA and Rules and Regulations of the ABTA/CBTF.
- 6.2 A grievance must be submitted in writing and the following must be included and presented clearly and completely on the first page of the grievance letter in point form.
- 6.2.1 The Grievor's name, complete address, phone number(s). CBTF/ABTA membership number and signature.
- 6.2.2 The date, time and location of the event giving rise to the grievance.
- 6.2.3 The name(s) of the accused party (ies).
- 6.2.4 The identification of the By-Law, Policy, Rule or Regulation involved.
- 6.2.5 The remedy sought.
- The nature of the grievance should then be presented.
- 6.3 It will not be settled without concurrence of the Grievance Committee and the Board of Directors of the ABTA.
- 6.4 The Grievor must sign the grievance letter and include a cheque or money order to cover the cost of the Grievance Filing fee, if applicable, as per current ABTA Policies. The filing must be delivered from the Grievor to the ABTA Secretary within ten (10) business days of the incident that gave rise to the grievance.
- 6.5 Every attempt shall be made to form a Grievance Committee within ten (10) business days of receipt of written notice of the Grievance. The Executive shall have the authority to grant an extension to this time if deemed necessary. The Committee shall consist of five (5) members of the ABTA, which shall be selected directly or indirectly by the ABTA Chairperson and approved, in writing, by the majority of the Board of Directors and unanimously by the Accused and the Grievor.

The ABTA Secretary must receive written notification of acceptance or rejection of the proposed Committee within ten (10) business days from all involved parties. Failure to meet this deadline shall constitute acceptance of the Committee members.

The Board of Directors shall make the decision of a Committee if agreement on a Committee is not reached within two (2) attempts.

If the Chairperson is the Accused, then the Vice Chairperson shall assume the responsibilities regarding the selection of the Committee.

- 6.6 Should the Chairperson or any other member of the Board of Directors of the ABTA be the person named in the grievance, then that Director must remove himself/herself from any involvement with the said grievance.
- 6.7 When the Grievance Committee has been selected and approved, all relevant information shall be forwarded to the Committee within five (5) business days.
- 6.8 The Grievance Committee shall make every attempt to meet within thirty (30) days after receiving notice of selection approval. If the Committee is unable to meet within this time frame, the Chairperson shall have the authority to grant an extension to this time or establish another committee.

The ABTA Chairperson shall designate the Chairperson of the Committee.

The Chairperson must notify all parties named in the Grievance. The Accused and the Grievor shall be provided an opportunity to hear and be heard and call witnesses and review all relevant documents.

Should a meeting with the Accused and/or the Grievor be scheduled, and either is unable to attend for any valid reason, a second opportunity shall be provided.

ARTICLE IV (cont'd)

SECTION 6

GRIEVANCES (cont'd)

Failure on the part of the Accused or the Grievor to respond to either meeting notice shall allow the said meeting to proceed as scheduled.

The Committee's decision shall be forwarded in writing to the ABTA Secretary within ten (10) business days of its final meeting.

- 6.9 The Secretary will immediately inform the ABTA Chairperson of the decision. The Chairperson will confirm that the decision does not contravene other By-Laws, Policies, Rules and Regulations of the ABTA. This will be completed immediately.
- 6.10 The Grievor, the Accused and the Board of Directors must be notified, in writing, of the decision of the Grievance Committee within ten (10) business days of receipt of direction by the Chairperson.
- 6.11 If the Grievance involves competition results, the grievance must be filed within forty eight (48) hours of the final day of the competition and the Competition Director notified immediately by the ABTA Secretary. It will be the responsibility of the Competition Director to notify all persons involved that:
- A grievance has been filed.
 - Results will be pending until the grievance is settled or discontinued, whichever ever comes first.
- 6.12 This grievance procedure does not replace or otherwise affect the "Discipline Clause" in the By-Laws. It is intended to settle differences as outlined in Section 6.6.1.

SECTION 7

DISCIPLINE

- 7.1 If whether or not an issue has been the subject of a grievance hearing under Section 6, the Board is of the view (after a complaint by a member or otherwise) that a member may have breached or violated the By-Laws, Policies, Rules and Regulations of the ABTA, the Board may invoke the discipline provisions outlined in Section 7. Nothing in this By-Law shall prevent discipline being imposed on any member as outlined in the Policies, Rules or Regulations of the ABTA (including without limitation the Code of Conduct/Code of Ethics of the CBTF/ABTA).
- 7.2 The matter will be referred to a two (2) member committee of the Board (the "Complaints Committee") as appointed by the ABTA Executive, who will examine any written allegations and any other aspects that they consider advisable and will decide if a discipline hearing is warranted. If so, the Chairperson shall convene a Discipline Committee within thirty (30) days following any such decision.
- 7.3 If an issue has been the subject of a Grievance Hearing and the Grievance Committee, the Grievor or the Accused wish further review of action then the matter would be referred for a Discipline Hearing.
- 7.4 It is recommended that the Discipline Committee consist of the following:
- One (1) member of the Board of Directors who shall act as Chairperson of the Committee who resides in a different region from the Accused.
 - One (1) member of the Board of Directors with expertise in the area in question (example: the Coaches Representative for a coaching matter).
 - Three (3) other members at large.
- In the event that the conduct of any Executive member is under question, the Board, as a whole, shall choose the Discipline Committee and identify the Chairperson.
- 7.5 The Discipline Committee shall send a copy of the written charges and a notice of the date, place and time fixed for a hearing by registered mail to the Accused member and to the complainant, if any, at least thirty (30) days prior to the date of the hearing. The Accused shall have the right to be represented by counsel at the hearing.
- 7.6 Should the Accused be unable to attend the hearing because of circumstances beyond his/her control, he/she must notify the Chairperson of the Discipline Committee in writing within ten (10) business days of receipt of the notice, where upon a new date for the hearing will be fixed. Should the Accused then fail to attend on the new date, the hearing will proceed in his/her absence.
- 7.7 The Accused, the ABTA and any complainant shall have the right to be heard and to call witnesses.

ARTICLE IV (cont'd)

SECTION 7

DISCIPLINE (cont'd)

- 7.8 Within thirty (30) days after the hearing, the Discipline Committee shall provide its decision in writing to the Accused, the Secretary and any complainant.
- 7.9 In the event that the decision is to suspend membership or expel the Accused, the Accused will have the right of an appeal to the full Board, which shall be heard as soon as possible. The Complaints Committee that referred the matter to the Discipline Committee described in Section 7.2 shall not participate at any appeal nor will the members of the Board who were members of the Discipline Committee in respect to the hearing.
- 7.10 No Director may vote on any matter in which they have a direct pecuniary interest, or on any matter in which their individual conduct is directly or indirectly called into question, or in any matter of respect of which they may be required to give evidence before the Discipline Committee but, if subsequent to a vote, it is ascertained that a member has so voted, their vote shall not be voided except under motion duly made at the next meeting of the Board after discovery of the improper vote.

SECTION 8

CONFLICT OF INTEREST

- 8.1 The ability of the Directors of ABTA to make deliberate, thoughtful, and disinterested decisions can be effected profoundly by other interests, personal and professional, of individual directors. ABTA is entitled to a director's best judgment which should not be clouded by personal agendas that conflict with the best interest of ABTA.
- 8.2 It is imperative for directors to remember that ABTA depends on the trust of regular members, sponsors, and other funding organizations. Even the appearance or suggestion of conflict can damage ABTA's reputation and ability to carry out its Mission. The appearance of reality is critical and a perceived conflict of interest of a director could have severe consequences for ABTA even if the questionable transaction fails to meet the relatively narrow legal definition of conflict of interest. In terms of public perception of ABTA it is important that not only are conflict of interest situations identified and managed, but they must be seen to be handled in a manner which is fair, consistent, above board and transparent.

In summary each Director is under an obligation to avoid a conflict of interest, whenever reasonably possible

However conflicts of interest may arise, in such situations, the Director is required to:

- a) declare the conflict of interest and refrain from voting on the issue in question
 - b) to absent herself/himself from the meeting at any time there is a discussion of the matter giving rise to conflict of interest
 - c) to refrain from lobbying or participating in the decision making process.
- 8.3 This Conflict of Interest policy does not prohibit conflicting interests, but provides a formal process to manage conflicting interests successfully. The policy has two basic purposes:
- a) it allows approval of contracts or transactions by disinterested decision makers who have knowledge of the circumstances of the transaction, so that decisions are both informed and disinterested
 - b) the policy ensures that a contract or other transaction between ABTA and an individual director who revealed his interest, and which was voted for by a quorum of disinterested directors, cannot be challenged if it is fair to the Club.

SECTION 9

POSITION STATEMENT

- 9.1 No director, officer, or employee of ABTA shall have any position with, or a substantial interest in, any other business enterprise operated for a profit, the existence of which would conflict or might reasonably be supposed to conflict with the proper performance of his/her ABTA duties or responsibilities, or which might tend to affect

ARTICLE IV (con't)

SECTION 9

POSITION STATEMENT

- their independence of judgment with respect to transactions between ABTA and such other business enterprise, without full and complete disclosure thereof to the Board of Directors.
- 9.2 Each director has a duty to place the interest of ABTA foremost in any dealings with ABTA and has a continuing responsibility to comply with the requirements of this policy.
- 9.3 The conduct of personal business between any director and ABTA is prohibited, except when approved pursuant to the policy set out below
- 9.4 Directors may not obtain for themselves, their relatives or their friends a material interest of any kind from their association with ABTA except when approved pursuant to the policy as set out below
- 9.5 If a director has an interest in a proposed transaction with the Club in the form of a significant personal financial interest in the transaction or in any organization involved in the transaction, or holds a position as trustee, director, officer, or employee in any such organization, they must make full and timely disclosure of such interest before any discussion or negotiation of such transaction.

SECTION 10

DEFINITION OF CONFLICT OF INTEREST

Throughout this policy, conflict of interest broadly refers to:

- a) Any situation in which a director of ABTA may be influenced in any decision of ABTA by personal, financial, or a business interest in a transaction, or in any organization involved in the transaction, or holds a position as trustee, director, officer, or employee in any such organization,
- OR
- b) A member of the immediate family of the director has an interest in the proposed transaction in the form of a significant personal financial or business interest in a decision of ABTA or in any organization involved in the transaction, or holds a position as director, officer, or employee in any such organization (immediate family is considered to include a spouse, child, brother, sister, or any family member financially dependent on the director)
- OR
- c) In any other circumstance where the director, or any other ABTA director, believes that a real or perceived conflict may be present.

SECTION 11

PROCESS FOR DEALING WITH CONFLICT SITUATIONS

- a) It is the responsibility of a director to declare circumstances where a conflict exists. Furthermore, any ABTA director may also identify situations where they believe another director has a conflict
- b) All conflict of interest situations involving a transaction with a financial value or benefit in excess of One thousand (\$ 1,000) must be approved by the Board of Directors. Conflict situations below this amount must be approved by two disinterested directors, provided that such transactions do not represent a series of transactions. In such cases the series of transactions must be approved by the Board of Directors.
- c) In considering conflict situations, the Board of Directors must consider the following guidelines:
- i) the process for selecting the other party to the transaction and whether appropriate tendering has been taken to identify appropriate parties and to validate the transaction.
- ii) The business needs of ABTA for entering into the transaction and whether such needs are best satisfied by the party that has caused the conflict situation to arise and

ARTICLE IV (con't)

SECTION 11

PROCESS FOR DEALING WITH CONFLICT SITUATIONS

- iii) notwithstanding the above principles, whether entering into a transaction with the party could be perceived by a reasonable person to represent an unacceptable conflict and where such perception could damage the reputation of CBTF
- d) When the Board of Directors is discussing a transaction involving a conflict of interest
 - i) The conflicted director shall not participate in such discussions as an advocate on their own behalf, either formally or informally at the Board of Directors meeting or informally through private contact, communication, and discussion, unless such participation is approved by the unanimous vote of the other directors.
 - ii) Except where the participation of a conflicted director in the discussion of the matter has been approved as set out in (d i) above the director should not be present at that portion of a meeting when matters in which they have an interest are considered.
 - iii) The conflicted director shall not participate in the vote on the matter
 - iv) In order for the transaction to be approved, there must be a vote of seventy-five (75%) percent of the disinterested directors present and voting at a special meeting of the directors called for that purpose. In order for such a vote to be held, there must be a minimum of a quorum of disinterested directors present at the meeting.

SECTION 12

ALCOHOL AND TOBACCO SPONSORSHIP

- 12.1 All ABTA clubs will adhere to the National and Provincial restrictions prohibiting direct advertising and/or association between athletes, alcohol and tobacco
- 12.2 All tobacco and alcohol sponsorship is banned from local, regional, provincial national ABTA events

SECTION 13

PRIVACY POLICY CODE

The Privacy Act for individuals within provinces became effective January 1st, 2004. This Act sets out ground rules for how private sector organizations may collect, use or disclose personal information in the course of commercial activities.

- 13.1 The Alberta Baton Twirling Association (ABTA) respects your right to personal privacy. When we collect your personal information you can be confident that we will handle and store it in a safe secure manner to protect information from unauthorized access or disclosure.

This notice describes ABTA PRIVACY CODE practices.

ABTA requires personal information from its athletes, coaches, managers, team staff and volunteers, and this personal information is obtained on the appropriate ABTA Registration Forms. This information is provided to ABTA and may be provided to any other associated organizations for purposes of individual registration, and to our insurer in connection with insurance coverage.

ABTA does not share, give, rent, or sell client information to any organization or individual not affiliated with CBTF except to comply with laws, or regulations of a governmental or regulatory body or in response to a valid subpoena, warrant, or order, or to protect the rights of ABTA or any of its athletes coaches, managers, team staff, employees or volunteers.

- 13.2 ABTA has appointed a Privacy Officer as required by the Privacy Legislation with Policies and Procedures in place for the management of personal information. These are available upon request from the ABTA Secretary.

ARTICLE IV (con't)

SECTION 13

PRIVACY POLICY CODE

13.3 We request only the minimum information required to complete Insurance and Registration requirements as required by ABTA, its insurer, and CBTF professional advisors, including but not limited to its lawyers and accountants.

ABTA requests athletes name, proof of birth, health concerns, and twirling experience. Parents/Legal guardian information is requested if a player is under 18 years of age, or player information if over 18 years of age including; address, occupation, home phone, work phone, emergency phone number, and e-mail. Registration forms also assists ABTA gather information concerning possible volunteer work for ABTA by members as coaches, directors, volunteers, sponsors, or committee members.

This information is used to organize and select teams for twirling programs and events organized by ABTA to determine skill level and experience of athletes, to validate the age and residency of athletes, to organize technical skills development and training programs or clinics, to develop athlete profiles for coaching purposes, to organize and deliver the programs and services offered to members by ABTA and for other purposes within the Charter and mandate of the Alberta Baton Twirling Association.

This information may be disclosed to and used by the employees, and directors of ABTA as well as coaches, managers, conveners and other volunteers.

Health Concern requests ensure coaches are aware should any health problems arise during practice or events. Health information is provided only with the consent of the parent/guardian or the athlete, if over 18 years of age.

Police Checks are required for all directors, conveners, coaches, managers, team staff and volunteers. The application once completed and returned from the police is brought to the local twirling Club for verification and recording as completed. The Volunteer Check is retained by the individual, NOT the Club or ABTA.

Files are maintained on any information we have provided to you, enquiries, complaints, compliments, insurance or other correspondence made by you and our response if any.

ABTA policy requires all athletes, coaches, team staff, and volunteer registration files be maintained for seven years.

If a member requests disclosure in writing of the personal information collected by ABTA concerning that member or an athlete for whom they are a parent or legal guardian ABTA shall disclose such information not later than 30 days after receipt of a written request.

ABTA reserves the right to charge an administrative of \$25.00 for any such request. Furthermore, ABTA may deny such a request, if providing a response would result in the disclosure of personal information concerning a third party.

Police Checks are required for all directors, officers, conveners, coaches, managers and team staff. The application once completed and returned from the police is delivered to the ABTA for verification and recording as completed. The police check will be valid for 2 calendar years. A copy of the Police Check is retained by ABTA in a secure location.

SECTION 14

HARASSMENT POLICY

14.1 ABTA is committed to providing training and a competitive environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment which promotes equal opportunities and prohibits discriminatory practices.

This environment should be free of harassment on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, marital status, family status or disability

Harassment is a form of discrimination and is prohibited by the Canadian Charter of Rights and Freedoms and by Human Rights legislation in every province and territory in Canada.

ARTICLE IV (con't)

SECTION 14

HARASSMENT POLICY

This Policy applies to all directors, officers, employees, volunteers, coaches, officials, athletes and members of the Alberta Baton Twirling Association.

ABTA encourages the reporting of all incidents of harassment, regardless of who the offender may be.

Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from their provincial Human Rights Commission even when steps are being taken under this policy.

14.2 DEFINITIONS

- a) Harassment. Such behavior may be verbal, physical, deliberate, unsolicited, or unwelcome. It may be one incident or a series of incidents, it may include:
 - behavior which is intimidating, hostile, abusive and/or abuse of power and authority
 - verbal abuse or threats
 - unwelcome remarks, jokes, innuendoes, or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc,
 - the display of pornographic, racist or other offensive or derogatory pictures.
 - practical jokes which can cause awkwardness or embarrassment
 - unwelcome invitations or requests, whether indirect or explicit or intimidating
 - leering or other gestures
 - condescension or patronization which undermines self-respect
 - unnecessary physical contact such as touching, patting, pinching, punching
 - physical assault.
- b) Sexual Harassment includes
Unwanted sexual attention of a persistent or abrasive nature made by a person who knows or ought reasonably to know, that such attention is unwanted and/or inappropriate
- c) A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the sexual advances.
- d) A course of abusive and unwelcome conduct or comment made on the basis of sex, or sexual orientation when it has the purpose or effect of creating an intimidating, hostile, or offensive environment in which the person works
- e) Child Abuse (Under 18) It includes:
 - Neglect which endangers a child's welfare by failing to provide for physical, emotional or medical needs.
 - Physical abuse which causes any intentional non accidental injury of a child.
 - Emotional abuse which is damaging by whatever means of a child's self-image by an adult responsible for the child's nurturing or learning. It results in a decrease in the child's feeling of personal worth and thus his or her ability to love, trust and feel at one with the human race.
 - Sexual abuse which includes any manual, oral or genital, sexual contact or the use of any object for sexual touching or penetration or

to any other explicitly sexual behavior that an adult imposes on a child by exploiting the child's vulnerability and powerlessness

NOTE: Any allegation or suspicion of sexual abuse must be reported to the appropriate Child and Family Services and/or agencies and the police.

ARTICLE IV (con't)

SECTION 14

HARASSMENT POLICY

14.3 RESPONSIBILITY

The President and the Board of Directors of ABTA are responsible for ensuring the implementation of this policy.

The ABTA policy includes:

- discouraging and preventing harassment within ABTA and ensuring formal complaints of harassment are investigated in a sensitive responsible and timely manner
- imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender.
- providing advice to person's who experience harassment
- doing all in ABTA's power to support and assist any employee or member of ABTA who experience harassment by someone who is not an employee or member of ABTA.
- making all members and employees of ABTA aware of the problem of harassment and of the procedures contained in this policy.
- informing both complainants and respondents of the procedures contained in this policy and their rights under the law.
- regularly reviewing the terms of this policy to ensure that they adequately meet the legal obligations and public policy objectives of ABTA
- appointing an Harassment Officer and providing the training and resources they need to fulfill their responsibilities under this policy and,
- appointing unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under this policy

Every member of ABTA has a responsibility to play a part in ensuring that the twirling sport environment is free from harassment. This means not engaging in, allowing, condoning, or ignoring behavior contrary to this policy. In addition any member of ABTA who believes that a fellow member has experienced or is experiencing harassment is encouraged to notify a harassment officer appointed under this policy.

In the event that either the President or the Vice-President are involved in a complaint which is made under this policy, the Board shall appoint a suitable alternate for the purpose of dealing with the complaint.

14.4 COACH/ATHLETE SEXUAL RELATIONSHIPS

ABTA takes the view that intimate sexual relationships between coaches and adult athletes, while not against the law, can have harmful effects on the individual athlete involved, on other athletes and coaches and on the organization's public image. ABTA takes the position that such relationships are unacceptable for coaches. Should a sexual relationship develop between an athlete and a coach, ABTA will request the Club involved to investigate and if harmful effects are determined, may take action which could include reassignment, dismissal suspension of privileges and/or reprimand.

- 14.5 **DISCIPLINARY ACTION**
Any employee, Director or member of ABTA against whom a harassment complaint is substantiated may be severely disciplined up to and including employment dismissal or termination of membership in cases where the harassment takes the form of assault, sexual assault, or related sexual offense.
- 14.6 **CONFIDENTIALITY**
ABTA understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment. ABTA recognizes the interests of both the complainant and the respondent in deeming the matter confidential.

ARTICLE IV (con't)

SECTION 14

HARASSMENT POLICY

- 14.6 **CONFIDENTIALITY (con't)**
ABTA shall not disclose to outside parties the names of the complainant, the circumstances giving rise to a complaint or the name of the respondent unless such disclosure is required by a disciplinary or other remedial process.
- 14.7 **HARASSMENT OFFICER**
ABTA shall appoint two persons, one male and one female who are Directors of ABTA to serve as officers under this policy.

The role of Harassment officers is to serve in a neutral, unbiased capacity and to receive complaints, assist in informal resolution of complaints and investigate formal written complaints. In carrying out their duties under this policy, officers shall be directly responsible to the President.

ABTA shall ensure that officers receive appropriate training and support for carrying out their responsibilities under this policy.

SECTION 15

HARASSMENT COMPLAINT PROCEDURE

- 15.1 **COMPLAINT PROCEDURE**
A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive, and contrary to this policy. If confronting the harasser is not possible, or if, after confronting the harasser, the harassment continues, the complainant should seek the advice of a harassment officer.

The harassment officer shall inform the complainant of:

- The options for pursuing an informal resolution of his her complaint, including voluntary mediation.
- The right to lay a written formal complaint under this policy when an informed resolution is inappropriate, or not feasible.
- The confidentiality provisions of this policy
- The right to be represented by a person of choice (including legal counsel) at any stage in the complaint process.
- The right to withdraw from any further action in connection with the complaint at any stage (even though ABTA might continue to investigate the complaint) and,
- other avenues of recourse including the right to file a complaint with the Human Rights Commission, or, where appropriate to contact the police to have them lay a formal charge under the Criminal Code.

There are four possible outcomes to this initial meeting of complainant and officer.

- a) complainant and officer agree the conduct does not constitute harassment
- b) complainant brings evidence of harassment and chooses to pursue an informal resolution to the complaint

- c) complainant brings evidence of harassment and decides to lay a formal written complaint.
- d) complainant brings evidence of harassment but does not wish to lay a formal complaint.

If the harassment officer cannot resolve the complaint under item c) above or if the harassment officer decides that a formal complaint should be registered under item d) above the matter shall be referred to the President who shall establish a Discipline Committee.

ARTICLE IV (con't)

SECTION 15

HARASSMENT COMPLAINT PROCEDURE (con't)

15.2 CONSIDERATIONS

When determining appropriate disciplinary action and corrective measures, the Discipline Committee shall consider such factors as:

- the nature of the harassment
- whether the harassment involved any physical contact
- whether the harassment was an isolated incident or part of an ongoing pattern
- the nature of the relationship between the complainant and the harasser
- the age of the complainant
- whether the harasser has been involved in previous harassment incidents
- whether the harasser admitted responsibility and expressed a willingness to change
- whether the harasser retaliated against the complainant.

15.3 PROCEDURE WHERE A PERSON BELIEVES THAT A COLLEAGUE HAS BEEN HARASSED

Where a person believes that a colleague has experienced or is experiencing harassment and reports this belief to a Harassment Officer, the Officer shall meet with the person whom is said to have experienced harassment and shall then proceed as detailed in Section 15.1

15.4 HARASSMENT FLOWCHART

- 1) Formal Complaint is filed
- 2) President convenes a Discipline Committee
- 3) Discipline Committee provides decision and is accepted by complainant and harasser
- 4) Decision is not accepted by either party
- 5) President is requested by one or both parties to appeal the Committee decision
- 6) President may refuse appeal and Discipline Committee decision stands
- 7) President accepts appeal and forms Appeal Board for hearing
- 8) Appeal Board renders a decision which shall be final

ARTICLE V

SECTION 1

ADVISORY COMMITTEES – STANDING OR SPECIAL

- 1.1 The Board of Directors and/or the Executive shall at each Annual General Meeting of the ABTA, or from time to time as required appoint or cause to be appointed a Chairperson to ay Standing or Special Committee.
- 1.2 Each Standing Committee shall hold at least one (1) meeting per year. A Special Meeting may be called by the Chairperson of any Committee upon his/her giving no less than thirty (30) days notice. An agenda shall be sent a minimum of fourteen (14) days prior to the meeting.
- 1.3 The majority of the committee members shall constitute a quorum for the transaction of committee business. Questions arising at any meeting of the committee shall be decided by a majority of votes. In the case of equality of votes, the Chairperson of the committee shall have the deciding vote.
- 1.4 The Board of Directors must ratify any resolutions or program amendments as recommended by Standing or Special Committees before they can be implemented.
- 1.5 The Chairperson of each Committee shall provide a report of the activities of the committee during the previous year for the Annual General Meeting of the ABTA.

SECTION 2

STANDING COMMITTEES

- 2.1 Finance Committee
 - 2.1.1 The Finance Committee shall from time to time review the financial position of the ABTA and make recommendations to the Board of Directors concerning the finances, capital funds and investments of the ABTA.
 - 2.1.2 The Chairperson of the Finance Committee will be the Treasurer of the ABTA.
- 2.2 Public Relations Committee
 - 2.2.1 Shall be responsible foe recommending initiative that will improve the profile of the sport of Baton Twirling in Alberta.
 - 2.2.2 Shall have the responsibility for publicizing and promoting events and programs sanctioned by the ABTA.
 - 2.2.3 The Chairperson of the Public Relations Committee will be the Vice Chairperson of the ABTA.
- 2.3 Records and Archives Committee
 - 2.3.1 Shall be responsible for receiving, maintaining, recording and publishing all data pertinent to the ABTA.
 - 2.3.2 The Executive of the ABTA will appoint the Chairperson of the Records and Archives Committee.
- 2.4 Nominations Committee
 - 2.4.1 Shall be responsible for presenting in the agenda of the Annual General Meeting, the names of individuals who have been nominated and who will stand for election to any elected position. This is to be done thirty (30) days prior to the Annual General Meeting.
 - 2.4.2 The Chairperson of the Nominations Committee will be the Past President of the ABTA. In the event that the Past Chairperson position is vacant, the Executive will appoint a Committee Chairperson.

ARTICLE V (cont'd)

SECTION 2

STANDING COMMITTEES (cont'd)

2.5 Technical Committee

- 2.5.1 The Technical Committee shall have the responsibility for establishing and coordinating the technical programs sanctioned by the Executive, in accordance with the priorities and guidelines established by the Board of Directors.
- 2.5.2 The Technical Chairperson and Technical Committee shall be responsible to the Executive Committee and shall prepare budgets in accordance with Policy as established by the Board of Directors.
- 2.5.3 The Technical Committee shall have the following members:
- Technical Chairperson/Advisor
 - Judges Representative
 - Coaches Representative
 - Athletes Representative
 - Skills Development Officer
 - Group Representative
- 2.5.4 The Skills Development Officer shall be elected by mail ballot by majority vote by registered Coaches and Judges on odd numbered years for a term of two (2) years.
- 2.5.5 The Group Representative shall be elected by mail ballot by majority votes by registered Coaches and Judges on even numbered years for a term of two (2) years.
- 2.5.6 The Technical Chairperson shall act as Chairperson of said Committee.
- 2.5.7 The Technical Chairperson shall call at least one (1) meeting per year of the Technical Committee. Additional meetings may be called by the Technical Chairperson upon giving at least thirty (30) days notice in writing to each Committee member.
- 2.5.8 The majority of members shall constitute a quorum. Questions arising from any meeting of the Committee shall be decided by a majority of votes and, in the case of equality of votes, the Technical Chairperson shall have the deciding vote.
- 2.5.9 The Board of Directors must ratify any proposals passed by the Technical Committee before they can be implemented.
- 2.5.10 The Technical Chairperson is responsible for issuing notices of the meetings, and ensuring that recording and distribution of minutes of meetings are completed within thirty (30) days of the meeting to Technical Committee members and the Board of Directors.

SECTION 3

SPECIAL COMMITTEES

The Board of Directors shall implement Special Committees when required and as deemed necessary.

ARTICLE VI

SECTION 1

FINANCIAL POWERS OF THE BOARD OF DIRECTORS

- 1.1 The Board of Directors shall have the right, upon the recommendation of the Executive:
- 1.1.1 To borrow money upon the credit of the ABTA.
 - 1.1.2 To limit or increase the amount to be borrowed.
 - 1.1.3 to issue bonds, debenture stock, debentures, notes, and other securities of the ABTA. Debentures can only be issued by Special Resolution of the members at any called Board, Executive or General meeting.
 - 1.1.4 To sell, pledge, exchange or otherwise dispose of such bonds, debentures, debenture stock, notes, and other securities for such sums and at such prices as may be deemed expedient.
 - 1.1.5 To grant, bargain, sell, alienate, convey, confirm, assign, hypothecate, mortgage, pledge, or charge, and cede and transfer all or any of the real and personal property freehold or leasehold undertaking and business and other property, assets, and rights of the ABTA, including uncalled capital, both present and future, of what so every kind and where so ever situated, so secureness such bonds, debentures, debenture stocks, notes, and other securities of money borrowed or any other negotiable instruments shall be signed.
 - 1.1.6 All cheques, drafts, notes, and other negotiable instruments shall be signed, executed, or endorsed by any two (2) of the following: the Chairperson, the Secretary, the Treasurer or the Vice Chairperson.
 - 1.1.7 Contracts, documents, or any instruments in writing, unless otherwise provided for in these By-Laws or by the Rules and Regulations of the ABTA, shall be signed by the Chairperson or Vice Chairperson and either the Secretary or Treasurer and all contract, documents and instruments in writing duly signed shall be binding upon the ABTA without any future authorization or formality.
 - 1.1.8 The Directors shall have the power to appoint by resolution an Officer of Officers to sign contracts, documents, and/or instruments in writing generally or to sign specific contract, and documents, and/or instruments in writing on behalf of the ABTA.

SECTION 2

AUTHORIZATION OF EXPENDITURES

The Board of Directors shall have the power to authorize all expenditures on behalf of the ABTA and may be resolution delegate to the Officers of the ABTA the right to employ and pay salaries to employees. Any expenditure over \$250.00 must have prior approval of the Board of Directors of the ABTA.

SECTION 3

INSPECTION OF BOOKS AND RECORDS

The Directors may examine or determine cause to be examined, the books and records of the ABTA or of its' Regional Associations and Clubs, at such time and place as may be determined by the Directors.

SECTION 4

FISCAL YEAR

The fiscal year of the ABTA shall end on the thirty-first (31) day of March of each year.

SECTION 5

AUDIT/REVIEW

The Treasurer shall present at the Annual General Meeting of the ABTA a Balance Sheet, a Summary of the Assets and Liabilities and a Statement of Income and Expenses of the ABTA.

ARTICLE VI (cont'd)

SECTION 5 AUDIT/REVIEW (cont'd)

An audit of the books and accounts of the ABTA will be done once a year. The auditor shall be appointed by the Board of Directors and shall be paid such remunerations as the Directors may determine.

SECTION 6 SIGNING OFFICERS

The following are recognized as the only signing Officers for the ABTA:

- The Chairperson
- The Vice Chairperson
- The Secretary
- The Treasurer

No Officer may sign individually.

ARTICLE VII

SECTION 1

SANCTION

- 1.1 The ABTA shall not be held responsible for the operation or financial commitment of any member Association Committee, individual, organizing body, or twirling event which have not received prior and explicit sanction from the ABTA/CBTF or which otherwise acts outside of the By-Laws of the ABTA.
- 1.2 Any member who shall withdraw, resign, or be expelled from membership of the ABTA shall forfeit all rights therein and all claims thereon, or in its properties, or funds.
- 1.3 Participation in any ABTA/CBTF event is contingent upon membership according to World Baton Twirling Federation recognition.
- 1.4 All Baton Twirling related events will be sanctioned according to guidelines laid down by the Canadian Baton Twirling Federation, except where local circumstances apply.

SECTION 2

IDENTIFICATION OF DIRECTORS

- 2.1 Directors as such, shall not receive any remuneration for their services, but by resolution of the Board, expenses of their attendance at each regular or special meeting of the Board may be allowed.
- 2.2 The ABTA shall indemnify and save harmless every Director of other Officer and servant of the ABTA, and his/her and their heirs, executors, administrators, and estate and effects respectively from and against all losses, costs, charges, and expenses whatsoever in any way incurred or sustained by him/her for, or by reason of, or in respect of any act, deed, matter, or thing, whatsoever, made, done, or permitted by him/her, in the proper discharge of his/her duties, the Directors paying or retaining same out of the funds of the ABTA.

SECTION 3

REMUNERATION OF OFFICERS

- 3.1 The Board of Directors shall fix the remuneration of all officers, agents, and employees by resolution, such resolution having force and effect only until the next Annual General Meeting when it shall be confirmed by resolution of the Board of Directors. In the absence of such confirmation by the Directors, then the remuneration to such officers, agents, or employees shall cease to be payable from the date of such meeting of members.

SECTION 4

LIABILITY

- 4.1 If any Officer or employee of the ABTA is found to be guilty of fraud, wilful negligence, or dishonesty resulting in loss or damage to the ABTA, such Officer or employee shall be liable to dismissal, suspension, and/or expulsion.

SECTION 5

DISCLAIMER

- 5.1 The ABTA is obligated to satisfy only those claims, which have the prior and explicitly approval of the Board of Directors. Any claim must be presented to the Board of Directors for consideration

SECTION 6

DISSOLUTION OF ASSOCIATION

- 6.1 If membership of the Alberta Baton Twirling Association, in passage of a resolution at the Annual General Meeting whereby two (2/3) of the members present who are voting, approve a motion to dissolve the Alberta Baton Twirling Association, the net assets after payment of all debts shall be transferred to other non-profit organizations of similar purpose after due process of all, not for profit legislation.

ARTICLE VIII

SECTION 1

AMENDMENTS

- 1.1 The By-Laws may be rescinded, altered or added to by a "Special Resolution". Amendments or alterations to the By-Laws of the ABTA may be made at any Annual General Meeting or at any Special Meeting of the ABTA called for that purpose.
- 1.2 Notice of any proposed amendments or alterations shall be given in writing to the Secretary, and the Secretary shall advise each voting member in writing by mail, or email or fax, of the proposed amendment or alteration no less than twenty one (21) days prior to the date of the meeting at which it will be considered.
- 1.3 The adoption of such amendments or alterations shall require the agreement by 75% of the members entitled to a vote that is present at the meeting.