

# The Niagara Cricket Club Constitution

## 1. Name

The name of the Club is The Niagara Cricket Club, hereafter to be referred to as "the Club".

## 2. Aims and Objectives

To foster and promote the sport of cricket within the local Niagara Regional community and in the province of Ontario, Canada.

To ensure that all members, playing and non-playing, abide by the Club Constitution and its Code of Conduct which incorporates the Spirit of Cricket and by the Laws of Cricket.

To ensure a duty of care to all members of the club by adopting and implementing the 'Safe Hands - Cricket's Policy for Safeguarding Children' and any future versions of the Policy.

To ensure a duty of care to all members of the club by adopting and implementing the Club Cricket Equity Policy and any future versions of the Policy.

To encourage all members to participate fully in the weekly activities of the club.

## 3. Membership

- a. Membership of the private club requires approval by its board for all requesting to become members.
- b. Membership of the club shall be open to anyone interested in the sport of cricket on application regardless of sex, age, color, origin, disability, ethnicity, nationality, sexual orientation, religion or other beliefs.
- c. Membership of the club maybe limited according to number of teams, available facilities, finances.
- d. Memberships are awarded based on club's needs, players caliber and also on pending membership requests.
- e. Board of directors reserves the rights to establish the seasonal membership dues, initiation fees and the number of members needed per season to operate the Club.
- f. Board of directors reserve the rights to limit the membership to the residents of Niagara Region only i.e. prior to opening its general memberships to the residents of other cities in Ontario, other provinces in Canada, USA and overseas.
- g. A playing Membership of the club shall be by payment of the relevant subscription fee as determined by the Board of Directors of the club. The summer Membership year will run from May 1st to Sept 30<sup>th</sup> while the winter indoor membership will run from Nov15th to April 15<sup>th</sup>.
- h. No person shall be eligible to take part in the business of the club unless the appropriate subscription has been paid by the specified date or membership has been agreed by the board of directors.
- i. The board of directors reserves the rights to refuse membership and/or to remove a member without explanation.
- j. The board of directors reserves the rights to fold the club, dissolve any team or remove any of the club executive officers if and when it's deem necessary to save club's reputation and/or for the sake of better management.
- k. All members will be subject to the regulations of this Constitution and by joining the club will be deemed to accept these regulations and any Codes of Conduct that the club has adopted. The Constitution shall identify those members eligible to vote at any General Meetings.
- l. Club members have no ownership rights to the Club or The club corporation which is a registered non profit Ontario Inc. company, governed by its board of directors.
- m. All members agree to abide by the Club constitution and its term and conditions listed in Exhibit-A

4. **Classes of Club Membership**

There shall be 4 classes of membership available. These are:

- Full Member
- Student Member
- Junior Member (Under 18 years of age as at 1st April in the current year)
- Honorary Life Member

A list of members in each category shall be maintained by the Treasurer.

5. **Club's Officers**

The Officers of the club shall be as follows:

**Board of directors of the Incorporated Non-Profit Organization:**

- President of the Board of Directors
- Vice President (Optional) of Board of Directors
- Member of the Board

The above are members of the board and president is elected by the board of directors. New Members of the board are considered by the founding members of the board and elected if the applicant has fulfilled at least 1 of the following 5 core criteria.

- 1) Founding members of the board of the nonprofit incorporate company.
- 2) Playing and Paying Member of the club for at least 10 years.
- 3) An executive of the club for at least 7 years.
- 4) Provide substantial seasonal sponsorship (minimum \$2500/season) for the club for its events and seasonal activities for at least 3 years.
- 5) Brings substantial amount of one time donation to the club e.g. minimum of \$10,000.

Once an application to become a member of the board of directors is received from an applicant (fulfilling at least one of the above criteria), an election is to held by the founding members of the board for the applicant to elect him/her as the new Member of the Board.

**Elected officers of the Club at AGM by Club members.**

The following officers are elected by the paid yearly members at the AGM. These elected executive of the Club are to manage day to day and seasonal smooth operations of the cricket club.

- a. Club's ED - Executive Director
- b. Club's General Secretary
- c. Club's Treasurer
- d. Club's Captain/s of various team
- e. Club's Vice Captains of various teams

**Election of Officers**

Board of directors of The St. Catharines Cricket Club Inc. will call upon the yearly election at the AGM to elect the club Officers i.e. An Executive Director, A Secretary and A Treasurer, Captains and V. Captains from the membership. The President of the of the board will preside and conduct fair election and the Officers shall be elected at the Annual General Meeting of the club from, and by the paid members of the club.

All Officers shall be elected for a period of one year, but shall be eligible for re-election to the same office or to another office the following year.

## **Management Committee**

All the daily, weekly and seasonal affairs of the Club management shall be conducted by the Club's Management committee of the elected officers by the Club members. Board of directors will take no active part, do no interference, unless the Club's reputation, it's integrity, stability, and existence becomes at stake. Only a majority vote in the members of the board of directors can veto a decision made by the elected Club Management Committee.

The Executive Directors, the top elected management position will have full authority to conduct the club seasonal operation including but not limited to following:

- 1- To keep the Cricket traditions alive and moving forward during his/her regime in Niagara Region.
- 2- To be one of the designated delegate members of the Club to represent the club in district league meetings and League AGM.
- 3- Enforce the Club Constitution and District League By-Laws to the Club members.
- 4- Conduct disciplined practice sessions if and when needed (or appoint a coach or elected team captain).
- 5- Take necessary disciplinary action, if and when needed to discipline player /member.
- 6- Assist team captains with advice, if and when needed.
- 7- Assist team coach with advice, if and when needed.
- 8- Appoint volunteers to make sure the facilities are kept in the best of playing conditions at home ground.
- 9- Keep board of directors informed of any and all major incidents and matters.
- 10- Be a role model for juniors and student to follow.

Committee will be convened by the Secretary and shall meet at agreed intervals and not less than three times per year. The quorum required for business to be agreed at Committee meetings shall be 6 (six) which must include at least 3 (three) Executive Officers.

The duties of the Committee shall be:

- a) To control the affairs of the club on behalf of the members.
- b) To keep accurate accounts of the finances of the club through the Treasurer.

These should be available for reasonable inspection by board of directors and should be audited before every Annual General Meeting. The club shall maintain a bank current account and the following Officers shall be authorized to sign club cheques: any two (a member of the Corp board and an officer as might be appropriate in the future).

- c) To co-opt additional members of the Committee as the Committee feel is necessary. Co-opted members shall serve until the end of the next Annual General Meeting.
- d) To make decisions on the basis of a simple majority vote. In the case of equal votes, the President of the Board (if present) shall be entitled to an additional casting vote.

The Committee shall have powers to appoint sub-committees as necessary and to co-opt advisers who may be non-club members invited to advise on specialist subjects. An adviser shall not be entitled to a vote on the Committee.

An elected Committee member ceases to be such if he or she ceases to be a member of the club, resigns by written notice, or is removed by the Committee for good cause after the member concerned has been given the chance of putting their case to the Committee. Appeal against removal may be made to the Appeals Committee. The Committee shall fairly decide time limits and formalities for these steps.

**The Elected Committee has the power to:**

- c. Enforce Club Code of Conduct and By-Laws - as enclosed here in this Club Constitution.
- d. Acquire and/or provide grounds maintenance volunteers for best playing conditions of Cricket.
- e. To provide coaching, training and playing opportunities.
- f. To arrange and provide transport, medical and related facilities – if and when needed.
- g. Take out any insurance (if needed) for club, employees, contractors, players, guests and any third parties
- h. To raise funds from members, by appeals, subscriptions, loans and grants.
- i. Set aside funds for special purposes or as reserves.
- j. Invest funds in any lawful manner.
- k. Cooperate with the board of directors regulating or organizing the sport of cricket.
- l. To do all other things reasonably necessary to advance the aims and objectives of the club.  
NONE of the above powers may be used other than to advance the aims and objectives in a manner consistent with the Rules and the general law.

**6. Annual General Meetings**

The Annual General Meeting of the club shall be held not later than the end of April each year. 14 clear days written notice of the Annual General Meeting shall be given to members by circulating a copy of the notice to every member at their home postal/E-mail address. The Secretary shall circulate or give notice of the agenda for the meeting to members not less than 14 days before the meeting. The business of the Annual General Meeting shall be to:

- a. Confirm the minutes of the previous Annual General Meeting and any General Meetings held since the last Annual General Meeting.
- b. Receive the annual report of the Club from the ED (Executive Director).
- c. Receive the annual report from the Secretary.
- d. Receive the audited accounts for the year from the Treasurer.
- e. Receive the teams reports from the previous seasonal Captains.
- f. Elect an auditor
- g. Elect the Officers of the Club (i.e. ED, Secretary, Treasurer, Captains)
- h. Review club plans for next season.
- i. Review match fee rates and agree them for the forthcoming year.
- j. Transact such other business as is necessary.

Special General Meetings may be convened by the Committee or on receipt by the Secretary of a request in writing from not less than 15 (fifteen ) Members of the club. At least 21 days' notice of the meeting shall be given.

At all General Meetings, the Chair will be taken by the ED or, in his /her absence, by a deputy appointed by the ED or board of directors attending the meeting. Decisions made at a General Meeting shall be by a simple majority vote from those Members attending the meeting. In the event of equal votes, the Chair of the meeting shall be entitled to an additional casting vote.

A quorum for a General Meeting shall be 12 (twelve) Members and Officers of the Club including at least 2 (two) from the ED, Secretary and Treasurer.

Each Member of the Club shall be entitled to one vote at General Meetings.

7. **Alterations to the Constitution**

Any proposed alterations to the club Constitution may only be considered by the board of directors. Annual or Special General Meeting, convened with the required written notice of the proposal to the board of directors. Any alteration or amendment must be proposed by an elected executive of the club and seconded by another registered Member. Such alterations shall be passed if supported by not less than two-thirds of members of the board of directors of the Club.

8. **Finance**

All club monies shall be banked in an account in the name of the club.

The Treasurer shall be responsible for the finances of the club and for providing a report on the financial position as required by the Committee.

The Treasurer shall ensure that the club maintains adequate and appropriate insurance to cover the activities of the club. The financial year will end on 31 December.

The Treasurer will present an audited statement of annual accounts at the Annual General Meeting.

Any cheques drawn against club funds must hold the signatures of either Club's Treasurer or the Executive Director.

9.

10. **Property and Funds**

- i. The property and funds of the club cannot be used for the direct or indirect private benefit of members other than as reasonably allowed by the Rules and all surplus income or profits shall be reinvested in the club.
- ii. The club may also in connection with the sports purposes of the club:
  - c. sell and supply food and drink
  - d. indemnify the Committee and members acting properly in the course of the running of the club against any liability incurred in the proper running of the club (but only to the extent of its assets).

11. **Discipline and Appeals**

All complaints regarding the behavior of members should be lodged in writing with the Secretary or Executive Director.

The elected Committee shall appoint a Disciplinary sub-committee who will meet to hear complaints within 21 (twenty one) days of a complaint being lodged. Any member requested to attend a Disciplinary sub-committee shall be entitled to be accompanied by a friend or other representative and to call witnesses. The Committee (or its sub-committee) has the power to take appropriate disciplinary action, including the termination of membership.

The outcome of the disciplinary hearing shall be put in writing to the person who lodged the complaint and the member against whom the complaint was made within 14 (fourteen) days following the hearing.

There shall be a right of appeal to the Committee against either the finding or the sanction imposed or both following disciplinary action being taken. The Committee shall appoint an Appeals Committee (a maximum of three) which shall not include members involved with the initial disciplinary hearing but may include non-members of the club. The Appeals Committee shall consider the appeal within 28 (twenty eight) days of the Secretary receiving the appeal. The individual submitting the appeal shall be entitled to be accompanied by a friend or other representative and to call witnesses. The decision of the Appeals Committee shall be final and binding on all parties.

## 12. **Dissolution**

- . If at any General Meeting of the club, a resolution be passed calling for the dissolution of the club, the Secretary shall immediately convene a Special General Meeting of the club to be held not less than one month thereafter to discuss and vote on the resolution by the board of directors.
- a. If at that Special Meeting, the resolution is carried by at least two-thirds of the Voting of Board of Directors the members of the board present at the meeting, the Committee shall thereupon, or at such date as shall have been specified in the resolution, proceed to realize the assets of the club and discharge all debts and liabilities of the club.
- b. The Committee will then be responsible for the orderly winding up of the club's affairs.
- c. After settling all liabilities of the club, the Committee shall dispose of the net assets remaining to another club with similar sports purposes.

## 13: **Declaration**

**The Niagara Cricket Club** and its board of directors here by adopts and accepts this Constitution as a current operating guide regulating the actions of all members.

## **EXHIBIT –A**

### **Terms and Condition of Niagara Cricket Club Membership**

Playing for **The Niagara Cricket Club**, historically known & established as **The St. Catharine Cricket Club Inc.** as a player & member, I understand and expressly agree with the policies and constitution of the Niagara Cricket Club, its affiliated leagues and its governed tournaments. While making use of its leased grounds & facilities, I agree that property owners, lease holders, facilities/club operators, officers, directors, employees, servants, or agents shall not be liable in any manner whatsoever for any damages of any nature or kind whatsoever arising from any injuries sustained by the me or my guests in or about the premises provided to play & used by the Niagara Cricket Club nor shall Niagara Cricket Club, its officers, directors, employees, servants and agents be held liable for loss or theft of personal property however caused whether such injury, loss, or damage is caused by an act of negligence or omission of staff, management, directors, captains or any other person. Any and all damages caused by me or my guests, agents, relatives, affiliates and councillors will need to be fully restored & repaired by me and I assume full responsibility of such damages until restored to its original state. By joining the Niagara Cricket Club for the season a member is committed to play for the entire season.

A transfer is only granted by the NCC board if it doesn't impact negatively Niagara Cricket Club. Payment for seasonal membership dues alone is not considered as an entire definition of good standing with the Niagara Cricket Club.

The exculpatory clauses herein shall be binding on the heirs, administrators, councillors and all assigns of and by the player (or member).

By joining the club in person or filling out the On-Line Membership Form, I have read, understood and agree to abide by Niagara Cricket Club polices & constitution, H&D League By Laws & Code of Conduct, decisions of the directors of the board of the incorporated club, it's affiliated league executives and of my captains and vice captains of the representing teams.