



CANADIAN LACROSSE ASSOCIATION APPEALS COMMITTEE

IN THE MATTER OF AN APPEAL BY THE BRITISH COLUMBIA LACROSSE
ASSOCIATION FROM THE 2009 DECISION OF THE CLA TO FINE THE BCLA FOR
BREACHING CLA 24.11.1 (CERTIFIED COACHES)

BETWEEN:

BRITISH COLUMBIA LACROSSE ASSOCIATION

APPELLANT

AND

CANADIAN LACROSSE ASSOCIATION

RESPONDENT

Reasons for Decision

Panel:

Tom Engel (Chair) – CLA VP Administration
Terry Rowland – CLA VP Organizational Development
Shawn Williams – President Saskatchewan Lacrosse Association

Appearances:

Sohen Gill – BCLA President
Rochelle Winterton – BCLA Executive Director
Darcy Rhodes – BCLA Technical Director

PART 1: INTRODUCTION

1. On November 9, 2009, Ross Ste-Croix, the CLA Program Coordinator, informed the BCLA that it had been fined a total of \$8,000 for being in breach of CLA 24.11.1 on four team registration forms, because the BCLA had not proven that six coaches had the correct level of NCCP training to coach at National Championships.
2. The BCLA, by a letter dated November 9, 2009, appealed.
3. The appeal was heard on January 19, 2010. Shortly after, the BCLA was advised that the appeal was allowed and the appeal fees would be returned, with reasons to follow. These are the reasons.

PART 2: ANALYSIS

4. At the outset, the Chair advised the BCLA that it was clear that there were three errors made by the CLA, as follows:
 - a. The decision is to be made by the CLA VP Domestic Competition, but it was not;
 - b. There is to be a hearing, in writing, but there was not; There must be a finding that false information was placed on the form knowingly, or without reasonable diligence, but there was no such finding,and that, if the BCLA wished, the CLA AC could send it back to the VP Domestic Competition for a hearing or the AC could deal with it on the merits at the appeal. The BCLA chose the latter.
5. The problem was caused when the CLA used the predecessor to CLA 24.11.1, which provided for no hearing and strict liability with no indication that the decision-maker would be other than the CLA. The former version of CLA 24.11.1 read as follows:

Team Registration forms must be signed by the MA or AMA the team is representing. This signature confirms that all players are eligible to compete in the championship or competition and all bench personnel have the appropriate certification. MAs or AMAs found to have signed the form with false information shall be subject to a \$2,000 fine and shall be referred to the Discipline Committee.

while the current version reads as follows:

Team Registration forms must be signed by the MA or AMA the team is representing. This signature confirms that all players are eligible to compete in the championship or competition and all bench personnel have the appropriate certification. MAs or AMAs found, after a hearing, in writing, by the CLA VP Domestic Competition, to have knowingly or without reasonable diligence, signed the form with false information shall be subject to a \$2,000 fine and shall be referred to the Discipline Committee.

6. The AC considered the contents of the letter of appeal and the information provided in a letter from Bill McBain, a letter from Ross Ste-Croix as to the problems with the NCCP Database, and oral submissions from Rochelle Winterton and Darcy Rhodes.
7. The BCLA's submission was that they did not knowingly sign off and that reasonable steps were taken. They advised that they have "zero tolerance for non-certified coaches and take it very seriously."
8. There being no evidence to the contrary, the appeal was allowed and the fines were vacated.
9. It follows that the appeal fees shall be returned.

Dated this 25th day of May, 2010.

CLA APPEALS COMMITTEE



Per:

Tom Engel, Chair