



CANADIAN LACROSSE ASSOCIATION APPEALS COMMITTEE

IN THE MATTER OF AN APPEAL BY THE IROQUOIS LACROSSE ASSOCIATION
FROM THE 2009 DECISION OF THE CLA TO FINE THE ILA FOR BREACHING CLA
24.11.1 (CERTIFIED COACHES) AT NATIONAL CHAMPIONSHIPS

BETWEEN:

IROQUOIS LACROSSE ASSOCIATION

APPELLANTS

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:

Laura Morris – ILA Executive Director
Chuck Brown – Team Iroquois (Midget)
Bob Burr – Onondaga Jr. B Team (Founders Cup)

PART 1: INTRODUCTION

1. On November 9, 2009, Ross Ste-Croix, the CLA Program Coordinator, informed the ILA that it had been fined a total of \$6,000 for being in breach of CLA 24.11.1 on three team registration forms, because the ILA had not proven that coaches had the correct level of NCCP training to coach at CLA National Championships.
2. The ILA, by a letter dated December 3, 2009, appealed.
3. The ILA asked for an extension of the 15-day time to appeal and the Chair, under CLA 7.2.9, granted it.
4. The appeal was heard on February 11, 2010. Shortly after, the ILA was notified that the Midget fine was set aside with reasons to follow and the balance of the appeal would be decided once further information was provided by the ILA and CLA.
5. Although it was not raised by the ILA, it was immediately apparent to the AC that the CLA had erred 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;
 - c. 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 the ILA was advised of this and was offered the options of sending the matter back to the VP Domestic Competition for a hearing or to have the AC deal with it on the merits. The ILA chose the latter.
6. 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.

PART 2: EVIDENCE AND SUBMISSIONS

7. In regard to the Midget coach, Chuck Brown explained that he coaches in the OLA and no one can coach there unless certified. He had coached since at least 2006 and the OLA was strict on this. The coach had coached at the Pee Wee Nationals in 2006 and Bantam in 2007. Chuck Brown signed off on the form and believed that the coach was qualified. Laura Morris said that the problems with the NCCP Database make it impossible to verify training. The ILA has stressed that each coach must be certified.
8. In relation to the Founder coaches, Bob Burr said that they had a head coach who was a Coach Facilitator but, due to a flood the week before the competition, they had to scramble to pick up other coaches. They picked up one coach who was a Level 1 and another who said he was a Level 2. They thought only the Head Coach had to be Level 2 and the Assistant could be Level 1. He recalled that Damien Roy had said at a clinic in June 2008 that the old system was no longer accepted after 2009.
9. Bob Burr went on to say that in December 2009, the “Level 2” coach said he could only find his Level 1 card and then told him he found his Level 2 card, which he agreed to fax to Laura Morris. At the time of the hearing, he was out of town.
10. Laura Morris pointed to the e-mail from Ross Ste-Croix of January 13, 2010 referring to the difficulties with the NCCP Database and said that both Founders coaches coached in the OLA.
11. The AC agreed to give the ILA a deadline to produce the Level 2 card and it was agreed that, if it was not, the AC would proceed on the basis that it could not be produced. It was never produced.
12. The AC advised that it would inquire with Damien Roy as to whether he made any representation as described. The AC did and the response was that he reads the requirements directly from the Form 100s to the coaches. The AC obtained the Form 100B dated January 1, 2008 and it clearly states that the requirements were as set out by the CLA in its letter of November 9, 2009.
13. In relation to the Presidents Cup, Laura Morris advised that the coach coached in the Minor Nationals and there had never been a question about his qualifications. Mike Mitchell signed off on that form. The coach also coached at the OLA Provincials. He is in the system as Level 1 Certified. It wasn't known that he had to be Level 2. This coach was an Assistant Coach. The ILA was initially fined because of the Head Coach's qualifications, but then he produced his card and it was rescinded. Laura also relied on what Damien Roy was represented to have said at the clinic.
14. Again the Form 100B is clear that the coach needed to be Level 2 Certified.

PART 3: ANALYSIS

15. Given the evidence, the AC finds that it has not been proven that there was an absence of reasonable diligence with regard to the Midget coach and so the appeal is allowed on that fine.

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16. With respect to the Founders and Presidents coaches, the AC finds that there was an absence of reasonable diligence because the rules are clear and it does not accept that Mr. Roy said what was attributed to him. Perhaps he was misunderstood, but he read directly from the Form and the Form is available to coaches and the ILA. The CLA expects its members to be familiar with the rules and the failure to do so is inconsistent with reasonable diligence. Accordingly the appeal is dismissed with respect to those two fines.
17. In relation to the appeal fees, since the appellant was successful on one out of three, 33% of the fee, or \$170.00, will be returned.

Dated this 25th day of May, 2010.

CLA APPEALS COMMITTEE

Per:

Tom Engel, Chair