

SCARBOROUGH NATIONAL MALVERN SOCCER CLUB



Club Constitution

By-Laws, Rules and Regulations

2013 Board of Directors

3/15/2013

v2.0



Scarborough National Malvern Soccer Club By-Laws, Rules and Regulations

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Document Change Control Table

Version Number	Date of Issue	Author(s)	Brief Description of Change(s)
1.0	N/A	Founding Board of Directors	The latest version of the Constitution as of January 27 th , 2013
1.1	March 13, 2013	Warren Hutchinson	Initial document creation; leveraging OSA Club Development Template & existing SNMSC Constitution
1.2	March 14, 2013	Warren Hutchinson	
1.3	March 15, 2013	Warren Hutchinson	Final version before Special General Meeting
2.0	March 15, 2013	2013 Board of Directors	As passed at the March 15 th , 2013 Special General Meeting

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Article 1: NAME

The name of this Club shall be the **Scarborough National Malvern Soccer Club**, hereinafter referred to as the Club. The headquarters of the Club shall be located within the District Boundaries of the Scarborough Soccer Association, hereinafter referred to as the District Association.

Article 2: ADDRESS

The Club's address shall be as indicated on all correspondence and / or registration forms, etc.

Article 3: OBJECTS

1. The purpose of the Club shall be to promote and develop the sport of soccer within F.I.F.A. guidelines, while encouraging fair play and sportsmanship.
2. To promote and develop the game of soccer within its boundaries.
3. To help individuals to develop their character as resourceful and Responsible Members of their community by providing opportunities, through the game of soccer, for their mental, physical, social and Leadership development.
4. To ensure that club soccer programs follow the OSA Long Term Player Development program

Article 4: ORGANIZATION

The organization shall consist of Members who shall elect, at an Annual General Meeting, a Board of Directors who shall make decisions pertaining to all operational aspects of the Club.

Article 5: AFFILIATIONS

The Club shall be a Member of the Scarborough Soccer Association and shall follow the published rules of the District Association and The Ontario Soccer Association, hereinafter referred to as The OSA. The Club is subject to the published rules in declining order of authority of the following governing organizations to which it is affiliated:

1. The OSA
2. The Scarborough Soccer Association
3. The Club

Article 6: MEMBERSHIP

There are three classes of Membership, namely, Regular Member, Honorary Member, and Life Member.



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6.1 Regular Member

A regular Member is either a person in good standing with the Club, a registered player, a registered Club game official, and a registered Club administrator.

Although an individual may qualify for, and be registered under, more than one of the above categories, each individual holds only one Membership in the Club and is entitled to one vote at Members' meetings.

A player shall become a regular Member when his or her registration has been successfully processed in full by the Club's Registrar.

A coach shall become a regular Member upon application acceptance by the directors of the Club. A coach is an individual who is registered with The OSA to teach, instruct, train and guide players to play the game of soccer.

An Administrator shall become a regular Member upon election or appointment by the Directors of the Club. An administrator is an individual who is registered with The OSA to be responsible for one or more of the functions required to operate a Club. For purposes of this definition, a Team Manager and a Director shall be classified as an Administrator.

An Affiliated community member shall become a regular Member pending approval by a quorum of the Directors of the Club.

A quorum of the Directors is fifty percent (50%) plus one (1) Director in attendance, and such a quorum has the power to act.

6.2 Honorary Member

The Board of Directors may designate at its discretion an individual as a Honourary Member for a specific period of time.

A Honourary Member is afforded all rights of Membership, including the right to attend and speak at Members' meetings, but is not entitled to vote.

6.3 Life Member

The Board of Directors may designate at its discretion an individual as a Life Member. A Life Member is afforded all rights of Membership, including the right to attend and speak at Members' meetings, but is not entitled to vote.

6.4 Fees

Membership fees for regular Members shall be set annually by the Board of Directors at a general meeting of the Club.

6.5 Discipline of Member

A Member may be fined, censured, suspended or expelled from Membership for cause and only after charges have been laid in accordance with the Club's published rules and a hearing held in accordance with the Club's and OSA's published rules. An individual whose Membership has been suspended loses all rights of Membership until the suspension has been terminated.



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Player, team and team official discipline for game infractions is governed in accordance with the procedures published by The OSA.

Any Member, who infringes the Articles or Rules of the Club or brings the Club into disrepute, may be reprimanded, suspended or expelled from the Club after a hearing by the Board of Directors of the Club at which hearing the Member is entitled to attend.

6.6 Termination of Membership

Membership in the Club shall be deemed to have been terminated:

1. If the Member submits a signed letter of resignation to the Club
2. If the Member is expelled by the Club's Board of Directors
3. If the Member is no longer registered with the Club

Article 7: BOARD OF DIRECTORS

The Club shall be governed by a Board of Directors that shall consist of at least three (3) individuals, or such number not to be less than three (3), as may be amended from time to time in accordance with the Club's By-Laws. These individuals shall hold the positions of:

1. President
2. Vice- President
3. Secretary
4. Treasurer
5. Registrar
6. Head Coach
7. Director of House League Program
8. Director of Representative Program
9. Director of Referee Program
10. Director of Publicity / Sponsorship Program
11. Director of Equipment
12. Director-At-Large (x2)

A Director may hold more than one position.

A Director shall be 18 years of age or older, shall not be an undischarged bankrupt and shall be a Regular Member of the Club.

A Director shall serve for a term of two years or until his or her successor is elected or appointed.

The Club is a community run, volunteer based, not-for-profit organization. A Director shall receive no remuneration for acting as a Director and no Director shall directly or indirectly receive any profit from their position. Any Director can be reimbursed for Board of Directors approved out-of-pocket expenses incurred while performing duties as a Director.

After an initial Board of Directors has been appointed, the positions of President, Head Coach, Director of Representative Program, Secretary and Director of Equipment, shall be elected in even numbered years



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while the positions of Vice-President, Treasurer, Registrar, Director of House League Program, Director of Referee Program and Director of Publicity / Sponsorship Program shall be elected in odd numbered years.

7.1 Director Vacancy

A Director has the right to resign her or his position by submitting a signed letter of resignation to the Club.

A vacancy on the Board of Directors and their respective position (s) held, caused by death, or resignation that has been accepted by the Board of Directors, shall be filled by a majority fifty percent (50%) plus one (1) vote of the Board of Directors. The successor Director shall hold his or her incumbent's position (s) till the next Annual General Meeting.

7.2 Removal of Director

No Member of the Board of Directors shall be removed for arbitrary reasons but may be removed if:

- The Director is unable to perform the duties expected of the position due to, but not limited to, any of the following reasons:
 - If she/he becomes incapable of performing the business of the Club
 - If she/he is absent from two or more meetings of the Board without satisfactory reason
 - If she/he no longer resides in reasonable proximity to the Club
 - If she/he becomes, or is discovered to be, an undischarged Bankrupt; or the
- Director has compromised the integrity of the Club due to, but not limited to, any of the following reasons:
 - If she/he has been found guilty of an offence involving violence under the Discipline Policy of The OSA
 - If she/he has failed to properly account for monies or other property belonging to the Club
 - If she/he has been found guilty of a criminal offence regardless of whether or not the offence directly affected the Club.

A Member of the Board of Directors holding his or her respective position (s), as Director or other position (s), may be removed from office by the Board of Directors for good and sufficient cause by a 2/3's vote of the Board of Directors present, provided notice to remove the Director has been given to all Directors of the Club. If a Director is removed by the Board of Directors, the Board of Directors may appoint a successor to the position (s) for the remainder of the term (s) being filled.

A Member of the Board of Directors may also be removed from office for good and sufficient cause at a meeting of the Members of the Club provided notice to remove the Director has been given to persons entitled to attend the Members' meeting. If a Director is removed at a Members' meeting, the Members entitled to vote may elect a successor to fill all position (s) held by the removed Director for the remainder of the term (s) being filled.

7.3 Conflict of Interest and Standards of Conduct

The Directors shall be subject to the Conflict of Interest Policy 21.0 in The OSA's published rules.



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7.4 Duties of Board of Directors

The Board of Directors shall conduct the business of the Club during the periods between general meetings of the Club and in accordance with the authority granted to it in the published rules of the Club.

The Board of Directors shall be responsible for the appointment and renewal of appointments of all positions within the Club except for those positions elected by the Membership of the Club. This shall include the appointment of volunteer and paid positions for coach and administrator positions within the Club's operations. The selection process and the appointments shall be based on procedures outlined in the Club's published rules.

The Board of Directors may also revoke, for cause, any appointment providing that it has followed the procedures for the revoking an appointment as outlined in the Club's published rules.

7.5 Duties of Directors

7.5.1 President

Except:

1. As provided for in the Dispute Resolution Policy of The OSA, and
2. Where the President delegates the responsibility to another person,

The President shall:

- Reside at all general meetings of the Club and of the Board of Directors.
- Shall be ex officio member of all committees, except any nominations committee; shall appoint all chairs of standing and special committees subject to ratification by the Board;
- Coordinate all duties of the Board, committees, staff;
- Be the spokesperson for the Club

7.5.2 Vice-President

The Vice President shall:

- Act in the absence of the President
- Have other powers as assigned by the Board of Directors.

7.5.3 Treasurer

The Treasurer shall:

- Ensure that full and accurate records are kept of the accounts of the Club;
- Shall report to the Board of Directors at least once per quarter;
- Submit an audited Annual Financial Report to the Annual General Meeting

7.5.4 Secretary

The Secretary shall:

- Maintain a record of all minutes of the organization;
- Maintain copies of all committee reports;
- Notify officers and committee Members of their election or appointment;



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- Furnish committees with those documents required to perform their duties;
- Sign all certified copies of acts of the organization, unless otherwise specified in the Club's published rules;
- Maintain record books in which bylaws, published rules and minutes are entered and have the current record books available at each meeting;
- Send to the Membership a notice of each general meeting;
- Send to the Board of Directors notices of each meeting;
- Conduct the general correspondence of the organization that is not the proper function of another office or committee;
- Prepare, prior to each meeting in consultation with the presiding officer, an order of business;
- In the absence of the president and vice-president, preside until the immediate election or appointment of a new presiding officer
- Ensure that the Annual reporting requirements of Incorporation

7.5.5 Registrar

The Registrar shall:

- Receive all player registrations
- Submit all registrations cheques, cash, etc. to the Club Treasurer
- Liaise with Director of House League Program, Representative Team coaches and managers re. player registration
- Recommend to the Board of Directors registration deadlines as required by League timetable
- Have such other duties as prescribed by the Board of Directors

7.5.6 Head Coach

The Head Coach shall:

- Meet with coaches at convenient intervals
- Report any disciplinary action to the Board of Directors
- Receive and review coaches/managers/team application forms
- Recommend approval of teams/coaches/managers to the Board of Directors
- Review and recommend rules/regulations/guidelines for teams/coaches to the Board of Directors for approval
- Organize/develop coaches/team/player programs
- Liaise with Director of House League Program, Director of Representative Program and Equipment Manager
- Have such other duties as prescribed by the Board of Directors

7.5.7 Director of House League Program

The Director of House League Program shall:

- Recommend House League coaches for approval of Head Coach
- Arrange all House League schedules for players, coaches, coordinators, etc.
- Recommend House League tournaments and submit to Board of Directors for approval
- Be responsible for distribution and collection of all Club equipment
- Liaise with Equipment Manager



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- Have such other duties as prescribed by the Board of Directors

7.5.8 Director of Representative Program

The Director of Representative Program shall:

- Liaise with Representative Leagues – SCARDESO, CSL, CESL, OYSL, OSL and OPDL to ensure Club and coaches receive all pertinent league information (game schedules, changes, league standings, etc.)
- Attend all functions and meetings
- Informs Club Board of Directors on fines, disciplinary actions, etc.
- Be responsible for distribution and collection of all Club equipment
- Have such other duties as prescribed by the Board of Directors
- Liaise with Equipment Manager

7.5.9 Director of Referee Program

The Director of Referee Program shall:

- Outline/develop referee programs and submit to the Board of Directors for approval
- Organize and implement referee clinics to meeting Club goals
- Liaise with Director of House League Program re. provision of referees for League/tournament/Field Day games
- Implement with Director of House League Program referee disciplinary action and report results to Board of Directors
- Have such other duties as prescribed by the Board of Directors

7.5.10 Director of Publicity / Sponsorship Program

The Director of Publicity / Sponsorship Program shall:

- Develop a plan that will enhance the viability of the Club
- Implement/promote present/future Club status re. League/Cup/Ontario Cup/National accomplishments
- Organize sub-committee to improve Club awareness program (community, etc.)
- Have such other duties as prescribed by the Board of Directors

7.5.11 Director of Equipment

The Equipment Manager shall:

- Develop a plan to ensure an efficient method for the return of all Club owned equipment at season ending (Field Day presentation)
- Be responsible for the pick up/delivery/storage of all Club equipment
- Be responsible, with Director of House League for delivery of equipment to coaches / managers
- Obtain quotations for equipment at beginning of season
- Submit price quotation(s) and sample(s) for purchase of equipment to Board of Directors for approval
- Complete an annual Equipment Audit for presentation to the Board of Directors
- Have such other duties as prescribed by the Board of Directors



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7.5.12 Director-At-Large (x2)

- The duties of the Directors at Large shall be determined by the Board of Directors

7.5.13 Nominations and Elections

Nominations for positions on the Board of Directors may be made by any Member at the Annual General Meeting or at a Special General Meeting called for that purpose.

Nominations and elections for positions open shall be held in the order of the positions listed in the Constitution.

Election shall be by secret ballot, but in the event only one candidate is nominated, no vote is required and the nominated candidate shall be declared elected by acclamation.

A majority of the votes cast shall be required to elect Directors. In the event no candidate receives a majority, the candidate with the least votes shall be dropped from the ballot and another vote shall be held.

Article 8: MEETINGS

8.1 General Meetings

An official notice of each meeting shall be given to all Members at least 14 days before the meeting is to be held, at such place, and at such date as the Board of Directors may determine. Such notification shall be by any / all of the following methods:

- Regular mail
- Email
- Fax
- Website notice
- Newspaper announcement
- Public notice
- Posting at Club office
- Any other method determined by the Members

Twenty voting Members or 20% of the voting Membership, whichever is less, shall form a quorum at all general meetings of the Club. Any question shall be decided by a majority of the votes unless otherwise required by this By-Law or other law.

8.2 Annual General Meeting

The Club shall hold its Annual General Meeting not later than January 31st the following year. The agenda of the Annual General meeting shall include:

1. Members Attendance
2. Credentials Report
3. Minutes of Previous Annual General Meeting
4. President's Address
5. Officers' Reports



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6. Treasurer's Report
7. Auditor's Report
8. Appointment of Auditors
9. Other Reports
10. Unfinished Business
11. Amendments to the By-Laws
12. Membership Attendance
13. Election of Officers and Directors
14. Any Other Business
15. Adjournment

8.3 Special Membership Meeting

A Special Membership Meeting of the Club:

- a) May be called by the Board of Directors, or
- b) Shall be called by the Board of Directors upon receipt of a written request submitted to the Club by registered mail, certified mail, trace mail, courier service, hand delivery, fax or e-mail, signed by not less than 20 Members or 20% of the voting Membership, whichever is less, setting out the items of business to be conducted at the Special General Meeting. The Special General Meeting shall be held within 30 days of receipt of the written request from the Members. Only the business set out in the notice of the Special General meeting shall be considered.

8.4 Voting at General / Special Membership Meeting

Every regular Member aged 18 and over shall have the right to attend, speak and cast one vote at Members' meeting of the Club.

Every regular Member under the age of 18 shall have the right to attend and speak at Members' meetings, but is not entitled to vote.

8.5 Board of Directors Meeting

The Board of Directors shall meet at least 6 times per year. .

A majority fifty percent (50%) plus one (1) of the Members of the Board of Directors shall form a quorum at all meetings of the Board. Questions arising at any meeting shall be decided by a majority of votes where each director is entitled to cast one vote.

Article 9: COMMITTEES

The Membership at any general meeting, or the Board of Directors at any meeting of the Board, may establish a standing committee or special committee to carry out specific business or programs of the Club.



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Article 10: PROCEDURES GOVERNING MEETINGS

All meetings of the Club shall be conducted in accordance with the most recently published Robert's Rules of Order Newly Revised except as may be otherwise stipulated in this By-Law or other Rules and Regulations of the Club.

Article 11: BY-LAWS AND AMENDMENTS

- a) By-Law amendments may be proposed by the Board of Directors, or submitted by a Member to the Club in writing at least 14 days prior to a Special Membership meeting or 30 days prior general meeting of the Club; and must be approved by a majority fifty percent (50%) plus one (1) vote of the Board of Directors, and by a majority fifty percent (50%) plus one (1) vote of the Membership voting in person at a meeting of the Club duly called for that purpose.
- b) All Members entitled to vote shall be notified with the Club's notice of the said Members' meeting about By-Law amendments.

Such notification shall be:

- Regular mail
- Email
- Fax
- Website notice
- Newspaper announcement
- Public notice
- Posting at Club office
- Any other method determined by the Members

Article 12: RULES AND REGULATIONS

The Club shall have Rules and Regulations, which shall include, but is not limited to, the following:

- a) Discipline of a Member: summary of charges regarding misconduct
- b) Discipline of a Member: procedures for discipline hearing
- c) Duties of Board of Directors: authority granted to Board regarding the business being conducted
- d) Duties of Board of Directors: selection process and appointment process for the appointment and renewal of appointments to the League's paid and volunteer positions
- e) Duties of Board of Directors: process for revoking appointments

The Board of Directors may approve and publish Rules and Regulations, which are not inconsistent with this By-Law and are not inconsistent with the Rules and Regulations of a higher level governing organization.

Amendments to the Rules and Regulations may be made by a majority fifty percent (50%) plus one (1) vote of the Board of Directors or the Members at a General Meeting.



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12.1 Execution of Documents

Contract, cheques and engagements in writing requiring execution by the Club shall be signed by any two of the following President, Vice-President, Secretary, Treasurer or Registrar of the Club. Notwithstanding the foregoing, the Executive may at any time by resolution direct the manner in which, and the person or persons by whom, any particular instrument, contract or obligation of the Club may or shall be executed

Article 13: INDEMNITY

Members of the Board of Directors or other servants to the Club, their heirs, executors, administrators and estate and effects respectively shall be indemnified and saved harmless at all times by the Club against all costs, losses and expenses incurred by them respectively in or about the discharge of their respective duties, except such as happens from their own respective willful neglect or default.

Article 14: FINANCE

The financial statements of the Club shall be

- a) Presented annually subject to the minimum requirements as defined in d);
- b) Based on a defined fiscal year end as defined in f).;
- c) Presented to the members at the Annual General Meeting;
- d) (Select the applicable clause below based on the gross revenue of your Club)
 - Audited, as defined by the Canadian Institute of Chartered Accountants (CICA), by a public accountant if the Club's annual gross revenue is greater than or equal to \$150,000 or the Club has greater than or equal to 1000 registered players
 - Reviewed by Public Accountant, Certified General Accountant or a Certified Management Accountant through a Financial Review Engagement, as defined by CICA, if the Club's annual gross revenue is less than \$150,000 but greater than or equal to \$100,000, or the Club has less than 1000 but greater than or equal to 500 registered players
 - Signed with a Notice to Reader prepared by a Public Accountant, Certified General Accountant or a Certified Management Accountant less than \$100,000 but greater than or equal to \$10,000.00
 - Completed by the Treasurer or designate, if the Club's annual gross revenue is less than \$10,000
- e) If an auditor is required:
 - I. At each Annual General Meeting, the Members will appoint an auditor to audit the books, accounts and records of the Club who will report to the CRA
 - II. The members may, by special resolution passed by a majority fifty percent (50%) plus one (1) of the votes cast at a general meeting of which proper notice has been provided, remove any auditor before the expiration of the auditor's term of office;
 - III. The auditor will not be a director, officer or employee of the Club or any affiliated Club or who is a partner, employer or employee of any such director, officer or employee;
 - IV. The auditor will report to the members at the annual general meeting the auditor's financial statement which presents fairly the financial position of the Club and the results of its operations for the period under review in accordance with generally accepted account principles;



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- V. The auditor's report will be open for inspection by any member of the Club.
- f) The fiscal year of the Club shall end on November of each year, unless otherwise ordered by the Board of Directors

Article 15: DISPUTE RESOLUTION

The Club shall adhere to the Dispute Resolution process as published and approved by The OSA from time to time.

Any Member of the Club may initiate the Dispute Resolution process by communicating in writing to The OSA, with a copy to the Club and District Association, the nature and facts of the dispute. The OSA, at its discretion, may proceed with the Dispute Resolution process by assigning one or more neutral persons to the dispute.

The Dispute Resolution process shall not be used for game discipline, which follows the normal discipline and appeals process.

The Club shall make available to any Member the Dispute Resolution process when requested.

Article 16: HARASSMENT

The Club shall adhere to the Harassment Policy as published and approved by The OSA from time to time.

The Harassment Policy shall apply to all employees, directors, officers, volunteers, coaches, game officials, administrators, players, members and registrants of the Club.

Harassment is defined as any comment, conduct, or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive. It includes, but is not limited to, sexual harassment.

The Club shall make available to any Member the Harassment Policy when requested.

Article 17: APPEALS

- a) Any Member or registrant of the Club directly affected by a decision of the Club may appeal such decision. The denial or termination of Membership in the Club may be appealed by a non-Member.
- b) A decision of the Club may be appealed to the District Association with which the Club is affiliated.

The appeal shall be conducted in accordance with The OSA's and District Association's published rules.

- c) An individual shall not appeal a decision made by the Board of Directors regarding the appointment, non-appointment, reappointment or revocation of an appointment of an individual to any coach or administrator position within the Club's operations, except where the selection, appointment and revocation process outlined in the Club's published rules has not been followed.



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- d) An individual shall not appeal a decision made by the Club regarding a player's team assignment.

Article 18: DISSOLUTION

In the event of dissolution of the Club, and after payment of all debts and liabilities, its remaining property shall be distributed or disposed of by the Office of Public Trustee & Public Guardian to one or more not-for-profit soccer related organizations, or any not-for-profit athletic community organizations, which operate solely in Ontario.

Article 19: DEFINITIONS / TERMINOLOGY

Terminology used in this By-Laws shall have the same meaning as used by The OSA in its letters patent, By-Laws and published rules.

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