



## **UTM Fastpitch Association By-Laws & Constitution**

### **Article 1 – Working Name**

The working name of the Association shall be UP THE MIDDLE (UTM) FASTPITCH, here after referred to as the “Association”

### **Article 2 – Objectives**

- (a) To provide, improve, foster, and promote softball for athletes between the ages of 8 to 23 throughout the province of Ontario.
- (b) To teach and encourage sportsmanship, fair play, sense of community through sport
- (c) To provide a strong leadership group to the players & member families of the Association
- (d) To promote the UTM brand at tournaments and events across Ontario, and the North Eastern United States

### **Article 3 – Membership**

- (a) The players, assistant coaches, trainers, & managers listed on the roster of any approved UTM affiliated entity, who have registered and paid the affiliate fees as outlined and agreed to comply with this document, and any other rules and regulations governing the activities of the Association together with the parents and/or guardians of those players shall be considered non-voting members of the Association
- (b) The head-coach of each UTM affiliate, shall be considered voting members of the Association
- (c) The non-voting members of the association and the voting members of the Association together constitute the entire membership of the Association.

### **Article 4 – Rules & Regulations**

The Association agrees to incorporate as its own the rules and regulations of the Canadian Amateur Softball Association (C.A.S.A.), Softball Canada and the Provincial Women’s Softball Association (P.W.S.A.), subject to additions and/or deletions as may be made by the Association.

### **Article 5 – UTM Affiliate Partnerships**

The following outlines the process to become an approved UTM affiliate:

- (a) Applications to become a UTM affiliated team are available online at [www.utmrevolution.com](http://www.utmrevolution.com)
- (b) Applications are excepted at any time, but specifically in the summer months leading into the fall tryout season
- (c) Applications to become an affiliate are able to be made free of charge



- (d) Applications to become an affiliate are reviewed by one or more members of the Executive committee.
- (e) Once approved as an affiliate, the approval lasts for a period of 12-months as agreed to in the affiliation agreement, or until revoked by one or more members of the executive committee
- (f) Existing affiliated clubs, can apply to renew by contacting the executive committee. A request to renew an affiliation is not guaranteed
- (g) Once approved as an affiliate, the Association agrees to not approve/allow another affiliate in the same age class & tier, within the same geographic region as the now approved affiliate.

#### **Article 6 – Directors & Officers**

- a) The head-coach or an approved alternate shall be appointed to the Executive committee once their application to become a UTM affiliate has been approved. (Up to a maximum of 8)
- b) The officers of the Association shall be the President, and Executive team members derived from section (a) above, as well as community members that are approved by the President and Executive team members.
- c) All positions will be for a term of 1-year, and positions will be assumed effective October 1<sup>st</sup> each year. New affiliates and their designated executive team member may participate in discussions at the executive level prior to this date, however they will not be allocated a vote on matters until the above date.

#### **Article 7 – Duties of the Executive Team**

To act in good faith in advancing the objectives of the Association, through sound judgement, and unbiased decision making, taking into consideration all the affiliates and UTM as a whole, versus an individual affiliate agenda.

#### **President**

The President shall preside at all meetings of the Association and the Executive Committee. The President of the Association, shall be allowed to vote on all resolutions, and is also the tie-breaking vote should a vote come up with equal support and non-support. The President of the Association does not get a “2<sup>nd</sup> vote” if they are also the designated Executive team member for an approved affiliate.

#### **Executive Member (appointed by approved UTM affiliate club)**

All members of the Executive Team are expected to comply with Article 7 referenced above. Attend meetings of the Association when scheduled, and comment, raise opinions on voting resolutions throughout their year of service. Each member of the executive team is entitled to one vote. A member



of the executive team (rotation) is expected to take meeting minutes as warranted. Meeting minutes will be published internally, and then on the Association website ([www.utmrevolution.com](http://www.utmrevolution.com))

### **Article 8 Election of President**

As the founder of the Association, Chris Meyer is deemed to be the President of the Association for a period of no less than the next 24-months (period runs from October 1 2018, to September 30, 2019). After that time, a new president will be chosen by vote of the Executive Committee. The outgoing president is allowed to once again be eligible for the position, as either an appointed executive team member via an affiliate, or via a community member as referenced in Article 6(b).

### **Article 9 Meetings of the Association**

There will be an annual meeting of Executive team members in October of each calendar year. That meeting can be in a physical location, or a virtual meeting (depending on the location of affiliated clubs) and/or a combination of both. The date of the meeting will be communicated on the Association website [www.utmrevolution.com](http://www.utmrevolution.com) The meeting is OPEN to both Executive team members, as well as non-voting members of the Association (players, parents, assistant coaches, trainers, managers, paid employees if applicable etc.

At the annual meeting each appointed member of the Executive team is expected to provide a report on their affiliate club. If there are more affiliated clubs then executive team members those clubs are also expected to provide reports in advance to the President. These reports must include an overview of the affiliate, performance of the affiliate, a financial record of transactions carried out by affiliates etc.

Additional physical or virtual meetings can occur as needed throughout the year. In order for quorum to be validated the meeting must be attended by 2/3 of the executive team. If less than this amount is in attendance, no resolutions can be passed.

E-mail, or web discussions are also an accepted form of discussion for meetings of the Association.

### **Article 10 – Amendments**

Amendments to any of this document shall only be made at the Annual Meeting. Notice of proposed amendments to this document must be brought forward 14-days in advance of the published meeting date. These proposed amendments will be shared with all existing, and all newly approved affiliates prior to the meeting (typically electronically)

### **Article 11 – Appendix**



In addition to all of the above, the Association also has approved the following appended sections to our constitution. All of the appendix that follows must be followed and adhered to.

### **Appendix A – UTM Social Media Policy**

The following accounts are the approved social media accounts of the Association.

Twitter: @UTMFASTPITCH

Facebook: [www.facebook.com/utmfastpitch](http://www.facebook.com/utmfastpitch)

Instagram: @UTMFASTPITCH

Any additional accounts must be approved by the President of the Association.

UTM Fastpitch is aware that Association members will engage and interact on various forms of social media. (Social media is used as a catch-all phrase that for the intent of this document includes, Facebook, Twitter, Instagram, Snapchat, Redit, UTM Forum, Tumblr, You Tube, Hangouts, KIK). Our social media policy applies to all members of the Association as defined in the Constitution.

### **Conduct & Behaviour**

The following Social Media conduct may be considered minor/major infractions at the discretion of the Executive team:

- a) Posting a disrespectful, hateful, insulting, or otherwise negative comment on any form of social media, that is directed at the President, executive team members, members, players, team managers, coaches, or at other persons connected with the Association.
- b) Posting a disparaging or harmful comment on any form of social media that is directed towards anyone outside of the Association (not limited to softball specific posts).
- c) Creating or contributing to any form of social media that is devoted to promoting negative or disparaging remarks or commentary about the Association, its players, parent, coach, team managers etc. or related events.
- d) Posting a picture, altered picture, or video on any form of social media that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at **anyone** .
- e) Any instance of cyber-bullying or cyber-harassment between one member to another member (including a teammate, coach, opponent, volunteer, or official) where incidents of cyber-bullying and



cyber-harassment can include but are not limited to the following conduct on any social medium, via text-message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies or other harmful behaviour.

f) Any open post on social media that shows an under-age member of the Association using drugs and or alcohol will also not be tolerated and subject to discipline from the executive committee.

g) Any instance of bringing the game of softball into disrepute.

### **Member Accountability**

- Members must be aware that their Social Media use may be monitored by the Association
- When using Social Media, a Member must model appropriate behaviour benefitting the Member's status as a member of the Association
- Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Member from being subject to the Association Policy Relating to Member Conduct.
- A member who believes that the Social Media use by another member is inappropriate or may be in violation of the Association policies and procedures, should report the matter to the Association executive team.

### **NOTE**

The Association fully supports the rules governing social media use as written and communicated by the Provincial Women's Softball Association (PWSA). UTM and its affiliated clubs should constantly review the policy of PWSA to ensure compliance in cases where our Association policy hasn't specifically covered an issue in enough detail.



## **Appendix B – UTM Code of Conduct Policy**

### **PURPOSE**

- The purpose of this Code of Conduct (“Code”) is to ensure a safe and positive environment by making all individuals aware that there is an expectation, at all times, of appropriate behavior consistent with the values of UTM Fastpitch (the “Association”)
- The Association is committed to providing an environment in which all individuals are treated with respect. UTM supports equal opportunity and prohibits discriminatory practices. Individuals are expected to conduct themselves at all times in a manner consistent with and include fairness, integrity, accountability, excellence, accessibility, innovation and respect.

### **APPLICATION OF THIS CODE**

- This Code applies to conduct that may arise during the course of Association business, activities and events, including but not limited to: its environment, league games, host tournaments, exhibition games, team building events, practices, etc.

### **RESPONSIBILITIES**

**All individuals** have a responsibility to:

- a) Maintain and enhance the dignity and self-esteem of UTM members and other individuals by:
  - i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, gender, ancestry, colour, ethnic or racial origin, nationality, national origin, sexual orientation, age, marital status, religion, religious belief, political belief, disability or economic status.
  - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, and members.
  - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership and ethical conduct.
  - iv. Acting, when appropriate, to prevent or correct practices that are unjustly discriminatory.
  - v. Consistently treating individuals fairly and reasonably.
  - vi. Ensuring adherence to the rules of softball and the spirit of those rules.
- b) Refrain from any behavior that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious. Types of behavior that constitute harassment include, but are not limited to:
  - i. Written or verbal abuse, threats or outbursts.
  - ii. The display of visual material which is offensive or which one ought to know is offensive in the circumstances.
  - iii. Unwelcomed remarks, jokes, comments, innuendo or taunts.



- iv. Leering or other suggestive or obscene gestures.
  - v. Condescending or patronizing behavior, which is intended to undermine self-esteem, diminish performance or adversely affect working conditions.
  - vi. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance.
  - vii. Any form of hazing where hazing is defined as "Any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior ranking athlete by a more senior team-mate, which does not contribute to either athlete's positive development, but is required to be accepted as part of a team, regardless of the junior-ranking athlete's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any team-mate based on class, number of years on the team, or athletic ability."
  - viii. Unwanted physical contact including, but not limited to, touching, petting, pinching or kissing.
  - ix. Unwelcomed sexual flirtations, advances, requests or invitations.
  - x. Physical or sexual assault.
  - xi. Behaviors such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment.
  - xii. Retaliation or threats of retaliation against an individual who reports harassment to the UTM Executive Team.
- c) Refrain from any behavior that constitutes sexual harassment, where sexual harassment is defined as unwelcomed sexual comments and sexual advances, requests for sexual favors, or conduct of a sexual nature. Types of behavior that constitute sexual harassment include, but are not limited to:
- i. Sexist jokes.
  - ii. Display of sexually offensive material.
  - iii. Sexually degrading words used to describe a person.
  - iv. Inquiries or comments about a person's sex life.
  - v. Unwelcomed sexual flirtations, advances or propositions.
  - vi. Persistent unwanted contact.
- d) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the Association adopts and adheres to the Canadian Anti-Doping Program. Any infraction under this Program shall be considered an infraction of this Code and shall be subject to disciplinary action. The Association will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Association or any other sport organization.
- e) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development or supervision of the sport of competitive softball, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canada Center for



Ethics in Sport (CCES).

- f) Refrain from the use of power or authority in an attempt to coerce another person to engage in appropriate activities.
- g) Respect the property of others and not willfully cause damage.
- h) Promote softball in the most constructive and positive manner possible.
- i) Adhere to all federal, provincial, municipal and host country laws.
- j) Comply at all times with the By-Laws, policies, procedures, rules and regulations of the UTM Constitution and all appended agreements, as adopted and amended from time to time.

### **HEAD COACHES, ASSISTANTS, TEAM MANAGERS**

In addition to the UTM Code of Conduct (above), coaches have additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:

- a) Meet the highest standards of credentials, integrity and suitability, including, but not limited to, such considerations established by the Association so that the softball community is satisfied it has minimized the risk of an unsafe environment.
- b) Report any ongoing criminal investigation, conviction or existing bail conditions, including those for violence, child pornography, or possession, use or sale of an illegal substance.
- c) Under no circumstances provide, promote or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcoholic beverages and/or tobacco.
- d) Respect all other teams and athletes from other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of coaching, unless first receiving approval from the coach who is responsible for the team or athlete(s) involved.
- e) Not engage in a sexual relationship with an athlete of under the age of 18 years, or an intimate or sexual relation with an athlete over the age of 18 if the coach is in a position of power, trust or authority over such athlete.
- f) Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the right of participants who are in a vulnerable or dependent position and less able to protect their own rights.
- g) Dress professionally, neatly and inoffensively.
- h) Use inoffensive language, taking into account the audience being addressed.





## **ATHLETES**

9. In addition to the UTM Code of Conduct (above), athletes will have additional responsibility's to:
- a) Properly represent oneself and not attempt to enter a competition for which one is not eligible, by reason of age, classification or other reason.
  - b) Never ridicule a participant for a poor performance or practice.
  - c) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other players, officials, coaches or spectators.
- Dress in a manner representative of the UTM Fastpitch with focus being on neatness, cleanliness, and discretion.
  - Designated official clothing, if applicable, must be worn when traveling and competing. Clothing of a rival team or organization is not permitted to be worn at Association events.



## **APPENDIX C – AFFILIATE FINANCIALS**

UTM (the “Association”) allows each affiliate (if so chosen) to operate as a separate financial entity.

The Association recognizes that the costs per affiliate will differentiate based on geography, level of play, number of events chosen, league play, exhibition play, venue for indoor/outdoor training, equipment costs, guest instructors, etc. However each affiliated club is accountable for providing the Association with the following:

- a) A Team budget which can include a separate fall travel budget, winter training, and in-season budget, or all of these can be amalgamated into one. The team budget must be made available by March 31 each calendar year. Failure to provide a financial budget will result in the loss of approved affiliate status for subsequent years
- b) A list of approved signing officers for the affiliate bank account
- c) An end of season summary of the financials of the affiliate should be presented at the annual meeting of the Association

UTM as the “Association” can from time to time subsidize affiliate events, including uniforms, equipment, tournament entry fees, etc. If such subsidization occurs the Association will disclose to all affiliates that this has occurred.

UTM as the “Association” earns revenue from advertising on our websites, souvenir sales at events, and through partnerships with other associations and community groups. The Association must disclose these financials at the annual meeting of the Association membership.

UTM as the “Association” will maintain a bank account that will allow financial transactions to take place using the Canadian Banking system. This can include payment and receipt of invoices, fees, etc.



## **APPENDIX D – UTM FEE POLICY**

The following provides a quick summary of the policy concerning player fees charged by all affiliate clubs:

### **Fall Deposit**

If an affiliate chooses to charge a fall deposit fee, this fee is deemed non-refundable. The fee is often charged to hold a player's spot on the roster, cover insurance and affiliation fees. All of these are almost immediate sunken costs, and thus if a player/family elects to quit or choose another team to play ball, the fee is not refundable.

### **Season Fees**

The fees charged by affiliated clubs can vary (as per Appendix C). Player fees charged, are non-refundable, however if a player and/or family must withdraw from the team due to season injury the affiliate is expected to review their financials and determine if a possible refund, for events not "used" is possible. If the affiliate, or the Association removes a player from a club – the affiliate is expected to refund any/all non-used services back to the player/family. Typically non-used services would be limited to a pro-rated share of tournament expenses not yet played.

### **NSF Payment Fee**

If a payment is NSF to the Association, the Association has the right to ask the payor for the cost of the NSF charged by the Association bank. No additional NSF fee is allowed to be collected.

### **Payment Plans**

Each affiliate is allowed to negotiate payment plans with players/parents. The Association is not accountable to make an affiliate whole for payments not made by players/parents. This is a matter that is left to the individual affiliate and its player/parent.



## **APPENDIX E – 2018 EXECUTIVE TEAM MEMBER STRUCTURE**

As of March 16, 2018 the Association Executive team is as follows:

- President: Chris Meyer
- Executive Member (UTM REV1): Trevor Botting
- Executive Member (UTM 2K2): Randy Drover
- Executive Member (UTM East): Dan Crosby
- Executive Member (UTM Brantford): Helen Hall

The Executive Team may elect to appoint additional community members at a later date. Should this appointment occur, we will update this document notating the changes below:

Community Member Added:	Date:



## Appendix F – Player Equipment

As of April 1, 2018...

All “PITCHERS” born in 2004 or later are required to wear a protective face shield/mask while pitching at all UTM practices, games, tournaments (no exception made). This rule applies regardless of the type of ball being used. \*\*\*For all other pitchers the wearing of the face mask is strongly encouraged.

All “CATCHERS” are required to wear (a) knee/leg pads, (b) chest protector, (c) helmet at all times when catching for UTM pitchers during practice, warm-up, games, tournaments etc.