

St. Thomas Express Volleyball Club Constitution & By-Law

St Thomas Express Volleyball Club Constitution & By-Law

Date: 29 September 2024

Constitution

OUR MISSION

St. Thomas Express is an athlete-centred club where dedicated volunteers provide leadership in the growth and development of volleyball for all players in Elgin County by focusing on teaching two things, joy and technique.

VISION

St. Thomas Express Volleyball Club is a leading sport organization in Southwestern Ontario.

VALUES

- **ACCOUNTABILITY:** By acting in a fiscally responsible and transparent manner with St. Thomas Express Volleyball Club funds, governance, and operations to promote practices that contribute to safe sporting environments.
- **EXCELLENCE:** By designing and delivering the best possible programs and services for all St. Thomas Express Volleyball Club stakeholders.
- **COLLABORATION:** By working respectfully in partnership with key stakeholders locally, provincially, and nationally including government, funding partners, clubs, national organizations, para organizations, volunteers, athletes, families, coaches, administrators, officials, service providers, and sponsors through on-going feedback and input from stakeholders.
- **INTENTIONALITY:** By developing programs that are based on clear strategic objectives in order to achieve high quality meaningful and relevant desired outcomes.
- **SUSTAINABILITY:** By building organizational capacity, partnerships, innovative funding, sharing, and economizing of resources to achieve the strategic objectives and sports mandate.
- **INTEGRITY & RESPECT:** By interacting with all our stakeholders, by fostering trust in all our relationships as consistently demonstrated by our actions, and promoting inclusivity for all participants in a fair manner.

St. Thomas Express Volleyball Club Constitution & By-Law

BY-LAW NO. 1
(Created 16 November 2018, Revised 29 September 2024)

A By-Law relating generally to the transaction of the affairs of

ST. THOMAS EXPRESS VOLLEYBALL CLUB

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BE IT ENACTED as a By-Law of

ST. THOMAS EXPRESS VOLLEYBALL CLUB

Article 1 – General

1.01 Definitions

In this By-Law, unless the context otherwise requires:

- a) “Act” means the Not-for-Profit Corporations Act, 2010 (Ontario) and, where the context requires, includes the regulations made under it, as amended or re-enacted from time to time;
- b) “Board” means the Board of Directors of the Corporation;
- c) “By-Law” means this By-Law (including the schedules to this By-Law) and all other By-Laws of the Corporation as amended and which are, from time to time, in force;
- d) “Chair” means the Chair of the Board and, by default, shall be the President;
- e) “Corporation” means the Corporation that has passed this By-Law under the Act or that is deemed to have passed this By-Law under the Act;
- f) “Director” means an individual occupying the position of Director of the Corporation;
- g) “Member” means a Member of the Corporation;
- h) “Members” means the collective Membership of the Corporation; and
- i) “Officer” means an Officer of the Corporation (President, Vice-President(s), Secretary and Treasurer)

1.02 Interpretation

Other than as specified in Section 1.01, all terms contained in this By-Law that are defined in the Act shall have the meanings given to such terms in the Act. Words importing the singular include the plural and vice versa, and words importing one gender include all genders.

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1.03 Severability and Precedence

The invalidity or unenforceability of any provision of this By-Law shall not affect the validity or enforceability of the remaining provisions of this By-Law. If any of the provisions contained in the By-Law are inconsistent with those contained in the Articles or the Act, the provisions contained in the Articles or the Act, as the case may be, shall prevail.

1.04 Execution of Contracts

Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by the Corporation may be signed by any two of its Officers or Directors. In addition, the Board may from time to time direct the manner in which and the person by whom a particular document or type of document shall be executed. Any person authorized to sign any document may affix the corporate seal, if any, to the document. Any Director or Officer may certify a copy of any instrument, resolution, By-Law or other document of the Corporation to be a true copy thereof.

1.05 By-Law Revisions

By-Laws may be provisionally revised at Directors meetings. Any provisional changes to by-laws will become permanent, subject to ratification voting at the Annual Members Meeting.

Article 2 – Directors

2.01 Election and Term

New Board Members will be elected by voting during the Annual General Members meeting. If a vacancy arises during the fiscal year, an acting Board Member may be elected or appointed by a vote of the majority of Board Members.

2.02 Composition

The Board shall consist of a minimum of 5 elected Directors and a maximum of 13 elected Directors.

2.03 Vacancies

The office of a Director shall be vacated immediately:

- a) If the Director resigns office by written notice to the Corporation, which resignation shall be effective at the time it is received by the Corporation or at the time specified in the notice, whichever is later;
- b) If the Director dies;
- c) If the Director becomes bankrupt;
- d) If the Director is found to be incapable of managing property by a court or under Ontario law; or

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- e) If, at a meeting of the Members, a resolution is passed by more than half of the Directors removing the Director before the expiration of the Director's term of office. For the vote to be valid, the notice for the meeting must say Directors will be asked to vote on removing the Director.

2.04 Filling Vacancies

A vacancy on the Board shall be filled as follows:

- a) A quorum of Directors may fill a vacancy among the Directors;
- b) If there is not a quorum of Directors or there has been a failure to elect the minimum number of Directors set out in the Articles, the Directors in office shall, without delay, call a special meeting of Members to fill the vacancy and, if they fail to call such a meeting, a meeting may be called by any Member;
- c) If the vacancy occurs as a result of the Members removing a Director, the Members may fill the vacancy by a majority vote and any Director elected to fill the vacancy shall hold office for the remainder of the removed Director's term; and
- d) The Board may fill any other vacancy by a majority vote, and the appointee shall hold office for the remainder of the unexpired portion of the term of the vacating Director. After that, the appointee shall be eligible to be elected as a Director.

2.05 Committees

Committees may be established by the Board as follows:

- a) The Board may appoint from their number a managing Director or a committee of Directors and may delegate to the managing Director or committee any of the powers of the Directors excepting those powers set out in the Act that are not permitted to be delegated; and
- b) Subject to the limitations on delegation set out in the Act, the Board may establish any committee it determines necessary for the execution of the Board's responsibilities. The Board shall determine the composition and terms of reference for any such committee. The Board may dissolve any committee by resolution at any time.
- c) Committees may establish their own procedural rules.

2.06 Remuneration of Directors

The Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit from occupying the position of Director; provided that:

- a) Directors may be reimbursed for reasonable expenses they incur in the performance of their duties as Directors;
- b) Directors may be paid remuneration and reimbursed for expenses incurred in connection with services they provide to the Corporation in their capacity other than as Directors, provided that the amount of any such remuneration or reimbursement is: (i) considered reasonable by the Board; (ii) approved by the Board for payment by resolution passed before such payment is

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made; and (iii) in compliance with the conflict of interest provisions of the Act; and

- c) Notwithstanding the foregoing, no Director shall be entitled to any remuneration for services as a Director or in other capacity if the Corporation is a charitable corporation, unless the provisions of the Act and the law applicable to charitable corporations are complied with.

Article 3 – Board Meetings

3.01 Calling of Meetings

Meetings of the Directors may be called by the Chair, President or any two Directors at any time and any place on notice as required by this By-Law.

3.02 Regular Meetings

The Board may fix the place and time of regular Board meetings and send a copy of the resolution fixing the place and time of such meetings to each Director, and no other notice shall be required for any such meetings.

3.03 Notice

Notice of the time and place for the holding of a meeting of the Board shall be given in the manner provided in Article 10 of this By-Law to every Director of the Corporation, not less than seven days before the date that the meeting is to be held. Notice of a meeting is not necessary if all of the Directors are present, and no Director objects to the holding of the meeting, or if those absent have waived notice or have otherwise signified their consent to the holding of such meeting. If a quorum of Directors is present, each newly elected or appointed Board may, without notice, hold its first meeting immediately following the annual meeting of the Corporation.

3.04 Chair

The Chair, by default, shall be the President. The Chair shall preside at Board meetings. In the absence of the President as Chair, the Vice-President Internal shall preside at Board meetings. If neither the President or the Vice-President Internal are in attendance, no business requiring voting may be conducted.

3.05 Voting

Each Director has one vote. Questions arising at any Board meeting shall be decided by a majority of votes. In case of an equality of votes, the Chair is entitled to one vote, and only to break the tie. Notwithstanding Article 3.06, all votes by the Board of Directors must take place synchronously (in person or via video conference).

3.06 Participation by Telephone or Other Communications Facilities

If all of the Directors of the Corporation consent, a Director may participate in a meeting of the Board or of a Committee of Directors by telephonic or electronic means that permit all participants to communicate adequately with each other during the meeting. A Director participating by such means is deemed to be present at that meeting.

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Article 4 - Financial

4.01 Financial Year

The financial year of the Corporation ends on June 30th in each year or on such other date as the Board may from time to time by resolution determine.

4.02 Team Banking Requirements

Each team in the competitive program must open a bank account at the same banking institution as the Club. The following requirements must be met for each team bank account:

- a) The bank account must be a dual-signature chequing account;
- b) One of the two account signatories must be a member of the Board of Directors;
- c) The team Head Coach(es), Assistant Coach(es), or relatives of either, may not be a signatory of the account; and
- d) The bank account must not include the word “EXPRESS” or “EVC” in the account name.

Article 5 – Officers

5.01 Officers

The Board shall appoint, from among the Directors, a Chair and may appoint any other person to be President, Vice Presidents, Treasurer and Secretary at its first meeting following the Annual Meeting of the Corporation. The office of Treasurer and Secretary may be held by the same person and may be known as the Secretary-Treasurer. The Board may appoint such other Officers and Agents as it deems necessary, and who shall have such authority and shall perform such duties as the Board may prescribe from time to time.

5.02 Office Held at Board’s Discretion

Any Officer shall cease to hold office upon resolution of the Board.

5.03 Duties

Officers shall be responsible for the duties assigned to them and they may delegate to others the performance of any or all of such duties.

5.04 Duties of the Chair

The Chair shall perform the duties described in sections 3.04 and 9.05 and such other duties as may be required by law or as the Board may determine from time to time.

5.05 Duties of the President

The President shall perform the duties described in **Schedule A** and such other duties as may be required by law or as the Board may determine from time to time.

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5.06 Duties of the Vice-President Internal

The Vice-President Internal shall perform the duties described in **Schedule B** and such other duties as may be required by law or as the Board may determine from time to time.

5.07 Duties of the Vice-President External

The Vice-President External shall perform the duties described in **Schedule C** and such other duties as may be required by law or as the Board may determine from time to time.

5.08 Duties of the Treasurer

The Treasurer shall perform the duties described in **Schedule D** and such other duties as may be required by law or as the Board may determine from time to time.

5.09 Duties of the Secretary

The Secretary shall perform the duties described in **Schedule E** and such other duties as may be required by law or as the Board may determine from time to time.

Article 6 – Protection of Directors and Others

6.01 Protection of Directors and Officers

No Director, Officer or Committee Member of the Corporation is liable for the acts, neglects or defaults of any other Director, Officer, Committee Member or employee of the Corporation or for joining in any receipt or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by resolution of the Board or for or on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the money of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or Corporation with whom or which any moneys, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his or her respective office or trust provided that they have:

- a) Complied with the Act and the Corporation's Articles and By-Law; and
- b) Exercised their powers and discharged their duties in accordance with the Act.

6.02 Indemnifying of Directors and Others

Pursuant to Article 6.01, if an insurance claim is brought against a Director, Officer or Board Member of the Corporation which is paid out under the Club's insurance policy, then the Club may indemnify that Director, Officer or Board Member for the value of the deductible associated with the coverage paid out per the Club's insurance policy.

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Article 7 – Conflict of Interest

7.01 Conflict of Interest

A Director who is in any way directly or indirectly interested in a contract or transaction, or proposed contract or transaction, with the Corporation shall make the disclosure required by the Act. Except as provided by the Act, no such Director shall attend any part of a meeting of Directors or vote on any resolution to approve any such contract or transaction.

Article 8 – Members

8.01 Members

Membership is deemed to have been accepted by the Board, if Club fees are paid in full for the current fiscal year and an athlete is registered with the Club.

Membership in the Corporation shall consist of two classes of Members, namely, Class A Members and Class B Members.

The Board may, by resolution, approve the admission of the Members of the Corporation. Members may also be admitted in such other manner as may be prescribed by the Board by resolution. The following conditions of Membership shall apply:

Class A Members – Competitive Membership

Class A Members shall be persons who have applied and been accepted for Class A Membership in the Corporation.

- i) The term of Membership of a Class A Member shall be the fiscal year in which the athlete participates in a Club program, subject to renewal in accordance with the policies of the Corporation.
- ii) As set out in the Articles, each Class A Member shall be entitled to receive notice of, attend, and vote at all meetings of Members and each such Class A Member shall be entitled to one (1) vote per registered competitive family at such meetings on topics related to Club competitive business.

Class B Members – Non-competitive Membership (such as Grass Roots, House League & Select teams, Adult Recreation Leagues)

Class B Members shall be persons who have applied and been accepted for Class B Membership in the Corporation.

- i) The term of Membership of a Class B Member shall be the fiscal year in which the athlete participates in a Club program, subject to renewal in accordance with the policies of the Corporation.
- ii) Subject to the Act and the Articles, a Class B Member shall be entitled to one (1) vote per registered non-competitive family at such meetings on topics related to Club non-competitive business (such as Grass Roots or House League).

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8.02 Membership

A Membership in the Corporation is not transferable and automatically terminates if the Member resigns or such Membership is otherwise terminated in accordance with the Act.

Additional note about Membership and Vote entitlement:

If a family has paid fees and registered athletes in both Competitive and Non-competitive programs, then Membership in both Class A and Class B exists and that family is entitled to one (1) vote for each Class A and Class B as per Article 8.01 above.

8.03 Disciplinary Act or Termination of Membership for Cause

- a) Upon 15 days' written notice to a Member, the Board may pass a resolution authorizing disciplinary action or the termination of Membership for violating any provision of the Articles or By-Law.
- b) The notice shall set out the reasons for the disciplinary action or termination of Membership. The Member receiving the notice shall be entitled to give the Board a written submission opposing the disciplinary action or termination not less than five (5) days before the end of the 15-day period. The Board shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of Membership.
- c) If Membership is terminated, fees refund will issued at the discretion of the Board.

Article 9 – Members' Meetings

9.01 Annual Meeting

The Annual Meeting shall be held on a day and at a place within Ontario fixed by the Board. Any Member, upon request, shall be provided, not less than 5 days before the Annual Meeting, with a copy of the approved financial statements, auditor's report or review engagement report, and other financial information required by the By-Law or Articles.

The business transacted at the Annual Meeting shall include:

- a) Receipt of the agenda;
- b) Receipt of the minutes of the previous annual and subsequent special meetings;
- c) Consideration of the approved financial statements;
- d) Report of the auditor or person who has been appointed to conduct a review engagement;
- e) Re-appointment or new appointment of the auditor or a person to conduct a review engagement for the coming year;
- f) Election of Directors;

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- g) Such other or special business as may be set out in the notice of meeting; and
- h) Votes on changes to By-Law provisions.

No other item of business shall be included on the Agenda for the Annual Meeting unless a Member's proposal has been given to the Secretary prior to the giving of notice of the Annual Meeting in accordance with the Act, so that such item of new business can be included in the notice of annual meeting.

9.02 Special Meetings

The Directors may call a special meeting of the Members. The Board shall convene a special meeting on written requisition of not less than one tenth (10%) of the Members for any purpose connected with the affairs of the Corporation that does not fall within the exceptions listed in the Act or is otherwise inconsistent with the Act, within 21 days from the date of the deposit of the requisition.

9.03 Notice

Subject to the Act not less than 10 and not more than 50 days' written notice of any annual or special Members' meeting shall be given in the manner specified in the Act to each Member and to the auditor or person appointed to conduct a review engagement. Notice of any meeting where special business will be transacted must contain sufficient information to permit the Members to form a reasoned judgment on the decision to be taken. Notice of each meeting must remind the Member of the right to vote by proxy.

9.04 Quorum

A quorum for the transaction of business at a Members' meeting is five percent (5%) percent of the Members entitled to vote at the meeting, whether present in person or by proxy. A quorum is not required in order for the Members to proceed with the business of the meeting.

9.05 Chair of the Meeting

The Chair shall be the Chair of the Members' meeting; in the Chair's absence, the Members present at any Members' meeting shall choose another Director as Chair and, if no Director is present or if all of the Directors present decline to act as Chair, the Members present shall choose one of their number to Chair the meeting.

9.06 Voting of Members

Business arising at any Members' meeting shall be decided by a majority of votes unless otherwise required by the Act or the By-Law provided that:

- a) Each Member shall be entitled to one vote at any meeting;
- b) Votes shall be taken by a show of hands among all Members present and the Chair of the meeting, if a Member, shall have a vote;
- c) An abstention shall not be considered a vote cast;

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- d) Before or after a show of hands has been taken on any question, the Chair of the meeting may require, or any Member may demand, a written ballot. A written ballot so required or demanded shall be taken in such manner as the Chair of the meeting shall direct;
- e) If there is a tie vote, the Chair of the meeting shall require a written ballot, and shall not have a second or casting vote. If there is a tie vote upon written ballot, the motion is lost; and
- f) Whenever a vote by show of hands is taken on a question, unless a written ballot is required or demanded, a declaration by the Chair of the meeting that a resolution has been carried or lost and an entry to that effect in the Minutes shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

9.07 Adjournments

The Chair may, with the majority consent of any Members' meeting, adjourn the same from time to time. The Members must be provided with notice of the adjourned meeting. Any business may be brought before or dealt with at any adjourned meeting which might have been brought before or dealt with at the original meeting in accordance with the notice calling the same.

9.08 Persons Entitled to be Present

The only persons entitled to attend a Members' meeting are the Members, the Directors, the auditors of the Corporation (or the person who has been appointed to conduct a review engagement, if any) and others who are entitled or required under any provision of the Act or the articles to be present at the meeting. Any other person may be admitted only if invited by the Chair of the meeting or with the majority consent of the Members present at the meeting.

9.09 Director Votes at Members' Meetings

Each Director has one vote at Members' meetings. If a Director is also a Member, they are entitled to one vote only.

9.10 Participation at Members' Meetings

A Member may participate in a Members' meeting by telephonic or electronic means that permit all participants to communicate adequately with each other during the meeting.

Article 10 – Notices

10.01 Services

Any notice required to be sent to any Member or Director or to the auditor or person who has been appointed to conduct a review engagement shall be provided by telephone, delivered personally, or sent by prepaid mail, facsimile, email or other electronic means to any such Member or Director at their latest address as shown in the records of the Corporation and to the auditor or the person who has been appointed to conduct a review engagement at its business address, or if no address be given then to the last address of such Member or Director known to the Secretary; provided always that notice may be waived or the time for the notice may be waived or abridged at any time with the consent in writing of the person entitled thereto.

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10.02 Computation of Time

Where a given number of days’ notice or notice extending over any period is required to be given, the day of service or posting of the notice shall not, unless it is otherwise provided, be counted in such number of days or other period.

10.03 Error or Omission in Giving Notice

No error or accidental omission in giving notice of any Board meeting or any Members’ meeting shall invalidate the meeting or make void any proceedings taken at the meeting.

PASSED by the Board of Directors on September 29, 2024.

Dennis Dlouhy

Darlene Dupuis-Baxter

Club President

Club Secretary

CONFIRMED by the Members on (date) _____.

Club President – Dennis Dlouhy

Club Secretary – Darlene Dupuis-Baxter



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Schedule A – Duties of the President

The President is the general manager and board chairperson of this corporation and has, subject to the control of the Board, general supervision, direction and control of business, activities and officers of this corporation. The President has the general powers and duties of management usually vested in the office of president and general manager of a corporation and such other powers and duties as may be prescribed by the Board. Among other things, the President shall be responsible for:

- Adhere to all Club Policies and By-Laws
- Ensuring Express’s activities are compliant and in furtherance of its mission
- Leading, managing, and developing Express’s employees, volunteers, and organizational culture
- Developing, implementing, monitoring, and assessing:
 - Express’s programs (including their impact)
 - sound and compliant:
 - financial management practices (including budgeting)
 - sound and compliant fundraising practices
- Developing, informing, and supporting the board and the board committees to carry out their governance functions
- Being the Chair of the Board to help ensure the Board’s directives, policies, and resolutions are carried out while presiding over Board and Executive meetings
- Working with the development staff in cultivating and soliciting major foundation grants and individual gifts
- Developing and maintaining beneficial relationships with donors, funders, supporters, collaborators, allies, vendors, and other stakeholders
- Ensuring effective external communications (through the VP external) about Express and its mission, priorities, importance, programs, and activities
- Championing Express and advocating its mission to internal and external stakeholders
- Keeping informed of and informing Express’s leadership of significant developments and changes in the internal and external environment
- Leading Express’s planning processes unless otherwise assigned to another person.
- Ensuring legal compliance (including all required filings) and sound risk management practices
- Leading the Board to carry out its governance functions
- Ensuring the Board has approved policies to help ensure sound and compliant governance and management of Express
- Leading the development and refinement of impact metrics (e.g., advertising efficiency)
- Assessing the performance of the Board and its committees
- Assuring ongoing recruitment, development, and contributions of Board Members (e.g., info. meetings)
- Setting priorities and creating agendas for meetings of the Board and Executive Committee (e.g., monthly board meetings and subcommittee meetings unless otherwise assigned)

Schedule B – Duties of the Vice President-internal

- Adhere to all Club policies and By-Laws
- Order, inventory and maintain the Club’s equipment including, but not necessarily limited to, balls, nets, carts, antennae, bags, first aid kits
- Oversee the overall operations of House League (HL) and Grass Roots (GR) programs as per direction of the President, Technical Director and Club board of directors (BOD).
 - Act as day to day point person to address routine questions and issues from HL and GR coordinators and Red Shirt coaches
 - Support the implementation of desired direction and programming of HL & GR as per Technical Director and BOD mandate
 - Provide suggestions and updates to President, Technical Director and BOD intended to ensure sustainability and quality HL & GR programs

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- Make day to day decisions, along side the HL & GR coordinators, intended to ensure athletes participate in the programming best suited to their level of desired participation and skill
- Participate in BOD meetings and providing updates and reports consistent with the duties of the role
- Act as a Club Champion and support Club mandates, programming and direction
- Support the Club, its BOD and its volunteers and coaches

Schedule C – Duties of the Vice President - External

- Adhere to all Club Policies and By-Laws
- Participate in BOD meetings and provide updates and reports consistent with the duties of the role
- Act as a club champion and support club mandates, programming and direction
- Support the Club, its BOD and its volunteers and coaches
- Manage the public perception of the club (i.e., social media, media releases, media liaison)
- Oversee the club Sponsorship Issues and Questions
- Organize uniform suppliers for the club

Schedule D – Duties of the Treasurer

- Adhere to all Club Policies and By-Laws
- Manage and oversee the management of the financial affairs of the organization including selecting a bank, reconciling bank statements throughout and at the end of the year, and managing cash flow
- Prepare books for, facilitate, and oversee year-end audit either by the treasurer or an agreed upon Chartered Accountant (CA)
- Communicate CA's findings to the board
- May have co-signing privileges and obligations
- Suggest best financial practices to board
- Regularly attend board meetings and vote on all appropriate matters

Schedule E – Duties of the Secretary

- Adhere to all Club Policies and By-Laws
- Liaise between parents, coaches, and board of directors.
- Respond to and/or forward all general emails to appropriate parties
- Attend all registration nights and assist with registration
- Attend to all online registration including problem resolution (when possible)
- Work collaboratively with all Members of the board
- Attend all board meetings, take notes, forward minutes to BOD
- Assist with uniform sizing for all EXPRESS programs
- Oversee the organization of year-end banquet (e.g., caterer, decorations etc.)
- Uses Sports Engine adeptly for all administrative duties