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Re: Constitutional Changes Proposal

Dear Member,

A Constitutional Meeting has been scheduled for Sunday, September 21, 2014 to take place immediately before the 2014 AGM at the Pan Am Sports Centre from 9:00am to 10:30am. The Constitutional Committee that used to be chaired by the late Tom Kasprzyk has been merged with the Legal Committee, which is chaired by me, Justin Chan. I would like to take this opportunity to quickly introduce myself. For those of you who do not know me, I am a practicing lawyer, called to the Bar (Law Society of Upper Canada) last June, and am trained in commercial/civil litigation and corporate law. I am also the dojosu of Hayabusakan Judo. I have been the Chair of the Legal Committee since 2011 and was heavily involved in the constitutional matters when Tom was the Chair of the Constitutional Committee. I will be chairing the Constitutional Meeting on Sunday, September 21, 2014.

The following proposals have been put forward by the Executive Committee (and they will be dealt with in this order at the Constitutional Meeting):

1. To help bridge the gap between incoming and outgoing Presidents, the Executive Committee will from here on include the office of the Past President position that will be filled by the outgoing President of the Executive Committee from the term immediately preceding the incoming President. The Past President will take over whatever responsibilities that are currently tasked to the First Vice-President. Accordingly, the following amendments will be required:
 - a. Add Section 2.5, titled "PAST PRESIDENT" such that it will read "The Past President will be the outgoing President of the Executive Committee from the term immediately preceding the current President. In the case where the President is re-elected, the Past President is not required to sit as Past President for multiple consecutive terms; however, the Past President should nominate a candidate who consents to take over the duties and responsibilities of the Past President. In the absence of such a nomination, the President and the rest of the Executive Committee will convene to decide upon an appropriate Past President. In such absence, candidates for Past President need not be already part of the Executive Committee."; and
 - b. Replace the words "First Vice-President" with "Past President" throughout By-Law Number Two of the Ontario Judo Black-Belt Association (Judo Ontario).

2. If the position of Past President is not approved by the members then the position of First Vice-President is to be effectively removed from the Constitution and thus eliminating this position. Accordingly, the following amendments will be required:
 - a. Remove The words "the First Vice-President," from:
 - i. The first sentence of Section 2.4;
 - ii. The first sentence of Section 4.1.1;
 - iii. The first sentence of Section 4.3.4;
 - iv. The table in Section 4.4.3;
 - v. Section 5.1; and
 - vi. Section 6.2(b);
 - b. Rename Section 5.4 (Duties and Responsibilities of the First Vice-President) to "Repealed" and remove all of the text within this section;
 - c. Amend Section 6.2(a) in its entirety such that it reads "in the case of the Presidency, the Executive Committee will decide who shall fill this vacancy. First, each member of the Executive Committee must nominate one member of the Executive Committee ("Nominee"). This nomination need not be anonymous, unless the whole Executive Committee agrees upon this. Second, each member of the Executive Committee will vote for one Nominee. This vote need not be anonymous, unless the whole Executive Committee agrees upon this. The winner of the vote will be the Nominee with the most votes. In the case of a tie between Nominees who equally hold the most votes ("Winners") where there are still votes that have gone to other losing Nominees, another vote will take place where each member of the Executive Committee must vote on one of the Winners, with similar anonymity rules as the original vote that produced the tie. Voting will continue until there is only one Winner.";
 - d. Amend Section 6.3.5 in its entirety such that it reads "The President shall take the chair. If the President is not present then the Executives shall appoint one of their number to take the chair."; and
 - e. Remove the words "failing which the First Vice-President shall take the chair," from Section 7.3.
3. The classification of regions is to be abandoned. Consequently, the position of the Vice President (Regions) is to be eliminated. Accordingly, the following amendments will be required:
 - a. Remove the words "h) "Region" is one of the geographic divisions of the Province of Ontario established by the Executive Committee (see Section 12 below ("Regions") for further definition)." from Section One;
 - b. Remove the words ", and the Vice-President (Regions)" from Section 4.1.1 and add the word "and" right before "the Vice-President (Competitions)";
 - c. Remove the last sentence of Section 4.3.1;
 - d. Remove the words "with the exception of the Vice-President (Regions)" and the last sentence from Section 4.3.4;
 - e. Remove the words "Vice-President (Regions) from the table in Section 4.4.3;
 - f. Rename Section 5.11 (Duties and Responsibilities of the Vice-President (Regions)) to "Repealed" and remove all of the text within this section;
 - g. Amend Section 6.2(c) in its entirety such that it reads "Vice-President (Regions) – Repealed";
 - h. Remove the words " or the Regional Representatives decline to accept an appointment under (c) above," from Section 6.2(d);

- i. Remove the words " recording the election of Regional Representatives by their respective Regions," from Section 7.1.1;
 - j. Remove the words "and a Regions Committee" and add the word "and" before the words "a Referee Committee" in the second sentence of Section 11.1;
 - k. Remove the words "Except for the Regions Committee," from the third sentence;
 - l. Rename Section Twelve to "Regions – Repealed" and remove all of the text within this section;
 - m. Rename Section 12.1 to "Definition – Repealed" and remove all of the text within this section;
 - n. Rename Section 12.2 to "Regional By-Laws – Repealed" and remove all of the text within this section;
 - o. Rename Section 12.3 to "Regional Representation – Repealed" and remove all of the text within this section;
 - p. Rename Section 12.3.1 to "Regional Representative – Repealed" and remove all of the text within this section; and
 - q. Rename Section 12.3.2 to "Election of the Vice-President (Regions) – Repealed" and remove all of the text within this section;
4. The currently is no definition of what a member “in good standing” is. It has become practice and policy of Judo Ontario for administrative and economic reasons to define this as anyone who has not fallen delinquent on any fees, fines or other contractual debts that are owed to Judo Ontario (such as necessary payments for competing at the National Championships). Accordingly, the following is proposed:
- a. Add a new subsection (d) to Section 3.7.1 that reads "d) delinquency of fees, fines or other contractual debts. Such fees, fines or other contractual debts will be deemed delinquent if the Executive Committee decides that the collection of such fees, fines or other contractual debts has become futile."
5. This practice and policy of chasing fees, fines and contractual debts should not just stop at membership but should extend to voting powers. Accordingly, it is proposed that Section 7.5.3, titled “Good Standing Voting Eligibility”, be added such that it reads “Members who are not “in good standing” may, at the sole discretion of the Executive Committee, have their eligibility temporarily revoked until the Member is deemed “in good standing” solely by the Executive Committee.”
6. The cut-off date for eligible membership for voting should be March 31. Accordingly, it is proposed that the Section 7.5.4, titled “Timing of Voting Eligibility”, be added to read "Regular Members and Associate Members will only be permitted to vote if their respective membership fees have been paid in full as of the thirty-first day of March of the year of the vote.”

The Executive Committee has put much thought and debate into the above proposals and I look forward to assisting any discussions to my best ability at the Constitutional Meeting. Thank you in advance for your time and attention in Judo Ontario's constitutional matters.

In the future, if you have any constitutional changes that you would like to propose to the Board for consideration, please feel free to forward them to my attention at Judo Ontario and I will ensure that they get to the next Executive Committee meeting.

Regards,

Justin

Justin Chan, LL.B., LL.M.
Chair of the Legal Committee
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