

PRESIDENTS TOWN HALL MEETING

November 15, 2022



ENGAGE – INSPIRE – EMPOWER

Topics

Click on topic to go directly to presentation

- ONCA Presentation from Swim Ontario Conference *(for background information - not part of the recording)*
- ONCA Review
- Swim Ontario's Complaints and Discipline Policy
- Para Swimming Initiatives
- Officials Certification Pathway

Town Hall Recording - <https://youtu.be/6KfFHIBOY20>



Club Toolbox Breakout: ONCA and More!

ERIN DURANT

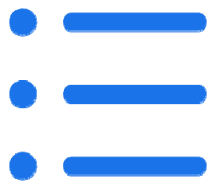
DURANT BARRISTERS



Learning Objectives:

- Understanding club corporate structures.
- The Ontario Not For Profit Corporations Act (ONCA).
- Governance Best Practices.
- Small Group Discussions.

slido



What kind of organization is your club?

ⓘ Start presenting to display the poll results on this slide.

Not for profit corporations and for profit corporations

Not for Profit Corporations

Governed by the Ontario Not for Profit Corporation or Federal Equivalent.

Profit is not the purpose.

Money brought in invested back into the objectives to the corporation.

For Profit Corporations

Governed by the Business Corporations Act.

Owned by shareholders.

Has a clear business purpose for profit.

Changes with the ONCA most relevant to your clubs

- Enhanced members' rights
 - By-laws must clearly set out the conditions of membership and who is a member;
 - There is now a statutory duty to disclose conflicts of interest;
 - Members have more powers and ability to request new information:
 1. Can make proposals that are considered at an AGM.
 2. Board of Director must present financial information to members at the AGM (and members can request them before the AGM).

Introduction of Public Benefit Corporations

If you're not sure whether your nonprofit is a PBC, you may want to follow the rules for PBCs to avoid problems in the future.

A nonprofit is a public benefit corporation (PBC) if one of the following is true:

- The nonprofit is a charity.
- The nonprofit received more than \$10,000 in the previous financial year from public sources. This includes:
 - grants or other similar financial help from the Federal, Provincial, or a municipal government or from an agency of a government, such as the Ontario Trillium Foundation
 - gifts or donations from people who are not a member, director, officer, or employee of the nonprofit.

Some of your clubs may be PBC. You may meet the definition in some years but not others (if you receive major grants from your city, province or the Trillium Foundation).

What do PBC's have to do?

1. PBCs cannot have more than one-third of their directors be employees.
2. Different audit requirements (more on next slide).
3. Specific rules about what happens if the organization is dissolved (assets must go to another PBC with similar goals, or to a government or government agency, or a municipality). They cannot distribute their assets to their members.

Audit and Financial Requirements

Note: Your By-Laws may require more strenuous audit requirements. These should be reviewed prior to changing your internal processes.

Annual Revenue	Public Benefit Corporation	Not a Public Benefit Corporation
\$100,000 \$499,999.99	You can pass an extraordinary resolution to have a review engagement	You can pass an extraordinary resolution that says you don't need to do an audit and review engagement
\$500,000+	You must have an audit	You can pass an extraordinary resolution to have a review engagement

Governance Basics

- Term limits.
- Diversity.
- Targeted recruitment.
- Avoidance of conflicts of interest.
- Inclusion over exclusion.
- Record keeping.

Great Free Online Resources

[Guide to the Not-for-Profit Corporations Act, 2010 | ontario.ca](#)

[Resources - Ontario Nonprofit Network \(theonnn.ca\)](#)

[Governance Resources - Board Voice](#)

[Swim Ontario – Resources](#)

[Business Law Clinic | Queen's Law \(queensu.ca\)](#)

[Corporate - Pro Bono Ontario](#)

[Non-profits - Other help - CALC \(communitylegalcentre.ca\)](#)



Case Studies

Real Life Example 1

Your club is a public benefit corporation. Your club president has been in the role for 15 years. Outside of the sport, the president owns a sports clothing goods store. All clothing for the club is automatically purchased from that store without question or shopping around.

The club recruits three new board members. These three board members raise a concern about this practice in the past and going forward.

What does the board do?

Does the answer change if the issue was raised by a member and not a board member?

Real Life Example 2

You are a board member. The entire board of the club has been the same for 12 years. The current board members feel burnt out and there is grumblings in the club that nothing ever changes. There is also very little diversity on the board.

How can you go about renewing the board? Create a 3 point plan to present to the group.



Thank you

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Ontario Not-for-Profit Corporations Act

What you need to know



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Key changes:

Types of Incorporation

There are a few different ways that clubs can incorporate. As a business corporation, or a not-for-profit corporation.

Both need to provide their articles of incorporation to Swim Ontario and to do so after any major change.

Public Benefit Corporations

You are a public benefit corporation if you are a registered charity, or if you received more than \$10,000 in a financial year:

- from the government, or
- as donations from people or organizations who are not members, employees, or their close relations.

Key changes:

Audits

Not all not for profits require an audit! You may only require a review engagement.

But keep in mind if an audit is required for any grant funding you receive.

By-Laws

There have been changes to requirements for the following aspects which may be in your by-laws:

- Directors
- Articles of Incorporation
- Voting and quorum
- Membership

Links to keep

Non-Profit Law Ontario Project - through Community Legal Education Ontario: <https://nonprofitlaw.cleo.on.ca/>

Ontario Business Registry - <https://www.ontario.ca/page/ontario-business-registry>

Understanding the law - CLEO - <https://nonprofitlaw.cleo.on.ca/transition-to-onca/understand-the-law/>

Guide to Making Bylaws - <https://nonprofitlaw.cleo.on.ca/wp-content/uploads/2020/03/ONCA-guided-pathways.pdf>

Ontario's Guide to ONCA - <https://www.ontario.ca/page/guide-not-profit-corporations-act-2010>

Swim Ontario's Complaints and Discipline Policy

What you need to know

An independent
process is key

*it will save you
and the club a
headache later*



When to send to Swim Ontario?

When it's serious

Serious issues include but are not limited to:

- sexual assault
- physical assault resulting in injuries
- hazing
- major incidents of repeated bullying

If it doubt, you can send it to Swim Ontario and we will make a determination.



Confidentiality is the key.

For ALL parties.



Para Swimming Initiatives

Mission

- GROW the membership of para swimmers in swimming clubs within the Province of Ontario;
- ENHANCE alignment of para swimming programs and opportunities for swim club programming within the Province of Ontario;
- FACILITATE para swimmer high performance outcomes through identification and alignment of opportunities; and
- CAPTURE, document, and report on learnings and best practice for the achievement of the goals above



Where it Started...

- PhD Research/Literature review
- Partnership with Swimming Canada
- Para Swimming Capacity Survey
- Interviews with SO staff, coaches, athletes
- Best Practices from other PSOs/NSOs



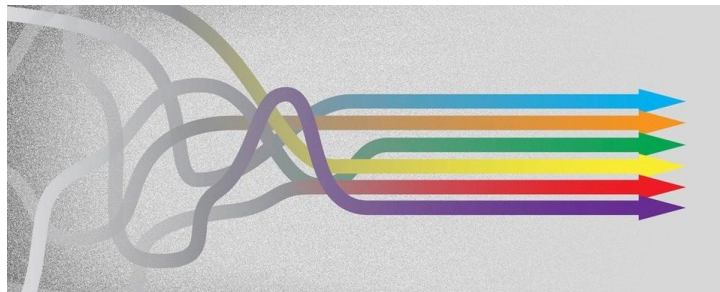
4-Pronged Approach



Education



Awareness



Alignment



Engagement

Education

- Para Swimming Resource Hub on SO website
- <https://www.swimontario.com/athletes/para-swimming/para-swimming-resources>
- REACH
 - Webinar series
 - Para Swimming Matters video
- Becoming Para Ready Initiative (BPRI) - begins November 27, 2022
- Encourage uptake of NCCP's CAWAD, SC's Intro to Para Swimming, CAO's mentorship program
- Coach mentorship opportunities

Future:

- Start Para Swimming program (England)
- Establish a regional para coaches group



Awareness

- Pools to Schools program
- Networking with OPC, community partners (DSOs, colleges/universities, associations, etc.) conferences, guest lectures
- Multi-Sport Try It events - CPC, OCPSA, Athletics ON

Future:

- Para Sport Ontario magazine
- Why Not Para Swimming campaign
- Recruitment strategy/toolkit for clubs

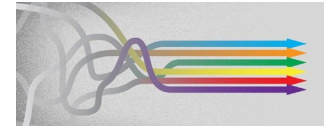


Alignment

- Regional, Festival, & Provincial standard alignment
- Para Events in each Region
- Provincial Para Camps
- Provincial Tour Team
- Established consistency with SC's Next Gen program
- Open Masters registration category

Future:

- Working with Learn to Swim providers to enhance instructor knowledge re: teaching individuals with impairments to swim
- OFSAA
- OUA para category enhancement



Engagement

- Provide on deck support to clubs working with para swimmers
- Support to OSA para component
- Advocate for para in all policy/programming
- Classification
- EDI Committee

Future:

- Start Para Swimming program (England)
- Enhance relationship with Special Olympics
- Communication strategy to enhance connection of para swimmers across the province



Questions?

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Officials Certification Pathway

November 15, 2022



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Official Certification Pathway

Swimming Canada working group restructuring the certification pathway for Officials.

- Recognizes that Level 4/5 certification takes too long to achieve
- Restructured with emphasis on developing certain positions expertise to help all clubs run swim meets.
- Simplifying clinics to reflect the club level meet versus championship style vs national level.
- Develop modules that will help officials move to next level of expertise
 - Example: Clerk of Course
 - Timed final events, Heats & Finals, National Level meets



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Modules examples

- Infraction Wording & Management of DQs during a session
- Mentor / Evaluator
- Hytek / Splash
- Electronics operating instructions
- Rowan's Law
- Safe Sport
- Protests
- Officials' Placement
- Making Ethical Decisions (Activity Leader)
- Meet Referee / Advisory Referee / Competition Coordinator
- Recorder-scorer -PARA
- Recorder-scorer -H&F
- CJE- making board official
- Starter- National Events
- Meet Manager - H&F
- Clerk of course - H&F
- Clerk of course – National Events
- National Event Protocols
- Referee – National Events
- National Senior Briefing
- Provincial Section Sanctioning Requirements



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Official Certification Pathway

- Feedback from SOOC to SC Working group
 - Ensure the clinics and modules are ready before launching new certification pathway.
 - New RTR reflects these changes.
- September 2022 updates
 - Level 1 thru 5 continues for this season
 - Intro, Safety Marshal & Chief Timekeeper clinics redone
 - Some Requirements to begin mentoring as referee removed (will be in line with new certification pathway).



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Year of Transition: [Certification Pathway](#) updates for 2022

[PDF - Overview](#)

Additional updates coming in 2023

Required Clinics						Required 2 - Deck Evals					
Level III Referee	Level III (note 5)	Level II Developing Referee	Level II	Level I	Clinic	Position	Level I	Level II	Level II Developing Referee	Level III (note 5)	Level III Referee
✓	✓	✓	✓	✓	Intro to Swim Officiating	Timekeeper		✓	✓	✓	✓
✓	✓	✓	✓	✓	Safety Marshal	Safety Marshal					
✓	✓	✓	✓		Stroke & Turn	Stroke Judge or Turn Judge (HLT)		✓	✓	✓	✓
✓	✓	✓	any one of these clinics		Chief Timekeeper	Chief Timekeeper		Any 1 position	✓	Any 4 positions	✓
✓	✓	✓			Clerk of Course	Clerk of Course			✓		✓
✓	✓	✓			Starter	Starter			✓		✓
✓	✓	✓			CFJ/CJE	CFJ/CJE (note 1)					Any 1 position
✓	✓	✓			Meet Manager	Meet Manager					
✓	✓				Recorder-Scorer	Recorder-Scorer					
✓	✓	✓			Para Swimming E-module or the Domestic Para Swimming Clinic (note 2)						
✓		✓			Referee (note 3)	Referee (note 4)					



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Official Certification Pathway

- New FINA rule book coming in 2023 → New Swimming Canada rule book coming in 2023
- Remaining clinics are being worked on now and will reflect anything new with FINA and Swimming Canada.
 - Stroke & Turn clinic will be separated and new videos developed.
 - Some anticipated change in [Level 2 certification](#) coming in 2023:
 - Will require 2 on-deck evals for turn judging and 1 on-deck eval for stroke judging.



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Official Certification Pathway

- New certification Pathway will not have the current levels and pins pathway
- Next Steps for Swimming Canada
 - Equivalency with levels of certification
 - Full set of clinics and modules
 - Launching and education
 - When? Goal Sept. 2023



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Official Certification Pathway

- How does this affect Swim Ontario
 - This season:
 - [Officials Development Procedure](#) on hold
 - [On-deck evaluations](#) at the discretion of the Competition Coordinator (allows for on-deck evals at smaller meets such as In House).
 - [Referee Assementments & Formal Evaluations](#) remain the same.



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Official Certification Pathway

- How does this affect Swim Ontario - New Pathway:
 - Procedures will need to be updated
 - [Registration](#)
 - [Competitions](#)
 - [Officials Development Plan](#)
 - Recognition
 - Educating clubs, senior officials, meet managers, etc.



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Official Certification Pathway

- How does this affect Clubs - This season:
 - Levels of certification remain in place.
 - Encourage the development of officials keeping in mind the changes in Sept. 2022
 - Increase in Level 3, 4, 5 as we complete the transition
 - Level 2 Developing Referees can begin to mentor sooner without having to do the Meet Manager & CFJ/CJE sign-offs which can be a challenge more smaller clubs running a limited number of meets a season.



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Official Certification Pathway

- How does this affect Clubs
 - New Pathway:
 - Shift in beginning of season clinics to explain the pathway
 - Shift in any incentives in place with levels
 - Officials Development
 - Clinics streamlined to reflect how club level meets are run
 - Shorter clinics - can be delivered during a workout
 - On your own modules



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Questions?



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