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532. New bylaw

Bylaw :

523.2024

Submitted By:

Board of Directors

SUBJECT MATTER OF RESOLUTION:

This resolution is to change the terms for Directors, including the Chair, from two (2) years to three (3) years.

RESOLUTIONS:

To approve the following changes to the Bylaws necessary to change the terms of Directors, including the Chair, from two (2) years to three (3) years. The intention, if passed by the Voting Members, is that the terms of Directors including the Chair for 2024 shall be determined on the basis of Bylaw 523.2024.

Terms of Office

521 An elected Director shall serve a three (3) year term unless required to serve a two (2) year term or a one (1) year term pursuant to these Bylaws or the Director's term is terminated earlier pursuant to these Bylaws. Terms for elected Directors shall commence upon the close of the Annual General Meeting at which the Director was elected and expire immediately upon the close of the Annual General Meeting at the end of the Director's term unless the Director's term is terminated earlier pursuant to these Bylaws. For the term of an appointed Director, see Bylaw 538 unless terminated earlier pursuant to these Bylaws.

522 A Director may not run for re-election if that Director is serving in their ninth, or greater, consecutive year on the Board at the time of re-election. Any such Director who has served nine (9) or more consecutive years on the Board, including any term as Chair, shall not be eligible to stand for election to the Board for two (2) consecutive years following expiration of their term. Year includes any part of a year.

523 No individual may serve more than two (2) consecutive three (3) year terms as Chair.

523.2024 - To transition to three (3) year terms for elected Directors (from two-year terms), the following process to determine Directors' Terms of Office shall apply:

- a) Three (3) of the Directors elected at the 2024 Annual General Meeting, with the greatest number of votes will receive three (3) year terms while the remaining Directors elected at the 2024 Annual General Meeting will receive two (2) year terms;
- b) Three (3) of the Directors elected at the 2025 Annual General Meeting, with the greatest number of votes will receive three (3) year terms while the remaining Directors elected at the 2025 Annual General Meeting will receive either two (2) or one (1) year terms based on the greatest number of votes so that at the end of the 2025 Annual General Meeting, three (3) Directors will have three (3) years remaining, three (3) Directors will have two (2) years remaining and three (3) Directors will have one (1) year remaining on their terms; and,

	WITHDRAWN	TABLED	CARRIED	CARRIED AS AMENDED	DEFEATED
PLENARY					

- c) If all candidates for Director are acclaimed at either the 2024 or 2025 Annual General Meeting, then the term lengths will be determined by a vote of the Voting Members at the Annual General Meeting.
- d) Bylaw 523.2023 will expire at the conclusion of the 2025-2026 season.

Election of the Chair

- 526** The Voting Members shall elect the Chair for a three (3) year term at an Annual General Meeting using the procedure generally described in these Bylaws.
- 527** The following individuals are eligible to stand for election as Chair, any:
- a. current elected Director whose term does not expire at the Annual General Meeting where the election is occurring; or,
 - b. individual nominated for the position of elected Director in accordance with these Bylaws.

Election of Directors

532 When one (1), two (2) and three (3) year terms are available for election at the Annual General Meeting, the elections shall have the three (3) nominees receiving the greatest number of votes serve a three (3) year term, three (3) nominees with the second greatest number of votes serve a two (2) year term and the nominees receiving the lesser number of votes serve the one (1) year term(s).

RATIONALE:

To ensure optimal Board performance and continuity, better onboarding of new Directors, and enhanced succession planning, it has been strongly suggested by the Governance Committee, by the current Board of Directors, and by former Justice of the Supreme Court of Canada, the Honourable Thomas Cromwell, C.C. (in a report prepared for Hockey Canada) that the term lengths for Directors in an organization like ours (practicing policy governance) be increased from two (2) to three (3) years. This recommendation was made at our 2022 and 2023 Annual General Meetings (and did not pass) and is being made again in 2024.

Three-year terms create more sustained competence and stability for the Board. A three-year rotation of Directors recognizes the time needed for new Directors to efficiently onboard and contribute, reduces the chance of many experienced Directors leaving at the same time, and lessens the risk that a complete Board turn over might occur in just a two-year period.

This recommendation of three-year terms was also made in the 2022 Cromwell Report provided to Hockey Canada, with a similar rationale. Please see Appendix A, below, for an excerpt from the Cromwell Report.

In order to accommodate a three (3) year term, the maximum service length would need to be increased

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PLENARY					

from eight (8) to nine (9) years. Further, for the position of the Chair, to accommodate the new three (3) year terms, the maximum term length for the Chair (while remaining as two terms as Chair) would be increased to six (6) years.

The argument provided to date against this change has to do with a potential concern that members may want to replace a Director before his or her term expires, and having to wait longer until that Director comes up again for re-election after serving a now-longer term. In answer to that remote possibility, it should be noted that;

- There has never been a circumstance of this occurring that we are aware of, and
- There is already a BC Societies Act provision to remove a Director if they are problematic. Section 50 of the Societies Act provides:

Removal of directors

- 50 (1) A director of a society may be removed from office
- (a) by special resolution, despite any provision of the bylaws, or
 - (b) without limiting paragraph (a), by the method, if any, provided for in the bylaws.
- (2) Unless the bylaws provide otherwise, if a director is removed from office under subsection (1), an individual may be elected or appointed, by ordinary resolution, to serve as director for the balance of the term of the removed director.

In sum, extending term limits for Directors to three years has many benefits. It is considered to be a best governance practice for organizations like BC Hockey, as outlined above (and by former Justice of the Supreme Court of Canada, the Honourable Thomas Cromwell, C.C.) with no identifiable downside. The change would bring BC Hockey into alignment with Hockey Canada, with other PSOs with volunteer boards practicing policy governance. It would be a step forward in good governance and is strongly recommended by the Governance Committee.

REVIEW AND RECOMMENDATION:

Governance Committee: Finalized and recommended.

Board of Directors: Approved April 26, 2024. Recommended.

Operations: Reviewed and recommended.

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PLENARY					

Front of Handbook	revised	Important Dates
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SUBMITTED BY: BC Hockey Board of Directors

CURRENT WORDING:

A U13, U15 or U18 hockey team that has 19 players registered on January 10, shall not be permitted to register any further players during the current season. A team which has less than 19 players registered may, if it has unused Hockey Canada player certificates, register qualified players until the final registration date; but, once such a vacancy on the player roster has been filled, it shall not be used again.

PROPOSED CHANGES:

A U13, U15 or U18 hockey team that has 20 players registered on January 10, shall not be permitted to register any further players during the current season. A team which has less than 20 players registered may, if it has unused Hockey Canada player certificates, register qualified players until the final registration date; but, once such a vacancy on the player roster has been filled, it shall not be used again.

RATIONALE:

Hockey Canada approved a change in their regulation to allow teams to roster 20 players, and so this now should be reflected in our Important Dates calendar in the Handbook.

REVIEW AND RECOMMENDATION:

Governance Committee: Finalized and recommended.

Board of Directors: Approved April 26, 2024. Recommended.

Operations: Reviewed and recommended.

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Bylaw : 605 (new) Submitted By: Board of Directors

SUBJECT MATTER OF RESOLUTION:

To authorize the Chief Executive Officer to have the ongoing ability to clean up BC Hockey's Bylaws and Regulations to make them more clear, consistent, concise, and easier to read without changing the intent of said Bylaw and or/ Regulation in any material way.

RESOLUTION:

Bylaw 605

The Chief Executive Officer (CEO) may make changes to clean up BC Hockey's Bylaws and Regulations as needed and from time to time, provided that such changes do not materially alter the meaning or intent of the Bylaws and Regulations. The CEO will have the authority to:

- (a) update the Bylaws and Regulations to be consistent with modern usage, (e.g., change Amateur Hockey Associations to Minor Hockey Associations and change Amateur District Hockey Associations to District Associations, and change Midget to U18, and such similar alterations or changes);
- (b) ensure that Defined Terms are properly set out and consistently used throughout the Bylaws and Regulations; and,
- (c) make such other changes as are necessary to make the Bylaws and Regulations easier to read and understand provided that such changes do not materially alter the meaning or intent of the Bylaws and Regulations.

The CEO shall report to the Board of Directors and the membership all such non-material alterations made to the Bylaws and Regulations in the preceding year, prior to inclusion in the BC Hockey Handbook.

RATIONALE:

BC Hockey's Bylaws and Regulations are nearly always in need of ongoing review for minor changes to address non-material typographical, grammatical, and phrasing errors, and to correct inconsistencies. Small errors in these documents can create ambiguity and challenges in their interpretation by BC Hockey and Members.

These duties have already been given to the CEO, by annual resolutions passed in 2021, 2022, and 2023, and the ongoing work in this regard continues. This proposed resolution is fundamentally the same as the annual versions but since it provides ongoing empowerment of these duties it now adds a requirement that the CEO report these changes to the Board before changes are made to the text of the Bylaws or Regulations, no matter how minor or insignificant.

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REVIEW AND RECOMMENDATION:

Governance Committee: Finalized March 7, 2024. Recommended.

Board of Directors: Approved April 26, 2024. Recommended.

Operations: Reviewed and recommended.

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Regulation : 3.7	NEW	Paragraph:	1
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SUBMITTED BY: BC Hockey Board of Directors

CURRENT WORDING:

All team officials (excluding those on Senior male teams) must obtain Respect in Sport certification.

PROPOSED CHANGES:

All team officials (excluding those on Senior male teams) must obtain Respect in Sport **(RIS)** certification **prior to any team participation in practices and games.**

RATIONALE:

The Respect in Sport training should be required in advance of working with children similar to a Criminal Record Check and Concussion Awareness training Tool (CATT).

In reviewing team rosters most of the incomplete team staff profiles are because they are missing RIS. It is an online course and can be taken at any time of the year after August 1.

We have the ability to set restrictions on not allowing people on rosters without specific certifications (ie. CRC) on the HCR.

Minor Committee supported the update to this resolution on February 26, 2024.

REVIEW AND RECOMMENDATION:
Governance Committee: Recommended.
Board of Directors: Approved April 26, 2024. Recommended.
Operations: Reviewed and recommended.

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PLENARY					

Regulation : 3.3 Submitted By: Coach Advisory Group

CURRENT WORDING:**REGULATION THREE – TEAM OFFICIALS****Team Official Qualifications**

3.3 All non-carded team coaches are required to meet the following minimum standards:

Divisions Below U11:

Attend a Coach 1 – Coach Level clinic by December 15 of the current season or have achieved previous trained status at the Coach 2 – Coach Level (or equivalent)

PROPOSED CHANGES:**REGULATION THREE – TEAM OFFICIALS****Team Official Qualifications**

3.3 All non-carded team coaches are required to meet the following minimum standards:

Divisions Below U11 (U7 & U9):

Attend a Coach 1 – Coach Level clinic by December 15 of the current season or have achieved a Coach 2 – Coach Level trained status from 2008-09 to 2016-17.

RATIONALE:

The existing allowance for Coach 2 to supersede Coach 1 was developed by BC Hockey rather than Hockey Canada. It was created due to BC Hockey deciding to deliver Coach 1 and Coach 2 in a hybrid format from 2008-09 to 2016-17, meaning content from both clinic levels was received by coach delegates at a clinic that was known as “Coach Hybrid”. A coach who completed a clinic of this format during this time frame could be confirmed as having completing clinic requirements that were deemed to be relevant to coaches of both U7-U9 players as well as U11 and rec levels above at that time. As “Coach Hybrid” was/is not a national designation, a coach’s HCR was only credited with Coach 2 after completing Coach Hybrid and BC Hockey admin staff were tasked to simply look for a Coach 1 or Coach 2 credit when confirming eligibility of U7 and U9 coaches.

In 2017-18 these clinics were separated back to individual clinics, meaning that any coach who received a Coach 2 credit at this time and beyond was no longer receiving training specifically relevant to U7 and U9, but was still being credited as qualified to coach these levels. The Coach 1 clinic material now makes reference to the U7 and U9 Pathways, provides U7 and U9-specific evaluation materials, deals with cross-ice and half-ice logistics, and provides other content relevant to five to eight-year old players. The Coach

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PLENARY					

2 clinic material now has its resources focused towards U11, U13, U15, U18 and specifically references those levels of play in its materials (including U11 Pathways and above).

As a result, it is the opinion of the Coach Advisory Group that a Coach 2 credit is no longer appropriate nor sufficient in terms of training a U7 or U9 coach and that this regulation should be updated to appropriately reflect the evolution of these categories of coach education – this ultimately is to the benefit of our players, who will theoretically be better coached as the coaches they encounter at these age categories will have been more appropriately trained to meet their level-specific needs if this regulation update is approved.

REVIEW AND RECOMMENDATION:

Governance Committee: Recommended.

Board of Directors: Approved April 26, 2024. Recommended.

Operations: Reviewed and recommended.

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Bylaw : 211 Submitted By: Board of Directors

SUBJECT MATTER OF RESOLUTION:

To revise Bylaw 211 so that the Bylaw aligns with a change made to Hockey Canada Bylaws 10.2 and 10.3, and also addresses the same risk as it relates to BC Hockey's Regulations, Playing Rules, and decisions. The prior wording of Bylaw 211 allowed autonomy for Members in terms of changing Regulations, Playing Rules, and decisions, in ways that were more restrictive, without notice or application. It also allowed members to change Regulations, Playing Rules, and decisions of Hockey Canada or BC Hockey if the change would relax restrictions, but subject to an application to BC Hockey. The Hockey Canada Bylaws now requires members to apply for any change, whether deemed to be more restrictive or less restrictive. This way Hockey Canada can consider and track all such deviations from its established policy. This change to the Hockey Canada Bylaws now requires that BC Hockey change Bylaw 211 accordingly, and the Board of Directors of BC Hockey also strongly recommend an identical change for BC Hockey Regulations, Playing Rules, and decisions so that the Society can similarly consider and track all such deviations.

CURRENT WORDING:

211. A Member (excluding Directors, Honourary Life Members, Minor Hockey Teams) may apply Regulations, Playing Rules, Policies, and decisions of the Society and of Hockey Canada in a more restrictive manner insofar as they apply to those participating in that Members' programs.

PROPOSED CHANGES:

211. A Member (excluding Directors, Honourary Life Members, and Minor Hockey Teams) may make special application to the Board to have Regulations, Playing Rules, and decisions of BC Hockey applied in that Member's geographic region in a more restrictive or less restrictive manner insofar as they apply to those participating in that Member's programs.

A Member (excluding Directors, Honourary Life Members, and Minor Hockey Teams) may also request that BC Hockey make special application to Hockey Canada to have Regulations, Playing Rules, and decisions of Hockey Canada applied in that Member's geographic region in a more restrictive or less restrictive manner insofar as they apply to those participating in that Member's programs.

RATIONALE:

In June of 2022, Hockey Canada revised Bylaws 10.2 and 10.3 at its Summer Congress. The revisions address an important aspect of risk management. The prior wording allowed for Members to change Regulations, Playing Rules, and decisions, in ways that were more restrictive without any notice to Hockey Canada. It also allowed an application to Hockey Canada if the change would relax restrictions. As a part of risk management review, Hockey Canada and its insurers concluded that all changes to Regulations, Playing Rules, and decisions, if not reviewed / considered / tracked, creates potential risk.

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PLENARY					

The BC Hockey Board has also identified this as a risk as it relates to changes to the Society’s Regulations and Rules. The risk can exist in the change itself and/or in the inconsistency in application of Regulations, Rules, and decisions from member to member. The recommendation is to address this risk by requiring members to apply for any such change, whether deemed to be more restrictive or less restrictive. This way both BC Hockey and Hockey Canada can consider and track all such deviations.

REVIEW AND RECOMMENDATION:

Governance Committee: Finalized and recommended.

Board of Directors: Approved April 26, 2024. Recommended as the best way to amend Bylaw 211.

Operations: Reviewed and recommended.

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Bylaw :

211

Submitted

By:

Board of Directors (as an alternate)

NOTE: This is an alternative, for motion only if Resolution 2024-06 (A) is not passed by membership.**SUBJECT MATTER OF RESOLUTION:**

To revise Bylaw 211 so that the Bylaw aligns with a change made to Hockey Canada Bylaws 10.2 and 10.3, but not address the same risk as it relates to BC Hockey's Regulations, Playing Rules, and decisions. The prior wording of Bylaw 211 allowed members to change Regulations, Playing Rules, and decisions of Hockey Canada or BC Hockey if the change would relax restrictions, but subject to an application to BC Hockey. The Hockey Canada Bylaws now requires members to apply for any change, whether deemed to be more restrictive or less restrictive. This way Hockey Canada can consider and track all such deviations from its established policy. This change to the Hockey Canada Bylaws now requires that BC Hockey change Bylaw 211 accordingly.

Although the Board of Directors of BC Hockey also strongly recommends an identical change for BC Hockey Regulations, Playing Rules, and decisions so that the Society can similarly consider and track all such deviations, this is an alternative Resolution if the Resolution does not pass that accomplishes that aim.

CURRENT WORDING:

211. A Member (excluding Directors, Honourary Life Members, Minor Hockey Teams) may apply Regulations, Playing Rules, Policies, and decisions of the Society and of Hockey Canada in a more restrictive manner insofar as they apply to those participating in that Members' programs.

PROPOSED CHANGES:

211. A Member (excluding Directors, Honourary Life Members, Minor Hockey Teams) may apply Regulations, Playing Rules, Policies, and decisions of the Society in a more restrictive manner insofar as they apply to those participating in that Members' programs.

A Member (excluding Directors, Honourary Life Members, and Minor Hockey Teams) may request that BC Hockey make special application to Hockey Canada to have Regulations, Playing Rules, and decisions of Hockey Canada applied in that Member's geographic region in a more restrictive or less restrictive manner insofar as they apply to those participating in that Member's programs.

RATIONALE:

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In June of 2022, Hockey Canada revised Bylaws 10.2 and 10.3 at its Summer Congress. The revisions address an important aspect of risk management. The prior wording allowed for Members to change Regulations, Playing Rules, and decisions, in ways that were more restrictive without any notice to Hockey Canada. It also allowed an application to Hockey Canada if the change would relax restrictions. As a part of risk management review, Hockey Canada and its insurers concluded that **all** changes to Regulations, Playing Rules, and decisions, if not reviewed / considered / tracked, creates potential risk.

This Bylaw must therefore be altered in this way to align with and comply with the Hockey Canada Bylaw regarding Hockey Canada Regulations, Playing Rules and Policies.

REVIEW AND RECOMMENDATION:

Governance Committee: Recommended only as an alternative to the primary resolution for amending Bylaw 211

Board of Directors: Approved April 26, 2024. Recommended only as an alternative if the primary recommended resolution is defeated.

Operations: Reviewed and recommended only as an alternative.

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**APPENDIX A: EXCERPT
FROM THE CROMWELL
REPORT – HOCKEY
CANADA GOVERNANCE
REVIEW**

Excerpt from the Cromwell Report – Hockey Canada Governance Review

<https://cdn.hockeycanada.ca/hockey-canada/Corporate/action-plan/downloads/2022-hockeycanada-governance-review-final-report-e.pdf>

Director terms

Elected Directors

As part of our review, we have been asked if the current terms and term limits of the Hockey Canada Directors align with best practices. The elected Directors of Hockey Canada serve on the Board for a term of two years. The term commences on the date of the Director's election and ends at the second annual meeting of Members that follows. As Hockey Canada holds an election of Directors only in even-numbered years, the terms of all the elected Directors expire at the same time and are not staggered.

The CNCA and the *Canada Not-for-Profit Corporations Regulations*, SOR/2011-223 set a limit of four years for any one term for an elected director. The CNCA does not require that a corporation hold an election of directors annually, but rather “at each annual meeting at which an election of directors is required.”

Hockey Canada's current Director term of two years is compliant with law and generally consistent with the practices of the Comparator Associations. For example, Athletics Canada, Canada Basketball and Tennis Canada prescribe a two-year term for their elected directors. Pursuant to their respective By-laws, the elected directors of Curling Canada serve for a term of four years and the directors of Canada Soccer for a term of three years. In addition, the COC Code provides that a single term for a director of an NSO should be “not longer than four years.”

With respect to standards in the broader not-for-profit sector, a 2021 study conducted by BoardSource (a leading organization focused on strengthening and supporting non-profit board leadership) found 54% of American non-profit boards have both prescribed term lengths and term limits. The most common board member term structure was a three-year term, with a two-term maximum. In Canada, an older study from 2006 found that three to four years was the most common term length for boards in the not-for-profit and voluntary sector. Additionally, 48% of respondents allowed board members to serve one to two consecutive terms, whereas 47% allowed three or more consecutive terms. Only 5% of respondents did not allow consecutive terms.

While the current two-year term for Directors complies with the CNCA and the COC Code, and is generally consistent with the practices of the Comparator Associations, it is our view that Hockey Canada would be better served by increasing the length of the Director term to up to three years. The complexity of the Hockey Canada organization imposes a steep learning curve on its Directors, particularly those coming from backgrounds outside the sport of hockey. As such, there is a risk that by the time their two-year term expires, the Directors have only recently been able to “get up to speed” in the activities and affairs of the organization. Increasing the single term length by one year would ensure that Directors can familiarize themselves with the nuances of Hockey Canada sufficiently, thereby fostering strategic leadership and enabling Directors to have a more significant impact on the organization's short- and long-term goals. A

term length of up to three years, coupled with the introduction of staggered terms (discussed below), also provides greater opportunity for Board renewal and succession planning.

Staggered terms for elected Directors

As mentioned above, the terms of the Hockey Canada Directors are not staggered and the term of each Director expires at the same time. Although the law does not require that the terms of directors be staggered, many organizations use overlapping or rotating terms to avoid having all directors retire at the same time and to ensure that there is a balance of new and experienced directors on the board. In that regard, the CNCA provides that “[i]t is not necessary that all directors elected at a meeting of members hold office for the same term.”

We note that at least three of the five Comparator Associations expressly provide for staggered terms in their By-laws. In accordance with its by-laws, three directors of the Canada Basketball board are elected in even-numbered years and three are elected in odd numbered years.³³⁰ Meanwhile, each of the by-laws of Athletics Canada and Curling Canada provides for a similar rotation process, whereby a minimum number of directors must be elected in even-numbered years and in odd numbered years. Although Soccer Canada’s by-laws do not expressly provide for staggered terms, their elections process is structured in such a way that four directors (excluding the Vice-President and President) are up for election every year. In addition, the election of the Vice-President and President (each of whom serve a four-year term) is also staggered so that every two years either the Vice-President or President is also up for election. Tennis Canada does not provide for staggered election terms in their By-laws.

During our interviews with Hockey Canada representatives, one individual stated that the organization holds an election of Directors only every second year because of the significant amount of time and resources needed to organize and plan it. One of the Member representatives we interviewed expressed the view that there would only be a complete turnover of the Hockey Canada Board if that is what the Members wanted. Respectfully, the risk of a complete turnover of the Board exists independently of what the Hockey Canada Members may want. In any given election year, the two-year term of all of the Hockey Canada Directors naturally expires. While some or all of those Directors may be eligible for re-election, there is never any guarantee that any or all of the eligible Directors will want to run for a subsequent term. Accordingly, we are of the view that the preferred approach is to implement a nominations and elections process that contemplates the election of some Directors at every annual meeting of Members. That not only

reduces the risk of having all or an important number of the Directors leave the Board at the same time, but also ensures that there is a combination of new and longer-serving Directors on the Board.

Considering our recommendation above that the term length of an elected Director should be increased to up to three years, we also recommend that the terms be staggered so that only about one third (1/3) of the elected Director positions on the Board of Hockey Canada would be up for election every year. This arrangement would ensure a measure of continuity within the Board for up to three years. In addition, the staggering of Director terms promotes the preservation of institutional knowledge because the knowledge and skills of outgoing Directors are continually being transferred or imparted to new members who are joining the Board on an annual basis.