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RESEARCH NOTE

#PARG 2023-19RN

Hockey Canada Governance

Existing Situation and Suggestions by Judge Cromwell (2022)

François Brouard, DBA, FCPA, FCA

Marc Pilon, PhD, CPA, CA

Andrew Webb, PhD

January 2023

This research note presents some information on Hockey Canada existing governance and examines Judge Cromwell (2022a; 2022b) suggestions on governance.

This research note was finalized on January 15, 2023.

Introduction

In the context of Hockey Canada's recent sexual assault and transparency scandal (see Brouard, Pilon and Webb, 2022; Pilon, Webb and Brouard, 2022), more scrutiny is placed on the National governing body, and its 13 members. Following the two reports prepared by Cromwell (2022a; 2022b), the members will elect the Board of Directors of Hockey Canada and therefore will likely have an important role in influencing the changes in governance at Hockey Canada.

This research note is written at the same time as other PARG notes on Hockey Canada members and hockey in Canada distinguishing the statistics on membership (#PARG 2023-18), the governance at Hockey Canada (#PARG 2023-19), the governance at Hockey Canada members (Canadian provinces and territories) (#PARG 2023-20) and the organizational structure of hockey in Canada (#PARG 2023-21).

The objective here is to define terms used to understand organizational structures of hockey in Canada, to describe existing Hockey Canada governance and to examine the Cromwell (2022a; 2022b) reports regarding proposed changes in governance. This may inform the reflections by Hockey Canada on its own governance before the 2024 election and perhaps help restructure hockey in Canada.



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Methodology

The methodology used to prepare this research note comprises an examination of public website content of Hockey Canada and its various provincial, regional and territorial members (see Appendix A). More specifically, archival documentation was examined, such as constitutions, by laws, regulations, handbooks, financial statements, annual reports and other documents publicly available. Reasonable effort was given to find information, but it is possible that documents were overlooked due to information that might not have been readily available. Information should be easily available and not hidden in the website structure.

With the detailed review of Hockey Canada governance presented in the Cromwell (2022a; 2022b) reports, it is a primary source for information on existing structures and proposed changes. Governance dimensions examined are limited to the Board of Directors and its committees.

Definitions of Terms in Hockey Structure

To understand structures of organized hockey, it is important to present some definitions of terms used by the various organizations related to hockey in Canada (see Table 1). Appendix B lists the various Canadian hockey cups by division and geographic area.

Table 1 - Hockey in Canada – Terminology / Terminologie

Terms in English	Termes en français
Associations	Associations
Leagues	Ligues
Clubs	Clubs
Divisions	Divisions
Teams	Équipes
Players (including Skaters and Goaltenders)	Joueurs (incluant patineurs et gardiens de but)
Team Officials	Officiels d'équipe
Tournaments and Tours	Tournois et tournées
- Regional	- Régional
- Interregional	- Interrégional
- Provincial	- Provincial
- National	- National
- International	- International
Championships / Competition	Championnats / Compétition
- Regional	- Régional
- Interregional	- Interrégional
- Provincial	- Provincial
- National	- National
- International	- International

Source: Hockey Canada, 2022b, reg. B, p.71-72)



Association (Minor Hockey Association (MHA) (“association de hockey mineur”))
“an organization operated and controlled by a duly elected executive or Board of Directors, the members of which shall include a President, Secretary and signing officers” (Hockey Canada, 2022b, reg. A(26), p.69)

League (“ligue”)

“consists of three (3) or more Teams registered with Hockey Canada:

- a) From the same Category (excluding Senior Hockey) of the same Division
- b) Playing a minimum of twelve (12) home and twelve (12) away games in a regular Season schedule. (Does not apply to Minor Hockey)” (Hockey Canada, 2022b, reg. A(23), p.69)

House league (“ligue maison”)

“refers to a community oriented Minor Hockey program structured to provide development and competition at the recreational level” (Hockey Canada, 2022b, reg. A(19), p.68)

Club (“club”)

“means a local Minor Hockey Association operated and controlled by a duly elected Executive or Board of Directors” (Hockey Canada, 2022b, by-laws par. I 1g), p.21)

Team (“équipe”)

“a group duly registered on a Roster in the HCR with a Members that includes Players and Team Officials, at least one of whom must be a Coach that meets Member certification requirements, and one of whom must be qualified in the Hockey Canada Safety Program (HTCP in Ontario)” (Hockey Canada, 2022b, reg. A(41), p.70)

Players (“joueurs”)

“the Registered Participants of a Team other than Team Officials” (Hockey Canada, 2022b, reg. A(30), p.69)

Skaters (“patineurs”)

“means all Players other than Goaltenders” (Hockey Canada, 2022b, reg. A(39), p.70)

Goaltenders (“gardiens de but”)

“a Player who is identified by the use of special and legal equipment and has privileges to prevent the puck from entering the net” (Hockey Canada, 2022b, reg. A(14), p.68)

Team officials (“officiels d’équipe”)

“means all or any of the persons involved in the management of a Team, and includes: the Coach, manager; safety person/trainer; equipment manager; Team physician; President and other members of the executive and/or Board of Directors of a Team” (Hockey Canada, 2022b, reg. A(42), p.70)



Tournament (“tournoi”)

“a schedule of non-league games played among three (3) or more Teams, which follows an inter-locking schedule and leads to an eventual winner” (Hockey Canada, 2022b, reg. A(43), p.70)

International Tour (“tournée internationale”)

“any game or series of games, including are Tournament, occurring in any country other than the United States, involving a Hockey Canada Team and at least one Team that is a member of a Federation other than Hockey Canada or USA Hockey” (Hockey Canada, 2022b, reg. A(21), p.68)

National Championships (“championnat national”)

“annual Inter-Member competitions to declare National Champions” (Hockey Canada, 2022b, reg. L, p.149)

Regional Championships (“championnat régional”)

“means a Championship endorsed by Hockey Canada comprised of one (1) or more Hockey Canada Member(s)” (Hockey Canada, 2022b, reg. A(33), p.69)

Hockey Competition (“compétition de hockey”)

“an organized hockey activity that leads to a champion being name” (Hockey Canada, 2022b, reg. I(1f), p.95)

Governance of Hockey Canada

Following the crisis, Cromwell (2022a; 2022b) was appointed to examine the governance structures of Hockey Canada and report an interim and final report, which were published on October 31 and September 30, 2022 respectively. Cromwell (2022b, p.2) found that the “current By-laws are not significantly misaligned with the points of references”, which are other national sporting organizations, and provided suggestions for improvements. As the report examined the existing governance in details, we will limit our description to highlights at the Board level (instead of senior management team). However, various documents and Terms of Reference will have to be revised to adopt the suggestions. Cromwell (2022b, p.50) referred to three key principles in a framework for good governance, namely: Board’s role, duties and functions, Board quality and Board structure and processes.

Table 2 presents information on composition and terms of Hockey Canada Board of Directors with existing and proposed structure by Cromwell (2022b). Directors will continue to be elected by the Members from a short list of qualified candidates vetted and created by the Nominating Committee.

Table 3 presents some changes to the Hockey Canada Nominating committee per Cromwell (2022b). The Nominating committee Terms of Reference will also be revised on composition, appointment and “to better define the committee’s role and duties” (Cromwell, 2022b, p.3). Some changes proposed will affect the nominating process, for example, the ‘Board Matrix’.



Table 2 - Hockey Canada Board of Directors – Existing vs Proposed

Name	Existing Governance	Proposed Governance By Cromwell (2022b)
<i>Composition</i>		
Number of Board members	9 members	Increase to 13 members
Prescribing a number of Board members	“fixed number”	Number “between the minimum and maximum”
Minimum and maximum number	no	Yes
Gender	n/a	“no more than 60% of the Directors are of the same gender”
Athlete representative	n/a	“at least one athlete representative”
Independent Board members	none	“at least a majority of the Directors on the Board be persons who, at the time of their election, are independent of Hockey Canada”
Appointment of additional directors	“up to one appointed by the Directors”	“within the legal limits imposed by the CNCA”
Board Chair appointment	Appointed by Members	Appointed by the Directors of the Board
<i>Terms</i>		
Term of appointment	2 years	Increase to 3 years
Staggering of Directors’ terms	n/a	“only about one third of the Board would be up for re-election in any year”
Term limit (consecutive years)	8 years	Increase to 9 years
Term limit for Board Chair (consecutive years)	4 years (2 x 2 years)	Increase to 6 years (2 x 3 years)

Source: Cromwell (2022b, p.2-5, 19); Hockey Canada (2022b, p.38-41)

Note: CNCA = *Canada Not-for-profit Corporations Act*, SC 2009, c 23

Table 3 - Hockey Canada Nominating Committee – Existing vs Proposed

Nominating Committee (NC)	Existing Governance	Proposed Governance By Cromwell (2022b)
Number of NC members	fixed number	Up to 9 (odd number)
Majority of NC members	“individuals who are at arm’s length from the Board”	“majority of the committee members would be individuals who are at arm’s length from the Board”
Appointment of arm’s length from the Board members	“qualified and skilled persons” “appointed by the Chair of the Board”	“highly qualified and diverse” “appointed by the Board with the assistance of a reputable board recruitment firm hired by Hockey Canada”
Appointment by Hockey Canada Members	n/a	“up to two individuals”
Athlete representative	n/a	“at least one athlete representative”
Appointment of Hockey Canada Board Directors	unlimited	“one and up to two Directors of the Hockey Canada Board”

Source: Cromwell (2022b, p.3-5); Hockey Canada (2022b, p.53)



Cromwell (2022b, p.12) says: “the recruitment of Directors for the Board of Hockey Canada (the ‘Board’ or the ‘Board of Directors’) needs to be fundamentally rethought and this will require the support and assistance of the membership”.

“In short, the current board nomination process has not provided Hockey Canada with the wide range, depth and diversity of experience, both professional and personal, that the board collectively requires to govern this complex organization and to lead significant cultural change.” (Cromwell, 2022b, p.13)

Cromwell (2022b, p.5) found that “Hockey Canada’s standing committees generally align with the types of standing committees that one would expect in a large not-for-profit organization”. However, Cromwell (2022b, p.6-7) suggested to “[c]onduct an in-depth review of the overall committee structure with a view to: 1) streamlining and maintaining core committees focused on meeting the needs of the new Board; 2) restructuring or disbanding Committees or Task Teams that have lost their relevance or that are operationally focused and perform staff functions; and 3) developing a suite of new, refreshed and robust terms of reference that clearly define each committee’s mandate and role, its key duties and functions, what it is responsible for achieving and to whom it reports and is accountable”. Table 4 presents Hockey Canada Standing and other committees.

Table 4 - Hockey Canada Committees – Existing vs Proposed

Committees	Existing Governance	Proposed Governance By Cromwell (2022b)
Standing Committees		
Nominating Committee	Yes	Yes
Audit and Finance Committee	Yes	Audit Committee Finance Committee
Governance Committee	Yes	Yes
Human Resources Committee	Yes	No
Risk Management Committee	Yes	Yes
Program Standards Committee	Yes (inactive since 2018)	No
Other Committees		
Female Hockey Policy Committee	Yes	Yes
National Appeals Committee	Yes	?
Personnel Committee	Yes	?
Members’ Meeting (including annual meeting)	Yes	Yes
Congresses	Yes	Yes
Members Forums	Yes	Yes

Source: Cromwell (2022b, p.5-7, 108, 127-128); Hockey Canada (2022b, p.52-54 and p.57; 2022c)

Cromwell (2022b, p.115) recommended to “reconfigure the current Audit and Finance Committee Audit and establish instead two separate committees: a Finance Committee and an Audit Committee”. The Cromwell (2022b, p.123) report lists the Female Hockey Policy Committee as a standing committee, when the Hockey Canada (2022b) By-laws published does not include that committee in the Standing committees and there are no mentions of the National Appeals Committee. Female Hockey Policy Committee, National Appeals Committee and Personnel Committee are included in Terms of references (Hockey Canada, 2022c).

Cromwell (2022b, p.118) noted that certain duties of the Human Resources “are not within the usual scope of responsibilities of a human resources committee”, such as “self-assessment tools for the Directors and the Board”, “orientation, support and continuing education”, evaluation of performance”. As appropriately suggested, they should be transferred to the Governance Committee.

The Program Standards Committee is inactive since 2018 and should be dissolved. Cromwell (2022b) suggested to maintain the Female Hockey Policy Committee, but our proposition is to make it a Standing Committee. The Personnel Committee is included in Terms of references (Hockey Canada, 2022c), but not in the Cromwell (2022b) report.

“Although not committees, the By-Laws provide for three types of meetings Members can attend, namely, Members’ Meetings (including the annual meeting and special meetings), Congresses and Members Forums.” (Cromwell, 2022b, p.127)

Maybe an Executive committee would be worth considering; it could take over some the roles and duties, for example where there is sensitive and confidential matters, and be able to react promptly, when the Board is not able to meet in a timely fashion.

Task Teams are described in Hockey Canada (2022b, p.54):

“The Chair of the Board, in consultation with the Board, the Chief Executive Officer, and the President and Chief Operating Officer, may establish Task Teams to undertake a specific task or project that is to be completed within a defined period of time. The Chair shall have the authority to appoint the individuals who will serve on any such Task Team. A Task Team shall be dissolved after it has completed its assigned task or project.”

Cromwell (2022b, p.127) says: “To the extent that Task Teams are being used in the above fashion, we think that they should continue to form part of the Board overall committee structure”. Table 5 presents the nine active Hockey Canada Task Teams.



Table 5 - Hockey Canada Task Teams – Existing vs Proposed

Task Teams	Existing Governance	Proposed Governance By Cromwell (2022b)
Gender Expression and Identity	Yes	Yes
Canadian Development Model - Minor	Yes	Yes
Canadian Development Model - Female	Yes	Yes
Canadian Development Model - Junior	Yes	Yes
Coaching	Yes	Yes
Officiating	Yes	Yes
Financial Accessibility to Hockey	Yes	Yes
Rules Review	Yes	Yes
Officiating Curriculum (ad hoc)	Yes	Yes

Source: Cromwell (2022b, p.125)

Among the recommendations suggested by Cromwell (2022b, p.8):

- “The Board must reassess its governance model with a view to selecting and implementing a model that will best help achieve the strategic vision of the organization. In our view, for the time being, Hockey Canada’s Board will be best served by a model that falls somewhere between a policy board and a management board.”
- “Beyond developing a statement of roles and policies, the Board must actively manage and reinforce the line between itself and management through clear and consistent communication with senior management.”
- “We do not recommend moving to a board that is compensated.”

Cromwell (2022b, p.10) suggested also replacing the “current system of weighted voting” by a “system where each member has the same number of votes”. At the moment under the weighted voting system, Ontario Hockey Federation and Hockey Québec have 5 votes each and all other members have 2 votes each.

The recommendation would encourage some provinces to split their provinces in multiple members, such as Ontario (with 3 members – Ontario Hockey Federation, Hockey Eastern Ontario, Hockey Northwestern Ontario). This could give a province more power over the national decisions. From Brouard, Pilon and Webb (2023) calculations (which have serious questioning on reliability of membership numbers), Alberta has a total of 62,778 players, while the three Ontario members has a total of 145,733 players and Hockey North has 3,474 players. A question could be: Is it fair to have equal weight between those three Ontario members? It is not surprising that a “survey results were split almost equally between equal voting and the status quo weighted voting system” (Cromwell, 2022b, p.206).

Information and financial dimension of Hockey Canada have been analyzed in Brouard, Pilon and Webb (2022). Cromwell (2022b, p.6) suggested “to remove all language that provides for the Members’ right to approve the financial statements and to instead provide that the Directors shall be the ones responsible for approving them”.



Cromwell (2022b, p.131) “recommend[s] that Hockey Canada committees and Task Teams continue to provide written reports to the Board sufficiently in advance of Board meetings”. Cromwell (2022b, p.7) suggested to “[a]dopt a consistent form of report for Standing Committees and Task Teams that is clear, concise and impactful, and focused on providing information to Directors that is directly related to the strategic objectives of Hockey Canada and non on operational details”.

“Hockey Canada lacks policies and procedures governing what senior management is required to report to the Board, when, and in what format. The Board should work to create clear reporting guidelines and policies to ensure the upward flow of information key to the Board’s role, while filtering out information of an operational nature.”
(Cromwell, 2022b, p.7-8)

Recommendations

Some recommendations in addition to those in Cromwell (2022b) are:

Recommendation 1

The Female Hockey Policy Committee should be a Standing Committee.

Recommendation 2

An Executive committee is worth considering to take over some the roles and duties.

Conclusion

The Cromwell (2022a; 2022b) reports review the governance of Hockey Canada in great detail. Some of the suggestions on governance found by Cromwell (2022b) for Hockey Canada may be translated in reflections on governance at the Member and local levels.

Even if it was outside the scope of the Cromwell (2022b) review, stakeholders raised several issues and challenges regarding hockey in Canada. Some of them noted by Cromwell (2022b, p.13) include: “the toxic culture of the sport and the requirements for broader culture change, the additional support required for women’s hockey, the eligibility criteria for Hockey Canada Members, the support, or lack thereof, afforded to para hockey, the relationship between Hockey Canada and the Canadian Hockey League/Canadian Junior Hockey League and the challenges with respect to the ‘Residential Restriction Rule’ as well as the Major Junior path (also referred to as the ‘Canadian Development Model’) versus the NCAA path”.

All of those issues and challenges must be examined by Hockey Canada, but also by its 13 provincial / territorial members.



ABOUT THE AUTHORS

François Brouard, DBA, FCPA, FCA is a Full professor in the Sprott School of Business, Carleton University, Founding director of the Sprott Centre for Social Enterprises / Centre Sprott pour les entreprises sociales (SCSE/CSES), a member of the Professional Accounting Research Group (PARG) and a member of Philab. francois.brouard@carleton.ca

Marc Pilon, PhD, CPA, CA is an Assistant professor in accounting, Laurentian University, a member of the Professional Accounting Research Group (PARG) and a member of Philab. He is a volunteer hockey coach. mpilon3@laurentian.ca

Andrew Webb, PhD is an Associate professor in the Sprott School of Business, Carleton University and a member of Philab. andrew.webb@carleton.ca

[suggestion for citing the research note: Brouard, François, Pilon, Marc, Webb, Andrew. (2023). *Hockey Canada Governance – Existing Situation and Suggestions by Judge Cromwell (2022)*, PARG #2023-19RN, Research Note, Professional Accounting Research Group (PARG), Sprott School of Business, Carleton University, January 15, 13p.]

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Brouard, F., Pilon, M., Webb, A. (2022). *Hockey Canada – Financial Information: Issues about transparency and responsiveness*, #PARG 2022-12RN, October 11, 37p.

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Appendix A Hockey Canada Members and Associate Members

Location	Name	Website
Members / Branches (13)		
Saanichton, BC	BC Hockey (include Yukon)	www.bchockey.ca
Red Deer, AB	Hockey Alberta	www.hockeyalberta.ca
Regina, SK	Hockey Saskatchewan	www.hockeysask.ca
Winnipeg, MB	Hockey Manitoba	www.hockeymanitoba.ca
Thunder Bay, ON	Hockey Northwestern Ontario	www.hockeyhno.com
Ottawa, ON	Hockey Eastern Ontario	www.hockeyeasternontario.ca
Cambridge, ON	Ontario Hockey Federation	www.ohf.on.ca
Saint-Léonard, QC	Hockey Québec	www.hockey.qc.ca
Fredericton, NB	Hockey New Brunswick	www.hnb.ca
Darmouth, NS	Hockey Nova Scotia	www.hockeynovascotia.ca
Charlottetown, PEI	Hockey PEI	www.hockeypei.com
Grand Falls-Windsor, NL	Hockey Newfoundland and Labrador	www.hockeynl.ca
Yellowknife, NWT	Hockey North (include Northwest Territories and Nunavut)	www.hockeynorth.ca
Associate Members (12)		
Ottawa, ON	Aboriginal Sport Circle	www.aboriginalsportcircle.ca
Mississauga, ON	Canadian Deaf Ice Hockey Federation	cdifh.deafhockey.com
Zurich, SW	International Ice Hockey Federation	www.iihf.com
	Canadian Amputee Hockey Committee	www.canadianamputeehockey.ca
Scarborough, ON	Canadian Hockey League	www.chl.ca
New York, US	National Hockey League	www.nhl.com
Ottawa, ON	Canadian Armed Forces	www.forces.gc.ca
Ottawa, ON	U Sports	usports.ca/
Toronto, ON	National Hockey League Players' Association	www.nhlpa.com
Kingston, ON	Canadian Ball Hockey Association	www.canadaballhockey.ca
	Canadian Junior Hockey League	www.cjhlhockey.com
Toronto, ON	Canada Inline	www.canadainline.com
Major Leagues (3)		
	Canadian Hockey League (CHL)	www.chl.ca
	Western Hockey League (WHL)	www.whl.ca
	Ontario Hockey League (OHL)	www.ontariohockeyleague.com
	Ligue de hockey junior majeur du Québec (LHJMQ) / Québec Major Junior Hockey League (QMJHL)	www.lhjmq.qc.ca www.theqmjhl.ca
University Associations		
	Atlantic University Sport (AUS)	www.atlanticuniversitiesport.com
	Canada West (CW)	www.canadawest.org
	Ontario University Athletics (OUA)	www.oua.ca
	Réseau du sport étudiant du Québec (RSEQ)	www.rseqhockey.com



Appendix B Hockey in Canada – Cups by Division and Geographic Area

Division	Sub-division	Geographic area	Cup
Senior	AAA	National	Allan Cup
Senior	AAA	Pacific Region	Doug Mackenzie Cup
Senior	AAA	West Region	Don Rathgaber Cup
Senior	AAA	Central Region	Gordon Renwick Cup
Junior	Major	National	Memorial Cup
Junior	Major	Western Canada	Ed Chynoweth Cup
Junior	Major	Ontario	J. Ross Robertson Cup
Junior	Major	Québec/Atlantic	President's Cup
Junior	AA	Québec	Coupe Dodge
Junior	A	National	Centennial Cup
Junior	A	Pacific Region	Doyle Cup
Junior	A	West Region	ANAVET Cup
Junior	A	Central Region	Dudley Hewitt Cup
Junior	A	East Region	Fred Page Cup
Junior	B	Ontario	Sutherland Cup
Junior	B	Atlantic	Don Johnson Memorial Cup
U18 Male	AAA	National	Telus Cup
U18 Female	AAA	National	Esso Cup
U15		Atlantic	Irving Oil Challenge Cup
U15		Ontario	Ontario U15 Championship
U13		Ontario	Ontario U13 Championship

Source: (Hockey Canada, 2022b, p.196)

