

**Table of Contents**

1. COMMITTEE OBJECTIVES	2
2. CODE OF CONDUCT	3
2.1. Code of Conduct: COACHES	3
2.2. Code of Conduct: PARENTS	4
2.3. Code of Conduct: PLAYERS	5
2.4. Code of Conduct: BOARD OF DIRECTORS	6
3. DISCIPLINE GUIDELINES	7
3.1. Discipline Guidelines: PARENTS	7
3.2. Discipline Guidelines: PLAYERS	8
4. GRIEVANCE GUIDELINES	9
A. Grievance Form	10
5. RULES OF CONDUCT.	11

## **1. Compliance Process**

- A. Organization. The Compliance Committee is established under the By-laws of Fargo Youth Hockey Association and will consist of a panel impartial parties for all hearings and investigations.
- B. Complaints of infractions of the rules of Fargo Youth Hockey Association shall be investigated and reviewed by the Compliance Committee as provided. The Committee may, and if required under this document, shall, conduct hearings, upon due notice, concerning the conduct of any player, coach, parent or other party and may thereafter impose additional sanctions.
- C. Appeal of Disciplinary Actions. The right to appeal any sanction imposed by Fargo Youth Hockey Association Compliance Committee will follow USA Hockey guidelines Rule 10 which is outlined below. All appeals will brought before the North Dakota Amateur Hockey Association.

**All activity related to compliance shall follow USA Hockey Rule 10 (RULE 10 IS BELOW).**

### **USA Hockey Rule 10**

## **10. DISPUTE RESOLUTION, DISCIPLINE, ARBITRATION**

### ***A. Dispute Resolution***

#### **(1) General**

All claims, demands, discipline or disputes (“Disputes”) arising by and between Parties, as defined in Section 10. B below, shall be subject to the provisions of this Bylaw 10 and this Bylaw shall constitute the sole and exclusive remedy for dispute resolution.

#### **(2) Purpose**

It is the specific purpose of this Bylaw 10 to provide a uniform method of resolving Disputes that is a full and complete substitute for any court proceedings and that utilizes the specific skills, expertise and background of individuals experienced in the sport of hockey and sports administration. The procedures herein are referred to collectively as the “Dispute Resolution Procedure.”

#### **(3) Failure to Follow Procedure**

All Parties agree to abide by this Dispute Resolution Procedure. Failure to abide by the Dispute Resolution Procedure shall, in addition to any other sanctions allowed by these Bylaws:

- (a) Make a Party and any person or entity representing, participating with or aiding such Party liable for any and all costs and expenses, direct or indirect, including reasonable court costs and attorneys’ fees and the value of volunteer time incurred by USA Hockey, its Affiliate Associations, directors, officers and/or agents; and
- (b) Subject such Party to Summary Suspension and/or disqualification from membership and any right to participate in USA Hockey or its Affiliate Associations’ sanctioned events in the sole discretion of USA Hockey or its Affiliate Associations.

### ***B. Definitions***

**(1) For the purposes of this Bylaw, the words, terms and phrases used in this Bylaw 10 shall have the following definitions:**

“Administrative Action” shall mean any action or decision by USA Hockey, an Affiliate Association or a local league, association or program (other than “Discipline” as defined below) that affects any Parties’ eligibility to participate in domestic competition and/or their membership in any organization within the jurisdiction of these Bylaws.

“Affiliate Association” shall be an Affiliate Association as described in Bylaw 3 which is subject to an Affiliate Agreement with USA Hockey.

“Appeal Authority” shall mean the body or organization having jurisdiction to decide any applicable appeal according to relevant governing documents and structures.

“Applicable Rules,” as defined in Bylaw 1.A., means the bylaws, rules and regulations, playing rules, core values and decisions of the Board of Directors of USA Hockey, and comparable bylaws, rules, documents and decisions of USA Hockey’s applicable region, District, Affiliate Association or special jurisdictional ice hockey association.

“Disciplinary Authority” shall mean USA Hockey, including each operating council of USA Hockey (Youth, Junior, Adult and International), any certified Junior league, any Affiliate Association, or a local league, association or program having jurisdiction to issue Discipline to any Party within the jurisdiction of USA Hockey.

“Discipline” shall mean a suspension, probation, censure or other discipline of a Party.

“Domestic Competition” shall mean any ice hockey event, including, but not limited to, games, tryouts, competitions and the like, other than “Protected Competition.”

“Registered Participant Member” and “Allied Member” shall have the meaning as defined in Bylaw 1.A.

“Party” shall mean Registered Participant Member, Allied Member or Affiliate Association and other members within the jurisdiction of USA Hockey, USA Hockey itself or its Affiliate Associations, including, but not limited to, each parent, guardian, agent or other person, and each league, club, sponsor, facility or other group or organization, that is engaged in domestic competition or participating in a USA Hockey sanctioned event of any kind.

“Playing Rules” shall mean playing rules of the game adopted from time to time by USA Hockey and published as USA Hockey Playing Rules.

“Playing Rules Suspension” shall mean suspensions expressly permitted or mandated by the USA Hockey Playing Rules.

“Protected Competition” shall have the meaning ascribed to it in the current governing documents of the United States Olympic Committee, including its Bylaws and the provisions of the Ted Stevens Amateur Sports Act (36 USC Sec. 371 et seq.). Without limiting the foregoing, such term shall include (i) competition by Registered Participant Members or Allied Members in the following international ice hockey competitions: the Olympic Games, Pan American Games, Operation Gold, World Championship or international championships recognized by the International Ice Hockey Federation (“IIHF”), the Paralympic Games, or an International Paralympic Committee recognized World Championship in events on the Paralympic Games program, and (ii) any event, including but not limited to, games, tryouts, and competitions organized and conducted by USA Hockey in its selection proceedings and publicly announced in advance as a competition or event directly qualifying each successful competitor therein as an athlete representing the United States in events listed under the preceding subsection (i). For purposes of the foregoing definition of Protected Competition, actual tryouts for the team which

will participate in competition set forth in

(i) shall be included.

“Protected Competition Participant” shall mean a Party participating in Protected Competition.

“Summary Suspension” shall mean a suspension issued by a Disciplinary Authority prior to a hearing being conducted.

“Unified Procedure” shall mean the hearing and other procedures for issuing Discipline and for a Party’s contesting an Administrative Action, as described in Bylaw 10.C. below.

“United States Olympic Committee” or “USOC” is the national sports organization with authority granted by the provisions of the Ted Stevens Olympic and Amateur Act, 36 USC Sec. 371 et seq., to appoint the National Governing Body for various amateur sports in the United States.

The “USOC National Anti-Doping Policies” include the required agreement by Participants to be bound by the USOC National Anti-Doping Policies and the current United States Ant-Doping Agency Protocol for Olympic Movement and Testing.

“United States Anti-Doping Agency” or “USADA” is the doping regulatory agency that is charged with the responsibility of monitoring and enforcing doping violations for the USOC, and pursuant to USOC anti-doping policies and the current World Anti-Doping Agency Code.\*

The “World Anti-Doping Agency” or “WADA” is the international anti-doping agency with authority based upon the signatories of the World Anti-Doping Code.

The “World Anti-Doping Code” requires that each signatory establish rules and procedures to ensure that all Participants are informed of and agree to be bound by anti-doping rules in force by the relevant anti-doping organizations.

*\*To implement this WADA policy the USOC requires that each NGB shall be responsible for informing Participants in its sport of the USOC National Anti-Doping Policies and the USADA Protocol for Olympic movement and testing which is incorporated into the agreement between the USOC and USADA. By virtue of their membership in an NGB or participation in a competition organized or sanctioned by an NGB, Participants agree to be bound by the USOC National Anti-Doping Policies and the USADA Protocol.*

### **C. Unified Procedure**

#### **(1) General**

Except as may be permitted in Bylaw 10.D. and 10.F. below, no Party may be suspended from participation or otherwise disciplined for any alleged violation of these Bylaws, USA Hockey Rules and Regulations, Policies, Codes of Conduct and Ethics or any such Bylaw, Rules and Regulations, Policies, Codes of Conduct and Ethics of an Affiliate Association, league, club, sponsor, facility or other group or organization, unless a hearing has been held prior to the action being taken according to the provisions of this Unified Procedure. A Registered Participant Member, Allied Member or other person within the jurisdiction of USA Hockey may be subject to Discipline in accordance with this Unified Procedure for violation of the Applicable Rules or for conduct unsuitable for the sport of ice hockey.

**(2) Purpose** It is the purpose of this Unified Procedure to provide Parties a fair hearing (a) prior to being subject to Discipline, which shall include reasonable notice of the grounds for the proposed Discipline, and (b) to contest an Administrative Action, which hearing shall include reasonable opportunity to prepare and present their case and argument in accordance with these rules, including the opportunity to call witnesses and present evidence, the opportunity to see all evidence intended to be used at the hearing and cross examine witnesses and to be assisted by counsel at the hearing.

**(3) Hearing Procedure**

**(a) Hearing Panel**

The Disciplinary Authority considering issuing any Discipline, or upon demand by a Party contesting a suspension or other disciplinary action where no hearing was held, or desires to contest an Administrative Action, shall appoint a hearing panel of a minimum of three reasonably disinterested and impartial persons to conduct the hearing. In cases involving coaches and referees the District or Affiliate Association Referee-in-Chief or Coach-in-Chief, as appropriate, or his/her designee, shall serve on the hearing committee.

**(b) Hearing Timing**

The hearing panel shall hold the hearing no later than thirty (30) days after its appointment unless a later date is agreed upon by the Parties and approved by the hearing panel.

**(c) Hearing Notice**

Not later than seven (7) days before the hearing date, the hearing panel shall provide written notice to all interested Parties of the time and place of the hearing, the manner in which the hearing will be conducted, the grounds for any proposed suspension, discipline or Administrative Action, the possible consequences of an adverse finding, and the issues to be resolved by the panel.

**(d) Hearing Location**

Subject to the provisions of the following subsection (e), the hearing panel shall make every reasonable effort to convene the hearing in a location accessible to all the Parties.

**(e) Conduct of Hearing**

The hearing panel may in its discretion hold a formal or informal hearing, in person or by telephonic conference call or video conference, hear any evidence it believes is relevant to the issue(s) before it, place limits on time, evidence and documentation, have witnesses or written statements and establish other hearing rules so long as the Parties are informed of the established procedures, each Party has a reasonable opportunity to present its case and argument in accordance with the hearing panel's rules, and each Party is treated in a substantially equal manner. The Rules of Evidence in judicial proceedings shall not apply in the hearing. The Parties may be represented by counsel of their choosing at their own expense, provided that the hearing panel may set rules for the involvement of counsel in the hearing. If the hearing panel has not made arrangements for a record of the proceedings, a Party may at its own expense create a stenographic or other record of the proceedings and must inform the hearing panel prior to the hearing of any arrangements so made. A copy of any such record created by or for a Party shall be provided at such Party's cost to the hearing panel. Other Parties will be permitted to secure a copy of the

record in the normal course at their own expense.

**(f) Burden of Proof**

In order to impose a suspension or discipline, the hearing panel must make a finding supported by a preponderance of the evidence (i.e., more likely true than not true) that the Party violated an Applicable Rule. The Disciplinary Authority proposing the Discipline shall have the burden of proof and shall present evidence to support the suspension or discipline by a preponderance of the evidence. In the case of an Administrative Action, the burden of proof shall be on the Party challenging the Administrative Action to prove by a preponderance of the evidence that the Administrative Action was made in an arbitrary or capricious manner or was not supported by the facts. In a contest of an Administrative Action, only the evidence presented to or considered by the Party taking the Administrative Action shall be presented and considered by the hearing panel.

**(g) Decision**

The hearing panel shall use reasonable efforts to (i) render its decision within five (5) business days of the completion of the hearing or the closing of the record whichever is later, and (ii) prepare and deliver a written decision to the Parties within fifteen (15) business days of the completion of the hearing or the close of the record whichever is later. The written decision shall contain findings of material facts, conclusions, the order of the hearing panel and a statement of any right of appeal a Party may have as a result of the decision. Delivery of the decision to the Parties may be made by first class mail or other delivery service or electronic mail in the discretion of the hearing panel.

**(h) Scope of Hearing Panel Decision**

Unless explicitly excepted by another provision of these Bylaws, the decision of the hearing panel shall be (i) in effect only for the program governed by the Disciplinary Authority and (ii) subject to appeal as set out in Bylaw 10.E. and any further review provided for in the governing documents of USA Hockey or the appropriate Affiliate Association. If the Disciplinary Authority wishes to extend any suspension or discipline it ordered beyond its program, it must notify, as applicable, the state or Affiliate Association. If the suspension or discipline is imposed by a state or Affiliate Association, or if a local Disciplinary Authority's decision is affirmed by a state or Affiliate Association, and the state or Affiliate Association wishes to extend the scope of the hearing panel's decision beyond the state's or Affiliate's jurisdictional geographic area, it may only do so by submitting a written request to do so and a copy of the written Disciplinary Authority's and/or Appeal Authority's decision to the Executive Director of USA Hockey, who shall advise all other Affiliate Associations of the suspension or Discipline and upon such notice the suspension or Discipline shall be in effect for all Affiliate Associations.

***D. Exclusions from Unified Procedure***

**(1) General**

As a matter of policy, law and practicality, there are matters that at least initially do not or should not be subject to the Unified Procedure. Any matter not specifically excluded from the Unified Procedure shall be covered by the Unified Procedure.

**(2) Purpose**

It is the purpose of this Bylaw 10.D. to distinguish those disputes and actions that do not require a hearing prior to imposing a suspension or discipline or that require

different procedural handling and safeguards, and to set them out separately in order to highlight any uniqueness such disputes and actions may possess.

### **(3) Exclusions**

#### **(a) Summary Suspensions**

A Summary Suspension may be imposed by any Disciplinary Authority only in those cases where a Party has been arrested for a crime alleged to have been committed, a Party has assaulted another or violated the USA Hockey SafeSport Policy, including such abuse between adults, or other violations of USA Hockey Policies set forth in the Annual Guide or comparable Policies of Affiliate Associations that are in writing and have been approved by USA Hockey.

Any such Summary Suspension must be in writing and given to the suspended Party and the writing shall inform the Party of his or her right to request a hearing. The suspended Party must submit a request for a hearing of a Summary Suspension within seven (7) days of the Party being notified of the suspension. Any hearing following a Summary Suspension shall be conducted according to the provisions of the Unified Procedure.

#### **(b) Playing Rules Suspensions**

Any Playing Rules Suspension does not require a hearing except that, in the event of the imposition of a match penalty as defined in the Playing Rules, a hearing must be offered to be held as set forth in the Playing Rules, and the terms and length of the Party's suspension shall be as set forth in the Playing Rules unless modified or revoked by the hearing panel. Any hearing for a match penalty shall be conducted according to the Unified Procedure; provided that, in the case of a match penalty being imposed in a district or national championship tournament, the hearing will be conducted immediately after the game in question by the on-site USA Hockey personnel. All applicable game scoresheets and referee reports must be presented to the hearing panel and made available to the Party subject to suspension. Any Playing Rule Suspension shall remain in force and effect and be final unless modified or revoked at a hearing, except that if the hearing is not held within 30 days of the incident together with a decision in accordance with the Unified Procedure, the suspended Party shall be automatically reinstated after the 30-day period. The failure to offer the hearing shall not prohibit the hearing body from conducting the hearing after the 30-day period and thereafter imposing further disciplinary action.

#### **(c) Officiating Suspensions**

The applicable state association or league or local supervisor of officials shall have the authority to suspend a referee up to ten (10) days without a prior hearing. The state association or Affiliate Association shall have the authority to suspend a referee after a hearing (held in accordance with the Unified Procedure) or in accordance with the Summary Suspension procedures.

Any official(s) who boycotts any game(s) due to any disciplinary action taken or not taken by a Disciplinary Authority shall subject said official(s) to Discipline in accordance with the Unified Procedure conducted by the organization subjected to said boycott.

USA Hockey does not recognize officials organizations. However, if any registered USA Hockey official is restricted or denied assignment eligibility for any USA

Hockey game by an officials' organization or group of officials ("Officials' Organization"), except for good cause shown in accordance with the Officials' Organization written rules and then only for a very limited duration without a hearing as provided herein, then said Officials' Organization shall be subject to suspension or expulsion in accordance with the rules and regulations herein and that restriction or denied assignment shall have no effect.

**(d) Assault on Game Official**

Assaults on Game Officials are violations of USA Hockey Playing Rules and as such are subject to the provisions for Playing Rules Suspensions. In the event of a match penalty for assault on a game official, the offending Party shall be immediately suspended from all USA Hockey sanctioned activity and if such penalty is affirmed after a hearing, the offending Party shall be suspended for not less than one calendar year with one year calendar year probation thereafter. In the cases of match penalties for assault on a game official, the governing state association or Affiliate Association, its designated hearing body, or the Junior Council sanctioned league shall exercise original jurisdiction in such matter. Suspensions for assault on a game official shall be immediately reported to the applicable Affiliate Association(s), and the appropriate registrar(s). Any game official assessing said penalty shall file with his/her USA Hockey District Referee-in-Chief a written game report within forty-eight (48) hours of the incident. The District Referee-in-Chief shall immediately investigate the incident and promptly submit a written opinion, together with the game sheets and reports to the applicable Disciplinary Authority, indicating whether the incident is applicable under Rule 601(f)1 or is more applicable under a different playing rule. A copy of the Referee-in-Chief's written report and opinion shall be sent by the Disciplinary Authority to both the player, team official and game official involved. The Registrar may accept a registration subject to the terms of this suspension.

**(e) High School, College Club Hockey or Other Members**

A high school program or college club hockey program that is a member of USA Hockey but where membership and eligibility issues are determined pursuant to rules, regulations and dispute resolution procedures of a national, state or district interscholastic athletic organization, shall not be subject to the Unified Procedure to the extent that such organization's rules, regulations and dispute resolution procedures also address the matter.

**(f) National Team, Protected Competition Participant**

Any Party that may be subject to suspension, discipline or Administrative Action and who is a Protected Competition Participant including members of a national team such as players, coaches, managers and team leaders that is scheduled for international competition within thirty (30) days of the event that forms that basis for a possible suspension, discipline or Administrative Action, shall be subject to the jurisdiction of USA Hockey under the procedures in this subsection f.

Within twenty four (24) hours of the event that forms the basis of any proposed discipline or the proposed imposition of discipline whichever is later, either the Party

proposing the discipline or the Protected Competition Participant shall inform the Executive Director of USA Hockey of the event and/or the proposed discipline. Upon referral of the matter to USA Hockey no further action shall be taken by any Party.

The Executive Director of USA Hockey shall, within twenty-four (24) hours of being notified by a Party relative to a Protected Competition Participant, initiate a preliminary review of the matter to determine whether there exists probable cause (i.e. evidence more likely than not) to believe that the Protected Competition Participant has engaged in conduct or committed acts, if proved to be true, that may warrant disciplinary action which would prevent the Protected Competition Participant from participating in Protected Competition.

The preliminary review shall be conducted by an impartial hearing officer appointed by the Executive Director in consultation with USA Hockey Legal Counsel within five (5) days of his/her appointment. He/she shall conduct a review informally in his/her sole discretion in a manner, time and place accessible to the Protected Competition Participant. The review may be in person or by telephonic conference call or video conference. The Rules of Evidence shall not apply but the Protected Competition Participant shall be given reasonable notice of the grounds of the proposed discipline, the opportunity to prepare and defend his/her case and to have assistance of counsel if so desired.

It is the purpose of this preliminary review to expedite the resolution of the matter. Any Party refusing to participate or who unreasonably delays the review shall waive any rights in the hearing or review process and shall not be entitled to appeal any adverse finding.

The hearing officer shall make his/her decision within five (5) days of completing the review. Upon a finding of probable cause by the hearing officer that the Protected Competition Participant has engaged in conduct that warrants disqualification from Protected Competition, he/she shall verbally inform the Executive Director of USA Hockey and the Participant within twenty four (24) hours and reduce such findings to writing no later than five (5) days thereafter and such written decision shall specify the facts upon which the hearing officer has based the decision and inform the Protected Competition Participant of his/her right to request a full hearing on the matter.

In order to request a full hearing, the Protected Competition Participant must make a demand for a hearing to the Executive Director of USA Hockey within five (5) days of receiving the written decision. Notwithstanding the foregoing, the Protected Competition Participant shall also be entitled to exercise his/her rights under the current appropriate governing documents of the USOC, which shall include at least the USOC Bylaws. Failure by the Protected Competition Participant to demand a full hearing or to exercise rights under the appropriate governing documents of the USOC shall entitle the Executive Director of USA Hockey in his/her discretion to exclude the Protected Competition Participant from Protected Competition or to end USA Hockey's supervision of the matter and allow any Party to proceed with imposition of discipline.

A full hearing demanded by a Protected Competition Participant after a finding of probable cause shall be conducted in accordance with the provisions of the Unified

Procedure except that the Unified Procedure will be supervised by the Executive Director of USA Hockey and the hearing panel shall include, at a minimum, a member of the Legal Council of USA Hockey, a member of the International Council of USA Hockey, an Athlete Director if an athlete is involved, a coach if a coach is involved, an official if an official is involved, and two disinterested and impartial individuals chosen by the Executive Director. The Protected Competition Participant or any other Party in interest may request an expedited hearing process and the hearing panel must attempt to comply with any such request.

**(g) Doping, Protected Competition Participants**

All Protected Competition Participants and USA Hockey, Inc. shall be subject to the applicable provisions of the USOC National Anti-Doping Policies, and the USOC agreement with the USADA, and its enforcement of the USADA Protocol for Olympic Movement Testing, which procedures and policies have incorporated the provisions of the World Anti-Doping Code. Such Participants shall be further subject to doping guidelines as may be promulgated from time to time by the International Ice Hockey Federation (IIHF), and the International Olympic Committee (IOC) and any agreements between USA Hockey and these entities relative to doping.

No athlete or athlete support personnel shall be denied eligibility within the meaning of this subparagraph (g) without first being afforded the opportunity for a hearing pursuant to the USADA Protocol for Olympic Movement Testing (“USADA Protocol”), or the hearing provisions of this Unified Procedure.

**(h) Unified Procedures Not Applicable to Financial Disputes**

Disputes concerning liability or damages arising from personal injury claims and disputes concerning dues and fees between Parties are not subject to the Unified Procedure, provided that the existence of a debt to an Affiliate Association or local organization may be grounds for the issuance of Discipline in connection with such matter.

***E. Appeals***

**(1) Right to Appeal**

Any Party that is suspended, otherwise disciplined or subject to an Administrative Action may, after a hearing or failure to have a hearing in accordance with the Unified Procedure, appeal such action as follows:

**(a) Suspensions**

Playing Rule Suspensions or suspensions for violations of bylaw and/or rules of local, league or District organizations, or by a committee of a state association or an Affiliate Association shall be appealable to the Board of Directors of the state association or where no state organization exists to the Affiliate Association's Board of Directors or the designated committee of such Board of Directors (the “Appeal Authority”). Upon the written appeal of any Party whose suspension has been upheld by a state or Affiliate Association, the Executive Committee of USA Hockey shall allow an appeal of such suspension to be determined by it pursuant to the provisions of this appeal procedure, provided that the appealing party shall have the burden of production and of proving that the Appeal Authority committed a gross abuse of discretion. The Executive Committee may delegate or assign the matter to a subcommittee for a review and recommendation in the matter. The Executive Committee shall decide any appeal before it at its next

regularly scheduled meeting and shall render its decision within a reasonable period thereafter.

**(b) Appeals Not Involving Suspensions**

Appeals of Administrative Actions or other disciplinary action which do not involve suspension shall be appealed to the Board of Directors of the state association or where no state organization exists to the Affiliate Association's Board of Directors or the designated committee of such Board of Directors. There shall be no further appeals of Administrative Actions or other disciplinary actions not involving a suspension.

**(c) Officials**

Officials may appeal a suspension, other disciplinary action or an adverse Administrative Action if by a state association, USA Hockey District Referee in Chief or local supervisor of officials to the applicable Affiliate Association. If the official has been disciplined by the Affiliate Association or if the Affiliate Association has affirmed the discipline previously imposed, the official may appeal the discipline to a committee consisting of the National Referee in Chief, a District Director from the District to which the Affiliate belongs and a third impartial individual selected by those two. There shall be no further appeal of any decision by the said committee and the Discipline shall be final.

**(d) District/National Championship Rules Appeals**

District or national championship rules or special jurisdictional hockey association rules shall be appealable to the USA Hockey council or its designee having jurisdiction over the program. There shall be no further appeal of any decision by the said council and the decision shall be final.

**(e) Council Decisions**

Except as otherwise provided, any decision of a USA Hockey council shall be appealable to the USA Hockey Executive Committee whose decision shall be final.

**(f) Junior Appeals**

Any Junior participant, team or league that is suspended otherwise disciplined or subject to an Administrative Action after hearing or a failure to have a hearing may appeal the discipline to the Junior Council. In the case of appeals of Playing Rule Suspensions, Referee Suspensions or other Discipline, and Player Eligibility issues, the decision of the Junior Council shall be final. In the case of any other appeals under this subsection (f), the decision of the Junior Council shall be subject to appeal to the USA Hockey Executive Committee.

**(2) Appeal Procedure** The appeal procedure for all appeals as described in Section E(1) above shall be as follows.

**(a) Statement of Appeal**

The appealing Party must submit a Statement of Appeal in writing to the appropriate Appeal Authority, with a copy to the Disciplinary Authority and the hearing panel, of the decision appealed from within fourteen (14) days of receipt of the decision appealed or of the date of the failure to hold a hearing, whichever is applicable. The Statement of Appeal shall include a statement of why the Discipline should be overturned or reversed, and should attach the record of the hearing panel, if any, and a copy of the decision. The Disciplinary Authority and any responding Party shall have fourteen (14) days from the

receipt of the Statement of Appeal to file a reply and any reply must be served upon the Appeal Authority and the appealing Party. The Statement of Appeal and reply should be a complete and comprehensive document and include all materials the Party wishes to be considered. Letters and other documents not submitted by the Party him/herself as part of the Statement of Appeal need not be considered by the Appeal Authority. If a Statement of Appeal is not received by the appropriate Appeal Authority within the fourteen (14) day period, the discipline shall be final. The failure to respond by any Party will exclude that Party from further participation in the appeal proceedings. The Statement of Appeal and any reply shall be no longer than ten (10) typed double spaced pages with a font size no smaller than twelve (12) point. Exhibits to support the Statement of Appeal and/or reply may also be attached, including any relevant governing documents the Party is relying upon to support its argument. Exhibits shall not be included in the ten (10) page limitation.

**(b) Conduct of Appeal Hearing**

The Appeal Authority may in its discretion hold a hearing or consider the appeal on the written submissions of the Parties and establish other hearing rules so long as each Party is treated substantially equal. Notice of a hearing, if any, shall be given to all Parties, and any hearing may, in the discretion of the Appeal Authority, be held in person, telephonically or by video conference. Only the evidence and theories presented to the Disciplinary Authority or party taking the Administrative Action prior to rendering its decision shall be presented or considered on appeal.

**(c) Appeal Decision**

The Appeal Authority shall make every reasonable effort to issue a written decision that shall include statement finding of the facts that were proven at the hearing and the conclusions of the Appeal Authority within fourteen (14) days of the hearing. The Appeal Authority may affirm, reverse or modify (including increase or decrease the term of a suspension) any decision in its sole discretion and as it deems proper under the circumstances.

**(d) Suspension or Discipline Remains in Effect**

Any suspension, discipline or Administrative Action appealed from shall remain in force and effect until it expires, is reversed or is modified by the Appeal Authority.

**(3) No Further Appeals**

There shall be no further appeal of any decision by the Executive Committee of USA Hockey in matters concerning Discipline and its decision shall be final as it is the final Appeal Authority in this appeal process.

***F. National Suspensions and Expulsions; Affiliate Disputes and Challenges to Affiliates***

**(1) Scope**

The procedures authorized by this Bylaw 10.F. shall be the exclusive mechanism for the resolution of the following matters:

- (a) National suspensions and expulsions of an Affiliate Association, or state or local association;
- (b) Disputes between USA Hockey and an Affiliate Association, including alleged breaches of the Affiliate Agreement between USA Hockey and an Affiliate Association; and
- (c) Challenges by a third party, other than USA Hockey, to an Affiliate Association's

status with USA Hockey.

Any suspension, expulsion or other discipline of an individual member of USA Hockey does not fall under this Bylaw 10.F. and shall be governed by the other applicable provisions of this Bylaw 10.

**(2) National Suspensions and Expulsions**

Violation of these Bylaws or the Applicable Rules, or conduct unsuitable for the sport of ice hockey, by any Affiliate Association or state or local association of USA Hockey, or breaches of the Affiliate Agreement between USA Hockey and an Affiliate Association, may subject such organization to suspension or expulsion from USA Hockey by the Executive Committee of USA Hockey.

**(a) Appointment and Recommendations of the Special Committee; Hearing by Executive Committee**

Upon receipt of written notice describing such violations, the Executive Committee shall appoint a special committee to investigate such matters and report to it in writing its findings of material facts, conclusions and recommendations to remedy the violations. If the recommendation of the special committee is suspension or expulsion of the offending party, the Executive Committee shall hold a hearing to allow the offending party to present such evidence as the offending party deems pertinent to the issues before the Executive Committee. If the recommendation of the special committee is not suspension or expulsion of an Affiliate Association (if an Affiliate Association is the offending party), then the dispute process shall be governed by Bylaw 10.F.(3) and the written recommendation of the special committee shall constitute the written notice of dispute required by Bylaw 10.F.(3)(a).

**(b) Action by Executive Committee**

Following the hearing, in closed session, the Executive Committee may take action to suspend or expel the organization from USA Hockey, or any of its activities, by a two-thirds majority vote. Any such suspended or expelled party shall have the right to appeal such decision to the Board of Directors of USA Hockey at its next regularly scheduled meeting. If the Executive Committee does not vote to suspend or expel the offending party, but instead, by majority vote, takes other action with respect to the offending party, such party shall have the right to appeal such decision to the Board of Directors of USA Hockey pursuant to Bylaw 10.F.(3)(d)-(f). The decision of the Executive Committee shall be in writing and contain findings of material facts, conclusions and the order of the Executive Committee.

**(c) Appeal to Board of Directors**

Pending the decision of the Board of Directors on such appeal, the suspension or expulsion shall be held in abeyance. To sustain the action of the Executive Committee or to take any other action to suspend or expel the offending party, a two-thirds majority vote of the Board of Directors shall be required. If the Board does not vote to suspend or expel the offending party, the Board may take such other action against the offending party as the Board determines by a majority vote of the Board of Directors.

**(d) Appointment of Trustee**

If the appealing party is an Affiliate Association, the Board shall have the authority, upon suspension, to appoint a trustee to administer and oversee the operations and affairs of the

Affiliate until such suspension is terminated or the Affiliate Association is in good standing.

### **(3) USA Hockey and Affiliate Association Disputes**

Disputes between Affiliate Associations and USA Hockey, including, without limitation, disputes regarding the construction, interpretation and/or application of these Bylaws; the Applicable Rules or the Affiliate Agreement between USA Hockey and the Affiliate Association; directives USA Hockey requires an Affiliate Association to observe; or any recommended remedies proposed by the special committee pursuant to Bylaw 10.F.(2)(a) that do not involve suspension or expulsion of an Affiliate, shall be resolved as follows:

#### **(a) Appointment of Special Committee**

Upon written notice of a dispute to the Executive Committee, which may be given only by the President of USA Hockey and/or the president of the disputing Affiliate Association (or their respective acting substitutes) and which notice shall reasonably describe the dispute, the Executive Committee shall promptly appoint a special committee to resolve such dispute. The special committee shall be comprised of five (5) persons: one (1) member of the Legal Council appointed by the chair of the Legal Council (who shall not be the chair of the Legal Council), who shall serve as chair of the special committee; one (1) member of the of the USA Hockey Council with primary interest with respect to the issue(s) in question appointed by the chair of such council (who shall not be the chair of such council) (provided that in the event there are multiple interested councils, the Executive Committee shall determine the council with primary interest); one (1) member of the Executive Committee appointed by the chair of the Executive Committee; and two (2) Affiliate Association Presidents appointed by the President of USA Hockey (or his or her acting substitute).

#### **(b) Special Committee Consideration and Order**

1. The special committee shall consider the dispute based on such procedures, rules and timing as it determines in its sole discretion, which procedures may include written submissions by the disputing parties, or in person or telephonic hearings. The special committee may determine such procedures, rules and timing itself or, in its discretion, in consultation with the disputing parties. In determining such procedures, rules and timing, each party shall be treated equally. The special committee shall notify the parties in writing of the applicable procedures, rules and timing in order to commence the special committee's consideration of the dispute. The special committee shall act with reasonable promptness.

2. The special committee shall render a written decision which shall contain findings of material facts, conclusions and the order of the special committee. If the order of the special committee recommends the suspension or expulsion of the Affiliate Association, such recommendation shall be considered by the Executive Committee pursuant to Bylaw 10.F.(2) as if the special committee had made such recommendation to the Executive Committee under Bylaw 10.F.(2)(a). In such event, the member of the Executive Committee that served on the special committee may participate but shall not have a vote in the Executive Committee's determination under Bylaw 10.F.(2)(a), unless such member's vote is necessary to break a tie or other deadlock in voting.

**(c) Appeal to Executive Committee**

If the order of the special committee does not recommend the suspension or expulsion of the Affiliate Association, then within ten (10) business days of the special committee's delivery of its written decision, a disputing party may appeal the order of the special committee to the Executive Committee, who may sustain, modify or overturn the order of the special committee by a majority vote. The member of the Executive Committee that served on the special committee may participate but shall not have a vote in the Executive Committee's determination of the appeal, unless such member's vote is necessary to break a tie or other deadlock in voting. The Executive Committee's decision shall be in writing and shall contain findings of material facts, conclusions and the order of the Executive Committee.

**(d) Appeal to Board of Directors**

A disputing party may appeal the decision of the Executive Committee to the Board of Directors of USA Hockey at its next regularly scheduled or special meeting, which may sustain, modify or overturn the order of the Executive Committee by a majority vote of the Board of Directors. The President of USA Hockey or his/her designee shall determine whether to call a special meeting of the Board of Directors and, if a special meeting is determined to be held, the means by which the meeting shall be held (e.g., written submissions, telephonic or other electronic means, etc.). A disputing party shall deliver notice of its appeal to the President of USA Hockey for inclusion on the Board of Directors' agenda by the earlier of ten (10) business days after the Executive Committee's delivery of its written decision or the start of the next Board of Directors' meeting.

**(e) Appeal Rules**

1. The appealing party shall submit, at a minimum, a written statement of why the order of the special committee or Executive Committee, as applicable, should be modified or overturned (the "Statement of Appeal"). The Statement of Appeal shall also include the written order(s) of the special committee and Executive Committee, as applicable, and any other information as may be requested by the appeal authority. A copy of the Statement of Appeal shall be delivered to the special committee and Executive Committee, as applicable.
2. In any appeal, the appeal authority shall consider only (i) the evidence and theories presented to the special committee for its consideration prior to the rendering of its decision, and (ii) the written decisions by the special committee and Executive Committee, as applicable.

**(f) Effectiveness of Order**

The order of the special committee shall be in effect unless and until it is modified or overturned by an appeal to the Executive Committee, and the order of the Executive Committee shall be in effect unless and until it is modified or overturned by an appeal to the Board of Directors, as applicable.

**(4) Challenges to Affiliate Status**

Challenges to an Affiliate Association's status with USA Hockey by a third party other than USA Hockey shall be referred to the Legal Council for investigation and recommendation to the Board of Directors for action at the next regularly scheduled meeting of the Board. The Board of Directors shall allow the challenging party to submit

to it such matters as it deems appropriate to decide the challenge and shall allow any challenged Affiliate Association to submit such material and evidence it deems appropriate to rebut any such challenge.

**(5) Affiliate Status**

An Affiliate Association's status with USA Hockey shall be defined by the Bylaws and Rules and Regulations of USA Hockey, the Affiliate Agreement between USA Hockey and the Affiliate Association, and such other actions of the USA Hockey Board of Directors as shall be determined from time to time.

**G. Arbitration**

**(1) Purpose**

It is the specific purpose of Bylaw 10.G to provide for a uniform method of resolving all disputes which utilizes the specific skills, expertise and background of people experienced in hockey and sports administration matters ("Arbitration Procedure").

**(2) Scope**

Any party aggrieved by a final decision of a governing body as defined herein shall be entitled to demand that the dispute be subject to arbitration pursuant to the procedure set out in this Section 10.G.

This arbitration procedure may also be used to challenge the construction, interpretation and application of a governing body's Bylaws, Rules and Regulations and the authority, relationship and arrangements by or among any governing body(ies) if a governing body has rendered a final decision relative to same.

A "final decision" shall mean the party requesting arbitration shall have exhausted all administrative remedies available to it, including without limitation shall have taken all steps, had hearings locally, and have received a final decision from the USA Hockey Affiliate organization. Failure to take all administrative steps necessary in order to demand arbitration is a jurisdictional requirement and shall be a bar to claiming arbitration.

The term "governing body" shall mean any board of directors, director, officer, employee, agent or other duly authorized representative or committee of USA Hockey, its registered team members, allied members, Affiliate associations, state associations and their local associations or leagues.

**(3) Exceptions**

The provisions of this Section 10.G. shall not apply to any decisions involving:

- (a) Playing rules;
- (b) Officiating;
- (c) Doping and/or use of illegal substances;
- (d) National suspension or expulsion, disputes between USA Hockey and an Affiliate Association, and challenges to an Affiliate Association's status, performance or function, which are governed by Bylaw 10.F. above;
- (e) Any matter which may be or has been appealed to the Executive Committee of USA Hockey under the provisions of this Bylaw 10;
- (f) Those decisions specifically excepted by any other provisions of these Bylaws;
- (g) Monetary claims or disputes between parties; and

(h) A challenge to any Discipline imposed under Bylaw 10.

#### **(4) Commencement of Arbitration**

The last decision of a state association or an Affiliate Association which exhausts that state association's or Affiliate Association's dispute process shall be final and binding on the parties unless arbitration is timely commenced in accordance with this Bylaw 10.G.(4).

The party initiating arbitration shall file a written Petition for Arbitration that contains the following information:

- (a) Identifying the name of the petitioning party and the governing body and the decision being appealed;
- (b) The date of the said decision;
- (c) A description of all administrative steps taken and the exhaustion of all appeals processes;
- (d) A concise and specific statement of the issues to be arbitrated;
- (e) A statement of reasons as to why the decision should be reversed or modified;
- (f) The relief sought; and
- (g) The required bond.

The Petition shall be no longer than ten (10) typed double-spaced pages with a font size no smaller than twelve (12) point. Exhibits to support the Petition may be attached and shall include a copy of the decision appealed from and any relevant governing documents.

The Petition shall be filed with USA Hockey's Vice President, Chair of the Legal Council ("Chair, Legal Council") and USA Hockey's business office in Colorado Springs, Colorado, and shall be served on all named parties, no later than fourteen (14) days from the date of the decision that is the subject of the Petition. Filing shall be deemed to have occurred upon receipt of the Petition by USA Hockey's business office in Colorado Springs, Colorado. Filing, and responses, may be accomplished by surface mail, courier, electronic mail, or facsimile to the proper persons.

#### **(5) Response**

Any responding party to the Petition shall file its response in the same manner and which shall meet the same requirements set out in Paragraph (4) above upon all other parties within fourteen (14) days of receipt of the Petition. Any named party not responding within the time period above shall continue to be a party to the arbitration, but shall have no further right to assert any rights, defenses or claims in the arbitration.

#### **(6) Selection of Arbitrators**

An arbitration panel ("panel") shall consist of three (3) arbitrators unless it is determined by the Arbitration Supervisor (defined below) that the number of parties and/or interests requires a different number of arbitrators as set out in Paragraph (8)(b)(5) below.

Within seven (7) days of the petitioning party and the responding party(ies) receiving notice from Chair, Legal Council that the responding party(ies) responses have been received, each party shall identify its choice of arbitrator to the other parties. Neither the Petitioner(s) nor any other named parties may serve as an arbitrator(s). The arbitrators so chosen will between them identify the neutral arbitrator(s) from names submitted to each other no later than

seven (7) days from the date of the submission of the neutral arbitrators' names. In the event that the arbitrators selected by the parties are unable or unwilling to name the neutral arbitrator(s), the Arbitration Supervisor may choose the neutral arbitrator(s) from among the list of neutral arbitrators, or if no neutral arbitrators are proposed by the arbitrators appointed by the parties, then as such neutral arbitrator(s) may be selected by the Arbitration Supervisor.

Upon appointment of all arbitrators, the arbitrators shall inform the Arbitration Supervisor when the panel is formed. Prior to the forming of the panel, no party to the arbitration may file any temporary or preliminary motions or requests to the panel requesting interim relief.

A party's refusal or failure to nominate or select any arbitrator within the time limits provided shall cause it to forfeit its right to such selection and the arbitration shall proceed with those arbitrators so chosen, except that in the case of the Petitioner's refusal or failure to so nominate or select the Petition for Arbitration shall be dismissed by the Arbitration Supervisor.

### **(7) Qualification of Arbitrators**

All arbitrators shall have experience and knowledge about the organization and administration of amateur ice hockey in the United States and the sport of ice hockey itself, specifically including present or former athletes who played the sport of ice hockey and those who have demonstrated experience and involvement with national, Affiliate, state, or local ice hockey organizations. All neutral arbitrators shall be independent and objective. Officers, directors or employees of USA Hockey may not serve as neutral arbitrators.

### **(8) Supervision of Arbitration**

(a) The arbitration shall be supervised by the Chair, Legal Council, or his/her designee (the "Arbitration Supervisor"), who shall be an individual identified in Section 8(d). The Arbitration Supervisor shall supervise, but not take part in the arbitration. The Arbitration Supervisor shall promptly review the parties' submissions and determine if the matter is properly arbitratable under this Bylaw and may make any decision or ruling, or take any action that the Arbitration Supervisor determines in his/her sole discretion is necessary for the prompt and proper conduct of the arbitration. Any decision of the Arbitration Supervisor, that the matter is not arbitratable, or in any other way terminates the entire proceeding, shall be immediately appealable to the Executive Committee as provided in Section 10.E.(1)(a) of this Bylaw 10.

(b) Except as noted above, all of the decisions and actions of the Arbitration Supervisor shall otherwise be final and non-appealable. Such decisions and actions shall include without limitation:

- 2 confirming the correct parties to the arbitration and adding, removing or realigning parties as appropriate and necessary within the exercise of his/her sole discretion;
- 2 determining that the issues as set out by the parties are appropriately subject to this arbitration procedure and that the initial submissions of the parties are complete and filed in a timely fashion;
- 2 informing the parties in writing that the arbitration has been initiated and that they should chose their arbitrators;
- 2 in the event the parties cannot agree on a neutral arbitrator, appoint a neutral

arbitrator;

2 if there are more than two parties to the arbitration, determine the appropriate number of arbitrators for the panel, including the number of neutral arbitrators to ensure that no party, or combination of parties, to the dispute can control the decision in the absence of the vote of the neutral arbitrators; confirm, restate, modify, delete or otherwise frame the issues to be arbitrated; and inform the parties that the arbitration is ready to proceed.

(c) Failure to timely comply with the Chair, Legal Council's or the Arbitration Supervisor's directions and/or to file an appeal with the Executive Committee shall terminate the arbitration procedure and the immediately preceding administrative decision shall be final and binding on all parties.

(d) When USA Hockey is named in the arbitration and is a real party in interest to the arbitration, the Chair, Legal Council shall not serve as the Arbitration Supervisor and shall appoint as his/her designee to be the Arbitration Supervisor an independent and objective person with at least five (5) years experience in supervising or arbitrating commercial arbitrations. The appointed Arbitration Supervisor shall have the authority as set out in this section 8.

### **(9) Hearing**

Once the panel has been formed and Arbitration Supervisor has been informed of that fact and confirmed that the arbitration is ready to begin, the arbitrators should conference in a manner of their choosing and determine how the panel will conduct the hearing on the arbitration. The panel will determine whether it will proceed upon the submission of documents, take testimony in person, place limits on time for submission of evidence, the rules of evidence to be applied and establish a procedural order for the hearing to be completed. The panel shall not conduct a de novo investigation or hearing but shall be limited to the record of the matter before it. The panel shall not entertain any theories or evidence that have not been decided or submitted to the body that decided the issue being arbitrated.

The panel shall render a written decision within twenty (20) days from the date of the completion of the hearing unless a majority of the panel determines this time frame should be extended. The decision shall be in writing and shall set forth findings of fact along with the reasoning and conclusion of the panel.

### **(10) Burden of Proof**

The party that has filed the Petition for Arbitration shall have the burden of proof to present sufficient evidence and to persuade the panel by clear and convincing evidence to uphold its appeal. The panel may make inferences and presumptions from the evidence presented to it or from the failure to produce available evidence, materials or witnesses.

### **(11) Standard for Determination**

In making its determination and deciding the matter before it, the panel shall be limited to deciding whether in the decision being appealed that:

- (a) There was an abuse of discretion by the governing body; and
- (b) The governing body acted in an arbitrary and capricious manner; and
- (c) But for such actions, a different result would have resulted.

**(12) No Appeal**

The decision of the panel, and where called for in this Section 10(I), decisions of the Chair, Legal Council and/or Arbitration Supervisor, shall be final and not subject to further appeal.

**(13) Bond/Expenses**

A bond in the form of a certified check in the amount of \$1,000 (or such higher amount as may be determined by the Chair, Legal Council), and in a form determined by Chair, Legal Council, and made payable to USA Hockey, Inc., shall accompany the Petition for Arbitration. The Chair, Legal Council or the Arbitration Supervisor may set any other bond requirements for the Petitioner and other parties in his/her sole discretion.

The panel may determine in its discretion to assess costs or attorney fees against the party that does not prevail. The prevailing party may petition the panel for such assessment of costs after the panel's decision is rendered. Any costs so assessed may be deducted from the posted bond(s) by USA Hockey, Inc. and distributed according to the instructions of the panel.

***H. Exception to Internal Arbitration – AAA Arbitration – United States Olympic Committee and Protected Competition*** Notwithstanding anything to the contrary contained in Bylaw 10.I or in USA Hockey's Rules and Regulations:

- (1) Upon demand of the USOC, USA Hockey agrees to submit to binding arbitration conducted in accordance with the commercial rules of the American Arbitration Association, any controversy involving its recognition as a national governing body, or involving the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, as provided in the USOC Constitution and the USOC's Bylaws, and
- (2) No action on behalf of USA Hockey shall be made, or shall be deemed to have been made, which denies or threatens to deny, in violation of approved selection criteria, any amateur athlete the opportunity to compete in Protected Competition.

***I. Recourse to Courts, Rules*** In the event of recourse to the courts of any jurisdiction on any matter and for any reason without adhering to this Bylaw 10 and without altering the prohibition against that recourse stated in these Bylaw, the following principles shall prevail:

**(1) Laws of Colorado Apply**

The laws of the State of Colorado (except for any conflict of laws provision that may apply another state's law) shall govern;

**(2) Deference to Governing Body Expertise**

The constructions, interpretations, rulings, procedures, decision and opinions of the Governing Bodies, their directors, officers and other duly authorized personnel, and local sub-affiliates shall be deferred to as being the product of its experience and judgmental expertise in hockey and in the administration of that hockey. In the event of a conflict in construction, interpretations, rulings, decisions and opinions between Governing Bodies and/or sub-affiliates, they shall be given precedence in the following order: USA Hockey, Affiliate Association, regional, state sub-affiliates and then local, sub-affiliates, with USA Hockey being considered the highest authority;

**(3) Other Reasonable Inferences Not Controlling**

The fact that another reasonable inference or interpretation could be made will not be

grounds for overruling or modifying a decision of a Governing Body (including its duly authorized personnel);

**(4) Limitation on Evidence and Theories to Original Hearing**

Only the evidence and theories explicitly presented to the original Governing Body or sub-affiliate for its consideration prior to the rendering of the initial decision by that Governing Body or sub-affiliate shall be presented or considered in court;

**(5) Burden of Proof**

The burden of proof shall be on the party attempting to have any decision or action of a Governing Body (including its duly authorized personnel) and/or sub-affiliate reversed, modified or changed in any way, and that burden shall be the equivalent of the highest degree of proof required in any civil proceeding;

**(6) Governing Bodies/Volunteers/Costs**

Given the fact that the Governing Bodies and sub-affiliates are not-forprofit organizations administered by volunteer effort, each party that is not successful in overturning in its entirety a procedure, ruling or other decision of a Governing Body, shall pay for any and all fees, expenses and other costs of the Governing Body (including its sub-affiliates) with respect to that matter (including, but not limited to: attorney's fees, court, court reporter, transcript, document and exhibit costs; fees and expenses of consultants, experts, investigators and witnesses, and in obtaining or producing materials or evidence, transportation and other per diem and incidental expenses of each of the foregoing and of all volunteers; and, the value of each volunteer's time, both in and out of court, as measured by that individual's customary work position).

**2. CODE OF CONDUCT**

**2.1. Code of Conduct: COACHES**

**All coaches will:**

1. Care about the players and their development first and foremost as it is the number one priority of our program.
2. Make safety a top priority by discussing risk of injury, demonstrating safe techniques and by being prepared for potential injuries.

3. Understand the rules of the game and the importance of teamwork.
4. Be a positive role model for your players by displaying emotional maturity, maintaining a neat appearance, being prompt and demonstrating kindness, consideration and understanding toward the players.
5. Be consistent, honest, fair and just when dealing with your players.
6. Become familiar with and share ideas, techniques and strategies with other coaches for the betterment of the program. They will seek opportunities to develop professionally and participate in training clinics when offered.
7. Be well prepared for practice sessions with organized practices that follow the ADM model and are fun, challenging and properly utilize time and the ice.
8. Promote good sportsmanship and teach players to respect the officials and their decisions.
9. Maintain a positive and professional relationship with all players and parents.
10. Attempt to travel to away games and tournaments with the other coaches on the team or individually, rather than with families of players.
11. Strive to promote equitable playing time for all players to ensure the development of each member of the team.
12. Maintain an open line of communication with players' parents. They will clearly explain primary goals and philosophy, the goals and objectives of the association and the responsibilities they and the players have.
13. Remember it is a game—not a job—for the players.

**Coaches WILL NOT at any time:**

1. Use offensive language.
2. Physically or verbally abuse players.
3. Use tobacco, drugs, or alcohol while supervising players; this violation will result in immediate suspension.
4. Allow themselves to be in a room alone with a single player with the door shut.

**2.2. Code of Conduct: PARENTS**

**All Parents will:**

1. Remember that youth are involved in organized sports for their enjoyment, not mine.
2. Encourage their player by offering praise for:
  - honest effort
  - competing fairly
  - trying hard
  - good sportsmanship

- abiding by rules of the game
  - resolving conflict positively, without hostility or violence
3. Ensure their player is at practices and games on time or will contact the coach ahead of time if late or absent.
  4. Ensure their child's equipment is complete, safe and in good condition.
  5. Remember that all players' experiences and development are important.
  6. Support the team as a whole, not just their own child.
  7. Conduct himself/herself in a positive manner by displaying respect for the judgment and authority of the officials, coaches, and board members by supporting the decisions they make and not undermining their efforts. They will not verbally abuse officials, coaches, employees, or board members and avoid confrontations at all costs.
  8. Use appropriate channels and constructive feedback to express concern or make a complaint.
  9. Adhere to all financial and volunteer obligations set forth by the Fargo Youth Hockey Association. This applies to any and all payment plans for registration, fundraising and the hours required for volunteering.

**Parents WILL NOT at any time:**

1. Force an unwilling child to participate in FYHA.
2. Publicly criticize or ridicule a coach, player, official, employee, or board member.
3. Condone physical or verbal abuse of players, officials, employees, or board members.
4. Behave in a manner which may create a negative, hostile or uncomfortable team environment.
5. Disrespect, ridicule, embarrass or demean the capabilities or skills of a teammate, coach, opposing player/coach, referees, etc.
6. Conduct themselves in a manner deemed detrimental to Fargo Youth Hockey.

**2.3. Code of Conduct: PLAYERS**

**All Players will:**

1. Abide by the rules and regulations of USA Hockey, North Dakota Hockey and the Fargo Youth Hockey Association.
2. Learn the rules and necessary skills of the game.

3. Respect the ruling of an official; anyone receiving a penalty will skate directly to the penalty box.
4. Always conduct themselves in a positive manner by respecting other players, coaches, parents, arena staff, officials and authoritative figures.
5. Recognize the value, authority and importance of our coaches and team interests.
6. Understand the importance of team work and team concept.
7. Be prompt for all practices (including dryland) and games, or contact a coach ahead of time.
8. Display respect for the arena facilities and staff, either home or away, in which they are privileged to play. They will behave themselves at all times in all public places, including hotel rooms and restaurants, etc., during hockey events and will leave a positive impression of FYHA.

**Players WILL NOT at any time:**

1. Swear or use abusive language on the bench, in the rink or at any team function.
2. Use alcohol, tobacco, e-cigarettes, or illegal drugs.
3. Participate in:
  - a. **Hazing**: committing an act against a player or coercing a player into committing an act that creates a substantial risk of harm to a person in order for the player to be initiated into or affiliated.
  - b. **Disorderly conduct**: engaging in offensive, obscene or boisterous and noisy conduct tending to arouse alarm, anger or bring resentment in others.
  - c. **Harassment**: participating in or conspiring with others to engage in harassing acts that injure, degrade or disgrace other individuals. Harassment parameters, whether willful or otherwise, include disability, race, sexual orientation and/or age.

**2.4. Code of Conduct: BOARD OF DIRECTORS**

**All members will:**

1. Carry out their responsibilities as set out by the FYHA in a consistent manner and to the best of their abilities.

2. Provide members with a process to register feedback and follow up in a timely manner.

**Members WILL NOT at any time:**

1. Use their position on the board of directors for personal gain.

### **3. DISCIPLINE GUIDELINES**

#### **3.1. Discipline Guidelines: PARENTS**

If any parent/guardian is disrespectful or obstructs/interferes with a coach during the instruction time (on or off the ice), or is verbally or physically abusive to a coach, official, employee, player, opposing team player, parent or coach, the parent/guardian may be subject to disciplinary action that can include suspension from the program.

#### **Discipline Guidelines – Parents/Coaches/Board Members**

The following may be discipline actions for parents/coaches/board members after review with the Compliance Committee. Discipline action can be escalated outside of these guidelines based on the severity of the actions.

The following will be used as a basic guide for handling discipline problems that may occur during the year. The discipline guidelines are intended to be minimum guidelines that outline expectations, methods of acceptable discipline, and escalation procedures if needed.

1. If behavior results in substantiated **unsportsmanlike behavior**, as decided by the Compliance Committee:
  - a. First Offense: Written Warning from Compliance Committee
  - b. Second Offense: Suspension from **all Fargo Youth Hockey Association events** for a time period as decided by the Compliance Committee.
  - c. Third Offense: Removal for the remainder of the season of **all Fargo Youth Association events**.
2. **24 Hour Rule:** No parent in a fit of frustration/anger should contact the coach in any manner until 24 hours has passed.
3. Parents who create public displays of physical violence/anger towards their coaches, game officials, or other parents may be automatically suspended from all FYHA events.
4. All inappropriate actions and resulting discipline will be logged with the Compliance Committee and will be cumulative during the course of that family's participation in FYHA.
5. Individual/s involved will be notified of action being taken pursuant to USA Hockey Rule 10.

### **3.2. Discipline Guidelines: PLAYERS**

Any concern regarding the conduct of a player must be reported directly to the coach, team manager, Safesport Director or VP of Hockey Operations by the player or parent.

#### **Discipline Guidelines – Players**

The following will be used as a basic guide by each team for handling discipline problems that may occur during the year. The discipline guidelines are intended to be minimum guidelines that outline expectations, methods of acceptable discipline, and escalation procedures if needed.

We expect, at a minimum, positive attitudes, good sportsmanship, respect for self and others, respect for the arena, and skill development.

- Minor offenses such as being late for practice, not listening to coach, badmouthing teammates or opponents, harmful teasing, foul language shall be handled primarily at the coaching level. At the coach's discretion methods of discipline for the player may include: sit on the bench during practice, perform additional laps/push-ups/skating drills (age-appropriate), pick up pucks, clean locker rooms, be asked to leave the practice, sit out a period of the next game. If the behavior continues, a meeting between the coach(es), the player, the parents, and Compliance Committee will be held to discuss additional consequences and work out an agreement that may include additional discipline, including suspension from the program. Minor incidents should be corrected promptly and informally, taking a constructive approach and with the goal of bringing about a change in negative attitudes and behavior.
- Unexcused absences may result in a suspension of one period for the 1<sup>st</sup> absence, 2 periods for the 2<sup>nd</sup> absence, and a full game suspension for a 3<sup>rd</sup> unexcused absence (age-appropriate). Excused absences will be accepted via phone call, text, or email to coach 1 hour before practice or in emergency situations.
- During a game, a coach may bench a player for a period or the remainder of the game depending upon the severity of the incident.
- Major offenses shall be handled on a case-by-case basis and action shall be determined by the Compliance Committee.
- Drugs, alcohol, tobacco, etc. violations shall be handled in accordance with Fargo Public School policies.



Jim Smith  
President

October 30, 2019

Dear USA Hockey member –

As the hockey season begins in full, we continue to receive reports of disturbing incidents involving racial and other derogatory slurs, behavior which is reprehensible and has absolutely no place in our game, especially around our children.

As you are all aware, USA Hockey has long had a Zero Tolerance Policy towards any type of abusive conduct, specifically under Rule 601 (e.3), which states that anyone who uses language that is offensive, hateful or discriminatory in nature anywhere in the rink before, during or after the game, shall be assessed a game misconduct penalty. For reasons which I cannot explain or understand, this penalty does not seem to be enough of a deterrent to stop this conduct.

I am issuing a directive effective immediately that anyone assessed a penalty under Rule 601 (e.3) will now receive an **automatic Match Penalty**, in lieu of the game misconduct penalty that currently exists, and shall be immediately suspended until a hearing is conducted by the governing USA Hockey Affiliate or junior league. The applicable Affiliate or junior league is required to conduct a hearing within 30 days of the incident and the individual may be subject to further discipline.

Further, our on-ice officials have protocols in place that address situations where a player is accused of saying something that violates Rule 601 (e. 3) but is not heard by the officials. While the officials cannot assess a penalty in that circumstance, they are instructed to notify the coach of the offending team and it is critical that the coach take immediate and appropriate action. Officials must also report the incident through the game reporting system, and Affiliates must review all incidents, whether penalized or unpenalized, to ensure proper application of the rules.

We also receive reports of racial harassment and discrimination among teammates; this behavior must be addressed through submitting appropriate reports through our SafeSport Program.

Parents and coaches, please take the time to address these issues with your kids. Helping educate them on these topics is an important part of our overall effort to eliminate any type of discriminatory language or behavior from our sport.

While the vast majority of our hockey games are conducted in the spirit for which they were intended, we must remove offensive, hateful or discriminatory language or behavior from our game. Please join me in stamping it out and ensuring we have an environment that is free from discrimination of any kind.

Thanks for doing your part and I hope this will be the best and brightest hockey season for you and your family.

Yours in hockey,

Jim Smith



USA Hockey, the national governing body for the sport of ice hockey, is a member of the International Ice Hockey Federation and the United States Olympic & Paralympic Committee



usahockey.com

#### **4. GRIEVANCE GUIDELINES**

##### **Grievance Guidelines**

It is important to the health of our organization to have an open-door policy on any concerns you may have. Please remember, however, how to best channel your concerns.

If a parent has a concern about situations in a game or practice, they must adhere to the 24-hour rule (waiting 24 hours to cool off) before they talk to the coach about the situation. If you are not satisfied with this meeting, the next step is to take the matter to the Compliance Committee.

Complete the official grievance/incident report and email to the Compliance Committee for review. There will be no tolerance or reprisals taken against any party to a grievance. The names of parties and the circumstances of the grievance will be kept confidential except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Anyone making a complaint which is found to be clearly unfounded, false, malicious or frivolous may be subject to discipline under the direction of the Compliance Committee

These discipline/grievance guidelines are not a part of the FYHA by-laws and may be subject to review and revision during a regularly scheduled board meeting with a quorum vote to adopt changes.

Grievance forms can be located on the FYHA website or offices.

#### **5. ADDITIONAL GUIDELINES**

##### **A. Sportsmanship.**

1. Good sportsmanship is required of all players, coaches, parents and spectators. All Fargo Youth Hockey Association rules will be strictly enforced.
2. Parents and Coaches. All parents are responsible for the conduct of their children. Parents will be held responsible, along with the player, to see that all rules and policies are followed. Coaches are responsible for the conduct of their team.
3. Code of Conduct. All parents, coaches and players shall adhere to the Code of Conduct as developed by Fargo Youth Hockey Association and USA Hockey and shall be required to sign such a document and will be distributed by Fargo Youth Hockey Association.

##### **B. Equipment.**

1. Parents' Responsibility. Parents have the obligation to ensure that their player wears all of the mandatory equipment and that all of their player's equipment is in satisfactory condition, of the correct size and has not been modified in any manner that would reduce its performance as warranted by the manufacturer.
2. Enforcement of Mandatory Equipment. No player may participate in a Fargo Youth Hockey Association game or practice without all of the Mandatory Equipment.
3. Each player shall be issued and shall wear in all Fargo Youth Hockey Association games, the uniform sanctioned by Fargo Youth Hockey Association for the team on which they are playing.

##### **C. Financial Responsibility**

1. Parents' Financial Responsibility. Any financial cost associated with the improper conduct of a Fargo Youth Hockey Association player while participating in a Fargo Youth Hockey Association sponsored event shall be the responsibility of the parents of that player, including the costs resulting from the marking or defacing of facilities or the destruction of any equipment or other personal property.
- D. Zero Tolerance
1. Parents and Spectators. Parents and spectators are under USA Hockey "ZERO TOLERANCE" and may be asked to leave or be removed from the ice arena at any time by a game official for improper conduct.
- E. Fighting. Fighting will not be tolerated on the ice or off the ice, in the hallways, locker rooms, parking lots or in any other Fargo Youth Hockey Association venue.
- Any player who starts or participates in a fight during or after a game has been officially terminated shall be automatically suspended from all Fargo Youth Hockey Association games and practices if a penalty is issued by the official indicating that the offense occurred after the termination of the game. This suspension shall be reviewed by the Disciplinary Committee within 5 days and appropriate sanctions may be assessed.
  - If no such penalty is issued the player/players participating in a fight may be subject to such disciplinary action as may be determined appropriate after a thorough study of all available information by the Compliance Committee.
- F. Additional Rules by Coach.
1. A coach may establish additional rules which are not inconsistent with the rules set forth in the By-laws or this document, upon proper notice to the Coaching Coordinator and the players on his or her team.
- G. Acceptance
1. I/we understand that by entering into this agreement accept, and agree to abide by all future changes to this handbook and may upon my own discretion go to [www.fargohockey.org](http://www.fargohockey.org) to download and review all published updates to compliance manual.
  2. I/we understand that by entering into this agreement agree to the placement of my child on the appropriate team based on my child's ability and skill level by the coaches. This includes but is not limited to all tournaments, games and practices.

## **Fargo Youth Hockey Association**

# **Compliance Report Instructions and Guidelines**

***BEFORE submitting a Compliance Report, please review the following guidelines and procedural information.***

**When should I file a Compliance Report?**

- When you see an incident that goes against any of the FYHA Playing Rules or Code of Conduct.
- When you feel that an incident was inappropriate to children, adults, volunteers, parents, employees, or officials, by FYHA members, or visitors to our games.
- To begin an investigation into the conduct of an individual.

**Can I submit a Compliance Report anonymously?**

- Yes... however, by signing the bottom of the form, the witnesses' names are protected.
- The incident report will be kept in a confidential file.

**How do I submit the Compliance Report?**

- Complete the form, make a copy, and send to the SafeSport Coordinator [safesport@fargohockey.org] or Vice President of Hockey Operations [hockeyoperations@fargohockey.org] of Fargo Youth Hockey.
- You may be asked to clarify any details and follow up may be given.

**What is the protocol after a Compliance Report is submitted?**

- The Compliance Committee will review the report and keep the original on file.
- The complaint will be vetted by the Compliance Committee as a whole and the committee will decide to proceed or not.
- If an investigation warrants, the person named will be informed of a complaint and asked to respond in writing.
- The committee will then meet to discuss and decide the course of action (closure or consequences) to be taken.

## Fargo Youth Hockey Association Compliance Report

This letter is to inform the Compliance Committee of improper behavior/actions that was witnessed at a FYHA Hockey event in front of spectators, players, employee, coaches, and/or officials. This incident is documented to be brought to your attention with the knowledge that the SafeSport/Compliance Committee will review the incident and decide if the FYHA Compliance Policy or USA Hockey SafeSport Guidelines and/or code(s) of conduct were violated.

Name of person(s) involved	
Team & Level	
Date & Time of Incident	
Location	
Description of Incident	

Witness #1: \_\_\_\_\_ Signature: \_\_\_\_\_

Phone #: \_\_\_\_\_

Witness #2: \_\_\_\_\_ Signature: \_\_\_\_\_ Phone

#: \_\_\_\_\_

**By signing the above we realize that our anonymity will be protected.**

**The form should be submitted to FYHA SafeSport Coordinator and/or VP of Hockey Operations for review. If you feel this matter is deemed appropriate, you can bring grievances directly to NDAHA or USA Hockey for review.**