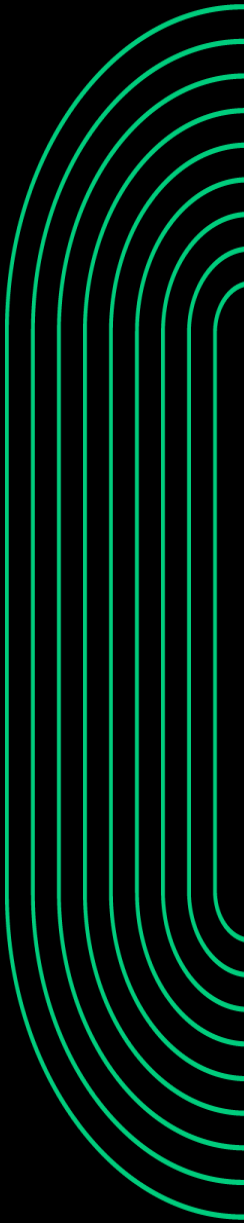


DISCIPLINARY HEARING & APPEALS

Steven F. Stapleton

July 12, 2024



SafeSport and Other Statistics – 2023-2024 Season

- SafeSport Reports to USA Hockey related to MAHA: 105 (this does not include reports made directly to the U.S. Center for SafeSport)
- Overall SafeSport Reports to U.S. Center for SafeSport (hockey related):
 - 2021 - 446
 - 2022 – 749
 - 2023 – 1034
 - 2024Q1 – 459
- In her testimony at a recent hearing in Washington DC, the Center's CEO represented that nearly 300 complaints were filed in 2017 (Center's first operating year). Statistics show that the Center opened and resolved 3,909 cases during the period from February 2018 to June 2020.
 - In 2020 alone, the Center received 2,310 claims.
 - In 2021, the number rose to 3,708.
 - In 2022, the Center reported 5,687 incident reports and projected 7,000 reports to be made by the end of 2023.



Situation That May Require a Hearing

- Match Penalty
- Administrative Action
- Summary Suspension
- Safe Sport Report
- Background Screening Flag



Note: See USA Hockey Bylaw 10 for specific information on how to handle each type of suspension

Traditional Hearing

- Hearing Should be held within 30 days of incident/report
 - If participant is suspended, they can return to activity if hearing is not held in 30 days for Match Penalty
- Hearing can still be held after 30 days and participant can be subject to suspension
- Must provide 7 days advance notice of hearing
 - Try to provide reasonable accommodation on date/time
 - If unable to get all to agree, pick most convenient and schedule
 - Participant may also waive their 7-day notice in writing
- Send Notice via email or first-class mail
 - Include reason for hearing, possible outcome if suspended, documentation



Hearing Participants

- Hearing Panel
 - At least three reasonably disinterested and impartial persons
 - Reasonably disinterested is subject to common sense test
- Subject of Hearing
- Any Involved parties (other participants or others with firsthand knowledge)
- Game Officials (requirement for Abuse of Official) RIC can sub in for local Officials
- Hearing is not open to the public
 - Limit may be placed on the number allowed based on the accommodation
 - No Media or outside recording of hearing unless approved
 - Complainant/victim should participate in hearing, if possible
- The party may bring his/her own attorney, but attorney participation limited in the hearing, within the rules in advance.



Hearing Record

- Make sure make an audio recording of the hearing
 - Keep for 60 days – can be released for appeal
- Keep a record of all participants
- If subject of hearing waives 7-day notice, have them fill out form
- If subject wants a written record (through a court reporter), they must request in advance and the cost to provide is on them
- Fill out Incident Reporting Form (Link on bottom of Chairs Page)
 - Copy of Hearing Notice
 - Copy of Hearing Decision
 - Copy of pertinent hearing information



Hearing Procedure

- Introductions/Make a record of all that are in attendance
- Start Recording. If hearing is on a video platform, initiate recording.
- Provide information for appeal in case it is needed
- Ask subject if he/she received timely hearing notice
- State reason for hearing and potential penalty
- Review any written documentation and interview witnesses
- Provide opportunity for party to state his/her case and provide any supplemental documentation
 - Chair may place limits on time, evidence, documentation etc. Each side should be given relatively equal opportunity
 - No Cross Examination unless permitted by rules
 - All questions should flow through hearing Chair

Note: Failure to appear results in suspension until hearing is held



Video Recordings

- Chair must be notified in advance if party wishes to present a video recording
- Panel can decide whether to accept or not
- If panel agrees to review a video recording, try to get copy of complete recording/more expansive time period
- Do not accept edited clips



Deliberations / Decision

- Only the hearing panel should be in the room for deliberations. No other Directors or Officials should be involved.
- May consult with MAHA attorney if need be.
- Standard for Decision is: Is this more likely true than not?
- Record may be held open if more information is needed.
- Majority rules in the decision.
- Decision should be rendered within 5 business days.
- Decision can be rendered verbally but must be followed up with decision letter stating findings of fact and reasoning for decision.

Appeals

- Only the party that was the subject of the suspension can appeal
- Must appeal within 14 days of receipt of notice of decision
- Must provide statement and reasoning for appeal
- **Suspension remains in effect during appeal (up to amount of original suspension)**
- Appeal Committee has 14 days to respond upon receipt of written statement of appeal
- Appeal Committee uphold/modify decision, reduce penalty or increase penalty



Further Appeals

Playing Rules Suspension

- Appeal to Affiliate Appeal Committee
- Appeal to USA National Appeal Committee

Administrative Action

- Appeal to Affiliate designated Hearing Committee
- Appeal to outside panel designated by Affiliate



Match Penalty Procedure

- The USA Hockey Standard Discipline Policy established suspension range recommendations for match penalties to serve as a means to create consistency in the application of suspensions involving players or team officials assessed match penalties. MAHA has adopted the SDP.



Note: Any match penalty assessed under USA Hockey Playing Rule 601 (f.1) (physical Assault of Official) is excluded from the USA Hockey SDP.

Standard Discipline Policy Procedure

- When a match penalty is assessed, the official(s) will submit the incident report to the Chair of the affected District and Match Play Hearing Coordinator. The Match Play Hearing Coordinator will review the report and make a preliminary determination of one of the following:
- The incident report is accurate, and the proper application of the rule(s) has been implemented.
 - The action warrants the suspension. The Match Play Hearing Coordinator determines the penalty as outlined in the policy.
 - The offending party is then notified of this finding and offered the opportunity to accept the suspension or reject the decision and request a hearing.
 - If a hearing is requested, the normal hearing procedure shall be used.
 - If the offending party requests a hearing under this section, the hearing body may, as a result of that hearing, reduce the suspension, maintain the suspension or increase the suspension imposed.



Standard Discipline Policy Procedure

- The incident report is accurate, and the proper application of the rule(s) has been implemented. However, the action and/or history warrants further disciplinary review. The proper authorities as determined by the Match Play Hearing Coordinator or other designated representative shall notify the offending party that a hearing shall be conducted in accordance with our normal procedures.
- The incident report was determined to be inaccurate (misapplication of the rule(s) or wrong player identified):
 - Matter shall be turned over to the proper authorities as determined by the Match Play Hearing Coordinator or other designated representative for further review.
 - If review warrants further action supplementary discipline policy shall be used.



Penalties that Have a Recommended 3-5 Game Range

- Rule 601 (e.3) Abuse of Officials and Other Misconduct – Hateful/Discriminatory Language
- Rule 604(e) Body Checking- Competitive Contact Category
- Rule 609 (c) Cross-Checking
- Rule 611 (c) Elbowing
- Rule 615 (c) Fighting (Helmet Removal)
- Rule 621 (c) High Sticks
- Rule 622 (c) Holding an Opponent
- Rule 623 (c) Hooking
- Rule 627 (b) Kicking Opponent or Puck
- Rule 628 (c) Kneeing
- Rule 633 (a or b) Refusing to Start Play
- Rule 634 (c) Slashing
- Rule 639 (c) Tripping/Clipping/Leg Checking/Slew Footing
- Rule 640 (e) Unnecessary Roughness (Roughing)



Penalties that Have a Recommended 4-8 Game Range

- Rule 603(c) Boarding
- Rule 606(b) Butt-Ending
- Rule 607(e) Charging
- Rule 608(c) Checking from Behind
- Rule 619(b) Head Butting
- Rule 620(c) Head Contact
- Rule 634(d) Slashing (Swinging Stick During Altercation)
- Rule 635(b) Spearing

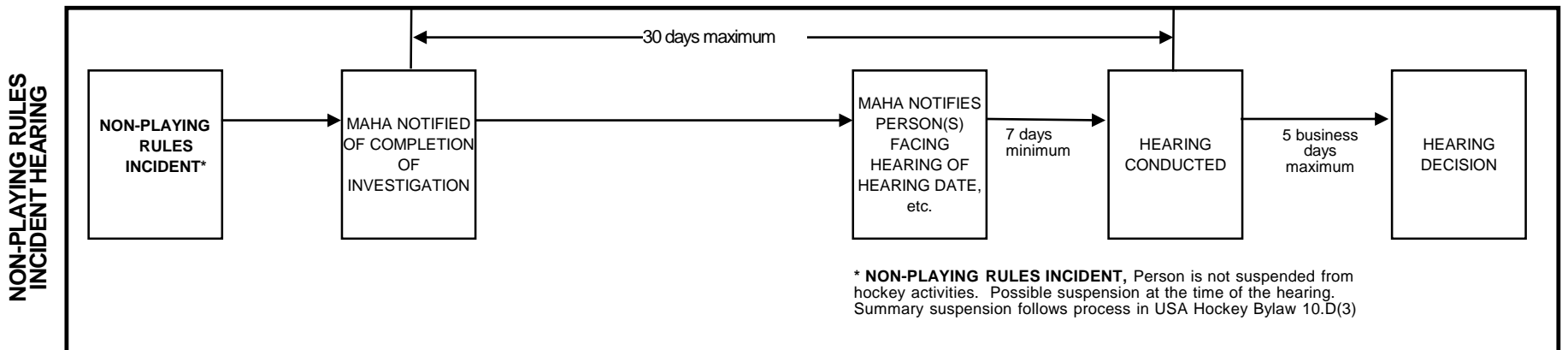
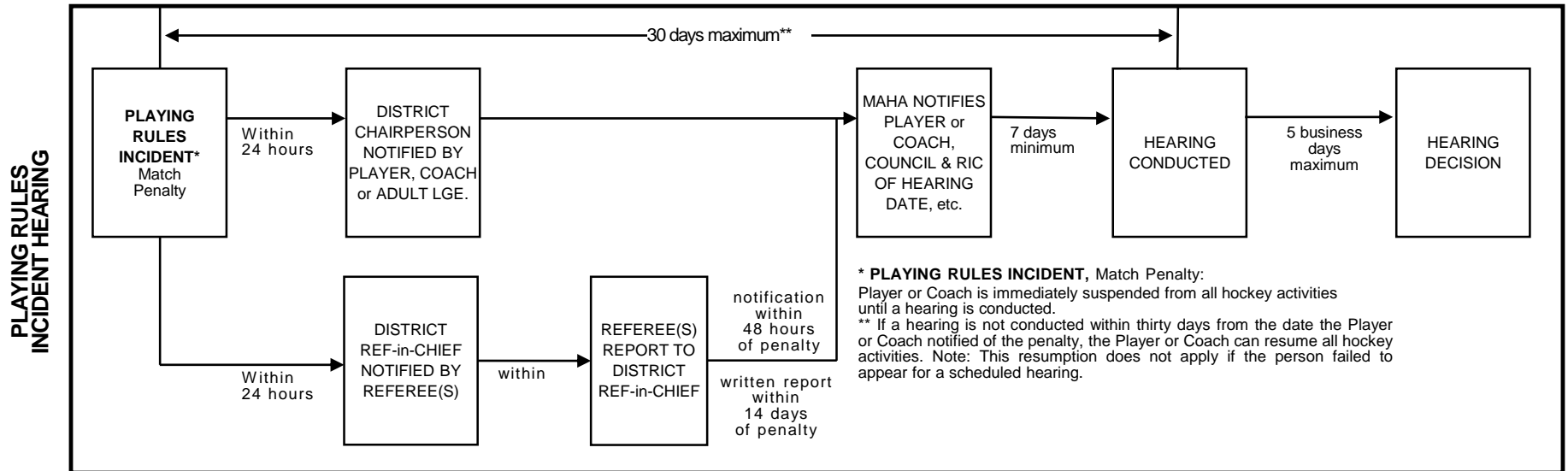


Penalties that Have a Recommended 6-10 Game Range

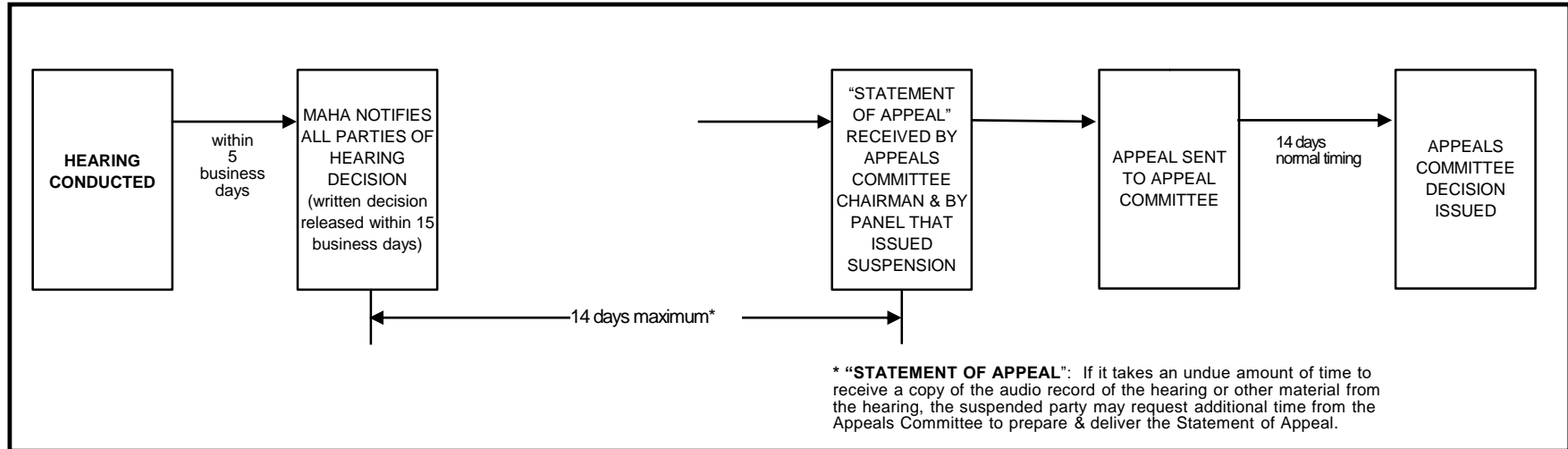
- Rule 305(b) Dangerous Equipment
- Rule 601 (f) Abuse of Officials and Other Misconduct (This includes all match penalties assessed under this rule except 601 (f.1) Physical Assault of an Official)
- Rule 602(a) Attempt to Injure/Deliberate Injury of Opponent



MAHA HEARING PROCEDURE TIMELINES



MAHA APPEALS PROCEDURE TIMELINES



QUESTIONS?





Thank You

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Legal Disclaimer

This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.