**G.**  **FORMS FROM BYLAW 8.1(d)**

**FORM 1 - NOTICE OF HEARNG OF SUSPENSION/DISCIPLINE**

[*date*]

[*Name and Address of Party*]

Re: *Notice of Hearing Under NYS Hockey Bylaw 8.3(c)*

Dear \_\_\_\_\_\_\_\_\_\_\_\_:

This letter serves as your Notice of Hearing from the Hearing Panel under NYS Hockey Bylaw 8.3(c), to determine whether you will be suspended or otherwise disciplined as a result of violations of [*identify the USA Hockey or NYS Hockey Bylaw, Rule or Regulation*]. The discipline is proposed by [*name of party making the charge*]. The hearing will be held on [*date*] , at [*a.m./p.m.*], at [*hearing location*].

[*Name of party making the charge*] alleges that you have [*generally describe facts/allegations that are alleged to have occurred*]. If the Hearing Panel finds that the above events occurred, you may be suspended or disciplined at the discretion of the Hearing Panel. [*If an investigation was made and a report prepared, add the following:* A copy of the investigation report by [*name of report author*] is attached to this letter and will be considered by the Hearing Panel.]

[*Name of the party making the charge*] will have the burden of proving that the facts giving rise to the discipline are more likely to have occurred than not to have occurred, and that establishing such facts constitutes a violation of [*identify the USA Hockey or NYS Hockey Bylaw, Rule or Regulation*].

Any issues raised during the hearing will also be addressed to the extent possible. You should also know that any evidence presented at the hearing may subject you and any other person implicated by that evidence to potential disciplinary action, up to and including suspension.

EACH PERSON RECEIVING THIS NOTICE IS REQUIRED TO ATTEND THIS HEARING. Failure to attend this hearing may result in administrative or disciplinary action being taken at that hearing, up to and including suspension. The hearing will proceed with or without your presence.

The Hearing Panel may request the presence at this hearing of witnesses or documents. If you have any witnesses who you wish attend the hearing who are not listed at the bottom of this letter, please let me know in writing well before the hearing so that the Hearing Panel can request their attendance.

The following procedures will be applicable to the hearing:

● [*Describe procedures, e.g., time limits for each party to present their arguments, deadline by which written submissions should be delivered, maximum length (number of pages) for written submissions, number of witnesses allowed for each party, etc.*].

● [*Identify any documents that the Hearing Panel will require any party to provide*].

● You may request that a written record of the hearing be made, which may consist of a recording, audio or video at the discretion of the Hearing Panel. The cost for providing for a court reporter’s transcript shall be paid by the party who requests the record.

● The hearing will be [*open or closed*]. You may have counsel present but the following rules will apply to such counsel’s presence in the hearing [*sample rules pertaining to participation by an attorney are below, and should be modified to conform with the applicable procedure*]:

1. Counsel [*may/or may not*] be allowed to offer oral arguments on your behalf;

2. If allowed to present argument, the attorney’s time shall be deducted from the time allocated to you in the hearing;

3. Counsel [*may/or may not*] be allowed to voice objections to evidence during the hearing;

4. Counsel [*may/or may not*] be present in the hearing room while the hearing body takes evidence on the matter;

5. Counsel [*may/or may not*] be allowed to present closing arguments on your behalf; and

6. Counsel’s presence shall not delay or otherwise cause the hearing to be unduly extended.

● The Hearing Panel will deliberate in closed session following the hearing, and a decision will be issued in a timely manner.

Following the hearing and a decision sent to you, you will have a right to appeal the decision to [*identify the Appeal Authority, i.e., the Section President or the Board*] pursuant to NYS Hockey Bylaw 8.5. To appeal the decision, you must submit your Statement of Appeal to [*identify the Appeal Authority*] and to this Hearing Panel, with copies provided as required under Bylaw 8.5, within 14 days of your receipt of the decision.

Please feel free to contact me if you have questions regarding any of the foregoing.

Very truly yours,

[signed]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[name]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Hearing Panel Chair

Enclosures: [*list any enclosures*]

cc: [*name of party making the charge, and any other parties/witnesses*]

**FORM 2 - NOTICE OF HEARING TO CONTEST ADMINISTRATIVE ACTION**

[*date*]

[*Name and Address of Party*]

Re: *Notice of Hearing Under NYS Hockey Bylaw 8.3(c)*

Dear \_\_\_\_\_\_\_\_\_\_\_\_:

This letter serves as your Notice of Hearing from the Hearing Panel under NYS Hockey Bylaw 8.3(c), to determine your contest of the Administrative Action of [*name of party that took the Administrative Action*]. The Administrative Action taken was [*describe generally*]. The hearing will be held on [*date*] , at [*a.m./p.m.*], at [*hearing location*].

You will have the burden of proving by a preponderance of the evidence that the Administrative Action made by [*name of party that took the Administrative Action*] was made in an arbitrary or capricious manner, or that it was not supported by the facts. If the Hearing Panel finds that you have not carried your burden of proof, at the discretion of the Hearing Panel the Administrative Action may be affirmed. [*If an investigation was made and a report prepared, add the following:* A copy of the investigation report by [*name of report author*] is attached to this letter and will be considered by the Hearing Panel.]

Any issues raised during the hearing will also be addressed to the extent possible. You should also know that any evidence presented at the hearing may subject you and any other person implicated by that evidence to potential administrative or disciplinary action.

EACH PERSON RECEIVING THIS NOTICE IS REQUIRED TO ATTEND THIS HEARING. Failure to attend this hearing may result in administrative or disciplinary action being taken at that hearing. The hearing will proceed with or without your presence.

The Hearing Panel may request the presence at the hearing of witnesses or documents. If you have any witnesses who you wish attend the hearing who are not listed at the bottom of this letter, please let me know in writing well before the hearing so that the Hearing Panel can request their attendance.

The following procedures will be applicable to the hearing:

● [*Describe procedures, e.g., time limits for each party to present their arguments, deadline by which written submissions should be delivered, maximum length (number of pages) for written submissions, number of witnesses allowed for each party, etc.*].

● [*Identify any documents that the Hearing Panel will require any party to provide*].

● You may request that a written record of the hearing be made, which may consist of a recording, audio or video at the discretion of the Hearing Panel. The cost for providing for a court reporter’s transcript shall be paid by the party who requests the record.

● The hearing will be [*open or closed*]. You may have counsel present but the following rules will apply to such counsel’s presence in the hearing [*sample rules pertaining to participation by an attorney are below, and should be modified to conform with the applicable procedure*]:

1. Counsel [*may/or may not*] be allowed to offer oral arguments on your behalf;

2. If allowed to present argument, the attorney’s time shall be deducted from the time allocated to you in the hearing;

3. Counsel [*may/or may not*] be allowed to voice objections to evidence during the hearing;

4. Counsel [*may/or may not*] be present in the hearing room while the hearing body takes evidence on the matter;

5. Counsel [*may/or may not*] be allowed to present closing arguments on your behalf; and

6. Counsel’s presence shall not delay or otherwise cause the hearing to be unduly extended.

● The Hearing Panel will deliberate in closed session following the hearing, and a decision will be issued in a timely manner.

Following this hearing and a decision sent to you, you will have a right to appeal the decision to [*identify the Appeal Authority, i.e., the Section President or the Board*] pursuant to NYS Hockey Bylaw 8.5. To appeal the decision, you must submit your Statement of Appeal to [*identify the Appeal Authority*] and to this Hearing Panel, with copies provided as required under Bylaw 8.5, within 14 days of your receipt of the decision.

Please feel free to contact me if you have questions regarding any of the foregoing.

Very truly yours,

\_\_\_\_\_\_[signed]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [*name*] , Hearing Panel Chair

Enclosures: [*list any enclosures*]

cc: [*name of party making the charge, and any other parties/witnesses*]

**FORM 3 - NOTICE OF SUMMARY SUSPENSION**

[*date*]

[*Name and Address of Party*]

Re: *Notice of Summary Suspension Under NYS Hockey Bylaw 8.4(c)*

Dear \_\_\_\_\_\_\_\_\_\_\_\_:

This letter serves as notice that you have been suspended from all participation in NYS Hockey and USA Hockey sanctioned activities by [*name of Disciplinary Authority imposing suspension*].

[*Select Occurrence Requiring Summary Suspension*]

[*A. For A Hockey Violation*]

This suspension is imposed pursuant to the Summary Suspension provisions of NYS Hockey Bylaw 8.4(c) and USA Hockey Bylaw 10.D.(3)(a) as a result of allegations that you violated[*identify the USA Hockey or NYS Hockey Playing Rules, Policies e.g., physical or sexual abuse*] as set forth in the Annual Guide of USA Hockey [*and/or the Annual Guide of NYS Hockey*]. You are alleged to have [*describe facts that are alleged to have occurred*]. At this point, you are suspended indefinitely pending further notice [*or a time period or other scope of suspension description may be included*].

You have a right to request a hearing to contest this suspension.

To request a hearing, you must provide written notice to the undersigned within seven (7) days of your receipt of this notice. Your failure to request a hearing within seven (7) days of this notice will waive your right to a hearing and the suspension imposed hereby shall stand. If a hearing is requested, the hearing will be held pursuant to the provisions of NYS Hockey Bylaw 8.3(c), a Hearing Panel will be appointed, and the Hearing Panel will notify you of the time, place and other details regarding the hearing. If a hearing is held, you will have a right to appeal any decision pursuant to NYS Hockey Bylaw 8.5.

[*B. For An Arrest Or Criminal Charges, Or Other Non-Hockey Violation*]

This suspension is imposed pursuant to the Summary Suspension provisions of NYS Hockey Bylaw 8.4(c) and USA Hockey Bylaw 10.D.(3)(a) as a result of you being [*arrested/charged*]. You are alleged to have [*describe facts that are alleged to have occurred*]. At this point, you are suspended indefinitely pending further notice [or*, a time period or other scope of suspension description may be included*].

With respect to the ongoing legal proceedings involving you, the [*Disciplinary Authority*] is staying the time by which you must submit a request for a hearing until 7 days following the conclusion of those legal proceedings. Further, when the legal proceedings have been determined with finality by a court of competent jurisdiction, you may request that this suspension be terminated by submitting the appropriate disposition documentation from said court to [*the responsible Section President*], who will present your request and supporting documentation to the NYS Hockey Board.

Please feel free to contact me if you have questions regarding any of the foregoing.

Very truly yours,

\_\_\_\_\_\_[signed]\_\_\_\_\_\_\_\_\_\_\_\_\_

[*name*]

[*name of Disciplinary Authority*]

[*title of signatory*]

**FORM 4 – HEARING PANEL DECISION OF SUSPENSION/DISCIPLINE**

**Hearing Panel Decision**

**Disciplinary Proceedings Under NYS Hockey Bylaw 8.3(c)**

**Hearing Held on [*Date of Hearing*] at [*Hearing Location*]**

**To:** [*Names of Parties to the Hearing*]

**From:** [*Names of Hearing Panel Members*], Hearing Panel Members for [*Name of Disciplinary Authority*]

**Re:** Proposed [*describe* s*uspension/discipline*] of [*Party subject to suspension/discipline*]

On [*date of hearing*] at [*hearing location*], the above-named Hearing Panel held a hearing to determine whether [*name of the Party subject to suspension/discipline*] should be [*suspended /disciplined*] as a result of violations of [*identify the USA Hockey and/or NYS Hockey Bylaw, Rule or Regulation*]. The suspension/discipline was proposed by [*name of Party making the charge*]. Notice of the allegations and a Notice of Hearing were provided to [*names*] on [*date(s)*].

This report serves as the written determination and decision of the Hearing Panel. The Hearing Panel confirms that its Members are reasonably disinterested and impartial and have no interest in the outcome of the hearing. [*Hearing Panel may identify the members of the panel and their title/role in hockey*]

[*Describe the length of the hearing, number and identity of witnesses that were called by each side, submissions by the Parties, etc.*] All persons present were given an opportunity to present their views and to provide information, ask questions and submit evidence.

FINDINGS OF FACT

Based on the testimony, information and exhibits presented at the hearing, and the written submissions from [*names of Parties submitting documents*], the Hearing Panel finds the following facts to be established by a preponderance of the evidence:

1. [*Describe the determinations of the hearing panel as to any facts that must be established in order to support the conclusions below*];

2. [*Etc.*]

CONCLUSIONS

Based on the above Findings of Fact, the Hearing Panel concludes:

A. That the occurrence of the facts described above constitute [does not constitute] a violation of [*describe USA Hockey and/or NYS Hockey Bylaw, Rule or Regulation that was violated*];

B. [*Etc.*]

DECISION

Based upon the above Findings of Fact, determined by the Hearing Panel to be more likely true than not true, and the above Conclusion(s) drawn from the Findings of Fact, the Hearing Panel hereby determines:

I. [*Describe the suspension/discipline determined by the hearing panel*];

II.[*Etc.*]

This Hearing Panel Decision may be appealed by any Party disciplined hereunder to [*identify the Appeal Authority, as applicable, the responsible Section President or the NYS Hockey President*] pursuant to NYS Hockey Bylaw 8.5. To appeal this Decision, you must submit your Statement of Appeal to [*identify the Appeal Authority*] and to this Hearing Panel, with copies provided as required under Bylaw 8.5, within fourteen (14) days of your receipt of this Decision. If the Statement of Appeal is not so delivered within the fourteen (14) day period, this Decision shall be final. Additional information regarding the appeal rights of any disciplined Party, including information that must be included in a Statement of Appeal, may be found in NYS Hockey Bylaw 8.5 as set forth in the NYS Hockey Annual Guide.

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.

Note that the Statement of Appeal should include a description of why the decision appealed from should be overturned or reversed, and should attach the record of the hearing panel, if any, and a copy of the decision. The Statement of Appeal should be a complete and comprehensive document and attach all materials (including any relevant governing documents the Party is relying upon to support its argument) that the Party wishes to be considered by the Appeal Authority; letters and other documents not submitted by the Party as part of the Statement of Appeal need not be considered by the Appeal Authority. Thus, the Statement of Appeal should present the Appeal Authority with all the reasons and supporting information necessary for the Appeal Authority to understand the appeal, and why decision appealed from should be overturned or reversed. Any reply by the Disciplinary Authority should be similarly informative to the Appeal Authority as to why the decision appealed from should be upheld.

This Hearing Panel Decision is issued [*date*] .

**FORM 5 – HEARING PANEL DECISION OF ADMINISTRATIVE ACTION**

**Hearing Panel Decision**

**Administrative Action Contest Proceedings Under NYS Hockey Bylaw 8.3(c)**

**Hearing Held on [*Date of Hearing*] at [*Hearing Location*]**

**To:** [*Names of Parties to the Hearing*]

**From:** [*Names of Hearing Panel Members*], Hearing Panel Members for [*Name of Disciplinary Authority*]

**Re:** Contest of [*describe Administrative Action*] of [*Party subject to Administrative Action*]

On [*date of hearing*] at [*hearing location*], the above-named Hearing Panel held a hearing to determine the contest by [*name of* *Party contesting the Administrative Action*]. The Administrative Action taken was [describe generally]. The Administrative Action being contested was taken by [*name of Party that took the Administrative Action*]. Notice of the Hearing on this contest was provided to [*names*] on [*date(s)*].

This report serves as the written decision of the Hearing Panel. The Hearing Panel confirms that its Members are reasonably disinterested and impartial and have no interest in the outcome of the hearing. [*Hearing Panel may identify the members of the panel and their title/role in hockey*]

[*Describe the length of the hearing, number and identity of witnesses that were called by each side, submissions by the Parties, etc.*] All persons present were given an opportunity to present their views and to provide information, ask questions and submit evidence.

FINDINGS OF FACT

Based on the testimony, information and exhibits presented at the hearing, and the written submissions from [*name of Parties submitting documents*], the Hearing Panel finds the following facts to have been established by a preponderance of the evidence:

1. [*Describe the determinations of the hearing panel as to any facts that must be established in order to support the conclusions below*];

2. [*Etc.*]

CONCLUSIONS

Based on the above Findings of Fact, the Hearing Panel concludes:

A. That the occurrence of the facts described above does not support a finding that the Administrative Action being contested was made in an arbitrary or capricious manner [*or,* That the occurrence of the facts described above supports a finding that the Administrative Action being contested was made in an arbitrary or capricious manner]; [*and/or*]

B. That the Administrative Action being contested was supported [*or,* not supported] by the occurrence of the facts described above;

C. [*Etc.*].

DECISION

Based upon the above Findings of Fact, determined by the Hearing Panel to be more likely true than not true, and the above Conclusion(s) drawn from the Findings of Fact, the Hearing Panel hereby determines:

I. That the Administrative Action was not made in an arbitrary or capricious manner based on the facts, and is upheld [*or,* That the Administrative Action was made in an arbitrary or capricious manner, [*and/or* is not supported by the facts], and is reversed];

II. [*Etc.*]

This Hearing Panel Decision may be appealed by any Party subject to or imposing the Administrative Action, to [*identify the Appeal Authority, as applicable, the responsible Section President or the NYS Hockey President*] pursuant to NYS Hockey Bylaw 8.5. To appeal this Decision, you must submit your Statement of Appeal to [*identify the Appeal Authority*] and to this Hearing Panel, with copies provided as required under Bylaw 8.5, within fourteen (14) days of your receipt of this Decision. If the Statement of Appeal is not so delivered within the fourteen (14) day period, this Decision shall be final. Additional information regarding the appeal rights of any Party subject to or imposing the Administrative Action, including information that must be included in a Statement of Appeal, may be found in NYS Hockey Bylaw 8.5 as set forth in the NYS Hockey Annual Guide.

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.

Note that the Statement of Appeal should include a description of why the decision appealed from should be overturned or reversed, and should attach the record of the hearing panel, if any, and a copy of the decision. The Statement of Appeal should be a complete and comprehensive document and attach all materials (including any relevant governing documents the Party is relying upon to support its argument) that the Party wishes to be considered by the Appeal Authority; letters and other documents not submitted by the Party as part of the Statement of Appeal need not be considered by the Appeal Authority. Thus, the Statement of Appeal should present the Appeal Authority with all the reasons and supporting information necessary for the Appeal Authority to understand the appeal, and why decision appealed from should be overturned or reversed. Any reply by the Disciplinary Authority should be similarly informative to the Appeal Authority as to why the decision appealed from should be upheld.

This Hearing Panel Decision is issued [*date*] .

**FORM 6 - APPEAL AUTHORITY DECISION**

**Appeal Authority Decision on Appeal of [*Suspension/Discipline or Administrative Action*]**

**Issued Regarding [*Name of Party Suspended/Disciplined, or subject to Administrative Action*]**

**Appeal Proceedings Under NYS Hockey Bylaw 8.5**

**To:** [*Names of Parties to the Appeal*]

**From:** [*Names of Appeal Authority Panel Members*], Appeal Panel Members

**Re:** Appeal by [*name of appealing Party*] regarding [*suspension/discipline or Administrative Action being appealed*]

[*For an appeal involving suspension/discipline*] This matter is the appeal of [*name of appealing Party*] from the Decision of a hearing panel of [*name of Disciplinary Authority]*, dated \_\_\_\_\_\_\_, in which the [*name of* *Disciplinary Authority*] imposed[did not impose] a[*describe suspension/discipline*] that was sought by [*name of Party seeking the suspension/discipline*] (the “Hearing Panel”).

[*For an appeal involving an Administrative Action*] This matter is the appeal of [*name of appealing Party*] from the Decision of a hearing panel of [*name of Disciplinary Authority]*, dated \_\_\_\_\_\_\_, in which the [*name of* *Disciplinary Authority*] [*upheld/reversed*] the Administrative Action of [*name of the Party that made the Administrative Action*] (the “Hearing Panel”).

[*If the Statement of Appeal was not timely delivered, then the following paragraph is appropriate and concludes this Decision letter*]:

While [*name of appealing Party*] asserts various reasons for disagreeing and overturning the Decision of the Hearing Panel, we do not have the authority to determine the merits of this matter as it was not timely appealed. NYS Hockey has adopted Bylaw 8.5 regarding the timely submission of a Statement of Appeal, and that Bylaw is in accordance with USA Hockey Bylaw 10.E. See NYS Hockey Bylaw 8.5(b)(i); USA Hockey Bylaw 10.E(2)(a). This appeal was not timely made and is accordingly dismissed in all respects.

[*If the Statement of Appeal was timely submitted, then the following paragraph is appropriate*]:

[*Name of appealing Party*] timely submitted a Statement of Appeal on [*date of Statement of Appeal*], which included the written record *[if there was one*] issued by the Hearing Panel. [*Name of responding Party*] timely submitted a response to the Statement of Appeal on [*date of response*]. [*If a response was not submitted, or was not submitted timely, that should be noted*]

[*Include any other relevant history of this matter and appeal*]

[*Describe any other reports, documents, etc. that were submitted*].

[*Depending on whether a hearing was held, include one of the following*] Following submission of the documents described above, the Appeal Panel determined to decide this appeal based on the written submissions of the parties. [*or*] A hearing on this appeal was held on \_\_\_\_\_\_\_\_\_\_\_\_\_\_. [*Describe as applicable the length of any hearing, the number and identity of witnesses that were called by each side, submissions by the parties, etc.*]

[*Describe facts that are relevant to the determination of the appeal; facts not relevant to the determination should not be included*]

[*If suspension/discipline is involved, use the following*] Based upon our review of the facts above, we find that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ violated [or did not violate] [*describe USA Hockey and/or NYS Hockey Bylaw, Rule or Regulation that was or was not violated*].

[*If an Administrative Action is involved, use the following*] Based upon our review of the facts above, we find that the Administrative Action appealed from was [*or* was not] properly [upheld/reversed].

Pursuant to NYS Hockey Bylaw 8.5(b)(iii), this Appeal Panel has the authority to “affirm, reverse or modify (including increase or decrease) any decision in its sole discretion and as it deems proper under the circumstances” before it. Based upon its review of the above, this Appeal Panel hereby determines:

[*Describe decision of the Appeal Panel, e.g., affirming the Hearing Panel determination, modifying the determination, remanding the matter back to the Hearing Panel to properly follow the Bylaws, etc.*]

[*Include if Decision is from a Section President*]

This Decision may be appealed by any Party subject affected by this Decision, to [*name of* *the NYS Hockey President*] pursuant to NYS Hockey Bylaw 8.5. To appeal this Decision, you must submit your Statement of Appeal to [*name of* *the NYS Hockey President*] and to this Hearing Panel, with copies provided as required under Bylaw 8.5, within fourteen (14) days of your receipt of this Decision. If the Statement of Appeal is not so delivered within the fourteen (14) day period, this Decision shall be final. Additional information regarding the appeal rights of any Party affected by this Decision, including information that must be included in a Statement of Appeal, may be found in NYS Hockey Bylaw 8.5 as set forth in the NYS Hockey Annual Guide.

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.

Note that the Statement of Appeal should include a description of why the decision appealed from should be overturned or reversed, and should attach the record of the hearing panel, if any, and a copy of the decision. The Statement of Appeal should be a complete and comprehensive document and attach all materials (including any relevant governing documents the Party is relying upon to support its argument) that the Party wishes to be considered by the Appeal Authority; letters and other documents not submitted by the Party as part of the Statement of Appeal need not be considered by the Appeal Authority. Thus, the Statement of Appeal should present the Appeal Authority with all the reasons and supporting information necessary for the Appeal Authority to understand the appeal, and why decision appealed from should be overturned or reversed. Any reply by the Disciplinary Authority should be similarly informative to the Appeal Authority as to why the decision appealed from should be upheld.

This Appeal Panel Decision is issued [*date*] .