

ARTICLE XIV - SUSPENSION, EXPULSION, OTHER DISCIPLINE; APPEALS

A. General:

Except as may be permitted in section F below, no Party may be suspended from participation or otherwise disciplined unless a hearing has been held prior to the action being taken according to the provisions of these rules.

B. Purpose:

It is the purpose of these rules 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. A party to a hearing shall have the 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 question witnesses and to be assisted by counsel at the hearing, as determined by the Hearing Panel and/or Hearing Facilitator, and in accordance with the provisions of section E below.

C. Disciplinary Action

1. Suspension, expulsion or other disciplinary action of any member may occur by operation of or violation of:
 - a. USA Hockey or Massachusetts Hockey, Association Bylaws, Rules & Regulations, Policies;
 - b. The playing rules of the game as promulgated by USA Hockey;
 - c. Administrative action taken by Massachusetts Hockey, or any Association, league, district, or other organization certified and/or registered with Massachusetts Hockey with authority to do same.
 - d. Additional violations for which discipline may be imposed include, but are not limited to:
 - i. threats or action against officials of Massachusetts Hockey or USA Hockey;
 - ii. any conduct unbecoming or detrimental to the sport of hockey;
 - iii. allowing participation by ineligible or unregistered players, coaches, officials or teams in sanctioned events;
 - iv. participation in events not officially sanctioned.

D. Definitions:

For the purposes of this Article, the words, terms and phrases used in this Article XIV shall have the following definitions:

1. "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.
2. "Appeal Authority" shall mean the Massachusetts Discipline Committee or any Appeal Panel appointed thereby.
3. "Applicable Rules," shall mean the Bylaws, rules and regulations, playing rules, policies, codes of conduct, ethics, core values and decisions of the Board of Directors of USA Hockey and Massachusetts Hockey, and comparable Bylaws, rules, documents and decisions of any applicable District, League sponsor, facility, other group, organization or Massachusetts Hockey Association.
4. "Disciplinary Authority" shall mean Massachusetts Hockey, including each District of Massachusetts Hockey, any League, any Association, or a local league, association or program having jurisdiction to issue Discipline to any Party within the jurisdiction of USA Hockey.
5. "Discipline" shall mean a suspension, probation, censure or other discipline of a Party.

6. "Party" shall mean members of Massachusetts Hockey and other members within the jurisdiction of USA Hockey, USA Hockey itself or its Affiliate Associations, including, but not limited to Massachusetts Hockey Board Members, Massachusetts Hockey Executive Board Members, Massachusetts Hockey Associations, Board Members, each parent, guardian, agent or other person or participant, and each league, club, sponsor, facility or other group or organization, that is engaged in domestic competition or participating in a USA Hockey and/or Massachusetts Hockey sanctioned event of any kind.
7. "Playing Rules" shall mean playing rules of the game adopted from time to time by USA Hockey and published as USA Hockey Playing Rules.
8. "Playing Rules Suspension" shall mean suspensions expressly permitted or mandated by the USA Hockey Playing Rules.
9. "Summary Suspension" shall mean a suspension issued by a Disciplinary Authority prior to a hearing being conducted.

E. Hearing Procedure

1. 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 and maximum of five reasonably disinterested and impartial persons to conduct the hearing. The Discipline Authority may also appoint a Hearing Facilitator whose function shall be to facilitate the discipline process. The Hearing Panel and/or Hearing Facilitator shall determine the order of hearing cases (e.g witnesses, manner in which testimony may be obtained, duration of testimony) determine the appropriateness, scope and manner of questions and/or testimony, and shall have the final procedural authority during the hearing. The Hearing Facilitator shall not have a vote on any Discipline issue and may participate in the facilitation of the hearing process at the discretion of the Hearing Panel.

2. Hearing Timing:

Absent good cause, the Hearing Panel should hold the hearing no later than thirty (30) calendar days after its appointment unless a later date is agreed upon by the Parties and approved by the Hearing Panel.

3. Hearing Notice:

Not later than seven (7) calendar 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 names of the hearing panel members and any hearing facilitator, the manner in which the hearing is to 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 Hearing Panel. A party to a hearing may waive, in writing, the seven (7) day notice requirement for a hearing.

4. Hearing Location:

The Hearing Panel shall make every reasonable effort to convene the hearing in a location accessible to all the Parties.

5. 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. Unless permitted by the Hearing Panel and/or Hearing Facilitator, counsel may not ask questions, interject, coach, advocate for, or otherwise speak on a party's behalf during a hearing. Generally, only witnesses who can attest to the facts of the incident are permitted to be part of the hearing process. The Hearing Facilitator may limit, in his or her sole discretion, the involvement of general character witnesses who lack any knowledge of the facts of the incident. It is the responsibility of a party to notify witnesses of the date, time and location of 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. The Discipline Authority and/or Chair of the Massachusetts Hockey Discipline Committee shall have the authority to require a Party or any participants to a hearing to enter into a confidentiality and non-disclosure agreement to protect the interests of the parties and any witness from the release or disclosure of any evidence, testimony or written statements contained within the record outside the scope of the hearing.

6. Burden of Proof:

In order to impose a suspension or discipline, the Hearing Panel must by a simple majority of the Hearing Panel 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.

7. 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.

8. Scope of Hearing Panel Decision:

Unless explicitly accepted by another provision of these rules or the rules of USA Hockey the decision of the Hearing Panel shall be in effect only for the program governed by the Disciplinary Authority and subject to appeal as set out in Section J below. If the Hearing Panel wishes to extend any suspension or discipline it ordered beyond its program, it must notify the Chair of the Massachusetts Hockey Discipline Committee. If the suspension or discipline is imposed by a Hearing Panel's decision is affirmed by an Appeal Panel or there is no appeal from the decision of the Hearing Panel, and Massachusetts Hockey wishes to extend the scope of the hearing panel's decision beyond Massachusetts it may only do so by submitting a written request to do so and a copy of the written Disciplinary Panel's and/or Appeal Panel'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.

9. All suspensions for violation of sexual misconduct policies of the U.S. Center for SafeSport, USA Hockey, or Massachusetts Hockey which are one year or more in length shall automatically be considered a national suspension and shall be in effect across all USA Hockey sanctioned programs.

F Exclusions:

1. Summary Suspensions

a. After consultation with the Chair of the Massachusetts Hockey Discipline Committee, any member may be suspended without a hearing by a Discipline Authority.

b. In the absence of the Chair of the Discipline Committee, a summary suspension may be issued after consultation with the Executive Director of Massachusetts Hockey and either the President or a Vice President of Massachusetts Hockey.

c. A Summary suspension may be impose for any of the following reasons: where a Party has been arrested for a crime alleged to have been committed; where a Party has assaulted another or violated the USA Hockey Safe Sport Policy, including such abuse between adults, or other violations of USA Hockey or Massachusetts Hockey Policies, provided such Policies are in writing and have been approved by the Board of Directors, and when an individual is named in a lawsuit against Massachusetts Hockey.

d. Any summary suspension must be in writing and given to the individual affected and the writing shall inform the individual of his/her right to request a hearing within seven (7) calendar days of being notified of the suspension. Any hearing requested hereunder shall be conducted according to the provisions of these rules.

2. Playing Rules Suspensions:

a. 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.

b. Any hearing for a match penalty shall be conducted according to these rules; 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.

c. All applicable game score sheets and referee reports must be presented to the Hearing Panel and made available to the Party subject to suspension.

d. 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 thirty (30) calendar days of the incident together with a decision in accordance with these rules, the suspended Party shall be automatically reinstated after the 30-day period.

e. The failure to offer the hearing shall not prohibit the Discipline Authority from conducting the hearing after the 30-day period and thereafter imposing further disciplinary action.

G. Officiating Suspensions:

1. The applicable state association or league or local supervisor of officials shall have the authority to suspend a referee up to ten (10) calendar 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 these rules) or in accordance with the Summary Suspension procedures.

2. 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 these rules conducted by the organization subjected to said boycott.

3. USA Hockey does not recognize official's 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.

4. Pursuant to USA Hockey Bylaw 10(D)(3)(c), a registered USA Hockey official who receives a match penalty while playing or coaching, shall also be suspended from officiating subject to a process for review as set forth in USA Hockey Bylaw 10(D)(3)(c).

H. Assault on Game Official:

1. Assaults on Game Officials are violations of USA Hockey Playing Rules and as such are subject to the provisions for Playing Rules Suspensions.

2. In the event of a match penalty for violation of USA Hockey Playing Rule 601(f)1, 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.

3. In the cases of match penalties for violation of USA Hockey Playing Rule 601(f)1, the Massachusetts Hockey Discipline Committee shall exercise original jurisdiction in such matter.

4. Suspensions for violation of USA Hockey Playing Rule 601(f)1 shall be immediately reported to the Massachusetts Hockey Discipline Committee, and the appropriate registrar(s).

5. 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.

6. 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.

7. 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.

I. Allegations Regarding Sexual Abuse or Misconduct

1. Reporting. In the event that any Participant under the jurisdiction of the U.S. Center for SafeSport ("USCSS") is alleged to have violated the USA Hockey SafeSport Policy prohibiting sexual abuse or misconduct (see current edition of USA Hockey SafeSport Program Handbook and USSCS Policies & Procedures), or in the event that USA Hockey, any USA Hockey Affiliate or local program or any adult Participant receives a report that is required by the USSCS Code to be referred to the USSCS, USA Hockey, its Affiliates, local programs and adult Participants shall immediately report and refer such matter to USSCS. The duty to report to USSCS and USSCS's jurisdiction to investigate shall not supersede any local, state, or federal reporting requirements or jurisdiction, and shall not affect or impair the ability of any person that reports to the USSCS from also reporting to the appropriate local, state or federal authorities.

2. Investigation/Discipline/Adjudication. The USSCS shall have jurisdiction and authority to investigate allegations or reports that a Participant has engaged in conduct defined in the USSCS Code to be within the USSCS's exclusive jurisdiction, including without limitation allegations or reports of sexual abuse or misconduct and of any allegations of violations of USA Hockey's SafeSport Policies that are reasonably related to and accompany a report of allegations of sexual abuse or misconduct, to issue any interim suspension or measures pending conclusion of the investigation, to make recommendations of sanctions or disciplinary action as a result of such investigation, and to adjudicate such matter according to the USSCS procedures for adjudication. The USSCS shall also have discretionary authority and jurisdiction over other violations of the USSCS Code. Neither USA Hockey nor any USA Hockey Affiliate or program shall engage in its own

investigation or disciplinary process related to any allegations or reports that are within the jurisdiction of USCSS. However, USA Hockey and its Affiliates and local programs may issue a Summary Suspension under Bylaw 10.D(3)(a) which shall be effective until such time as USCSS has exercised jurisdiction over the matter and made a determination related to a person's eligibility pending the investigation and adjudication process, and may issue other protective measures less than a suspension that are necessary or appropriate to address the safety of Participants in USA Hockey programs.

3. Appeals. There shall be no appeals of any decisions adjudicated by USCSS except through arbitration with the applicable arbitration body in conformance with the USCSS Code or other applicable USCSS or USOPC governing documents in effect at such time.

4. Enforcement of USCSS Sanctions. Upon the issuance by USCSS of any interim or permanent suspension, disciplinary action, sanction or other measures, after conclusion of the adjudicative process or by agreement with a Participant subject to suspension or other sanction, USA Hockey and its Affiliates and programs shall enforce such suspension, measures or other sanctions throughout USA Hockey programs. USA Hockey and its Affiliates and programs shall enforce any suspension or other sanction issued by the USCSS even if arising from allegations outside of USA Hockey programs.

5. Related SafeSport Violations. The delegation of authority and jurisdiction to USCSS as set forth above, and the restriction on USA Hockey, Affiliates and local programs, shall also include the investigation and issuance of sanctions related to allegations of other violations of USA Hockey SafeSport Policies (e.g., physical abuse, emotional abuse, bullying, harassment and hazing) that are reasonably related to and which accompany an allegation that involves sexual abuse or misconduct, or matters that do not involve sexual abuse or misconduct which the USCSS has exercised jurisdiction over in its discretionary authority.

J. Appeals:

1. Right to Appeal

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

a. Suspensions:

Match penalty suspensions or suspensions for violations of bylaw and/or rules of local, league or District organizations, shall be appealable to the Massachusetts Hockey Discipline Committee (the "Appeal Authority").

b. Appeals Not Involving Suspensions:

Appeals of Administrative Actions or other disciplinary action that do not involve suspension shall be appealed to the Massachusetts Hockey Discipline Committee. 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.

2. Appeal Procedure:

The appeal procedure for all appeals as described in Section J (1) above shall be as follows:

a. Statement of Appeal:

The appealing Party must submit a Statement of Appeal in writing to the Chair of the Massachusetts Hockey Discipline Committee, with a copy to the Disciplinary Authority and the Hearing Panel, of the decision appealed from within fourteen (14) calendar 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, Discipline Panel and/or any responding Party shall have fourteen (14) calendar 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 material from the original discipline hearing 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 Chair of the Massachusetts Hockey Discipline Committee within the fourteen (14) calendar 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 8 ½ x 11 inch pages with 1 inch margins 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 Chair of the Massachusetts Hockey Discipline Committee shall appoint an Appeal Panel to consider any appeals pursuant to these rules. The Appeal Panel 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 an appeal hearing, if any, shall be given to all Parties, and any appeal hearing may, in the discretion of the Appeal Panel, be held in person, telephonically or by video conference. Only the evidence and theories presented to the Hearing Panel or party taking the Administrative Action prior to rendering its decision shall be presented or considered on appeal. The only basis for appeal will be that the Hearing Panel acted erroneously in interpreting or applying USA or Massachusetts Hockey Bylaws, Rules, Regulations, Policies or Codes of Conduct and Ethics to the facts.

c. Appeal Decision

The Appeal Panel shall make every reasonable effort to issue a written decision that shall include a statement finding of the facts that were proven at the initial discipline hearing and the conclusions of the Appeal Panel within fourteen (14) calendar days of the appeal hearing, if any, otherwise within thirty (30) calendar days of the last submission to the Appeal Panel by a Party to an appeal. The Appeal Panel may affirm, reverse or modify (including increase or decrease the term of a suspension) any decision, or order a new hearing, 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 imposed or ordered that is appealed shall not be stayed during any appeal and shall remain in force and effect until it expires, is reversed or is modified by the Appeal Authority.

3. Further Appeals:

If allowed by the rules of USA Hockey, any party aggrieved by the decision of the Appeal Panel may appeal to the Executive Committee of USA Hockey in accordance with the applicable USA Hockey rules. 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.

K. Discipline Action Reports:

All discipline action shall be reported in writing to the Chair of the Massachusetts Hockey Discipline Committee. The Chair of the Massachusetts Hockey Discipline Committee shall limit the release of any discipline action reports to the Party subject to the Discipline, members of the Hearing Panel, and members of the Massachusetts Hockey Executive Board as appropriate.

L. Refer to USA Hockey Annual Guide By-Law 10.D (3)(j) Unified Procedures Not Applicable to Financial Disputes.