



## **Junior Hurricanes Disciplinary Policy**

### **Requesting a Disciplinary Action Hearing**

It is our desire to encourage quick and immediate conflict resolution through communication between the affected parties, or through a clear and documented conflict resolution process.

We ask that every attempt be made to resolve issues prior to asking the organization for a Unified Disciplinary Hearing.

A conflict or issue may arise between two players, two parents, a player and coach, a coach and parent, a parent and player, etc. We expect that most conflicts can be resolved between the two parties through the normal course of working together through face to face communication and/or email. In all cases of conflict resolution, it is very important that face to face communications are documented with the details of the meeting including participants, date, time, conflict description, and details of the meeting outcome (regardless of whether a resolution was attained). Any email exchanges should be saved. A video of any conflict should be saved. All of this will be needed to determine the need for a Unified Disciplinary Hearing.

If a conflict resolution cannot be reached between the two parties, the complainant party may then request a hearing through the Junior Hurricanes using a third party Disciplinary Committee as outlined below. The Committee shall have no personal interest in the outcome of such a hearing, and will be responsible to hear both sides as impartial arbitrators. The Committee is required to follow and uphold the Unified Disciplinary Hearing Procedure as outlined below.

A disciplinary hearing request must be submitted in writing, along with all supporting documentation to the Executive Hockey Directors:

Jocelyn Langlois - [Jocelyn.langlois@juniorhurricanes.org](mailto:Jocelyn.langlois@juniorhurricanes.org)

Steve Henley - [steve.henley@juniorhurricanes.org](mailto:steve.henley@juniorhurricanes.org)

The Executive Hockey Directors may decline a hearing request on the basis of insufficient evidence or may feel there is opportunity to resolve the conflict without an hearing. If a hearing is deemed appropriate based on the evidence provided, the Unified Hearing Procedure will then take effect.

A Disciplinary Hearing will be scheduled in accordance with the Unified Disciplinary Hearing Procedure. The Disciplinary Committee will consist of:

Executive Hockey Director – Steve Henley

Executive Hockey Director – Jocelyn Langlois

Carolina Hurricanes Youth Director – Shane Willis

Should any of these 3 individuals be unable to attend, have a personal friendship or connection to either party, or is otherwise involved directly or indirectly with either party, an alternate from the Board of Directors will attend in their place. On occasion, if needed, an alternate may be designated from outside the BOD to sit on the committee as an impartial arbitrator.

A hearing may simply be needed to resolve a conflict where a suspension is not a consideration. However, if serious enough, an offender may receive one of the following judgements:

1. Summary suspension for the offender
2. Summary suspension and probation for the offender
3. Summary Probation for the offender
4. No suspension or probation warranted for the offender

## **Unified Disciplinary Hearing Procedure**

(1) As Per USA Hockey 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) 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

(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, to be assisted by counsel at the hearing, and which may include the opportunity of a Party to cross examine the complainant or other witnesses, all as may be subject to the rules of the hearing panel as provided in subsection (3)(e) below. Notwithstanding that a Party seeks to challenge an Administrative Action, such Administrative Action shall remain in effect unless overturned pursuant to a hearing or appeal as set forth herein.

### **(3) Hearing Panel**

(a) The Disciplinary Authority considering issuing any Discipline, or upon written demand by a Party contesting a suspension or other disciplinary action where no hearing was held, or upon written demand by a party that 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. Notwithstanding that a hearing panel has up to thirty (30) days after its appointment to hold a hearing, a Party that has been issued a Summary Suspension or that may be suspended pursuant to an issued hearing notice may request an expedited hearing to challenge such suspension, and upon receipt of such request the hearing panel shall exercise reasonable effort to provide such expedited hearing.

(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. Notwithstanding that a hearing panel must ordinarily provide at least seven (7) days notice before a hearing date, a Party that has been issued a Summary Suspension or that may be suspended pursuant to an issued hearing notice may waive such seven (7) day notice period in order to have a hearing on less notice.

(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.

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.

**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 and Junior Leagues of the suspension or Discipline and upon such notice the suspension or Discipline shall be in effect for all Affiliate Associations and all Junior Hockey.