

MISSOURI HOCKEY, INC.

Rules & Regulations Regarding the Resolution of Disputes, Arbitration and Suspensions

Section A. Resolution of Disputes, Exclusive Remedy

(1) Scope of Procedure

For all claims, demands, or disputes having any impact on ice hockey or between, by or among Members of Missouri Hockey, Inc. (MHI) which fall within the jurisdiction of this provision (collectively, "Disputes"), the procedures established in these rules and regulations shall constitute the sole and exclusive remedy for dispute resolution.

(2) Purpose

It is the specific purpose of these rules and regulations to provide for a uniform method of resolving all Disputes and to utilize the specific skills, expertise and background of people experienced in hockey and sports administration matters. The procedures contained in these rules and regulations are sometimes referred to collectively as the "Dispute Resolution Procedure." It is the further purpose of these rules and regulations to provide an administrative procedure that is a full and complete substitute for any court proceedings.

(2) Submission to Dispute Resolution Procedure

Each Registered Team Member, Allied Member, and other person within the jurisdiction of MHI (including, but not limited to each parent, guardian, agent or other person, and each Association, league, club, sponsor, facility or other group or organization) agrees to abide by this Dispute Resolution Procedure by virtue of membership, affiliation or participation at any time in MHI or a sanctioned USA Hockey game or program

(3) Failure to Follow Process

In addition to any other sanctions applicable hereunder, the failure to follow and abide by the Dispute Resolution Procedure

(a) shall make a Member, and any person or entity representing, participating with or aiding such Member, liable for any and all expenses and costs, direct and indirect, and including reasonable court costs and attorney fees and the value of volunteer time, incurred by MHI, key, its associations, directors, officers, or agents; and

(b) In MHI's and/or the Association's discretion, such person may be immediately suspended and/or disqualified from membership and forfeiture of the right to participate in USA Hockey or any of its sanctioned events or any of its associations.

Section B. Suspensions Generally/Domestic Competition [When Hearing is Required]

(1) General

Except as set forth under paragraph (2) of this section, no Registered Team Member, Allied Member, or Association and other persons within the jurisdiction of MHI (including, but not limited to each parent, guardian, agent or other person, and each, league, club, sponsor, facility or other group or organization) engaged in competition or participation at any time in USA Hockey or a sanctioned USA Hockey Game or Program, who is alleged to have failed to comply with or who has allegedly violated any MHI Bylaws or the Applicable Rules and Regulations, or to have otherwise engaged in conduct unsuitable for the sport of ice hockey, may be suspended from participation, unless such party shall have received a prior hearing as provided for in Section C (Non-playing Rule violations) or Section D (Playing Rule violations).

(2) Prior Hearing Not Required

Except as otherwise stated in this paragraph (2), the suspensions listed below shall not require a prior hearing under Section C (Non-Playing Rule violations) or D (Playing Rule Violations) hereof.

(a) Playing Rule Suspension

USA Hockey and league playing rules suspensions which are expressly permitted by such playing rules ("Playing Rule Suspension"), shall not require a Section D suspension hearing ("Playing Rule Hearing"); provided, however, that a Playing Rule Suspension shall require a Playing Rule Hearing if the suspension occurs as a result of imposition of a match penalty, and in such event a hearing shall be held in accordance with the requirements of Section D. Any Playing Rule Suspension shall remain in force and be final unless modified or revoked at a hearing.

(b) Officiating Suspensions

In the case of a suspension of an official:

1. The local supervisors of officials shall have the authority to suspend a referee up to ten (10) days, and
2. The MHI shall have the authority to suspend a referee after a hearing or in accordance with a summary suspension pursuant to the bylaws, rules and regulations of the suspending authority.
3. The boycotting of any game(s) by any official(s) due to any disciplinary action taken in accordance with USA Hockey and these rules and regulations shall subject said official(s) to additional sanctions as may be invoked by the organization subjected to said boycott after a hearing.
4. 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.

(c) Assault of Game Official

With respect to suspensions resulting from assaults on game officials from match penalties in violation of Rule 601(g)1 or 601(j)1 (Physical Assault on Game Officials) of USA Hockey's Playing Rules, there shall be immediate suspension from all USA Hockey A player or Team Official incurring a match penalty shall be suspended from participating in any and all USA Hockey games, practices, scrimmages, tournament games, and team functions until his case has been dealt with by the proper authorities and a hearing under Section D. (Playing Rule violations) by either MHI, its designated hearing body, which shall exercise original jurisdiction in the matter. If the match penalty is affirmed, the player or team official shall be suspended for not less than one calendar year with one calendar year probation thereafter. Suspensions under this paragraph (c) shall be immediately reported to the MHI 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 USA Hockey District Referee-in-Chief shall immediately investigate the incident and promptly submit a written opinion, together with the game sheets and reports to the suspending authority, indicating whether the incident is applicable under Rule 601(g)1 or 601(j)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 suspending authority to the player, team official and game official involved. The Registrar may accept a registration subject to the terms of this suspension.

(d) Summary Suspension

Summary suspensions may be permitted pursuant to the bylaws, rules and regulations of the affiliate, only in those cases where a participant has been assaulted, or subject to physical or sexual abuse as described in the rules and regulations of USA Hockey or MHI, or other violations of USA Hockey or MHI bylaw, policies or rules and regulations as set out in the USA Hockey Annual Guide, or MHI's comparable rules and regulations, policies, that have been reviewed, and approved by USA Hockey, and shall not require a pre-suspension hearing for purposes of this Section B. The suspended party, at the time of notice of the suspension, must

be provided written notice (methods of written notice may include electronic, USPS Certified mail and USPS mail means) of the right to request a hearing. In the event the suspended person requests a hearing from the suspending authority, that hearing shall be held in accordance with Section C. (Non-Playing Rule violations). In order to request a hearing of a summary suspension, the suspended party must request the hearing in writing from the suspending authority within seven (7) days of being notified of the suspension.

Section C. Suspension or Disciplinary Hearings/Domestic Competition (Non-Playing Rules)

Section C. applies to matters not involving alleged violations of USA Hockey's Playing Rules, MHI, or League and applies with respect to Domestic Competition and all other violations of USA Hockey or Affiliate or League Bylaws, policies, rules, or regulations which are not governed by Section D. (Playing Rules).

(1) General

Any person or organization ("Party") who:

- (a) Has the right to a hearing where the decision may impose a suspension under Section B.; or,
- (b) Desires to contest a suspension or other disciplinary action under Section B., where no hearing was held and the suspended or disciplined Party has requested a hearing in writing by notice to the disciplining authority within seven (7) days of being notified of the suspension or discipline; or
- (c) Desires to contest an administrative action or decision by MHI or a local league, association or program that affects the Party's eligibility to participate (an "Administrative Action") is entitled to a hearing as set forth in this Section C.
- (d) Notwithstanding the foregoing:
 - 1. in youth, adult, women's, or high school where membership and eligibility issues are determined pursuant to rules, regulations and dispute resolution procedures, the hearing procedures set forth in this Section C. shall not apply to the extent that such organization's rules, regulations and/or dispute resolution procedures also address the matter, unless such organization has submitted the matter to MHI for action and
 - 2. the hearing and dispute resolution procedures set forth in this Section C. are not intended to provide hearings, or require a party to pursue a hearing, for the purpose of determining liability or damages for personal injury claims, or dues or fees disputes.

(2) Hearing Procedure

Any hearing convened under this Section C. shall be conducted under the following rules:

(a) Hearing Committee

The disciplinary authority, or for hearings under Section C.(1)(c), the party taking the Administrative Action, shall appoint a hearing committee, which is recommended to be a minimum of three (3) persons who shall be reasonably disinterested, impartial and non-voting members of the board to which an appeal may be heard. In the case of the suspension or discipline of a referee or coach, the District or Affiliate Association Referee-in-Chief or Affiliate Coach-in-Chief, as appropriate, or his/her designee, shall serve on the hearing committee.

(b) Hearing Time Frame

The hearing committee shall offer to hold a hearing and that offer shall be to hold the hearing within thirty (30) days of: (i) receipt of the demand for the hearing, (ii) notification of the completion of an appropriate investigation of the facts giving rise to the proposed suspension or discipline, or (iii) the Administrative Action, but not to generally exceed sixty (60) days from receipt of the demand for the hearing. Any suspension, discipline or Administrative Action pending a hearing shall remain in effect until a decision is rendered. The disciplinary authority shall be entitled to all rights of a party proposing suspension or discipline under Section E. herein.

(c) Hearing Notice

The hearing committee shall provide at least seven (7) days written notice (methods of written notice may include electronic, USPS Certified mail and USPS mail means) of the convening of the hearing to the Party, the person(s) or party(s) proposing suspension, discipline or Administrative Action, and other interested party(s) who shall be included at the discretion of the hearing committee. The Party, and each person or party proposing suspension or discipline, or who has taken the Administrative Action, are sometimes referred to herein as “parties” or “party.”

(d) Hearing Location

The hearing shall be convened in a location which is accessible to the Party.

(e) Hearing Procedure

The Party shall be afforded a fair hearing, which shall include, but not necessarily be limited to:

1. Reasonable notice of the grounds for the proposed suspension, discipline or Administrative Action, but any grounds supported by the evidence presented may be considered in reaching a decision;
2. The possible consequences of an adverse finding;
3. The reasonable opportunity to present their case and argument in accordance with the hearing authority’s rules;
4. The appeal procedure when a decision is rendered. Should the appeal procedure not accompany the correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board.
5. Legal counsel shall not be permitted at the hearing.

(f) Conduct of Hearing

The hearing committee may, in its discretion, hold an informal hearing (which may include a telephonic hearing), 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, establish other hearing rules so long as each party is treated in a substantially equal manner. The Rules of Evidence in Judicial Proceedings shall not apply to this hearing. Legal counsel shall not be permitted at the hearing.

(g) Burden of Proof

In the case of a suspension or discipline, the burden of proof shall be on the party proposing the suspension or discipline by a preponderance of the evidence. (i.e., more likely true than not true). In the case of an Administrative Action, the burden of proof shall be on the party challenging the Administrative Action to prove that the Administrative Action was made in an arbitrary or capricious manner or was not supported by facts. In a contest of an Administrative Action, only the evidence presented to or considered by the decision makers taking the Administrative Action shall be presented or considered in the hearing to contest that Administrative Action.

(i) Decision

The hearing committee will use reasonable efforts to: (i) render its decision to the parties to the hearing within five (5) business days of the close of the hearing; and, (ii) prepare and deliver a written decision (methods of written notice may include electronic, USPS Certified mail and USPS mail means) to the parties to the hearing within fifteen (15) business days of the close of the hearing. The written decision (methods of written notice may include electronic, USPS Certified mail and USPS mail means) shall contain findings of material facts, conclusions and the order of the hearing committee. Should the appeal procedure not accompany the

correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board.

(j) Written Record

Any party may request, in writing and prior to the hearing, that a written record of the hearing be made. Upon that request, the hearing committee shall provide for a written record which may consist of a recording, audio or video, of the hearing at the discretion of the hearing committee. The cost of providing for a court reporter's transcript shall be paid for by the party who desires such a record.

(k) Scope of Suspension

Except as set forth in these rules and regulations, any suspension or discipline invoked after the hearing by a league or local program shall be in effect only for the program governed by the disciplinary authority, subject to the applicable MHI, league and association's authority to review, affirm, extend or modify the action taken. If the disciplinary authority wishes to extend any suspension or discipline it ordered beyond its program, it must notify, as applicable, MHI. If the suspension or discipline is imposed by a MHI, affiliate league or association and MHI wishes to extend the suspension or discipline beyond its jurisdictional, geographical territory, it shall advise the Executive Director of USA Hockey of the suspension or discipline by providing a copy of the written notice (methods of written notice may include electronic, USPS Certified mail and USPS mail means) of suspension or discipline and requesting that USA Hockey, its Districts, Affiliates, and Members honor the suspension or discipline imposed. Thereafter, the Executive Director of USA Hockey shall promptly notify each of its Districts and Affiliates of the suspension or discipline which shall honor the suspension or discipline.

Section D. Suspension Hearings/Domestic Competition (Playing Rules)

Section D. applies to alleged violations of USA Hockey's or league playing rules, and applies only with respect to Domestic Competition.

(1) Hearing Committee

The disciplinary authority, or for hearings under Section C.(1)(c), the party taking the Administrative Action, shall appoint a hearing committee, which is recommended to be a minimum of three (3) persons and must be reasonably disinterested, impartial and non-voting members of the board to which an appeal may be heard . In the case of the suspension or discipline of a referee or coach, the District or Affiliate Association Referee-in-Chief or Coach-in-Chief, as appropriate, or his/her designee, shall serve on the hearing committee.

(2) Hearing Procedure

The Party shall be afforded the following:

(a) Reasonable Notice of Grounds

At least seven (7) days notice of the hearing and reasonable notice of the grounds for the proposed hearing, along with a copy of the score sheet and/or referee report, which shall be considered reasonable notice but any grounds supported by the evidence presented may be considered in reaching a decision. The Party, and each person or party proposing suspension, are sometimes referred to herein as "parties" or "party."

(b) Reasonable Opportunity to Hear and Present

The reasonable opportunity to hear the case against them and present their case and argument in accordance with the suspending authority's rules, but not necessarily the right to cross examine witnesses (which shall only be permitted if so decided by the hearing committee).

(c) See Documents

The opportunity to see score sheets and the referee's report, if any.

(d) Advised of Appeal Procedure

The appeal procedure when a decision is rendered. Should the appeal procedure not accompany the correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board. Legal counsel shall not be permitted at the hearing.

(3) Conduct of Hearing

The hearing committee may, in its discretion, hold an informal hearing; 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. The Rules of Evidence in Judicial Proceedings shall not apply to this hearing. Legal counsel shall not be permitted at the hearing.

(4) Burden of Proof

The burden of proof shall be on the party proposing the suspension by a preponderance of the evidence (i.e., more likely true than not true).

(5) Decision

The hearing committee will use reasonable efforts to render its decision to the parties to the hearing within five (5) business days of the close of the hearing. Should the appeal procedure not accompany the correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board.

(6) Scope of Suspension

Except as set out in these Rules and Regulations, any suspension invoked after the hearing shall be in effect only for the program governed by the suspending authority subject to the MHI, league, or association's authority to review, affirm, extend or modify the action taken. If the suspension is imposed by a MHI, league or association and the MHI, league, or association wishes to extend the suspension beyond its jurisdictional, geographical territory, it shall advise the Executive Director of USA Hockey of the suspension by providing a copy of the written notice (methods of written notice may include electronic, USPS Certified mail and USPS mail means) of suspension and requesting that USA Hockey, its Districts, Affiliates, and Members honor the suspension imposed. Thereafter, the Executive Director of USA Hockey shall promptly notify each of its Districts and Affiliates of the suspension which shall honor the suspension.

Section E. Appeals

(1) Right to Appeal

Any person or entity suspended or otherwise disciplined, or who desires to appeal an Administrative Action (as defined in Section C.), may, after a hearing or a failure to have a hearing in accordance with these rules and regulations, appeal an order of suspension, other disciplinary action or Administrative Action or a failure to have a hearing as provided in this Section 10.E., as follows:

(a) Playing Rule Suspension/Bylaw-Rule Suspensions Appeal

Playing Rule Suspensions or suspensions for violations of bylaw and/or rules of local, league or District organizations, or by a committee of a MHI, or for conduct unsuitable for the sport of ice hockey, shall be appealed, as applicable, 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 person or entity whose suspension has been upheld by an Association or League MHI 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 Appeal Authority may delegate, or assign to a subcommittee, the duties of determining whether or not an appeal meets jurisdictional requirements of this section.

(b) Referee Suspension or Discipline Appeal

A Referee suspension or other discipline, if by MIHOA or local supervisor of officials, if appealed, shall be to:

1. The Affiliate Association; or, 2. If a referee has been suspended or disciplined by the Affiliate Association, or if the Affiliate Association has affirmed a suspension or other discipline pursuant to (b)1. above, then such appeal shall be to a committee of the National Referee-in-Chief, a District Director from the District to which the Affiliate belongs and a person selected by those two. There shall be no further appeal.

(c) Appeals Not Involving Suspensions

Appeals of Administrative Actions or other disciplinary action that does not involve a suspension, shall be appealed, as applicable, 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"). There shall be no further appeals of Administrative Actions or other disciplinary actions not involving a suspension.

(c) Notification

Should the appeal procedure not accompany the correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board.

(2) Appeal Procedures

(a) Notice of Appeal/Failure to Appeal

The appealing person, or organization, must notify the disciplinary authority or party taking the Administrative Action, and Appeal Authority of an appeal, in writing, within fifteen (15) days from date of the decision from the hearing body or the date of the failure to have a hearing in accordance with these rules and regulations. If the notice of appeal is not received by the appropriate Appeal Authority within the ten (10) day period, the suspension, discipline or Administrative Action shall be final. All appeals must be submitted with a check made payable to Missouri Hockey in the amount of \$ 75.00.

(b) Reasons for Appeal/Notice

The Appealing Party shall submit, at a minimum, a written statement of why the suspension, discipline or Administrative Action should be overruled or reversed, ("Statement of Appeal") which shall be delivered to the appropriate Appeal Authority within thirty (30) days of the date of the decision appealed from. The Statement of Appeal shall also include the written record (if it was requested by any party) and decision of the hearing body and any other information as may be requested by the Appeal Authority. A copy of the Statement of Appeal shall be delivered to the appropriate disciplinary authority or party taking the Administrative Action who shall have twenty (20) days from receipt of the Statement of Appeal, to respond to the Statement of Appeal by delivering a written copy of its response to the Appeal Authority and the Appealing Party.

(c) Suspension or Discipline Remains in Force and Effect

Any suspension, discipline or Administrative Action shall be in force and effect until it expires or the Appeal Authority modifies it.

(d) Conduct of Appeal Hearing

The Appeal Authority may hold a hearing, at its option, or consider the appeal on the written submissions of the parties to the appeal 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. Legal counsel shall not be permitted at the hearing.

(e) Evidence/Theories Limited to Original Hearing

Only the evidence and theories explicitly presented to the disciplinary authority or party taking the Administrative Action for its consideration prior to the rendering of any decision by that body shall be presented or considered in appeal.

(f) Appeal Decision Timing

The Appeal Authority must use every reasonable effort to decide the appeal within ten (10) days from the submissions to it, but not to exceed fifteen (15) days. The appeal authority's decision shall be in writing and shall state findings of facts and its conclusions of the reasons for its decision.

(g) Appeal Authority

The Appeal Authority may affirm, reverse or modify (including increase or decrease the term of a suspension) any decision as it deems proper under the circumstances before it. Should the appeal procedure not accompany the correspondence to the suspended/disciplined party it will be grounds for denying the claim/decision of the suspending/discipline committee or board.