

**MASSACHUSETTS HOCKEY
DISCIPLINE COMMITTEE
PACKET
Revised 08/31/2010**





MASSACHUSETTS HOCKEY Discipline Committee

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DISCIPLINARY PROCEDURES

The following procedures apply to ALL Massachusetts Hockey town programs, leagues, clubs, districts, players, coaches, officials, parents, volunteers and spectators.

THE TWO MOST IMPORTANT RULES

1. Disciplinary action may be taken only **AFTER** a hearing by the appropriate disciplinary authority following specific rules and procedures. There are two exceptions: (1) automatic suspension for playing rule violations per USA Hockey "Official Rules of Ice Hockey" (i.e.: suspension resulting from a player receiving five penalties in a game does not require a hearing before the suspension goes into effect); and (2) emergency suspension, subject to a subsequent hearing, expressly authorized by the Massachusetts Hockey Discipline Committee Chair. **NOTE:** For cases involving assault or physical or sexual abuse. Contact the Massachusetts Hockey Discipline Committee Chair immediately for proper procedures.
2. All Hearing decisions (including town programs, leagues or conferences, and districts) must be reported in writing to the Massachusetts Hockey Discipline Committee Chair within ten (10) days of the Hearing.

DISCIPLINARY AUTHORITY

The disciplinary authority includes, but is not limited to, any town program/association, league, district and/or Massachusetts Hockey.

MANDATORY DISCIPLINARY HEARINGS

A Disciplinary Hearing must be held whenever:

1. A person timely requests a hearing. Any person who receives summary discipline without first being given an opportunity for a hearing may demand a hearing within seven (7) days from the receipt of notice of discipline. Notice of discipline may come in the form of a game sheet detailing a playing rules violation that results in a summary suspension per USA Hockey "Official Rules of Ice Hockey," such as a Match Penalty and/or Assault on a Game Official.

If a hearing is demanded, that demand must be in writing and submitted to the disciplinary authority within seven (7) days of the person receiving notice of the suspension or discipline.

2. Any disciplinary authority may schedule a disciplinary hearing for any alleged violations of any rules and/or policies including but not limited to: Zero Tolerance Policies: Codes of Conduct; league or program/association rules; and any other infractions not covered by the USA Hockey Playing Rules.

FOUR TYPES OF DISCIPLINARY HEARINGS

1. Hearings for violations of USA Hockey Playing Rules. This includes hearings for Match Penalties or other playing rule violations called during a game & noted on the game sheet (USA Hockey Bylaws Chapter 10 D.)
2. Hearings for all Disciplinary Matters EXCEPT Playing Rule violations (Match Penalties) and assault on game officials. This includes hearings on such things as violation of Zero Tolerance Policies, violations of League or Program Rules, and any other infractions not covered by the USA Hockey Playing Rules. (USA Hockey Bylaws Chapter 10 C.)
3. Hearings for Assault on Game Officials by Players or Team Coaches (USA Hockey bylaws Chapter 10 B.(c))
4. Hearings for Suspension of Referee - to be referred to Massachusetts Referee in Chief for action.



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WHAT IS THE BURDEN OF PROOF AT A HEARING?

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

TIMING OF THE HEARING

The hearing should be held as soon as possible after the incident or request for a hearing and within thirty (30) days. In no event shall a hearing take place more than sixty (60) days after the incident or request for a hearing.

HEARING PROCEDURES

1. **NAME A DISCIPLINE COMMITTEE.** The Disciplinary Authority must appoint a committee chair person and additionally either 3 or 5 people to sit as hearing committee members. Hearing committee members must be "reasonably independent and objective" persons. Avoid conflict of interest as much as possible and the appearance of conflict of interest. Do not appoint relatives or close friends of any of the parties. Also, do not put "related" people on the panel - so no husband/wife combinations, or father/son, etc. Names of panel members must be provided to parties along with notice of hearing.
2. **NOTICE.** Written/email notice of the date, time and location a disciplinary hearing will be held must be given to the person(s) disciplined or facing discipline and all other interested parties. The notice must be given seven (7) days in advance of the hearing date. To be safe mail the notice at least 10 days in advance of the hearing date. In addition use the phone to inform the person of the information.

The written notice must contain:

- a. reasonable notice of the grounds for proposed or sustained suspension /discipline (e.g. playing rule violation, bylaw violation).

"You have been charged with violation of USA Hockey playing rule 601(g)(1), deliberately inflicting harm to a game official".

Or – "You have violated the bylaws of the [Smithtown association] by failing to account for association funds in your possession."

Or – "You have played an unregistered player," etc.

- b. State specifically which playing rule or other infraction is alleged to have been violated.
- c. State that match penalties or other playing rule violations may be supported by the official's game report and/or the game sheet, along with any statements, in person or written by witnesses to the incident.
- d. Include copies of any documentation that will be submitted at the hearing with the notice, or as soon after as possible. Game reports, game sheets, statements, etc.
- e. State the names of any witnesses that are going to be called.



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- f. The possible consequences of a finding that a violation as alleged has occurred.

As example - a 601(g) or (j) is mandatory minimum of one (1) year suspension, plus probation for one (1) year.

Or your playing privileges may be suspended for up to ---a year, several games, months, along with probation for a period of time thereafter.

Or your standing in the association, team or league may be in jeopardy.

- g. Be very explicit in the notice about any time parameters of the hearing, if any. Something like *"This hearing will be scheduled for one hour (or such reasonable time as the panel chooses), with each side having 30 minutes to present their information."* All will then know how to proceed. If a lawyer is representing a party it should be stated their argument time comes out of their client's presentation time. One of the panel will have to be a time keeper as well.
- h. The names of the chair person and disciplinary committee members that will be hearing the alleged violations. This to give the parties an opportunity to object (for conflict of interest only!).

3. THE HEARING.

- a. The Chair controls the hearing. The Chair should introduce the hearing panel. Then state this hearing will be about the match penalty, or rule violation alleged against Joe Smith and will last for one (1) hour. (As stated, choose a reasonable time and divide it essentially equally between the presentation of the offense and the alleged offenders of the rule or bylaw.)
- b. State the purpose of the hearing – to determine the facts surrounding the called match penalty, or other claimed rule or bylaw violation.
- c. State who will be presenting the alleged violation (e.g. he violation will be presented by the game report and the game sheet and/or the testimony of a game official, referee ----, and linesman ----, or perhaps the representative from the association, league or Affiliate, or any other person).
- d. State clearly the parameters of the hearing. Be very explicit about the time parameters, the parties should know that already but all present will then know how the panel is going to proceed. There may be people present who did not get the notice.
- e. If the hearing is about an alleged violation of a program/league rule or bylaw and it is supported by some written report that should be stated as well. (An officer or director of the organization can and should explain the violation.)
- f. Also state names of any other person(s) who will provide statements of what they saw or heard. That could include score keepers, penalty box monitors, fans, parents, coaches, players, etc.
- g. Have everyone present at the hearing sign in. (see attached sign in form)
- h. Allow an opportunity to present claims or defenses.
- i. You can limit the number of witnesses to the violator, his/her coach or support person, and one or two other fact witnesses. Much more than two to three fact witnesses for each side



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of the issue presented will usually become repetitive. Character witnesses should be limited as well. Usually that information can be presented by the use of written statements of support. Those are usually team members, or their parents, or fellow coaches, etc.

- j. Evidence may be presented by in person testimony, written statements, game reports, game sheets, photos, videos at discretion of hearing committee. Witnesses could be put under oath but that is not necessary. The Chair should direct the presentation of the submissions. "We have before us the game sheet that has the penalty listed." Or "we have the bylaws before us - will the association president explain this allegation". Requesting comments from witnesses is in order.
 - k. Any relevant information may be submitted to the hearing committee for its consideration. The rules of evidence such as used in typical court proceedings do not apply. Comments or objections about evidence such as "hearsay" etc. can be judged by the hearing panel when they deliberate and need not be ruled on by the panel. The Chair simply states "Thank you - your objection - or comment is noted, and we will move on."
 - l. ***Be courteous to all attendees and do not become an advocate for any position that is being taken by a party or witness. Panel members can be firm and also be fair to all participants. Be observant, listen closely, take good notes and observe the witnesses' demeanor, attitude and veracity. After each person has stated their facts ask you fellow committee members if they have any questions of the person. The participants should leave feeling they have had a fair hearing.***
 - m. When the time is up the Chair should state - "We have reached the end of this hearing." Thank the participants and ask them to all leave so the committee can deliberate in private. ***No one except the committee members should be involved with the deliberations*** (No referees, friends, board members, etc.!!) The Chair shall be present for the deliberations but shall not be allowed to vote. The Hearing Panel should deliberate and come to a conclusion. It is best to put that decision in writing immediately. It does not have to be given or announced to the parties immediately. If the Chair decides to announce the decision to the parties, he/she may do so once the decision is final.
4. **THE DECISION.** A decision must be announced within 5 days of the hearing. A written decision (email fax or letter) must be delivered to the parties and to the Chair of the Massachusetts Hockey Discipline Committee within 10 days. The Hearing Committee must determine in writing and state:
- a. ***What facts occurred*** (John Smith struck the referee with his stick, This was witnessed by [state names of refs, and any one else who may have supported the facts submitted etc]) or coach John Smith played an illegal player for a game, a period, a shift, etc.
 - b. ***Where this incident occurred*** (this matter happened at Jonestown rink, state address),
 - c. ***When they occurred*** (this occurred on January 10, 2008 at the pee wee tournament held by the Jonestown association.). Or this occurred over a period of two months, etc.
 - d. ***What specific rule violation occurred as a result of the above facts?*** As a result of hitting the referee, (or playing an unregistered player, or not reporting income, etc.) John Smith violated playing rule 601(g)(1), or tournament rule or, association or league rule, or bylaw -----
 - e. ***DECISION.*** "As a result of the violation of rule/bylaw (***set out specific playing rule/bylaw number or language***) it is the determination of this hearing panel that John Smith shall be suspended from all USA Hockey/ (Affiliate name) participation for a period of ----- one (1) year from the date of the offense, January 10, 2009, until January 10, 2010."



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[Options here are up to the committee. But can include - time served, reverse the suspension, a period of time, repayment of monies, loss of status as coach, director etc., whatever fits the offense.]

“In addition John Smith shall be on probation for two (2) years thereafter, from January 10, 2010 to January 10 2012.

(Probation means if the person again violates this specific rule or any other USA Hockey/ Affiliate/league/association rule, or bylaw, within the probation period, an additional suspension period can be added to this suspension without regard to any suspension resulting from the new violation.)” You could add this explanatory language if desired.

“This suspension shall include games, scrimmages, practices, off ice team events, or any USA Hockey/Affiliate ice hockey sanctioned events.”

State the decision clearly in understandable language.

- f. *Inform suspended person of right to appeal.*** “You have the right to appeal this decision to the Massachusetts Hockey Disciplinary Committee. If you wish to appeal this decision, you must do so within 10 days from the time you receive this decision, or the decision will be the final ruling on this matter. A copy of an Appeal Form is attached and must be timely sent to:

Jeffrey Brown, Chair Massachusetts Hockey Discipline Committee
62 Suffield Street, Agawam, MA 01001
FAX 413-786-3900
jsbrwn@comcast.net
Questions? 413-330-3681 (cell) or 413-786-9800 (office)

DISCIPLINE COMMITTEE FORMS

Please use all the forms provided by the Massachusetts Hockey Discipline Committee.

1. Notice of Hearing
2. Disciplinary Hearing Report
3. Notice of Disciplinary Action and Right to Appeal
4. Request for Appeal form
5. Hearing Attendance Sheet



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USA HOCKEY & MASSACHUSETTS HOCKEY REQUIREMENTS

Frequently Asked Questions

- I. General Rule for All Disciplinary Actions
Except in the case of suspension for playing rule violations in accordance with the USA Hockey Rulebook, disciplinary action may be taken only after a hearing, by the appropriate disciplinary authority, following specific rules and procedures. USA Hockey Bylaw 10 B.
- II. Who is the appropriate "disciplinary authority?"
The appropriate disciplinary authority may be the program, the league, district or the State. Generally, the local program or league should have the first hearing.
- III. Who may impose disciplinary actions - such as suspension, probation, etc.?
In Massachusetts, any district, program, league or Mass Hockey may impose discipline as long as such discipline is given in accordance with the required USA Hockey procedures and is in keeping with other Mass Hockey discipline actions for the same type of violation.
- IV. Who is subject to Disciplinary Actions?
All USA/Mass Hockey registered players, coaches and officials, parent/ guardians of registered players, volunteers, spectators, local programs, leagues, clubs and any other organization or persons participating in any USA Hockey or Massachusetts Hockey games or other activity. USA Hockey Bylaw 10 B.
- V. Who is subject to Disciplinary Action for a Coach with no patch?
The Coach and the Association are subject to Disciplinary action.
- VI. What decisions must be reported to the MH Discipline Committee?
All Disciplinary Decisions (including those of local town associations, leagues, conferences and districts) must be reported in writing to the State Discipline Committee Chair within 10 days of a Disciplinary Decision
- VII. What Is the Burden of Proof at these Hearings?
The burden of proof shall be on the party proposing the suspension by a preponderance of the evidence - i.e., It is more likely true than not true.
- VIII. Are Hearings for Assaults on Game Officials different? YES!
USA Hockey has a special section dealing with Assault of Game Officials. USA Hockey Bylaw 10. B. (c) provides: There shall be an immediate suspension from all USA Hockey sanctioned games and practices and a hearing following the rules of Playing Rule Violations (above) shall be convened as soon as possible. Prior to the hearing, but within 48 hours of the incident, the Referee in Chief shall investigate the incident & promptly submit a written opinion, together with the game sheets and referee reports to the suspending authority (program, league or district) indicating whether the incident is, in fact, a violation of Rule 601(g) or 601(j) 1- This written opinion must also be given to the player or official involved. If an assault under Playing Rule 601(g) or 601(j) is affirmed, then the player or team official SHALL be suspended for not less than one calendar year with one calendar year probation thereafter.



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Frequently Asked Questions (Continued)

- IX. When may a Summary Suspension be imposed?
Summary suspensions (i.e., suspension prior to a hearing) may be imposed ONLY in limited circumstances and in accordance with strict requirements:
- a) Summary suspensions may be permitted only in cases where a participant has been assaulted or subject to physical or sexual assault.
 - b) Written notice of the right to request a hearing must be provided at the time of the notice of the suspension. The suspended person is allowed 7 days within which to request a hearing. Such request must be in writing.
 - c) If a hearing is requested, the hearing will be conducted in accordance with USA Hockey Bylaw 10.C (Non-playing rule violations.)
- X. If legal action is threatened or pending, should a disciplinary hearing be postponed?
Generally No, The hearing should proceed and call to let the Massachusetts Hockey Discipline Committee Chair know.
- XI. Exception to Hearings
- a) Can a league or program add additional Disciplinary action above USA Hockey Playing Rules?
Yes, as long as the disciplinary action is defined in writing in their league or association rules and available to all participants.
 - b) How many games can a league or association add as additional discipline?
No more than 2 additional games combined above USA Hockey Rules with out a hearing.



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NOTICE OF HEARING

DATE : _____

TO: _____

FROM: _____

Contact # _____

RE: _____

This is your Notice of Hearing under USA Hockey Bylaw 10 and Massachusetts Hockey Bylaw Article XIV to determine whether you will be suspended or otherwise disciplined as a result of violations of _____

Which occurred on _____ (date) at _____ (place).

The Hearing is scheduled to take place on _____ (date) at _____ (time)

at _____ (location.)

IF THE HEARING PANEL FINDS THAT A VIOLATION HAS OCCURRED, YOU MAY BE SUSPENDED OR DISCIPLINED AT THE DISCRETION OF THE HEARING PANEL.

EACH PERSON RECEIVING THIS NOTICE IS REQUIRED TO ATTEND THIS HEARING.

Failure to attend this hearing may result in disciplinary action being taken without your being present.

The Hearing will be conducted in accordance with USA Hockey and Massachusetts Hockey requirements. The persons who will serve on the hearing panel are:

Chair

If you object to any of these members, please contact me no later than 24hrs prior to hear the basis of the objection.

You will have an opportunity to present your facts to the Hearing Panel. Please contact me immediately if you would like any witnesses present at the hearing.

The Hearing Panel will deliberate in closed session following the hearing. A decision will be rendered in a timely manner.

Following the Hearing and delivery of the decision to you, you have the right to appeal any adverse decision to the Massachusetts Hockey Discipline Committee.

Please contact me if you have any questions regarding this matter.



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DISCIPLINARY HEARING REPORT

Date of report: _____

Date of hearing: _____

Date of incident: _____

Nature of incident: _____

Name of person who is subject of hearing: _____

Address of person: _____

Phone number: _____

Status of person: (player, coach, parent etc.) _____

Team and program or league affiliation: _____

Hearing Panel members: Chairman _____

 Member _____

 Member _____

 Member _____

 Member _____

 Member _____

State the issue to be decided by the Panel: _____

State the facts as decided by the panel: _____

State the Conclusion/Decision/Penalty decided by the panel: _____

Copy — Chair of Massachusetts Hockey Discipline Committee:
Jeffrey Brown, Chair Massachusetts Hockey Discipline Committee
62 Suffield Street, Agawam, MA 01001
FAX 413-786-3900
jsbrwn@comcast.net



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NOTICE OF DISCIPLINARY ACTION AND RIGHT TO APPEAL

TO: _____ (*name of person who was subject of hearing*)

(address of person who was subject of hearing)

FROM: _____
(name of suspending authority; e.g., District 3 or South Shore Conference or Wellesley Youth Hockey)

Chair of Committee: _____ (*name*)

RE: Hearing conducted on _____ at _____
(date) (place)

Dear _____ (*name of person who was subject of hearing*)

Pursuant to USA Hockey and Massachusetts Hockey Bylaws, Rules and Regulations, a hearing was conducted at the above noted date and place.

The findings of the committee are attached.

You have the right to appeal this decision in writing in accordance with Massachusetts Hockey Bylaws Article XIV. The form that may be used to request an appeal is enclosed with this letter.

Please be advised that in the case of a suspension of an individual or program, said individual or program is suspended from all Massachusetts Hockey and USA Hockey activities. Any program or coach who knowingly allows a suspended individual to participate during this suspension period is automatically suspended for one year.

Copy — Chair of Massachusetts Hockey Discipline Committee:
Jeffrey Brown, Chair Massachusetts Hockey Discipline Committee
62 Suffield Street, Agawam, MA 01001
FAX 413-786-3900
jsbrwn@comcast.net



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REQUEST FOR APPEAL FORM

Massachusetts Hockey Bylaws Article XIV states the basis for appeal from Hearing Panel decisions. Note that all requests for appeal must be in writing and received by the Massachusetts Hockey Discipline Committee Chair within 10 days of the date of the decision of the Hearing Panel.

1. Name of person requesting appeal: _____

Address: _____

Telephone : _____

E-mail: _____

2. Date of original hearing _____

3. Date of receipt of Hearing Panel decision. _____

4. Basis of appeal: State why the disciplinary action should be overruled or reversed. See Massachusetts Hockey Bylaws Article XIV paragraph G for the basis of appeal. Attach additional pages as needed.

(Signature of appealing party)

(date)

PLEASE ATTACH A COPY OF THE WRITTEN DECISION YOU ARE APPEALING.

Mail or fax this request to:

Jeffrey Brown, Chair Massachusetts Hockey Discipline Committee
62 Suffield Street, Agawam, MA 01001
FAX 413-786-3900
jsbrwn@comcast.net

Questions? 413-330-3681 (cell) or 413-786-9800 (office)



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HEARING ATTENDANCE SHEET
Name of person who was subject of the Hearing

Please : Print

Date: _____

Name	Address	E-Mail	Phone #