

Rules Committee Report 2013 Summer Meeting

rev. 2 05/31/2013



The Mn Hockey Rules Committee met on Thursday, May 30, 2013. Modifications to the Bylaws and Youth Rules are proposed, as shown below.

Bylaw Change

B1. Article 6 has been totally rewritten to adapt to changes in USAH Bylaw 10 and to make it flow better.

ARTICLE 6 - AUTHORITY - APPEALS - SUSPENSIONS - COURT ACTIONS

- 31] A. **Authority - Disciplinary Actions - Suspensions:**
1. Minnesota Hockey and its Directors, leagues and affiliates have the authority to manage their programs and issue discipline to any party within their jurisdiction. This includes suspension, probation, censure, financial penalty or other forms of discipline.
 2. In cases where such discipline leads to a suspension of the party, a Hearing as outlined below and in USA Hockey Bylaw 10 is required.
 3. Exclusions – Hearings are not required for automatic playing rule suspensions, suspensions of officials per MHOA Bylaws, or situations as outlined in USA Hockey Bylaws Article 10, "Exclusions From Unified Procedure".
- B. **Administrative Action:** An action or decision by an Authority having jurisdiction that affects any party's membership or their eligibility to participate.
- C. **Disputes:**
1. Authorities having jurisdiction are required to provide for prompt and equitable resolution of disputes (grievances), including notice and opportunity for a Hearing if applicable.
 2. A party contesting an Administrative Action shall be afforded a Hearing.
- D. **Hearings:** USA Hockey has developed a unified process on how to conduct Hearings (USAH Bylaw 10). The local authority having jurisdiction (local association, league or District) that conducts the Hearing must closely follow this process to resolve disputes.
1. The local authority having jurisdiction must hear disputes within thirty (30) days, provide a minimum of seven days' notice of the Hearing date and location, and make reasonable efforts to convene the hearing in a location accessible to all parties. The Hearing Notice must include the process and rules that will be used to conduct the Hearing. In suspension/discipline cases, the grounds for the proposed suspension/ discipline, the consequences of an adverse finding, and issues to be resolved by the Hearing panel should be included in the notice.
 2. The panel established to conduct the Hearing shall consist of a minimum of three (3) reasonably impartial persons.
 3. The panel may in its discretion hold a formal or informal Hearing, in person or by telecom; hear any evidence it feels is relevant; place limitations on time, evidence and documentation; allow witnesses or written statements; and establish other hearing rules. Each party shall be treated equally, and shall have reasonable opportunity to present their case, in accordance with the established rules.
 4. Parties may be represented by counsel, but the counsel's role in the Hearing is limited to listening only. Counsel may advise the parties quietly during the hearing or during a recess in the Hearing.

5. Findings must be supported by a preponderance of the evidence (more likely true than not true) that an applicable rule has been violated. The decision logic must be included in the written findings. The Panel must endeavor to render its decision within (5) days of the Hearing and mail a written decision within (15) days of the Hearing. The decision must include the parties' right(s) of appeal. Decisions can affect only parties that were part of the Hearing (cannot be expanded to discipline a party that was not a subject of the Hearing).
- E. **Appeals:** Any member, team, league or local association who has a standing in the matter may appeal a disciplinary suspension or administrative action, in writing, to the District Director for a period of ten (10) calendar days, after a decision was rendered or a Hearing refused within its own league or association. Such appeal must state that it is an appeal, and provide the rationale, citing the applicable rule or regulation, as to why the disciplinary suspension or administrative action should be overturned or modified. In all appeals, the appealing party is required to establish the merits of the appeal. The District Director shall make a written determination within twelve (12) calendar days of receipt of a valid appeal. The decision of the District Director may be appealed, in writing, for a period of ten (10) calendar days to the cognizant Maroon or Gold Vice President, who will issue a written ruling within twelve (12) calendar days. Any decision of the Divisional Vice President may be appealed for a period of ten (10) calendar days to the MH Grievance Committee which must make a written determination within twelve (12) calendar days of receipt of a written appeal. The decision of the Grievance Committee shall be final except as noted in the paragraph hereinafter titled "USAH Appeal".
- F. **Appeal Process:**
1. The District Director, Regional Vice President and Grievance Committee may make their determination by holding personal meetings, or communicating through the mail, e-mail or conference call(s).
 2. The "Hearing" format is not typically used for appeals, since the intent is to review the appropriateness of the initial decision, not to provide another forum in which to present the same arguments or evidence. Appeals are generally handled solely on written submissions, and the appealing parties should be notified that no personal appearances can be made.
 3. The appealing party must provide a basis for the appeal by referring to the relevant rules and/or regulations and describing why the previous decisions made were flawed or incorrect. These elements are essential when considering the basis for appeal. Appeal Requests lacking this information may be rejected for cause.
 4. Only the evidence and theories explicitly presented to the initial decision-making body for consideration prior to rendering of its decision shall be presented or considered for appeal. In the event new evidence is discovered, it must be identified as such and included in the Appeal Request. If it is determined by the entity considering the appeal that the new evidence would have likely affected the initial decision, the matter will be referred back to the initial hearing body.
 5. If the entity considering the appeal uses a Hearing format to assist in making its determination, the process in the paragraph titled "Hearings" hereinbefore will be used.
- G. **MH Board Appeal:** Decisions by MH Committees other than the Grievance Committee or the Screening Committee may be appealed to the MH Board of Directors by providing written notice within fourteen (14) calendar days of a written decision. The appealing party must provide the rationale as to why the disciplinary suspension or administrative action should be overturned or modified.
- H. **USAH Appeal:** Decisions of the MH Grievance Committee, Screening Committee or the MH Board of Directors may be appealed to USAH according to the provisions of USAH Bylaw 10 - Dispute Resolution, Discipline, Arbitration.
- I. **Court Actions:** Any recourse to the courts of any jurisdiction by any member or individual before all of the rights and remedies available under the MH Articles and By-Laws and USA Hockey Bylaws have been exhausted, shall be deemed conduct detrimental to the best interests of hockey and a violation of the MH and USAH Articles and By-Laws. This violation will result in suspension of membership and/or expulsion from the organization pursuant to the provisions of this Article 6.

Youth Rules Changes

R1. Our Youth Rules currently allow membership for "any Native American who has a Certificate of Indian Status" without requiring that they must also live within the physical boundaries of the State of Minnesota. At the 2013 Spring Meeting we proposed to require residency in Minnesota. This was challenged on the basis of – why is this sentence in our Youth Rules? Native Americans are citizens and registration of non-citizens is a USAH matter. USAH was consulted, and they confirmed that the local affiliate must first accept the player, and then they will handle the transfer process. From the Rules Committee's perspective, the subject sentence creates more problems/questions than it solves, and we recommend that it be deleted.

III. CITIZENSHIP AND AGE REQUIREMENTS

- R1] C. EXCEPTION: A player who is a non-United States citizen but is a legal resident of the United States as evidenced by such documentation as; a non-expired Resident Alien card or a non-expired Visa of the Type/Class that allows for residency, or who is a resident student from outside the United States, is eligible to compete. ~~Any Native American who has a Certificate of Indian Status is also eligible.~~

R2. There is a conflict in terms between USAH and MH on Divisions and Classifications. MN Hockey uses "Divisions" to mean Mite, Squirt, Peewee, 10&Under, 12&Under, Junior Gold, etc. USAH calls those "Classifications." MN Hockey uses "Classifications" to mean A, B, C, House, etc. USAH calls those "Divisions." It is proposed to switch our nomenclature to align with USAH. If this change passes, any other switches needed throughout the Handbook will be taken on as Housekeeping.

R3. Request from the Tournaments Committee to allow cross/half ice Mite Tournaments, and allow Mite teams to attend out-of-state cross/half ice tournaments with District Director approval.

R4. Request from the District Directors Committee to remove prohibition on league standings for Squirts, remove text on controlled scrimmages and change "35 games" to "35 game days".

VII. LEVELS OF PLAY

- R2] A. ~~"Divisions"~~ **"Classifications"** means Mite, Squirt, Peewee, 10&Under, 12&Under, Junior Gold, etc.
B. ~~"Classifications"~~ **"Divisions"** means A, B, C, House, etc.

F. MITE HOCKEY – MH strongly encourages the skill level development of all players, especially at the entry level. Therefore, the following is effective for the Mite level.

R3] 3. MH does not permit full ice Mite Tournaments; **cross/half ice Mite Tournaments are allowed with restrictions as determined by the Tournament Committee.** MH Mite teams cannot participate in out-of state tournaments, **except cross/half ice tournaments as approved by their District Director.**

G. SQUIRT HOCKEY - MH strongly encourages the skill development of all players especially at the entry levels. Therefore, the following is effective for the Squirt level.

R4] ~~1. No league standings shall be kept.~~

21. Limit **number of games days** (league/tournament/exhibition games) to a maximum of 35 per season. ~~Each tournament game counts as one game. For Squirts, controlled scrimmages count as games and not as practices.~~

32. A three to one practice to game ratio shall be supported...

