



# 2020-2021 MASSACHUSETTS HOCKEY DISCIPLINE COMMITTEE

## ROLE OF THE HEARING PANEL FACILITATOR

- 1) Name a Hearing Panel
  - Appoint 3-5 people to sit as Hearing Panel members.
  - Hearing Panel members must be “reasonably independent and objective” persons.
  - Avoid conflict of interest – and the appearance of conflict of interest.
  - Do not appoint relatives or friends of any of the parties.
  - Do not put “related” people on the panel – so no husband/wife combinations, or father/son, etc.
  - **NOTE:** In cases involving coaches & referees, the District Coach-in-Chief or Referee-in-Chief or his/her designee, shall serve on the Hearing Panel.
- 2) USA Hockey requires at least 7 days written notice of a hearing. If Parties wish to waive this requirement, **it must be in writing.**
- 3) Send out the Notice of Hearing form. This should go to Parties, Referees, Panel members.
  - This form includes name of Hearing Panel Chair/Facilitator & names of Hearing Panel members;
  - Right of Party charged to object to Hearing Panel member on basis of conflict of interest;
  - The rule, bylaw or policy allegedly violated;
  - Date and time of hearing;
  - Request that names of any witnesses be provided to Hearing Panel Chair/Facilitator;
  - Copies of all pertinent documents (For example: Incident Report, any written reports of witnesses, etc.)
  - Procedures to be followed at hearing;
  - Notice that the hearing will be recorded;
  - Requirement that person charged participate in the hearing;
  - Notice of consequences of adverse decision;
  - Right to appeal the Hearing Panel decision.
  - **NOTE:** This Notice and all attachments should also be copied to each Hearing Panel member.
  - **NOTE 2:** If any of the parties are minors, the hearing rules may be adjusted.



- 4) Contact referees and confirm date & time of hearing. At least one of them must attend.
- 5) Arrange with MH Executive staff to set up videoconference. Confirm.
- 6) Conduct Hearing. Introduce everyone. Review procedures. Document persons present in writing. **Reminder** that Chair/Facilitator conducts hearing but does not vote. **Reminder** that the Hearing is recorded.
- 7) Parties must have reasonable and equal opportunity to hear the case against them and present own case.
- 8) At the conclusion of the Hearing, the Parties and all witnesses will be excused. The Hearing Panel should deliberate and come to a conclusion. In order to impose any discipline or suspension, the Hearing Panel must make a finding supported by a preponderance of evidence (more likely true than not) that the Party violated an applicable rule. Put the decision in writing (even if first draft) immediately. It does not have to be announced to the Parties immediately. You have 5 business days to announce decision per USA Hockey to the parties.
- 9) The Facilitator must provide the written decision to all parties and to the Chair of the Mass Hockey Discipline Committee within 15 business days of the Hearing.
- 10) The written decision must include findings of material facts, conclusions, the decision of the Hearing Panel, a statement about the right of appeal from the decision, and a copy of the formal Appeal Form.
- 11) The Hearing Panel Facilitator must not discuss anything regarding the issues of the Hearing with any Party or participant. The Hearing Panel Chair may discuss matters of time and place of Hearing, procedures, and who may testify. All other discussions must be in writing. Any questions should be referred to Mass Hockey Discipline Chair.

It is vital that the Hearing Panel Facilitator be neutral and unbiased.

- 12) Any written or verbal character references on behalf of the Party charged may be reviewed by the Hearing Panel members, but will not be considered as evidence.

**REMINDER: All matters involved in these Hearing must be treated as CONFIDENTIAL.**



## ADDITIONAL COMMENTS

- 1) **On MATCH PENALTY Hearings**, both referees should participate in hearing. If one is absolutely unable to participate, he/she must write up the incident with as much detail as possible and submit it to the Hearing Panel Facilitator at least 3 days prior to hearing. It is not likely that referees need to be on teleconference for more than 20 minutes.
- 2) **Considerations for Discipline – in addition to or instead of suspension:**  
Require Person subject to Discipline to read and review the USA Hockey Code of Conduct, and the USAH Zero Tolerance Policy, the SafeSport Program Handbook – or specific pages in the Handbook. We will have these documents available to be sent online and signed by the person. For Players: require them to take the USA Hockey age appropriate SafeSport training online.

**REMEMBER:** One of the goals is to EDUCATE players, coaches, parents and referees about the rules. Hopefully they will learn something from the experience. Keep this in mind when you are determining what Discipline to impose.

### DEFINITIONS:

**Suspension:** It is up to the Hearing Panel to define what activities the party may not participate in. Generally, a suspension by a Hearing Panel is suspension from “all on-ice and off-ice activities.” It means that a suspended party may not attend games, practices or be involved in any team/league activities at all. The suspended party may not be at the rink for any activities– including being a spectator. However, the Hearing Panel should decide exactly what the person may not do, and state it clearly in the decision. what is meant by “suspension.”

**Probation: DISCUSS**

