

# Rules Committee Report 2012 Winter Meeting

rev. 3 12/08/11



The Mn Hockey Rules Committee met on Tuesday, November 8, 2011.

The committee discussed Waiver of Notice. For example, WHAM's Bylaws have the following language:

**Section 5.05. Waiver of Notice.** A Director may waive notice of a meeting of the Board. A waiver of notice by a Director entitled to notice is effective whether given before, at, or after the meeting, and whether given in writing, orally, or by attendance. Attendance by a Director at a meeting is a waiver of notice of that meeting unless the Director objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened and does not participate in the meeting.

Peter Lindberg was consulted about this. He said the "Waiver of Notice" is used to give up your right to proper notice on meetings, or proper receipt of meeting materials. Just being at the meeting would seem to indicate a person waived their notice rights (if they were not followed). But individuals could still refuse to address certain agenda items if the accompanying materials were not distributed in a timely manner.

Apparently some organizations start their meetings by circulating a waiver of notice form, requiring all in attendance to affirm that they received the notice and materials properly. Peter indicated that the WHAM language on this was pretty standard, but was somewhat "loose and broad". He thought that any organization that goes to all the trouble to do this should not accept an oral waiver.

Jerry DeMeo used the term "Waiver of Notice" in his message to the Board on Fri 9/23/2011 regarding the Minnesota Made settlement telecon meeting:

This meeting will be held on Thursday, September 29 at 8:30 PM. Your participation in this meeting will be considered as a Waiver of Notice so that the Board may act upon business without first giving notice, as required by Article 11 of the Minnesota Hockey Bylaws.

The committee was confused as to why Jerry used the "Waiver of Notice" term. We properly "waived the rules" to deal with the change to our Youth Rules. In the end, the committee decided that our present practices are working just fine and that a "Waiver of Notice" provision in our Bylaws was not needed.

The Committee reviewed a proposal submitted by the District Directors Committee to change MH voting procedures. The Directors requested this change because they feel that they are under-represented in proportion to their number of constituents and that some "appointed" Board members have little "skin in the game".

The Director's proposal was sent to Peter Lindberg for comment. It was his opinion that the proposed changes would not violate any USAH policy. The Affiliate Agreement states a majority of the Board must be elected representatives (elected by a process whereby participants can cast a vote for their representative). The present MH Board appears to satisfy this requirement. If the goal is to give the larger districts more say in Board decisions, Peter suggested that MH should consider looking at the USAH District Director allocations. It would be much simpler to say that each District gets one Director, and Districts registering more than X,XXX, but less than X,XXX would get a second Director, and Districts registering more than X,XXX, but less than X,XXX would get a third Director, etc. There have been concerns from time to time that "appointed" members of Affiliate Boards not have "control" of the Board. For MH, the elected representatives have control for all votes requiring a simple majority. Garnering a 2/3rds vote requires them to politic some appointed members.

Implementing this proposal would be a major change requiring significant study to ensure the resulting Bylaw changes were well thought-out and workable. The Committee is willing to develop the required changes, but would first like to have some Board discussion on the merits of the proposal and on other possible changes that might satisfy the Directors' concerns. It has been proposed that this be discussed on Friday night at the upcoming meeting, and a straw vote taken to see if the Board supports the Directors' proposal. If so, the Rules Committee will develop the required changes and submit for final vote.

The Committee proposes modifications to the Bylaws and Youth Rules as follows:

# Bylaws Changes

B1. *Bylaw Article 4 "Affiliate Members" states that Affiliate members have right to vote in the District Caucus for a director from the district in which the member has its legal address. Due to changes in the Participation Policy/Rule, the Rules Committee would like to change this to ... the district in which the member has been assigned by the Board of Directors.*

## ARTICLE 4 - MEMBERSHIP

[B1] **AFFILIATE MEMBERS:** Any hockey community, association or group whose teams wish to participate in MH must sign an affiliate agreement with MH and pay annual fees in an amount established by the Board of Directors to become an affiliate member. Affiliate members shall have right to vote in the District Caucus for a director from the district in which the member has ~~its legal address~~ **been assigned by the Board of Directors**. Each affiliate member shall be entitled to select one representative who shall thereupon be a member of this corporation and shall be entitled to cast votes in the District Caucus for the purpose of electing the District Director, according to the affiliate's number of registered participants. Affiliate members may advertise or make known their affiliation with MH.

B2. *There is language in Bylaw Article 5 "Registration" dealing with the process for teams to compete in Interstate and National Tournaments. The verbiage is somewhat confusing – the Rules Committee proposes to reword it as follows:*

## ARTICLE 5 - REGISTRATION

[B2] ~~G. Teams registered with the MH/USAH must have permission from their district director to compete in interstate tournaments. To compete in National and International invitational tournaments, teams must have permission of USAH Minnesota District Registrar. Teams not receiving permission may be subject to suspension. In addition, teams must have the certification of their state association before entering a National tournament.~~

**G. MH teams must have permission from their district director to compete in invitational tournaments held outside of MN. To compete in USAH National Tournaments, teams must be certified by MH and the USAH Minnesota District Registrar. Travel permits are required for all games or tournaments held outside of the US – contact the USAH Minnesota District Registrar for details. Teams not receiving permission may be subject to suspension.**

B3. *Our Bylaws state that the Adult and Juniors Directors are elected by team representatives and the election is held at "this Associations annual meeting". It is proposed to change this to "a caucus of the representatives" as it is for other constituent-elected Directors. Please note that the MNJHL represents only a portion of the Jr teams in MN. For the 2011-2012 season there will be 3 Jr Tier III teams in the NA3HL, 2 Jr Tier III teams in the Superior International Hockey League and MNJHL will have 5 possibly 6 MN teams. All of these teams should have a vote in the caucus.*

## ARTICLE 7 – BOARD OF DIRECTORS

[B3] **Adult and Junior Directors:** Adults and Juniors each shall have a representative Director on the Board. Said Director shall be elected by the individual team member representatives of the teams registered in each division. It shall be the duty of the Adult and Junior Directors to represent Adult and Junior hockey respectively and to perform such other duties as shall be assigned to them by the President of this Association. Said Directors shall be elected at ~~this Association's annual meeting by~~ **a caucus of** the representatives from the registered teams in each division.

B4. At the 2010 Summer Meeting the Board was supportive of having two "levels" of Directors Emeriti – Active and Inactive. A list of all individuals who have been elected to the DE position would be retained (presently pg 72 in the Handbook). However only "Active" DE's would be listed on the Board Members page. The following changes are proposed:

## ARTICLE 7 – BOARD OF DIRECTORS

[B4] **Director Emeritus:** The Board of Directors shall have the authority to elect one or more persons to the position of Director Emeritus in recognition of distinguished and lengthy service to this Association. ~~A Director Emeritus shall be a non-voting member of the board, but in all other respects shall be entitled to all of the rights, privileges, duties and responsibilities of other Board members.~~ A candidate for Director Emeritus must meet the following qualifications:

1. Cannot be serving on the current Board of Directors. In the case of an outgoing MH Board member, there must be a waiting period of at least 180 days from the date of completion of their Board term.
2. Actively involved and makes significant contributions to Minnesota Hockey. Actively takes part in discussions, attends meetings, and has something to offer. Does not attend meetings merely to socialize.

Director Emeritus candidates must be nominated by an active Board of Directors member, and 3/4 of the votes cast are required for election. ~~A Director Emeritus shall be a non-voting member of the board, but in all other respects shall be entitled to all of the rights, privileges, duties and responsibilities of other Board members.~~ **Directors Emeriti shall have the same responsibilities as other Board members (e.g. – subject to all Board policies), but shall not be entitled to a Board vote.** The term of office for Director Emeritus is a lifetime, ~~governed only by their involvement and the extent that health/age permit.~~

**There are two "levels" of Directors Emeriti – Active and Inactive. After no involvement for one year, the Board can put a Director Emeritus in Inactive status with a 2/3 vote. An Inactive Director Emeritus can be returned to Active status with a similar 2/3 vote. Active Directors Emeriti would be listed on the Board Members page of the Handbook and are entitled to all of the rights and privileges of other Board members, with the exception of voting.**

B5. Our Bylaws do not currently specify what to do if there is a vacancy in a constituent-elected Director position. The following proposed Bylaw change addresses this.

## ARTICLE 7 – BOARD OF DIRECTORS

[B5] **Vacancies On Board-Elected Positions:** Shall be filled for the unexpired term by election by the remaining ~~Directors~~ **Board Members** at a regularly scheduled meeting or at a special meeting called for that purpose. Until such time as the election is held, the President may appoint one or more individuals to cover the duties of the position.

**Vacancies On Constituent-Elected Positions: The constituent organization shall do the following:**

- 1. Notify MH of the vacancy.**
- 2. Fill the unexpired term by election and notify MH of the new person.**
- 3. Until such time as an election is held, the constituent organization may appoint one or more individuals to cover the duties of the position. MH must be notified of such appointment(s).**

**All above notifications must be in writing (e-mail is acceptable).**

B6. Add "Whistleblowers" and "Conflict of Interest" policies to our Governing Documents.

## ARTICLE 11 - AMENDING/ADOPTING GOVERNING DOCUMENTS

[B6] 1. Governing Documents are defined as the Articles of Incorporation, By-Laws, Rules and Regulations, Affiliate Agreement, Code of Conduct, ~~and~~ Sexual Abuse and Physical Screening Policy, **Whistleblowers Policy and Conflict of Interest Policy**, and may be amended/adopted at any meeting of the Board of Directors.

## Youth Rules Changes

R1. MH Rules now include a "Commitment To Team" policy as follows:

*Players are expected to participate in all team activities (practices, games, tournaments, etc). An allowance for an "excused absence" upon notice that is reasonable under the circumstances may be established by teams and associations. However unexcused absence is grounds for consequence to a player, as determined by the team or association, up to and including suspension. A team or association rule and/or policy as to "excused absences" or as to consequences for unexcused absences must be reasonable and may not be implemented in a manner that discriminates as between player participation in one outside program versus another.*

*This has created some conflicts with the MH rule that allows girls to dual roster. Some associations want to establish policies stating that the Commitment To Team policy applies in this circumstance and that any consequence assessed by one team for missing events would apply to both teams. Perhaps the two teams should just work it out, but regardless, it appears that the dual-roster exception conflicts with the Commitment To Team policy.*

*It is the opinion of the Rules Committee that the dual-roster exception for girls has outlived its usefulness and should be removed.*

### II. REGISTRATION

- A. The USA Hockey and MH Player Registration fees and dates shall be set on an annual basis by USAH and the MH Board of Directors. The fees and dates are published on the inside front cover of the MH Handbook.
- B. No Player shall be registered with two or more MH/USA Hockey teams at the same time regardless of league division or classification, except:

1. Players on city house teams may play with both their team and a city traveling team.

[R1] ~~2. This provision shall not apply to female youth age players who may register on both a youth C or House team and also register with a girl's A or B team for the purpose of practice, exhibition games, league games and tournament competition including the USA Hockey National Women's Tournament. This exception should not dissuade an association from starting a girls program at any age level.~~

R2. *The Metro League has changed the name of their 16U teams to Junior Gold 16. The following rule changes are needed to accommodate this name change.*

### VII. LEVELS OF PLAY

- [R2] D. Interlevel Play - There shall be no interlevel play (games or scrimmages) between divisions (i.e. Peewee vs. Bantam, 14U vs. 12U) or between classifications (A and B, B and C or A and C teams), with the exception of Youth 16&Under (***Junior Gold 16***) and Junior Gold "B". In special circumstances where interlevel play between classifications is appropriate, approval of the cognizant District Director(s) must be obtained. Interlevel play is not permitted in invitational tournaments or MH playoff tournaments, with the exception that Youth 16&Under (***Junior Gold 16***) teams may participate in Junior Gold "B" invitational tournaments. Teams violating this provision may be declared ineligible to compete in any MH sanctioned invitational tournaments and the MH district, regional and state tournaments for the current season, and, in case of flagrant violations, for such further period of time as the district director shall deem appropriate. House league and city recreational league teams must be registered as C teams if they intend to play other teams outside of their hockey community. District Directors may permit a B or C classification team from small cities or newly developed programs to play in a higher classification league if there is no comparable classification league available.

### XII. ON-ICE OFFICIALS

- [R2] A. The three-official system (one referee; two linesmen) or the two-official system will be used.
  - 1. The three-official system is mandatory for all Jr. Gold A&B, 16&Under Youth (***Jr. Gold 16***), Bantam A, Girls 14&Under A and Women's 19 & Under District, Playoffs, Regional and State Tournament games.

R3. *There have been some issues this year with inter-district waivers. With four signers, there is perhaps too much opportunity for conditions to be applied, any of which needs to be initialed by all signers. To simplify the process, it is proposed that only the releasing and receiving associations have the authority to impose conditions. Although the District Directors would lose the ability to add conditions they can always refuse to sign.*

R4. *Every year there are situations where people claim their residence has changed based on a Purchase Agreement to move to a new community. Purchase Agreements are usually contingent on the buyer selling their present home, and can typically be rescinded. A closed sale is the only true indication of a move. The Rules Committee suggests that language be added to define Residence.*

R5. *There are presently issues with multiple associations in a single school district. Often HS boundaries are ignored at the elementary and middle school levels, creating situations where a single school has students from multiple associations attending. Some students can presently claim that they are attending school in another association's area, and therefore are eligible to participate there, contrary to the intent of the Participation Rule. Some districts already have a policy that players attending a school with students feeding more than one youth hockey association are required to play in their Association of Residence, but this is not supported by MH rules. There is some danger that this language could be considered discriminatory – others can open-enroll, but in this case players would be required to participate where they live. Regardless, the Rules committee drafted appropriate language and submits it to the Board for consideration.*

R6. *We did a reasonably good job of describing how a player can waive from their assn of residence to their assn of school attendance. However, we did not address waiving back. It is the opinion of the Rules Committee that once a player waives to their assn of school attendance, they are "members" there, and no longer members at their assn of residence. If they want to go back they should get a waiver, and the releasing association should have the right to impose restrictions.*

R7. *There have been problems interpreting the "complete grades of school offered" clause. Some have said that this gives them the right to change associations without restrictions when they finish the grades offered at an Elementary, Middle or Jr. High school. The intent was to not penalize those who attend a K-8 private or parochial school and \*have\* to change schools at 9th Grade. It is proposed that the language be clarified to indicate "school system".*

R8. *The present "no appeal" language covers only denied waivers. In some cases the releasing association approves the waiver, but with undesirable conditions. It is suggested that the language be modified to allow appeals either for a denied waiver or a waiver with undesired restrictions.*

## IV. PARTICIPATION

### A. PARTICIPATION POLICY

MH is a community-based amateur hockey program. Members in good standing are to participate on teams from their local association (local affiliate) based on the residence of their parent(s) or legal guardian(s). The boundaries of the geographical area served by each local association are determined by MH and recorded in the Affiliate Agreements. In some circumstances, players may participate in another association by requesting a formal waiver from this policy.

### B. PARTICIPATION RULE

1. Youth Hockey players must register and participate with the association whose boundaries incorporate the player's residence. To participate on any other association's team, the player must obtain a waiver.
  - a. All waiver requests must be submitted on a current Waiver Form provided by MH.
  - b. The Waiver Form must indicate the reason for the waiver request. (school attendance, opportunity to play on travel team, co-op team, etc.).
  - [R3] c. **The releasing and receiving associations may add conditions or restrictions to the waiver. Any conditions that apply to a waiver must be *Conditions must be clearly* indicated on the Waiver Form and initialed by all parties executing the waiver.**
  - d. Waiver Forms must be signed by the releasing and receiving association presidents before being submitted to the District Director for approval. If the releasing and receiving associations are in two districts, the waiver form must be submitted to both District Directors for approval.
  - e. Players residing outside of the state of Minnesota that desire to play for MH must follow the Inter-Affiliate Player Transfer Protocol.

2. Definitions

[R4] **Residence – the community in which the parent(s) or legal guardian(s) having primary custody live(s) the majority of time when tryouts begin. A pending move is not considered unless the parent or legal guardian has closed on the sale of a new residence. Players moving after tryouts begin can be assigned to teams on a space-available basis.**

**Association of Residence** – the association whose boundaries incorporate the player's residence.

**Association of School Attendance** – the association whose boundaries incorporate the location of the school the player attends.

**Home Association** – either the Association of Residence, or the Association of School Attendance to which a player has been properly waived.

3. A waiver shall be granted to any player who wishes to participate in the MH association whose boundaries incorporate the school in which the player is enrolled and is attending, as follows:

- a. For schools with multiple campuses, the "main" campus shall prevail unless agreed otherwise by the affected District Director(s).

[R5] **b. If a player attends their normally-assigned public school, and that school normally includes students from more than one youth hockey association, the player shall be assigned to their Association of Residence and is not eligible for a school-attendance waiver.**

- c. Players waived based on school choice shall be deemed to be members of their Association of School Attendance and shall have full rights and privileges accorded to all members of that association, including voting rights. (Exception – see "Changing Schools" below.)

- d. Players receiving a waiver based on school attendance shall register with their Association of School Attendance for as long as they are qualified students of that school (including the first year).

[R6] **e. Players waived to their Association of School Attendance are members there, and no longer members of their Association of Residence. Any such players desiring to go back to their Association of Residence, without a change in school system attendance, require a waiver. The Association of School Attendance must grant the waiver, but has the authority to impose restrictions (e.g. - no "A" team eligibility for one year).**

4. Players waived for non-school attendance reasons shall be subject to the receiving association's policies in accordance with MH governing documents (e.g. may not be eligible for "A" team, may be assigned to lowest available team, etc.). They shall remain members of their Home Association, not the association they were waived into, with full rights and privileges accorded to all members of their Home Association, including voting rights.

## 5. Changing Schools

### a. **Players whose Home Association has been based on residence:**

Players who newly enroll in a school outside of the boundaries of their Association of Residence without a corresponding change of residence, shall elect one of the following:

1. Retain full eligibility to compete at any classification in their Association of Residence; or
2. Be eligible at the "B" classification or lower in their new Association of School Attendance for one (1) year beginning with the first day of attendance in the new school (a waiver is required).

### b. **Players whose Home Association has been based on school attendance:**

Players who newly enroll in a school outside of the boundaries of their Association of School Attendance without a corresponding change of residence, shall elect one of the following:

1. Have full eligibility to compete at any classification in their Association of Residence; or
2. Have full eligibility to compete at any classification in their new Association of School Attendance if they completed the grades ~~of school offered at~~ **offered in the school system they attended in** their former Association of School Attendance; or
3. Be eligible at the "B" classification or lower in their new Association of School Attendance for one (1) year beginning with the first day of attendance in the new school if they did not complete the grades ~~of school offered at~~ **offered in the school system they attended in** their former Association of School Attendance.

c. Submit unusual circumstances to the District Director for determination. The Director's decision is final.

6. A player that participates without a necessary waiver is considered an ineligible player. Refer to the Section entitled Eligibility Provisions. A waiver must be obtained before a player can participate outside of their Home Association. During a season, a player that registers or participates with one association cannot participate with any other association without a waiver (applies to players with dual residency).

7. A player denied a waiver by ~~his/her~~ **their** Home Association **or given a waiver with conditions by their Home Association** may appeal in writing to the District Director having jurisdiction over the Home Association, who after investigation will issue a ruling. The decision of the District Director is final. Also see Section entitled Eligibility Provisions.

8. Players having dual citizenship, one being the United States, must also conform to the residency rule.

*R9. The Board previously discussed the Ineligible Player Rule (Youth Rules, V, A) and Protests (Youth Rules, IX, B) and whether those provisions apply to players continuing to play after receiving too many penalties. There was a situation last season where the officials asked how many penalties a player had and were told "four." The player actually had five due to a check-from-behind and misconduct (two penalties). The player went on to score the tying and winning goals. The game was forfeited due to the Protest and Ineligible Player provisions. The referees felt terribly about the mistake, and pointed to a Casebook write-up on calling a Game Misconduct if a player receives two major penalties. If the officials fail to call the Game Misconduct and the player scores a goal, the goal stands. The casebook says that the onus of assessing the Game Misconduct is on the officials – a team cannot be denied any goals scored by a player who should not have been in the game. The following rule change is proposed so that our rules are not in conflict with USAH rules.*

## IX. PROTESTS

Protests relating to the playing of the game are not allowed in any MH play. This includes scrimmage games, league games, invitational tournament games and MH tournament games with the following exceptions:

A. Districts or Leagues may establish a protest policy/process for their district or league games. If such a policy/process is adopted, the cognizant district director shall be the final authority - no further appeals are allowed.

B. Ineligible player protests will be accepted in MH sanctioned competition. The protesting team must furnish evidence substantiating the ineligibility of the player in question. The protest must be made to the cognizant district director or tournament director who will rule on the player's eligibility and whose decision shall be final. If the player is ruled ineligible, all games in which the ineligible player participated will be forfeited. **If the officials fail to assess an in-game suspension to a player who should have received one under USAH or MH rules, the player is not considered an ineligible player.**

[End of Rules Committee Report]