

USA HOCKEY, INC.
2024 WINTER MEETING LEGISLATIVE PROPOSAL
SUBMISSION FORM

PROPOSAL NUMBER: 2024 - WM – Legal #3

NAME OF PUBLICATION:

MAIN HEADING: Bylaws

REGULATION (Heading):

BY-LAW (Heading):

Section: 2.B.; 4.A.; 10.B.; 10.D.(3)(g)

Reference (sub-section):

Paragraph / Page no(s): 67, 69-71; 117-118; 127

CURRENT WORDING: (please type in Tahoma/Pitch 11)

2. AUTHORIZATION AND COMMITMENTS

B. USOPC Constitution

The Constitution of the United States Olympic & Paralympic Committee (the "USOPC Constitution") also has several provisions applicable to national governing bodies, including grant of authority and continuing eligibility to act as a National Governing Body. USA Hockey is committed to comply with applicable provisions thereof.

(1) Binding Arbitration

USA Hockey agrees to submit to binding arbitration in any controversy involving (i) its recognition as a National Governing Body, as provided in Article VIII of the Constitution of the USOPC, upon demand of the USOPC or (ii) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, as provided for in Article IX of the Constitution of the USOPC, upon demand of the USOPC or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted with the Commercial Rules of the American Arbitration Association, as modified in accordance with the Ted Stevens Olympic and Amateur Sports Act.

4. GOVERNANCE BY THE CONGRESS AND BOARD OF DIRECTORS

A. Athlete Representation Requirements

Within these Bylaws the following definitions shall be used to classify athletes for eligibility to vote and hold certain positions within the governance of USA Hockey:

(i) "Eligible Athlete(s)" shall be as applicable depending on the requirements to be an athlete representative on the Board, Congress or Council, Committee or Section, those meeting the requirements to qualify as a 10 Year Athlete, 10+ Year Athlete, and/or and Actively Engaged Athlete.

(ii) "10 Year Athlete(s)" shall be an athlete who at the time of election/selection as a Director, Representative, or Council Committee or Section member, has competed in hockey competition representing the United States in the ten (10) years prior at the following events: the Olympic Winter Games, the Paralympic Winter Games, Pan American Games, Parapan Am Games, the IIHF Men's World Championships, the IIHF Women's World Championships, the IIHF Under-20 World Championships, the IIHF Men's Under-18 World Championships, the IIHF Women's Under-18 World Championships, and the IPC Sled Hockey Championships.

(iii) "10+ Year Athlete(s)" shall be an athlete who has, competed at hockey competition in the following events within the indicated time periods:

- Olympic Winter Games, the Paralympic Winter Games, Pan American Games, Parapan Am Games, or the IPC Sled Hockey Championships, at any time except within the ten (10) years prior to their election/selection;
- IIHF Men's World Championships or the IIHF Women's World Championships, at any point after 1990 but not within the ten (10) years prior to their election/selection; and
- IIHF Under-20 World Championships, the IIHF Men's Under-18 World Championships, or the IIHF Women's Under-18 World Championships, at any point after 2008 but not within the ten (10) years prior to their election/selection.

(iv) "Actively Engaged Athlete(s)" shall be an athlete who qualifies either as a 10 Year Athlete, a 10+ Year Athlete, or who shall have competed in other international events on behalf of USA Hockey, including Four Nations or similar events, World University Games, U22 or Rivalry Series or similar events against Hockey Canada, or on USA Hockey's Men's or Women's Sled Development teams, in all cases within 24 months prior to their election/selection as a Council, Committee or Section member.

Bylaw 10.B, Definition of Protected Competition:

"Protected Competition" shall have the meaning ascribed to it in the current governing documents of the United States Olympic & Paralympic Committee, including its Bylaws and the provisions of the Ted Stevens Amateur Sports Act (36 USC Sec. 371 et seq.). Without limiting the foregoing, such term shall include (i) competition by Registered Participant Members or Allied Members in the following international ice hockey competitions: the Olympic Games, Pan American Games, Operation Gold, World Championship or international championships recognized by the International Ice Hockey Federation ("IIHF"), the Paralympic Games, or an International Paralympic Committee recognized World Championship in events on the Paralympic Games program, and (ii) any event, including but not limited to, games, tryouts, and competitions organized and conducted by USA Hockey in its selection proceedings and publicly announced in advance as a competition or event directly qualifying each successful competitor therein as an athlete representing the United States in events listed under the preceding subsection (i). For purposes of the foregoing definition of Protected Competition, actual tryouts for the team which will participate in competition set forth in (i) shall be included.

Bylaw 10.D.(3)(g), Doping, Protected Competition Participants

(g) Doping, Protected Competition Participants

All Protected Competition Participants and USA Hockey, Inc. shall be subject to the applicable provisions of the USOPC National Anti-Doping Policies, and the USOPC agreement with the USADA, and its enforcement of the USADA Protocol for Olympic Movement Testing, which procedures and policies have incorporated the provisions of the World Anti-Doping Code. Such Participants shall be further subject to doping guidelines as may be promulgated from time to time by the International Ice Hockey Federation (IIHF), and the International Olympic Committee (IOC) and any agreements between USA Hockey and these entities relative to doping. No athlete or athlete support personnel shall be denied eligibility within the meaning of this subparagraph (g) without first being afforded the opportunity for a hearing pursuant to the USADA Protocol for Olympic Movement Testing ("USADA Protocol"), or the hearing provisions of this Unified Procedure.

SPECIFIC WORDING OF PROPOSAL: (please type in Tahoma/Pitch 11)

(as it should appear with new wording-**bold**, Deletions-strikethrough)

2. AUTHORIZATION AND COMMITMENTS

B. USOPC Bylaws Constitution

The **Bylaws** Constitution of the United States Olympic & Paralympic Committee (the "USOPC **Bylaws** Constitution") also has several provisions applicable to national governing bodies, including grant of authority and continuing eligibility to act as a National Governing Body. USA Hockey is committed to comply with applicable provisions thereof.

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USA Hockey agrees to submit to binding arbitration in any controversy involving (i) its **certification** recognition as a National Governing Body, as provided in Article VIII of the **Bylaws** Constitution of the USOPC, upon demand of the USOPC or (ii) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, as provided for in Article IX of the **Bylaws** Constitution of the USOPC, upon demand of the USOPC or any aggrieved amateur athlete, coach, trainer, manager, administrator or official, conducted with the Commercial Rules of the **arbitral organization designated by the USOPC** American Arbitration Association, as modified in accordance with the Ted Stevens Olympic and Amateur Sports Act.

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(ii) "10 Year Athlete(s)" shall be an athlete who at the time of election/selection as a Director, Representative, or Council Committee or Section member, has competed in hockey competition representing the United States in the ten (10) years prior at the following events: the Olympic Winter Games, the Paralympic Winter Games, Pan American Games, ~~Parapan Am Games~~, the IIHF Men's World Championships, the IIHF Women's World Championships, the IIHF Under-20 World Championships, the IIHF Men's Under-18 World Championships, the IIHF Women's Under-18 World Championships, and the IPC Sled Hockey Championships. **The 10 Year Athlete status shall apply throughout the term of the position held by the Eligible Athlete, including any consecutive reappointment term(s); and in cases where the athlete's seat derives from an underlying office (e.g., a board member serving on a committee) this measurement is based on the underlying office rather than the new role (i.e., no additional measurement applied).**

(iii) "10+ Year Athlete(s)" shall be an athlete who has, competed at hockey competition in the following events within the indicated time periods:

- Olympic Winter Games, the Paralympic Winter Games, ~~Pan American Games, Parapan Am Games~~, or the IPC Sled Hockey Championships, at any time except within the ten (10) years prior to their election/selection;
- IIHF Men's World Championships or the IIHF Women's World Championships, at any point after 1990 but not within the ten (10) years prior to their election/selection; and
- IIHF Under-20 World Championships, the IIHF Men's Under-18 World Championships, or the IIHF Women's Under-18 World Championships, at any point after 2008 but not within the ten (10) years prior to their election/selection.

(iv) "Actively Engaged Athlete(s)" **means** shall be an athlete **(i)** who qualifies either as a 10 Year Athlete ~~or~~, a 10+ Year Athlete; **and/or (ii) who has been actively engaged in 24 months prior to election/selection as a Council, Committee or Section member** shall have competed in other international events on behalf of USA Hockey, including Four Nations or similar events, World University Games, U22 or Rivalry Series or similar events against Hockey Canada, or on USA Hockey's Men's or Women's Sled Development teams, ~~in all cases within 24 months prior to their election/selection as a Council, Committee or Section member.~~

Bylaw 10.B, Definition of Protected Competition:

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designates the athletes for the competition, as required by the competition organizers, and (c) athlete performance or results are included in the published criteria to be selected to represent the United States in the Olympics or Paralympics. in its selection proceedings and publicly announced in advance as a competition or event directly qualifying each successful competitor therein as an athlete representing the United States in events listed under the preceding subsection (i). For purposes of the foregoing definition of Protected Competition, actual tryouts for the team which will participate in competition set forth in (i) shall be included.

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Bylaw 10.D.(3)(g) -- Doping, Protected Competition Participants

(g) Doping, Protected Competition Participants

All Protected Competition Participants, and USA Hockey, Inc. shall be subject to the applicable provisions of the USOPC National Anti-Doping Policies, and the USOPC agreement with the USADA, and its enforcement of the USADA Protocol for Olympic Movement Testing, which procedures and policies have incorporated the provisions of the World Anti-Doping Code. Such Participants shall be further subject to doping guidelines as may be promulgated from time to time by the International Ice Hockey Federation (IIHF), and the International Olympic Committee (IOC) and any agreements between USA Hockey and these entities relative to doping. No athlete or athlete support personnel shall be denied eligibility within the meaning of this subparagraph (g) without first being afforded the opportunity for a hearing pursuant to the USADA Protocol for Olympic Movement Testing ("USADA Protocol"), or the hearing provisions of this Unified Procedure.

(g) Anti-Doping Violations

A pending case or decision concerning an anti-doping rule violation under the jurisdiction of, or adjudicated by, an anti-doping organization is not reviewable through, or subject to, the USA Hockey Bylaws. By virtue of their membership in USA Hockey, if it is determined that an individual member may have committed a doping violation, the member agrees to submit to the results management authority and processes of USADA, including arbitration under the USADA Protocol, or to the results management authority of the IIHF, if applicable or referred by USADA.

INTENTION OF PROPOSAL: To modify definitions of Athletes and Protected Competition, and move Anti-Doping provisions to Policies, to conform to USOPC changes.

Submitter: Tom Regan

Proposal directed also to (Board, Council, Committee, Section): Board of Directors, Legal Council