

OSSEO MAPLE GROVE HOCKEY ASSOCIATION GRIEVANCE RESOLUTION PROCESS

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OMGHA Grievance Process 09/07/14	

I. Grievance Committee Established: Purpose:

It is the specific purpose of this procedure A Grievance Committee is established to provide a uniform method of resolving disputes or grievances and code of conduct violations within the Osseo Maple Grove Hockey Association (OMGHA) OMGHA that are is in accordance with the rules and regulations of Minnesota Hockey and USA Hockey, and that utilizes the specific skills, expertise and background of individuals experienced in the sport of hockey and sports administration. The procedures provided in the OMGHA Operations Handbook Chapter 2 shall be known collectively as the herein are referred to collectively as the "Grievance Resolution Process"

II. Definitions:

A. Grievance- An allegation of a violation of OMGHA Rules, Regulations, or Policies as specified in the OMGHA Handbook and/or Bylaws;

~~b. Business Day- A day is one 24 hour calendar day.~~

B. Complainant – The party who brings lodges the Grievance and alleges violations of OMGHA Rules, Regulations, or Policies.

C. Respondent – The party that is alleged to have violated OMGHA Rules, Regulations, or Policies and is responding to allegations in the Grievance;

~~d. Investigator/Fact Finder – Appointed by the Judicial Board Chairman to take the lead role in investigating all aspects of the Grievance and make a preliminary determining of whether a violation of the OMGHA rules/regulations/policies occurred as alleged in the Grievance~~

D. Member: An OMGHA player, parent, or legal guardian that is a "member in good standing" and is not delinquent in fee or registration payment;

E. Code of Conduct Violation: A violation of the Player or Parent Code of Conduct as found in Chapter 2 of the OMGHA Handbook.

III. Privacy:

Privacy is an overriding responsibility and, to the greatest extent possible, grievances and code of conduct violations that are brought before the Grievance Committee all grievance issues shall be kept private and confidential. No member of the Judicial Board, Grievance Committee, the OMGHA Board, a party to the grievance or code of conduct violation proceeding, or an OMGHA-member witness, shall discuss, knowingly disclose, or otherwise disseminate any private information related that is related to a grievance to a grievance or code of conduct violation with persons outside the investigatory or hearing process. Grievance Committee Members The Members will treat shall keep all information revealed to them during their service on the Grievance Committee Judicial Board as private confidential information. Grievance Committee Members are allowed to discuss specific cases, and other issues brought before the Grievance Committee, with other Members of the Grievance Committee, matters that Discussion about any matter or thing related to the business of the Judicial Board shall be restricted to only other Judicial Board Members or legal counsel that is participating with and assisting the Judicial Board Grievance Committee, and/or necessary OMGHA members including, but not limited to the President, Vice-President of Boys Traveling, Vice-President of Girls Traveling, or the Vice President of House League.

IV. Grievance Committee: ~~Judicial Board:~~

A. Members:

1. The Grievance Committee ~~Judicial Board~~ shall be comprised of at least five but not more than nine Members; ~~(5) Members;~~
2. ~~The~~ Members must be a parent or legal guardian of a registered hockey player in OMGHA during their tenure on the Grievance Committee; ~~Judicial Board;~~
3. ~~The~~ Members represent the level of hockey within OMGHA which their child is registered to play in the year that the member serves.

B. Selection:

1. The following levels of OMGHA may be represented on the Grievance Committee; ~~Judicial Board from the following levels:~~ House, Squirts, Peewees, and Bantams; U10, U12 and U14. There shall not be two committee members from the same level if there are Members willing to serve from an otherwise unrepresented level of OMGHA. ~~Judicial Board openings and invitations to serve shall be published on the OMGHA website in a manner deemed appropriate by the OMGHA Board;~~
2. ~~These five (5)~~ Grievance Committee Members are to be nominated by the President and approved by a simple majority by the Board.

d. C. Length of Term:

1. Each Member is to serve a three ~~(3)~~ year ~~staggered~~ term
2. No Member may serve more than two ~~(2)~~ consecutive terms, or more than six ~~(6)~~ consecutive years
- ~~iii. To phase in this system, the term length of the initial Judicial Board members shall be as follows:~~
 - ~~1. Two members shall serve for one (1) year~~
 - ~~2. Three members shall serve for two (2) years~~
 - ~~3. Two members shall serve for three (3) years~~

e. ~~D. Judicial Board~~ Grievance Committee Chair:

1. The President is to appoint one ~~(1)~~ of the five ~~(5)~~ Members to serve a term of three ~~(3)~~ years as the Grievance Committee ~~Judicial Board~~ Chair. This person must be approved by a simple majority by the Board.
2. The Grievance Committee ~~Judicial Board~~ Chair is to be a non-voting member of the OMGHA Board.

V. Levels in the Process:

- ~~a. The initial grievance is filed and its suitability for the Judicial Process is determined;~~

~~b. Investigation and fact finding will be conducted by up to one (1) Judicial Board Panel Members;~~

~~c. The Judicial Board Panel will have a hearing and reach a resolution;~~

~~d. Each party has a right to appeal a final decision to District 3. District 3 is the next level of appeal as stated in Article 6 of the Minnesota Hockey handbook which follows USA Hockey's bylaw 10 for dispute resolution and discipline.~~

VI. Grievance Resolution Process

A. Initial Grievance and Informal Resolution

1. An OMGHA member, in good-standing, The complainant may bring a Grievance at any time during the playing season. The Complainant shall first notify the appropriate Level Director of their Grievance. ~~shall notify their Level Director of their grievance.~~

2. A Grievance is defined as a violation of the OMGHA rules, regulations, or policies as stated in the OMGHA Handbook and By-Laws;

3. All Complainants are expected to attempt in good faith to resolve their matters prior to filing a formal grievance.

4. The Level Director shall attempt to resolve the Grievance on an informal basis. In attempting to resolve the issue informally, the Level Director may inform the Grievance Committee Chair who may assist the Level Director in trying to resolve the matter informally. The Grievance Committee Chair may also designate another Grievance Committee Member to assist the Level Director in resolving the matter informally.

5. If the matter cannot be resolved informally, then the Level Director shall advise the Complainant to follow the steps outlined in subsection IV. B. "Formal Grievance." ~~6. The Level Director shall document in writing the attempt to informally resolve the grievance, and any discussions with the Complainant, and provide written notice of the failed informal resolution to the Grievance Chair.~~

~~iii. If the matter cannot be resolved fully and completely, then the Level Director shall advise the Complainant to follow the steps outlined in subsection b herein.~~

~~iv. The Level Director shall document their conversation(s) with the Complainant and notify the Judicial Board Chair of their contact with the Complainant in writing.~~

B. Formal Grievance

1. To file a Grievance, the Complainant one must fill out each section of the Grievance Form (see "Attachment A") in order for the Grievance to be investigated;

~~1. A Complainant must fill out each section of the Grievance Form (the "Complaint") for the Grievance to be investigated.~~

2. The Grievance must set forth any witness(es) names and contact information (if known), for witnesses and a concise statement of the witness(es)' personal knowledge of the allegations in the Grievance.

3. The Grievance must also include copies of any and all supporting evidence known to Complainant and in the possession or control of the Complainant. If supporting evidence is known to the Complainant but not in the possession or control of the Complainant at the time

of filing the Grievance, then the Grievance shall identify the supporting evidence and the contact information for the person that has possession or control of the supporting evidence. Failure to identify supporting evidence as required ~~herein shall~~ may operate as a waiver of Complainant producing that evidence in support of the Grievance.

4. The filing of a Grievance shall serve as consent by the Complainant to the Grievance Committee ~~Judicial Board~~ to contact ~~any witness or potential witness to~~ any persons that witnessed or have personal knowledge of the alleged dispute (whether named in the Grievance form or not) and for the Grievance Committee to conduct an investigation.

~~5. All Complainants are expected to attempt in good faith to resolve their matters prior to filing a formal grievance.~~

5. The Grievance must set forth all claims and allegations of the dispute known to the Complainant as of the date of the Grievance. Failure to set forth a claim or allegation shall operate as a waiver of the claim or allegation and a bar to bringing a subsequent grievance based on the waived grievance or allegation.

6. The Complainant must send the completed Grievance Form to the Grievance Committee ~~Judicial Board~~ Chairperson and the President via email.

~~C. Whom to send the Grievance Form to:~~

~~C. D. Judicial Board~~ Grievance Committee Responsibilities:

1. Within seven days ~~a reasonable amount of time~~ of receiving the Grievance Form, the Grievance Committee ~~Judicial Board~~ Chairperson must inform the Complainant in writing, via e-mail, of receipt of ~~that they received~~ the Grievance.

2. ~~Judicial Board~~

~~a. Investigation of Grievance:~~

i. Within seven days ~~a reasonable amount of time~~ of receiving the Grievance Form, ~~grievance~~ the Grievance Committee ~~Judicial Board~~ Chairperson must select one (1) member of the Grievance Committee ~~Judicial Board~~ to serve as the Judicial Panel ~~Hearing Panel~~ Investigator/Fact Finder. The ~~Judicial Board~~ Grievance Committee Chairperson shall also identify three ~~two (2)~~ other Grievance Committee Members to participate on ~~in~~ the Hearing Panel. ~~on the Grievance~~. In total, the hearing panel must be a minimum of three reasonably disinterested and impartial persons. The Investigator/Fact Finder investigates the grievance; provides a report to the hearing panel; and attends the hearing however, he/she is not a voting member of the panel.

At this time, the Grievance Committee Chair shall send an electronic copy of the Grievance Form to all of the Grievance Committee Members informing them of who is serving on the Hearing Panel and who the Investigator/Fact Finder is.

~~ii. Within a reasonable amount of time of receiving the written grievance, the Judicial Board Chairperson must send an electronic copy of the written grievance to all of the Judicial Board Panel Members assigned to the Grievance and inform the Panel Members who the Investigator/Fact Finder is.~~

iii. 3. Within seven days a reasonable amount of time of receiving the Grievance Form, written grievance, the Judicial Board Grievance Committee Chairperson must notify the OMGHA President in writing via electronic mail that:

~~1. That a grievance has been filed and the~~ Grievance Resolution Process ~~dispute resolution process~~ has been initiated. ~~2. The President shall keep this information private and confidential.~~ Consultation with legal counsel shall be permissible so long as the consultation remains private and privileged.

iv. 4. Duties of the Investigator/Fact Finder

The Investigator/Fact Finder is responsible for communicating with all relevant people to the dispute, and performing other duties, that includes, but is not limited to:

a. Investigating the grievance;

b. Talking to the witnesses;

c. Talking with ~~to~~ the Complainant; ~~and~~

d. Talking with the Respondent;

e. Making a preliminary determination of whether a violation of OMGHA rules, regulations, or policies occurred as alleged in the Grievance;

f. Providing an investigatory report to hearing panel members prior to the hearing.

5. Time Frames:

a. The Investigator/Fact Finder shall execute their duties within a reasonable amount of time of the notice of their selection by the ~~Judicial Board~~ Grievance Committee Chairperson.

D. Investigative Grievance Hearing Timing and Notice:

The ~~Judicial Board~~ Grievance Committee shall hold the hearing not later than thirty (30) days after the Grievance submission unless a later date is agreed upon by the parties and approved by the Grievance Committee, ~~Judicial Board~~, or is required due to extenuating circumstances.

After the Investigator/Fact Finder has executed his/her ~~their~~ duties, the ~~Judicial Board~~ Grievance Committee Hearing Panel will conduct a hearing.

Not later than seven ~~(7)~~ days before the hearing date, the Grievance Committee Hearing Panel ~~Judicial Panel~~ shall provide written notice to all interested parties of: 1) the time and place of the hearing, 2) the manner in which the hearing will be conducted, 3) the grounds for any proposed suspensions, discipline or administrative action, 4) the possible consequences of an adverse finding and 5) the issues to be resolved by the panel.

E. Grievance Hearing Process:

1. The Complainant and the ~~defendant~~ Respondent may attend the hearing;

2. Each party may present facts to support their position;

3. Each party will be permitted to communicate directly to the ~~Judicial Board~~ Grievance Committee Hearing Panel at the hearing. The time allowed for testimony shall be determined by the Investigator/Fact Finder prior to the hearing and the parties will be notified accordingly. Each party shall be given the same amount of time to present their position and respond to questions from the Grievance Committee Hearing Panel. ~~Judicial Panel~~
4. The Investigator/Fact Finder will strictly enforce the established time limits. Cross examination is not allowed. Parties must address the panel and respond to questions of the panel.
5. One or both parties may choose to not appear at the hearing. By not appearing at the hearing, a party does not concede any part, or the merits in general, of their case.
6. Parties may be represented by counsel, at their own cost, regardless of the outcome of the hearing. Pursuant to USA Hockey Guidelines, 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.
7. The ~~Judicial Board~~ Grievance Committee Hearing Panel shall make the final decision with a burden of proof. In order to impose a suspension or discipline, the panel must make a finding supported by a preponderance of the evidence (i.e., more likely true than not true) that the Respondent ~~party~~ violated an applicable rule, regulation, or policy.
8. The ~~Judicial Board~~ Grievance Committee Hearing Panel shall meet together, in private, and out of the presence of the Complainant and the ~~accused~~ Respondent.
9. The Grievance Committee Hearing Panel must ~~unanimously~~ decide by a majority of the panel members hearing the matter that a violation has occurred. ~~If there is no unanimous agreement, the Grievance is dismissed.~~
10. The ~~Judicial Board~~ Grievance Committee Chairperson shall inform the Complainant, the Respondent, and the OMGHA President of ~~accused~~ the results of the ~~Judicial Board's~~ Grievance Committee decision and the sanction imposed, if any. The Grievance Committee Hearing Panel ~~Judicial panel~~ shall use reasonable effort to render its decision within five (5) business days of the completion of the hearing and deliver a written decision to the parties with fifteen (15) business day of the completion of the hearing. The written decision shall contain findings of material facts, conclusions, the order of the hearing panel and a statement of any right of appeal as outlined in Minnesota Hockey bylaw Article 6 "Authority – Appeals – Suspensions – Court Actions"
11. the ~~Judicial Board~~ Grievance Committee Chairperson shall maintain a file of the grievance, the Investigator/Fact Finder's notes, ~~the Judicial Board Panel's notes~~, and the Judicial Board's disposition documentation.

F. Right to Appeal

Each party has a right to appeal a final decision to District 3. District 3 is the next level of appeal as stated in Article 6 of the Minnesota Hockey handbook which follows USA Hockey's bylaw 10 for dispute resolution and discipline.

VI. II. Enforcement

A. On behalf of OMGHA, the OMGHA President is ~~solely~~ responsible for enforcement of the Grievance Committee's sanction. ~~Investigative Committee's sanction.~~

B. The OMGHA President shall notify the appropriate level directors of the sanction and their responsibilities for enforcement.

C. The OMGHA President, within seven (7) business days of receipt of the findings and sanction shall notify the parties and discuss with them the procedure for enforcement and the limitations on their participation in OMGHA if applicable.

VIII. Potential Sanctions

A. Possible sanctions shall include, but are not ~~be~~ limited to, the following:

~~i. Verbal Warning;~~

1. Written warning and/or reprimand;
2. Assignment of restorative acts (apology, service to OMGHA, educational experience, etc.);
3. Suspension from OMGHA events;
4. Removal from OMGHA team; and/or OMGHA

VIII. Safesport Violations

SafeSport violations, unless specifically directed otherwise by the President and the Safesport Coordinator, will be handled through District 3 in accordance with the procedures of the Safesport Handbook.

IX. Code of Conduct Violations

Violations of the OMGHA Player Code of Conduct or the OMGHA Parent Code of Conduct that result in suspensions from OMGHA games, events, or activities fall under the jurisdiction of the Grievance Committee. The Grievance Committee will conduct Code of Conduct Violation hearings in accordance with the policies and procedures of USA Hockey Bylaw 10 C.

A. Hearing Panel: The Hearing Panel must be at least 3 reasonably disinterested and impartial persons. The Grievance Committee Chairperson shall appoint three Grievance Committee Members to participate as members of the Hearing Panel. Additionally, the Grievance Committee Chair must select another member of the Grievance Committee to serve as the Hearing Panel Investigator/Fact Finder. The Investigator/Fact Finder investigates the grievance; provides a report to the hearing panel; and attends the hearing however, he/she is not a voting member of the panel. If necessary, the Grievance Committee Chair may appoint other OMGHA members to serve on a Code of Conduct Violation hearing panel.

Duties of the Investigator/Fact Finder

The Investigator/Fact Finder is responsible for communicating with witnesses and other persons knowledgeable about the facts regarding the Code of Conduct violation and submitting

a report to the hearing Panel. Duties of the Investigator/Fact Finder includes, but is not limited to:

1. Investigating the Code of Conduct violation;

2. Talking to the witnesses;

3. Talking with the player or parent that is alleged to have violated the Code of Conduct;

4. Preparing an investigatory report for the Code of Conduct Violation hearing panel members

B. Notice of Hearing: The hearing panel must provide at least 7 days' notice of the hearing, which shall include time and place of the hearing; the manner in which the hearing will be conducted; the grounds for any proposed suspension or discipline; the possible consequences of an adverse finding; and the issues to be resolved by the panel. The hearing committee must hold a hearing within 30 days after its appointment unless a later date is agreed upon by the parties and approved by the hearing committee.

C. Suspension Remains in Effect: Any existing suspension remains in effect until the decision of the hearing committee is rendered.

D. Location: The hearing must be in a location that is accessible to the suspended party and the parties proposing the suspension.

E. Hearing Requirements: A fair hearing is required, including: 1) reasonable notice of the grounds for the proposed suspension, but any grounds supported by the evidence presented may be considered in reaching a decision; 2) notice of the possible consequences of an adverse finding; 3) a reasonable opportunity for respondents to present their case and argument; 4) the ability to have counsel present (parties may be represented by counsel, at their own cost, regardless of the outcome of the hearing. Pursuant to USA Hockey Guidelines, 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); and 5) notice of the appeal procedure when a decision is rendered.

F. Hearing Rules: The hearing committee may decide the level of formality for the hearing, may hear any evidence it believes is relevant, may place limits on time, evidence and documentation, may have witnesses and/or written statements and may establish other hearing rules so long as each party is treated substantially equal;

G. Burden of Proof and Decision: The Grievance Committee Hearing Panel shall make the final decision with a burden of proof. In order to impose a suspension or discipline, the panel must make a finding supported by a preponderance of the evidence (i.e., more likely true than not true) that Respondent violated the OMGHA Code of Conduct. The Grievance Committee Hearing Panel shall meet together, in private, and out of the presence of witnesses or the Respondent. The Grievance Committee Hearing Panel must decide by a majority of the panel members hearing the matter that a violation has occurred.

H. Decision Deadlines: The hearing committee must use reasonable efforts to render a decision within 5 business days of the hearing, and prepare and deliver a written decision within 15 business days of the hearing.

I. Decision Contents: The written decision must contain 1) findings of material facts (i.e., the hearing panel finds that the following occurred), 2) conclusions (i.e., based upon the facts, the hearing panel concludes that the person violated Code of Conduct paragraph; and 3) the order of the committee (based upon the conclusions above, the committee hereby orders the following suspension . . .).