

Proposed

## DISPUTE RESOLUTION PROCEDURE

**Exclusive Procedure:** As a not-for-profit organization whose services are provided by volunteer effort, UAHA has established this Dispute Resolution Procedure to provide an efficient, orderly, and uniform method of resolving all covered disputes. This grievance procedure (1) provides a reasonable, fair and exclusive method of resolving any disputes arising within the Affiliate between or among members, associations, directors, officers, teams, parents, guardians, financial sponsors or any other person or group associated with UAHA "Participant" and (2) provides an administrative procedure that is a full and complete substitute for any court proceedings. Each UAHA member, player, coach, official, referee, parent, guardian, agent or other person, team, sponsor, or other group or organization ("Participant") agrees to abide by the Dispute Resolution Procedures as the exclusive remedy for all grievances by virtue of their membership, affiliation, or participation at any time in the UAHA or a UAHA program.

**Scope of the Grievance Procedures:** A "grievance" is defined as any conflict; dispute or disagreement between Participants, including any parents or guardians of a player and that player's coach or a league official or members of different UAHA teams that allege a violation of UAHA Policies & Procedures and/or USA Hockey rules and policies. All Participants should attempt to resolve grievances expeditiously and fairly at the lowest possible level within the Dispute Resolution Procedure. These procedures are not, however, intended to resolve minor issues related to a player's participation on a team (such as playing time, positioning, or minor discipline) or private disputes between Participants. Grievances should allege a specific violation of UAHA, or USA Hockey rules, policies, or procedures. Allegations of Safe Sport Violations shall follow USAH's Safe Sport Program and shall not utilize the Dispute Resolution Procedures.

**The "Twenty-Four Hour" Rule:** Unless the nature of the grievance requires immediate attention, UAHA members and participants are required to wait at least twenty-four hours after the event or incident before initiating these procedures. It should also be understood that a violation of UAHA policy by one person does not justify violation of UAHA policy by another person. For example, if a head coach unilaterally suspends a player for more than two games, the parents would not be justified in using abusive language in demanding the coach reinstate the player.

**Step One.** Grievances about a team, its players or its coaches should first be presented orally to the Team Manager and addressed between the parties involved in a spirit of cooperation. Team Managers should work with the members, coaches and/or other team officials involved resolving the grievance internally in an expeditious and fair manner. Coaches are encouraged to meet with members to attempt to resolve grievances in an amicable and informal manner. If a grievance arises between members of different UAHA Associations, the Team Managers and Head Coaches of the teams involved should meet and work together to resolve the grievance. If the grievance is not resolved in a meaningful way, Association representatives from each organization, along with the Team Managers and Head Coaches, shall meet to try and resolve the grievance. If the grievance is not resolved in a meaningful way, the subject should then be addressed by Step Two.

**Step Two.** Some problems may not be resolvable at the team nor association level in Step One and/or some complaints, by their nature, may cause the Participant(s) to be concerned about discussing the matter with the Team Manager(s) or coaching staff(s). In such cases, the matter should then be referred to the Vice President of Discipline. All formal grievances shall be submitted in writing to the UAHA VP of Discipline. The person desiring to bring a formal grievance to the attention of the Discipline Committee

shall include in the written statement (1) a concise statement of the dispute, (2) reference to the bylaws, rules or policies of UAHA or USA Hockey, (3) the names of any other persons involved in the dispute or who have knowledge of the facts relating to the dispute and (4) the actions from Step One that were taken, and (5) the specific relief requested.

Upon receiving a written formal grievance, the UAHA VP of Discipline shall promptly inform the UAHA Disciplinary Committee of the formal grievance. Subsequently, the VP of Discipline and the Disciplinary Committee will conduct a review of the formal grievance to confirm whether a violation has transpired based solely on information submitted. The submitter of the grievance will receive notification of either a confirmation of no violation or an acknowledgment that the Disciplinary Committee deems it necessary to initiate an investigation. This notification will be issued within 30 days of receipt of the formal grievance.

When a violation has been confirmed, the formal grievance investigation process will commence. The UAHA Disciplinary Committee will conduct this investigation by engaging in communication with all parties mentioned in the formal grievance, working diligently until a resolution has been reached by the Discipline Committee. This resolution may entail an educational approach, or it may lead to a hearing, as specified and outlined in the Discipline Committee section of the UAHA Policies and Procedures and USA Hockey Bylaw 10. The decision of the hearing, along with any corrective actions, if deemed necessary, will be conveyed to only the individual(s) found in violation in writing within a reasonable timeframe, by the UAHA Disciplinary Committee.

**Disciplinary Actions:** The UAHA Discipline Committee may take disciplinary actions against any player, coach, parent, Board member or other individuals associated with UAHA for violation of UAHA policy. This may include probation, suspension from games or practices, educational requirements, exclusion from UAHA games or other activities or expulsion from the UAHA. Disciplinary action against a parent may be enforced by suspending or excluding the parent from any participation in the child's hockey activities. This could include not allowing parental access to the rink, locker room, practice facility, or any other venue where team or practice/game activity can take place.

**Mediation:** In some cases, the UAHA Discipline Committee may determine that a grievance can best be resolved through "mediation" between the parties. Generally, relatively minor matters are the proper subject matter for mediation. In such cases, the UAHA Discipline Committee may, by majority vote, order that the parties meet, discuss the grievance, and attempt to resolve the issue themselves. In such cases, the VP of Discipline will designate a "mediator" to help resolve the matter. The Mediator shall not be a Board member. The Mediator's role is to attempt to reach an acceptable resolution to the grievance. The Mediator shall report the results of mediation back to the VP of Discipline. At that time, the UAHA Discipline Committee will vote as to whether to hear the matter or dismiss it without further action.

**Step Three.** Following the delivery of any hearing decision made by the UAHA Discipline Committee, the alleged offender has the right to appeal any decision to the Utah Amateur Hockey Association Board of Directors pursuant to USA Hockey Bylaw 10.E. To appeal this decision, submit a Statement of Appeal to the President of Utah Amateur Hockey Association and to the UAHA VP of Discipline within fourteen (14) days from date of decision.

Per Bylaw 10.E.(2). (b), only the evidence and theories presented to the Disciplinary Authority, or party taking the Administrative Action prior to rendering its decision, shall be present or considered on appeal.

The decision of the Board on the dispute shall be final.

**Conflicts of Interest:** Board members who have a personal and/or financial interest in the outcome of a grievance or disciplinary action shall not participate in any manner in the Board's consideration of the matter. This includes situations where the Board member is the person who has filed the grievance, is the person against whom the grievance has been made, is a material witness to the matter, is the spouse or parent of such persons or has some other material conflict of interest. Board members who have conflicts of interests should voluntarily remove themselves from the proceedings. If they do not, the remaining Board members will vote on whether or not he or she should participate, outside the presence of the Board member in question.

**Retaliation and Bad Faith:** No retaliation shall be taken by any coach, manager, player or other UAHA member against a person who makes a grievance in good faith. "Good faith" means that the person who makes the grievance actually believes that a UAHA policy has been violated and has a reasonable basis for that belief. A person who does not make a grievance in good faith or makes materially false representations to the Board is subject to disciplinary action by the Board.

**Third Party Grievances:** Grievances arising with individuals outside of UAHA, including referees, other officials or opposing players, parents, and coaches, should be initiated at Step Two, and referred directly to the UAHA Vice President of Discipline for investigation and resolution.

**Costs and Attorney's Fees:** This Dispute Resolution Procedure provides the exclusive remedy, and the decisions of the UAHA Board are final and binding. If any member or other party attempts to circumvent the Dispute Resolution Procedure through court action or attempts to overturn, modify or otherwise alter a procedure, ruling or other decision of the UAHA Board and fails to prevail, such member or other party shall pay for any and all fees, expenses and other costs incurred by UAHA with respect to that matter (including, but not limited to: attorneys' fees, court costs, court reporter, transcript, document and exhibit costs; fees and expenses of consultants, experts, investigators and witnesses; the transportation and other per diem or incidental expenses of each of the foregoing and of all volunteers; and, the value of each volunteer's time, both in and out of court, as measured by that individual's customary work position).