



***Safe Sport Coordinator
Manual***

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INTRODUCTION

Safe Sport Coordinator

The responsibilities of a local program's Safe Sport Coordinator is dependent on the Affiliate, whether the Affiliate has multiple or regional Safe Sport Coordinators, and the duties the local program has put in place. Regardless of the number and/or division of regions and organizations, all Safe Sport Coordinators should cooperate with one another if necessary and investigate Safe Sport reports to resolution.

Job Description:

- Take calls and respond to verbal and written reports in a timely manner from members or others regarding allegations of misconduct.
- Communicate to all relevant parties on progress and status of complaints, investigations, hearing procedures, appeals, and final resolutions.
- Track and maintain filing system for all ~~Safe Sport~~ Safe Sport Reports in the program, investigations and outcomes following investigations, hearings or appeals.
- Communicate effectively and efficiently with members and volunteers.
- Be a resource for Affiliate and local programs on how to create and foster a positive Safe Sport culture.
- Work with participants and parents to educate them about the Safe Sport Program.
- Understand the complaint reporting procedures and structure within USA Hockey.
- Coordinate and schedule disciplinary hearings to address alleged SafeSport violations, if and when necessary.
- Be familiar with the U.S. Center for SafeSport and reporting obligations under the Center.

Qualifications:

- Be a current registered member of USA Hockey.
- Successfully pass background screen and complete SafeSport Core Training and the required Refresher 1; Refresher 2, or Refresher 3 Training.
- Ability to understand and maintain confidentiality on sensitive membership information and complaint details.
- Must be objective and compassionate and a good listener.
- Excellent organizational, communication (oral and written), problem solving, listening and interpersonal skills.
- Efficient planner with a commitment to follow-through on tasks.
- Positive attitude and strong work ethic.

The following lists activities and reminders for Affiliate Safe Sport Coordinators. Each Affiliate Safe Sport Coordinator may request regional and/or local program Safe Sport Coordinators to perform all or some of the tasks listed below to assist in the compliance requirements before the season starts.

PRESEASON (June through August)

Start corresponding with your membership. Remind coaches, managers, volunteers, players and parents about upcoming registration and requirement deadlines.

- Complete the following items:
 - [Background Screening](#) (renew every other season)
 - [SafeSport Training](#) (renew every season)
 - Conflict of Interest Form for National Office (every season)
- Read and be familiar with the USA Hockey Safe Sport Program Handbook**
- Have local program/association coordinators in place
 - *Arrange meeting with area associations re SafeSport*
 - *Prepare materials for Parent meetings*
 - *Ensure programs have policies in place for Athletic Training Modalities, Locker Rooms, Electronic Communications, Travel (if applicable) and Billeting (if applicable)*
- Notify coaches, officials, adult-age players (including those who will turn 17 by December 31), managers and volunteers (e.g. locker room monitors) of certification requirements.
 - *SafeSport Training and Background Checks are to be completed **prior to participation** in USA Hockey Program*

SEPTEMBER

- Remind members to register with USA Hockey and complete requirements as necessary
- Coordinate Parent and Team Meetings
 - Encourage Parents to complete Parent SafeSport Training (note does not meet requirement for those with regular access to participants such as locker room monitors and managers)
 - Be sure team manager or coach reviews code of conduct and SafeSport policies with players (hazing, bullying, locker room, social media, travel, billeting)
- Distribute Affiliate/Program directories and contact Safe Sport Program Manager for Safe Sport posters if needed for your local program
- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

OCTOBER

- Begin collecting certification from each local program of compliance with USA Hockey Safe Sport Program. Begin certification process to ensure that persons in managerial or supervisory roles in each local program registering youth players have completed SafeSport Training
- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

NOVEMBER

- On or before 11/30 Affiliate Safe Sport Coordinator should have received certification from Local Programs regarding SafeSport compliance
- On or before 11/30 Affiliate Safe Sport Coordinators shall provide the National Office with certifications that persons in managerial or supervisory role in each local program registering youth players have completed SafeSport Training
- On or before 11/30, Affiliate Safe Sport Coordinators shall send USA Hockey certification of Affiliate compliance with USA Hockey Safe Sport Program.
- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

DECEMBER

- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

JANUARY

- Affiliate Safe Sport Coordinators attend USA Hockey Winter Meeting (mid-month)
- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

FEBRUARY

- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

MARCH

- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

APRIL

- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)

MAY

- Submit Safe Sport Log to National Office for previous month(s)

JUNE

- Affiliate Safe Sport Coordinators attend USA Hockey Annual Congress in Denver, CO
- Submit Safe Sport Log; local program coordinators to Affiliate and Affiliate Safe Sport Coordinators to National Office for previous month(s)
- Review Affiliate website and update information as needed

Frequently Asked Questions

What is the difference between Safe Sport and Zero Tolerance?

Zero Tolerance Policy requires all players, coaches, officials, team officials and administrators and parents/spectators to maintain a sportsmanlike and educational atmosphere before, during and after all USA Hockey-sanctioned games. This refers to on-ice safety. Examples include players/coaches openly disputing a decision by an official, use of obscene or vulgar language, and taunting or baiting of players, coaches or officials.

USA Hockey's Safe Sport Program is focused on the organization's off-ice safety efforts. USA Hockey has zero tolerance for abuse and misconduct with policies in place to address sexual abuse, physical abuse, emotional abuse, bullying, threats and harassment, hazing, as well as other areas where misconduct can occur.

Does conduct during a game fall under Safe Sport (i.e. racial slurs during a game)?

Possibly. Generally, conduct that is prohibited or regulated by the USA Hockey Playing Rules (e.g., rough play, punching an opponent, "intent to injure" incidents, yelling at a referee or opponent, etc.) and complaints related to officiating, are not intended to be covered by the Safe Sport Program policies and instead are to be addressed and/or penalized under the Playing Rules. It is possible that other conduct, such as threats, harassment, and some physical or emotional misconduct that occurs during a game may fall under the USA Hockey Safe Sport Program.

Does USA Hockey triage complaints it receives or simply forwards complaints on to Affiliate?

USA Hockey does obtain preliminary information regarding complaints. However, incidents involving alleged officiating and Playing Rules violations are forwarded to appropriate USA Hockey personnel as opposed to the Safe Sport Coordinators.

Where are Safe Sport complaints supposed to be sent?

At a minimum, a Safe Sport complaint should be sent to the Affiliate Safe Sport Coordinator who will then submit monthly log of incidents to the National Office. If a situation involves physical abuse, the coordinator should notify law enforcement as well as the Affiliate Safe Sport Coordinator and the National Office. If a situation involves sexual abuse or misconduct, all adult Participants are required to report to law enforcement as well as the U.S. Center for SafeSport and USA Hockey.

Who decides what is and isn't a Safe Sport issue and what if there is disagreement?

Each Safe Sport Coordinator has the ability to decide whether a complaint falls into the category of a Safe Sport violation. However, if a question arises over which there is a dispute, the Affiliate Safe Sport Coordinator can and should consult with the National Office and General Counsel for guidance.

Does there need to be an actual complaint before Safe Sport Coordinator can act or is knowledge of violation enough?

Personal complaint, complaint on behalf of another, report of observation, personal observation: any and all are sufficient to start investigation.

Who falls under Safe Sport – ACHA, High School, Adult Leagues?

The ACHA does fall under Safe Sport. For high school and adult Leagues, it varies depending on whether the high school or league is registered and sanctioned by USA Hockey. If they are sanctioned by USA Hockey, they fall under Safe Sport.

Any and all organizations who register under and are sanctioned by USA Hockey shall abide by and fall under the jurisdiction of the Safe Sport Policies.

U.S. CENTER FOR SAFESPORT

USA Hockey has long had systems in place to protect its Participants from physical abuse, sexual abuse and other types of abuse and misconduct that can be harmful to youth hockey players and other Participants. These include without limitation Physical Abuse, Sexual Abuse, Hazing, Screening, and Locker Room Supervision Policies, in addition to Codes of Conduct applicable to administrators, coaches, officials, parents, players and spectators.

The U.S. Center for SafeSport (“Center”) opened in March 2017, and USA Hockey and its members first came under the jurisdiction of the Center on April 1, 2017 at the commencement of USA Hockey’s 2017-18 playing season. The Center is an independent nonprofit committed to ending all forms of abuse in sport, including bullying, harassment, hazing, physical abuse, emotional abuse, and sexual misconduct and abuse. On February 14, 2018, the United States government enacted the Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017 (the “SafeSport Authorization Act”). Pursuant to the SafeSport Authorization Act, the Center has adopted Minor Athlete Abuse Prevention Policies (the “MAAPP”) that include policies that the SafeSport Authorization Act requires be adopted by all national governing bodies (“NGBs”) recognized by the United States Olympic & Paralympic Committee (the “USOPC”). The Center has also adopted the SafeSport Code for the U.S. Olympic and Paralympic Movement (the “SafeSport Code”), which includes information, policies and procedures that must be complied with by the USOPC, all NGBs recognized by the USOPC, and all programs recognized by a national governing body.

As the national governing body for ice hockey in the United States, USA Hockey has adopted its SafeSport Program to comply with the requirements of the SafeSport Authorization Act, the USOPC and the Center, including adoption of provisions from the MAAPP and the SafeSport Code. To the extent necessary to comply with the requirements of the SafeSport Authorization Act, the USOPC and the Center, USA Hockey’s Safe Sport policies shall be interpreted to comply with such requirements. To the extent of any conflict between the USA Hockey Safe Sport policies and either the MAAPP or SafeSport Code, the MAAPP or SafeSport Code shall govern.

Jurisdiction of the Center

A. Center Exclusive Jurisdiction. The Center shall have exclusive jurisdiction to investigate and resolve allegations that a Participant has violated the Sexual Misconduct Policy, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct, Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct; Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;

Aiding and Abetting, when it relates to the Center's process; Misconduct Related to the Center's Process; and Other Inappropriate Conduct.

B. Center Discretionary Jurisdiction. The Center shall have discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in any other violations of the USA Hockey SafeSport Handbook or the SafeSport Code, including any Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct.

C. Center Notice of Exercise of Jurisdiction and Adoption of Previous Measures. Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary measures (including a summary suspension) previously imposed by USA Hockey, an Affiliate or Member Program will be automatically and immediately adopted by the Center as its own, will be applicable throughout the Center's jurisdiction, and will remain in effect unless and until the Center modifies those measures.

D. USA Hockey Jurisdiction.

i. USA Hockey (including through USA Hockey Affiliates and/or Member Programs) retains the authority and jurisdiction to investigate and address any allegations of violations of the USA Hockey SafeSport Handbook and/or SafeSport Code that are not within the Center's exclusive jurisdiction, provided that, in the event that the Center exercises jurisdiction of a matter within its discretionary jurisdiction, then USA Hockey, USA Hockey Affiliates and/or Member Programs shall no longer exercise jurisdiction over the matter.

ii. Prior to the Center expressly exercising jurisdiction over particular allegations regarding a particular Participant, USA Hockey, USA Hockey Affiliates and/or Member Programs may implement necessary and/or appropriate measures, up to and including a suspension, to address any allegations of misconduct. If, and when, the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, USA Hockey, USA Hockey Affiliates and Member Programs cannot issue — in response to those allegations — a suspension or other restriction that may deny or threaten to deny a Respondent's opportunity to participate in sport. USA Hockey, or an Affiliate or Member Program in consultation with USA Hockey, may implement any necessary safety plan(s) or interim measure(s) to address the safety of other Participants.

Reporting Obligations

Pursuant to the SafeSport Authorization Act, any adult who is authorized by USA Hockey, a member of USA Hockey, or any Member Program, to interact with a Minor or amateur athlete at a Facility or at any event sanctioned USA Hockey or a Member Program, is considered a mandatory reporter. If an Adult Participant reasonably suspects that an

incident(s) of Sexual Misconduct or child abuse has occurred, they must immediately report the incident(s) to both the Center and to applicable law enforcement authorities. An adult Participant's failure to report may subject such person to disciplinary action by the Center and/or USA Hockey.

The duty to report to Center and the Center's exclusive jurisdiction to investigate shall not supersede any local, state, or federal reporting requirements or jurisdiction, and shall not affect or impair the ability of any Party that reports to the Center from also reporting to the appropriate local, state or federal authorities.

Reports to the Center may be reported by (1) completing an online report to the Center at www.safesport.org/response-resolution/report, or by (2) calling **720-524-5640**. Reports to the Center shall be handled according to the Center policies & procedures.

COMPLAINTS

How can one make a complaint?

Anyone can make a report or complaint directly to USA Hockey. The National Office sends Safe Sport violations to the Affiliate Safe Sport Coordinator, who in turn can send to a program/local coordinator. USA Hockey has 34 different geographical affiliates and the jurisdiction for handling reports and investigations of incidents or potential discipline is with the applicable USA Hockey Affiliate organization that governs that area.

What if the complaint involves sexual misconduct or child abuse?

In addition to any legal obligation of an entity or person to report sexual abuse or misconduct to law enforcement authorities, all adult Participants are required to report any alleged violations of the Sexual Misconduct and Child Abuse Policy to either the U.S. Center for SafeSport and/or to USA Hockey within 24 hours. Please see previous section on the U.S. Center for SafeSport. Reporting Participants are requested and strongly encouraged to also report any alleged violations of the Sexual Misconduct and Child Abuse Policy to USA Hockey so that USA Hockey is aware of the allegations and can take immediate action when appropriate to protect USA Hockey Participants.

How do I handle a complaint?

Regardless of the validity of the complaint, handle it with the goal of achieving a satisfactory conclusion. View it as an opportunity, not as a task, to achieve the following goals:

1. Stop the abuse
2. Stop abuse from recurring
3. Protect the victim
4. Sanction the abuser
5. Create customer satisfaction
6. Limit liability
7. Limit or avoid bad publicity
8. Preserve the integrity of SafeSport
9. Preserve the integrity of Organization
10. Educate - use as a learning tool

When and how do I communicate with complainant that their complaint does not fall under Safe Sport Policies and thus no investigation will be conducted?

If you receive a complaint and determine that the alleged conduct relates to officiating, on-ice playing rules, or a one-time incident (swearing or yelling once) that could be a code of conduct issue, communicate as soon as a determination is made to let them know that

the issue will be addressed by either the Affiliate, officiating department, coaching director or the local program. Sample language may include the following:

Complaints about dangerous hits or an “intent to injure,” during a game: Thank you for bringing to our attention [the incident on (date)]. However, incidents that occur during, or as part of, a game are addressed by the USA Hockey Playing Rules. Sanctions for this conduct would be penalized by the officials in the game and the appropriate disciplinary authority responsible for (a) issuing any suspensions in response to penalties imposed by the officials, or (b) investigating and responding to incidents that were not penalized. In these cases, the Affiliate is the appropriate authority responsible for investigating and/or issuing any suspensions or supplementary discipline. As such, we have forwarded your email on to the appropriate representative in our Affiliate for further review. [_____] is our [insert title] and will be in touch with you.

Complaints about lack of officiating calls, games that got out of hand, or referee code of conduct: Thank you for bringing to our attention [the incident on (date)]. This incident does not fall under the Safe Sport Policies. However, your complaint has been forwarded to the USA Hockey Officiating Department or the applicable officiating representative in the Affiliate for further review, who will determine whether it should be forwarded to the applicable supervisor of officials.

For one-time incidents: Thank you for bringing to our attention [the incident on (date)]. While a single incident of this behavior may be inappropriate and justify a review and/or disciplinary or other action by USA Hockey or any of its Member Programs, such behaviors would not typically constitute a SafeSport violation unless a pattern of such conduct had occurred.

How and when does the local association/program notify Affiliate coordinator of Safe Sport violations?

Immediately or as soon as reasonably possible via email or phone to the Affiliate Safe Sport Coordinator.

INVESTIGATIONS

How do I start a Safe Sport investigation? What is the difference between investigation of a complaint and a hearing? When are each necessary and who decides if hearing should take place?

At the very least, a Safe Sport Coordinator needs to acknowledge to the complainant that the report has been received and that someone is looking into the matter. A proactive approach is to be open minded and non-judgmental when gathering information. Those who file complaints often feel violated and do not consider the respondents opinion.

1. Contact Complainant or Complainant's Parent/Guardian
 - a. Learn urgency/current status of victim
 - b. Is there immediate danger (summary suspension)?
 - c. Should law enforcement be notified? If so, call local authorities and obtain an agency case number or police report number.
 - d. Know mandatory reporting requirements for your State(s). Go to <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/mandat/>.
 - e. Discuss confidentiality concerns and determine if witness/complainant wish to remain anonymous.
 - f. Gather more detail about the incident(s).
 - g. Determine if other motives may be a factor (release, financial commitment, playing time, team assignment).
 - h. Determine if there is a conflict of interest exists and who will investigate
 - i. if players involved, contact coach and association president
 - ii. if coach involved, contact association and association president
 - iii. if association involved, contact district/affiliate
 - i. Obtain preliminary witness list
 - i. Name
 - ii. Contact information
 - iii. What information they can offer/provide
 - iv. Get information in writing and encourage use of comprehensive reporting form
 - j. Assess the complainant's intended outcome
 - i. Apology
 - ii. Suspension/expulsion
 - iii. Criminal charges
 - k. Educate the complainant on policies and process.
2. Analyze allegations
 - a. Perceived or Specific allegations?
 - b. Isolated or pattern of behavior?
 - c. Can allegations be verified?
 - d. Determine if report may be in retaliation to prior incident.
 - e. Additional SafeSport violations by any/all parties involved?

- f. Determine when to contact the accused.
3. Contact initial witnesses
 - a. Identify who you are and your position
 - b. Inform them of the Safe Sport Program and inform them of the issue at hand
 - c. Stress and discuss confidentiality concerns
 - d. Identify goals, next steps
 - e. Make them aware of and caution about retaliation
 4. Obtain written statements (emails are permissible) about incident(s)
 - a. Eliminates denial
 - b. Reduces misunderstanding
 - c. Can be compared to additional statements if a hearing is needed.
 - d. Saves time
 5. Contact Respondent (at appropriate time)
 - a. Identify who you are and purpose of call/email.
 - b. Explain the accusation/allegation.
 - c. Note any admission or denial, any counterclaim, or if accused is completely confused by claim.
 - d. Determine what they are willing to do regarding the incident.
 - e. Make person aware of confidentiality issues and caution about retaliation.
 6. Evaluate work product
 - a. What is their relationship to the primary parties involved?
 - b. Is there other history behind the allegation?
 - c. Ultimate goal is to protect our participants

When does the Affiliate Safe Sport Coordinator need to investigate and when does the association/program coordinator investigate?

The Affiliate Safe Sport Coordinator will evaluate potential conflicts of interest and seriousness of issues at hand to determine if the Affiliate will investigate or whether it would be acceptable for the association/program to investigate. If there is an accusation of a crime then law enforcement should be notified and law enforcement will investigate. Again, any person or organization that may have a conflict of interest because they are named in a complaint, are a witness to an allegation, are closely affiliated with the person accused of misconduct, or who may have other potential bias, shall recuse themselves and/or be recused from participating in an investigation or other disciplinary process and shall notify the Affiliate President and the USA Hockey Safe Sport Program Manager.

What is an appropriate recourse when the Complainant is just as guilty as the Respondent? Can a separate investigation be opened?

Cross complaints are sometimes filed or sometimes person reporting is equally at fault. While separate investigations can be opened, it is better that all the information is obtained as part of the same investigation. Please be cautious of retaliatory Safe Sport complaints, which can create a separate basis for a Safe Sport violation.

What do I do if there are no other witnesses and it is a he said/she said type scenario?

Whoever has burden of proof would need to meet that burden. The appropriate burden of proof in USA Hockey disciplinary matters is “more likely than not.” Additionally, the coordinator can follow up and have conversation with the person(s) involved, have people complete SafeSport Training, or bring the parties together in same room to see if it can be resolved. Sometimes going through the process and knowing you have been investigated or named, puts that person on the right track.

What recourse is there if someone is falsely accused? Conversely what is the recourse for a person that made a false accusation?

A report of abuse, misconduct or policy violation that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of the Safe Sport Program and grounds for disciplinary action.

Do we give out detailed report of investigation?

When an investigation is concluded, there must be proper communication regarding the action taken. However, Safe Sport Coordinators should be mindful of the sensitivity of each complaint. Only a general statement regarding the result is required. We do not have an obligation to provide any party with a written copy of the full report.

HEARINGS AND APPEALS PROCESS

How do we conduct a hearing?

All USA Hockey hearings have certain requirements which are outlined in the Annual Guide under Bylaw 10.C. These requirements are also outlined in **Appendix A - USA HOCKEY BYLAW 10, PROCEDURE FOR SUSPENSION AND DISCIPLINE OF MEMBERS.**

Who do Associations or Affiliates use in the hearing process?

Each local league, association and organization and each Affiliate should have a committee, or persons that could be named to serve on a committee, and ensure that there are at least three (3) ***reasonably disinterested and impartial*** persons to hear each matter. Make sure initial panel members are not individuals to whom an appeal may be directed. Additionally, any person or organization that may have a conflict of interest because they are named in a complaint, are a witness to an allegation, are closely affiliated with the person accused of misconduct, or who may have other potential bias, shall be recused from participating in an investigation or other disciplinary process.

How do we issue a suspension?

A person can be summarily suspended or there can be a complaint, a hearing and then the person is suspended. Unless there are exigent circumstances (see below), a suspension should not be imposed until ***after*** a party has been afforded a right to a hearing under the procedures set forth in Bylaw 10.C. Please see **Appendix A - USA HOCKEY BYLAW 10, PROCEDURE FOR SUSPENSION AND DISCIPLINE OF MEMBERS.** This provides sample forms for a summary suspension as well as sample form for a notice of hearing.

When do you use Summary Suspension?

Disciplinary action should generally not be imposed prior to a hearing on a matter unless the person poses a danger to other participants. Summary Suspensions are permitted "...only in those cases where a person has been arrested for a crime alleged to have been committed, a person has assaulted another or violated the USA Hockey SafeSport Policy..." Although the language allowing Summary Suspensions for "violations of USA Hockey policies" may be interpreted broadly, it is intended that situations calling for suspension are the exception rather than the rule.

If a Summary Suspension is imposed, the suspended party must be provided a written notice of their right to request a hearing under Bylaw 10 Section B.

Who can appeal a decision?

Any person suspended or otherwise disciplined may appeal the suspension after the hearing or failure to have a hearing. The person submitting the complaint cannot appeal any decision.

How does the appeals process start?

The Appealing Party must provide a written Statement of Appeal to the Disciplinary Authority and Appeal Authority within 14 days from receipt of the decision from the hearing body or the date of the failure to have a hearing. Failure to provide a written Statement of Appeal within the fourteen (14) day period waives all appellate rights and the suspension becomes final.

Where are appeals sent?

Playing Rule Suspensions or suspensions for violations of bylaw and/or rules shall be appealable to the Board of Directors of the state association or where no state organization exists to the Affiliate Association's Board of Directors or designated committee of such Board of Directors (the "Appeal Authority").

Upon the written appeal of any Party whose suspension has been upheld by a state or Affiliate Association, the Executive Committee of USA Hockey shall allow an appeal of such suspension, provided that the appealing party shall have the burden of proving that the Appeal Authority committed a "gross abuse of discretion."

Administrative Actions and Other Disciplinary Actions shall be appealed to the Board of Directors of the state association or, where no state organization exists to the Affiliate Association's Board of Directors, whose ruling is not subject to appeal or review by the Executive Committee of USA Hockey.

How do we ensure associations follow Bylaw 10 for disciplinary purposes?

Educate and expand distribution of the Bylaw 10 Memo and Sample Forms. Each local league, association and organization and each Affiliate MUST abide by the procedures set forth in Bylaw 10 when imposing suspensions or other discipline.

SANCTIONS

What are appropriate sanctions for SafeSport violations? Are there suggested or proposed sanctions across all Affiliates?

First and foremost, feel free to rely on fellow Safe Sport Coordinators and ask them if they have come across similar situations. Keep in mind that Affiliates may differ in structure, size, etc., so sometimes sanctions or discipline imposed in one Affiliate may not work in another.

Safe Sport Coordinators may also reference data from monthly reports to form general guidelines.

A combination of any one or more of the following forms of discipline may be recommended or imposed:

1. Warning
2. Education
3. Probation-consider a proactive educational condition
4. Loss of privileges
5. Suspension or other eligibility restrictions

Factors relevant to determining appropriate discipline include, without limitations:

- Seriousness of the violation
- Any party's prior history
- Ages of individuals involved
- Whether any party poses an ongoing threat to the safety of others
- Voluntary disclosure of offense and/or cooperation
- Post-offense rehabilitative efforts
- Other mitigating or aggravating circumstances

APPENDIX A

USA HOCKEY BYLAW 10 PROCEDURE FOR SUSPENSION AND DISCIPLINE OF MEMBERS

(updated version as of 10/20/17)

This Memorandum provides guidance to those within USA Hockey that have the occasion to impose suspensions or other discipline. **The provisions by which discipline may be imposed against any USA Hockey Member are set forth in Bylaw 10 of the USA Hockey Annual Guide. The information in this memorandum is not new and does not change the existing Bylaw provisions, but merely clarifies and reiterates their application. When in doubt, you should refer to the provisions of Bylaw 10. USA Hockey, and any Affiliate, local league or organization, Council, Committee or Section must follow Bylaw 10 in imposing discipline.** Bylaw 10 may be amended only through the Bylaws amendment procedure, not through amendment to Rules or Policies. Courts will generally not interfere in disciplinary proceedings when USA Hockey has followed the provisions of its Bylaws. However, when a party is suspended without being afforded the rights accorded to them in the Bylaws, courts may intervene and overturn the suspension for failure to follow the Bylaws. Attached to this memorandum are certain sample documents that may be useful for preparing notices to parties that are or may be disciplined.

Main Principles of USA Hockey Disciplinary Procedures

A. Hearings.

- In nearly all cases a suspension should not be imposed until *after* a party has been afforded a right to a hearing under the procedures set forth in Bylaw 10.C.
- Hearings under Bylaw 10.C. have certain requirements:
 - Hearing Committee: The hearing committee must be at least 3 reasonably disinterested and impartial persons;
 - Offer of Hearing: 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;
 - Notice of Hearing: The hearing committee 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;
 - Suspension Remains in Effect: Any existing suspension remains in effect until the decision of the hearing committee is rendered;
 - Location: The hearing must be in a location that is accessible to the suspended party and the parties proposing the suspension;
 - Hearing Requirements: A fair hearing is required, including:

- Reasonable notice of the grounds for the proposed suspension, but any grounds supported by the evidence presented may be considered in reaching a decision;
 - Notice of the possible consequences of an adverse finding;
 - A reasonable opportunity to present their case and argument;
 - The ability to have counsel present (provided that, the hearing committee may set the rules for such participation); and
 - The appeal procedure when a decision is rendered;
- 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. The cross examination of witnesses is not required under Bylaw 10, but the parties should be made aware of the extent each party will be able to question witnesses during the hearing.
 - Burden of Proof: The party proposing the suspension must establish the facts and the violation of rules or bylaws by a preponderance of evidence (*i.e.*, more likely true than not true).
 - 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.
 - Decision Contents: The written decision must contain (i) findings of material facts (*i.e.*, the committee finds that the following occurred), (ii) conclusions (*i.e.*, based upon the facts above, the committee concludes that the person violated Bylaw **), and (iii) the order of the committee (based upon the conclusions above, the committee hereby orders the following suspension . . .).
 - Scope of Suspension: Any suspension imposed is only valid with respect to the jurisdiction of the suspending authority (*e.g.*, a local program may only suspend within its program and an affiliate may only suspend a party from participation within their affiliate) provided that a local association may request that the affiliate honor the suspension throughout the affiliate, and an affiliate may request that USA Hockey honor the suspension throughout USA Hockey's jurisdiction.

B. Suspensions Prior to a Hearing.

- There are *very few situations* that allow USA Hockey, or any Affiliate, local league or organization, Council, Committee or Section, to suspend a Member without providing a hearing *prior* to the suspension.
- The *limited circumstances* where a suspension may be imposed prior to a hearing are:

- Playing Rules Suspensions (suspensions where a playing rule expressly permits the suspension – if the suspension is a result of a Match Penalty, a playing rule hearing is required pursuant to Bylaw 10.C);
- Officiating Suspensions (a state association or USA Hockey league or local supervisor may suspend a referee for up to 10 days, and a state association or Affiliate may suspend a referee pursuant to the summary suspension procedures below);
- Assault of a Game Official (an immediate suspension occurs if a match penalty is assessed for assault on a game official, with a subsequent hearing under Bylaw 10.C); and
- Summary Suspensions (are permitted “. . . only in those cases where a person has been arrested for a crime alleged to have been committed, a person has assaulted another or violated the USA Hockey Safe Sport Policy, including such abuse between adults, or other violations of USA Hockey Policies set forth in the Annual Guide or comparable Policies of Affiliate Associations that are in writing and have been approved by USA Hockey. . . .”).
 - Although the language allowing Summary Suspensions for “violations of USA Hockey policies as set out in the Annual Guide, or comparable Policies of Affiliate Associations”, may be interpreted broadly, it is intended that situations calling for suspension prior to a hearing are the exception rather than the rule and hence they should not be overused.
 - An Affiliate or local league or organization may not issue a Summary Suspension unless the Affiliate’s bylaws, rules or regulations provide for such a suspension.
 - USA Hockey Bylaw 10.C(3)(c) requires only 7 days notice prior to a hearing. Only extreme cases should rise to the level where a suspension cannot wait for 7 days to conduct a hearing. Although a party may try to delay a hearing, a suspending party would be within their authority to impose a suspension if the notified party did not appear at a properly called hearing (they would then have a right to appeal).
 - If a Summary Suspension is imposed, the suspended party must be provided a written notice of their right to request a hearing. If the party requests a hearing in writing within 7 days of the notice, they must be provided a hearing pursuant to the provisions of Bylaw 10.C. In situation where legal proceedings are pending or ongoing, it may be appropriate to allow the suspended party to delay their hearing while legal proceedings are ongoing, in which case the disciplinary authority may permit the suspended party to request their hearing within 7 days of the conclusion of the legal proceedings.
 - For Summary Suspensions related to any allegations of sexual abuse or misconduct, the investigation and resolution of the matter will be forwarded to the US Center for SafeSport. The letter of Summary

Suspension should clarify that the suspension is subject to the US Center for SafeSport taking jurisdiction over the matter and issuing any contrary ruling.

C. Appeals.

- Any person suspended or otherwise disciplined may appeal that suspension after the hearing or failure to have a hearing.
- The Appeal Authority for Playing Rules Suspensions and suspensions for violations of Bylaws or rules of local, league, affiliate or district organizations is either (a) the entire Board of a state association, (b) the entire Board of an Affiliate, or (c) a designated committee of a state association or Affiliate.
- The Appeal Authority for suspensions of referees by an officials association or local supervisor is the Affiliate, and the Appeal Authority for suspensions of a referee by an Affiliate is a committee comprised of the National RIC, a District Director from the District to which the Affiliate belongs, and a third person named by those two people.
- The Appeal Authority for Council decisions is the USA Hockey Executive Committee.
- The Appeal Authority for suspensions involving Juniors is the Junior Council.
- The final Appeal Authority for “Administrative Actions” is the Affiliate Board of Directors;
- The Executive Committee of USA Hockey may allow an appeal of a suspension, or other discipline if there is shown to be a gross abuse of discretion.
- Any suspension shall be in force and effect until it expires or the Appeal Authority modifies it.
- Appeals must be handled pursuant to certain procedures:
 - The Appealing Party must provide a written Statement of Appeal to the Disciplinary Authority and Appeal Authority within 14 days from receipt of the decision from the hearing body or the date of the failure to have a hearing, and if the Statement of Appeal is not delivered within the ten (14) day period, the suspension is final;
 - The Statement of Appeal must describe why the suspension should be overruled or reversed, and should include the record of the hearing panel (if any) and a copy of the decision being appealed. The Disciplinary Authority shall have 14 days from receipt of the Statement of Appeal to provide a written response to the Appeal Authority ;
 - The Appeal Authority may hold a hearing or may choose to consider the appeal on the written submissions of the parties. If an appeal hearing is held, it shall be held within 30 days of the Appeal Authority’s received of the appeal submissions (unless agreed by all parties or circumstances beyond the control of

the Appeal Authority). The Appeal Authority may establish other hearing rules so long as each party is treated substantially equal;

- Only the evidence and theories explicitly presented to the Suspending Authority may be presented or considered in appeal;
- The Appeal Authority must make every reasonable effort to issue a written decision (to include statement finding of the facts that were proven at the hearing and the conclusions of the Appeal Authority) within *the later of* (i) thirty (30) days of the receipt of a reply or expiration of the period for a reply, or (ii) fourteen (14) days of the hearing; and
- The Appeal Authority may affirm, reverse or modify (including increase or decrease) any decision as it deems proper under the circumstances.

Application of the Above Principles

- Each local league, association and organization; each Affiliate; and each Council, Committee and Section of USA Hockey *must* abide by the procedures set forth in Bylaw 10 when imposing suspensions or other discipline.
- Each local league, association and organization; each Affiliate; and each Council, Committee and Section of USA Hockey should have a committee, or persons that could be named to serve on a committee, in order to ensure that there are at least 3 reasonably disinterested and impartial persons hearing each matter.
- Each Affiliate and each Council should be prepared to determine an appeal (either by holding a hearing or through written submissions) within 14 days of the date the parties have submitted their statements;
- Affiliates and Councils should consider appointing an appeals committee to hear appeals in order to meet the required timelines.

Attachments:

- Sample Notice of Hearing (letter to Party advising that a hearing will be conducted);
- Sample Notice of Summary Suspension (letter to Party advising of suspension and right to a hearing);
- Sample Hearing Committee Decision;
- Sample Appeal Authority Decision.

Authored By: Casey Jorgensen, Rich Becker, John Tobin, Steve Stapleton, Al Bloomer, Brad Bekkedahl and Richard Coombs, Members of USA Hockey Legal Council.

Submitted and Approved By: USA Hockey Executive Committee, June 9, 2007. Updated by Casey Jorgensen and Ben Tronnes as of.

Sample Notice of Hearing

_____, 20__

[Name and Address of Party]

Re: Notice of Hearing Under USA Hockey Bylaw 10.C.

Dear _____:

This letter serves as your Notice of Hearing from the Hearing Committee under USA Hockey Bylaw 10.C. to determine whether you will be suspended or otherwise disciplined as a result of violations of [identify the USA Hockey or Affiliate Bylaw, Rule or Regulation]. The suspension/discipline is proposed by [name of party proposing suspension]. The hearing will be held on _____, 20__, at _____ [a.m./p.m.], at [hearing location].

[Name of party proposing suspension] alleges that you have [generally describe facts/allegations that are alleged to have occurred]. If the Hearing Committee finds that the above events have occurred, you may be suspended or disciplined at the discretion of the Hearing Committee. [If an investigation has occurred add the following: A copy of the investigation report by [name of party proposing suspension] is attached to this letter and will be considered by the Hearing Committee.

Any issues raised during the hearing will also be addressed to the extent possible. You should also know then, that any evidence that is presented at the hearing may subject you and any other person implicated by that evidence to potential disciplinary action, up to and including suspension.

EACH PERSON RECEIVING THIS NOTICE IS REQUIRED TO ATTEND THIS HEARING.

Failure to attend this hearing may result in disciplinary action being taken at that hearing, up to and including suspension. The hearing will proceed with or without your presence.

The Hearing Committee may request the presence at this hearing of witnesses or documents. If you have any witnesses that you wish attend the hearing that are not listed at the bottom of this letter, please let me know in writing well before the hearing so that the Hearing Committee can request their attendance.

The following procedures will be applicable to the hearing:

- [Describe procedures, e.g., time limits for each party to present their arguments, deadline by which written submissions should be delivered, maximum length (number of pages) for written submissions, number of witnesses allowed for each party, etc.]
- [Identify any documents that the Hearing Committee will require any party to provide]
- The Hearing Committee will deliberate in closed session following the hearing, and a decision will be rendered in a timely manner.
- You may request that a written record of the hearing be made, which may consist of a recording, audio or video at the discretion of the Hearing Committee. The cost for

providing for a court reporter's transcript shall be paid by the party who desires the record.

- The hearing will be *[open or closed]*. You may have counsel present but the following rules will apply to such counsel's presence in the hearing *[sample rules pertaining to participation by an attorney are below]*:
 1. Counsel may/or not be allowed to offer oral arguments on behalf of his/her client;
 2. If allowed to present argument the attorney's time shall be deducted from the time allocated to his/her client in the hearing.
 3. Counsel may/or not be allowed to voice evidentiary objections during the hearing;
 4. Counsel may/or not be present in the hearing room while the hearing body takes evidence on the matter;
 5. Counsel may/or not be allowed to present closing arguments on behalf of his/her client.
 6. Counsel's presence shall not delay or otherwise cause the hearing to be unduly extended.

[Name of party proposing suspension] will have the burden of proving that the facts giving rise to the discipline are more likely to have occurred than to have not occurred, and that the establishment of such facts constitutes a violation of *[identify the USA Hockey or Affiliate Bylaw, Rule or Regulation]*.

Following this hearing and the delivery of any decision to you, you will have a right to appeal any determination to the *[identify the appeal authority]* pursuant to USA Hockey Bylaw 10.E. To appeal this decision, you must submit your Statement of Appeal to *[identify the Appeal Authority]* and to this Hearing Committee within 14 days of your receipt of this decision.

Please feel free to contact me if you have questions regarding any of the foregoing.

Best regards,

_____, Hearing Committee Chair

Enclosures: *[list any enclosures]*

cc: *[name of party proposing suspension]*

Sample Notice of Summary Suspension

_____, 20__

[Name and Address of Party]

Re: Notice of Summary Suspension Under USA Hockey Bylaw 10.B(2)(d)

Dear _____:

This letter serves as notice that you have been suspended from all participation in any USA Hockey sanctioned activity within the jurisdiction of [name of party imposing suspension]. The suspension is imposed pursuant to the Summary Suspension provisions of USA Hockey Bylaw 10.D.(3)(a) as a result of allegations that you have violated [identify the USA Hockey or Affiliate Policies e.g., physical or sexual abuse] as set forth in the Annual Guide of USA Hockey. You are alleged to have [describe facts that are alleged to have occurred]. At this point, you are suspended indefinitely pending further notice [or, a time period or other scope of suspension descriptions may be included].

[If the matter involves allegations of sexual abuse or misconduct, the following should be inserted: As this matter involved allegations of sexual abuse or misconduct, this matter has been referred to the US Center for SafeSport, and the investigation and resolution of these allegations will be within the jurisdiction of the Center for SafeSport. Accordingly, the Summary Suspension issued herein is subject to the US Center for SafeSport taking jurisdiction over the matter and issuing any contrary ruling. Upon any ruling by the Center for SafeSport, you shall be subject to the determination made therein.]

You have a right to request a hearing to contest this suspension. To request a hearing, you must provide written notice to the undersigned within seven (7) days of your receipt of this notice. Your failure to request a hearing within seven (7) days of this notice will waive your right to a hearing and the suspension imposed hereby shall stand. *[if a criminal investigation is ongoing or charges are pending, then it is appropriate to advise that "in light of the ongoing legal proceedings, the [Disciplinary Authority] understands that you may not be able to participate in an administrative hearing, therefore, [Disciplinary Authority] is staying the time by which you must submit a request for a hearing until 7 days following the conclusion of the legal proceedings."]* If a hearing is requested, the hearing will be held pursuant to the provisions of USA Hockey Bylaw 10.C., a Hearing Committee will be appointed, and the Hearing Committee will notify you of the time, place and other details regarding the hearing. If a hearing is held, you will have a right to appeal any determination pursuant to USA Hockey Bylaw 10.E.

Please feel free to contact me if you have questions regarding any of the foregoing.

Best regards,

[Organization Imposing Suspension]

_____, [Title of Officer]

Sample Hearing Committee Decision

**Hearing Committee Decision
Disciplinary Proceedings Under USA Hockey Bylaw 10.C.
Hearing Held on [Date of Hearing] at [Hearing Location]**

To: [Names of Parties to the Hearing]

Fr: [Names of Hearing Committee Members], [Name of Disciplinary Authority] Hearing Committee Members

Re: Proposed Suspension of [Party Subject to Suspension]

On [Date of Hearing] at [Hearing Location], the above-named Hearing Committee held a hearing to determine whether [Party Subject to Suspension] should be suspended or otherwise disciplined as a result of violations of [identify the USA Hockey or Affiliate Bylaw, Rule or Regulation]. The suspension/discipline was proposed by [name of party proposing suspension]. Notice of the allegations a Notice of Hearing were provided to [Names] on [date(s)].

This correspondence serves as the written decision of the Hearing Committee. The Hearing Committee confirms that its Members are reasonably disinterested and impartial and have no interest in the outcome of the hearing. [Hearing Committee may identify the members of the committee and their title/role in hockey]

[Describe the length of the hearing, number and identity of witnesses that were called by each side, submissions by the parties, etc.] All persons present were given an opportunity to present their views and to provide information, ask questions and submit evidence.

FINDINGS OF FACT

Based on the testimony, information and exhibits presented at the hearing, and the written submissions from [parties submitting documents], the Hearing Committee finds the following facts to be established by a preponderance of the evidence:

1. [Describe the determinations of the hearing committee as to any facts that must be established in order to support the conclusions below];
2. Etc.

CONCLUSIONS

Based on the above Findings of Fact, the Hearing Committee concludes:

- A. That the occurrence of the facts described above constitute a violation of [describe USA Hockey or Affiliate Bylaw, Rule or Regulation that was violated];
- B. Etc.

ORDER

Based upon the Findings of Fact above determined by the Hearing Committee to be more likely true than not true, and the Conclusions set forth above drawn from such Findings of Fact, the Hearing Committee hereby orders:

- I. *[Describe the suspension or other discipline ordered by the hearing committee];*
- II. *Etc.*

This Hearing Committee Decision may be appealed by any party disciplined hereunder to *[name of appeal authority pursuant to Bylaw 10.E.]* pursuant to USA Hockey Bylaw 10.E. Any party that is suspended or otherwise disciplined [or for Administrative Actions, “a party that is subject to an Administrative Action”] may appeal this decision by submitting a written Statement of Appeal to this Hearing Committee and to the *[name of party proposing suspension]* within fourteen (14) days from receipt of this decision. If the Statement of Appeal is not delivered to this Hearing Committee and the *[name of party proposing suspension]* within the fourteen (14) day period, the decision set forth herein shall be final. Additional information regarding the appeal rights of any disciplined party, including information that must be included in a Statement of Appeal, may be found in USA Hockey Bylaw 10.E. as set forth in the USA Hockey Annual Guide.

This Hearing Committee Decision is issued on this _____ day of _____, 20__.

Sample Appeal Authority Decision.

**Appeal Authority Decision on Appeal of Suspension/Discipline
Issued Against [Name of Party Suspended]
Appeal Proceedings Under USA Hockey Bylaw 10.E.**

To: [Names of Parties to the Appeal]

Fr: [Names of Appeal Committee Members], Appeal Committee Members

Re: Appeal by [Name of Appealing Party] regarding [suspension or discipline being appealed]

This decision is being transmitted by electronic mail and will serve as the official decision in this matter. A hard copy will follow by surface mail.

This matter is the appeal of [Name of Appealing Party] from [describe discipline and decision that is being appealed] imposed by the [describe hearing committee and organization the hearing committee represents] (the "Hearing Committee"). The Hearing Committee's decision was issued on [date of decision].

[If the Statement of Appeal was timely submitted, then the following is appropriate] [Name of Appealing Party] timely submitted a Statement of Appeal on [date of Statement of Appeal], which included the written record [if there was one] issued by the Hearing Committee. The [either the Hearing Committee or organization] timely submitted a response to the Statement of Appeal on [date of response]. [If any of the above were not submitted, or were not submitted timely, that should be noted]

[If the Statement of Appeal was not timely delivered, then the following is appropriate] While [Name of Appealing Party] asserts various bases for disagreeing and overturning the suspension that was imposed, we do not have the authority to determine the merits of this matter as it is not a timely appeal. The USA Hockey Board of Directors has adopted a very explicit Bylaw provision regarding the submission of a Statement of Appeal. See Bylaw 10.E.(2)(a). This appeal is accordingly dismissed in all respects.

[Describe any other reports, documents, etc. that were submitted].

[Depending on whether a hearing was held, include one of the following] Following submission of the documents described above, the Appeal Committee determined to decide this appeal based on the written submissions of the parties./An Appeal Hearing was held on _____. [Describe the length of the hearing, number and identity of witnesses that were called by each side, submissions by the parties, etc.]

[Describe facts that are relevant to the determination of the Appeal/Facts not relevant to the determination should not be included]

[If a violation is found to have occurred, use the following] Based upon our review of the facts above, we find that _____ violated *[describe USA Hockey or Affiliate Bylaw, Rule or Regulation that was violated]*.

Pursuant to USA Hockey Bylaw 10.E(2)(c), this Appeal Committee has the authority to “affirm, reverse or modify (including increase or decrease) any decision as it deems proper under the circumstances before it.” Based upon review of the above, this Appeals Committee hereby orders:

[Describe order of the Appeal Committee – e.g., affirming the Hearing Committee decision, modifying the decision, remanding the matter back to the hearing Committee to properly follow the Bylaws, etc.]

[If this is an appeal at the Affiliate level, then include the following:: This is the final decision of the [Name of Affiliate]. This decision may be appealed to the USA Hockey Executive Committee pursuant to the provisions of USA Hockey Bylaw 10.E., as found in the current version of the USA Hockey Annual Guide. A Statement of Appeal must be submitted within 14 days of your receipt of this decision, and may be directed to the General Counsel or Executive Director of USA Hockey. Please see USA Hockey Bylaw 10.E. for other appeal rules.]

This Appeal Committee Decision is issued on this _____ day of _____, 20__.