



HOCKEY CANADA BY-LAWS DISPUTE RESOLUTION

56. Appeals to Hockey Canada

- 56.1 Any Registered Participant of Hockey Canada shall have the right to appeal to Hockey Canada regarding any dispute, difference or question arising from a decision by Hockey Canada or any Member where the By-Law, Regulation, Playing Rule or Policy under which such decision was made grants such a right of appeal. No such appeal to Hockey Canada may be taken until the Registered Participant has exhausted all rights of appeal within the Branch in which such Registered Participant resides.
- 56.2 Any Registered Participant of Hockey Canada shall have the right to appeal to Hockey Canada when a Member to which the Registered Participant belongs, makes a ruling affecting such Registered Participant and, in that Registered Participant's opinion:
- (a) such decision is in conflict with the Member's or Hockey Canada's Articles, By-Laws or Regulations;
 - (b) the Member committed a procedural error, or failed to provide the aggrieved party with a fair hearing; or
 - (c) the Member did not have the authority or jurisdiction to make the decision.
- 56.3 An appeal may be filed with Hockey Canada in disputes involving:
- (a) an inter-Branch transfer; or
 - (b) a refusal by a team to release a player for purposes of an inter-Branch transfer or International Transfer to another IIHF Federation.
- When a player has registered for the current Season, such player may not appeal under this By-Law to secure a release and/or Inter-Branch transfer, USA Hockey transfer or an International transfer.

- 56.4 Notwithstanding By-Law 56.3, any registered player in regular full-time attendance at a recognized university or college who has failed to meet the academic standard at such university or college at mid-term in the current Season, may appeal to secure such release and/or Inter-Branch transfer as provided for in Regulation H.8(j).

57. Board Authority

- 57.1 The Board may make final decisions and rulings on any matters regarding amateur hockey that may be brought before it, including the interpretation of the By-Laws, Regulations, Playing Rules and Policies of Hockey Canada, providing for special dispensation from those By-Laws, Regulations, Playing Rules and Policies, or any of the matters referenced in By-Law 56. Any decision of the Board is absolutely final and binding on all Members and Registered Participants and any other affected or interested parties, including Hockey Canada. There is no further appeal from that decision.
- 57.2 All Members and Registered Participants shall accept as final and binding all Board decisions, and any interpretation or construction of the By-Laws, Regulations, Playing Rules or Policies made by the Board.

58. Exclusive Jurisdiction

- 58.1 The procedures outlined in this Part XII shall be the sole recourse available to any Registered Participant. No Registered Participant, or anyone acting on behalf of, or for the benefit of, such Registered Participant, shall pursue any recourse in the courts of any jurisdiction prior to exhausting all rights, remedies and rights of appeal under the By-Laws, Regulations, Playing Rules or Policies of Hockey Canada and its Members, if applicable.
- 58.2 All Registered Participants are, as regards all international matters, subject to the Statutes, By-Laws, Regulations, Official Playing Rules, and related decisions of the IIHF and undertake not to involve any third party whatsoever in the resolution of any dispute arising therefrom excepting

where having exhausted the appeal procedures within the IIHF, in which case, such dispute may be submitted only to the jurisdiction of the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland whose decision shall be final and binding on all parties involved.

59. Penalties for Non-Compliance

59.1 Any Registered Participant who fails to comply with a decision of the Board or the National Appeals Committee acting on behalf of the Board shall be suspended indefinitely from all Hockey Canada activities in accordance with By-Laws 17.4 and 32.4.

59.2 Any recourse to the courts of any jurisdiction by, on behalf of, or for the benefit of, any Registered Participant, prior to the exhaustion of all rights, remedies and rights of appeal under the By-Laws, Regulations, Playing Rules or Policies of Hockey Canada, shall result in an automatic and indefinite suspension of such Registered Participant from all games and other activities under the jurisdiction of Hockey Canada. Such Registered Participant shall also be liable for all legal costs and disbursements incurred by Hockey Canada in connection with defending and/or responding to such court action.

59.3 Any Registered Participant who, having exhausted all rights, remedies and rights of appeal within Hockey Canada, proceeds with court action against Hockey Canada or its constituent bodies shall be liable for all legal costs and disbursements incurred by Hockey Canada or its constituent bodies should the courts rule in favour of Hockey Canada or its constituent bodies.

59.4 The President may suspend any Registered Participant who fails to pay the costs and disbursements described in this By-Law in a timely manner.

60. National Appeals Committee

60.1 The Board may delegate its decision making authority described in By-Law 57.1 to the National Appeals Committee, whose decisions shall be final and binding.

60.2 The National Appeals Committee shall be composed of an odd number of individuals appointed by the Chair of the Board, with the minimum being three (3) individuals. It shall be the duty of the National Appeals Committee to rule upon appeals submitted to it.

The Chair of the Board shall appoint the National Appeals Committee Chair.

- 60.3 The National Appeals Committee, acting in place of the Board may provide for special dispensation from the By-Laws and Regulations of Hockey Canada. Any decision as to what qualifies for special dispensation shall rest solely with the National Appeals Committee in its absolute and unfettered discretion, and the decision of the National Appeals Committee on special dispensation shall be final and binding upon all parties. Each decision of special dispensation shall be made on its individual merits.
- 60.4 If a team requires special assistance through any unusual situation which develops, that team may appeal to the National Appeals Committee to obtain imports in addition to the number of imports allowed under Regulation K.26, provided:
- (a) the appeal is submitted with the written consent of its Member accompanied by majority consent of the teams in the league in which the team operates;
 - (b) no such assistance may be granted after January 10 in any Season;
 - (c) the player or players, if obtained, shall be from the same or lower categories of the same Division or from lower Divisions;
 - (d) the player or players, if obtained, shall be signed by the team no later than February 10 of that Season.
- 60.5 Notwithstanding restrictions referred to in any Regulation, the National Appeals Committee shall have the right to hear any appeal received on behalf of any team or individual concerning residential qualification as stated in Regulation F.4, teams playing in other jurisdictions as stated in Regulation B.9 and replacements for players turned professional under Regulation K.31.
- 60.6 For Minor or Female players, all appeals filed, if granted, shall only be for the current Season. Minor and Female players shall be required to file a new appeal for any subsequent Season, and the National Appeals Committee shall consider any subsequent appeal as a new appeal, and shall not be bound by any previous year's decision.

60.7 The procedure for the filing and hearing of any appeal referenced in this By-Law shall be set out in a Hockey Canada policy document entitled the *Appeal Procedures of Hockey Canada*.