

Sharks Ice Code of Conduct, Safety and Risk Management Policies

1. **Scope of the Sharks Ice Code of Conduct, Safety and Risk Management Policies:**
 - 1.1. The Sharks Ice Code of Conduct, Safety and Risk Management Policies govern any youth hockey team or other organized skating activity that plays its home games, trains or practices at Sharks Ice San Jose, Fremont, or Oakland, including but not limited to:
 - 1.1.1. In house hockey leagues
 - 1.1.2. Travel, Tier, and Girls hockey
 - 1.1.3. High School Hockey
 - 1.1.4. Figure skating and ice dancing
 - 1.2. This Code of Conduct applies, as indicated below, to players, skaters, coaches, score keepers, team and league officials, administrators, directors, Board Members (“participants”), volunteers, parents and spectators.
 - 1.3. Presence at Sharks Ice San Jose, Fremont and Oakland, and participation in teams or leagues affiliated with or sponsored by the San Jose Sharks or its related organizations, is expressly conditioned upon agreement to abide by these rules, and the procedures here provided for their enforcement.
 - 1.4. The Rules of Conduct here established are ***in addition to*** rules of conduct and deportment that may be applicable to an individual by virtue of his or her involvement on teams or in leagues or activities which have adopted or are governed by other or supplemental conduct rules, such as conduct rules promulgated by USA Hockey and the California Amateur Hockey Association (“CAHA”) and the Northern California Junior Hockey Association. An individual violating the same rule adopted by more than one organization may be subject to discipline by different organizations in addition to Sharks Ice. Discipline by one entity will not preclude discipline by Sharks Ice under these rules.
2. **Safety and Risk Management**
 - 2.1. **General**
 - 2.1.1. Sharks Ice is committed to creating and maintaining a safe environment for its participants and spectators. While hockey is a contact sport, and some risks of injury to players, officials and (in rare cases) even spectators are inherent in the game, Sharks Ice will not tolerate misconduct, or individual or team behavior that increases or aggravates those risks. Other activities on ice, such as figure skating, have their own peculiar risks, and Sharks Ice will not allow behavior that unnecessarily endangers participants or others in these activities either.
 - 2.1.2. As a primary step in maintaining a safe environment, all Sharks Ice participants and spectators must adhere to USA Hockey, CAHA, and Sharks Ice policies and procedures as outlined by each organization. (See Appendices). Those policies embody the minimum acceptable standards of safe conduct, and participants and spectators may be disciplined or sanctioned for violating safety rules embodied in those policies, up to an including exclusion from Sharks Ice facilities, programs, activities and events, ***even if they are not members of organizations or leagues otherwise governed by those associations.***

2.1.3. Essential Safety Rules

- 2.1.3.1. NO ONE, other than Sharks Ice registered players, coaches, or staff may go on the ice or bench during any of the team's activities, whether a game or practice.
- 2.1.3.2. No player, official or other participant will be permitted on the ice unless he or she is wearing appropriate helmet, pads and other personal safety equipment that has been properly fitted and is in good repair. Modifications to personal equipment that increase its danger to the wearer or owner, or to others, will not be permitted. All sticks, skates, gloves etc., must conform to standards established by USA Hockey, CAHA and any other governing or standards setting bodies exercising oversight responsibility for programs, events and activities at Sharks Ice.
- 2.1.3.3. All players and other participants will be trained by their coaches and other staff in the permissible limits upon physical contact during games, and in proper techniques for warming up, stretching, skating, playing the game, etc. so as to minimize the risk of injury or illness. All will be trained to recognize dangerous conditions on the playing surface, and to alert Sharks Ice representatives immediately to conditions that create any abnormal or unusual hazards.
- 2.1.3.4. Any participant known to be under the influence of drugs or intoxicating substances, or with such substances in his or her system, shall not be allowed in Sharks Ice programs, events or activities until after the substances have passed through the individual's system, and may be subject to further exclusion under Sharks Ice's Zero Tolerance policy regarding drugs, alcohol, tobacco and controlled substances set forth below in Section 3.5.
- 2.1.3.5. Any illness or injury suffered by or occurring to a player or other participant during any team on-ice activity or other team event (including during travel) must be reported to the head coach immediately. Coaches and/or other Sharks Ice representatives will promptly and thoroughly investigate every injury, illness or accident to find out what caused it, and take such steps as are possible to prevent a recurrence.
- 2.1.3.6. Any illness or injury which is suffered by a spectator during any team on-ice activity or other event as a result of an interaction with a player or other participant (i.e., being hit with a puck or stick, a collision with a player, etc.) must be reported to the head coach immediately.
- 2.1.3.7. Any illness or injury which causes a player to miss any team ice activity must be reported to the head coach.

2.1.4. The above essential safety rules are not exclusive. Other specific safety rules and practices will be reviewed with participants by their coaches and/or Sharks Ice representative.

2.2. Policy Regarding Screening and Record Check

- 2.2.1. Coaches must be properly screened in accordance with CAHA and USA Hockey rules.
- 2.2.2. If after passing the screening required by the USA Hockey Policies included in its Ethics Code Handbook a coach or other participant engages in conduct that if discovered in a screening would have disqualified the individual from participating in USA Hockey

affiliated or sanctioned programs, the individual may be required to withdraw from participation or involvement in Sharks Ice programs and events, or to take other actions as directed by Sharks Ice that will minimize the potential risks to other participants or to the programs and events.

3. Code of Conduct

3.1. General

- 3.1.1. Sharks Ice supports and fully enforces USA Hockey's "Zero Tolerance Policy" regarding conduct. Different elements of this Zero Tolerance Policy are applicable to players, coaches, score keepers, officials, parents and spectators, volunteers and Board Members. The principles and standards of conduct set out in the Zero Tolerance Policy will be observed, as applicable, by Sharks Ice for all programs, activities and events, whether or not a particular program, activity or event is conducted under the auspices of USA Hockey. A copy of the Zero Tolerance Policy is attached hereto as an Appendix 8.4.
- 3.1.2. Sharks Ice is committed to providing and maintaining an athlete-centered hockey environment for adolescents where individuals are treated with respect. During the course of all Sharks Ice programs, activities and events, participants and spectators shall conduct themselves at all times in a fair and responsible manner. They shall refrain from comments or actions that are disrespectful, offensive, abusive, profane or obscene, or demeaning to others because of their race, sex, age, national origin, disability, religion or sexual preference. Behavior that constitutes harassment or abuse will not be tolerated by Sharks Ice.
- 3.1.3. While on premises controlled by Sharks Ice, or while involved in programs, activities and events sponsored or overseen by Sharks Ice or its affiliated organizations, whether at home or away, participants shall avoid behavior that brings Sharks Ice or the sport of hockey into disrepute, including but not limited to abusive acts of alcohol and non-medicinal use of drugs and other controlled substances, or any behavior that endangers the safety or health of others.
- 3.1.4. Failure to comply with the Sharks Ice Code of Conduct may result in disciplinary action in accordance with the policy and guidelines of Sharks Ice, up to and including expulsion from a team and league, and exclusion from the facility, and other facilities, programs, activities and events managed by San Jose Arena Management and its affiliates.
- 3.1.5. Participants in Sharks Ice programs, activities and events are expected to assist in the observance and enforcement of the Sharks Ice Code of Conduct. A participant's toleration or disregard of behavior that conflicts with the Code Of Conduct may be interpreted as a breach of the duty to observe and enforce the Code of Conduct. A player, coach, official, etc. who becomes aware of conduct violating the Code Of Conduct and who fails to take action to stop it or report it will himself be deemed to have violated the policies, and will be subject to discipline up to and including suspension from participation in Sharks Ice programs, activities and events.

- 3.2. Offensive, abusive, profane, obscene, demeaning, disrespectful or otherwise inappropriate or illicit material shall not be present at any Sharks Ice facility. Such material includes but is not

limited to literature, photographs, videos, and music that is disparaging of or demeaning to people because of age, race, sex, disability, national origin, etc., or that extols violence, gang activity, drug use or other anti-social behaviors. It also includes material that has been illicitly acquired, such as through unlawful downloading or misappropriation from other sources.

3.3. NO hazing or other initiation-type rituals shall be permitted of any participant involved in any team, program, activity or event sponsored by or affiliated with Sharks Ice, or using Sharks Ice facilities. The only requirements for admission to such teams, programs and activities shall be those openly and officially established by the individual organizations running such teams, programs and activities, or the leagues or governing bodies of which they are a part.

3.3.1. Hazing is defined as conduct which is insulting, intimidating, humiliating, degrading, offensive, physically harmful or threatening.

3.3.2. Any player, team official, executive member of a team, club or association having been party to or having knowledge of any hazing or initiation rite without reporting it or taking action shall be subject to suspension from playing or holding office with any team, club or association affiliated with Sharks Ice.

3.4. Physical Abuse Policy

3.4.1. There shall be no physical abuse of or threats of physical abuse to any person at any Sharks Ice program, activity, or event. This prohibition applies equally to all participants, spectators and parents, to all Sharks Ice employees and officials, and to all employees and officials of San Jose Arena Management and its affiliated organizations. Anyone found to have violated this rule is subject to suspension and/or termination from participation in Sharks Ice programs, activities and events and, where applicable, from employment, and to exclusion from Sharks Ice facilities. Where circumstances warrant, violations of this policy may be reported to appropriate police authorities.

3.4.2. "Physical abuse" includes physical mistreatment, and specifically includes harmful assaults and batteries on others, abusive, corporal or physically endangering punishments (such as excessive exercise or practice routines), sexual assaults or battery, and unconsented "touching" of one person by another.

3.4.2.1. Adults involved in Sharks Ice programs, events and activities should in nearly all cases avoid private meetings with adolescents in non-public areas, either at Sharks Ice facilities or elsewhere, where any disputes about the propriety of their behavior cannot be determined. Adults will be held strictly accountable for their behavior, and may be suspended from further participation from Sharks Ice programs, events and activities and be excluded from Sharks Ice and affiliated facilities in situations where disputes regarding the propriety of their behavior cannot be conclusively resolved.

3.5. Substance Abuse

3.5.1. All participants involved in Sharks Ice Programs are entitled to a drug free environment. To insure this for our players, skaters, coaches, officials and other participants, Sharks Ice has adopted a Zero Tolerance policy for alcohol, tobacco, drugs and other controlled substances, which will be promulgated through its policies, and through prevention,

intervention, and strict enforcement. This policy of zero tolerance extends beyond the boundaries of the facilities to all functions at all Sharks Ice and its affiliates' locations. This policy emphasizes the illegality of drug ,alcohol and tobacco use by players and other adolescents participating in our programs, activities and events. The purpose of the policy is to offer a clear message to players, parents, coaches, officials and other participants that the unlawful possession and use of alcohol, tobacco, drugs and other controlled substances will not be tolerated. This policy refers to any and all forms of non-medicinal alcohol, tobacco, performance-enhancing or other non-prescription drugs and controlled substances, and to prescription drugs when not being taken under the supervision of a licensed physician in connection with a legitimate and supervised course of treatment for a diagnosed medical condition. This policy also applies to the abusive use of non-prescription, over-the-counter drugs.

3.5.1.1. Players and other adolescent participants shall not:

3.5.1.1.1. Possess, ingest, sell, provide, be under the influence of or have in their system alcohol, tobacco, performance enhancing or drugs or other controlled substances not prescribed by a licensed physician in connection with a legitimate and supervised course of treatment for a diagnosed medical condition.

3.5.1.1.2. Possess, sell or provide any paraphernalia associated with the use or sale of alcohol and/or controlled substances

3.5.1.1.3. Possess, sell or provide any substance which is a look-a-like to alcohol, tobacco, performance enhancing or other drugs or other controlled substance.

3.5.1.1.4. Posses, sell, use or provide to others non-prescription drugs in an abusive fashion.

3.5.1.1.5. Prescription Drug use.

3.5.1.1.5.1. Any player who is required to carry a prescription drug or other medication during practice or games shall notify his/her coach at the beginning of the season or when the prescription is issued. (Please note on consent to treat form) The team may require a physician's authorization and, where appropriate, a note from a physician indicating any limitations on activity that may be necessitated by the prescription, or which may be advisable given its possible effects.

3.5.1.1.6. This policy shall apply *at all times* to all players and other adolescent participants in Sharks Ice programs, activities and events.

3.5.1.2. Coaches, score keepers, team and league officials, administrators, directors, and Board Members shall not:

3.5.1.2.1. Possess, ingest, sell, provide, be under the influence of or have in their system alcohol, tobacco, performance enhancing or other drugs or other controlled substances not prescribed by a licensed physician in connection with a legitimate and supervised course of treatment for a diagnosed medical condition.

- 3.5.1.2.2. Possess, sell or provide any lawful or unlawful paraphernalia associated with the use or sale of alcohol and/or controlled substances
- 3.5.1.2.3. Possess, sell or provide any substance which is a look-a-like to alcohol, tobacco, performance enhancing or other drugs or other controlled substance.
- 3.5.1.2.4. Posses, sell, use or provide to others non-prescription drugs in an abusive fashion.
- 3.5.1.2.5. Fail to observe or enforce this policy amongst players or other adolescent participants in Sharks Ice programs, activities and events
- 3.5.1.2.6. The above restrictions shall apply in any of the following situations:
 - 3.5.1.2.6.1. On Sharks Ice property, or the property of any Sharks Ice affiliates.
 - 3.5.1.2.6.2. During, or immediately before or after, any Sharks Ice programs, events or activities, including but not limited to practices, games, tournaments, and exhibitions
 - 3.5.1.2.6.3. While en route to or from such programs, events or activities, whether at a Sharks Ice or affiliate facility or at an “away” facility.
 - 3.5.1.2.6.4. At all times when traveling overnight with teams or other organized groups, in hotels, restaurants, airliners, busses, etc.
- 3.5.1.2.7. Furthermore, any coach, score keeper, team or league official, administrator, director, or Board Member who unlawfully uses, possesses, sells or distributes any of the above-listed substances or items, whether on Sharks Ice premises or not, and whether in connection with Sharks Ice programs, activities and events or not, shall be deemed in violation of this Zero Tolerance policy.
- 3.5.1.3. **Enforcement of Sharks Ice Zero Tolerance Policy Regarding Drugs, Alcohol, Controlled Substances, Tobacco, etc.**
 - 3.5.1.3.1. Searches for contraband violating Zero Tolerance drug, alcohol, tobaccos, etc. policies
 - 3.5.1.3.1.1. Given reasonable suspicion, Sharks Ice administrators may:
 - 3.5.1.3.1.1.1. Authorize a search of a player or other participant and his or her property on Sharks Ice premises, or during programs, activities and events, whether at home or away, including but not limited to clothing, bags, locker room, common areas, hotel rooms, and vehicles. ***Presence on Sharks Ice premises, or participation in Sharks Ice programs, activities and events, shall be deemed consent to such a search given reasonable suspicion. DO NOT HAVE ITEMS ON YOUR PERSON, OR BRING ANY ITEMS ONTO THE PREMISES OR TO FUNCTIONS, IF YOU WOULD NOT WANT THEM DISCOVERED IN SUCH A SEARCH.***
 - 3.5.1.3.1.1.1.1. Searches may be conducted by Sharks Ice administrators, police or security personnel, and/or certified, trained dogs and their handlers.

3.5.1.3.1.1.1.2. Any player or other participant who refuses to allow the search of such suspected property may be thereafter excluded from Sharks Ice facilities and functions.

3.5.1.3.1.1.2. Demand the surrender of property suspected of containing, concealing or being an instrumentality used in violating Sharks Ice rules and/or local, state, or federal laws; when required, such property shall be submitted to the local police. Any player or other participant who refuses to surrender such suspected property may be thereafter excluded from Sharks Ice facilities and functions.

3.5.1.3.2. Ejection from Sharks Ice facilities and functions; Termination of Participation in Programs, Activities and Events

3.5.1.3.2.1. Players and other participants who violate Sharks Ice Zero Tolerance policy regarding drugs, alcohol, tobacco, etc. will be immediately ejected from Sharks Ice facilities and functions.

3.5.1.3.2.2. Players and other participants who violate Sharks Ice Zero Tolerance policy regarding drugs, alcohol, tobacco, etc. may be expelled, temporarily or permanently, from Sharks Ice facilities, and participation in programs, activities and events.

3.6. Parents' Expected Conduct

3.6.1. Do not force your child to participate in sports, but support their desires to play their chosen sport. Children are involved in organized sports for their enjoyment, make it fun.

3.6.2. Encourage your child to play by the rules. Remember children learn best by example, so applaud good plays from both teams.

3.6.3. Do not embarrass your child by yelling at players, coaches, or officials. Exhibit a positive attitude toward the game and all of its participants.

3.6.4. Should you wish to talk to the coach about an incident or issue arising in a game or practice, you should wait 24 hours before contacting a coach except in the case of a genuine emergency.

3.6.4.1. "Genuine emergencies" will usually involve the health or safety of a player or other participant

3.6.4.2. "Genuine emergencies" will not involve questions regarding the "ice time" of individual players or participants, or issues of strategy or game tactics

3.6.5. Applaud a good effort in both victory and defeat and enforce positive points of the game.

3.6.6. Recognize the importance of the coaches and volunteers. They devote more time than you realize and are the backbone to the San Jose Jr. Sharks and other Sharks Ice sponsored functions.

3.6.7. Avoid derogatory comments, or comments that may be misinterpreted as being derogatory. Do not direct derogatory remarks, or comments disparaging ethnicity, gender, age, race, religion, "manliness" or "womanliness," or presumed sexual preference, towards other individuals.

3.6.8. Avoid profanity. Do not direct profanity towards other individuals.

3.7. Players Expected Conduct

- 3.7.1. Work Hard, Compete, and develop your fundamentals every time you step on the ice.
- 3.7.2. Learn the rules and play by them. Be a good sport.
- 3.7.3. Be a team player – get along with your teammates and lead by example.
- 3.7.4. Learn teamwork, sportsmanship and discipline. Be generous with your praise and avoid negative comments.
- 3.7.5. Avoid profanity. Do not direct derogatory remarks or disparaging comments towards other individuals. Especially avoid remarks regarding the age, race, sex, national origin, disability or sexual preference of others.
- 3.7.6. Be on time for team functions. Call the coach prior to the function if you are going to be tardy.
- 3.7.7. Respect your coach, teammates, parents, officials. Represent your team, activity, program or event in a positive manner.
- 3.7.8. Know and comply with San Jose Ice's Zero Tolerance policy on the use of alcohol, tobacco, drugs, controlled substances, etc.
- 3.7.9. • Never argue with the official's decision.

3.8. Spectators Expected Conduct

- 3.8.1. Display good sportsmanship. Always respect players, coaches, and officials.
- 3.8.2. Act appropriately; do not taunt or disturb other fans. Cheer for good play of all participants. Avoid booing or rooting against opposing teams and players. Profanity and objectionable cheers or gestures are offensive
- 3.8.3. Help provide a safe and fun environment; throwing any items on the ice surface can cause injury to players or officials. Do not lean over or pound on the glass; the glass surrounding the ice surface is part of the playing area.
- 3.8.4. Support the referees and coaches by trusting their judgment and integrity.
- 3.8.5. Respect locker rooms as private areas for players, coaches, and officials.

3.9. Coaches Expected Conduct

- 3.9.1. Winning is always a consideration in a sporting competition, but it is not the most important. Care more for the players and the game than winning.
- 3.9.2. Be aware of all Sharks Ice policies and procedures.
- 3.9.3. Be a positive role model to your players, display emotional maturity, and be alert to the physical safety of players. Do not appear for games or practices with drugs or alcohol in your system: know, observe and enforce Sharks Ice's Zero Tolerance policy regarding alcohol, tobacco, drugs and controlled substances.
- 3.9.4. Show respect for on and off-ice officials. Deal with opposing teams with respect. Resolve conflicts in a calm and rational manner.
- 3.9.5. Be generous with your praise when it is earned. Strive to be consistent, honest, and fair to all players. Learn to be an effective communicator and limit yelling at players.
- 3.9.6. Organize practices that are fun and challenging for your players. Work to develop every player on your team.

3.9.7. Maintain open lines of communication with your players' parents. Schedule meetings. Put things in writing when possible. Be consistent with your decisions and ensure they are keeping with the goals and objectives of the association. Resolve potential conflicts before they escalate.

3.9.8. Be concerned with the overall development of your players. Stress good healthy habits.

3.10. Administrators, Directors, and Volunteers Expected Conduct

3.10.1. Review, understand and support the rules and regulations of USA Hockey, CAHA, and Sharks Ice to ensure that the philosophy and objectives of these organizations are observed and enhanced. Read and be familiar with the contents of the USA Hockey Annual Guide and Official Playing Rules.

3.10.2. Promote and publicize your programs effectively and in a fair manner.

3.10.3. Never appear for an event while intoxicated by drugs or alcohol. Know, observe and enforce Sharks Ice's Zero Tolerance policy regarding alcohol, tobacco, drugs and controlled substances.

3.10.4. Communicate with parents by attending parent/player orientation meetings and/or by being available to answer questions and address problems throughout the season.

3.10.5. Perform your duties impartially. Do not use your position or influence to further purely personal objectives.

3.11. On Ice Officials Expected Conduct

3.11.1. Act in a professional and businesslike manner at all times and take your role seriously.

3.11.2. Strive to provide a safe and sportsmanlike environment in which players can properly display their hockey skills.

3.11.3. Know all playing rules, their interpretations and their proper application.

3.11.4. Violence should never be tolerated.

3.11.5. Be fair and impartial at all times.

3.11.6. Never appear for an event while intoxicated by drugs or alcohol. Know, observe and enforce Sharks Ice's Zero Tolerance policy regarding alcohol, tobacco, drugs and controlled substances.

3.11.7. Adopt a "zero tolerance" attitude toward verbal or physical abuse.

3.11.8. Never openly criticize a coach, player or other official, or parent or spectator.

4. Enforcement and Discipline

4.1. Team Issues

4.1.1. Issues and concerns regarding the operation of a team shall be communicated as follows, in the order specified:

4.1.1.1. The Team Manager or Coach, as appropriate

4.1.1.2. Organizational Leadership; Hockey Director and or hockey manager of Sharks Ice

4.2. Any parent, official, player, coach, other participant or spectator who believes that this code of conduct has been violated shall forward their name, address, phone number, a description of the violation, and the date and location of the violation to the individual team coach or Board President Sharks Ice Management. Sharks Ice Management will then investigate the incident

and, upon reaching a conclusion, shall forward to the accused a notice, via regular and certified mail, indicating the date, location and nature of the alleged violation and the period of exclusion from Sharks Ice or other action to be taken in response to such violation.

4.3. Player Conduct and Suspensions

4.3.1. Fighting any time during a team event will result in a one game suspension. Sharks Ice Management has the discretion to increase the penalty depending upon the circumstances.

4.3.2. Any player who violates Sharks Ice's Zero Tolerance policy regarding alcohol, tobacco, drugs and controlled substances will be disciplined, up to and including suspension or expulsion, as provided above in Section 3.5. This includes when arriving at, leaving the arena, or on road trips.

4.3.3. Any player who violates other elements of this Code of Conduct, or the Zero Tolerance Policy regarding conduct, is subject to discipline up to and including suspension or expulsion in the discretion of Sharks Ice Management, depending upon the circumstances.

4.3.4. Any player who damages Sharks Ice property while participating in a Sharks Ice event will be disciplined, up to and including suspension or expulsion, in the discretion of Sharks Ice Management, depending upon the circumstances. This includes, but is not limited to, damage inflicted while players are arriving at or leaving a Sharks Ice or affiliate facility, or on road trips.

4.3.5. Swearing and Verbal harassment in dressing rooms, hallways, players benches, or any other sanctioned Sharks Ice or team event are offenses and will be disciplined in the discretion of Sharks Ice Management, depending upon the circumstances, which could include suspension and or expulsion.

4.3.6. The Rules of Conduct listed here are not intended to be exhaustive. Sharks Ice Management reserves the right to suspend or expel, for disciplinary reasons, any player at its discretion for misconduct not specifically listed here, based upon the incident and circumstances.

5. Appeals of Discipline

5.1. When Sharks Ice Management has determined that a player, skater, parent, guest, spectator, coach or official at any program, activity or event has violated a provision of this Code Of Conduct, Management shall forward to such violator a notice via, regular and certified mail, identifying the date, location, nature of the violation and the discipline to be imposed.

5.2. Any person receiving notice of discipline may appeal the discipline by timely delivering a notice protesting the discipline to the General Manager of Sharks Ice

5.2.1. Such a protest must be delivered to the General Manager within 30 days of the postmark on the notice of discipline. The notice of protest will be timely if delivered on or before 5:00 p.m. on the 30th day from the postmark, or if mailed and received by Sharks Ice management within 30 days of the postmark on the notice of discipline.

5.2.2. The notice of protest should contain the following information:

5.2.2.1. The name, address and telephone number of the person protesting the discipline.

- 5.2.2.2. The name of the member of Sharks Ice management who has rendered the discipline.
 - 5.2.2.3. A copy of the written notice of discipline being protested.
 - 5.2.2.4. A copy of the envelope, showing the postmark, in which the notice of discipline was received.
 - 5.2.2.5. An identification of the program or activity in which the person protesting the discipline was participating at the time of the incident giving rise to the incident.
 - 5.2.2.6. A statement indicating the date, time and place where the incident occurred.
 - 5.2.2.7. A short statement identifying which if any facts related in the notice of discipline the person protesting the discipline believes are inaccurate.
 - 5.2.2.8. A list of any witnesses to the incident giving rise to the incident, and of any other witnesses who have relevant information.
 - 5.2.2.9. Any documents or other materials that may be relevant to determining whether the discipline imposed was proper.
 - 5.2.2.10. A statement as to what relief the person proposes (i.e., whether the discipline be completely reversed, or the punishment modified, etc.)
- 5.2.3. Upon receipt of a notice protesting the discipline that has been imposed, the General Manager of Sharks Ice will review the matter.
- 5.2.3.1. The General Manager may conduct his own or a further investigation into the matter, and may reverse, mitigate or modify the discipline initially imposed, or may determine that the original discipline was proper.
 - 5.2.3.2. The General Manager will provide the person protesting the discipline with written notice of his determination by regular U.S. Mail.
- 5.2.4. Within 15 days of the postmark on the envelope containing the General Manager's determination on review of the notice of protest, the individual protesting the discipline may request an informal hearing on the matter if he or she is unsatisfied with the General Manager's resolution.
- 5.2.4.1. To be timely, the request for hearing must be received by the General Manager within 15 days of the postmark on the notice of discipline. The notice of protest will be timely if delivered on or before 5:00 p.m. on the 15th day from the postmark, or if mailed and received by Sharks Ice management within 15 days of the postmark on the notice of discipline.
 - 5.2.4.2. The request for hearing should contain a copy of the General Manager's determination on review of the notice protesting the discipline, together with all of the other information initially submitted to the General Manager with the notice protesting the discipline. The request for hearing should also contain a short statement explaining why the General Manager's decision on review is unsatisfactory, and indicate the relief that the person protesting the discipline hopes to obtain from any hearing (i.e., complete reversal of the discipline, a mitigation of the punishment, etc.)

- 5.2.5. Upon timely receipt of a request for hearing, the General Manager shall move to convene a hearing panel to determine whether the discipline should be sustained.
- 5.2.5.1. The hearing panel shall be composed of three members of the local governing board of the organization overseeing the activity in which the person protesting the discipline was engaged at the time of the incident. The panel shall be selected as follows:
- 5.2.5.1.1. One member of the panel shall be selected from the members of the governing board by the management of Sharks Ice.
- 5.2.5.1.2. One member of the panel shall be selected from the members of the governing board by the person protesting the discipline.
- 5.2.5.1.3. Each of these members of the panel will agree between themselves on a third member from the governing board of the organization. This third member shall act as the Chair of the hearing panel in all proceedings.
- 5.2.5.1.4. The General Manger shall administer the selection process, by contacting the person protesting the discipline and providing the individual with a list of governing board members, and shall communicate with the Board members regarding their selection by the parties, and the process for selecting the third member of the panel.
- 5.2.5.1.5. In the event that there is no local governing board overseeing the organization or activity in which the individual protesting the discipline was engaged at the time of the incident, or if there are insufficient members of the governing board, or if the members of the local governing board are otherwise unable or unwilling to serve, the members of the hearing panel shall be selected in the same manner from a list of members of any regional governing board overseeing the activity, or from a list of similarly interested and qualified community representatives supplied by the General Manager.
- 5.2.5.2. When the panel has been selected, the General Manager shall, in collaboration with the hearing panel, schedule a hearing to occur at a time mutually agreeable to the panel members, the person protesting the discipline, and the involved representatives of Sharks Ice management.
- 5.2.5.3. The hearing before the panel shall be informal, and shall be conducted under the following guidelines.
- 5.2.5.3.1. The hearing will be private, and not open to members of the public.
- 5.2.5.3.2. While the person protesting the discipline may be accompanied by a representative, and may consult with the representative during the proceedings, the parties shall speak for themselves, unless otherwise directed by the hearing panel.
- 5.2.5.3.3. No recording or other transcript of the hearing will be made unless directed by the hearing panel.
- 5.2.5.3.4. Unless otherwise directed by the hearing panel, the order of the proceedings shall be as follows:

- 5.2.5.3.4.1. In advance of the hearing each panel member shall be provided with all of the materials submitted by the person protesting the discipline. The panel members will familiarize themselves with these materials before the hearing.
- 5.2.5.3.4.2. The person protesting the discipline will given up to 10 minutes to make an opening statement to the hearing panel.
- 5.2.5.3.4.3. Following the person protesting the discipline's opening statement, a Sharks Ice management representative will be given up to 10 minutes to make an opening statement.
- 5.2.5.3.4.4. Following opening statements, the hearing panel may direct questions to the parties, and any witnesses the parties may have brought to support their positions, as the hearing panel deems necessary and advisable.
 - 5.2.5.3.4.4.1. All questioning of the parties and witnesses shall be by members of the hearing panel unless the panel otherwise directs. Witnesses shall be excluded from the proceedings until called to provide information unless the panel otherwise directs.
 - 5.2.5.3.4.4.2. During the period for panel questions, the parties may offer, or the panel may request, additional documents or materials relevant to the issues raised by the discipline and protest. Generally, however, the panel will not accept such documents and materials unless they have been previously disclosed to the opposing party: in all cases, whether to accept additional documentary or tangible evidence shall rest in the discretion of the hearing panel.
 - 5.2.5.3.4.5. Following the question period, the Sharks Ice management representative will be given up to 5 minutes for a closing statement. Following the closing statement, the person protesting the discipline will be given up to 5 minutes for his or her closing statement.
- 5.2.5.3.5. Either at the hearing or afterward, the hearing panel shall deliberate, and reach a decision on whether to uphold, reverse or modify the discipline. The decision shall be by majority vote of the panel. The hearing panel will provide written notice to the parties of the reasons for its actions.
- 5.2.5.4. If following the hearing before the hearing panel either the person protesting the discipline that has been imposed or the General Manager is unsatisfied with the hearing panel decision, he or she may appeal the hearing panel's decision to a reviewing officer for further review.
 - 5.2.5.4.1. To be timely, such an appeal must be made within 15 days of the postmark on the envelope containing written notice of the hearing panel's decision.
 - 5.2.5.4.2. The appeal shall be to one member of a panel of three individuals who have indicated their willingness to serve as an appeals panel.

- 5.2.5.4.2.1. Sharks Ice management shall identify and select the panel of three neutrals from amongst individuals identified by Sharks Ice having appropriate qualifications and background to review the decision of the hearing panel.
- 5.2.5.4.2.1.1. Such qualifications may but need not include prior judicial experience or service as an administrative hearing officer; legal education and background; administrative or management experience with junior hockey, figure skating or other sports programs run for adolescents or amateur leagues; management, administrative or other experience with amateur, minor league or professional sports leagues; or any other qualifications and experience that Sharks Ice management deems appropriate.
- 5.2.5.4.3. The individual conducting the review on appeal from the hearing panel shall be determined by lot from the permanent appeal panel. If the member selected is unable or unwilling to serve, a new member shall be selected by lot.
- 5.2.5.4.4. Once the reviewing officer is selected, the General Manager shall collect the written notice of the hearing panel's determination, all of the written materials submitted to the hearing panel by the individual protesting the discipline and the General Manager, along with copies or originals of all of the tangible evidence considered by the hearing panel, and forward them to the reviewing officer. A copy of the letter transmitting these materials, including a list of the materials being transmitted, will be mailed to the individual appealing the hearing panel's determination and to the General Manager.
- 5.2.5.4.5. Within 7 days of receiving a copy of the letter transmitting the record before the hearing panel to the reviewing officer, the individual protesting the discipline imposed and the General Manager may transmit a position statement to the reviewing officer setting forth his or her objections to the determination by the hearing panel. A copy of the position statement shall simultaneously transmitted to the other party to the disciplinary proceeding (whether the individual protesting the discipline or the General Manager of Sharks Ice.)
- 5.2.5.4.5.1. Such a position statement shall, at a minimum, contain the following:
- 5.2.5.4.5.1.1. The identify of the person submitting the statement and, if relevant, the party on whose behalf the statement is being filed.
- 5.2.5.4.5.1.2. A brief statement as to why the person submitting the statement believes the hearing panel's decision was incorrect.
- 5.2.5.4.5.1.2.1. If the party submitting the statement believes that the hearing panel reached an incorrect conclusion regarding the facts, the statement shall specify which facts were incorrectly determined, the written or other evidence submitted to the

hearing panel that would establish the correct facts, and what the party believes the correct facts to have been.

5.2.5.4.5.1.2.2. If the party submitting the statement believes that the hearing panel has made a legal error, or has rendered an unfair or unjust determination, the statement shall specify what determination he or she believes was a legal error, or unfair or unjust, a concise statement as to why the determination was in error, unfair or unjust, and what legal or other determination the party believes should have been made.

5.2.5.4.6. There shall be no hearing, live testimony or other presentation made to the reviewing officer unless he or she requests such a proceeding.

5.2.5.4.7. Within 15 days, or such other period as the reviewing officer provides, the reviewing officer shall issue a written determination, setting forth the conclusions he or she has reached from the review.

5.2.5.4.7.1. The reviewing officer shall mail a copy of his written determination on review to the person protesting the discipline and to the General Manager.

5.2.5.4.8. The decision of the reviewing officer shall be final and binding upon both the individual protesting the discipline and Sharks Ice, provided, however, that such decision shall not be binding upon any other organization or league which may conduct its own disciplinary proceedings. An individual may still be subject to discipline from his or her own league or sport administration in accordance with such league or organizations rules.

6. Good Faith

6.1. The Sharks Ice and San Jose Arena Management established these regulations in good faith. It is not the intention of the Sharks Ice or SJAM to establish any rules, regulations, or policy that conflicts with the guidelines established by USA Hockey, CAHA, or NORCAL.

7. Changes or additions to Sharks Ice Policy

7.1.1. Changes to the Sharks Ice Policy and procedures may be enacted by Sharks Ice Management.

7.1.2. All changes to the Sharks Ice policy and procedures will be publicized to the members via the [..\Jr. Sharks Business\Forms\USA Hockey Zero Tolerance Policy.ppt](#) Sharks Ice website and/or notification to member teams, clubs, and organizations.

8. Appendix:

8.1. [..\Jr. Sharks Business\Forms\NORCALCodeOfConduct.pdf](#)

8.2. [..\Jr. Sharks Business\Forms\USA Hockey Code of Conduct..\Jr. Sharks Business\Forms\CAHA code of conduct.pdf](#)

8.3. [..\Jr. Sharks Business\Forms\USA Hockey Consent to Treat.pdf](#)

8.4. USA Hockey "Zero Tolerance Policy"

APPENDIX _____

APPENDIX 8.4

USA Hockey “Zero Tolerance Policy”

ZERO TOLERANCE

In an effort to make ice and inline hockey a more desirable and rewarding experience for all participants, the USA Hockey Youth, Junior and Adult Councils and the Inline Section have instructed the officiating program to adhere to certain points of emphasis relating to sportsmanship. This campaign is designed to require 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.

Thus, the following points of emphasis must be implemented by all referees and linesmen:

Players

A minor penalty for unsportsmanlike conduct (zero tolerance) shall be assessed whenever a player:

1. Openly disputes or argues any decision by an official.
2. Uses obscene or vulgar language at any time, including any swearing, even if it is not directed at a particular person.
3. Visually demonstrates any sign of dissatisfaction with an official’s decision. Any time that a player persists in any of these actions, they shall be assessed a misconduct penalty. A game misconduct shall result if the player continues such action.

Coaches

A minor penalty for unsportsmanlike conduct (zero tolerance) shall be assessed whenever a coach:

1. Openly disputes or argues any decision by an official.
2. Uses obscene or vulgar language in a boisterous manner to anyone at any time.

3. Visually displays any sign of dissatisfaction with an official's decision including standing on the boards or standing in the bench doorway with the intent of inciting the officials, players or spectators.

Any time that a coach persists in any of these actions, he/she shall be assessed a game misconduct penalty.

Officials

Officials are required to conduct themselves in a businesslike, sportsmanlike, impartial and constructive manner at all times. The actions of an official must be above reproach. Actions such as "baiting" or inciting players or coaches are strictly prohibited.

Officials are ambassadors of the game and must always conduct themselves with this responsibility in mind.

Parents/Spectators

The game will be stopped by game officials when parents/spectators displaying inappropriate and disruptive behavior interfere with other spectators or the game. The game officials will identify violators to the coaches for the purpose of removing parents/spectators from the spectator's viewing and game area. Once removed, play will resume. Lost time will not be replaced and violators may be subject to further disciplinary action by the local governing body. This inappropriate and disruptive behavior shall include:

1. Use of obscene or vulgar language in a boisterous manner to anyone at any time.
2. Taunting of players, coaches, officials or other spectators by means of baiting, ridiculing, threat of physical violence or physical violence.
3. Throwing of any object in the spectators viewing area, players bench, penalty box or on ice surface, directed in any manner as to create a safety hazard.

Firmwide:87137003.1 057784.1000