



A Guide to the Ontario Hockey Federation Appeal Process

For Players, Volunteers, Administrators & Organizations

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A Guide to the OHF Appeal Process

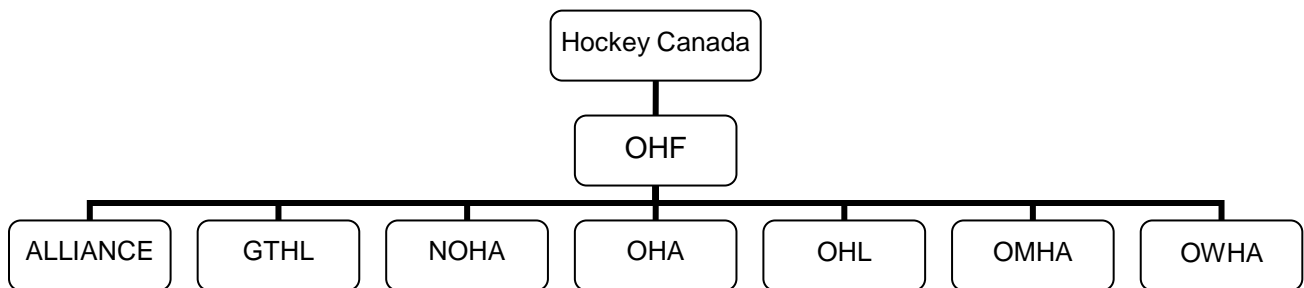
For Players, Volunteers, Administrators & Organizations

The following is to be used as a reference guide only.
Please refer to OHF Regulation 6.

Structure

The Ontario Hockey Federation (OHF) is the largest Branch of Hockey Canada and one of three operating within the Province of Ontario. The OHF serves seven (7) Member organizations that operate Minor, Junior, Senior and Female programs within their own specified jurisdiction.

For the purposes of appealing a decision of any of the OHF Members, the party must submit application to the OHF office in accordance with Regulation 6.



If you have any question about this information or how to proceed with an appeal to the OHF, please contact:

Ontario Hockey Federation

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Frequently Asked Questions

Who can appeal to the OHF?

Any person, team, league or Association who is aggrieved by a final decision of the OHF President (made under By Law II – Article 17.7) or a Member in relation to any dispute, difference or question has the right to appeal to the OHF.

What decisions may be appealed to the OHF?

The following decisions may be appealed to the OHF:

- (a) The decision that is in conflict with the Articles, By-Laws, Rules, Regulations and/or Policies of the relevant Member, OHF or of Hockey Canada that may have had a material impact on the decision rendered.
- (b) The party making the decision committed a material procedural error, or failed to provide the aggrieved party with a fair Appeal hearing that may have had a material impact on the decision rendered.
- (c) The party making the decision did not have the authority or jurisdiction to make the decision.

What decisions may not be appealed to the OHF?

The following decisions may not be appealed unless the decision itself is contrary to Hockey Canada or OHF Constitution, By-Laws or Regulations:

- (a) Any decision by a Member as to the outcome of any game or games;
- (b) Any decision relating to the classification of teams within the jurisdiction of a Member;
- (c) Any decision relating to a tournament or exhibition game sanctioning;
- (d) Any suspension pursuant to the minimum suspension list;
- (e) Any other suspension of fewer than seven (7) games.

NOTE: If a supplemental suspension is assessed in addition to the minimum suspension, and the total suspension is beyond

six (6) games, the games in the supplemental suspension are appealable.

How do I make an appeal application to the OHF?

An appeal shall be submitted via personal service, courier or email from the Appellant to the OHF Office no later than seven (7) days, or the first business day following, if such date falls on a Saturday, Sunday or Statutory holiday, from the date the decision sought to be appealed was sent to the appellant by the Member. The application is to be accompanied by an Appeal Fee of \$300 in cash, money order or by cheque, made payable to the Ontario Hockey Federation. If submission is by email it must have a copy of payment including courier tracking number with payment arriving no later than two business days following submission deadline.

When will my hearing take place?

Submitting an Appeal Application does not mean that you will receive an automatic Hearing. The decision to proceed to a Hearing will be made by the Appeal Committee Coordinator who will personally review the material submitted by the Applicant and the Respondent and determine if the application satisfies the requirements of Regulation 6.5.2. If the Appeal Committee Coordinator determines that a hearing will proceed, it will be scheduled no later than 15 days from the OHF receiving this decision.

How long will this whole process take?

There is no specific timeline once the application has been received by the OHF until the decision from the Appeal Committee Chair is received. The responsibility to gather and distribute documents and information from the Member office lies with the OHF. The staff in both offices will work together to process applications quickly. Based on the time of year and number of active applications this timeframe may be longer.

What happens to my Application Fee if the Application does not qualify for a hearing?

The Application Fee will **not** be returned to the Applicant when the proposed application does not qualify for a hearing.

How will I be advised of a hearing?

You will be advised of the date and time that your Hearing will be held via e-mail. You are advised to show up to your Hearing early to avoid being late or missing your Hearing because of traffic or other delays.

Should I have my lawyer come with me to the Appeal Hearing?

There is no requirement or recommendation for representation, but you are welcome to have an agent, paralegal or legal counsel represent you at the Appeal Hearing or you may act on your own behalf at the Appeal Hearing.

Who sits on the Appeal Hearing Panel?

The Appeal Hearing Panel is comprised of three members of the OHF Appeals Committee. The Appeals Committee is made up of no more than 35 people appointed by the Board and ratified by the Board on an annual basis.

What can I expect will be the process for the Appeal Hearing?

The following process will be followed for each Hearing unless there are special circumstances to consider.

Part One: Introduction and Preliminary Business

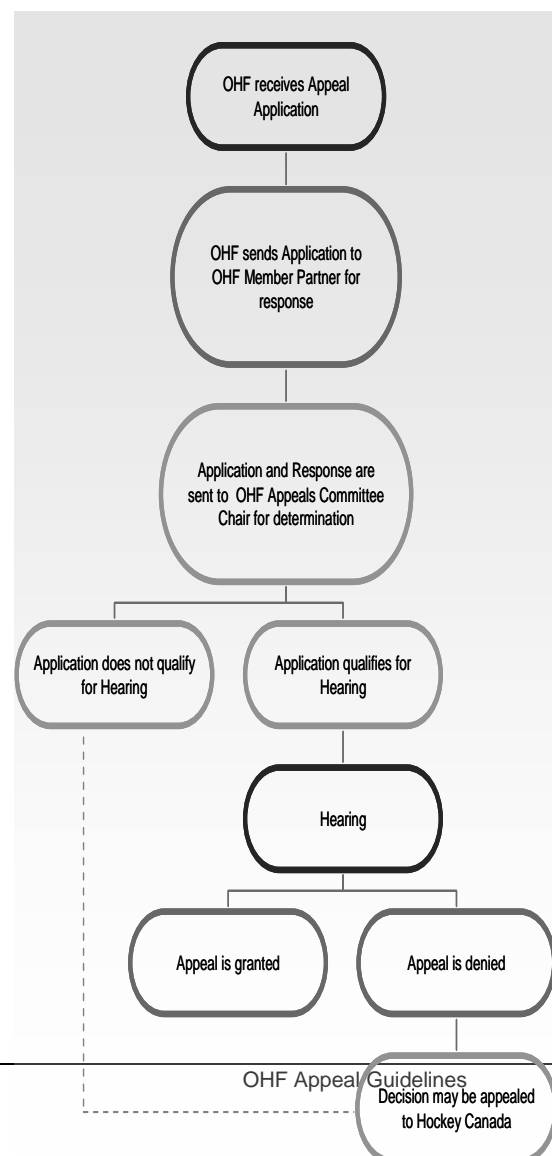
1. The Appeal Panel Chair will introduce himself or herself to all parties and introduce the other members of the Appeal Hearing Panel.
2. Before the Hearing begins the Chair will conduct preliminary business to ensure that all parties are present, informed of the process, and have no objections to the Appeal Hearing Panel before them. In rare circumstances a hearing may start, or continue with only two panel members. In these instances, the Chair will seek

objections from the Parties before continuing. If there are any objections to the composition or jurisdiction of the Appeal Hearing Panel to hear and determine the matter before it, the Panel will hear any such objection and decide whether to proceed with the Hearing.

Part Two: Presenting and Responding to Evidence

3. When the Hearing proceeds the Panel will hear witnesses and receive any other relevant evidence which you previously gave to your Member (either written or oral) and which you wish to present to the Panel. At the end of the evidence of each witness, the respondent(s) may cross-examine the witness. At this point, the respondent(s) are not entitled to present any evidence as they will have an opportunity to present their

Appeal Application Flow Chart



evidence at a later time in the hearing. Also, if there is more than one (1) respondent, all will have the opportunity for cross-examination.

4. At the conclusion of the appellant(s) evidence, the respondent(s) may present any relevant evidence (oral or otherwise) which you previously gave to Member (either written or oral) and which you wish to present to the panel. At the end of the evidence of each witness, the appellant(s) may cross-examine the witness and if there is more than one appellant, all will have the opportunity to cross-examine the witness.
5. At the conclusion of the respondent(s) evidence, each appellant may present relevant evidence (oral or otherwise, which was previously presented to a Member in reply to anything which was presented by a respondent(s), but which has not been previously presented by an appellant, but no appellant can present any new evidence except for the purpose of reply. At the end of the evidence of each witness, the respondent(s) may cross-examine the witness. Also, if there is more than one respondent, all will have the opportunity for cross-examination.

Part Three: Summary

6. After the evidence has been heard and received, each party may give a brief summary of the evidence and present argument. No evidence (either written or oral) may be given that was not given to your Member unless Application is made under Regulation 6.8.

Part Four: Adjournment

7. Following the presentation of evidence and summations by the appellant(s) and respondent(s), the hearing may then be

adjourned and the Panel will retire to consider its decision. If the hearing is adjourned and the Panel retires to consider its decision, the notice of the Results of the Appeal will be communicated to each party by the OHF Executive Director or a designated OHF staff member.

Special Requests

Please note that all requests must be made through the Chair.

What decision can I expect from my Hearing?

In accordance with the Articles, By-Laws, Rules, Regulations and/or Policies of the OHF and the relevant Member, at the conclusion of the Appeal hearing, the Hearing Panel may allow or dismiss the Appeal Application, assess all or any part of the costs of the Appeal against one or more of the parties, and/or grant a refund of up to 50% of the Application fee in cases where the appellant has been substantially successful in their Appeal. A decision of a majority of the panel (2) will be final and binding. Within 48 hours of the hearing, the Chair shall communicate the decision or recommendation to the OHF Office in writing. All parties will receive the written decision within 10 days.

If am not satisfied with the decision of the OHF what is my recourse?

A decision of the Panel shall be final and binding on all parties, subject only to such further rights of Appeal as may be available under the Articles, By-Laws, Rules, Regulations and/or Policies of Hockey Canada. If you wish to pursue an appeal with Hockey Canada you must do so within 7 days of receiving the decision from the OHF. For more information on Hockey Canada's Appeal process please contact 613-696-0784.

Ontario Hockey Federation Regulation 6.

6.1 DEFINITIONS FOR REGULATION 6

- 6.1.1 “Chair or Chairperson” means the Chair of a Panel
- 6.1.2 “Coordinator” means the Coordinator of the Appeals Committee
- 6.1.3 “Vice-Coordinator” means a person appointed by the OHF Board of Directors who shall carry out any or all of the Coordinator’s duties in the absence of the Coordinator or when requested by him.
- 6.1.4 “Panel” means a duly constituted Panel of the Appeals Committee
- 6.1.5 “Party” means the Appellant(s) and the Respondent(s) named in the application, and any Association directly affected by the issue in dispute

6.2 The Appeals Committee shall hear Appeals and make recommendations and decisions in strict accordance with the powers conferred on it in this Regulation 6 and in compliance with the By-Laws, Rules, Regulations and/or Policies adopted or passed by the Board.

6.3 Each Member, upon its final disposition of any hearing or appeal conducted by it, shall:

- 6.3.1 advise the party that certain rights are available to them under OHF Regulation 6;
- 6.3.2 provide the party with a copy of Regulation 6; and
- 6.3.3 upon request, provide the party with an OHF Appeal Application Form.

6.4 COMPOSITION

- 6.4.1 The Appeals Committee shall consist of the Coordinator and Vice-Coordinator and not more than thirty-five (35) other persons. The Board shall appoint people to hold position as Appeal Committee Members. The Board may request suggested names from Members. Appointments to the Appeals Committee will be ratified by the Board on an annual basis.
- 6.4.2 The Coordinator and Vice-Coordinator of the Appeals Committee shall be nominated by a Director and appointed by a majority vote of the Board. They shall have had no membership, executive status or interest in any of the Members, Associations or Leagues of the OHF for at least three (3) years immediately prior to their nomination. In the absence of the Coordinator, or when directed by the Coordinator, the Vice-Coordinator shall act as the Coordinator. In the absence of both the Coordinator and Vice-Coordinator, the OHF Executive Director shall act as the temporary Coordinator.
- 6.4.3 The Coordinator and Vice-Coordinator shall be appointed each year by the Board. If either or both cannot complete a term, a successor(s) and shall be appointed by the Board.
- 6.4.4 Subject to Regulation 6.7.6 the Appeals Committee shall sit in Panels of three (3) as needed and a decision of a majority of a Panel shall be final and binding.
- 6.4.5 Should a person appointed to the Appeals Committee have or have had any position or active role in a Member, or any member thereof, in any of the current or previous two (2) seasons, such person shall not be eligible to participate as a Panel member in any Appeal in which such Member has an interest.

6.5 APPEAL JURISDICTION

- 6.5.1 The Appeals Committee shall determine all matters designated in Regulation 6.9 as standing issues, and shall hear any matter referred to it pursuant to Regulation 6.5.4.
- 6.5.2 A person, team, league or Association who is aggrieved by a final decision of the OHF President (made under By Law II – Article 17.7) or a Member in relation to any dispute, difference or question may Appeal the following standing issues to the Appeals Committee:
- (a) the decision is in conflict with the Articles, By-Laws, Rules, Regulations and/or Policies of the relevant Member, OHF or of Hockey Canada that may have had a material impact on the decision rendered;
 - (b) the party making the decision committed a material procedural error, or failed to provide the aggrieved party with a fair Appeal hearing that may have had a material impact on the decision rendered; or
 - (c) the party making the decision did not have the authority or jurisdiction to make the decision;
- 6.5.3 The following decisions made by a Member, provided that such decision is not contrary to Hockey Canada or the OHF Constitution, By-Laws or Regulations, shall be final and not appealable to the Appeals Committee:
- (a) any decision by a Member as to the outcome of any game or games;
 - (b) any decision relating to the classification of Teams within the jurisdiction of a Member;
 - (c) any decision relating to a Tournament or exhibition game sanctioning;
 - (d) any Suspension pursuant to the minimum suspension list; or
 - (e) any other suspension of fewer than seven (7) games.

NOTE: If a Supplemental Discipline is assessed in addition to the minimum Suspension, and the total Suspension is beyond six (6) games, the games in the Supplemental Discipline are appealable.

- 6.5.4 No appeal to the OHF involving an allegation of Harassment or Abuse shall be heard by the Appeals Committee unless the relevant Member has received a Fact Finder's report and rendered a final decision on the matter.
- 6.5.5 The Board of the OHF may from time to time refer matters to the Appeals Committee requesting a recommendation or decision upon such terms or conditions as the Board directs. No decision making power can be referred that would have the effect of altering or amending the Constitution of the OHF or the jurisdiction of any of its Members.

6.6 APPLICATION PROCEDURE

- 6.6.1 An Appeal shall be submitted via personal service, courier or email from the Appellant to the OHF Office no later than seven (7) days, or the first business day following, if such date falls on a Saturday, Sunday or Statutory holiday, from the date the decision sought be appealed was sent to the appellant by the Member.
- 6.6.2 An Appeal submission shall only be commenced by the submission of a completed OHF Appeal Application Form. Such form shall:
- (a) Contain a completed OHF Appeal Application Form;
 - (b) be signed by the appellant. An application submitted on behalf of an Association/Club/Team must be signed by at least one of the signing Officers of the relevant Association/Club/Team;
 - (c) be specific, describe the decision being Appealed and cite the specific paragraph under Regulation 6.5.2 that applies to the Appeal;

- (d) be concise and contain, in numbered paragraphs, the grounds for Appeal (including how the Appeal qualifies under the relevant paragraph under Regulation 6.5.2) and the facts supporting the Appeal. Pertinent documents, if any from the original Appeal, must be attached (see Regulation 6.8); and
 - (e) be accompanied by an Appeal Application fee of \$300.00 in cash, money order or by cheque made payable to the Ontario Hockey Federation; If submission is by email it must have a copy of payment including courier tracking number with payment arriving **no later than two business days following submission deadline.**
- 6.6.3 Upon receipt of an OHF Appeal Application Form, the OHF shall forward a copy to the party which rendered the decision. That party must supply to the OHF Office within seven (7) days or the first business day following, if such date falls on a Saturday, Sunday or Statutory holiday.
- (a) a description in numbered paragraphs, of the position of the decision maker including:
 - i. the grounds for the decision Appealed,
 - ii. the facts and applicable policy or regulation supporting the decision,
 - iii. a list of witnesses who gave evidence in the Appeal hearing/special meeting;
 - iv. a Fact Finder's Report, if one was considered; and
 - v. any additional pertinent documents from the original Appeal, if any. In cases where third party confidentiality is required, a full Fact Finder's Report may not be provided.
 - vi. all contact information (phone numbers and email addresses) must be provided to the OHF at the time of the appeal submission.
- 6.6.4 The timelines in Regulation 6.6.3 may be extended upon request of the party to the OHF Executive Director between June 15 and August 15.
- 6.6.5 Failing a submission from the party in accordance with Regulation 6.6.3 and 6.6.4, the appellant's submission will be reviewed by the OHF Appeals Coordinator on its own merits.
- 6.6.6 The Appellant will be provided the response of the party rendering the decision and will have an opportunity to rebut only on the points submitted without the addition of any new arguments or evidence within 48 hours of receiving the response. A copy of such rebuttal will be forwarded to the party rendering the decision.
- 6.6.7 The Coordinator or Vice-Coordinator shall determine whether, on the basis of the material submitted to him, the grounds cited by the appellant qualify the proposed Appeal for hearing pursuant to Regulation 6.5.2. The parties shall be notified of that determination forthwith.
- 6.6.8 Should the Coordinator or Vice-Coordinator determine that the proposed Appeal does not qualify for an appeal hearing, the Appeal Application Fee will **not** be returned to the appellant. This determination shall be final and binding subject only to such further rights of appeals as may be available under the Articles, By-Laws, Rules, Regulations and/or Policies of Hockey Canada.
- 6.6.9 Should the Coordinator or Vice-Coordinator determine that the proposed appeal qualifies for an Appeal hearing they shall proceed in the following manner:
- (a) an Appeal hearing shall be set for a date no later than 15 days after the date that the Coordinator's determination is received by the OHF Office;
 - (b) if it is not practicable to schedule an Appeal hearing within 15 days, as set forth in Regulation 6.6.9 (a), a hearing date may be set beyond the 15 day period and such does not constitute grounds for an Appeal to Hockey Canada due to "improper procedures";

(c) the OHF office shall notify all parties to the Appeal not less than five (5) days before the scheduled date for the Appeal. The Notice of Appeal hearing shall include:

- i. a statement of the issue(s) to be considered, the time and place of the Appeal hearing,
- ii. a statement to advise each party that if a party does not attend, the Appeal hearing may proceed in the absence of that party without further notice, and
- iii. a copy of material provided pursuant to Regulation 6.6.3.

6.6.10 Once convened, an Appeal hearing may be adjourned from time to time, provided that the Panel decides that such adjournment is necessary in order to do justice.

6.7. APPEAL HEARING PROCEDURE

6.7.1 Any OHF Appeal may be resolved on consent of all parties prior to, or during, an Appeal hearing. The Panel shall issue a direction as may be necessary to accept such resolution, provided it is consistent with the Articles, By-Laws, Rules, Regulations and/or Policies of the OHF and relevant Member.

6.7.2 An Appeal hearing shall be open to the public unless a hearing in camera is:

- (a) requested not later than three (3) days prior to the Appeal hearing date by one of the parties; and
- (b) the Coordinator is of the opinion that the public should be excluded having regard to:
 - i. the nature of the Appeal , or
 - ii. the evidence that may be presented, or
 - iii. any other relevant matter. At no time shall any party to the Appeal be excluded from the Appeal hearing while it is in progress unless for gross misconduct during the hearing.

6.7.3 The Chair may take such action or give such direction, as is necessary to maintain order at the Appeal hearing.

6.7.4 A party to an Appeal may at the hearing:

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present arguments and submissions; and
- (c) conduct cross-examination of witnesses as may be reasonable in the circumstances.

6.7.5 The Panel shall:

- (a) permit the parties to present their cases in accordance with due process and the rules of natural justice; and
- (b) inquire of all parties as to the possible impact of any decision or ruling for consideration as it sees fit.

6.7.6 Although, pursuant to Regulation 6.4.4, a Panel shall consist of three (3) members:

- (a) if 15 minutes or more after the Appeal hearing is scheduled to commence, only two (2) members are present, those two (2) members may decide to proceed with the hearing. The power and authority of that Panel will be the same as if three (3) members were present.
- (b) once convened, if any member of the Panel is unable to continue, the two (2) remaining members may decide to proceed with the Appeal hearing. The power and authority of that Panel of the Appeals Committee will be the same as if three (3) members were present.

- 6.7.7 If Regulation 6.7.6 applies, and at the conclusion of the Appeal hearing, the two (2) remaining members of the Panel do not agree on a decision then the issue shall be concluded as a 'no' decision. In this situation, the appellant has the right to a rehearing, which shall be heard by a new Panel. The request for rehearing shall be forwarded to the OHF office within five (5) days after the OHF Appeal hearing. Subject to approval by the Coordinator or Vice-Coordinator, the rehearing shall be scheduled within eight (8) days.
- 6.7.8 The Chair may add any person or Association as a party to the Appeal hearing that they determine might be materially affected by the resolution of the issue before the Panel. The timing and method of notifying the appellant and respondents shall be at the discretion of the Chair.

6.8 EVIDENCE

- 6.8.1. The Panel may receive such evidence as is relevant and considered to be reliable and trustworthy provided that no witness may give evidence who did not give evidence at the Appeal hearing giving rise to the OHF Appeal. No written evidence can be given which was not given at that hearing unless:
- (a) the evidence was not discoverable by reasonable diligence before the end of that Appeal hearing; and
 - (b) the evidence is wholly believable; and
 - (c) the evidence is practically conclusive of an issue in the OHF Appeal hearing. The onus shall be on the parties seeking to introduce such evidence to satisfy the Panel hearing the matter that such evidence should be received.

6.9 ENFORCEMENT

- 6.9.1. Each Member shall be bound by decisions of any Panel and shall take all such steps as are necessary within its organization to ensure compliance with such decisions.
- 6.9.2. Where the Board concludes that there has been a contravention of any order or decision made by a Panel, they may take any, some or all of the following actions:
- (a) suspend or restrict the privileges extended through the OHF to the defaulting party;
 - (b) assess the costs of the enforcement process against the defaulting party;
 - (c) impose a monetary penalty on the defaulting party;
 - (d) require the necessary parties to appear before the Board.

6.10 DECISION

- 6.10.1 At the conclusion of the Appeal hearing, the Panel may:
- (a) allow or dismiss the Appeal Application in whole or in part, and make such order as is just in the circumstances and consistent with the Articles, By-Laws, Rules, Regulations and/or Policies of the OHF and the relevant Member. If the decision involves two Members with inconsistent rules then the decision must be consistent to the OHF and Hockey Canada Articles, By-Laws, Rules, Regulations and/or Policies;
 - (b) increase based on new evidence accepted by the hearing panel, decrease or leave unchanged any suspension or sanction against the appellant. Such decision must be in accordance with the Articles, By-Laws, Rules, Regulations and/or Policies of the OHF and

the relevant Member. If the decision involves two Members whose relevant Rules are inconsistent, the decision must be consistent with the Articles, By-Laws, Rules, Regulations and/or Policies of the OHF and Hockey Canada.

- (c) assess, in a set amount, all or any part of the costs of the Appeal against one or more of the parties, as long as the assessment does not exceed the application fee received for the Appeal;
 - (d) grant a refund of up to 50% of the Appeal Application fee in cases where the appellant has been substantially successful in their Appeal;
 - (e) adjourn the disposition of the Appeal Application provided that written notification of the decision is delivered to all parties within 10 days of the adjournment.
- 6.10.2 Within 48 hours of the Appeal hearing, the Chair shall communicate the Panel's decision or recommendation to the OHF Office in writing. This decision will indicate the disposition of the Appeal.
- 6.10.3 If the Coordinator or Vice-Coordinator concludes any decision of a Panel is not in adherence with Regulation 6.10.1, the Coordinator or Vice Coordinator in consultation with the Board shall return the matter to the Panel with appropriate directions, so that it can render a decision in adherence with Regulation 6.10.1.
- 6.10.4 The OHF shall forward the written decision or recommendation of the Panel to all parties within 24 hours of receiving that decision.
- 6.10.5 Unless the reasons have been included with the decision, the Chair shall communicate the Panel's reasons in writing, within 10 days following the Appeal hearing.
- 6.10.6 Reasons shall include:
- (a) a statement of the jurisdiction for the decision;
 - (b) a brief summary of any facts and/or issues the Panel found significant to its decision;
 - (c) the policy of the OHF and (if applicable) of Member applied to the case;
 - (d) reasons for the awarding or denial of costs pursuant to Regulation 6.9.2 (b).
- 6.10.7 Notwithstanding Regulation 6.10.4, when an Appeal hearing is completed on a Friday or Saturday;
- (a) the Chair shall communicate the Panel's decision to the OHF office not later than the next business day; and
 - (b) the OHF office shall forward the decision of the Panel, in writing, to all parties on the next business day following the receipt of the decision with reasons, where available.
- 6.10.8 Subject to the provisions of Regulation 6.10.7, where the time limit for doing anything under this By-Law expires or falls upon a Saturday, Sunday or other holiday, the time so limited extends to the next business day.
- 6.10.9 A decision of the Panel shall be final and binding on all parties, subject only to such further rights of Appeal as may be available under the Articles, By-Laws, Rules, Regulations and/or Policies of Hockey Canada.
- 6.10.10 Notwithstanding Regulation 6.10.9, in extreme cases the President and Executive Director may refer the Appeal to a new Panel to be reheard. If either or both have participated in the Appeal in any capacity, their places in reviewing and referring an Appeal for such a rehearing shall be taken by the First Vice President and/or the Second Vice President, in that order. If either of them cannot act since they participated in the Appeal, their place will be taken by the Secretary/Treasurer and/or Past President.
- 6.10.11 No person shall sit on a Panel who is the brother, brother-in-law, spouse, sister, sister-in-law, father, grandfather, mother, grandmother, daughter, son, aunt, uncle, employer, employee,

counsel or agent of any party to an Appeal or any witness whether such witness gives evidence in person or in writing.

6.10.12 Where an issue that is not expressly covered by the provisions of Regulation 6 arises at the Appeal hearing, such issue shall be resolved in accordance with the rules of natural justice and in order to do justice between the parties in dispute having regard to the Articles, By-Laws, Rules, Regulations and Policies of a Member, OHF or of Hockey Canada.



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