

ARBITRATION PANEL DECISION

RELEVANT HISTORY

This Arbitration was commenced by the Dallas Ice Jets requesting a finding that it be reinstated as a Tier I Organization to compete in the Texas Amateur Hockey Association's fall 2011 season.

This past April, the Ice Jets, along with three other organizations, submitted their application for Tier I status to the TAHA Tier I committee. The Tier committee reviewed the applications and denied the Ice Jets Tier I status. This decision was appealed by the Ice Jets and a hearing was held per TAHA rules. The Tier Committee's original decision was rejected by the Hearing Committee due to the committee's improper procedures. The Tier Committee was ordered to reconsider all of the applications.

In late May, the Tier committee reconsidered all of the applications and presented to the TAHA board its recommendations. The TAHA board rejected the Tier Committee's recommendation and voted to only accept 2 organizations, thus denying the Ice Jets Tier I status.

DECISION

- 1. The Panel has determined that the TAHA board acts were not arbitrary and capricious in its determination to not grant Tier I status to the Ice Jets Organization**
- 2. The Panel came to the conclusion that TAHA did act reasonably and conformed to USA Hockey and TAHA's bylaws, rules, and guidelines, in determining that the Dallas Ice Jets would not be designated a Tier I organization for the 2011-2012 season**

This panel, after reviewing all of the evidence and testimony presented at the hearing, has come to the conclusion that the TAHA board's actions were within its authority and were neither arbitrary nor capricious. While it is true that some rules and procedures were not followed to the letter, the deviations were minor. In total, the board's actions were reasonable, fair, and consistent. The panel agreed that had every TAHA tier policy and guideline been followed to the letter, as argued by the Petitioner Dallas Ice Jets, the outcome would not have been different.

CONCLUSION and RECOMMENDATION

For reasons set forth below this panel strongly recommends that the TAHA Board consider amending its Tier Rules to allow individual teams to be granted Tier I status for the 2011/2012 season. The Arbitration Panel is aware that TAHA and the Ice Jets are

volunteer organizations consisting of individuals who sacrifice their time for youth hockey in the State of Texas without which we would not be here today. Mindful of the questions presented to us, what we do here must be in the best interest of youth hockey. It is not in the best interest of youth hockey for this panel to interfere in the operations of youth hockey in Texas. Nor is it in the best interest of Texas Youth Hockey that these two entities can't co-exist, work together and place the interest of the youth players above all other interest. Every member of these organizations have not only a duty but an obligation to be positive role models espousing qualities of integrity, teamwork, humility and sacrifice for all of the players to watch, emulate and hopefully copy. This entire process has been an exercise in the exact opposite of what both of these organizations should be doing and stand for and this type of behavior must and ought to cease immediately.

Neither party to this process and arbitration should be proud of themselves for their actions or how they have gotten to this point. In the future it can only be hoped that not only will these two parties, but all other similar situated parties in Texas Youth hockey, find ways to positively resolve all such disputes in "Win-Win" manners placing the interest of the youths above all others. Further, both sides need to take their own obligations more seriously and follow through on their obligations, charges and duties.

In particular, the voluntary nature of these organizations does not provide a Board and Committee members with an excuse not to follow the rules. We believe they must be held to the same high standard as any other organization and as such there is no place for conducting important meetings and amending applicable rules in secret. It is made even more important that TAHA follow the rules by the fact that TAHA is a leader in the community and must set a good example. In this case, TAHA failed to adhere to some of its rules and this must cease. We would like to note that this is not the first time that TAHA has failed to follow its own rules. No more than six months ago, the Ice Jets and TAHA were before a similar arbitration panel with similar disputes. The previous arbitration panel specifically reprimanded TAHA for not following its own rules in this very matter. We are disappointed that TAHA did not heed the previous arbitration panel's warning. The rules were relied upon by the Ice Jets and others who suffered harm because of TAHA's failure to follow the rules. While we have determined that these failures would not have changed the ultimate outcome, we do wish to make clear for the future TAHA's obligations.

We caution both sides that in the future that they must find ways to

resolve disputes without intervention by an arbitration panel. If this panel had the power we would order both parties and all parties associated with Tier 1 hockey to come up with a plan that morphs all of the competing issues and interests of Tier 1 hockey in Texas so as to come up with a fair, democratic and workable plan for the future of Tier I hockey in Texas. It is the nature of the game that not everyone will get what they want. Therefore, it is critical that a decision rendered by a body such as TAHA must be fair and must comply with the rules. This is especially true with regard to decisions involving the acceptance or denial of Tier I status because there is so much at stake for each Organization.

One issue that we can see as becoming problematic in the future is how does a non-Tier 1 organization become a Tier 1 organization if they are not playing at the level. At the hearing the TAHA board made it clear that both organizations that did not receive Tier 1 Status for 2011-2012 could re-apply in 2012 for such status and be granted an equal and open opportunity for such status. We can only implore TAHA to realize that these words must be sincere and this process is fair, open and reasonable. Further, we can only suggest and strongly recommend to TAHA to ensure fairness in the administration of youth hockey and for the future, that the best way to insure such a process is to grant one team for each organization Tier I status if the organizations have a legitimate competitive team. The record indicates that the Ice Jets have a very competitive U14 team this year and it is our hope that the Ice Jets U14 team be granted Tier I status for the 2011/2012 season to be reviewed next season. The Tier I status of any other Ice Jets teams of the Organization will be considered next year. Hopefully, by then, all organizations can meet with TAHA and have proper and fair input and develop an approach to Tier I hockey in Texas which gives every organization a voice.

The panel has agreed that in the interest of fairness each side shall bear its own costs for this arbitration and that no attorneys' fee shall be awarded to either side.

Respectfully submitted:

Philip Paolilli
Bill Justice
Peter Schaffer

26 September, 2011