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SECTION 17

FINES, SUSPENSIONS AND EXPULSIONS

17.1. A player suspended or expelled by any organization or body, amateur or professional, shall at the request of that organization and with the approval of the Commissioner, be deemed to be suspended by the League until such suspension has been lifted or such expulsion has been revoked by the body imposing the same, or until the Commissioner declares that such suspension or expulsion will not be observed by the League.

17.2. Any player or person connected with a Member Club who undertakes to contribute in any way, or does intentionally contribute in any way to the losing or attempting to lose a game of hockey by the team of that Member Club, or who solicits or attempts to induce any player or person connected with a Member Club to lose or contribute to losing any hockey game in which that player is or may be in any way concerned, or, upon being solicited to so contribute fails to inform the Commissioner immediately, shall, in the discretion and by the ruling of the Commissioner, be expelled.

17.3. (a) If, in the opinion of the Commissioner, based upon such information and reports as he may deem sufficient, any act or the conduct of an official of a Member Club or player or employee, whether during or outside the playing season, has been dishonorable, prejudicial to or against the welfare of the League or the game of hockey, he may expel or suspend such person or impose on such a person and/or Member Club a fine not exceeding One Million Dollars (\$1,000,000) in the case of a Member Club or an official or employee of a Member Club, or Fifty Thousand Dollars (\$50,000) in the case of a player or he may order and impose both a suspension and a fine. Should a fine not be paid within ten days of imposition the Commissioner, in addition, may order a suspension. The Commissioner, with such limitation as he deems appropriate, may delegate and authorize an officer of the National Hockey League to perform the functions and exercise the disciplinary powers vested in the Commissioner under this By-Law for incidents arising under the playing rules and relating to the discipline of players and team officials. Except for suspension orders issued for deliberate injury of an opponent or abuse of an official, or issued between the end of the regular season schedule and the end of the playoffs, all suspensions ordered pursuant to this section shall take effect on the seventh day following the date of the order, unless the suspended party waives his right to appeal pursuant to Section 17.11(c).

[NOTE: A Player betting or being interested in any pool or wager on the outcome of any National Hockey League Championship or Playoff game, whether or not the player has any connection with such game; or a physical attack or other violence upon a League Official (The Commissioner, President, Vice President, Secretary, Treasurer and any referee, linesman, scorer, timekeeper, penalty timekeeper or goal judge) will be deemed to come under this Section. These instances are only given as examples and are not to be regarded as the only acts or conduct subjecting the offender to the above penalties.]

In the event of any verbal or physical attack upon the Commissioner, the Advisory Committee of the Board of Governors may, on referral from the Commissioner, exercise the powers of the Commissioner as set forth in

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this subsection. In the event of any other situation in which the Commissioner, in his judgment, believes it would be inappropriate for him personally to take action, he may delegate to the Advisory Committee of the Board of Governors his powers as set forth in this subsection, which Committee shall be authorized to exercise such powers.

- (b) In addition to the penalties and discretion provided for in the NHL Constitution and By-Laws, the Commissioner may (in his sole and absolute discretion) impose a fine not to exceed One Million Dollars (\$1,000,000) upon any Member Club if the Commissioner determines (based upon such information and reports as he in his sole discretion may deem sufficient) that a Member Club has taken some act or failed to act in such a manner as to willfully breach the Collective Bargaining Agreement, the NHL Rules, the By-Laws, the NHL Constitution and/or any resolution of the Board of Governors. Such fine would be placed in the general funds of the League.
- (c) Notwithstanding anything contained herein to the contrary, regardless of any fine or other penalty, each Member Club hereby agrees to protect, indemnify and hold harmless its officers and employees, the NHL and each and every Member Club thereof as against any costs, expenses, lawyer's fees, claims, actions or causes of action and/or any loss or liability arising out of or connected with any act or omission of such Member Club which causes a willful breach of the Collective Bargaining Agreement, of the Constitution, By-Laws or Rules of the NHL, or of any resolution of the Board of Governors.

- 17.4. (a) Any official, player or employee of a Member Club who gives, makes, issues, authorizes or endorses any statement having or designed to have, in the opinion of the Commissioner, an effect prejudicial to the welfare of the League or the game of hockey or of a Member Club; or who makes any public statement that is critical of the League Officiating Staff shall be liable to a fine not exceeding Ten Thousand Dollars (\$10,000) in the case of officers and employees of Member Clubs, and One Thousand Dollars (\$1,000) in the case of players, to be imposed by the Commissioner. In addition to or in lieu of the above, in the case of officers and employees, the Commissioner in his discretion may also impose a fine upon the Member Club whose officer or employee violates this By-Law. Said fine shall not exceed Ten Thousand Dollars (\$10,000).
- (b) No Governor, Alternate Governor or any non-playing employee of a Member Club shall make any public statement that in any manner states, implies or suggests that (1) any member of the officiating staff has performed in an unacceptable manner or (2) the officiating in the League is less than acceptable. Violation of this Section 17.4(b) shall result in the following automatic penalties in addition to the penalties set forth in Section 17.4(a):
 - (i) individual who makes such a statement — fine of \$1,000, and
 - (ii) his employing club — a fine of \$5,000.

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Anyone who violates this Section 17.4(b) more than once shall also be subject to additional fines and/or suspensions under By-Law 17.

This Section 17.4(b) shall not apply to a person who is employed by a Member Club as a broadcaster and who is functioning as such at the time of making any such statements.

[NOTE: This Section 17.4(b) shall be liberally interpreted, it being the intent of the Board to eliminate all public criticism of officials and officiating by any employee of a Member Club.]

- (c) The Commissioner, with such limitation as he deems appropriate, may delegate and authorize an officer of the National Hockey League to perform the functions and exercise the disciplinary powers vested in the Commissioner under this By-Law.

17.5. A player under contract, agreement or reservation by a Member Club who, without the written permission of such club, plays with a Club of any other league or organization may be suspended or expelled at the discretion and by the ruling of the Commissioner.

17.6. A player refusing to sign a Standard Player's Contract containing the terms awarded by an arbitrator, duly appointed by representatives of the player and of the Club, may be suspended by the Club by notification thereof to the Commissioner and upon proof of delivery to the player of a true copy of the arbitration award. During the period of any such suspension, the Club shall retain all rights to the playing services of the player and incident thereto granted under said contract.

17.7. A player who has signed an agreement or contract with a Member Club and who refuses to fulfill or carry out its provisions may be suspended by the Member Club by notification thereof to the Commissioner.

17.8. A player suspended by a Member Club may apply to the Commissioner to review such suspension. The Commissioner, after obtaining such information as he deems sufficient, may confirm or revoke the suspension or reduce the period thereof.

17.9. A player suspended shall not play or participate in any game of hockey during the period of his suspension. An official or employee suspended shall not exercise any duty or function for his Member Club or for any club of a league affiliated with the League during the period of his suspension.

17.10. A player or person expelled shall be permanently debarred from any connection whatsoever with any club of the League, or any club of any league affiliated with the League, or any organizations with which the League has an agreement respecting rights to services of players.

- 17.11. (a) In the case of a suspension or expulsion, or a fine in excess of Two Hundred Dollars (\$200) ordered by the Commissioner, there shall be a right of appeal to the Board of Governors upon written request filed with the Commissioner within ten days from the date of the order of suspension, expulsion or fine. The appeal shall be heard at the next regularly scheduled meeting of the Board of Governors. The Governors not directly affected by the order shall review the evidence by which the Commissioner arrived at his decision to determine whether in their opinion the Commissioner reasonably exercised the powers vested in him by the

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Constitution and By-Laws, and shall confirm, amend or quash the order made, and confirm or mitigate the penalty imposed. The decision of the Governors shall be final and conclusive. However, when such suspension, expulsion or fine is ordered for betting on a championship or playoff game no such right of appeal or review will be available.

- (b) In the appeal of a suspension order, should any appellant desire an expedited hearing prior to the next regularly scheduled meeting of the Board of Governors, he may elect same by so notifying the Commissioner in writing within 24 hours after receipt of the notice of suspension. The Commissioner shall then fix the time and place of the expedited hearing of the appeal, which time, to the extent practical, shall be within five days of the Commissioner's receipt of notice of such election. In the event of such election and in the event there is no change in the decision appealed from, the Club which appealed (or whose employee has appealed), shall be obligated, through assessment to be imposed by the League, to reimburse the League and each Member Club for all expenses incurred in attending and holding such expedited hearing, including but not limited to the cost of travel, meals and lodging of the attendees. The Board of Governors shall have the power to remit all or part of such assessment.
- (c) The waiting period for commencement of a suspension shall not apply if the suspended party notifies the League office within 24 hours of the issuance of his suspension that he waives his right to appeal.
- (d) A suspension issued pursuant to Playing Rule 67(a) shall be subject to the same right of appeal under this Section *17.11* as applies to suspension ordered by the Commissioner. For the purpose of such appeal, the third sentence of Section *17.11(a)* shall read "The Governors not directly affected by the order shall review the evidence by which the referee arrived at his decision, plus all available game tapes, to determine whether in their opinion the referee reasonably exercised the powers vested in him by Playing Rule 67(a), and shall confirm, amend or quash the order made, and confirm or mitigate the penalty imposed."

17.12. The Commissioner may fine any Member Club whose team becomes involved in a multi-player altercation that takes place before or after any period. The fine for the first offense shall be up to \$10,000. The fine for each subsequent offense shall be up to \$50,000.

17.13. A printed copy of this Section shall be kept posted in each player's dressing room.

- 17.14.* (a) In all cases where a player or other employee has been suspended without pay, the Club by whom such player or other employee is employed shall be fined an amount equal to the pro-rata portion of that player's or other employee's salary covered by the suspension. The Club shall not pay to the player or other employee the portion of his salary covered by the suspension.
- (b) In the event a Club, whose player or other employee has been ordered suspended without pay, pays the player or other employee his salary for the days of his suspension in defiance of the suspension-without-pay order,

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the Commissioner shall be authorized to impose a fine up to Five Hundred Thousand Dollars (\$500,000) upon such Club.

- (c) The Commissioner shall have the power to direct that an audit be made of a Club's records to insure there has been compliance with this By-Law Section.

- 17.15. (a) No Club may enter into a written agreement with any player, or any player's corporation, or any representative of a player or his corporation, which contains any provision which repeals, amends or contradicts the approved Standard Form player's contract entered into by the Club and such player, or repeals, amends or contradicts any provision of the Collective Bargaining Agreement.
- (b) All written agreements, other than Standard Form contracts and addenda attached thereto, entered into by a Club with any player, or any player's corporation, or any representative of a player or his corporation, shall contain a provision making such agreement subject to the League's certification that it is in compliance with this By-Law, and rendering it void in the absence of such certification.
 - (c) All such written agreements entered into by a Club with any player, or any player's corporation, or any representative of a player or his corporation, shall within one week of their execution, be submitted by the Club to the League's Central Registry for certification pursuant to paragraph (b) above.
 - (d) The Commissioner may, in his sole and absolute discretion, impose a fine not exceeding One Hundred Thousand (\$100,000) Dollars upon any Club for each violation to this By-Law.
 - (e) This By-Law shall have no application to written agreements entered into prior to December 7, 1989, provided the Club has not, on or after December 7, 1989, entered into a new player's contract or an extension of an existing player's contract with the affected player.
 - (f) All written employment agreements between a Member Club and any non-playing employee who is employed in the capacity of General Manager, Coach, Supervisor of Scouting, Scout or any other employee, including "assistants" to any of the above, whose primary function relates to scouting, drafting, procurement or coaching of playing personnel, shall contain a provision whereby the employee expressly agrees to be bound by the Constitution, By-Laws, Resolutions and all other orders or rules of the National Hockey League.

17.16. The Commissioner is authorized to impose a fine up to One Hundred Fifty Thousand (\$150,000) Dollars upon a Club for the making, by any owner, officer, employee or representative thereof, of public comments regarding expansion that the Commissioner deems to be detrimental to the League.

17.17. The Commissioner is authorized to impose a fine up to Two Hundred Fifty Thousand (\$250,000) Dollars upon a Club for the making of any public disclosure or comment by the Club, or any owner, officer, employee or representative thereof, with respect to any matter, issue, position or

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discussion in any NHL Governors or Committee Meeting or otherwise pertaining to the Collective Bargaining Agreement or pending or future collective bargaining negotiations or actions or responses with respect thereto.