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COURT OF QUEEN'S BENCH OF
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JUDICIAL CENTRE

CALGARY

PLAINTIFF

LUKAS WALTER as
REPRESENTATIVE PLAINTIFF

DEFENDANTS

WESTERN HOCKEY LEAGUE,
CANADIAN HOCKEY LEAGUE,
et al.

DOCUMENT

AFFIDAVIT OF RON ROBISON

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DEFENDANT

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Lawyers for the Plaintiff

I, Ron Robison, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY:

1. I am the Commissioner of the Western Hockey League and Vice-President of the Canadian Hockey League. I have held this position since September 2000.
2. My entire career has been dedicated to amateur hockey and amateur athletics in Canada. Prior to acting as the Commissioner of the WHL, I held various senior management positions with the Canadian Hockey Association and with Hockey Canada between 1981 and 1997, including President of Hockey Canada between 1992 and 1994.
3. From 1979 to 1981, I was a member of the Physical Education Faculty at the University of Saskatchewan where I acted as the Assistant Coach of the University's men's hockey team. Between 1977 and 1979, I was a sports consultant with the government of Saskatchewan responsible for Saskatchewan's participation in the Canada Games (winter), the Western Canada Games (summer) and Saskatchewan Games (summer). In this role, I interacted with the teams in a variety of different sports ranging from curling, figure skating, downhill skiing in the winter games and track and field, baseball and soccer in the summer games.
4. I also played with the University of Saskatchewan's men's hockey team and played junior and senior hockey in high school in Saskatchewan.

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5. On the basis of the above, I have knowledge of the matters to which I depose in this affidavit, except where I state below that I have relied upon information from another source, in which case I indicate the source of my information and I believe the information to be true.

Overview

6. In this affidavit, I provide evidence on the following matters:

- (a) ***Background on the Western Hockey League:*** In this section, I provide background evidence on the WHL, including the League's scholarship program and League-wide education standards. I describe the WHL's goals: to provide hockey training and development opportunities to talented adolescents; to foster their educational successes and opportunities so they have career paths outside of hockey; to supervise and take care of them while they are living away from home; and to guide their character development as they grow into men. I also discuss the billet program.
- (b) ***History of the Western Hockey League.*** I outline the history of the WHL and describe how the League grew to its current size.
- (c) ***Structure of the Western Hockey League:*** I explain the structure of the League, including how the teams are divided into conferences and divisions. I also discuss the League playoffs and CHL championship tournament as well as League-wide awards.
- (d) ***Standard Player Agreements:*** I outline the League's standard player agreement and explain the mutual commitments made by the player and team. I also discuss the purpose and objective of the SPA and why its terms assist the League in delivering its commitment to provide players with multi-faceted development opportunities.
- (e) ***My Roles and Responsibilities as League Commissioner.*** I briefly discuss my roles and responsibilities as Commissioner of the WHL.
- (f) ***Financial Information:*** I provide an overview of the League and the teams' financial information.

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- (g) ***Plaintiff's Affidavit:*** I respond to relevant portions of the affidavits filed by the proposed representative plaintiff, Lukas Walter, in support of this motion, including relating to inaccuracies in his evidence. I also provide factual information relating to the evidence of Andrew Eckart, who swore an affidavit in support of Lukas's motion.

Background on the Western Hockey League

7. The Western Hockey League is a major junior ice hockey League based in Western Canada and the Northwestern United States. It is one of the three major junior hockey Leagues that make up the Canadian Hockey League.

8. The WHL is a non-profit corporation. The WHL teams and players are registered participants with Hockey Canada. The League is a multi-faceted development program for amateur hockey players aged 16 to 20. As I outline below, the League provides competitive amateur hockey players with premier opportunities in hockey, education, and character development.

9. The WHL and each of the CHL member Leagues are the pinnacle for amateur hockey in Canada and the United States. From a young age amateur hockey players are, in many cases, driven and motivated by a desire to play in the CHL to obtain the highest level of development and to maximize their chances of playing in the NHL.

The WHL's Goals and Philosophy

10. The League's primary objective is to facilitate and support players in developing their hockey skills while recognizing the importance of maintaining their education and future ambitions outside of hockey. The players who come to the League are highly talented athletes aspiring to play professional hockey in the NHL. However, in many cases, the players come to the League when they are only 16 years old. As a result, the League recognizes the need to ensure that appropriate levels of supervision, discipline and support are provided to the players in a manner that corresponds to their individual abilities, needs, and life stages. The League commits to provide these supports both to the players and to their parents.

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11. The League also recognizes that most of the players who come to the League will not play professionally in the NHL. Therefore, the League's development program is structured to maintain players' educational options outside of hockey. To do so, the WHL develops players' educations and ensures that players meet certain academic standards while they play in the League. The League also provides the players with career counselling, guidance and significant post-secondary educational opportunities through its scholarship program which I discuss below.

12. In addition to providing players with hockey and scholastic development opportunities, the League provides the players with moral and character development. To this end, each of the WHL's member teams organize a range of community engagement activities. Depending on the team and the individual player's abilities, needs and circumstances, these volunteer and charitable activities may be mandatory or optional. In encouraging the players' participation in these endeavors, the teams fosters the players' leadership skills and instill in them an attitude of gratitude. Providing the players with these experiences is important for all players regardless of whether they go on to play professional hockey. The League also implements rules regarding respect and on and off ice conduct that support the players' character development.

13. Each of the development opportunities provided to WHL players is premised on the WHL's philosophy of "Players First". The quality of the player experience is a first priority for all WHL teams. Embedded in the delivery of all player supports and programs is an understanding that the WHL operates with a view to prioritizing players' interests and needs above all else. A copy of the "WHL Player Experience" summarizing this philosophy is attached at **Exhibit A**.

14. The teams, through its coaching and support staff and with the assistance of the billet families, provide the players with supervision, discipline and parental-type support and guidance. The majority of the players in the League travel across Western Canada and the Northwestern United States from their hometowns to play in the League. There are also a few players on each team that travel from Europe. The players are billeted by families selected by teams as appropriate guardians for the players. As a result, the teams and billets are charged with the responsibilities of reasonably ensuring the players' safety, well-being and interests. This requires the imposition of rules and structures as I discuss below.

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15. The supports provided to players by the League and teams include appropriate medical support, guidance and counselling, premier hockey training supports, and educational opportunities. While all resources and supports are available to all players, in delivering these supports there is a recognition by the League and teams that each player's circumstances is unique.

16. Different supports, resources and opportunities are therefore extended to different players depending on the player's age and life stage, hockey skills, educational ambition and abilities, and other relevant life circumstances. For example, some players come to the League in the midst of a family crisis or a crisis arises during the season. These players often need additional counselling and guidance more than other players. Players who get injured during the season often require additional medical supports and rehabilitation resources that are not utilized by other players. Finally, just as academic proficiency and abilities vary across student populations in general, some players in the WHL struggle academically. These players have supports designed for them to ensure they can maximize their educational potential. The teams also design different types of supports for players who excel in school.

The WHL Scholarship Program

17. In order to provide players with the opportunity to develop their hockey skills in the highest amateur hockey League in North America while also supporting players' academic goals and opportunities, the teams in the WHL provide players with a comprehensive and fully-guaranteed WHL Scholarship.

18. The WHL Scholarship was introduced in 1993 to ensure that players had a meaningful opportunity to attend post-secondary school after they graduate from the League. It was also introduced to compete with the NCAA to attract top amateur hockey players. At the time that the WHL Scholarship was introduced, the NCAA was attracting top players away from the WHL by offering them scholarships and by prohibiting any player who played in the WHL from playing with an NCAA school.

19. In general terms, the WHL Scholarship operates as follows. For every season that a player plays in the WHL, they receive a full-year guaranteed scholarship, which includes tuition, textbooks and compulsory fees, to a post-secondary institution of their choice. There is flexibility

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in the post-secondary institutions that a player can attend on the scholarship. A player is able to attend any career enhancing institution of his choice, including universities, colleges, technical institutes, trade schools, or any other institution that will help the player achieve his academic and career goals.

20. The amount of the scholarship funding is based on the cost of full-time tuition, textbooks, and compulsory fees at the publicly-funded university or college that is closest to the player's hometown. For American players, the reference school is the closest publicly-funded university or college. Ordinarily, players graduating from a four-year WHL career are eligible to receive four years of scholarship funding. The WHL Scholarship program is discussed more fully below.

21. Since 1993, the WHL teams have provided more than 5,500 scholarships representing in excess of \$19 million in scholarship payments to universities and colleges for the benefit of former players. Each year, WHL teams spend about \$2 million to fund the WHL Scholarship program. This level of scholarship payments makes the WHL the leading provider of scholarships to hockey players in Western Canada. The current contingent liability associated with the scholarship program is \$21 million for all WHL teams. This contingent liability grows each year.

22. Over 330 players who have graduated from the WHL use their WHL scholarship each year. This past year, 338 WHL graduates attended 89 different post-secondary institutions across North America through the WHL Scholarship program. This year 337 former WHL players are registered for the fall term utilizing the WHL Scholarship at 73 post-secondary institutions. A 5-year review of recent WHL graduates shows that in terms of the players who graduate from the League at 19 or 20 years old, 52% utilize their WHL scholarship benefits, 47% pursue a professional hockey career, and 1% choose another career option. Attached as **Exhibit B** is a copy of this 5-year review.

23. In addition to providing players with the scholarship funds for their post-secondary studies after they leave the League, the teams also pay for current players' education expenses, including tuition fees, book expenses, and the cost of tutoring. The League makes these payments to foster players' educational development while they play in the League.

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24. This year, close to 200 current WHL players (35% of all current players) are taking post-secondary courses. The cost of these courses represents an additional investment in players' education by the teams at an amount in excess of \$200,000. This additional support does not impact the benefits that a player receives from the WHL Scholarship program upon graduation from the League.

25. *The WHL's Relationship with the Canada West Universities Athletic Association.* In an attempt to make further financial assistance available to players who graduate from the WHL, the League has developed a close relationship with the Canada West Universities Athletic Association ("CWUAA"). The CWUAA is the governing body for university sports and university men's hockey in Western Canada. Many of the Western Canadian Universities currently offer financial assistance to players who graduate from the WHL and are selected to play on the school's men's hockey team. Some of the schools match the WHL Scholarship provided to the players dollar for dollar. As a result, players that receive this additional assistance from their university are able to cover their room and board expenses with the funding from their school in addition to the tuition, fees, and book expenses that are covered by their WHL Scholarship.

26. The WHL and CWUAA have formalized an agreement to continue this financial support which is known as the Western Canada Premier Hockey Scholarship.

27. Apart from the WHL's relationship with the CWUAA, the WHL Scholarship remains purely academic. There is no requirement for the WHL graduate to play hockey at his post-secondary institution should he decide to focus on academics or not be selected to play with the team. This is a benefit that the WHL Scholarship offers over NCAA scholarships which are only available to players who are selected to play on the school's hockey team.

Education Development in the WHL

28. The WHL takes pride in the players' academic achievements and encourages active participation in academics during the hockey season. The League maintains a 100% graduation rate from high school. All players are required to graduate from high school in a timely fashion. Failure to do so will result in disciplinary action by the team or the League. Upon graduation from high school, the League and teams encourage players to take post-secondary courses.

29. The WHL member teams are governed by minimum League-wide education standards and policies to ensure that all players achieve the highest level of academic success possible. The standards require the teams to exercise supervisory and disciplinary controls over the players to “ensure that players are committed to achieving at their level of academic capabilities.” Attached as **Exhibit C** is a copy of the League’s Education Standards and Policies Manual.

30. The standards require that the team’s supervision and discipline in education be tied to the individual player’s academic abilities and needs. The standards also require that the team place the players’ education ahead of the team’s hockey successes. In particular, the standards require that “discipline be consistent for all players regardless of age or the player’s ability to contribute on the ice.”

31. The League-wide standards set a minimum that all WHL teams must meet. However, depending on a team’s General Manager, coaching staff, or Education Advisor different teams put the minimum standards into practice in different ways. Teams also go above and beyond the minimum standards to different degrees depending on the team’s management and coaches and the players’ interests, needs and abilities.

32. Players’ individual interests, needs and abilities influence the players’ educational development in the League. Some players come to the League and are struggling academically. For these players, the teams ensure that they are provided with close supervision and all resources and tools necessary to successfully graduate from high school. There are also always a few players in the League who graduate from high school and whose parents report that if the player had not played in the League he likely would not have graduated.

33. Players on the other range of the spectrum may come to the League already aspiring to a certain career path that will involve many years of post-secondary education. Some of these players may be more realistic about their chances of playing professional hockey. As a result, these players are often more receptive to additional educational supports and will often seek them out and spend a greater amount of their time with the League devoted to their schooling. For these players, the League’s and teams’ educational supports and programs may play a greater role in their relationship with the team than for other players who either are not enrolled in any

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academic courses during the hockey season or who have little interest in pursuing any post-secondary studies.

34. ***Education Advisors.*** The League-wide standards require that all teams have an education advisor on staff. The WHL Manager of Education Services works with the education advisors to oversee the teams' implementation of the League-wide education standards. As a result, the WHL Manager of Education Services assists the educational advisors in carrying out their roles and responsibilities which are outlined below.

35. The education advisor must have a university degree and significant sport administrative experience. The standards also require that the education advisor have an extensive education background and experience in the particular franchise's school system as well as a working knowledge of the high school curriculum in each Western Province as well as the States of Washington and Oregon.

36. The education advisor's main role is to act as a liaison between the team, the players and their parents, and the high schools and post-secondary institutions that the players attend. The education advisor assists with and monitors the players' academic progress and behavior at school throughout the season. This information is communicated to the team's general manager and the players' parents as soon as is practical.

37. The teams closely monitor the players' academic progress and will discipline a player that is not performing to his maximum potential at school or who is otherwise developing poor school habits. This discipline is imposed regardless of skill level. For example, players cannot participate in major international competitions, such as the World Under 18 tournament, until any problems they are having at school have been resolved. Fortunately, because of the League's emphasis on education this rarely, if ever, occurs.

38. The education advisor ensures a smooth transition from the players' team school to their home schools at the end of each season by liaising with the players' schools (both in their hometown and in their team town). Depending on the advisor and the players' needs, they also organize tutoring sessions, study halls and monitor players' report cards and grades.

39. An important part of the education advisors' role is the counselling and guidance support they provide to players. At a minimum, each year, the advisors organizes a career counselling session to introduce, remind, and educate all players about career opportunities after they leave the WHL. The advisors also offer individual academic counselling to players depending on their individual circumstances.

40. The career counselling provided by the teams' education advisors is in addition to the WHL Career Counselling Program that was introduced by the League last year. The program involves career counselling seminars. The purpose of the career counselling seminars is to ensure that all players are equipped with the information they need to make informed career path decisions whether or not they decide to pursue a professional hockey career.

41. The career counselling seminars are conducted by a professional counsellor together with the team's education advisor. WHL alumni also participate in the sessions as mentors. The League views this program as an important feature of the character and education development that it provides to all players.

42. Finally, the education advisors develop individualized player profiles for each player on their team. These profiles are developed during training camp through individual meetings and a review of the players' education files. The profiles also include the players' past transcripts and records. In part, the purpose of the profile is to provide information to a franchise about the players' educational needs and abilities in the circumstances of a player trade. The profiles can also be shared with the players' schools and teachers to ensure the transition between the franchise high school and the players' hometown high schools.

43. The education profiles also serve as the education advisor's report to the WHL on each player's academic progress from year to year.

44. ***Tutors and Study Halls.*** There are a range of different academic supports that the teams provide to their players in the form of tutoring and study halls. Some teams hold weekly tutorial sessions or study halls that are mandatory for all players. These sessions may be held at the arena or at the school. These teams may also hold mandatory study halls on road trips. Players in school on these teams devote considerably more hours to their school work in a manner that is

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monitored and organized by the team than do players on teams without such mandatory study sessions. Other teams offer tutoring sessions or study halls to players on a one-on-one basis depending on the players' needs and abilities.

45. There are also teams that take a more individualized approach to the players' education and will only hold mandatory study halls or tutoring sessions for players whose grades fall below a certain level or for players who specifically need these resources. Players are on these team, who are in school and achieving a certain level of grades, may not devote any academic hours to initiatives organized by the teams.

46. Some teams develop team specific post-secondary courses through the local university or college. These courses are scheduled around the players' hockey schedules and are developed to meet the needs of WHL athletes. Players are also free to enroll in any course of their choosing at the local post-secondary institutions in their team's town. In addition, all players have the opportunity to take online courses through the WHL's partnership with Athabasca University. This is a flexible option that accommodates the players' busy schedules. It also permits Canadian players to continue to take Canadian courses while living and playing in the United States. In all cases, the teams pay for players' tuition fees, books and related costs of taking post-secondary courses during the hockey season.

The Billet Program

47. The WHL recognizes the significant responsibility that it assumes for the supervision of the teenagers who play in the League. Most of the players who come to the WHL are still in high school when they move away from home, and as a result the players' parents expect and require the team to act as their sons' guardians. Parents trust the teams to make sure that their sons are safe, going to school, doing their homework, eating well, getting enough sleep, managing the stresses of life, getting appropriate medical care when needed and learning important life lessons in a caring environment. I have had many conversations with prospective players and their parents who tell me that if they were not confident in the teams' and billets' ability to discharge their obligations relating to care and supervision they would not send their sons to play in the League.

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48. As a result of the vast distances that most of the players travel from home when they join the League, the majority of players are billeted by local families. The teams participate in screening and selecting families to act as billets for the players.

49. The teams pay the billets an average monthly amount of \$350. This covers the cost of groceries and living expenses for the player. The billets are not required to spend any of their own money on the players, but often do as a result of the familial relationships that develop between the billets and the players. For example, many billets organize birthday parties and other celebrations for the players and buy the players' birthday and Christmas presents. There are also many billet families that include the players in their family outings to the movies or to restaurants.

50. Some billet families have their own young children while others may have children the same age as the player they are billeting or no children at all. This family dynamic may lead to different experiences for the player. Depending on the billets' jobs, the player's experience may also be enriched beyond the standard experience. Some players are billeted by local teachers. These players often have additional academic support from their billets.

51. Regardless of the different experiences the players have with their billets, the billet program is an important part of the League's moral and character development program. Living away from home teaches the players about independence and respect for others' traditions and customs.

History of the Western Hockey League

52. The Western Hockey League was born out of a desire to unite the junior Leagues that existed across the Western provinces in the 1960s. At the time, Ontario and Quebec had a single major junior hockey League while each of the Western provinces had their own Leagues. There were four founders of the WHL who spearheaded an initiative to amalgamate the Western Leagues into one.

53. The amalgamated League's first season was 1966-1967. In addition to the Edmonton Oil Kings, the League included one other team from Alberta (Calgary Buffaloes) and five teams that

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had formerly belonged to the Saskatchewan Junior Hockey League (Estevan Bruins, Regina Pats, Saskatoon Blades, Moose Jaw Canucks, and Weyburn Red Wings).

54. The League was originally named the Canadian Major Junior Hockey League but in 1971 when the Canadian Amateur Hockey Association re-organized junior hockey in Canada, it became the Western Canada Hockey League, one of the three Tier 1 Major-Junior Leagues in Canada along with the Ontario Hockey League's predecessor and the Quebec Major Junior Hockey League.

55. Gradually, the WHL has grown from the initial seven teams that joined together to form the League in 1966 to its current roster of 22 teams spread across all four Western Canadian provinces and the U.S. states of Oregon and Washington. There are four teams in the League that are owned by community members and the other teams are privately owned. The four community owned teams are the Swift Current Broncos, Prince Albert Raiders, Moose Jaw Warriors, and Lethbridge Hurricanes. These teams are not for profit organizations and operated by volunteer boards of directors.

56. All of the teams play an important role in their communities. Virtually all of the teams operate as the main tenant of city-owned arenas, including all of the Washington state teams.

57. In addition to growing in size, the League has also grown into a more holistic development program for amateur athletes. While the League's focus was historically on hockey development, there has been a significant shift in the League's programming to focus on educational and moral development in addition to providing players with the most competitive amateur hockey environment to improve their hockey skills. The League's shift in focus has been in response to both parental demands and the increasing importance of a post-secondary education as an alternative to pursuing a professional hockey career.

58. These changes in the League pre-date the class period, and as a result, the holistic development program with a focus on education and character development has been in place throughout the entire class period.

59. The WHL and CHL have long been recognized as the premier amateur development experience for competitive hockey players. The CHL has always been the number one feeder

program of talent to the NHL and to Canadian Interuniversity Sport (CIS) programs. CIS is the national governing body of university sport in Canada and comprises the majority of the degree-granting universities in the country. Approximately 55% of current NHL players played at one time with a team in the CHL. Approximately 64% of CIS hockey players once played in the CHL.

Structure of the Western Hockey League

60. Since the 2010-2011 season, the WHL has consisted of 22 teams divided into two conferences. The League's division of teams is based on geography to ease the distance the teams must travel. The Eastern Conference includes teams from Manitoba, Saskatchewan, Alberta and eastern British Columbia. The Western Conference includes teams based in British Columbia, Oregon and Washington.

61. Within each Conference, the teams are split into two Divisions also on the basis of geography. In the Eastern Conference, the East Division is made up of the team from Manitoba (Brandon Wheat Kings) and the Saskatchewan teams (Moose Jaw Warriors, Prince Albert Raiders, Regina Pats, Saskatoon Blades, and Swift Current Broncos.) The Central Division in the Eastern Conference is made up of the Alberta teams (Calgary Hitmen, Edmonton Oil Kings, Lethbridge Hurricanes, Medicine Hat Tigers, and Red Deer Rebels) and the Kootenay Ice in eastern British Columbia.

62. In the Western Conference, the B.C. Division is made up of the teams in British Columbia, other than the Kootenay Ice (Kamloops Blazers, Kelowna Rockets, Prince George Cougars, Vancouver Giants, and Victoria Royals). The U.S. Division is made up of the team in Oregon (Portland Winterhawks) and the teams in Washington (Everett Silvertips, Seattle Thunderbirds, Spokane Chiefs, and Tri-City Americans).

63. The regular season is about six months and runs from the third week of September to the third week of March each year. This year, the regular season is September 24 to March 20. The teams compete primarily against the teams in their own Division. For instance, teams in the U.S. Division play each other on average 10 times per season. Teams also regularly play against the other teams in their Conference. The teams compete in a partial inter-conference schedule format to minimize travel and accommodate education demands. In a 72 game regular season schedule,

teams play approximately half of their games against Division opponents with virtually all of the balance of their games played against teams in their conference.

WHL Playoffs and Memorial Cup

64. The WHL playoffs involve the 16 highest ranked teams competing for the WHL's Championship trophy, the Ed Chynoweth Cup. The team that wins the Ed Chynoweth Cup goes on to represent the WHL in the CHL's National Championship, the Memorial Cup.

65. The Memorial Cup is hosted by the Canadian Hockey League and a host team. A WHL team hosts the Cup every three years (rotating with a team from the OHL and QMJHL). The tournament involves a four-team round-robin tournament with the host team, the WHL's champion team, the OHL's champion team, and the QMJHL's champion team.

66. Each of the WHL Championship and the Memorial Cup provide excellent opportunities for players to be scouted by the NHL. Another advantage offered by playing in these playoff competitions is the additional training and development time afforded to the players. Competing for the Memorial Cup can add up to an additional two weeks of training and games to the regular season which provides additional opportunities to the players to develop their hockey skills. Making the playoffs is therefore beneficial to the players who are desirous of being drafted into the NHL.

League-wide Awards

67. In addition to awarding the Ed Chynoweth Cup to the champion WHL team each year, the League has a number of other League-wide awards. These awards recognize the League's hockey development goals as well as the League's other developmental goals. Each year, the WHL awards the following awards at an annual awards ceremony held in May:

- (a) WHL Player of the Year
- (b) WHL Scholastic Player of the Year
- (c) WHL Scholastic Team of the Year
- (d) WHL Top Scorer
- (e) WHL Most Sportsmanlike Player

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- (f) WHL Top Defenseman
- (g) WHL Rookie of the Year
- (h) WHL Top Goaltender
- (i) WHL Coach of the Year
- (j) WHL Executive of the Year
- (k) WHL Regular Season Champion
- (l) WHL Humanitarian of the Year
- (m) WHL Top Official
- (n) WHL Marketing/Business Award
- (o) WHL Playoff MVP Award

68. A summary of some of the recent award winners' biographies is attached as **Exhibit D**.

The Standard Player Agreement

69. Every player who plays in the WHL enters into a Standard Player Agreement with the team they decide to play with. The purpose of the SPA is to express the mutual commitments made by the team and the player. The SPA also reflects the team and the player's mutual understanding that the player is an amateur athlete in need of supports that are not provided to professional athletes.

70. The SPA expresses the team's commitment to provide the player with a multi-faceted development program. The team promises to provide a premier hockey development opportunity in a safe and healthy environment, as well as an education development program with the supports necessary for the player to maintain the educational opportunities of their choosing. Finally, the League provides the player with moral character development.

71. Through the SPA, the team also commits to ensuring the player's safety and well-being and to protecting their interests. In recognition of these commitments, the player commits to play exclusively for the team, as is the case for any organized sports team.

72. In signing the SPA, the player commits to meeting certain expectations the League and teams have set for all WHL players. The player agrees to certain minimum standards in relation to his health and fitness, his participation in League or team sponsored events, and his conduct on and off the ice. The player agrees to abide by the team's rules relating to curfew, the use of tobacco, drugs and alcohol, attendance at school, and community service and training. Requiring the players to make these commitments also helps to ensure all players' safety and well-being.

73. The commitments made by the players are designed to ensure that the teams are able to follow through with the commitments they have made to provide players with multi-faceted development opportunities. For example, requiring players to attend all practices and games ensures that the teams are able to provide players with a premier hockey development program.

74. In recognition of the team's assumption of these supervisory and caretaking responsibilities, the parents of any player under 18 years old must sign the SPA along with their son. Some teams may require all players' parents to sign the SPA regardless of the players' age. Parental agreement is necessary, because the team is making commitments to the player as well as to the player's parents. It is therefore necessary to have the parents participate in the agreement as a party.

75. Below I discuss certain specific elements of the SPAs, including the requirement that the League approve all SPAs, the trade clause, the WHL Scholarship SPA provisions, the player services and supports afforded by the teams, and the players' specific commitments. Finally, I discuss the historical version of the SPA and the evolution of the terms and provisions contained therein.

League Approval over all SPAs

76. The WHL must approve and register all agreements entered into between its member teams and the players. This approval ensures that the League is able to maintain consistency in the minimum level of supports and benefits that the teams provide to players. This consistency is designed to maintain a competitive balance across the League. While the teams are able to offer, and do offer, varying levels of supports and other benefits to their players depending in part of the team's ability to offer these supports as well as the individual player's needs, abilities and circumstances, there are certain minimum League standards that must be met.

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77. Requiring League approval also ensures that the teams are not offering impermissible benefits to players in an attempt to improperly influence the players' decisions to play with the team. Impermissible benefits are benefits that are less tied to the players' development and more closely linked to financial or other rewards for the decision to play with the team. The teams are not permitted, under any circumstances, to offer cash or any other incentive bonus to players for their performance other than small gift cards that may be provided as Christmas or Holiday gifts.

78. Without any check on the provision of these benefits by the League, teams with greater financial means would be able to offer incentives to players that other teams with less financial means could not. The result would be that the most highly skilled players would play for the teams with the greatest financial means and it would be impossible to maintain a competitive balance across the League.

79. The League's philosophy is that maintaining competitive balance in the League fosters the best development opportunities for players, because the players are on a relatively even playing field which provides excellent opportunities for all players on all teams. Players have the greatest chance of furthering their development if they are challenged, but able to keep pace, when playing against their opponents. Ensuring that League minimums operating standards are met and that no impermissible benefits are provided assists in achieving the League's goal of competitive balance.

Trade Clause

80. By accepting a team's offer to play and develop with the team, the player agrees under the SPA that the team may trade him to another team at the team's sole discretion (subject to approval by the League as I discuss below). Players and their parents have an opportunity to negotiate the trade clause. For example, a player may negotiate for a "no trade" clause with their team at the time when the SPA is executed through to completion of his normal high school graduating year.

81. As a development League that is training its amateur athletes to prepare them for professional hockey, the potential opportunity to be traded is designed to assist in that regard. However, in recognition of the fact that the players are still amateur athletes and in recognition of the League and team's commitment to ensuring the players' well-being and interests, the

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League must approve all trades. This discretion is exercised by the League to ensure that the players' interests are being considered and protected. For example, the majority of high school age players are provided with a no trade clause during their high school years in their SPAs. The League ensures that the teams honour any no trade clauses.

82. In addition to the discretion exercised by the League, no trades are permitted during the Christmas period of any hockey season. A player who is traded does not forfeit any part of the WHL Scholarship they have earned and nothing about a trade affects a player's entitlement to his scholarship or other benefits in his SPA.

WHL Scholarship

83. Under the SPA, every team in the League is obligated to provide the players with the benefits of the WHL Scholarship Program that I discussed above. The teams pay for the cost of the scholarship program.

84. The WHL Scholarship can be accessed to fund any post-secondary, career enhancing program, once it is earned. The amount of the Scholarship is based on the costs of tuition, compulsory fees, and books at the publicly-funded university or college that is closest to the player's hometown. It is impermissible for a team to provide any scholarship payments to a player beyond these amounts. Once the scholarship is earned, it is fully guaranteed by the team and the League.

85. The standard terms of how the WHL Scholarship is earned is as follows. A player earns one half year of scholarship assistance if the player is named on the team's roster on October 10 of the season. A full year of scholarship assistance is earned if the player is still named on the team's roster on January 10 of the season.

86. Players and parents negotiate with the teams in respect of the scholarship benefits, because the teams are permitted to vary the terms of how the scholarship is earned. Enhancements to the WHL Scholarship program that players and parents can negotiate into the SPA include:

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- (a) the player may be granted one year of education benefits upon signing the Standard Player Agreement; and
- (b) the player may be granted one year of education benefits upon playing his first WHL game (pre-season, regular season or playoff) in each year of eligibility, to a maximum of five years.

87. A team could provide a 20 year-old player who signs an SPA with a maximum of two years of education benefits for one year played, a team could provide a 19 year-old who signs an SPA with three years of education benefits for two years played and an 18 year-old player could receive four years of education benefits for three years played.

88. Under the SPA, if a player suffers a serious injury that ends his ability to play competitive amateur hockey or professional hockey while participating in a team or League event, the player will be entitled to a full WHL Scholarship for a maximum of four years regardless of the number of years of scholarship benefits that he has earned (unless the player has earned five years in which case he would be entitled to all five years).

Current Players' Education Expenses

89. The SPA also obligates the teams to pay for the players' reasonable expenses associated with the players' enrollment in a high school or designated post-secondary educational institution in the team's city or through an online institution. Post-secondary institutions are broadly defined to include all technical, trade and/or continuing education schools, colleges, universities, as well as on-line training schools or programs. In addition, while a player is a current player, the reasonable expenses associated with retaining qualified tutors are covered by the teams.

90. The teams have the discretion to provide high school assistance or tutors for the players that require summer classes to finish that year of school. In addition, room and board expenses may be paid for players to remain in the team's city or town to continue to attend high school there. Some teams require their players to remain in the team's city or town after the hockey season finishes in order to complete the school year.

Additional Supports and Player Services

91. Through the SPA, the teams also commit to provide players with regular medical attention and services. All teams have a team doctor on staff as well as close relationships with specialists. In all cases, the teams commit to ensure that players' medical needs are addressed in a comprehensive manner. The teams also provide the players with out of country medical insurance coverage and medical and dental insurance.

92. The WHL also recently introduced the WHL Security Network program. The program involves 22 active or retired police officers who act as mentors and support systems for the players on each team. The players can raise any issues they have with their mentors through this program, and the officers act as confidential supports.

93. In addition to acting as mentors, the WHL Security Network created the WHL Player Impact program together with the Calgary Flames and the Calgary Police Service. The WHL Player Impact program is a comprehensive training and education program that is delivered to all players in the WHL. The program includes a presentation along with seminars that discuss the potential risks that players may face while playing in the League. The seminar topics include responsible social media use, relationships and consent, drugs and alcohol, gambling, diversity issues and the players' roles as positive role models.

94. The WHL also offers a series of other support services which consist of a wide range of health and welfare programs, including the National Anti-Doping Program. Introduced in 2008 by the CHL and the Canadian Centre for Ethics in Sport. The program requires players to complete an online anti-doping educational program. Further, to ensure player safety and to support compliance with the program, the League conducts random testing.

Players' Commitments

95. Under the SPA, a player commits to play exclusively with the team in all exhibition, preseason, regular season, playoff games and all Memorial Cup games. The player also commits to play in any other hockey games or tournaments as requested by the WHL or CHL. If the player is selected to play in the World Junior Hockey Championships, the World under 18

- 23 -

Championships, or the World under 17 Challenge, the League and team agree to provide the player with the appropriate release to allow him to play.

96. The player also promises to report on time and in good physical condition for the team's training camp and to maintain his good physical condition throughout the entire season. Ensuring that a player's health is maintained is a priority for the teams and as a result players are afforded with access to trainers, medical professionals and other rehabilitation resources as may be required throughout the season. As discussed, each team makes different arrangements for providing players with these resources. Some teams have trainers and medical professionals on staff while others have relationships and arrangements with local professionals.

97. The SPA contains a commitment by the player to adhere to the rules and regulations relating to player conduct and behavior that are established by the team. These rules include guidelines prohibiting the use of tobacco, drugs and alcohol, as well as rules on personal conduct on and off the ice, attendance at school, curfew, community service and training. The player also agrees to follow any rules and regulations established by the League, including rules relating to the WHL Scholarship Program.

98. Finally, the player promises to conduct himself in a manner "consistent with good standards of honesty, decency, morality, and fair play." Players are required to follow rules established in accordance with the WHL Personal Conduct Policy. A copy of the WHL Personal Conduct Policy is attached as **Exhibit E**.

99. In my experience with amateur hockey and athletics at many different levels, the commitments made by the players under the WHL SPAs are substantially the same as the commitments made by amateur athletes to their teams more generally. There is nothing unique about a commitment to play exclusively with one's team, agreeing to maintain one's physical health, and promising to abide by the rules around player conduct, safety and good sportsmanship. None of these commitments are established to demonstrate the League or team's control over the player and are instead an ordinary feature of organized competitive amateur athletics.

Historical Version of the SPA

100. In 2013, the WHL revised its SPAs to further re-inforce the mutual understanding held by the League, teams, players and parents that the players are amateur athletes. All players signed the new SPA at the beginning of the 2013/2014 season.

Roles and Responsibilities of the League Commissioner

101. The Western Hockey League's Head Office is located in Calgary, Alberta. Head Office is responsible for administering all functions related to the League's operations. My role as WHL Commissioner is to provide direction for these operations, including with respect to: game supervision, scheduling, League meetings, player drafts, agreements and scholarships, player transactions, finance, marketing, media relations, communications and statistics/results.

102. Apart from my administrative roles, I am also involved directly with the players and the teams. I assist the teams in carrying out their supervisory responsibilities for the players, including in relation to providing educational supports. For example, I receive all of the players' report cards and conduct a review of these to ensure that the teams are delivering the education support as promised and that the players are progressing academically at an acceptable rate.

103. I approve all SPAs and monitor the agreements for compliance with the League requirements on impermissible benefits that I outlined above. I am also responsible for ensuring that the teams meet their obligations under the SPAs.

104. Finally, I oversee the implementation of the standard player agreements and the revisions and changes that become necessary from time to time. Part of this responsibility includes ensuring that the teams are implementing the rules and regulations regarding players' conduct and safety. I am accountable to the players' parents to ensure the safety of their sons and their sons' well-being, and as a result, this is one of the most important aspects of my role as commissioner. I am in constant communication with the teams to discuss any disciplinary issues that arise or any safety concerns the teams have.

Financial Information

105. Lukas Walter's affidavit suggests that the teams in the WHL make significant profits each season. For a number of different reasons and circumstances, this is incorrect. Instead, in

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any given year, after allowing for revenues from all sources, most of the teams lose money or break even. Approximately one-third of the teams in the League lose money.

106. Each season, around one-third of the teams in the League lose money. For the 2013-2014 season, seven teams lost money ranging between \$80,000 and nearly \$900,000. Another third of the teams essentially break even each season. Only about one third of the teams make any profit. These financial results do not take into account the contingent liability for scholarships, which is, on average, approximately \$900,000 per team. There is a trend that players are using their scholarships in greater numbers every year, so I expect this contingent liability to grow.

107. Teams spend on average approximately tens of thousands of dollars on each player per year covering the costs of all equipment, sticks, skates, coaches and trainers, meals, transportation, accommodations, reimbursements of player expenses and all tuition fees, text books, compulsory fees, tutoring costs for current players, fees for the education advisors, insurance premiums, and billet payments. Teams also incur the costs of all of the health and welfare programs provided to players, including the costs of the CHL Drug Education and Anti-Doping Program, Concussion Management Program and the costs of any medical and dental services the players require during the season.

Implications of Certification

108. The reason that I have provided so much detail about the benefits provided to players, and the financial circumstances of the teams within the WHL, is to illustrate the impact that certification of this class action could have on the viability of many of our teams, and on the League.

109. Given that most of the teams in the WHL either lose money or break even – not taking into account millions of dollars in contingent liability for future scholarship payments for players – many teams in the League could simply not afford to do everything they are currently doing for the players if they also had to pay the players as though they were employees. Also, most teams could not afford to continue to offer players all of the benefits that they currently provide while also having to plan for the contingent liability of retroactive employment-type payments to members of a certified class.

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110. I anticipate that the result of certification would be that the teams and the League would have to re-examine and reduce the benefits offered to players beginning next season, in order to responsibly plan for this contingent liability. I also anticipate that certification would result in the loss of the majority of our teams, whose owners simply cannot shoulder the burden of the contingent liability of this lawsuit on top of annual losses or near the break-even result. The size of the League would shrink, as would the opportunities available to talented young hockey players, both from a hockey development and educational standpoint.

111. From the players' perspectives, it is inconceivable to me that players would prefer to receive minimum wage payments in lieu of the education benefits and hockey related supports they currently receive. I cannot imagine any player choosing minimum wage payments if it meant a corresponding reduction in the level of benefits that the teams currently offer to players. I have never had a discussion with a player or a parent where they asked about negotiating wages from a team instead of the benefits set out in the SPAs.

Plaintiff's Affidavit

112. In this section, I provide facts relating to the evidence of the proposed representative plaintiff, Lukas Walter, including relating to inaccuracies in his evidence. I also provide facts relating to the evidence of Andrew Eckart.

Lukas Walter Affidavit

113. I have reviewed Lukas Walter's affidavit in support of the certification motion. There are a number of inaccuracies in his evidence, and I do not agree with many of his descriptions of the League, the SPA and the players' experience with the League. Many of these inaccuracies are evident from my description of the League in this affidavit. In addition, I have reviewed Mr. Tory's affidavit where he details the inaccuracies in Mr. Walter's affidavit, and I agree with his description of those inaccuracies. In this section of my affidavit, I respond only to the inaccuracies Mr. Walter describes regarding the SPA.

114. Lukas states, at paragraph 12 of his affidavit, that in exchange for providing the Americans with services under the SPA, the team agreed to pay him a "\$200 monthly fee". This is an inaccurate description of the SPA. At paragraph 16, Lukas also mischaracterizes the

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agreements under the SPA and states that the "\$200 monthly fee" is the player's "wage" which cannot be negotiated.

115. As I outlined above, under the SPA, the player commits to play exclusively with the team. In recognition of the assumption of supervisory and parental-like responsibilities the League and team assume for the player under the SPA, the team commits to pay for the player's reasonable room and board expenses during the hockey season as well as their hockey and academic development expenses. Many of these expenses are paid by the team to the player's billet family or they are paid directly by the team on the player's behalf. For instance, the team directly pays for all of the player's hockey equipment, all of the costs associated with the player's on-ice training and development, all of the player's tuition and education expenses, any medical expenses that the player incurs, and all of the player's expenses associated with travel and the team's organized meals and events.

116. Most of the player's living expenses are paid for by his billets who receive a monthly amount from the team. However, as a result of the player's travel schedules and the time they spend at the arena, at school, or at various community events, the SPA recognizes that the player may incur additional living expenses away from his billet's home. Many of these expenses, such as food and hotel costs while travelling, are paid for directly by the team. Others are not. As a result, under the SPA the teams agree to reimburse players for any out of pocket training or travel related living expenses that they incur that are not otherwise covered by their billet families or by the team directly.

117. The players' expenses that are reimbursed by the team are set out in the WHL Player Expense Reimbursement Form that players use for this purpose. A copy of this form is attached to my affidavit as **Exhibit F**. The allowable expense categories are as follows:

- (a) training apparel/equipment (shoes; clothes; equipment);
- (b) supplementary meals (meals and snacks not provided on the road by team);
- (c) diet/nutrition (supplements and vitamins);
- (d) clothing (clothes required to meet team dress code);
- (e) off-ice conditioning (gym membership; personal trainer; skating instruction); and

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(f) automobile (insurance, gas mileage and maintenance).

118. The amount that Lukas describes as his "monthly fee" or his "wage" is in no way connected to his hockey performance, or to the time he spent playing with the team or otherwise participating in team events. Instead, the amount is the standard reimbursement that the Tri-City Americans provided to him each month under his SPA to cover other expenses that were not otherwise covered by his billet family or the team.

119. The League decided to create a standard amount that would be provided by the teams to each player for reimbursement of these expenses. It was determined that requiring players to submit individual receipts for each of their reimbursable expenses would create a large amount of administrative work for the teams. A standard amount was instead put into place in the SPA on the basis of consultation with players and teams. The standard amount varies according to the player's seniority, because the League recognized that senior players often incurred expenses for more junior players.

120. Lukas's affidavit also discusses the level of debt that he incurred while playing with the Tri-City Americans. I was very surprised to read about this level of debt. I have never heard of another player incurring this level of debt while playing with the League. All of the player's living expenses are covered by their billets, including all meals, household items, and other incidental living expenses. The player's meals, accommodation, and expenses while travelling are covered directly by the teams. To the extent that Lukas made personal choices to use cell phones or other electronics, or to eat out socially or engage in other forms of entertainment, these expenses are not covered by the team as they are not considered training or travel related team expenses.

Andrew Eckart Affidavit

121. At paragraph 38, Mr. Eckart refers to a proposed amendment to Washington State's minimum wage legislation. I can advise that the Bill to expressly exclude amateur hockey players, including WHL players, and amend the State's employment standards legislation was signed on May 18, 2015. A copy of the amended legislation is attached as **Exhibit G** to my affidavit.

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122. Mr. Eckart also refers to a statement made by John Vanbiesbrouck of USA Hockey at paragraph 28 of his affidavit. USA Hockey corrected this statement in a letter to Glen McCurdie, Vice-President of Hockey Canada, dated February 19, 2015. The letter sent by USA Hockey notes that Mr. Vanbiesbrouck's statement was incorrect. A copy of USA Hockey's letter to Mr. McCurdie is attached to my affidavit as **Exhibit H**.

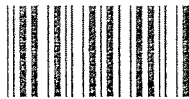
SWORN BEFORE ME at Calgary
in the Province of Alberta
on December 22nd, 2015.



Commissioner for Taking Affidavits
Evan James Dickinson
(or as may be)
Barrister, Solicitor and Notary Public



(Signature of deponent)



TABA

This is Exhibit "A" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015



A Commissioner, Etc.

Evan James Dickinson
Gen. Solicitor and Notary Public



THE WHL PLAYER EXPERIENCE

DEVELOPMENT

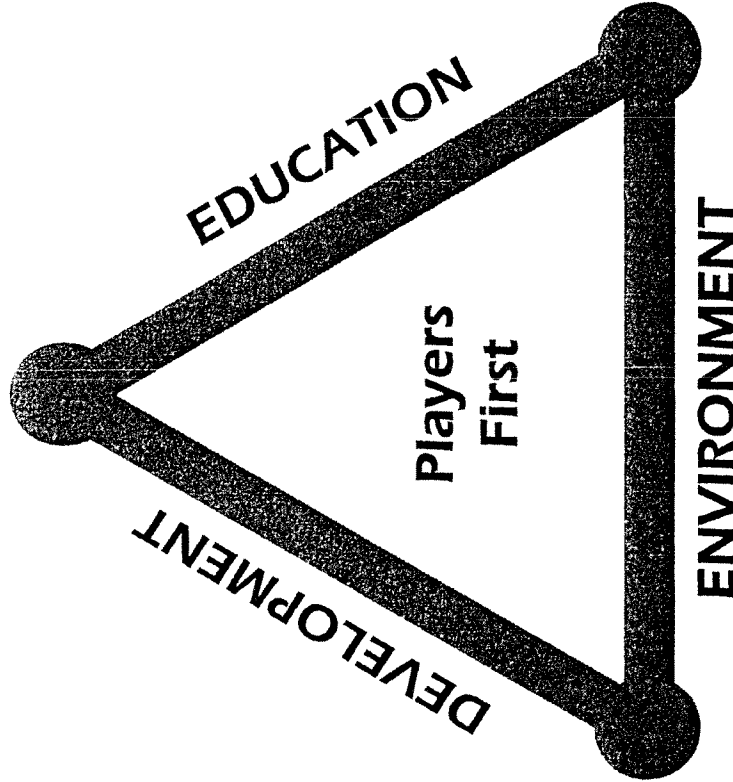
Providing WHL players with the highest level of competition and skill development.

EDUCATION

Ensuring elite hockey players achieve their academic goals.

ENVIRONMENT

Providing a safe and healthy setting for WHL players.



31

THIS IS EXHIBIT " A "
to the Affidavit of
Ken Robison
Sworn before me this 22nd
day of December A.D. 20 15
[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

WHL Players First Support Services



Health and Wellness	Professional Development	Team Services
• CHL Respect in Sport • Red Cross RespectEd Seminars • CHL Drug Education and Anti-Doping Program • Police / Player Impact Program • CHL Concussion Management Program • Strength and Conditioning consulting • Optimal Lifestyle Seminars • WHL Security Network	• How to be a Pro: Professional Conduct and Media Training Seminars • Sports psychology consulting • Hockey Ministries International • Personal Conduct Policy • Bullying, Harassment and Abuse Policy • WHL Social Media Policy • WHL Intranet Communications	• Arena Facility Standards • Billet families • Quality bus travel / hotels and meals • Medical and rehabilitation services • Education advisors / tutors • WHL Scholarship Program • WHL Career Counseling Program

This is Exhibit "B" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015



A Commissioner, Etc.
Evan James Dickinson
Barrister, Solicitor and Notary Public

5-Year Review of the Destination for WHL Graduate Players

Graduating Year	Hockey Season	TOTAL	Pro		Scholarship								Other Option	
			Total	%	Total	%	IM	%	18M	%	30M	%	Total	%
2009	2009-10	103	48	46.6%	54	52.4%	41	75.9%	9	16.7%	4	7.4%	1	1.0%
2010	2010-11	103	46	44.7%	57	55.3%	41	71.9%	15	26.3%	1	1.8%	0	0.0%
2011	2011-12	101	49	48.5%	48	47.5%	38	79.2%	8	16.7%	2	4.2%	4	4.0%
2012	2012-13	106	49	46.2%	57	53.8%	38	66.7%	19	33.3%	0	0.0%	0	0.0%
2013	2013-14	97	46	47.4%	50	51.5%	30	60.0%	20	40.0%	0	0.0%	1	1.0%
AVERAGE		102	47.6	46.7%	53.2	52.2%	37.6	70.7%	14.2	26.7%	1.4	2.6%	1.2	1.2%
TOTAL		510	238		266		188		71		7		6	

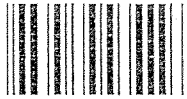
THIS REPORT WAS PRODUCED BASED ON THE FOLLOWING PARAMETERS:

- A graduate player is defined as a player who has graduated from the WHL in either their 19 or 20 year old season.
- The report analyzes the graduate players who activation their scholarship either immediately upon graduation (IM); 18 months (18M) following their 20 year old season or 30 months (30M) following their 19 year old season.
- The report includes players who progressed to a professional hockey league (PRO); or players who accessed their WHL Scholarship (Scholarship) or chose another career path (Other Option).
- Graduates included in this report are only those listed on a WHL Club 25-man roster following the trade deadline of the season in question.
- Import, affiliated or players who do not complete their junior eligibility while playing in the WHL are not included in this analysis.
- This report does not include 19 year old graduates from the 2012-13 season who are still eligible to access their WHL Scholarship within the 30 month period (September 2015)
- All data is current as of March 31, 2015

SUMMARY OF FIVE YEAR REVIEW ON WHL GRADUATE PLAYERS

- In summary, based on players who graduate as 19 or 20 year olds from the WHL, 52% activate their scholarship benefits; 47% pursue a professional hockey career and 1% chose another career option.
- With regard to the timing in the activation of their WHL Scholarship, over the 5 year period, 71% of players activated immediately upon graduation; 27% within the 18 month period and 2% in the 30 month window.
- Virtually all players who access their WHL scholarship after 18 and 30 months do so after playing professional hockey in the AHL, ECHL or other designated minor pro league. These players are not included in the "Pro" section. If these players were included over the 5 year period, "Pro" would represent 62% of graduates while "Scholarship" would reflect 37%

THIS IS EXHIBIT " B "
to the Affidavit of
Ron Robison
Sworn before me this 22nd
day of December A.D. 20 15
[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta



TABC

This is Exhibit "C" referred to in the
Affidavit of Ron Robison
Sworn before me, this 22nd
day of December, 2015



A Commissioner, Etc.
Evan James Dickinson
Barrister, Solicitor and Notary Public



THIS IS EXHIBIT " C "
to the Affidavit of

Ron Robison

Sworn before me this 22nd

day of December A.D. 20 15

[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

EDUCATION STANDARDS AND POLICIES MANUAL

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I. INTRODUCTION

This Manual adopts the academic philosophy that has evolved over many years and is embodied in the Western Hockey League Education Standards and Policies. These Policies are endorsed fully by all WHL Member Clubs.

The following fundamental principles are integral to the day-to-day and ongoing administration of the WHL Education Program at the League and Club levels:

- A. All WHL Players, during their tenure in the WHL, will graduate from high school in a timely way. That is, every opportunity will be provided for all Players to complete "on time" high school graduation requirements as specified by his home province or state.
- B. WHL Clubs will exercise sanctions or other disciplinary action available to them in order to ensure that Players are committed to achieving at their level of academic capabilities. Such options may include: Not dressing the Player for regular season games; leaving the Player at home for a road trip; or in more serious cases, suspension of the Player. The discipline must be consistent for all Players regardless of age or the Player's ability to contribute on the ice.
- C. While playing in the WHL, all Players will have access to post secondary courses through various local colleges or On-Line Learning institutions. The tuition and book costs for these courses are borne by the Club. These costs will not impact on the WHL Education Scholarship benefits available to the Player upon graduation from the League.
- D. Clubs, in conjunction with local colleges, also may develop their own courses for WHL Players who have graduated from high school. These courses, preferably with credit transfer potential, may include personal development topics such as public speaking, accounting, financial planning, work experience, time management, technology/computer, or similar life skill courses.
- E. Import Players will be assessed academically and placed in appropriate programs in order to enhance their language skills. Given basic credentials, these individuals may enroll in a mainstream high school or post secondary curriculum.
- F. Appropriate partnerships have been established by the WHL with Canada West University Athletic Association, Alberta Colleges Athletic Conference, Canadian Interuniversity Sport, and Athabasca University. The WHL will continue to enhance academic opportunities for all WHL Players through these partnerships.

II. WHL EDUCATION COMMITTEES

The WHL Education Committees shall consist of the following:

- A. **The WHL Education Committee**
 - a) The Chairman – A designated WHL Governor
 - b) The WHL Commissioner
 - c) The Manager, Education Services

B. The WHL Division Leader Committee

d) The WHL Education Committee plus the following:

- A U.S. Division Education Advisor Leader
- A B.C. Division Education Advisor Leader
- A Central Division Education Advisor Leader
- An East Division Education Advisor Leader

C. The WHL Joint Education Committee

e) The WHL Education Committee plus the following:

- A Canada West University Athletic Association Athletic Director
- An Alberta Colleges Athletic Conference Designated Representative
- A CWUAA Hockey Coach
- A CWUAA Sports Information Director
- A Representative from Athabasca University

III. The WHL Education Advisor Team

A. Role of the Manager, Education Services

1. **Skill Requirements:** The Manager will have a university degree supplemented with significant sport administrative experience. As well, the position requires a working knowledge of the high school curriculum in each Western Province, as well as the States of Washington and Oregon. An understanding of the transferability of courses at both the high school and university level is required. Although hockey experience in these areas is desirable, it is not a requirement.
2. **Basic Role and Job Description:** The role of the Manager is to provide service, in the area of academic matters, to Players of the WHL, to the Clubs in general, and to the League as a whole. The mandate of the position is to implement, on behalf of Players, the WHL Education Standards and Policy Guidelines and Objectives as follows:
 - Implement and Monitor the WHL Education Standards and Policies Manual
 - Monitoring Academic Performance of WHL Athletes
 - Endorse, Instruct, and Supervise Team Education Advisors
 - Communicate regularly and directly with Education Advisor Leaders
 - Administer the WHL Scholarship Administration
 - Provide Player Counseling Services at the High School level
 - Administer the Career Counselling Program
 - In consultation with the Commissioner, deal with all Scholarship matters
 - Act as Canada West, ACAC, and CIS Liaison
 - Provide Leadership at the CHL Level in education matters
 - Deal with NCAA situations
 - Develop and Organize Academic Programs in New Franchises
 - Presentations and Seminars as required
 - Communicate with School Administrators and Counsellors
 - Transcript Evaluation and Program Development
 - Counsel Player Recruits and their Parents
 - Media Relations and Speaking Engagements where required

B. WHL Education Advisor Credentials

All Clubs are committed to having an Education Advisor in place to act as a liaison with the Franchise High Schools and post secondary institutions. To achieve consistency throughout the League requires ongoing training and development of these Professionals. Regular communication between Manager and all Education Advisors enhances this professional development.

The Education Advisor will be a person with an extensive education background and experience in the school systems of the Franchise City. Ideally, retired school administrators or counselors have proven to be the best suited to this position. An understanding of the demands on competitive elite athletes and a passion for sport will be an asset. A desire to be involved in the game of hockey is encouraged also.

Although it is necessary that the Club be responsible fully for the selection of an Education Advisor, the Manager, Education Services must be integrally involved in the process.

C. WHL Education Advisor Job Description

The following is an overview of the basic duties associated with the role of WHL Club Education Advisor.

The principle role of the Education Advisor is to be responsible for the academic performance of all Players as well as ensuring that WHL Education Policies are being administered appropriately.

This Education Advisor (EA) is an individual engaged by the Club to address the academic concerns of all Active Roster Players, as well as Drafted and Listed Players. In essence, the EA is the direct liaison between the Franchise High School, local post-secondary institutions, and the Club General Manager or his designate.

It is important that a designated Counsellor of the Franchise High School becomes an integral part of this local Academic Team. Thus, the Club's "Education Team" would include:

- The Club General Manager or his designate
- The Club Education Advisor
- The Franchise School Counsellor/Principal
- The Player's home school Counsellor
- The Manager, Education Services

The key responsibilities of the Club Education Advisor are outlined in following points:

1. Player Profiles:

- Gather pertinent information to develop Player Profiles during training camp for all Players. This includes new Players, Veterans, as well as Imports Players. This information will be gathered through individual interviews and transposed onto the appropriate computer generated form.
- At the beginning of each season, the WHL Office will forward a current Player Profile Form that can be downloaded and used as a template for each Player.

- After the Exhibition Season is completed, all Player Profiles are to be forwarded to the Manager for filing in the WHL Office. Should a Player be added to the Active Roster at a later date, a new Profile will be generated and forwarded to the WHL Office.
- Should a Player be traded, it is the responsibility of the EA to forward the Profile to the receiving Club EA.

2. Provincial or State High School Graduation Requirements

Forms for the four Canadian Provinces are provided electronically by the WHL Office, which outline high school graduation requirements specific to each Province. This document should be maintained each year as the Player progresses through to graduation.

This document should be forwarded to the Manager once the Player has enrolled fully in his program or has graduated. As each semester is completed, this document should be updated.

3. High School Graduation Transcripts

A transcript to verify graduation must be obtained from the Player once he has completed his provincial or state graduation requirements. This graduation document must be forwarded to the Manager by September 15th.

4. Academic Guidance and Assistance

Assist Players in maintaining appropriate academic progress through high school and into post secondary courses. A close liaison with the Franchise School Counsellor and subject teachers is required to facilitate this progress.

5. Attendance Issues

Monitor school attendance and behavior as well as academic achievement. Such information will be communicated regularly to the General Manager and the Player's parents.

6. General Manager Liaison

Ongoing communication with the Club General Manager, or his designate, is critical to determine suitable reward and/or discipline relative to academic performance, attendance, and behavior.

7. Academic Transfer

At the end of the Club's playing season, it is most important that a seamless transition be made to the Player's Home School. To accomplish this objective, it is necessary that early communication occur between the Education Advisor and Home School Counselors and Principal as required relative to 2nd term course selection and unit sequencing.

8. Understanding Graduation Requirements

Graduation requirements in jurisdictions outside the franchise province, state, or school district can be complicated. It is incumbent on the EA that a working understanding of the nuances of each be understood. Should there be any issues in this regard, the Manager and EA Leaders can provide assistance.

9. Academic Counseling

As a service, EA's will be available to provide advice to all recruits as well as members of the Club regarding post secondary enrollment, entrance requirements, and the like.

10. Athabasca University Working Agreement

A working agreement with Athabasca University provides an On-Line post secondary courses to Current Players, as well as WHL Alumni. A key liaison person has been assigned to work with the Manager and EA's throughout the League.

It is the responsibility of the Education Advisors to insure that all current Players who have graduated from high school have the opportunity to enroll in courses designed to meet their needs and special time commitments.

11. Local Post Secondary Institutions

Through a local post secondary school, the possibility of developing individual team-specific courses that meet the unique needs of the WHL athlete should be explored. This type of course focuses on personal development, which in whole or part may be transferable to university or college programs. Often, these courses are developed in conjunction with the local College and are offered within the parameters of the team's practice and game schedules.

12. High School Distance Learning Opportunities

Access to high school courses are offered by a number of institutions designed to meet the needs of students who require specific courses that are unavailable in the Franchise city.

13. Parent Communication

The Education Advisor should develop a method of communication to Players, Parents, Billets, and the Club Administration. This will ensure that all stakeholders are informed of academic progress, important dates, and the like.

14. The Club EA with the assistance of the Manager, will coordinate an annual career counselling evening session. The purpose will be to introduce, remind and educate all players to post hockey career opportunities.

D. WHL Education Advisor Leader and Division Meetings

To facilitate communication between all Education Advisors, one EA in each WHL Division (East, Central, B.C. and U.S) is designated. An annual meeting of the EA Leaders Committee is held in June to plan the upcoming season and provide consistency across the League relative to application of Education Standards and Policies.

Subsequently, a series of Division Meetings will be scheduled each fall in an appropriate Franchise City for a one-day meeting to facilitate all the materials, protocol, and guidance necessary to carry out EA responsibilities. The EA Leader for that Region will act as the key resource person for information, issues, required documents, and the like throughout the year.

The Division Leaders are responsible, during the season, for the following:

- Report to the Manager
- Assist in the administration of consistent education standards across their Division
- Ongoing communication with EA's within their academic jurisdiction
- Assist with interpretation of inter-provincial/state academic reconciliation of courses
- Call on other Division Leaders for information and advice regarding academic requirements and changes of regulations
- Coordinate out of province diploma examinations for players required to write exams while on the road
- Develop a consistent Study Hall model for both High School and Post Secondary Students that can be utilized by all Clubs.

IV. EDUCATION GUIDELINES for CURRENT ROSTER PLAYERS

A. Current Players in High School

All Players will graduate from high school in a timely way. The stated objective of the WHL is that all Current Roster Players will be engaged in some form of academic pursuit and personal development.

1. APPROPRIATE HIGH SCHOOL TRANSCRIPTS OR REPORT CARDS

In order to monitor the academic progress of WHL players in high school, current documentation is required. This will result in better course selection and less difficulty in meeting graduation requirements. Therefore, the following protocol is required:

- a) At the beginning of Training Camp, each legitimate tryout/new player and all returning players re-enrolling in high school, along with those just graduated, are to provide a current transcript of high school grades from their home school. This transcript will include final marks as of June of the training camp year as well as marks for any summer school courses taken in the interim.
- b) To achieve this objective, all Clubs will send out a notification with normal Training Camp invitations indicating the importance of this requirement.

- c) In some instances, school systems require that each student provide a current immunization document before enrollment is permitted. These documents will be provided to the Club along with required transcripts.

2. HIGH SCHOOL ENROLLMENT and WITHDRAWAL PROTOCOL

As far as practicable, all continuing high school roster players will be enrolled in the spring before the end of hockey season. This will ensure a place in over subscribed courses.

All the high school students on the active roster, including early season players who may be sent back to their minor team, should follow these procedures:

- **Proper Documentation:** Transcripts, visas (where required), immunization records, and the like, must be available at the time of registration for Training Camp
- **Graduation Requirements:** An outline of the student's "Graduation Course Plan" as determined by the Home School will assist in a smooth academic transition from the Player's home school.
- **School Fees and Book Deposit:** Arrangements must be made between the Club and the high school to have an invoicing process in place well in advance of registration.
- **Practice Times and Scheduled Absences:** The high school must have a clear indication of the Club's practice times, schedules, and road trip itineraries.
- **Early Season Cuts and Trades:** The Franchise School must be informed appropriately (not through the media) when a Player is released or traded. Notwithstanding the time frame in which cuts and trades take place, a procedure for executing a formal withdrawal, obtaining withdrawal grades, contact with the player's receiving school, and book return must be established.
- It is important that the Education Advisor be informed of cuts or trades as early in the process as possible in order to facilitate any academic matters that need resolution.
- **Season End Withdrawal:** Each player must obtain withdrawal grades in each subject, arrange to complete outstanding assignments, and return books. As well, re-enrollment in his home school must take place as quickly as possible. A WHL exit protocol document is provided for each player before leaving his franchise city and should be presented on arrival at the home school.

3. HIGH SCHOOL GRADUATION PROTOCOL

a) High School Graduation Protocol

It is expected that all WHL Players will graduate in a timely way and, normally in the year of their graduating class. Should a Player not complete his high school requirements in his 17 Year Old season, he will be designated as a Yellow Flag Student, (an 18 year old player, the season following his scheduled graduation date). If this situation continues as a 19 or 20 year old, he will be designated as a Red Flag student.

In an attempt to provide each Player with the appropriate guidelines to achieve the required High School Diploma, the following steps will apply:

Yellow Flag Students

- A written notice will be provided to the Commissioner by September 15, each season of all yellow flag students
- The WHL Graduation Plan Form will be completed and discussed between the player, the Club Education Advisor and the Manager, Education Services
- Club administration and Commissioner will be notified of the plan
- Notification to the parents will be a requirement of the Club EA
- Club EA will monitor player's progress and apprise Club Administration as required
- Graduation requirements must be fulfilled before the current regular season ends
- Failure to complete graduation requirements on the agreed upon completion deadline will result in a meeting with a representative of the Club administration and Club EA.
- at the discretion of the Club administration, the player's on-ice participation may be affected

Red Flag Students

- A written notice will be provided to the Commissioner by September 15 each season of all red flag students
- Following a meeting with the student, a team administration representative and the Club EA, the WHL Graduation Plan Form (Appendix will be completed no later than September 30
- The expected graduation date cannot extend beyond the regular season.
- The completed form will be sent to the Commissioner, the Manager, Education Services and the Club Administration
- Failure to comply with the expectations at any juncture of the plan, or to meet the graduation requirements on the established deadline will result in immediate suspension from the Club

In order for the above steps to be effective, it is imperative that graduating players' transcripts be secured immediately on the arrival at the main training camp each season.

B. Post Secondary Programs for High School Graduates

Players who have achieved a high school diploma should enroll in at least one post secondary course. In most cases, the availability of courses through a local university or college can be accessed. Should this option not be available, a more practical solution may be through an "on-line" institution such as Athabasca University.

V. THE WHL SCHOLARSHIP

It is imperative that, prior to a Player being listed on any WHL roster sheet, the Player be cognizant of the terms under which he is playing and whether said Player will be earning any WHL Scholarship benefits. This must be explained clearly to the Player and the Player's parents by the General Manager of the Club.

In the case of a Three-Game Tryout, a Specially Affiliated Player, or Call-up, the following should be noted:

- The Three-Game Tryout may be offered only to a 16-Year Old or older Player. The Club must explain to the Player or to the Player's parents whether or not WHL Scholarship benefits will be provided for participating on a Three-Game Tryout.
- Should a 16-Year Old or older player participate as a Specially Affiliated Player, the Club must explain to the Player or the Player's parents whether or not WHL Scholarship benefits will be provided for participating as a Specially Affiliated Player.
- In the case of a 16-Year Old Player being recalled as a Specially Affiliated Player, refer to A 1, a) and b) below.

A. The Standard Player Agreement

The goal of the WHL Scholarship Program is to provide the finest scholarship opportunity in North America for all Players while playing on a WHL Club's current roster and after graduating from the League. After graduating from the WHL, accessing the WHL Scholarship is not contingent upon playing hockey.

Upon graduation from the WHL, however, Players have the opportunity, in conjunction with Canada West University hockey playing schools, to access a Western Canada Premier Scholarship. The partnership between CWUAA and the WHL provides additional benefits for Graduates who continue to play hockey at the CIS Level.

1. Signing a Player to a WHL Standard Player Agreement

- a) Prior to a 15-year-old playing in an Exhibition, Regular Season, or Playoff Game, the Player must sign a Standard Player Agreement – WHL Regulations Manual 39.1:
- b) Should a Player in his 15-year old season sign a SPA, he may receive one year of education assistance. However, if this player participates as 20 yr old his maximum education benefits would still be 5 years.

2. Current Player WHL Scholarship Benefits

- a) As specified in the WHL Standard Player Agreement (SPA) Article 2; 2.5, WHL Clubs will pay all reasonable expenses associated with the Player's enrollment in a high school or a designated post secondary educational institution in the Franchise City or through a designated On-Line Academic Institution.
Post secondary institutions include technical, trade and/or continuing education schools, colleges, universities, as well as on-line academic training schools or programs.

- b) While a Player is an active member of the Club, the reasonable expenses associated with retaining qualified tutors will be provided as required.

3. Graduate Player WHL Scholarship Benefits

Under Article 4. (a) of the WHL Standard Player Agreement (SPA), the following is provided for Graduate Players in good standing. In addition to any benefits the Player may receive as provided under SPA Article 3 (Reimbursement) – Current Player), the Player will receive the benefits of the WHL Scholarship Program. These benefits are outlined as follows:

- a) Scholarship benefits include tuition fees, compulsory student fees and required course of studies textbooks.
- b) Tuition fees are based on the cost of an Arts, Science, or related undergraduate program, as published annually, at a designated publicly funded university in the Player's home province or state.
- c) The Scholarship, once earned, is fully guaranteed, through the WHL Standard Player Agreement, and can be accessed to fund any post secondary, career enhancing program. The WHL will determine the status of a "career enhancing" program on a case-by-case basis.
- d) One half year of financial education assistance is earned if the Player is named on the Club's Roster on October 10th.
- e) One full year of financial education assistance is earned if the Player is named on the Club's Roster on January 10th (maximum of five years).
- f) The Scholarship can be accessed through the WHL Office once the Graduate Player enrolls as a full time student and the prescribed process is followed (see Appendix IV).
- g) Funding of the WHL Scholarship applies to the Fall and Winter Sessions only in terms of enrollment at a university or college.
- h) Summer, Spring or Intersession courses may be funded if the required courses are only available at that time. No more than 10 courses in one calendar year can be taken under this circumstance.
- i) The maximum total amount of the Scholarship will be determined by the cost for ten full courses (five courses per semester) in an Arts, Science, or General Studies undergraduate degree program as published annually by the institution stated in the Player's Standard Player Agreement. Should a student be enrolled in a program such as Engineering, Dentistry, Medicine, Firefighting, or unique Trades Program that exceeds the published amount, he will be responsible to fund the difference in these costs.
- j) Should a Graduate Player with multiple years of education benefits enroll in a post secondary program, such as Firefighting, Emergency Medical Services, or Trades, that does not follow the basic format of a standard university undergraduate degree program, such benefits, at the discretion of the WHL Club or Clubs involved, may be compressed into a time-frame consistent with that particular program.
- k) With respect to costs associated with "required tools" for trades programs, a maximum claim can be made in lieu of required textbooks as related to undergraduate programs. The WHL Education Committee will determine a reasonable balance between actual tuition and the cost of tools and materials required to participate in such technical programs.
- l) The WHL does not consider Medical/Dental fees to be compulsory fees. The student must "Opt Out" of this coverage and access his own personal Medical/Dental plan in

advance of the required date specified by the institution.

- m) It is the responsibility of the Player to be aware of course "Withdrawal Dates." Should the Player choose to withdraw from a course or courses, or from the total program beyond the published withdrawal date, he will be responsible for late withdrawal charges from the institution.
- n) Should a Current Player quit a WHL Club during a season, he will lose that year of education benefits. However, any previous year(s) of education benefits he has accumulated will remain in effect. Notwithstanding, the WHL Commissioner reserves the right to withdraw all education benefits accumulated by the Player based on the circumstances related to the Player quitting the Club.
- o) Should a Current Player quit a WHL Club, he shall not be permitted to play College or University Hockey until his 20-year-old season unless granted permission by his previous Club and the WHL Office.
- p) Once the Player enrolls as a full time student, he must continue his studies without interruption. Should circumstances require him to withdraw, he must apply to the WHL Office promptly to avoid losing the balance of the Scholarship. Further, should a Player be required by the institution to withdraw from a program (classically defined as a Category C Student) because of failure to maintain passing grades, his WHL Scholarship will be suspended. Subsequently, if he enrolls in an appropriate "upgrade" program or changes his course of studies, he will be required to fund this program himself. Once he has successfully completed the new academic term, he will be reimbursed for those costs up to the amount specified in his SPA and his WHL Scholarship will be reinstated.
- q) The Graduate Player may play one year in a designated developmental professional league (AHL, as per the June 2014 ruling if the player played in the 2013/2014 season, the ECHL or lower category) without forfeiting accumulated WHL Scholarship benefits.
- r) Should a Player sign a professional hockey contract at the NHL, or Elite European level, the earned Scholarship benefits are voided as specified in the WHL Standard Player Agreement
- s) In order to access the WHL Scholarship, a player must enroll in a post secondary program as a full time student no later than one (1) academic year after his last season of junior eligibility, SPA Article 3.1,d, i and ii).
- t) In order to access the WHL Scholarship, a player must enroll in a post secondary program as a full time student no later than one (1) academic year after his last season of junior eligibility, SPA Article 3.1,d, iii and iv.

4. Allowable WHL Scholarship Benefits

By way of the Addendum to the SPA, Clubs may offer the following maximum enhancements to the WHL Standard Player Agreement in relation to years of education benefits for years played as per WHL Regulations Manual 39.1:

- a) A 20-year-old Player can be given a maximum of two years education benefits for one year played.
- b) A 19-year-old can be given a maximum of three years education benefits for two years played. To qualify for the multiple years, the Player must play as a 20-year-old.

- c) An 18-year-old can be given a maximum of four years education benefits for three years played. To qualify for the multiple years, the Player must play as a 20-year-old.
- d) It is recommended that when a 20-year-old receives two years education benefits for one year played as in a), b) or c) above, he shall receive one year for playing one regular season game and one year for being on a WHL Club's January 10th Roster. It is permissible for a Club to give a 20-year-old both years for one game played, either in exhibition or regular season.
- e) A 17-year-old can be given a maximum of four years education benefits for four years played.
- f) A 16-year-old can be given a maximum of five years education benefits for five years played.
- g) In the event a Player is traded who is entitled to an extra year of education benefits for years played, the Club that signed him to the Standard Player Agreement is responsible for the extra year of education benefits. The extra year (2 for 1, 3 for 2, 4 for 3) will always apply to the last year played. The extra year of benefits cannot be transferred to the new WHL Club.
- h) A WHL Club may offer the career ending injury benefit (as outlined in Article 3.1, e of the SPA) to a 15 or 16 year old Player who is on the Club's 50 Player Protected List, provided the Player signs the Standard Player Agreement. This benefit shall only be in effect should the Player suffer a career ending injury while participating in a sanctioned game or practice with his Club as a 15 or 16 year old. Should the Player not be on the WHL Club's roster as a 17-year old, the career ending injury benefit shall expire.
- i) Clubs may offer the following to advance the qualifying date for 17-year old and older Players to become eligible for education benefits (WHL Regulations Manual 39.2):
 - i. One year of education benefits guaranteed upon playing first WHL game (exhibition, regular season, or playoffs – WHL Club to specify)
 - ii. One year of education benefits for any WHL game played in each season of eligibility to a maximum of five years (exhibition, regular season, or playoffs – WHL Club to specify).
- j) Clubs may, at their discretion and in consultation with their Education Advisor, provide high school educational benefits for Roster Players attending summer school. Assistance provided to the Player must not exceed actual tuition fees, compulsory student fees, and textbooks required for the registered courses. Room and board expenses for the Player may be paid by the Club for the summer school period provided the Player is required to live away from his normal place of residence. Clubs providing summer school assistance must submit a listing of the Player(s) receiving support to the WHL Office – WHL Regulations Manual 39.3
- k) Clubs, in consultation with their Education Advisor and the Director, Education Services, will provide tutors or other educational support for Players, in high

school or college, to assist with their schooling during the season as required –
WHL Regulations Manual 39.4

5. WHL Scholarship Benefits Not Permitted

Clubs may not offer the following enhancements to the WHL Standard Player Agreement as per WHL Regulations Manual.

- a) Clubs are not permitted to offer employment or compensation of any form to a parent or immediate relative for the purposes of enhancing the recruitment offer for a Player. Should a Club currently employ, either on a full-time or part-time basis, or plan to employ a parent of a Player, the Club must notify the WHL Office in writing.
- b) Clubs are not permitted to provide a Player with allowances for off season training and development programs, including power skating, weight training and other specialized programs.
- c) Clubs are not permitted to pay room and board expenses for Graduate Players receiving a WHL Scholarship. Clubs may only provide educational benefits (tuition, compulsory fees, and required textbooks) as administered by the WHL Office in accordance with terms outlined in the WHL Standard Player Agreement – WHL Regulations Manual 39.5
- d) Clubs are not permitted, under any circumstances, to offer cash incentive bonuses to Players for team performances other than the bonuses specified in the bonus schedule.
- e) Clubs are not permitted to purchase disability insurance on behalf of a Player.
- f) Clubs are not permitted to give allowances for vehicles, telephones and other benefits of this nature or the supply of same.
- g) Clubs are not permitted to give cash payments under any circumstances for segment or year-end bonuses.

6. Sanctions for Non Compliance

Should any member Club provide benefits that are not permitted under the Standard Player Agreement, the said Club shall be subject to a maximum fine of \$25,000.00 and the forfeiture of a maximum of three first round draft picks. In addition, the member Club will be considered to be in breach of the Statutory Declaration/Affidavit as executed by the Club on an annual basis. The WHL Commissioner shall determine the aforesaid sanctions.

Any Club or official violating the provisions of the Bonuses to Players section shall be liable to a fine of not less than \$2,500.00 to be imposed by the WHL Commissioner or his Designate.

7. Appeals

Should any issue arise between a Club or Player regarding access to WHL Scholarship benefits, a written appeal may be made to the WHL Director, Education Services. The final decision will be rendered by the WHL Commissioner.

In the event of the death of a player during his eligibility for education benefits, these benefits accrued may be transferred to a sibling in the immediate family of the deceased. The beneficiary must activate the benefits within one calendar year of the death of the Player or Graduate Player or upon the beneficiary reaching the age at which he or she is eligible to enrol in a post secondary program, whichever comes later.

B. Trades Related to the WHL Scholarship

1. In the event a Player is traded who is entitled to an extra year of education for years played, under Allowable Benefits for 18, 19, or 20-Year-Old Players (see The Addendum, Allowable Benefits, B.1), the Club that signed him to the Standard Player Agreement is responsible for the extra year of education assistance. The extra year (2 for 1, 3 for 2, 4 for 3) will always apply to the last year played. The extra year of assistance cannot be transferred in the trade to the new WHL Club — WHL Regulations Manual 39.
2. Clubs may not utilize or include education benefits in any trade agreement. Therefore, the Club that holds the rights to a Player on October 10th will be responsible for that half of one-year WHL Scholarship benefits. The Club that names the Traded Player to their January 10th Roster will be responsible for the second half of any WHL Scholarship responsibility. In the case of trades made prior to October 10th, all Player education benefits will be the responsibility of the receiving Club. Should the SPA state that a Player will receive one year of education benefits for one game played (Exhibition or Regulars Season), the Club that hold the rights of that Player at the time of that first game will be responsible for that year of education benefits.
3. Should a Player be traded at anytime, full disclosure of his academic status, as is the case of injury status, must be made to the receiving Club. Relative to a traded Player's academic status, it is incumbent upon the General Manager to pass this information on, through the receiving Club's General Manager, to the Club's Education Advisor WHL Regulations Manual 10.2).
4. Colour code "flags" are assigned relative to a Player's academic status. These are:
Yellow: A 16 or 17-year-old Player performing academically below his potential. This flag also applies to an 18 year old who has yet to complete the requirements of a high school diploma.

Red: A 19 or 20-year-old Player who has not graduated from high school.

VI. ADMINISTRATION of the WHL SCHOLARSHIP

Through the earned benefits of the WHL Scholarship Program, all Graduate Players, who do not sign a Professional contract with an NHL, AHL, or Elite European Club, may enroll in any post secondary program or career enhancing program of their choice as per the WHL SPA.

At the end of each season, the WHL Office will contact each eligible Graduate informing them of their Scholarship guidelines and benefits available (See Appendix I through VII).

A. The WHL Office Team

The administration of the WHL Scholarship is managed on a central basis by the WHL Office on behalf of all Clubs. The day to day tasks associated with gathering information, dealing with Club responsibilities, communicating with Players and post secondary institutions, will be assigned by the Commissioner. Currently, these responsibilities have been assigned to the Manager, Education Services.

Notwithstanding, each Club is responsible for gathering critical data as outlined in Section VI. B.

B. The Administrative Process

Efficiency is the principle objective in administering the WHL Scholarship for those WHL Graduate Players who choose to access their earned benefits. This requires timely cooperation between Clubs, Academic Institutions, the Graduate Player, and the WHL Office.

To that end, the following protocol has been instituted:

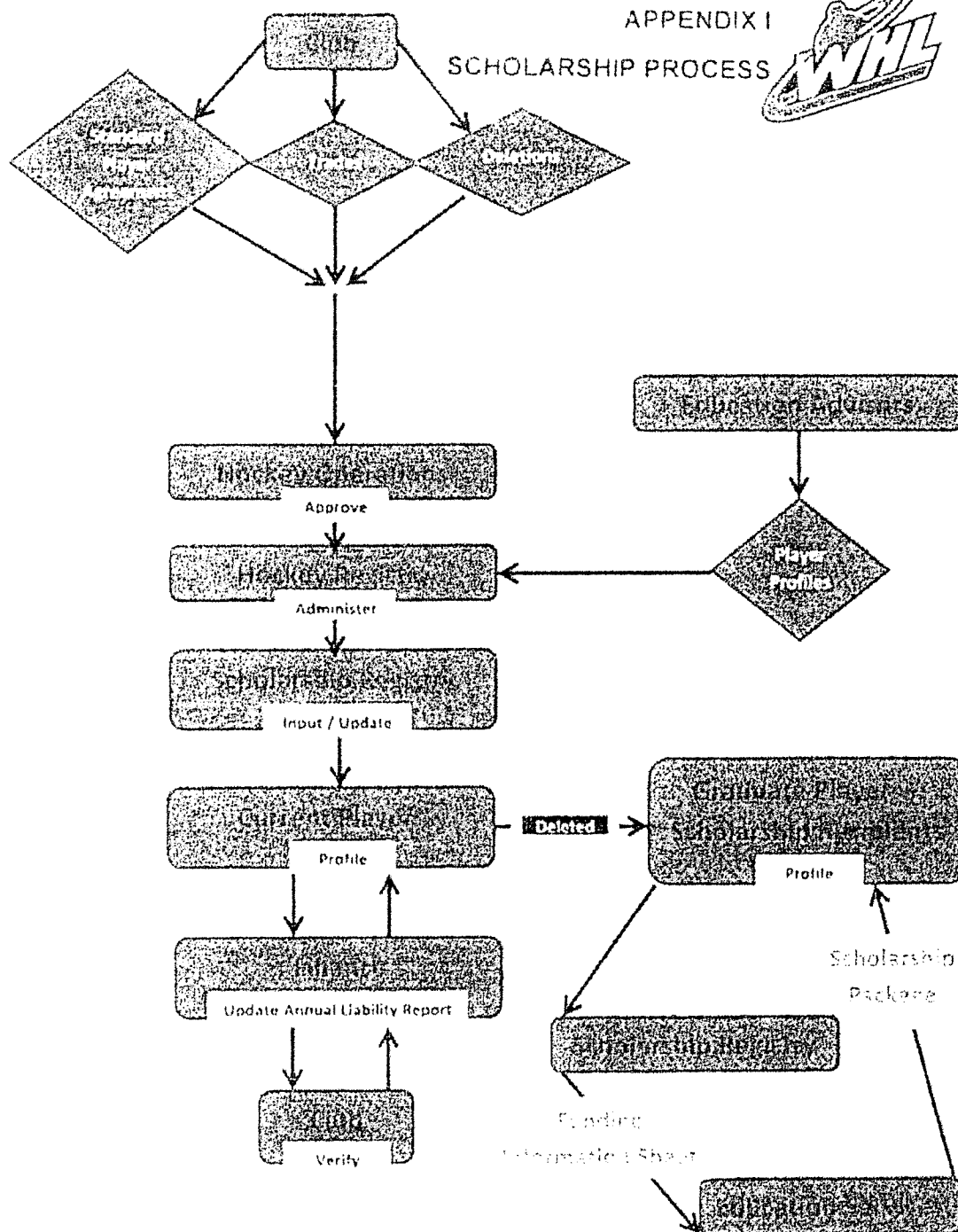
1. Based on the Player's address and other important information provided on an appropriate Player Profile, and once it is determined that the Player has completed his tenure in the WHL, a letter (see WHL Scholarship Processes and Documents – Accessing Your WHL Scholarship) is sent to the Player with detailed information regarding his WHL Scholarship benefits available. This letter is sent out each spring to ensure that updated information is provided to all WHL Graduates.
2. A summary of benefits available to the Player is updated each year and forwarded to him in the annual information package.
3. Once the Graduate Player decides to enroll and access his WHL Scholarship as a full time student, he must submit a Scholarship Processing Form to the WHL Office. A new form must be submitted prior to each academic year.
4. Upon receipt of the Scholarship Processing Forms, the WHL Office will contact the appropriate post secondary institution and provide a list of WHL Scholarship Sponsored Students in order to establish invoicing procedures for tuition and fees.
5. When the WHL Office receives an invoice for students attending a particular institution, a Payment Approval Form is sent to the WHL Club responsible for each student. This form is returned to the WHL Office within a specified period.
6. Once all Payment Approvals for students enrolled at that institution have been returned, the WHL Office will issue payment for the total institution invoice.

7. Subsequently, invoices are forwarded to the Clubs from the WHL Office covering all the Players for whom that Club is responsible irrespective of which institution they may be attending.

C. WHL Graduate Player Protocol

When a Player graduates or leaves the WHL, he must be aware of the parameters under which his WHL Scholarship may be accessed. This information is forwarded directly to him through the WHL Office annually until his Scholarship benefits have been exhausted. At that time a Scholarship Completion Package will be sent to the Player.

APPENDIX I SCHOLARSHIP PROCESS



APPENDIX II

SCHOLARSHIP PROGRESSION



Each year of Scholarship eligibility:

- 1) PLAYER returns completed APPLICATION FORM to EDUCATION SERVICES
- 2) EDUCATION SERVICES writes letter of recommendation to SCHOOL
- 3) SCHOOL sends letter to FINANCE
- 4) FINANCE reviews letter, sends to SCHOLARSHIP REGISTRY
- 5) SCHOLARSHIP REGISTRY produces STATEMENT OF AWARD, sends to CLUB
- 6) CLUB reviews, returns signed STATEMENT OF AWARD to SCHOLARSHIP REGISTRY
- 7) SCHOLARSHIP REGISTRY provides FINANCE with AWARD STATEMENT & RETURN
- 8) FINANCE records, pays SCHOOL
- 9) PLAYER submits STATEMENT OF AWARD to SCHOLARSHIP REGISTRY
- 10) SCHOLARSHIP REGISTRY matches STATEMENT OF AWARD with AWARD RETURN
- 11) FINANCE pays PLAYER
- 12) FINANCE sends INVOICE to CLUB
- 13) CLUB sends INVOICE to FINANCE

Once Scholarship complete:

- 1) SCHOLARSHIP REGISTRY produces final STATEMENT OF AWARD SPECIFIC
- 2) EDUCATION SERVICES sends final STATEMENT OF AWARD SPECIFIC to PLAYER



Western Hockey League

**SCHOLARSHIP PROCESSING FORM
2014 - 2015 Academic Year**

Date:			
Name:		D.O.B: (Month / Day / Year)	
Address:	City:	Province:	Postal Code:
Phone:	Cell:	Email Address:	
University, College, or Institution in which you are enrolling:			
Program or Faculty and Major:		Year: 1 2 3 4 5	
Student ID #:		Social Insurance #:	
Date of Enrollment (classes begin) :			

*** I HAVE READ AND UNDERSTAND ALL THE CLAUSES CONTAINED IN THE
ATTACHED DOCUMENTED TITLED: ACCESSING YOUR WHL SCHOLARSHIP"**

(Signature) *No signature required if returned by email*	(Date)
--	--------

If you are having any troubles with this form, make sure you are using the latest version of Adobe Reader

Return this Form as soon as possible by E---mail to:

ScholarshipAdmin@whl.ca



TABD

This is Exhibit "D" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015



A Commissioner, Etc.
Evan James Dickinson
Barrister, Solicitor and Notary Public

THIS IS EXHIBIT " D "
to the Affidavit of
Ron Robison 57
Sworn before me this 22nd
day of December A.D. 20 15

A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

Scholastic Players and Humanitarians of the Year – Recent Winner Bios

2015

WHL Scholastic Player of the Year – Daryl K. (Doc) Seaman Memorial Trophy
NOMINEE (DID NOT WIN) Western Conference: Joe Gatenby – Kelowna Rockets

Seventeen-year-old Kelowna Rockets defenceman Joe Gatenby enjoyed a productive season as he tallied two goals and 13 assists for 15 points in 65 games while helping the Rockets clinch the B.C. Division title. The Kelowna, BC, product is currently completing his Grade 12 year and achieved a 97% average in his first semester. A focused, mature student, Gatenby would have enough credits to graduate a semester early if he so chose, but has decided to return for the second semester to enrich himself. Furthermore, Gatenby will then start to take university courses in the summer. A second-round pick, 34th overall, in the 2012 WHL Bantam Draft, Gatenby is eligible for the 2015 NHL Draft.

WHL Humanitarian of the Year – Doug Wickenheiser Memorial Trophy

WINNER Western Conference: Taylor Vickerman – Tri-City Americans

In his third season in the WHL, Tri-City Americans Taylor Vickerman has been a staple in the community this season with the activities and projects he has been involved in. A native of Kennewick, WA, Vickerman created the 'Americans' Faceoff Against Bullying' campaign. Along with teammates Beau McCue and Justin Hamonic, the three players went to a variety of elementary schools in the community to talk to children who have been affected by bullying and let them know how to deal with the effects of bullying. They spoke to kids about their own experience of being bullied, helping relate to the students and make them feel comfortable talking about the issue. Another project Vickerman stood out for was the Habitat for Humanity. Vickerman along with several team members helped with the construction of building a house for a family. Vickerman is a true leader and great community minded person.

Eastern Conference: Tyler Wong – Lethbridge Hurricanes

In his third season in the WHL, Lethbridge Hurricanes' centre Tyler Wong made tremendous contributions to the communities in the Lethbridge area this season. The 19-year-old forward from Cochrane, AB has been voted as the Hurricanes' "Fan Favorite Player" for all three seasons he has been with the Club. What makes Tyler stand out is not only the time he dedicates to the community in which he plays, but the fact that he initiates most of his appearances on his own. Wong played a role in volunteering his time at Dr. Probe Elementary School as a teacher's assistant in a grade 5 classroom. While there, Wong spends valuable time with students helping them in reading, math, and science. A strong role model, Wong uses his popularity and pull as a WHL player to promote positive messages to the youth, and he makes a real difference in the lives of all people he connects with in the community.

2014

WHL Scholastic Player of the Year – Daryl K. (Doc) Seaman Memorial Trophy
WINNER: Nelson Nogier – Saskatoon Blades

17-year-old Saskatoon Blades defenceman Nelson Nogier may have had his 2013-14 season cut short due to injury, but that didn't slow him down when it came to academic success. The Saskatoon, SK, product completed his first semester of Grade 12 with a remarkable 96% average while taking four core courses after having finished his Grade 11 year with a 96.6% average, including a perfect 100% in Math

Foundations 20. Expected to graduate with Great Distinction, Nogier has already completed the application process for the University of Saskatchewan next year. The Blades' fourth-round pick, 71st overall, in the 2011 WHL Bantam Draft, Nogier also performed well on the ice, netting a goal and six points in 37 games this season. Nogier is eligible for the 2014 NHL Draft.

RUNNER UP: Dominick Turgeon – Portland Winterhawks

WHL Humanitarian of the Year – Doug Wickenheiser Memorial Trophy

WINNER: Sam Fioretti – Moose Jaw Warriors

In his fourth and final season in the WHL, Sam Fioretti made a big impact both on the ice and in the community for the Moose Jaw Warriors. The 20-year-old from Calgary, AB, and captain of the Warriors made it a goal to help educate Moose Jaw & Area students about bullying and to educate them about the importance of physical activity. Fioretti was a driving force behind the Warriors' partnership with the Moose Jaw Police Service that saw him and others visit schools to speak out against bullying. He also played a big role in the development of the 'Warriors Workouts' program in which he and other members of the Club visit schools to spread a positive message about maintaining an active lifestyle and healthy eating. A strong advocate for education, Fioretti was also a key participant in the Club's CIBC Read to Succeed program.

RUNNER UP: Mitch Topping – Tri-City Americans

2013

WHL Scholastic Player of the Year – Daryl K. (Doc) Seaman Memorial Trophy

WINNER: Josh Morrissey – Prince Albert Raiders

17-year-old Josh Morrissey has already established himself as an elite-level player in the WHL and top prospect for the 2013 NHL Draft. Yet, Morrissey has been equally impressive in the classroom. The product of Calgary, AB, has excelled in his Grade 12 year at Carlton Comprehensive High School in Prince Albert, having completed five challenging 30-level classes and maintaining a 92.4% average while nearing completion on a sixth 30-level class. Morrissey's maturity and decision-making abilities make him an exemplary leader and role model for fellow students and team mates alike.

RUNNER UP: Rourke Chartier – Kelowna Rockets

WHL Humanitarian of the Year – Doug Wickenheiser Memorial Trophy

WINNER: Cody Sylvester – Calgary Hitmen

Calgary Hitmen captain Cody Sylvester was not only a leader on the ice, he was also a team ambassador in the community and devoted a large amount of his time and energy to giving back to the City of Calgary. The product of Vernon, B.C., regularly participated in community events and initiatives, and was always willing to donate his time and effort. Sylvester developed the highly successful 'Chance to Play' program that helped raise funds to support local minor hockey and give an opportunity to participate to kids who wouldn't otherwise have the chance to do so. The five-year member of the Hitmen designed unique T-shirts which were sold at Hitmen home games and other events which helped Sylvester in raising nearly \$16,000 towards his 'Chance to Play' program. Sylvester's dedication to giving back to the Calgary community and his enthusiasm to participate in the Hitmen's many community and charitable endeavors makes him a deserving recipient of the Doug Wickenheiser Memorial Trophy.

RUNNER UP: Mitch Topping – Tri-City Americans

2012**WHL Scholastic Player of the Year, Daryl K. (Doc) Seaman Memorial Trophy****WINNER**

Reid Gow (Killarney, MB), Spokane Chiefs

Reid Gow made an impact on the ice for the Spokane Chiefs, and was a star in the classroom during the 2011-12 school year. The 17-year-old from Killarney, MB, completed the first semester of his Grade 12 year with a 95.3% cumulative average at Joel E. Ferris High School in Spokane, WA, including finishing with a perfect 100% in Sports Marketing. Singled out as a top student under any circumstances by his instructors, Gow's scholastic achievements have been considered extraordinary considering the time constraints he faces as a WHL player. Gow is also currently enrolled in an online course through Athabasca University, and is also still enrolled at Ferris High School. On the ice, Gow put up two goals and 20 points in 54 games on the blue line for the Chiefs, helping them make the playoffs for a sixth straight year.

RUNNER-UP

Jimmy Bubnick (Saskatoon, SK), Calgary Hitmen

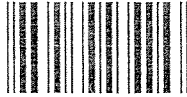
WHL Humanitarian of the Year, Doug Wickenheiser Memorial Trophy**WINNER**

Taylor Vause (Calgary, AB), Swift Current Broncos

The captain of the Swift Current Broncos, Taylor Vause was a star on the ice for the Broncos, and devoted countless hours to the town of Swift Current and surrounding communities. The Calgary, AB, product has involved himself in several charity initiatives, spent plenty of time visiting schools, reading to students and promoting the importance of education, and has been recognized as a Youth Leader in the community by the Swift Current and region Drug Task Force. As a young man living with Type 1 diabetes, Taylor has been a vocal spokesperson to help create awareness and raise funds for a cure for the disease. He is a prime example of someone who never let an obstacle get in the way of chasing his dream. Taylor even took the time to design special jerseys to commemorate the Four Broncos, which were worn by the team and auctioned off with proceeds going to the Broncos Education Fund.

RUNNER-UP

Brendan Gallagher (Delta, BC), Vancouver Giants



TABE

This is Exhibit "E" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015

A handwritten signature in dark ink, appearing to read 'E. Dickinson', with a long horizontal flourish extending to the right.

A Commissioner, Etc.

Evan James Dickinson
Barrister, Solicitor and Notary Public



THIS IS EXHIBIT " E "
to the Affidavit of

Rita Robison

Sworn before me this 22nd

day of December A.D. 20 15

[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

PERSONAL CONDUCT POLICY

All persons associated with the Western Hockey League (WHL) are required to avoid conduct at any time - during hockey season or otherwise – that is detrimental to the integrity of the WHL. This requirement applies to all players, coaches, management and other team employees, owners, game officials and all others privileged to play, try out for, coach, work, provide services to or be associated with the WHL and its member clubs.

A policy and rules promoting lawful, ethical and responsible conduct serve the interests of the WHL, its players and fans. Illegal, unethical or irresponsible conduct does more than simply tarnish the offender, his or her family and team; it may also damage the reputation of others involved in the game, and it undermines public respect and support for the WHL.

Standard of Conduct

While criminal activity is outside the scope of permissible conduct in our society and all persons who engage in criminal activity may be subject to criminal proceedings, the standard of conduct for persons associated with the WHL is considerably higher than simply complying with criminal law. Everyone associated with the WHL or its member clubs is expected to conduct himself or herself lawfully, ethically and responsibly, in a manner that promotes the values upon which the WHL was founded and based.

Individuals who fail to live up to this standard of conduct are considered to be in violation of the WHL Personal Conduct Policy and guilty of conduct detrimental to the integrity of WHL. They are subject to discipline, regardless of whether or not the conduct results in a criminal or quasi-criminal conviction. Discipline may be imposed by the WHL in any of the following circumstances:

- Criminal offences including, but not limited to, those involving the use or threat of violence; other forms of harassment or abuse; theft and other property crimes; sex offences; obstruction or resisting arrest; and disorderly conduct;
- Offences relating to steroids and prohibited substances or substance abuse; offences involving alcohol or drugs including, but not limited to, driving while impaired or under the influence or dangerous driving;
- Violent or threatening behavior, whether within or outside any team setting or any workplace, or conduct that poses danger to the safety or well-being of another person; or
- Other conduct that undermines or puts at risk the integrity and reputation of the WHL, WHL clubs, or WHL players, coaches, employees, owners or game officials.

Evaluation, Counseling and Treatment

Apart from any disciplinary action, persons arrested, charged or in any other manner appearing to have engaged in conduct prohibited under this policy may be required to undergo a formal medical or other clinical evaluation at the cost of the individual and/or his or her family. Based on the results of the evaluation, the person may be required or encouraged to participate in an education program, counseling or other treatment deemed appropriate by a health professional, at the cost of the individual and/or his or her family. The evaluation and any resulting counseling or treatment are designed to provide assistance and are not to be considered discipline. However, failure to comply with this portion of the policy shall in itself constitute a separate and independent breach of this policy and basis for discipline.

Discipline

Upon learning of conduct that may be considered detrimental to the integrity of the WHL and that may give rise to discipline, the WHL may initiate a review, which may include interviews and information gathering from medical, law enforcement and other professionals. The WHL will advise the individual, and if that person is a minor, the individual's parent(s) or guardian, of the review and its outcome. A person whose conduct is being reviewed will have the opportunity, represented if they wish by counsel, parent, guardian or other representative, to address the conduct being reviewed. Upon conclusion of the review, the Commissioner of the WHL will have full authority to impose discipline as warranted.



TABF

This is Exhibit "F" referred to in the
Affidavit of Ron Robison
Sworn before me, this 22nd
day of December, 2015



A Commissioner, Etc.
Evan James Dickinson
Barrister, Solicitor and Notary Public



Player Expense Reimbursement Form

Player Name: _____

Date: _____

WHL Club: _____

Expenses

For the Month of: _____
(Month) (Year)

DATE	DESCRIPTION / EXPENSE CATEGORY	COST
------	--------------------------------	------

ALLOWABLE EXPENSE CATEGORIES

1. Training Apparel / Equipment (shoes; clothes; equipment)
2. Supplementary Meals (meals / snacks not provided on road by team)
3. Diet / Nutrition (supplements; vitamins)
4. Clothing (clothes required to meet team dress code)
5. Off-Ice Conditioning (gym membership; personal trainer; skating instruction)
6. Automobile (insurance; gas mileage* maintenance)

TOTAL EXPENSES \$ _____

Players Signature _____

Date _____

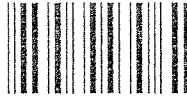
Important: All WHL Players are requested to maintain a record of their monthly expenses over a 12 month period. Please be sure to keep your receipts and submit your expense claim when requested to do so by your WHL Club.

* Mileage rate as determined by WHL Club.

THIS IS EXHIBIT " F "
to the Affidavit of
Ron Robinson

Sworn before me this 22nd
day of December A.D. 20 15

[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta



TABG

This is Exhibit "G" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015

A handwritten signature in black ink, appearing to read "Evan James Dickinson", with a long horizontal flourish extending to the right.

A Commissioner, Etc.
Evan James Dickinson
Attorney, Solicitor and Notary Public

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5893

Chapter 299, Laws of 2015

64th Legislature
2015 Regular Session

LABOR REGULATIONS--AMATEUR ATHLETES

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015
Yeas 47 Nays 1

BRAD OWEN
President of the Senate

Passed by the House April 15, 2015
Yeas 91 Nays 7

FRANK CHOPP
Speaker of the House of Representatives
Approved May 18, 2015 2:32 PM

JAY INSLEE
Governor of the State of Washington

66
THIS IS EXHIBIT " G "
to the Affidavit of
Ron Robison
Sworn before me this 22nd
day of December A.D. 20 15
[Signature]
A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is ENGROSSED SENATE
BILL 5893 as passed by Senate and
the House of Representatives on the
dates hereon set forth.

HUNTER G. GOODMAN
Secretary

FILED

May 18, 2015

Secretary of State
State of Washington

ENGROSSED SENATE BILL 5893

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session**By Senators Fain, Mullet, Litzow, Lillas, and Hargrove**

Read first time 02/09/15. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the nonemployee status of athletes in amateur
2 sports; amending RCW 49.12.005; reenacting and amending RCW
3 49.46.010; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that junior ice
6 hockey teams that are members of regional, national, or
7 internationally recognized leagues provide significant benefits to
8 their players by teaching them valuable athletic skills and
9 interpersonal life skills. These junior teams also provide
10 significant financial support to their communities as tenants of
11 arenas owned, operated, or managed by public facilities districts.
12 The legislature seeks to assist in the financial stability of public
13 facilities districts and to ensure the viability of junior ice hockey
14 in the state by clarifying that these young athletes are not
15 employees of their teams.

16 **Sec. 2.** RCW 49.12.005 and 2003 c 401 s 2 are each amended to
17 read as follows:

18 For the purposes of this chapter:

19 (1) "Department" means the department of labor and industries.

1 (2) "Director" means the director of the department of labor and
2 industries, or the director's designated representative.

3 (3)(a) Before May 20, 2003, "employer" means any person, firm,
4 corporation, partnership, business trust, legal representative, or
5 other business entity which engages in any business, industry,
6 profession, or activity in this state and employs one or more
7 employees but does not include the state, any state institution, any
8 state agency, political subdivision of the state, or any municipal
9 corporation or quasi-municipal corporation. However, for the purposes
10 of RCW 49.12.265 through 49.12.295, 49.12.350 through 49.12.370,
11 49.12.450, and 49.12.460 only, "employer" also includes the state,
12 any state institution, any state agency, political subdivisions of
13 the state, and any municipal corporation or quasi-municipal
14 corporation.

15 (b) On and after May 20, 2003, "employer" means any person, firm,
16 corporation, partnership, business trust, legal representative, or
17 other business entity which engages in any business, industry,
18 profession, or activity in this state and employs one or more
19 employees, and includes the state, any state institution, state
20 agency, political subdivisions of the state, and any municipal
21 corporation or quasi-municipal corporation. However, this chapter and
22 the rules adopted thereunder apply to these public employers only to
23 the extent that this chapter and the rules adopted thereunder do not
24 conflict with: (i) Any state statute or rule; and (ii) respect to
25 political subdivisions of the state and any municipal or quasi-
26 municipal corporation, any local resolution, ordinance, or rule
27 adopted under the authority of the local legislative authority before
28 April 1, 2003.

29 (4) "Employee" means an employee who is employed in the business
30 of the employee's employer whether by way of manual labor or
31 otherwise. "Employee" does not include an individual who is at least
32 sixteen years old but under twenty-one years old, in his or her
33 capacity as a player for a junior ice hockey team that is a member of
34 a regional, national, or international league and that contracts with
35 an arena owned, operated, or managed by a public facilities district
36 created under chapter 36.100 RCW.

37 (5) "Conditions of labor" means and includes the conditions of
38 rest and meal periods for employees including provisions for personal
39 privacy, practices, methods and means by or through which labor or
40 services are performed by employees and includes bona fide physical

1 qualifications in employment, but shall not include conditions of
2 labor otherwise governed by statutes and rules and regulations
3 relating to industrial safety and health administered by the
4 department.

5 (6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a
6 minor is defined to be a person of either sex under the age of
7 eighteen years.

8 **Sec. 3.** RCW 49.46.010 and 2014 c 131 s 2 and 2013 c 141 s 1 are
9 each reenacted amended to read as follows:

10 As used in this chapter:

11 (1) "Director" means the director of labor and industries;

12 (2) "Employ" includes to permit to work;

13 (3) "Employee" includes any individual employed by an employer
14 but shall not include:

15 (a) Any individual (i) employed as a hand harvest laborer and
16 paid on a piece rate basis in an operation which has been, and is
17 generally and customarily recognized as having been, paid on a piece
18 rate basis in the region of employment; (ii) who commutes daily from
19 his or her permanent residence to the farm on which he or she is
20 employed; and (iii) who has been employed in agriculture less than
21 thirteen weeks during the preceding calendar year;

22 (b) Any individual employed in casual labor in or about a private
23 home, unless performed in the course of the employer's trade,
24 business, or profession;

25 (c) Any individual employed in a bona fide executive,
26 administrative, or professional capacity or in the capacity of
27 outside salesperson as those terms are defined and delimited by rules
28 of the director. However, those terms shall be defined and delimited
29 by the human resources director pursuant to chapter 41.06 RCW for
30 employees employed under the director of personnel's jurisdiction;

31 (d) Any individual engaged in the activities of an educational,
32 charitable, religious, state or local governmental body or agency, or
33 nonprofit organization where the employer-employee relationship does
34 not in fact exist or where the services are rendered to such
35 organizations gratuitously. If the individual receives reimbursement
36 in lieu of compensation for normally incurred out-of-pocket expenses
37 or receives a nominal amount of compensation per unit of voluntary
38 service rendered, an employer-employee relationship is deemed not to
39 exist for the purpose of this section or for purposes of membership

1 or qualification in any state, local government, or publicly
2 supported retirement system other than that provided under chapter
3 41.24 RCW;

4 (e) Any individual employed full time by any state or local
5 governmental body or agency who provides voluntary services but only
6 with regard to the provision of the voluntary services. The voluntary
7 services and any compensation therefor shall not affect or add to
8 qualification, entitlement, or benefit rights under any state, local
9 government, or publicly supported retirement system other than that
10 provided under chapter 41.24 RCW;

11 (f) Any newspaper vendor, carrier, or delivery person selling or
12 distributing newspapers on the street, to offices, to businesses, or
13 from house to house and any freelance news correspondent or
14 "stringer" who, using his or her own equipment, chooses to submit
15 material for publication for free or a fee when such material is
16 published;

17 (g) Any carrier subject to regulation by Part 1 of the Interstate
18 Commerce Act;

19 (h) Any individual engaged in forest protection and fire
20 prevention activities;

21 (i) Any individual employed by any charitable institution charged
22 with child care responsibilities engaged primarily in the development
23 of character or citizenship or promoting health or physical fitness
24 or providing or sponsoring recreational opportunities or facilities
25 for young people or members of the armed forces of the United States;

26 (j) Any individual whose duties require that he or she reside or
27 sleep at the place of his or her employment or who otherwise spends a
28 substantial portion of his or her work time subject to call, and not
29 engaged in the performance of active duties;

30 (k) Any resident, inmate, or patient of a state, county, or
31 municipal correctional, detention, treatment or rehabilitative
32 institution;

33 (l) Any individual who holds a public elective or appointive
34 office of the state, any county, city, town, municipal corporation or
35 quasi municipal corporation, political subdivision, or any
36 instrumentality thereof, or any employee of the state legislature;

37 (m) All vessel operating crews of the Washington state ferries
38 operated by the department of transportation;

39 (n) Any individual employed as a seaman on a vessel other than an
40 American vessel;

1 (o) Any farm intern providing his or her services to a small farm
2 which has a special certificate issued under RCW 49.12.470;

3 (p) An individual who is at least sixteen years old but under
4 twenty-one years old, in his or her capacity as a player for a junior
5 ice hockey team that is a member of a regional, national, or
6 international league and that contracts with an arena owned,
7 operated, or managed by a public facilities district created under
8 chapter 36.100 RCW;

9 (4) "Employer" includes any individual, partnership, association,
10 corporation, business trust, or any person or group of persons acting
11 directly or indirectly in the interest of an employer in relation to
12 an employee;

13 (5) "Occupation" means any occupation, service, trade, business,
14 industry, or branch or group of industries or employment or class of
15 employment in which employees are gainfully employed;

16 (6) "Retail or service establishment" means an establishment
17 seventy-five percent of whose annual dollar volume of sales of goods
18 or services, or both, is not for resale and is recognized as retail
19 sales or services in the particular industry;

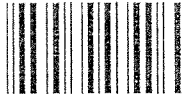
20 (7) "Wage" means compensation due to an employee by reason of
21 employment, payable in legal tender of the United States or checks on
22 banks convertible into cash on demand at full face value, subject to
23 such deductions, charges, or allowances as may be permitted by rules
24 of the director.

Passed by the Senate April 16, 2015.

Passed by the House April 15, 2015.

Approved by the Governor May 18, 2015.

Filed in Office of Secretary of State May 18, 2015.



TABH

This is Exhibit "H" referred to in the
Affidavit of Ron Robison
Sworn before me, this *22nd*
day of December, 2015



A Commissioner, Etc.

Evan James Dickinson
Barrister, Solicitor and Notary Public



Dave Ogreaan
Executive Director

1775 Bob Johnson Drive | Colorado Springs, CO 80906-4090
phone 719.538.1163 | fax 719.538.1168 | email daveo@usahockey.org

THIS IS EXHIBIT " H "
to the Affidavit of
Ron Robinson
Sworn before me this 22nd
day of December A.D. 20 15

A Commissioner for Oaths / Notary Public
in and for the Province of Alberta

February 19, 2015

Glen McCurdie, Vice President
Hockey Canada
151 Canada Olympic Road SW
Suite 201
Calgary, Alberta T3B 6B7

Dear Glen,

For clarification, all U.S.-based teams and players that compete in the Canadian Hockey League are members of USA Hockey.

The statement by John Vanbiesbrouck that originally appeared in the *Toronto Star* story on Feb. 18, 2015, that they are not members of USA Hockey is incorrect. As I believe you know, John is a volunteer in the capacity as chair of our Junior Council. He was understandably not aware of the details of this issue as it falls operationally in international hockey.

Hope this clears up any misunderstanding. Feel free to share this letter as needed.

Sincerely,

Dave Ogreaan



USA Hockey, the national governing body for the sport of ice hockey, is a member of the International Ice Hockey Federation and the United States Olympic Committee

