



## Central Otago Hockey Association

### Code of Conduct

#### 1. Purpose

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- 1.1 Hockey is a fast, exciting, global sport popular in New Zealand, and suitable for all age groups. It is through discipline, commitment, mutual respect, and a sense of sportsmanship, that the spirit of the game is allowed to advance. Fellowship, camaraderie and a sense of fair play are essential to the game's on-going success.
- 1.2 For the sport to succeed, it is important that Participants observe rules, respect the principles of fair play, and maintain high standards of behaviour, both on and off the field. A willingness to adhere to these standards will ensure the sport remains an enjoyable and safe recreational and/or competitive option for all Participants at all levels of the game.
- 1.3 This Code of Conduct is established for the purpose of:
- a. Setting the standards of conduct required by Participants; and
  - b. Providing a process for addressing breaches of this Code of Conduct in a fair and consistent manner.

#### 2. Status of Code

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- 2.1 This Code of Conduct is that currently in practise as of May 2016 by Hockey New Zealand's Code of Conduct for Associations, and replaces all previous Association codes of conduct, as per COHA Bylaw 3.7.
- 2.2 Nothing in this Code of Conduct waives or limits the right of the Board to make its own enquiries or to impose any sanction, that it has authority to impose under the Constitution.

#### 3. Scope and Application

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- 3.1 This Code of Conduct is applicable to the following persons, referred to as Participants:
- Any person including, but not limited to, players, umpires, officials, coaches, coaching staff, managers, player spectators, medical staff, technical support, video staff, and any duly appointed team representatives participating in:
- (i) any matches, practices, competitions, events, functions, celebrations or ceremonies run under the jurisdiction of the Association
  - (ii) any matches, practices, competitions, events, functions, celebrations or ceremonies that the Participant is involved in on a regional basis.
  - (iii) together the ("Competitions")

- 3.2 The standards of conduct, set out in this Code of Conduct, apply to Participants on-field and off-field conduct.
- 3.3 The terms of this Code, including any sanctions, will apply regardless of whether criminal investigations or any criminal or civil court proceedings have been instigated by any party and notwithstanding the outcome of any such investigations or proceedings.
- 3.4 This Code of Conduct will not apply to Participants where:
- a. The Sports Tribunal has jurisdiction to determine matters under Hockey New Zealand's Anti-Doping Policy.
  - b. Any allegation of misconduct against a Participant, arising out of circumstances where he/she is involved in a tournament held on or behalf of Hockey New Zealand, sanctioned by FIH or controlled by a Continental Federation or by the International Olympic Committee, in which case the relevant code of conduct and disciplinary rules will apply.
  - c. Any allegations of misconduct outside of sub-clauses 3.2.
- 3.5 The standards of conduct, set out in clause 5 (Standards of Conduct), do apply to all individual players, umpires, officials, coaches, managers, or other persons, who have been selected or appointed to a national squad, team, or position, by Hockey New Zealand during his or her participation in a Competition but who may be covered by the Memorandum of Understanding between Hockey New Zealand and the Hockey Players' Association Incorporated ("MOU"). However, any allegation of off-field Misconduct, as set out in this Code of Conduct, will be dealt with in accordance with the provisions of the MOU and not this Code of Conduct.

#### **4. DEFINITIONS**

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- 4.1 The following words and phrases, used in this Code of Conduct, shall mean as follows:
- "Association"** means Central Otago Hockey Association.
- "Anti-Doping Policy"** has the meaning given to it in the Hockey New Zealand constitution.
- "Appeal"** has the meaning given to it in clause 13.1.
- "Board"** means the Board of Central Otago Hockey Association.
- "Chief Executive"** means the Chief Executive Officer or other duly appointed Chair, President or Manager appointed pursuant to the Association Constitution.
- "Competition"** has the meaning given to it in clause 3.1.
- "Complaint"** has the meaning given to it in clause 6.2.
- "Constitution"** means the Rules of Association.
- "FIH"** means the International Hockey Federation.
- "Guideline for Suspension Offences"** means the guidelines and recommendations for penalties in relation to Suspension Offences as set out in Schedule 1.

**“Guidelines on Process for Hearing and Determining any Complaint, Protest and Appeal”** means the guidelines for any Judicial Committee for hearing and determining Complaints or Protests as set out in Schedule 2.

**“Hockey New Zealand”** means The New Zealand Federation of Hockey Incorporated

**“Judicial Committee”** means the Association Judicial Committee(s) appointed in accordance with clause 9 (Association Judicial Committee).

**“Jury of Appeal”** means the Association Jury of Appeal(s) appointed in accordance with clause 13.4.

**“Legitimate Protests”** means incorrectly handled aspects of a procedural nature or related to a technical mistake in a match, which impacts on the outcome of a match, including but not limited to:

- a. A suspended player interfering with play;
- b. A significant incident, that affects the outcome not seen by or dealt with by the umpires and/or officials;
- c. A non-registered or ineligible player;
- d. Excessive over-run or shortage of time when both umpires or the technical bench have been negligent; and
- e. Incorrect end to a half or game e.g. non-completion of a penalty corner.

**“Misconduct”** has the meaning given to it in Clause 5.

**“On-Field”** means ball-related rules and interpretations (including but not limited to goals awarded, penalty strokes/shootouts, free hits and other decisions relating to play that are encountered during a hockey match and/or the awarding of green and yellow cards (except where an error has been made e.g. the awarding of a card to the wrong person) but does not include Legitimate Protests.

**“Participants”** has the meaning given to it in clause 3.1.

**“Protest”** has the meaning given to it in clause 7.3.

**“Public Statements”** means any statement in which the whole, part, or essence, is made public. Such a statement may be made in a newspaper, magazine, periodical, or by any electronic media (internet, email, social media etc.), or other means through the medium of television, radio, or in any other manner whatsoever, regardless of the circumstances in which the statement was made.

**“Rules of Hockey”** means the laws for playing the game of hockey as approved by FIH.

**“Suspension Offences”** includes Level 1 Suspension Offences, Level 2 Suspension Offences, Level 3 Suspension Offences and Serious Suspension Offences as each of these are defined and set out in Schedule 1.

## **5. Standards of Conduct**

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- 5.1 All Participants shall, at all times, conduct themselves fairly and in a proper manner, including maintaining a high standard of personal conduct, so as not to prejudice the interests of hockey or bring themselves, the game of hockey, or Association, into disrepute.
- 5.2 In addition, the following shall be regarded as conduct which is improper, unfair and unacceptable:
- a. Verbal or physical abuse, or hostility, towards any other Participant, person or any other member of the public.
  - b. Disputing, protesting or reacting in a provocative or disapproving manner, in an inappropriate way, toward any decision made by an umpire or official.
  - c. Charging or advancing towards an umpire or technical official in an aggressive manner while appealing.
  - d. Using rude or abusive language or hand signals.
  - e. Abuse of any hockey equipment, or clothing, or venue equipment.
  - f. Failure to attend media conferences as requested, or failure to meet ceremonial obligations.
  - g. Any verbal or physical abuse, or hostility, towards any anti-doping officials, ball attendants or other support personnel.
  - h. Making any detrimental Public Statements, in respect of any Participant, person or other member public.
  - i. Committing any Suspension Offence.
- 5.3 Participants shall not participate in, support, or promote, any form of betting or gaming activities, including online betting or gaming activities or betting with another person, related to the event in which they are a Participant.
- 5.4 Participants shall not accept or induce a bribe or corrupt payment or otherwise allegedly agree to manipulate results in any way or give inside information for betting purposes.
- 5.5 Participants are required to adhere to the dress standards as specified in any Association Tournament Rules.
- 5.6 Breach of any of the standards of conduct, set out in this clause 5, is regarded as "Misconduct".

## **6. Complaints**

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- 6.1 An allegation of Misconduct can be made, by any person to the Chief Executive.
- 6.2 The allegation of Misconduct should set out in writing, in as much detail as possible:
- a. the nature of the incident;
  - b. the persons involved;
  - c. the date(s) and time(s) when the alleged Misconduct occurred,
  - d. together ("the Complaint").
- 6.3 Nothing in this Code of Conduct prevents the Chief Executive initiating an investigation, in his/her own right, if he/she considers there has been Misconduct.

- 6.4 The lodging of a complaint to the Chief Executive should be carried out within two weeks of the incident occurring, at which point the Chief Executive may use their own discretion whether or not to consider the complaint.

## **7. Protests**

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- 7.1 Written Protests relating to the outcome of a match, or an issue arising from the awarding or non-awarding of a red card, or accumulation of penalty points, can be made by any Participant to the Chief Executive, provided such Protest is lodged within 24 hours after the end of a match or end of a stand-alone shoot-out competition.
- 7.2 A fee of \$100, or such other amount as set by Association from time to time, must accompany the written protest.
- 7.3 The Protest should set out in writing, in as much detail as possible:
- a. the nature of the incident;
  - b. the persons involved;
  - c. the date(s) and time(s) on which the incident occurred,
- together (“the Protest”).
- 7.4 No Protest may be considered by the Judicial Committee regarding an umpire’s On-Field decision.

## **8. Structure of the Judicial Provisions**

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- 8.1 The judicial provisions in this Code of Conduct are divided into three parts:
- a. **Part A** which apply to matters relating to Competitions;
  - b. **Part B** contains the penalties available for Misconduct; and
  - c. **Part C** contains the Appeal provisions.

## **PART A – COMPETITIONS**

### **9. Association Judicial Committee**

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- 9.1 After investigating the alleged misconduct, and concluding that a hearing may be required, the Chief Executive will appoint a Judicial Committee to consider and determine Complaints and Protests (“Judicial Committee”).
- 9.2 The Judicial Committee shall consist of a minimum of three (3) persons including a Chairperson, appointed by the Chief Executive.

### **10. Proceedings of Judicial Committee**

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- 10.1 On receipt of a Complaint or Protest, the Judicial Committee shall conduct a hearing in accordance with the Guidelines to Process for Hearing and Determining Any Complaint, Protest or Appeal, unless in their sole discretion, a hearing is not warranted.
- 10.2 All proceedings (including the hearing and decision) before the Judicial Committee are confidential to the parties unless the Judicial Committee directs otherwise. In the case of a

decision involving a sanction, the details of the charge, verdict and sanction will be communicated to the wider hockey community.

10.3 Each party shall be responsible for their own costs (if any) associated with the hearing.

## **11. The Decision**

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11.1 After the hearing of a Complaint, the Judicial Committee shall:

- a. dismiss the matter if it finds that Misconduct has not been committed;
- b. issue such penalty as it thinks fit, in accordance with clause 12 (Penalties and Recommendations) if it finds that Misconduct has occurred;
- c. refer the Complaint to the Board for hearing and determination, in accordance with Rule 19.1 of the Constitution, where the Judicial Committee, in its sole discretion, concludes that a hearing, and determination by the Board, may be more appropriate in the circumstances; and/or
- d. refer the matter to the Police.

11.2 After the hearing of a Protest, the Judicial Committee shall determine:

- a. whether the Protest should be dismissed; or
- b. whether the Protest should be upheld and take such action as it thinks fit.

11.3 All Decisions of the Judicial Committee shall be final and binding on the parties, except where the provisions of clause 13.1 apply.

## **PART B – PENALTIES**

### **12. Penalties Available for Judicial Committee**

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12.1 If the Judicial Committee finds that Misconduct has occurred, it may impose any one or more of the following penalties:

- a. a warning or reprimand;
- b. require the Participant to make a formal apology;
- c. suspension from such activities of the Association, including competitions (local or national), events, meetings, and other functions, for such period(s) and on such terms and conditions as it thinks fit;
- d. exclusion from a particular competition activity, meeting, event, or events of Association;
- e. demotion or removal from any position or function granted by Association or as a representative of Association;
- f. the cancellation of results of a competition or event (including team results if the Judicial Committee considers it appropriate to do so);
- g. reparation and/or compensation by way of monetary payment to the complainant and/or other parties involved in the matter, in an amount and in such manner as the Judicial Committee thinks fit;

- h. fines imposed in such manner, and in such amount(s), as the Judicial Committee thinks fit; and/or
  - i. such other penalty as the Judicial Committee considers commensurate with the offence.
- 12.2 In addition to the penalties set out in clause 12.1a above, where the Misconduct is a Suspension Offence, the Judicial Committee may award penalty points or suspend for one or more matches for participants who, in the Judicial Committee's opinion, have committed a Suspension Offence whether before, during or after a match. In particular cases, a clear timeframe for the suspension period may be more suitable than detailing particular matches.
- 12.3 When considering penalties for a Suspension Offence, the Judicial Committee must follow the Guidelines for Suspension Offences outlined in Schedule 1.

## **PART C – APPEALS**

### **13. Appeals**

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- 13.1 A party to a decision of the Judicial Committee may appeal such decision, to a Jury of Appeal ("Appeal"), only on one or more of the following grounds:
  - a. natural justice was denied;
  - b. the decision-maker or decision-making body acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);
  - c. the sanction imposed by the Judicial Committee was inconsistent with the Guidelines for Suspension Offences.
  - d. substantial new evidence became available after the decision by the Judicial Committee was made.
- 13.2 An Appeal must be made in writing to the Chief Executive of Hockey New Zealand accompanied by a fee of \$300, within one week of the release of the Judicial Committee decision.
- 13.3 Hockey New Zealand will appoint a Jury of Appeal to hear and determine appeals ("Jury of Appeal") of a Judicial Committee where one of the grounds in clause 13.1 exist.
- 13.4 A Jury of Appeal shall consist of three persons, including a chairperson.
- 13.5 Any person who has taken part in any previous proceedings, in relation to the matter under appeal, must not be appointed to the relevant Jury of Appeal.
- 13.6 The Appeal is not by way of a re-hearing of the evidence but is limited to a review of the matters set out in clause 13.1. However, in exceptional circumstances, the Jury of Appeal may choose to re-hear the matter on a de novo basis. In this case, they may re-consider substantive issues at their discretion where they deem this necessary to fulfil the requirements of natural justice.

### **14. Proceedings of the Jury of Appeal**

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- 14.1 On receipt of an Appeal, the Jury of Appeal shall conduct a hearing in accordance with the Guidelines to Process for Hearing and Determining Any Complaint, Protest or Appeal.
- 14.2 All proceedings (including the hearing and decision) before the Jury of Appeal are confidential to the parties unless the Jury of Appeal directs otherwise. In the case of a decision involving a sanction, the details of the charge, verdict and sanction will be

communicated to the wider hockey community. Each party shall be responsible for their own costs (if any) associated with the hearing.

## **15. The Decision**

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- 15.1 After the hearing of an Appeal, the Jury of Appeal has the power to:
- a. allow or dismiss the Appeal;
  - b. vary the decision of the Judicial Committee;
  - c. increase, decrease, remit, or otherwise vary, any penalty included in the decision of the Judicial Committee;
  - d. impose such other penalty or sanction as it deems fit;
  - e. make an order that the appeal fee be refunded or forfeited; and/or
  - f. make an order for costs against any party.
- 15.2 The decision of the Jury of Appeal is final and binding on all parties and there shall be no further right of appeal.



## **SCHEDULE 1**

### **Guideline for Suspension Offences**

The purpose of this guideline is to determine appropriate penalties for Judicial Committees to adhere to.

#### **1. Penalty Point Accumulation System**

The Association has adopted a points accumulation system based on the awarding of coloured cards by umpires. Depending on the card, and the number of points accumulated, an automatic penalty may be imposed, or a further penalty or suspension may result depending on the decision of the Tournament Director or Judicial Committee. The issuing of a card carries points, which can be awarded by umpires to any Participant associated with the team during a match (which is defined as the period 30 minutes prior to the start of a match until 30 minutes after the match has ended).

Note: if an umpire does not have access to the appropriate coloured card, then verbally stating the nature of the card will equally suffice as a valid mode of delivery of the card.

Each card will carry penalty points as follows:

Green	1 Point.
Yellow	3 to 6 Points as determined by the umpires at the end of the match.
Red	Automatic suspension of one match. The suspension may be increased if additional sanctions are applied through the outcome of a judicial process.

Participants accumulating 12 points (through receiving green and/or yellow cards) during a Competition will automatically be suspended for one match. Further action may be taken at the discretion of the Judicial Committee. Following the suspension, six points will remain credited to the Participant, and shall remain on the record of the Participant for the rest of the calendar year (31 December).

Where a red card has been awarded to a Participant, the Judicial Committee may decide a hearing is required and, if so, the offender is invited to attend the hearing. The Tournament Director or Judicial Committee may impose whatever penalty or suspension they consider appropriate.

Following the suspension, a minimum of six points will remain credited to the Participant, and shall remain on the record of the Participant, for the rest of the calendar year. If the Participant had accumulated more than six points before the issuing of the red card, then these points will remain on record.

Penalty points are allocated to a particular individual, even when they are participating in a number of grades or competitions within an Association or region. When outlining the details of a sanction to a Participant(s), the Judicial Committee will choose which grades or competitions (or a combination of the two), a sanction will apply to.

In the case of a card being awarded to the wrong player, or any other situation where the Judicial Committee concludes that a gross error or an injustice has occurred, the Judicial Committee may, in its discretion, retract the card and make the appropriate adjustments to the documentation and accumulated points total.

Penalty points accumulated during local Association or regional competitions will not be carried over into national competitions. However in the case of a participant serving a suspension, where that suspension impacts on a person's ability to participate at a national tournament, the Tournament Director should be notified so that the sanction can be applied appropriately at the tournament.

**2. Level 1 Suspension Offence:**

2.1 The penalty for a Level 1 Suspension Offence may be a suspension of the Participant for a minimum of one match to a maximum of three matches.

2.2 For the purposes of the Code of Conduct "*Level 1 Suspension Offence*" means:

- a. Verbal abuse or hostility towards any other Participant, person or spectator.
- b. Spitting at another Participant, person or spectator.
- c. Disputing/protesting, reacting in a provocative or disapproving manner in an inappropriate way toward any decision made by an umpire or official.
- d. Charging or advancing towards an umpire or technical official in an aggressive manner.
- e. Excessive appealing of an umpire's decision.
- f. Throwing a stick or ball at, or near, a player, umpire, or official, in an inappropriate and/or dangerous manner.
- g. Inappropriate physical contact between players.
- h. Using rude or abusive language, or gestures that are considered to be obscene, offensive, or insulting.
- i. Minor sexual harassment, sexual inferences or undertones.
- j. Racial comments, inferences or undertones.
- k. Abuse of hockey equipment or clothing, venue equipment or fixtures and fittings.
- l. Team managers and/or team personnel not taking control of the conduct of their team bench, dugout area, coaching boxes, video towers and other areas specified by the Association to ensure their team and spectator behaviour is appropriate.
- m. Making public statements that are not fair, constructive or reasonable and involve a personal attack on another player, umpire, appointed official or administrator.
- n. Engaging in social media activities that are not deemed constructive and/or are offensive, demeaning or intending to belittle Participants, or other members of the hockey community.

2.3 Table 1 summarises a range of Level 1 Suspension Offences and gives guidance about the number of matches an offender should stand-down for. Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

**Table 1**

Description of Breach or Misconduct	Number of match stand-downs

	<b>1 match</b> <i>e.g. Provoked, high levels of remorse. No harm inflicted.</i>	<b>2 matches</b> <i>e.g. Unprovoked</i>	<b>3 matches</b> <i>e.g. Intentional with malice. No remorse.</i>
Verbal abuse, protesting, charging/advancing, appealing, stick throwing, rude language and gestures, harassment, equipment abuse, unsporting behaviour	Without intention to cause harm Evidence of 'mischievous' rather than cruel or nasty	Without responsibility and with no care about impact on other people	Intended to cause harm, be hurtful or offensive Coming from a distance repeating words and gestures
Spitting (spittle does not connect with target person)	With no intent to spit on another person	Careless and irresponsible	With intent to spit on another person, but unsuccessful
Inappropriate conduct with regard to Manager's responsibilities, public statements and social media activities and postings	'Honest' mistake No harm intended Evidence of naivety or lack of understanding	Without responsibility and with no care about impact on other people	Malicious negligence and unwilling to accept responsibility Intention to be hurtful or demeaning

### 3. Level 2 Suspension Offence:

3.1 The penalty for a Level 2 Suspension Offence may be suspension of the Participant for a minimum of three matches to a maximum of eight matches.

3.2 For the purposes of the Code of Conduct "*Level 2 Suspension Offence*" means:

- a. Threat of assault on an umpire or official.
- b. Spitting on another player, Participant or spectator.
- c. Striking and/or physical assault, without serious injury, of another player, umpire, official or spectator.
- d. Persistent and deliberate breach of the Rules of Hockey (generally considered dangerous and intimidating) following a warning from an umpire.
- e. Using language or gestures which seriously offends, insults, intimidates, threatens, disparages or vilifies another person on the basis of that person's race, religion, gender, colour, descent or national or ethnic origin.
- f. Sexual harassment, racial abuse or verbal attacks
- g. Participating in, or any involvement with any form of betting or gaming activities, including online betting or gaming activities, related to the event in which they are Participants.
- h. Recurrent breaches of Level 1 Suspension Offence.

- 3.3 Table 2 summarises a range of Level 2 Suspension Offence and gives guidance about the number of matches an offender should stand-down for. Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

**Table 2**

Description of Breach or Misconduct	Number of match stand-downs		
	<b>3 - 4 matches</b> <i>e.g. Provoked, high levels of remorse. No harm inflicted.</i>	<b>5 - 6 matches</b> <i>e.g. Unprovoked</i>	<b>7 - 8 matches</b> <i>e.g. Intentional with malice. No remorse. Harm inflicted</i>
Threatening, dangerous or intimidating behaviour	Related to a close contest between opposition players and the ball Excessive, relentless	Coming from a distance to incite violence Actions result in escalation of incident	Actions start a brawl or nasty, objectionable scene
Spitting (spittle connects with target person)	Evidence of frustration or provocation	Unprovoked Malicious	Combined with nasty, hateful, spiteful or repulsive language or gestures
Striking, physical assault (without serious injury)	Evidence of frustration or provocation	Strike to mid/lower body region such as stomach or legs	Deliberate with intent to harm Strike to the head region with stick or fist
Foul language, gestures, sexual harassment and racial abuse	Distasteful or unsavory	Nasty, mean, spiteful or vindictive	Intended to be hurtful or offensive Inciting violence
Inappropriate conduct with regard to betting and/or gaming	'Honest' mistake Evidence of naivety or lack of understanding	Deliberate act Irresponsible and negligent	Involved in organised money making activities

#### 4. Level 3 Suspension Offence:

- 4.1 The penalty for a Level 3 Suspension Offence may be suspension of the Participant for a minimum of eight matches to a maximum of twenty matches.
- 4.2 For the purposes of the Code of Conduct "Level 3 Suspension Offence" means:
- a. Any act of violence on or off the field of play.
  - b. Physical assault causing serious bodily injury to another player, umpire, official or spectator.
  - c. Match fixing involvement or activities
  - d. Recurrent breaches of Level 2 Suspension Offences.

- 4.3 Table 3 summarises a range of Level 3 Suspension Offences and gives guidance about the number of matches an offender should stand-down for. Additional considerations should include attitude of the offender, degree of remorse and degree of harm inflicted.

**Table 3**

Description of Breach or Misconduct	Number of match stand-downs		
	<i>8 - 11 matches</i> <i>e.g. Provoked, high levels of remorse.</i>	<i>12 - 16 matches</i> <i>e.g. Unprovoked</i>	<i>17 - 20 matches</i> <i>e.g. Intentional with malice. No remorse. Harm inflicted</i>
Act of violence	Provoked, triggered by on-field incident Actions result in escalation of incident	Actions start a brawl or nasty, objectionable scene	Hostile, brutal, vicious, inhumane Incident off field or after being shown a red card
Striking, physical assault (causing serious injury)	Evidence of frustration or provocation	Unprovoked Strike to mid/lower body region such as stomach or legs	Deliberate with intent to harm Strike to the head region with stick or fist
Match fixing or involvement in activities	Evidence of naivety or provocation or pressure to partake	Choices made to partake without pressuring others to also partake	Involved in organised cartel with intent to influence and/or pressure others to partake

## 5. Serious Suspension Offence:

- 5.1 In the case of serious, highly dangerous, and/or life-threatening offences (“Serious Suspension Offence”) more than a maximum of a twenty-match suspension may be justified. In these cases, the Judicial Committee should consult with the Board.
- 5.2 In the case of repeat offenders being found guilty of a Level 3 Suspension Offence, a one-year through to a life ban may be appropriate.

## **SCHEDULE 2**

### **Guidelines On Process For Hearing and Determining any Complaint, Protest or Appeal**

The purpose of this guideline is to ensure Judicial Committees follow a consistent process and comply with the principles of natural justice.

#### **1. Receipt of Protest, Complaint or Appeal**

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- 1.1 On receipt of a Complaint, Protest or Appeal, the Judicial Committee or Jury of Appeal shall notify the complainant and the Participant against whom the Complaint, Protest or Appeal is made, and any other relevant parties of:
- a. the details of the Complaint or Protest (as set out in paragraph 2.1 of this Schedule) or Appeal (as set out in paragraph 2.2);
  - b. the time and place of the hearing;
  - c. where relevant, the names of the people who will be serving on the Judicial Committee or Jury of Appeal for the proceedings;
  - d. the right of all parties to be represented (this includes the Participant(s) against whom the Complaint or Protest is made having one representative).
- 1.2 The Judicial Committee or Jury of Appeal shall hear and determine the Complaint, Protest or Appeal in whatever manner it considers appropriate in the circumstances (including by way of teleconference, videoconference, in person or otherwise).

#### **2. Details of the Complaint, Protest or Appeal**

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- 2.1 The details of the Complaint or Protest will be in writing and include:
- a. the fact of the report of the Complaint or Protest;
  - b. the identity of the Participant when Misconduct is alleged;
  - c. the Misconduct alleged or the decision that the Participant or team is protesting;
  - d. any evidence provided with the Complaint or Protest.
- 2.2 The details of any Appeal will be in writing and include:
- a. the fact of the report of the Appeal;
  - b. the grounds on which the Appeal has been made.

#### **3. The Hearing**

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- 3.1 The Participant(s) who is the subject of the Complaint or Protest is entitled to be present at the hearing. Should the Participant fail to attend the hearing, the hearing shall take place in the absence of the Participant and the facts around the failure to attend shall be taken into account in the determination of the appropriate penalty in the event that Misconduct is found to have been committed.
- 3.2 At the hearing, the Judicial Committee shall:
- a. provide the Participant with an opportunity to make a statement or provide evidence in relation to the Complaint, Protest or investigation;

- b. consider other evidence e.g. umpire reports, technical official reports, witness statements, video evidence etc;
- c. provide the Participant with an opportunity to make further submissions or provide additional evidence; and
- d. give due consideration to the allegations and the evidence.

3.3 At the hearing, the Jury of Appeal shall:

- a. provide the Participant with an opportunity to make a statement or representation at the hearing;
- b. if the Appeal has been raised under clause 13.1 (d) of the Code, consider any other evidence which has come to light after the original decision; and
- c. give due consideration to the Appeal.

#### **4. Proof**

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- 4.1 The onus of proof will be on the person who has made the Complaint, Protest or Appeal.
- 4.2 The standard of proof is on the balance of probabilities. The Judicial Committee or Jury of Appeal need only be satisfied on the balance of probabilities (more likely than not).
- 4.3 Where there is a direct conflict between evidence of the Participant and other relevant parties and no corroborative supporting evidence exists either way then the Judicial Committee or Jury of Appeal may in their absolute discretion, give a presumptive but not conclusive weight, to an official's account without in any way pre-determining the final decision.
- 4.4 Greater significance should be placed on the Participant's intention than on the actual outcome in reaching any decision. The consequences of the action may however, influence the penalty.
- 4.5 In any case in which it is claimed a Participant was guilty of an offence by reason of provocative conduct on the part of another Participant or person, such provocative conduct shall be no defence for any incident but may be taken into account in determining the penalty or suspension.
- 4.6 A Participant's previous history should not be considered when determining guilt. However, their history should be considered when determining a penalty or suspension. Repeat offenders should expect more severe penalties.

#### **5. The Decision**

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- 5.1 Any decision in relation to a Complaint or investigation should be in writing and deal with the following matters:
  - a. Whether the Participant(s) accepts that Misconduct has occurred resulting in a breach of this Code of Conduct.
  - b. If the Participant does not accept the breach, a finding as to whether a breach has occurred and why.
  - c. The penalty for any breach.
- 5.2 Any decision in relation to a Protest or Appeal should be in writing and deal with the following matters:

- a. The outcome of the Protest or Appeal.
  - b. Any implications for other Participants or teams in the Competitions.
  - c. If the Protest or Appeal is upheld, whether the fee for lodgement of the Protest will be returned.
- 5.3 When a decision by the Judicial Committee involves a suspension, such a suspension period should be served at a level of hockey equivalent and/or above the level at which the breach occurred, unless otherwise directed by the Judicial Committee.
- 5.4 While serving a suspension period a Participant shall not participate at any level, nor be involved in hockey in another capacity at any level until completion of the match or matches comprising the suspension period, unless otherwise directed by the Judicial Committee.
- 5.5 A Participant shall not participate in any match if they have been issued a red card, or if they are the subject of a formal complaint, protest or appeal, until the case has been heard and determined before the Judicial Committee, unless specifically authorised to do so by the Judicial Committee.

## **6. The Penalty**

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- 6.1 A clear definition of the penalty will include:
- a. The penalty imposed;
  - b. Where a penalty imposed contains a suspension period:
    - (i) The number of matches and/or timeframe for which the Participant is suspended;
    - (ii) The date of commencement of the suspension; and
    - (iii) The match or matches to which the suspension will apply.



**SCHEDULE 3**  
**Guideline for Jurisdiction**

The purpose for this guideline is to ensure that all hockey played in New Zealand has the relevant Code of Conduct aligned to its competitions, events and activities. In cases where jurisdiction is not clear, Hockey New Zealand, together with the relevant Association or region will decide on appropriate jurisdiction.

<b>Type of match or event</b>	<b>Jurisdiction</b>	<b>Relevant Code</b>
FIH sanctioned tournament FIH sanctioned test series Other matches involving international teams	Appointed TD	FIH Code of Conduct
National Competitions with an appointed TD	Appointed TD	Hockey NZ Code of Conduct
National Competitions without an appointed TD	Hockey NZ	Hockey NZ Code of Conduct
Other national events including but not limited to: Masters, Maori, Indian, University, Armed Forces	Appointed TD	Hockey NZ Code of Conduct
Hockey NZ squad games, practices and events	Hockey NZ	Memorandum of Understanding /Hockey NZ Code of Conduct
All other related events and activities not under the control or jurisdiction of an Association or region	Hockey NZ	Hockey NZ Code of Conduct
Association, school or regional match, event or activity	Association, school or region	Association Code of Conduct

## SCHEDULE 4

### Checklists for use of this Code of Conduct

The following lists are provided as a guide for those involved in a judicial process. Their use should be seen to assist a fair process and to ensure the spirit of natural justice is followed. It is not intended that an omission or oversight would result in the basis of an appeal, unless the provisions of clause 13.1 apply.

#### For Chief Executives and Judicial Committees:

- The details of Schedule 2 should be considered carefully
- Note that accused Participant(s) involved in judicial proceedings should not partake in hockey until the judicial process has been completed
- The complainant, and the accused should be notified of the details of the complaint or protest. If appropriate, ensure other affected parties are advised
- Advise a timeline for the process
- Initiate an investigation (this task may be delegated eg judicial commissioner)
- Ensure no conflicts of interest or perceived conflicts. Be vigilant with professionalism, confidentiality and privacy. Ensure no pre-judgements are made by people privy to information
- If a hearing is required, the Chief Executive will appoint a judicial committee (a minimum of 3 persons including a chairperson) in accordance with Clause 9
- Complete a formal notification of charge form (*Form 5d from Schedule 5*)
- Notify all parties that a hearing will take place
- Outline the details of the time and place of the hearing to relevant parties
- Detail the names of the judicial committee members
- Invite the accused to the hearing. Note that the hearing will still proceed in the absence of the accused
- Indicate that a support person may be present
- Provide any reports or evidence that is available at the time of notification
- Indicate the alleged misconduct and charge if appropriate

#### For Participants or those lodging a protest or complaint:

- Complaints should be lodged within a 2 week timeframe. See Clause 6.2. (*Use Form 5b Allegation of Misconduct*)
- Protests regarding a particular match or competition should be lodged within 24 hours. No protest will be heard regarding an umpire's on-field decision (see 4.1 *Definitions*). See 7.3 and 7.4 (*Use Form 5c Protest relating to a match or competition*)
- \$100 fee must accompany a written protest

#### At the hearing

- The judicial committee should be introduced and the chairperson identified. Accurate minutes of the meeting should be taken by a committee member
- The accused, and support person acknowledged and introduced
- The Chairperson should outline the alleged misconduct and indicate the charge
- The Chairperson should give the accused an opportunity to make an opening statement, and to make a plea

- The accused should then be given the opportunity to give evidence relevant to the alleged misconduct
- The committee should consider all other evidence relevant e.g. reports, video footage, witness accounts (following Clause 3.2 of Schedule 2). At any stage, individuals or parties may be asked to leave the room
- The accused should be given opportunity to make further submissions
- The committee should consider the allegations and evidence
- The committee should make a decision and impose any sanction(s). Note Clause 4 of Schedule 2
- The right to appeal as per Clause 13 should be stated
- The decision should be communicated verbally at the meeting, then in writing as soon as practicable after the completion of the meeting
- The accused and other parties involved in the alleged misconduct should be informed of the decision and sanction. Ensure that this communication is acknowledged as received by all parties

## **SCHEDULE 5**

### **Complaints, Protests and Judicial Process Templates**

The following templates are designed to allow correct flow of information between the various parties involved with a judicial process. It is not compulsory to use these forms (ie a process would not be deemed invalid if alternative documentation was used), but it is recommended so that the correct information flow and communication between parties result in a fair and open process.

#### **Templates listed:**

- 5a Red Card Awarded
- 5b Allegation of Misconduct (Complaint)
- 5c Protest relating to a match or competition
- 5d Formal Notification of a Charge



## 5a Red Card Awarded

Introduction *(Detail the time, date, location, turf/field/pavilion etc, match details, umpires.*

Time:

Date:

Location:

Match between:

Participants:

Umpires:

Name and number of player awarded the red card:

Describe the nature of the incident: *(A detailed factual account of the event including anything leading up to the event and anything occurring afterwards (if applicable), and any verbal comments made surrounding the incident).*

List other potential witnesses:

Signed:

Date:

Name:





## 5b Allegation of Misconduct (Complaint)

Introduction (*Detail the time, date, location, turf/field/pavilion etc, match details (if applicable), umpires (if applicable).*)

Time:

Date:

Location:

Other details:

Participants: (*identify the person(s) involved, their player number and role as defined by the Code of Conduct Clause 3.1).*)

Describe the nature of the incident: (*A detailed factual account of the event including anything leading up to the event and anything occurring afterwards (if applicable), and any verbal comments made surrounding the incident).*)

List potential witnesses:

Signed:

Date:

Name:







## 5c Protest relating to a match or competition

Protest to be lodged within 24 hours of the completion of the match.

Fee: \$100

Grounds for legitimate protests are listed in clause 4.1

Note: Clause 7.4 of the Code of conduct: *no protest may be considered regarding an umpires on-field decision.*

Introduction (*Detail the time, date, location, turf/field/pavilion etc, match details, umpires.*

Time:

Date:

Location:

Match between:

Grounds for protest:

Signed:

Date:

Name:



## 5d Formal Notification of a Charge

Date:

Name of participant: *(person charged)*

### **Charge:**

On the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

(description of the charge to ensure the participant is fairly informed)

**Examples** (delete examples and wording that are not relevant)

(eg did excessively appeal an umpire decisions by repeatedly crowding and verbally challenging the umpire \_\_\_\_\_ (name))

(eg did abuse hockey equipment, namely dugout by throwing their hockey stick)

(eg did use language, namely \_\_\_\_\_ (words used) which seriously offended \_\_\_\_\_ (name person) on the basis that is was racially offensive)

(eg did threaten \_\_\_\_\_ (umpire or official name) by using the words \_\_\_\_\_.)

(eg did spit at \_\_\_\_\_(name) which connected with that person or another)

(Eg did strike a person \_\_\_\_\_ (namely) with a hockey stick causing an injury namely \_\_\_\_\_(give injury).)

Signed:

Name:

Role:

