

Rules of Procedure in a reference to the Disciplinary Commissioner



European Hockey Federation

Avenue des Arts 1-2, 1210 Brussels, Belgium
Tel: +32 2 217 05 64 Fax: +32 2 219 06 37
email: info@eurohockey.org www.eurohockey.org

polytan



RULES OF PROCEDURE IN A REFERENCE TO THE DISCIPLINARY COMMISSIONER

In accordance with the Regulations for enforcement of discipline and for Appeals, the Director General shall refer any alleged breaches, offences or disputes to the Disciplinary Commissioner (**a Reference**) for him or her to deal with as appropriate.

The following Rules of Procedure will apply in relation to all References to the Disciplinary Commissioner subject to the Disciplinary Commissioner's power to vary such rules as appropriate at his or her discretion in any particular circumstances.

The Disciplinary Commissioner will deal with any Reference essentially on the basis of written submissions, but any party the subject of a Reference will be able, except in a **Summary Case**, to request a hearing in person subject to the specific rules applicable as set out below. In any case, the Disciplinary Commissioner will be empowered to call for expert or other independent opinion to assist in an expedient resolution of a Reference. Further the Disciplinary Commissioner will be able to apply appropriate costs sanctions in any particular case.

Summary Cases: those matters including breach of Regulations in any EHF event relating to:-

- Late submission of an entry form
- Non-attendance at a briefing meeting
- Non-attendance at official ceremonies
- Infringement of rules and regulations relating to clothing/advertising

In Summary Cases where a fine is imposed it will fall in the range of €50 - €5000.

Any Reference will normally be dealt with in writing, but whether in writing without an Oral Hearing or utilising an Oral Hearing, the following procedures will apply:-



Summary Cases

Step 1	Time	Action
Gather information and make decision	Within 14 days of date of Reference	Disciplinary Commissioner will consider all information in his possession (including, but not limited to the relevant Report of the Competitions' Manager) and make a decision



Non-Summary Cases

Step 1	Time	Action
Gather information and present case	Within 28 days of date of Reference.	Disciplinary Commissioner will consider all information in his possession and communicate with any parties, including the Referred Party who may be able to assist in a consideration of the Reference. The case will be presented to the Referred Party, inviting a response and offering the opportunity to request an Oral Hearing.



Summary Cases

Non-Summary Cases

Step 2	Time	Action
Response period.	Within 14 days of Step 1	Referred Party Response including election to have an Oral Hearing and payment of the prescribed Oral Hearing fee. When lodging a Response the Referred Party must also file details of any witnesses it wishes to call along with statements of those witnesses and confirmation and details of any representative it will utilise at the Oral Hearing. In the absence of those elements, the Oral Hearing will still proceed but the Referred Party will not be able to call any witnesses at the Oral Hearing other than those whose statements have been set out in the Response and/or utilise representatives at the Oral Hearing.



Summary Cases

Non-Summary Cases

If Referred Party declines opportunity to request an Oral Hearing or does not respond at all within the stipulated period then the matter will proceed to a decision in writing as follows:-

Referred Party chooses an Oral Hearing and satisfies conditions then the matter will proceed to an Oral Hearing as follows:-

Step 3	Time	Action
Decision	Within seven days of Step 2	Disciplinary Commissioner will make a decision and commit to writing which will be communicated to the Referred Party either electronically or by whatever means are appropriate (Notice of Written Decision)

Step 3	Time	Action
Notification of Oral Hearing Date	Within seven days of expiry of period identified in Step 2.	Disciplinary Commissioner fixes date, time and place of Hearing, including as appropriate option to use video conferencing facilities and sends out Notification Pack



Step 4	Time	Action
Hearing	At time appointed under Step 3 above	Procedure at hearing as set out in Hearing Procedure for Oral Hearings document which will have been sent out in Notification Pack.



Summary Cases

Non-Summary Cases



Step 5	Time	Action
Decision	At end of hearing or if necessary on a reserved decision	Communicated to Referred Party at end of hearing or after reserved decision (Notice of Written Decision). To be communicated electronically or otherwise as appropriate.



Final Step	Time	Action
Appeal	Within seven days of receipt by Referred Party of Notice of Written Decision	See Regulations for enforcement of Discipline and for Appeals (Regulation 8 and following)

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