

NOVEMBER 2012

**INTERNATIONAL
HOCKEY
FEDERATION**

**DISPUTE
RESOLUTION
REGULATIONS**

With effect from 1 January 2013



**DISPUTE RESOLUTION REGULATIONS OF THE
INTERNATIONAL HOCKEY FEDERATION**

TABLE OF CONTENTS

ARTICLE 1 – INTRODUCTION.....	1
ARTICLE 2 – PROCEDURES APPLICABLE IN ALL PROCEEDINGS	2
ARTICLE 3 – PROCEDURES APPLICABLE IN PROCEEDINGS BEFORE THE DISCIPLINARY COMMISSIONER.....	5
ARTICLE 4 – PROCEDURES APPLICABLE IN PROCEEDINGS BEFORE THE JUDICIAL COMMISSION	10
APPENDIX – DEFINITIONS AND INTERPRETATION	14

1. INTRODUCTION

1.1. In accordance with the *Statutes*:

1.1.1. Except when the *Statutes* or *Regulations* vest such jurisdiction in another body or person, the *Disciplinary Commissioner* is vested with the full power and exclusive authority to investigate, consider and determine the following matters referred to him by the *CEO*:

1.1.1.1. allegations of acts of misconduct on or off the field of play at an *International Event* which have not been dealt with by the Tournament Director or the Jury of Appeal for the *International Event*;

1.1.1.2. allegations of other breach(es) of *Regulations* (whether by an *Athlete*, or a *Member*, or otherwise); and

1.1.1.3. any other matters referred to him by the *CEO*;

and the *Disciplinary Commissioner* shall also have jurisdiction to resolve any challenge to a refusal by the *CEO* to refer a matter to him.

1.1.2. The *Judicial Commission* is vested with the full power and exclusive authority to hear and determine:

1.1.2.1. As an appeal body:

1.1.2.1.1. appeals properly brought against any decision of the *Disciplinary Commissioner* (save where the *Statutes* or *Regulations* alleged to have been breached provide otherwise, e.g., where they provide for an *Appeal* straight to the *CAS*);

1.1.2.1.2. appeals properly brought against decisions of other bodies or persons, where the *Statutes* or *Regulations* at issue provide for such *Appeal* to the *Judicial Commission*; or

1.1.2.1.3. appeals properly brought pursuant to rights of appeal to the *Judicial Commission* set out in the statutes or regulations of a *Continental Federation*;

1.1.2.2. As a first instance tribunal, any complaint:

1.1.2.2.1. relating to a dispute between the *FIH* and one or more *Continental Federation* and/or *Members* arising under these *Statutes* or pursuant to a decision of the *FIH* or a contract between them or otherwise;

1.1.2.2.2. relating to a dispute between two or more *Continental Federations* or *Members*;

1.1.2.2.3. of any kind brought by the *FIH* against, or against the *FIH* by, (1) any *Athlete* or other person or body that is subject to the jurisdiction of the *FIH*; or (2) any *Athlete* or other person or body that is subject to the jurisdiction of a *Member*; or (3) any third party that agrees to submit to the jurisdiction of the *Judicial Commission*;

PROVIDED, IN EACH CASE, THAT the dispute or claim that is the subject of the complaint to the *Judicial Commission* is not subject to the exclusive jurisdiction of the *Disciplinary Commissioner* in accordance with Article 11.1 of the *Statutes* or the exclusive jurisdiction of the *CAS* in accordance with Article 11.3 of the *Statutes*; and

1.1.2.3. All other matters referred to it by *Congress* or the *Executive Board* for determination.

- 1.2. These *Dispute Resolution Regulations* are issued by the *Executive Board* in accordance with the *Statutes*. Their purpose is to set out the procedures to be followed in proceedings before the *Disciplinary Commissioner* or the *Judicial Commission*. They set out procedures applicable in all such proceedings (see Article 2), specific procedures to be followed in proceedings before the *Disciplinary Commissioner* (see Article 3), and specific procedures to be followed in proceedings before the *Judicial Commission* (see Article 4). However, the application of the procedures set out in Articles 2-4 is always subject to the following:
- 1.2.1. Where *Regulations* or another document pursuant to which a matter is referred to the *Disciplinary Commissioner* or the *Judicial Commission* set out procedural and/or substantive provisions applicable to such matter (such as provisions relating to the burden or standard of proof, or as to the sanctions to be applied upon proof of breach of the *Regulations*), those provisions will prevail over any inconsistent provision of these *Dispute Resolution Regulations*.
- 1.2.2. Subject always to Article 1.2.1, the *Disciplinary Commissioner* and/or the *Judicial Commission* (as applicable) has discretion to vary the procedures to be followed in a specific matter to suit the particular features of that matter, provided that such variations respect the rights of the parties to a fair and impartial hearing, including the right to present their own case, the right to notice of and a fair opportunity to address the case asserted against them, the right to present evidence in support of their case and to challenge evidence presented against them, and the right to a timely, reasoned decision.
- 1.2.3. Where an issue arises that is not specifically provided for in these *Dispute Resolution Regulations*, the *Disciplinary Commissioner* or the *Judicial Commission* (as applicable) may resolve that issue in a manner that he/it considers will best achieve the fair, consistent, and expeditious resolution of the matter.
- 1.3. This version of the *Dispute Resolution Regulations* will come into effect on 1 January 2013 and will continue in effect (as amended from time to time by the *Executive Board*) until repealed by the *Executive Board* or *Congress*.
- 1.4. Words and phrases appearing in these *Dispute Resolution Regulations* in italicised text are defined terms that bear the meaning set out in the Appendix to these *Dispute Resolution Regulations*.

2. PROCEDURES APPLICABLE IN ALL PROCEEDINGS

2.1. Composition and challenges:

2.1.1. Composition:

- 2.1.1.1. Where a matter is referred to the *Disciplinary Commissioner*, he may either determine the matter alone or he may co-opt two other suitably qualified and independent and impartial persons to form a tribunal with him, which he will chair, to hear and determine the matter. References in these *Dispute Resolution Regulations* to the *Disciplinary Commissioner* shall be deemed to refer to such tribunal, where appointed. The *Disciplinary Commissioner* shall act independently and impartially at all times. He shall have had no prior involvement with the case.
- 2.1.1.2. When a matter is referred to the *Judicial Commission*, the *JC President* (or one of the Deputy Presidents, if the President is unavailable or is conflicted) shall appoint one or three members of the *Judicial Commission* (as he sees fit, depending on the nature of the matter), one of whom may be himself, to sit as the tribunal (the "**JC Panel**") hearing that matter, and shall designate one of those members to chair that *JC Panel*. In each case, all of the members of the *JC Panel* so appointed shall act independently and impartially in the exercise of their judicial functions. They shall have had no prior involvement with the case. The *JC President* will notify the parties as soon as reasonably practical of the member(s) appointed. The chairman of the *JC Panel* so appointed, having consulted with the other members of the *JC Panel* (if any), shall as soon as reasonably practical notify the parties as to any additional or alternative requirements for the giving of

notices or the making of communications relating to the matter before the *JC Panel*.

- 2.1.2. Each party shall be required to raise at the earliest opportunity any legitimate objection that he/it may have to the *Disciplinary Commissioner* and/or to any member of the *JC Panel* convened to hear the matter. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the *JC President* shall rule on its legitimacy.
- 2.1.3. If the *Disciplinary Commissioner*, or a *JC Panel* member, is unable or unwilling for any reason to hear and determine a particular matter, the *JC President* may appoint another member of the *Judicial Commission* to replace him for that matter, or may (where applicable) leave it to the remaining members to hear and determine the matter.

2.2. Powers:

Each of the *Disciplinary Commissioner* and the *JC Panel* shall have all powers necessary for, and incidental to, the resolution of disputes brought before him/it, including (without limitation) the power (whether on the application of a party or of his/its own motion):

- 2.2.1. to order that potentially dispositive issues (e.g., as to jurisdiction) be heard and determined in advance of any other issues in the matter;
- 2.2.2. to rule on his/its own jurisdiction to hear and determine the matter;
- 2.2.3. to consolidate the matter with other substantially similar or related matters and/or order that concurrent hearings be held in relation to such matters;
- 2.2.4. to allow one or more third parties to intervene or be joined in the matter, to make all appropriate procedural directions in relation to such joinder or intervention, and thereafter to make a single final decision or separate decisions in respect of all parties, as he/it sees fit;
- 2.2.5. to expedite or to adjourn, postpone or suspend his/its proceedings, and/or to extend or shorten any deadline or time-limit otherwise provided for in these *Dispute Resolution Regulations* or in his/its own directions or orders (even if an application for extension is made after such deadline or time-limit has expired), upon such terms as he/it shall determine, where fairness so requires;
- 2.2.6. to order any party to make any property, document or other thing in his/its possession or under his/its control available for inspection by the *Disciplinary Commissioner* or *JC Panel* (as applicable) and/or any other party;
- 2.2.7. to appoint an expert to assist or advise the *Disciplinary Commissioner* or *Judicial Commission* (as applicable) on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or otherwise in such manner as directed by the *Disciplinary Commissioner* or *JC Panel* (as applicable); and/or
- 2.2.8. to order such interim relief or conservatory measures as he/it sees fit pending his/its final determination of the matter.

2.3. Hearings:

- 2.3.1. The *Disciplinary Commissioner* or the *JC Panel* may decide to deal with the matter on the basis of written submissions ("on paper") or may convene a hearing. Where the *Disciplinary Commissioner* or the *JC Panel* (as applicable) decides that an oral hearing is necessary in a matter, the hearing will be held at a venue chosen by the *Disciplinary Commissioner* or *JC Panel* (as applicable).
- 2.3.2. Save where the parties agree otherwise, such hearing will be conducted on a confidential basis.

- 2.3.3. The parties may be legally represented (at their own expense) in any matter, including at any hearing. However, a party shall not have the right to dictate the timing of any hearing to suit his or its legal representative's convenience.
- 2.3.4. The *Disciplinary Commissioner* or *JC Panel* (as applicable) may issue directions as to the conduct of the proceedings including the date(s) of any oral hearing, and deadlines for any pre-hearing submissions to be filed and/or others steps to be taken by the parties.

2.4. Language:

- 2.4.1. Unless otherwise agreed by the *Disciplinary Commissioner* or *JC Panel* (as applicable), all proceedings will be conducted in English.
- 2.4.2. Any party wishing to make submissions (personally or through a representative), or to rely on evidence, in a language other than English must provide an independent translator to translate such submissions or evidence (if oral) or official English translations of such evidence (if documentary) for the *Disciplinary Commissioner* or the *JC Panel* (as applicable) and the other party/parties, at his own cost.

2.5. Notices and periods of time:

- 2.5.1. Any notice or other communication required to be given by a party to the other party and/or to the *Disciplinary Commissioner* or the *Judicial Commission* (as applicable) must be given in writing and must be sent by courier or first class post or transmitted by facsimile or email.
- 2.5.2. Delivery of notices and communications to the *Disciplinary Commissioner* or the *Judicial Commission* (as applicable) may be accomplished by sending them to the *FIH* headquarters, c/o the *CEO*.
- 2.5.3. Subject to any contrary directions issued by the *Disciplinary Commissioner* or the *Judicial Commission* (as applicable) in a particular matter, delivery of notices and communications to the *FIH* may be accomplished by sending them to the *FIH* headquarters, addressed to the attention of the *CEO*.
- 2.5.4. Delivery of notices and communications to parties other than the *FIH* may be accomplished by sending them:
 - 2.5.4.1. to the party's *National Association* at the address or number then maintained for that *National Association* at the *FIH* headquarters, for onward transmittal by the *National Association* to the party; or
 - 2.5.4.2. where the party has appeared in the proceedings (either personally or by a legal representative), to the postal address or email address or fax number of the party or his legal representative (as applicable) notified by the party in writing, provided that if the postal or email address or fax number proves to be ineffective in communicating with the party, then the *FIH* may revert to sending the relevant materials to the party via his *National Association*.
- 2.5.5. If sent by courier or first class post, the notice or other communication shall be deemed to have been given on the *Working Day* following the day it is sent. If transmitted by email or fax before 5pm (Swiss time) on a *Working Day*, the notice or other communication shall be deemed to have been given on that *Working Day*, but if transmitted by email or fax on a non-*Working Day* or at or after 5pm (Swiss time) on a *Working Day*, it shall be deemed to have been given on the next *Working Day*.
- 2.5.6. Any period of time to be calculated under these *Dispute Resolution Regulations* shall begin to run on the day following the day when a notice or other communication is deemed to have been given. Non-*Working Days* occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-*Working Day*, then it shall be deemed to end on the next *Working Day*.

2.6. Technicalities:

Any ruling, finding or decision of the *Disciplinary Commissioner* or the *Judicial Commission* (as applicable) shall not be quashed or held invalid by reason only of any irregularity, omission, technicality or defect in the procedures followed unless such irregularity, omission, technicality or defect raises a material doubt as to the reliability of the ruling or finding or decision or results in a miscarriage of justice.

3. PROCEDURES APPLICABLE IN PROCEEDINGS BEFORE THE DISCIPLINARY COMMISSIONER

3.1. Referral to the *Disciplinary Commissioner*

3.1.1. Where a third party wishes to have a complaint against a *Person* (e.g., for misconduct or other alleged breach of the *Regulations*) referred to the *Disciplinary Commissioner*, it must file that complaint with the *CEO*, together with all available evidence, requesting that he refer it to the *Disciplinary Commissioner* for determination. Alternatively, the *CEO* may refer a matter to the *Disciplinary Commissioner* on his own initiative (i.e., on behalf of the *FIH*).

3.1.2. In either event, the complaint or matter to be referred to the *Disciplinary Commissioner* (the "**Referral**") must set out:

3.1.2.1. the name and address of the *Person* who is the object of the *Referral* (the "**Respondent**");

3.1.2.2. full details of the alleged offence(s), including the date and place it is alleged to have occurred;

3.1.2.3. the specific *Regulation(s)* and/or other obligation(s) alleged to have been breached;

3.1.2.4. copies of any documents relied upon; and

3.1.2.5. the relief sought.

3.1.3. The *Disciplinary Commissioner* may from time to time issue Practice Directions or Protocols to facilitate the efficient management of matters that may be or become the subject of a *Referral*.

3.1.4. If the *CEO* (or his designee) refuses to refer a matter to the *Disciplinary Commissioner* (e.g., on the basis that the third party's complaint does not establish a *prima facie* case of misconduct or other breach of *Regulations*), the third party may challenge that refusal by application to the *Disciplinary Commissioner*. If the *Disciplinary Commissioner* declines that application, the third party shall pay the costs incurred in considering the application. If the *Disciplinary Commissioner* accepts the application, the third party will not have to pay those costs, and the matter will proceed as if it had been referred by the *CEO* from the beginning.

3.2. Inquisitorial process

In the case of *Referrals* made by the *FIH* alleging breach of the *FIH* Anti-Doping Regulations or the *FIH* Anti-Corruption Regulations, and in the case of other *Referrals* where so ordered by the *Disciplinary Commissioner*, the *FIH* shall be party to the proceedings and shall bear the burden of proving the breach(es) alleged. In all other *Referrals*, however, the *FIH* or third party complainant making the *Referral* shall not be a party to the proceedings, unless so ordered by the *Disciplinary Commissioner*. Instead, the *Disciplinary Commissioner* shall perform an inquisitorial function, taking responsibility for investigating and determining the merits of the *Referral*; provided however that (1) the *FIH* may be permitted to observe the proceedings, upon request; and (2) in any event, the *Disciplinary Commissioner* may require the assistance of the *FIH* or third party complainant or other persons in accordance with Article 3.5.3, below.

3.3. Answer

- 3.3.1.** The *Disciplinary Commissioner* may decide on his own initiative that a *Referral* should be dismissed (e.g., on the basis that it does not establish a *prima facie* case of misconduct or other breach of *Regulations*), in which case he shall issue a written decision to that effect.
- 3.3.2.** Otherwise, however, the *Disciplinary Commissioner* will send a copy of the *Referral* to the *Respondent*, specifying a deadline within which the *Respondent* must file a written answer (the “**Answer**”) with the *Disciplinary Commissioner*, with a copy to the *FIH*. In the *Answer*, the *Respondent* may:
- 3.3.2.1.** admit the charge(s) or claim(s) set out in the *Referral* and accept the relief sought (eg the sanction(s) specified) in the *Referral*;
 - 3.3.2.2.** admit the charge(s) or claim(s) set out in the *Referral* but to seek to mitigate the relief sought (eg the sanction(s) specified) in the *Referral*; or
 - 3.3.2.3.** to dispute the charge(s) or claim(s) and/or the relief sought, in which case the *Respondent* must set out in the *Answer* his response to each of the factual allegations made in the *Referral*, identify any defences that he wishes to assert (including, without limitation, any defence of lack of jurisdiction), set out the facts on which such defence(s) is/are based, and attach copies of any documents upon which he wishes to rely.

3.4. Provisional suspension

- 3.4.1.** In any case referred to the *Disciplinary Commissioner*, he shall have discretion, where he considers that the integrity of the sport could otherwise be seriously undermined, to impose a provisional suspension on the *Respondent* pending determination of the charge(s)/claim(s) set out in the *Referral*. The *CEO* may, if he sees fit, seek such an order when he makes the *Referral* to the *Disciplinary Commissioner*.
- 3.4.2.** The provisional suspension may be imposed when the *Referral* is made or at any time thereafter. It shall be effective from the date that it is notified to the *Respondent*. Notice of the provisional suspension shall also be sent to the *Respondent’s National Association* and may be further publicised as necessary to give effect to the provisional suspension. During the period of provisional suspension, the *Respondent* may not participate (or, in the case of an *Athlete Support Personnel*, assist an *Athlete* who is participating) in any manner or capacity in any *Event*.
- 3.4.3.** A *Respondent* who is provisionally suspended has the right:
- 3.4.3.1.** to have the proceedings expedited so that the charge(s)/claim(s) against him is/are determined as quickly as possible, consistent with the requirements of due process; and/or
 - 3.4.3.2.** to apply to the *Disciplinary Commissioner* to lift the provisional suspension, on the basis that (a) there is no reasonable prospect that the charge(s)/claim(s) will be upheld; and/or (b) there is no real risk that the integrity of the sport could be seriously undermined if the *Respondent* was not provisionally suspended pending determination of the charge(s)/claim(s). Notice of the *Disciplinary Commissioner’s* decision on the application shall be sent to the persons to whom notice of the original imposition of the provisional suspension was sent. There shall be no *Appeal* from the *Disciplinary Commissioner’s* decision on such application.
- 3.4.4.** Alternatively, a *Respondent* who receives a *Referral* may at any time notify the *Disciplinary Commissioner* in writing that he is foregoing any involvement in any *Hockey* match or event voluntarily pending determination of the charge(s)/claim(s) against him.

3.4.5. No admission may be inferred, or other adverse inference may be drawn, from (a) a *Respondent's* failure to challenge a provisional suspension pursuant to Article 3.3.3.2; or (b) a *Respondent's* acceptance of a voluntary provisional suspension. However, in accordance with Article 3.5.2.2, any period of provisional suspension served (whether voluntarily or otherwise) shall be credited against any period of final suspension subsequently imposed on the *Respondent*.

3.5. Investigation and determination of the *Referral* and *Answer*

3.5.1. Save where the *Disciplinary Commissioner* orders otherwise, all *Referrals* will be dealt with in writing or by telephone, unless the *FIH* (where it is a party to the proceedings) or the *Respondent* requests an in-person hearing. If the *Respondent* requests an in-person hearing, he must pay a fee of 900 Swiss francs to the *FIH* as a contribution to the additional costs incurred in holding such a hearing. The *FIH* shall in any event keep this fee, and the *Disciplinary Commissioner* shall take it into account when making any costs order.

3.5.2. The *Disciplinary Commissioner* may undertake such investigations in relation to the *Referral* and/or *Answer* as he may deem necessary, including (without limitation) consulting with persons with knowledge of the facts and/or appointing experts to advise him on specific issues.

3.5.3. The *FIH*, the original third party complainant (if any) and the *Respondent* (and all other *Persons* who are subject to the *Statutes* and *Regulations*) shall be obliged to cooperate with any reasonable request or instruction of the *Disciplinary Commissioner* in the course of investigating a *Referral* and/or *Answer*, including providing written statements and/or written answers to questions and/or attending meetings to answer questions in person.

3.5.4. The *Disciplinary Commissioner* shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts may be established by any reliable means, including (without limitation) witness evidence, expert reports, and documentary or video evidence.

3.5.5. The *Respondent* is entitled to see all documents and other information submitted to the *Disciplinary Commissioner* and/or on which the *Disciplinary Commissioner* intends to rely for the purpose of his decision, and shall be given an opportunity to comment thereon.

3.5.6. The *Disciplinary Commissioner* shall have discretion to accept any facts established by a decision of a court or professional disciplinary tribunal of any competent jurisdiction which is not subject to a pending appeal as irrefutable evidence against the *Respondent* to whom the decision relates, unless the *Respondent* establishes that the decision violated the principles of natural justice.

3.5.7. The *Disciplinary Commissioner* shall be entitled to draw an adverse inference against any *Respondent* who (a) fails to comply with any information request that has been made of him in accordance with the *Regulations* alleged to have been breached; (b) fails to appear at a hearing fixed by the *Disciplinary Commissioner* if requested to do so a reasonable time in advance of the hearing; or (c) fails to answer any question(s) put to him at the hearing.

3.6. Determination of the *Referral*

3.6.1. The *Disciplinary Commissioner* shall not uphold a charge or claim in a *Referral* unless he determines that it is established on the balance of probabilities.

3.6.2. Where a *Referral* is not upheld, the *Disciplinary Commissioner* may order the third party complainant that made the *Referral* (if any) to pay some or all of the costs and expenses of the proceedings before the *Disciplinary Commissioner*, but otherwise they shall be borne by the *FIH*. The *Disciplinary Commissioner* shall not order the third party complainant (if any) or the *FIH* to pay any of the costs incurred by the *Respondent* unless he determines that the *Referral* was made frivolously or in bad faith.

3.6.3. Where a *Referral* alleging misconduct or other breach of *Regulations* is upheld, subject always to any provisions relating to sanction in the *Regulations* alleged to have been breached, the *Disciplinary Commissioner* shall have the power to impose such of the following sanctions as he shall see fit in all of the circumstances of the case:

- 3.6.3.1.** in the case of all *Respondents*:
- 3.6.3.1.1.** no further action;
 - 3.6.3.1.2.** a caution or reprimand, or an oral or written warning;
 - 3.6.3.1.3.** a fine in an amount proportionate to the seriousness of the offence (but any fine imposed shall not be less than 350 Swiss francs, nor more than 12,000 Swiss francs);
 - 3.6.3.1.4.** an order that compensation be paid to any party affected by the breach;
 - 3.6.3.1.5.** withdrawal of a title or award; and/or
 - 3.6.3.1.6.** an order to pay some or all of (1) the costs and expenses of the proceedings before the *Disciplinary Commissioner*, and/or (2) the costs incurred by the *FIH* in pursuing the matter;

3.6.3.2. where the *Respondent* is an individual:

- 3.6.3.2.1.** suspension from participating in a specified number of *Events* or for a specified period of time; and/or
- 3.6.3.2.2.** suspension from participating in any *Hockey*-related activity (either specific or general);

provided that the period of suspension fixed shall be based on the *Disciplinary Commissioner's* assessment of what is proportionate on all of the facts and in all of the circumstances of the case, taking into account in particular (i) the nature of the misconduct at issue, (ii) the degree of culpability of the *Respondent*, (iii) the harm that the misconduct has done to the sport, (iv) the need to deter future breaches, and (v) any specific aggravating or mitigating factors. The period of suspension imposed shall commence on the date it is imposed by the *Disciplinary Commissioner*, but the *Respondent* shall be given credit for any period of provisional suspension that he has served (voluntarily or otherwise). If a *Respondent* breaches the terms of his suspension, he shall be required to serve the full original period of suspension, starting from the date of the last breach and disregarding the period of suspension served prior to such breach. In any event, even if his period of suspension has expired, a *Respondent* may not participate in any manner or capacity in any *Hockey* match or event organised, sanctioned or recognised by the *FIH*, any *Continental Federation* and/or any *National Association* until he has paid in full any fine and/or costs that he has been ordered to pay by the *Disciplinary Commissioner* (unless the *FIH* in its absolute discretion agrees an instalment plan for the payment of such amounts);

3.6.3.3. where the *Respondent* is a club, or a *National Association* competing in an *International Event*:

- 3.6.3.3.1.** deduction of points earned in a league or other *Event*, or relegation from one division to a lower division;
- 3.6.3.3.2.** expulsion from a league or other *Event*; and/or
- 3.6.3.3.3.** suspension from participating in specified *Events* or for a specified period of time;

provided that the period of suspension fixed shall be based on the *Disciplinary Commissioner's* assessment of what is proportionate on all of the facts and in all of the circumstances of the case, taking into account in particular (i) the nature of the misconduct at issue, (ii) the degree of culpability of the *Respondent*, (iii) the

harm that the misconduct has done to the sport, (iv) the need to deter future breaches, and (v) any specific aggravating or mitigating factors. The period of suspension imposed shall commence on the date it is imposed by the *Disciplinary Commissioner*, but the *Respondent* shall be given credit for any period of provisional suspension that it has served (voluntarily or otherwise). If a *Respondent* breaches the terms of its suspension, it shall be required to serve the full original period of suspension, starting from the date of the last breach and disregarding the period of suspension served prior to such breach. In any event, even if any period of suspension has expired, a *Respondent* may not participate in any manner or capacity in any *Hockey* match or event organised, sanctioned or recognised by the *FIH*, any *Continental Federation* and/or any *National Association* until it has paid in full any fine and/or costs that it has been ordered to pay by the *Disciplinary Commissioner* (unless the *FIH* in its absolute discretion agrees an instalment plan for the payment of such amounts); and

3.6.3.4. where the *Respondent* is a *Member* or *Continental Federation*:

3.6.3.4.1. caution or censure of the *Member* or *Continental Federation*;

3.6.3.4.2. a recommendation that *Congress* or the *Executive Board* (as applicable) withhold grants or subsidies from the *Member* or *Continental Federation*, excludes the *Member's* national representative team(s) from an *International Event* or *International Events*, removes or denies accreditation to officers or other representatives of the *Member* or of the *Continental Federation*, or takes such other action as the *Disciplinary Commissioner* deems appropriate; or

3.6.3.4.3. a recommendation that *Congress* or the *Executive Board* (as applicable) suspends or expels the *Member* from membership or suspends or withdraws recognition of the *Continental Federation*.

3.6.4. The *Disciplinary Commissioner* may suspend the application of any sanctions subject to the *Respondent's* satisfaction of specified conditions.

3.6.5. The *Disciplinary Commissioner* shall issue a final decision in writing, setting out (with reasons):

3.6.5.1. the *Disciplinary Commissioner's* findings as to whether the *Referral* should be upheld;

3.6.5.2. the *Disciplinary Commissioner's* findings as to what relief is to be granted, including what sanctions (if any) are to be imposed; and

3.6.5.3. (if applicable) the date that any period of suspension imposed shall commence.

3.6.6. A copy of the decision will be sent to the *CEO* (or his designee), to the *Respondent*, and to the *Respondent's National Association*. Save where the *Disciplinary Commissioner* orders otherwise, the decision may be made public by the parties upon receipt, including by posting a copy on the *FIH's* website.

3.7. Appeals

3.7.1. There shall be no right of appeal from any interlocutory or procedural ruling of the *Disciplinary Commissioner* or against any recommendation made by the *Disciplinary Commissioner* as to action to be taken by *Congress* or the *Executive Board*. Subject to any contrary provision in the *Statutes* or the *Regulations*, however, the *Respondent* or the person that made the *Referral* (i.e., the third party complainant or the *FIH*) may lodge an *Appeal* with the *Judicial Commission* against any other aspect of a final decision of the *Disciplinary Commissioner*, determining a *Referral* and granting relief.

3.7.2. Subject to Article 3.7.1, the *Disciplinary Commissioner's* decision issued in accordance with Article 3.6.5 shall be final and binding on the parties. However, a *Respondent* who is serving a suspension imposed under these *Dispute Resolution Regulations* may apply to the *Executive*

Board for early reinstatement on the basis of new mitigating circumstances, such as his provision of *Substantial Assistance* after the decision imposing the original suspension. The *Executive Board* shall have absolute discretion whether or not to grant such early reinstatement.

4. PROCEDURES APPLICABLE IN PROCEEDINGS BEFORE THE JUDICIAL COMMISSION

4A. PROCEDURES WHERE THE *JUDICIAL COMMISSION* IS SITTING AS AN APPEAL BODY

4.1. Commencing an *Appeal*

4.1.1. A party wishing to lodge an *Appeal* (the “*Appellant*”) must, within ten (10) *Working Days* of receiving the decision being appealed, file a signed notice of *Appeal* with the *JC President* (c/o the *CEO*), signed by the *Appellant* or his authorised representative. To be valid, the notice of *Appeal* must be accompanied by a copy of the decision that is being appealed, and must identify:

4.1.1.1. The name, address and full contact details of the *Appellant* and/or of his authorised representative.

4.1.1.2. The name, address and full contact details of the other party/parties to the proceedings in which the decision being appealed was issued (the “*Appellee*”) and/or of his authorised representative.

4.1.1.3. The provision in the *Regulations* alleged to have been breached or other document that establishes the right to appeal the decision in question to the *Judicial Commission*;

4.1.1.4. The part(s) of the decision that is/are being appealed; and

4.1.1.5. The grounds of the *Appeal*.

4.1.2. Unless an extension of time is granted for good cause shown, the notice of *Appeal* must be accompanied by an *Appeal* brief setting out the arguments in support of the *Appeal*, and any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the notice of *Appeal*. Where a transcript of the first instance hearing is available, it should also be filed, either with the notice of *Appeal* or as soon thereafter as it becomes available.

4.1.3. Upon filing the notice of *Appeal*, the *Appellant* (if not the *FIH*) must pay a fee of 2,000 Swiss francs, without which the *Appeal* shall not proceed. The *FIH* shall in any event keep this fee, and the *JC Panel* shall take it into account when making any costs order.

4.2. Effect of *Appeal* on decision being appealed

Unless the *JC Panel* orders otherwise:

4.2.1. any fine, compensation or costs award made in the decision being appealed will be suspended pending the outcome of the *Appeal*; but

4.2.2. subject thereto, the decision being appealed shall remain in full force and effect pending determination of the *Appeal*.

4.3. Standard of review on appeal

4.3.1. Where required in order to do justice (for example, to cure procedural errors in the proceedings below), the *Appeal* shall take the form of a rehearing *de novo* of the issues raised in those proceedings, i.e., the *JC Panel* shall hear the matter all over again, from the beginning, without being bound in any way by the decision being appealed.

- 4.3.2. In all other cases, the *Appeal* shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was in error. The *Appellant* shall have the burden of establishing such error.
- 4.3.3. Unless on appeal the matter is being dealt with *de novo* then no evidence may be presented on any *Appeal* that was not presented in the first instance hearing unless it is established that such new evidence is relevant and could not have been obtained, using reasonable diligence, prior to the first instance hearing.

4.4. Answer

- 4.4.1. Within twenty (20) *Working Days* of receipt of the notice of *Appeal* and accompanying documents, the *Appellee* shall file with the *JC Panel* and serve on the *Appellant* an answer containing its/his answer to the *Appeal* (including any claim of lack of jurisdiction). The answer must be accompanied by any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the answer.
- 4.4.2. Unless the parties agree otherwise or the *JC Panel* orders otherwise for good cause shown, the parties shall not be permitted to supplement their written arguments or evidence with further written submissions after submission of the notice of *Appeal* and accompanying documents (in the case of the *Appellant*) or the answer and accompanying documents (in the case of the *Appellee*).

4.5. Consensual resolution

At any stage of the *Appeal* proceedings, the parties may agree on a consensual resolution of the *Appeal*. However, the *Appeal* may not be withdrawn except with the permission of the *JC Panel*, with such order for costs as the *JC Panel* may consider appropriate.

4.6. Hearing

- 4.6.1. If it is resolved that the appeal be dealt with “on paper” then the *JC Panel* may give directions as to what documents it wishes to see. If the Panel decides that an oral hearing is required, the *JC Panel* will determine the *Appeal* based on the materials referenced at Articles 4.1.2 and 4.4.1.
- 4.6.2. If the *JC Panel* decides to hold an oral hearing, it shall issue directions as to how that hearing is to be conducted.

4.7. Decisions

- 4.7.1. The *JC Panel* shall decide the *Appeal* unanimously or by simple majority. All appointed *JC Panel* members must take part in the deliberations of the *JC Panel* and no member of the *JC Panel* may abstain.
- 4.7.2. The *JC Panel* shall have the power to:
 - 4.7.2.1. allow or dismiss the *Appeal*;
 - 4.7.2.2. exercise any power that the *Disciplinary Commissioner* or other party issuing the decision being appealed could have exercised, whether the effect is to increase or decrease any award, order or sanction originally imposed;
 - 4.7.2.3. remit the matter for re-hearing by the *Disciplinary Commissioner* or other party that issued the decision being appealed;
 - 4.7.2.4. order a party to pay some or all of (1) the costs and expenses of convening the *JC Panel*; and/or (2) the costs incurred by the other party or parties to the matter, as it deems appropriate; and
 - 4.7.2.5. make such further or other order as it considers appropriate either generally or for purpose of giving effect to its decision.

- 4.7.3. As soon as practicable after the hearing, the *JC Panel* shall publish a written statement of its decision, with reasons. Unless the *JC Panel* directs otherwise, such decision shall come into effect immediately.
- 4.7.4. Save where the *JC Panel* orders otherwise, the decision may be made public by the parties upon receipt, including by posting a copy on the *FIH's* website.
- 4.7.5. Save where otherwise provided in the *Statutes* or the *Regulations* or other document, the *JC Panel's* determination of the *Appeal* shall be final and binding on all parties.

4B. PROCEDURES WHERE THE JUDICIAL COMMISSION IS SITTING AS A FIRST INSTANCE BODY

4.8. Time-limit

Save where expressly provided to the contrary in the *Statutes* or by applicable law, no complaint, claim or challenge of any kind may be commenced before the *Judicial Commission* or any other body based on any alleged act or omission of the *FIH* or of any constituent body, official, employee or representative of *FIH* more than thirty (30) days after the aggrieved party acquires actual or constructive knowledge of such act or omission. Any complaint, claim or challenge brought after this deadline shall be summarily dismissed. The other provisions of these *Dispute Resolution Regulations* are all subject to this overriding provision.

4.9. Basic procedures:

Where a dispute is referred to the *Judicial Commission* to hear and determine as a first instance body in accordance with Article 11.2(b)(ii) of the *Statutes* (a "**Complaint**"), the procedure to be followed to hear and determine the *Complaint* shall (unless the *JC Panel* orders otherwise) include the following steps:

- 4.9.1. The complainant shall be required to file a written document, setting out the factual and legal basis of his/its claim(s), with the *JC President* (c/o the *CEO*), and the *JC President* will then convene a *JC Panel* in accordance with Article 2.1.1.2 to hear the matter.
- 4.9.2. The defendant shall be required to file a written response, setting out his/its response to such claim(s), including whether he/it admits or denies the factual allegations on which the claim(s) is/are based, and identifying any defences that he/it wishes to assert, together with any factual allegations on which said defence(s) is/are based.
- 4.9.3. The *JC Panel* may require the parties to seek to resolve their dispute by mediation or other suitable form of Alternative Disputes Resolution, with the costs thereof to be shared equally between them.
- 4.9.4. The *JC Panel* may order one or both parties to disclose documents and/or other information, where necessary to do justice.
- 4.9.5. The parties shall be given an opportunity to exchange statements of fact of witnesses and reports of expert witnesses.
- 4.9.6. The *JC Panel* shall decide, having heard from the parties, whether it can determine the *Complaint* on the papers, or alternatively whether an oral hearing is required. If an oral hearing is held, each party shall be given a fair opportunity to make submissions, to present evidence in support of his/its own case, and to challenge evidence presented against him/it.

4.10. Decisions

- 4.10.1. The *JC Panel* shall rule on the *Complaint* unanimously or by simple majority. All *JC Panel* members must take part in the deliberations of the *JC Panel* and no member of the *JC Panel* may abstain.
- 4.10.2. The *JC Panel* shall have the power to:

- 4.10.2.1. uphold or dismiss the *Complaint*, in whole or in part;
 - 4.10.2.2. grant such monetary, injunctive and/or declaratory relief as it sees fit;
 - 4.10.2.3. order a party to pay some or all of (1) the costs and expenses of convening the *JC Panel*; and/or (2) the costs incurred by the other party or parties to the matter. as it deems appropriate; and
 - 4.10.2.4. make such further or other order as it considers appropriate either generally or for purpose of giving effect to its decision.
- 4.10.3. As soon as practicable after the hearing, the *JC Panel* shall publish a written statement of its decision, with reasons. Unless the *JC Panel* directs otherwise, the decision shall come into effect immediately.
- 4.10.4. Save where the *JC Panel* orders otherwise, the decision may be made public by the parties upon receipt, including by posting a copy on the *FIH's* website.
- 4.10.5. Save where otherwise provided in the *Statutes* or *Regulations*, the decision of the *JC Panel* shall be final and binding on all parties.

4C. **PROCEDURES WHERE CONGRESS OR THE EXECUTIVE BOARD REFERS A MATTER TO THE JUDICIAL COMMISSION FOR DETERMINATION**

- 4.11 Where *Congress* or the *Executive Board* refers a matter to the *Judicial Commission* for determination in accordance with Article 11.2(b)(iii) of the *Statutes*, the *JC President* (or, if he so chooses, the chairman of the *JC Panel* appointed to determine the matter) shall determine the procedures to be followed in the matter, based on his assessment of the fairest and most efficient way to proceed, given the nature and scope of the matter referred.

APPENDIX: DEFINITIONS AND INTERPRETATION

A1. In these *Dispute Resolution Regulations*, the following words and expressions have the meanings set out opposite them:

<i>Answer</i>	As defined in Article 3.2.2.
<i>Appeal</i>	An appeal properly brought before the <i>Judicial Commission</i> , against a decision of the <i>Disciplinary Commissioner</i> or other relevant body.
<i>Appellant</i>	As defined in Article 4.1.1.
<i>Appellee</i>	As defined in Article 4.1.1.2.
<i>Athlete</i>	Any natural person competing in an <i>Event</i> organised or sanctioned by the <i>FIH</i> , a <i>Continental Federation</i> and/or a <i>Member</i> .
<i>Athlete Support Personnel</i>	Any coach, trainer, manager, athlete representative, agent, team staff member, official, medical or para-medical personnel, family member or other person employed by or working with an <i>Athlete</i> or the <i>Athlete's National Association</i> .
<i>CAS</i>	The Court of Arbitration for Sport in Lausanne, Switzerland.
<i>CEO</i>	The Chief Executive Officer of the <i>FIH</i> .
<i>Complaint</i>	As defined in Article 4.9.
<i>Congress</i>	The <i>Members</i> of the <i>FIH</i> in general meeting, as referred to in the <i>Statutes</i> .
<i>Continental Federation</i>	A continental federation, as referred to in the <i>Statutes</i> .
<i>Disciplinary Commissioner</i>	The Disciplinary Commissioner appointed in accordance with the <i>Statutes</i> .
<i>Dispute Resolution Regulations</i>	These Dispute Resolution Regulations, as amended from time to time.
<i>Event</i>	Any <i>Hockey</i> tournament or competition or match.
<i>Executive Board</i>	The Executive Board of the <i>FIH</i> .
<i>FIH</i>	The International Hockey Federation.
<i>Hockey</i>	The game of <i>Hockey</i> , including both field and indoor <i>Hockey</i> and other derivatives of the game as decided from time to time by the <i>Executive Board</i> .
<i>International Event</i>	A duly-sanctioned match or event contested by national representative teams.
<i>JC Panel</i>	As defined in Article 2.1.1.2.
<i>Member/National Association</i>	A national governing body of <i>Hockey</i> that has been admitted as a member of the <i>FIH</i> in accordance with the <i>Statutes</i> .

NOVEMBER 2012

<i>Person</i>	Natural persons, bodies corporate and unincorporated associations and partnerships (whether or not any of them have separate legal personality).
<i>Referral</i>	As defined in Article 3.1.2.
<i>Regulations</i>	Any codes, rules or regulations made by or on behalf of the <i>FIH</i> in accordance with the <i>Statutes</i> , including all amendments thereto and re-enactments thereof.
<i>Respondent</i>	As defined in Article 3.1.2.1.
<i>Statutes</i>	The Statutes of the <i>FIH</i> .
<i>Substantial Assistance</i>	The provision to the <i>FIH</i> of truthful, accurate and complete information about potential breaches of the <i>Statutes</i> , the <i>Regulations</i> and/or other similar laws or regulations of which the <i>Participant</i> has knowledge; and full cooperation with the investigation and prosecution (whether by the <i>FIH</i> or by another body) of such breaches, including (without limitation) by testifying at a hearing if required to do so.
<i>Working Day</i>	A day (other than a Saturday or Sunday) on which banks are open for business in Switzerland.

- A2.** These *Dispute Resolution Regulations* shall be interpreted and applied in the manner most consistent with the purposes of the *FIH* set out at Article 1.3 of the *Statutes*.
- A3.** Unless otherwise indicated, any reference in these *Dispute Resolution Regulations* to an Article is to an Article of these *Dispute Resolution Regulations*.
- A4.** References in these *Dispute Resolution Regulations* to a rule, regulation, agreement or document shall be deemed to be references to such rule, regulation, agreement or document as amended from time to time in accordance with its terms.
- A5.** In the case of conflict between (a) the *Statutes* and/or any *Regulations* and (b) these *Dispute Resolution Regulations*, the *Statutes* and/or *Regulations* shall prevail.
- A6.** For convenience and clarity in these *Dispute Resolution Regulations*, the masculine gender is used and shall be interpreted to include the feminine gender as appropriate. Words importing the singular shall include the plural and vice versa.