

NELSON HOCKEY CODE OF CONDUCT AND DISCIPLINARY PROCEDURES

REVISED 2021

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1. Purpose

- 1.1 Hockey Nelson is committed to building “a great sport for life” in the Nelson/Tasman region by providing inclusive opportunities to be involved as an active member or a keen supporter.
- 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. These standards are outlined within the Code of Conduct. 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 document is established to provide a process for addressing breaches of the Code of Conduct in a fair and consistent manner.

2. Status of Code

- 2.1 This Code of Conduct and Disciplinary Procedures were adopted by the Board on 19th July 2021, in accordance with Rules 3, 4 and 18 of the Constitution.
- 2.2 Nothing in this Code of Conduct and Disciplinary Procedures 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

- 3.1 This Code of Conduct and Disciplinary Procedures are applicable to the following persons, referred to as Participants:
 - a. Any person including, but not limited to, players, umpires, officials, coaches, coaching staff, managers, 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 run under the jurisdiction of the Coalition, and the Participant is a member of Hockey Nelson, as defined in the Constitution.
 - (iii) any matches, practices, competitions, events, functions, celebrations or ceremonies that the Participant is involved in as a representative of the Association or the Coalition, if that Participant is a member of Hockey Nelson, as defined in the Constitution.
- 3.2 The standards of conduct, set out in the Code of Conduct, apply to Participants on-field and off-field conduct.
- 3.3 The terms of these procedures, 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 These procedures 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, unless Clause 3.1 a iii applies.

4. Definitions

The following words and phrases, used in this Code of Conduct, shall mean as follows:

“Association” means Hockey Nelson.

“Association Chairperson” means the Chairperson of the 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 9.1.

“Board” means the Board of Hockey Nelson.

“Club” has the meaning given to it in the Constitution.

“Coalition” means the Tasman Districts Committee (as defined by the Memorandum of Understanding) and its representative teams.

“Complaint” has the meaning given to it in clause 7.1.

“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.

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

“Judicial Chairperson” has the meaning given to it in clause 5.3.

“Judicial Committee” means the Association Judicial Committee(s) appointed in accordance with clause 5.1 (Association Judicial Committee).

“Judicial Manager” has the meaning given to it in clause 5.1.

“Judicial Officer” means the Association Judicial Officer(s) appointed in accordance with clause 5.1 (Association Judicial Officer).

“Judicial Panel” means the Association Judicial Panel appointed in accordance with clause 5.1 (Association Judicial Panel).

“Jury of Appeal” means the Jury of Appeal(s) appointed by Hockey New Zealand in accordance with clause 14.1.

“Match” means any hockey match under the jurisdiction of the Association or the Coalition. It encompasses a time period that begins 15 minutes before a match is due to start and 15 minutes after the match is ended by the umpires.

“Match Participant” means any Participant taking part in any Match not including an Umpire.

“Match Non-Participant” means any Participant not taking part in any Match.

“Misconduct” has the meaning given to it in Schedule 1.

“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).

“Operations Manager” means the Operations Manager or other duly appointed Manager of Hockey Nelson appointed pursuant to the Association Constitution.

“Participants” has the meaning given to it in clause 3.

“Permanently Suspended” has the meaning given to it in the Rules of Hockey.

“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.

“Umpire” means the umpires appointed to officiate a Match.

“Umpires Committee” means the committee charged with managing the umpires of the Association.

“Umpires Representative” means a representative appointed by the Umpires Committee.

5. Judicial Panel

- 5.1 The Board or their nominee shall appoint a panel of individuals (“the Judicial Panel”) of such number as that person decides, each of whom shall be eligible to sit as Judicial Officers or members of a Judicial Committee and who are independent of the Association. The Board will appoint one of the Judicial Panel as the Judicial Manager. The Board shall have the discretion to add further individuals to the Judicial Panel at any time.
- 5.2 The Judicial Manager shall appoint individual Judicial Officers or Judicial Committees of three persons from members of the Judicial Panel to act in the name of the Association for the purposes of hearing and determining disciplinary proceedings for which the Association has jurisdiction.
- 5.3 Where a Judicial Committee has been appointed, the Judicial Manager will appoint one member of this committee to be the Judicial Chairperson.
- 5.4 A Judicial Panel member who is a member of the same Club as the Participant against whom disciplinary proceedings are taken, the victim Participant or a complainant, shall not act as Judicial Officer or be a member of the Judicial Committee which determines those disciplinary proceedings and shall not attend the hearing.
- 5.5 Members of the Judicial Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Association Chairperson, automatically cease to be a member of the Judicial Panel. The Association Chairperson may, at their discretion, remove any member of the Judicial Panel, at any time for any reason.
- 5.6 Any Judicial Officer or Judicial Committee appointed in accordance with Rule 5.2 shall have power to act in the name of the Association to hear and determine disciplinary proceedings for which the Association has jurisdiction in the following circumstances:
 - a. where a Match Participant is permanently suspended from a match (red card) in which case Part 1 of this Section will apply;
 - b. where a Complaint is lodged pursuant to Part 2 of this Section.
- 5.7 On receipt of a Permanent Suspension or Complaint, the Judicial Committee shall conduct a hearing, unless in their sole discretion, a hearing is not warranted.
- 5.8 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.
- 5.9 Each party shall be responsible for their own costs (if any) associated with the hearing.
- 5.10 If for whatever reason the Judicial Manager is unable to fulfil their responsibilities as outlined in this policy, these responsibilities are transferred to the Association Chairperson or any other person the Board deems fit.
- 5.11 If for whatever reason the Operations Manager is unable to fulfil their responsibilities as outlined in this policy, these responsibilities are transferred to the Association Chairperson or any other person the Board deems fit.

6. Initial Proceedings: Permanent Suspension (Red Card)

- 6.1 Where a Match Participant is permanently suspended in a Match for which the Association has jurisdiction the umpires shall, within 48 hours of the completion of the Match, or such further time as may be allowed by the Judicial Chairperson, send to the Operations Manager a written report incorporating:
- the date of the Match, the venue and the teams participating;
 - the name of the Match Participant Permanently Suspended, their shirt number (where applicable) and their team;
 - the circumstances in which the Match Participant was Permanently Suspended;
 - the reason for the Match Participant being Permanently Suspended;
 - any other information the umpire considers material.
- 6.2 For the purposes of Rule 5.6 an umpire's report shall be deemed to be sent to the Operations Manager when:
- it is transmitted by email or submitted digitally provided that timed and confirmed notice of transmission or submission can be provided;
 - it is received at the offices of the Association.
- 6.3 In the event that a matter is to proceed to a hearing before a Judicial Officer or Judicial Committee, the Match Participant Permanently Suspended, as well as the Match Participant's club, shall be supplied with a copy of the umpire's report and, where applicable, the umpires' reports by the Operations Manager and advised:
- of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
 - that the Match Participant will be required to attend the hearing;
 - that if the Match Participant is unable to appear at the hearing the Match Participant should personally or through his or her Club advise the Operations Manager forthwith;
 - that the Match Participant is entitled to adduce evidence and make submissions and be represented by their Club and/or legal advisor;
 - they are not eligible to participate and shall be suspended from all on-field activities on a Match day pending resolution of the case.
- 6.4 Where possible notice to the Permanently Suspended Match Participant and the Match Participant's club under this Rule shall be given in writing and via email. It shall be sufficient compliance with this Rule if a copy of the umpire's report and, where applicable, the umpires' reports and the information required to be given by this Rule is sent to the Permanently Suspended Match Participant's email address last known to the Operations Manager or are handed to the Match Participant or are sent physically or digitally to the Secretary of the Match Participant's Club.

7. Initial Proceedings: Complaint

- 7.1 A Judicial Officer or Judicial Committee shall have jurisdiction to hear and determine a complaint against a Participant (“a Complaint”).
- 7.2 A Complaint may be made by any person.
- 7.3 A Complaint shall be in writing and shall be sent to the Operations Manager of the Association within 48 hours of alleged Misconduct. A Complaint may be sent outside the 48 hour period only in exceptional circumstances, as deemed by the Operations Manager.
- 7.4 For the purposes of Rule 5.15 a Complaint shall be deemed to be sent to the Operations Manager when:
 - a. it is transmitted by email or submitted digitally provided that timed and confirmed notice of transmission or submission can be provided;
 - b. it is received at the offices of the Association.
- 7.5 A Complaint can be against a Match Participant or a Match Non-Participant or an Umpire.

8. Complaint against a Match Participant

- 8.1 A Complaint against a Match Participant shall contain the following information:
 - a. the date and the venue of the alleged Misconduct;
 - b. the name of the Match Participant in respect of whom the Complaint is made (where possible) their shirt number (where applicable) and their team;
 - c. the full details of the alleged Misconduct;
- 8.2 On receipt of a Complaint, the Operations Manager shall immediately refer the Complaint to the Judicial Chairperson.
- 8.3 The Judicial Chairperson shall determine if the allegation made in the Complaint constitutes Misconduct worthy of judicial proceedings.
 - a. The Complaint is considered worthy of proceeding if the alleged Misconduct is determined by the Judicial Chairperson to meet the requirements for a Permanent Suspension.
- 8.4 If the Judicial Chairperson determines the allegation made in the Complaint constitutes Misconduct worthy of proceeding, the Operations Manager must then contact the umpires in control of the Match to determine if they had detected the Misconduct alleged in the Complaint.
 - a. If it is deemed that the umpires of the Match had detected the alleged Misconduct and are satisfied with their on-field decision to not Permanently Suspend the Player in respect of whom the Complaint is made, the Complaint shall be dismissed.
 - b. If it is deemed that the umpires of the Match had not detected the alleged Misconduct or have good reason to reconsider their initial decision to not Permanently Suspend the Match Participant in respect of whom the Complaint is made based on new evidence submitted as part of the Complaint, the Complaint shall proceed to a hearing.
- 8.5 In the event that a matter is to proceed to a hearing, the Match Participant against whom the Complaint has been laid, as well as the Match Participant’s club, shall be supplied with a copy

of the complaint and, where applicable, the umpires' reports by the Operations Manager and advised:

- a. of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;
- b. that the Match Participant will be required to attend the hearing;
- c. that if the Match Participant is unable to appear at the hearing the Match Participant should personally or through his or her Club advise the Operations Manager forthwith;
- d. that the Match Participant is entitled to adduce evidence and make submissions and be represented by their Club and/or legal advisor;
- e. they are not eligible to participate and shall be suspended from all on-field activities on a Match day pending resolution of the case.

8.6 Where possible notice to the Match Participant and the Match Participant's club under this Rule shall be given in writing and via email. It shall be sufficient compliance with this Rule if a copy of the Complaint and, where applicable, the umpires' reports and the information required to be given by this Rule is sent to the Match Participant's email address last known to the Operations Manager or are handed to the Match Participant or are sent physically or digitally to the Secretary of the Match Participant's Club.

9. Complaint against a Match Non-Participant or Umpire

9.1 A Complaint against a Match Non-Participant or Umpire shall contain the following information:

- a. the date and the venue of the alleged Misconduct;
- b. the name of the Match Non-Participant or Umpire in respect of whom the Complaint is made (where possible);
- c. the full details of the alleged Misconduct.

9.2 If a Complaint is made regarding the conduct of an Umpire in a Match, the Complaint must be referred to the Umpires Representative. The Umpires Representative will then decide whether the Complaint will be handled separately by the Umpires Committee (in which case the Complaint is dismissed) or be handled by the Judicial Panel (in which case the Complaint is referred to the Judicial Chairperson).

9.3 On receipt of a Complaint, the Operations Manager shall immediately refer the Complaint to the Judicial Chairperson (except where Clause 9.2 applies).

9.4 The Judicial Chairperson shall determine if the allegation made in the Complaint constitutes Misconduct worthy of judicial proceedings.

- a. The Complaint is considered worthy of proceeding if the alleged Misconduct is determined by the Judicial Chairperson to meet the requirements for a Level 1 Suspension Offence, a Level 2 Suspension Offence, or a Level 3 Suspension Offence as laid out in the Code of Conduct.

9.5 In the event that a matter is to proceed to a hearing, the Match Non-Participant or Umpire against whom the Complaint has been laid, shall be supplied with a copy of the complaint by the Operations Manager and advised:

- a. of the date, place and time of the hearing of the Judicial Officer or Judicial Committee;

- b. that the Match Non-Participant or Umpire will be required to attend the hearing;
 - c. that if the Match Non-Participant or Umpire is unable to appear at the hearing that Participant should personally advise the Operations Manager forthwith;
 - d. that the Match Non-Participant or Umpire is entitled to adduce evidence and make submissions and be represented by their legal advisor.
- 9.6 Where possible notice to the Match Non-Participant or Umpire under this Rule shall be given in writing and via email. It shall be sufficient compliance with this Rule if a copy of the Complaint and the information required to be given by this Rule is sent to the Match Non-Participant's or Umpire's email address last known to the Operations Manager or are handed to the Match Non-Participant or Umpire.

10. General provisions relating to judicial hearings

- 10.1 Judicial Officers or Judicial Committees constituted under these Rules shall exercise their functions independently, including independently of the parties to the Match and/or proceedings, and the Clubs, Association, and other Hockey bodies.
- 10.2 Judicial Officers or Judicial Committees shall be fully autonomous and, in particular, any decision they make shall be binding on the Participant, and his or her Association, none of whom shall have the power to affirm, revoke or alter any decision.
- 10.3 The Judicial Committee shall hear and determine the Complaint or Permanent Suspension in whatever manner it considers appropriate in the circumstances (including by way of teleconference, videoconference, in person or otherwise).
- 10.4 Judicial Officers or Judicial Committees:
- a. shall be entitled to adjourn and/or postpone proceedings;
 - b. shall be entitled to determine whether witnesses that give evidence are able to remain within the room in which the matter is being heard after their evidence has been given;
 - c. may direct that an interpreter be present to partake in the proceedings;
 - d. shall be entitled to call on experts to provide specialist advice;
 - e. shall be entitled to be assisted by a legal advisor;
 - f. shall deliberate in private on their decisions.
- 10.5 The standard of proof on all questions to be determined by Judicial Officers or Judicial Committees shall be the balance of probabilities unless otherwise specified in a particular Rule. Judicial Officers or Judicial Committees shall have no discretion in this regard.
- 10.6 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 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.
- 10.7 The onus of proof in the case of Complaints will be on the person who has made the Complaint.

- 10.8 In reaching any decision, greater significance should be placed on the Participant's intention than on the actual outcome. The consequences of the action may however, influence the penalty or suspension.
- 10.9 In any case in which it is claimed a Participant was guilty of an offence due to 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.
- 10.10 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.
- 10.11 The Association and Judicial Officers or Judicial Committees shall be entitled to publish as they think fit reports of their proceedings, findings and penalties. No member of a Judicial Officers or Judicial Committees shall comment to the media on a decision of that body.
- 10.12 All hearings shall take place in private.
- 10.13 Where disciplinary proceedings, however arising, are taken against more than one Participant as a result of incidents occurring in a Match or arising from the same incident or series of incidents, such proceedings may be heard by a Judicial Committee or Judicial Officer at the same time, provided there is no prejudice to any person against whom the disciplinary proceedings are taken.
- 10.14 The Judicial Officers or Judicial Committees shall endeavour to ensure that disciplinary proceedings are heard in the presence of the Participant subject of the proceedings, but nothing in these procedures or otherwise shall prevent a hearing and determining disciplinary proceedings in the absence of the Participant concerned where the Participant does not attend the hearing. In such circumstances, the Judicial Officer or Judicial Committee may take written representations made by or on behalf of the Participant into account in making its decision. Nothing in these Procedures shall prevent the Judicial Officer or Judicial Committee hearing and determining disciplinary proceedings in the absence of the Participant subject of the proceedings.
- 10.15 The umpires of the Match in which the Participant is permanently suspended may be required by the Judicial Officer or Judicial Chairperson to attend the hearing whether in person or via telephone conference and/or video link. The involvement of the umpire may be excused by the Judicial Officer or Chairperson of the Judicial Committee where circumstances warrant this or the umpire or umpires can be represented by an Umpire's Representative. Nothing in these Procedures shall prevent the Judicial Officer or Judicial Committee hearing and determining disciplinary proceedings in the absence of the umpire and/or umpires.
- 10.16 For Complaints, the Judicial Officer or Judicial Chairperson may require that the Participant making the complaint be in attendance or be represented at the hearing to present the basis of the Complaint and/or evidence in support. Nothing in these Procedures shall prevent the Judicial Officer or Judicial Committee hearing and determining disciplinary proceedings in the absence of the Participant making the complaint.
- 10.17 The Judicial Officer or Judicial Committee shall ensure that, prior to the hearing, the participant Permanently Suspended or the subject of a Complaint has been supplied with and has had a sufficient opportunity to consider the umpire's report and, where applicable, the umpires' reports or the Complaint together with other evidence including (where applicable) video evidence.
- 10.18 Where, in any case, the Judicial Officer or Judicial Committee considers it necessary or desirable, it may direct the Association to have an interpreter present at a hearing.

11. Procedure for Hearings

- 11.1 The procedure of the Judicial Officers or Judicial Committees in all proceedings shall be as the particular Judicial Officers or Judicial Committees determine in each case and the Judicial Officers or Judicial Committees shall be entitled to depart from the procedures set out in this Section. However, in each case the Judicial Officers or Judicial Committees shall:
- a. seek to conform generally with the procedures set out in this section;
 - b. ensure that a Participant subject to disciplinary proceedings has a reasonable opportunity to be heard and present his or her case.
- 11.2 Unless it otherwise directs, the procedure of the Judicial Officer or Judicial Committee at a hearing involving a Permanent Suspension will be as follows:
- a. the Judicial Officer or Chairperson of the Judicial Committee will explain the procedure to be followed;
 - b. the report of the umpire and, where applicable, the reports of the umpires will be read.
 - c. the Permanently Suspended Participant will be asked to confirm if that Participant admits that that Participant has committed an act or acts of Misconduct;
 - d. evidence from the Permanently Suspended Participant, if that Participant elects to give evidence, and from any witnesses to be called will be heard;
 - e. final submissions will be heard;
- 11.3 Unless it otherwise directs, the procedure of the Judicial Committee or Judicial Officer at the hearing of a Complaint will be as follows:
- a. the Judicial Officer or Chairperson of the Judicial Committee will explain the procedure to be followed;
 - b. the Complaint will be read;
 - c. the Participant will be asked to confirm if that Participant admits that that Participant has committed the act or acts of Misconduct for which that Participant is charged;
 - d. evidence from the Participant if that Participant elects to give evidence, and from any witnesses to be called will be heard;
 - e. final submissions will be heard.
- 11.4 The Participant subject to disciplinary proceedings may admit the offence at any time in which case the Judicial Committee or Judicial Officer should proceed immediately to hear submissions in relation to sanction.
- 11.5 Upon finding of a breach of the Rules, Judicial Committees or Judicial Officers shall be entitled to impose such penalties and orders as they think fit which may include the penalties set out in Section 13.
- 11.6 In the event the Judicial Officer or Judicial Committee accepts video evidence, it shall be viewed without the sound or commentary associated with it being heard, save where the sound commentary includes the comments made by the umpire through his or her microphone in relation to the specific incident in question or where the sound is required to hear the alleged misconduct.

- 11.7 A decision of a Judicial Committee shall be valid if taken by at least a simple majority of the members of the Committee. No member of the Judicial Committee may abstain from any decision.
- 11.8 Hearings by Judicial Officer or Judicial Committee (save for private deliberations) may be fully audio or audio-visually recorded or recorded as minutes. The record of proceedings and all papers associated with the proceedings shall be held for a suitable period by the Association.
- 11.9 Offences and breaches of the Code of Conduct may be established by any reliable means, including admissions. The following rules of proof shall be applied by the Judicial Committee or Judicial Officer:
- a. they shall have the discretion to accept any facts established by a decision of a court of competent jurisdiction or professional disciplinary tribunal which is not the subject of a pending appeal as irrefutable evidence against the Participant to whom the decision relates of those facts, save only where the Participant establishes that the decision was contrary to the principles of natural justice;
 - b. where the Participant fails or refuses without compelling justification to appear at a hearing (in person or by telephonic or electronic means) of which they have been given reasonable notice, the Judicial Committee or Judicial Officer may draw an inference adverse to the Participant.
 - c. The standard of proof on all questions to be determined by the Judicial Officer or Judicial Committee shall be the balance of probabilities.
 - d. The umpire's position as sole judge of fact and law during the Match is unassailable. The umpire's decisions on the field of play and their sporting consequences shall not be altered or overturned by a ruling of a Judicial Committee or Judicial Officer.
 - e. In the case of a Permanent Suspension, the function of the Judicial Officer or Judicial Committee is to consider the circumstances of the case and determine what further sanction, if any, should be imposed on the Match Participant. The Match Participant permanently suspended may seek to show that the umpire's decision was wrong, and the Judicial Officer and Judicial Committee may review the umpire's decision and the circumstances surrounding it. In such case, the Judicial Officer or Judicial Committee shall not make a finding contrary to the umpire's decision unless it is satisfied, on the balance of probabilities, that the umpire's decision was wrong.
 - f. In the case of a Complaint, the function of the Judicial Officer or Judicial Committee shall be to determine whether, on the balance of probabilities, the Participant concerned committed the act or acts of Misconduct that are the subject of the Complaint.
 - g. The Judicial Officer or Judicial Committee shall be entitled to receive such evidence and, in such form as it thinks fit (including evidence in writing) notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as it sees fit.
 - h. Generally, Judicial Officers or Judicial Committees should apply the best evidence rule. This means that first-hand accounts from persons present at the hearing as to their observations of the incident in question should be preferred. Hearsay evidence may be accepted. However, caution will be exercised before hearsay evidence is accepted in preference to first-hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Judicial Officers or Judicial Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of the Judicial Officer or members of the Judicial Committee e.g. medical opinion.

- i. In all proceedings heard by the Judicial Officer or Judicial Committee, Umpires may only give evidence of fact, not opinion.
- j. Where evidence is given before a Judicial Officer or Judicial Committee, there shall be no direct questioning of any witness other than by the Judicial Officer or Judicial Committee save where the Judicial Officer or Judicial Committee agree otherwise. Questions may, however, be put to a witness through the Judicial Officer or Chairperson of the Judicial Committee at their discretion.
- k. The Judicial Officer or Judicial Committee shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.
- l. A Match Participant who is required to attend a hearing by a Judicial Officer or Judicial Committee shall be entitled to be represented at the hearing by an official of his or her Club, or in the case of an Umpire, an Umpire's Representative (as the case may be) or by legal counsel.
- m. Judicial Officers or Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice.

11.10 After the hearing of a Permanent Suspension or 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 13 if it finds that Misconduct has occurred; and/or
- c. refer the matter to the Police.

12. Decision

12.1 Any decision in relation to a Complaint or investigation should be issued 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.

12.2 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.

12.3 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.

12.4 A Participant shall not participate in any match if they have been issued a red card, or if they are the subject of a Complaint, until the case has been heard and determined before the Judicial Committee, unless specifically authorised to do so by the Judicial Manager.

12.5 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.

13. Penalties Available for Judicial Committee

- 13.1 If the Judicial Officer or 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 regional), events, meetings, and other functions, for such period(s) and on such terms and conditions as it thinks fit;
 - d. suspension from entry to all Hockey Nelson premises for such periods(s) and on such terms and conditions as it thinks fit;
 - e. exclusion from a particular competition activity, meeting, event, or events of Association;
 - f. demotion or removal from any position or function granted by Association or as a representative of Association;
 - 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 Officer or Judicial Committee thinks fit;
 - h. fines imposed in such manner, and in such amount(s), as the Judicial Officer or Judicial Committee thinks fit; and/or
 - i. such other penalty as the Judicial Officer or Judicial Committee considers commensurate with the offence.
- 13.2 In addition to the penalties set out in clause 6.1 above, where the Misconduct is a Suspension Offence, the Judicial Officer or Judicial Committee may award penalty points or suspend for one or more matches for Participants who, in the Judicial Officer or 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.
- 13.3 When considering penalties for a Suspension Offence, the Judicial Committee must follow the Guidelines for Suspension Offences outlined in Schedule 1.

14. Appeals

- 14.1 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.
- 14.2 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.
- 14.3 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 14.1 exists and the subsequent Hearing will be conducted in accordance with the process set out in the Hockey New Zealand Code of Conduct.

15. Penalty Point Accumulation System

- 15.1 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 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).
- 15.2 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.
- 15.3 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.

- 15.4 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).
- 15.5 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 Judicial Committee may impose whatever penalty or suspension they consider appropriate, including penalty points.
- 15.6 Following a suspension as a result of a hearing, 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.

- 15.7 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.
- 15.8 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.
- 15.9 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, Hockey New Zealand should be notified so that a decision can be made on participation at that level.

Schedule 1: Nelson Hockey Guideline for Suspension Offences

The following table outlines and categorises behaviours that are considered Misconduct.

Level 1 <i>1-3 matches/weeks</i>	Level 2 <i>3-8 matches/weeks</i>	Level 3 <i>8-20 matches/weeks or greater</i>
Behaviour towards umpires or officials		
Disputing/protesting, reacting in a provocative or disapproving manner or an inappropriate way towards any decision made by an umpire or official.	Threat of assault on an umpire or official.	Any act of violence on or off the field of play on an umpire or official.
Charging or advancing towards an umpire or technical official in an aggressive manner.		
Excessive appealing of an umpire's decision.		
Physical Offences		
Inappropriate physical contact between Participants.	Striking and/or physical assault, without serious injury, of another Participant.	Physical assault causing serious bodily injury to another Participant.
Spitting near (but not connecting with) another Participant.	Spitting on (connecting) another Participant.	
Throwing a stick or ball or any other equipment at, or near, a Participant, in an inappropriate and/or dangerous manner.		
Abuse of hockey equipment or clothing, venue equipment or fixtures and fittings.		
Verbal Offences		
Verbal abuse or hostility towards any other Participant.	Repeated verbal abuse or hostility towards any other Participant.	Verbal abuse or hostility towards any other Participant.
Minor sexual harassment, sexual inferences or undertones.	Sexual harassment, sexual inferences or undertones.	Serious sexual harassment, sexual inferences or undertones.
Minor racial comments, inferences or undertones.	Repeated racial comments, inferences or undertones.	Serious racial comments, inferences or undertones.
Using rude or abusive language, or gestures that are considered to be obscene, offensive, or insulting.	Repeatedly using rude or abusive language, or gestures that are considered to be obscene, offensive, or insulting.	Using rude or abusive language, or gestures that are considered to be obscene, offensive, or insulting and considered serious in nature.

Level 1 <i>1-3 matches/weeks</i>	Level 2 <i>3-8 matches/weeks</i>	Level 3 <i>8-20 matches/weeks or greater</i>
Out of Game Offences		
Making public statements that are not fair, constructive or reasonable and involve a personal attack on another player, umpire, appointed official or administrator.	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.	Match fixing involvement or activities.
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.		
Management and Team Personnel		
Team managers and/or team personnel not taking control of the conduct of their team bench, dugout area, coaching boxes, video towers, changing rooms and other areas specified by the Association to ensure their team and spectator behaviour is appropriate.		
Team coaches, managers and/or captains intentionally and knowingly fielding an ineligible player.		
Repeated Offences		
Persistent and deliberate breach of the Rules of Hockey (generally considered dangerous and intimidating).	Recurrent breaches of Level 1 Suspension Offence (multiple offences within 3 years).	Recurrent breaches of Level 2 Suspension Offences (multiple offences within 5 years).
Other Offences not covered here		
Any other offences considered to be against the spirit of hockey and deemed befitting of a Level 1 charge.	Any other offences considered to be against the spirit of hockey and deemed befitting of a Level 2 charge.	Any other offences considered to be against the spirit of hockey and deemed befitting of a Level 3 charge.

Level 1 Suspension Offence Table

Description of Breach or Misconduct	Number of match stand-downs		
	1 match <i>e.g. Provoked, high levels of remorse. No harm inflicted.</i>	2 matches <i>e.g. Unprovoked</i>	3 matches <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, inappropriate physical contact, racial comments, sexual harassment, consistent and deliberate breaches of the rules of hockey.	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 regarding 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
Intentionally and knowingly fielding an ineligible player	High levels of remorse Evidence of naivety or lack of understanding	High levels of remorse	Low or no remorse for actions

Level 2 Suspension Offence Table

Description of Breach or Misconduct	Number of match stand-downs		
	<i>3 - 4 matches</i> e.g. <i>Provoked, high levels of remorse. No harm inflicted.</i>	<i>5 - 6 matches</i> e.g. <i>Unprovoked</i>	<i>7 - 8 matches</i> e.g. <i>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
Recurrence of Level 1 suspension	'Honest' mistake 2 nd occurrence in 3 years	Deliberate act 2 nd occurrence in 3 years	Extreme recurrence (3 rd time or more in 3 years)

Level 3 Suspension Offence Table

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 involvement or 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
Recurrence of Level 2 suspension (repeat offending)	'Honest' mistake 2 nd occurrence in 5 years	Deliberate act 2 nd occurrence in 5 years	Extreme recurrence (3 rd time or more in 5 years)

Serious Suspension Offence:

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.

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.