

DISCIPLINARY COMMISSIONER

Terms of Reference

Disciplinary Commissioner

March 2019

1. AIMS AND OBJECTIVES

The overall aim of the independent (judicial) Disciplinary Commissioner (DC) is to handle the daily disciplinary matters referred to him by the CEO

Disciplinary offences on the field of play are normally dealt with by the Tournament Director (TD) of the event, with, in some tournaments, an appeal to a Jury of Appeal, if one is appointed. There is no appeal from the decision of a TD or Jury of Appeal.

All other disciplinary matters or disputes are dealt with by the DC. These will include:

- alleged breaches of the FIH Statutes or Regulations
- alleged breaches of Tournament Regulations
- alleged breaches of FIH Code of Conduct or Integrity Code
- alleged breaches of the Anti-doping Regulations
- any other disputes or matters referred by the FIH CEO.

2. AUTHORITY, STRUCTURE AND MEMBERSHIP

- 2.1 The Disciplinary Commissioner will be appointed by the Executive Board.
- 2.2 The Disciplinary Commissioner agrees to be bound by and to comply with the Integrity Code, the Committee and Panel protocols established by the Executive Board, and any other applicable FIH Regulations.
- 2.3 There will only be one Disciplinary Commissioner.
- 2.4 Competencies/Attributes
 - Legal training (or at least a legal/judicial background)
 - Knowledge on Hockey Rules and FIH Regulations
 - Independency regarding FIH
 - IT skills

3. RESPONSIBILITIES

3.1. Disciplinary Commissioner

- Investigate, consider and determine the following matters referred to him/her by the CEO:
 - Allegations of acts of misconduct on or off the field of play at an International Event which has not been dealt with the Tournament Director or the Jury or Appeal for the International Event;

- Allegations of other breaches of Regulations (whether by an Athlete, or a Member, or otherwise);
- Any other matters referred to him/her by the CEO.
- Resolve any challenge to a refusal by the CEO to refer a matter to him.
- Co-opt in corruption or anti-doping matters, if it seems appropriate, two (2) other independent and impartial persons to consider and determine the matter with him/her.
- Advise on Standard disciplinary procedures and strategy

Further, the DC will be responsible for:

1. investigating (similar to an examining magistrate),
2. calling for representations in writing (from the accused or any other parties),
3. arranging the date and venue of any hearings (if the accused demands one and pays the necessary fee) though it is envisaged that most matters will be dealt with “on paper”
4. adjudicating (as the judge of first instance) and reporting his/her decisions in writing to the CEO, who will in turn notify the parties and be responsible for enforcement of any penalty or sanctions.
5. DC will have the discretion, under the Statutes, to appoint 2 others to sit with him on any important matters, such as alleged breaches of the Anti-Doping Regulations

Referral:

Any matter or complained that is referred to the DC will thereafter be described as “Referral”.

A matter can be raised by a third party and referred to the DC, but the third party must first file a formal complaint with the CEO requesting that it be referred to the DC. (Only FIH CEO can refer a mater to the DC.)

If the CEO refuses to refer a complaint to the DC, then the third party may, at his own risk as to costs, challenge the refusal by applying directly to the DC. A complaint will not normally be accepted by the DC if the subject matter of the complaint is within the jurisdiction of a National Governing Body or one of the Continental Federations.

4. WORKING METHOD

The Referrals will be dealt with in writing or by telephone unless the Respondent to the Referral or the FIH requests an in-person hearing. The DC will give directions for any hearings.

The DC will normally be expected to have sent his/her decision, in writing (by email), to the FIH CEO, within 28 days of a matter being referred by him/her.

The DC is independent in his judicial capacity and has normally no access to secretarial assistance from FIH staff, however, administratively he reports to the CEO.

5. TERM

The Disciplinary Commissioner shall hold office for four years, except if he gets removed by a resolution of Congress passed by an Absolute Majority.