APPENDIX 10

FIH CODE OF CONDUCT – GUIDELINES TO TECHNICAL DELEGATES ON PROCESS FOR HEARING AND DETERMINING ANY REPORTED OFFENCE

1 THE REPORT

All reports of any offence against the FIH Code of Conduct shall be made to the Technical Delegate.

The Technical Delegate is to determine the level of the offence.

A report can be received by the Technical Delegate from any person but if received later than 24 hours after the occurrence of the conduct said to constitute the offence the Technical Delegate must exercise discretion as to whether to accept such a report. That discretion is to be exercised taking into account the seriousness of the reported behaviour and the reason for the delay in making the report.

2 PRINCIPLES OF NATURAL JUSTICE

The principles of natural justice apply in the following way.

The Technical Delegate will advise the Team Manager of

- the fact of the report of an offence;
- the identity of the team member(s) reported;
- the level of the offence;
- the time and place of the hearing;
- details of the conduct and the mode of proof of it;
- if the report was received later than 24 hours after the occurrence of the conduct said to constitute the offence the Technical Delegate must state the reasons for the exercise of the discretion to accept the report. No appeal from the exercise of that discretion is available.

3 THE HEARING

Should the Technical Delegate accept the report and decide to hold a hearing, such hearing must be held as soon as possible after receipt of the said report.

If an offence occurs less than 24 hours before the end of the tournament, a hearing can be held, via electronic means, not more than seven (7) days after the end of the tournament. Following such a hearing the Technical Delegate must give written notice of the decision to the FIH Director General as set out in Regulation 15 above.

The Technical Delegate must chair the meeting (subject to delegation for reason of conflict of interest).

The hearing must be attended by the person the subject of the report and one representative if they desire (in addition the person the subject of the charge may be assisted by an interpreter).

The Technical Delegate must outline the evidence relied on to support the report including showing any video footage that may be available.

The team member is to be asked for their response to the report, ie do they accept the offence as alleged or not. The team member must be permitted to present material as to either or both of the fact of the offence or penalty.

Should the person who is the subject of the report fail to attend the hearing, the hearing shall take place in the absence of that person and the fact of the failure to attend shall be taken into account in the determination of the appropriate penalty in the event that an offence is found to have been committed.

4 THE DECISION

The decision should be in writing and read to the person the subject of the report by the Technical Delegate (through an interpreter if necessary). It should deal (at least) with the following matters:

a whether or not the team member accepts the breach of the Code of Conduct;

b if the team member does not accept the breach, a finding as to whether a breach has occurred and why.

Should it be found (or agreed) that an offence has been committed either the minimum penalty will be imposed or, at the entire discretion of the Technical Delegate, a greater penalty. If a greater penalty is being considered then:

a the disciplinary history of the team member;

b the attitude of the team member at the hearing;

c any penalty already incurred, eg if a card was given during the match the length of time of any suspension served under that card;

d the seriousness of the offence by comparison with other offences at this level

will be taken into account by the Technical Delegate in imposing a greater penalty and details of which will be set out in the written decision.

5 DEFINITION OF THE PENALTY

A clear definition of the penalty will include:

a the number and type of matches for which the team member is suspended;

b the date of commencement of the suspension;

c a statement whether, in the view of the Technical Delegate, any additional period of suspension or other penalty to take effect beyond the conclusion of the tournament should be imposed or may be appropriate; and, if so

d a statement that the decision to impose any further suspension or penalty is referred to the FIH Director General for further consideration by the FIH Disciplinary Commissioner; and

e a summary of the Technical Delegate's reasons that may justify the imposition of an additional suspension or other penalty.