



## **NZF CODE OF ETHICS**

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**PREAMBLE**

As a member of FIFA, NZF has a responsibility to safeguard the integrity and reputation of football in New Zealand. FIFA is constantly striving to protect the image of football from jeopardy or harm as a result of illegal, immoral or unethical methods and practices. NZF supports this aim. The following Code reflects the principles of the NZF Code of Conduct, which defines the most important core values for behaviour and conduct within NZF as well as with external parties. The conduct of persons bound by this Code shall reflect the fact that they support the principles and objectives of NZF, the Regional Associations, Leagues and Clubs in every way and refrain from anything that could be harmful to these aims and objectives. They shall respect the significance of their membership of NZF, the Regional Associations, Leagues and Clubs, and represent them and behave towards them honestly worthily, respectably and with integrity. They shall further respect the core value of fair play in every aspect of their functions. They shall assume social and environmental responsibility.

## 1 Definitions

1.1 For the purpose of this Code, the terms set out below are defined as follows:

1.1.1 **Intermediaries and related parties** means:

- a agents, representatives and employees;
- b spouses and domestic partners;
- c individuals sharing the same household, regardless of the personal relationship;
- d immediate family members, i.e. such as individual's spouse or domestic partner, parents, grandparents, uncles, aunts, children, stepchildren, grandchildren, siblings, mother-in-law or father-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law and the spouses of such persons, and including anyone else, whether by blood or otherwise, with whom the individual has a relationship akin to a family relationship;
- e legal entities, partnerships and any other fiduciary institution, if the person bound by this Code or the person receiving an undue advantage alternatively:
  - i holds a management position within that entity, partnership or fiduciary institution;
  - ii directly or indirectly controls the entity, partnership or fiduciary institution;
  - iii is a beneficiary of the entity, partnership or fiduciary institution;
  - iv performs services on behalf of such entity, partnership or fiduciary institution, regardless of the existence of a formal contract.

1.1.2 **Code** means this Code of Ethics.

1.1.3 **Ethics Committee** means the Ethics Committee constituted by NZF in accordance with the NZF Statutes.

1.1.4 **Investigator** means an investigator appointed by the Ethics Committee pursuant to this Code.

1.2 Definitions contained in the Definitions section in the NZF Statutes, Regulations and Disciplinary Code apply to terms used in this Code.

1.3 Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice-versa.

## **2 Scope of applicability**

- 2.1 This Code shall apply to conduct that damages the integrity and reputation of football in New Zealand and in particular to illegal, immoral and unethical behaviour. The Code focuses on general conduct within Association Football that has little or no connection with action on the field of play.

## **3 Persons covered**

- 3.1 The following are subject to this Code:

3.1.1 NZF;

3.1.2 Regional Associations;

3.1.3 Members of Regional Associations, in particular the Clubs;

3.1.4 Officials;

3.1.5 Players;

3.1.6 Match officials;

3.1.7 Licensed match and Players' agents;

3.1.8 Anyone with an authorisation from NZF, in particular with regard to a match, Competition or other event organised by NZF or a Regional Association;

3.1.9 Spectators who are members of NZF.

## **4 Applicability in time**

- 4.1 This Code shall apply to conduct whenever it occurred including before the passing of the rules contained in this Code except that no individual shall be sanctioned for breach of this Code on account of an act or omission which would not have contravened the Code applicable at the time it was committed nor subjected to a sanction greater than the maximum sanction applicable at the time the conduct occurred. This shall, however, not prevent the Ethics Committee from considering the conduct in question and drawing any conclusions from it that are appropriate.

## **SECTION 1: BASIS FOR SANCTIONS AND DISCIPLINARY MEASURES**

### **5 Basis for sanctions**

- 5.1 The Ethics Committee may pronounce the sanctions described in this Code, the NZF Disciplinary Code, the NZF Code of Conduct and the NZF Statutes on the persons bound by this Code.
- 5.2 Unless otherwise specified, breaches of this Code shall be subject to the sanctions set forth in this Code, whether acts of commission or omission, whether they have been committed deliberately or negligently, whether or not the breach constitutes an act or attempted act, and whether the parties acted as participant, accomplice or instigator.

## **6 Disciplinary measures**

- 6.1 Breaches of this Code are punishable by the sanctions contained in the NZF Disciplinary Code, as relevant. In addition, breaches of this Code may be punished by football-related community service.
- 6.2 The specifications in relation to each sanction in the NZF Disciplinary Code shall also apply.
- 6.3 The Ethics Committee may recommend to the responsible NZF body that the notification of a case be made to the appropriate law enforcement authorities.

## **7 Application of Disciplinary code provisions regarding sanctions**

- 7.1 The following provisions of the Disciplinary Code shall apply to breaches of this Code, with necessary modifications:
  - 7.1.1 Partial suspension of implementation of sanctions, if a match suspension, a ban from dressing rooms and/or the substitutes' bench or a ban on taking part in any football-related activity is imposed (provision 16).
  - 7.1.2 Time sanctions: calculation of time limit (provision 17).
  - 7.1.3 Determining the sanction (provision 22).
  - 7.1.4 Repeated infringements (provision 23).
  - 7.1.5 Concurrent infringements (provision 24).

## **8 Limitation period for prosecution**

- 8.1 As a general rule, breaches of the provisions of this Code may no longer be prosecuted after a lapse of two years.
- 8.2 Prosecution for bribery and corruption is not subject to such a limitation period.
- 8.3 The limitation period, when applicable, shall be prolonged if proceedings are opened and/or suspended.

## **SECTION 2: RULES OF CONDUCT**

### **9 General rules of conduct**

- 9.1 Persons bound by this Code are expected to be aware of the importance of their duties, obligations and responsibilities.
- 9.2 Persons bound by this Code are obliged to respect all applicable laws and regulations as well as FIFA, NZF and the Regional Associations' regulatory framework to the extent applicable to them.
- 9.3 Persons bound by this Code shall show commitment to an ethical attitude. They shall behave in a dignified manner and act with complete credibility and integrity.



- 9.4 Persons bound by this Code may not abuse their position in any way, especially to take advantage of their position for private aims or gains.

## **10 Loyalty**

- 10.1 Persons bound by this Code shall have a fiduciary duty to FIFA, OFC, NZF, the Regional Associations, Leagues and Clubs.

## **11 Confidentiality**

- 11.1 Depending on their function, information of a confidential nature divulged to persons bound by this Code while performing their duties shall be treated as confidential or secret by them as an expression of loyalty, if the information is given with the understanding or communication of confidentiality and is consistent with the NZF principles.
- 11.2 The obligation to respect confidentiality survives the termination of any relationship which makes a person subject to this Code.

## **12 Forgery and falsification**

- 12.1 Persons bound by this Code are forbidden from forging a document, falsifying an authentic document or using a forged or falsified document.

## **13 Duty of disclosure, cooperation and reporting**

- 13.1 Persons bound by this Code shall immediately report any potential breach of this Code to the Ethics Committee.
- 13.2 At the request of the Ethics Committee, persons bound by this Code are obliged to contribute to clarifying the facts of the case or clarifying possible breaches and, in particular, to declare details of their income and provide the evidence requested for inspection.

## **14 Conflicts of interest**

- 14.1 When performing an activity for NZF or before being elected or appointed, persons bound by this Code shall disclose any personal interests that could be linked with their prospective activities.
- 14.2 Persons bound by this Code shall avoid any situation that could lead to conflicts of interest. Conflicts of interest arise if persons bound by this Code have, or appear to have, private or personal interests that detract from their ability to perform their duties with integrity in an independent and purposeful manner. Private or personal interests include gaining any possible advantage for the persons bound by this Code themselves, their family, relatives, friends and acquaintances.
- 14.3 Persons bound by this Code may not perform their duties in cases with an existing or potential conflict of interest. Any such conflict shall be immediately disclosed and notified to the organisation or body for which the person bound by this Code performs his duties.
- 14.4 If an objection is made concerning an existing or potential conflict of interest of a person bound by this Code, it shall be reported immediately to the organisation for which the person bound by this Code performs his duties for appropriate measures.

## **15 Offering and accepting gifts and other benefits**

- 15.1 Persons bound by this Code may only offer or accept gifts or other benefits to and from persons within or outside NZF, or in conjunction with intermediaries or related parties as defined in this Code, in relation to football-related activity which:
- 15.1.1 have symbolic or trivial value;
  - 15.1.2 exclude any influence for the execution or omission of an act that is related to their official activities or falls within their discretion;
  - 15.1.3 are not contrary to their duties;
  - 15.1.4 do not create any undue pecuniary or other advantage; and
  - 15.1.5 do not create a conflict of interest.
- 15.2 Any gifts or other benefits not meeting all of these criteria are prohibited.
- 15.3 If in doubt, gifts shall not be offered or accepted. In all cases, persons bound by this Code shall not offer to or accept from anyone within or outside NZF cash in any amount or form.
- 15.4 Persons bound by this Code may not be reimbursed by NZF for the costs associated with family members or associates accompanying them to official events, unless expressly permitted to do so by the appropriate organisation. Any such permission will be documented.
- 15.5 Persons bound by this Code must refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the foregoing sections, or any attempt thereof.

## **16 Bribery and corruption**

- 16.1 Persons bound by this Code must not offer, promise, give or accept any personal or undue pecuniary or other advantage in order to obtain or retain business or any other improper advantage to or from anyone within or outside NZF. Such acts are prohibited, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties as defined in this Code. In particular, persons bound by this Code must not offer, promise, give or accept any undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion. Any such offer must be reported to the Ethics Committee and any failure to do so shall be sanctionable in accordance with this Code.
- 16.2 Persons bound by this Code are prohibited from misappropriating NZF and/or Regional Association assets, regardless of whether carried out directly or indirectly through, or in conjunction with intermediaries or related parties, as defined in this Code.
- 16.3 Persons bound by this Code must refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the foregoing sections, or any attempt thereof.

**17 Commission**

- 17.1 Persons bound by this Code are forbidden from accepting commission or promises of such commission for themselves or intermediaries and related parties as defined in this Code for negotiating deals of any kind while performing their duties, unless the applicable body has expressly permitted them to do so. In the absence of such a body, the body to which the person bound by this Code reports shall decide.

**18 Non-discrimination**

- 18.1 Persons bound by this Code may not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of race, skin colour, ethnic, national or social origin, gender, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.

**19 Protection of physical and mental integrity**

- 19.1 Persons bound by this Code shall respect the integrity of others involved. They shall ensure that the personal rights of every individual whom they contact and who is affected by their actions is protected, respected and safeguarded.
- 19.2 Harassment is forbidden. Harassment is defined as systematic, hostile and repeated acts for a considerable duration, intended to isolate or ostracise a person and affect the dignity of the person.
- 19.3 Sexual harassment is forbidden. Sexual harassment is defined as unwelcome sexual advances that are not solicited or invited. The assessment is based on whether a reasonable person would regard the conduct as undesirable or offensive. Threats, the promise of advantages and coercion are particularly prohibited.

**20 Integrity of matches and competitions**

- 20.1 The persons bound by this Code, and who are included within the Relevant Person definition in the NZF Anti-Match-Fixing and Sports Betting Regulations, shall be forbidden from taking part in, either directly or indirectly, or otherwise being associated with, betting, gambling, lotteries and similar events or transactions connected with football matches. They are forbidden from having stakes, either actively or passively, in companies, concerns, organisations, etc. that promote, broker, arrange or conduct such events or transactions.

**SECTION 3: ETHICS COMMITTEE****21 Division of Ethics Committee proceedings**

- 21.1 Ethics Committee proceedings shall be made up of an investigation process and an adjudicatory process.
- 21.2 The Ethics Committee shall delegate its investigative duties to an Investigator.

**22 Jurisdiction of the Ethics Committee**

- 22.1 The Ethics Committee shall be entitled to handle all cases arising from the application of this Code or breach of the NZF Code of Conduct, or any other NZF rules and regulations.

- 22.2 The Ethics Committee shall be entitled to judge the conduct of all persons bound by this Code while performing their duties. In addition to the conduct of persons bound by this Code who are performing their duties, the Ethics Committee shall also judge the conduct of other persons bound by this Code at the same time if a uniform judgement is considered appropriate based on the specific circumstances.
- 22.3 The Ethics Committee shall reserve the right to investigate and to judge the conduct of all persons bound by this Code even if they are not performing their duties if such conduct is likely to seriously damage the integrity, image or reputation of NZF.
- 22.4 Breaches of the NZF Code of Conduct shall be investigated and adjudicated upon in accordance with this Code as if they were breaches of this Code.

### **23 Duties and competences of the Investigator**

- 23.1 The Investigator shall investigate potential breaches of provisions of this Code on his own initiative and ex officio at his full and independent discretion.
- 23.2 If the Investigator deems that there is no prima facie case, he may close the case without referring it to the Ethics Committee.
- 23.3 If a prima facie case is found, the Investigator shall open investigation proceedings and conduct appropriate inquiries. The Investigator shall examine aggravating and mitigating circumstances equally.
- 23.4 The Investigator shall inform the parties that investigation proceedings have been opened after a prima facie case has been found. Limited exception to this rule may be made for safety and security or if such disclosure would interfere with the conduct of the investigation.
- 23.5 Once the investigation has been completed, the Investigator shall prepare a final report on the investigation proceedings and forward this together with the investigation files to the Ethics Committee for adjudication and the Investigator shall present the case before the Committee if a hearing is conducted. If a recommendation is made for sanctioning, the relevant party's sanctionable conduct and possible rule breaches are to be indicated in the final report.
- 23.6 If proceedings have been closed, the Investigator may reopen the investigation if new facts or evidence come to light that suggest a potential breach.

### **24 Duties and competences of the Ethics Committee in adjudication**

- 24.1 The Ethics Committee shall review the investigation files forwarded by the Investigator and decide whether to close proceedings or to adjudicate the case.
- 24.2 The Ethics Committee may at any time return the investigation files to the Investigator and instruct him to expand the investigation and/or add to the final report
- 24.3 The Ethics Committee may undertake further investigations.
- 24.4 As part of the adjudicatory process, the Ethics Committee may also rule on breaches of provisions of the FIFA Disciplinary Code which concern morally or ethically incorrect conduct.

## **25 Jurisdiction of the chairman ruling alone**

25.1 The chairman of the Ethics Committee may take the following decisions alone:

25.1.1 suspend a person for up to three matches or for up to one month;

25.1.2 ban a person from taking part in any football-related activity for up to one month;

25.1.3 impose a fine of up to \$5,000;

25.1.4 pronounce, alter and annul provisional measures (cf. provision 73 and following.).

## **SECTION 4: COMMON RULES FOR THE INVESTIGATOR AND ETHICS COMMITTEE**

### **26 Composition of the Ethics Committee**

26.1 The composition of the Ethics Committee shall be in accordance with the NZF Statutes.

### **27 Deputising**

27.1 If the chairman of the Ethics Committee is prevented from acting (whether due to personal or factual circumstances), the deputy chairman shall replace him. In the event that the deputy chairman is also prevented from acting, a member of the Ethics Committee shall replace him.

### **28 Support**

28.1 NZF shall provide the Investigator and the Ethics Committee with necessary support staff. Both the Investigator and the Ethics Committee shall, however, have the authority to hire external resources to assist in their work.

### **29 Independence**

29.1 The Investigator and the members of the Ethics Committee shall manage their investigations and proceedings and render their decisions entirely independently and must avoid any third-party influence.

29.2 The Investigator and the members of the Ethics Committee and their immediate family members (as defined in this Code) may not belong to any other judicial body, the Executive Committee or another standing committee of NZF.

### **30 Withdrawal**

30.1 The Investigator or a member of the Ethics Committee shall decline to participate in any investigation or hearing concerning a matter where there are serious grounds for questioning their impartiality.

30.2 The foregoing shall apply, in particular, in the following cases:

30.2.1 if the Investigator or member in question has a direct interest in the outcome of the matter;

30.2.2 if they have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings; or have expressed an opinion concerning its outcome; or when the immediate family of the member is a party to the subject matter in controversy or is a party to the proceedings, or have any other interest that could be substantially affected by the outcome of the proceedings and his impartiality;

30.2.3 if they have already dealt with the case in a different function.

30.3 If the Investigator or a Member declines to participate in a meeting he shall notify the chairman immediately.

30.4 An objection against the Investigator or a member of the Ethics Committee believed to be biased must be submitted by a party within five days following the identification of the grounds for non-participation, failing which, such objection shall be deemed waived. The claim must cite the grounds and, if possible, be substantiated.

30.5 The chairman of the Ethics Committee shall decide whether any such claim is valid if the member in question has not declined to participate of his own accord. If the objection is against the chairman, the present panel of the Ethics Committee shall decide.

### **31 Confidentiality**

31.1 The Investigator and members of the Ethics Committee and all support staff shall ensure that everything disclosed to them during the course of their duty remains confidential, in particular, facts of the case, contents of the investigations and deliberations and decisions taken as well as personal information in compliance with the Privacy Act 1993. Equally, the Investigator and members of the Ethics Committee shall not make any declarations related to ongoing proceedings dealt with by the Ethics Committee.

31.2 Only the final decisions already notified to the addressees may be made public.

31.3 In the event of a breach of this provision by the Investigator or a member of the Ethics Committee, they shall be suspended by the NZF Disciplinary Committee until the next NZF Congress.

### **32 Exemption from liability**

32.1 Except in the case of gross negligence, neither the Investigator nor members of the Ethics Committee nor support staff may be held personally liable for any deeds relating to any procedure.

## **SECTION 5: PROCEDURAL RULES**

### **33 Right to set process**

33.1 The Ethics Committee shall, subject to the provisions of this Code, regulate its own processes and procedures, in its discretion.

### **34 Parties**

34.1 Only the accused are considered as parties.

**35 Right to be heard**

- 35.1 The parties shall be granted the right to be heard, the right to present evidence, the right for evidence leading to a decision to be inspected, the right to access files and the right to a reasoned decision.
- 35.2 The right to be heard may be restricted in exceptional circumstances, such as when confidential matters need to be safeguarded, witnesses need to be protected or if it is required to establish the elements of the proceedings.

**36 Representation and assistance**

- 36.1 The parties may have legal representation of their own choice, at their own cost and expense.
- 36.2 If they are not required to appear personally, the parties may be represented by a legal counsel or another person.

**37 Obligation of the parties to collaborate**

- 37.1 The parties shall be obligated to act in good faith during the whole proceedings. The provisions in the Disciplinary Code as to collaboration by the parties (provision 80) shall apply with necessary modifications.

**38 General obligation to collaborate**

- 38.1 At the request of the Ethics Committee, the persons bound by this Code are obliged to contribute to establishing the facts of the case and, especially, to provide written or oral information as witnesses. A failure to cooperate may lead to a sanction in accordance with this Code.
- 38.2 Witnesses are obliged to tell the absolute and whole truth and to answer the questions put to them to the best of their knowledge and judgement.
- 38.3 If the witnesses are dilatory in responding, the chairman may, after warning them, impose further disciplinary measures on them.

**39 Notification of decisions**

- 39.1 Decisions shall be communicated by email or registered letter.
- 39.2 All of the parties shall be notified of the decisions.

**40 Effect of decisions**

- 40.1 Decisions passed by the Ethics Committee shall come into force as soon as they are communicated.
- 40.2 The Ethics Committee may rectify any obvious errors at any time.

**41 Various types of proof**

- 41.1 Any type of proof may be produced.

41.2 Types of proof include, in particular:

41.2.1 Documents

41.2.2 Reports from officials

41.2.3 Declarations from the parties

41.2.4 Declarations from witnesses

41.2.5 Audio and video recordings

41.2.6 Expert opinions

41.2.7 All other proof that is relevant to the case

## **42 Anonymous witnesses**

42.1 When a person's testimony in ethics proceedings opened in accordance with this Code could endanger his life or put him or his family or close friends in physical danger, the Investigator or the chairman or his deputy may order that:

42.1.1 the witness not be identified in the presence of the parties;

42.1.2 the witness not appear at the hearing;

42.1.3 all or some of the information that could be used to identify the witness be included only in a separate, confidential case file.

42.2 In view of all the circumstances and in particular if no other evidence is available to corroborate that of the anonymous witness and if it is technically possible, the Investigator or the chairman or his deputy may exceptionally order, on his own initiative or at the request of one of the parties, that:

42.2.1 the witness's voice be distorted;

42.2.2 the witness's face be masked;

42.2.3 the witness be questioned outside the courtroom;

42.2.4 the witness be questioned in writing through the chairman or deputy.

42.3 Disciplinary measures shall be imposed on anyone who reveals the identity of an anonymous witness or any information that could be used to identify him.

## **43 Identification of anonymous witnesses**

43.1 To ensure their safety, anonymous witnesses shall be identified behind closed doors in the absence of the parties. This witness identification shall be conducted by the Investigator or the chairman alone, their deputy or all the members of the Ethics Committee together, and shall be recorded in minutes containing the witness's personal details.



43.2 These minutes shall not be communicated to the parties.

43.3 The parties shall receive a brief notice which:

43.3.1 confirms that the anonymous witness has been formally identified; and

43.3.2 contains no details that could be used to identify the anonymous witness.

#### **44 Inadmissible evidence**

44.1 Proof that violates human dignity or obviously does not serve to establish relevant facts shall be rejected.

#### **45 Evaluation, standard and burden of proof**

45.1 The Ethics Committee shall have absolute discretion regarding proof.

45.2 The members of the Ethics Committee shall judge and decide on the basis of their personal convictions.

45.3 The burden of proof regarding breaches of provisions of the Code rests on the Ethics Committee.

#### **46 Beginning and end of time limit**

46.1 The provisions of the Disciplinary Code as to Time limits (provision 70) shall apply.

46.2 Time limits notified directly to the party or to a representative appointed by the party shall commence the day after receipt of the notification.

46.3 Costs and fees payable are considered to have been paid in time if the payment has irreversibly been made to NZF's account by midnight on the last day of the time limit.

#### **47 Extension**

47.1 Time limits set forth in this Code may not be extended.

47.2 Time limits set by the Ethics Committee may be extended in exceptional circumstances upon request.

#### **48 Suspension of proceedings**

48.1 In the event that a person bound by this Code ceases to serve in his function during proceedings, the Ethics Committee shall remain competent to render a decision.

#### **49 Procedural costs**

49.1 The procedural costs are made up of the costs and expenses of the investigation and adjudicatory proceedings.

49.2 Except as otherwise provided herein, in the event of closure of proceedings or acquittal, the procedural costs shall be borne by NZF. A party may be ordered to pay the procedural costs

in part or in full in the event of closure of proceedings or acquittal if he culpably caused the proceedings to be initiated or hindered the conduct of the proceedings.

- 49.3 Procedural costs shall be borne by the party that has been sanctioned. If more than one party is sanctioned, the procedural costs shall be assessed proportionally in accordance with the degree of guilt of the parties.
- 49.4 Part of the procedural costs, in particular the costs of the investigation proceedings, may be borne by NZF, as appropriate in respect of the imposition of sanctions.
- 49.5 The procedural costs may be reduced or waived in exceptional circumstances, in particular taking into account the party's financial circumstances.

## **50 Compensation**

- 50.1 No compensation shall be awarded in proceedings conducted by the Ethics Committee.

## **SECTION 6: INVESTIGATION PROCEEDINGS**

### **51 Right to submit complaints**

- 51.1 Any person bound by this Code may file a complaint regarding potential breaches of this Code with the Investigator. Complaints must be submitted in writing, including available evidence.
- 51.2 There is no entitlement for proceedings to be opened following submission of a complaint.
- 51.3 Any person who lodges a complaint against a person who he knows to be innocent, with the intent of harming this person, or in another way takes malicious steps with the intent of harming this person who he knows to be innocent shall be sanctioned.

### **52 Inquiries by the Investigator**

- 52.1 The Investigator shall carry out an initial evaluation of the documents submitted with the complaint.
- 52.2 If there is any indication of a potential breach, the Investigator shall conduct the appropriate preliminary investigation. This shall include, in particular, collecting written information, requesting documents and obtaining witness statements.
- 52.3 The Investigator may initiate preliminary investigations into a potential breach of this Code based on a filed complaint. In addition, the Investigator may initiate preliminary investigations at his own discretion and at any time.

### **53 Opening of investigation proceedings**

- 53.1 If the documents submitted with the complaint or the preliminary investigation are found to establish a prima facie case, the Investigator shall open investigation proceedings.
- 53.2 The parties shall be notified of the opening of the investigation proceedings and the possible rule violation.

**54 Initiation of investigation**

- 54.1 The Investigator shall decide whether to initiate investigation proceedings.
- 54.2 Grounds do not need to be given for the initiation of investigation proceedings and the decision may not be contested.

**55 Conduct of proceedings**

- 55.1 The Investigator shall lead the investigation proceedings.

**56 Competences of the Investigator**

- 56.1 The Investigator shall investigate by means of written inquiries and written or oral questioning of the parties and witnesses. He may also undertake any further investigative measures relevant to the case; in particular, he may verify the authenticity of documents relevant to the investigation by procuring affidavits.
- 56.2 In complex cases, the Investigator may engage third parties to undertake investigative duties. The inquiries to be made by such third parties must be clearly defined.
- 56.3 If the parties and the other persons bound by this Code fail to cooperate in establishing the facts of the case, the Investigator may impose a warning, and in case of recurrence, impose disciplinary measures.

**57 Conclusion of investigation proceedings**

- 57.1 When the Investigator considers the investigation to be adequate, he shall inform the parties that the investigation proceedings have been concluded and that the final report, together with the investigation files, shall be referred to the Ethics Committee.

**58 Final report**

- 58.1 The final report shall contain all the facts and gathered evidence and mention the possible rule violation and a recommendation to the Ethics Committee for taking the appropriate measures.

**SECTION 7: ADJUDICATION PROCEEDINGS****59 Examination of the file**

- 59.1 The chairman of the Ethics Committee shall examine the final report and investigation files.
- 59.2 If the chairman of the Ethics Committee deems that there is insufficient evidence to proceed, he may close the case.
- 59.3 If necessary, the chairman of the Ethics Committee may return the final report to the Investigator for amendment or completion or may undertake further investigations.
- 59.4 If the chairman of the Ethics Committee deems that the final report is complete, and there is sufficient evidence to support there having been a possible rule violations, he shall proceed with adjudicatory proceedings.

**60 Submissions by the parties**

60.1 In the event that the chairman of the Ethics Committee decides to proceed with adjudicatory proceedings, he shall send the final report together with the investigation files to the parties.

60.2 The chairman of the Ethics Committee shall set a time limit for the parties to submit positions containing a statement of defence, any defence of lack of jurisdiction, any evidence and motions for the admission of evidence upon which the parties intend to rely, and a request for a hearing including witnesses whom the parties intend to call. The parties shall submit a brief summary of the witnesses' expected testimony together with the position.

**61 Rejection of motions for the admission of evidence**

61.1 The chairman of the Ethics Committee may reject the motions for the admission of evidence submitted by the parties.

61.2 The parties shall be informed if their motion has been rejected, with a brief outline of the grounds for the decision. The rejection may not be contested.

**62 Further evidence**

62.1 The chairman of the Ethics Committee may himself order additional evidence to be taken and witnesses to be summoned to the hearing. Evidence that has already been taken may be taken again if direct knowledge of the piece of evidence is deemed necessary for a decision to be taken.

62.2 The chairman of the Ethics Committee shall inform the parties of the additional evidence and witnesses.

**63 Composition of the Ethic Committee**

63.1 Subject to provision 25, the Ethics Committee's decisions shall be deemed to be legally valid if at least three members are present.

63.2 The chairman of the Ethics Committee shall decide the number of members in the committee. The parties shall be informed of the composition of the committee.

**64 Collaboration by the parties**

64.1 Provision 80 of the Disciplinary Code as to Collaboration by the parties shall apply, with necessary modifications.

**65 Oral statements, principles**

65.1 As a general rule, there shall be no oral statements and the Ethics Committee shall decide on the basis of the file.

65.2 At the request of one of the parties, the Ethics Committee may arrange for oral statements to be heard, to which all the parties shall be summoned.

65.3 In its discretion, the Ethics Committee may arrange for oral statements to be heard, to which all the parties shall be summoned.

65.4 Oral statements shall always be heard behind closed doors.

**66 Oral statements, procedure**

66.1 The chairman of the Ethics Committee shall conduct the hearing and decide on the sequence of the oral statements.

66.2 It is the responsibility of the parties to ensure the appearance of the witnesses requested by them and to pay all costs and expenses associated with their appearance.

**67 Deliberations**

67.1 After the hearing, the Ethics Committee shall withdraw to deliberate on its decision in private.

67.2 If there is no hearing, the chairman shall schedule the deliberations and set the number of members and the composition of the committee. The parties shall be informed to this effect.

67.3 If circumstances permit, the deliberations and decision-taking may be conducted via telephone conference, video conference or any other similar method.

**68 Taking the decision**

68.1 Decisions shall be taken by the majority of the members present.

68.2 Every member present shall vote. In the event of a tied vote, the chairman shall have the casting vote.

**69 Grounds for decision**

69.1 Provision 83 of the Disciplinary Code as to Decisions without grounds shall apply, with necessary modifications.

**70 Form and contents of the decision with grounds**

70.1 Without prejudice to the application of provision 69 above, the decision shall contain:

70.1.1 the composition of the committee;

70.1.2 the names of the parties;

70.1.3 the date of the decision;

70.1.4 a summary of the facts;

70.1.5 the grounds of the decision;

70.1.6 the provisions on which the decision was based;

70.1.7 the terms of the decision;

70.1.8 notice of the channels for appeal.

70.2 The decisions shall be signed by the chairman.

## **SECTION 8: APPEAL AND REVIEW**

### **71 Appeal**

71.1 Unless this Code stipulates that the decisions of the Ethics Committee and the chairman of the Ethics Committee of the Ethics Committee may not be contested, an appeal may be lodged by the party concerned to the Appeal Committee against any decision, with the exception of decisions in which the sanction pronounced is:

71.1.1 a warning;

71.1.2 a reprimand;

71.1.3 a suspension for less than three matches or of up to one month;

71.1.4 a fine of less than \$5,000.

71.2 The aforementioned decisions may also be appealed by the Investigator.

71.3 In any appeal, the Investigator shall enjoy the same procedural rights as before the Ethics Committee.

71.4 Further provisions relating to lodging an appeal and proceedings before the Appeal Committee are set out in the NZF Disciplinary Code (cf. provision 86 and following.).

71.5 Decisions on costs are final and may not be appealed.

### **72 Court of Arbitration for sport**

72.1 Decisions taken by the Appeal Committee are final, subject to appeals lodged with the Court of Arbitration for Sport (CAS) or the Sports Tribunal in accordance with the relevant provisions of the NZF Statutes.

72.2 The aforementioned decisions may also be appealed at CAS or the Sports Tribunal by the Investigator.

### **73 Review**

73.1 The Investigator may reopen a case that has been closed following a legally binding decision if a party discovers significant new facts or proof that, despite the investigation, could not have been produced sooner and would have resulted in a more favourable decision.

73.2 A request for review shall be made by the party concerned within ten days of discovering the reasons for review, or it will not be admitted.

73.3 The limitation period for submitting a request for review is one year after the enforcement of the decision.

## **SECTION 9: PROVISIONAL MEASURES**

### **74 Conditions and jurisdiction**

74.1 At the request of the Investigator, the chairman of the Ethics Committee may take provisional measures (e.g. provisional sanctions) if a breach of the Code of Ethics appears to have been committed and a decision on the main issue may not be taken early enough. The chairman of the Ethics Committee may also issue provisional measures for preventing interference with the establishment of the truth.

### **75 Procedure**

75.1 The chairman of the Ethics Committee may summon the parties to a hearing at short notice or set them a short time limit in which to submit written statements.

75.2 The chairman of the Ethics Committee may make his decision on the basis of the case files available to him, without hearing the parties, in which case the parties shall be summoned to a hearing or invited to submit written statements after the decision has been issued. After hearing the parties, the chairman of the Ethics Committee shall confirm, revoke or amend his decision.

75.3 The decision shall include details of procedural costs.

### **76 Duration**

76.1 Provisional measures may be valid for a maximum of 90 days. In exceptional circumstances, the provisional measures may be extended by the chairman of the Ethics Committee for an additional period not to exceed 45 days.

76.2 The duration of provisional sanctions shall be taken into account in the final decision.

### **77 Appeal against provisional measures**

77.1 Any appeal against a decision regarding provisional measures shall be lodged with the chairman of the Appeal Committee.

77.2 The time limit for lodging the appeal is two days, commencing from the notification of the decision.

77.3 The petition of appeal shall be sent directly to NZF by fax or email within the same time limit.

77.4 The appeal shall not have suspensive effect.

77.5 Further provisions on lodging an appeal and proceedings before the Appeal Committee are set out in the NZF Disciplinary Code (cf. provision 86 and following.).

### **78 Adoption and enforcement**

78.1 The NZF Executive Committee adopted this Code on **12 March 2015**

78.2 This Code comes into force on **12 March 2015**