



OFC Code of Ethics  
(September 2020)



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## PREAMBLE

OFC bears a special responsibility to safeguard the integrity and reputation of football in the Oceania Region. OFC is constantly striving to protect the image of football, and especially that of OFC, from jeopardy or harm as a result of illegal, immoral or unethical methods and practices. In this connection, the following Code reflects the principles of the OFC Code of Conduct, which defines the most important core values for behaviour and conduct within OFC 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 OFC, Member 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 allegiance to OFC, Member 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.

## DEFINITIONS

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

### 1. Intermediaries and related parties:

- 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.

### 2. Disciplinary and Ethics Committee:

References to the Disciplinary and Ethics Committee in this Code shall mean the investigatory and/or adjudicatory chamber.

Reference is also made to the definitions section in the OFC statutes.

## **I. SCOPE OF APPLICATION**

### **Article 1: Scope of applicability**

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

### **Article 2: Persons covered**

This Code shall apply to all officials and players as well as match and players' agents who are bound by this Code on the day the infringement is committed.

### **Article 3: Applicability in time**

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 Disciplinary and Ethics Committee from considering the conduct in question and drawing any conclusions from it that are appropriate.

### **Article 4: Scope of the Code, omissions, custom, doctrine and jurisprudence**

1. This Code governs every subject to which the text or the meaning of its provisions refers.
2. If there are any omissions in this Code, the judicial bodies shall decide in accordance with the Member Association's custom or, in the absence of custom, in accordance with rules they would lay down if they were acting as legislators.
3. During all its operations, the Disciplinary and Ethics Committee may draw on precedents and principles already established by sports doctrine and jurisprudence.

## **II. SUBSTANTIVE LAW**

### **SECTION 1: BASIS FOR SANCTIONS**

#### **Article 5: Basis for sanctions**

1. The Disciplinary and Ethics Committee may pronounce the sanctions described in this Code, the OFC Disciplinary Code and the OFC Statutes on the persons bound by this Code.
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.

## **SECTION 2: DISCIPLINARY MEASURES**

### **Article 6: General**

1. Breaches of this Code or any other OFC rules and regulations by persons bound by this Code are punishable by one or more of the following sanctions:
  - a) warning;
  - b) reprimand;
  - c) fine;
  - d) return of awards;
  - e) match suspension;
  - f) ban from dressing rooms and/or substitutes' bench;
  - g) ban on entering a stadium;
  - h) ban on taking part in any football-related activity;
  - i) social work.
2. The specifications in relation to each sanction in the OFC Disciplinary Code shall also apply.
3. The Disciplinary and Ethics Committee may recommend to the responsible OFC body that the notification of a case be made to the appropriate law enforcement authorities.

### **Article 7: Partial suspension of enforcement of sanctions**

1. 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, the adjudicatory chamber may examine whether there are grounds to partially suspend the enforcement of the sanction.
2. Partial suspension is permissible only if the duration of the sanction does not exceed six matches or six months and if the relevant circumstances allow it, in particular the previous record of the person sanctioned.
3. The adjudicatory chamber shall decide which part of the sanction may be suspended. In any case, half of the sanction is definite.
4. By suspending enforcement of the sanction, the adjudicatory chamber may subject the person sanctioned to a probationary period of anything from six months up to two years.
5. If the person benefiting from a suspended sanction commits another breach during the probationary period, the suspension shall automatically be revoked and the original sanction completely applied and added to the sanction imposed for the new breach.
6. Special provisions may apply in certain circumstances.

### **Article 8: Duration/Extension**

The duration of a time sanction may be interrupted by rest periods during or between seasons.



## **SECTION 3: DETERMINING THE SANCTION**

### **Article 9: General rules**

1. The sanction may be imposed by taking into account all relevant factors in the case, including the offender's assistance and cooperation, the motive, the circumstances and the degree of the offender's guilt.
2. The Disciplinary and Ethics Committee shall decide the scope and duration of any sanction.
3. Sanctions may be limited to a geographical area or to one or more specific categories of match or competition.

### **Article 10: Repeated breaches**

Unless otherwise specified, the sanction may be increased as deemed appropriate if a breach has been repeated.

### **Article 11: Concurrent breaches**

1. Where more than one breach has been committed, the sanction shall be based on the most serious breach, and increased as appropriate depending on the specific circumstances.
2. When determining the amount of a fine, the Disciplinary and Ethics Committee is not obliged to adhere to the general upper limit of the fine.

## **SECTION 4: LIMITATION PERIOD**

### **Article 12: Limitation period for prosecution**

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

## **SECTION 5: RULES OF CONDUCT**

### **SUBSECTION 1: DUTIES**

### **Article 13: General rules of conduct**

1. Persons bound by this Code are expected to be aware of the importance of their duties and concomitant obligations and responsibilities.
2. Persons bound by this Code are obliged to respect all applicable laws and regulations as well as OFC's regulatory framework to the extent applicable to them.
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.
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.

#### **Article 14: Duty of neutrality**

In dealings with government institutions, national and international organisations, Member Associations and groupings, persons bound by this Code shall, in addition to observing the basic rules of art. 13, remain politically neutral, in accordance with the principles and objectives of OFC, Member Associations, leagues and clubs, and generally act in a manner compatible with their function and integrity.

#### **Article 15: Loyalty**

Persons bound by this Code shall have a fiduciary duty to OFC, Member Associations, leagues and clubs.

#### **Article 16: Confidentiality**

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 OFC principles.
2. The obligation to respect confidentiality survives the termination of any relationship which makes a person subject to this Code.

#### **Article 17: Forgery and falsification**

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

#### **Article 18: Duty of disclosure, cooperation and reporting**

1. Persons bound by this Code shall immediately report any potential breach of this Code to the secretariat of the investigatory chamber of the Disciplinary and Ethics Committee.
2. At the request of the Disciplinary and 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.

### **SUBSECTION 2: UNDUE ADVANTAGE**

#### **Article 19: Conflicts of interest**

1. When performing an activity for OFC or before being elected or appointed, persons bound by this Code shall disclose any personal interests that could be linked with their prospective activities.
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.

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 for which the person bound by this Code performs his duties.
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.

#### **Article 20: Offering and accepting gifts and other benefits**

1. Persons bound by this Code may only offer or accept gifts or other benefits to and from persons within or outside OFC, or in conjunction with intermediaries or related parties as defined in this Code, which:
  - a) have symbolic or trivial value;
  - b) exclude any influence for the execution or omission of an act that is related to their official activities or falls within their discretion;
  - c) are not contrary to their duties;
  - d) do not create any undue pecuniary or other advantage and
  - e) do not create a conflict of interest.Any gifts or other benefits not meeting all of these criteria are prohibited.
2. 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 OFC cash in any amount or form.
3. Persons bound by this Code may not be reimbursed by OFC 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.
4. 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.

#### **Article 21: Bribery and corruption**

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 OFC. 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 Disciplinary and Ethics Committee and any failure to do so shall be sanctionable in accordance with this Code.

2. Persons bound by this Code are prohibited from misappropriating OFC assets, regardless of whether carried out directly or indirectly through, or in conjunction with, intermediaries or related parties, as defined in this Code.
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.

#### **Article 22: Commission**

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.

### **SUBSECTION 3: PROTECTION OF PERSONAL RIGHTS**

#### **Article 23: Non-discrimination**

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 derogatory 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.

#### **Article 24: Protection of physical and mental integrity**

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.
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.
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.

### **SUBSECTION 4: INTEGRITY OF COMPETITIONS**

#### **Article 25: Integrity of matches and competitions**

Persons bound by this Code 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.

### **III. ORGANISATION AND PROCEDURE**

#### **CHAPTER I: ORGANISATION**

##### **SECTION 1: DISCIPLINARY AND ETHICS COMMITTEE**

###### **Article 26: Division of the Disciplinary and Ethics Committee, division of proceedings**

1. In proceedings under this Code:
  - a) the Disciplinary and Ethics Committee shall be composed of an investigatory chamber and an adjudicatory chamber as determined in accordance with the OFC Statutes; and.
  - b) proceedings shall be made up of an investigation and an adjudicatory process.

##### **SECTION 2: JURISDICTION, DUTIES AND COMPETENCES OF THE DISCIPLINARY AND ETHICS COMMITTEE**

###### **Article 27: Jurisdiction of the Disciplinary and Ethics Committee**

1. The Disciplinary and Ethics Committee shall be entitled to handle all cases arising from the application of this Code or any other OFC rules and regulations.
2. The Disciplinary and 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 Disciplinary and 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.
3. The Disciplinary and 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 OFC.
4. The Disciplinary and Ethics Committee shall be entitled to investigate and to judge the conduct of all persons bound by this Code if the case on which the alleged violation is based has international implications (affecting various Member Associations) and is not judged at member association level or an adequate judgement cannot be expected at member association level given the specific circumstances.
5. The Disciplinary and Ethics Committee shall also be entitled to investigate and to judge national cases if Member Associations and other sports organisations fail to prosecute such breaches, fail to prosecute them in compliance with the fundamental principles of law, or an adequate judgement cannot be expected given the specific circumstances.

###### **Article 28: Duties and competences of the investigatory chamber**

1. The investigatory chamber shall investigate potential breaches of provisions of this Code on its own initiative and ex officio at its full and independent discretion.

2. If the investigatory chamber deems that there is no prima facie case, it may close the case without referring it to the adjudicatory chamber.
3. If a prima facie case is found, the investigatory chamber shall open investigation proceedings and conduct appropriate inquiries. The chamber shall examine aggravating and mitigating circumstances equally.
4. The investigatory chamber 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.
5. Once the investigation has been completed, the investigatory chamber shall prepare a final report on the investigation proceedings and forward this together with the investigation files to the adjudicatory chamber and one or more members of the investigatory chamber shall present the case before the adjudicatory chamber 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.
6. If proceedings have been closed, the investigatory chamber may reopen the investigation if new facts or evidence come to light that suggest a potential breach.

#### **Article 29: Duties and competences of the adjudicatory chamber**

1. The adjudicatory chamber shall review the investigation files forwarded by the investigatory chamber and decide whether to close proceedings or to adjudicate the case.
2. The adjudicatory chamber may at any time return the investigation files to the investigatory chamber and instruct it to expand the investigation and/or add to the final report.
3. The adjudicatory chamber may undertake further investigations.
4. The adjudicatory chamber shall send the final report together with the investigation files to the parties and ask for their submissions.
5. As part of the adjudicatory process, the adjudicatory chamber may also rule on breaches of provisions of the OFC Disciplinary Code which concern morally or ethically incorrect conduct.

#### **Article 30: Jurisdiction of the chairman ruling alone**

The chairman of the adjudicatory chamber may take the following: decisions alone:

- a) suspend a person for up to three matches or for up to two months;
- b) ban a person from taking part in any football-related activity for up to two months;
- c) impose a fine of up to NZD 500;
- d) pronounce, alter and annul provisional measures (cf. art. 83).

## **SECTION 3: COMMON RULES FOR THE INVESTIGATORY AND ADJUDICATORY CHAMBERS**

### **Article 31: Composition of the investigatory and adjudicatory chambers**

The composition of the investigatory and the adjudicatory chambers shall be in accordance with the OFC Statutes.

### **Article 32: Deputising**

If the chairman of either chamber 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 relevant chamber shall replace him.

### **Article 33: Secretariats**

1. The general secretariat of OFC shall provide both the investigatory and adjudicatory chambers with a secretariat with the necessary staff. Both chambers shall, however, have the authority to hire external resources to assist in their work.
2. The general secretariat of OFC shall designate the secretaries of each chamber.
3. The secretaries shall take charge of the administrative and legal work related to proceedings and provide support to the investigatory and adjudicatory chambers for the completion of their respective tasks; in particular, they shall write the minutes, final reports and decisions.
4. The secretaries shall take care of the filing of the case files, which must be kept for at least ten years.
5. The secretaries shall act on the sole instructions of the investigatory and adjudicatory chambers. They have the duty to immediately report any instructions received by any other persons or bodies to the chairman of the respective chamber.

### **Article 34: Independence**

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

### **Article 35: Withdrawal**

1. A member of the Disciplinary and Ethics Committee shall decline to participate in any investigation or hearing concerning a matter where there are serious grounds for questioning his impartiality.
2. The foregoing shall apply, in particular, in the following cases:
  - a) if the member in question has a direct interest in the outcome of the matter;

- b)** if he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings; or has 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 has any other interest that could be substantially affected by the outcome of the proceedings and his impartiality;
  - c)** if he has the same nationality as the party implicated or under investigation;
  - d)** if he has already dealt with the case in a different function.
- 3.** Members who decline to participate in a meeting shall notify the chairman immediately.
- 4.** An objection against a member of the Disciplinary and Ethics Committee believed to be biased must be submitted 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.
- 5.** The chairman of the relevant chamber 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 respective chamber shall decide.

#### **Article 36: Confidentiality**

- 1.** The members of the Disciplinary and Ethics Committee and the members of the secretariats shall ensure that everything disclosed to them during the course of their duty under this Code remains confidential, in particular, facts of the case, contents of the investigations and deliberations and decisions taken as well as private personal data. Equally, the members of the Disciplinary and Ethics Committee shall not make any declarations related to ongoing proceedings dealt with by the Disciplinary and Ethics Committee.
- 2.** Only the final decisions already notified to the addressees may be made public.
- 3.** In the event of a breach of this article by a member of the Disciplinary and Ethics Committee, the relevant member shall be suspended by the Disciplinary and Ethics Committee until the next OFC Congress.

#### **Article 37: Exemption from liability**

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



## **CHAPTER II: PROCEDURE**

### **SECTION 1: PROCEDURAL RULES**

#### **SUBSECTION 1: GENERAL RULES**

##### **Article 38: Parties**

Only the accused are considered as parties.

##### **Article 39: Right to be heard**

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.
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.

##### **Article 40: Representation and assistance**

1. The parties may have legal representation at their own cost and expense.
2. If they are not required to appear personally, the parties may be represented by a legal counsel or another person.
3. The parties are free to choose their own legal counsel or representation.
4. The Disciplinary and Ethics Committee may request that the parties' representatives submit a duly signed power of attorney.

##### **Article 41: Obligation of the parties to collaborate**

1. The parties shall be obligated to act in good faith during the whole proceedings.
2. The parties shall be obligated to collaborate to establish the facts of the case. In particular, they shall comply with requests for information from the investigatory chamber and the adjudicatory chamber of the Disciplinary and Ethics Committee and with an order to appear in person.
3. Whenever necessary, the parties' statements may be verified using the appropriate means.
4. If the parties are dilatory in responding, the chairman of the appropriate chamber may, after warning them, impose further disciplinary measures on them.
5. If the parties fail to collaborate, the investigatory chamber may prepare a final report using the file in its possession or the adjudicatory chamber may reach a decision on the case using the file in its possession, taking into account the conduct of the parties to the proceedings.

##### **Article 42: General obligation to collaborate**

1. At the request of the Disciplinary and 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.

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.
3. If the witnesses are dilatory in responding, the chairman of the appropriate chamber may, after warning them, impose further disciplinary measures on them.

#### **Article 43: Languages used in proceedings**

1. The languages used in proceedings shall be the two official languages of OFC (English and French). The body and parties may choose any of these languages.
2. OFC may, if necessary, use the services of an interpreter.
3. Decisions shall be taken in one of the languages used by the Member Association concerned or the Member Association to which the person concerned belongs. Efforts will be made to use the Member Association's first language, wherever possible.

#### **Article 44: Notification of decisions**

1. Decisions shall be communicated by email or tracked courier.
2. All of the parties shall be notified of the decisions.
3. Decisions and other documents intended for persons bound by this Code shall be addressed to the Member Association concerned on condition that it forwards the documents to the parties concerned. In the event that the documents were not also or solely sent to the party concerned, these documents shall be considered to have been communicated properly to the ultimate addressee four days after communication of the documents to the Member Association.

#### **Article 45: Effect of decisions**

1. Decisions passed by the Disciplinary and Ethics Committee under this Code shall come into force as soon as they are communicated.
2. The Disciplinary and Ethics Committee may rectify any obvious errors at any time.

### **SUBSECTION 2: PROOF**

#### **Article 46: Various types of proof**

1. Any type of proof may be produced.
2. Types of proof include, in particular:
  - a) Documents
  - b) Reports from officials
  - c) Declarations from the parties
  - d) Declarations from witnesses
  - e) Audio and video recordings
  - f) Expert opinions
  - g) All other proof that is relevant to the case

#### **Article 47: Anonymous witnesses**

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 chairman of the competent chamber or his deputy may order that:
  - a) the witness not be identified in the presence of the parties;
  - b) the witness not appear at the hearing;
  - c) all or some of the information that could be used to identify the witness be included only in a separate, confidential case file.
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 chairman of the competent chamber or his deputy may exceptionally order, on his own initiative or at the request of one of the parties, that:
  - a) the witness's voice be distorted;
  - b) the witness's face be masked;
  - c) the witness be questioned outside the courtroom;
  - d) the witness be questioned in writing through the chairman of the competent chamber or his deputy.
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.

#### **Article 48: Identification of anonymous witnesses**

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 chairman of the competent chamber alone, his deputy or all the members of the competent chamber together and shall be recorded in minutes containing the witness's personal details.
2. These minutes shall not be communicated to the parties.
3. The parties shall receive a brief notice which:
  - a) confirms that the anonymous witness has been formally identified; and
  - b) contains no details that could be used to identify the anonymous witness.

#### **Article 49: Inadmissible evidence**

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

#### **Article 50: Evaluation of proof**

The Disciplinary and Ethics Committee shall have absolute discretion regarding proof.

#### **Article 51: Standard of proof**

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

## **Article 52: Burden of proof**

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

### **SUBSECTION 3: TIME LIMITS**

## **Article 53: Beginning and end of time limit**

1. Time limits notified directly to the party or to a representative appointed by the party shall commence the day after receipt of the notification.
2. Time limits to which other persons are required to adhere shall commence four days after receipt of the document by the Member Association responsible for forwarding it, except when the document is not also or solely sent to the person concerned or his legal representative. If the document was also or solely sent to the parties or their legal representatives, the time limit shall commence on the day after receipt of the document in question.
3. If the last day of the time limit coincides with a public holiday in the place of domicile of the person required to comply with the document by a certain deadline, the time limit shall expire on the next working day.

## **Article 54: Compliance**

1. The time limit has been met only if the action required has been carried out before expiry of the time limit.
2. The document must be submitted to the relevant body by no later than midnight on the last day of the time limit.
3. If the document is sent by fax, the time limit has been met if the document reaches the body on the last day of the time limit and the original document reaches it within another five days.
4. Parties are permitted to observe time limits by sending electronic mail.
5. Costs and fees payable are considered to have been paid in time if the payment has irreversibly been made to OFC's account by midnight on the last day of the time limit.

## **Article 55: Extension**

1. Time limits set forth in this Code may not be extended.
2. Time limits set by the Disciplinary and Ethics Committee may be extended upon request.  
A time limit may only be extended for a second time in exceptional circumstances.
3. If an extension of the time limit is refused, two extra days may be granted. In emergencies, the refusal to grant the extension may be announced orally.

## **SUBSECTION 4: SUSPENSION OF PROCEEDINGS**

### **Article 56: Suspension of proceedings**

1. In the event that a person bound by this Code ceases to serve in his function during proceedings, the Disciplinary and Ethics Committee shall remain competent to render a decision.
2. In the event that a person bound by this Code ceases to serve in his function, the investigatory chamber may conduct the investigation, create a final report and hand it over to the adjudicatory chamber. The adjudicatory chamber may suspend the proceedings or take a decision as to the substance.

## **SUBSECTION 5: PROCEDURAL COSTS**

### **Article 57: Procedural costs**

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

### **Article 58: Procedural costs in case of closure of proceedings or acquittal**

1. Except as otherwise provided herein, in the event of closure of proceedings or acquittal, the procedural costs shall be borne by OFC.
2. 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.

### **Article 59: Procedural costs if sanctions are imposed**

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

### **Article 60: Procedural compensation**

No procedural compensation shall be awarded in proceedings conducted by the Disciplinary and Ethics Committee.

## **SECTION 2: INVESTIGATION PROCEEDINGS**

### **SUBSECTION 1: PRELIMINARY PROCEEDINGS**

#### **Article 61: Right to submit complaints**

1. Any person bound by this Code may file a complaint regarding potential breaches of this Code with the secretariat of the investigatory chamber.

Complaints must be submitted in writing, including available evidence. The secretariat shall inform the chairman of the investigatory chamber of the complaints and act upon his instructions.

2. There is no entitlement for proceedings to be opened following submission of a complaint.
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.

#### **Article 62: Inquiries by the secretariat of the investigatory chamber**

1. The secretariat of the investigatory chamber shall carry out an initial evaluation of the documents submitted with the complaint.
2. If there is any indication of a potential breach, the secretariat shall conduct the appropriate preliminary investigation. This shall include, in particular, collecting written information, requesting documents and obtaining witness statements.
3. The secretariat of the investigatory chamber may initiate preliminary investigations into a potential breach of this Code based on a filed complaint and after having informed the chairman of the investigatory chamber. In addition, the chairman of the investigatory chamber may initiate preliminary investigations at his own discretion and at any time.

#### **Article 63: Opening of investigation proceedings**

1. If the documents submitted with the complaint or the preliminary investigation are found to establish a prima facie case, the chairman of the investigatory chamber shall open investigation proceedings.
2. The parties shall be notified of the opening of the investigation proceedings and the possible rule violation.
3. The chairman of the investigatory chamber shall report to the investigatory chamber regularly on non-opened cases.

### **SUBSECTION 2: INITIATION AND CONDUCT OF INVESTIGATION PROCEEDINGS**

#### **Article 64: Initiation of investigation**

1. The chairman of the investigatory chamber shall decide on the initiation of investigation proceedings.
2. Grounds do not need to be given for the initiation of investigation proceedings and the decision may not be contested.

#### **Article 65: Conduct of proceedings**

The chairman of the investigatory chamber shall lead the investigation proceedings himself as the chief of the investigation, or shall assign this role to the deputy chairman or a member of the investigatory chamber. This person shall be designated the chief of the investigation.

## **Article 66: Competences of the chief of the investigation**

1. With the assistance of the secretariat, the chief of the investigation 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.
2. The chief of the investigation may ask the chairman of the investigatory chamber to assign additional members of the investigatory chamber to conduct the investigation alongside him. If the chairman is acting as chief of the investigation, he may decide by himself.
3. In complex cases, the chief of the investigation may request the chairman of the investigatory chamber to engage third parties – under the leadership of the chief of the investigation – with investigative duties. The inquiries to be made by such third parties must be clearly defined. If the chairman is acting as chief of the investigation, he shall decide by himself.
4. If the parties and the other persons bound by this Code fail to cooperate in establishing the facts of the case, the chief of the investigation may request the chairman of the investigatory chamber to impose a warning, and in case of recurrence, to impose disciplinary measures. If the chairman is acting as chief of the investigation, the deputy chairman shall decide.

### **SUBSECTION 3: CONCLUSION OF INVESTIGATION PROCEEDINGS**

#### **Article 67: Conclusion of investigation proceedings**

If the chief of the investigation 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 adjudicatory chamber.

#### **Article 68: Final report**

The final report shall contain all the facts and gathered evidence and mention the possible rule violation and a recommendation to the adjudicatory chamber for taking the appropriate measures.

### **SECTION 3: ADJUDICATORY PROCEEDINGS**

#### **SUBSECTION 1: CLOSURE OF PROCEEDINGS OR PREPARATION OF HEARING**

#### **Article 69: Examination of the file**

1. The chairman of the adjudicatory chamber shall examine the final report and investigation files together with the secretary.
2. If the chairman of the adjudicatory chamber deems that there is insufficient evidence to proceed, he may close the case.
3. If necessary, the chairman of the adjudicatory chamber may return the final report to the investigatory chamber for amendment or completion or may undertake further investigations.

4. If the chairman of the adjudicatory chamber deems that the final report is complete, he shall proceed with the adjudicatory proceedings.

#### **Article 70: Submissions by the parties**

1. In the event that the chairman of the adjudicatory chamber decides to proceed with the adjudicatory proceedings, he shall send the final report together with the investigation files to the parties.
2. The chairman of the adjudicatory chamber 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 substantiated motions for the admission of evidence upon which the parties intend to rely, and a motivated 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.

#### **Article 71: Rejection of motions for the admission of evidence**

1. The chairman of the adjudicatory chamber may reject the substantiated motions for the admission of evidence submitted by the parties.
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.

#### **Article 72: Further evidence**

1. The chairman of the adjudicatory chamber 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.
2. The chairman of the adjudicatory chamber shall inform the parties of the additional evidence and witnesses.

### **SUBSECTION 2: COMPOSITION, ORAL STATEMENTS**

#### **Article 73: Composition of the chamber**

1. Subject to art. 30, the chamber's decisions shall be deemed to be legally valid if at least three members are present.
2. The chairman of the Disciplinary and Ethics Committee shall decide the number of members in each chamber and the members of each chamber shall elect the chair of their chamber. To the extent possible, the Member Associations shall be equitably represented among the members. The parties shall be informed of the composition of the chamber.

#### **Article 74: Oral statements, principles**

1. As a general rule, there shall be no oral statements and the adjudicatory chamber shall decide on the basis of the file.
2. At the motivated request of one of the parties, the adjudicatory chamber may arrange for oral statements to be heard, to which all the parties shall be summoned.



3. In its discretion, the adjudicatory chamber may arrange for oral statements to be heard, to which all the parties shall be summoned.
4. Oral statements shall always be heard behind closed doors.

#### **Article 75: Oral statements, procedure**

1. The hearing shall take place:
  - a) in person;
  - b) by means of audio and visual communication, in which members of the Disciplinary and Ethics Committee and the parties are able to hear and be heard; or
  - c) by means of a combination of (a) and (b) above.
2. The chairman of the adjudicatory chamber shall conduct the hearing and decide on the sequence of the oral statements.
3. 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.
4. Once the hearing of evidence has ended, the investigatory chamber shall present the case.
5. Once the case has been presented by the investigatory chamber, the parties shall make their oral statements.
6. The oral statements shall terminate with the parties' closing statements.
7. The chairman of the adjudicatory chamber shall allow the person against whom proceedings are being conducted a final opportunity to speak.

### **SUBSECTION 3: DELIBERATIONS AND DECISIONS**

#### **Article 76: Deliberations**

1. After the hearing, the adjudicatory chamber shall withdraw to deliberate on its decision in private.
2. If there is no hearing, the chairman shall schedule the deliberations. The parties shall be informed to this effect.
3. If circumstances permit, the deliberations and decision-taking may be conducted via telephone conference, video conference or any other similar method.
4. Deliberations shall be conducted without interruption, unless there are exceptional circumstances.
5. The chairman shall decide in which order the various questions will be submitted for deliberation.
6. The members present shall express their opinions in the order set out by the chairman, who always speaks last.
7. The secretary has consultative powers.

#### **Article 77: Taking the decision**

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

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

#### **Article 78: Grounds for decision**

1. The Disciplinary and Ethics Committee may decide not to communicate the grounds of a decision and instead communicate only the terms of the decision. At the same time, the parties shall be informed that they have ten days from receipt of the terms of the decision to request, in writing, the grounds of the decision, and that failure to do so will result in the decision becoming final and binding.
2. If a party requests the grounds of a decision, the reasoned decision shall be communicated to the parties in full, written form. The time limit to lodge an appeal, where applicable, begins upon receipt of this reasoned decision.
3. If the parties do not request the grounds of a decision, a short explanation of the decision shall be recorded in the case files.

#### **Article 79: Form and contents of the decision with grounds**

1. Without prejudice to the application of art. 78 above, the decision shall contain:
  - a) the composition of the committee;
  - b) the names of the parties;
  - c) the date of the decision;
  - d) a summary of the facts;
  - e) the grounds of the decision;
  - f) the provisions on which the decision was based;
  - g) the terms of the decision;
  - h) notice of the channels for appeal.
2. The decisions shall be signed by the chairman or the secretary.

### **SECTION 4: APPEAL AND REVIEW**

#### **Article 80: Appeal**

1. Unless this Code stipulates that the decisions of the adjudicatory chamber and the chairman of the adjudicatory chamber of the Disciplinary and Ethics Committee may not be contested, an appeal may be lodged by the party concerned, having a legally protected interest justifying amendment or cancellation of the decision, to the Appeal Committee against any decision, with the exception of decisions in which the sanction pronounced is:
  - a) a warning;
  - b) a reprimand;
  - c) a suspension for less than three matches or of up to two months;
  - d) a fine of less than NZD1000 imposed on a Member Association or a club and less than NZD500 in other cases.

2. The aforementioned decisions may also be appealed by the chief of the investigation.
3. In any appeal, the chief of the investigation shall enjoy the same procedural rights as before the adjudicatory chamber.
4. Further provisions relating to lodging an appeal and proceedings before the Appeal Committee are set out in the OFC Disciplinary Code (cf. art. 128 ff.).
5. Decisions on costs are final and may not be appealed.

#### **Article 81: Court of Arbitration for Sport**

1. Decisions taken by the Appeal Committee are final, subject to appeals lodged with the Court of Arbitration for Sport (CAS) in accordance with the relevant provisions of the OFC Statutes.
2. The aforementioned decisions may also be appealed at CAS by the chief of the investigation.

#### **Article 82: Review**

1. The investigatory chamber of the Disciplinary and Ethics Committee 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.
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.
3. The limitation period for submitting a request for review is one year after the enforcement of the decision.

### **SECTION 5: PROVISIONAL MEASURES**

#### **Article 83: Conditions and jurisdiction**

1. At the request of the chairman of the investigatory chamber or the chief of the investigation, the chairman of the adjudicatory chamber 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 adjudicatory chamber may also issue provisional measures for preventing interference with the establishment of the truth.
2. The chairman of the adjudicatory chamber may delegate the decision on the adoption of provisional measures to the adjudicatory chamber.

#### **Article 84: Procedure**

1. The chairman of the adjudicatory chamber may summon the parties to a hearing at short notice or set them a short time limit in which to submit written statements.
2. The chairman of the adjudicatory chamber 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 adjudicatory chamber shall confirm, revoke or amend his decision.

3. The decision shall include details of procedural costs.

#### **Article 85: Duration**

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 adjudicatory chamber for an additional period not to exceed 45 days.
2. The duration of provisional sanctions shall be taken into account in the final decision.

#### **Article 86: Appeal against provisional measures**

1. Any appeal against a decision regarding provisional measures shall be lodged with the chairman of the Appeal Committee.
2. The time limit for lodging the appeal is two days, commencing from the notification of the decision.
3. The petition of appeal shall be sent directly to OFC by fax within the same time limit.
4. The appeal shall not have suspensive effect.
5. Further provisions on lodging an appeal and proceedings before the Appeal Committee are set out in the OFC Disciplinary Code (cf. art. 128 ff.).

### **IV. FINAL PROVISIONS**

#### **Article 87: Official languages**

1. This Code exists in the two (2) official languages of OFC (English and French).
2. In the event of any discrepancy between the two (2) texts, the English version shall be authoritative.

#### **Article 88: Adoption and enforcement**

This Code of Ethics was adopted by the OFC Executive Committee on 16<sup>th</sup> of September 2020 and comes into force with immediate effect.



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