



OFC Code of Ethics

September 2021



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PREAMBLE

OFC bears a statutory 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 because of illegal, immoral or unethical methods and practices.

The conduct of persons bound by this Code shall reflect the fact that they support at all times 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, constructively, respectfully and with integrity. They shall further respect the core value of fair play in every aspect of their functions.

DEFINITIONS

Terms defined in the OFC Statutes have the same meaning in this Code unless they have been otherwise defined in this Code.

In interpreting this Code, capitalised terms shall have the following meanings:

Adjudicatory Chamber means the Chamber composed of members appointed by the Chairperson of the Disciplinary and Ethics Committee for any proceedings.

Bound Persons means any person bound by this Code as set out in Article 2.

Code means the OFC Code of Ethics.

Chief of the Investigation means the person designated under Article 64 for any relevant proceedings.

Expert means a person who has specialised knowledge or skill-based on training, study, or experience.

Expert evidence means the evidence of an expert based on the specialised knowledge or skill of that expert and includes evidence given in the form of an opinion.

Intermediary means a natural or legal person who, for a fee or free of charge, represents Players and/or Clubs in negotiations:

- a. intending to conclude an employment contract; or
- b. represents Clubs in negotiations intending to conclude a transfer agreement.

Investigatory Chamber means the Chamber composed of members appointed by the Chairperson of the Disciplinary and Ethics Committee for any proceedings.

Match Agent means a natural or legal person licenced by FIFA or OFC to arrange matches, under the relevant FIFA regulations.

OFC Events means any event, including but not limited to, the OFC Congress, OFC Executive Committee meetings, Judicial Body hearings and Committee meetings, OFC Competitions, workshops, courses, and festivals as well as any other event which is organised by OFC or under OFC's authority.

Officials means all office bearers and members of various Committees, managers, coaches, trainers, match officials, medical officials, staff and any other person responsible for technical, medical and administrative matters in the OFC, Football Associations, Leagues or Clubs as well as other persons obliged to comply with the OFC Statutes (except Players and Intermediaries).

Related Party means any party related to Bound Persons shall be considered a related party if they fulfil one or more of the following criteria:

- a. A representative and employee;
- b. A spouse or domestic partner;
- c. A person sharing the same household, regardless of the personal relationship;
- d. Another family member with whom they have a close relationship within the third degree;
- e. A legal entity, partnership, trust or other fiduciary institution, if the Bound Person or the person receiving an undue advantage alternatively:
 - i. holds a management position within that entity, partnership, trust or fiduciary entity; or
 - ii. directly or indirectly controls the entity, partnership, trust or fiduciary entity; or
 - iii. is a beneficiary of the entity, partnership, trust or fiduciary entity; or
 - iv. performs services on behalf of such entity, partnership, trust or fiduciary entity, regardless of the existence of a formal contract.

INTERPRETATION

Terms referring to natural persons apply to all genders.

Any term in the singular applies to the plural and vice-versa.

References to the "**Disciplinary and Ethics Committee**" or "**chamber**" in this Code shall mean the Investigatory Chamber or Adjudicatory Chamber, as the context requires.

I. SCOPE OF APPLICATION

Article 1 Scope of applicability

This Code shall apply to any conduct, other than those specifically provided by other regulations and connected to the field of play, that damages the integrity and reputation of Football and in particular to illegal, immoral, and unethical behaviour by Bound Persons that has little or no connection with action on the field of play. The behaviour must be related to Football in the broadest sense.

Article 2 Persons covered

1. This Code shall apply to all Officials, Players, Match Agents, and Intermediaries under the conditions of Article 1 of this Code.
2. The Disciplinary and Ethics Committee is entitled to investigate and judge the conduct of Bound Persons bound by this or another applicable Code at the time the relevant conduct occurred, regardless of whether the person remains bound by this Code at the time proceedings commence or any time thereafter.

Article 3 Applicability in time

This Code applies to conduct whenever it occurred including before enactment of this Code. A Bound Person may be sanctioned for breach of this Code only if the relevant conduct contravened the OFC Code of Ethics applicable when it occurred. The Adjudicatory Chamber shall not exceed the maximum sanction available under the then-applicable OFC Code of Ethics.

Article 4 Scope of the Code, omissions, doctrine and jurisprudence

1. If there are any omissions in this Code regarding procedural rules, the Disciplinary and Ethics Committee must dispose of the case as nearly as may be practicable under the provisions of these Code affecting any similar case. If there are no such procedural rules, it must be disposed of in the manner that the Disciplinary and Ethics Committee thinks is best calculated to promote the objectives of this Code.
2. During all proceedings, the Disciplinary and Ethics Committee may apply the 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 impose the sanctions described in this Code, the OFC Disciplinary Code, and the OFC Statutes.
2. Unless otherwise specified, breaches of this Code shall be subject to the sanctions provided in this Code:
 - a. regardless of whether acts of commission or omission have been committed deliberately or negligently;
 - b. whether or not the breach constitutes an act or attempted act; and
 - c. whether the person or parties acted as a participant, accomplice or instigator.

SECTION 2: DISCIPLINARY MEASURES

Article 6 General

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

Article 7 Suspension of enforcement of sanctions

1. Upon request from a party, the Adjudicatory Chamber has the discretion to decide to suspend the sanction provided for by Article 6(1)(j) of the Code, for no more than one-third of the total duration of the sanction issued. The probationary period shall consist of anything from one (1) to five (5) years.
2. If the person benefiting from a suspended sanction is found guilty of another breach during the probationary period, the suspension shall automatically be revoked and the original sanction fully applied and added to the sanction imposed for the new breach.

SECTION 3: DETERMINING THE SANCTION

Article 8 General rules

1. When imposing a sanction, the Adjudicatory Chamber shall consider all relevant factors in the case, including (without limitation):
 - a. the nature of the breach;
 - b. the substantial interest in deterring similar misconduct;
 - c. the offender's assistance to and cooperation with the Disciplinary and Ethics Committee;
 - d. the motive and the circumstances;
 - e. the degree of the offender's culpability;
 - f. the extent to which the offender accepts responsibility, and whether the Bound Person mitigated his or her guilt by returning the advantage received, where applicable.
2. In case of mitigating circumstances, and if deemed appropriate considering all circumstances of the case, the Adjudicatory Chamber may go below the minimum sanction and/or decide to hand down alternative sanctions as provided under Article 6 (1).
3. Unless this Code states otherwise, the Adjudicatory Chamber shall decide the scope and duration of any sanction.
4. Sanctions may be limited to a geographical area or to one or more specific categories of match or competition.

Article 9 Repeated breaches

Repeated breaches must be considered aggravating circumstances, allowing the Adjudicatory Chamber to sanction accordingly.

Article 10 Concurrent breaches

Where more than one breach has been committed, the sanction, other than monetary sanctions, must be based on the most serious breach and increased as appropriate depending on the specific circumstances.

SECTION 4: LIMITATION PERIOD

Article 11 Limitation period for prosecution

1. Subject to Article 11 (2), breaches of this Code may no longer be prosecuted after a lapse of ten (10) years.
2. Offences relating to bribery and corruption (Article 22), misappropriation and misuse of assets and funds (Article 23), integrity of matches and competitions (Article 27), and protection of physical and mental integrity (Article 26), are not subject to a limitation period.
3. The limitation period, when applicable, shall be extended by half its length if a formal investigation is opened before its expiration.

4. The limitation period, when applicable, shall be suspended where criminal proceedings are formally opened against a Bound Person during such proceedings.
5. In the case of repeated breaches, the limitation period as described in this Article shall start only after the last of the repeated breaches has ended.

SECTION 5: RULES OF CONDUCT

SUBSECTION 1: DUTIES

Article 12 General rules of conduct

1. Bound Persons are expected to be aware of the importance of their obligations and responsibilities. In particular, Bound Persons must fulfil and exercise their duties and responsibilities diligently, especially concerning financial matters.
2. Bound Persons are obliged to respect all applicable national laws and OFC's regulatory framework to the extent applicable to them.
3. Bound Persons must behave in a dignified and ethical manner and act with complete credibility and integrity. They must appreciate the impact their conduct may have on OFC's reputation and must show commitment to an ethical attitude at all times.
4. Bound Persons must refrain from any activity or behaviour or any attempted activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the sections that follow.
5. Violation of this Article shall be sanctioned with a fine of at least NZ\$2000 as well as a ban on taking part in any football-related activity for a minimum of three (3) months.

Article 13 Abuse of position

1. Bound Persons may not abuse their position in any way, especially to take advantage of their position for private aims or gains.
2. Violation of this Article shall be sanctioned with an appropriate fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of one (1) year. In serious cases or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of three (3) years.

Article 14 Duty of neutrality

1. In dealings with government institutions, national and international organisations, Bound Persons must remain politically neutral, follow the principles and objectives of OFC, Member Associations, Leagues and Clubs, and generally act in a manner compatible with their function and integrity.
2. Violation of this Article shall be sanctioned with a fine of at least NZ\$2000 and a ban on taking part in any football-related activity for a minimum of six (6) months.

Article 15 Duty of Loyalty

1. Bound Persons shall have a fiduciary duty to OFC, Member Associations, Leagues, and Clubs.
2. Violation of this Article shall be sanctioned with a fine of at least NZ\$2000 and a ban on taking part in any football-related activity for a minimum of six (6) months.

Article 16 Duty of Confidentiality

1. Depending on their function, information of a confidential nature divulged to Bound Persons while performing their duties shall be treated as confidential or secret by them, 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.
3. Violation of this Article shall be sanctioned with a fine of at least NZ\$2000 and a ban on taking part in any football-related activity for a minimum of six (6) months.

Article 17 Forgery and falsification

1. Bound Persons are forbidden from forging a document, falsifying an authentic document, or using a forged or falsified document.
2. Violation of this Article shall be sanctioned with a fine of at least NZ\$5,000 and a ban on taking part in any football-related activity for a minimum of two (2) years.

Article 18 Duty to report

1. Bound Persons shall immediately report any potential breach of this Code to the Disciplinary and Ethics Committee's secretariat or to the Chairperson of the Disciplinary and Ethics Committee directly.
2. Violation of this Article shall be sanctioned with a fine of at least NZ\$2000 and a ban on taking part in any football-related activity for a minimum of three (3) months.

Article 19 Duty to cooperate

1. Bound Persons who are required to cooperate with the Disciplinary and Ethics Committee in a specific case, regardless of whether they are involved as a party, as a witness, or in any other role, shall treat the information provided and their involvement strictly confidentially unless otherwise instructed by the Disciplinary and Ethics Committee.
2. Bound Persons shall assist and cooperate truthfully, fully and in good faith with the Disciplinary and Ethics Committee at all times, regardless of whether they are involved in a particular matter as a party, as a witness, or in any other role. This requires, inter alia, full compliance with Disciplinary and Ethics Committee requests, including without limitation:

- a. requests to clarify facts; provide oral or written testimony; submit information, documents or other material; and
 - b. disclose details regarding income and finances, if the Disciplinary and Ethics Committee deems it to be necessary.
3. Bound Persons shall not take any action actually or apparently intended to obstruct, evade, prevent, or otherwise interfere with any actual or potential Disciplinary and Ethics Committee proceedings.
4. In connection with any actual or potential Disciplinary and Ethics Committee proceedings, Bound Persons shall not conceal any material fact; make any materially false or misleading statement or representation; or submit any incomplete, materially false or misleading information or other material.
5. Bound Persons shall not harass, intimidate, threaten or retaliate against someone for any reason related to that person's actual, potential or perceived assistance to or cooperation with the Disciplinary and Ethics Committee.
6. Violation of this Article shall be sanctioned with a fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of one (1) year. In serious cases, or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of one (1) month.

SUBSECTION 2: CONFLICTS OF INTEREST AND FINANCIAL BENEFITS

Article 20 Conflicts of interest

1. When performing an activity for OFC or before being elected, appointed or employed, Bound Persons must disclose immediately any relations and interests that could lead to situations of conflicts of interest in the context of their prospective activities.
2. A Bound Person must avoid any situation that could lead to conflicts of interest. Conflicts of interest arise if a Bound Person has, 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 Bound Person himself or herself, their family, relatives, friends and acquaintances.
3. Bound Persons must not perform their duties (in particular, preparing or participating in the taking of a decision) in situations in which an existing or potential conflict of interest might affect their decision making. A conflict of interest arises if a Bound Person has, or appears to have, secondary interests that could influence his or her ability to perform his or her duties with integrity in an independent and purposeful manner. Secondary interests include, but are not limited to, gaining any possible advantage for the Bound Persons themselves or any Related Parties.
4. If an objection is made concerning an existing or potential conflict of interest of a Bound Person, it shall be reported immediately to the organisation for which the Bound Person performs his or her duties for appropriate measures.
5. Violation of this Article shall be sanctioned with a fine of at least NZ\$10,000 and a ban on taking part in any football-related activity for a minimum of one

(1) year. In serious cases, or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of one (1) month.

Article 21 Offering and accepting gifts and other benefits

1. Bound Persons 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 value or under NZ\$300 market value; and
 - b. are not offered or accepted as a way of influencing Bound Persons to execute or omit an act that is related to their official activities or falls within their discretion; and
 - c. are not offered or accepted in contravention of the duties of Bound Persons; and
 - d. are not contrary to their duties; and
 - e. do not create any undue financial or other advantage to the recipient, friends or family; and
 - f. do not create a conflict of interest.

Any gifts or other benefits not meeting all of these criteria are prohibited.

2. It is prohibited for Bound Persons to accept, give, offer, promise, receive, request or solicit from anyone or accept from anyone within or outside OFC, or in conjunction with Intermediaries or Related Parties, cash in any amount or any form.
3. If in doubt, gifts or other benefits shall not be accepted, given, offered, promised, received, requested, or solicited. If declining the gift or benefit would offend the giver on the grounds of cultural norms, Bound Persons may accept the gift or benefit on behalf of their respective organisation and shall report it and hand it over, where applicable, immediately to their organisation.
4. Bound Persons may not be reimbursed by OFC for the travel and accommodation costs associated with family members or associates accompanying them to OFC Events.
5. Bound Persons 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.
6. Violation of this Article shall be sanctioned with a fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of one (1) year. The value of any gift or other benefit unduly received shall be included in the fine. In addition to the fine, the gift or benefit unduly received should be returned, if applicable. In serious cases or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of three (3) years.

Article 22 Bribery and corruption

1. Bound Persons must not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantages 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, third parties. In particular, Bound Persons must not offer, promise, give or accept any undue pecuniary or other advantages 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.
2. Bound Persons must refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in this article, or any attempt.
3. Violation of this Article shall be sanctioned with a fine of at least NZ\$10,000 and a ban on taking part in any football-related activity for a minimum of four (4) years. Any amount unduly received shall be included in the calculation of the fine. In serious cases or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of seven (7) years.

Article 23 Misappropriation or misuse of assets and funds

1. Bound Persons are prohibited from misappropriating or misusing assets or funds of OFC, Member Associations, Leagues or Clubs, regardless of whether carried out directly or indirectly through, or in conjunction with the third parties.
2. Bound Persons must refrain from any activity or behaviour that might give rise to the appearance or suspicion of improper conduct as described in the foregoing paragraph, or any attempt.
3. Violation of this Article shall be sanctioned with a fine of at least NZ\$10,000 and a ban on taking part in any football-related activity for a minimum of five (5) years. The amount of misappropriated funds or assets shall be included in the calculation of the fine. The sanction shall be increased accordingly where the person holds a high position in football, as well as in relation to the relevance and amount of the advantage received.

Article 24 Commission

1. Unless covered by a genuine commercial agreement, Bound Persons shall not accept, give, offer, promise, receive, request or solicit commission for themselves or third parties for negotiating deals or conducting other business in connection with their duties.
2. Violation of this Article shall be sanctioned with a fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of two (2) years. Any amount unduly received shall be included in the calculation of the fine. In serious cases or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of four (4) years.

SUBSECTION 3: PROTECTION OF PERSONAL RIGHTS

Article 25 Non-discrimination and defamation

1. Bound Persons shall 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, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion, wealth, birth, sexual orientation or any other reason.
2. Bound Persons are forbidden from making any public statements of a defamatory nature towards OFC and/or towards any other Bound Person in the context of OFC business or OFC Events.
3. Violation of this Article shall be sanctioned with a fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of one (1) year. In serious cases, or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of three (3) years.

Article 26 Protection of physical and mental integrity

1. Bound Persons shall protect, respect and safeguard the integrity and personal dignity of others. 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. Bound Persons shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.
3. Bound Persons must refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person.
4. Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.
5. Sexual harassment is defined as unwelcome and inappropriate sexual remarks or physical advances that are not solicited or invited.
6. Violation of this Article shall be sanctioned with a fine of at least NZ\$5000 and a ban on taking part in any football-related activity for a minimum of two (2) years. In serious cases, or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of four (4) years.

SUBSECTION 4: INTEGRITY OF COMPETITIONS

Article 27 Integrity of matches and competitions

1. Bound Persons 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.
2. They are forbidden from having interests, whether directly, indirectly or through a third party, either actively or passively, in any entity, company, partnership, that promote, broker, arrange or conduct betting, gambling, lotteries or similar actions connected with Football matches and

competitions. Interests include gaining any possible advantage for the Bound Persons themselves and/or Related Parties.

3. Bound Persons are forbidden from being involved in manipulating football matches and competitions. They shall immediately report to the secretariat of the Disciplinary and Ethics Committee any approach in connection with activities and/ or information directly or indirectly related to the possible manipulation of a Football match or competition.
4. Violation of this Article shall be sanctioned with a fine of at least NZ\$10,000 and a ban on taking part in any football-related activity for a minimum of three (3) years. Any amount unduly received shall be included in the calculation of the fine. In serious cases, or in the case of repetition, a ban on taking part in any football-related activity may be extended for a minimum of five (5) years.

III. ORGANISATION AND PROCEDURE

CHAPTER I: ORGANISATION

SECTION 1: DISCIPLINARY AND ETHICS COMMITTEE

Article 28 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 under the OFC Statutes; and
 - b. proceedings shall be made up of an investigation and an adjudicatory process.

SECTION 2: JURISDICTION, DUTIES AND COMPETENCIES OF THE DISCIPLINARY AND ETHICS COMMITTEE

Article 29 Jurisdiction of the Disciplinary and Ethics Committee

1. The Disciplinary and Ethics Committee shall have the exclusive competence to investigate and judge the conduct of Bound Persons involved in cases arising from the application of this Code or any other OFC rules and Regulations, and while performing their duties.
2. The Disciplinary and Ethics Committee shall be entitled to investigate and to judge the conduct of all Bound Persons even if they are not performing their duties if such conduct is likely to damage the integrity, image or reputation of OFC seriously.
3. When such conduct affects a Member Association or several Member Associations and where said conduct is not directly related to OFC matters or OFC event, the Disciplinary and Ethics Committee shall only be entitled to investigate and to judge the case when said conduct has not been investigated and judged, and/or cannot be expected to be investigated and judged, by the relevant judicial bodies of the Member Associations concerned. In particular, should no proper proceedings be taken at national

level within three (3) months as from when the matter became known to the Disciplinary and Ethics Committee, the Disciplinary and Ethics Committee shall be entitled to investigate and judge the respective matter.

4. The FIFA Ethics Committee shall have exclusive competence to investigate and judge the conduct of a Bound Person if the conduct:
 - a. has been committed by an individual who was elected, appointed or assigned by FIFA to exercise a function;
 - b. directly concerns their FIFA-related duties or responsibilities; or
 - c. is related to the use of FIFA funds.
5. The OFC Disciplinary and Ethics Committee shall report such conduct to the FIFA Ethics Committee without any delay.

SECTION 3: COMMON RULES FOR THE INVESTIGATORY AND ADJUDICATORY CHAMBERS

Article 30 Composition of the Investigatory and Adjudicatory Chambers

1. The composition of the Investigatory and the Adjudicatory Chambers shall be in accordance with the OFC Statutes.
2. The chairperson (or deputy person if the chairperson declines to act) of the Disciplinary and Ethics Committee will appoint the members to each Chamber for each case from the then current members of the Disciplinary and Ethics Committee. Each Chamber will then elect their chairperson and deputy chairperson for each case.

Article 32 Deputising

If the chairperson of either Chamber is prevented from acting (whether due to personal or factual circumstances), the deputy chairperson shall replace him or her. If there is no deputy chairperson or the deputy chairperson is also prevented from acting, the members of the relevant Chamber shall select a replacement.

Article 33 Secretariats

1. The OFC General Secretariat shall provide both the Investigatory and Adjudicatory Chambers with a secretariat with the necessary qualified staff. Both chambers shall, however, have the authority to hire external resources to assist in their work.
2. The OFC General Secretary, in consultation with the chairperson of each Chamber, shall designate the secretary of each Chamber.
3. The secretaries shall take charge of the administrative and legal work related to proceedings and provide support to the Investigatory Chamber and Adjudicatory Chamber for the completion of their respective tasks.
4. The secretaries shall take care of the filing of the case files, which must be kept for at least ten (10) 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 chairperson 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 shall comply with the Independence and Eligibility Criteria set out in the OFC Statutes and the OFC Governance Regulations at all times.

Article 35 Withdrawal

1. A member of the Disciplinary and Ethics Committee shall decline to participate in any investigation or adjudication proceedings concerning a matter where there are serious grounds for questioning the member's impartiality.
2. The member shall decline to participate, without limitation, in the following cases:
 - a. if the member has a direct, or indirect, interest in the outcome of the matter; or
 - b. if the member has a personal bias or prejudice concerning a party, or personal, first-hand knowledge of disputed evidentiary facts concerning the proceedings; or has expressed an opinion concerning the outcome of the proceedings; or when a Related Party 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 the member's impartiality; or
 - c. if the member has the same nationality, or lives in same country, as the party implicated; or
 - d. if the member has already dealt with the case in a different function other than his or her function as a member of the Disciplinary and Ethics Committee.
3. Members who decline to participate in a proceeding shall notify the chairperson immediately. If the chairperson declines to participate in a proceeding, he or she shall notify the members of the Chamber immediately.
4. An objection against a member of the Disciplinary and Ethics Committee believed to be biased must be submitted within five (5) 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 be substantiated.
5. The chairperson of the relevant Chamber shall decide whether any such claim is valid if the member in question has not declined to participate of his or her own accord. If the objection is against the chairperson, the remaining members of the respective Chamber shall decide.

Article 36 Confidentiality

1. The Disciplinary and Ethics Committee members and 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 personal information.
2. Notwithstanding the paragraph 1 above, the Disciplinary and Ethics Committee may, if deemed necessary and in an appropriate form, inform the public about or confirming ongoing or closed proceedings, and rectify information that is wrong or rumours. Any release of such information shall respect the presumption of innocence and the personality rights of those concerned.
3. The Investigatory Chamber or the Adjudicatory Chamber may, in an appropriate form and/or via the OFC website, inform the public about the reasons for any decision and/or the closure of any investigation. The chairperson of the Adjudicatory Chamber may decide to publish the decision taken, partly or in full, provided that the names mentioned in the decision (other than the ones related to the party) and any other information deemed sensitive by the chairperson of the Adjudicatory Chamber, are duly anonymised.
4. If there is a breach of this Article by a member of the Disciplinary and Ethics Committee, the relevant member shall be suspended by a decision taken by the majority of the Disciplinary and Ethics Committee members until the next OFC Congress.

Article 37 Exemption from liability

Except in the case of gross negligence, neither the members of the Disciplinary and Ethics Committee nor the members of the secretariats 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

The accused are a party. OFC may join as a party.

Article 39 Right to present evidence

The parties shall be granted the right to present evidence, and the right to a reasoned decision.

Article 40 Representation and assistance

1. OFC and Bound Persons may have legal representation at their own cost and expense.
2. If there is hearing, and 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 Failure to cooperate.

1. If the parties or Bound Persons by this Code fail to cooperate in any manner or are dilatory in responding to any request from the Disciplinary and Ethics Committee, the chairperson of the appropriate Chamber issuing the request may, after warning them, charge them with a violation of Article. 19 of this Code.
2. To the extent the parties fail to cooperate, the investigatory Chamber, in preparing a final report based on the file in its possession, and the adjudicatory Chamber, in reaching a decision based on the file in its possession, may take into account that behaviour and add the failure to cooperate as an additional charge for violation of Article 19 of this Code.

Article 42 Languages used in proceedings

1. The languages used in proceedings shall be the two official languages of OFC (English and French). The Disciplinary and Ethics Committee and parties may choose any of these languages.
2. The Disciplinary and Ethics Committee may, if necessary, use the services of an interpreter.

Article 43 Notification of decisions and other documents

1. Decisions and other documents shall be communicated and notified by email or tracked courier.
2. All of the parties shall be notified of the decisions.
3. Decisions and other documents intended for Bound Persons shall be addressed to the party directly (if practicable) and to the Member Association. If not addressed the party the Member Association concerned will forward the decisions and documents to the party concerned. If the decisions were not also or solely sent to the party concerned, these decisions shall be considered to have been communicated properly to the ultimate addressee four (4) days after the communication of the documents to the Member Association.
4. Notification of a decision shall be accomplished by publication on the OFC website where:
 - a. the whereabouts of the party are unknown and cannot be ascertained despite making reasonable enquiries;
 - b. service is impossible or would lead to exceptional inconvenience; or
 - c. a party has not provided a means of contact despite being instructed to do so.
5. Notification via the OFC website is deemed accomplished on the day of publication.

Article 44 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 45 Various types of proof

1. Any type of proof may be produced. Types of proof include, without limitation:
 - a. Documentary evidence;
 - b. Reports from officials;
 - c. Sworn statements and declarations from the parties;
 - d. Sworn statements and declarations from witnesses;
 - e. Audio and video recordings;
 - f. Expert evidence;
 - g. All other proof that is relevant to the case.

Article 46 Anonymous witnesses

1. When a person's testimony in proceedings conducted under this Code could lead to threats to his or her person or put him or her, or any person particularly close to him or her in physical danger, the chairperson of the competent Chamber, or his or her deputy, on their own initiative or at the request of the witness or one of the parties, may order, without limitation, that:
 - a. the witness not be identified in the presence of the parties;
 - b. the witness not appear at any hearing;
 - c. the witness' voice be distorted;
 - d. the witness be questioned outside the hearing and not in the presence of the parties;
 - e. the witness be questioned in writing through the chairperson of the competent Chamber or his or her deputy;
 - f. all or some of the information that could be used to identify the witness be included only in a separate, confidential case file.
2. If no evidence is available to corroborate the testimony provided by the anonymous witness concerned, such testimony may only be used in the context of imposing sanctions under this Code if:
 - a. the parties as well as their legal representatives had the opportunity to pose questions to the anonymous witness concerned at least in writing; and
 - b. the members of the competent Chamber had the opportunity to interview the anonymous witness directly and in full awareness of his or her identity and to assess his or her identity and record in full.

3. To ensure their safety, anonymous witnesses shall be identified in the absence of the parties. This witness identification shall be conducted by the chairperson of the relevant Chamber alone, his or her deputy, or all the members of the relevant Chamber together and shall be recorded in minutes containing the witness's personal details.
4. These minutes shall not be communicated to the parties.
5. 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.
6. Sanctions shall be imposed on anyone who reveals the identity of an anonymous witness or any information that could be used to identify the witness.

Article 47 Inadmissible evidence

Proof that has been obtained by means or ways involving violations of human dignity or that obviously does not serve to establish relevant facts shall be rejected.

Article 48 Evaluation of Proof

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

Article 49 Standard of proof

The members of the Disciplinary and Ethics Committee shall judge and decide on the basis of their comfortable satisfaction.

Article 50 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 51 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. Where a document is sent to a person through the respective Member Association and is not sent to the person concerned or his or her legal representative, the time limit shall commence four (4) days after receipt of the document by the Member Association responsible for forwarding it. Where the document was also sent to the party concerned or his or her legal representative, 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 52 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 Chamber, via registered courier, hand delivery, or electronic mail to secretariat-ofcdisciplinarycommittee@oceaniafootball.com by no later than midnight (New Zealand time) on the last day of the time limit.
3. 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 (New Zealand time) on the last day of the time limit.

Article 53 Extension

1. Time limits set forth in this Code may not be extended.
2. Time limits set by the chairperson of either Chamber, may be extended upon reasoned 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 (2) extra days may be granted. In emergencies, the refusal to grant the extension may be announced orally.

SUBSECTION 4: SUSPENSION OR CONTINUATION OF PROCEEDINGS

Article 54 Suspension or continuation of proceedings

1. If a Bound Person ceases to serve in his or her function during proceedings, the Disciplinary and Ethics Committee shall remain competent to continue investigatory proceedings and/or render a decision.
2. If a Bound Person ceases to serve in his or her function, the Investigatory Chamber may initiate and 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 and impose appropriate sanctions.

SUBSECTION 5: PROCEDURAL COSTS

Article 55 Procedural costs

The procedural costs are made up of the Disciplinary and Ethics Committee's costs and expenses incurred in connection with the investigation and adjudicatory proceedings.

Article 56 Procedural costs in case of closure of proceedings or acquittal

1. Except as otherwise provided in the Code, 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 57 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. The procedural costs may be reduced or waived in exceptional circumstances, considering the party's financial circumstances.

Article 58 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 59 Right to submit complaints

1. Any Bound Person may file a complaint regarding potential breaches of this Code with the secretariat of the Investigatory Chamber.
2. Complaints must be submitted in writing, including available evidence. The secretariat shall inform the chairperson of the Investigatory Chamber of the complaints and act upon his or her instructions.
3. There is no entitlement for proceedings to be opened following submission of a complaint.
4. Any Bound Person who lodges a complaint against a person whom he or she knows to be innocent or in any other way takes malicious steps related to the initiation of proceedings under this Code shall be sanctioned with an appropriate fine of at least NZ\$ 5000 as well as a ban on taking part in any football related activity for a minimum of six (6) months.

Article 60 Preliminary investigations

1. Upon the instruction of the chairperson of the Investigatory Chamber, 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 and shall act upon the instructions of the chairperson of the Investigatory Chamber. This shall include, in particular, collecting written information, requesting documents and obtaining witness statements. The secretariat may outsource some or all of the preliminary investigation to suitable third parties.
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 chairperson of the Investigatory Chamber.

4. The chairperson of the Investigatory Chamber may initiate preliminary investigations at the chairperson's discretion and at any time.

Article 61 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 chairperson 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 chairperson of the Investigatory Chamber shall report to the Investigatory Chamber on non-opened cases.

SUBSECTION 2: INITIATION AND CONDUCT OF INVESTIGATION PROCEEDINGS

Article 62 Initiation of investigation

1. The chairperson of the Investigatory Chamber shall decide on the initiation of investigation proceedings.
2. Grounds do not need to be given to initiate investigation proceedings, and a party may not contest the decision.

Article 63 Duties and competence of the Investigatory Chamber

1. The Investigatory Chamber shall investigate potential breaches of provisions of this Code on its own initiative or based on complaints at its complete and independent discretion.
2. If the Investigatory Chamber deems that there is a prima facie case, it shall open investigation proceedings and conduct appropriate inquiries.
3. The Investigatory Chamber shall inform the parties that investigation proceedings have been opened after a prima facie case has been found. The exception to informing the parties may be made for safety and security reasons or if such disclosure would interfere with the conduct of the investigation.
4. Once the investigation has been completed, the Investigatory Chamber shall prepare a final report on the investigation proceedings stating the relevant rules that have been breached for which they require a judgement by the Adjudicatory Chamber. The report together with the investigation files shall be forwarded to the Adjudicatory Chamber.
5. If the Investigatory Chamber finds that there is no prima facie case, it may not open any investigation proceedings and it may close the case without referring it to the Adjudicatory Chamber. However, 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 64 Conduct of proceedings

1. The chairperson of the Investigatory Chamber shall lead the investigation proceedings himself or herself as the Chief of the Investigation or shall assign this role to the deputy chairperson or a member of the Investigatory Chamber. This person shall be designated the Chief of the Investigation.

Article 65 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 or she may also undertake any further investigative measures relevant to the case; in particular, they may verify the authenticity of documents relevant to the investigation by procuring affidavits.
2. The Chief of the Investigation may require the parties to deliver documents, recordings, emails, messages or any form of evidence.
3. The Chief of the Investigation may ask the chairperson of the Investigatory Chamber to assign additional members of the Investigatory Chamber to conduct the investigation alongside him or her. If the chairperson is acting as Chief of the Investigation, the other members of the Investigation Chamber shall decide.
4. The Chief of the Investigation may, in complex cases, request the chairperson 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 chairperson is acting as Chief of the Investigation, the other members of the Investigation Chamber shall decide.
5. If the parties and the other Bound Persons fail to cooperate in establishing the facts of the case, the Chief of the Investigation may request the chairperson of the Investigatory Chamber to impose a warning, and in case of recurrence, to impose sanctions, including a ban on taking part in any football-related activity of up to thirty (30) days. If the chairperson is acting as the Chief of the Investigation, the other members of the Investigation Chamber shall decide.

SUBSECTION 3: CONCLUSION OF INVESTIGATION PROCEEDINGS

Article 66 Conclusion of investigation proceedings

If the Chief of the Investigation considers the investigation to be adequate, he or she shall inform the parties that the investigation proceedings have been concluded and that the final investigation report, together with the investigation files, shall be referred to the Adjudicatory Chamber.

Article 67 Final report

1. 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 the sanctions.

2. The final report shall be signed by the chairperson of the Investigatory Chamber. If the chairperson did not act as the Chief of Investigation, the Chief of Investigation shall also sign the final report.

Article 68 Plea bargain (application of a sanction by mutual consent)

1. At any time during the investigation, but at the latest when the case is about to be decided by the Adjudicatory Chamber or before the hearing, the parties may enter into an agreement with the chairperson of the Investigatory Chamber for the application of a sanction by mutual consent.
2. Should the chairperson of the Adjudicatory Chamber consider that the agreement complies with this Code and the sanction settled is correctly applied, the agreement becomes immediately effective and the settled sanction becomes final and binding, and is not subject to any further appeal.
3. Should any monetary sanction provided by the plea agreement not be fully executed by the party concerned within fifteen (15) days of the date of the decision, the agreement is automatically revoked.
4. Should any social work provided by the plea agreement not be fully executed by the party concerned within the terms established within the agreement, the agreement is automatically revoked.
5. Whenever the plea agreement is revoked, the Adjudicatory Chamber shall decide the case within three (3) months that follow on the basis of the file, and no further plea agreement will be allowed between the parties concerned and the chairperson of the Investigatory Chamber.
6. No plea agreement shall be allowed concerning sanctions related to infringements of bribery and corruption (Article 22), misappropriation or misuse of assets and funds (Article 23), and integrity of matches and competitions (Article 27).

SECTION 3: ADJUDICATORY PROCEEDINGS

SUBSECTION 1: INITIATION AND CONDUCT OF PROCEEDINGS

Article 69 Duties and competence of the Adjudicatory Chamber

1. The chairperson of the Adjudicatory Chamber shall examine the final report and the investigation files with the assistance of the secretariat.
2. If the chairperson of the Adjudicatory Chamber deems that there is insufficient evidence to proceed, the chairperson may close the case and shall inform the party accordingly.
3. The chairperson of the Adjudicatory Chamber may at any time instruct the Investigatory Chamber to expand the investigation and/or add to the final report.
4. If the chairperson of the Adjudicatory Chamber decides to proceed with the adjudicatory proceedings, he or she shall request that the secretariat send a copy of the final report and the documents relied onto the parties concerned.

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 70 Jurisdiction of the chairperson of the Adjudicatory Chamber ruling alone

1. The chairperson of the Adjudicatory Chamber may take decisions alone in cases related to breaches sanctioned only with monetary sanctions or when the sanctions to be imposed is a warning or a reprimand.
2. The chairperson of the adjudicatory Chamber is also responsible for ratifying the plea agreement entered into between the parties and the investigatory Chamber, where applicable.

Article 71 Adjudicatory proceedings

1. The chairperson of the Adjudicatory Chamber shall inform the parties concerned that the case shall be decided either on the basis of the report of the Investigatory Chamber together with the investigation files or, upon the request of any party concerned, of a hearing to be scheduled.
2. The chairperson of the Adjudicatory Chamber shall set a time limit for the parties to submit positions containing:
 - a. a statement of defence;
 - b. any defence of lack of jurisdiction;
 - c. any evidence and substantiated motions for the admission of evidence upon which the parties intend to rely;
 - d. a motivated request for a hearing, including the name(s) of any witnesses whom the parties intend to call. The parties shall submit a brief summary of the witnesses' expected testimony.
3. If there is no request for a hearing, the chairperson of the Adjudicatory Chamber shall inform the parties that the case shall be decided on the basis of the existing documents and submissions and shall establish a final deadline to file for their respective final requests.
4. Should a hearing be held, the secretariat of the Adjudicatory Chamber shall inform all the parties concerned and shall forward to them a procedural order, with the rules of the hearing, established by the chairperson of the Adjudicatory Chamber.
5. All the parties in the proceedings and their representatives, as well the representatives of the Investigatory Chamber are entitled to attend the hearing to discuss and submit orally their respective requests.

Article 72 Right to be heard

Before the Adjudicatory Chamber issues any final decision, the parties are entitled to submit their position, to present evidence and to inspect evidence to be considered by the Adjudicatory Chamber in reaching its decision. These rights 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 73 Rejection of motions for the admission of evidence

1. In accordance with Articles 47 and 48, the chairperson 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 74 Further evidence

1. The chairperson of the Adjudicatory Chamber may order additional evidence to be taken and witnesses to be summoned to the hearing. Evidence that has already been taken may be retaken if direct knowledge of the piece of evidence is deemed necessary for a decision to be taken.
2. The chairperson of the Adjudicatory Chamber shall inform the parties of the additional evidence and witnesses.

SUBSECTION 2: COMPOSITION, ORAL STATEMENTS

Article 75 Composition of the chamber

1. The chamber's decisions shall be deemed to be legally valid if at least three members have considered the matter.
2. In accordance with Article 31, the chairperson of the Disciplinary and Ethics Committee shall decide the composition and the number of members in the Adjudicatory Chamber and shall provide them the relevant files. The parties shall be informed of the composition of the chamber.

Article 76 Oral statements, procedure

1. The chairperson of the Adjudicatory Chamber may make a direction as to the form of participation by counsel, parties, witnesses, and other persons at any hearing conducted pursuant to this Code, by:
 - a. dispensing with any requirement for a person to be physically present in the hearing and make provision for an alternative means of complying with any such requirement; and
 - b. directing particular methods of attendance at, and participation in, a hearing (for example, in person, by telephone, or by audio-visual link) that will be permitted, required, or excused; and
 - c. directing where and how any person attending or participating in a hearing in person must conduct themselves in respect of their physical proximity to other persons in attendance; and
 - d. requiring any person attending or participating in a hearing in person to be attired in a particular manner.
2. Hearings shall be not open to the public.
3. Misconduct by the party that took place after the submission of the final report may be addressed by the Investigatory Chamber during its closing statement. In this sense, the Investigatory Chamber may present the relevant facts and evidence, mention the possible rule violation and submit a

recommendation to the Adjudicatory Chamber on the appropriate measures. The party shall have the right to respond to these new charges during the hearing. In the absence of a hearing, the Investigatory Chamber may submit its recommendation within two days after the party's position, who will have then the right to reply in written form in compliance with the deadline granted by the Adjudicatory Chamber.

4. The Investigatory Chamber may have a lawyer to present the case during any hearing.
5. A hearing may be recorded. Upon request, the recording of the hearing may be shared with the parties.
6. The chairperson of the Adjudicatory Chamber shall conduct the hearing and decide on the sequence of statements.
7. 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.
8. The chairperson 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 77 Deliberations

1. After the hearing, the Adjudicatory Chamber shall withdraw to deliberate on its decision in private.
2. If there is no hearing, the chairperson 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. The chairperson of the Adjudicatory Chamber shall decide in which order the various questions will be submitted for deliberation.
5. The members present shall express their opinions in the order set out by the chairperson of the Adjudicatory Chamber, who always speaks last.
6. The secretary shall be present during the deliberation and has consultative powers.

Article 78 Taking the decision

1. Decisions shall be taken by the majority of the members of the Adjudicatory Chamber.
2. Every member present shall vote.
3. In the event of a tied vote, the chairperson of the Adjudicatory Chamber shall have the casting vote.
4. The Adjudicatory Chamber may reserve its decision.

Article 79 Grounds for decision

1. The Adjudicatory Chamber 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 within two (2) months. The time limit to lodge an appeal, where applicable, begins upon receipt of the full written decision.

Article 80 Decision with grounds

1. The full written 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 of the Code 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 chairperson of the Adjudicatory Chamber.
3. A party may, not later than forty-five (45) days following the notification of the decision, apply to the Adjudicatory Chamber for the interpretation of the decision, if the operative part of the decision is unclear, incomplete, ambiguous, if its components are self-contradictory or contrary to the reasons, or if the decision contains clerical mistakes or mathematical miscalculations.

Article 81 Enforcement of decisions

It is the responsibility of the Member Associations, as well as of the relevant Bound Persons, to make sure that the decisions taken and notified by the Disciplinary and Ethics Committee are properly implemented, as required by the OFC Statutes.

SECTION 4: APPEAL AND REVIEW

Article 82 Appeal

1. Unless this Code stipulates that the decisions of the Adjudicatory Chamber and the chairperson of the Adjudicatory Chamber 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, except for decisions in which the sanction pronounced is:

- a. a warning;
 - b. a reprimand;
 - c. a match suspension for less than three (3) matches or of up to three (3) months;
 - d. a ban of up to three (3) months;
 - e. a fine of less than NZ\$ 5000.
5. A decision may also be appealed by the Chief of the Investigation or OFC.
 6. Further provisions relating to lodging an appeal and proceedings before the Appeal Committee are set out in the OFC Disciplinary Code Article 128 and following.
 7. Decisions of the Disciplinary and Ethics Committee on the costs of the proceedings are final and may not be appealed.

Article 83 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 Appeal Committee decisions may also be appealed at CAS by the Chief of the Investigation or OFC.

Article 84 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 (10) days of discovering the reasons for review, or it will not be considered.
3. The limitation period for submitting a request for review is one (1) year after the enforcement of the decision.

SECTION 5: PROVISIONAL MEASURES

Article 85 Conditions and jurisdiction

1. At any time during the investigation, the chairperson of the Investigatory Chamber or the Chief of investigation 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 chairperson of the Investigatory Chamber or the Chief of investigation may also issue provisional measures for preventing interference with the investigation proceedings.

Article 87 Duration days. In exceptional circumstances, the provisional sanctions may be extended for another period not exceeding 100 days.

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

Article 88 Appeal against provisional measures

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

IV. FINAL PROVISIONS

Article 89 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 90 Adoption and enforcement

1. The OFC Executive Committee adopted this Code of Ethics on 22nd September 2021, and the Code comes into force with immediate effect.
2. The procedural rules enacted in this Code shall come into force immediately and apply to all proceedings for which the Adjudicatory Chamber have not been formally opened on the date stipulated under paragraph 1 of this Article.

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