

### III. Disciplinary– Principles, Regulations and Documentation

The proceedings of the SIHF are regulated in the Judicial Regulation ([JR](#)) and for procedures regarding disciplinary matters in the area Elite Sports (ES) - which includes the National and Swiss League – are specified in the Organisational Regulation ES ([OrgR ES](#)). Fines and suspensions can only be issued, if there has been a rule violation. In that context, the IIHF Rule Book as well as the regulations and directives of the SIHF are of central importance as well.

Rule infractions can be dealt with in either tariff or ordinary proceedings. In tariff proceedings, the Single Judge examines the referee's decision or the PSO's recommendation summarily ("only" checks if the recommendation is justifiable), whereas in ordinary proceedings, matters are examined in full.

Different principles are applied over the course of the procedures: While the "prosecutor" - in most cases the PSO – in cases of doubt has to apply for the opening of proceedings (principle of indictment), in the subsequent proceedings before the single judge, the presumption of innocence applies, which means that if in doubt, none or a milder sanction is imposed.

#### **Content:**

- A. Regulations and Directives
- B. Procedural Principles
- C. Publications/Communications

#### **A. Regulations and Directives**

While the basics of the procedures of the SIHF are regulated in the Judicial regulation (JR), regarding procedures in disciplinary matters in the area Elite Sports (ES), the Organisational Regulation Jurisdiction Elite Sports (Organisational Regulation ES, OrgR ES) specifies many rules of the JR. Considered as matters in the area Elite Sports (ES) are all matters in the National League, Swiss League, the Swiss Ice Hockey Cup as well as the U20 und U17 Elite juniors. In the following, reference is made mainly to the procedures of the National League and Swiss League.

The provisions of the OrgR prevail over those of the JR as "lex specialis, which means, that the JR only applies in the area Elite Sports whenever the OrgR ES itself does not contain a specific provision.

The SIHF regulations are available in German and French, whereby the German version prevails in the event of text differences.

Fines and suspensions can only be issued, if a rule has been violated. Such rules can be found for one in the regulations of the International Ice Hockey Federation (IIHF Rules, in particular the IIHF Rule Book), as well as the statutes, regulations and directives of the SIHF and the doping regulations of the Swiss Olympic Association.

## 1. Rules: IIHF Rule Book

Relevant in-game penalties can be found in the IIHF Rule Book. The current [Rule Book](#) is valid from 2018 to 2022. Section 10 of the IIHF Rule Book sets out the penalties, which can be imposed against (field) players. Section 12 also contains certain additional penalties specific to goalkeepers.

During the game, the referees can impose minor penalties (2 minutes), major penalties (5 minutes) with or without exclusion from the game (game misconduct penalty) or match penalties according to the Rule Book.

Since the 2017/18 season, no match penalties are directly imposed on the ice in National League and Swiss League games. The Single Judge afterwards examines any actions that have been penalised on the ice and that are or can be subject to a match penalty in tariff proceedings (“Upgrades”).

A match penalty automatically results in a one-game suspension. In the Rule Book, certain offences are subject to a mandatory match penalty, while in the case of others, a match penalty can be imposed in cases of reckless endangerment of the opponent at the discretion of the referee.

Explanatory videos to various rules are available in the SIHF Videocenter (tv.sihf.ch).

### REFERENCES

#### Used regulations

Article 5 (2) JR.  
Articles 1-3 OrgR ES.

## 2. Regulations of the Swiss Ice Hockey Federation (SIHF)

Selection of regulations and documents with relevance in the disciplinary procedures Elite Sports, in particular the National League and Swiss League:

### Jurisprudence SIHF:

- Judicial Regulation (JR; [Link](#))  
(current version last updated 18.9.2012 and 27.8.2014)
  - Appendix 1: Fine tariff Elite Sports ([Link](#); last updated 13.06.2019)
- Organisational Regulation Jurisdiction ES (OrgR ES; [Link](#))  
(entered into force on 26.8.2015, last updated 17.06.2020)
  - Appendix 1: Processes and Deadlines (PSO/SJ) National League ([Link](#))
  - Appendix 2: Processes and Deadlines (PSO/SJ) Swiss League ([Link](#))
  - Appendix 4: IIHF Rule 116 Version Swiss Ice Hockey Federation ([Link](#))
- Practice Guidelines Single Judges ([Link](#))  
(last updated 12.08.2019)

### Other:

- Regulation Order and Safety ([Link](#))
- Code of Conduct ([Link](#))
- Regulation for Game Operations – Subdivision Elite Sports ([Link](#))
  - Directive for Game Operations Elite Sports ([Link](#))
- Video decisions in the National League, Swiss League and the Swiss Ice Hockey Cup ([Link](#))

## Practice Guidelines of the Single Judges in particular

The [Practice Guidelines](#) are compiled by the Single Judges with their considerations and practice. The guidelines are intended to be constantly expanded in line with new cases and case law. The Practice Guidelines have been published to clubs and the public for the first time before the 2017/18 season. The current Practice Guidelines were last updated on 12 August 2019.

In the Practice Guidelines, matters of procedure in [tariff proceedings](#) (paragraphs 2 to 4) as well as sentencing in the area "Player Safety" in [ordinary proceedings](#) (paragraphs 5 to 12) are discussed.

## B. Procedural Principles

The following principles govern the regulation of all disciplinary procedures of the SIHF.

### 1. In dubio pro duriore (prosecution)

The "prosecutor" (usually the PSO) is obliged to request the initiation of the relevant proceedings unless he has no doubt that there is clear and obvious impunity ("in dubio pro duriore"). If the PSO submits a recommendation based on the "in dubio pro duriore" principle, he can also refer the action to the Single Judge for assessment and deliberately refrain from requesting a suspension (request based on Art. 17 (2) OrGR ES; e.g. PSO Report in the proceedings v. Simon Moser from [24.11.2018](#)).

### 2. In dubio pro reo (during proceedings)

Once proceedings before a Single Judge have been opened, the presumption of innocence applies to each "accused" party during the course of the proceedings until a final judgment is delivered. This means, that the Single Judge has to assess the facts of the case according to the principle "in dubio pro reo" (in case of doubt for the accused) and in cases of doubt has to assume the more favourable version of events for the accused player, in particular, when viewing the video images.

Examples:

- Decision [Adam Almquist - 15/04/19](#) N 5.5 (in dubio pro reo no intentional hit to the head)
- Decision [Mathias Joggi - 17/10/17](#) N 5 and decision [Oliver Achermann - 11/01/19](#) N 5.3 (in dubio pro reo no hit to the head)
- Decision [Aurelien Marti - 28/12/17](#) (Facts in dubio pro reo with bad image quality);
- Decision [Michael Rudolf - 08/12/18](#) N 5.4-6 (in dubio pro reo regarding to the course of events described by the accused player)

### 3. Previous unsanctioned offences

As the SIHF Sports Tribunal has stated, an earlier, mistakenly unsanctioned action cannot be successfully used to argue for a discharge in later similar cases (cf. appeal decision [Beat Forster - 26/01/18](#) N 18).

#### REFERENCES

##### Used regulations

Art. 12 Ziff. 2; Art. 17 Ziff. 2 OrgR LS.

##### Quoted decisions

- Adam Almquist - 15/04/19: Decision Single Judge from 15.04.2019 (Adam Almquist, IIHF Rule 124, 4 games suspension, [video](#)).
- Mathias Joggi - 17/10/17: Decision Single Judge from 17.10.2017 (Mathias Joggi, IIHF Rule 127, no suspension).
- Oliver Achermann - 11/01/19: Decision Single Judge from 11.01.2019 (Oliver Achermann, IIHF Rule 124, dropped with no suspension).
- Aurelien Marti - 28/12/17: Decision Single Judge from 28.12.2017 (Aurélien Marti, IIHF Rule 119, 2 games suspension).
- Michael Rudolf - 08/12/18: Decision Single Judge from 08.12.2018 (Michael Rudolf, IIHF Rule 124, 1 game suspension, [video](#)).
- Beat Forster - 26/01/18: Appeal decision SIHF Sports Tribunal from 26.01.2018 (Beat Forster, IIHF Rule 127, rejected, 4 games suspension, [video](#)).

## C. Publications/Communications

### 1. Required publication of information regarding disciplinary proceedings (Article 31 OrgR ES)

The OrgR ES determines which decisions have to be made available to the public.

Process I procedures are generally not published. An exception to this are Process I decisions on Diving/Embellishment.

Proceedings (requests, decisions) according to Process II (tariff proceedings) are communicated in the NL and SL as follows:

- first game misconduct penalty of the season – no publication
- second or third disciplinary penalty of the season – press release that the player has been suspended for the next National or Swiss League game
- match penalty – press release that the player is suspended for one game.  
The summary reasoning of the single judge as well as the video of the PSO may be included.

Proceedings (requests, decisions) according to Processes III and IV (ordinary proceedings) are communicated in the NL and SL as follows:

- The opening of the proceedings is announced in a press release.
- Final decisions by the Single Judges, the SIHF Sports Tribunal and the CAS are published with a brief statement of reasons; this communication may also include the video of the PSO.

It is also possible but not required to inform the public as to why, in a particular case, no charges are brought and/or no proceedings were initiated.

#### REFERENCES

##### Used regulations

Article 31 OrgR ES.

## 2. Documentation on sihf.ch

### Published decisions

The sihf.ch Website contains information on decisions taken since February 2015. From the 2016/17 season onwards, most releases of decisions in ordinary proceedings and those in tariff proceedings leading to suspensions include the reasoning by the Single Judge or SIHF Sports Tribunal. The PSO's recommendation, when available, is also published ([Link](#)).

For these decisions as well as the fines for Diving/Embellishment, explanatory videos are available. In addition, leading decisions of the judicial bodies, in particular the SIHF Sports Tribunal, can be found on the website ([Link](#)).

Further Videos on Player Safety and Officiating can be found in the SIHF Videocenter (tv.sihf.ch).