

IV. Functions and Actors in Disciplinary Procedures (Elite Sports)

Articles 5 – 11 of the Organisational Regulation ES ([OrgR ES](#)) define the various actors and functions that are or may be involved in disciplinary proceedings and specifies their tasks and competences.

1. Referees

In the National League and Swiss League, the referees on the ice issue minor (2 minutes) and major penalties (5 minutes), as well as game misconduct penalties according to the rules of the International Ice Hockey Federation (IIHF) and record them in a report. "Upgrades" to match penalties are made later by the Single Judge.

2. Officiating Department (Officiating)

The Officiating Department is responsible for reviewing offences against referees, unsportsmanlike conduct by players, coaches and staff as well as for diving/embellishment infractions and has the right to file a request with the Single Judge. In these cases, the Officiating has the position of a party if the Single Judge opens proceedings.

The Officiating Department also examines and reviews all actions that are considered health-endangering, whether they were punished on the ice or not, and which might require an examination by the PSO. This does not apply to cases that the PSO has to investigate ex officio (mandatory investigations).

3. Player Safety Officer (PSO)

The Player Safety Officers (PSO) are responsible for the investigation of all health-endangering actions in the area of Elite Sports (National League, Swiss League, Swiss Ice Hockey Cup [if TV pictures are available], Juniors U20 and U17 Elite). In certain cases, such an investigation is mandatory. The PSO decide whether they will file a request for the opening of proceedings with the Single Judge Safety.

4. Clubs

Clubs are entitled to file a Club Request if they have a legitimate interest in doing so. In the area "Player Safety", the request must be submitted to the PSO, in all other cases directly to the Single Judge.

5. Accused Player

In the proceedings before the Single Judge, the accused player holds party status. With the exception of tariff proceedings, the accused player must be granted the right to be heard, either in writing or, in exceptional cases, in person.

6. Single Judges

The OrgR ES defines different Single Judges with diverging responsibilities within the disciplinary procedures in the area of Elite Sports. The Single Judges only act upon request, but are then free in deciding on the merits of the case.

7. Others

- Director NL (Competences: Article 8 OrgR ES)
- Chairman Commission Order and Security (KOS; Competences: Article 9 OrgR ES)

Content:

- A. Player Safety Officers (PSO)
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A. Player Safety Officers (PSO)

1. Competences of the PSO

The Player Safety Officers (PSO) are responsible for the investigation of all health-endangering actions in the area of Elite Sports (National League, Swiss League, Swiss Ice Hockey Cup [if TV pictures are available], Juniors U20 and U17 Elite). The PSO decide whether a request for the opening of proceedings with the Single Judge Safety must be filed. In particular, the PSO investigate incidents in which an opposing player has been injured or potentially endangered by a possible violation of an IIHF Rule.

2. Investigation by the PSO

The PSO can open an investigation regardless of whether or how the action was sanctioned on the ice. They can do so

- on the basis of their own perception,
- on the basis of a notice from Officiating or
- on the basis of a request by a Club.

The Single Judges, on the other hand, cannot initiate proceedings on their own (e.g. without a request).

Mandatory investigations (ex officio)

The PSO always have to carry out an investigation (even if at first sight no rule violation is apparent):

- for all actions which have led to the opponent not being able to finish the game or from which the opponent has evidently suffered an injury;
- for all actions that were penalised with a game misconduct penalty on the ice
- for all actions which have not been penalised on the ice or only with a minor penalty, but which may include a foul against the head and neck area, irrespective of the rule according to which the penalty on the ice was awarded;
- for all actions that have been penalized on the ice as Boarding, Checking from behind, Kneeing, Clipping or Slew-footing
- for all stick fouls that led to injury or were potentially dangerous

3. Request/Recommendation to the Single Judge

If the PSO's investigation after the review of all documentation concludes that there may have been a violation of an IIHF Rule and that additional disciplinary action may be required, the PSO submit a request to the Single Judge to initiate proceedings. The PSO also recommend - without binding the Single Judge – which range of sanction if any at all should be imposed ("PSO Recommendation"). If the single judge opens proceedings, the PSO have party status in the case, but cannot appeal the judge's decision.

Since the 2017/18 season, the "PSO Recommendations" have exclusively included one of the following recommendations:

- Category 1 - 1-game suspension
- Category 1 - More than 1-game suspension
- Category 2 - More than 1-game suspension
- Category 3 - More than 1-game suspension
- No supplementary discipline

As of the 2020/21 season, the PSO can also “only” request a subsequent game misconduct penalty.

“In dubio pro duriore”

In case of doubt, the PSO are obliged to refer the case to the Single Judge after their investigation (in dubio pro duriore), but can state that in their opinion no further sanction is necessary (request based on Art. 17 (2) OrgR ES; e.g. PSO Report in the proceedings v. Simon Moser from [24.11.2018](#)). The PSO can therefore only refrain from submitting a request to the Single Judge if their investigation concludes that there is clearly no violation of an IIHF rule or that clearly no additional disciplinary measures are necessary. Likewise, no request is required if an action on the ice has been penalised with a game misconduct penalty and with that has been penalised sufficiently and therefore does not require an Upgrade. These cases (fines) are settled in tariff proceedings.

Mandatory requests

If a Club Request has been submitted, on the other hand, the PSO will in any case forward it to the Single Judge, either with a recommendation for a suspension or with the note that the PSO consider no disciplinary sanctions necessary.

According to OrgR ES Appendix 1 & 2: Processes and Deadlines (PSO/SJ) NL and SL from 03.08.2019, a referral to the Single Judge is also mandatory in all cases where the action led to an injury.

4. Development of the PSO

The position of the PSO as "Prosecutor" in disciplinary proceedings was created for the 2015/16 season with the entry into force of the OrgR ES. Stéphane Auger was appointed as the first PSO and before the 2017/18 season received support from Ryan Gardner. As of the 2019/20 season, Ryan Gardner has taken over the position of the PSO and is assisted by newly elected David Racicot.

PSO to date:

2020/21: Ryan Gardner/David Racicot

2019/20: Ryan Gardner/David Racicot

2018/19: Stéphane Auger/Ryan Gardner

2017/18: Stéphane Auger

2016/17: Stéphane Auger

2015/16: Stéphane Auger

REFERENCES

Used regulations

Article 6; Article 7 (1)-(6); Article 10; Article 12 (3); Article 17 (2) OrgR ES.
OrgR ES Appendix 1 & 2: Processes and Deadlines (PSO/SJ) NL and SL from 22.06.2020.

Documents

Annual Report SIHF 2015/16 pp 42.

B. Single Judges

1. Competences

The OrgR ES defines several Single Judges with different responsibilities for disciplinary procedures in the area of Elite Sports.

The Single Judge Tariff Proceedings decides in the first instance about tariff proceedings in Process I (Security), particularly regarding offences against the Regulation Order and Security as well as proceedings concerning Diving/Embellishment infractions. He also decides in tariff proceedings in Process II (Safety) if the PSO has not requested a suspension or a fine.

- Single Judge Tariff Proceedings 2020/21: Stefan Müller

The Single Judge Safety and his deputy decide in the first instance about tariff proceedings in Process II (if the PSO has applied for a suspension or fine), as well as ordinary proceedings in the area "Player Safety" (Process III) and all offences against referees (Process IV). In addition, they decide on provisional suspensions.

- Single Judges Safety 2020/21: Karl Knopf and Reto Annen (Deputy)

The Single Judge Security decides in the first instance about ordinary proceedings in the area of security (Process IV; excl. offences against referees), in particular any violation of the Regulation on Order and Security.

- Single Judge Security 2020/21: Stefan Müller

2. Proceedings

Principle of investigation

Single Judges only initiate proceedings at the request of, for example, the PSO or the Officiating Department. The Single Judges examine all facts relevant for the assessment of the offence and the accused player and they investigate the incriminating and exonerating circumstances with equal diligence (principle of investigation). The Single Judges decide with full cognition (exception: tariff proceedings) and are not bound by the requests of the parties (e.g. PSO or clubs). Therefore, the Single Judge in charge can close proceedings without further/any sanctions after completing his examination, even if the PSO has requested a (further) suspension (e.g. [Mark Arcobello - 17/10/18](#),

[Philippe Rytz - 25/02/19](#)) or conversely, the Single Judge can issue suspensions, even if none were requested by the PSO (e.g. [Sven Jung - 21/01/19](#)). The Single Judges are also not bound by the requested process or the requested type of procedure (e.g. if the PSO requests a simple Upgrade, but the Single Judge considers ordinary proceedings with full cognition to be necessary; e.g. [Maxim Lapierre - 17/01/19](#) N 4.1).

Principle of indictment

In turn, the Single Judge is bound by the facts as set out in the PSO Report (principle of indictment). The PSO Report thus determines the subject matter of the proceedings, which means that other scenes (e.g. another hit shortly before or after the action under investigation) cannot be the subject matter of the proceedings (e.g. [Simon Moser - 26/11/18](#) N 5.3; appeal decision [Daniel Vukovic - 10/03/17](#) N 4). Otherwise, the provision that the Single Judge cannot initiate proceedings on his own could be undermined.

3. Development

For the 2017/18 season, a system with four Single Judges and four different departments was introduced as part of the revision of the OrgR ES: Single Judge Tariff Procedure, Single Judge Safety (and his deputy), Single Judge Security and the already existing Single Judge Club Transfer. Until then, all disciplinary proceedings were handled by one Single Judge and his deputy (with the exception of the Club Transfer department).

For 13 years up to and including the 2015/16 season, Reto Steinmann was the Single Judge in charge. After Steinmann's early resignation, the position was taken over by his deputy, Oliver Krüger. Krüger held the position of Single Judge (Safety) until the end of the 2018/19 season. For the 2019/20 season, his deputy, Karl Knopf, has taken over as the new Single Judge Safety with former Single Judge Security Reto Annen as his deputy. Annen, in turn, has been replaced by Peter Brändli, who filled the post of Single Judge Security for a season.

Since its creation in 2017, the position of Single Judge Tariff Proceedings has been held by Stefan Müller. Müller will in addition to that also take over the vacant position of Single Judge Security as of the 2020/21 season.

Single Judges (Area Elite Sports, NL and SL):

2020/21: Karl Knopf, Reto Annen, Stefan Müller

2019/20: Karl Knopf, Reto Annen, Stefan Müller, Peter Brändli

2018/19: Oliver Krüger, Karl Knopf, Stefan Müller, Reto Annen

2017/18: Oliver Krüger, Karl Knopf, Stefan Müller, Reto Annen

2016/17: Oliver Krüger, Victor Stancescu (stepped down in March 2017)

-2015/16: Reto Steinmann, Oliver Krüger

REFERENCES

Used regulations

Article 11; Article 12 (3) – (6) OrgR ES.

Quoted decisions

- Mark Arcobello - 17/10/18: Decision Single Judge from 17.10.2018 (Mark Arcobello SCB, IIHF Rule 124, dropped with no suspension).
- Philippe Rytz - 25/02/19: Decision Single Judge from 25.02.2019 (Philippe Rytz SCL, IIHF Rule 124, 2 games suspension, [video](#)).
- Sven Jung - 21/01/19: Decision Single Judge from 21.01.2019 (Sven Jung HCD, IIHF Rule 124, 2 games suspension, [video](#)).
- Maxim Lapiere - 17/01/19: Decision Single Judge from 17.01.2019 (Maxim Lapiere HCL, IIHF Rule 159, 2 games suspension, [video](#)).
- Simon Moser - 26/11/18: Decision Single Judge from 26.11.2018 (Simon Moser SCB, IIHF Rule 124, no suspension).
- Daniel Vukovic - 10/03/17: Appeal decision Single Judge from 10.03.2017 (Daniel Vukovic GSHC, IIHF Rule 159, approved, 3 games suspension), [video](#).

Documents

Annual Report SIHF 15/16; Annual Report SIHF 17/18.

C. Clubs (Club Requests)

1. Legitimation Clubs

Clubs of an injured or fouled player are entitled to file a request for the initiating of proceedings (Club Request). A request by a Club that was not involved in the game in question is not possible.

In the National League and the Swiss League, requests regarding actions that are health-endangering must always be submitted to the PSO. Requests directly to the Single Judge will not be considered. Requests that do not involve actions that endanger health, on the other hand, have to be filed directly with the Single Judge. Upon the initiation of proceedings in cases involving Club Requests, that club assumes party status.

2. Treatment by the PSO

If a Club Request has been submitted, the PSO will in any case forward it to the Single Judge. This, even if the PSO come to the conclusion in their investigation that there is clearly no violation of an IIHF rule or that clearly no additional disciplinary measures are necessary. In such cases, the report will then be forwarded with a note stating that from the PSO's point of view no supplemental discipline is necessary (e.g. PSO Report in the proceedings v. Tristan Scherwey from [25.09.2018](#); PSO Report in the proceedings v. Oliver Achermann from [09.01.2019](#)).

Once he receives the request, the Single Judge Safety can then initiate proceedings or issue an appealable non-entry decision (dismissal). Dismissals of Club Requests by the Single Judge are not published by the SIHF.

3. Allocation of costs

Club Requests are subject to a fee to cover the procedure costs. A fee of CHF 750 per game situation will be charged for a request during the Regular Season and CHF 1,500 per game situation during the playoffs. In the Swiss League, half the amount is due.

The fee is only payable if a Club Request is not received (e.g. [Tristan Scherwey - 27/09/18](#), N 3). If the PSO requests further disciplinary measures, the Club Request counts as having been granted - regardless of what the Single Judge decides afterwards - and the costs of the proceedings do not have to be borne by the requesting Club (e.g. [Mark Arcobello - 17/10/18](#), N 5.8). Therefore, a Club Request is also considered not received if the PSO forwards a Club Request without recommending a suspension and the Single Judge in the following ordinary proceedings decides to drop them with no suspension and a fee is due.

Deviating from this, in decisions [Stefan Rügsegger – 07/10/19](#) and [Oliver Achermann – 11/01/19](#) (with no request for suspensions by the PSO) the costs were already waived because the Single Judge had opened ordinary proceedings for further examination before deciding no suspension was necessary. Therefore, in these cases, the opening of proceedings alone meant that the request was received.

Since the 2015/16 season, clubs have been required to deposit the fee as security together with the Club Request. This advance is refunded in full (e.g. [Marco Pedretti - 24/09/18](#)) or in part (e.g. [Yannick Blaser - 04/10/18](#), N 5.8) if the request is granted.

REFERENCES

Used regulations

Article 7 (4); Article 10; Article 12 (12); Article 18 (1)-(3); Article 34 (1)-(3) OrgR ES.

Quoted decisions

- Tristan Scherwey - 27/09/18: Decision Single Judge from 27.09.2018 (Tristan Scherwey SCB, IIHF Rule 123, dropped with no suspension).
- Mark Arcobello - 17/10/18: Decision Single Judge from 17.10.2018 (Mark Arcobello SCB, IIHF Rule 124, dropped with no suspension).
- Stefan Rügsegger – 07/10/19: Decision Single Judge from 07.10.2019 (Stefan Rügsegger SCLT, IIHF Rule 124, dropped with no suspension).
- Oliver Achermann – 11/01/19: Decision Single Judge from 11.01.2019 (Oliver Achermann Visp, IIHF Rule 124, dropped with no suspension).
- Marco Pedretti - 24/09/18: Decision Single Judge from 24.09.2018 (Marco Pedretti EHCB, IIHF Rule 124, 3 games suspension), [video](#).
- Yannick Blaser - 04/10/18: Decision Single Judge from 04.10.2018 (Yannick Blaser SCLT, IIHF Rule 124, no suspension).