



NZ ESPORTS

Disciplinary Procedures

Updated 23rd September 2022

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DISCIPLINARY PROCEDURES

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PART A – INTRODUCTION & SCOPE

1. PURPOSE & INTERPRETATION

- 1.1.** Acknowledging the danger to sports’ integrity from the manipulation of sports competitions, NZ Esports states their commitment to safeguard the integrity of Esports.
- 1.2.** Due to the complex nature of this threat, NZ Esports recognises a fair, equitable and transparent procedure is vital to deal with accusations provided through accredited tournament organisers, domestic, and sanctioned esport events.
- 1.3.** NZ Esports declares their commitment to support the integrity of sport, and fight against the manipulation of competitions, through the NZ Esports Integrity Regulations and by adhering to the standards set out in the International Olympic Committee’s (“IOC”) Olympic Movement Code on the Prevention of the Manipulation of Competitions.
- 1.4.** This document serves to outline the procedure that will be followed should a serious offence or breach be reported to NZ Esports where the tournament organiser has deemed it appropriate to do so in accordance with NZ Esports’s Disciplinary Regulations (in force at the relevant time).
- 1.5.** Definitions for all defined terms used are to be found in Appendix 1.

2. JURISDICTION

- 2.1.** NZ Esports shall have exclusive competence and jurisdiction over any allegations/breaches at whatever level of Esports they occur within Australia and New Zealand.
- 2.2.** Where an individual Participant has been charged with a criminal offence, or is the subject of an investigation by any law enforcement agency or any other public or other regulatory authority, in respect of conduct which is or may be grounds for a breach, NZ Esports shall seek advice from the relevant agency as to whether or not NZ Esports should postpone consideration of the pending the outcome of any such proceedings/investigation.
- 2.3.** In addition, NZ Esports may at any time during the process notify any law enforcement agency, or any other relevant external body, of any details relating to the matter as such body may need to know for the proper exercise of its functions.



PART B – SUBMISSION & ESCALATION

3. OFFENCE SUBMISSION

- 3.1.** Any accredited tournament organiser or operator of a NZ Esport sanctioned event may request a ruling be escalated to NZ Esports if the submitting party has exhausted all reasonable disciplinary processes.
- 3.2.** NZ Esports reserves the right to accept or decline any submission
 - 3.2.1.** If a submission is accepted, NZ Esports will begin the process outlined in section 4 in which a Special Review Panel will be formed to provide a final ruling on the case.
 - 3.2.2.** A \$500 NZD excl. GST fee is required by the submitting party on acceptance of any submission to cover administrative costs and time of the Special Review Panel.
 - 3.2.3.** If a submission is denied, the submitting party may choose to use the Disciplinary Procedures outlined below to come to a final ruling independently if they have not already done so.
 - 3.2.3.1.** Any independent ruling will not be officially recognised by NZ Esports, however may be submitted if the outcome results in a penalty applicable for the national offence registry.

4. ESCALATION

- 4.1.** Once a submission has been accepted, NZ Esports will deliver formal initial correspondence to all parties involved.
 - 4.1.1.** This correspondence may include, but is not limited to:
 - 4.1.1.1.** A copy of the Disciplinary Procedures
 - 4.1.1.2.** A protected overview of the claim
 - 4.1.2.** Parties involved may include, but is not limited to:
 - 4.1.2.1.** Player(s) of all teams involved
 - 4.1.2.2.** The publisher of the relevant title
 - 4.1.2.3.** Relevant senior leadership from all teams involved
 - 4.1.2.4.** The NZ Esports executive committee
- 4.2.** The Disciplinary officer will be appointed as a single point of contact, and within five (5) working days, distribute a detailed report of the case as it has been received by NZ Esports.
- 4.3.** A Special Review Panel will be appointed in accordance with section 5 of the Disciplinary Procedures.
- 4.4.** The Special Review Panel will be named within five (5) business days of the accepted submission.
 - 4.4.1.** Once the Special Review Panel has been named, all parties involved will have a minimum of five (5) business days to submit all consideration.
 - 4.4.2.** A formal window of submission will be determined when the Special Review Panel is announced.



- 4.4.3.** A formal review date and time will be determined when the Special Review Panel is announced.

5. SPECIAL REVIEW PANEL FORMATION

- 5.1.** A Special Review Panel will be formed to review a submitted case, and make a final ruling on any case accepted by NZ Esports.
- 5.2.** This committee will consist of at least three (3) members.
- 5.3.** Committee members must not be in conflict with a Participant, or organisation involved in the case, or stand to benefit from any confidential information or outcome delivered as part of this hearing.
- 5.3.1.** A Participant may appeal a conflict of interest within 24 hours of the Special Review Panel being named.

PART C – REVIEW & RULING

6. SPECIAL REVIEW PANEL HEARING

- 6.1.** On the set date and time of the hearing, the Special Review Panel will assemble either physically or virtually and review the case, the evidence for, and against. This hearing will be in accordance with all provisions set out in Part D of the Disciplinary Procedures.
- 6.2.** During the hearing, the Special Review Panel will hear out all involved parties if present, review all submitted evidence and deliberate.
- 6.3.** After deliberation, the Special Review Panel must present their final ruling to NZ Esports.
- 6.3.1.** Upon finding a breach(es) of the matters set out, the Disciplinary Body shall be entitled to impose such penalties as they think fit. Such penalties may include, but shall not be limited to:
- 6.3.1.1.** A caution or a warning as to future conduct;
 - 6.3.1.2.** A formal reprimand;
 - 6.3.1.3.** A suspension for a specified number of matches and/or a specified period of time;
 - 6.3.1.4.** An order to pay a fine;
 - 6.3.1.5.** A ban on taking part in any Esports-related activity;
 - 6.3.1.6.** A transfer ban;
 - 6.3.1.7.** Annulment of the result of a match;
 - 6.3.1.8.** Withdrawal of a license or accreditation; or
 - 6.3.1.9.** A deduction of league points, relegation or exclusion or disqualification from any competition. In determining the appropriate, the Disciplinary Body shall be entitled to take account of aggravating and/or mitigating factors.



- 6.3.2.** Aggravating factors which may increase the severity of the sanction(s) imposed include, but are not limited to:
- 6.3.2.1.** obtaining an undue Benefit for oneself or for others;
 - 6.3.2.2.** the Participant's status as a repeat offender;
 - 6.3.2.3.** the Participant's failure to co-operate with the proceedings;
- 6.3.3.** Mitigating factors which may decrease the severity of the sanction imposed include, but are not limited to:
- 6.3.3.1.** the presence and timing of an acknowledgment of culpability/guilt by the offending Participant;
 - 6.3.3.2.** the Participant's disciplinary record and/or good character;
 - 6.3.3.3.** the youth and inexperience of the Participant;
 - 6.3.3.4.** the Participant's conduct prior to and at the hearing;
 - 6.3.3.5.** the Participant having demonstrated remorse for their conduct, including the timing of such remorse; and
 - 6.3.3.6.** any other mitigating factor(s) that the Disciplinary Body considers relevant and appropriate.
- 6.3.4.** If the Disciplinary Body decides to impose a period of suspension, it shall take into account the length of any interim suspension already served by the Participant.
- 6.3.5.** In cases of multiple offending, the Disciplinary Body may impose sanctions to run either on a concurrent or a consecutive basis, provided that the total sanction is in all the circumstances proportionate to the level of the overall offending.
- 6.4.** NZ Esports will deliver the notification of outcome to all involved parties and formally close the case.

7. MUTUAL RECOGNITION OF SANCTIONS

- 7.1.** Subject to the right of appeal, any decision and sanction by the Disciplinary Body in compliance with these Regulations should be recognised and respected by other sporting bodies.
- 7.2.** NZ Esports shall respect any integrity-related sanctions imposed by any other recognised sporting body. If there are any doubts as to the procedure followed by the recognised sporting body who has issued the sanction, then the SPOC will make the appropriate and necessary enquiries of the recognised sporting body in question.

8. INTERIM & PROVISIONAL MEASURES

- 8.1.** NZ Esports has a general right to suspend any individual subject to an active case on an interim basis or take any other such provisional measures as are felt appropriate pending the conclusion of an investigation. Such a decision will be taken without a hearing.



- 8.2.** The power in Regulation 8.1 can only be exercised by NZ Esports, regardless of at what level of the sport the allegations/breach has arisen, once it has taken into account all of the following factors:
- 8.2.1.** The level of seriousness of the allegations/breach;
 - 8.2.2.** The potential prejudice to the Participant in imposing provisional measures; and
 - 8.2.3.** The potential damage the allegations/breach may cause to NZ Esports and/or the sport.
- 8.3.** At all times, NZ Esports must consider the proportionality of any interim action taken.
- 8.4.** NZ Esports shall, as soon as reasonably practicable, notify the Participant concerned of the provisional measures imposed and send notices to any relevant party.
- 8.5.** The Participant may appeal the decision to impose provisional measures by lodging an appeal with the Disciplinary Officer within two days of notification.
- 8.6.** Upon receipt of an appeal against the imposition of provisional measures, the Disciplinary Officer will immediately appoint a member of the Special Review Panel to act as Chair sitting alone. The appeal lodged will be passed on to the Chair for their determination within 48 hours.
- 8.7.** Regardless of whether or not an appeal against provisional measures is lodged, the measures shall be reviewed by the Disciplinary Officer and a senior officer of NZ Esports at appropriate regular intervals, and in any event not more than monthly, taking into particular consideration the factors outlined in Regulation 10.2 above and whether the circumstances or facts surrounding a case justify the continuation of the measures.
- 8.8.** Furthermore, when a Participant is subject to provisional measures, the Disciplinary Officer will use their reasonable endeavours to instigate, manage and conclude any proceedings under these Regulations as soon as reasonably practicable so as to minimise any potential prejudice to the Participant.
- 8.9.** Any breach of the terms of any provisional measures by the Participant subject to them shall constitute grounds for further disciplinary action under these Betting Integrity Regulations.
- 8.10.** In accordance with Regulation 11.4, if a provisional sanction has been imposed, the duration shall be offset against any final sanction.

PART D – GENERAL PROVISIONS

9. OVERALL FAIRNESS

- 9.1.** The hearings shall be conducted in a fair and just manner and in accordance with the fundamental principles of natural justice, whilst recognising that they are not a court of law and as such the members of the Disciplinary Body, or those appearing before the Disciplinary Body, may not be legally qualified.



9.2. Therefore, in the interests of achieving a just and fair result, procedural and technical considerations shall take second place to the overriding objective of being just and fair to the parties.

10. RIGHT TO BE HEARD

The accused Participant(s) has the right to be heard both in writing and orally if such a request is made to the Disciplinary Officer.

11. RIGHT TO REPRESENTATION

An accused Participant(s) is entitled to be represented or assisted by a person(s) of his/her choice (legally qualified or otherwise), and that person(s) is entitled to be present throughout the proceedings, except during the deliberations of the Special Review Panel.

12. BURDEN OF PROOF

Other than as expressly stated in these Disciplinary Procedures, the burden of proof rests with NZ Esports.

13. STANDARD OF PROOF

13.1. The standard of proof in all cases brought is comfortable satisfaction.

13.2. Comfortable satisfaction means that, having heard all the evidence and using their knowledge and experience, the Special Review Panel believes that the alleged breach has been proven to a standard that is more than on the balance of probabilities (i.e. it is more likely than not – the civil standard) but lower than proof beyond a reasonable doubt (the criminal law standard).

14. EVIDENCE

The Special Review Panel shall not be obliged to follow strict rules of evidence. They may admit such evidence as they think fit and accord it such weight as they think appropriate in all the circumstances.

15. DEFENCES

15.1. Where a Participant seeks to rely on the existence of a 'compelling justification' to justify or excuse conduct under these Disciplinary Procedures which might otherwise amount to an offence, the burden shall be on that Participant to adduce sufficient credible evidence to prove, on the balance of probabilities, that genuine and powerful reasons exist (or existed) to objectively justify their conduct, taking into account all the relevant circumstances.

15.2. It shall be a valid defence to any offence under these Disciplinary Procedures to prove, on the balance of probabilities, that the alleged offence was committed (and that, where applicable, it was not reported in accordance with Regulation 7



thereafter) due to the Participant's honest and reasonable belief that there was a serious threat to their life or safety, or to the life or safety of any other person.

16. RECORDINGS OF HEARINGS

- 16.1.** The Disciplinary Body shall have the power to direct that a hearing shall be audio recorded.
- 16.2.** If a party objects to a hearing being recorded, they must send their objections in writing to the Disciplinary Officer no later than 3 clear days prior to the date of the hearing.

17. CONFIDENTIALITY & PUBLICATION

- 17.1.** Save in exceptional circumstances where NZ Esports (acting reasonably) deems it necessary for the purposes of protecting the integrity of the sport and/or any of its Participants (for example in circumstances where there is significant damaging and/or incorrect media speculation), NZ Esports shall not publicly identify any Participant who is being investigated or is alleged to have committed an offence under these Disciplinary Procedures until he/she has been formally charged, at which point it shall be entitled to publicly announce the name of the Participant charged and the offences with which he/she has been charged. Thereafter, NZ Esports shall not comment publicly on the specific facts of a pending case except in response to public comments made by (or on behalf of) the Participant involved in the case or his/her representatives or where otherwise necessary to preserve the public's confidence in the ability of NZ Esports to fight corruption in the sport.
- 17.2.** Without prejudice to any form of privilege available in respect of any such publication, NZ Esports shall be entitled to publish as it thinks fit and through whatever channel, reports of any proceedings pursuant to these Disciplinary Procedures, or any written decision of the Disciplinary Body (in full or in a redacted form), whether or not it reflects adversely on the character or conduct of any Participant. The Participant shall be deemed to have provided their full and irrevocable consent to such publication.

18. COSTS

The Disciplinary Body shall have absolute discretion to impose orders as to the payment of costs in relation to any proceedings including the cost of holding the hearings, interpretation and legal costs, travel and accommodation costs of the members of the Disciplinary Body and/or any other expenses necessary for the proper conduct of the hearing, whilst having particular regard to Regulation 13.2.

19. LIMITATION PERIOD

There shall be no statute of limitations applicable.



APPENDIX 1

DEFINITIONS

Attempt

An act and/or omission which is more than mere preparation and which constitutes a real and substantial step (individually or cumulatively) towards the commission of a breach (in circumstances where, save for the Attempt itself, the breach was not committed and/or completed and notwithstanding whether the person involved was aware that the act and/or omission may amount to a breach).

Benefit

The direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a bet.

Disciplinary Body

The body of NZ Esports, consisting of a group of individuals with the necessary legal, sporting and/or other expertise, which has the power to determine alleged breaches of these Disciplinary Procedures. Each panel of the Disciplinary Body shall be appointed by the Disciplinary Officer and comprised of one or three from the group of individuals.

Disciplinary Officer

The person appointed by NZ Esports to enforce the Disciplinary Procedures.

Special Review Panel

The members of the panel appointed by the Disciplinary Officer

Inside Information

Any information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant competition.

Outside Party

Any natural or legal person who is not a Participant. Participant The covered persons listed in Regulation 2. Single Point of Contact (SPOC) A person appointed by NZ Esports who will act in all matters related to these Disciplinary Procedures.

