

## SECTION 1

### GENERAL

**In all processes of the Federation the basic principles of natural justice specified in Clause 32 of the Constitution shall be adhered to. These are:**

The judicial bodies of the Federation shall provide fair procedures to all parties involved and shall respect their fundamental rights. They recognise in particular:

- 32.1 That a person who may have a conflict of interest shall not be a member of the decision-making body;
- 32.2 The right of the person charged to know the charge;
- 32.3 The right to know the penalties which might be imposed;
- 32.4 And at their own expense, the right to be heard, to present a defence, to produce evidence and to be assisted by counsel.

### DEFINITIONS

**Hearing** means a judicial process where an individual, Member Association or other body will have an opportunity to present evidence to support their case and to discover what evidence exists against him or her. A hearing can be conducted as a meeting with physical presence of the parties, but a hearing can also be conducted as teleconference, skype call or similar communication method. Written hearing documents (written reports and evidence) that are made available for all parties to comment on will also be considered to constitute a hearing process.

**Respondent** means the player, competition official, Member Association, other body or other person who is alleged to have committed the offence in question. If a Member Association is alleged to have committed the offence, “respondent” shall refer to the representative designated by the Member Association to represent it in the proceedings.

**Disciplinary Meeting** means a meeting as part of the disciplinary process, where such a meeting can be with physical presence at a meeting venue, but can also be a meeting conducted as teleconference, Skype call or similar communication method. A Respondent may be represented in person and by legal counsel during a Disciplinary Meeting at their own expense.

**Disciplinary Process** means that process defined under section 3, clause 4 of these Disciplinary Regulations.

**Competition Official** means a person who is accredited, listed or acts as an accompanying person at a particular tournament or event (e.g. trainer, coach, doctor, referee, umpire, technical official, delegate, representative, team manager, organizer or staff) and to an elected Federation officer (e.g. President, Vice-president, Council member).

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## SECTION 2

### COUNCIL DISCIPLINARY AND APPEAL PROCESSES

- 1.1 Any evidence of misconduct to be sent in first instance to the Secretary General (who may also institute proceedings using other evidence).
- 1.2 The Secretary General advises President. The Council to be informed of alleged Presidential misconduct.
- 1.3 The Standing Disciplinary Committee investigates, with changes to the Standing Disciplinary Committee membership made by Council where Standing Disciplinary Committee members are alleged to have offended or are otherwise involved.
- 1.4 Investigation co-ordinated by Secretary General with Respondent (Council member charged with an offence against this Code) having the right to make representations and to supply evidence. The Standing Disciplinary Committee may authorise personal hearing for serious or complex cases.
- 1.5 The Standing Disciplinary Committee reports to full Council (possibly by couriered letter) with verdict, and if guilty, the penalty.
- 1.6 Penalties can include a fine, suspension of Council membership for a period, and/or dismissal from Council. Where the penalty is dismissal from Council, Council (other than anyone charged with an offence) votes on the penalty: a simple majority in favour confirms the penalty – failure to secure a majority causes the penalty to be reconsidered by the Standing Disciplinary Committee and a new penalty proposed.
- 1.7 Any appeal must be lodged with the Appeals Panel within 21 days of notification of guilt.
- 1.8 Any findings of guilt and penalty applied to be made public.

## SECTION 3

### DISCIPLINARY REGULATIONS

#### 1. APPLICABILITY

- 1.1 These Regulations are created by the Federation to control how disciplinary action can be instituted in accordance with the Statutes.
- 1.2 These Regulations are not applicable to doping matters, which will be dealt with under the Anti-doping regulations.

#### 2. ADMINISTRATIVE FINE PROCEDURE

- 2.1 An Administrative fine, such as described in General Competition Regulations, appendix 11 “Offences and Penalties”, may be imposed immediately when a breach is brought to the attention of the Secretary General, without the necessity to follow the disciplinary procedure.
- 2.2 The Administrative Fine decision must include information on how to appeal.
- 2.3 Administrative fine decisions shall be communicated to the Respondent through the Respondent’s Member Association.
- 2.4 An Administrative Fine can be appealed to the Disciplinary Committee or the relevant judicial body appointed by Council, except for the fine and fees where it is stated that these are not appealable. Withdrawal fees are not appealable.
- 2.5 An appeal of an Administrative Fine is only valid if it is made to the Secretary General no later than 21 days from receipt of the notification of the fine.
- 2.6 An appeal that does not satisfy the requirement as stated in clause 2.4 and 2.5 shall be rejected by the Secretary General.

#### 3. DISCIPLINARY COMMITTEE

- 3.1 Council has power to appoint a standing Disciplinary Committee to deal with disciplinary matters as they arise or to appoint a specific Disciplinary Committee to deal with a particular alleged offence.

The Standing Disciplinary Committee shall deal with all disciplinary matters under the Statutes unless specifically delegated to another Disciplinary Committee or judicial body. All such Disciplinary Committees shall deal with disciplinary matters according to the Disciplinary Process defined in these regulations.

The main task for any Disciplinary Committee is related to Breach of the Statutes by a player, competition official, Member Association, other body or other persons.

A disciplinary case can be rejected by the Disciplinary Committee or the Standing Disciplinary Committee Chair if:

- The case is solely about a result of a match/Event that is considered to be concluded with the finalization of the match/Event
- The case is considered to be concluded with any fine or sanction already imposed

- The case has not followed the normal procedures of dealing with such cases, e.g. that the case should have been dealt with by a Member Association.
- 3.2 The Standing Disciplinary Committee shall comprise the Chair, a Deputy Chair and three other members. The Chair will conduct any Disciplinary Meeting of the Committee together with two other members of the Committee to be appointed by the Chair. In case of a conflict of interest of the Chair, then the Deputy Chair shall conduct any Disciplinary Meeting and appoint the two other members of the Committee. All members of a Disciplinary Committee must be members of Council.
- 3.3 A member of a Disciplinary Committee may not be a witness or give written evidence in a particular case, and must not have been an official at a tournament where an alleged offence took place, or a witness to the alleged offence. A member shall have no other conflict of interest that might impact his impartiality towards any of the respondents.

## 4. DISCIPLINARY PROCESS

- 4.1 A disciplinary procedure shall be based on the rules of a fair trial and shall respect fundamental rights of all parties. The respondent has the right to a timely, fair and impartial Hearing.

A protest or appeal must be submitted in writing to the Secretary General, who must send the case to the Disciplinary Committee Chair latest 14 days after receipt. A protest or appeal must be submitted no later than 60 days after the occurrence of the alleged offence, unless in the opinion of the Disciplinary Committee Chair, exceptional circumstances are applicable (such as knowledge of the alleged offence is only discovered at a later time, e.g. in connection with irregular match fixing and betting offences). The protest or appeal shall set out the facts, reasons and evidence on which it is based. It shall be accompanied by a deposit of \$US 100, which amount shall be refunded if the protest or appeal is allowed. Appeal against Administrative Fines does not require a deposit.

A protest or appeal that does not satisfy the above requirement shall be rejected by the Secretary General.

- 4.2 It shall be permissible to the Disciplinary Committee to consider an alleged offence using only written reports and evidence. In such cases, the Disciplinary Committee must take its decision based only on the written reports and evidence, and any submission from the Respondent or the Respondent's Member Association.
- 4.3 It shall be permissible to the Disciplinary Committee to conduct the Disciplinary Process without calling a Disciplinary Meeting, but only use written communication or any other means of communication. This shall only be permissible if all members of the appointed Disciplinary Committee agree that a meeting is not necessary to conduct the proceedings. In this case the Respondent (through the Respondent's Member Association) must be informed that a Disciplinary Meeting will not be called and that hearing will only take place through written reports and evidence.
- 4.4 Any Respondent who is alleged to have committed an offence must be informed in writing via their Member Association of the fact that a Disciplinary Committee is considering the alleged offence. This written communication must include at least the name of the Respondent, the nature of the alleged offence and the nature of the evidence available.

4.5 When a Respondent attends a Disciplinary Meeting, the Respondent shall be entitled to be accompanied by an adviser or representative, together with an interpreter if desired, as Disciplinary Meetings will be conducted in English, the official language of the Federation.

4.6 Timescale and venue

4.6.1 Except if a Disciplinary Meeting is not called according to clause 4.3, any Disciplinary Meeting shall be convened as quickly as is practicable following receipt of evidence of misconduct and at the latest two months after the Disciplinary matter has been brought to the attention of the Disciplinary Committee Chair.

4.6.2 The venue or format for a Disciplinary Meeting shall be set by the Disciplinary Committee Chair. To the extent possible, the venue shall be in the same continent as the Respondent's main residence, but this shall be entirely at the Disciplinary Committee Chair's discretion.

4.7 At a Disciplinary Meeting, any expenses of a Respondent, any adviser or representative, and interpreter, together with the expenses of any witnesses called by the respondent must be met by the Respondent or the Respondent's Member Association.

Expenses of the meeting room, administration and travel and subsistence of the committee and any persons requested to attend by the Disciplinary Committee shall be met by the Federation.

4.8 A Disciplinary Meeting shall adhere to the following general principles:

4.8.1 The Chair is in charge of the meeting and any rulings on procedure from the Chair are binding.

4.8.2 The only people who may be present at the meeting are the Committee, a Minute Secretary, the Respondent, the Respondent's adviser or representative, an interpreter, a representative of the Respondent's Member Association, a person introducing the evidence to substantiate the alleged offence, and a particular witness. Observers without the right of speaking may be present at the discretion of the Chair.

4.8.3 The Chair shall start the meeting by introducing those present and explaining each person's role.

4.8.4 A person introducing the evidence (who cannot be a member of the Disciplinary Committee) shall first of all summarise the case against the Respondent and shall then introduce the evidence available. In the case of written evidence, the Respondent through his/her Member Association shall be sent a copy a reasonable time in advance of the meeting.

4.8.5 For each piece of evidence, any person involved in the proceedings, except a minute secretary, interpreter or observer, shall have the right to ask questions.

If a witness or expert is called, questions may be asked of the witness or expert and these should be answered truthfully.

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- 4.8.6 After the evidence against the respondent has been presented, the Respondent or the Respondent's adviser or representative may introduce additional evidence or call witnesses or experts.
  - 4.8.7 After all evidence and witnesses have been heard, the Respondent or the Respondent's adviser or representative will be given an opportunity to summarise the Respondent's point of view.
  - 4.8.8 The Disciplinary Committee shall consider their decision with no other person present and take a decision by vote with a simple majority. The Chair shall have a casting vote in the case of equality. The decision (guilty or not, and any penalty applied) shall be announced immediately after it is taken.
  - 4.8.9 The decision (guilty or not, and any penalty applied) shall be confirmed in writing as soon as possible after the meeting to the Respondent through the Respondent's Member Association and shall clearly state the reason for the decision. ‘
  - 4.8.10 The decision of a Disciplinary Committee will be published on the BWF website.

## SECTION 4

### APPEALS

#### 1. APPLICABILITY

- 1.1 Only the following decisions can be appealed to the Appeals Panel:
  - 1.1.1 A Disciplinary Committee decision (except cases concerning only administrative fines) can be appealed by the Respondent (or the Respondent's Member Association);
  - 1.1.2 The principle of any administrative fine imposed that has been confirmed by a Disciplinary Committee can be appealed by the Respondent (or the Respondent's Member Association);
  - 1.1.3 A case that has been dealt with by a judicial process in a Continental Confederation and where the Continental Confederation rules allow an appeal to be brought to the Federation
  - 1.1.4 Appeals only concerning rules of a Member Association cannot be appealed to the Appeals Panel unless such an appeal states that the rules of the Member Association do not adhere to the Statutes of the Federation. Such cases must first be dealt with in all the relevant judicial bodies of the Member Association.
  - 1.1.5 A valid appeal shall delay the execution of the imposed penalty, except for administrative fines imposed or in case of suspension.
- 1.2 An appeal will only be valid if:
  - 1.2.1 It is made in writing (e.g. via ordinary letter or email) and received by the Secretary General within 21 days of the receipt of the relevant decision;
  - 1.2.2 The case has gone through the normal judicial processes and relevant judicial bodies described, i.e. having been dealt with by a Disciplinary Committee or all the relevant bodies in the Continent Confederation and Member Associations.
  - 1.2.3 All administrative fines have been paid;
  - 1.2.4 It states the grounds for the appeal;
  - 1.2.5 It includes the name of one member of the Appeals Panel; and
  - 1.2.6 It is accompanied by a deposit of US \$500, which will not be returned if the appeal is unsuccessful. In case of rejection of the appeal the deposit will also not be returned if the appeal is considered trivial or frivolous by the Appeals Panel.  
An appeal that does not satisfy the requirements as stated in clause 1.2 shall be rejected by the Secretary General.

#### 2. APPEALS PANEL

- 2.1 The Appeals Panel shall consist of three members, none of whom must have been present in any capacity at any initial Disciplinary Committee that dealt with the particular case. One member shall be chosen by the Appellant and one member shall be chosen by Council no later than 14 days after the receipt of appellant's appeal by the Secretary General. These

two members shall in mutual agreement choose the Chair of the Appeals Panel. Failing agreement between the parties, the Chair shall be drawn by lot from the list of arbiters.

- 2.2 The members of the Appeals Panel shall be chosen from the list of arbiters published by the Federation after appointment by the Federation AGM upon proposal from Council. This list should include at least 2 arbiters from each continent (10) with a maximum of 25 arbiters.
- 2.3 A member of the Appeals Panel may not have an obvious conflict of interest in the appeal presented or towards any party to the appeal. More specifically, the Appeals Panel member may not be linked to the same Member Association as any party to the appeal or have any family ties with one of the parties
- 2.4 The arbiter named on the list shall not reject his nomination as member of an Appeals Panel, except in case of an existing conflict of interest or if exceptional circumstances arise. An arbiter can request to be removed from the list of arbiters at any time.
- 2.5 The general procedure of the Appeals Panel shall follow that of a Disciplinary Committee.
- 2.6 An Appeals Panel can reverse a finding of guilt, or can vary the penalty imposed by the original Disciplinary Committee. Variation of a penalty can be to increase or decrease any element of the penalty, as the Appeals Panel at its sole discretion sees fit.
- 2.7 A further appeal against a decision of the Appeals Panel may only be filed within 21 days of receipt of the Appeals Panel decision and if it is a matter of procedure, interpretation or principle of the case, and must be filed with the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland following the procedures of this Court and its decision will be final.
- 2.8 A disciplinary decision shall be deemed final if there is no appeal or if an appeal was not valid.
- 2.9 The decision of an Appeals Panel will be published on the BWF website.

## SECTION 5

### PENALTIES AND FINANCIAL COMPENSATION

1. The following penalties and financial compensation can be imposed by the judicial bodies of the Federation:
  - a. Reprimand; ;
  - b. Exclusion or suspension;
  - c. Disqualification;
  - d. Ban from competition or from performing a function;
  - e. Removal of ranking points;
  - f. Return of awarded prizes;
  - g. Withdrawal of sanction;
  - h. Fine;
  - i. Any combination of these penalties, including a combination of an Administrative Fine or other appropriate measure agreed by the Council.
2. If appropriate, the judicial body concerned may recommend payment of money as financial compensation against those (in particular member federations, clubs, players, officials) who have behaved in a negligent or inappropriate manner that has caused financial loss or damage to another party.
3. Any suspension is from all competitive events for such time as is seen fit, including possibly for life.
4. Any fine imposed on a player, competition official, or other person shall be notified to the Member Association to which the person belongs that shall have the responsibility for submitting payment to the Federation, within 60 days from the date of that notification.
5. Suspension of a player or official may be imposed by the Council, where there is strong evidence of serious misconduct, until the disciplinary process is concluded. The suspension may be terminated by Council or another judicial body of the Federation.

