

BWF JUDICIAL PROCEDURES

In Force: **XX/XX/2020**. Version 2.1.

Effective Date: 23 May 2020



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PART 1. DEFINITIONS**1. DEFINITIONS**

- 1.1. **Badminton-Related Activities** include:
- 1.1.1 Participating in any capacity in a competition or activity authorised or organised by the BWF or any of its Affiliates;
 - 1.1.2 Participating in a training camp, exhibition or practice organised by the BWF or any of its Affiliates; and
 - 1.1.3 Taking part in administrative activities, such as serving as an official, director, officer, employee, or volunteer of the BWF or any of its Affiliates.
- 1.2. **BWF Affiliates** means a person, whether natural, corporate or unincorporated, directly or indirectly affiliated to the BWF, including Continental Confederations, Members, Associate Members, member clubs of Members and Associate Members, and any organisation which has agreed to be bound by BWF Statutes.
- 1.3. **Continental Confederation** has the same meaning as in the BWF Constitution.
- 1.4. **Covered Person** means Officials, Players, or Related Persons and also includes BWF Affiliates as organisations, as well as any natural person or organisation that has accepted BWF's jurisdiction.
- Any person who ceases to be a Covered Person for any reason shall for all purposes under these Procedures and under the Statutes be deemed to be and to remain a Covered Person in respect of any investigation or allegation into conduct whilst that person was a Covered Person, and
- Any person who became a Covered Person shall be deemed to be and to remain a Covered Person for a continuous period of 12 months after the date, on each occasion, upon which that person became a Covered Person.
- Any person who is not otherwise a Covered Person but who engages in conduct which would amount to conduct which is a breach of the Statutes shall be deemed for the purposes of these Procedures as a Covered Person but shall be liable only to the Sanction(s) of a Suspension and/or a Venue Exclusion Order.
- 1.5. **Member** (and **Associate Member**) has the same meaning as in the BWF Constitution.
- 1.6. **Official** means any person (whether paid or unpaid) who is an employee, office holder (including a nominated candidate) or representative of the BWF or a BWF Affiliate, or who officiates or is a technical official or who is part of the workforce in any Tournament.
- 1.7. **Player** means any player who enters or participates in any badminton Tournament.
- 1.8. **Related Person** means any coach, trainer, therapist, physician, management representative, agent, family member, tournament guest, business associate or other affiliate or associate of any Player, or any other person who receives accreditation at a badminton Tournament at the request of the Player or any other Related Person.

- 1.9. **Statutes**, used by itself, means the Constitution and the full body of regulations of the BWF and any relevant Continental Confederation in force at any relevant date, and as published.
- 1.10. **Tournaments** means badminton tournaments recognised by the BWF in accordance with the General Competition Regulations (BWF Statutes, Section 5.1) and the Para-Badminton General Competition Regulations (BWF Statutes, Section 5.5).

PART 2. GENERAL PROVISIONS

2. PURPOSE

- 2.1. The purpose of these Judicial Procedures (**the Procedures**) is to secure the fair determination within a reasonable time of allegations of breaches of the Statutes or of governance-related disputes before the judicial bodies constituted under the BWF Statutes.

3. SCOPE OF APPLICATION

- 3.1. The Procedures govern:
 - 3.1.1 the investigation into and the determination of allegations of breaches of the Statutes which are brought before the judicial bodies constituted under these Procedures.
 - 3.1.2 the resolution of governance-related disputes arising from BWF and its Continental Confederations.
- 3.2. The Procedures shall apply to all allegations of and/or investigations into a breach of the Statutes, but are subject to the principle that if a person charged establishes that at the date of the alleged breach of the Statutes a less severe maximum Sanction would have been imposed that person will be Sanctioned only to maximum Sanction then in force.
- 3.3. These Procedures apply to all judicial procedures carried out under the Statutes, save that where the Anti-Doping Regulations apply those regulations shall take precedence when in conflict with these Procedures.

4. RESPONSIBILITY OF COVERED PERSONS

- 4.1. Covered Persons shall be deemed to have read, understood and to accept to be bound by the Statutes.
- 4.2. By participating in any Badminton-Related Activity, Covered Persons agree to waive and forfeit any rights, defences, and privileges provided by any law in any jurisdiction to withhold information requested by the BWF.

5. RESPONSIBILITY OF THE BWF AND THE CONTINENTAL CONFEDERATIONS

- 5.1. The BWF is responsible for the administration and application of these Procedures.
- 5.2. The BWF powers described in the following articles may be exercised by the BWF President, the BWF Council, or the BWF Secretary General:
 - 5.2.1 Article 10: Investigating cases as an Investigating Party.
 - 5.2.2 Article 15: Referring cases as an Investigating Party, including to refer a case despite a decision by the Referral Officer not to refer a case.
- 5.3. The Continental Confederation powers described in these Procedures may be exercised by those individuals who are empowered to exercise them according to the relevant Continental Confederation's Statutes.

PART 3. ORGANISATION**6. HEARING BODIES**

- 6.1. The following bodies have judicial powers in accordance with these Procedures:
- 6.1.1 The Independent Hearing Panel (“IHP”).
- 6.1.2 The Sports Disciplinary Panel (“SDP”).
- 6.2. The Referral Officer shall also have judicial powers as defined in these Procedures

7. THE INDEPENDENT HEARING PANEL**7.1. General**

The IHP has a general jurisdiction on cases arising from the Statutes. It acts as a first instance hearing panel for Integrity and Ethics cases, as defined in article 7.5.1, and as an appeal panel for Sports cases and for Continental Confederation governance cases.

7.2. Composition

- 7.2.1 The IHP shall comprise a panel of no fewer than seven members who are qualified against the criteria identified below, and should include at least:
- 7.2.1.1. Four members who are lawyers with substantial post-qualification experience and who are able to demonstrate expertise and experience in the governance of sport regulatory bodies and the law relating to sport; and
- 7.2.1.2. Three members who have expertise and experience in sports governance, ethics, and/or criminal/corruption investigations.
- 7.2.2 IHP members shall be nominated by the BWF Council for a renewable term of 4 years. Such nominations shall be subject to approval by the next BWF Annual General Meeting.
- 7.2.3 Should any member of the IHP be unable to fulfil that role or resign their membership of the IHP, a replacement member may be appointed on an interim basis by the BWF Council and confirmed by the next BWF Annual General Meeting.

7.3. IHP President & Deputy President

- 7.3.1 The IHP shall have a President and a Deputy President who shall be lawyers with substantial post-qualification experience.
- 7.3.2 The IHP President and Deputy President shall be nominated by the BWF Council amongst IHP members for a renewable term of four years. Such nomination shall be subject to approval by the next BWF Annual General Assembly.
- 7.3.3 The IHP President may sit on a hearing panel and shall appoint members of the IHP to constitute a hearing panel.
- 7.3.4 The IHP Deputy President may exercise any powers of the IHP President under these Procedures if the IHP President is unable to exercise them or is subject to or determined to have a conflict of interest in the matter under consideration.

7.4. Eligibility & Independence

7.4.1 No person can be a member of the IHP until that person is declared Eligible, as defined in Appendix II of the BWF Constitution.

7.4.2 No person may be appointed to be a member of the IHP or remain a member of the IHP if that person has been employed by, advised or been instructed to act for the BWF, a Continental Confederation or a member association in the two years preceding that person's proposed appointment or during such appointment.

7.5. Jurisdiction

The IHP shall hear and decide cases arising from:

7.5.1 Integrity and Ethics cases:

Breaches of the following regulations:

7.5.1.1. Code of Ethics;

7.5.1.2. Codes of Conduct for:

- Candidates for Elections (BWF Statutes, Section 2.2.1); and
- Elected Officials (BWF Statutes, Section 2.2.2).

7.5.1.3. Code on the Prevention of the Manipulation of Competitions (BWF Statutes, Section 2.4); and

7.5.1.4. Para-Badminton Classification Regulations (BWF Statutes, Section 5.5.5), in relation to Intentional Misrepresentation.

7.5.2 Sport cases:

Appeals against decisions of the SDP; and

7.5.3 Continental Confederation governance cases:

Appeals against governance-related decisions by Continental Confederations bodies where all internal routes have been exhausted.

7.5.4 Other cases

Such other cases, as are specifically stated in the BWF Statutes or as decided by the BWF Council.

8. THE SPORTS DISCIPLINARY PANEL

8.1. General

The SDP is responsible for breaches of sports-related provisions, as defined below in article 8.4.1, included in the Statutes.

8.2. Composition

8.2.1 The SDP shall comprise a minimum of ten members who are qualified against the criteria identified below, including:

8.2.1.1. A minimum of five members, nominated by the BWF President amongst BWF Council members and/or relevant external experts, and approved by the BWF Council; and

8.2.1.2. Five external members, each being appointed by one of the five Continental Confederations.

8.2.2 SDP members shall be appointed for renewable terms of four years.

8.2.3 The SDP President and Deputy President shall be nominated by the BWF President amongst the SDP members for a renewable term of four years. This nomination shall be subject to approval by decision of the BWF Council.

8.2.4 No person can be a member of the SDP until that person is declared Eligible, as defined in Appendix II of the BWF Constitution.

8.3. **SDP President & Deputy President**

8.3.1 The SDP President may sit on a hearing panel and shall appoint members of the SDP to constitute a hearing panel.

8.3.2 The SDP Deputy President may exercise any powers of the SDP President under these Procedures if the SDP President is unable to exercise them or is subject to or determined to have a conflict of interest in the matter under consideration.

8.4. **Jurisdiction**

8.4.1 The SDP shall hear and decide cases arising from breaches of the following sports-related regulations:

8.4.1.1. General Competition Regulations (BWF Statutes, Section 5.1), where such cases are not governed by the BWF Complaint Procedures;

8.4.1.2. Specific tournament regulations adopted by Continental Confederations;

8.4.1.3. Codes of Conduct that are not under the jurisdiction of the IHP; and

8.4.1.4. Such other cases, as are specifically stated in the BWF Statutes or as decided by the BWF Council.

8.4.2 The SDP shall have general jurisdiction over disciplinary cases originating from breaches of the Statutes that do not fall under the jurisdiction of the IHP as defined under these Procedures.

9. **THE REFERRAL OFFICER**

9.1. **General Provisions**

9.1.1 The Referral Officer shall be a qualified lawyer with substantial experience and expertise in legal matters related to sports, sports integrity, and sports governance and shall be appointed for a renewable term of up to four years.

9.1.2 The Referral Officer shall be appointed, and can be dismissed from that office, by the BWF Council. Such appointment or dismissal shall be subject to confirmation by the next BWF Annual General Assembly.

9.2. **Eligibility & Independence**

9.2.1 No person can be the Referral Officer until that person is declared Eligible, as defined in Appendix II of the BWF Constitution.

- 9.2.2 No person may be appointed to be the Referral Officer or remain the Referral Officer if that person has been employed by, advised or been instructed to act for the BWF, a Continental Confederation or a member association in the two years preceding that person's appointment, or during such appointment.

9.3. **Responsibilities**

The Referral Officer shall be responsible for:

- 9.3.1 Deciding, in accordance with these regulations, upon the referral of cases to the relevant judicial body;
- 9.3.2 Deciding upon the admissibility of appeals before the IHP;
- 9.3.3 Validating the administrative resolution of cases;
- 9.3.4 Deciding upon requests for interim measures, including Provisional Suspensions; and
- 9.3.5 Such other matters as are defined in these Judicial Procedures or any other BWF Statute.

PART 4. INVESTIGATIONS

10. POWER TO INVESTIGATE

10.1. General Power

The BWF and the Continental Confederations shall have the power to initiate and/or to pursue investigations into the potential or alleged breaches of the Statutes and/or regulations subject to their jurisdiction as set out in the following articles and when doing so shall be the 'Investigating Party'.

An Investigating Party shall have the power to instruct a third party to assist or to carry out any part of its investigations and may instruct and be represented by lawyers in those investigations and any matter arising therefrom.

10.2. Jurisdiction to Investigate

Subject to articles 10.2.4, 10.2.5 and 10.2.6.1, jurisdiction to investigate cases of potential or alleged breaches of the Statutes shall lie:

- 10.2.1 Exclusively with the BWF, for cases:
- 10.2.1.1 Related to BWF events: BWF Tournaments (Grade 1), the BWF World Tour (Grade 2), and from International Multi-Sport Games and Tournaments with a global scope (for example, the Olympic games), as described in the General Competition Regulations (BWF Statutes, Section 5.1) and the Para-Badminton General Competition Regulations (BWF Statutes, Section 5.5).
 - 10.2.1.2 Involving alleged or potential breaches of the Anti-Doping Regulations (BWF Statutes, Section 2.3) or the Code on the Prevention of the Manipulation of Competitions (BWF Statutes, Section 2.4).
- 10.2.2 With the Continental Confederations, for cases:
- 10.2.2.1 Related to CC events: CCs' respective Continental tournaments (Grade 3), Continental Championships, and from International Multi-Sport Games and Tournaments with a continental scope (for example,

Asian Games), as described in the General Competition Regulations (BWF Statutes, Section 5.1) and the Para-Badminton General Competition Regulations (BWF Statutes, Section 5.5).

- 10.2.3 Jurisdiction to investigate cases of potential or alleged breaches of the Statutes not included in article 10.2.1 or 10.2.2 shall be assigned as follows:
- 10.2.3.1. The BWF shall have exclusive jurisdiction to investigate cases:
- a) Involving Players who are in the top 100 of the BWF World Ranking in any discipline at the time of the alleged or potential breach, and their Related Persons; and
 - b) Involving BWF Officials, who are not also Continental Confederation Officials.
- 10.2.3.2. The Continental Confederations shall have jurisdiction to investigate cases:
- a) Involving Players other than those mentioned in article 10.2.3.1 a), and their Related Persons; and
 - b) Involving Officials from their respective organisations, who are not also BWF Officials.
- 10.2.4 The BWF may, at its sole discretion, designate a Continental Confederation to act as Investigating Party in a case in which the BWF has exclusive jurisdiction to act or to take over the responsibility to investigate as Investigating Party where:
- 10.2.4.1. The case involves an individual who is an Official of both the BWF and a continental Confederation; or
- 10.2.4.2. The relevant Continental Confederation has failed to properly investigate a potential or alleged breach of the Statutes falling within its jurisdiction within a reasonable deadline set by the BWF; or
- 10.2.4.3. These Procedures do not clearly designate an Investigating Body for a particular case; or
- 10.2.4.4. The case would otherwise involve more than one Continental Confederations having jurisdiction.
- 10.2.5 For cases under BWF's jurisdiction under article 10.2.1.1, a Continental Confederation may make an application to the Referral Officer to take over the responsibility to act as Investigating Party (without possibility for BWF to take jurisdiction back under article 10.2.4) where such Continental Confederation can show that:
- 10.2.5.1. The case involves an Official from such Continental Confederation; and
- 10.2.5.2. The BWF has failed to properly investigate a potential or alleged breach of the Statutes within a reasonable time.

- 10.2.6 BWF Members are responsible for the investigation and resolution of disputes arising under the Member's rules relating to national matters.
- 10.2.6.1. As an exception to article 10.2.6, the BWF may at its sole discretion take over and act as Investigating Party in relation to any matter concerning the sport of Badminton which affects or may affect the international image or reputation of the sport of Badminton, or the Olympic and Paralympic status of the sport of Badminton in any way.

11. FORMAL INTERVIEWS

- 11.1. In any matter in which the Investigating Party has jurisdiction, the Investigating Party may require any Covered Person to attend a Formal Interview in connection with an investigation into a breach or alleged breach of the Statutes.
- 11.2. The date, time and location of Formal Interviews shall be determined by the Investigating Party taking reasonable account of the Covered Person's personal and professional obligations.
- 11.3. Formal Interviews shall be conducted in English unless the Investigating Party and the interviewee agrees in writing prior to the interview to conduct the interview in another language.
- 11.4. The Covered Person who is an interviewee shall have the right to:
- 11.4.1 Have a lawyer attend at any Formal Interview with the interviewee, at his or her expense.
- 11.4.2 Have an interpreter present at any Formal Interview with the interviewee, at the Investigating Party's expense, if English is not the Covered Person's first language.
- 11.5. Any Formal Interview shall be recorded. Upon written request, a transcript of the Formal Interview shall be provided to the Covered Person within a reasonable period of time following such request.
- 11.6. Covered Persons are bound to cooperate with the Investigating Party and to provide accurate answers to the Investigating Party.
- 11.7. An Investigating Party is entitled to gather and obtain evidence from other forms of interviews and communications notwithstanding its power to conduct a Formal Interview.

12. DEMANDS

- 12.1. If the Investigating Party believes that a Covered Person may have breached the Statutes, the Investigating Party may demand that such Covered Person:
- 12.1.1 provide directly or by allowing the Investigating Party to access any electronic device, any information regarding the alleged breach, including, but not limited to: records relating to the alleged breach including, without limitation, any record of communication whether in hard copy or electronic and whether stored on any cloud based or remote storage system any electronic device (for example, mobile phone, tablet, computer, or laptop, etc.), any financial or betting record; and/or
- 12.1.2 provide a signed written statement setting out the facts and circumstances with respect to the alleged breach requested by that demand.

- 12.2. A demand made under article 12.1 may be made orally or in writing by the Investigating Party and shall once made be a Demand.
- 12.3. The Covered Person shall provide the requested information:
 - 12.3.1 For Demands under article 12.1.1, immediately, or within such other time as may be set by the Investigating Party.
 - 12.3.2 For Demands under article 12.1.2, within seven days, or within such other time as may be set by the Investigating Party.

13. CONFIDENTIALITY & PRIVACY

- 13.1. Any information collected by the Investigating Party as part of an investigation shall be kept confidential and used only for the purposes of the investigation and the prosecution under these Procedures of a potential breach of the Statutes except:
 - 13.1.1 where it is necessary to disclose limited data (including the name of the Covered Person) to betting operators or betting monitoring bodies for the purpose requesting betting data; or
 - 13.1.2 to third parties who hold relevant information relating to the investigation in order to obtain that information.
 - 13.1.3 to assist intelligence gathering bodies or monitoring bodies (such as the IOC Integrity Betting Intelligence System (IBIS)) or law enforcement authorities in investigating or prosecuting a potential offence under applicable laws and regulations.
- 13.2. Notwithstanding the above, the Investigating Party may disclose information where compelled to do so by law.

14. FAILURE TO COOPERATE

- 14.1. Covered Persons shall cooperate to establish facts and, in particular, comply with requests, including Demands and Formal Interviews, made in the course of investigations and disciplinary process under these Procedures.
- 14.2. Covered Persons shall cooperate with any investigation and disciplinary process carried out under these Procedures, including, without limitation, by providing accurately, completely and without undue delay any information and/or record and/or documentation and/or access or assistance requested as part of such investigation or disciplinary process.
- 14.3. Covered Persons shall not obstruct, hinder or delay any investigation or disciplinary process carried out under these Procedures, including without limitation by concealing, tampering with or destroying any record and/or documentation or other information that may be relevant to the investigation or disciplinary process.

PART 5. REFERRALS

15. REFERRAL PROCESS

15.1. Request for Referral

At any time, an Investigating Party may request a determination of a charge of a breach of the Statutes before the competent judicial body in accordance with these Procedures by making a Request for Referral to the appropriate person in respect any Cover Person or Covered Person persons charged by the Investigating Party in respect of the same matter or investigation.

15.2. Formal Requirements

Any Request for Referral shall include:

- 15.2.1 Charge(s) alleged against the Covered Person(s);
- 15.2.2 A copy of all evidence in support of the charge;
- 15.2.3 Any material which has been obtained during the investigation which might reasonably assist the person charged in defending the charge; and
- 15.2.4 If any such application is made, an application for a Provisional Suspension.

15.3. Referrals to the SDP

- 15.3.1 In any case which falls for determination by the SDP, the Investigating Party shall make the Request for Referral by email to the BWF Secretary General (legal@bwfbadminton.org) or such other email as is published by the BWF.
- 15.3.2 Upon receipt, the BWF Secretary General shall promptly forward the case to the SDP President in any case in which the Formal Requirements have been complied with.
- 15.3.3 If the SDP President determines that the SDP is competent to hear the case and that the case is not frivolous, the SDP President shall start a disciplinary process pursuant to these Procedures.

15.4. Referrals to the IHP

- 15.4.1 In any case which falls for determination by the IHP, the Investigating Party shall make the Request for Referral to the Referral Officer.
- 15.4.2 The Referral Officer shall promptly review the Request for Referral and may:
 - 15.4.2.1 Refer the case to the IHP, if the Formal Requirements are respected and the Referral Officer considers that there are reasonable prospects of establishing the charge based on the Referral Request; or
 - 15.4.2.2 Decide not to refer the case to the IHP, if the Formal Requirements are not complied with or the Referral Officer considers that there are no reasonable prospects of establishing the charges based on the Referral Request.
- 15.4.3 If the Referral Officer refers the case to the IHP, a disciplinary process shall be started before the IHP. If the Referral Officer does not refer the case to the IHP, the Investigating Party or the BWF may refer a case to the IHP, despite the Referral Officer's decision not to do so.

16. PROVISIONAL SUSPENSION

16.1. Definition

A Provisional Suspension is a Suspension that is imposed prior to the hearing relating to a charge that has been referred to the relevant hearing panel.

16.2. Application for Provisional Suspension

- 16.2.1 At any time following the referral of a case, the Investigating Party may request the Referral Officer to impose a Provisional Suspension on the Covered Person being charged.

- 16.2.2 In deciding whether to impose a Provisional Suspension, the Referral Officer shall consider whether, on the balance of probabilities, the Covered Person appears to have breached the Statutes.

16.3. Appeal of Provisional Suspensions

Provisional Suspensions may be appealed exclusively before the IHP, whose President shall appoint a single member of the IHP to hear and determine the appeal.

- 16.3.1 Any appeal against the imposition of a provisional suspension must be filed to the BWF within 7 days of receipt of the Provisional Suspension and must include the grounds of appeal against the provisional suspension
- 16.3.2 The IHP member hearing the appeal against the Provisional Suspension shall be a lawyer, and shall not be able to be a member of the hearing panel deciding on the merits of the case.
- 16.3.3 The IHP member's decision on the appeal against a Provisional Suspensions is final.

17. ADMINISTRATIVE RESOLUTION OF DISCIPLINARY CASES

17.1. Principle

A Covered Person who is charged with a breach of the Statutes may at any time following an offer by the Investigating Party:

- 17.1.1 admit that breach; and
- 17.1.2 if the breach is admitted, accept a sanction.

17.2. Offer for Administrative Resolution

- 17.2.1 Offers for Administrative Resolution are made without prejudice and do not bind the Investigating Party at any step of the disciplinary process.
- 17.2.2 Sanctions offered under this article shall be proportionate to the severity of the breach committed by the person charged.
- 17.2.3 Prior to making an Offer for Administrative Resolution where a Sanction is offered, the Investigating Party shall obtain the approval of the Referral Officer to the sanction offered.

17.3. Effect of Acceptance

- 17.3.1 Where the Covered Person only admits the breach with which the Covered Person is being charged, the case shall be referred to a hearing panel for determination of the Sanction.
- 17.3.2 Where the Covered Person admits the breach and accepts the Sanction, the agreed Sanction shall be immediately applicable and the case shall not then be referred to a hearing panel. Any Sanction that is accepted pursuant to this article shall not be subject to any appeal, except for anti-doping matters, as stated in the Anti-Doping Regulations (BWF Statutes, Section 2.3).

PART 6. HEARINGS

18. CONSTITUTION OF THE HEARING PANEL

- 18.1. Once a judicial process has been started before the relevant judicial body, its President shall constitute a hearing panel, with members selected on the basis

of their expertise and/or experience in the subject-matter. The President of the judicial body shall also appoint a Chair for the hearing panel who, in the case of the IHP, shall be a lawyer.

- 18.2. Subject to articles 18.3 and 18.4 hearing panels shall be constituted by three members.
- 18.3. The President of the relevant judicial body having considered the complexity of the matter exercised that President's shall have discretion to decide for the hearing panel to be made of a single member, who shall act as Chair.
- 18.4. If, having constituted a hearing panel of three members, a member of the hearing panel is prevented from completing his or her role:
 - 18.4.1 prior the hearing of evidence: the President of the relevant judicial body shall appoint a new member or Chair to the hearing panel.
 - 18.4.2 after the hearing of evidence: the decision of the hearing panel may be rendered by two members and the President of the relevant judicial body shall nominate one of those members to act as Chair.

19. IMPARTIALITY & INDEPENDENCE

19.1. General Principle

Every hearing panel member shall be impartial and independent of the parties at the time of accepting an appointment to serve and shall remain so until the final award has been rendered or the proceedings before the hearing panel have otherwise terminated.

19.2. Conflicts of interest

- 19.2.1 Any hearing panel member shall make prompt and full disclosure of any potential conflict of interest or any matter that might give rise of a perception of bias to the parties.
- 19.2.2 No member of the hearing panel shall sit or continue to sit in a case in which that member has a conflict of interest or their appointment reasonably gives rise to a perception of bias.
- 19.2.3 Any issue of bias or conflict of interest shall be determined by the Chair of the hearing panel, or if the issue raised concerns the Chair, by the judicial body's President. The Chair of the hearing panel or relevant President shall invite any submissions from the parties before making a determination. Such determinations are final and binding.

19.3. Procedure

- 19.3.1 Upon appointment to a hearing panel, the hearing panel members shall disclose any actual or potential bias or conflict of interest. The parties may raise an objection to any of the hearing panel members they believe to be subject to a conflict of interest or bias.

19.4. Other

- 19.4.1 To the extent that it is possible, BWF Council members and persons appointed by the Continental Confederations to the SDP shall not sit on SDP hearing panels where they come from the same continent as the defendant.

20. FUNDAMENTAL PROCEDURAL RIGHTS

All processes under the Procedures shall respect the following principles:

- 20.1. Presumption of innocence;

- 20.2. Right to a fair hearing, within reasonable time, by an impartial hearing panel;
- 20.3. Right to be represented by lawyer;
- 20.4. Right to be informed of nature and cause of charges, as well as the possible consequences;
- 20.5. Right to call witnesses and give evidence in his/her defence;
- 20.6. Right to have an interpreter; and
- 20.7. Right to a timely, written, reasoned decision.

21. CONFIDENTIALITY & DISCLOSURE

Confidentiality

- 21.1. Subject to the following articles, the proceedings and evidence before the judicial bodies shall be confidential.
- 21.2. Any hearing shall take place in private, unless having afforded the parties an opportunity to address the issue, the Chair of the hearing panel determines that members of the press or of the public are to be admitted.
- 21.3. No person shall disclose any information that is confidential according to these Procedures other than as is permitted by these Procedures.
 - 21.3.1 The BWF, the Continental Confederations and the member associations shall only share information within their respective organisations on a need-to-know basis.

Disclosure to the Member Association

- 21.4. The BWF shall disclose the identity of the defendant to the defendant's member association upon the defendant being charged with a breach.
- 21.5. The relevant member association shall also be informed of the imposition of any Provisional Suspension.

Public Disclosure

- 21.6. The BWF may publicly disclose the identity of a person who is charged and the charges laid against that person under the Statutes after a Provisional Suspension has been imposed or a Decision with Reasons has been notified to the defendant in which case the BWF may also publish any sanction.
- 21.7. The BWF may respond to public comments attributed to the defendant or its representatives.

22. EXEMPTION FROM LIABILITY

- 22.1. No member of the judicial bodies is competent nor can be called as a witness in any proceedings and no member shall be held liable or have any liability for any act or omission relating to or arising from any disciplinary procedure conducted pursuant to these Procedures in any jurisdiction.

23. APPLICABLE LAW

- 23.1. Where these Procedures are silent, proceedings shall be governed by and be construed in accordance with the law of England and Wales.

24. NOTIFICATIONS

- 24.1. Any notifications related to judicial procedures shall be deemed to have been served 24 hours after the time of sending if sent by email to the email address of the recipient.

- 24.1.1 Notifications to Covered Persons are deemed to have been sent and received if they were made to that person's email address, or to that person's nominated lawyer's professional email address.
 - 24.1.2 Notifications to the BWF are deemed to have been sent and received if they are sent by email to legal@bwfbadminton.org.
 - 24.1.3 Notifications to the Referral Officer are deemed to have been sent and received if they are sent by email to legal@bwfbadminton.org.
 - 24.1.4 Notifications to Continental Confederations are deemed to have been sent and received if they are sent to the email address for that Continental Confederation published on that Continental Confederation's website.
- 24.2. Notifications may also be sent by any other method that guarantees the security and confidentiality of the communication, including without limitation, through the relevant member association, via post, hand delivery, facsimile, or other forms of electronic messaging. The sending party shall have the burden of proving the receipt of such notification. Proof of receipt shall be proof of service.

25. ABSENCE OF THE DEFENDANT

- 25.1. In the defendant's absence, the Chair of the hearing panel may hear a case and Sanction a defendant, provided that the Investigating Party can show that it has made reasonable efforts to notify the defendant of the judicial procedure.

26. FORMAT OF HEARING

- 26.1. Hearings shall be held in person unless the Chair of the hearing panel, after consulting the other hearing panel members and the parties decides to render a decision only on the basis of the written submissions and evidence served on the hearing panel or of submissions made by any means of remote communication.
- 26.2. The Chair of the hearing panel shall have absolute discretion as to the procedure at the hearing. The Chair in exercising that discretion shall have regard to the need to give all parties the opportunity to be heard, including to call witnesses, and should give the defendant the opportunity to reply to any submissions made by the Investigating Party.

27. PROCEDURAL TIMETABLE

- 27.1. The Chair, in consultation with the other members of the hearing panel, shall have absolute discretion to set and to amend, on application, a procedural timetable and may convene a hearing by any means to address timetable issues.
- 27.2. If there is any failure to comply with any time limit set by a procedural time limit, the Chair shall have absolute discretion to sanction the party in default in costs or by refusing to admit evidence or submission.

28. CONSOLIDATION OF PROCEDURES

- 28.1. If the Investigating Party has not brought charges against more than one person but has brought separate cases and where those cases involving different parties rest on similar facts, evidence or legal considerations, the Chair of the relevant judicial body may, after consulting the parties, decide to consolidate proceedings before the relevant judicial body.

29. LOGISTICS

The hearing panel shall consider the fair administrative of justice, costs, and confidentiality in deciding logistical aspects of procedures.

- 29.1. The location of the hearing shall be decided by the Chair. The Chair should take into consideration the continent of the defendant's habitual residence.
- 29.2. The hearing shall be conducted in English. Where the Defendant requests it, or where necessary, the BWF shall provide at its own costs an interpreter for the purposes of translation of the evidence at the hearing.

30. ATTENDANCE AT THE HEARING

- 30.1. The only persons who may be present and speak at the hearing are:
 - The members of the hearing panel;
 - The Parties and their respective lawyers/interpreters;
 - A representative from the defendant's member association, where requested by the defendant;
 - Representative(s) of the BWF, where the BWF is not a party to the case;
 - Witness(es), when required to attend by either party or the hearing panel.
- 30.2. The following persons may attend the hearing as observers, without the right to address the hearing panel:
 - Minute secretary;
 - Administration staff for the hearing;
 - Any other person, at the absolute discretion of the Chair.

31. EVIDENCE

31.1. General

A hearing panel shall be entitled to receive and to consider such evidence and evidence in such form as it shall consider to be fair, notwithstanding that any such evidence might be inadmissible in civil proceedings. The hearing panel shall not be bound by the strict rules of evidence that exist in civil courts. It may admit and consider evidence which it finds relevant and give such weight to such evidence as it shall decide reasonable and refuse to admit evidence it finds irrelevant.

- 31.2. At the commencement of any hearing, the Chair of the hearing panel shall explain the procedure that will be adopted at the hearing to the parties and may determine the procedure to be followed.
- 31.3. The Chair of the hearing panel in consultation with the other members of the panel shall have the power to adjourn any hearing upon any such terms as to costs or otherwise as are considered in the Chair's absolute discretion to be considered to be reasonable.

31.4. Witnesses

- 31.4.1 Witnesses shall not give evidence on oath but shall be obliged to tell the truth and shall answer questions put to them to the best of their knowledge and belief.
- 31.4.2 It is the responsibility of the parties to ensure the appearance of the witnesses requested by them and to pay all costs and expenses in connection with their appearance.
- 31.4.3 With permission from the Chair, which is not to be unreasonably withheld, witness evidence may also be presented in other forms, including by video, audioconference or by written statement.

31.5. **Additional evidence**

The hearing panel may, at any time, order or permit the production of additional documents, the examination of witnesses, or may decide to appoint and hear experts.

32. **STANDARD AND BURDEN OF PROOF**

32.1. The standard of proof in all matters under these Procedures shall be the balance of probabilities and a matter will be found proved if it is more likely to have occurred than not.

32.2. The burden of proof regarding an allegation of breach rests on the Investigating Party.

33. **SECRETARIAT**

33.1. The BWF shall provide a Secretariat for hearing panels. The Secretariat shall be a nominated person, either within the BWF or external to the BWF, who shall have the responsibility for communications between the Parties, the BWF, and the hearing panel.

33.2. The Secretariat shall promptly forward:

33.2.1 Any material communication from the panel to the parties, unless the Chair directs otherwise.

33.2.2 Any material communication from the parties to the hearing panel and to any other party.

PART 7. DELIBERATIONS AND DECISIONS

34. **DELIBERATIONS**

34.1. The hearing panel shall deliberate in private on any matter before it, by any manner and method considered appropriate by the Chair.

35. **DECISIONS**

35.1. **Decision making**

35.1.1 Decisions are passed by a simple majority of the members of the hearing panel. Where, for any reason, the hearing panel is of an even number, the Chair shall have the casting vote.

35.1.2 The voting shall remain private and confidential to the hearing panel and no party or member shall publish or disseminate any dissenting opinion.

35.2. **Decision Without Grounds**

35.2.1 Save in exceptional circumstances, the hearing panel shall communicate the terms of its Decision Without Grounds within 15 days from the date of the conclusion of the hearing. The terms of the Decision Without Grounds shall include the findings on any allegation or charge, but not necessarily the reasons for making those findings.

35.3. **Reasoned Decision**

35.3.1 Save in exceptional circumstances, the hearing panel shall deliver to the BWF its reasons for its decision (**the Reasoned Decision**) within 45 days from the date of the conclusion of the hearing. The failure to respect this deadline shall not vitiate the judicial process.

35.3.2 The Reasoned Decision shall include the composition of the hearing panel, the names of the parties, a summary of the facts, the reasons for the decision, the provisions on which the decision was based, the terms of the decision, and a notice of the channels for appeal, if applicable.

35.4. Notification

35.4.1 The BWF shall promptly notify the Decision Without Grounds and the Reasoned Decision to the parties and, if it was not a party to the proceedings, to the Member Association of the defendant.

35.5. Public disclosure

35.5.1 Except where the defendant is exonerated, the Investigating Party shall publish any Reasoned Decision delivered in application of the Procedures. Where the defendant is exonerated, the Investigating Party shall ask for the defendant's consent before publishing the decision.

35.5.2 The Investigating Party may at its own discretion, redact any information that could compromise the privacy or the security of any person involved in the judicial procedure, including the parties, witnesses or informants.

PART 8. APPEALS

36. SCOPE OF APPEALS

36.1. Subject to the provisions of this section, a decision of a hearing panel shall be final and shall take effect on the date upon which the Decision Without Grounds is notified to the parties.

36.2. An appeal may only be made against a decision on the grounds that:

36.2.1 It was wrong in law;

36.2.2 It was not reasonably supported by the evidence;

36.2.3 It was not justified by the reasons given for it; or

36.2.4 In respect of a Sanction, it was manifestly excessive or unduly lenient.

36.3. Any appeal shall proceed as an appeal by review of the decision of the hearing panel and no evidence shall be considered by any appeal body that was not before the hearing panel that delivered the reasoned decision unless it is shown that:

36.3.1 The evidence is relevant, probative and capable of affecting the Reasoned Decision; and

36.3.2 The evidence could not with reasonable diligence have been obtained and put before the hearing panel that delivered the Reasoned Decision.

37. APPEALS TO THE IHP

37.1. General

The following decisions may exclusively be appealed to the IHP:

37.1.1 Decisions by the SDP, except those concerning Administrative Fines.

37.1.2 Decisions rendered by Continental Confederation bodies on governance matters, if and only if all internal appeal routes have been exhausted.

37.2. Appeal Submission

For an appeal to be admissible, the person making the appeal (the **Appellant**) shall comply with all of the following conditions:

- 37.2.1 The BWF may appeal any decision rendered by a hearing panel otherwise the Appellant must have been a party to the appealed decision.
- 37.2.2 The Appellant must file a Notice of Appeal complying in all respects to article 37.2.3, within 21 days of service of the Reasoned Decision from which the appeal arises.
- 37.2.3 The Notice of Appeal must:
 - 37.2.3.1. Be submitted by email to the BWF Secretary General (legal@bwfbadminton.org).
 - 37.2.3.2. Identify the Appellant;
 - 37.2.3.3. Identify the decision being appealed, by attaching a copy of the decision;
 - 37.2.3.4. Specify the grounds for the appeal;
 - 37.2.3.5. Indicate the remedy sought through the appeal;
 - 37.2.3.6. Identify all documents, factual and expert witnesses, and other evidence to be relied on in support of the appeal;
 - 37.2.3.7. be accompanied by a fee of USD 500 (and proof of payment of the fee must also be included with the Notice of Appeal).
- 37.2.4 The appeal shall not be obviously frivolous or filed in bad faith.
- 37.2.5 Upon receipt, the BWF Secretary General shall promptly forward the case to the Referral Officer in any case in which the formal requirements for the Notice of Appeal have been complied with.
- 37.2.6 In any case of dispute, the Referral Officer shall have jurisdiction and shall determine whether the requirements for the appeal have been complied with. Appeals which do not fulfil these requirements shall be dismissed.

38. APPEALS TO THE COURT OF ARBITRATION FOR SPORT

- 38.1. Subject to articles 38.2 and 38.3, any decision of the IHP may be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of sports-related arbitration. The time limit for appeal is 21 days after the service of the Reasoned Decision concerning the appeal. The language of the arbitration shall be English
- 38.2. Only the parties to the IHP decision, and the BWF if it was not a party, shall have the right to appeal the decision to the Court of Arbitration for Sport.
- 38.3. For decisions of the IHP where the SDP was the first instance hearing panel, an appeal may only be made on the ground that there was a material breach of a party's fundamental procedural rights which lead to an incorrect decision.

39. EFFECTS OF APPEALS

- 39.1. Any valid appeal shall not prevent a sanction from taking effect, except where such sanction is a fine or where the IHP or the Court of Arbitration for Sport so orders.
- 39.2. For appeal procedures before the SDP or the IHP, any appeal fee paid pursuant to these Procedures will be reimbursed to the appellant where the appeal is successful and the finding of guilt is reversed.

PART 9. COSTS AND EXPENSES

40. COSTS

- 40.1. Any party may apply to the hearing panel to make an order for costs, but such application shall be made within 7 days of the notification to that party of the Reasoned Decision.
- 40.2. Unless otherwise ordered by the hearing panel after the Reasoned Decision is provided to the parties:
 - 40.2.1 Each party shall bear its own costs, including the costs of its own witnesses, representatives, lawyers, interpreters and counsel in preparation for an in attendance for a hearing.
 - 40.2.2 The costs of proceedings related to the hearing panel, including the administration of the hearing, the expenses of the hearing panel members, and of any person that was requested to attend by the hearing panel shall be borne by the BWF.
- 40.3. At any time during the proceedings the Chair of a hearing panel may order that a party should pay some or all of the costs of any other party incurred in the preparation for and conduct of the hearing if that party has generated or caused unnecessary costs by its conduct, irrespective of the outcome of the procedure.
- 40.4. The hearing panel that renders a decision shall also have a discretion to order that one party should pay some or all of the costs of any other party to the procedure. In exercising that discretion, the hearing panel shall have regard to the fact that the BWF has an obligation to pursue disciplinary proceedings to protect the integrity and good reputation of the sport of badminton. Any decision on costs shall not be subject to appeal independent of an appeal on the merits of the decision.

PART 10. SANCTIONS & COMPLIANCE

41. TYPES OF SANCTIONS

- 41.1. The following sanctions may be imposed by BWF hearing panels on Covered Persons:
 - 41.1.1 Reprimand;
 - 41.1.2 Suspension;
 - 41.1.3 Dismissal;
 - 41.1.4 Disqualification;
 - 41.1.5 Forfeiture of rewards;
 - 41.1.6 Venue Exclusion Order;
 - 41.1.7 Fine; and
 - 41.1.8 Administrative Sanctions.

42. SANCTION DEFINITIONS

42.1. Reprimand

A reprimand is a rebuke and a warning as to future conduct which may be referred to in any future disciplinary proceedings as an aggravating factor of any subsequent breach of the Statutes.

42.2. Suspension

42.2.1 A Suspension is a prohibition on Badminton-Related Activities for a defined period of time, including for life.

42.2.2 A hearing panel may in exceptional circumstances exclude from the scope of a Suspension particular Badminton-Related Activities (as delineated in the definition of that term) in circumstances where the hearing panel is satisfied that the exclusion is reasonable and proportionate and the integrity and reputation of the sport of badminton can be sufficiently protected.

42.2.3 In imposing a Suspension, the hearing panel shall take account of any period of a Provisional Suspension and shall state whether the Suspension commences from the date of the Decision without Grounds or the date of the Provisional Suspension's imposition.

42.3. Dismissal

A Dismissal is an order prohibiting a person from serving in a specified capacity.

42.4. Disqualification

Disqualification means the person's competitive results in a particular competition are removed and declared null and void, with all resulting consequences, including forfeiture of any medals, points, and prizes. In such cases, the BWF may at its sole discretion award the disqualified result to another competitor in the affected competition(s).

42.5. Forfeiture of rewards

Forfeiture of rewards means the loss of some or all of an individual's medals, points, and/or prizes which shall be returned or repaid forthwith to the awarding person or body.

42.6. Venue Exclusion Order

A Venue Exclusion Order is a prohibition from entering all or specific badminton competition venues.

42.7. Fine

42.7.1 A Fine is a pecuniary penalty imposed to an individual or an organisation. It is issued and shall be paid in USD, according to the terms and time limits for payment set by the hearing panel that imposes it.

42.7.2 Where a Fine is imposed to an individual belonging to a member association, such member association shall be responsible for making payment of the Fine to the BWF up to a limit of USD 5,000. Such payment shall be made within 60 days from the date of notification of the decision imposing the Fine or such other date as shall be set by the hearing panel. Where payment is made on behalf of an individual belonging to a member association, such individual shall remain liable to the BWF for the unsettled balance of any Fine.

42.7.3 The BWF or Investigating Party shall be entitled to seek recovery of any unpaid Fine as a debt.

42.8. Administrative Sanctions

Administrative Sanctions may take the form of Administrative Fines or Venue Exclusion Orders:

Administrative Fine

42.8.1 An Administrative Fine is an automatic fine imposed by the BWF or by a Continental Confederation, without a hearing, for a summary offence in accordance with the Statutes. Where it is imposed by a Continental Confederation, such Administrative Fine shall be of a maximum of USD 2,000.

42.8.2 Administrative Fines, where allowed, may only be appealed to the SDP within 21 days from notification and shall be heard by a one-member hearing panel. The Notice of Appeal shall include the grounds for the appeal, any supporting documentation, as well as an appeal fee of USD 200.

Venue Exclusion Order

42.8.3 A Venue Exclusion Order is a prohibition from entering all or specific badminton competition venues. Where it is an Administrative Sanction, imposed without a hearing, it may not be imposed on Players.

43. DETERMINING THE SANCTION

43.1. General

The hearing panel deciding upon the sanction shall determine the type and extent of any sanction, its scope and duration, considering all relevant mitigating and aggravating factors in a case and the degree of guilt of the party when imposing a sanction. The hearing panel shall be bound to impose a proportionate sanction.

43.2. Aggravating and mitigating factors

In determining a sanction, at least the following factors shall be taken into consideration where applicable:

43.2.1 The number of breaches of the Statutes found, the duration of the breaches, the extent of the breaches and the circumstances of the breaches including but not limited to the financial consequences and intentions surrounding the breaches;

43.2.2 Any timely admission of guilt, the degree of culpability, the display of remorse, the planning, purpose, and extent of effort invested when committing the breach;

43.2.3 Whether the breaches took place in circumstances of choice or under some or any compulsion;

43.2.4 The youth and experience of the person concerned;

43.2.5 Ignorance or insufficient understanding about the rules;

43.2.6 Any substantial assistance and cooperation provided by the person concerned during the investigation;

43.2.7 Any previous offences committed and the disciplinary record of the person concerned;

43.2.8 The context and motivations including personal relationships, financial situation, medical conditions, and other specific personal circumstances; and

43.2.9 The consequences of any breaches on the course or result of a competition and the overall integrity of the competition and of the sport of badminton and of any other person.

43.3. Other factors

In addition to the factors listed above, the hearing panel shall also take into account aggravating and mitigating factors mentioned in specific regulations (e.g. those factors mentioned in the Code on the Prevention of the Manipulation of Competitions).

44. FAILURE TO RESPECT DECISION

44.1. Anyone who fails to comply with a final decision passed by a BWF judicial body or the Court of Arbitration for Sport under these rules:

44.1.1 will be granted a final deadline of 30 days in which to pay the amount due or to comply with the non-financial decision;

44.1.2 in the case of member associations, upon expiry of the aforementioned final deadline and in the event of persistent default or failure to comply in full with the decision within the period stipulated, the member association shall lose its right to enter Players in Tournaments, without prejudice to other consequences;

44.1.3 in the case of natural persons, upon expiry of the aforementioned final deadline and in the event of persistent default or failure to comply in full with the decision within the period stipulated, a further sanction may be imposed.

44.2. Where an individual who has been suspended violates the Suspension that was imposed to him or her, the results of such participation shall be Disqualified and a new suspension equal in length to the original suspension shall be added to the end of the original suspension. The new Suspension may be adjusted by a one-member hearing panel of the judicial body who originally imposed the Suspension. The hearing panel take into account the individual's degree of fault and other circumstances of the case.

PART 11. MISCELLANEOUS

45. INTERPRETATION OF THE PROCEDURES

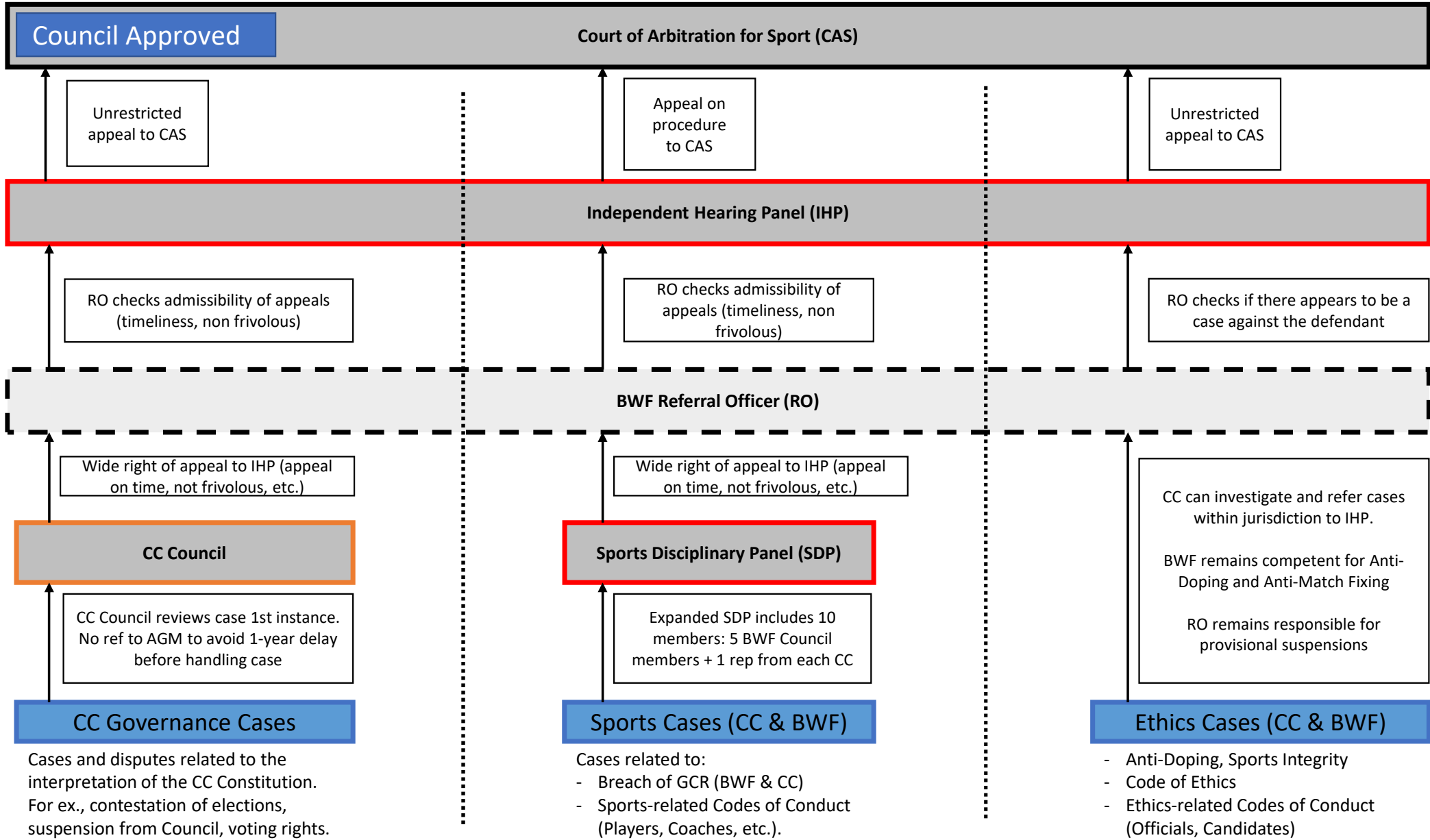
45.1. The President of the IHP shall have the power to interpret these Procedures pursuant to article 19.1.10 of the BWF Constitution.

45.2. The Chair of the hearing panel shall have the power to interpret these Procedures in the context of a specific disciplinary procedure. The Chair may ask the President of the IHP for interpretative advice.

46. AMENDMENTS & ENTRY INTO FORCE

46.1. These Procedures may be amended by the BWF Council pursuant to article 19.1.5 of the BWF Constitution.

46.2. These Procedures and any future amendment shall enter into force as from the day following their approval, and shall be applicable to all procedures initiated as from such day, save for purely procedural amendments, which shall be applicable to all procedures, including those that are pending.



Council Approved

Court of Arbitration for Sport (CAS)

Independent Hearing Panel (IHP)

BWF Referral Officer (RO)

CC Council

Sports Disciplinary Panel (SDP)

CC Governance Cases

Sports Cases (CC & BWF)

Ethics Cases (CC & BWF)

Unrestricted appeal to CAS

Appeal on procedure to CAS

Unrestricted appeal to CAS

RO checks admissibility of appeals (timeliness, non frivolous)

RO checks admissibility of appeals (timeliness, non frivolous)

RO checks if there appears to be a case against the defendant

Wide right of appeal to IHP (appeal on time, not frivolous, etc.)

Wide right of appeal to IHP (appeal on time, not frivolous, etc.)

CC Council reviews case 1st instance. No ref to AGM to avoid 1-year delay before handling case

Expanded SDP includes 10 members: 5 BWF Council members + 1 rep from each CC

CC can investigate and refer cases within jurisdiction to IHP.
BWF remains competent for Anti-Doping and Anti-Match Fixing
RO remains responsible for provisional suspensions

Cases and disputes related to the interpretation of the CC Constitution. For ex., contestation of elections, suspension from Council, voting rights.

Cases related to:

- Breach of GCR (BWF & CC)
- Sports-related Codes of Conduct (Players, Coaches, etc.).

- Anti-Doping, Sports Integrity
- Code of Ethics
- Ethics-related Codes of Conduct (Officials, Candidates)