

COMPLAINT ~~GUIDELINES AND PROCEDURES~~

In Force: ~~01XX/0610/20172019~~

Effective Date: 23 May 2020



Overview

This document ~~is intended to provide guidelines~~ lays down procedures for inquiries and complaints in connection with different types of cases/situations. Please refer to the relevant section ~~depending on the type of inquiry/complaint.~~

~~Overall, there are typically three types of inquiries received by the BWF:~~

1. Questions
2. Cases related to misconduct and offences. ~~These are dealt with in the BWF Judicial System~~
3. Complaints related to:
 - 3.1. Handling or interpretation of BWF Competition Regulations ~~(BWF statutes)~~
 - 3.2. Governance issues under the BWF Constitution
 - 3.3. General services provided by the BWF

2.1. Questions ~~QUESTIONS~~

Various departments in BWF get questions and inquiries related to a range of different matters and as part of the service provided by the BWF, such questions/inquiries are answered from time to time.

~~The BWF Questions are accepted~~ accepts and will answer questions from all stakeholders (Members Associations, players, coaches, technical officials, the public, etc.) ~~and answers are provided.~~

The BWF Secretariat however reserves the right to stop providing information to an individual and refer the individual to seek information with or through the Member Association in the following cases:

- The individual has asked repeatedly similar questions and the BWF does not find it relevant to keep on providing further information.
- The question should have been asked to the relevant Member Association in the first place.
- The question is, in the BWF's sole opinion, frivolous.

~~This will typically be in cases where an individual has asked repeatedly around the same case and BWF does not find it relevant to keep on providing further information or the questions are becoming frivolous.~~

The service standard for answering such questions/inquiries are within 10 working days, but mostly answers are provided soonest and within very few days (especially where time is of essence).

3.2. Cases related to Misconduct and Offences ~~CASES RELATED TO DISCIPLINARY OFFENCES~~ ~~Judicial System~~

BWF has a judicial system to decide on any offences and misconduct committed during tournaments or in connection with activities under the authority of the BWF (see BWF over and also refer to Handbook I – Judicial Procedures ~~(BWF Statutes, Section 3.1)~~).

The Judicial ~~judicial~~ system covers players, officials (elected officials and technical officials), and related persons (trainers, coaches, team managers, delegates, representatives, doctors etc.).

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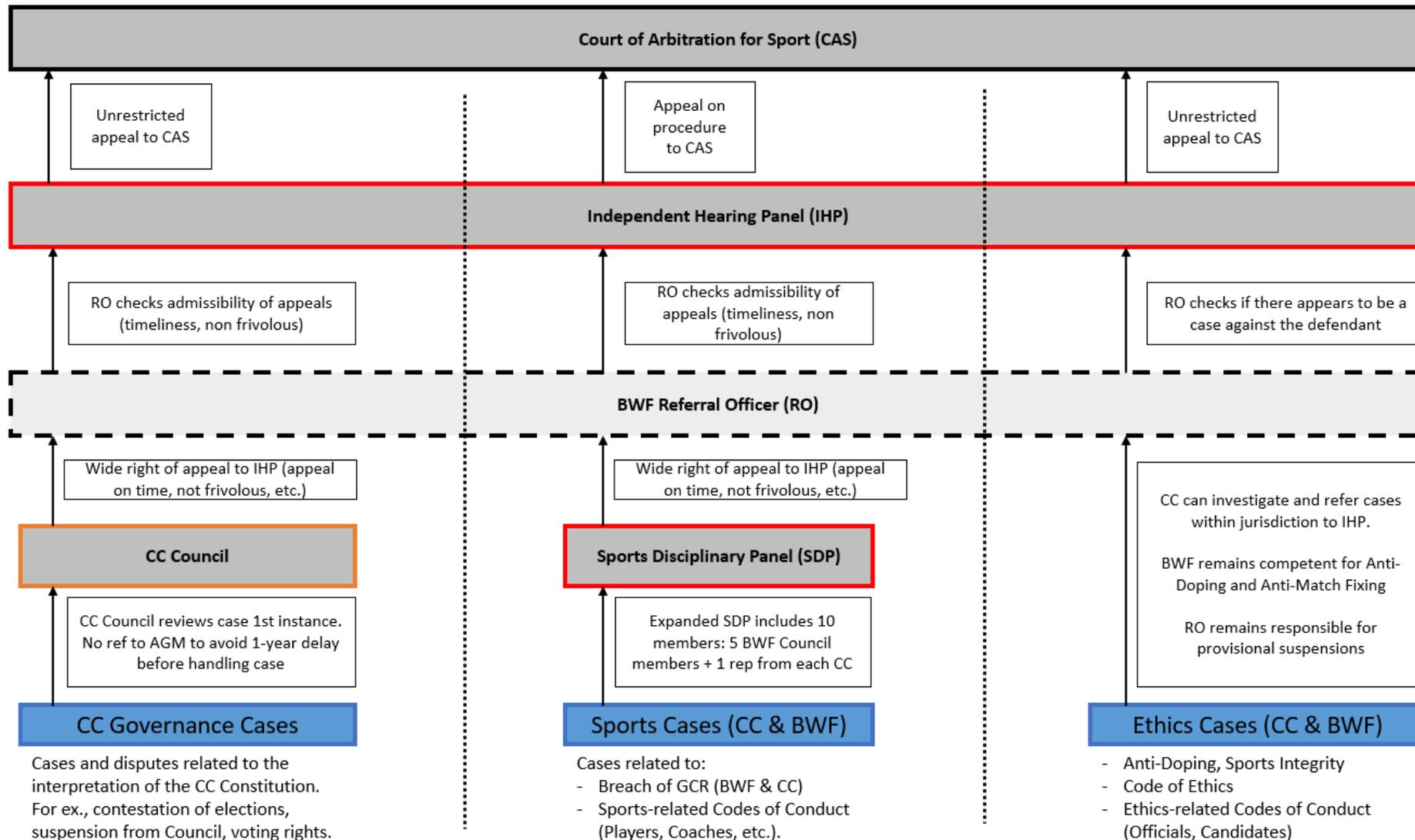
~~technical officials, volunteers or~~ as well as other groups connected to tournament activities or activities ~~the other~~ organizations undertake under the authority of the BWF.

~~The judicial system also covers Council members and other elected people in the BWF in connection with any offence and misconduct.~~

Depending on the nature of the offence, the case will be handled by ~~different Judicial Bodies as described in chart over~~ the Sports Disciplinary Panel or the Independent Hearing Panel. These bodies have the power to decide any sanctions in connection with the case.

The ~~j~~udicial ~~p~~rocedures also provide procedures for appeal.

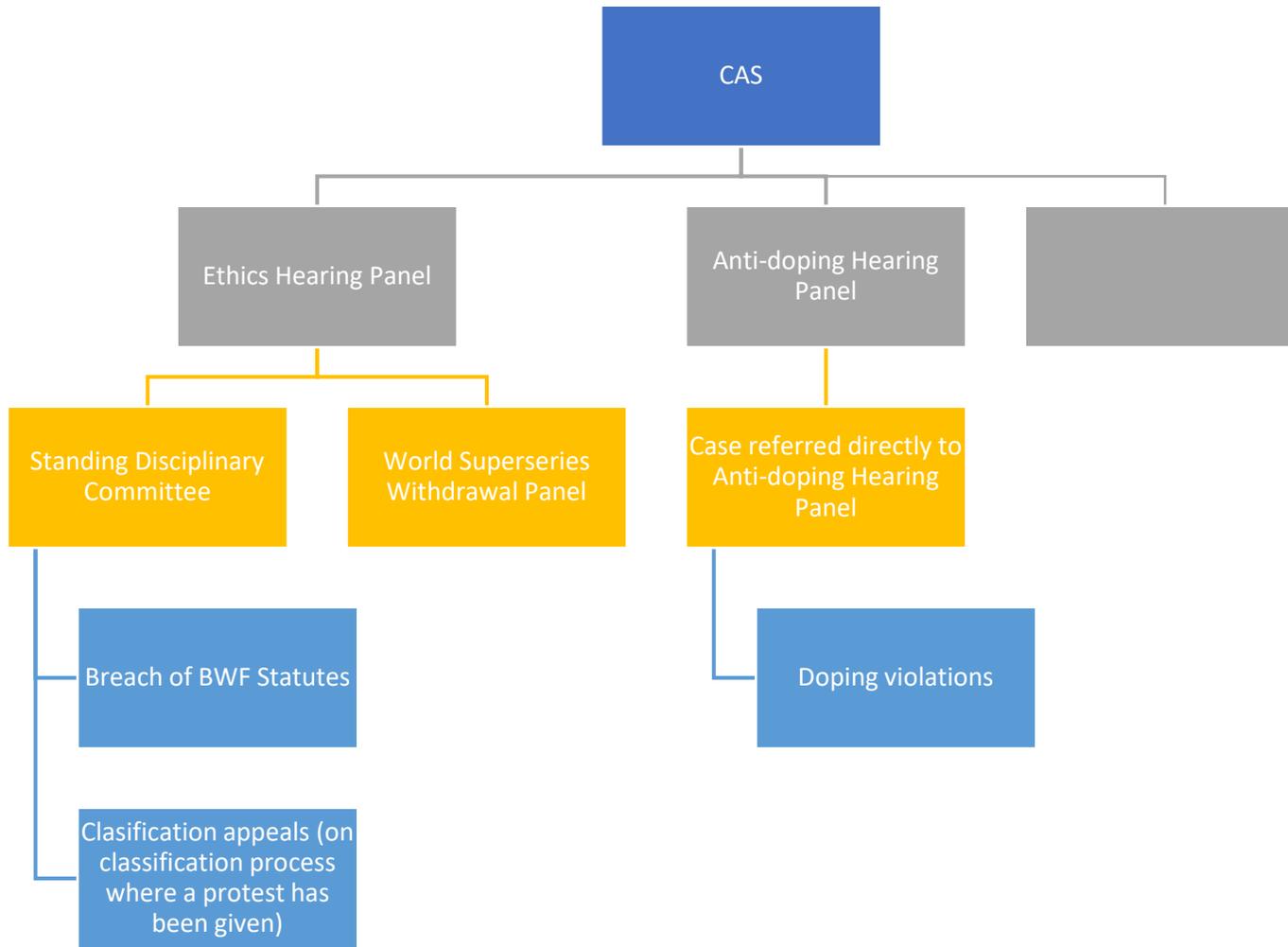
Please see ~~Handbook I,~~ the BWF Judicial Procedures (BWF Statutes, Section 3.1) for more information



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

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

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



4.3. Complaints **COMPLAINTS**

3.1. Types of Complaints

This section describes the procedures connected to the following types of complaints:

- A. Complaints connected to handling/implementation of **BWF Competition Regulations** (~~General Competition Regulations or other regulations~~ any Regulation in Section 5 of the BWF Statutes Handbook II) by a Referee, tournament organizers, Continental Confederation or the BWF Secretariat.
- B. Complaints connected to handling of cases involving **governance issues under the BWF Constitution**.
- C. Handling of **any other services typically provided by BWF Secretariat**.

A. The procedures used in connection with complaints related to the **handling, ~~and~~**

~~implementation, ~~and~~~~ interpretation of BWF Competition Regulations are the following:

1. Complaints may only be filed by the relevant Member Association or one of its representatives, including the person designated as Team Manager during a Tournament.
 2. The ~~complaining party~~ Complainant must submit the complaint in writing to the relevant party:
 - o Before or during a Tournament, ~~to either~~ the Tournament Referee.
 - o After a Tournament, ~~or to~~ the BWF Secretariat (email@bwfbadminton.org). The complaint shall be submitted to the BWF within **10** days from the facts giving rise to the complaint.
 3. In consultation with the relevant technical officials, the BWF and/or the Referee, accordingly, will consider the complaint and make a decision:
 - o If the complaint is found to have merit, the complaint will be accepted and the BWF or the Referee, accordingly, will suggest a solution to the Complainant.
 - o If the complaint is found to have no merit, the complaint will be dismissed with an explanation for the Complainant.
 4. If the Complainant is not satisfied with the decision or the solution found in relation to the complaint, it may ask for a Review by the Chair of the Events Committee, who is designated in the BWF Constitution as the ultimate authority on questions related to BWF Competition Regulations.
 - o Such request for review shall be submitted to the BWF within **10** days from being informed of the outcome of the complaint. The request for review shall be submitted to (email@bwfbadminton.org).
 - o The Review shall be subject to an administrative fee of USD 100, which shall only be refunded to the Complainant if the complaint is accepted.
 5. The Chair of the Event Committee shall make a decision in relation to the complaint. Such decision shall be final and not subject to appeal.
- ~~1. Complaints must be submitted by the relevant Member Association (being the responsible unit for entering players). Complaints can however be submitted during a tournament by the~~

- ~~person being designated as the “Team Manager” for that tournament (typically a coach, sports director or similar person representing the Member Association). If the Member Association does not have a designated Team Manager at the Tournament the Member Association can designate a player for this role (similar to how a Member Association designate a player to represent a Member Association at a Team Managers meeting).~~
- ~~2. The BWF is not committed to call a hearing with participation of the complaining party, but can deal with the complaint only based on the written submissions received from the Complaining party.~~
 - ~~3. The complaint will be considered by the relevant parties in BWF (this varies depending on the case, but typically between the Referee, the Events staff and/or BWF management, including the Secretary General).~~
 - ~~4. If the complaint is found to have merit then a decision will be taken to make any necessary changes. The Referee of the Tournament is responsible to take any final decisions.~~
 - ~~5. If it is decided that the complaint has no merit the complaining party will be informed with an explanation given and the complaint will be dismissed.~~
 - ~~6. If the complaining party still have objections or in cases of very high importance or complexity (e.g. interpretation of regulation wording), the Chair of the Events Committee will be consulted, and a decision will be implemented accordingly (changes made or dismissal of complaint). The Chair of the Events Committee has been delegated by Council to provide conclusive advise on the interpretation of all tournament related regulations.~~
 - ~~7. In case of further objections (as mentioned under point 7) from a Member Association BWF has the right to charge an administration fee of USD 100 to deal with the case. The fee must be paid to the BWF before the complaint is forwarded to the relevant parties. The fee will not be returned in case the complaint is accepted, but BWF can decide in special cases to take the case to a higher level without charging the fee.~~

~~8.1. Most such decisions related to competitions are characterized by that "time is of essence". In connection with tournaments or championships (leading up to or during the tournaments and championships) such cases will be finally decided by the Referee (or at times in consultation with the Chair of Events and BWF Staff Management) and no further right to appeal is given.~~

~~9.1. The principle around such decisions is that **match results cannot be changed during or after the tournament**. The Judicial Procedures therefore also state clearly that a case can be dismissed if "the case is solely a result of a match/event that is considered to be concluded with the finalization of the match/Event".~~

~~10.1. Based on any complaint (whether accepted or dismissed) BWF will consider if there will be a need to make adjustments or clarifications to regulations to ensure regulations are improved and kept up to date.~~

B. The ~~general~~ procedures used in cases connected with the **handling of governance areas**

—**under the BWF Constitution** are the following:

1. Complaints may only be filed by the relevant Member Association.
2. The Complainant must submit the complaint in writing to the BWF Secretariat (legal@bwfbadminton.org). The complaint shall be submitted to the BWF within 10 days from the facts giving rise to the complaint.
3. The BWF Secretary General will consider the complaint and make a decision:
 - o If the complaint is found to have merit, the complaint will be accepted and the BWF Secretary General will suggest a solution to the Complainant.
 - o If the complaint is found to have no merit, the complaint will be dismissed with an explanation for the Complainant.
4. If the Complainant is not satisfied with the decision or the solution found in relation to the complaint, it may ask for a Review by the Chair of the Admin Committee, who is designated in the BWF Constitution as the ultimate authority on questions related to BWF governance.
 - o Such request for review shall be submitted to the BWF within 10 days from being informed of the outcome of the complaint. The request for review shall be submitted to (legal@bwfbadminton.org).
 - o The Review shall be subject to an administrative fee of USD 100, which shall only be refunded to the Complainant if the complaint is accepted.
5. The Chair of the Admin Committee shall make a decision in relation to the complaint. Such decision shall be final and not subject to appeal.

- ~~1. The complaining party must submit the complaint in writing to the BWF Secretariat.~~
- ~~2. Complaints must be submitted by the relevant Member Association.~~
- ~~3. The BWF is not committed to call a hearing with participation of the complaining party, but can deal with the complaint only based on the written submissions received from the Complaining party.~~
- ~~4. The complaint will be considered by the BWF Management and the Secretary General.~~
- ~~5. If the complaint is found to have merit then a decision will be taken to make any necessary changes and actions to rectify the issue in the complaint.~~
- ~~6. If decided that the complaint has no merit the complaining party will be informed with an explanation given and the complaint will be dismissed.~~
- ~~7. If the complaining party still have objections or in cases of very high importance or complexity, the BWF Staff Management will refer the case to the Chair and Deputy Chair of the Administration Committee, who shall make a final decision on the case (according to the BWF Constitution 19.10 and Council Procedures 7.11) and a decision will be implemented accordingly (changes made or dismissal of complaint). In some cases the BWF President is also consulted.~~
- ~~8. In case of further objections (as mentioned under point 7) from a Member Association BWF has the right to charge an administration fee of USD 100 to deal with the case. The fee must be paid to the BWF before the complaint is forwarded to the relevant parties. The fee will not be returned in case the complaint is accepted, but BWF can decide in special cases to take the case to a higher level without charging the fee.~~

C. The general procedures used in cases connected with the handling of **any other services**

- **typically provided by BWF Secretariat** are the following:

1. Complaints may only be filed by a person who was directly affected by the object of the complaint
2. The Complainant must submit the complaint in writing to the BWF Secretariat (legal@bwfbadminton.org). The complaint shall be submitted to the BWF within 10 days from the facts giving rise to the complaint.
3. The BWF Secretary General will consider the complaint and make a decision:
 - o If the complaint is found to have merit, the complaint will be accepted and the BWF Secretary General will suggest a solution to the Complainant.
 - o If the complaint is found to have no merit, the complaint will be dismissed with an explanation for the Complainant.
4. If the Complainant is not satisfied with the decision or the solution found in relation to the complaint, it may ask for a Review by the relevant BWF Committee Chair.
 - o Such request for review shall be submitted to the BWF within 10 days from being informed of the outcome of the complaint. The request for review shall be submitted to (legal@bwfbadminton.org).
 - o The Review shall be subject to an administrative fee of USD 100, which shall only be refunded to the Complainant if the complaint is accepted.
5. The Committee Chair shall make a decision in relation to the complaint. Such decision shall be final and not subject to appeal.

- ~~1. The complaining party must submit the complaint in writing to the BWF Secretariat.~~
- ~~2. Complaint can be submitted directly to the BWF Secretariat by anyone directly related to the problem raised. Typically this would be a Member Association, but could also be a Technical official or other persons dealing directly with the BWF secretariat from time to time.~~
- ~~3. The BWF is not committed to call a hearing with participation of the complaining party, but can deal with the complaint only based on the written submissions received from the Complaining party.~~
- ~~4. Complaints are considered by the directly involved staff and the direct line manager (in some cases in consultation with BWF Staff Management and the Secretary General).~~
- ~~5. If the complaint is found to have merit then a decision will be taken to make any necessary changes and actions to rectify the issue in the complaint.~~
- ~~6. If decided that the complaint has no merit the complaining party will be informed with an explanation given and the complaint will be dismissed.~~
- ~~7. If the complaining party still have objections or in cases of very high importance or complexity, the BWF Staff Management and Secretary General will first be consulted or reconsider the case, and if considered necessary the relevant Chair being responsible for the area is also consulted, including in some cases the BWF President.~~

~~In case of further objections (as mentioned under point 7) from a Member Association BWF has the right to charge an administration fee of USD 100 to deal with the case. The fee must~~

~~be paid to the BWF before the complaint is forwarded to the relevant parties. The fee will not be returned in case the complaint is accepted, but BWF can decide in special cases to take the case to a higher level without charging the fee.~~

- ~~8. A final decision of the case will then be informed to the complaining party (changes made or dismissal of complaint).~~
- ~~9. Such complaints are typically not related to breach of regulations and can therefore not be appealed in the BWF Judicial system. Council can however decide to take any action to rectify issues detected in connection with services delivered by the BWF Secretariat.~~

4.1.3.2. Common Principles for Complaints

This section describes the principles that are applicable to all complaints based under section 3 of these Complaint Procedures.

- 3.2.1. The BWF shall deal with complaints in a fair, impartial and proportionate manner. The BWF may however dismiss complaints which are, in its sole opinion, frivolous in nature.
- 3.2.2. The BWF may elect to solve a complaint based only based on the written submissions provided by the Complainant. In particular, it is not bound to hold a hearing.
- 3.2.3. Remedies for complaints cannot include modifying or cancelling the outcome of match results.
- 3.2.4. The BWF will consider, following the outcome of any complaint, whether there is a need to adjust or clarify any aspect of the Statutes.

Most such decisions related to competitions are characterized by that “time is of essence”. In connection with tournaments or championships (leading up to or during the tournaments and championships) such cases will be finally decided by the Referee (or at times in consultation with the Chair of Events and BWF Staff Management) and no further right to appeal is given.

The principle around such decisions is that **match results cannot be changed during or after the tournament**. The Judicial Procedures therefore also state clearly that a case can be dismissed if “the case is solely a result of a match/event that is considered to be concluded with the finalization of the match/Event”.

Based on any complaint (whether accepted or dismissed) BWF will consider if there will be a need to make adjustments or clarifications to regulations to ensure regulations are improved and kept up to date.