

IGF APPEALS PANEL POLICY

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International Golf Federation / Executive Director's Office

POLICY DESCRIPTION

1. The IGF Appeals Panel shall hear appeals filed by a party that has been penalised by a decision of the IGF Tribunal with the exception of any anti-doping related decisions.
2. Appeals against decisions of technical officials or IGF chief referees made during a competition are dealt with in accordance with the Rules of Golf and are not subject to appeal to the IGF Appeal's panel.

GROUNDS OF APPEAL:

3. The grounds for an appeal shall only be one or more of the following:
 - (a) Natural justice was denied;
 - (b) The IGF Tribunal acted outside of its power and/or jurisdiction (i.e. acted ultra vires);
 - (c) Evidence which was not available or accessible prior to the IGF Tribunal hearing became available after the decision, and such evidence is reasonably likely to have resulted in a significantly different decision and/or a different penalty by the IGF Tribunal;
 - (d) In the case of a decision relating to misconduct, the penalty was either excessive or inappropriate;

COMPOSITION OF THE APPEALS PANEL:

4. The IGF Appeals Panel Chairperson must be either a retired judge of a court or statutory tribunal, or a senior barrister or solicitor. The Chairperson must also have significant understanding of and interest or experience in sport. The Chairperson shall oversee the activities of the IGF Appeals Panel.
5. Appeals to the Appeals Panel shall be heard by a panel of three (3) members acting as judges.
6. Members of the IGF Appeals Panel shall be appointed to a pool by the IGF Executive Director, and, for each dispute hearing, the Executive Director shall decide a minimum of three people, unless the Chairperson of the Appeals Panel decides that the matter can be ruled upon by a single Appeal's Panel representative because it is of minor importance, not of a difficult nature, or requires an immediate decision. If the Chairperson is not one of those nominated, the Executive Director shall designate an alternate Chairperson for the hearing (Deputy Chairperson). The Chairperson or presiding Deputy Chairperson is responsible for guiding the procedure of the hearing and for issuing the Appeals Panel directions on the dispute.
7. No member of the IGF Tribunal Panel who adjudicated on a particular case shall be permitted to hear the appeal of the case in question.
8. Appeals Panel representatives shall have legal training. Persons employed by IGF or holding a position within IGF cannot be appointed as judges.
9. In each case, the Appeals Panel representatives must be independent of the parties and must disclose immediately to the IGF Appeals Panel Chairperson any circumstance likely to affect their independence. The Appeals panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.

REQUEST FOR APPEAL, ADVANCE ON COSTS

10. An appeal before the IGF Appeals Panel is commenced by filing a valid Request for Appeal with the IGF Executive Director within fourteen (14) days following the day of receipt by the appealing party of the decision being appealed against. Failure to file a timely appeal in accordance with this paragraph is deemed to be a waiver of the right to appeal. The appeal shall be accompanied by a copy of the decision appealed against.
11. To be valid, the Request for Appeal must be in English language and satisfy the formal requirements set out in this policy. Without prejudice thereto, the notice shall be signed by the person bringing the Appeal (who shall be referred to as the "Appellant") or his authorised representative, must be accompanied by a copy of the decision that is being appealed and must identify:

- The name, address and full contact details of the Appellant and/or their authorised representative
- The part(s) of the Decision that is/are being appealed; and
- The grounds of the Appeal.

12. The Request for Appeal may be accompanied by an Appeal Brief setting out the arguments in support of the Appeal, and any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the Notice of Appeal. Where a transcript or recording of the first instance hearing is available, it shall also be filed, either with the Notice of Appeal or as soon thereafter as it becomes available.

13. The Appeal will not proceed until the non-reimbursable handling fee of CHF 2000. - is received.

14. In the event that the Appellant fails to pay the handling fee, no date for a hearing will be fixed or a hearing date already fixed will be cancelled.

15. The Chairperson of the Appeals Panel may fix a final date for the payment of the non-reimbursable handling fee, failing which, the request for Appeal shall be deemed withdrawn.

Advance on Costs

16. The Appeals Panel shall fix an advance on costs (and may adjust the same in the course of the proceedings) to be paid in equal shares by both parties (unless decided otherwise by the Appeals Panel Chairperson) into the IGF Bank account; in fixing the amount an advance of costs the Appeals Panel shall take into account inter alia the monetary value of the dispute and the complexity of the case.

17. If a party fails to pay its share, the other party may substitute for it.

18. The Appeals Panel will not proceed with the Hearing until the full amount of the advance on costs is received.

19. The Chairperson of the Appeals Panel may fix a final date for the payment of an advance on costs failing which the Request for Appeal shall be deemed withdrawn.

IGF AS RESPONDENT

20. In all Appeals to the IGF Appeals Panel, the IGF shall be the Respondent to the Appeal.

CONVENING A HEARING PANEL TO DETERMINE THE APPEAL

21. The IGF Executive Director will forward a copy of the Request for Appeal and accompanying documents to the IGF Appeals Panel Chairperson, with a request that he/she convenes a Hearing Panel to hear and determine the Appeal.

DECISION TO REMAIN IN EFFECT

22. Unless the Appeals Panel Chairperson orders otherwise, the Decision being appealed shall remain in full force and effect pending determination of the Appeal.

ANSWER

23. Within 20 days of receipt of the Request for Appeal and accompanying documents unless the parties agree to an alternate schedule, the IGF shall file with the Appeals Panel and serve on the Appellant an answer containing its defence to the Appeal (including any claim of lack of jurisdiction). The answer may be accompanied by any supporting witness statements, expert reports, or other evidence relied upon, as well as copies of any legal authorities cited in the answer.

24. Unless the parties agree otherwise or the Appeals Panel Chairperson orders otherwise for good cause shown, the parties shall not be permitted to supplement their written arguments or evidence with

further written submissions after submission of the Request for Appeal and accompanying documents (in the case of the Appellant) or the answer and accompanying documents (in the case of the IGF).

HEARING

25. The IGF Appeals Panel Chairperson shall determine when (as soon as practicable), where and how the hearing will be conducted (in person, by telephone, by video conference, or through consultation in a written form) and will inform the Appellant that the hearing will take place. The notice will outline:

- that the person(s) has a right to have its appeal heard in a hearing
- the date, time and venue of the Appeal hearing
- that a reasonable number of witnesses (as agreed by the Chairperson) may attend the Appeal hearing to support the position of the Appellant
- that a reasonable number of witnesses (as agreed by the Chairperson) may attend the Appeal hearing to support the position of the Respondent
- Witnesses must, in the discretion of the Chairperson, be capable of supplying probative testimony to relevant facts as described in section 3(c) above.
- Declarations from witnesses not available to attend and from character witnesses may also be provided to the Tribunal hearing, provided that all such written declarations must be made under oath, signed by the witness, and officially notarized.
- that the person(s) has the right to be represented by legal counsel.
- that if the respondent is a minor, he or she should have a parent or guardian present
- that new evidence should not be presented unless there is good cause for why it was not available for the original proceeding
- that the appealing party shall not communicate directly or take up direct contact with the members of the panel on matters relating to an appeal.

26. The working language of the IGF Appeals Panel shall be English.

27. Save where he/she orders otherwise, the following procedures shall be followed at the hearing:

- The Appellant shall address the Appeals Panel, summarising his case on Appeal.
- The IGF shall address the Appeals Panel, summarising its case.
- Any evidence shall be presented by the Appellant or the IGF. Any documentary or other evidence relied on by a party must be properly authenticated upon presentation to the Appeals Panel
- The IGF shall make closing statements
- The Appellant shall make closing statements.

28. If the Appeals Panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Appeals Panel Chairperson may deny further involvement of that person in the hearing.

AWARD

29. The Appeals Panel hearing the Appeal shall rule on the Appeal by simple majority. All members must take part in the deliberations of the Appeals Panel and no member of the Appeals Panel may abstain. The award shall be rendered within four (4) weeks following the date of the Hearing.

30. The Appeals Panel shall have the power to:

- Dismiss the appeal;
- Exercise any power that the body against whose Decision the Appeal was made could have exercised, whether the effect is to increase or decrease any award, order or sanction originally imposed;
- Remit the matter for a new hearing ;
- Determine whether and to what extent the Appellant is to be reimbursed for the costs advanced by it according to article 15 above, or whether and to what extent the Appellant is to pay an amount of costs in addition to the advance fixed;
- Determine the final amount of the costs of arbitration and which party shall bear those costs and in which proportion. The costs shall include the administrative and other costs of the Appeals Panel and the fees and costs of the judges. In addition, as a general rule, the award shall grant

the prevailing party a contribution towards its reasonable legal fees and other expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and interpreters. When deciding on the arbitration costs and on the parties' reasonable legal fees and expenses, the Appeals Panel shall primarily take into account the relief(s) granted compared with the relief(s) sought and, secondarily, the conduct and the financial resources of the parties;

- Make such further or other order as it considers appropriate either generally or for purpose of giving effect to its Decision.

31. The Appeals Panel shall publish a written statement of its Decision.

FURTHER APPEAL

32. A further appeal against the decision by the Appeals Panel can only be lodged with the Court of Arbitration for Sport in Lausanne, Switzerland. The Court of Arbitration for Sport shall act as an arbitration tribunal and there shall be no right to appeal to any other jurisdictional body.

33. The time for filing an appeal to CAS shall be twenty-one days (21) from the date of receipt of the decision by the appealing party.