

IGF TRIBUNAL POLICY

Version: November 2016
International Golf Federation / Executive Director's Office

POLICY DESCRIPTION

This policy applies to the IGF National Federation Members (NFM)s and to the IGF Professional Members who are directly impacted by IGF and IOC policies and procedures.

The types of disputes that IGF Tribunal can hear and decide include:

- Anti-doping violations
- Betting and anti-corruption policy violations
- Code of Conduct for Olympic Golf Competition
- Code of Conduct for Tournament Support Personnel and Officials
- Code of Conduct for Athletes and Athletes Support Personnel
- IGF Code of Ethics' violations
- IGF Member Protection policy violations
- IOC Olympic Charter violations
- Any other matter referred to the Tribunal by the IGF Executive Director and/or the IGF Anti-Corruption Hearing Officer.

COMPOSITION OF THE IGF TRIBUNAL

The IGF Tribunal's 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. At least one other Tribunal member must be lawyers with substantial experience in the legal issues affecting sport, or substantial involvement in sport in some capacity.

The other non-legal members of the Tribunal must have substantial experience in sport over a minimum of a 10-year aggregate period.

Members of the IGF Tribunal 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 (the Chairperson or one of the lawyers, and two others) who will adjudicate on a particular case. If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination). If the Chairperson is not one of those nominated, the Executive Director shall designate an alternate Chairperson for the hearing (Deputy Chairperson).

If an issue is particularly complex or significant, more Tribunal members may be involved in deciding the dispute. The Chairperson or presiding Deputy Chairperson is responsible for guiding the procedure of the hearing and for issuing the Tribunal's directions on the dispute.

IGF TRIBUNAL

A Tribunal may be convened to hear a formal complaint referred to it by the IGF Executive Director and/or the IGF Anti-Corruption Hearing Officer

The IGF Tribunal's Chairperson shall determine how the hearing will be conducted (in person, by telephone, by video conference, or through consultation in a written form).

The working language of the IGF Tribunal shall be English. Documents provided to the IGF Tribunal in a language other than English must be accompanied by a certified translation unless the IGF Tribunal Chairperson decides otherwise.

Any costs of witnesses, legal representation, etc. of the parties are at their own expense.

PREPARING FOR A TRIBUNAL HEARING

The IGF will follow the steps set out below to hear formal complaints made under our IGF Tribunal Procedures Policy.

1. A Tribunal panel will be established to hear a complaint that has been referred to it by the IGF Executive Director and/or the Anti-Corruption Hearing Officer.
2. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the IGF Executive Director and/or the Anti-Corruption Hearing Officer relating to the complaint/allegations.
3. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the parties to prepare for the hearing.
4. The Tribunal panel will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
5. The IGF Executive Director will inform the parties in writing that a Tribunal hearing will take place. The notice will outline:
 - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations
 - the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached
 - the date, time and venue of the Tribunal hearing that either verbal or written submissions can be presented at the Tribunal hearing
 - that a reasonable number of witnesses (to be agreed by the Chairperson) may be called at the Tribunal hearing to support the positions of the parties (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). Witnesses must, in the discretion of the Chairperson, be capable of supplying probative testimony to relevant facts.
 - that each party has the right to have one legal representative and one representative of its/his National Federation Member present to assist it/him at a hearing.
 - that, if the respondent party is a minor, he or she should have a parent or guardian present.
 - an outline of any possible penalties that may be imposed if the complaint is found to be true.
6. A copy of any information/documents that have been given to the Tribunal panel (e.g. investigation report findings) will be provided to the parties.
7. The parties will be allowed to participate in all IGF activities and events, pending the decision of the Tribunal, including any available appeal process, unless the IGF Executive Director believes it is necessary to exclude one or more of the parties from all or some activities and events because of the nature of the complaint.

TRIBUNAL HEARING PROCEDURE

8. The following people will be allowed to attend the Tribunal hearing:
 - Tribunal panel members
 - the respondent(s)
 - the complainant(s)
 - any witnesses called by the respondent(s)
 - any witnesses called by the complainant
 - one legal representative and one representative of its/his National Federation Member
 - any parent/guardian or support person required to support the respondent or the complainant.

9. If the respondent(s) is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the Chairperson being satisfied that all Tribunal notification requirements have been met. If the Tribunal Chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

If any complainant is not present at the set hearing time and the Tribunal Chairperson considers that no valid reason has been presented for this absence, the complaint will be considered withdrawn with respect to any and all complainants not present, and no appeal will be permitted. If the Tribunal Chairperson considers that there is a valid reason for the non-attendance of the complainant(s), or the Chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

10. The Tribunal Chairperson will inform the IGF Executive Director of the need to reschedule the hearing and the IGF Executive Director will arrange for the Tribunal to be reconvened.

11. The Tribunal Chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.

12. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any disciplinary measures or penalties.

13. If the respondent disagrees with the complaint, they will be asked to respond to the complaint.

- Reference may be made to brief notes.
- The respondent may call witnesses.
- The respondent(s) shall have the opportunity to address the Tribunal on disciplinary measures which may be imposed.

14. The Tribunal may ask questions of the respondent and any witnesses.

15. The parties may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.

16. The Tribunal may:

- Consider any evidence, and in any form, that it deems relevant (any documentary or other evidence relied on by a party must be properly authenticated upon presentation to the Tribunal)
- Question any person giving evidence
- Limit the number of witnesses presented to those who provide probative testimony on relevant facts
- Require (to the extent it has power to do so) the attendance of any witness it deems relevant
- Act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.

17. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.

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

19. After all the evidence has been presented; the Tribunal will make its decision in private. It must decide whether the complaint has, on the balance of probabilities, been substantiated. As the seriousness of the allegation increases, so too must the level of satisfaction of the Tribunal that the complaint has been substantiated. Any disciplinary measures imposed must be reasonable in the circumstances.

20. All Tribunal decisions will be by a simple majority vote. All members must take part in the deliberations of the Appeals' Panel and no member of the Appeals' Panel may abstain.

21. The Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, he or she may advise those present that the decision is reserved and will be handed down in written form at a later time.

22. Within 48 hours, the Tribunal Chairperson will:

- forward a notice of the Tribunal's decision to the IGF Integrity Committee Chairperson and to the IGF Executive Director, including any disciplinary measures imposed.
- forward a notice of the Tribunal's decision to the relevant Professional Tour organisation to which the athlete is a member including any disciplinary measures imposed. Upon request, the relevant Professional Tour will be granted access to all related documents, facts and findings of the investigations and hearing.
- forward a letter reconfirming the Tribunal's decision to the parties, including any disciplinary measures imposed. The letter should also outline the process and grounds for an appeal, if allowed. If matter is especially complex or important, the Tribunal Chairperson may inform the parties in writing within 48 hours that the decision will be delayed for a further 48 hours.

23. The Tribunal does not need to provide written reasons for its decision.

PENALTIES

If the Tribunal decides that a Participant has committed a Violation, the Tribunal shall be entitled to impose a period of ineligibility on the Participant of a minimum of three (3) months and a maximum of life. It shall fix the period of ineligibility within that range based on its assessment of what is proportionate in all of the facts and circumstances of the case, taking into account in particular:

- The nature of the breach(es)
- The degree of culpability of the Participant
- The harm that the breach(es) has/have done to the sport
- The need to deter future breaches, and
- Any specific aggravating or mitigating factors.

APPEALS PROCEDURE

24. Appeals against decisions of the IGF Tribunal, with the exception of those related to any anti-doping violation, may be lodged with the IGF Appeals' Panel, either by the IGF or the parties who is the subject of the decision.

25. The time for filing an appeal to the IGF Appeals' Panel shall be fourteen (14) days from the date of receipt of the decision by the appealing party.

26. Any decision and any penalties imposed shall remain in effect while subject to the appeal process unless the Appeals' Panel directs otherwise.

27. Appeals against decisions of the IGF Tribunal related to anti-doping violations may be lodged exclusively to Court of Arbitration of Sport (CAS). 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. Any decision and any Sanctions imposed shall remain in effect while subject to the appeal process, unless CAS directs otherwise.

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