



CGF Ethics Commission
Appointment and Procedural
Rules

Approved July 2020

CGF ETHICS COMMISSION APPOINTMENT AND PROCEDURAL RULES

1 DEFINITIONS AND INTERPRETATIONS

- 1.1 Unless otherwise stated, the definitions in the CGF Code of Ethics and Conduct apply to these Rules; other words and phrases shall have the following meanings:
 - 1.1.1 “Chair” or “Deputy Chair” means the Chair or Deputy Chair respectively of the Ethics Commission appointed under Rule 2.2;
 - 1.1.2 “Ethics Commission” means the CGF Ethics Commission;
 - 1.1.3 “immediate family member” means a spouse, parent, child, sibling, in-law (mother-, father-, son-, daughter-, brother- or sister-) and anyone (other than a domestic employee) who shares the home of a member of the Ethics Commission;
 - 1.1.4 “Proceeding” means the process undertaken by the Ethics Commission from receipt of the Notice of Charge until the final determination of the charge, unless specified otherwise.
 - 1.1.5 “Publicly Disclose” means disclosure on the CGF official website and such other public notification as decided by the Ethics Commission.
 - 1.1.6 “Rules” means these CGF Ethics Commission Appointment and Procedural Rules.
 - 1.1.7 These Rules are to be read in conjunction with the Code; if there is any inconsistency between the Code and these Rules, the Code shall prevail.
 - 1.1.8 The singular includes the plural and vice versa; any gender includes any other gender; the word "person" includes bodies corporate, companies, partnerships, syndicates, trusts and any association of persons; and the word "individual" means a natural person.

2 ESTABLISHMENT OF ETHICS COMMISSION

- 2.1 The Ethics Commission is established by the CGF as an independent body to carry out the functions given to the Ethics Commission under the Code and these Rules.
- 2.2 The Executive Board shall appoint six suitably qualified individuals who satisfy the conditions of Rule 2.3 as members of the Ethics Commission. The Chair and Deputy Chair shall be appointed from among the members.
- 2.3 The following shall apply to all appointments:
 - 2.3.1 All members of the Ethics Commission shall be independent of the CGF and any CGA or CGOC.

- 2.3.2 The Chair, Deputy Chair and at least two other members of the Ethics Commission shall have a legal background.
- 2.3.3 No two members of the Ethics Commission shall be citizens of the same country, and ideally, but not necessarily, come from the same region.
- 2.4 A person is not considered independent if they:
 - 2.4.1 are a member of the Executive Board or a committee of the CGF or of the executive committee/board of any CGA or CGOC;
 - 2.4.2 are an employee or consultant of the CGF or any CGA or CGOG, or otherwise engaged in any paid or voluntary capacity by the CGF or any CGA or CGOG;
 - 2.4.3 are otherwise in a situation in which they have or are involved with multiple interests, which may include both personal interests and interests arising from their duties or positions as a director, principal, partner, shareholder, officer or representative of an organisation, and where benefiting one or more of these interests may adversely affect the outcome in respect of another interest;
 - 2.4.4 are an immediate family member of any of the above persons.
- 2.5 Members of the Ethics Commission shall serve staggered terms. In order to establish the rotation cycle, the following shall apply to the first appointments made under these Rules:
 - 2.5.1 The Chair, one member with a legal background and one other member of the Ethics Commission shall be appointed for a term of four years.
 - 2.5.2 The Deputy Chair, one member with a legal background and one other member of the Ethics Commission shall be appointed for a term of two years.

Thereafter, all members of the Ethics Commission may be appointed for a term not exceeding four years. Members of the Ethics Commission may be reappointed for one further consecutive term not exceeding four years.
- 2.6 Members of the Ethics Commission shall remain at all times completely independent of the CGF and any CGA and CGOC. They shall ensure that the Ethics Commission functions at all times in an independent manner. They shall immediately disclose any circumstances likely to affect their independence with respect to any Proceeding and shall not (subject to Rule 5.3.4) act in respect of that Proceeding unless approved by the Chair.
- 2.7 Members of the Ethics Commission may only be removed by the Executive Board for just cause.
- 2.8 The Executive Board shall have the power to fill any vacancy arising from among the members of the Ethics Commission.
- 2.9 All communications to the Commission shall be addressed to the Chair.
- 2.10 The Chair will report to the General Assembly at each Annual General Meeting on the non-confidential aspects of the activities of the Ethics Commission in the previous year.

- 2.11 The Ethics Commission may make proposals to the Executive Board on amendments to the Code and these Rules relevant to its functions.
- 2.12 The Deputy Chair shall act in place of the Chair whenever the Chair is not able to act for whatever reason.

3 JURISDICTION OF ETHICS COMMISSION

- 3.1 The Ethics Commission shall have jurisdiction to:
 - 3.1.1 hear and decide any alleged breach of the Code;
 - 3.1.2 impose any sanction permitted under the Code as it deems appropriate.
- 3.2 The Ethics Commission shall be guided by considerations of fairness. Every Covered Person who is subject to a charge under the Code has:
 - 3.2.1 the right to be informed in a fair and timely manner of the charge against them;
 - 3.2.2 a timely hearing before a fair and impartial hearing panel of the Ethics Commission;
 - 3.2.3 the right to present evidence, including the right to call and question witnesses;
 - 3.2.4 the right to be represented by legal counsel and/or any other representative and an interpreter at their own expense;
 - 3.2.5 the right to a timely and reasoned decision in writing.

4 PROVISIONAL SUSPENSION

- 4.1 Where a Covered Person has been provisionally suspended by the CGF Ethics Officer under Article 12 of the Code, the Covered Person will have the right, within 14 days of its imposition, to make an application to contest the provisional suspension in a hearing before the Chair, sitting alone.
- 4.2 At any provisional hearing, the provisional suspension may only be lifted if the Covered Person establishes:
 - 4.2.1 that the charge has no reasonable prospect of being upheld; or
 - 4.2.2 some other facts exist that make it clearly unfair, in all of the circumstances, to impose a provisional suspension prior to a full hearing on the merits of the charge. This ground is to be construed narrowly and applied only in exceptional circumstances. The fact that the provisional suspension will prevent the person from participating in a particular event will not qualify as exceptional circumstances for these purposes.

4.3 No right of appeal shall lie against a decision of the Chair on a provisional suspension.

5 REFERRAL TO ETHICS COMMISSION

5.1 Where pursuant to Article 13 of the Code, the CGF Ethics Officer sends a Notice of Charge to a Covered Person, the CGF Ethics Officer shall at the same time refer the charge to the Ethics Commission by sending the Notice of Charge and the complete bundle of evidence to the Ethics Commission.

5.2 Admission of Breach or Failure to Respond

5.2.1 Rule 5.2.2 applies where the Covered Person subject to the charge:

5.2.1.1 responds by admitting the charge, and (if relevant) accedes to the sanction specified in the Notice of Charge; or

5.2.1.2 does not respond to the Notice of Charge in the manner set out in the Notice of Charge by the specified deadline, in which case the Covered Person will be deemed to have admitted the charge, and the sanctions specified (if any) in the Notice of Charge.

5.2.2 No hearing before the Ethics Commission is required and the Chair shall:

5.2.2.1 promptly issue a decision confirming the admission of the breach of the Code and, if relevant, the imposition of the sanction specified in the Notice of Charge;

5.2.2.2 send a copy of the decision to the Covered Person subject to the charge, to their relevant CGA (if applicable) and the CGF;

5.2.2.3 Publicly Disclose the decision confirming a breach of the Code and (if relevant) the imposition of the sanction.

5.3 Request for Hearing

5.3.1 The Covered Person subject to the charge shall explain in summary form the basis for their response to the Notice of Charge where they respond by:

5.3.1.1 admitting the charge, but indicating an intention to dispute and/or seek to mitigate the sanction specified in the Notice of Charge by way of a hearing before the Ethics Commission; or

5.3.1.2 denying the charge and requesting that the charge and, if the charge is upheld, any appropriate sanction be determined at a hearing before the Ethics Commission.

5.3.2 The CGF Ethics Officer shall promptly send a copy of the response to the Ethics Commission.

- 5.3.3 On receipt of a response under Rule 5.3.2, the Chair shall appoint three members of the Ethics Commission to form a panel to hear and decide the charge set out in the Notice of Charge. The chair of the panel shall have a legal background, and, subject always to consideration of the most efficient and expeditious dispatch of business, the chair of the panel will ordinarily be the Chair or Deputy Chair.
- 5.3.4 No member of the Ethics Commission may sit on a panel if their impartiality or independence could reasonably be questioned (as determined by the chair of the panel). If the subject of the impartiality or independence relates to the chair of the panel, the Chair or Deputy Chair not on the panel shall make the determination. The determination shall be final.
- 5.3.5 If a member of a panel is, for whatever reason, unable, unwilling or unfit to hear or continue to hear and decide a Proceeding, the Chair may appoint another member of the Ethics Commission to replace that member or authorise the remaining members of the panel to hear and decide the Proceeding, in which case, if the decision cannot be reached unanimously or by majority, then the chair of the panel shall have a casting vote.

6 CONDUCT OF HEARING

- 6.1 The chair of the panel may decide to hold hearings in person, by telephone or video conference, or otherwise, and to determine whether any hearing or any part thereof should be oral or in writing. Hearings will be recorded.
- 6.2 Unless otherwise ordered by the panel for good cause shown by any party, all hearings will be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives, witnesses and experts, as well as the representatives of any third parties permitted to attend in order to participate in and/or to observe the proceedings.
- 6.3 No formal rules as to admissibility of evidence will apply. Facts may be established by any reliable means.
- 6.4 The non-attendance of any party and/or their representative at the hearing, after due notice has been given, will not prevent the panel from proceeding with the hearing in their absence, whether or not written submissions have been made by or on behalf of that party.
- 6.5 Once the parties have completed their respective submissions, the panel will deliberate to make its decision either unanimously or by majority. No member of the panel may abstain.

7 DECISIONS

- 7.1 The Ethics Commission will announce its decision on a charge to the parties in a written, reasoned decision, dated and signed by at least the chair of the panel, as soon as reasonably practicable and ordinarily no later than 30 days after the conclusion of the

hearing. The Ethics Commission may, if it considers it appropriate, announce its decision in advance of the reasons for it.

- 7.2 A copy of the decision shall be sent to the relevant CGA (if applicable) and the CGF; the decision shall thereafter be Publicly Disclosed no later than 21 days after its issue.
- 7.3 Decisions of the Ethics Commission may not be challenged or appealed except in accordance with these Rules. All parties waive irrevocably any right to any other form of appeal, review, or recourse by or in any court or judicial authority, insofar as such waiver may validly be made.

8 APPEALS

- 8.1 A decision by the Ethics Commission, except a decision relating to a provisional suspension given by the Chair under Rule 4, may be appealed to CAS by a party to the Proceeding in accordance with this Rule 8.
- 8.2 The deadline for filing an appeal to CAS will be 21 days from the date of receipt of the written decision in question by the appealing party. The CAS Code of Sports-related Arbitration will apply to the appeal.
- 8.3 In any such appeal, the CGF will be the appellant or the respondent to an appeal by the Covered Person. The decision as to whether the CGF should appeal a decision of the Ethics Commission to CAS shall be taken by the CGF Ethics Officer subject to the prior approval of the Executive Board.
- 8.4 The decision being appealed will remain in full force and effect pending determination of the appeal unless CAS orders otherwise.
- 8.5 The governing law of the appeal will be English law and the language of the proceedings will be English.
- 8.6 CAS will resolve the appeal definitively and the decision will be final and binding on all parties.

9 RECOGNITION OF DECISIONS

- 9.1 All decisions of the Ethics Commission will be applicable throughout the Commonwealth and will be recognised and respected by the CGF, CGAs, CGOC and all other parties automatically upon receipt of notice of the same, without the need for any further formality.

10 STATUTE OF LIMITATIONS

- 10.1 There is no statute of limitations to the commencement of a Proceeding