



WDGF Tribunal Policy

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OBJECTIVES OF THE CODE

The aim of this code (the “**Code**”) is to provide fair and reasonable standards of conduct for all Athletes and Athlete Support Personnel, to ensure and maintain an orderly and fair administration and conduct for any WDGf Event and to protect their rights and the respective rights of the WDGf.

DEFINITIONS

“**Participants**” refers to:

- (a) the WDGf and its members or representatives;
- (b) the WDGf officials and any persons or organisation belonging in any capacity whatsoever to the WDGf or to one of its affiliated members;
- (c) the Organising Committee of the World Deaf Golf Championships;
- (d) Tournament Support Personnel;
- (e) WDGf employees and volunteers;
- (f) Athletes and Athletes Support Personnel at the World Deaf Golf Championships;
and
- (g) members of the WDGf Board.

“**WDGf**” means the World Deaf Golf Federation.

“**WDGf Event**” means any golf competition sanctioned by the WDGf including the World Deaf Golf Championships.

A. INTRODUCTION AND SCOPE

- 1. This policy applies to the Participants bound by WDGf policies and procedures.
- 2. The types of disputes that WDGf Tribunal can hear and decide include:
 - (a) WDGf Safeguarding Participants from harassment and abuse Policy violations;
 - (b) WDGf Code of Conduct for Athletes and Athletes Support Personnel violations;
 - (c) WDGf Code of Conduct for Championships Support Personnel violations;
 - (d) Any other matter referred to the WDGf Tribunal by the WDGf.

3. For WDGf Anti-Doping Policy violations, the Court of Arbitration for Sport (**CAS**) Anti-Doping Division will be the tribunal in charge and will comply with the:
 - (a) WDGf Anti-Doping Policy;
 - (b) World Anti-Doping Code; and
 - (c) International Standard for Results Management.

B. WDGf TRIBUNAL

4. The WDGf Tribunal is operationally independent.
5. This means that Board members, staff members, committee members, consultants and officials of the WDGf or its Membership, as well as any person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of the WDGf Tribunal.
6. The WDGf Tribunal shall be in a position to conduct the hearing and decision-making process without interference from the WDGf or any third party.
7. The objective is to ensure that members of the WDGf Tribunal or individuals otherwise involved in the decision of the WDGf Tribunal, are not involved in the investigation of, or decisions to proceed with, the case.
8. A WDGf Tribunal may be convened to hear a formal complaint referred to it by the Head of the WDGf Integrity Unit.
9. The WDGf Tribunal's Chairperson will appoint the members of the Tribunal to hear and decide the matter and determine how the hearing will be conducted (in person, by telephone, by video conference, or through consultation in a written form).
10. The working language of the WDGf Tribunal shall be English.
11. Documents provided to the WDGf Tribunal in a language other than English must be accompanied by a certified translation unless the WDGf Tribunal Chairperson decides otherwise.
12. Any costs of witnesses, legal representation, etc. of the parties are at their own expense.

C. PREPARATION FOR A TRIBUNAL HEARING

13. The WDGf will follow the steps set out below to hear formal complaints made under our WDGf Tribunal Policy.
14. A WDGf Tribunal will be established to hear a complaint that has been referred to it by the Head of the WDGf Integrity Unit.

15. The WDGf Tribunal members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the Head of the WDGf Integrity Unit relating to the complaint/allegations.
16. The WDGf Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the parties to prepare for the hearing.
17. The WDGf Tribunal will not include any person who has any actual or perceived conflict of interest or bias regarding the complaint/allegations.
18. The Head of the WDGf Integrity Unit will inform the parties in writing that a Tribunal hearing will take place. The notice will outline:
 - (a) that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
 - (b) the details of the complaint and of all allegations, as well as the clause of any policy or rule that has allegedly been breached;
 - (c) the date, time and venue of the Tribunal hearing that either verbal or written submissions can be presented at the Tribunal hearing;
 - (d) 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;
 - (e) that each party has the right to have one legal representative (at the Participant's expense) and one representative of its/his/her WDGf Member present to assist it/him/her at a hearing;
 - (f) that each party has the right to an interpreter at the hearing (with the WDGf Tribunal to determine the identity and responsibility for the cost of the interpreter);
 - (g) that, if the respondent party is a minor, he should have a parent or guardian present;
 - (h) an outline of any possible penalties that may be imposed if the complaint is found to be true.
19. A copy of any information/documents that have been given to the WDGf Tribunal (e.g. investigation report findings) will be provided to the parties.
20. Unless the Athlete or other Person is subject to a provisional suspension, the parties will be allowed to participate in all WDGf activities and events, pending the decision of the WDGf Tribunal, including any available appeal process, unless the Head of the WDGf Integrity Unit 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.

D. WDGf TRIBUNAL HEARING PROCEDURE

21. With the exception of Anti-doping Rule Violations, where article 8 of the International Standard for Results Management (ISRM) will apply to the Hearing Panel and Hearing Process, the following WDGf Tribunal Hearing procedures apply.
22. The following people will be allowed to attend the WDGf Tribunal hearing:
 - (a) Tribunal members;
 - (b) the respondent(s);
 - (c) the complainant(s);
 - (d) any witnesses called by the respondent(s);
 - (e) any witnesses called by the complainant;
 - (f) one legal representative;
 - (g) one representative of its/his/her WDGf Member; and
 - (h) any parent/guardian or support person required to support the respondent or the complainant.
23. If the respondent(s) is not present at the set hearing time and the WDGf Tribunal Chairperson considers that no valid reason has been presented for this absence, the WDGf Tribunal hearing will continue subject to the Chairperson being satisfied that all WDGf Tribunal notification requirements have been met.
24. If the WDGf Tribunal Chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the Chairperson does not believe the WDGf Tribunal notification requirements have been met, then the WDGf Tribunal hearing will be rescheduled to a later date.
25. If any complainant is not present at the set hearing time and the WDGf 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.
26. If the WDGf Tribunal Chairperson considers that there is a valid reason for the non-attendance of the complainant(s), or the Chairperson does not believe the WDGf Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.
27. The WDGf Tribunal Chairperson will inform the Head of the WDGf Integrity Unit of the need to reschedule the hearing and the Head of the WDGf Integrity Unit will arrange for the WDGf Tribunal to be reconvened.

28. The WDGf Tribunal Chairperson will read out the complaint, ask each respondent if he understands the complaint and if he agrees or disagrees with the complaint.
29. If the respondent agrees with the complaint, he will be asked to provide any evidence or witnesses that should be considered by the WDGf Tribunal when determining any disciplinary measures or penalties.
30. If the respondent disagrees with the complaint, they will be asked to respond to the complaint:
 - (a) Reference may be made to brief notes;
 - (b) The respondent may call witnesses. Witnesses must, in the discretion of the Chairperson, be capable of supplying probative testimony to relevant facts;
 - (c) Declarations from witnesses not available to attend and from character witnesses may also be provided to the hearing, provided that all such written declarations must be made under oath, signed by the witness, and officially notarized;
 - (d) The respondent(s) shall have the opportunity to address the Tribunal on disciplinary measures which may be imposed.
31. The WDGf Tribunal may ask questions of the respondent and any witnesses.
32. 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.
33. The WDGf Tribunal may:
 - (a) 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);
 - (b) Question any person giving evidence;
 - (c) Limit the number of witnesses presented to those who provide probative testimony on relevant facts;
 - (d) Require (to the extent it has power to do so) the attendance of any witness it deems relevant;
 - (e) Act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
34. Video evidence, if available, may be presented. Arrangements must be made entirely by the person(s) wishing to offer this type of evidence.
35. If the WDGf Tribunal considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the WDGf Tribunal Chairperson may deny further involvement of that person in the hearing.

36. After all the evidence has been presented; the WDFG 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.
37. All WDFG Tribunal decisions will be by a simple majority vote. All members must take part in the deliberations of the Panel and no member of the Panel may abstain.
38. The WDFG Tribunal Chairperson will announce the decision in the presence of all those involved in the hearing and will declare the hearing closed. Alternatively, s/he may advise those present that the decision is reserved and will be handed down in written form at a later time.
39. Within 7 days, the WDFG Tribunal Chairperson will:
 - (a) forward a notice of the Tribunal's decision to the Head of the WDFG Integrity Unit and to the WDFG President, including any disciplinary measures imposed;
 - (b) forward a notice of the WDFG Tribunal's decision to the relevant organisation to which the Participant is a member including any disciplinary measures imposed. Upon request, the relevant organisation will be granted access to all related documents, facts and findings of the investigations and hearing;
 - (c) forward a letter reconfirming the WDFG 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 7 days that the decision will be delayed for a further 7 days.
40. The WDFG Tribunal shall issue a written decision with the full reasons for the decision.

E. PENALTIES

41. If the WDFG Tribunal decides that a Participant has committed a violation that is not an WDFG Anti-Doping Policy violation, the WDFG 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.
42. 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:
 - (a) The nature of the breach(es);
 - (b) The degree of culpability of the Participant;

- (c) The harm that the breach(es) has/have done to the sport;
 - (d) The need to deter future breaches, and
 - (e) Any specific aggravating or mitigating factors.
43. For WDFG Anti-Doping Policy violations, the CAS Anti-Doping Division must impose the consequences as laid out in the WDFG Anti-Doping Policy, the World Anti-Doping Code and the International Standard for Results Management.

F. APPEALS PROCEDURE

44. Appeals against decisions of the WDFG Tribunal, with the exception of those related to any anti-doping violation, may be lodged with the WDFG Appeals' Panel, either by the WDFG or the party (or parties) who is the subject of the decision.
45. The time for filing an appeal to the WDFG Appeals' Panel shall be fourteen (14) days from the date of receipt of the decision by the appealing party.
46. Any decision and any penalties imposed shall remain in effect while subject to the appeal process unless the WDFG Appeals' Panel directs otherwise.
47. Appeals against decisions of the CAS Anti-Doping Division related to anti-doping violations may be lodged exclusively to the CAS Appeals Division. 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.