



# EUROPEAN CRICKET LEAGUE

## ANTI-RACISM CODE FOR PARTICIPANTS

\*As adapted from the the ICC Anti-Racism Code for Participants effective 1 October 2012

## **ANTI-RACISM CODE FOR PARTICIPANTS**

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## Introduction

The *ECL* is responsible for the governance of the sport of cricket and the Code of Conduct for *Match Officials* and *Match Official Support Personnel* (the “Code of Conduct”) is adopted and implemented as part of the *ECL*’s continuing efforts to maintain the public image, popularity and integrity of cricket by providing: (a) an effective means to deter any *Match Official* or *Match Official Support Personnel* from conducting themselves improperly on and off the ‘field-of-play’ or in a manner that is contrary to the ‘spirit of cricket’; and (b) a robust disciplinary procedure pursuant to which all matters of improper conduct can be dealt with fairly, with certainty and in an expeditious manner.

Unless otherwise indicated, references to articles and appendices are to articles and appendices of the Code of Conduct. Words in italicised text in the Code of Conduct are defined terms and their definitions are set out in appendix 1.

## ARTICLE 1

### 1. Scope And Application

- 1.1. All Players and Player Support Personnel are automatically bound by and required to comply with all of the provisions of the Anti-Racism Code. Accordingly, by their participation or involvement in any way in the *ECL*, such Players or Player Support Personnel shall be deemed to have agreed:
  - 1.1.1. that it is their personal responsibility to familiarise themselves with all of the requirements of the Anti-Racism Code, including what conduct constitutes an offence under the Anti-Racism Code;
  - 1.1.2. to submit to the exclusive jurisdiction of any Judicial Commissioner or Appeal Panel convened under the Anti-Racism Code to hear and determine charges brought (and any appeals in relation thereto) pursuant to the Anti-Racism Code; and
  - 1.1.3. not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the Judicial Commissioner or Appeal Panel.
- 1.2. Without prejudice to Article 1.1, The *ECL* shall be responsible for promoting Anti-Racism Code awareness and education amongst all Players and Player Support Personnel.
- 1.3. It is acknowledged that Players and Player Support Personnel may also be subject to other rules of their *National Federations* (including, but not limited to, individual teams establishing their own internal rules for behaviour) that govern discipline and/or conduct, and that the same conduct of such Players and/or Player Support Personnel may engage not only the Anti-Racism Code but also such other rules that may apply. For the avoidance of any doubt, Players and Player Support Personnel acknowledge and agree that: (a) the Anti-Racism Code is not intended to limit the responsibilities of any Player or Player Support Personnel under such other rules and will not in any way restrict the imposition of penalties for breach of those rules; and (b) nothing in such other rules shall be capable of removing, superseding or amending in any way the jurisdiction of the Judicial Commissioner or Appeal Panel to determine matters properly arising pursuant to the Anti-Racism Code.

- 1.4. The conduct prohibited under the Anti-Racism Code may also constitute a breach of other applicable laws or regulations (e.g. governing equal opportunities and/or anti-discrimination). The Anti-Racism Code is intended to supplement such laws and regulations with further rules of professional conduct for those involved in the sport of cricket. It is not intended, and may not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Players and Player Support Personnel must comply with all applicable laws and regulations at all times.

## ARTICLE 2

### 2. Offence

- 2.1. The following conduct, if committed by a Player or Player Support Personnel at any time during, or in relation to, a Match, shall amount to an offence under the Anti-Racism Code:
- 2.1.1. Engaging in any conduct (whether through the use of language, gestures or otherwise) which is likely to offend, insult, humiliate, intimidate, threaten, disparage or vilify any reasonable person in the position of a Player, Player Support Personnel, Umpire, Match Referee or any other person (including a spectator) on the basis of their race, religion, culture, colour, descent, national or ethnic origin.

## ARTICLE 3

### 3. REPORTING AN ALLEGED OFFENCE UNDER THE ANTI-RACISM CODE

- 3.1. Any one of the following individuals can report an alleged offence under the Anti-Racism Code by lodging a report in the manner described in Article 3.2, below (a "Report")
- 3.1.1. An Umpire that officiated in the Match during or in relation to which the alleged offence was committed;
- 3.1.2. The Match Referee that was appointed to officiate in the Match during or in relation to which the alleged offence was committed;
- 3.1.3. the Chief Executive Officer whose representative teams participated in the Match during or in relation to which the alleged offence was committed;
- 3.1.4. The *ECL's* Chief Executive Officer; or
- 3.1.5. Any *ECL* Competing teams Chief Executive Officer in respect of which the relevant Player or Player Support Personnel is employed or contracted or retained.

- 3.2. All Reports must be completed on Form “Rep 1” (or such other form as may be made available for such purposes by the ECL from time to time). All Reports must be signed and dated by the person lodging the Report and must be lodged with the Senior Manager – Integrity as soon as reasonably practicable, and in any event no later than seven (7) days after: (a) the commission of the alleged offence; or (b) the alleged offence was brought to the attention of the person lodging the Report. Prior to the start of each Match, the ECL that all officiating Umpires and Match Referees are provided with at least five (5) copies of the Form “Rep 1”. In addition, The ECL shall ensure that an electronic copy of the Form “Rep 1” is posted on its official website (currently <https://www.europeancricketleague.com>) for use, if necessary, by any person designated under Article 3.1.
- 3.3. Where it is alleged that a Player or Player Support Personnel has committed more than one offence under the Anti-Racism Code during, or in relation to, a Match (whether arising out of the 5 same set of facts or otherwise), then a separate Report should be filed in accordance with this Article 3 for each of the offences alleged to have been committed.

## ARTICLE 4

### 4. NOTIFICATION AND CONCILIATION PROCEDURE

- 4.1. Where the Senior Manager – Integrity receives a Report lodged under Article 3, he/she must promptly carry out an investigation into the circumstances detailed in the Report (which may include speaking with relevant parties and reviewing relevant documents and other supporting materials) in order to determine within five (5) business days of receipt of the Report whether the Player or Player Support Personnel named in the Report has a case to answer.
- 4.2. If the initial review of the Report reveals that there is no case to answer, then the ECL shall notify the person who filed the Report of that fact, and the matter shall not proceed any further.
- 4.3. If the initial review of the Report reveals that there is a case to answer, then, provided that ECL consents to the matter being resolved by a process of conciliation (such consent not to be withheld unless it determines, acting reasonably, that the circumstances of the matter do no merit resolution by conciliation or there is a genuine and reasonable concern that a just and appropriate resolution of the matter will not be reached through a process of conciliation), ECL shall comply with the following procedure:
- 4.3.1. The Senior Manager – Integrity shall notify the following individuals of their entitlement to have the matter referred at the first instance to a process of conciliation and seek express written consent from each of them to proceed on that basis:
- 4.3.1.1. The Player or Player Support Personnel named in the Report; and
- 4.3.1.2. The individual(s) who has/have been the subject of the alleged offence.

- 4.3.2. Where The ECL does not consent to the matter being resolved by a process of resolution or where the Senior Manager – Integrity is unable to obtain the express written consent from both of the individuals described in Articles 4.3.1.1 and 4.3.1.2 within a period of forty eight (48) hours after receipt by those individuals of such notice, then the matter shall not be referred to a process of conciliation, instead it shall proceed in accordance with Article 4.4.
- 4.3.3. Where a matter proceeds to conciliation under Article 4.3.1, then the case shall be referred to a Conciliator who shall be responsible for overseeing a process of conciliation to take place as soon as possible and, in any event, no later than seven (7) days after the receipt by the Senior Manager – Integrity of the consents described in Article 4.3.1, in accordance with the following procedure:
- 4.3.3.1. ECL shall appoint one independent Conciliator who will oversee the conciliation sitting alone.
- 4.3.3.2. Unless exceptional circumstances apply, each of the parties identified in Articles 4.3.1.1 and 4.3.1.2, together with: (a) the person who lodged the Report (or, in the case of ECL's Chief Executive Officer, his/her nominee); and (b) a representative of ECL's Legal Department, must attend any conciliation meeting that is scheduled by the Conciliator. Each individual shall have the right (at his/her or its own expense) to be represented at such conciliation meeting by such representative (including legal counsel) of his/her or its own choosing. Where any such individual has a compelling justification for his/her nonattendance, then they shall be given the opportunity to participate in the 6 conciliation by telephone or video conference (if available). In addition, any one of the Team Captain, Team Vice Captain or Team Manager of the team that any Player or Player Support Personnel attending such conciliation meeting represents, may also attend such conciliation meeting to provide additional support and assistance to that Player or Player Support Personnel.
- 4.3.3.3. Subject to the discretion of the Conciliator to order otherwise for good cause shown by either party, conciliation meetings shall take place in the country in which the alleged offence was committed.
- 4.3.3.4. All of the parties involved in the conciliation procedure must fully engage with the Conciliator and the conciliation procedure with an open mind and must act, at all times, honestly and in good faith.
- 4.3.3.5. The procedure which is to be followed prior to, and during the conciliation meeting shall be entirely at the discretion of the Conciliator, provided that any such meeting is conducted in an open, inquisitive, non-adversarial and fair manner which enables all of the attending parties a reasonable opportunity to present any evidence that is deemed by the Conciliator to be appropriate and to address the Conciliator on any matter relevant to the alleged offence. In accordance with Article 6.2, all statements, submissions and evidence made, heard or disclosed during any part of the conciliation process shall be so made, heard or disclosed strictly (unless the relevant party agrees otherwise) on a „without prejudice“ basis and may only be used by any party for the purposes of the conciliation process only.

- 4.3.3.6. During the conciliation meeting, the Conciliator will discuss the circumstances of the alleged offence with the relevant parties and explore the possibility of reaching a consensual solution for how to resolve the matter without invoking the disciplinary procedure set out in Article 5. Such a solution may incorporate, without limitation, any of the following (or any combination of the following) outcomes: (a) the voluntary imposition of a period of suspension (which period must be determined having due regard to the range of permissible sanctions in Article 7.3) by the Player or Player Support Personnel alleged to have committed the offence; and/or (b) a public apology and/or explanation as to the parties' conduct and circumstances surrounding the alleged offence; and/or (c) a private apology and/or explanation as to the parties' conduct and circumstances surrounding the alleged offence; and/or (d) a joint press statement being issued about the parties' conduct and circumstances surrounding the alleged offence and/or its resolution by conciliation; and/or (e) an agreement by the Player or Player Support Personnel alleged to have committed the offence, to undergo a specified programme of education and/or counselling designed to promote the understanding and awareness of issues directly relevant to the offence that is alleged to have been committed.
- 4.3.3.7. At the end of the conciliation meeting, if the Conciliator is satisfied that all of the parties have reached a consensual resolution of the matter, then he/she shall document such resolution and arrange for the signature of all relevant parties to be attested to such document. Any consensual resolution reached by all parties during such conciliation meeting shall be the full, final and complete disposition of the matter and will be binding on all parties.
- 4.3.3.8. At the end of the conciliation meeting, if the Conciliator is not satisfied that all of the parties have reached a consensual resolution of the matter, then the conciliation process shall be terminated immediately and the matter shall proceed in accordance with Article 4.4.
- 4.3.3.9. All parties involved in the conciliation procedure shall treat such procedure as strictly confidential, save that nothing in this Article shall prevent either of the parties (or any relevant National Cricket Federation) publicly confirming the date of any conciliation meeting, the offence that is alleged to have been committed and/or the name of the Player or Player Support Personnel charged.
- 4.4. If the initial review of the Report reveals that there is a case to answer and either: (a) ECL did not consider it to be an appropriate matter for resolution through conciliation (Article 4.3); or (b) the relevant parties did not consent to the matter being resolved through a conciliation process (Article 4.3.2); or (c) following a conciliation meeting the Conciliator was not satisfied that the parties were able to reach a consensual resolution (Article 4.3.3.8), then ECL shall promptly provide a copy of the Report, together with a completed Form "Not 1" (such documents comprising the „**Notice of Charge**“) to the following individuals:
- 4.4.1. the Player or Player Support Personnel named in the Report;
- 4.4.2. the Team Manager of the relevant Player or Player Support Personnel named in the Report; and
- 4.4.3. the Chief Executive Officer of the or any National Federation to which the relevant Player or Player Support Personnel is affiliated.

4.5. The Notice of Charge shall specify that the Player or Player Support Personnel shall have the following options:

- 4.5.1. he/she may admit the offence charged and accede to the proposed sanction specified in the Notice of Charge (which sanction shall be strictly at ECL's discretion, but at all times within the appropriate range for the offence). In such circumstances, and provided that such admission has been received by the Senior Manager – Integrity prior to the commencement of the hearing at the time/place specified in the Notice of Charge, the hearing before the Judicial Commissioner shall not be required and no further action shall be taken, save that ECL shall promptly issue a public statement confirming: (a) the commission of an offence under the Anti-Racism Code; and (b) the imposition of the applicable sanction specified in the Notice of Charge; or
- 4.5.2. he/she may admit the offence charge but dispute the proposed sanction specified in the Notice of Charge, in which case the matter shall proceed to a hearing in accordance with Article 5.1; or
- 4.5.3. he/she may deny the offence charged, in which case the matter shall proceed to a hearing in accordance with Article 5.1.

## ARTICLE 5

### 5. THE DISCIPLINARY PROCEDURE

- 5.1. Where a matter proceeds to a hearing under Article 4.5.2 or 4.5.3, then the case shall be referred to a Judicial Commissioner for adjudication in accordance with the following procedure:
  - 5.1.1. As soon as reasonably possible, ECL shall appoint one member from the Code of Behaviour Commission to sit as the Judicial Commissioner to hear the case sitting alone. The appointed member shall have had no prior involvement with the case.
  - 5.1.2. The Judicial Commissioner shall convene a preliminary hearing with ECL and its legal representatives, and with the Player or Player Support Personnel and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible (provided that the Player or Player Support Personnel shall be given a reasonable period of notice of the same) by telephone conference call unless the Judicial Commissioner determines otherwise. The non-participation of the Player or Player Support Personnel or his/her representative at the preliminary hearing shall not prevent the Judicial Commissioner from proceeding with the preliminary hearing, whether or not any written submissions are made on behalf of the Player or Player Support Personnel.
  - 5.1.3. The purpose of the preliminary hearing shall be to allow the Judicial Commissioner to address any preliminary issues. In particular (but without limitation), the Judicial Commissioner shall:
    - 5.1.3.1. determine the date(s) upon which the full hearing shall be held. Save in exceptional circumstances or where the parties otherwise agree, the full hearing should take place no longer than fourteen (14) days after the receipt by the Player or Player Support Personnel of the Notice of Charge
    - 5.1.3.2. establish dates reasonably in advance of the date of the full hearing by which:

- (a) ECL shall submit an opening brief with argument on all issues that ECL wishes to raise at the hearing and a list of the witnesses that ECL intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that ECL intends to introduce at the hearing;
- (b) the Player or Player Support Personnel shall submit an answering brief, addressing ECL's arguments and setting out argument on the issues that he/she wishes to raise at the hearing, as well as a list of the witnesses that he/she intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of the exhibits that he/she intends to introduce at the hearing; and
- (c) ECL may (at its discretion) submit a reply brief, responding to the answer brief of the Player or Player Support Personnel and listing any rebuttal witnesses that ECL intends to call at the hearing (and a summary of the subject areas of the witness's anticipated testimony), and enclosing copies of any other exhibits that ECL intends to introduce at the hearing; and

5.1.3.3. make such order as the Judicial Commissioner shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties.

5.1.4. The procedure followed at the hearing shall be at the discretion of the Judicial Commissioner, provided that the hearing is conducted in a manner which offers the Player or Player Support Personnel a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the Judicial Commissioner and present his/her case. For the avoidance of any doubt, in accordance with Article 6.2, unless the relevant party agrees otherwise, no evidence shall be adduced, given or accepted during any hearing before the Judicial Commissioner in relation to anything that may have been said or disclosed during any part of any „without prejudice“ conciliation process carried out pursuant to Article 4.3.

5.1.5. The hearing before the Judicial Commissioner shall be in English, and certified English translations shall be submitted of any non-English documents put before the Judicial Commissioner. The cost of the translation shall be borne by the party offering the document(s). If required by the Judicial Commissioner (at his/her discretion), ECL shall make arrangements to have the hearing recorded.

5.1.6. ECL may appoint a Commission Counsel to assist the Judicial Commissioner in the conduct of any hearing as an advocate prosecuting the case against the Player or Player Support Personnel.

5.1.7. The hearing before the Judicial Commissioner may be recorded at the election of the Judicial Commissioner.

5.1.8. Where video evidence of the alleged offence is available at the hearing before the Judicial Commissioner, then it may be relied upon by any party, provided that all other parties shall have the right to make such representations in relation to it that they may see fit.

- 5.1.9. Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the Judicial Commissioner: (a) the Player or Player Support Personnel who has been charged with the alleged offence; (b) the person who lodged the Report (or, in the case of ECL's Chief Executive Officer, his/her representative/nominee); and (c) a representative of ECL's Legal Department. Where any such individual has a compelling justification for his/her non-attendance, then they shall be given the opportunity to participate in the hearing before the Judicial Commissioner by telephone or video conference (if available). Without prejudice to the Player or Player Support Personnel's ability to call and to question such witnesses as may be necessary and/or to be represented by such other person of his/her own choosing pursuant to Article 5.1.10, one of the Team Captain, Team Vice-Captain or Team Manager of the team that the Player or Player Support Personnel represents may also attend such a hearing to provide additional support and assistance to the Player or Player Support Personnel.
- 5.1.10. Each of the individuals described in Article 5.1.9(a) and (b) shall have the right (at his/her or its own expense) to be represented at the hearing before the Judicial Commissioner by such representative (including legal counsel) of his/her or its own choosing. Where the person lodging the Report is an Umpire or Match Referee that officiated in the International Match in question or ECL's Chief Executive Officer, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) by a representative of ECL's Legal Department.
- 5.1.11. The non-attendance of the Player or Player Support Personnel or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Judicial Commissioner from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.
- 5.1.12. At the end of a hearing, where the Judicial Commissioner considers that further evidence is necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary.
- 5.1.13. Alternatively, at the end of a hearing:
- 5.1.13.1. brought under Article 4.5.2:
- (a) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the Judicial Commissioner will confirm the Player or Player Support Personnel's admission that he/she had committed an offence under the Anti-Racism Code and announce his/her decision in writing, with reasons, setting out: (a) what sanctions, if any, are to be imposed; (b) the date that any period of suspension shall come into force and effect; and (c) any rights of appeal that may exist pursuant to Article 8.
- 5.1.13.2. brought under Article 4.5.3 (or where the Player or Player Support Personnel has failed to respond in a timely fashion to the Notice of Charge):

- (a) the Judicial Commissioner shall adjourn the hearing (for a period of no less than ten (10) minutes and no more than twenty-four (24) hours), following which he/she will reconvene the hearing and verbally announce his/her finding as to whether an offence under the Anti-Racism Code has been committed;
- (b) where the Judicial Commissioner determines that an offence under the Anti-Racism Code has been committed, the Player or Player Support Personnel may request a short adjournment (of no more than thirty (30) minutes) to prepare any submissions that he/she might wish to make in relation to the appropriate sanction that ought to be applied; and
- (c) as soon as possible after the conclusion of the hearing (and, in any event, no later than forty-eight (48) hours thereafter), the Judicial Commissioner will announce his/her decision in writing, with reasons, setting out: (a) the finding as to whether an offence under the Anti-Racism Code had been committed; (b) what sanctions, if any, are to be imposed; (c) the date that any period of suspension shall come into force and effect; and (d) any rights of appeal that may exist pursuant to Article 8.

5.1.14. The Judicial Commissioner shall have the discretion to announce the substance of his/her decision prior to the issue of the written reasoned decision referred to in Article 5.1.13.

5.1.15. A copy of the written reasoned decision will be provided to the Player or Player Support Personnel, the Chief Executive Officer of the Player or Player Support Personnel's State or Territory Cricket Association and the Senior Manager - Integrity.

5.1.16. Subject only to the rights of appeal under Article 8, the Judicial Commissioner's decision shall be the full, final and complete disposition of the matter and will be binding on all parties.

### **General Principles of Procedure**

- 5.2. Where a Report is filed by more than one of the individuals described in Article 3.1 in relation to the same alleged offence under the Anti-Racism Code, then the Player or Player Support Personnel alleged to have committed the offence will only be served with one Notice of Charge in accordance with the procedures set out in Article 4. However, all persons who filed a Report (or, in the case of ECL's Chief Executive, his/her representative/nominee) in relation to the alleged offence are required to attend the hearing before the Judicial Commissioner unless there is a compelling justification for his/her non-attendance, in which case they shall be given the opportunity to participate in the hearing by telephone or video conference (if available).
- 5.3. Where two or more Players or Player Support Personnel are alleged to have committed offences under the Anti-Racism Code, they may both be dealt with at the same hearing where the proceedings arise out of the same incident or set of facts, or where there is a clear link between separate incidents.
- 5.4. Where a Player or Player Support Personnel is alleged to have committed more than one breach of the Anti-Racism Code during, or in relation to, the same Match, then all of the alleged offences may be dealt with at the same hearing.

- 5.5. Any failure or refusal by any Player or Player Support Personnel to provide assistance to a Commission Counsel or Judicial Commissioner in connection with any charge made pursuant to this Anti-Racism Code may constitute a separate offence (depending upon the seriousness and context of such failure or refusal) under Articles 2.2.11, 2.3.5 or 2.4.5 of the ECL Code of Conduct
- 5.6. Where a Judicial Commissioner is, or becomes unwilling or unable to hear a case (for example, where he/she finds him/herself in a position of conflict), then the Senior Manager – Integrity shall have the discretion to appoint another member of the Code of Conduct Commission (who shall have had no prior involvement with the case) as a replacement to the Judicial Commissioner and all of the remaining procedure will apply accordingly.
- 5.7. ECL will issue a public announcement regarding any decision of the Judicial Commissioner made under the Anti-Racism Code, as soon as is reasonably practicable after the decision has been communicated to the parties. The public announcement of the decision may include details of the offences committed under the Anti-Racism Code and of the sanctions imposed, if any. Until such time as a public announcement is published, all parties and participants in the proceedings shall treat such proceedings as strictly confidential. For the avoidance of doubt, nothing in this Article shall prevent any party (or any relevant National Cricket Federation) publicly confirming the date of the hearing, the offence that is alleged to have been committed and/or the name of the Player or Player Support Personnel charged and nothing shall prevent any party (or any National Cricket Federation) from issuing a public announcement regarding a decision after ECL has issued its public announcement regarding the decision.
- 5.8. A Judicial Commissioner has an absolute discretion to waive compliance with any procedural requirement of the Anti-Racism Code provided that no party will suffer any undue prejudice through such exercise of discretion.

## ARTICLE 6

### 6. Standard of Proof and Evidence

- 6.1. Unless otherwise described herein, the standard of proof in all cases brought under the Anti-Racism Code shall be whether the Judicial Commissioner is comfortably satisfied, bearing in mind the seriousness of the allegation that is made, that the alleged offence has been committed.
- 6.2. The Judicial Commissioner shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to any alleged offence under the Anti-Racism Code may be established by any reliable means, including admissions. However, all statements, submissions and/or evidence made, heard or disclosed during any part of any conciliation process pursuant to Article 4.3, shall be so made, heard or disclosed strictly (unless the relevant party agrees) on a „without prejudice“ basis and used for the purposes of the conciliation process only. Accordingly, no such statements, submissions and/or evidence shall be adduced, given or accepted during any disciplinary hearing before the Judicial Commissioner without the express consent of the relevant party.

6.3. The Judicial Commissioner may draw an inference adverse to the Player or Player Support Personnel who is asserted to have committed an offence under the Anti-Racism Code based on his/her refusal, without compelling justification, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the Judicial Commissioner) and/or to answer any relevant questions.

## ARTICLE 7

### 7. Sanctions

7.1. Where a Judicial Commissioner determines that an offence under the Anti-Racism Code has been committed, he/she will be required to impose an appropriate sanction on the Player or Player Support Personnel.

7.2. In order to determine the appropriate sanction that is to be imposed in each case, the Judicial Commissioner must first consider whether the Player or Player Support Personnel has previously been found guilty of an offence under the Anti-Racism Code or any predecessor regulations that may have applied.

7.3. Once the Judicial Commissioner has established whether this is a repeat offence, then he/she shall go on to take into account any other factors that he/she deems relevant and appropriate to the mitigation or aggravation of the nature of the offence (including, without limitation, the nature and frequency of any previous offences under the Anti-Racism Code or any predecessor regulations) before determining, in accordance with the following table, what the appropriate sanction(s) should be:

RANGE OF PERMISSIBLE SANCTIONS (FIRST OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (SECOND OFFENCE)	RANGE OF PERMISSIBLE SANCTIONS (THIRD AND SUBSEQUENT OFFENCED)
The imposition of between four (4) and eight (8) Suspension Points.	The imposition of between eight (8) Suspension Points and a lifetime"s suspension.	The imposition of a suspension of between one (1) year and a lifetime.
<p style="text-align: center;"><b>AND (in all cases)</b></p> <p style="text-align: center;">The mandatory requirement to undergo a programme of education/counselling designed to promote the understanding and awareness of issues directly relevant to the offence that the Player or Player Support Personnel has been determined to have committed.</p>		

7.4. Where a Judicial Commissioner imposes a period of suspension on any Player or Player Support Personnel, then, unless such period is for a fixed period of time (for example, one year) then, any such

period of suspension shall be referenced by Suspension Points, which shall carry the following weightings:

7.4.1. An *ECL match* is given a weighting of one (1) Suspension Point.

7.5. Where Suspension Points are imposed against a Player or Player Support Personnel, then such Suspension Points will be applied in accordance with the following principles:

7.5.1. the Judicial Commissioner shall have regard to the Player's or Player Support Personnel's participation in the various formats of Matches over the previous two years in order to determine (to the best of his/her ability) which of the forthcoming Matches the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in. The exact number of suspension points shall be applied and within the shortest period available.

7.5.2. where necessary, the Judicial Commissioner shall be entitled to consult with ECL in order to make a determination as to which of the forthcoming Matches the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in;

7.5.3. in so far as is reasonably possible, the Judicial Commissioner shall apply the Suspension Points to the subsequent Matches in which the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in, on a chronological basis immediately following the announcement of the decision;

7.5.4. where a Player or Player Support Personnel has his/her Suspension Points applied to a Match that is subsequently cancelled, postponed or otherwise abandoned prior to the actual day on which it is scheduled to take place, then such Suspension Points must be reallocated to the next subsequent Matches in which the Player is most likely to participate in or the Player Support Personnel is most likely to assist the participation of a Player in. Where a Match is cancelled, postponed or otherwise abandoned at any time on the actual day on which it is scheduled to take place, then the Suspension Points will remain allocated to that Match, irrespective of such cancellation, postponement or abandonment.

7.6. In the event that a Player receives an ICC imposed Match ban for an offence set out in the ICC Anti-Racism Code for Players and Player Support Personnel (or equivalent from time to time), a Judicial Commissioner nominated by ECL's Chief Executive Officer may conduct a hearing to determine whether the Player should also receive a ECL Match ban during the period commencing on the first day of the ICC imposed ban and the last day of the ICC imposed ban and, if so, the type of Match or Matches in which the ban is to be served. As far as appropriate, the provisions of Article 5 of this Anti-Racism Code will apply to any hearing under this Article 7.7 except that:

7.6.1. the hearing will be a hearing as to penalty only (and will not be a review of the guilt or innocence of the Player under the ICC Anti-Racism Code for Players and Player Support Personnel or a rule of this Anti-Racism Code); and

7.6.2. the hearing must be convened within 10 business days of the relevant decision (or the determination of an appeal from that decision) under the ICC Anti-Racism Code for Players and Player Support Personnel.

When imposing any penalty under this Article 7.7 the following principles will apply:

- (a) the Judicial Commissioner may not impose a ban in relation to Test Matches, One Day International Matches or Twenty20 International Matches;
- (b) the Judicial Commissioner may not impose a ban which extends beyond the last day of the ICC imposed Match ban;
- (c) the number of ECL matches in a ban imposed by the Judicial Commissioner must not exceed the number of Matches forming part of the ICC imposed Match ban; and
- (d) the Judicial Commissioner may take into account any circumstance he or she considers relevant, including those listed in Article 7.3.

7.7. In the event that a Player receives a ban from playing club/grade cricket matches as a result of a breach of any offences set out in any applicable anti-racism rules governing such club/grade cricket matches ("Club Ban"), a Judicial Commissioner nominated by ECL's Chief Executive Officer may, solely at the request of the Senior Manager - Integrity, conduct a hearing to determine whether the Player should receive a Match ban during the period commencing on the first day of the Club Ban and concluding on the last day of the Club Ban, and if so, the number of ECL Matches in which the ban is to be served. As far as appropriate, the provisions of Article 5 of this Anti-Racism Code will apply to any hearing under this Article 7.8 except that:

7.7.1. the hearing will be a hearing as to penalty only (and will not be a review of the guilt or innocence of the Player under the club rules or a rule of this Anti-Racism Code); and

7.7.2. the hearing must be convened within 10 business days of the relevant decision (or an appeal from that decision) under the club/grade rules.

When imposing any penalty under this Article 7.8 the following principles will apply:

- (a) the Judicial Commissioner may not impose a ban in relation to Test Matches, One Day International Matches or Twenty20 International Matches;
- (b) the Judicial Commissioner may not impose a ban which extends beyond the last day of the Club Ban; and
- (c) the Judicial Commissioner may take into account any circumstance it considers relevant, including those listed in Article 7.3.

7.8. For the avoidance of any doubt:

7.8.1. the Judicial Commissioner will have no jurisdiction to adjust, reverse or amend the results of any Match;

- 7.8.2. where a Player or Player Support Personnel is found guilty of committing two separate Anti-Racism Code offences that do not relate to the same incident or set of circumstances arising during a Match and sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently);
- 7.8.3. where a Player or Player Support Personnel is found guilty of committing two Anti-Racism Code offences in relation to the same incident or set of circumstances during an ECL Match and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively); and
- 7.8.4. nothing in this Anti-Racism Code shall permit plea bargaining in relation to any alleged offence committed under this Anti-Racism Code.
- 7.9. Where a Player or Player Support Personnel has had Suspension Points imposed against him/her or has been suspended for a fixed period of time, he/she may not play, coach or otherwise participate or be involved in any capacity in the Match(es) which: (a) are covered by the application of his/her Suspension Points as determined in accordance with Article 7.5; or (b) take place during the fixed period of his/her suspension.
- 7.10. Once any period of suspension has expired, the Player or Player Support Personnel will automatically become re-eligible to participate (in the case of a Player) or assist a Player's participation (in the case of a Player Support Personnel) in Matches provided that he/she has first; (a) completed the official programme of education/counselling to the reasonable satisfaction of the relevant programme organiser or demonstrated that he/she continues to fully participate in such programme; and (b) satisfied, in full, any award of costs made against him/her by any Appeal Panel pursuant to Article 8.3.5.

## ARTICLE 8

### 8. Appeals

- 8.1. Decisions made under the Anti-Racism Code by a Judicial Commissioner may be challenged solely by appeal as set out in Article 8. Such decisions shall remain in effect while under appeal unless any Appeal Panel properly convened to hear the appeal orders otherwise.
- 8.2. The only parties who may appeal a decision made under the Anti-Racism Code shall be: (a) the Player or Player Support Personnel found guilty of the offence, provided a 200€ appeal deposit is paid to ECL at the time such appeal is lodged in accordance with Article 8.3; and (b) ECL's Chief Executive Officer (or his/her designee).
- 8.3. Any notice to appeal under this Article must be lodged with the Senior Manager – Integrity within seven (7) days of receipt of the written decision of the Judicial Commissioner. In all cases, a copy of such notice (which will be in a form prescribed by the Senior Manager – Integrity and available on ECL's official website) will also be provided to the Chief Executive Officer of the National Cricket

Federation to which the Player or Player Support Personnel is affiliated. Thereafter, the following will apply:

- 8.3.1. Within five (5) days of receipt of a notice to appeal: (a) the Senior Manager – Integrity will appoint three members of the Code of Behaviour Commission to sit as the Appeal Panel to hear the appeal; and (b) the Judicial Commissioner whose decision is being appealed will provide a written statement to the Senior Manager – Integrity setting out any relevant facts (to be copied to the Player or Player Support Personnel).
- 8.3.2. The provisions of Articles 5.1.2 to 5.1.16, applicable to proceedings before the Judicial Commissioner, shall apply *mutatis mutandis* (ie with changes deemed to have been made as required to reflect the different context) to appeal hearings before the Appeal Panel. ECL may appoint a Commission Counsel to assist the Appeal Panel in the conduct of any hearing
- 8.3.3. The Appeal Panel shall hear and determine all issues arising from any matter which is appealed to it pursuant to this Article on a *de novo* basis, ie it shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. For the avoidance of doubt, the Appeal Panel shall have the power to increase or decrease, amend or otherwise substitute a new decision on the appropriateness (or otherwise) of the sanction imposed at first instance, provided that any new sanction must be within the permitted range of sanctions set out in the table in Article 7.3.
- 8.3.4. Appeal hearings pursuant to this Article 8 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than thirty (30) days after the appointment of the Appeal Panel. The Senior Manager - Integrity must notify in writing the parties to the appeal of all relevant details of the appeal as soon as practicable.
- 8.3.5. The Appeal Panel shall have the power to order some or all of the costs of the appeal proceedings (including the costs of holding the hearing, any interpretation costs, the legal and/or travel/accommodation costs of the Appeal Panel and/or any other relevant parties, including ECL) to be paid by the appealing party if it considers that such party has acted, spuriously, frivolously or otherwise in bad faith.
- 8.3.6. Any decision made by the Appeal Panel under this Article 8, shall be the full, final and complete disposition of the matter and will be binding on all parties
- 8.4. No appeal in relation to an accepted sanction  
For the avoidance of doubt, where a Player or Player Support Personnel admits the offence charged and accedes to the proposed sanction specified in the Notice of Charge in accordance with the procedure described in Article 4.5.1, the Player or Player Support Personnel waives his/her right to any appeal against the imposition of such a sanction
- 8.5. Appeal Deposit and Costs
- 8.5.1. If an appeal heard under Article 8 is dismissed, the Judicial Commissioner or Appeals Panel (as the case may be) shall order the forfeiture of the 200€ appeal deposit.

8.5.2. If an appeal heard under Article 8 is upheld, a Judicial Commissioner or Appeals Panel (as the case may be) has an absolute discretion to refund up to half of a party's 200€ appeal deposit.

8.5.3. Unless otherwise directed by the Judicial Commissioner or Appeals Panel (as the case may be), each party to the appeal shall be responsible for their own costs associated with the appeal.

## ARTICLE 9

### 9. Recognition of decisions

Any hearing results or other final adjudications under the Code of Conduct shall be recognised and respected by the ECL upon receipt of notice of the same, without the need for any further formality. The ECL and the National Cricket Federations shall take all steps legally available to it to enforce and give effect to such decisions.

## ARTICLE 10

### 10. Amendment and interpretation of the Anti-Racism Code

10.1. The Anti-Racism Code may be amended from time to time by ECL, with such amendments coming into effect on the date specified by ECL.

10.2. The headings used for the various Articles of the Anti-Racism Code are for the purpose of guidance only and shall not be deemed to be part of the substance of the Anti-Racism Code or to inform or affect in any way the language of the provisions to which they refer

10.3. The Anti-Racism Code shall come into full force and effect on 1 October 2014 (the "Effective Date"). It shall not apply retrospectively to matters pending before the Effective Date; provided, however, that any case pending prior to the Effective Date, or brought after the Effective Date but based on an offence that is alleged to have occurred before the Effective Date, shall be governed by the predecessor version of the Anti-Racism Code in force at the time of the alleged offence, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.

10.4. If any Article or provision of this Anti-Racism Code is held invalid, unenforceable or illegal for any reason, the Anti-Racism Code shall remain otherwise in full force apart from such Article or provision which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

## APPENDIX 1

### Definitions

Appeal Panel. A panel of three persons appointed by ECL from the members of the Code of Behaviour Commission, to perform the functions assigned to the Appeal Panel under the Anti-Racism Code.

Code of Behaviour Commission. An official committee of ECL established under the ECL Code of Conduct

Commission Counsel. means an independent person appointed by ECL to assist the Judicial Commissioner or Appeal Panel in the conduct of a hearing.

Conciliator. An independent expert, trained in mediation and, where possible, with specialist expertise in the area of race relations (or such other expertise as may be relevant to the nature of any alleged offence), who is appointed by ECL to perform the functions assigned to the Conciliator under the Anti-Racism Code.

ECL. European Cricket League or its designee.

ECL's Chief Executive Officer. The person appointed by the ECL from time to time to act as the ECL's Chief Executive Officer (or his/her designee).

Effective Date. As defined in Article 10.3.

ICC. International Cricket League or its designee.

ICC's Operating Manual. The ICC's Official Operating Manual in force from time to time.

Judicial Commissioner. The independent person appointed by ECL from the Code of Behaviour Commission, to perform the functions assigned to the Judicial Commissioner under the Anti-Racism Code

Match. Any cricket match played under the ECL

Match Referee. The independent person appointed by ECL (or any other relevant party) as the official match referee for a designated Match, whether such Match Referee carries out his/her functions remotely or otherwise. Where a Match Referee is not physically present at a particular Match, he/she may be assisted in the administrative performance of his/her duties under this Anti-Racism Code by any official „Match Manager“ who may be appointed to officiate at such Match.

Notice of Charge. As defined in Article 4.4.

Player. Any cricketer who is selected to play in the ECL

Player Support Personnel. Any Umpire, Match Referee, coach, trainer, manager, selector, team official, doctor, physiotherapist, fitness or other health related advisor or any other person participating in the ECL

Report. As defined in Article 3.1.

Senior Manager – Integrity. The person holding that position in the ECL from time to time (including any person acting in that position).

Suspension Points. The weighting points used to determine the period of suspension imposed against any Player or Player Support Personnel pursuant to Article 7 of the Anti-Racism Code.

Team Captain or Vice Captain. The official captain or vice-captain of any team participating in a Match.

Team Manager. The official manager of any team participating in a Match.

Umpire. Any umpire (including a third or other umpires) appointed to officiate in a Match.