ICC ANTI CORRUPTION CODE: GUIDE TO THE CRICKET SWITZERLAND DISCIPLINARY PROCEDURE

This Guide is based on the ICC Global Anti-Corruption Code and relevant other ICC documentation and has been adapted to Cricket Switzerland (CS) requirements. Please refer to the ICC Anti-Corruption Code for full details of the disciplinary procedure.

INVESTIGATION

1. Any allegation or suspicion of a breach of this Anti-Corruption Code shall be referred to the *Designated Anti-Corruption Official* for investigation.

2. The *Designated Anti-Corruption Official* should notify the ICC Regional Office of this Investigation.

3. The *Designated Anti-Corruption Official* may make a written demand to any Participant (a "Demand") to provide the Designated Anti-Corruption Official with any information that the Designated Anti-Corruption Official reasonably believes may be relevant to the investigation.

4. If the *Designated Anti-Corruption Official* deems there is a case to answer, he/she shall inform the *Prosecuting Authority*, detailing the specific offence that this Participant is alleged to have committed (copying in the Chair of the National Cricket Federation to which the Participant* is affiliated).

5. If the *Prosecuting Authority* is of the opinion that there is sufficient proof to launch a prosecution it shall provide a Notice of Charge to a relevant Participant/Suspect, detailing the specific offence that this Participant is alleged to have committed (copying in the Chair of the National Cricket Federation to which the Participant is affiliated).

STANDARD OF PROOF AND EVIDENCE

6. Unless otherwise stated elsewhere in this *Anti-Corruption Code*, the burden of proof shall be on the *Prosecuting Authority* in all cases brought under the *Anti-Corruption Code* and the standard of proof shall be whether the *Adjudicatory Body* is comfortably satisfied that the alleged offence has been committed, bearing in mind the seriousness of the allegation that is being made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

PROVISIONAL SUSPENSION

7. The *Prosecuting Authority* may choose to Provisionally Suspend the Participant pending the Anti-Corruption Tribunal's determination of whether he/she has committed an offence. Any decision to Provisionally Suspend the Participant will be communicated to the Participant in writing, with a copy sent at the same time to the ICC and, where applicable, the National Cricket Federation to which the Participant is affiliated (if this differs).

   NB In all cases, the Participant shall be given an opportunity to contest such Provisional Suspension in a Provisional Hearing taking place before the Chairman of the Disciplinary Panel (sitting alone) on a timely basis after its imposition.

HEARINGS UNDER THIS CODE

8. If the Participant/Suspect disputes the Charge(s), *the* Chairman of the Disciplinary *Committee* shall appoint three members from the *Disciplinary Committee* which may include the Chairman of the *Disciplinary Committee* to form the *Anti-Corruption Tribunal* to hear the case. The appointed members shall be independent of the parties and shall have had no prior involvement with the case.

9. One of the appointed members shall be appointed Chairman *of the Anti-Corruption Tribunal* and shall convene a preliminary hearing, with the intention of scheduling a date for the full hearing. The full hearing shall be conducted in a manner which affords the Participant a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or videoconference where necessary) and address the *Anti-Corruption Tribunal* and present his/her case.

10. The *Participant* shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of the *Anti-Corruption Tribunal* convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the *Anti-Corruption Tribunal* shall rule on its legitimacy (or, if the objection relates to the Chairman of the *Anti-Corruption Tribunal*, the Chairman of the *Disciplinary Committee* shall rule on its legitimacy).

11. If, because of a legitimate objection or for any other reason, a member of the *Anti-Corruption Tribunal* is, or becomes, unwilling or unable to hear the case, then the Chairman of the *Disciplinary Committee* may, at his/her absolute discretion: (a) appoint a replacement member of the *Anti-Corruption Tribunal* from the *Disciplinary Committee*; or (b) authorise the remaining members of the *Anti-Corruption Tribunal* to hear the case on their own.

12. Hearings before the *Anti-Corruption Tribunal* shall be conducted on a confidential basis.

13. Each of *Cricket Switzerland* and the *Participant* has the right to be present and to be heard at the hearing and (at his/her or its own expense) to be represented at the hearing by legal counsel of his/her or its own choosing. Where there is compelling justification for the non-attendance by any party or representative at the hearing, then such party or representative shall be given the opportunity to participate in the hearing by telephone or video Conference (if available).

14. The non-participation of the *Participant* or his/her representative at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of the *Anti-Corruption Tribunal* from proceeding with any such preliminary hearing, whether or not any written submissions are made on behalf of the *Participant*.

15. The *Participant* shall be required to raise at the preliminary hearing any legitimate objection that he/she may have to any of the members of the *Anti-Corruption Tribunal* convened to hear his/her case. Any unjustified delay in raising any such objection shall constitute a waiver of the objection. If any objection is made, the Chairman of the *Anti-Corruption Tribunal* shall rule on its legitimacy (or, if the objection relates to the Chairman of the *Anti-Corruption Tribunal*, the Chairman of the *Disciplinary Committee* shall rule on its legitimacy).

16. Notwithstanding any of the other provisions of this *Anti-Corruption Code*, at any time during the proceedings it shall be open to a *Participant* charged with breach(es) of the *Anti-Corruption Code* to admit the breach(es) charged, whether or not in exchange for an agreement with Cricket Switzerland on the appropriate sanction to be imposed upon him/her in order to avoid the need for a hearing before the *Anti-Corruption Tribunal.*

17. Any such discussions between Cricket Switzerland and the *Participant* shall take place on a "without prejudice" basis and in such a manner that they shall not delay or in any other way interfere with the proceedings. Any resulting agreement shall be evidenced in writing, signed by both Cricket Switzerland's Chair and the *Participant,* and shall set out the sanction imposed on the *Participant* for his/her breach of the *Anti-Corruption Code* (the "**Agreed Sanction**").

18. In determining the *Agreed Sanction,* Cricket Switzerland will have due regard to the range of sanctions set out in Article 6.2 for the offence(s) in question, but it shall not be bound to impose a sanction within that range where it reasonably considers (at its absolute discretion) that there is good reason to depart therefrom. Upon receipt of notice of the *Agreed Sanction*, the *Anti-Corruption Tribunal* shall discontinue the proceedings on the terms thereof without the need for any further hearing. Instead, Cricket Switzerland's Chair shall promptly issue a public decision confirming the *Participant's* admission of the offence(s) charged and the imposition of the *Agreed Sanction*. Before issuing the public decision, Cricket Switzerland will provide notice of it to the *ICC* and, where applicable, to the *National Cricket Federation* to which the *Participant* is affiliated.

DECISIONS

19. The *Anti-Corruption Tribunal* shall announce its decision in writing, with reasons, as soon as reasonably practicable after, and, in any event, within thirty (30) days of, the conclusion of the hearing.

    NB The standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

SANCTIONS

20. The *Anti-Corruption Tribunal* must determine the relative seriousness of the offence and determine what the appropriate sanction should be (refer to Article 6.1 and 6.2 of the full ICC Anti-Corruption Code for guidance on sanctions).

21. CS will provide the ICC and, where applicable, the National Cricket Federation to which the Participant is affiliated, with a full written copy of the findings and decisions of the *Anti-Corruption Tribunal* (including any sanctions imposed by the *Anti-Corruption Tribunal*) at the same time as such decision is provided to the Participant and prior to publicly announcing such decision.

APPEALS

22. Please refer to Article 7 of the ICC Anti-Corruption Code

APPENDIX 1 - DEFINITIONS

Adjudicatory Body. The body appointed by the Cricket Switzerland (in the case of *Corrupt Conduct* related to *Domestic Matches*) to perform the functions assigned to the *Adjudicatory Body* under the Anti-Corruption Code.

Anti-Corruption Code. This Anti-Corruption Code promulgated by the *ICC* on the *Effective Date*.

Appeals Body. The body appointed or established by the *Cricket Switzerland* (in the case of *Corrupt Conduct* related to *Domestic Matches*) to perform the functions assigned to the *Appeals Body* under this Anti-Corruption Code.

Designated Anti-Corruption Official. The person appointed by *Cricket Switzerland* (in the case of *Corrupt Conduct* related to *Domestic Matches*) to fulfill the duties set out in the Anti-Corruption Code assigned to the *Designated Anti-Corruption Official*.

National Cricket Federation. A national or regional entity that is a member of or is recognised by the *ICC* as the entity governing the sport of cricket in a country (or collective group of countries associated for cricket purposes).

Participant.

This *Anti-Corruption Code* applies to all *Participants.* Please refer to the ICC Anti-Corruption Code for the definition of *Participants* – clauses 1.5 to 1.7.4.3

Prosecuting Authority. The body, department or person authorized and mandated, amongst other things, to monitor compliance with and investigate breaches of the *Anti-Corruption Code*.

For all other definitions please refer to the ICC Anti-Corruption Code.