

PAKISTAN CRICKET BOARD’S ANTI-RACISM CODE FOR PARTICIPANTS

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INTRODUCTION:

Pakistan Cricket Board (“PCB”) is the national federation responsible for the governance of the sport of cricket in Pakistan and the PCB’s Anti-Racism Code for *Participants* (the “**Anti-Racism Code**”) is adopted and implemented as part of the PCB’s continuing efforts to maintain the public image, popularity and integrity of cricket by providing: (a) an effective means to deter any participant from conducting themselves in a manner that may be construed as racially and/or religiously offensive; and (b) a robust disciplinary procedure pursuant to which all matters of improper conduct of this nature 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 Anti-Racism Code.

ARTICLE 1 - SCOPE AND APPLICATION

- 1.1 All Participants are automatically bound by and required to comply with all of the provisions of this Anti-Racism Code. Accordingly, by their participation (in the case of a Player) or assistance in participation (in the case of a Player Support Personnel) or appointment to officiate (in the case of an Umpire or Match Referee) or appointment to support an Umpire or Match Referee (in the case of an Umpire Support Personnel) in all Matches played under the auspices of PCB or organized by PCB, such Participants shall be deemed to have agreed:
- 1.1.1 that it is their personal responsibility to familiarize 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 All Participants shall continue to be bound by and required to comply with the Anti-Racism Code until he/she has not participated (in the case of a Player), or assisted a Player's participation (in the case of a Player Support Personnel), or officiated (in the case of an Umpire or Match Referee), or been appointed to support an Umpire or Match Referee (in the case of an Umpire Support Personnel) in any Match or Matches for a period of three (3) months and the PCB shall continue to have jurisdiction over him/her under the Anti-Racism Code thereafter in respect of matters taking place prior to that point.
- 1.3 Without prejudice to Articles 1.1 and 1.2, the PCB and the Cricket associations affiliated with PCB shall be responsible for promoting Anti-Racism Code awareness and education amongst all Participants.
- 1.4 It is acknowledged that the Participants may also be subject to other rules that govern discipline and/or conduct, and that the same conduct of such Participants may implicate not only the Anti-Racism Code but also such other rules that may apply. For the avoidance of any doubt, Participants acknowledge and agree that: (a) the Anti-Racism Code is not intended to limit the responsibilities of any Participant under such other 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.
- 1.5 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. Participants must comply with all applicable laws and regulations at all times.
- 1.6 For the avoidance of any doubt, the Anti-Racism Code is not intended in any way to replace any other disciplinary policy or code of PCB (as amended from time to time) which shall remain in full force and effect and the Participant agree to be bound at all times; and

ARTICLE 2 - OFFENCE

- 2.1 The following conduct, if committed by a Participant at any time during, or in relation to any 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, Umpire Support Personnel or any other person

(including a spectator) on the basis of their race, religion, culture, color, descent, national or ethnic origin.

ARTICLE 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; or
 - 3.1.3 the Team Manager or Director Domestic Cricket.
- 3.2 All Reports must be completed on the Form as may be made available for such purposes by the PCB from time to time. All Reports must be signed and dated by the person lodging the Report and must be lodged with the Match Referee (or, where, for logistical reasons, it is impractical to lodge with the Match Referee, the PCB’s Domestic Cricket Department) 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.
- 3.3 Where it is alleged that a Participant has committed more than one offence under the Anti-Racism Code during, or in relation to, any Match (whether arising out of the 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 - NOTIFICATION AND CONCILIATION PROCEDURE

- 4.1 Where a Match Referee or the PCB’s Domestic Cricket Operations Department, as the case may be, receives a Report lodged under Article 3, he/she must promptly submit the Report to the PCB’s Senior General Manager Legal. Upon receipt of a Report, the Senior General Manager Legal 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 whether the Participant 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 Senior General Manager Legal 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 the PCB’s Chairman 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 not 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), the PCB shall comply with the following procedure:

4.3.1 The PCB's Senior General Manager Legal 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, within a period specified by the Senior General Manager Legal in his/her notice, to proceed on that basis:

4.3.1.1 the Participant 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 PCB does not consent to the matter being resolved by a process of resolution or where the Senior General Manager Legal 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 the deadline specified in the 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 from amongst the Panel of Adjudicators maintained by PCB as per Article 37 of the PCB Constitution who shall be responsible for overseeing a process of conciliation to take place as soon as possible and, unless exceptional circumstances apply, no later than fourteen (14) days after the receipt by the Senior General Manager Legal of the consents described in Article 4.3.1, in accordance with the following procedure:

4.3.3.1 The PCB 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 the PCB's Director Domestic Cricket, his/her nominee); and (b) a representative of the PCB's Legal Department, must attend any conciliation meeting that is scheduled by the Conciliator. Either party shall have the right (at his/her or its own expense) to be represented at such conciliation meeting by such representative (including legal counsel) or his/her or its own choosing and to make submissions to the Conciliator.

4.3.3.3 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.

4.3.3.4 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.

- 4.3.3.5 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 Participant 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 Participant alleged to have committed the offence, to undergo a specified program 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.
- 4.3.3.6 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.
- 4.3.3.7 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.
- 4.3.3.8 The PCB will issue a public announcement regarding any consensual resolution reached by all the parties during the conciliation meeting as soon as reasonably practicable after the end of the conciliation meeting. The public announcement may include details of the identity of the Conciliator and the process followed, as well as the

offence committed and the terms of any agreed resolution. Until such time as a public announcement is published by PCB, all parties involved in the conciliation procedure shall treat such procedure as strictly confidential. For the avoidance of doubt, nothing in this Article shall prevent PCB publicly confirming the date of any conciliation meeting, the offence that is alleged to have been committed and/or the name of the Participant charged.

4.4 If the initial review of the Report reveals that there is a case to answer and either: (a) the PCB 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 PCB 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 Participant named in the Report;

4.4.2 where applicable, the Team Manager of the relevant Participant named in the Report; and

4.5 The Notice of Charge shall specify that the Participant 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 the PCB’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 General Manager Legal 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 the PCB 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 charged 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 - 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, the PCB shall appoint one member from the PCB's panel of Independent Adjudicator to sit as the Judicial Commissioner to hear the case sitting alone. The appointed member shall be independent of the parties.
- 5.1.2 The Judicial Commissioner shall convene a preliminary hearing with the PCB and its legal representatives, and with the Participant and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible, but not later than seven (07) days. The non-participation of the Participant 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 Participant.
- 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 Participant of the Notice of Charge;
 - 5.1.3.2 establish dates reasonably in advance of the date of the full hearing by which:
 - a) the PCB shall submit an opening brief with argument on all issues that it wishes to raise at the hearing and a list of the witnesses that the PCB 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 the PCB intends to introduce at the hearing;
 - b) the Participant shall submit an answering brief, addressing the PCB'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) the PCB may (at its discretion) submit a reply brief, responding to the answer brief of the Participant and listing any rebuttal witnesses that PCB 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 the PCB 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 Participant a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by 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/Urdu and shall take place in camera.
- 5.1.6 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.
- 5.1.7 Either party 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 Match in question or the Director Domestic Cricket, then such person shall be entitled to be represented prior to, and during, the hearing (if he/she considers necessary) through Legal representative.
- 5.1.8 The non-attendance of the Participant 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.
- 5.1.9 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.
- 5.1.10 Alternatively, at the end of a hearing:
- 5.1.10.1 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 Participant'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.

5.1.10.2 brought under Article 4.5.3 (or where the Participant 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 Participant 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.

5.1.11 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 5.1.12.

5.1.12 A copy of the written reasoned decision will be provided to the Participant, the PCB's Chairman and PCB's Domestic Cricket Operations.

5.1.13 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 Participant 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 the PCB's Director Domestic Cricket, his/her representative/nominee) in relation to the alleged offence are required to attend the hearing before the Judicial Commissioner.

- 5.3 Where two or more Participants 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 Participant 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 Participant to provide assistance to a 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).
- 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 PCB shall have the discretion to appoint another member of the PCB's panel of Adjudicators as a replacement to the Judicial Commissioner and all of the remaining procedure will apply accordingly.
- 5.7 The PCB 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 PCB, publicly confirming the date of the hearing, the offence that is alleged to have been committed and/or the name of the Participant charged.

ARTICLE 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. This standard of proof in all cases shall be determined on a sliding scale from, at a minimum, a mere balance of probability (for the least serious offences) up to proof beyond a reasonable doubt (for the most serious offences).
- 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 and/or under the process pursuant to Article 7.9, 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 relevant 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 Participant 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 through counsel) and/or to answer any relevant questions.

ARTICLE 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 Participant.
- 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 Participant has previously been found guilty of the same offence under the Anti-Racism Code or any predecessor regulations that may have applied (including the Code of Conduct).
- 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 OFFENCE)
<p>In the case of a Player or Player Support Personnel, the imposition of between four (4) and eight (8) Suspension Points.</p> <p>In the case of an Umpire, Match Referee or Umpire Support Personnel, a suspension of between one (1) and three (3) months during which period such Umpire, Match Referee or Umpire Support Personnel shall not officiate or otherwise participate in any Match.</p>	<p>In the case of a Player or Player Support Personnel, the imposition of between eight (8) Suspension Points and a lifetime’s suspension.</p> <p>In the case of an Umpire, Match Referee or Umpire Support Personnel, a suspension of between three (3) months and a lifetime during which period such Umpire, Match Referee or Umpire Support Personnel shall not officiate or otherwise participate in any Match.</p>	<p>In the case of a Player or Player Support Personnel, the imposition of a suspension of between one (1) year and a lifetime.</p> <p>In the case of an Umpire, Match Referee or Umpire Support Personnel, a suspension of between one (1) year and a lifetime during which period such Umpire, Match Referee or Umpire Support Personnel shall not officiate or otherwise participate in any Match.</p>

AND (in all cases)

The mandatory requirement to undergo a program of education/counselling designed to promote the understanding and awareness of issues directly relevant to the offence that the *Participant* has been determined to have committed.

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 a Match of at least three days in duration is given a weighting of two (2) Suspension Points;

7.4.2 a One Day Match or Twenty20 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;

7.5.2 where necessary, the Judicial Commissioner shall be entitled to consult with the PCB 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 any 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 For the avoidance of any doubt:

- 7.6.1 the Judicial Commissioner will have no jurisdiction to adjust, reverse or amend the results of any Match;
- 7.6.2 where a Participant 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 any Match and sanctioned separately for each offence, then any sanctions should run cumulatively (and not concurrently); and
- 7.6.3 where a Participant is found guilty of committing two Anti-Racism Code offences in relation to the same incident or set of circumstances during any Match and sanctioned separately, then any sanctions imposed should run concurrently (and not cumulatively).
- 7.7 Where a Participant has had Suspension Points imposed against him/ her or has been suspended for a fixed period of time, he/she may not play, coach, officiate, support an Umpire or Match Referee 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.
- 7.8 Once any period of suspension has expired, the Participant 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) or officiate (in the case of an Umpire or Match Referee) or be appointed to support an Umpire or Match Referee (in the case of an Umpire Support Personnel) in Matches provided that he/she has first; (a) completed the official program of education/counselling to the reasonable satisfaction of the relevant program organizer or demonstrated that he/she continues to fully participate in such program; and (b) satisfied, in full, any award of costs made against him/her by any Appeal Panel pursuant to Article 8.3.5.
- 7.9 Notwithstanding any of the other provisions contained herein, it shall be open to a Participant charged with any violation(s) to admit the violation(s) at any time, whether or not as part of an agreement with the PCB and the individual(s) who has/have been the subject of the alleged offence on the sanction to be imposed for his/her violation(s). Any such discussions between the PCB, the Participant and the individual(s) who has/have been the subject of the alleged offence on this point shall take place on a "without prejudice" basis and in such a manner that they shall not delay or in any way interfere with the proceedings. Any resulting agreement shall be evidenced in writing, signed by both the Chairman PCB and the Participant and the individual(s) who has/have been the subject of the alleged offence, shall set out the sanction imposed on the Participant for his/her violation(s), and shall include a waiver by the Participant of his/her right of appeal against the decision and the sanction (the "**Agreed Sanction**"). The *Agreed Sanction* will provide for the discontinuance of the proceedings on the terms thereof without the need for any further hearing. Instead, the PCB shall promptly issue a public announcement confirming the Participant's admission of the violation(s) charged and the imposition of the *Agreed Sanction*, including an explanation (if applicable) of any mitigating factors applied.

ARTICLE 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 Participant found guilty of the offence; and (b) the PCB's Chairman.
- 8.3 Any notice to appeal under this Article must be lodged with the PCB's Senior General Manager Legal within seven (07) days of receipt of the written decision of the Judicial Commissioner. In all cases, a copy of such notice will also be provided to the cricket board to which the Participant is affiliated. Thereafter, the following will apply:
- 8.3.1 Within forty-eight (48) hours of receipt of a notice to appeal: (a) the PCB's Chairman will appoint two members of the Panel of Independent Adjudicators to sit as the Appeal Panel to hear the appeal. The Appeal shall only be entertained subject to deposit of cost of proceedings as required under Regulations namely Conduct of Proceedings before Independent Adjudicators.
- 8.3.2 The provisions of Articles 5.1.2 to 5.1.14, applicable to proceedings before the Judicial Commissioner, shall apply mutatis mutandis (i.e. with changes deemed to have been made as required to reflect the different context) to appeal hearings before the Appeal Panel.
- 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, i.e. 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.
- 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) 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.

ARTICLE 9 - RECOGNITION OF DECISIONS

- 9.1 Any hearing results or other final adjudications under the Anti-Racism Code shall be recognized and respected by all parties automatically upon receipt of notice of the same, without the need for any further formality. The PCB shall take all steps legally available to it to enforce and give effect to such decisions.
- 9.2 It shall be a condition of affiliation with PCB and to play under the auspices of PCB that all concerned in any capacity with whatsoever shall comply with the Anti-Racism Code.

ARTICLE 10 - AMENDMENT AND INTERPRETATION OF THE ANTI-RACISM CODE

- 10.1 The Anti-Racism Code may be amended from time to time by PCB, with such amendments coming into effect on the date specified by PCB.
- 10.2 The Anti-Racism Code shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of PCB.
- 10.3 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.
- 10.4 The Anti-Racism Code shall come into full force and effect on 7th February 2019 (the "Effective Date"). It shall not apply retrospectively to matters pending before the Effective Date.
- 10.5 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.
- 10.6 The Anti-Racism Code is governed by and shall be construed in accordance with Pakistani law. Strictly without prejudice to the arbitration provisions of Articles 5 and 8 of the Anti-Racism Code, disputes relating to the Anti-Racism Code shall be subject to the exclusive jurisdiction of the Pakistani courts.

APPENDIX 1 - DEFINITIONS

Agreed Sanctions. Agreed Sanctions shall have the same meaning as ascribed to it under Article 7.9 of this Code.

Appeal Panel. A panel of two persons appointed by PCB from the list of Independent Adjudicators maintained under article 37 of the PCB Constitution, to perform functions assigned to the Appeal Panel under the Anti-Racism Code.

Code of Conduct. The PCB's Code of Conduct for Players and Player Support Personnel, as amended from time to time.

Conciliator. An independent adjudicator with knowledge 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 the PCB to perform the functions assigned to the Conciliator under the Anti-Racism Code.

Effective Date. As defined in Article 10.4.

PCB's Chairman or Chief Executive Officer. The person appointed from time to time to act as PCB Chairman / Chief Executive Officer/Managing Director.

PCB Events. Any competition, tournament, tour, Match, event which involves one or more Matches organized by PCB from time to time, which may also involve players from other countries.

PCB's Senior General Manager Legal or Senior General Manager Legal. The person appointed by PCB from time to time to act as its Senior General Manger Legal.

PCB's Director Domestic Cricket or Director Domestic Cricket. The person appointed by PCB from time to time to act as the PCB's Director Cricket Domestic Cricket.

PCB's Manager - Umpires and Referees. The person appointed by the PCB from time to time to act as the PCB's Senior Manager - Umpires and Referees.

Judicial Commissioner. The independent person appointed by the PCB from the panel of Independent Adjudicators, to perform the functions assigned to the Judicial Commissioner under the Anti-Racism Code.

Match. A cricket match of any format and duration in length played between representative teams (male or female) of two different teams affiliated directly or indirectly with PCB.

Match Referee. The independent person appointed by PCB (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.

Notice of Charge. As defined in Article 4.4.

Participant. Any Player, Player Support Personnel, Umpire, Match Referee or Umpire Support Personnel.

PCB or the Pakistan Cricket Board. The Board established through SRO No.43(KE)/2014 as a governing body of Pakistan cricket.

Player. Any cricketer who is selected in any playing or touring team or squad that is chosen to represent a team in any Match or series of Matches.

Player Support Personnel. Any coach, trainer, manager, selector, team official, doctor, physiotherapist or any other person employed by, representing or otherwise affiliated to a playing/ touring team or squad that is chosen for any Match or series of Matches.

Report. As defined in Article 3.1.

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, or, where a team does not have an official manager, the person fulfilling the functions of the team manager.

Umpire. Any umpire (including any on-field umpire, television umpire, third or fourth umpire) appointed to officiate in any Match.

Umpire Support Personnel. Any technical officials (for example, and without limitation, any official with responsibility for operating the communication equipment for Umpires and Match Referees during a Match) or umpire coaches appointed (by the PCB or any other relevant party) to support the Umpires and/or Match Referees in their appointments to any Match or any other person appointed by the PCB to support Umpires and Match Referees.